NOTE: MEETING IS BEING TAPED AND ALSO TELEVISED ON WIDEOPENWEST CHANNEL 6, AT&T CHANNEL 99, AND COMCAST CABLE SERVICES CHANNEL 10. ALL MATTERS ON THE AGENDA MAY BE DISCUSSED, AMENDED, AND ACTED UPON.

Draft No. 2
01/19/11

Agenda
Glen Ellyn Village Board of Trustees
Monday, January 24, 2011
8:00 p.m. – Galligan Board Room

1. Call to Order

2. Roll Call

3. Pledge of Allegiance

4. Village Recognition:

   A. Police Officer Joseph Flores received a letter from a resident thanking him for the courtesy he extended her daughter when he pulled her car over following a traffic violation. The resident stated that Officer Flores used an evenhanded approach, resulting in respect and appreciation for the work of a police officer.

   B. A downtown business called Public Works to express their appreciation to Assistant Public Works Director Dave Buckley for leading the effort to coordinate the placement of a construction dumpster in the public right-of-way.

5. Audience Participation

6. Consent Agenda **(Pages 4-29)**

   The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below: *(Trustee Cooper)*

   A. Village Board Meeting Minutes:

   - November 8, 2010 Workshop
   - November 8, 2010 Regular Meeting
   - January 10, 2011 Workshop
   - January 10, 2011 Regular Meeting

   B. Total Expenditures (Payroll and Vouchers) $1,204,523.96.

   The vouchers have been reviewed by Trustee Cooper prior to this meeting.

   C. Motion to approve the recommendation of Village President Pfefferman that Michael Morange be appointed to the Building Board of Appeals for a term ending December 31, 2012. *(Planning and Development Director Hulseberg)*

D. Resolution No. 11-02, a Resolution Clarifying the Appeal Process from the Local Liquor Commissioner and Effecting Section 3-19-18 of the Village Code.

E. Ordinance No. 5915, an Ordinance to Amend Section 9-5-3 (Schedule C; Stop Intersections) of the Village Code of the Village of Glen Ellyn, Illinois Regarding Traffic Control at Surrey Drive and Briar Street. *(Police Chief Norton)*

F. Resolution No. 11-03, a Resolution to Obtain Permits to Perform Work on State Highways. *(Professional Engineer Minix)*

7. Ordinance No. 5916, an Ordinance Approving Variations from the Side Yard Setback and Impervious Surface Area Requirements of the Zoning Code to Allow a Gazebo, Outdoor Fireplace and Patio Accessory Structures for Property at 980 Oxford Road, Glen Ellyn, Illinois. *(Trustee Ladesic)* **(Pages 30-67)**

Planning and Development Director Staci Hulseberg will present information on a request by Christopher and Nancy Desmond for an ordinance granting four variations from the Glen Ellyn Zoning Code to allow the construction of a gazebo, outdoor fireplace and patio that do not meet the minimum required side yard setbacks and an impervious surface area that exceeds the maximum permitted impervious surface area in the rear yard.

8. Ordinance No. 5917, an Ordinance Approving Variations from the Lot Coverage Ratio and Setback Requirements of the Zoning Code to Allow an Addition to the Existing Single-Family Home for Property at 538 Prince Edward Road, Glen Ellyn, Illinois. *(Trustee Ladesic)* **(Pages 68-100)**

Building and Zoning Official Joe Kvapil will present information on a request by Jeff and Anne Lange for an ordinance granting two variations from the Glen Ellyn Zoning Code to allow the construction of a one-story addition with a lot coverage ratio of 20.6 percent in lieu of the maximum permitted lot coverage ratio of 20 percent, and to allow a rear yard setback of 39.6 feet in lieu of the minimum required setback of 40 feet.

9. Ordinance No. 5918, an Ordinance Amending the Fire Sprinkler Requirements of Chapter 2 of Title 5 (Fire Regulations) of the Village Code of the Village of Glen Ellyn, Illinois. *(Trustee Henninger)* **(Pages 101-122)**

Planning and Development Director Staci Hulseberg will present information on the amendment which requires fire sprinklers to be installed in the remodeled area of one-and two-family dwellings and townhouses when the hard cost of remodeling work exceeds $300,000. The 2009 ICC International Fire Code currently requires fire sprinklers to be installed throughout an existing home and in the remodeled area when the hard cost of remodeling work exceeds $200,000.

10. Professional Engineer Bob Minix will present information regarding the Braeside Area Localized Drainage Improvements Project. The project would install storm sewers, inlets and catch basins in rear–yard utility easements in a portion of the Braeside Subdivision located north of Roosevelt Road and east of I-355. Previously, the drainage project unsuccessfully sought Community Development Block Grant (CDBG) funds. A funding opportunity has recently presented itself in the form of the state-run "IKE-PT" Infrastructure Program targeting improvements in declared disaster areas due to flooding in 2008. To satisfy application requirements, two resolutions are required to formally affirm project support and pledge adequate funds to cover the local share of expenses. Total estimated project cost is $760,000 with 75 percent ($570,000) in grant funds sought for the project. *(Trustee Cooper)* **(Pages 123-129)**

    A. Resolution No. 11-04, a Resolution Authorizing the Submission of an Application to the Illinois Department of Commerce and Economic Opportunity for the CDBG "IKE" Disaster Recovery Public Infrastructure (IKE-PI) Program in the Amount of $570,000 to Aid in the Funding of the Braeside Area Localized Drainage Improvements Project.

    B. Resolution No. 11-05, a Resolution Committing Local Funds in the amount of $190,000 to Aid in the Funding of the Braeside Area Localized Drainage Improvements Project.

11. Reminders:

    - The next Regular Village Board Meeting is scheduled for Monday, February 14, 2011 with a Workshop beginning at 7 p.m. and the Regular Board Meeting beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

12. Other Business?

13. Motion to adjourn to executive session for the purposes of discussing the sale or lease of property, adjourning thereafter without returning to open session. *(Trustee Hartweg)*

14. Press Conference

A-6A

Minutes
Village Board Workshop
Glen Ellyn Village Board of Trustees
November 8, 2010

Time of Meeting: 7:00 p.m.

Present: President Pfefferman; Trustees Comerford, Cooper, Hartweg, Henninger, Ladesic, Thorsell; Attorney Diamond; Acting Village Clerk Utterback
Staff: Village Manager Jones, Schrader, Caracci, Hulseberg, Noller, Norton, Pekarek

1. Call to Order.

President Pfefferman called the meeting to order at 7:00 p.m.

2. Branch and Brush Collection – Public Works Director Caracci.

Caracci stated that Kramer Tree Specialists has provided great branch and brush collection service to the Village for 10 of the past 11 years. Kramer's contract has recently been completed, and Public Works recommends continuing to use their services. Caracci stated Kramer has proposed a contract extension with very minimal increases over the next three years. He added that Kramer was one of Public Works' contractors who had offered to reduce their prices upon request last year and, therefore, their new contract prices this year would start where they would have been last year. Caracci stated at this time he is seeking approval from the Village Board to waive competitive bidding on this contract. Trustee Ladesic recommended requesting bids from other companies due to the state of the economy. Caracci responded to President Pfefferman that this contract went out for bid in 2008 to 5-10 selected companies, and Kramer and one other company that does some pruning and removal work for the Village responded to the bid. Caracci stated that Kramer's bid was lower than the other bid by 30%. Caracci responded to Trustee Thorsell that he believes one of the reasons for the lack of response to the bid was because Glen Ellyn does not allow chipping on site and some companies may not have the capability to chip off site. Regarding pricing, Caracci stated that the option was chosen to be charged a lump sum per month rather than a cubic yardage price. Trustee Cooper pointed out that there is an advantage to certainty regarding the set annual cost. Caracci responded to Trustee Henninger that Kramer's average unit cost for pick-up over the last three years is cheaper now than it was at the beginning of the 3-year contract due to streamlined processes. Trustee Comerford felt that the current system seems to be working well and that Kramer responds quickly during storm events. When Trustee Ladesic asked if there is a clause in the contract regarding response time during a storm event, Caracci responded that Kramer will respond upon request and that they are sometimes asked to assist later in the clean-up process. Caracci was unsure if there is a clause in the contract regarding response times. Trustee Henninger calculated that Kramer's

average increase in fees over six years, including the extension, is an average of 9/10th of a percent, and he felt that costs have been effectively controlled. Trustees Comerford, Cooper, Hartweg, Henninger, and Thorsell supported the recommendation to waive the bid process for this contract.

3. Other items?

There were no other items brought before the Village Board.

4. Adjournment.

At 7:14 p.m., Trustee Thorsell moved, seconded by Trustee Comerford, to adjourn to Executive Session for the purpose of discussing pending litigation. The motion carried unanimously.

Respectfully submitted,

Barbara Utterback
Acting Village Clerk

Minutes
Regular Meeting
Glen Ellyn Village Board of Trustees
November 8, 2010

Call to Order

Village President Pfefferman called the meeting to order at 8:00 p.m.

Roll Call

Upon roll call by Acting Village Clerk Utterback, Village President Pfefferman and Trustees Comerford, Cooper, Hartweg, Henninger, Ladesic and Thorsell answered, "Present."

Pledge of Allegiance

The Pledge of Allegiance was led by Daisy Girl Scout Troop #42066 from St. Petronille School.

Village Recognition

a. Glenbard West Boosters sent a letter of thanks to Police Chief Norton for participating in the Glenbard West Homecoming Parade.

b. Arbor View School Principal, David Bruno, sent Village Manager Steve Jones a note thanking him for the fossils he donated to an event held at the District 89 elementary school.

c. A resident sent Public Works Director Joe Caracci an email thanking him for the prompt response to his request to clean up the islands in the vicinity of Roosevelt Road and I-355.

d. Cub Scout Pack 150 sent a thank you letter to Village officials thanking the five departments they visited when they toured the Glen Ellyn Civic Center.

e. The Village Board and Management Team congratulated the following employees who recently celebrated an anniversary as a Village employee:

Susan Davison	Administration	Five Years
David Heighway	Facilities Maintenance Division	Five Years
Brian Pohlis	Planning and Development	Five Years
Patti Taves	Police Department	Ten Years

Audience Participation

President Pfefferman presented a proclamation to District 87 School Board President Rose Malcolm and Board members Yadav Nathwani, Bob Friend and Tom Trefilek declaring November 15 as School Board Members Day.

Consent Agenda

Village Manager Jones presented the Consent Agenda; Village President Pfefferman called for questions and/or discussion on the items on the Consent Agenda.

Trustee Henninger moved and Trustee Cooper seconded the motion that the following items included on the Consent Agenda be approved:

a. **Minutes** of the following Village Board Meetings:
Workshop Meeting
October 11, 2010
Regular Meeting
October 11, 2010

b. Total **Expenditures** (Payroll and Vouchers) - $1,021,064.74.
The vouchers were reviewed by Trustee Henninger prior to the meeting.

c. **Ordinance No. 5896,** an Ordinance Granting a Utility Easement to **Commonwealth Edison Company** for the Undergrounding of Overhead Utility Wires Along Lambert Road at the Public Works Service Center, 30 South Lambert Road, Glen Ellyn.

d. **Recreation Department** user fee schedule for calendar year 2011.

Upon roll call on the Consent Agenda, Trustees Henninger, Cooper, Comerford, Hartweg, Ladesic and Thorsell voted "Aye". Motion carried.

Resolution No. 10-24 – Proposed Property Tax Levy for 2011

Acting Finance Director Larry Noller presented information concerning the 2011 proposed property tax levy for the Village of Glen Ellyn and Glen Ellyn Public Library which will be collected with tax bills issued in 2011. The proposed resolution provides an estimate of the levy amounts needed for the upcoming fiscal year. The total proposed combined tax levy for the Village and Library after $383,362 of abatements is $9,865,356. This represents an increase of $246,554 or 2.6 percent from last year's property taxes extended by DuPage County. The Village's share of the levy is projected to increase by 2.3 percent from last year's taxes extended, and the Library's share is projected to increase by 3.0 percent. This estimate may be modified prior to final adoption of the property tax levy which is scheduled for December 13, 2010. Noller explained that this estimate of the 2010 property tax levy is a statutory requirement of the annual levy process. He stated

that the levy discussion began at the October 15, 2010 Village Board Workshop and will continue for several weeks. Noller provided an overview of the budget discussion at the October 15, 2010 Village Board meeting and listed upcoming meetings regarding the budget. Trustee Henninger requested that Dawn Bussey, Executive Director of the Library, and Larry Stein, President of the Library Board, who were present at the meeting, work with Mr. Noller to prepare a summary of their bond and construction plan and the current funding status by November 15 or 22. Village Manager Jones responded to Trustee Cooper that he will contact DuPage Mayors and Managers to obtain information regarding the amount of income tax revenue the Village can expect from Springfield. Noller responded to Trustee Henninger that he has not yet received any estimates from IML. Noller responded to President Pfefferman that the Village is approximately 6% below last year regarding State income tax distribution and that the sales tax is up approximately 6-7%.

Trustee Comerford moved and Trustee Hartweg seconded the motion that Resolution No. 10-24 be passed, a Resolution to Record the Determination of the Corporate Authorities of the Village of Glen Ellyn of the Amounts of Money Estimated to be Necessary to be Raised by Taxation on Taxable Property for the Fiscal Year Beginning May 1, 2010 and ending April 30, 2011.

Upon roll call, Trustees Comerford, Hartweg, Cooper, Henninger, Ladesic and Thorsell voted "Aye." Motion carried.

Ordinance No. 5897 – Tax Increment Financing Consultant Services Agreement

Assistant to the Village Manager Kristen Schrader presented information on the recommendation to approve an agreement for the completion of a Tax Increment Financing (TIF) District Feasibility Study with Ehlers and Associates. The TIF District Feasibility Study is the first step in a multi-step process to facilitate the planning and designation of a TIF District in the Village's downtown. Schrader explained that tax increment financing (TIF) is a tool provided to local governments to assist them in stimulating investments in areas that have difficulty attracting development or redevelopment. She stated that TIF allows a local government to make improvements to areas in need and provides incentives to attract businesses or to help existing businesses expand without using general funds or raising taxes. Schrader stated that the Downtown Strategic Plan recommends consideration of a TIF district in the downtown. Schrader reviewed the TIF process and stated that local governments conduct feasibility studies to determine if an area meets TIF eligibility conditions. On July 1, the Village sent out Requests for Proposal seeking consultant services for a TIF district feasibility study. Four responses were received, and a selection team narrowed the field to two choices, Ehlers and Kane McKenna. Although both companies are of the same general caliber and offer comparable services, Ehlers is recommended to be selected because their fee would be approximately $20,000 less than Kane McKenna's fee. Schrader stated that Ehlers' references have been checked with very positive feedback received. Trustee Ladesic commented that he was pleased that the Village is moving forward with researching TIF.

Trustee Cooper moved and Trustee Ladesic seconded the motion that Ordinance No. 5897 be passed, an Ordinance Approving an Agreement between the Village of Glen Ellyn and Ehlers and Associates, Inc., for Tax Increment Financing Consultant Services.

Upon roll call, Trustees Cooper, Ladesic, Comerford, Hartweg, Henninger and Thorsell voted "Aye." Motion carried.

Ordinance No. 5898 – Trader Joe's (680 Roosevelt Road) – Special Use Permit

Planning and Development Director Staci Hulseberg presented information regarding a request for a special use permit to allow outdoor merchandise and outdoor storage in front of Trader Joe's located at 680 Roosevelt Road. The subject property is located on the north side of Roosevelt Road between Nicoll Avenue and Park Boulevard in the Pickwick Place Shopping Center. Hulseberg stated that Trader Joe's is requesting to display items such as pumpkins, flowers, cornstalks, wreaths, etc., between April and December of each year. The Plan Commission held a public hearing to consider Trader Joe's request for a special use permit on October 14, 2010 and recommended approval by a vote of 7 to 1 with conditions. Hulseberg added that staff also recommends approval of the special use permit request. Hulseberg stated that a temporary waiver had been granted to Trader Joe's by the Village Board on October 11 to allow seasonal outdoor storage prior to Halloween, and she showed a sketch indicating the locations of the merchandise proposed to be displayed. Hulseberg explained to Trustee Ladesic that the merchandise that Trader Joe's will be allowed to display will be from a specific list and similar items.

Trustee Thorsell moved and Trustee Comerford seconded the motion that Ordinance No. 5898 be passed, an Ordinance Granting Approval of a Special Use Permit to Allow Outdoor Merchandise and Outdoor Storage in Front of Trader Joe's Located at 680 Roosevelt Road, Glen Ellyn.

Upon roll call, Trustees Thorsell, Comerford, Cooper, Hartweg, Henninger and Ladesic voted "Aye." Motion carried.

Reminders

- President Pfefferman invited the public to attend the monthly meeting of the Capital Improvements Commission when residents will be given an opportunity to comment on the Village's long-term street rehabilitation plan. The meeting will be held on Tuesday, November 9 at 7:30 p.m. in Room 301 of the Civic Center.

- The next Regular Village Board Workshop meeting of the Glen Ellyn Village Board is scheduled for Monday, November 15, 2010 beginning at 7 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

- The next Regular Village Board Meeting is scheduled for Monday, November 22, 2010 with a Workshop beginning at 7 p.m. and the Regular Board Meeting beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

Other Business

Trustee Cooper announced that on Friday, November 12, 2010 at 7:00 a.m., the Finance Commission will meet to review tax levy issues and long-term financial planning for the Village. Trustee Cooper encouraged the public to attend this informative meeting.

Adjournment

At 8:42 p.m., Trustee Henninger moved and Trustee Cooper seconded the motion to adjourn to executive session in Room 301 to discuss pending litigation without returning to open session. Upon roll call, all Trustees voted "Aye." Motion carried.

Respectfully Submitted,

Barbara Utterback
Acting Village Clerk

Minutes
Village Board Workshop
Glen Ellyn Village Board of Trustees
January 10, 2011

Time of Meeting: 7:00 P.M.

Present: President Pfefferman; Trustees H artweg, Comerford, Cooper, Thorsell, Henninger; Village Clerk Connors. Village Attorney Diamond. Trustee Ladesic arrived at 7:09 p.m.
Staff present: Interim Village Manager Burghard, Assistant to the Village Manager Schrader, Assistant to the Village Manager Izzo (left at 8:37p.m.), Department Managers Hulseberg, Police Chief Norton, Noller, and Perrigo. Senior Services Coordinator Jodi Hefler left at 8:37 p.m.

1. **Call to Order**

President Pfefferman called the Board Workshop to order at 7:00 P.M. with a roll call. Trustees Thorsell, Comerford, Cooper, Hartweg, and Henninger responded "Here."

2. **Village Manager Recruitment Firm Discussion**

President Pfefferman began the discussion by briefly reviewing the process followed and the qualifications of the two search firms under consideration at this meeting. One firm will be chosen to assist the Village Board in locating a permanent Village Manager. The two firms being considered are Slavin Management Consultants and Voorhees Associates, LLC. Each member of the Village Board was asked to identify hiring criteria and pros/cons for each firm. Most remarks concerning both firms were positive. Interim Village Manager Burghard was also asked to comment. He remarked that he knew both firms and felt that either firm would do a good job for the Village, but Voorhees may have a better local network. Robert Friedberg, 641 Pleasant, spoke to the Village Board about the profile that is created for the position so he thought that both firms would recruit candidates from the same place. He asked whether the Village Board would select a firm who would bring candidates from non-traditional sources. He suggested the Village Board consider building the profile based on experience with previous managers. Each Trustee offered their opinion as to which firm to hire and why. All action relating to the contract with the recruitment firm will be taken at open meetings as with any independent contractor. The action item at 8:00 p.m. will be a motion to approve Voorhees Associates as indicated by the Village Board's preference. The contract will be approved, but other items can be negotiated. Attorney Diamond suggested the motion wording should read: To authorize a contract with Voorhees Associates for a search for a permanent Village Manager under the conditions of their proposal, but with the final contract determination subject to the approval of the Village President. This would allow the incorporation of the other matters such as a guarantee, weekly reports, etc. Discussion on this topic was suspended to proceed to the boundary line agreement amendments item.

3. Lombard Boundary Line Agreement Amendments

Staci Hulseberg gave the background of the boundary line changes between the Villages of Glen Ellyn and Lombard as they relate to some of the provisions in the Hill Avenue Bridge agreement. Proposed changes to the boundary lines are to be prepared by the Village of Glen Ellyn and submitted to the Village of Lombard by January 31, 2011. Ms. Hulseberg presented the five potential changes for the Village Board to consider at this evening's meeting. Thirty days advance public notice must be given concerning the change of the boundaries to residents living in areas that were within the change of jurisdiction, but that may be done by the Village of Lombard. The Village of Glen Ellyn may not have to adopt the changes, but if the Glen Ellyn Village Board approves, can send the changes as presented to the Village of Lombard to meet the January 31 deadline. The Village of Lombard would then have 30 days to review and they are in agreement with this. The Village of Glen Ellyn can then act on the agreement after the Village of Lombard has reviewed the approved agreement being sent. The general consensus of the Village Board is to forward the amended agreement to the Village of Lombard.

4. Village Manager Recruitment Discussion

President Pfefferman presented the question to the Village Board as to whether a residency requirement will be necessary for the new village manager. A poll of each member of the Village Board indicated agreement that residency was necessary for a longer term contract (more than 2 years) and a willingness to perhaps provide some assistance.

5. Other Items?

None

6. Adjournment

At 7:57 p.m., Trustees agreed to adjourn for a three minute break prior to the start of the Regular Village Board meeting at 8:00pm.

Submitted by:

Suzanne R. Connors,
Village Clerk

Minutes
Regular Meeting
Glen Ellyn Village Board of Trustees
January 10, 2011

Call to Order

Village President Pfefferman called the meeting to order at 8:05 p.m.

Roll Call

Upon roll call by Village Clerk Connors, Village President Pfefferman and Trustees Comerford, Cooper, Hartweg, Henninger, Ladesic and Thorsell answered, "Present."

Pledge of Allegiance

The Pledge of Allegiance was to be led by a Brownie Troop who were not present. They will be invited to return. President Pfefferman led those present in the Pledge of Allegiance.

Village Recognition

a. Community Service Officer Nick Bellini received several thank-you notes for leading a tour of the Police Department from Cub Scout Pack 52, Den 11 of Lincoln Elementary School, and the Wolf Pack of St. Petronille.

b. A letter of thanks was received by Police Chief Norton from the Police Chief of Bloomingdale forwarding his appreciation for assistance in a recent investigation.

c. The Wheaton Police Chief sent a letter of thanks to Glen Ellyn Police Sergeant Norm Webber and Police Officers Nick Catalano, Joseph Flores, and Mallory Scholpp for their assistance in a recent burglary investigation.

d. A thank-you note was sent to Public Works in appreciation for the recent asphalt repair of a neighborhood alleyway. The work crew included Jen Brown, Greg Garcia, Rick Mascarella and Mike Zitzka.

e. Public Works received a note of appreciation from residents who were pleased with the Bryant Avenue/Thain's addition project, which was finished on schedule and before the onset of the winter weather.

f. Building Inspector Brian Pohlis received a letter of thanks from a business owner for being so helpful during the opening of the restaurant.

g. The Village Board and Management Team congratulated the following employees who recently celebrated an anniversary as a Village employee:

Thomas Staples	Police Department	Twenty Years
David Scuito	Police Department	Fifteen Years
Craig Holstead	Police Department	Five Years

Audience Participation

President Pfefferman introduced Terry Burghard as the interim Village Manager who was hired last week and gave Mr. Burghard's background. President Pfefferman also introduced Jeff Perrigo who will be serving as interim Public Works Director and Larry Noller who has been serving as interim Finance Director. Recreation Director Matt Pekarek is serving as Assistant to the Village Manager during the transition period. Mr. Burghard noted that it has been a busy week as he is being updated and getting to know the staff. President Pfefferman thanked all Village employees for all their work especially during this time of transition. Their commitment to continued customer service and their effort is appreciated. He also announced that the Village Board is going to seek to fill the position of Village Manager first and then look to fill the other two department manager positions.

President Pfefferman announced the award winners in various schools that occurred this past week.

John Mulherin, 569 Dorset Avenue, spoke concerning the U.P. excursion train, a steam engine, that may visit Glen Ellyn. The train commences in Iowa and travels through Glen Ellyn. In order to get the train to stop in Glen Ellyn, it is necessary to vote on www.upexcursion.com. until January 17. Everyone can vote once a day everyday.

Consent Agenda

Interim Village Manager Burghard presented the Consent Agenda; Village President Pfefferman called for questions and/or discussion on the items on the Consent Agenda.

Trustee Thorsell moved and Trustee Henninger seconded the motion that the following items included on the Consent Agenda be approved:

a. **Minutes** of the following Village Board Meetings:
Workshop Meetings
October 25, 2010
December 6, 2010
December 13, 2010
Special Meeting
December 6, 2010
January 3, 2011
Regular Meeting
October 25, 2010
December 13, 2010

b. Total **Expenditures** (Payroll and Vouchers) - $5,754,430.56.
The vouchers were reviewed by Trustee Thorsell prior to the meeting.

c. Intergovernmental Partnership Agreement between the Village of Glen Ellyn and the City of Naperville in order to continue the **Ride DuPage to Work** program utilizing funding from the RTA "JARC Grant," June 1, 2010 through May 31, 2012.

d. **Ordinance No. 5914-VC,** an Ordinance Amending Chapter Seven of Title Two of the Village Code of Glen Ellyn, Illinois regarding **Building Board of Appeals Membership**.

e. **Resolution No. 11-01,** a Resolution **Designating Public Depository** and **Authorizing Withdrawal of Municipal Public Moneys**.

f. Payment to CBMT Greenhouse Inc., of Hampshire, Illinois for material costs associated with the summer **2011 Central Business District flower plantings** in the amount of no more than $17,000, to be expensed to the FY11-12 General Fund.

g. Competitive bidding for the **replacement of the underground fuel island located at the Public Works facility** at 30 S. Lambert, Glen Ellyn, Illinois. Acting Public Works Director Jeff Perrigo gave a brief report on the necessity for the replacement of the underground fuel island.

Upon roll call on the Consent Agenda, Trustees Thorsell, Henninger, Comerford, Cooper, Hartweg and Ladesic voted "Aye". Motion carried.

Ethics Standards for Civil Servants

President Pfefferman gave some background stating that, approximately 2 years ago, the Village Board decided that an ethics policy was needed as well as some adjustments to the Village personnel policy. He noted that this has been discussed publicly and feed-back was requested. It is now reaching its final stages and employees, commissioners and the public through the Village website may make comments until January 31, 2011. It is anticipated that after tonight's first reading, it will be brought back to the Village Board in February for final action.

Village Attorney Diamond presented information concerning a proposed ethics resolution and ordinance. He made some revisions as he understood the Village Board requested. He explained some of the terms, who is covered by the ordinance, how the ordinance related to State law, and penalties for violations. During the discussion of the resolution and ordinance, Attorney Diamond interpreted the ordinance and answered questions from the Village Board. The first readings of the proposed ethics resolution and ordinance are non-binding "straw votes" of the Village Board for the purpose of providing for the additional opportunity for the public to raise questions or comments prior to their passage.

Lee Crumbaugh, 725 Kenilworth, spoke in favor of an ordinance.
Pete McElvain, 587 Riford, spoke in favor of the ordinance.
Diane McGlinley, 293 Abbotsford, spoke in agreement with the ordinance, but not totally.
Kathy Cornnell, 678 Forest, spoke in favor of an ethics ordinance.

Further discussion detailed additional Village Board member's comments and suggestions that can be incorporated into the resolution and/or ordinance.

Trustee Henninger moved and Trustee Hartweg seconded the motion to table the First Reading until February 14, 2011 and the Second Reading until February 28, 2011 the following actions:

A. Resolution Establishing the General Policy of the Village of Glen Ellyn Regarding the Ethics Standards Expected from its Civil Servants

B. Ordinance Establishing Standards for Ethical Conduct by Civil Servants Providing for a Process to Review and Act Upon Alleged Violations and Adding Chapter 12 to Title 1, of the Glen Ellyn Village Code

Upon roll call, Trustees Henninger, Hartweg and Ladesic and President Pfefferman voted "Aye." Trustees Comerford, Cooper and Thorsell voted "Nay." Motion carried.

Village Manager Recruitment

Trustee Ladesic moved and Trustee Henninger seconded the motion to approve an agreement with Voorhees Associates, at a cost not to exceed $17,900 with any agreed upon modifications for the recruitment of a Village Manager, to be expensed to the FY11/12 General Fund.

Upon roll call, Trustees Ladesic, Henninger, Comerford, Cooper, Hartweg and Thorsell voted "Aye." Motion carried.

Reminders

- The next Regular Workshop meeting of the Glen Ellyn Village Board is scheduled for Monday, January 17, 2011 beginning at 7 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

- The next Regular Village Board Meeting is scheduled for Monday, January 24, 2011 with a Workshop beginning at 7 p.m. and the Regular Board Meeting beginning at 8p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

Other Business

- Interim Public Works Director Jeff Perrigo gave an update on Manor Woods indicating that a recommendation is being prepared for the Village Board for a February meeting.

Adjournment

At 10:20 p.m., Trustee Thorsell moved and Trustee Henninger seconded the motion that the Regular Meeting of the Village Board be adjourned to Executive Session for the purpose of discussing pending litigation and the purchase or lease of real property, adjourning thereafter without returning to open session. Upon roll call, Trustees Thorsell, Henninger, Comerford, Cooper, Hartweg and Ladesic voted "Aye". Meeting adjourned.

Respectfully Submitted,

Suzanne R. Connors
Village Clerk

A-6D

To: Danamarie Izzo, Assistant Village Manager - HR

From: Patti Underhill, Admin. Svcs. Coord.

Date: January 13, 2011

Re: Local Liquor Control Procedure
Resolution Clarifying Appeal Process

Background We received a memo from Village Attorney Diamond regarding the language in the Village Liquor Code Section 3-19-18 – Suspension and Revocation. The Liquor Control Commission is required to hold a hearing prior to revoking or suspending a license. State law provides that a municipality pass a Resolution regarding the process it prefers. The municipality can hold a hearing in a formal manner, with a court reporter. If that is done the State Liquor Commission does not hold its own full hearing, but only reviews the decisions of the Local Liquor Commissioner. That is the preferable method and would save the Village money as opposed to having to re-try the entire matter in Springfield. Our current ordinance does not fully clarify that matter because it says that a review of the decisions of the Local Liquor Commissioner "shall be as provided for at 235 ILCS 5/7-9".

Issues Our current ordinance does not clarify the above fact and should more specifically state which of the two choices the Village has adopted.

Action Requested Approve the Resolution

Recommendation Approve the Resolution

Attachments DRAFT Resolution

DRAFT

RESOLUTION NO. _____

A RESOLUTION CLARIFYING THE APPEAL PROCESS FROM THE LOCAL LIQUOR COMMISSIONER AND EFFECTING SECTION 3-19-18 OF THE VILLAGE CODE.

WHEREAS, the Village Code of Glen Ellyn, at Section 3-19-18, establishes procedures under which a liquor license may be suspended and revoked; and

WHEREAS, that statute provides that a municipality is to pass a resolution regarding the process it favors; and

WHEREAS, no resolution to that effect has been passed by the Corporate Authorities;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: An appeal before the State Liquor Commission of the proceedings before the Village of Glen Ellyn's Local Control Commissioner, shall be based upon a review of the official record of the proceedings if the Corporate Authorities shall have provided for a certified official record of the proceedings to be taken and prepared by a certified court reporter or a certified shorthand reporter. If no such report of proceedings has been taken, then a trial de novo hearing can be held before the State Liquor Commission.

SECTION 2: This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED THIS _____ day of _____, 20____.

AYES:

NAYS:

ABSENT:

APPROVED THIS _____ day of _____, 20____.

_____
Village President

ATTEST:

_____
Village Clerk

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A-6E

MEMO

TO: Phil Norton, Chief of Police

FROM: Bill Holmer, Deputy Chief of Police Operations

DATE: November 24, 2010

SUBJECT: **STOP SIGN CONTROL – BRIAR STREET AND SURREY DRIVE**

Last year the Village reconstructed the intersection of Briar Street and Surrey Drive as part of the Braeside Neighborhood Improvements Project. The intersection now resembles a more traditional T-intersection.

It has been recommended by Professional Engineer Bob Minix that three-way stop sign controls be added to the intersection of Briar Street and Surrey Drive. His recommendation is based primarily on engineering judgment, but also on a logical approach to controlling traffic movements at the intersection. These signs were erected after the reconstruction, but they currently exist without a supporting ordinance.

Based on the professional recommendation of Bob Minix, we have prepared an amendment to section 9-5-3 of the Village Code to add this intersection to schedule C (Stop Intersections). Additionally, I recommend that the curbs be painted yellow extending 30 feet from the stop sign at each leg of the intersection. The neighborhood experiences a greater amount of on-street parking than other neighborhoods in the Village, and this may help alleviate the anticipated problem of vehicles being parked too close to the intersection.

I have attached the recommendation from Bob Minix along with the ordinance amendment.

ok PGN 12-2-10

Glen Ellyn Public Works Department

Interoffice Memorandum

to: Bill Holmer, Deputy Police Chief

from: Bob Minix, Professional Engineer Bob Minix

subject: Braeside Neighborhood Improvements Project
Traffic Control Changes at Briar and Surrey

date: December 15, 2009

The 2009 Braeside Neighborhood Improvements Project included the reconstruction of Surrey Drive between Roosevelt Road and Briar Street. As part of the roadway work, the intersection of Surrey and Briar was modified in order to provide more land for future improvements at the Surrey Lift Station.

Please note the attached sketch depicting the pre- and post-construction roadway layout at Surrey and Briar. The previous intersection configuration formed a triangle with Briar on the east, Surrey on the north and a sweeping curve to the southwest connecting the two roadways; the lift station was in the island area. The new configuration eliminated the transition curve and converted the intersection into a more traditional "T" configuration. In addition to freeing up land for lift station improvements, the new layout will slightly slow traffic through the intersection, providing the neighborhood with a desirable traffic calming element.

During project construction after the intersection was reconstructed, temporary STOP signs were placed on the three approaches to the intersection, and remain there today. The purpose of this memorandum is to recommend permanent placement of the STOP signs by modifying Title 9, Chapter 5 of the Village Code, Traffic Schedules, specifically Schedule C, Stop Intersections (9-5-3). Schedule C currently lists the intersection of Briar and Surrey, specifying that traffic is to stop from the south only (see excerpt from 9-5-3).

All traffic approaching the intersection must now pass through the "T" portion of the intersection, with the predominant traffic movements noted, as estimated by the Engineering Division:

Direction of Approach to Briar & Surrey Intersection	Predominant Traffic Movement
Traveling east on Surrey	~1/3 straight to eastbound Surrey ~2/3 right-turn to southbound Briar
Traveling west on Surrey	Straight to westbound Surrey
Traveling north on Briar	Left-turn to westbound Surrey

BASIS FOR RECOMMENDED TRAFFIC CONTROL

The primary reasons for recommending a three-way STOP configuration at the intersection of Briar and Surrey is based on engineering judgment, supported by the following considerations:

1. Intersection of Two Principal Roadways: The reconfiguration of Briar and Surrey has concentrated all intersection traffic movements to a singular nexus. Both streets are designated as Neighborhood Collectors in the current Glen Ellyn Comprehensive Plan and are the major internal roads in the subdivision. There is really not a minor leg to the intersection.

2. Traffic Volumes: Required volumes for a multi-way STOP sign intersection consist of:

   - The total vehicular volume entering the intersection from all approaches must average at least 500 vehicles per hour for any 8 hours of an average day.

   - The combined vehicular and pedestrian volume from the minor street or highway must average at least 200 units per hour for the same 8 hours, with an average delay to minor street vehicular traffic of a least 30 seconds per vehicle during the maximum hour.

   While no formal traffic counts have been made yet with the new roadway configuration in place, it is anticipated that the minimum warrants cited above are achieved – or nearly achieved – at this intersection.

3. Turning Movement Delay: Multi-way STOP signs are appropriate at a three-way intersection with multiple turning movements in order to permit left-turns without undue delay.

4. Pedestrian Safety: Safe pedestrian crossings can best be achieved under STOP sign control at this intersection.

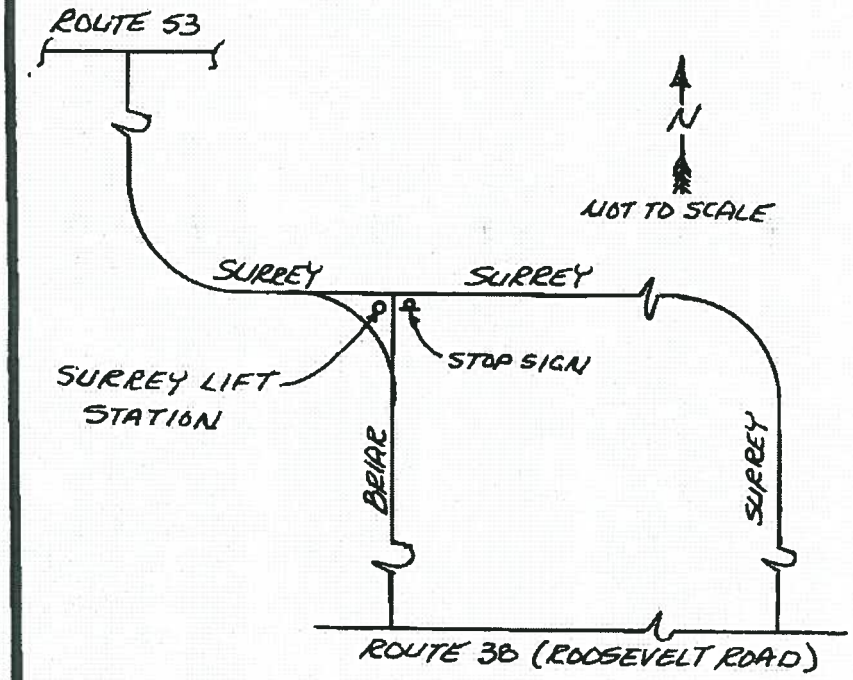
5. Avoiding Unusual Configurations: Placing STOP signs at all three approaches is a logical and fair way to control movements, avoiding an unorthodox intersection control situation and limiting driver confusion.

Hence it is recommended to modify Schedule C to include all three directions from which traffic is stopped at Briar and Surrey Drive: South, east and west.

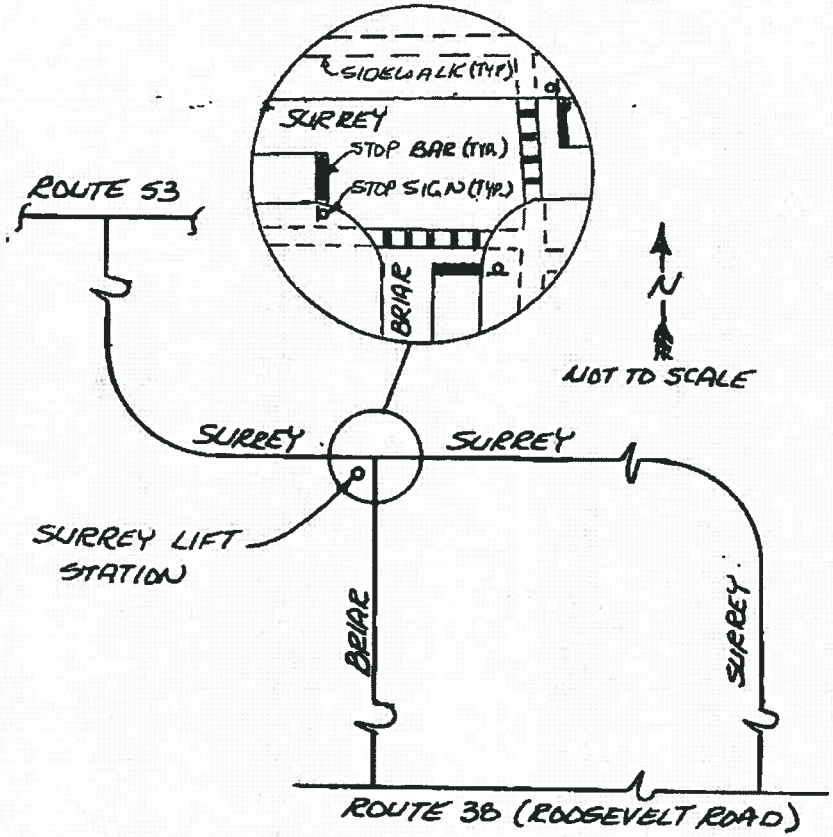
PARKING RESTRICTIONS

The Village code prohibits parking within 30 ft. of a STOP sign (9-2-3.A.6). A recent conversation with a Braeside resident indicated that there seemed to be congestion in the intersection due to vehicles parked too close to the STOP signs. It is recommended that this situation be observed; if necessary, signage may be appropriate if other measures are ineffective in keeping the area clear.

cc: Joe Caracci, Public Works Director
Dave Buckley, Assistant Public Works Director
Jeff Perrigo, Civil Engineer
Bill McGurr, Village Engineer



PRE-PROJECT



POST- PROJECT

BRAESIDE NEIGHBORHOOD IMPROVEMENTS PROJECT

TRAFFIC CONTROL CHANGES AT BRIAR & SURREY

RJM
12/09

9-5-3: SCHEDULE C; STOP INTERSECTIONS:

Intersections	Direction From Which Traffic Stops
Anthony Street and Forest Avenue	East and west
Anthony Street and Kenilworth Avenue	East and west
Anthony Street and Main Street	West
Anthony Street and Park Boulevard	West
Anthony Street and Western Avenue	East and west
Arbor Court and Main Street	West
Brandon Avenue and Greenfield Avenue	South
Brandon Avenue and Hill Avenue	North
Briar and Surrey Drive	South
Bryant Avenue and Duane Street	East and west
Bryant Avenue and Fairview	West
Bryant Avenue and Highview	North, south, east and west
Bryant Avenue and Hill Avenue	North, south, east and west
Bryant Avenue and Hillside Avenue	East and west
Bryant Avenue and Revere Road	East and west
Bryant Avenue and Walnut Road	South, east and west
Bryant Avenue and Wingate Road	West
Carleton Avenue and Duane Street	North and south
Carleton Avenue and DuPage Boulevard	North
Carleton Avenue and Fairview Avenue	South
Carleton Avenue and Hill Avenue	North
Chidester Avenue and Riford Road	East and west
Coolidge Avenue and Park Boulevard	West
Cottage Avenue and Main Street	East
Cottage Avenue and Western Avenue	East and west
Cranston Court and Fairview Avenue	North
Crescent Boulevard and Colcord Place	North
Crescent Boulevard and Crescent Court	South
Crescent Boulevard and Crescent Drive	North
Crescent Boulevard and Ellyn Avenue	North
Crescent Boulevard and Hickory Road	South
Crescent Boulevard and Lake Road	North

ORDINANCE NO. _____ - VC

AN ORDINANCE TO AMEND SECTION 9-5-3
(SCHEDULE C; STOP INTERSECTIONS)
OF THE VILLAGE CODE OF THE
VILLAGE OF GLEN ELLYN, ILLINOIS
REGARDING TRAFFIC CONTROL AT SURREY DRIVE AND BRIAR STREET

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION ONE: Section 9-5-3 (SCHEDULE C; STOP INTERSECTIONS) of the Glen Ellyn Village Code is hereby amended by the addition of the following:

Intersection	**Direction From Which Traffic Stops**
Surrey Drive and Briar Street	South, east and west

SECTION TWO: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION THREE: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20___.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20___.

_____
Village President of the Village
of Glen Ellyn, Illinois

ATTEST:

_____
Village Clerk of the Village
of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____, 20___.)

Glen Ellyn Public Works Department

Interoffice Memorandum

A-6F

to: Terry Burghard, Interim Village Manager

from: Jeffrey D. Perrigo, Interim Public Works Director

subject: Work on State Highways – Permits

for: January 24, 2011 Village Board Meeting

date: January 13, 2011

The Village of Glen Ellyn owns and operates sanitary sewer, water, and storm sewer systems on Illinois Route 53 and Illinois Route 38 in the Village. When repair work is required on the various utility lines in the State highway, the Village is obligated to obtain a permit from the Illinois Department of Transportation. The permit authorizes the Village to do repair work and assures the State the proper practices are followed to repair the State roadways to the proper condition.

The State of Illinois requires parties excavating in State highways post bonds or some form of surety to provide the necessary funds for the State in the event repairs are improperly completed and the State needs to undertake the restoration work. In the case of municipalities, the State offers an option of having the Village Board adopt a resolution to obtain permits to perform work on State highways in lieu of providing a surety bond for each permit request. The resolution provides the good faith and guarantee of the Village to perform the work required by the Illinois Department of Transportation for repair work on their highways. The resolution is adopted and valid for a two-year period and will allow the Village to obtain the necessary permits for repair work without posting bonds on an individual repair project basis.

I have attached a resolution for Village Board consideration that would cover the years 2011 and 2012 for all utility excavations performed on State highways in Glen Ellyn.

Enc. Resolution – Work on State Highways 2011 - 2012

Cc: Dave Buckley, Assistant Public Works Manager
Bob Minix, Professional Engineer
Bob Greenberg, Project Coordinator

RESOLUTION NO. _____

A RESOLUTION TO OBTAIN PERMITS TO PERFORM
WORK ON STATE HIGHWAYS

WHEREAS, the Village of Glen Ellyn, hereinafter referred to as a MUNICIPALITY, located in the County of DuPage, State of Illinois, desires to undertake, in the years 2011 and 2012, the location, construction, operation and maintenance of driveways and street returns, water mains, sanitary and storm sewers, street lights, traffic signals, sidewalks, landscaping, etc., on State highways within said MUNICIPALITY, which by law and/or agreement come under the jurisdiction and control of the Department of Transportation of the State of Illinois hereinafter referred to as Department; and

WHEREAS, an individual working permit must be obtained from the Department prior to any of the aforesaid installations being constructed either by the MUNICIPALITY or by a private person or firm under contract and supervision of the MUNICIPALITY;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION ONE: The MUNICIPALITY hereby pledges its good faith and guarantees that all work shall be performed in accordance with conditions of the permit to be granted by the Department and that it will hold the State of Illinois harmless during the prosecution of such work and assume all liability for damages to person or property due to accidents or otherwise by reason of the work which is to be performed under the provision of said permit.

SECTION TWO: All authorized officials of the MUNICIPALITY are hereby instructed and authorized to sign said working permit on behalf of the MUNICIPALITY.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this ___ day of _____, 2011, on first reading, second reading is not being requested.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this ____ day of _____, 2011.

Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the
Village of Glen Ellyn, Illinois

A-7

MEMORANDUM

TO: Terry Burghard, Interim Village Manager

FROM: Staci Hulseberg, Director of Planning & Development
Joe Kvapil, Building and Zoning Official

DATE: January 11, 2011

FOR: January 17, 2011 Village Board Workshop & January 24, 2011 Village Board Meeting

SUBJECT: 980 Oxford Road – Residential Accessory Structure Variations

Petition: Christopher and Nancy Desmond, owners of the property at 980 Oxford Road, are requesting approval of four variations from the Glen Ellyn Zoning Code to construct a gazebo, outdoor fireplace and patio that do not meet the minimum required side yard setback and exceed the maximum permitted impervious surface area in the rear yard. The subject property is a corner lot located on the northwest corner of Oxford Road and Scott Avenue in the R2 Residential District.

Zoning Data: The existing home is a two-story structure that complies with all zoning regulations except the minimum sideyard setback requirements. The proposed accessory structures require four variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-5-5(B)4-15 to allow the construction of a gazebo accessory structure with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 12 feet for a gazebo accessory structure.
2. Section 10-5-4(A)4c to allow the construction of an outdoor fireplace accessory structure with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 6 feet for an accessory structure greater than 10 feet from the principal structure.
3. Section 10-5-5(B)4-36 to allow the construction of a patio accessory structure with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 12 feet for a patio accessory structure.
4. Section 10-5-5(B)4-18 to allow the construction of an impervious surface area covering 58% of the required rear yard in lieu of the maximum permitted impervious surface area covering 50% of the required rear yard.

Public Hearing: The Zoning Board of Appeals conducted a public hearing on the requested variations on Tuesday, July 27, 2010 and continued on November 23, 2010. Notice of the public hearing was published in the Glen Ellyn News on July 12, 2010 and on November 8, 2010. At the meeting, one person spoke in favor of and no persons spoke in opposition to the variation request. The Zoning Board of Appeals was in favor of the variations because they felt that the unusual triangular shape of the lot resulting in a very small rear yard was a hardship. They also felt that the owners had made a significant reduction from the variations requested at the first public hearing meeting. The Zoning Board of Appeals voted on a motion to recommend approval of the variation request. The motion carried with six (6) "yes" votes and one (1) "no" vote.

Village Board: It is requested that the Village Board consider the petitioners' request and the recommendation offered by the Zoning Board of Appeals. Staff has prepared an ordinance to approve the requested variations as recommended by the Zoning Board of Appeals.

Attachments:

- Minutes of ZBA meetings dated July 27, 2010 and November 23, 2010
- Two Photos of the Subject Property (Front and Rear Views)
- Location Map
- Ordinance
- 2 Notices of Public Hearing
- List of Addresses
- Petitioners' Application packet

cc: Christopher and Nancy Desmond

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commented that he had no problem with aligning an addition with existing walls. Mr. Kolar did not feel unique circumstances were demonstrated by the petitioners.

Motion

Mr. Siligmueller moved, seconded by Ms. Fried, to recommend that the Village Board approve a variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)3, for property at 289 Illinois Street as requested by Steven and Laverne Street to allow the construction of a one-story addition with a side yard setback of 5.3 feet in lieu of the minimum required side yard setback of 6.5 feet. The recommendation for approval was based on the findings of fact that the proposed addition will not change the essential character of the neighborhood, the nonconforming location of the house on the lot is a practical difficulty and the proposed addition will not increase the amount of nonconformance. 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 with five (5) "yes" votes and one (1) "no" vote as follows: Board Members Siligmueller, Fried, Constantino, Waterman and Chairman Garrity voted yes; Board Member Kolar voted no.

PUBLIC HEARING – 980 OXFORD ROAD

A REQUEST FOR APPROVAL OF FIVE (5) VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-5-5(D)4 TO ALLOW THE CONSTRUCTION OF A GAZEBO ACCESSORY STRUCTURE OF 400 SQUARE FEET IN LIEU OF THE MAXIMUM PERMITTED AREA OF 250 SQUARE FEET FOR A GAZEBO ACCESSORY STRUCTURE. 2. SECTION 10-5-5(B)4 TO ALLOW THE CONSTRUCTION OF A GAZEBO ACCESSORY STRUCTURE WITH A SIDE YARD SETBACK OF 3 FEET IN LIEU OF THE MINIMUM PERMITTED SIDE YARD SETBACK OF 12 FEET FOR A GAZEBO ACCESSORY STRCTURE. 3. SECTION 10-5-4(A)4c TO ALLOW THE CONSTRUCTION OF AN OUTDOOR FIREPLACE ACCESSORY STRUCTURE WITH A SIDE YARD SETBACK OF 3 FEET IN LIEU OF THE MINIMUM PERMITTED SIDE YARD SETBACK OF 6 FEET FOR AN ACCESSORY STRUCTURE GREATER THAN 10 FEET FROM THE PRINCIPAL STRUCTURE. 4. SECTION 10-5-5(B)4-36 TO ALLOW THE CONSTRUCTION OF A PATIO ACCESSORY STRUCTURE WITH A SIDE YARD SETBACK OF 12 FEET FOR A PATIO ACCESSORY STRUCTURE. 5. SECTION 10-10-5(B)4-18 TO ALLOW THE CONSTRUCTION OF AN IMPERVIOUS SURFACE AREA COVERING 71.1% OF THE REQUIRED REAR YARD IN LIEU OF THE MAXIMUM PERMITTED IMPERVIOUS SURFACE AREA COVERING 50% OF THE REQUIRED REAR YARD.

Staff Report

Building and Zoning Official Joe Kvapil distributed an updated site plan to the ZBA members. Mr. Kvapil stated that Christopher and Nancy Desmond, the petitioners, are requesting five variations from the Zoning Code to construct a gazebo, outdoor fireplace

and patio in the required rear yard that do not meet the minimum side yard setbacks and exceed the maximum permitted area for a gazebo and the maximum permitted impervious surface area. Mr. Kvapil displayed a location map of the subject property which is an unusually shaped corner lot that conforms to the code in width, depth and area in the R2 Residential zoning district. Mr. Kvapil added that the subject property is not in a designated flood area. Referring to the Staff Report distributed to the ZBA, Mr. Kvapil stated that some of the previous building permits listed refer to a previous house on the site, and he reviewed building permits issued for the existing home. Mr. Kvapil stated that the original permit application submitted when the subject house was built has several discrepancies, and he explained how lot width is calculated for a lot of this shape. Although Village records indicate that no prior variations have been granted for the subject property, Mr. Kvapil believes the existing home should have required a variation for lot width in order to be constructed. He added that all calculations for the variations being requested have been based on a lot width of 120 feet.

Displaying a site plan and referring to the Zoning Code, Mr. Kvapil reviewed the five variations being requested by the petitioners: 1. A gazebo cannot exceed 250 square feet, and the petitioners are requesting a variation to construct a 400-square foot gazebo. 2. The side yard setback for the proposed gazebo is required to be 12 feet, and the petitioners are requesting a side yard setback of 3 feet. 3. The side yard setback for the proposed outdoor fireplace is required to be 6 feet, and the petitioners are requesting a side yard setback of 3 feet. 4. The sideyard setback for a patio that the petitioners are proposing to construct is required to be 12 feet, and the petitioners are requesting a side yard setback of 3 feet. 5. The proposed gazebo, fireplace and patio areas cover 71% of the required rear yard which exceeds the maximum permitted rear yard impervious coverage area of 50%. Mr. Kvapil explained how the required rear yard for the subject lot was calculated. Mr. Kvapil pointed out that when comparing the petitioners' lot regarding impervious surface with a typical rectangular-shaped nonconforming 50-foot wide lot, the petitioners are asking for less than 50% of the required rear yard; therefore, the shape of their lot results in a hardship. Mr. Kvapil added that the petitioners do not have the same required rear yard area as a regularly-shaped lot; therefore, their lot coverage percentage is higher.

Two neighbors signed petitions supporting the proposed variation requests.

Petitioners' Presentation

Christopher and Nancy Desmond, the petitioners, spoke on behalf of their variation requests. Mr. Desmond distributed a revised site plan entitled "Appendix 1 – Proposed Backyard plan." Mr. Desmond stated that the revised plan is for aesthetic purposes only and that the dimensions will be the same as in the originally submitted plan. Mr. Desmond stated that they would like to have a covered gazebo because of noise from nearby Illinois Route 355 and mosquitoes from nearby ponds which they believe are hardships. Mr. Desmond stated that another hardship is that they need a large area for outdoor entertainment to accommodate their family and neighborhood friends. Mr. Desmond stated that the gazebo is designed to match the arts and crafts style of their

home. Mr. Desmond clarified that their back yard is 1,019 square feet and stated that they would like to make the shady part of their yard where greenery does not grow usable by installing a patio. He added that they would like to raise the patio to match the house in order to accommodate a disabled relative who is in a wheelchair and that they would also like to level out the back yard. Mr. Desmond stated that the hardship regarding the proposed fireplace is the triangular shape of the lot. He added that they would like the fireplace to be located away from their house and that the location they have chosen will be aesthetically pleasing. Mr. Desmond added that another issue is a telephone pole that is located on their lot and they would like the fireplace to block their view of that pole. Mr. Desmond stated that they had a drainage problem one time in the past but that they have since installed drain tiles on the sides of the house and intend to install more drain tiles to connect to the existing tiles and subsequently to the street. He stated that their home has never flooded.

Responses to Questions from the ZBA

Mr. Kvapil responded to Board Member Constantino that the code has no restrictions regarding impervious surface material for a patio. Mr. Desmond responded to Board Member Constantino that the patio material is proposed to be either pavers or bricks and that they cannot reduce the size of the patio to conform to the impervious surface code regulations of the code because the fireplace and gazebo would then have to be relocated to the middle of the back yard. Mr. Kvapil responded to Chairman Garrity that brick-like products are available that are 50% open and considered pervious and do not count toward the impervious surface ratio. Mr. Kvapil responded to Board Member Siligmueller that the size of the subject rear yard is 900 square feet. Mr. Desmond responded to Board Member Constantino that the gazebo will be open with fly netting used. Mr. Desmond responded to Board Member Siligmueller that the floor of the gazebo will be an impervious surface. Board Member Siligmueller questioned if the flooring could be a pervious material, however, Mr. Kvapil explained that roofed-over structures such as the gazebo are considered impervious surfaces. Mr. Desmond responded to Chairman Garrity and Board Member Fried that they do not intend to install windows nor a permanent heating system in the gazebo. Mr. Desmond clarified for Board Member Kolar they their preferred plan for approval is the plan that illustrates the 400-square foot trapezoidal-shaped gazebo. Board Member Kolar asked what the unique situation is that would allow for the proposed gazebo to be 60% larger than allowed per code, and Mr. Desmond responded that their lot is not conforming, the back yard is very small and they hold large family/friend gatherings. Ms. Desmond added that the rear yard does not get sunlight which creates a muddy situation and they would like to create livable space in that location.

Persons in Favor of or in Opposition to the Request

David and Laurie Swatek, 979 Oxford, Glen Ellyn, Illinois, spoke in favor of the petitioner's variation requests. Mr. Swatek stated that the petitioners' yard will be able to be utilized more if the variations are granted and the proposed project will not negatively impact the view of the neighbor to the west. Ms. Swatek added that a hardship is that all

guests would not all be able to gather in the same area if the variations are not granted because the back yard is so small.

Comments from the ZBA

The ZBA members were not supportive of the variation requests as proposed because they felt that many of the requests were excessive. The Board Members were willing to approve side yard setback variations because of the lot configuration if the proposed gazebo and impervious structure were more in line with code requirements. Board Member Constantino felt drainage was a potential problem and wanted an expert's opinion as to whether or not installing drain tiles would be sufficient to control stormwater. The Board Members did not feel that the petitioners proved there were unique circumstances or hardships that would justify increasing the area of the gazebo and the impervious surface. Board Member Kolar clarified that guests are not a zoning issue. Board Member Fried expressed concern regarding the setback for the fireplace being a hazard for the neighbors.

Motion

Based on the ZBA members' comments, the petitioners decided to continue the public hearing in order to revise and resubmit their plans. Board Member Fried moved, seconded by Board Member Kolar, to continue the public hearing to the 4th Tuesday of August, 2010. The motion carried unanimously by voice vote as follows: Board Members Fried, Kolar, Constantino, Siligmueller, Waterman and Chairman Garrity voted yes.

Staff Report

Mr. Kvapil announced that the next regularly scheduled ZBA meeting is cancelled due to a lack of petitions.

Trustee Report

Trustee Ladesic announced that the Phillip Rock Center may soon close due to a lack of funding.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 9:26 p.m.

Submitted by:
Barbara Utterback, Recording Secretary

Reviewed by:
Joe Kvapil, Building & Zoning Official

ZONING BOARD OF APPEALS
MINUTES
NOVEMBER 23, 2010

The meeting was called to order by Chairman Richard Garrity at 7:30 p.m. Board Members Gregory Constantino, Barbara Fried, Edward Kolar, Mary Ozog, Dale Siligmueller and Michael Waterman were present. Also present were Trustee Liaison Peter Ladesic, Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Board Member Kolar moved, seconded by Board Member Constantino, to approve the minutes of the November 9, 2010 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

A continued public hearing for the property at 980 Oxford Road was on the agenda.

CONTINUED PUBLIC HEARING – 980 OXFORD ROAD
A REQUEST FOR APPROVAL OF FOUR (4) VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-5-5(B)4-15 TO ALLOW THE CONSTRUCTION OF A GAZEBO ACCESSORY STRUCTURE WITH A SIDE YARD SETBACK OF 3 FEET IN LIEU OF THE MINIMUM PERMITTED SIDE YARD SETBACK OF 12 FEET FOR A GAZEBO ACCESSORY STRUCTURE. 2. SECTION 10-5-4(A)4c TO ALLOW THE CONSTRUCTION OF AN OUTDOOR FIREPLACE ACCESSORY STRUCTURE WITH A SIDE YARD SETBACK OF 6 FEET FOR AN ACCESSORY STRUCTURE GREATER THAN 10 FEET FROM THE PRINCIPAL STRUCTURE. 3. SECTION 10-5-5(B)4-36 TO ALLOW THE CONSTRUCTION OF A PATIO ACCESSORY STRUCTURE WITH A SIDE YARD SETBACK OF 3 FEET IN LIEU OF THE MINIMUM PERMITTED SIDE YARD SETBACK OF 12 FEET FOR A PATIO ACCESSORY STRUCTURE. 4. SECTION 10-5-5(B)4-18 TO ALLOW THE CONSTRUCTION OF AN IMPERVIOUS SURFACE AREA COVERING 58% OF THE REQUIRED REAR YARD IN LIEU OF THE MAXIMUM PERMITTED IMPERVIOUS SURFACE AREA COVERING 50% OF THE REQUIRED REAR YARD.
(Christopher and Nancy Desmond, Petitioners)

Staff Report

Building and Zoning Official Joe Kvapil stated that this public hearing was a continuation from July 27, 2010. Mr. Kvapil stated that the petitioners, Christopher and Nancy Desmond, are requesting four variations to construct a gazebo, outdoor fireplace and patio that do not meet the minimum side yard setbacks and exceed the maximum impervious surface requirement in the rear yard. Mr. Kvapil displayed a location map of the subject property which is an unusual pie-shaped corner lot. Mr. Kvapil explained that the lot width of the subject property is 120 feet and the side yard setback as determined at 10 percent of the lot width is 12 feet. Mr. Kvapil displayed a conceptual plan prepared by the petitioner from the July 27, 2010 meeting and stated that two neighbors had signed petitions supporting those proposed variation requests. Mr. Kvapil also displayed a revised plan dated 11/11/2010 and described the proposed variations, including changes from the previous variation requests, as follows: 1. A variation to allow the construction

of a gazebo accessory structure with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 12 feet for a gazebo accessory structure. This variation was requested at the previous meeting. 2. A variation to allow the construction of an outdoor fireplace accessory structure with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 6 feet for an accessory structure greater than 10 feet from the principal structure. This variation was requested at the previous meeting, however, the size of the fireplace has been reduced. 3. A variation to allow the construction of a patio accessory structure with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 12 feet for a patio accessory structure. This variation was requested at the previous meeting. 4. A variation to allow the construction of an impervious surface area covering 58% of the required rear yard in lieu of the maximum permitted impervious surface area covering 50% of the required rear yard. At the previous meeting, the petitioners had requested an impervious surface area covering 71% of the required rear yard. Mr. Kvapil added that one variation has been eliminated because the size of the gazebo area has been reduced from 400 square feet to 250 square feet which conforms to the code. Mr. Kvapil referred to a concept drainage plan prepared for the petitioners by Spaceco Inc. and stated that the plan is acceptable to staff if conditions allow.

Petitioners' Presentation

Christopher and Nancy Desmond, the petitioners, were present to speak on behalf of their petition. Mr. Desmond stated that their original plan has been significantly reduced and a variation has been eliminated. Mr. Desmond displayed the plan originally proposed at the July 27, 2010 meeting and the proposed plan. He also displayed a plan that conformed to the code and stated that if they adhered to the code with their plan, the fireplace would be located in the middle of the rear yard because of the 12-foot side yard setback requirement, the gazebo would almost encroach on their home and would be restricted to a size of 180 square feet, and the patio would be built to alter the essential character of a typical patio/gazebo. Mr. Desmond displayed a plan indicating a "normal" shaped rear yard versus the subject rear yard and stated no variations would be necessary with a 66-foot x 40-foot rear yard. Mr. Desmond stated that they have addressed the ZBA's concern regarding irrigation by hiring an engineering firm to prepare a report. Mr. Desmond displayed an aerial view of their lot and surrounding lots and stated that the proposed location of the fireplace is farther from their neighbor's lot than it would be if it conformed to the code. Mr. Desmond stated that hardships related to their variation requests align with guidance contained within the zoning variation request packet and are the unique, irregular pie shape of the lot which is not typical in Glen Ellyn and the variations that are not generally applicable to other properties within the same zoning district. Mr. Desmond cited from the zoning code examples of structures that are allowed a rear yard setback of 3 feet.

Responses to Questions from the ZBA

Mr. Kvapil clarified for Board Member Constantino that the 12-foot side yards are accurate and confirmed the lot width is 120 feet. Mr. Kvapil also responded to Board Member Constantino that, regarding impervious surface, the difference in square feet between 50% and 58% is approximately 170 square feet. Mr. Kvapil responded to Board

Member Kolar that pavers are considered impervious surface. Mr. Desmond responded to Mr. Constantino that the proposed patio material will be semi-pervious pavers. Mr. Desmond responded to Mr. Constantino that the proposed gazebo will be a 3-season structure. Mr. Kvapil explained for Ms. Fried that a gazebo must be 50 percent open on the sides, and he also responded to Mr. Kolar that a gazebo can be screened. At the request of Mr. Siligmueller, Mr. Desmond stated that the gazebo will be placed on the patio and he displayed a photograph of a gazebo similar to the proposed structure. Mr. Desmond confirmed for Mr. Siligmueller that they intend to adhere to Safeco's recommendations regarding drainage. Mr. Kvapil responded to Ms. Ozog that staff did not receive any comments from the public regarding the proposed variation requests. Ms. Desmond responded to Mr. Kolar that their house was built in 2005, and Mr. Kvapil responded to Ms. Ozog that the lot coverage ratio was 20 percent when the petitioner's home was built.

Persons in Favor of or in Opposition to the Request

Mary Firestone, 298 Grandview, Glen Ellyn, Illinois, who is Mr. Desmond's mother, has mobility issues and stated she is unable to navigate the back yard area to visit with her grandchildren. Ms. Firestone added that mosquitoes also are a huge problem in the yard.

Comments from the ZBA

Six of the seven ZBA members were in favor of the petitioners' variation requests although Board Member Fried initially expressed a concern regarding the location of the fireplace in the required side yard. The ZBA members in favor of the project appreciated that the petitioners had addressed issues of concern raised at the previous meeting and reduced the scope of the request, including eliminating one variation request. Most ZBA members supporting the project felt that the irregular shape of the lot is a hardship and the location of the principal structure restricts the buildable area in the yard. Board Member Ozog felt that the mosquito problem in the area was more of a hardship than the shape of the lot. Board Member Constantino suggested as conditions of approval that the proposed gazebo will not be allowed to become a 4-season structure and that adequate drainage must be provided on the site. Mr. Kolar was not in favor of the variation requests because he felt the petitioners' property was not unique to the neighborhood. He also indicated that the petitioners had prepared a plan that conforms to the code which has a sufficient amount of available space.

Motion

Board Member Constantino moved, seconded by Board Member Siligmueller to recommend that the Village Board recommend approval of four (4) variations from the Glen Ellyn Zoning Code as follows: 1. Section 10-5-5(B)4-15 to allow the construction of a gazebo accessory structure with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 12 feet for a gazebo accessory structure. 2. Section 10-5-4(A)4c to allow the construction of an outdoor fireplace accessory structure with a side yard setback of 6 feet for an accessory structure greater than 10 feet from the principal structure. 3. Section 10-5-5(B)4-36 to allow the construction of a patio accessory structure with a side yard setback of 3 feet in lieu of the minimum permitted side yard

setback of 12 feet for a patio accessory structure. 4. Section 10-5-5(B)4-18 to allow the construction of an impervious surface area covering 58% of the required rear yard in lieu of the maximum permitted impervious surface area covering 50% of the required rear yard. The recommendation for approval was based on the findings of fact that the shape of the lot is a hardship and restricts the buildable area. The recommendation for approval was based on the conditions that the gazebo is not allowed to become a 4-season room, adequate drainage must be provided on the site and construction must be in conformance with Village codes. The motion carried with six "yes" votes and one (1) "no" vote as follows: Board Members Constantino, Siligmueller, Fried, Ozog, Waterman and Chairman Garrity voted yes; Board Member Kolar voted no.

Chairman's Report

Chairman Garrity read a letter from President Pfefferman thanking the Zoning Board of Appeals members for their service.

Trustee Report

Trustee Ladesic stated that the Village Board is in the process of reviewing an ethics policy and encouraged the ZBA to view the policy on line and comment.

Staff Report

Mr. Kvapil announced that the next regularly scheduled ZBA meeting is December 14, 2010 and one variation is on that agenda.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:35 p.m.

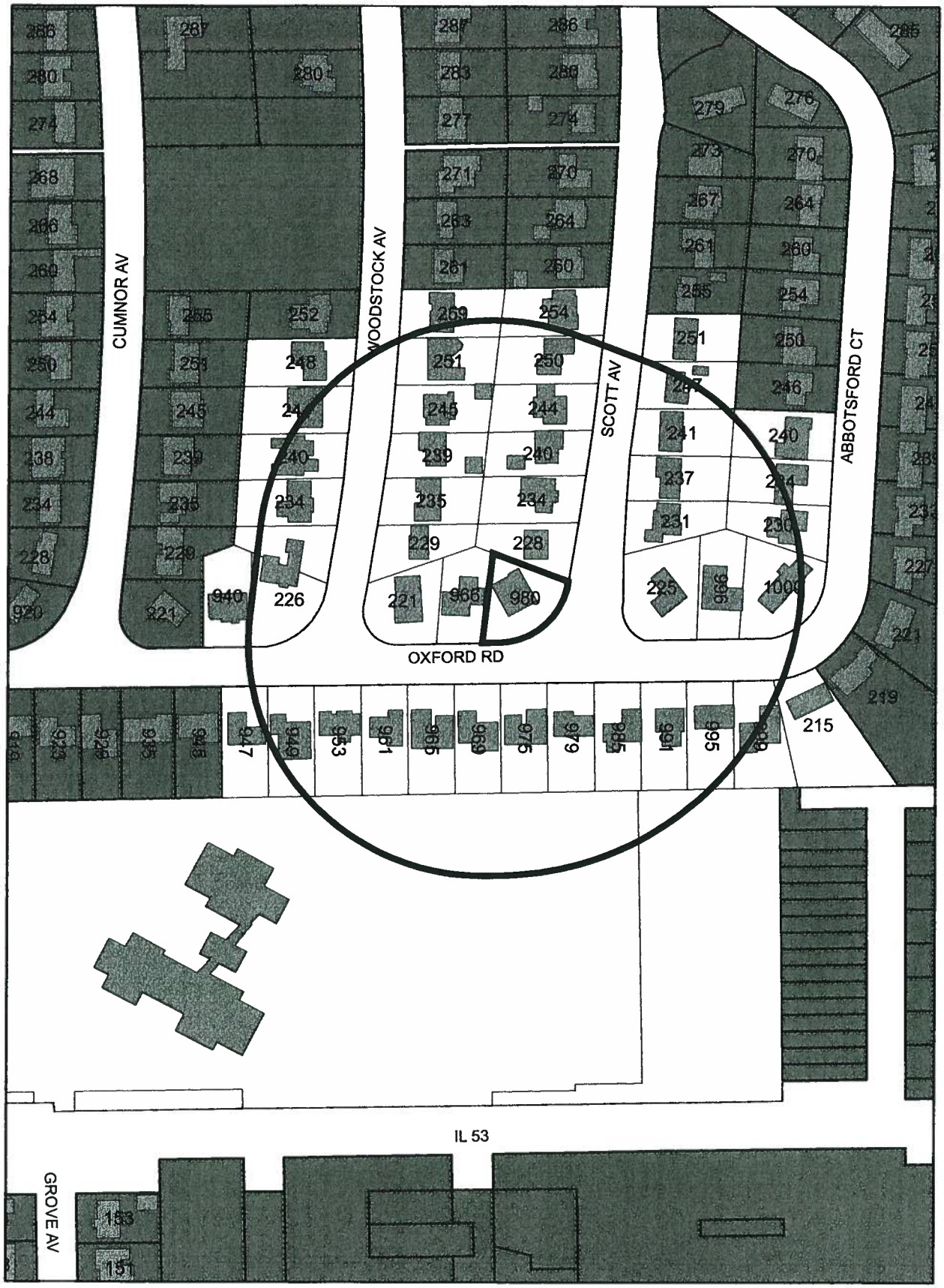
Submitted by:

Barbara Utterback
Recording Secretary

Reviewed by:

Joe Kvapil
Building & Zoning Official

980 OXFORD ROAD



Prepared By: Barbara Utterback
Date Printed: July 12, 2010

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Village of Glen Ellyn

Ordinance No. _____

An Ordinance Approving Variations from the Side Yard Setback and Impervious Surface Area Requirements of the Zoning Code to Allow A Gazebo, Outdoor Fireplace and Patio Accessory Structures For Property at 980 Oxford Road Glen Ellyn, IL 60137

Adopted by the President and Board of Trustees Of the Village of Glen Ellyn DuPage County, Illinois this _____ day of _____, 20____.

Published in pamphlet form by the authority of the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, this _____ day of _____, 20_____.

Ordinance No. _____

An Ordinance Approving Variations from the Side Yard Setback and Impervious Surface Area Requirements of the Zoning Code to Allow A Gazebo, Outdoor Fireplace and Patio Accessory Structures For Property at 980 Oxford Road Glen Ellyn, IL 60137

Whereas, Christopher and Nancy Desmond, owners of the property at 980 Oxford Road, Glen Ellyn, Illinois, which is legally described as follows:

> Lot 3 in Block 4 in Arthur T. McIntosh & Company's Glen Ellyn Golf Club Addition in the North half of Section 13, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded November 24, 1924 as Document 185312, in DuPage County, Illinois.
>
> P.I.N.: 05-13-117-035

have petitioned the President and Board of Trustees of the Village of Glen Ellyn for four variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-5-5(B)4-15 to allow the construction of a gazebo with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 12 feet for a gazebo accessory structure.
2. Section 10-5-4(A)4c to allow the construction of an outdoor fireplace with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 6 feet for an accessory structure greater than 10 feet from the principal structure.
3. Section 10-5-5(B)4-36 to allow the construction of a patio with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 12 feet for a patio accessory structure.
4. Section 10-5-5(B)4-18 to allow the construction of an impervious surface area covering 58% of the required rear yard in lieu of the maximum permitted impervious surface area covering 50% of the required rear yard.

Whereas, following due notice by publication in the Glen Ellyn News not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all property owners within

250 feet of the subject property at least ten (10) days prior thereto, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Glen Ellyn Zoning Board of Appeals conducted a public hearing on July 27, 2010 which was continued on November 23, 2010, at which the petitioners presented evidence, testimony, and exhibits in support of the variation request and one person appeared in favor of the variation and no persons appeared in opposition thereto; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing on November 23, 2010, the Zoning Board of Appeals adopted findings of fact and voted on a motion to approve the Variation, which carried by a vote of six (6) "yes" votes and one (1) "no" vote resulting in a recommendation for approval as set forth in its Minutes dated November 23, 2010, a draft of which is appended hereto as Exhibit "A"; and

Whereas, the President and Board of Trustees have reviewed the exhibits and evidence presented at the aforementioned public hearing and have considered the findings of fact and recommendations of the Zoning Board of Appeals; and

Whereas, the President and Board of Trustees make the following findings of fact:

A. That the plight of the owner is due to unique circumstances as the triangular shape of the lot and position of the house significantly limits the available area in the rear yard;

B. That the variations, if granted, will not alter the essential character of the locality since the accessory structures are typical residential property improvements and uses in the zoning district;

C. That other alternatives or alterations to the property necessary to achieve zoning compliance of the accessory structures would bring practical difficulty or hardship upon the owner;

D. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property since the home owners intend to remain as the residents in the foreseeable future.

E. That the conditions upon which the variation is based would not be applicable generally to other property within the same zoning district since the lot shape and home position are unusual and unique;

F. That the practical difficulty or particular hardship has not been created by any persons presently having an interest in the property since no prior variations have been granted and no prior additions have been constructed by the home owners or any others in the past;

G. That the variation will not be detrimental to the public welfare or injurious to other property or diminish or impair property values within the neighborhood since the location, size and appearance of the accessory structures are in keeping with the general character of the community;

H. That the variation is the minimum variation that will make possible the reasonable use of the land since the configuration of the lot significantly restricts the area of the rear yard for outdoor living space;

I. That the variation will not unduly increase traffic congestion in the public streets and highways or result in an increase in public expenditures or create a nuisance since the intended use of the accessory structures and occupancy of the property will meet zoning regulations; and

Whereas, the President and Board of Trustees, based on the aforementioned findings of fact, find it appropriate to grant the variation presented to the Zoning Board of Appeals.

Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in exercise of its home rule powers, as follows:

Section One: The draft minutes of the July 27, 2010 and November 23, 2010 Glen Ellyn Zoning Board of Appeals meeting, Exhibit "A" appended hereto, are hereby accepted, and the findings of fact and conclusions set forth in the preambles above are hereby adopted as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: Based upon the above findings of fact, the President and Board of Trustees hereby approve four variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-5-5(B)4-15 to allow the construction of a gazebo with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 12 feet for a gazebo accessory structure.
2. Section 10-5-4(A)4c to allow the construction of an outdoor fireplace with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 6 feet for an accessory structure greater than 10 feet from the principal structure.
3. Section 10-5-5(B)4-36 to allow the construction of a patio with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 12 feet for a patio accessory structure.
4. Section 10-5-5(B)4-18 to allow the construction of an impervious surface area covering 58% of the required rear yard in lieu of the maximum permitted impervious surface area covering 50% of the required rear yard.

at 980 Oxford Road, Glen Ellyn, Illinois, which is legally described as follows:

Lot 3 in Block 4 in Arthur T. McIntosh & Company's Glen Ellyn Golf Club Addition in the North half of Section 13, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded November 24, 1924 as Document 185312, in DuPage County, Illinois.

P.I.N.: 05-13-117-035

Section Three: This grant of variation to construct an addition is conditioned upon a limitation that the gazebo may not be improved to allow 4-season use, that adequate drainage be provided in the rear yard in compliance with all applicable codes and ordinances, and that the construction be completed in substantial conformance with the signed Application for Variation received by the Planning & Development Department on January 7, 2011, supporting documents and

materials received on January 7, 2011 and the testimony and exhibits provided at the July 27, 2010 and November 23, 2010 Zoning Board of Appeals public hearing.

Section Four: The Building and Zoning Official is hereby authorized and directed to issue building permits for the subject property, consistent with the variation granted herein, provided that all conditions set forth hereinabove have been met and that the proposed construction is in compliance with all other applicable laws and ordinances. This grant of variation shall expire and become null and void twenty four (24) months from the date of passage of this Ordinance unless a building permit to begin construction in reliance on this variation is applied for within said twenty four (24) month time period and construction is continuously and vigorously pursued provided, however, the Village Board, by motion, may extend the period during which permit application, construction, and completion shall take place.

Section Five: The Village Clerk is hereby authorized and directed to cause a copy of this Ordinance approving the variation to be recorded with the DuPage County Recorder of Deeds.

Section Six: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

Section Seven: Failure of the owner or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 10-10-18 "A" and "B" of the Village of Glen Ellyn Zoning Code.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this ____ day of _____, 2011.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20_____.

_____
Village President of the
Village of Glen Ellyn, Illinois

Attest:

_____
Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____).

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NOTICE OF PUBLIC HEARING

Christopher and Nancy Desmond, owners of the property at 980 Oxford Road, are requesting a public hearing for four (4) variations in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. The owners would like to modify the existing home by constructing a gazebo, outdoor fireplace and patio that exceed the allowable impervious surface area and do not meet the minimum side yard setbacks. The Zoning Code does not allow these structures to exceed maximum permitted areas or be located within the minimum required side yard setback. The Glen Ellyn Zoning Board of Appeals will conduct a public hearing to consider these variations on November 23, 2010 at 7:30 p.m. on the third floor in the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Anyone is welcome to attend.

The property owners are requesting approval of four (4) variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-5-5(B)4-15 to allow the construction of a gazebo accessory structure with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 12 feet for a gazebo accessory structure.
2. Section 10-5-4(A)4c to allow the construction of an outdoor fireplace accessory structure with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 6 feet for an accessory structure greater than 10 feet from the principal structure.
3. Section 10-5-5(B)4-36 to allow the construction of a patio accessory structure with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 12 feet for a patio accessory structure.
4. Section 10-5-5(B)4-18 to allow the construction of an impervious surface area covering 58% of the required rear yard in lieu of the maximum permitted impervious surface area covering 50% of the required rear yard.

The property is zoned R2, Residential District, and is legally described as follows:
Lot 3 in Block 4 in Arthur T. McIntosh & Company's Glen Ellyn Golf Club Addition in the North half of Section 13, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded November 24, 1924 as Document 185312, in DuPage County, Illinois.

P.I.N.: 05-13-117-035

Plans related to the proposed addition are available for public review in the Planning and Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois. If you have questions, please contact Joe Kvapil, Building & Zoning Official, at (630) 547-5244. For individuals with disabilities who have questions regarding the accessibility of the meeting or facilities, contact Harold Kolze, ADA Coordinator, at (630) 547-5209.

(Published in the Daily Herald on Monday, November 8, 2010)

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NOTICE OF PUBLIC HEARING

Christopher and Nancy Desmond, owners of the property at 980 Oxford Road, are requesting a public hearing for five variations in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. The owners would like to modify the existing home by constructing a gazebo, outdoor fireplace and patio that exceed the allowable area and do not meet the minimum side yard setbacks. The Zoning Code does not allow these structures to exceed maximum permitted areas or be located within the minimum required side yard setback. The Glen Ellyn Zoning Board of Appeals will conduct a public hearing to consider these variations on July 27, 2010 at 7:30 p.m. on the third floor in the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Anyone is welcome to attend.

The property owners are requesting approval of five variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-5-5(B)4-15 to allow the construction of a gazebo accessory structure of 400 square feet in lieu of the maximum permitted area of 250 square feet for a gazebo accessory structure.
2. Section 10-5-5(B)4-15 to allow the construction of a gazebo accessory structure with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 12 feet for a gazebo accessory structure.
3. Section 10-5-4(A)4c to allow the construction of an outdoor fireplace accessory structure with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 6 feet for an accessory structure greater than 10 feet from the principal structure.
4. Section 10-5-5(B)4-36 to allow the construction of a patio accessory structure with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 12 feet for a patio accessory structure.
5. Section 10-5-5(B)4-18 to allow the construction of an impervious surface area covering 71.1% of the required rear yard in lieu of the maximum permitted impervious surface area covering 50% of the required rear yard.

The property is zoned R2, Residential District, and is legally described as follows:
Lot 3 in Block 4 in Arthur T. McIntosh & Company's Glen Ellyn Golf Club Addition in the North half of Section 13, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded November 24, 1924 as Document 185312, in DuPage County, Illinois.

P.I.N.: 05-13-117-035

Plans related to the proposed addition are available for public review in the Planning and Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois. If you have questions, please contact Joe Kvapil, Building & Zoning Official, at (630) 547-5244. For individuals with disabilities who have questions regarding the accessibility of the meeting or facilities, contact Harold Kolze, ADA Coordinator, at (630) 547-5209.

(Published in the Daily Herald on Monday, July 12, 2010)

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980 OXFORD

ERICKSON, ANN M
OR CURRENT OWNER
961 OXFORD RD
GLEN ELLYN, IL 60137

FULMER JR, JAMES T & GWYN
OR CURRENT OWNER
965 OXFORD RD
GLEN ELLYN, IL 60137

WINKELHAKE, DONALD & C
OR CURRENT OWNER
248 WOODSTOCK AVE
GLEN ELLYN, IL 60137

COLOMBO, DAVID
OR CURRENT OWNER
225 SCOTT
GLEN ELLYN, IL 60137

INGRAM TRUST, MARY ELLEN
OR CURRENT OWNER
996 OXFORD RD
GLEN ELLYN, IL 60137

BEAZLEY, EDMUND & RENATA
OR CURRENT OWNER
240 SCOTT AVE
GLEN ELLYN, IL 60137

BUSH, ROGER & MARG
OR CURRENT OWNER
259 WOODSTOCK AVE
GLEN ELLYN, IL 60137

HOUGHTALING, DAVID & Y
OR CURRENT OWNER
245 WOODSTOCK AVE
GLEN ELLYN, IL 60137

MC KAY, TIMOTHY J
OR CURRENT OWNER
234 WOODSTOCK AVE
GLEN ELLYN, IL 60137

O CONNOR, MATTHEW & MARIE
OR CURRENT OWNER
231 SCOTT AVE
GLEN ELLYN, IL 60137

MOLITOR, DAVID &ELIZABETH
OR CURRENT OWNER
969 OXFORD RD
GLEN ELLYN, IL 60137

KLANCNIK, LAURA KAY
OR CURRENT OWNER
226 WOODSTOCK AVE
GLEN ELLYN, IL 60137

HENRY, DONALD L & KAREN
OR CURRENT OWNER
985 OXFORD RD
GLEN ELLYN, IL 60137

QUINN, ANDREA T
OR CURRENT OWNER
235 WOODSTOCK AVE
GLEN ELLYN, IL 60137

MILLER, WARD
OR CURRENT OWNER
254 SCOTT ST
GLEN ELLYN, IL 60137

HERZOG, DAVID A & JANET L
OR CURRENT OWNER
229 WOODSTOCK AVE
GLEN ELLYN, IL 60137

JOHANSEN, DONALD ET AL
OR CURRENT OWNER
221 WOODSTOCK AVE
GLEN ELLYN, IL 60137

DUSZYNSKI, DON & MARILYN
OR CURRENT OWNER
234 ABBOTSFORD CT
GLEN ELLYN, IL 60137

POPE, CHRISTOPHER
OR CURRENT OWNER
940 OXFORD RD
GLEN ELLYN, IL 60137

OXFORD ROAD LLC
OR CURRENT OWNER
1114 N IRVING AVE
WHEATON, IL 60187

SEGERSON, MARILYN
OR CURRENT OWNER
240 WOODSTOCK AVE
GLEN ELLYN, IL 60137

COBLENTZ, ALICE J & JOHN
OR CURRENT OWNER
975 OXFORD RD
GLEN ELLYN, IL 60137

HENDRICKS, EDWIN
OR CURRENT OWNER
230 ABBOTSFORD CT
GLEN ELLYN, IL 60137

FREEMAN, JACKIE
OR CURRENT OWNER
244 WOODSTOCK AVE
GLEN ELLYN, IL 60137

SMITH, C & S CLAYTON
OR CURRENT OWNER
239 WOODSTOCK AVE
GLEN ELLYN, IL 60137

GATALO, VLADIMER
OR CURRENT OWNER
1000 OXFORD RD
GLEN ELLYN, IL 60137

AGGER, CRAIG & DENISE
OR CURRENT OWNER
244 SCOTT AVE
GLEN ELLYN, IL 60137

OSMANI, SUZANNA
OR CURRENT OWNER
12810 GRAND PINES BLVD
PLAINFIELD, IL 60585

BERG, JON C & E C RAWSON
OR CURRENT OWNER
995 OXFORD
GLEN ELLYN, IL 60137

BANE, GREGORY D & CONNIE
OR CURRENT OWNER
250 SCOTT AVE
GLEN ELLYN, IL 60137

980 OXFORD

KLANCNIK, LAURA KAY
OR CURRENT OWNER
226 WOODSTOCK AVE
GLEN ELLYN, IL 60137

PETERSELLI, JOHN & ANN
OR CURRENT OWNER
234 SCOTT AVE
GLEN ELLYN, IL 60137

GLEN ELLYN PARK DIST
OR CURRENT OWNER
185 SPRING AVE
GLEN ELLYN, IL 60137

MICHALS, EDWARD & DIANA
OR CURRENT OWNER
241 SCOTT AVE
GLEN ELLYN, IL 60137

MARTZ, STEPHEN & CARLA
OR CURRENT OWNER
947 OXFORD RD
GLEN ELLYN, IL 60137

PILLOW, JOHN S & LAURA J
OR CURRENT OWNER
953 OXFORD RD
GLEN ELLYN, IL 60137

SWATEK, DAVID & LAURIE
OR CURRENT OWNER
979 OXFORD RD
GLEN ELLYN, IL 60137

FISCHER, DONALD F
OR CURRENT OWNER
251 SCOTT AVE
GLEN ELLYN, IL 60137

MORDENTE, JOHN P & SUSAN
OR CURRENT OWNER
949 OXFORD RD
GLEN ELLYN, IL 60137

MC DONNELL, SEAN & J A
OR CURRENT OWNER
237 SCOTT AVE
GLEN ELLYN, IL 60137

HUSCH, ROBT T
OR CURRENT OWNER
966 OXFORD RD
GLEN ELLYN, IL 60137

SCHIER, DANIEL & JUDY
OR CURRENT OWNER
240 ABBOTSFORD CT
GLEN ELLYN, IL 60137

HOLMES, CLEVELAND
OR CURRENT OWNER
247 SCOTT ST
GLEN ELLYN, IL 60137

FISHER 44089, PHILIP
OR CURRENT OWNER
999 OXFORD RD
GLEN ELLYN, IL 60137

BACHELDER, RICHARD G
OR CURRENT OWNER
215 ABBOTSFORD CT
GLEN ELLYN, IL 60137

DESMOND, CHRISTOPHER
OR CURRENT OWNER
980 E OXFORD RD
GLEN ELLYN, IL 60137

MOST, DIANE
OR CURRENT OWNER
4345 OAKWOOD AVE
DOWNERS GROVE, IL 60515

RECEIVED
JAN 07 2011
PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN

VILLAGE OF GLEN ELLYN
535 Duane Street
Glen Ellyn, Illinois 60137
(630) 547-5250

APPLICATION FOR VARIATION

Note to the Applicant: This application should be filed with, and any questions regarding it, should be directed to the Director of the Village Planning and Development Department.

The undersigned hereby petitions the Village of Glen Ellyn, Illinois, for one or more variations from the Glen Ellyn Zoning Code (Ordinance No. 3617-Z, as amended), as described in this application.

I. APPLICANT INFORMATION:

(Note: The applicant must comply with Section 10-10-10(B) of the Zoning Code).

Name: ____Christopher & Nancy Desmond _____

Address: _____980 Oxford Road_____

Phone No.: ___(630) 532-6288 Cell: (773) 426-1212_____

Fax No.: ___312.253.0968_____

E-mail: _____christopher.desmond@ceterisgroup.com_____

Ownership Interest in the Property in Question: ___100% Owned by Christopher & Nancy Desmond

II. INFORMATION REQUIRED BY SECTION 10-10-10(B) OF THE ZONING CODE, IF APPLICABLE:

NOTE: All parties, whether petitioner, agent, attorney, representative and or organization et al. must be fully disclosed by true name and address in compliance with Section 10-10-10(B) of the Zoning Code. Disclosure forms are attached for your convenience.

Name and address of the legal owner of the property (if other than the applicant): (same as applicant)

Name and address of the person or entity for whom the applicant is acting (if the applicant is acting in a representative capacity): _____N/A_____

Is the property in question subject to a contract or other arrangement for sale with the fee owner? (Circle "Yes" or "No")

YES NO

If YES, the contract purchaser must provide a copy of the contract to the Village and must either be a co-petitioner to this application or submit the attached Affidavit of Authorization with the application packet.

Is the property in question the subject of a land trust agreement? (Circle "Yes" or "No")

YES NO

If YES, (1) either the trustee must be a co-petitioner or submit the attached Affidavit of Authorization from the trustee to represent the holders of the beneficial interests in the trust and (2) the applicant must provide a trust disclosure in compliance with "An Act to Require Disclosure of All Beneficial Interests", Chapter 148, Section 71 et seq., Illinois Revised Statutes, signed by the trustee.

III. PROPERTY INFORMATION:

Common address: 980 Oxford Road

Permanent tax index number: 513117035

Legal description: On plat of survey. Also, from Milton county Township website it indicates: Cty LD Line1: MC INTOSH GLEN ELLYN GOLF CLUB ADD (http://www.miltontownshipassessor.com/Online_Database/requestqueriedpin_response4.asp?name=0513117035)

Zoning classification: R - Residential

Lot size: 136.3 ft. X 121.9 ft X 10 ft. X 140.8 ft. X 21 ft (pie shape lot)

Lot Width: 97 ft. Area: 13,928 sq. ft.

Present use: Residential Home

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

Description of the variation(s) requested (including identification of the Zoning Code provisions from which variation is sought) and proposed use(s):

1. Section 10-5-5(B)4-15 to allow the construction of a gazebo accessory structure with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 12 feet for a gazebo accessory structure.
2. Section 10-5-4(A)4c to allow the construction of an outdoor fireplace accessory structure with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 6 feet for an accessory structure greater than 10 feet from the principal structure.
3. Section 10-5-5(B)4-36 to allow the construction of a patio accessory structure with a side yard setback of 3 feet in lieu of the minimum permitted side yard setback of 12 feet for a patio accessory structure.
4. Section 10-5-5(B)4-18 to allow the construction of an impervious surface area covering 58% of the required rear yard in lieu of the maximum permitted impervious surface area covering 50% of the required yard.

Estimated date to begin construction: As soon as permit is granted (Aug 30)
Names and addresses of any experts (e.g., planner, architect, engineer, attorney, etc.):
Homeowner will use one of two planners and a mason.
The first planner is Ron Levinson of Basic Landscape. 49, Franklin Park, IL Lombard, IL
The second planner is Scott Lucchetti of A Touch of Green Landscaping 12720 West 159th Street Homer Glen, IL 60491-8379

Fireplace will be constructed by Ben Kobe (mason) of Kobe Construction in Naperville
The second planner is Scott Lucchetti of A Touch of Green Landscaping 12720 West 159th Street

Homer Glen, IL 60491-8379

Fireplace will be constructed by Ben Kobe (mason) of Kobe Construction in Naperville

V. EVIDENCE RELATING TO ZONING CODE STANDARDS FOR A VARIATION:

The following items are intended to elicit information to support conclusions by the ZBA or PC and the Village Board that the required findings/standards for a variation under the Zoning Code have been established and met. Therefore, please complete these items carefully.

A. Standards Applicable to All Variations Requested:

1. Provide evidence that due to the characteristics of the property in question, there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Zoning Code:

The particular shape of the lot of 980 Oxford would bring particular hardship to build patio, gazebo and fireplace according to current zoning code. As illustrated in the diagram labeled "No Variance", the plan under the current code would cause the fireplace to be in the middle of the back yard (closer to homeowner house and other homes), patio would be built to alter the essential character a typical patio, and gazebo would be restricted to a size of only 180 SF (Zoning Code allows up to 250 SF[1]).

The "Irregular Shaped Lot" hardship aligns with the specific guidance contained within the Zoning Variation Request Packet as follows:

- "That the particular physical surroundings, **shape** or topographical condition **of the specific property involved** would bring particular hard-ship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out"[2] (emphasis added)
- "A platted lot that is **uniquely shaped** and when the zoning code is applied, interferes with the buildable area of the lot."[3] (emphasis added)

2. a. Provide evidence that the property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning Code (i.e., without one or more variations):

OR

b. Provide evidence that the plight of the applicant/owner is due to unique circumstances relating to the property in question:

As discussed above, the particular shape of the lot of 980 Oxford would bring particular hardship to build patio, gazebo and fireplace according to current zoning code. As illustrated in the diagram labeled "No Variance", the plan under the current code would cause the fireplace to be

[1] Section 10-5-5(B)4-15 of Glen Ellyn Zoning Code for Village of Glen Ellyn (Effective June 1, 1989)
[2] Village of Glen Ellyn Zoning Variance Request Packet, Section 4 titled "Zoning Code Variation Guidelines for Particular Hardship and Practical Difficulty Criteria" (page 13)
[3] Village of Glen Ellyn Zoning Variance Request Packet, Section 4 titled "Zoning Code Variation Guidelines for Particular Hardship and Practical Difficulty Criteria" (page 14)

in the middle of the back yard (closer to homeowner house and other homes), patio would be built to alter the essential character a typical patio, and gazebo would be restricted to a size of only 180 SF (Zoning Code allows up to 250 SF[4]).

The "Irregular Shaped Lot" hardship aligns with the specific guidance contained within the Zoning Variation Request Packet as follows:

- "That the particular physical surroundings, **shape** or topographical condition **of the specific property involved** would bring particular hard-ship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out"[5] (emphasis added)
- "A platted lot that is **uniquely shaped** and when the zoning code is applied, interferes with the buildable area of the lot."[6] (emphasis added)

3. Provide evidence that the requested variation(s), if granted, will not alter the essential character of the locality of the property in question:

The requested variation will allow a patio to be installed in the back yard along with a gazebo that will compliment the same characteristics used in the design and construction of the home for the back yard area.

B. For the purpose of supplementing the above standards, the ZBA or PC, in making its recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes or fails to establish the following facts favorably to the applicant:

1. Provide evidence that the particular physical surroundings, shape or topographical condition of the property in question would bring particular hardship upon the applicant/owner as distinguished from a mere inconvenience if the strict letter of the Zoning Code were to be carried out:

The proposed plans would not involve the ZBA if the conditions of the back yard of 980 Oxford were the same as a normal rear yard in Glen Ellyn. Rear yards in Glen Ellyn are based on a minimum lot width of 66' and 80' for a corner lot.[7] As illustrated in the diagram labeled "Normal Rear Yard vs. 980 Oxford" using a 66' lot width, no variance would be necessary. This hardship aligns the Zoning Variation Request Packet as follows: "That the conditions upon which the petition for Variation is based **would not be applicable generally to other property within the same zoning district**".[8] (emphasis added)

In addition, the setback of 3' in a rear yard is not uncommon for residential properties in Glen Ellyn for certain structures including retaining walls[9], accessory buildings[10], setbacks for accessory buildings[11], and permitted obstructions in required yard setbacks[12]

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[4] Section 10-5-5(B)4-15 of Glen Ellyn Zoning Code for Village of Glen Ellyn (Effective June 1, 1989)

[5] Village of Glen Ellyn Zoning Variance Request Packet, Section 4 titled "Zoning Code Variation Guidelines for Particular Hardship and Practical Difficulty Criteria" (page 13)

[6] Village of Glen Ellyn Zoning Variance Request Packet, Section 4 titled "Zoning Code Variation Guidelines for Particular Hardship and Practical Difficulty Criteria" (page 14)

[7] Section 10-4-8: R2 Residential District of Glen Ellyn Zoning Code for Village of Glen Ellyn (Effective June 1, 1989)

[8] Village of Glen Ellyn Zoning Variance Request Packet, Section 4 titled "Zoning Code Variation Guidelines for Particular Hardship and Practical Difficulty Criteria"(page 13)

[9] Section 10-5-5(B)4-37 of Glen Ellyn Zoning Code for Village of Glen Ellyn (Effective June 1, 1989) (page 106)

[10] Section 10-5-5(C) of Glen Ellyn Zoning Code for Village of Glen Ellyn (Effective June 1, 1989) (Page 69)

2. Provide evidence that the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district:

The proposed plans would not involve a variance if the conditions of the back yard of 980 Oxford were the same as a normal rear yard in Glen Ellyn. Rear yards in Glen Ellyn are based on a minimum lot width of 66' and 80' for a corner lot.[13] As illustrated in the diagram labeled "Normal Rear Yard vs. 980 Oxford" using a 66' lot width, no variance would be necessary. This hardship aligns the Zoning Variation Request Packet as follows: "That the conditions upon which the petition for Variation is based **would not be applicable generally to other property within the same zoning district**".[14] (emphasis added)

3. Provide evidence that the purpose of the variation is not based exclusively upon a desire to make more money out of the property in question:

Homeowners intend to stay in home for many years since they moved to Glen Ellyn for their great school districts. Their kids are entering Kindergarten and Pre-school and there are at least 15 years until College.

4. Provide evidence that the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property in question or by the applicant.

As homeowners response to the last question, the hardship is desired by the homeowners and they have no intention to sell (thus desired variance was not created by any person having interest in the property) _____

5. Provide evidence that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located

Since we are requesting a variance for a patio and Gazebo, this should not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood. In addition, the homeowners had its direct neighbors sign the variance proposal indicating that they would approve the proposed plan. Neighbors across the street also attended the variance meeting to give their support for the variance.

6. Provide evidence that the proposed variation will not:

a. Impair an adequate supply of light and air to adjacent property; ____The Gazebo structure will be less than 15' high and stand in the middle of the homeowners back yard. Thus, this will not impair an adequate supply of light and air to the adjacent properties. Also, the neighbors an the adjacent properties signed and approved the proposed variance request.

b. Substantially increase the hazard from fire or other dangers to the property in question or adjacent property; __Fireplace will be built by a mason of stone and brick.

c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village; ____Proposed structure and patio will enhance the items described above.

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[11] Section 10-5-4 of Glen Ellyn Zoning Code for Village of Glen Ellyn (Effective June 1, 1989) (Page 73)

[12] Section 10-5-5 (B)4 YARDS of Glen Ellyn Zoning Code for Village of Glen Ellyn (Effective June 1, 1989) (Page 10)

[13] Section 10-4-8: R2 Residential District of Glen Ellyn Zoning Code for Village of Glen Ellyn (Effective June 1, 1989)

[14] Village of Glen Ellyn Zoning Variance Request Packet, Section 4 titled "Zoning Code Variation Guidelines for Particular Hardship and Practical Difficulty Criteria"(page 13)

d. Diminish or impair property values within the neighborhood; ____Our hope is that the patio and structure will actually improve property values.

e. Unduly increase traffic congestion in the public streets and highway;

Not applicable since it is a patio for the back yard

f. Create a nuisance; or _____No_____

g. Results in an increase in public expenditures. ____No____

7. Provide evidence that the variation is the minimum variation that will make possible the reasonable use of the land, building or structure. _____As illustrated in the proposed design, it was designed to fit the space for the backyard given its odd shape.

8. Please add any comments which may assist the Zoning Board of Appeals of Appeals in reviewing this application. _____Our goal is to have a usable backyard space for our backyard and family. Our hope is to use this for three seasons a year and this will be a great place for neighbors and friends to gather during these seasons.

VI. EVIDENCE RELATING TO FLOOD HAZARD VARIATION REQUESTS

The following items must be completed only if the requested variation is from Chapter 6 of the Zoning Code (relating to Flood Hazard Land Use Regulations.) If no such variation is being requested, the applicant should skip this section and complete Section VII below.

A. Items applicable only to variation requested from the requirements of Chapter 6 of the Zoning Code (relating to Flood Hazard Land Use Regulations) that, if granted, would result in a structure not being protected to the elevation of the base flood.

1. Provide evidence that the structure is to be located on a lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. _____ Homeowners engaged third party, Spaceco, and in their Engineering Report (attached) they provided a recommend solution that details areas for drainage to ensure the runoff does not impact the neighbors for proposed plan. The Spaceco storm water drainage design calls for drain inlets around the patio, underground drain pipe and a discharge toward the front of the lot.

If variance is granted, homeowners would already be required to have grades verified by the Village storm water engineer before permit can be issued. Homeowners would also implement engineering recommendations to ensure runoff does not impact neighbors.

2. Provide evidence that the applicant has acknowledged that (a) such construction below the base flood level will increase the risk to life and property and that the applicant proceeds with knowledge of these risks; and (b) any variation is contingent upon the applicant obtaining approval from other agencies having jurisdiction when the variance violates the requirements of such agencies.
_____Acknowledged by the applicants and utilized a third party professional, Spaceco, to assist with this matter.

B. Items applicable only to variations requested from the requirements in Chapter 6 of the Zoning Code (relating to Flood Hazard Land Use Regulations) that, if granted, would significantly impede or increase the flow and passage of floodwaters.

1. Provide evidence that the use will not result in an increased flood height greater than 0.1 feet within the designated regulatory floodway.
N/A

2. Provide evidence that the resulting increase in the base flood elevations will not affect any existing structures or utilities. N/A

3. Provide evidence that the owners of the properties affected by the increased base flood elevation are compensated for the resulting effect on property values, and they give their written agreement to granting the variation. N/A

4. Provide evidence that the resulting increased flood elevations will not affect any flood protection structures. N/A

VII. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

I (We) certify that all of the statements and documents submitted as part of this application are true and complete to the best of my (our) knowledge and belief.

I (We) consent to the entry in or upon the premises described in the application by any authorized official of the Village of Glen Ellyn.

I (We) certify that I (we) have carefully reviewed the Glen Ellyn Zoning Variation Request Package and applicable provisions of the Glen Ellyn Zoning Code.

I (We) consent to accept and pay the cost to publish a notice of Public Hearing as submitted on an invoice from the publishing newspaper. I (we) understand that our request will not be scheduled for a Village Board agenda until and unless this invoice is paid.

Signature of Applicant(s)

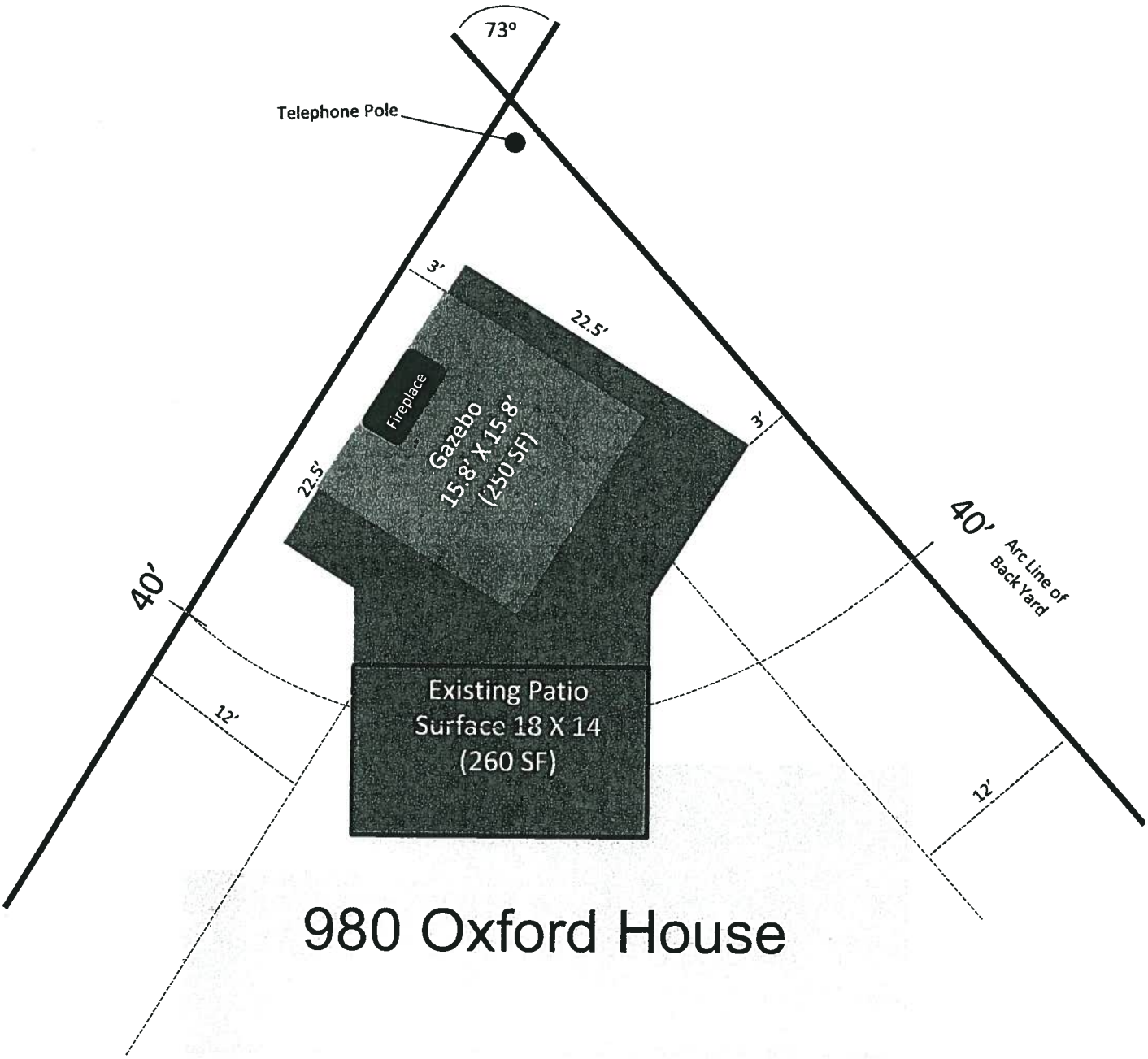
Date filed: _____ Date: January 7, 2011

Christopher & Nancy Desmond
980 Oxford Road Variance

1" = 10'

Revised Variance Request (Nov 23, 2010)

Rear Yard = [(73/360) X (π) x 40^2] = 1,019 SF
Current Impervious Surface Allotment = 509.5 SF (1/2 of Rear Yard)
Surface Allotment Variance Request= 590 SF (58% of Rear Yard)
Fireplace & Gazebo Setback Variance Request = 3' (12' is Code)

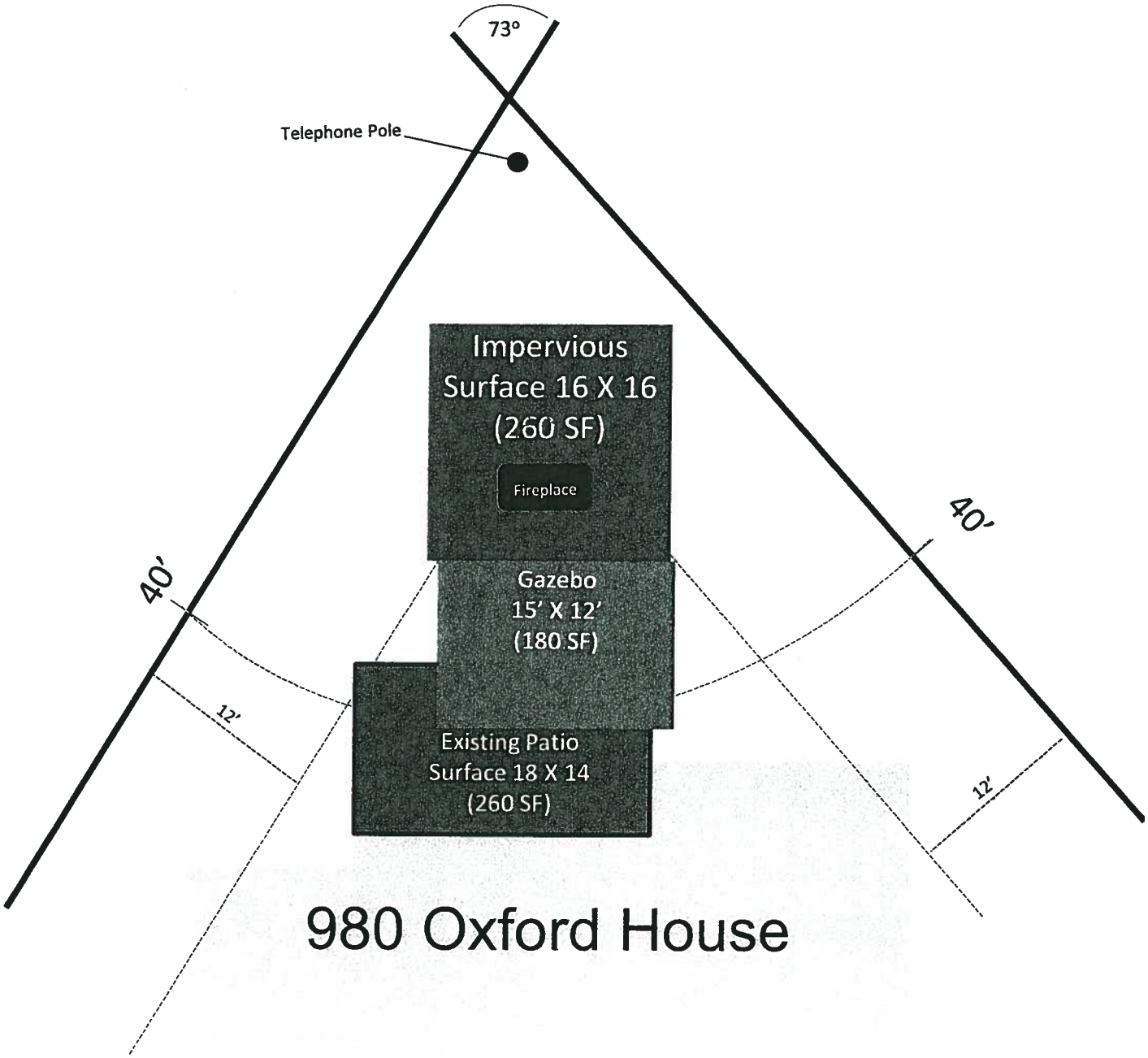


1" = 10'

Christopher & Nancy Desmond
980 Oxford Road Variance

Plan Under Code (No Variance)

- Gazebo could not be built 250 SF because of setback restrictions
- Fireplace would have to be close to home and in the middle of back yard
- Patio design would look awkward to plan around restrictions

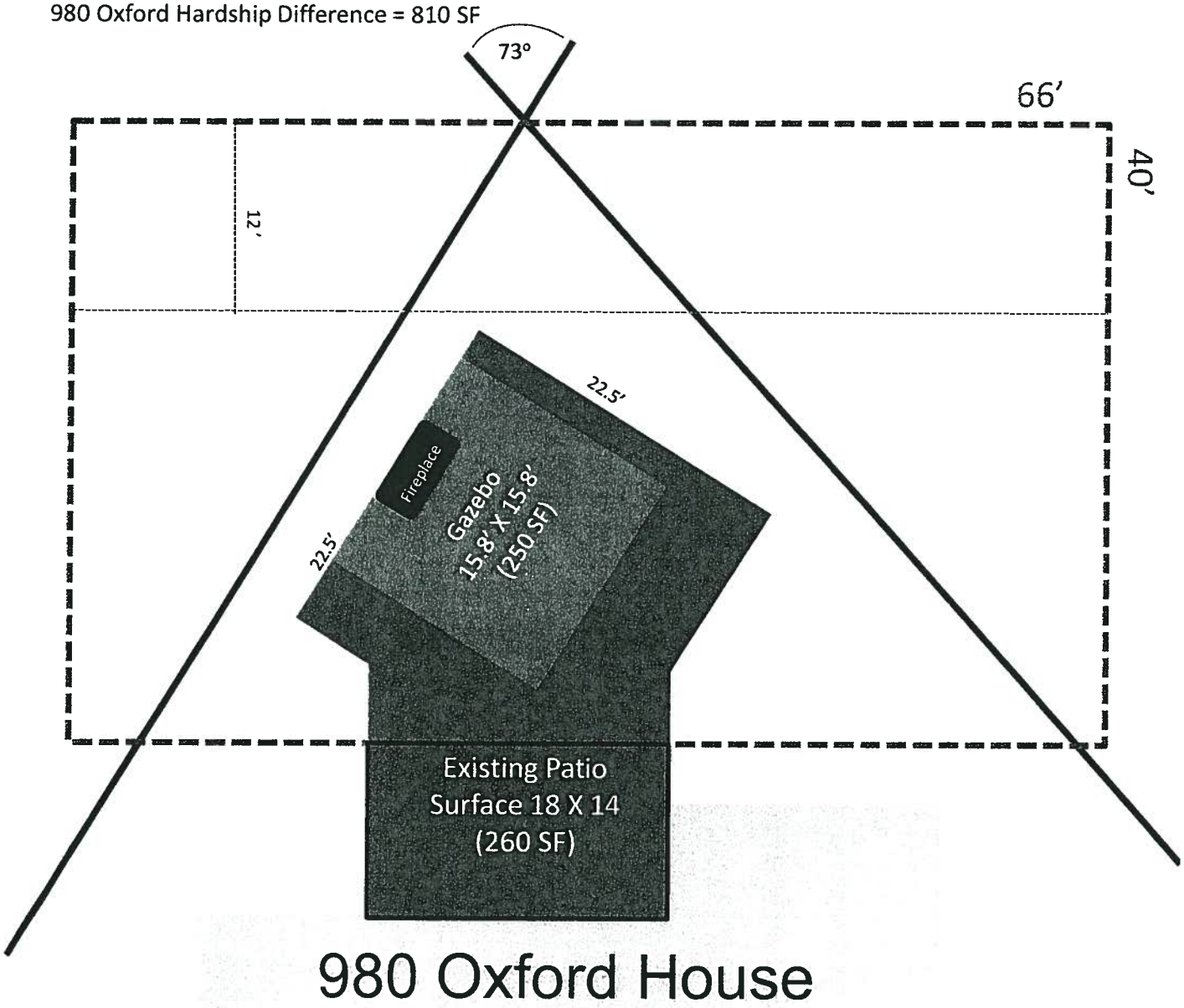


1" = 10'

Christopher & Nancy Desmond
980 Oxford Road Variance

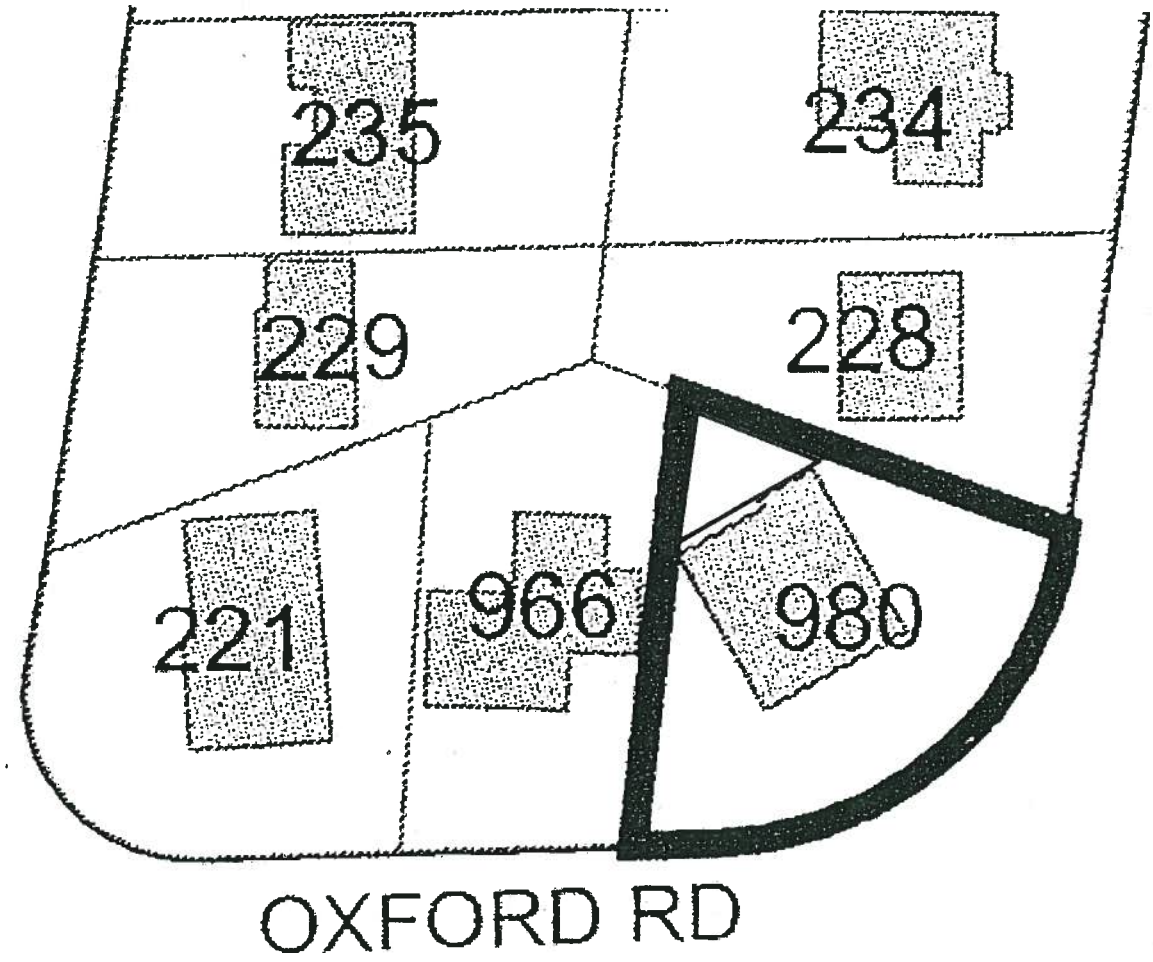
Normal Rear Yard vs. 980 Oxford

Normal Rear Yard (66' X 40') = 2,640 SF
Normal Impervious Surface Allotment = 1,320 SF
980 Oxford Rear Yard [(73/360) X (π) x 40^2] = 1,019 SF
980 Oxford Surface Variance Request= 590 SF (58% of Current Rear Yard or 22% of Normal Rear Yard)
980 Oxford Hardship Difference = 810 SF



Christopher & Nancy Desmond
980 Oxford Road Variance

Aerial View
(Illustrates Fireplace Further From Neighbors)



SPACECO INC.
CONSULTING ENGINEERS
SITE DEVELOPMENT ENGINEERS
LAND SURVEYORS

9575 W. Higgins Road, Suite 700, Rosemont, Illinois 60018
Phone: (847) 696-4060 Fax: (847) 696-4065

Nancy Desmond
980 Oxford Road
Glen Ellyn, IL 60137
(630-534-6288)

Rear Yard Drainage for 980 Oxford Road
(Project No. 6567)

Dear Ms. Desmond:

During our meeting you explained to me that the Village of Glen Ellyn will require a letter from an Engineer stating the proposed improvements in your backyard will not adversely affect the adjacent properties.

The scope of work for SPACECO is to provide a drainage plan for the proposed backyard improvements, indicate how storm water will be routed from the backyard and to prepare a letter outlining the existing drainage conditions compared to the proposed drainage.

The overall plan is to remove the existing paver patio and construct a new patio, gazebo and outdoor fireplace. In an effort to keep costs to a minimum you will be attending meetings with the Village of Glen Ellyn, supplying SPACECO with a Plat of Survey and the Final As-built Survey (obtained when you closed on your home). If the Permit Plat (original plan regarding the construction of the home) is available, this will also be helpful regarding the existing drainage patterns.

Once you have obtained approval from the friendly folks at Glen Ellyn to improve your backyard please forward a copy of the plan to SPACECO. We will combine your proposed plan with information listed above. In an effort to reduce costs the information will be assembled without the use of CAD. Using the information available our plan will indicate the limits of the proposed patio, the locations of yard drains, drain tile to convey storm water from yard drains, connections of new drain tile to the existing drain tiles. Based on my site visit there are two (2) possible points of connection – the downspout drain tile at the northwest corner of the house and the drain tile behind the retaining wall.

I will prepare a letter regarding the drainage patterns based on the information provided. The cost to do this is a Lump Sum of $500, meetings are not included.

I have not included providing topographic information or calculations regarding runoff rates of storm events – if the Village of Glen Ellyn requests this information we will need to discuss the details of their request and the associated costs.

Recommendations:

- Because of the uniqueness of your property and small backyard, see if Glen Ellyn will allow the 50% criteria to apply to the entire size of your property.
- Avoid placing gravel up to the house without an impervious barrier between the ground and the gravel. This will reduce water infiltration into the ground which would migrate to the footing drains resulting in extra sump pump activity.
- Consider a smaller footprint between the columns supporting the gazebo but cantilever the beams and joists past the column footprint to create the large size you're looking for.
- If the fireplace has a pit lower than the patio make provisions to install a drain tile to route storm water from the fire pit.
- Recheck the sketch indicating the location of the existing steps from the existing patio at the northwest corner. It appears the steps are further from the house then the sketch indicates.
- Make the best attempt to show the existing and proposed improvements as accurate as possible. Glen Ellyn is known to reject and have homeowners remove improvements because the final constructed improvements should reflect as close as possible the proposed improvements.

Mary's home: Enclosed are two (2) sketches proposing a solution to the drainage issue on the south side of her house. I had a contractor review the existing conditions and determined it should be less the $5,000 to regrade the side yard, install a drain pipe, connect the downspout to the new drain pipe and discharge the water in the front yard. I will forward a proposal to you for this work once I receive it.

If you should require any additional information please do not hesitate to contact me.

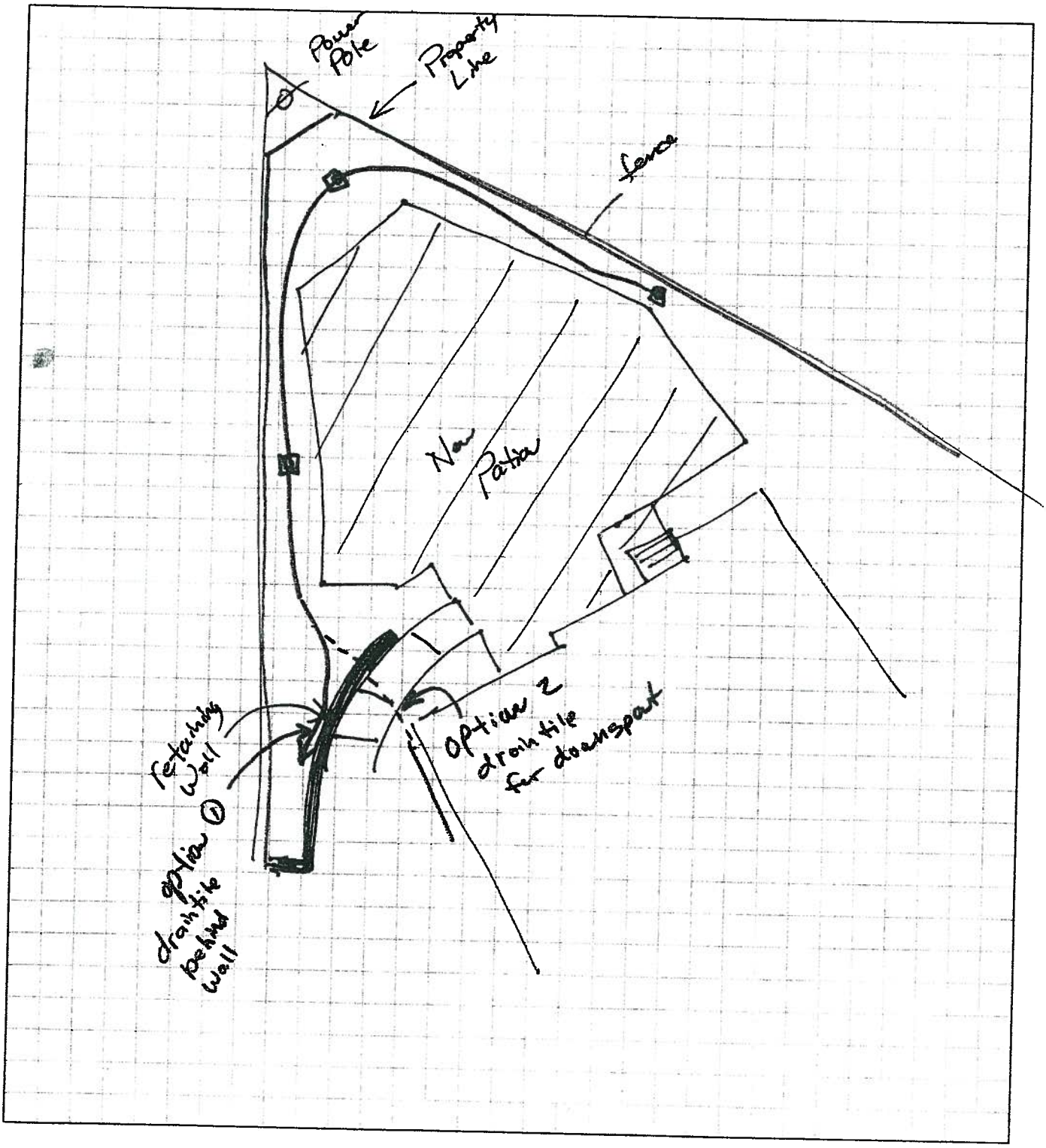
Sincerely,

SPACECO, Inc.

William J. Zalewski, PE
Vice President

SPACECO INC.
9575 W. Higgins Road, Suite 700, Rosemont, Illinois 60018
Phone: (847) 696-4060 Fax: (847) 696-4065

JOB Nancy's House
SHEET NO. _____ OF _____
CALCULATED BY _____ DATE _____
CHECKED BY _____ DATE _____
SCALE _____



A-8

MEMORANDUM

TO: Terry Burghard, Interim Village Manager

FROM: Staci Hulseberg, Director of Planning & Development
Joe Kvapil, Building and Zoning Official

DATE: January 11, 2011

FOR: January 17, 2011 Village Board Meeting

SUBJECT: 538 Prince Edward Road – Residential Addition Variations

Petition: Jeff and Anne Lange, owners of the property at 538 Prince Edward Road, are requesting approval of two variations from the Glen Ellyn Zoning Code for an addition to their existing home that increases the lot coverage ratio beyond the maximum permitted lot coverage ratio of 20% for a 2-story home and does not meet the minimum required rear yard setback of 40 feet. The subject property is an interior lot located on the north side of Prince Edward Road between Greenbriar Road and Raintree Drive in the R2 Residential District.

Zoning Data: The existing home is a two-story structure that complies with all zoning regulations. The proposed addition requires two variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-4-8(E)1 to allow the construction of a 102-square foot one-story addition to the rear of the house that increases the lot coverage ratio from 19.5% to 20.6% in lieu of the maximum permitted lot coverage ratio of 20% for a 2-story home.
2. Section 10-4-8(D)2 to allow the construction of a 102-square foot one-story addition to the rear of the house that results in a rear yard setback of 39.6 feet in lieu of the minimum required rear yard setback of 40 feet.

Public Hearing: The Zoning Board of Appeals conducted a public hearing on the requested variations on Tuesday, December 14, 2010. Notice of the public hearing was published in the Glen Ellyn News on November 18, 2010. At the meeting, no persons spoke in favor of or in opposition to the variation request. The Zoning Board of Appeals was in favor of the variations because they felt that the variations were minimal, that the home with the addition was consistent with the character of homes in the neighborhood and there were no practical alternatives. The Zoning Board of Appeals voted on a motion to recommend approval of the variation request. The motion carried unanimously with six (6) "yes" votes.

Village Board: It is requested that the Village Board consider the petitioners' request and the recommendation offered by the Zoning Board of Appeals. Staff has prepared an ordinance to approve the requested variations as recommended by the Zoning Board of Appeals.

Attachments:

- Minutes of ZBA meeting dated December 14, 2010
- Two Photos of the Subject Property (Front and Rear Views)
- Location Map
- Ordinance
- Notice of Public Hearing
- List of Addresses
- Petitioners' Application packet

cc: Jeff and Anne Lange

X:\Plandev\BUILDING\ZBA\MEMOS\PRINCE EDWARD538-LCR,REAR.doc

DRAFT
ZONING BOARD OF APPEALS
MINUTES
DECEMBER 14, 2010

The meeting was called to order by Chairman Richard Garrity at 7:30 p.m. Board Members Gregory Constantino, Barbara Fried, Edward Kolar, Mary Ozog and Dale Siligmueller were present. Board Member Michael Waterman was excused. Also present were Trustee Liaison Pete 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 Fried moved, seconded by Board Member Kolar, to approve the minutes of the November 23, 2010 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

One public hearing was on the agenda for property at 538 Prince Edward Road.

PUBLIC HEARING – 538 PRINCE EDWARD ROAD
A REQUEST FOR APPROVAL OF TWO (2) VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(E)1 TO CONSTRUCT A ONE-STORY ADDITION TO THE REAR OF THE HOME THAT RESULTS IN A LOT COVERAGE RATIO OF 20.6% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20%. 2. SECTION 10-4-8(D)2 TO CONSTRUCT A ONE-STORY ADDITION TO THE REAR OF THE HOME THAT RESULTS IN A REAR YARD SETBACK OF 39.6 FEET IN LIEU OF THE MINIMUM REQUIRED REAR YARD SETBACK OF 40 FEET.
(Jeff and Anne Lange, petitioners)

Staff Report

Building and Zoning Official Joe Kvapil stated that Jeff and Anne Lange, owners of the property at 538 Prince Edward Road, are requesting two (2) variations from the Zoning Code to construct a one-story addition to the rear of their home to accommodate an expanded kitchen. Mr. Kvapil displayed a map and described the location of the subject property which is in the R2 Residential zoning district and surrounded by residential uses. Mr. Kvapil indicated properties on the map where the owners had signed a petition in support of the variation requests (22 signatures). Mr. Kvapil reviewed a history of building permits issued for the subject property and stated that no prior zoning variations have been granted at this location. Mr. Kvapil displayed a site plan and indicated the areas on the plan where the variations are being requested. He stated that a variation is being requested to allow the construction of an addition that results in a lot coverage ratio of 20.6 percent in lieu of the maximum permitted lot coverage ratio of 20 percent. Mr. Kvapil explained that the .6 percent is equivalent to 57 square feet. Mr. Kvapil stated that a variation is also being requested to allow the construction of a bay window addition

that results in a rear yard setback of 39.6 feet in lieu of the minimum required rear yard setback of 40 feet. Mr. Kvapil explained that the 39.6 feet is equivalent to an encroachment of 5 inches into the rear yard. Mr. Kvapil added that a variation is required for the proposed bay window because it does not meet one of the criteria for exception which is that it must be cantilevered.

Petitioners' Presentation

Jeff and Anne Lange, the petitioners, and Eric Roldan, an architect with RS2 Architects, 107 N. Hale Street, Suite 210, Wheaton, Illinois, spoke on behalf of the subject variation requests. Mr. Roldan stated that when the petitioners bought the subject home in 2004, they had been informed by a realtor that because many homes in the area had additions constructed, the Langes' should not have a problem adding onto their home. Mr. Roldan stated that the existing kitchen is outdated and has become inadequate in size due to the Langes' growing family. Mr. Roldan added that the kitchen, which has become a main gathering space for the family, is disproportionately small compared to the other rooms on the first floor. He stated that the proposed addition is 114 square feet. Mr. Roldan stated that when the Langes' subdivision was built, some of the houses were constructed with lot coverage ratios less than 25 percent which was the allowed LCR at that time. Mr. Roldan felt that a hardship has been caused for the Langes' by the reduction of the LCR to 20% which limits any addition to their home to a maximum of 47 square feet. Mr. Roldan added that the previous 25% LCR would have allowed them to add 468 square feet to their home. Mr. Roldan stated that constructing an addition onto the front of the home rather than the rear would change the character of the house and that the impact of adding onto the rear lessens the impact. He also stated that detaching the existing garage from the front of their home and reconstructing a garage in the rear in order to gain a 500-square foot bonus is impractical and costly and would also require additional impervious surface with the construction of additional driveway area. Mr. Roldan commented that the proposed addition would add value to the Langes' home and to their neighborhood.

Responses to Questions from the ZBA

Mr. Kvapil responded to Chairman Garrity that a cantilever must have a clearance of 8 inches from the ground. Ms. Lange explained that their current window is cantilevered which causes the kitchen area to be cold and that they prefer a window with a foundation. Mr. Kvapil verified for Mr. Kolar and Chairman Garrity that the rear yard setback would be eliminated if the proposed kitchen addition was brought in 5 inches or the bay window was cantilevered. Mr. Roldan responded to Mr. Constantino that a practical difficulty is the layout of the interior space that includes a cramped kitchen area. Mr. Kolar asked if there is a unique circumstance that prevents the addition from being reduced by 5 inches in order to eliminate the rear yard setback variation. Ms. Lange explained that they hoped to save money by using the same windows from their existing cantilevered bay window for the windows in the proposed addition and that they cannot re-use the windows if the addition is reduced by 5 inches. Mr. Lange displayed two photographs of the existing bay window at the rear of their home. He also responded to Mr. Kolar that

reducing the size of the addition would not allow for sufficient walkway space around the island area in the kitchen.

Persons in Favor of or in Opposition to the Petition

No persons spoke in favor of or in opposition to the variation requests.

Comments from the ZBA

The ZBA members supported the variations requested by the petitioners, citing that the variation requests were minimal, detaching and relocating the attached garage to gain a 500-square foot bonus is a practical difficulty and the configuration of the house on the lot would not allow a driveway to be constructed to a detached garage, many of the other homes in the petitioners' subdivision have a 25% lot coverage ratio, the neighbors support the variation requests, and the impact to the neighborhood is minimal. Because the variation requests were minimal, Mr. Kolar supported the requests, however, he felt that the rear yard setback variation could easily be eliminated by reducing the addition by 5 inches. Mr. Kolar did not feel the petitioners demonstrated a hardship or unique circumstances and stated that because the lot coverage ratio was changed 6 years ago, that hardship is no longer valid.

Motion

Ms. Fried moved, seconded by Ms. Ozog, to recommend that the Village Board approve two variations from the Zoning Code to allow the construction of a one-story addition to the rear of the home at 538 Prince Edward Road that results in a lot coverage ratio of 20.6% in lieu of the maximum permitted lot coverage ratio of 20% and a rear yard setback of 39.6 feet in lieu of the minimum required rear yard setback of 40 feet. The recommendation for approval was based on the findings of fact that the requests are minimal and that constructing a detached garage to earn a 500-square foot bonus is a practical difficulty. The recommendation for approval was conditioned upon the addition being constructed in substantial comformance with the plans as submitted at this public hearing and that at no time shall a second story be constructed above the proposed addition.

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

Trustee Report

Trustee Ladesic reviewed the status of the proposed ethics ordinance currently being reviewed by the Village Board.

Staff Report

Mr. Kvapil stated that the next two regularly scheduled ZBA meetings will be canceled.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:24 p.m.

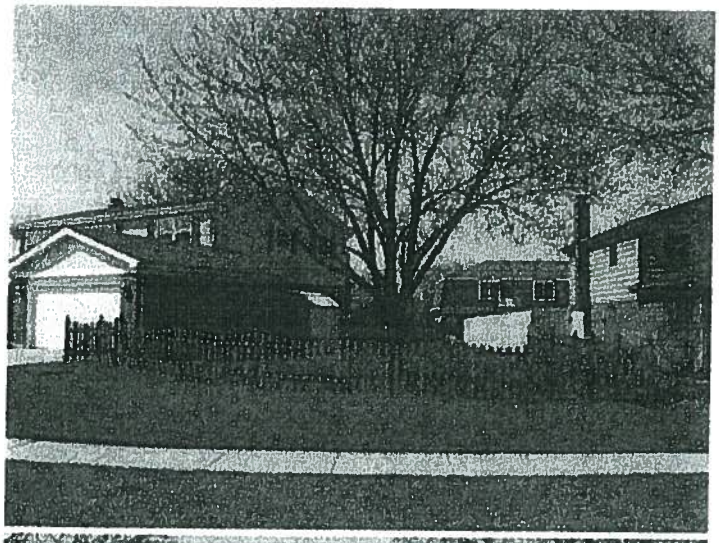
Submitted by:

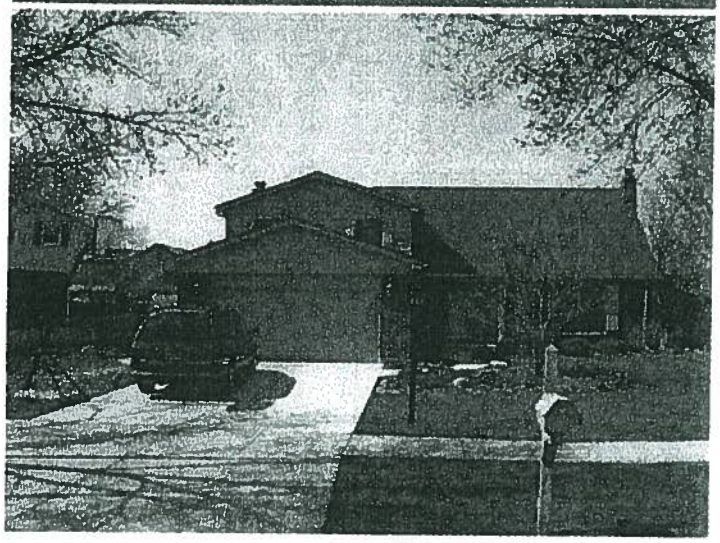
Barbara Utterback
Recording Secretary

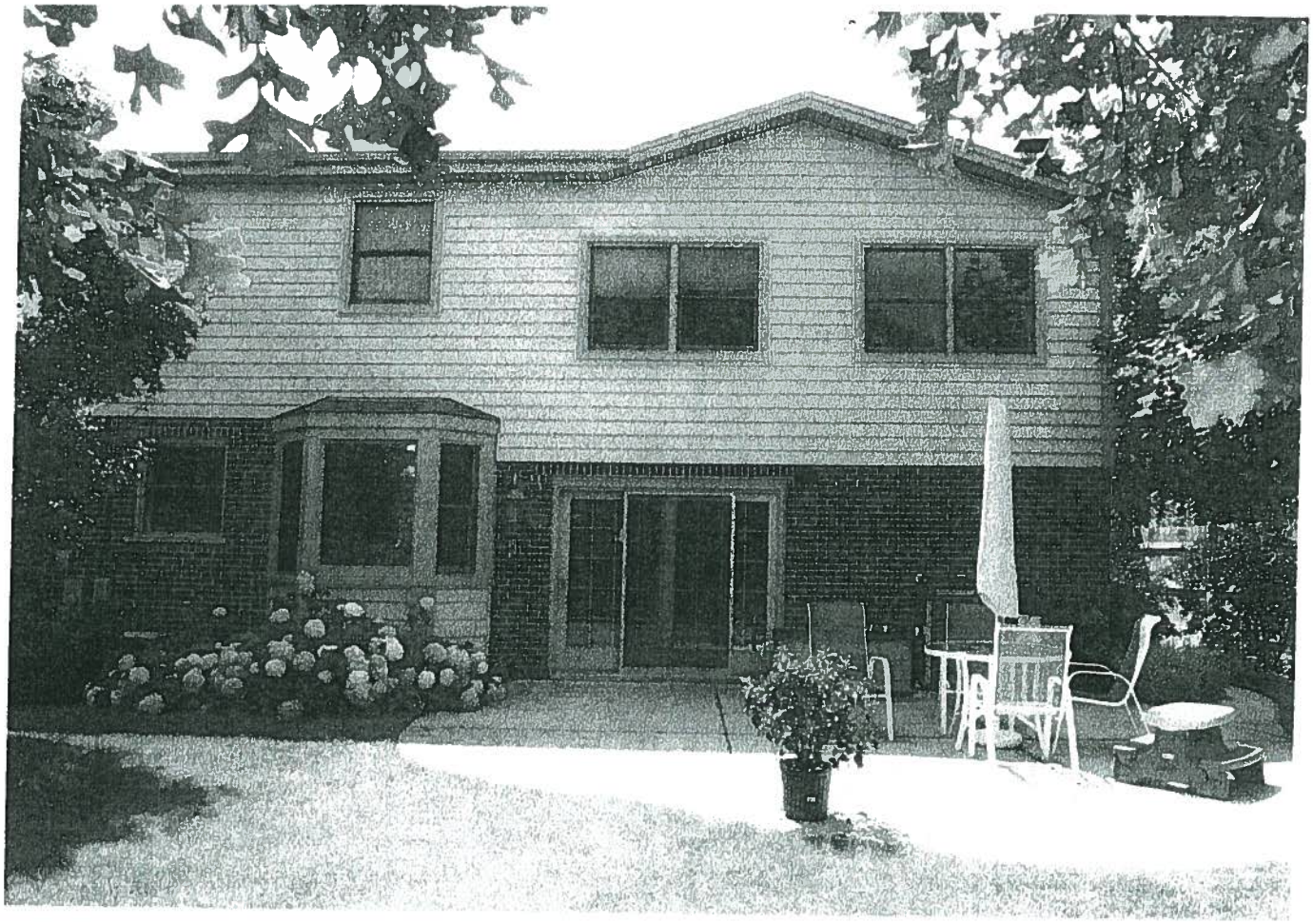
Reviewed by:

Joe Kvapil
Building & Zoning Official

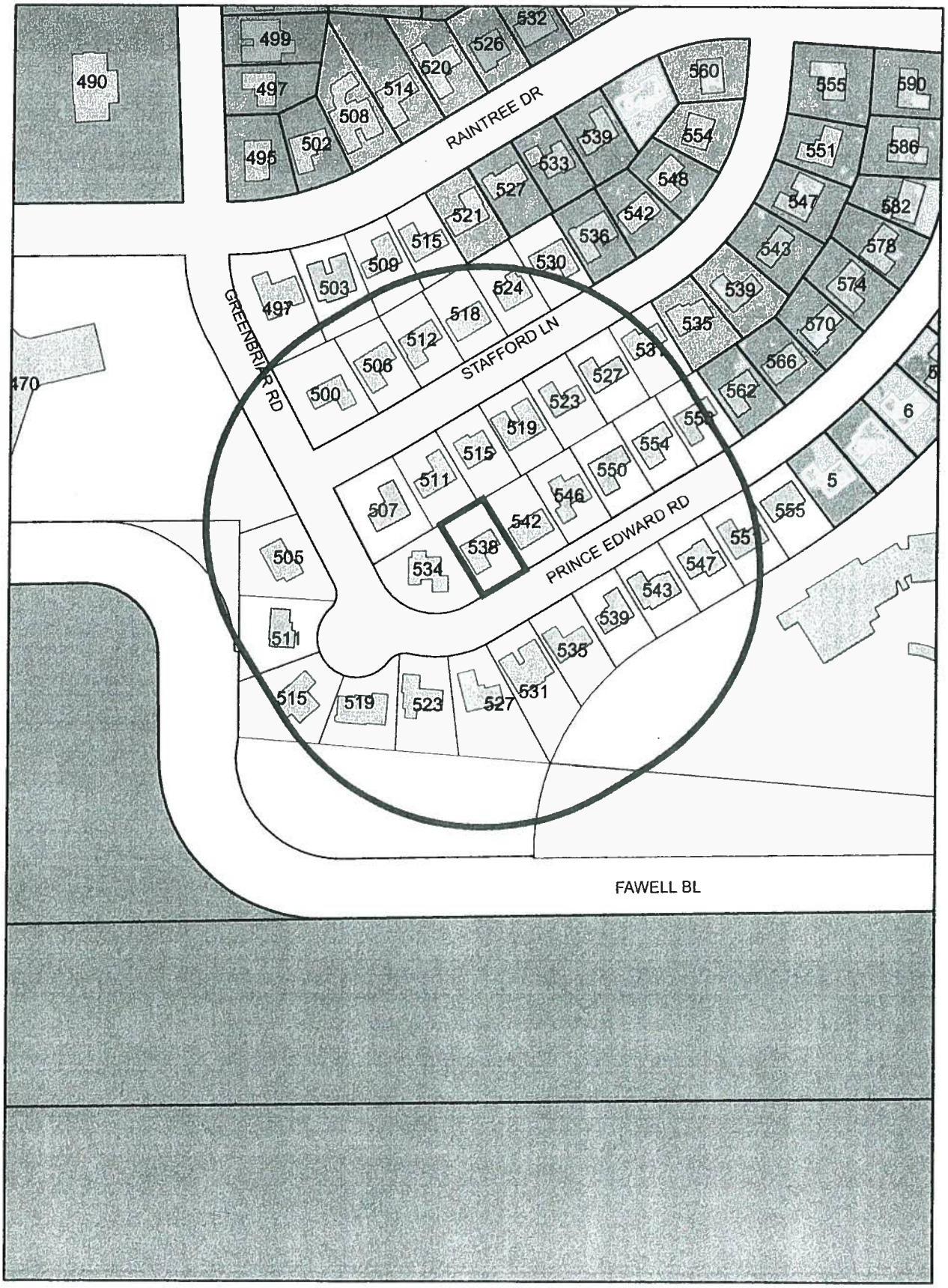
583 PRINCE EDWARD ROAD







538 PRINCE EDWARD



Prepared By: Barbara Utterback
Date Printed: July 12, 2010

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Village of Glen Ellyn

Ordinance No. _____

An Ordinance Approving Variations from the
Lot Coverage Ratio and Setback Requirements of the Zoning Code
to Allow an Addition to the Existing Single-Family Home
For Property at 538 Prince Edward Road
Glen Ellyn, IL 60137

Adopted by the
President and Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
this _____ day of _____, 20____.

Published in pamphlet form by the authority of the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, this _____ day of _____, 20_____.

Ordinance No. _____

An Ordinance Approving Variations from the Lot Coverage Ratio and Setback Requirements of the Zoning Code to Allow an Addition to the Existing Single-Family Home For Property at 538 Prince Edward Road Glen Ellyn, IL 60137

Whereas, Jeff and Anne Lange, owners of the property at 538 Prince Edward Road, Glen Ellyn, Illinois, which is legally described as follows:

> Lot 139 in Raintree, Unit No. 3, a subdivision in the South half of section 23, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded August 30, 1971 as Document No, R71-43671, in DuPage County, Illinois.
>
> P.I.N.: 05-26-104-002

have petitioned the President and Board of Trustees of the Village of Glen Ellyn for two variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-4-8(E)1 to construct a one-story addition to the rear of the home that results in a lot coverage ratio of 20.6% in lieu of the maximum permitted lot coverage ratio of 20%.

2. Section 10-4-8(D)2 to construct a one-story addition to the rear of the home that results in a rear yard setback of 39 feet 7 inches in lieu of the minimum required rear yard setback of 40 feet 0 inches.

Whereas, following due notice by publication in the Glen Ellyn News not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all property owners within 250 feet of the subject property at least ten (10) days prior thereto, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Glen Ellyn Zoning Board of Appeals conducted a public hearing on December 14, 2010, at which the petitioners

presented evidence, testimony, and exhibits in support of the variation requests and no persons appeared in favor of the variations and no persons appeared in opposition thereto; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing on December 14, 2010, the Zoning Board of Appeals adopted findings of fact and voted on a motion to approve the Variations, which carried by a unanimous vote of six (6) "yes" resulting in a recommendation for approval as set forth in its draft Minutes dated December 14, 2010, appended hereto as Exhibit "A"; and

Whereas, the President and Board of Trustees have reviewed the exhibits and evidence presented at the aforementioned public hearing and have considered the findings of fact and recommendations of the Zoning Board of Appeals; and

Whereas, the President and Board of Trustees make the following findings of fact:

A. That the plight of the owner is due to unique circumstances as the location of the house on the lot does not permit an addition on any side that complies with the setback requirements and the permitted lot coverage area has been reduced since this home was constructed;

B. That the variations, if granted, will not alter the essential character of the locality since the addition is only one-story in height and 102 square feet in area and many other homes in the area exceed the current maximum lot coverage ratio of 20%;

C. That the particular physical surroundings, shape or topographical condition of the specific property involved would bring practical difficulty or particular hardship upon the owner to pursue any other alternatives and alterations on the property to achieve the additional space;

D. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property since the home owners intend to remain as the residents in the foreseeable future;

E. That the practical difficulty or particular hardship has not been created by any persons presently having an interest in the property since no prior variations have been granted and no prior additions have been constructed by the home owners or any others in the past;

F. That the variations will not be detrimental to the public welfare or injurious to other property or diminish or impair property values within the neighborhood since the location, size and appearance is in keeping with the general character of the community;

G. That the variations will not unduly increase traffic congestion in the public streets and highways or result in an increase in public expenditures or create a nuisance since the intended use of the addition and occupancy of the property will meet zoning regulations; and

Whereas, the President and Board of Trustees, based on the aforementioned findings of fact, find it appropriate to grant the variations presented to the Zoning Board of Appeals.

Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in exercise of its home rule powers, as follows:

Section One: The draft minutes of the December 14, 2010 Glen Ellyn Zoning Board of Appeals meeting, Exhibit "A" appended hereto, are hereby accepted, and the findings of fact and conclusions set forth in the preambles above are hereby adopted as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: Based upon the above findings of fact, the President and Board of Trustees hereby approve two variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-4-8(E)1 to construct a one-story addition to the rear of the home that results in a lot coverage ratio of 20.6% in lieu of the maximum permitted lot coverage ratio of 20%.
2. Section 10-4-8(D)2 to construct a one-story addition to the rear of the home that results in a rear yard setback of 39 feet 7 inches in lieu of the minimum required rear yard setback of 40 feet 0 inches.

at 538 Prince Edward Road, Glen Ellyn, Illinois, which is legally described as follows:

Lot 139 in Raintree, Unit No. 3, a subdivision in the South half of section 23, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded August 30, 1971 as Document No, R71-43671, in DuPage County, Illinois.

P.I.N.: 05-26-104-002

Section Three: This grant of variation to construct an addition is conditioned upon a limitation that the addition may not be altered in the future to include a second floor and that the construction being completed is in substantial conformance with the signed Application for Variation received by the Planning & Development Department on October 21, 2010, supporting documents and materials received on October 21, 2010 and the testimony and exhibits provided at the December 14, 2010 Zoning Board of Appeals public hearing.

Section Four: The Building and Zoning Official is hereby authorized and directed to issue building permits for the subject property, consistent with the variations granted herein, provided that all conditions set forth hereinabove have been met and that the proposed construction is in compliance with all other applicable laws and ordinances. This grant of variation shall expire and become null and void twenty four (24) months from the date of passage of this Ordinance unless a building permit to begin construction in reliance on this variation is applied for within said twenty-four (24) month time period and construction is continuously and vigorously pursued provided, however, the Village Board, by motion, may extend the period during which permit application, construction, and completion shall take place.

Section Five: The Village Clerk is hereby authorized and directed to cause a copy of this Ordinance approving the variations to be recorded with the DuPage County Recorder of Deeds.

Section Six: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

Section Seven: Failure of the owner or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 10-10-18 "A" and "B" of the Village of Glen Ellyn Zoning Code.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this ____ day of _____, 2011.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20_____.

_____
Village President of the
Village of Glen Ellyn, Illinois

Attest:

_____
Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____).

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NOTICE OF PUBLIC HEARING

Jeff And Anne Lange, owners of the property at 538 Prince Edward Road, are requesting a public hearing for two variations in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. The owners would like to modify the two-story existing home by constructing a one-story addition to the rear of the home that will result in a lot coverage ratio of 20.6 % and a setback of 39 feet 7 inches to the rear property line. The Zoning Code does not allow two-story structures to exceed a lot coverage ratio of 20% or be set back less than 40 feet. The Glen Ellyn Zoning Board of Appeals will conduct a public hearing to consider these variations on December 14, 2010 at 7:30 p.m. on the third floor in the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Anyone is welcome to attend.

The property owners are requesting approval of two variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-4-8(E)1 to construct a one-story addition to the rear of the home that results in a lot coverage ratio of 20.6% in lieu of the maximum permitted lot coverage ratio of 20%.
2. Section 10-4-8(D)2 to construct a one-story addition to the rear of the home that results in a rear yard setback of 39 feet 7 inches in lieu of the minimum required rear yard setback of 40 feet 0 inches.

The property is zoned R2, Residential District, and is legally described as follows:

Lot 139 in Raintree, Unit No. 3, a subdivision in the South half of section 23, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded August 30, 1971 as Document No, R71-43671, in DuPage County, Illinois.

P.I.N.: 05-26-104-002

Plans related to the proposed addition are available for public review in the Planning and Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois. If you have questions, please contact Joe Kvapil, Building & Zoning Official, at (630) 547-5244. For individuals with disabilities who have questions regarding the accessibility of the meeting or facilities, contact Harold Kolze, ADA Coordinator, at (630) 547-5209.

(Published in the Glen Ellyn News on Thursday, November 18, 2010)

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538 PRINCE EDWARD

MORAN, JAMES
OR CURRENT OWNER
518 STAFFORD LN
GLEN ELLYN, IL 60137

SANBORN, MARTIN
OR CURRENT OWNER
509 RAINTREE DR
GLEN ELLYN, IL 60137

DAVIS, JAMES A & FREDA
OR CURRENT OWNER
547 PRINCE EDWARD RD
GLEN ELLYN, IL 60137

COLLEGE OF DU PAGE 502
OR CURRENT OWNER
425 FAWELL BLVD
GLEN ELLYN, IL 60137

MORAN, C & J & P REMIS
OR CURRENT OWNER
512 STAFFORD LN
GLEN ELLYN, IL 60137

MANGLINONG, HELGA D
OR CURRENT OWNER
500 STAFFORD LN
GLEN ELLYN, IL 60137

TOMARAS, PETER & ZOE ANN
OR CURRENT OWNER
543 PRINCE EDWARD RO
GLEN ELLYN, IL 60137

FONTANA, MATTHEW D
OR CURRENT OWNER
550 PRINCE EDWARD RD
GLEN ELLYN, IL 60137

SHETH, JAYANT C
OR CURRENT OWNER
551 PRINCE EDWARD RD
GLEN ELLYN, IL 60137

SMITH, CATHERINE
OR CURRENT OWNER
506 STAFFORD LN
GLEN ILLYN, IL 60137

LANGE, JEFFREY J
OR CURRENT OWNER
538 PRINCE EDWARD RD
GLEN ELLYN, IL 60137

HALE, DILLON H
OR CURRENT OWNER
497 RAINTREE DR
GLEN ELLYN, IL 60137

INGRAFFIA, ARLENE
OR CURRENT OWNER
505 PRINCE EDWARD RD
GLEN ELLYN, IL 60137

CULLIGAN, LEO
OR CURRENT OWNER
511 PRINCE EDWARD RD
GLEN ELLYN, IL 60137

PELAFAS, YVONNE J & PETER
OR CURRENT OWNER
511 STAFFORD LN
GLEN ELLYN, IL 60137

BROPHY, MICHAEL & VIVIAN
OR CURRENT OWNER
534 PRINCE EDWARD RD
GLEN ELLYN, IL 60137

MACKAY, DONALD B
OR CURRENT OWNER
503 RAINTREE DR
GLEN ELLYN, IL 60137

CARMODY, THOMAS J
OR CURRENT OWNER
515 RAINTREE DR
GLEN ELLYN, IL 60137

HARVEST INVESTMENT GROUP
OR CURRENT OWNER
216 HIGGINS RD
PARK RIDGE, IL 60068

FURJANIC, JUDITH NIKSICH
OR CURRENT OWNER
542 PRINCE EDWARD RD
GLEN ELLYN, IL 60137

LASALLE BANK
OR CURRENT OWNER
519 PRINCE EDWARD RD
GLEN ELLYN, IL 60137

JOCHUM, WILLIAM & COLLEEN
OR CURRENT OWNER
524 STAFFORD LN
GLEN ELLYN, IL 60137

MAXWELL JR, JAMES & PAULA
OR CURRENT OWNER
515 PRINCE EDWARD RD
GLEN ELLYN, IL 60137

SKIBBE SR, RONALD & V
OR CURRENT OWNER
546 PRINCE EDWARD RD
GLEN ELLYN, IL 60137

NOWAKOWSKI, ROBERT J & G
OR CURRENT OWNER
515 STAFFORD LN
GLEN ELLYN, IL 60137

LASALLE BANK
OR CURRENT OWNER
519 STAFFORD LN
GLEN ELLYN, IL 60137

BEERMAN, ROBERT &MARGARET
OR CURRENT OWNER
507 STAFFORD LN
GLEN ELLYN, IL 60137

DIOCESE OF JOLIET
OR CURRENT OWNER
425 SUMMIT ST
JOLIET, IL 60435

KENNEDY, BRIAN A
OR CURRENT OWNER
530 STAFFORD LN
GLEN ELLYN, IL 60137

MC NEILY, MARY SENESE
OR CURRENT OWNER
554 PRINCE EDWARD RD
GLEN ELLYN, IL 60137

HASTINGS, JUDITH R
OR CURRENT OWNER
539 PRINCE EDWARD RD
GLEN ELLYN, IL 60137

KOTARSKI, M & J NOCON
OR CURRENT OWNER
432 TRAUBE AVE
CLARENDON HILLS, IL 60514

ARNOLD, ROBERT & PAMELA
OR CURRENT OWNER
535 PRINCE EDWARD RD
GLEN ELLYN, IL 60137

YAACOUB, WISSAM S
OR CURRENT OWNER
470 FAWELL BLVD #116
GLEN ELLYN, IL 60137

MUNYER, DAVID
OR CURRENT OWNER
470 FAWELL BLVD #209
GLEN ELLYN, IL 60137

GNIATCZYK, JERRY & M C
OR CURRENT OWNER
558 PRINCE EDWARD RD
GLEN ELLYN, IL 60137

VORUGANTI, S & S SINGH
OR CURRENT OWNER
7 FOREST LN
SOUTH BARRINGTN, IL 60010

HEIDMER, DAVID
OR CURRENT OWNER
159 WELLINGTON DR
BLOOMINGDALE, IL 60108

KELLY, JOHN
OR CURRENT OWNER
527 PRINCE EDWARD RD
GLEN ELLYN, IL 60137

BUSHNELL, J A & T PRYBYLO
OR CURRENT OWNER
209 CORTEZ CT
NAPERVILLE, IL 60563

SCHULTZ, JASON M
OR CURRENT OWNER
470 FAWELL BLVD #204
GLEN ELLYN, IL 60137

MEYERS, JAMES & VIRGINIA
OR CURRENT OWNER
531 STAFFORD LN
GLEN ELLYN, IL 60137

DEUTSCHE BANK
OR CURRENT OWNER
7105 CORPORATE DR
PLANO, TX 75024

COMAN, MAXINE M
OR CURRENT OWNER
555 PRINCE EDWARD RD
GLEN ELLYN, IL 60137

DE PREZ, ROBERT W
OR CURRENT OWNER
22W500 LAKESIDE DR
GLEN ELLYN, IL 60137

DUNN, RICHARD & JANE
OR CURRENT OWNER
470 FAWELL BLVD #112
GLEN ELLYN, IL 60137

FRUNZAR, JANET & JAMES
OR CURRENT OWNER
531 PRINCE EDWARD
GLEN ELLYN, IL 60137

TURANO PARTNERSHIP
OR CURRENT OWNER
142 N BLOOMINGDALE RD
BLOOMINGDALE, IL 60108

RIEBOCK, RONALD & ANN
OR CURRENT OWNER
523 STAFFORD LN
GLEN ELLYN, IL 60137

MONAHAN, JOAN
OR CURRENT OWNER
470 FAWELL BLVD #309
GLEN ELLYN, IL 60137

GEORGIEV, ILIYAN ATONASOV
OR CURRENT OWNER
470 FAWELL #111
GLEN ELLYN, IL 60137

LONG, DIANA BARR
OR CURRENT OWNER
523 PRINCE EDWARD DR
GLEN ELLYN, IL 60137

PHILLIPS MARTIN PTSHP
OR CURRENT OWNER
2215 YORK RD #202
OAK BROOK, IL 60521

NUDO, DENNIS S
OR CURRENT OWNER
508 W MARION
PROSPECT HTS, IL 60070

GALVIN, EDWARD P
OR CURRENT OWNER
527 STAFFORD LN
GLEN ELLYN, IL 60137

HOLMGREN, MICHAEL
OR CURRENT OWNER
165 E ST CHARLES RD
CAROL STREAM, IL 60188

CLEMENT, KRISTIN
OR CURRENT OWNER
470 FAWELL BLVD #215
GLEN ELLYN, IL 60137

HUANG, JING
OR CURRENT OWNER
470 FAWELL BLVD #313
GLEN ELLYN, IL 60137

NACOPOULOS, DIMITRIS
OR CURRENT OWNER
424 N BROADVIEW
LOMBARD, IL 60148

BUSHNELL, J A & T PRYBYLO
OR CURRENT OWNER
209 CORTEZ CT
NAPERVILLE, IL 60563

DYER, JARRET & ALISA
OR CURRENT OWNER
470 FAWELL BLVD #513
GLEN ELLYN, IL 60137

GUSTAFSON, SCOTT E
OR CURRENT OWNER
30W015 SPRUCE CT
WARRENVILLE, IL 60555

US BANK NTL ASSOC
OR CURRENT OWNER
10790 RANCHO BERNARDO
SAN DEIGO, CA 92127

GUM, JONATHAN Y
OR CURRENT OWNER
470 FAWELL BLVD #515
GLEN ELLYN, IL 60137

SHERWIN, D & L DEMBEK
OR CURRENT OWNER
714 S CHARLES
NAPERVILLE, IL 60540

OLANDESE JR, MICHAEL J
OR CURRENT OWNER
470 FAWELL BLVD #319
GLEN ELLYN, IL 60137

MAESTRE, JORGE A & MARIA
OR CURRENT OWNER
470 FAWELL BLVD #418
GLEN ELLYN, IL 60137

NACOPOULOS, SOTIRIS & D
OR CURRENT OWNER
424 N BROADVIEW
LOMBARD, IL 60148

HARAM, ARNOLD M
OR CURRENT OWNER
470 FAWELL BLVD #509
GLEN ELLYN, IL 60137

KOWALSZYK, MICHAEL
OR CURRENT OWNER
28W651 WAGNER RD
WARRENVILLE, IL 60555

MILLER, HELEN
OR CURRENT OWNER
470 FAWELL BLVD #408
GLEN ELLYN, IL 60137

CYHOLL, BRENDA
OR CURRENT OWNER
350 N ORLEANS #13-103
CHICAGO, IL 60654

BROWN, TRACEY
OR CURRENT OWNER
470 FAWELL BLVD #510
GLEN ELLYN, IL 60137

WALL, D
OR CURRENT OWNER
470 FAWELL BLVD #417
GLEN ELLYN, IL 60137

SCHMITT, JAMES M & P A
OR CURRENT OWNER
721 COUNCIL HILL
EAST DUNDEE, IL 60118

PURCELL, JENNIFER
OR CURRENT OWNER
470 FAWELL BLVD #512
GLEN ELLYN, IL 60137

POWER INVESTMENT GROUP
OR CURRENT OWNER
524 S HICKS RD
PALATINE, IL 60067

DRABIK, RAFAL & MONIKA
OR CURRENT OWNER
470 FAWELL BLVD #419
GLEN ELLYN, IL 60137

ROMO, CLAUDIA
OR CURRENT OWNER
470 FAWELL BLVD #304
GLEN ELLYN, IL 60137

DEPALO, DANIELA
OR CURRENT OWNER
470 FAWELL BLVD #514
GLEN ELLYN, IL 60137

MAXWELL TR, ANN
OR CURRENT OWNER
470 FAWELL BLVD #402
GLEN ELLYN, IL 60137

JOHNSON, JAY A
OR CURRENT OWNER
14346 GENERAL CT
PLAINFIELD, IL 60544

GAUER, MELISSA A
OR CURRENT OWNER
470 FAWELL BLVD #203
GLEN ELLYN, IL 60137

ABRAHAMSON, JAMES
OR CURRENT OWNER
470 FAWELL BLVD #416
GLEN ELLYN, IL 60137

WILLIAMSON, ROBERT L
OR CURRENT OWNER
2061 LAUREL AVE
HANOVER PARK, IL 60133

SCOLA, ANTHONY L
OR CURRENT OWNER
470 FAWELL #414
GLEN ELLYN, IL 60137

DOORN, JOHN
OR CURRENT OWNER
470 FAWELL BLVD #507
GLEN ELLYN, IL 60137

RONGO, E SELENA
OR CURRENT OWNER
470 FAWELL BLVD #502
GLEN ELLYN, IL 60137

SMID, LEONARD A
OR CURRENT OWNER
1740 N 76TH AVE
ELMWOOD PARK, IL 60707

POWER INVESTMENT GROUP
OR CURRENT OWNER
524 S HICKS RD
PALATINE, IL 60067

CORSO, JAMES P & AMELIA E
OR CURRENT OWNER
470 FAWELL BLVD #102
GLEN ELLYN, IL 60137

MCKENZIE, CAROL J
OR CURRENT OWNER
470 FAWELL BLVD #501
GLEN ELLYN, IL 60137

KUROKAWA, HARUO
OR CURRENT OWNER
470 FAWELL BLVD #401
GLEN ELLYN, IL 60137

KOWALSZYK, MICHAEL
OR CURRENT OWNER
28W651 WAGNER RD
WARRENVILLE, IL 60555

HERTER, JEFFREY
OR CURRENT OWNER
467 N ARMOUR ST
CHICAGO, IL 60622

MC BEAN, MEGAN
OR CURRENT OWNER
470 W FAWELL BLVD #220
GLEN ELLYN, IL 60137

DE BARTOLO JR, HANSEL M
OR CURRENT OWNER
20 DORCHESTER CT
SUGAR GROVE, IL 60554

VRIESEMA, TODD W
OR CURRENT OWNER
470 FAWELL BLVD #508
GLEN ELLYN, IL 60137

NACOPOULOS, MARINELLA
OR CURRENT OWNER
470 FAWELL BLVD #317
GLEN ELLYN, IL 60137

BERNABEI, DION
OR CURRENT OWNER
470 FAWELL #314
GLEN ELLYN, IL 60137

WITKOWSKI, TIM
OR CURRENT OWNER
10544 RACHEL LN
ORLAND PARK, IL 60467

SORIA, MARIA P
OR CURRENT OWNER
470 FAWELL BLVD #219
GLEN ELLYN, IL 60137

ZAK, JAMES G
OR CURRENT OWNER
470 FAWELL BLVD #310
GLEN ELLYN, IL 60137

TURTLE CREEK R E INVESTOR
OR CURRENT OWNER
14345 GENERAL CT
PLAINFIELD, IL 60544

ERVEN, ELIZABETH
OR CURRENT OWNER
470 FAWELL BLVD #202
GLEN ELLYN, IL 60137

PRYBYLO, THOMAS
OR CURRENT OWNER
21W715 GLEN CREST DR
GLEN ELLYN, IL 60137

RECEIVED
NOV - 8 2010
PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN
OCT 21 2010
PLANNING DEPARTMENT
VILLAGE OF

VILLAGE OF GLEN ELLYN
535 Duane Street
Glen Ellyn, Illinois 60137
(630) 547-5250

APPLICATION FOR VARIATION

Note to the Applicant: This application should be filed with, and any questions regarding it, should be directed to the Director of the Village Planning and Development Department.

The undersigned hereby petitions the Village of Glen Ellyn, Illinois, for one or more variations from the Glen Ellyn Zoning Code (Ordinance No. 3617-Z, as amended), as described in this application.

I. APPLICANT INFORMATION:

(Note: The applicant must comply with Section 10-10-10(B) of the Zoning Code).

Name: JEFF & ANNE LANGE

Address: 538 PRINCE EDWARD RD, GLEN ELLYN, IL.

Phone No.: 630·858·8634

Fax No.: –

E-mail: AMJJLANGE @ SBCGLOBAL.NET

Ownership Interest in the Property in Question:

Jeff and Anne Lange – property owners

II. INFORMATION REQUIRED BY SECTION 10-10-10(B) OF THE ZONING CODE, IF APPLICABLE:

NOTE: All parties, whether petitioner, agent, attorney, representative and or organization et al. must be fully disclosed by true name and address in compliance with Section 10-10-10(B) of the Zoning Code. Disclosure forms are attached for your convenience.

Name and address of the legal owner of the property (if other than the applicant):

_____

_____

Name and address of the person or entity for whom the applicant is acting (if the applicant is acting in a representative capacity):

_____

_____

Is the property in question subject to a contract or other arrangement for sale with the fee owner? (Circle "Yes" or "No")

YES NO

If YES, the contract purchaser must provide a copy of the contract to the Village and must either be a co-petitioner to this application or submit the attached Affidavit of Authorization with the application packet.

Is the property in question the subject of a land trust agreement? (Circle "Yes" or "No")

YES NO

If YES, (1) either the trustee must be a co-petitioner or submit the attached Affidavit of Authorization from the trustee to represent the holders of the beneficial interests in the trust and (2) the applicant must provide a trust disclosure in compliance with "An Act to Require Disclosure of All Beneficial Interests", Chapter 148, Section 71 et seq., Illinois Revised Statutes, signed by the trustee.

III. PROPERTY INFORMATION:

Common address: 538 PRINCE EDWARD RD.
GLEN ELLYN, IL.

Permanent tax index number: 05-26-104-002

Legal description: LOT 139 IN RAINTREE, UNIT No. 3, A SUBDIVISION IN THE SOUTH HALF OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUG. 30, 1971, AS DOCUMENT No. R71-43671, IN DUPAGE COUNTY, IL.

Zoning classification: R-2 DISTRICT

Lot size: 75 ft. x 125 ft. Area: 9,375 sq. ft.

Present use: SINGLE FAMILY RESIDENCE

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

Description of the variation(s) requested (including identification of the Zoning Code provisions from which variation is sought) and proposed use(s):

A REQUEST FOR APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-8(E) TO ALLOW THE CONSTRUCTION OF A ONE-STORY ADDITION TO THE REAR OF THE EXISTING TWO STORY HOME RESULTING IN A 20.6% LOT COVERAGE RATIO THAT EXCEEDS THE MAXIMUM PERMITTED 20% LCR.

Estimated date to begin construction: SPRING OF 2011

In addition, our rear yard setback would be 39'6", instead of the required 40' as outlined in section 10-4-8(2 of the zoning code.

Names and addresses of any experts (e.g., planner, architect, engineer, attorney, etc.):

ERICK M. ROLDAN, ALA - NCARB
RS2 ARCHITECTS
107 N. HALE ST. - SUITE 210

V. EVIDENCE RELATING TO ZONING CODE STANDARDS FOR A VARIATION:

The following items are intended to elicit information to support conclusions by the ZBA or PC and the Village Board that the required findings/standards for a variation under the Zoning Code have been established and met. Therefore, please complete these items carefully.

A. Standards Applicable to All Variations Requested:

1. Provide evidence that due to the characteristics of the property in question, there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Zoning Code:

- LOT COVERAGE REDUCTION
- IMMEDIATE NEIGHBORING PROPERTIES ARE BEYOND THE REQUIRED 20% LOT COVERAGE
- DESIGN OF HOUSE MAKES IT IMPRACTICAL TO ADD ABOVE SECOND FLOOR

2. a. Provide evidence that the property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning Code (i.e., without one or more variations):

OR

b. Provide evidence that the plight of the applicant/owner is due to unique circumstances relating to the property in question:

UNIQUE CIRCUMSTANCE WAS CREATED WHEN LOT COVERAGE WAS REDUCED FROM 25% TO 20%, WITH THIS REDUCTION THE LANGE'S CAN ONLY ADD 47 SQ. FT.

In addition, the home was built in 1974 and thus the floor plan does not fit with how a family lives today.

3. Provide evidence that the requested variation(s), if granted, will not alter the essential character of the locality of the property in question:

ADDITION IS LOCATED CENTERED OFF THE REAR OF THE EXISTING HOME and will have side yard setbacks of 33 ft and 24.2 ft., compared to the minimum allowed side yard setback of 7.5 ft.

B. For the purpose of supplementing the above standards, the ZBA or PC, in making its recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes or fails to establish the following facts favorably to the applicant:

1. Provide evidence that the particular physical surroundings, shape or topographical condition of the property in question would bring particular hardship upon the applicant/owner as distinguished from a mere inconvenience if the strict letter of the Zoning Code were to be carried out:

Without this variation, the home cannot be developed to its highest and best use with adequate living spaces due to the existing restrictive space conditions. Please refer to the architectural drawings showing interior floor plans.

2. Provide evidence that the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district:

3. Provide evidence that the purpose of the variation is not based exclusively upon a desire to make more money out of the property in question:

JEFF & ANNE ARE NOT LOOKING TO MOVE ANYTIME SOON. THEY LOVE THE GLEN ELLYN COMMUNITY AND WISH TO SEE THEIR CHILDREN GROW & PROSPER

4. Provide evidence that the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property in question or by the applicant.

5. Provide evidence that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located

SEE ATTACHED DRAWINGS & SKETCHES ADDITION IS ONE STORY IN HEIGHT AND IS CENTERED AT THE REAR OF THE HOUSE.

6. Provide evidence that the proposed variation will not:

a. Impair an adequate supply of light and air to adjacent property;

ADDITION DOES NOT IMPAIR THE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY. ADDITION IS ONE STORY AND IS LOCATED AT CENTER OF REAR.

b. Substantially increase the hazard from fire or other dangers to the property in question or adjacent property;

ADDITION IS ONE STORY IN HEIGHT AND IS CENTERED AT THE REAR OF THE HOUSE.

c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village;

d. Diminish or impair property values within the neighborhood;
ADDITION WILL NOT IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD.

e. Unduly increase traffic congestion in the public streets and highway;
ADDITION IS IN A PRIVATE LOT, RESIDENTIAL NEIGHBORHOOD. USE WILL REMAIN SINGLE FAMILY. TRAFFIC CONGESTION REMAIN THE SAME

f. Create a nuisance; or
ADDITION IS LOCATED IN THE REAR OF THE PROPERTY

g. Results in an increase in public expenditures.
ADDITION WILL NOT INCREASE PUBLIC EXPENDITURES. ADDITION IS IN A PRIVATE LOT.

7. Provide evidence that the variation is the minimum variation that will make possible the reasonable use of the land, building or structure.
This proposed addition of 114 s.f. which encroaches 6 inches into the rear yard setback, is much less significant than a permitted detached garage of 500 s.f., which could be placed anywhere in the rear yard as close as 3.75 ft to the lot line.

8. Please add any comments which may assist the Zoning Board of Appeals of Appeals in reviewing this application.

_____

_____

_____

_____

VI. EVIDENCE RELATING TO FLOOD HAZARD VARIATION REQUESTS NOT APPLICABLE

The following items must be completed only if the requested variation is from Chapter 6 of the Zoning Code (relating to Flood Hazard Land Use Regulations.) If no such variation is being requested, the applicant should skip this section and complete Section VII below.

A. Items applicable only to variation requested from the requirements of Chapter 6 of the Zoning Code (relating to Flood Hazard Land Use Regulations) that, if granted, would result in a structure not being protected to the elevation of the base flood.

1. Provide evidence that the structure is to be located on a lot contiguous to and surrounded by lots with existing structures constructed below the base flood level.

_____

_____

_____

_____

2. Provide evidence that the applicant has acknowledged that (a) such construction below the base flood level will increase the risk to life and property and that the applicant proceeds with knowledge of these risks; and (b) any variation is contingent upon the applicant obtaining approval from other agencies having jurisdiction when the variance violates the requirements of such agencies.

_____

_____

_____

_____

B. Items applicable only to variations requested from the requirements in Chapter 6 of the Zoning Code (relating to Flood Hazard Land Use Regulations) that, if granted, would significantly impede or increase the flow and passage of floodwaters.

1. Provide evidence that the use will not result in an increased flood height greater than 0.1 feet within the designated regulatory floodway.

_____

_____

_____

2. Provide evidence that the resulting increase in the base flood elevations will not affect any existing structures or utilities.

_____

_____

_____

3. Provide evidence that the owners of the properties affected by the increased base flood elevation are compensated for the resulting effect on property values, and they give their written agreement to granting the variation.

_____

_____

_____

4. Provide evidence that the resulting increased flood elevations will not affect any flood protection structures.

_____

_____

_____

VII. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

I (We) certify that all of the statements and documents submitted as part of this application are true and complete to the best of my (our) knowledge and belief.

I (We) consent to the entry in or upon the premises described in the application by any authorized official of the Village of Glen Ellyn.

I (We) certify that I (we) have carefully reviewed the Glen Ellyn Zoning Variation Request Package and applicable provisions of the Glen Ellyn Zoning Code.

I (We) consent to accept and pay the cost to publish a notice of Public Hearing as submitted on an invoice from the publishing newspaper. I (we) understand that our request will not be scheduled for a Village Board agenda until and unless this invoice is paid.

JEFF & ANNE LANGE

Jeff Lange Anne Marie Lange

Signature of Applicant(s)

10/28/10

Date filed

AFFIDAVIT OF AUTHORIZATION

I, Jeff and Anne Lange owner of the property described as

538 Prince Edward Rd., Glen Ellyn, IL 60137

verify that Erick Roldan / RS2 Architects
is duly authorized to apply and represent my interests before the Glen Ellyn Architectural Review Commission, Plan Commission, Zoning Board of Appeals and/or Village Board. Owner acknowledges that any notice given applicant is actual notice to owner.

Jeffrey J. Lange
OWNER

Karen M. Wesolowski
NOTARY

Anne Marie Lange
Owner

OFFICIAL SEAL
KAREN M. WESOLOWSKI
Notary Public - State of Illinois
My Commission Expires Feb 05, 2011

MATERIALS INCLUDED:

ITEM		CODE REFERENCE	
1.	Properly completed application	10-10-10(A)1 10-10-12(A)5	✓
2.	Fee Paid	Ord. No. 1904-Z	✓
3.	Escrow (for Plan Commission cases)	VC – 4-1-4 (H)	—
4.	Proof of ownership	10-10-10(B)	✓
5.	Current Plat of Survey + floodplain determination (in writing)	10-10-12(E) 10-6-3	✓ —
6.	Legal description of property (may be included in No. 4)	10-10-12(A)2	✓ on plat
7.	A description of the proposed use and/or Variation, on a dimensioned site plan or plat, with the outline of the building(s). The site plan or plat need not be prepared by an architect or engineer. (Elevations [drawings or exterior walls] are requested).	10-10-12(A)4	✓
8.	Petition signed by neighbors (all within 250 feet)	Optional	✓
9.	Reimbursement of Fees Agreement (for Plan Commission cases)	VC – 4-1-4 (H)	—

REIMBURSEMENT OF FEES AGREEMENT

Village of Glen Ellyn Acct: #_____
Initial Deposit Amount: _____

I. DESCRIPTION OF PROJECT: ADDITION / INTERIOR REMODEL

II. OWNER:
- A. Owner of Property: JEFF & ANNE LANGE
- B. Owner's Address: 538 PRINCE EDWARD RD.
- C. Owner's Home Phone Number: 630·858·8634 Fax: _____
- D. Owner's Work Phone Number: _____
- E. Owner's E-mail: AMJJLANGE @ SBCGLOBAL.NET
- F. If Owner is a Land Trust or Corporation, the attached disclosures of interest should be filled out.

III. PERSON MAKING REQUEST (Petitioner):
- A. Name of Petitioner: JEFF & ANNE LANGE
- B. Petitioner's Address: 538 PRINCE EDWARD RD.
- C. Petitioner's Home Phone Number: 630·858·8634
- D. Petitioner's Work Number: _____
- E. Petitioner's E-mail: AMJJLANGE @ SBCGLOBAL.NET

IV. LOCATION OF PROPERTY:
- A. General Location of Property: RAINTREE SUBDIVISION
- B. Acreage of Parcel: 9,375 SQ. FT.
- C. Permanent Index Number(s): 05.26.104.002
- D. Legal Description (Please attach)

V. REIMBURSEMENT OF FEES:

The Ordinances of the Village require the owners of property, or individuals seeking to utilize property, to receive approval by ordinance or the issuance of a permit to undertake various uses or improvements of property in the Village. These uses can include requests for textual or map changes in the Zoning Ordinance, applications for building permits, requests for zoning relief and other similar requests. The Village has established a fee schedule for the anticipated use of staff time in processing such petitions or applications. In many cases, however the Village cannot reasonably evaluate the validity or compliance of the petition or application with the Ordinances of the Village without the use of reports from various consultants. In some cases, the application or petition requires among other things, public hearings and associated public notice costs, preparation of minutes or transcripts from the public hearing or meeting, recording costs of Ordinances and the preparation of reports by consultants whose services require the payment of out-of-pocket expenses by the Village. These expenses would not have been incurred but for the petition or application. The Village does not intend to seek to make a profit on its utilization of such consultants, but requires that the applicant, or the person receiving benefit, shall be obligated to reimburse the out-of-pocket expenses incurred by the Village. The Village shall seek to employ consultants who shall charge rates consistent with those paid by private parties who seek similar consulting services. The Village intends, through this Agreement, to cause the payment of out-of-pocket expenses and to require the creation of an escrow fund to guarantee that the petition or

application will not result in the citizens of the Village being required to pay for costs incurred at the request of the owner or applicant.

This document shall constitute a contract when an application is made for a license, permit, request for zoning relief or other approval involving the use of real property. Should the Village, in its sole and exclusive discretion, determine that it is necessary or desirable for the Village to obtain professional services, including, but not limited to, attorneys, engineers, planners, architects, surveyors, court reporters, traffic, drainage or other consultants, including full and/or part time site inspection services during the actual construction of any required improvements, and/or to incur costs related to any required notices or recordations, in connection with any application or petition filed by the petitioner then the petitioner and owner shall be jointly and severally liable for the payment of such professional fees and costs, as shall actually be incurred by the Village. The Planning and Development Director is hereby authorized to assign the above described services to the Village staff or to consultants, as the Director deems appropriate and without prior notification to the petitioner.

Any application or petition to be reviewed by the Planning and Development Department or by the Plan Commission or Architectural Review Commission shall require the petitioner to establish an escrow account with the Village in an amount determined by the Planning and Development Director to reimburse the Village for all out of pocket costs associated with the request. These out of pocket costs will cover such things as services provided by the Village's consulting engineer, consulting attorney, consulting planner, traffic consultant, wetland consultant, landscape consultant, architectural consultant, appraiser and transcriber, among others, as well as reproduction costs, public hearing notice costs, recording costs, etc. Along with the application the petitioner shall also submit a signed copy of this agreement thereby acknowledging and agreeing to reimburse the Village for all out of pocket costs associated with the application or petition.

This agreement shall be accompanied by an initial deposit in an amount to be determined by the Director of Planning and Development but shall be no less than $500. The Village will provide an itemized list of Village expenses incurred related to any charge to the escrow account, and the petitioner shall deposit funds to reimburse the Village for those expenses upon notice from the Village that the deposit has dropped below $500. If the expenses are not reimbursed, then reviews meetings and permits associated with out of pocket costs will cease, and the request will not be moved forward through the review process. At the completion of the review process, and development of the project, if appropriate, any remaining balance from the deposit will be returned to the petitioner, without interest, after all expenses have been paid.

The Village shall deduct the incurred expenditures and costs from the funds deposited. If the remaining deposit balance falls below $500.00, the petitioner, upon notice by the Village, shall be required to replenish the deposit to its initial amount. The Village shall mail the petitioner regular invoices for the fees and costs incurred. The petitioner shall replenish the deposit amount within thirty (30) days of issuance of each such invoice directing replenishment of the deposit.

A petitioner who withdraws his or her petition may apply in writing to the Planning and Development Director for a refund of his or her remaining escrow balance. The Planning and Development Director may, at his or her discretion, approve such refund less any actual fees and costs, which the Village has already paid or incurred relative to the application.

Upon the failure of the petitioner or owner to reimburse the Village in accordance with this Agreement, no further action shall be undertaken on the application by the Village President and Board of Trustees, or by any other official or quasi-official individual or body thereunder, including the conduct of any hearings or deliberations, reviews of any plans or applications, the granting of any relief or approvals, issuance of any permits or occupancies, performance of inspections and the execution or recording of any documents, until all such outstanding fees are paid in full and/or the initial deposit is restored to its full amount. Upon any failure to reimburse the Village in accordance with this Section, the Village may in its discretion, apply any or all of the initial deposit to the outstanding balance due.

The remedies available to the Village as set forth hereinabove are non-exclusive and nothing herein shall be deemed to limit or waive the Village's right to seek relief of such fees against any or all responsible parties in a court of competent jurisdiction.

Any remaining balance of any funds deposited pursuant to this Agreement shall be refunded at such time as the completion of Village deliberation on the petition or application, recordation of all necessary documents associated with the petition or application, issuance of a building permit, approval of a final inspection, or issuance of a final certificate of occupancy upon the real property in question whichever occurs later.

BY SIGNING BELOW, THE PETITIONER AND OWNER ACKNOWLEDGE THAT EACH OF THEM HAS READ THE FOREGOING PARAGRAPHS AND EACH OF THEM FULLY UNDERSTANDS AND AGREES TO COMPLY WITH THE TERMS SET FORTH HEREIN. FURTHER, BY SIGNING BELOW, EACH SIGNATORY WARRANTS THAT HE/SHE/IT POSSESSES FULL AUTHORITY TO SO SIGN.

THE PETITIONER AND OWNER AGREE THAT PETITIONER AND OWNER SHALL BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF FEES REFERRED TO IN APPLICABLE SECTIONS OF THE ORDINANCES OF THE VILLAGE OF GLEN ELLYN, AND THE OBLIGATIONS FOR PAYMENT RELATING TO THE FILING OF PETITION OR APPLICATION, AS SET FORTH HEREIN.

Anne Marie Lange
Petitioner

Jeff Lange
Owner

Date: 10/20/10

Village of Glen Ellyn

By:_____
Planning and Development Director

Date: _____

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A-9

MEMORANDUM

TO: Terry Burghard, Interim Village Manager

FROM: Staci Hulseberg, Director of Planning & Development
Joe Kvapil, Building and Zoning Official

DATE: January 18, 2011

FOR: January 24, 2011 Village Board Meeting

SUBJECT: Amendments to the 2009 ICC International Fire Code

Issue and Current Requirements: The 2009 International Fire Code, with local amendments, was adopted at the Village Board meeting on October 25, 2010. The local amendments to this code require fire sprinklers to be installed throughout a single-family home when the hard cost of the remodeling work exceeds $200,000. This is identical to the prior building code requirements. At that meeting, and at prior Village Board Meetings and Workshops, concerns and questions were raised about fire sprinkler requirements in remodeled single-family homes. Another Village Board Workshop was scheduled, advertised and conducted on January 17, 2011 to allow time to research the history of the current requirements, obtain information to address the questions and concerns, and include additional public participation.

Prior Meetings and Recommendations: The original proposed amendment to the current requirements was recommended by the Building Board of Appeals at their September 8, 2010 meeting. They proposed that fire sprinklers be required throughout an entire home when the hard cost of remodeling work exceeds $300,000 or 50% of the market value of the home. At the September 20, 2010 Village Board meeting the Board felt that the 50% market value requirement unfairly required homes of modest value to install sprinkler systems while homes of higher value with the same remodeling costs could be exempt. The issue was considered by the Building Board of Appeals at their October 4, 2010 meeting and they recommended making the requirement less restrictive by retaining the $300,000 figure and increasing the market value to 60%. The Village Board reconsidered the amendment at their October 18, 2010 meeting and decided that the original requirement triggering fire sprinklers at $200,000 should be temporarily retained until the issue was further researched, discussed and evaluated. At the Village Board meeting on October 25, 2010, the 2009 ICC International Fire Code was adopted with no change to the current requirements for fire sprinklers in remodeled single-family homes.

Recommendation and Amendments: At the Village Board Workshop Meeting on January 17, 2011, the Planning and Development Department staff presented a recommendation to amend the 2009 International Fire Code to be less restrictive. The proposed amendments require fire sprinklers to be installed in remodeled single-family homes only within the remodeled area when the hard cost of the remodeling work exceeds $300,000. In addition to this change, the Village Board felt that the definition of "hard cost" should be better defined to provide a clear understanding of what work should be included or excluded. The definition of hard cost has been revised and expanded in the proposed code amendments. The Village Board also felt that the cost to install a fire sprinkler system and any associated cost to increase the size of the water service to serve a fire sprinkler system should be excluded from the hard cost of the remodeling work. The proposed code amendments have been drafted accordingly. As suggested by the Village Board, the amendment also more clearly specifies that one- and two- family dwellings and townhouses are not included in the fire sprinkler requirements for all commercial building types.

Village Board: It is requested that the Village Board consider these proposed amendments to the 2009 International Fire Code offered by the Planning and Development Department. Staff has prepared an ordinance to approve the amendments in accordance with the direction indicated at the Village Board Workshop Meeting on January 17, 2011.

Attachments:

- Ordinance amending the 2009 ICC International Fire Code
- 2009 ICC International Fire Code Amendments Exhibit "A (clean)"
- 2009 ICC International Fire Code Amendments Exhibit "A (with text format and comments)"
- Minutes of Village Board Meetings on 9/20/10, 10/18/10 and 10/25/10, Exhibit "B"
- Minutes of Building Board of Appeals Meetings on 9/8/10 and 10/4/10, Exhibit "B".

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Village of Glen Ellyn

Ordinance No. _____ -VC

An Ordinance Amending the Fire Sprinkler Requirements of Chapter 2 of Title 5 (Fire Regulations) of the Village Code of the Village of Glen Ellyn, Illinois

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Adopted by the
President and the Board of Trustees
of the
Village of Glen Ellyn
DuPage County, Illinois
This _____ Day of _____, 20____.

Published in pamphlet form by the authority of the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, this day of _____, 20____.

ORDINANCE NO. _____ - VC

An Ordinance Amending the Fire Sprinkler Requirements of Chapter 2 of Title 5 (Fire Regulations) of the Village Code of the Village of Glen Ellyn, Illinois

Whereas, the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, pursuant to the provisions of Division 30 of Article 11 of the Illinois Municipal Code (Chapter 65, Section 5/11-30-1 et seq. of the Illinois Compiled Statutes), have the power and authority to prescribe fire protection standards for buildings, structures and land for the purpose of safeguarding life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises and to promote the public health and safety of building occupants and the public; and

Whereas, the 2009 International Fire Code with local amendments has been adopted by the Village of Glen Ellyn under Ordinance 5893-VC on October 25, 2010; and

Whereas, the Village Board conducted public meetings on September 20, 2010, October 18, 2010, October 25, 2010 and January 17, 2010 for the purpose of considering an amendment to Chapter 2 of Title 5 (Fire Regulations) of the Glen Ellyn Village Code to amend the 2009 International Fire Code; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn have considered the information and testimony presented at these meetings as set forth in Village Board Minutes

dated September 20, 2010, October 18, 2010 and October 25, 2010 attached hereto as group Exhibit "B"; and

Whereas, the Village Board has determined that it would be appropriate to reduce the requirements for fire sprinklers in one and two family dwellings and townhouses and require fire sprinklers to be installed in the remodeled area of these homes when the hard cost of remodeling work is greater than $300,000; and

Whereas, the President and Board of Trustees deem it to be in the best interest of the Village of Glen Ellyn to adopt the proposed amendment to Chapter 2 of Title 5 (Fire Regulations) of the Glen Ellyn Village Code in order to adopt the amendments to the 2009 International Fire Code, attached hereto as Exhibit "A (clean)", as the standards and regulations governing fire protective building systems and equipment within the Village of Glen Ellyn.

Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers as follows:

Section One: Chapter 2 of Title 5 (Fire Regulations) of the Glen Ellyn Village Code shall be and is hereby amended as set forth in Exhibit "A (clean)" attached hereto.

Section Two: This Ordinance shall be in full force and effect from and after the passage, approval, and publication in pamphlet form.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this ____ day of _____, 20___,

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20___.

_____
Village President of the
Village of Glen Ellyn, Illinois

Attest:

_____
Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____, 20___).

X:\Plandev\BUILDING\BBA\ORDINANCE\2009 IFC Ordinance revised 011811.doc

Exhibit A *(clean)*
The 2009 ICC International Fire Code
As Adopted and Amended by the Village of Glen Ellyn, Illinois

Chapter 2
Fire Code

1. Delete section 202 General Definitions, Hard Cost, in its entirety and substitute the following:

Hard Cost. The construction cost of the remodeling, alteration or restoration of the exterior or interior of a building or structure except the cost of:

1. demolition work or removal of existing improvements, fixtures or equipment.
2. work to install a fire sprinkler system or increase the size of the water service to a building as required to serve a fire sprinkler system.
3. interior floor, wall and ceiling finishes such as paint, wallcoverings, paneling or tile over wallboard, or carpet, wood or tile flooring over a subfloor.
4. cabinets, countertops, shelving units, or door, window, base and ceiling trim.
5. furniture, appliances, decorative fixtures, window treatments or business sales, display or service fixtures and equipment.

2. Amend section 4603.4.5 to read as follows:

4603.4.5 Remodeling in existing buildings and structures.
1. In buildings of all occupancy groups, except Group U and one and two family dwellings and townhouses, an approved automatic sprinkler system shall be provided throughout the remodeled interior area if the hard cost of all remodeling work exceeds $1,000,000 or 25% of the market value of the building or structure.
2. In one and two family dwellings and townhouses, an approved automatic sprinkler system shall be provided throughout the remodeled interior area of the existing building if the hard cost of all remodeling work exceeds $300,000.

Exhibit A *(with text format and comments)*
The 2009 ICC International Fire Code
As Adopted and Amended by the Village of Glen Ellyn, Illinois

Text format:
Normal –change number and description or existing text in the IFC to remain
Bold – new code section, new amendment or new text inserted into an IFC section
~~Strikethrough~~ – current text in the Village Code or IFC to be removed
Italics – comments that will be removed from final ordinance document

Chapter 2
Fire Code

1. Delete section 202 General Definitions, Hard Cost, in its entirety and substitute the following:

Hard Cost. The construction cost of the remodeling, alteration or restoration of the exterior or interior of a building or structure except the cost of:

1. **demolition work or removal of existing improvements, fixtures or equipment.**
2. **work to install a fire sprinkler system or increase the size of the water service to a building as required to serve a fire sprinkler system.**
3. **interior floor, wall and ceiling finishes such as paint, wallcoverings, paneling or tile over wallboard, or carpet, wood or tile flooring over a subfloor.**
4. **cabinets, countertops, shelving units, or door, window, base and ceiling trim.**
5. **furniture, appliances, decorative fixtures, window treatments or business sales, display or service fixtures and equipment.**

2. Amend section 4603.4.5 to read as follows:

4603.4.5 Remodeling in existing buildings and structures.
1. In buildings of ~~Use Group A, B, E, M, R, F, H, I or S,~~ **all occupancy groups, except Group U and one and two family dwellings and townhouses,** an approved automatic sprinkler system shall be provided throughout the remodeled interior area if the hard cost of all remodeling work exceeds $1,000,000 or 25% of the market value of the building or structure.
2. In one and two family dwellings and townhouses, an approved automatic sprinkler system shall be provided throughout **the remodeled interior area of** the existing building if the hard cost of all remodeling work exceeds ~~$200,000~~ **$300,000**.

McFarlane-Douglass in the amount of $21,900 which is $150 less than last year. This firm erected the decorations 2 years ago and did a job that brought positive feedback from business owners and residents.

7. Planning & Development Director Hulseberg presented information regarding a request for zoning variations for various improvements at Memorial Park. The park is in a conservation/recreation zoning district. A map was shown indicating the location of the variations. At the Plan Commission meeting one person spoke in opposition to the variations and one member of the public asked general questions. The Plan Commission voted 9-1 in favor of the request. After the meeting, one Plan Commissioner sent an email indicating that he would like to change his vote from "yes" to "no" because of safety concerns of the design of the field. Paul Pessetti of Legat Architects, hired by the High School District, answered questions regarding the bleacher pads, sidewalks, one dugout and parking. He also explained additional items and showed a layout of the proposed field when completed. The Village Board indicated preference to approve the request.

8. Planning and Development Director Hulseberg gave an introduction to the Village's ICC International Fire Code adoption policy for 2009. The Building Board of Appeals has been meeting to review updates for current codes and to consider new codes. She introduced Building and Zoning Official Joe Kvapil who presented information on the third in the group to come to Village Board for consideration. The ICC International Fire Code would replace the 1993 BOCA Fire Code now in use. Three reasons to adopt the International Fire Code presented tonight: 1. more detailed and comprehensive; 2. corresponds with new building materials and systems; and 3. new requirements that will no longer exist when the Village updates from the 2003 building code to the 2009 building code. The Building Board of Appeals held two public meetings and voted 5-0 to recommend approval of an ordinance adopting the 2009 ICC International Fire Code with local amendments. A question was raised regarding cooking devices on decks of single family homes. The Village Board agreed that section 308.1.4 should be reworded by taking out the second "or" to allow cooking devices on decks of single family homes. Mr. Kvapil explained that local amendments for existing buildings are more restrictive in that the threshold for the cost of the work would require a sprinkler system, a standpipe, or a fire alarm. Questions were raised regarding sections 4603.4.7, 4603.4.8, and 4603.4.9. Also questions were asked by the Village Board about how sprinkler costs are determined. Mr. Kvapil explained the formulae. After discussion, the Village Board asked Mr. Kvapil to return to the Building Board of Appeals for them to reconsider the way the mandatory need for sprinklers is determined on remodeling as well as the other points that were brought up at this evening's meeting. The Village Board understands the difficult job undertaken by the commission and thanks them for their work.

9. Public Works Director Caracci presented information on the proposed purchase of an aerial bucket unit that will be used for various Public Works jobs. The truck will be

2011. President Pfefferman questioned if the Village Board or the downtown organization should determine if the temporary Executive Director position is full-time, as proposed, or part-time. Hulseberg responded that the full-time position is the anticipation of the recommendation of the Transitional Downtown Advisory Committee. Hulseberg responded to President Pfefferman that the proposed action plan and draft budget targets are for a one-year program based on Fiscal Year 2011-12, and President Pfefferman requested adding those dates to the draft resolution. Trustee Hartweg expressed support for the proposed resolution. President Pfefferman suggested instead of wording in the resolution being "The following organization shall appoint ex officio members," the wording should be "The following organization will be asked to appoint ex officio members." Trustee Ladesic stated that he would like the Chamber member to be a voting member rather than an ex officio member. Trustee Comerford responded that an organization's by-laws determine whether or not an ex officio votes. President Pfefferman asked the Board if language should be included that ex officio members vote through April 30, 2011. Trustees Cooper, Comerford, Henninger and Hartweg felt that the temporary downtown organization should decide whether or not ex officio members should or should not vote.

9. Planning and Development Director Hulseberg presented a brief history of the Building Board of Appeals (BBA) and Village Board review of the proposed adoption of the 2009 ICC International Fire Code with local amendments. Hulseberg stated that on September 20, 2010, the Village Board reviewed the proposed amendments and recommendation from the BBA and requested that staff return to the BBA to address some of the Board's concerns. Hulseberg stated that the BBA met on October 2, 2010 and now has a second recommendation for approval from the Village Board. Building and Zoning Official Joe Kvapil stated that one of the Village Board's concerns was the amendment that requires remodeling projects with a hard cost in excess of 50 percent of the market value to have fire sprinkler systems installed throughout single-family homes and townhomes. Kvapil stated that after a second lengthy discussion, the BBA concluded that this requirement is not inequitably applied to all homeowners because the $150,000 scope of remodeling work in a modest home would generally result in a complete interior demolition and reconstruction equivalent to a new home and sprinklers would be appropriate. To ensure, however, that the requirement for sprinklers is triggered by a significant reconstruction, the BBA increased the percentage from 50 percent to 60 percent of the market value.

Kvapil stated that a second concern of the Village Board was an amendment that could be interpreted to prohibit open-flame cooking devices/barbecues on decks. Kvapil stated the BBA recommends revising this section to prohibit open-flame cooking devices/barbecues within 5 feet horizontally or vertically below combustible construction.

Kvapil stated that a third concern of the Village Board was about fire sprinkler costs and insurance rates in existing homes undergoing remodeling, and he summarized results of studies from some organizations regarding cost and insurance rates. Although Trustee Ladesic supports adopting the International Fire Code, he did not support the requirement for fire sprinklers for additions and remodeling. He felt that the trigger formula was not equitable and discourages people from purchasing and improving starter homes. Trustee Ladesic stated that homes have been damaged from fire sprinklers that accidentally discharged and that some organizations claim that fire sprinklers do not add value to a home and that cost has a negative effect on purchasers. Trustee Ladesic added that 5 percent to 6 percent of fire department activity is fire-related and most causes of firefighters' deaths are not related to fires. Trustee Ladesic stated that fire sprinklers should not be mandated by government and suggested allowing homeowners to decide if they want fire sprinklers installed with the Planning Department providing information regarding the potential benefits of installing fire sprinklers. Trustee Ladesic stated that the cost to install a fire sprinkler system is much more than the figures provided in information supplied by Mr. Kvapil. Trustee Henninger is the Village Board liaison to the Building Board of Appeals and he stated that he was convinced by the BBA that their recommendations are the right thing to do. Trustee Henninger stated that the trigger applies only to remodeling dollars and includes hard costs only. He added that market value includes the building only—not the land. Trustee Henninger felt that the BBA's recommended threshold is reasonable and stated that fire sprinklers will be required in the 2012 national codes. He added that market forces will determine whether or not a homeowner remodels or tear downs a house. Mr. Kvapil clarified for President Pfefferman that the existing code amendment states that remodeling projects in excess of $200,000 in single-family homes require the installation of a fire sprinkler system. Mr. Kvapil stated that the proposed amendment is less restrictive as the trigger has been raised to $300,000 and added a 60 percent market value criteria. Hulseberg commented that Glen Ellyn was one of the first communities to adopt a local amendment to require fire sprinklers in residential homes and she displayed a list of municipalities/districts with single-family home/residential fire sprinkler ordinances. Trustee Cooper stated he is still concerned that an incentive is being created to tear down modest homes if fire sprinklers are required to be installed during remodeling. He also stated that the proposed amendment disproportionately impacts modest and historic homes and, therefore, does not support that amendment. Mr. Kvapil responded to Trustee Comerford that there has been only one remodel with a value in excess of $200,000 that would have required sprinklers in the last several years. Trustee Comerford stated that he relies on the expertise of the members of the BBA and supported the proposed amendments.

Kenneth Kloss, 350 Ridgewood Avenue, Glen Ellyn, IL stated he attended the fire sprinkler meetings several years ago and that requiring fire sprinklers was

a job creation measure by the Pipefitters Union. Mr. Kloss was not supportive of the fire sprinkler requirement and stated that fire fighting methods are different today than several years ago when the fire sprinkler ordinance was passed. Mr. Kloss stated that many fire sprinklers have been recalled, some have accidentally discharged, and fire sprinklers are a negative for resale purposes. Rene Stratton, 711 Riford Road, Glen Ellyn, IL stated she is involved in new construction and remodeling and she felt that the requirement for fire sprinklers should be removed. Ms. Stratton stated that methods other than fire sprinklers can be used to improve the fire rating for construction. Ms. Stratton stated that the cost of adding fire sprinklers would deter many of her clients from remodeling their homes.

Trustee Ladesic was in favor of removing the fire sprinkler amendment from the code and tabling the fire sprinkler discussion to a future date. He also suggested researching the possibility of offering financial incentives to install sprinklers. Trustee Ladesic stated that because the market value of homes is currently down, the percentage of remodeling/costs is skewed. Trustees Comerford and Hartweg were in favor of adopting the 2009 International ICC Fire Code with the proposed amendments, however, retaining the requirement for remodeling as it currently is to be revisited in the future. Trustee Hartweg stated he has seen more damage than positives with fire sprinklers. Trustee Thorsell tended to favor the Building Board of Appeals' recommendation which would be less restrictive to smaller homes. Trustee Thorsell stated that, as an architect, she does not have problems with fire sprinklers installed in commercial properties and that studies have shown that problems that occur are due to incorrect installation. Trustee Thorsell felt the Village should not move backward with regard to fire sprinklers. When she expressed concern, however, regarding historic homes being torn apart to add sprinklers, Mr. Kvapil responded that the code allows exceptions regarding requirements for historic homes. Trustee Cooper was in favor of a different pricing point depending on the value of one's home. Regarding the BBA's proposed recommendation, Trustee Comerford suggested $300,000 or a 60 percent market value criteria, whichever is higher. The Board was agreeable to retaining the fire sprinkler provision remodeling trigger at the $200,000 status quo and revisiting after receiving input from Chief Raffensparger, compiling additional information, and further analysis. President Pfefferman asked the Board members to advise if they preferred to review the general fire sprinkler code or specific fire sprinkler issues.

10. Planning and Development Director Hulseberg presented information on the requests of Nicor, owner of property located at 90 N. Finley Road, for approval of a zoning code text amendment, special use permits, zoning variations, a sign variation and the exterior appearance of a new approximately 200,000-square foot facility proposed on the approximately 26-acre site. The proposed facility would replace the existing 49,000-square foot building on the property that was built in the 1960's. Hulseberg displayed and

Resolution No. 10-23 – Establish Transitional Downtown Organization

Planning and Development Director Staci Hulseberg presented information on the creation of a temporary transitional downtown organization that would be in existence through the remainder of the fiscal year, until April 30, 2011. This organization was a recommendation of the Downtown Strategic Plan. Planning and Development Director Hulseberg introduced from the audience Jennifer Kinser, one of the proposed Transitional Downtown Organization Board Members. Hulseberg stated that the Chamber of Commerce, the Economic Development Corporation and the Village of Glen Ellyn will be requested to appoint ex officio members. Hulseberg indicated changes that have been made to the proposed Resolution Establishing a Transitional Downtown Organization presented at the October 18, 2010 Workshop. Hulseberg clarified for Trustee Thorsell that in their review of the by-laws, the TDO will establish whether or not the ex officio members will vote during the transition period. The Village Board members were in favor of the ex officio members voting, and the Resolution will be revised to reflect that change.

Trustee Hartweg moved, and Trustee Thorsell seconded the motion, that Resolution No. 10-23 be passed, a Resolution Establishing a Transitional Downtown Organization, with the revision as discussed.

Upon roll call, Trustees Hartweg, Thorsell, Comerford, Cooper, Henninger and Ladesic voted "Aye." Motion carried.

Ordinance No. 5893-VC – Adopt Amended Fire Code

Planning and Development Director Staci Hulseberg presented information on the proposed adoption of the Fire Code. This is the third in a group of eight new or updated codes proposed for adoption this year. The amendments make few changes to the requirements in the Fire Code. Most of the amendments concern additional administrative information, avoiding conflicts with the Village Code, and changes to the organization format between the Building Code and the Fire Code. Hulseberg stated the Village Board reviewed the International Fire Code at Workshop meetings on September 20 and October 18. An issue that was the subject of much discussion was the trigger for the installation of fire sprinklers in remodeling projects. The consensus of the Village Board was to have this item remain as it currently exists in the code and schedule another discussion for a future Village Board Workshop. President Pfefferman stated that much advance notice and publicity will be provided prior to the meeting date.

Trustee Henninger moved, and Trustee Cooper seconded the motion, that Ordinance No. 5893-VC be passed, an Ordinance Amending Chapter 2 of Title 5 (Fire Regulations) of the Village Code of the Village of Glen Ellyn, Illinois Adopting the 2009 ICC International Fire Code with Local Amendments.

Upon roll call, Trustees Henninger, Cooper, Comerford, Hartweg, Ladesic and Thorsell voted "Aye." Motion carried.

BUILDING BOARD OF APPEALS
MINUTES
SEPTEMBER 8, 2010

The meeting was called to order by Chairman James Ryan at 7:30 p.m. Board members Thomas Bredfeldt, John Lustrup and Scott Raffensparger were present. Board member James McGinley was not present. Also present were Trustee Liaison Phil Hartweg (substituting for Trustee Carl Henninger), Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Board Member Lustrup moved, seconded by Board Member Raffensparger, to approve the minutes of the August 2, 2010 Building Board of Appeals meeting. Approval of the minutes was unanimous.

On the agenda was a continuation of the adoption of the 2009 ICC International Fire Code with amendments. Mr. Kvapil reviewed the tentative BBA meeting schedule.

2009 ICC INTERNATIONAL FIRE CODE. CONTINUED DISCUSSION, CONSIDERATION AND RECOMMENDATIONS REGARDING A PROPOSED ORDINANCE TO ADOPT AND AMEND THE 2009 INTERNATIONAL FIRE CODE TO BE INCORPORATED AS A TEXT AMENDMENT INTO THE VILLAGE CODE, TITLE 5 FIRE REGULATIONS, CHAPTER 2 FIRE PREVENTION CODE, SECTION 1.

Building and Zoning Official Joe Kvapil stated that the changes discussed and recommended for approval at the August 2, 2010 BBA meeting as well as some additional changes have been included in the revisions forwarded to the BBA members for this meeting. Mr. Kvapil reviewed the proposed additional new changes as follows:

Delete Section F-101.1 regarding Title in its entirety. Mr. Kvapil explained that this Village Code provision is provided in the appropriate IFC Section 101.1 and was inadvertently omitted at the prior meeting. The BBA members were in agreement with this recommendation.

Amend Section 102.5 to add the following: "3. Fire protection systems and equipment provisions: All such provisions shall apply where specifically prescribed in this code for one and two family dwellings and townhouses." Mr. Kvapil explained that this amendment is proposed to be added because certain fire protection systems and equipment provisions should also apply to single-family residential buildings. The BBA members were in agreement with this recommendation.

Amend Section 103.1 as follows: "SECTION 103 FIRE DEPARTMENT 103.1 General. The Fire Department is established within the jurisdiction under the direction of the fire code official. The function of the Fire Department shall be the implementation, administration and enforcement of the provisions of this code in accordance with Chapter 1 Fire Department, in Title 5 Fire Regulations, in the Glen Ellyn Village Code." Mr.

Kvapil explained that this section has been revised to be consistent with and referenced within the Village Code. The BBA members were in agreement with this recommendation.

Delete Section F-108.1 regarding Title in its entirety. Mr. Kvapil explained that this Village Code provision is provided in the appropriate IFC Section 104.12 and was inadvertently omitted at the prior meeting. The BBA members were in agreement with this recommendation.

Mr. Kvapil explained that at the previous BBA meeting, Section 108 Board of Appeals was recommended to be deleted, however, the Section is proposed to remain with revisions to certain sections. For reference purposes, delete Section 108.1 Board of Appeals in its entirety and substitute the following: "108.1 Board of appeals established. The structure, responsibilities and procedures of the Building Board of Appeals is established in Chapter 7 Building Board of Appeals, in Title 2 Boards and Commissions, in the Glen Ellyn Village Code." Also amend Section 108.3 to read as follows: "The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosion, hazardous conditions or fire protection." Mr. Kvapil explained that this section is proposed to be modified to allow one board of appeals member to be a staff member per Village Code. Mr. Kvapil added that leaving this section in as revised does not present any conflicts with the Village Code. The BBA members were in agreement with these recommendations.

Mr. Kvapil explained that at the previous BBA meeting, Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces was recommended to be deleted because that information was covered under the Village Code. After further review, however, Mr. Kvapil believes that the following sections in the Fire Code regarding open burning, etc., should be retained because they are appropriate: Delete Section 307.1 in its entirety because it is covered in the Village Code and substitute the following: "307.1 General. The regulations on open burning and fires are established in Chapter 7 Air Pollution, in Title 7 Health and sanitation, in the Glen Ellyn Village Code." Delete Section 307.2 Permit Required in its entirety because it is covered in the Village Code. Delete Section 307.3 Extinguishment authority in its entirety because it is covered in the Village Code. Delete Section 307.4 in its entirety and substitute the following: "307.4 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 10 feet (3048 mm) of a structure or combustible material." Mr. Kvapil suggested that portable outdoor fireplaces are very common and should be addressed in the fire code as they are not addressed anywhere else in the codes. He explained that the fire code states that fireplaces should be 15 feet from any structure or combustible material and makes an exception to exclude single-family residences. Mr. Kvapil's recommendation is to place a restriction on the fireplaces that they shall be used in accordance with the manufacturer's instructions and shall not be operated within 10 feet of a structure or combustible material, including single-family residences and townhouses. Mr. Kvapil responded to Chairman Ryan that there have been some issues regarding outdoor fireplaces mostly related to barbecues located on the back decks of apartment buildings. Ken Kloss, 350 Ridgewood, Glen

Ellyn, Illinois expressed concern regarding air pollution caused by residents' open burning which he believes is currently increasing. Mr. Kvapil responded that air quality regulations apply only to commercial properties in Glen Ellyn, however, a general nuisance provision could apply in single-family zoning districts. Mr. Kvapil added that any resident can file a complaint with the Illinois Environmental Protection Agency regarding air pollution. Mr. Kvapil confirmed for Chairman Ryan that the Fire Code does not address pollution from smoke. Mr. Kvapil also clarified for Chairman Ryan that the Village Code prohibits bonfires. Amend Section 307.5 to read as follows: 307.5 Attendance. The use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization." The BBA members were in agreement with these recommendations.

Amend Section 308.1.4 as follows: "308.1.4 Open-flame cooking devices. Charcoal burners, LP-gas grills and other open-flame cooking devices shall not be operated on combustible balconies or decks or within 5 feet of combustible construction. Exceptions: 1. Where buildings, balconies and decks are protected by an automatic sprinkler system. 2. LP gas cooking devices having LP-gas container with a water capacity not greater than 2-1/2 pounds (nominal 1 pound (0.454 kg) LP-gas capacity). Mr. Kvapil explained that this type of regulation is appropriate. The required 10-foot separation is proposed to be reduced to 5 feet, however, the separation will also apply to single-family residences and townhomes. Chairman Ryan and Mr. Kvapil clarified for Chief Raffensparger the sizes of certain LP gas cooking devices. The BBA members were in agreement with this recommendation.

Section 905.3.1 is proposed to be reformatted with the information remaining as previously agreed upon by the BBA members.

Delete Building Code sections 4-1-6(B)23, 4-1-6(B)24 and 4-1-10(D)4(c) in their entirety. Mr. Kvapil explained that this deletion amendment was inadvertently omitted at the previous BBA meeting.

Add new Section 907.7.5.2 to read as follows: "907.7.5.2 Village of Glen Ellyn municipal fire panel. All fire alarm systems in buildings serving occupancy Group A or Group E shall be directly connected to the Village of Glen Ellyn municipal fire panel." Mr. Kvapil explained that at the previous BBA meeting, he had suggested excluding Group A occupancies if the occupancy load was 99 people or less. He stated that the BBA members did not agree with his suggestion and now is suggesting excluding Group A occupancies if the occupancy load is 50 people or less. Mr. Kvapil pointed out a discrepancy in that a small Group A restaurant occupancy that is required to be connected to the municipal fire panel while a Group M store occupancy with 200 people would not be required to be connected to the municipal fire panel. Chief Raffensparger commented that both groups could be required to connect to the municipal fire panel. Mr. Kvapil stated he chose the number 50 by referring to a section of the 2009 Building Code which

recognizes that a small group of 50 or less is a Group B and does not constitute an assembly group. Mr. Kvapil suggested that small restaurants can connect to a central station instead of the municipal fire panel. Chief Raffensparger asked what the disadvantage is to hooking up to the municipal fire panel, and Mr. Kvapil stated that the disadvantage is capacity. Chief Raffensparger stated that wireless fire alarms are anticipated to be used in the future and there would be no limit in that case. The BBA members recommended that the amendment remain as previously approved.

Section 4603.4 and Section 4603.4.7 regarding sprinkler systems have been combined into new Section 4603.4.3 Additions to existing buildings. Although the formatting is changed, the information remains as previously agreed upon by the BBA members. Mr. Kvapil stated that these requirements are being explained in a manner that eliminates the classification system. Mr. Kvapil responded to Chairman Ryan that the reason Section 4-1-10(D)3 is not yet deleted because it still applies to some building code provisions in existence.

Section 4603.4.4 and Section 4603.4.8 regarding alterations to existing buildings have been combined with new formatting into Section 4603.4.4.

Section 4603.4.5 and Section 4603.4.9 regarding remodeling to existing buildings have been combined with new formatting into Section 4603.4.5.

Delete Village Code Sections 4-1-10(D)1(b), 4-1-10(D)2(d)(2) and 4-1-10(D)4(a) in their entirety. Mr. Kvapil explained that the first provision was recommended to be deleted at the previous meeting, however, two more code provisions have been located that require key boxes and those provisions have been added to this amendment.

Chairman Ryan asked Mr. Kvapil why he was no longer deleting Section 104.6.3 regarding Fire Records in its entirety as proposed at the previous meeting. Mr. Kvapil responded that the section on fire records in the Village Code doesn't conflict with the section on fire records in the Fire Code. Chief Raffensparger stated that the Fire Company keeps records nationally as required.

Mr. Kvapil responded to Chairman Ryan that he did not research information regarding assessed valuations for residential properties and hard costs for commercial properties. Mr. Kvapil stated that $200,000 is the trigger at which point a fire sprinkler system must be installed in a building, however, he did not believe that figure was fair because $200,000 is a significantly different amount for houses than for commercial properties. Chairman Ryan commented that the $200,000 figure was determined 7-8 years ago and costs have escalated since that time. Chief Raffensparger recalled someone suggesting using a percentage of the assessed value, and Mr. Lustrup felt that using a percentage of the existing value is a viable long-term solution. Mr. Kvapil stated that Milton Township can provide the last assessed valuation, excluding the value of the land, of any structure in Glen Ellyn and suggested 25% as a reasonable sprinkler system trigger amount. Chairman Ryan commented that if one is spending $500,000 on improvements in an older home that is not sprinklered, sprinklers should be required, and he recommended

50% of the assessed valuation of the improvements or over $300,000 as the sprinkler system trigger amount. Mr. Kvapil clarified for Chairman Ryan that replacing rooftop units, roof replacements, boilers, heating systems, electrical systems, etc., are considered remodeling/alterations. Mr. Lustrup felt that the fair market value of the house is a more accurate figure than the assessed valuation of the improvements as the assessor assesses the house at one-third of the market value. Mr. Kvapil stated that the assessed value could be multiplied by 3 for the sprinkler system trigger amount. Chairman Ryan suggested using 50 percent or $300,000 for residential and 25 percent or $500,000 for commercial. Mr. Kvapil did not agree with the $500,000 amount as many commercial expenses are huge and would trigger installing sprinklers. Chairman Ryan and Mr. Kvapil agreed on a figure of $1,000,000. Mr. Kvapil confirmed for Mr. Lustrup that recommendations can be made to amend these figures at a future date. Chief Raffensparger responded to Mr. Bredfelt that adding a residential sprinkler system costs approximately $6,000-$8,000. Mr. Kvapil responded to Chief Raffensparger that additions that are more than 150 percent of the area of the existing building trigger the requirement for sprinklers in both the addition and main portion of the building. All BBA members agreed with sprinkler system triggers amounts as 50 percent or $300,000 for residential and 25 percent or $1,000,000 for commercial.

Motion

Board Member Bredfeldt moved, seconded by Board Member Lustrup to recommend approval of the 2009 ICC International Fire Code with amendments as discussed at the BBA meetings. The motion carried unanimously with four (4) "yes" votes as follows: Board Members Bredfeldt, Lustrup, Raffensparger and Chairman Ryan voted yes.

Trustee Report

Trustee Hartweg stated that the Village Board has adopted the first two codes reviewed by the Building Board of Appeal and that the Village Board may question how the proposed Fire Code compares with surrounding communities. Trustee Hartweg also reviewed other projects currently underway in the Village and stated that the increased sales tax has helped the Village's financial situation. He also reviewed the status of the COD/Village situation and the Hill Avenue bridge.

There being no further business before the BBA, the meeting was adjourned at 9:15 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building and Zoning Official

BUILDING BOARD OF APPEALS
MINUTES
OCTOBER 4, 2010

The meeting was called to order by Chairman James Ryan at 7:33 p.m. Board members Thomas Bredfeldt, Michaelene Burke Hoeh, John Lustrup and Scott Raffensparger were present. Board member James McGinley was not present. Also present were Trustee Liaison Carl Henninger, Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

New Board Member Michaelene Burke Hoeh was introduced.

Board Member Lustrup moved, seconded by Board Member Raffensparger, to approve the minutes of the September 8, 2010 Building Board of Appeals meeting. The motion carried with four "yes" votes as follows: Board Members Lustrup, Raffensparger, Bredfeldt and Chairman Ryan voted yes.

2009 ICC INTERNATIONAL FIRE CODE. CONTINUED DISCUSSION, CONSIDERATION AND RECOMMENDATIONS REGARDING A PROPOSED ORDINANCE TO ADOPT AND AMEND THE 2009 INTERNATIONAL FIRE CODE TO BE INCORPORATED AS A TEXT AMENDMENT INTO THE VILLAGE CODE, TITLE 5 FIRE REGULATIONS, CHAPTER 2 FIRE PREVENTION CODE, SECTION 1.

FIRE SPRINKLERS

Building and Zoning Official Joe Kvapil explained that the 2009 ICC International Fire Code with amendments was forwarded to the Village Board on September 20, 2010 for a vote, however, members of the Village Board had concerns regarding equity and fairness with respect to sizes of homes as related to triggers for the installation of fire sprinklers. Mr. Kvapil stated that the recommendation forwarded by the BBA was that fire sprinklers would be required in one and two-family dwellings and townhouses if the hard cost of all remodeling work exceeds $300,000 or 50% of the market value of the dwelling. Mr. Kvapil commented that a good time to install fire sprinklers is when a significant amount of remodeling work is under way and that water service would probably be required to be upgraded during a remodel/addition as if you're adding sprinklers so costs are similar. Mr. Kvapil showed excerpts from a video of the Village Board meeting where Trustees expressed their opinions on the fire sprinkler issue. Trustee Henninger stated that the concern of the Village Board members was that requiring fire sprinklers for remodeling projects in modest homes would encourage teardowns. Mr. Kvapil stated that U. S. Fire Administration/FEMA indicates that adding fire sprinklers in a new house costs approximately $1.50 per square foot, and he added that this estimate probably does not include site work which he estimated at an additional $5,000. Mr. Kvapil also read from a USFA/FEMA list the advantages of installing fire sprinklers. The BBA members reviewed criteria from surrounding communities regarding fire sprinkler requirements. They also reviewed required improvements to existing buildings regarding fire code

amendments for the Village as compared to the ICC Building Code. Mr. Kvapil commented that the Village is more restrictive than the ICC Building Code and that the ICC requires the Building Official to make judgment calls regarding areas of work and would be difficult to administer. Chairman Ryan recalled that a decision was made during the initial fire sprinkler discussions to install fire sprinklers in smaller homes as well as larger homes even though people can exit smaller homes quicker and installing fire sprinklers can be a financial burden to homeowners. Chairman Ryan believes the recommendation proposed by the BBA is consistent with past recommendations and added that fire sprinklers are a positive addition to a home.

Options discussed regarding when to require fire sprinklers in existing homes included using only 50% of the market value figure which would penalize smaller homes, using the $300,000 figure only which would penalize larger homes or using a percentage of the cost of adding the sprinklers, determining if the total cost of the sprinklers reaches a certain percentage of the remodel cost and not requiring sprinklers in houses with less than a certain number of square feet. Chairman Ryan stated that a disadvantage of tying into the market value is that sprinklers will have to be put into smaller houses when not required in larger houses and the perception is that that this will drive people not to invest in smaller homes and incentivize teardowns. Chairman Ryan did not feel that significant issues would be caused by requiring fire sprinklers for a large remodel of a smaller home and did not feel that teardowns would incentivized teardowns because a homeowner will figure out if it makes sense to spend a significant amount of money to remodel whether or not fire sprinklers are required and if the house is torn down, fire sprinklers will be required. Chairman Ryan did not feel inequities were caused by varying costs of large remodels as related to installing fire sprinklers. Chairman Ryan felt that remodeling that affects 50% of the market value should trigger the installation of fire sprinklers. Mr. Lustrup stated that building a new house is more expensive than remodeling an existing house. Mr. Kvapil stated that the BBA recommendation included the dollar figure and percentage in an effort to be fair and that increasing the dollar amount over the years for inflation purposes would be effective in the long term. Mr. Kvapil responded to Mr. Bredfeldt that the market value does not include the value of the land which concerned Trustee Henninger because the threshold at which the fire sprinkler requirements would trigger would be an even lower dollar amount which negatively impacts smaller homes. Mr. Kvapil also reminded the Board Members that hard costs do not include appliances or finishes. Mr. Kvapil commented that if the Board's intent is to preserve the existing building stock of smaller homes, the fixed dollar amount of $300,000 should be used and any percentage should be eliminated. Chairman Ryan stated that if the trigger is left at $300,000, the more economical houses will never be sprinklered during a remodeling project. Mr. Kvapil stated that a $200,000 trigger for fire sprinklers worked well for residential buildings previously and that increasing that amount to $300,000 is not a significant change. Mr. Kvapil also stated that the fire sprinkler trigger was $200,000 for commercial and the increase to $1,000,000 is recommended because the value of remodeling commercial buildings can be very high.

Mr. Kvapil stated that the 2009 ICC Building Code requires fire sprinklers in all new construction single-family homes and townhomes effective in 2011and that the ICC

codes on existing houses are limited and left to the discretion of municipalities. Mr. Kvapil stated that universally new construction must comply with codes, however, whether or not to bring an entire single family residence into compliance during construction related to a remodel, alteration or addition can be difficult to determine.

Mr. Kvapil suggested eliminating the percentage figure and when the 2012 code is reviewed, reevaluate whether or not to reinstate it. Chairman Ryan commented that retaining the $300,000 figure requires larger homes to sprinkler at a reasonable number. Ms. Burke Hoeh stated that if the intent is to have everyone have fire sprinklers, leave the percentage amount in.

Three of the four Board members present were in favor of leaving the recommendation as forwarded to the VB which was that fire sprinklers would be required in one and two-family dwellings and townhouses if the hard cost of all remodeling work exceeds $300,000 or 50% of the market value of the dwelling. Mr. Bredfelt was in favor of leaving the dollar figure at $300,000 but removing the percentage. After some discussion, Mr. Bredfeldt agreed with the other Board Members to keep the percentage rate along with the fixed dollar amount but increase it to 60%.

Motions

Two motions were made regarding this item. After the first motion failed to carry, a compromise was reached by the Board Members and a second motion was made.

Motion 1

Chairman Ryan moved, seconded by Chief Raffensparger, to resubmit the recommendation to the Village Board as originally proposed which is that in one and two-family dwellings and townhouses, an approved automatic sprinkler system shall be provided throughout the existing building and any addition if the hard cost of all remodeling work exceeds $300,000 or 50% of the market value of the dwelling. The motion did not carry with three (3) "yes" votes and one (1) "no" vote as follows: Chairman Ryan and Board Members Lustrup and Raffensparger voted yes; Board Member Bredfeldt voted no. Board Member Burke Hoeh abstained.

Motion 2

Board Member Bredfeldt moved, seconded by Chairman Ryan, to recommend that the Village Board approve the following: In one and two-family dwellings and townhouses, an approved automatic sprinkler system shall be provided throughout the existing building and any addition if the hard cost of all remodeling work exceeds $300,000 or 60% of the market value of the dwelling. The motion carried with four (4) "yes" votes as follows: Board Members Bredfeldt, Lustrup, Raffensparger and Chairman Ryan voted yes. Board Member Burke Hoeh abstained.
Another concern expressed by a Trustee was that insurance rates increase with the installation of fire sprinklers in a home. Mr. Kvapil stated that responses received from

two insurance companies indicate that a discount is given to homeowners who have an automatic sprinkler system installed in their homes. Chief Raffensparger responded to Mr. Bredfeldt that there have been very few instances of fire sprinkler malfunctions in town.

OPEN-FLAME COOKING DEVICES

Section 308.1.4 was also recommended to be re-written by the Village Board as the existing language implies that cooking grills are not allowed on decks. Mr. Kvapil read the wording: "Charcoal burners, LP-gas grills, and other open-flame cooking devices shall not be operated within 5 feet of combustible construction" which indicates that the bottoms of grills must be a minimum of 5 feet from the deck surface. Mr. Kvapil then distributed information regarding a BBQ grill mat that is used underneath grills for fire protection purposes and stated that some type of non-combustible material such as tile could also be placed underneath grills for fire protection. Chairman Ryan suggested wording that the devices shall not be operated within 5 feet of combustible walls and ceilings, and Mr. Kvapil suggested adding eaves or language referring to overhead construction and vertical walls. Another suggestion was to use the terms "horizontally" or "above" in the proposed language. With regard to enforcement of this regulation, Mr. Kvapil responded to Mr. Bredfeldt that inspectors look for safety code violations such as this when performing building inspections.

Motion

Board Member Bredfeldt moved, seconded by Board Member Lustrup, to recommend that the Village Board approve the first paragraph of Section 308.1.4 to read as follows: "308.1.4 Open-flame cooking devices. Charcoal burners, LP-gas grills, and other open-flame cooking devices shall not be operated within 5 feet of combustible walls and overhead construction material." The motion carried unanimously with four (4) "yes" votes as follows: Board Members Bredfeldt, Lustrup, Raffensparger and Chairman Ryan voted yes.

Staff Report

Mr. Kvapil stated that the International Building Code is next to be reviewed by the BBA.

Trustee Report

Trustee Henninger stated that some construction projects are still in process in the Village. He also stated that the Village Board will soon begin working on the budget. Trustee Henninger announced that Finance Director Jon Batek has resigned from the Village. Trustee Henninger stated that the Village Board passed the Hill Avenue Bridge agreement and stated the Village is currently in negotiations with the College of DuPage. At Chairman Ryan's request, Trustee Henninger reviewed the Village's financial situation.

A-10

To: Terry Burghard, Interim Village Manager

From: Jeffrey D. Perrigo, Interim Public Works Director

Date: January 11, 2011

Re: Braeside Area Localized Drainage Improvements Project

Background

In the fall of 2009, the Village submitted applications seeking Community Development Block Grant (CDBG) funds for two potential projects in the area east of I-355 known as Braeside. The projects consisted of one addressing street lighting and the other tending to the needs of additional rear-yard drainage requirements. CDBG funds were awarded for the lighting project but not for the rear-yard drainage.

Last month, the Illinois Department of Commerce & Economic Opportunity (DCEO) announced the availability of $48 million in aid for communities declared federal disaster areas from the natural disasters of 2008. These areas are eligible for the CDBG Disaster Recovery "IKE" – Public Infrastructure Program grants. Individual grant awards will typically range from $50,000 to $750,000 with drainage system improvements favored. At least one-half of the funds must be awarded to projects that benefit low- to moderate-income households.

Application deadline is January 31, 2011.

Issues

Part of the application process requires the Village to pass two resolutions; one indicating support for the application and the other committing funds for the project should it be awarded.

Action Requested

Current action requested of the Board is to approve the resolutions required as part of the application process.

Recommendation

I support the efforts to acquire grant funding for the contemplated project.

Attachments

Interoffice Memorandum dated January 10, 2011 from Professional Engineer, Bob Minix, along with proposed resolutions and area map.

Glen Ellyn Public Works Department

Interoffice Memorandum

to: Jeff Perrigo, Interim Public Works Director

from: Bob Minix, Professional Engineer

subject: Braeside Area Localized Drainage Improvements Project
Application for Funding Through the CDBG Disaster Recovery "IKE-PI" Program
Required Village Board Resolutions

date: January 10, 2011

In September 2009 the Village of Glen Ellyn submitted applications for Community Development Block Grant (CDBG) funds for two potential projects in the Braeside area (located north of Roosevelt Road and east of I-355), one for street lighting improvements and the second for rear-yard drainage installations. In February 2010 the DuPage Community Development Commission notified the Village the lighting project was selected for inclusion the CDBG program year, but the drainage project would not be funded. The rear-yard drainage project was not pursued in the next round of CDBG applications in 2010 due to hesitancy to commit matching funds of some $400,000 in engineering and local-share construction costs from a somewhat-stressed capital improvements project fund.

In December 2010 the Illinois Department of Commerce & Economic Opportunity (DCEO) announced the availability of $48 million for Illinois communities impacted by 2008 natural disasters that resulted in declarations of a federal disaster area (CDBG Disaster Recovery "IKE" – Public Infrastructure Program). Infrastructure improvements such as storm drainage systems are particularly targeted and at least one-half of the funds must be awarded to improvements benefitting low- and moderate-income persons. Individual grant awards will typically range from $50,000 to $750,000. Applications for the IKE-PI Program are due in Springfield on January 31, 2011.

The Braeside Area Localized Drainage Improvements Project conceived in 2009 appears to be a good candidate for the proposed IKE-PI Program due to the scope and location of the project. The proposed project would install storm sewers, inlets and catch basins in the rear-yard utility easements between Surrey Drive and Heather Lane, Heather Lane and Londonberry Lane, and Londonberry Lane and Brighton Place. The proposed system would provide positive drainage outlets for rear-yard drainage including stormwater runoff and sump pump discharges (see the attached plan). The rear-yard storm sewer pipe would be installed using primarily directional drilling construction techniques. About 2,700 feet of new storm sewer pipe, 13 drainage structures and 2,600 square yards of re-grading would be installed as part of the project. Total construction cost is estimated to be $650,000. Preliminary, design and construction engineering expenses would add another $110,000 resulting in a **total estimated project cost of $760,000**.

Engineering Division staff would like to submit the Braeside local drainage project for possible funding by the IKE-PI Program as a means to move the project ahead. The application materials are quite similar to the previously developed CDBG application, and with PW Intern Will Calderwood available this month to assist in the effort, preparation efforts appear manageable. Application development includes some public outreach (advertisement of the pending grant application, including a letter to impacted residents) and a few Board actions to support the application.

The grant could potentially support administrative, engineering and construction expenses and the term of the grant is listed at 24 months. For better application scoring purposes and easier project implementation, it is recommended that the Village fund all non-construction costs and a small percentage of the construction cost. It is therefore proposed that the grant cover 75% ($570,000) of the total project cost, resulting in a needed Village investment of **$190,000** to be spread over two years. I envision the project to be constructed in 2012 (FY-13), with design engineering expenses (about $50,000) to be committed in the upcoming FY-12 budget and performed in this calendar year.

REQUIRED BOARD ACTIONS – APPLICATION PHASE

Two Board actions in the form of approval of resolutions will be required based on the IKE-PI application materials, the first affirming formal support of the application, including authorization for the Village President and Village Clerk to execute various application documents, and the second attesting to the availability of local funds to supplement the requested grant dollars. The application materials provided samples of the necessary resolutions and form the basis of required actions. The suggested forms of the resolutions developed are attached, with the application wording incorporated and conformed into the typical Village formats.

Village Board approval of these resolutions is requested at the January 24, 2011 formal meeting. Items requiring execution by the Village President and Village Clerk, as part of the application package, will be ready for signing during the last week of January.

enc. as noted

cc: Terry Burghard, Interim Village Manager
Staci Hulseberg, Planning and Development Director
Kristen Schrader, Assistant to the Village Manager - Administration
Will Calderwood, PW Intern

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Resolution No. _____

A Resolution Authorizing the Submission of an Application to the Illinois Department of Commerce and Economic Opportunity for the CDBG "IKE" Disaster Recovery Public Infrastructure (IKE-PI) Program In the Amount of $570,000 to Aid in the Funding of the Braeside Area Localized Drainage Improvements Project

Whereas, the Illinois Department of Commerce and Economic Opportunity (DCEO) is requesting applications for the CDBG "IKE" Disaster Recovery Public Infrastructure (IKE-PI) Program from communities impacted by the 2008 natural disasters; and

Whereas, DCEO is authorized to grant project funding for infrastructure improvements located in flood prone areas and areas substantially damaged as a result of the 2008 flooding; and

Whereas, areas in the Braeside Subdivision in Glen Ellyn are without adequate localized drainage facilities capable of protecting residents and property from flooding episodes; and

Whereas, the Village of Glen Ellyn, DuPage County, Illinois desires to submit an application requesting $570,000 in IKE-PI funds for localized drainage improvements in the Braeside Subdivision; and

Whereas, the Village has prepared a concept engineering plan and cost estimate for localized area drainage improvements in the Braeside Subdivision with a total construction cost of approximately $760,000; and

Whereas, the President and the Board of Trustees believe and hereby declare that it is in the best interests of the Village of Glen Ellyn and its residents to apply for a IKE-PI Disaster Recovery program grant; and

Whereas, it is necessary that an application be made to and agreements entered into with the State of Illinois.

Now, therefore be it resolved by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers as follows:

Section One: The Village of Glen Ellyn will prepare an application for a IKE-PI Disaster Recovery program grant under the terms and conditions of the State of Illinois and shall enter into and agree to the understandings and assurances contained in said application.

Section Two: The Village President and Village Clerk are authorized to execute such application documents and all other documents necessary for the carrying out of said application.

Section Three: The Village President and Village Clerk are authorized to provide such additional information as may be required to accomplish the obtaining of such grant.

Section Four: This Resolution shall be in full force and effect from and after its passage and approval.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2011.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2011.

_____
Village President of the Village of Glen Ellyn, Illinois

Attest:

_____
Village Clerk of the Village of Glen Ellyn, Illinois

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Resolution No. _____

A Resolution Committing Local Funds in the Amount of $190,000
To Aid in the Funding of the
Braeside Area Localized Drainage Improvements Project

Whereas, the Illinois Department of Commerce and Economic Opportunity (DCEO) is requesting applications for the CDBG "IKE" Disaster Recovery Public Infrastructure (IKE-PI) Program from communities impacted by the 2008 natural disasters; and

Whereas, the Village Board of the Village of Glen Ellyn, DuPage County, Illinois has taken action to submit a IKE-PI Disaster Recovery Program grant application requesting $570,000 in IKE-PI funds for localized drainage improvements in the Braeside Subdivision in the Village; and

Whereas, the receipt of IKE-PI assistance is essential to allow the Village to undertake the project; and

Whereas, the Village of Glen Ellyn will allocate certain monies as needed for engineering and a portion of construction expenses associated with the implementation of the Braeside Area Localized Drainage Improvements Project with available cash on hand.

Now, therefore be it resolved by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers as follows:

Section One: The Village of Glen Ellyn does hereby commit funds from the Capital Projects Fund for use in conjunction with an IKE-PI Disaster Recovery Program grant, such funds to equal 25% of the estimated total project cost of $760,000, or $190,000.

Section Two: This Resolution shall be in full force and effect from and after its passage and approval.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2011.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2011.

_____
Village President of the Village of Glen Ellyn, Illinois

Attest:

_____
Village Clerk of the Village of Glen Ellyn, Illinois

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