



Agenda  
Village of Glen Ellyn  
Zoning Board of Appeals Meeting  
Tuesday, July 11, 2023  
7:00 PM

---

- A. Call to Order**
- B. Public Comment (Non-Agenda Items)**
- C. Approval of Draft Minutes**
  - 1) Approval of the draft minutes from the May 9, 2023 meeting
- D. Public Hearings**
  - 1) 781 Fairview Ave. - Request for relief from the Zoning Code to allow construction of a fence surrounding the back yard of a single-family residence to exceed the permitted height and openness limitations
  - 2) 355 Center St. - Request for relief from the Zoning Code to allow construction of a fence surrounding the back yard of a single-family residence to exceed the permitted height and openness limitations
- E. Other Business**
- F. Village Board Trustee Report.**
- G. Chairperson's Statement**
- H. Staff Report**
- I. Adjourn**

**DRAFT MINUTES**  
**Glen Ellyn Zoning Board of Appeals Meeting**  
**Tuesday, May 9, 2023 at 7:00 p.m.**  
Glen Ellyn Civic Center  
Galligan Board Room  
535 Duane Street

**A. Call to Order and Roll Call**

Chairperson Constantino called the meeting to order at 7:05 P.M., and roll was called. Present: Chairperson Constantino and Board Members Katie Crudele, Matthew Jones, Christiane McKnight, Reed Panther, and Thomas Whalls; Absent: Board Member Chip Miller.

Chairperson Greg Constantino explained the advisory nature of the Zoning Board of Appeals (ZBA) and its process for deliberation and recommendation. He described the Public Hearing protocols and announced that the meeting was being recorded.

**B. Approval of Meeting Minutes**

Member Whalls made a motion to approve the draft minutes of the March 14, 2023 meeting. Member McKnight seconded the motion, and the motion passed by voice vote.

**C1. Public Hearing for 612 Riford Road**

Member Crudele made a motion to open the Public Meeting for 612 Riford Road. Member Whalls seconded the motion, and the motion passed by voice vote.

**Staff Presentation**

Sworn in, Brad Iwicki, Planning Intern, introduced the request. He presented information from the Staff Report dated March 27, 2023, included in the agenda packet. Mr. Iwicki said that the Petitioners, Bill and Donna Neil, owners of the property at 612 Riford Road, request approval of variations to allow an addition to their existing single-family home to encroach into the required rear yard and to exceed the permitted lot coverage ratio.

Mr. Iwicki described the property as part of the H.B. Barnes Subdivision, constructed in 1953, and its zoning as R-2 Single Family Residential District. He described the zoning history, including no records of prior variations granted, and the permit history, including a 2019 second floor addition and first floor remodel, a driveway improvement, and the construction of a deck with a pergola. Mr. Iwicki said the Petitioners propose removing the existing deck and pergola at the rear of the home and replacing it with a sunroom addition within the same footprint and atop the existing deck foundation.

Mr. Iwicki described the lot area, including that it is irregular-shaped, and the skew of the structure. He said the property is legal-nonconforming. Mr. Iwicki said that the requested variation would be less

significant if the home was constructed parallel to the front lot line. Mr. Iwicki said the proposal was reviewed by the Village Stormwater Engineer who does not anticipate water drainage problems; however, if variations are granted, the plans would be further reviewed by the Village's Stormwater Engineer as part of the permitting phase.

Mr. Iwicki said that staff received two letters from adjacent neighbors in support of granting the variations, as well as one letter of opposition and concern from a group of five neighbors.

Mr. Iwicki said that 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%.

#### Board Member Questions

Member Panther asked for additional information regarding the nature of the concern of opposing neighbors. Mr. Iwicki read aloud the letter of opposition, which concerned ongoing drainage issues from other Riford Street homes. The letter referenced prior complaints to the Village, expressed concern that this project would lead to more draining issues, and requested that Village requirements for draining be followed. Mr. Iwicki said there is a letter on file from the Stormwater Engineer that addressed the Riford Street property with the drainage issue.

Member Whalls asked for confirmation that the subject property, 612 Riford Street, was not specifically mentioned in the letter as the cause of the drainage issues. Mr. Iwicki confirmed. Member Whalls asked whether the subject property would meet the impervious surface requirements. Mr. Iwicki confirmed and said that the footprint of the proposed project would be the same as the existing deck.

Chairperson Constantino said that since there were no specific references to the property at 612 Riford Road in the letter of opposition, the issues of concern could be reviewed by the Planning Department separately.

#### Petitioner's Presentation

Sworn in, Bill Neil clarified that while the proposed sunroom addition would replace an existing deck, the deck is not on a concrete slab; a concrete foundation would be added. Mr. Neil said he had approached several surrounding neighbors and that he didn't receive any negative comments from his immediate neighbors. Mr. Neil said he received support when his previous renovation was done, and that there is ample room with regard to the backyard neighbors.

#### Board Member Questions

Member Panther asked for clarification about whether the sunroom would be air-conditioned. Mr. Neil confirmed and said that it would be a year-round room.

#### Public Comment

Chairperson Constantino invited public comment. There was no public comment.

### Board Member Deliberation

Member Panther summarized the findings of fact drafted by the Village staff and included in the agenda packet. Member Crudele made a motion to adopt the findings of fact in their entirety. Member Jones seconded the motion, and the motion passed unanimously by a role call vote. Voting YES: Chairperson Constantino and Board Members Katie Crudele, Matthew Jones, Christiane McKnight, Reed Panther, and Thomas Whalls.

Member Whalls indicated he was in favor of the request for reasons including the irregularly shaped lot, the position of the home on the lot, and the consistent impervious surface area. Member Crudele said she was also in favor. Member McKnight said she was in favor, noting the addition was designed to complement the character of the home and the surrounding neighborhood. She said that the plans would be further reviewed by the Stormwater Engineer during the permitting process, which would address neighbors' drainage concerns. Member Jones said he was in favor of the request. He said he appreciated the practice of taking an older home and making small improvements over the years to make it last. Member Panther said he was also in favor of the request, given the lot shape, the position of the home on the lot, and the lack of change in impervious surface area. Chairperson Constantino said he was in favor, noting that the architect for a prior addition was same architect for the proposed sunroom, so it should be a compatible project.

Member Whalls made a motion to close the Public Meeting for 612 Riford Road. Member Panther seconded the motion, and the motion passed by voice vote.

Member Whalls moved for the following:

**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 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.**

Member Panther seconded the motion, and the motion passed unanimously by a role call vote. Voting YES: Chairperson Constantino and Board Members Katie Crudele, Matthew Jones, Christiane McKnight, Reed Panther, and Thomas Whalls.



Chairperson Constantino said the request will proceed to a future Village Board meeting for further consideration.

## **C2. Public Hearing for Orchard Place Townhomes**

Member Crudele made a motion to open the Public Meeting for Orchard Place Townhomes. Member Panther seconded the motion, and the motion passed by voice vote.

### **Staff Presentation**

Sworn in, Scott Viger, Planning Consultant, introduced the request. He presented information from the Staff Report dated May 3, 2023, included in the agenda packet. He said that the Petitioner, Mr. Jim Bell, on behalf of the Orchard Place Townhomes Association, requests approval of variations to allow construction of 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.

Mr. Viger described the property, a 49-unit townhome development; its zoning, R-3 Multi-Family Residential PUD; and the subject site, a stormwater detention area. He said the Petitioner desires to inhibit trespassing by erecting a fence across a portion of the property line fronting Lorraine Road. Mr. Viger said the applicant requests a 24-foot length fence; a distance short of the lot's 68-foot frontage. Mr. Viger described the proposed fence as similar in construction to an existing fence on the property. He said the existing fence dates back to the time of construction of the development in the mid-1990s and is non-conforming with regard to height and openness. Mr. Viger said the proposed fence would be on a lot encumbered by a public utility and drainage easement.

### **Board Member Questions**

Member McKnight asked if any comments from the public were received relative to the request. Mr. Viger said that there were no comments, just general inquiries from neighbors about the nature of the public notice.

Member Jones asked for more information about the nature of the site as a water detention area, including whether it would pose a safety concern if a fence limited visibility.

Chairperson Constantino said that it appears there were several issues that would need to be overcome by the Petitioner, including the height of the fence, restrictions due to it being a water detention area, the fact that there is no principal structure, and inadequate openness. He invited the Petitioner's testimony, including any hardships or unique circumstances for the Board Members to consider.

### **Petitioner Presentation**

Sworn in, Mr. Jim Bell, said that the retention basin in question is a grassy, inviting area which passersby think is a public area; they stop and have picnics, and, on occasion, parties. Mr. Bell said the homeowner's association wants to make it clear that it is not a public area. He said they have made multiple attempts over the years to discourage trespassing, including plantings such as evergreens and

tall grasses. He said that nothing they've planted survives. Mr. Bell said the HOA board decided to pursue a fence, and aesthetically they want it to match the existing fence on the property.

#### Board Member Questions

Chairperson Constantino asked whether "No Trespassing" signs have been posted. Mr. Bell said there is a sign posted but that people ignore it. Chairperson Constantino questioned whether a 24-foot-long fence would restrict access, given the remaining open space. Mr. Bell said they proposed a shorter fence to allow an egress in case the basin blocks up. Chairperson Constantino asked whether a 4-foot-high fence might be acceptable aesthetically, given that the fence wouldn't be attached to the existing fence; he noted that the other variance issues would still remain, though. Mr. Bell said a 6-foot fence was preferable for privacy and aesthetics.

Member Crudele asked whether a 6-foot fence would pose safety concerns with regard to line of sight by cars at the corner. Mr. Bell said line-of-sight issues would be comparable to a 4-foot fence.

Member Jones said that when he walked the property, he didn't see footpaths in the grass to indicate that people walked through the area consistently. He questioned the frequency of trespassing. Mr. Bell indicated trespassing wasn't daily, but it was a recurring nuisance for residents. He said the goal of the fence would be to show passersby that it is not public property.

#### Public Comment

Chairperson Constantino invited public comment.

Sworn in, Andrew Dorn, thanked Board Members for the hearing. He said he was a resident of Orchard Townhomes, and he respected the points made by the Board. Mr. Dorn said that his townhome is on the eastern edge of the retention pond, and while there isn't a worn path, it is disturbing when people are coming through the property. He said the signs aren't effective. Mr. Dorn said the issue is a frequent subject at HOA board meetings, and that this is the remedy the board is seeking. He said the board might consider a 4-foot fence if they could get the design to be similar to the existing fence.

#### Board Member Questions

Chairperson Constantino asked whether a landscaper had been engaged to recommend plantings that would survive in the location. Mr. Dorn said that landscapers have been consulted, and that a number of approaches with plantings have been attempted in the past.

#### Board Member Deliberation

Member Panther summarized the findings of fact from the hearing. Member Crudele made a motion to adopt the findings of fact. Member McKnight seconded the motion, and the motion passed unanimously by a roll call vote. Voting YES: Chairperson Constantino and Board Members Katie Crudele, Matthew Jones, Christiane McKnight, Reed Panther, and Thomas Whalls.

Member Whalls said that he was not in favor of the request, noting prior requests for 6-foot high fences that were denied, the fact that there's no principal structure, and the fact that it is over a drainage area. Member Crudele said that she would support the request; she said that the Petitioners have tried numerous options to address trespassing, and that this was a unique circumstance where private property was being treated as if it were public. Member McKnight said she was not in favor; she said if the proposed fence met the height and openness requirements she might feel differently. Member Jones said he was not in favor of the proposal; he said there's no principal structure and that it's difficult to find great hardship in people cutting through the property. Member Jones discussed the issue of precedent. Member Panther said he was not in favor, noting that he didn't believe the proposal would remedy the situation. Chairperson Constantino said he was not in favor. He said there were four big issues for the Petitioner to overcome, including: no principal structure, the retention area, the height of the fence, and the design openness. He said the Petitioner would need to demonstrate hardship.

Chairperson Constantino noted that the request was unlikely to pass and asked whether the Petitioner would benefit from additional time to discuss the findings from the meeting and to consider potential modifications to the request. Mr. Dorn and Board Members discussed the fact that the existing fence was non-conforming, and that if it were to need replacement in the future, it would need to conform. Chairperson Constantino proposed continuing the hearing.

Member Jones made a motion to continue the public hearing for Orchard Place Townhomes to the next Zoning Board of Appeals Meeting, scheduled for June 13, 2023, at 7:00 PM.

Member Whalls seconded the motion, and the motion passed unanimously by a roll call vote. Voting YES: Chairperson Constantino and Board Members Katie Crudele, Matthew Jones, Christiane McKnight, Reed Panther, and Thomas Whalls.

### **C3. Public Hearing for 781 Fairview Avenue**

Member McKnight made a motion to open the Public Meeting for 781 Fairview Avenue. Member Whalls seconded the motion, and the motion passed by voice vote.

#### **Staff Presentation**

Sworn in, Scott Viger, Planning Consultant, introduced the request. He presented information from the Staff Report dated April 19, 2023, included in the agenda packet. He said that the Petitioners, Bader Almoshelli and Yusra Gomaa, owners of the property at 781 Fairview Avenue, are requesting Zoning Variances to allow construction of a fence that exceeds the maximum allowable height and is solid in lieu of 33 1/3 % openness requirement outlined in the Zoning Code.

Mr. Viger described the property as a corner lot at the southeast corner of Fairview and Carleton Avenues, in the R-2 Single Family Residential Zoning District. He reviewed the permit history and the variance history, indicating there are no previous variations granted for this property. Mr. Viger said the 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. He said 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. Mr. Viger said the proposed fence meets the Code in the other areas of the lot. Mr. Viger said the Petitioners state that the presence of Newton Park and the 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.

#### Board Member Questions

Member Panther requested clarification that only a portion of the fence would require a Variance, the portion along Carlton. Mr. Viger confirmed this.

Chairperson Constantino said that the balance of the proposed fence meets Zoning requirements, but the portion of the fence proposed for Carleton Avenue would not meet the Zoning Code. He said that the Petitioner would need to demonstrate hardships or unique circumstances. He invited the Petitioner to present.

#### Petitioner Presentation

Sworn in, Bader Almoshelli said that his family's main concern was for security and privacy. He said he has young children who love to be in the yard, but that the existing fence is not secure or private; he said because of the slope of the yard, the existing fence feels shorter than four feet. Mr. Almoshelli said that the property is in a busy area with Newton Park, a memory care facility, and the facility's large parking lot. He said his property faces the parking lot, and that staff are often loitering. He said they find litter, including cigarettes and beer bottles. Mr. Almoshelli said his family would have peace of mind when the kids were outside playing if there was more privacy.

#### Board Member Questions

Member Whalls asked if the Village had received any public opposition to the request. Mr. Viger said no comments were received.

Member Jones asked whether the Petitioner would be willing to set the fence back from the current location and add plantings in front to soften its appearance. Mr. Almoshelli said he didn't know if that would be possible for structural reasons.

Chairperson Constantino said the request was significant, to move from a 4-foot fence to a 6-foot fence, and from an open fence to a solid fence. He said the Petitioner would need to demonstrate compelling hardship or unique circumstances. He said he doesn't see hardship, and that given the other homes in the area, the Petitioner doesn't appear to have a unique circumstance. Mr. Almoshelli said he doesn't believe others in the vicinity share the same problem; he said his home's yard was exposed most openly.

Member Whalls discussed precedent and the denial of prior Petitioners' requests for 6-foot-high fences. He said higher fences would change the character of the neighborhood. Mr. Almoshelli said his family has attempted landscaping solutions, and that they have been expensive and ineffective. He said they have exhausted other options.

#### Public Comment

Chairperson Constantino invited public comment. There was no public comment.

#### Board Member Deliberation

Member Panther summarized the findings of fact from the hearing. Member Jones made a motion to adopt the findings of fact. Member McKnight seconded the motion, and the motion passed by voice vote.

Member Crudele said that she was not in favor; she said she empathized fully with the Petitioner, but the request was not consistent with the character of the town in relation to fences. Member McKnight said she also empathized, but that a 4-foot fence could address the problem and would be compliant with Zoning Code; she was opposed. Member Jones said he might support the request if the fence were moved back, and plantings were added in front of the fence. Member Panther said he was opposed to the request. Chairperson Constantine said he opposed the request. He said it was a significant variation to the existing fencing code, it isn't a unique circumstance, and approval might set an unintended precedent that would change the character of the neighborhood.

Chairperson Constantino noted that the request was unlikely to pass and asked whether the Petitioner would benefit from additional time to discuss the findings from the meeting and to consider potential modifications to the request. Mr. Almoshelli agreed. Chairperson Constantino proposed continuing the hearing.

**Member Whalls made a motion to continue the public hearing for 781 Fairview Avenue to the next Zoning Board of Appeals Meeting, scheduled for June 13, 2023, at 7:00 PM.**

Member Panther seconded the motion, and the motion passed by voice vote.

#### **C4. Public Hearing for 384 Lorraine Road**

Member Crudele made a motion to open the Public Meeting for 384 Lorraine Road. Member McKnight seconded the motion, and the motion passed by voice vote.

#### Staff Presentation

Sworn in, Martin Scott, Director of Community Development, introduced the request. He presented information from the Staff Report dated April 20, 2023, included in the agenda packet. He said that the Petitioner, Michelle Hollander, owner of the property at 384 Lorraine Rd., requests Zoning Variations to allow recreational equipment to be constructed on her property.

Mr. Scott described the property as an interior lot located in the R-2 Zoning District on Lorraine Road, between Hillside Avenue and Phillips Avenue. He described the zoning history, including no records of prior variations granted. He said the homeowners purchased the property in 2018, and it is currently

conforming to all regulations in the R-2 Residential District. Mr. Scott said the Petitioner is interested in constructing recreational equipment in the required front yard. He said 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. Mr. Scott added that 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. He said 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. Mr. Scott presented photos of the Petitioner's flooded rear yard.

Mr. Scott said that the Petitioner had a preliminary meeting with Community Development Planning staff, and that the Petitioner selected a narrow playset with the intention of requesting the minimum variation that would make possible the reasonable use of the land.

Mr. Scott said staff received two statements of support for the request.

Mr. Scott said that 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.

#### Board Member Questions

There were no questions for Mr. Scott.

#### Petitioner Presentation

Sworn in, Michelle Hollander, said that with regard to hardships and unique circumstances, her property is on a triangular lot, and that most usable space is to the front and the side. She said that ideally her family would put a playset in the backyard, but that because of the slope and drainage issues, they experience regular flooding. Ms. Hollander said her neighbors support the proposal and can't wait to see the kids playing on their new playset.

#### Board Member Questions

There were no questions for Ms. Hollander.

#### Public Comment

Chairperson Constantino invited public comment. There was no public comment.

#### Board Member Deliberation

Member Panther summarized the findings of fact from the hearing. Member Jones made a motion to adopt the findings of fact. Member Crudele seconded the motion, and the motion passed by voice vote.

Member Whalls said he supported the request. Member Crudele said she supported the request, given the irregular-shaped lot. Member McKnight said she supported the request given the irregular shape and the flooding. Member Jones said he supported the request, given the flooding and the minimal impact to neighbors. Member Panther said he supported the request, given the shape of the lot. Chairperson Constantino said he recommended granting the Variation. He said the Petitioner demonstrated hardships with flooding and the inability to use the rear lot for its intended purposes; he said there was a unique circumstance given the shape of the lot.

Member Jones made a motion to close the Public Hearing for 384 Lorraine Road. Member Whalls seconded the motion, and the motion passed unanimously by a roll call vote. Voting YES: Chairperson Constantino and Board Members Katie Crudele, Matthew Jones, Christiane McKnight, Reed Panther, and Thomas Whalls.

Member Whalls moved for the following:

**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): Irregularly-shaped lot and topography.**

**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.**

Member Johns seconded the motion, and the motion passed unanimously by a roll call vote. Voting YES: Chairperson Constantino and Board Members Katie Crudele, Matthew Jones, Christiane McKnight, Reed Panther, and Thomas Whalls.

Chairperson Constantino said the request will proceed to a future Village Board meeting for further consideration.

#### **D. Trustee's Report**

Village Board Trustee Gould provided updates from recent Village Board of Trustees meetings, including recent approval of Variances for the Willowbrook Wildlife Rehabilitation Center; approval of the Purchase and Sale for the U.S. Bank parcel, in partnership with the Glen Ellyn Park District; and approval for the 411 Main Street building.

### **E. Adjournment**

Member McKnight made a motion to adjourn the meeting. The motion was seconded by Member Crudele, and the motion passed by voice vote. Chairperson Constantino adjourned the meeting at 9:33 P.M.

Respectfully submitted,

Audrey Savikas, Recording Secretary





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

Meeting 7/11/2023 7:00 PM  
Department: Community Development  
Department Head: Martin Scott  
Category: Public Hearing  
Prepared By: Scott Viger

**AGENDA ITEM (ID # 2023-711)**

**DOC ID: 2023-711**

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

### **Statement of the Issue:**

Please see the attached staff report.

### **Analysis:**

Please see the attached staff report.

### **Budget Impact:**

N/A

### **Contribution to Strategic Plan**

### **Action Requested:**

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. Revised Staff Report 781 Fairview 06.13.23 ZBA
2. 781 Fairview ZBA Presentation
3. 1. Zoning Variation Request Packet 3.28.23
4. 2. Plat of Survey
5. 3. Site Plan
6. 4 Revised Site Plan
7. 5. Aerial Map
8. 6. Zoning Map
9. 7. Contour Map
10. 8. Exhibits Provided by Petitioner
11. 9. Existing Conditions Photos
12. 10. Fence Brochure
13. 11 Notification Map 781 Fairview
14. 12. 07.11.23 Public Notice 781 Fairview
15. 13. Emails of support

- 16. 14. Draft Findings of Fact
- 17. 15. Draft Motion to Approve
- 18. 16. Draft Motion to Deny
- 19. 17. Revised Staff Report 781 Fairview 06.13.23 ZBA
- 20. 18. Proof of Ownership Deed R2021-033053 781 Fairview



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

Meeting 7/11/2023 7:00 PM  
Department: Community Development  
Department Head: Martin Scott  
Category: Public Hearing  
Prepared By: Scott Viger

**AGENDA ITEM (ID # 2023-711)**

**DOC ID: 2023-711**

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

### **Statement of the Issue:**

Please see the attached staff report.

### **Analysis:**

Please see the attached staff report.

### **Budget Impact:**

N/A

### **Contribution to Strategic Plan**

### **Action Requested:**

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. Revised Staff Report 781 Fairview 06.13.23 ZBA
2. 781 Fairview ZBA Presentation
3. 1. Zoning Variation Request Packet 3.28.23
4. 2. Plat of Survey
5. 3. Site Plan
6. 4 Revised Site Plan
7. 5. Aerial Map
8. 6. Zoning Map
9. 7. Contour Map
10. 8. Exhibits Provided by Petitioner
11. 9. Existing Conditions Photos
12. 10. Fence Brochure
13. 11 Notification Map 781 Fairview
14. 12. 07.11.23 Public Notice 781 Fairview
15. 13. Emails of support

- 16. 14. Draft Findings of Fact
- 17. 15. Draft Motion to Approve
- 18. 16. Draft Motion to Deny
- 19. 17. Revised Staff Report 781 Fairview 06.13.23 ZBA
- 20. 18. Proof of Ownership Deed R2021-033053 781 Fairview

## STAFF REPORT

**TO:** Zoning Board of Appeals

**FROM:** Scott Viger, Planning Consultant

**DATE:** April 19, 2023  
**Revised June 5, 2023**

**SUBJECT:** May 9, 2023 - Zoning Board of Appeals Meeting (Hearing held)  
**June 13, 2023 – Zoning Board of Appeals Meeting (Cancelled)**  
**July 11, 2023 – Zoning Board of Appeals Meeting (New hearing)**

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 petitioners 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 (new) public hearing was published in the June 27, 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:

| <u>Date:</u> | <u>Permit No.:</u> | <u>Description:</u>    |
|--------------|--------------------|------------------------|
| 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.

**After the May 9, 2023, ZBA public hearing the petitioners submitted a revised plan based on a comment from the Board. The revision adds Forester Reed Grass along the Carleton Avenue sidewalk and relocates the proposed fence eastward approximately 18 inches. The existing Arbor Vitae hedge inside the current fence will remain. These proposed revisions are depicted on page 5 of the attached pdf titled "781 Fairview ZBA presentation".**

**Additionally, two emails from one abutting and one adjacent neighbor were received. These emails of support are attached.**

**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:** Listed in the agenda memo

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

# 781 FAIRVIEW RD.

ZONING BOARD OF APPEALS

MAY 9, 2023

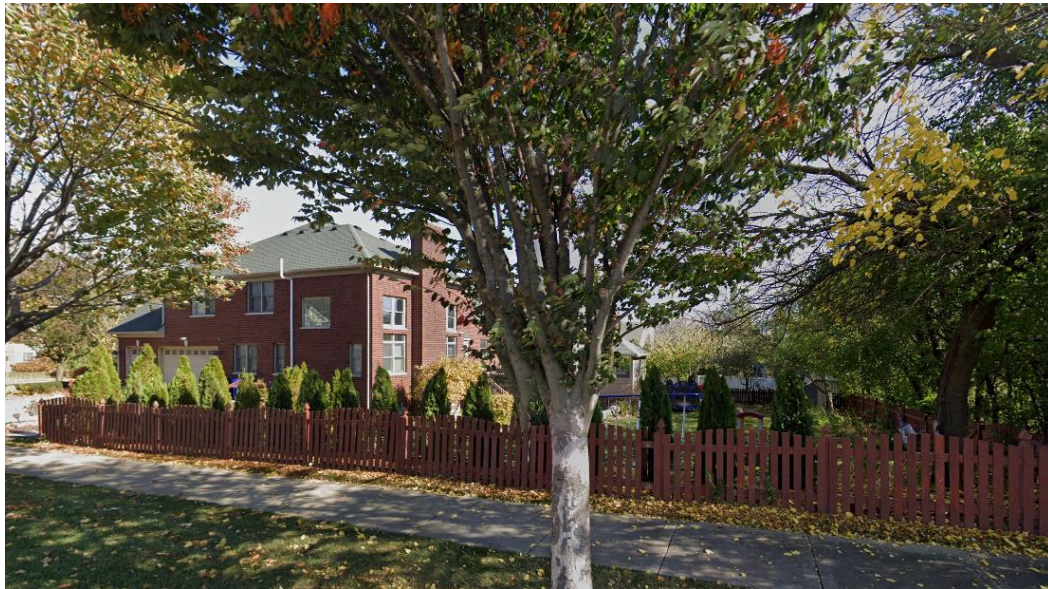
JULY 11, 2023

Public Hearing to consider Zoning Variations to allow  
construction of a fence on the property located at  
781 Fairview Rd.










## IMPRESSIONS

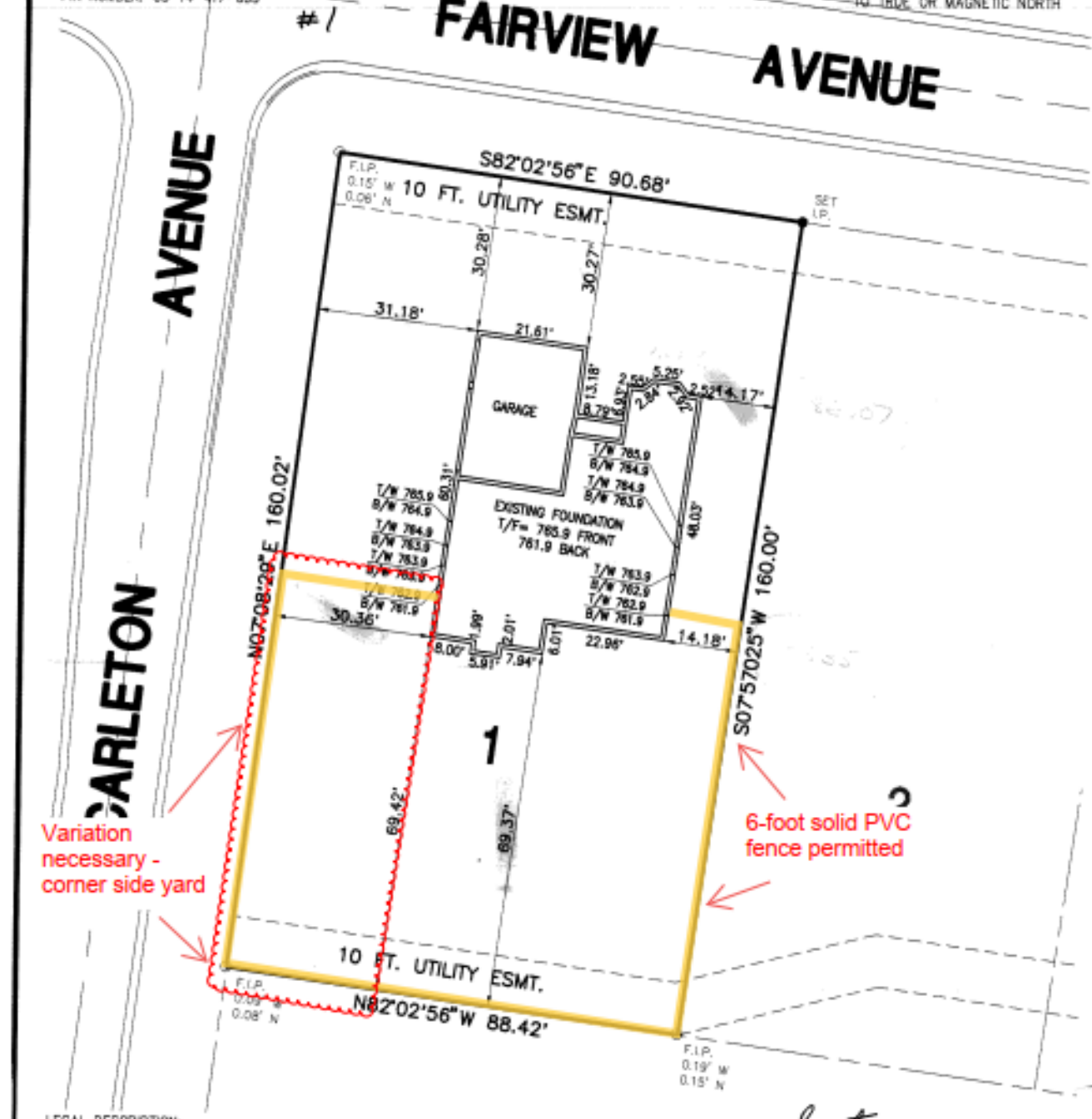
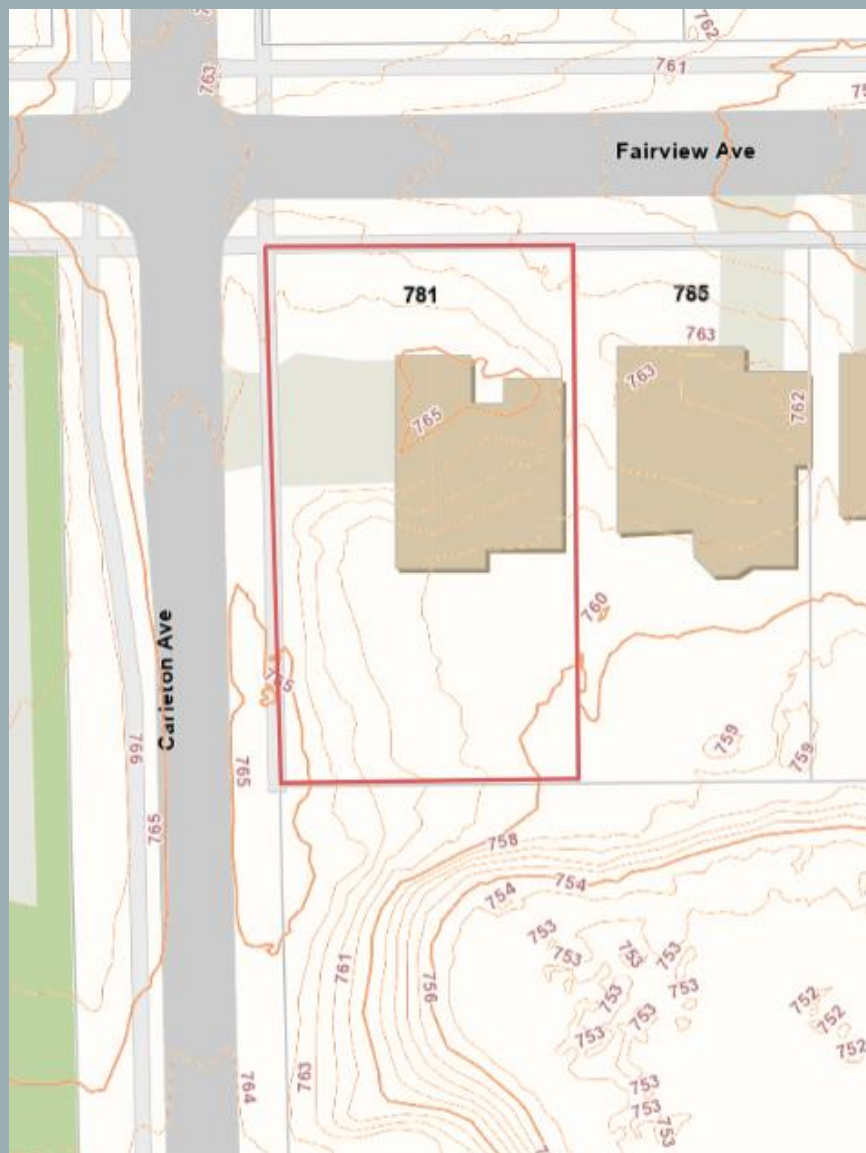
This industry standard option features a smooth, clean design with solid performance and lasting appeal.

- 1¼" 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*)

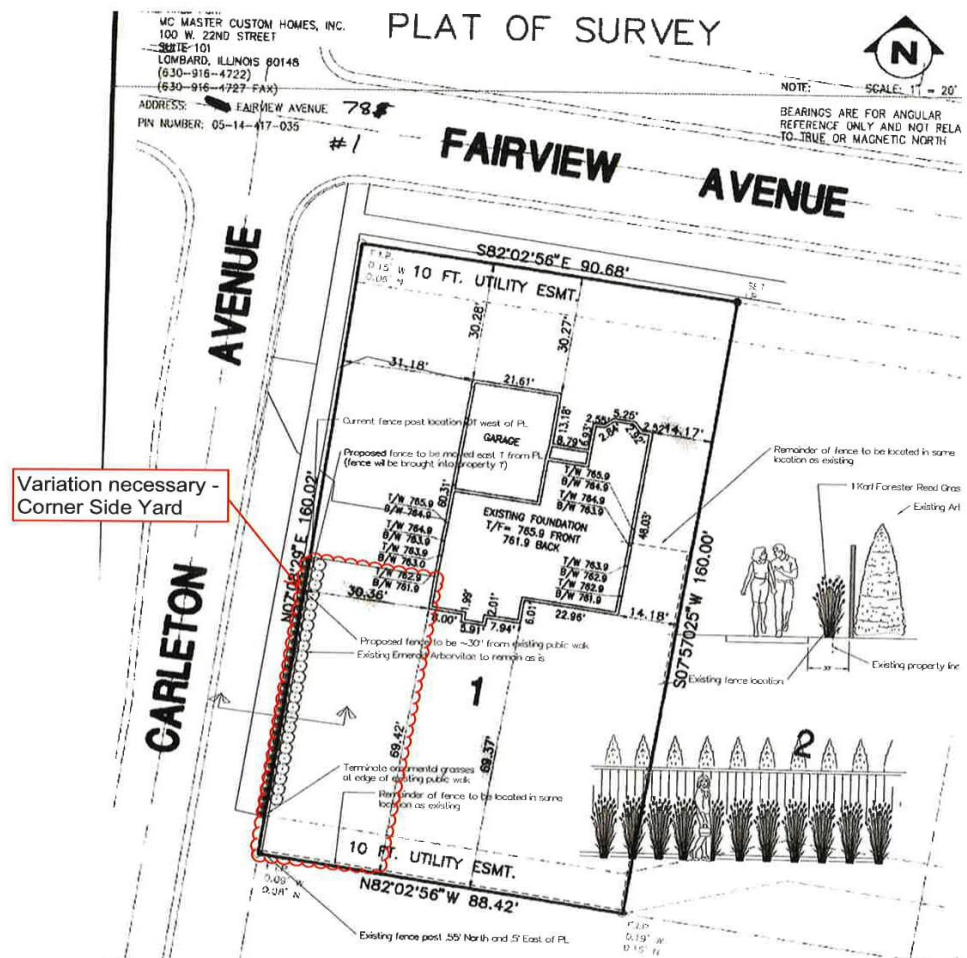


\*Not all styles





## Revised Plan



## ZBA ACTION

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

1. Sections 10-5-5(B)4: Table # 12a1 and 10 – 5 – 5(B):4 # 12b4— to allow the replacement of an existing compliant 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.

MAR 28 2023

VILLAGE OF GLEN EAGLES

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:

781 FAIRVIEW AVE

Common address: \_\_\_\_\_

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

Legal description:

SUNRISE ASSISTED LIVING RESIDENTIAL SUB L: 1

R2 - Single Family Residential

Zoning classification: \_\_\_\_\_

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 homeowners.

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.

|                             |                             |                                                                                             |
|-----------------------------|-----------------------------|---------------------------------------------------------------------------------------------|
| <u>9/26/22</u>              | <u>Bader Almoshelli</u>     | <u></u>  |
| Date                        | Print Name                  | Signature of Applicant                                                                      |
| <u>9/23/2022</u>            | <u>Yusra Gomaa</u>          | <u></u> |
| Date                        | Print Name                  | Signature of Applicant                                                                      |
| <u>                    </u> | <u>                    </u> | <u>                    </u>                                                                 |
| Date                        | Print Name                  | Signature of Applicant                                                                      |

## AFFIDAVIT OF AUTHORIZATION

I, \_\_\_\_\_ owner of the property described as

|                                          |
|------------------------------------------|
| <br><br><br><br><br><br><br><br><br><br> |
|------------------------------------------|

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:

|                                          |
|------------------------------------------|
| <br><br><br><br><br><br><br><br><br><br> |
|------------------------------------------|

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

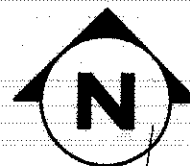
24<sup>th</sup> day of March, 2023.

Mary Rehor  
Notary Public



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

# PLAT OF SURVEY



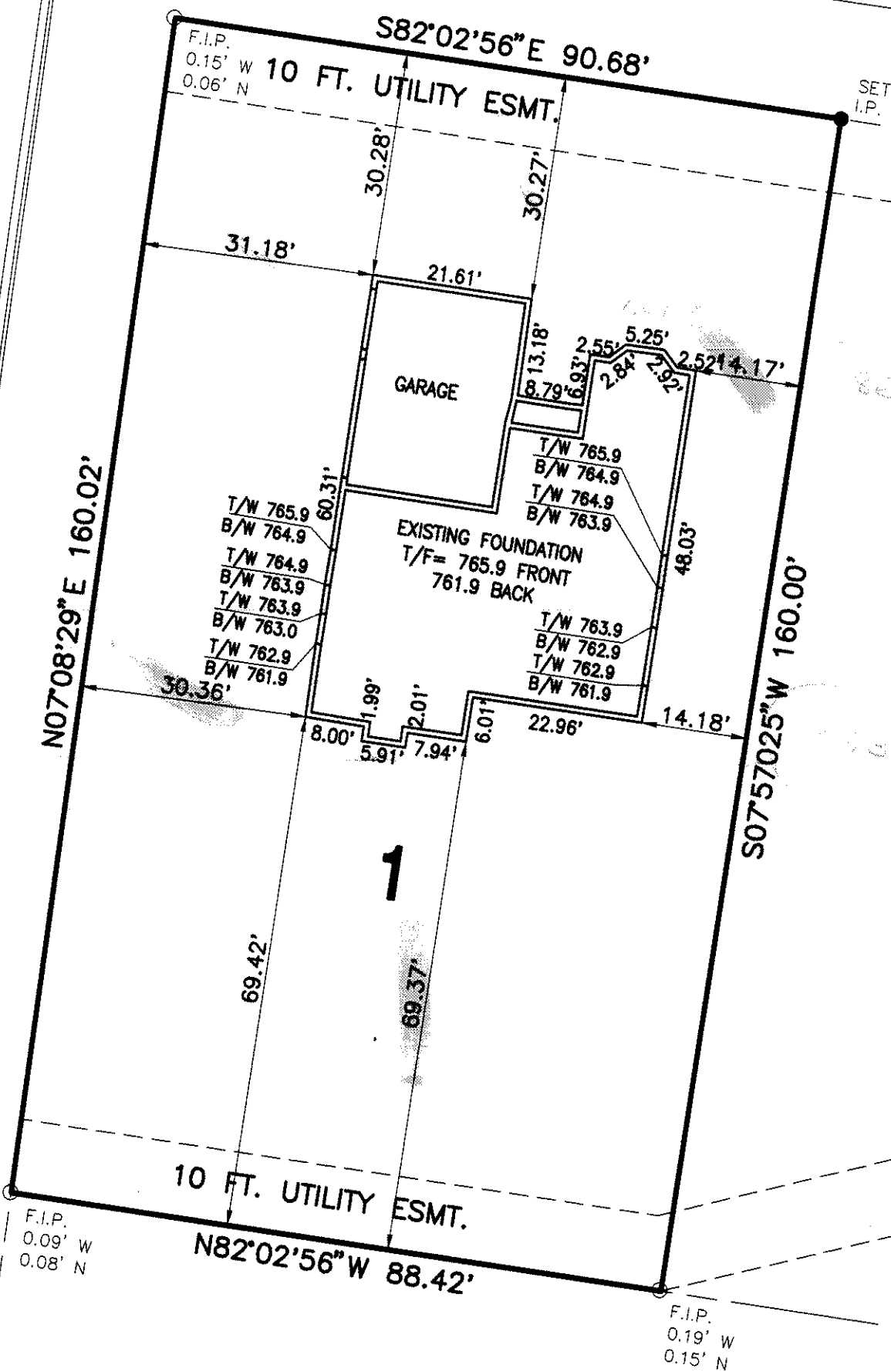
NOTE: SCALE: 1" = 20'

ADDRESS: FAIRVIEW AVENUE 78#  
PIN NUMBER: 05-14-417-035

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

CARLETON AVENUE

FAIRVIEW AVENUE



## 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.

STATE OF ILLINOIS)  
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.

ILLINOIS PROFESSIONAL LAND SURVEYOR No. 2466



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

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:

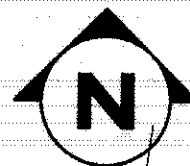
757.63 - NW BONNET BOLT ON HYDRANT AT SW CORNER OF OF BRYANT & FAIRVIEW.

736L1FND

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

# PLAT OF SURVEY

## SITE PLAN



NOTE: SCALE: 1" = 20'

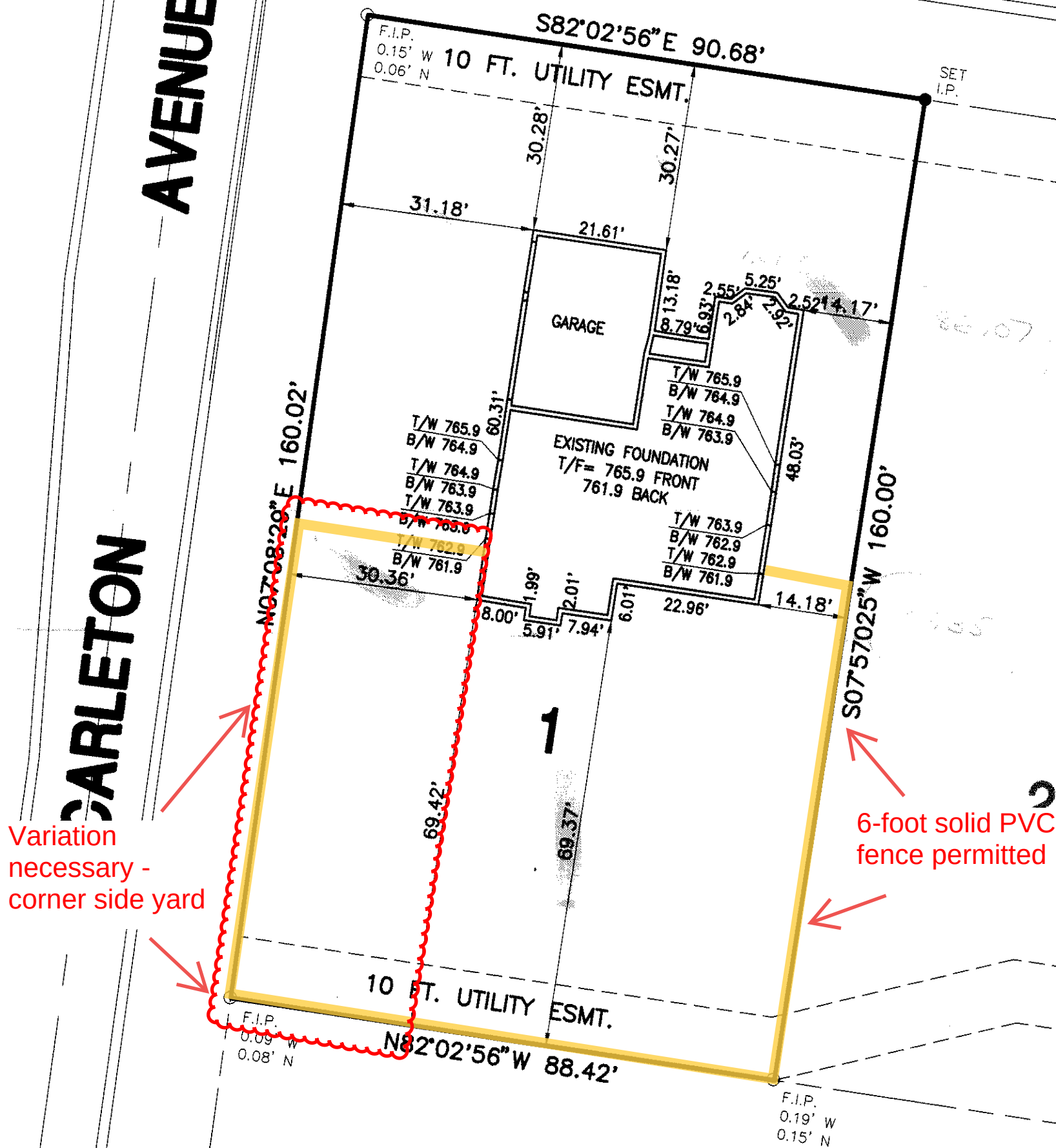
BEARINGS ARE FOR ANGULAR  
REFERENCE ONLY AND NOT RELATED  
TO TRUE OR MAGNETIC NORTH

ADDRESS: FAIRVIEW AVENUE 78#  
PIN NUMBER: 05-14-417-035

# FAIRVIEW AVENUE

# ARLETON AVENUE

#1



### 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.

STATE OF ILLINOIS)  
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.

ILLINOIS PROFESSIONAL LAND SURVEYOR No. 2466

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

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

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

# PLAT OF SURVEY



NOTE: SCALE: 1" = 20'

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

ADDRESS: FAIRVIEW AVENUE 78#  
PIN NUMBER: 05-14-417-035

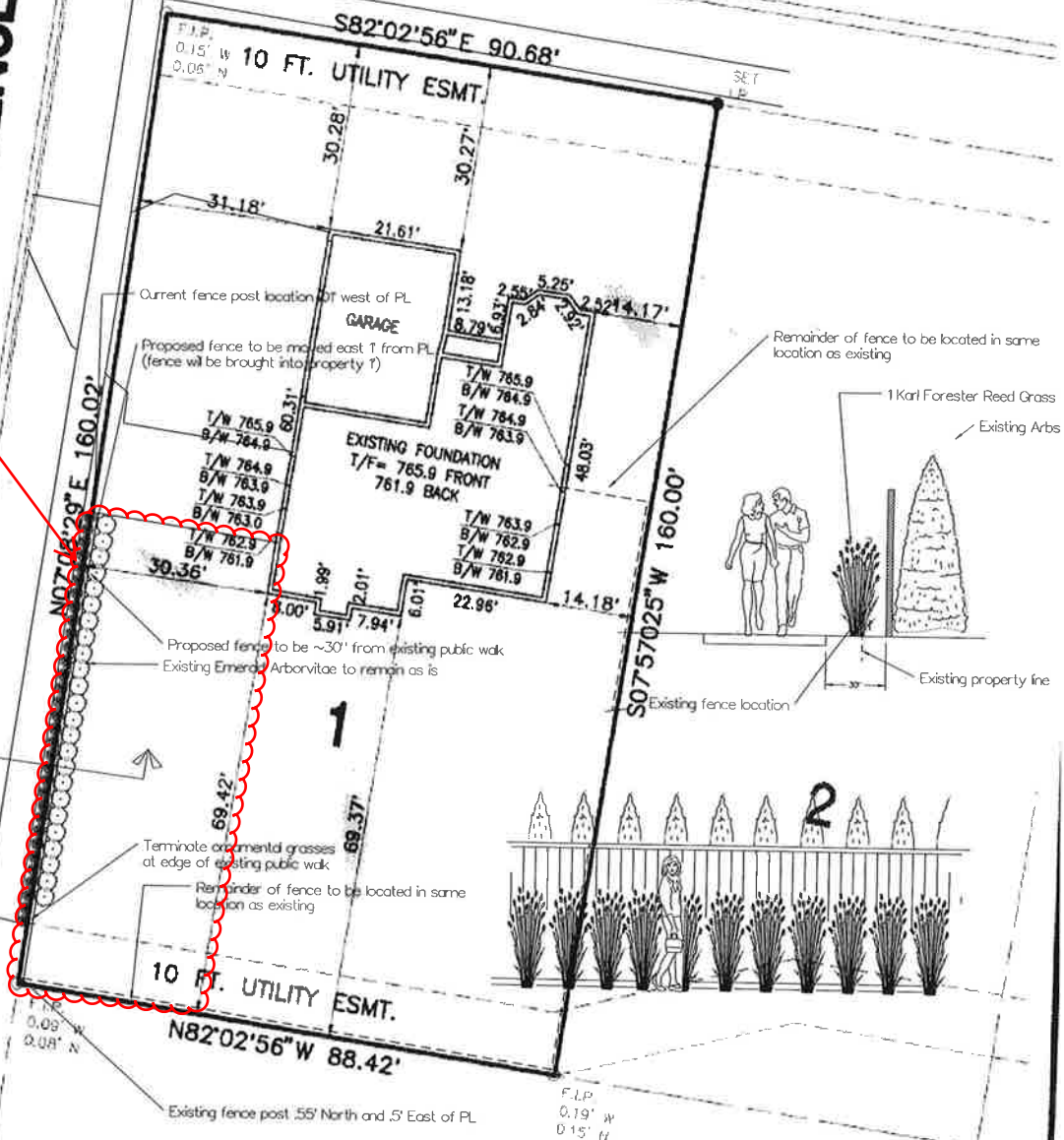
#1

## FAIRVIEW AVENUE

## AVENUE

## CARLETON

Variation necessary -  
Corner Side Yard



### 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.

STATE OF ILLINOIS)  
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  
ILLINOIS PROFESSIONAL  
LAND SURVEYOR  
OF  
ILLINOIS

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

Spot

RECEIVED

JUL 17 2002

PLANNING DEPARTMENT  
VILLAGE OF GLEN ELLYN

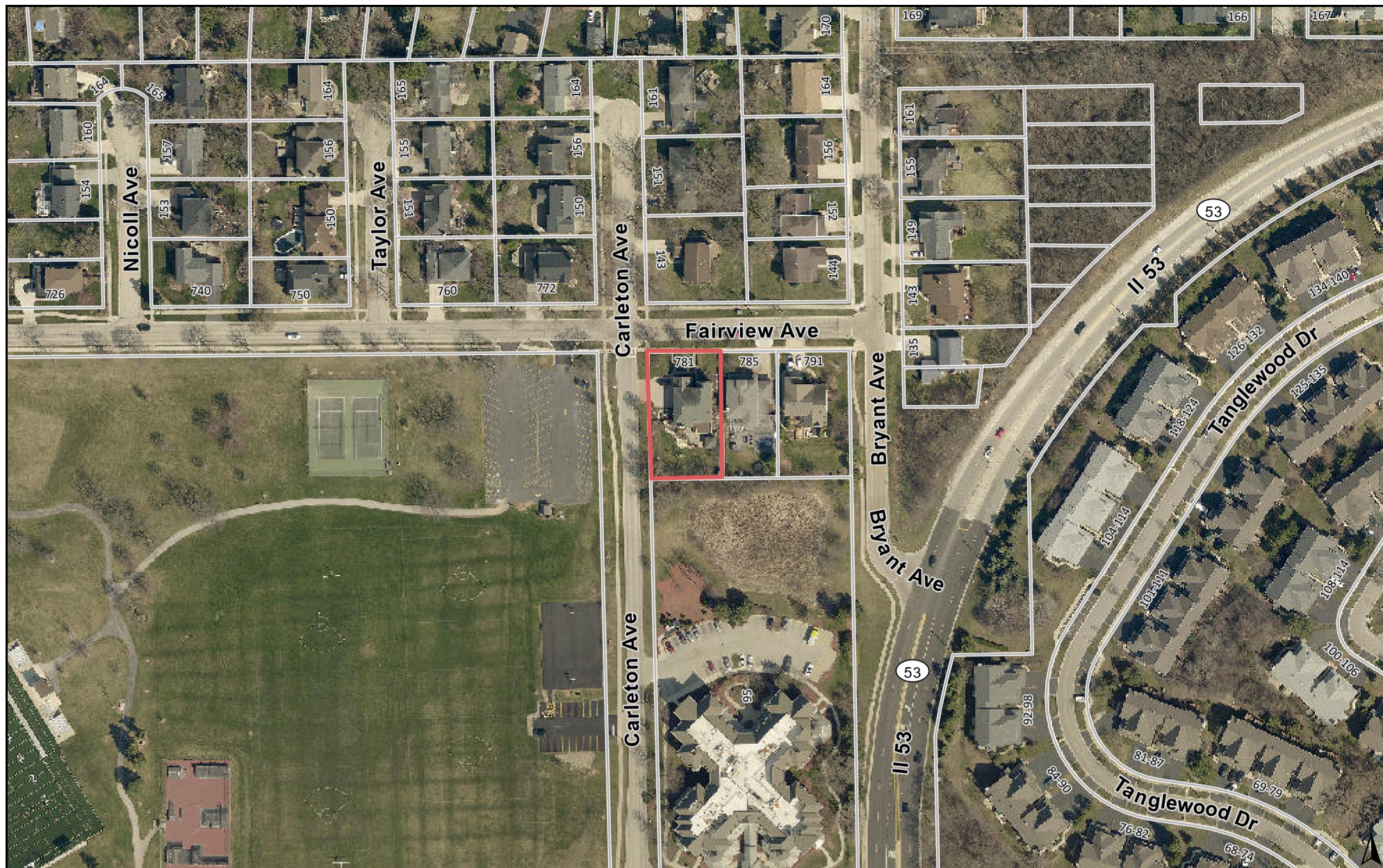
GLEN ELLYN BENCHMARK:

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.





0 300 600  
ft

Print Date: 4/13/2023

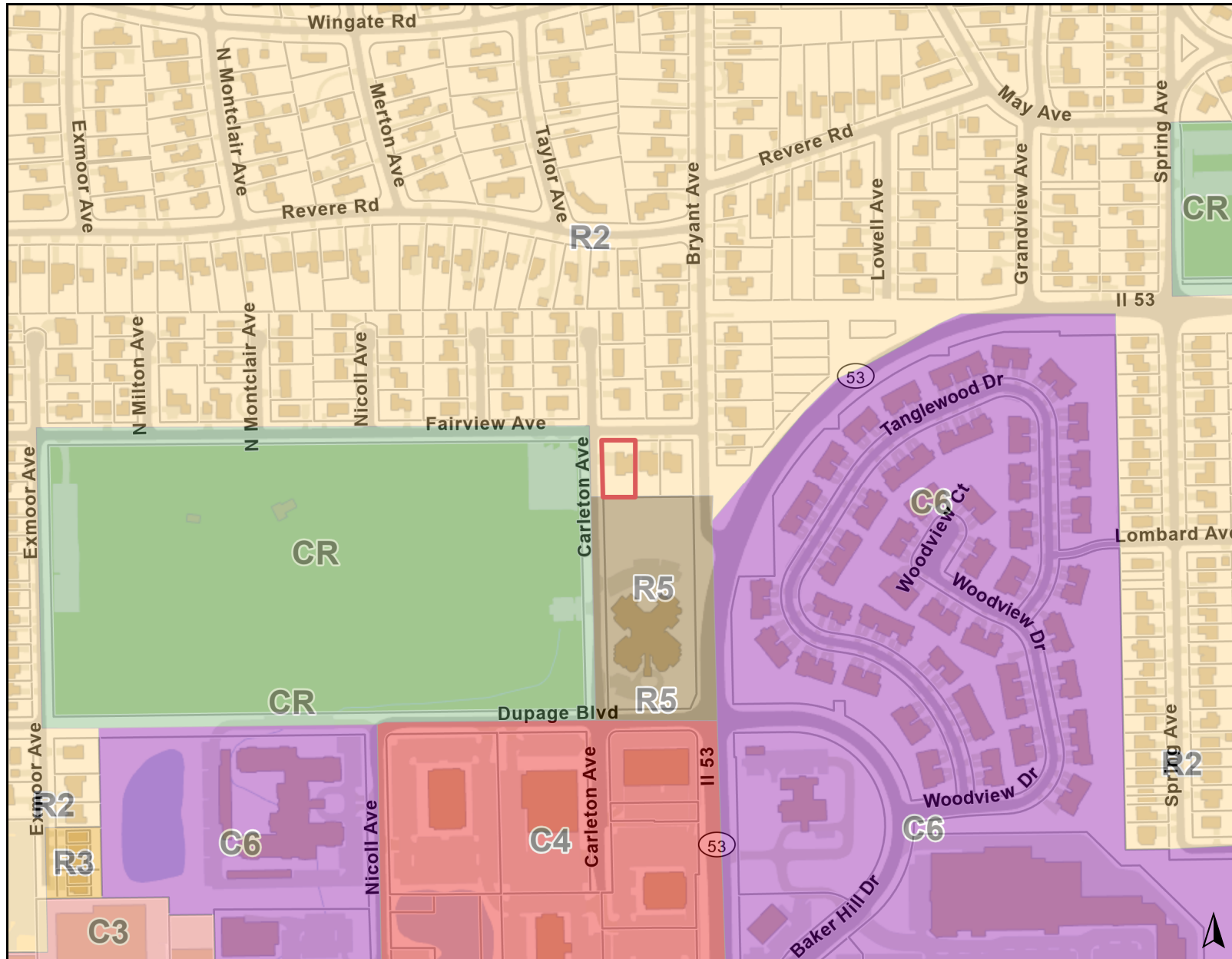
**Notes**

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.



# GIS Consortium | 781 Fairview Ave. - Zoning Map



## Legend

### Zoning and Development

#### Zoning

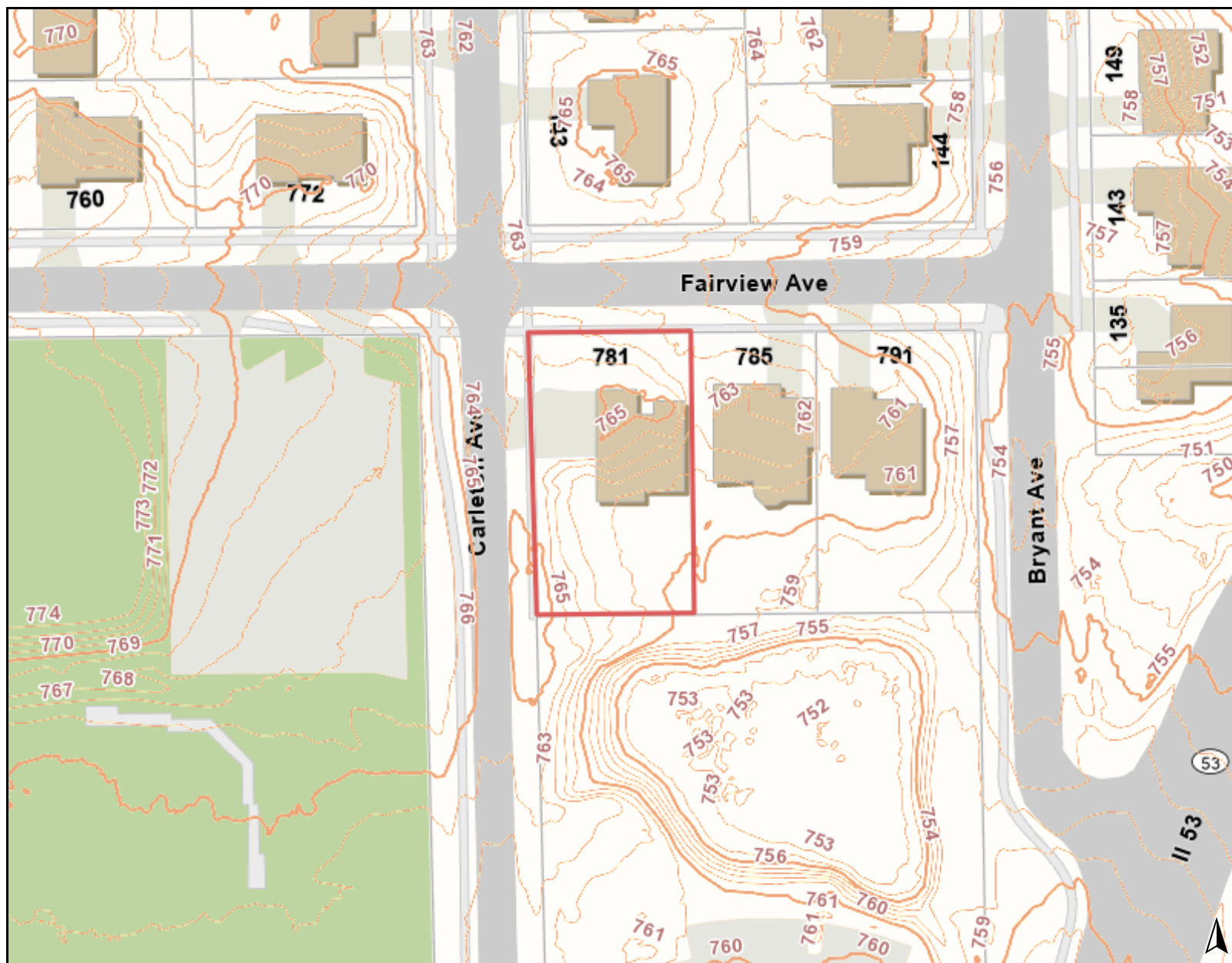
- C3: Service Commercial District
- C4: Office District
- C6: Commerical/Multi-Use Planned Development District
- CR: Conservation/Recreation District
- R2: Single Family Residential District
- R3: Multi-Family Residential District
- R5: Planned Residential District

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.

**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<br>(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<br>(b) Height: 10' maximum<br>(c) Length: 20' maximum total<br>(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 | <p>(a) Limitations: Must be open and uncovered</p> <p>(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.</p> <p>(c) Location: No closer to a rear property line than 10% of the lot width</p> <p>(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</p> |
| 9. Eave | X | X | X | <p>Limitations: Projecting 3' or less into yard</p> <p>and no closer than 1.5' from the lot line</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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

|                         |                               |   |   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------|-------------------------------|---|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11. Emergency generator | X<br>(corner<br>side<br>only) | X | X | <p>(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</p> <p>(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</p> <p>(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</p> |
| 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                                                                                                                                                              |

|  |  |  |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--|--|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  |  |  | <p>(3) 6' maximum for fence located no closer to the street than the principal structure on a lot</p>                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|  |  |  |  | <p>(4) 4' maximum all other areas of the lot</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|  |  |  |  | <p>(c) Additional allowances:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|  |  |  |  | <p>(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.</p> |
|  |  |  |  | <p>(2) Masonry columns no greater than 2' x 2' in size and placed no closer than 8' on center</p>                                                                                                                                                                                                                                                                                                                                                                                                                                      |

|                                |   |   |   |                                                                                                                                                                                                                                            |
|--------------------------------|---|---|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                |   |   |   | <p>(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</p> |
|                                |   |   |   | <p>(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</p>                                                                                                    |
| 13. Fireplace, facing lot line | X |   | X | Limitations: Projecting 2' or less into yard                                                                                                                                                                                               |
| 14. Flagpole                   | X |   | X | <p>(a) Limitations: No more than 3 poles</p> <p>(b) Height: Shall not exceed the maximum height permitted for the principal structure on the lot in the subject zoning district</p>                                                        |
| 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 | <p>(a) Limitations: Expansion of existing or new impervious surface is prohibited except as defined herein.</p> <p>(b) Distance: Pervious surface must be maintained as identified in 10-5-5(C).</p> <p>(c) Area:</p> <p>(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.</p> <p>(2) 35% or less of the front yard may be impervious surface in the R4 zoning district</p> |

(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 | <p>(a) Limitations:</p> <p>(1) Must be a distance equal to 10% of the lot width from any property line</p> <p>(2) All sides of the equipment visible from a public way shall be obscured by a variety of plant material or a screen wall</p> <p>(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</p> |
| 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 | <p>Limitations:</p> <p>(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</p>                                                                                                            |
|                                   |   |   |   | (b) Must be located on a hard surface                                                                                                                                                                                                                                    |
| 27. Portable toilet               | X | X | X | <p>Limitations:</p> <p>(a) May be located on a zoning lot during construction only, and for which a building permit has been issued</p> <p>(b) No less than 10' from front and corner side property lines and 10% of lot width from all side and rear property lines</p> |

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

|                              |   |  |   |                                                                                                                                                                |
|------------------------------|---|--|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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:<br>(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 |

|  |  |  |  |                                                                                                                                                                                                                                                |
|--|--|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  |  |  | <p>(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</p>                                                  |
|  |  |  |  | <p>(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</p> |

|                                                                                              |   |   |   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------|---|---|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 40. Wall, screen<br>(including refuse and recycling, loading dock, and mechanical equipment) |   | X | X | <p>(a) Limitations:</p> <p>(1) Required for bulk garbage and recycling containers on commercial, multi-family and nonresidential lots</p> <p>(2) Enclosure shall be constructed of the same material as the walls of principal structure on the zoning lot</p> <p>(3) Must be open on top</p> <p>(4) Must enclose three of four sides of refuse and recycling containers and be gated on the fourth side with a durable material</p> <p>(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</p> <p>(c) Shall not be located in the front of a building</p> |
| 41. Wells; access, area and window                                                           | X | X | X | <p>Limitations: All portions of the structure must be 8" or less above grade level</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

(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)

RECEIVED

MAR 28 2023

VILLAGE OF GLEN ILLYN

# EXHIBIT B

## 781 Fairview Ave



Map data ©2022 200 ft



## 781 Fairview Ave

Building



Directions



Save



Nearby



Send to  
phone



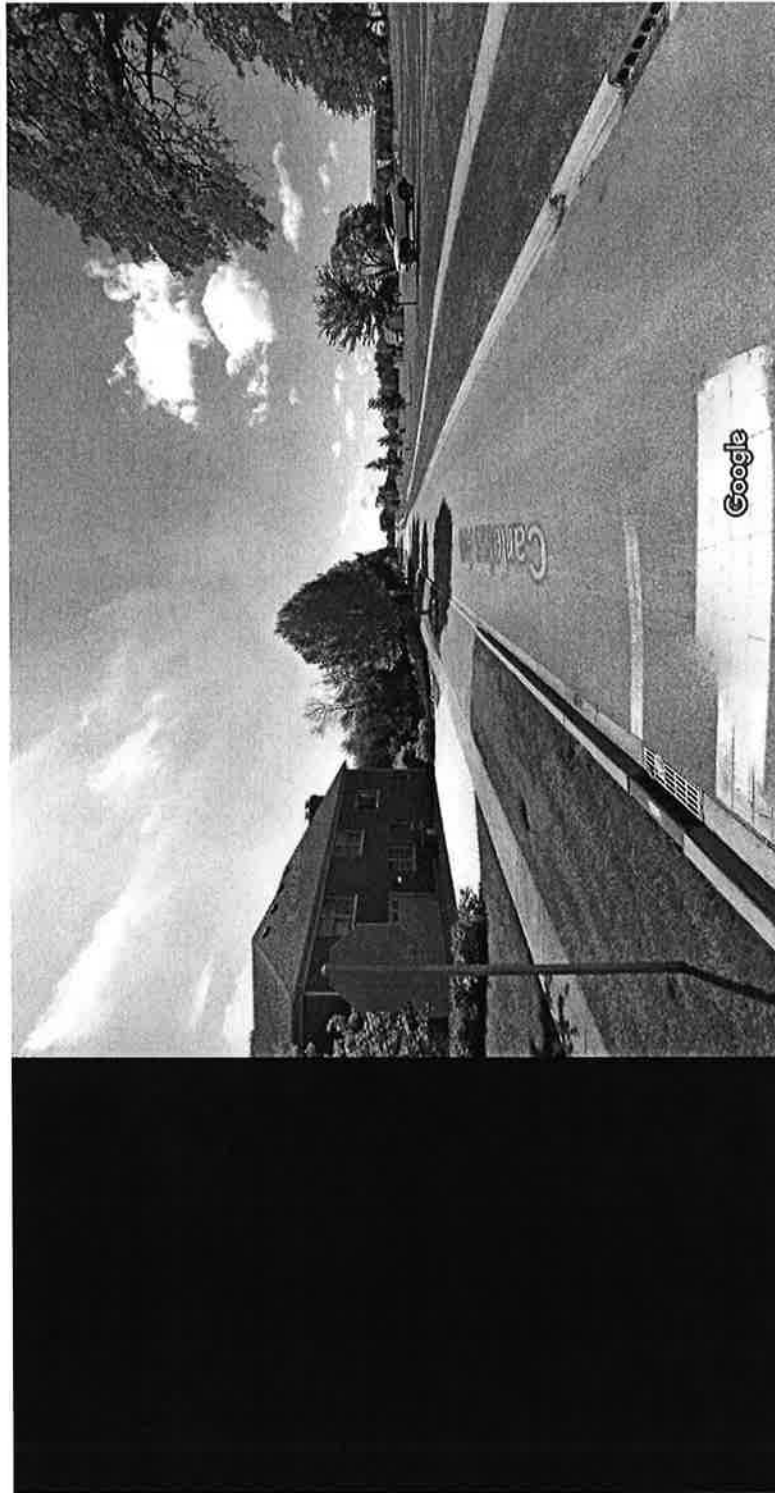
Share



781 Fairview Ave, Glen Ellyn, IL 60137

Photos

Google Maps 139 Carleton Ave



← 781 Fairview Ave

Google Maps 139 Carleton Ave

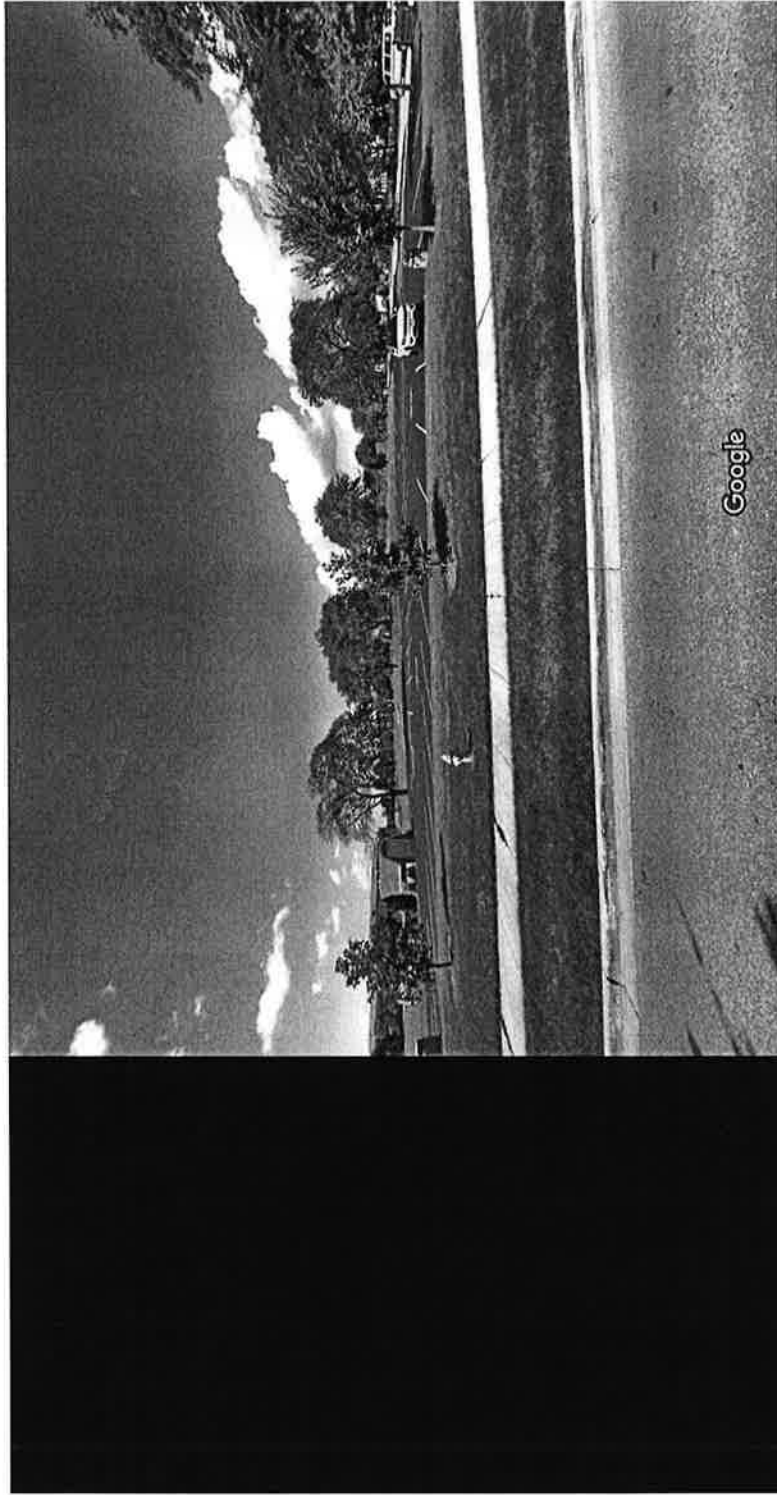


Image capture: Sep 2018 © 2022 Google

← 781 Fairview Ave

Google Maps 139 Carleton Ave

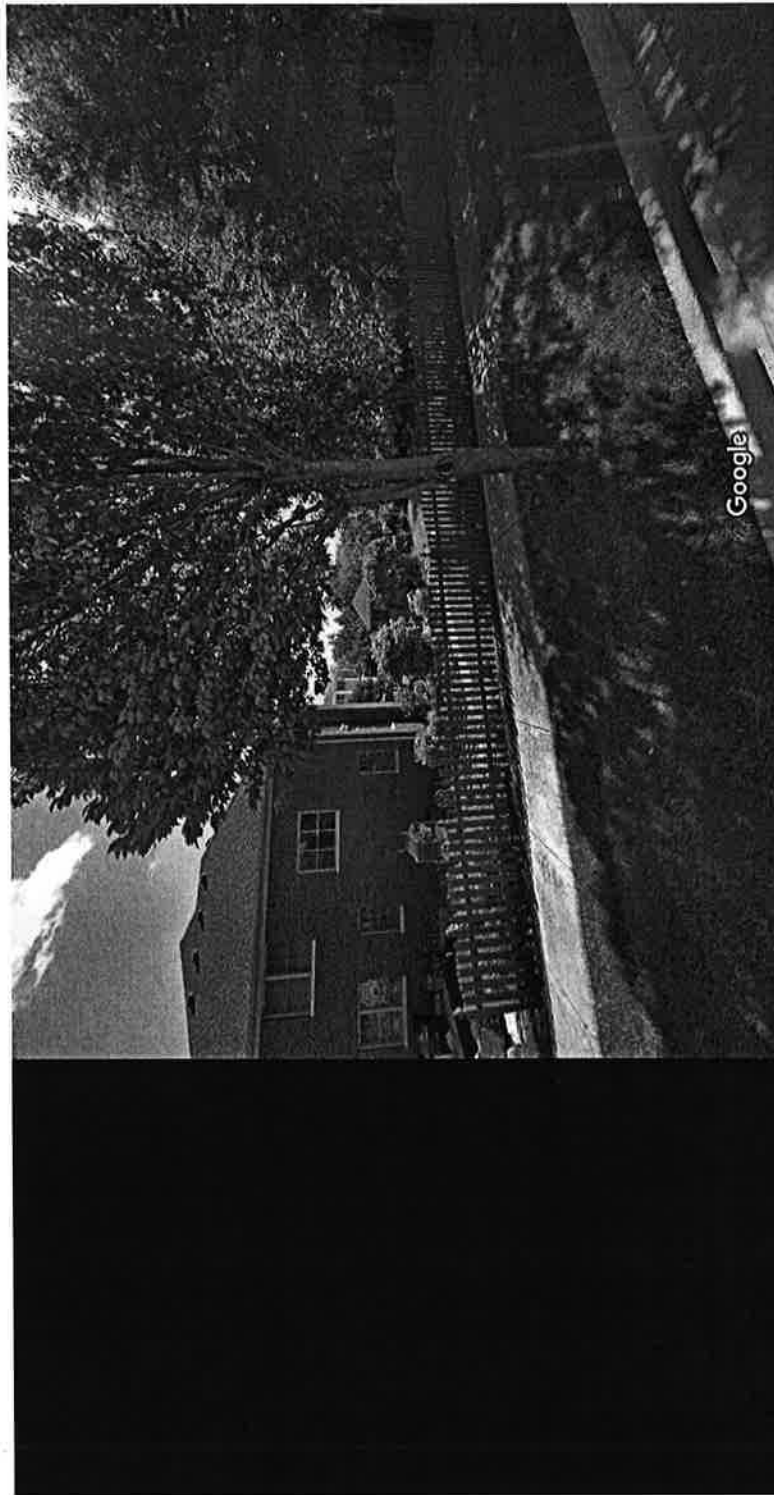


Image capture: Sep 2018 © 2022 Google

← 781 Fairview Ave

**RECEIVED**

**MAR 28 2023**

**VILLAGE OF GLEN ELLYN**

# **EXHIBIT C**

(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) <sup>4</sup> | Maximum Detached Garage Ridge | Maximum Detached Garage Eave Parapet Or Low Sloped Roof |
|-------------|---------------|----------------------------|------------------------------------------|-------------------------------------------------------------------|-------------------------------|---------------------------------------------------------|
| 50' or less | 32'           | n/a                        | 22' <sup>4</sup>                         | n/a                                                               | 17'                           | 12' <sup>4</sup>                                        |

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

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)

RECEIVED

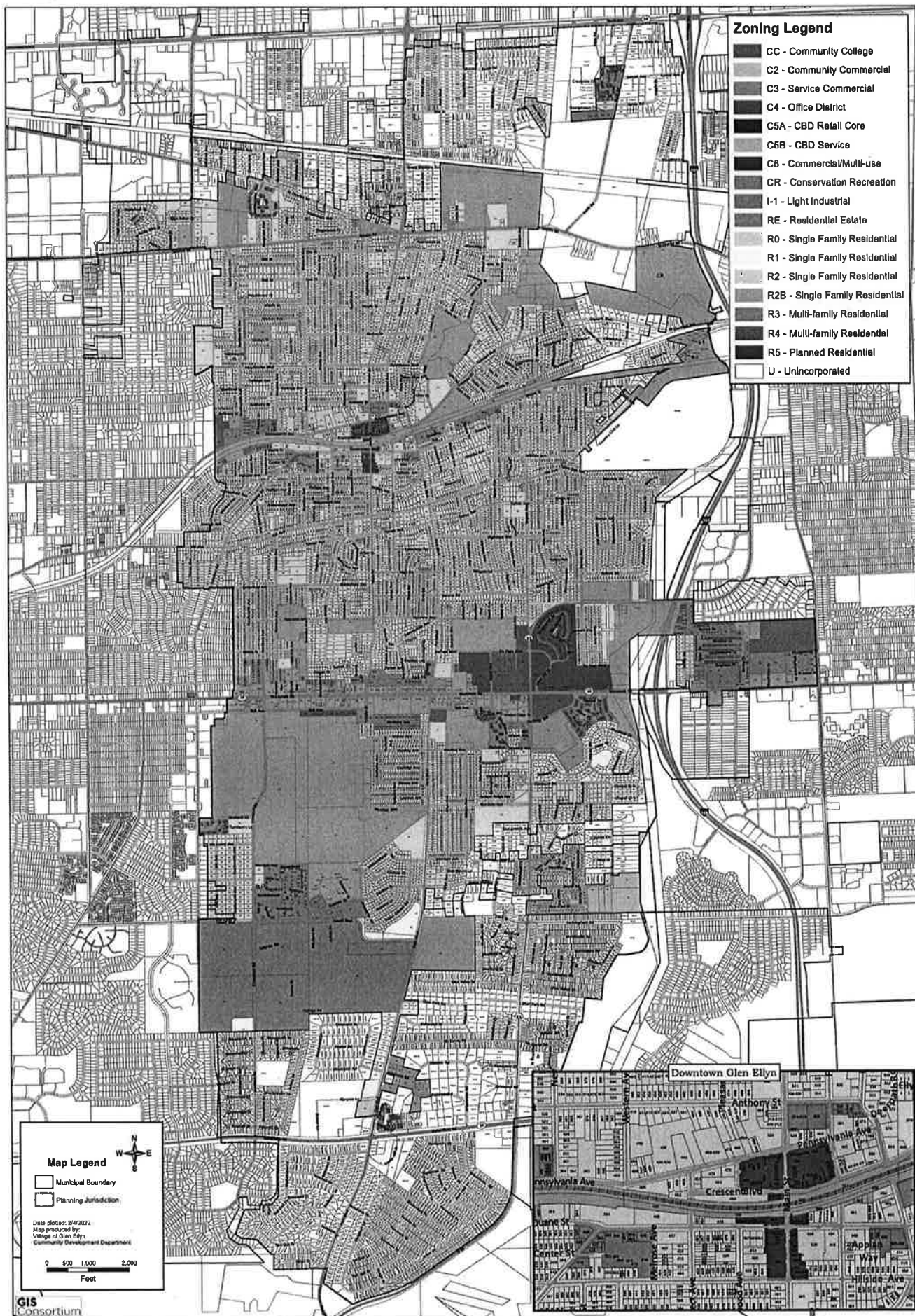
MAR 28 2023

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

Address: "same"

Town/City:

Zip:

Contact:

Phone #:

JOB SITE

Wood



Ft:

★ Master

Holco

PVC

PVC



Ft:

PVC/Viny.



Ft:

PVC



Ft:

6 white privacy

7/8" x 6 T+G

2 rails (Alum.

reinforcement)

OTHER 5' x 5' x 9' posts

N.E. cps

1-4 gate

1 yr warranty on gates

Removal (Ft): wood

Haul/Recycle yes

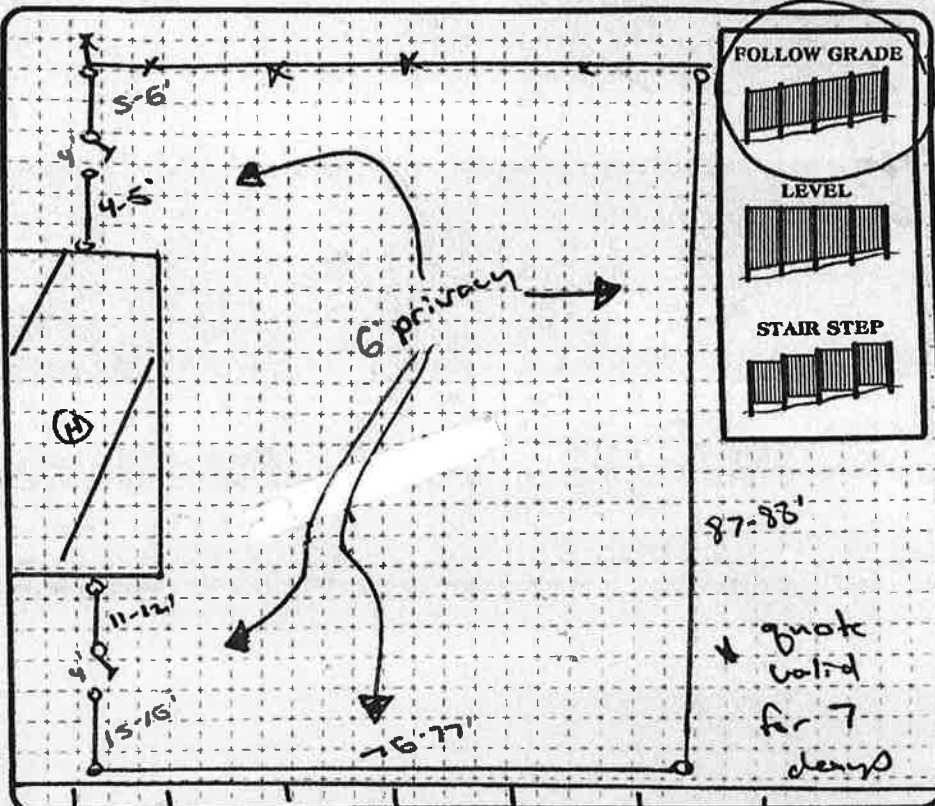
Concrete/Asphalt Breaks: 0

Core Drills: 0

Bush Trims: 0

Old Post Pulls: 6-7

Dirt Haul: 0



Additional Notes: Lifetime warranty on product

(per manufacturer)

Lifetime warranty on post leave

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 pay 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 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  
 Address: "same"  
 Town/City: Zip:  
 Contact: Phone #:

JOB SITE

### Wood



Ft:

\* master  
Holes  
PVC

### DVC



Ft:

### PVC/Viny.



Ft:

### Alum/Iron



Ft:

6' white privacy  
7/8" x 5" T+G  
2 rails (Alum.  
reinforcement)  
5" x 5" x 9' post  
N.E. cps  
1-4' gate

### OTHER

1 yr. warranty on gates

Removal (Ft):

Haul/Recycle

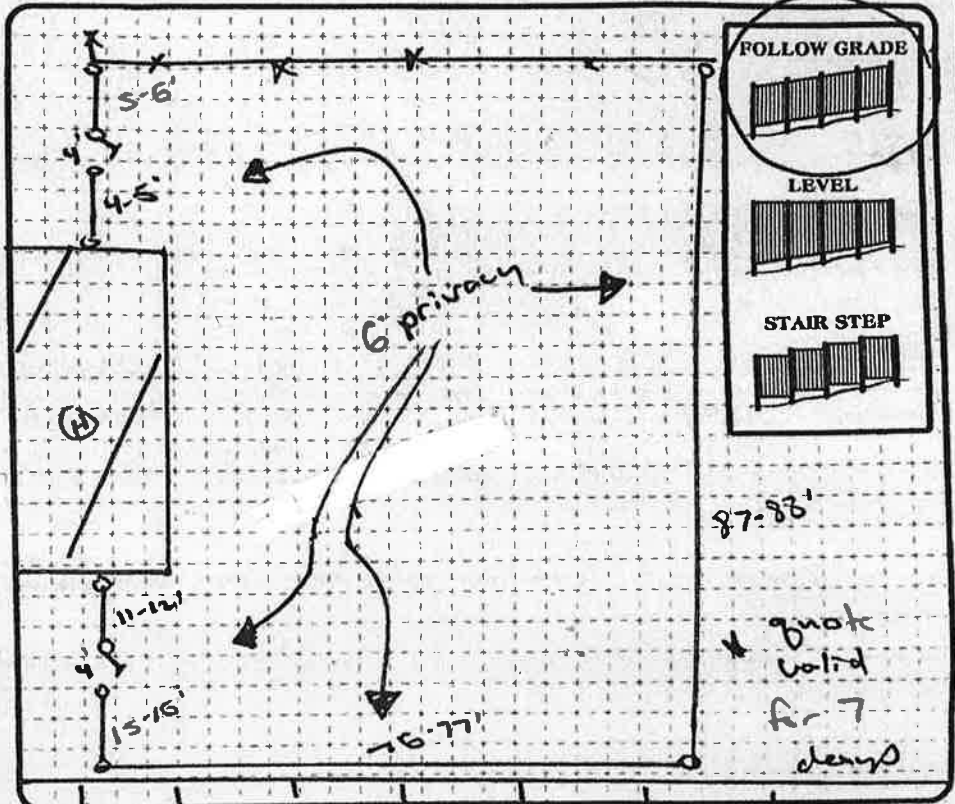
Concrete/Asphalt Breaks:

Core Drills:

Bush Trims:

Old Post Pulls:

Dirt Haul:



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

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 pay 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  
 Address: "same"  
 Town/City: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Contact: \_\_\_\_\_ Phone #: \_\_\_\_\_

JOB SITE

### Wood



Ft: \_\_\_\_\_

★ Master  
Halter  
PVC

### PVC



Ft: \_\_\_\_\_

### PVC/Vinyl



Ft: \_\_\_\_\_

### Alum/Iron



Ft: \_\_\_\_\_

6' white privacy  
7/8" x 5" T+G  
2 rails (Alum.  
reinforcement)

### OTHER

Ft: \_\_\_\_\_

5" x 5" x 9' post  
N.E. cps  
1-4' gate

### Removal (Ft):

wood

### Haul/Recycle

44

### Concrete/Asphalt Breaks:

0

### Core Drills:

0

### Bush Trims:

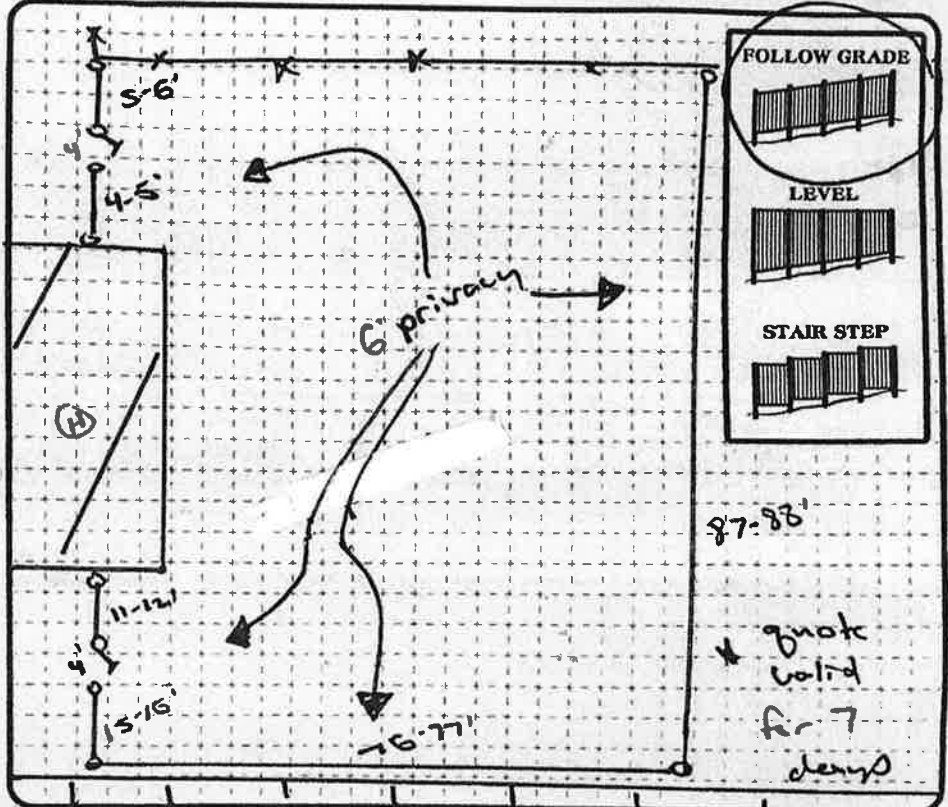
0

### Old Post Pulls:

6-7

### Dirt Haul:

0



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

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 pay 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.

- 1 $\frac{3}{4}$ " x 5 $\frac{1}{2}$ " 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*)

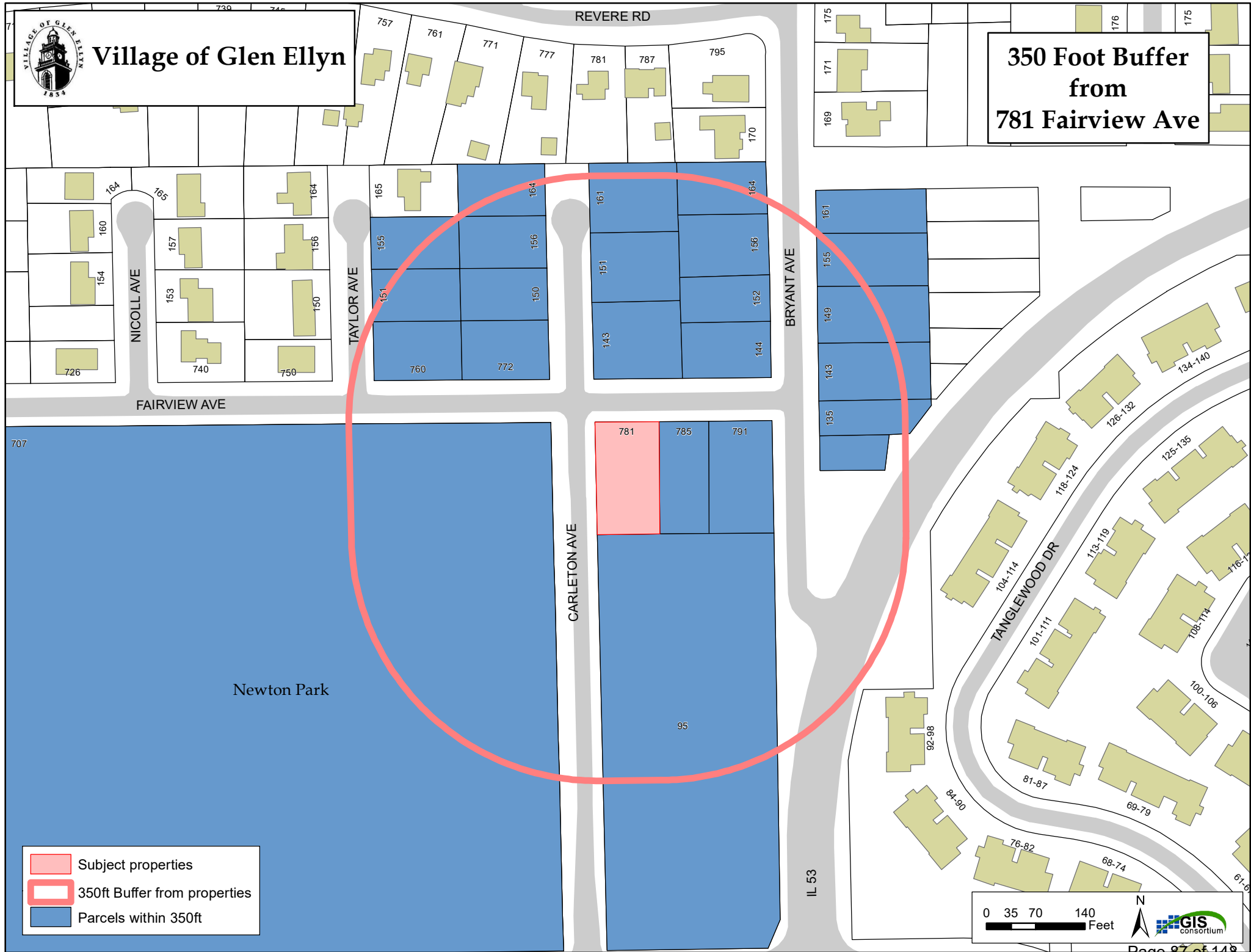


*\*Not all styles available in all colors.*

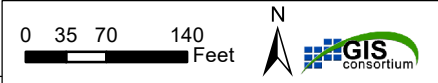


# Village of Glen Ellyn

350 Foot Buffer  
from  
781 Fairview Ave



- Subject properties
- 350ft Buffer from properties
- Parcels within 350ft





## **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, July 11, 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;

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](mailto:sviger@glenellyn.org). All public comments received by 4:30 pm on Tuesday, July 11, 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.



**From:** Mary Jane CHAPMAN <chapman143@comcast.net>  
**Sent:** Thursday, June 1, 2023 8:56 PM  
**To:** Scott Viger <sviger@glenellyn.org>; Martin Scott <msscott@glenellyn.org>  
**Subject:** ZBP re: 781 Fairview Avenue

**[EXTERNAL EMAIL]**

I have attached a letter pertaining to 781 Fairview Avenue and the property owners' request for a zoning variation. I am a neighbor and urge that this request be approved. Mary Jane Chapman, 143 Carleton Avenue

To the Glen Ellyn Zoning Board of Appeals  
Re: Fence Variation for 781 Fairview Avenue  
Owners: Bader Almoshelli and Yusra Gomaa

I have reviewed the request for a variation to the fence ordinance requested by my neighbors at 781 Fairview Avenue and am in full support of their request. The property at 781 Fairview is located on a very busy corner, and the request is for a backyard fence. This property has unique issues: The property is directly across the street from Newton Park and the Newton Park parking lot. The activity in the park can become overwhelming. The higher fence is necessary for privacy and safety of the family who have very young children. This fence will not be located on a corner and will never obstruct a driver's view. The fence will have no impact on a driver passing on Carleton Avenue or pose any safety issues, and will have no impact on the appearance of the property.

I live directly across the street from the property (I am at 143 Carleton Avenue). I completely support this request and urge approval. Mary Jane Chapman

**From:** Gretchen Bobroff <glbobroff@gmail.com>  
**Sent:** Friday, June 2, 2023 3:03 PM  
**To:** Martin Scott <msscott@glenellyn.org>; Scott Viger <sviger@glenellyn.org>  
**Subject:** 781 Fairview - Fence Variance Request

**[EXTERNAL EMAIL]**

Hello-

I'm writing in support of Bader Almoshelli and Yusra Gomaa's request to update their fence with a higher/more secure fence. I live at 785 Fairview and am one of their neighbors. Living here, I am well aware of the traffic and activity that takes place in and around Newton. Bader and Yusra have young kids, and as constituted, their fence offers very little privacy. I ask that you please grant their request. Thank you.

Gretchen Bobroff



**(DRAFT) FINDINGS OF FACT TO SUPPORT A MOTION TO RECOMMEND  
APPROVAL OF ZONING VARIATIONS TO ALLOW A SIX FOOT SOLID PRIVACY  
FENCE IN THE CORNER SIDE YARD FOR THE PROPERTY LOCATED AT  
781 FAIRFIELD AVENUE**

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 corner side yard is adjacent to Newton Park and its parking lot.**
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 privacy of the family in the rear yard is primary to the use and enjoyment of the home. Without that privacy the value of the property is diminished.**
3. The plight of the applicant/owner is due to unique circumstances relating to the property in question, because **The unique circumstances include the large public park and parking lot across Carleton Avenue. These unique circumstances create a need for a taller fence to ensure the property owners safety and privacy in their yard.**
4. The requested variations, if granted, will not alter the essential character of the locality of the property in question, because **the variation does not pose a significant departure in the overall appearance and use of the property.**
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 particular surroundings of the property in question are a particular hardship due to the adjacent public park and parking lot impose upon the privacy and safety of the homeowners in their corner side yard.**
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 conditions upon which this variation request is based are specific to this property and would not be generally applicable to other property within the R2 Single Family 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 are seeking the variation for privacy and safety so that they may fully enjoy their corner side yard.**

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 zoning of the adjacent property Conservation Recreation and the development of the park and parking lot were done by the Village and Park District and outside of the owners' control.**
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 abutting property to the south is zoned R 5 Planned Development for a senior center and is not another single-family home.
10. The proposed variations will not substantially increase the hazard from fire or other dangers to the property in question or adjacent property, because **there are no nearby buildings to the west or south of the proposed fence.**
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 fence is solely for the privacy and safety of the occupant family and is not abutting nor adjacent to another single-family home. The proposed fence is well outside the sight vision triangle. No new traffic will be created if the variation is approved.**
12. The proposed variations will not create a nuisance or result in an increase in public expenditures because. **The proposed fence is within private property and will be the homeowners' responsibility to maintain.**
13. The variations are the minimum variations that will make possible the reasonable use of the land, building or structure because **if granted the fence would be a uniform height surrounding the rear and corner side yard of the property. The height would be similar to other fences around neighboring yards in the area and around Newton Park.**

**DRAFT "MOTION" TO RECOMMEND APPROVAL OF**  
**ZONING VARIATIONS FOR 781 FAIRVIEW AVENUE**

Having considered the application of Bader Almoshelli and Yusra Gomaa, owners of the property at 781 Fairview Avenue, Glen Ellyn, for zoning variations 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 AND 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; 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 May 9, 2023, and July 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 May 9 and July 11, 2023, public hearings of the Zoning Board of Appeals.
2. \_\_\_\_\_.
3. \_\_\_\_\_.
4. \_\_\_\_\_.

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

**DRAFT "MOTION" TO RECOMMEND DENIAL OF**  
**A ZONING VARIATION FOR 781 FAIRVIEW AVENUE**

Having considered the application of Bader Almoshelli and Yusra Gomaa, owners of the property at 781 Fairview Avenue, Glen Ellyn, for zoning variations 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 AND 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; 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 May 9, 2023, and July 11, 2023 as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends DENIAL of the requested Zoning Variation from Section 10-5-5(B)4#12.a.1 and Section 10-5-5(B)4#12.b.4 of the Glen Ellyn Zoning Code based upon the following findings of fact:

(Staff note: The ZBA may choose to approve some parts of the request and not others.)

**(Choose one or more of the following):**

A. That the plight of the owners is not due to a unique circumstance or a particular hardship;

B. That the variations, if granted, will alter the essential character of the locality because:

\_\_\_\_\_  
\_\_\_\_\_;

C. That the conditions upon which the variations are based would be applicable generally to other property within the same zoning district because:

\_\_\_\_\_  
\_\_\_\_\_;

D. That the purpose of the variations is based exclusively upon a desire to make more money out of the property since the applicants intend to:

\_\_\_\_\_  
\_\_\_\_\_;

E. That the practical difficulty or particular hardship has been created by persons presently having an interest in the property because:

---

---

F. That the variations will be detrimental to the public comfort, morals, and welfare or injurious to other property or improvements in the neighborhood in which the property is located since:

---

---

---

G. That the variations will substantially increase the hazard from fire or other dangers to said property and otherwise impair the public health, safety, or general welfare of the inhabitants of the Village since:

---

---

---

H. That the variations will diminish or impair property values within the neighborhood since:

---

---

---

I. That the variations will unduly increase traffic congestion in the public streets and highways since:

---

---

---

- J. That the variations will result in an increase in public expenditures or create a nuisance since:

---

---

---

- K. That the variations are not the minimum variations that will make possible the reasonable use of the land, building or structure.

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_



## STAFF REPORT

**TO:** Zoning Board of Appeals

**FROM:** Scott Viger, Planning Consultant

**DATE:** April 19, 2023  
**Revised June 5, 2023**

**SUBJECT:** May 9, 2023 - Zoning Board of Appeals Meeting  
**June 13, 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 petitioners 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:

| <u>Date:</u> | <u>Permit No.:</u> | <u>Description:</u>         |
|--------------|--------------------|-----------------------------|
| 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.

**After the May 9, 2023, ZBA public hearing the petitioners submitted a revised plan based on a comment from the Board. The revision adds Forester Reed Grass along the Carleton Avenue sidewalk and relocates the proposed fence eastward approximately 18 inches. The existing Arbor Vitae hedge inside the current fence will remain.**

**Additionally, two email from one abutting and one adjacent neighbor were received. These emails of support are attached.**

**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. 06.05.23 Revised 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
- 14. Public Comments received**

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



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 216 NW 45011 PK 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.

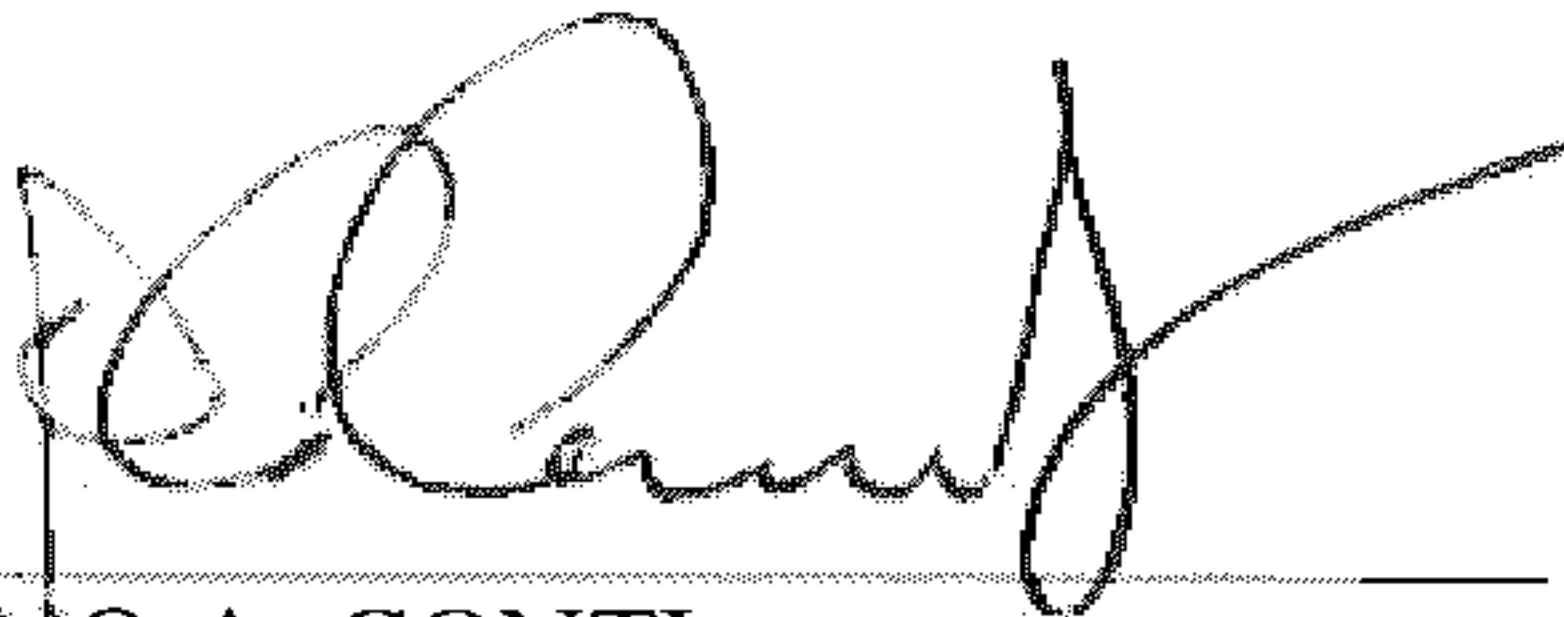
Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

**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, 2021.



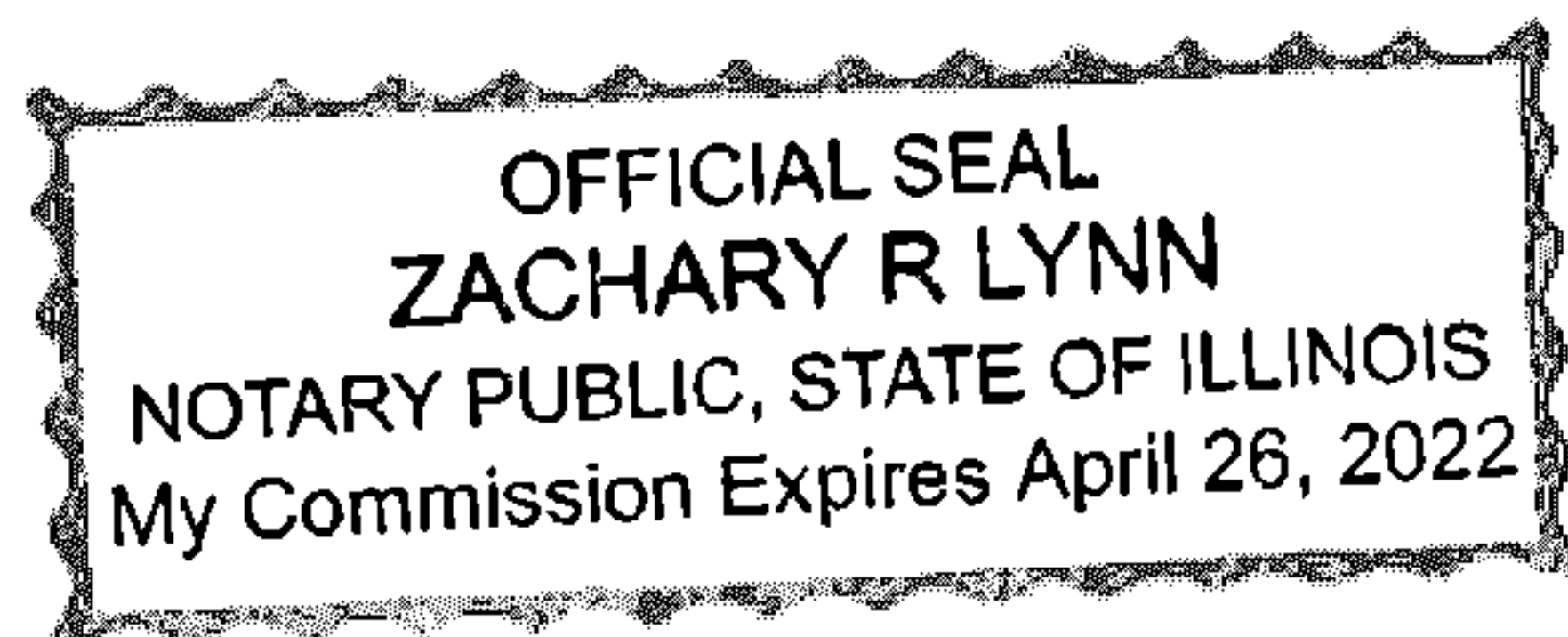
  
NINO A. CONTI

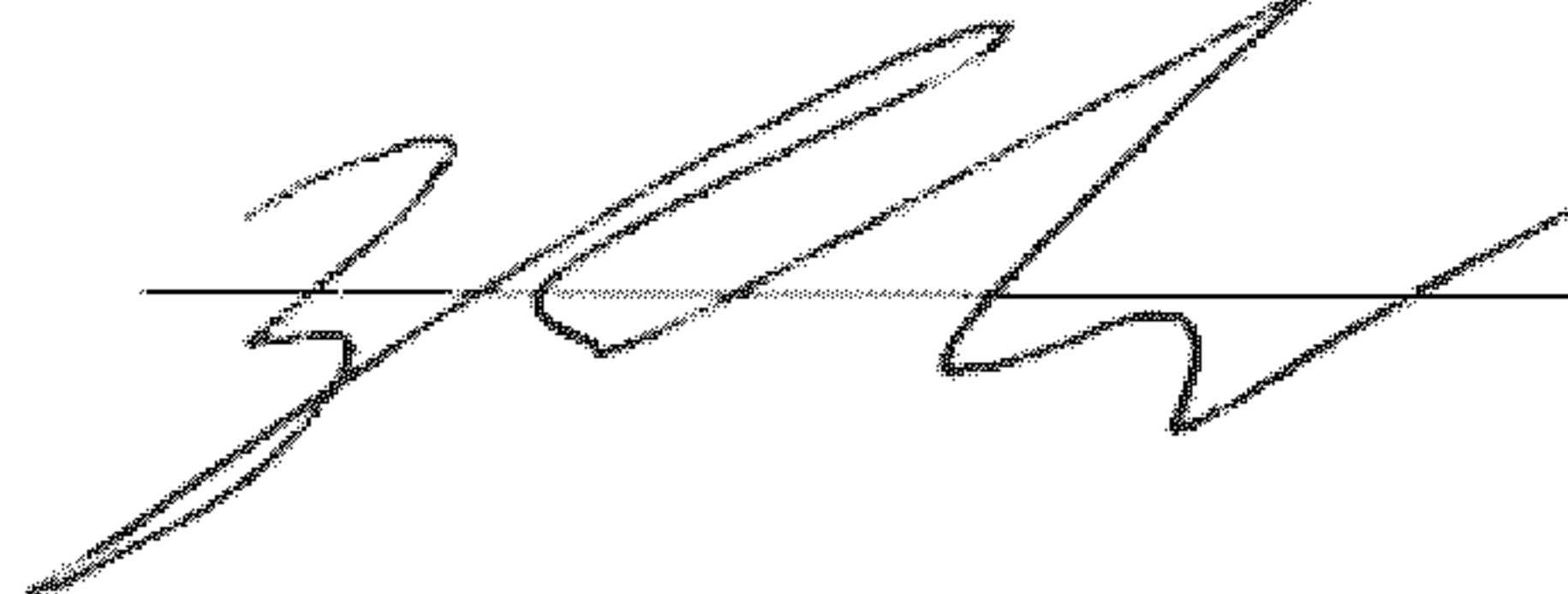
  
SHEILA M. CONTI

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.



 (Notary Public)

**Prepared by:**

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

|                                                                                       |                                                                    |
|---------------------------------------------------------------------------------------|--------------------------------------------------------------------|
|  | Village of Glen Ellyn<br>Real Estate Transfer Tax<br><b>023469</b> |
| Sale \$                                                                               | <u>670,000.00</u>                                                  |
| Tax \$                                                                                | <u>2,010.00</u>                                                    |
| Date                                                                                  | <u>2/19/21</u> Initials <u>CB</u>                                  |

**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.





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

Meeting 7/11/2023 7:00 PM  
Department: Community Development  
Department Head: Martin Scott  
Category: Public Hearing  
Prepared By: Scott Viger

**AGENDA ITEM (ID # 2023-712)**

**DOC ID: 2023-712**

## **355 Center St. - Request for relief from the Zoning Code to allow construction of a fence surrounding the back yard of a single-family residence to exceed the permitted height and openness limitations**

### **Statement of the Issue:**

Please see the attached staff report.

### **Analysis:**

Please see the attached staff report.

### **Budget Impact:**

N/A

### **Contribution to Strategic Plan**

### **Action Requested:**

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. 355 Center-Variation request-July 2023 Staff Report
2. Zoning Variation Request Packet - 355 Center St. -05.15.2023
3. Zoning Map
4. Aerial Map
5. Contour Map
6. Plat of Survey
7. Draft Findings of Fact
8. Draft Motion to Approve
9. Motion to Deny Zoning Variation\_355 Center
10. Existing Condition Image 1
11. Existing Condition Image 2
12. Image prior to pruning



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

Meeting 7/11/2023 7:00 PM  
Department: Community Development  
Department Head: Martin Scott  
Category: Public Hearing  
Prepared By: Scott Viger

**AGENDA ITEM (ID # 2023-712)**

**DOC ID: 2023-712**

## **355 Center St. - Request for relief from the Zoning Code to allow construction of a fence surrounding the back yard of a single-family residence to exceed the permitted height and openness limitations**

### **Statement of the Issue:**

Please see the attached staff report.

### **Analysis:**

Please see the attached staff report.

### **Budget Impact:**

N/A

### **Contribution to Strategic Plan**

### **Action Requested:**

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. 355 Center-Variation request-July 2023 Staff Report
2. Zoning Variation Request Packet - 355 Center St. -05.15.2023
3. Zoning Map
4. Aerial Map
5. Contour Map
6. Plat of Survey
7. Draft Findings of Fact
8. Draft Motion to Approve
9. Motion to Deny Zoning Variation\_355 Center
10. Existing Condition Image 1
11. Existing Condition Image 2
12. Image prior to pruning

## STAFF REPORT

**TO:** Zoning Board of Appeals

**FROM:** Scott Viger, Planning Consultant

**DATE:** July 1, 2023

**SUBJECT:** July 11, 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 355 Center Street.

---

**PETITIONER:** The petitioners are Brian and Kate Garofalo owners of the property at 355 Center Street.

**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 # 12 – to allow the replacement of an existing open wood fence to be built at a height of 5 feet in lieu of the maximum permitted fence height of 4 feet and 33 1/3% open for fences in the front or corner side yards.
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 southwest corner of Center Street and Lorraine Road, in the R2 Zoning District. The zoning and land use immediately surrounding the subject property is R2 single-family residential to the north south and west. The zoning to the east is R4 Multi-Family Residential although the current and future land use is detached single family residential.

**PUBLIC NOTICE:** Notice of the public hearing was published in the June 27, 2023, edition of the Daily Herald, mailed to property owners within 350 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:

| <u>Date:</u> | <u>Permit No.:</u> | <u>Description:</u> |
|--------------|--------------------|---------------------|
| 6.14.17      | 20171164           | Fence               |
| 7.27.06      | B26033             | First Floor Remodel |
| 11.03.01     | B20978             | Finish the Basement |
| 7.21.00      | 19774              | Sewer Repair        |
| 8.28.56      | B284               | New Home            |

**VARIATION  
HISTORY:**

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

**PROJECT  
SUMMARY:**

The single-family home at 355 Center Street was constructed in 1956. The residence is fronted on Center Street with the family “rear yard area” to the south along Lorraine Road. The triangular shaped lot is 9,233 square feet with a width of 123’ on Lorraine Road. The home is setback from Lorraine Road approximately 14’.

Petitioners have a large hedge and existing fence to create a private area along Lorraine Road. After a complaint was lodged with the Village regarding the hedge it was determined that the hedge needed to be pruned. The homeowners complied and the complaint was closed by the Consultant Property Inspector (see photographs below). Our belief was that this action would eliminate the obstruction and complaint. However additional complaints were received and now the homeowners have been directed to prune the hedge up to eight feet in keeping with Municipal Code Section 8-4-10 Public Nuisances. This section classifies as a public nuisance “Any tree, shrub, or other plant or part thereof, whether on Village Owned property or on private property, which obstructs or interferes with the free and safe passage of pedestrian or vehicular traffic.”

Rather than prune up to eight feet the homeowners are now looking to remove the hedge in total and erect a privacy fence. The homeowners applied for a Building Permit for the new fence at which time it was determined that a Zoning Variation would be necessary. The proposed fence is five-foot solid wood privacy fence around the entire yard including the area closer to Lorraine Road than the principal structure. 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 would be erected in the same location as the existing fence; staff measures this at approximately five feet from the Lorraine Road sidewalk. The existing and proposed fencing as well as the hedge lie outside of the Village’s required sight triangle.



Image of fence area prior to pruning of hedge  
as seen from Lorraine Road.



Image of fence area after hedge trimming as seen from Lorraine Road.  
Note that the hedge is to be removed.

The homesite is a triangular shape with the largest open area being to the northeast of the home in what some would consider a corner side yard. With the home's placement on the property facing Center Street to the north the rear of the home and its patio faces south, along the diagonal Lorraine Road. This southern area to the rear of the home is the area proposed to be screened by the new fence.

Petitioners state that the trimming of the hedge has compromised their

privacy in what serves as their rear yard. Therefore, they are seeking a solid five-foot-tall wood fence to regain the privacy for the family.

The property slopes from the southeast property corner to the northeast property corner approximately 8'.

Please note that the petition references a variation from Section 10 – 5 – 4(A) to allow a structure in the front yard, however this is not required as “Fences” are permitted obstructions under Section 10 – 5 – 5B(4) #12.

**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:** See attached report

CC: Martin Scott, Director of Planning & Development  
Robert Schmidt, Building and Zoning Official  
Paula Moritz, Plan Examiner  
Mike D'Onofrio, Planning Consultant  
Jim Brown, Planning Consultant  
Brian and Kate Garofalo, 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**

---

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).
7. Affidavit Affirming No Conflict of Interest

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 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month and the regularly scheduled meetings of the PC are on the 2<sup>nd</sup> and 4<sup>th</sup> 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 (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Mondays of every month at 7:00 PM. On the third (3<sup>rd</sup>) 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).

[Grab your reader's attention with a great quote from the document or use this space

[Grab your reader's attention with a great quote from the document or use this space to emphasize a key point. To place this text box anywhere on the page, just drag it.]

## **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

**APPLICATION FOR VARIATION**

For the property at 355 CENTER 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 of paper 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: BRIAN & KATE GAROFALO

Address: 355 CENTER STREET GLEN ELLYN, IL 60137

Home Phone No.: \_\_\_\_\_ Cell Phone No.: 773-541-0080

Fax No.: \_\_\_\_\_

E-mail: BRIANJGAROFALO@GMAIL.COM KATETOLAND@GMAIL.COM

Ownership Interest in the Property in Question:

BRIAN & KATE GAROFALO 100% OWNERS OF PROPERTY

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):

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: 355 CENTER STREET GLEN ELLYN, IL 60137

Permanent tax index number: 05-10-416-006

Legal description:

LOT 7 AND LOT 6 (EXCEPT THE WEST 25.0 FEET OF SAID LOT 6 AS MEASURED ON THE NORTH AND SOUTH LINES THEREOF) IN BLOCK 6 IN GLEN TERRACE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECODED MAY 29, 1913 AS DOCUMENT 112265, IN DUPAGE COUNTY, ILLINOIS.

Zoning classification: RES-RESIDENETIAL

Lot size: 132.48 ft. x 123.67 ft. x 20.09 ft. x 200.03 ft. Area: 9,233 sq.  
ft.

Present use:

RESIDENTIAL SINGLE-FAMILY HOME-OWNER OCCUPIED

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 10-5-4(A)  
Section 10-5-5(B)4-11

Home is a non-conforming corner lot located at Center St. & Lorraine Ave.

Rear Yard located directly behind home is being classified as corner side yard. Corner side yard permits a 4 ft. high fence that is 33% open.

Seeking variance to have yard area where fence is to be located classified as rear yard which allows for up to 6 ft. fence, solid permitted.

Would be seeking to replace existing fence with 5 ft. high solid fence, board on batten style. Proposed use is to maintain rear yard privacy due to need to remove existing privacy hedges/remove foliage & branches to height of 8 ft. per the village.

Estimated date to begin construction: Exact Date TBD, Summer  
2023

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:

Non-conforming/irregular lot shape, front of the home is located on Center Street, rear of the home is located on Lorraine Street. Due to anonymous complaint received by the village privacy hedges along rear of the home directly adjacent to the sidewalk on Lorraine must be removed and/or remove foliage & branches to a height of 8 ft. This would remove rear yard and rear of home privacy. Per code the rear yard is not classified as such and is instead classified as side yard which does not allow for solid privacy fence to be installed.

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:

Irregular shaped lot, along with Lorraine Street not being in a straight north/south line, rear of home directly facing Lorraine Street. As opposed to traditional corner lot where the side of the home would be facing the parallel street.

Anonymous complaint received regarding mature hedges, that have been in place for numerous years, has led Village to deem that they need to be removed/remove foliage & Branches to height of 8 ft.

Removal of hedges/along with no allowance for solid fence would deprive home/owners of all privacy in rear of home due to pedestrian and auto traffic along Lorraine St.

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

Throughout the village numerous other properties that have rear yards that face a street are permitted/have been granted to have solid fences along rear/side areas of the home facing street. Some example addresses being: 814 Western Ave., 817 Western Ave., 455 Stagecoach Ct., 465 Stagecoach Ct., 840 Highland Ave., 901 Newton Ave., 341 Hill Ave., 475 Hill Ave., 349 Illinois St., 486 Hill Ave.

Also, nearby residences to the home have solid fences that a visible/facing Lorraine St. as well: 349 Center St. & 364 Hillside St.

- 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:

Irregular shaped lot, coupled with angle of Lorraine St. place the direct rear of the home close to/facing directly at Lorraine Street. Coupled with the fact that hedges must be removed deprives home/owners of privacy. Due to the non-conforming shape of the lot home/owners face the hardship that per strict letter of code rear yard is classified as side yard, though it sits directly behind home, depriving homeowners of allowance for taller/solid fence granted under the code for conforming/regular shaped lots where rear of home faces a street.



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:

Irregular shape of lot, along with angle of Lorraine St. place direct rear of home facing street. The non-conforming shape of lot has Village staff classifying rear yard as side yard per code. The unique shape of this lot along with location of home on lot makes this one of very few homes in district where a rear street facing yard would be consider side yard due to shape of lot, along with rear of home facing the street.

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:

Homeowners did not want to make this change this is being brought about by anonymous complaint received by the village regarding existing privacy hedges. Homeowners did not plan/want to remove the hedges and erect new solid fence but need to do so to maintain previous privacy had, this whole endeavor has already cost the homeowners time and money that they did not plan to spend and has nothing to do so with making money on property it is about maintaining privacy of home.

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.

As previously stated in #3 above and in other sections of request this is not a request of the homeowners making, this is due to anonymous complaint being received by the village on their "see/click/fix" website/app. Village staff could provide information showing time/dates of the complaints received. Homeowners have previously requested from village staff information regarding whom submitted complaints, but have been told they are anonymous and can not provide contact info as to whom made complaints

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.

Numerous other homes throughout the village have solid privacy fences for the rear section of their homes, this variation of classifying the rear yard as such would for addition of solid privacy fence would not be detrimental as numerous other homes throughout the village have solid fences in rear of their yards/lots.

6. Provide evidence that the proposed variation will not:

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

No homes located against rear of home where fence would be installed, side of rear lot already has solid fence and has no impact on adjacent property.

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

Non privacy fence already exists in said location, changing fence type would not alter/increase any hazard.

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

Non privacy fence already exists in said location, changing fence type would not alter/increase/impair public health, safety, comfort, morals, general welfare of village inhabitant.

- d. Diminish or impair property values within the neighborhood;

Non privacy fence already exists in said location, changing fence type would not diminish or impair property values within neighborhood as numerous home already have solid fences in rear yards.

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

Non privacy fence already exists in said location, changing fence type would not alter traffic congestion.

- f. Create a nuisance; or

Non privacy fence already exists in said location, changing fence type would not create a nuisance.

- g. Results in an increase in public expenditures.

Non privacy fence already exists in said location, changing fence type would 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.

Non privacy fence already exists in said location, changing fence type is the minimum variation type to maintain privacy of rear yard of home.

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

Please note that we done everything in our power to not go to the step of seeking a variation and had no plans to alter the existing fence when we purchased the home. Though due to an anonymous complaint(s) we are being required to remove existing mature privacy hedges along the sidewalk along Lorraine street at the rear of our home. We have always had the hedges trimmed when needed and also per request from village staff trimmed the hedges bare up to 5 ft. so that none of them would be touching the sidewalk. This step has not been enough per staff, and we would need to trim hedges bare up to 8ft which would cause them to die and also remove all of our privacy in the rear of our home facing Lorraine St.

We are asking that our rear yard be classified as such and be granted the variation of placing a 5 ft. solid fence to maintain our privacy as the hedges will need to be removed.

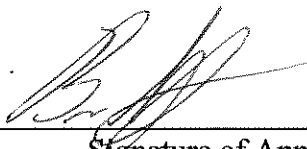
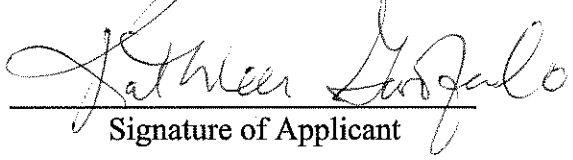
VI. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

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.

|                                     |                                           |                                                                                                                      |
|-------------------------------------|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <u>05/15/2023</u><br>Date           | <u>Brian Garofalo</u><br>Print Name       | <u></u><br>Signature of Applicant  |
| <u>5/15/23</u><br>Date              | <u>Kate Garofalo</u><br>Print Name        | <u></u><br>Signature of Applicant |
| <u>                    </u><br>Date | <u>                    </u><br>Print Name | <u>                    </u><br>Signature of Applicant                                                                |

# 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:

|                                          |
|------------------------------------------|
| <br><br><br><br><br><br><br><br><br><br> |
|------------------------------------------|

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:

|                                          |
|------------------------------------------|
| <br><br><br><br><br><br><br><br><br><br> |
|------------------------------------------|

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 \_\_\_\_\_, and I hold the position of \_\_\_\_\_ for \_\_\_\_\_ (*"Owner"*).
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 Owner to make the representations and statements in this Affidavit on the Owner's behalf in support of the application for development approval (*"Application"*) the Owner 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 Owner, the Application, or the project proposed by the Owner.
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 Owner, the Application, or the project proposed by the Owner.
6. I will immediately notify the Village if the Owner learns of the material inaccuracy of any statement within this Affidavit.

Further affiant sayeth naught.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

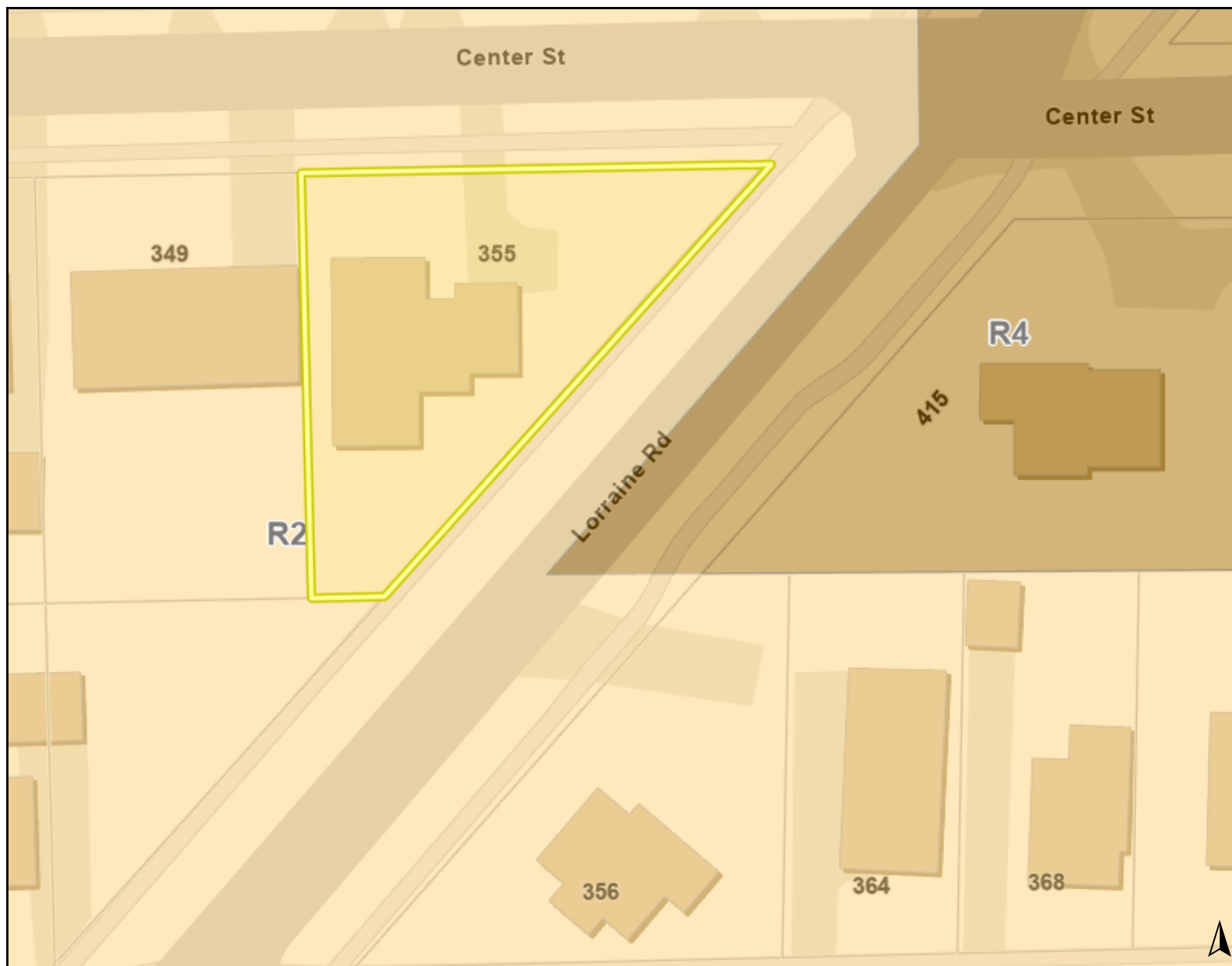
Owner's Name: \_\_\_\_\_

Subscribed and sworn to me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

# GIS Consortium | 355 Center Street - Zoning Map



## Legend

### Zoning and Development

#### Zoning

- R2: Single Family Residential District
- R4: Multi-Family Residential District

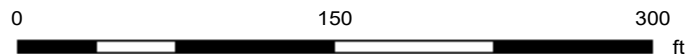
0 50 100  
ft

Print Date: 5/15/2023

## 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.





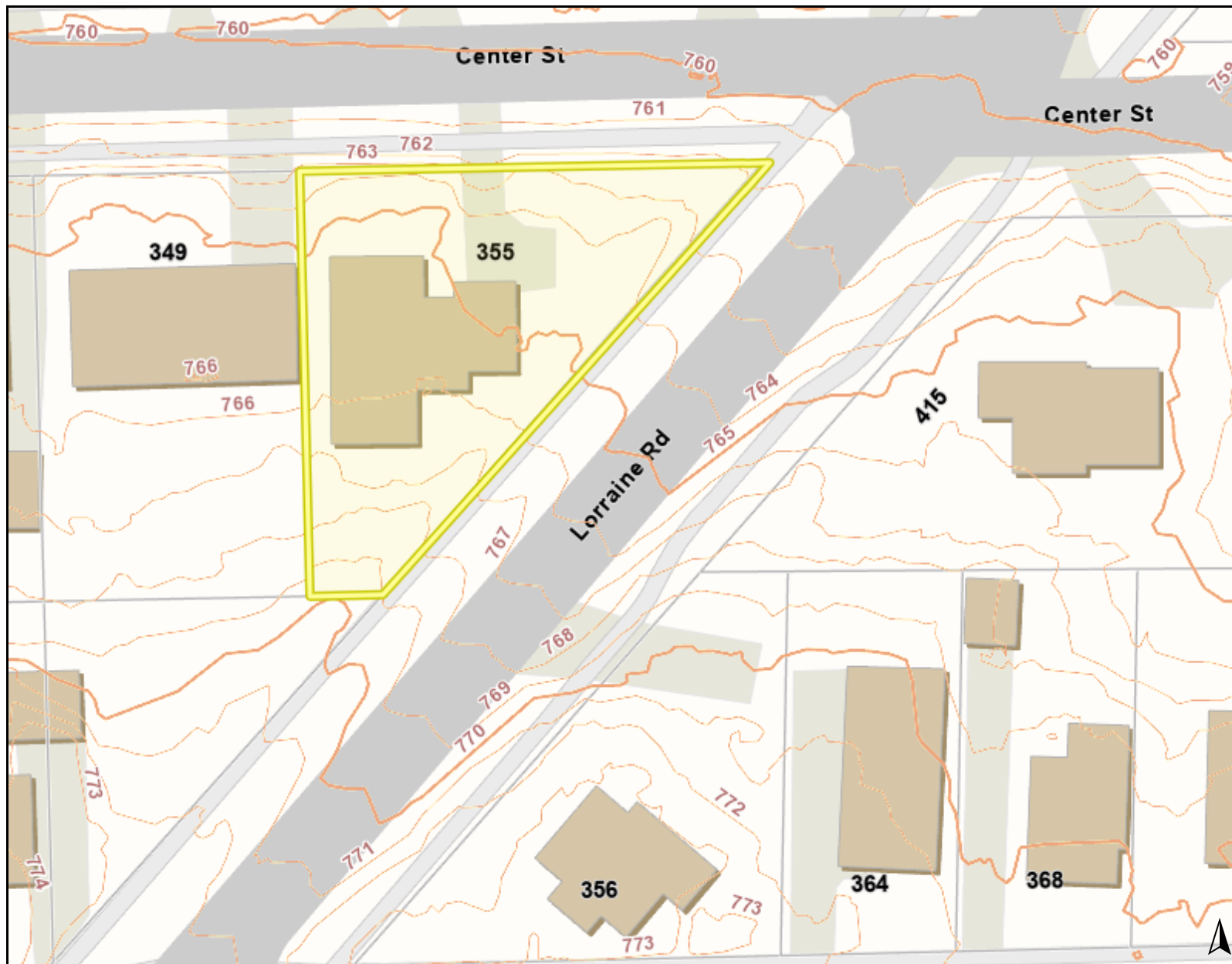
Print Date: 5/15/2023

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.



# GIS Consortium | 355 Center Street - 1' Contour Map



## Legend

DuPage County

DuPage County 1' 2017 Contours

— Contour Line, Intermediate

— Contour Line, Major

0 50 100  
ft

Print Date: 5/15/2023

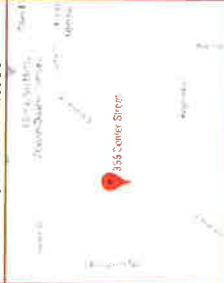
Notes

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.

ORDERED BY

**Ann E. Ketchum**  
Attorney at Law  
524 S. Kentworth Ave.  
Oak Park, Illinois 60304-1128  
708.574.5096  
Fax: 708.406-1557  
AKetchum@ketchumlaw.net

VICINITY MAP



355 CENTER STREET



PIN# 05-10-4-6-008-0000



**PYRAMID LAND SURVEYORS**  
Land Surveyors Illinois and Wisconsin

16 SOUTH LIBERTY DRIVE  
SOUTH BARRINGTON, ILLINOIS 60070  
PHONE 830-497-1850 FAX 847-488-8413

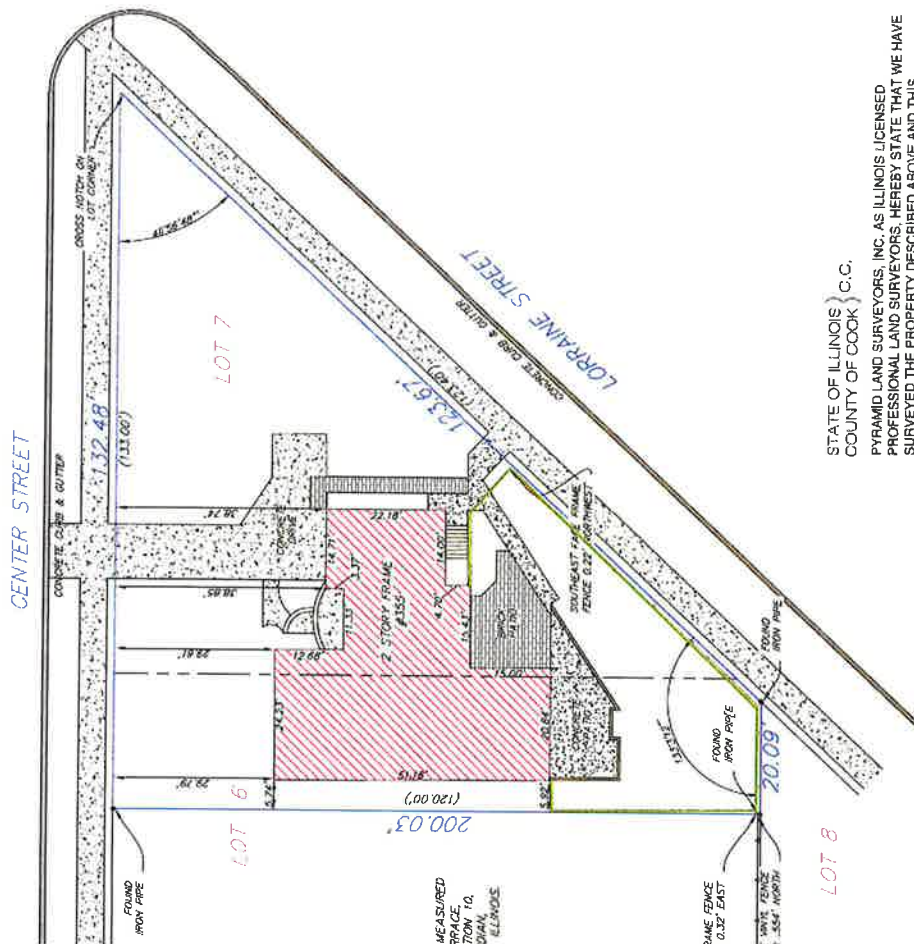
FIELD WORK COMPLETED: MAY 8, 2019

DRAWN BY: G.V.S. SCALE: 1"=20'

BOOK NUMBER: 1905-03

DRAWING NUMBER: 117-190576

pyramidl@sbc.com



STATE OF ILLINOIS )  
COUNTY OF COOK ) C.C.

PYRAMID LAND SURVEYORS, INC. AS ILLINOIS LICENSED  
PROFESSIONAL LAND SURVEYORS, HEREBY STATE THAT WE HAVE  
SURVEYED THE PROPERTY DESCRIBED ABOVE AND THIS  
PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS  
MINIMUM STANDARDS FOR A BOUNDARY SURVEY.  
GIVEN UNDER MY HAND AND SEAL Monday, May 20, 2019

*Gene Scola*

GENE SCOLA PLS #035-003364 EXPIRES 11-30-2020

# BOUNDARY SURVEY of

LOT 7 AND LOT 6 (EXCEPT THE WEST 25.0 FEET OF SAID LOT 6 AS MEASURED  
ON THE NORTH AND SOUTH LINES THEREOF) IN BLOCK 6 IN GLEN TERRACE,  
BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 10,  
TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN,  
RECORDED MAY 29, 1913 AS DOCUMENT 112265, IN DUPAGE COUNTY, ILLINOIS.

±9,231 SQUARE FEET

LEGAL DESCRIPTION PROVIDED BY CLIENT  
MEASURED DISTANCE  
(RECORDED DISTANCE)

GRAPHIC SCALE



( IN FEET )  
1 inch = 20 ft.

DESIGN FIRM: #184-002896

**(DRAFT) FINDINGS OF FACT TO SUPPORT A MOTION TO RECOMMEND  
APPROVAL OF ZONING VARIATIONS TO ALLOW A FIVE FOOT SOLID FENCE  
FOR THE PROPERTY LOCATED AT  
355 CENTER STREET**

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 irregular shaped lot / homesite home faces Center Street while the rear is on Lorraine Road. Homeowner forced to remove hedge up to 8' in height due to an anonymous complaint that illuminates the privacy I the rear of the home, patio, and open 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 \_\_\_\_\_
3. The plight of the applicant/owner is due to unique circumstances relating to the property in question, because the lot/ homesite is irregular in shape, along with Lorraine Road being a diagonal street the rear of the home faces directly onto Lorraine Road.
4. The requested variations, if granted, will not alter the essential character of the locality of the property in question, because the variation does not pose a significant departure in the overall appearance and use of the property.
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 of the irregular shape of the lot / homesite and the diagonal of Lorraine Road create a particular hardship for the family. The application of the strict letter of the Zoning Code would negatively impact the use and enjoyment of the rear patio and open space of the lot / homesite and place these family areas in direct view of passing motorists and pedestrians along Lorraine Road.
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 conditions upon which this variation request is based (non-standard triangular shaped lot, home placement upon the lot, diagonal Lorraine Road) are specific to this property and would not be generally applicable to other property within the R2 Single Family 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 are seeking the variation for privacy and safety so that they may fully enjoy their outdoor space.
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 pruning / removal of the historic hedge was precipitated by an outside complainant, not 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 numerous other homes throughout the Village have solid privacy fences for their outdoor/family space to the rear of the home. Th privacy fence will be lower in height than the hedge that is being removed, and it is along Lorraine Road with no abutting homes so it will not adversely impact the adequate supply of light and air to adjacent properties.
10. The proposed variations will not substantially increase the hazard from fire or other dangers to the property in question or adjacent property, because there is an existing fence being replaced, there will not increase fire hazard or other dangers.
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 fence is solely for the privacy and safety of the occupant family and is not abutting nor adjacent to another single-family home. The proposed fence is well outside the sight vision triangle. No new traffic will be created if the variation is approved.
12. The proposed variations will not create a nuisance or result in an increase in public expenditures because. The proposed fence is within private property and will be the homeowners' responsibility to maintain.
13. The variations are the minimum variations that will make possible the reasonable use of the land, building or structure because the request is for five feet, lower than the hedge being removed. Fence is replacing an existing fence.

**DRAFT "MOTION" TO RECOMMEND APPROVAL OF**  
**ZONING VARIATIONS FOR 355 CENTER STREET**

Having considered the application of Bader Almoshelli and Yusra Gomaa, owners of the property at 355 Center Street, Glen Ellyn, for zoning variations 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 AND Section 10-5-5(B)4#12.b.4 to allow a five-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; 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 July 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 July 11, 2023, public hearing of the Zoning Board of Appeals.
2. \_\_\_\_\_.
3. \_\_\_\_\_.
4. \_\_\_\_\_.

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_



**DRAFT "MOTION" TO RECOMMEND DENIAL OF  
A ZONING VARIATION FOR 355 CENTER STREET.**

Having considered the application of Brian and Kate Garofalo, owners of the property located at 355 Center Street, Glen Ellyn, for a zoning variation to allow to allow a fence less than 33 1/1% open in a front or corer side yard and a five foot fence in lieu of the maximum four foot fence for all other areas of the lot located closer to the street than the principal structure in the R2 Residential District, as depicted on the plans presented or revised at the public hearing, the Zoning Board of Appeals hereby recommends DENIAL of the requested zoning variation from

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 five-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;

of the Glen Ellyn Zoning Code based upon the following findings of fact:

(Staff note: The ZBA may choose to approve some parts of the request and not others.)

**(Choose one or more of the following):**

A. That the plight of the owners is not due to a unique circumstance or a particular hardship;

B. That the variations, if granted, will alter the essential character of the locality because:

---

---

C. That the conditions upon which the variations are based would be applicable generally to other property within the same zoning district because:

---

---

D. That the purpose of the variations is based exclusively upon a desire to make more money out of the property since the applicants intend to:

---

---

E. That the practical difficulty or particular hardship has been created by persons presently having an interest in the property because:

---

---

F. That the variations will be detrimental to the public comfort, morals, and welfare or injurious to other property or improvements in the neighborhood in which the property is located since:

---

---

---

G. That the variations will substantially increase the hazard from fire or other dangers to said property and otherwise impair the public health, safety, or general welfare of the inhabitants of the Village since:

---

---

---

H. That the variations will diminish or impair property values within the neighborhood since:

---

---

---

I. That the variations will unduly increase traffic congestion in the public streets and highways since:

---

---

---

- J. That the variations will result in an increase in public expenditures or create a nuisance since:

---

---

---

- K. That the variations are not the minimum variations that will make possible the reasonable use of the land, building or structure.

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_









