AGENDA
Glen Ellyn Zoning Board of Appeals Meeting
Tuesday, May 9, 2023, 7:00 p.m.
Glen Ellyn Civic Center
535 Duane Street

A. Call to Order

B. Public Comment (Non-Agenda Items)

C. Public Hearing.

1. **612 Riford Road**
   Zoning Variation request to allow an addition to an existing single-family home to encroach into the required rear yard and exceed lot coverage ratio by a greater amount than what is permitted.
2. **Orchard Place Townhomes**
   Requesting zoning variations in order to construct a fence on a lot where no principal building is present, encumbering an easement, and exceeding height and openness limitations as outlined in the Zoning Code.
3. **781 Fairview Avenue**
   Request for relief from the Zoning Code to allow the construction of a fence surrounding the backyard of a single-family residence to exceed the permitted height and openness limitations.
4. **384 Lorraine Road**
   Requesting relief from the Zoning Code to allow recreational equipment located closer to the front property line than the principal structure, outside of the rear yard, and encroach into the required setback.

D. Other Business.

E. Village Board Trustee Report.

F. Chairman's Report.

G. Staff Report.

H. Adjourn.

Dear Petitioner(s) and Interested Citizens:

Once a variation request has been heard by the Zoning Board of Appeals, the Board may make a recommendation and minutes of the hearing are prepared. The variation, along with the minutes, summary report and all related material, is submitted for consideration by the Village Board at a regularly scheduled Village Board meeting. To confirm exact times and dates for Village Board consideration of a project, please call 630-547-5241.

cc: ZBA Members
Anne Gould, Trustee Liaison
Recording Secretary
Martin Scott, Community Development Director
Brad Iwicki, Planning Intern

AGENDA
Glen Ellyn Zoning Board of Appeals Meeting
Tuesday, May 9, 2023, 7:00 p.m.
Glen Ellyn Civic Center
535 Duane Street

Lori Gloude, Executive Assistant
Mark Franz, Village Manager
Brian Baltudis, Facilities Manager

Glen Ellyn Zoning Board of Appeals
535 Duane Street
Glen Ellyn, IL 60137

Meeting 5/9/2023 7:00 PM
Department: Community Development
Department Head: Marty Scott
Category: Public Hearing
Prepared By: Brad Iwicki, Marty Scott

AGENDA ITEM (ID # 2023-496)

DOC ID: 2023-496

612 Riford Road

Requesting zoning variations to allow an addition to an existing single-family home to encroach into the required rear yard and exceed lot coverage ratio by a greater amount than what is permitted

Statement of the Issue:
See attached staff report

Analysis:
See attached staff report

Budget Impact:
See attached staff report

Contribution to Strategic Plan (if applicable)

Action Requested:
See attached staff report

Attachments:
1. Staff Report 612 Riford Rd
2. Zoning Variation Application Dated 3/24/2023
3. Aerial Map
4. Zoning Map
5. 1' Contour Map
6. Proposed Site Plan
7. Public Notice
8. Public Notice Buffer Map
9. Existing Conditions Photo
10. Plat of Survey
11. Draft Findings of Fact
12. Draft Motion to Approve

STAFF REPORT

TO: The Zoning Board of Appeals

FROM: Brad Iwicki, Planning Intern

DATE: March 27, 2023

SUBJECT: *April 11, 2023, Zoning Board of Appeals Meeting*
Public Hearing – Zoning Variation request to allow an addition to an existing single-family home to encroach into the required rear yard and exceed lot coverage ratio by a greater amount than what is permitted.

PROPERTY: 612 Riford Road, is an interior lot, located on the west side of Riford Road, between Edgewood Drive and Crescent Boulevard.

PETITIONERS: The petitioner is Steve Poteracki, of Studio 1 Architects, representing Donna and Bill Neill, owners of the property located at 612 Riford Rd.

REQUEST: The petitioner is requesting a recommendation of approval of the following variations from the Glen Ellyn Zoning Code:

1. Section 10-4-8(D)2 to allow a rear yard setback of approximately 28.5 feet where the required rear yard setback is 40 feet in the R2 Residential District;
2. Section 10-4-8(E)1 to allow a lot coverage ratio of 24.2%, in lieu of the maximum lot coverage ratio of 20% in the R2 Residential District;
3. Any other zoning relief necessary to construct the addition as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board.

ZONING: The subject property and the adjacent properties are all zoned R2 – Single Family Residential District and are improved with single family homes.

PUBLIC NOTICE: Notice of the public hearing was published in the March 26, 2023 edition of the Daily Herald, mailed to property owners within 350 feet of the subject property, and a placard was placed on the property.

ZONING HISTORY: The Village does not have records of any prior variations being granted for the subject property.

PERMIT HISTORY: Village records indicate the following permits have been issued for this property:

Date	Permit No.	Type

1953	B3719	Building construction
1962	B8495	Electrical Services
1980	B6096	Chimney Repair
1999	B18577	Driveway Approach
2003	B22280	Electric Improvements
2005	B25079	Water Line Repair
2019	20191334	Addition and Remodel
2020	20200586	Deck
2020	20200684	Driveway Repaving

EXISTING:	**R2 Lot Requirements [10-4-8(D)]**	**Subject Property Data**
Lot Area	8,712 ft^2 (0.20 acres)	**7,953 ft^2 (0.18 acres**)
Lot Width	80', corner lots; 66', all other lots	70.4'
Lot Depth	110'	115.75'
Front Yard	30' (between 30' and 50' for new construction; but no closer than the closest principal structure on adjacent lots on the same side of the street)	33'
Interior Side Yard	7'	**5.7' (southeast) and 6.15' (northwest)**
Rear Yard	40'	**~36.5'**
Lot Coverage	20%	**~21.8%**

PROJECT SUMMARY:

The subject property is part of the H.B. Barnes Subdivision and was constructed in 1953. The lot is irregular-shaped and improved with a split-level frame single-family home with an attached garage that is oriented parallel to the side lot lines and angled from the front lot line and slightly curved street. Currently, the property is legal nonconforming due to the lot area, interior side yard setback, rear yard setback, and lot coverage ratio, which all exceed the maximum allowed in the R2 Residential District.

The current residents first occupied this home in 2019 and have improved the home with a 2nd floor addition and 1st floor remodel, driveway improvement, and construction of a deck with a pergola. The petitioner is proposing to remove the existing deck and pergola at the rear of the home and replace it with sunroom addition within the same footprint and atop the existing deck foundation. The sunroom will have direct access to the

existing kitchen and dining area in the principal structure. The addition will measure 16-foot-wide by 12-foot-deep, totaling 192 square feet and resulting in a lot coverage ratio of 24.2%. The sunroom will feature materials and design to match the home, windows on 3-sides, and no access to the rear yard from the sunroom. Rear yard access from within the principal structure will be provided from the study room.

Due to the location of the property adjacent to Riford Road, which features a unique curve, the property consists of a trapezoid shape. Typically, the front facing plane of the principal structure is parallel with the right-of-way, this structure was constructed parallel to the side lot lines. The shape of the lot and skew of the structure causes the setback to vary between 36.5 feet at the northwest corner and 52 feet at the southwest corner. The proposed sunroom location, nearer to the north interior lot line is set to encroach into the rear yard setback 11.5 feet and the south-most point is set to encroach 5.66 feet into the required rear yard setback. The requested variation to allow encroachment into the required rear yard setback would be less significant if the home was constructed parallel to the front lot line.

The Village Stormwater Engineer does not anticipate that the proposed addition would negatively impact the natural flow of water drainage due to the drop in elevation between the principal structure rear lot line and the existing plants and trees in the rear yard providing effective water retention and absorption. However, if variations are granted, the plans will be further reviewed and evaluated by Village's Stormwater Engineer as part of the permitting phase.

Staff received two letters from adjacent neighbors in support of granting the variations.

In order to construct the project as proposed, the petitioner will need to be granted variations from the Zoning Code to allow a rear yard setback of 28.5 feet in lieu of 40 feet rear yard setback and a lot coverage ratio of 24.2% in lieu of the maximum permitted lot coverage ratio of 20%.

ZBA ACTION

The ZBA should consider the testimony presented during the public hearing and review the written evidence presented as part of the petitioner's application packet. The ZBA should make findings of fact and determine if practical difficulty or a particular hardship exists and if the essential character of the neighborhood is maintained.

The ZBA may choose to make a recommendation to the Village Board for the approval, approval with conditions or denial of the variation to allow the construction of the proposed addition in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code.

ATTACHMENTS

1. Petitioners' Application Packet
2. Aerial Map
3. Zoning Map
4. 1' Contour Map
5. Proposed Site Plan
6. Public Hearing Notice
7. Map of Properties Notified for Public Hearing
8. Certificate of Publication
9. Plat of Survey
10. Existing Conditions Photos
11. Draft Findings of Fact
12. Draft Motion to Approve

CC: Martin Scott, Community Development Director
Paula Moritz, Plan Reviewer
Amy McKenna, Senior Civil Engineer
Donna and Bill Neill, Property Owners

VILLAGE OF GLEN ELLYN
535 Duane Street
Glen Ellyn, Illinois 60137
(630) 547-5250

CLEAR ALL PAGES

APPLICATION FOR VARIATION

For the property at 612 riford Road Glen Ellyn, IL 60137

Note to the Applicant: This application should be filed with, and any questions regarding it, should be directed to the Director of the Village Community Development Department.

You may attach separate sheets if additional space is needed for the following answers.

The undersigned hereby petitions the Village of Glen Ellyn, Illinois, for one or more variations from the Glen Ellyn Zoning Code (Ordinance No. 3617-Z, as amended), as described in this application.

I. APPLICANT INFORMATION:

(Note: The applicant must comply with Section 10-10-10(B) of the Zoning Code).

Name: Bill and Donna Niell

Address: 612 Riford Road

Home Phone No.: _____ Cell Phone No.: _____

Fax No.: N/A

E-mail: wcneill@gmail.com (Bill), donnaf.neill@gmail.com (Donna)

Ownership Interest in the Property in Question:

Property is owned by William and Donna Neill. There are no other ownership interests

II. INFORMATION REQUIRED BY SECTION 10-10-10(B) OF THE ZONING CODE, IF APPLICABLE:

NOTE: All parties, whether petitioner, agent, attorney, representative and or organization et al. must be fully disclosed by true name and address in compliance with Section 10-10-10(B) of the Zoning Code. Disclosure forms are attached for your convenience.

Name and address of the legal owner of the property (if other than the applicant):

N/A

Name and address of the person or entity for whom the applicant is acting (if the applicant is acting in a representative capacity):

N/A

Is the property in question subject to a contract or other arrangement for sale with the fee owner? (Choose "Yes" or "No")

YES NO

If YES, the contract purchaser must provide a copy of the contract to the Village and must either be a co-petitioner to this application or submit the attached Affidavit of Authorization with the application packet.

Is the property in question the subject of a land trust agreement? (Choose "Yes" or "No")

YES NO

If YES, (1) either the trustee must be a co-petitioner or submit the attached Affidavit of Authorization from the trustee to represent the holders of the beneficial interests in the trust and (2) the applicant must provide a trust disclosure in compliance with "An Act to Require Disclosure of All Beneficial Interests", Chapter 148, Section 71 et seq., Illinois Revised Statutes, signed by the trustee.

III. PROPERTY INFORMATION:

Common address: 612 Riford Road

Permanent tax index number: 05-11-408-020

Legal description:

See attached survey

Zoning classification: R-2

Lot size: 70.1 ft. x 120.5 ft. Area: 7,953 sq. ft.

Present use:

Single Family residential

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

Description of the variation(s) requested (including identification of the Zoning Code provisions from which variation is sought) and proposed use(s):

We are requesting a zoning vaiance of the lot coverage under seciton 10-4-8(E)
(1) of 24.2% where 20% is allowed to allow the owners to cover an existing area that is occupied by a deck with pergola. The conversion of the space will be utilized for a new sun room/
expansion to the exiting living space in the home. The increase in the square footage will be 12'-0" x 16'-0". (192 sq./
ft.) This is the area of the existing deck. Our request is based on the practical difficulties and hardships created through the strict compliance to the zoning code. We would also note that the lot is not a standard rectangular lot and the home was sited to be parallel to the side lot lines instead of the front lot line thereby skewing the front and rear yard setbacks inrelation to the front and rear of the building.
We are also requesting a zoning variance of the rear yard setback under section 10-4-8(D)
(2) of 28.5' where 40'-0" is allowed. Due to the nature of the lot mentioned above we have to deal with the hardship of a non rectangular back yard and a diminishing buildable area.

Late Spring 2023

Estimated date to begin construction: _____

Names and addresses of any experts (e.g., planner, architect, engineer, attorney, etc.):

Steven K. Poteracki
Principal Architect
Studio 1 Architects
steve@studio1architects.com
708.783.1124
www.studio1architects.com

V. EVIDENCE RELATING TO ZONING CODE STANDARDS FOR A VARIATION:

The following items are intended to elicit information to support conclusions by the ZBA or PC and the Village Board that the required findings/standards for a variation under the Zoning Code have been established and met. Therefore, please complete these items carefully.

A. Standards Applicable to All Variations Requested:

1. Provide evidence that due to the characteristics of the property in question, there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Zoning Code:

We are seeking the variation to allow us to cover the existing deck with pergola. Strict compliance with the zoning code would require us to not be able to add usable square footage for any additional living space that would not icur large costs to redo the existing renovation to the home. The home has a modest ground floor living space square footage of 1,420 sq./ft.. When the second flor was designed that footprint was not purposely used to keep the home smaller and manageable.

2. a. Provide evidence that the property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning Code (i.e., without one or more variations):

We plan to remain in the home for the foreseeable future, so yielding a reasonable return on the property is not primarily what is driving this request. In the new sun room we are looking to be able to entertain our growing family.

OR

b. Provide evidence that the plight of the applicant/owner is due to unique circumstances relating to the property in question:

The site is not a standard shape and the home is skewed to run parallel with the sides and not the front creating angled buidlable area at the rear that does not line up with the existing living space. In regards to the lot coverage variation the owners may have choosen to do the sun room first so that the 1-story lot coverage could have been utilize and then only ask for the rear yard setback variation. With a one-story lot coverage on this particular lot the LCR could be 35% or 2,783 sq./ft.

3. Provide evidence that the requested variation(s), if granted, will not alter the essential character of the locality of the property in question:

As outlined in the plans prepared by Steven K. Poteracki at Studio 1 Architects, the current deck and pergola alrady exist. Cosntruction a sun room in its place will not create any visual impairment to the area or alter the essential charactrer of the area. The ground will not need to be covered with any additional concrete and the visual impact of the addition to the garage structure will be negligible. It is worth noting that Steve at Studio 1 Architects designed the addition to our home and we have asked him to help us create a structure that will be consistent with the character of our residence and the surrounding area as well.

B. For the purpose of supplementing the above standards, the ZBA or PC, in making its recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes or fails to establish the following facts favorably to the applicant:

1. Provide evidence that the particular physical surroundings, shape or topographical condition of the property in question would bring particular hardship upon the applicant/owner as distinguished from a mere inconvenience if the strict letter of the Zoning Code were to be carried out:

The shape of the lot and the orientation of the existing home on the lot creates the hardship by adhereing to strict compliance of the zoning code.

2. Provide evidence that the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district:

To the best of our knowledge, our property with it's skewed property lot lines, and in turn, skewed building is not generally appicable to other properties because of how the house was set on the site and the curved street. The rear and side yard setbacks also do not meet todays zoning code minimums. The lot requires a variation to put on a meaningful addition to the home that isn't just slapped on and does not relate to the inerior spaces. At this stage in our lives, having a sun room is more practical and more safe as well.

3. Provide evidence that the purpose of the variation is not based exclusively upon a desire to make more money out of the property in question:

We currently have no plans to sell our home and we are not being driven by a profit motive. Family lives generally close by in the area.

4. Provide evidence that the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property in question or by the applicant.

The home was built many many years ago. The current owners did not build the home and therefore were not involved in how big it was or how it was sited on the property.

5. Provide evidence that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located.

We don't believe this will adversely impact our neighbors or our community, nor will it obscure the current use or enjoyment of the property of the surrounding homes. On the contrary, we think our neighbors would prefer seeing a space that is covered and framed that compliments the existing homes architecture.

6. Provide evidence that the proposed variation will not:

a. Impair an adequate supply of light and air to adjacent property;

The sun room would be added on to the current west side of the home. The structure would not obscure the sunlight or air for any neighbor's property, nor will it cast any new shadow onto any adjacent lands.

b. Substantially increase the hazard from fire or other dangers to the property in question or adjacent property;

The proposed sun room would not create any new risk or danger as it would merely be expanding the living space tof the first floor of the home.

c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village;

We think the expanded living space to our property will be safer during any inclement weather for us. We do not believe that the room will impair the publics health, safety, comfort, morals or welfare.

d. Diminish or impair property values within the neighborhood;

The sun room is a modest addition and will in no way impair the surrounding property values.

e. Unduly increase traffic congestion in the public streets and highway;

We see no incrase to traffic or congestion in the public streets due to this small addition.

f. Create a nuisance; or

After construction is completed, which will take only a few months, the new structure will not create any new noise, the visual impact will be negligible, and the we think the new space will actually help to beautify the area around it, for both us and our neighbors.

g. Results in an increase in public expenditures.

We are not requesting any public expenditures to support this project. All expenses for design and construction will be paid by us, and the project will not create any additional work directly or indirectly by the village.

7. Provide evidence that the variation is the minimum variation that will make possible the reasonable use of the land, building or structure.

We are not asking to add a large ground floor addition. This is a modest addition that takes the place of a small deck with pergola. The strucutre is basically there just imagine adding windows and a roof to the existing space and you have a room. The impervious surface is negligible at 192 sq./ft. and does not require a grading plan or drainage plan since it is unde 300 sq./ft. of disturbed area. All rbuilding codes will be followed to construct the room.

8. Please add any comments which may assist the commission in reviewing this application.

We ask that you please consider approving our variaiton request to build a sun room in place of our existing deck with pergola. It is a modest addition to the home and plan to love here for many years to come entertaining family friends and grand kids!

VI. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

I (We) certify that all of the statements and documents submitted as part of this application are true and complete to the best of my (our) knowledge and belief.

I (We) consent to the entry in or upon the premises described in the application by any authorized official of the Village of Glen Ellyn.

I (We) certify that I (we) have carefully reviewed the Glen Ellyn Zoning Variation Request Package and applicable provisions of the Glen Ellyn Zoning Code.

I (We) consent to accept and pay the cost to publish a notice of Public Hearing as submitted on an invoice from the publishing newspaper. I (we) understand that our request will not be scheduled for a Village Board agenda until and unless this invoice is paid.

Date	Print Name	Signature of Applicant
2/15/23	WILLIAM C NEILL	William C Neill
2/15/23	DONNA NEILL	Donna Neill

X:\Plandev\PLANNING\FORMS\Zoning Variation Request Packet FILLABLE 01062020 lg.doc

Plat of Survey

by

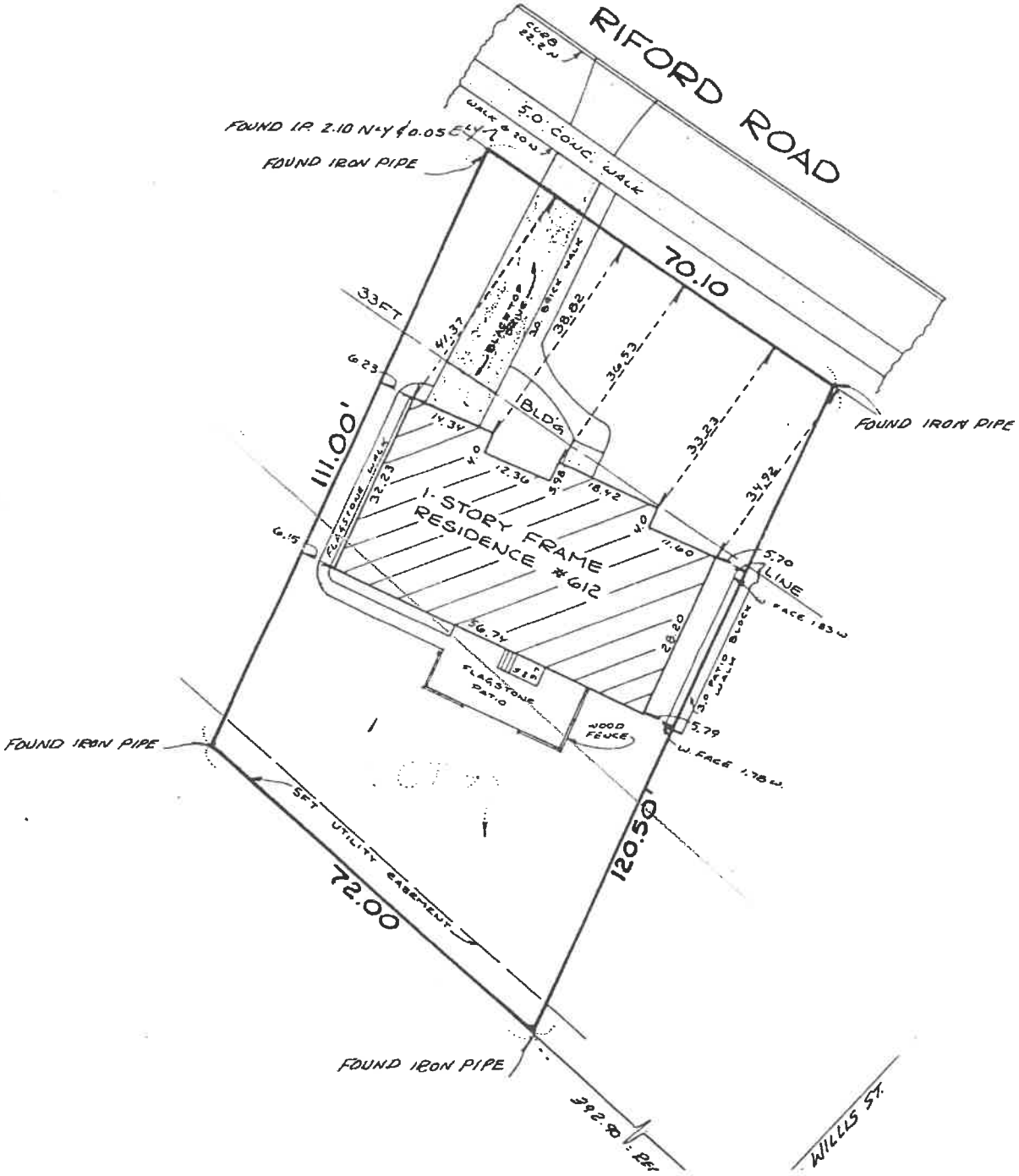
GENTILE and ASSOCIATES, INC.

registered land surveyors

354 N. ARDMORE AVE
VILLA PARK, ILLINOIS 60181
PHONE (312) 530-0780

LOT 9 IN H.B. BARNES' SUBDIVISION OF LOTS 8 AND 9 IN COUNTY CLERKS' 3RD. ASSESSMENT DIVISION OF PART OF SECTION 11,TOWNSHIP 39 NORTH,RANGE 10,EAST OF THE THIRD PRINCIPAL MERIDIAN,ACCORDING TO THE PLAT OF SAID H.B.BARNES' SUBDIVISION RECORDED AUGUST 31,1927 AS DOCUMENT 242131,IN DUPAGE COUNTY,ILLINOIS.

ALSO KNOWN AS: 612 RIFORD RD. GLEN ELLYN,IL.



GISConsortium | 612 Riford Rd. - Aerial Map

0 150 300 ft

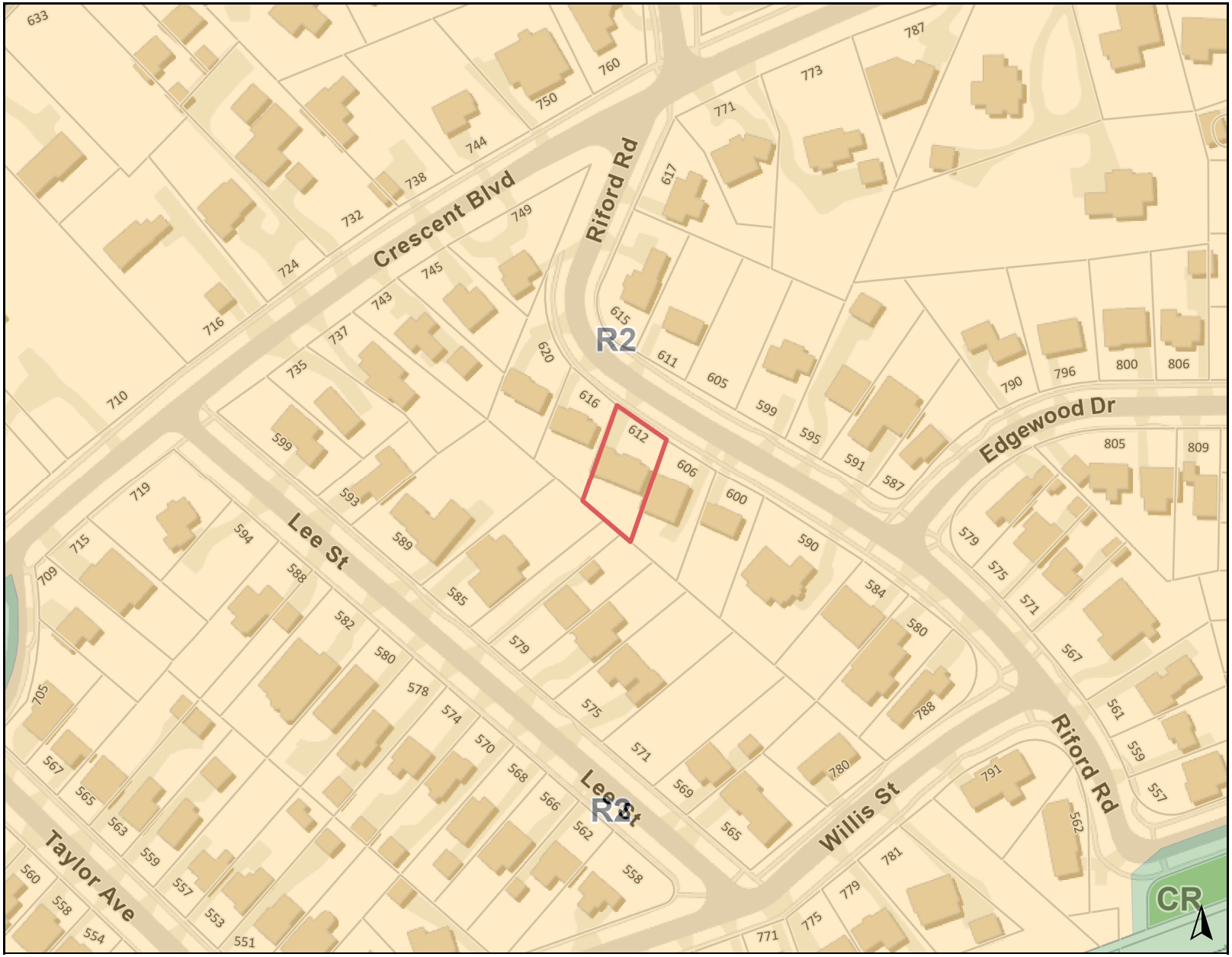
Print Date: 3/20/2023

Notes

Zoning Variation request in order to construct a sunroom in the rear of the property

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

GISConsortium | 612 Riford Rd. - Zoning Map



Legend

Zoning and Development

Zoning

- CR: Conservation/Recreation District
- R2: Single Family Residential District

0 300 600 ft

Print Date: 3/20/2023

Notes

Zoning Variation request in order to construct a sunroom in the rear of the property

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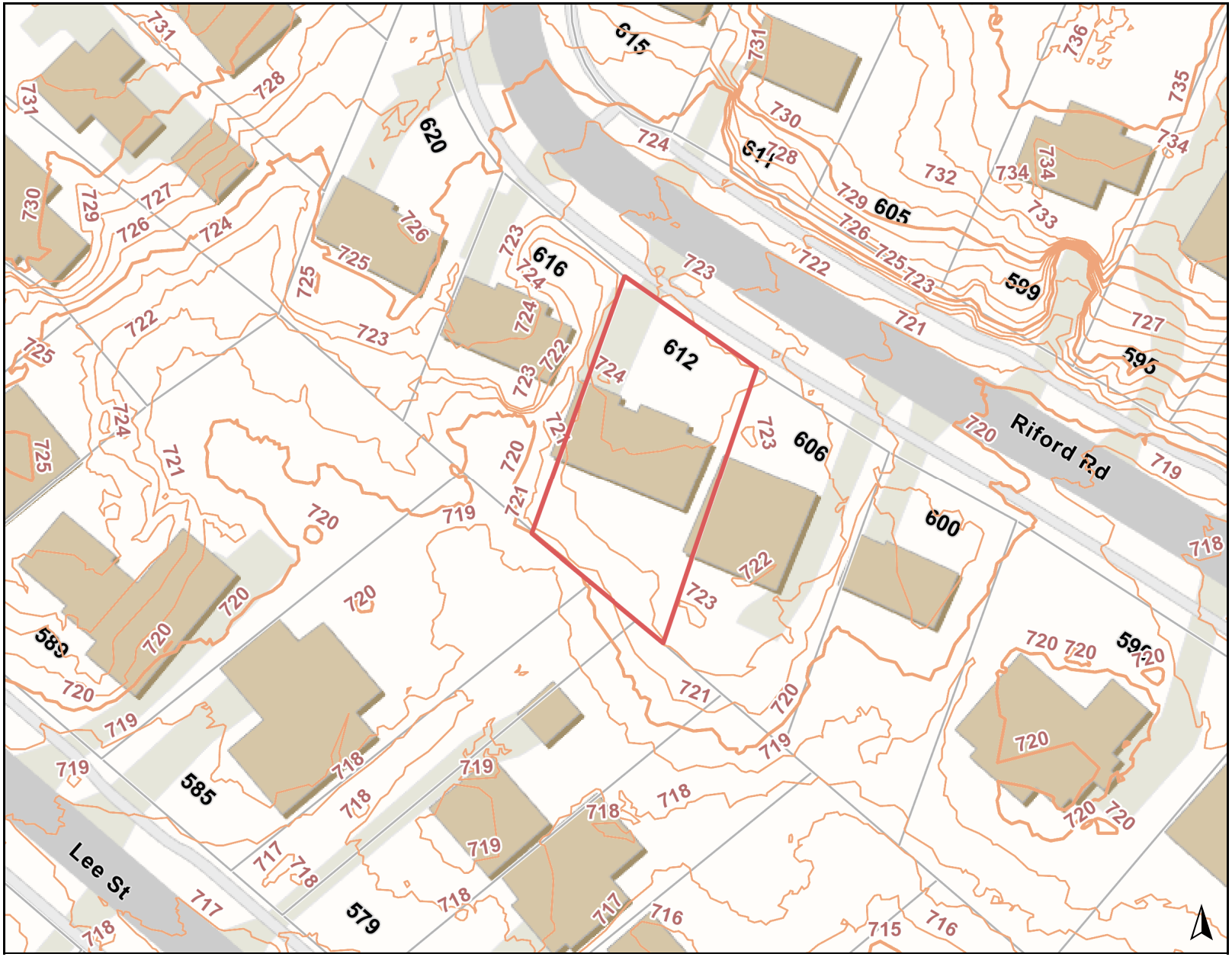
GISConsortium | 612 Riford Rd. - 1' Contour Map



Legend

DuPage County

DuPage County 1' 2017 Contours

Contour Line, Intermediate

Contour Line, Major

0 100 200 ft

Print Date: 3/20/2023

Notes

Zoning Variation request in order to construct a sunroom in the rear of the property

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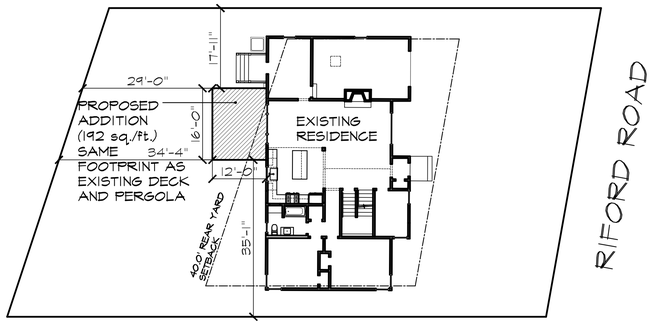
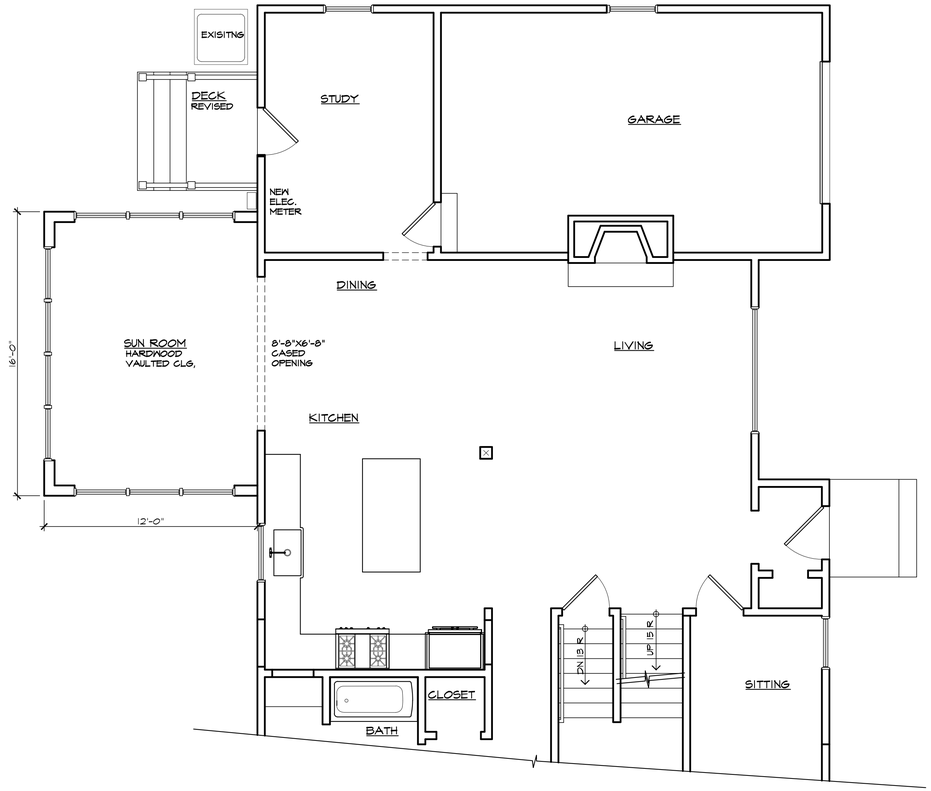
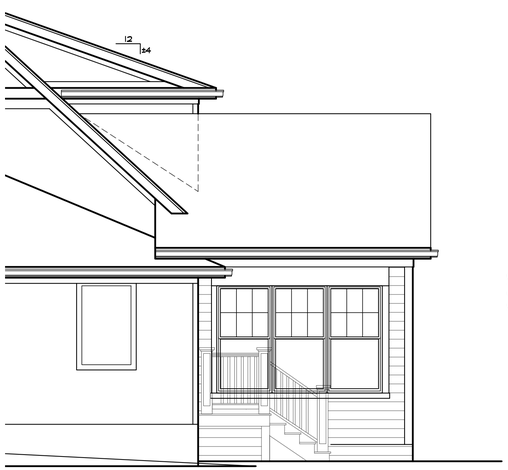


LCR WITH SUN ROOM:
1,926 SQ./FT. (24.2%)

LOT SIZE: 7953 SQ./FT.
LCR ALLOWED: 1590.6 SQ./FT. (20% - 2 STORY HOME)
LCR ALLOWED: 2783 SQ./FT. (35%) - 1 STORY HOME)
LCR EXISTING: 1,735.3 SQ./FT. (21.8%)
LCR WITH ADDITION: 1,926 SQ./FT. (24.2%)



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

REAR ELEVATION
SCALE: 1/4" = 1'-0"

LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

STUDIO 1
ARCHITECTS

1105 Burlington Avenue
Western Springs, IL

P 708.783.1124

studio1architects.com

THE NEILL RESIDENCE
612 RIFORD RD. GLEN ELLYN, ILLINOIS

ILLINOIS LICENSE #: 001.017871
EXPIRATION: 11-30-20

PROFESSIONAL DESIGN FIRM #:
184.004427
EXPIRATION: 04-30-21

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ISSUED FOR	PERMIT / BIDDING
DATE	JUNE 27, 2019
REVISIONS	
	VILLAGE COMMENTS: 7-31-19
PROJECT NUMBER	191410
SHEET NO.	

V1.1

1 OF 1

NOTICE OF PUBLIC HEARING

Bill and Donna Neill, owners of the property at 612 Riford Road, Glen Ellyn, are requesting a public hearing for zoning variations in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code to allow the construction of a sunroom addition to the existing single-family dwelling. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on **Tuesday, May 9, 2023,** at 7:00 p.m. in the Galligan Board Room, Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois. The public is welcome to attend.

The property owners are requesting approval of zoning variations from the Glen Ellyn Zoning Code as follows:

1. A variation from Section 10-4-8(D)2 to allow the existing single-family a rear yard setback of approximately 28.5 feet where the required rear yard setback is 40 feet in the R2 Residential District;
2. A variation from Section 10-4-8(E)1 to allow a maximum lot coverage ratio of 24.2% where a maximum lot coverage ratio for a single-family dwelling greater than one story is 20%;
3. Any other zoning relief necessary to allow the proposed addition to the existing single-family dwelling to be constructed as depicted on the plans presented at the public hearing or at a public meeting of the Village Board.

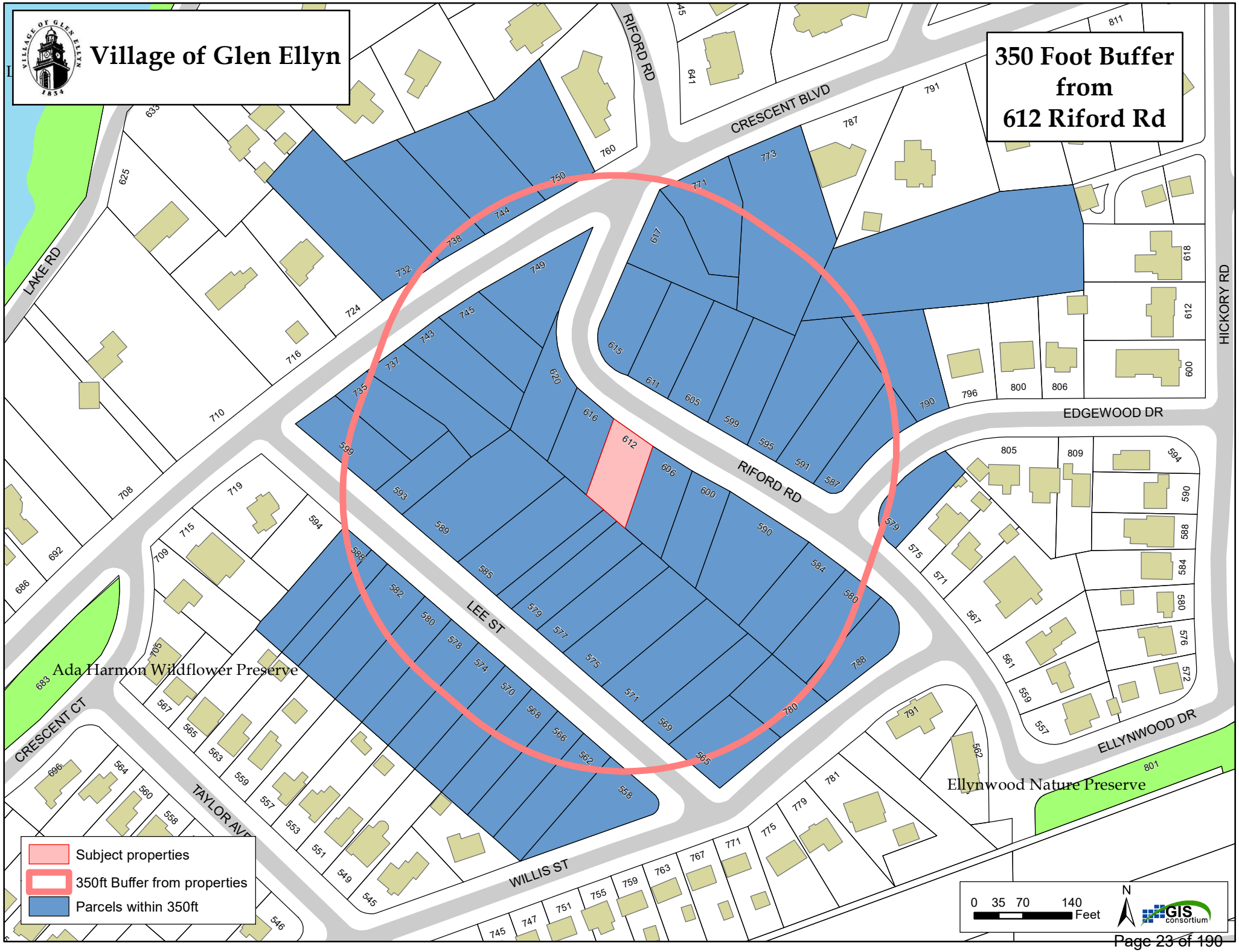
The property is zoned R2, Residential District, and is legally described as follows:

LOT 9 IN H.B. BARNES' SUBDIVISION OF LOTS 8 AND 9 IN COUNTY CLERKS' 3RD ASSESSMENT DIVISION OF PARK OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID H.B. BARNES' SUBDIVISION RECORDED AUGUST 31, 1927 AS DOCUMENT 242131, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-408-020

All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. To view plans related to the proposed project, please visit the Village website here: https://www.glenellyn.org/246/Public-Notice-Portal. Information related to the request is also available for public review in the Community Development Department at the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Questions related to the request should be directed to Brad Iwicki, Planning Intern, at (630) 547-5241 or biwicki@glenellyn.org. All public comments received by 4:30 pm on Tuesday, May 9, 2023, will be read into the record at the public hearing.

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village 24 hours in advance of the meeting.


Village of Glen Ellyn
350 Foot Buffer from 612 Riford Rd
RIFORD RD
CRESCENT BLVD
LAKE RD
HICKORY RD
EDGEWOOD DR
LEE ST
CRESCENT CT
TAYLOR AVE
WILLIS ST
ELLYNWOOD DR
Ada Harmon Wildflower Preserve
Ellynwood Nature Preserve
Subject properties
350ft Buffer from properties
Parcels within 350ft
0 35 70 140 Feet
N
GIS consortium

612
05/19/2020

Plat of Survey

by

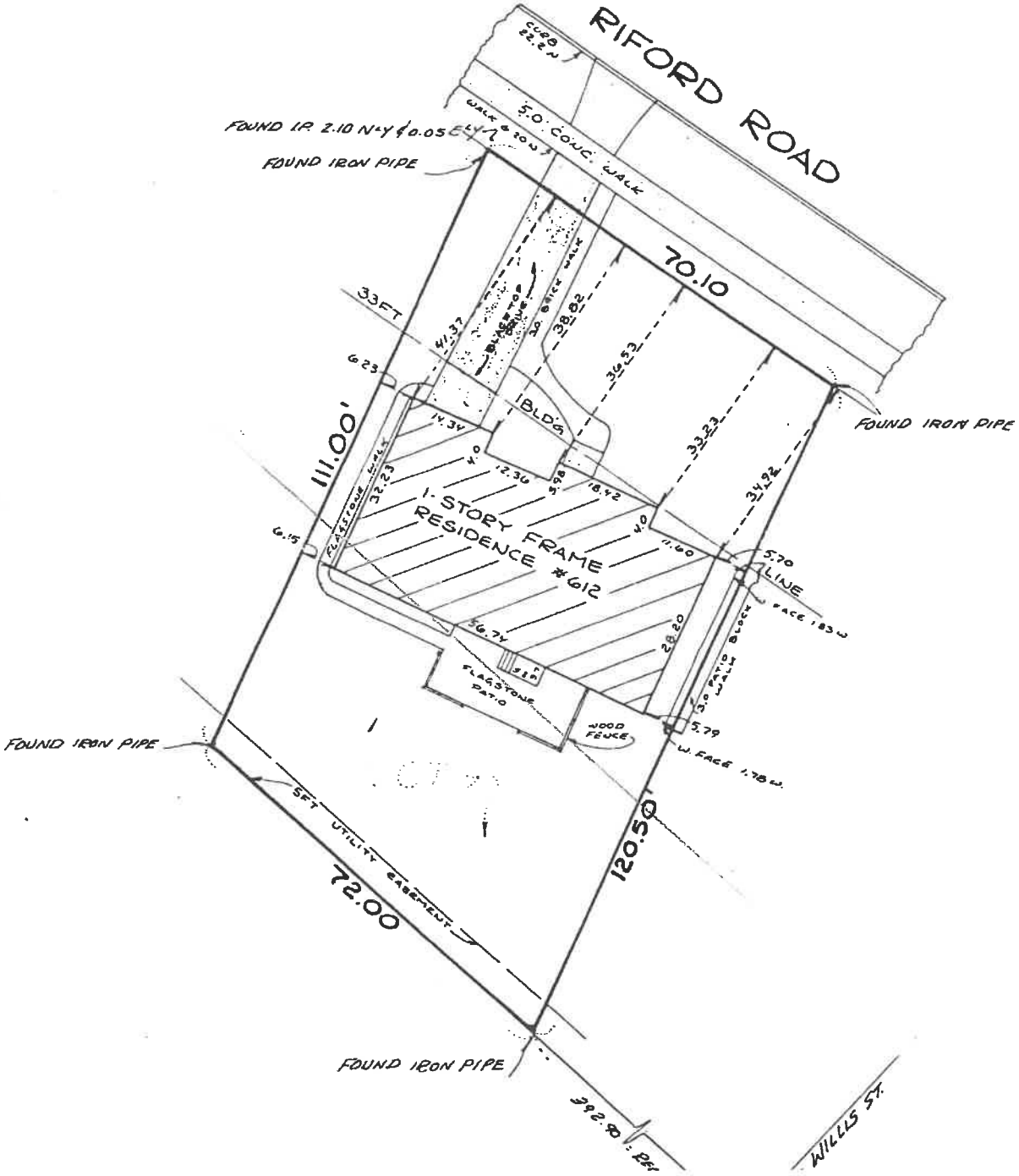
GENTILE and ASSOCIATES, INC.

registered land surveyors

354 N. ARDMORE AVE
VILLA PARK, ILLINOIS 60181
PHONE (312) 530-0780

LOT 9 IN H.B. BARNES' SUBDIVISION OF LOTS 8 AND 9 IN COUNTY CLERKS' 3RD. ASSESSMENT DIVISION OF PART OF SECTION 11,TOWNSHIP 39 NORTH,RANGE 10,EAST OF THE THIRD PRINCIPAL MERIDIAN,ACCORDING TO THE PLAT OF SAID H.B.BARNES' SUBDIVISION RECORDED AUGUST 31,1927 AS DOCUMENT 242131,IN DUPAGE COUNTY,ILLINOIS.

ALSO KNOWN AS: 612 RIFORD RD. GLEN ELLYN,IL.



(DRAFT) FINDINGS OF FACT TO SUPPORT A MOTION TO RECOMMEND APPROVAL OF ZONING VARIATIONS TO ALLOW THE ADDITION OF A SUNROOM FOR THE PROPERTY LOCATED AT 612 RIFORD ROAD

The Zoning Board of Appeals hereby makes the following findings in relation to the evaluation factors set forth in Section 10-10-12(F) of the Glen Ellyn Zoning Code:

(Draft reasons, taken partially from the petitioner's application packet, as to how the project may comply with the necessary findings have been drafted by Staff; the ZBA may wish to consider the findings but should feel free to amend the below reasons to make your own findings of fact based upon information provided at the public hearing).

1. Due to the characteristics of the property in question, there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Zoning Code, because it would prohibit the homeowner from adding usable space to the existing home which features a modest ground floor living space.

2. The property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning Code, because the property owners plan to remain in the home for the foreseeable future so yielding a reasonable return is not a factor in the variation requests as they look to use the space to entertain their growing family.

3. The plight of the applicant/owner is due to unique circumstances relating to the property in question, because the property was platted before the Village's Zoning Code existed an irregular-shaped lot and the home situated parallel with the side lot lines, creating an angled buildable area in the rear yard.

4. The requested variations, if granted, will not alter the essential character of the locality of the property in question, because the proposed sunroom is being designed by the same architect who designed the home's second-floor addition and will not create any visual impairment and will be designed to complement the character of the residence and surrounding locality.

5. The particular physical surroundings, shape or topographical condition of the property in question would bring particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the Zoning Code were to be carried out, because the subdivision was platted many years ago and the home was constructed before the current Zoning Code with nonconforming lot area, rear yard setback and side yard setback, which restricts potential improvements on the lot without requiring a variation. The nonconformity with the current lot coverage ratio is due to the second-floor addition, altering the allowable lot coverage ratio from 35% to 20%.

6. The conditions upon which the petition for variations is based would not be applicable generally to other property within the same zoning district, because the property has an irregular shape, partially due to the curved nature of Riford Road, and the principal structure is situated at an angle to the street and front lot line with a narrow side yard setback on each lot line.

7. The purpose of the variations is not based exclusively upon a desire to make more money out of the property in question, because the petitioners do not have plans to sell their home and do not have a motive to gain profit..

8. The alleged difficulty or particular hardship has not been created by any person presently having an interest in the property in question or by the applicant, because the property was platted and the home was constructed in a way that created hardship due to the nonconforming lot and principal structure prior to the current homeowners purchasing the property.

9. The granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located, and will not impair an adequate supply of light and air to adjacent property, because the proposed sunroom addition will be constructed on the west side of the property, will not obscure sunlight, air, or cast new shadow on neighboring properties, will comply with the required side yard setbacks and will not require an expansion of impervious surface, as a foundation has been laid for the existing deck.

10. The proposed variations will not substantially increase the hazard from fire or other dangers to the property in question or adjacent property, because the proposed sunroom addition will only expand the living space on the first floor, will adhere to the required side yard setbacks for a principal structure, and will meet all current Building and Fire Codes.

11. The proposed variations will not otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village; diminish or impair property values within the neighborhood; or unduly increase traffic congestion in the public streets and highway because the proposed garage expansion is for the use of the current property owners, will not increase impervious surface, is modest in size, and will provide a space sheltered from inclement weather.

12. The proposed variations will not create a nuisance or result in an increase in public expenditures because the proposed sunroom addition is for residential use and paid for by the current property owners, will not impact public expenditures, and is not anticipated to negatively impact neighbors.

13. The variations are the minimum variations that will make possible the reasonable use of the land, building or structure because the proposed addition is modest in size and replaces an existing pergola within the original footprint, will not increase impervious surface area or require a drainage plan since the area is less than 300 square feet, and will be constructed according to all current Building and Fire Codes.

DRAFT "MOTION" TO RECOMMEND APPROVAL OF ZONING VARIATIONS FOR 612 RIFORD ROAD

Having considered the application of Bill and Donna Niell, owners of the property at 612 Riford Road, Glen Ellyn, for zoning variations from Section 10-4-8(D)2 to allow a rear yard setback of approximately 28.5 feet where the required rear yard setback is 40 feet in the R2 Residential District, and Section 10-4-8(E)1 to allow a lot coverage ratio of 24.2 percent where a 20 percent maximum lot coverage ratio for two story single-family dwellings is allowed in the R2 Residential District, the Zoning Board of Appeals hereby adopts the findings of fact in the petitioners' application packet and presented by the petitioners at the Zoning Board of Appeals public hearing conducted on April 11, 2023, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship(s) or unique circumstance(s):

_____

_____

_____

_____

_____

_____

_____

Subject to the following conditions:

1. The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the April 11, 2023, public hearing of the Zoning Board of Appeals.

2. _____.

3. _____.

4. _____.

Motion by: _____ Seconded by: _____

Glen Ellyn Zoning Board of Appeals
535 Duane Street
Glen Ellyn, IL 60137

Meeting 5/9/2023 7:00 PM
Department: Community Development
Department Head: Marty Scott
Category: Public Hearing
Prepared By: Jim Brown

AGENDA ITEM (ID # 2023-497)

DOC ID: 2023-497

Orchard Place Townhomes
Requesting zoning variations in order to construct a fence on a lot where no principal building is present, encumbering an easement, and exceeding height and openness limitations as outlined in the Zoning Code.

Statement of the Issue:
See attached staff report

Analysis:
See attached staff report

Budget Impact:
See attached staff report

Contribution to Strategic Plan (if applicable)

Action Requested:
See attached staff report

Attachments:
1. Staff Report
2. Zoning Variation Request Packet Dated 4/6/2023
3. Plat Orchard Place Subdivision
4. Proof of Ownership
5. Assignment
6. Utility Easement Affidavit
7. Aerial Map
8. Zoning Map
9. Contour Map
10. Site Plan
11. Existing Conditions Photos
12. Public Notice
13. Public Notice Buffer Map

STAFF REPORT

TO: The Zoning Board of Appeals

FROM: Jim Brown, Consultant Planner

DATE: May 3, 2023

SUBJECT: May 9, 2023, Zoning Board of Appeals Meeting
Public Hearing – to consider a Zoning Variation to allow installation of a fence that does not meet location, height, and openness standards of the Zoning Code, on Lot 047 of Orchard Place Townhomes PUD.

PETITIONERS: The petitioner Mr. Jim Bell, on behalf of the Orchard Place Townhomes Association, PO Box 2386, Glen Ellyn, IL

REQUEST: The petitioner is requesting approval of variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-4-1(C) No building, structure, lot, parcel or zoning lot, or part thereof, shall be used or occupied except in conformity with all of the regulations herein specified for the district in which it is located. There shall be only one principal building per zoning lot, except as may otherwise be permitted as part of a planned unit development. No accessory building or structures may be erected on a zoning lot unless a principal building is present on the same zoning lot;
2. Section 10-5-5(B)(1)(b) Permitted obstructions in required yard setbacks:
   i. Walls, fences, signs, landscape plant material (excluding grass, ground cover, or other approved ground stabilizing material), and other obstructions shall be prohibited in those portions of a lot:
      1. Encumbered by a detention, drainage, or access easement.
3. Section 10-5-5(B)(4)#12.a.1 A fence must be 33.3% open in front and corner side.
4. Section 10-5-5(B)(4)#12.a.4 Fence height is a 4' maximum all other areas of the lot.
5. Any other zoning relief necessary to allow the fence to be constructed in as described in the zoning variation application.

PUBLIC NOTICE: Notice of the public hearing was published in the Tuesday April 25, 2023, edition of the Daily Herald, mailed to property owners within 250 feet of the subject property, and a placard was placed on the property.

HISTORY: Ordinance No. 3940, dated August 24, 1992, approved the final development plans for a 49-unit townhome planned unit development to be known as Orchard Place.

ZONING/ USE: R-3 Multi-Family Residential PUD. Common area used as stormwater

detention.

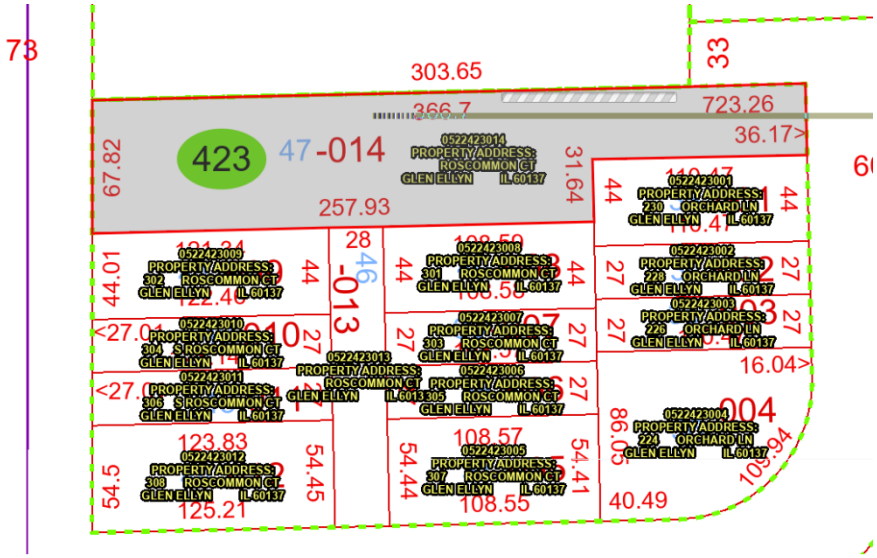
PROJECT BACKGROUND: The subject site is the stormwater detention area that serves, and is part of, the Orchard Place Townhomes planned unit development. This development is managed by the Orchard Place Townhomes Association [OPTA]. The rectangular-shaped site is oriented east-west, and it is 21,344 square feet in area. The northern lot line, 304 feet in length, abuts a parking lot that serves Chateau
Lorraine (Multiple Family) Association in Wheaton. To the south are the townhomes of Orchard Place. The western property line is 67.82 feet in length, and fronts on Lorraine Road. It is one of the common lots found within the development.

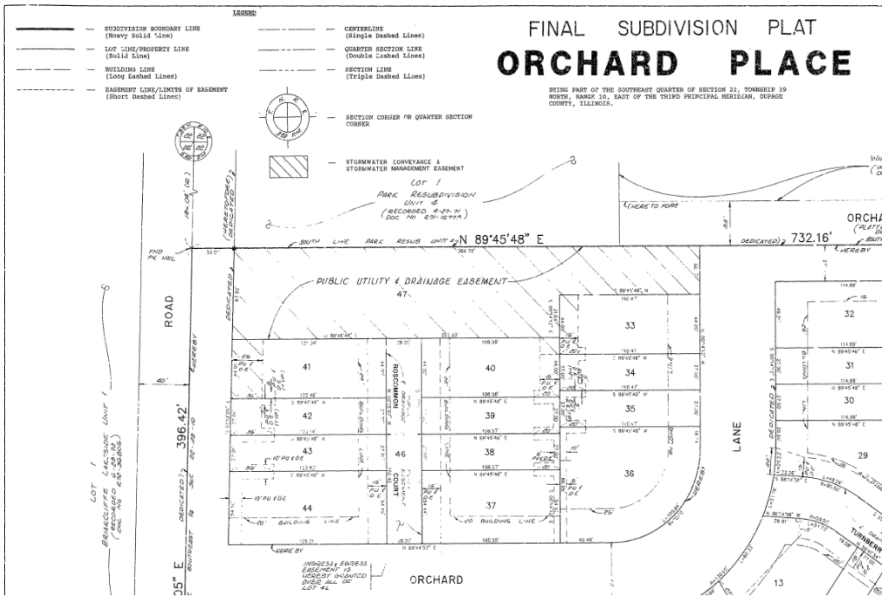
Per the application, the OPTA has experienced problems with trespassers who enter the site from Lorraine Road. The OPTA desires to inhibit the trespassing by erecting a fence across a portion of the property line fronting Lorraine Road.

Furthermore, the OPTA desires that the new fence be similar in construction to an existing OHTA fence running along Lorraine Road in front of the townhouse units. This fence stops short of the subject site. This existing fence dates to the time of construction of the planned unit development in the mid-1990's. At six feet in height, it does not conform to the Village's current zoning standards. Section 10-5-5(B)(4)#12.a.4 of the Zoning Code limits fence height to four feet. Moreover, this fence is of shadow box construction, and thus does not meet the zoning standard of 33.3% openness along front and corner side lot lines [Section 10-5-5(B)(4)#12.a.1].

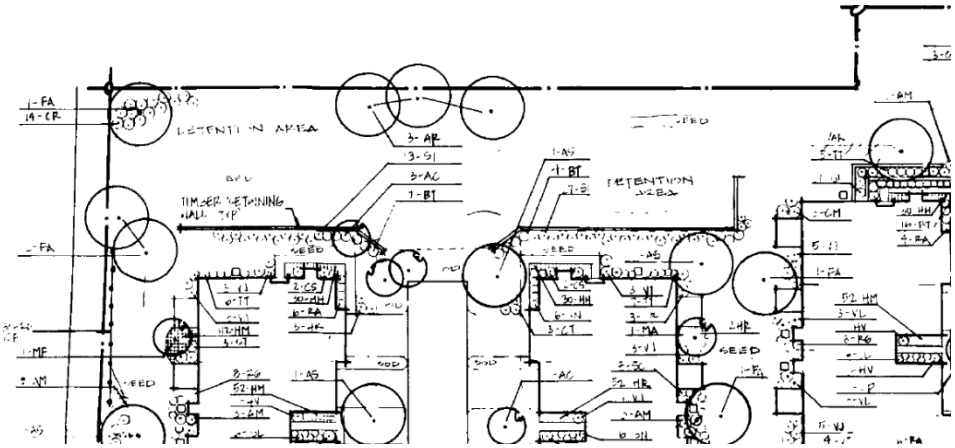
The proposed fence runs afoul of two additional zoning standards: it would be an accessory structure on a lot where no principal structure exists [Section 10-4-1(C); and it would be on a lot encumbered by a public utility and drainage easement [Section 10-5-5(B)(1)(b)].

The applicant desires a fence only 24 feet in length, a distance well short of the lot's 68-ft frontage. The applicant should explain how the fencing less than half of the lot line along Lorraine Road will inhibit trespassers.





Portion of Final Plat of Subdivision for Orchard Place, recorded April 27, 1993, indicating Public Utility and Drainage Easement covering subject property.



Subject site shown as detention area on Landscape Development Plan,

ALTERNATIVE SOLUTION:

A landscaped barrier is a potential alternative to the proposed fence. However, the application states: "A number of different types of landscaping/plantings have been tried in the past, but they all failed. This has been mainly due to the fact that OPTHOA's common lots are not watered like the homeowners' lots." The ZBA should query the applicant on what types of plant material were installed, and whether they were appropriate for the subject site's soils and sun and shade. Also, the survivability of new landscaping is greatly enhanced by planting either in early spring—prior to high amounts of rainfall that help transplanted plants establish—or in the fall prior to winter dormancy.

The applicant has indicated a desire for a fence only 24 feet long, instead of one stretching across the entire 68-ft frontage along Lorraine Road. Could a combination of fencing and landscaping enhance the attractiveness of the area as well as the desired deterrence?

ZBA ACTION:

The ZBA should consider the testimony presented during the public hearing and review the written evidence presented as part of the petitioners' application packet. The ZBA should make findings of fact and determine if a practical difficulty or particular hardship exists and if the essential character of the neighborhood will be maintained.

The ZBA may choose to make a recommendation to the Village Board for the approval, approval with conditions or denial of the zoning variations to allow installation of the fence.

ATTACHMENTS:

1. Zoning Variation Request Packet Dated 4/6/2023

2. Plat of Survey
3. Proof of Ownership
4. Assignment
5. Utility Easement Affidavit
6. Aerial Map
7. Zoning Map
8. Contour Map
9. Site Plan
10. Existing Conditions Photos
11. Public Notice
12. Public Notice Buffer Map

cc: Martin Scott, Director of Community Development
Robert Schmidt, Building and Zoning Official
Paula Moritz, Plan Examiner
Jim Bell, Orchard Place Townhome Owners' Association

X:\Plandev\BUILDING\ZBA\5. VARIATION BY ADDRESS\O\ORCHARD\ORCHARD PLACE SUBDIVISION\Meeting Materials\ZBA\Staff Report - Orchard Pl ZV.doc

VILLAGE OF GLEN ELLYN
535 Duane Street
Glen Ellyn, Illinois 60137
(630) 547-5250

CLEAR ALL PAGES

APPLICATION FOR VARIATION

For the property at Lot 47 of Orchard Place Subdivision Glen Ellyn, IL 60137

Note to the Applicant: This application should be filed with, and any questions regarding it, should be directed to the Director of the Village Community Development Department.

You may attach separate sheets if additional space is needed for the following answers.

The undersigned hereby petitions the Village of Glen Ellyn, Illinois, for one or more variations from the Glen Ellyn Zoning Code (Ordinance No. 3617-Z, as amended), as described in this application.

I. APPLICANT INFORMATION:

(Note: The applicant must comply with Section 10-10-10(B) of the Zoning Code).

Name: Orchard Place Townhomes Owners Association

Address: Mailing address PO Box 2386 Glen Ellyn Il (but for immediate contact use J Bell 306 Roscommon Ct Glen Ellyn)

Home Phone No.: 630 790 1361 Cell Phone No.: 847 708 4788

Fax No.: _____

E-mail: jbell545@gmail.com (H) idbellj@innovationdupage.org (W)

Ownership Interest in the Property in Question:

Authorized homeowner representative in Orchard Place Townhomes. The property in question is one of O.P.T.H.O.A.'s common lots.

II. INFORMATION REQUIRED BY SECTION 10-10-10(B) OF THE ZONING CODE, IF APPLICABLE:

NOTE: All parties, whether petitioner, agent, attorney, representative and or organization et al. must be fully disclosed by true name and address in compliance with Section 10-10-10(B) of the Zoning Code. Disclosure forms are attached for your convenience.

Name and address of the legal owner of the property (if other than the applicant):

Orchard Place Townhomes Owners Association, PO Box 2386, Glen Ellyn. IL 60138

Name and address of the person or entity for whom the applicant is acting (if the applicant is acting in a representative capacity):

Orchard Place Townhomes Owners Association, PO Box 2386, Glen Ellyn. IL 60138

Is the property in question subject to a contract or other arrangement for sale with the fee owner? (Choose "Yes" or "No")

○ YES ◉ NO

If YES, the contract purchaser must provide a copy of the contract to the Village and must either be a co-petitioner to this application or submit the attached Affidavit of Authorization with the application packet.

Is the property in question the subject of a land trust agreement? (Choose "Yes" or "No")

○ YES ◉ NO

If YES, (1) either the trustee must be a co-petitioner or submit the attached Affidavit of Authorization from the trustee to represent the holders of the beneficial interests in the trust and (2) the applicant must provide a trust disclosure in compliance with "An Act to Require Disclosure of All Beneficial Interests", Chapter 148, Section 71 et seq., Illinois Revised Statutes, signed by the trustee.

III. PROPERTY INFORMATION:

Common address: Lot 47 of Orchard Place Subdivision

Permanent tax index number: 05-22-423-014

Legal description:

Lot 47 of Orchard Place Subdivision

Zoning classification: R3 (Residential District)

Lot size: 67.82 ft. x appx 294 ft. Area: 21,344 sq. ft.

Present use:

Open Space (mostly grassy)

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

Description of the variation(s) requested (including identification of the Zoning Code provisions from which variation is sought) and proposed use(s):

Section 10.5 (B)(1)(b) “Fence is not permitted to be encumbering a detention drainage or access easment”. This fence will be above the retaining wall by the drainage easment on the above lot, and we will install approximately 24 linear feet of 6' high custom shadowbox style cedar fencing. Fence will match existing fence further south on Lorraine Road. There will also be approximately 16 ft of open space left to the north and south of the new fence so that there will still be plenty of room for access to the detention drainage area.

Section 10 (4)(1) (C) “No accessory building or structures may be erected on a zoning lot unless a principal building is present on the same zoning lot”.
There is no principal building on this lot because it is essentiall all a detention/ dranage area.

Section 10-5-5 (B)(4)(11).a.1 and 4. Fence is 33.3% open when looking at it from a corner angle but not from a front view. It will be exactly the same as the 6’ wood, shadow box fence which has been on our property slightly further south on Lorraine since 1995 and the top caps do protrude some X” above fence height.

Estimated date to begin construction: April 2023

Names and addresses of any experts (e.g., planner, architect, engineer, attorney, etc.):

Installer: Peerless Fence. 33W401 Roosevelt Rd West Chicago IL 60185

V. EVIDENCE RELATING TO ZONING CODE STANDARDS FOR A VARIATION:

The following items are intended to elicit information to support conclusions by the ZBA or PC and the Village Board that the required findings/standards for a variation under the Zoning Code have been established and met. Therefore, please complete these items carefully.

A. Standards Applicable to All Variations Requested:

1. Provide evidence that due to the characteristics of the property in question, there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Zoning Code:

Owner has to create a barrier to stop intrusion onto OPTHOA's common, grassy open space from Lorraine Road. A number of different types of lanscaping/plantings have been tried in the past, but they all failed. This has been mainly due to the fact that OPTHOA's common lots are not watered like the homeowners's lots. If we put a different type of fence than the 6ft high shadowbox fence just to the south of this area which was installed when Orchard Place was built in 1994/95 it will be aesthetically problematic

2. a. Provide evidence that the property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning Code (i.e., without one or more variations):

A fence built under the current zoning code, so close to the one which is already there and is substantially different, will be visually and aesthetically problematic.

OR

b. Provide evidence that the plight of the applicant/owner is due to unique circumstances relating to the property in question:

The unique circumstance is that the current long, 6ft cedar box fence just south of the planned new fence was within code when constructed in the mid 1990's and to build a different kind (and lower height) of fence in the planned area now would (a) not keep tresspassers out and would look odd visually.

3. Provide evidence that the requested variation(s), if granted, will not alter the essential character of the locality of the property in question:

A rather short (24') addition of the same type of fence as is already there would solve the intrusion problem we face and would be completely within character with the existing fence structure and other surroundings.

B. For the purpose of supplementing the above standards, the ZBA or PC, in making its recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes or fails to establish the following facts favorably to the applicant:

1. Provide evidence that the particular physical surroundings, shape or topographical condition of the property in question would bring particular hardship upon the applicant/owner as distinguished from a mere inconvenience if the strict letter of the Zoning Code were to be carried out:

We would argue that a new (or continuation) fence built at a lower height or with different materials or in a different design that that which is already there (not to mention that the existing fence has proved a very efficient barrier to intrusion for well over 20 years), is much more than a mere inconvenience.

2. Provide evidence that the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district:

After this fence is built, there is no other part of Orchard Place property along Lorraine that would need further fencing so no further application for fencing (or a related variance) would be needed.

3. Provide evidence that the purpose of the variation is not based exclusively upon a desire to make more money out of the property in question:

There is no income that would be generated by adding another 24ft of additional fencing along this stretch on the west side of Orchard Place's property.

4. Provide evidence that the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property in question or by the applicant.

The hardship has not been created by the applicant or any person having an interest. The applicant has tried to solve this intrusion problem by other means in the past (landscaping/plantings etc) unsuccessfully.

5. Provide evidence that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located.

The existing fence (see pictures attached) is functional, very attaractive and has not been detrimental to the public welfare or injurious to others in the neighborhood for the last 27 years. We cannot see why a short, further stretch could in any way be so either. Additionally, other structures or properties are situated at some distance from this fence.

6. Provide evidence that the proposed variation will not:

a. Impair an adequate supply of light and air to adjacent property;

This is an outdoor fence, well out in the open

b. Substantially increase the hazard from fire or other dangers to the property in question or adjacent property;

This fence will be situated even further away from any properties than the existing fence which was built in the mid-90's

c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village;

It is a short fence. We don't belive any of the issues in this 6 (c) apply

d. Diminish or impair property values within the neighborhood;

It is an attractive short fence, matching a longer one that is already there. We would arue that - because of its purpose - it will not affect property values, perhaps will increase them marginally.

e. Unduly increase traffic congestion in the public streets and highway;

The short fence running parallel to Lorrane, will have no effect on traffic congestion, neither has its predecessor for many years, .

f. Create a nuisance; or

The extension of this fence, adding a modest amount of pricacy to residents of Roscommon Ct, in no way will create a nuisance for them or anyone else living in the general area.

g. Results in an increase in public expenditures.

All of the cost of this fence (construction, upkeep etc) will be for the account of OPTHOA and will have no effect on public expenditures

7. Provide evidence that the variation is the minimum variation that will make possible the reasonable use of the land, building or structure.

We believe we are asking for a minimum variation simply to bring a short stretch of needed fencing into line - or to match - a much longer stretch of existing fencing along the west side of our property, which has been there - and has done its job with no negative effect on anyone - for some 27 years.

8. Please add any comments which may assist the commission in reviewing this application.

We believe we have explained our position regarding this variation request quite comprehensively above.

VI. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

I (We) certify that all of the statements and documents submitted as part of this application are true and complete to the best of my (our) knowledge and belief.

I (We) consent to the entry in or upon the premises described in the application by any authorized official of the Village of Glen Ellyn.

I (We) certify that I (we) have carefully reviewed the Glen Ellyn Zoning Variation Request Package and applicable provisions of the Glen Ellyn Zoning Code.

I (We) consent to accept and pay the cost to publish a notice of Public Hearing as submitted on an invoice from the publishing newspaper. I (we) understand that our request will not be scheduled for a Village Board agenda until and unless this invoice is paid.

Date	Print Name	Signature of Applicant
2-24-2023	ANDREW DORN - President	
2-24-2023	John Clancy - Treasurer	
2-24-2023	JIM CAPUTO - Secretary	

AFFIDAVIT OF AUTHORIZATION

I, ANDREW DORN owner of the property described as

Orchard Place Townhomes

verify that JAMES BELL

is duly authorized to apply and represent my interests before the Glen Ellyn Plan Commission, Zoning Board of Appeals and/or Village Board. Owner acknowledges that any notice given applicant is actual notice to owner.

Owner Signature

Subscribed and sworn to before me this

24TH day of FEBRUARY, 2023

Notary Public

OFFICIAL SEAL
THOMAS M OLSON
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 6-4-2026

OWNERSHIP BY A CORPORATION

Date: _____

Address: P.O. BOX 2386, Glen Ellyn, IL 60138

Legal Description:

LOT 47 OF ORCHARD PLACE SUB DIVISION

LIST ALL SHAREHOLDERS AND OFFICERS/DIRECTORS (AND % OF INTEREST OWNED IN EXCESS OF 5% OF STOCK)

Name: ANDREW DORN Address: 230 ORCHARD LN, G.E. % _____

Name: JOHN CLANCY Address: 318 TURNBERRY LN, G.E. % _____

Name: JIM CAPUTO Address: 303 ROSCOMMON CT, G.E % _____

Name: GEORGE KENNEDY Address: 316 TURNBERRY LN, G.E. % _____

Name: DIANE FANNING Address: 326 TURNBERRY LN, G.E. % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

OWNERSHIP BY LAND TRUST

Date: _____

Address: _____

Legal Description:

TRUSTEE: _____ TRUST NO._____

Address: _____

LIST ALL BENEFICIARIES:

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Affidavit Affirming No Conflict of Interest

The undersigned, being duly sworn and under oath, states as follows:

1. My name is JAMES BELL, and I hold the position of PRESIDENT EMERITUS for ORCHARD PLACE TOWNHOMES OWNERS ASSOCIATION ("***Applicant***").

2. I have personal knowledge of all facts stated in this Affidavit, and if called to testify, I could and would testify competently thereto.

3. I am authorized by the Applicant to make the representations and statements in this Affidavit on the Applicant's behalf in support of the application for development approval ("***Application***") the Applicant filed with the Village of Glen Ellyn ("***Village***").

4. To the best of my knowledge, and as of the Application's date, no individual that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Applicant, the Application, or the project proposed by the Applicant.

5. To the best of my knowledge, and as of the Application's date, no individual that is related to any person that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Applicant, the Application, or the project proposed by the Applicant.

6. I will immediately notify the Village if the Applicant learns of the material inaccuracy of any statement within this Affidavit.

Further affiant sayeth naught.

Name: James Bell

Title: President Emeritus

Applicant's Name: James Bell

Subscribed and sworn to me this

24th day of FEBRUARY, 2023.

Notary Public

OFFICIAL SEAL
THOMAS M OLSON
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 6-4-2026

ORCHARD PLACE
SHEET 1 OF 2

FINAL SUBDIVISION PLAT

ORCHARD PLACE

BEING PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS.

LEGEND

- SUBDIVISION BOUNDARY LINE (Heavy Solid Line)
- LOT LINE/PROPERTY LINE (Solid Line)
- BUILDING LINE (Long Dashed Lines)
- EASEMENT LINE/LIMITS OF EASEMENT (Short Dashed Lines)
- CENTERLINE (Single Dashed Lines)
- QUARTER SECTION LINE (Double Dashed Lines)
- SECTION LINE (Triple Dashed Lines)
- SECTION CORNER OR QUARTER SECTION CORNER
- STORMWATER CONVEYANCE & STORMWATER MANAGEMENT EASEMENT

PARCEL INDEX NUMBER

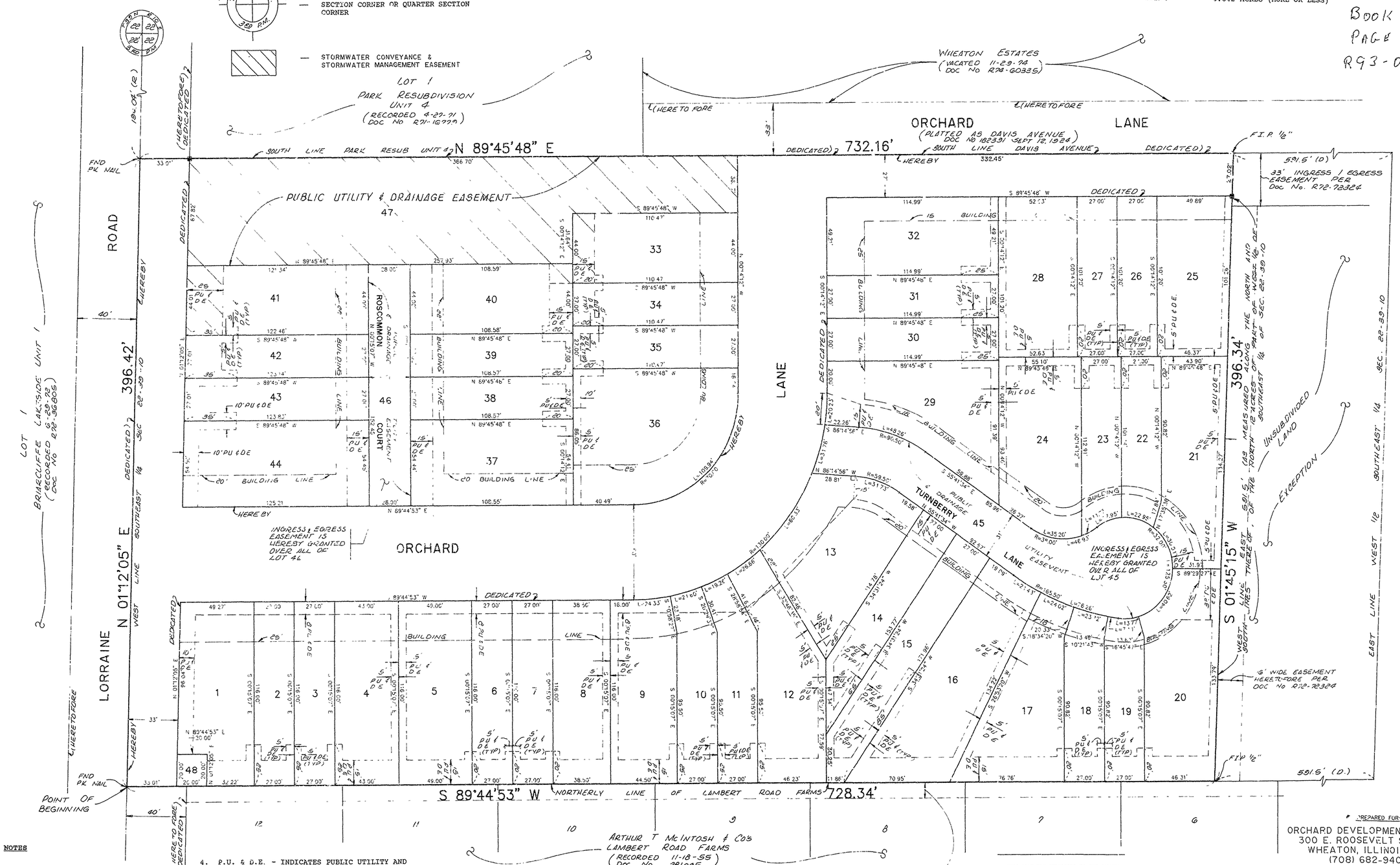
05-22-403-015

AREA SUMMARY

LOTS 1-44	4.513
LOTS 45-48	0.820
R.O.W.	1.309
TOTAL	6.642 ACRES (MORE OR LESS)

SCALE: 1" = 30'

BOOK 161
PAGE 103
R93-081740



NOTES

1. AT THE COMPLETION OF CONSTRUCTION OPERATIONS, 3/4 INCH IRON PIPE STAKES, UNLESS NOTED OTHERWISE, SHALL BE PLACED AT ALL LOT CORNERS AND AT ALL CURVE CONTROL POINTS AS PERMANENT MONUMENTS FROM WHICH FUTURE SURVEYS MAY BE MADE. ALL MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS OF A FOOT.
2. DIMENSIONS SHOWN ALONG CURVED LINES ARE ARC DISTANCES.
3. N.R. - INDICATES A NON-RADIAL LINE.
4. P.U. & D.E. - INDICATES PUBLIC UTILITY AND DRAINAGE EASEMENT HEREBY GRANTED (SEE PUBLIC UTILITY AND DRAINAGE EASEMENT PROVISIONS AND DETAIL).
5. ALL EASEMENTS ARE FOR PUBLIC UTILITIES AND DRAINAGE, UNLESS OTHERWISE INDICATED.
6. THE BEARINGS SHOWN HEREON ARE BASED UPON WEST LINE SOUTHEAST QUARTER OF SECT 22-39-10 BEING N 01°12'05" E (ASSUMED).

THIS PLAT WAS SUBMITTED TO THE COUNTY RECORDER FOR THE PURPOSES OF RECORDING BY:

Richard L. Duane
(PRINT NAME)

535 Duane
(ADDRESS)

Glen Ellyn IL 60137
(CITY/TOWN) (STATE) (ZIP CODE)

REV. 4-13-93 KT: ADDED INGRESS & EGRESS ESMTS
REV. 8-8-92 JGC: ADDED / REV. ESMTS ON LOTS 1-13, 20, 21
REV. 7-15-92 JGC: ADDED ESMT. NOTES @ PRIVATE STREETS; REV. STMWTR. MGMT. ESMT. CONFIG.

PREPARED FOR:
ORCHARD DEVELOPMENT GROUP, LTD
300 E. ROOSEVELT SUITE 210
WHEATON, ILLINOIS 60187
(708) 682-9400

PREPARED BY:
CEMCON, Ltd.
Consulting Engineers, Land Surveyors & Planners
1N131 COUNTY FARM ROAD
WINFIELD, ILLINOIS 60190
(708) 653-1030

FIELD BOOK: 411 SURVEY DATE: 3/92
JOB No. 578.001 COMPLETION DATE: 6-4-92

R93-081740

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF Du Page)

THIS IS TO CERTIFY THAT J/B CAPITAL INVESTMENT GROUP, LTD., A CORPORATION OF THE U.S.A., IS THE OWNER OF THE PROPERTY DESCRIBED HEREON AND HAS CAUSED THE SAME TO BE SURVEYED AND CONSOLIDATED AS SHOWN BY THE PLAT HEREON DRAWN FOR THE USES AND PURPOSES THEREIN SET FORTH AS ALLOWED AND PROVIDED BY STATUTES, AND THE SAID CORPORATION DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE TITLE AFORESAID.

DATED AT Wheaton, ILLINOIS, THIS 16th DAY OF April, A.D., 1993.

J/B CAPITAL INVESTMENT GROUP, INC.

ATTEST: Marcia A. Sabella BY: R. Johnson, Pres.

NOTARY'S CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF Du Page)

I, Rosemary Prasek, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT Robert T. Johnson PRESIDENT AND MARCIA Sabella, Asst. SECRETARY OF SAID CORPORATION WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH PRESIDENT AND Asst. SECRETARY RESPECTIVELY, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT OF SAID CORPORATION AS OWNER, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND THE SAID President DID ALSO THEN AND THERE ACKNOWLEDGE THAT HE OR SHE AS CUSTODIAN OF THE CORPORATE SEAL OF SAID CORPORATION, DID AFFIX SAID SEAL OF SAID CORPORATION TO SAID INSTRUMENT AS HIS OR HER OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, AS OWNER, AS AFORESAID, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 16 DAY OF April, A.D., 1993.

"OFFICIAL SEAL"
ROSEMARY PRASEK
Notary Public, State of Illinois
My Commission Expires 11/12/94

NOTARY PUBLIC

MORTGAGEE CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF KANE)

AURORA FEDERAL SAVINGS BANK, AS MORTGAGEE UNDER THE MORTGAGE RECORDED AS DOCUMENT NUMBER _____, DATED APRIL 1, 1993, HEREBY CONSENTS TO RECORDING THE SUBDIVISION AS HEREIN SHOWN.

DATED AT AURORA, ILLINOIS THIS 15TH DAY OF APRIL, A.D., 1993.

ATTEST: Karin J. Clark BY: Timothy P. Dineen
SECRETARY VICE PRESIDENT

NOTARY'S CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF KANE)

I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HERLBY CERTIFY THAT TIMOTHY P. DINEEN VICE PRESIDENT AND KARIN CLARK, ASST. SECRETARY OF SAID CORPORATION WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH VICE PRESIDENT AND ASST. SECRETARY RESPECTIVELY, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT OF SAID CORPORATION AS OWNER, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND THE SAID ASST. SECRETARY DID ALSO THEN AND THERE ACKNOWLEDGE THAT HE OR SHE AS CUSTODIAN OF THE CORPORATE SEAL OF SAID CORPORATION, DID AFFIX SAID SEAL OF SAID CORPORATION TO SAID INSTRUMENT AS HIS OR HER OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, AS OWNER, AS AFORESAID, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 15th DAY OF April, A.D., 1993.

Patricia J. Benson
NOTARY PUBLIC

OFFICIAL SEAL
PATRICIA J. BENSON
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 9-[illegible]

VILLAGE ENGINEER'S CERTIFICATE AS TO STREETS, DOMESTIC WATER, AND SANITARY SEWER SYSTEMS

STATE OF ILLINOIS)
SS.
COUNTY OF DU PAGE)

I, A.W. McGinnis, Jr. P.E., VILLAGE ENGINEER OF THE VILLAGE OF GLEN ELLYN, DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT ALL MATTERS PERTAINING TO STREET REQUIREMENTS AS PRESCRIBED IN THE REGULATIONS GOVERNING PLATS ADOPTED BY THE VILLAGE BOARD OF THE VILLAGE OF GLEN ELLYN, ILLINOIS, INSOFAR AS THEY PERTAIN TO THE SUBJECT PLAT, HAVE BEEN COMPLIED WITH. I FURTHER CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE REQUIRED BOND IS POSTED FOR THE COMPLETION OF THE IMPROVEMENTS COVERING SANITARY SEWERAGE SYSTEM AND DOMESTIC WATER SUPPLY AND TRANSMISSION SYSTEM UNDER MY JURISDICTION, BASED ON ENGINEER'S PLANS AND SPECIFICATIONS PREPARED BY A REGISTERED ENGINEER AND APPROVED BY ALL PUBLIC AUTHORITIES HAVING JURISDICTION, EXCEPT: None

I FURTHER CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE STREET NAMES HAVE BEEN EXAMINED BY US AND FOUND TO COMPLY WITH THE VILLAGE OF GLEN ELLYN REGULATIONS.

DATED AT GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, THIS 26th DAY OF April, A.D. 1993.

VILLAGE ENGINEER

VILLAGE BOARD CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF DU PAGE)

APPROVED BY THE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS THIS 27th DAY OF APRIL, 1993.

SIGNED: Arthur C. Magnuson ATTEST: Patricia O'Connor

I, Patricia O'Connor, VILLAGE CLERK OF THE VILLAGE OF GLEN ELLYN, ILLINOIS, DO HEREBY CERTIFY THAT THE ANNEXED PLAT WAS PRESENTED TO AND BY ORDINANCE DULY APPROVED BY THE VILLAGE BOARD OF THE VILLAGE OF GLEN ELLYN, AT ITS MEETING HELD ON AUGUST 24, 1992. IN WITNESS WHEREOF I HAVE HEREUNTO SET THE SEAL OF THE VILLAGE OF GLEN ELLYN, ILLINOIS.

Patricia O'Connor
VILLAGE CLERK

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF DU PAGE)

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, THIS 20th DAY OF April, A.D., 1993.

ATTEST: Cynthia Olbrich
RECORDING SECRETARY

SIGNED: C. Mustard
CHAIRMAN

CERTIFICATE AS TO SPECIAL ASSESSMENTS

STATE OF ILLINOIS)
SS.
COUNTY OF DU PAGE)

I, [illegible], VILLAGE COLLECTOR OF THE VILLAGE OF GLEN ELLYN DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THE PLAT.

DATED AT GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, THIS [illegible] DAY OF June, A.D., 192.

VILLAGE COLLECTOR

COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF DU PAGE)

I, GARY A. KING COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT TAXES, NO UNPAID OR FORFEITED TAXES AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE ANNEXED PLAT.

I, FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ANNEXED PLAT.

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK OF WHEATON, ILLINOIS THIS 20th DAY OF April, A.D., 1993.

COUNTY CLERK

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF DU PAGE)

THIS INSTRUMENT R93-081740 WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE 27 DAY OF APRIL, A.D., 1993 AT 4:30 O'CLOCK P .M. AND WAS RECORDED IN BOOK 161 OF PLATS ON PAGE 103.

DUPAGE COUNTY RECORDER

SURFACE WATER STATEMENT

STATE OF ILLINOIS)
SS.
COUNTY OF DU PAGE)

TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH SUBDIVISION OR ANY PART THEREOF, OR, THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

DATED THIS 14th DAY OF April, A.D., 1993.

Kevin J. Bisceau
ENGINEER

OWNER OR ATTORNEY

MY LICENSE EXPIRES ON 11-30-94

PUBLIC UTILITY AND DRAINAGE EASEMENT PROVISIONS

EASEMENTS ARE RESERVED FOR AND GRANTED TO THE VILLAGE OF GLEN ELLYN AND TO THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISE FROM THE VILLAGE OF GLEN ELLYN, INCLUDING, BUT NOT LIMITED TO COMMONWEALTH EDISON COMPANY, ILLINOIS BELL TELEPHONE COMPANY, NORTHERN ILLINOIS GAS COMPANY, AND THEIR SUCCESSORS AND ASSIGNS OVER ALL AREAS MARKED "PUBLIC UTILITY & DRAINAGE EASEMENT" ON THE PLAT FOR PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN, AND OPERATE VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS, AND INCLUDING STORM AND/OR SANITARY SEWERS, TOGETHER WITH ANY AND ALL NECESSARY MANHOLES, CATCH BASINS, CONNECTIONS, APPLIANCES AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID VILLAGE, OVER, UPON, ALONG, UNDER AND THROUGH SAID INDICATED EASEMENT, TOGETHER WITH THE RIGHT OF ACCESS ACROSS THE PROPERTY FOR NECESSARY MEN AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS ON SAID EASEMENTS THAT INTERFERE WITH THE OPERATION OF THE SEWERS OR OTHER UTILITIES. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS. WHERE AN EASEMENT IS USED BOTH FOR SEWER AND OTHER UTILITIES, THE OTHER UTILITY INSTALLATION SHALL BE SUBJECT TO THE ORDINANCES OF THE VILLAGE OF GLEN ELLYN.

EASEMENTS ARE HEREBY RESERVED AND GRANTED TO THE VILLAGE OF GLEN ELLYN AND OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THE LAND SUBDIVIDED HEREBY, OVER THE ENTIRE EASEMENT AREA FOR INGRESS, EGRESS, AND THE PERFORMANCE OF MUNICIPAL AND OTHER GOVERNMENTAL SERVICES, INCLUDING WATER, STORM AND SANITARY SEWER SERVICE AND MAINTENANCE.

INGRESS AND EGRESS EASEMENT PROVISION

A PERPETUAL NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS IS HEREBY GRANTED OVER LOTS 45 AND 46 CONTAINING ROADWAYS AND SIDEWALKS FOR THE PURPOSE OF PROVIDING VEHICULAR AND PEDESTRIAN ACCESS TO THE MUTUAL BENEFIT OF OWNERS AND ASSIGNS OF LOTS 1 THROUGH 44 IN ORCHARD PLACE AS SHOWN HEREON, SUBJECT TO SUCH COVENANTS, CONDITIONS, LIMITATIONS, RESTRICTIONS AND MAINTENANCE OBLIGATION AS MAY HEREAFTER BE ESTABLISHED BY THE ORCHARD PLACE TOWNHOMES OWNER'S ASSOCIATION BY SEPARATE INSTRUMENT RECORDED WITH DUPAGE COUNTY RECORDER OF DEEDS OFFICE.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF DU PAGE)

THIS IS TO CERTIFY THAT I, CHARLES A. HULSE, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE SURVEYED AND SUBDIVIDED THE NORTH 12 ACRES OF THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE SOUTH LINE OF DAVIS AVENUE (EXCEPT THE EAST 591.5 FEET, AS MEASURED ON THE NORTH AND SOUTH LINES), IN DUPAGE COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22 WITH THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF ARTHUR T. McINTOSH & CO'S LAMBERT ROAD FARMS, RECORDED NOVEMBER 18, 1955 DOCUMENT 781095; THENCE NORTH 01 DEGREES 12 MINUTES 05 SECONDS EAST ALONG SAID WEST LINE, 396.42 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 48 SECONDS EAST ALONG THE SOUTHERLY LINE OF PARK RESUBDIVISION UNIT 4 (RECORDED APRIL 27, 1971, DOCUMENT R71-16779), AND DAVIS AVENUE (PLATTED SEPTEMBER 12, 1924, DOCUMENT 182391), A DISTANCE OF 732.16 FEET TO THE WEST LINE OF THE EAST 591.5 FEET (AS MEASURED ALONG THE NORTH AND SOUTH LINES THEREOF) OF THE NORTH 12 ACRES OF PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 22, LYING SOUTH OF THE SOUTH LINE OF SAID DAVIS AVENUE; THENCE SOUTH 01 DEGREES 45 MINUTES 15 SECONDS WEST ALONG SAID WEST LINE, 396.34 FEET TO THE AFOREMENTIONED NORTHERLY LINE OF LAMBERT ROAD FARMS; THENCE SOUTH 89 DEGREES 44 MINUTES 52 SECONDS WEST ALONG SAID NORTHERLY LINE, 728.34 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

I, FURTHER CERTIFY THAT THE PROPERTY SHOWN ON THE PLAT HEREON DRAWN IS SITUATED WITHIN THE CORPORATE LIMITS OF A MUNICIPALITY WHICH HAS ADOPTED A COMPREHENSIVE PLAN AND WHICH IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE AS HERETOFORE AND HEREAFTER AMENDED AND THAT, BASED UPON A REVIEW OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 170197-0040 B WITH AN EFFECTIVE DATE OF APRIL 15, 1982, IT IS MY OPINION THAT SAID PROPERTY PLATTED AS ORCHARD PLACE IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA IDENTIFIED FOR THE COUNTY OF DUPAGE BY SAID F.E.M.A. MAP.

I, FURTHER CERTIFY THAT ALL REGULATIONS ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF GLEN ELLYN RELATIVE TO PLATS AND SUBDIVISION HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT AND ALL PROVISIONS OF THE STATUTES OF THE STATE OF ILLINOIS RELATIVE TO PLATS HAVE BEEN COMPLIED WITH.

GIVEN UNDER MY HAND AND SEAL THIS 14TH DAY OF APRIL, A.D., 1993.

Charles A. Hulse
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2955

MY REGISTRATION EXPIRES ON NOVEMBER 30, 1994

STORMWATER CONVEYANCE AND STORMWATER MANAGEMENT EASEMENT PROVISION

EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF GLEN ELLYN AND THE ORCHARD PLACE HOMEOWNERS ASSOCIATION, THEIR HEIRS, SUCCESSORS, AND ASSIGNS, OVER ALL OF THE AREAS INDICATED AS "STORMWATER CONVEYANCE AND STORMWATER MANAGEMENT EASEMENTS" FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, GRADE, REGRADE, CLEAN, REPAIR, INSPECT, OPERATE AND OTHERWISE MAINTAIN, IN AN UNOBSTRUCTED CONDITION, A SYSTEM OF STORM DRAINS, MANHOLES, INLETS, OVERLAND DRAINAGE SWALES, AND A STORMWATER MANAGEMENT BASIN FOR THE CONVEYANCE AND TEMPORARY STORAGE OF STORMWATER RUNOFF TO DEPTHS OF UP TO 7± FEET TRIBUTARY THERETO TOGETHER WITH THE RIGHT OF ACCESS OVER, UPON AND THROUGH SAID EASEMENTS FOR THE NECESSARY INDIVIDUALS AND EQUIPMENT TO PERFORM SAID FUNCTIONS. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE TREES, BUSHES, VEGETATION AND DEBRIS WITHIN SAID EASEMENT AREA WHICH CAN REASONABLY BE SHOWN TO OBSTRUCT OR OTHERWISE HINDER THE OPERATION OF SAID EASEMENT AREAS FOR THE USES AND PURPOSES HEREIN SET FORTH. NO BUILDINGS, SHEDS, SWIMMING POOLS OR OBJECTS AND EQUIPMENT SHALL BE PLACED OR ERECTED ON SAID EASEMENT AND NO EARTH FILL OR EXTRANEOUS MATERIALS SHALL BE DEPOSITED OR EXTENSIVE RE-GRADING WORK UNDERTAKEN WITHIN SAID EASEMENT. SAID EASEMENT AREAS MAY BE USED, HOWEVER, FOR GARDENS, SHRUBS, TREES, PLANTS, LAWNS, AND OTHER LANDSCAPING IMPROVEMENTS APPROVED BY THE VILLAGE OF GLEN ELLYN THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID EASEMENT USES AND RIGHTS.

PREPARED FOR:

ORCHARD DEVELOPMENT GROUP, LTD
300 E. ROOSEVELT SUITE 210
WHEATON, ILLINOIS 60187
(708) 682-9400

SIGNATURE ~~PREPARED~~ BY & RETURN TO:
VILLAGE OF ADDISON
ENGINEERING DEPT.
131 West Lake St.
Addison, IL 60101

PREPARED BY:

CEMCON, Ltd.
Consulting Engineers, Land Surveyors & Planners
1N131 COUNTY FARM ROAD
WINFIELD, ILLINOIS 60190
(708) 653-1030

JOB No. 578.001 COMPLETION DATE 6-1-92

R93-081740
PAGE 2 OF 2

GEORGE E. COLE®
LEGAL FORMS

NO. 801
February, 1985

WARRANTY DEED
Statutory (ILLINOIS)
(Corporation to Corporation)

CAUTION: Consult a lawyer before using or acting under this form. *Neither the publisher nor the seller of this form makes any warranty with respect thereto, including any warranty of merchantability or fitness for a particular purpose.*

534.00

THE GRANTOR J/B CAPITAL INVESTMENT GROUP, LTD.

a corporation created and existing under and by virtue of the laws of the State of Illinois and duly authorized to transact business in the State of Illinois, for and in consideration of Ten and NO/100---------- DOLLARS, and other valuable consideration in hand paid, and pursuant to authority given by the Board of Directors of said corporation, CONVEYS and WARRANTS to

ORCHARD DEVELOPMENT GROUP, LTD., an Illinois corporation

STATE OF ILLINOIS
REAL ESTATE TRANSFER TAX
AUG-5'93 DEPT OF REVENUE 534.00
R.B.10690

(The Above Space For Recorder's Use Only)

a corporation organized and existing under and by virtue of the laws of the State of Illinois having its principal office at the following address 300 East Roosevelt Road, Suite 210, Wheaton, IL 60187, the following described Real Estate situated in the County of DuPage and State of Illinois, to wit:

LOTS 1 THROUGH 47, INCLUSIVE, IN ORCHARD PLACE, A SUBDIVISION BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON APRIL 27, 1993 AS DOCUMENT NUMBER R93-081740, IN DU PAGE COUNTY, ILLINOIS.

93 AUG 13 PM 1:45

R93-181944

RECORDER
DU PAGE COUNTY

Permanent Real Estate Index Number(s): See Schedule A attached hereto 05-22-403-01

Address(es) of Real Estate: See Schedule A attached hereto DAVIS ST + LORRAINE Glen Ellyn, IL

In Witness Whereof, said Grantor has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its ____ President, and attested by its Assistant Secretary, this 1st day of April, 19 93.

IMPRESS CORPORATE SEAL HERE

J/B CAPITAL INVESTMENT GROUP, LTD.
(NAME OF CORPORATION)

BY R T Johnson
PRESIDENT

ATTEST: Marcia A. Sabella
Assistant SECRETARY

State of Illinois, County of DuPage ss. I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that Robert T. Johnson personally known to me to be the ____ President of the

corporation, and Marcia A. Sabella personally known to me to be the Assistant Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Assistant Secretary, they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

"OFFICIAL SEAL"
HENRY S. STILLWELL III
Notary Public, State of Illinois
My Commission Expires 2/10/97

Given under my hand and official seal, this 1st day of April 19 93

Commission expires ____ 19__ NOTARY PUBLIC

This instrument was prepared by Henry S. Stillwell III, 203 E. Liberty Dr., P.O. Box 786 Wheaton, IL 60189
(NAME AND ADDRESS)

MAIL TO: Henry S. Stillwell III (Name)
P.O. Box 786 (Address)
Wheaton, IL 60189 (City, State and Zip)

Return to:
CHICAGO TITLE INSURANCE CO.
P. O. Box 827
Wheaton, Ill. 60189-0827

SEND SUBSEQUENT TAX BILLS TO:
Orchard Development Group, Ltd. (Name)
300 E. Roosevelt Rd., Suite 210 (Address)
Wheaton, IL 60187 (City, State and Zip)

OR RECORDER'S OFFICE BOX NO. Escrow No.

93304344

ORCHARD PLACE - GLEN ELLYN, IL

Bldg. No.	Lot No.	Address	Parcel No.
1	1	201 Orchard Lane	05-22-424-001
	2	203 Orchard Lane	05-22-424-002
	3	205 Orchard Lane	05-22-424-003
	4	207 Orchard Lane	05-22-424-004
2	5	209 Orchard Lane	05-22-424-005
	6	211 Orchard Lane	05-22-424-006
	7	213 Orchard Lane	05-22-424-007
	8	215 Orchard Lane	05-22-424-008
3	9	217 Orchard Lane	05-22-424-009
	10	219 Orchard Lane	05-22-424-010
	11	221 Orchard Lane	05-22-424-011
	12	223 Orchard Lane	05-22-424-012
4	13	312 S. Turnberry Lane	05-22-424-013
	14	314 S. Turnberry Lane	05-22-424-014
	15	316 S. Turnberry Lane	05-22-424-015
	16	318 S. Turnberry Lane	05-22-424-016
5	17	320 S. Turnberry Lane	05-22-424-017
	18	322 S. Turnberry Lane	05-22-424-018
	19	324 S. Turnberry Lane	05-22-424-019
	20	326 S. Turnberry Lane	05-22-424-020
6	21	323 S. Turnberry Lane	05-22-424-021
	22	321 S. Turnberry Lane	05-22-424-022
	23	319 S. Turnberry Lane	05-22-424-023
	24	317 S. Turnberry Lane	05-22-424-024

Bldg. No.	Lot No.	Address	Parcel No.
7	25	239 Orchard Lane	05-22-424-032
Model	26	237 Orchard Lane	05-22-424-031
	27	235 Orchard Lane	05-22-424-030
	28	233 Orchard Lane	05-22-424-029
8	29	225 Orchard Lane	05-22-424-025
Spec.	30	227 Orchard Lane	05-22-424-026
	31	229 Orchard Lane	05-22-424-027
	32	231 Orchard Lane	05-22-424-028
9	33	230 Orchard Lane	05-22-423-001
	34	228 Orchard Lane	05-22-423-002
	35	226 Orchard Lane	05-22-423-003
	36	224 Orchard Lane	05-22-423-004
10	37	307 S. Roscommon Court	05-22-423-005
	38	305 S. Roscommon Court	05-22-423-006
	39	303 S. Roscommon Court	05-22-423-007
	40	301 S. Roscommon Court	05-22-423-008
11	41	302 S. Roscommon Court	05-22-423-009
	42	304 S. Roscommon Court	05-22-423-010
	43	306 S. Roscommon Court	05-22-423-011
	44	308 S. Roscommon Court	05-22-423-012
--	45	Common Lot	05-22-424-033
	46	Common Lot	05-22-423-013
	47	Common Lot	05-22-423-014
	48	Common Lot	05-22-424-034

Exhibit "A"

R93-181944

R96-058603

RECORDER
DU PAGE COUNTY

96 APR 10 PM 2:15

(Above space reserved for Recorder of Deed's use)

ASSIGNMENT

ORCHARD DEVELOPMENT GROUP, LTD., an Illinois corporation (hereinafter referred to as "Declarant"), for and in consideration of the sum of Ten and No Dollars ($10.00) in hand paid, the receipt and sufficiency of which is hereby acknowledged, and for other good and valuable consideration, does hereby assign, transfer and set over unto, and vest in, Orchard Place Townhomes Owners Association, an Illinois not-for-profit corporation (hereinafter referred to as the "Assignee"):

All rights, privileges, easements, powers and duties retained or reserved by Declarant as Declarant or granted to Declarant as Declarant under the terms and provisions contained in that certain "Declaration of Covenants, Conditions and Restrictions for Orchard Place Townhomes" dated December 13, 1993, and recorded December 21, 1993, in the office of the Recorder of Deeds of DuPage County, Illinois, as Document Number R93-298392, ("Declaration").

Declarant hereby reserves and retains and does not assign any of its rights, duties, privileges, easements and powers it may have as an Owner or Voting Member under the Declaration.

The foregoing Assignment is made pursuant to and in accordance

with the provisions of Section 15.05 of Article XV of the Declaration. The real estate being the subject of the Declaration is legally described in Exhibit "A" attached hereto and made a part hereof.

Effective as of the 1st day of April, 1996.

ORCHARD DEVELOPMENT GROUP, LTD.,
an Illinois corporation,

By: R Johnson

Title: President

Attest: Henry S. Stillwell III

Title: Secretary

Prepared by and mail to:

Henry S. Stillwell III
Rathje, Woodward, Dyer & Burt
300 E. Roosevelt Road
P.O. Box 786
Wheaton, IL 60189
(708) 668-8500

R96- 58603

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that ROBERT T. JOHNSON, PRESIDENT (Title), and HENRY S. STILLWELL III, SECRETARY (Title), of ORCHARD DEVELOPMENT GROUP LTD., an Illinois corporation who are personally known to me to be the same persons whose names are subscribed to the foregoing instruments as such PRESIDENT (Title) and SECRETARY (Title), respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said corporation, for the uses and purposes therein set forth; and the said Secretary then and there acknowledged that __he, as custodian of the records of the corporation, did affix the corporate seal of said corporation to said instrument as h___ own free and voluntary act and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 21st day of MARCH, 1996.

OFFICIAL SEAL
ANN K BRIDGE
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXPIRES 09/05/97

Ann K Bridge
Notary Public

EXHIBIT "A"

LEGAL DESCRIPTION OF LAND
EFFECTED BY DECLARATION

LOTS 1 THROUGH 47, INCLUSIVE, IN ORCHARD PLACE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON APRIL 27, 1993 AS DOCUMENT NUMBER R93-081740, IN DUPAGE COUNTY, ILLINOIS.

PINS: 05-22-424-001 through 05-22-424-033
05-22-423-001 through 05-22-~~424~~ 423-014 VACANT

Lorraine Avenue and Orchard (nearest intersection).
Glen Ellyn, Ill. 60137

This space for Recorder's use only

This space for Recorder's use only

Village of Glen Ellyn

UTILITY EASEMENT(S) AFFIDAVIT FOR THE CONSTRUCTION OF A FENCE,

PROPERTY OWNER(S) NAME: ORCHARD PLACE TOWNHOMES OWNERS ASSOCIATION
PROPERTY OWNER(S) ADDRESS: P.O. BOX 2386 Glen Ellyn IL 60138

PROPERTY ADDRESS: LOT 47 of ORCHARD PLACE SUB DIVISION
PROPERTY IDENTIFICATION NUMBER (PIN): 05-22-423-014

I, the undersigned, acknowledge that the attached permit application is for a fence, which encroaches in whole, or in part, into a recorded easement. I further acknowledge that I, the Owner, shall notify all affected easement holders and inform them of the contemplated development or activity to occur within their designated easement area(s) and obtain their approval.

I recognize that the failure to obtain all required approval(s) from easement holder(s) renders any permit issued by the Village of Glen Ellyn null and void and without any further effect. I also recognize, as Owner, should any permit be deemed null and void I am obligated under the laws and ordinances of the Village of Glen Ellyn to immediately cease and desist activity and/or remove all improvements erected, built, constructed or relocated by the permit at my own expense.

I further realize that the easement holder may, at any time in the future, request access to the easement area, for any purpose, and that I, as the Owner, may be required to cease any activity or remove any improvement authorized under the Village permit(s) at my own expense.

I acknowledge that the issuance of a permit by the Village of Glen Ellyn does not affect, in any way, any right, liability, responsibility, duty or obligation pursuant to the easement conditions and terms nor is the issuance of a permit, a license or grant of authority to engage in any use or improve the subject area in any manner contrary to the terms and conditions of the easement. I further acknowledge that the Village of Glen Ellyn does not warranty or guaranty any applicant representations regarding his/her rights, liabilities, responsibilities, duties or obligations under the terms and conditions of the easement.

State of Illinois

County of DuPage.

Subscribed and sworn to before me this

5th day of April, 2023

by Penni Cannova

Name of person signing

Penni Cannova

Signature of Notary

Signature of Property Owner:

Printed Name of Property Owner:

JAMES S. Bell

OFFICIAL SEAL
PENNI CANNOVA
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES: 4/29/2025

GISConsortium | Orchard Place Townhomes - Aerial Map

0 300 600 ft

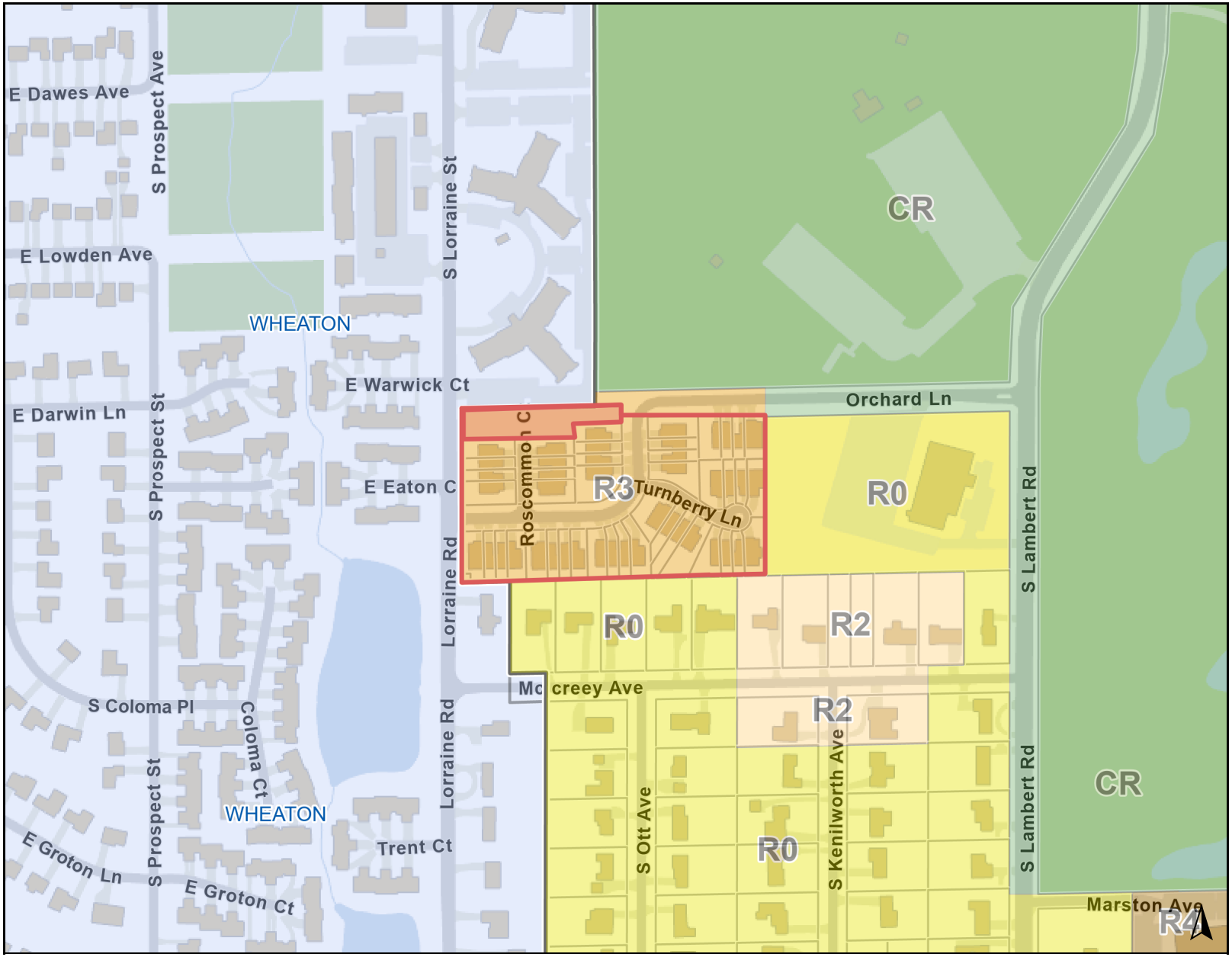
Print Date: 4/13/2023

Notes

Zoning Variation

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

GISConsortium | Orchard Place Townhomes - Zoning Map



Legend

Zoning and Development

Zoning

- CR: Conservation/Recreation District
- R0: Single Family Residential District
- R2: Single Family Residential District
- R3: Multi-Family Residential District
- R4: Multi-Family Residential District

0 500 1000 ft

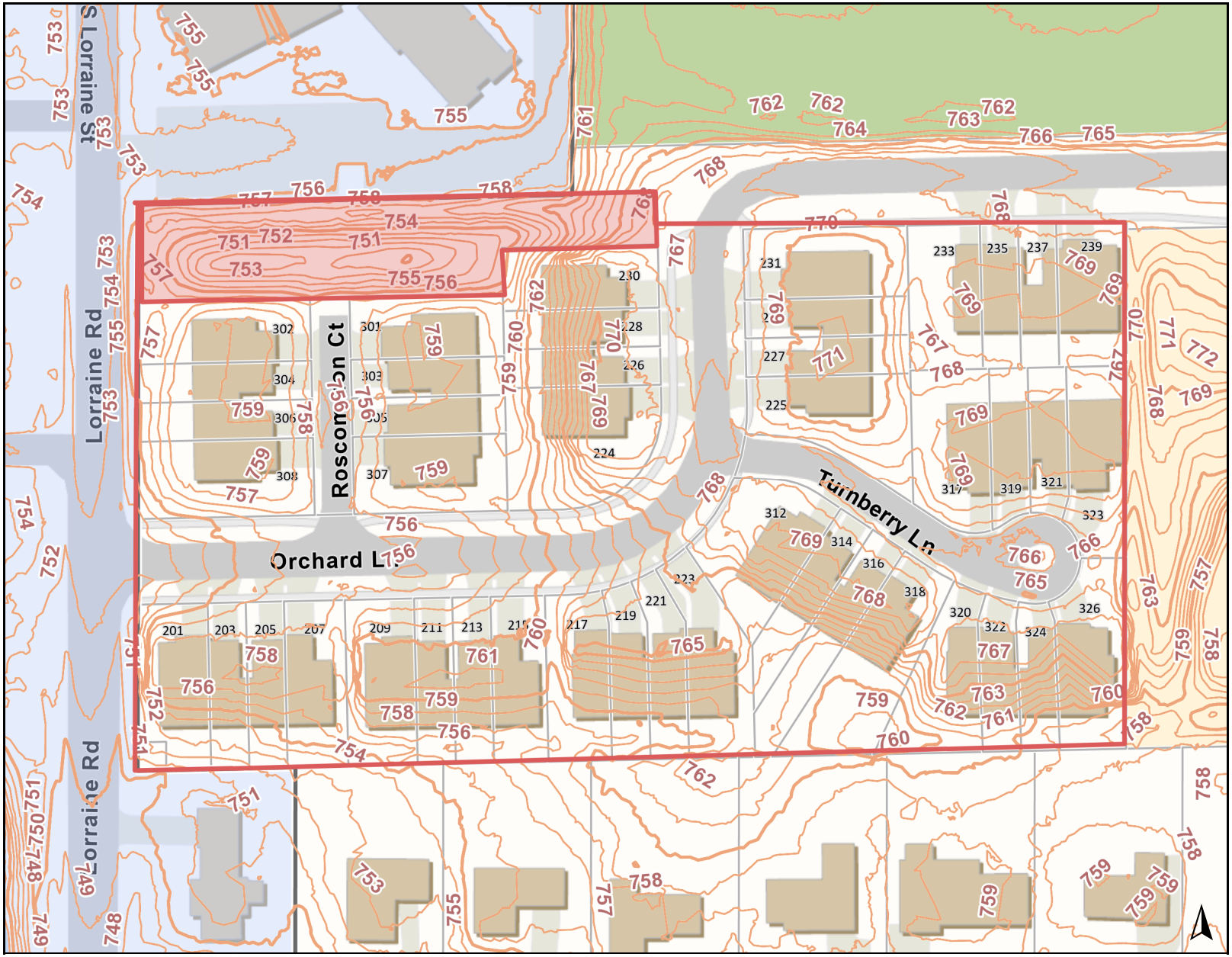
Print Date: 4/13/2023

Notes

Zoning Variation request

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

GISConsortium | Orchard Place Townhomes - Contour Map



Legend

DuPage County

DuPage County 1' 2017 Contours

Contour Line, Intermediate

Contour Line, Major

0 150 300 ft

Print Date: 4/13/2023

Notes

Zoning Variation request

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

GISConsortium | **Orchard Place Townhomes**

SITE PLAN

0 50 100 ft

Print Date: 4/3/2023

Notes

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

S Lorraine Rd

S Lorraine Rd

NOTICE OF PUBLIC HEARING

Orchard Place Townhomes Owners Association, owner of the property, a public utility and drainage easement located north of 302 Roscommon Ct., is requesting a public hearing for zoning variations in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code to allow the construction of a fence. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on **Tuesday, May 9, 2023,** at 7:00 p.m. in the Galligan Board Room, Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois. The public is welcome to attend.

The property owners are requesting approval of zoning variations from the Glen Ellyn Zoning Code as follows:

1. A variation from Section 10-4-1(C) to allow a fence as an accessory structure where no principal building is present;
2. A variation from Section 10-5-5(B)1.b to allow a fence where fences shall be prohibited in portions of a lot encumbered by a detention, drainage, or access easement;
3. A variation from Section 10-5-5(B)4#12.a.1 to allow a fence less than 33.3% open in a front or corner side yard;
4. A variation from Section 10-5-5(B)4#12.b.4 to allow a six-foot-tall fence in lieu of the maximum 4-foot fence for all other areas of the lot located closer to the street than the principal structure on the lot;
5. Any other zoning relief necessary to allow the proposed fence to be constructed as depicted on the plans presented at the public hearing or at a public meeting of the Village Board.

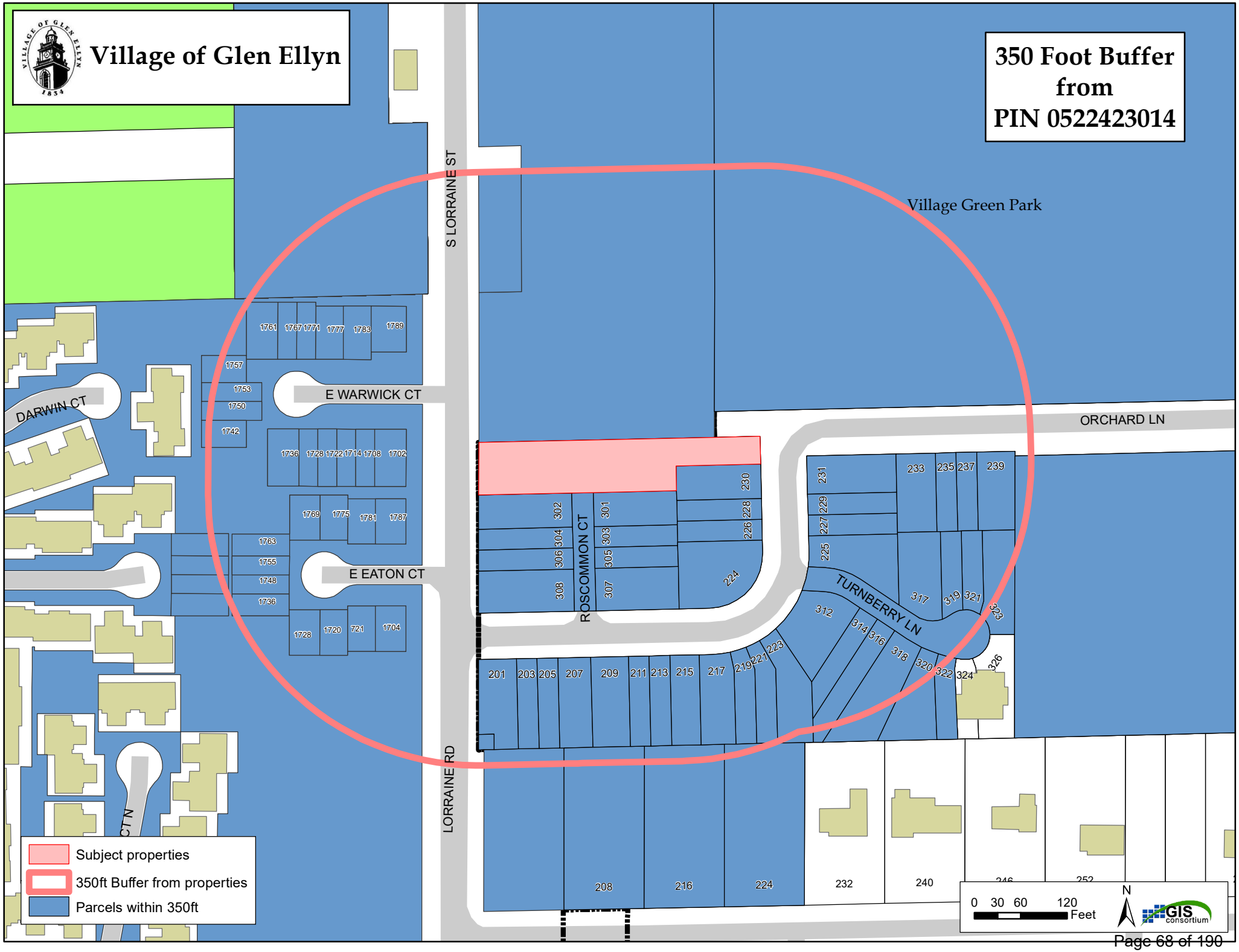
The property is zoned R3 PUD, Multi-Family Residential District, and is legally described as follows:

LOT 1 THROUGH 47, INCLUSIVE, IN ORCHARD PLACE, A SUBDIVISION BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON APRIL 27, 1993 AS DOCUMENT NUMBER R93-081740, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-22-423-014

All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. Plans are on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois and can be requested by contacting Jim Brown, Planning Consultant, at jbrown@glenellyn.org. To view plans related to the proposed project, please visit the Village website here: https://www.glenellyn.org/246/Public-Notice-Portal. All public comments received by 4:30 pm on Tuesday, May 9, 2023, will be read into the record at the public hearing.

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village 24 hours in advance of the meeting.


Village of Glen Ellyn
350 Foot Buffer from PIN 0522423014
Village Green Park
S LORRAINE ST
LORRAINE RD
E WARWICK CT
E EATON CT
DARWIN CT
ROSCOMMON CT
TURNBERRY LN
ORCHARD LN
Subject properties
350ft Buffer from properties
Parcels within 350ft
0 30 60 120 Feet
N
GIS consortium

Glen Ellyn Zoning Board of Appeals
535 Duane Street
Glen Ellyn, IL 60137

Meeting 5/9/2023 7:00 PM
Department: Community Development
Department Head: Marty Scott
Category: Public Hearing
Prepared By: Scott Viger

AGENDA ITEM (ID # 2023-498)

DOC ID: 2023-498

781 Fairview Ave.
Request for relief from the Zoning Code to allow the construction of a fence surrounding the backyard of a single-family residence to exceed the permitted height and openness limitations

Statement of the Issue:
See attached staff report

Analysis:
See attached staff report

Budget Impact:
See attached staff report

Contribution to Strategic Plan (if applicable)

Action Requested:
See attached staff report

Attachments:
1. Staff Report
2. Zoning Variation Request Packet Dated 3/28/2023
3. Plat of Survey
4. Site Plan
5. Proof of Ownership
6. Aerial Map
7. Zoning Map
8. Contour Map
9. Exhibits Provided by Petitioner
10. Existing Conditions Photos
11. Fence Brochure
12. Public Notice
13. Public Notice Buffer Map

STAFF REPORT

TO: Zoning Board of Appeals

FROM: Scott Viger, Planning Consultant

DATE: April 19, 2023

SUBJECT: May 9, 2023 - Zoning Board of Appeals Meeting

Public Hearing for consideration of a Zoning Variation to allow construction of a fence that exceeds the maximum allowable height and is solid in lieu of 33 1/3 % Open on the property located at 781 Fairview Avenue.

PETITIONER: The petitioners are Bader Almoshelli and Yusra Gomaa, owners of the property at 781 Fairview Avenue.

REQUEST: The property owners are requesting approval of a variation from the Glen Ellyn Zoning Code as follows:

1. Section 10-5-5(B)4: Table # 11 – to allow the replacement of an existing solid wood fence to be built at a height of 6 feet in lieu of the maximum permitted fence height of 4 feet and 33 1/3% open for fences closer to the street than the principal structure.

2. Any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board.

ZONING/ USE: The property is a corner lot at the southeast corner of Fairview and Carleton Avenues, in the R2 Zoning District. The land use immediately surrounding the subject property is R2 single-family residential to the north and east, R5 Planned Residential to the south and CR Conservation Recreation to the west.

PUBLIC NOTICE: Notice of the public hearing was published in the April 25, 2023, edition of the Daily Herald, mailed to property owners within 250 ft. of the subject property, and a placard was placed on the property.

PERMIT HISTORY: Village records indicate the following permits were issued for the property:

Date:	Permit No.:	Description:
2002	B21495	New Single-Family Home
2003	B22470	Fence
2011	B22822	Deck & Sunroom
2021	20210106	Radon Mitigation
2022	20210508	Remodel/alteration bathroom

VARIATION HISTORY: Village records indicated that there are no previous variations granted for this property.

PROJECT SUMMARY: The single-family home at 781 Fairview Avenue was constructed as part of a Sunrise Assisted Living Subdivision (Atria Park of Glen Ellyn) in 2009. The rectangular lot is 14,374 square feet with a width of 90'. The home is setback from Carleton Avenue a distance of 30.36'.

Petitioners are seeking to replace an existing conforming fence (4' tall and 33 1/3% open) with a six-foot solid PVC privacy fence around the entire rear yard including in the homesite's corner side yard along Carleton Avenue. The Zoning Code requires all fences closer to the street than the principal structure on a lot to be no taller than 4 feet and 33 1/3% open. The proposed fence meets the Code in the other areas of the homesite. The proposed fence would extend northerly along the east and west facades approximately 5' which is in compliance with the Municipal Code. The rear yard does slope down approximately three feet from the Carleton Avenue lot line.

Petitioners state that the presence of Newton Park and its parking lot directly to the west across Carleton Avenue creates an issue and the six-foot solid fence is necessary for the privacy and security of the family.

ZBA ACTION: The ZBA should consider the testimony presented during the public hearing and review the written evidence presented as part of the petitioners' application packet. The ZBA should make findings of fact and determine if a practical difficulty or particular hardship exists and if the essential character of the neighborhood is maintained.

The ZBA may choose to make a recommendation to the Village Board for the approval, approval with conditions or denial of the variation to allow the proposed fence in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code.

ATTACHMENTS:

1. Zoning Variation Request Packet Dated 3/28/2023
2. Plat of Survey
3. Site Plan
4. Proof of Ownership
5. Aerial Map
6. Zoning Map
7. Contour Map

8. Exhibits Provided by Petitioner
9. Existing Conditions Photos
10. Fence Brochure
11. Public Notice
12. Public Notice Buffer Map

CC: Martin Scott, Director of Planning & Development
Robert Schmidt, Building and Zoning Official
Paula Moritz, Plan Examiner
Bader Almoshelli and Yusra Gomaa, Property Owners

RECEIVED
MAR 28 2023
VILLAGE OF GLEN ELLYN
CLERK'S OFFICE

VILLAGE OF GLEN ELLYN
535 Duane Street
Glen Ellyn, Illinois 60137
(630) 547-5250

APPLICATION FOR VARIATION

For the property at 781 Fairview Avenue Glen Ellyn, IL 60137

Note to the Applicant: This application should be filed with, and any questions regarding it, should be directed to the Director of the Village Community Development Department.

You may attach separate sheets if additional space is needed for the following answers.

The undersigned hereby petitions the Village of Glen Ellyn, Illinois, for one or more variations from the Glen Ellyn Zoning Code (Ordinance No. 3617-Z, as amended), as described in this application.

I. APPLICANT INFORMATION:

(Note: The applicant must comply with Section 10-10-10(B) of the Zoning Code).

Name: Bader Almoshelli and Yusra Gomaa

Address: 781 Fairview Avenue, Glen Ellyn, Illinois 60137

Home Phone No.: 630-408-1117 (cell) Cell Phone No.: 312-566-9590 (Yusra work)

Fax No.:

E-mail: balmoshelli@gmail.com

Ownership Interest in the Property in Question:

Owners

II. INFORMATION REQUIRED BY SECTION 10-10-10(B) OF THE ZONING CODE, IF APPLICABLE:

NOTE: All parties, whether petitioner, agent, attorney, representative and or organization et al. must be fully disclosed by true name and address in compliance with Section 10-10-10(B) of the Zoning Code. Disclosure forms are attached for your convenience.

Name and address of the legal owner of the property (if other than the applicant):

Same as applicant

Name and address of the person or entity for whom the applicant is acting (if the applicant is acting in a representative capacity):

Is the property in question subject to a contract or other arrangement for sale with the fee owner? (Choose "Yes" or "No")

○ YES ◉ NO

If YES, the contract purchaser must provide a copy of the contract to the Village and must either be a co-petitioner to this application or submit the attached Affidavit of Authorization with the application packet.

Is the property in question the subject of a land trust agreement? (Choose "Yes" or "No")

○ YES ◉ NO

If YES, (1) either the trustee must be a co-petitioner or submit the attached Affidavit of Authorization from the trustee to represent the holders of the beneficial interests in the trust and (2) the applicant must provide a trust disclosure in compliance with "An Act to Require Disclosure of All Beneficial Interests", Chapter 148, Section 71 et seq., Illinois Revised Statutes, signed by the trustee.

III. PROPERTY INFORMATION:

Common address: 781 FAIRVIEW AVE

Permanent tax index number: 05-14-417-033

Legal description:

SUNRISE ASSISTED LIVING RESIDENTIAL SUB L: 1

Zoning classification: R2 - Single Family Residential

Lot size: .33 (Acres) ft. x _____ ft. Area: _____ sq. ft.

Present use:

RESIDENCE (SINGLE-FAMILY)

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

Description of the variation(s) requested (including identification of the Zoning Code provisions from which variation is sought) and proposed use(s):

This is a request to build a 6-foot fence pursuant to the permitted Obstruction Number 12(b)(3) listed in Table 10-5-5-(B)4. This is a variation from the 4-foot fence limit described in Obstruction Number 12(b)(4) of the same Table. (See Exhibit A - Code Ordinance 10-5-5). Specifically, this request is for a fence surrounding the backyard. The backyard is located near the middle of the street on Carleton Avenue. The backyard is not located on either street corner and is not within the visibility triangle. (See Exhibit B - Google Map images of this description). The purpose or proposed use of this request is to protect the owners right to safety and privacy in their yard. The proposed variation would allow homeowners to build a fence that provides safety and privacy for the family and young children in the home. The lot, and specifically the backyard, is located directly across the street from a public parking lot and park (Newton Park).

The Zoning Code provisions from which variation is sought are 10-4-8(G)(2) and Table 10-5-5-(B)4. (See Exhibit A; see also, Exhibit C - Code Ordinance 10-4-8).

Estimated date to begin construction: _____

Names and addresses of any experts (e.g., planner, architect, engineer, attorney, etc.):

V. EVIDENCE RELATING TO ZONING CODE STANDARDS FOR A VARIATION:

The following items are intended to elicit information to support conclusions by the ZBA or PC and the Village Board that the required findings/standards for a variation under the Zoning Code have been established and met. Therefore, please complete these items carefully.

A. Standards Applicable to All Variations Requested:

1. Provide evidence that due to the characteristics of the property in question, there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Zoning Code:

The property is a corner lot located on the south-east corner of the intersection of Fairview Ave and Carleton Ave. The backyard is on Carleton Ave and is located closer to the street than the principal structure on the lot; therefore, it would require a 4-foot fence pursuant to the limitations listed under Table 10-5-5-(B)4. The characteristics of the property create a particular hardship for the owner in carrying out the strict letter of the Zoning Code.

2. a. Provide evidence that the property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning Code (i.e., without one or more variations):

OR

b. Provide evidence that the plight of the applicant/owner is due to unique circumstances relating to the property in question:

The plight of the applicant/owner is due to the unique location and circumstances relating to the property in question. The unique circumstances that should be taken into account include the public parking lot and public park that are located across the street on Carleton Avenue. These are unique circumstances related to the property in question which create a need for a taller fence to ensure the owners are not deprived of their right to safety and privacy including the safety of the young children in the yard. Importantly, although the home is on a "corner lot," the backyard in question is not on an intersection but closer to the middle of the street, so a fence would not block visibility at the intersection or corner.

3. Provide evidence that the requested variation(s), if granted, will not alter the essential character of the locality of the property in question:

If the requested variation is granted it will not alter the essential character of the locality of the property in question because the variation does not pose a significant deviation in the overall appearance and use of the lot.

B. For the purpose of supplementing the above standards, the ZBA or PC, in making its recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes or fails to establish the following facts favorably to the applicant:

1. Provide evidence that the particular physical surroundings, shape or topographical condition of the property in question would bring particular hardship upon the applicant/owner as distinguished from a mere inconvenience if the strict letter of the Zoning Code were to be carried out:

The particular physical surroundings and topographical condition of the property in question would bring particular hardship upon the applicant if the strict letter of the Zoning Code were to be carried out. The location of a public (1) park and (2) parking lot create a need for a variation to allow the homeowners to execute their right to safety and privacy in their yard.

2. Provide evidence that the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district:

The conditions upon which this petition is based on are specific to the lot and would not be generally applicable to other property within the same zoning district.

3. Provide evidence that the purpose of the variation is not based exclusively upon a desire to make more money out of the property in question:

The purpose of this variation is to ensure the owners may execute their right to safety and privacy and is not based on a desire to make money out of the property in question.

4. Provide evidence that the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property in question or by the applicant.

The particular hardship that has been placed on the owners' right to privacy has not been created by any person presently having an interest in the property in question or by the owner/applicant. The public spaces surrounding the lot have been designated as Conservation Recreation (CR) and such designation is outside of the property owner's control. (See Exhibit D - 2022 Zoning Map).

5. Provide evidence that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located.

Granting this variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. If this variation request is granted, the variation will be within the scope of the permitted Obstruction Number 12(b)(3) listed in Table 10-5-5-(B)4. (Exhibit A).

6. Provide evidence that the proposed variation will not:

a. Impair an adequate supply of light and air to adjacent property;

The proposed variation will not impair an adequate supply of light and air to adjacent property. The variation is still within the scope of height limitations set forth in Table 10-5-5-(B)4 which do not create such impairment onto adjacent properties.

b. Substantially increase the hazard from fire or other dangers to the property in question or adjacent property;

The proposed variation will not substantially increase the hazard from fire or other dangers to the property in question or adjacent property. The variation is within the scope of height limitations set forth in Table 10-5-5-(B)4 which do not create such impairment.

c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village;

The proposed variation will not otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village. The variation is within the scope of height limitations set forth in Table 10-5-5-(B)4 which do not create such impairment.

d. Diminish or impair property values within the neighborhood;

The proposed variation will not diminish or impair property values within the neighborhood. The variation complies with limitations set forth in Table 10-5-5-(B)4 applicable to non-corner lots and does not diminish or impair property values within the neighborhood.

e. Unduly increase traffic congestion in the public streets and highway;

The proposed variation will not unduly increase traffic congestion in the public streets and highway. The proposed variation would not conflict with the 10-5-5(B)1 or 10-5-5(B)2 regarding prohibited obstructions in the visibility triangle for corner lots.

f. Create a nuisance; or

The proposed variation will not create a nuisance. The variation is within the scope of height limit permitted by Obstruction Number 12(b)(3) listed in Table 10-5-5-(B)4 which is applicable to non-corner lots and does not create a nuisance.

g. Results in an increase in public expenditures.

The proposed variation will not result in an increase in public expenditures. The costs related to this variation request will be related to the construction of the new fence and it is the owners' responsibility to pay such costs.

7. Provide evidence that the variation is the minimum variation that will make possible the reasonable use of the land, building or structure.

The proposed variation is the minimum variation that is necessary to make possible the reasonable use of the land. This variation will ensure the protection of the owners' right to safety and privacy on their lot.

The height of the fence surrounding the backyard would be similar to other fences around neighboring yards in the area and around Newton Park.

8. Please add any comments which may assist the commission in reviewing this application.

In determining whether to grant this variance we request that this commission consider the remarks made above and the attachments hereto. This request is based on a need to ensure that we, as homeowners, may execute our right to safety and privacy in our backyard. The right to privacy that we seek to protect is distinguishable from mere inconveniences that may be created by the Glen Ellyn Zoning Code. We reiterate that the particular difficulty or hardship created by the Zoning Code and surrounding public spaces is specific to the unique circumstances of this lot. Furthermore, the hardship is not self-created, and granting this variance will not result in a financial benefit or gain for the homewoners.

VI. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

I (We) certify that all of the statements and documents submitted as part of this application are true and complete to the best of my (our) knowledge and belief.

I (We) consent to the entry in or upon the premises described in the application by any authorized official of the Village of Glen Ellyn.

I (We) certify that I (we) have carefully reviewed the Glen Ellyn Zoning Variation Request Package and applicable provisions of the Glen Ellyn Zoning Code.

I (We) consent to accept and pay the cost to publish a notice of Public Hearing as submitted on an invoice from the publishing newspaper. I (we) understand that our request will not be scheduled for a Village Board agenda until and unless this invoice is paid.

Date	Print Name	Signature of Applicant
9/26/22	Bader Almoshelli	
9/23/2022	Yusra Gomaa	

AFFIDAVIT OF AUTHORIZATION

I, _____ owner of the property described as

verify that _____

is duly authorized to apply and represent my interests before the Glen Ellyn Plan Commission, Zoning Board of Appeals and/or Village Board. Owner acknowledges that any notice given applicant is actual notice to owner.

_____
Owner Signature

Subscribed and sworn to before me this

_____ day of _____, 20_____

_____

Notary Public

OWNERSHIP BY A CORPORATION

Date: _____

Address: _____

Legal Description:

LIST ALL SHAREHOLDERS AND OFFICERS/DIRECTORS (AND % OF INTEREST OWNED IN EXCESS OF 5% OF STOCK)

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

OWNERSHIP BY LAND TRUST

Date: _____

Address: _____

Legal Description:

TRUSTEE: _____ TRUST NO._____

Address: _____

LIST ALL BENEFICIARIES:

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Affidavit Affirming No Conflict of Interest

The undersigned, being duly sworn and under oath, states as follows:

1. My name is Bader Almoshelli, and I hold the position of self for Bader Almoshelli ("***Applicant***").

2. I have personal knowledge of all facts stated in this Affidavit, and if called to testify, I could and would testify competently thereto.

3. I am authorized by the Applicant to make the representations and statements in this Affidavit on the Applicant's behalf in support of the application for development approval ("***Application***") the Applicant filed with the Village of Glen Ellyn ("***Village***").

4. To the best of my knowledge, and as of the Application's date, no individual that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Applicant, the Application, or the project proposed by the Applicant.

5. To the best of my knowledge, and as of the Application's date, no individual that is related to any person that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Applicant, the Application, or the project proposed by the Applicant.

6. I will immediately notify the Village if the Applicant learns of the material inaccuracy of any statement within this Affidavit.

Further affiant sayeth naught.

Name: Bader Almoshelli

Title: self

Applicant's Name: Bader Almoshelli

Subscribed and sworn to me this

24th day of March, 2023.

Mary Rehor

Notary Public

MARY REHOR
Official Seal
Notary Public - State of Illinois
My Commission Expires Apr 1, 2025

X:\Plandev\PLANNING\FORMS\Zoning Variation Request Packet FILLABLE 01062020 lg.doc

PREPARED FOR:
MC MASTER CUSTOM HOMES, INC.
100 W. 22ND STREET
~~SUITE~~ 101
LOMBARD, ILLINOIS 60148
(630-916-4722)
(630-916-4727 FAX)

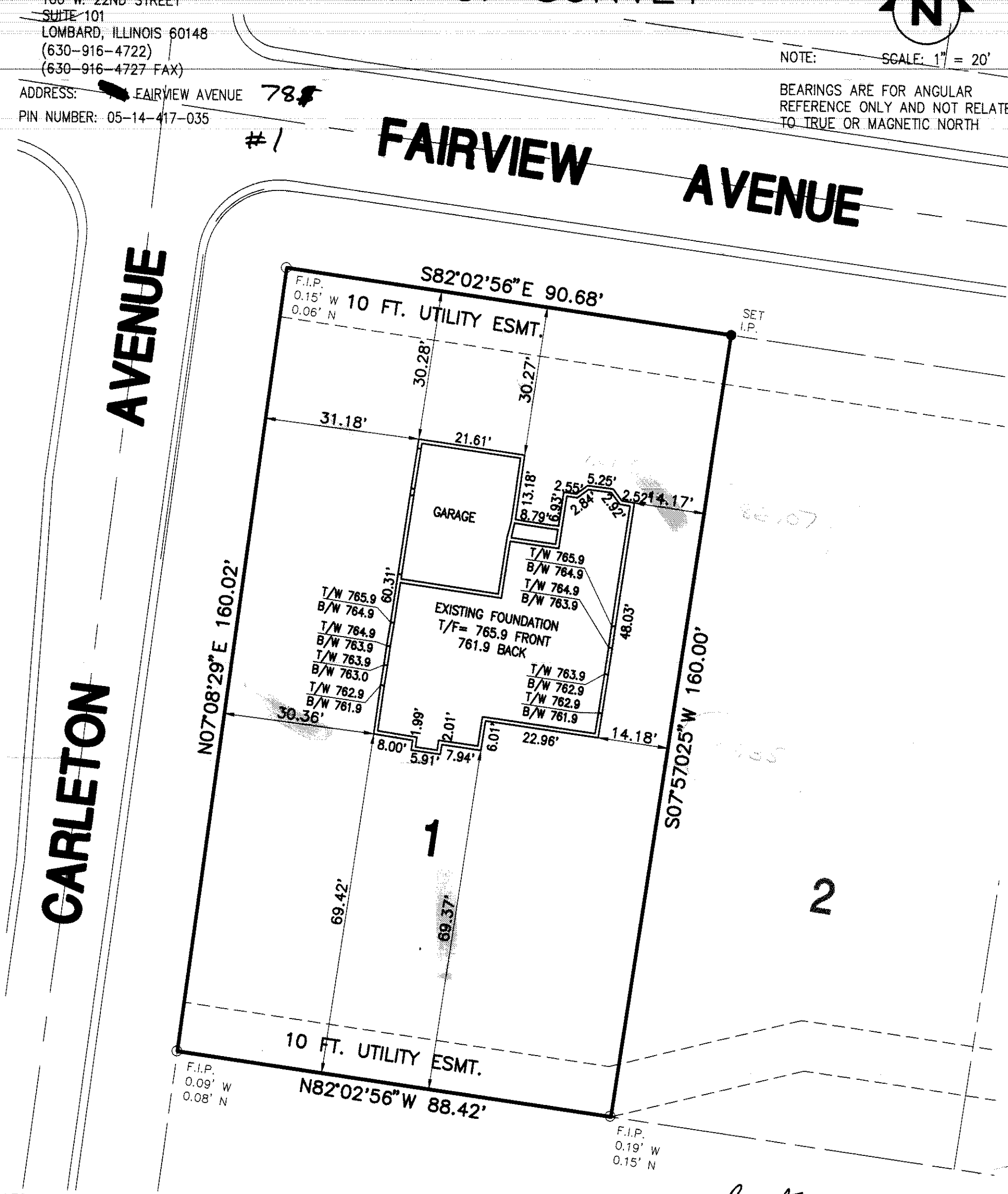
ADDRESS: [redacted] FAIRVIEW AVENUE 785

PIN NUMBER: 05-14-417-035

PLAT OF SURVEY

NOTE: SCALE: 1" = 20'

BEARINGS ARE FOR ANGULAR REFERENCE ONLY AND NOT RELATED TO TRUE OR MAGNETIC NORTH



LEGAL DESCRIPTION:
LOT 1 IN SUNRISE ASSISTED LIVING RESIDENTIAL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 8, 1998 AS DOCUMENT R98-257278, IN DUPAGE COUNTY, ILLINOIS.

Spot

RECEIVED
JUL 17 2002
PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN

STATE OF ILLINOIS)
)SS
COUNTY OF DU PAGE)

I, PAUL A. THOMSON, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY DECLARE THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

GIVEN UNDER MY HAND AND SEAL AT ELMHURST, ILLINOIS, THIS 16th DAY OF July, A.D. 2002.

PAUL A. THOMSON 35-2466 PROFESSIONAL LAND SURVEYOR OF ILLINOIS

ILLINOIS PROFESSIONAL LAND SURVEYOR No. 2466

PS BUSINESS CONSULTANTS, INC.
399 POPLAR AVENUE
ELMHURST, ILLINOIS 60126
PHONE: 1-630-782-9550

GLEN ELLYN BENCHMARK:

758.89 - TOP NUT ON HYDRANT AT SW CORNER OF BRYANT & FAIRVIEW.

SITE BENCHMARK:

757.63 - NW BONNET BOLT ON HYDRANT AT SW CORNER OF OF BRYANT & FAIRVIEW.

736L1FND

PREPARED FOR:
MC MASTER CUSTOM HOMES, INC.
100 W. 22ND STREET
~~SUITE~~ 101
LOMBARD, ILLINOIS 60148
(630-916-4722)
(630-916-4727 FAX)

ADDRESS: [redacted] FAIRVIEW AVENUE 785

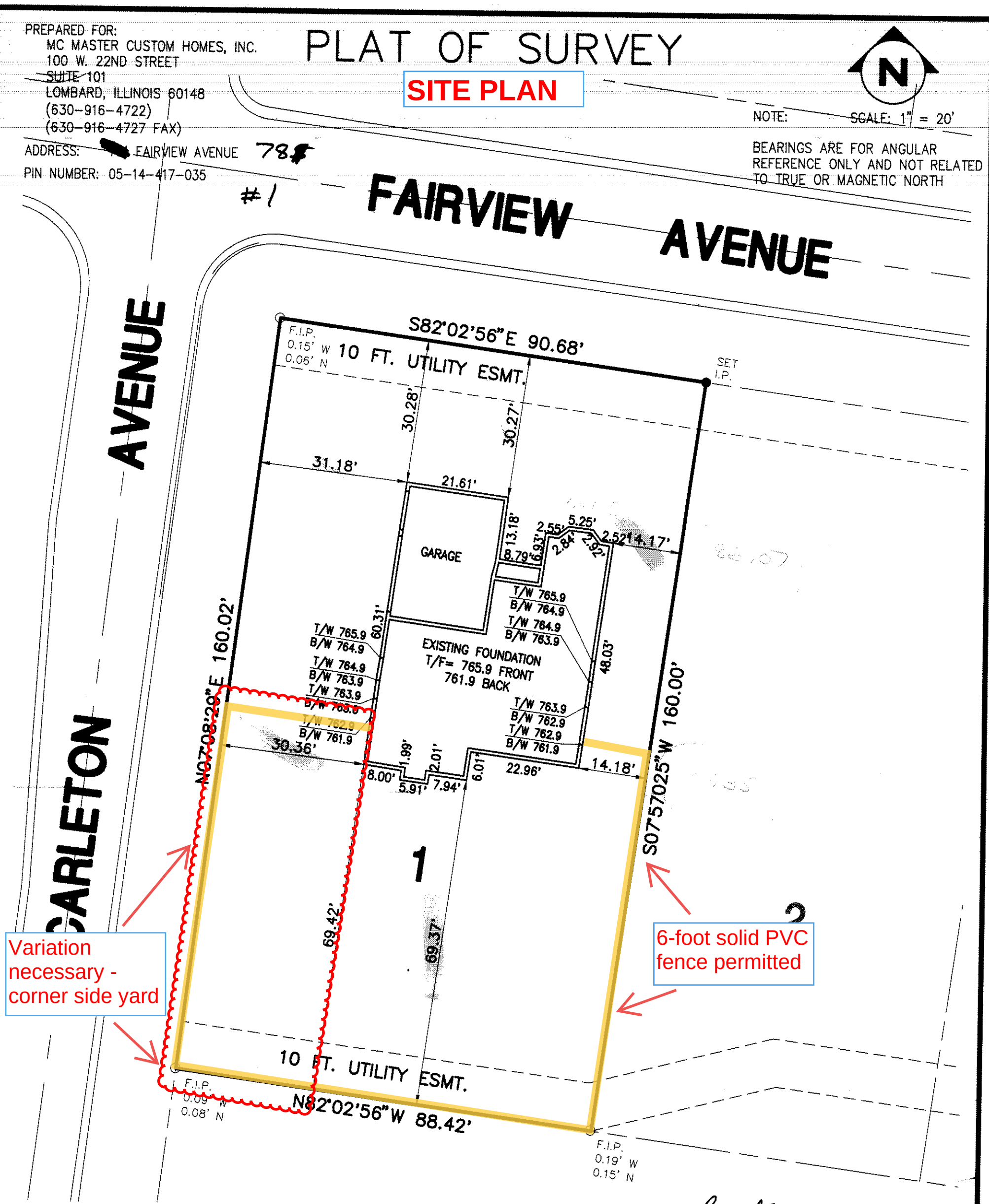
PIN NUMBER: 05-14-417-035

PLAT OF SURVEY

SITE PLAN

NOTE: SCALE: 1" = 20'

BEARINGS ARE FOR ANGULAR REFERENCE ONLY AND NOT RELATED TO TRUE OR MAGNETIC NORTH



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STATE OF ILLINOIS)
)SS
COUNTY OF DU PAGE)

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Spot

RECEIVED
JUL 17 2002
PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN

GLEN ELLYN BENCHMARK:

758.89 - TOP NUT ON HYDRANT AT SW CORNER OF BRYANT & FAIRVIEW.

SITE BENCHMARK:

757.63 - NW BONNET BOLT ON HYDRANT AT SW CORNER OF OF BRYANT & FAIRVIEW.

736L1FND

KATHLEEN V. CARRIER, RECORDER
DUPAGE COUNTY ILLINOIS
03/02/2021 11:03 AM
RHSP
COUNTY TAX STAMP FEE 335.00
STATE TAX STAMP FEE 670.00

DOCUMENT # R2021-033053

WARRANTY DEED
ILLINOIS STATUTORY
Individual

CT 21GNW4501 1/2

THE GRANTORS, NINO A. CONTI and SHEILA M. CONTI, husband and wife, owners in FEE SIMPLE of 781 Fairview Ave., Glen Ellyn, IL 60137, for and in consideration of TEN DOLLARS ($10.00) and other good and valuable consideration in hand paid, CONVEY and WARRANT to the GRANTEES, BADER ALMOSHELLI and YUSRA GOMAA, husband and wife

to hold all interest ~~as~~ not as joint tenants or tenants in common but as Tenants by the entirety.
in the following described Real Estate situated in the County of DuPage, in the State of Illinois, to wit:

LEGAL DESCRIPTION:

LOT 1 SUNRISE ASSISTED LIVING RESIDENTIAL SUBDIVISION, BEING A SUBDIVISION IN PART OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 8, 1998 AS DOCUMENT R98-257278, AND RECORDED AGAIN AUGUST 26, 1999 AS DOCUMENT R99-186111, IN DUPAGE COUNTY, ILLINOIS.

SUBJECT TO: covenants, conditions and restrictions of record and building lines and easements, if any, provided they do not interfere with the current use and enjoyment of the Real Estate; and general real estate taxes not due and payable at the time of Closing.

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Real Estate Index Number(s): 05-14-417-033

Address(es) of Real Estate: 781 Fairview Ave., Glen Ellyn, IL 60137

Dated this 12th day of February, 20 21.

NINO A. CONTI

SHEILA M. CONTI

STATE OF ILLINOIS, COUNTY OF Cook ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY that NINO A. CONTI and SHEILA M. CONTI, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of any right of homestead.

Given under my hand and official seal, this 12th day of February, 20 21.

OFFICIAL SEAL
ZACHARY R LYNN
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires April 26, 2022

(Notary Public)

Prepared by:

Zachary Lynn, Esq.
Law Office of Zachary Lynn
1215 S. 12th Street
Saint Charles, IL 60174

Village of Glen Ellyn
Real Estate Transfer Tax
023469
Sale $ 670,000.00
Tax $ 2,010.00
Date 2/19/21 Initials CB

Mail to:

Amy Ezeldin, Esq.
Ezeldin Law Firm
8855 South Roberts Road
Hickory Hills, IL 60457

Name and Address of Taxpayer:
BADER ALMOSHELLI & YUSRA GOMAA
781 Fairview Ave.
Glen Ellyn, IL 60137

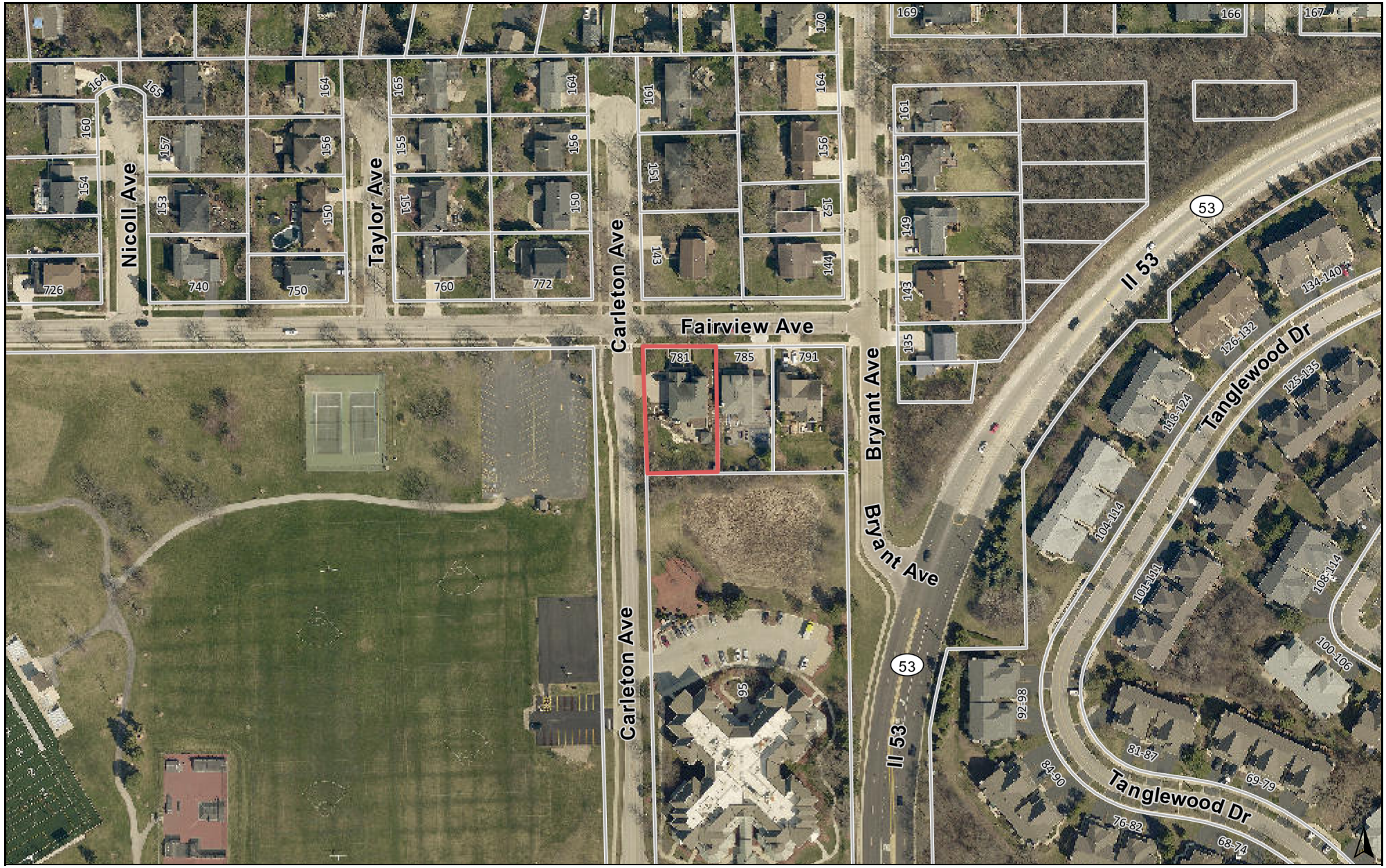
LEGAL DESCRIPTION

Order No.: 21GNW450118PK

For APN/Parcel ID(s): 05-14-417-033-0000

LOT 1 SUNRISE ASSISTED LIVING RESIDENTIAL SUBDIVISION, BEING A SUBDIVISION IN PART OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 8, 1998 AS DOCUMENT R98-257278, AND RECORDED AGAIN AUGUST 26, 1999 AS DOCUMENT R99-186111, IN DUPAGE COUNTY, ILLINOIS.

GISConsortium | 781 Fairview Ave. - Aerial Map



0 300 600 ft

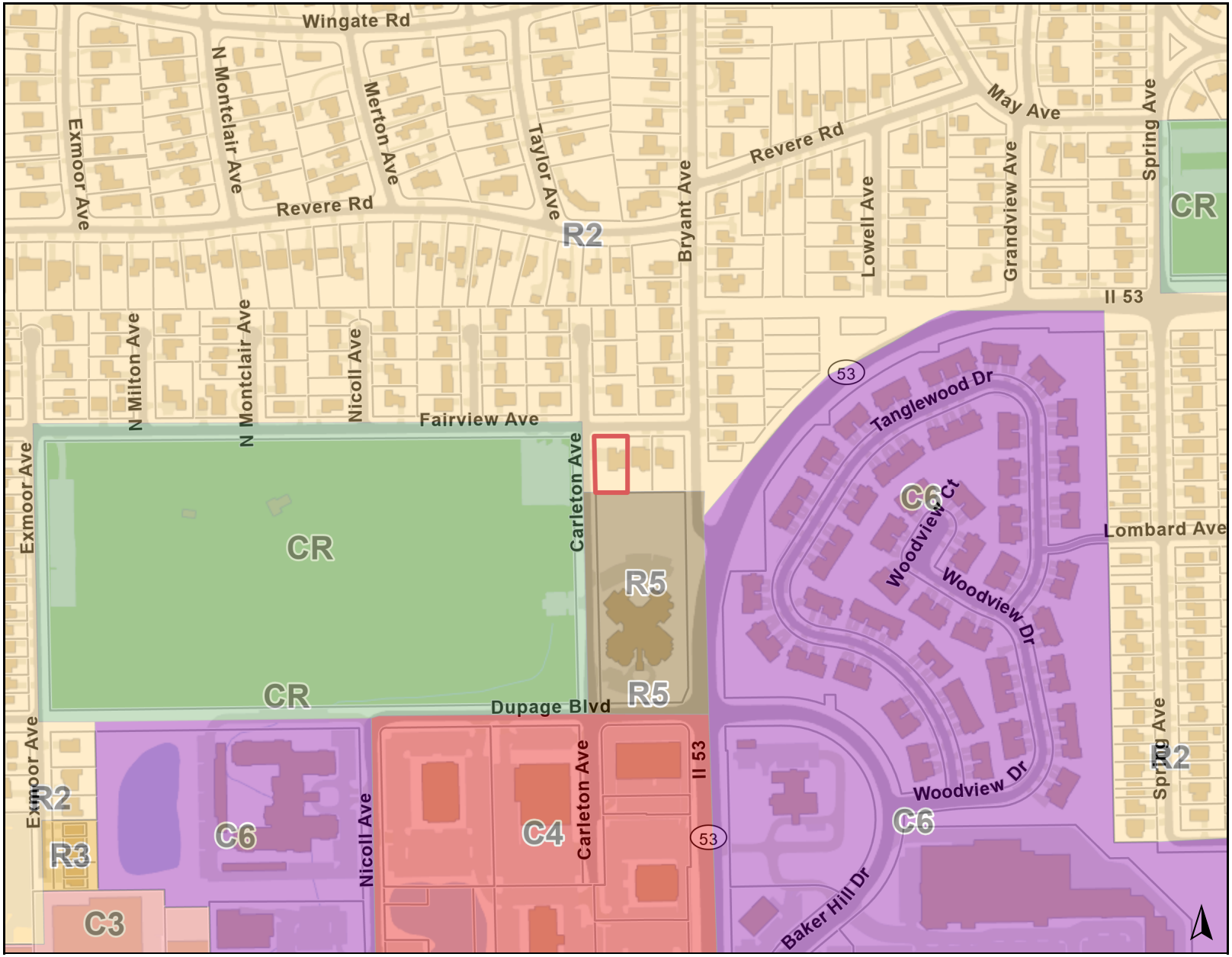
Print Date: 4/13/2023

Notes

Zoning Variation

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

GISConsortium | 781 Fairview Ave. - Zoning Map



Legend

Zoning and Development

Zoning

- C3: Service Commercial District
- C4: Office District
- C6: Commerical/Multi-Use Planned Development District
- CR: Conservation/Recreation District
- R2: Single Family Residential District
- R3: Multi-Family Residential District
- R5: Planned Residential District

0 500 1000 ft

Print Date: 4/13/2023

Notes

Zoning Variation request

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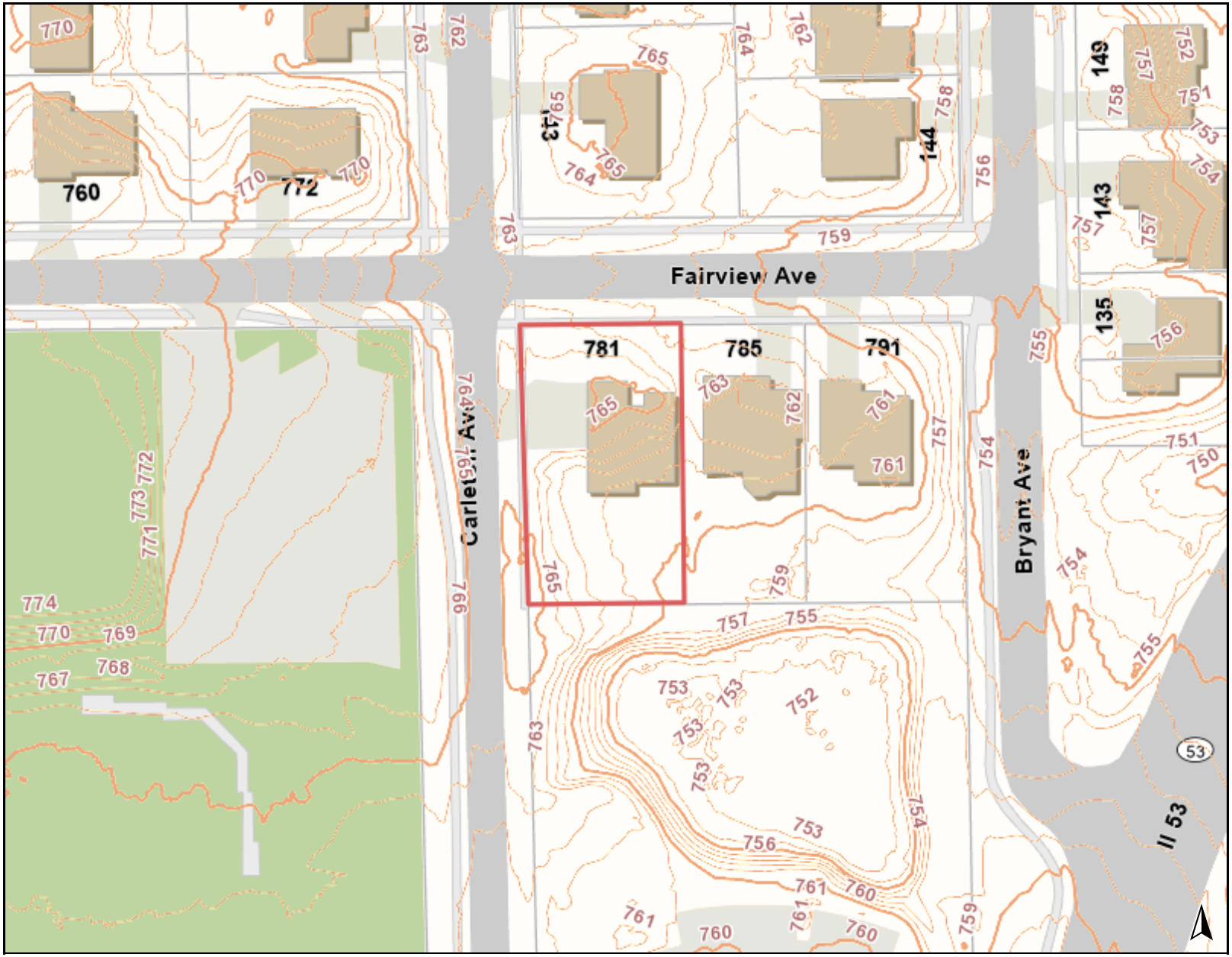
GISConsortium | 781 Fairview Ave. - Contour Map



Legend

DuPage County

DuPage County 1' 2017 Contours

Contour Line, Intermediate

Contour Line, Major

0 150 300 ft

Print Date: 4/13/2023

Notes

Zoning Variation request

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

RECEIVED
MAR 28 2023
VILLAGE OF GLEN ELLYN

EXHIBIT A

10-5-5. - Yards.

(A) *Minimum yard space:* The minimum yard space required for one structure shall not again be considered as yard space for another structure;

(B) *Permitted obstructions in required yard setbacks:*

1. Walls, fences, signs, landscape plant material (excluding grass, ground cover, or other approved ground stabilizing material), and other obstructions shall be prohibited in those portions of a lot:

   (a) Where the vision of drivers of motor vehicles and bicycles, and the safety of pedestrians walking along the sidewalk or street is unreasonably obstructed or interfered with;

   (b) Encumbered by a detention, drainage, or access easement.

2. Landscape plant materials and trees shall be further restricted in the visibility triangle on corner lots. Shrubs shall be maintained to a maximum height of 36 inches and tree branches shall be eight feet or higher. Heights shall be measured above the average grade at the centerline of the adjacent street pavement.

3. The eaves of all accessory structures shall not exceed 12 feet above the structure's grade.

4. The following table outlines obstructions that are permitted in required setbacks. The regulations column applies to all accessory structures, regardless of whether they are located in a required yard. Roofed over structures shall be located a distance equal to five percent of the lot width and no less than three feet from the rear and side property lines and 20 feet from the corner side property line or as further restricted or allowed in this section and table 10-5-5(B)4 of this section.

TABLE 10-5-5(B)4

PERMITTED OBSTRUCTIONS AND ACCESSORY STRUCTURES IN REQUIRED SETBACKS

Obstruction	Front (Corner)	Side	Rear	Regulations
1. Air conditioner	X	X	X	Limitations:
				(a) Window unit only
				(b) Projecting 1.5' or less into yard
2. Animal shelter			X	Limitations: Small

3. Arbor (trellis, pergola, ornamental gate and other similar structures)	X	X	X	(a) Limitations: Constructed of open material (b) Height: 10' maximum (c) Length: 20' maximum total (d) Area: Shall not exceed 250 sq. ft.
4. Balcony			X	Limitations:
				(a) Must be open and uncovered
				(b) Projecting no more than 4' into yard
5. Bay window	X		X	Limitations:
				(a) One story bay
				(b) Projecting 3' or less into yard
				(c) Cantilevered
6. Breezeway			X	Limitations: Provided said connection is open on all sides
7 Chimney	X	X	X	(a) Limitations: Projecting 2' or less into yard

8. Deck			X	(a) Limitations: Must be open and uncovered (b) Height: Not over 7 feet above the average level of the adjoining ground when located in the required rear yard setback. Decks constructed outside of a required rear yard shall not be limited in height. (c) Location: No closer to a rear property line than 10% of the lot width (d) Allowances: A non-conforming deck located in the required rear yard may be replaced and rebuilt to the same height as the existing non-conforming deck provided the only non-conformity of the deck is the height
9. Eave	X	X	X	Limitations: Projecting 3' or less into yard and no closer than 1.5' from the lot line

10. Electric Vehicle Charging Station	X	X	X	(a) Limitations: (1) Private charging stations shall be accessory to the primary permitted use of said district. (2) Charging stations located at single-family dwellings shall be designated as private use only. (3) Public charging stations are permitted in commercial, industrial, and multi-family districts only when accessory to the primary permitted use. (4) See Section 10-5-22 of this title for further regulations regarding electric vehicle charging station equipment.

11. Emergency generator	X (corner side only)	X	X	(a) Limitations: All sides of the equipment visible from a public way shall be obscured by a variety of plant material or a screen wall (b) Location: An emergency generator may be located 5% of the lot width (but not less than 2.5 feet) away from the side or rear property line provided it is tested only between the hours of 9:00 a.m. and 5:00 p.m. once a week for a maximum of 30 minutes (c) Allowances: The Community Development Director may allow an emergency generator to be located in a front yard if he/she determines that there is no other reasonably viable location on the site to place the generator
12. Fence	X	X	X	(a) Limitations:
				(1) 33.3% open in front and corner side yard setbacks

				(2) Material (such as barbed wire, electrified, or any matter) that creates a system that is inherently dangerous to a pedestrian using the public sidewalks or public rights-of-way is prohibited
				(3) Exposed structural elements shall face toward the property on which the fence is constructed
				(4) In the residential estate district, chain-link fences shall be prohibited in the front yard and corner side yard
				(b) Height:
				(1) Measured from ground level on the inside of the fence to the highest point of the fence
				(2) 3' maximum in visibility triangle

				(3) 6' maximum for fence located no closer to the street than the principal structure on a lot
				(4) 4' maximum all other areas of the lot
				(c) Additional allowances:
				(1) On lots fronting on 2 nonintersecting streets, a 6' tall fence shall be permitted if a "no access" provision has been recorded for that frontage and if the rear of the homes on both adjacent lots are facing the same street. Unless the fence will be located along a street that is under the jurisdiction of either DuDOT or IDOT, or is a public alleyway, such fence shall be positioned 4' inside the property and maintained with viable shrubs planted 4' on center along the outside of the fence in perpetuity.
				(2) Masonry columns no greater than 2' x 2' in size and placed no closer than 8' on center

				(3) Fence posts and top caps may extend up to 6" above the fence height. The height of a cap located on top of a masonry column shall be no higher than the height of the column or a maximum of 9' tall measured from ground level
				(4) The bottom of a fence may be located up to 4" above ground level. Such distance shall not be counted toward the fence height
13. Fireplace, facing lot line	X		X	Limitations: Projecting 2' or less into yard
14. Flagpole	X		X	(a) Limitations: No more than 3 poles (b) Height: Shall not exceed the maximum height permitted for the principal structure on the lot in the subject zoning district
15. Garage, detached	X	X	X	(a) Limitations: Per definition

	(corner side only)			(b) Height: Per zoning district, measured from the top of the slab at the midpoint of the front of the garage to the highest point of the structure
				(c) 660 sq. ft. maximum area, except in the residential estate district, where a maximum of 750 sq. ft. shall be permitted
				(d) Detached garages shall only be permitted in the corner side yard on corner lots
				(e) Detached garages shall be prohibited in the front yard and in the corner side yard of reversed corner lots
16. Gazebo			X	(a) Limitations: Constructed primarily of open sides that may have screens
				(b) Height: 15' maximum above its finished grade
				(c) Area: Shall not exceed 250 sq. ft. in area
17. Greenhouse, noncommercial			X	(a) Limitations: Constructed primarily of glass

				(b) Height: 15' maximum above its finished grade
				(c) Area: Shall not exceed 250 sq. ft. in area
18. Gutter or downspout	X	X	X	Limitations: Projecting 3' or less into yard and no closer than 1.5' from the lot line
19. Impervious Surface	X	X	X	(a) Limitations: Expansion of existing or new impervious surface is prohibited except as defined herein. (b) Distance: Pervious surface must be maintained as identified in 10-5-5(C). (c) Area: (1) 50% or less of each required front, corner side, and rear yard (calculated independently) may be impervious surface in the R0, R1, R2, and R3 zoning districts. For all corner lots, the size of the rear yard shall be the area bounded by the side lot line, rear lot line, corner side lot line, and rear setback line. See Figure 15 in Section 10-11-2. (2) 35% or less of the front yard may be impervious surface in the R4 zoning district

				(3) In the Residential Estate district, 25% or less of each required front, corner side and rear yard (calculated independently) may be impervious surface. For all corner lots, the size of the rear yard shall be the area bounded by the side lot line, rear lot line, corner side lot line, and rear setback line. See Figure 16 in Section 10-11-2. (d) Allowances: (1) Field adjustments to accommodate existing site conditions may be allowed subject to approval and documentation by the appropriate Village staff (2) Structures used for primarily commercial uses in the C5A and C5B zoning districts shall be exempt from the distance to lot line regulation (3) An existing impervious surface which does not meet the provisions of this section may be reconstructed, replaced or repaired in the current location within the property limits provided an accurate plat of survey dated prior to March 1, 1999, identifying the existence of the nonconforming surface is provided

20. Mechanical and electrical equipment, private (such as HVAC units and pool equipment)			X	(a) Limitations: (1) Must be a distance equal to 10% of the lot width from any property line (2) All sides of the equipment visible from a public way shall be obscured by a variety of plant material or a screen wall (3) Existing HVAC units which do not meet the provisions of this section may be maintained or replaced in the same location if documentation or evidence dated prior to January 1, 2007 is submitted verifying the existing location of the HVAC unit and the required screening is installed
21. Mechanical equipment, public utility		X	X	Limitations: All sides of the equipment visible from a public way shall be obscured by a variety of plant material or a screen wall
22. Parking space, off street	X	X	X	Limitations: Provided spaces comply with all paving, impervious surface and screening regulations of this title
23. Pond	X		X	Limitations:

				(1) Must be located 10% of lot width away from any property line
				(2) Must comply with all building and Zoning Code regulations for swimming pools if depth of water is 2' or greater, unless otherwise approved by special use permit for a PUD
24. Pool house (cabana)			X	(a) Height: 15' maximum above finished grade
				(b) Area: Shall not exceed 250 sq. ft.
25. Porch	X			Limitations:
				(a) Must be open sided and shall be permanently roofed over
				(b) May project up to 25% into required yard
				(c) Floor area above porch may not be enclosed

				(d) Porch must be on first floor level only
26. Portable storage (i.e., PODS)	X		X	Limitations: (a) May be located on a property not more than 30 days in a calendar year and not greater than 15 consecutive days at any one time
				(b) Must be located on a hard surface
27. Portable toilet	X	X	X	Limitations:
				(a) May be located on a zoning lot during construction only, and for which a building permit has been issued
				(b) No less than 10' from front and corner side property lines and 10% of lot width from all side and rear property lines

28. Ramps, accessibility	X		X	(a) Limitations: Must be needed to provide access to a permitted building or zoning lot from an alley or street (b) Height: 4' or less
29. Recreational equipment			X	Limitations: Must be located 10% of lot width away from any property line
30. Shed (see subsection 10-5-4(A)2(b) of this chapter)		X	X	(a) Limitations: Used for storage purposes only (b) Height: 15' maximum ridge
				(c) Area: 150 sq. ft. maximum
31. Sign	X	X	X	Limitations:
				(a) In accordance with the sign code ordinance
				(b) Provided they are not within the visibility triangle on corner lots and at driveway approaches
32. Solar Energy System, Ground-Mounted			X	Limitations: A ground-mounted solar energy system shall be located a distance equal to or greater than 10% of the lot width from a property line

33. Solar Energy System, Structure-Mounted			X	Limitations: (1) A structure-mounted solar energy system shall maintain the same setbacks as the structure the system is mounted on (2) A three foot (3') clearance shall be maintained between the top of the solar energy system and the ridge height of the building
34. Residential sport court			X	Limitations:
				(a) All courts, appurtenances and equipment must be 10% of the lot width away from the property line
				(b) Accessories shall not exceed 15' in height
				(c) The intensity of lighting shall not be greater than 0.5 foot- candle measured at the ground at the lot line

35. Stairs or steps	X		X	Limitations: Must be needed to provide access to a permitted building or zoning lot from an alley or street and not exceed 4' in height
36. Swimming pools (private)			X	Limitations: (a) All pools, equipment, appurtenances and associated walks must be 10% of the lot width away from the property line
				(b) Associated decks shall comply with the deck requirements above
				(c) In the residential estate district, private swimming pools shall only be permitted in the rear yard with a minimum of a 30' setback from the rear lot line
37. Tent	X		X	Limitations:
				(a) Requires Village Board approval for nonresidential use

				(b) Shall be limited to 48 hour maximum duration per year per zoning lot
				(c) All tents (except if used exclusively for recreational camping purposes) are subject to this code
38. Terrace (patio)	X		X	(a) Limitations: Open and uncovered
				(b) Height: Not over 3' above the average level of the adjoining ground
39. Wall, retaining	X	X	X	Limitations:
				(1) Retaining wall 3' or less in height must be set back from any property line a minimum distance equal to 5% of the lot width

				(2) Retaining wall greater than 3' in height shall be considered a structure and must be set back a distance equal to 10% of the lot width (side yard setback) from all property lines
				(3) If deemed necessary and approved by a Village Engineer, the setback requirement for retaining walls may be reduced provided the site grading plan is designed to have no adverse impact of stormwater runoff to adjacent properties

40. Wall, screen (including refuse and recycling, loading dock, and mechanical equipment)		X	X	(a) Limitations: (1) Required for bulk garbage and recycling containers on commercial, multi-family and nonresidential lots (2) Enclosure shall be constructed of the same material as the walls of principal structure on the zoning lot (3) Must be open on top (4) Must enclose three of four sides of refuse and recycling containers and be gated on the fourth side with a durable material (b) Height: Sufficient to screen all containers within the walls and no greater than 8' unless authorized as part of a special use or PUD (c) Shall not be located in the front of a building
41. Wells; access, area and window	X	X	X	Limitations: All portions of the structure must be 8" or less above grade level

(C) *Impervious surfaces setback:*

1. *New construction, class II and III alterations, class III additions:*

Lot Width	Distance (Between Edge Of Impervious Surface And Lot Line)
66' and less	2% of lot width

More than 66' to 90' or less	3% of lot width
More than 90' to 100' or less	4% of lot width
More than 100'	5% of lot width

2. *All other property:* The expansion of an existing impervious surface and new impervious surfaces on improved lots shall not be permitted unless the proposed surface is in conformance with the percentages outlined above. The location of an existing impervious surface which does not conform to the provisions of this section may be maintained in the same location provided the property owner can either present an accurate plat of survey dated prior to March 1, 1999, indicating the location of the impervious surface or demonstrate they have owned the property prior to March 1, 1999.
3. *Exceptions:*
   (a) Structures used for primarily commercial purposes in the C5A and C5B zoning districts shall be exempt from this regulation.
   (b) Driveways and pedestrian walkways that traverse a property line at generally a 90-degree angle and which are intended to provide a connection between the adjacent street or sidewalk and a principal or accessory use or structure on a lot provided the width of the surface is equal at each side of the lot line.
   (c) A single-family detached residential driveway located on a lot with a lot width greater than 100 feet need not be located further than five feet from a property line.
   (d) Existing, primary shared residential driveways between two homes shall be exempt from this regulation, provided that all other requirements of the Zoning Code are met.

(Ord. 3617, 5-8- 1989, eff. 6-1-1989; amd. Ord. 5035, 1-14-2002, eff. 3-1-2002; Ord. 5271, 6-14- 2004; Ord. 5365, 6-13-2005; Ord. 5543, 1-22-2007; Ord. 6015, 3-26-2012; Ord. 6208, 1-13-2014; Ord. 6601, 5-14-2018; Ord. 6607, 6-4-2018; Ord. 6674, 2-25-2019; Ord. 6684, 3-11-2019; Ord. 6742, 12-9-2019; Ord. 6960, 5-23-2022)

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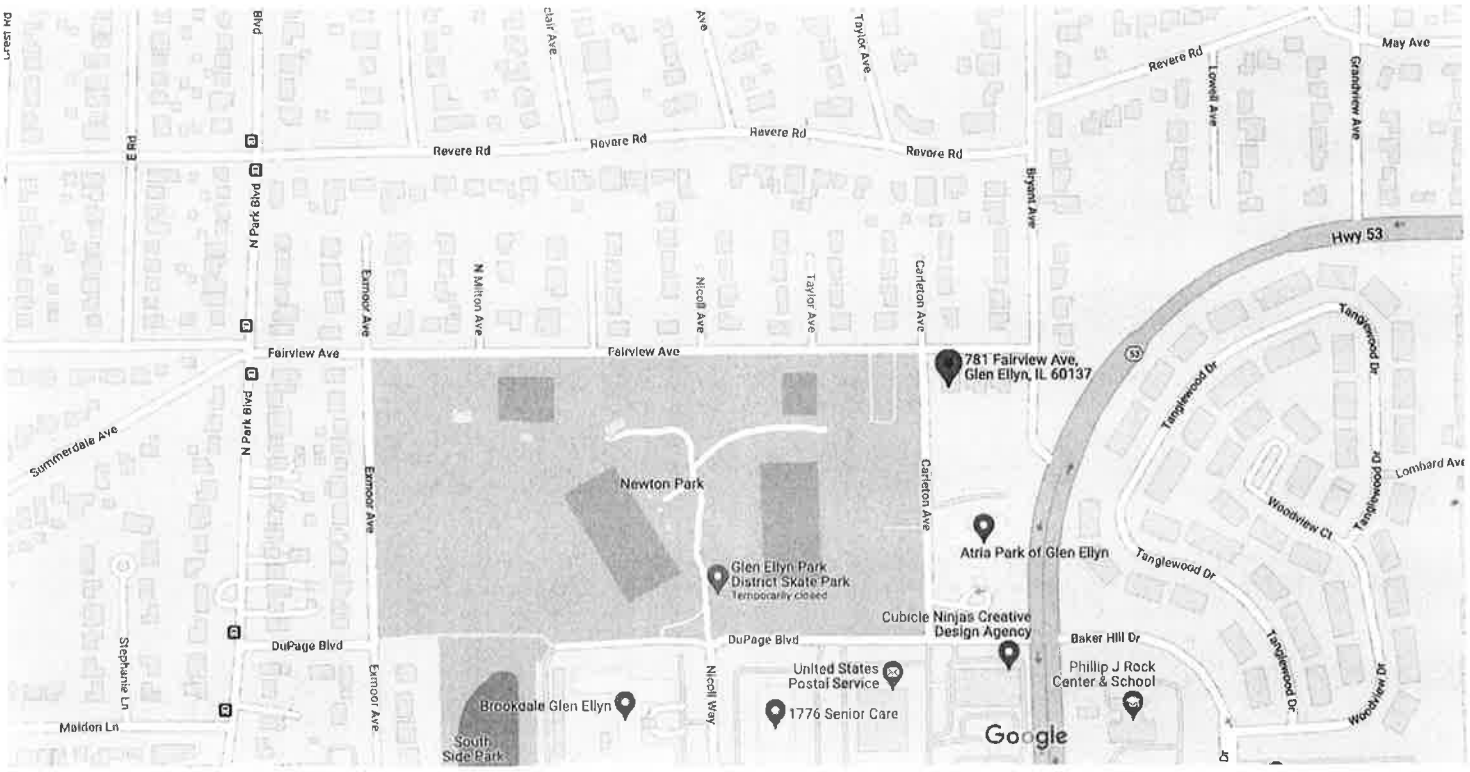
VILLAGE OF GLEN ELLYN

EXHIBIT B

781 Fairview Ave



781 Fairview Ave

Building

Directions Save Nearby Send to phone Share

781 Fairview Ave, Glen Ellyn, IL 60137

Photos

Google Maps 139 Carleton Ave

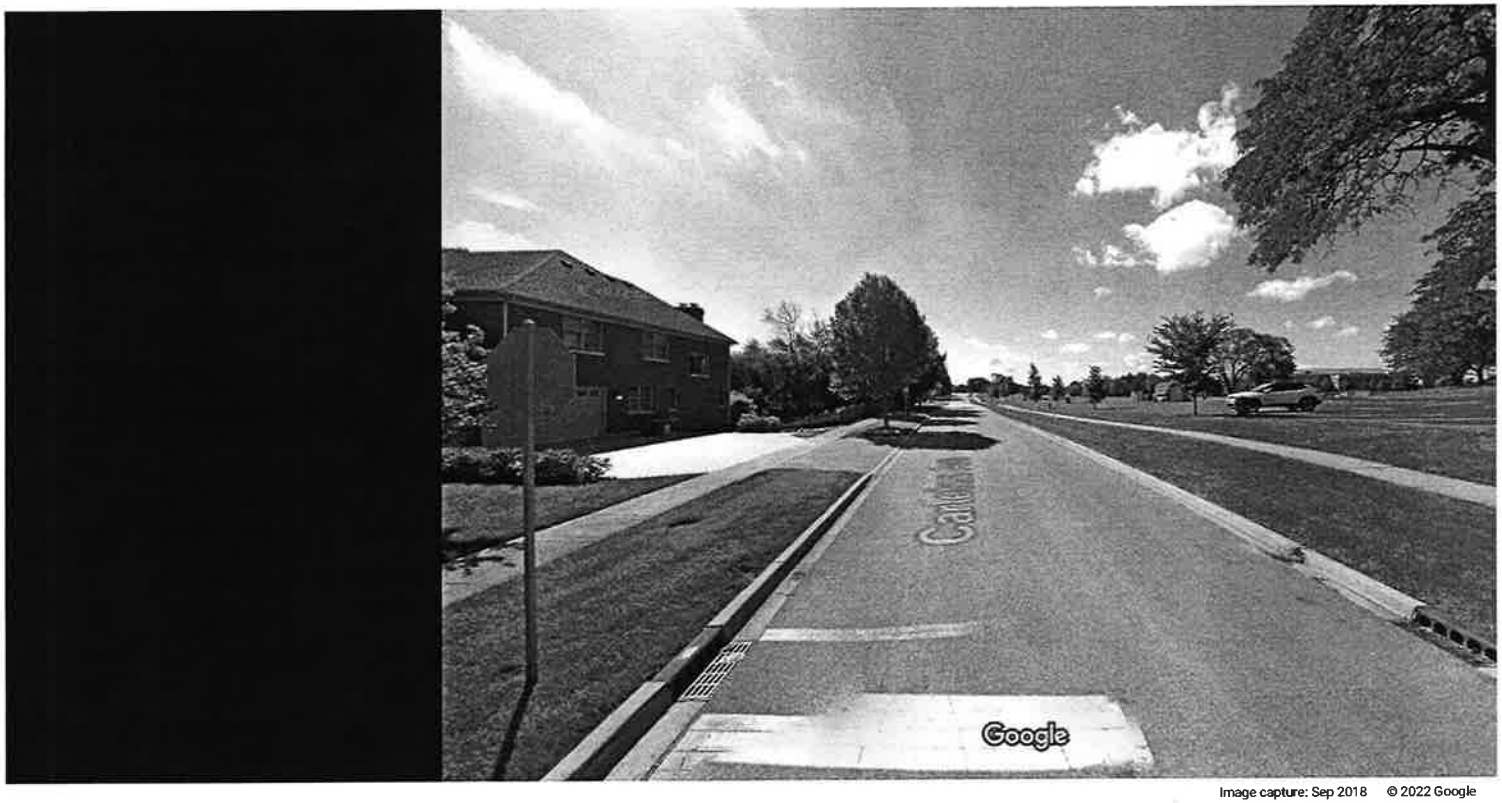


Image capture: Sep 2018 © 2022 Google

← 781 Fairview Ave

Google Maps 139 Carleton Ave

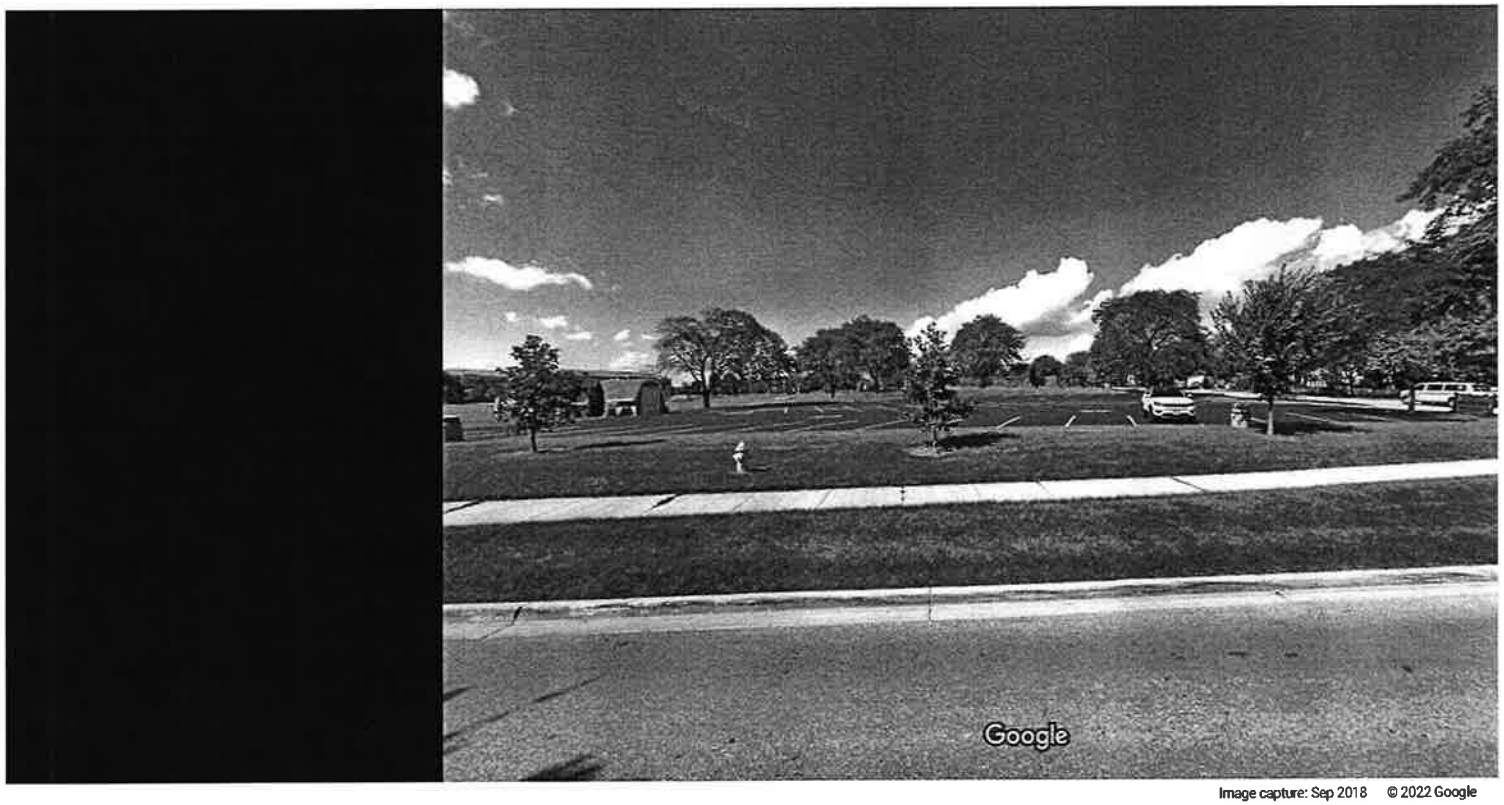


Image capture: Sep 2018 © 2022 Google

← 781 Fairview Ave

Google Maps 139 Carleton Ave

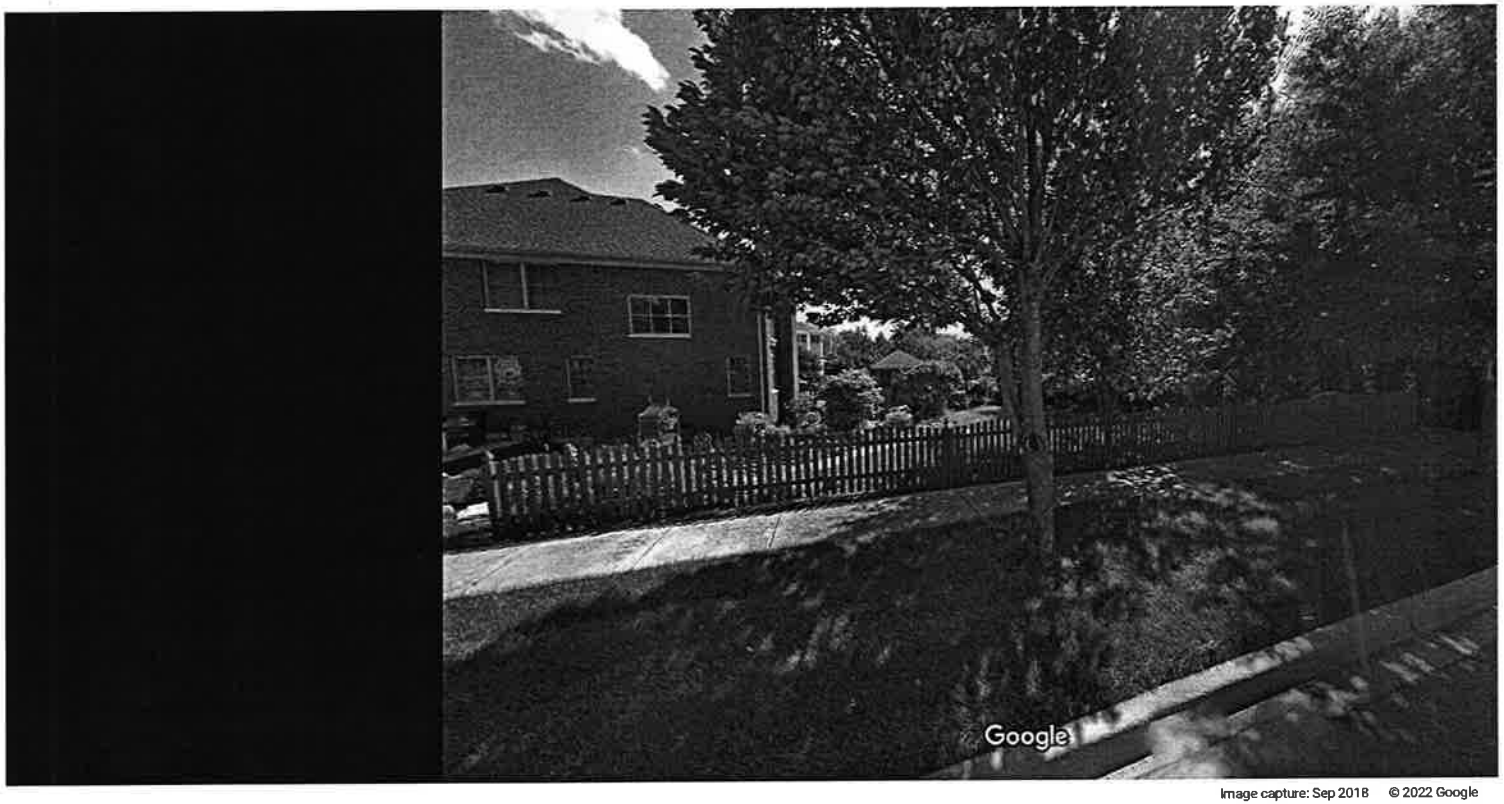


Image capture: Sep 2018 © 2022 Google

← 781 Fairview Ave

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EXHIBIT C

10-4-8. - R2 Residential District.

(A) *Permitted uses:*

1. Single-family dwelling.
2. Public park or playground.
3. Public school, elementary and high, or private school having a curriculum equivalent to a public school, elementary or high, and all such public or private schools having no rooms regularly used for housing or sleeping purposes.

All permitted uses must also comply with all applicable requirements contained in chapter 5, "Supplementary Regulations", of this title as well as all other pertinent regulations in this title.

(B) *Special uses:* No enumerated special use shall be considered to be an accessory use to any other permitted or special use, and a separate permit shall be required for each separate special use.

1. Adult daycare center, in other than a dwelling.
2. Cemetery.
3. Church.
4. Convent, monastery and seminary.
5. Cultural facility.
6. Daycare center, in other than a dwelling.
7. Food pantry, as an accessory use to a church.
8. Group home (up to four residents).
9. Planned residential development on a site of one acre or more, in accordance with the provisions of the "planned unit development regulations", provided, however, that no planned residential development shall have a building height in excess of 35 feet.
10. Nursery, prekindergarten, stand alone kindergarten, play, special and other private school.
11. Privately operated, not for profit, lake, swimming pool, or tennis court, on a site not less than five acres.
12. Private recreational facility where buildings do not occupy more than ten percent of the site area.
13. Public use.
14. Public utility and public service use.
15. Television and radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flagpole which exceed the maximum height.

All special uses must also comply with all applicable requirements contained in chapter 5, "Supplementary Regulations", of this title, as well as all other pertinent regulations in this title.

(C) *Accessory building and uses:* See sections 10-5-4, "Accessory structures and uses", and 10-5-5, "Yards", of this title.

(D) *Minimum yard and lot requirements:*

1. *Front yard:* The front yard setback distance shall be measured from the front lot line to the closest enclosed point of the principal structure. The initial principal structure erected on a lot in a subdivision recorded with the DuPage County Recorder of Deeds office after March 1, 1999, may be constructed to the minimum required front yard setback line of 30 feet.
   (a) Thirty feet in depth, and
   (b) The proposed principal structure (or addition thereto) shall be no closer to the street than the closest principal structure on either adjacent lot on the same block and same side of the street, but
   (c) The proposed principal structure (or addition thereto) need not be farther than 50 feet from the front lot line.
2. *Rear yard:* Forty feet in depth.
3. *Interior side yard:* Minimum interior side yard setback: Each side yard shall be six and one-half feet or ten percent of the lot width, whichever is greater.
4. *Corner side yard setback:*
   (a) Thirty feet except
   (b) On a parcel with a nonconforming lot width, the minimum corner side yard setback shall be 30 percent of the lot width.
5. *Lots fronting on two nonintersecting streets:* On lots fronting on two nonintersecting streets, with the exception of alleys, where access on both public ways is allowed, a front yard must be provided on both streets. Where a lot fronts on two nonintersecting streets, one of which is an improved or unimproved alley, the yard closest to the alley shall be considered a rear yard.
6. *Minimum width:* The minimum width of each side yard for schools and special uses shall be 25 feet.
7. *Lot area:* 8,712 square feet.
8. *Lot width:*
   (a) Interior lot: 66 feet and
   (b) Corner lot: 80 feet.
9. *Lot depth:* 110 feet.

(E) *Maximum lot coverage ratio:*

1. *Lot coverage ratio, more than one story:* Lot coverage ratio, single-family dwellings, more than one story, and accessory buildings: 20 percent of the lot.
2. *Lot coverage ratio, one-story and accessory buildings:* Lot coverage ratio, single- family dwellings, one-story and accessory buildings: 35 percent of the lot.
3. *Lot coverage ratio bonuses:*

   (a) The first 500 square feet of the area of any detached garage shall be excluded from the lot coverage ratio calculation provided there is no attached garage unless the attached garage doors are oriented perpendicular (90 degrees or greater away from the street) to the front or corner side lot line. For an arc shaped front or corner side lot line, garage doors shall be oriented perpendicular (90 degrees or greater oriented away from the street) to the tangent or chord dimension measured in the interior of the lot.

   (b) The first 240 square feet of a porch, located in the front yard or in the corner side yard, which has a minimum depth of six feet with no more than one side of the porch enclosed by a vertical wall, shall be excluded from the lot coverage ratio;

   Or

   The first 140 square feet of the area of a porch, located in the front yard or in the corner side yard, which has a minimum depth of six feet and is open on at least two sides shall be excluded from the lot coverage ratio.

(F) *Maximum height:*

1. *Building height:* (For additional information regarding building height or mansard roofs, see the definition of "eave" in section 10-2-2 of this title and refer to section 10-11-2, figure 5 of this title.)

Lot Width	Maximum Ridge	Ridge Maximum (With Bonus)	Maximum Eave, Parapet Or Low Sloped Roof	Eave Parapet Or Low Sloped Roof Maximum (With Bonus) [4]	Maximum Detached Garage Ridge	Maximum Detached Garage Eave Parapet Or Low Sloped Roof
50' or less	32'	n/a	22' [4]	n/a	17'	12' [4]

>50' to <66'	32'	35' [1]	22' [4]	n/a	17'	12' [4]
≥66' to ≤90'	35'	40' [1,3]	25' [4]	30 [2,4]	22'	12' [4]
>90	37'	42' [1,3]	27' [4]	32' [2,4]	22'	12' [4]

Ridge height bonus (not to be used in the combination of a "setback" and "raised front porch"):

Notes:

1. *Setback bonus; ridge:* An increase of both side yard setbacks of one foot more than the required setback allows one foot more of ridge height up to its maximum.
2. *Setback bonus; eave:* An increase of both side yard setbacks of one foot more than the required setback allows one foot more of eave height up to its maximum.
3. *Raised front porch bonus:* A "raised front porch" of at least two feet above grade allows up to two feet more ridge height. A "raised front porch" of at least three feet above grade allows up to three feet more ridge height.
4. *Dormer bonus eave:* The eave height shall not apply to dormer(s) no greater than eight feet wide and the combined dormer width shall not exceed 25 percent of the length of the building side measured to the outside edges, provided the dormers are separated by a minimum of five feet.

2. *Special uses and schools:* Special uses and schools may be erected to a height not exceeding 45 feet, and churches and temples may be erected to a height not exceeding 75 feet, if the building is set back from each yard line at least two feet for each foot of additional building height above the height limit otherwise permitted in the district.
3. *Architectural features*: The maximum height shall not apply to architectural features such as spires, weather vanes, turrets, 50 percent open guardrails or lightning rods provided the top of the feature does not exceed five feet, or ten feet in the case of a turret, above the highest permitted ridge height on a principal structure, and not more than one architectural feature shall be permitted above the permitted height on a building, excepting that a turret may have either a spire or a weather vane at its peak. A turret shall adhere to the same setback requirements as the principal structure on the lot.

(G) *Signs, fences and obstructions in yards:*

1. Signs as per sign ordinance.

2. See section 10-5-5, "Yards", of this title.

(H) *Parking and loading requirements:*

1. *Single-family dwelling:* Not less than two parking spaces.
2. *Church:* One parking space for each four seats in the main auditorium.
3. *Cultural facility:* Two spaces for each 1,000 square feet of gross floor area.
4. *Daycare center and preschool facility:* One space for each 800 square feet of gross floor area.
5. *Food pantry:* one space for each 250 square feet of gross floor area.
6. *Private recreational facility:* One space for each 4,000 square feet of gross land area.
7. *Public building erected by governmental agency:* One space for each 250 square feet of floor area in the building.
8. *School:* For high schools - one space for each employee, plus one space for each five students, based on design capacity; for elementary schools - one space for each employee plus eight additional visitor spaces.
9. Additional off street parking and loading requirements are found in chapter 5, "Supplementary Regulations", of this title.

(Ord. 3617, 5-8-1989, eff. 6-1-1989; amd. Ord. 3815, 2-25-1991; Ord. 4194, 9-12-1994; Ord. 4195, 9-12-1994; Ord. 4235, 2-13- 1995; Ord. 4282, 8-14-1995; Ord. 4673, 12-14-1998, eff. 3-1-1999; Ord. 5035, 1-14- 2002, eff. 3-1-2002; Ord. 5365, 6-13-2005; Ord. 5543, 1-22-2007; Ord. 5554, 2-26- 2007; Ord. 6144, 6-24-2013; Ord. 6601, 5-14-2018; Ord. 6619, 8-27-2018; Ord. 6855 , 2-22-2021)

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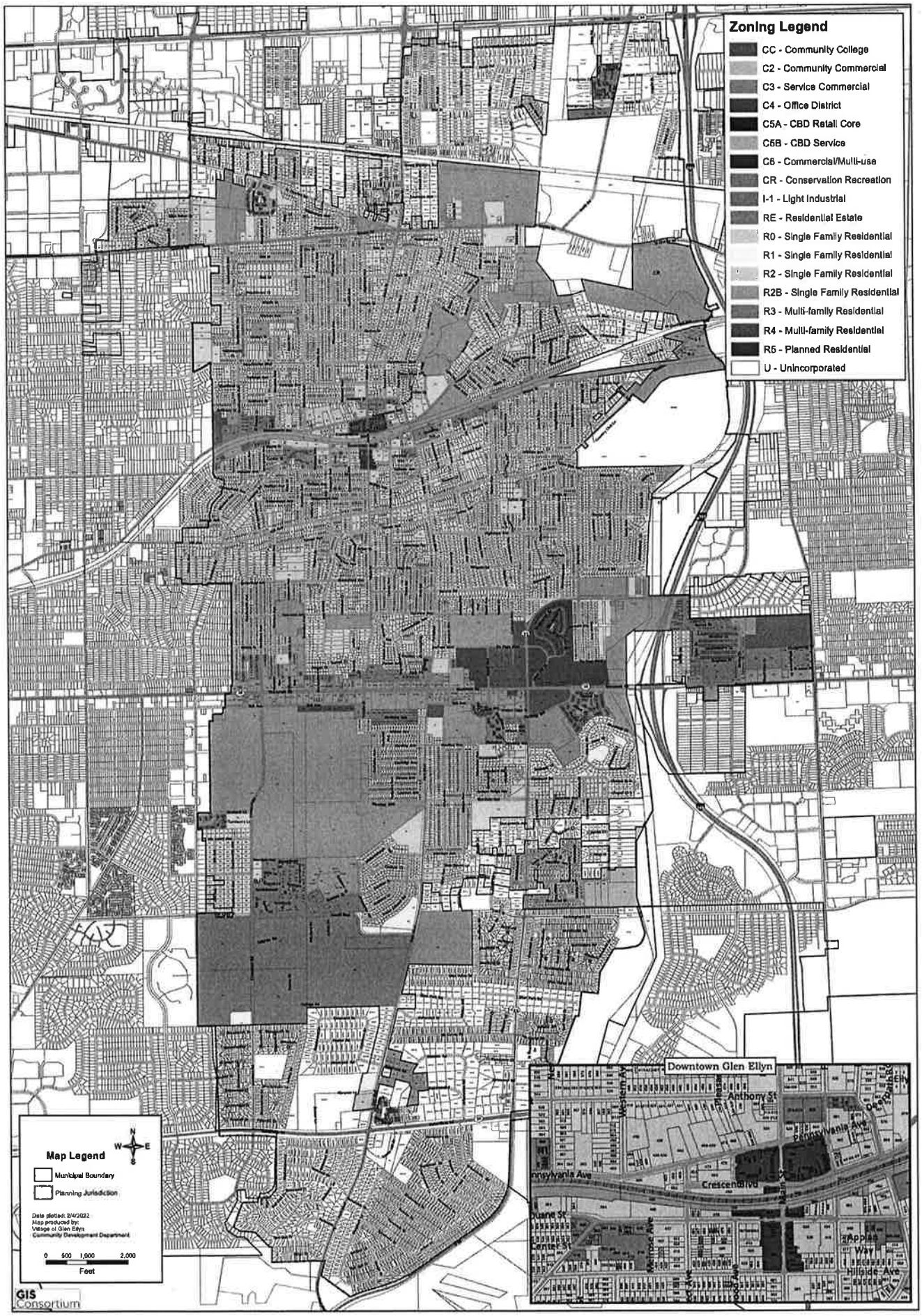
MAR 28 2023
VILLAGE OF GLEN ELLYN

EXHIBIT D

Village of Glen Ellyn
Address and Zoning Map
February 4, 2022



TOWN FENCE CO.

GLEN ELLYN

TOWN FENCE, INC • CONTRACT

Customer: Yusra Date: 5-27-21

Address: 781 Fairview Phone #:

Town/City: Glen Ellyn Zip: 60137

JOB SITE

Address: "same"

Town/City: Zip:

Contact: Phone #:

Wood Ft:

* Master Halco PVC

~~PVC~~

Chainlink Ft:

PVC/Vinyl Ft:

~~PVC~~

Alum/Iron Ft:

6' white privacy 7/8" x 6" T+G 2 rails (Alum. reinforcement)

OTHER Ft: 5"x5"x9' posts N.E. cps 1-4' gate

* 1yr. warranty on gate

Removal (Ft): wood

Haul/Recycle yes

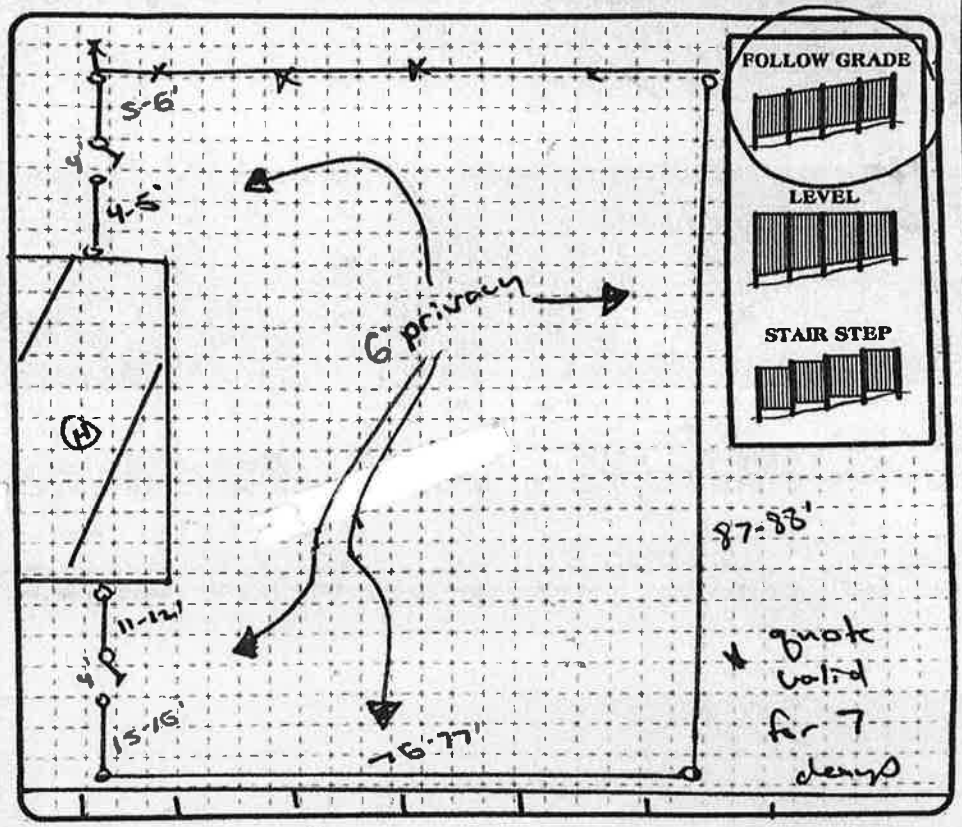
Concrete/Asphalt Breaks: 0

Core Drills: 0

Bush Trims: 0

Old Post Pulls: 67

Dirt Haul: 0



* quote valid for 7 days

Additional Notes: Lifetime warranty on product (per manufacturer) Lifetime warranty on post heave

Project Price: $ 12,740.00

Deposit: $ Balance: $

VISA DISCOVER #: Exp.:

Customer Signature:

Date: TOWN Rep:

BALANCE DUE UPON COMPLETION *3.95% Surcharge on Credit Card Payments*

The construction permits will be obtained and purchased by the purchaser and/or homeowner before the project will begin. TOWN fence will be responsible for the location of the fence therefore a property survey will be required. TOWN Fence will not be responsible for discrepancies of property lines and will not be liable for discrepancies concerning a property survey, should this survey prove to be inconsistent with other sources or adjoining neighbors survey. TOWN Fence will only be responsible for installing the materials purchased based off the contract in the location that the property owner's survey provides. In occurrence and or presence of unsuitable and unpredictable digging conditions, there may be an additional charge, unless these conditions are or were foreseen and previously stated in the above agreement. TOWN Fence will not be responsible for any damage to any and all non-utility marked or private lines which include gas lines, sprinkler lines and all private electrical lines.

The negligence to pay in installments as stated in the contract shall make any service and/or warranties agreed upon null and void. All previous payments from purchaser will not be relinquished back to the purchaser but will be applied as liquidating damages. This will still permit Town Fence to collect the remainder of monies owed. Purchaser agrees to pa for all reasonable attorney's fees, court, and collection costs accumulated by Town Fence while obtaining any money owed except as provided under Illinois law. All agreements that include a custom ordered material cannot be cancelled by the purchaser and a 20% processing charge will be applied to any and all cancelled orders. The purchaser will provide payment as detailed above by with a service charge of 15% per year on any unpaid balance. If the contract is not approved by Town Fence, payment will be refunded to the customer and this proposal becomes null and void. Thank you for your business.

THANK YOU FOR YOUR BUSINESS!

TOWN FENCE CO.
GLEN ELLYN

TOWN FENCE, INC • CONTRACT

Customer: Yusra Date: 5-27-21
Address: 781 Fairview Phone #:
Town/City: Glen Ellyn Zip: 60137

JOB SITE
Address: "same"
Town/City: Zip:
Contact: Phone #:

Wood Ft:
* master Halco PVC

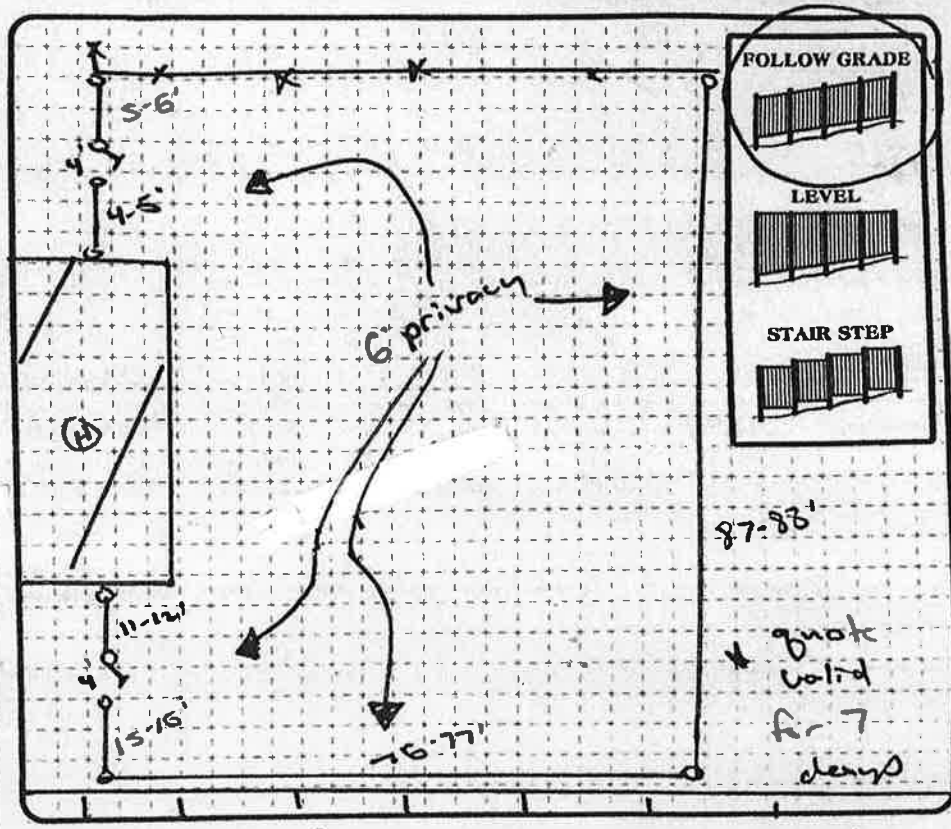
PVC
~~Chainlink~~ Ft:

PVC/Vinyl Ft:

PVC
~~Alum/Iron~~ Ft:
6' white privacy 7/8" x 6" T+G 2 rails (Alum. reinforcement)

OTHER Ft: 5"x5"x9' posts
N.E. cps
1-4' gate

* 1yr. warranty on gate



Additional Notes: Lifetime warranty on product (per manufacturer)
Lifetime warranty on post heave

Project Price: $ 12,740.00
Deposit: $ Balance: $
VISA DISCOVER #: Exp.:
Customer Signature:
Date: TOWN Rep:

BALANCE DUE UPON COMPLETION *3.95% Surcharge on Credit Card Payments*

Removal (Ft):	wood
Haul/Recycle	yes
Concrete/Asphalt Breaks:	0
Core Drills:	0
Bush Trims:	0
Old Post Pulls:	67
Dirt Haul:	0

The construction permits will be obtained and purchased by the purchaser and/or homeowner before the project will begin. TOWN fence will be responsible for the location of the fence therefore a property survey will be required. TOWN Fence will not be responsible for discrepancies of property lines and will not be liable for discrepancies concerning a property survey, should this survey prove to be inconsistent with other sources or adjoining neighbors survey. TOWN Fence will only be responsible for installing the materials purchased based off the contract in the location that the property owner's survey provides. In occurrence and or presence of unsuitable and unpredictable digging conditions, there may be an additional charge, unless these conditions are or were foreseen and previously stated in the above agreement. TOWN Fence will not be responsible for any damage to any and all non-utility marked or private lines which include gas lines, sprinkler lines and all private electrical lines.

The negligence to pay in installments as stated in the contract shall make any service and/or warranties agreed upon null and void. All previous payments from purchaser will not be relinquished back to the purchaser but will be applied as liquidating damages. This will still permit Town Fence to collect the remainder of monies owed. Purchaser agrees to pa for all reasonable attorney's fees, court, and collection costs accumulated by Town Fence while obtaining any money owed except as provided under Illinois law. All agreements that include a custom ordered material cannot be cancelled by the purchaser and a 20% processing charge will be applied to any and all cancelled orders. The purchaser will provide payment as detailed above by with a service charge of 15% per year on any unpaid balance. If the contract is not approved by Town Fence, payment will be refunded to the customer and this proposal becomes null and void. Thank you for your business.

THANK YOU FOR YOUR BUSINESS!

TOWN FENCE CO.
GLEN ELLYN

TOWN FENCE, INC • CONTRACT

Customer: Yusra Date: 5-27-21
Address: 781 Fairview Phone #:
Town/City: Glen Ellyn Zip: 60137

JOB SITE
Address: "same"
Town/City: Zip:
Contact: Phone #:

Wood Ft:
* master
Halco
PVC

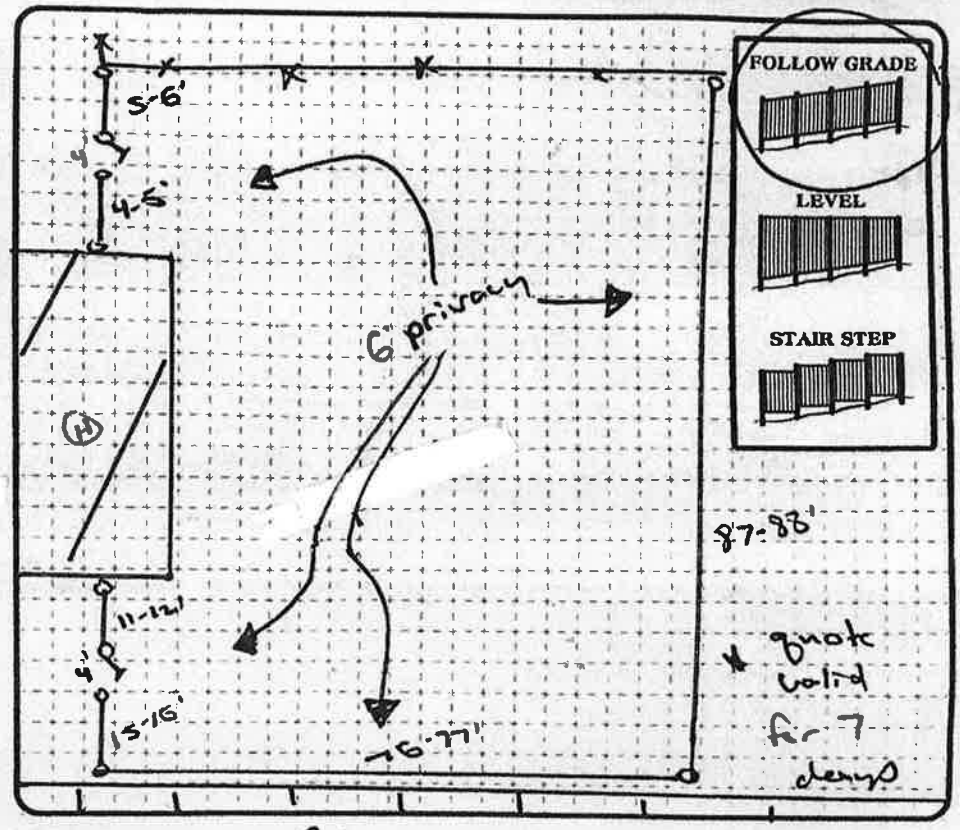
PVC
~~Chainlink~~ Ft:

PVC/Vinyl Ft:

PVC
~~Alum/Iron~~ Ft:
6' white privacy
7/8" x 6' T+G
2 rails (Alum. reinforcement)
5" x 5" x 9' posts

OTHER Ft:
N.E. cps
1-4' gate

* 1yr. warranty on gate



Additional Notes: Lifetime warranty on product (per manufacturer)
Lifetime warranty on post heave

Project Price: $ 12,740.00
Deposit: $ Balance: $
VISA DISCOVER #: Exp.:
Customer Signature:
Date: TOWN Rep:

BALANCE DUE UPON COMPLETION *3.95% Surcharge on Credit Card Payments*

Removal (Ft): wood
Haul/Recycle yes
Concrete/Asphalt Breaks: 0
Core Drills: 0
Bush Trims: 0
Old Post Pulls: 6-7
Dirt Haul: 0

The construction permits will be obtained and purchased by the purchaser and/or homeowner before the project will begin. TOWN fence will be responsible for the location of the fence therefore a property survey will be required. TOWN Fence will not be responsible for discrepancies of property lines and will not be liable for discrepancies concerning a property survey, should this survey prove to be inconsistent with other sources or adjoining neighbors survey. TOWN Fence will only be responsible for installing the materials purchased based off the contract in the location that the property owner's survey provides. In occurrence and or presence of unsuitable and unpredictable digging conditions, there may be an additional charge, unless these conditions are or were foreseen and previously stated in the above agreement. TOWN Fence will not be responsible for any damage to any and all non-utility marked or private lines which include gas lines, sprinkler lines and all private electrical lines.

The negligence to pay in installments as stated in the contract shall make any service and/or warranties agreed upon null and void. All previous payments from purchaser will not be relinquished back to the purchaser but will be applied as liquidating damages. This will still permit Town Fence to collect the remainder of monies owed. Purchaser agrees to pa for all reasonable attorney's fees, court, and collection costs accumulated by Town Fence while obtaining any money owed except as provided under Illinois law. All agreements that include a custom ordered material cannot be cancelled by the purchaser and a 20% processing charge will be applied to any and all cancelled orders. The purchaser will provide payment as detailed above by with a service charge of 15% per year on any unpaid balance. If the contract is not approved by Town Fence, payment will be refunded to the customer and this proposal becomes null and void. Thank you for your business.

THANK YOU FOR YOUR BUSINESS!

IMPRESSIONS

This industry standard option features a smooth, clean design with solid performance and lasting appeal.

- 1¾" x 5½" smooth rails
- White, Tan, Khaki, Golden Oak and Driftwood Gray Wood Grains*
- Bottom rail features an aluminum insert for added support *(insert used in 8' wide panels only)*

*Not all styles available in all colors.

NOTICE OF PUBLIC HEARING

Bader Almoshelli and Yusra Gomaa, owners of the property at 781 Fairview Avenue, are requesting a public hearing for zoning variations in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code to allow the construction of a fence. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on **Tuesday, May 9, 2023,** at 7:00 p.m. in the Galligan Board Room, Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois. The public is welcome to attend.

The property owners are requesting approval of zoning variations from the Glen Ellyn Zoning Code as follows:

1. A variation from Section 10-5-5(B)4#12.a.1 to allow a fence less than 33.3% open in a front or corner side yard;
2. A variation from Section 10-5-5(B)4#12.b.4 to allow a six-foot-tall fence in lieu of the maximum 4-foot fence for all other areas of the lot located closer to the street than the principal structure on the lot;
3. Any other zoning relief necessary to allow the proposed fence to be constructed as depicted on the plans presented at the public hearing or at a public meeting of the Village Board.

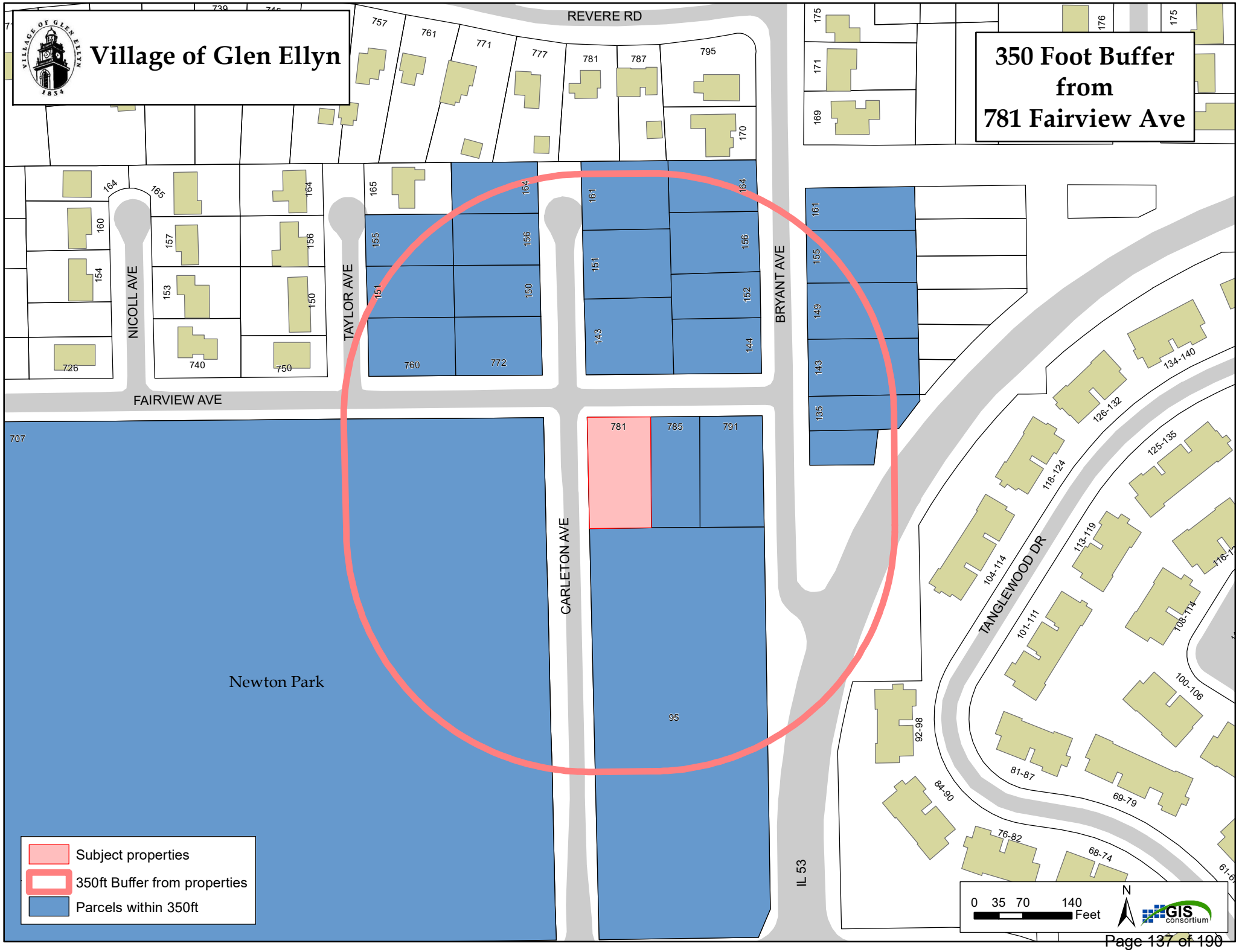
The property is zoned R2 Residential District, and is legally described as follows:

LOT 1 SUNRISE ASSISTED LIVING RESIDENTIAL SUBDIVISION, BEING A SUBDIVISION IN PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 8, 1998 AS DOCUMENT R98-257278, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-14-417-033

All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. To view plans related to the proposed project, please visit the Village website here: https://www.glenellyn.org/246/Public-Notice-Portal. Information related to the request is also available for public review in the Community Development Department at the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Questions related to the request should be directed to Scott Viger, Planning Consultant, at sviger@glenellyn.org. All public comments received by 4:30 pm on Tuesday, May 9, 2023, will be read into the record at the public hearing.

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village 24 hours in advance of the meeting.


Village of Glen Ellyn
350 Foot Buffer from 781 Fairview Ave
REVERE RD
FAIRVIEW AVE
NICOLL AVE
TAYLOR AVE
BRYANT AVE
CARLETON AVE
TANGLEWOOD DR
IL 53
Newton Park
757
761
771
777
781
787
795
170
175
171
169
176
164
165
160
154
157
153
156
150
155
151
161
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143
135
152
144
726
740
750
760
772
707
785
791
95
134-140
126-132
125-135
118-124
113-119
104-114
101-111
108-114
100-106
92-98
81-87
84-90
69-79
76-82
68-74
Subject properties
350ft Buffer from properties
Parcels within 350ft
0 35 70 140 Feet
N
GIS consortium

Glen Ellyn Zoning Board of Appeals
535 Duane Street
Glen Ellyn, IL 60137

Meeting 5/9/2023 7:00 PM
Department: Community Development
Department Head: Marty Scott
Category: Public Hearing
Prepared By: Brad Iwicki

AGENDA ITEM (ID # 2023-499)

DOC ID: 2023-499

384 Lorraine Road

Requesting relief from the Zoning Code to allow recreational equipment located closer to the front property line than the principal structure, outside of the rear yard, and encroach into the required setback

Statement of the Issue:
See attached staff report

Analysis:
See attached staff report

Budget Impact:
See attached staff report

Contribution to Strategic Plan (if applicable)

Action Requested:
See attached staff report

Attachments:
1. Staff Report
2. Zoning Variation Request Packet Dated 4/3/23
3. Aerial Map
4. Zoning Map
5. Contour Map
6. Proposed Site Plan
7. Existing Conditions
8. Narrative and Neighbor Support
9. Playset Overview
10. Public Notice
11. Public Notice Buffer Map
12. Plat of Survey
13. Proof of Ownership
14. Draft Findings of Fact

15. Draft Motion to Approve

STAFF REPORT

TO: The Zoning Board of Appeals

FROM: Brad Iwicki, Planning Intern

DATE: April 20, 2023

SUBJECT: May 9, 2023, Zoning Board of Appeals Meeting
Public Hearing to consider Zoning Variations to allow recreational equipment to be constructed on the property at 384 Lorraine Road.

PETITIONERS: The petitioner is Michelle Hollander, owner of the property at 384 Lorraine Rd.

REQUEST: The property owner is requesting approval of variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-5-4(A)4.a to allow recreational equipment located closer to the front property line than the principal structure on the lot;
2. Section 10-5-5(B)4#29 allow recreational equipment to be located outside of the required rear yard and 6 feet away from the side property line in lieu of the required setback of 10%, or 10.03 feet, from any property line.
3. Any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board.

ZONING/ USE: The property is an interior lot located in the R2 Zoning District on Lorraine Road, between Hillside Avenue and Phillips Avenue. The zoning and land use immediately surrounding the subject property is R2 single-family residential.

PUBLIC NOTICE: Notice of the public hearing was published in the April 25, 2023 edition of the Daily Herald, mailed to property owners within 250 feet of the subject property, and a placard was placed on the property.

ZONING HISTORY: Village records indicated that there are no previous variations granted for this property.

PROJECT BACKGROUND: The residence at 384 Lorraine Road was built in 1950 with a split-level frame and attached garage. The Village has no record of zoning variations on the property, which is currently conforming to all regulations in the R2 Residential District. The homeowners purchased the property in 2018.

The petitioner is interested in constructing recreational equipment in the

required front yard. The selected playground set is approximately 10 feet by 13.15 feet (131 square feet) with a maximum height of 10. 33 feet. The product's Owner Manual recommends a 6-foot unobstructed safety perimeter around the playset. The proposed location of the playset satisfies this recommendation. In order to construct the recreational equipment as proposed, the petitioner would need to be granted a variation from the Zoning Code to allow recreational equipment located closer to the front property line than the principal structure on the lot, be located outside of the required rear yard, and at a distance of 6 feet away from the side property line in lieu of the required setback of 10%, or 10.03 feet, from any property line.

The subject lot is characterized by its irregular shape and topography. The lot was platted in a triangle shape, especially unique for an interior lot. Additionally, the contour of the property consists of a depression in the corner of the rear yard where the stormwater from the property and adjacent properties collects. The homeowner observes standing water reaching 7 inches for up to 48 hours several times per year. The impact of the stormwater limits the usage of the rear yard, causing most of the useable space to consist of the front and side yard.

The petitioner scheduled a preliminary meeting with the Community Development Planning staff where they were informed of the potential code variations required for the proposal. With that information, the petitioner selected a narrow playset with the intention of requesting the minimum variation that would make possible the reasonable use of the land.

Staff was provided with a petition of support signed by John Steenken, 331 Hillside Avenue, the neighbor directly north of the proposed recreational equipment.

ZBA ACTION:

The ZBA should consider the testimony presented during the public hearing and review the written evidence presented as part of the petitioners' application packet. The ZBA should make findings of fact and determine if a practical difficulty or particular hardship exists and if the essential character of the neighborhood is maintained.

The ZBA may choose to make a recommendation to the Village Board for the approval, approval with conditions or denial of the construction necessitated variations to allow the recreational equipment to remain closer to the property lines in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code.

ATTACHMENTS:

cc: Martin Scott, Director of Community Development

Robert Schmidt, Building and Zoning Official
Paula Moritz, Plan Reviewer
Scott Viger, Planning Consultant
Jim Brown, Planning Consultant
Michelle Hollander, Property Owners

VILLAGE OF GLEN ELLYN

Zoning Variation Request Packet

Community Development Department
535 Duane Street – Glen Ellyn, IL 60137 – Telephone 630.547.5250 – Fax 630.547.5370

VILLAGE OF GLEN ELLYN, ILLINOIS
Community Development Department
535 Duane Street
Glen Ellyn, Illinois 60137
(630) 547-5250

ZONING VARIATION REQUEST PACKET

Contents

1. Information Sheet for Potential Zoning Variation Requests and Related Options
2. Sample Schedule for a Zoning Variation
3. Description of the Zoning Variation Request Process and Instructions
4. Zoning Code Variation Guidelines for Particular Hardship and Practical Difficulty Criteria
5. Application for Variation form
6. Affidavit of Authorization
7. Disclosure of Interest or Ownership forms
8. Affidavit Affirming No Conflict of Interest

VILLAGE OF GLEN ELLYN, ILLINOIS

INFORMATION SHEET
FOR
POTENTIAL ZONING VARIATION REQUESTS AND RELATED OPTIONS

Note: This Information Sheet should be provided to each person who has been advised by a staff member of the Village Community Development Department, acting in his or her official capacity, that the project proposed by such person requires the granting of one or more variations from the Glen Ellyn Zoning Code.

This Information Sheet lists options available to you now that you have been officially advised by the staff of the Community Development Department that your proposed project requires the granting of one or more variations from the Glen Ellyn Zoning Code (Ordinance No. 3617-Z, as amended). The options listed below are not intended to be exhaustive nor are they mutually exclusive. (For example, you could decide to proceed under options 1 and 2 below as alternatives). You may wish to contact an attorney to discuss the options listed or explore other options that may be available to you.

OPTION 1 - You could (1) decide not to revise your proposed project to reduce or eliminate the required zoning variation(s); and (2) apply for the required zoning variation(s). If this option is chosen, you will need to apply for approval of a zoning variation.

OPTION 2 - You could (1) revise your proposed project to reduce the number and/or size of the required zoning variation(s) or (2) reduce the degree of your variation request; and (3) apply for the required zoning variation(s) for your revised proposal. If this option is chosen, you should proceed as described under Option 1 above.

OPTION 3 - You could revise your proposed project to eliminate the need for the required zoning variation(s).

OPTION 4 - You could decide not to revise or proceed with your proposed project. If this option is chosen, no zoning variation will be required.

OPTION 5 - You could appeal the Village's staff interpretation of the zoning code to the Glen Ellyn Zoning Board of Appeals (ZBA) per Section 10-10-9, all appeals go to ZBA. If this option is chosen, you must file, within 45 days after the decision by Village staff that your proposed project requires one or more zoning variations, a notice of appeals specifying the grounds therefore and containing the information required by Section 10-10-9 of the Zoning Code

with the Director of the Village Community Development Department and the Zoning Board of Appeals.

Such an appeal would be governed by Section 10-10-9 of the Zoning Code and applicable State law. In general, the appeal process entails (1) a public hearing before the Zoning Board of Appeals following reasonable notice to interested parties and (2) a decision by the Zoning Board of Appeals, based on the evidence presented at the hearing, within a reasonable period of time after the conclusion of the hearing. Under the Zoning Code, the Zoning Board of Appeals has the authority to affirm or reverse, wholly or in part, or modify the decision of Village staff being appealed. Unlike the decision of the Zoning Board of Appeals on a variation application (which constitutes a recommendation to the Village Board), the decision of the Zoning Board of Appeals on such an appeal is the final Village action on the matter in question.

Regardless of the option you choose, members of the Village staff will be available to continue working with you in an effort to bring your proposed project to a conclusion.

Please note: All zoning code variation requests for single-family and two-family homes and accessory structures are reviewed by the ZBA with a recommendation to the Village Board. All other zoning code variation requests are reviewed by the Plan Commission (PC) with a recommendation to the Village Board.

VILLAGE OF GLEN ELLYN, ILLINOIS

SAMPLE SCHEDULE FOR A ZONING VARIATION

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1. Application submitted and reviewed by staff

   - Consult with staff for the number of copies for Plan Commission (PC)
   - 2 copies for Zoning Board of Appeals (ZBA)

2. After the application is determined complete, it is placed on next available ZBA or PC Agenda

   - 15-30 days for public hearing notice in local newspaper
   - Usually about 6 weeks from the date of submittal to the public hearing

3. Hearing before ZBA or PC

4. Minutes/Transcripts from hearing prepared and forwarded to the Village Board

5. Variation considered by the Village Board

Steps 1 – 5: Approximately 90 to 120 days

Zoning variations that are reviewed by the Plan Commission in association with a requested Special Use Permit or proposed Subdivision may take longer to process than what is represented by the above sample schedule.

VILLAGE OF GLEN ELLYN, ILLINOIS

DESCRIPTION OF THE ZONING VARIATION REQUEST PROCESS AND INSTRUCTIONS

I. OVERVIEW:

A. Introduction:

In general, the zoning variation process involves the following three steps (each of which is described in more detail below):

STEP 1 - Application:

Zoning variation requests are initiated by filing a completed Application for Variation form, together with other supporting documents and materials, with the Director of the Village Community Development Department.

Prior to completing the Application for Variation form, applicants and their representatives, if any, are strongly encouraged to carefully review the Glen Ellyn Zoning Variation Request Package and to become familiar with the applicable provisions of the Zoning Code.

STEP 2 - Public Hearing before the ZBA or PC which both make Findings of Fact and Recommendation to the Village Board:

After notice has been published and mailed to the surrounding property owners, a public hearing on the requested zoning variation(s) will be held before the ZBA or PC. Based on the evidence presented at the hearing by or on behalf of the applicant or by others, the ZBA or PC is required to make specific findings of fact to support its recommendation to the Village Board regarding the requested zoning variation(s). See Section I. B. below for a brief description of the findings/standards for a variation under the Zoning Code.

STEP 3 - Village Board Action:

After the minutes or transcript of the public hearing containing the Commission's findings of fact and recommendation have been delivered to the Village Board, the Village Board will consider the requested zoning variation(s). Under the Zoning Code, the Village Board has the final authority to act on the requested zoning variation(s).

A sample schedule for a zoning variation is included in this Zoning Variation Request Package. The actual schedule for particular requested zoning variation(s) may differ from the representative schedule for a wide variety of reasons.

Questions regarding the zoning variation process should be directed to the Community Development Department at (630) 547-5250.

B. Required Findings of Fact/Standards for a Variation:

Set forth below is a short summary of the three principal findings of fact or standards which must be met in order for the ZBA or PC to recommend, and the Village Board to grant, a requested zoning variation from the Zoning Code. This summary is a simplified version of Section 10-10-12(C) of the Zoning Code, which the applicant is referred to for the governing legal language.

All three of the following findings of fact or standards must be established and met to support a requested zoning variation (since #2 below consists of two alternatives, only one of the two is required; however, the applicant may present evidence on both alternatives):

1. There would be practical difficulties or particular hardship for the applicant/owner resulting from the characteristics of the property in question if strict compliance with the Zoning Code were required (i.e., if no zoning variation were granted); and

2. Either:

   A. The property in question cannot yield a reasonable return without a zoning variation, or

   B. The plight of the applicant/owner is due to unique circumstances relating to the property in question; and

3. Granting the requested zoning variation will not alter the essential character of the locality of the property in question.

Applicants are also referred to Section 10-10-12(D) of the Zoning Code for a list of supplemental findings.

The primary purpose of both the Application for Variation form and the public hearing before the ZBA or PC is to elicit evidence relating to these findings of fact or standards upon which the ZBA or PC and the Village Board can base their actions on the requested zoning variation(s).

II. APPLICATION FOR VARIATION AND RELATED MATTERS:

A. Application for Variation:

The following items must be submitted to the Director of the Village Community Development Department to begin the process for a zoning variation:

1. A properly completed Application for Variation form, together with all supporting documents and materials.

   Applicants should note that Section 10-10-10(B) of the Zoning Code contains a list of requirements that should be carefully reviewed and includes submitting disclosure of ownership interests and authorization letters depending on the type and capacity of the person or entity holding fee title to the property in question or acting as the applicant for the zoning variation (e.g., representatives, land trusts, corporations, partnerships, other business entities, etc.).

   Disclosure of Interest and Affidavit of Authorization forms are attached with this packet.

   Applicants should also note that they are obligated to notify the Village in writing of any change in the requirements relating to the applicant under Section 10-10-10(B) of the Zoning Code (e.g., new 5% or more stockholder in a corporate applicant or new partner in a partnership applicant) that occur at any time after the Application for Variation has been submitted and before final action by the Village Board on their requested zoning variation(s).

2. An application fee must be paid at the time the application is made. Staff will inform the Petitioner of the amount. Depending on the type of application, an escrow (amount to be determined by the Community Development Director) may also be required to pay out of pocket Village expenses related to public notice costs, recording costs and other items related to the project application.

3. A site plan (at a scale of no less than 1 inch = 100 feet) showing:
   --Site dimensions and area
   --Location of any existing buildings and/or structures on the lot
   --Lot location
   --Placement of proposed building(s)/structure(s) on the lot
   --Street width, sidewalks and curb cuts
   --Easements
   --Type of construction
   --Floor layout
   --Building elevations
   --Parking area and layout
   --Front, rear and side yard setbacks, and
   --Other data that may be necessary for the review of the application

4. Proof of ownership from the most recent title insurance policy, deed or commitment covering the property in question.

5. A plat of survey of the property in question, with a topographical map containing a statement made by a registered Illinois land surveyor that the property is or is not in a flood plain or other type of special management area.

6. Reimbursement of Fees Agreement (for Plan Commission cases).

B. Village Review:

The Village staff will examine each Application for Variation and accompanying items within a reasonable time after filing. When the Application for Variation and accompanying items appear to be complete and in good order, the requested zoning variation(s) will be scheduled for consideration at a public hearing before the ZBA or PC.

C. Public Hearing Notices and Related Matters:

Village staff will produce a legal notice of the public hearing before the ZBA or PC to be published not more than 30 or less than 15 days before the beginning of the hearing in one or more newspapers generally circulated within the Village. Such legal notice will state the time, date and location of the hearing and the particular location of the property in question and briefly describe the applicant's requested zoning variation(s).

Not less than 10 days prior to the public hearing, the Village Community Development Department will cause notice of the public hearing to be mailed to all property owners within a 250-foot radius of the property in question.

The Village will place one or more placards on the property in question not less than 15 days prior to the date of the public hearing. The placard(s) must remain until completion of the public hearing, at which time it will be removed by the Village. The placard(s) will be provided by the Village and will contain such information as is directed by the Director of the Village Community Development Department. Jurisdiction of the ZBA or PC to hold a hearing will not be affected by the absence of the placard(s), if the absence is not the result of the applicant's act or omission.

The Community Development Department will submit the Application for Variation and all accompanying and related items to the ZBA or PC for the public hearing.

Applicants are advised that members of the ZBA or PC and Village Board may visit the property in question to inspect it for themselves prior to the hearing.

III. PUBLIC HEARING:

A. Time, Date and Location:

Regularly scheduled meetings of the ZBA are on the 2nd and 4th Tuesday of each month and the regularly scheduled meetings of the PC are on the 2nd and 4th Thursday of each month both at 7:00 p.m. on the third floor of the Civic Center at 535 Duane Street, Glen Ellyn, Illinois.

B. Public Hearing:

The public hearing for the ZBA or PC is typically divided into five separate stages (which are described in more detail below) – (1) Staff Presentation, (2) Petitioner's Presentation, (3) Public Participation, (4) Commission Deliberation, and (5) Findings of Fact & Recommendation by the Commission.

1. Staff Presentation:

The Village staff will present a general overview of the applicant's request based on applicant's submittals and/or adherence to the Village's Zoning Code, review guidelines, stormwater standards and other relevant data.

2. Petitioner's Presentation:

After the Village staff's presentation, the applicant is given the opportunity to present his or her case. Applicants should note that it is the responsibility of the applicant and/or his or her representatives to present evidence supporting the requested zoning variation(s) in a complete and logical manner and to have all supporting documentation available at the hearing.

3. Public Participation:

The purpose of the public participation portion of the hearing is to give the public an opportunity to testify and to present evidence related to the requested zoning variation(s). Pursuant to State law, all testimony by witnesses in the hearing must be given under oath.

4. Commission Deliberation/Finding of Fact:

The Commission then discuss whether the evidence presented at the hearing is sufficient to establish and meet the findings/standards required under the Zoning Code to support a requested zoning variation. (See Section I.B. above for a short summary of the requisite findings/standards for a variation under the Zoning Code). Following this discussion, the Commission makes its recommendation and findings of fact under the Zoning Code and State law, based on the evidence presented during the public participation portion of the hearing to the Village Board concerning the requested zoning variation(s) by vote.

5. Vote:
An affirmative vote of four (4) members of the ZBA and five (5) members of the PC is necessary to recommend the granting of a requested zoning variation to the Village Board.

Under the Zoning Code, the Commission may recommend to the Village Board a lesser variation than the requested zoning variation. In addition, the ZBA or PC may recommend to the Village Board such conditions and restrictions upon the property in question as may, in the opinion of the Commission, be necessary (1) to comply with the standards for a variation set forth in Section 10-10-12 of the Zoning Code, (2) to reduce or minimize the injurious effect of the variation upon other property in the neighborhood, and/or (3) to implement the general purpose and intent of the Zoning Code.

IV. VILLAGE BOARD ACTION:

After a record of the public hearing containing the Commission's findings and recommendations has been delivered to the Village Board, the Village Board considers the requested zoning variation(s) against the findings/standards required under the Zoning Code for a variation. The Village Board may choose to consider the requested zoning variation(s) at a workshop meeting before a request is considered at the regular meeting of the Village Board. The Village Board has final authority to act on the requested zoning variation(s).

The Village Board holds its meetings on the second (2nd) and fourth (4th) Mondays of every month at 7:00 PM. On the third (3rd) Monday of the month, the Village Board holds a workshop, where it discusses various requests but does not act on any applications.

Without further public hearing, the Village Board may grant, deny or amend the recommendation for variation or refer the requested zoning variation back to the ZBA or PC for further consideration.

A zoning variation may only be granted by an ordinance which is duly passed and approved by the Village Board and President. Pursuant to state law, passage of an ordinance granting a zoning variation which failed to receive a recommendation for approval from the ZBA or PC requires the affirmative vote of two-thirds of all Trustees on the Village Board.

After final action by the Village Board, the Village Clerk will notify the applicant, the Director of the Village Community Development Department, the Village Building and Zoning Official and the Director of the Village Public Works Department of the decision of the Village Board.

Applicants should note that unless a building permit to begin construction is applied for within 24 months after the approval of an ordinance granting a zoning variation, the ordinance granting the zoning variation becomes null and void (unless the 24-month time limit is expressly extended by the Village Board by ordinance).

Zoning Code Variation Guidelines for Particular Hardship and Practical Difficulty Criteria

Seeking a variation is a legal process that allows property owners to build structures or use land in a way that is contrary to the local zoning regulations. Variations are meant to be used sparingly. Granting a variation should be based on a practical difficulty or a particular hardship that is directly related to the property and related uses. The Glen Ellyn Zoning code reads:

> *"The Zoning Board of Appeals shall not recommend, and the Village Board shall not vary, the provisions of this Zoning Code, except in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any regulation of this Zoning Code relating to the use, construction or alteration of buildings or structures or the use of land."*

It is very important to consider what constitutes a practical difficulty or particular hardship. Unfortunately, there is more information about what is not a practical difficulty or particular hardship than there is to define one. This is probably because there are an infinite number of variation probabilities and scenarios.

The courts have ruled that a practical difficulty or particular hardship cannot be self created, cannot be just showing that the property would be worth more if a variation were granted, and it cannot be just a demonstration that a property is better suited for a use that is prohibited than a use that is permitted.

In trying to define the practical difficulty or particular hardship the person making the decision on whether or not to support the variance will need to evaluate if:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; or

2. The plight of the owner is due to unique circumstances; and that the Variation, if granted, will not alter the essential character of the locality;

The first test above essentially applies to the variety of uses that could be developed on the land. The applicant or owner must show more than a loss. The applicant or owner must demonstrate that there would be a loss or lack of reasonable return from each and every permitted use on the property. The second test implies that the hardship conditions shall not be generally applicable to a similar situation in the same zoning district. If that were the case, then the zoning of the district would be materially changed. Uniqueness relates to hardship, which refers to the land and not to the personal circumstances of the applicant or owner.

Furthermore, the Zoning Board must also consider other standards prescribed in the Glen Ellyn Zoning Code when deciding on variations:

1. That the particular physical surroundings, shape or topographical condition of the specific

property involved would bring particular hard-ship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;

2. That the conditions upon which the petition for Variation is based would not be applicable generally to other property within the same zoning district;

3. That the purpose of the Variation is not based exclusively upon a desire to make more money out of the property;

4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property or by the applicant;

5. That the granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

6. That the proposed Variation will not:

    a. Impair an adequate supply of light and air to adjacent property;
    b. Substantially increase the hazard from fire or other dangers to said property or adjacent property;
    c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village;
    d. Diminish or impair property values within the neighborhood;
    e. Unduly increase traffic congestion in the public streets and highways;
    f. Create a nuisance; or
    g. Result in an increase in public expenditures;

7. That the Variation is the minimum Variation that will make possible the reasonable use of the land, building or structure.

A zoning variation runs with the land indefinitely. This reinforces that variations should not be granted based on personal circumstances; while the people eventually will go away, the variation does not. The New York Supreme Court defined a variance as:

> *"An authority to a property owner to use the property in a manner forbidden by the ordinance."*

The owners seeking variations are expected to bear a "higher burden of proof". Where a request for a variation is not unique or changes the essential character of the area, the petitioner should seek an amendment to the zoning code that would then apply throughout the district, rather than a variation. Variations are meant to be used sparingly, which is intentional as suggested in a reference from the case of *Real Properties v. Board of Appeals of Boston* that reads:

> *"The power of variances is to be sparingly exercised and only in rare instances and under exceptional circumstances peculiar in their nature and with due regard to the main purpose of a zoning ordinance to preserve the property rights of others."*

Here are a couple of examples of variation requests that have hardships:

1. A platted lot that is uniquely shaped and when the zoning code is applied, interferes with the buildable area of the lot.

2. Unusual topography or natural conditions within a parcel.

These are a few variations requests that do not include hardships:

1. The cost of a project would be greater if it were constructed in an area that would be otherwise permissible.

2. Request to accommodate the size of one's family or personal health issues.

3. Request to expand beyond conditions created by a previous owner. For example, the previous owner may have elected to build the structure up to the setback line even though there was ample space to provide more distance from the property line.

In conclusion, a hardship is not just ordinary inconvenience or difficulty and the owner must be able to show that there is an inability to make reasonable use of the land. The hardship or difficulty must be unique and should not generally apply to other properties. Hardships cannot be self-created, which even applies to action taken by previous owners, including work performed without a permit. According to the courts, a hardship does not include a potential for economic loss or less than maximum return. Finally, the use or modification must not alter the essential character of the area. The ultimate question that must be asked is "Is the property owner deprived of rights or deprived of their desires?"

VILLAGE OF GLEN ELLYN
535 Duane Street
Glen Ellyn, Illinois 60137
(630) 547-5250

CLEAR ALL PAGES

APPLICATION FOR VARIATION

For the property at 384 Lorraine Street Glen Ellyn, IL 60137

Note to the Applicant: This application should be filed with, and any questions regarding it, should be directed to the Director of the Village Community Development Department.

You may attach separate sheets if additional space is needed for the following answers.

The undersigned hereby petitions the Village of Glen Ellyn, Illinois, for one or more variations from the Glen Ellyn Zoning Code (Ordinance No. 3617-Z, as amended), as described in this application.

I. APPLICANT INFORMATION:

(Note: The applicant must comply with Section 10-10-10(B) of the Zoning Code).

Name: Michelle Hollander

Address: 384 Lorraine Street Glen Ellyn, IL 60137

Home Phone No.: Same as cell Cell Phone No.: 815-228-1627

Fax No.: N/A

E-mail: Mhollan2@gmail.com

Ownership Interest in the Property in Question:

Tenancy by entirety

II. INFORMATION REQUIRED BY SECTION 10-10-10(B) OF THE ZONING CODE, IF APPLICABLE:

NOTE: All parties, whether petitioner, agent, attorney, representative and or organization et al. must be fully disclosed by true name and address in compliance with Section 10-10-10(B) of the Zoning Code. Disclosure forms are attached for your convenience.

Name and address of the legal owner of the property (if other than the applicant):

N/A

Name and address of the person or entity for whom the applicant is acting (if the applicant is acting in a representative capacity):

N/A

Is the property in question subject to a contract or other arrangement for sale with the fee owner? (Choose "Yes" or "No")

○ YES ◉ NO

If YES, the contract purchaser must provide a copy of the contract to the Village and must either be a co-petitioner to this application or submit the attached Affidavit of Authorization with the application packet.

Is the property in question the subject of a land trust agreement? (Choose "Yes" or "No")

○ YES ◉ NO

If YES, (1) either the trustee must be a co-petitioner or submit the attached Affidavit of Authorization from the trustee to represent the holders of the beneficial interests in the trust and (2) the applicant must provide a trust disclosure in compliance with "An Act to Require Disclosure of All Beneficial Interests", Chapter 148, Section 71 et seq., Illinois Revised Statutes, signed by the trustee.

III. PROPERTY INFORMATION:

Common address: 384 Lorraine Street Glen Ellyn, Illinois 60137

Permanent tax index number: 05-15-201-014

Legal description:

LOT 1 IN BLOCK 1 IN CHESTERFIELD HEIGHTS, A SUBDIVISION OF PARTS OF SECTIONS 15 AND 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 9, 1924 AS DOCUMENT 183453, IN DUPAGE COUNTY, ILLINOIS.

Zoning classification: Residential

Lot size: 156.24 ft. x 134.81 ft. x 209.88 ft Area: 10,531.36 sq. ft.

Present use:

Residential

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

Description of the variation(s) requested (including identification of the Zoning Code provisions from which variation is sought) and proposed use(s):

10-5-5(B)4 29 Variations to locate recreational equipment outside of the required rear yard and 6 feet (measured at the swing beam located at a height of 6' 10-1/2" from the ground) away from the side lot line where a setback of 10%, or 10.03 feet, is required from any property line. Note that the main play set structure (i.e., the structure at ground level) is proposed to be located 9 feet away from the side lot line.

10-5-4 (A) 4(a) Variation to locate an accessory structure closer to the front property line than the principal structure on the lot

Estimated date to begin construction: Spring 2023

Names and addresses of any experts (e.g., planner, architect, engineer, attorney, etc.):

N/A

V. EVIDENCE RELATING TO ZONING CODE STANDARDS FOR A VARIATION:

The following items are intended to elicit information to support conclusions by the ZBA or PC and the Village Board that the required findings/standards for a variation under the Zoning Code have been established and met. Therefore, please complete these items carefully.

A. Standards Applicable to All Variations Requested:

1. Provide evidence that due to the characteristics of the property in question, there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Zoning Code:

The platted lot is uniquely shaped (triangular) such that much of the yard area is located to the side of the principal structure (house) rather than to the rear of the principal structure.

In addition, the topography within the parcel is such that there exists a depression in the rear yard that floods several times a year, prohibiting the installation of a play set in the rear yard.

2. a. Provide evidence that the property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning Code (i.e., without one or more variations):

N/A

OR

b. Provide evidence that the plight of the applicant/owner is due to unique circumstances relating to the property in question:

The plight is due to a uniquely shaped lot (triangular) and unusual topography that causes flooding in the rear yard of the property.

3. Provide evidence that the requested variation(s), if granted, will not alter the essential character of the locality of the property in question:

As the property is zoned as Residential Single Family, a child's play set installed in the fenced side yard will not alter the essential character of the locality.

B. For the purpose of supplementing the above standards, the ZBA or PC, in making its recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes or fails to establish the following facts favorably to the applicant:

1. Provide evidence that the particular physical surroundings, shape or topographical condition of the property in question would bring particular hardship upon the applicant/owner as distinguished from a mere inconvenience if the strict letter of the Zoning Code were to be carried out:

The topographical conditions create a depression in the rear yard that collects and manages the stormwater runoff from significant portions of the adjacent lots and lots located further upstream. Several times a year there is standing water (up to 7 inches in depth) for more than 48 hours in late winter and spring. These conditions create a hardship that prohibits the installation of a play set in the rear yard. See attached photograph of the flooding described.

2. Provide evidence that the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district:

This petition for variation is based on a unique platted lot shape, and unique and extreme flooding conditions that occur in the rear yard. These unique conditions do not generally apply to other properties within the same zoning district.

3. Provide evidence that the purpose of the variation is not based exclusively upon a desire to make more money out of the property in question:

The purpose of the variation is to install a play set for the applicant's children to enjoy.

4. Provide evidence that the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property in question or by the applicant.

The difficulty and hardship is created by the unique platted lot shape and the unique topography that exists on the platted lot, neither of which were created by the applicant.

5. Provide evidence that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located.

A child's play set installed within the fenced side yard will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. Our neighbor at 331 Hillside Avenue, the closest property to the location of the proposed play set, has no objections, as he, John Steenken, noted on the Proposed Play Set Sketch on the Plat of Survey provided in this application. See an overview of the proposed play set provided in the application.

6. Provide evidence that the proposed variation will not:

a. Impair an adequate supply of light and air to adjacent property;

The proposed location of the play set adheres to the play set manufacturer's minimum safety zone distances.

b. Substantially increase the hazard from fire or other dangers to the property in question or adjacent property;

The proposed location of the play set adheres to the play set manufacturer's minimum safety zone distances.

c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village;

A child's play set within a fenced side yard will not impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village.

d. Diminish or impair property values within the neighborhood;

A child's play set within a fenced side yard will not impair property values within the neighborhood.

e. Unduly increase traffic congestion in the public streets and highway;

A child's play set within a fenced side yard will have no effect on traffic congestion in the public streets and highway.

f. Create a nuisance; or

A child's play set installed within a fenced side yard will not create a nuisance.

g. Results in an increase in public expenditures.

A child's play set installed within a fenced side yard will not result in an increase in public expenditures.

7. Provide evidence that the variation is the minimum variation that will make possible the reasonable use of the land, building or structure.

A narrow play set was carefully selected to minimize the variance. See an overview of the proposed play set provided in the application.

8. Please add any comments which may assist the commission in reviewing this application.

Please see attached to this application a photograph depicting the flooding caused by the unusual topography in the rear yard, a photograph showing the existing conditions of the fenced side yard, an overview of the proposed play set, and a note from the owner of the property nearest to the location of the proposed play set (stating he has no objections to the installation of the proposed play set) on the Proposed Play Set Sketch on the Plat of Survey.

VI. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

I (We) certify that all of the statements and documents submitted as part of this application are true and complete to the best of my (our) knowledge and belief.

I (We) consent to the entry in or upon the premises described in the application by any authorized official of the Village of Glen Ellyn.

I (We) certify that I (we) have carefully reviewed the Glen Ellyn Zoning Variation Request Package and applicable provisions of the Glen Ellyn Zoning Code.

I (We) consent to accept and pay the cost to publish a notice of Public Hearing as submitted on an invoice from the publishing newspaper. I (we) understand that our request will not be scheduled for a Village Board agenda until and unless this invoice is paid.

3/27/2023	Michelle Hollander	Michelle Hollander
Date	Print Name	Signature of Applicant
Date	Print Name	Signature of Applicant
Date	Print Name	Signature of Applicant

N/A

AFFIDAVIT OF AUTHORIZATION

I, _____ owner of the property described as

verify that _____

is duly authorized to apply and represent my interests before the Glen Ellyn Plan Commission, Zoning Board of Appeals and/or Village Board. Owner acknowledges that any notice given applicant is actual notice to owner.

_____
Owner Signature

Subscribed and sworn to before me this

_____ day of _____, 20_____

_____

Notary Public

N/A

OWNERSHIP BY A CORPORATION

Date: _____

Address: _____

Legal Description:

LIST ALL SHAREHOLDERS AND OFFICERS/DIRECTORS (AND % OF INTEREST OWNED IN EXCESS OF 5% OF STOCK)

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

N/A

OWNERSHIP BY LAND TRUST

Date: _____

Address: _____

Legal Description:

TRUSTEE: _____ TRUST NO._____

Address: _____

LIST ALL BENEFICIARIES:

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

N/A

Affidavit Affirming No Conflict of Interest

The undersigned, being duly sworn and under oath, states as follows:

1. My name is _____, and I hold the position of _____ for _____ ("***Applicant***").

2. I have personal knowledge of all facts stated in this Affidavit, and if called to testify, I could and would testify competently thereto.

3. I am authorized by the Applicant to make the representations and statements in this Affidavit on the Applicant's behalf in support of the application for development approval ("***Application***") the Applicant filed with the Village of Glen Ellyn ("***Village***").

4. To the best of my knowledge, and as of the Application's date, no individual that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Applicant, the Application, or the project proposed by the Applicant.

5. To the best of my knowledge, and as of the Application's date, no individual that is related to any person that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Applicant, the Application, or the project proposed by the Applicant.

6. I will immediately notify the Village if the Applicant learns of the material inaccuracy of any statement within this Affidavit.

Further affiant sayeth naught.

Name: _____

Title: _____

Applicant's Name: _____

Subscribed and sworn to me this

_____ day of _____, 20____.

_____
Notary Public

GISConsortium | 384 Lorraine Rd. - Aerial Map

0 200 400 ft

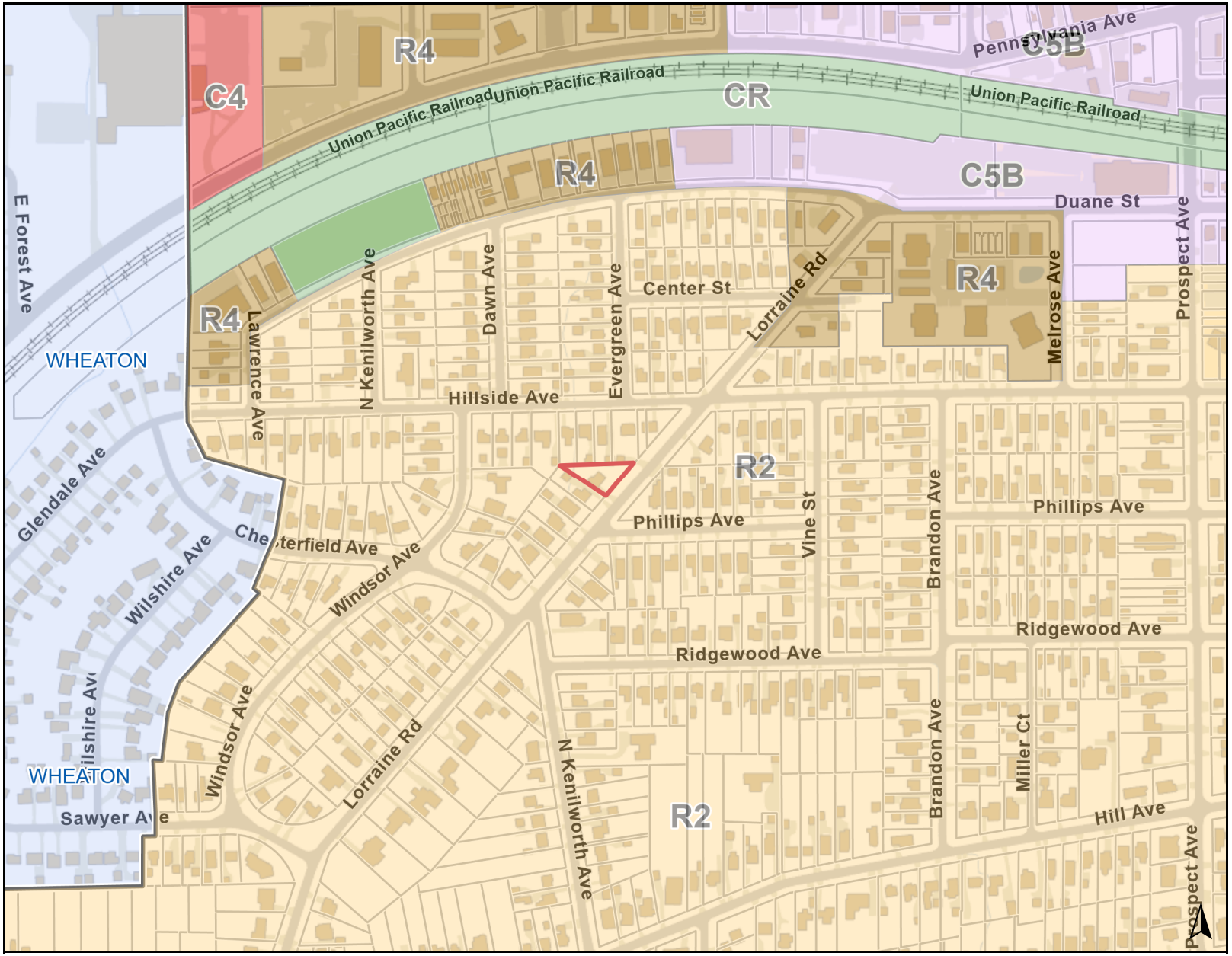
Print Date: 4/13/2023

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

Notes

Zoning Variation request to allow recreation equipment outside of the required rear yard, encroach into the required side yard setback, and be closer to the front property line than the prin...

GISConsortium | 384 Lorraine Rd. - Zoning Map



Legend

Zoning and Development

Zoning

- C4: Office District
- C5B: Central Business District (Service)
- CR: Conservation/Recreation District
- R2: Single Family Residential District
- R4: Multi-Family Residential District

0 500 1000 ft

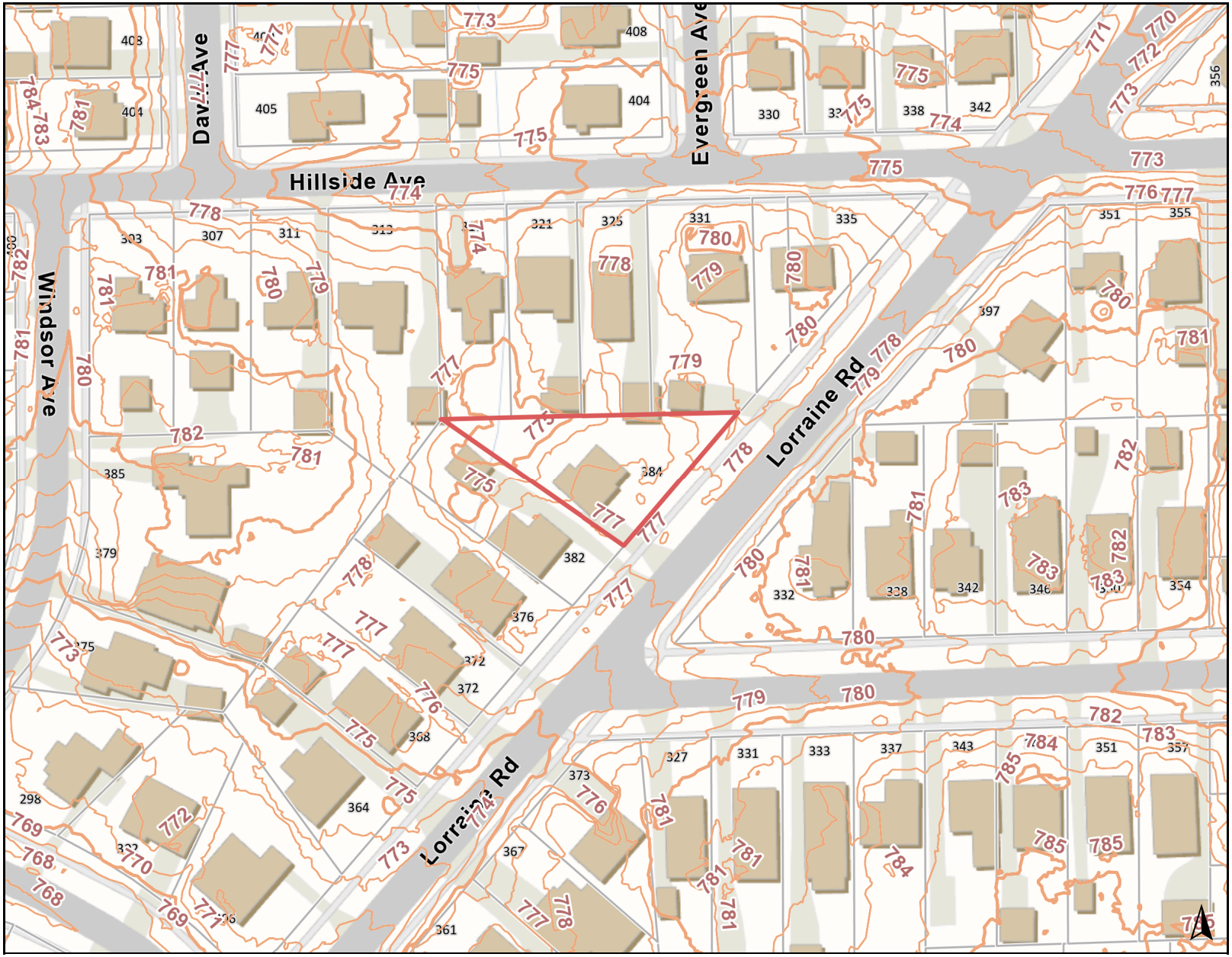
Print Date: 4/13/2023

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

Notes

Zoning Variation request to allow recreation equipment outside of the required rear yard, encroach into the required side yard setback, and be closer to the front property line than the prin...

GISConsortium | 384 Lorraine Rd. - 1' Contour Map



Legend

DuPage County

DuPage County 1' 2017 Contours

Contour Line, Intermediate

Contour Line, Major

0 150 300 ft

Print Date: 4/13/2023

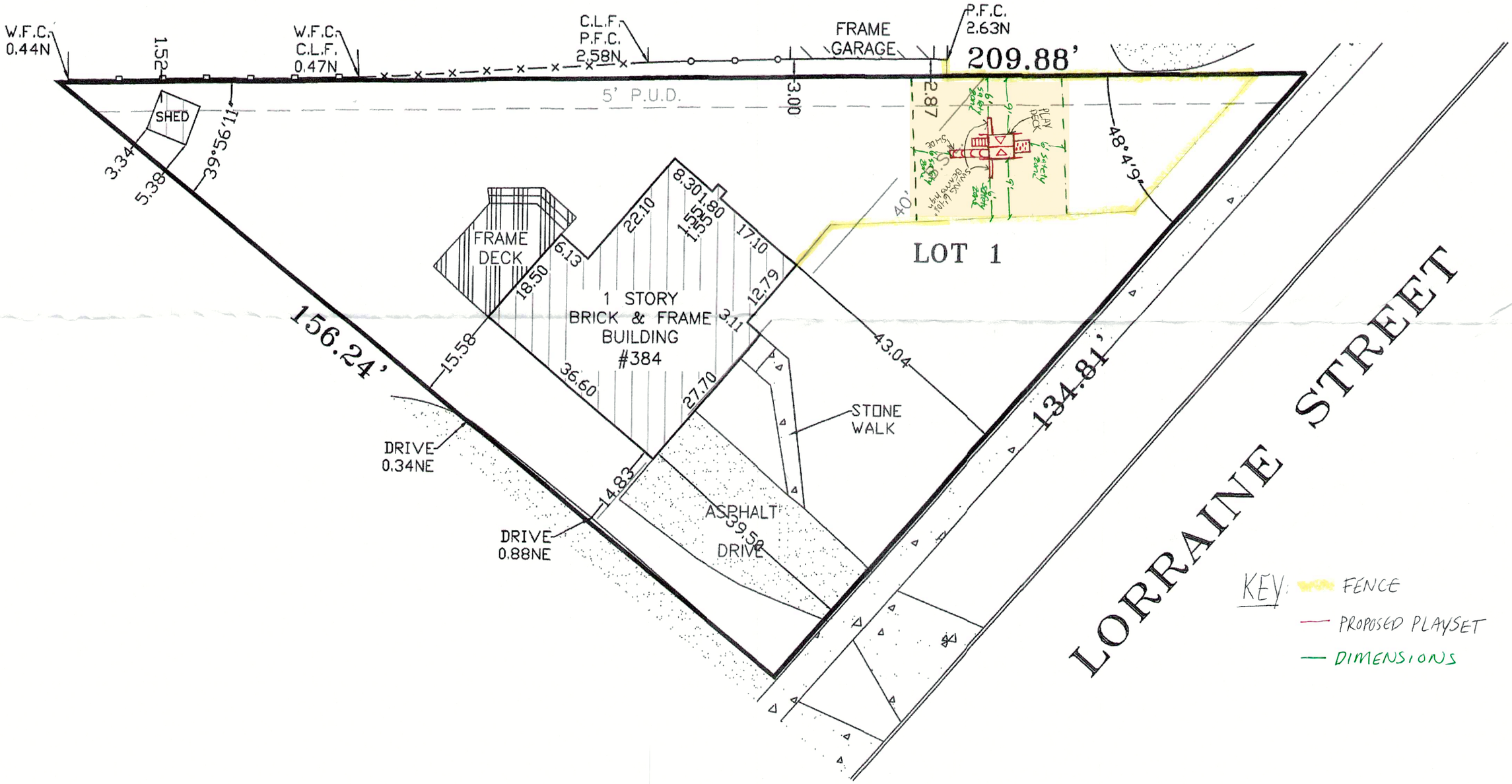
Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

Notes

Zoning Variation request to allow recreation equipment outside of the required rear yard, encroach into the required side yard setback, and be closer to the front property line than the prin...

SITE PLAN

LOT 1 IN BLOCK 1 IN CHESTERFIELD HEIGHTS, A SUBDIVISION OF PARTS OF SECTIONS 15 AND 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 9, 1924 AS DOCUMENT 183453, IN DUPAGE COUNTY, ILLINOIS.



Rear Yard Flooding

Side Yard Existing Conditions

LEGAL DESCRIPTION OF PROPERTY:

LOT 1 IN BLOCK 1 IN CHESTERFIELD HEIGHTS, A SUBDIVISION OF PARTS OF SECTIONS 15 AND 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 9, 1924 AS DOCUMENT 183453, IN DUPAGE COUNTY, ILLINOIS.

NARRATIVE STATEMENT DESCRIBING THE REQUEST AND THE HARDSHIP AND UNIQUE CIRCUMSTANCES:

The Request: To install a child's play set in the fenced side yard. Included in this application is (1) a "Play Set Overview" that provides details of the proposed play set, and (2) a photograph of the existing conditions in the fenced side yard.

Hardship and Unique Circumstances: The platted lot is uniquely shaped (triangular) such that much of the yard area is located to the side of the principal structure (house) rather than to the rear of the principal structure. In addition, the topography within the parcel is such that there exists a depression in the rear yard that collects and manages the stormwater runoff from significant portions of the adjacent lots and lots located further upstream. Several times a year there is standing water (up to 7 inches in depth) for more than 48 hours. These conditions prohibit the installation of a play set in the rear yard. Included in this application is a photograph of the flooding conditions in the rear yard.

NOTE OF SUPPORT FROM NEIGHBOR:
Our neighbor at 331 Hillside Avenue, the closest property to the location of the proposed play set, reviewed the proposed play set details and the proposed location of the play set. He noted on the Proposed Play Set Sketch on the Plat of Survey, provided in this application, that he has no objections.

PLAY SET OVERVIEW

Gorilla Five Star II Space Saver Swing Set with Wood Roof

https://www.wayfair.com/outdoor/pdp/gorilla-playsets-five-star-ii-space-saver-swing-set-with-wood-roof-hbwu1070.html

Owner Manual: https://secure.img1-ag.wfcdn.com/dm/document/ed75220e-dc79-b66f-079d-79a2abf7000e/3039915.pdf

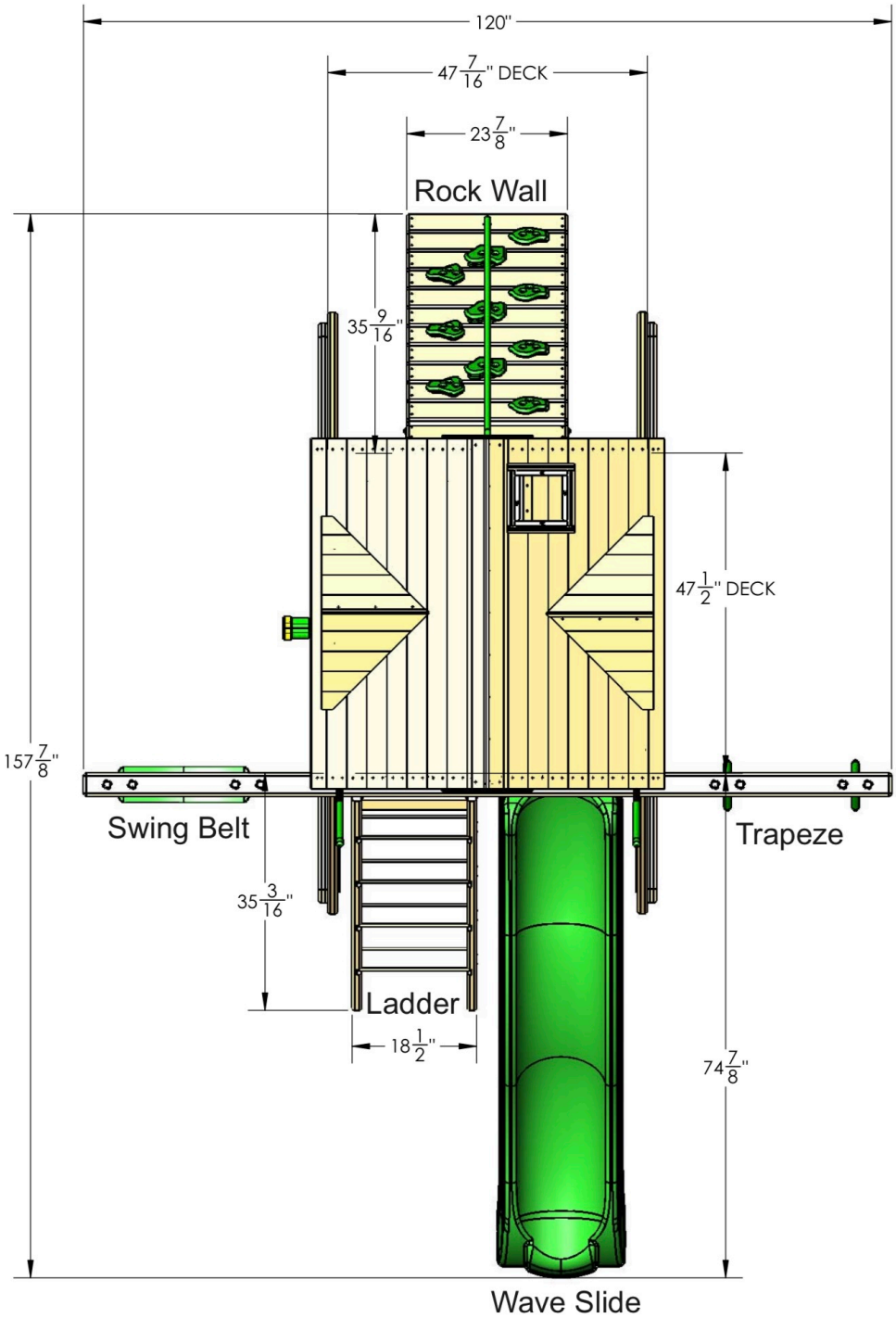
Front View

Rear View

Side View

Site Plan from page 15 of Owner Manual

SITE PLAN:

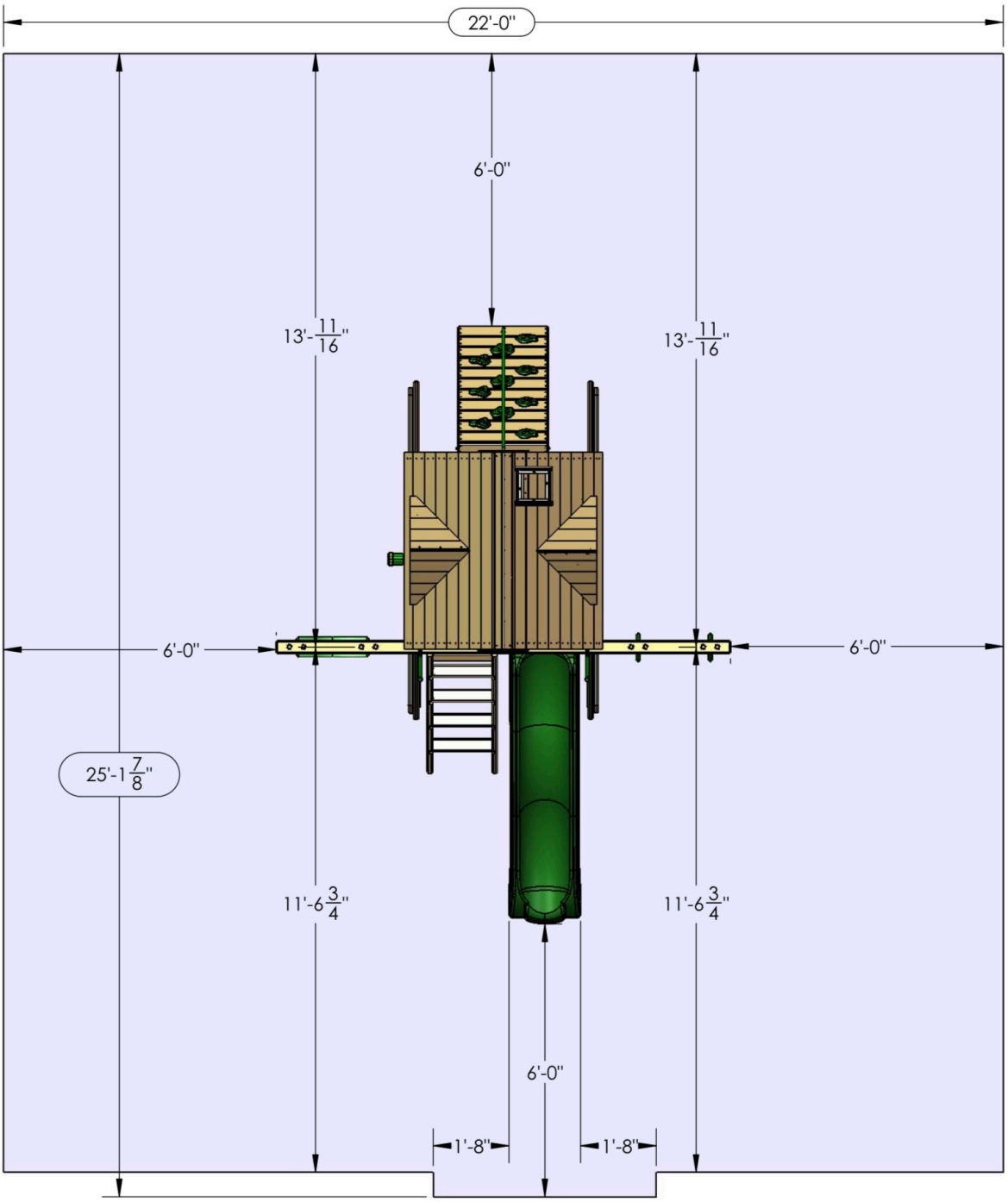


Playset height::10’ - 4-1/2”

Swing Beam height: 6’ - 10-1/2”

Safety Zone from page 16 of Owner Manual

SAFETY ZONE



(6) foot unobstructed safety perimeter around playset recommended

NOTICE OF PUBLIC HEARING

Michelle Hollander, owner of the property at 384 Lorraine Road, is requesting a public hearing for zoning variations in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code to allow the construction of recreational equipment. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on **May 9, 2023,** at 7:00 p.m. in the Galligan Board Room, Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois. The public is welcome to attend.

The property owners are requesting approval of zoning variations from the Glen Ellyn Zoning Code as follows:

1. A variation from Section 10-5-4(A)4.a to allow recreational equipment located closer to the front property line than the principal structure on the lot;
2. A variation from Section 10-5-5(B)4#29 allow recreational equipment to be located outside of the required rear yard and 6 feet away from the side property line in lieu of the required setback of 10%, or 10.03 feet, from any property line; and
3. Any other zoning relief necessary to allow the proposed recreational equipment to be constructed as depicted on the plans presented at the public hearing or at a public meeting of the Village Board.

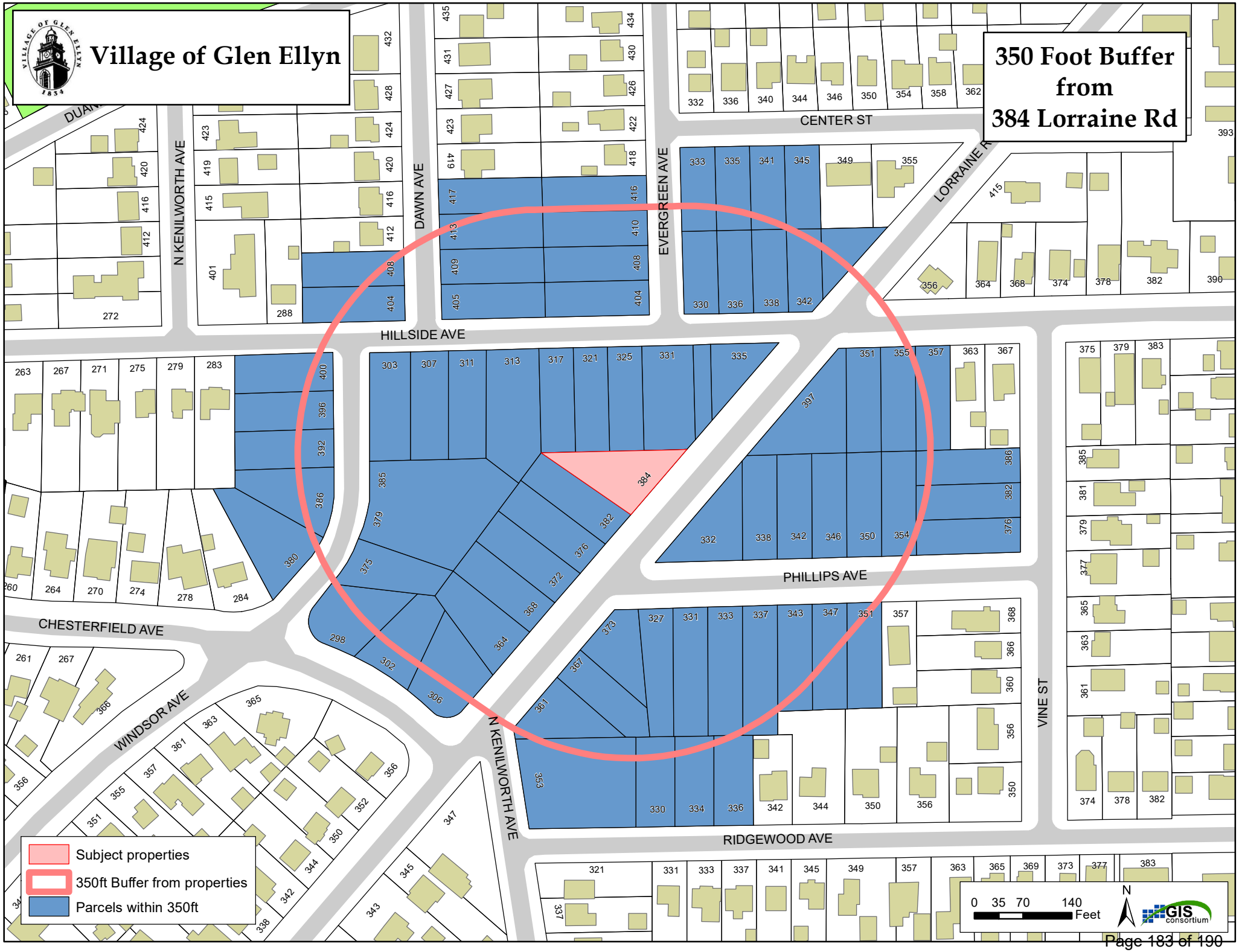
The property is zoned R2 Residential District, and is legally described as follows:

LOT 1 IN BLOCK1 IN CHESTERFIELD HEIGHTS, A SUBDIVISION OF PARTS OF SECTIONS 15 AND 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 9, 1924 AS DOCUMENT 183453, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-15-201-014

All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. To view plans related to the proposed project, please visit the Village website here: https://www.glenellyn.org/246/Public-Notice-Portal. Information related to the request is also available for public review in the Community Development Department at the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Questions related to the request should be directed to Brad Iwicki, Planning Intern, at (630) 547-5241 or biwicki@glenellyn.org. All public comments received by 4:30 pm on Tuesday, May 9, 2023, will be read into the record at the public hearing.

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village 24 hours in advance of the meeting.


Village of Glen Ellyn
350 Foot Buffer from 384 Lorraine Rd
CENTER ST
LORRAINE R
EVERGREEN AVE
DAWN AVE
N KENILWORTH AVE
HILLSIDE AVE
PHILLIPS AVE
CHESTERFIELD AVE
WINDSOR AVE
RIDGEWOOD AVE
VINE ST
Subject properties
350ft Buffer from properties
Parcels within 350ft
0 35 70 140 Feet
N
GIS consortium

PLAT OF SURVEY

Residential
Commercial
ALTA

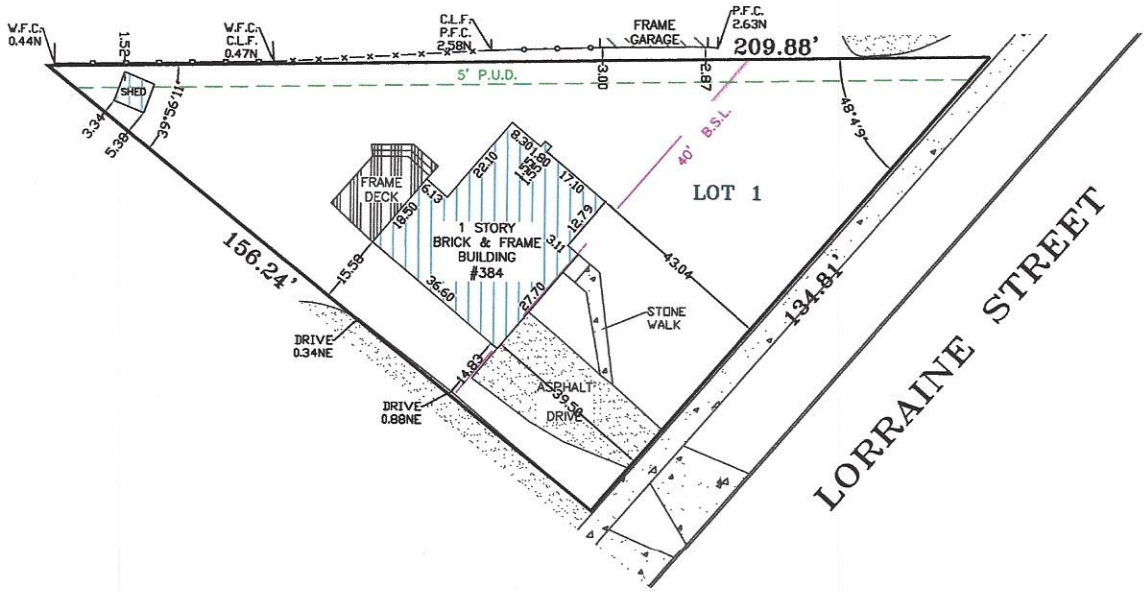
Studnicka and Associates, Ltd.
studnicka2000@gmail.com

Topographical
Condominium
Site Plans

Tel. 815 485-0445
Fax 815 485-0528

17901 Haas Road
Mokena, Illinois 60448

LOT 1 IN BLOCK 1 IN CHESTERFIELD HEIGHTS, A SUBDIVISION OF PARTS OF SECTIONS 15 AND 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 9, 1924 AS DOCUMENT 183453, IN DUPAGE COUNTY, ILLINOIS.



30 0 15 30

Scale: 1" = 30 feet

Distances are marked in feet and decimals.

Ordered by: Beth Sander

Order No.: 18-3-3

Compare all points before building by same and at once report any difference.
For building lines, restrictions, or easements not shown hereon, refer to abstract, deed or ordinance.

Field work completed: 3/23/18

Drawn by: P.D.

Proofed by: T.S.

Design Firm Registration # 184-002791

STATE OF ILLINOIS
COUNTY OF WILL } ss

PROFESSIONAL LAND SURVEYOR
THOMAS C. STUDNICKA
035-003304
MOKENA
ILLINOIS
STATE OF ILLINOIS

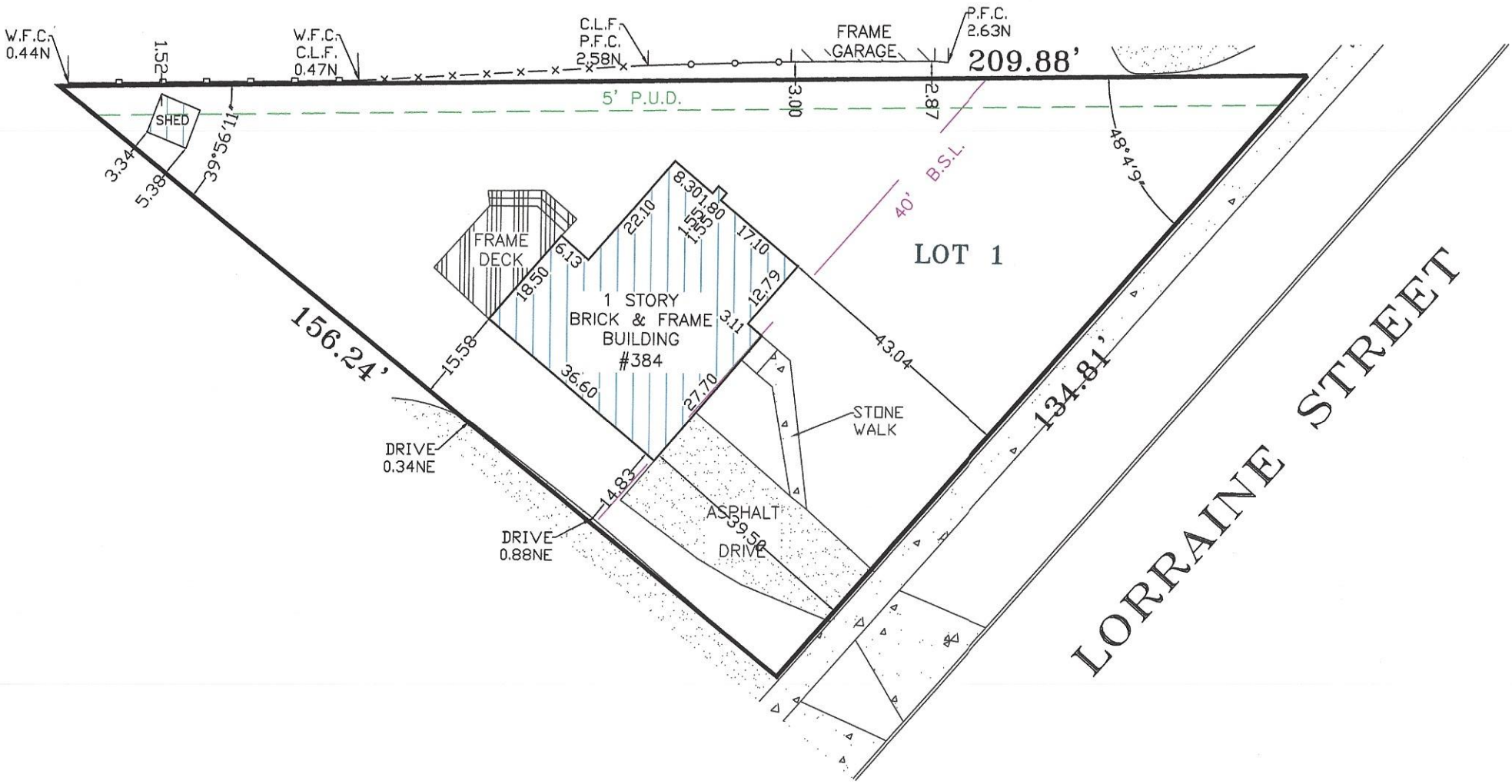
Studnicka and Associates, Ltd., an Illinois Land Surveying Corporation does hereby certify that this professional service conforms to the current Illinois standards for boundary survey.

Mokena, IL. March 26, A.D. 2018

by

License No. 3304 Expires 11/30/18

LOT 1 IN BLOCK 1 IN CHESTERFIELD HEIGHTS, A SUBDIVISION OF PARTS OF SECTIONS 15 AND 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 9, 1924 AS DOCUMENT 183453, IN DUPAGE COUNTY, ILLINOIS.



WARRANTY DEED
INDIVIDUAL TO INDIVIDUAL

MAIL TO:
Edward P. Graham, Esq.
1245 E. Diehl Rd., Ste. 105
Naperville, IL 60563

NAME AND ADDRESS OF TAXPAYER:
Joseph Gaskill & Michelle Hollander
384 Lorraine St.
Glen Ellyn, Illinois 60137

FRED BUCHOLZ
DUPAGE COUNTY RECORDER
APR. 03, 2018 RHSP 12:39 PM
DEED $40.00 05-15-201-014
STAMP AFFIXED
002 PAGES R2018-028437

THE GRANTOR(S), Richard M. Regole, Jr. and Lauren W. Regole, husband and wife from the Village of Glen Ellyn, County of DuPage, State of Illinois, and in consideration of TEN DOLLARS AND 00/00 ($10.00) and other good and valuable consideration in hand paid, CONVEYS AND WARRANTS to **Joseph A. Gaskill, IV and Michelle Hollander, husband and wife as Tenants by the Entirety** from the City of Chicago, County of Cook, State of Illinois, all interests in the following described real estate situated in the County of DuPage, in the State of Illinois, to wit:

LOT 1 IN BLOCK 1 IN CHESTERFIELD HEIGHTS, A SUBDIVISION OF PARTS OF SECTIONS 15 AND 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 9, 1924 AS DOCUMENT 183453, IN DUPAGE COUNTY, ILLINOIS

Permanent Index Number(s): 05-15-201-014
Property Address: 384 Lorraine Street, Glen Ellyn, Illinois 60137

Hereby releasing all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

SUBJECT TO: covenants, conditions and restrictions of record, and for general taxes for tax year 2017 and subsequent years.

CHARGE C.T.I.C. DUPAGE

OT 18 PST 125239SW 1/2

DATED THIS 26 DAY OF MARCH, 2018

Richard M. Regole, Jr. **Lauren W. Regole**

REAL ESTATE TRANSFER TAX 30-Mar-2018

COUNTY:	197.50
ILLINOIS:	395.00
TOTAL:	592.50

05-15-201-014 | 20180302225781 | 0-785-356-320

Village of Glen Ellyn
Real Estate Transfer Tax
020740
Sale $ 395,000.00
Tax $ 1,185.00
Date 3/29/18 Initials RG

WARRANTY DEED
INDIVIDUAL TO INDIVIDUAL

STATE OF ILLINOIS)
)SS.
COUNTY OF)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT **Richard M. Regole, Jr. and Lauren W. Regole** subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he/she/they signed, sealed and delivered the instrument as his/her/their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 26th day of MARCH, 2018.

NOTARY PUBLIC

My commission expires:

TAMMY L WALSH
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
November 07, 2021

NAME and ADDRESS OF PREPARER:

ERIC S. SANDER
SANDER LAW OFFICES
8532 SCHOOL STREET
MORTON GROVE, IL. 60053
847-965-4852
ERIC@SANDERLEGAL.COM

(DRAFT) FINDINGS OF FACT TO SUPPORT A MOTION TO RECOMMEND APPROVAL OF ZONING VARIATIONS TO ALLOW THE CONSTRUCTION OF A FENCE FOR THE PROPERTY LOCATED AT 384 LORRAINE ROAD

The Zoning Board of Appeals hereby makes the following findings in relation to the evaluation factors set forth in Section 10-10-12(F) of the Glen Ellyn Zoning Code:

(Draft reasons, taken partially from the petitioner's application packet, as to how the project may comply with the necessary findings have been drafted by Staff; the ZBA may wish to consider the findings but should feel free to amend the below reasons to make your own findings of fact based upon information provided at the public hearing).

1. Due to the characteristics of the property in question, there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Zoning Code, because the platted lot is uniquely shaped and affected by flooding, prohibiting the homeowner from making reasonable use of the rear yard.

2. The property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning Code, because the platted lot is uniquely shaped and negatively impacted by natural conditions and when the zoning code is applied, interferes with the buildable area of the lot.

3. The plight of the applicant/owner is due to unique circumstances relating to the property in question, because the hardship and practical difficulty is derived from the uniquely shape of the lot, and the topography of the lot and adjacent properties.

4. The requested variations, if granted, will not alter the essential character of the locality of the property in question, because the property is located in the R2 Single Family Residential District where the use of recreational equipment is part of the essential character of the locality.

5. The particular physical surroundings, shape or topographical condition of the property in question would bring particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the Zoning Code were to be carried out, because the platted lot is uniquely shaped and impacted by stormwater, which collects in the rear yard, creating standing water several times a year and interferes with the buildable area of the lot.

6. The conditions upon which the petition for variations is based would not be applicable generally to other property within the same zoning district, because the irregular shape of the lot, partially due to the skewed nature of Lorraine Road, and required setbacks are uniquely measured compared to other properties in the district.

7. The purpose of the variations is not based exclusively upon a desire to make more money out of the property in question, because the petitioners do not have plans to sell their home and do not

have a motive to gain profit as the purpose of the recreational equipment is for the current family's enjoyment.

8. The alleged difficulty or particular hardship has not been created by any person presently having an interest in the property in question or by the applicant, because the property was platted and the home was constructed many years ago in a way that created hardship due prior to the current homeowners purchasing the property. The topography of the property was not created by the homeowner.

9. The granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located, and will not impair an adequate supply of light and air to adjacent property, because the proposed recreational equipment will be constructed behind a fenced portion of the property for private use by the homeowner and family, will not obscure sunlight, air, or cast new shadow on neighboring properties, and will not impact other improvements in the neighborhood.

10. The proposed variations will not substantially increase the hazard from fire or other dangers to the property in question or adjacent property, because the proposed recreational equipment will adhere to the play set manufacturer's minimum safety zone distances.

11. The proposed variations will not otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village; diminish or impair property values within the neighborhood; or unduly increase traffic congestion in the public streets and highway because the proposed recreational equipment is for the use of the current property owners, is modest in size, and is within a fenced yard.

12. The proposed variations will not create a nuisance or result in an increase in public expenditures because the proposed recreational equipment is for residential use and paid for by the current property owners, will not impact public expenditures, and is not anticipated to negatively impact neighbors.

13. The variations are the minimum variations that will make possible the reasonable use of the land, building or structure because the recreational equipment selected for this project is narrowly designed, minimizing the distance that the equipment encroaches into the required side yard setback.

DRAFT "MOTION" TO RECOMMEND APPROVAL OF ZONING VARIATIONS FOR 384 LORRAINE ROAD

Having considered the application of Michelle Hollander, owner(s) of the property at 384 Lorraine Road, Glen Ellyn, for zoning variations from Section 10-5-4(A)4.a to allow recreational equipment located closer to the front property line than the principal structure on the lot, and Section 10-5-5(B)4#29 allow recreational equipment to be located outside of the required rear yard and 6 feet away from the side property line in lieu of the required setback of 10%, or 10.03 feet, from any property line, the Zoning Board of Appeals hereby adopts the findings of fact in the petitioners' application packet and presented by the petitioners at the Zoning Board of Appeals public hearing conducted on May 9, 2023, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship(s) or unique circumstance(s):

_____

_____

_____

_____

_____

_____

_____

Subject to the following conditions:

1. The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the May 9, 2023, public hearing of the Zoning Board of Appeals.

2. _____.

3. _____.

4. _____.

Motion by: _____ Seconded by: _____