



## AGENDA

### BOARD OF ZONING APPEALS

Board of Zoning Appeals: April 29, 2025 at 7:00 PM  
Village Hall 740 Hillgrove Avenue, Western Springs, IL 60558

**A. Call to Order**

**B. Approval of Minutes**

1. September 30, 2024

**C. Public Comment**

**D. Considerations**

1. Public Hearing - Variation request 4616 Harvey Avenue, Daniel and Kristina Cunningham (BZA-2025-01)

Consideration of an ordinance approving variations from the Development Control Ordinance relating to accessory building and structures setbacks and interior side yard setbacks in the R2 (Residential)

**E. Other Business**

**F. Adjournment**

Individuals with disabilities who plan to attend / participate in this meeting and who require accommodations to allow them to observe and participate, or who have questions regarding accessibility of the meeting or facilities, are requested to contact Jill Izzo at 708-246-1800, extension 127.

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VILLAGE OF WESTERN SPRINGS, ILLINOIS.  
BOARD OF ZONING APPEALS  
September 30, 2024 - 7:00 P.M.

REPORT OF PROCEEDINGS taken at the  
Western Springs Village Hall, 740 Hillgrove Avenue,  
Western Springs, Illinois, reported by Stephanie A.  
Battaglia, Illinois CSR License No. 084-003337.

BOARD MEMBERS PRESENT:

- BRANDON CALVERT, Chairman
- LEE FRY, Member
- STEVE GRESKA, Member
- JEFFREY FUS, Member
- MICHAEL VESPA, Member

ALSO PRESENT:

- ANNE SKRODZKI, Village Attorney
- HEATHER VALONE,  
Director of Community Development
- KELSEY FAWELL, Senior Planner

PUBLIC MEMBERS WHO SPOKE:

- NATALIE KING, Homeowner
- TOM MCGREGOR, Homeowner
- BEATA KOCIUBA, Architect
- RICHARD WILFENGER, Homeowner
- CATHLEEN HUGHES, Homeowner
- RANDALL KING, Architect

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CHAIRPERSON CALVERT: Hello, everyone.  
Good evening.

It is now 7:00 p.m., and I would like to call to order the Board of Zoning Appeals for the Village of Western Springs meeting today, September 30, 2024.

Heather Valone, can you please conduct a rollcall for us?

DIRECTOR VALONE: Absolutely.

Member Fry?

COMMISSIONER FRY: Here.

DIRECTOR VALONE: Member Fus?

COMMISSIONER FUS: Here.

DIRECTOR VALONE: Member Greska?

COMMISSIONER GRESKA: Here.

DIRECTOR VALONE: Member Johnson is absent.

Member Vespa? Here.

DIRECTOR VALONE: And Chairman Calvert?

CHAIRPERSON CALVERT: Here.

DIRECTOR VALONE: You do have a quorum.

CHAIRPERSON CALVERT: Great.

Again, thank you for coming.

First order of business is to read the

1 agenda again for the VZA hearing today, September 30,  
2 2024, call to order, reading the agenda, approval of  
3 the minutes, public comment, for consideration --  
4 actually, public comment and then consideration of the  
5 continued public hearing regarding 4524 to 4528 Grand  
6 Avenue, public hearing for a variation request  
7 regarding 5234 Central Avenue, public hearing  
8 regarding the variation request for 4081 Western  
9 Avenue, other business, and adjournment.

10 At this time I would like to approve the  
11 transcript from our August 27th, 2024 hearing.

12 Board members, have you had a chance to  
13 review the transcript?

14 (Chorus of ayes.)

15 CHAIRPERSON CALVERT: Can I have a motion  
16 to approve?

17 COMMISSIONER GRESKA: I will make a  
18 motion to approve.

19 CHAIRPERSON CALVERT: Is there a second?

20 COMMISSIONER VESPA: Second.

21 CHAIRPERSON CALVERT: All in favor?

22 (Chorus of ayes.)

23 CHAIRPERSON CALVERT: Any opposed?

24 (No response.)

1 CHAIRPERSON CALVERT: Okay, the  
2 transcript for August 27, 2024 is approved.

3 COMMISSIONER GRESKA: Did you second it?

4 COMMISSIONER VESPA: I seconded the  
5 motion, yes.

6 COMMISSIONER GRESKA: I don't think you  
7 were at that meeting.

8 COMMISSIONER VESPA: I wasn't at the  
9 meet, but I believe I can second it.

10 COMMISSIONER GRESKA: Okay.

11 CHAIRPERSON CALVERT: I think we are  
12 okay.

13 ATTORNEY SKRODZKI: Any member who has a  
14 good faith belief that the contents of the transcript  
15 are true and accurate can second the motion and/or  
16 vote.

17 COMMISSIONER GRESKA: Okay.

18 CHAIRPERSON CALVERT: Next the agenda  
19 item is public comment.

20 Again, we are considering three matters  
21 today.

22 Is there anyone here who would like to  
23 make a public comment not related to the three matters  
24 that we are going to consider?

1 (No response.)

2 CHAIRPERSON CALVERT: No, okay.

3 Thank you.

4 Let's swear in our witnesses today, if we  
5 can.

6 If you are planning to actively serve as  
7 a witness with respect to any of the three matters,  
8 can you please stand and be sworn in?

9 (Community members sworn.)

10 CHAIRPERSON CALVERT: Thank you. All  
11 right.

12 The first item for consideration is the  
13 continuation of our consideration regarding the  
14 variation request for 4524 through 4528 Grand Avenue.

15 Can I please have a motion to continue  
16 our deliberations with respect to 4524 through 4528  
17 Grand Avenue?

18 COMMISSIONER GRESKA: I am make a motion.

19 CHAIRPERSON CALVERT: Second?

20 COMMISSIONER FRY: Second.

21 CHAIRPERSON CALVERT: All in favor?

22 (Chorus of ayes.)

23 CHAIRPERSON CALVERT: None opposed.

24 So, Board Members, we heard from

1 witnesses regarding this property. We heard from  
2 Staff.

3 Staff, I would like to ask, do you have  
4 anything to add today? If not that's fine. I want to  
5 give you the chance to -- if there is any updates.

6 DIRECTOR VALONE: So in your packet you  
7 have a memo for tonight's meeting and you have the  
8 previous memo as well.

9 So the applicant between the last meeting  
10 and this meeting did provide an updated findings of  
11 fact related just to the pergola, responding to the  
12 findings of the standard of the pergola, that is in  
13 your packet.

14 I do know we were short a commissioner so  
15 I can run through kind of an overview if you would  
16 like, otherwise the only thing I have to add is the  
17 additional submission of the findings of fact related  
18 to the pergola.

19 CHAIRPERSON CALVERT: If you are prepared  
20 to run through an overview, I think that would  
21 probably be helpful.

22 DIRECTOR VALONE: Okay, excellent.

23 CHAIRPERSON CALVERT: Thank you.

24 DIRECTOR VALONE: If everyone would mind

1 directing their attention to the screen over here on  
2 the south wall, if anyone needs to move to see it  
3 please let me know.

4 Just as a recap, as Chairman Calvert,  
5 mentioned we did open this hearing at the last meeting  
6 and approved the public portion of it, but were  
7 continuing to deliberate on one piece of it.

8 It is a little delayed, I apologize.

9 This was continued from the last meeting  
10 in August. They are asking for both the house, which  
11 is an existing house, and an existing pergola to  
12 encroach into the required interior side yard.

13 The house itself the commissioners  
14 reviewed related to the standards for granting  
15 variations and found that it met it and made a motion  
16 to recommend -- made a motion to approve that  
17 variation request. The pergola request was the one  
18 that was postponed to this meeting.

19 So just to recap a little bit more, so  
20 the subject property is on the 4500 block of Grand  
21 Avenue. The home at 4528 was originally issued a  
22 permit for new construction in 2020. It is in our R2  
23 single-family district.

24 In that district they are required to

1 have a minimum interior side yard of 10% of the lot  
2 width. So when the initial house at 4528 was  
3 constructed it was constructed on a 50-wide lot, which  
4 required a five-foot interior setback and then a  
5 corresponding ten as well.

6 They then purchased the home just to the  
7 north, 4524, and that's why they are here tonight, is  
8 because they are looking to expand the existing home  
9 at 4528 on to 4524.

10 So this is the existing home that was  
11 constructed in 2020, it is a little hard to see, I  
12 apologize, but, again, it was constructed with  
13 compliant setbacks at the time as it was a single  
14 50-foot wide lot with a five-foot interior side  
15 setback on the south, and then a ten-foot setback on  
16 the north side. But because they purchased the second  
17 lot and are expanding on to it it is now a 100-foot  
18 wide lot, which means they are noncompliant on that  
19 interior side area in the south. I think they are  
20 sitting at five feet from the original build.

21 I apologize, we found out the laser  
22 pointer does not actually work on these screens, you  
23 see toward the top of the screen, that is the addition  
24 they are looking to construct. Generally it is a

1 garage with living space above and then some area  
2 behind the garage as well.

3           The area in question, again, is the  
4 existing house that is located on the southern lot and  
5 the pergola that you see dashed.

6           So, again, they are compliant with all  
7 the other standards of code, it is just the interior  
8 side yard that they are noncompliant with.

9           So, as I mentioned, we discussed this at  
10 the last meeting, the Commission did make a  
11 recommendation that -- excuse me, they did make a  
12 motion to approve the home variation, so that has  
13 already been discussed and determined to meet the  
14 setbacks -- excuse me, meet the criteria for granting  
15 variation, and that is not our focus tonight.

16           What our focus tonight is is the pergola.

17           Just to back up, the pergola was built  
18 inline with the existing house on 4528, which means it  
19 also has a five-foot setback. But because of the  
20 increased 100-wide lot it also needs to be ten feet.

21           As you can see in the transcript, we met  
22 for some time related to it and had some discussion  
23 related to it and it was tabled until tonight.

24           Since that time, like I said, we have had

1 an updated submittal, the applicant submitted the  
2 responses to the criteria for granting variations just  
3 for the pergola, which is in your packet tonight. We  
4 have not seen -- we have not received any other public  
5 comment since that time, however.

6 And then just as a quick reminder, the  
7 code does indicate that to grant a variation we need  
8 to meet all of the standards that are listed in the  
9 code.

10 So I can take any questions you have now  
11 or we can bring up the applicant to answer any  
12 questions you have and then continue your discussion  
13 related to the pergola.

14 CHAIRPERSON CALVERT: Thank you very  
15 much.

16 DIRECTOR VALONE: I apologize, they  
17 submitted an updated findings of fact responses for  
18 the pergola. They also submitted an updated site  
19 plan, which is also in your packet, I apologize.

20 Kelsey, can you pull up the packet? I  
21 want to walk through that a little bit for you. It  
22 was included in your packet. But there is a couple of  
23 highlights that I would like to hit off of it.

24 Essentially they are still proposing the

1 existing pergola in the same place, but the pergola  
2 that was behind the home, the new pergola, as we  
3 referred to it in the last meeting, has been relocated  
4 as well as the proposed location of the pool. So they  
5 have relocated that behind the proposed extension  
6 behind the house as opposed to behind the existing  
7 home. Kelsey will bring that up in a minute here so  
8 we can walk through it.

9           Also, just so you can pull it up on your  
10 own, it is included in the attachments to this packet  
11 as well.

12           So -- I apologize, I am going to get up  
13 since the laser pointer doesn't work.

14           The orientation is slightly turned, so  
15 this is the existing wall of the home here, this is  
16 the existing pergola, so we have just rotated a little  
17 bit on the screen.

18           So previously back here was supposed to  
19 be an additional outdoor area -- recreational  
20 area/patio with an extended pergola. The applicant  
21 submitted the revised site plan and showing there is a  
22 new patio coming over here and they relocated the pool  
23 and the corresponding hot tub to this side of the lot  
24 now.

1                   Again, this is the addition they are  
2 proposing, this is the existing house.

3                   CHAIRPERSON CALVERT: Okay, thank you  
4 very much for that. It is very helpful.

5                   Applicant, hi, I want to give you an  
6 opportunity to address us if you would like. If you  
7 don't want to that's perfectly fine as well. But --

8                   MS. KING: I am happy to, I am losing my  
9 voice, I apologize. My name is Natalie King.

10                   I think in general the main things we  
11 want to point out here are that the existing pergola  
12 was a part of our original plans for this home before  
13 -- we never intended initially, we weren't planning to  
14 purchase 4524, that just happened the years later.

15                   And, also, if we were to remove that  
16 pergola the sun coming from that side it would be  
17 completely unusable space. The sun is extremely hot  
18 there and now that we have removed the other  
19 additional piece of the pergola that we were going to  
20 build, we have taken that away, that's really the only  
21 seating area on this side of the home in general.

22                   Also, there are some pictures that were  
23 included. This is not an obtrusive structure, by any  
24 means. There is one pillar that is in concrete

1 footings, so this also is not a structure that would  
2 be easy to take out. Not only would there be a  
3 financial piece to this, but also I think the burden  
4 would be that it would be unusable space in addition  
5 to that you couldn't really -- you wouldn't sit there  
6 because of the sun and you couldn't really turn this  
7 into anything else, this part of the house.

8 This is the exit into the yard from the  
9 current home.

10 CHAIRPERSON CALVERT: Okay.

11 MS. KING: I am trying to think if there  
12 is any other.

13 Do you guys have any questions?

14 CHAIRPERSON CALVERT: Members, any  
15 questions for the applicant?

16 (No response.)

17 MS. KING: Do you guys have the photos  
18 included?

19 CHAIRPERSON CALVERT: We do.

20 Okay, thank you very much. We appreciate  
21 that.

22 Members, I would like to open this up for  
23 your thoughts. Are there any questions or anything  
24 that we need to discuss?

1 Member Vespa, I know you weren't here for  
2 the last hearing, we can fill in, do we need to fill  
3 in any gaps?

4 COMMISSIONER VESPA: I am okay.

5 CHAIRPERSON CALVERT: Well, given that  
6 there are no questions I think we move to take a vote.

7 The one thing I would say is that with  
8 respect to the question around hardship, right, and  
9 factor, the first factor that we have to find with  
10 respect to the variation, I know that is what we were  
11 really focused on last hearing.

12 I for one would say that the pergola, the  
13 existing pergola was built in connection with the rest  
14 of the home that's currently existing, right? So we  
15 have chosen for good reason to focus on the pergola  
16 separately because it is treated differently by the  
17 code, but it is part and parcel with the home. They  
18 bought the home, they bought the property, they  
19 developed the home, it wasn't developed after, and so  
20 from my perspective that holds some weight here.

21 Let's run through the criteria.

22 Criteria A, which I was just referring  
23 to, because of the particular physical surroundings,  
24 shape, or topographical conditions of the specific

1 property involved a particular hardship to the owner  
2 would result as distinguished from a mere  
3 inconvenience from the strict letter of the  
4 regulations were to be applied.

5           One other thing that I would note,  
6 gentlemen, is that RDCO does say that variations shall  
7 be granted only in specific instances, herein after  
8 set forth where the Board of Zoning Appeals makes  
9 findings of facts in accordance with the standards set  
10 forth in this ordinance and further finds that there  
11 are practical difficulties or particular hardships in  
12 the way of carrying out the strict letters of the  
13 regulations of this ordinance.

14           Any discussion on that item?

15           (No response.)

16           CHAIRPERSON CALVERT: No.

17           All right, I don't believe there are any  
18 discussion items with respect to Variation Conditions  
19 B, C, D, E, or F, or G.

20           So with that can I have a motion to  
21 approve the variation with respect to the part -- the  
22 current pergola existing at 4524 Grand Avenue?

23           COMMISSIONER FUS: I will make a motion  
24 to approve.

1 CHAIRPERSON CALVERT: Is there a second?

2 COMMISSIONER FRY: Second.

3 CHAIRPERSON CALVERT: Ms. Valone, can you  
4 take a rollcall on this?

5 DIRECTOR VALONE: Absolutely.

6 Commissioner Fry?

7 COMMISSIONER FRY: Approved.

8 DIRECTOR VALONE: Commissioner Fus?

9 COMMISSIONER FUS: Approved.

10 DIRECTOR VALONE: Commissioner Greska?

11 COMMISSIONER GRESKA: Approved.

12 DIRECTOR VALONE: Commissioner Vespa?

13 COMMISSIONER VESPA: Approved.

14 DIRECTOR VALONE: The motion has passed.

15 So we will need a motion to update the  
16 ordinance --

17 CHAIRPERSON CALVERT: I need to vote  
18 first.

19 DIRECTOR VALONE: Chairman Calvert?

20 CHAIRPERSON CALVERT: Approved.

21 DIRECTOR VALONE: I apologize.

22 We will need a secondary motion to update  
23 the ordinance -- the draft ordinance that was included  
24 in the packet to incorporate the pergola approvals.

1 So if we could get a motion to do that we will then  
2 send it around as a draft for everyone's individual  
3 review and comment and then provide it to Chairman  
4 Calvert to sign.

5 CHAIRPERSON CALVERT: Okay, say that one  
6 more time and then I am going to repeat it for the  
7 record.

8 DIRECTOR VALONE: What we will need is a  
9 motion to update the draft ordinance that was included  
10 in your packet to incorporate the pergola approval.

11 CHAIRPERSON CALVERT: Okay.

12 Can I please have a motion to update the  
13 draft ordinance that was approved in our packet for  
14 this hearing to include the vote on the pergola?

15 COMMISSIONER VESPA: I will make a  
16 motion.

17 CHAIRPERSON CALVERT: Second?

18 COMMISSIONER GRESKA: I will second.

19 CHAIRPERSON CALVERT: All in favor?

20 (Chorus of ayes.)

21 CHAIRPERSON CALVERT: None opposed, the  
22 motion passes.

23 Can we move to close the matter  
24 concerning 4524 through 4528 Grand Avenue?

1 COMMISSIONER GRESKA: I will make that  
2 motion.

3 CHAIRPERSON CALVERT: Second?

4 COMMISSIONER FRY: Second.

5 CHAIRPERSON CALVERT: All in favor?

6 (Chorus of ayes.)

7 CHAIRPERSON CALVERT: None opposed, the  
8 motion carries. Thank you.

9 You are free to go if you would like.

10 Thank you.

11 The next order of business is the  
12 consideration of the variation request for 5234  
13 Central Avenue Western Springs, specifically  
14 consideration of an ordinance approving variation from  
15 the development control ordinance relating to a front  
16 yard setback, interior yard setback, and front porch  
17 encroachment in the R1 residential zoning  
18 classification.

19 Can I have a motion to open the  
20 consideration of said matter?

21 COMMISSIONER VESPA: I will make a  
22 motion.

23 CHAIRPERSON CALVERT: Is there a second?

24 COMMISSIONER FRY: Second.

1 CHAIRPERSON CALVERT: All in favor?

2 (Chorus of ayes.)

3 CHAIRPERSON CALVERT: None opposed.

4 Staff, can you please provide us with  
5 your presentation on this matter?

6 SR. PLANNER FAWELL: Yes, Chair,  
7 thank you.

8 So the request before you is 5234 Central  
9 avenue by Michelle and Tom McGregor, so here is an  
10 aerial shot of the subject property.

11 It is a ranch home that was currently --  
12 that was built in 1953 with gathering space on the  
13 first floor and bedrooms on the second. It is located  
14 in the R1 single-family district.

15 So within the R1 single-family district  
16 it has required front yard of 50 feet or meeting the  
17 block average. It also has the north side yard for  
18 this property is ten feet.

19 The home existing encroaches within both  
20 of those yards, the existing house front yard is  
21 48.58 feet and the existing side yard is 6.55 feet.  
22 In there you can see where the home encroaches.

23 So, existing versus proposed, you can see  
24 on the left is that ranch-style home.

1           The applicant is proposing a second story  
2 addition onto only portions of the home, which you can  
3 see kind of the front and the garage portion -- not  
4 over the garage, right there in the yellow. They are  
5 also proposing a roof porch in that blue highlighted  
6 space. So the home itself is not proposed to change  
7 its existing setbacks.

8           The applicant is building inline in the  
9 front yard adding that porch on and then inline along  
10 the side yard.

11           So the front porch, we will get into the  
12 front porch. For the zoning analysis they are code  
13 compliant in everything else except for the front yard  
14 and side yard encroachment.

15           Now, here is where we can talk about the  
16 front setback. So the required is 50 feet, which is  
17 estimated where that red line is. It's kind of hard  
18 to see by that minor kind of just 1.115 foot  
19 encroachment into the front yard, kind of difficult to  
20 see. Actually, I don't know if this will work -- not  
21 really. But you can kind of -- right there, if you  
22 can see that laser pointer, which is difficult to see.  
23 And then -- sorry about that.

24           So the existing setback in the proposed

1 addition are going to be exactly the same.

2           The proposed porch, porches are supposed  
3 to encroach in the required front yard up to five feet  
4 or less. This front porch is proposed to encroach six  
5 feet into that front yard. That is why there is that  
6 third variation in addition to the front yard setback,  
7 side yard setback, and then that one-foot variation to  
8 allow the front porch to encroach further into the  
9 front yard.

10           So we had received no public comment for  
11 the case.

12           I will leave this up which Chair actually  
13 just stated with our last case about when variation  
14 should be granted, but I will happy take any questions  
15 from the commission.

16           DIRECTOR VALONE: Just to clarify, the  
17 applicant will get up during his portion.

18           On the dais tonight are two letters, it  
19 is a two-sided piece of paper he provided some comment  
20 tonight from direct neighbors related to his petition.  
21 Again, it is on the dais for you, it is double-sided.  
22 There are also additional copies over on the table by  
23 the sign-in sheet.

24           CHAIRPERSON CALVERT: Thank you very

1 much.

2 Before the Board ask questions, I would  
3 like to give the applicant a chance to address us.

4 So, hello, Applicant. If you would like  
5 to say anything, please step forward, say your name  
6 for the record, spell your name for our great reporter  
7 here.

8 MR. MCGREGOR: Should I come to the  
9 podium?

10 CHAIRPERSON CALVERT: Come up.

11 MR. KING: This is my architect.

12 MS. REPORTER: Can I have your name  
13 again?

14 MS. KOCIUBA: B-E-T-E-A, last name  
15 K-O-C-I-U-B-A.

16 MR. MCGREGOR: I just want to say we have  
17 lived here almost ten years now, we love this  
18 community, we love our neighborhood. We are doing  
19 this addition because we don't want to leave.

20 The one thing I can say about the front  
21 porch, if I may, is that we are asking for an extra  
22 foot just because there is like an 18- or 19-foot  
23 section that juts out that is just going to make it  
24 hard to pass through with only -- we would only have

1 like 4-1/2 feet there, and with a column it would just  
2 I feel like it would be really hard to pass through.

3 We plan on having our family out there,  
4 just to be able to push a stroller through there,  
5 something, I feel like it will be a pretty narrow  
6 space just to get to the main kind of living area,  
7 which would be the south end of that porch, you have  
8 to have kind of more space to sit and enjoy with our  
9 family.

10 MS. KOCIUBA: If I can explain.

11 The second floor addition, these are  
12 three bedrooms because family is growing and they have  
13 a two-year old son and working on another one. So we  
14 need that three bedrooms on the second floor.

15 I tried to design the addition above the  
16 basic house with exception of a garage not to build  
17 the bedroom above the garage, which is not healthy,  
18 which is cold, which is not is just -- it is never  
19 bedroom should share the walls or the ceiling with a  
20 garage and then which the door open and it is making.

21 So I built above the main garage and  
22 supporting the second floor exterior walls on existing  
23 bearing walls, which are -- which were built in 1953  
24 and how the house was located has created hardship for

1 us because we are not increasing any setback  
2 horizontally, nonconforming setback horizontally, we  
3 would like to go vertically up.

4 I just want to mention that nonconforming  
5 Setback 48 and I believe 75, it is on the garage, so  
6 we are not touching it because we are not building  
7 second floor above it. But in the middle part where  
8 is the living room, the bedroom, the center part with  
9 the gable, this is where we encroaching only six  
10 inches, and technically even less because we are going  
11 in the siding, but I have to build that -- use that  
12 wider framing to have a chance to put the  
13 installation, which is right now in the requirements  
14 for houses. And on the left side on the south side we  
15 align with the existing wall.

16 And then I would like to mention that we  
17 are lot 65 wide, both neighbors are 100, and our south  
18 on the left side neighbor we measure we are  
19 approximately 14 feet from his major wall, 12 feet to  
20 the chimney, so altogether we are like 20-foot  
21 next-door neighbors, which already did addition, so we  
22 hope that these two houses will be standing for a  
23 while.

24 I would like to mention that we are under

1 all other regulation, like height of building, we are  
2 -- we have more than seven feet to go higher, we  
3 don't, to keep the character of this building. Also,  
4 lot coverage, building coverage, everything is under  
5 the limit.

6 So the thing regarding the porch, like I  
7 mentioned, we have on the south side part of it we can  
8 put the table and chairs, but to pass it because of  
9 the center part of the house encroaching in the  
10 setback it is five feet, which is allowed by village,  
11 it is very tight with the columns already because this  
12 area will be close for the kids who will play. We  
13 don't have the patio, so this will be like a major  
14 recreation waiting for husband to come from work.

15 What else I would like to, we are using  
16 very similar materials that the neighbors use, the  
17 siding, three types of siding to make it more  
18 interesting with the shape and material just to match  
19 the neighbor who don't do any harm.

20 And maybe one more point, because we are  
21 asking for a building the second floor aligning with  
22 the first floor on the south side, so we are not  
23 hitting our neighbor on the left side because of the  
24 south movement, we are not submitting any light to his

1 property because light is coming on his side, so he is  
2 covering the house.

3 I am open to answer any questions. It is  
4 hard to put it together.

5 CHAIRPERSON CALVERT: Members?

6 COMMISSIONER GRESKA: Can you explain the  
7 front porch one more time?

8 MS. KOCIUBA: Okay.

9 We are asking for six feet, not five  
10 feet, because the center part you see the yellow part  
11 in the center is encroaching already in the setback.  
12 So if we ask for five feet this part will be a little  
13 more than four feet. With ten-by-ten columns in the  
14 back and remaining, it will honestly go almost three  
15 feet a couple inches and with stroller, with the kids,  
16 it just very narrow, asking for one more foot just to  
17 make this porch not only as a decoration for a house  
18 but as a part that the people can use it safe and  
19 enjoy with that.

20 COMMISSIONER GRESKA: Thank you.

21 CHAIRPERSON CALVERT: I have a couple  
22 questions, things that I just want to sort of flush  
23 out here.

24 So first is that the second story

1 addition is going -- it is not going to increase any  
2 of the current nonconformities, correct?

3 MS. KOCIUBA: Correct.

4 MR. MCGREGOR: We are just building  
5 inline with it.

6 CHAIRPERSON CALVERT: Both in the front,  
7 rear, and both sides?

8 MS. KOCIUBA: Yes.

9 MR. MCGREGOR: Not --

10 MS. KOCIUBA: The right side we are  
11 pretty good, we have 12 feet from there with the  
12 second floor. Garage is standing and it is only six  
13 feet, but with the second floor we push almost 12 feet  
14 from the property line. So no problem with the back,  
15 no problem from the north side.

16 CHAIRPERSON CALVERT: Bottom line, you  
17 are not increasing the nonconformities with respect to  
18 the --

19 MS. KOCIUBA: Existing.

20 CHAIRPERSON CALVERT: -- existing, right,  
21 the front, back, or either side?

22 MS. KOCIUBA: Yes.

23 CHAIRPERSON CALVERT: And the porch right  
24 now as it is currently configured is a nonconforming

1 of -- it is nonconforming?

2 MS. KOCIUBA: There is no porch right  
3 now.

4 CHAIRPERSON CALVERT: But the -- well,  
5 okay, there is no porch right now.

6 The front of the home encroaches by a  
7 foot and a half, is that correct?

8 Maybe I will ask Staff, the front of the  
9 home encroaches?

10 SR. PLANNER FAWELL: Yes, correct.

11 CHAIRPERSON CALVERT: By one and a half  
12 feet?

13 SR. PLANNER FAWELL: It is a little bit  
14 less than that, I think it is 1.15 feet, the existing  
15 home does encroach into the front yard.

16 MS. KOCIUBA: As per surveyor, the 1.15  
17 is only garage front wall. Our living room of the  
18 middle part of the big windows is nine feet -- 14.9  
19 feet, so only six inches, and the six inches we would  
20 like to extend in line with the second floor wall.

21 CHAIRPERSON CALVERT: If the proposed  
22 porch was going to be five feet in width --

23 MS. KOCIUBA: It will be six feet from  
24 the 50-foot line, but because we have already have a

1 part which is encroaching this, so our porch will be  
2 smaller.

3 CHAIRPERSON CALVERT: Okay, I understand.

4 MS. KOCIUBA: It will be 5-1/2 exactly in  
5 the center part of the house.

6 MR. MCGREGOR: We are essentially asking  
7 for an extra foot just to gain six inches --

8 MS. KOCIUBA: Space.

9 MR. MCGREGOR: -- of space in that front  
10 section, like 19 feet long, it is the living room that  
11 kind of juts out six extra inches.

12 MS. KOCIUBA: Which is already past the  
13 building line.

14 MR. MCGREGOR: Yes.

15 CHAIRPERSON CALVERT: Okay.

16 Members, any other -- let's walk through  
17 the criteria and then --

18 COMMISSIONER FUS: I was going to say,  
19 this is one where, you know, with the construction of  
20 a new porch, is that hardship or the inconvenience?

21 CHAIRPERSON CALVERT: Yes, that's --

22 COMMISSIONER FUS: The addition going  
23 straight up straight up --

24 CHAIRPERSON CALVERT: I tend to agree. I

1 just think that might be one of the issues.

2 Let's clear the others and then come back  
3 to that, how is that?

4 Applicant, just so you know, this body is  
5 charged with binding that seven conditions exist for  
6 us to be able to approve your variation request, okay?  
7 So we are going to walk through those seven. I think,  
8 you know, six of them we probably don't have an issue,  
9 we probably need to discuss the seventh, which  
10 actually is Item 5.

11 I am going to start with B, the  
12 conditions upon which an application for a variation  
13 are based are unique to the property for which the  
14 variation is sought and are not applicable generally  
15 to the property within the same -- to other property  
16 within the same zoning classification.

17 I think that Staff addressed this and you  
18 demonstrated that the property to the -- actually, it  
19 would be the north of you and south of you, right? I  
20 mean, those properties, you know, are wider, those  
21 lots are wider, and we understand that you are  
22 nonconforming at this point and you are not looking to  
23 add to the nonconformness less the porch, we will deal  
24 with the porch momentarily.

1 Any comments on that one?

2 COMMISSIONER VESPA: We are just asking  
3 about going up right now, not the uniformity to the  
4 block or anything as it relates to the porch?

5 CHAIRPERSON CALVERT: That's right.

6 COMMISSIONER VESPA: Thank you.

7 The purpose of the variation is not based  
8 primarily upon a desire to increase financial gain.  
9 Generally we take applicants at their word on that, I  
10 don't see any reason not to here.

11 D, the alleged difficulty or hardship is  
12 caused by this ordinance that has not been created by  
13 any person presently having an interest in the  
14 property is.

15 I think that your home was built in 1953,  
16 obviously you didn't build it, you know, so you didn't  
17 create that difficulty with respect to the -- with  
18 respect to the lot.

19 Granting the variation will not be  
20 detrimental to the public welfare or injurious to  
21 other property or improvement in the neighborhood in  
22 which the property is located. I don't see any issues  
23 there.

24 COMMISSIONER VESPA: No.

1                   CHAIRPERSON CALVERT: The granting of the  
2 variation will not alter the essential character of  
3 the neighborhood. I would venture to say that it it  
4 would be in conformity, right.

5                   The proposed variation will not impair an  
6 adequate supply of light or air to adjacent property  
7 or substantially increase the congestion of the public  
8 street or increase the danger of fire or impair  
9 natural drainage or create drainage problems on  
10 adjacent properties or endanger the public safety or  
11 substantially diminish or impair property values  
12 within the neighborhood. Again, I don't think there  
13 is any issue there.

14                   All right.

15                   So, A, because of the particular physical  
16 surroundings, shape, or topographical conditions of  
17 the specific property involved a particular hardship  
18 to the owner would result as distinguished from a mere  
19 inconvenience if the strict letter of the regulations  
20 were to be applied.

21                   So I think we will take this in two  
22 parts, first, building straight up putting the  
23 addition on, I think we generally take a view that,  
24 you know, folks in the village should be able to do

1 that. I think it would be good -- it would constitute  
2 a hardship for you not to be able to go straight up  
3 and not increase the existing -- not add to the  
4 nonconformity.

5 With respect to the porch, I understand  
6 your point with respect to the porch, you know, being  
7 sort of tight when you are trying to pass by people  
8 when you have chairs on it, that sort of thing, 4-1/2  
9 feet, you know, by some measures may be kind of tight.

10 That being said, does it rise to the  
11 level of being a particular hardship, because with  
12 respect to the porch you are looking to increase the  
13 nonconformity, right?

14 Board members?

15 COMMISSIONER FUS: I mean, that's what I  
16 wrestle with in my mind. I mean, that's unfortunately  
17 how I think I see it.

18 CHAIRPERSON CALVERT: I tend to agree.

19 I think that we try to take a reasonable  
20 approach to these things. I think we is do a pretty  
21 good job of understanding that folks want to add to  
22 their homes and that they should be able to do that.  
23 But we also generally don't have people asking to add  
24 to their nonconformity or I think this would be

1 considered with respect to the porch a situation of  
2 new construction, right? So, you know, it is not an  
3 already existing condition.

4 MS. KOCIUBA: May I?

5 CHAIRPERSON CALVERT: I think we have a  
6 couple options. One is we could approve the variation  
7 as requested. Two, we could approve the variation  
8 with respect to the building straight up and not  
9 increasing the existing nonconformity but not with  
10 respect to the porch. Or we can deny the application  
11 altogether. I think those are three options.

12 Architect, I think you have something to  
13 add? Please, go ahead.

14 MS. KOCIUBA: Yes, definitely we can  
15 separate the addition on the porch as two variances or  
16 approval. It will be for us beneficial.

17 But I would like to mention one thing.  
18 Hardship or convenience, like you said? If we have  
19 that building line inline with the house because  
20 village is giving five feet for a porch. And I  
21 believe it is like encouraging people to build porches  
22 because it is the character of the city and have a  
23 nice area for the owners.

24 At this moment we have a front wall

1 encroaching in this building line. So if we use only  
2 five feet we can only build porch 4-feet-point-45. So  
3 we -- with this for us hardship because we cannot meet  
4 the five feet allowed by village to become porch for  
5 everyone. So maybe at least let us to reduce couple  
6 of inches and just build five feet from the 50 feet,  
7 so our porch would end 45 feet exactly. And it will  
8 be for us like 4-1/2 feet porch.

9 COMMISSIONER FUS: That would be by  
10 right, then, they wouldn't need --

11 MS. KOCIUBA: Then we don't need  
12 variance.

13 Honestly, we are asking only about six  
14 inches, that much, to have it five feet porch, what  
15 everyone should get as per code.

16 I understand that the building is  
17 encroaching the setback, so this is not only  
18 convenience, it is also hardship for us.

19 CHAIRPERSON CALVERT: Staff?

20 DIRECTOR VALONE: What the applicant is  
21 asking for, instead of requesting a full foot for the  
22 encroachment for the porch they are asking for six  
23 inches to accommodate the existing cantilevered  
24 section of the front living room. That's what I am

1 understanding they are asking at this time.

2 But you still have the options on the  
3 table you could separate the variation as well.

4 COMMISSIONER FUS: I am looking, so the  
5 roof porch it says it is 5'6", right, from the part  
6 where it comes out? So are you just asking for the  
7 five feet from that wall?

8 MS. KOCIUBA: Well, it will be perfect.  
9 Yes, right now we have 5'6". So if we reduce the six  
10 inches we will ask for variance only for six inches,  
11 not one foot.

12 MR. MCGREGOR: Five feet from that front  
13 wall.

14 COMMISSIONER FUS: But did it say that  
15 they can do that by right, right? You can go five  
16 feet from --

17 ATTORNEY SKRODZKI: That is not a right,  
18 you are not starting from zero.

19 DIRECTOR VALONE: Right.

20 ATTORNEY SKRODZKI: The house sticks out  
21 a little bit. You have got six inches of house  
22 encroachment before that and if you were to add on  
23 five feet or the allowable size of a porch being five  
24 feet that would push the encroachment into a porch

1 encroachment.

2 CHAIRPERSON CALVERT: But if the house  
3 did not stick out --

4 MS. KOCIUBA: Then no ask --

5 CHAIRPERSON CALVERT: Then they have  
6 their five?

7 DIRECTOR VALONE: Yes.

8 CHAIRPERSON CALVERT: In my mind  
9 if the house doesn't stick out five inches, I am  
10 interested in what your thought is, your thoughts are  
11 here, I am more open to that because, again, the house  
12 is existing, right, so to me that speaks to the  
13 particular physical shape of the specific property,  
14 right, which the applicant was not involved in  
15 developing or constructing in any way, right? And  
16 then we are allowing them to have a porch of five-foot  
17 porch inline with, you know, what they would be able  
18 to do as of right. I think that's a little more  
19 palatable to me.

20 COMMISSIONER FUS: I agree.

21 COMMISSIONER FRY: I agree, too.

22 DIRECTOR VALONE: We are going to pull up  
23 a little closer, Kelsey is pulling the plans up really  
24 quick to kind of more clearly illustrate kind of the

1 very -- this existing encroachment on the porch just  
2 so we are all clear.

3           Again, I apologize, our laser pointer  
4 doesn't work, we will have to go old school here.

5           Kelsey, zoom in more, please.

6           This existing section here is our  
7 problem. It is the existing portion that is -- that  
8 the architect is indicating why they need to push the  
9 porch out to have a standard five-foot porch here. So  
10 over here would still have a deeper porch, these areas  
11 would be the full six, this is the only area here,  
12 which is adjacent to here, which connects the area  
13 where you would enter the home over to the other  
14 portion of the porch. This would be the area.

15           CHAIRPERSON CALVERT: Understood.

16           Does it make sense?

17           COMMISSIONER FUS: Yes.

18           COMMISSIONER VESPA: Yes.

19           CHAIRPERSON CALVERT: Okay.

20           So, I am going to try my best to  
21 formulate a motion here.

22           Actually, you know before we do that, a  
23 little bit of housekeeping.

24           Village Attorney?

1 ATTORNEY SKRODZKI: Yes.

2 CHAIRPERSON CALVERT: Was this matter  
3 properly noticed and publicized?

4 ATTORNEY SKRODZKI: Yes. Confirming  
5 that, yes.

6 CHAIRPERSON CALVERT: Thank you very much  
7 for that.

8 I think Staff has said that there are --  
9 have we received letters of support?

10 DIRECTOR VALONE: We have. They are on  
11 the dais, a two-sided page.

12 Tom, would you like to talk through which  
13 neighbor is which?

14 MR. MCGREGOR: Sure.

15 The Tuckers, Jeff and Lorie, are our  
16 neighbors, next-door neighbors to the south of us,  
17 yes. And then the Schroeders are next-door neighbors  
18 to the north of us. They just both agreed to write  
19 letters that they man support it and don't have any  
20 objection to what we are planning on doing.

21 CHAIRPERSON CALVERT: Great. Thank you  
22 very much.

23 I think I am going to move for a motion,  
24 and the motion will be to approve the request for

1 variation relating to a front yard setback, interior  
2 yard setback, and front porch encroachment of the  
3 property located at 5234 Central. Provided, however,  
4 that the front porch encroachment will be six inches  
5 as opposed to one foot.

6 MS. KOCIUBA: Good job.

7 CHAIRPERSON CALVERT: Thank you.

8 Can I have a motion, please?

9 COMMISSIONER GRESKA: I will make the  
10 motion.

11 CHAIRPERSON CALVERT: Is there a second?

12 COMMISSIONER VESPA: There is a second.

13 CHAIRPERSON CALVERT: Will you take a  
14 rollcall?

15 DIRECTOR VALONE: Absolutely.

16 Member Fry?

17 COMMISSIONER FRY: Approved.

18 DIRECTOR VALONE: Member Fus?

19 COMMISSIONER FUS: Approved.

20 DIRECTOR VALONE: Member Greska?

21 COMMISSIONER GRESKA: Approved.

22 DIRECTOR VALONE: Member Johnson is  
23 absent.

24 Member Vespa.

1 COMMISSIONER VESPA: Approved.

2 DIRECTOR VALONE: And Chairman Calvert?

3 CHAIRPERSON CALVERT: Approved.

4 We do have approval.

5 CHAIRPERSON CALVERT: Congratulations,  
6 thank you.

7 DIRECTOR VALONE: We need a motion to  
8 modify the draft ordinance in your packet tonight  
9 updated related to the porch.

10 CHAIRPERSON CALVERT: Can I please have a  
11 motion to modify the draft ordinance provided in our  
12 packet with respect to the porch?

13 COMMISSIONER VESPA: I will make a  
14 motion.

15 CHAIRPERSON CALVERT: Second?

16 COMMISSIONER FRY: Second.

17 CHAIRPERSON CALVERT: All in favor?

18 (Chorus of ayes.)

19 CHAIRPERSON CALVERT: None opposed, the  
20 motion carries.

21 Can I please have a motion to close the  
22 hearing with respect to 5234 Central Street?

23 COMMISSIONER GRESKA: I make that motion.

24 CHAIRPERSON CALVERT: Second?

1 COMMISSIONER VESPA: Second.

2 CHAIRPERSON CALVERT: All in favor?

3 (Chorus of ayes.)

4 None opposed, thank you.

5 The next matter to be considered is the  
6 variation request regarding 4081 Western Avenue,  
7 that's consideration of an ordinance approving a  
8 variation from the building control ordinance relating  
9 to interior yard setbacks in the R2 residential zoning  
10 classification.

11 Can I please have a motion to open the  
12 hearing with respect to 4081 Western Avenue?

13 COMMISSIONER GRESKA: I make that motion.

14 CHAIRPERSON CALVERT: Is there a second?

15 COMMISSIONER FUS: Second.

16 CHAIRPERSON CALVERT: All in favor?

17 (Chorus of ayes.)

18 CHAIRPERSON CALVERT: None opposed, all  
19 right.

20 Staff, can you --

21 Excuse me, you are right.

22 Let me queue it up.

23 One of our board members, Member Vespa,  
24 is going to abstain from participating in the

1 consideration of this matter.

2 Village Attorney?

3 ATTORNEY SKRODZKI: Mr. Vespa, can you  
4 please state your reasoning for abstaining from the  
5 matter?

6 COMMISSIONER VESPA: I have a personal  
7 relationship with the applicants.

8 ATTORNEY SKRODZKI: Member Vespa will be  
9 excused from the discussion consideration and voting  
10 on this matter and then he will re-join the board once  
11 the matter is concluded.

12 CHAIRPERSON CALVERT: Village Staff, can  
13 you please provide us with your presentation?

14 SR. PLANNER FAWELL: As you stated, this  
15 is a request for the property at 4081 Western Avenue.  
16 Here is an aerial of this house.

17 It kind of starts off similar to our last  
18 case, this is a single-family ranch home that was  
19 built in the 1950s, it was built by the applicant's  
20 grandparents. It was damaged by a fire within the  
21 past two years that rendered the interior of the home  
22 uninhabitable. It is in the R2 single-family district  
23 and this property does have required a maximum  
24 ten-foot -- well, the minimum side yard requirement of

1 five feet and then a remainder of ten feet.

2 The existing home encroaches within both  
3 of the north and south interior side yards. So the  
4 north side yard is only 4.45 feet and the required is  
5 five. And then the south side yard is 8.4 feet where  
6 the required is 10.

7 So the applicant is looking to construct  
8 a two-story -- just a one-and-a-half story addition on  
9 the home inline with the existing home.

10 They are also proposing a front porch, it  
11 is estimated right there. So the home and the  
12 proposed front porch, the project is compliant with  
13 all other zoning requirements aside from those two  
14 interior side yard setbacks.

15 So, again, the applicant is just building  
16 up, this is kind of a better image of that proposed  
17 home with that front porch proposed. So the front  
18 porch kind of is a little bit confusing, I want to go  
19 over it in a little bit of detail.

20 This top line right here, I want to say  
21 -- so the top line right there, that is going to be  
22 where the proposed -- where the required front porch  
23 -- I am so sorry, where that block average front yard  
24 setback is. Where the lower dash line, that is going

1 to be where they're required district 30-foot front  
2 yard setback is. So they are clearly in -- they are  
3 well in compliance with the front yard setback, so  
4 much that when they proposed the front porch that  
5 projects five feet there is still approximately about  
6 35 feet back from the front lot line so they still  
7 have an excess of five feet before they kick into the  
8 required 30-foot front yard.

9           And we do not -- we have not received --  
10 I guess the applicant has public comment they will  
11 pass around.

12           We did not receive any in advance of  
13 posting the packet or in advance of the meeting today.

14           So, again, so here we are requesting two  
15 variations each to encroach within the required side  
16 yard and the front porch is part of the project but  
17 does not require any relief.

18           Again, the property the proposed addition  
19 is going to be in compliance with height and all other  
20 code requirements, so I am happy to answer any  
21 questions if you guys have any for me.

22           CHAIRPERSON CALVERT: Thank you very  
23 much.

24           Give me one second here, please.

1 SR. PLANNER FAWELL: No problem.

2 CHAIRPERSON CALVERT: Just for the  
3 record, we have received two letters of support  
4 regarding this matter. The first is from Brian and  
5 Mary Sacadat, 4080 Western Avenue. The second is from  
6 Arunus Jurkus, 4077 Western Avenue.

7 MS. REPORTER: Can I get the spellings of  
8 the names?

9 CHAIRPERSON CALVERT: Sure. The first  
10 was Brian and Mary Sacadat, S-A-C-A-D-A-T, 4080  
11 Western Avenue. And Arunus, A-R-U-N-A-S, J-u-r-k-u-s,  
12 J-U-R-K-U-S, 4077 Western Avenue. Both in support.

13 MR. KING: There is a third one.

14 MS. REPORTER: Can I get your name,  
15 please?

16 MR. KING: Randall king.

17 CHAIRPERSON CALVERT: That's correct.  
18 There is a third from Creighton,  
19 C-R-E-I-G-H-T-O-N, Warren, W-A-R-R-E-N, 4085 Western  
20 Avenue in support.

21 DIRECTOR VALONE: Chairman Calvert, there  
22 is only one copy of that one you just read, you may  
23 need to pass it to your neighbors.

24 CHAIRPERSON CALVERT: Staff, thank you

1 for your -- thank you for your presentation.

2 Hello, Applicants.

3 Please come forward, state your name,  
4 spell your name, please.

5 MR. KING: My name is Randall King,  
6 R-A-N-D-A-L-L K-I-N-G. I am the architect from  
7 Architects By Design.

8 CHAIRPERSON CALVERT: Sure.

9 MS. HUGHES: Cathleen Hughes,  
10 C-A-T-H-L-E-E-N H-U-G-H-E-S.

11 MR. WILFENGER: Richard Wilfenger,  
12 Richard Wilfenger, W-I-L-F-E-N-G-E-R.

13 MR. KING: Well, first things first, the  
14 letters that you have are from the neighbors on each  
15 side and one across the street.

16 CHAIRPERSON CALVERT: Okay.

17 MR. KING: I think most of what needed to  
18 be said has been said already, but essentially this  
19 house in its current state has been gutted on the  
20 inside, the insurance company wanted to get that done,  
21 so that has been taken care of on the inside already.

22 It's a 1200-square foot house, it was --  
23 I think it was built for your grandparents, not by  
24 your grandparents.

1 MS. HUGHES: The original builder, I  
2 believe.

3 MR. KING: As you can see the three  
4 dashing young men in the second row getting a civics  
5 lesson tonight, are growing. This was a 1200-square  
6 foot house and they were bursting at the seams at the  
7 time. And so the goal of this is to create a house  
8 that not only helps them manage the next years but  
9 also fit the neighborhood. So it was vastly  
10 undersized compared to its neighbors.

11 We have got four bedrooms, some bathrooms  
12 on the second floor, we are able to now get some  
13 public space on the first floor besides one room.  
14 That's the goal of the project. We want to match the  
15 materials.

16 The reason we are asking for these  
17 variations on the side, one is so that we can continue  
18 the materials that exist on the house up on the north  
19 side. The south side is obviously caused by the  
20 driveway.

21 It should be noted that the neighbors on  
22 each side have the same amount of room on the  
23 driveways, we are in conformity with the neighbors  
24 even though we are nonconforming.

1           The front porch which is not a variation  
2 issue we are doing primarily when we do the second  
3 floor additions we like to when we have change  
4 materials, it really helps with the scale it faces due  
5 west, it is going to be both the solar use as well as  
6 a place to sit out and wait for the kids to come home  
7 from school. It helps us with our elevation. I know  
8 it is not a zoning variation issue, but that is why we  
9 did that.

10           Other than that I think it has been  
11 pretty well represented, you know, if I had to bring  
12 the walls in on each side, you know, yeah, it wouldn't  
13 look the same on the north side, but the south side  
14 would look really wonky to have to put some kind of a  
15 roof for, you know, a foot and a half or 1'8".

16           I don't think anything would hit it,  
17 nothing is hitting it now when you drive by, but the  
18 goal is to put the house back the way it was on the  
19 first floor, more of a common area use, get the  
20 bedrooms upstairs, and make it something that they are  
21 going to be proud of and live in for the rest -- for a  
22 while --

23           MS. HUGHES: A while, a long time.

24           CHAIRPERSON CALVERT: Okay, thank you.

1 MR. KING: Do you want to add anything?

2 MS. HUGHES: No.

3 MR. WILFENGER: No.

4 CHAIRPERSON CALVERT: Do you have any  
5 questions for the applicant at this point?

6 COMMISSIONER FUS: No.

7 COMMISSIONER FRY: You said the interior  
8 has all been redone now?

9 MR. KING: No. It was stripped. Because  
10 of the damage, water and both water damage and smoke  
11 damage, the insurance company wanted that --

12 COMMISSIONER FRY: It is stripped out.

13 MR. KING: Yes.

14 MS. HUGHES: There is nothing on the  
15 interior.

16 COMMISSIONER FRY: Not good.

17 MR. KING: Not good, no.

18 CHAIRPERSON CALVERT: Okay, thank you.  
19 We appreciate it.

20 So housekeeping before we get into our  
21 discussion, Village Attorney, was this hearing  
22 properly noticed?

23 ATTORNEY SKRODZKI: Yes.

24 CHAIRPERSON CALVERT: Thank you.

1           We had letters of support, so we have  
2 gotten that on the record.

3           I will talk about the criteria a bit. I  
4 am not going to read through all of them, we did that  
5 on the last matter.

6           But I would say with respect to the Item  
7 A, the hardship issue, if again, generally we -- this  
8 board has taken the position that residents can build  
9 straight up as long as they are not increasing the  
10 nonconformity, I understand that's what's happening  
11 here, that is great. The porch does not need any  
12 relief, we are not getting involved with that today.

13           The second criteria, the conditions of  
14 the property are unique and not generally applicable  
15 to other property within the zoning classification.

16           One thing that stands out is that this  
17 home obviously was damaged by a fire which, you know,  
18 I understand is -- the impetus behind the application,  
19 so we definitely are sensitive to that.

20           The third criteria not being based  
21 primarily on the desire to increase financial gain, we  
22 take them at their word on that one, I don't think  
23 there is any issue there.

24           The alleged difficulty or hardship as

1 caused by this ordinance has not been created by any  
2 person presently having an interest in the property,  
3 this property was built in 1953. The nonconformity is  
4 what it is and the applicants did not create that.

5 The granting of the variation are not be  
6 detrimental to the public welfare. I certainly don't  
7 see any issue there. I don't think the other members  
8 do.

9 The granting of the variation will not  
10 alter the essential character of the neighborhood. No  
11 issue there either. And the proposed variation will  
12 not impair adequate supply of light, air, et cetera.  
13 I personally don't see an issue there.

14 Okay, so with that I would like to  
15 entertain a motion to approve this matter regarding  
16 the property at 4081 Western Avenue specifically  
17 relating to the interior yard setbacks and the R2  
18 residential zoning classification.

19 COMMISSIONER GRESKA: I will make that  
20 motion.

21 CHAIRPERSON CALVERT: Is there a second?

22 COMMISSIONER FRY: Second.

23 CHAIRPERSON CALVERT: Please take  
24 rollcall.

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DIRECTOR VALONE: Member Fry?

COMMISSIONER FRY: Approved.

DIRECTOR VALONE: Member Fus?

COMMISSIONER FUS: Approved.

DIRECTOR VALONE: Member Greska?

COMMISSIONER GRESKA: Approved.

DIRECTOR VALONE: Member Vespa?

COMMISSIONER VESPA: Abstain.

DIRECTOR VALONE: I apologize.

And Chairman Calvert?

CHAIRPERSON CALVERT: Approved.

The motion passes. Congratulations.

CHAIRPERSON CALVERT: Can I please have a motion to close the public hearing with respect to 4081 Western Avenue?

COMMISSIONER GRESKA: I will make that motion.

CHAIRPERSON CALVERT: And I second.

COMMISSIONER FRY: Second.

CHAIRPERSON CALVERT: All in favor?

(Chorus of ayes.)

CHAIRPERSON CALVERT: None opposed, that motion carries.

Member Vespa, welcome back.

1 COMMISSIONER VESPA: Thank you.

2 CHAIRPERSON CALVERT: The next item is  
3 other business.

4 And, Staff, is there any other business?

5 DIRECTOR VALONE: We have no other  
6 business tonight. And at this point we have no  
7 meeting or application on the calendar for October.

8 If we do have a couple of applications  
9 that have not been formally submitted yet that may be  
10 submitted and we may reach out related to a November  
11 or December date, but we will follow-up with you after  
12 this meeting related to that.

13 CHAIRPERSON CALVERT: Can I have a motion  
14 to close today's hearing, please?

15 COMMISSIONER GRESKA: I will make that  
16 motion.

17 CHAIRPERSON CALVERT: Second?

18 COMMISSIONER VESPA: Second.

19 All in favor?

20 (Chorus of ayes.)

21 CHAIRPERSON CALVERT: Motion carries, we  
22 are done.

23 (WHICH WERE ALL OF THE PROCEEDINGS HAD OR  
24 TAKEN PLACE IN THE ABOVE-ENTITLED MATTER.)

1 STATE OF ILLINOIS )  
 ) SS.  
2 COUNTY OF DUPAGE )  
3

4 I, STEPHANIE A. BATTAGLIA, do hereby certify  
5 that I reported in shorthand the proceedings had at  
6 the meeting aforesaid, and that the foregoing is a  
7 true, complete, and accurate transcript of the  
8 proceedings at said meeting as appears from my  
9 stenographic notes so taken and transcribed under my  
10 personal direction, this 8th day of October, 2024.

11  
12  
13   
14 \_\_\_\_\_  
15 Certified Shorthand Reporter

16  
17  
18 CSR No. 084-003337 - Expires May 31, 2025  
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<p>technically 24:10 ten 8:5 9:20 19:18 22:17 44:1 ten-by-ten 26:13 ten-foot 8:15 43:24 tend 29:24 33:18 thank 2:23 5:3,10 6:23 10:14 12:3 13:20 18:8,10 19:7 21:24 26:20 31:6 39:6,21 40:7 41:6 42:4 45:22 46:24 47:1 49:24 50:18,24 54:1 thing 6:16 14:7 15:5 22:20 25:6 33:8 34:17 51:16 things 12:10 26:22 33:20 47:13 think 4:6,11 6:20 8:19 12:10 13:3,11 14:6 28:14 30:1,7,17 31:15 32:12,21 32:23 33:1,17 33:19,20,24 34:5,11,12 37:18 39:8,23 47:17,23 49:10 49:16 51:22 52:7 third 21:6 46:13,18</p>	<p>51:20 thought 37:10 thoughts 13:23 37:10 three 4:20,23 5:7 23:12,14 25:17 26:14 34:11 48:3 tight 25:11 33:7,9 time 3:10 8:13 9:22 9:24 10:5 17:6 26:7 36:1 48:7 49:23 today 2:5 3:1 4:21 5:4 6:4 45:13 51:12 today's 54:14 Tom 1:19 19:9 39:12 tonight 8:7 9:15,16,23 10:3 21:18,20 41:8 48:5 54:6 tonight's 6:7 top 8:23 44:20,21 topographical 14:24 32:16 touching 24:6 transcribed 55:9 transcript 3:11,13 4:2,14 9:21 55:7 treated 14:16 tried</p>	<p>23:15 true 4:15 55:7 try 33:19 38:20 trying 13:11 33:7 tub 11:23 Tuckers 39:15 turn 13:6 turned 11:14 two 21:18 24:22 32:21 34:7,15 43:21 44:13 45:14 46:3 two-sided 21:19 39:11 two-story 44:8 two-year 23:13 types 25:17</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p>undersized 48:10 understand 29:3 30:21 33:5 35:16 51:10,18 understanding 33:21 36:1 Understood 38:15 unfortunately 33:16 uniformity 31:3 uninhabitable 43:22 unique</p>	<p>30:13 51:14 unusable 12:17 13:4 update 16:15,22 17:9 17:12 updated 6:10 10:1,17,18 41:9 updates 6:5 upstairs 49:20 use 24:11 25:16 26:18 35:1 49:5,19</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p>Valone 1:15 2:7,9,12,14 2:16,19,21 6:6 6:22,24 10:16 16:3,5,8,10,12 16:14,19,21 17:8 21:16 35:20 36:19 37:7,22 39:10 40:15,18,20,22 41:2,7 46:21 53:1,3,5,7,9 54:5 values 32:11 variance 35:12 36:10 variances 34:15 variation 3:6,8 5:14 7:17 9:12,15 10:7 14:10 15:18,21 18:12,14 21:6 21:7,13 30:6 30:12,14 31:7 31:19 32:2,5</p>	<p>34:6,7 36:3 40:1 42:6,8 49:1,8 52:5,9 52:11 variations 7:15 10:2 15:6 45:15 48:17 vastly 48:9 venture 32:3 versus 19:23 vertically 24:3 Vespa 1:13 2:18 3:20 4:4,8 14:1,4 16:12,13 17:15 18:21 31:2,6 31:24 38:18 40:12,24 41:1 41:13 42:1,23 43:3,6,8 53:7,8 53:24 54:1,18 view 32:23 village 1:1,6,15 2:5 25:10 32:24 34:20 35:4 38:24 43:2,12 50:21 voice 12:9 vote 4:16 14:6 16:17 17:14 voting 43:9 VZA 3:1</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p>W-A-R-R-E-N 46:19</p>
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The outdoor grill area (Figure 2) was installed without a permit in 2022. In late April 2022, Village staff became aware of the structure and the Applicants then received a violation notice. This has been an ongoing code enforcement issue since. In the Applicant's cover letter (Attachment 1), the Applicant states the grill was installed in spring of 2021.

Figure 2 depicts the grill area. The structure is composed of a roofed structure with three walls. The interior of the structure contains cabinets, refrigerator, and television. The grill area is approximately 12 ft. long by x two and a half feet wide. It should be noted that is additional fencing attached to the structure (flanking either side) that runs the length of the entire outdoor patio, approximately 22 ft. in length. The fencing of the grill area is the same height as the privacy fence abutting the structure. The Village's Building Official visited the property in May of 2022, and noted the height of the overall structure was just above eight feet. The Applicant also states in the Application that the walls of the grill area are of Trex decking material.

As stated above the structure was completed without benefit of a permit. The structure also has gas and electrical lines that have not been inspected. At this time the structure does not meet the DCO; however, it is unknown if the structure meets the standards in the Village's Building Codes.



Figure 2: The outdoor grill area and fencing can be seen abutting the patio area and privacy fence.

### **Existing Conditions, Zoning, and CLUP**

The Subject Property is designated Single Family Detached Residential per the Village's 2003 Comprehensive Land Use Plan (CLUP).

The Subject Property is a 10,680-sf lot within the Village's R2 - Single Family Residence District. The property has a width of 50 ft, meaning that once required side yards are taken into account, there is a buildable width of 35 feet. It is currently improved with an approximately 1,700 sf two and a half story single-family home. The home is served by a 660 sf detached garage in the rear of the lot. A deck and paver patio are located behind the home in the back yard.

### **Request**

The Applicant is requesting approval to allow an existing outdoor grill structure to remain. This will result in a zero foot side yard measured from the north property line.

### **Development Control Ordinance (DCO)**

The accompanying code section/reference is intended to better describe and define the zoning relief being requested by the petitioners:

- *10-4-4(A)(5) Accessory Buildings in Required Yards: No accessory buildings or structures, except as otherwise provided in table 4-1 or elsewhere in this ordinance, shall be located in the required front, corner side or interior side yards. No accessory buildings on a corner lot shall project beyond the required front yard or corner side yard line of either street. In the case of reversed corner lots, no accessory building or structure located in the required rear yard shall project beyond the required front yard setback of the adjoining property. Accessory buildings shall not be closer than five feet (5') to an interior side or rear lot line.*
- *10-6-3(E)(3) Interior Side Yard: For all lots, including corner lots, and reversed corner lots platted prior to October 1, 1999, the interior side yard shall be ten feet (10') or ten percent (10%) of the lot width, whichever is less. For interior lots only, the other yard shall be not less than ten feet (10') in width.*

### **Criteria for Variations**

DCO Section 10-3-11(C) 4, "Criteria for Variations", sets forth the following criteria:

- a. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

Section 10-6-3 of the DCO regulates properties zoned R2 – Single Family Residence District, and states that the minimum lot area and lot width for these properties is 6,200 sf and 50 ft., respectively. As stated above, the Subject Property meets the minimum width requirement with a width of 50 ft., and well exceeds the minimum lot area requirement with a lot area of approximately 10,680 sf.

- b. *The conditions upon which an application for a variation are based are unique to the property for which the variation is sought, and are not applicable, generally, to other property within the same zoning classification.*

As stated previously, the outdoor grill area was installed without first receiving proper building permit(s). Also mentioned above is that the Subject Property is not unique or undersized in relation to its lot area and lot width. The DCO's requirements for interior side yards are related to a property's width. As the width meets the minimum required, this property has typical side yards required of other R2 zoned single-family properties.

- c. *The purpose of the variation is not based primarily upon a desire to increase financial gain.*

The Applicants state in their application package that the purpose of the variations is not based upon a desire to increase financial gain.

- d. *The alleged difficulty or hardship is caused by this Ordinance and has not been created by any person presently having an interest in the property.*

The hardship was created by the construction of the grill without having obtained proper building permits. The grill was constructed in a location not in compliance with the DCO, and as such, the homeowners are looking for two variations. Based on a review of the submitted plat there are other compliant areas for the grill structure on the Subject Property.

- e. *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 is located.*

The grill area was constructed directly abutting the west property line, approximately two feet higher than the privacy fence that separates the Subject Property from the neighboring property. The height of the structure does comply with the maximum required of accessory structures by the DCO. Since this structure was erected without obtainment of a building permit, the structure has not been inspected to ensure applicable codes are met, especially related to the gas line. The Village's Engineering Department has visited the Subject Property in response to a complaint from the neighbor regarding drainage concerns. It was found that the structure is blocking a designated drainage swall. Regardless of the outcome of the variation request

engineering plans showing the re-establishment of the swale or alternative solution has been implemented.

*f. The granting of the variation will not alter the essential character of the neighborhood.*

The surrounding block is primarily a mix of one- and two-story single-family homes. The home's use as a single-family home will continue to remain the same as that of the neighboring properties. While the location of the grill is not in compliance with the DCO, outdoor grill areas are not an uncommon feature to single-family homes within the Village.

The DCO regulates all potential accessory structures and building in Section 10-4-4. Generally, structures such as patios, walkways, and terraces (at-grade) have less required setbacks. Structures such as decks, sheds, porches and detached garages are not permitted in the required side yards. The request for the grill structure is a significant departure from the DCO and typical residential regulations. For example, patios are allowed to be located a minimum of three to five feet from property lines and are allowed to encroach within a property's required side yards, whereas sheds are not permitted to encroach and must be located within the lot's buildable area. Similarly, the DCO also requires uses/structures that may be impactful to neighboring properties, such as outdoor residential recreational facilities (sports court, swimming pools, etc.), to have larger setbacks. These facilities are required to have a 10-ft setback and provide screening.

*g. The proposed variation will not impair an adequate supply of light or air to adjacent property or substantially increase the congestion of the public street, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

As indicated above, the location in relation to the property line is not consistent with the DCO. Although the height of the structure complies with the maximum height, a structure of this height so close to the property line is not consistent and has impacts. Pergolas for example are not permitted within a required interior side yard. This prevents structures taller than a typical residential fence of six feet from generating externalities on the neighboring property. The structure also contains a grill which can have additional externalities such as smoke or smells. As such the DCO requires that a structure like this would not be allowed to encroach within a property's interior side yard(s). As mentioned previously, since the structure was installed without a permit, it did not receive all necessary inspections as part of the building permitting process. If approved, the structure will go through those necessary reviews and inspections. As mentioned in criterion e above, the Applicants may be required to submit engineering plans as part of the building permit process. Aside from the requested relief, the project will comply with all bulk and lot requirements.

## **Public Comments**

One public comment was submitted anonymously in opposition to the application (Attachment 3).

## **Staff Analysis and Recommendation**

The decisions leading to each variation request are subjective and based on findings of fact and the opinions of the BZA. The DCO stipulates that, "Variations shall be granted only in the specific instances, hereinafter set forth, where the Board of Zoning Appeals makes findings of fact in accordance with the standards set forth in this Ordinance, and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance."

The BZA has a number of options in recommending approval or denial of the requested variation:

1. Approval as presented for substantial conformity with the criteria listed in Section 10-3-11(C)(4) of the DCO for approving variations.
2. If the BZA finds that the proposed variation fails to meet the variation criteria in Section 10-3-11(C)(4) of the DCO, but a lesser variation would meet the variation criteria, then the BZA may determine that the Applicants accept a lesser variation.
3. Denial of the plans as presented for failure to be in substantial conformity with Section 10-3-11(C)(4) of the DCO's standards for approving variations.

Staff does not find the Applicants have adequately identified that there are practical difficulties or physical hardships that result when adding an outdoor grill area to the rear of the home. If the DCO setbacks were strictly enforced, it appears the Applicants have the ability to construct an outdoor grill area within the building area of the lot, and not within the property's required side yards. The grill was installed without a building permit; the Applicants response standards maintain the fact that the structure is existing is a hardship. Further, the grill area is proposed with a zero foot setback to the west property line which is not typical for accessory structures. Staff recommends denial of the request for the two variations.

Attachment 2 contains a draft ordinance prepared by Village staff and the Village Attorney to assist in the decision-making process, provide findings of fact, and conditions to memorialize the final action of the BZA.

## Attachments

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1. Applicant submittal package
2. Draft - An Ordinance Approving / Denying a Petition Requesting Variations from the Side Yard Setback of Title 10 (Development Control Ordinance), Chapter 4 (Development Standards of General Applicability), Section 10-4-4 (Accessory Uses and Structures), And Title 10 (Development Control Ordinance), Chapter 6 (Residential District Regulations), Section 10-6-3 (R2 – Single-Family Residence District) to Allow for an Outdoor Grill Area at the 4616 Harvey Avenue Residence
3. Public comment

GENERAL INFORMATION APPLICATION

For Land Use and Development in the Village

Applicant(s)

Name DAN CUNNINGHAM

Address 4616 HARVEY AVE WESTERN SPRINGS, IL 60558

Telephone ( ) -

Telephone (708) 288-3599

Fax ( ) -

E-mail daniel+cunningham8@gmail.com

Property Owner(s)

Name DAN CUNNINGHAM

Address 4616 HARVEY AVE WESTERN SPRINGS, IL 60558

Telephone ( ) -

Telephone (708) 288-3599

Fax ( ) -

E-mail daniel+cunningham8@gmail.com

Agent/Attorney

Name N/A

Address

Telephone ( ) -

Telephone ( ) -

Fax ( ) -

Engineer

Name

Address

Telephone ( ) -

Telephone ( ) -

Fax ( ) -

If the property is in a trust, provide name, address and number of trust. Also provide name, address and percentage ownership of trust beneficiaries.

\_\_\_\_\_

I hereby make application for the following (check as appropriate).

- Annexation \_\_\_\_\_
- Subdivision \_\_\_\_\_
- Planned Development \_\_\_\_\_
- Variation(s)  \_\_\_\_\_
- Other (Temporary Use, etc.) \_\_\_\_\_

- Map Amendment \_\_\_\_\_
- Resubdivision \_\_\_\_\_
- Conditional Use \_\_\_\_\_
- Outdoor dining \_\_\_\_\_
- Appeal \_\_\_\_\_

Briefly describe your request (or attach a cover letter/narrative):


\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GENERAL INFORMATION APPLICATION (continued)

1. Common address or location of subject property: 4616 HARVEY AVE

2. Legal Description (Attach additional sheet if necessary):  
\_\_\_\_\_  
\_\_\_\_\_

3. Permanent Index Number: \_\_\_\_\_

4. Parcel Size (sq. ft. or acres): 50 x 214 = 

5. Applicant is (check one):  
 Property Owner  Attorney  Contract Purchaser \*  Agent  Other (specify)

\* Provide one copy of the executed sales contract or written permission from the current owner to petition the Village

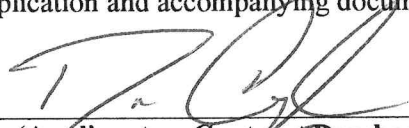
6. What are the current land uses and zoning on and around the site?

	<u>Current Zoning</u>	<u>Land Uses</u>
On Site	_____	_____
North of Site	_____	_____
South of Site	_____	_____
East of Site	_____	_____
West of Site	_____	_____

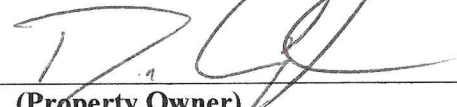
7. Describe any existing structures and the site  
WE HAVE AN OUTDOOR grill that was built almost  
4 years ago during COVID.

I hereby certify that all information contained in this application and accompanying documentation is true and correct to the best of my knowledge.

Date 12/6/24

Signature   
**(Applicant or Contract Purchaser)**

Date 12/6/24

Signature   
**(Property Owner)**

1/10/2025

Hello, we are Dan & Kristina Cunningham, and we have been fortunate enough to live in what we believe is the best town for us and our kids anywhere in the country in Western Springs for the last 4 years. We are high school sweethearts that grew up in Orland Park but always knew we wanted to raise our kids in this area. We moved here after living in the city for 17 years with two young daughters who were 4 and 1 in 2020 and now Claire 8 and Kate 5.5 if you ask her.

We went under contract in February of 2020 just as COVID started to take off and built our house using Brownstone Homes which used a plan that had been approved prior using the existing foundation and considered to be defined as an improvement. The home had already started construction and was supposed to be complete by June or July of 2020. We closed in December of 2020 after we ran into every hiccup imaginable.

- Permits, Approvals and Inspections behind
- Windows / Materials / Workers stalled for months
- Materials showed up incorrectly and over budget
- We ran out of siding and had to paint by hand on-site
- Dan had to help put the wood floors in due to labor issues for weeks
- Updated drawings needed for the garage to appease our neighbors who didn't enjoy a window facing them (Even though the plan was approved we went ahead and had it changed to be good neighbors and new the community)

Our temporary place to live ran out and we were forced to move into a two-bedroom small home with family both working from home with two small children for over 6 months while trying to complete the construction of our home. I share this information to provide background as to how we got to the position we are in having built a house during the pandemic with so many issues.

We did not receive our certificate of occupancy until 18+ months after closing due to delays in the village with turnover in staffing and so much of our house still to be completed and awaiting inspection.

We are submitting a variance for a grill that was put in during the original construction of the home as we were unaware of any additional set back or permits required.

- **Variance** – To allow our grill which was completed in Spring of 2021 still under the original construction of the home and has been sitting unpainted since the village request to stay

To date we spent well over \$20k to ensure all license bonded and ensured approved Western Springs Contractors were used. It is four planks of trex decking material that float over a trench that we created to ensure proper water drainage. We invited the neighbors to join as constructed to ensure we did not have any issues, and they approved and thought it enhanced the aesthetics of

both properties. We also invited the village on site in our yard to review and were given additional ideas to enhance the cosmetics and told it looked very nice.

- Our ask is that we be granted a one-time variance based on our willingness to work and listen to the Village since we found out this needed to be approved. We have stopped work and been working with the village for multiple years and happy that we now have strong points of contact to work with in Heather and Kelsey.

Again, we want to reiterate that during our construction this grill was discussed from the beginning as something that needed to be finished in the spring due to weather and other financial hardships faced by our builder.

For context, our builder ran out of money building our house and we had to come out of pocket over \$250,000 to finish the build as the budget changed dramatically with the cost of materials rising and the length of the construction loan. We chose to step in and help the builder move forward and one of the items was this grill that is in question to be completed without any additional permits.

I am writing to let you know that we did not try to alleviate the proper protocol our process and we were not aware of the ordinance until after the completion of the grill in the Spring of 2021.

We know and understand that we are at the mercy of the village and community and we appreciate you taking the time to consider our application. Thank you very much

Sincerely,

Dan & Kristina Cunningham

4616 Harvey Ave.

Western Springs, IL 60558

**Present Owners:** Dan and Kris Cunningham (hereinafter “the Petitioners”  
Address: 4616 Harvey Ave. Western Springs, Illinois, 60558  
Phone Number: 708.288.3599

**Street Address of Property:** 4616 Harvey Ave (hereinafter “the Property”)

**Legal Description of Property:** See Appendix A – Plat of Survey

**Narrative Description of Proposal:** The Petitioners request a variance for the grill that has been on-site for 3 years and part of the original construction of the home in 2020.

Despite the nonconformity the Petitioners point out that it has been up for 3 plus years and has no negative impact to the neighbors or community. It’s a grill that is within the property and didn’t know additional permits were required when the structure was built in 2020. It’s simply a fence with a grill on the proposed property line at 4616 Harvey Ave. The neighbors have been asked if it poses any issues and they support the simple structure as part of the original home build.

**Specific reasons and/or circumstances for the variant submission:**

- a. **Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.**

Due to the fact that this grill was built in 2020 during the original construction of the house it cannot be moved and its four simple posts in the ground that create the fence with a grill that once again doesn’t impose any issues with the neighboring properties. The homeowners had been unaware of additional permits required during the building that happened during COVID when everything was signed off without coming on-site for a lot of the building.

- b. **The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property within the same zoning classification.**

The fact the grill has been on-site for almost 4 years without any issues and the homeowners have left it at the village’s request and it would require a completely new fence to be installed if removed. All license bonded and insured and approved contactors were used in the construction of the grill.

- c. **The purpose of the variation is not based primarily upon a desire to increase financial gain.**

This grill doesn't pose any financial gain, nor does it impose a negative impact on any neighboring home/lot.

- d. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.**

The grill was factored into the original build and construction of the home but finished after closing like so many other areas of the home due to COVID-19 and the impact of materials and permits. The homeowners were unaware the permits were not met during the construction phase.

- e. 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 is located.**

The grill provides an aesthetic appeal for all neighbors who can see the structure and it also provides additional privacy.

- f. The granting of the variation will not alter the essential character of the neighborhood.**

The style and color of the grill/fence blends into the neighborhood and looks aesthetically pleasing to all property owners.

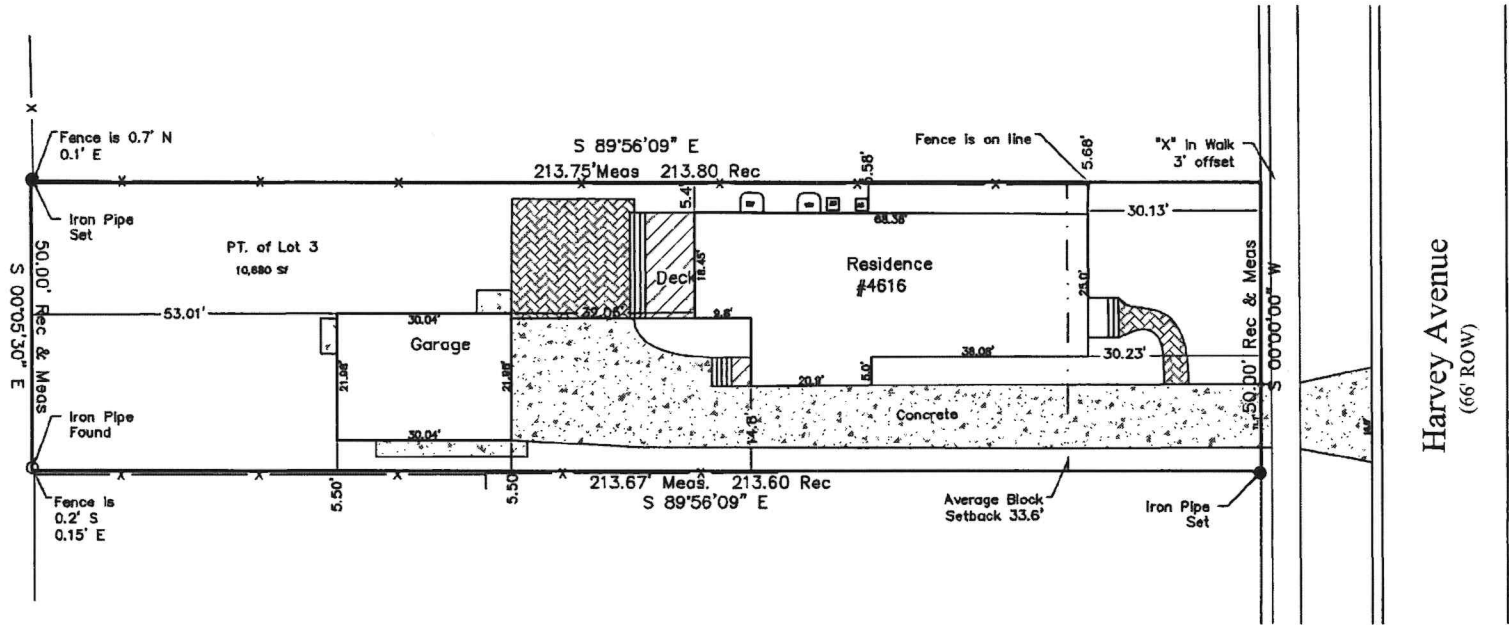
- g. The proposed variation will not impair an adequate supply of light or air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.**

The structure doesn't impose any hardship to any neighboring homes or lots, and everything was constructed by licensed bonded, insured and approved contractors used by the village of Western Springs.

PIN 18-05-321-014

# Plat of Survey

The North 50 feet of Lot 3 in Block 4 in Ridge Acres, being a subdivision of all that part of the West Half of Section 5, Township 38 North, Range 12, East of the Third Principal Meridian, lying south of the Right of Way of the Chicago Burlington and Quincy Railroad (Except blocks 50, 51, 52 and 53, in the subdivision of the west Half of said Section), in Cook County, Illinois.



**Legend**  
 P.U.E. = Public Utility Easement  
 D.E. = Drainage Easement

**Basis of Bearing:**  
 The west line of Harvey Avenue  
 was assumed as due North



STATE OF ILLINOIS )  
 COUNTY OF DUPAGE)

I, Raymond G. Ulrich, Illinois Registered Land Surveyor No. 2674 do hereby certify that I have surveyed the above described tract of land and that the hereon drawn plat is a true and correct representation thereof.

Dated this 2nd day of November, 2020.

*Raymond G. Ulrich*  
 Raymond G. Ulrich

This professional service conforms to the current Illinois minimum standards for a boundary survey.

Taurus Engineering, L.L.C.

● Iron Pipe Found      ○ Iron Pipe Set  
 All dimensions are in Feet and Decimals thereof.

5N557 Route 59  
 Bartlett, IL 60103  
 630-549-5506  
 tauruseng@sbcglobal.net

Design Firm 184.002441-0002

Prepared For:	Property Address:	Revision:	Date:
Brownstone Homes 4712 Pershing Avenue Downers Grove, IL 60516	4616 Harvey Avenue Western Springs, IL 60558		
	#20-003		

Scale: 1"=70'

# 4616 Harvey Avenue As Built

The North 50 feet of Lot 3 in Block 4 in Ridge Acres, being a subdivision of all that part of the West Half of Section 5, Township 38 North, Range 12, East of the Third Principal Meridian, lying south of the Right of Way of the Chicago Burlington and Quincy Railroad (Except blocks 50, 51, 52 and 53, in the subdivision of the west Half of said Section), in Cook County, Illinois.

**SOURCE BENCH MARK**  
Sanitary Manhole in center of Road approximately 130' north of the north property line of the subject property.  
Dev = 668.00'

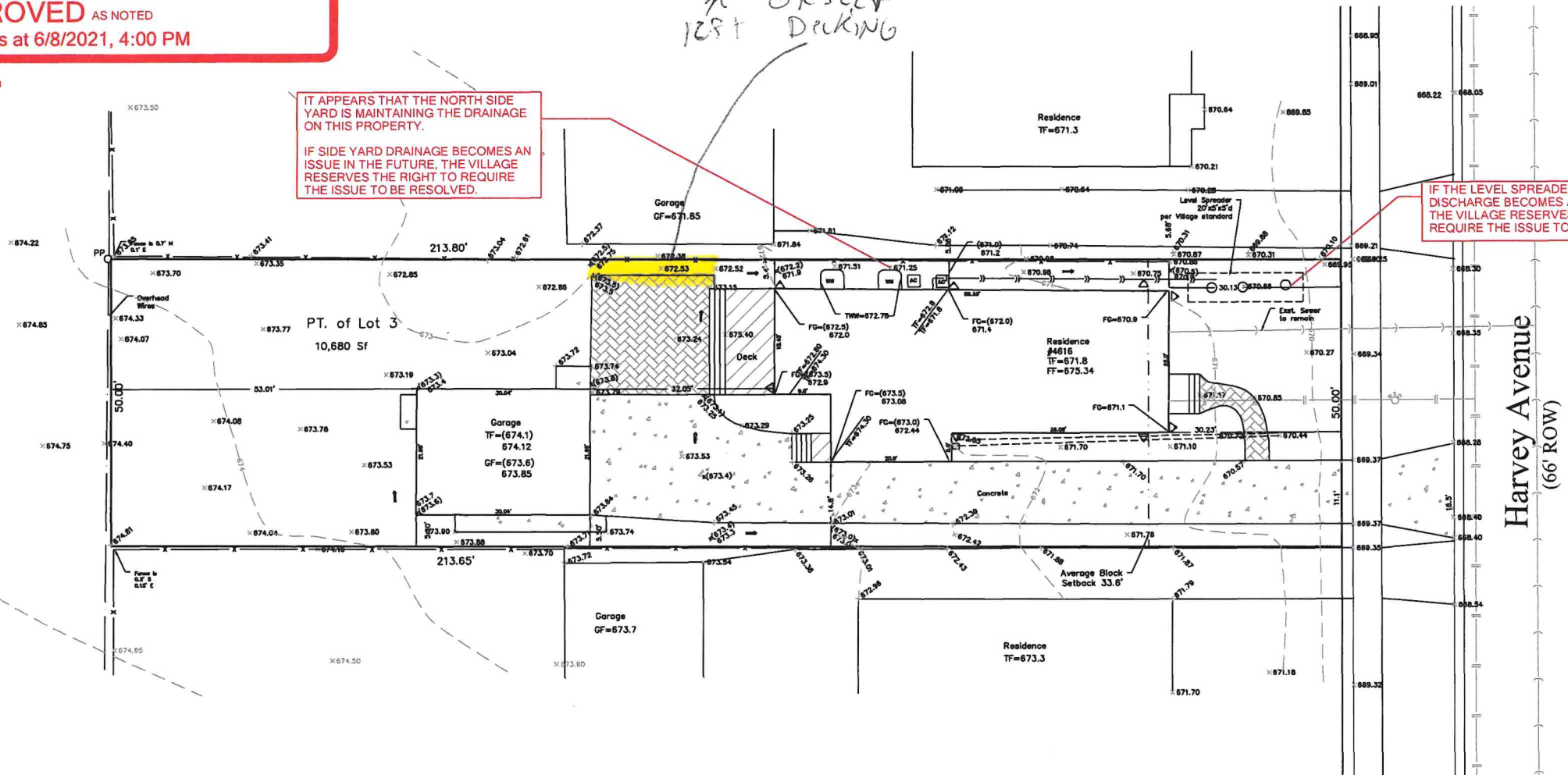
**APPROVED AS NOTED**  
By Ghicks at 6/8/2021, 4:00 PM

1334.523

IT APPEARS THAT THE NORTH SIDE YARD IS MAINTAINING THE DRAINAGE ON THIS PROPERTY.  
IF SIDE YARD DRAINAGE BECOMES AN ISSUE IN THE FUTURE, THE VILLAGE RESERVES THE RIGHT TO REQUIRE THE ISSUE TO BE RESOLVED.

IF THE LEVEL SPREADER SUMP PUMP DISCHARGE BECOMES A PUBLIC NUISANCE, THE VILLAGE RESERVES THE RIGHT TO REQUIRE THE ISSUE TO BE RESOLVED.

- Legend**
- TF = Top of Foundation
  - GF = Garage Floor
  - LD = Look Out
  - WD = Walk Out
  - T/C = Top of Curb
  - P.U.E. = Public Utility Easement
  - D.E. = Drainage Easement
  - CL = Center Line
  - x (100.00) = Proposed Elevation
  - x 100.00 = Existing Elevation
  - - - = Final Contour
  - - - = Proposed Contour
  - - - = E-tee
  - ⊙ = Storm Manhole
  - ⊙ = Valve Vault
  - ⊙ = Fire Hydrant
  - ⊙ = Down spout
  - - - = Drainage Flow
  - - - = Watermain
  - - - = Storm Sewer
  - - - = Sanitary Sewer
  - - - = Ext. Tree
  - - - = Remove Tree
  - - - = Proposed Evergreens



**Downspout note**  
Downspouts were not installed at the time of the survey. Locations shown are based on information provided by the builder.

**Lot Coverage**

Total Lot Area:	10,680 sf	As Built	
Proposed	1,760 sf	As Built	1,746 sf
House & Addition	528 sf	As Built	660 sf
Garage	2,070 sf	As Built	1,970 sf
Drive & Walks	0 sf	As Built	431 sf
Patio	160 sf	As Built	242 sf
Deck		As Built	
Total Impervious:	4,518 sf - 42.3%	As Built	5,049 sf - 47.3%

**Building Coverage**

Total Lot Area:	10,680 sf	As Built	
Proposed	1,760 sf	As Built	1,746 sf
House & Addition	528 sf	As Built	660 sf
Garage	2,288 sf	As Built	2,406 sf
Total =		As Built	
		21.4%	22.5%

Taurus Engineering, L.L.C.

5N57 Route 99  
Bartlett, IL 60103  
630-549-5506  
tauruseng@tbcglobal.net  
Design Firm 184 002441-0002

Prepared For:	Property Address:	Original Plan Date:	Scale 1"=10'
Brownstone Homes	4616 Harvey Avenue	Revision:	Date
Downers Grove, IL 60516	Western Springs, IL 60558	Revision:	Date
	#20-001		

**ENGINEER'S CERTIFICATION**  
I hereby certify that the final grading of this lot is in substantial conformance with the approved lot grading plan or any significant deviations therefrom is noted on the plan.  
Dated at Bartlett, Illinois,  
This 2nd day of November, 2020.



Raymond C. Ulrich, I.L. Licensed Professional Engineer No. 062-040213, Expires 11/30/2021



THE CONTENT OF THIS DRAFT ORDINANCE, INCLUDING ALL FACTS, STATEMENTS, CONCLUSIONS AND SUGGESTED APPROVALS, IS PROVIDED FOR YOUR REVIEW, CONSIDERATION AND AMENDMENT. AS A COLLECTIVE BODY, THE BZA SHOULD REACH AGREEMENT ON THE FINAL CONTENT OF THIS DOCUMENT AND THEN TAKE FINAL ACTION.

AN ORDINANCE APPROVING / DENYING A PETITION REQUESTING VARIATIONS FROM THE SIDE YARD SETBACK REQUIREMENT OF TITLE 10 (DEVELOPMENT CONTROL ORDINANCE), CHAPTER 4 (DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY), SECTION 10-4-4 (ACCESSORY USES AND STRUCTURES), AND TITLE 10 (DEVELOPMENT CONTROL ORDINANCE), CHAPTER 6 (RESIDENTIAL DISTRICT REGULATIONS), SECTION 10-6-3 (R2 - SINGLE-FAMILY RESIDENCE DISTRICT) TO ALLOW FOR AN OUTDOOR GRILL AREA AT THE 4616 HARVEY AVENUE PROPERTY.

**BOARD OF ZONING APPEALS**  
**ORDINANCE NO. 2025-01**

**Board Members Present:**

**Board Members Absent:**

**DATE: April 29, 2025.**

**WHEREAS**, Daniel Cunningham and Kristina Cunningham (the “Petitioners” and “Owners”) are the owners of the 4616 Harvey Avenue Property (PIN: 18-05-321-014-0000) (the “Subject Property”), which is located in the Village of Western Springs (the “Village”). The Subject Property is classified under the R2 - Single-Family Residence District, and each of the adjacent properties to the north, south, east and west of the Subject Property are also classified under the R2 - Single-Family Residence District. The Subject Property is legally described as follows:

*THE NORTH 50 FEET OF LOT 3 IN BLOCK 4 IN RIDGE ACRES, BEING A SUBDIVISION OF ALL THAT PART OF THE WEST HALF OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT OF WAY OF THE CHICAGO BURLINGTON AND QUINCY RAILROAD (EXCEPT BLOCKS 50, 51, 52 AND 53, IN THE SUBDIVISION OF THE WEST HALF OF SAID SECTION), IN COOK COUNTY, ILLINOIS.*

; and

**WHEREAS**, on February 19, 2025, the Owners filed with the Village a petition (“Application” or “Petition”) and supporting documents requesting approval of the following two (2) variations (the “Requested Zoning Relief”) relative to the operation of an outdoor grill area at the Subject Property. The two (2) variations pertain to relief from the accessory uses and structures requirements set forth in Subsection 10-4-4(A)(5) (Accessory Buildings in Required Yards), Chapter 4 (Development Standards of General Applicability) Title 10 (Development Control Ordinance) (“DCO”) of the Western Springs Municipal Code (“Village Code”), and Subsection 10-6-3(E)(3), (Minimum Yard Requirements; Interior Side Yard), Chapter 6 (Residential District Regulations), Title 10 (DCO) of the Village Code to reduce the required 5.00 foot minimum (10% of the lot width) north interior side yard to 0.0 feet; and

**WHEREAS**, a copy of the Petition dated February 19, 2025 is incorporated by reference into this Ordinance as **Group Exhibit “A”** and made a part hereof, and includes the following attachments:

- A. General Information Application for Land Use and Development in the Village (Village form), and Statement dated December 6, 2024 and prepared by the Petitioners in support of the requested zoning relief, as well as a description of the need for the requested variation and the Petitioners' response to the variation standards in the Village Code (6 Pages);
- B. Site Plan Prepared for BZA Meeting, dated for the April 29, 2025 BZA Meeting (1 Page);
- C. Plat of Survey for 4616 Harvey Avenue, undated and prepared by Raymond G. Ulreich of Taurus Engineering, LLC dated November 2, 2020 (1 Page); and

**WHEREAS**, Subsection 10-4-4(A)(5) (Accessory Buildings in Required Yards) of the DCO states as follows:

“No accessory buildings or structures, except as otherwise provided in table 4-1 or elsewhere in this ordinance, shall be located in the required front, corner side or interior side yards. No accessory buildings on a corner lot shall project beyond the required front yard or corner side yard line of either street. In the case of reversed corner lots, no accessory building or structure located in the required rear yard shall project beyond the required front yard setback of the adjoining property. Accessory buildings shall not be closer than five feet (5') to an interior side or rear lot line...” and

**WHEREAS**, Subsection 10-6-3(E)(3) (Minimum Yard Requirements; Interior Side Yard) of the DCO states as follows:

“For all lots, including corner lots, and reversed corner lots platted prior to October 1, 1999, the interior side yard shall be ten feet (10') or ten percent (10%) of the lot width, whichever is less. For interior lots only, the other yard shall be not less than ten feet (10') in width....”; and

**WHEREAS**, Sections 11-13-4, 11-13-5 and 11-13-11 of the Illinois Municipal Code (65 ILCS 5/11-13-4, 11-13-5 and 11-13-11) and Section 10-3-11 (Variations) of the DCO require the Board of Zoning Appeals to conduct a public hearing regarding the requested variations, to make certain Findings of Fact in accordance with the applicable standards set forth in Subsection 10-3-11(C)(4) (Criteria for Variations) of the DCO, and to state its decision on the requested zoning relief. After prior written notice was published in a newspaper and posted on the Subject Property and mailed to adjacent owners of record and taxpayers of record as required by State law, the Board of Zoning Appeals conducted the required public hearing on April 29, 2025 (the “Public Hearing”), in accordance with the applicable provisions of State law, the DCO and the Open Meetings Act (5 ILCS 120/), as amended; and

**WHEREAS**, during the Public Hearing, the Board of Zoning Appeals **heard statements from: the Petitioners and their consultant [INSERT], Community Development Director Heather Valone, Senior Planner Kelsey Fawell, Village Attorney Anne Skrodzki, and certain Interested Parties (members of the public). The following Interested Parties (members of the public) submitted written statements in support of the Petition with the Board of Zoning Appeals or the Village: [INSERT]** During the Public Hearing, the Board of Zoning Appeals accepted into the record and reviewed documents submitted by the Petitioners and their consultant, certain Interested Parties, and the Village staff and the Village's consultant. Each of the documents were marked as Exhibits and accepted into the record by the Board of Zoning Appeals and are incorporated into the court reporter's transcript of the Public Hearing proceedings, transcribed by Court Reporter Stephanie Battaglia. The transcript and Exhibits are

incorporated by reference into this Ordinance as **Exhibit “F”** and made a part hereof. Copies of the transcript and Exhibits are on file with the Village’s Department of Community Development, unless otherwise noted below. The following documents were entered into the record of the Public Hearing or taken notice of and relied upon by the Board of Zoning Appeals:

- A. The Petition filed February 19, 2025 with Attachments (incorporated herein by reference as **Group Exhibit “A”**).
- B. The Public Hearing Notice dated **April 3, 2025** and Publisher’s Certificate dated \_\_\_\_\_, **2025 [INSERT]** , with Affidavit of Mailing, Publication and Sign Posting for a Public Hearing dated \_\_\_\_\_, **2025 [INSERT]** and executed by Community Development Director Heather Valone (incorporated herein by reference as **Group Exhibit “B”**).
- C. **Village Staff Report prepared by Kelsey Fawell** dated **April 29, 2025** (incorporated herein by reference as **Exhibit “C”**) (“Village Staff Report”).
- D. Village’s Official Zoning Map and Official Land Use Plan Adopted by Ordinance No. 03-2226 dated February 24, 2003, as amended by Ordinance No. 11-2643 dated August 22, 2011 (incorporated herein by reference as **Group Exhibit “D”**).
- E. The Western Springs Municipal Code of 1997, as amended, including the Development Control Ordinance (incorporated herein by reference as **Exhibit “E”**).
- F. The Transcript of the April 29, 2025 Public Hearing, including Exhibits, prepared by Court Reporter Stephanie Battaglia (incorporated herein by reference as **Exhibit “F”**).
- G. Materials Submitted by Interested Parties (incorporated herein by reference as **Group Exhibit “G”**):
  - a. **Group Exhibit “G-1”**: (Concerned Resident:)

**WHEREAS**, the Petition has been reviewed by the Village staff and the Village consultants pursuant to the applicable requirements of the Village Code and they have filed a **favorable/unfavorable** recommendation regarding the approval of the Petition, subject to conditions, if any, set forth in the Village Staff Report (**Exhibit “C”**) and the decision of the Board of Zoning Appeals and any conditions required by the Board of Zoning Appeals; and

**WHEREAS**, in accordance with the authority granted by the applicable provisions of the Illinois Municipal Code and the Village Code, and based upon the Petition and other supplemental submittals, and the testimony and evidence presented at the Public Hearing, the Board of Zoning Appeals makes the below Findings of Fact and decision on the Petition in regard to the Requested Zoning Relief.

**BE IT ORDAINED BY THE BOARD OF ZONING APPEALS OF THE VILLAGE OF WESTERN SPRINGS, COOK COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1. INCORPORATION.** The above Whereas paragraphs are incorporated by reference into Section 1 of this Ordinance as material terms and provisions.

**SECTION 2. FINDINGS OF FACT.** Based upon the Petition and the testimony and evidence presented at the Public Hearing, the Board of Zoning Appeals considered the seven (7) criteria for approving a variation contained in Subsection 10-3-11(C)(4) (Criteria for Variations) of the DCO, and made the following Findings of Fact in regard to the requested variations for the Subject Property:

- a. **Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.**

Section 10-6-3 of the DCO regulates properties zoned R2 – Single Family Residence District, and states that the minimum lot area and lot width for these properties is 6,200 sf and 50 ft., respectively. As stated above, the Subject Property meets the minimum width requirement with a width of 50 ft., and well exceeds the minimum lot area requirement with a lot area of approximately 10,680 sf. The Board of Zoning Appeals finds that a hardship to the Petitioners **exists / does not exist** as distinguished from a mere inconvenience, with regard to placement of the existing house within the Subject Property, if the strict letter of the regulations were to be applied.

- b. **The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property within the same zoning classification.**

The Board of Zoning Appeals **finds / does not find** that the conditions upon which the Application are based are unique to the Subject Property, and are not applicable, generally, to other property within the same zoning classification. As stated previously, the outdoor grill area was installed without first receiving proper building permit(s). Also mentioned above is that the Subject Property is not unique or undersized in relation to its lot area and lot width. The DCO's requirements for interior side yards are related to a property's width. As the width meets the minimum required, this property has typical side yards required of other R2 zoned single-family properties.

- c. **The purpose of the variation is not based primarily upon a desire to increase financial gain.**

The Board of Zoning Appeals **finds / does not find** that the purpose of the requested variations is not based primarily upon a desire to increase financial gain. The Applicants state in their application package that the purpose of the variations is not based upon a desire to increase financial gain.

- d. **The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.**

The hardship was created by the construction of the grill without having obtained proper building permits. The grill was constructed in a location not in compliance with the DCO, and as such, the homeowners are looking for two variations. Based on a review of the submitted plat there are other compliant areas for the grill structure on the Subject Property. The Board of Zoning Appeals **finds / does not find** that the alleged difficulty or hardship was not caused by any person presently having an interest in the Subject Property.

- e. **The granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.**

The Board of Zoning Appeals **finds / does not find** that the granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the Subject Property is located. The grill area was constructed directly abutting the west property line, approximately two feet higher than the privacy fence that separates the Subject Property from the neighboring property. The height of the structure does comply with the maximum required of accessory structures by the DCO. Since this structure was erected without first obtaining a building permit, the structure has not been inspected to ensure applicable codes are met, especially related to the gas line.

- f. **The granting of the variations will not alter the essential character of the neighborhood.**

The surrounding block is primarily a mix of one- and two-story single-family homes. The home's use as a single-family home will continue to remain the same as that of the neighboring properties. While the location of the grill is not in compliance with the DCO, outdoor grill areas are not an uncommon feature to single-family homes within the Village.

The DCO regulates all potential accessory structures and buildings in Section 10-4-4. Generally, structures such as patios, walkways, and terraces (at-grade) have less required setbacks. Structures such as decks, sheds, porches and detached garages are not permitted in the required side yards. The request for the grill structure is a significant departure from the DCO and typical residential regulations. For example, patios are allowed to be located a minimum of three to five feet from property lines and are allowed to encroach within a property's required side yards, whereas sheds are not permitted to encroach and must be located within the lot's buildable area. Similarly, the DCO also requires uses/structures that may be impactful to neighboring properties, such as outdoor residential recreational facilities (sports court, swimming pools, etc.), to have larger setbacks. These facilities are required to have a 10-ft setback and provide screening.

The Board of Zoning Appeals **finds / does not find** that the granting of the variations will not alter the essential character of the neighborhood.

- g. **The proposed variation will not impair an adequate supply of light or air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.**

The Board of Zoning Appeals **finds / does not find** that the proposed variations will not impair an adequate supply of light or air to adjacent properties or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood around the Subject Property. As indicated above, the location in relation to the property line is not consistent with the DCO. Although the height of the structure complies with the maximum height, a structure of this height so close to the property line is not consistent and has impacts. Pergolas for example are not permitted within a required interior side yard. This prevents structures taller than a typical residential fence of six feet from generating externalities on the neighboring property. The structure also contains a grill which can have additional externalities such as smoke or smells. As such the DCO requires that a structure like this would not be allowed to encroach within a property's interior side yard(s). As mentioned previously, since the structure was installed without a permit, it did not receive all necessary inspections as part of the building permitting process. If approved, the structure will go through those necessary reviews and inspections. Aside from the requested relief, the project will comply with all bulk and lot requirements.

**SECTION 3. DECISION.** In accordance with the authority granted by the Illinois Municipal Code and the Village Code, and based upon the written statements and other content in the Petition, the testimony and evidence presented at the Public Hearing and the above Findings of Fact, the Board of Zoning Appeals **approves/denies** the Petition and **grants/denies** the following zoning relief:

- A. A 5.00 foot variation from the required 5.00 foot minimum (10% of the lot width) north interior side yard requirement of Subsection 10-6-3(E)(3) (Minimum Yard Requirements; Interior Side Yard) of the DCO along the north lot line of the Subject Property to permit the encroachment of an outdoor grill into the required interior side yard setback area, as requested, SUBJECT TO THE FOLLOWING CONDITIONS SET FORTH BELOW.
  - a. CONDITIONS: [INSERT]
- B. A 5.00 foot variation from the required 5.00 setback requirement Subsection 10-4-4(A)(5) (Accessory Buildings in Required Yards) of the DCO along the north lot line of the Subject Property to permit the encroachment of an outdoor grill into the required interior side yard setback area, as requested, SUBJECT TO THE FOLLOWING CONDITIONS SET FORTH BELOW.
  - a. CONDITIONS: [INSERT]

**SECTION 4. CONFLICTS.** Any Ordinance, or portion thereof, in conflict with this Ordinance is repealed to the extent of such conflict.

**SECTION 5. SEVERABILITY.** Each Section, paragraph, clause and provision of this Ordinance is separable, and if any such Section, paragraph, clause or provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any portion hereof, other

than that part affected by such decision.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by State law.

**SECTION 7. RECORDATION.** If the Petition is approved by the Board of Zoning Appeals and the Petitioners execute the Acknowledgement Page at the end of this Ordinance, a certified copy of this Ordinance shall be recorded against title to the Subject Property by the Village, at the Petitioners' sole cost, with the Cook County Clerk's Office, Recording Division ("CCCORD"). The Village will provide the Petitioners with a copy of the Ordinance after it is filed with the CCCORD.

**MOTION TO APPROVE THE PETITION (Motion made by \_\_\_\_\_, and seconded by \_\_\_\_\_) WAS PASSED** by the Board of Zoning Appeals of the Village of Western Springs, Cook County, Illinois, at a Regular Meeting thereof, held on the 29<sup>th</sup> day of April, 2025 by a roll call vote as follows: Voting Yes: \_\_\_\_\_; Voting No: \_\_\_\_\_ ; Abstained from Voting: \_\_\_\_\_; Absent: \_\_\_\_\_.

This Ordinance has been signed by the Chair and the Secretary on the \_\_\_ day of April, 2025.

\_\_\_\_\_  
Brandon Calvert, Chair, Board of Zoning Appeals

**ATTEST:**

\_\_\_\_\_  
Heather Valone, Secretary

Published by me in pamphlet form this \_\_\_ day of April, 2025.

\_\_\_\_\_  
Heather Valone, Secretary

**ACKNOWLEDGEMENT AND CONSENT TO COMPLY WITH  
THE TERMS, CONDITIONS, OBLIGATIONS AND PROVISIONS SET FORTH  
IN THE VILLAGE OF WESTERN SPRINGS BOARD OF ZONING APPEALS  
ORDINANCE NO. 2025-01**

We, Daniel Cunningham and Kristina Cunningham (the "Petitioners" and "Owners"), owners of the 4616 Harvey Avenue Property, Western Springs, Illinois (PIN: 18-05-321-014-0000) (the "Subject Property"), have read and understand each of the above terms, conditions, obligations and provisions contained in this Ordinance, including Section 3 (Decision) and Section 7 (Recordation), and agree to be bound by the same.

By: \_\_\_\_\_

**Name: Daniel Cunningham**

Date: \_\_\_\_\_, 2025

**ATTEST:**

By: \_\_\_\_\_

Notary Public

Date: \_\_\_\_\_, 2025

By: \_\_\_\_\_

**Name: Kristina Cunningham**

Date: \_\_\_\_\_, 2025

**ATTEST:**

By: \_\_\_\_\_

Notary Public

Date: \_\_\_\_\_, 2025

**Group Exhibit "A"**

**Petition filed February 19, 2025, with Attachments**

(Incorporated herein by reference and on file in the Community Development Department)

**Group Exhibit "B"**

**Public Hearing Notice dated \_\_\_\_\_ [INSERT] and Publisher's Certificate,  
with Affidavit of Mailing, Publication and Sign Posting for a Public Hearing**

(Incorporated herein by reference and on file in the Community Development Department)

**Exhibit "C"**

**Village Staff Report prepared by Kelsey Fawell, dated April 29, 2025**

(Incorporated herein by reference and on file in the Community Development Department)

**Group Exhibit "D"**

**Village of Western Springs Official Zoning Map and  
Village of Western Springs Official Land Use Plan Adopted by Ordinance No. 03-2226  
dated February 24, 2003, as amended by Ordinance No. 11-2643 dated August 22, 2011**  
(Incorporated herein by reference and on file in the Community Development Department)

**Exhibit "E"**

**The Western Springs Municipal Code of 1997, as amended,  
including the Development Control Ordinance**

(Incorporated herein by reference and on file in the Community Development Department)

**Exhibit "F"**

**The Transcript of the April 29, 2025 Public Hearing, prepared by a Court Reporter,  
including Exhibits**

(Incorporated herein by reference and on file in the Community Development Department)

**Group Exhibit "G"**

**Materials Submitted by Interested Parties**

(Incorporated herein by reference and on file in the Community Development Department)

**Kelsey Fawell**

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**From:**  
**Sent:** Thursday, April 24, 2025 12:15 PM  
**To:** Kelsey Fawell  
**Subject:** Case Number: BZA-2025-01

Dear Kelsey,

Although I respect being allowed to express my concerns with regards to the zoning variance request, it also places us in a difficult position as a “bad “neighbor. If said variance is refused, the perception will be we are to blame.

Having said this, my concern about the outdoor grill structure’s 5 foot variance, is not so much about the structure itself, I’m more concerned about the grill inside and the underground gas line attached to it.

If said variance is approved, what would be the financial liability consequences in the event of a catastrophic fire? Would the village or homeowner be responsible for damages to my property?

I wish to continue to be a good neighbor and would like this issue to be resolved amicably.

If at all possible, I would like to remain anonymous, but I am afraid the circumstances make that nearly impossible.