

Draft
07/20/11

Agenda
Glen Ellyn Village Board of Trustees
Monday, July 25, 2011
8:00 p.m. – Galligan Board Room

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Village Recognition:
 - A. A resident sent a note of thanks to Administrative Clerk Debbie Clewlow in appreciation for her assistance with a room rental.
 - B. The PTA of Ben Franklin School sent a note of thanks to Deputy Police Chief Bill Holmer for providing a tour of the Police Department and Civic Center for the kindergarten class High Interest Day. The kids, teachers and parents all enjoyed his presentation and tour.
 - C. A letter was received from residents thanking and commending Maintenance Workers Marcia Bertsch and Kenneth Major for alerting them of a burst sprinkler system pipe which had started leaking into their basement.
 - D. Utilities Inspector William Miller and Program Coordinator Robert Greenberg received a letter of thanks from residents to them for the great customer service they received during a sewer line replacement.
 - E. A resident called to compliment Crew Leader Eric Hendrickson for his new parkway tree. Eric also provided instructions on how to care for the new tree.
 - F. The City of Lake Forest sent a letter of thanks to Police Chief Phil Norton for helping them with their Police Sergeant interviewing process.
 - G. Our Police Department received a letter of thanks from the Glen Ellyn Parks Foundation for making a donation to their "Putts for Kids" silent auction.
 - H. A resident wrote to commend Police Officer Kyle Duffie for unlocking their car door quickly and without damage.
 - I. The Police Department received a note from a resident thanking them for checking the community following the recent storm event.
 - J. Motion to designate Trustee Hartweg as Village President Pro Tem for the four-month period from September through December 2011.

- K. The Village Board and Management Team congratulates the following employees who recently celebrated an anniversary as a Village employee:

Diane Miller	Planning and Development	5 Years
Mark Mellor	Public Works	10 years
Michele Stegall	Planning and Development	10 years
Robert Minix	Public Works	20 years

5. Audience Participation

- A. Proclamation recognizing the 4th of July Committee.

6. Consent Agenda

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 Henninger)*

- A. Village Board Meeting Minutes of the June 27, 2011 Regular Meeting.
- B. Total Expenditures (Payroll and Vouchers) for check run dated 6/24/2011 to 7/1/2011 - \$2,021,697.01.

Total Expenditures (Payroll and Vouchers) for check run dated 7/8/2011 to 7/15/2011 - \$1,206,567.07.

The vouchers have been reviewed by Trustee Friedberg and Trustee Henninger, respectively, prior to this meeting.

- C. Motion to waive Section 10-4-17.1 (Promotional Activities) of the Glen Ellyn Zoning Code and Section 4-5-7(G) (Portable Signs) of the Village Code in order to allow for Bridge Communities' Charity Event at Gearhead Auto Repair on Saturday, January 28, 2012 to Sunday, January 29, 2012. *(Assistant to the Village Manager Schrader)*
- D. Ordinance No. 5945-VC, an Ordinance Amending Chapter Six of Title Seven (Solid Waste Collection and Disposal) of the Village Code of Glen Ellyn, Illinois. *(Assistant to the Village Manager Schrader)*
- E. Motion to waive competitive bidding and accept the lowest quote from Midwest Site Services for the demolition of the rear residential structure on the property located at 810 N. Main Street at a cost not to exceed \$24,530 (with a 10% contingency). *(Assistant to the Village Manager Schrader)*
- F. Motion to waive Section 4-5-7(G) (Portable Signs) of the Village Code and Sections 3-19-11(B) and 3-19-11(C) of the Liquor Control Code and approve the Glen Ellyn Lion's Club request to host the 42nd annual Festival of the Arts event on Saturday, August 27, 2011 and Sunday, August 28, 2011 at the Lake Ellyn Boathouse. *(Assistant to the Village Manager Schrader)*

7. Planning and Development Director Staci Hulseberg will present information regarding a proposed annexation agreement for property located at 1S741 Danby Drive. The property is located on the east side of Danby Drive, north of Glen Crest Drive and is not currently contiguous to the corporate limits of the Village. *(Trustee Ladesic)*

- A. Public hearing on a proposed annexation agreement for 1S741 Danby Drive.

- B. Ordinance No. 5946, an Ordinance Approving an Annexation Agreement for the Property Located at 1S741 Danby Drive, Glen Ellyn, IL.

8. Ordinance No. 5947, an Ordinance Approving a Variation from the Requirements for Side and Rear Yard Setbacks and Driveway Pavement of the Zoning Code to Allow a New Detached Garage and Existing Gravel Driveway for Property at 380 Linden Street. *(Trustee Cooper)*

Planning and Development Director Staci Hulseberg will present information on a request by Chad and Julie Allman for setback and driveway variations to allow the construction of a detached garage. The subject property is an interior lot located on the north side of Linden Street in the R2 Residential District.

9. Ordinance No. 5948, an Ordinance Approving a Variation from the Rear Yard Setback Requirements of the Zoning Code to Allow an Attached Garage Addition to the Existing Home for Property at 791 Crescent Boulevard. *(Trustee Cooper)*

Planning and Development Director Staci Hulseberg will present information on a request by Scott and Duska Pearson for a variation from the Glen Ellyn Zoning Code Section 10-4-8(D)2 to allow the construction of an addition with a rear yard setback of 13.5 feet in lieu of the minimum required rear yard setback of 40 feet. The subject property is an interior lot located on the south side of Crescent Boulevard in the R2 Residential District.

10. Ordinance No. 5949, an Ordinance Approving Variations from the Lot Coverage Ratio, Side and Rear Yard Setbacks, Floor Area Ratio, and Alteration Class Requirements of the Zoning Code to Allow an Attached Garage and Second Floor Addition to the Existing Home for Property at 364 Hillside Avenue. *(Trustee Cooper)*

Planning and Development Director Staci Hulseberg will present information on a request by Shane and Victoria Rodgers for seven variations to allow the construction of an attached garage and second story addition. The subject property is an interior lot located on the north side of Hillside Avenue in the R2 Residential District.

11. Ordinance No. 5950, an Ordinance Granting Approval of a Special Use Permit to Allow a Dance School at 510 Crescent Boulevard (formerly 460 N. Main Street). *(Trustee Friedberg)*

Planning and Development Director Staci Hulseberg will present information on the request of Sheri L. Dahl, owner of Sunshine Dance Studio, Inc. for approval of a Special Use Permit to allow a dance school to occupy the existing unit at 510 Crescent Boulevard. The subject property is located on the north side of Crescent

Boulevard between Main Street and Glenwood Avenue in the C5A Central Business District, Central Retail Core Sub-district.

12. Motion to approve a Commercial Façade Improvement Grant for Key Investment & Management for property located at 462 Park Boulevard. *(Trustee McGinley)*

Planning and Development Director Staci Hulseberg will present information on the request of Key Investment & Management for approval of grant assistance through the Façade Improvement Grant Program. The petitioner owns and manages Glen Crossing Shopping Center located in the Central Business District at 462 Park Boulevard. A grant of \$10,000 is being requested to assist with a \$20,190 awning project.

13. Ordinance No. 5951-VC, an Ordinance Establishing a Class-B-5 License for Public Sidewalk Liquor Service and Establishing such License and Applicable License Fees. *(Trustee Cooper)*

Administrative Services Coordinator Patricia Underhill will present information on the establishment of a new Class-B-5 liquor license. The license will allow businesses to conduct liquor service following an application process on an annual basis.

14. Reminders:

- The next Regular Village Board Meeting is scheduled for Monday, August 8, 2011 with the 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.

15. Other Business?

16. Motion to adjourn to Executive Session for the purpose of discussing pending litigation, adjourning thereafter without returning to open session. *(Trustee Friedberg)*

17. Press Conference

A-5A



VILLAGE OF GLEN ELLYN

Proclamation

WHEREAS, the Fourth of July Committee, comprised of volunteers from the Glen Ellyn community, has organized and developed the Fourth of July celebration for many, many years; and

WHEREAS, festivities have included an exciting Boat Regatta, Picnic in the Park, Freedom Four Run, a grand Parade complete with fighter-jet flyovers, family activities, and a breathtaking fireworks display; and

WHEREAS, the strong sense of volunteerism exhibited in the Village of Glen Ellyn is the backbone of our community, and a characteristic that sets Glen Ellyn apart as an outstanding municipality comprised of caring individuals, families, and community leaders committed to excellence and service;

NOW, THEREFORE, I, MARK PFEFFERMAN, PRESIDENT OF THE VILLAGE OF GLEN ELLYN, ILLINOIS, do hereby extend the gratitude of the Glen Ellyn Village Board to the Fourth of July Committee and encourage the residents of our Village to recognize and honor those among us who have dedicated their time, energy, and enthusiasm in order to preserve our Village traditions.

Village President

attest:

Village Clerk

Date

Minutes
Regular Meeting
Glen Ellyn Village Board of Trustees
Monday, June 27, 2011

A-6A

Call to Order

Village President Pfefferman called the meeting to order at 8:01 p.m.

Roll Call

Upon roll call by Deputy Village Clerk Kristen Schrader, Village President Pfefferman and Trustees Cooper, Friedberg, Hartweg, Henninger, Ladesic and McGinley answered, "Present".

Pledge of Allegiance

Pledge of Allegiance was led by the Glenbard South High School Track Team and Softball Team, both of whom finished third in State. Following the pledge, introductions of team members from both the Track and Softball teams were made.

Village Recognition:

- A. Utilities Inspector William Miller was complimented by Village residents for the extraordinary service he provided in overseeing a sewer line replacement project.
- B. Sergeant Jean Harvey received a letter of thanks from the Village of Tinley Park in appreciation for assisting in the recent visitation and funeral services for their Police Chief.
- C. A resident sent a thank-you note to Community Service Officer Richard Perez for assisting with a family matter.
- D. Police Officer David Gill received a note of thanks from a very grateful resident for his assistance with a legal concern.
- E. Ben Franklin School sent a note of thanks to Police Officer Craig Holstead for participating in their High Interest Day event.
- F. The Race Director of the Hoof It for Hephzibah event sent a thank-you note to Community Service Officer Rose Volpe in appreciation for her assistance, which made the race a huge success.
- G. The Police Department received a letter from the Combined Law Enforcement Hispanic Heritage Committee, thanking them for their support.
- H. An email message was received from a resident complimenting Police Officer Tom Staples and the DARE Program.
- I. The Village received a complimentary email message from a resident who was pleased with the tremendous post-storm cleanup job being done by our Public Works staff.

- J. The Village received an email message from a resident forwarding his compliments to Public Works staff member Stephanie Chandler for the beautiful floral displays at the History Park and throughout the Village.
- K. The Village Board accepts the resignation of John Lustrup from the Building Board of Appeals and thanks him for his service to the Village since his appointment in 1994.
- L. The Village Board accepts the resignation of Michael Waterman from the Zoning Board of Appeals and thanks him for his service to the Village since his appointment in 1995.
- M. The Village Board and Management Team congratulates the following employees who recently celebrated an anniversary as a Village employee:

Rosaria Volpe	Police Department	5 Years
Kurt Vavra	Police Department	10 Years
Stephen Miko	Police Department	10 Years
Nick Catalano	Police Department	10 Years
Philip Norton	Police Department	25 Years

Audience Participation

- A. Proclamation recognizing the accomplishments of the Glenbard South High School Boys Track Team, which finished third in State.
- B. Proclamation recognizing the accomplishments of the Glenbard South High School Girls Softball Team, which finished third in State.
- C. Proclamation congratulating the Glen Ellyn Historical Society, which is preparing for the dedication of the new Ward Plaza in the History Park on July 3.
- D. Crescent Boulevard sidewalk discussion. Julie Dean, 21W330 Crescent Boulevard, spoke in favor of a sidewalk on Crescent Boulevard for safety reasons. Ms. Dean also provided materials to the Village Board and noted that the discussion on a Crescent Boulevard sidewalk has been ongoing for several years. Interim Public Works Director Perrigo stated that in the past this project has been deferred due to limited funding, but the Village is hopeful that with a number of other project bids coming in under estimated costs, there may be additional funding this year to complete the project. The Village will have more information as to whether the project will move forward later in July 2011. Rick Hayden, 959 Crescent Boulevard, noted that he had a general lack of knowledge on the project as he is a new Village resident and requested information be provided. Trustee Ladesic then asked if the Village received grant funding for the project and Director Perrigo responded that the Village received funding from DuPage County when it took over responsibility for this portion of Crescent Boulevard.

Consent Agenda

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

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

- A. Village Board Meeting Minutes:
1. May 16, 2011 Regular Workshop
 2. May 23, 2011 Regular Workshop
 3. May 23, 2011 Regular Meeting
 4. June 6, 2011 Special Meeting
 5. June 13, 2011 Special Meeting
- B. Total Expenditures (Payroll and Vouchers) for check run dated 5/20/2011 to 6/3/2011 - \$1,981,517.46.

Total Expenditures (Payroll and Vouchers) for check run dated 6/15/2011 - \$594,026.21.

The vouchers were reviewed by Trustee Ladesic and Trustee Cooper, respectively, prior to this meeting.

- C. Waive Chapter 3-23 (peddlers) and Sections 8-1-11 (street obstructions) and 8-1-12 (display and sale of merchandise on public ways) of the Village Code in order to allow the Glen Ellyn Chamber of Commerce to host the **2011 Jazz Fest** Glen Ellyn event in the Central Business District on Saturday, July 9, 2011 between the hours of 2 p.m. and 10:30 p.m.
- D. Waive Chapter 3-23 (peddlers), Sections 8-1-11 (street obstructions) and 8-1-12 (merchandise on street) of the Village Code and applicable outdoor tent sale sections of the Zoning Code for the Glen Ellyn Chamber of Commerce annual **Sidewalk Sale** event beginning at 9:00 a.m., Thursday, July 21, 2011 and ending at 5:00 p.m., Saturday, July 23, 2011 in downtown Glen Ellyn and along Roosevelt Road.
- E. Waive Section 10-4-17.2(B)25 (outdoor sales, storage, tents, promotional activities and events) of the Zoning Code and Section 6-2-2.5 (unnecessary noises) of the Village Code in order to permit Bridge Communities to host the **2011 Backyard BBQ** event in the Crescent Boulevard Parking Lot in downtown Glen Ellyn on Saturday, September 10, 2011 from 9:00 a.m. to 6:00 p.m.
- F. Waive Section 10-4-17.2(B)25 (outdoor sales, storage, tents, and promotional activities and events) of the Zoning Code and Section 6-2-2.5(B)3 (unnecessary noises) of the Village Code for Bridge Communities' **Sleep Out Rally** to occur on Saturday, November 5, 2011 from 6:30 p.m. to 8:00 p.m. in the Crescent Boulevard Parking Lot in downtown Glen Ellyn.

- G. Waive Section 10-4-14(B)17 (outdoor sales, storage, tents, promotional activities and events) of the Zoning Code and Section 6-2-2.5(B)3 (unnecessary noises) of the Village Code in order to permit the Glen Ellyn Historical Society to host the Dedication of **Ward Plaza** on Sunday, July 3, 2011 at the History Park.
- H. Waive Chapter 3-23 (peddlers), Sections 8-1-11 (street obstructions) and 8-1-12 (merchandise on streets) of the Village Code, applicable outdoor sale sections of the Zoning Code and Section 10-4-17.1(B)32 (outdoor sales, storage, tents, promotional activities and events) of the Zoning Code in order to allow the Downtown Glen Ellyn Alliance to host the **Final Friday's** in Glen Ellyn event on Friday, July 29, 2011 from 5:00 p.m. to 8:00 p.m. and Friday, August 26, 2011 from 5:00 p.m. to 10:30 p.m. in the Central Business District.
- I. **Ordinance No. 5941-VC**, an Ordinance Amending Section 2-7-4(C) of the Village Code of Glen Ellyn, Illinois regarding **Quorum Requirements** for the Building Board of Appeals.
- J. **Resolution No. 11-10**, a Resolution approving the expenditure of MFT (**Motor Fuel Tax**) funds for the purpose of maintaining streets and highways under the applicable provisions of the Illinois Highway Code in the amount of \$705,000 for the time period of January 1, 2010 to December 31, 2010.
- K. Approve the third year of a three-year **contract with Earthcare, Inc. for the 2011 Landscape Maintenance** contract in the not-to-exceed amount of \$88,500 (including a 10% contingency) to be expensed to the FY12 General, Water, Parking, Corporate Reserve, and Fire Company Funds.
- L. **Ordinance No. 5942**, an Ordinance of the Village of Glen Ellyn, DuPage County, Illinois, Ascertaining the **Prevailing Rate of Wages** for Laborers, Workmen, and Mechanics Employed by Contractors Performing Public Works for the Village of Glen Ellyn.
- M. Approve the following **Executive Session minutes** which are not ready to be released:

January 3, 2011	January 10, 2011	January 17, 2011
January 24, 2011	February 21, 2011	March 14, 2011
April 4, 2011	April 11, 2011	April 13, 2011
April 14, 2011	April 25, 2011	April 26, 2011
May 3, 2011	May 9, 2011	May 16, 2011

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

Ordinance No. 5943, 820 Duane Street – Fence Requirement Variations

Planning and Development Director Staci Hulseberg presented information on a request by John and Jean Chereskin to approve two variations from the Glen Ellyn Zoning Code to allow the construction of a fence on a vacant lot with no principal building that is prohibited by Zoning Code Section 10-4-1(C). The subject property is an interior lot

located on the north side of Duane Street and adjacent to and under common ownership with the corner lot at 488 Lowell Avenue. The proposed fence exceeds the maximum four feet height in the front yard of both properties and is a prohibited accessory structure on the vacant lot at 820 Duane Street. The Zoning Board of Appeals (ZBA) conducted a public hearing on the requested variations on Tuesday, May 10, 2011. The ZBA voted to approve the variation request for a fence on a vacant lot (5-1), but deny the variation request for a fence that exceeds the permitted height (1-4).

John Chereskin, petitioner, spoke in regards to the fence variation requests, stating that a 60" fence height is preferable as it would be a matching height to the existing fence. Following additional discussion, Trustee Ladesic moved and Trustee Henninger seconded the motion that Ordinance 5943 be passed, an Ordinance Approving a Variation from the Fence Requirements of the Zoning Code to Allow a Fence on a Vacant Lot for Property at 820 Duane Street. Upon roll call, Trustees Ladesic, Henninger, Cooper, Friedberg, Hartweg and McGinley voted "Aye". Motion carried.

488-490 Main Street (Marcel's) – Approve Downtown Retail and Façade Grant

Planning and Development Director Staci Hulseberg presented information on the grant request of Marcel's for approval of grant assistance through the Downtown Retail and Façade Grant Program. Marcel's is a new kitchen store planning to open September 13, 2011 in the Central Business District at 488-490 Main Street. The grant of \$15,000 being presented is the remaining balance of an approved \$30,000 grant awarded in March by the Economic Development Corporation (EDC). Hulseberg noted that it is staff's recommendation that the Village Board honor the EDC's prior commitment and fund the remaining balance of \$15,000 to Marcel's.

Hulseberg also provided information regarding the status of the grant funding, which staff currently forecasts at \$87,220 in funding requests by the end of the summer. It is therefore feasible that available grant funding for FY 11/12 could be depleted within the next couple of months. Trustee Cooper asked what the objective criteria was for a grant being recommended for approval and Hulseberg responded that there is eligibility criteria for both types of grants, listed on the grant applications. Discussion also occurred regarding exterior improvements to the property at 488-490 Main Street.

Trustee Cooper moved and Trustee Hartweg seconded the motion to approve a grant request in the amount of \$15,000 to Marcel's for a 2011 Downtown Retail and Façade Grant. Upon roll call, Trustees Cooper, Hartweg, Friedberg, Henninger, Ladesic and McGinley voted "Aye". Motion carried.

474 N. Main Street (Costello Jeweler) – Grant Approval

Planning and Development Director Staci Hulseberg presented information on the grant request of Costello Jeweler's for approval of grant assistance through the Downtown Retail Grant Program. The grant of \$15,000 being requested will help fund interior improvements and restoration that will increase inventory capacity and retail sales area square footage for the property at 474 N. Main Street. Costello's is seeking to double their current jewelry display area from 2,160 to 3,240 square feet and increase their inventory capacity by 25%. They project an 8-10% increase in sales revenue over the next two years which will result in sales tax increases for the Village. Hulseberg noted it is staff's recommendation that

Costello's be awarded the maximum assistance now available through the Retail Grant Program of \$15,000 based on their scope of project, its alignment with the revised grant application eligibility requirements and projected benefit to the Village and downtown. Discussion then ensued regarding the use of grant funding for existing businesses, in lieu of attracting new businesses to the Village.

Trustee Friedberg moved and Trustee Henninger seconded the motion to approve a grant request in the amount of \$15,000 to Costello Jewelers for a 2011 Downtown Retail Grant. Upon roll call, Trustees Friedberg, Henninger, Hartweg, Ladesic and McGinley voted "Aye". Trustee Cooper voted "Present". Motion carried.

Ordinance No. 5944 – 455 Roosevelt Road (Giordano's Restaurant and Pizzeria) – Approve Exterior Appearance and Sign Variation

Planning and Development Director Staci Hulseberg presented information on the requests of Peter Skiouris, Trustee of property located at 455 Roosevelt Road, for revised Exterior Appearance and Sign Variation approval for the recent renovation of Giordano's Restaurant and Pizzeria located at 455 Roosevelt Road. The petitioner received exterior appearance and sign variation approval on January 11, 2010, however, changes to the exterior were later made in the field that do not conform with the approved exterior appearance. The main changes to the building include the use of brick veneer on the upper portion of the building where Exterior Insulation Finishing System was approved, the installation of a horizontal stone band around the building, an approximately two foot reduction in building height and the elimination of awnings.

The Architectural Review Commission considered the petitioner's requests on April 13, 2011 and May 11, 2011. The main issues discussed at the meetings were the relocation of the eastern wall sign and the lack of awnings on the building. By a vote of 3-2, the ARC recommended approval of the petitioner's request to amend Ordinance 5844 and allow the building and signage to remain as constructed. This recommendation was made subject to the condition that the Giordano's sign on the east elevation be moved to the tower over the entry door as originally approved and that the petitioner be permitted to make minor modifications to the canopy supports to accommodate the relocation of the sign.

Discussion then occurred regarding the reasoning for the field changes, the building permit process, support of Glen Ellyn businesses and updates to the Sign Code. Following this discussion, Trustee Hartweg moved and Trustee Ladesic seconded the motion to approve an Ordinance Amending Ordinance 5844 and Approving Revisions to the Exterior Appearance and Sign Variations Previously Granted for Giordano's Restaurant and Pizzeria located at 455 Roosevelt Road.

Trustee Henninger moved and Trustee McGinley seconded the motion to amend Ordinance 5944 to allow for the eastern wall sign to remain. Upon roll call, Trustees Henninger, McGinley, Cooper, Friedberg and Ladesic voted "Aye". Trustee Hartweg voted "No". Motion carried.

Trustee Cooper then made a motion to table approval of Ordinance 5944, but the motion was not seconded. Roll call was then conducted on the amended Ordinance 5944. Trustees Henninger, McGinley and Ladesic voted "Aye," and Trustees Cooper, Friedberg and Hartweg voted "No". President Pfefferman voted "No" as the deciding vote. Motion did

not carry. President Pfefferman requested that the petitioner meet with staff to create a compromise proposal for the Village Board to consider at a future Board Meeting.

Interim Finance Director Larry Noller presented the Fiscal Year 2010/2011 Year-End Budget Report.

The FY 2010/2011 Year-End Budget Report was not presented at the Village Board Meeting as it was presented during the Workshop Meeting at 7:00 p.m.

Reminders:

- The Village Board Workshop and Meeting scheduled for Monday, July 11, 2011 have been cancelled.
- The next scheduled Regular Village Board Workshop will be held on Monday, July 18, 2011 at 7:00 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

Other Business

President Pfefferman noted that a new document, "Responses to Media and Other Assertions Regarding Recent Developments between the College of DuPage and Village of Glen Ellyn," is now available on the Village website under "Latest News."

Adjournment

At 10:12 p.m. Trustee Henninger moved and Trustee Friedberg seconded the motion to adjourn the Village Board Meeting. Upon roll call, Trustees Henninger, Friedberg, Cooper, Hartweg, Ladesic and McGinley voted "Aye". Motion carried. Meeting adjourned.

Respectfully submitted,

**Kristen Schrader
Deputy Village Clerk**



Connecting
Homeless Families
to a Better Future

Bridge Communities, Inc.

505 Crescent Boulevard
Glen Ellyn, IL 60137-4529

Telephone: (630) 545-0610
Fax: (630) 545-0640

E-mail: bridgecom@aol.com

website: www.bridgecommunities.org

A-6C

June 22, 2011

Mr. Terry Burghard
Interim Village Manager
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137

Re: Charity Event at Gearhead Auto Repair (474 Forest) on Saturday, January 28, 2012

Dear Mr. Burghard,

On Saturday, January 28, 2012 we are planning to host the fifth annual Garage Party to Benefit Bridge Communities. The event will occur at Gearhead and usually attracts 350 - 400 people from the Glen Ellyn area, over the course of the evening.

This party will be open to the public. Guests will have to register in advance and pay for a ticket in order to attend the party. It will be catered and will have a cash bar of beer, wine and free soft drinks. The duration of the event will be from 7 PM to approximately 1 AM. We will be hiring a band. The garage space is being donated for the evening by Gearhead. The party will be contained entirely within Gearhead's space. We will not use the sidewalk or streets, except if we need to temporarily load or unload items for the party, i.e. rental tables and music/sound equipment. We may place signage and/or balloons to direct guests in to the party on the garage's door and/or on a tent style sign placed on the Gearhead driveway (between the building and the sidewalk) leading in to the garage. Most of our guests will probably park their cars in a public parking space on the adjacent streets or in one of the train parking lots to attend the party.

In the past, the Village of Glen Ellyn Board has waived Sections 10-4-17.1, 4-5-7 (G) and 4-5-8 (B) to enable this event to happen. In brief, these sections govern live music where it is not permitted (or needs a special use permit) in the C5A of the Central Business District, portable signs on the public right-of-way and the sign code.

As required in the past, we will apply for a Class E liquor license and will obtain a special event license/special use permit from the State of Illinois Liquor Control Commission for this event. We will also obtain Dram Shop insurance as well as ensure that all of our volunteers involved with the sale or serving of alcohol will be BASSET certified. In the past, the Village has graciously waived the application fee for the Class E.

Therefore, we are requesting that the Village waive the above mentioned ordinances (and any others that might now apply) and issue us a Class E liquor license (upon application), so that we may hold this party.

At your earliest convenience, please contact me to let me know what else you need to know and what additional actions I need to take in order to get the necessary waivers.

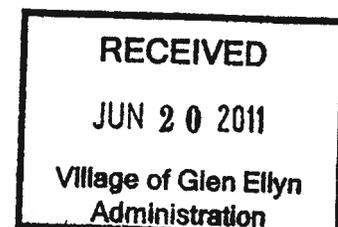
You can reach me at 630-790-8198 (home), 630-918-4476 (cell phone) or via email at

Best Regards,

Deb Ritter

Deb Ritter

Cc. Stacey Hulseberg, Director of Planning and Development
Todd Bauer, Gearhead Auto Repair



DRAFT

July 26, 2011

Deb Ritter
Bridge Communities
505 Crescent Boulevard
Glen Ellyn, IL 60137

RE: Bridge Communities' Charity Event at Gearhead Auto Repair

Dear Ms. Ritter:

This letter is to confirm action taken at the Village Board Meeting on Monday, July 25, 2011 regarding the charity event scheduled to occur at Gearhead Auto Repair, 474 Forest Avenue, on Saturday, January 28, 2012 as described in Bridge Communities' letter of June 22, 2011. The Village Board approved your requests and temporarily waived the pertinent sections of the Village Code including 10-4-17.1 to authorize a special event with live music where this type of event/use is neither a permitted or special use in the C5A Central Business District and Section 4-5-7(G) to allow portable signs on the public right-of-way to direct guests to the event.

The Village Board further approved the requests of Bridge Communities as listed below:

1. Approval for the event to begin on Saturday, January 28, 2012 at 7 p.m. and to continue until 1 a.m. on Sunday, January 29, 2012.
2. Bridge Communities will be required to obtain a Class E Liquor License by contacting Administrative Services Coordinator Patti Underhill (630-469-5000). The Class E Liquor License Application is also available online at www.glenellyn.org and is due no later than Tuesday, December 13, 2011. In addition to the \$20 application fee for the Class E Liquor License, Bridge Communities must provide dramshop (liquor liability) insurance.
3. Sales of beer and/or wine will be allowed within Gearhead Auto Repair only after approval and issuance of a liquor license by the Liquor Commissioner. Specific details of security, and the dispensing of beer and/or wine, must be coordinated with and approved by the Police Chief (or his designee) prior to receipt of a Class E Liquor License. The sale of liquor will cease one-half hour prior to the closing time of the event.
4. It may be necessary to obtain a Special Event Liquor License from the Illinois Liquor Control Commission. Please visit their website at www.state.il.us/lcc/ for more information.
5. Bridge Communities will be required to send every seller/server to attend Beverage Alcohol Sellers and Servers Education and Training (BASSET). Please contact the Police Department at 630-469-1187 to coordinate the details of this requirement.

6. Bridge Communities is reminded that if balloons and/or signs are utilized to direct guests to the party, it must be in accordance with Section 4-5-8(B) of the Sign Code.
7. Bridge Communities is also reminded that if the live music is too loud and disruptive, the Police Department will take appropriate action.

The Village expects Bridge Communities to monitor the event to the best of its abilities to ensure that all conditions contained in this letter are observed. Violations that cannot be resolved at the scene may be reported to the Police Department.

Copies of your letter, together with this reply, will be furnished to appropriate staff members so that necessary arrangements can be made to carry out the requests of Bridge Communities. If you have any questions, please contact the appropriate Village personnel.

Sincerely,

Mark Franz
Village Manager

cc: Staci Hulseberg, Planning and Development Director
Phil Norton, Police Chief
Danamarie Izzo, Assistant to the Village Manager – HR
Dave Buckley, Assistant Public Works Director
Bill Holmer, Deputy Police Chief
Patti Underhill, Administrative Services Coordinator
Todd Bauer, Gearhead Auto Repair

X:\Admin\LETTERS\2012BridgeCommGearhead

Memorandum

TO: Mark Franz, Village Manager
FROM: Kristen Schrader, Assistant to the Village Manager – ADM
DATE: July 19, 2011
SUBJECT: Solid Waste Collection and Disposal Ordinance Amendment

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A-6D

vs



Background

The Village entered into a 5-year contract for the collection and disposal of solid waste and recycling with Allied Waste in 2005. This contract was extended by the Village Board for an additional two-year period through July 31, 2012. The original contract stipulated that the cost of providing these services to the Village would increase on an annual basis according to the consumer price index. This was adjusted for the contract extension to no service cost increase on August 1, 2010 and a 2% increase on August 1, 2011.

For the first four years of the contract, while the Village's cost to operate the program increased, the monthly customer charges did not increase. This was made possible through revenues from the sale of recyclables. In December 2008, the Village was notified that due to extreme volatility in the recyclable materials market, rebates previously received would no longer be available. Absent these rebates, a rate increase of 5% was adopted beginning August 1, 2009 and August 1, 2010 to partially offset the loss of these revenues. Accumulated reserve balances were used to make up the remaining deficiency between operating revenues and expenses.

In early 2011 the Village began to notice an uptick in recycling revenues, similar in nature to those received prior to December 2008. Fortunately, this increase has provided enough additional funding to offset the increased costs of providing refuse and recycling services per our contract. As a result, Village staff is not recommending moving forward with the proposed 5% increase (indicated in the FY 11/12 Residential Solid Waste Fund). If approved, the current rates will continue through July 31, 2012, when the Village's solid waste and recycling contract with Allied Waste expires. Village staff will begin later this year to work towards a request for proposal process for an updated waste hauling contract.

Issues

Chapter Six of Title Seven of the Village Code expressly indicates the monthly solid waste collection and disposal costs from August 1, 2010 to July 31, 2011. The Code must be updated to specify the monthly costs from August 1, 2011 going forward. Village staff is recommending that the proposed updated Ordinance not specify an end date for which the monthly costs will expire. This will ensure that the Ordinance be amended only as necessary with price changes, and not on an annual basis. An updated Ordinance is attached to this memo.

Action Requested

This item will be presented to the Village Board via the consent agenda on July 25, 2011:

Ordinance No. _____ -VC, An Ordinance Amending Chapter Six of Title Seven of the Village Code of the Village of Glen Ellyn, Illinois regarding Solid Waste Collection and Disposal.

Recommendation

I recommend that the Ordinance amending Chapter Six of Title Seven of the Glen Ellyn Village Code regarding Solid Waste Collection and Disposal be approved.

Attachments

- Ordinance
- Residential Solid Waste Fund Budget and Footnotes – FY 11/12

ORDINANCE NO. _____ -VC

AN ORDINANCE AMENDING CHAPTER SIX OF TITLE SEVEN

(SOLID WASTE COLLECTION AND DISPOSAL)
OF THE VILLAGE CODE OF GLEN ELLYN, ILLINOIS

WHEREAS, the President and Board of Trustees of the Village of Glen Ellyn have deemed it to be in the best interest of the Village to request proposals for solid waste collection and disposal services from time-to-time; and

WHEREAS, the President and Board of Trustees on May 9, 2005, approved an agreement for solid waste collection and disposal services and this agreement was extended for an additional two years through July 31, 2012; and

WHEREAS, due to the availability of recycling rebates through the agreement, the Village did not increase solid waste collection and disposal costs for the first four years of the contract; and

WHEREAS, the Village was notified in 2008 that due to extreme volatility in the recyclable materials market, rebates previously received would no longer be available; and

WHEREAS, absent these rebates, the Village looked to increases in service fees to Glen Ellyn customers in 2009 and 2010 to close the gap between the cost of operating the program and user fees generated to pay for it; and

WHEREAS, the due to an increase in the availability of recycling rebates in 2011 the Village is recommending that no price adjustment be made effective August 1, 2011 to the service costs currently being charged to Glen Ellyn residents;

NOW, THEREFORE, BE IT HEREBY 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 7-6-4(A) of the Glen Ellyn Village Code is hereby updated as follows:

- (A) Residential Collections: Effective August 1, 2011 the fees to be charged for residential solid waste collection and disposal services shall be as follows:

<u>Monthly Refuse Collection Program</u>	<u>Monthly Total</u>
Curbside collection of one Village provided 35-gallon wheeled cart	\$12.90
Curbside collection of one Village provided 65-gallon wheeled cart	\$16.50
Curbside collection of one Village provided 95-gallon wheeled cart	\$18.70
Senior rate for curbside collection of one Village provided 35-gallon wheeled cart	\$11.90
Rear door collection of one Village provided 35-gallon wheeled cart	\$22.85
Rear door collection of one Village provided 65-gallon wheeled cart	\$26.40
Rear door collection of one Village provided 95-gallon wheeled cart	\$28.60
Senior rate for rear door collection of one Village provided 35-gallon wheeled cart	\$20.85

SECTION TWO: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED by the Village 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____.)

RESIDENTIAL SOLID WASTE FUND



Village of Glen Ellyn
FY 2011/12 Budget

Object Code	Account Description	FY08/09 Actual	FY09/10 Actual	FY10/11 Revised Budget	FY10/11 Estimated Actual	FY11/12 Budget	
Revenues / Inflows (5400)							
430200	State Grant Revenue	-	54,000	-	6,000	-	
440540	Trash Disposal Billings	1,136,610	1,193,982	1,250,000	1,259,000	1,320,000	1
460100	Interest Income	10,543	3,017	5,000	1,000	1,000	
489000	Miscellaneous Revenue	146,533	20,202	20,000	75,000	50,000	2
TOTAL REVENUES		\$ 1,293,686	\$ 1,271,201	\$ 1,275,000	\$ 1,341,000	\$ 1,371,000	
Expenditures / Outflows (54000)							
Contractual Services							
520835	Banking Services	-	1,810	5,000	1,000	5,000	3
520900	Postage	16,773	20,768	23,000	20,000	20,000	4
520905	Printing	-	-	1,900	1,900	1,900	
521055	Professional Services - Other	14,638	17,017	18,000	18,000	18,000	5
521080	Waste Removal Services	1,064,214	1,096,414	1,095,000	1,109,000	1,042,000	6
521085	Brush / Branch Service	143,229	148,450	150,000	132,000	150,000	7
521120	Disposal Costs	-	25,339	15,000	30,000	30,000	8
590120	Service Charge	22,800	83,100	77,100	77,100	77,100	9
Subtotal		\$ 1,261,654	\$ 1,392,898	\$ 1,385,000	\$ 1,389,000	\$ 1,344,000	
Capital Outlay							
580110	Equipment /Capital Outlay	-	307,587	-	8,000	10,000	10
TOTAL EXPENDITURES		\$ 1,261,654	\$ 1,700,485	\$ 1,385,000	\$ 1,397,000	\$ 1,354,000	
FUND INCREASE (DECREASE)		\$ 32,032	\$ (429,284)	\$ (110,000)	\$ (56,000)	\$ 17,000	

Available Cash Analysis (000's)	
Available, May 1, 2010	\$ 430
Estimated FY11 Inflow/(Outflow)	(56)
Budgeted FY12 Inflow/(Outflow)	17
Projected Available, April 30, 2012	\$ 391

25% minimum cash reserve policy (000's)

Operating Expenditures Budgeted	\$ 1,344
25% Minimum Reserve Policy	336

**RESIDENTIAL SOLID WASTE FUND
FOOTNOTES – FY 11/12**

1. **Trash Disposal Revenue: (\$1,320,000)** This figure is based on weekly solid waste disposal service for approximately 7,200 residential addresses (single-family and 2-family duplex housing units) and also includes charges to pay for the once-a-month, no-sticker, branch and brush pick-up program which runs from May through October each year. These revenues are collected on the Village's monthly utility bill.

User fees collected to pay for solid waste disposal services are determined based on the costs of various contract service providers and other costs of administering the program (account maintenance, customer service and billing). Also factored into rate determination is the availability of revenues from other sources such as recycling rebates the Village receives through its current waste hauling contract.

On August 1, 2005 the Village began a 5-year waste hauling contract with Allied Waste Services which introduced for the first time, standardized wheeled refuse carts. At that time, the base rate charged to Glen Ellyn customers was decreased by 17% compared to the previous contract. Due to the availability of recycling rebates to offset contract cost increases, rates charged to Glen Ellyn residents were not increased for the first 4 years of the contract.

In December 2008, the Village was notified that due to extreme volatility in the recyclable materials market, rebates previously received would no longer be available. Absent these rebates, a rate increase of 5% was adopted beginning August 1, 2009 and 2010 to partially offset the loss of these revenues. Accumulated reserve balances were used to make up the remaining deficiency between operating revenues and expenses.

Proposed for August 1, 2011 is an additional 5% increase in monthly customer charges. The increase is recommended due to a 2% increase in the waste hauling contract as well as the continued reduced level of recycling rebates.

2. **Other / Miscellaneous Revenue: (\$50,000)** The Village receives a portion of the proceeds from the sale of collected recyclables. The market and price received from the sale of recyclable materials fluctuates greatly. In past years the Village received between \$100,000 and \$200,000 for the sale of these materials. In 2008 the recycling market plummeted and as a result the Village did not receive any revenue for a period of time. Beginning in 2010, we began to see recovery in our recycling rebates and that has continued thru FY11. We have included \$50,000 as our early estimate of possible rebates to be received in FY 11/12.
3. **Banking Services: (\$5,000)** This Village prepares monthly billings for monthly solid waste services. The Solid Waste Fund will now assume a portion of the retail lockbox services the Village utilizes in collecting and processing monthly remittances.
4. **Postage: (\$20,000)** Included in this line item are postage costs (\$20,000) for mailing of

A-6E



To: Kristen Schrader, Assistant to the Village Manager – ADM

From: Andrew Letson, Administrative Intern

Date: July 19, 2011

Re: 810 N. Main Demolition

Background

During the April 11, 2011 Village Board Workshop, the 810 Task Force presented its report to the Village Board. The Task Force made a recommendation to have the rear residential structure located at 810-816 N. Main Street torn down. This recommendation was made due to the current condition of the house and the high cost of bringing it back up to a minimal standard. Since then, the Glen Ellyn Historical Society has indicated that the building holds no significant historical value. The architectural resources survey completed in 2007 also indicated that the building was not architecturally significant. The Task Force also recommended that some renovations be made to the front commercial building to increase its economic viability. An excerpt of the Task Force's report is attached.

At that meeting some members of the public were concerned that the cost of restoring the residential structure included in the report was inflated. It was suggested that the Village hire an architect who specializes in historic preservation to look at the building and provide an estimate of how much restoration would cost.

The Village hired the firm Farr Associates who specialize in historic preservation to evaluate the residential structure. The firm developed a report that provides a cost estimate for the repair and replacement of parts of the building to help make it economically viable. The cost was estimated to range from \$283,000 - \$392,000. This report was presented to the Village Board during the June 27, 2011 Village Board Workshop. Due to the information presented at that meeting, the Village Board provided the direction that the residential structure should be demolished.

Issues

Before the house located at 810-816 N. Main can be demolished, there are some issues that need to be addressed. The rear building shares utilities with the front building including water, sanitary sewer, gas and electric services. It is important that the front building retain connection to these utilities while the house is successfully disconnected and demolished.

In addition to the complication created by the cross connection of utilities, the buildings themselves are connected at one point. This will require an existing wall to either be retained or a new wall constructed upon demolition of the house. Retaining the current wall will be more cost

effective for the Village. However, this decision will be made once the house is torn down and the feasibility of retaining the existing wall is able to be evaluated.

The Administration team has been working to obtain quotes to demolish the house and resolve the issues outlined above. On June 30, the Village sent out a request for quotes to seven demolition contractors. Two companies responded to the request: Chicago Interior Wrecking and Midwest Site Services. Staff has reviewed the submitted quotes and is recommending the Village Board accept the quote from Midwest Site Services.

Midwest Site Services was able to include more of the services requested by the Village in their quote. These services include the disconnection of utilities and the construction of a wall (if needed). The quote also includes a worst case scenario cost for the remediation of asbestos. Remediation is likely needed for this project based on the age of the house. Based on past experience, the Administration Team feels comfortable that these quoted prices are reasonable. When the cost of those additional services is removed from the overall price, Midwest Site Services will be able to complete the project in a more cost effective manner. A chart showing the breakdown of the costs is attached.

Action Requested

The Village Board is requested to waive the competitive bidding process and accept the quote from Midwest Site Services in an amount not to exceed \$24,530 (with a 10% contingency) for the demolition of the rear residential structure located at 810 N. Main Street subject to the completion of reference checks.

Attachments: Midwest Site Services Demolition Quote and Contract for 810 N. Main Street
Table of Demolition Quotes w/ Footnotes
Quote Request
810 Task Force Report (Excerpt)
Farr Associates Report

CC: Harold Kolze, Facilities Supervisor

**MIDWEST
SITE
SERVICES INC.**

13340 Allyn Street, Plainfield, IL 60585
815-609-1944
midwestsiteservice@sbcglobal.net

PROPOSAL

Date	Estimate #
7/19/2011	MID-11-384

Name / Address
Village of Glen Ellyn IL Mr. Andrew Letson Via Fax No. 630-469-8849

Terms
Net 15

Description	Total
<p>JOB SITE: 810 N Main Street, Glen Ellyn, IL</p> <p>Removal of building including all concrete and asphalt. Disconnection of home from utilities (electric and gas). Disconnection of sewer and water within property line. Construction of an exterior wall where the commercial structure was connected to the residential building. Test and removal of asbestos, following all state, local and federal regulations. Removal and disposal of freon from all A/C units. Permits and proper notification of demolition. 6 foot perimeter fencing. Topsoil, grade, seed and straw. Removal and disposal of materials on-site and watering of demolition debris utilizing on-site hydrant and water hose per Village requirements will be included in the above pricing.</p> <p>All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specification involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.</p> <p>Authorized Signature: <u></u>, Brian Westwood, President, Midwest Site Services, Inc.</p> <p>Acceptance of Proposal - The prices, specifications and conditions are satisfactory and are hereby accepted. As, or as a representative for the property owner, I approve and authorize you to do the work as specified, and personally guarantee payment as outlined above. Failure to make payment within set terms will result in a 1 1/2% service charge per month.</p> <p>Signature: _____ Date: _____ Print Name: _____ Title: _____ PIN No: _____ (required upon acceptance)</p> <p>This proposal is guaranteed for a 30 day period from date of estimate. A re-evaluation of pricing after that period will be made if proposal is not accepted within 30 days. NOTE: Certificate of Insurance will be based upon acceptance and return receipt of signed proposal.</p>	<p>12,300.00 1,250.00 600.00 800.00 3,800.00 300.00 250.00 1,500.00 1,500.00</p>

Thank you for the opportunity to provide you with a competitive proposal for your project.	Total	\$22,300.00
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810 N. Main Residential Only

Demolition Quotes

	Chicago Interior Wrecking	Midwest Site Services (Comparable)	Midwest Site Services (Complete)
Removal of building including all concrete and asphalt	\$17,450	\$12,300	\$12,300
Disconnection from electric and gas utilities	Not included	\$0	\$1,250
Disconnect from water and sanitary sewer line	Not included	\$0	\$600
Construction of wall	Temporary wall if existing wall cannot be retained	\$0	\$800
Test and removal of asbestos, plus meet all State of IL requirements for asbestos	\$200	\$300	\$3,800
Removal and appropriate disposal of Freon from all air conditioner units	Included	\$300	\$300
Obtain all local and state permits and perform required notification of demolition	Included	\$250	\$250
Watering during demolition with water meter connection to hydrant per Village Code	Included	Included	Included
Proper disposal of all materials on site	Included	Included	Included
6 foot chain link fencing	Included	\$1,500	\$1,500
Topsoil, grade, seed and straw	Included	\$1,500	\$1,500
Total	\$17,650	\$16,150	\$22,300

810 N. Main Street Demolition Quotes Footnotes

The two quotes that were received do not include the same number of services. The table of quotes has been created to show the complete quote for Midwest Site Services and one that is comparable to the quote provided by Chicago Interior Wrecking. All of the items included in the Midwest Site Services quote will still need to be done, whether by the demolition contractor or another contractor.

1. The Midwest Site Services quote provides for the disconnection of the residential structure from electric and gas utility services. This service was not included in the Chicago Interior Wrecking quote. Chicago Interior Wrecking has indicated they are unable to perform this service.
2. The Midwest Site Services quote includes the disconnection of the residential property from the water and sanitary sewer lines. This service was not included in the Chicago Interior Wrecking quote. Chicago Interior Wrecking has indicated they are unable to perform this service.
3. The two buildings are currently connected at one point. Upon the demolition of the residential structure, the goal is to retain the existing wall. However, if this is not feasible a new wall will need to be constructed. Chicago Interior Wrecking will provide a temporary plywood wall and Midwest Site Services will construct a permanent wall. The cost of this construction is included in Midwest Site Service's quote.
4. Both companies included a price to test for asbestos. Midwest Site Services has also include a worst case scenario cost for the removal of asbestos in a building the size of the residential structure. If asbestos is present, it will need to be remediated in accordance with Illinois Environmental Protection Agency standards.

Request for Demolition Quotes

The Village of Glen Ellyn is requesting quotes for the demolition of the residential structure located at 810 N. Main Street. Please break down the costs into separate line items as designated below.

Please provide a completed quote for **no later than 10 a.m. on Tuesday, July 19, 2011**. No quotes will be accepted after this time.

The building to be demolished is attached to the commercial structure by a small underground room. The two buildings also share utilities (electric and gas) and water and sanitary sewer lines.

To tour the building, please contact Harold Kolze at 630-547-5209.

Quotes may be submitted through e-mail. Please submit any other quotes to aletson@glenellyn.org. If you have any questions, please contact Andrew Letson at 630-547-5203.

Below you will find the services we are requesting.

810 N. Main Street - Residential structure (commercial structure and detached garage remains)

- Removal of building including all concrete and asphalt;
- Disconnection of house from utilities (electric and gas), commercial structure retains utility service. They are currently cross connected;
- Disconnection of house from water and sanitary sewer lines, commercial structure retains connection. They are currently cross connected;
- Construction of an exterior wall where the commercial structure was connected to the residential building;
- Test and removal of asbestos, plus meet all State of Illinois requirements for asbestos;
- Removal and appropriate disposal of Freon from all air conditioner units;
- Obtain all local and state permits and perform required notification of demolition;
- Watering during demolition with water meter connection to hydrant per Village Code;
- Proper disposal of all materials on site;
- 6 foot chain link fencing;
- Topsoil, grade, seed and straw.

Basis for Recommendation

Given the analyses above and the Appendices, the Task Force recommends that the residential structure be demolished, the commercial building be renovated as needed to continue generating rents and the proposal with the GEHS for the rear 50 feet be revisited. Ultimately, the Task Force concluded that the development of the property at 825 N. Main as being the key development site for the Corners. The Task Force viewed the future value of the parcel at 810 to be linked to what happens to 825 and the Village and the community will be best served, particularly in the current economic environment, by letting that development run its course prior to any planned sale of the 810 property. Making minimal investments (assumed approximately \$50,000) to continue rents in the interim appear justified economically and will improve the overall appearance of the building and intersection.

After careful review of the costs involved and the economic realities, the Task Force is recommending the demolition of the residential structure. The primary basis for this recommendation is the current condition of the house and the high cost of bringing it up to even a minimal standard, which would not be recoverable through market rents. While some residents have voiced concern over the possible loss of this structure, many of its more significant architectural features (i.e. the front porch) have been removed or are in disrepair and the Task Force has not been presented evidence that the house is associated with any person or event of historic significance to the Village. In addition, the current condition of the structure does not portray a positive image of the Village and poses a liability risk. The Task Force does not see the building as generating future rents in its current condition, and the current residential use of the building is not supported by the Comprehensive Plan or Zoning Code. Therefore, the Task Force does not recommend investing any new dollars in this structure and we view the best alternative for the house to be demolition.

The commercial building is sound and in need of significantly less renovation than the residential structure. It is also generating rent. Since the timing of the future development of the parcel and the Corners is uncertain, we believe that making some investment in this building to enhance and continue rental income is justifiable. The current zero foot setback is consistent with the GEHS building next door, so leaving it in place will provide consistent streetscape. This will also leave the building intact for a future owner to choose to keep or demolish. It was not believed that the area would be well served either aesthetically or commercially by a vacant site. It should be noted that the demolition of the house may result in a different view of the commercial building as they are connected and will require some work to separate. If the cost of this is too high, the Village may choose to demolish both structures or retain and mothball the residential building.

Finally, the Task Force strongly recommends that the agreement with the GEHS on the back 50 feet and the garage be revisited. The removal of this piece from the 810 parcel results in the property being below standard size and stormwater detention and parking requirements make it unattractive and uneconomic on which to build new. Options considered by the Task Force were a small walkway at the rear of the property that might be combined with a detention area that could be a landscape feature itself and add to all surrounding properties. If needed, other garage space alternatives for the GEHS could also be considered. The Task Force recognizes that the GEHS has already paid off



The Monadnock Building
63 West Jackson Suite 650
Chicago IL 60604
312 408 1661 fax 312 408 1496

BUILDING REPORT

June 21, 2011

Mr. Terry Burghard
Interim Manager
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, Illinois 60137

RE: 810 North Main Street - Evaluation

Dear Terry,

The following is a Building Report in a letter format which defines the results of our investigation of a property known as 810 N. Main Street, Glen Ellyn, Illinois.

The subject property - 810 N. Main Street (8NM) is currently a three story residential building that is attached to a masonry commercial building to the east. 8NM is identified on a Site Plan attached to this report.

In general, the focus of this report is to ascertain the building components that need to be repaired or replaced in order to renovate 8NM to become a viable commercial property that is competitive with similar properties in Glen Ellyn. The estimated scale and cost of the renovation process includes regulatory compliance, restoration of historic components, and the installation of architectural amenities to create a competitive commercial office space.

HISTORIC CONTEXT

The subject property is located on the east side of the area designated as the Glenn Ellyn Historic District. While the 810 North Main Building is not designated on the National Register of Historic Places, it is a building that represents an architectural style and building method that was prevalent in the United States in the early part of the twentieth century.

The subject building is an example of early 20th Century rusticated concrete block design and construction. From approximately 1900 – 1930 rusticated concrete block (also known as RCB, rock-faced block, or pitched faced block) was introduced in the United States as a cost effective alternative to dressed building veneer stone. The combination of convex, half round mortar joints and the

rusticated veneer is an example of a manufactured concrete block that bridges between the Victorian area rusticated stone (with convex mortar joints) and smooth faced concrete block that is prevalent from the mid twentieth century through present day.

The rusticated block was created to resolve the problem in the United States in the late nineteenth century with the dwindling supply of quality wood and affordable natural stone. Most frequently, the RCB technique was employed only on the principal facade. The subject property is a good example of RCB on all four facades.

BUILDING CONDITION

Until recently, the 8NM building has been occupied as a multi-family residential complex with apartment units on each of the three floors. The exterior facades are composed of RCB with flat-faced concrete lintels, sills, and decorative patterns adjacent to all window and door openings.

The proportion of openings on the facade reflects the internal needs of the building rather than a measured symmetry and proportional arrangement of balanced facade openings. In addition, the connection with the multi-story commercial building to the east has severely altered the eastern facade of the subject building.

While in general the condition of the exterior masonry is good to fair, there are several areas where distress or deterioration of the concrete needs repair or replacement. In addition, there are several areas (especially on the north facade) where the porous concrete has become discolored and needs cleaning and repair. The installation of utility lines, especially on the north facade, has severely compromised the appearance of the RCB facade – a more sensitive utility installation would help the visual appearance of the building

Where the exterior of 8NM has been relatively well preserved, the interior has been dramatically altered from its original design. Only on the third floor are the majority of original wood trim, floor, and doors still in place. The basement and first floor have recently installed kitchens, bathrooms, and trim details that have removed most of the original architectural details.

COST ESTIMATE

Based on a tour with a general contractor, the following are estimates of construction costs for the repair or replacement of categories of construction elements.

ESTIMATED CONSTRUCTION COST

<u>Item</u>	<u>Estimated Cost</u>	
	Low	High
• Roof (replace)	\$ 7,000	- 10,000
• Exterior Walls (repair and clean)	\$ 5,000	- 10,000
• Windows (replace)	\$14,000	- 25,000

• Stair (steel exterior stair)	\$12,000 - 15,000
• Site Work (parking, landscaping)	\$25,000 - 35,000
• Utilities	
• Electrical (service, distrib, low v)	\$15,000 - 20,000
• Plumbing (supply, distrib. fixtures)	\$15,000 - 22,000
• Mechanical (forced air, ductwork)	\$20,000 - 25,000
• Life Safety (sprinklers, alarms)	\$10,000 - 15,000
• Toxic Remediation (mold, etc.)	\$ 5,000 - 10,000
• Architectural (finishes, partitions, millwork)	\$25,000 - 35,000
• Elevator (3 flr access)	\$75,000 - 90,000
• Contingency (%)	\$15,000 - 20,000
• Fees, Gen Conditions	<u>\$40,000 - 60,000</u>
Total	\$283,000 - 392,000

SUMMARY

The 810 North Main Street Building represents a good example of rusticated block construction and design. In the span of Glen Ellyn's history, the 810 N Main Building represents a building technology and architectural style of the early 20th Century of which there are few equivalent examples in the area.

The subject building has had severe alterations to one primary facade (east) and the interiors. The condition of the building envelope has not been well maintained and will require cleaning and repair. The conveyance systems (stairs and elevator) will need to be replaced or newly installed.

All major utilities, mechanical, electrical and plumbing need extensive rework. Life safety equipment (sprinklers and fire detection system) need to be installed. Interior architectural partitions, finishes, and amenities (data service, flooring, acoustic ceiling, etc.) will need to be entirely new. Without a Phase One analysis, the estimated amount of toxic material remediation must include a large cost range.

Most of the area of the lower level is below the minimum code allowed ceiling height and without major alteration, could only be used for mechanical space or storage.

In conclusion, the 810 North Main Street Building is good example of early RCB construction, but the current condition of the building demands extensive renovation and new construction for use as a viable commercial property.

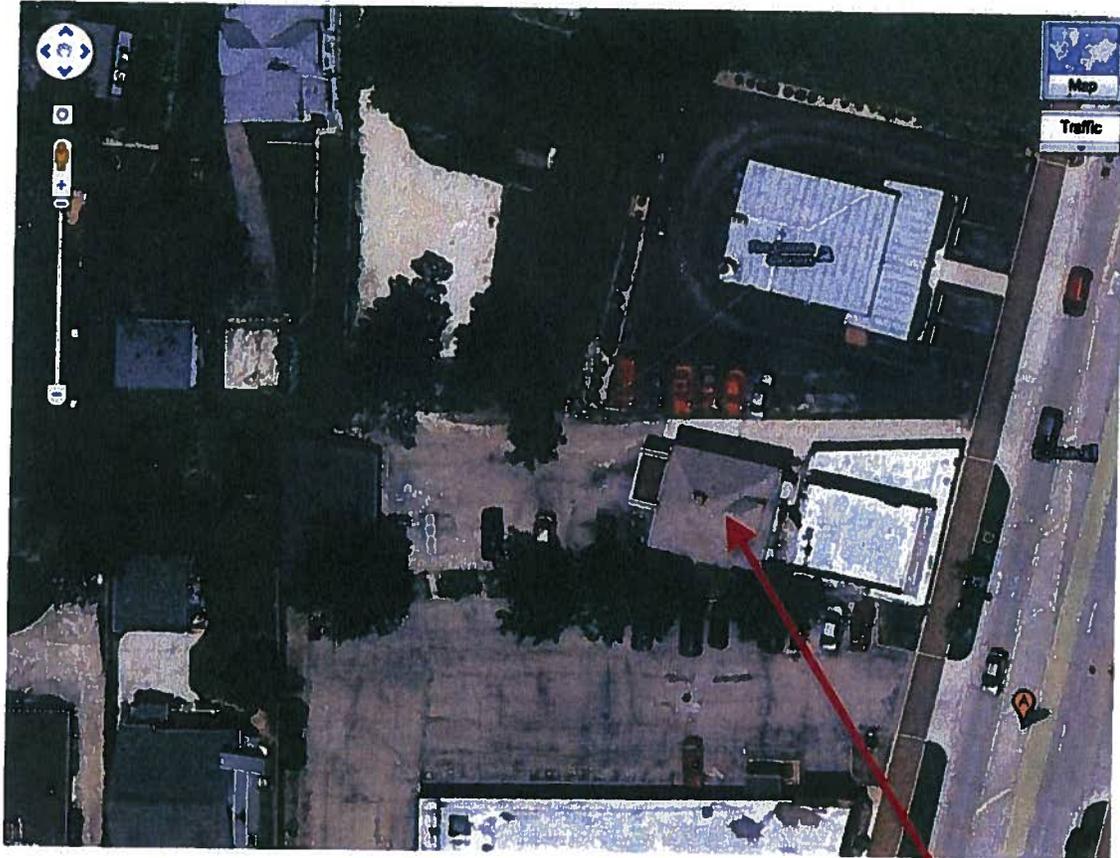
Sincerely yours,



Jonathan Boyer, AIA
Principal & Director of Architecture
Farr Associates – Architecture | Planning | Preservation



The Monadnock Building
53 West Jackson Suite 650
Chicago IL 60604
312 408 1661 fax 312 408 1496



SITE PLAN: 810 North Main Street, Glen Ellyn, IL

810 North Main Street, Glen Ellyn, Illinois
Photographs of Existing Building

Exterior



South Elevation 1



South Elevation 2

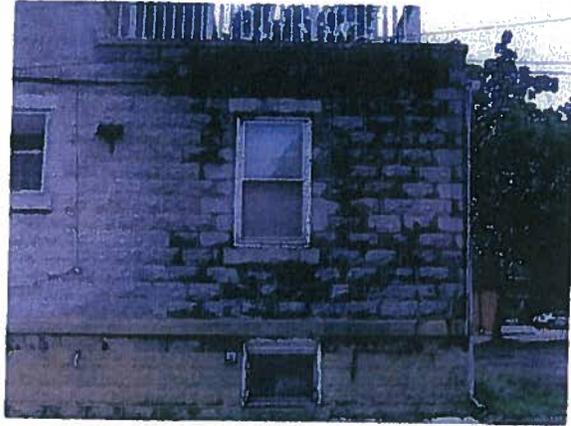


West Elevation 1



West Elevation 2

Exterior Details



West Elevation Detail



West Stair

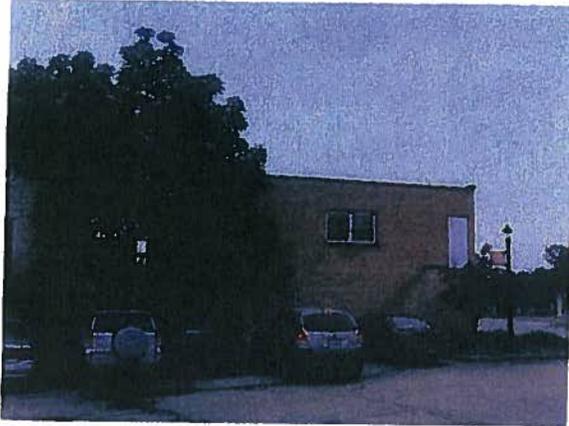


Window Detail

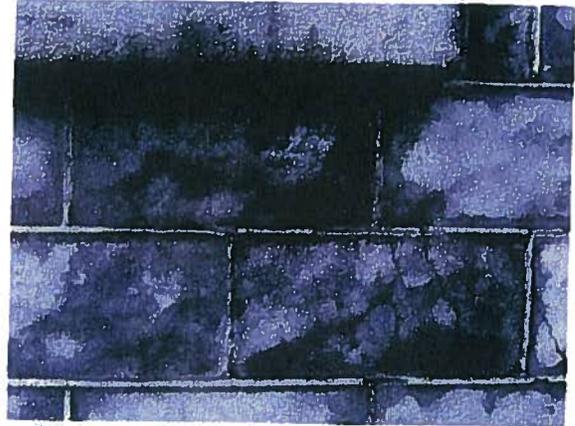


Masonry Detail 1

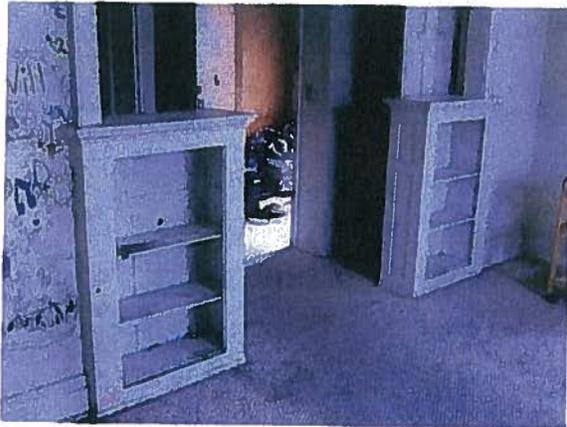
Exterior & Interior



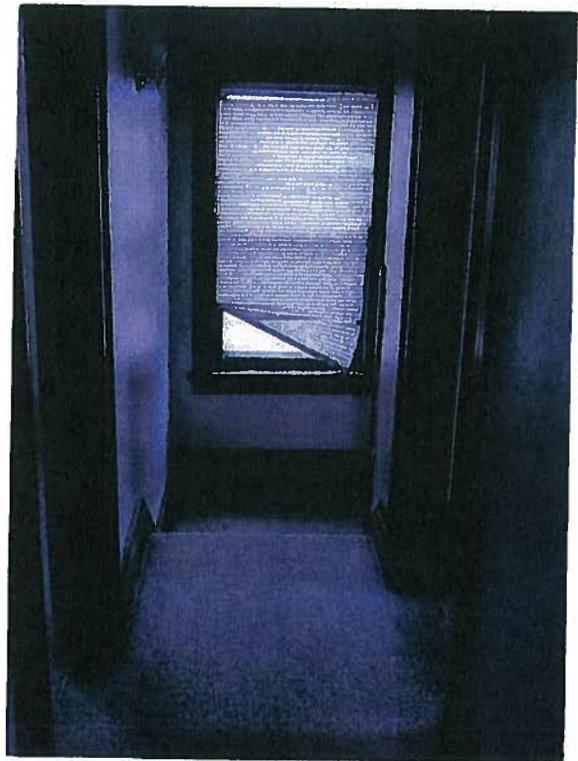
Connected Building to East



Masonry Detail 2

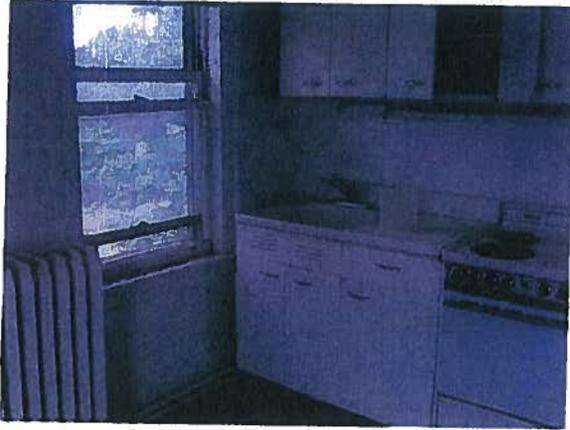


Interior Millwork

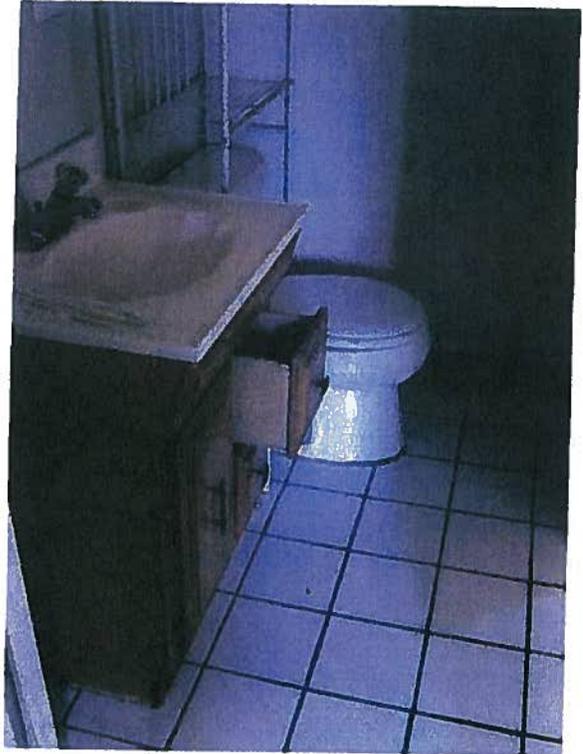


2nd Floor Hallway

Interior



2nd Floor Kitchen

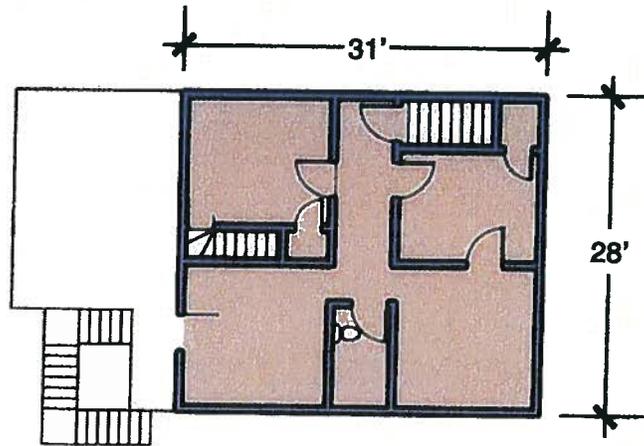


2nd Floor Bathroom

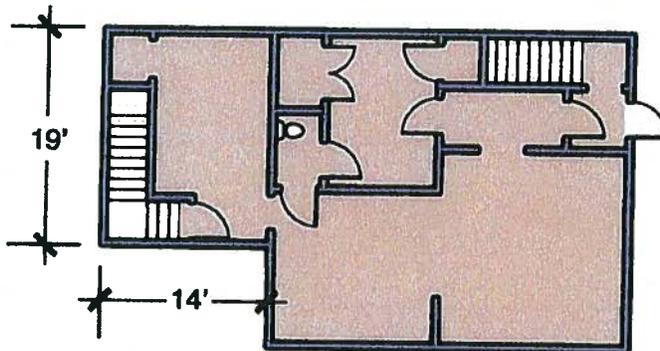
Schematic Floor Plans

810 N. Main Street

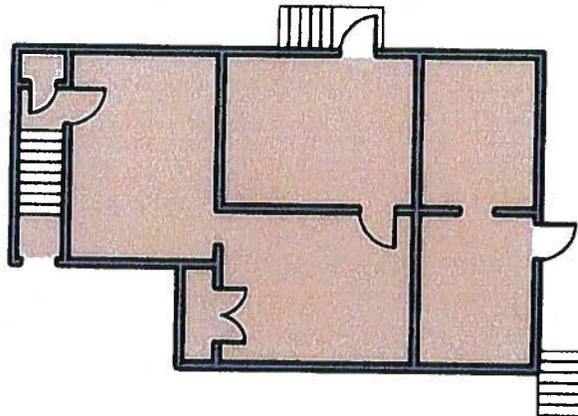
Second Level



Ground Level



Lower Level



Village of Glen Ellyn

June 22, 2011

SCALE 1/16" = 1'-0"

Note: dimensions are approximate



FARR ASSOCIATES
Architecture | Planning | Preservation

The Monadnock Building
53 West Jackson Blvd. Suite 650
Chicago, Illinois 60604
(312) 408 1661 fax (312) 408 1498

DRAFT

July 26, 2011

A-6F



Mr. Steve Morriss, Chair
2011 Festival of the Arts
Glen Ellyn Lions Club
P. O. Box 278
Glen Ellyn, IL 60138

RE: 42nd Annual Glen Ellyn Festival of the Arts

Dear Mr. Morriss:

This letter is to confirm action taken at the Village Board Meeting on Monday, July 25, 2011 regarding the 2011 Festival of the Arts event scheduled for Saturday, August 27, 2011 and Sunday, August 28, 2011, as described in the Glen Ellyn Lions Club's attached letter of June 8, 2011. The Village Board approved your requests and also temporarily waived the pertinent sections of the Village Code.

1. Approval for the event to begin on Saturday, August 27, 2011 and to continue through Sunday, August 28, 2011.
2. Section 4-5-7(G) of the Village Code was waived to allow portable signs on the public right of way to direct guests to the event. The Public Works Department will assist the Lions Club in this capacity by placing the special event directional signs at various locations throughout the Village. Please contact the Public Works Department at 630-469-6756 to coordinate this effort.
3. Sale of non-alcoholic drinks and food will be allowed between Saturday, August 27, 2011 and Sunday, August 28, 2011 only after approval by the DuPage County Health Department.
4. Sections 3-19-11(B) and 3-19-11(C) of the Liquor Control Code have been waived to permit certain Class B-1 and C-1 liquor license holders to allow consumption of liquor in a limited area in addition to the premises where sold. Please work with Administrative Services Coordinator Patti Underhill and Deputy Police Chief Bill Holmer, 630-469-5000, by Thursday, August 11, 2011 to determine the participating Class B-1 and C-1 liquor license holders. The sale of liquor is specifically approved to occur as follows: Saturday and Sunday, August 27 and 28, 2011 from 12:00 p.m. to 4:30 p.m. The consumption of liquor must be confined within the area agreed upon with the Glen Ellyn Police Department and all entrances and exits must be monitored by Lions Club volunteers.

5. The Glen Ellyn Lions Club will be required to send every individual serving alcohol at the event to attend Beverage Alcohol Sellers and Servers Education and Training (should the servers not already have this training). Please contact the Police Department at 630-469-1187 to coordinate the details of this requirement.
6. If the Glen Ellyn Lions Club requests assistance from the Police Department for public safety, the Lions Club may be required to pay to hire back police officers. Please contact Deputy Police Chief Bill Holmer at 630-469-1187 to coordinate this effort. Additionally, please contact Deputy Chief Holmer to discuss the proposed usage of commuter parking lots for the length of the event.
7. A map of the grounds indicating the location of the following: food/drink sale, restroom facilities (location and number), parking, and any other facilities associated with the event will be required to be submitted to the Village by Thursday, August 11, 2011.
8. Evidence of insurance from the Glen Ellyn Lions Club in the amount of \$2 million listing the Village as additionally insured must be presented to Assistant to the Village Manager - HR Danamarie Izzo by Thursday, August 11, 2011.
9. As in the past, the Village approves the placement of banners on some Village street light poles in the central business district and on Roosevelt Road for the purpose of advertising the Festival. General banner regulations and placement will be subject to the following specifications and conditions:
 - A. The Glen Ellyn Lions Club is not permitted to utilize banners that include advertising other than the Glen Ellyn Lions Club name and event information.
 - B. The banners will be located in two distinct areas, the central business district and Roosevelt Road, with approximately 20 banners per area. Please only place banners on light poles which currently have flag holders. Remember, if some of the American flags are left up, the remaining combination of flags should be aesthetically pleasing. Further, the GEFA banners are to be mounted on their own poles and not on the poles used for the Village's American flags.
 - C. The banners may be placed on or after August, 1, 2011 and must be removed by August 31, 2011. The removal of existing American flags and placement of festival banners, as well as the replacement of the American flags after the event, will be the responsibility of the Glen Ellyn Lions Club. The American flags should be left on their poles, rolled, and kept in a safe location by the Lions Club as the Lions Club will be responsible for any lost or damaged flags. They do not need to be returned to the Village for storage while the Festival of the Arts banners are in place. Please contact the Public Works Department at 630-469-6756 with any questions or concerns regarding the American flags.

2011 Festival of the Arts
Glen Ellyn Lions Club
July 26, 2011

Copies of your letter, together with this reply, will be furnished to appropriate staff members so that necessary arrangements can be made to carry out the requests of the Lions Club. If you have any questions, please contact the appropriate Village personnel.

Sincerely,

Mark Franz
Village Manager

cc: Staci Hulseberg, Planning and Development Director
Phil Norton, Police Chief
Bill Holmer, Deputy Police Chief
Dave Buckley, Assistant Public Works Director
Danamarie Izzo, Assistant to the Village Manager - HR
Patti Underhill, Administrative Services Coordinator

X:\Admin\LETTERS\2011FestivaloftheArts.doc

MEMORANDUM

TO: Mark Franz, Village Manager

FROM: Staci Hulseberg, Planning and Development Director
Michele Stegall, Village Planner *MYS*
Michael Strong, Planning Intern *MS*

DATE: July 19, 2011

FOR: July 25, 2011 Village Board Meeting

SUBJECT: 1S741 Danby Drive Annexation Agreement

BACKGROUND

In 1975, the Village Board approved, by motion, an agreement for the Glen Crest Subdivision (see attached map). This agreement allowed 90 unincorporated properties to connect to Village water and sanitary sewer and contained a provision expecting annexation upon contiguity. While containing terms similar to an annexation agreement, this agreement did not have the title of an annexation agreement and did not directly require annexation upon contiguity. Instead, this agreement required the developer to place a provision in the deeds of the individual lots in the subdivision at the time of sale notifying purchasers of their obligation to petition for annexation upon becoming contiguous with the Village. Unfortunately, this provision was not included in the deeds. The aforementioned agreement was approved via motion rather than ordinance and was never recorded with DuPage County. These factors, along with the amount of time since the agreement was approved, render the 1975 agreement invalid.

Village water and sanitary sewer were extended throughout the subdivision when it was constructed and now serve the residents living there. It is Village policy that all unincorporated homes receiving Village water and sanitary sewer have a valid annexation agreement. The Village has been consistent in this requirement for unincorporated utility connections and has recently been following up with those property owners connected to Village utilities that do not have a valid annexation agreement.

Last fall, draft agreements for all 90 properties were prepared and sent to the property owners in the Glen Crest North and Glen Crest South subdivisions. Informational meetings were held on October 20, 2010 and October 22, 2010 to answer any questions the property owners had. A total of 11 people attended the two informational meetings representing the ownership of 7 of the 90 properties.

On March 28, 2011, by the adoption of Ordinance No. 5925, the Village Board approved annexation agreements for 89 of the 90 property owners. An extension was granted to the remaining property at 1S741 Danby Drive due to a change in ownership. The annexation agreement for 1S741 Danby Drive is now ready for consideration by the Village Board. The agreement is identical in form to those approved for the other 89 properties.

The planning team has pursued the renewal of annexation agreements which has been a priority of the Village Board. With approval of this agreement, the planning team will have updated 122 agreements in this area over the last two years and will have renewed all annexation agreements for the properties within the Glen Crest subdivision.

ACTION REQUESTED

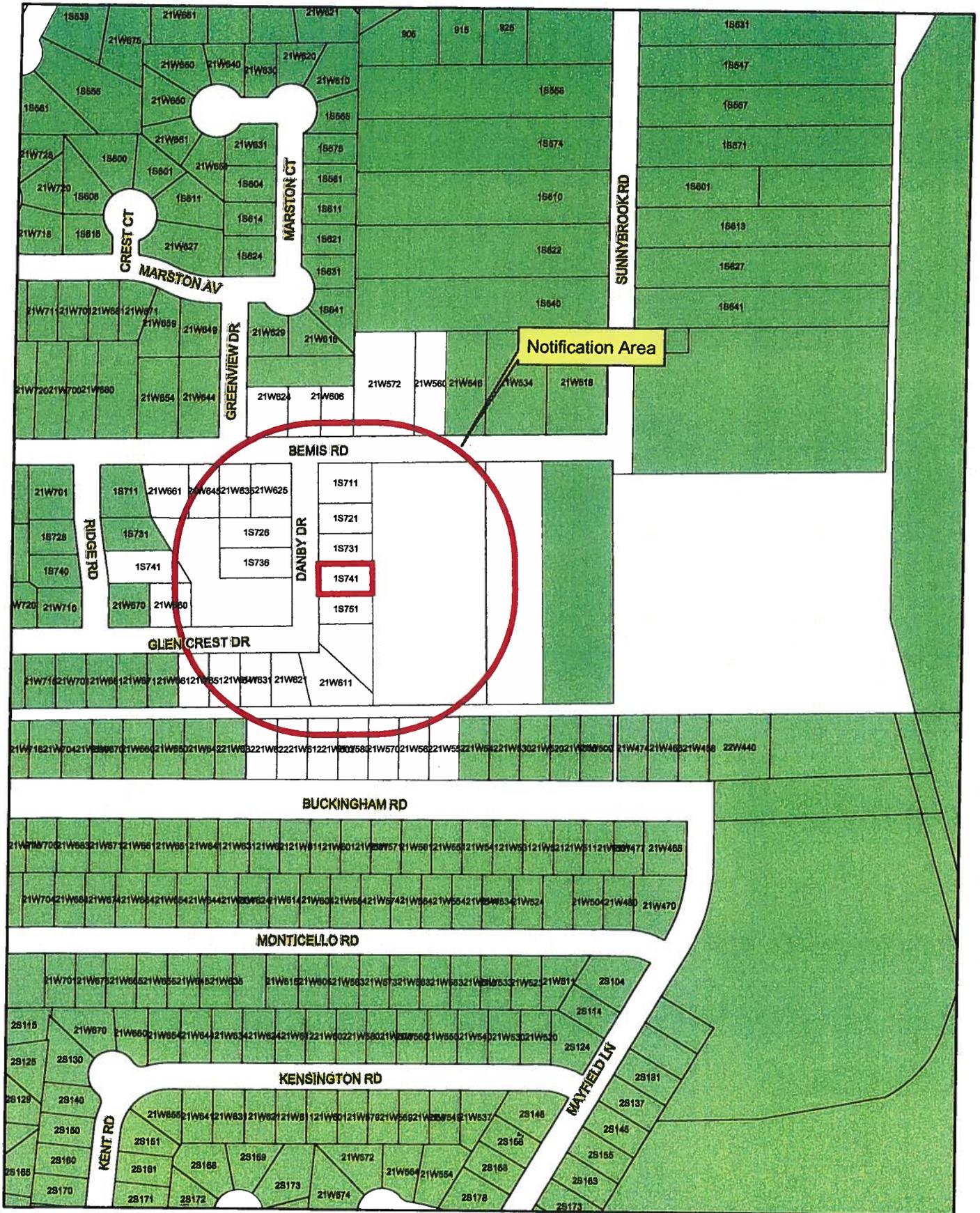
In accordance with the Illinois Compiled Statutes, the Village Board is required to hold a public hearing prior to considering the proposed annexation agreement. Notice of a public hearing to consider this annexation agreement was published in the *Daily Herald* on July 7, 2011. In addition, letters providing notification of the Village Board's consideration of the annexation agreement and a copy of the public hearing notice were mailed to the property owners and all others as required by state statute on July 6, 2011.

The Village Board is requested to conduct a public hearing and act on the proposed annexation agreement. An Ordinance approving the annexation agreement has been prepared for the Village Board's consideration at the July 25, 2011 regular meeting.

CC: James and Bonita Buckley, Property Owners
Phil Norton, Police Chief
Jeff Perrigo, Interim Public Works Director
Patti Underhill, Administrative Services Coordinator

Attachments: Location Map
Public Hearing Notice
Affidavit of Service of Notice
Service List
Ordinance to approve the Annexation Agreement
Proposed Annexation Agreement

1S741 Danby Drive



**NOTICE OF PUBLIC HEARING
REGARDING PROPOSED ANNEXATION AGREEMENT – 1S741 Danby Drive
WITH THE VILLAGE OF GLEN ELLYN**

In accordance with the Illinois Municipal Code, 65 ILCS 5/11-15.1-3 on **Monday, July 25, 2011 at 8:00 p.m.**, the Glen Ellyn Village Board will conduct a public hearing to consider entering into an annexation agreement with property located at 1S741 Danby Drive. The Village Board may act on the proposed annexation agreement this same night following the public hearing.

The subject property is located on the east side of Danby Drive, north of Glen Crest Drive in unincorporated DuPage County and is not currently contiguous to the Village Limits. The property is legally described as follows:

LOT 28 IN BLOCK 3 IN GLEN CREST, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THRID PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 25, 1976 AS DOCUMENT R76-11084, AND RE-RECORDED DECEMBER 27, 1976 AS DOCUMENT R76-94012, IN DUPAGE COUNTY, ILLINOIS

P.I.N. 05-24-301-044

All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. A copy of the annexation agreement is available for public review in the Planning and Development Department of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Questions related to the proposed annexation agreement should be directed to Michael Strong, Planning Intern 630-547-5248.

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village at least 24 hours in advance of the meeting.

Michael Strong, Planning Intern
Village of Glen Ellyn

(Published in The Daily Herald on Thursday, July 7, 2011)

X:\Plandev\PLANNING\ANNEXATIONS\Glen Crest Renewals\South\Danby Dr 1S741
Voluntary\Public Hearing Notice - 1S741 Danby - 070511.doc



July 7, 2011

Mr. Fred Bucholz
DuPage County Recorder's Office
421 N. County Farm Road
Wheaton, IL 60187

FRED BUCHOLZ
DUPAGE COUNTY RECORDER
JUL 08, 2011 8:15 PM
OTHER 05-24-301-044
004 PAGES R2011-080681

AFFIDAVIT OF SERVICE OF NOTICE

Pursuant to the Illinois Municipal Code, the undersigned, being first duly sworn on oath, deposes and states that a true and correct copy of the NOTICE OF PUBLIC HEARING REGARDING A PROPOSED ANNEXATION AGREEMENT WITH THE VILLAGE OF GLEN ELLYN for property located at:

Common Address
1S741 Danby Drive

P.I.N.
05-24-301-044

Glen Ellyn, IL, was served upon the parties identified on the attached service list by depositing same in the United States mail at 535 Duane Street, Glen Ellyn, Illinois, 60137, on 7/6/11, with property postage fully prepaid. If you have any questions, please contact Michael Strong, Planning Intern at 630-547-5248.

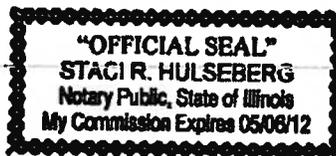


Affiant

A map depicting the property under consideration for an Annexation Agreement with the Village of Glen Ellyn is attached.

SUBSCRIBED and SWORN to
Before me this 6th day of
July 20 11


Notary Public



Attachments: Service List
Public Hearing Notice
Map of Area

X:\Plandev\PLANNING\ANNEXATIONS\Glen Crest Renewals\South\Danby Dr 1S741 Voluntary\Public Hearing Notice - 1S741 Danby - 06.27.11.doc

(Village of Glen Ellyn
535 Duane St
Glen Ellyn, IL 60137)

SERVICE LIST

The following were recipients of the "NOTICE OF PUBLIC HEARING REGARDING A PROPOSED ANNEXATION AGREEMENT WITH THE VILLAGE OF GLEN ELLYN" (with map) under consideration by the Village of Glen Ellyn on Monday, July 25, 2011 and published on July 8, 2011 for property located at:

Common Address
1S741 Danby Drive

P.I.N.
05-24-301-044

Property Owner(s)

Terry Burghard, Village of Glen Ellyn Interim Manager, 535 Duane St., Glen Ellyn, IL, 60137

Stewart Diamond, Attorney, Ancel, Glink, Diamond, Bush, DiCianni & Rolek, P.C., 140 S.

Dearborn St., 6th Floor, Chicago, IL, 60603

A. W. McGurr, Village Consulting Engineer, P.O. Box 308, Wheaton, IL, 60187-0308

Suzanne Connors, Village of Glen Ellyn Clerk, 535 Duane St., Glen Ellyn, IL, 60137

Directors of Village of Glen Ellyn Departments, 535 Duane Street, Glen Ellyn, IL 60137

Trustees-Individually, Milton Township, 1492 N. Main St., Wheaton, IL, 60187: James

Flickinger, Salvatore Falbo, Christopher Edwards and Marie Jensen; Township Supervisor-Chris

Heidorn; Township Clerk-Gail Hinkle

Milton Township Highway Commissioner Gary Muehlfelt, 23W040 Poss St., Glen Ellyn, IL, 60137

Fred Bucholz, DuPage County Recorder, 421 N. County Farm Road, Wheaton, IL, 60187

Gary King, DuPage County Clerk, P.O. Box 1028, Wheaton, IL 60187

Surrounding Property Owners (within 250 feet)

X:\Plandev\PLANNING\ANNEXATIONS\Glen Crest Renewals\South\Danby Dr 1S741 Voluntary\Public Hearing Notice - 1S741 Danby - 06.27.11.doc

Village of Glen Ellyn

Ordinance No. _____

**An Ordinance Approving an Annexation Agreement
for the Property Located at 1S741 Danby Drive, Glen Ellyn, IL 60137**

**Adopted by the
President and Board of Trustees of the
Village of Glen Ellyn,
DuPage County, Illinois
This ____ Day of _____, 2011**

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 _____, 2011.

Ordinance No. _____

**An Ordinance Approving an Annexation Agreement
for the Property Located at 1S741 Danby Drive, Glen Ellyn, IL 60137**

Whereas, in 1975, the Village of Glen Ellyn previously entered into an agreement with the developer of the Glen Crest subdivision to extend Village water and sanitary sewer services to 90 properties located on Marston Avenue east of Route 53, on Brook Court, Lorry Court, Crest Court, Marston Court, Ridge Road, Danby Drive, Glen Crest Drive, Route 53, and Bemis Road in exchange for agreeing to annex into Glen Ellyn upon achieving contiguity to the Village limits; and

Whereas, the aforementioned agreement has since expired; and

Whereas, the Village maintains a policy that all unincorporated properties receiving Village water and/or sanitary sewer services must have a valid Annexation Agreement; and

Whereas, on March 28, 2011, by the adoption of Ordinance No. 5925, the Village approved Annexation Agreements for 89 of the 90 properties in Glen Crest Subdivision which allows these properties to continue to receive uninterrupted water and sanitary sewer services from the Village; and

Whereas, James F. Buckley and Bonita Buckley, owners of the remaining property located at 1S741 Danby Drive, have complied with the Village's request to enter into an Annexation Agreement in order to continue to receive Village water and sanitary sewer services; and

Whereas, the subject property is not currently located within the corporate limits of any municipality and is not currently contiguous to the corporate limits of the Village of Glen Ellyn; and

Whereas, the subject property is legally described as follows:

LOT 28 IN BLOCK 3 IN GLEN CREST, BEING A SUBDIVISION OF PARTY OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 25, 1976 AS DOCUMENT R76-11084, AND RE-RECORDED DECEMBER 27, 1976 AS DOCUMENT R76-94012, IN DUPAGE

COUNTY, ILLINOIS

P.I.N.: 05-24-301-044; and

Whereas, the record titleholders of the property at 1S741 Danby Drive have indicated that they are ready, willing, and able to enter into the Annexation Agreement, attached hereto as Exhibit “A”, and to bind themselves and their successors in interest to the terms of the Annexation Agreement; and

Whereas, the Village has issued, delivered and published all statutorily required notices regarding the consideration of the proposed Annexation Agreement; and

Whereas, in accordance with all statutorily required notices, on July 25, 2011, the Village Board conducted a public hearing on the proposed Annexation Agreement; and

Whereas, after due consideration and pursuant to the aforesaid public hearing, the President and Board of Trustees deem it in the best interest of the Village of Glen Ellyn to enter into the Annexation Agreement, attached hereto as Exhibit “A”.

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: The foregoing recitals and the preambles in the Annexation Agreement attached hereto as Exhibit “A” shall be, and are hereby, incorporated into and made a part of this Ordinance as if fully set forth in this Section One.

Section Two: The Village Board approves the Annexation Agreement for 1S741 Danby Drive attached hereto as Exhibit “A” and the Village President and Village Clerk are hereby authorized and directed to execute and attest said Annexation Agreement on behalf of the Village of Glen Ellyn.

Section Three: The Village Clerk is hereby authorized and directed to cause said

Annexation Agreement to be recorded with the Recorder of Deeds of DuPage County, upon the proper execution of the same on behalf of all of the parties, together with a certified copy of this Ordinance approving the execution of the Annexation Agreement on behalf of the Village of Glen Ellyn.

Section Four: 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:

Abstentions:

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 _____)

X:\Plandev\PLANNING\ANNEXATIONS\Glen Crest Renewals\South\Danby Dr 1S741 Voluntary\Ordinance Approving AA - 1S741 Danby.doc

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made and entered into this 25 day of July 2010, by, between, and among James F. Buckley, Jr. and Bonita Buckley ("Owners"), and the Village of Glen Ellyn ("Village"). The Village and Owners are collectively referred to as ("Parties").

RECITALS

A. The Owners are the owners of record of a parcel of land commonly known as 1S741 Danby Drive and which is located at the east side of Danby Drive, north of Glen Crest Drive and is not currently contiguous to the Village of Glen Ellyn. The subject property is legally described on Exhibit "A" attached hereto, is identified for real estate purposes as P.I.N. 05-24-301-044 ("Property"), and is currently improved with one single family home.

B. The Village is an Illinois home rule municipal corporation, having its principal office at 535 Duane Street, Glen Ellyn, Illinois.

C. On March 12, 1975 the Board of Trustees of the Village of Glen Ellyn approved a motion to authorize the Village President and Village Clerk to sign an agreement with the developers of the Glen Crest Subdivision which, among other things, required the developers to include an annexation clause in all deeds, contracts or agreements between themselves and their purchasers. The developers failed to include such a clause in any of the aforementioned documents and thus this annexation agreement is meant to serve as a replacement of such clause.

D. In order to allow the continued and uninterrupted service of Village water and sanitary sewer services to the Property, the Owners and Village have negotiated the terms of an annexation agreement.

E. The Village is willing to allow the continuation of water and sanitary sewer services to the Property, so long as the Owners agree to petition the Village for voluntary annexation upon the Property becoming contiguous to Glen Ellyn, or to cooperate in the filing of a court petition requesting annexation to Glen Ellyn, along with other properties, upon the request of the Village.

F. A public hearing to consider this Agreement was noticed in the *Glen Ellyn News* on July 7, 2011 and was held by the Village President and Board of Trustees on July 25, 2011.

G. The Village has published all notices as required in the Illinois Municipal Code, 65 ILCS 5/11-15.1-3. *et seq.*

H. The Owners have agreed that the Property will be zoned in accordance with the R2B Residential District regulations as set forth in Section 10-4-9 of the Glen Ellyn Zoning Code, as the same may be amended from time to time ("Zoning Code"), when it is annexed to the Village to allow the Property to be used for a single-family dwelling unit in accordance with the terms and conditions of this Agreement.

I. All other matters, in addition to those specifically referred to above, which are included by this Agreement, have been considered by the Parties, and the development of the Property for the purposes permitted under the R2B Residential District regulations of the Zoning Code, all in accordance with the terms and conditions of this Agreement, will inure to the benefit and improvement of the Village by increasing the taxable value of the real property within the Village's corporate limits, extending the corporate limits and jurisdiction of the Village to the limits of the Property, promoting the sound planning and development of the Village, and otherwise enhancing and promoting the general welfare of the Village residents and taxpayers.

NOW THEREFORE, in consideration of the foregoing preambles and mutual covenants and agreements contained herein, the Parties agree as follows:

1. Incorporation of Recitals. The Parties hereby confirm the truth and validity of the representations and recitations set forth in the foregoing recitals. The Parties further acknowledge that the same are material to this Agreement and are hereby incorporated into and made a part of this Agreement and the same shall continue for so long as this Agreement is in full force and effect.

2. Legal Conformance with Law. This Agreement is made pursuant to and in accordance with the provisions of the Glen Ellyn Village Code, and its home rule powers, as established in the Illinois Revised Statutes and the Illinois Constitution.

3. Annexation. Upon notification by the Village that the Property has become, in the opinion of the Village, adjacent and contiguous to the Village, the Owners (if still holding title to any portion of the Property) and each grantee(s) shall within 30 days (a) file a fully executed Annexation Petition in a form approved by the Village Attorney and substantially in accordance with the form of *Exhibit "B"* attached to this agreement, (b) provide Owners' proof of ownership of the Property and, (c) provide a Plat of Annexation acceptable in form and content to the Village Engineer and Village Attorney. Upon, but not before the Village's receipt of the Annexation Petition, the Owners' proof of ownership, and approved Plat of Annexation, the Village's Corporate Authorities shall adopt a valid and binding Annexation Ordinance providing for the annexation of the Property and any adjacent rights-of-way to the Village pursuant to Section 7-1-8 of the Illinois Municipal Code, 65 ILCS 5/7-1-8. The Village Clerk shall then promptly cause the Annexation Ordinance, Plat of Annexation, and related documents, including all required notices, to be recorded in the Office of the DuPage County Recorder.

Alternatively, at the option of the Village, within 30 days after notice from the Village to do so, and subject to the provisions of 65 ILCS 5/7-1-2 et. seq., or 65 ILCS 5/7-1-11, as amended, the Owners and/or their successors and assigns shall join in, and properly execute, a Petition to be filed with the Circuit Court of the Eighteenth Judicial Circuit, DuPage County, Illinois, and shall cooperate with the prosecution of the Petition before said court, provided, however, that the costs of any such litigation shall not be the responsibility of the Owners.

If all or a portion of the Property is conveyed prior to the annexation of the Property to the Village, whether by the Owners or other subsequent grantor, any contract for sale or other agreement relating to each and every such conveyance shall contain an acknowledgement by the grantee of the existence of this Agreement and the requirement that upon the Property becoming, in the opinion of the Village, adjacent and contiguous to the Village, the Property will be annexed to the Village. In addition, each such contract or other agreement shall contain an agreement by the grantee(s) to do all things necessary or appropriate to cause the Property to be duly and validly annexed to the Village, including, but not limited to, execution of an Annexation Petition.

Should a court of competent jurisdiction determine that annexation of the Property was defective because of the failure of the Parties to follow a procedural requirement constituting a valid precondition to proper annexation of the Property, the Parties, including the successors and assigns of the Owners, agree to promptly cause the Property to be reannexed to the Village in a manner that satisfies all procedural requirements.

Should a court of competent jurisdiction determine that annexation of the Property by the Village was without lawful authority (i.e., lack of contiguity), the Parties agree that this Agreement shall be deemed a Pre-Annexation Agreement authorized pursuant to 65 ILCS 5/11-15.1-1, as amended, and shall remain in full force and effect to the extent permitted by law. Thereafter, should the Property become contiguous to the Village, the Parties, including the successors and assigns of the Owners, agree to promptly take all necessary steps as may then be provided by law to perfect the annexation of the Property to the Village.

4. Zoning. Contemporaneous with, or immediately following, the adoption of a valid and binding Annexation Ordinance, the Planning and Development Director shall, without further hearing automatically zone the Property R2B Residential District in accordance with Section 10-3-3 of the Glen Ellyn Zoning Code. Any existing use of the Property, upon annexation, that does not comply with the requirements of that zoning category, may continue to be used for its existing purpose subject to the Village's zoning provisions regarding nonconformities. Because the zoning category to be granted to the Property is that which automatically will be granted pursuant to Section 10-3-3, the process under which this Agreement was entered into did not include a public hearing before the Glen Ellyn Plan Commission. The zoning category to be granted to this Property will therefore be automatically established and the designation will appear in the next version of the Village's zoning map.

5. Water and Sewer Service. The Village agrees to permit the continuation of water and sewer services to the Property. In the event that the Owners fail to petition the Village for annexation in accordance with Section 3 above or fails to comply with any other provision of this Annexation Agreement, Glen Ellyn may, at its sole option, discontinue water and sewer services to the Property and enforce this agreement in a court of appropriate jurisdiction by specific performance.

6. Rates for Water and Sanitary Sewer Service. Until such time as the Property is annexed to Glen Ellyn, Owners agree to pay the usual and customary charges for water and sanitary sewer service for customers outside Glen Ellyn limits, as may be established from time to time by the Corporate authorities of Glen Ellyn.

7. Village Codes. While the Property remains in unincorporated DuPage County, it shall be developed pursuant to the building and zoning regulations of DuPage County, except as otherwise provided herein. From and after the date of annexation of the Property to the Village, the property shall be used and maintained in accordance with and pursuant to the Village Code of Glen Ellyn, including the building, subdivision, and zoning regulations contained therein.

8. Fire Protection. Even before annexation, the Property shall comply with the Village's Fire Suppression Sprinkler requirements. Any new home constructed on the Property shall have a fire suppression sprinkler system. Before commencing construction, the Owners shall receive approval from the Village of the fire suppression sprinkler system design to be installed in the home. The Owners will permit the Village to inspect the installation of the fire suppression sprinkler system and shall pay an inspection fee of \$300. Any new residence shall not be occupied until the Village Inspector approves the fire suppression sprinkler system installation. If an addition is constructed to any existing residence on the Property, a fire suppression sprinkler system must be installed if required by the Village building code for the class of the addition. If the Village building code requires installation of a fire suppression system for any addition to an existing structure on the Property, the provisions for permit, inspection and occupancy set forth herein above in this Section shall also apply to the construction of the addition.

9. Village Address. Upon annexation to the Village, the Village will assign the appropriate Village address to the Property.

10. Annexation Fee. At the time of annexation, the Owners shall pay an annexation fee to the Village in the amount of \$250.

11. Term. The term of this Agreement will be 20 years from the date of execution hereof, which will be deemed to become effective on the date hereof.

12. Annexation Agreement Extension. At the option of the Village, the Village may extend this Annexation Agreement, at its conclusion, for an additional period of up to 20 years for a portion or all of the Property. If the Village wishes to exercise this option, it shall do so in writing not earlier than two years before

the expiration of the Annexation Agreement, nor later than three months prior to this Agreement's initial termination date. Notice shall be sent in writing to (i) that entity that has paid the real estate property taxes during one of the last two years for the Property or that portion of the Property for which the Village wishes to extend this Agreement or (ii) to the record title holder of the Property or that portion of the Property for which the Village wishes to extend this Agreement. If the Village decides in its sole and absolute opinion to extend the term of this Agreement, the Village may do so whether or not the Property, or any portion of the Property, has been annexed to the Village. The Village may only extend the term of this Agreement once. In the event that the Village has not exercised the option to extend the term of this Agreement pursuant to this Section, and if the property has not been annexed to the Village at this Agreement's initial termination date, the Village and the Owners may enter into a new Annexation Agreement in the manner provided by law. If the Village has been providing utility services to the non-annexed Property or any non-annexed portions of the Property pursuant to this Agreement, it may terminate such utility service at the conclusion of this Agreement; provided, however, that the Village provides not less than one year prior written notice of such termination to (i) that entity that has paid the real estate property taxes during one of the last two years for the Property or that portion of the Property for which the Village desires to terminate any such utility service or (ii) to the record title holder of the Property or any portion of the Property for which the Village desires to terminate any such utility service.

13. General Provisions.

A. Severability. In the event that any portion of this Annexation Agreement will be found to be invalid by any court of competent jurisdiction, such finding of invalidity as to that portion will not affect the validity or enforceability of the balance of this Agreement.

B. Remedies. In addition to all rights and remedies specified in this Agreement, the Village will have the authority to pursue any and all rights and remedies, at law or in equity, to which it is entitled in order to enforce the terms of this Agreement. In the event that the Owners fail to comply, the Village may institute an action for specific performance along with other civil and quasi-criminal actions as permitted by law, and the Village may disconnect the water and sanitary sewer services. The Owners will be further liable for any attorney fees, court costs and other costs incurred by the Village as a consequence of the Village's enforcement of this provision.

C. Amendment. This Agreement may be amended from time to time with the consent of the parties, pursuant to Statute.

D. Conflict Regulations. The provisions of this Agreement shall supersede the provision of any Village Codes and Ordinances that may be in conflict with the provisions of this Agreement.

E. Enforcement. This Agreement shall be enforceable in any court of competent jurisdiction by either the Owners or the Village, and their respective successors and assigns, by an appropriate action at law or in equity, to secure the performance of the promises, obligations, and covenants in this Agreement, including the specific performance of this Agreement. The laws of the State of Illinois shall govern this Agreement. Any lawsuit enforcement filed against the Village of Glen Ellyn, or its officers, employees or independent contractors may only seek injunction, mandamus or specific performance for the enforcement of the agreement and may not seek damages.

F. Successors and Assigns. This agreement shall inure to the benefit of and be binding upon the Owners and Village and their respective successors and assigns. No conveyance, transfer or assignment of fee title in the Property or of this Agreement shall serve to release the Owners of its duties and obligations already undertaken under this Agreement.

G. Application of Ordinances. Upon annexation, the Property and its use will be subject to

all Village ordinances generally applicable throughout the Village except as herein set forth.

H. Recording. The Village Clerk is hereby directed to cause this Agreement to be recorded with the Recorder of Deeds of DuPage County, following its execution and approval by the Village Board.

I. No Disconnection. Once the Property subject to this Annexation Agreement has been annexed to the Village, the Owners shall not petition the Circuit Court to take any other action to cause the Property to be disconnected from the Village during the term of this Annexation Agreement or any extension to that term. In addition, the Owners may not during the term of this Annexation Agreement petition any other municipality or a court to permit annexation to another municipality.

J. Recitals and Exhibits. The recitals set forth in the beginning of this Agreement, and the exhibits attached hereto, are incorporated herein by this reference and shall constitute substantive provisions to this Agreement.

K. Captions and Paragraph Headings. The captions and paragraph headings used herein are for convenience only and shall not be used in construing any term or provision of this Agreement.

14. Notice. Any notice or communication required or permitted to be given under this Agreement shall be in writing and shall be delivered (i) personally, (ii) by a reputable overnight courier, (iii) by certified mail, return receipt requested, and deposited in the U.S. Mail, postage prepaid, (iv) by facsimile, or (v) by electronic internet mail ("*e-mail*"). Facsimile notices shall be deemed valid only to the extent that they are (a) actually received by the individual to whom addressed and (b) followed by delivery of actual notice in the manner described in either (i), (ii), or (iii) above within three business days thereafter at the appropriate address set forth below. E-mail notices shall be deemed valid only to the extent that they are (a) opened by the recipient on a business day at the address set forth below, and (b) followed by delivery of actual notice in the manner described in either (i), (ii), or (iii) above within three business days thereafter at the appropriate address set forth below. Unless otherwise provided in this Agreement, notices shall be deemed received after the first to occur of (a) the date of actual receipt; or (b) the date that is one business day after deposit with an overnight courier as evidenced by a receipt of deposit; or (c) the date that is three business days after deposit in the U.S. mail, as evidenced by a return receipt. By notice complying with the requirements of this Section each party to this Agreement shall have the right to change the address or the addressee, or both, for all future notices and communications to them, but no notice of a change of addressee or address shall be effective until actually received.

Notices and communications to the Village shall be addressed to, and delivered at, the following address:

Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137
Attn: Planning and Development Director

Notices and communications to the Owners shall be addressed to, and delivered at, the following address:

James & Bonita Buckley
1 S. 741 Danby
Glen Ellyn, Ill.
60137

IN WITNESS WHEREOF, the parties have caused this Annexation Agreement to be executed by their duly authorized officers or individually, as the case may be, on _____, 2011.

VILLAGE OF GLEN ELLYN
A Municipal Corporation:

Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137

OWNER:

James F Buckley Jr
James. F. Buckley, Jr.

BY: _____
Village President

OWNER:

Bonita Buckley
Bonita Buckley

ATTEST:

BY: _____
Suzanne Connors, Village Clerk

BY: _____

SUBSCRIBED AND SWORN to
before me this 6th day of
June, 2011.

Nancilee J Bahlmann
Notary Public

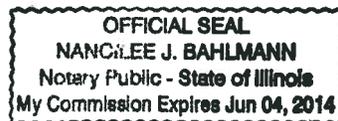


EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Owners: James F. Buckley, Jr. and Bonita Buckley

Address: 1S741 Danby Drive

P.I.N.: 05-24-301-044

Legal Description:

LOT 28 IN BLOCK 3 IN GLEN CREST, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 25, 1976 AS DOCUMENT R76-11084, AND RE-RECORDED DECEMBER 27, 1976 AS DOCUMENT R76-94012, IN DUPAGE COUNTY, ILLINOIS.

EXHIBIT B
PETITION FOR ANNEXATION
VILLAGE OF GLEN ELLYN, ILLINOIS

TO THE GLEN ELLYN VILLAGE BOARD:

Petitioners on oath state as follows:

1. That the undersigned are the sole owners of record of all of the property described in Attachment A and commonly known as 1S741 Danby Drive and P.I.N. 05-24-301-044 (Subject Realty).
2. That this petition is executed by all of the owner(s) of record of the Subject Realty.
3. That no electors reside on the Subject Realty or, in the alternative, at least fifty-one percent (51%) of the electors residing on the Subject Realty have executed this petition.
4. That no portion of the property is within the corporate limits of any municipality.
5. That the Subject Property is either contiguous to the Village of Glen Ellyn, will be at the time of annexation, or may be contiguous when combined with other property annexing to the Village of Glen Ellyn.
6. That the property which the Petitioners desire to have annexed to the Village of Glen Ellyn is the property that is described in Attachment A attached hereto and made a part hereof.
7. That this Petition shall be in full force and effect from and after the date hereof and until the property is annexed to the Village of Glen Ellyn in agreement with State Law.

WHEREFORE, the applicants' petition that the property be annexed by ordinance to the Village of Glen Ellyn, Illinois, is in accordance with the appropriate statutes.

The undersigned, on oath, state that the undersigned have read the foregoing Petition for Annexation, have knowledge of the allegations contained therein, and that said allegations are true and correct to the best of the Petitioners' knowledge.

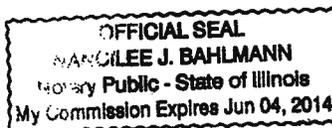
Owners of Record of Subject Property:

Signature: *James F. Buckley*
Print Name: JAMES F. Buckley
Date: 6-10-11

Subscribed and sworn to before me this
10th day of June, 20 11
Margie J. Bahlmann
NOTARY PUBLIC

Signature: *Bonita Buckley*
Print Name: Bonita Buckley
Date: 6-10-11

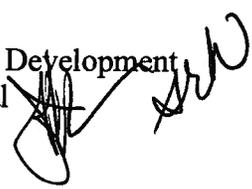
Subscribed and sworn to before me this
10th day of June, 20 11
Margie J. Bahlmann
NOTARY PUBLIC



MEMORANDUM

A-8

TO: Mark Franz, Village Manager
FROM: Staci Hulseberg, Director of Planning & Development
Joe Kvapil, Building and Zoning Official
DATE: July 19, 2011
FOR: July 25, 2011 Village Board Meeting
SUBJECT: 380 Linden Street - Variations



Petition: Chad and Julie Allman, owners of the property at 380 Linden Street, are requesting approval two variations from the Glen Ellyn Zoning Code to construct a detached garage in the general area of a recently demolished detached garage that will be closer than permitted to the side and rear lot lines and to retain the existing gravel drive to the new garage. The subject property is an interior lot located on the north side of Linden Street in the R2 Residential District.

Zoning Data: The proposed garage requires two variations from the Glen Ellyn Zoning Code:

1. Section 10-5-4(A)4b to allow the construction of a new detached garage set back 6 feet from the rear and side lot lines to align with the west wall of the house in lieu of the minimum required rear and side yard setback of 12 feet.
2. Section 10-5-11(M) to allow the construction of a new enlarged detached garage and retain the existing gravel driveway in lieu of a new hard surface driveway required with the expansion of an existing garage or construction of a new detached garage.

Public Hearing: The Zoning Board of Appeals conducted a public hearing on the requested variations on Tuesday, June 14, 2011. Notice of the public hearing was published in the Glen Ellyn News on May 26, 2011. At the meeting, no persons spoke in favor of and one person spoke in opposition to the variation request. The Zoning Board of Appeals was in favor of the variations because they felt that the garage location was reasonable and required to correspond to the position of the home on the property, that the gravel drive did not adversely impact the adjacent properties, and that paving the extensive driveway area would have been a significant burden on the homeowner. The Zoning Board of Appeals voted on two motions:

1. The motion to recommend approval of the garage setback variation request carried with seven (7) "yes" votes and zero (0) "no" votes.
2. The motion to recommend approval of the request to retain the gravel driveway carried with five (5) "yes" votes and two (2) "no" 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 June 14, 2011
- Photo of the Subject Property
- Location Map
- Ordinance
- Notice of Public Hearing
- List of Addresses
- Petitioners' Application packet

CC: Chad and Julie Allman

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ZONING BOARD OF APPEALS
MINUTES
JUNE 14, 2011

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 Siligmuller and Michael Waterman were present. Also present were Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Chairman Garrity thanked ZBA Member Michael Waterman for his many years of service on the ZBA.

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

Board Member Ozog moved, seconded by Board Member Kolar, to approve the minutes of the May 10, 2011 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote. Also distributed to the ZBA Members were minutes from the Plan Commission/Zoning Board of Appeals Special Meeting Workshop held on April 28, 2011 regarding Commission responsibilities and procedures.

Two public hearing agendas were on the agenda for the properties at 380 Linden Street and 791 Crescent Boulevard.

PUBLIC HEARING – 380 LINDEN STREET

A REQUEST FOR APPROVAL OF A ZONING VARIATION REQUEST FROM THE MINIMUM REQUIRED SIDE AND REAR YARD SETBACK FOR A NEW DETACHED GARAGE AND A ZONING VARIATION FROM A REQUIRED PAVED DRIVEWAY TO REPLACE THE EXISTING GRAVEL DRIVEWAY.

(Chad and Julie Allman, owners)

Staff Report

Building and Zoning Official Joe Kvapil stated that Chad and Julie Allman, the owners of the property at 380 Linden Street, are requesting two (2) variations from the Glen Ellyn Zoning Code. Mr. Kvapil displayed photographs of the subject house and the area where the existing garage had formerly been located in the far northwest corner of the property. He explained that the former garage will be replaced with a new garage at the same location and displayed a diagram of the proposed garage. Mr. Kvapil also displayed a map of the subject property which is located in the R2 Residential zoning district and described the surrounding land uses. He also described building permits that have been issued for the subject property. Mr. Kvapil displayed a site plan of the subject property which indicated that the house is 31 feet from the rear lot line and added that the distance from the front to the rear property line is slightly over 300 feet.

The first requested variation is from Section 10-5-4(A)c to allow the construction of a new detached garage set back 3.04 feet from the rear lot line and set back 3.65 feet from

the side lot line in lieu of the minimum required setback of 5.94 feet from both the rear and side yard lot lines. The second variation is from Section 10-5-11(M) to allow the construction of a new enlarged detached garage and retain the existing gravel driveway in lieu of a new hard surface driveway required with the expansion of an existing garage or construction of a new detached garage. Mr. Kvapil displayed a photograph of the new 600-square foot garage design which is within the permitted size allowed and the location of the original smaller garage. Mr. Kvapil explained that the smaller garage could not have been reconstructed or structurally repaired because it was in a noncompliant condition. He also explained that a new detached garage must be served by a driveway with a hard surface material which does not include gravel.

Petitioners' Presentation

Chad Allman, owner of the subject property at 380 Linden Street, Glen Ellyn, Illinois, responded to questions previously asked of the Building and Zoning Official. He stated that the maximum ridge height is 37 feet and that the garage will be built at just under 36 feet. He also responded that the garage foundation, footing and slab will be new because the garage was torn down since it was built at approximately the same time as the existing house and was unsafe.

Mr. Allen said that it is difficult to state that there is a hardship regarding the variation requests because the property is so large. He stated that because of the location of the house on the site, in order to locate the garage in the rear yard, a variation is required. He added that a mud room will be approximately 10 steps from the garage to accommodate his children. Mr. Allen displayed two photographs of the subject property at the garage location which indicated a downward slope to the east and a view up at the northeast corner that included two neighboring garages. Mr. Allen displayed a drawing that indicated the size of the proposed garage. Mr. Allen stated that he would like to utilize the location of the existing garage for the proposed garage and never thought that he would be unable to rebuild a new garage in the same location as the previous garage. He added that the new garage would be a storage barn during the construction period when they build a new home on the site. Mr. Allen stated that all of the neighbors understand the plans for his property.

Mr. Allen distributed five copies of photographs and plats related to his property.

Responses to Questions from the ZBA

Mr. Allman responded to Mr. Constantino that he is requesting a variation to retain the gravel driveway because the house in its current location is a 3-5 year plan, at which time they intend to build a new house on the site and demolish the existing house. In response to Mr. Constantino's question regarding whether or not there were unique circumstances or particular hardships regarding the driveway being constructed with a hard surface, Mr. Allman stated that the reason for not installing a concrete driveway is financial. Mr. Allman added that the cost to replace the driveway is approximately \$22,000 and that the driveway would be destroyed during the construction process. Mr. Kolar responded that

the driveway does not have to cost as much as Mr. Allman stated because it can be smaller per code.

Mr. Kvapil responded to Mr. Constantino that the new garage structure will need to comply with the Zoning Code requirements for height based upon the width of the subject lot. Mr. Kvapil also responded to Mr. Constantino that the cost to install a concrete driveway for the subject property would be approximately \$13,000 and that a letter of credit for driveway work has not been allowed in the Village in the past. Mr. Kvapil replied to Mr. SiligmueLLer that he had no information on the history of the subject lot. Mr. Kvapil responded to Mr. Kolar that a shed in the far northwest corner of the subject property does not affect the variation requests. Mr. Kvapil responded to Mr. Kolar that Grasscrete or pavers with open voids could be installed for the subject driveway.

Mr. Allman responded to Mr. Constantino that the northeast corner of the lot would not be a good location for the garage because the grading would need to be raised approximately 4 feet at that location to avoid water from the west. Mr. Kolar felt that there would not be a water issue if the garage was rotated 90 degrees so that the doors faced south, however, Mr. Allman believed that the ground would still need to be raised so that the footing and foundation would be above the water line. Mr. Allman responded to Mr. Constantino that bigger drainage issues would be created to the north and west if the garage was not installed in its original location, and he displayed a photograph of an existing retaining wall that holds up the neighbor's back yard. Mr. Allman stated that his plan is to rip out the retaining wall and pour a new one that would be incorporated into the foundation. Mr. Allman responded to Ms. Ozog that he is unaware of water issues in the corner of the property where the garage was located. Mr. Kvapil responded to Mr. SiligmueLLer that since the disturbed area of the property will exceed 300 square feet, the petitioner must submit a drainage plan to the Village for review. Mr. Allman responded to Mr. Constantino that the existing swales will be used for the garage. Mr. Waterman questioned why the garage couldn't be moved 2-1/2 feet to the east to avoid being too close to the west lot line, and Mr. Allman replied that another variation would then be required because the garage would be closer than 10 feet to the corner of the existing structure. Mr. Waterman again questioned why Mr. Allman couldn't move the garage 10 feet to the east which would eliminate that variation. Mr. Kvapil responded that a variation would still be required for the rear lot line, and Mr. Allman felt that the garage being less than 10 feet from the house would be a concern from a fire hazard perspective. Mr. Kvapil added that there is no minimum distance requirement between a detached garage and a house. Chairman Garrity asked if the proposed garage could be moved off the north and west lot lines to comply, and Mr. Kvapil replied it could as long as the garage was 12 feet from the lot lines. Mr. Allman added that 5 feet to 12 feet off the lot line will occur if the garage is closer than 10 feet to the house. Mr. Kolar commented that the house will be torn down, however, and Mr. Kvapil responded to Mr. Waterman that if the house were torn down and the garage was an accessory structure, the setbacks would be 5.94 feet and the accessory structures must be a minimum of 5 feet apart. Mr. Kvapil responded to Mr. Kolar that the largest accessory structure on a lot can be a 660-square foot garage. Mr. Constantino asked Mr. Allman why the northeast corner of the

lot would not be a good alternative location for the garage, and Mr. Allman replied that the significant grading there would require him to raise the foundation approximately 4 feet so that water would not go into the garage. Mr. Allman responded to Mr. Constantino that there are no drainage issues at the pool area and that the pool will be removed.

Mr. Allman responded to Ms. Ozog that he does not currently know where the house will be placed but would like it to be closer to Linden Street so that there will be a large back yard. He also responded to Mr. Waterman that his family will be moving into the subject home in approximately 1-1/2 weeks. Mr. Allman responded to Ms. Fried that he had no petitions from neighbors.

Mr. Kvapil clarified that the maximum permitted height of the detached garage is 22 feet. He stated that the detached garage has no minimum setback distance to the principal structure and could be attached to the house with no variations.

Persons in Favor of or in Opposition to the Petition

Paul Flynn, 650 Western Avenue, Glen Ellyn, Illinois, expressed a concern regarding drainage. He stated that water was not a problem when he moved into his home 14 years ago but he now has water in his back yard because of incremental impervious surfaces being built. Mr. Flynn stated that his neighbors at 386 Linden Street who have a heavy duty sump pump system get water in their basement and that the neighbors at 654 Western Avenue also get ponding in their back yard. Mr. Flynn stated that he has a concern regarding a large house with a large amount of surface being built on the subject site and asked that the Village have a solid stormwater plan for the proposed house so that water doesn't run down the hill toward his property. Ms. Ozog responded to Mr. Flynn that the Village would follow property stormwater/engineering procedures. Ms. Ozog asked Mr. Flynn if he was in his home when the street was reconstructed, and he replied that he moved in approximately a year after that time. Mr. Flynn responded to Ms. Ozog that a large home was built downhill at 538 Western Street that is twice its original size. Mr. Flynn requested sending water to a different storm drain in the area. He also stated that he was happy that the petitioner's driveway will remain as gravel but was also told that once the driveway is packed, it becomes impervious. Mr. Flynn responded to Mr. Waterman that he is not in favor of the petitioner's variation request.

Comments from the ZBA

Mr. Constantino was favorable to the granting of the variation for the garage because the existing garage was a nuisance and the owner was planning to remove it. He stated he could see granting a variation for the requested location but felt that the garage could possibly be placed at the northeast corner of the lot. Mr. Constantino felt that no hardship or unique situation to allow the gravel driveway was proven. Mr. Siligmuller felt he did not have enough information regarding garage placement to make a decision and had issues with the long-term plan for the property with variations being requested. Mr. Siligmuller, Mr. Waterman, Ms. Fried and Ms. Ozog stated they did not have a problem

with the driveway remaining as gravel although Mr. Waterman expressed concern regarding precedence. Mr. Waterman had problems with granting variations on the garage setbacks. Ms. Fried reminded the ZBA members that they are not being asked to vote on what the petitioner will do in the future. Ms. Fried was in favor of the garage as long as a study was done regarding water run-off. Ms. Ozog was in favor of the garage placement because of access for the petitioners' children, however, Mr. Kolar responded that children should not be used as a zoning argument. Mr. Kolar had a concern with a 600-square foot garage built in the northeast corner with appropriate drainage considerations handled. Mr. Kvapil responded that the petitioner could have a 600-square foot accessory structure as well as an attached garage. Mr. Kvapil informed Mr. Garrity that 6 inches less than published could be granted to allow a 20-foot garage. Mr. Waterman was in favor of a 6-inch variation to keep the garage 20 feet wide. The petitioner responded that he does not want the garage to be located 3 feet from the house. The Board Members were not in favor of allowing the construction of a new detached garage set back 3.04 feet from the rear lot line and 3.65 feet from the side lot line in lieu of the minimum required setback of 5.94 feet. Most ZBA members were in favor of allowing the gravel driveway to be retained.

Motion

Two motions were made as follows:

Motion 1: Board Member Siligmueller moved, seconded by Board Member Fried, to recommend that the Village Board deny a variation from Section 10-5-4(A)c to allow the construction of a new detached garage set back 3.04 feet from the rear lot line and set back 3.65 feet from the side lot line in lieu of the minimum required setback of 5.94 feet and to allow a setback of 6 feet from the rear lot line and a setback at approximately 8 feet as long as it would line up east side of the garage with the west side of the house on the west property line. The motion to deny carried with seven (7) "yes" votes as follows: Board Members Siligmueller, Fried, Constantino, Kolar, Ozog, Waterman and Garrity voted yes.

Motion 2: Board Member Siligmueller moved, seconded by Board Member Fried, to recommend that the Village Board approve a variation from Section 10-5-11(M) to allow the construction of a new garage while retaining the existing gravel driveway in lieu of a new hard surface driveway because of the practical difficulties involved with the construction of a driveway. The motion to approve carried with five (5) "yes" votes and two (2) "no" votes as follows: Board Members Fried, Ozog, Siligmueller, Waterman and Chairman Garrity votes yes; Board Members Constantino and Kolar voted no.

Mr. Kvapil clarified that a change regarding the motion has been made to Code 10-5-4(A)b instead of 10-5-4(A)c due to a change in the code.



Village of Glen Ellyn

Ordinance No. _____

**An Ordinance Approving a Variation from the
Requirements for Side and Rear Yard Setbacks and
Driveway Pavement of the Zoning Code
to Allow a New Detached Garage and Existing Gravel Driveway
For Property at 380 Linden Street
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 a Variation from the
Requirements for Side and Rear Yard Setbacks and
Driveway Pavement of the Zoning Code
to Allow a New Detached Garage and Existing Gravel Driveway
For Property at 380 Linden Street
Glen Ellyn, IL 60137**

Whereas, Chad and Julie Allman, owners of the property at 380 Linden Street, Glen Ellyn, Illinois, which is legally described as follows:

Lot 8 (except that part described as follows: beginning at the southwest corner of Lot 7; thence west along the south line of Lot 8, aforesaid, 16.0 feet; thence northerly on a straight line to the northwest corner of Lot 7; thence southerly along the westerly line of Lot 7 to the place of beginning) in Trefny's Resubdivision, Glen Ellyn, of Lot 5 (except that part used for street) of county Clerk's Seventh Assessment Division in Section 10, Township 39 North, Range 10 East of the Third Principal Meridian, according to the Plat of said Trefny's Resubdivision recorded February 1, 1928 as documented 251184, in DuPage County, Illinois.

P.I.N.: 0510210039

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 10-5-4(A)4b to allow the construction of a new detached garage within 10 feet of the principal structure to be set back 6 feet from the rear and side lot lines to align with the west side of the house in lieu of the minimum required setback of 12 feet from both the rear and side yard lot lines.
2. Section 10-5-11(M) to allow the construction of a new enlarged detached garage and retain the existing gravel driveway in lieu of a new hard surface driveway required with the expansion of an existing garage or construction of a new detached garage.

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 June 14, 2011, at which the petitioners presented evidence, testimony, and exhibits in support of the variation request and no persons appeared in favor of the variation and one person appeared in opposition thereto; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing on June 14, 2011 the Zoning Board of Appeals adopted findings of fact and voted on a motion to allow the construction of a new detached garage within 10 feet of the principal structure to be set back 6 feet from the rear and side lot lines and align with the west side of the house, which carried by a vote of seven (7) “yes” and zero (0) “no,” resulting in a recommendation for approval as set forth in its draft Minutes dated June 14, 2011, appended hereto as Exhibit "A"; and a motion to allow a gravel driveway to serve a new detached garage which carried by a vote of five (5) “yes” and two (2) “no” resulting in a recommendation for approval as set forth in its draft Minutes dated June 14, 2011, 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 since the existing garage was a hazard and nuisance and had to be removed by the owner;
- B. That the variations, if granted, will not alter the essential character of the locality since the 6 foot side yard setback and alignment with the house will reduce the nonconforming conditions of the prior garage.

- 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 as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out since the garage is in the most remote location on the deep lot which requires a significant amount of pavement and costs and increase in impervious surface area;
- D. That the conditions upon which the variation is based would not be applicable generally to other property within the same zoning district since the position of the home and garage are unique and set far back from the street;
- E. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property since the owners intend to maintain this home as a residence;
- F. That the practical difficulty or particular hardship has not been created by any persons presently having an interest in the property since the gravel driveway and deteriorating garage were existing conditions on the property when it was recently purchased;
- G. That the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located since the variations pose no hazard to the public;
- H. That the variation will not diminish or impair property values within the neighborhood since there is no adverse impact on adjacent properties;
- I. That the variation is the minimum Variation that will make possible the reasonable use of the land, building or structure since a garage and driveway are essential residential property improvements; 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 minutes of the June 14, 2011 Glen Ellyn Zoning Board of Appeals meeting, Exhibit "A" a draft of which is 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, Section 10-5-4(A)4b, to allow the construction of a detached garage within 10 feet of the principal structure with a minimum side and rear yard setback of 6 feet and set back from the side lot line to align with the west wall of the house and Section 10-5-11 (M) to allow the existing gravel driveway to be retained despite the construction of a new detached garage at 380 Linden Street, Glen Ellyn, Illinois, which is legally described as follows:

Lot 8 (except that part described as follows: beginning at the southwest corner of Lot 7; thence west along the south line of Lot 8, aforesaid, 16.0 feet; thence northerly on a straight line to the northwest corner of Lot 7; thence southerly along the westerly line of Lot 7 to the place of beginning) in Trefny's Resubdivision, Glen Ellyn, of Lot 5 (except that part used for street) of county Clerk's Seventh Assessment Division in Section 10, Township 39 North, Range 10 East of the Third Principal Meridian, according to the Plat of said Trefny's Resubidvision recorded February 1, 1928 as documented 251184, in DuPage County, Illinois.

P.I.N.: 0510210039

Section Three: This grant of variation to construct a detached garage is conditioned upon the construction being completed in substantial conformance with the signed Application for

Variation received by the Planning & Development Department on April 27, 2011, and the testimony and exhibits provided at the June 14, 2011 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 _____).

X:\Plandev\Building\ZBA\ORDINANCE\Linden 380.doc



NOTICE OF PUBLIC HEARING

Chad and Julie Allman, owners of the property at 380 Linden Street, 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 construct a detached garage over and beyond the location of a prior detached garage that will be closer than permitted to the side and rear lot lines and to retain the existing gravel drive to the new enlarged garage. The Zoning Code does not allow a detached garage to be closer than 5.94 feet from the rear or side lot lines and requires existing gravel driveways to be replaced with a hard surface when an existing detached garage is enlarged or replaced. The Glen Ellyn Zoning Board of Appeals will conduct a public hearing to consider these Variations on June 14, 2011 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 10-5-4(A)c to allow the construction of a new detached garage set back 3.04 feet from the rear lot line and set back 3.65 feet from the side lot line in lieu of the minimum required setback of 5.94 feet from both the rear and side yard lot lines.
2. Section 10-5-11(M) to allow the construction of a new enlarged detached garage and retain the existing gravel driveway in lieu of a new hard surface driveway required with the expansion of an existing garage or construction of a new detached garage.

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

Lot 8 (except that part described as follows: beginning at the southwest corner of Lot 7; thence west along the south line of Lot 8, aforesaid, 16.0 feet; thence northerly on a straight line to the northwest corner of Lot 7; thence southerly along the westerly line of Lot 7 to the place of beginning) in Trefny's Resubdivision, Glen Ellyn, of Lot 5 (except that part used for street) of County Clerk's Seventh Assessment Division in Section 10, Township 39 North, Range 10 East of the Third Principal Meridian, according to the Plat of said Trefny's Resubdivision recorded February 1, 1928 as document 251184, in DuPage County, Illinois.

P.I.N.: 0510210039

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, May 26, 2011)

X:\Plandev\BUILDING\ZBA\PUBLIC NOTICE\LINDEN380-SIDE,REAR,DRIVE.doc

CIVIC CENTER 535 DUANE STREET GLEN ELLYN, IL 60137 630.469.5000 FAX 630.469.8849

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: Chad Allman

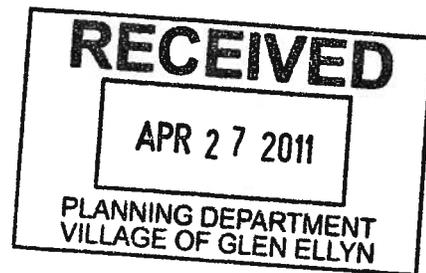
Address: 380 Linden Street Glen Ellyn, IL 60137

Phone No.: 312.217.0518

Fax No.: 312.324.3945

E-mail: chad@bramcoconstruction.com

Ownership Interest in the Property in Question: 100%



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):

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: 380 Linden Street Glen Ellyn, IL 60137

Permanent tax index number: 05-10-210-039-0000

Legal description: See Exhibit A

Zoning classification: R2

Front 118.8'

Lot size: Back 150.8' ft. x 301.9 ft. Area: 41,733 sq. ft.

Present use: Single Family 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):

Proposed Use = Replace detached garage with new detached garage with existing set backs

1.) Set Backs 10-5-4(A) 4

2.) Driveway Material 10-5-11 (M)

Estimated date to begin construction: Upon receipt of permit - ASAP

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

N/A

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:

1.) Relocating the garage to an alternate location will significantly increase the travel from the primary structure to the garage (we have four (4) small children)

2.) The immediate need for funds that would be required to install approx. 5,200 SF of new hard surface material for a driveway

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):

N/A

OR

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

The existing garage was deteriorated beyond repair and was a safety concern (see Exhibit B, the old garage.) We are requesting permission to build a new garage (see Exhibit C, the proposed garage) utilizing the existing set backs and driveway

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 proposed new garage will replace the dilapidated garage with a much nicer and more structurally stable building. Also, please note that the garage is approx. 280 ft from the sidewalk with limited view from the street.

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 old garage foundation provides a retaining wall to Lot 34. Removing the retaining wall will create hardship for the Lot 34 Owners in regards to soil erosion and potential flooding / drainage concerns for my primary structure. Please see Exhibit D showing the retaining wall

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:

As you can see in Exhibit D, the neighboring accessory buildings are built tight to my lot line - I'm not requesting a change in my detached garage location, I'm requesting permission to utilize the existing set backs and driveway

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:

The purpose of the requested variation is for functionality and convenience of the garage's location. We have no intent to sell the property.

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.

We purchased the property as-is in January 2011 with the dilapidated garage and existing set backs.

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

We removed the structure that would have eventually been detrimental and hope to replace with an improvement to the neighborhood.

6. Provide evidence that the proposed variation will not:

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

See proposed location (Exhibit E), we hope to use existing set backs

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

See proposed location (Exhibit E), we hope to use existing set backs

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

The proposed structure will provide a safer environment

d. Diminish or impair property values within the neighborhood;
I believe the proposed structure will improve the neighborhood

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

f. Create a nuisance; or
N/A

g. Results in an increase in public expenditures.
N/A

7. Provide evidence that the variation is the minimum variation that will make possible the reasonable use of the land, building or structure.
We are requesting permission to re-build our detached garage with existing set backs utilizing the existing driveway

8. Please add any comments which may assist the Zoning Board of Appeals of Appeals in reviewing this application.
I understand that the initial thought will be the size of the lot and multiple options for compliant locations but due to the existing grading of the lot, a significant amount of fill would be required to locate the garage in a reasonable adjacent location. Furthermore, I request that you consider the functionality of the proposed location and the financial hardship a new 5,200 SF driveway will create shortly after closing on a new house.

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.

N/A

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.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal stroke extending to the right.

Signature of Applicant(s)

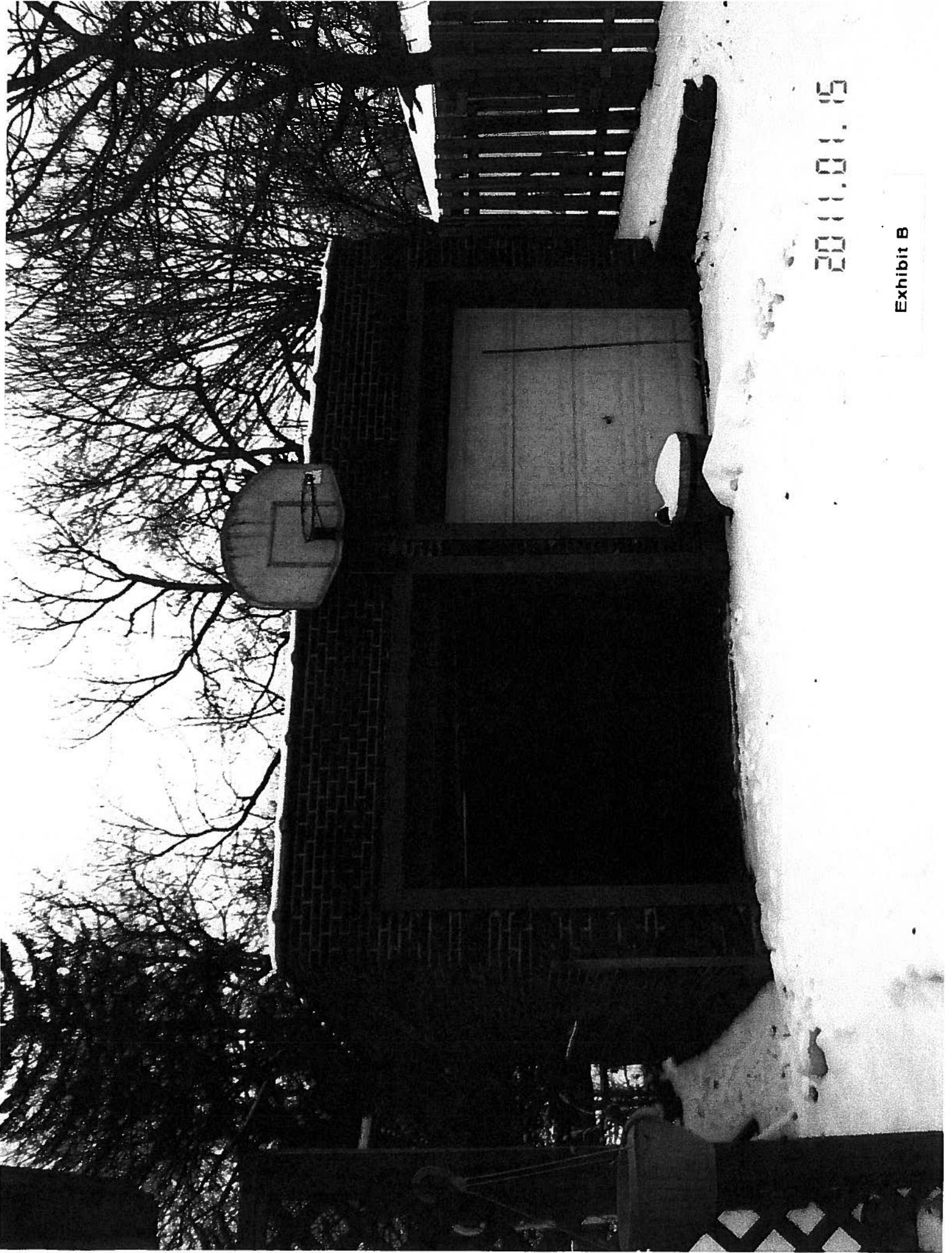
9.27.2011
Date filed

MATERIALS INCLUDED:

<u>ITEM</u>	<u>CODE REFERENCE</u>	
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	_____
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)	_____

EXHIBIT 'A'
Legal Description

LOT 8, (EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 7: THENCE WEST ALONG THE SOUTH LINE OF LOT 8, AFORESAID, 16.0 FEET; THENCE NORTHERLY ON A STRAIGHT LINE TO THE NORTHWEST CORNER OF LOT 7; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF LOT 7 TO THE PLACE OF BEGINNING) IN TREFNY'S RESUBDIVISION, GLEN ELLYN, OF LOT 5 (EXCEPT THAT PART USED FOR STREET) OF COUNTY CLERK'S SEVENTH ASSESSMENT DIVISION IN SECTION 10, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID TREFNY'S RESUBDIVISION RECORDED FEBRUARY 1, 1928 AS DOCUMENT 251184, IN DUPAGE COUNTY, ILLINOIS.



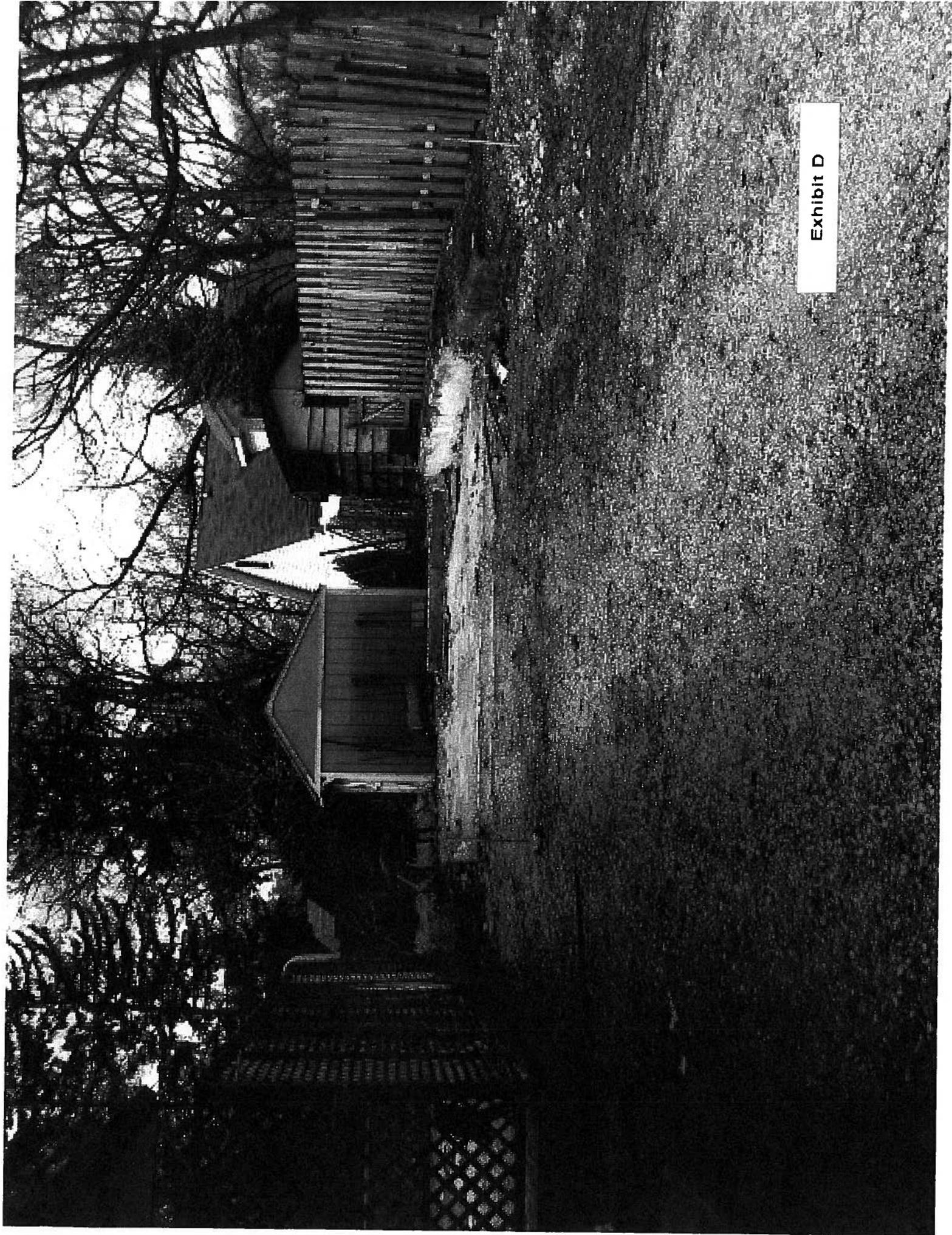
2011.01.15

Exhibit B



Exhibit C

Exhibit D

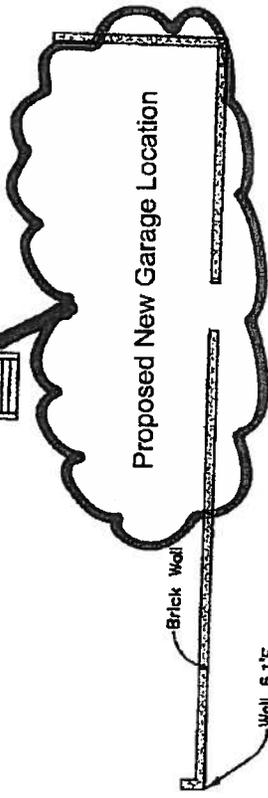
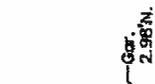
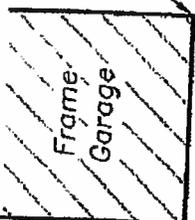
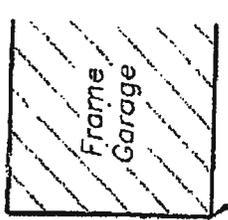
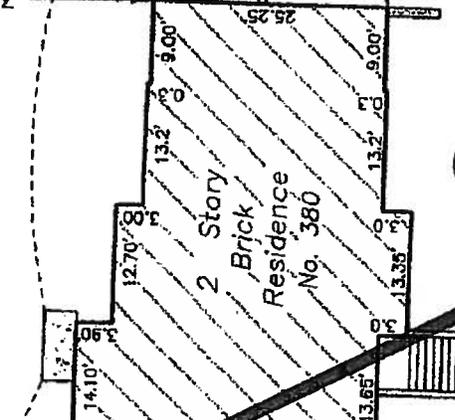
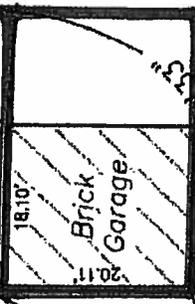
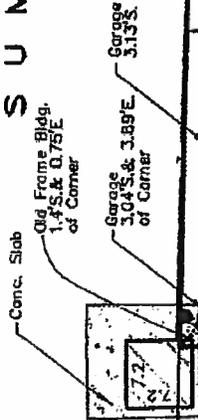


Lot 34

Lot 35

Lot 36

S U M M I T S U B D I V I S I O N



150.00'

50.00'

96'56"11"

66.65'

69.97'

Exhibit E
380 Linden St
Glen Ellyn, IL

W
A
Y

50.00'

31.47'

fence 0.1'E. East

chain link fence
1.15' West of fir
wood fence

14



Chicago Title Insurance Company

WARRANTY DEED
ILLINOIS STATUTORY

SK8306452
210056410



FRED BUCHOLZ

DUPAGE COUNTY RECORDER

JAN. 10, 2011

RHSP 12:55 PM

DEED

05-10-210-039

002 PAGES

R2011-005179

THE GRANTOR(S), Gene Los and Pamela Los, married, of the Village of Glen Ellyn, County of DuPage, State of Illinois for and in consideration of TEN & 00/100 DOLLARS, and other good and valuable consideration in hand paid, CONVEY(S) and Warrant(s) to Chad Allman and Julie Allman, married, as tenants by the entirety (GRANTEE'S ADDRESS) 1244 N Damen Ave, Chicago, Illinois 60622 of the County of Cook, all interest in the following described Real Estate situated in the County of DuPage in the State of Illinois, to wit:

LOT 8, (EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 7; THENCE WEST ALONG THE SOUTH LINE OF LOT 8, AFORESAID, 16.0 FEET; THENCE NORTHERLY ON A STRAIGHT LINE TO THE NORTHWEST CORNER OF LOT 7; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF LOT 7 TO THE PLACE OF BEGINNING) IN TREFNY'S RESUBDIVISION, GLEN ELLYN, OF LOT 5 (EXCEPT THAT PART USED FOR STREET) OF COUNTY CLERK'S SEVENTH ASSESSMENT DIVISION IN SECTION 10, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID TREFNY'S RESUBDIVISION RECORDED FEBRUARY 1, 1928 AS DOCUMENT 251184, IN DUPAGE COUNTY, ILLINOIS.

CHARGE C.T.I.C. DUPAGE

SUBJECT TO: covenants, conditions and restrictions of record; and building lines and easements, if any, provided they do not interfere with the current use and enjoyment of the Real Estate.

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

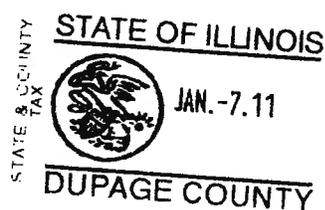
05-10-210-039-0000

Permanent Real Estate Index Number(s): ~~006010510210000~~
Address(es) of Real Estate: 380 Linden, Glen Ellyn, Illinois 60137

Dated this 30 day of December, 2010

Gene Los

Pamela Los



STATE OF ILLINOIS, COUNTY OF ILLINOIS ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT Gene Los and personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 29 day of December, 2010

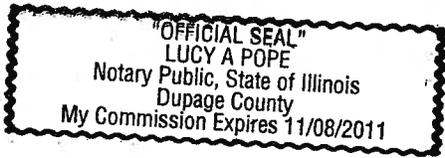


Maria Kumis (Notary Public)

STATE OF ILLINOIS, COUNTY OF _____ ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT Pamela Los and personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 30th day of December, 2010



Lucy A. Pope (Notary Public)

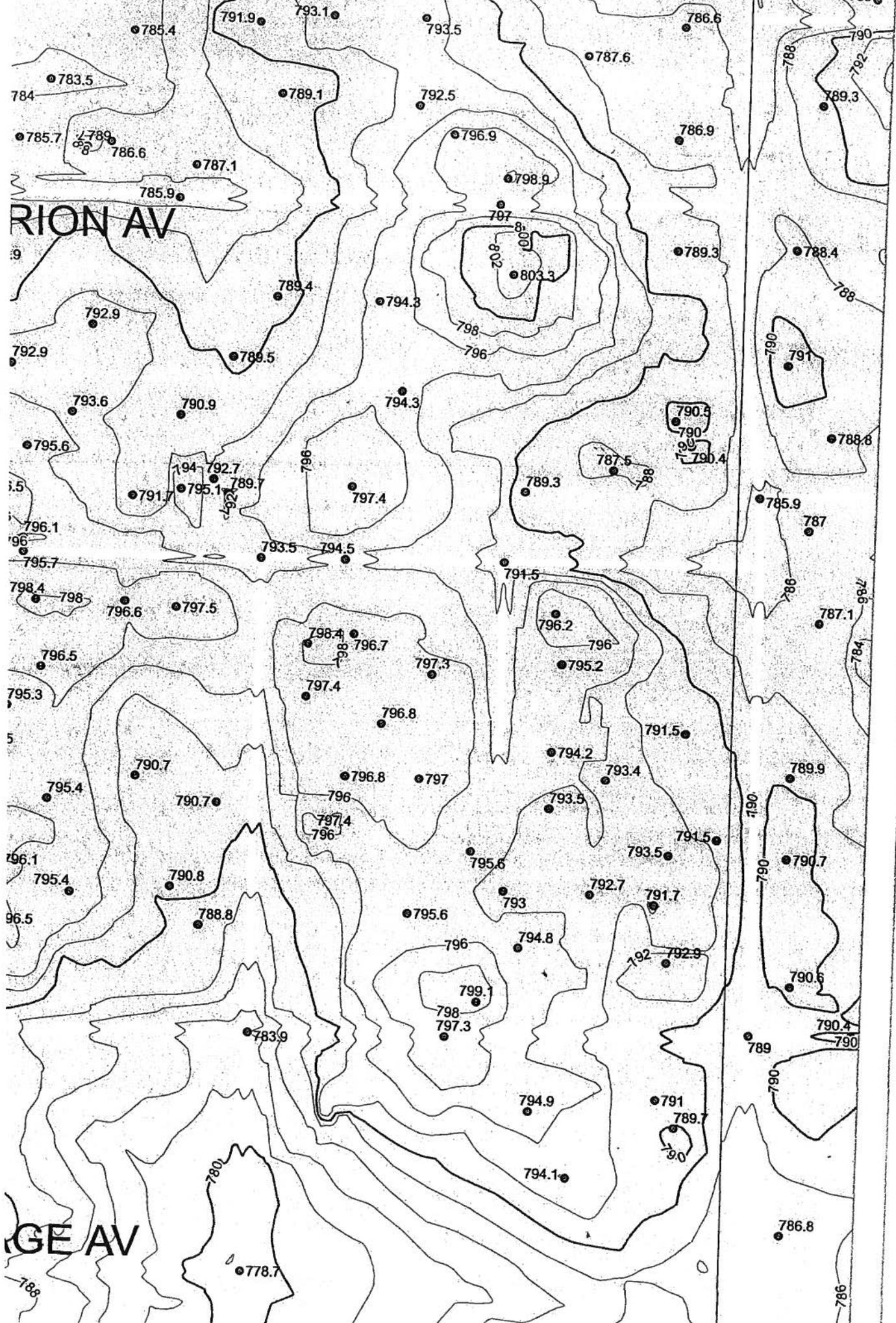
Prepared By: Paul B. Garver
35 S. Garfield
Hinsdale, Illinois 60521

	Village of Glen Ellyn Real Estate Transfer Tax
	014276
Sale \$	<u>437,500.00</u>
Tax \$	<u>1,314.00</u>
Date	<u>1-5-11</u> Initials <u>MU</u>

Mail To: ~~Chad + Julie Allman~~ Michael Kerst IC
~~1244 N. Haman Ave~~ 2720 Canyon Farm Road
~~Chicago IL~~ Juliet 711 60435

Name & Address of Taxpayer:

Chad + Julie Allman
380 Linden Glen Ellyn IL 60137



MEMORANDUM

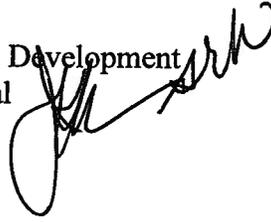
TO: Mark Franz, Village Manager

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

DATE: July 19, 2011

FOR: July 25, 2011 Village Board Meeting

SUBJECT: 791 Crescent Boulevard - Variation



Petition: The property owners, Scott and Duska Pearson, are requesting approval of a variation from Glen Ellyn Zoning Code Section 10-4-8(D)2 to allow the construction of an attached garage addition to the principal structure with a setback of 13.5 feet from the rear lot line in lieu of the minimum required setback of 40 feet from the rear lot line. The subject property is an interior lot located on the south side of Crescent Boulevard in the R2 Residential District.

Public Hearing: The Zoning Board of Appeals conducted a public hearing on the requested variation on Tuesday, June 14, 2011. Notice of the public hearing was published in the Glen Ellyn News on May 26, 2011. At the meeting, no persons spoke in favor of and one person spoke in opposition to the variation request. The Zoning Board of Appeals was in favor of the variations because they felt that the shape property and position of the home was irregular and that the proposed addition would correct and reduce existing noncompliant impervious surface areas. The Zoning Board of Appeals voted on a motion to recommend approval of the variation request. The motion carried with seven (7) "yes" votes and zero (0) "no" 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 June 14, 2011
- Photo of the Subject Property
- Location Map
- Ordinance
- Notice of Public Hearing
- List of Addresses
- Petitioners' Application packet

CC: Scott and Duska Pearson

791 CRESCENT BOULEVARD – ATTACHED GARAGE ADDITION.
DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING A
ZONING VARIATION REQUEST FROM THE MINIMUM REQUIRED REAR YARD
SETBACK FOR A HOME ADDITION.

(Scott and Duska Pearson, owners)

Staff Report

Building and Zoning Official Joe Kvapil stated that Scott and Duska Pearson, the owners of 791 Crescent Boulevard, are requesting approval of a variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)2, to allow the construction of an addition to their principal structure with a setback of 13.5 feet from the rear lot line in lieu of the minimum required setback of 40 feet from the rear lot line. He displayed a picture of the house, plat of survey and location map.

The subject property is an interior lot zoned R2 Zoning District, and the zoning and land use surrounding the subject property is single-family residential. Per Village records, no zoning variations have been granted for the subject property, and several permits have been issued over the past 50+ years. Mr. Kvapil stated that Mr. and Ms. Pearson would like to remove an existing small greenhouse and the existing detached garage and construct a two-story attached garage and one-story mud room addition to the existing home. An existing driveway that encroaches into the adjacent property and portions of a walkway will also be removed. Mr. Kvapil displayed a plan of the site with the items that will be added and removed.

Petitioners' Presentation

Duska Pearson, the petitioner, and Steve Poteracki, their architect, Studio 1 Architects, 1105 Burlington Avenue, Western Springs, Illinois were present. Ms. Pearson stated that they purchased the subject house in 2008. She added that the house is historic and unique and that they want to enhance the character of the home by retaining the historic quality. Mr. Poteracki stated that the location of the existing garage and driveway is on the neighbors' property and the petitioners would like to remedy that situation. Doug Funk, an architect, 435 Duane Street, Glen Ellyn, Illinois addressed drainage, stating that the hill on the site will be leveled out to reduce run-off to the neighbors' property and contain more water on the petitioners' property.

Responses to Questions from the ZBA

Mr. Kvapil responded to Mr. Constantino that if the breezeway and garage were detached, no zoning variation would be required. Mr. Kvapil responded to Mr. Siligmuller that if the front faced east, the setback requirement would be 19.3 feet in the side yard.

Persons in Favor of or in Opposition to the Petition

George Kuzycz lives at 795 Crescent Boulevard which has an easement for access onto Crescent Boulevard. Mr. Kuzycz spoke regarding his concerns about the proposed improvements to the subject property. Mr. Kuzycz lives south of the subject property and wanted to possibly build a structure on his property at some point in the future and possibly subdivide his lot. Mr. Kuzycz stated that there is a pond in the southeast portion of his lot. He showed a picture (from his phone) of standing water on his lot after a rainfall.

Comments from the ZBA

All of the ZBA members were in favor of the proposed request for a zoning variation from the minimum required rear yard setback for a home addition because the subject lot is irregularly shaped with a residence that is not in a typical location. Mr. Siligmuller stated that the change on the subject lot will reduce the impervious surface on the neighbors' property. The ZBA members also felt that the residences in the area are not typical.

Motion

Mr. Constantino moved, seconded by Ms. Fried, to approve the request for a variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)2, to allow the construction of an addition to the principal structure with a setback of 13.5 feet from the rear lot line in lieu of the minimum required setback of 40 feet from the rear lot line. A stormwater review was recommended as a condition of approval.

The motion carried with seven (7) "yes" votes as follows: Board Members Constantino, Fried, Kolar, Ozog, Siligmuller, Waterman and Chairman Garrity voted yes.

Staff Report

Mr. Kvapil reviewed upcoming agenda items scheduled for future ZBA meetings.

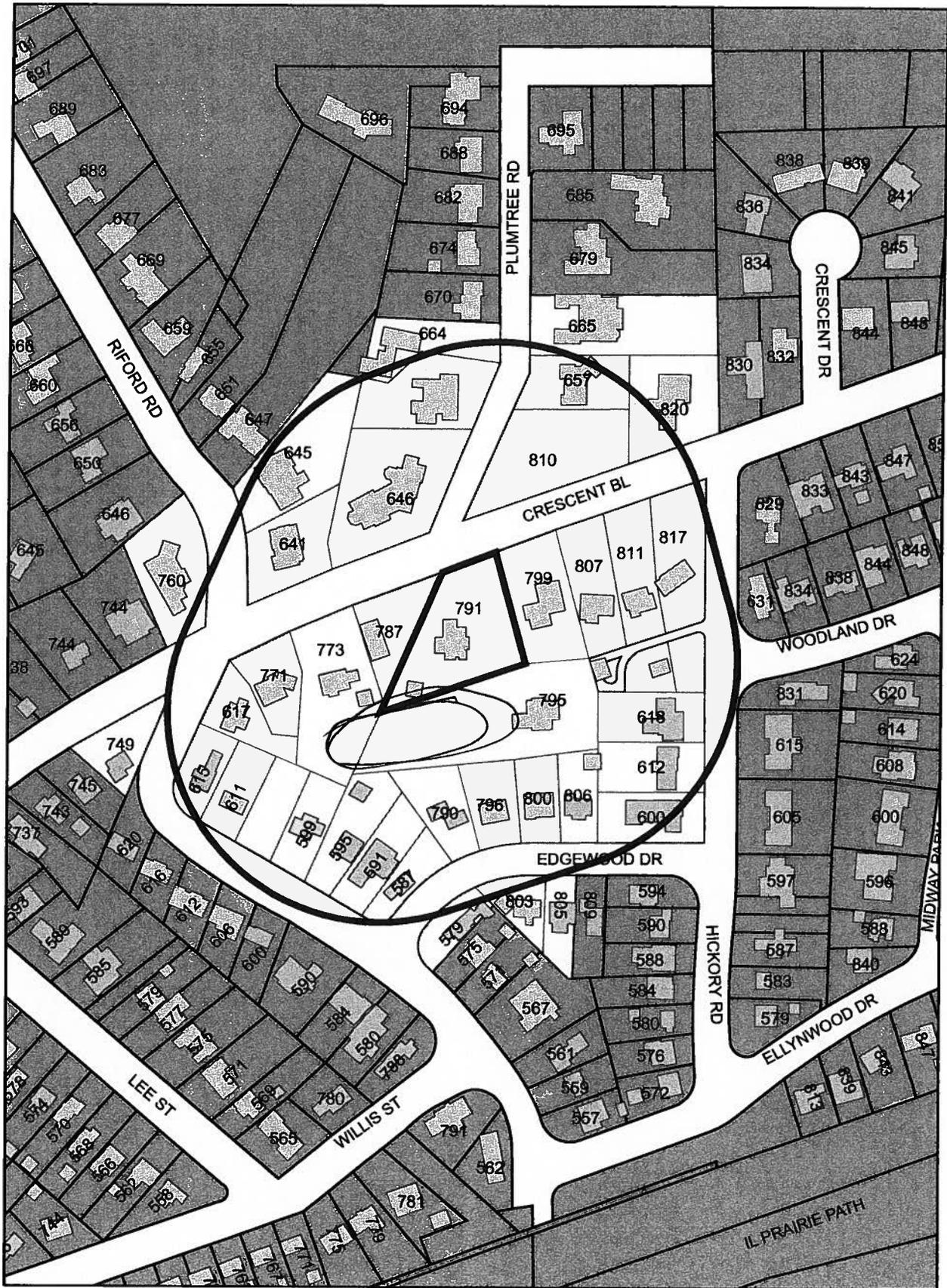
There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 9:55 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

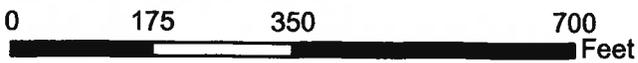
Reviewed by:
Joe Kvapil
Building & Zoning Official



791 Crescent Boulevard



Prepared By: Planning and Development
Date: April 25, 2011



Village of Glen Ellyn

Ordinance No. _____

**An Ordinance Approving a Variation from the
Rear Yard Setback Requirements
of the Zoning Code
to Allow An Attached Garage Addition to the Existing Home
For Property at 791 Crescent Boulevard
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 a Variation from the
Rear Yard Setback Requirements
of the Zoning Code
to Allow An Attached Garage Addition to the Existing Home
For Property at 791 Crescent Boulevard
Glen Ellyn, IL 60137**

Whereas, Scott and Duska Pearson, owners of the property at 791 Crescent Boulevard, Glen Ellyn, Illinois, which is legally described as follows:

Lot 1 in Rossiter's Division of Lot 108 in Wrightwood, Glen Ellyn, a subdivision of parts of Sections 11 and 12, Township 39 North, Range 10 East of the Third Principal Meridian, according to the Plat of Rossiter's Division recorded March 13, 1956, as document 792650 and corrected by instrument dated March 16, 1956 and recorded March 27, 1956, as document 794231, in DuPage County, Illinois.

P.I.N.: 05-11-219-006

have petitioned the President and Board of Trustees of the Village of Glen Ellyn for a variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)2, to allow the construction of an attached garage addition to the existing home with a rear yard setback of 13.5 feet in lieu of the minimum required rear yard setback of 40 feet; and

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 June 14, 2011, at which

the petitioners presented evidence, testimony, and exhibits in support of the variation request and no persons appeared in favor of the variation and one (1) person appeared in opposition thereto; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing on June 14, 2011, the Zoning Board of Appeals adopted findings of fact and voted on a motion to approve the Variation, which carried by a vote of seven (7) “yes” and zero (0) “no,” resulting in a recommendation for approval as set forth in its Minutes dated June 14, 2011, 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 due to the irregular shape of the lot and position of the home on the lot and the fact that the existing driveway does not meet the minimum setback requirements and encroaches onto adjacent property;
- B. That the variations, if granted, will not alter the essential character of the locality since the garage addition has been designed to be architecturally compatible with the existing home in appearance, size and scale;
- 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 as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out since the home is uniquely located at the far rear of the lot and does not front the street;

D. That the conditions upon which the variation is based would not be applicable generally to other property within the same zoning district since the living areas in the home normally adjacent to an attached garage exist on the rear of the home;

E. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property since the homeowners intend on retaining ownership in the foreseeable future;

F. That the practical difficulty or particular hardship has not been created by any persons presently having an interest in the property since the existing detached garage and non-conforming driveway to be removed are past improvements on the property;

G. That the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located since the scope of the project will require a stormwater permit to insure stormwater run-off will not adversely affect adjacent properties;

H. That the variation will not diminish or impair property values within the neighborhood since the variation includes significant property improvements that would increase housing values; 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 June 14, 2011 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 a variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)2, to allow the construction of an attached garage with a rear yard setback of 13.5 feet in lieu of the minimum required rear yard setback of 40 feet at 791 Crescent Boulevard, Glen Ellyn, Illinois, which is legally described as follows:

Lot 1 in Rossiter's Division of Lot 108 in Wrightwood, Glen Ellyn, a subdivision of parts of Sections 11 and 12, Township 39 North, Range 10 East of the Third Principal Meridian, according to the Plat of Rossiter's Division recorded March 13, 1956, as document 792650 and corrected by instrument dated March 16, 1956 and recorded March 27, 1956, as document 794231, in DuPage County, Illinois.

P.I.N.: 05-11-219-006

Section Three: This grant of variation to construct a garage addition is conditioned upon the construction being completed in substantial conformance with the plans and the Application for Variation received by the Planning & Development Department on April 25, 2011 and the testimony and exhibits provided at the June 14, 2011 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

Scott and Duska Pearson, owners of the property at 791 Crescent Blvd., are requesting a public hearing for one variation in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. The owners would like to modify the existing home by constructing an addition to the rear of the home within 13.5 feet of the rear property line. The Zoning Code does not allow the principal structure to be closer than 40 feet to the rear property line. The Glen Ellyn Zoning Board of Appeals will conduct a public hearing to consider this Variation on June 14, 2011 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 a variation from Glen Ellyn Zoning Code Section 10-4-8(D)2 to allow the construction of an addition to the principal structure with a setback of 13.5 feet from the rear lot line in lieu of the minimum required setback of 40 feet from the rear lot line.

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

Lot 1 in Rossiter's Division of Lot 108 in Wrightwood, Glen Ellyn, a subdivision of parts of Sections 11 and 12, Township 39 North, Range 10 East of the Third Principal Meridian, according to the Plat of Rossiter's Division recorded March 13, 1956, as document 792650 and corrected by instrument dated March 16, 1956 and recorded March 27, 1956, as document 794231, in DuPage County, Illinois.

P.I.N.: 0511219006

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, May 26, 2011)

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CIVIC CENTER 535 DUANE STREET GLEN ELLYN, IL 60137 630.469.5000 FAX 630.469.8849



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: Scott & Duska Pearson
Address: 791 Crescent Blvd. Glen Ellyn
Phone No.: 630.975.4942
Fax No.: —
E-mail: duskapearson@mac.com
Ownership Interest in the Property in Question: 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: 791 Crescent Blvd.

Permanent tax index number: _____

Legal description: See attached Plat

Zoning classification: R-2

Lot size: see plat ft. x _____ ft. Area: ≈ 33,56 sq. ft.

Present use: Single Family Residential

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):

Reduction of the rear yard setback to allow for an attached garage w/ mudroom.
Section 10-4-8 (D) 2. Rear yard

We are seeking to reduce the from the required 40'0" Rear Yard Setback to 13'-6". This would Not encroach into the existing 10'-0" utility easement.

Estimated date to begin construction: July 2011

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

Steven Poterack - Studio 1 architects - 1105 Burlington Ave. Western Springs IL. 60558
Doug Funk - Spangler Design - 435 Duane Ave. Glen Ellyn IL 60137
Rick Fandrel's - Fandrel's Land Surveying - 1A 335 Morse St. Carol Stream IL. 60182

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.

PLAT OF SURVEY

OF LOT 1 IN ROSSITER'S DIVISION OF LOT 108 IN WRIGHTWOOD, GLEN ELLYN, A SUBDIVISION OF PARTS OF SECTIONS 11 AND 12, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF ROSSITER'S DIVISION RECORDED MARCH 13, 1956, AS DOCUMENT 792850 AND CORRECTED BY INSTRUMENT DATED MARCH 16, 1956 AND RECORDED MARCH 27, 1956, AS DOCUMENT 784231, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 791 CRESCENT BOULEVARD, GLEN ELLYN, ILLINOIS.

ENT BOULEVARD

FOUND NAIL
IS ONLINE &
0.17 WEST

50' 18" E

BITUM

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 shape is irregular - there are no parallel sides, equal angles, 90° angles or equal lengths. The lot is not a standard Glen Ellyn lot.
The homes orientation is not parallel to any lot lines

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:

The existing property was part of a previously larger parcel that was subdivided in 1956.

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 essential character of the neighborhood will be enhanced. The exist concrete block garage with flat roof is to be removed. The proposed addition will maintain the character of the existing home.

The existing driveway overlaps the neighbors property and that would be alleviated.

- 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:

Due to the homes orientation and the property shape the placement of an addition is limited. An addition of a garage cannot go in the front yard and in keeping with not putting the garage facing the street we are limited in the front yard also. Due to the topography of the site an attached garage is the safest solution.

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 property at 791 Crescent is adjoined to 2 other lots. The southern lot is land locked & the only possible way to access this lot is by using the applicants property (an easement). A land locked lot is not permitted by the zoning code of Glen Ellyn.

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:

The owners intend on staying in the home. The addition is not based on making more money.

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.

The difficulty created on the property was not created by the applicant. The property was originally part of a larger parcel that was approximately 5 acres. ~~At~~ On March 13, 1956 the property was subdivided into multiple lots. The lot that adjoins where the proposed

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

The proposed addition will be reducing the impervious surface area by approximately 1,500 square feet. The paved area that is now on the neighbors property will be removed also.

addition is to be is not buildable.

6. Provide evidence that the proposed variation will not:

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

NO

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

No, All codes will be followed.
5/8" firecode Drywall will be used and the exterior material will be brick with a tile roof.

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

NO

d. Diminish or impair property values within the neighborhood;
The addition should help increase property values in the neighborhood.

e. Unduly increase traffic congestion in the public streets and highway;
NO

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.
The variation is the minimum required to provide a 2 car attached Garage. A 2 car detached garage would not and is not functional on the lot and would maintain the amount of impervious surface and the driveway portion on the neighbors property would remain.

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

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.

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.

W. Pearson

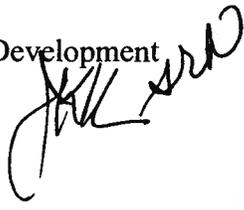
Signature of Applicant(s)

Date filed

MEMORANDUM

A-10

TO: Mark Franz, Village Manager

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

DATE: July 19, 2011

FOR: July 25, 2011 Village Board Meeting

SUBJECT: 364 Hillside Avenue - Variation

Petition: Shane and Victoria Rodgers, owners of the property at 364 Hillside Avenue, are requesting approval of seven variations from the Glen Ellyn Zoning Code to construct a second floor addition and an attached garage. The subject property is improved with a small 1 ½ story home on a small nonconforming lot. It is an interior lot located on the north side of Hillside Avenue in the R2 Residential District.

Zoning Data: The property owners are requesting approval of seven Variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-4-8(E)1 to allow the construction of an attached garage that results in a lot coverage ratio of 26.8 % in lieu of the maximum permitted lot coverage ratio of 20%.
2. Section 10-4-8(D)3 to allow the construction of an attached garage that results in a side yard setback of 5.2 feet in lieu of the minimum required side yard setback of 6.5 feet.
3. Section 10-4-8(D)2 to allow the construction of an attached garage that results in a rear yard setback of 32.75 feet in lieu of the minimum required rear yard setback of 40 feet.
4. Section 10-8-6(B)4a to allow the construction of a second floor addition over an existing structure with a lot coverage ratio of 26.8% in lieu of the maximum permitted lot coverage ratio of 25%.
5. Section 10-8-6(B)4d to allow the construction of a second floor addition over an existing structure that projects 12.4 feet into the minimum required rear yard setback in lieu of the maximum permitted projection of 10 feet.
6. Section 10-8-6(B)4e to allow the construction of an attached garage and second floor addition over an existing structure that results in an equivalent lot coverage ratio floor area of 41.6% in lieu of the maximum permitted floor area of 40%.
7. Section 10-8-6(B)3 to allow the construction of an attached garage and second floor addition over an existing structure that results in a Class II alteration in lieu of the maximum permitted Class I alteration.

Public Hearing: The Zoning Board of Appeals conducted a public hearing on the requested variations on Tuesday, June 28, 2011. Notice of the public hearing was published in the Glen Ellyn News on June 9, 2011. 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 Zoning Code requirements on small nonconforming properties were very restrictive and significantly limited the development options on the property, that the variations requested were numerous but minor in nature, and that the improvements would result in a modest home that provides reasonable and appropriate residential living space. The Zoning Board of Appeals voted on a motion to recommend approval of the variation request. The motion carried with five (5) “yes” votes and zero (0) “no” 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 June 28,2011
- Photo of the Subject Property
- Location Map
- Ordinance
- Notice of Public Hearing
- List of Addresses
- Petitioners' Application packet

CC: Shane and Victoria Rodgers

X:\PlanDev\BUILDING\ZBA\MEMOS\364HILLSIDE-LCR,REAR,SIDE,FAR,CLASS.doc

DRAFT
ZONING BOARD OF APPEALS
MINUTES
JUNE 28, 2011

The meeting was called to order by Chairman Richard Garrity at 7:33 p.m. Board Members Gregory Constantino, Barbara Fried, Edward Kolar and Dale SiligmueLLer were present. Board Member Mary Ozog was excused. Also present were Trustee Liaison Peter Cooper, Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

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

One public hearing was on the agenda for the property at 364 Hillside Avenue.

PUBLIC HEARING – 364 HILLSIDE AVENUE

A REQUEST FOR APPROVAL OF SEVEN (7) VARIATIONS FROM THE ZONING CODE REGARDING THE MAXIMUM LOT COVERAGE RATIO, MAXIMUM FLOOR AREA RATIO, MINIMUM SIDE AND REAR YARD SETBACKS AND MAXIMUM ALTERATION CLASS FOR A NEW ATTACHED GARAGE AND SECOND FLOOR ADDITION.

(Shane and Victoria Rodgers, owners)

Staff Report

Building and Zoning Official Joe Kvapil stated that Shane and Victoria Rodgers own the property at 364 Hillside Avenue, and he displayed photographs of the subject house. Mr. Kvapil stated that the petitioners are proposing to modify the existing home by constructing a second-floor addition over a portion of the existing first floor and adding a new one-story, attached, one-car garage. He stated that several restrictions were placed upon the proposed construction of the additions on the small, nonconforming lot and that seven variations will be required. Mr. Kvapil stated that the lot area is less than the required minimum, the width is 50 feet (less than the required 66 feet), the lot depth is 106 feet (minimum is 110 feet), the front yard setback is 22 feet (less than the 30 feet required), and the lot coverage ratio of the existing home is 25.4 percent when 20 percent is the maximum allowed. Mr. Kvapil stated that the subject property is an interior lot in the R2 single family residential zoning district, and he described its location. Surrounding properties are located in the R2 and R4 multi-family zoning districts. Mr. Kvapil stated that Village records indicate no prior variations have been granted for the subject property and that a few minor permits have been issued over the years.

Mr. Kvapil displayed a site plan and reviewed the requested variation requests as follows:

1. A variation to Section 10-4-8(E)1 to allow the construction of an attached garage that results in a lot coverage ratio of 26.8% in lieu of the maximum permitted lot coverage ratio of 20%. Mr. Kvapil explained that the existing lot coverage ratio of this property is 25.4%, and the proposed additions will increase the lot coverage ratio by 1.4%. Mr.

Kvapil added that there are also some reductions in the proposed plan as follows: The enclosed front porch will become an open front porch that will no longer be included in the lot coverage ratio, and the elimination of an enclosed screen porch will also reduce the lot coverage ratio. 2. A variation to Section 10-4-8(D)3 to allow the construction of an attached garage that results in a side yard setback of 5.2 feet in lieu of the minimum required side yard setback of 6.5 feet. Mr. Kvapil explained that this variation results in a garage width of 11 feet 5 inches and that a one-car garage width typically is 12 feet. 3. A variation to Section 10-4-8(D)2 to allow the construction of an attached garage that results in a rear yard setback of 32.75 feet in lieu of the minimum required rear yard setback of 40 feet. (Please note that the newspaper notice and Staff Report inadvertently stated “side yard setback of 40 feet” in lieu of “rear yard setback of 40 feet” at the end of the sentence. Mr. Kvapil responded to Mr. Kolar that the error could potentially be an issue, however, the ZBA will move forward and address any objections.). 4. A variation to Section 10-8-6(B)4a to allow the construction of a second floor addition over an existing structure with a lot coverage ratio of 26.8% in lieu of the maximum permitted lot coverage ratio of 25%. Mr. Kvapil stated that many small homes in the Village exceed the lot coverage ratio, however, are allowed to add a second floor if the LCR does not exceed 25%. He added that the LCR in this case will exceed 25% at 26.8%. 5. A variation to Section 10-8-6(B)4d to allow the construction of the second floor addition over an existing structure that projects 12.4 feet into the minimum required rear yard setback in lieu of the maximum permitted projection of 10 feet. Mr. Kvapil stated that the code allows a second floor addition to encroach up to 10 feet into a 40-foot setback. 6. A variation to Section 10-8-6(B)4c to allow the construction of an attached garage and second floor addition over an existing structure that results in an equivalent lot coverage ratio floor area of 41.6% in lieu of the maximum permitted floor area of 40%. Mr. Kvapil explained that the code allows building a second floor up to a combined first and second floor area of 40%. 7. A variation to Section 10-8-6(B)3 to allow the construction of an attached garage and second floor addition over an existing structure that results in a Class II alteration in lieu of the maximum permitted Class I alteration. Mr. Kvapil stated that the Zoning Code restricts the amount of the exterior wall and roof area that can be structurally altered. Mr. Kvapil added that this code would prevent a house from being taken down to the foundation and being rebuilt without the upgrades necessary for a new house. Mr. Kvapil stated that the structurally altered wall and roof area on the existing home only exceeds the permitted amount of 2% which puts it into the Class II classification that is prohibited in a lot of the subject size.

Petitioners' Presentation

Shane and Victoria Rodgers, the homeowners, and Architect Christopher Lauriat, 1000 S. Lorraine Road, #110, Wheaton, Illinois spoke on behalf of the variation requests. Mr. Rodgers stated he has owned the subject house for approximately 10 years, enjoys the location of the home and would like to remain there. Mr. Rodgers stated they have done as much work inside their home as is possible and would now like to upgrade and modernize the house. He added that his family currently has no plans to move but that if they were required to move in the future, they would like their home to be more marketable than it currently is.

Mr. Lauriat stated that the petitioners would like to un-enclose the front porch in order to have an open porch and add a garage and 2-story addition. Mr. Lauriat stated that the home originally had a front porch that was enclosed by a previous owner and that the current owners would like to open up the porch again. The second story addition will be built within the existing setbacks. Mr. Lauriat stated that hardships related to the property include the fact that the property is small and the area, width and depth are nonconforming. Mr. Lauriat stated that the subject house is currently 20-1/2 feet from the property line, however, the porch addition will move the setback to approximately 30 feet. Mr. Lauriat added that most of the houses on the subject street are set back approximately 20 feet. Mr. Lauriat stated that opening the porch will reduce the lot coverage. He also stated that the space to be added on the first floor of the garage and the access vestibule is to mediate the height difference of the deck and ground. Mr. Lauriat explained that a detached garage located in the back yard would take up too much room on the small lot. Regarding the specific variations, Mr. Lauriat stated that the reason for the large amount of surface to be altered is to provide a greater ceiling height on the first floor.

Responses to Questions from the ZBA

Mr. Kvapil responded to Ms. Fried that the house could possibly be redesigned so that variations were not required. Mr. Kvapil responded to Mr. Kolar that the subject house currently has two stories with the second story being small.

Mr. Rodgers responded to Mr. Constantino that they received positive feedback regarding all of their plans from their neighbors to the east, west and north. Mr. Rodgers responded to Mr. Siligmüller that there are currently no water issues in the neighborhood. Mr. Lauriat responded to Mr. Kolar that the ridge height will be well below 32 feet which does not require a variation.

Mr. Lauriat agreed with Mr. Constantino's comment that the scope of the proposed work could not have been reduced any more to make it worthwhile from economic and practical uses. Mr. Lauriat added that the size of the house will be approximately 2,100 square feet when completed. Mr. Lauriat responded to Mr. Constantino that the house is currently approximately 1,700 square feet, including the second story. Mr. Lauriat responded to Mr. Kolar that the current plan is to enclose the second floor area which doesn't change the requested variations. Mr. Lauriat responded to Mr. Constantino that there are no drainage issues on the lot, and rain barrels will collect water on the garage roof. Mr. Kvapil clarified for Mr. Kolar that if the garage was set in the rear yard, the setback would be 3 feet from the side and 3 feet from the rear property line. Mr. Kvapil added that if the garage was detached, the lot coverage ratio would be reduced to 21.8% from 26.8% currently being requested. He added that the 21.8% LCR would still require a variation. Mr. Kvapil responded to Mr. Garrity that the petitioner could detach the garage and be 10 feet from the structure. Mr. Lauriat responded to Chairman Garrity that the petitioners do not want to have a detached garage because an attached garage is more convenient and the petitioners would like to maintain an open back yard. Mr. Lauriat also added that the petitioners are trying to make the project as compact as possible. Mr.

Lauriat responded to Mr. Kolar that they have tried to minimize the percentage of lot coverage by uncovering a porch in front and removing a screen porch in the back corner.

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 were supportive and in favor of all variation requests which they felt were minimal. They felt that the practical difficulties regarding the project are the small size of the lot that would prohibit major reconstruction and that the plans cannot be reduced further to be any more economically worthwhile. The proposed plan will bring the front yard almost to the proper setback, and opening up the porch will help reduce the variation request to a minimum. The ZBA members felt that the proposed plan of the home fits well into the neighborhood and will not alter the essential character of the neighborhood. Additionally, the neighbors do not object to the proposed plan. Ms. Fried commented that the third variation request should be changed to reflect the word "rear" instead of "side" yard setback. Mr. Kvapil responded to Mr. Kolar that he will review the issue with staff to see if a review is required by the Village Attorney and that the incorrect word will be corrected for the ordinance.

Motion

Mr. Constantino moved, seconded by Ms. Fried, to approve the recommendations of the seven (7) variations requested by Shane and Victoria Rodgers, the owners of the property at 364 Hillside Avenue, Glen Ellyn, Illinois, with a correction to variation 43 to change the "required side" yard setback to "required rear" yard setback. The ZBA's recommendation was to approve the seven (7) variations to the Zoning Code as listed above related to the new attached one-car garage, construction of a second floor addition to the existing house and a Class II alteration where a maximum permitted Class I alteration is allowed. The recommendation for approval is based on the lot size which is too small for major rehabilitation and that the petitioners could not reduce the proposed plans any further to make the renovations economically worthwhile. Mr. Constantino stated that hardships exist related to the lot's nonconforming area, width and depth and that constructing a detached garage would take up too much room in the rear yard.

The motion carried unanimously with five (5) "yes" votes as follows: Board Members Constantino, Fried, Kolar, Siligmueller and Chairman Garrity voted "yes." No Board Members voted "no."

Trustee Report

Trustee Peter Cooper stated that the Village Board has recently discussed various Commission items. He then updated the ZBA on issues regarding the College of

DuPage. Trustee Cooper also stated that the Village will have a new Manager on July 13, 2011.

Staff Report

Mr. Kvapil stated that two variations are scheduled for the next ZBA agenda.

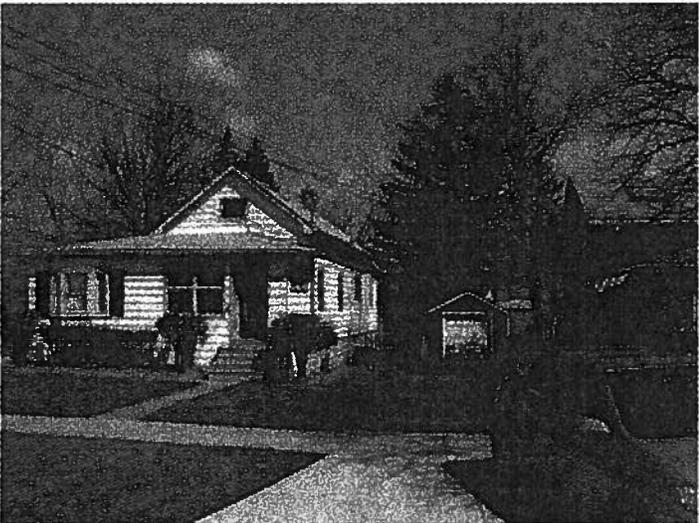
There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 9:02 p.m.

Submitted by:

Barbara Utterback
Recording Secretary

Reviewed by:

Joe Kvapil
Building & Zoning Official



Village of Glen Ellyn

Ordinance No. _____

**An Ordinance Approving Variations from the
Lot Coverage Ratio, Side and Rear Yard Setbacks,
Floor Area Ratio, and Alteration Class Requirements
of the Zoning Code
to Allow an Attached Garage and Second Floor Addition
to the Existing Home
For Property at 364 Hillside Avenue
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, Side and Rear Yard Setbacks,
Floor Area Ratio, and Alteration Class Requirements
of the Zoning Code
to Allow an Attached Garage and Second Floor Addition
to the Existing Home
For Property at 364 Hillside Avenue
Glen Ellyn, IL 60137**

Whereas, Shane and Victoria Rodgers, owners of the property at 364 Hillside Avenue, Glen Ellyn, Illinois, which is legally described as follows:

Lots 33 and 34 in Block 4 in Glen Wood addition to Glen Ellyn, a subdivision of part of Sections 10 and 11, Township 39 North, Range 10 East of the Third Principal Meridian, in DuPage County, Illinois.

P.I.N.: 0510419009

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

- 1. Section 10-4-8(E)1 to allow the construction of an attached garage that results in a lot coverage ratio of 26.8 % in lieu of the maximum permitted lot coverage ratio of 20%.**
- 2. Section 10-4-8(D)3 to allow the construction of an attached garage that results in a side yard setback of 5.2 feet in lieu of the minimum required side yard setback of 6.5 feet.**
- 3. Section 10-4-8(D)2 to allow the construction of an attached garage that results in a rear yard setback of 32.75 feet in lieu of the minimum required rear yard setback of 40 feet.**
- 4. Section 10-8-6(B)4a to allow the construction of a second floor addition over an existing structure with a lot coverage ratio of 26.8% in lieu of the maximum permitted lot coverage**

ratio of 25%.

5. Section 10-8-6(B)4d to allow the construction of a second floor addition over an existing structure that projects 12.4 feet into the minimum required rear yard setback in lieu of the maximum permitted projection of 10 feet.
6. Section 10-8-6(B)4e to allow the construction of an attached garage and second floor addition over an existing structure that results in an equivalent lot coverage ratio floor area of 41.6% in lieu of the maximum permitted floor area of 40%.
7. Section 10-8-6(B)3 to allow the construction of an attached garage and second floor addition over an existing structure that results in a Class II alteration in lieu of the maximum permitted Class I alteration.

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 June 28, 2011 at which the petitioners presented evidence, testimony, and exhibits in support of the variation request and no persons 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 June 28, 2011, the Zoning Board of Appeals adopted findings of fact and voted on a motion to approve the Variations, which carried by a vote of five (5) "yes" and zero (0) "no," resulting in a recommendation for approval as set forth in its draft Minutes dated June 28, 2011, 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 since the lot does not comply with the minimum required width, depth and area which significantly impedes the homeowners ability to make reasonable and necessary property improvements;
- B. That the variations, if granted, will not alter the essential character of the locality since the architecturally designed improvements result in a modest size home;
- 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 as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out since the various zoning code restrictions on small nonconforming lots prohibit development of this property to typical single family home standards in the locality;
- D. 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 size and shape and position of the home and driveway on the property is unique;
- E. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property since the homeowners intend to maintain this residence in the foreseeable future;
- F. That the practical difficulty or particular hardship has not been created by any persons presently having an interest in the property since the existing conditions have not been altered and the owners have made no changes that contribute to the problems or violate the codes;

G. That the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located since the improvements pose no hazard to the public;

H. That the variation will not diminish or impair property values within the neighborhood since the improvements will increase property values;

I. That the variation is the minimum Variation that will make possible the reasonable use of the land, building or structure since the small lot size, shape and area place a significant restriction on development of this property to a condition comparable to other homes in the locality.

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 June 28, 2011 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 seven variations from the Glen Ellyn Zoning Code, as follows:

1. Section 10-4-8(E)1 to allow the construction of an attached garage that results in a lot coverage ratio of 26.8 % in lieu of the maximum permitted lot coverage ratio of 20%.
2. Section 10-4-8(D)3 to allow the construction of an attached garage that results in a side yard setback of 5.2 feet in lieu of the minimum required side yard setback of 6.5 feet.

3. Section 10-4-8(D)2 to allow the construction of an attached garage that results in a rear yard setback of 32.75 feet in lieu of the minimum required rear yard setback of 40 feet.
4. Section 10-8-6(B)4a to allow the construction of a second floor addition over an existing structure with a lot coverage ratio of 26.8% in lieu of the maximum permitted lot coverage ratio of 25%.
5. Section 10-8-6(B)4d to allow the construction of the second floor addition over an existing structure that projects 12.4 feet into the minimum required rear yard setback in lieu of the maximum permitted projection of 10 feet.
6. Section 10-8-6(B)4e to allow the construction of an attached garage and second floor addition over an existing structure that results in an equivalent lot coverage ratio floor area of 41.6% in lieu of the maximum permitted floor area of 40%.
7. Section 10-8-6(B)3 to allow the construction of an attached garage and second floor addition over an existing structure that results in a Class II alteration in lieu of the maximum permitted Class I alteration.

at 364 Hillside Avenue, Glen Ellyn, Illinois, which is legally described as follows:

Lots 33 and 34 in Block 4 in Glen Wood addition to Glen Ellyn, a subdivision of part of Sections 10 and 11, Township 39 North, Range 10 East of the Third Principal Meridian, in DuPage County, Illinois.

P.I.N.: 0510419009

Section Three: This grant of variations is conditioned upon the construction being completed in substantial conformance with the plans and the Application for Variation received by the Planning & Development Department received and signed on June 22, 2011 and the testimony and exhibits provided at the June 28, 2011 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

Shane and Victoria Rodgers, owners of the property at 364 Hillside Avenue, are requesting a public hearing for seven 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 second floor addition and attached garage. The Zoning Code does not allow existing nonconforming structures to exceed the permitted maximum lot coverage area, floor area or altered exterior surface area, and requires minimum setbacks from property lines. The Glen Ellyn Zoning Board of Appeals will conduct a public hearing to consider these Variations on **Tuesday, June 28, 2011** 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 seven Variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-4-8(E)1 to allow the construction of an attached garage that results in a lot coverage ratio of 26.8 % in lieu of the maximum permitted lot coverage ratio of 20%.
2. Section 10-4-8(D)3 to allow the construction of an attached garage that results in a side yard setback of 5.2 feet in lieu of the minimum required side yard setback of 6.5 feet.
3. Section 10-4-8(D)2 to allow the construction of an attached garage that results in a rear yard setback of 32.75 feet in lieu of the minimum required side yard setback of 40 feet.
4. Section 10-8-6(B)4a to allow the construction of a second floor addition over an existing structure with a lot coverage ratio of 26.8% in lieu of the maximum permitted lot coverage ratio of 25%.
5. Section 10-8-6(B)4d to allow the construction of the second floor addition over an existing structure that projects 12.4 feet into the minimum required rear yard setback in lieu of the maximum permitted projection of 10 feet.
6. Section 10-8-6(B)4e to allow the construction of an attached garage and second floor addition over an existing structure that results in an equivalent lot coverage ratio floor area of 41.6% in lieu of the maximum permitted floor area of 40%.
7. Section 10-8-6(B)3 to allow the construction of an attached garage and second floor addition over an existing structure that results in a Class II alteration in lieu of the maximum permitted Class I alteration.

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

Lots 33 and 34 in Block 4 in Glen Wood addition to Glen Ellyn, a subdivision of part of Sections 10 and 11, Township 39 North, Range 10 East of the Third Principal Meridian, in DuPage County, Illinois.

P.I.N.: 0510419009

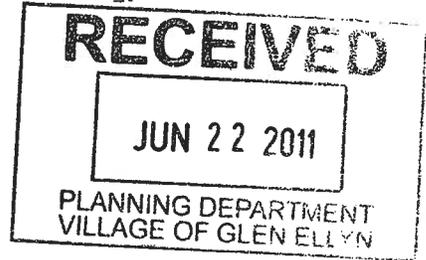
Plans related to the proposed addition are available for public review in the Planning and Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois. If you have questions, please contact Joe Kvapil, Building & Zoning Official, at (630) 547-5244. For individuals with disabilities who 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, June 9, 2011)

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CIVIC CENTER 535 DUANE STREET GLEN ELLYN, IL 60137 630.469.5000 FAX 630.469.8849

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: Shane and Victoria Rodgers

Address: 364 Hillside Avenue, Glen Ellyn, Illinois 60137

Phone No.: 630.728.1473

Fax No.: _____

E-mail: victoria.rodgers@gmail.com srodgers21@ameritech.net

Ownership Interest in the Property in Question: 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):

N/A

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: 364 Hillside Avenue, Glen Ellyn, Illinois 60137

Permanent tax index number: 05 10 419 009

Legal description: LOTS 33 AND 34 IN BLOCK 4 IN GLENWOOD, BEING C. A. PHILLIPS SUBDIVISION OF PART OF SECTION 10 AND PART OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 22, 1873 AS DOCUMENT 16688, IN DUPAGE COUNTY, ILLINOIS.

Zoning classification: R2

Lot size: 50' ft. x 106' ft. Area: 5,312 sq. ft.

Present use: Two-story 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):

1. Section 10-4-8(E)1 to allow the construction of an attached garage that results in a lot coverage ratio of 25.9 % in lieu of the maximum permitted lot coverage ratio of 20%. 2. Section 10-4-8(D)3 to allow the construction of an attached garage that results in a side yard setback of 5.2 feet in lieu of the minimum required side yard setback of 6.5 feet. 3. Section 10-4-8(D)2 to allow the construction of an attached garage that results in a rear yard setback of 32.8 feet in lieu of the minimum required side yard setback of 40 feet. 4. Section 10-8-6(B)4a to allow the construction of second floor addition over an existing structure with a lot coverage ratio of 26.8% in lieu of the maximum permitted lot coverage ratio of 25%. 5. Section 10-8-6(B)4d to allow the construction of second floor addition over an existing structure that projects 11.8 feet into the minimum required rear yard setback in lieu of the maximum permitted projection of 10 feet. 6. Section 10-8-6(B)4e to allow the construction of an attached garage and second floor addition over an existing structure that results in an equivalent lot coverage ratio floor area of 49.9% in lieu of the maximum permitted floor area of 40%.

Estimated date to begin construction: 01 AUG 2011

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

Christopher D. Lauriat, Architect (IL Lic. No. 001.020772)

1000 South Lorraine Road #110

Wheaton, Illinois 60189

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:

At 50' by 106', the lot at 364 Hillside is considerably smaller than a standard R2 lot. Even the modestly sized existing home exceeds the maximum lot coverage ratio by about 6%.

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:

The Owners need a larger home for their expanding family. They enjoy their current location but need to renovate and add space to their house to make it livable in the long term. The current home requires a substantial amount of exterior renovation (windows, siding, roof). Rather than invest in an exterior renovation and still have to buy a larger home elsewhere, the Owners would like to update and add to their current home to fit their needs and improve the appearance and character of the property.

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 addition and renovation will result in a more attractive home with an open front porch, carefully crafted details, and subtle material selections while maintaining a scale appropriate for Hillside Avenue. The proposed alterations would create a one-story appearance at the street. The attached one-car garage would be placed 20 feet back from the front wall of the house.

- 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 site dimensions (50' x 106') and the layout of the existing structure make it rather difficult to locate a garage on the property. A garage in the rear yard would make it rather unusable for other purposes. A small, attached garage maintains recreation space in the rear yard and provides a modern convenience for this family.

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 variations being pursued are solely based on the small size of the lot and the location of the existing house. If a similar addition were done on a conforming R2 lot, the variations would not be necessary.

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:

At this time, the Owners are planning to live at 364 Hillside Avenue for the foreseeable future. The renovation and addition are tailored to the Rodgers' specific needs and are being proposed precisely because they want to continue living on the property specifically and in the Village of Glen Ellyn generally.

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.

The current house at 364 Hillside has existed since the year 1911. The Owners have not altered the extents of the lot nor the zoning envelope of the house since purchasing 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

The improvements proposed for 364 Hillside would update the home's appearance and amenities while maintaining the character of the neighborhood and the Village.

6. Provide evidence that the proposed variation will not:

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

The one-story garage addition will be no closer than 5 feet 2 inches to the west property line. The second story addition will not extend beyond either side yard setback.

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

The renovation and new construction will be in compliance with modern building codes in regards to fire separation.

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

The proposed design will be a benefit to the Village of Glen Ellyn in terms of scale, quality, craft, and appearance.

- d. Diminish or impair property values within the neighborhood;
The addition and renovation will greatly improve the appearance and condition of the existing home.
 - e. Unduly increase traffic congestion in the public streets and highway;
The proposed variations will not change the use of or traffic to the property.
 - f. Create a nuisance; or
The proposed variations will not create a nuisance.
 - g. Results in an increase in public expenditures.
The proposed work will be privately funded and will not put strain on current infrastructure.
7. Provide evidence that the variation is the minimum variation that will make possible the reasonable use of the land, building or structure.
A 12 foot wide garage provides enough space to park a vehicle and open the doors without hitting the side walls. The second story addition follows the footprint of the first story.
8. Please add any comments which may assist the Zoning Board of Appeals of Appeals in reviewing this application.
The Owners plan to relocate their overhead utility services underground to further improve the appearance of the property.

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.

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.

MATERIALS INCLUDED:

<u>ITEM</u>	<u>CODE REFERENCE</u>	
1. Properly completed application	10-10-10(A)1 10-10-12(A)5	<u> </u> <u> </u>
2. Fee Paid	Ord. No. 1904-Z	<u> ✓ </u>
3. Escrow (for Plan Commission cases)	VC – 4-1-4 (H)	<u> </u>
4. Proof of ownership	10-10-10(B)	<u> ✓ </u>
5. Current Plat of Survey + floodplain determination (in writing)	10-10-12(E) 10-6-3	<u> ✓ </u> <u> </u>
6. Legal description of property (may be included in No. 4)	10-10-12(A)2	<u> ✓ </u>
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	<u> ✓ </u>
8. Petition signed by neighbors (all within 250 feet)	Optional	<u> </u>
9. Reimbursement of Fees Agreement (for Plan Commission cases)	VC – 4-1-4 (H)	<u> </u>

VII. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

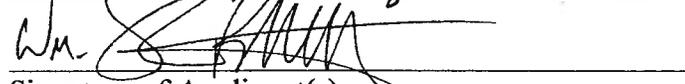
I (We) certify that all of the statements and documents submitted as part of this application are true and complete to the best of my (our) knowledge and belief.

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)

22 APRIL 2011
Date filed

MEMORANDUM

TO: Mark Franz, Village Manager *J*

FROM: Staci Hulseberg, Planning and Development Director *SH*
 Michele Stegall, Village Planner *MMS*
 Kasey Matthews, Planning Intern *KM*

DATE: July 18, 2011

FOR: July 25, 2011 Village Board Meeting

SUBJECT: Sunshine Dance Project Studio Inc., 510 Crescent Boulevard (formerly 460 N. Main Street)

Request: Sheri L. Dahl, lessee of property located at 510 Crescent Boulevard is requesting approval of a Special Use Permit to allow a dance school to occupy the existing building at 510 Crescent Boulevard. The subject property is located on the north side of Crescent Boulevard between Main Street and Glenwood Avenue in the C5A Central Business District, Central Retail Core Sub-district. To accommodate the project, the petitioner is specifically requesting approval of a Special Use Permit in accordance with Section 10-4-17.1(B)29 of the Glen Ellyn Zoning Code to allow a dance school at the subject location.

The petitioner plans to open a dance studio in an existing 1492 square foot tenant space on the ground floor of 510 Crescent Boulevard. The studio entrance is located on Crescent Boulevard and the unit is west of M & Em's. The business plans to offer dance classes Monday through Saturday, with the exception of Wednesday. Wednesday and portions of Friday and Saturday would be reserved for workshops, birthday parties and community events. The petitioner anticipates that the business would be open from approximately 9:00am to 8:00pm Monday through Saturday.

The maximum number of students per class is currently anticipated to be ten, with students ranging in age from two to thirteen. Classes will generally last forty-five to eighty minutes. The owner anticipates students coming from Glen Ellyn as well as surrounding communities.

Plan Commission Recommendation: The Plan Commission considered the request at a public hearing on July 14, 2011. One person spoke at the hearing and expressed concerns about traffic and parking during drop-off and pick-up of dance students. By a vote of 11-0, the Plan Commission recommended approval of the request subject to the condition that the use is operated in substantial conformance with the application materials submitted and testimony presented at the July 14, 2011 Plan Commission public hearing.

The Plan Commission's discussion focused primarily on traffic and class size. Some concern was raised about traffic flow along Crescent Boulevard and Main Street when children are dropped-off and picked-up. The overall sentiment was that increased traffic in the downtown was a great problem to have and the location next to M & Em's was ideal. After some discussion regarding

whether or not to impose a limit on class size, the consensus was to let class size be determined by the petitioner's professional judgment and the legal occupancy of the unit.

Village Board Action: The Village Board may approve, approve with conditions or deny the petitioner's request for approval of a Special Use Permit. Village Staff has prepared an Ordinance to approve the request for consideration at the July 25, 2011 Village Board meeting.

Attachments:

- Draft minutes from July 14, 2011 Plan Commission Meeting
- Location Map
- Public Hearing Notice
- Mailing Labels for Public Hearing Notice
- Ordinance
- Petitioner's Application Packet

cc: Sheri L. Dahl, Petitioner

DRAFT
PLAN COMMISSION
MINUTES
JULY 14, 2011

The meeting was called to order by Chairman Julie Fullerton at 7:30 p.m. Commissioners Craig Bromann, Todd Buckton, Linda Dykstra, Erik Ford, Jeff Girling, Heidi Lannen, Julie McCormick, Jay Strayer, Ray Whalen and Lyn Whiston were present. Also present were Village Planner Michele Stegall, Planning Intern Kasey Matthews and Recording Secretary Barbara Utterback.

Chairman Fullerrton explained the procedures of the Plan Commission. On the agenda were two public hearings regarding a special use permit for Sunshine Dance Studio at 460 N. Main Street and a special use permit for 350 Duane Street.

PUBLIC HEARING – SUNSHINE DANCE STUDIO, 460 N. MAIN STREET - SPECIAL USE PERMIT

A REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT TO ALLOW A DANCE STUDIO AT 460 N. MAIN STREET. THE SUBJECT UNIT IS LOCATED ON THE NORTH SIDE OF CRESCENT BOULEVARD BETWEEN MAIN STREET AND GLENWOOD AVENUE IN THE C5A CENTRAL BUSINESS DISTRICT, CENTRAL RETAIL CORE SUB-DISTRICT.

(Sheri L. Dahl, petitioner)

Staff Introduction

Planning Intern Kasey Matthews stated that the petitioner, Sheri Dahl, is requesting a Special Use Permit to open a dance studio in an existing 1,492 square foot tenant space on the ground floor of 460 N. Main Street. The subject property is located at the northwest corner of north Main Street and Crescent Boulevard in the C5A Central Business District, Central Retail Core Sub-district, and the unit is tucked in the rear of the building. Ms. Matthews described the surrounding land uses and quoted from the Comprehensive Plan regarding downtown uses. She also displayed a floor plan of the dance floor space and stated that dance classes, workshops, birthday parties and community events will be offered.

Petitioners' Presentation

Sheri Dahl, dance instructor for Sunshine Dance Project Studio, Inc., 460 N. Main Street, Glen Ellyn, Illinois, stated that she will be holding dance classes in several types of dance categories primarily for ages 2-13 at the subject location. Dance-related workshops and birthday parties will also be held in this studio. Ms. Dahl provided her personal history and stated that she prefers the subject downtown location which is rectangular in shape. Ms. Dahl stated that ten (10) would be the maximum number of students per class. Ms. Dahl stated that she has never received a complaint about the music from her dance

studio being too loud but said she can cushion the walls on each side of the walls, if necessary.

Responses to Questions from the Plan Commission

Ms. Matthews responded to Commissioner Buckton that no revision to the Zoning Code is necessary for this project. Ms. Dahl responded to Commissioner Buckton that there are restrooms available in the hallway and she identified their location. She responded to Commissioner Strayer that there are two windows in the space—one office window and another window that has a wall in front of it. Ms. Dahl responded to Commissioner Strayer that there is an exit into a hallway in the interior of the building and an exit from the street. Ms. Dahl responded to Commissioner Strayer that a wall jogs near a new restaurant that is going in.

At Commissioner McCormick's request, Ms. Dahl elaborated on fitness classes she may hold for adults in the future. Ms. Stegall responded to Chairman Fullerton that the petitioner would not be required to return to the Plan Commission for approval of the fitness classes because if they were accessory to the main use. Ms. Dahl responded to Commissioner McCormick that business hours would need to be extended if fitness classes became available, and Ms. Stegall replied to Commissioner McCormick that the hours could be expanded as the business would be in substantial conformance with the project as presented. Lynn Colby, real estate consultant, 25 East Highland Avenue, Lombard, Illinois responded to Commissioner Ford that the use of the space directly behind the petitioner's space will be an expansion of Em and M's. Ms. Dahl responded to Commissioner Whiston that she plans to host children's birthday parties and will have a door to separate the parties from other spaces in the building. Ms. Dahl responded to Commissioner Buckton that she/the studio will not provide food at parties. Ms. Dahl responded to Commissioner Strayer that this is her first dance studio. Commissioner Bromann expressed a concern regarding traffic jams because children are being dropped off and picked up at approximately the same time. Ms. Dahl responded that there is a small period of time between classes to allow for children to be dropped off and picked up. Ms. Dahl also responded to Commissioner Bromann that approximately 8 of 10 parents remain in the studio for classes their children are attending.

Ms. Dahl confirmed for Commissioner Girling that the application stated that classes would be capped at 240 students per week. She explained that she currently plans to offer 25 classes with a maximum of 10 people per class. Ms. Dahl added that if classes were added, the maximum number of students would increase.

Ms. Dahl responded to Commissioner McCormick that she can include on her website that children should be dropped off on Crescent Boulevard to enter the studio.

Persons in Favor of or in Opposition to the Petition

Fred Foss, 345 Duane Street, Glen Ellyn, Illinois stated that he did not object to the proposed use but was concerned that an event could cause extra traffic which could be

hectic in the downtown, particularly because of the trains. He asked if the Plan Commissioners had considered the extra traffic, and Commissioner Strayer commented that there is a children's restaurant in the downtown that is very popular. Mr. Foss commented that the patrons of the restaurant, however, enter and leave at staggered times, and he commented that parking for the proposed use could be a problem. Mr. Foss also was concerned about loud music being played during dance classes. Commissioner Dykstra commented that a restaurant that he referred to on Crescent Boulevard plays music, and Chairman Fullerton stated that Vitorio's Ristorante had been notified about the proposed new dance school.

Lynn Colby, real estate agent for the petitioner, 25 East Highland Avenue, Lombard, Illinois stated she has been a leasing agent in Glen Ellyn for many years. Ms. Colby felt that people will shop in the downtown before or after their children attend their dance classes at the new studio.

Commissioner Strayer moved, seconded by Commissioner Bromann, to close the public hearing. All members stated "aye."

Comments from the Plan Commission

All the Plan Commission members were in favor of the proposed dance studio, and comments were offered. Commissioner Bromann suggested adding a 15% growth variation on the number of students and hours for potential growth so that it was not necessary for the petitioner to return for a special use amendment. Commissioner Whalen felt that parking is not an issue for this property and that the noise ordinance would apply to this project. Commissioners Girling, Whalen and Lannen did not want to stifle the growth of this business by adding a fixed student cap. Commissioner Girling recommended removing the 240 student capacity but leaving the capacity of the classes at 10 students per class size. He felt that this system would allow the dance school to have as many classes as they want which would alleviate traffic concerns, and Commissioners Whalen and Strayer agreed with Commissioner Girling's recommendation. Commissioners Dykstra and Lannen were in favor of the project with Commissioner Lannen commenting that the project is in conformance with the Comprehensive Plan. Commissioner Ford asked Ms. Dahl if 10 students is a problem so the public hearing was re-opened by Commissioner Strayer and seconded by Commissioner Bromann. Ms. Dahl responded to Commissioner Ford that class size in the future could potentially increase to as many as 14 students but that she currently plans to cap class size to 10. She added that there may be additional children at birthday parties, and Chairman Fullerton felt that the size of birthday parties should not be capped. Commissioner McCormick felt that the number of students should not be capped because the size of the room would cap that number. Regarding a concern about traffic congestion during drop-off and pick-up, Ms. Stegall said that maximum occupancy of the space could be verified prior to the Village Board meeting. Commissioner Girling moved, seconded by Commissioner Buckton, to close the public hearing. The motion carried unanimously. Commissioner Girling expressed a concern that if the class size is limited to occupancy, parents would not be able to wait on the site for their children.

Although a concern was expressed regarding drop-off and pick-up, the Plan Commissioners felt the proposed project would be a great addition to the downtown and would bring people into Glen Ellyn. Ms. Stegall added that if the request is approved with a condition limiting class size that the ordinance could be amended in the future by the Village Board without requiring another public hearing.

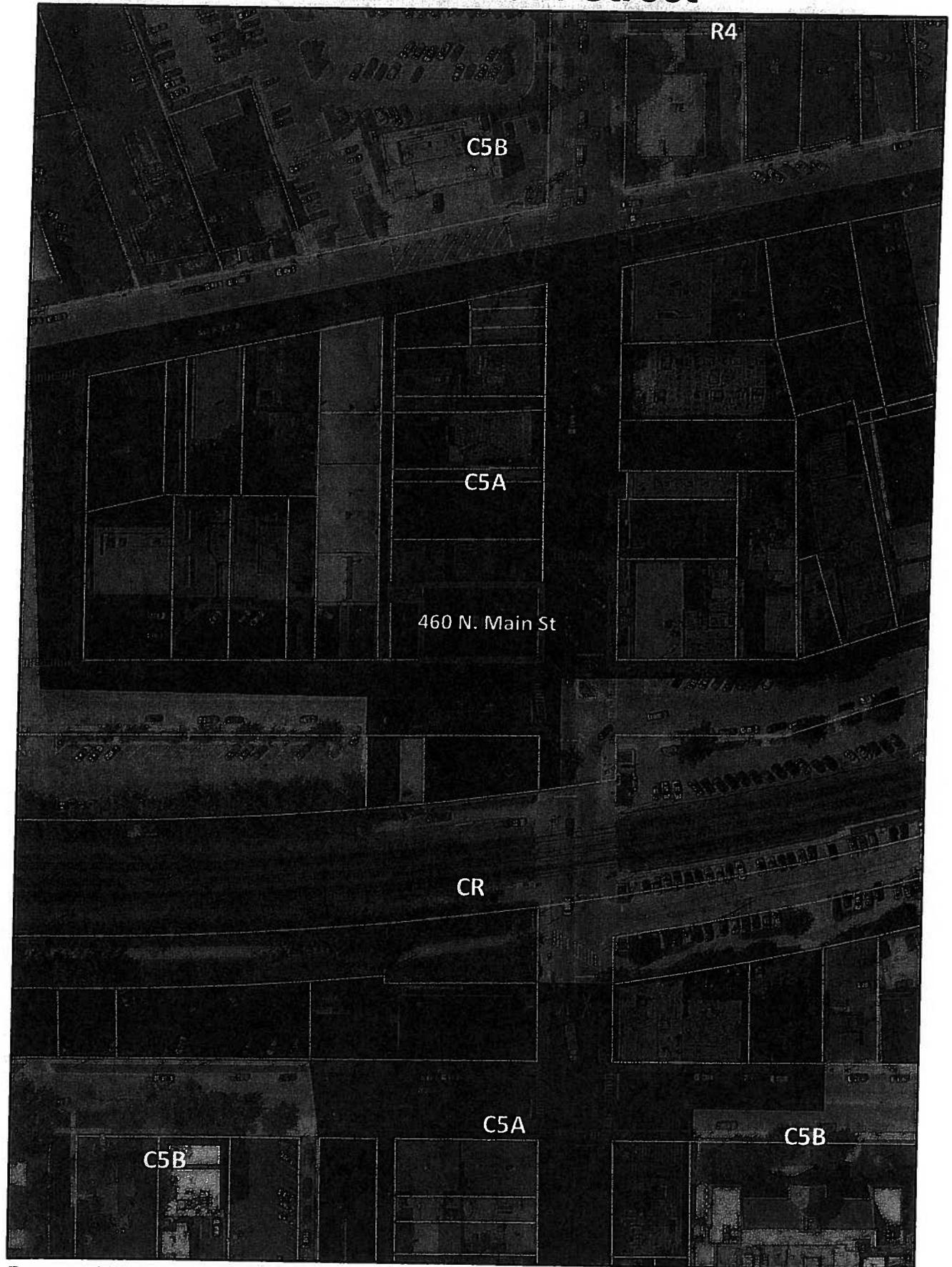
Motion

Commissioner Girling moved, seconded by Commissioner Ford, that the Plan Commission recommend approval of a Special Use Permit in accordance with Section 10-4-17.1(B)29 of the Glen Ellyn Zoning Code as requested by Sheri L. Dahl, lessee of property commonly known as 460 N. Main Street, to allow a dance school based on the following findings of fact: 1. The proposed use will be harmonious and in accordance with the general objectives, or within a specific objective, of the Comprehensive Plan and/or Zoning Code because a dance school in the C5A Central Business District is permitted with a special use. 2. The proposed project is designed and shall be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area because the use will be located within an existing building and the only exterior change proposed is an awning which will coordinate with the surrounding businesses. 3. The proposed use will not be hazardous or disturbing to existing or future neighborhood uses because the business will be contained within the building without activities that would likely disturb neighboring uses. 4. The proposed use will be served adequately by existing public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services because the proposed use is to be located in an established neighborhood with existing public facilities and services. 5. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Village because no public requirements beyond those existing are necessary to service the business. 6. The use will not involve activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare and odors because the use does not involve any activities, processes, materials, equipment or conditions that would be detrimental to the neighborhood's general welfare. 7. The project will have vehicular approaches to the property which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads because the existing vehicular access will not change with approval of the requested Special Use Permit. 8. The project will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief because no changes to the building exterior or land are proposed. 9. The project will not result in the destruction, loss or damage of natural, scenic or historic features of major importance to the community because the business will be located within an existing building with minimal alterations to the exterior and interior.

The recommendation for approval was also subject to the following conditions: A. The dance school operations shall be in substantial conformance with the application materials as submitted and testimony presented. B. The occupancy of the space shall be limited to the occupancy per municipal state code.

The motion carried with eleven (11) "yes" votes as follows: Commissioners Girling, Ford, Bromann, Buckton, Dykstra, Lannen, McCormick, Strayer, Whalen, Whiston and Chairman Fullerton voted "yes."

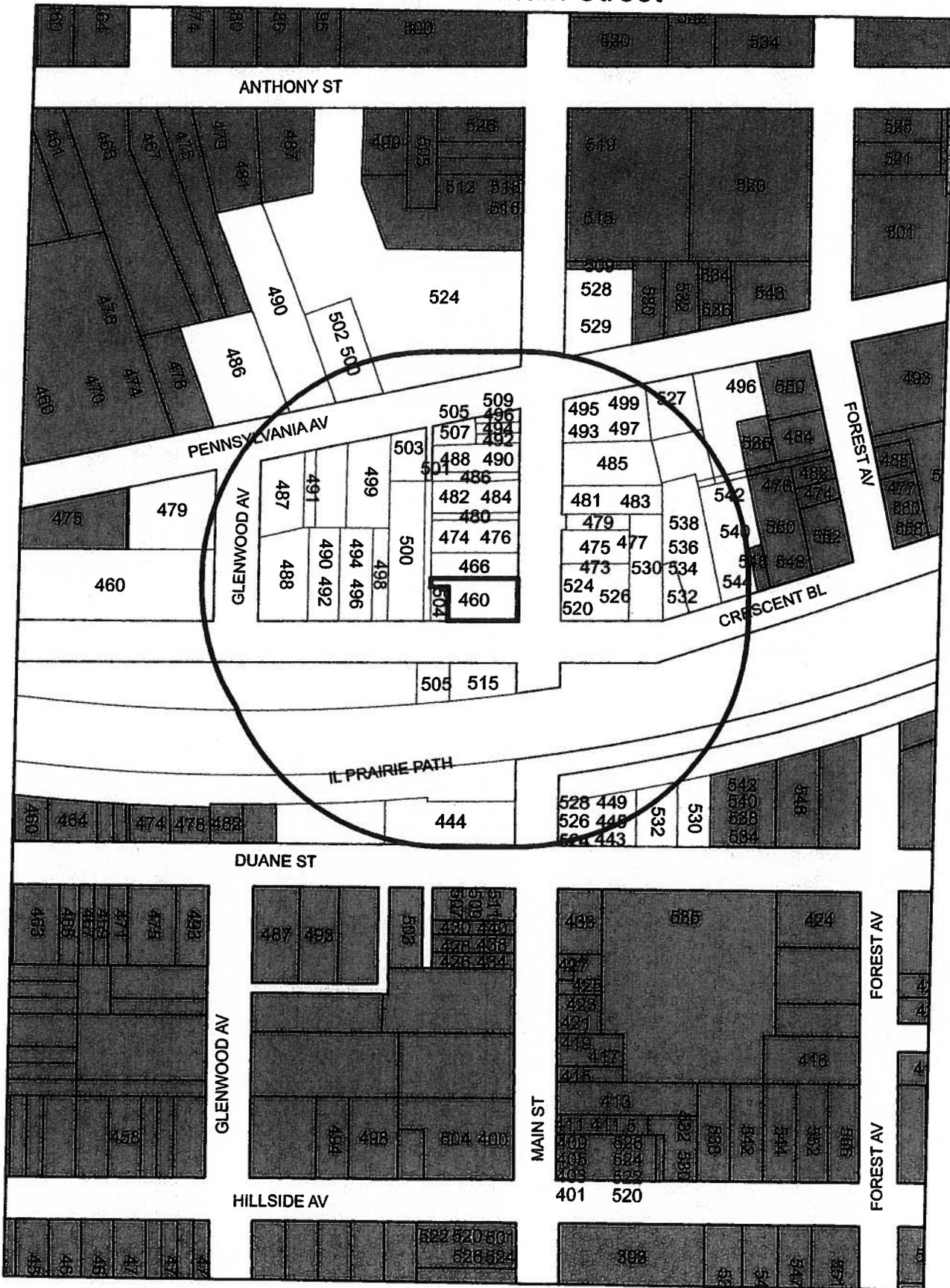
Location & Zoning Map 460 N. Main Street



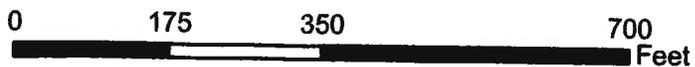
Prepared by: Kasey Matthews
Date: July 6, 2011



460 N. Main Street



Prepared By: Michele Stegall
 Date Printed: June 27, 2011



NOTICE OF PUBLIC HEARING

Sheri Dahl, owner of Sunshine Dance Project Studio Inc., is requesting approval of a Special Use Permit in accordance with Section 10-4-17.1(B)29 of the Glen Ellyn Zoning Code to allow a dance school to be located in a tenant space at 460 N. Main Street. The subject property is located at the northwest corner of N. Main Street and Crescent Boulevard in the C5A Central Business District, Central Retail Core zoning district. The business entrance would be located on Crescent Boulevard.

Before the Glen Ellyn Village Board can consider the request, the Plan Commission must conduct a public hearing. The Plan Commission will consider the aforementioned request at a public hearing on **Thursday, July 14, 2011 at 7:30 p.m.** in a meeting room on the third floor of the Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois.

The subject property is legally described as follows:

PARCEL 1:

LOT 7 (EXCEPT THE SOUTH 52.17 FEET OF THE WEST 26.48 FEET) IN BLOCK 4 IN COUNTY CLERK'S SECOND ASSESSMENT DIVISION, BEING A PART OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1906 AS DOCUMENT NUMBER 88052 IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

LOT 8 IN BLOCK 4 OF COUNTY CLERK'S SECOND ASSESSMENT DIVISION IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1906 AS DOCUMENT NUMBER 88052 IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-11-315-021 and 05-11-315-023

All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. Information related to the request is available for public review in the Planning and Development Department of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Questions related to the request should be directed to Kasey Matthews, Planning Intern, 630-547-5246.

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village 24 hours in advance of the meeting.

Kasey Matthews,
Planning Intern

Village Of Glen Ellyn

Ordinance No. _____

**An Ordinance Granting Approval of a Special Use Permit
to Allow a Dance School at 510 Crescent Boulevard (formerly 460 N. Main Street)
Glen Ellyn, IL 60137**

**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. _____

**An Ordinance Granting Approval of a Special Use Permit
to Allow a Dance School at 510 Crescent Boulevard (formerly 460 N Main Street)
Glen Ellyn, IL 60137**

Whereas, Sheri L. Dahl, lessee of the property located at 510 Crescent Boulevard, has petitioned the Village President and Board of Trustees for approval of a Special Use Permit in accordance with Section 10-4-17.1(B)29 of the Glen Ellyn Zoning Code to allow a dance school to be located at 510 Crescent Boulevard; and

Whereas, the subject property is located on the north side of Crescent Boulevard between Main Street and Glenwood Avenue in the C5A Central Retail District, Central Retail Core Sub-district and;

Whereas, the property is legally described as follows:

PARCEL 1:

LOT 7 (EXCEPT THE SOUTH 52.17 FEET OF THE WEST 26.48 FEET) IN BLOCK 4 IN COUNTY CLERK'S SECOND ASSESSMENT DIVISION, BEING A PART OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1906 AS DOCUMENT NUMBER 88052 IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

LOT 8 IN BLOCK 4 OF COUNTY CLERK'S SECOND ASSESSMENT DIVISION IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1906 AS DOCUMENT NUMBER 88052 IN DUPAGE COUNTY, ILLINOIS.

P.I.N.s 05-11-315-021 and 05-11-315-023; and

Whereas, following due and proper publication of notice in the Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and following written notice to all property owners within 250 feet, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Plan Commission of the Village of Glen Ellyn conducted a public hearing on July 14, 2011 at which hearing the Plan Commission

considered the petitioner's request for approval of a Special Use Permit; and

Whereas, at the July 14, 2011 public hearing, the petitioner presented evidence and testimony in support of the request, and one member of the public asked questions regarding the request; and

Whereas, after having considered the evidence presented, including the exhibits and materials submitted, the Plan Commission made its findings of fact and recommendations as set forth in the minutes from the July 14, 2011 Plan Commission meeting, a draft of which is attached hereto as *Exhibit "A"*, and pursuant to Section 10-10-14 of the Zoning Code, by a vote of eleven (11) "yes" and zero (0) "no," the Plan Commission recommended approval of the requested Special Use Permit; and

Whereas, the Village President and Board of Trustees have reviewed the evidence, exhibits, and materials presented at the July 14, 2011 Plan Commission public hearing and have considered the findings of fact and recommendations of the Plan Commission; and

Whereas, the President and Board of Trustees have determined that granting the requested Special Use Permit is consistent with the goals of the Glen Ellyn Zoning Code.

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: The minutes from the July 14, 2011 Plan Commission meeting, a draft of which is attached hereto as *Exhibit "A"*, and the findings of fact set forth therein and in the preambles above are hereby adopted as the findings of fact of the Village President and Board of Trustees based upon their review of the evidence, exhibits, and materials presented at the July 14, 2011 public hearing before the Plan Commission.

Section Two: Based upon the findings of fact and recommendations of the Plan Commission, as adopted herein, and the findings of fact and conclusions set forth in the preambles above, the Village President and Board of Trustees hereby grant approval of the requested Special Use Permit to allow a dance school to be located at 510 Crescent Boulevard.

Section Three: This grant of approval of the requested Special Use Permit is subject to the condition that the use is operated in substantial conformance with the testimony presented at the July 14, 2011 Plan Commission public hearing and the petitioner's application packet stamped received June 7, 2011 including the following plans and documents referenced below, as though they were attached to this Ordinance:

- A. Special Use Permit Application filed June 7, 2011
- B. Narrative Statement (no date)
- C. Floor Plan (no date)

and these plans and documents shall be filed with and made part of the permanent records of the Glen Ellyn Planning and Development Department.

Section Four: This grant of approval of a Special Use Permit shall expire and become null and void within 24 months of the date of this Ordinance if the dance school has not commenced operating within said time period provided, however, that the Village Board, by motion, may extend the time period of approval. Further, the Village Board may, for good cause shown, waive or modify any conditions set forth in this Ordinance without requiring that the matter return for a public hearing.

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

Section Six: Failure of the owners 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 such

Ordinance, shall subject the owners 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.

Section Seven. The Village Clerk is hereby authorized to record to this Ordinance with the DuPage County Recorder.

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 _____.)



Sunshine Dance Project Studio Inc.
(SDP Studio Inc.)

Special Use Permit Application

460 N Main St.
Glen Ellyn, IL.60137



List of Attached

- List of Submission Materials.....	1
- Application for Special Use Permit.....	2-4
- Narrative Statement/Use Description.....	5-7
•- Disclosure of Interest In Business.....	8-9
- Affidavit of Authorization.....	10
•- Disclosure of Interest in Property.....	11
- Reimbursement of Fees Agreement.....	12-14
- Floor Plan.....	
- Plat of Survey/Legal Description.....	
- Proof of Ownership.....	

Village of Glen Ellyn
 Planning and Development Department

Project Submittals List

Subject: Dance Studio
 Address: 460 N. Main St. Glen Ellyn, IL. 60132
 PIN(s): 05-11-315-023 & 05-11-315-021

Date: 05/30/2011

Applications/Fees/Escrow	(X) If required	Fee
1. Special Use Permit	X	\$650
2. Special Use for a Planned Unit Development		
3. Subdivision		
4. Exterior Appearance		
5. Zoning Variations		
6. Sign Variations		
7. Stormwater (values & tabs format)		
8. Other		
9. Escrow	X	\$500

Submission Materials	Yes	No
10. Cover Letter Listing Attachments	X	
11. Narrative Statement/Use Description	X	
12. Proof of Ownership	X	
13. Disclosure of Interest	X	
14. Affidavit of Authorization	X	
15. Reimbursement of Fees Agreement	X	
16. Quantitative Summary		
17. List of Variations/Deviations		
18. Practical Difficulties or Particular Hardship (sign variations)		
19. Plat of Survey/Legal Description	X	
20. Existing Conditions Plan		
21. Surrounding Conditions Plan		
22. Site Plan		
23. Landscape Plan		
24. Tree Survey & Analysis		
25. Building Elevation Drawings (4-sides)		
26. Color Rendering		
27. Floor Plan	X	
28. List of Building Materials and Colors		
29. Material & Color Samples (bring to meeting)		
30. Light Fixture Cut Sheets		
31. Photometric Plan		
32. Sign Elevations		
33. Sign Plan		
34. Trash Enclosure/Exterior Equipment/Fences/Screening		
35. Plat of Consolidation		
36. Preliminary Plat of Subdivision		
37. Final Plat of Subdivision		
38. Final Site Plan (if two step review)		
39. Traffic Impact Study		
40. Grading Plan (if 1,500 sq. ft. or more area is disturbed)		
41. Utilities Plan		
42. Road Plans/Details		
43. Public Improvements List		
44. Public Improvements Cross-sections		
45. Deed/Easement Agreements		
46. Statement of Compliance/Engineer's Certification		
47. Construction/Phasing Schedule		
48. Letters from Governmental Units/Developer's Donations		
49. Letter of Authorization to Record Plats		
50. Land Use Opinion (Kane-DuPage S & WCD)		
51. Environmental Impact Study		
52. IDNR Endangered Species Consultation		
53. Soil Boring/Seepage Test Covenants, Conditions, Restrictions		
54. Petition for Annexation		
55. Annexation Agreement		
56. Plat of Annexation		
57. Other: _____		
58. Other: _____		

APPLICATION FOR SPECIAL USE PERMIT

The undersigned petitions the President and Village Board of Trustees of the Village of Glen Ellyn, Illinois, to consider the Special Use described in this application.

Date Filed: _____ Application No: _____

Name of Applicant: Sheri L. Dahl

Contact Information:

Address of Applicant: 615 Washington Blvd 2N,
Oak Park, IL 60302

Business Phone: 630.779.7034 Fax: _____

Cell/Home Phone: same Email: sheristaff@gmail.com

Property Interest of Applicant: Leasing Space
(Owner, Contract Purchaser, Owner Representative)

Contact Information:

Name of Owner: Jonathan Goldsmith & Ginny Sykes

Address of Owner: 4520 N. Dover St.
Chicago, IL 60640-5529

Business Phone: 773-878-2420 Fax: 773-878-2413

Cell/Home Phone: 773-550-7673 Email: jonathan@spaccanapolipizzeria.com

Address and Legal Description of Property: 460 W Main St.; entrance on Crescent
1492 sq ft.

Permanent Index No. (PIN): 05-11-315-023 Zoning: _____

Lot Dimensions: _____ Lot Area: _____

Present Use: Vacant

Requested Use/Construction: Dance instruction / Revision of zoning Code

Estimated Date to Begin New Use/Construction: new use August 1st, 2011

Name(s), Address(es) and Phone No(s). of Experts (architects, engineers, etc.):
N/A

Narrative Statement evaluating the economic effects on adjoining property, the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property, a discussion of the general compatibility with the adjacent and other properties in the district, the effect of traffic, and the relationship of the proposed use to the Comprehensive Plan, and how it fulfills the

requirements of paragraph (E) of Section 10-10-14 of the Zoning Code: _____

see narrative statements page _____

Describe How the Special Use:

1. Will be harmonious with and in accordance with the general objectives, or within a specific objective of the Comprehensive Plan and/or this Zoning Code: _____
The main goal for obtaining the special use permit is to offer services in dance instruction. This objective will remain the same throughout the term of the lease.
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area: The building already exists and is in compliance with above. No construction is being done to building. Awning will be added in prompt time which will coordinate nicely with the look of neighboring businesses and face of space.
3. Will not be hazardous or disturbing to existing or future neighborhood uses: _____
There is no reason for Sunshine Dance Project to be hazardous or disturbing. Noise level of music has to be safe for people within the space and therefore will not become a problem for neighboring businesses.
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services: This space already exists and therefore serves, to the best of its ability, the above mentioned.
5. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village: Since the building already exists and no invasive construction is being done, there will not be created any additional requirements at public cost.
6. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors: The business of Sunshine Dance Project Studio, Inc. should not have any need to use materials and equipment that would be detrimental to any persons or property.
7. Will have vehicular approaches to the property, which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads: _____
Sunshine Dance Project does not need vehicular approaches that will cause interference of traffic on surrounding public streets or roads. Dance floor, mirrors and furniture is all being brought into the space by renter and not in large, commercial vehicles.

8. Will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief: There are no pipes that are being cut into, moved or changed.
Sunshine Dance Project's day to day business would have no reason to create any potential for flood damage either.
9. Will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community: Space is not changing and the business of Sunshine Dance Project would not interfere with natural, scenic or historic features.

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

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

I (We) consent to pay the Village of Glen Ellyn all costs incurred for transcribing the public hearing on this application.

I (We) understand that no final action shall be taken by the Village Board subsequent to the public hearing until and upon payment of transcribing fees.

05/30/2011
 Date

Shirley Dake
 Signature of Applicant

**THE BEST INTERESTS OF THE APPLICANT WILL BE SERVED
 BY COMPLETING THIS APPLICATION IN DETAIL**

Narrative Statement

Sunshine Dance Project Studio provides dance instruction and fitness classes to people of all ages in a fun and engaging atmosphere which includes ballet, tap, hip hop, jazz dance and many more.

Sunshine Dance Project is not just dance classes. The business plan is based on the suggestion that an active, social, creative lifestyle is best for overall well-being. Offering fun workshops, Birthday parties and the opportunity for competitive teams makes this studio a complete system.

The studio will be open most days from 9am until 8pm, with the exception of Sundays. However, people who are taking class will almost always sign up ahead of time and therefore the studio will not have many people stopping in unless for a scheduled class. The age range of students being taught at the studio is majorly age 2 through age 13. Each class has only one to three different ages involved. The maximum number of students per class ranges from 8-10 at a time. In the fall, Sunshine Dance Project Studio can accommodate roughly 240 students for weekly classes.

As a dance instructor, Sheri already has a large following. By locating in the downtown, Sheri's hope is that her customer base will be people from Glen Ellyn as well as surrounding towns of Wheaton, Lombard and more. In the first Fall session, Sunshine Dance Project could have as many as 240 weekly students as well as many more coming in for workshops and Birthday parties.

The studio has a full list of classes planned for the Fall season. The well thought out schedule is based on what Sheri knows has worked and not worked in the past for dance class times. Friday and Saturday afternoons and evenings as well as Wednesdays are left open for Workshops, Birthday Parties and Community Events.

Sunshine Dance Project's proposed location is excellent for parents and guardians as well as surrounding businesses. Parents of young dancers can easily go shopping on Main St, grab a coffee at Starbucks or get groceries at McChesney & Miller Grocery Market in the 45-50 min day classes. For older students who stay 1 hour to 80min, parents could grab dinner at Santa Fe Restaurant, Shannon's Pub, Vitorios Ristorante and more. The location does not pose any parking problems for this business or any surrounding businesses. Most parking for dancers will be done in the lot across the street or on Glenwood Ave. At a 10 dancer max for each class there should be a constant stream of potential downtown shoppers.

Attached is the tentative Fall schedule for Sunshine Dance Project along with some very basic ideas for events/partnerships.

Fall Schedule
Sept 12th- Dec 17th

Mondays

9:20 am Kindergarten Ballet/Fairytale Dance
10:15 am 2Tu Dance
10:50 am Fairytale Ballet/Creative Movement
1:50 pm Hip Hoppers Two
4:00 pm Funk/Hip Hop I/II
5:10 pm Funk/Hip Hop III/IV
6:20 pm Adv. Funk/Hip Hop

Tuesdays

1:00 pm PreSchool PreBallet/Tap
1:55 pm Fairytale Ballet/Creative Movement
4:00 pm Ballet/Lyrical I/II
5:10 pm Ballet/Lyrical III/IV
6:20 pm Adv. Ballet/Lyrical

Wednesdays

Free for Workshops, Birthday parties and Community Events

Thursdays

9:15 am 2Tu Dance
9:50 am Fairytale Ballet/Creative Movement
10:40 am Hip Hoppers One
1:10 pm Kindergarten PreBallet/Tap
4:00 pm Tap/Musical Theatre I/II
5:10 pm Tap/Musical Theatre III/IV
6:15 pm Funk/Hip Hop II/III

Fridays

9:20 am Preschool PreBallet/Tap
10:30-9pm - Free for Workshops, Birthday Parties and Community Events

Saturdays

8:50 am 2Tu Dance
9:25 am Fairytale Ballet/Creative Movement
10:20 am Just Dance
11:30 - Free for W, B & C

Disclosure of Interest
in
Sunshine Dance Project Studio Inc.

Sheri L. Dahl & Thomas Dahl — have 100% ownership of
Sunshine Dance Project Studio Inc.

Name: Sheri L Dahl & Thomas Dahl Address: 615 Washington Blvd 2N 100%
Oak Park, IL, 60302

Sheri L Dahl

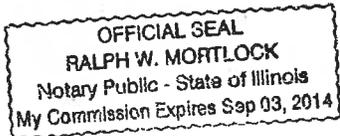
Thomas Dahl

05/30/2011

AFFIDAVIT OF AUTHORIZATION

I, Jonathan Goldsmith owner of the property described as
466/460 N. Main, Glen Ellyn, IL

verify that Sheri Dahl, Sunshine Dance Project Studio, Inc.
is duly authorized to apply and represent my interests before the Glen Ellyn Plan Commission,
Zoning Board of Appeals, Architectural Review Commission, and/or Village Board of Trustees.
Owner acknowledges that any notice given applicant is actual notice to owner.



Jonathan Goldsmith
OWNER

NOTARY

Ralph W. Mortlock
June 2, 2011

REIMBURSEMENT OF FEES AGREEMENT

Village of Glen Ellyn Acct: # _____

Initial Deposit Amount: _____

I. DESCRIPTION OF PROJECT: Zone code revision

II. OWNER:

- A. Owner of Property: Jonathon Goldsmith & Ginny Sykes
- B. Owner's Address: 4520 N. Dover St. Chicago, IL 60640-5529
- C. Owner's Home Phone Number: _____ Fax: 773-878-2413
- D. Owner's Work Phone Number: 773-550-7673
- E. Owner's E-mail: jonathan@spaccanapolipizzeria.com
- 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: Sheri L. Dahl
- B. Petitioner's Address: 615 Washington Blvd N. Oak Park, IL 60302
- C. Petitioner's Home Phone Number: 630-779-7034
- D. Petitioner's Work Number: same
- E. Petitioner's E-mail: sheri.staff@gmail.com

IV. LOCATION OF PROPERTY:

- A. General Location of Property: 460 N. Main Glen Ellyn, IL 60137
- B. Acreage of Parcel: _____
- C. Permanent Index Number(s): 05-11-315-023 / 05-11-315-024
- 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.

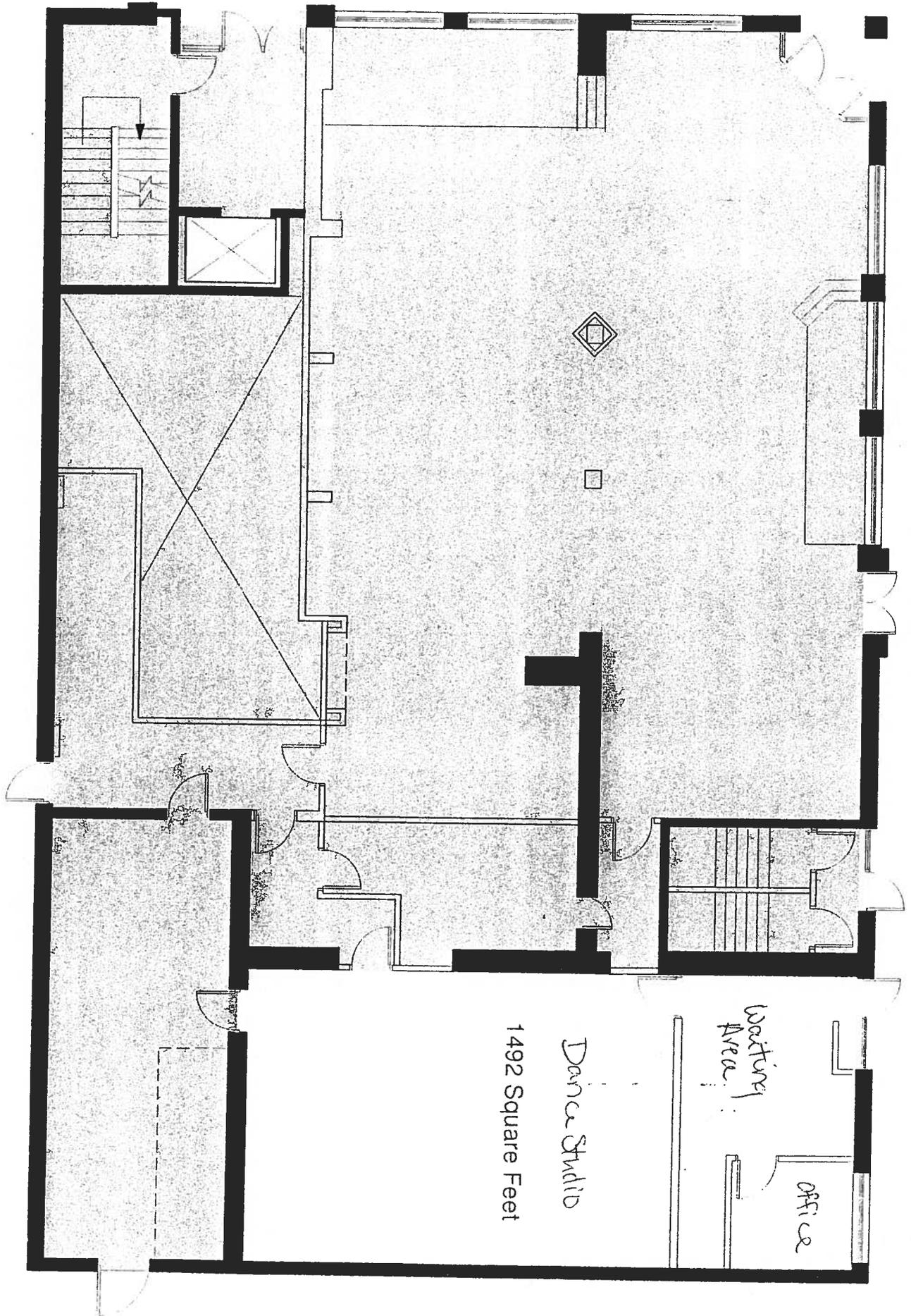
This agreement shall be accompanied by an initial deposit in an amount to be determined by the Director of Planning and Development but shall be no less than \$500. The Village will provide an itemized list of Village expenses incurred related to any charge to the escrow account, and the petitioner shall 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

MAIN STREET



CRESCENT STREET

1492 Square Feet

Dance Studio

Waiting Area

Office

OWNERSHIP BY ~~LAND~~ TRUST

Revocable

Date: 6/1/11

Address: 460/ 466 N. Main Glen Ellyn, IL

Legal Description: See attached.

TRUSTEE: Jonathan Goldsmith TRUST NO.: N/A

Address: Ginny B. Sykes 4520 N. Dewar Street, Chicago, IL 60640-5529

LIST ALL BENEFICIARIES: N/A - It is a revocable trust - not a land Trust

Name: _____ Address: _____

460/466 N Main, Glen Ellyn
Legal Description

Parcel 1:

Lot 7 (Except the south 52.17 feet of the west 26.48 feet) in block 4 in county clerk's second assessment division, being a part of section 11, township 39 north, range 10, east of the third principal meridian. According to the plat of thereof recorded July 3, 1906 as document number 88052 in DuPage County, Illinois.

Parcel 2:

Lot 8 in block 4 of county clerk's second assessment division in section 11, township 39 north, range 10, east of the third principal meridian, according to the plat thereof recorded July 3, 1906 as document number 88052 in DuPage County, Illinois.

Permanent Index Numbers: 05-11-315-023 and 05-11-315-021

Property Address: 466 Main Street, Glen Ellyn, IL 60137

UNOFFICIAL COPY

**QUIT CLAIM DEED
IN TRUST
INDIVIDUAL TO TRUSTEE**

Mail To:

Paul M. Lukes
100 Tower Drive Suite 220
Burr Ridge, Illinois 60527

**Name & Address Of Taxpayer
and Grantee's Address:**

Jonathan Goldsmith and
Ginny Sykes
4520 N. Dover Street
Chicago, IL 60640-5529



J.P. "RICK" CARNEY

DUPAGE COUNTY RECORDER

AUG.21,2002

DEED

003 PAGES

1:31 PM

05-11-315-023

R2002-216540

* THE GRANTORS, Jonathan Goldsmith and Ginny Sykes, husband and wife, of the City of Chicago. County of Cook State of Illinois, for and in consideration of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable considerations in hand paid, CONVEY and QUIT CLAIM to JONATHAN GOLDSMITH TRUSTEE OF THE JONATHAN GOLDSMITH DECLARATION OF TRUST dated May 28, 1998 an undivided one half ((1/2) interest and to GINNY B. SYKES TRUSTEE OF THE GINNY B. SYKES DECLARATION OF TRUST dated May 28, 1998 an undivided one half (1/2) interest as tenants in common in the following real estate situated in the County of Du Page, in the State of Illinois, to wit:

PARCEL 1:

LOT 7 (EXCEPT THE SOUTH 52.17 FEET OF THE WEST 26.48 FEET) IN BLOCK 4 IN COUNTY CLERK'S SECOND ASSESSMENT DIVISION, BEING A PART OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1906 AS DOCUMENT NUMBER 88052 IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

LOT 8 IN BLOCK 4 OF COUNTY CLERK'S SECOND ASSESSMENT DIVISION IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1906 AS DOCUMENT NUMBER 88052 IN DUPAGE COUNTY, ILLINOIS.

Permanent Index Numbers: 05-11-315-023 and 05-11-315-021

Property Address: 466 Main Street, Glen Ellyn, Illinois 60137

TO HAVE AND TO HOLD the said premises with the appurtenances upon the trusts and for the uses and purposes herein and in said trust agreements set forth.

Full power and authority is hereby granted to said trustee to improve, manage, protect and subdivide the said premises or any part thereof to dedicate parks, streets, highways or alleys and

UNOFFICIAL COPY

and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said trustee, to donate, to dedicate, to mortgage, pledge or encumber said property, or any part thereof, to lease said property, or any part thereof, from time to time in possession or reversion, by leases to commence in praesenti or in futuro, and upon any terms and for any period of periods of time, not exceeding in the case of any single demise the term of 198 years, and to renew or extend leases upon any terms and for any period or periods of time and to amend, change or modify leases and the terms and provisions thereof at any time or times hereafter, to contract to make leases and to grant options to lease and options to renew leases and options to purchase the whole or any part of the reversion and to contract respecting the manner of fixing the amount of present or future rentals, to partition or to exchange said property, or any part thereof, for other real or personal property, to grant easements or charges of any kind, to release, convey or assign any right title or interest in or about or easement appurtenant to said premises or any part thereof, and to deal with said property and every part thereof in all other ways and for such other considerations as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times hereafter.

In no case shall any party dealing with said trustee in relation to said premises, or to whom said premises or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said trustee, be obligated to see to the application of any purchase money, rent, money borrowed or advanced on said premises, or be obliged to see that the terms of this trust have been complied with, or be obliged to inquire into the necessity or expediency of any act of said trustee, or be obliged or privileged to inquire into any of the terms of said trust agreement; and every deed, trust deed, mortgage, lease or other instrument executed by said trustee in relation to said real estate shall be conclusive evidence in favor of every person relying upon or claiming under any such conveyance, lease, or other instrument, (a) that at the time of the delivery thereof the trust created by this indenture and by said trust agreement was in full force and effect, (b) that such conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained in this indenture and in said trust agreement or in some amendment thereof and binding on all beneficiaries thereunder, (c) that said trustee was duly authorized and empowered to execute and deliver every such deed, trust deed, lease, mortgage or other instrument and (d) if the conveyance is made to a successor or successors in trust, that such successor or successors in trust have been properly appointed and are fully vested with all title, estate, rights, powers, authorities, duties and obligations of its, his or their predecessor in trust.

The interest of each and every beneficiary hereunder and of all persons claiming under them or any of them shall be only in the earnings, avails and proceeds arising from the sale or other disposition of said real estate, and such interest is hereby declared to be personal property, and no beneficiary hereunder shall have any title or interest, legal or equitable, in or to said real estate as such, but only an interest in the earnings, avails and proceeds thereof aforesaid.

And the said grantors hereby expressly waive and releases any and all right or benefit under and by virtue of any and all statutes of the State of Illinois, providing for the exemption of homesteads from sale on execution or otherwise.

In Witness Whereof, the grantors aforesaid have hereunto set their hands and seals this 9th day of July 2002

A A W M O I

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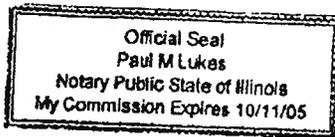
STATE OF ILLINOIS)

SS

COUNTY OF COOK)

The undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that JONATHAN GOLDSMITH and GINNY SYKES, his wife, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

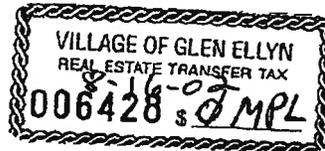
Given under my hand and notarial seal, this 9th day of July 2002



Paul M. Lukes

Notary Public

This transaction is **exempt** under Section 4e of the Illinois Real Estate Transfer Act.



Paul M. Lukes

Dated: July 9, 2002

Name and Address of Preparer:
Paul M. Lukes
100 Tower Drive - Suite 220
Burr Ridge, Illinois 60527

A-12

MEMORANDUM

TO: Mark Franz, Village Manager

FROM: Staci Hulseberg, Planning and Development Director
Michele Stegall, Village Planner *mts*
Michael Strong, Planning Intern *MS*

DATE: July 20, 2011

FOR: July 25, 2011 Village Board Meeting

RE: **Key Investment & Management (462 Park Boulevard)
Commercial Façade Improvement Grant Application**

BACKGROUND

The Commercial Façade Improvement Program was created to facilitate the private sector in making exterior improvements that benefit the overall appearance, quality and vitality of the Village's commercial districts. Approved projects are eligible to receive a matching grant of 50 percent of the actual improvement costs up to a maximum of \$10,000.

On July 8, 2011, Key Investment & Management applied for a \$10,000 Commercial Façade Improvement Grant (application attached) for the Glen Crossing property located at 462 Park Boulevard. This retail shopping center is located in the C5B Central Business District Central Service Sub-district. The building is occupied by several retailers including LA Nails, Park Avenue Cleaners, Bistro Monet, and Keller Williams, and has one vacant space. Key Investment & Management is requesting assistance for the construction of four (4) new awning structures and nineteen (19) replacement awnings.

The new awnings will be constructed using a high performance composite vinyl that is water, mildew and flame resistant, sewn together using Tenara thread which has a lifetime warranty. The design of the awnings will be Sunbrella black with painted naval striping. The total cost estimate for the project is \$20,190. Renderings of the new awnings have been included in the grant application.

ISSUES

We have reviewed the application and materials and determined that the submittal is complete. Façade Improvement Grants are available to all commercial properties in the Village. Eligible applicants include the owners of commercial buildings or commercial businesses. Work which qualifies for assistance through the Commercial Façade Improvement Grant includes improvements to the exterior of a building which are visible from the public right-of-way. Eligible improvements include façade repair and treatment, window frame replacement, doors,

awnings, exterior lighting, streetscape enhancements and other projects which will provide permanent exterior improvements to the property. Additionally, applicants must plan to install a minimum of \$1,000 of material improvements. Village staff concurs that Key Investment & Management is eligible to receive assistance based on the scope of the project, its total cost and overall alignment with the requirements listed within the grant application.

In the past all new awning and replacement awning projects that met the program criteria were awarded grant funding by the Economic Development Corporation. Although the project is eligible for funding, the grant request should be given careful consideration.

The property is located on the periphery of the C5B CBD Service Sub-district and the proposed project is narrow in scope. While four new awnings are proposed, the majority of the project involves replacement awnings, which is more of a maintenance consideration than a significant exterior improvement. The grant program packet states that "The primary goal of the Village of Glen Ellyn Commercial Façade Improvement Grant Program is to achieve significant visual improvements in commercial façade appearance." Although awnings can positively impact the appearance of a building, the proposed replacement awning project does not fulfill the primary goal of the program. Additional exterior appearance changes such as landscaping enhancements, replacement doors, exterior lighting, streetscape improvements, or additional architectural features, would cause the project to more closely align with the intended purpose of the grant program.

A total of \$100,000 in grant assistance is included in FY 11-12 budget. Therefore, a limited amount of funds are available. Since May 1, two grants totaling \$30,000 have been awarded. With the petitioner's request for \$10,000, staff is already aware of \$88,526 in approved and anticipated grant requests just 3 months into the fiscal year. We are also expecting grant requests from two other new businesses this year. The Village should focus the limited funds on projects that most meet the primary goal of the grant program and produce greater value and Village-wide return on investment. Projects that improve the overall character and appeal of the Village's commercial districts can improve the success and financial stability of local businesses. The Village Grants Program summary chart is attached for your information.

ACTION REQUESTED

Façade grants have been consistently approved in the past by the EDC that are similar to the petitioner's request. However, the Village is allowed full discretion in the determination grant awards. Based on the above-mentioned concerns regarding limited funds and the scope of the petitioner's request, Village staff is recommending that Key Investment & Management be awarded \$5,000 for a Façade Improvement Grant.

The Village Board may approve this recommendation, or approve a different amount up to a maximum of \$10,000 to Key Investment & Management's for a Commercial Façade Improvement Grant.

ATTACHMENTS

- Key Investment & Management Façade Improvement Grant Application
- FY 11-12 Village Grant Programs Summary chart updated July 19, 2011
- Location Map

CC: Janie Patch, Glen Ellyn Economic Development Corporation
Jeanine Valdez, Key Investment & Management



VILLAGE OF GLEN ELLYN

Commercial Façade Improvement Grant Program Application Packet

Planning & Development Department
535 Duane Street – Glen Ellyn, IL 60137 – Telephone 630.547.5250 – Fax 630.547.5370

VILLAGE OF GLEN ELLYN ECONOMIC Commercial Façade Improvement Grant Program

As of 5/23/2011

Purpose

The Village of Glen Ellyn recognizes the positive impact that individual facade improvements can have on the overall appearance, quality and vitality of the Village's commercial districts. The Commercial Façade Improvement Grant Program was created to facilitate the private sector in making these desired exterior improvements. The Village Board reserves the sole right to amend, modify, add, or delete any part or subpart of this program.

Assistance Available

Approved projects are eligible to receive reimbursement after project completion in the form of a matching grant of up to 50 percent of the actual improvement costs up to a maximum of \$10,000.

Eligibility Requirements

Existing structures currently zoned commercial and in current commercial use or planned for commercial use within the corporate limits of the Village of Glen Ellyn are eligible for the grant. The exterior of the property must meet all Village of Glen Ellyn Codes and Ordinances. In the event that a violation is present, correction of the violation must be made prior to disbursement of grant monies.

Eligible applicants include the owner of a commercial building or the owner of a commercial business. All applications must be signed by the property owner to indicate consent for the proposed improvements.

All grant recipients are required to publicly display the Village of Glen Ellyn Grant Award Certificate in a conspicuous location in the building for a period of one year from the date of approval of the grant.

Financial assistance is available to business owners or property owners, for no more than \$10,000 every 3 years, per building.

The determination of eligibility and priority for assistance is at the discretion of the Village Board and is subject to funds availability. The Village Board may approve grants of less than a 50% match.

Eligible Improvements

The primary goal of the Village of Glen Ellyn Commercial Façade Improvement Grant Program is to achieve significant visual improvements in commercial facade appearance. Projects that most meet the primary goal will be preferred. The determination of eligibility and priority for assistance is at the discretion of the Village Board.

Work which qualifies for assistance includes improvements to the exterior of a building which are visible from the public right-of-way. Applicants must plan to install at least \$1,000 of material improvements (excluding installation) to qualify. Work must be completed within one year of receiving the grant award. The list of qualifying exterior improvements appears below.

Eligible Uses

- Facade repair and treatment
- Window frame replacement (non-repair)
- Doors
- Awnings (with or without signage)
- Exterior lighting
- Restoration of original architectural features
- Exterior building materials for building additions
- Streetscape enhancements
- Landscaping in conjunction with an improvement project involving any of the above activities
- Other permanent exterior improvements to property consistent with the architectural integrity of the building and the Village's *Appearance Review Guidelines*

Ineligible Uses

- Working capital
- Property acquisition
- Equipment or inventory acquisition
- Refinancing of existing debt or private funding
- Interior remodeling
- Sprinkler systems
- Resurfacing of parking lots
- Replacement of private sidewalks
- Architectural design fees or other plan preparation costs
- Building permits and related costs

The Village of Glen Ellyn is not obligated to reimburse any approved application for reimbursement after one year from the date of the original approval of the grant application or exterior appearance, whichever date is later. Written requests for time can be considered by the Planning and Development Director.

Design Evaluation

Design evaluation and approval will be handled by the Village of Glen Ellyn. This process may require the applicant to undergo exterior appearance review by the Architectural Review Commission if required by the Village Appearance Review Guidelines.

Application Requirements

Required Submittals with Application:

1. Current digital photos of all building facades visible from the public right-of-way which will receive improvements
2. A schematic drawing with enough detail to depict the proposed improvements
3. Signed vendor contract(s) with cost for proposed improvements
4. All applications must be signed by the property owner to indicate consent for the proposed improvements.
5. Completed IRS Form W-9 Request for Taxpayer Identification Number and Certification
6. Signed lease, committing to minimum of a 3-year lease term is required for all new businesses (if a lease has not yet been signed, disbursement of the approved funds will be contingent on the Village receiving a signed lease).

Application and Approval Process

Submission and approval of a complete grant application is required prior to the completion of any improvements eligible for assistance. The review process will normally take 3-4 weeks. The applicant must secure any required Village permits and exterior appearance approval by the Architectural Review Commission and the Village Board (if required) prior to starting improvements. The application process is outlined below:

1. Contact the Planning and Development Department for program information and to determine project eligibility.
2. Submit a grant application including all required submittals to the Planning and Development Department for funding assistance.
3. The Planning and Development Department will make a recommendation of approval, partial approval or denial to the Village Board. Village staff will attempt to review applications within 2 weeks of submittal.
4. Application is considered by the Village Board. Applicant's attendance is required at the Village Board meeting as part of the application review process. The Village Board meets the 2nd and 4th Monday evenings of every month.
5. Proposed improvements must be completed and the business must be operational within one year of grant approval.

Reimbursement Process

1. Once work is completed, the applicant submits copies of paid invoices from all contractors, proof of payment (copies of canceled checks or credit card receipts), a signed Reimbursement Request Certification (see attached form), a signed and notarized Affidavit for Reimbursement (see attached form), and photos of all improved façades to the Planning and Development Department.
2. The Planning and Development Department reviews the completed project to ensure that work was performed as outlined in application and in conformance with the Village Code.
3. Check is distributed.

Pay Back Provision

The following pay back schedule shall apply if a business closes or moves out of Glen Ellyn within 3 years of being awarded a Village grant.

Out of Business	< 1 year	1-2 years	2-3 years
% of Grant Repaid to the Village	75%	50%	25%

The applicant agrees to this provision when s/he signs the Reimbursement Request Certification and the Application Certification.

VILLAGE OF GLEN ELLYN
Commercial Façade Improvement Grant Application

REQUIRED SUBMITTALS WITH APPLICATION:

1. Current digital photos of all building facades visible from the public right-of-way which will receive improvements
2. A schematic drawing with enough detail to depict the proposed improvements
3. Signed vendor contract(s) with cost for proposed improvements
4. Consent from the building owner for proposed improvements, by signature on this form
5. Completed IRS Form W-9 Request for Taxpayer Identification Number and Certification

BUSINESS OWNER INFORMATION

Business Owner Name: Kwajeet Chawla & Associates, Inc. d/b/a Glen Crossing

Home Address: c/o Key Investment 1263 S. Highland Ave, 2W, Lombard, IL 60148

Business Name: Glen Crossing

Business Address: 462 N Park Blvd., Glen Ellyn IL 60137

Business Phone: 630-932-5757 Fax Number: 630-932-5755

Home Phone: N/A Email Address: ivaldez@key-investment.com

If tenant, what is the expiration date of your current lease? N/A

If buyer under contract or tenant, who is the property owner?

Property Owner Name: Kwajeet Chawla & Associates, Inc.

Property Owner Address: c/o Key Investment 1263 S. Highland Ave, 2W, Lombard, IL 60148

Property Owner Phone: 630-932-5757

Property Owner Fax: 630-932-5755

Property Owner E-mail: ivaldez@key-investment.com

DESCRIPTION OF PROPOSED IMPROVEMENTS

Recovering awnings on south and east side of building with new fabric including graphics.

Recovering and installation of new awnings on north side of building including graphics.

Manufacture of new awnings to be installed on north side of building including graphics

(See attached contract for more detailed information)

ITEMIZED ACTIVITY DESCRIPTION

COST

Recover 19 awnings:

16 traditional awnings / 3 bell awnings and graphics.

Manufacture 3 new traditional awnings with frames and graphics

Total cost for project:

\$20,190.00

TOTAL PROJECT COST:

\$20,190.00

AMOUNT OF GRANT ASSISTANCE REQUESTED:

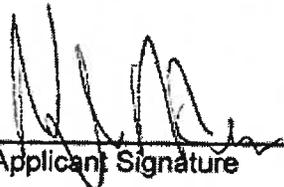
\$10,000.00

APPLICATION CERTIFICATION

I, the undersigned, certify that I have read the program description and requirements for the Village of Glen Ellyn Façade Improvement Grant Program. I certify that all information provided herein is true and accurate to the best of my knowledge. I understand that the improvements described in this application must receive all required permit approvals from the Village of Glen Ellyn prior to the commencement of construction.

Furthermore, I, the undersigned, my successors and assigns, hereby agree to save and hold harmless the Village of Glen Ellyn and any of its employees, officers and directors from all cost, injury and damage to any person or property whatsoever, any of which is caused by an activity, condition or event arising out of the performance, preparation for performance or nonperformance of any project improvement included in my grant application. The above cost, injury, damage or other injury or damage incurred by or to any of the above shall include, in the event of an action, court costs, expenses of litigation and reasonable attorneys' fees. I understand that if my business moves out of the Village of Glen Ellyn within 3 years I will be required to repay the Village in an amount as described on page 3 of the grant packet.

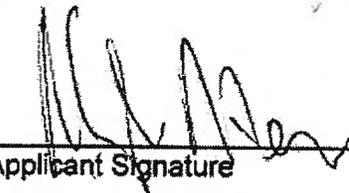
Kwaljeet Chawla & Associates, Inc.
Key Investment & Management As Agent
Kimberly Hess
Applicant Name (PRINT)

 _____, As Agent
Applicant Signature

_____ 6/30/11 _____
Date

CONSENT FROM PROPERTY OWNER (Required if different from Applicant)

Kwaljeet Chawla & Associates, Inc.
Key Investment & Management As Agent
Kimberly Hess
Applicant Name (PRINT)

 _____, As Agent
Applicant Signature

_____ 6/30/11 _____
Date

*****Office Use Only*****

Application is: _____ Approved _____ Denied

Village President

Date

Planning and Development Director

Date

1. 10,000 sf retail strip center comprised of 6 units
2. Newer construction, close to train station to attract commuters.
3. Currently marketing a single vacant space in center with intent to place a tenant who is on the list of desired businesses per the Glen Ellyn EDC website such as a specialty pet shop or garden store.
4. N/A
5. Key Investment & Management has over 25 years of property management experience with emphasis on retail in the surrounding communities such as Naperville, Villa Park and experience in assisting owners in developing their properties to full economic potential.
6. N/A
7. N/A

Over \$5K grant amount answers:

Most of these questions aren't applicable to us as we are the management company and not a tenant providing a service or product. However, as far as customers and markets, the current tenant base includes:

LA Nails, a full service nail salon that garners excellent online reviews and has a wide client base.

Park Avenue Cleaners, which is thriving under new management (since August, 2010).

The restaurant Bistro Monet has a cult following and offers dining and wine pairings, special menus for holidays and parties and the complete French dining experience.

Keller Williams employs many brokers and real estate sales people and represents a huge share of the residential market in Glen Ellyn.

Pricing, sales tactics, marketing strategy and promotions are handled by the individual tenants.

As the economy is still in a downturn, we are managing the center with the goal of increasing revenue and cutting costs to our tenants to assist them in not only keeping their business operational, but growing it to ensure that the center thrives. As managers, one of the most important ways we can do this is with a façade improvement. Installing and maintaining attractive awnings and signage will help draw additional customers into the center.

Date 6/6/2011

Salesperson KRW

Sheet No. 1 of 2



123 King Street Elk Grove Village, IL 60007 T 847.725.8000 F 847.725.8005 4811 W Woolworth Ave. Milwaukee, WI 53218 T 414.353.3666 F 414.353.6828

Proposal Submitted To

Name Glen Crossing
Street 1263 S. Highland Ave.
City Lombard, IL
Zip 60148
1st Phone 630/932-5757
Other Phone
Fax # (630) 932-5755

Work To Be Performed At

Name
Street 462 Park Ave.
City Glen Ellyn, IL
Zip 60137
Date of Plans
Architect
Contact Kim Hess

We hereby propose to furnish the materials necessary to manufacture and install:

Recover a total of nineteen (19) awnings with new fabric. Nineteen traditional style awnings with approximate dimensions 4'5" drop, 3'6" projection and width of 6'6", 15'9", 15'7" (7), 8'11"(2), 7'8", 8'2"(2), 12'7", 7', 9'6". There are two bubble/bell awnings 11'8" wide. The bubble/bell awnings will be all Black fabric except for the rigid valences which have graphics which will be digitally printed in SW 6129.

Frames - Existing aluminum frames will be reused.

Fabric - 16 oz High performance composite vinyl with the look and feel of woven fabric. Water, mildew, fade and flame resistant. Fabric panels will be sewn using Tenara thread which has a lifetime warranty. Fabric has an 8 year manufacturer's warranty.

Graphics - See graphic proofs for font and letters sizes. Seven rigid valences will be digitally printed with SW 6129 printed letters. The traditional style awnings will have custom 3/4" stripes SW6244 on the face per the graphic proofs.

Fabric Weathertyte - Black
Valence 1' rigid
Thread Tenara
Binding N.A.

Graphics Digitally printed stripes SW6244 and letters SW6129

Back Lit - electrical must be stubbed to "J" Box at awning by others.

Permit - if required, the cost and fees will be added to the contract.

Insurance Waivers - \$50.00 for each insured will be added to contract.

50% DEPOSIT WITH BALANCE AT INSTALL LIMITED LIFETIME WARRANTY ON NEW FRAMES

Warranty: 1 Year Parts and Labor on Workmanship/Installation; 5 Year Limited Fabric Warranty From Fabric Mfr. No additions or changes will be accepted on this proposal.

This contract is subject to the terms and conditions on the second page of this document. This proposal may be withdrawn if not accepted in 30 days. Allow 3-4 weeks for delivery.

Total:

Respectfully Submitted

Handwritten signature of Keith R. Weber

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date

Handwritten date 6/6/11

Signature

Handwritten signature of customer

(Customer)

Signature

DESIGN • SURVEY • PERMIT • FABRICATION • INSTALLATION • MAINTENANCE • PROGRAM MANAGEMENT

www.american-awnings.com

Date 6/6/2011
Salesperson KRW
Sheet No. 2 of 2



A DIVISION OF AMERICAN SIGN FACTORY, LLC

123 King Street | 4811 W Woolworth Ave.
Elk Grove Village, IL 60007 | Milwaukee, WI 53218
T 847.725.8000 T 414.353.3666
F 847.725.8005 F 414.353.6828

Proposal Submitted To

Name Glen Crossing
Street 1263 S. Highland Ave.
City Lombard
Zip 60148
1st Phone 630/932-5757
Other Phone
Fax # (630) 932-5755

Work To Be Performed At

Name
Street 462 Park Ave.
City Glen Ellyn, IL
Zip 60137
Date of Plans
Architect
Contact Kim Hess

We hereby propose to furnish the materials necessary to manufacture and install:

Fabric Weatherlyte - Black
Valence 1' Rigid
Thread Tenara
Binding N.A.
Graphics Digitally printed stripes and graphics

Three new traditional style awnings above store fronts on the north elevation of the building. Approximate dimensions for the traditional style awnings will be 4'5" drop, 3'6" projection and widths of 16', 11'7", 11'9". One new bubble/bell style awning on the SE corner with approximate width 11'9". These awnings will match the existing awnings.

Frames - Welded extruded aluminum with exposed joints ground and cleaned. Fabric will be laced on the frames.

Fabric - 16 oz High performance composite vinyl with the look and feel of a woven fabric. Water, mildew, and flame resistant. Fabric panels will be sewn together using Tenara thread which has a lifetime warranty. Fabric has an 8 year manufacturer's warranty.

Graphics - Custom stripe and graphics as recovers per drawings.

Installed Price - \$20,190.00 for (4) new awnings and recover of (19) existing awnings.

Back Lit - electrical must be stubbed to "J" Box at awning by others.
Permit - if required, the cost and fees will be added to the contract.
Insurance Waivers - \$50.00 for each insured will be added to contract.

**50% DEPOSIT WITH BALANCE AT INSTALL
LIMITED LIFETIME WARRANTY ON NEW FRAMES**

Warranty: 1 Year Parts and Labor on Workmanship/Installation; 5 Year Limited Fabric Warranty From Fabric Mfr.

No additions or changes will be accepted on this proposal.

This contract is subject to the terms and conditions on the second page of this document.

This proposal may be withdrawn if not accepted in 30 days. Allow 3-4 weeks for delivery.

Total:

Respectfully Submitted

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date 6/6/11

Signature [Signature]
(Customer)

Signature _____
(Awnings Plus Representative)

DESIGN • SURVEY • PERMIT • FABRICATION • INSTALLATION • MAINTENANCE • PROGRAM MANAGEMENT

www.american-awnings.com

**Request for Taxpayer
 Identification Number and Certification**

Give Form to the
 requester. Do not
 send to the IRS.

Name (as shown on your income tax return)
Kwajaleet Chawla & Associates, Inc.

Business name/disregarded entity name, if different from above

Check appropriate box for federal tax classification (required):
 Individual/sole proprietor
 C Corporation
 S Corporation
 Partnership
 Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶

Other (see instructions) ▶

Address (number, street, and apt. or suite no.)
1263 S Highland Ste 2W

City, state, and ZIP code
Lombard IL 60148

List account number(s) here (optional)

Requester's name and address (optional)
1718

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number
 [] - [] - []

Employer identification number
36-3940909

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here Signature of U.S. person ▶ **[Signature]** Date ▶ **3/14/11**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.



CLEANERS

L.A. NAIL SPA

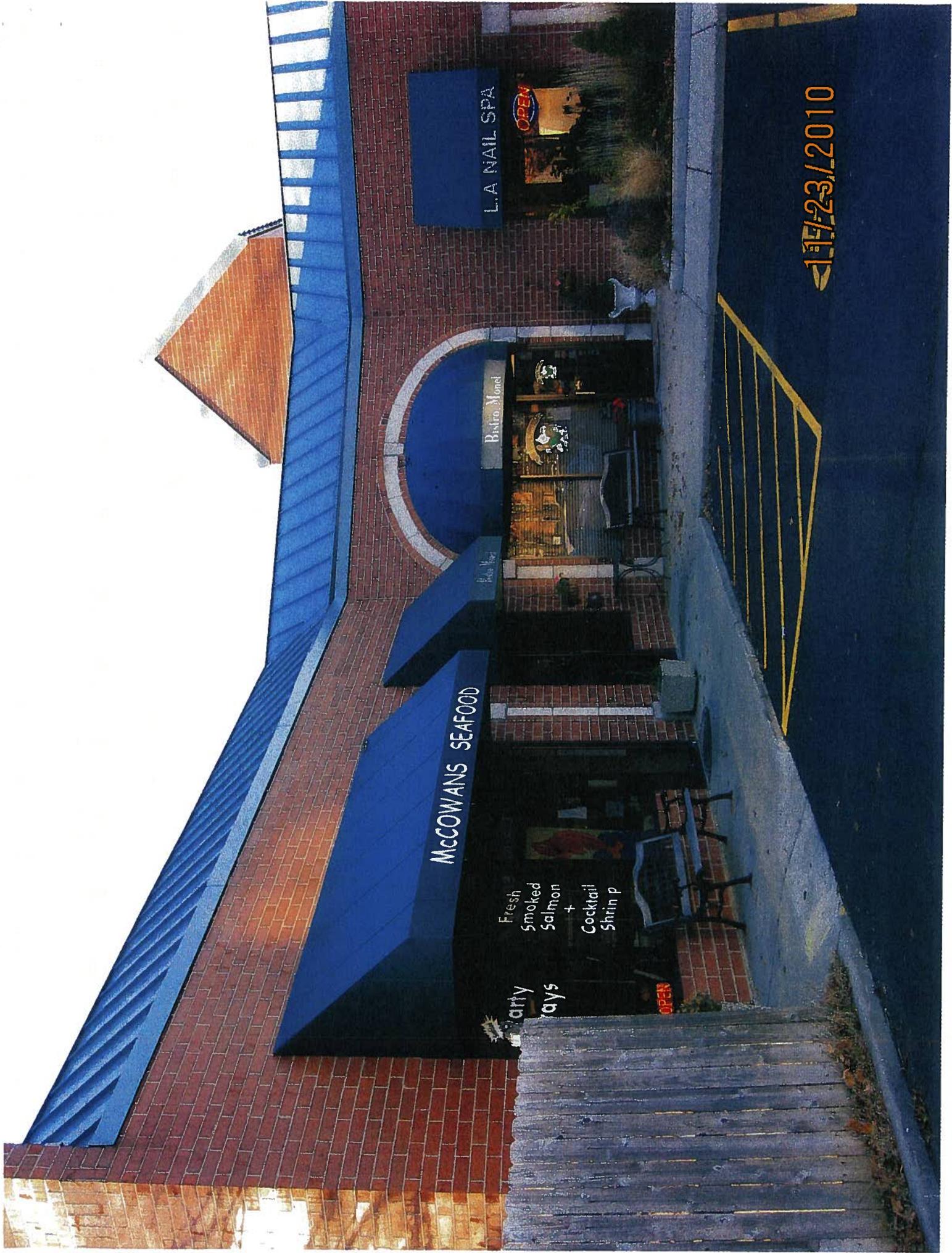
Risque Menel

OPEN

Life is Good

AFT 518E

11/23/2010



McCOWANS SEAFOOD

Bistro Monel

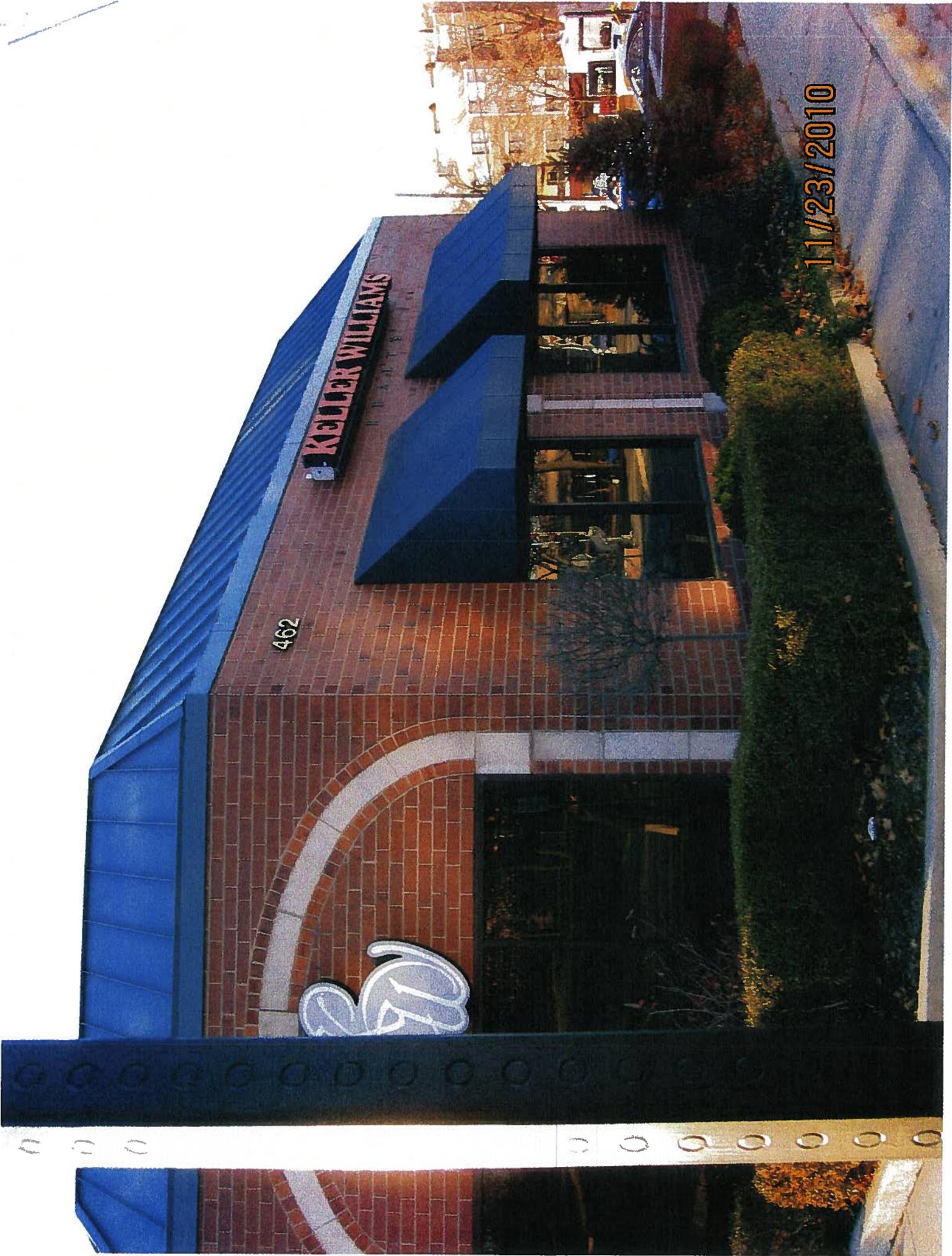
Daily Crabs

Fresh Smoked Salmon + Cocktail Shrimp

OPEN

L.A. NAIL SPA

11/23/2010

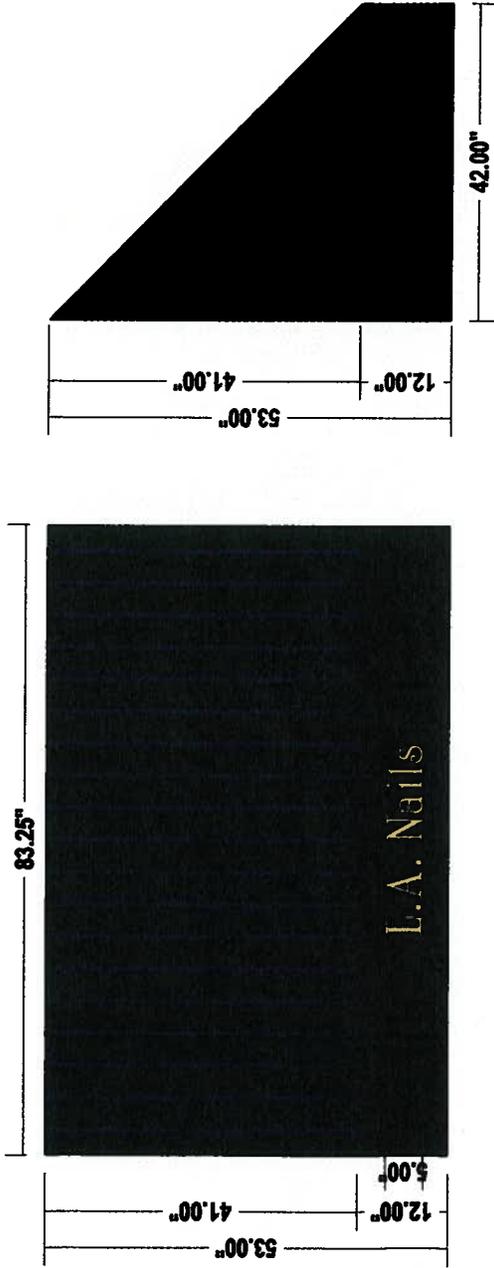


KELLER WILLIAMS

462

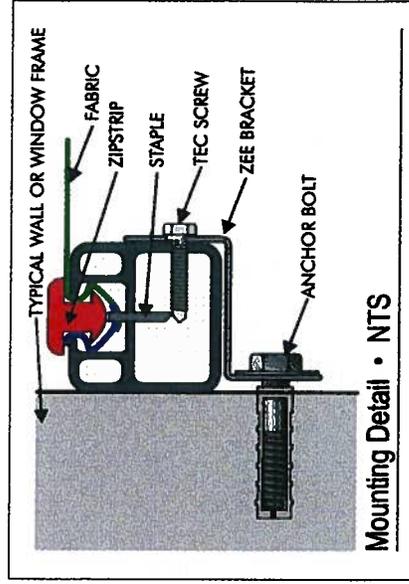


11/23/2010



C Non-Illuminated Awning - 1" Aluminum Tube Frame • Front View
For Production / For Presentation

Overall Height: 4' - 5"
Overall Length: 83.25"
Total Sq. Ft.: 30.64
Projection: 42"
Graphics: SW6129 Restrained Gold
Material: Sunbrella Black w/ painted SW6244 striping



AMERICAN
810 FACTORY LLC
CHICAGO 1220 S. WABASH
EIN, GARDEN CITY, IL 60007
T 847.725.8000 F 847.725.8005
MILWAUKEE 4811 W. HOUGHTON
MILWAUKEE, WI 53218
T 414.353.3695 F 414.353.6828

Client Name:
Key Investments / Glen Crossing
Location:
462 Park Ave.
Glen Ellyn, IL 60137

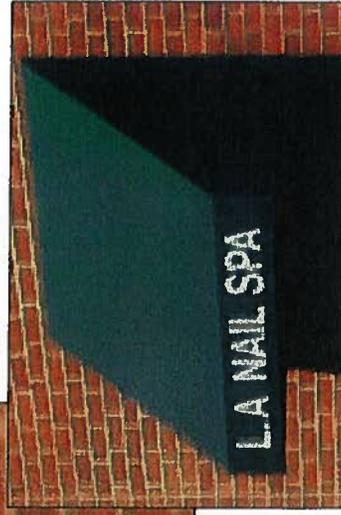
Start Date: 05/04/11
Last Revision: 05/27/11
Job#: 62008
Drawing#: 62008c_v2
Page: 1 of 8

Sales Rep:
KW
Designer:
KB





Existing



Proposed

AMERICAN SIGN FACTORY LLC
 CHICAGO 123 King Street
 Elk Grove Village, IL 60007
 T 847.725.8000 F 847.725.8005

MILWAUKEE 4811 W. Woodworth Avenue
 Milwaukee, WI 53218
 T 414.353.3666 F 414.353.6628

Client Name:
 Key Investments / Glen Crossing

Location:
 462 Park Ave.
 Glen Ellyn, IL 60137

Start Date: 05/04/11
Last Revision: 05/27/11
Job#: 62008
Drawing#: 62008c_v2
Page: 2 of 8

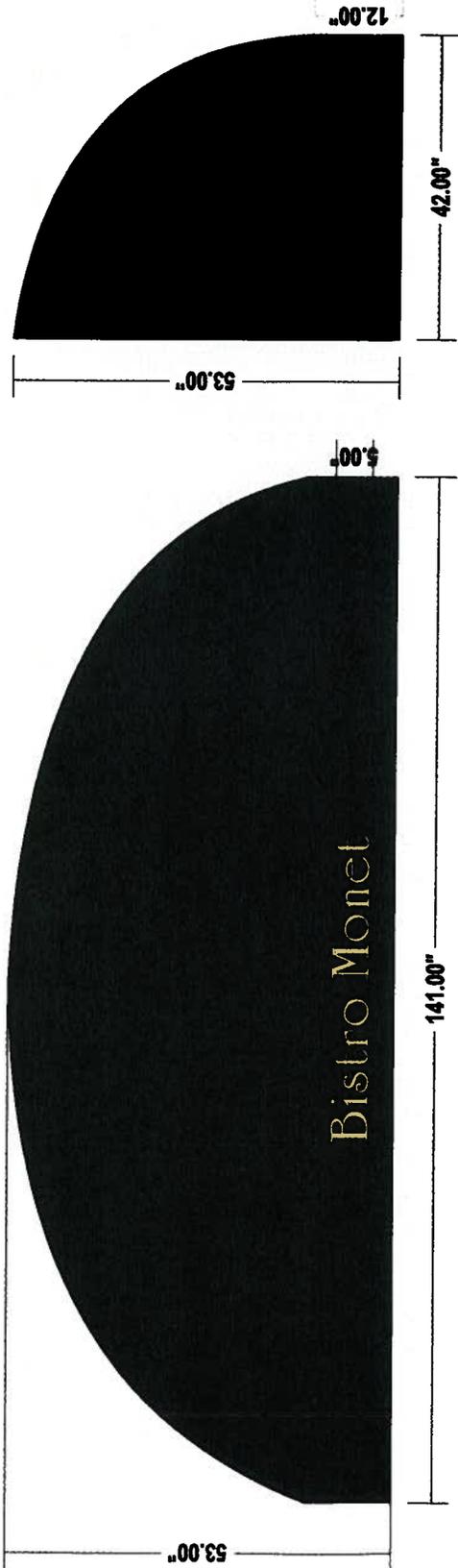
Client Approval
 Signature: _____
 Title: _____



Sales Rep:
 KW

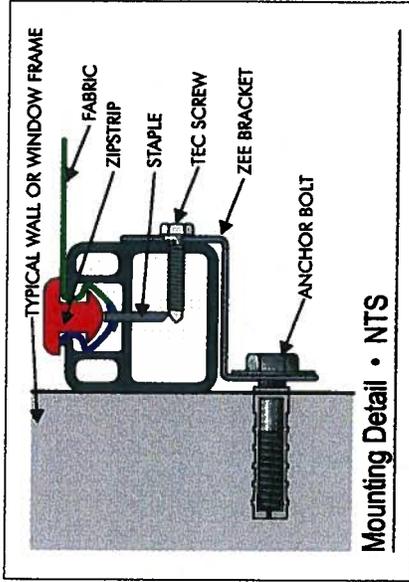
Designer:
 KB





C Non-Illuminated Awning - 1" Aluminum Tube Frame • Front View
For Production / For Presentation

Overall Height: 4' - 5"
 Overall Length: 141"
 Total Sq. Ft.: 51.90
 Projection: 42"
 Graphics: SW6129 Restrained Gold
 Material: Sunbrella Black



AMERICAN SIGN FACTORY LLC
 CHICAGO 123 KING STREET
 MILWAUKEE 4811 W. WISCONSIN AVENUE
 EIK GROVE VILLAGE, IL 60007
 T 847.725.6000 F 847.725.8005

Client Name: Key Investments / Glen Crossing
Location: 462 Park Ave. Glen Ellyn, IL 60137

Start Date: 05/04/11
Last Revision: 05/27/11
Job#: 62008
Drawing#: 62008c_v2
Page: 3 of 8

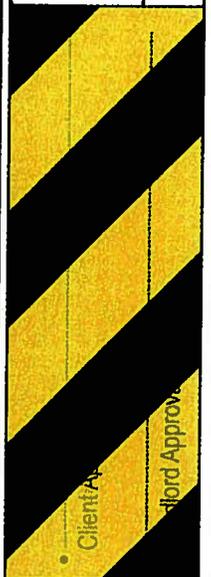


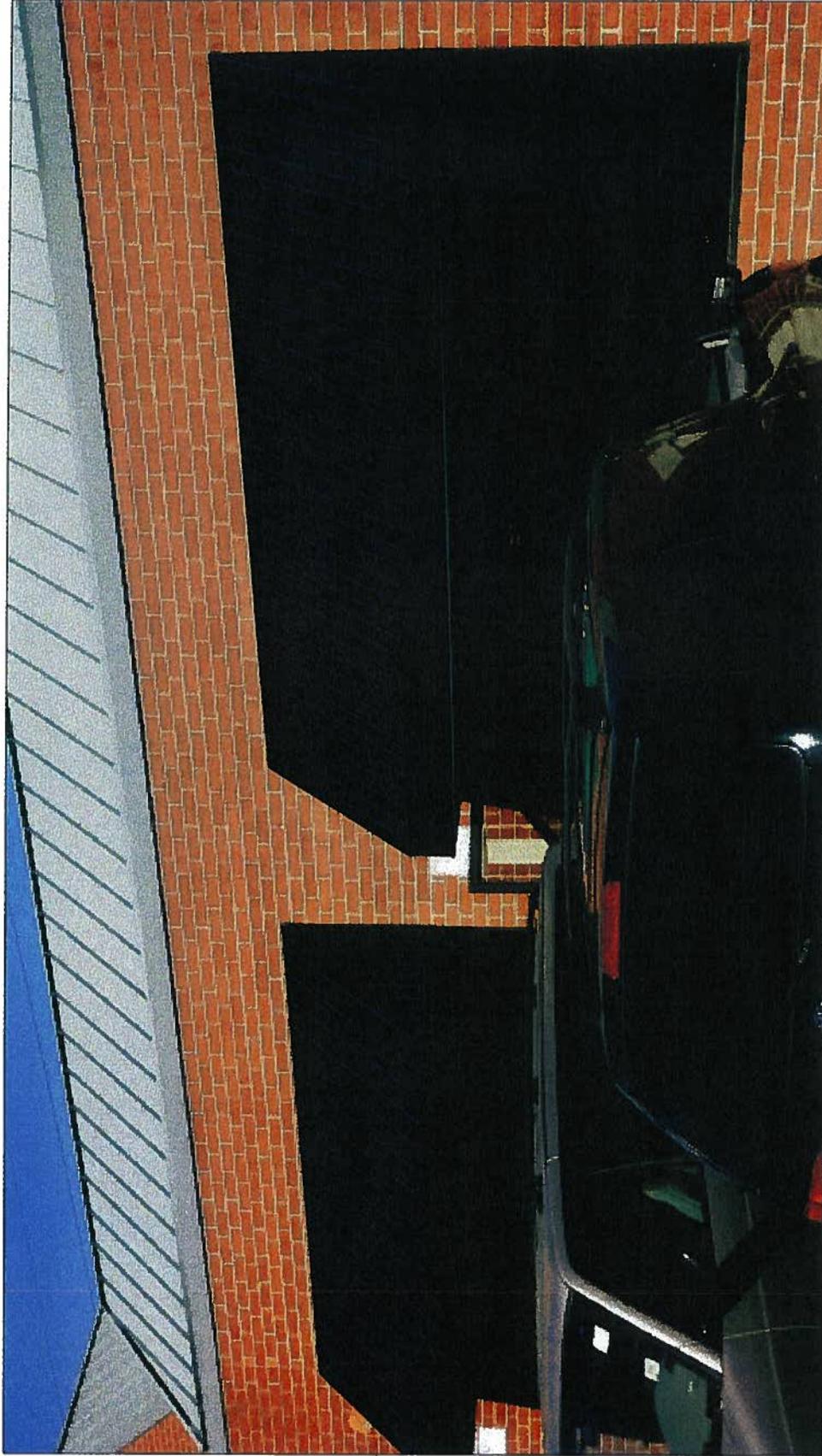
Sales Rep: KW
Designer: KB



Proposed



<p>Sales Rep: KW</p> <p>Designer: KB</p>  	 <p>Client Approval</p>	<p>Start Date: 05/04/11 Last Revision: 05/27/11 Job#: 62008 Drawing#: 62008c_v2 Page: 4 of 8</p>	<p>Client Name: Key Investments / Glen Crossing</p> <p>Location: 462 Park Ave. Glen Ellyn, IL 60137</p>	<p>AMERICAN SIGN FACTORY LLC</p> <p>CHICAGO 123 King Street Etk Grove Village, IL 60007 T 847.725.6000 F 847.725.6005</p> <p>MILWAUKEE 4811 W. Wauchope Avenue Milwaukee, WI 53218 T 414.353.3656 F 414.353.6528</p>
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AMERICAN SIGN FACTORY LLC
 CHICAGO 123 King Street Elk Grove Village, IL 60007
 MILWAUKEE 4811 W. Wisconsin Avenue Milwaukee, WI 53216
 T 847.725.8000 F 847.725.8005

Client Name: Key Investments / Glen Crossing
Location: 462 Park Ave. Glen Ellyn, IL 60137

Start Date: 05/04/11
Last Revision: 05/27/11
Job#: 62008
Drawing#: 62008c_v2
Page: 5 of 7



Sales Rep: KW

Designer: KB





AMERICAN SIGN FACTORY LLC
 CHICAGO 123 King Street
 EIK Grove Village, IL 60007
 T 847.725.8000 F 847.725.8005

MILWAUKEE 4811 W. Wisconsin Avenue
 Milwaukee, WI 53218
 T 414.353.3665 F 414.353.6628

Client Name:
 Key Investments / Glen Crossing

Location:
 462 Park Ave.
 Glen Ellyn, IL 60137

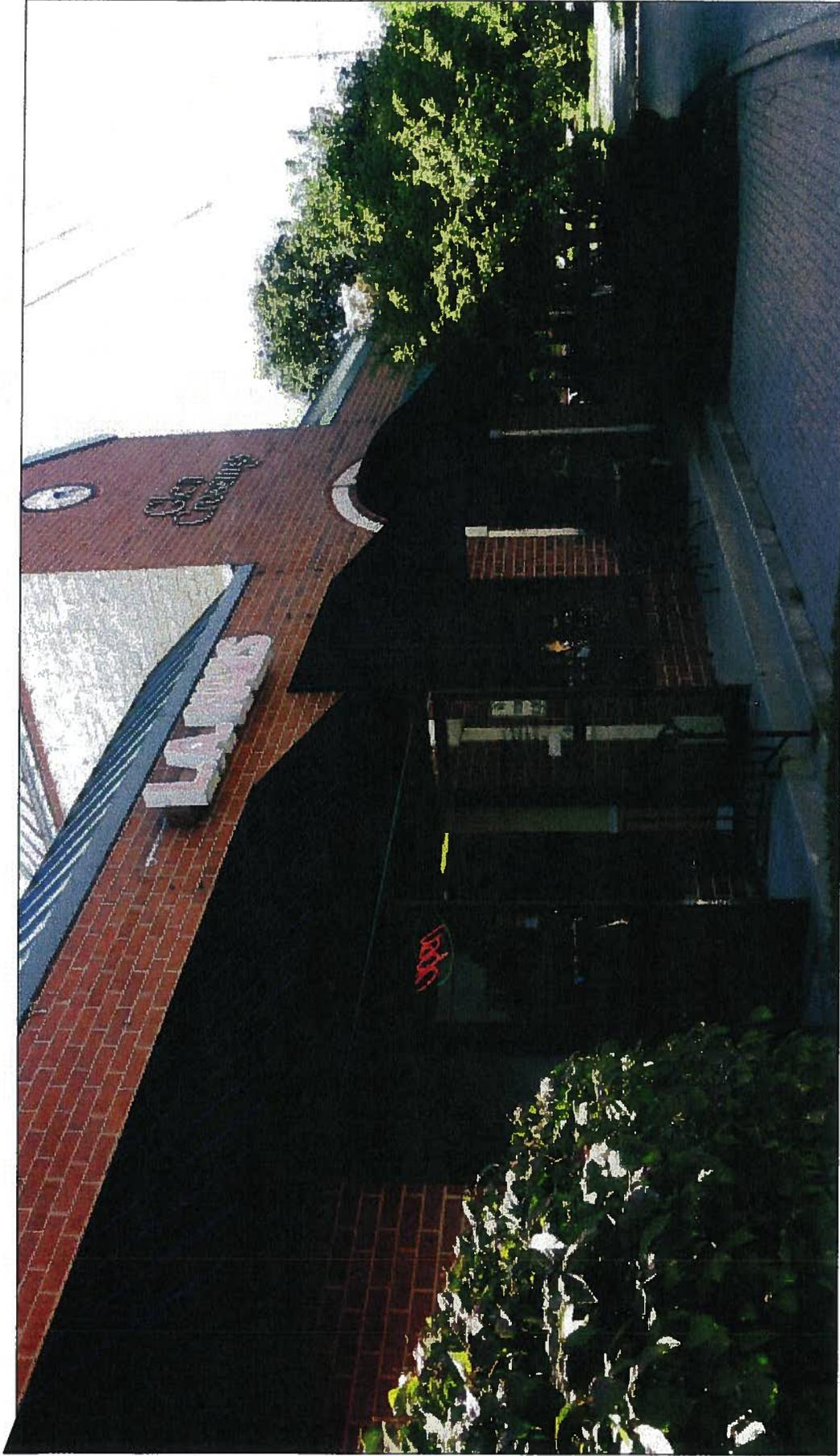
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Last Revision: 05/27/11
Job#: 62008
Drawing#: 62008c_v2
Page: 6 of 8



Sales Rep:
KW

Designer:
KB





AMERICAN
810NFACTORYLLC

CHICAGO 1225 S. STATE ST. ELM GROVE VILLAGE, IL 60007
T 847.725.8000 F 847.725.8005

MILWAUKEE 4811 W. FRODOX AVENUE MILWAUKEE, WI 53216
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Client Name:
Key Investments / Glen Crossing

Location:
462 Park Ave.
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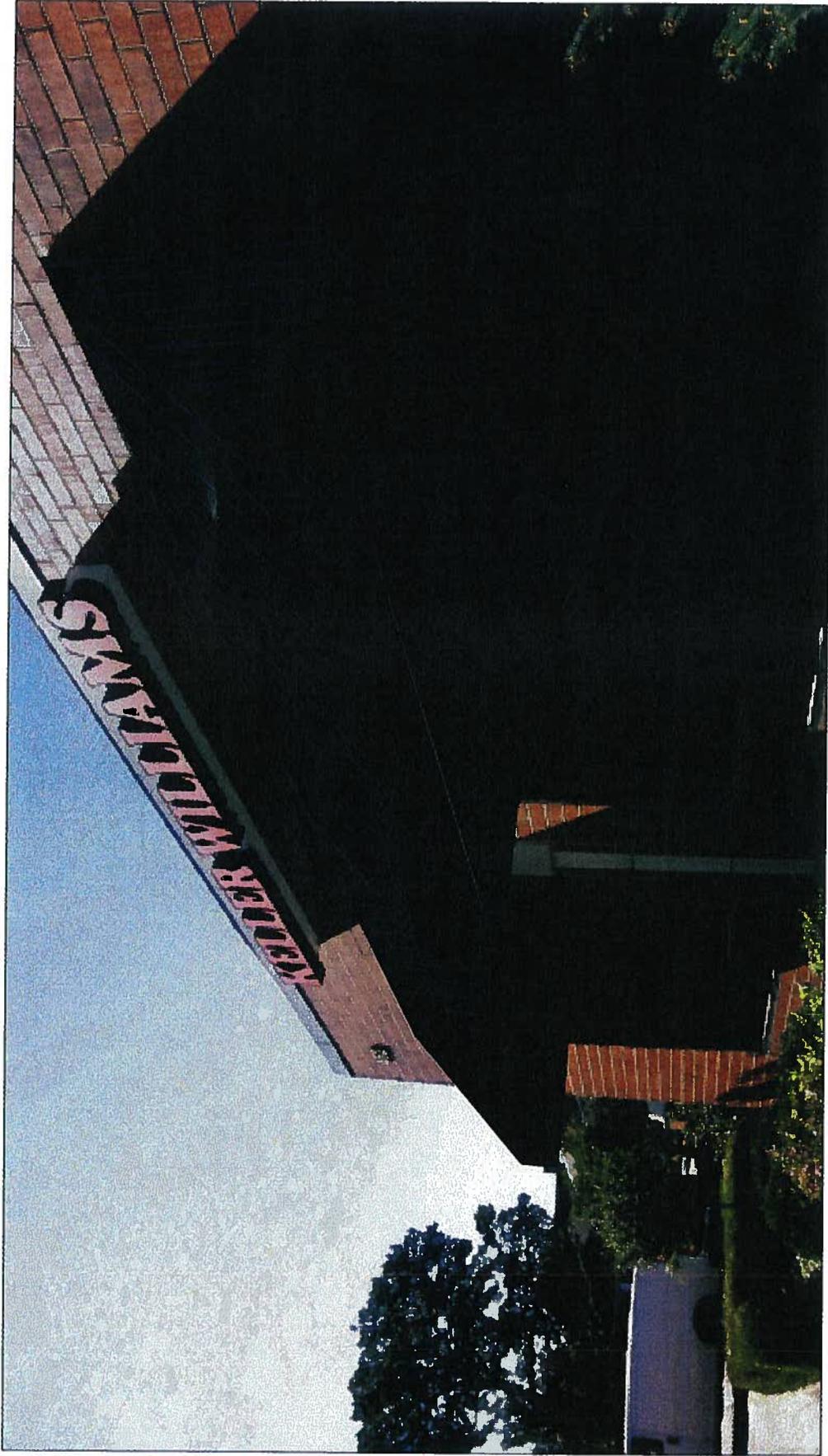
Start Date: 05/04/11
Last Revision: 05/27/11
Job#: 62008
Drawing#: 62008c_v2
Page: 7 of 8



Sales Rep:
KW

Designer:
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Glen Ellyn, IL 60137

Start Date: 05/04/11
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Job#: 62008
Drawings: 62008c_v2
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Sales Rep:
KW

Designer:
KB



A-13



To: Danamarie Izzo –Assistant to the Village Manager-HR

From: Patti Underhill - Administrative Services Coordinator

Date: July 20, 2011

Re: Public Sidewalk Liquor Service Class B-5 License

Background In December of 2010, the Village received a written request from the Glen Ellyn EDC to consider allowing liquor service at sidewalk cafes. This type of service has worked well in other communities. A meeting was subsequently held with some of the interested restaurateurs, as well as representatives from the Police Department, Planning and Development and Administration. The result is the creation of the Class B-5 Liquor License. The Class B-5 is a supplemental license for those businesses already holding an A-1, A-2 and B-1 Liquor License. The Class B-5 is being established on an experimental basis, over a three year period. We want to determine whether liquor sales on the public sidewalk can be done safely, in a manner not to impede pedestrian traffic and does not lead to excessive enforcement obligations. The business owners will be required to construct and maintain temporary fences or decorative chains on the designated area to clearly identify where the tables and chairs should be. This will also help the restaurant staff identify their customers. Once this class of license is approved we will accept applications with an Annual Fee of \$100. This year's annual fee will also be applicable for 2012. Pending the receipt of applications we will revise the Village Code to state the number of Class B-5 licenses issued.

Pros

Sidewalk cafes' are strong people attractors

Increased sales tax revenue

Cons

Sidewalk safety and ease of use

Enforcement – Police Department

Action Requested

Approve the Class B-5 Liquor License

Recommendations

Approve the Ordinance

Attachments

Ordinance

ORDINANCE NO. _____ VC

**AN ORDINANCE ESTABLISHING A CLASS-B-5 LICENSE
FOR PUBLIC SIDEWALK LIQUOR SERVICE AND
ESTABLISHING SUCH LICENSE AND
APPLICABLE LICENSE FEES.**

WHEREAS, a number of owners of restaurants in the Village of Glen Ellyn, which currently offer the retail sale on specified premises of beer and wine or alcoholic liquor have asked the Village to consider the creation of a new license which would permit such sales to take place in designated areas on the public sidewalk adjacent to the restaurants; and

WHEREAS, the Village is willing to establish, on an experimental basis, a new classification of license to permit such sale and to determine, over a period of three (3) years, whether liquor sales on the public sidewalk can be done safely, in a manner not to impede pedestrian traffic and does not lead to excessive enforcement obligations; and

WHEREAS, any use of the public right-of-way sidewalk as a place to serve beer and wine and/or liquor, depending on the liquor license issued, can only be accomplished by an entity that has a license agreement with the Village for the use of a public sidewalk for restaurant purposes and that a cancellation of the license agreement would itself terminate the ability to utilize such a liquor license allowing service on the sidewalk; and

WHEREAS, the creation of a new sub-class of liquor license, as a Class-B-5 license, will also require amendments to the municipal code relating to the number of available licenses and license fees;

NOW, THEREFORE, BE IT ORDAINED 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: The preamble provisions to this ordinance are intended to be a part of this ordinance for the purpose of expressing the legislative intent of the Village.

SECTION 2: Section 3-9-11: "Classification of Licenses" of the Code of Ordinances of the Village of Glen Ellyn shall be amended in that there shall be added to Subsection (B) CLASS B, a new paragraph, which shall appear as the last paragraph of Subsection B and shall be, as follows:

Class B-5 License shall authorize holder of a Class A-1, A-2 or B-1 License to sell alcoholic liquor on public sidewalks adjacent to the specified premises. A Class B-5 License may only be issued to a holder of a Class A-1, A-2 or B-1 License, who has entered into a license agreement approved by the Glen Ellyn Village Board for the use of some portion of the public sidewalk adjacent to the specified premises for restaurant use. That license agreement shall contain terms and conditions regarding the sale of alcoholic liquor upon the public sidewalk, in addition to such rules regarding the sale of alcoholic liquor as shall generally apply under the ordinances of the Village. In addition to such special and specific requirements, which may be attached to licenses because of local conditions all A-1, A-2 and B-1 license holders shall follow these requirements: (a) all liquor service shall cease no later than 10:00 p.m., and liquor consumption shall cease no later than 10:30 p.m.; (b) patrons shall be seated at the tables on the public sidewalk when consuming alcohol, which shall be served only by a server from the restaurant; (c) there shall be no carry-out service; (d) service of alcohol shall be incidental to the service of meals and shall only take place for patrons ordering meals or appetizers; and (e) the licensee shall construct and maintain such separation of the area by wall, fence, divider, chain or other device as shall be approved in the application. A B-5 License shall permit the sale of alcoholic liquor from May 1st of each calendar year to October 30th of each

calendar year. To qualify for a B-5 Public Sidewalk License, an applicant must first be issued and hold an A-1, A-2 or B-1 License (the basic license). The B-5 License is supplemental to and in addition to the basic license and does not replace the basic license. The issuance of Class B-5 licenses may be discontinued by action of the Village Board after October 30, 2013.

SECTION 3: Section 3-19-12, Restriction on Number of Licenses, of the Village Code of Ordinances shall be amended in that there shall be added to the licenses therein listed a Class B-5.

SECTION 4: Section 3-19-13, License Fees, of the Village code of Ordinances, shall be amended in that there shall be added to that section the newly-created license category B-5, with an annual fee of \$100.

SECTION 5: The Chief of Police shall report in writing prior to the end of Calendar year 2011, 2012, and 2013 regarding the experiences of the Glen Ellyn Police Department and other Village Departments regarding any practical difficulties relating to the use of public sidewalks or other enforcement issues relating to B-5 Licenses.

PASSED this _____ day of _____, 2011.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2011.

Village President