



Agenda
Village of Glen Ellyn
Zoning Board of Appeals Meeting
Tuesday, December 12, 2023
7:00 PM

- A. **Call to Order**
- B. **Public Comment (Non-Agenda Items)**
- C. **Approval of Minutes**
 - 1) November 14, 2023 ZBA Meeting
- D. **Public Hearing**
 - 1) Public Hearing: 641 Lake Road
For consideration of Construction Necessitated Zoning Variations to allow construction/completion of a deck that encroaches into the required side yard, exceeds the maximum allowable height and exceeds the allowable height above grade.
- E. **Chairman's Report**
- F. **Trustee Liaison's Report**
- G. **Other Business**
- H. **Staff Report**
- I. **Adjournment**

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

DRAFT MINUTES
Glen Ellyn Zoning Board of Appeals Meeting
Tuesday, November 14, 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 7:02 PM, and roll was called.

Present: Chairperson Gregory Constantino and Board Members Matthew Jones, Christiane McKnight, Craig Pavlich, and Thomas Whalls.

Absent: Board Members Katie Crudele and Reed Panther.

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 McKnight made a motion to approve the draft minutes of the September 12, 2023 meeting. Member Whalls seconded the motion, and the motion passed by voice vote.

D. New Business

1.) Public Hearing — 181 S. Milton Avenue

Member Pavlich moved to open the Public Hearing. Member McKnight seconded the motion. The motion passed unanimously on a roll call vote, with five Members present voting “Yes”: Chairperson Constantino and Board Members Jones, McKnight, Pavlich, and Whalls.

Staff Introduction

Scott Viger, Planning Consultant for the Village of Glen Ellyn, introduced the request: 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.

Mr. Viger presented information as detailed in the Staff Report dated October 3, 2023, included in the agenda packet. Mr. Viger described the existing conditions of the home, noting that it is legal nonconforming. Mr. Viger's presentation included the zoning and surrounding zoning (R2 Single Family Residential District); the Plat of Survey; and the proposed architectural plans. He noted that the proposed addition is 221 square feet. Mr. Viger described the ZBA Action.

Mr. Viger responded to Board Member questions, including confirming that the property as exists is legal nonconforming due to the lot area, lot width, lot coverage ratio, and side yard setbacks. He and Board Members discussed the Code history and the likelihood that lot coverage ratio overages are common in the neighborhood.

Petitioner Testimony

Sworn in, Petitioner Tyler Gill, owner of the property, addressed Board Members. He shared his family's history in the home and their commitment to the community. Mr. Gill described the benefits of the proposed project, including providing additional square footage, increased natural light, and improved views for monitoring children in the backyard. He shared that the proposed addition would replace an existing patio, meaning impervious surfaces should not change. Mr. Gill shared that the plans match the home's existing slope, siding, and roofing, maintaining its character. He described the process of preparing and submitting the request in coordination with Village staff.

Mr. Gill responded to Board Member questions, confirming the family's desire to remain in the home. He confirmed that the proposal is the most modest plan that would adequately meet family needs. Mr. Gill indicated that there are not feasible alternatives for an addition on the existing lot. He confirmed that there are similar additions on neighboring properties.

Public Testimony

Sworn in, Sheryl Appleberry, of 152 S. Milton Avenue, addressed Board Members. She spoke in favor of the proposal. Mr. Appleberry shared her history living on the Petitioner's block. She discussed her knowledge of several neighboring properties with additions similar to the proposed.

Sworn in, Nicholas Dylla, of 670 Sheehan Avenue, addressed Board Members. Mr. Dylla spoke in favor of the proposal, noting that it would bring value to the property and neighborhood. He shared that the Petitioners have been in communication with neighbors about the project.

In response to a question from Board Members, Mr. Viger shared that the Village also received a phone call in support of the project.

Board Member Deliberation

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

- The description of the subject property: 181 S. Milton is an interior lot, located on the east side of S. Milton Avenue, approximately 215 feet north of Sheehan Avenue.
- The Petitioners and owners are Melanie and Tyler Gill. They 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.
- The subject property and the adjacent properties are all zoned R2 – Single Family Residential District and are improved with single family homes.
- 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.
- The Village does not have records of any prior Variations being granted for the subject property. The Village does have records of several permits issued for the property.
- Two neighbors appeared and spoke in favor of the request and noted four similar sunroom additions existing in the area.
- The homeowners have lived at the property for four-and-a-half years and have secured permits for property improvements.
- The property is legal nonconforming.

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 five Members present voting “Yes”: Chairperson Constantino and Board Members Jones, McKnight, Pavlich, and Whalls.

Board Members deliberated. They shared their positions regarding the request, expressing support for the proposal. Areas of support included: the existing nonconforming lot is a hardship; the Variations would improve the livability of the home; there would be minimal impact on drainage; the proposal is consistent with the character of the neighborhood; existing Zoning Code does not well consider split-level homes with regard to lot coverage ratios; there are not

dissenting neighbors; there are properties in the area with similar footprints; favorable construction material and design; limiting topography; the proposal provides safety improvements for monitoring young kids; and compatibility with existing home and surrounding properties.

Member Jones made a motion to close the Public Hearing for 181 S. Milton Ave. Member McKnight seconded the motion. The motion passed unanimously on a roll call vote, with five Members present voting “Yes”: Chairperson Constantino and Board Members Jones, McKnight, Pavlich, and Whalls.

Board Recommendation

Member Jones moved for the following:

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 6.5 '

And

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 at the Zoning Board of Appeals public hearing conducted on November 14, 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):

Legal nonconforming home was built before the R2 District reduced the maximum lot coverage ratio to 20%; the proposal accommodates a growing family.

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 November 14, 2023, public hearing of the Zoning Board of Appeals.

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

E. Other Business

None.

F. Staff Report

Mr. Viger discussed potential agenda items for upcoming meetings.

G. Village Board Trustee Report

Trustee Liaison Anne Gould Thompson discussed recent and pending Village Board agenda and action items relevant to the Commission, including budget meetings and the joint workshop with the Glen Ellyn Park District to refine the vision for the proposed downtown park at the former US Bank site. She also responded to Board Member questions about the status of the Streetscape Project and the APEX building and garage.

H. Chairperson's Report

None.

I. Adjournment

Member Jones made a motion to adjourn the meeting; Member Whalls seconded the motion, and the motion passed by voice vote at 8:05 PM.

Respectfully submitted,

Audrey Savikas
Recording Secretary



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

Meeting 12/12/2023 7:00 PM
Department: Community Development
Department Head: Emily Rodman
Category: Public Hearing
Prepared By: Scott Viger

AGENDA ITEM (ID
2023-1204)

DOC ID: 2023-1204

Public Hearing: 641 Lake Road

For consideration of Construction Necessitated Zoning Variations to allow construction/completion of a deck that encroaches into the required side yard, exceeds the maximum allowable height and exceeds the allowable height above grade.

Statement of the Issue:

Public Hearing for consideration of Construction Necessitated Zoning Variations to allow construction/completion of a deck that encroaches into the required side yard, exceeds the maximum allowable height and exceeds the allowable height above grade.

Analysis:

See staff report.

Budget Impact:

N/A

Contribution to Strategic Plan

Action Requested:

Attachments:

1. Staff Report_641 Lake - FINAL
2. 1. 08.01.0203 Application
3. 2. 641 Lake Road Aerial Photograph
4. 3. Location and Zoning Map 641 Lake Road
5. 4. 1' Contour Map
6. 5. Legal Notice
7. 6. Map of Properties Notified for Public Hearing
8. 7. 2018 Plat of Survey Permit 20180915
9. 8. Plans
10. 9. Citizen Comment Received 645 Lake Road
11. 9A 11.15.23 C. Osterle images for ZBA.
12. 10. Citizen Comment Received 626 Newton

13. 11. 11.20.23 645 LakeRoad--OppositionToVariationby641
14. 12. Draft Findings of Fact
15. 13. Draft Motion to Approve
16. 14. Draft Motion to Deny

STAFF REPORT

TO: Zoning Board of Appeals

FROM: Scott Viger, Planning Consultant

DATE: December 5, 2023

SUBJECT: December 12, 2023 - Zoning Board of Appeals Meeting

Public Hearing for consideration of Construction Necessitated Zoning Variations to allow construction/completion of a deck that encroaches into the required side yard and a fence that exceeds the maximum height on the property located at 641 Lake Road.

PETITIONER: The petitioners are Ben Schroeder joint owner with May Monica Ferrer of the property at 641 Lake Road.

REQUEST: The property owners are requesting approval of three construction necessitated variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-5-5(B)4: Table # 8 – to allow a deck to encroach into the required side yard. Reducing the setback from 13.35' to 0'.
2. Section 10-5-5(B)4#12.b.3 to allow a fence up to nine feet (9') in height in lieu of the maximum six foot (6') fence height for all other areas of the lot located no closer to the street than the principal structure on the lot;
3. A variation from Section 10-5-5(B)4#12c4 to allow the bottom of a fence to be located more than 4" above ground level.

ZONING/ USE: The property is an interior lot without street frontage on Lake Road, and is located 775 feet south of Oak Street in the R2 Zoning District. It was subdivided in 1972 in the Sundene's Subdivision recorded 12.14.1972. The property is accessed from Lake Road via an easement through 649 and 651 Lake Road. The same easement also provides ingress and egress to the abutting home at 645 Lake Avenue. The property in question is developed with a single-family detached home. The petitioner has resided in the home since October 2020.



**PUBLIC
NOTICE:**

Notice of the public hearing was published in the 11.27.2023, 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>
3.7.2012	20120199	Clearwater Connection
11.27.2012	20122054	Clearwater Connection
5.11.2018	20180915	Fence (West & South lot lines)
9.14.2018	20181932	Reroof
10.12.2020	20202333	Clearwater Connection
05.09.2023	20230700	Deck/Porch (Not approved)

**VARIATION
HISTORY:**

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

**PROJECT
SUMMARY:**

The request is to authorize a new deck, which was begun without the required building permit. On 05.04.2023 Village Staff posted the property for work without a permit. The homeowner subsequently applied for a building permit on 05.09.2023. On 06.06.2023, the Village sent a plan review to the homeowner stating the plans were not approved as the proposed deck encroached into the required side yard among other construction related issues.



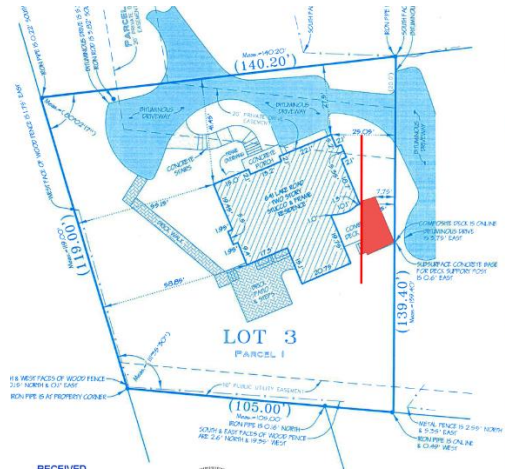
The Village issued a notice to the homeowner and then a second notice on 07.20.2023 to submit revised permit plans or apply for the necessary zoning variation no later than 08.01.2023. The staff received the zoning variation application on 08.01.2023.

As noted above, the request includes three items; to allow a deck to encroach into the required side yard, to allow a fence taller than the maximum height of six feet and to allow the bottom of the fence to be more than 4" above grade level.

Deck

Decks are permitted obstructions only in the rear yard. This non-permitted deck was constructed within the required side yard. There is no specific setback for decks to a side lot line as decks are not permitted in the side yard. The side yard is calculated at 10% of the lot width, in this

case approximately 13.35'. The house is setback 13.65' according to the Plat of Survey.



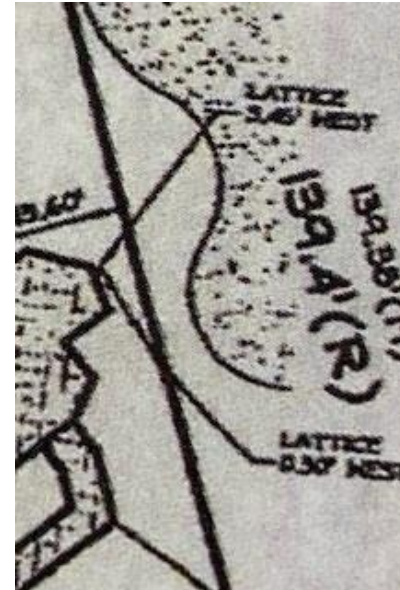
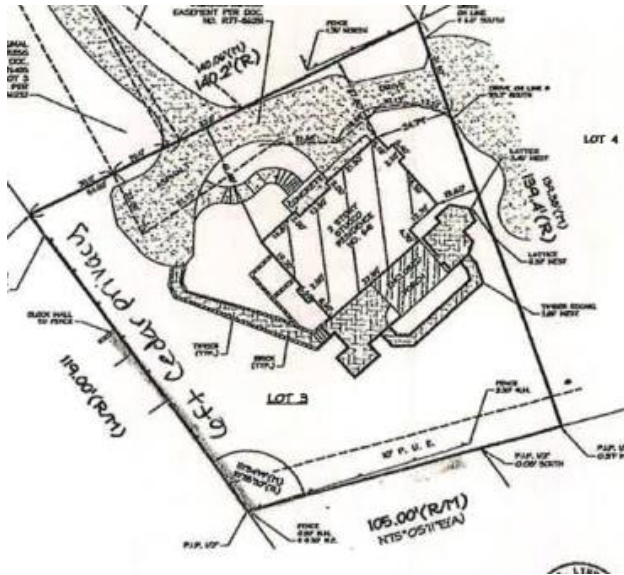
Area in red is within the required side yard.

Petitioner states there is an existing patio, and the deck is over the existing patio. Zoning Code Section 10-5-5(C) requires impervious surfaces to be 5% of the lot width (for lots more than 100' in width) from a Lot Line, in this case 6.675'. The deck is approximately 20' x 20', with the angle of the home in relation to the side lot line, the front of the deck extends 10' from the home and is located 7.75' from the property line. The rear of the deck (southeast corner) extends to the property line for a setback of 0'.



Petitioners' Application Attachment

However, the submitted Plats of Survey seems to indicate that the deck actually extends beyond the prior brick patio and the deck's corner is on the Lot Line with the concrete footing extending onto the abutting / neighboring property.



The Village Attorney has provided the Village's legal opinion that the concrete on the abutting property needs to be removed.

There has been concern regarding the large maple tree that appears to straddle the property line. Staff has visited the site with our Consulting Arborist. It is the arborist's opinion that the tree has not been significantly impacted by the concrete post installation. The tree is nearing the end of its lifespan and exhibits signs of canopy die back and may have been impacted by the driveway (on the abutting property) more than the impact that may have been caused by the concrete post.



Deck and tree proximity

Fence

The “privacy screen” atop the deck is a fence, as such it is subject to a maximum height of 6’ measured from the ground level on the inside of the fence to the highest point of the fence (Section 10-5-5 B4#12b3). The height of the fence as measured by the Code is 9’. Therefore, a fence height variation would be needed for the fence to remain. Additionally, Section 10-5-5-(B)4#12c4 allows the bottom of a fence to be 4” above ground level. With the fence atop the deck, it exceeds the 4” allowable maximum. The deck is 36” above the ground level so a variation is required for this aspect of the fence as well.



Privacy Screen / Fence from abutting property at 645 Lake Road. The neighbor has stated that ZBA members are welcome to view the deck and screen/fence from their abutting property.

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. Petitioners’ Application Packet
2. Aerial Photograph
3. Location and Zoning Map
4. 1’ Contour Map
5. Legal Notice
6. Map of Properties Notified for Public Hearing
7. Plat of Survey
8. Plans
9. Citizen Comments Received 645 Lake
 - 9a. 11.15.23 C. Oesterle images for ZBA
10. Citizen Comments Received 626 Newton

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11. 11.20.23 Citizen comment
12. Draft Findings of Fact
13. Draft Motion to Approve
14. Draft Motion to Deny

CC: Emily Rodman, AVM / Director of Community Development
Mike D'Onofrio, Interim Building Official
Paula Moritz, Plan Examiner
Ellen Weber, Planning Consultant
Ben Schroeder, Applicant

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



APPLICATION FOR VARIATION

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

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: Ben Schroeder

Address: 641 Lake Rd

Home Phone No.: _____ Work Phone No.: _____

Mobile Phone No.: 517-410-8185 Fax No.: _____

E-mail: benschroeder31@yahoo.com

Ownership Interest in the Property in Question: Joint owner with May Monica Ferrer

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? (Circle "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? (Circle "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: 641 Lake Rd., Glen Ellyn, IL 60137

Permanent tax index number: 05-11-216-037

Legal description: SUNDENES SUB 003

PARCEL 1: Lot 3 in Sundene's subdivision, a subdivision of part of lots 1, 12, and 13 of Wassel's Crescent Boulevard in Section 11, Township 39 North, Range 10, east of the third principal meridian, according to the plat of said Sundene's subdivision recorded December 14, 1972 as document R72-76485 in Dupage County, Illinois.

PARCEL 2: Easement for private drive across lots 1, 2, and 3 in said Sundene's subdivision, as shown on said plat document R72-76485 and additional easement grants recorded as documents R77-86232 and R78-47887 in Dupage County, Illinois.

Zoning classification: RES - Residential

Lot size: 140.2 ft. x 105 ft. Area: 16,552.80 sq. ft.

Present use: Residential

IV. **INFORMATION REGARDING THE VARIATION(S) REQUESTED:**

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

See separate attachment for responses to Sections IV & V.

Estimated date to begin construction: NA - Construction began in May

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

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):

Our intent to build a deck overtop the existing brick patio was to create a usable outdoor space to replace the sunken, damp and unusable surface that was already there. We have been in the home since October 2020 and the survey provided to us during the home closing process shows the area of the brick patio. Therefore, we did not know that it was considered a pre-existing non-conforming use of the side yard. To us, since we were replacing and improving upon a recreational space and updating a pre-existing fence, we didn't think we needed a permit for the work prior to starting construction. We have since learned that in hindsight we should have consulted the Village and pulled a permit for the work prior to starting and now understand it's better to check in with the Village prior to any projects to confirm. Nonetheless, we believe that due to the unique circumstances of our lot - in terms of size, shape and proximity (or lack thereof) to a public streetway - the project should be viewed as a particular hardship and that a construction necessitation should be granted.

Per Zoning Review No. 1, we were advised, the deck is not allowed to encroach into the required minimum side yard setback of 13'-4" (Village Code Table 10-5-5(B)4). Though a scalable site plan was not submitted, Village staff performed a zoning analysis by using a Plat of Survey and the dimensions provided for the deck to determine that deck is not in compliance with the required minimum side yard setback. As such, a good portion of the deck was concluded to be not in compliance (nor was the existing brick patio).

Response: The platted lot is uniquely shaped and when the zoning code is applied, interferes with the buildable area of the lot. The proposed use of the deck is to allow outdoor access and enjoyment from the kitchen and dining room of the home. Otherwise the area in question would be restrictive and has particular hardship given the unique conditions of the property, based on 5 factors:

- 1) **our lot type is unique** in that it is surrounded by properties and not immediately adjacent to any public street or highway
- 2) **yard setback requirements do not apply to our unique lot type** and therefore yard setback requirements should be applied differently to R2 zone requirements
- 3) **the angle of the home** in relation to the angle of the eastern sideline of the property is uniquely positioned creating hardship of a uniform deck
- 4) **the position of our home** in relation to the lot is uniquely positioned as it favors the east side of the parcel boundary, and
- 5) **the position of the home on the adjacent property** is also uniquely positioned such that the location of the deck abuts to the adjacent property's driveway and will not impact quiet enjoyment of that portion of their lot. In fact, it should create more privacy and less distraction to allow them to safely egress their property.

As such, when the zoning code is applied to our property, it creates a hardship to use the area of the parcel that would otherwise not apply to other properties in area.

Secondly, the deck was allegedly encroaching on the adjacent property.

Response: We dispute this based on the location of the posts of the previous fence (which was indicated on our plat to be inside of our property boundary) compared to the location of the posts for the deck. As you can see in the photo, the new posts are further within our property boundaries than what was previously there.



Figure 1. Former posts compared to new post to showcase new deck does not encroach onto neighboring property.

Lastly, additional information was requested of the privacy screen. The code allows the construction of a privacy fence at the property line and at 6' above ground. The plans were updated to provide additional information on the privacy screen. As such, the plans include the construction of the privacy screen at 6' above the floor of the deck. Since the topography of the ground is sloped in that area of the property, this results in the total height of the fence to be 7'-9' above ground depending on which point along the deck it is measured.

Response: We also request that a variance is granted in this unique circumstance. Given the location of the grade-level platform of the deck, this is the minimum variance requested to still provide a 6' fence to create privacy while enjoying the deck. Otherwise, at certain points along the deck, the height of the fence would be as small as 3' to comply with the current code, rendering the privacy screen useless. A privacy screen at the full 6' above the deck flooring would provide not only privacy but provide maximum safety for the adjoining property. Since the area on the other side of the fence is the neighbor's driveway, this will prevent any unnecessary distractions during the ingress and egress of the adjoining property while not impeding on available sunlight for their property (there are taller trees and shrubs in the area as well). The privacy screen would complement the plants and enhance the safety of the adjoining neighbors.



Figure 2. Location of neighboring property's driveway - indicating the privacy fence would enhance the safe ingress and egress from the neighbor's garage.

EVIDENCE RELATING TO ZONING CODE STANDARDS FOR A VARIATION:

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:

Our lot type is unique.

Evidence: The platted lot is uniquely in that it does not face a public street and when the zoning code is applied, does not directly specify which interferes with the buildable area of the lot.

The proposed use of the deck is to allow outdoor access and enjoyment from the kitchen and dining room of the home. Otherwise the area in question would be restrictive given the unique conditions of the property, based on 2 factors: 1) the position of the home in

relation to the lot because it favors the east side of the parcel boundary and 2) the angle of the home in relation to the angle of the eastern sideline of the property. As such, when the zoning code is applied to our property, it creates a hardship to use the area of the parcel that would otherwise not apply to other properties in area.

This request does not expand beyond conditions created by a previous owner. The deck is to replace a brick patio that was there upon purchase of the home by the current owners, which we have since learned is a pre-existing non-conforming patio.

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

641 Lake Rd has a Unique Lot Type

Based on example types of lots listed in Chapter 11 of the code, there is no description to illustrate the type of lot that is in question, meaning that since our lot is not adjacent to a public street, it does not fall into the categories of corner lot, interior lot, through lot or reversed corner lot, ruling this plight falling under unique circumstances. The unique lot type also makes it difficult to comply with Yard Setback requirements because of the shape, location of the parcel and the position of the home within the parcel.

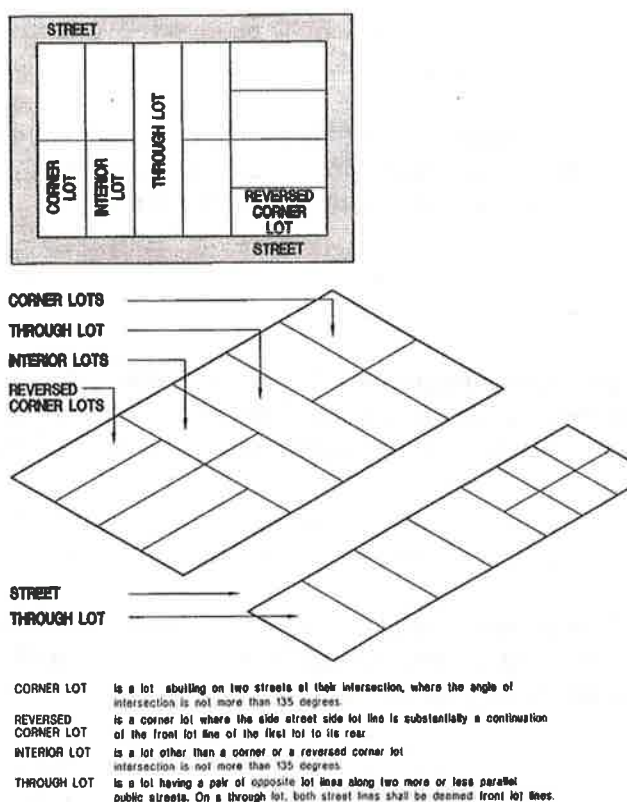


Figure 3. Example lot types from Chapter 11, Figure 1 of the code

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 evidence presented has demonstrated that the lot in question is unique and the inherent characteristics of the lot is the reason the Zoning Code should not apply. The project doesn't include any tree removal and relocating the deck may result in removal of mature trees.

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 evidence presented has demonstrated that the lot in question is unique and the inherent characteristics of the lot is the reason the Zoning Code should not apply. There are few, if any, lots that have similar characteristics than that of ours in our zone.

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 evidence presented has demonstrated that the lot in question is unique and the inherent characteristics of the lot is the reason the Zoning Code should not apply. Furthermore, the use of the area in question will not change the intended use of the area of the lot.

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 evidence presented has demonstrated that the lot in question is unique and the inherent characteristics of the lot is the reason the Zoning Code should not apply. These conditions were pre-existing and were not created by us as the new owner.

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

The evidence presented has demonstrated that the lot in question is unique and the inherent characteristics of the lot is the reason the Zoning Code should not apply. Specifically, the lot in question does not face any public infrastructure and therefore will not be detrimental in any way.

6. Provide evidence that the proposed variation will not:

- a. Impair an adequate supply of light and air to adjacent property;
Quiet enjoyment of the neighboring lot is not impacted. Due to the uniqueness of the lot, the area of the deck is replacing a prior patio and extending the privacy screen in the same position

of an existing permitted fence. In addition, there are several plants on the east side of the privacy screen that exceed its height, thereby not impacting adequate supply of light and air of the adjacent property. Furthermore, the area immediately adjacent to our deck and privacy screen is within our parcel boundary. The southern most part of the project abuts to the adjacent parcel's driveway. It is our view that this does not interfere with our neighbor's ability to enjoy that portion of their property and could in fact increase the appeal of their property by creating additional privacy when they leave their home.

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

The addition of a deck will not create a hazard from fire or dangers to the property as it incorporates the safety considerations and adheres to the building code required for decks.

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

Given the seclusion of the lot and proposed deck area, there is no impairment to the health, safety, morals or general welfare of the inhabitants of the Village.

d. Diminish or impair property values within the neighborhood;

Due to the seclusion of the lot and the replacement of a deck where a previous patio existed, there is no impairment to property values within the neighborhood. It is not visible from any public streets.

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

Based on the uniqueness of the lot, this parcel is one of few parcels in the Village that is not adjacent to any public streets and highway. The ingress/egress to the property is outlined in easement as shown on plat document R72-76485 and additional easement grants recorded as documents R77-86232 and R78-47887 in Dupage County, Illinois. See image below - property in question is notated with a black dot and yellow parcel.



Figure 4. Screenshot from County's GIS database to visually depict that 641 Lake Road does not face any public streets

f. Create a nuisance; or

Due to the seclusion of the lot and the replacement of a deck where a previous patio existed, this variance will not create a nuisance.

g. Results in an increase in public expenditures.

Based on the uniqueness of the lot, this parcel is one of few parcels in the Village that is not adjacent to any public streets and highway. The ingress/egress to the property is outlined in easement as shown on plat document R72-76485 and additional easement grants recorded as documents R77-86232 and R78-47887 in Dupage County, Illinois. Furthermore, this project will not cause undue stress or require any changes to use of public utilities, including but not limited to energy, water, sewer and trash.

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

The size of the deck is reasonable and is located behind the dining room on top of the prior patio. The size of the deck is to make reasonable use of the space to allow for a dining table and a seating area.

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

As stated in prior responses, the uniqueness of the location and shape of 641 Lake Road creates a hardship to conform to Zoning Codes that apply to standard lots. Furthermore, encroachment required minimum side yard setback as the current code reads does not impact adjacent properties or impact the characteristics of the neighborhood, pose any risks or undue burden on the Village and its inhabitants, and should be approved on this basis. See photos before and after to further emphasize this.

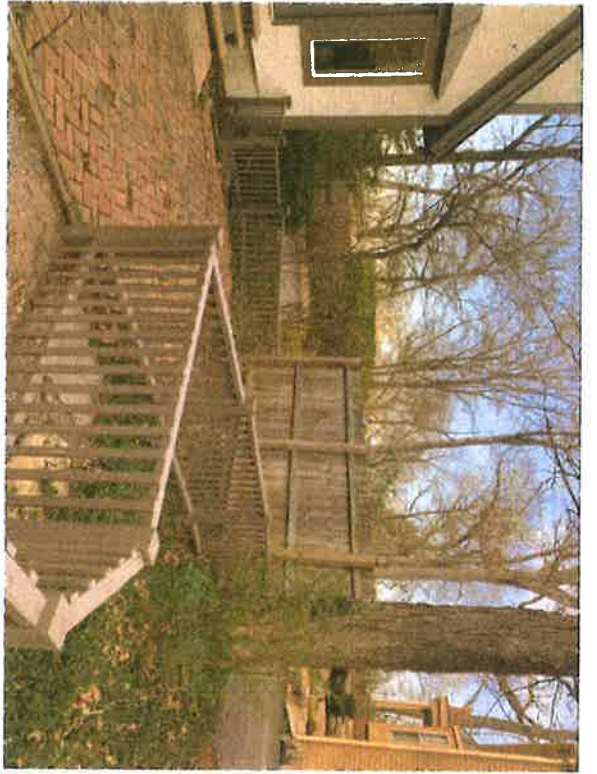


Figure 5. Before deck construction

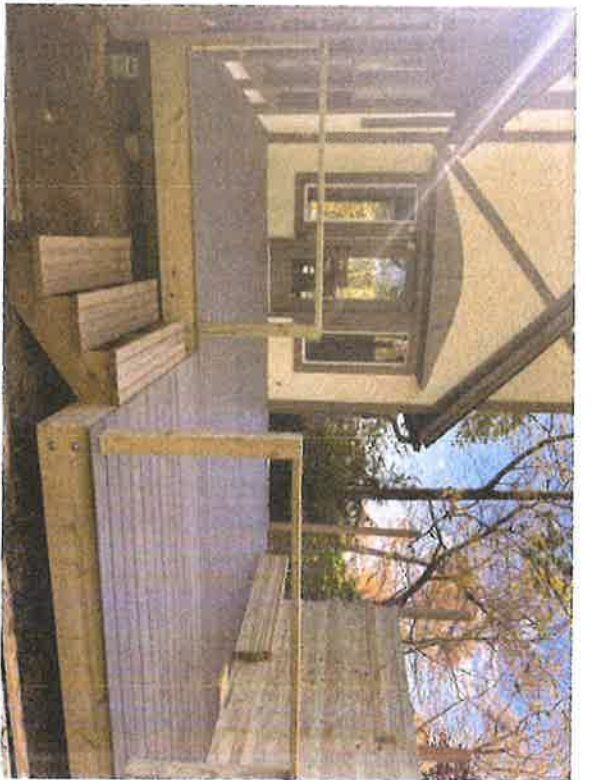


Figure 6. During deck construction



Figure 7. During deck construction



Figure 8. During deck construction

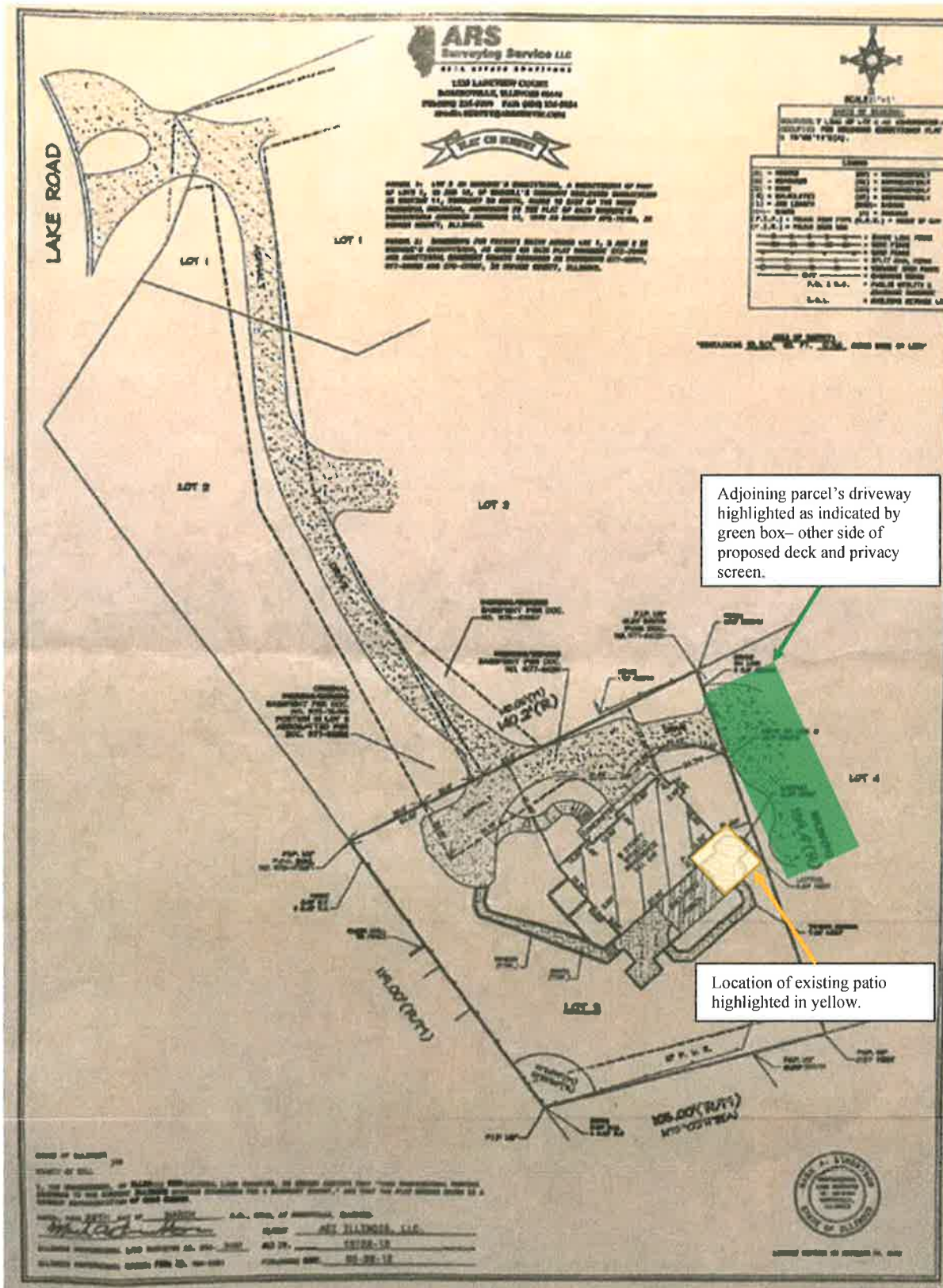


Figure 9. Survey

PLAT OF SURVEY

OF LOT 5 IN SUNDINE'S SUBDIVISION, A SUBDIVISION OF PART OF LOTS 1, 12, AND 13 OF BARRELL'S CRESCENT BOULEVARD SUBDIVISION IN SECTION 11, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SUNDINE'S SUBDIVISION RECORDED DECEMBER 14, 1972 AS EXCERPT R72-38480, IN DU PAGE COUNTY, ILLINOIS.

This property is known as 641 Lake Road, Glen Elgin, IL.
Prepared for Attorney Ted U. Lane

STATE OF ILLINOIS / S.S.
COUNTY OF DUPAGE /

This is to certify that Steinbrecher Land Surveyors, Inc., Registered Professional Land Surveying Design Firm Corporation No. 184-00326, has surveyed the property shown and described herein, which is to the best of our knowledge and belief, a correct representation thereof. This professional service conforms to the current Illinois statute standards for a boundary survey.

West Chicago, Illinois, October 15, 2020

Richard J. Steinbrecher
Professional Land Surveyor 3521
License expires Nov. 30, 2022

Location of prior fence as indicated by dotted line.

Location of existing patio highlighted in yellow.

Steinbrecher Land Surveyors, Inc.
Professional Land Surveying
Design Firm Corporation No. 184-00326
141 S. Halsted Blvd., West Chicago, IL 60185-2844
(830) 203-6000 Fax 203-8902

Page 30 of 68

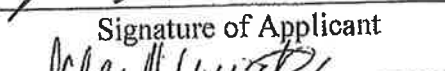
CERTIFICATIONS, CONSENT AND SIGNATURE(S):

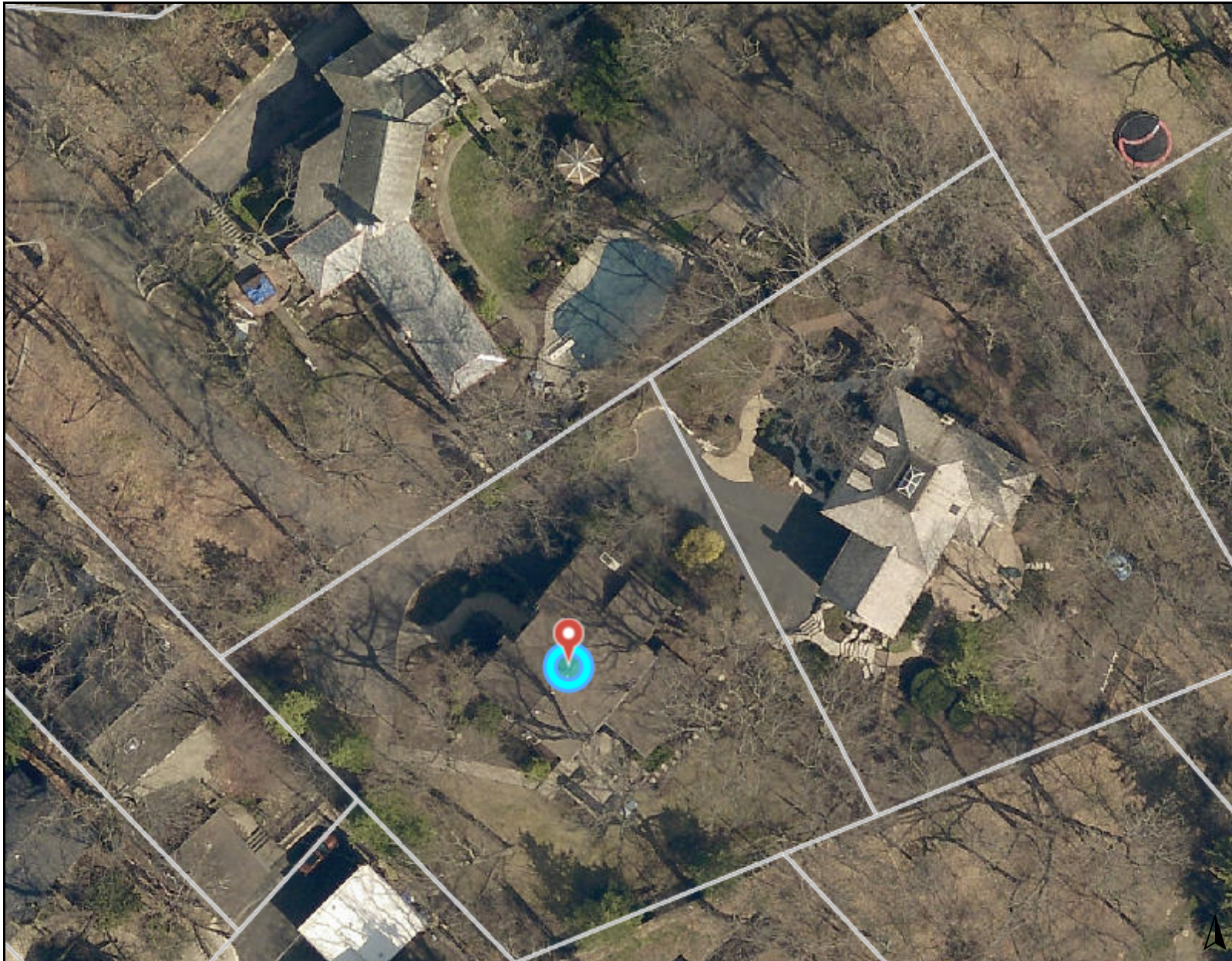
I (We) certify that all of the statements and documents submitted as part of this application are true and complete to the best of my (our) knowledge and belief.

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

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

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

Date	Print Name	Signature of Applicant
7/23/2023	Benjamin Schroeder	
7/23/2023	May Monica Ferrier	



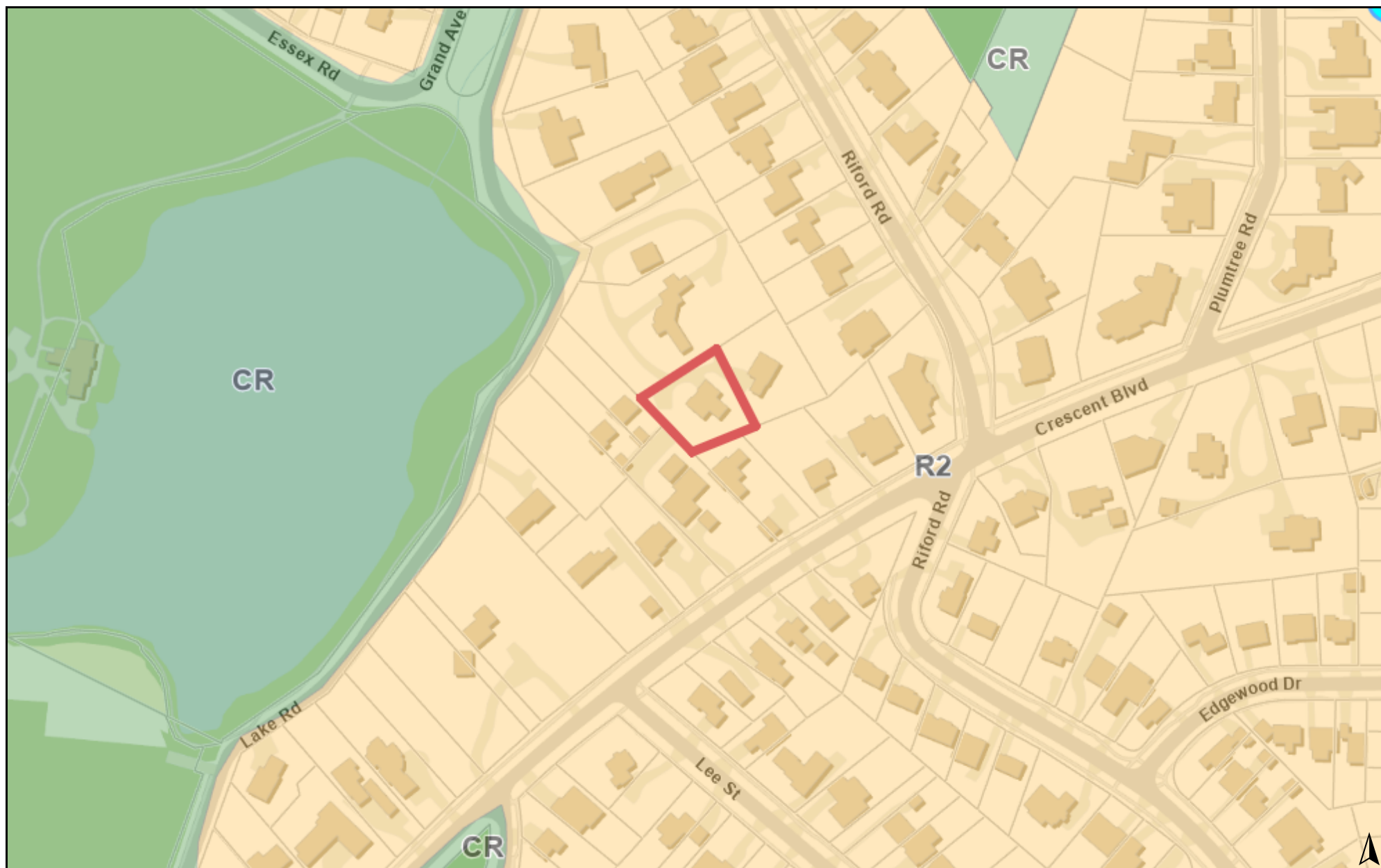
Legend

0 50 100
ft

Print Date: 9/27/2023

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.

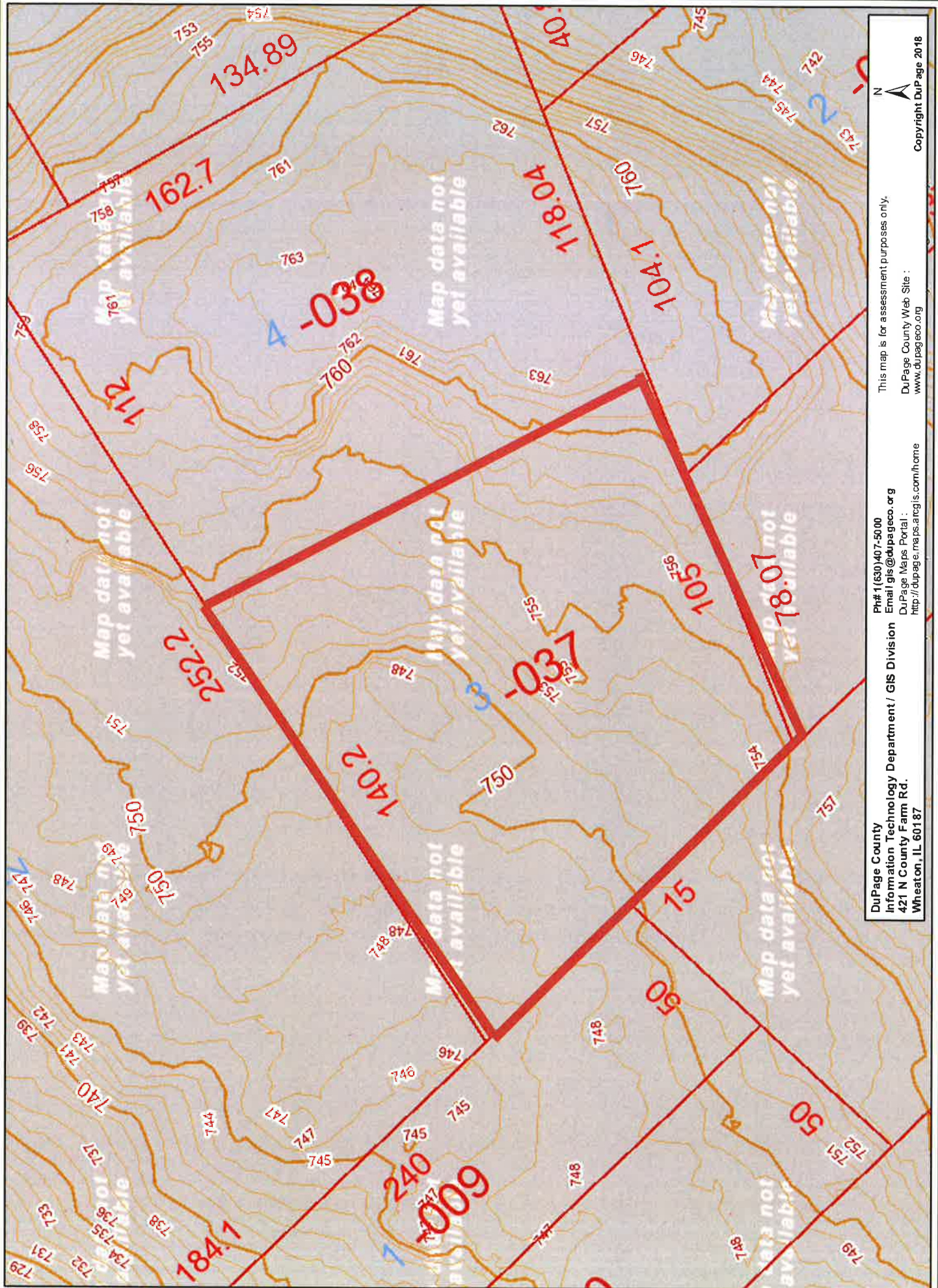


0 350 700
ft

Print Date: 10/26/2023

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.



This map is for assessment purposes only.
DuPage County Web Site :
www.dupageco.org

Ph# 1(630)407-5000
Email gis@dupageco.org
DuPage Maps Portal :
<http://dupage.maps.arcgis.com/home>

DuPage County
Information Technology Department / GIS Division
421 N County Farm Rd.
Wheaton, IL 60187

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NOTICE OF PUBLIC HEARING

Ben Schroeder, owner of the property at 641 Lake Road, is requesting a public hearing for zoning variations in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code to allow the construction of 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, December 12, 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 owner is requesting approval of zoning variations from the Glen Ellyn Zoning Code as follows:

1. A variation from Section 10-5-5(B)4#8 to allow a deck in the required side yard, with a 0' setback in lieu of 13.35' (10% of the Lot width) as required by the Zoning Code;
2. A variation from Section 10-5-5(B)4#12b3 to allow a fence of up to nine feet (9') in height in lieu of the maximum six-foot (6') fence for all other areas of the lot located no closer to the street than the principal structure on the lot;
3. A variation from Section 10-5-5(B)4#12b4 to allow the bottom of a fence to be located more than 4" above ground level.

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

PARCEL 1:

LOT 3 IN SUNDENE'S SUBDIVISION, A SUBDIVISION OF PART OF LOTS 1, 12 AND 13 OF WASSELL'S CRESCENT BOULEVARD SUBDIVISION IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SUNDENE'S SUBDIVISION RECORDED DECEMBER 14, 1972 AS DOCUMENT R72-76485, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

EASEMENTS FOR PRIVATE DRIVE ACROSS LOT 1, 2 AND 3 IN SAID SUNDENE'S SUBDIVISION, AS SHOWN ON SAID PLAT DOCUMENT R72-76485 AND ADDITIONAL EASEMENT GRANTS RECORDED AS DOCUMENTS R77-86231, R77-86232 AND R78-47887.

P.I.N.: 05-11-216-037

Commonly known as 641 Lake Road, Glen Ellyn, Illinois 60137

All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. To view plans related to the proposed project, please visit the Village website here: <https://www.glenellyn.org/246/Public-Notice-Portal>. Information related to the request is also available for public review in the Community Development Department at the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Questions related to the request should be directed to Scott Viger, Planning Consultant, at sviger@glenellyn.org. All public comments received by 4:30 pm on **Tuesday, December 12, 2023**, will be read into the record at the public hearing.

CIVIC CENTER 535 DUANE STREET GLEN ELLYN, IL 60137 630.469.5000 FAX 630.469.8849



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
641 Lake Rd**

Lake Ellyn Park

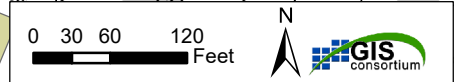
Churchill Woods Forest Preserve

RIFORD RD

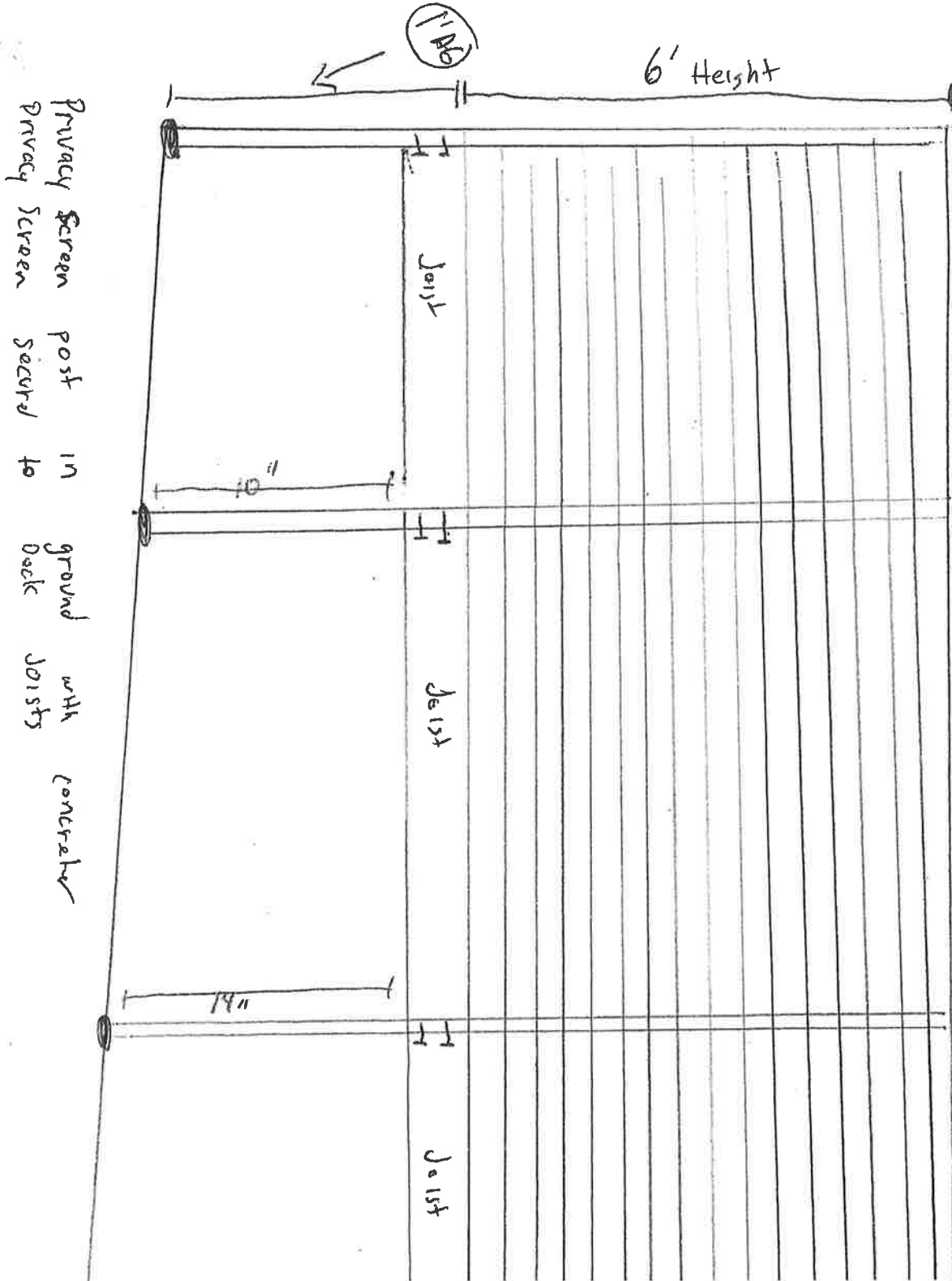
CRESCENT BLVD

LEE ST

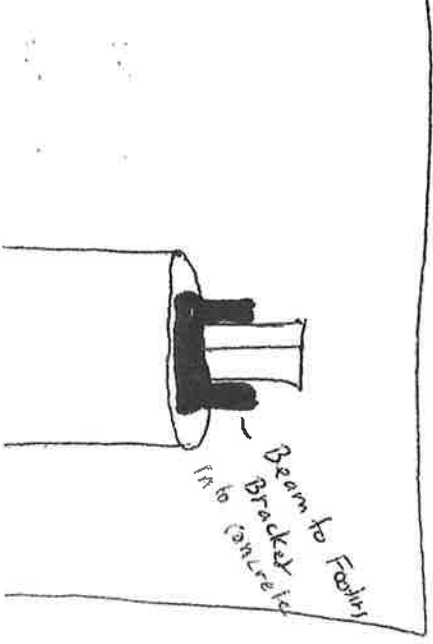
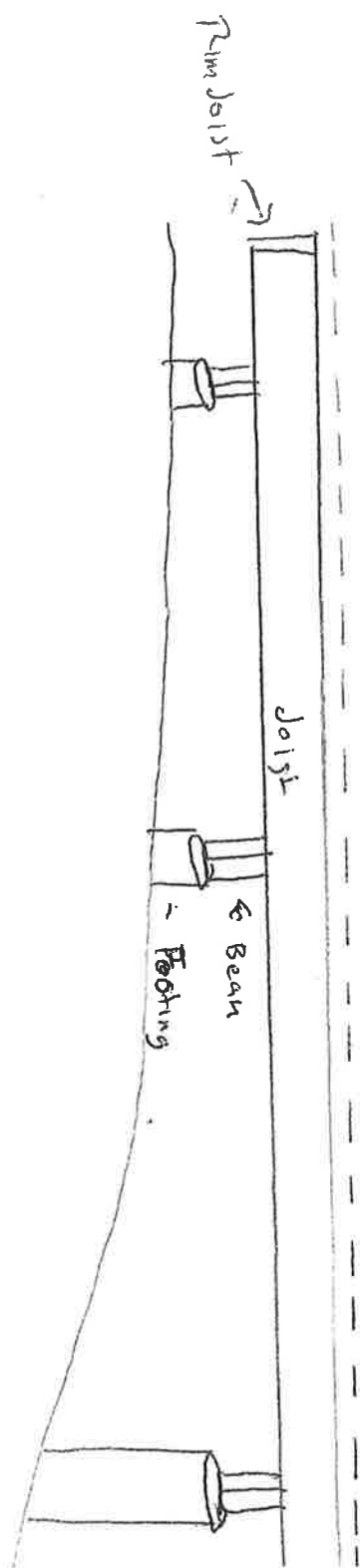
- Subject properties
- 350ft Distance from properties
- Parcels within 350ft



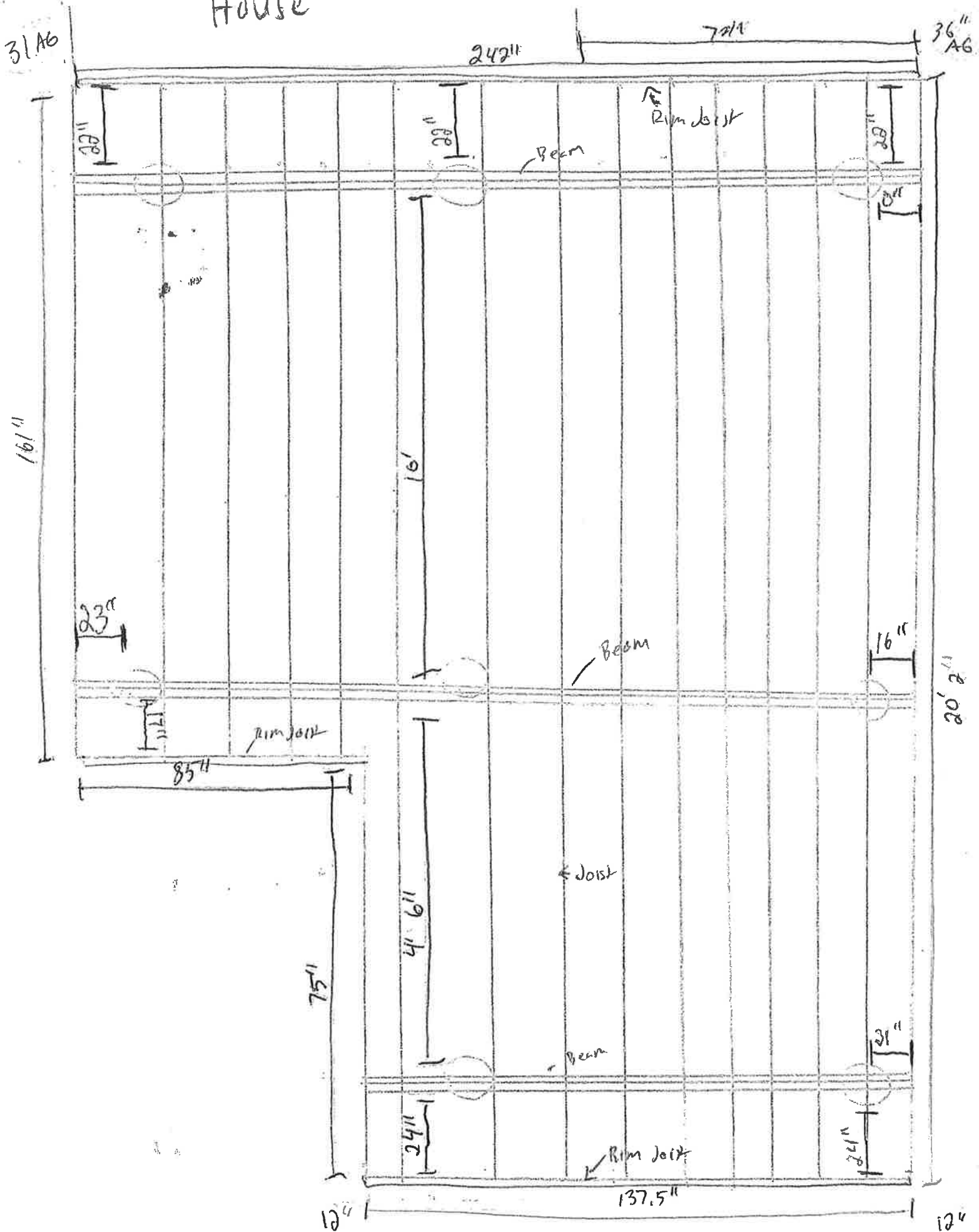
Privacy Screen

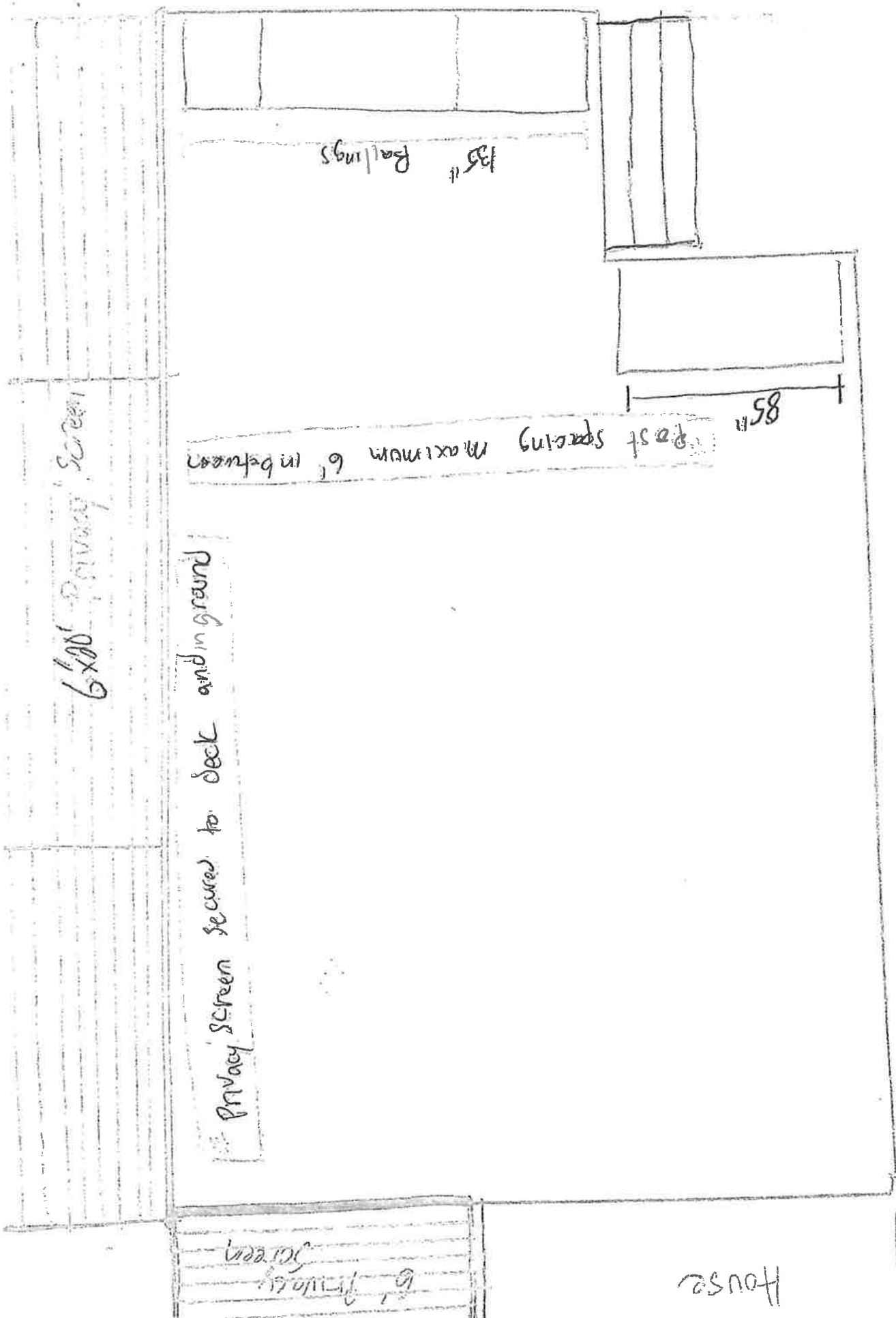


Beam + Footing details



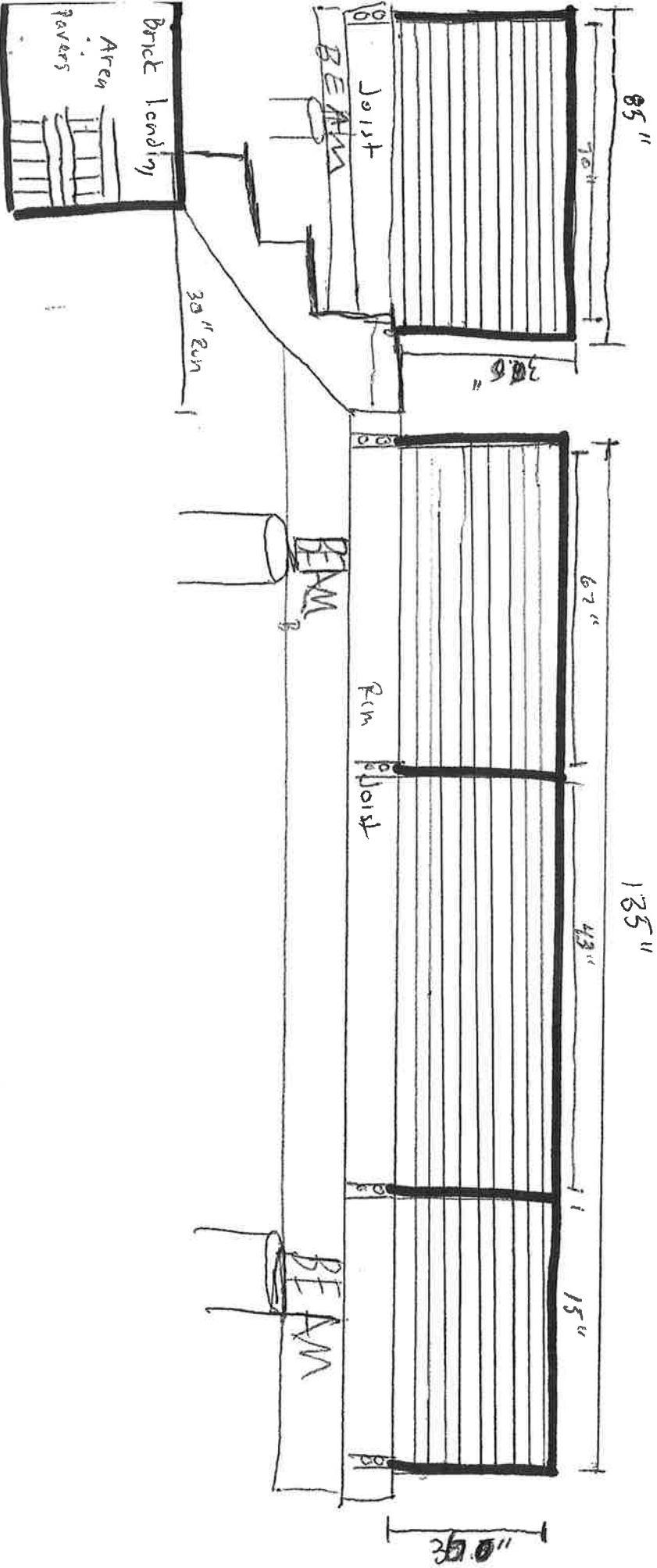
House





Stair 1) 3 Risers
 11.5" Steps (Depth)
 Riser height 7 3/4"

Reinforced Railings - Cable
 Height 36.0" w/ 3.5" spacings
 2x6 Top rail



Zoning Board of Appeals Hearing November 14, 2023

Statement of Dr. Carolyn Oesterle in Opposition to the Variation Request for 641 Lake Rd.

Hello. Thank you for letting me speak at this hearing. I appreciate the important work the Zoning Board of Appeals does. My name is Carolyn Oesterle. My husband, Eric, and I have lived at 645 Lake Rd. in Glen Ellyn since 1983. Our two children were born and raised here in Glen Ellyn attending Forest Glen, Hadley and Glenbard West. I was employed for over thirty years as a pediatric ophthalmologist at the Wheaton Eye Clinic.

My husband, Eric, and I are opposed to the variation requested for the deck structure at 641 Lake Rd. which is adjacent to our home at 645 Lake Rd. As you know, a variation is forever. I feel I am speaking not just for Eric and myself, but for every future owner of 645 Lake Rd.

Construction on the deck was started on April 27 with no prior discussion or warning. Mr. Schroeder admitted that he had no permit but assured me that the deck followed the zoning codes of Glen Ellyn. As you know, this was not true.

Our concerns with the deck are:

1. Noise and light disruption—a deck, by its nature is a place for socializing. This causes noise, and often extra light. Having a deck within feet of our front side property line could become quite disruptive.
2. Loss of privacy—a deck feet from our front side property line would result in a loss of privacy, even with a screen.
3. Appearance—The deck with privacy screen is an imposing wall that is visible from many spots that we frequent daily. These include our front side door, our family room, our dining room, and our front door. This seven-to-nine-foot solid wall changes the essential character of my front driveway area. One does not see nine-foot walls and decks along other Glen Ellyn front driveways. And while this structure is hidden from the street and other neighbors because we have street access by an easement driveway, it affects our property the same way it would a property with usual street frontage. It is so noticeable that it will likely decrease our property value.

4. Decrease in the enjoyment of our home—this imposing structure that we are required to see many times a day decreases our enjoyment of our home.
5. The concrete base of the corner of the deck that touches our property line encroaches 0.6 ft. (7.2 inches) onto our property. The letter of June 6, 2023 from Paula Moritz, Building Plan Examiner, to Ben Schroeder states: “Please be advised, the deck is not permitted to remain unless it is entirely on the subject’s property...”

In his petition, Mr. Schroeder states that his property should be exempt from the zoning codes because of the “unique” configuration and location of his property. One unusual feature is the lack of street frontage. But this unusual feature has little effect on the size of the backyard which is where the deck is located.

Another feature is that the house is built close to the east property line. This is a frequent feature of houses built on fairly large lots. Many homeowners find this desirable because it allows for a larger contiguous backyard play area.

Another “unique” feature is that his house is turned at an angle to the side property lines. This feature is not unique and is present in many houses in our Glen Ellyn area. Of the fourteen houses with a Lake Rd. address, four of them have this feature.* There are several more on Riford Rd. nearby. I have a list of 29 houses in the area with this feature.

When considering our two houses together, however, there is a very unique feature. Our house is located entirely behind 641 Lake Rd. This means that the area where the deck is located is actually adjacent to our FRONT side yard even though it is in the BACK side yard of 641 Lake Rd. This makes all of the problems of the deck much more noticeable as we see the deck every time we leave or return home and when we look out our family room, dining room, or side door. Because of this very unusual feature of the two properties together, we suggest that the zoning codes should be scrupulously applied, not exempted as Mr. Schroeder requests.

I reviewed the last three years of Zoning Board of Appeals hearings. None of the variation requests in these hearings comes close to the variation requested by 641 Lake Rd: 13’ 4” for the side setback and 3’ for the privacy wall. There are also no

variation requests where the structure actually touches the side property line or has an encroachment.

The Zoning Code Variations Guidelines for Particular Hardship end with the statement: The ultimate question that must be asked is “Is the property owner deprived of rights or deprived of their desire.” Without a large variation, Mr. Schroeder would be deprived of his DESIRE, not his RIGHT, to have a deck near his dining room. However, letting the deck remain would result in a loss of our RIGHTS because of: a decrease in appearance and a change in the essential character of our front property area from the imposing wall and deck by our FRONT side property line, loss of privacy and disruption from a deck so close to our property, and likely permanent decrease in our property value. Thank you very much for your attention.

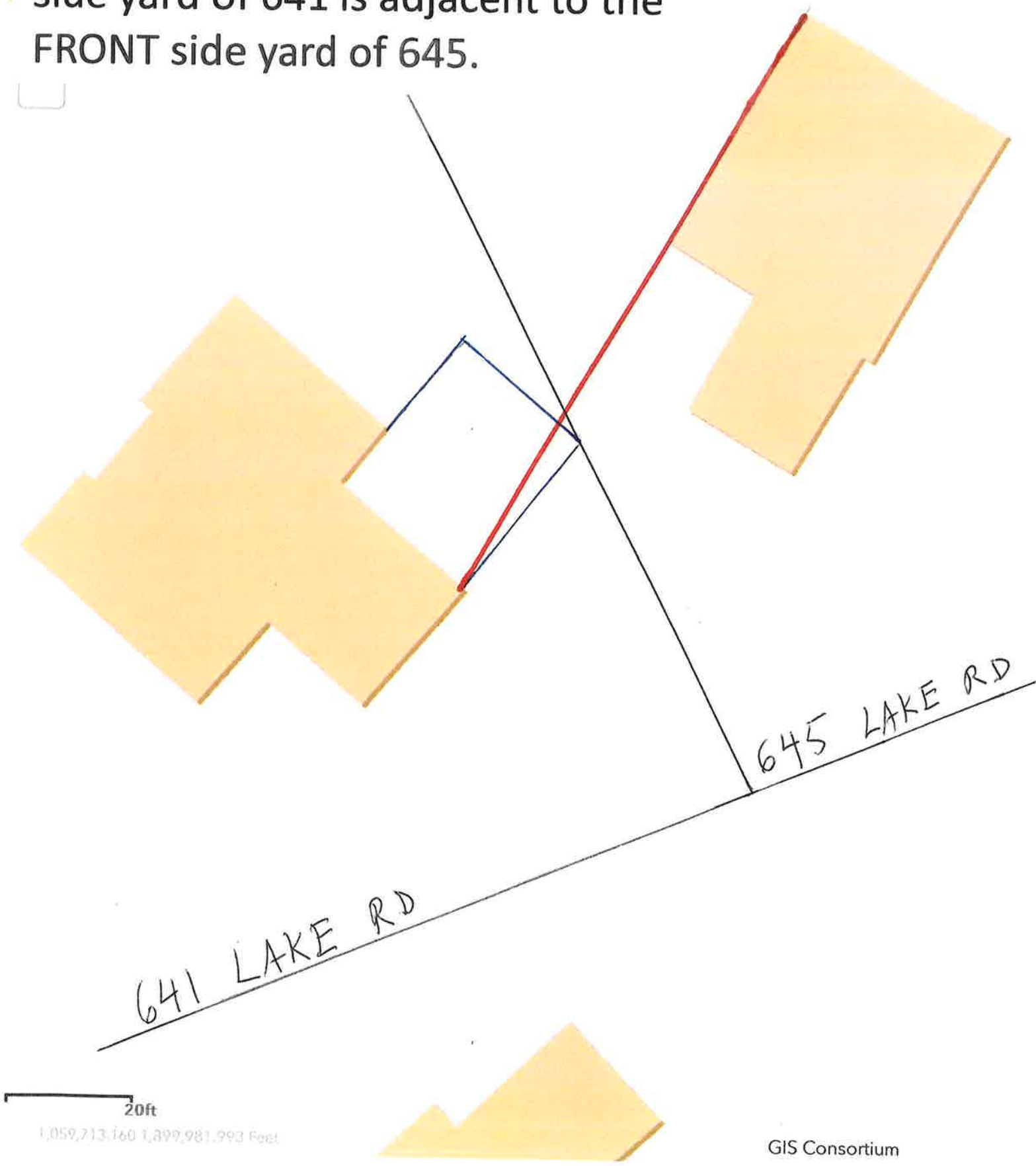
*611 Lake Rd., 677 Lake Rd., 645 Lake Rd, 641 Lake Rd., 655 Riford Rd., 765 Riford Rd., 587 Riford Rd., 795 Riford Rd., and Riford Rd. and St. Charles Rd. (southwest corner)



Orientation map of 641 and 654 Lake Rd.



Map showing relationship of 641 and 645 Lake Rd. This shows the BACK side yard of 641 is adjacent to the FRONT side yard of 645.



View of the deck structure from the front side door of 645 Lake Rd.



View of deck structure from the family
room of 645 Lake Rd.



View of the deck structure from the front porch of 645 Lake Rd.





645 LAKE ROAD

View of the deck structure from the front
side door of 645 Lake Rd.



Photo 1

View of deck structure from inside through the front side door



Photo 2

View of deck structure from the family
room of 645 Lake Rd.

Photo 3

View of the deck structure from the front porch of 645 Lake Rd.



PHOTO 4

View of the Deck Structure from the Dining Room



Photo 5

CONCRETE ENCROACHMENT

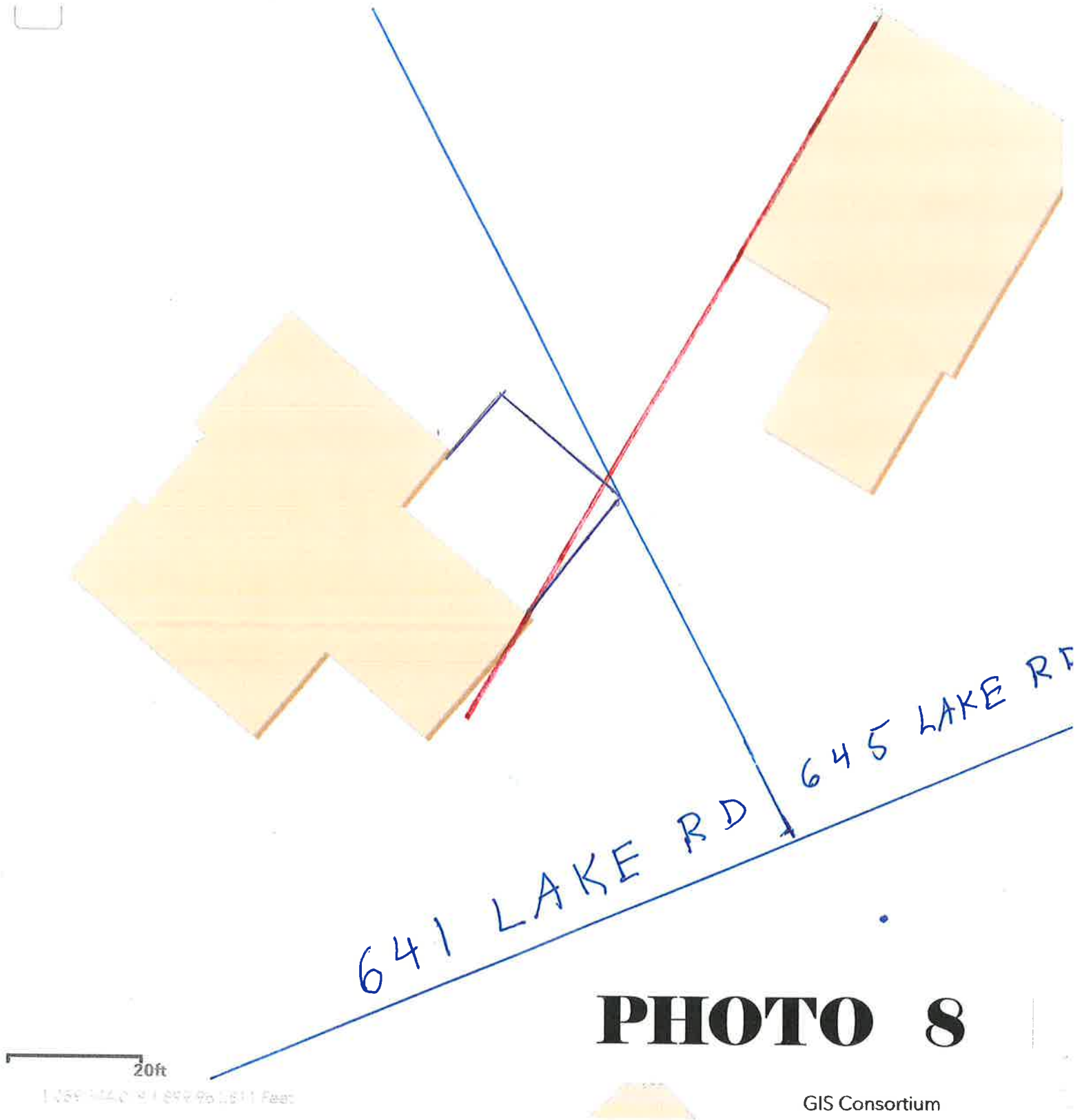


PHOTO 6

Orientation map of 641 and 654 Lake Rd.



Map showing relationship of 641 and 645 Lake Rd. This shows the BACK side yard of 641 is adjacent to the FRONT side yard of 645.



RECEIVED

NOV 07 2023

VILLAGE OF GLEN ELLYN

To: Scott Viger

Re: Zoning Board of Appeals hearing
on November 14, 2023 regarding
the construction necessitated variation
for 641 Lake Road, Glen Ellyn.

I'm writing to object to the
requested variation by the owner of
641 Lake Road, Glen Ellyn because:

1. It violates the village zoning codes
which protect all Glen Ellyn homeowners.
2. It impinges on the property of
645 Lake Road.
3. It's aesthetically intrusive.
4. The fence post is on the property
of 645 Lake Road.
5. It's a very dangerous precedent
for the integrity of our village.

Eleanor Saliamonas
626 Newton Ave.
Glen Ellyn, IL

December 14, 2023, Zoning Board of Appeals Hearing

Statement by Patricia Spence in opposition to the Construction Necessitated Variations requested for 641 Lake Rd.

I am Patricia Spence, an eight-year Glen Ellyn resident and homeowner. I am a friend of Dr. Carolyn Oesterle.

While I was aware that the owner of 641 Lake Road had built a deck and fence near 645 Lake Rd, I was not prepared for their visual impact, which is to detract from the drive-up appeal to Carolyn's house and property. The reality and perception of spaciousness, so characteristic of the unique positioning of houses in this neighborhood, have been replaced by intrusiveness. Inside Carolyn's house the view of the deck fence, from several rooms, creates a feeling of confinement. It is hard for me to imagine that these changes to 641 Lake Road will not affect negatively on the future sale value of 645 Lake Road.

The proximity of the deck could also lead to invasive light and noise. What type of lights would or could be used? How high? Conversation and media sounds will drift. When weather permits, most of us congregate outdoors, but we do that in yards, patios and decks that are in our backyards, aligned with our neighbors' backyards for these uses.

**(DRAFT) FINDINGS OF FACT TO SUPPORT A MOTION TO RECOMMEND
APPROVAL OF ZONING VARIATIONS TO ALLOW A DECK IN THE REQUIRED
SIDE YARD AND A FENCE TO EXCEED THE MAXIMUM FENCE HEIGHT AND
TO ALLOW EXPOSED STRUCTURAL ELEMENTS OF THE FENCE FACING THE
ABUTTING PROPERTY FOR THE PROPERTY LOCATED AT
641 LAKE ROAD**

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

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

1. Due to the characteristics of the property in question, there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Zoning Code, because **the property has a trapezoidal shape, and the home placement is angled in relation to the side lot line.**
2. The property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning Code, because **outdoor living space is a desirable addition to a dwelling unit.**
3. The plight of the applicant/owner is due to unique circumstances relating to the property in question, because **the property has a trapezoidal shape, and the home placement is angled in relation to the side lot line.**
4. The requested variations, if granted, will not alter the essential character of the locality of the property in question, because **the proposed deck and fence and the property in general is not visible from the public way.**
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 **while the lot is rather large, the siting of the home upon the site and the internal architectural layout with the dining area to the side creates a small area for adjacent outdoor living to the dining area.**
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 their home's 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 lot shape and home's placement thereon are outside of the current homeowners' 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, **as the deck is being placed more or less in the same location as a previous patio.**
10. The proposed variations will not substantially increase the hazard from fire or other dangers to the property in question or adjacent property, because **in a standard R2 lot, a deck is permitted 15' from a residence on an abutting lot. In this proposal the deck is approximately 27' from the home on the abutting property.**
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, **as the deck will be used by the homeowners and is sized accordingly, its use will not generate additional visitors to the property or neighborhood.**
12. The proposed variations will not create a nuisance or result in an increase in public expenditures because **the property in question is a single-family home and the proposed deck and fence should not have a negative impact on municipal expenditures.**
13. The variations are the minimum variations that will make possible the reasonable use of the land, building or structure because **should the deck be located outside of the required side yard in accordance with the Code, the deck would be triangular in shape and roughly less than half the proposed size.**

DRAFT "MOTION" TO RECOMMEND APPROVAL OF
ZONING VARIATIONS FOR 641 LAKE ROAD

Having considered the application of Ben Schroeder and May Monica Ferrer, owners of the property at 641 Lake Road Glen Ellyn, for zoning variations from

1. A variation from Section 10-5-5(B)4#8 to allow a deck in the required side yard.
2. A variation from Section 10-5-5(B)4#12a(3) to allow a fence with exposed structural elements not facing the property on which the fence is located.
3. A variation from Section 10-5-5(B)4#12.b.3 to allow a seven foot nine inch (7' 9") tall fence in lieu of the maximum six foot (6') 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 November 14, 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 November 14, 2023, public hearing of the Zoning Board of Appeals,
2. A Building Permit is required before any additional work is to be performed.
3. All encroachments upon the abutting property at 645 Lake Road shall be removed.
4. _____.

Motion by: _____ Seconded by: _____

DRAFT "MOTION" TO RECOMMEND DENIAL OF
A ZONING VARIATION FOR 641 LAKE ROAD

Having considered the application, Ben Schroeder and May Monica Ferrer owners of the property at 641 Lake Road, Glen Ellyn, for zoning variations from

1. A variation from Section 10-5-5(B)4#8 to allow a deck in the required side yard.
2. A variation from Section 10-5-5(B)4#12a(3) to allow a fence with exposed structural elements not facing the property on which the fence is located.
3. A variation from Section 10-5-5(B)4#12.b.3 to allow a seven foot nine inch (7' 9") tall fence in lieu of the maximum six foot (6') 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 November 14, 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#8, Section 10-5-5(B)4#12a(3) and Section 10-5-5(B)4#12.b. 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: _____