

MINUTES
Glen Ellyn Zoning Board of Appeals Meeting
Tuesday, June 10, 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, Noureen Lakhani, Chip Miller, Craig Pavlich and Christiane McKnight

Also in attendance: Daniel Harper, Planning Manager; 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 May 13, 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 McKnight moved to re-open the Public Hearing on 680 Grand Ave. Member Buckton seconded the motion and the motion passed by voice vote.

D. Old Business

1. Public Hearing – 680 Grand Ave, Side Yard Setback Variation

Sworn in, Daniel Harper, Planning Manager for the Village of Glen Ellyn, reintroduced the following variation request for 680 Grand Ave.

Daniel provided a review of what was presented during the May 13th meeting.

He stated that this application was originally presented in a public hearing at the May 13th, 2025, meeting of the Zoning Board of Appeals. During the public hearing, the applicant requested that the application be tabled to the June 10th, 2025, ZBA meeting to revise their presentation to address questions presented by the Board members. The applicant also presented a petition expressing support of the application from three adjacent property owners. This petition has been included in the packet. The applicant has submitted a revised presentation regarding their application. The presentation was included in the packet for the Board's review. The draft minutes of the May 13th ZBA meeting are included in the packet for the Board's review. The petitioners request a variation 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 petitioners are proposing to construct a basement that extends underground beyond the footprint of a proposed home addition on the south side of the home. The proposed addition above ground would add 488 square feet of lot coverage to the property and includes the reconstruction of a new outdoor terrace to be 6'-1" to the side yard property line. As part of this addition project, the petitioners are proposing a large basement addition of 2,679 square feet that will extend beyond the proposed east and south but will extend into the 30-foot corner side yard setback, approximately 16'-3" and will be located 13'-9" from the corner side yard property line. The proposed basement addition that extends beyond the footprint of the above-ground building is still considered to be lot coverage per the definition of lot coverage provided in the zoning code. The total lot coverage being proposed by the project is 2,956 square feet or 21.9% of the lot. The applicants have requested to have the proposed lot coverage be considered for an administrative variation and will apply for an administrative variation approval per the procedures identified in Section 10-10-12 of the Village Code based if the corner side yard setback variation receives approval recommendation by the Village Board of Trustees.

Existing Basement Footprint slide along with overhead view rendering and front yard rendering shown to Board Members

Member Questions

Commissioner Pavlich- Staff report does not cite any rule or violation for precluding them from doing this?

Daniel Harper, Planning Manager for the Village of Glen Ellyn-What the violation is for is the bulk of the structure; in the village code it says bulk includes “all levels” and how we interpret that is all levels includes a basement. This is in the definition section, when we were going through definitions to how to interpret/ regulate this, that is what we landed on. It states, “all levels”, so we included basement in all levels in terms of bulk of property, that is how we made that determination.

Commissioner Pavlich- Does the terrace fit within the setback for a structure?

Daniel Harper, Planning Manager for the Village of Glen Ellyn- yes, the terrace would fit within the setback, it allows for terrace to be within corner side yard setback, if it was not a terrace, and was an accessory structure then it would not be allowed or if it was an extension of main building.

Chairperson Jones- could they put in a sub-basement if they want to? A basement underneath the basement according to the code?

Daniel Harper, Planning Manager for the Village of Glen Ellyn – I am not sure but if all levels are within bulk regulations, then perhaps yes.

Commissioner Pavlich- I did research that and you own all the property under your property unless you sell the mineral rights, there is no statute in the Illinois law or our code that you can't, presumably you can.

Public Comment

Sworn in Petitioners Nancy & Chris Desmond along with Daniel Jamie Simoneit, Z & O Architecture and Interiors

Petitioner Nancy Desmond- began with providing some background about themselves; state that they have lived in Glen Ellyn for 19 years raised two boys, used to live over by the dog park. When this property at Lake Ellyn came up for sale and we jumped on chance to purchase home, but we did find that the home is a tight squeeze, cannot get our immediate family around the table for Christmas, which is why we have decided to do the expansion. This is going to be our forever home and that is why we would love to invest further into the home.

Petitioner Chris Desmond- Thanked the Board for coming back and hear their case. We appreciate the ability to present what our hardship is, and we want to provide an overview of what we have done. A big piece is the topography and the elevation changes on this very unique corner lot. Mr. Desmond explained that he would also go through the different areas of hardship. He explained that they went over this plan with all of their neighbors and they are all in agreement, and would not bother them. They had a petition signed by neighbors.

Petitioner explained that there is nothing that defines underground structures. He explained the research which he conducted on nearby communities like Chicago and Inverness using chat gbt, and google. Described that they did find guidance for underground structures and Chicago defines underground structures as a structure underground with nothing above ground in that area, no buildable structure. Inverness also speaks to the same guidance as Chicago, including guidance for setbacks. Agrees that there does need to be guidance in place with underground structures, agrees with New Codes written this Fall as there is a need for guardrails but explains that for them, they are doing a single basement, beneath impervious surface. Reiterates that they are going to comply with impervious surface setbacks for the patio, “we are keeping with the guard rails”.

Mr. Desmond explained the hardships which are the land. Pointed to green area on slide, patio already exists above ground, which is permissible. We would not be here if it were not for the fact that we would like to build underground basement. It's not about square footage, it's about setback, now its 30 feet side yard, we are asking for 13'9 for additional space for living and storage. If we don't get that, we have to get approximately 10.2 tons of gravel to put underneath that, it would be great for us to be able to utilize that for expanding the footprint of the house. With approved variance, we have a buildable area underneath, without it, it will be filled with gravel.

Grade change of nearly 20ft due to corner lot and proximity to the lake, zoom in on what we can build, setbacks are allowable, perched on northeast corner of the yard, to build an addition we must go to the front of house, and it will not look great, grade change is up to 10 feet. A hardship from our perspective. We were notified that we have a historically significant home in Glen

Ellyn, last thing we want to do is to add to the front of the house. Explained that they are going underneath for the build, so that the neighbors don't have a problem with the build.

Mr. Desmond when on to discuss the criteria to approve variations and referenced the two criteria listed in 10-10-12 (E). He asked if both cases needed to be met, and Daniel read both criteria out loud which were also provided in part of the packet to call Commissioners. Mr. Desmond then moved on to reference the 8 submittal criteria for granting variations listed in 10-10-12 (F) of the village code.

Daniel Harper, Planning Manager, Village of Glen Ellyn- Explained that after consulting with Village attorney, all 8 criteria do not need to be met order to approve a variation.

Petitioner Chris Desmond – moved on to explain that they are looking to invest on the property and keep the historic nature and not make a profit. that is why they are looking to build underground. The essential character of the locality will not be altered because it is all below ground. He moved on to explain all of the 8 items and provided a reason as to why they met the variances- this was also provided to all Commissioners as part of the packet. Explained that they meet 6 out of the 8 hardships.

The before and after photo shown, with and without variance is the same photo, no difference at all. We talked to our neighbors; the only other neighbor is Glenbard West High School. Referenced signed petition and it was confirmed by Daniel Harper, Village Planning Manager that it was included in packet that was published last week.

Commissioner Buckton- If variance is denied, do you still build under the area?

Jamie Simoneit, Z & O Architecture and Interiors- This is how the whole thing started, it was the what if, by digging another 3 feet down, we can create the space. While you are looking at this image, this is actually the lower level here, these are decorative walls, what we are talking about is this sliver here. The terrace that is there, we are actually going to be digging out. We are going to backfill this whole site in order to support the terrace.

Commissioner Buckton- Let's say you can't have variance, and you decide to go ahead without this 13-16 feet, you decide not to do that, do you still have to have 10 tons of gravel?

Jamie Simoneit, Z & O Architecture and Interiors -Yes because it's a hollow void, because of the way the hill comes down, we will need to pour retaining walls, we are grading and back filling it so it. Nothing is more than 30inches above the grade.

Petitioner Chris Desmond- I think what you are asking is, if it is denied, then what is the alternative? We would have to then fill it up with the gravel underneath the patio.

Commissioner Buckton- What is the height of ceiling in the basement?

Jamie Simoneit, Z & O Architecture and Interiors-We are actually only at 8 feet.

Commissioner Pavlich- If I am understanding correctly, the main goal of the modification principally is to is to save back fill?

Petitioner Chris Desmond- backfill and to have a little bit more space, but to get more space we would have to build upfront and that is where it does not make sense.

Commissioner Pavlich- Just trying to clarify that there is this back fill issue and you are deciding to leverage that, that is your principal goal?

Petitioner Chris Desmond- Yes

Commissioner Pavlich- If they wanted to build another structure under any other permitted structure, that is not, not allowed, correct? If they had any other area of their yard where they could build, it could be built, in the back yard or something like that?

Daniel Harper, Planning Manager, Village of Glen Ellyn- unless it is a defined accessory structure, we would have a stipulation that says yes it would be allowed in the rear back set back or something like that.

Commissioner Pavlich- Presuming that an underground structure meets all of the bulk regulations, then its allowed. If it meets all of the other regulations, we don't have a rule that says that's not counting because its underground, right. I'm just asking because if it's an expansion maybe there is somewhere else, they can place it. If it's a problem that is unique to the topography then maybe that is a bit different.

Jamie Simoneit, Z & O Architecture and Interiors- that is what does not make sense, because what you are referring to is perfectly legal.

Commissioner Pavlich- I do have a question for Daniel, the remainder of modifications to house, do not require any variance?

Daniel Harper, Planning Manager, Village of Glen Ellyn- that is correct, when we were discussing with Jaime, we ran into lot coverage, similar to when we talked about bulk and its structures of all levels, this would go into 21.9%, when we talked about how to proceed, the route chosen was that we could do an administration variation if side back variation was approved and granted by Village Board of Trustees. But that process does have a neighbor veto power, if any one neighbors objects, then it comes back to board again.

Jamie Simoneit, Z & O Architecture and Interiors - lot coverage was reduced to meet that requirement

Daniel Harper, Planning Manager, Village of Glen Ellyn- the tolerance is if you are within 22% lot coverage.

Commissioner Pavlich- so the structure without the basement, the additional under terrace basement does meet lot coverage ratio, if we count this as a structure, then it would be over but with an administrative variance you would grant that separately.

Daniel Harper, Planning Manager, Village of Glen Ellyn-Yes, we would go through process of possibly granting that.

Commissioner Miller- the cases and questions are a test to support the hardship. What is the hardship, define your hardship for me, tell me what your hardship is. Tell me why I should approve it. Not answering all these questions because these questions are here to say this is why we can approve your hardship. I never heard a single thing that you said that you had a hardship. You were doing your job in explaining all of this and I would like to hear why it is a hardship, not those 8 things or the 2 things.

Petitioner Chris Desmond- from my perspective, the lot we bought, while beautiful it is, its placement of home makes it difficult to expand, and the hardship is that when you have the option to expand, the topography is the hardship. That is because the options to expand are either to the front or to the side due to the placement of that house. The other hardship is because of the corner lot; corner lots are hardships I believe in the Village of Glen Ellyn.

Daniel Harper, Planning Manager, Village of Glen Ellyn- a corner lot is not a hardship.

Commissioner Miller- it could be argued; corner lot could be a catalyst to the hardship but it is not the hardship. You don't buy a house and say oh it's a hardship because it's a corner lot

Jamie Simoneit, Z & O Architecture and Interiors- but if they were a builder, it is a loose of over 2,000 square feet of area because of the corner lot. The technical code issues of this are hardship

Commissioner Miller- it's been there since 1935 and it worked. I am asking the questions, I am not judging that I am just trying to hear what the homeowners are saying is a hardship.

Petitioner Chris Desmond- We didn't create this; this is not a hardship that we created. We think it's a hardship created by topography, by the placement of the house and having a corner lot. To try to manage the challenges is why we are going underground so that we don't encroach upon our neighbors, and for us that is important because we want to keep the historic nature of the 1935 home which is beautiful. so those are key areas of hardships as we have read through the rules and areas of items for hardships, for us those are key.

Commissioner Miller- so devils the advocate here, you bought the house, then you found out it was too small because you have everyone over at Christmas, then you decide you are going to start putting in an addition. Now you are getting to do more and you find this void because you are going to replace the terrace, right? What can we do with that space, so now you are adding more space, why was this not part of the initial thought process or at least you are not explaining it that way? How is that a hardship that you can't have this that was not part of the we can't fit our family in for Christmas?

Petitioner Nancy Demond- Some of it is storage, we are looking to maximize what we can, looking for storage as well. We have many things right now that we can't bring into our home; by adding more space we can bring those items out of storage.

Petitioner Chris Desmond- The closets and storage that they had in 1935 is very challenging, we don't have a pantry, our pantry in the kitchen is about one foot and a half wide and two feet deep. We are looking to find areas to have storage to be able to have family events. We want to maximize our footprint but also be tasteful.

Commissioner Miller- you knew you would have storage issues when you bought the house.

Petitioner Chris Desmond- oh absolutely, we bought the house knowing what we had but now we are going to do the addition and hoping to expand it; that is what we would like to have and we want to make sure we want to maximize the buildable space if we could, quite honestly we didn't think we had to be here, we didn't think we had to seek a variance because when we were reading through this, we didn't see anything that precluded us from building what we are proposing today. It was not until we proposed the plan and found out that The Village is interpreting the underground area to be part of the setback for the main above ground house. We didn't anticipate that being a let's go and get a variance that was part of the plan that we submitted. Earlier a commissioner asked "Where in the definition does it state that?" we think that is great, you can take the path of saying "hey regardless of hardship, I don't know if you guys need to even be here. But we went ahead on the path and said let's pretend as though we agree with The Village, we don't but we understand that they need to put rules so that people don't do what they want to, we get that. We think there are two sides of the coin, if we look at this collectively from our perspective, we didn't think we had to be here but we are because we want to make sure we are doing the right thing.

Commissioner Miller- I think it's brilliant, I think it's a great idea, I think you eliminate a lot of the problems it's definitely a Jaime think outside the box kind of thing. It's not our job to interpret the code, personally, I think you are at the wrong spot for this. For me I struggle still with the hardship. But that definition of all levels I think what you need the Village to define because then this goes away and then all. You have is you need to go see Daniel for something he can do. This is not something for us to do. I will encourage that to the Village to take care of that not the Zoning Board of Appeals. I am being 100% honest with you, I like what you are doing, I don't feel like I can vote for it.

Petitioner Chris Desmond- that is the route we went through.

Commissioner Miller- I am not talking about them, I am talking about the guy at the end, and all of his counterparts, that board. I think that they need to, and they are rewriting the code but there is nothing that says that they can't make that definition a little clearer. Again, I think it's great and I hope you guys figure out a way to get it. I just don't think this group is the people to do it.

Chairperson Jones- Jaime, I am looking at the bulk issues sort of speak, you have to build the concrete box underneath the patio no matter what for that that to be structurally sound correct?

Jamie Simoneit, Z & O Architecture and Interiors -2/3rd for general terms, going an extra third deeper

Chairperson Jones- Daniel if he fills that in with concrete how is that not considered bulk?

Daniel Harper, Planning Manager, Village of Glen Ellyn- we would have considered it an impermeable terrace at that point. In definition, it says structures of all levels that is how we got to the point that basement is the all levels. Terrace itself is given an exception, in the supplementary regulations, it's allowed to encroach into the set back

Chairperson Jones- That is almost similar to new construction porch where they can get the porch bonus but can't have anything above porch, and traditionally below the porch is filled in with gravel

Jamie Simoneit, Z & O Architecture and Interiors -There are homes in town that have spaces under porches that are inside of the front yard setback, I can name one on Montclair and Hillside, they have space under front porches even windows,

Commissioner Buckton- are these legal non-conforming?

Jamie Simoneit, Z & O Architecture and Interiors – it's the sane condition as this, it's going into a front yard setback.

Petitioner Chris Desmond- I think that the question is that it didn't need a variance because when you submitted the plan and it was approved, it was not perceived by the Village at that time as needing a variance

Commissioner Miller- that all levels could have changed, there has been a lot of things, you know that we have been here a million times and things could have changed. There has been a lot of things that have changed

Jamie Simoneit, Z & O Architecture and Interiors -There are other examples of garages that are buried up in front of homes.

Petitioner Chris Desmond- I think for our situation, we are not looking to go through all the things in the past, what we are trying to do is do something that we think is reasonable, also with our research on what other communities have done with some guardrails and that is our request from you. We want to keep it simple for that and we went through our hardships, I don't know I you have any other questions for us.

Commissioner Kelly- what was primary purpose of the project at the outset? Was basement contemplated as part of the overall project? Or did that come later when you realized you had a void.

Jamie Simoneit, Z & O Architecture and Interiors -It was developing the house, the foundation, but then we realized we had all this space underneath there, to add that extra third of depth gets un a fantastic space. It is the smallest house in neighborhood by far, even with calculating space of basement, it is still one of the smallest homes in radius.

Petitioner Chris Desmond- so, yes, we did plan for the basement.

Commissioner Kelly- so it was not ancillary to the project, were just going to do a patio and by the way we realized we have a void, so let's build a basement.

Jamie Simoneit, Z & O Architecture and Interiors- we were able to add some other things over into that area

Commissioner Miller- I think you guys are saying two different things, they are saying they planned on the basement but then found the void would add more that is what you are saying but it was not in the initial plan, oh we are going to build that because no one knew.

Petitioner Chris Desmond- what was initial is when we actually submitted the plan, is when it had the full basement in there. When we were talking preplanning, yea we were trying to understand what is permissible and when we read the rules, we said OK, we can expand out underneath and we wanted to keep the character of the house and that is why we did that. So, when we submitted the plans, it did include the basement.

Commissioner McKnight- what is total square footage being added which does not require the variation?

Jamie Simoneit, Z & O Architecture and Interiors - the addition is under 1,000 square feet.

Commissioner McKnight -Basement buildout will go out to the front yard setback?

Jamie Simoneit, Z & O Architecture and Interiors- it is short of it.

Commissioner Pavlich-In the past staff has reported those numbers, I have the lot area as 13,453 square feet, current build foot print is 2650 square feet, with the additional basement as 408 square feet is that accurate?

Commissioner McKnight- additional basement is 561 square feet.

Jamie Simoneit, Z & O Architecture and Interiors – described that everything in Yellow is the encroachment, leading to the side yard, the 1200 is everything in grey which is all in the basement, but part of the basement is supporting a new front portico

Commissioner Pavlich- I apologize for my question, I was asking for the purpose of gross lot coverage, not necessarily the encroachment.

Jamie Simoneit, Z & O Architecture and Interiors- birds eye view straight down is 22%.

Daniel Harper, Planning Manager, Village of Glen Ellyn- in my staff report I have total proposed as 2,956 square feet or 21.9%

Commissioner Kelly-that falls within the di minimis requirement?

Daniel Harper, Planning Manager, Village of Glen Ellyn - correct?

Chairperson Jones- If you don't get the side yard setback you don't need the variation for LCR?

Jamie Simoneit, Z & O Architecture and Interiors- we are under the understanding that we are all good.

Commissioner Lakhani- is there a financial hardship between adding the addition square footage of basement verses just adding gravel? Does it cost more to do one or the other?

Jamie Simoneit, Z & O Architecture and Interiors- gravel Is not cheap, bring out the Union labor is not cheap but I don't have an exact number to quote you

Commissioner Lakhani- I wonder if adding gravel verses building basement, the expense would count as financial hardship?

Jamie Simoneit, Z & O Architecture and Interiors – were not here to argue a financial hardship

Daniel Harper, Planning Manager, Village of Glen Ellyn - as a point, the financial aspect cannot be considered as part of the review

Commissioner Buckton-Do you plan to do project regardless of variation, is the addition something you are going to proceed with regardless of what we decide here?

Petitioner Chris Desmond- we are going to do the addition of above ground for sure; it's just a question of what we can do below ground.

Jamie Simoneit, Z & O Architecture and Interiors -The debate of hardship, from the technical aspect, it's hard for me to understand that question because there are 7 that we meet.

Commissioner Miller- so those are ways to meet it but a developer didn't buy the land, it was bought by a family that has been here for a while. When I found out what house it was and I looked at the address and I saw it was on a corner. I didn't have to see the house to know what it looked like, because I know the house, I think it's a beautiful house. I would be disappointed if it gets torn down, I am glad that you are keeping it for the modern times I just don't see the hardship.

Petitioner Chris Demond- you can see that we are passionate about what we want to do; one of the things that you asked in the last meeting was do you need to have the full variance, if we need to move further far away from side yard setback, that is something we would be happy with if that would be an option. We would like to move forward, we hope that at least for our situation, situation of hardship from our perspective combined with

Chairperson Jones- Jaime if they took like you said a straight line up, what would your side yard setback be?

Jamie Simoneit, Z & O Architecture and Interiors – I think it would be 18ft and one and a half is what we calculated instead of being 13ft 9ft would be 4.4 feet further in to the property. If that is amendable, we would be appreciative of that.

Commissioner Buckton- Question I asked last meeting was, would you be willing to go to the 30ft set back?

Jamie Simoneit, Z & O Architecture and Interiors- we would not be here then.

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

Member Pavlich made a motion to close the public hearing and approve the Finding of Facts as presented. Member Miller seconded the motion and the motion passed by voice vote. Findings of fact accepted.

Deliberation

Commissioner Pavlich- I want to start with a point of order for the new trustee as well as Chip, when it comes to the Zoning Board of appeals, section 10-10-4 B 2 gives the Zoning Board of appeals specifically the power to interpret the zoning code, to hear and decide appeals from any final order requirement or decision or determination made by an administrative official., i.e. Daniel, charged with enforcement of this title. Just to be clear we are empowered to decide that it counts as a structure or not. I just wanted that to be a point of order for the record. When it comes to this medication, I will say that my opinion is that they are going to do huge modification on this lot anyway. I think that because of the very unique lot, topography and its location, in particular it has a huge amount of green space that extends beyond the edge of the lot, huge tree lawns on a weird curvy road, which sort of makes its apparent presentation to the street look like a lot bigger lot than it actually is in terms of their ownership, I am supportive of what I think is a minor variation to their overall plan. Not the most necessary but considering that we are already treading the ground and doing all this construction. I think that when it comes to its apparent impact on The Village overall it's negligible.

Commissioner Lakhani- I am supportive, I agree if I am interpreting what levels are, that is a grey area, I don't consider basement a level it's not something that is considered overall in the city of Chicago or suburbs ever. I come from a Real Estate background and so I see it the same way as well. The more important aspect of is that there is a maintenance of the overall character of the house which is really important for Glen Ellyn especially in the location that you live in. I also agree that the topography is unique, it's great that you come up with a creative solution, I am supportive.

Commissioner Miller- I am struggling with what we already talked about, for me I don't see the hardship. We still have a variance going from 30ft to 13.9ft not that I don't think it's a great project, I just don't feel like I have what I need to be able to make the variation.

Commissioner Buckton- welcome Mr. Miller, you received a lot of information in a small time. I love this project but somebody will come to Village board and say you passed this thing in the basement, it was 13ft why can't I do it? That is why we are here, I

think you guys should be at the Village Board, I agree that a texted amendment should be brought up about this. Even though we have the discretion to do so, I don't think its correct in this instance to do so. This is a pretty go sized variance and the Village Board could be saddled with this down the road. I appreciate what you are doing, I want to see project done, but this is not the place for it.

Commissioner McKnight- I looked backed at section 10-10-12 E before the meeting, and as I read it ZBA shall not recommend a variation, except in cases where there are practical difficulties or hardship in the way of carrying out the strict letter of any regulation and unless it shall make findings based on the evidence presented to it that either one or two that was listed in your slides is met. So, I think regardless we need to find practical difficulties or particular hardship, and I think that is typically considered to be an inability to make a reasonably use of the land. I don't believe that there is a difficulty or hardship in the sense of section 10-10-12 E. For that reason, I still intend to vote no

Commissioner Kelly- I certainly understand the counter arguments to approving the variance and I think there is a great deal of legitimacy, hardship is kind of a squishy term, by not approving this does it impair your ability to rectify something like functional opalescence probably not, but given that we do have discretion limited as it may be, to interpret code, I am inclined to say yes with the caveat that...I am like Chip, the text amendment is available as an option, and I raised this at the initial meeting. My inclination is to say yes, simply because according to code we have the authority to make nominal interpretations, I struggle with it but... The slipper slippery slope argument doesn't really resonate with me, if they do it's a basement. There is no impact to the building, so do I really care, add to the fact that we are going through a code update. I am sure that Daniel has red flagged this for discussion. It's a great project, did consider basement of initial project, I think is sufficient for me to say yes.

Chairperson Jones- When looking at bulk what will happen below ground will not change whether you fill it with furniture or gravel. With the way code is, there is a difference that it either counts or doesn't count. Structurally your bulk will remain underneath ground, above ground it's a great project, we have seen the house evolve a little bit with the garage and removal of one drive way. The one issue I have is we give you this variance and you will also need another variance for lot coverage ratio. Right now, if we don't give you this variance, well you don't need a variance for 21% lot coverage ratio. So, you are really maximizing what is available to you on the lot without this part of the basement. The one thing that I would bring to The Village is the bulk will be there whether you see it or not, you will never see, it's just a question of what you can use it for. But unfortunately, with the way it is, I'm still a no from last meeting to this. So, it looks like the motion will not pass.

Daniel Harper, Planning Manager, Village of Glen Ellyn- This will be able to go to The Village Board and be discussed that.

Chairperson Jones – You will be able to go to The Village Board and discuss that. You will need 5 of 7 votes to pass the Board. It's a new Board, new president, please work with Daniel. Once again, I think above ground it's a great project, below ground your bulk is still there and it opens up obstacles for other people or challenges to the zoning, maybe it will be addressed in the future by the board but as of right now with the building code that we do have, I just don't see it.

Chairperson allowed for Petitioner to ask clarifying question regarding variance and administrative variance process request.

Commissioner Miller- administrative variance is still a variance, its one done by staff not The Board.

Member Buckton made a motion to close the deliberation. Member McKnight seconded the motion and the motion passed by voice vote.

The members of the Board agreed to the merits of the application but found that the application did not meet the standards for approval for a zoning variation.

A Motion to deny the application was made by Member McKnight and seconded by Member Kelly the motion passed unanimously with four (4) votes yes and three (3) votes no.

E. Other Business

F. Chairperson's Statement

No statement was provided by Acting Chairperson Jones.

G. Trustee Liaison Report

Trustee Steve Szymanski, reported the following:

- No board meeting, so nothing has happened.
- Some dedications of art that has gone in, College of DuPage a great site to see. Beautiful site.

H. Staff Report

Planning Manager Daniel Harper- Stated the following:

- June 26 next Plan Commission Meeting for Insula Aesthetics, beauty salon on Duane St. Beauty, looking to expand, salons require a special use permit in the C5B district, expansion of special use permit
- Proposed Glenbard West addition that was tabled at last meeting, Plan Commission asked for more information on ambient lighting on stairwell of building. Ambient from interior of all glass stairwell which was a concern as being a nuisance to neighbors, questions about parking related issues.
- ZBA- July 8 application for expansion of deck and patio lot coverage variation, narrow corner lot
- ZBA -July 8 member training with the Village Attorney, 7pm during the meeting
- July Plan commission- application for drive through restaurant at formal Thai dry cleaner, franchise called Chicken Salad Chik
- Sign variations going to Village Board

I. Adjournment

Member Buckton made a motion to adjourn the meeting. Member Kelly seconded the motion and the motion passed by voice vote at 8:41PM

Respectfully submitted,
Adriana Ohl-Zamora