

MINUTES
Glen Ellyn Zoning Board of Appeals Meeting
Tuesday, July 11, 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 7:01 PM, and roll was called.

Present: Chairperson Gregory Constantino and Board Members Katie Crudele, Matthew Jones, Christiane McKnight, and Chip Miller.

Absent: Board Members Reed Panther and Thomas Whalls.

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 May 9, 2023 meeting. Member Crudele seconded the motion, and the motion passed by voice vote.

D. New Business

1.) Public Hearing — 781 Fairview Avenue

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

Staff Introduction

Scott Viger, Planning Consultant for the Village of Glen Ellyn, introduced the request: Request for relief from the Zoning Code to allow the construction of a fence to exceed the permitted height and openness limitations. Mr. Viger presented information as detailed in the Staff Report dated April 19, 2023 / Revised June 5, 2023, included in the agenda packet. Mr. Viger noted that this was a continuation of an initial hearing held on May 9, 2023. He shared that the Petitioners made revisions to their request in response to Member comments at the prior meeting: The revision adds Forester Reed Grass along the Carleton Avenue sidewalk and relocates the proposed fence eastward approximately 18 inches.

Mr. Viger responded to Board Member questions, including requests for clarification about the scope of Variations requested. Mr. Viger confirmed that the revised proposal would still exceed height and openness requirements; he also confirmed that the Variations would be required for portions of the proposed fence, not its entire length.

Petitioner Testimony

Sworn in, Petitioner Bader Almoshelli, owner of the property at 781 Fairview Avenue, addressed Board Members. He described changes to the proposal in response to Member feedback at the prior meeting, including the location of the fence and new landscaping features. He shared that his family continues to face privacy and security challenges. He noted that neighbors have written letters of support for his proposal.

Mr. Almoshelli responded to Board Member questions. He confirmed that the conditions of neighboring properties, including an assisted living parking lot and a park, were present when his family moved into the home. He shared that he didn't realize how much it would affect their privacy and security, noting that depending on the time of year, there are varying levels of visibility into the yard. Mr. Almoshelli confirmed that the existing fence is about 20 years old and will need to be replaced.

Public Testimony

Sworn in, Mary Jane Chapman of 143 Carleton Avenue, presented in support of the Petitioner's proposal. She described the busy nature of the street and the safety, security, and privacy benefits of the proposed fence. She said that she submitted photos of other high fences on busy streets in Glen Ellyn. She recommended the Zoning Board of Appeals and the Village approve the petition.

Ms. Chapman responded to Board Member questions. She and Members discussed accidents at the intersection near the subject property and potential solutions, such as advocating for 4-way stop signs and/or speed bumps.

Board Member Deliberation

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

- The hearing was a continuance from a prior meeting with a revised request.
- The Petitioner revised the original proposal, moving the location of the fence and adding plantings.
- The Petitioner is seeking relief from the Zoning Code for both the height of the fence and the openness.
- There is an assisted living facility parking lot located along the Petitioners' yard, causing security and safety concerns for the Petitioners' young children.
- The Petitioner noted other fences of similar height in the neighborhood.
- Letters of support from neighbors were submitted since the last meeting.
- The Petitioners moved in during the pandemic and did not realize the extent of non-residential traffic they would experience next to a facility and a park.
- The existing fence is 20 years old and needs to be replaced.
- Neighbor Mary Jane Chapman spoke in favor of the proposal and shared examples and photos of fences similar to the proposed; she believes there is a privacy and security issue and asked for consideration and approval of the request.

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

Board Members deliberated. They shared their positions regarding the request, with mixed support for the Petitioners' proposal. Areas of concern included: the proposed height and materials not fitting with the character of the neighborhood; the number of additional homeowners who have similar privacy and safety concerns, including those who live on busy streets, and creating precedent; the conditions existed when the Petitioners purchased the home. Areas of support included: the unique safety and security circumstances given the subject property's location near a high-traffic intersection and an assisted living facility's parking lot. Members and the Petitioner discussed opportunities to grant portions of the request, to address safety and security concerns while maintaining the character of the neighborhood.

Member Jones made a motion to close the Public Meeting for 781 Fairview Avenue. 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, Jones, McKnight, and Miller.

Board Recommendation

Member Miller moved for the following:

Having considered the application of Bader Almoshelli and Yusra Gomaa, owners of the property at 781 Fairview Avenue, Glen Ellyn, for zoning variations from Section 10-5-5(B)4#12.a.1 to allow a fence less than 33.3% open in a front or corner side yard AND Section 10-5-5(B)4#12.b.4 to allow a six-foot-tall fence in lieu of the maximum 4-foot fence for all other areas of the lot located closer to the street than the principal structure on the lot; in the R2 Residential District, the Zoning Board of Appeals hereby adopts the findings of fact in the petitioners' application packet and presented by the petitioners at the Zoning Board of Appeals public hearing conducted on May 9, 2023, and July 11, 2023 as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends DENIAL of the requested Zoning Variation from Section 10-5-5(B)4#12.a.1 and Section 10-5-5(B)4#12.b.4 of the Glen Ellyn Zoning Code ***for the portion of the fence proposed along Carleton Avenue*** based upon the following findings of fact: That the variations, if granted, will alter the essential character of the locality.

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

Member Miller moved for the following:

Having considered the application of Bader Almoshelli and Yusra Gomaa, owners of the property at 781 Fairview Avenue, Glen Ellyn, for zoning variations from Section 10-5-5(B)4#12.a.1 to allow a fence less than 33.3% open in a front or corner side yard AND Section 10-5-5(B)4#12.b.4 to allow a six-foot-tall fence in lieu of the maximum 4-foot fence for all other areas of the lot located closer to the street than the principal structure on the lot; in the R2 Residential District, the Zoning Board of Appeals hereby adopts the findings of fact in the petitioners' application packet and presented by the petitioners at the Zoning Board of Appeals public hearing conducted on May 9, 2023, and July 11, 2023 as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL ***for the portion of the fence proposed in the back yard, adjacent to the assisted living facility property*** based upon the following hardship(s) or unique circumstance(s): the adjacent assisted living facility with employee and guest parking.

Subject to the following conditions:

1. The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the May 9 and July 11, 2023, public hearings of the Zoning Board of Appeals.

AND

Having considered the application of Bader Almoshelli and Yusra Gomaa, owners of the property at 781 Fairview Avenue, Glen Ellyn, for zoning variations from Section 10-5-5(B)4#12.a.1 to allow a fence less than 33.3% open in a front or corner side yard AND Section 10-5-5(B)4#12.b.4 to allow a six-foot-tall fence in lieu of the maximum 4-foot fence for all other areas of the lot located closer to the street than the principal structure on the lot; in the R2 Residential District, the Zoning Board of Appeals hereby adopts the findings of fact in the petitioners' application packet and presented by the petitioners at the Zoning Board of Appeals public hearing conducted on May 9, 2023, and July 11, 2023 as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL ***for a five-foot-tall fence with 33.3% openness for the portion of the fence proposed along Carleton Avenue*** based upon the following hardship(s) or unique circumstance(s): foot and automobile traffic from the neighboring park and accessing Roosevelt Avenue.

Subject to the following conditions:

1. The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the May 9 and July 11, 2023, public hearings of the Zoning Board of Appeals.

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

2.) Public Hearing — 355 Center Street

Member Miller moved to open the Public Hearing. Member Crudele 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: Request for relief from the Zoning Code to allow construction of a fence surrounding the yard that serves as the homeowners' back yard of a single-family residence to exceed the permitted height and openness limitations. Mr. Viger presented information as detailed in the Staff Report dated July 1, 2023, included in the agenda packet. Mr. Viger noted that this Variation request follows attempts by the Petitioners to prune existing privacy hedges as instructed by the Village after the Village received a complaint. He said that this action had been expected to eliminate the obstruction and complaint; however the Village continued to receive additional complaints and

directed the Petitioners to prune the hedges further. The Petitioners now propose removing the hedges and erecting a privacy fence to resolve the issue.

Mr. Viger shared that the Village received a letter from Phil and Shannon Damato of 354 Center Street. He read the letter to Members, which expressed support for the proposal for reasons including: privacy enhancement; security and safety; aesthetic value; and property value.

Mr. Viger responded to Board Member questions, including requests for clarification about the Code and the Village's enforcement of the Code regarding landscaping encroaching on sidewalks.

Petitioner Testimony:

Sworn in, Brian and Kate Garofalo of 355 Center Street, addressed Board Members. They discussed the history of their request, including their prior attempt to address a complaint and meet Village requirements by pruning their existing hedges to 5 feet. They expressed concern about the Village's later instruction to prune their hedges to 8 feet, noting cost and aesthetic challenges. They shared their decision to remove the hedges and replace them with a privacy fence to resolve the issue. They noted that their property is on a nonconforming lot, and the area of the yard requiring Variations serves as their backyard. They shared their concern that headlights from local traffic would interfere with their use of the backyard if the proposed privacy fence was not solid. They referred to photos that they submitted, included in the agenda packet. They noted that this issue has been ongoing for almost two years.

Mr. and Mrs. Garofalo responded to questions from Board members, including clarifying the location, irregular shape, and nonconforming nature of their lot; their experiences with headlights from local traffic entering their yard and home; and their experiences with Village staff regarding their existing hedges, which they confirmed were present when they purchased the home.

Public Testimony:

There was no public testimony.

Board Member Deliberation

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

- The subject property is a triangular-shaped lot with hedges along Lorraine Road to allow for privacy.
- After numerous anonymous complaints, the Petitioners were mandated by the Village to trim the hedges up five feet.
- Trimming the hedges to the height of five feet removed the privacy they previously had.

- Petitioners are seeking relief from the Zoning Code for maximum allowable height to exceed 4 feet and solid in lieu of 33.3% open.
- This issue has been ongoing for two years following an anonymous complaint; petitioners were compliant with the instruction to trim hedges to 5 feet, and then a few months later they were instructed to trim to 8 feet. They would like to remove the hedges and replace them with a privacy fence.
- Due to the irregular, non-conforming shape of the lot, Petitioners are seeking a Variation.
- The Petitioners have owned the property since 2019, and it is their understanding that the existing hedges have been present since the 1980s.

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

Board Members deliberated. They shared their positions regarding the request, all in support of the Petitioners’ proposal. Areas of support included: the request is distinguishable from other requests; there is an irregular shaped lot and a unique location; there is a unique traffic pattern; the hedges were present when the Petitioners purchased their home and there was no expectation that they would need to be pruned to 8 feet; there are quality of life issues, including hardships associated with responding to the Village.

Member Miller made a motion to close the Public Meeting for 355 Center Street. Member Jones seconded the motion. The motion passed unanimously on a voice vote.

Board Recommendation

Member Crudele moved for the following:

Having considered the application of Brian and Kate Garofalo, owners of the property at 355 Center Street, Glen Ellyn, for zoning variations from Section 10-5-5(B)4#12.a.1 to allow a fence less than 33.3% open in a front or corner side yard AND Section 10-5-5(B)4#12.b.4 to allow a five-foot-tall fence in lieu of the maximum 4-foot fence for all other areas of the lot located closer to the street than the principal structure on the lot; in the R2 Residential District, the Zoning Board of Appeals hereby adopts the findings of fact in the petitioners’ application packet and presented by the petitioners at the Zoning Board of Appeals public hearing conducted on July 11, 2023, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship(s) or unique circumstance(s): irregular-shaped lot and quality-of-life hardships.

Subject to the following conditions:

1. The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the July 11, 2023, public hearing of the Zoning Board of Appeals.

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

E. Other Business

There are anticipated agenda items for the August 2023 meeting. Members Miller and McKnight are expected to be absent.

F. Village Board Trustee Report

Trustee Liaison Anne Gould discussed the following:

- An updated boundary agreement proposal between the Village of Glen Ellyn and Wheaton pertaining to Scripture Press properties.
- Updates on the draft Comprehensive Plan, the newly-released Housing Study, and the recent approval of the Frank Johnson Center proposal.

G. Chairperson’s Report

Chairperson Constantino had no additional items to report.

H. Staff Report

Village Staff had no additional items to report.

I. Adjournment

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

Respectfully submitted,

Audrey Savikas
Recording Secretary