



Agenda
Village of Glen Ellyn
Zoning Board of Appeals Meeting
Tuesday, November 14, 2023
7:00 PM

- A. **Call to Order**
- B. **Public Comment (Non-Agenda Items)**
- C. **Approval of Minutes**
 - 1) Minutes from September 12, 2023 Meeting
- D. **Public Hearing**
 - 1) **181 S. Milton Avenue:**
Request for relief from the Zoning Code to allow construction of a three-season room addition to an existing single-family residence which does not meet the required yards and Lot Coverage Ratio.
- E. **Other Business**
- F. **Trustee Liaison Report**
- G. **Chairman's Report**
- H. **Staff Report**
- I. **Adjourn**

DRAFT MINUTES
Glen Ellyn Zoning Board of Appeals Meeting
Tuesday, September 12, 2023 at 7:00 p.m.
Glen Ellyn Civic Center
Galligan Board Room
535 Duane Street

A. Call to Order and Roll Call

Chairperson Gregory Constantino called the meeting to order at 7:04 PM, and roll was called.

Present: Chairperson Gregory Constantino and Board Members Katie Crudele, Matthew Jones, Christiane McKnight, Reed Panther, and Craig Pavlich.

Absent: Board Member Thomas Whalls.

Also in attendance: Anne Gould, Trustee; Audrey Savikas, Recording Secretary; and Scott Viger, Planning Consultant.

Chairperson 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. Public Comment (non-agenda items)

There were no public comments for non-agenda items.

C. Approval of Minutes

Member Crudele made a motion to approve the draft minutes of the July 11, 2023 meeting. Member McKnight seconded the motion, and the motion passed by voice vote.

D. New Business

1.) Public Hearing — 423 Ridgewood Avenue

Member McKnight moved to open the Public Hearing. Member Jones seconded the motion, and the motion passed by voice vote.

Staff Introduction

Scott Viger, Planning Consultant for the Village of Glen Ellyn, introduced the request: Zoning Variation requests to allow for the construction of two second story dormers. Mr. Viger presented information as detailed in the Staff Report dated September 5, 2023, included in the agenda packet. Mr. Viger's presentation included a description of the existing conditions of the home; the zoning and surrounding zoning; the property's Plat of Survey; and existing elevations. Mr. Viger presented the proposed project, including the site plan; floor plans; and elevations. Mr. Viger described the ZBA Action.

Mr. Viger responded to Board Member questions, including confirming that the proposal would not change the overall footprint of the home. Mr. Viger and Members discussed the property's status as legal nonconforming and considered whether Variations are required for this subject property. Mr. Viger noted in the Staff Report that "These new dormers while not increasing the Lot Coverage or the setbacks at the ground level do require variations as 'increasing the nonconformity.'" Mr. Pavlich referred to Zoning Code 10-4-1 (N) which allows for certain existing nonconforming properties to construct over the perimeter walls of the house, if not extending the footprint of the house. Mr. Viger responded to additional Board Member questions, confirming that no eaves or ridge Variances are required for this proposal, and that no public comments were received in support or opposition to the request.

Petitioner Testimony

Sworn in, Petitioner Patrick Reinke, owner of 423 Ridgewood Avenue, addressed Board Members. He discussed his family's history in Glen Ellyn and their intent to improve the home to accommodate their growing family.

Mr. Reinke responded to Board Member questions, including confirming that he has received no comments or concerns from neighbors regarding the proposal.

Public Testimony

There was no public testimony.

Board Member Deliberation

Member Panther summarized the Findings of Fact from the hearing, including:

- The public hearing is regarding 423 Ridgewood Avenue. The petitioner is David Raino-Ogden, Architect, on behalf of Patrick and Melissa Reinke, owners of the property.

- The Petitioners are requesting two Variations from the Zoning Code:
 1. Section 10-4-8(D)1 to allow for the proposed dormer on the front of the existing single-family building to have a front yard setback of 24.7 feet, whereas the required front yard setback is 30 feet in the R2 Residential District.
 2. Section 10-4-8(D)3 to allow for the proposed dormers on the front and back of the existing single-family building to have a side yard setback (west side) of 4.25 feet, whereas the required side yard setback is 6.5 feet in the R2 Residential District.
- The Board heard from Scott Viger, Planning Consultant, who shared that the home is existing non-conforming; that the proposal would add a bedroom and an en-suite bathroom to the home; and that the proposed addition would not increase the footprint of the home.
- The Board heard from Patrick Reinke, the homeowner, who shared that the proposal would increase the livability of the home for his family.

Member McKnight made a motion to adopt the findings of fact. Member Crudele seconded the motion. The motion passed unanimously on a roll call vote, with six Members present voting “Yes”: Chairperson Constantino and Members Crudele, Jones, McKnight, Panther, and Pavlich.

Board Members deliberated. They shared their positions regarding the request, all expressing support for the proposal. Areas of support included: no change to the existing footprint; the requests are modest; the existing non-conforming nature of the home is a hardship; the proposal may be allowable under Zoning Code 10-4-1 (N).

Board members recommend that Village Staff review the Zoning Code and confirm that Variations are required.

Member Crudele made a motion to close the Public Hearing for 423 Ridgewood Avenue. Member McKnight seconded the motion. The motion passed unanimously on a roll call vote, with six Members present voting “Yes”: Chairperson Constantino and Members Crudele, Jones, McKnight, Panther, and Pavlich.

Board Recommendation

Member Crudele moved for the following:

Having considered the application of David Raino-Ogden, Architect on behalf of Patrick and Melissa Reinke, owners of the property located at 423 Ridgewood Avenue, Glen Ellyn, for zoning variations from

1. Section 10-4-8(D)1 to allow for the proposed dormer on the front of the existing single-family building to have a front yard setback of 24.7 feet, whereas the required front yard setback is 30 feet in the R2 Residential District, and

2. Section 10-4-8(D)3 to allow for the proposed dormers on the front and back of the existing single-family building to have a side yard setback (west side) of 4.25 feet, whereas the required side yard setback is 6.5 feet 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 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 September 12, 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): existing nonconforming; location of the home on the lot; no change to the footprint; modest request.

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 September 12, 2023, public hearing of the Zoning Board of Appeals.

Additionally, the Zoning Board of Appeals recommends that Village Staff review Zoning Code 10-4-1 (N) to better understand the need for Variations for this proposal.

Member Jones seconded the motion. The motion passed unanimously on a roll call vote, with six Members present voting "Yes": Chairperson Constantino and Members Crudele, Jones, McKnight, Panther, and Pavlich.

2.) Public Hearing — 660 N. Main Street

Member Pavlich moved to open the Public Hearing. Member Panther seconded the motion, and the motion passed by voice vote.

Staff Introduction

Scott Viger, Planning Consultant for the Village of Glen Ellyn, introduced the request: Zoning Variations to allow for the construction of a two-car garage and home addition. Mr. Viger presented information as detailed in the Staff Report dated September 8, 2023, included in the agenda packet. Mr. Viger's presentation included: a description of the existing conditions of the home; the zoning and surrounding zoning; and the property's Plat of Survey. Mr. Viger

described the proposed addition in detail, including the floor plan, elevations, and perspective drawings. Mr. Viger described the ZBA Action.

Mr. Viger responded to Board Member questions, including clarifying Lot Coverage Ratio calculations and Staff's interpretation of Code with regard to the inclusion of the proposed front porch in lot coverage calculations. Mr. Viger confirmed that this could be considered a unique circumstance for the Petitioner. Mr. Viger confirmed that the proposed removal of the backyard shed was factored into the Lot Coverage Ratio calculations as well. Mr. Viger responded to additional Board member questions, including discussion regarding the feasibility of alternative garage types and locations. Mr. Viger shared that he received a petition supporting the proposal with 11 signatures representing eight neighboring properties. He said he did not receive any public comments in opposition to the proposal.

Petitioner Testimony

Sworn in, Darryl Drake, of Drake Design Co., representing Darren and Glenda Coombes, owners of the property, addressed Board Members. Mr. Drake described his history working with current and prior homeowners of the property to design a garage solution. He discussed unique circumstances and hardships, including the irregular-shaped lot; the position of the home on the lot; and the unique setbacks. Mr. Drake discussed his Lot Coverage Ratio calculations and how they differed from that of Village Staff. He described his attempts to limit the need for Variations by designing a narrow garage, and ensuring the rear wall of the garage achieved a 40-foot rear yard setback. He discussed his design goals and described proposed building materials.

Mr. Drake responded to Board Member questions, including confirming the there would be no increase in impervious surface, and clarifying his Lot Coverage Ratio calculations.

Sworn in, Darren Coombes, owner of the property, addressed Board members and described his family's experience without a garage and their intent to improve the home to accommodate their family.

Public Testimony

There was no public testimony.

Board Member Deliberation

Member Panther summarized the Findings of Fact from the hearing, including:

- The public hearing is regarding 660 N. Main Street. The petitioner is Darryl Drake, of Drake Design Co., representing Darren and Glenda Coombes, owners of the property.
- The Petitioners are requesting three Variations from the Zoning Code:
 1. Section 10-4-8(D)2 to allow a rear yard setback of 17.9 feet where the required rear yard setback is 40 feet in the R2 Residential District;
 2. Section 10-4-8(D)3 to allow a side yard setback of 6.33 feet where the required side yard setback is 7.5 feet in the R2 Residential District;
 3. Section 10-4-8(E)1 to allow a lot coverage ratio of 23.69%, in lieu of the maximum lot coverage ratio of 20% in the R2 Residential District.
- The Board heard from Scott Viger, Planning Consultant, who indicated the Variance request for the rear yard setback extends an existing nonconformity from the chimney and that the proposal does not increase the footprint to the rear yard. He shared that the lot is trapezoidal, shaped with an unusually large front yard setback.
- The Board heard from Darryl Drake, of Drake Design Co., representing Darren and Glenda Coombes, owners of the property. He indicated that a detached garage would not work in a rear yard of the property for multiple reasons. He shared that the Lot Coverage percentage is not entirely clear based on differing interpretations of Code (21.9% vs. 23.6% as determined by Staff). He also noted that the addition would preserve the existing character of the home and minimize Variations; he said there would be no increase in impervious surfaces.
- The Board heard from Darren Coombes, homeowner, who described his family's need for a garage and more livable space.

Member Jones made a motion to adopt the findings of fact. Member McKnight seconded the motion. The motion passed unanimously on a roll call vote, with six Members present voting "Yes": Chairperson Constantino and Members Crudele, Jones, McKnight, Panther, and Pavlich.

Board Members deliberated. They shared their positions regarding the request, all expressing support for the requests. Areas of support included: the rear yard setback request is related to a pre-existing condition; there are differing interpretations regarding the Lot Coverage ratio calculations; there are unique circumstances regarding the shape of the lot and the location of the principal structure on the lot; the proposal would increase the livability of the home in a manner that is consistent with its character and is aesthetically pleasing.

Member Jones made a motion to close the Public Meeting for 660 N. Main Street. Member Pavlich seconded the motion. The motion passed unanimously on a roll call vote, with six Members present voting “Yes”: Chairperson Constantino and Members Crudele, Jones, McKnight, Panther, and Pavlich.

Board Recommendation

Member Jones moved for the following:

Having considered the application of Daryl Drake, Architect, Petitioner on behalf of Darren and Glenda Coombes, owners of the property at 660 N. Main Street, Glen Ellyn, for zoning variations from

- 1. Section 10-4-8(D)2 to allow a rear yard setback of 17.9 feet where the required rear yard setback is 40 feet in the R2 Residential District;**
- 2. Section 10-4-8(D)3 to allow a side yard setback of 6.33 feet where the required side yard setback is 7.5 feet in the R2 Residential District;**
- 3. Section 10-4-8(E)1 to allow a lot coverage ratio of 23.69%, in lieu of the maximum lot coverage ratio of 20% 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 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 September 12, 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): lot coverage calculations regarding the front porch and the front yard setback; no effective change to the existing rear yard setback; a detached garage in the rear yard is not a viable option.

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 September 12, 2023, public hearing of the Zoning Board of Appeals.**

Member Pavlich seconded the motion. The motion passed unanimously on a roll call vote, with six Members present voting “Yes”: Chairperson Constantino and Members Crudele, Jones, McKnight, Panther, and Pavlich.

E. Other Business

None

F. Village Board Trustee Report

Ms. Gould Thompson discussed the following:

- Trustees adopted the 2023 Comprehensive Plan.
- Board Workshops were held to discuss the train station development and the streetscape project's impact on local businesses.

G. Chairperson's Report

Chairperson Constantino welcomed Craig Pavlich to the Zoning Board of Appeals.

H. Staff Report

Mr. Viger discussed potential agenda items for upcoming meetings.

I. Adjournment

Member Jones made a motion to adjourn the meeting; Member Crudele seconded the motion, and the motion passed by voice vote at 8:30 PM.

Respectfully submitted,

Audrey Savikas
Recording Secretary



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

Meeting 11/14/2023 7:00 PM
Department: Community Development
Department Head: Emily Rodman
Category: Public Hearing
Prepared By: Scott Viger

**AGENDA ITEM (ID
2023-1132)**

DOC ID: 2023-1132

181 S. Milton Avenue:

Request for relief from the Zoning Code to allow construction of a three-season room addition to an existing single-family residence which does not meet the required yards and Lot Coverage Ratio.

Statement of the Issue:

Request for relief from the Zoning Code to allow the construction of a three-season room addition to an existing single-family residence which does not meet the required yards and Lot Coverage Ratio.

Analysis:

See Staff Report.

Budget Impact:

Contribution to Strategic Plan

Action Requested:

Attachments:

1. Staff Report 181 S. Milton Avenue_EBR
2. 1. Zoning Variation Request Packet 181 S. Milton
3. 2. Aerial Photograph
4. 3. 181 S. Milton Avenue Zoning Map
5. 4. 1' Contour map
6. 5. Legal Notice
7. 6. 350' Notification Map
8. 7. Plat of Survey with propped addition depicted
9. 8. Architectural Plans
10. 9. Draft Findings of Fact
11. 10. Draft Motion to Approve
12. 11. Draft Motion to Deny

STAFF REPORT

TO: The Zoning Board of Appeals

FROM: Scott Viger, Planning Consultant

DATE: October 03, 2023

SUBJECT: October 10, 2023, Zoning Board of Appeals Meeting
Public Hearing – Zoning Variations request to allow an addition to an existing single-family home to exceed lot coverage ratio and to provide a sideyard less than the required minimum for the property located at 181 S. Milton Avenue.

PROPERTY: 181 S. Milton, is an interior lot, located on the east side of S. Milton Avenue approximately 215 feet north of Sheehan Avenue.

PETITIONERS: The petitioners Melanie and Tyler Gill, owners of the property located at 181 S. Milton Avenue.

REQUEST: The petitioners are requesting a recommendation of approval of the following variation from the Glen Ellyn Zoning Code:

1. Section 10-4-8(D)3 to allow a side yard of 6.2' in lieu of the minimum side yard requirement of 6.5' in the R2 Single Family Residential District
2. Section 10-4-8(E)1 to allow a lot coverage ratio of 23.69%, in lieu of the maximum lot coverage ratio of 20% in the R2 Single Family Residential District;

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

PUBLIC NOTICE: Notice of the public hearing was published in the September 25, 2023 edition of the Daily Herald, mailed to property owners within 350 feet of the subject property, and a placard was placed on the property.

ZONING

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

PERMIT

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

<u>Date</u>	<u>Permit No.</u>	<u>Type</u>
2021	20212001	Fence
2020	20200551	Siding
2019	20190330	Clearwater Connection

2017	20170021	Sewer Clean Out
2012	20120292	Add on to Patio
2011	20111405	Roof

R2 Lot Requirements:

	Code Requirement	Existing Home	Proposed Home	Variation Required
Lot Area	8,712 SQFT	8,000 SQFT	8,000 SQFT	
Lot Width	66'	50'	50'	
Lot Depth	110'	160'	160'	
Front Yard	30'	40'	40'	
Side Yard	6.5'	5.0' North 4.7' South	5.0' North 4.7' South Proposed addition 6.2'	X
Rear Yard	40'	66' - 4 1/4"	49' - 4 1/4'	
Lot Coverage	20% 1,600 SQFT (1,742.4 SQFT)	20.93% 1,674.35 SQFT	23.69% 1,895.35 SQFT	X

PROJECT SUMMARY:

The subject property is part of the Glen Park Subdivision recorded in 1926. The lot is rectangular in shape and improved with a single-family home. The current homeowners have resided in the home for the past four- and one-half years. The home is sited 40 feet from and is roughly parallel to the front property line.



Front view of the home

The property as exists is legal nonconforming due to the lot area, lot width,

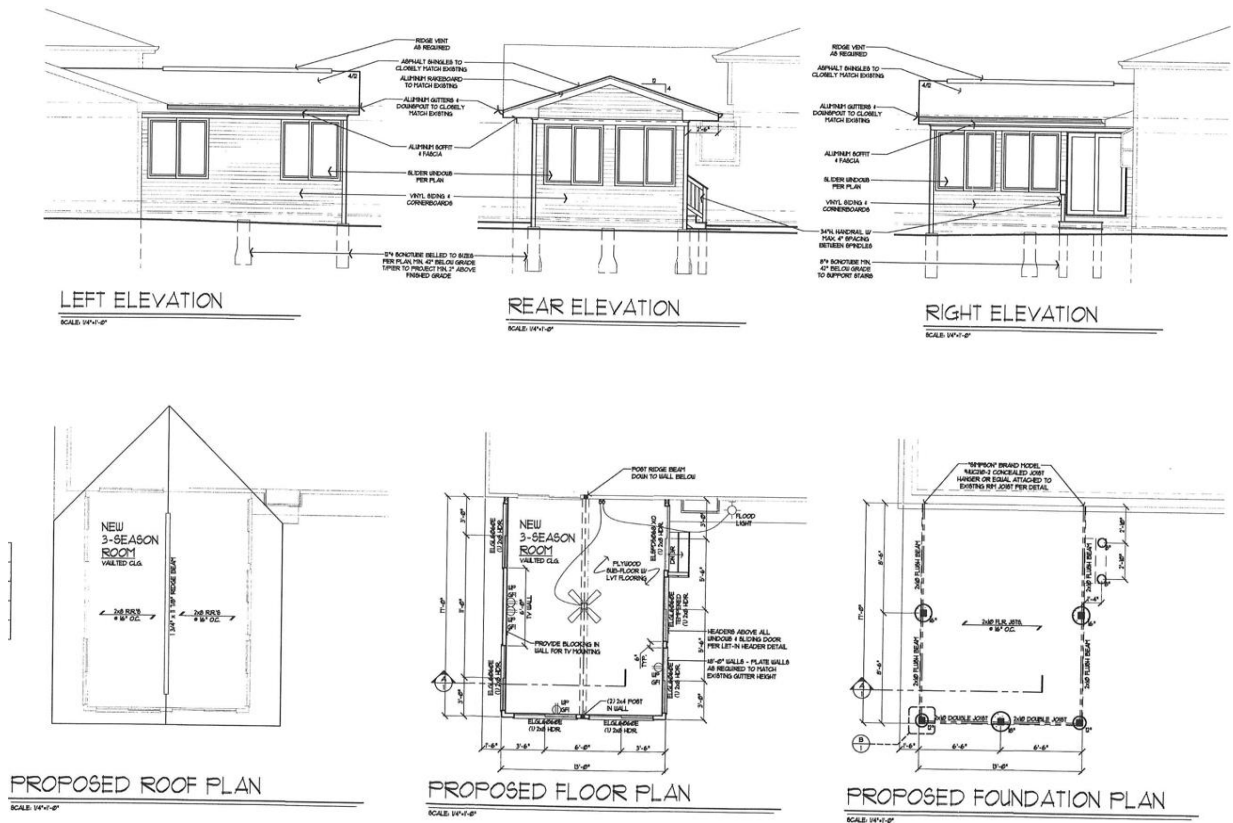
Lot Coverage Ratio and side yard setbacks for homes in the R2 Residential District.

The petitioners applied for a Building Permit to construct a “three season room” on the rear of the home covering a portion of the existing patio and extends slightly into the turf area. The proposed addition would be 1.5’ from the existing south façade of the home and extend 13’ to the north (encompassing the existing sliding glass door and ending prior to impacting the existing kitchen window. The proposed addition would add 221 SQFT to the existing non-conforming square footage of 1,674.35 SQFT (20.93% Lot Coverage Ratio) for a total of 1,895.35 or 23.69% Lot Coverage Ratio. The permit was denied as two Zoning Variations would be needed to build the addition as proposed.

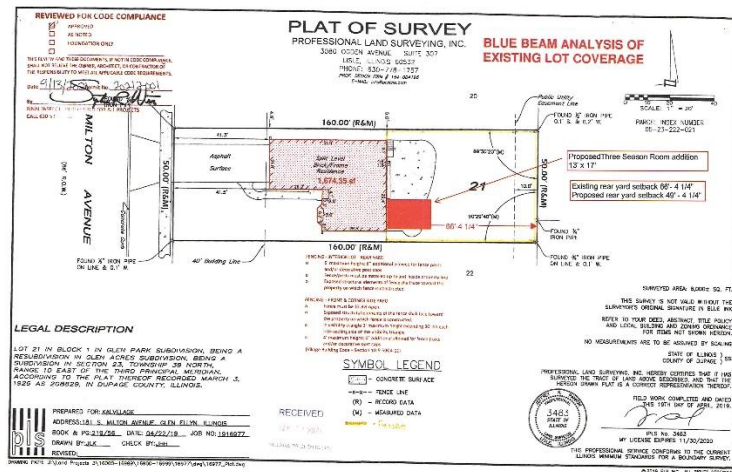
The first variation is for a Lot Coverage Ratio of 23.69% which is larger than the current R2 District maximum of 20%. The second is to allow a side yard for the proposed three season room of 6.2’ In lieu of the 6.5’ required in the R2 District.



Rear view of the home



Architectural Plans



Proposed addition shown in red would exceed the minimum rear yard setback (49' 4 1/4")

ZBA ACTION

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

essential character of the neighborhood is maintained.

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

ATTACHMENTS

1. Petitioners' Application Packet
2. Aerial Map
3. Zoning Map
4. 1' Contour Map
5. Public Hearing Notice
6. Map of Properties Notified for Public Hearing
7. Plat of Survey
8. Architectural Plans
9. Draft Findings of Fact
10. Draft Motion to Approve
11. Draft Motion to Deny

CC: Emily Rodman, Assistant Village Manager / Community Development Director
Paula Moritz, Plan Reviewer
Mike D'Onofrio, Planning Consultant
Tyler & Melissa Gill, Petitioners



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

B. Public Hearing:

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

1. Staff Presentation:

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

2. Petitioner's Presentation:

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

3. Public Participation:

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

4. Commission Deliberation/Finding of Fact:

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

hearing to the Village Board concerning the requested zoning variation(s) by vote.

5. Vote:

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

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

IV. VILLAGE BOARD ACTION:

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

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

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

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

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

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

Zoning Code Variation Guidelines for Particular Hardship and Practical Difficulty Criteria

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

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

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

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

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

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; or
2. The plight of the owner is due to unique circumstances; and that the Variation, if granted, will not alter the essential character of the locality;

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

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

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

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

2. That the conditions upon which the petition for Variation is based would not be applicable generally to other property within the same zoning district;
3. That the purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property or by the applicant;
5. That the granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
6. That the proposed Variation will not:
 - a. Impair an adequate supply of light and air to adjacent property;
 - b. Substantially increase the hazard from fire or other dangers to said property or adjacent property;
 - c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village;
 - d. Diminish or impair property values within the neighborhood;
 - e. Unduly increase traffic congestion in the public streets and highways;
 - f. Create a nuisance; or
 - g. Result in an increase in public expenditures;
7. That the Variation is the minimum Variation that will make possible the reasonable use of the land, building or structure.

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

“An authority to a property owner to use the property in a manner forbidden by the ordinance.”

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

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

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

1. A platted lot that is uniquely shaped and when the zoning code is applied, interferes with the buildable area of the lot.
2. Unusual topography or natural conditions within a parcel.

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

1. The cost of a project would be greater if it were constructed in an area that would be otherwise permissible.
2. Request to accommodate the size of one's family or personal health issues.
3. Request to expand beyond conditions created by a previous owner. For example, the previous owner may have elected to build the structure up to the setback line even though there was ample space to provide more distance from the property line.

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

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

APPLICATION FOR VARIATION

For the property at 181 S Milton Ave. 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: Melanie & Tyler Gill

Address: 181 S Milton Ave., Glen Ellyn, IL 60137

Home Phone No.: 815-212-0514 Cell Phone No.: 224-612-0604

Fax No.: _____

E-mail: gill619@comcast.net

Ownership Interest in the Property in Question:

Joint tenancy of the home by Melanie and Tyler Gill.

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: 181 S Milton Ave., Glen Ellyn, IL 60137

Permanent tax index number: 05-23-222-021

Legal description:

Lot 21 in block 1 in Glen Park Subdivision, being a resubdivision in Glen acres subdivision, being a subdivision in section 23, township 39 north, range 10 east of the third principal meridian, according to the plat thereof recorded March 3, 1926 as 208829, in Dupage county, Illinois.

Zoning classification: Residential

Lot size: 160 ft. x 50 ft. Area: 8000 sq. ft.

Present use:

It is our current residence. It is a single-family home.

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):

Requesting a Lot Coverage and Side Yard Variations.

Side Yard Sections: 10-4-8D3 (Interior Side Yard)

Lot Coverage Section: 10-4-8E1 (Lot Coverage). We have an existing non-conforming lot of 8000 in lieu of 20% maximum lot coverage. We seek to build a 221 sq ft. 3 seasons room which exacerbates our non-conforming lot past the 20%, which would approximately total 23%.

The side yard variance is to make an exception to our 3 seasons room that will be 6ft 2in from the South property line because we are unable to accommodate the 6ft 5in code. Since our existing home is currently non-conforming and sits only 5ft from the South property line, our 3 seasons room plan has already moved the South facing wall over more than a foot. But, given the flow of the home and the entrance to where the 3 seasons room, we are unable to move the room over the additional 3 inches.

The proposed use of the 3 seasons will provide extra space for our growing family. Our plan is to stay in this house for a while, and with this additional space, we can accommodate more room for our kids. We really love our neighborhood and the city of Glen Ellyn... so this variance is extremely important for our future.

Estimated date to begin construction: Upon variance approval, we would begin construction

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

Clean Edge Construction, Inc
Yorkville, Illinois, United States
630-364-0224
Aaron Maggio

JB Architecture
1320 North Route 59, Suite 124
Naperville, IL 60583
Jonathan A. Bieritz, AIA

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:

Due to the fact that our home is on a non-conforming lot ,we are already unable to make any changes/additions to our home. We have lived in our home for almost 4.5 years now and wish to continue to grow as a family in this home and make it more livable which makes it hard to do in this situation when our home as it exists is non-conforming.

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):

If we do not get this variance approved then we will be unable to make our home/ space more livable for our family in which case, we will likely have to begin our search for a new home, even though we love our home, our neighborhood, our neighbors and the community.

OR

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

Our reason for application and the uniqueness of our ask, is due to the fact that as it stands, we have a non-conforming lot. We are over the 20% maximum lot coverage currently, but only wish to increase it to about 23% for a our two-story single family home.

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

The essential character of the locality of the property will not be altered because the 3 seasons room will have the same exterior as our existing home. The roof line of the 3 seasons room will not be higher than the existing home, and we have a 6ft tall cedar fence around our backyard so there will be no disruption to the neighbors existing views.

- 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 hardships that we would like to bring up include the fact that our backyard area has large tree roots from the neighbor's large, old tree. Majority of the roots that are in our yard sit just under the grass and provide an uneven footing throughout our entire back yard area. If allowed, the 3 seasons room would provide a more useful space for our growing family. I'd also like to note that a concrete patio extends the width of our home in the back yard, which is great for the summer, but replacing a portion of the concrete patio with the 3 seasons room will provide our growing family with a better serving interior room that can be used throughout most of the year.

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:

As it stands, our existing lot is non-conforming and considerations for the approval of our variances are unique to our lot given that we also reside at the top of a hill, which already helps to provide excellent drainage. Our existing concrete patio in our back yard that will cover the majority of space that would be the 3 seasons room. Our backyard has already been tried and tested with drainage as well.

As for the the side yard which is also non-conforming, the 3 seasons room will be over a foot farther away (6ft 2in) from the South property line compared to our existing home which is only 5ft from the South property line.

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 these variations are not based on the desire to make more money of the property but based on the fact that we are a growing family (husband, wife, toddler, and baby on the way). We also plan to continue to live in this home for years to come and with this approval we will get the additional space we need to make our home more livable and functional.

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.

When we moved in almost 4.5 years ago it was just Tyler and Melanie (husband and wife) living in the home, since then we have added our dog, Norman in 2019, our son Wesley in 2020, and now we have a baby on the way due in December 2023. As we've grown the family, our home has had to change in the ways in which we use rooms/space. We are asking for this approval in order to provide some additional space for us to use as a family, there is no intent to use the 3 seasons room for someone having interest in the property.

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

With the approval of these variances there will be no detrimental impact to the public welfare or injurious to other property or improvements in the neighborhood given the fact that we are asking to simply build on a 3 seasons room in our back yard. We have a 6ft tall cedar fence so there won't be a change in our neighbors views, and we have already discussed this 3 seasons room with our neighbors on the North and South sides of us which they have given their blessing for this project.

6. Provide evidence that the proposed variation will not:

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

This structure will not impair any adequate supply of light or air to the adjacent property based on the fact that we already have a 6ft tall fence and that the 3 seasons room structure/roof line will not surpass our existing roof line height therefore not blocking our neighbors light and air flow.

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

The 3 seasons room structure will be over a foot farther away from the South property line ,which is farther than our existing home that is only 5ft from the South property line. This means that the structure will not increase the hazard from fire or other dangers. We also have a 6ft tall fence in our backyard that provides an existing barrier between our home and the adjacent property.

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

A 3 seasons room will not impair the public health, safety, comfort, moral or general welfare of the citizens of the Village because it will be a room attached to our single family home that is confined to our fenced in backyard, which will not impact others.

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

The 3 seasons room with not diminish or impair the property values within the neighborhood because we have a smaller house to begin with and adding 221sq ft is not going to dwarf the substantially larger 2 story homes that surround us.

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

A 3 seasons room, on our single family home, will not cause any increase to traffic congestion in the public streets and highway as it is build behind our house, attached to the house we reside in. It does not intersect with any street or highway.

- f. Create a nuisance; or

The 3 seasons room will not create a nuisance given that it is an internal space, in the back yard of a single family home that has a 6ft tall fence around the perimeter of the back yard. Also the home is inhabited by a married couple, a toddler, a baby on the way and a dog.

- g. Results in an increase in public expenditures.

A 3 seasons room will result in no increase of public expenditures as it simply is to improve the quality of life within our home.

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

The approval of the 3 seasons room variances are the minimum that we need based on being able to create a useful space attached to our home on an existing non-conforming lot. At a minimum, we want the space to be big enough to add to our quality of life and home space.

And for the side yard variance we will be approximately 1.5ft back from the door access in the house with is as far as we could go to align with the current flow of our home.

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

We are a growing family that has fallen in love with our home, and we would love to continue our family's journey by staying at this home for many years to come. By approving our variations you will be providing our family with the additional space we need to help us live more comfortably in our home. We love our neighborhood, this community and ask for this exception as a way to enhance our lives and the overall neighborhood and community. We have a baby due in December and are willing to go through this entire variance application process in the midst of a pregnancy because we know the positive impact of having this additional space will have for our home and family. Additionally, our home is only about 1200sq ft as it stands. We are also a growing family with our home that sits at the top of a hill (excellent drainage) that has privacy of a 6ft tall fence in our backyard. So, the 3 seasons room will not have an impact of the neighbors views, and the existing concrete patio in our backyard has served as a "structure" that has not had a negative impact to our home/drainage, so replacing part of the concrete patio with the 3 seasons room won't have any impact on our lot.

Again we want this approval to improve the quality of life and our home. Thank you for your consideration.

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.

8/23/23
Date

Melanie Gill
Print Name

Mel Gill
Signature of Applicant

8/23/23
Date

Tyler Gill
Print Name

[Signature]
Signature of Applicant

Date

Print Name

Signature of Applicant

AFFIDAVIT OF AUTHORIZATION

I, Melanie Gill owner of the property described as

181 S. Milton Ave., Glen Ellyn, IL 60137

verify that Melanie Gill

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.

Melanie Gill
Owner Signature

Subscribed and sworn to before me this

23 day of August, 2023

[Signature]

Notary Public





0 150 300
ft

Print Date: 9/25/2023

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.



0 300 600
ft

Print Date: 9/25/2023

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NOTICE OF PUBLIC HEARING

Melanie and Tyler Gill, owners of the property located at 181 South Milton Avenue are requesting approval of variations associated with the construction of a “three season room” addition to the existing single-family dwelling. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on Tuesday, November 14 2023, at 7:00 p.m. in the Galligan Board Room, Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois. The public is welcome to attend.

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

1. A variation from Section 10-4-8(D) to allow a side yard of 6.2’ in lieu of the 6.5’ minimum side yard in the R2 Residential District; and,
2. A variation from Section 10-4-8(E) to allow a lot coverage ratio of 23.69% in lieu of the maximum lot coverage ratio of 20% Lot Coverage Ratio in the R2 Residential District.

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

Lot 21 in Block 1 in Glen Park Subdivision, being a Resubdivision in Glen Acres Subdivision, being a Subdivision in Section 23, Township 10 North, Range 10 East of the Third Principal Meridian, according to a Plat thereof Recorded March 3, 1926, as Document 208829, in DuPage County Illinois.

PIN: 05-23 – 222 - 021

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: <http://www.glenellyn.org/246/Public-Notice-Portal>. Plans are also on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois. 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 R. Viger, Planning Consultant, at (630) 547-5371.

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



Village of Glen Ellyn

350 Foot Distance
from
181 S Milton Ave

S ELLYN AVE

S MILTON AVE

S MONTCLAIR AVE

GLENBAR

STONEGATE CT

AMBER RIDGE AVE

SHEEHAN AVE

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

0 25 50 100 Feet



REVIEWED FOR CODE COMPLIANCE

- ☒ APPROVED
- ☐ AS NOTED
- ☐ FOUNDATION ONLY

THIS REVIEW AND THESE DOCUMENTS, IF NOT IN CODE COMPLIANCE, SHALL NOT RELIEVE THE OWNER, ARCHITECT, OR CONTRACTOR OF THE RESPONSIBILITY TO MEET ALL APPLICABLE CODE REQUIREMENTS.

Date 9/13/2021 Permit No. 20212001

By [Signature]
 FOUND 1/2" IRON PIPE
 FINAL INSPECTION REQUIRED FOR ALL PROJECTS
 CALL 630-511-1100

PLAT OF SURVEY

PROFESSIONAL LAND SURVEYING, INC.

3080 OGDEN AVENUE SUITE 307

LISLE, ILLINOIS 60532

PHONE: 630-778-1757

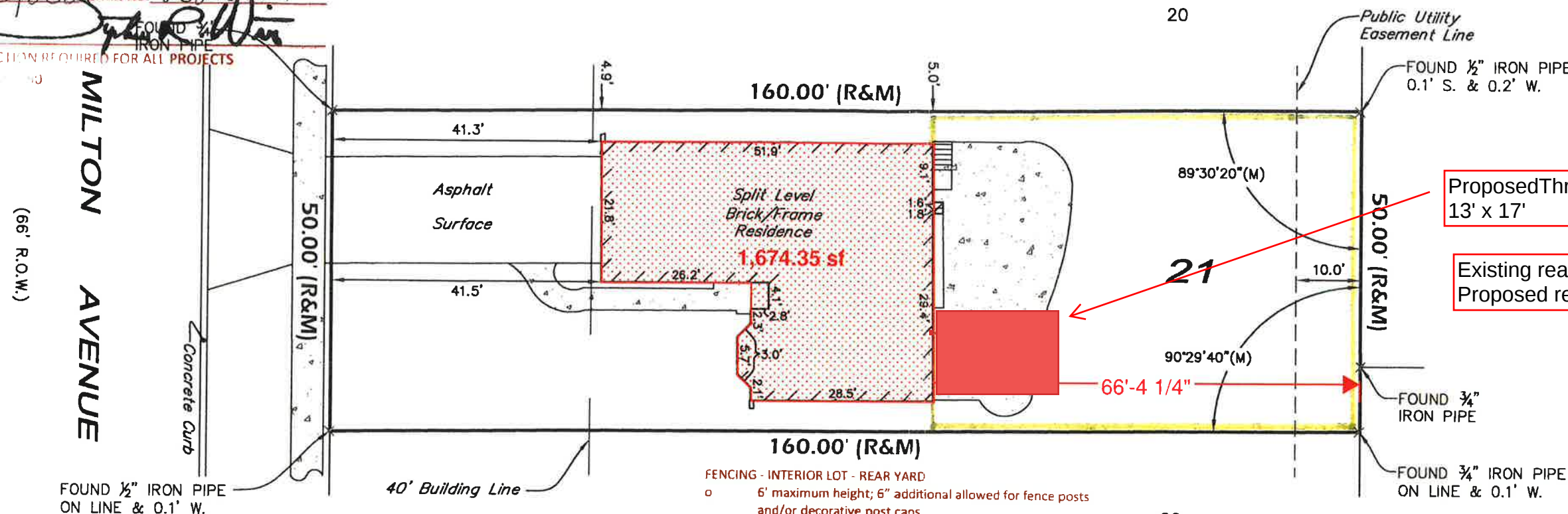
PROF. DESIGN FIRM # 184-004196

E-MAIL: info@plslisle.com

BLUE BEAM ANALYSIS OF EXISTING LOT COVERAGE



PARCEL INDEX NUMBER
05-23-222-021



Proposed Three Season Room addition
13' x 17'

Existing rear yard setback 66'- 4 1/4"
Proposed rear yard setback 49' - 4 1/4"

FENCING - INTERIOR LOT - REAR YARD

- o 6' maximum height; 6" additional allowed for fence posts and/or decorative post caps
- o Fence/posts must be installed up to and inside property line
- o Exposed structural elements of fence shall face toward the property on which fence is constructed.

FENCING - FRONT & CORNER SIDE YARD

- o Fence must be 33.3% open.
- o Exposed structural elements of the fence shall face toward the property on which fence is constructed.
- o in visibility triangle 3' maximum height extending 30' on each intersecting side of the visibility triangle
- o 4' maximum height; 6" additional allowed for fence posts and/or decorative post caps

(Village Building Code - Section 10-5-5(B)4-11)

SYMBOL LEGEND

- CONCRETE SURFACE

-X-X- - FENCE LINE

(R) - RECORD DATA

(M) - MEASURED DATA

- Fence

LEGAL DESCRIPTION

LOT 21 IN BLOCK 1 IN GLEN PARK SUBDIVISION, BEING A RESUBDIVISION IN GLEN ACRES SUBDIVISION, BEING A SUBDIVISION IN SECTION 23, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 3, 1926 AS 208829, IN DUPAGE COUNTY, ILLINOIS.



PREPARED FOR: KALVELAGE

ADDRESS: 181 S. MILTON AVENUE, GLEN ELLYN, ILLINOIS

BOOK & PG: 219/56 DATE: 04/22/19 JOB NO: 1916977

DRAWN BY: JLK CHECK BY: JHH

REVISED:

RECEIVED

SEP 13 2021

VILLAGE OF GLEN ELLYN



FIELD WORK COMPLETED AND DATED
THIS 19TH DAY OF APRIL, 2019.

IPLS No. 3483
MY LICENSE EXPIRES 11/30/2020

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT
ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DRAWING PATH: U:\Land Projects 3\16000-16999\16900-16999\16977\dwg\16977_Plat.dwg

© 2019 PLS INC., ALL RIGHTS RESERVED

PRESCRIPTIVE METHOD: INSULATION & FENESTRATION REQUIREMENTS BY COMPONENT											
TABLE 402.1	CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT U-FACTOR	FENESTRATION SHGC	CEILING R-VALUE	FRAME WALL R-VALUE	MASS WALL R-VALUE	FLOOR R-VALUE	BASEMENT WALL R-VALUE	SLAB R-VALUE & DEPTH	CRACK SPACE WALL R-VALUE
CODE REQUIREMENTS	B AND MARINE 4	0.30	0.35	NR	48	20 OR B-5	B-7	30	15" KILL HEIGHT B-4" BELOW GRADE	R-10 (2 FT.)	10/5
BUILDING DEMONSTRATED TO	B AND MARINE 4	0.30	0.35	NR	48	20	NA	30	B	N/A	B

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA:											
GROUND SNOW LOAD	WIND SPEED (MPH)	SEISMIC DESIGN CATEGORY	WEATHERING	FROST LINE DEPTH	TERRITRE	WINTER DESIGN TEMP	ICE BARRIER UNDERLATHMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP	
30	90/5 SECOND WIND GUST	B	SEVERE	42"	MODERATE	-1°F	YES	REFER TO LOCAL ORDINANCES	1630	46.8°F	

FLOOR JOIST SCHEDULE	
JOIST & SPACING L/SPAN	MAXIMUM SPAN 40' LL / 10' DL
2x6 @ 16" O.C.	10'-5"
2x8 @ 16" O.C.	13'-0"
2x10 @ 16" O.C.	16'-5"
• ALL FLOOR JOISTS SHALL BE 2" DOMESTIC HEM-FIR	
• PROVIDE CROSS BRIDGING @ MAX. 8'-0" O.C.	

ROOF RAFTER SCHEDULE	
RAFTER & SPACING L/SPAN	MAXIMUM SPAN 30' LL / 10' DL
2x6 @ 16" O.C.	11'-5"
2x8 @ 16" O.C.	14'-0"
2x10 @ 16" O.C.	17'-0"
2x12 @ 16" O.C.	21'-0"
2x14 @ 16" O.C.	24'-0"
• WITH REDUCED ALLOWABLE SPAN FOR CEILING ATTACHED TO RAFTERS	
• ALL RAFTERS SHALL BE 2" DOMESTIC HEM-FIR	

CODES:	
ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE FOLLOWING CODES:	
2018 INTERNATIONAL RESIDENTIAL CODE (IRC)	
2018 INTERNATIONAL MECHANICAL CODE (IMC)	
2018 INTERNATIONAL FIRE CODE (IFC)	
2018 INTERNATIONAL FUEL-GAS CODE (IFGC)	
2018 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)	
2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)	
2017 NATIONAL ELECTRIC CODE (NEC)	
2014 ILLINOIS STATE PLUMBING CODE (CURRENT)	

LOCATION MAP - NOT TO SCALE



RECEIVED

MAY 18 2023

VILLAGE OF GLEN ELLYN

ARCHITECTURAL PLANS

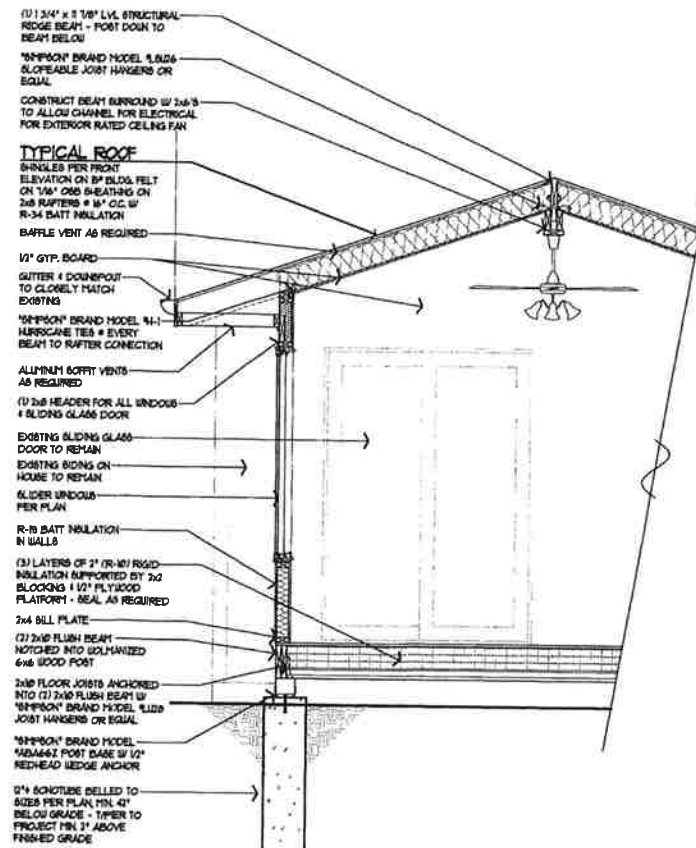
FOR:

THE GILL RESIDENCE

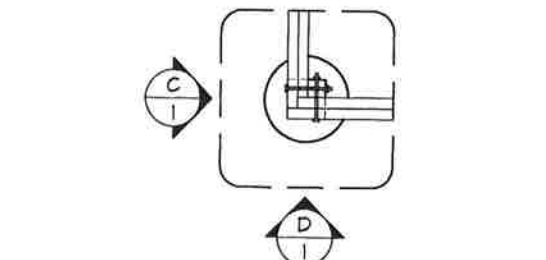
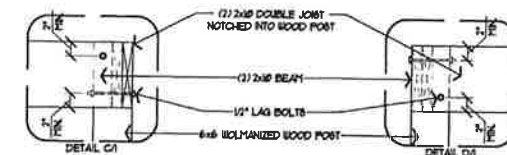
3-SEASON ROOM

181 S. MILTON AVENUE
GLEN ELLYN, ILLINOIS

ARCHITECT:
JB ARCHITECTURE GROUP, INC.
PROFESSIONAL DESIGN FIRM LICENSE NO. 184-000692
1320 NORTH ROUTE 59, SUITE 124, NAPERVILLE, ILLINOIS 60563
630.357.8100
JONATHAN A. BIERITZ, AIA
WWW.JBARCHITECTURE.COM



A TYPICAL SECTION DETAIL
SCALE: 1/4\"/>



B BEAM CONNECTION DETAIL
SCALE: 1/4\"/>

I HEREBY CERTIFY THAT THESE DRAWINGS HAVE BEEN PREPARED UNDER MY DIRECT SUPERVISION AND THAT TO BEST OF MY KNOWLEDGE, THEY COMPLY WITH THE REQUIREMENTS OF APPLICABLE CODES INCLUDING THE ORDINANCES ADOPTED BY THE VILLAGE OF GLEN ELLYN, ILLINOIS.

DESIGNED: *[Signature]*
ILLINOIS REGISTRATION NO.: 184-000692
DATE: 5/14/23

PERMIT SET
MAY 4, 2023

JB ARCHITECTURE GROUP, INC. - 2023
THESE PLANS ARE COPYRIGHTED. ANY ATTEMPT TO USE OR REPRODUCE THESE PLANS WITHOUT WRITTEN CONSENT OF JB ARCHITECTURE GROUP, INC. IS STRICTLY PROHIBITED.

THE GILL RESIDENCE 3-SEASON ROOM
181 S. MILTON AVENUE
GLEN ELLYN, ILLINOIS
BUILT BY:
CLEAN EDGE CONSTRUCTION
YORKVILLE, ILLINOIS
221 SQ. FT. 3-SEASON ROOM

1320 NORTH ROUTE 59
SUITE 124
NAPERVILLE, ILLINOIS
THIRTY YEARS

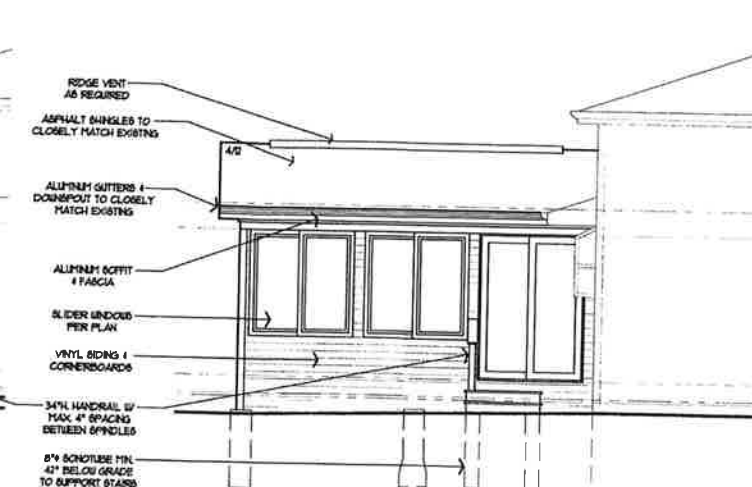
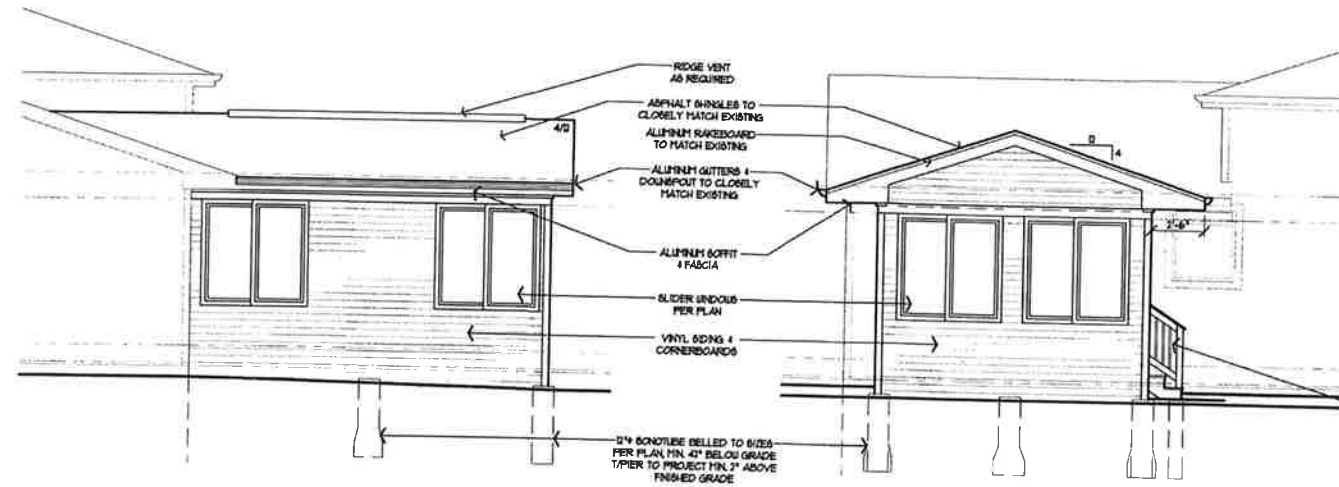
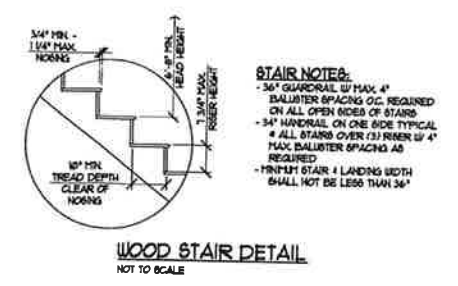
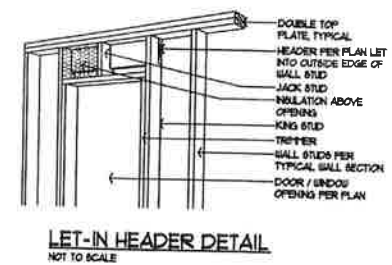
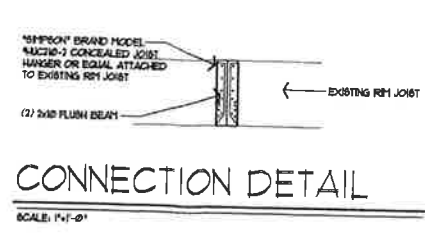
JB
ARCHITECTURE
DESIGN • BUILD
JBARCHITECTURE.COM
630.357.8100

DATE: MAY 4, 2023
DRAWN BY: JMT
CHECKED BY: JAB
REVISIONS:

JOB NUMBER: JB2346

STATE OF ILLINOIS
Professional Seal of Jonathan A. Bieritz, AIA
11/20/24

1 OF 2



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

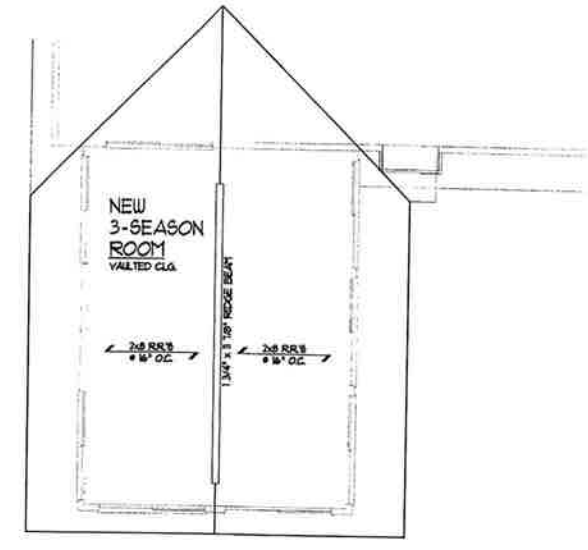
REAR ELEVATION
SCALE: 1/4"=1'-0"

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

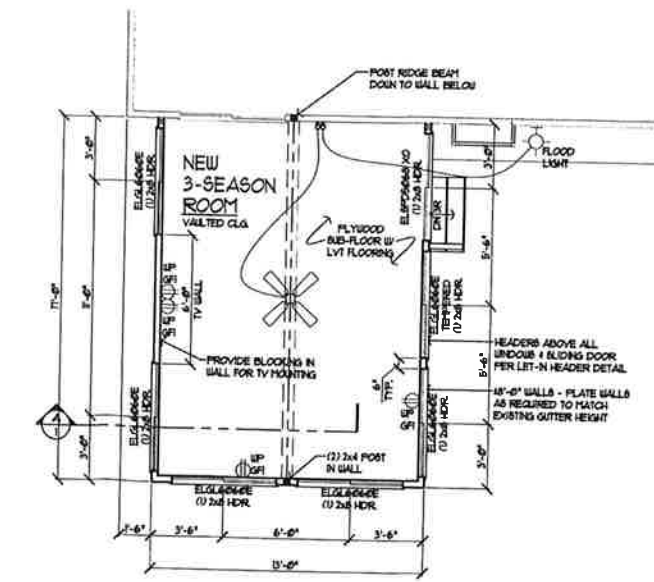
ROOF VENTS (PER SECTION R-506 IN 2019 IRC)

ATTIC AREA	SQ. FT. OF VENT REQ'D. (13000)	VENT SUPPLIED
		RIDGE VENTS (# 003 SQ. FT. / LN. FT.) BAVE VENTS (# 006 SQ. FT. / LN. FT.)
324.00 SQ. FT.	82.50 SQ. FT. OF VENT PROVIDED	16 LN. FT. 32 LN. FT.

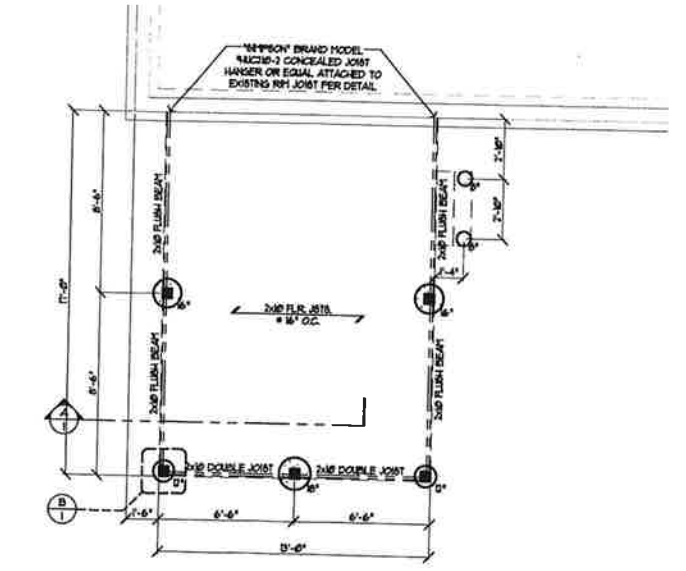
ROOF NOTES:
 -ALL RIDGE, HIP, AND VALLEY MEMBERS SHALL BE THICK ENOUGH TO ACCEPT FULL BEARING FROM RAFTERS.
 -ALL LIVE VALLEYS OVER 8'-0" LONG SHALL BE DOUBLED.



PROPOSED ROOF PLAN
SCALE: 1/4"=1'-0"



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



PROPOSED FOUNDATION PLAN
SCALE: 1/4"=1'-0"

PERMIT SET
MAY 4, 2023

THESE PLANS ARE COPYRIGHTED. ANY ATTEMPTS TO USE OR REPRODUCE THESE PLANS WITHOUT WRITTEN CONSENT OF JB ARCHITECTURE GROUP, INC. IS STRICTLY PROHIBITED.

THE GILL RESIDENCE 3-SEASON ROOM
 101 S. MILTON AVENUE
 GLEN ELLYN, ILLINOIS

BUILT BY:
 CLEAN EDGE CONSTRUCTION
 YORKVILLE, ILLINOIS

1320 NORTH ROUTE 59
 SUITE 134
 NAPERVILLE, ILLINOIS
 THIRTY YEARS

JB ARCHITECTURE
 DESIGN • BUILD
 JBARCHITECTURE.COM
 630.357.8100

DATE: MAY 4, 2023
 DRAWN BY: JBT
 CHECKED BY: JAB
 REVISIONS:

JOBS NUMBER: JES3946

2

**(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 property is existing non-conforming as to Lot area, Lot width, Lot Coverage Ratio and both side yards.**
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 property is existing non-conforming as to Lot Area, Lot Width, Lot Coverage Ratio and both Side Yards.**
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 property in its existing condition is existing non-conforming. as to Lot Area, Lot Width, Lot Coverage Ratio and both side yards.**
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 so that they may fully enjoy and raise their children in the home.**

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 **these multiple non – conformities were present when the current owners purchased the home and property.**
9. The granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located and will not impair an adequate supply of light and air to adjacent property, **if approved the “three season room” will have a greater sideyard setback that the existing home and the rear yard setback remains larger than the Code required minimum.**
10. The proposed variations will not substantially increase the hazard from fire or other dangers to the property in question or adjacent property, because **if approved the “three season room” will have a greater sideyard setback that the existing home and the rear yard setback remains larger than the Code required minimum.**
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 “three season room” is not visible from the public way (S. Milton Avenue) and is solely for the use and enjoyment of the occupant family and their guests.**
12. The proposed variations will not create a nuisance or result in an increase in public expenditures because. **The proposed “three season room” 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 size of the propose “three season room” (13’ x 17’ 221 SQFT) still allows for a larger sideyard than the excising home and does not encroach into the required rear yard.**

DRAFT "MOTION" TO RECOMMEND APPROVAL OF
ZONING VARIATIONS FOR 181 S. MILTON AVENUE

Having considered the application of Melanie and Tyler Gill, owners of the property at 181 S. Milton Avenue Glen Ellyn, for zoning variations from Section 10-4-8(D)3 to allow a side yard of 6.2' in lieu of the minimum side yard requirement of 7.5' AND Section 10-4-8(E)1 to allow a lot coverage ratio of 20.93%, in lieu of the maximum lot coverage ratio of 20% 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 October 10, 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 October 10, 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 181 S. MILTON AVENUE

Having considered the application of Melanie and Tyler Gill, owners of the property at 181 S. Milton Avenue, Glen Ellyn, for zoning variations from Section 10-4-8(D)3 to allow a side yard of 6.2' in lieu of the minimum side yard requirement of 7.5' and Section 10-4-8(E)1 to allow a lot coverage ratio of 20.93%, in lieu of the maximum lot coverage ratio of 20% 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 October 10, 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 10-4-8(D)3 and Section 10-4-8(E)1 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: _____