

AGENDA
Glen Ellyn Building Board of Appeals
Monday, February 7, 2011, 7:30 p.m.
Glen Ellyn Civic Center
535 Duane Street

- A. **Call to Order and Roll Call.**
- B. **Approval of December 6, 2010 and January 3, 2011 Building Board of Appeals Minutes.**
- C. **Building Board of Appeals Membership and Quorum Changes.** Information and discussion of proposed changes to the board membership and board quorum requirements.
- D. **2009 ICC International Fire Code Amendment** Review of a fire sprinkler text amendment to the 2009 ICC International Fire Code approved at the Village Board meeting on January 24, 2011.
- E. **2009 ICC International Building Code.** Continued discussion, consideration and recommendations regarding a proposed ordinance to adopt and amend the 2009 ICC International Building Code to be incorporated as a text amendment into the Village Code, Title 4 Building Regulations, Chapter 1 Building Code.
- F. **2009 ICC International Residential Code.** First draft review for consideration and recommendations regarding a proposed ordinance to adopt and amend the 2009 ICC International Residential Code to be incorporated as a text amendment into the Village Code, Title 4 Building Regulations, Chapter 1 Building Code.
- G. **Village Board Trustee Report.**
- H. **Adjournment.**

cc: BBA Members
Carl Henninger, Trustee Liaison
Staci Hulseberg, Planning & Development Director
Kristen Schrader, Assistant to the Village Manager, Administration
Patti Underhill, Administrative Services Coordinator
John Norton, Multimedia Specialist
Jackie Chernesky, Administrative Clerk
Debbie Clewlow, Administrative Clerk
Barbara Utterback, BBA Recording Secretary

Dear Interested Citizens:

This note provides you with information regarding the process of amending the Village Code. Once public comments, discussions and considerations have been completed, the Building Board of Appeals makes a recommendation to the Village Board. The recommendation, along with the meeting minutes, summary report and all related material, is then scheduled for consideration by the Village Board at one or two meetings. The recommendation may first be considered by the Village Board at a workshop meeting, which will be held on a Monday at 7:00 p.m. The recommendation may then be considered at a formal meeting of the Village Board one week later at 8:00 p.m., for a formal decision. To confirm exact dates for Village Board consideration of a project, please call 630-547-5241. The Village Board meets in the Board Room on the third floor of the Civic Center, 535 Duane Street.

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village at (630) 469-5000.

BUILDING BOARD OF APPEALS
MINUTES
FEBRUARY 7, 2011

The meeting was called to order by Acting Chairman James Bredfeldt at 7:36 p.m. Board Members Michaelene Burke Hoeh, Scott Raffensparger and Mike Morange were present. Chairman James Ryan and Board Members John Lustrup and James McGinley were excused. Also present were Trustee Liaison Carl Henninger, Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Board Member Raffensparger moved, seconded by Acting Chairman Bredfeldt, to approve the minutes of the December 6, 2010 BBA meeting. The motion carried with four (4) "yes" votes as follows: Board Members Raffensparger, Burke Hoeh, Morange and Acting Chairman Bredfeldt voted yes.

Board Member Raffensparger moved, seconded by Board Member Morange, to approve the minutes of the January 3, 2011 BBA meeting. The motion carried with four (4) "yes" votes as follows: Board Members Raffensparger, Morange, Burke Hoeh and Acting Chairman Bredfeldt voted yes.

Building and Zoning Official Joe Kvapil reviewed a proposed text amendment regarding changes to the Building Board of Appeals membership requirements.

Building and Zoning Official Joe Kvapil reviewed a fire sprinkler text amendment to the 2009 ICC International Fire Code that was recently approved by the Village Board. Mr. Kvapil stated that the changes pertained to fire sprinkler requirements for remodeling projects and the definition of "hard cost."

2009 ICC INTERNATIONAL BUILDING CODE. CONTINUED DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING A PROPOSED ORDINANCE TO ADOPT AND AMEND THE 2009 ICC INTERNATIONAL BUILDING CODE TO BE INCORPORATED AS A TEXT AMENDMENT INTO THE VILLAGE CODE, TITLE 4 BUILDING REGULATIONS, CHAPTER 1 BUILDING CODE.

Building and Zoning Official Joe Kvapil distributed and reviewed Exhibit A to the 2009 ICC International Building Code that included proposed amendments discussed at the previous BBA meeting and some new changes.

In Village Code Section 4-1-3, "change of use" is proposed to be "change of occupancy," which is the correct term. Also, the criteria that establishes the demolition classes is proposed to be changed to reflect the square footage rather than the type of class. The BBA was in favor of these recommendations. Village Code Section 4-1-5(C)4 regarding deposit released is proposed to be revised so that deposit money can be refunded to a homeowner if a contractor does not complete the work. Mr. Kvapil stated that the Village Attorney believes it would be acceptable for the Village to give deposit money to homeowners so they can finish the work themselves if the homeowners agree to sign a release to hold the Village harmless and defend the Village from a lawsuit. Board Member Raffensparger commented that the Village would incur legal fees if a lawsuit

resulted from a refund to a homeowner. Mr. Kvapil responded to Trustee Henninger that if work is not completed on a property owned by a contractor, the Village would have the option to hire a contractor to complete the work with the deposit money or a portion of the money can be used toward the project. The BBA was in favor of this recommendation. Section 105.5 regarding expiration of permits is proposed to be amended to include the period of time that a permit is valid (540 days/18 months). The BBA was in favor of this recommendation.

Mr. Bredfeldt inquired about whether or not to include the term "wetland buffers" in Section 4-1-5(F) regarding proximity to special flood hazard areas as discussed at a previous BBA meeting. Mr. Kvapil stated that the Zoning Code currently includes "wetland buffers," and he displayed a sketch he prepared that illustrated various stormwater terms. Regarding Village Code Section 4-1-5(G) Construction Hours, Board Member Morange asked if idling trucks and/or deliveries should be included in the construction hours, and Mr. Kvapil suggested adding wording regarding construction traffic. Chief Raffensparger suggested adding in parentheses "including evacuation and delivery of construction materials." Mr. Kvapil stated he will expand construction hours to add other disturbing noises. Mr. Kvapil stated that the prior code amendment is proposed to be incorporated into Section 406.1, 4 Item 1, regarding fire separation between parking garages and dwellings. The BBA was in favor of this recommendation.

Motion

Chief Raffensparger moved, seconded by Board Member Morange, to recommend that the Village Board approve the adoption of the 2009 ICC International Building Code with amendments as recommended by the Building Board of Appeals. The motion carried with four "yes" and zero (0) "no" votes as follows: Board Members Raffensparger, Morange, Bredfeldt and Burke Hoeh voted yes.

2009 ICC INTERNATIONAL RESIDENTIAL CODE. DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING A PROPOSED ORDINANCE TO ADOPT AND AMEND THE 2009 ICC INTERNATIONAL RESIDENTIAL CODE TO BE INCORPORATED AS A TEXT AMENDMENT INTO THE VILLAGE CODE, TITLE 4 BUILDING REGULATIONS, CHAPTER 1 BUILDING CODE.

Building and Zoning Official Joe Kvapil distributed Exhibit A and reviewed proposed amendments to the 2009 ICC International Residential Code. Village Code Section 4-1-2(D) is proposed to be amended to reflect the proposed adopted code edition. The BBA was in favor of this recommendation. Village Code Section 4-1-3 is proposed to be amended to delete the definitions of classes of additions, alterations and remodeling indicating scope of work performed. The deleted classes will be replaced by percentage of work performed. The BBA was in favor of this recommendation.

Village Code Section 4-1-8(A) is proposed to be deleted with standard language substituted that reflects adoption of the new code. The BBA was in favor of this recommendation.

Village Code Section 4-1-8(B) is proposed to be amended to reflect changes made to the 2009 ICC International Residential Code.

Section R101.1 Title is proposed to be amended to insert standard language into the code by the municipality. The BBA was in favor of this recommendation.

New Section R102.4.1 Plumbing is recommended to be added to reflect that wherever reference is made to the International Plumbing Code, the Plumbing Code, Department of Public Health, State of Illinois will be substituted. The International Plumbing Code will not be adopted, and Sections 4-1-8(B)4 and 4-1-5(G)) will be replaced. The BBA was in favor of this recommendation. New Section R102.4.2 Building is proposed that states where the Residential Code does not address a specific application, material or method of construction, the International Building Code shall apply. This section replaces Section 4-1-8(B)3 and is identical to the existing code amendment. The BBA was in favor of this recommendation. New Section R102.4.2 Building and Property Improvements is proposed be relocated to a more appropriate section of the code and is also proposed to have Class II language deleted and replaced with proposed percentage language for scope of projects Board Member Burke Hoeh commented that the phrase "at the sole discretion of" which, in this case, references the Public Works Director, could mean "at the whim of." Trustee Henninger responded that much input is received from others prior to the Public Works Director making final decisions. At Board Member Morange's suggestion, Mr. Kvapil stated he will relocate information regarding underground electrical systems from the Zoning Code to Section R102.7.2 Building and Property Improvements. The BBA was in favor of these recommendations. New Section 102.7.3 Building and Property Improvements is proposed to be relocated to a more appropriate section of the code and is also proposed to have Class III language deleted and replaced with proposed percentage language for scope of projects. Mr. Kvapil stated that an exception based on a newly passed amendment to the Fire Code regarding the requirement of a sprinkler system for remodeling projects is also proposed to be included.

Section R105.2 Work Exempt from Permit had been deleted from the 2003 IBC but is proposed to be included in the 2009 IBC as amended to provide more specific requirements regarding awnings and low-voltage equipment. Mr. Kvapil responded to Board Member Burke Hoeh that fire pits do not require permits but are subject to zoning regulations and that sport courts require permits if the impervious surface exceeds 100 square feet. The BBA was in favor of this recommendation. Section 105.3 Item 6 is proposed to be amended to require additional applicant/owner signatures on building permits for code enforcement purposes. Mr. Kvapil agreed with Board Member Burke Hoeh's recommendation to add the requirement of signatures, if applicable, for partner of a partnership and manager/member of an LLC, and the BBA was in favor of these recommendations. Section 105.3 Item 7 is proposed to be amended to require that additional name and address information is provided for all persons with a beneficial interest in the property for code enforcement purposes. Board Member Burke Hoeh recommended that the Village Attorney review this amendment. Section R105.3.1.1 regarding flood hazard areas was deleted in the 2003 IRC and is again proposed to be deleted in its entirety. Flood hazard information is covered in the Zoning Code and the DuPage County Stormwater Ordinance. Section R105.5 regarding expiration (of permits) is proposed to be amended to include the number of days that a permit is valid after it has

been issued. Mr. Kvapil added that he is in the process of reviewing for errors or omissions the 2006/2009 amendments adopted by several other municipalities. Mr. Kvapil also felt that the time limit for smaller projects should be reduced, and Trustee Henninger was interested in finding a solution to resolve the issue of "perpetual" construction projects. Section R105.7 Placement of Permit is proposed to be amended to require the display of a permit in a prominent location for code enforcement and neighbor notification purposes. The BBA was in agreement with this recommendation.

Section R108.6 Work Commencing Before Permit Issuance is proposed to be relocated as is to the proper code section. The BBA was in favor of this recommendation.

Section R110.3 Certificate Issued is proposed to replace Section 4-1-6(B)13 as is. The BBA was in favor of this recommendation.

Section R112.1 General is proposed to be amended to delete some language regarding the Building Board of Appeals as information regarding the Building Board of Appeals is established in the Glen Ellyn Village Code. The BBA was in favor of this recommendation. Sections R112.2.1 and R112.2.2 regarding determination of substantial improvement in areas prone to flooding and criteria for issuance of a variance for areas prone to flooding are proposed to be amended in their entirety because these regulations are specified in the Zoning Code. The BBA was in favor of this recommendation. Board Member Burke Hoeh recommended striking Section R112.3 Qualifications (of the BBA) because that information is included in the Building Board of Appeals chapter in the Glen Ellyn Village Code. The BBA was in agreement with this recommendation.

Section R113.4 is proposed to be amended to reference the appropriate penalty code section. The BBA was in favor of this recommendation.

Section R301.2 Table R301.2(1) Climatic and Geographic Design Criteria is proposed to be amended to add general design and engineering criteria. The BBA was in favor of this recommendation. Section R302.2 Fire-Resistant Construction Townhouse is proposed to be amended as per the 2003 IRC amendment. The BBA was in favor of this recommendation.

Section R303.2 Fire-Resistant Construction is proposed to be amended to delete the exception in its entirety as per the 2003 IRC amendment. The BBA was in favor of this recommendation.

Two items in Table R302.6 Dwelling/Garage Separation are proposed to be amended as per the 2003 IRC amendment. The BBA was in favor of this recommendation. Section

R403.1.3.3 Foundations for Accessory Structures is proposed to be revised per the 2003 IBC amendment. The BBA was in favor of this recommendation.

Section R404.1 is proposed to be revised to prohibit masonry foundations for new construction and allow concrete foundations only. The BBA was in favor of this recommendation. Sections R404.1.1, R404.1.1.1, R404.2, and R404.2.1 through R404.2.6 are proposed to be deleted in their entirety because masonry foundations, wood

foundation walls and wood foundations are not permitted for new construction; only concrete foundations are permitted. The BBA was in favor of this recommendation.

New Section R502.1.8 Light-Weight Floor Framing is proposed to be added as per the 2003 IRC amendment. The BBA was in favor of this recommendation.

Chapters 25, 26, 27, 28, 29, 30, 31 and 32 regarding plumbing requirements of the ICC are proposed to be deleted in their entirety because they may contradict the State of Illinois Plumbing Code which the Village follows.

Village Code Section 4-1-8(B) is proposed to be amended to delete Residential Code Amendments 4-1-8(B)2 through 4-1-8(B)19 in their entirety because they have been incorporated into the 2009 IRC or are no longer applicable. The BBA was in favor of this recommendation.

Trustee Report

Trustee Henninger reported on the status of three top-level vacancies currently in the Village. He also stated that the budget is currently in process and that Village finances continue to be a challenge. Trustee Henninger also reported on the status of the proposed ethics ordinance.

Staff Report

Mr. Kvapil stated that the International Building Code will be forwarded to the Village Board for their review.

There being no further business before the BBA, the meeting was adjourned at 9:56 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building and Zoning Official

AGENDA
Glen Ellyn Building Board of Appeals
Monday, March 7, 2011, 7:30 p.m.
Glen Ellyn Civic Center
535 Duane Street

THIS MEETING WAS
NOT HELD - AN
INSUFFICIENT NUMBER
OF MEMBERS WERE
PRESENT THAT DID NOT
CONSTITUTE A
QUORUM

- A. Call to Order and Roll Call.
 - B. Approval of February 7, 2011 Building Board of Appeals Minutes.
 - C. Building Board of Appeals Membership and Quorum Changes.
 - D. DuPage County Stormwater Ordinance update and code impact.
 - E. Historic Preservation Commission motion recommending an IRC amendment.
 - F. 2009 ICC International Building Code. Continued discussion, consideration and recommendations regarding a proposed ordinance to adopt and amend the 2009 ICC International Building Code to be incorporated as a text amendment into the Village Code, Title 4 Building Regulations, Chapter 1 Building Code.
 - G. 2009 ICC International Residential Code. Continued discussion, consideration and recommendations regarding a proposed ordinance to adopt and amend the 2009 ICC International Residential Code to be incorporated as a text amendment into the Village Code, Title 4 Building Regulations, Chapter 1 Building Code.
 - H. Village Board Trustee Report.
 - I. Adjournment.
- cc: BBA Members
Carl Henninger, Trustee Liaison
Staci Hulseberg, Planning & Development Director
Kristen Schrader, Assistant to the Village Manager, Administration
Patti Underhill, Administrative Services Coordinator
John Norton, Multimedia Specialist
Jackie Chernesky, Administrative Clerk
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BUILDING BOARD OF APPEALS
MINUTES
APRIL 4, 2011

The meeting was called to order by Chairman James Ryan at 7:33 p.m. Board Members Thomas Bredfeldt (who arrived at 8:35 p.m.), Michaelene Burke Hoeh, John Lustrup, Scott Raffensparger (who arrived at 7:40 p.m.) and Mike Morange were present. Board Member James McGinley was excused. Also present were Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

A vote to approve the minutes of the February 7, 2011 Building Board of Appeals meeting was tabled because there were not enough members present to vote that had been at the February 7, 2011 meeting.

Building and Zoning Official Joe Kvapil reviewed a memorandum from Interim Village Manager Terry Burghard regarding Board and Commission membership and Building Board of Appeals quorum changes. The BBA members felt that because five members instead of seven members vote on appeals, the majority should be three members.

Mr. Kvapil reviewed a February 2011 summary update of the Stormwater Ordinance by the DuPage County Stormwater Committee.

Mr. Kvapil referred the BBA to a memorandum regarding a motion approved by the Historic Preservation Commission in January of 2011 to recommend a local amendment to the 2009 ICC International Residential Code. The proposed amendment would help ensure that the Village is able to maintain its historic character. Mr. Kvapil stated that he removed the phrase "eligible for designation as" historic because he felt that a home should be clearly designated as a landmark to avoid confusion. Chairman Ryan felt that the proposed language seemed to suggest that a homeowner could be forced into having their home designated as a landmark, and he recommended not including the HPC's amended language in the IRC. The BBA members agreed with Chairman Ryan's recommendation.

2009 ICC INTERNATIONAL BUILDING CODE. CONTINUED DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING A PROPOSED ORDINANCE TO ADOPT AND AMEND THE 2009 ICC INTERNATIONAL BUILDING CODE TO BE INCORPORATED AS A TEXT AMENDMENT INTO THE VILLAGE CODE, TITLE 4 BUILDING REGULATIONS, CHAPTER 1 BUILDING CODE.

Building and Zoning Official Joe Kvapil distributed and reviewed Exhibit A to the 2009 ICC International Building Code that included proposed amendments discussed at the previous BBA meeting and some new changes.

Village Code Section 3-32-6(A) regarding Tax Imposed and Village Code Section 3-32-6(B) regarding Definitions - Demolition Contractor are proposed to be amended to

eliminate project class terms and instead provide specifications. Village Code Section 4-1-3 is proposed to be amended to expand the definition of Hard Cost for clarification purposes. Mr. Kvapil also suggested adding "appliances" to the definition and Ms. Burke Hoeh suggested adding awnings to the definition, and the BBA agreed with these recommendations. Village Code Section 4-1-3 was amended to reflect the role of the Historic Preservation Commission. Chairman Ryan asked if the Historical Sites Commissions established a list of historic homes that require the Village Trustees to say yes to it, and Mr. Kvapil was uncertain about that process. Chairman Ryan stated there are so few landmark cases because the property owner should decide if he/she wants to apply for the landmark case. Chairman Ryan stated that if a home is labeled as a historic sites structure, the homeowner is being saddled with several responsibilities that limits their use of the property. Mr. Kvapil stated that he will check to see if a homeowner can opt out of landmark status.

In Village Code Section 4-1-4(A)3(a), Class II demolitions has been amended by Mr. Kvapil to read "Demolition of a building or structure...". In Village Code Section 4-1-4(A)3(b), Class III demolitions has been amended by Mr. Kvapil to read "Demolition of a building or structure...". In Village Code Section 4-1-4(A)3(c), Class IV demolitions has been amended by Mr. Kvapil to read "Demolition of a building or structure...". Mr. Kvapil stated that he will research large demolition fees. In Village Code Section 4-1-4(A)13, Taxes; Mr. Kvapil added "demolition applies to any project when..." (class II alteration or greater and any class III demolition or greater was removed).

Mr. Kvapil recommended deleting Village Code Section 4-1-5(A) in its entirety and substituted the following last phrase "...and no change to the permitted work may be completed until revised submittal documents are approved by the building official, unless the work is exempt from a permit as specified in this code." Village Code Section 4-1-5(B) adds that no building permit shall be issued until certain conditions are added. "Related to the property" shall be added to paragraph 3 after "All outstanding debts to the Village...". Number 4 will be forwarded to the Village Attorney for his legal opinion regarding permit fees and taxes. Mr. Kvapil stated that Number 5 will be required for permit applicants to submit a sworn statement from each contractor and supplier listing their hard cost for their improvements; however, Chairman Ryan stated that each project should have one sworn statement from each independent contractor. Mr. Kvapil will reword this section. Paragraph 4 regarding Deposit Release to Village was added to Village Code Section 4-1-5(C) per Stewart Diamond. Also language was added to Paragraph 5, Deposit Award to Owner, that the owner will be awarded an amount of the released deposit up to the approved cost upon the owner's scheduled completion of the work. Ms. Burke Hoeh suggested including on the receipt a statement that the deficits may be forfeited, and Mr. Kvapil agreed. A statement was added to Village Code Section 4-1-5(D), Permit Suspension or Revocation, that, 2. A building permit may be suspended or revoked if any one of the conditions required in Section 4-1-5(B) is not in compliance. Village Code Section 4-1-5(E) is proposed to be deleted in its entirety and the \$15,000 threshold which was difficult to verify is eliminated with the need for professional certification based upon the structural and life safety risk assessment by the building official. The BBA was in favor of this recommendation. Regarding Village Code

Section 4-1-5(G), Mr. Kvapil added a more detailed list regarding work-related activities on a site. Village Code Section 4-1-5(I) shall be revised to add a more progressive fee structure for the judge per the Village Prosecuting Attorney.

The name of Section 105.1.1 Site Development Permit has been changed. This is a phased approval permit typically issued for large commercial projects that has never before been identified in the code, however, a fee for this permit is in the fee schedule.

Section 105.2(1) has been changed to remove wording that a permit is not required to place decorative ornaments and accessories upon the ground.

Section 105.3, Item 6, has been revised to aid in code enforcement since a citation must be served to the specific person who committed a violation or owns the property.

Section R113.3 is deleted in its entirety because the structure, responsibilities and procedures of the Building Board of Appeals are established in Chapter 7, Building Board of Appeals, Title 2 Boards and Commissions, in the Glen Ellyn Village Code.

Section 406.1.4, Item 1, regarding an attached private garage, has been changed, and the BBA was comfortable with the amendment.

Amend Section 1408.4 Weather Resistance. EFIS shall...and include the installation of a drainage medium layer incorporated into the system as specified by the manufacturer. Amend Section 1408.5, Installation. Installation of EFIS...provides additional protection that the system will be installed by appropriate personnel. Chairman Ryan recommended adding "or other manufacturer's certifications," and Mr. Kvapil agreed to add that language.

Amend Section 2901.1 Scope adopts the Illinois Department of Public Health Plumbing Code as currently adopted. Add new Section 2901.2 regarding structure protection. Add new Section 2901.3 regarding Piping protection. Add new Section 2901.4 regarding through wall protection. Sections 2902 and 2903 are deleted in their entirety.

New Section 3302.3 regarding Safety and Security Fencing is being added.

Regarding the Exception to Section 3403.6, "upon approval of the public works director" is being added in the paragraph.

Section 4-1-9, Reserved, will be entered into the Energy Conservation Code in the future.

Village Code Section 7-9-64 Applicability to New Construction Projects removed terminology for project class terms, and specifications are provided. Village Code

Section 7-10-9(D)3 and 4 have project class terms eliminated and specifications are provided. Village Code Section 7-10-20(C) states that a Class II is consistent with all other upgrades.

Village Code Section 8-1-20(A) removed Class I and II addition terminology and put it in as a specification.

Chairman Ryan reviewed that the outstanding issues are the historic issues, charging new homeowners for old homeowners' costs, and research from Mr. Kvapil about demolition fines/penalties being higher.

Mr. Ryan felt that 12 months should be the maximum allowed for a permit.

There being no further business before the BBA, the meeting was adjourned at 9:44 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building and Zoning Official

This meeting was cancelled at approximately 3:00 p.m. on May 2, 2011 because Board members called in & were unable to attend.

AGENDA

**Glen Ellyn Building Board of Appeals
Monday, May 2, 2011, 7:30 p.m.
Glen Ellyn Civic Center
535 Duane Street**

- A. **Call to Order and Roll Call.**
- B. **1. Approval of February 7, 2011 Building Board of Appeals Minutes.**
2. Approval of April 4, 2011 Building Board of Appeals Minutes.
- C. **Building Board of Appeals Membership and Quorum Proposed Text Amendment.**
- D. **Summary of Landmark Property Designation.**
- E. **Glen Ellyn and Wheaton Comparison of Fine Amounts.**
- F. **Permit Issue Conditions for Property Debts and Deposit Refunds.**
- G. **2009 ICC International Building Code.** Continued discussion, consideration and recommendations regarding a proposed ordinance to adopt and amend the 2009 ICC International Building Code to be incorporated as a text amendment into the Village Code, Title 4 Building Regulations, Chapter 1 Building Code.
- H. **2009 ICC International Residential Code.** Continued discussion, consideration and recommendations regarding a proposed ordinance to adopt and amend the 2009 ICC International Residential Code to be incorporated as a text amendment into the Village Code, Title 4 Building Regulations, Chapter 1 Building Code.
- I. **Village Board Trustee Report.**
- J. **Adjournment.**

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ZONING BOARD OF APPEALS
MINUTES
MARCH 22, 2011

The meeting was called to order by Chairman Richard Garrity at 7:32 p.m. Board Members Gregory Constantino, Edward Kolar, Mary Ozog, Dale SiligmueLLer and Michael Waterman were present. Board Member Barbara Fried was excused. Also present were Trustee Liaison Peter Ladesic, Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Chairman Garrity described the proceedings of the Zoning Board of Appeals.

Board Member Kolar moved, seconded by Board Member Waterman, to approve the minutes of the December 14, 2010 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

A public hearing was on the agenda for the property at 333 N. Park Boulevard.

PUBLIC HEARING – 333 N. PARK BOULEVARD

A REQUEST FOR APPROVAL OF TWO (2) VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-8-6(B)3 TO ALLOW THE CONSTRUCTION OF A SECOND FLOOR AND A REAR ADDITION THAT ALTERS 70% OF THE EXISTING EXTERIOR WALL AND ROOF AREA (CLASS II) IN LIEU OF THE MAXIMUM PERMITTED ALTERED EXISTING EXTERIOR WALL AND ROOF AREA OF 50% (CLASS I). 2. SECTION 10-5-5(B)4 TO ALLOW THE CONSTRUCTION OF A FRONT AND REAR PORCH WITH A SIDE YARD SETBACK OF 5.92 FEET IN LIEU OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 7.6 FEET.

(Jason and Anna Loebach, owners)

Staff Report

Building and Zoning Official Joe Kvapil stated that Jason and Anna Loebach, the owners of the property at 333 N. Park Boulevard, are requesting two (2) variations from the Zoning Code to allow the construction of a second floor and a rear addition that alters 70% of the existing exterior wall and roof area (Class II) in lieu of the maximum permitted altered existing exterior wall and roof area of 50% (Class I) and to allow the construction of a front and rear porch with a side yard setback of 5.92 feet in lieu of the minimum required side yard setback of 7.6 feet. Mr. Kvapil explained that the subject lot has a nonconforming lot area and nonconforming front yard and side yard setbacks. Mr. Kvapil stated that Village records indicate no variations have been granted for this property and he listed building permits previously issued. Mr. Kvapil stated that the subject property is in the R2 Residential zoning district, and he described the surrounding land uses. Mr. Kvapil displayed photographs of the subject property, a location map and a site plan that showed the areas of the variation requests. Mr. Kvapil explained that the owners would like to modify their existing one-story home by removing the existing

attached one-story garage and addition and constructing a new second-floor addition over the entire first floor plus constructing a new two-story addition on the rear of the home. He added that just the removal of the roof on a house such as the subject house exceeds the 50% limit of surface area removal allowed for a Class I Alteration and a variation is required.

Petitioners' Presentation

Jason and Anna Loebach, the owners of the subject property, spoke on behalf of their variation requests. Mr. Loebach stated that they would like to construct a straight-up addition and move their garage to the rear yard. He stated that the proposed addition would be consistent with other homes in the area and would maintain the integrity of the neighborhood. Ms. Loebach stated that the addition is necessary to accommodate their large family. The existing house has three bedrooms and 1-1/2 baths, and the house with the proposed addition will have five bedrooms and 3-1/2 baths. No alternate plans have been considered. She added that prior to deciding to construct an addition, they had tried to sell their home but were unsuccessful.

Responses to Questions from the ZBA

Mr. Kvapil clarified for Board Member Constantino that a variation would be required for almost any type of addition to the existing house because the lot is nonconforming. Mr. Kvapil explained for Board Member Kolar that the code makes an exception for a concrete driveway at a property line. Mr. Loebach explained for the Board Members that the side yard setbacks are being requested to line up the addition and the porch with the house for aesthetic purposes. Ms. Loebach responded to Board Member Ozog that no patio or deck is proposed, and Mr. Loebach responded to Board Member Ozog that the proposed garage is 528 square feet. Mr. Loebach responded to Board Member Siligmuller that some neighbors had expressed concern regarding stormwater. Mr. Kvapil added that the subject site will be reviewed for stormwater management because more than 1,500 square feet of land is proposed to be disturbed. Mr. Loebach responded to Board Member Ozog that water runs southeast across the property and that the shed in the southeast corner of the property will be removed.

Persons in Favor of or in Opposition to the Petition

Tad Skirvin, 325 N. Park Boulevard, expressed a concern regarding water run-off increasing in the area when the additions to the subject home are constructed.

Comments from the ZBA

All of the ZBA members were in favor of recommending approval of the requested variations because the nonconforming lot requires a variation for almost any type of addition/alteration. The ZBA members were also supportive of the additions because the variations are minimal and the proposed additions will not alter the essential character of

the neighborhood. Board Member Ozog reminded the owners to remove the shed in the southeast corner of the property and to adhere to all stormwater requirements.

Motion

Board Member Ozog moved, seconded by Board Member Waterman, to recommend that the Village Board approve two variations from the Glen Ellyn Zoning Code as follows: Section 10-8-6(B)3 to allow the construction of a second floor and a rear addition that alters 70% of the existing exterior wall and roof area (Class II) in lieu of the maximum permitted altered existing exterior wall and roof area of 50% (Class I) and Section 10-5-5(B)4 to allow the construction of a front and rear porch with a side yard setback of 5.92 feet in lieu of the minimum required side yard setback of 7.6 feet. The recommendation for approval was based on the findings of fact that a hardship is caused by the nonconforming lot, the variations are minimal, and the proposed additions will not change the essential character of the neighborhood. The recommendation for approval was based on the condition that the construction is in compliance with the plans as submitted at this public hearing.

The motion carried unanimously with six (6) "yes" votes as follows: Board Members Ozog, Waterman, Constantino, Kolar, SiligmueLLer and Chairman Garrity voted yes.

Trustee Report

Trustee Ladesic stated that the Village Board is currently in the budget process. He also announced that a new kitchen store will soon open in Glen Ellyn.

Staff Report

Mr. Kvapil stated that the next ZBA meeting will be cancelled. Mr. Kvapil also distributed information regarding a combined ZBA and Plan Commission meeting to be held on April 26 at which Planning Consultant Pete Pointner will speak.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:29 p.m.

Submitted by:

Barbara Utterback
Recording Secretary

Reviewed by:

Joe Kvapil
Building & Zoning Official

ZONING BOARD OF APPEALS
MINUTES
MAY 10, 2011

The meeting was called to order by Chairman Richard Garrity at 7:32 p.m. Board Members Gregory Constantino, Edward Kolar, Mary Ozog and Dale Siligmuller were present. Board Members Barbara Fried and Michael Waterman were excused. Also present were Trustee Liaison Pete Ladesic, Building and Zoning Official Joe Kvpil and Recording Secretary Barbara Utterback.

Chairman Garrity described the proceedings of the Zoning Board of Appeals.

Board Member Siligmuller moved, seconded by Board Member Kolar, to approve the minutes of the March 22, 2011 Zoning Board of Appeals meetings. The motion carried unanimously by voice vote.

Two public hearings were on the agenda for properties at 791 Crescent Blvd. and 488 Lowell Avenue/820 Duane Street. Mr. Kvpil stated, however, that the variation request for 791 Crescent Blvd. has been withdrawn this evening and will be heard at a later date.

PUBLIC HEARING – 488 LOWELL AVENUE/820 DUANE STREET

A REQUEST FOR APPROVAL OF TWO (2) VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-1(C) TO CONSTRUCT A FENCE ON THE VACANT ZONING LOT AT 820 DUANE STREET WHICH IS PROHIBITED ON A LOT WITH NO PRINCIPAL BUILDING. 2. SECTION 10-5-5(B)4, ITEM 11, TO CONSTRUCT A FENCE THAT IS 54 INCHES HIGH IN THE FRONT YARD OF LOTS 820 DUANE STREET AND 488 LOWELL AVENUE WHICH EXCEEDS THE MAXIMUM FENCE HEIGHT OF 48 INCHES IN A FRONT YARD.

(John and Jean Chereskin, owners)

Staff Report

Building and Zoning Official Joe Kvpil stated that John and Jean Chereskin own the property at 488 Lowell Avenue which has a single-family home and the adjacent vacant lot at 820 Duane Street which had a single-family home in the past. They are requesting two variations from the Zoning Code to allow the construction of a fence on a vacant lot where accessory structures are not permitted and to allow a 4' 6" high fence in the front yards of both lots when the maximum height of a fence in a front yard is limited to 4 feet. Mr. Kvpil displayed photographs of the current home and two fence designs that the petitioners are considering. Mr. Kvpil stated that the property is in the R2 Residential district and that the 488 Lowell property is a corner lot and the 820 Duane lot is an interior lot. Mr. Kvpil stated that one minor building permit had been issued for the 488 Lowell property and no previous variations have been granted to either property. Mr. Kvpil stated that the owners could consolidate both lots into one lot, however, the petitioners have chosen to retain two independent zoning lots and are asking for a

variation to allow them to construct a fence on both lots. Mr. Kvapil stated that both lots are of a size that they will remain buildable per the Zoning Code. Mr. Kvapil displayed a survey that indicated the locations of the proposed new and existing fences. He stated that the metal fence is proposed to be 54 inches high which is higher than the required 4 feet (48 inches) and is on the 820 Duane Street lot which doesn't include a principal structure. Mr. Kvapil explained that the new section of fence in the rear of 820 Duane Street requires one variation for a fence on a structure without a principal structure. Mr. Kvapil also explained that the new fence section on 488 Lowell Street is excluded from any variations. Mr. Kvapil displayed two fence designs that the petitioners are considering.

Petitioners' Presentation

John Chereskin, the petitioner, lives at 488 Lowell Avenue. Mr. Chereskin stated that there was a house and a garage on the lot next door with wide open space. He stated they would like some privacy in their rear yard with space for their dog to run.

Responses to Questions from the ZBA

Mr. Kvapil clarified for Mr. Kolar that the front yard of the subject property is on Duane Street. Mr. Kvapil explained for Ms. Ozog that cyclone and/or mesh are allowed in front yards in Glen Ellyn and that those fences must be 50 percent open. Mr. Kvapil explained for Mr. Siligmuller that if the subject lots were consolidated, the front yard would shift to Lowell Avenue. He also explained that the height of the fence to the west is 5 feet high although it should not have been built over 4 feet high and that a pool requires a 4-foot high fence. Mr. Constantino asked what the process would be to undo the consolidation if two zoning lots were consolidated as one zoning lot to allow the construction of a fence, and Mr. Kvapil replied the process would be a simple resubdivision process done administratively in the Planning and Development Department. Mr. Kvapil added that when the lots are consolidated, the variation for the fence would remain.

Mr. Chereskin responded to Mr. Constantino that the landscaping was done approximately one year ago. He added that a portion of the property was used as a staging area last year by Riteway construction, and landscaping of the subject property is currently being completed. Mr. Siligmuller asked why the fence height is being requested at 54 inches, and Mr. Chereskin responded that they would like their fence to match the fence next door but could live with the fence being 4 feet in height. Mr. Chereskin responded to Mr. Constantino that they plan two gates for access to the property. Mr. Chereskin responded to Mr. Constantino that they currently are planning to keep the lots separate because they don't know what their future plans will be. Mr. Chereskin also responded to Mr. Constantino that several neighbors have been supportive regarding the variation request.

Persons in Favor of or in Opposition to the Petition

Kathy Evangelist, 500 Lowell Street, Glen Ellyn, Illinois claimed that her chain link fence is 4 feet but is almost completely covered with bushes. Ms. Evangelist stated that a hardship for the Chereskins' is to keep their dog in the yard and she was definitely in favor of attaching the Chereskins' fence to her own fence. Ms. Evangelist responded to Mr. Constantino that some kids occasionally cut through their yard.

Comments from the ZBA

Chairman Garrity, Mr. Constantino, Mr. Kolar and Mr. SiligmueLLer were in favor of granting the two variance requests as long as two viable lots were created, however, believed the fence should remain at 48 inches instead of 54 inches as requested by the petitioner. Mr. Constantino also appreciated the support from the petitioners' neighbors for the fence. Ms. Ozog was in favor of a 54-inch fence which she felt would be more aesthetically pleasing as the fence would be connected to the neighbors. Ms. Ozog also expressed a preference for a metal picket fence. Mr. Chereskin stated he was concerned with the portion of the fence on Duane Street and would prefer 54 inches there. Mr. Kolar moved to close the public hearing and Ms. Ozog seconded the motion.

Motions

Two motions were made as follows regarding the subject requests at 488 Lowell Avenue/820 Duane Street. 1. Mr. Constantino moved, seconded by Mr. Kolar, to recommend that the Village Board approve a variation to Section 10-4-1(C) of the Zoning Code as requested by the petitioner to allow the construction of a fence on a vacant zoning lot which is prohibited on a lot with no principal building. 2. Mr. Constantino moved, seconded by Mr. Kolar, to recommend that the Village Board approve a variation from 10-5-5(B)4, Item 11, to allow the construction of a fence that is 54 inches high in the front yard of the lot on 820 Duane Street and 488 Lowell Avenue which exceeds the maximum fence height of 48 inches in a front yard.

Motion 1 carried unanimously with five (5) yes votes as follows: Board Members Constantino, Kolar, Ozog, SiligmueLLer and Chairman Garrity voted yes.

Motion 2 did not carry with one (1) yes and four (4) no votes as follows: Board Members Constantino, Kolar, SiligmueLLer and Chairman Garrity voted no; Board Member Ozog voted yes.

Trustee Report

Trustee Ladesic reported on the existing College of DuPage situation.

Staff Report

Mr. Kvapil stated that two variations will be heard at the next ZBA meeting. There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:41 p.m.

Submitted by:

Barbara Utterback
Recording Secretary

Reviewed by:

Joe Kvapil
Building & Zoning Official