

MINUTES
Glen Ellyn Zoning Board of Appeals Meeting
Tuesday, May 13, 2025 at 7:00 PM
Glen Ellyn Civic Center
Galligan Board Room
535 Duane Street

A. Call to Order and Roll Call

Acting Chairperson Jones called the meeting to order at 7:08 PM. Acting 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.

Roll was called.

Present: Acting Chairperson Matthew Jones and Board Members, Todd Buckton, Peter Kelly, and Christiane McKnight

Absent: Board Members Craig Pavlich, Noureen Lakhani

Also in attendance: Daniel Harper, Planning Manager; Jordan Frahm Associate Planner, Steve Szymanski, Village Trustee and Adriana Ohl Zamora, Recording Secretary.

B. Public Comment (non-agenda items)

None

C. Approval of Minutes

1. Review and Approval of the April 8, 2025, Zoning Board of Appeals meeting minutes

Motion to approve- McKnight, Member Buckton Seconded the motion. Approval of the minutes was passed by a unanimous voice vote.

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

D. New Business

1. Public Hearing – 551 Geneva Road, Accessory Structure Variation

Sworn in, Jordan Frahm, Associate Planner for the Village of Glen Ellyn, introduced the following variation request for 551 Geneva Road:

The Petitioner is the Glen Ellyn Historical Society; Zoned R2, single family residential adjacent lots are R2 and CR- Recreation District and C2- Community Commercial. This is a request for a zoning variation to allow accessory structures to remain on the lot without a principal structure. Principal structures are required for the accessory structures to remain. In demolishing the house and leaving the garage and shed, that becomes non-conforming and would not be allowed per Village Code. The applicant is seeking a variation from 10-4-1(c) to allow accessory structures (garage and shed) to remain on the property without a principal structure after the principal structure is demolished.

The location of 551 Geneva was shown on the screen by Jordan along with site photos staff took.

Jordan described the garage view looking south, along with shed both in conforming distance 10 ft behind garage. Both accessory structures are right sized, setbacks are slightly existing non-conforming for both garage and shed.

A zoning variation originally approved on July 26, 2021; the variation was approved to maintain the accessory structures while the house is demolished. House is a gift from a donor, the variation expired 24 months after approval. Home to be demolished originally built 1890, garage 1995 construction.

Member Questions

Commissioner Buckton- What kind of shape is the garage in if the house is filled with mold?

Commissioner Buckton- In previous the approval for variation, Chairperson Constantino asked if The Society was comfortable with the condition that if the property is sold somewhere down the road, the property would need to come into compliance with the zoning code. I am assuming that means that the other structures would have to be demolished at that time.

Jordan Frahm, Associate Planner, Village of Glen Ellyn-If there was no principal structure to be built then I would assume that it would mean that those accessory structures would have to be raised yes

Public Comment

Sworn in Petitioner, Jeffrey Anderson- I am the Executive Director of the Historical Society, you had a question regarding how the garage is currently. The Garage has been used as storage for the last 10 years, we keep things in there; we go in every couple of weeks, it is fine. We accidentally cut electricity off to that section but as far as storage, that is fine.

Commissioner Buckton- Same with the shed?

Petitioner Jeffrey Anderson- I actually have not been in the shed, I don't know if there is anything stored in the shed, it was just part of what was on previous petition, so I put it on there again.

Commissioner Buckton-I am sorry where did you say that your documents and materials are being stored in the garage?

Petitioner Jeffrey Anderson- we are storing things in the Garage. I have in two years not put anything in the shed but it was part of previously approved variation, so I left it in there.

Chairman Jones-Currently you guys are paying the taxes on the property, correct? What was delay on having it teared down?

Petitioner Jeffrey Anderson- Yes, we are paying taxes. The issue was the large expenditure to have the water cut off since it is on Geneva Rd would have required a large expenditure to have the road closed off, because the lines go quarter of the way under the road and the cost was not something the Society to take at the time which is why we were delayed. We worked out an agreement with the Village, the water has been cut off, that was the delay.

Chairman Jones- Did anyone petition Milton Township to come look at the house to condemn the property to bring taxes down?

Petitioner Jeffrey Anderson- Before I came on board, there was a request put in to have taxes lowered but it was denied, I don't know if it was Milton Township, but it was denied. We do have records on the mold report that was also done, and the structure has issues where they said it was uninhabitable. This was 2019/2020.

Chairman Jones- Do you have all the funding in place today for the demolition? If granted, when are you going to tear it down?

Petitioner Jeffrey Anderson- to tear it down, yes. Contractor said the moment I have my demo permit we can begin, I am assuming quickly. I would like it done before September if possible.

Chairman Jones- What is the long-term goal? Do you still anticipate selling the property?

Petitioner- No, the donor's intent was not to sell the property, but to have something built on it that would be connected to The Historical Society and that property would be donated to the Village and added to the History Park. That was the donor's intent and the board supports it.

Chairperson Jones-Why has property not been donated to Village already? If donated to the Village, Stacy's Tavern would be the principal structure, and the garage would be secondary and then we wouldn't be here.

Petitioner Jeffrey Anderson- We don't have the funding to build the structure on the property, we only have the funds to demolish the existing house, that is why we have not donated it. We want to build something down the line, once we know what we want to build, we can donate it.

Chairperson Jones- You wouldn't be able to build something after the fact?

Petitioner Jeffrey Anderson- I was told it would be more difficult if the property was not in our possession, we would have to go through the Village.

Chairperson Jones- If they were to donate the property to the Village, they wouldn't need a variance but if they want to build a structure on there for The Historical Society and its use how would they go through the Village to actually do that verses if they control it now? They could build within the zoning codes to build whatever they want; I am assuming.

Jordan Frahm, Associate Planner Village of Glen Ellyn- The property is zoned R2. From the 2021 process, they envisioned the use for property as a heritage barn, not entirely sure if within the R2 District, the Historical Society can construct a Heritage Barn and have it be conforming to R2 code requirements.

Daniel Harper, Planning Manager Village of Glen Ellyn sworn in- Addressing Chairperson Jone's statement regarding variations, if it was Village Property after it is donated, the Village would still apply for variation if it required a variation per the zoning code an example of this is the Village is applying for zoning variations for reconstruction of Glenwood Parking Lot south of new multifamily structure there, the parking spaces being proposed by Public Works does not meet our zoning requirements and they are applying for a zoning variation and so I believe that we would still be going through a variation process..

Chairperson Jones- If they would want to build a gazebo, they would need a variation because there is no primary structure?

Daniel Harper, Planning Manager Village of Glen Ellyn- Correct, that would be an additional accessory structure.

Chairperson Jones- Thus if they were to donate the property to the Village and they wanted to build a barn that would change and R2 to a CR, would they still need a variance?

Daniel Harper, Planning Manager, Village of Glen Ellyn-If it was a CR district, we would have to approve a special use permit because any new structure requires a special use permit on the CR Conservation District.

Chairperson Jones- So if it was donated it would need a variance and if it wasn't donated, they would need a variance?

Daniel Harper, Planning Manager, Village of Glen Ellyn- Yes, it's just a question of what the process would be and who would be applying for the application and what the end result would be.

Chairperson Jones- If they came and asked us would it come through zoning or planned commission

Daniel Harper, Planning Manager, Village of Glen Ellyn- If it was a village property zoned R2; it would go through ZBA, if it is zoned CR conservation that would be through the plan commission. I don't know what the complete zoning would be but there would be a rezoning process to go along with it and that would push it to the plan commission as part of the process.

Chairperson Jones- Probably go through the Historical Society or Historical Commission is that what it is called?

Jordan Frahm, Planning Associate, Village of Glen Ellyn- It wouldn't go through Historical Preservation Commission, everything residential application would go through Zoning Board of Appeals.

Commissioner Kelly-Is there a deed restriction on the property? You are all saying that it cannot be used for any purpose other than for the Historical Society?

Petitioner Jeffrey Anderson-Not that I am aware of. The property was donated out right to us, having conversations with the daughter, the donors' intent is not to sell the property but long term to added it to Historical Park as an extension to Stacy's Tavern. In the short term, it would give us a big grassy area for us to do programing on and that is our intent until we built something. Like Pioneer Days and things like that.

Commissioner Jones- If we granted the variance with a stipulation that you cannot sell the property but only donated to the village in the future would you guys be ok with that stipulation?

Petitioner Jeffrey Anderson-I would have to go through my board but that is verbally what I have been told in the intent so I would assume it would be ok.

Commissioner Jones- Daniel would we be able to put a stipulation that the property could not be sold only donated to Village or maintained by Historical Society?

Daniel Harper Planning Manager, Village of Glen Ellyn- ZBA does not have the authority to make a condition like that for this property. The prevue of the ZBA for this application is within the scope of this application anything beyond that scope, I am not comfortable with ZBA offering such a condition.

Public Comment

Tim Loftus, President of Historical Society sworn in- some of your questions are valid, a little history on why it was maintained by Historical Society and not turned over to Village is that Historical Society was afraid that if they did not maintain ownership, it could never be sold for purposes other than extending the history park. Part of our plan is that eventually we would like to

donate the property to the Village. The Village is great and helps us maintain the buildings, so we commend them for that. Our intentions right now are the demolition of the house; to do that, we require water and sewer be removed, the cost was very significant, historical society did not have the funding to do that. We were trying to find a way to build a water feature, fountain, springs, how to re-use water and sewer to avoid the cost of \$60k to disconnect services and repair the road. We were informed last year that the Village or Township will be doing work on Geneva Road, and they capped the expense, as the road will be torn up and now, we don't have the enormous cost, and we want to move ahead with demolition of the house. We have public entities that we also store their items. This is not the history of Stacy's Tavern alone it is the history of Glen Ellyn moving forward.

We want to keep garage structure to store and evaluate historical items from the Village, so the history of the Village continues. We also use it for Pioneer Days, the Antique Auto Fest that we run and we have a lot of items that we need to put on a program like that and we store those items there.

Eventually, as part of our goals, once past the demolition, then we will start planning, based on funding what we want to do and what we can afford, to try to develop more of a history park. It is changing as time goes on due to funding, but we still want to move forward with expanding.

Chairperson Jones- If you were to build a barn, would you tear the garage down or keep the garage?

Tim Loftus- We have not decided that as a historical society. Building a barn that is to the era is not a cheap proposition, if that is chosen, we could also include some sort of storages. We don't have a plan developed yet, until we can see what we have. If we can't get the building demolished then we have to think of what the property can be used for. Right now, the building has been deemed uninhabitable.

Chairperson Jones-If you were to keep the garage, do you have plans to change it?

Tim Loftus-No plans to change it other than to add electrical.

Chairperson Jones- Do you have a budget for what needs to be maintained and plan for proper maintenance?

Tim Loftus-Yes.

Chairperson Jones-If you keep the garage, your taxes will still be about 3,500 in property taxes compared to where you are at today. Vacant land is cheaper.

Tim Loftus- Goal is to deed to The Village, we just want to protect it so that it does not get sold. Village has right to sell Stacy's Tavern, 800 Main St, Stacy's Park on corner, lot next door going west, all those lots are deeded to Village except for 551 property. If they wanted to sell it, they would have to go to Village Board to have landmark removed and they can sell it. I hope they would never consider selling it.

Chairperson Jones- if they wanted to, if donated they could sell off the property?

Tim Loftus- Yes, we are trying to avoid any possibility of that 551 property being earmarked for some other development other than history park.

Commissioner McKnight- I saw the ordinance that was passed last time in our packet; there was a condition that if sold or transferred the accessory would have to be removed or brought into compliance with zoning code is that also a condition that we can include this time?

Jordan Frahm, Associate Planner, Village of Glen Ellyn- Yes, we can include that condition, if it was sold or transferred the shed and garage would either be torn down if no principal structure exists or if principal structure is built, then accessory structures will be allowed to remain.

Chairman Jones- Are you ok with that condition, variance if the property is sold or modified?

Petitioner Jeffrey Anderson- Yes, we are fine with that, and my board has no issue. It was in the last one, we are fine.

Chairman Jones- I am not an attorney but it appears that if you built anything and then transferred it to The Village, with the way it as presented last time, you would have to tear everything down and hand them a vacant lot.

Petitioner Jeffrey Anderson- If we are building a primary structure at that point we would be falling under Village Code.

Daniel Harper, Planning Manager, Village of Glen Ellyn- Correct.

Chairman Jones- Would a barn be considered a primary structure?

Jordan Frahm, Associate Planner, Village of Glen Ellyn- It's a hypothetical principal structure so I don't know if staff would be totally confident answering that question.

Daniel Harper, Planning Manager, Village of Glen Ellyn- If they are building a new structure, it would be considered a class three of a nonconforming, the existing structure would be nonconforming, if we are issuing a class three permit that would necessitates that everything be brought into conformance, what this variation is to allow to existing conditions of the property is to allow after the principal structure is demolished is to allow for the barn and the shed to remain. If they were to come back in with a new plan to construct a new building, then the property would need to be brought into conformance.

Jordan Frahm, Associate Planner, Village of Glen Ellyn- That is due to the setbacks of those accessory structures that are nonconforming, lot coverage issues would have to be remedied or brought back in for variation. Instead, of dealing with hypothetical, the scope here is just the demolition and allowing accessory structures to remain.

Chairperson Jones- If we approve it and it has secondary structures, could the Village pull that aspect off of it or would they have to leave that in and if we denied it then the attorneys could put any condition they want or would they have to leave that in?

Daniel Harper, Planning Manager, Village of Glen Ellyn- If the ZBA put a condition, the Village Board can consider the condition, but they can vote not to include any condition that the ZBA places and so it would be up to the Village Board ultimately to decide whatever condition that the ZBA places has merit or warrants the continuation acceptance of that condition.

Seeing no further questions from the Board, Acting Chairman Jones asked a motion to close the public hearing.

Member Kelly made a motion to close the public hearing. Member McKnight seconded the motion and the motion passed by voice vote.

Deliberation

Commissioner Buckton- I don't have a problem with it, as far as I am concerned, they got the variation before they couldn't afford to do it, they are asking to do it again, I think that is the decision that is before us and I will vote in favor of it.

Commissioner McKnight -I am inclined to vote to recommend approval for the variation for the same reasons. I had asked the question about this condition that was placed in the ordinance last time, more because I was not sure if it was a legal requirement that maybe the variation could only run with the current ownership but I am not inclined to condition it unless it is something that is legally required.

Commissioner Kelly-I am predisposed to approve it, as it was approved once before. My only concern is, have there been instances in the past where similar requests have come to ZBA and they have been denied? Leaving these accessory structures to remain lends itself to some sort of blight, has that been the case before? I can't imagine that that's going to be the case here but it's something I'd like to consider.

Daniel Harper, Planning Manager, Village of Glen Ellyn- not to my knowledge. If we were concerned about the structural integrity, or the impact to the community's health, safety or welfare of any of the structures on the property, then the owner of the property would be compelled to meet our code enforcement requirements in terms of health safety welfare and so that would be the standard of which these buildings would be held to.

Commissioner Kelly- So the property maintenance still applies, keep grass cut, paint, etc.?

Daniel Harper, Planning Manager, Village of Glen Ellyn- Yes

Chairperson Jones- My concern would be people buying lots to keep a garage to store their cars, so if you take a wealthy person that does not like their neighbors but likes their garage, we will have less housing in Glen Ellyn. It did get approved; I am ok as passing as it was before. If it is transferred, building would have to come down, per this agreement you might be able to petition the Village and come back to seek guidance on keeping it, if you were to transfer the property to the Village. I would also make sure that when and if you improve anything on the property that you make sure that this does not prevent you from doing so. I will vote yes provided we give you exact same conditions as last time.

Member Buckton made a motion to approve the Finding of Facts as presented. Member McKnight seconded the motion and the motion passed by voice vote.

The members of the Board agreed to the merits of the application and found that the application met the standards for approval for a zoning variation.

A Motion to approve the application with the same conditions as the previously approved variation was made by Member McKnight and seconded by Member Buckton. The motion passed unanimously with four (4) votes yes and zero (0) votes no.

2. Public Hearing- 680 Grand Ave, Corner Side Yard Setback Variation

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

Daniel Harper, Planning Manager, Village of Glen Ellyn- presented a request for a variation for the property on 680 Grand Ave., a 13,453-square-foot lot located in the Glen Ellyn Springs subdivision from Section 10-4-8(D)(4)(a) of the Glen Ellyn Zoning Code to allow the construction of a habitable basement under a proposed terrace to be setback thirteen feet and nine inches (13'-9") feet from the corner side yard property line in lieu of the thirty feet (30'-0") required corner side yard setback. The homeowner would like to build expansion of basement of property, beyond footprint of home.

Example of basement footprint slide and scope of underground basement.

Proposed lot coverage- total proposed would be 2,956 sq. feet, within tolerances of applying for administrative variation approval, they have chosen to go that route. If set back variation is approved, then homeowner would apply for administrative approval process. If any objections from neighbors, then they would go towards ZBA.

A front elevation of front of home slide shown to commissioners, Daniel explained that homeowners are seeking to maintain the architectural spirit of building while adding space with the basement. South elevation of basement setback and front of building facing Grand Ave slide shown to commissioners.

Question we are talking about tonight is the underground structure, interpreting the basement as a continuation of the primary structure of the house. The request for a basement structure that extends beyond the footprint of the above-ground structure is a unique proposal and historical examples of similar projects within the village were not identified by village staff. Approximately 530 square feet of the basement is proposed to be located within the 30-foot corner side yard setback. The basement will be below ground and will not be visible from the right of way. The top of the basement will be covered by an outdoor terrace. Terrace structures are allowed in the corner side yard setback and have a required setback of 4-feet based on the 100-foot lot width. The topography of the site features a grade change of 19.23 feet from the northwestern corner to the eastern lot line.

Commissioner Questions

Chairperson Jones- Daniel the rooftop, the addition and everything there is no variance needed for that right?

Daniel Harper, Planning Manager, Village of Glen Ellyn- everything you see in above ground exhibit presented is in conformance with the Zoning Code.. The application is for 13'9" from corner side yard setback from southern property line facing Essex Road.

Chairperson Jones- Could they build basement underneath terrace? Is the addition to code and everything to the street is not?

Daniel Harper, Planning Manager, Village of Glen Ellyn- Yes, the above ground addition, is in compliance (Daniel using the slide pointed out to Commissioners above ground addition and outline of terrace) He described the 13 feet, structure of basement itself, described oval shape on slide which is terrace above ground and it would meet corner setback yard requirement.

Chairperson Jones- Grand Avenue what is in front of the house, the basement could be built?

Daniel Harper, Planning Manager, Village of Glen Ellyn- Yes because you have a maximum 50-foot front yard setback for R2 Zoning and this would be within the tolerance of front yard property line.

Commissioner Buckton- What are we voting on tonight? Lot coverage with a basement?

Daniel Harper, Planning Manager, Village of Glen Ellyn- So we are not voting on a lot coverage, we are voting on the corner side yard setback.

Commissioner Buckton- If variation passes, then they would move forward with administrative variance for lot coverage ratio? I'm sorry what is an administrative variance process?

Daniel Harper, Planning Manager, Glen Ellyn Village- In village code, if you have less than 2% over the maximum lot coverage, you can qualify for going through an administrative variation process which includes a notification to the surrounding neighbors notifying them that this application has been submitted for a variation, posted on the website, provide a link to notice. If any objections are received within timeframe, then the administrative variation fails and if petitioner wants to pursue it, it comes to Zoning Board of Appeals.

Commissioner Buckton- all we are voting on is the side yard setback for the basement addition to the street?

Daniel Harper, Planning Manager, Glen Ellyn Village- Correct.

Chairperson Jones- if we were to approve this, we would not be able to approve the 21%?

Daniel Harper, Planning Manager, Glen Ellyn Village- No, this item was not notified for a 21% lot coverage variation.

Commissioner Buckton- Village staff can approve it Administratively after following the process?

Chairperson Jones- If there were objections, it would come back to us?

Daniel Harper, Planning Manager, Glen Ellyn Village- Correct.

Commissioner Kelly- As I look at the Zoning Variation standards, it does not check any of the boxes; the purpose of the variation is not based exclusively upon; conditions upon which petition for variation is based would not be applicable generally to other properties in the zoning district, no it absolutely would, every property on the zoning district would be subject to a request of variation to extend the size of basement, so it does not apply in that case. The alleged difficulty or hardship has not been created by any person presently having an interest in the property, well yes clearly. The Petitioners created the issue and so while it does not check any boxes, my problem is that the code needs to be revised. We can recommend that the variance be approved, but I think long term a text amendment might be better to say something along the fact that lot coverage ratio and side setback requirements do not pertain to underground structures that don't alter the above building. I think it's ridiculous when these folks are coming in before us when in fact the above ground environment is not going to be impacted in anyway whatsoever.

Daniel Harper, Planning Manager, Village of Glen Ellyn- I think this is a unique situation, and there is a possibility that the code, when it was written didn't contemplate something like this. The language however for setback variations is fairly standard statewide, I believe that there is probably boiler point standard language in the State of Illinois code that we are using here so I don't think a text amendment would be remedy for that, but it's up for the applicant to basically prove a hardship for the ZBA to approve a variation that runs with the land.

Commissioner Kelly- It does not make much sense to me, it's in congruous with this situation with the reality but as I go through standards, 1,2 and 4 it does not meet them, it makes no sense to me that we are restricting the proposed construction.

Chairperson Jones- We are looking at it because it's unique in some way, right?

Daniel Harper, Planning Manager, Glen Ellyn Village- When this was brought to Village staff, we had conversations of "how do we review this" if we go to our requirements and definition of structure and bulk, and things like that, ok this basement is a structure covered on the property and so we counted it. The definitions of setbacks, it is including the definitions of the structure and so that is how we determined that the variation was required. Speaking to the findings of fact and the variation standards, just to iterate for you Mr. Kelly, all standards that you just mentioned are things that shall be taken into consideration with evidence or fails to establish the following acts favorably to the applicant so the way it has been interpreted is that an application does not have to meet every single item, if the ZBA thinks that it does not meet items 1,2 and 3 but we it does meet 4,5 and 6 then there could be a recommendation if that is what the ZBA interprets as establishing a hardship.

Commissioner McKnight- The basement will go almost 17 feet into the side yard setback, is that right? it should have 30ft, but instead there is only going to be a 13ft setback, am I understanding that correctly?

Daniel Harper, Planning Manager, Glen Ellyn Village- Yes.

Chairperson Jones- How big is the terrace?

Commissioner McKnight-It's still an issue which is why we are here, are there any concerns about stability of the ground, or ground water?

Daniel Harper, Planning Manager, Glen Ellyn Village- The stability of the ground, that would be handled by Engineering as part of building permit process. This has been looked at by Village staff. Staff has never really seen this before and it will have to be approved and stamped by professional engineers and architects testifying and verifying that it meets all of our codes and the DuPage County stormwater ordinance and everything we are required to meet.

Commissioner McKnight-The lot is 100 by 135 feet. Those are the dimensions of the lot?

Daniel Harper, Planning Manager, Glen Ellyn Village- Correct.

Chairperson Jones- What is the terrace total distance?

Daniel Harper, Planning Manager, Glen Ellyn Village- I believe it is 16' 3".

Chairperson Jones- Terrace is legal, what is underneath the terrace is what we are considering?

Daniel Harper, Planning Manager, Glen Ellyn Village - yes, correct

Chairperson Jones- What is this in back of the building, the 30 feet?

Daniel Harper, Planning Manager, Glen Ellyn Village- the corner side setback is 30 feet.

Petitioners

Sworn in, Petitioners Nancy and Chris Desmond- Nancy described that they have been Glen Ellyn residents for almost 20 years, purchased a home in 2005, raised their boys here, went through school system, that they love Glen Ellyn. Stated that they hadn't been planning to move, the only spot they ever considered moving too was Lake Ellyn, when this property became available, they jumped on it. A month, between seeing house and purchasing it, no regrets. Stated that they are fortunate, that they entertain all the time, and they have noticed that the structure does not accommodate them as well. Would want to be able to host for their friends and family.

Petitioner Chris Desmond- thanks again for your time, house was built in 1935, houses built in 1935 are a lot smaller, even closets and pantry are super tiny, it is on a corner lot, super high grade due to Lake Ellyn, small buildable area. When you look at map of houses, our house is the smallest. Looking to expand the footprint a little bit more. Nancy and I both work from home and we are looking for additional space to be able to have that not only for storage but also because this will be our forever home. You can see from the drawings, we are being very careful, that is why we hire Jaime, we want to maintain the integrity of the beautiful Glen Ellyn home, we don't want to put a huge monster home and that is part of the reason why we wanted to go from the underground space, maximize the use of it, what is interesting is that everything you see on the patio, that is where we are looking to build under we are not looking to go further than that.

Sworn In Jaime Simoneit, Architect- this is a unique one, a lot of dialogue back and forth, between Daniel and I although I am in disagreement, with one statement made tonight that this is approximately 2600 square feet, to be exact that is 908.87 over, its 1,700 square feet of new physical basement that we are adding. Yes, that sounds like a large number but this is not that big of a project especially when you look at what the two neighbors are on both sides. It looks big, but again remember this is 100% below grade, what you see is unaffected by whether we are filling a vault with gravel or using it for a place for her boys to hang out. I have done a lot of variations here in town and yes this is probably the most unique and complicated one but it's one that I actually personally disagree with why we are even here because I am of the belief that the way the code is written and what we are asking for does not lay claim to what we are doing here and there are examples, specifically in our commercial district of vaults and spaces that are under public property that are use privately. Most every storefront on Main Street has space underneath the sidewalk that does exactly the same thing and that is on land that they don't even own. There are examples in town, some of them I have actually worked on, there are front porches, garages located on (Rightford Rd.) that have habitable spaces that are in the front and above them they have patios and terraces. It is unique but it does exist and it does exist around the country. We are actually here for a setback, setbacks are actually set to establish and control building bulk it is set to control monsters and this is actually a tiny home, we are not affecting anyone's natural light or view. This is one of the most unique and creative projects that I have been part of but I can't take credit for the idea of let's try to use the underground space. We are adding storage and not changing the character of the property. Right now, nothing in our code that says we can't do this, that means it is allowable. What you see is what you will get. If there are some explanations, everything you see is up to code, it's a question of habitable space underground under a side yard setback. When you see the numbers of 1,210 square feet, what we are really only talking about is 500 square feet into that side yard which is smaller than the garage you were just talking about earlier. Happy to answer any questions.

Commissioner Buckton- What is discrepancy between the number of 2600 square feet below ground you gave us verses what the Village provided us?

Jaime Simoneit, Architect – I heard the number of 2,600 thrown out, the exact number is 1,770.13 square feet. That is 1,201.3 that is under terrace which 530 square feet is what we are talking about today.

Commissioner Buckton- Daniel could you help us with that, why is there a discrepancy?

Jaime Simoneit, Architect -Explained the lot coverage with showing the basement slide. Will have heating and cooling in it which is why we are here because it will be habitable. We are behind all of the setbacks and our requirements. Conversation came up with Daniel, what if someone wanted to dig up their whole yard and build an armory? Well, they could. Some of those controls are not in our code and they are not in other communities as well because they have not been necessary. It is an amenity that would certainly add value to the home.

Daniel Harper, Planning Manager, Glen Ellyn Village- So Commissioner Buckton, the discrepancy is that Jaime providing you the new total basement number, I am providing you the overall basement area. I am adding existing basement as part of whole basement.

Jaime Simoneit, Architect- Again that is a 1950's basement with low ceilings and as far as grading goes, yes that is part of the challenge, it's the site and the way it does drop off, if you look at final design, the walls that you see there aren't really required because my final grading will have all terrace level less than 30inches above adjacent grade, there as esthetics, natural gas lights.

Commissioner Buckton- I saw in one of the drawings, an egress window, and also stairs coming out of the basement- do you think this is adequate for a 2600 square feet below ground that 9ft ceiling, stairs and an egress window are adequate?

Jaime Simoneit, Architect- There is actually an oversized egress window existing right now. And what we are proposing to do is the other window that isn't, we will be converting to match. I am the architect that worked with the previous owners on this, he had his woodshop that is where that egress window is, it was literally a set of French doors over the oversize window well that he could slide sheets of plywood and bring them slate pool table in and out.

Commissioner Buckton- That was originally a garage?

Jaime Simoneit, Architect- yes originally that was the variation that got tabled was at one point this whole side of the hill was missing and it had an underground one car garage that we converted over which is now currently working as an office.

Commissioner McKnight- I am sort of struggling with what the practical difficulty or particular hardship is?

Jaime Simoneit, Architect - Particular hardship is that we are the smallest house on block, trying to accommodate today's lifestyle, the hardship is caused by the site but the site has an oversized front yard, actual foot print is below in proportion of the scale of a typical Glen Ellyn lot of 66x160 lot, ratio of buildable area is very small not a very big house, it becomes a bigger house with the footage hidden underground. Museums do this all the time in Chicago, Art Museum downtown, everything is underground, Grant Park Parking Garage, it is all underground.

Commissioner Kelly- Did they require relief from code? The projects you just referred to?

Jaime Simoneit, Architect - Not that I am aware of, I doubt it.

Chairperson Jones- Jaime the new basement as proposed, looking at this, is that the media room?

Jaime Simoneit, Architect - It is creating the family room that really does not exist upstairs. It is your family, AV media, bar entertainment social area, a bonus room. Proposed Basement Footprint slide referenced and shown to Commissioners, pointed out original house and the new underground addition which Jaime is pushing out.

Chairperson Jones- If you didn't get the variance what would you lose?

Jaime Simoneit, Architect - we would lose the entertainment area, we will also be putting all storage back into the old part of the house basement.

Chairperson Jones- Other houses in Glen Ellyn, that have garages and terraces and stuff that you were referencing, do you know if any of those houses needed a variance?

Jaime Simoneit, Architect - not that I am aware of. That brings up a topic, about 15 years ago, I met Dale Wilson, head of building department to actually do an underground racket ball court on the top of a hill on Lake Road there is a faux Tudor that has a drive up garage it sits on the top of the hill, there is one more house at the top, we proposed to dig out the entire side of the house and put in an underground racquetball court and bury it and it was all in the rear yard and side yard and that was not going to be a problem in 2000, I am guessing. we didn't need any variance. And actually Paula, saw those plans back in the day so again the code has not changed since then.

Commissioner Kelly- In that instance, was there an encroachment to any of the setbacks?

Jaime Simoneit, Architect- it was into the side yard and actually into the rear yard as well.

Chairperson Jones- What variances were you going to need for that

Jaime Simoneit, Architect- We didn't. I went in and had the same conversations with Dale Wilson

Chairperson Jones- So you didn't have a side yard setback or code ratio variance that you needed?

Jaime Simoneit, Architect- We didn't because it was underground, it was both going to absorb and shed water at the same time.

Chairperson Jones- if you are saying you didn't need it. You didn't need a variance for it your talking apple and oranges because this does need a variance.

Jaime Simoneit, Architect- I am being told I need a variation, my opening statement was that I don't believe we need one.

Commissioner Kelly- So the code has not changed substantively Jaime since your project that you are referring it is just a matter of interpretation.

Jaime Simoneit, Architect -I have also had conversations with Paula, there are these cool things called car docs, I don't know if you have ever heard of Underground structures do not count as lot coverage. Think of a shipping container that gets buried in your front yard, two are put together, the whole thing lifts up and car drives out and the car doc goes down and disappears. I have had conversations about three or four different locations on Crescent and I have not run into this before. The debate that Paula gave me back was when it's open its creating mass and its really not. There are things of the future that are forthcoming. But the way that I read our current code, I am under the understanding that we need to be here tonight to get a variation in order to do that.

Chairperson Jones- You are above the LCR, but you can get that through an administrative variation.

Jaime Simoneit, Architect- Right now, underground structures do not account as lot coverage

Chairperson Jones- to me it's like if you are going to have basement where it is at, and you are going to be 13-14 feet off the lot, I can see somebody coming in and saying I want to put an addition on this house, I already got the 13 feet when the code says 30.

Jaime Simoneit, Architect – There is a big difference between underground and above, if you look at the letter of the law and code, setbacks control bulk. And height restrictions also control bulk the two together.

Chairperson Jones- If I wanted to build a house completely underground, should I be able to build it where you can't see it? Lot coverage ratio would be 100%

Jaime Simoneit, Architect- The way our code is set up, it is completely legal. I live in Glen Ellyn, I have lived three years, this makes perfect sense.

Petitioner Chris Desmond- We are not trying to build a huge home; we are just trying to use what is available to us and I even talked to neighbors on both sides and they signed petition that they have no problems with this. When we showed the neighbors the before and after, they said, I can't believe you have to go and talk to the Board about this but you know what it is part of the process and we understand.

Signed petition was handed to Daniel Harper to include in the record.

Jaime Simoneit, Architect- You have to look at what the scale of this is, look at the detached garage, if you go to the roof site plan, that is our Glen Ellyn 660 square foot detached garage, it's as big as the house, the original house. What we are talking

about is not that big a deal. I can see that sitting here and watching the slide it looks like a big Georgian Monster on the Potomac but it is not, this is a petite house. We are adding square footage which helps them out.

Commissioner Buckton- Could you build this project with a 30ft set back?

Jaime Simoneit, Architect -No I could not, because the hardship is the buildable area. This footprint is filling in the buildable area. *Architect Simoneit was using slide to demonstrate why they could not build with a 30ft set back.*

Commissioner Buckton- Jaime can I ask the owner with a 30-foot set back?

Petitioner Chris Desmond- if we were looking at a non-corner lot, yes there would be conversation on that, the way the project is put together we would have to redesign everything.

Commissioner Buckton-Ok so you would have to redesign everything, that is why we design.

Chairperson Jones- Jaime why not put the terrace behind the house towards the garage?

Jaime Simoneit, Architect- because of excavating next to the other existing structure, there is also a screened in room that will have an office above it towards the back.

Chairperson Jones-But if I came to you and said that is where I want it, and you would have to take the garage down, you could do it couldn't you?

Jaime Simoneit, Architect- For like 4 to 5 million dollars I could.

Chairperson Jones-I am just saying that you could do it and you would not need a variance correct?

Jaime Simoneit, Architect -No I would be asking for the same variation

Chairperson Jones- What's your rear yard setback compared to the house? How far back is the house from the yard

Jaime Simoneit, Architect- Its one foot off it, standard 40 ft.

Chairperson Jones- So you would need it either in the back or the front

Jaime Simoneit, Architect- You know if you add the total square footage, it's a little over 2,000 square foot home and right next door is a 5,000 square foot home. This is basically smaller than a three car garage the original house.

Seeing no further questions from the Board, Acting Chairman Jones asked a motion to close the public hearing.

Member Kelly made a motion to close the public hearing and approve the Finding of Facts as presented. Member Buckton seconded the motion.

Deliberation

Commissioner Kelly- I understand Jaime's point that there have been other instances where the code was interpreted differently but I am inclined to defer to Daniels current interpretation of the code which says we need a variance, there are sufficient potential hardships to consider granting the variance. Topography corner lot, zoning code that doesn't necessarily appropriately pertain to the structure that was constructed in 1930ish, I am torn simply because at some point it will require text amendments or change to code. I am not inclined to agree with Jaime on the fact that because isn't spoken too specifically to the code, no I am inclined to go the other way, unless its specifically excluded then it needs to be considered. With that all that being said, I just don't see any significant adverse impacts to neighbors, to health safety and well-being of residents. For the occupants I'll leave the engineering department to figure out whether water and run off is an issue. My inclination unless someone can persuade me otherwise is to say yes in this instance.

Commissioner Buckton- This is an absolutely incredible project that you are working on, it's fantastic, love the house, love the lot- like what's going on over there and I like the solution. Unfortunately, we are not being asked to do anything but vote on a variation and in my estimation, there is no hardship; if you want to make the basement with a 30ft setback you can make it that way. In my estimation as well, being an advisory board it is not up to us to determine whether or not the code needs to be rewritten with our decisions that would send a message to the Village Board, because I think you are probably right that this is going to come up more and more in the future because there is nowhere else to build and everyone likes their lot coverage and so on and so forth. This is not the place for it, I will be voting no.

Commissioner McKnight- This is a hard one, I think we are not being asked to do anything with regard to above ground part of this project which of course is beautiful and maintains the character of the property, the issue is whether we are going to approve and over 16ft extension basically of the side yard setback and I don't see the hardship or difficulty here so I am inclined to vote no.

Chairperson Jones- I think your project is great, I love everything above ground but when I look at plan and side yard setback, I mean it's great that you will have the extra kitchen and what not in the basement but I really kind of think that it opens a can of worms for the Village and if the Village wants to approve it they can but I do think that if they approve it it's going to be with the two thirds majority. With a denial they have to have a 5 of 7 Vote. Right now, we are down a member we hope to have that fixed and we have two members that are missing if those were filled and they vote yes, if you want, we can table this to next month you could do that but I couldn't guarantee you who would or wouldn't be here. If it were just a question of, can you put it underground, I would say yes, but when it comes to the side yard setback and I understand with the corner lot it makes it difficult but I don't see the hardship. It's unique but I don't think it meets the letter of the law for receiving a variation at this time so I will be voting no unfortunately. But I think everything above looks great and what you are doing is great.

Jaime Simoneit, Architect- Are you presenting us with the option of coming back next month knowing that I am down three votes?

Chairperson Jones- yes you can do that, we have allowed that before

Chairperson Kelly- Daniel correct me if I am wrong, in case of an adverse decision from ZBA, now they need a super majority of the board from approval?

Daniel Harper, Planning Manager, Glen Ellyn Village - correct

Chairperson Jones- Did you want to think about tabling for next month or you want us to vote tonight?

5minute break taken

Chairperson Jones- During the break Pete and I had a conversation about lot coverage ratio and I want to clarify with Daniel, that side yard setbacks, corner yards set backs that if you tore the house down you would be able to build 20% on the lot, if you start all over? Some lots prevent you from building 20% because you have to be so far off this lot line and that lot line and you can't do it but our understanding from this lot, it is buildable at 20% in a way if you started over which is not what you are trying to do and the above structure meets all the requirements, it's just the basement but if you want to elaborate or ask any questions on that we will open that up for you.

Jaime Simoneit, Architect – To tear it down and extrude the buildable area up if nothing goes outside the setbacks, the house would end up smaller. I will be lucky if I get 20% inside buildable area, the buildable area is uncommonly small that is one of the hardships. Hardship is opportunity to add valuable space to a home, I don't understand why this is not allowable.

Chairperson Jones-The thing we were looking at is if you could build 20% on the lot without a variance. I would bring that to the Board and that might be part of your argument. For the Petitioners you are ok with us voting tonight?

Petitioner Chris Desmond- If the votes are as they are and unfortunately the next two meetings with the board are when we can't be here so we are wondering if it makes more sense to schedule the next one for when you have more membership and we can represent then. If that was the case what would the next date be for the ZBA?

Daniel Harper, Planning Manager, Glen Ellyn Village- The next date for ZBA would be June 10. Another thing about Village Board is that Jaime can represent you if you are not available, that is an option.

Commissioner Kelly- before we do that, I would like to ask Daniel a question on the record, what is the process for text amendment in your opinion because I know it is not our place to interpret the code nor is it our place to make recommendations to have code change.

Daniel Harper, Planning Manager, Glen Ellyn Village- A resident can apply for a text amendment, and it would take about three to four months as there would be a notification process, public hearing process, approval by Village Board

Commissioner Kelly- And certainly an amendment can be made to this code basically saying basements do not apply.

Daniel Harper, Planning Manager, Glen Ellyn Village- Yes but you would have to go through public hearing process and be approved by plan commission.

Jaime Simoneit, Architect- That is interesting but at this snapshot in time they don't, again its part of the frustration we are experiencing, it's a weird conundrum

Commissioner Kelly- It's a roll of the dice and I'm counting votes up here and you don't have it and even if two absent members vote yes you still don't have it. I am just thinking outloud but a text amendment might be your smoothest path.

Jaime Simoneit, Architect- On the technicalities of the vote, so we walk out of here split 3 to 3 that is a non-recommendation; is it a no recommendation?

Chairperson Jones- We would make a recommendation to deny as it would be a split vote because you don't have 4 it would be a denial. You need four whether there is seven of us or four of us.

Jaime Simoneit, Architect- so we need four no matter what, if we walk out of her with 3 to 3, we need a super majority, what is super majority?

Daniel Harper, Planning Manager, Glen Ellyn Village- that is correct, super majority is 5 out of 7

Jaime Simoneit, Architect- 5 out of 7 I think that is doable, I have done it before.

Member Buckton made a motion to table the item until this later in the evening to allow the applicants to discuss amongst themselves a meeting date to table the application to. Member McKnight seconded the motion and the motion passed by voice vote.

Member Kelly moved to close the Public Hearing. Member McKnight seconded the motion and the motion passed by voice vote.

The Plan Commission Reopened the public hearing of 680 Grand Avenue after the completion of the public hearing of the application regarding 265 S. Ott Avenue.

Member Kelly moved to re-open the Public Hearing for 680 Grand Ave. Member Buckton seconded the motion and the motion passed by voice vote.

A Motion to Table the 680 grand Ave until the next ZBA meeting scheduled for June 10, 2025, was made by Member McKnight. Member Buckton seconded the motion, and the motion passed by voice vote.

3. Public Hearing- 265 S. Ott Ave, Front Yard and Side Yard Setback Variation

Daniel Harper, Planning Manager, Village of Glen Ellyn- described the property 265 S. Ott Ave., as property zoned RO Single Family Residential Lot. Applicant requesting a recommendation of approval of the following variations from the Glen Ellyn Zoning Code:

1. Section 10-4-6(D)(1) – to allow the construction of a one-story attached garage addition to a single-family home with an existing nonconforming front yard setback of approximately forty feet (40'-0") in lieu of the required front yard setback of fifty feet (50'-0") continuation of existing front yard setback; and
2. Section 10-4-6(D)(3) – to allow the construction of a one-story attached garage addition on a single-family home that will result in a side yard setback of approximately eight feet and ten inches (8'-10") in lieu of the minimum required interior side yard setback of sixteen feet and 10 inches (16'-10").

Plat of survey slide shown to commissioners, he explained that applicant received zoning variation approval in 2018 that allowed for Two-story addition, allowing a detached garage to remain, front porch setback and Class II Alteration. As part of the condition of that variation, they were allowed to keep the existing non-conforming garage and there was a condition that if you want to attach it together at the 9feet 2inches that variation can go forward without going back to the ZBA. When this application was presented to us, the application showed a side yard setback of 8 feet 10inches so we ae looking at a difference of about 4inches for the attached garage on the building. The attached garage is also requesting the existing non-conforming of 40 feet in lieu of required 50 feet. Property zoned R0 Zoning District upon its annexation in 1995. Most properties zoned R0 have that 40-foot side yard setback and so almost all of those properties are in existing non-conforming state and would require some type of zoning variation if they were to do a type 2 or type 3 construction on the property.

Daniel moved on to explain that this is a proposed elevation of the existing home with the attached garage at the requested 8 feet 10 inches side yard setback. *Showed elevation slides to commissioners.*

Applicant is requesting that this new construction be allowed at a similar set back to what was previously allowed in the previous variation but 4 inches closer to the side yard property line. Second variation is to allow for the 40-foot front yard setback allowing for the new addition to be in line with the existing single-family home.

Chairperson Jones- I don't have any questions

Commissioner Buckton- No, I don't have any questions

Commissioner McKnight- no questions

Commissioner Kelly- no questions

Sworn in Petitioner Dagmara Kamionka-We are just trying to build same size of garage that we have right now, we just want it to connect to the house. There is a three feet gap between the house and garage and we just want to build a new driveway and connect garage to the house.

Chairperson Jones- I was here seven years ago and you had spoken previously that maybe you might be back to build the garage incorporate it to the house? If I remember correctly, we were pretty much in favor of that

Petitioner Dagmara Kamionka - yes that is correct. Our neighborhood is pretty unique, there are still some houses that need variations, some of them are only 50 feet away and the lots are pretty decent so we need more space on driveway with teenage daughter

Commissioner Kelly- only additional encroachment as I understand this is 4 inches? Other than that, we are taking the existing footprint which is legal nonconforming, is that correct?

Daniel Harper, Planning Manager, Village of Glen Ellyn - Correct

Chairperson Jones- or is it legal nonconforming or is it conforming because of the variance, no that was for the house, never mind.

Daniel Harper, Planning Manager, Village of Glen Ellyn -That was for the house.

Commissioner Kelly- So it's legal non-conforming

Daniel Harper, Planning Manager, Village of Glen Ellyn - Correct

Commissioner McKnight- I don't have any questions.

Commissioner Buckton- Do you have floor plan of garage?

Daniel Harper, Planning Manager, Village of Glen Ellyn- No I do not, I only have the slide showing the elevation.

Commissioner Buckton- Do you have something that shows the difference between the existing detached garages and existing home? You've built a structure between those two?

Petitioner Dagmara Kamionka- No right now the garage is separate, there is a 3 feet gap between the home and garage, there is a walk way in between. We want to demolish garage and attach to the house.

Commissioner Buckton- I am looking at the horizontal window between the house and existing garage

Petitioner Dagmara Kamionka- that is existing, what is proposed is only the garage, petitioner described where the house ends the three-foot gap and the old garage using the slide. What we want to do is to demolish garage and attach to the house.

Daniel Harper, Planning Manager, Village of Glen Ellyn- so you can see that doorway that you see on the east elevation, that rear doorway, that is the stairs from rear doorway.

Commissioner Buckton- My question was about the space between the house and the garage.

Petitioner Dagmara Kamionka- Do you have first picture from the map view? There is a gap, maybe you don't see it here but you can see the old roof of the garage and the roof of the house, and there is a gap.

Commissioner Buckton- There is a gap and you are going to make that all one piece of property?

Petitioner Dagmara Kamionka- Correct

Commissioner Buckton- What is that distance of that room, what is the width of that room? Is it 10 feet I don't see it here. I see a 27 by 27-foot garage next to that I see a gas curb between the mud room and garage. Is that the garage you are referring to as the mud room?

Petitioner Dagmara Kamionka- No, the mud room is existing already, there is not going to be a new buildup of the house, the only build that we are going to be doing is the garage, see the gap between the house and the garage, that is the only 3feet walkway between the old garage and the house. Mud room is existing.

Commissioner Buckton- The survey, that the variation is not 8ft 10 but 9 ft 3 is that correct?

Daniel Harper, Planning Manager, Village of Glen Ellyn- the side yard setback which was allowed to remain is 9'3" and that was part of variation that was approved in 2018 essentially that side yard setback can remain, however when this came in building review the proposed set back was 8'10"

Petitioner Dagmara Kamionka- I am not sure if that was a mistake of previous survey.

Chairperson Jones- I don't have any questions, thank you.

Member Kelly made a motion to close the public hearing and approve the Finding of Facts as presented. Member McKnight seconded the motion and the motion passed by voice vote.

Deliberation-

Commissioner McKnight- I am in favor of recommending approval, this is a pretty minor request, it's a four-inch difference and the front of the garage that is proposed will align with the front of the house. It makes a lot of sense.

Commissioner Kelly- the whole thing is a hardship because it was annexed in and it was built under county code, I don't know if they have a Zoning Ordinance in some cases, they only have a subdivision code and yea it is relatively minor, given all the constraint I am inclined to voted yes

Commissioner Buckton- I will be voting yes

Chairperson Jones- I am also in favor; it is in line with what we had approved the last time with just a correct of the actual distance so I am a yes.

Motion to close deliberation by Member Kelly, Member McKnight seconded the motion.

A Motion to approve the application was made by Member McKnight and seconded by Member Kelly the motion passed unanimously with four (4) votes yes and zero (0) votes no.

4. Public Hearing- 603 N. Park Blvd., Lot Coverage and Side Yard Setback Variations

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

Daniel Harper, Planning Manager, Glen Ellyn Village-Applicant requesting 2 variations:

1. Section 10-4-8 (E)(1) – to allow the construction of a new detached garage on a property with an existing nonconforming lot coverage of 21.7 percent in lieu of the required maximum lot coverage of 20 percent of the lot.
2. Section 10-5-4(A)(4)(c) – to allow the construction of a new detached garage with a side yard setback of one foot (1'-0") in lieu of the minimum required side yard setback of three feet (3'-0")

Daniel explained that the garage goes 1' 4" into neighboring property to the north. The applicant is proposing the construction of an approximately 352-square-foot detached one-car garage to replace the existing detached garage on the property. The proposed

detached garage is proposed to be set back 1 foot from the northern property line. The garage is accessed via a shared driveway with the northern property, 607 N. Park Boulevard.

Picture of garage shown, garage is proposed to be demolished, about 6ft between both garage structures. Meets rear and side yard setback. Hardship is unique shape of the yard. Proposed site plan shown and hardship was described. We did want garage to be constructed within the property line, so that we meet all other set back lot requirements.

Elevations of proposed garage shown, constructed in similar manner to existing garage on site.

Action is to consider a recommendation of variation, approval with conditions, or denial of the request per Section 10-10-12 of the Glen Ellyn Zoning Code.

Chairman Jones- Todd is adjacent neighbor to the property

Commissioner Buckton- This is clarification, you mentioned during the Grand Ave hearing, petitioners could come to you with an administrative change for lot coverage ration since 21.7 is pretty close to 20, so here we are seeing basically the same thing; is it absolutely necessary that we approve this variation?

Daniel Harper, Planning Manager, Glen Ellyn Village- We needed this variation because this is a construction of a new structure, so it's a non-conforming structure with a non-conforming lot coverage and so the accessory building is allowed to be constructed but you can't construct it on a non-conforming condition lot, they are not creating this condition, its already existing.

Commissioner Buckton- Thank you for that clarification, that is all the questions I have.

Commissioner McKnight- no questions.

Commissioner Kelly- Quick question for Daniel, so we are actually rectifying the encroachment issue with respect to the adjacent property? Because that is being torn down and new structure would require variation from LCR and not encroach into the neighbor's yard.

Daniel Harper, Planning Manager, Glen Ellyn Village - yes that is correct

Chairperson Jones- if this garage burned down, they can rebuild?

Daniel Harper, Planning Manager, Glen Ellyn Village – the variation keeps with the property, if this were to burn down, they can construct with same footprint but anything different than that we are coming back.

Sworn In Petitioner-Matthew Knighton- we share a driveway and the majority of the drive actually is on my neighbors lot which he graciously allows us to use, we have an easement to do that, essentially if we had to follow zoning code, we would need to build garage so far south that we would not be able to get the car in and out of it; I am not sure when the garage was built, the house was built in 1929. It's a pretty small garage that is definitely going to need repair so we would like to just replace it. For consideration of hardship, right now we only have 35ft of backyard, if we shift it, we would shrink the back yard.

Chairperson Jones- There is precedent over on Montclair- they had a one car small garage and they built a two-car tandem that went over the lot line by one foot. So, we have seen this before but I have no further questions.

Commissioner Buckton -I have no questions.

Commissioner Kelly- I have no questions.

Commissioner McKnight- I have no questions.

Chairperson Jones- Thank you for sticking around with us.

Member Kelly made a motion to close the public hearing and approve the Finding of Facts as presented. Member Buckton seconded the motion and the motion passed by voice vote.

A Motion to approve the application was made by Member McKnight and seconded by Member Kelly the motion passed unanimously with four (4) votes yes and zero (0) votes no

E. Other Business

F. Chairperson's Statement

No statement was provided by Acting Chairperson Jones.

G. Trustee Liaison Report

Trustee Donna Jean reported the following:

1. We voted in and swore in our new board yesterday, we have Trustee Steve Szymanski, as new Liaison, we have reappointed Kelley Kalinich as Trustee and we also have another new Trustee Sonia Bhagwakar and we have a new president which is Jim Burkett. New Board will sit and have a proper meeting on May 27.
2. Did approve grocery tax, state take away grocery tax, it affects municipalities. We voted to continue the tax; it's about a million dollars that we would lose in a year. All sister municipalities have also approved. The only one that didn't was one that does not have a grocery store.
3. Passed ordinance for ebikes, they can't be used in downtown, it's the same rules for them as for other bikes, and any of the mobility devices.

Member Kelly- I had a question on that, does the ordinance only pertain to only devices with speed of less than a certain voltage and speed of less than 15 miles per hour? If I have a scooter that does more than 15 miles per hour

Trustee Donna Jean- then you are on the streets.

Member Kelly- So the little ones can use the side walk

Trustee Donna Jean- No you have to walk them, that is the point if you have a bike you would have to walk it on the sidewalk but then you can ride on street if you meet the requirements. Families were very upset because of single file ride, kept state rules. And it is 18 years and older.

4. Reminder- Hokusai exhibit is starting after Labor Day, there will be murals downtown and also on Roosevelt Rd, there are a whole bunch of special events accompanying to promote that and it's supposed to be quite wonderful because it is stuff that has not been seen in the United States before, coming from special museum that has been collecting the art objects.
5. We actually approved funds to support maintenance on Stacy's Tavern
6. Finally, the question I had last time with regards to the neighbors to Churchill driveway, the question that came up was why don't we do something that affects all the neighbors who do they all have to come back and forth to us. I did speak with Mark Franz and what we decided was that it was something that needed to come to the new board. So, it's been deferred a bit and there needs to be more research on that. Meetings with Churchill and they were not excited about paying for new fences. There probably needs to be some negotiation around that but the point is we are working on it.

Chairman Jones- is it possible to waive variation fee if those properties come before us?

Trustee Donna Jean- I don't know, when it came before us, members of the board already said that we need to do something in conjunction with all of these neighbors, so the Board is looking at that, it is just not coming up formally in front of us yet.

Trustee Steve Szymanski- just to add something as you know we had an opening for Village President, trustee Simon stepped up to fill that role as acting Village President during those months and made a significant impact to all of us I just want to thank you for all that you did. It was felt throughout my organization over at capital improvements and I have sensed it from other people I have talked to. Second point is, I want to thank you all for all the hard work that you do, this is not easy, this is stressful, this is challenging, all of us not only myself the board, the community thanks you for your dedication and service

Chairman Jones- how long did you volunteer with the Village before.

Trustee Steve Szymanski- On the Commission for seven years and Chairman for 2-3 years. I had a great group of people and I was very fortunate.

Chairperson Jones- Thank you for stepping up and helping us for the next four years, I think you will be a great addition, I think you will be a great asset to the board as a trustee. I look forward to serving with you.

H. Staff Report

Planning Manager Daniel Harper- Stated the following:

1. 621 Bloomingdale Fence variation for Elementary School approved by Board of Trustees
2. Village Board will consider Crescent Glenwood parking lot.
3. Annexation of property on Acorn Ave on May 27th.
4. Planned Commission next week we will be looking at the proposed expansion of Glenbard West Highschool, Staff Report and all the plans posted on website on Friday.
5. 2 sign variations, one for food pantry and second for Five Corners Cleaners, existing nonconforming pole sign to be considered at Plan Commission
6. 515 Crescent Blvd, north side of building a walk-up ATM, has been seen twice and recommended a denial, a new design to try again.

Trustee Donna Jean-The problem is that it destroys the facade

Chairperson Jones- did Glenbard district 87 buy property across from football field?

Daniel Harper, Planning Manager, Glen Ellyn Village- they own that property, as explained to me it's the property right next to them that is feasible that they could acquire. No plans, future indications of what they will use for.

Commissioner Buckton- now that the new board is in place; is discussion going to start about rewriting the code?

Daniel Harper, Planning Manager, Glen Ellyn Village -Yes, that is the next big project, we have implemented our new software for permit and zoning review, we are about 3 weeks into that and we are working out the kinks on it. Village Staff has requested to the Village Board to give them a couple months for a breather and then we can start the next herculean task of updating the Zoning Code.

Trustee Donna Jean- There will be Training conjunctively between the Board of Trustees, yourself and plan commission so that everybody is on the same page.

Daniel Harper, Planning Manager, Glen Ellyn Village – When we start getting into the residential portions, I don't believe the ZBA has any voting powers but it is going to be an item of discussion with the ZBA of offering recommendations and considerations but Planning Commissions is ultimate Board making recommendation to Village Board of Trustees.

Discussion was made with regards to the 680 Grand Ave business item that was benched until next ZBA meeting. What the petitioner is allowed to present and not present.

I. Adjournment

Member Kelly made a motion to adjourn the meeting. Member McKnight seconded the motion and the motion passed by voice vote at 10:04PM

Respectfully submitted,
Adriana Ohl-Zamora