

**MINUTES**  
**Glen Ellyn Zoning Board of Appeals Meeting**  
**Tuesday, February 13, 2024 at 7:00 p.m.**  
Glen Ellyn Civic Center  
Galligan Board Room  
535 Duane Street

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

The meeting was called to order at 7:18 PM, and roll was called.

Present: Board Members Katie Crudele, Matthew Jones, Christiane McKnight, and Craig Pavlich.

Absent: Chairperson Gregory Constantino and Board Member Thomas Whalls.

**Member Pavlich made a motion to appoint Member Jones as Chairperson Pro Tempore, in the absence of Chairperson Gregory Constantino. Member Crudele seconded the motion, and the motion passed by voice vote.**

Chairperson Jones 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.

Chairperson Jones noted additional Village representatives in attendance: 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 Pavlich made a motion to approve the draft minutes of the December 12, 2023 meeting. Member McKnight seconded the motion, and the motion passed by voice vote.**

**D. New Business**

**1.) Public Hearing — 626 Roger Road**

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

#### Staff Introduction

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

Mr. Viger presented information as detailed in the Staff Report dated December 20, 2023, included in the agenda packet. Mr. Viger's presentation included: images of the home, including a current image as well as an image of the home prior to renovation; zoning (R2 Zoning District); and site topography. Mr. Viger presented an image of the Site Plan that was included in the Petitioner's Permit Application (01.10.2022 Permit #20220028) for Residential Remodeling. Mr. Viger noted that the Petitioner's planned expanded patio was depicted on the plan set, but was not included in permitting. He shared that the Petitioner had proceeded with construction of a new patio and seat wall, under the belief that the patio had been approved along with the larger home remodeling project. Mr. Viger noted that the Petitioner ultimately applied for a permit for the new patio construction in March 2023; in April 2023 the Village advised the Petitioner that the patio and seating wall violated the Zoning Code and would require Variations. Mr. Viger presented a pre-renovation Plat of Survey for the property which reflected a wood deck, noting that the Petitioner indicated there had been an existing concrete patio underneath the deck. Mr. Viger also presented a current Plat of Survey reflecting the newly constructed patio, as well as an exhibit from the Petitioner illustrating pre-renovation and post-renovation conditions. Mr. Viger presented images of the newly constructed patio and seating wall; he also presented images of a small, newly-constructed paver section of walkway at the front of the garage, noting that this area accounts for two additional Variation requests related to impervious surface setbacks.

Mr. Viger shared the specific Variation requests, including:

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'.

Mr. Viger responded to Board Member questions. He shared that he did not have pre-renovation images of the walkway area at the front of the garage; he referred to the pre-renovation Plat of Survey. Mr. Viger confirmed that the patio had been included in the plan set submitted for

residential remodeling permitting, but that construction details for the patio had not been included. He shared that he was not aware of Village staff requesting clarity about the proposed patio during the permitting process. Mr. Viger confirmed that the Village did not receive any comments from neighbors. He referred to the Staff Report for engineering comments: “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.” Mr. Viger clarified side yard setback reductions. He confirmed that the pre-existing sidewalk/walkway had a 0’ setback; he deferred to the Plat of Survey regarding a question about encroachment. Mr. Viger shared that there was no record on-hand regarding the installation of the former concrete patio and sidewalk. He confirmed that the amount of impervious coverage on the lot is within Village Code.

#### Petitioner Testimony

Sworn in, Petitioner Scott Hootman addressed Board Members. He was supportive of Mr. Viger’s account of the request. He provided additional details regarding the footprint and condition of the prior patio and sidewalk, as well as his position regarding setback requirements and calculations.

Mr. Hootman responded to Board Member questions. He shared that he has not spoken to the neighboring property owner to the north, who he described as reclusive. Mr. Hootman shared information about his architect and his contractor, and their discussions regarding permitting. He shared that he was unaware whether the contractor attempted to contact the Village for an inspection of the patio construction specifically.

#### Additional Staff Testimony

Mr. Viger responded to additional Board Member questions, including comments on the distinction between the walkway and the patio, and the differing setback requirements for each, per Village Code.

#### Public Testimony

None.

#### Board Member Deliberation

**Member McKnight made a motion to adopt the “(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,” included in the Agenda Packet. Member Pavlich seconded the motion. The motion passed unanimously on a roll call vote, with four Members present voting “Yes”: Crudele, Jones, McKnight, and Pavlich.**

Board Members deliberated. They shared their positions regarding the request. Areas of support included: the unique circumstance of miscommunication and mistakes between the Petitioner’s representatives and the Village, given that the site plan submitted with the initial Permit Application included the patio; pre-existing sidewalk, and Code distinctions between walkway and patio setback requirements; lack of objections from the community, despite two notice periods. Areas of concern included: the contractor should have performed due diligence and contacted the Village regarding permitting specifically for the patio.

**Member McKnight made a motion to close the Public Hearing for 626 Roger Road. Member Pavlich seconded the motion, and the motion passed by voice vote.**

#### Board Recommendation

**Member Pavlich moved for the following:**

**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 February 13, 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): attempts by homeowner to obtain permitting were made in good faith; there was an existing non-conforming patio; there is a nebulous delineation between walkway and patio setback requirements; the homeowner’s architectural remedy was rational for the existing home.**

**Subject to the following conditions:**

**The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the February 13, 2024, public hearing of the Zoning Board of Appeals.**

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

**E. Other Business**

None.

**F. Village Board Trustee Report**

None.

**G. Chairperson’s Report**

None.

**H. Staff Report**

Mr. Viger discussed potential upcoming agenda items. Board Members discussed their interest in receiving follow-up information on Village Board decisions with regard to ZBA recommendations, as well as post-construction reports for approved projects. They inquired about ZBA vacancies and potential training opportunities.

**I. Adjournment**

**Member McKnight made a motion to adjourn the meeting; Member Crudele seconded the motion, and the motion passed by voice vote at 8:08 PM.**

Respectfully submitted,

Audrey Savikas  
Recording Secretary