



Agenda
Village of Glen Ellyn
Zoning Board of Appeals Meeting
Tuesday, February 13, 2024
7:00 PM
Civic Center, Galligan Room

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 at least 24 hours before the meeting.

- A. Call to Order**
- B. Public Comment (Non-Agenda Items)**
- C. Approval of the Minutes**
 - 1) ZBA Meeting held December 12, 2023

- D. Public Hearing**
 - 1) Public Hearing: 626 Roger Road
For consideration of a Construction Necessitated Zoning Variation(s) to allow a patio and seating wall that encroaches 3.02 feet into the required side yard on the property located at 626 Roger Road.

- E. Other Business**
- F. Village Board Trustee Report**
- G. Chairman's Report**
- 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, December 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 explained the advisory nature of the Zoning Board of Appeals (ZBA) and its process for deliberation and recommendation.

Chairperson Constantino called the meeting to order at 7:06 PM, and roll was called.

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

Absent: Board Members Matthew Jones and Thomas Whalls.

Chairperson Constantino described the Public Hearing protocols and announced that the meeting was being recorded.

Chairperson Constantino noted additional Village representatives in attendance: Anne Gould, Trustee; Gregory Mathews, Village Attorney; Emily Rodman, Assistant Village Manager/Community Development Director; Audrey Savikas, Recording Secretary; and Scott Viger, Planning Consultant.

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 November 14, 2023 meeting. Member Crudele seconded the motion, and the motion passed by voice vote.

D. New Business

1.) Public Hearing — 641 Lake Road

Member Crudele moved to open the Public Hearing. Member McKnight 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: 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.

Mr. Viger presented information as detailed in the Staff Report dated December 5, 2023, included in the agenda packet. Mr. Viger's presentation included: the location of the existing home, including an aerial photograph; the zoning and surrounding zoning (R2); site topography; a historical plat of survey, indicating the location of the home's prior patio; and a 2023 plat of survey, indicating the location of the proposed deck. Mr. Viger noted that the current plat of survey indicates the proposed deck extends to the property line, and a subsurface concrete base extends east of the property line, into the abutting property. Mr. Viger discussed the history of the request, noting that construction was initiated without required permitting and a stop work order was issued in May 2023. He shared that the homeowners subsequently applied for a permit in May, which was denied in June for Zoning violations. Mr. Viger shared that the Village issued a second notice in July to submit revised permit plans or apply for necessary Zoning Variations; an Application for Variation was submitted on August 1, 2023. Mr. Viger's presentation also included: the plans submitted by the applicants; images of the deck from the Petitioners' property; and images of the deck from a neighboring property. He noted that construction on the deck is only partially complete. Mr. Viger shared the specific Variation requests, including:

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.

Mr. Viger responded to Board Member questions. He confirmed that the Petitioners' prior patio was considered legal nonconforming, meaning that it could be maintained and repaired, but not expanded or changed. He confirmed that there were other areas on the subject property where a deck could be constructed that would not require Variations. He responded to a question about the lack of street frontage for the property with respect to the side yard, noting there are a number of other lots with similar features.

Petitioner Testimony

Sworn in, Petitioners May Monica Ferrer and Ben Schroeder addressed Board Members.

Ms. Ferrer shared the Petitioners' history finding the home and its appeal, including proximity to the train station, friendly neighbors, sense of community, and ability to accommodate her nephew who plans to move in. She acknowledged that it was a mistake to begin construction without a permit, noting that they felt they were improving the existing patio structure and replacing an existing privacy structure. She provided a formal presentation, describing the specific Zoning Variation requests and her positions regarding unique circumstances and hardships. Regarding side yard setback requirements, Ms. Ferrer noted that the lot type is unique, surrounded by properties and not adjacent to a public street, and that the home's position is unique. She also noted that the property's topography would make it difficult to build the deck elsewhere on the property. Regarding fence height, Ms. Ferrer noted that given the sloping topography, a fence that complied with Zoning Code would have a height as low as 3' along some areas of the deck, rendering it useless. Lastly, regarding the location of the bottom of the fence being more than 4" above ground level, Ms. Ferrer noted that the deck was only partially built and that if it were to be completed, deck skirting would be added. Ms. Ferrer responded to other considerations, including noting the following: the deck would improve privacy and safety from the neighboring driveway; the deck is 27 feet from the neighboring home; the project's unique characteristics would not create a precedent; the encroachment of the concrete base onto the abutting property will be remedied; there will be minimal impact on the neighboring tree; the proposed deck is in the same location as the pre-existing legal nonconforming patio, though the footprint is not exact.

Mr. Schroeder also addressed Board Members. He described the history of the project, extending two years, intended to replace an existing unusable patio. He emphasized that the photos that were presented reflected the incomplete construction of the deck and that it would be aesthetically pleasing, including landscaping, when complete. He described his communications with neighbors regarding the project and submitted a petition signed by 11 community members in support of the project.

Ms. Ferrer and Mr. Schroeder responded to Board Member questions. In response to a question about being prepared to remove portion(s) of the deck that violate Zoning Code, Ms. Ferrer responded that they respect the process. She responded to questions about alternative locations on the property that would accommodate a deck, noting that the proposed deck accommodated the sloped topography of the property and was convenient to the dining room. Mr. Schroeder noted that when he received estimates from contractors, they did not raise the issue of permitting. Ms. Ferrer and Mr. Schroeder acknowledged Village requirements regarding replacing a pre-existing legal nonconforming structure. They discussed contractor plans to remedy the concrete subsurface encroachment.

Public Testimony

Mr. Viger informed Board Members that he received one voicemail message from the public in favor of the project.

Sworn in, Attorney Vincent Tessitore, of 1730 Park Street, Suite 117, Naperville, addressed Board Members, noting that he represents the homeowners at 645 Lake Road, the easterly neighbor of the subject property. Mr. Tessitore provided a formal presentation, including a description of the location and orientation of the properties and photos of several views of the partially constructed deck from his clients' home. He noted that his clients have lived in their home for more than 40 years and do not wish to be at odds with their neighbors but that they are opposed to the Variations requested for reasons including unsightliness and negative effects on home marketability. Mr. Tessitore referenced written statements from four Glen Ellyn residents who have viewed the structure and state that it is unsightly; he also referenced an affidavit from a real estate broker that the proposed deck would likely deter buyers. Mr. Tessitore noted that the proposed deck is a permanent tool of recreation being built on his clients' lot line, which they pass daily when using their driveway. He disputed the Petitioners' descriptions of unique circumstance and hardship, including noting: the Petitioners' home features are not unique, as several homes in the neighborhood share similar features; and the proposed deck could be built elsewhere on the property, meaning the Petitioners' choice is based on convenience and desire, not hardship. Mr. Tessitore noted that Zoning Code does not allow decks in side yards, nor front yards; yet the proposed deck is in the side yard of the applicant and the front yard of his clients. He emphasized the significance of the Variations requested, noting that allowing these Variances would be unusual and set a harmful precedent.

Mr. Tessitore responded to Board Member questions. In response to a question about potential compromise, he noted that his clients have discussed modifications that could improve the situation, but that the purpose of the hearing was not to discuss alternatives. He reiterated that his clients were concerned about unsightliness and marketability.

Ms. Ferrer and Mr. Schroeder presented additional comments to Board Members in response to Mr. Tessitore's testimony, including disputing the unsightliness of the project, given that it is only partially-constructed; they also described the appearance of the prior patio and fencing.

Board Member Deliberation

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

The property in question is 641 Lake Road. The Petitioners are Ben Schroeder and May Monica Ferrer. They are seeking three construction necessitated variances from 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#12.c.4 to allow the bottom of a fence to be located more than 4" above ground level.

The property is in the R2 Zoning District; it is an interior lot without street frontage on Lake Road. The Zoning Board first heard from Scott Viger, who noted that decks are not permitted in side yards. He also noted that in May 2023 the Village issued a stop work order; the Petitioners subsequently applied for a building permit; the permit was denied, and staff indicated Variations would be required to receive a permit; ultimately Variations were requested in August. Mr. Viger noted the sloped topography; the fence height ranging from 7 feet to 9 feet; and the subsurface concrete extending to the abutting property. He noted that the prior patio was legal nonconforming; however the proposed deck does not match the existing footprint of the prior patio. The Board then heard from the property owners, who indicated they moved to property three years ago. They noted that there are unique characteristics to their property that they feel support the Variations requested, including: the lot shape, the lack of street frontage, and the positioning of the home on the property. Homeowners also noted that topography limited other locations for a deck on the lot. They noted that the prior patio was in disrepair and sloped toward the home. They noted that the deck in its current configuration is not complete. They noted that skirting would be installed; it would be stained; and landscaping would be added. Homeowners noted their intent to replace an existing patio; they also noted support from neighbors. Next, the Board heard from an attorney representing property owners at 645 Lake Road. It was noted they lived at property for 40 years. They are opposed to improvements due to aesthetics and negative impacts on resale values. It was noted they have concerns about a recreational structure extending to the property line.

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 five Members present voting "Yes": Chairperson Constantino and Board Members Crudele, McKnight, Panther, and Pavlich.

Board Members deliberated. They shared their positions regarding the request. Areas of support included: There are some unique circumstances to the lot, including lack of street frontage, the shape of the lot, and the location of the home on the lot. Areas of concern included: Lack of permitting; the proposal does not appear to be a minimum Variation to remedy the situation; lack of practical difficulties or hardships, as there are alternative locations for the deck; lack of unique circumstances, as there are similarly situated properties in the area; granting the Variations would negatively impact the adjacent property; vehement opposition from the adjacent neighbor;

affidavit from real estate agent; zero lot line would not allow for landscaping improvements; and increasing the nonconforming use of prior patio.

Member McKnight made a motion to close the Public Hearing for 641 Lake Road. Member Panther seconded the motion. The motion passed unanimously on a roll call vote, with five Members present voting “Yes”: Chairperson Constantino and Board Members Crudele, McKnight, Panther, and Pavlich.

Board Recommendation

Chairperson Constantino moved for the following:

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:

- That the variations, if granted, will alter the essential character of the locality because: Granting the Variations would create a new, nonconforming use; decks are not allowed in the side yard.**
- That the practical difficulty or particular hardship has been created by persons presently having an interest in the property because: Petitioners began construction without a permit; they could have located the deck to another area.**
- That the variations may diminish or impair property values within the neighborhood.**
- That the variations are not the minimum variations that will make possible the**

reasonable use of the land, building or structure, and homeowners are not precluded from otherwise reasonably using a significant portion of the property.

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 Crudele, McKnight, Panther, and Pavlich.

H. Staff Report

Mr. Viger and Ms. Rodman discussed potential upcoming agenda items.

E. Chairperson’s Report

Chairperson Constantino announced that this was Member Reed’s last meeting on the Board and thanked him for his service.

F. Trustee Liaison’s Report

None.

G. Other Business

None.

I. Adjournment

Member McKnight made a motion to adjourn the meeting; Member Pavlich seconded the motion, and the motion passed by voice vote at 9:02 PM.

Respectfully submitted,

Audrey Savikas
Recording Secretary

Hootman
626 ROGER RD
312 513-8426



RECEIVED

OCT 19 2023

VILLAGE OF GLEN ELLYN

VILLAGE OF GLEN ELLYN

Construction Necessitated Zoning Variation Request Packet

Planning & Development Department

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

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VILLAGE OF GLEN ELLYN, ILLINOIS

Planning & Development Department

535 Duane Street

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 ones family or personal heath 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?”

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: Scott Hootman

Address: 626 Roger Rd Glen Ellyn, Ill 60137

Home Phone No.

Mobile Phone No. 312-513-8426

Fax No.:

E-mail: shootmanm3@gmail.com

Ownership Interest in the Property in Question: 100%

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: 626 Roger Rd Glen Ellyn, Il 60137

Permanent tax index number:

05-12-110-009

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Legal description:

Lot 55 in Wrightwood, being a subdivision of part of sections 11 and 12, township 39 North, range 10 East of the third principal meridian, according to the plat thereof recorded June 9, 1927 as document no. 237389, in DuPage county, Illinois

Zoning classification:

Lot size: 70 ft. x 178 ft. Area: 12,265 sq. ft.

Present use: single family residence

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):

I am requesting a variance for village code table 10-5-5(B)4.38 for the set back requirement on a patio that has been constructed. _____

Estimated date to begin construction: Patio construction has been completed _____

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

Julia Smith -Julia Smith Architecture. 658 Kenilworth Ave. Glen Ellyn, Il.
60137 _____

McJames Construction. Matt Rooney General contractor 601 Forest Ave. Glen Ellyn, Il.
60137 _____

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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:

There was an existing concrete patio beneath the wood deck that was kept in place and expanded on when we remodeled the house. The approximate dimension of the existing patio was 21' x 21'. There is also an existing sidewalk on the north side of the house that is used to access the patio. The new patio was built over that existing concrete, and in line with the existing sidewalk. There was a 13' x 13' extension of the patio built to the west. The patio is 5.42 ft south of the lot line vs the required 7ft for my 70'W lot._____

see photo's #1 and

#2_____

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):

To comply with the set back requirements I would now need to remove a 13 ft section of seat wall and rebuild it another 1.58' south of its current position. This would necessitate rebuilding the entire seat wall.____see photo

3_____

OR

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

The new patio was simply built using the footprint of the existing concrete patio and sidewalk, and extending 13' to the west. In my mind it is the 13' extension that encroaches 1.58' on the north side that is not in compliance as the other portion is grandfathered as existing. See photo

#1, #2 #5 ✓

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

My neighbor to the north appears to be a hoarder with lawn, construction equipment, scaffolding, ladders, and untrimmed trees falling limbs, unmaintained house, roof, gutters etc that have existed on the property for years. All the work that I have done is a vast improvement to our adjoining property. Neighbors to the east, west and south are unaffected by the patio extension. See Photo #4

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:

I would have to remove, and rebuild the existing seat wall, as well as remove and replace new landscaping...See 2a. above Photo #

3

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:

My situation is unique. I had a pre-existing patio and sidewalk that was grandfathered. That is the primary reason the current patio was built where it was. The northern boundary established by the existing sidewalk was simply followed west. Photo #1,2,3

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 13 x 13" patio extension is a small part of the total home value

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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.

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

this is a patio expansion with no impact on
neighbors/neighborhood.

6. Provide evidence that the proposed variation will not:

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

_this is a patio

installation

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

This is a stone patio installation. Firepit has a

cover.

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

See

above

d. Diminish or impair property values within the neighborhood;

We did a major remodel of of an untouched house built in 1958 that

substantially improved the home and its impact on the neighborhood values. _____

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

patio __N/A_____

f. Create a nuisance; or

N/A_____

g. Results in an increase in public expenditures.

__N/A_____

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

I am asking for a variance on 1.58 ft on 13' of patio or 20.54 sq ft that was not _____ grandfathered. _____ photo

#3 _____

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

Please understand that I thought when my architect received the village approval for our pre construction drawings for the remodel of this home, which showed the larger footprint of the patio that I thought we were ok and did not require an additional permit to proceed with the construction. It was my understanding that this was a remodeling of an existing concrete patio.

Initially the village thought that I put in all new sidewalks, to the north of the property and an entirely new patio, all encroaching on the setback. That was not the case, and hopefully I have answered those questions.

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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 Scott A Hootman



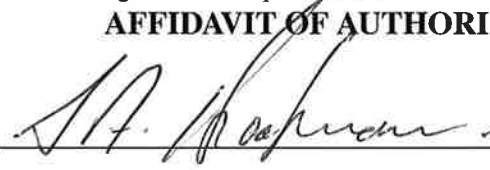
Date Print Name Signature of Applicant



Date Print Name Signature of Applicant

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AFFIDAVIT OF AUTHORIZATION

I, Scott A Hootman  owner of the property described as _626 Roger Rd. Glen

Ellyn _____

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

Owner Signature



Subscribed and sworn to before me this

30 day of October, 2023

Notary Public

REIMBURSEMENT OF FEES AGREEMENT

Village of Glen Ellyn Acct: # _____

Initial Deposit Amount: _____

I. DESCRIPTION OF PROJECT: ZONING VARIATION

II. OWNER:

A. Owner of Property:

B. Owner's Address:

C. Owner's Home Phone Number: Fax:

D. Owner's Work Phone Number:

E. Owner's E-mail:

F. If Owner is a Land Trust or Corporation, the attached disclosures of interest should be filled out.

III. PERSON MAKING REQUEST (Petitioner):

A. Name of Petitioner:

B. Petitioner's Address:

C. Petitioner's Home Phone Number:

D. Petitioner's Work Number:

E. Petitioner's E-mail:

IV. LOCATION OF PROPERTY:

A. General Location of Property:

B. Acreage of Parcel:

C. Permanent Index Number(s):

D. Legal Description (Please attach)

V. REIMBURSEMENT OF FEES:

The Ordinances of the Village require the owners of property, or individuals seeking to utilize property, to receive approval by ordinance or the issuance of a permit to undertake various uses or improvements of property in the Village. These uses can include requests for textual or map changes in the Zoning Ordinance, applications for building permits, requests for zoning relief and other similar requests. The Village has established a fee schedule for the anticipated use of staff time in processing such petitions or applications. In many cases, however the Village cannot reasonably evaluate the validity or compliance of the petition or application with the Ordinances of the Village without the use of reports from various consultants. In some cases, the application or petition requires among other things, public hearings and associated public notice costs, preparation of minutes or transcripts from the public hearing or meeting, recording costs of Ordinances and the preparation of reports by consultants whose services require the payment of out-of-pocket expenses by the Village. These expenses would not have been incurred but for the petition or application. The Village does not intend to seek to make a profit on its utilization of such consultants, but requires that the applicant, or the person receiving benefit, shall be obligated to reimburse the out-

of-pocket expenses incurred by the Village. The Village shall seek to employ consultants who shall charge rates consistent with those paid by private parties who seek similar consulting services. The Village intends, through this Agreement, to cause the payment of out-of-pocket expenses and to require the creation of an escrow fund to guarantee that the petition or application will not result in the citizens of the Village being required to pay for costs incurred at the request of the owner or applicant.

This document shall constitute a contract when an application is made for a license, permit, request for zoning relief or other approval involving the use of real property. Should the Village, in its sole and exclusive discretion, determine that it is necessary or desirable for the Village to obtain professional services, including, but not limited to, attorneys, engineers, planners, architects, surveyors, court reporters, traffic, drainage or other consultants, including full and/or part time site inspection services during the actual construction of any required improvements, and/or to incur costs related to any required notices or recordations, in connection with any application or petition filed by the petitioner then the petitioner and owner shall be jointly and severally liable for the payment of such professional fees and costs, as shall actually be incurred by the Village. The Planning and Development Director is hereby authorized to assign the above described services to the Village staff or to consultants, as the Director deems appropriate and without prior notification to the petitioner.

Any application or petition to be reviewed by the Planning and Development Department or by the Plan Commission shall require the petitioner to establish an escrow account with the Village in an amount determined by the Planning and Development Director to reimburse the Village for all out of pocket costs associated with the request. These out of pocket costs will cover such things as services provided by the Village's consulting engineer, consulting attorney, consulting planner, traffic consultant, wetland consultant, landscape consultant, architectural consultant, appraiser and transcriber, among others, as well as reproduction costs, public hearing notice costs, recording costs, etc. Along with the application the petitioner shall also submit a signed copy of this agreement thereby acknowledging and agreeing to reimburse the Village for all out of pocket costs associated with the application or petition.

This agreement shall be accompanied by an initial deposit in an amount to be determined by the Director of Planning and Development but shall be no less than \$500. The Village will provide an itemized list of Village expenses incurred related to any charge to the escrow account, and the petitioner shall deposit funds to reimburse the Village for those expenses upon notice from the Village that the deposit has dropped below \$300. If the expenses are not reimbursed, then reviews meetings and permits associated with out of pocket costs will cease, and the request will not be moved forward through the review process. At the completion of the review process, and development of the project, if appropriate, any remaining balance from the deposit will be returned to the petitioner, without interest, after all expenses have been paid.

The Village shall deduct the incurred expenditures and costs from the funds deposited. If the remaining deposit balance falls below \$300.00, the petitioner, upon notice by the Village, shall be required to replenish the deposit to its initial amount. The Village shall mail the petitioner

regular invoices for the fees and costs incurred. The petitioner shall replenish the deposit amount within thirty (30) days of issuance of each such invoice directing replenishment of the deposit.

X:\Plandev\PLANNING\FORMS\Zoning Variation Request Packet - Construction Necessitated 072817 lg.docx

A petitioner who withdraws his or her petition may apply in writing to the Planning and Development Director for a refund of his or her remaining escrow balance. The Planning and Development Director may, at his or her discretion, approve such refund less any actual fees and costs, which the Village has already paid or incurred relative to the application.

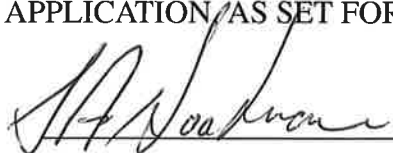
Upon the failure of the petitioner or owner to reimburse the Village in accordance with this Agreement, no further action shall be undertaken on the application by the Village President and Board of Trustees, or by any other official or quasi-official individual or body thereunder, including the conduct of any hearings or deliberations, reviews of any plans or applications, the granting of any relief or approvals, issuance of any permits or occupancies, performance of inspections and the execution or recording of any documents, until all such outstanding fees are paid in full and/or the initial deposit is restored to its full amount. Upon any failure to reimburse the Village in accordance with this Section, the Village may in its discretion, apply any or all of the initial deposit to the outstanding balance due.

The remedies available to the Village as set forth hereinabove are non-exclusive and nothing herein shall be deemed to limit or waive the Village's right to seek relief of such fees against any or all responsible parties in a court of competent jurisdiction.

Any remaining balance of any funds deposited pursuant to this Agreement shall be refunded at such time as the completion of Village deliberation on the petition or application, recordation of all necessary documents associated with the petition or application, issuance of a building permit, approval of a final inspection, or issuance of a final certificate of occupancy upon the real property in question whichever occurs later.

BY SIGNING BELOW, THE PETITIONER AND OWNER ACKNOWLEDGE THAT EACH OF THEM HAS READ THE FOREGOING PARAGRAPHS AND EACH OF THEM FULLY UNDERSTANDS AND AGREES TO COMPLY WITH THE TERMS SET FORTH HEREIN. FURTHER, BY SIGNING BELOW, EACH SIGNATORY WARRANTS THAT HE/SHE/IT POSSESSES FULL AUTHORITY TO SO SIGN.

THE PETITIONER AND OWNER AGREE THAT PETITIONER AND OWNER SHALL BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF FEES REFERRED TO IN APPLICABLE SECTIONS OF THE ORDINANCES OF THE VILLAGE OF GLEN ELLYN, AND THE OBLIGATIONS FOR PAYMENT RELATING TO THE FILING OF PETITION OR APPLICATION AS SET FORTH HEREIN.



Village of Glen Ellyn Petitioner

By: _____ Owner
Planning and Development Director

Date: 10/30/2023 Date: _____

X:\Plandev\PLANNING\FORMS\Zoning Variation Request Packet - Construction Necessitated 072817 lg.docx

Address: _____

Legal Description: _____

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

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Date: _____

Address: _____

Legal Description: _____

TRUSTEE: _____ TRUST NO. _____

Address: _____

LIST ALL BENEFICIARIES:

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Scott Viger

From: Scott Viger
Sent: Monday, October 23, 2023 9:26 AM
To: 'shootman3@gmail.com'
Subject: 626 Roger Road Construction necessitated variation

Good morning Mr. Hootman.

Your variation request has been assigned to me. We noticed this morning that on your check for the application fee you neglected to write out the dollar amount.

If you could drop off another check, we can return the first one to you or if you are comfortable with us writing in "One Thousand One Hundred" we can do that.

Please let me know.



Scott R. Viger, A.I.C.P.
PLANNING CONSULTANT

VILLAGE OF GLEN ELLYN

535 Duane Street | Glen Ellyn, IL 60137

Office: (630) 547-5371

www.glenellyn.org



#1

Existing concrete slab
under wood Deck



#2

Existing
SIDE WALK.

#3

← Move This wall
1.58' South

← COVER Existing
Concrete patio

#4

My Neighbor to the North
← Backyard Adjoins Mine



MAKE CHECK PAYABLE TO: DU PAGE COUNTY COLLECTOR - SEND THIS COUPON WITH YOUR 1ST INSTALLMENT PAYMENT OF 2022 TAX

MAIL PAYMENT TO: P.O. BOX 4203, CAROL STREAM, IL 60197-4203
 PAY ON-LINE AT: WWW.DUPAGECOUNTY.GOV/TREASURER
 SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

MDG2023 0048052 1 PS 0471 01



05-12-110-009
 HOOTMAN, SCOTT & E
 626 ROGER RD
 GLEN ELLYN IL 60137-4241

1

ON OR BEFORE:	PAY:
06/01/2023	7,479.43
PAYING LATE?	PAY THIS AMOUNT:
JUN 2 THRU 30	7,591.62
JUL 1 THRU 31	7,703.81
AUG 1 THRU 31	7,816.00
SEP 1 THRU 30	7,928.20
OCT 1 THRU 31	8,040.39
NOV 1 THRU 16	8,152.58

U.S. POSTMARK IS USED TO DETERMINE LATE PENALTY.

PAYMENT OF THIS 2022 TAX BILL AFTER OCTOBER 31, 2021 REQUIRES A CASHIER'S CHECK OR MONEY ORDER.

☐ CHECK BOX AND COMPLETE CHANGE OF ADDRESS ON BACK

NO PAYMENT WILL BE ACCEPTED AFTER NOV. 15, 2021

1051211000925036000074794391

MAKE CHECK PAYABLE TO: DU PAGE COUNTY COLLECTOR - SEND THIS COUPON WITH YOUR 2ND INSTALLMENT PAYMENT OF 2022 TAX

MAIL PAYMENT TO: P.O. BOX 4203, CAROL STREAM, IL 60197-4203
 PAY ON-LINE AT: WWW.DUPAGECOUNTY.GOV/TREASURER
 SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

05-12-110-009
 HOOTMAN, SCOTT & E
 626 ROGER RD
 GLEN ELLYN IL 60137-4241

2

ON OR BEFORE:	PAY:
09/01/2023	7,479.43
PAYING LATE?	PAY THIS AMOUNT:
SEP 2 THRU 30	7,591.62
OCT 1 THRU 31	7,703.81
NOV 1 THRU 16	7,826.00

U.S. POSTMARK IS USED TO DETERMINE LATE PENALTY.

PAYMENT OF THIS 2022 TAX BILL AFTER OCTOBER 31, 2021 REQUIRES A CASHIER'S CHECK OR MONEY ORDER*

☐ CHECK BOX AND COMPLETE CHANGE OF ADDRESS ON BACK

NO PAYMENT WILL BE ACCEPTED AFTER NOV. 15, 2021

2051211000925036000074794392

Rate 2021	Tax 2021	Taxing District	Rate 2022	Tax 2022
		** COUNTY **		
0.0966	188.28	COUNTY OF DU PAGE	0.0828	165.42
0.0196	38.20	PENSION FUND	0.0189	37.76
0.0298	58.08	HEALTH DEPARTMENT	0.0300	59.94
0.0127	24.75	PENSION FUND	0.0111	22.16
0.1102	214.78	FOREST PRESERVE DIST	0.1055	210.78
0.0075	14.62	PENSION FUND	0.0075	14.98
0.0144	28.06	DU PAGE AIRPORT AUTH	0.0139	27.78
		** LOCAL **		
0.0000	0.00	DU PAGE WATER COMM	0.0000	0.00
0.0447	65.34	MILTON TOWNSHIP	0.0606	121.08
0.0149	21.78	MENTAL HLTH FACILITY	0.0000	0.00
0.0730	171.15	MILTON TWP ROAD	0.0742	148.24
0.0004	0.94	PENSION FUND	0.0002	0.40
0.0127	24.75	MILTON TWP MOSQ DIST	0.0131	26.16
0.5064	987.02	VILL OF GLEN ELLYN	0.5041	1,007.14
0.2784	542.62	VLG GLEN ELLYN LIBR	0.2844	568.20
0.0215	41.90	PENSION FUND	0.0204	40.76
0.2972	579.26	GLEN ELLYN PARK DIST	0.3688	736.82
0.0092	17.94	PENSION FUND	0.0068	13.58
		** EDUCATION **		
3.2993	6,430.66	GRADE SCHOOL DIST 41	3.3556	6,704.16
0.1024	199.58	PENSION FUND	0.1132	226.16
2.1870	4,262.67	HIGH SCHOOL DIST 87	2.1793	4,354.00
0.0414	80.70	PENSION FUND	0.0423	84.52
0.2037	397.14	COLLEGE DU PAGE 502	0.1946	388.80
		** TIF **		
7.3830	14,390.22	TOTAL	7.4873	14,958.84

Mailed to:	HOOTMAN, SCOTT & E 626 ROGER RD GLEN ELLYN IL 60137-4241
Property Location:	626 ROGER RD GLEN ELLYN IL 60137-4241
Township Assessor:	MILTON 630-653-5220
Tax Code:	5036
Property Index Number:	05-12-110-009

TIF Frozen Value	
Fair Cash Value	617.40
Land Value	62.77
+ Building Value	143.02
= Assessed Value	205.79
x State Multiplier	1.000
= Equalized Value	205.79
- Residential Exemption	6.00
- Senior Exemption	
- Senior Freeze	
- Disabled Veteran	
- Disability Exemption	
- Returning Veteran Exemption	
- Home Improvement Exemption	
- Housing Abatement	
= Net Taxable Value	199.79
x Tax Rate	7.487
= Total Tax Due	14,958.8
- Less Advance Payment	
- Commercial Abatement	
+ PACE Reimbursement	
= Net Due	14,958.8

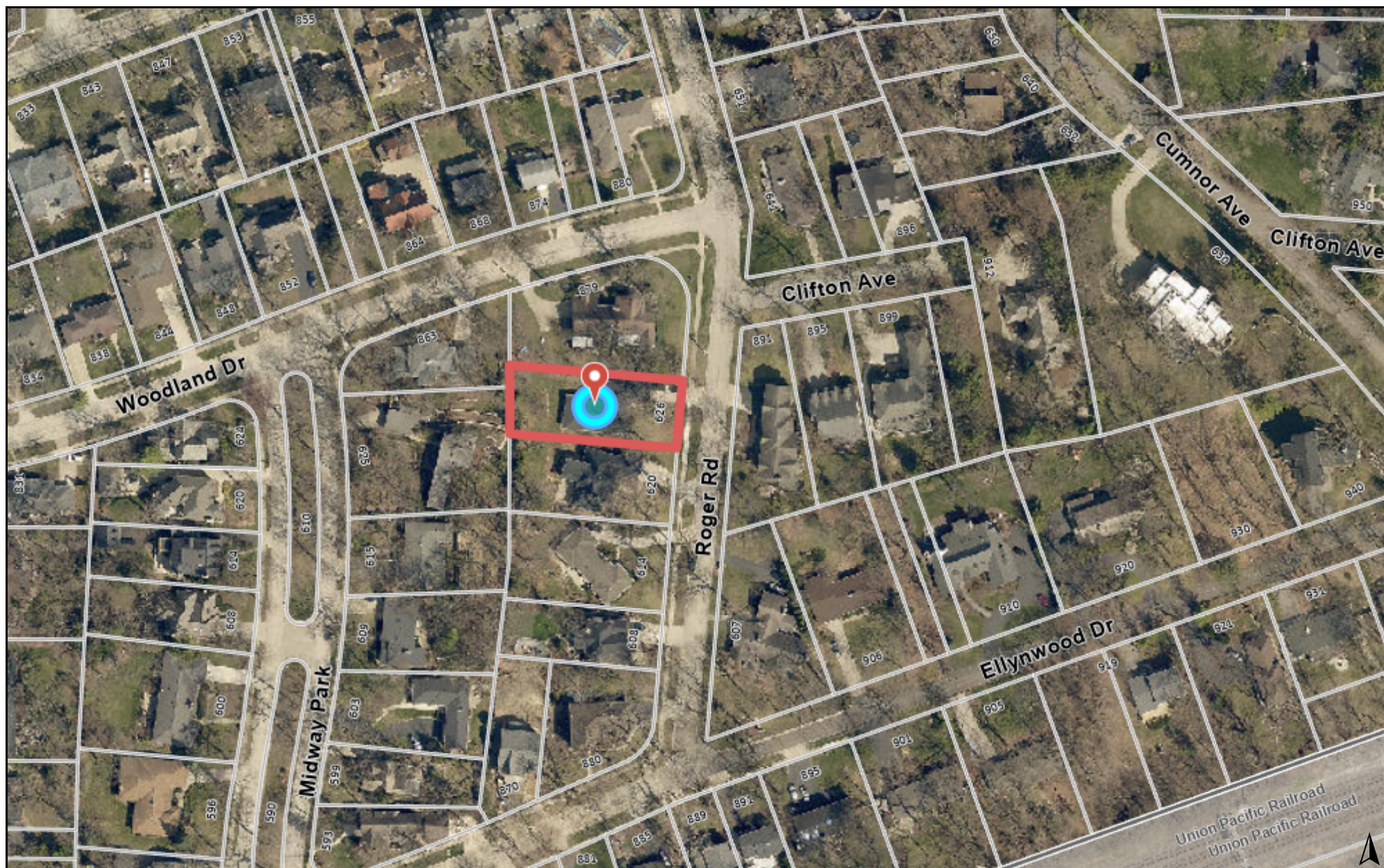
CHANGE OF NAME/ADDRESS:
 CALL: 630-407-5900

S OF A FACTOR 1.0243



2022 DuPage County Real Estate Tax
 Gwen Henry, CPA, County Collector
 421 N. County Farm Road
 Wheaton, IL 60187

Office Hours - 8:00 am-4:30 pm, Mon-
 Telephone - (630) 407-5900

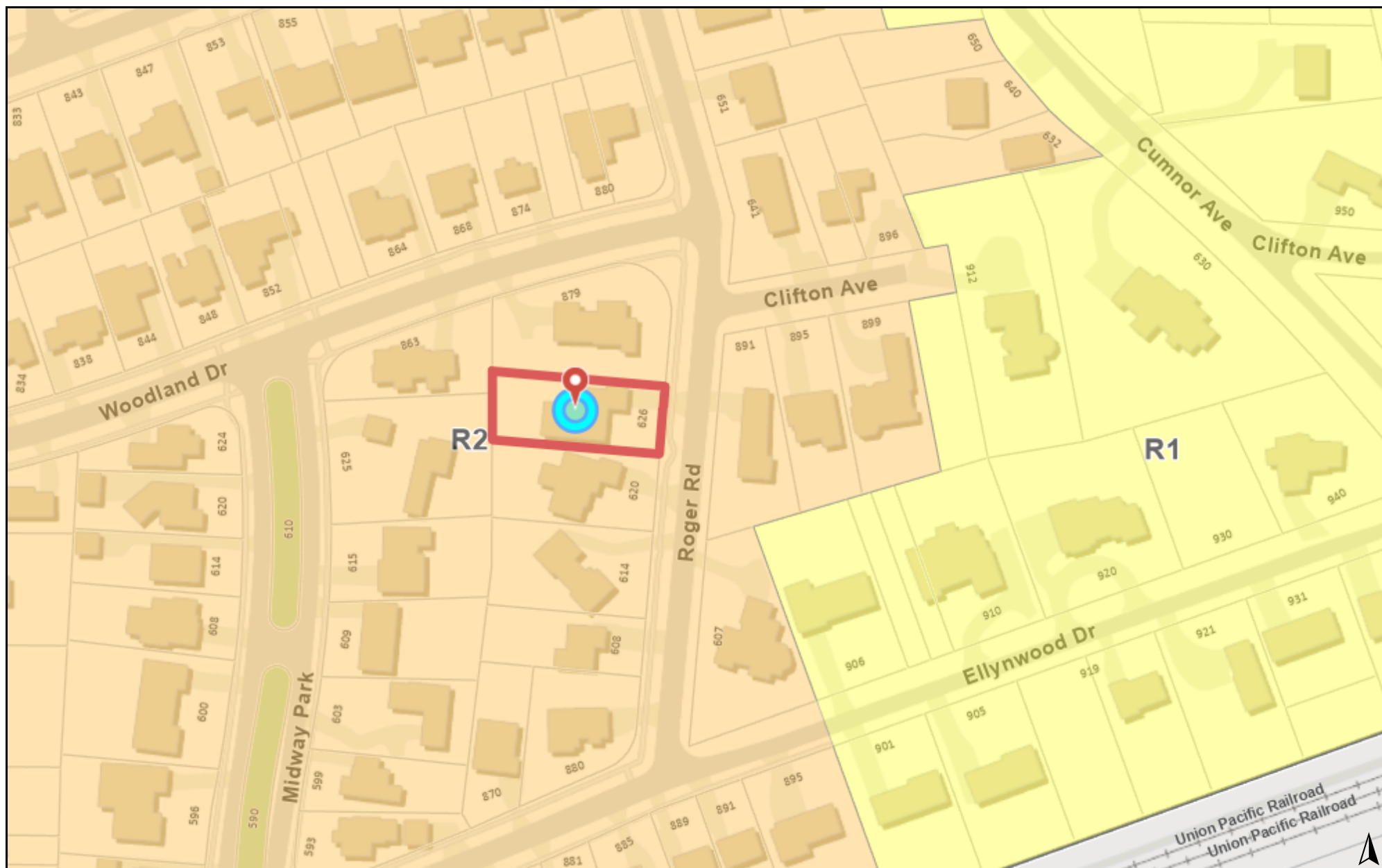


0 250 500
ft

Print Date: 12/11/2023

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.



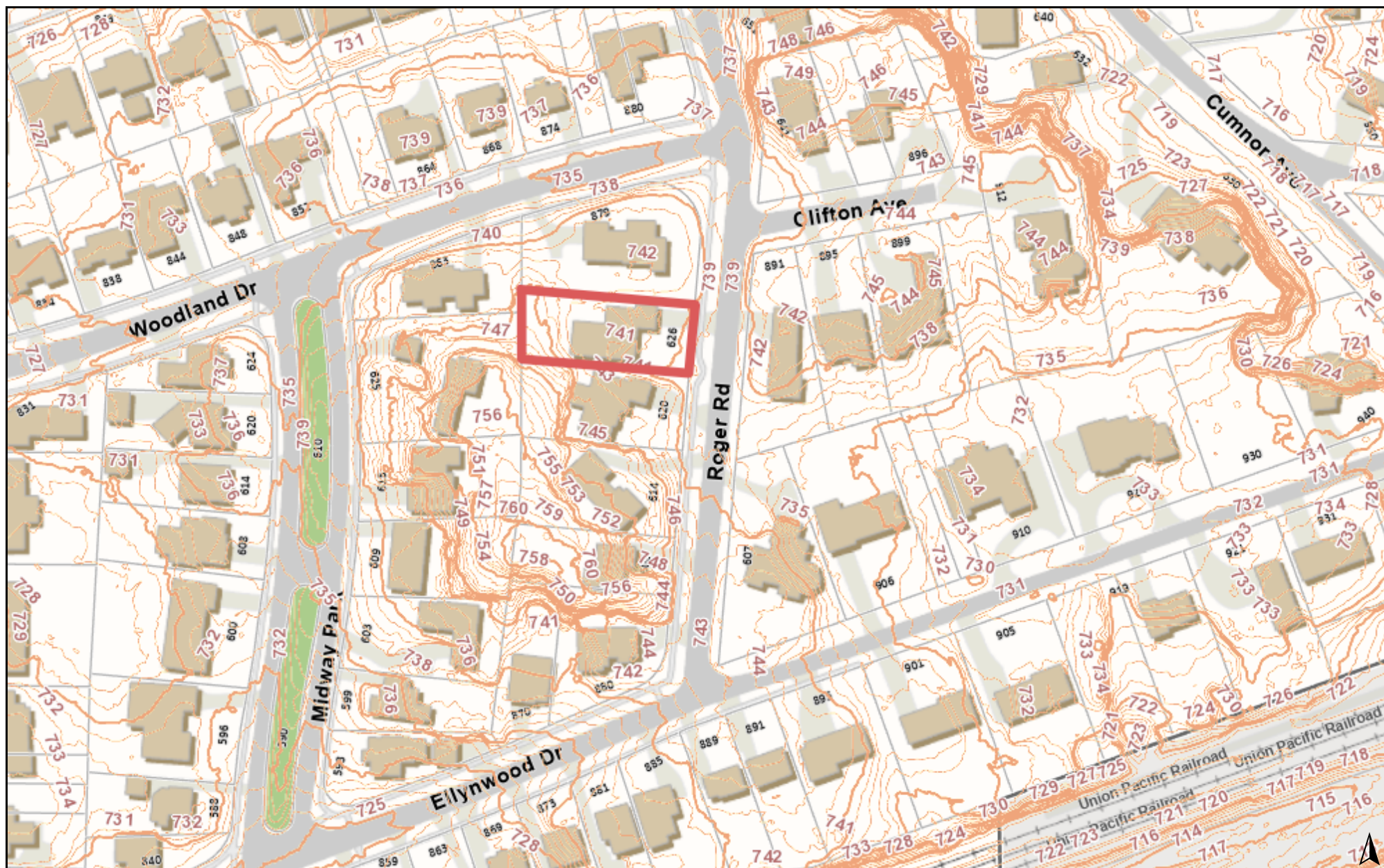
0 250 500
ft

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.

GIS Consortium Topography Map 1' Contours



0 250 500
ft

Print Date: 11/28/2023

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.



NOTICE OF PUBLIC HEARING

Scott Hootman, owner of the property at 626 Roger Road, is requesting a public hearing for construction necessitated zoning variations in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code to allow the construction of a patio, seat wall, fire pit and walkway. 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, February 13, 2024, 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. Section 10-5-5(B)4: Table # 38 – to allow patio and seating wall to encroach into the required side yard. Reducing the setback from 7' to 5.42".
2. Section 10-5-5(B)4 Table #19(b) to allow an impervious surface setback of 0' in lieu of 2.1' (3% of Lot width).
3. Section 10-5-5C Impervious surface setback to reduce a setback for an existing walkway from 2.1' to 0'.

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

LOT 55 IN WRIGHTWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 11 AND 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 9, 1927 AS DOCUMENT 237389, IN DUPAGE COUNTY, ILLINOIS

P.I.N.: 05-12-110-009

Commonly known as 626 Roger 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, February 13, 2024, will be read into the record at the public hearing.

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



Village of Glen Ellyn

350 Foot Distance
from
626 Roger Rd

Woodland Dr

Hickory Rd

Edgewood Dr

Midway Park

Midway Park

Roger Rd

Clifton Ave

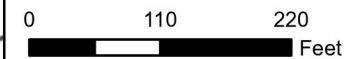
Crescent Blvd

Cumnor Ave

Clifton Ave

Ellynwood Dr

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

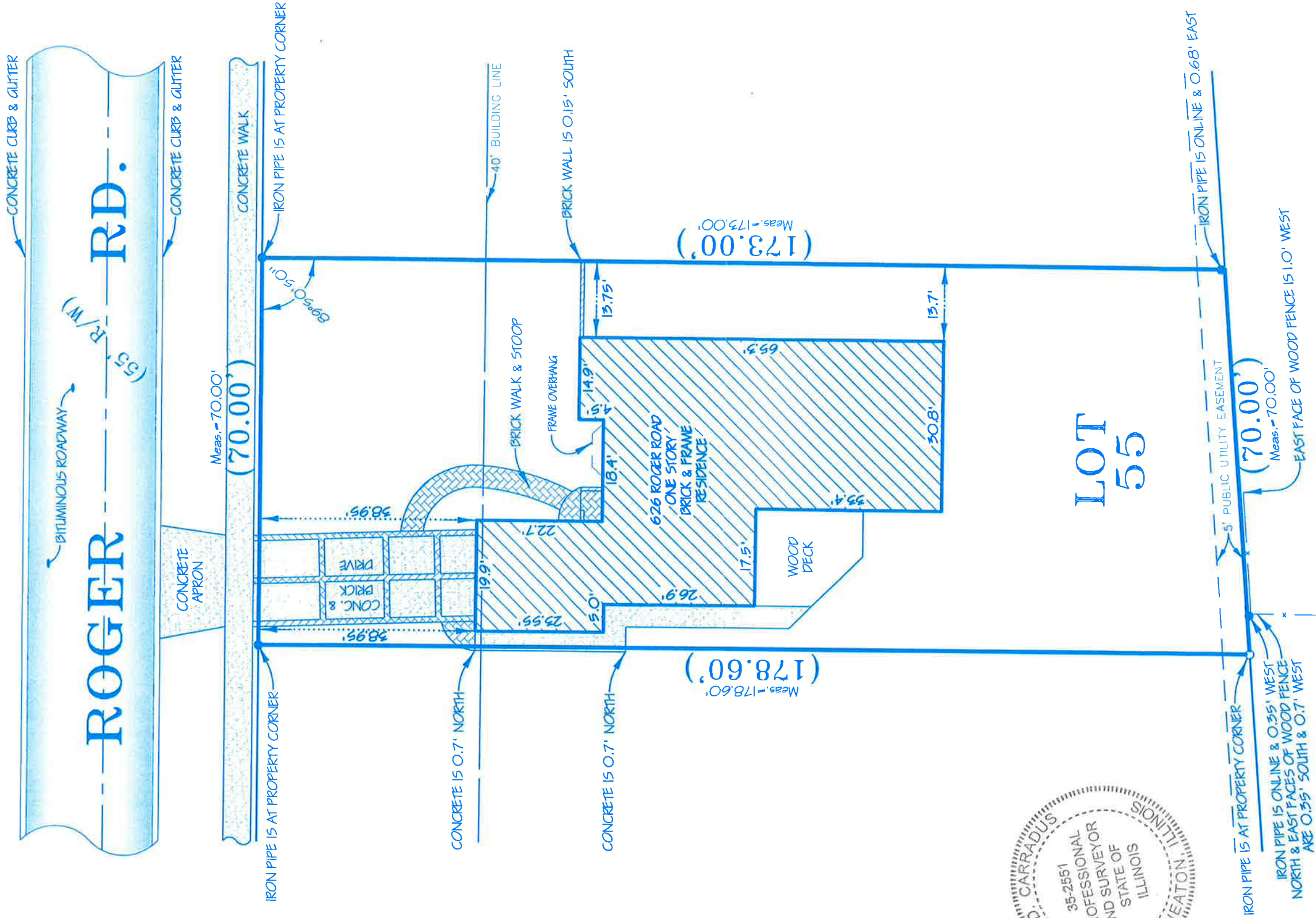


- SURVEY LEGEND**
- Monumentation Found
 - Monumentation Set (IRLS 35-2551)
 - (50') Record Dimension
 - X- Fence Line

PLAT OF SURVEY

LOT 55 IN WRIGHTWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 11 AND 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 9, 1927 AS DOCUMENT NO. 237389, IN DUPAGE COUNTY, ILLINOIS.

AREA OF SITE = 12,265 SQ.FT.



STATE OF ILLINOIS } SS
COUNTY OF DU PAGE }

THIS IS TO CERTIFY THAT I, ALLEN D. CARRADUS, A PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF ILLINOIS, HAVE SURVEYED THE PROPERTY AS DESCRIBED HEREON AND THAT THE ANNEXED PLAT IS A CORRECT AND TRUE REPRESENTATION THEREOF, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

SIGNED AND SEALED AT CAROL STREAM, ILLINOIS THIS October 2021 A.D.
BY Allen D. Carradus ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2551.
MY LICENSE EXPIRES NOVEMBER 30, 2022.

NOTES

- All distances shown hereon are in feet and decimal parts thereof corrected to 68" f.
- Distances shown along curved lines are Arc Measurements unless otherwise noted.
- Compare the Legal Description, Building Lines, and Easements as shown hereon with your Deed, Title Insurance Policy or Title Commitment.
- Consult local authorities for additional setbacks and restrictions not shown hereon.
- Compare all survey points and report any discrepancies immediately.
- Consult utility companies and municipalities prior to the start of any construction.
- Dimensions to and along buildings are exterior foundation measurements.
- Do Not Assume distances from scaled measurements made hereon.

CARRADUS LAND SURVEY, INC.
Residential & Commercial Land Surveying Services
191 S. Gary Avenue, Suite 180, Carol Stream, Illinois, 60188
(630) 588-0416 (Fax) 653-7682 carradus_survey@yahoo.com

PREPARED FOR: **RODRIGUEZ LAW OFFICES**

DRAWN BY: JW

DATE OF FIELD WORK: SCALE: 1" = 20'

FLO.BK. = PAGE 422-03

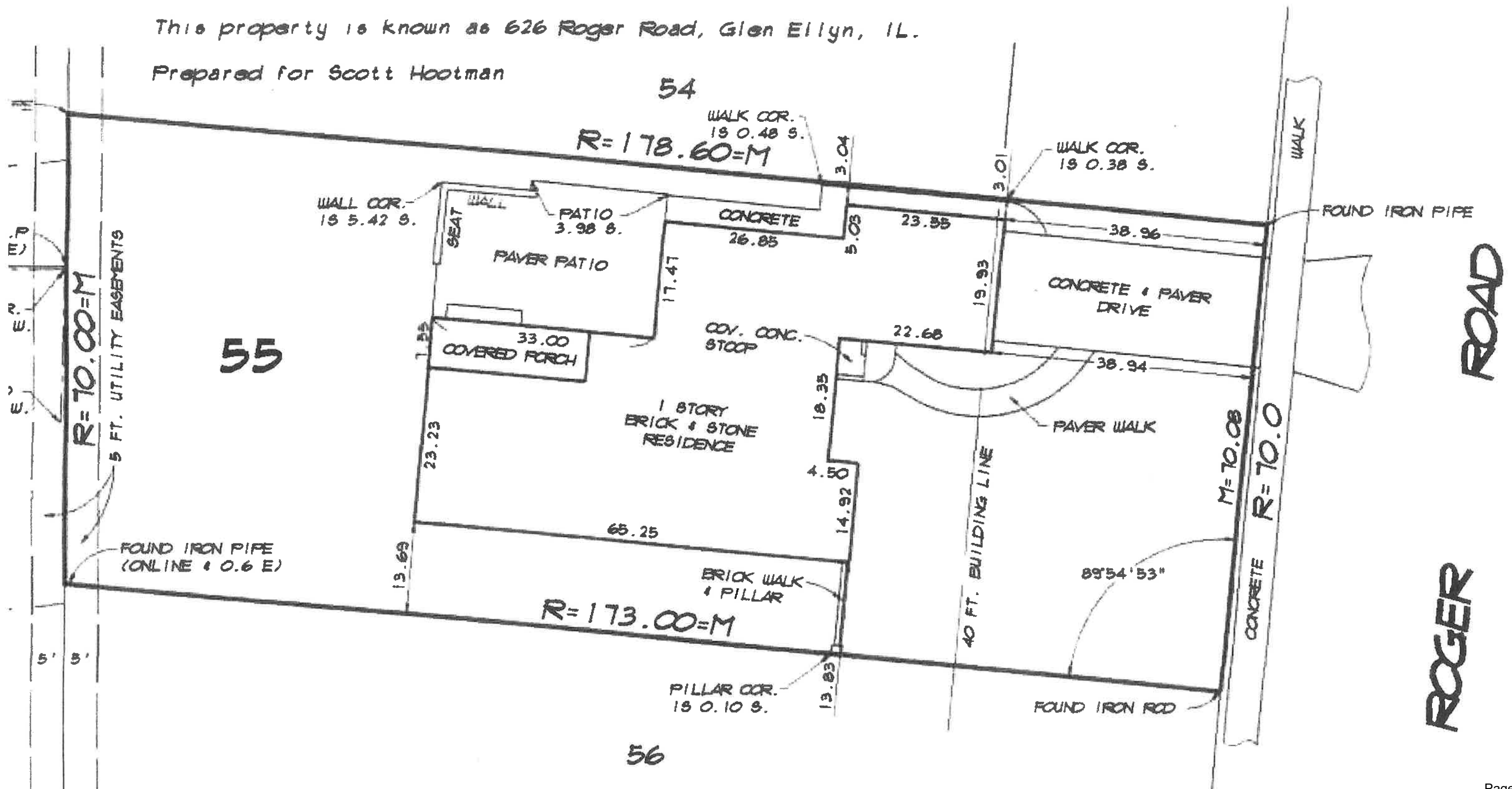
PROJECT NO. 35771

PLAT OF SURVEY

OF LOT 55 IN WRIGHTWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 11 AND 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 9, 1927 AS DOCUMENT NO. 237389, IN DU PAGE COUNTY, ILLINOIS.

This property is known as 626 Roger Road, Glen Ellyn, IL.

Prepared for Scott Hootman



**(DRAFT) FINDINGS OF FACT TO SUPPORT A MOTION TO RECOMMEND
APPROVAL OF A ZONING VARIATION TO ALLOW THE CONSTRUCTION OF A
PATIO AND SEATING WALL FOR THE PROPERTY LOCATED AT
626 ROGER 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 there was an existing concrete patio beneath the wood deck that was kept in place and expanded on when the house was remodeled. The approximate dimensions of the existing patio was 21' x 21'. There was also an existing sidewalk on the northside of the house that is used to access the patio. The new patio was built over that existing concrete, and in line with the existing sidewalk. There was a 13' x 13' extension of the patio built to the west. The patio is 5.42 feet south of the Lot Line versus the required 7' for the 70' wide Lot.**
2. The property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning Code, **because to comply with the setback requirements the petitioner would need to remove a 13-foot section of seat wall and rebuild it another 1.58' south of its current location. This would necessitate rebuilding the entire seat wall.**
3. The plight of the applicant/owner is due to unique circumstances relating to the property in question, because _____
4. The requested variations, if granted, will not alter the essential character of the locality of the property in question, **because the house abutting the property to the north has lawn and construction equipment, scaffolding, ladders, and untrimmed trees with falling limbs, unmaintained house gutters etc. that has been there for years. All this work is an improvement to the adjoining property. The neighbors to the east, west and south should not be affected by the patio extension.**
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 to comply with the Code the patio and seat wall would need to be removed and rebuilt along with the removal and replacement of landscaping.**
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 there was a pre-existing patio and**

sidewalk. that is the primary reason the current patio was built where it was. The northern boundary established by the existing sidewalk was simply followed west.

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 13 x 13-foot patio extension is a small part of the total home value.**
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 sidewalk and patio were existing when the current owners purchased the property.**
9. The granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located and will not impair an adequate supply of light and air to adjacent property, **because as a patio primarily in the rear yard, there should be no real impact on the neighbors/neighborhood. The amount of impervious coverage on the lot is within the Village Code.**
10. The proposed variations will not substantially increase the hazard from fire or other dangers to the property in question or adjacent property, **because this is a stone patio. The firepit has a cover.**
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 **as a private residential patio not visible to the general public.**
12. The proposed variations will not create a nuisance or result in an increase in public expenditures because **it is only a private patio and should not result in increased municipal expenditures or services.**
13. The variations are the minimum variations that will make possible the reasonable use of the land, building or structure because **the patio followed the existing setback and then increased the setback slightly as the new extension to the west was built.**

626 Roger Road Images taken 12.11.2023



Walk at front of garage



Seat wall on rear patio



Patio looking toward Roger Road



Seat wall & Patio looking north



Seat wall and patio looking east

DRAFT "MOTION" TO RECOMMEND APPROVAL OF
ZONING VARIATIONS FOR 626 Roger ROAD

Having considered the application of Scott Hootman, owner of the property at 626 Roger Road, Glen Ellyn, for zoning variations from Section 10-5-5(B)4 Table #19(b) and Section 10-5-5C to allow an impervious surface setback of 0' in lieu of 2.1' (3% of Lot Width), and Section 10-5-5(b)4#38 to allow a patio and seating wall in the required side yard, 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 January 9, 2024, 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 January 9, 2024, public hearing of the Zoning Board of Appeals.
2. A Building Permit shall be obtained for the work.
3. Engineering approval as part of the Building Permit is required.
4. _____.

Motion by: _____ Seconded by: _____

DRAFT "MOTION" TO RECOMMEND DENIAL OF
A ZONING VARIATION FOR 626 ROGER ROAD

Having considered the application, Scott Hootman owner of the property at 626 Roger Road, Glen Ellyn, for zoning variations from

1. Section 10-5-5(B)4: Table # 38 – to allow patio and seating wall to encroach into the required side yard. Reducing the setback from 7' to 3.98'.
2. Section 10-5-5(B)4 Table #19(b) and Section 10-5-5C to allow an impervious surface setback of 0' in lieu of 2.1' (3% of Lot width).
3. Section 10-5-5C to reduce an Impervious surface setback for a sidewalk/walkway from 2.1' to 0'.

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 January 9, 2024 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#38, Section 10-5-5(B)4#19(b) and Section 10-5-5C of the Glen Ellyn Zoning Code based upon the following findings of fact:

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

(Choose one or more of the following):

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

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

_____;

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

_____;

D. That the purpose of the variations is based exclusively upon a desire to make

more money out of the property since the applicants intend to:

_____;

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

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

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

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

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

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

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

Motion by: _____ Seconded by: _____

STAFF REPORT

TO: Zoning Board of Appeals

FROM: Scott Viger, Planning Consultant

DATE: December 20, 2023

SUBJECT: January 9, 2024 - Zoning Board of Appeals Meeting

Public Hearing for consideration of a Construction Necessitated Zoning Variation to allow of a patio and seat wall that encroaches 3.02 feet into the required side yard on the property located at 626 Roger Road.

PETITIONER: The petitioner is Scott Hootman, owner of the property at 626 Roger Road.

REQUEST: The property owner is requesting approval of a construction necessitated variation(s) from the Glen Ellyn Zoning Code as follows:

1. Section 10-5-5(B)4: Table # 38 – to allow patio and seating wall to encroach into the required side yard. Reducing the setback from 7' to 3.98'.
2. Section 10-5-5(B)4Table #19(b) to allow an impervious surface setback of 0' in lieu of 2.1' (3% of Lot width).
3. Section 10-5-5C to reduce an Impervious surface setback for a sidewalk/walkway from 2.1' to 0'.

ZONING/ USE: The property is an interior lot on the west side of Roger Road approximately 130 feet south of Woodland Drive in the R2 Zoning District. It was subdivided in 1972 in the Wrightwood Subdivision recorded June 9, 1927. Then property in question is developed with a single-family detached home. The petitioner has resided in the home since **2021**. The petitioner undertook an extensive renovation of the home in 2022 – 2023 (Permit #20220028).



Street view

**PUBLIC
NOTICE:**

Notice of the public hearing was published in the 12.20.23, 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>
04.22.2013	20130476	Water/Sewer/Storm
01.29.2014	20140078	Drain Tile
04.03.2017	20170437	Equipment
07.18.2018	20181515	Roof or Siding
11.04.2021	20212377	Clearwater Connection
01.10.2022	20220028	Residential Remodeling
03.17.2023	20230306	Impervious Paved Surface

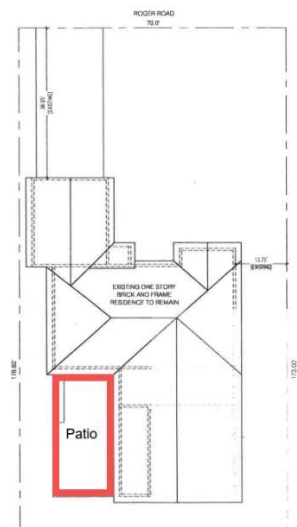
**VARIATION
HISTORY:**

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

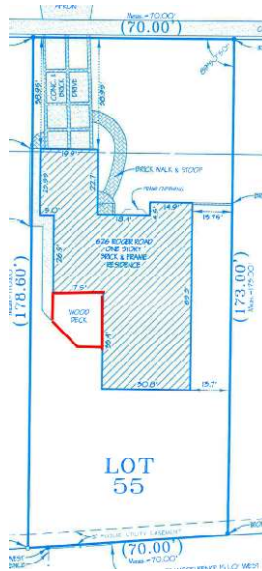
**PROJECT
SUMMARY:**

The request is to authorize a new patio and seating wall that encroaches into the required side yard.

The Village issued a building permit for a remodeling of the home. The permit application stated “Interior remodel of kitchen and baths. Replace existing plumbing pipes with new pipes and fixtures.” The expanded new patio was depicted on the plan set but was not a part of the permit. No construction details of the patio, and seat wall were included.



Permit Site Plans
Staff has highlighted the patio in red.

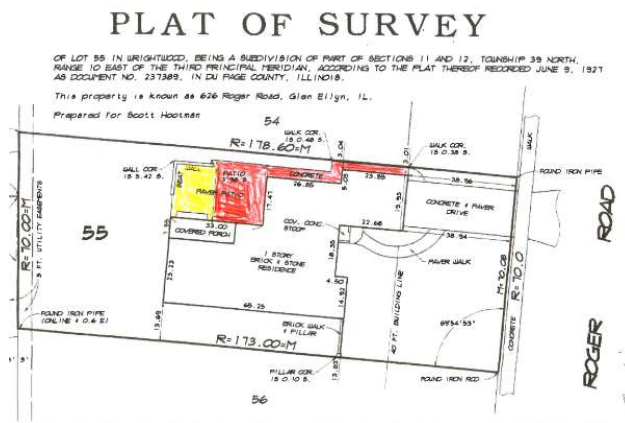


2021 Pre-remodel / construction Plat of Survey
staff has highlighted the wood deck in red.

The homeowner as part of the remodeling constructed the new patio and seat wall, as they proceeded under the belief that the patio was approved along with the home remodeling. As the Plat of Survey from 2021 shows a wood deck was present on the rear of the home, beneath the deck is said to be a concrete patio. 2021 and 2023 Aerial photographs are attached to this report.

The homeowner applied for a permit for the patio on 03.17.2023. The Village staff notified the homeowner in a letter 04.04.2023 that the patio and seating wall were not approved and violated the Zoning Code. The Zoning Code in Section 10-5-5(B)4 requires a 10% of lot width (7') setback for patios. Another Section, which does not apply to patios (terraces) Section 10-5-5(C) states a 3% of Lot Width setback for a "distance between edge of surfaces and Lot Line". The homeowner has stated that they believe the lesser setback applies. It does not. The Code specifically identifies Patios and regulates them differently. This had led us to the Construction Necessitated Zoning Variation request.

The patio is at the northwest corner of the home, approximately 21.5' x 34'. At its northwest corner is a seating wall and firepit. The patio is approximately 21' x 33' is said to be partially laid over the existing concrete beneath the prior deck. An additional 13' of patio was added moving towards the rear lot line. The entirety of the new paver patio is subject to the 7' side yard constraint. The eastern portion of the patio is setback 3.98' from the north side property line. The westerly portion (approximately 13') is setback an additional 1.44' for a total setback of 5.42'.



Provided by Applicant, Red “over existing concrete patio”, yellow totally new patio.



Looking toward house



Seat wall and patio



Seat wall 5.42' setback



Eastern portion of patio setback at 3.98'

The Village’s engineering staff has some concerns with the grading and drainage on the site. On 03.20.2023 they sent comments to the contractor and architect. Resolution of these comments are not required prior to the Zoning Board of Appeals public hearing.

Also included is a variation form Section 10-5-5C to reduce the setback of impervious surfaces from 2.1’ (3% of Lot Width) to 0’. This is to

accommodate the sidewalk along the north side of the garage that was existing prior to the remodeling along with a small paver addition to the walk at the front of the garage by the driveway.



New paver additin to existing walkway

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(s) to allow the patio and seating wall in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code.

ATTACHMENTS:

1. Application
2. Aerial Photograph
3. Location & Zoning Map
4. Topography 1' Contours
5. Notification Map
6. 2023 Plat of Survey
7. 2021 Plat of Survey
8. Images of patio
9. Draft Findings of Fact
10. Draft Motion to Recommend Approval
11. Draft Motion to Recommend Denial

CC: Emily Rodman, AVM / Director of Community Development
Paula Moritz, Plan Examiner
Mike D'Onofrio, Interim Building Official
Scott Hootman, Applicant