



Minutes
 Village of Glen Ellyn
 Zoning Board of Appeals
 Regular Meeting
 December 9, 2025
 7:00PM
 Glen Ellyn Civic Center Galligan Board Room

Board or Commission: Zoning Board of Appeals
Meeting: Regular
Quorum: Yes

Date: December 9, 2025
Called to Order: 7:00 p.m.
Adjourned: 8:01 p.m.

MEMBER ATTENDANCE:

| | | |
|--------------------|--------------|---------|
| Chip Miller | Chairperson | Present |
| Todd Buckton | Commissioner | Present |
| Matthew Jones | Commissioner | Absent |
| Peter Kelly | Commissioner | Present |
| Noureen Lakhani | Commissioner | Present |
| Christine McKnight | Commissioner | Present |
| Craig Pavlich | Commissioner | Present |
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Also Present:

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| Jordan Frahm | Associate Planner | Present |
| Robert Duncan | Trustee Liaison | Present |
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Public Present:

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A. CALL TO ORDER

The December 9, 2025, regular meeting of the Zoning Board of Appeals was called to order by Chairperson Miller at 7:00 p.m.

B. PUBLIC COMMENT – None

C. APPROVAL OF MINUTES FROM NOVEMBER 4, 2025, MEETING.

MOVE TO APPROVE THE MINUTES OF REGULAR MEETINGS OF 11/4/2025 with the modification and correction that Member Lakhani be marked as present, instead of absent.

RESULT: Motion Unanimously Carried

MOVER: McKnight

SECONDER: Lakhani

D. OLD BUSINESS –

1. Continuation – Public Hearing, 189 East Road

Trustee Duncan swears in Staff, Associate Planner Jordan Frahm; the petitioner, Chalet Vavrek; and Matt Haber of Western DuPage Landscaping, Inc. Motion to open the public meeting by Member Kelly, seconded by Member McKnight.

Planner Frahm provided an update to the staff report of the project of 189 East Road, recalling the November 4 meeting where the Vavrek family had proposed a residential sport court with a setback of 7-feet. The required setback for a residential sport court on the 150-foot wide lot is 15-feet. The petitioners have updated their plans to include a more developed landscape plan and increased the proposed setback of the residential sport court to 9-feet. Planner Frahm adds that an additional piece of information to consider is that the neighboring property 188 N. Park Boulevard, the Johnson Family, has submitted a new letter of support to indicate they are in favor of the updated site plan. Previously the Johnsons had entered a letter of support and rescinded that support after the documents in the November 4 meeting agenda packet were published. At the time of the November 4 meeting, the Johnsons said they did not have a complete idea of the project.

There were no questions for Staff from ZBA members.

Chairperson Miller reminds the audience that the ZBA is looking for unique circumstances, particular hardships that are outlined in Village Code as powers of the ZBA to grant variance.

Chalet Vavrek gives an overview of the proposed project as the petitioner. The home on Revere Road is a longstanding family property once owned by the petitioner's great grandparents. The petitioners purchased the neighboring lot to remove the home to create a layout that best fits their family so they can live there "forever". Part of that design is a basketball court, as the sport is important to their family. Mrs. Vavrek emphasizes the two changes to their proposal. 1. The petitioners expedited a full landscape design proposal that depicts the long-term vision of the property and 2. The family met with the Johnsons, including their daughter, to further describe the project so that the neighbors understand the zoning rules for private sport courts and reviewing the possible locations of the sport court that is considerate and aesthetically pleasing.

The petitioner says they discussed sound, height, screening, fencing, and overall quality of the redevelopment of the site with the neighbors. The petitioner says that the 9-foot proposed setback of the sport court allows for privacy trees and green space as a buffer. The petitioner also states that the 9-foot setback would require less ground disturbance or stormwater engineering than the required 15-foot setback. Additionally, Mrs. Vavrek says that at a 15-foot setback, the height of a basketball hoop would also be higher due to the elevation change on the lot and therefore more visually disruptive. The petitioner states that when discussing the location with neighboring property owners, the proposed 9-foot setback would be favored as a 15-foot setback would require the sport court to be “in the open” and a lesser setback better conceals the residential sport court behind detached garages on the neighboring properties. Mrs. Vavrek thanks the ZBA for the opportunity to table the public hearing at the November meeting. The applicants appreciate the Board’s time and their consideration of their updated proposal.

Chairperson Miller asks Mr. Haber if he plans to make an additional presentation. Mr. Haber says he is attending to answer questions from the Board, as the petitioner has covered the project at depth at the December and November meetings. Member Pavlich clarifies that the petitioner now has the support of all adjacent property owners. This is confirmed.

Member McKnight asks about the proposal of additional hardscape. The petitioner says that the added patio in the rear-yard would meet all zoning requirements but was added to the plan so that the Board and neighboring property owners could get a better understanding of the Vavreks’ final plan for the property. Originally the petitioner had included only a simple site plan of the proposed sport court location. Member McKnight asks how much distance is between the proposed sport court and the patio as depicted in the site plan. Mr. Haber answers approximately 5-feet.

Member Buckton asks the petitioner about greenspace in the western portion of the lot and if that could be used for the proposed hardscape. Planner Frahm states that the sport court would not be allowed in the corner side yard, a terrace or patio may be allowed but no zoning analysis has been done on any part of the proposal other than the basketball court. The petitioner adds that the patio is intended to go in the proposed location as there is an indoor access point with a canopy that must be at that location due to zoning rules. Mr. Haber adds that window wells are being preserved and an existing egress would be preserved. Member Buckton asks if they were not granted the variation what would be the impact on the proposed hardscaping. The petitioner says that this would be unchanged, however, there are some engineering impacts. Mr. Haber confirms that water flow would be north-to-south in both cases, but a 9-foot setback provides greenspace on both sides of the proposed patio. Member Buckton asks if there would be hardscape modification of the proposed patio if the sport court was at the required 15-foot setback. Mr. Haber confirms that there would have to be a redesign.

Chairperson Miller states the hardships are the elevation they would have to grade if moved forward, that the neighbors would be more visually impacted, and the flow of the water. Mrs. Vavrek adds that the proposed 9-foot setback adds screening. The petitioner

clarifies that, yes, those three things – screening, soil, and water are the hardships for this location.

Chairperson Miller asks Mr. Haber if they can change the course of the water. Mr. Haber confirms that they can. Chairperson Miller does not understand how the Johnson and Hoppe family would be more impacted if the natural flow of the water is unchanged. Mr. Haber says that the proposed setback allows them to manage the water in a more effective way.

Member Buckton asks if the petitioner has plans for the west side of the property. Mrs. Vavrek says they intend to keep the space open and landscaped with trees. Mr. Haber adds that they are trying to maintain the existing grade in that area of the lot from the street. The highest point on the property is on the northwest corner, and that the landscape design of the proposal tries to incorporate the elevation and setting.

Member Pavlich asks Staff how the lot dimensions are determined. Planner Frahm answers that on a 150-foot by 160-foot lot that the narrower portion of the lot would be the front yard (150-foot side) and clarifies that the lot is considered as a combined zoning lot. Member Pavlich clarifies that if the property at 189 East Road were to build a sport court in the current condition, that the sport court would be allowed a 7-foot setback.

Mr. Floyd Johnson of 188 N. Park Boulevard is sworn in by Village Staff. Mr. Johnson says that he is concerned about the water flow due to the positioning of the adjacent streets. Chairperson Miller directs this question to Village Staff. Planner Frahm says that although he does not have an engineering background, there are a number of different water controls that can be made on a property and defers to Mr. Haber for how they plan to control water per the proposal at 189 East Road. Mr. Haber shows that the grading in the north is higher in the south and also indicates a retaining wall on the property that would also help to redirect water. Mr. Johnson asks if they have elevations and Mr. Haber responds that they are not at that stage of the development yet, but reiterates that the project would receive a stormwater review. Mr. Johnson details some water issues that he experiences on his property. Mrs. Vavrek testifies that they are trying to maintain or improve the drainage on their property. Planner Frahm ask Mr. Johnson if they have any experience of water moving from the Vavrek property to the Johnson property. Mr. Johnson says that this has not been an issue.

Chairperson Miller asks Mr. Johnson if what he has learned today has changed his support of the project. Mr. Johnson says that he still questions the elevation. Mr. Haber reads into the record that the highpoint on the northwest corner is 784 and the low point to the south is 775 where the driveway meets the public walkway. This indicates a north to south waterflow to Revere Road before eventually heading east. Mr. Johnson states that he agrees.

Member Pavlich reads the Finding of Facts into the record seeking a zoning variation for a residential sport court to be setback 9-feet as provided in the site plan at the December 9 meeting. The ZBA considered the following documents: application, plat of survey, location and zoning map, site plan and letters of support from all adjoining

neighbors. Matt and Heidi Hoppe at 189 East Road, Patricia Spence at 192 East Road and an updated letter of support from the Johnsons. Member Pavlich asks if the Johnsons are still in support and this is confirmed. Member Pavlich also notes that if the lots had not been combined a 7-foot setback would be permitted for the sport court. Member Pavlich asks the members to vote on the adoption of the Findings of Fact, and the Findings are adopted by unanimous vote.

Zoning Board of Appeals begins their deliberation. Member Kelly states that he is inclined to be a yes, and that they are not being asked to rule on hydraulics or engineering and knows that will be a requirement that will be reviewed. Member Kelly, in review of the topography of the lot, does understand the petitioner’s request. Member Pavlich also states he is inclined to vote yes, as the petitioners have secured letters of support from adjacent properties and feels that the combination of the lot does present a unique situation and that he is in favor of the proposal.

Member McKnight states that she is not in favor of recommending approval. Member McKnight says that the standard in the Code to grant variation for a practical difficulty or hardship is not met.

Member Lakhani states she is in favor of the project and reiterates that the petitioner has done well to build the support of the neighbors.

Member Buckton states that he will be voting no. Member Buckton says the petitioners have done a great job talking with the neighbors and have a talented landscape architect but for the same reasons as Member McKnight had said 15-feet is what the Code calls for. Chairperson Miller also acknowledges that the petitioners have done a great job in working with the neighbors, but he is not in favor. Chairperson Miller does not see a hardship or practical difficulty that would make him vote yes.

In deliberation Chairperson Miller says that with split support in anticipating a 3-3 vote that the ZBA should make a motion to recommend approval. Member Buckton asks if there is precedent for the Vote. Chairperson Miller says that this has been practiced in the past. The Board agrees to proceed in this manner. Member McKnight makes a motion to recommend approval of the variation for the residential sport at 189 East Road subject to the conditions that the project is constructed in substantial conformance to the plans presented at the November 4 and December 9 meeting of the Zoning Board of Appeals. Seconded by Member Pavlich.

| Voting | Ayes | Nays | Abstain | Absent |
|---------------|-------------|-------------|----------------|---------------|
| Miller | | X | | |
| Buckton | | X | | |
| Jones | | | | X |
| Kelly | X | | | |
| Lakhani | X | | | |
| McKnight | | X | | |
| Pavlich | X | | | |

Recommendation to approve voted three (3) yes, three (3) no. Chairperson Miller reminds the petitioners that the Village Board has ultimate approval, that the ZBA is only making a recommendation to the Village Board, and that the Village Board may be convinced of their practical difficulty or hardship.

E. OTHER BUSINESS – None

F. CHAIRPERSON STATEMENT – Chairperson Miller reports that the Village Board voted to approve a construction necessitated variation 167 Forest. Chairperson Miller expressed his concern with this approval and says that he had a discussion with the Village President this morning about the vote. Chairperson Miller says that the Village has a reputation in the community of approving the construction necessitated variations. Chairperson Miller asks why a resident will properly get permitted if they know they can break rules and construct a project the way they want and come in later for variation. Chairperson Miller says that this ruling only makes it easier for the next person and he has expressed his disappointment to the President. Chairperson Miller mentions conflicted votes both at the Village Board and at the ZBA level. Member Buckton asks what the ZBA vote was – Member Pavlich and Chairperson Miller respond that it was a recommendation to not approve 4-2, but both note that the two members that voted nay (to support approval of the project) still had concerns. Chairperson Miller voices that he wanted this displeasure on the record and that he believes this does not set a precedent that adheres to the Code. Chairperson Miller asks other ZBA members to speak up if they would like to voice their opinion on the ruling of the Village Board.

Member Pavlich says that he is supportive of the ZBA taking a negative view towards those that do not permit first – although he says that he cannot recall during his membership where the ZBA voted to recommend the approval of a Construction Necessitated Variation. Member Pavlich states that hardship is not the only factor when considering variation but that the language also includes impact by rules regulating the district impacting the property owner and whether a project will alter the essential character of the locality. Member Pavlich says that when the Board begins to discuss hardline rules in the Code there also exists gray area.

G. VILLAGE BOARD TRUSTEE REPORT – Trustee Duncan says that he was present at the Village Board meeting and that he made the amendment to approve the variation. Trustee Duncan says that he agrees with Member Pavlich with the standards and that the variation being sought per the testimony provided to the Village Board was de minimis. Trustee Duncan says that he considered the recollections of similar projects with Village Staff and believes that the petitioner was contrite and understanding. Trustee Duncan says that it was a close call but in totality of all the presented evidence he believes that he and the other trustees voted to approve the variation with an empathetic perspective.

Conversation is made in the room on whether the encroachment into the required setback of the deck in question was 4-inches or 6-inches. Trustee Duncan states that the difference in this encroachment would not affect his vote to approve the variation.

- H. STAFF REPORT** – Planner Frahm notes that the Community Development Department is planning to reach out to finalize a contract with a consultancy for the Zoning Code rewrite in 2026. Planner Frahm also adds that the Village Board also voted to approve a Historic Preservation Incentive Program which includes a preservation matching grant and may have zoning effects – although none are currently proposed.
- I. ADJOURNMENT** – Member Buckton motions to adjourn the meeting; Member Lakhani seconds the motion. Meeting adjourned at 8:01 p.m.

Submitted by Jordan Frahm, Associate Planner

Reviewed by Daniel Harper, Planning Manager