



AGENDA

BOARD OF ZONING APPEALS

Board of Zoning Appeals: July 28, 2025 at 7:00 PM

Village Hall 740 Hillgrove Avenue, Western Springs, IL 60558

A. Call to Order

B. Approval of Minutes

1. April 29, 2025

C. Public Comment

D. Considerations

1. Public Hearing - Variations request 4115 Ellington Avenue, Devin and Lindsey Meyer (BZA-2025-02)

Consideration of an ordinance approving variations from the Development Control Ordinance relating to front yard 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.

VILLAGE OF WESTERN SPRINGS, ILLINOIS.

BOARD OF ZONING APPEALS

April 29, 2025 - 7:00 P.M.

REPORT OF PROCEEDINGS taken at the Western Springs Village Hall, 740 Hillgrove Avenue, Western Springs, Illinois, reported by Hailey M. Schoot, an Illinois Certified Shorthand Reporter, License Number 084-004897.

BOARD MEMBERS PRESENT:

BRANDON CALVERT, Chariman

MITCH JOHNSON, Member

JEFFREY FUS, Member

LEE FRY, Member

STEVE GRESKA, Member

ROBERT BURTKER, Member

ALSO PRESENT:

ANNE SKRODZKI, Village Attorney

HEATHER VALONE, Director of Community Development

KELSEY FAWELL, Senior Planner

HEIDI RUDOLPH, Village President

1 CHAIRPERSON CALVERT: Okay. All right.
2 Hello, everyone. It is now 7:01 and I would like
3 to call to order the Board of Zoning Appeals of the
4 Village of Western Springs, Illinois on today,
5 April 29th, 2025.

6 Heather Valone, can you please
7 conduct a roll call for us?

8 DIRECTOR VALONE: Absolutely.

9 Burtker?

10 COMMISSIONER BURTKER: Here.

11 DIRECTOR VALONE: Fry?

12 COMMISSIONER FRY: Here.

13 DIRECTOR VALONE: Fus?

14 COMMISSIONER FUS: Here.

15 DIRECTOR VALONE: Greska?

16 COMMISSIONER GRESKA: Here.

17 DIRECTOR VALONE: Johnson?

18 COMMISSIONER JOHNSON: Here.

19 DIRECTOR VALONE: Chairman Calvert?

20 CHAIRPERSON CALVERT: Here.

21 DIRECTOR VALONE: We do have a quorum.

22 CHAIRPERSON CALVERT: Wonderful.

23 Today we have the following on our
24 agenda: Call to order, approval of minutes from

1 the September 30th, 2024 meeting, a public hearing,
2 considerations; today we have one, public hearing
3 regarding a variation request for 4616 Harvey
4 Avenue, other business and adjournment.

5 At this time I would like to go ahead
6 with approving the transcript of the
7 September 30th, 2024 meeting.

8 Board members, have you had a chance
9 to review that transcript?

10 COMMISSIONER GRESKA: I'll make a motion to
11 approve.

12 CHAIRPERSON CALVERT: Okay. Is there a
13 second?

14 COMMISSIONER FRY: Second.

15 CHAIRPERSON CALVERT: All in favor?

16 (Chorus of ayes.)

17 CHAIRPERSON CALVERT: All right. The ayes
18 have it.

19 I would like to now open up the
20 public comment portion of today's meeting.

21 Is there anyone here who would like
22 to make public comments not related to 4616 Harvey
23 Avenue?

24 Seeing none, we can move to our

1 consideration.

2 Before we get started, can we swear
3 in the witnesses? So if you're here to testify in
4 connection with 4616 Harvey Avenue, please stand.

5 That would be you.

6 DANIEL CUNNINGHAM: Sorry.

7 CHAIRPERSON CALVERT: Court reporter, can you
8 please swear in the witness?

9 (Daniel Cunningham duly sworn.)

10 CHAIRPERSON CALVERT: Thank you, sir.

11 We'll now open the public hearing for
12 consideration of the variation request of 4616
13 Harvey Ave Western Springs.

14 Can I have a motion to open the
15 public hearing, please?

16 COMMISSIONER GRESKA: I'll make that motion.

17 CHAIRPERSON CALVERT: Is there a second?

18 COMMISSIONER FRY: Second.

19 CHAIRPERSON CALVERT: Okay. All in favor?

20 (Chorus of ayes.)

21 CHAIRPERSON CALVERT: All right. Hearing
22 none -- any opposed? No. The ayes have it.

23 All right. The matter before us
24 today is a variation request regarding 4616 Harvey

1 Avenue Western Springs, Illinois, specifically the
2 consideration of an ordinance approving variations
3 from the Development Control Ordinance relating to
4 accessory building and structure setbacks and
5 interior side yard setbacks in the R2 residential
6 zoning classification.

7 Village Staff, do you have a
8 presentation regarding this matter today?

9 MS. FAWELL: Yes. Thank you, Chair.

10 CHAIRPERSON CALVERT: Okay.

11 MS. FAWELL: Okay. So the applicants before
12 you today are Daniel and Christina Cunningham. The
13 applicant is here in attendance.

14 So some information about the subject
15 property. The subject property is designated
16 single-family detached residential per the
17 Village's 2003 Comprehensive Land Use Plan. It's
18 an approximately 10,680 square foot lot within the
19 Village's R2 single-family residence district. The
20 property has a lot width of 50 feet, meaning the
21 required side yards of the property are ten feet
22 and five feet.

23 Okay. So the proposal. The
24 applicant is requesting approval of an outdoor

1 grill area indicated in yellow on the crop site
2 plan. The existing structure can be seen in the
3 image to the right. The outdoor grill area was
4 installed without a permit in 2022. In late April
5 2022 Village Staff became aware of the structure
6 and the applicants then received violation notice.
7 This has been an ongoing issue since. In the
8 applicants' cover letter the applicant states the
9 grill was installed in the spring of 2021.

10 The structure is composed of a roof
11 structure with three walls. The interior contains
12 cabinets, refrigerator, and a television. The area
13 is approximately 12 feet long by two and a half
14 feet wide. It should be noted that there is
15 additional fencing attached to the structure
16 flanking either side that runs the entire length of
17 the outdoor patio. You can then see this yellow is
18 that entire length with the grill and the fencing
19 and this is the patio, and you can see it in the
20 picture on the screen right here if you follow the
21 red, the fencing flanking either side you can see
22 right there.

23 The Village's building official
24 visited the property in May of 2022 and noted the

1 height of the overall structure was just above
2 eight feet. The applicant states in their
3 application that the walls of the grill area are a
4 Trex material. As previously mentioned, the
5 structure was completed without the benefit of a
6 permit meaning the structure has not been inspected
7 and it is unknown if it meets standards --
8 standards within the Village's Building Codes. In
9 the event the request is approved, the structure
10 will be inspected as part of the permitting
11 process. So the structure is proposed at a zero
12 foot setback from the lot line.

13 Aside from proximity to the interior
14 side lot line, the structure is in compliance with
15 other zoning regulations such as required yards,
16 height, building, lot coverages, and full area
17 ratio.

18 So the applicant is here before you
19 requesting variations from two different sections
20 of the code. The first section is 10-4-4-8-5,
21 which states that no accessory building or
22 structure shall be closer than five feet to the
23 interior side of rear lot line, and then the second
24 section is 10-6-3(E)(3), which mandates the

1 required side yards of the property to be ten feet
2 and five feet. As previously stated, the applicant
3 is proposing a zero foot setback from the lot line.
4 We have received one public comment, which was
5 anonymous, and it was included in the packet. No
6 other public comments have been received.

7 As outlined in the item summary
8 report that you all should have received before
9 today's meeting, Staff is recommending the
10 application be denied. The decisions leading to
11 each variation request are subjective and based on
12 the findings of fact and the opinions of the BZA.
13 The DCO stipulates that variations should be
14 granted in the instance where the BZA makes
15 findings of fact in accordance with the DCO, which
16 standards are detailed in the item summary report.

17 I'm happy to take any questions.

18 CHAIRPERSON CALVERT: Thank you.

19 Okay. Note that the applicant is
20 here.

21 Applicant, would you like to testify
22 today?

23 MR. CUNNINGHAM: Sure. Please.

24 CHAIRPERSON CALVERT: Okay. Can you please

1 stand and approach here. Before you begin, I would
2 ask you to state your name for the record, please.

3 MR. CUNNINGHAM: Dan Cunningham.

4 CHAIRPERSON CALVERT: Okay. Thank you.

5 Mr. Cunningham, we, as a Board, are
6 charged with establishing that -- establishing
7 findings of fact in connection with your variation
8 request. Okay. So that's what we're going to try
9 to do here today.

10 If you can please talk to us about
11 your application and speak to any of the
12 requirements for our granting of your variation
13 request that would be great.

14 MR. CUNNINGHAM: Is this on? Hello.

15 CHAIRPERSON CALVERT: I think we can hear you.

16 MR. CUNNINGHAM: Yeah. Okay. Can I put it
17 down? I don't think it's -- it's working.

18 All right. Do you mind if I
19 actually -- it might be helpful -- so I appreciate
20 Heather and Kelsey. I just want to say thank you
21 for actually getting here four years later.
22 Without you, I wouldn't even have the chance to
23 spend some time with you folks, so thank you for
24 that. The other thing I would say, I apologize for

1 all you having to show up tonight. I do thank you
2 for your time as well, and this is very easy from
3 my standpoint just to say the biggest thing is I
4 get all the details and the facts of where you all
5 are coming from as far as the zoning and having to
6 enforce code, but the reason we got here and the
7 back story is the home that was built during COVID
8 from the builder that -- this whole thing has been
9 an absolute nightmare and, as far as code, I was
10 not aware of any of this. I invited Robert from
11 the Village into my backyard to spend time with me
12 on this while he was here back in, I think it was,
13 May of '22. So it has been a -- I think 10 or 12
14 times I have been to court in the -- in Bridgeview
15 and finally get the opportunity with you all, so
16 thank you for that. It has been a journey, but I
17 appreciate it.

18 Do you mind if I hand out some
19 pictures? I think it will be actually helpful for
20 you to understand.

21 MS. SKRODZKI: Yeah, we can accept some
22 evidence into the record.

23 MR. CUNNINGHAM: Okay. I'm not trying
24 overstep. I just --

1 CHAIRPERSON CALVERT: No, that's fine.

2 DIRECTOR VALONE: Totally fine.

3 CHAIRPERSON CALVERT: That's fine.

4 MR. CUNNINGHAM: I think it will be clearer
5 for you to see. I took some wider -- from
6 different angles so you can get an idea.

7 The biggest thing is, so 2020 we move
8 out of the city, move in with my in-laws, this
9 house was supposed to be built, completed by
10 July 4th. Using existing foundation, it's going to
11 be torn down by Brownstone Builders, and the whole
12 thing was going to be a spec home, not knowing, as
13 a first time home buyer -- home builder with
14 another builder, I had no idea some of these
15 questions to ask, which is kind of how we got here.
16 And he starts the build, its supposed to be done
17 July 4th, we move in, I think, ten -- ten days
18 before Christmas or so, like somewhere within
19 December 13th ish and it got pushed back. The
20 builder ran out of money. I had paid over \$250,000
21 out of pocket just to get it closed over the finish
22 line to get out of my in-laws' house, which we were
23 living in at the time. And the grill that is
24 actually -- we're all talking about today was a

1 part of the original conversation with the builder
2 from day one. We walked through it, it was the
3 plan. I had no idea that this wasn't on the actual
4 plot until we got the sticker slapped on us, I
5 think it was in the beginning of Spring of '22.

6 The way it all went down is he ran
7 out of money, I influxed the capital to come off
8 the back end, he then took care of all the
9 construction. Everything that was done in there
10 was done by Drip Drop Plumbing. All the
11 contractors that he used, they're licensed, bonded,
12 insured by Western Springs, and so when we were
13 given -- when we actually closed in December of
14 2020, the house took another -- we didn't get
15 certificate of occupancy I think for another 18 to
16 24 months, and we had code violations -- I can't
17 even -- like my daughter sliding underneath the
18 railings. It was an absolute nightmare. So this
19 is one of many things. I got four -- four times my
20 basement has flooded, landscaping was not graded
21 correctly, you just -- there's a laundry list of
22 things. You know, the electricians quit, the labor
23 quit, it's ten months -- it's, what, six
24 months-post, so there's all these different things.

1 And so my whole thing, even starting
2 back four years ago when I invited Robert into my
3 yard, I had no idea I even did anything wrong. He
4 spent, like, an hour and a half going through
5 everything. I had no idea it wasn't even to code
6 when he was there. He was giving me ideas of
7 things to do. He's a nice guy. Then he leaves the
8 Village in the middle of all this, I believe --
9 this is what I remember -- and him and his boss
10 left the Village so I didn't get any back and
11 forth, I just kept going to court getting these
12 continuances and I was like I'm trying to work with
13 the Village, I'm trying to get with the Village. I
14 couldn't get a response until these nice ladies --
15 regardless of what you all decide -- were the first
16 ones to step in and actually give me some sort of
17 direction in what could be done. And the whole
18 thing I kept telling Bridgeview is, look, I'm not
19 asking for anything in particular. All I want is
20 an opportunity to tell the story of how we got
21 here. I didn't try to pull one over and put in a
22 patio or a grill so that I couldn't get a permit.
23 This was from day one. I had no idea I did
24 anything wrong. And I'm just trying to appeal to

1 you all.

2 I'm probably, honestly, about \$30,000
3 into this thing. There's four posts in the ground
4 and Trex that float. I dug a drainage ditch, there
5 is a -- the walls on that thing are fire retardant.
6 I got flashing, I got gutters. I literally thought
7 of everything as far as the architecture on it. So
8 it's -- it's not some fly by night. I would be
9 happy to -- when you talk about looking to code, I
10 would love the opportunity for someone to talk
11 about code, because I -- I would be shocked if
12 there's too much wrong. It was done by all the
13 licensed, bonded, and insured contractors you all
14 had. I think that's the biggest thing.

15 Whatever you decide, I get it. I
16 just wanted a chance over four years and my wife
17 screaming at me about this grill. Because it was
18 complete when they slapped the sticker on. That
19 thing is just waiting for paint. Can you imagine
20 finishing a \$30,000 project? Again, so it is what
21 it is, but I just kept going to court with no
22 answers and it was just frustrating because I was
23 like I live in this great town, my kids go to SJC,
24 I'm trying to figure this stuff out. We got good

1 schools, we got good friends all over and people
2 come in my yard and they're like, you can't keep
3 that. I'm like I understand the code enforcement.
4 It's technically off the grid, but I had no idea I
5 did anything wrong. And so, again, my whole pitch
6 here to you all is I understand you all have jobs
7 to do, I completely get it, but it's more along the
8 line of just trying to appeal to see if someone can
9 hear me out and say, hey, look, I -- no one is at a
10 dysfunction from this. The one person who wrote
11 in, I spoke to them today and the gentleman, he
12 thought that I was running an off and underground
13 gas line. It's not. It's off a propane tank and
14 so he thought he had an opportunity for this thing
15 to explode and -- very nice guy. I said, hey, just
16 want to let you know it's obvious when the letter
17 came through it wasn't that anonymous, it was the
18 one person next door. And they're really good
19 people. He had a garage that burned down like 15
20 years ago in a different town, so I was like I hear
21 you, and good conversation. I just said look -- I
22 brought him over and I said here is the propane
23 tank, and he goes, "I'm sorry I even wrote in. Let
24 me know if I can do anything to help on the back

1 end."

2 So I think that's pretty much it.
3 Like we -- it has been a nightmare as far as they
4 finished the house with no windows in it, moisture,
5 I mean, just crazy stuff you couldn't even imagine.
6 And, honestly, every step of the way my builder was
7 given opportunity to pass inspections and go on to
8 the next thing before we even knew what was even
9 going on. I got floors that shouldn't be in there,
10 took on moisture. It's -- I will never -- I hope
11 we never have another pandemic, I'll never build
12 another house, and I don't ever plan on leaving
13 this Village, I can promise you that, but I don't
14 want to build another house or another grill.

15 CHAIRPERSON CALVERT: Okay. Thank you. We
16 appreciate you addressing us today. I don't see
17 anyone else here that would want to speak to the
18 matter.

19 Before we ask questions, Staff -- and
20 I know applicant, you mentioned it -- Staff, we
21 have received one letter, I believe --

22 MS. FAWELL: Correct.

23 CHAIRPERSON CALVERT: -- from a resident, and
24 that is in the record?

1 MS. SKRODZKI: Yes, it's in the packet.

2 CHAIRPERSON CALVERT: Okay.

3 MS. SKRODZKI: It will be accepted into the
4 record.

5 CHAIRPERSON CALVERT: Okay. It was an
6 anonymous letter, but the Board has received that,
7 so we have copies of that.

8 And, you know, we understand what the
9 applicant just said. The letter is not in support
10 of the request, but we understand what you just --
11 what you just stated to us, so that's helpful.

12 MR. CUNNINGHAM: He did say if it did matter
13 and you all were going to make a decision based on
14 that, he said to let him know and he would have no
15 problem stepping up, but I just said for the time
16 being like why put him -- it's not really --

17 CHAIRPERSON CALVERT: Okay. Understood. A
18 little bit of housekeeping before we go on.

19 For the record, Village Attorney, was
20 a notice of this hearing provided via mail and
21 posted in the Village?

22 MS. SKRODZKI: Yes. I received Staff's
23 affidavit of compliance with all of those
24 requirements earlier today.

1 CHAIRPERSON CALVERT: Okay. Thank you.

2 Board members, while we have the
3 applicant here, do you have any questions for the
4 applicant?

5 COMMISSIONER FRY: Yeah, I got a question.
6 I'm confused at how did the Village give you an
7 occupancy permit with all this problem?

8 MR. CUNNINGHAM: You're just as confused as
9 me. So I remember being in the closing in December
10 of '20 and my dad, who -- don't do that either --
11 was my agent trying to come into this market. Very
12 tough. And I said -- there were certain questions
13 he was like, "I don't think you should be closing
14 on this house. This thing -- the inside of this --
15 your bathrooms aren't done, closets," and I don't
16 believe -- I don't know that anyone actually
17 visited. I don't -- at that point I honestly don't
18 remember, but my builder was trying to close and
19 get his money because he said he lost on the house
20 and he had to go through two or three other builds
21 and his money -- his money guy got his money and he
22 was out. I don't remember as far as -- but I just
23 remember my wife being like this house is a mess
24 and we're living in it. We had guys in there for

1 another year and a half still finishing.

2 COMMISSIONER FRY: Yeah, I just --

3 MR. CUNNINGHAM: Like I had guys in there last
4 summer.

5 COMMISSIONER FRY: I'm just confused as how
6 did the Village give it to you if -- I think
7 there's a little problem here with the Village.

8 MR. CUNNINGHAM: Look, I'm not -- I didn't
9 want to come in here and start pointing fingers at
10 the Village --

11 COMMISSIONER FRY: Well, it is what it is.

12 MR. CUNNINGHAM: -- but, I'll be honest with
13 you, my biggest contention there was -- there are
14 so many things in this house that should not have
15 passed while we were living in it, and that's how I
16 think this grill went unnoticed, because it wasn't
17 until, I believe, my neighbors got water on the
18 other side corner of their house in their yard, and
19 they had someone from the Village come out and they
20 said, "what's that?" And then that's how the
21 conversation got started and then I got the notice
22 to stop construction or whatever. And I was like
23 all I have left is the painters.

24 But, to your point, it's a great

1 question. To this day I wish we would have bought
2 an existing built home in the neighborhood that was
3 not this because there are so many things wrong
4 with this house.

5 CHAIRPERSON CALVERT: Any other questions?

6 COMMISSIONER FUS: Yeah. So regarding the
7 structure, utility wise, so there's clearly
8 electric going out to it?

9 MR. CUNNINGHAM: Yes, sir.

10 COMMISSIONER FUS: Plumbing? Is there
11 plumbing as well?

12 MR. CUNNINGHAM: No plumbing. No plumbing.
13 Nope.

14 COMMISSIONER FUS: So it's just electric,
15 then?

16 MR. CUNNINGHAM: Yep.

17 COMMISSIONER FUS: So no gas, it's just
18 electric.

19 MR. CUNNINGHAM: Everything there is -- there
20 is a spigot for gas that the builder put in --
21 again, the builder literally put in the spigot to
22 run to this. We didn't end up doing it, I ended up
23 doing the propane.

24 COMMISSIONER FUS: Okay.

1 MR. CUNNINGHAM: So we cut that off.

2 COMMISSIONER FUS: So there's no gas. All
3 right.

4 MR. CUNNINGHAM: So there's no underlying --
5 well, there's no underlying gas we're using. It's
6 a propane tank. There is electric, and it
7 was electricians who were bonded here. H&H -- I'll
8 have to remember -- but they're right out of
9 Hinsdale. It's a father and son that have the
10 company here and they did a lot of our stuff in the
11 house.

12 And, that was the other thing, our
13 electricians, one of them committed suicide in the
14 middle of the build, so that got pushed back. The
15 windows didn't show up. It's -- I can't even make
16 this stuff up.

17 COMMISSIONER FUS: Okay. Did they provide
18 as-built drawings?

19 MR. CUNNINGHAM: I'm sorry?

20 COMMISSIONER FUS: Did they provide as-built
21 drawings?

22 MR. CUNNINGHAM: As-built?

23 COMMISSIONER FUS: Like you typically have --
24 you know, a set of plans that your builders build

1 to, but then, you know, things might change, so
2 then they --

3 MR. CUNNINGHAM: Yeah, we had an actual -- so
4 this actually had ironically, from my builder, a
5 hydraulic front. I paid to have, like, hydraulic
6 arms on the front so this thing would open and
7 close, and when Robert came out he suggested that
8 was a bad idea, and so I removed them, but just
9 scraped it, and you can see like where the red is,
10 and then the bolts, like we scraped it all. And
11 there's steel on the outside, it's four Trex that
12 float and then just those beams on the outside, as
13 you guys can see in the images, that's the only
14 thing on the ground. We drudged out -- like
15 there's a drain tile system in this whole thing.
16 Like I said, I didn't know I was doing anything
17 wrong. I tried to do this to the best capability
18 possible. It's better built than the house, I can
19 tell you that.

20 CHAIRPERSON CALVERT: Okay. So I have a
21 couple questions.

22 MR. CUNNINGHAM: Yes, sir.

23 CHAIRPERSON CALVERT: I guess maybe the first
24 is about timing because I just want to make sure

1 I'm clear on the timing.

2 So the home was built?

3 MR. CUNNINGHAM: Mm-hmm.

4 CHAIRPERSON CALVERT: And the grill was
5 constructed at the same time as the home; is that
6 correct?

7 MR. CUNNINGHAM: So the home -- we moved in in
8 2020, so the home is -- let's call it 75 percent
9 complete, so we're in it, and then they're still
10 building it up, so his guys, the construction
11 workers, were inside for another, like, year and a
12 half. So part of those guys would do some of the
13 inside stuff and they would pull over and they
14 would come out and the electricians would be in the
15 basement, they would be doing the stuff, and they
16 would come over based on materials, they would do
17 my outside stuff. So it's the same crews that were
18 here, it just -- it depends on where the labor was
19 at, if it's raining, certain things.

20 CHAIRPERSON CALVERT: More specific -- I guess
21 a more specific question would be -- because I'm
22 interested in the code enforcement issue. Okay?
23 And the violation of the Code.

24 Was the grill completely finished

1 when you received a notice of a violation or did
2 you -- was the grill partially finished and you
3 received a notice that this was a violation of the
4 zoning ordinance because of its area because of the
5 place where it's -- you know, located within --

6 MR. CUNNINGHAM: Sure.

7 CHAIRPERSON CALVERT: -- on your property and
8 then the grill was finished after that?

9 MR. CUNNINGHAM: No, sir. The grill was
10 finished. So we started in 2021. We had
11 materials, like the fire retardant walls took,
12 like, six months to get in and then it's winter, so
13 we had to wait for the next spring. So this thing
14 didn't get completed until spring of '22, but it
15 was actually started, the Trex was in, the base was
16 in, so that's my point. It took --

17 CHAIRPERSON CALVERT: Was it completed after
18 you received notice of a violation of any code or
19 ordinance?

20 MR. CUNNINGHAM: Nothing has been done. This
21 is where it's at. I haven't painted or done
22 anything.

23 CHAIRPERSON CALVERT: So it's in the same
24 state it was when you received a notice of the

1 violation?

2 MR. CUNNINGHAM: Yes, sir.

3 CHAIRPERSON CALVERT: Okay.

4 MR. CUNNINGHAM: Yep.

5 CHAIRPERSON CALVERT: All right.

6 MS. FAWELL: If I could just interject for one
7 second.

8 CHAIRPERSON CALVERT: Sure.

9 MS. FAWELL: In looking at -- as Dan has been
10 talking about, Robert Schmidt, our building
11 official, in looking at the photos he took of the
12 grill when he visited in May of 2022, it does look
13 to be in a different state than it is today. So
14 Staff assumed that it did have work done on it
15 following that notice. How much work, I don't
16 know.

17 CHAIRPERSON CALVERT: Okay.

18 MR. CUNNINGHAM: I mean, I -- it's -- there's
19 not much. Like I didn't do anything. My wife is
20 still screaming at me for it because it's an eye
21 sore. She wants it painted. Whole side note.
22 That's not the code enforcement.

23 CHAIRPERSON CALVERT: Okay. Well, I
24 understand your testimony. I am asking for a

1 reason. So there's a difference of opinion between
2 Staff and between you, sir, as the applicant on the
3 timing with respect to when -- you know, with
4 regard to when the grill was finished or if any
5 work on the grill has been done after you received
6 a notice of violation. Okay.

7 MR. CUNNINGHAM: Sure.

8 CHAIRPERSON CALVERT: All right. Let me ask
9 you about placement of the grill and other options
10 you may have.

11 So I understand that the grill is
12 where it is now and you have referred to the four
13 posts, right? One of the criteria that we have to
14 approve a variance is that there is a hardship
15 versus a mere inconvenience for you to strictly
16 comply with the code. Okay? And so I guess my
17 question is: Are there any -- is there anywhere
18 else on your property where you could move this
19 grill or, you know, have a similar set up as the
20 grill now that is not in violation of a side
21 setback, right, requirements of the ordinance?

22 MR. CUNNINGHAM: Honestly, no. I mean,
23 there's -- I just wish I didn't do it, to be
24 honest.

1 CHAIRPERSON CALVERT: I understand.

2 MR. CUNNINGHAM: I wish I just sat with a
3 fireplace. We only use the grill -- here is the
4 other thing -- probably six or seven times. My
5 kids are young. They just watch a movie out there
6 and I grill out. So it's not even like it's being
7 used a ton.

8 CHAIRPERSON CALVERT: Yep.

9 MR. CUNNINGHAM: But there's really no -- like
10 that structure, it can't be moved. It's in the
11 ground on Treks. Like if I -- I would have to tear
12 the whole thing out and start and, I mean, back to
13 the budget, there's nowhere else -- nothing else I
14 can do with it. And when I tear it out, I don't --
15 the amount of work to tear it out -- because I
16 think we did a nice job putting it in -- is pretty
17 significant.

18 CHAIRPERSON CALVERT: Okay.

19 MR. CUNNINGHAM: I don't know if that answers
20 your question.

21 CHAIRPERSON CALVERT: I understand your
22 answer. Thank you for that.

23 Let's talk about the drainage. So I
24 think in Staff's packet it -- that has been

1 submitted to us, I believe there have been drainage
2 issues. Are you aware of the drainage issues?

3 MR. CUNNINGHAM: I was. So, again, so we
4 built the house, the builder had the -- not the
5 septic tank -- the ejector -- not the ejector
6 pump -- sump pump in one corner of the house and
7 then the neighbor said "we get water back here. We
8 don't want it here," so he had moved it. And so I
9 knew right away when we were doing this we had to
10 trench it out, the entire side of the house with
11 drain tile, limestone, and so we dug it all down.
12 So, I can tell you this, it drains so well it
13 drained through my basement windows and blew off
14 the actual aluminum so they had to redig down
15 because my builder didn't put them in right. He
16 put them on the window instead of on the concrete
17 and they blew through it because the drainage was
18 so good it blew through it because my windows are
19 on that side, it blew out the windows, which had to
20 be dug down and redone, so the drainage is, I would
21 tell you, zero issue there.

22 CHAIRPERSON CALVERT: Okay. Are you aware of
23 any drainage issues for your neighbors, though?

24 MR. CUNNINGHAM: Yeah. They had them on

1 the -- on the back of their other garage -- on the
2 back of their garage on the other side and nowhere
3 near where this thing is.

4 CHAIRPERSON CALVERT: Okay. So, in your
5 opinion, their drainage issues are not related to
6 the grill?

7 MR. CUNNINGHAM: Nothing related to the grill.

8 CHAIRPERSON CALVERT: Okay.

9 MR. CUNNINGHAM: I know that they were upset
10 with the very back of the property when he
11 originally had -- they said he sloped it down, but
12 it had -- we're talking, like, 20 yards behind
13 where this would even be, maybe 15 yards.

14 CHAIRPERSON CALVERT: All right. Any other
15 questions for the applicant?

16 All right. Thank you.

17 MR. CUNNINGHAM: Thank you for your time. I
18 appreciate it. Sorry for taking up, but I -- four
19 years I needed at least a chance to tell my side of
20 the story.

21 CHAIRPERSON CALVERT: Understood. All right.

22 Board members, you know, I think it
23 makes sense to walk through the criteria --

24 COMMISSIONER GRESKA: Okay.

1 CHAIRPERSON CALVERT: -- here and maybe have a
2 discussion of each if anyone, you know, has any
3 thoughts.

4 So there are -- again, there are
5 several requirements that we have to find to grant
6 the variation requests in front of us, and I would
7 like to walk through them.

8 The first -- and I generally read
9 these out, I think it's appropriate to do so in
10 this instance.

11 So the first is because of the
12 particular physical surroundings, shape, or
13 topographical conditions of the specific property
14 involved a particular hardship to the owner would
15 result as distinguished from a mere inconvenience
16 if a strict letter of the regulations were to be
17 applied.

18 Do we have any thoughts on that?

19 COMMISSIONER FRY: Yeah. I guess, did you get
20 an estimate on how much it would cost you to take
21 that all down? Any idea?

22 MR. CUNNINGHAM: No, sir. I don't want to lie
23 to you and say I know -- I mean, it's -- you would
24 have to cut out the steel --

1 COMMISSIONER FRY: You're talking significant
2 dollars?

3 MR. CUNNINGHAM: -- remove all the electrical.
4 I mean, there's electric in the top. I think one
5 of the images has all the actual nighttime
6 pictures. You would have to dig it all up, remove
7 the Trex, redo the drainage, the concrete in
8 there -- to do it properly to make it look
9 presentable --

10 COMMISSIONER FRY: Well, the reason I asked
11 that is I consider that a hardship.

12 MR. CUNNINGHAM: Oh, yes, sir. Yeah. I
13 believe you guys can probably tell me better than I
14 can. There's -- you would have to get
15 professionals in to do this correctly so they don't
16 damage electrical.

17 COMMISSIONER FRY: Thank you.

18 MR. CUNNINGHAM: Yeah, thank you.

19 CHAIRPERSON CALVERT: Any other thoughts on
20 that particular criteria?

21 COMMISSIONER FUS: No. I agree with you.

22 CHAIRPERSON CALVERT: Okay. The second is the
23 conditions upon when an application for a variation
24 are based are unique to the property for which the

1 variation is sought and are not applicable
2 generally to other property within the same zoning
3 classification.

4 My thought here -- and I will share
5 my thoughts -- and that I think that this lot is a
6 normal size lot. It does not seem to me to be a
7 particularly unique lot in the Village. And, you
8 know, my -- I'm a little surprised. Actually, I'm
9 a lot surprised, and I understand that the
10 applicant had issues with its builder, but there's
11 zero setback for this structure. Not three feet,
12 when the requirement is five feet. You know,
13 oftentimes we will -- someone will come in and say,
14 you know, can you give us six inches of, you know,
15 relief? This is -- you know, there's zero setback.
16 To me, that's problematic here, and the reason I'm
17 making that point is because the lot -- the shape
18 of the lot does not require that. It doesn't
19 necessitate a zero setback, especially on new
20 construction, right? And that's what this is. So,
21 you know, those are my thoughts.

22 Board members --

23 COMMISSIONER FUS: Can I ask him a question?

24 CHAIRPERSON CALVERT: Sure.

1 COMMISSIONER FUS: Was this structure in the
2 approved set of plans -- building plans or was this
3 an after thought?

4 MR. CUNNINGHAM: So --

5 COMMISSIONER FRY: Great question.

6 MR. CUNNINGHAM: That's a great question, and,
7 I'll tell you, we changed the plans three or four
8 times. So the neighbors on the other side, she had
9 a problem with the garage. So the garage that the
10 builder suggested we put six feet on the garage so
11 we can fit more stuff. Whatever. We followed his
12 instruction there. So when they did that they
13 changed the entire structure of the garage because
14 she didn't want a window looking in her yard, and
15 he was like, it's approved, Robert said you can
16 build one. And I said, well, I don't want to be
17 that kind of neighbor so we changed it all. That
18 was one time. And we changed it again for the
19 structure, then we changed it again to put the
20 windows, then we changed it again.

21 So that patio that you can see there
22 that's like the pavers or whatever, this cement,
23 that wasn't on the original one we did. Yeah, that
24 was never part of the original. Like the driveway

1 was on there. I mean, we changed so many different
2 things so I can't tell you one way or the other,
3 right, the original plans we did, I honestly don't
4 know. This is -- when I got the plans I said, the
5 builder is telling me you're good to go, the same
6 guys are building it, it obviously wasn't, and I
7 missed it, so that's my fault and I'll acknowledge
8 that.

9 CHAIRPERSON CALVERT: So to --

10 DIRECTOR VALONE: So, Chair --

11 CHAIRPERSON CALVERT: Hang on one second,
12 please.

13 To the question from Member Fus here,
14 we do have an as-built in front of us. It's in our
15 packet.

16 COMMISSIONER FUS: Here we go.

17 CHAIRPERSON CALVERT: Okay. So this is the
18 4616 Harvey Avenue as-built approved January 8th of
19 2021, and this grill is not shown in the as-built.
20 You can see it highlighted here, it's up on the
21 screen as well.

22 So I think it's safe to say that it
23 was not in the initial plans or any of the changed
24 plans and it wasn't in the as-built either. In my

1 mind, all three of those things are problematic.

2 Mrs. Valone?

3 DIRECTOR VALONE: If it helps, we can provide
4 just a quick, brief time line of a couple points
5 that have just been questioned.

6 CHAIRPERSON CALVERT: Please.

7 DIRECTOR VALONE: So the applicant, as
8 indicated, had quite a lengthy permit process, and
9 based on a review of the records that we have in
10 our system, a temporary -- a temporary certificate
11 of occupancy was issued in November of 2020 upon
12 completion of the installation of the kitchen
13 appliances, the overhead garage door, those were
14 the items that were listed to be completed for a
15 final.

16 To be clear, the Village has a
17 minimum building code. So that essentially means
18 there are minimum standards the Village has to
19 uphold to. Certain selections of types of
20 materials are not necessarily something that is
21 covered under code if they already meet our
22 minimum. So when the Village is looking for
23 compliance for building codes and then also for
24 plans unless there have been changes to the plans

1 over the course of the time, which I think is
2 indicated. So -- and then as you just read out, as
3 well, the as-built was submitted in 2021 and
4 received approval in -- later in the year as well.

5 CHAIRPERSON CALVERT: Okay.

6 All right. Criteria 3. The purpose
7 of the variation is not based primarily upon a
8 desire to increase financial gain. Generally we --
9 you know, we give the applicant the benefit of the
10 doubt. I don't think that's an issue here.

11 MR. CUNNINGHAM: No, sir.

12 CHAIRPERSON CALVERT: Okay. 4, the alleged
13 difficulty or hardship is caused by this ordinance
14 and has not been created by any person presently
15 having an interest in the property.

16 In my mind this is at issue for the
17 request. Again, this was new construction. I
18 understand that the applicant is not a builder and
19 did not build the house, but the applicant is
20 responsible for its home, for its contractors, for
21 its agents, right? We have had situations before
22 where come in front of this Board many years ago, I
23 remember, an architect gave the applicant bad
24 advice, right? And unfortunately, you know, we are

1 responsible, again, for those that represent us and
2 work on our behalf. You know, a zero setback
3 seems, you know, obvious to me, but I understand
4 lay people may not understand that, right? But,
5 you know, someone knew that that was an issue and,
6 again, we're responsible for our agents. We have
7 made the point here throughout my tenure on the
8 Board, before I was Chair and as Chair, that we
9 don't want to encourage people to, you know, do
10 things that violate the code and then come ask for
11 forgiveness later, you know, especially in
12 situations where there are newly constructed
13 structures.

14 So, you know, I don't know that this
15 criteria is met, but those are my thoughts.

16 I open it to the board for theirs.

17 MR. CUNNINGHAM: Can I ask a question?

18 CHAIRPERSON CALVERT: Sure.

19 MR. CUNNINGHAM: When you say zero setback,
20 it's not on the property line. I do have a few --
21 I mean, it's probably six inches, maybe, because if
22 you look at the fence, but it's not -- it's not
23 three feet, it's not -- but it's definitely not
24 even a foot off. It's close. But I don't -- and

1 then --

2 CHAIRPERSON CALVERT: Well let's address that
3 one first. Okay?

4 MR. CUNNINGHAM: Okay.

5 CHAIRPERSON CALVERT: So I believe that what
6 we have in front of us refers to there being no --
7 the structure not being setback at all from the
8 property line. Let me see if I can find that and
9 Staff is here as well. Maybe they can speak to
10 that.

11 MR. CUNNINGHAM: I still have a fence built on
12 the other side, too, just so you know.

13 CHAIRPERSON CALVERT: Okay. In any event the
14 requirement of the ordinance, right, I believe here
15 is you're required to have five feet -- five feet
16 to an interior side lot line, that's what this is.

17 MR. CUNNINGHAM: I have a question.

18 CHAIRPERSON CALVERT: Hang on one second,
19 please, sir.

20 MR. CUNNINGHAM: Sorry.

21 CHAIRPERSON CALVERT: And then with respect to
22 the -- so that's for accessory buildings and
23 required yards. And then the interior side yard
24 under 10-6-3(E)(3) is 10 feet. So, you know, maybe

1 it's a few inches off the lot line, but it's not
2 necessarily close, and I don't believe you're
3 asking us for -- well, I'll stop there.

4 Staff, do you want to chime in on
5 this at all?

6 MS. FAWELL: Yeah. So I just wanted to say,
7 so there are kind of two requests associated with
8 this.

9 CHAIRPERSON CALVERT: Right.

10 MS. FAWELL: So there is one in our code that
11 says accessory structures and buildings can't be
12 closer than five feet to interior side yards, and
13 then there's another section in the code that
14 requires this property to have two side yards, so
15 it's ten feet and five feet. So we take the five
16 feet from the closest to the minimum, so that's
17 where it's five feet on this side and ten feet on
18 the other lot line.

19 CHAIRPERSON CALVERT: Okay. All right.

20 Applicant, did you have one other
21 point?

22 MR. CUNNINGHAM: No, sir. I think you
23 clarified that. Thank you.

24 CHAIRPERSON CALVERT: Okay. Thanks.

1 MR. CUNNINGHAM: And I'm not trying to be
2 contentious. I'm just asking questions.

3 CHAIRPERSON CALVERT: All right. The next is
4 the granting of the variation will not be
5 detrimental to the public welfare or injurious to
6 other property or improvements in the neighborhood
7 in which the property is located.

8 So just reading from Staff's report,
9 I believe, it does state that the Village
10 engineering department has visited the subject
11 property in response to a complaint from a neighbor
12 regarding drainage concerns. It was found that the
13 structure is blocking a designated drainage swall.

14 So that's -- I just want to get that
15 into the record. We understand the applicant's
16 testimony with respect to there being no drainage
17 issues.

18 From a height standpoint I believe
19 the structure -- and maybe I'll ask Staff to speak
20 to this because I don't want to state it
21 incorrectly, but is there an issue with respect to
22 the height of the grill itself?

23 MS. FAWELL: No. The height complies with the
24 code.

1 CHAIRPERSON CALVERT: Okay. Board members?

2 No. All right.

3 The next is the granting of the
4 variation will not alter the essential character of
5 the neighborhood. These grills are common in the
6 neighborhood so I don't see that as being an issue.
7 They are not commonly located in the setback,
8 right, so there's that issue, but I don't think we
9 have an issue there.

10 All right. And then the last is the
11 proposed variation will not impair an adequate
12 supply of light or air to adjacent property or
13 substantially increase the congestion of the public
14 street or increase the danger of fire or impair
15 natural drainage or create drainage problems on
16 adjacent properties or endanger the public safety
17 or substantially diminish or impair property values
18 within the neighborhood.

19 There's a lot there. I think we have
20 addressed some of those issues. What stands out to
21 me is increase the danger of fire, create drainage
22 problems on adjacent properties or impair natural
23 drainage. You know, Board, I don't know if there's
24 any additional discussion regarding those?

1 COMMISSIONER FUS: I don't think so.

2 CHAIRPERSON CALVERT: Okay.

3 MR. CUNNINGHAM: Can I make one comment?

4 CHAIRPERSON CALVERT: Absolutely. Absolutely.

5 MR. CUNNINGHAM: So the same complaint you got
6 for the drainage was the same person that wrote in
7 this last time, they have zero complaints on the
8 drainage just to acknowledge that. It was the
9 actual gas line. Their drainage is fine. They
10 understand now the drainage that we put in. I
11 think the original complaint is we took -- they
12 came to my daughter's birthday party, saw what the
13 builder had done back in the yard with the way he
14 swaled the actual soil, and that's what the issue
15 was. It wasn't the actual -- we actually helped
16 the problem when we built this.

17 CHAIRPERSON CALVERT: So I have a follow-up
18 question, then.

19 MR. CUNNINGHAM: Okay. Yes.

20 CHAIRPERSON CALVERT: Because we have an
21 anonymous complaint, I understand you may or may
22 not know who that is, but we don't know who that
23 is, right?

24 MR. CUNNINGHAM: Sure. Absolutely.

1 CHAIRPERSON CALVERT: Not complaint, but a
2 letter in opposition. Okay. I think that you're
3 addressing that particular neighbor and, you know,
4 saying that once they took a look at this maybe
5 their, you know, not opposed anymore, but, as I
6 read just a few minutes ago, the Village engineer
7 has visited the property in response to a complaint
8 from a neighbor regarding drainage concerns and I
9 think -- is it your testimony that that's the same
10 person?

11 MR. CUNNINGHAM: I talked to him earlier, it's
12 the same person, yes.

13 CHAIRPERSON CALVERT: Okay. All right. So I
14 understand your testimony. We don't know that,
15 right? So I think we just have to use our best
16 judgment on that point.

17 MR. CUNNINGHAM: And I just wondered, if it
18 helped, he would -- he was the gentleman earlier I
19 said that would have no problem --

20 CHAIRPERSON CALVERT: Understood.

21 MR. CUNNINGHAM: Okay.

22 CHAIRPERSON CALVERT: Appreciate that.

23 All right. Board, any other
24 questions? You know, we need to take a vote here.

1 Any other thoughts? No. All right.

2 Member Fus?

3 COMMISSIONER FUS: Yeah. I think this is -- I
4 mean, it's a tough one for me just because it's
5 clearly a bad contractor, you know?

6 COMMISSIONER FRY: Yeah.

7 COMMISSIONER FUS: You know, if -- if it's
8 clearly not built, you know, to the ordinance, you
9 know, it's obviously in the building setback line,
10 you know, I'm more on the side of approving it with
11 conditions that, you know, be inspected, right? I
12 mean, it's -- that's what the code is for, you
13 know, for the safety and -- but what does that
14 mean? I mean, that's going to be digging up and,
15 you know, making sure the electric is to code and
16 it's going to be -- it's going to be a mess and
17 expensive regardless.

18 COMMISSIONER FRY: Yeah, that's why I asked
19 about that.

20 COMMISSIONER FUS: Yeah.

21 CHAIRPERSON CALVERT: Yeah. So -- go ahead.

22 COMMISSIONER GRESKA: You know, this issue
23 with the expenses has come up a couple times now.
24 It just seems to me it's not clear from what Staff

1 said how much of the expense has been incurred or
2 would be incurred after a building that was done
3 after the notice came in. That seems to be a
4 little ambiguous as to when the -- do you know what
5 I mean? I mean, some of the building could have
6 been after that, and so I don't know if you would
7 put that in your expense.

8 COMMISSIONER FUS: It sounds like the
9 structure was there. I mean, if he added -- I
10 mean, I don't know, I would love to see the photos,
11 but, I mean, if the structure was there and he
12 added a TV, I mean, you know, that's what makes the
13 picture look different, then it's a little
14 different, right? I mean, it's --

15 CHAIRPERSON CALVERT: Understood.

16 COMMISSIONER FUS: Yeah.

17 CHAIRPERSON CALVERT: So I had two thoughts.

18 One -- and our Village Attorney can
19 help me out on this, but I believe that strictly
20 economic or financial concerns are not a basis for
21 which zoning relief can be granted. Now,
22 obviously, each board member, you know, we have --
23 we have a significant amount of discretion, right,
24 in what constitutes a hardship, but strictly

1 financial concerns don't rise to meet that; is that
2 correct?

3 MS. SKRODZKI: That's correct in most -- in
4 almost all cases.

5 CHAIRPERSON CALVERT: Okay.

6 MS. SKRODZKI: As a general rule.

7 CHAIRPERSON CALVERT: So just putting it out
8 there.

9 COMMISSIONER FUS: Sure. And, to be clear,
10 I'm not saying -- I'm just saying it's going to
11 be -- like the way I'm leaning is it's going to
12 cost money regardless because it's going to have to
13 be inspected.

14 CHAIRPERSON CALVERT: Yeah.

15 COMMISSIONER FUS: And if it's being run
16 underground, I mean, there's only one way to look
17 at it.

18 COMMISSIONER FRY: Yeah.

19 CHAIRPERSON CALVERT: Understood. Yeah.

20 Well, we can take a vote or we can
21 discuss it a little more.

22 COMMISSIONER FRY: I'm still concerned how
23 this hasn't been -- wasn't caught somewhere in the
24 permitting process. Who was inspecting it?

1 Shouldn't have been gone through. That's my
2 personal opinion. Somebody dropped the ball on
3 this thing.

4 Now, you're right about all what it
5 should be and -- but I have a little problem --
6 maybe I'm wrong, but I have a problem with who was
7 out there inspecting it and why didn't they find it
8 and why didn't they correct it?

9 CHAIRPERSON CALVERT: Agreed. I mean, I agree
10 with that 100 percent. I also recognize that it
11 was not in the plans, which is not -- I don't think
12 is an excuse for an inspector not to catch it.

13 That being said from a timing -- this
14 was 2021 maybe initially. I mean, is COVID an
15 issue? I don't know.

16 Staff, can you maybe speak to that?

17 DIRECTOR VALONE: Sure. I would like to
18 clarify again what the time line is.

19 CHAIRPERSON CALVERT: Sure.

20 DIRECTOR VALONE: So the home received a
21 temporary certificate of occupancy in 2020 upon
22 completion of the things that were listed, again,
23 related to installation of kitchen appliances,
24 installation of the overhead door, they could have

1 been issued a certificate of occupancy.

2 Again, as you read out, their
3 as-built survey was not submitted until early 2021,
4 and then was not approved until June of 2021, and
5 it does not appear on the as-built. An inspection
6 is required to confirm that the as-built matches
7 what is on the ground.

8 So, again, I am not sure that the
9 time line that the applicant has indicated lines up
10 with the plans we have submitted and as a result of
11 the inspections. The inspection was -- for the
12 as-built was conducted by the Village's third-party
13 engineer, who is no longer with the Village, so I
14 cannot -- I cannot ask him a questions, but,
15 generally, again, the timeline shows that the
16 submittal of the as-built does not indicate that
17 the structure was there at the time.

18 CHAIRPERSON CALVERT: Okay. That's helpful.
19 Thank you.

20 All right. Well, you know, I -- what
21 I will say -- and I would like the Village Attorney
22 to confirm this -- is that we have to determine
23 that all of these criteria are met.

24 MS. SKRODZKI: That's correct. In order to

1 grant a variation you have to find that each of the
2 criteria is met. It's not a balancing test or a
3 majority, it's the applicant has to meet each of
4 the criteria that's listed.

5 CHAIRPERSON CALVERT: Yeah. And, you know,
6 for my Board members' benefit, you know, I
7 personally don't think that all of them have been
8 met. You know, I think the applicant -- I
9 sympathize with the applicant, their contractor and
10 architect clearly did them a disservice, but I
11 personally don't think that all of these were met,
12 but Board members obviously have their own thoughts
13 on that. Let's take a vote.

14 So can I -- I would like to entertain
15 a motion to approve the variation request in front
16 of us with respect to 4616 Harvey Avenue.

17 COMMISSIONER GRESKA: What's the specific
18 motion?

19 CHAIRPERSON CALVERT: Well, the motion is to
20 approve the matter. If you do not agree with the
21 approval of the matter you would -- when I say, you
22 know, all opposed, you would vote that way. If
23 you're in favor of it --

24 DIRECTOR VALONE: We will do a roll call vote.

1 CHAIRPERSON CALVERT: Okay. And we will do a
2 roll call. Correct.

3 Is that -- are we clear?

4 COMMISSIONER FUS: Clear. I mean, you know,
5 as it's -- if we're voting as is, I oppose, just to
6 be clear, but, you know, with -- we have passed
7 these with conditions in the past, right? So I
8 would be comfortable with conditions. You know,
9 obviously with inspections that its -- you know --
10 you know, it passes the code and that the neighbor
11 is okay with it, you know, as -- because there's
12 not a gas line. You know, drainage doesn't sound
13 like it's an issue per the applicant, but we don't
14 have that information in front of us.

15 MR. CUNNINGHAM: I would be happy to honor
16 that if you allow me.

17 CHAIRPERSON CALVERT: So I understand that,
18 and I appreciate it --

19 COMMISSIONER FUS: Mm-hmm.

20 CHAIRPERSON CALVERT: -- I think, though, if
21 we were to approve the -- this request, the
22 structure would still need to be inspected.

23 COMMISSIONER FUS: Mm-hmm.

24 CHAIRPERSON CALVERT: Right?

1 COMMISSIONER FUS: Yes.

2 CHAIRPERSON CALVERT: And any issues with
3 respect to the gas line or drainage would need to
4 be remedied.

5 COMMISSIONER FUS: Mm-hmm.

6 CHAIRPERSON CALVERT: So I don't know that the
7 motion to approve, you know, as requested needs to
8 be changed. Does that make sense? Because if we
9 approve it, it still has to be inspected.

10 COMMISSIONER FUS: Mm-hmm.

11 CHAIRPERSON CALVERT: So, in my mind, it's
12 either a blanket approval or a blanket denial.

13 COMMISSIONER FUS: I guess -- I mean, how is
14 that -- how is that different from what we have
15 done in the past with conditions? Like we have
16 done -- you know, we have approved, you know,
17 applications in the past with a condition that, you
18 know, the Village engineer, you know, approves the
19 drainage.

20 CHAIRPERSON CALVERT: Okay.

21 COMMISSIONER FUS: So I guess how is this, you
22 know, different from that?

23 DIRECTOR VALONE: So, I think, Attorney
24 Skrodzki, could you clarify, though, if they need a

1 condition related to a future inspection if the
2 results were one way or the other on that, how that
3 would play out related to their recommendations?

4 MS. SKRODZKI: Conditioning on the result of a
5 future inspection would -- it's a little messy, for
6 lack of a better term, because if there's not a
7 straight pass, then it's unclear whether the relief
8 would have to be rolled back and in what way. So
9 it's -- it's -- if -- I would suggest that if you
10 were going to go in that direction that the matter
11 be preliminarily approved and then the inspection
12 be done in some time period so that we can come
13 back and do a final approval before the action move
14 forward.

15 COMMISSIONER FUS: Okay.

16 MS. SKRODZKI: Because, ultimately, the issue
17 is this is zoning relief, so it -- in order to
18 condition it on compliance with the other parts of
19 the code, the other building parts of the code,
20 those are two things that don't necessarily
21 interplay with each other, so if the results of the
22 inspection were just not uniformly positive, it
23 would be difficult to tell what has happened with
24 regard to the zoning relief. Is the zero setback

1 still okay, for example. Do you know what I mean?

2 COMMISSIONER FUS: I do. I gotcha.

3 MS. SKRODZKI: But another -- like I
4 mentioned, another possibility might be to, you
5 know, have a conditional approval recommendation,
6 continue it for some time period, have the
7 inspection done in the interim, have the result of
8 the inspection before a final recommendation is
9 made and the matter moves forward.

10 DIRECTOR VALONE: Also to clarify relating to
11 the drainage item. The home clearly was approved a
12 specific site plan that included topography and any
13 sort of storm water management.

14 Regardless of the drainage complaint
15 that was received, the structure does, in fact,
16 block an approved swale. So regardless of the
17 outcome of this, the applicant will have to show
18 that he has either reestablished that swale as
19 approved or he has provided some other plan.

20 So, essentially, as indicated in the
21 Staff report, engineering plans would need to be
22 provided regardless.

23 COMMISSIONER FUS: So we're voting as is
24 presented right here?

1 CHAIRPERSON CALVERT: Yes.

2 COMMISSIONER FUS: Okay.

3 CHAIRPERSON CALVERT: So, at this time, can I
4 have a motion to approve the variation request in
5 front of us with respect to 4616 Harvey Avenue?

6 Can I have a motion?

7 COMMISSIONER GRESKA: I thought we were doing
8 roll call?

9 DIRECTOR VALONE: So we'll need a motion --

10 CHAIRPERSON CALVERT: I need the motion --

11 COMMISSIONER GRESKA: Oh, okay. Okay. I'm
12 sorry. I'll make that motion. I'm so sorry.

13 DIRECTOR VALONE: So Greska was the first and
14 then is there a second?

15 CHAIRPERSON CALVERT: Is there a second to
16 that motion?

17 COMMISSIONER FUS: For the roll call?

18 CHAIRPERSON CALVERT: For the roll call.

19 COMMISSIONER FUS: Oh, I'll second that, yeah.

20 DIRECTOR VALONE: All right.

21 So, Commissioner Burtker?

22 COMMISSIONER BURTKER: I vote to approve.

23 DIRECTOR VALONE: Fry?

24 COMMISSIONER FRY: Approve.

1 DIRECTOR VALONE: Fus?

2 COMMISSIONER FUS: I'm going to have to oppose
3 it.

4 DIRECTOR VALONE: Greska?

5 COMMISSIONER GRESKA: Oppose.

6 DIRECTOR VALONE: Johnson?

7 COMMISSIONER JOHNSON: Oppose.

8 DIRECTOR VALONE: And Chairman Calvert?

9 CHAIRPERSON CALVERT: Oppose.

10 All right. So that is four opposed,
11 two for, the opposed carries today. So this
12 application has failed to pass. All right. I
13 think that is the conclusion of this matter.

14 Can I please have a motion to close
15 the public hearing with respect to 4616 Harvey
16 Avenue?

17 COMMISSIONER GRESKA: I'll make that motion.

18 CHAIRPERSON CALVERT: Is there a second?

19 COMMISSIONER FUS: Second.

20 CHAIRPERSON CALVERT: All in favor?

21 (Chorus of ayes.)

22 DIRECTOR VALONE: And we need a motion to
23 finalize the findings of fact to provide to the
24 Chairman for his signature.

1 MS. SKRODZKI: Yes.

2 CHAIRPERSON CALVERT: All right. Can I have a
3 motion to approve the findings of fact to be
4 presented to me for a signature?

5 COMMISSIONER GRESKA: I'll make that motion.

6 DIRECTOR VALONE: Second? Is there a second?

7 COMMISSIONER FUS: Second.

8 DIRECTOR VALONE: Was that you, Jeff?

9 COMMISSIONER FUS: Yeah.

10 DIRECTOR VALONE: Thank you.

11 CHAIRPERSON CALVERT: All in favor?

12 (Chorus of ayes.)

13 CHAIRPERSON CALVERT: All right. The ayes
14 have it.

15 Okay. That matter is done. Thank
16 you very much. Applicant, thank you for --

17 MR. CUNNINGHAM: Appreciate your time.

18 CHAIRPERSON CALVERT: -- presenting to us. I
19 hope you understand that we debated it robustly.
20 We gave it --

21 MR. CUNNINGHAM: It's not a personal thing. I
22 just -- I needed my chance.

23 CHAIRPERSON CALVERT: All right. Understood.

24 COMMISSIONER FRY: Good luck.

1 MR. CUNNINGHAM: Am I free to go?

2 CHAIRPERSON CALVERT: All right. Do we have
3 any new business to discuss?

4 DIRECTOR VALONE: No.

5 CHAIRPERSON CALVERT: No. Okay. Seeing that
6 there is nothing left on our agenda, can I please
7 have a motion to close today's meeting?

8 COMMISSIONER GRESKA: I'll make a motion to
9 close it.

10 CHAIRPERSON CALVERT: Is there a second?

11 COMMISSIONER FRY: Second.

12 CHAIRPERSON CALVERT: All in favor?

13 (Chorus of ayes)

14 CHAIRPERSON CALVERT: The meeting is closed.

15 Thank you.

16

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1 I, Hailey M. Schoot, CSR, RPR, being
2 first duly sworn, on oath says that she is a court
3 reporter doing business in the State of Illinois; and
4 that she reported in shorthand the proceedings of said
5 meeting and that the foregoing is a true and correct
6 transcript of her shorthand notes so taken as aforesaid,
7 and contains the proceedings given at said meeting.

8
9
10 (Electronically Signed)

11 _____
12 Hailey Schoot, CSR, RPR

13 Illinois CSR License 084-004897
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AGENDA ITEM SUMMARY

BOARD OF ZONING APPEALS

Board of Zoning Appeals: July 28, 2025

AGENDA ITEM D.1.

To: Board of Zoning Appeals

From: Zach Perkins, Planning Intern, Kelsey Fawell, Senior Planner, Heather Valone, Director of Community Development

CC: Ellen Baer, Village Manager, Casey Biernacki, Deputy Village Manager, Michael Jurusik, Village Attorney, Anne Skrodzki, Village Attorney

RE: BZA-2025-02: Devin and Lindsey Meyer 4115 Ellington Avenue; Zoning Variations for Minimum Front and Interior Side Yards

Project Description

Devin and Lindsey Meyer (the “Applicants”) are property owners of the single—family residence located at 4115 Ellington Avenue (Figure 1) (the “Subject Property”) and are requesting approval of two variations from the Development Control Ordinance (“DCO”) to construct a two-story addition.

The Applicants state within their application materials that they have resided within the Field Park subdivision of Western Springs for six years and are in need of an additional bedroom for their growing family. The Applicants state that additional floor space to create a fourth bedroom is necessary for their continued use of the home, constructed in 1928 according to the Cook County Assessor’s Office, as they continue to grow their family.

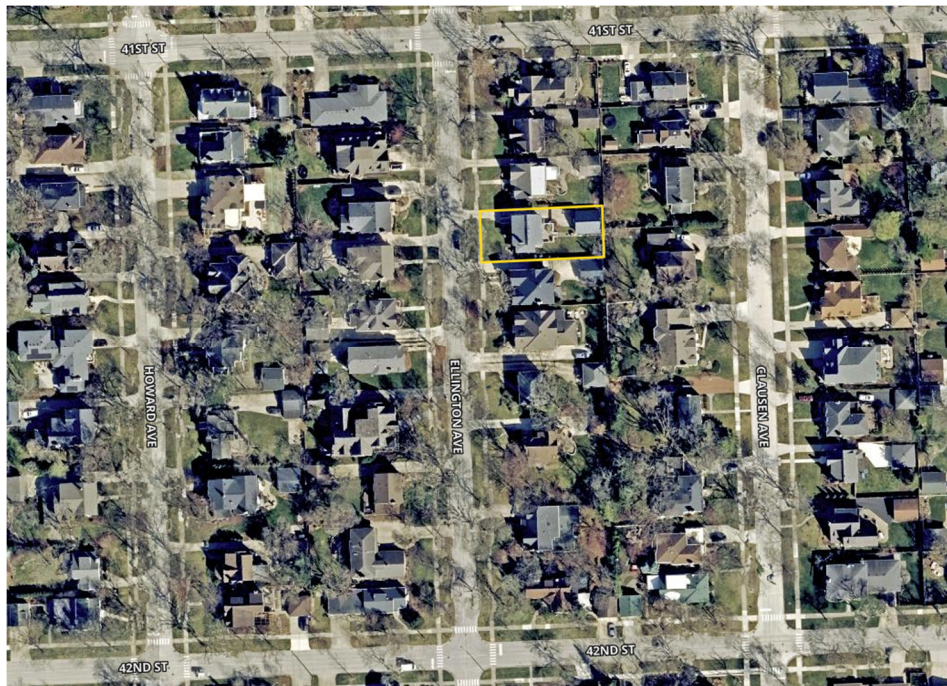


Figure 1: The Subject Property is located on the east side of Ellington Avenue, south of 41st Street and north of 42nd Street.

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 7,205-sf lot within the Village's R-2 Single-Family Residence District and is currently improved with an approximately 1,791 sf two-story single-family home. The home is served by an approx. 538 sf detached garage in the rear of the property. A wood deck is located along the rear southeast portion of the home. The existing home encroaches 0.34 ft. within the required 35.10 ft. front yard and is compliant in both side yards.

Request

If approved, the project will result in:

- (1) a 0.34 ft. encroachment into the required 35.10 foot minimum front yard;
- (2) a 3.50 ft. encroachment into the required 10.00 foot minimum south interior side yard

Development Control Ordinance (DCO)

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

- *10-6-3(E)(1) Front Yard: Thirty feet (30 ft.), provided that when a block is occupied by buildings which existed at the effective date hereof, the front yard setback for any new building shall be in conformity with the average front yard setback of existing buildings along the same block face, but need not exceed fifty feet (50 ft.).*
- *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 ft.) 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 ft.) 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.*

The single-family home was constructed in 1928 and has remained in its original location on the lot (Attachment 1). The home was built prior to the adoption of the current Village Building Codes, resulting in an inefficient lot layout, per the Applicant's application materials. The DCO stipulates that one interior side yard must be at least 10 ft. in width while the other must not be less than 10% of the lot width (5.5 ft.). The Applicants state that, if the home were built after these requirements were enacted, the builder would

have extended the driveway (north) side yard from 7.85 ft. to the required 10 ft. rather than the south side yard being used to fill this requirement. This would have afforded the Applicants to build to 5.5 ft. rather than 10 ft. from the south lot line. The Applicants state that this puts them at a significant disadvantage compared to neighboring properties, which were built with current setback requirements in mind. The Village's 1948 regulations for side yards within this area only required that each side yard had to equal 10% of the lot width – there was not yet the requirement of a 10 ft. side yard.

Additionally, the Applicants state that they are disadvantaged by other physical conditions of the property including the size and location of the driveway, placement of existing deck space, drainage concerns, and an interior layout incompatible with a rear-yard addition. Figure 2 below shows the existing conditions of the property. The Applicants note that their rear yard is susceptible to excess water, along with neighbors on both sides experiencing occasional basement flooding. Therefore, they wish to avoid additional roof coverage in the rear yard to prevent further drainage issues. To accommodate a rear-yard addition, the Applicants would need to make substantial alterations to the home's layout to overcome significant design limitations. This would require repositioning the second-floor hallway from a north-south alignment to an east-west alignment, splitting existing bedrooms into much smaller rooms that do not meet modern living standards. Instead, the proposed side yard addition will modernize the home to meet current living standards by adding a first-floor bathroom and mudroom, both of which the home currently lacks.

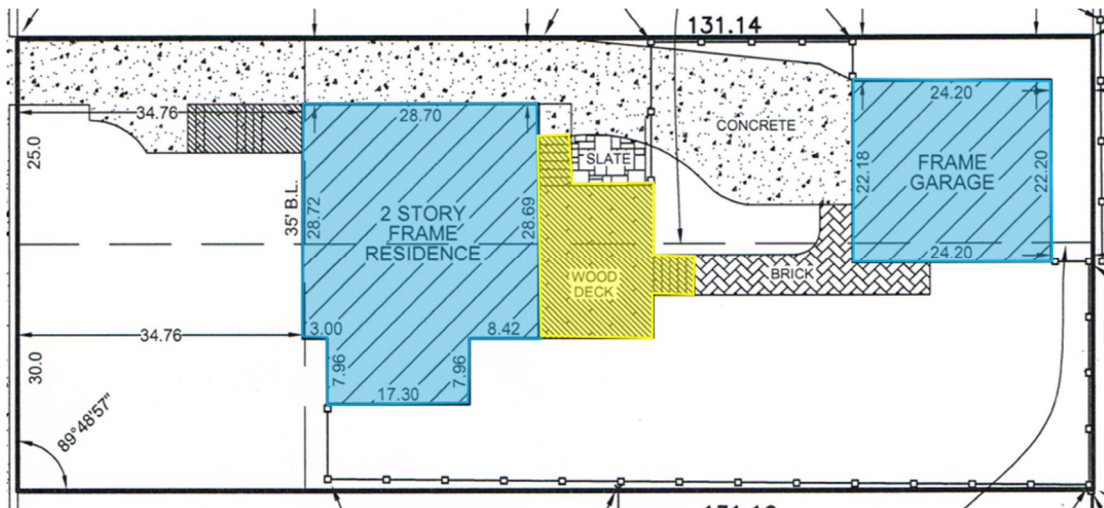


Figure 2: The Subject Property's plat of survey depicts the lot's existing conditions. The home and garage are depicted in blue and the deck in yellow.

The Village's 1948 regulations for side yards within this area were only that each side yard had to equal 10% of the lot width – there was not yet the requirement of a 10' side yard for R-2-zoned properties. The 1948 regulations are the oldest regulations located by staff; however, the 1948 side yard regulations illustrate how these types of requirements have been changed over the years since the Subject Property has been constructed.

The existing house was built with a non-conforming setback. For the applicants to have a consistent front elevation of the house they would have to obtain the 0.34 ft. variation.

- 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.*

The block consists of varying lot widths between 50 ft. and 80 ft. with the Subject Property’s lot width at 55 ft. The lot abutting the Subject Property to the north is also 55 ft. in width while the abutting lot to the south is 50 ft. The average front yard setback for the east side of the block is 35.1 ft. (Table 1) excluding the Subject Property, per the Applicant’s provided calculation (Attachment 1). The Applicants are requesting a front yard variation to allow the proposed addition to align with the existing front yard setback of the home, which encroaches 0.34 ft. in the required 35.1 ft. setback.

Table 1: Front Setbacks of Neighboring Properties on East Side of Ellington Avenue

Address	Front Setback
4105 Ellington Ave	37.5 ft.
4109 Ellington Ave	36.5 ft.
4115 Ellington Ave	34.8 ft.
4117 Ellington Ave	31.5 ft.
4119 Ellington Ave	31.5 ft.
4129 Ellington Ave	36.0 ft.
4135 Ellington Ave	37.0 ft.
4141 Ellington Ave	36.0 ft.
Block Average	35.1 ft.

Side yard setbacks vary, with multiple properties fulfilling their required 10 ft. side yard setback on the driveway side, while others including the Subject Property fulfill this requirement on the opposite side yard. Among similarly situated properties with side yard driveways and detached rear yard garages, eight satisfy the 10 ft. setback requirement on the driveway side while four do not, including the Subject Property (Table 2). The Applicants state that the 10 ft. requirement being fulfilled on the south side yard creates a barrier to developing a side yard addition that homes built with later setback requirements in mind do not have.

Table 2: Side Yard Setbacks of Similar Neighboring Properties

Address	10 ft. Setback on Driveway Side Yard
4105 Ellington Ave	Yes
4109 Ellington Ave	No
4115 Ellington Ave	No
4117 Ellington Ave	Yes
4119 Ellington Ave	Yes
4129 Ellington Ave	Yes
4135 Ellington Ave	Yes
4116 Ellington Ave	No
4120 Ellington Ave	Yes
4124 Ellington Ave	No
4130 Ellington Ave	Yes
4140 Ellington Ave	Yes

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

The Applicants state within Attachment 1 that the proposed improvements to the home are not for financial gain but instead intended to add a fourth bedroom for their family, allowing them to continue to grow their family in their current home and neighborhood. Without the interior side yard variation, the home would require a substantial reconfiguration of the second-floor layout to accommodate a rear yard addition. This would require reorienting the hallway and splitting existing rooms, resulting in reduced bedroom sizes that do not meet modern standards of living.

- 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 Applicants state in their application submittals that the property’s hardships were created when the home was constructed in 1928 (Attachment 1) given the placement of the structure on the lot. These pre-existing conditions include the front of the home, which was built 0.34 ft. beyond the required setback, the north side yard of the home, which does not satisfy the 10 ft. requirement, and the placement of the driveway. The Applicants purchased the property in 2019 and have not constructed any additions that contribute to the hardship.

- 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 Applicants state that the two-story addition will not be detrimental to the public welfare of the neighborhood and will blend in with the existing aesthetics of both the existing home and neighborhood. Letters of support from eight neighbors, including two adjacent property owners, were collected (Attachment 1). The project will comply with all other bulk and lot requirements. If this variation is approved, all standard and customary building and site engineering reviews will be provided for the new building addition project.

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

The use of the Subject Property and home are not proposed to change with the requested variations. The single-family use will remain consistent with that of other homes within the Field Park subdivision.

The Applicants state in their application materials that the improvements will integrate seamlessly into the existing character of the neighborhood. The proposed addition will replicate the height, roof line, siding, and windows of the existing home to maintain the original historic aesthetics of the home (Attachment 1). The two-story addition is in line with the height of surrounding homes and is shorter than the maximum height for a single-family home allowed by the DCO.

The block is a mix of one-story and two-story homes, both old and new, including one-story homes with second-story additions. The property is immediately adjacent to a two-story residence to the south and a one and a half story residence to the north. To the east, abutting the rear of the property, are two brick two-story residences. The remainder of the block includes a diverse mix of materials and building styles including ranch, colonial-revival, and craftsman style homes. As the block is comprised of homes of varying heights, the applicant’s proposed two-story addition will not be out of character.

Below provides information on the neighboring homes on the same side of the block as the Subject Property, from 41st Street to the north to 42nd Street to the south (Table 3). The second table represents the west side of the block, from 41st Street to the north to 42nd Street to the south (Table 4).

Table 3: East Side of Ellington Avenue

Address	Two-Story?	Notes
4101 Ellington Ave	Yes	
4105 Ellington Ave	Yes	
4109 Ellington Ave	Yes*	*1.5-story
4115 Ellington Ave	Yes	Subject Property
4117 Ellington Ave	Yes	

4119 Ellington Ave	Yes	
4129 Ellington Ave	Yes	
4135 Ellington Ave	Yes	
4141 Ellington Ave	Yes	
4147 Ellington Ave	Yes	

Table 4: West Side of Ellington Avenue

Address	Two-Story?	Notes
4100 Ellington Ave	No	1-story ranch
4106 Ellington Ave	Yes	Constructed in 2008
4112 Ellington Ave	Yes	
4116 Ellington Ave	Yes	
4120 Ellington Ave	Yes*	*1.5-story
4124 Ellington Ave	Yes	2nd-story addition in 2008
4130 Ellington Ave	No	3-story constructed in 2007
4136 Ellington Ave	Yes	Sunroom addition in 2025
4140 Ellington Ave	Yes	
4146 Ellington Ave	No	1-story ranch

The existing front yard setbacks for this block vary. Additionally, as the Applicants are requesting the same setback as the exiting house, it is likely to not visually impact the neighborhood. It is more likely that misaligning the existing front elevation of the house and the proposed addition would have more visual impact on the neighborhood than the requested variation.

- 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.*

The Applicants state in the submitted application that the proposed addition will not negatively impact the adequate supply of light and air to adjacent properties and have received letters of support from abutting property owners (Attachment 1). The proposed addition is to have the same height as the existing home, which is approximately 30 feet in height. The Applicants are proposing a 6.5 ft. side yard instead of the required 10 ft. side yard. With a reduced setback, the home is therefore anticipated to cast more shadow on the neighboring property than if the strict regulations of the DCO were enforced; however, the adjacent neighbor to the south has stated they do not object to the Applicant’s request as provided in the application materials. The Applicants note drainage issues in the backyard as one of the hardships preventing them from constructing a rear-facing addition and are willing to incorporate additional drainage infrastructure into the project if requested. If approved, the project will be reviewed by the Engineering Department to assess the stormwater and drainage conditions of the property as part of the permitting process. The proposed two-story addition will replace an existing one-story side yard addition, minimizing additional roof coverage to prevent

further drainage issues. The addition will not increase traffic congestion as the single-family use is not being altered. The addition will not have a diminishing effect on property values as the improvements will not alter the existing character of the neighborhood.

As indicated above, the request to align the front elevation of the proposed addition with the existing house is unlikely to have impacts that are different than the existing house. The impacts to light, air, danger of fire, and traffic congestion are the same as the existing house. The drainage will be reviewed and the time of permit and will be required to comply with the DCO.

Public Comments

At the time of the writing of this report, one public comment was received in support of the application, submitted by a neighbor residing at 4124 Ellington Avenue (Attachment 3). An update concerning additional public commentary will be shared and provided to the Board of Zoning Appeals (the "BZA") at the time of the hearing. Please note the Applicant included letters of support from eight nearby property owners within their application materials (Attachment 1).

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 Section 10-3-11(C)(4) 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.

The Applicants have identified that there are practical difficulties and physical hardships that result when adding additional floor space to the existing two-story home. The existing home already encroaches into the required front yard based on the block average setback; no additional encroachment is proposed. The request is practical and reasonable based upon the existing conditions associated with the property and current code requirements related to lot width and front yard building setback. Village staff does not find all of the standards for the side yard setback have been met as there are alternative designs the Applicants can consider for the home that increase the number of bedrooms and do not require a variation.

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

1. Application package
2. Draft - An Ordinance Approving / Denying a Petition Requesting Variations from the Front Yard Setback and Side Yard Setback Regulations of Title 10 (Development Control Ordinance), Chapter 6 (Residential District Regulations), Section 10-6-3 (R2 - Single-Family Residence District) to Allow for the Construction of an Addition to the Residence at the 4115 Ellington Avenue Property
3. Submitted public comment

GENERAL INFORMATION APPLICATION
For Land Use and
Development in the Village

Applicant(s)

Name Devin + Lindsey Meyer

Address 4115 Ellington Avenue

Western Springs, IL 60558

Devin
Telephone (563) 343 - 4370

Lindsey
Telephone (630) 215 - 4323

Fax () _____ - _____

E-mail Devin.Meyer@Guggenheim
Partners.com

Agent/Attorney

Name n/a

Address _____

Telephone () _____ - _____

Telephone () _____ - _____

Fax () _____ - _____

Property Owner(s)

Name same as applicants

Address _____

Telephone () _____ - _____

Telephone () _____ - _____

Fax () _____ - _____

E-mail _____

Engineer

Name Bradford + Kent (Mark Machaj)

Address 807 Ogden Avenue

Downers Grove, IL 60515

Telephone (630) 969 - 8585 ext. 330

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.

Owned by the Lindsey E. Meyer Trust and The Devin L. Meyer Trust. The two trusts own the house 50/50.

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):

We are requesting a variance to allow us to build an addition to achieve a 4th bedroom. We are requesting to build an addition to 6'6" from the lot line on the south facing side of the house.

GENERAL INFORMATION APPLICATION (continued)

1. Common address or location of subject property:

4115 Ellington Ave
Western Springs

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

3. Permanent Index Number: 18-05-120-003-0000

4. Parcel Size (sq. ft. or acres): 7,205 SF

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	<u>R2</u>	<u>Single Family Detached</u>
North of Site	<u>R2</u>	<u>Single Family Detached</u>
South of Site	<u>R2</u>	<u>Single Family Detached</u>
East of Site	<u>R2</u>	<u>Single Family Detached</u>
West of Site	<u>R2</u>	<u>Single Family Detached</u>

7. Describe any existing structures and the site

A 2-story frame residence with wood deck with a wood frame detached
garage.

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

Date 5/11/2025

Signature Jerri Meyer
(Applicant or Contract Purchaser)

Date 5/11/2025

Signature Lindsay Meyer
(Property Owner)

Variance Proposal – Meyer, 4115 Ellington Ave



Variance Proposal – Meyer, 4115 Ellington Ave

Present Owners

Devin and Lindsey Meyer

Address: 4115 Ellington Ave, Western Springs, Illinois, 60558

Phone Number: 630-215-4323

Street Address of the Property: 4115 Ellington Ave

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

Proposal of New Structure: See **Appendix B** – Site Plan

Narrative Description of Proposal

We are requesting a variance to allow us to build an addition (the “Addition”) to achieve a 4th bedroom for our three children (Will - 9, Luke - 6, and Emily - 4) to each have their own room. Our house was built in 1929 and brings considerable character to the neighborhood. We love our location close to Field Park Elementary and our neighbors, who have become great friends and support our proposal. This addition will allow us to stay in our current location while not impacting neighbors’ properties and maintaining the character of the neighborhood.

Our house was ***built in 1929 when the current lot code was not in place***. As a result, the house was built with 7.85 ft on the driveway (north) side and 10.52 ft on the south side ***for a total of 18.37 ft***. If the house was built today, the builder would have used the driveway (north) side to achieve the 10 ft requirement and the south side would be allowed to go to 5 ft instead of the current 10.52 ft. ***As such, we are significantly disadvantaged vs. neighboring properties***. In our research, ***we do not see another house in our neighborhood facing this circumstance***. In fact, we have seen properties that ***have been granted a variance to build to 5 ft despite not meeting 10 ft on the driveway side (Appendix C)***. Additionally, there are several other physical conditions of the property that make it impractical to construct the Addition in another manner.

As a result, ***we are requesting to build an Addition to 6’6” from the lot line on the south facing side of the house. The addition will also require a front yard setback variance of 0.34 feet to square the house***. This will allow us sufficient room to create bedrooms with livable widths whereas without the variance, only a narrow 7 ft room is achievable which does not meet modern living standards.

We hope you will understand our situation. Our kids are now at the age where they need their own space rather than sharing bedrooms. We have outlined our circumstances further.

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.**

Our house, having been built in 1929 closer to the lot line than it should have been on the driveway side, is a hardship specific to this property. ***As outlined in the description, other houses in the neighborhood do not face this physical hardship.*** There is no practical way to change what we inherited from its construction in 1929. We should not be disadvantaged vs. other homeowners in Western Springs.

Additionally, there are several other physical conditions of the property that make it impractical to construct the Addition in another manner, including:

Hallway Direction: The 2nd floor of our house was built with the hallway going north and south (side of lot to side of lot). The two bedrooms on the east side are each less than 11 ft in width (Appendix D). It would not be possible to build the Addition off the back of the house as it would require a hallway to get to the new space. This would require splitting the two rooms which would result in room widths well below modern living standards.

Location of Fireplace: The fireplace is on the side of the house which limits the width of the bedroom to 7 ft if the variance is not granted. It is not practical to remove the fireplace as it reduces the character of the house and the HVAC systems vent through the fireplace (eliminating the fireplace would require new HVAC systems).

Size and Location of Driveway Turnaround and Garage: The house was built on the north side of the lot with a narrow driveway. The garage and driveway turnaround for cars to get in and out was also built on the north side and the turnaround is smaller than the typical 26 ft. This location would considerably limit the size and scope of an addition off the back and further complicate an already challenging path to get cars in and out of the garage. For reference, the existing deck is 13 ft and it almost touches the driveway (Appendix E).

No First Floor Bathroom or Mudroom: Our house does not currently have a bathroom on the 1st floor, which is below modern living standards. Additionally, we lack a mudroom for storing kids' shoes, coats, and various sports gear. By granting the variance, we would have additional space to capture a bathroom and a mudroom to achieve modern living standards.

Existing Deck and Outdoor Space: When we bought the house in 2019, the 25+ year old existing deck was in very bad shape and a danger to our kids. We replaced several boards before deciding we had no choice but to replace with a new deck. Our new deck cost \$25,000 and is a wonderful outdoor space for our family (regularly grilling and eating dinner as well as kids playing legos and toy trucks and tractors). Building an Addition off the back would require tearing out the deck and eliminating an outdoor space for our family.

Water Drainage: Our property is susceptible to excess water in the backyard (Appendix F) and our neighbors on both sides have had their basements flood. Rather than add significantly more roof coverage in the backyard via an Addition off the back of the house, we want to replace the existing roof coverage on the side of the house to limit water. ***We also are willing to put in additional drainage in the backyard to remedy situation.***

- 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 conditions of the property are highly unique to the neighborhood, in fact we can't identify another house in the neighborhood with a similar dynamic. This results in the need to file for a variance to achieve space afforded to other homeowners.

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

The variance will not produce financial gain. We have three children and this allows us to add a fourth bedroom so we can remain in our neighborhood. In fact, our realtor has strongly advised us against the Addition given the cost of construction vs. the new expected value of the Property. We like our location and neighbors and our children are happy here.

- 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.**

As noted previously, the house was built in 1929 when the lot ordinance was not in place. Additionally, the direction of the hallway and arrangements of rooms along with the lack of a first floor bathroom and mudroom were decided by the original builders in 1929. Having bought the house in 2019, we did not create any of these hardships.

- 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.**

Replacing the existing structure with the proposed Addition will not be detrimental to the public welfare. The design is meant to seamlessly integrate into the existing aesthetics.

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

The proposed addition is intended to seamlessly integrate into the existing character of the home including replicating the existing roof line, exterior siding, and windows. The intention is to make the addition look as if it was the original design when it was built in 1929.

Additionally, we have reviewed the design plans with neighboring property owners and they fully support the design as it maintains the character of the neighborhood (Appendix G, H).

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.

There will remain adequate supply of light and air to the adjacent property, no impairment to natural drainage (note replacing existing structure resulting in minimal net new roof coverage), and no additional congestion or danger of fire. The directly adjacent neighboring property owners are supportive of the addition (Appendix H) and other neighbors are fully supportive and don't see an impairment to property values within the neighborhood.

Appendix A

Current Plat of Survey

[Provided as a separate document]



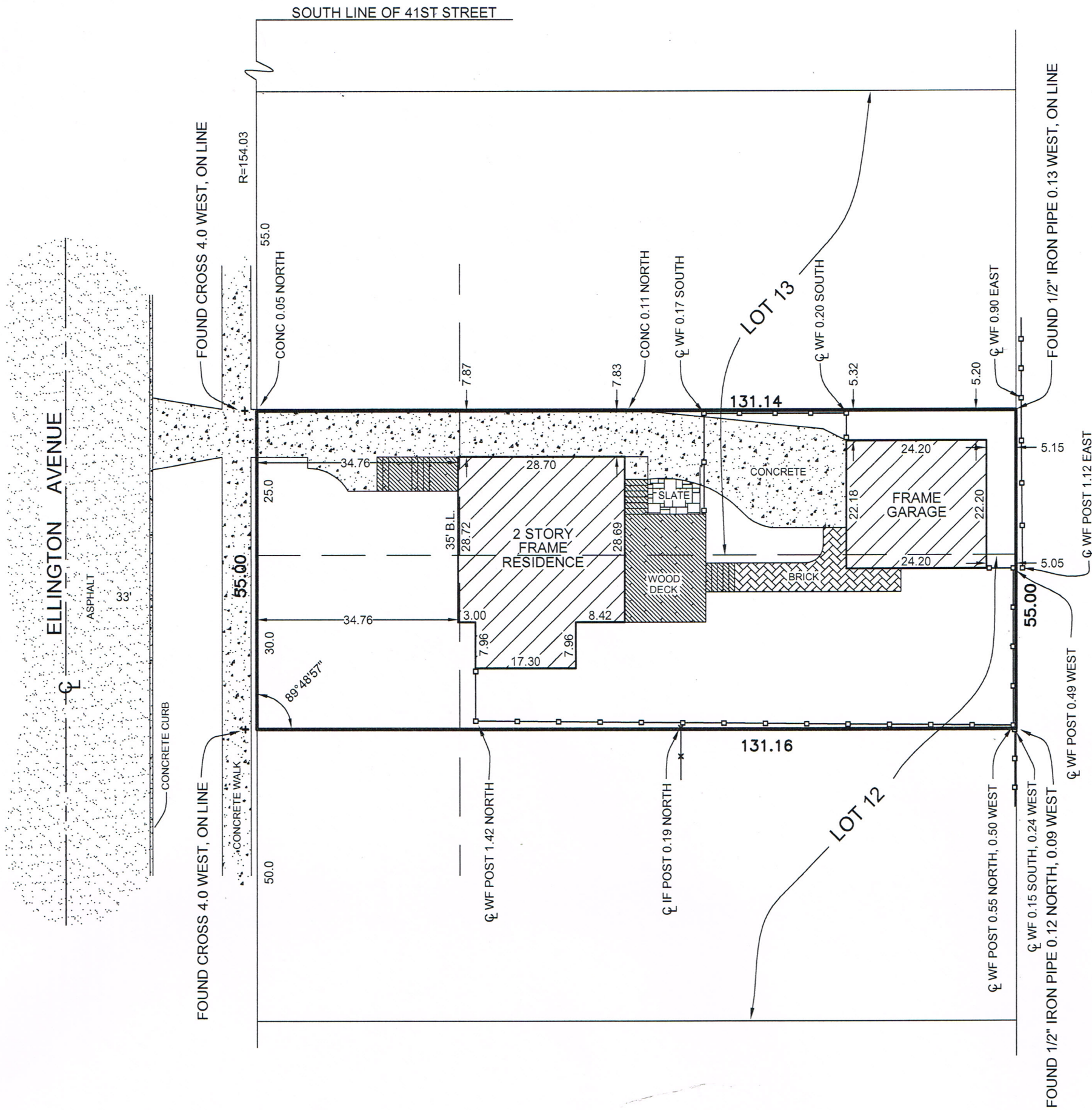
SCHOMIG LAND SURVEYORS, LTD.

PLAT OF SURVEY

909 EAST 31ST STREET
LA GRANGE PARK, ILLINOIS 60526
SCHOMIG-SURVEY@SBCGLOBAL.NET
WWW.LAND-SURVEY-NOW.COM
PHONE: 708-352-1452
FAX: 708-352-1454

THE SOUTH 25 FEET OF LOT 13 AND THE NORTH 30 FEET OF LOT 12 IN BLOCK 18 IN FIELD PARK, A SUBDIVISION OF THE WEST 5/8 OF THE WEST 1/2 OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: 4115 ELLINGTON AVENUE, WESTERN SPRINGS.



THE CUSTOMER LISTED BELOW PROVIDED THE LEGAL DESCRIPTION SHOWN HEREON. WE DO NOT GUARANTEE THAT THIS IS THE CORRECT LEGAL DESCRIPTION FOR THE TRANSACTION INTENDED.

IMPORTANT: COMPARE LEGAL DESCRIPTION TO DEED OR TITLE POLICY AND REPORT ANY DISCREPANCY FOR CLARIFICATION OR CORRECTION IMMEDIATELY. UNLESS OTHERWISE NOTED, THIS PLAT DOES NOT SHOW BUILDING LINES OR OTHER RESTRICTIONS ESTABLISHED BY LOCAL ORDINANCES.

DO NOT SCALE DIMENSIONS FROM THIS PLAT; THE LOCATION OF SOME FEATURES MAY BE EXAGGERATED FOR CLARITY. NO EXTRAPOLATIONS MAY BE MADE FROM THE INFORMATION SHOWN WITHOUT THE WRITTEN PERMISSION OF SCHOMIG LAND SURVEYORS LTD. ONLY PLATS WITH AN EMBOSSED SEAL ARE OFFICIAL DOCUMENTS. FIELD WORK WAS COMPLETED PER SURVEY DATE LISTED BELOW. © COPYRIGHT, ALL RIGHTS RESERVED.

SURVEY DATE: JUNE 24TH, 2025.

BUILDING LOCATED: JUNE 24TH, 2025.

ORDERED BY: LINDSEY MEYER

PLAT NUMBER: 86H20-1 & FC-1877 SCALE: 1" = 20'

LEGEND

- M. = MEASURED DIMENSION
- R. = RECORDED DIMENSION
- B.L. = BUILDING LINE
- P.U.E. = PUBLIC UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- C. = CENTER LINE
- C.L.F. = CHAIN LINK FENCE
- W.F. = WOOD FENCE
- V.F. = VINYL FENCE
- I.F. = IRON FENCE

STATE OF ILLINOIS)
COUNTY OF COOK) ss. LOT AREA: 7,214 SQUARE FEET.

WE, SCHOMIG LAND SURVEYORS, LTD. AS AN ILLINOIS PROFESSIONAL DESIGN FIRM, LAND SURVEYOR CORPORATION, DO HEREBY CERTIFY THAT WE HAVE SURVEYED THE PROPERTY DESCRIBED HEREON.

ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS OF A FOOT. DIMENSIONS SHOWN ON BUILDINGS ARE TO THE OUTSIDE OF BUILDINGS. THE BASIS OF BEARINGS, IF SHOWN AND UNLESS OTHERWISE NOTED, ARE ASSUMED AND SHOWN TO INDICATE ANGULAR RELATIONSHIP OF LOT LINES.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

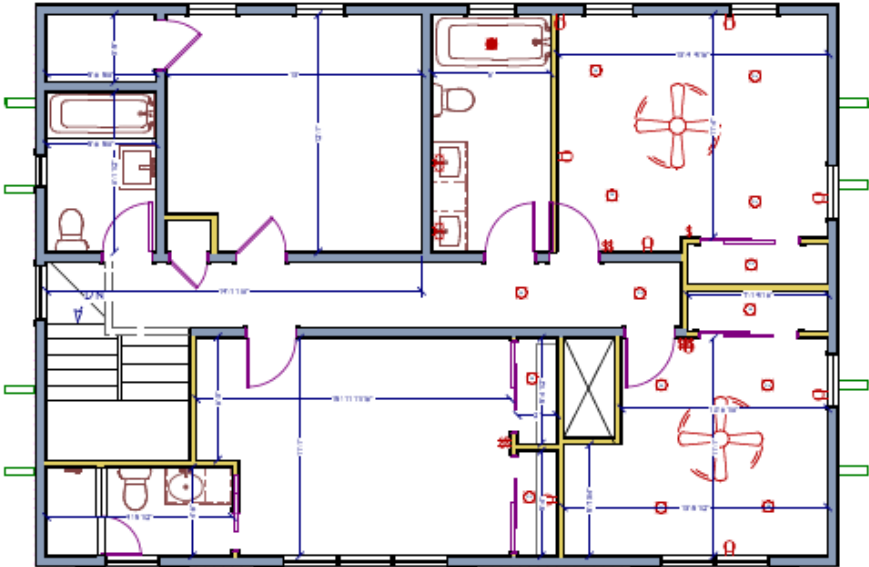
BY: *Russell W. Schomig*
PROFESSIONAL ILLINOIS LAND SURVEYOR LICENSE # 035-002446



LICENSE EXPIRATION 11-30-2026

Appendix B

Proposed Site Plan – See full drawing from Bradford & Kent at end of document



Appendix C

Example House with Driveway Less than 10 Ft and Variance Granted to 5 Ft on Other Side



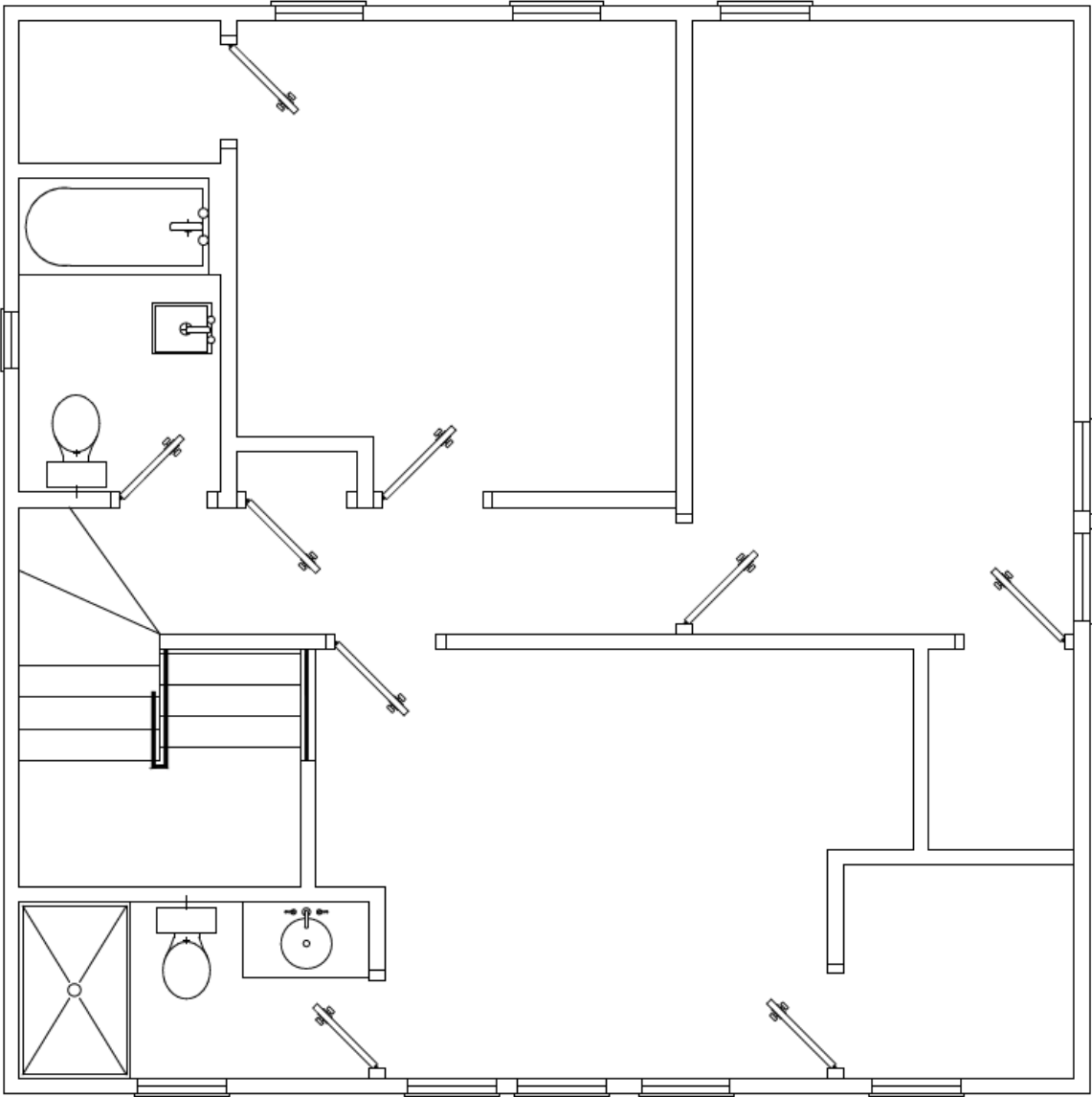
Example House with Driveway Less than 10 Ft and Variance Granted to 5 Ft on Other Side



Appendix D

Existing Second Floor Layout Demonstrating Current Widths of Bedrooms

Note: wall faces the back yard so addition off the back would require hallway splitting rooms



Appendix E

Size and Location of Driveway Turnaround and Garage

Note: Currently do not have space to turnaround, I have to back out from the garage to a narrow driveway (7.85 ft). Addition off the back would only add to the limited space.



Appendix F

Drainage Challenges in the Backyard

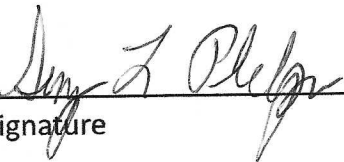


Appendix G

Letter of Support from Neighbors

As neighbors to Devin and Lindsey Meyer on 4115 Ellington Ave, we fully support their variance request for the proposed Addition. They have reviewed the proposed designs with us and we strongly believe their proposal maintains the character of the neighborhood, does not impact adjacent properties, and is not detrimental to public welfare. Furthermore, we enjoy them as neighbors and hope to see their family stay on the block for many years to come.

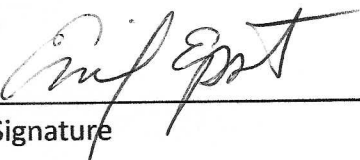
Signed


Signature

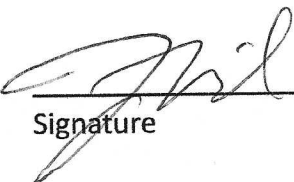
4105 Ellington
Address


Signature

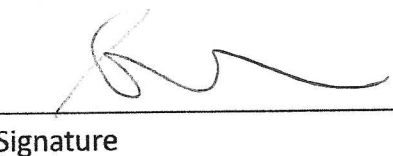
4101 Ellington
Address


Signature

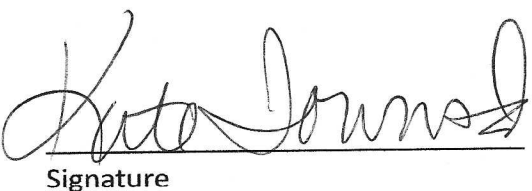
4120 Ellington
Address


Signature

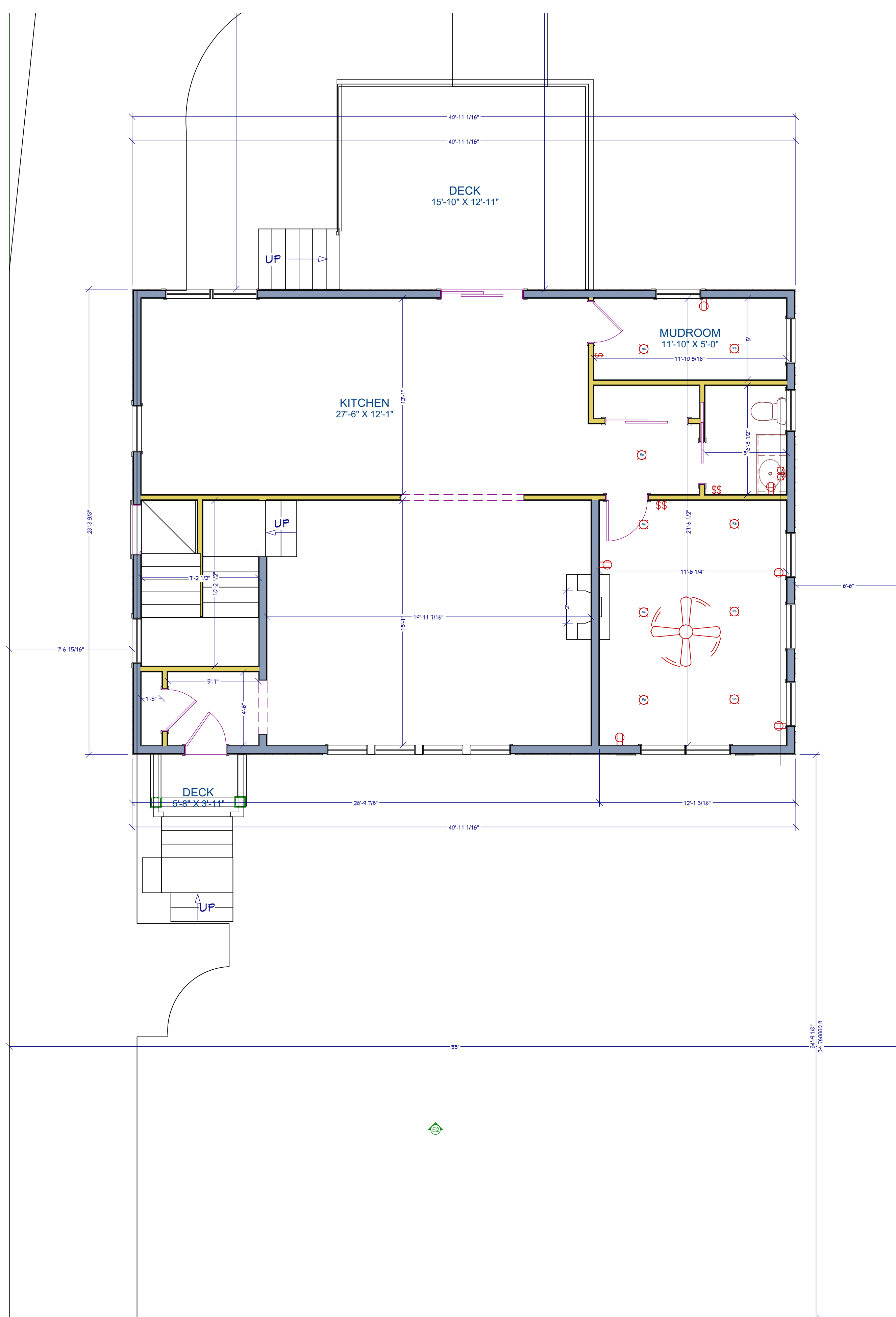
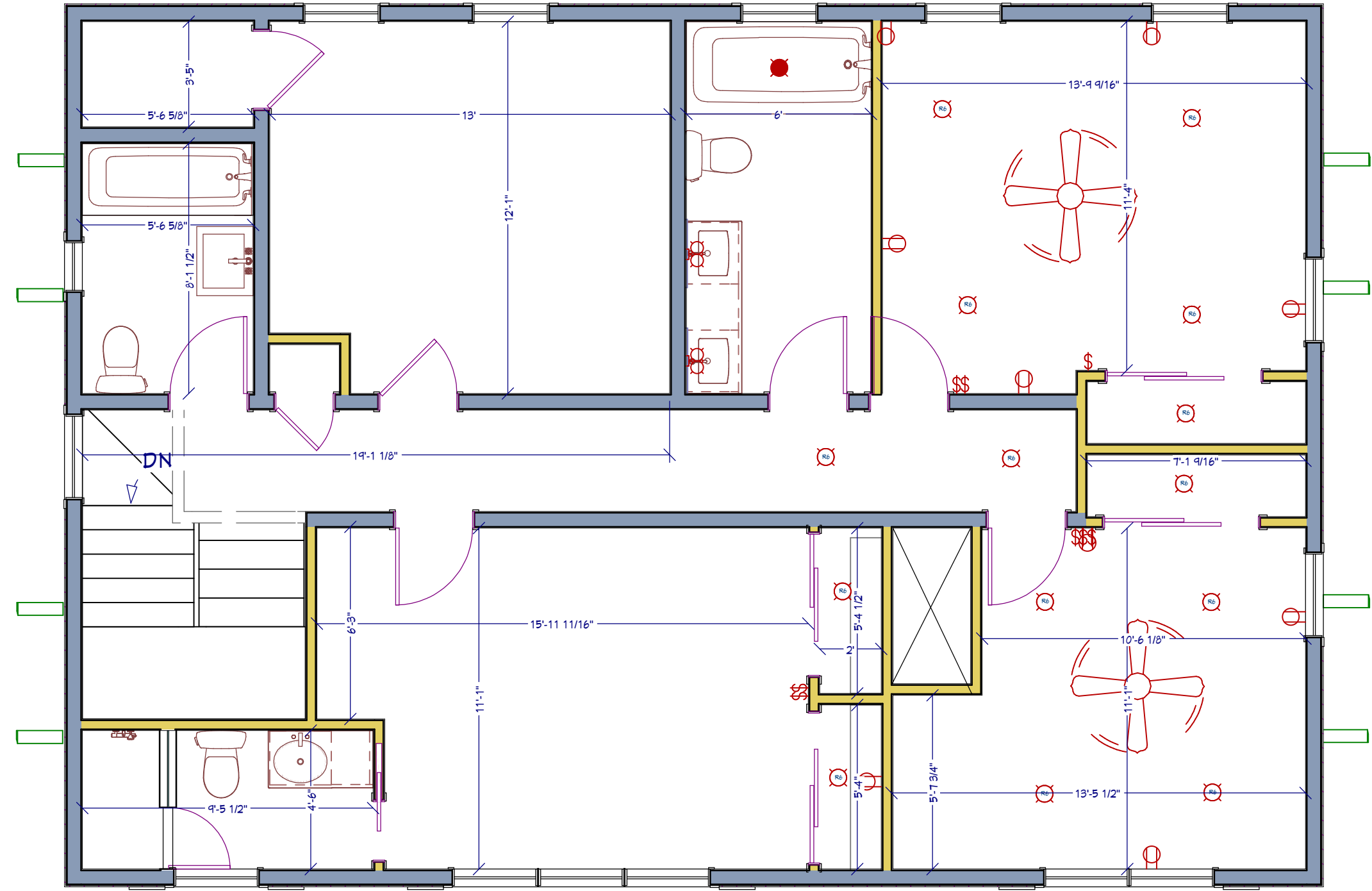
4112 Ellington
Address


Signature

4114 Ellington
Address


Signature

4116 Ellington Ave.
Address



THIS DESIGN CONCEPT DRAWING IS THE PROPERTY OF BRADFORD & KENT BUILDERS, INC. AND IS SOLELY INTENDED TO COMMUNICATE THE CONCEPT OF THE PROJECT TO THE CLIENT. THE ARCHITECTURAL WORKING DRAWINGS WILL DETERMINE FINAL DIMENSIONS, PROJECT DESIGN, AND SCOPE OF WORK. ALL DRAWINGS WILL BE SUBMITTED TO THE CLIENT FOR THEIR APPROVAL PRIOR TO CONSTRUCTION.

BUYER APPROVAL: _____ DATE: _____
 CO-BUYER APPROVAL: _____ DATE: _____

Bradford & Kent, Inc.
 807 Ogden Ave.
 Downers Grove, IL
 60515
 Phone 630.969.8585
 Fax 630.969.8621
 bradfordkent.com



MEYER RESIDENCE
 4115 ELLINGTON AVE.
 WESTERN SPRINGS, IL 60558

DESIGNER: **MM**
 DATE: 07/25/2024
 REVISED:

SHEET

OF

Meyer Residence

Building Coverage

Total Area	7,210.5 sf
Max Allowed Building Coverage	2,163 sf (30%)
Max Allowed Impervious Lot Coverage	3,605 sf (50%)

Existing Impervious

Residence	960 sf
Garage Accessory Structure	538 sf
Existing Total	1,498 sf
	20.70%

Proposed Impervious

Residence	1,177 sf
Garage Accessory Structure	538 sf
Existing Total	1,715 sf
	23.70%

Lot Coverage

Existing Impervious

Residence	960 sf
Driveway	993 sf
Patio/Deck Area	424 sf
Walkway	287 sf
Garage	538 sf
Existing Total	2,983 sf
	44.40%

Proposed Impervious

Residence	1,177 sf
Driveway	993 sf
Patio/Deck Area	424 sf
Walkway	287 sf
Garage	538 sf
Existing Total	3,419 sf
	47.40%

Floor Area Ratio

Total Area	7,210 sf
Max Allowed FAR	4,200 sf
440 sf allocated to garage	

Existing F.A.R.

Residence

1st floor	960 sf
2nd floor	831 sf
Attic Area	0
Garage	538 sf
Total	2,329 sf

Proposed F.A.R.

Residence

1st floor	1,167 sf
2nd floor	1,167 sf
Attic Area	0
Garage	538 sf
Total	2,872 sf

Setbacks

Existing

Front	34.76'
North Side	7.87'
South Side	10.51'
Rear	67.58'

Proposed

Front	34.76'
North Side	7.87'
South Side	6.50'
Rear	67.58'

RYNEAR & SON, INC.

CONSULTING ENGINEERS

Professional Design Firm Licenses #184-004637

595 BUTTONWOOD CIRCLE • NAPERVILLE • 60540 • (630) 355-9889

Fax: (630) 355-5362 EMAIL: TRYNEAR@WOWWAY.COM

Mr Devin Meyer
4115 Ellington Avenue
Western Springs, IL

05-01-25

Re: Average House setbacks

Please find hereon the setbacks for your block

<u>Address</u>	<u>Front Setback</u>
4105	37.5
4109	36.5
4117	31.5
4119	31.5
4129	36.0
4135	37.0
4141	36.0

	246/7 = 35.1 Average

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 FRONT YARD SETBACK AND SIDE YARD SETBACK REGULATIONS OF TITLE 10 (DEVELOPMENT CONTROL ORDINANCE), CHAPTER 6 (RESIDENTIAL DISTRICT REGULATIONS), SECTION 10-6-3 (R2 - SINGLE-FAMILY RESIDENCE DISTRICT) TO ALLOW FOR THE CONSTRUCTION OF AN ADDITION TO THE RESIDENCE AT THE 4115 ELLINGTON AVENUE PROPERTY.

**BOARD OF ZONING APPEALS
ORDINANCE NO. 2025-02**

Board Members Present:

Board Members Absent:

DATE: July 28, 2025

WHEREAS, Devin L. Meyer, as trustee of the Devin L. Meyer Trust, and Lindsey Meyer, as trustee of the Lindsey E. Meyer Trust, the “Petitioners” and “Owners”) are the owners of the 4115 Ellington Avenue Property (PIN: 18-05-120-003-0000) (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 SOUTH 25 FEET OF LOT 13 AND THE NORTH 30 FEET OF LOT 12 IN BLOCK 18 IN FIELD PARK, A SUBDIVISION OF THE WEST 5/8 OF THE WEST ½ OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

; and

WHEREAS, on May 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 construction of a two-story addition at the Subject Property. The two (2) variations pertain to relief from the front yard setback and interior side yard setback requirements set forth in Subsection 10-6-3(E)(1) (Minimum Yard Requirements; Front Yard) and Subsection 10-6-3(E)(3) (Minimum Yard Requirements; Interior Side Yard) of Section 10-6-3 (R2 - Single-Family Residence District), Chapter 6 (Residential District Regulations), Title 10 (Development Control Ordinance) (“DCO”) of the Western Springs Municipal Code (“Village Code”), to reduce the required 35.10 foot yard setback area to 34.76 feet and reduce the required 10.00 foot interior side yard setback area to 6.50 feet; and

WHEREAS, a copy of the Petition dated May 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), Statement dated May 1, 2025 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 (17 Pages);
- B. Meyer Residence – 4115 Ellington Ave., Western Springs, IL, 6558 dated July 25, 2024 and prepared by MM of Bradford & Kent, Inc. (1 Page);
- C. Plat of Survey for 4115 Ellington Avenue, dated June 24, 2025 and prepared by Russell W. Schomig of Schomig Land Surveyors, Ltd. (1 Page);
- D. Meyer Residence – Building Coverage, Lot Coverage, Floor Area Ratio, and Setbacks, undated (1 page);
- E. Average House setbacks dated May 1, 2025 and prepared by Rynear & Son, Inc. (1 Page).

WHEREAS, Subsection 10-6-3(E)(1) (Minimum Yard Requirements; Front Yard) of the DCO states as follows:

“Thirty feet (30'), provided that when a block is occupied by buildings which existed at the effective date hereof, the front yard setback for any new building shall be in conformity with the average front yard setback of existing buildings along the same block face, but need not exceed fifty feet (50’) 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 July 28, 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, Planning Intern Zach Perkins, Village Attorney Anne Skrodzki, and certain Interested Parties (members of the public). [No Interested parties (members of the public) appeared in person to address the Petition at the Public Hearing. 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.]: Residents located at 4105 Ellington, 4101 Ellington, 4120 Ellington, 4112 Ellington, 4114 Ellington, 4116 Ellington, 4117 Ellington, and 4109 Ellington.** 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 **Robin Chimniak**. 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 May 19, 2024 with Attachments (incorporated herein by reference as **Group Exhibit “A”**).
- B. The Public Hearing Notice dated **July 3, 2025** and Publisher’s Certificate dated **July 3, 2025**, with Affidavit of Mailing, Publication and Sign Posting for a Public Hearing dated **July 10, 2025** and executed by Community Development Director Heather Valone (incorporated herein by reference as **Group Exhibit “B”**).
- C. **Village Staff Report prepared by Zach Perkins, Kelsey Fawell, and Heather Valone** dated **July 28, 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 July 28, 2025 Public Hearing, including Exhibits, prepared by Court Reporter Robin Chimniak (incorporated herein by reference as **Exhibit “F”**).
- G. Supplemental Petition Materials (Incorporated herein by reference as **Group Exhibit “G”**):
 - a. **Group Exhibit “G-1”**: _____, (_____ dated _____, 2024).
- H. Materials Submitted by Interested Parties (incorporated herein by reference as **Group Exhibit “H”**):
 - a. **Group Exhibit “H-1”**:

; and

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.**

The single-family home was constructed in 1928 and has remained in its original location on the lot. The home was built prior to the adoption of the current Village Building Codes, resulting in an inefficient lot layout, per the Applicant's application materials. The DCO stipulates that one interior side yard must be at least 10 ft. in width while the other must not be less than 10% of the lot width (5.5 ft.). The Applicants state that, if the home were built after these requirements were enacted, the builder would have extended the driveway (north) side yard from 7.85 ft. to the required 10 ft. rather than the south side yard being used to fill this requirement. This would have afforded the Applicants to build to 5.5 ft. rather than 10 ft. from the south lot line. The Applicants state that this puts them at a significant disadvantage compared to neighboring properties, which were built with current setback requirements in mind. The Village's 1948 regulations for side yards within this area only required that each side yard had to equal 10% of the lot width – there was not yet the requirement of a 10 ft. side yard.

Additionally, the Applicants state that they are disadvantaged by other physical conditions of the property including the size and location of the driveway, placement of existing deck space, drainage concerns, and an interior layout incompatible with a rear-yard addition. The Applicants note that their rear yard is susceptible to excess water, along with neighbors on both sides experiencing occasional basement flooding. Therefore, they wish to avoid additional roof coverage in the rear yard to prevent further drainage issues. To accommodate a rear-yard addition, the Applicants would need to make substantial alterations to the home's layout to overcome significant design limitations. This would require repositioning the second-floor hallway from a north-south alignment to an east-west alignment, splitting existing bedrooms into much smaller rooms that do not meet modern living standards. Instead, the proposed side yard addition will modernize the home to meet current living standards by adding a first-floor bathroom and mudroom, both of which the home currently lacks.

The Village's 1948 regulations for side yards within this area were only that each side yard had to equal 10% of the lot width – there was not yet the requirement of a 10' side yard for R-2-zoned properties. The 1948 regulations are the oldest regulations located by staff; however, the 1948 side yard regulations illustrate how these types of requirements have been changed over the years since the Subject Property has been constructed.

The existing house was built with a non-conforming setback. For the applicants to have a consistent front elevation of the house they would have to obtain the 0.34 ft. variation.

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 block consists of varying lot widths between 50 ft. and 80 ft. with the Subject Property's lot width at 55 ft. The lot abutting the Subject Property to the north is also 55 ft. in width while the abutting lot to the south is 50 ft. The average front yard setback for the east side of the block is 35.1 ft. excluding the Subject Property, per the Applicant's provided calculation. The Applicants are requesting a front yard variation to allow the proposed addition to align with the existing front yard setback of the home, which encroaches 0.34 ft. in the required 35.1 ft. setback.

Side yard setbacks vary, with multiple properties fulfilling their required 10 ft. side yard setback on the driveway side, while others including the Subject Property fulfill this requirement on the opposite side yard. Among similarly situated properties with side yard driveways and detached rear yard garages, eight satisfy the 10 ft. setback requirement on the driveway side while four do not, including the Subject Property. The Applicants state that the 10 ft. requirement being fulfilled on the south side yard creates a barrier to developing a side yard addition that homes built with later setback requirements in mind do not have.

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.

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

The Applicants state that the proposed improvements to the home are not for financial gain but instead intended to add a fourth bedroom for their family, allowing them to continue to grow their family in their current home and neighborhood. Without the interior side yard variation, the home would require a substantial reconfiguration of the second-floor layout to accommodate a rear yard addition. This would require reorienting the hallway and splitting existing rooms, resulting in reduced bedroom sizes that do not meet modern standards of living.

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.

- 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 Applicants state in their application submittals that the property's hardships were created when the home was constructed in 1928 given the placement of the structure on the lot. These pre-existing conditions include the front of the home, which was built 0.34 ft. beyond the required setback, the north side yard of the home, which does not satisfy the 10 ft. requirement, and the placement of the driveway. The Applicants purchased the property in 2019 and have not constructed any additions that contribute to the hardship.

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 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 Applicants state that the two-story addition will not be detrimental to the public welfare of the neighborhood and will blend in with the existing aesthetics of both the existing home and neighborhood. Letters of support from eight neighbors, including two adjacent property owners, were collected. The project will comply with all other bulk and lot requirements. If this variation is approved, all standard and customary building and site engineering reviews will be provided for the new building addition project.

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.

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

The use of the Subject Property and home are not proposed to change with the requested variations. The single-family use will remain consistent with that of other homes within the Field Park subdivision.

The Applicants state in their application materials that the improvements will integrate seamlessly into the existing character of the neighborhood. The proposed addition will replicate the height, roof line, siding, and windows of the existing home to maintain the original historic aesthetics of the home. The two-story addition is in line with the height of surrounding homes and is shorter than the maximum height for a single-family home allowed by the DCO.

The block is a mix of one-story and two-story homes, both old and new, including one-story homes with second-story additions. The property is immediately adjacent to a two-story residence to the south and a one and a half story residence to the north. To the east, abutting the rear of the property, are two brick two-story residences. The remainder of the block includes a diverse mix of materials and building styles including ranch, colonial-

revival, and craftsman style homes. As the block is comprised of homes of varying heights, the applicant's proposed two-story addition will not be out of character.

The existing front yard setbacks for this block vary. Additionally, as the Applicants are requesting the same setback as the existing house, it is likely to not visually impact the neighborhood. It is more likely that misaligning the existing front elevation of the house and the proposed addition would have more visual impact on the neighborhood than the requested variation.

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 Applicants state in the submitted application that the proposed addition will not negatively impact the adequate supply of light and air to adjacent properties and have received letters of support from abutting property owners. The proposed addition is to have the same height as the existing home, which is approximately 30 feet in height. The Applicants are proposing a 6.5 ft. side yard instead of the required 10 ft. side yard. With a reduced setback, the home is therefore anticipated to cast more shadow on the neighboring property than if the strict regulations of the DCO were enforced; however, the adjacent neighbor to the south has stated they do not object to the Applicant's request as provided in the application materials. The Applicants note drainage issues in the backyard as one of the hardships preventing them from constructing a rear-facing addition and are willing to incorporate additional drainage infrastructure into the project if requested. If approved, the project will be reviewed by the Engineering Department to assess the stormwater and drainage conditions of the property as part of the permitting process. The proposed two-story addition will replace an existing one-story side yard addition, minimizing additional roof coverage to prevent further drainage issues. The addition will not increase traffic congestion as the single-family use is not being altered. The addition will not have a diminishing effect on property values as the improvements will not alter the existing character of the neighborhood.

As indicated above, the request to align the front elevation of the proposed addition with the existing house is unlikely to have impacts that are different than the existing house. The impacts to light, air, danger of fire, and traffic congestion are the same as the existing house. The drainage will be reviewed and the time of permit and will be required to comply with the DCO.

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 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 around the Subject Property.

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 0.34 ft variation from the required 35.10 ft minimum front yard requirement found in Section 10-6-3(E)(1) (Minimum Yard Requirements for Front Yards) of the DCO along the west lot line of the Subject Property to permit the encroachment of the two-story addition into the required front yard, as requested, SUBJECT TO THE FOLLOWING CONDITIONS SET FORTH BELOW.
- B. A 3.50 foot variation from the required 10.00 foot interior side yard setback requirement of Subsection 10-6-3(E)(3) (Minimum Yard Requirements; Interior Side Yard) of the DCO along the south lot line of the Subject Property to permit the encroachment of the two-story addition into the required interior side yard setback area, as requested, SUBJECT TO THE FOLLOWING CONDITIONS SET FORTH BELOW.
- C. **CONDITIONS:** The following conditions apply to the zoning relief approved above: **INSERT / NONE.**

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 28th day of July, 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 28th day of July, 2025.

Jeff Fus, Chair Pro Tem, Board of Zoning Appeals

ATTEST:

Heather Valone, Secretary

Published by me in pamphlet form this ____ day of July, 2025.

Heather Valone, Secretary

Draft

**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. 2025-02**

We, Devin L. Meyer, as trustee of the Devin L. Meyer Trust, and Lindsey Meyer, as trustee of the Lindsey E. Meyer Trust (the "Petitioners" and "Owners"), owners of the 4115 Ellington Avenue Property (PIN: 18-05-120-003-0000) (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: Devin Meyer

Date: _____, 2025

ATTEST:

By: _____

Notary Public

Date: _____, 2025

By: _____

Name: Lindsey Meyer

Date: _____, 2025

ATTEST:

By: _____

Notary Public

Date: _____, 2025

Group Exhibit "A"

Petition filed May 19, 2025, with Attachments

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

Group Exhibit "B"

**Public Hearing Notice dated July 3, 2025 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 Zach Perkins, Kelsey Fawell, and Heather Valone, dated July 28, 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 July 28, 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"

Supplemental Petition Materials

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

Group Exhibit "H"

Materials Submitted by Interested Parties

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

Jeffrey Whiteside

4124 Ellington Avenue
Western Springs, IL
(224) 809-1339
jeffrey.whiteside@gmail.com

July 8, 2025

To the Planning and Zoning Committee and the Village Board of Trustees,
Village of Western Springs

As the neighbor of Devin and Lindsey Meyer at 4115 Ellington Avenue, I am writing to express my full support for their request for a zoning variance related to their proposed home addition.

After reviewing their plans and speaking with them directly, I believe their proposal is thoughtful, appropriate, and consistent with the character of our neighborhood. The project respects the surrounding properties and maintains the overall aesthetic and integrity of our block.

My family and I have greatly enjoyed having the Meyers as neighbors, and we sincerely hope they remain a part of our community for many years to come.

Thank you for your consideration.

Sincerely,



Jeffrey Whiteside