

Agenda
Village of Glen Ellyn
Village Board Meeting
Monday, February 27, 2012
8:00 p.m. – Galligan Board Room

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Village Recognition:
 - A. A memo was received from Glenbard Wastewater Authority recognizing the following Village Public Works employees for their outstanding work efforts which resulted in a cost effective solution to a change order for the backflow preventer work at GWA: Jeff Agner, Ken Major, Bob DeRosa, Steve Hughes, Rich Mascarella, Joe Rein, Bob Greenberg, and Mark Mellor. Their combined efforts helped the GWA save \$9,200 taxpayer dollars.
 - B. Police Officer David Gill received a note of thanks from a cabdriver for helping him during a health emergency.
 - C. Public Works received a complimentary call from a resident forwarding his thanks to Eric Hendrickson, Stephen Hughes, and Robert Fields for their outstanding efforts to remove a large parkway tree.
 - D. Police Officer Mallory Wilkens received an email of thanks from a Wheaton resident for assisting her friend during a health emergency.
 - E. The Village Board and Management Team congratulates the following employee who recently celebrated an anniversary as a Village employee:

William Keel	Planning and Development	10 years
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 - F. The Village accepts the resignation of Mary Ozog from the Zoning Board of Appeals and thanks her for her service to the Village.
5. Audience Participation
 - A. Open:

Members of the public are welcome to speak to any item *not* specifically listed on tonight's agenda for up to three minutes. For those items which are on tonight's agenda, the public will have the opportunity to comment at the time the item is discussed. In either case, please complete the Audience Participation form and turn it in to the Village Clerk.

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:

1. February 13, 2012 Regular Meeting

B. Total Expenditures (Payroll and Vouchers) - \$1,315,048.72.

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

C. Ordinance No. 6005, an Ordinance Approving a Variation from the Side Yard Setback Requirements of the Zoning Code to Allow the Reconstruction of the Home for Property at 621 Forest Avenue. *(Planning and Development Director Hulseberg)*

D. Resolution No. 12-01, a Resolution to Adopt Municipal Legislative Positions and Priorities for the 2012 Legislative Session. *(Assistant to the Village Manager Schrader)*

7. Motion to authorize the execution of an Intergovernmental Agreement between the College of DuPage, DuPage County and the Village of Glen Ellyn. *(Trustee Friedberg)*

Village Manager Franz will present information on a proposed Intergovernmental Agreement between the College of DuPage, DuPage County and the Village of Glen Ellyn. Under this agreement, DuPage County would assume administrative and regulatory control over the College of DuPage campus with respect to various regulations.

8. Planning and Development Director Hulseberg will lead a discussion regarding potential revisions to the Village Grants program guidelines and applications. In January, Village staff requested Village Board feedback on the guidelines and applications for the Downtown Interior Improvement and Façade Improvement grant programs. Village staff has compiled that feedback and drafted amendments to the grant guidelines and applications that coincide with the stated purposes of the program.

9. Reminders:

- A Special Budget Workshop will be held on Monday, March 5 beginning at 6:00 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.
- The next Regular Village Board Meeting is scheduled for Monday, March 12, 2012, with the Workshop beginning at 7:00 p.m. and the Regular Board Meeting beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

10. Other Business?

11. Adjournment

12. Press Conference

A-6c

MEMORANDUM

TO: Mark Franz, Village Manager
FROM: Staci Hulseberg, Director of Planning & Development
Joe Kvapil, Building and Zoning Official
DATE: February 20, 2012
RE: February 27, 2012 Village Board Meeting – Zoning Variation Request



Background

Steve and Melisa Knez, owners of the property at 621 Forest Avenue, are requesting approval of a variation from Glen Ellyn Zoning Code Section 10-4-8(D)3 to allow the reconstruction of an existing structure with a side yard setback of 6.37 feet in lieu of the minimum required side yard setback of 9 feet when more than 75% of the exterior wall and roof area of the existing home will be structurally altered. The subject property is an interior lot located on the east side of Forest Avenue in the R2 Residential District. Notice of the public hearing was published in the Daily Herald on December 26, 2011. The Zoning Board of Appeals conducted a public hearing on the requested variation on Tuesday, January 10, 2012. At the meeting, no persons spoke in favor of or in opposition to the variation request.

Issues

Although a building permit has been issued and construction of the project has started, this variation request is not a “construction necessitated variation” because no work had been completed within the setback that violates the zoning code. The need for this variation was discovered after it was determined that more than 75% of the existing exterior wall and roof structure had been removed and consequently requires the existing home to comply with the side yard setback requirements of a new home.

The Zoning Board of Appeals was in favor of the variation because they felt that there are practical difficulties or particular hardships in the application of the Zoning Code regulations to this sloping lot. Compliance with the zoning code would require the removal of the existing foundation and construction of a new foundation wall. This foundation work within the setback will disturb more lot area located closer to the neighboring property than allowing the same small corner area to encroach into the setback.

Recommendation

The Zoning Board of Appeals voted on a motion to recommend approval of the variation request which carried with seven (7) “yes” votes and zero (0) “no” votes. In accordance with this recommendation, staff has prepared an ordinance to **approve** the requested variation.

Action Requested

It is requested that the Village Board consider the petitioners' request, the recommendation offered by the Zoning Board of Appeals, and any further evidence or testimony presented at the Village Board Meeting and grant, deny or amend the variation request.

Attachments

- Minutes of ZBA meeting dated January 10, 2012
- Photo of the Subject Property
- Location Map
- Ordinance
- Notice of Public Hearing
- List of Addresses
- Petitioners' Application packet
- Letter in support of variation signed 1/10/12
- Petition in support of variation with seven signatures
- Enlarged site diagram of setback variation

CC: Steve and Melisa Knez

ZONING BOARD OF APPEALS
MINUTES
JANUARY 10, 2012

The meeting was called to order by Chairman Richard Garrity at 7:31 p.m. Board Members Gregory Constantino, Gary Fasules, Barbara Fried, Edward Kolar, Mary Ozog and Dale Siligmuller were present. 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.

Board Member Fried moved, seconded by Board Member Ozog, to approve the minutes of the December 13, 2011 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

One public hearing was on the agenda for the property at 621 Forest Avenue.

PUBLIC HEARING – 621 FOREST AVENUE

A REQUEST FOR APPROVAL OF A ZONING VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-8(D)3, TO ALLOW THE RECONSTRUCTION OF AN EXISTING STRUCTURE WITH A SIDE YARD SETBACK OF 6.37 FEET IN LIEU OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 9 FEET WHEN MORE THAN 75% OF THE EXTERIOR WALL AND ROOF AREA OF THE EXISTING HOME WILL BE STRUCTURALLY ALTERED.
(Steve and Melisa Knez, owners)

Staff Report

Building and Zoning Official Joe Kvapil distributed a letter from James and Colleen Helenhouse, 629 N. Park Boulevard, Glen Ellyn, Illinois that requested the subject property owners to implement a water retention field on the property to prevent run-off and redirection if their plans are to build a larger house on the subject lot.

Mr. Kvapil stated that Steve and Melisa Knez, the owners of the property at 621 Forest Avenue, are requesting one (1) variation from Section 10-4-8(D)3 of the Glen Ellyn Zoning Code to allow the reconstruction of an existing home with a side yard setback of 6.37 feet in lieu of the minimum required side yard setback of 9 feet when more than 75% of the exterior wall and roof area of the existing home has been structurally altered or, in this case, removed. Mr. Kvapil displayed a map and plat of the subject property and added that the property is located on the east side of Forest Avenue between Linden Street and Hawthorne Boulevard in the R2 Residential District. He stated that no date was available regarding the construction of the subject home, however, the second floor addition was constructed in 1965. He added that no previous zoning variations have been granted for the subject property. Mr. Kvapil described the location of a bird sanctuary across the street from the subject property. He also indicated the location of a dry creek bed that transmits water when it rains which begins near the bird sanctuary area and

crosses Forest Avenue underground and comes up onto the property at 631 Forest Avenue, flows across the property at 627 Forest Avenue, goes underground at Park Boulevard and resurfaces and flows across the property at 623 Park Boulevard.

Mr. Kvapil displayed a photograph of the demolished house which currently has a foundation in its place. Mr. Kvapil explained that a permit had been applied for which indicated that less than 75% of the exterior walls and roof would be altered or removed. However, a permit was issued during the demolition of the structure in preparation for the alteration/addition because more than 75% of the exterior walls and roof were removed. Mr. Kvapil stated that all requirements of the building and zoning codes for a new home on the site then applied, including a sprinkler system. Mr. Kvapil stated that the setback line for any new construction on the site is 9 feet from the side yard property line, however, a portion of the foundation in the southeast corner of the existing home is 6.37 feet from the side property line which necessitates the petitioners' variation request. Mr. Kvapil added that the requested variation is for a small triangle that is 10 feet long by 3 feet deep or approximately 15 square feet that encroaches into the side yard setback. He stated that the subject request is not a construction-necessitated variation request because construction has not occurred in the nonconforming area. He added that if the petitioners would like to proceed with construction on the existing foundation, they will need to apply for and receive approval for the subject variation.

Mr. Kvapil stated that the stormwater and grading plan submitted for the subject property has been reviewed and approved by the Village stormwater engineer. He added that a retaining wall will be constructed that will support the driveway. He also added that stormwater will flow toward Forest Avenue and that the downspouts from the new addition will flow into four flow wells. Mr. Kvapil stated that a tree preservation plan has been reviewed and approved by the Village landscape consultant. He added that if the location of the subject house conformed to the Zoning Code, a number of existing trees would have been impacted.

Mr. Kvapil stated that the petitioner has amended the current building permit application to eliminate the nonconforming corner of the building, however, they are currently requesting the subject variation to retain the existing foundation and reconstruct the building over that foundation.

Mr. Kvapil added that a nearby homeowner had contacted the Building and Zoning Department regarding the subject project and stated they were concerned about stormwater which they hoped would not cause problems.

Petitioners' Presentation

Steve and Melissa Knez, owners of the property at 621 Forest Avenue, and Ken Nunkovich, the builder, of 1707 S. Thompson, Wheaton, Illinois were present. Mr. Knez stated that he and his wife would like to keep the character of their lot in the neighborhood, retain as many trees on their lot as possible and build a home of approximately 3,000 square feet with no variances. Mr. Knez stated that as excavation

began under their garage, it was discovered that the back walls behind the existing one-car garage did not have proper footings for support. He stated that the garage in the new plan would be lowered, however, there was nothing there to support the walls so they were removed. Mr. Knez stated they were shocked when they learned that their construction class changed from a Class II to a Class III. Mr. Knez stated that one of the hardships is the extreme slope of their lot that drops off quickly near the creek which makes it difficult to move the house in that direction. He added that another hardship would be the substantial cost of moving the foundation as excavation has been done and the character of the lot would be lost. Mr. Knez added that part of the reason they bought their home was because of the bird sanctuary across the street. Mr. Knez stated that they will cut a corner off of their home if they are not granted a variance although an aesthetic hardship would then be created for their neighbors. Ms. Knez distributed a petition with seven (7) signatures in support of the subject variation request and a letter from Ted and Judy Moody of 617 Forest Avenue also in support of the variation request. Mr. Nunkovich, the petitioners' builder, reiterated that an additional portion of the house was removed because it was not structurally sound as proper footings were not under the wall. Mr. Knez added that once their construction became a Class III, they decided to remove the brick wall in order to install new framing and insulation. Mr. Nunkovich added that the existing foundation will be used.

Responses to Questions from the ZBA

Mr. Kvapil responded to Board Member Constantino that the original application indicated that less than 75 percent of the exterior wall and exterior roof surfaces of the existing home would be removed. Mr. Kvapil then responded that removing more walls/surfaces than requested requires adding a fire sprinkler system and compliance with all of the current building and zoning codes. Mr. Kvapil responded to Board Member Constantino that a request to amend the application was made after the demolition occurred. Mr. Kvapil verified for Board Member Constantino that no variations would be required for the subject property if the petitioners chose not to proceed with construction in the nonconforming area. He also stated that a Village stormwater engineer stated that there would be no difference regarding improvement to stormwater conditions if the home was moved so that it was not in the south side yard setback. Mr. Kvapil responded to Board Member Fried that approximately half of the existing foundation will be used for the new home and that the variation is being requested for the existing foundation portion of the home. Mr. Kvapil responded to Board Member Kolar that the nearby bird sanctuary has no connection to the subject property. Mr. Kvapil responded to Board Member Kolar that an error occurred when more of the house was torn down than was stated and that the existing remaining walls could either be retained or removed. Mr. Kvapil responded to Board Member Ozog that the Village stormwater engineer has stated that the petitioners' plan satisfies the DuPage County Stormwater Ordinance requirements. Mr. Kvapil responded to Board Member Ozog that he is unaware of the creek in the area flooding and stated that a nearby homeowner stated there have been no problems with the creek although sediment should be removed by the owner. Board Member Constantino asked about the comparison between the previous and new homes regarding property elevation. Ms. Knez responded that the second floor

of the previous house was only at the back half of the house and the front end sloped up. She added that the new house will have a second floor that will be below the second floor of 617 Forest Avenue so light will not impede the second floor of that house. Mr. Nunkovich added that the ridge height of the new portion of the house will abide by the maximum height allowed in the Village which will be significantly lower than the house at 617 Forest Avenue. Mr. Nunkovich responded to Board Member Constantino that he did not know what the difference is between the new ridge height and the original ridge height. Mr. Kvapil added that the new roof may add bulk to the appearance but the first and second floors are essentially the same within the triangular encroachment area. Mr. Knez responded to Board Member Kolar that the garage problem was at the northeast corner which had nothing to do with the corner in question.

Persons in Favor of or in Opposition to the Petition

No persons spoke in favor of or in opposition to the petition.

Comments from the ZBA

Board Member Constantino stated he had been skeptical but felt that all items had been addressed by the petitioners. He felt that during the demolition process, the petitioners realized that the existing conditions would require removal of more of the existing home than was originally planned. He also stated that the petitioners wanted their home placed on the lot where the trees would not be removed which would change the character of the lot. Board Member Constantino felt that the new home would have no adverse effect on the lot, drainage or the character of the surrounding neighborhood. He also felt that the subject lot is a hardship because of its extreme slope to the north. Board Members Siligmuller, Fasules, Fried, Ozog and Kolar also supported the variation request, and Board Member Kolar added that he was supportive of the variation request because of its minimal size of 15 square feet.

Board Member Fried moved, seconded by Board Member Kolar, to close the public hearing. All ZBA members voted aye.

Motion

Board Member Constantino moved, seconded by Board Member Fried, to recommend that the Village Board approve a variation for Steve and Melisa Knez, owners of property at 621 Forest Avenue, from the Glen Ellyn Zoning Code, Section 10-4-8(D)3, to allow the reconstruction of an existing structure with a side yard setback of 6.37 feet in lieu of the minimum required side yard setback of 9 feet when more than 75% of the exterior wall and roof area of the existing home will be structurally altered based on the hardships and unique circumstances involving the extreme slope of the property to the north and the potential loss of trees if the house is relocated. Board Member Constantino added that the subject variation would not create a nuisance or have an adverse effect on drainage as drainage issues related to the new construction have been addressed. He also

recommended that the drainage plans for the structure be in compliance with the application submitted.

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

Trustee Report

Trustee Cooper stated that a schedule and process have been arranged for Village Board public hearings regarding the Memorial Field project at Glenbard West High School. He also stated that a public hearing was held regarding a TIF District in Glen Ellyn as part of the downtown strategic plan. Trustee Cooper also stated that voting recently occurred regarding the redevelopment of the clubhouse facilities at the Village Links. Trustee Cooper also asked the ZBA members for input regarding what they feel the proper role of the Village Board of Trustees is in considering the variance petitions from School District 87. Board Member Fried responded that community input regarding that project has been huge and the community input and cost is what should be reviewed. Board Member Kolar felt that it is unknown what the community as a whole feels about the School District 87 project. Board Member Ozog stated that there will be a referendum regarding the School District 87 project.

Staff Report

Mr. Kvapil stated that the next regularly scheduled ZBA meeting will be cancelled. The meeting that was scheduled for February 14, 2012 will be moved to another day due to Valentine's Day, and Mr. Kvapil reviewed the agenda for that upcoming meeting.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:45 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building & Zoning Official



Village of Glen Ellyn

Ordinance No. _____

**An Ordinance Approving a Variation from the
Side Yard Setback Requirements of the Zoning Code to
Allow the Reconstruction of the Home
For Property at 621 Forest 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 a Variation from the
Side Yard Setback Requirements of the Zoning Code to
Allow the Reconstruction of the Home
For Property at 621 Forest Avenue
Glen Ellyn, IL 60137**

Whereas, Steve and Melisa Knez, owners of the property at 621 Forest Avenue, Glen Ellyn, Illinois, which is legally described as follows:

The northerly 90 feet (as measured along the westerly line) of the southerly 175 feet (as measured along the westerly line) of Lot 4 in Block 10 in Glen Ellyn Addition to Prospect Park, in Section 11, Township 39 North, Range 10, East of the Third Principal Meridian in DuPage County, Illinois.

P.I.N.: 05-11-125-004

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)3, to allow the reconstruction of an existing home with a side yard setback of 6.37 feet in lieu of the minimum required side yard setback of 9 feet when more than 75% of the exterior wall and roof area of the existing home will be structurally altered; and

Whereas, following due notice by publication in the Daily Herald 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 January 10, 2012, at which the petitioners presented evidence, testimony, and exhibits including a letter and a petition signed by eight residents 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 January 10, 2012, the Zoning Board of Appeals adopted findings of fact and voted on a motion to approve the Variation, which carried by a unanimous vote of seven (7) “yes” and zero (0) “no,” resulting in a recommendation for approval as set forth in its Minutes dated January 10, 2012, 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 unintended removal of additional existing wall and roof structures caused the need for this variation;
- B. That the variations, if granted, will not alter the essential character of the locality since this variation will allow the continuation of the existing nonconforming setback of a small corner of the reconstructed home;
- C. That the particular physical surroundings, shape or topographical condition of the specific property involved would bring practical difficulty upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out since the position of the

existing home on the property would need to be moved approximately 3 feet to the north to retain the reconstructed home plan and eliminate the variation;

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 on the lot and sloping grade are unique to this property;

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 have expressed no intention of selling or moving from this property;

F. That the practical difficulty or particular hardship has not been created by any persons presently having an interest in the property since the nonconforming conditions were created when the existing home was constructed or the property was platted;

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 work complies with all other applicable building, zoning and stormwater regulations;

H. That the variation will not diminish or impair property values within the neighborhood since the proposed reconstruction of the home will result in a significant property improvement;

I. That the variation is the minimum variation that will make possible the reasonable use of the land, building or structure and the extent of the nonconforming condition is minimal; 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 January 10, 2012 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)3, to allow the reconstruction of an existing home with a side yard setback of 6.37 feet in lieu of the minimum required side yard setback of 9 feet when more than 75% of the exterior wall and roof area of the existing home will be structurally altered which is legally described as follows:

The northerly 90 feet (as measured along the westerly line) of the southerly 175 feet (as measured along the westerly line) of Lot 4 in Block 10 in Glen Ellyn Addition to Prospect Park, in Section 11, Township 39 North, Range 10, East of the Third Principal Meridian in DuPage County, Illinois.

P.I.N.: 05-11-125-004

Section Three: This grant of variation to reconstruct a home is conditioned upon the construction being completed in substantial conformance with the plans and the Application for Variation received by the Planning & Development Department and signed on December 19, 2011 and the testimony and exhibits provided at the January 10, 2012 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 _____, 2012.

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

Steve and Melisa Knez, owners of the property at 621 Forest Avenue, are requesting a public hearing for a variation in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. The owners would like to remove and reconstruct a part of the existing home that is set back from the side yard lot line a distance of 6.37 feet. The Zoning Code does not allow the reconstruction of an existing structure within the minimum required side yard setback of 9 feet when more than 75% of the exterior wall and roof area of the existing home will be structurally altered. The Glen Ellyn Zoning Board of Appeals will conduct a public hearing to consider this Variation on **January 10, 2012** 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 the Glen Ellyn Zoning Code as follows:

1. Section 10-4-8(D)3, to allow the reconstruction of an existing structure with a side yard setback of 6.37 feet in lieu of the minimum required side yard setback of 9 feet when more than 75% of the exterior wall and roof area of the existing home will be structurally altered.
2. Any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board.

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

The northerly 90 feet (as measured along the westerly line) of the southerly 175 feet (as measured along the westerly line) of Lot 4 in Block 10 in Glen Ellyn Addition to Prospect Park, in Section 11, Township 39 North, Range 10, East of the Third Principal Meridian in DuPage County, Illinois.

P.I.N.: 05-11-125-004

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

(Published in the Daily Herald on Monday, December 26, 2011)

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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: Steve and Melisa Knez

Address: 621 Forest Ave., Glen Ellyn, IL, 60137

Phone No.: _____

Fax No.: _____

E-mail: _____

Ownership Interest in the Property in Question: Owners – Fee Simple

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: 621 Forest Ave., Glen Ellyn, IL, 60137

Permanent tax index number: 05-11-125-004

Legal description: _____

THE NORTHERLY 90 FEET (AS MEASURED ALONG THE WESTERLY LINE) OF THE SOUTHERLY 175 FEET (AS MEASURED ALONG THE WESTERLY LINE) OF LOT 4 IN BLOCK 10 IN GLEN ELLYN ADDITION TO PROSPECT PARK, IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS

Zoning classification: R - 2

Lot size: 90 ft. x 168 ft. Area: 15,120 sq. ft.

Present use: Single family residence

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

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

10-4-08(D) 3 - Minimum interior side yard setback. We are seeking a variation to allow the existing foundation setback of 6.37 feet instead of the required 9 feet (10% of the lot width).

Estimated date to begin construction: As soon as possible.

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

Ken Nunkovich: 1707 S. Thompson, Wheaton, IL, 60189
Jamie Simoneit, 504 Hillside, Glen Ellyn, IL, 60137

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:

A.1. The hardship we are faced with in renovating 621 Forest, as currently planned, is both the disruption to many of the mature trees located, as well as the considerable expense that we would incur by relocating the foundation. In addition, the lot slopes significantly away (to the North) from the existing foundation. The majority of the trees on the lot are located on the Northside, which is directly across the street from the bird sanctuary. There is also a creek on the North end of the property that could cause flooding issue if our home was located closer to that end of the lot.

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:

2b. The existing foundation is located between a large black walnut and a large oak tree, with many trees directly to the north. It is our intent to do what we can to preserve the two large trees nearest the home. Also, we want to try and keep as much of the "bird sanctuary" feel as possible to the North end of the lot. Finally, we are concerned about potential flooding that could arise if the foundation of the home was located too close to the creek at the North end 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:

3. By using the current foundation of the home we would keep a great deal more of the character of the locality than if we were to move the location of the home on the lot. The back corner of the home that we are requesting a variance for will have substantially the same two story structure that it originally had when we purchased the property.

- 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:

B.1. The lot slopes significantly away (to the North) from the existing foundation. The majority of the trees on the lot are located on the Northside of the lot, which is directly across the street from the bird sanctuary. There is also a creek on the North end of the property that could cause flooding issue if our home was located closer to that end of the lot. A relocation of the home on the lot could also inadvertently impact the drainage of our lot, as well as the lots to the South which could adversely affect homes to the North and East.

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:

2. Our lot is unique to other lots in the surrounding area due to the severity of the slope in our lot, as well as the appearance of the North end of our lot to be an extension of the bird sanctuary located directly across Forest.

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:

3. We have no intention of selling the home in the near future. We purchased the home April of 2011 and intend to make this our primary residence.

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.

4. The foundation that is in violation of the minimum side yard setback is the original foundation of the home constructed in the early 1950's. It was our intent to keep enough of the original walls to qualify as a class II renovation. However, because of the lack of footings beneath two walls of the previous attached garage and poor quality of another wall our builder removed them bringing us into a class III renovation.

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

5. We are using the existing foundation and constructing a similar two story structure over the corner of the foundation that was in place prior to our project.

6. Provide evidence that the proposed variation will not:

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

6.a. We are using the existing foundation and constructing a similar two story structure over the corner of the foundation that was in place prior to our project. Our final project will be lower than our neighbor to the south.

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

6.b. We are using the existing foundation and constructing a similar two story structure over the corner of the foundation that was in place prior to our project.

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

6.c. We are using the existing foundation and constructing a similar two story structure over the corner of the foundation that was in place prior to our project.

d. Diminish or impair property values within the neighborhood;

6.d. We are using the existing foundation and constructing a similar two story structure over the corner of the foundation that was in place prior to our project. By improving the overall appearance of the home and increasing the total square footage to be more in line with neighboring homes, while preserving the overall character of the lot we may help increase the value of surrounding homes.

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

6.e. We are using the existing foundation and constructing a similar two story structure over the corner of the foundation that was in place prior to our project.

f. Create a nuisance; or

6.f. We are using the existing foundation and constructing a similar two story structure over the corner of the foundation that was in place prior to our project.

g. Results in an increase in public expenditures.

6.g. We are using the existing foundation and constructing a similar two story structure over the corner of the foundation that was in place prior to our project.

7. Provide evidence that the variation is the minimum variation that will make possible the reasonable use of the land, building or structure.

7. Our alternative would be to move the location of home on the lot entirely, or to turn the home slightly, both of which could put the black walnut and oak in jeopardy. Both alternatives would result in a great deal of additional expense to us and may require us to reconsider the project altogether.

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.

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.

TRUSTEE'S DEED

ILLINOIS STATUTORY
(Individual to Individual)



FRED BUCHOLZ

DUPAGE COUNTY RECORDER

MAY 05, 2011 RHSP 10:07 AM
DEED 05-11-125-004
002 PAGES R2011-056059

MAIL TO:

Mark T. Rodriguez
Law Office of Mark T. Rodriguez
364 Pcnnsylvania Avenue, Suite 1W
Glen Ellyn, IL 60137

NAME & ADDRESS OF TAXPAYER:

Steven G. & Melisa J. Knez
621 Forest Avenue
Glen Ellyn, IL 60137

THE GRANTOR, **Matthew J. Lane**, as Successor Trustee of the **GENEVIEVE A.L. LANE DECLARATION OF TRUST DATED JULY 1, 1999**, of the City of Edwards, County of Eagle, State of Colorado, for and in consideration of Ten and 00/100 Dollars (\$10.00), and other good and valuable considerations in hand paid, the receipt and sufficiency of which is hereby acknowledged, and pursuant to the power and authority given him as Trustee, **CONVEYS AND QUITCLAIMS** to **STEVEN G. KNEZ and MELISA J. KNEZ, husband and wife, as Tenants by the Entirety**, 626 Roger Road, Village of Glen Ellyn, County of DuPage, State of Illinois 60137, all interest in the following described real estate situated in the County of Du Page, in the State of Illinois, to wit:

THE NORTHERLY 90 FEET (AS MEASURED ALONG THE WESTERLY LINE) OF THE SOUTHERLY 175 FEET (AS MEASURED ALONG THE WESTERLY LINE) OF LOT 4 IN BLOCK 10 IN GLEN ELLYN ADDITION TO PROSPECT PARK, IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS

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

Permanent Index Number: **05-11-125-004**

Property Address: **621 Forest Avenue, Glen Ellyn, Illinois 60137**

Dated this 29th day of April, 2011.

GENEVIEVE A.L. LANE DECLARATION OF TRUST DATED JULY 1, 1999

By: *Matthew J. Lane*
Matthew J. Lane, Successor Trustee

20110213

114 6107865

CHARGE CTIC DUPAGE

STATE OF ILLINOIS)
) ss.
COUNTY OF DuPAGE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT Matthew J. Lane, as Successor Trustee of the GENEVIEVE A.L. LANE DECLARATION OF TRUST DATED JULY 1, 1999, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the instrument as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 29th day of April, 2011.

[SEAL]

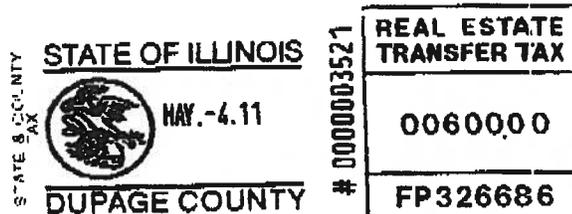
Virginia S. Wilkinson

Notary Public

My Commission Expires: 08/05/2014



DUPAGE COUNTY -
ILLINOIS TRANSFER STAMP



NAME AND ADDRESS OF PREPARER:

Mary Callow
Clingen Callow & McLean, LLC
2100 Manchester Road, Suite 1750
Wheaton, Illinois 60187

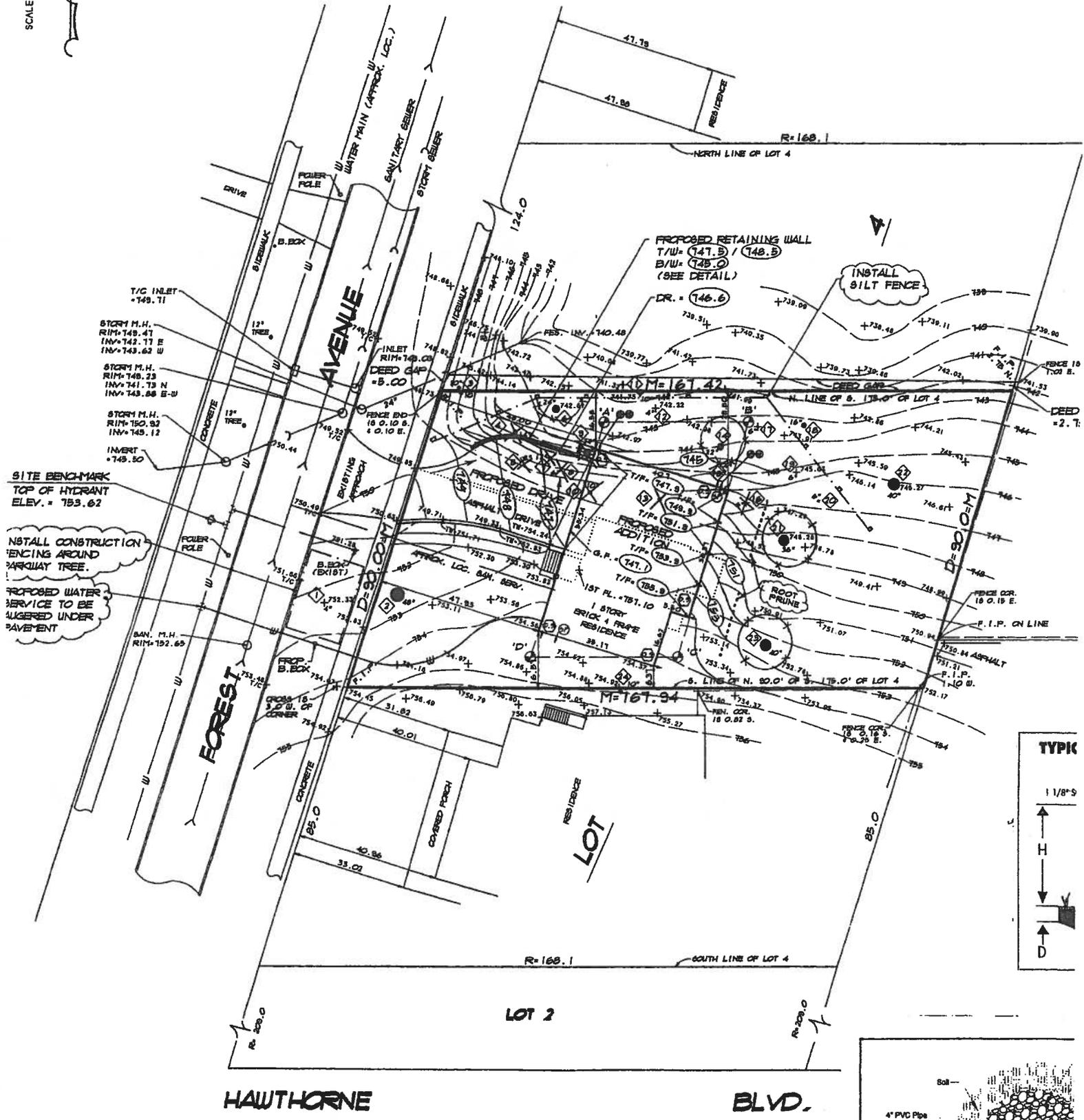
SCALE: 1" = 20 FEET



THE NORTH 90 FEET, (MEASURED ON THE WEST LINE) OF THE SOUTH ONE HUNDRED SEVENTY FIVE FEET, (MEASURED ON THE WEST LINE OF LOT FOUR IN BLOCK TEN OF GLEN ELLYN ADDITION TO PROSPECT PARK, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 11, 1890 AS DOCUMENT NUMBER 42861 IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS

P.I.N. 05 - 11 - 125 - 004

STORMWATER PERMIT NO. 11-17-00



T/C INLET
+749.71

STORM M.H.
RIM=748.47
INV=742.17 E
INV=743.62 W

STORM M.H.
RIM=748.23
INV=741.73 N
INV=743.88 E-W

STORM M.H.
RIM=750.92
INV=745.12

INVERT
=749.50

SITE BENCHMARK
TOP OF HYDRANT
ELEV. = 753.62

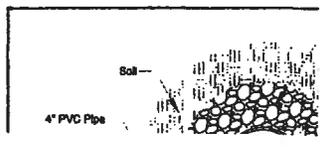
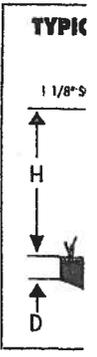
INSTALL CONSTRUCTION
ENCING AROUND
PARKWAY TREE.

PROPOSED WATER
SERVICE TO BE
LUGGERD UNDER
PAVEMENT

PROPOSED RETAINING WALL
T/W= (747.3) / (748.3)
B/W= (745.0)
(SEE DETAIL)

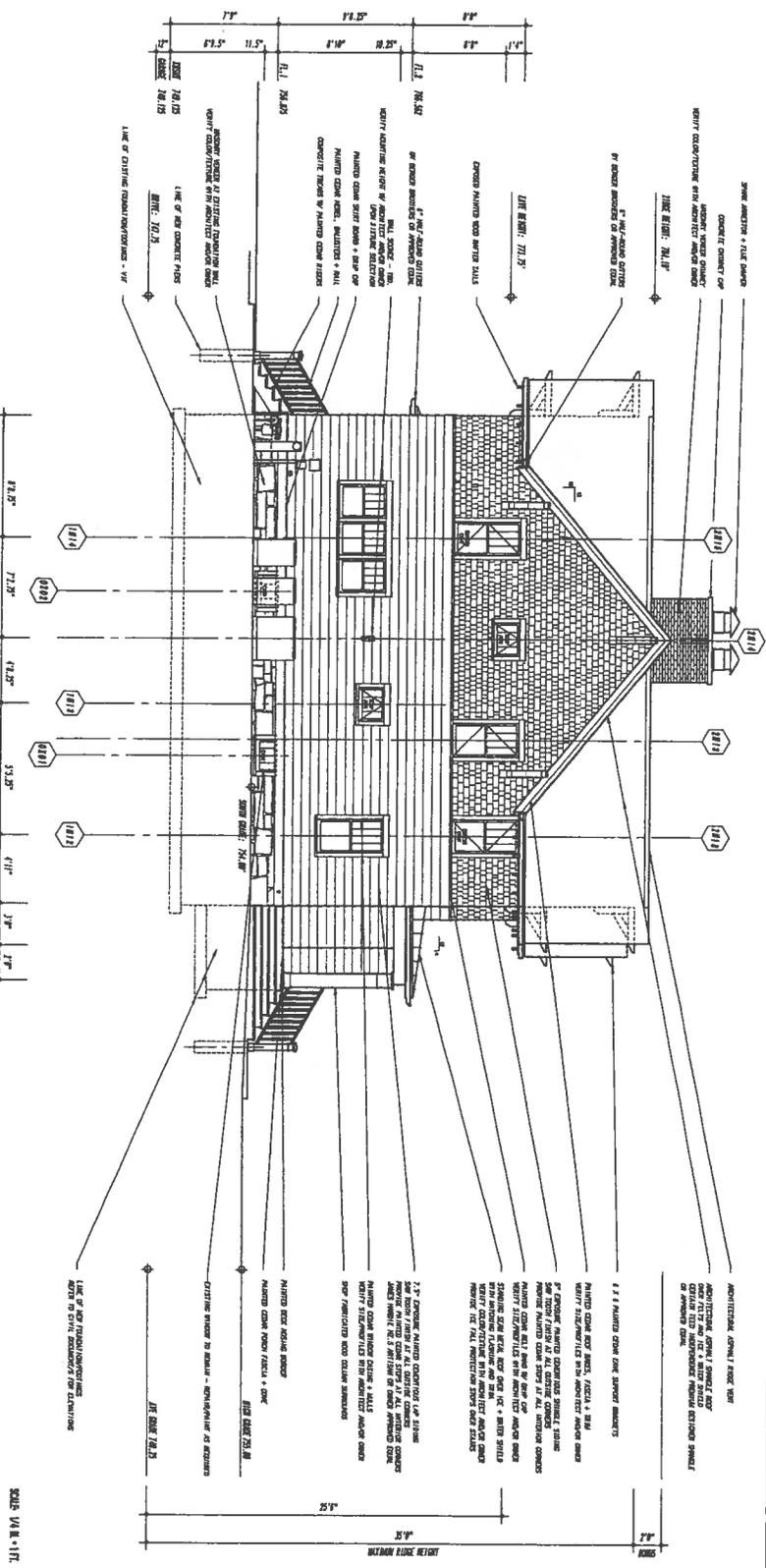
DR. = (746.6)

INSTALL
SILT FENCE



HAWTHORNE

BLVD.



EXTENSION ELEVATION, SOUTH FACADE

LIGHT & VENTILATION SCHEDULE				WILLIAMS SCHEDULE			
ROOM	SOFT	REQ'D LIGHT	ACTUAL LIGHT	REQ'D VENT	ACTUAL VENT	NOTES	NO.
LOWER LEVEL							
FIRST FLOOR							
LIVING	114.40	11.20	25.00	20.00	46.00		0101
DINING	114.40	11.20	25.00	20.00	46.00		0102
KITCHEN	200.17	19.30	12.00	8.00	1.00		0103
BATH #1	134.82	16.20	16.00	16.00	16.00		0104
BATH #2	134.82	16.20	16.00	16.00	16.00		0105
SECOND FLOOR							
LIVING	67.20	6.40	12.00	6.00	6.00		0201
BEDROOM #1	222.24	18.40	46.00	12.00	12.00		0202
BEDROOM #2	134.82	12.70	12.00	12.00	12.00		0203
BEDROOM #3	134.82	12.70	12.00	12.00	12.00		0204
BEDROOM #4	134.82	12.70	12.00	12.00	12.00		0205
BEDROOM #5	134.82	12.70	12.00	12.00	12.00		0206
BEDROOM #6	134.82	12.70	12.00	12.00	12.00		0207
BEDROOM #7	134.82	12.70	12.00	12.00	12.00		0208
BEDROOM #8	134.82	12.70	12.00	12.00	12.00		0209
BEDROOM #9	134.82	12.70	12.00	12.00	12.00		0210
BEDROOM #10	134.82	12.70	12.00	12.00	12.00		0211
BEDROOM #11	134.82	12.70	12.00	12.00	12.00		0212
BEDROOM #12	134.82	12.70	12.00	12.00	12.00		0213
BEDROOM #13	134.82	12.70	12.00	12.00	12.00		0214
BEDROOM #14	134.82	12.70	12.00	12.00	12.00		0215
BEDROOM #15	134.82	12.70	12.00	12.00	12.00		0216
BEDROOM #16	134.82	12.70	12.00	12.00	12.00		0217
BEDROOM #17	134.82	12.70	12.00	12.00	12.00		0218
BEDROOM #18	134.82	12.70	12.00	12.00	12.00		0219
BEDROOM #19	134.82	12.70	12.00	12.00	12.00		0220
BEDROOM #20	134.82	12.70	12.00	12.00	12.00		0221
BEDROOM #21	134.82	12.70	12.00	12.00	12.00		0222
BEDROOM #23	134.82	12.70	12.00	12.00	12.00		0223
BEDROOM #24	134.82	12.70	12.00	12.00	12.00		0224
BEDROOM #25	134.82	12.70	12.00	12.00	12.00		0225
BEDROOM #26	134.82	12.70	12.00	12.00	12.00		0226
BEDROOM #27	134.82	12.70	12.00	12.00	12.00		0227
BEDROOM #28	134.82	12.70	12.00	12.00	12.00		0228
BEDROOM #29	134.82	12.70	12.00	12.00	12.00		0229
BEDROOM #30	134.82	12.70	12.00	12.00	12.00		0230
BEDROOM #31	134.82	12.70	12.00	12.00	12.00		0231
BEDROOM #32	134.82	12.70	12.00	12.00	12.00		0232
BEDROOM #33	134.82	12.70	12.00	12.00	12.00		0233
BEDROOM #34	134.82	12.70	12.00	12.00	12.00		0234
BEDROOM #35	134.82	12.70	12.00	12.00	12.00		0235
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BEDROOM #37	134.82	12.70	12.00	12.00	12.00		0237
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BEDROOM #39	134.82	12.70	12.00	12.00	12.00		0239
BEDROOM #40	134.82	12.70	12.00	12.00	12.00		0240
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BEDROOM #48	134.82	12.70	12.00	12.00	12.00		0248
BEDROOM #49	134.82	12.70	12.00	12.00	12.00		0249
BEDROOM #50	134.82	12.70	12.00	12.00	12.00		0250
BEDROOM #51	134.82	12.70	12.00	12.00	12.00		0251
BEDROOM #52	134.82	12.70	12.00	12.00	12.00		0252
BEDROOM #53	134.82	12.70	12.00	12.00	12.00		0253
BEDROOM #54	134.82	12.70	12.00	12.00	12.00		0254
BEDROOM #55	134.82	12.70	12.00	12.00	12.00		0255
BEDROOM #56	134.82	12.70	12.00	12.00	12.00		0256
BEDROOM #57	134.82	12.70	12.00	12.00	12.00		0257
BEDROOM #58	134.82	12.70	12.00	12.00	12.00		0258
BEDROOM #59	134.82	12.70	12.00	12.00	12.00		0259
BEDROOM #60	134.82	12.70	12.00	12.00	12.00		0260
BEDROOM #61	134.82	12.70	12.00	12.00	12.00		0261
BEDROOM #62	134.82	12.70	12.00	12.00	12.00		0262
BEDROOM #63	134.82	12.70	12.00	12.00	12.00		0263
BEDROOM #64	134.82	12.70	12.00	12.00	12.00		0264
BEDROOM #65	134.82	12.70	12.00	12.00	12.00		0265
BEDROOM #66	134.82	12.70	12.00	12.00	12.00		0266
BEDROOM #67	134.82	12.70	12.00	12.00	12.00		0267
BEDROOM #68	134.82	12.70	12.00	12.00	12.00		0268
BEDROOM #69	134.82	12.70	12.00	12.00	12.00		0269
BEDROOM #70	134.82	12.70	12.00	12.00	12.00		0270
BEDROOM #71	134.82	12.70	12.00	12.00	12.00		0271
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BEDROOM #75	134.82	12.70	12.00	12.00	12.00		0275
BEDROOM #76	134.82	12.70	12.00	12.00	12.00		0276
BEDROOM #77	134.82	12.70	12.00	12.00	12.00		0277
BEDROOM #78	134.82	12.70	12.00	12.00	12.00		0278
BEDROOM #79	134.82	12.70	12.00	12.00	12.00		0279
BEDROOM #80	134.82	12.70	12.00	12.00	12.00		0280
BEDROOM #81	134.82	12.70	12.00	12.00	12.00		0281
BEDROOM #82	134.82	12.70	12.00	12.00	12.00		0282
BEDROOM #83	134.82	12.70	12.00	12.00	12.00		0283
BEDROOM #84	134.82	12.70	12.00	12.00	12.00		0284
BEDROOM #85	134.82	12.70	12.00	12.00	12.00		0285
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BEDROOM #90	134.82	12.70	12.00	12.00	12.00		0290
BEDROOM #91	134.82	12.70	12.00	12.00	12.00		0291
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BEDROOM #98	134.82	12.70	12.00	12.00	12.00		0298
BEDROOM #99	134.82	12.70	12.00	12.00	12.00		0299
BEDROOM #100	134.82	12.70	12.00	12.00	12.00		0300

LIGHT & VENTILATION SCHEDULE

WILLIAMS SCHEDULE

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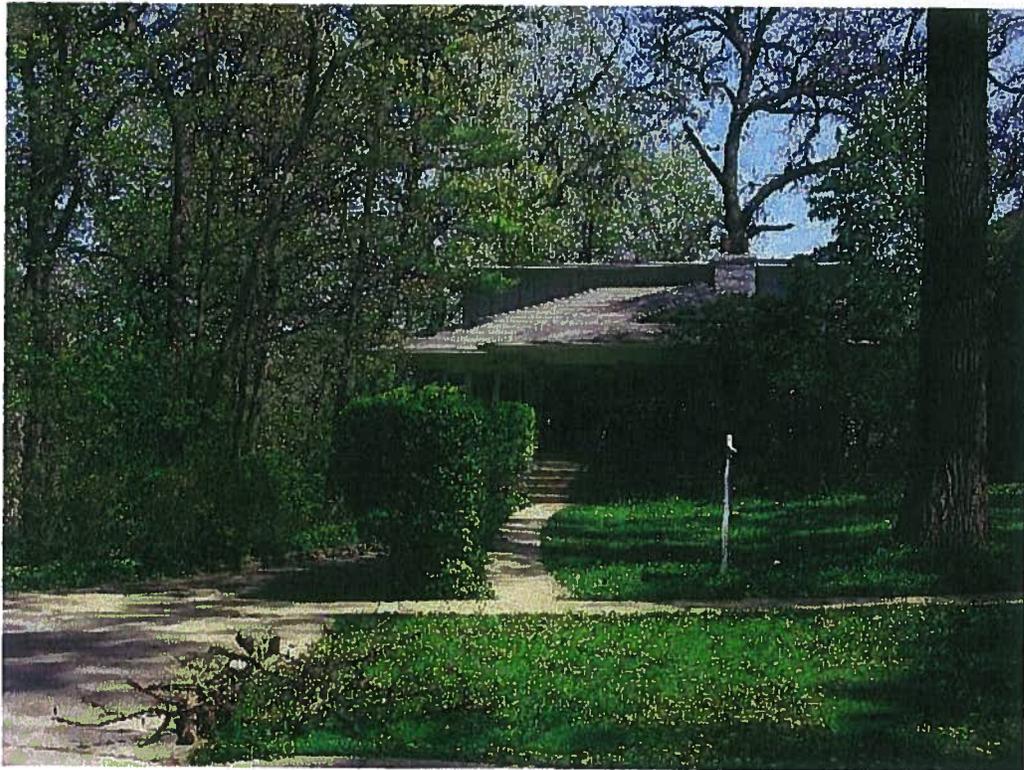
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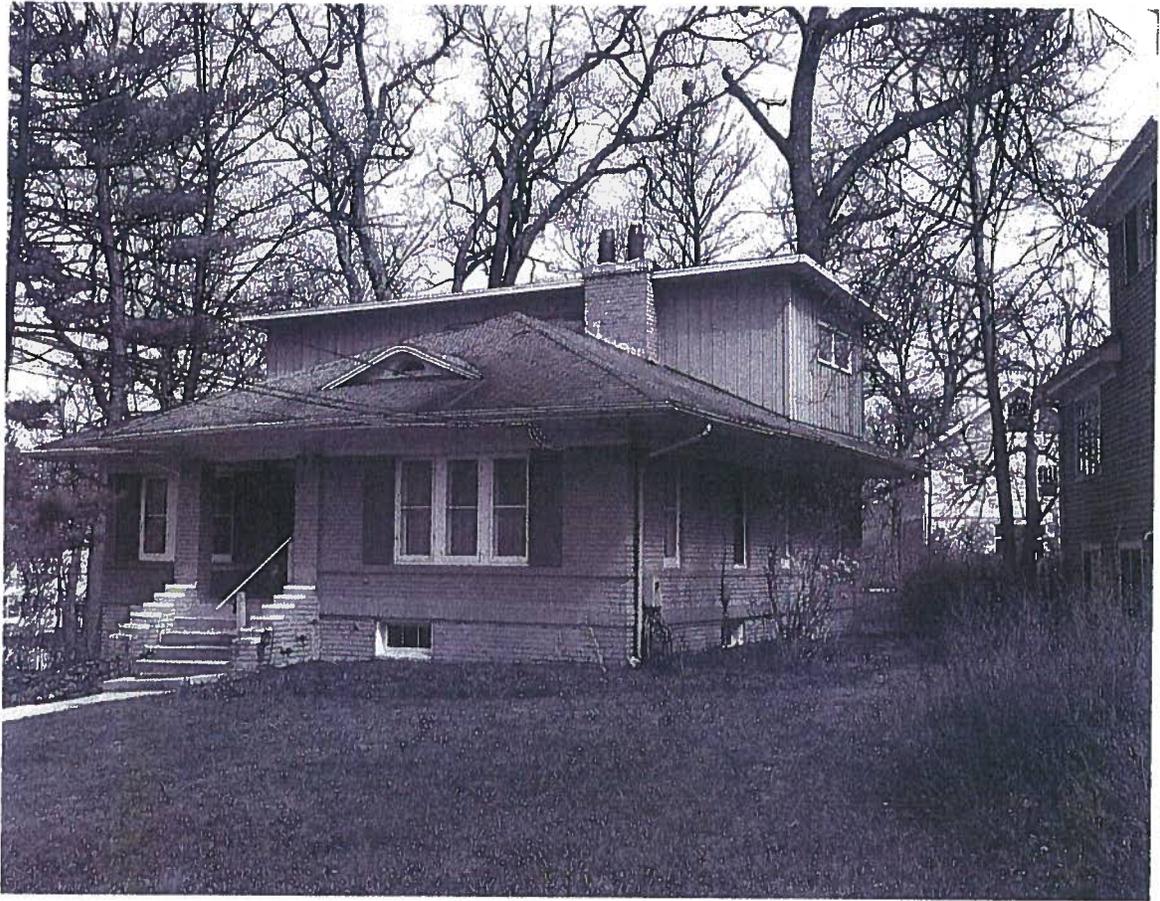
63

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To the Village Zoning Board of Appeals,

We are the residents directly south of 621 Forest Avenue, residing at 617 Forest Avenue. The Knezes have shared their building plans with us. We are aware of the variance request. We do not have any questions or concerns regarding the variance to the side yard setback requirement. We fully support their request.

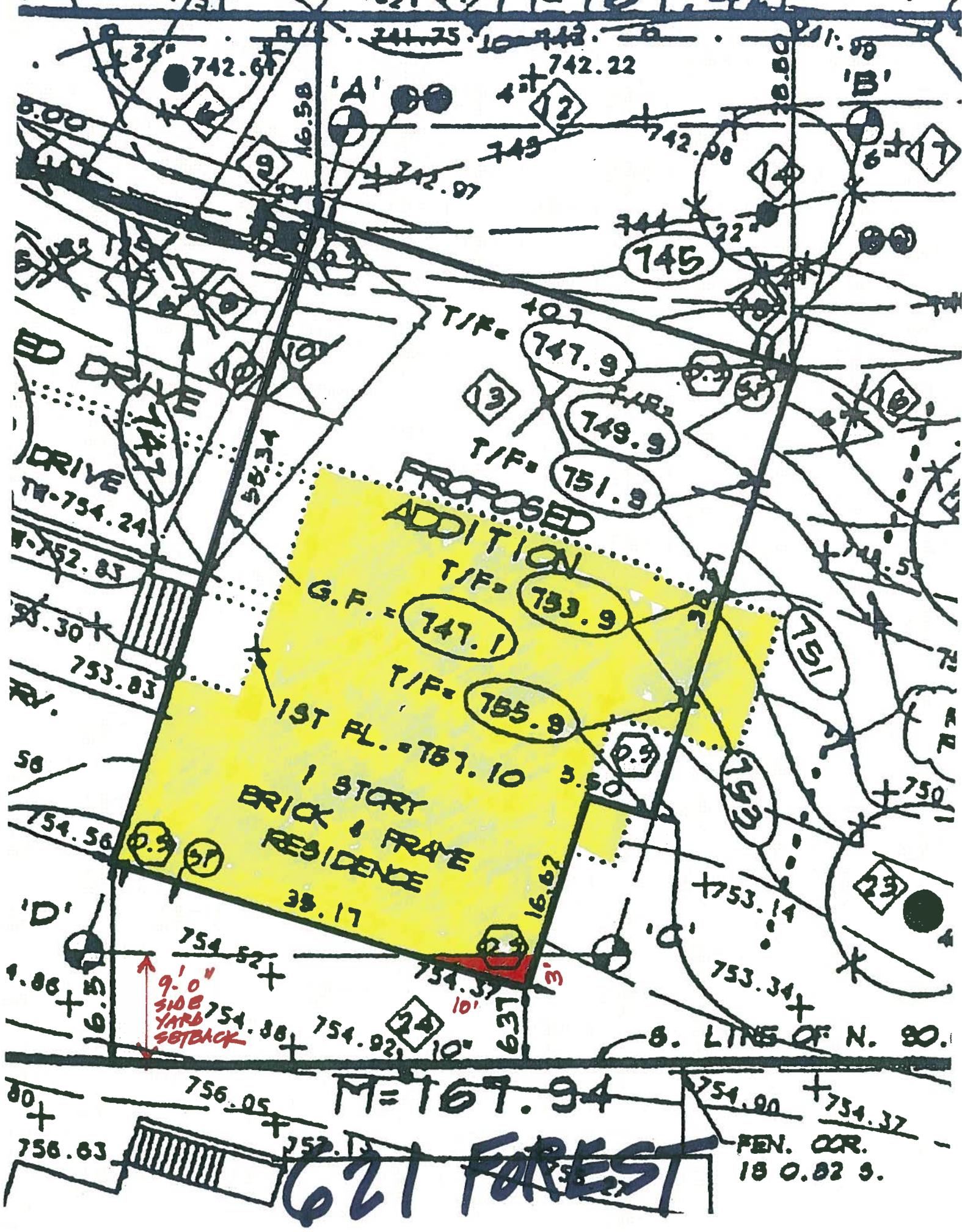
Ted & Judy Moody
Ted & Judy Moody

Judy Moody

617 Forest Avenue

1/10/12





PROPOSED
ADDITION

1ST FL. = 757.10
1 STORY
BRICK & FRAME
RESIDENCE

9'-0"
SIDE
YARD
SETBACK

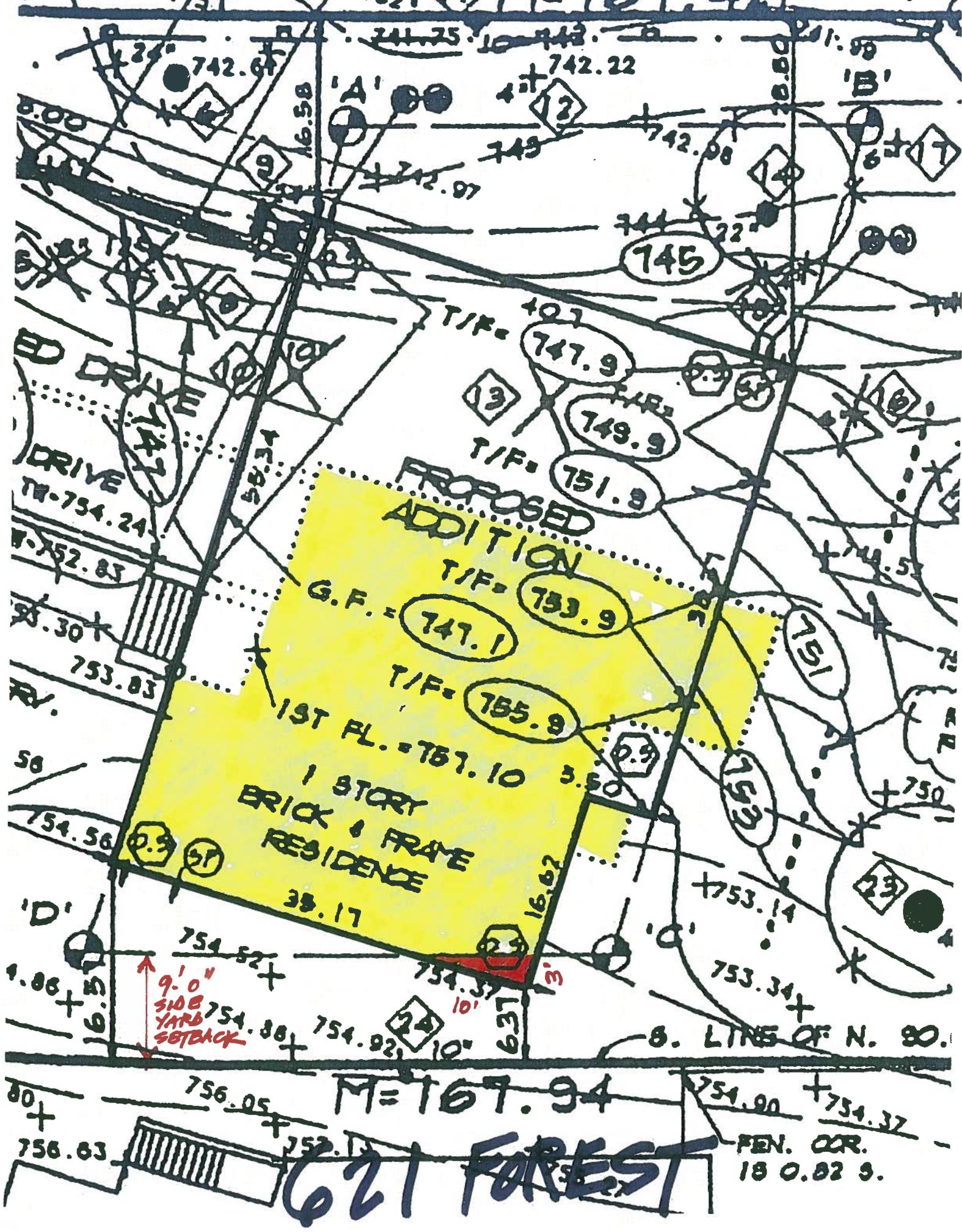
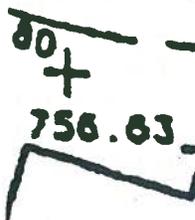
M = 167.94
621 FOREST

FEN. COR.
18 0.82 9.

8. LINE OF N. 80.

DRIVE
TW-754.24

RV.



MEMORANDUM

A-6D

TO: Mark Franz, Village Manager *MF*
FROM: Kristen Schrader, Assistant to the Village Manager – ADM
DATE: February 22, 2012
RE: 2012 DMMC Legislative Action Program



Background

Every year the DuPage Mayors and Managers Conference (DMMC) approves a Legislative Action Program that identifies specific legislative priorities that the conference will pursue either through drafting and sponsoring legislation or through strong advocacy in cooperation with other municipal organizations. The 2012 Legislative Action Program identifies two critical priorities, which include protecting the financial survival of municipalities and reforming pensions. The Program also identifies other priorities, legislative principles and position statements. The attached brochure provides detailed information on each of these priorities, principles and position statements.

Issues

These actions were developed with the goal of establishing a comprehensive platform on legislative issues in order to protect and benefit the interests of their member municipalities, residents, and businesses in those municipalities and the region generally. The 2012 program reflects the needs and values of municipalities as they strive to maintain local economic viability and a healthy sense of community, which are necessary to promote safe, livable and sustainable communities.

Action Requested

The Board is requested to review and approve the following resolution at the February 27, 2012 Village Board Meeting:

Resolution No. _____, A Resolution to Adopt Municipal Legislative Positions and Priorities for the 2012 Legislative Session.

Attachments

- 2012 Legislative Action Program Brochure
- Resolution

2012 Legislative Action Program



DuPage Mayors and Managers Conference
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DuPage Mayors and Managers Conference

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Legislative Priorities

Legislative Priorities are those specific, important issues that the Conference pursues either through drafting and sponsoring legislation or through strong advocacy in cooperation with other municipal organizations. Legislative Priorities are the primary focus of our legislative efforts.

Critical Priority: Protect the Financial Survival of Municipalities

Local governments are challenged to fund essential services with limited existing resources. Local revenues are often dependent on the State's authorization, collection, and distribution. Frequently threatened with revenue diversions and state fee increases, municipalities require the freedom to raise and expend municipal funds in order to provide the services most needed by their residents and businesses. Recently, municipalities have opposed reduction of the local portion of income tax, sales tax "holidays" that decrease revenue, and fund sweeps that divert funds intended for local programs.

Require the Timely Disbursement of LGDF Funds

Current practice dictates that after collection by the State, local government revenues are deposited in the State's General Revenue Fund and then transferred to the Local Government Distributive Fund (LGDF). The State has recently been up to six months behind in LGDF payments to municipalities. The Comptroller should be required to transfer funds to the LGDF and distribute those funds to municipalities as soon as they are received and certified by the Department of Revenue and the Treasurer's Office. Furthermore, the State should refrain from diverting this, or any other municipal revenue, for its own programs.

Exempt Staffing Requirements from Collective Bargaining

When negotiating with unions, three variables affect the cost to municipalities—wages, pension benefits, and staffing levels. Because of statutory arbitration requirements and state-mandated pensions, the only variable municipalities can use to manage budgets is the number of staff. Therefore, municipalities must have the sole authority to set staffing levels for all municipal activities. Legislation should be approved to explicitly exclude employee staffing levels from municipal collective bargaining.

Amend the Illinois Labor Relations Act to Create a Level Playing Field for Labor Arbitration

Arbitration between municipalities and unions does not include considerations of affordability and fiscal implications for the municipality. The Act should be amended to ensure that arbitrators take into account both the interest and welfare of the public and the financial ability of the unit of government to meet costs with its current revenue streams.

Repeal the Illinois Workers on Public Works Act

The Act currently requires the use of Illinois firms for public works projects. As a result, municipalities unnecessarily pay more for projects and attract a smaller pool of bidders.

Reject Unfunded State Mandates

Legislation often requires communities to divert local expenditures from municipal responsibilities and use them to fund state-imposed programs. The State should not impose mandates that increase financial obligations on local governments without providing adequate funds to reimburse municipalities for these new mandates.

The State should not balance its budget to the detriment of municipalities, nor should it disrupt local budgets by removing or reducing local revenues.

Critical Priority: Reform Pensions

The Conference seeks to make the pension system sustainable not only to ensure affordability for municipalities and their taxpayers, but also to protect obligations to employees. If municipalities lack sufficient funds, then pension systems will collapse and employees will receive nothing. In 2010, police and fire pensions became a two-tier system that ensured some relief for municipalities. That relief, however, will mostly occur in future years. While these reforms are important, more needs to be done now.

Reform Pensions for Current Public Safety Employees

Existing pension benefit obligations are putting communities on the verge of insolvency. The only way to stabilize municipal budgets and protect ongoing pension benefits is to enact legislation to reduce the pension benefits current employees will earn for future work performed after such legislation takes effect.

Oppose All Pension Sweeteners

Public Act 96-1495 created a two-tier pension system with more reasonable pension benefits for public employees hired after January 1, 2011. This reform will be meaningless if the Legislature increases those employees' benefits. The Legislature must reject any pension sweetener for either new hires or current employees.

Amend the Compliance and Penalty Provisions in Public Act 96-1495

Public Act 96-1495 requires municipalities to contribute annually to public safety pension funds in an amount sufficient to reach a 90% funded level by the 2040 fixed amortization deadline. Municipalities unable to make these payments will lose LGDF and other state-collected funds to make up the difference, starting in 2015. The financial benefits of P.A. 96-1495 apply only to employees hired after January 1, 2011, and will not result in tangible savings until those employees have been in the system for several years. Municipalities with underfunded pensions are in that position because there simply are no revenues available to meet their growing pension burdens. The penalty provision of this new law, if left unchanged, will push the municipalities with the fewest resources most quickly toward insolvency, which will ultimately imperil the very pensions that this law was intended to protect.

Enact a Rolling Amortization Period for Pension Funding

Current law amortizes municipalities' pension debts to a fixed deadline of 2040, requiring payments by municipalities which would bring the funds current by that year. While this may sound reasonable in isolation, this arbitrary and unnecessary deadline exacerbates the pressure placed on taxpayers, as they will see their contribution amounts continue to climb. The Government Accounting Standards Board, the source of generally accepted accounting principles for state and local governments, currently endorses a 30-year rolling amortization period as an appropriate method to calculate contributions. Rather than continuing Illinois' unpredictable practice of periodically changing the fixed date, the Legislature should protect the sustainability of pension funds and minimize the immediate burden on taxpayers by adopting a 30-year rolling amortization.

Between 1997 and 2008, taxpayers increased their contributions to police and fire pensions by more than 150% - but funding levels continued to decline due to pension sweeteners and the economic downturn. In just two years (2008-2010), the total combined unfunded liability between the police and firefighter pension funds grew by \$985 million.

Source: Illinois Municipal League

Critical Priority: Reform Pensions (continued)

Increase Employee Contributions

A fundamental principle of pension funding is that both employees and taxpayers contribute to municipal pension costs. Initially, contributions were evenly split, but today taxpayers contribute up to 75% of the pension costs. Employee contributions should be increased and adjusted over time to match taxpayer contributions.

Allow Police and Fire Pension Boards to Invest Funds in IMRF

Police and fire pension boards are restricted to certain investments because each individual fund is relatively small. Other municipal employees' pension funds are mandatorily invested with the Illinois Municipal Retirement Fund, a professionally managed system subject to far fewer investment restrictions. Public safety employees should have the option of investing in IMRF as well.

Allow Police and Fire Pension Boards to Merge Funds

Public safety pension boards should be permitted to merge funds with other jurisdictions. Merging would create larger pension funds with which the boards could access a wider range of investment opportunities.

Ensure Municipal Majority on Pension Boards

Current police and fire pension boards are controlled by beneficiaries of the pension. Boards are comprised of two members appointed by the mayor, two active employees participating in the pension system, and one retiree. Municipalities may be completely cut out of the decisions made about the system despite bearing all the risk if funds do not perform well. Municipalities, not employees, should have majority representation on pension boards. Municipalities should also have standing to testify in disability proceedings before the board, a right that was previously taken away by the courts.

Remove Pension Levies from the Tax Cap

Previous state-mandated pension increases have combined with current economic conditions to overburden municipal budgets. It is imperative that pension costs be removed from the tax cap for non-home rule communities.

Amend the Public Safety Employee Benefits Act

The legislature should amend statutory provisions that affect benefits for people no longer working due to injury or illness to ensure that these benefits are justified and not resulting in double payment.

Continued reforms are needed to protect pension systems and ensure the ability to meet obligations to employees, including police officers and firefighters. At the same time, it is also important to recognize the ongoing strain these pensions place on municipalities and their taxpayers.

Priorities

Protect the Public Rights-of-Way and Advance the Modernization of Public Utilities

Public utilities use public rights-of-way to deliver necessary services and commodities to municipalities. Municipalities own these rights-of-way and have a duty to protect them. As such, municipalities and residents must be able to regulate utilities' usage of this land. In addition, utilities should be required to improve customer service, communications, reliability, and responses to matters of local importance.

Require Arbitration for Utility Franchises

Municipalities are at a disadvantage when negotiating with utilities over expired franchises. Utilities should negotiate with municipalities in good faith and if they do not, then arbitration should be required so that a contract is always in place to protect the public.

Repeal Limitations on Municipal Audits of Utility Taxes

Under Public Act 96-1422, utilities collect taxes and fees to send to municipalities; however, municipalities are not permitted to effectively audit utility tax remittances.

Require ComEd/SMART Grid Reliability

Recent legislation provides utilities with rate increases to invest in infrastructure and implement SMART Grid technology. In return, utilities should be required to meet reliability standards and guarantee that revenue will be used appropriately to fund infrastructure improvements.

Support Western Access

As the Elgin-O'Hare Expressway expands, the State should consider the project's impact on local residents and businesses. The State should also ensure that funding for the project is fair, regional benefits are paid for by the region, and the new access route provides a true entrance into the airport.

Remove the Sunset Date on the Wireless Emergency Telephone Safety Act

With the advent of cell phone usage, an access fee was implemented to fund technological improvements so that cell phones could contact 9-1-1. This legislation sunsets April 1, 2013. Because of widespread cell phone usage today, it is important that the system continues to be funded.

If the wireless fee is allowed to expire next year, 9-1-1 systems would suffer devastating revenue shortfalls. By simply continuing this existing mechanism, we can advance further upgrades to the 9-1-1 centers' capabilities and maintain equipment necessary to ensure the safety of residents.

Legislative Principles

Legislative Principles represent the foundation of our legislative efforts. They help clarify the development of legislative positions and they serve as a benchmark to evaluate the impact of legislative proposals on municipalities.

Protect Municipal Revenues

Municipalities should have the flexibility to fund the programs and services they consider necessary. Funds owed to municipalities should not be diverted for other programs and should reach municipalities in a timely manner. State mandates should be reasonable and balanced against other municipal spending priorities to prevent overburdening local budgets and taxpayers.

Eliminate Legislative Barriers to the Joint Provision of Municipal Services

All levels of government are struggling to maintain programs and services with decreasing revenues, but legislative barriers often make it difficult to consider consolidation and coordination of services including public works, code enforcement, police, and fire. The Conference supports the removal of any statutory barriers that prevent municipalities from working together across jurisdictions to provide joint services. The resulting efficiency would permit municipalities to provide a higher level of services, save money, and reduce the burden on taxpayers.

Preserve and Respect Local Authority

The freedom to make decisions at the local level is the best way that municipalities can fully serve their unique constituencies. Activities such as franchising, zoning, issuing permits and licenses, local code enforcement, and regulating business activities are the fundamental responsibilities of local governments. The ability to make decisions to raise and expend municipal funds, regardless of their source, is vital to local efficiency. Policies should not undermine or preempt local authority to protect the health, safety, and welfare of local residents.

Furthermore, the distinction between home rule and non-home rule communities should be removed to recognize the ability of all municipalities to govern themselves, regardless of population. The State should reject restrictions that erode local decision-making authority. For the good of their residents, both home rule and non-home rule municipalities must have the freedom to employ policies including crime free housing, state and local funding alternatives, out-of-state gas taxation, regulation of pawn shops, and economic development incentives.

Implement Streamlined Sales Tax

A legal loophole allows online retailers to avoid collecting sales taxes. As a result, states and municipalities have missed out on billions of dollars in tax revenue. As the Illinois Legislature looks at implementing federal streamlined sales tax and intra-Illinois sales tax sourcing rules, it must also take into consideration the potential impact on individual municipalities. The State should ensure that any change of rule does not devastate a municipality based on its individual revenue structure. The Conference supports a federal streamlined system that preserves intra-state sourcing rules and requires the State to treat the resulting funds as pass-through revenue. Such a system would ensure that a municipality receives the tax revenue from online retailers for sales ordered and shipped from out of state.

Collection of the 6.25% basic state sales tax on out-of-state sales would produce an estimated \$153 million per year in Illinois alone.

Source: Daily Herald

Legislative Position Statements

Legislative Position Statements regard issues that affect municipalities. They can be proposals that reappear frequently and require legislative efforts by the Conference; or they may never arise during a legislative year. They generally require less time and effort than Legislative Priorities, though on occasion they may become more significant over the course of a legislative session.

STATE AND LOCAL FINANCE

Make Owners Responsible for Protecting Foreclosed Property

The burden to maintain foreclosed property should rest not on the municipality, but on the bank or other owner of record.

Amend Rules Regarding Publication of Legal Notices

Legal notices should be published on the web instead of in a newspaper, as municipalities often no longer have a newspaper of general circulation. In addition, double publication of two-county Truth in Taxation Notices should be eliminated. Municipalities which straddle two counties are currently required to publish legal notices in both; this is a waste of limited public resources.

Permit Municipal Administration of Motor Fuel Tax Funds

Streamline the process for expending motor fuel tax funds so municipalities can use these funds more efficiently.

Remove the Referendum Requirement for Real Estate Transfer Tax

Allow municipalities to enact or increase a real estate transfer tax without a referendum.

LOCAL GOVERNMENT AUTHORITY

Remove Barriers from Non-Home Rule Authority

Allow Crime Free Housing Regulations

Municipalities with home rule authority are permitted to license landlords and require periodic inspection of dwellings. If crimes occur in a dwelling and the landlord fails to enforce the lease, then the municipality may take away the license. Legislation should allow non-home rule communities to use this program as well.

Amend the Hotel-Motel Tax

Allow non-home rule municipalities greater flexibility in how they can spend Hotel-Motel Tax revenues.

Permit Access to Sales Tax Information

Grant all municipalities access to the Illinois Department of Revenue sales tax information by individual retailer for enforcement and budgeting purposes.

Amend the Open Meetings Act

Amend the Open Meetings Act to exclude the use of email in the definition of "meeting," except when used as immediate electronic communication, and allow electronic meeting attendance in cases of non-emergencies and out-of-town vacations. Furthermore, clarify the Act to explicitly authorize municipal boards to vote on items raised under "New Business."

Require Municipal Control of the Foreign Fire Insurance Tax

Elected municipal officials, not fire department members, should receive, budget, and spend the revenues from the Foreign Fire Insurance Tax.

Prohibit Municipal Employees from Serving on the Governing Board

No municipal employee should be eligible to serve on the governing board for that municipality.

PERSONNEL AND COLLECTIVE BARGAINING

Limit the Prevailing Wage Act

Repeal or modify the Prevailing Wage Act to give municipalities more flexibility and assist limited local budgets in meeting residents' needs.

Regulate Charitable Solicitations on Behalf of Police or Fire Unions

Develop effective efforts to prevent fraud and misrepresentation by solicitors.

Define "Confidential Employees" Under the Illinois Labor Relations Act

Legislation is necessary to include within the definition of "confidential employees" those secretaries and similar support staff working directly for certain management personnel and to ensure that such employees are not considered "public employees" entitled to membership within a bargaining unit.

Amend Public Safety Pension Board Training Legislation

Public Act 96-0429 should be amended to permit training using current technology, including online courses and webinars, and to allow certification of local community colleges to provide such training.

PUBLIC SAFETY, UTILITIES, AND ENVIRONMENT

Promote Net Metering for Wind Farmers

Legislation in 2008 provided that local governments are eligible to own and operate wind generation turbine farms, but to be effective the statute must mandate net aggregate metering.

Exempt Park Departments from AED Regulations

Indoor and outdoor physical fitness facilities are required to have an automatic external defibrillator (AED) and an individual trained in the use of the AED on site. Public Act 95-0712 exempts park districts from these regulations. Municipal park departments should be afforded the same exemption.

PLANNING, LAND USE, AND TRANSPORTATION

Protect Sign Regulation and Limit Billboard Removal Compensation

Protect municipal authority to regulate signs. Legislation is necessary to allow municipalities to use amortization as a form of "just compensation" when zoning changes cause a billboard to be a nonconforming use.

Limit Land Disconnection

Prohibit the disconnection of land from a municipality without approval from the city council or village board.

Permit Special Service Areas for Stormwater Facilities

Reform Public Act 97-0533 to allow the use of special service areas so that municipalities can ensure maintenance of drainage facilities that are the responsibility of homeowner associations.

Allow Local Government Quick-Take Authority

Municipalities should be allowed to use quick-take authority to acquire land for specific purposes without being required to obtain a permit.

Allow Municipalities to Determine the Form of Security Posted By Developers

Municipalities, rather than developers, should be able to decide whether developers will need a bond or a letter-of-credit for public improvements.

Conference Membership Home Rule Status and Population

Municipality	City or Village	Home Rule*	Population**
Addison	Village	Yes	36,942
Aurora	City	Yes	197,899
Bartlett	Village	Yes	41,208
Bensenville	Village	No	18,352
Bloomington	Village	Yes	22,018
Bolingbrook	Village	Yes	73,366
Burr Ridge	Village	No	10,559
Carol Stream	Village	Yes	39,711
Clarendon Hills	Village	No	8,429
Downers Grove	Village	Yes	47,833
Elmhurst	City	Yes	44,121
Glen Ellyn	Village	Yes	27,450
Glendale Heights	Village	Yes	34,208
Hanover Park	Village	Yes	37,973
Hinsdale	Village	No	16,816
Itasca	Village	No	8,649
Lisle	Village	No	22,390
Lombard	Village	No	43,165
Naperville	City	Yes	141,853
Oak Brook	Village	No	7,883
Oakbrook Terrace	City	Yes	2,134
Roselle	Village	No	22,763
St. Charles	City	Yes	32,974
Villa Park	Village	No	21,904
Warrenville	City	Yes	13,140
Wayne	Village	No	2,431
West Chicago	City	Yes	27,086
Westmont	Village	Yes	24,685
Wheaton	City	Yes	52,894
Willowbrook	Village	No	8,540
Winfield	Village	No	9,080
Wood Dale	City	No	13,770
Woodridge	Village	Yes	32,949
Total			

*Under the 1970 Illinois Constitution, any municipality of more than 25,000 is a home rule unit. Municipalities of 25,000 or less may elect by referendum to become home rule units. Similarly, home rule communities, regardless of population, may rescind home rule power by referendum. Home rule units enjoy broader powers to license, tax, incur debt, and generally regulate for the public health, safety, and welfare than do non-home rule units. The Constitution provides that the General Assembly may preempt home rule powers in many cases if it does so with the approval of an extraordinary majority (3/5 of the members) in each chamber. (Illinois Constitution, Article VII, Section 6)

**Based on figures from the 2010 Federal Census.



DuPage Mayors and Managers Conference
Celebrating 50 years of intergovernmental cooperation.
1962 - 2012

Resolution No. _____

**A Resolution to Adopt Municipal Legislative Positions
and Priorities for the 2012 Legislative Session**

Whereas, the Village of Glen Ellyn is a member of the DuPage Mayors and Managers Conference; and

Whereas, the DuPage Mayors and Managers Conference develops its annual Legislative Action Program with the goal of establishing a comprehensive platform on legislative issues in order to protect and benefit the interests of its member municipalities, residents, and businesses in these municipalities and the region generally; and

Whereas, on January 25, 2012, the DuPage Mayors and Managers Conference voted unanimously to adopt its 2012 Legislative Action Program, attached hereto as Exhibit "A"; and

Whereas, the Village of Glen Ellyn will be individually benefited by formally establishing positions on legislative issues affecting municipalities, thereby giving clear direction to officials and employees of the Village of Glen Ellyn regarding legislative positions that may be represented in official capacity or on behalf of the municipality;

Now, therefore, be it resolved by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers, that the Village of Glen Ellyn hereby adopts as its legislative positions and priorities for the 2012 Legislative Session the positions, goals, and principles of the DuPage Mayors and Managers Conference's 2012 Legislative Action Program; and

Be it further resolved that a copy of this Resolution be forwarded to the DuPage Mayors and Managers Conference, to all local legislators representing the

Village of Glen Ellyn, to the Office of the Governor, and to department heads in the Village of Glen Ellyn.

Passed by the Village Board 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

MEMORANDUM

TO: Mark Franz, Village Manager

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



DATE: February 21, 2012

RE: Village Grant Programs Update

Background. The purpose of this memorandum is to present proposed revisions to the Village-wide façade and downtown interior improvement grant programs based on the recent feedback received by the Village Board. The goal of these revisions is to enhance the impact of grant funds that are available through the two programs. The proposed revisions are subject to further discussion and Village Board feedback.

Issues. On January 13, 2012, the planning staff forwarded a memorandum to the Village Board requesting feedback or comments on the Village’s grant programs. This memorandum was sent to solicit feedback from the Board on the direction of the grant programs and potential revisions since the administrative transition of the programs to the Village on May 1. Comments were received from Trustee McGinley and Trustee Hartweg. A summary of their comments is below.

- The interior grant should be available for improvements that only include walls, ceilings, floors and life safety upgrades.
- Awnings should be removed from eligible reimbursements for the façade improvement grant.
- The listing of desirable retailers should be removed from the Downtown Interior Improvement Grant application.
- All uses of grant funding for signage should be removed from both applications.
- A formal business plan should accompany the grant application. This would demonstrate a business’ investment in the community and verify their efficacy.
- A “but for” standard in granting funds to eligible businesses should be highlighted. In addition, an applicant should submit information related to how the improvements will improve their business and benefit the Village.
- The use of funds, in either program, should meet the major goals of the programs which would be improvements that enhance appearance and that make the space more sustainable for business.

In response to these suggestions, Village staff has made some proposed amendments to the applications. A summary of these changes is below.

- The listing of desirable retailers has been removed from the Downtown Interior Improvement Grant application.

- A “but for” standard/statement has been included in the eligible improvements section and the application.
- Permanent fixtures, display window enhancements, interior lighting, and signage have been removed from the eligible list of improvements under the Downtown Interior Improvement grant program.
- Awnings and signage have been removed as eligible uses for the Façade Improvement grant program.
- Staff has redefined kitchen equipment uses within the eligible list of improvements for the Downtown Interior Improvement grant program.
- Narrative requirements have been updated on both grant applications to require businesses to submit information on how the project will improve the business and benefit the Village. The application also asks petitioners to explain any unusual or unexpected difficulties that will be faced in completing the work.
- Hard surface materials for exterior retail space have been included in the eligible improvements section for the Downtown Interior Improvement grant program. This is a staff suggestion to allow improvements for uses such as an outdoor patio.

Although a suggestion was made to require the submission of a formal business plan, staff has not made this change in the proposed updated applications. A business plan was an application requirement before the Village took over the grant programs. Although Village staff agrees that this information can be useful, the Department lacks formal expertise in evaluating a business plan. Additionally, such information was previously found to be cumbersome for applicants, and a good business plan does not guarantee a successful business. Also, improvements that are made to a building through these programs stay with the property and therefore continue to be a benefit for future businesses. In lieu of requesting a formal business plan, staff is suggesting that applicants submit a business description, information about how the improvements will enhance their business, market research and where they expect to draw customers from, which are some of the basic elements of a business plan.

Recommendation. Village staff has attempted to incorporate the comments submitted by Trustees and include amendments that will more directly coincide with the stated purpose of the programs by providing funding to projects that propose substantial improvements that would not otherwise be made without the grant funding.

Action Requested. The Village Board is requested to review and discuss the proposed changes to the grant programs during the Village Board Workshop scheduled for Monday, February 27, 2012.

Attachments.

- Commercial Façade Improvement Grant Program Application Packet updated February 7, 2012
- Downtown Interior Improvement Grant Program Application Packet updated February 7, 2012



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

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VILLAGE OF GLEN ELLYN Commercial Façade Improvement Grant Program

As of ~~7/25/2014~~02/16/2012

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 grant funds are dispersed.

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. Improvements that otherwise would be substantially difficult to undertake "but for" the grant assistance may be looked at more favorably. ~~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.

Comment [mps1]: "but for" standard is included in this section and expanded in submittals list

Eligible Uses

- Significant Facade repair and treatment
- ~~Window frame replacement (non-repair)~~
- ~~New window systems or frame replacement and repair (excluding broken glass)~~
- ~~Exterior 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*

Comment [mp21]: Removed (General Board suggestion). Trustee McGinley proposed a flat amount for awnings; may need further discussion.

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~~
- ~~Signage of any kind~~
- ~~Awnings~~
- ~~Landscaping of any kind~~

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 detailed costs for each proposed improvement

4. Consent from the building owner for proposed improvements, by signature on the attached form
5. Completed IRS Form W-9 Request for Taxpayer Identification Number and Certification
6. A narrative as outlined below:
 - a. Description of proposed façade work including information about the proposed building materials and methodology for proposed changes.
 - b. Description of your business and the related industry.
 - c. Features and advantages of your product and how improvements sought will improve the business and/or Village.
 - d. Credentials and experience of business owner.
 - e. Any unusual or expected difficulties or hardships in making the proposed improvements.

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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 about 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 for 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

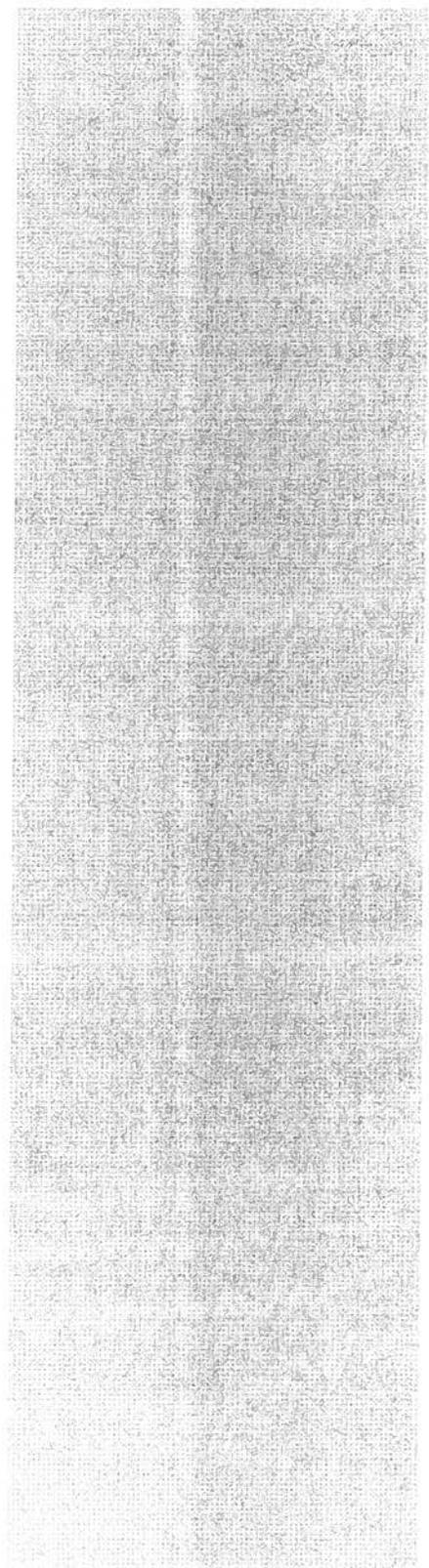
1. Once work is completed, the applicant submits copies of paid invoices from all contractors, proof of payment (copies of canceled checks or credit card receipts), a signed Reimbursement Request Certification (see attached form), a signed and notarized Affidavit for Reimbursement (see attached form), 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 detailed costs for each proposed improvement
4. Consent from the building owner for proposed improvements, by signature on the attached form
5. Completed IRS Form W-9 Request for Taxpayer Identification Number and Certification
6. A narrative as outlined below:
 - a. Description of proposed façade work including information about the proposed building materials and methodology for proposed changes.
 - b. Description of your business and the related industry.
 - c. Features and advantages of your product and how improvements sought will improve the business and/or Village.
 - d. Credentials and experience of business owner.
 - e. Any unusual or expected difficulties or hardships in making the proposed improvements.

Comment [mps3]: Updated order of items to be consistent with Interior Grant Submittals

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BUSINESS OWNER INFORMATION

Business Owner Name: _____

Home Address: _____

Business Name: _____

Business Address: _____

Business Phone: _____ Fax Number: _____

Home Phone: _____ Email Address: _____

If tenant, what is the expiration date of your current lease? _____

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

Property Owner Name: _____

Property Owner Address: _____

Property Owner Phone: _____

Property Owner Fax: _____

Property Owner E-mail: _____

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.

Applicant Name (PRINT)

Applicant Signature

Date

CONSENT FROM PROPERTY OWNER (Required if different from Applicant)

Property Owner Name (PRINT)

Property Owner Signature

Date

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

Application is: _____ Approved

_____ Denied

Village President

Date

Planning and Development Director

Date

**VILLAGE OF GLEN ELLYN
Commercial Façade Improvement Grant Program
Reimbursement Request Certification**

SUBMITTAL FOR REIMBURSEMENT

Please submit the following information to the Planning and Development office once approved work is complete for grant payment:

- This signed Reimbursement Request Certification
- Copies of invoices stamped "PAID" from all contractors, companies, individuals
- Proof of payment (limited to copies of canceled checks and/or credit card receipts)
- Digital Photos of all building facades visible from the public right-of-way. A signed and notarized Applicant's Affidavit for Reimbursement form provided by the Village of Glen Ellyn
- Applicant's Affidavit for Reimbursement (Attached)

CERTIFICATION

I, the undersigned, warrant that all representations of the application submitted under the program are true and accurate and that there has been no material change which would in itself or cumulatively with other events impair the profitable functioning of my business operation. All agreements, warranties and representations made to the Village of Glen Ellyn are true at the time they were made and shall remain true at the time of submittal for reimbursement under the program. I will display the Village of Glen Ellyn Grant Certification in public at my business/property for one year. 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. The Village of Glen Ellyn may in its sole option cancel its assistance commitment either in whole or in part for failure to comply with the requirements of this grant program or applicable Village Codes and Regulations.

Applicant Name (PRINT)

Applicant Signature

Date



VILLAGE OF GLEN ELLYN

Downtown Interior 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 Downtown Interior Improvement Grant Program

As of ~~7/25/2014~~ 02/21/2012

Purpose

The goal of the Village of Glen Ellyn Downtown Retail Grant Program is to strengthen the downtown shopping district by attracting new retail businesses and by assisting existing retailers with eligible expansion plans in the downtown commercial district. 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 \$15,000.

Eligibility Requirements

Commercial property owners or retail business owners in the downtown who are proposing a new or expanding business which meets the eligibility and application requirements are invited to submit applications.

~~An eligible business must generate retail sales tax. All applications must involve a new or expanding business within the downtown.~~

Comment [mps1]: Repeat statement

All new retail businesses that generate retail sales tax can be considered for the grant. Existing retail businesses in the Village must expand in the downtown to receive assistance. For the purpose of this program, "expansion" is defined as significantly increasing the retail sales area, enlarging the square footage of the retail space to include expanding into an adjacent space or relocating to a larger space or building an addition on the interior or exterior of an existing building to be used as additional retail space.

Grant applicants will be reviewed on a case by case basis. Uses that encourage pedestrian activity, improve the pedestrian environment and attract shoppers will be preferred.

Desirable retailers suggested by residents include:

Art Gallery	Apparel	Clothing Accessories
Crafts and Hobbies	Electronics	Entertainment (non-dining)
Garden	Home Furnishings	Home Decor & Entertainment
Kitchen Wares	Leather Goods and Luggage	Music
New Jewelry Sales	Pharmacy	Produce Market
Restaurants	Specialty Foods	Specialty Retail
Sporting Goods	Toys	

Comment [mps2]: Remove this section (Trustee McGinley)

Financial assistance is available to property or business owners, for no more than \$15,000 every 3 years, per-unit building.

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 grant funds are dispersed.

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

This program funds permanent tenant and building code improvements necessary to open a new, or expand an existing, eligible downtown retail business. Improvements that otherwise would be substantially difficult to undertake but for the grant assistance may be looked at more favorably. Eligible improvements must remain with the improved building to be considered permanent and may include:

Comment [mps3]: "but for" standard is included in this section and expanded in submittals list

Eligible Uses

- Walls
- Ceilings
- Floors (carpet, tile, wood, etc.)
- Permanent shelving and cabinets
- Permanent fixtures
- ~~Carpet~~
- ~~Tile~~
- Display window enhancements (hanging grid system, lighting, display shelf, etc.)
- Interior lighting
- Interior signage
- Hard surface materials for exterior (non-façade) retail space (concrete, brick, blue stone, etc.)
- Life safety upgrades (sprinklers, and fire alarm systems, fire doors)
- Utility related improvements (heating, air conditioning, plumbing, electrical)
- Major kitchen equipment (e.g. commercial grade, permanently installed equipment)
- Other extraordinary expenses required by government codes or regulations

Comment [mps4]: Moved to floors

Projects not listed above will be considered on a case by case basis. In general, changes to the project scope will not be considered for supplemental assistance after grant approval is obtained. Unforeseeable changes will be considered on a case by case basis.

Ineligible Uses

- Façade improvements (see separate Village of Glen Ellyn Façade Improvement Grant Program)
- Acquisition of land or buildings
- Product inventory
- Interior signage
- Lighting fixtures

- Hard surface materials for non-retail exterior space (parking lots, sidewalks, etc.)
- Display window enhancements (hanging grid system, lighting, display shelf, etc.)
- Rent
- Media marketing and advertising
- Payroll
- Day-to-day operational costs (e.g. utilities, taxes, maintenance, refuse)
- Moving expenses
- Business consulting expenses
- Exterminator services
- Landscaping

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.

Required Submittals With Application:

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1. 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).
2. Signed vendor contract(s) with detailed costs for each proposed improvement.
3. Consent from the building owner for proposed improvements, by signature on the attached form.
4. Digital photos depicting the interior areas where proposed improvements will take place.
5. Completed IRS Form W-9 Request for Taxpayer Identification Number and Certification
6. A narrative as outlined below:
 - a) Description of your business and the related industry.
 - b) Features and advantages of your product and how improvements sought will improve the business and/or benefit Village.
 - c) List any unusual or unexpected difficulties faced in making the proposed improvements or completing the work.
 - d) Credentials and experience of business owner.
 - e) Market research and analysis including a definition of your current or anticipated customers and where they come from. May also include information on future customer markets as a result of interior improvements (i.e. will improvements attract new customers).
 - f) Describe or demonstrate why these improvements would not take place "but for" the grant program.

Comment [mps5]: (Trustee Hartweg)

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 applicant must submit all required documents as outlined on the first page of the application. Applicants should expect the review and approval process to take approximately 3-4 weeks. The applicant must secure any required Village approvals, licenses or permits 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.
3. The Planning and Development Department will review the application and make a recommendation of approval, partial approval or denial of the grant application to the Village Board. Village staff will attempt to review applications within 2 weeks of submittal.
4. The application will be considered by the Village Board. The applicant's attendance is required at Village Board meeting as part of the application review process. The Village Board meets on 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, applicant submits copies of paid invoices from all contractors, proof of payment (copies of canceled checks and/or credit card receipts), a signed Reimbursement Request Certification form (attached) and Applicant's Affidavit for Reimbursement (attached) to the Planning and Development Department.
2. The Planning and Development Department reviews completed project and work for conformance to the application and the Village Code.
3. Check is distributed.

Pay Back Provision

The following pay back schedule will apply if a grant recipient business closes or moves out of Glen Ellyn within 3 years of receiving the 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 Application Certification and Reimbursement Request Certification.

VILLAGE OF GLEN ELLYN
Downtown Interior Improvement Grant Program Application

REQUIRED SUBMITTALS WITH APPLICATION:

1. 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).
2. Signed vendor contract(s) with detailed costs for each proposed improvement.
3. Consent from the building owner for proposed improvements, by signature on the attached form.
4. Digital photos depicting the interior areas where proposed improvements will take place.
5. Completed IRS Form W-9 Request for Taxpayer Identification Number and Certification
6. A narrative as outlined below:
 - a) Description of your business and the related industry.
 - b) Features and advantages of your product and how improvements sought will improve the business and/or benefit Village.
 - c) List any unusual or unexpected difficulties faced in making the proposed improvements or completing the work.
 - d) Credentials and experience of business owner.
 - e) Market research and analysis including a definition of your current or anticipated customers and where they come from. May also include information on future customer markets as a result of interior improvements (i.e. will improvements attract new customers).
 - f) Describe or demonstrate why these improvements would not take place "but for" the grant program.

Comment [mps6]: (Trustee Hartweg)

BUSINESS OWNER INFORMATION

Business Owner Name: _____

Home Address: _____

Business Name: _____

Business Address: _____

Business Phone: _____

Other Phone: _____

Email Address: _____

Fax Number: _____

Estimated Opening Date of Business: _____

PROPERTY OWNER INFORMATION

Property Owner Name: _____
Address: _____
Phone: _____
Email Address: _____
Fax Number: _____

DESCRIPTION OF PROPOSED IMPROVEMENTS

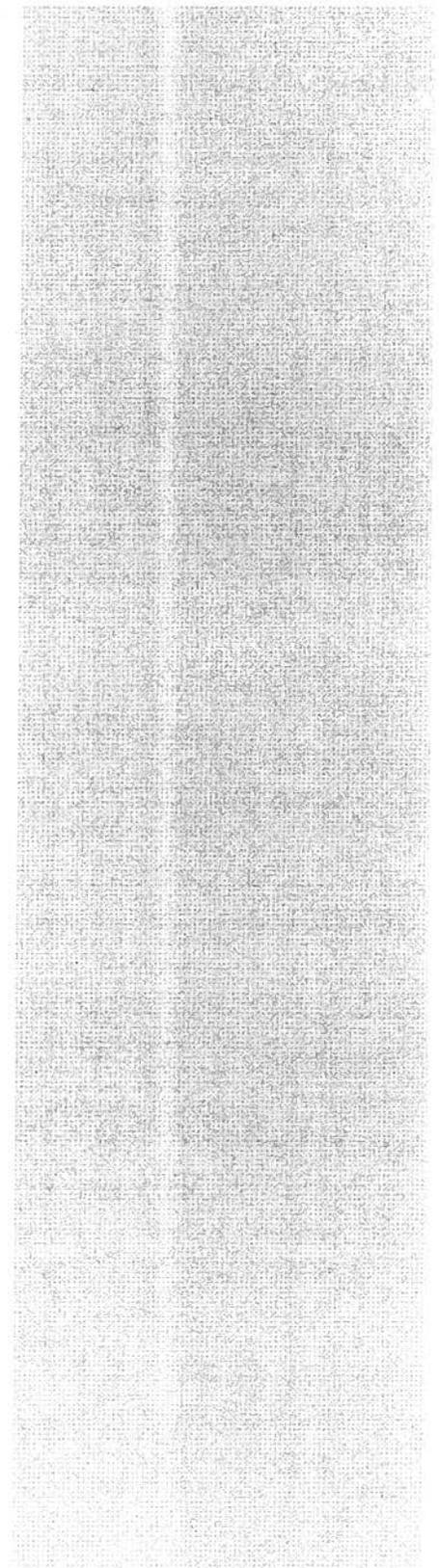
ITEMIZED ACTIVITY DESCRIPTION

COST

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

TOTAL PROJECT COST: _____

AMOUNT OF GRANT ASSISTANCE REQUESTED: _____



APPLICATION CERTIFICATION

I, the undersigned, certify that I have read the program description and requirements for the Village of Glen Ellyn Downtown Retail 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. I further understand all eligible improvements assisted by the Retail Grant Program are permanent fixtures and will remain with the building.

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 closes or 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.

Applicant Name (PRINT)

Applicant Signature

Date

CONSENT FROM PROPERTY OWNER (Required if different from Applicant)

Property Owner Name (PRINT)

Property Owner Signature

Date

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

Application is: _____ Approved

_____ Denied

Village President

Date

Planning and Development Director

Date

**VILLAGE OF GLEN ELLYN
Downtown Interior Improvement Grant Program
Reimbursement Request Certification**

SUBMITTAL FOR REIMBURSEMENT

Please submit the following information to the Planning and Development Department office once approved work is complete for grant payment:

- This signed certification
- Copies of invoices stamped "PAID" from all contractors, companies, individuals
- Proof of payment limited to copies of canceled checks and/or credit card receipts
- Digital Photos depicting the interior improvements
- A signed and notarized Applicant's Affidavit for Reimbursement form

CERTIFICATION

I, the undersigned, warrant that all representations of the application submitted under the program are true and accurate and that there has been no material change which would in itself or cumulatively with other events impair the profitable functioning of my business operation. All agreements, warranties and representations made to the Village of Glen Ellyn are true at the time they were made and shall remain true at the time of submittal for reimbursement under the program. I will display the Village of Glen Ellyn Grant Certification in public at my business for one year. I understand that if my business closes or 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. The Village of Glen Ellyn may in its sole option cancel its assistance commitment either in whole or in part for failure to comply with the requirements of this grant program or applicable Village Codes and Regulations.

Applicant Name (PRINT)

Applicant Signature

Date

