



## AGENDA

### BOARD OF ZONING APPEALS

Board of Zoning Appeals: November 3, 2025 at 7:00 PM  
Village Hall 740 Hillgrove Avenue, Western Springs, IL 60558

**A. Call to Order**

**B. Approval of Minutes**

1. July 28, 2025

**C. Public Comment**

**D. Considerations**

1. Public Hearing - Variation request at 4226 Gilbert Avenue, Molly and Thomas Giltrow (BZA-2025-03)  
Consideration of an ordinance approving a variation from the Development Control Ordinance relating to rear yard setback for detached garages in the R2 (Residential)

**E. Other Business**

**F. Adjournment**

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

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VILLAGE OF WESTERN SPRINGS, ILLINOIS  
BOARD OF ZONING APPEALS  
July 28, 2025 - 7:00 P.M.

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

BOARD MEMBERS PRESENT:

JEFFREY FUS, CHAIRMAN PRO TEM  
LEE FRY, Member  
STEVE GRESKA, Member  
ROBERT BURTKER, Member

ALSO PRESENT:

HEATHER VALONE,  
Director of Community Development  
  
KELSEY FAWELL,  
Senior Planner  
  
ZACHARY PERKINS,  
Planning Intern  
  
ANNE SKRODZKI

1 CHAIRMAN PRO TEM FUS: Welcome, ladies  
2 and gentlemen, to the Board of Zoning Appeals Meeting  
3 of Monday, July 28, 2025.

4 The meeting is called to order at  
5 7:00 p.m., and I would like Village Staff to do a roll  
6 call of its members.

7 SR. PLANNER FAWELL: Commissioner  
8 Burtker?

9 COMMISSIONER BURTKER: Here.

10 SR. PLANNER FAWELL: Commissioner Fry?

11 COMMISSIONER FRY: Here.

12 SR. PLANNER FAWELL: Commissioner Fus?

13 CHAIRMAN PRO TEM FUS: Here.

14 SR. PLANNER FAWELL: Commissioner Greska?

15 COMMISSIONER GRESKA: Here.

16 SR. PLANNER FAWELL: Commissioner Johnson  
17 and Chair Calvert are absent.

18 COMMISSIONER GRESKA: I would like to  
19 make a motion in Chairman Calvert's absence that  
20 Member Fus be our acting chairman tonight in a term  
21 not to exceed 10:00 o'clock.

22 DIRECTOR VALONE: Is there a second?

23 COMMISSIONER BURTKER: Second.

24 DIRECTOR VALONE: All those in favor?

1 (Chorus of ayes.)

2 CHAIRMAN PRO TEM FUS: At this point I  
3 would like to read through the agenda.

4 Today's agenda items include a call to  
5 order, approval of minutes from the meeting on  
6 April 29, 2025, public comment, considerations which  
7 include the public hearing for variations request at  
8 4115 Ellington Avenue by Devin and Lindsey Meyer,  
9 BZA-2025-02, regarding consideration of an ordinance  
10 approving variations from the Development Control  
11 Ordinance relating to front yard and interior side  
12 yard setbacks in the R2 residential zone. Then we  
13 will get into other business and finally adjournment.

14 Are there any additions or deletions to  
15 the agenda this evening?

16 If none, I would like to move on to the  
17 next item of the agenda, which is the approval of  
18 minutes.

19 Does any member have any changes to the  
20 April 29, 2025 meeting minutes?

21 COMMISSIONER GRESKA: No.

22 COMMISSIONER BURTKER: I do not.

23 CHAIRMAN PRO TEM FUS: If not, can I have  
24 a motion to approve the Board of Zoning Appeals

1 meeting minutes for April 29, 2025?

2 COMMISSIONER GRESKA: I will make that  
3 motion.

4 CHAIRMAN PRO TEM FUS: Second?

5 COMMISSIONER BURTKER: I will second the  
6 motion.

7 CHAIRMAN PRO TEM FUS: All in favor?

8 (Chorus of ayes.)

9 CHAIRMAN PRO TEM FUS: None opposed.

10 Next, are there any members of the public  
11 in attendance that would like to provide comments on  
12 any items not in the agenda?

13 Members of the public looking to comment  
14 on tonight's agenda meeting may do so during the  
15 case's public hearing.

16 Okay, seeing none, we can move forward on  
17 to the public hearing.

18 Before we get started, can we swear in  
19 the witnesses?

20 If you are here to testify in connection  
21 with BZA-2025-02, 4115 Ellington Avenue, please stand.

22 DIRECTOR VALONE: Anyone who thinks they  
23 might give comment tonight, please stand to be sworn.

24

1 (Members of the public and Village Staff  
2 were duly sworn.)

3 CHAIRMAN PRO TEM FUS: The first item on  
4 the agenda is request for variations for minimum  
5 required front yard and interior side yard setback at  
6 4115 Ellington Avenue, BZA-2025-02. The request is  
7 made by Devin and Lindsey Meyer.

8 Can I have a motion to open the public  
9 hearing for BZA-2025-02, a request for variations at  
10 4115 Ellington Avenue?

11 COMMISSIONER GRESKA: I will make that  
12 motion.

13 CHAIRMAN PRO TEM FUS: Second?

14 COMMISSIONER BURTKER: Second.

15 CHAIRMAN PRO TEM FUS: All in favor?

16 (Chorus of ayes.)

17 CHAIRMAN PRO TEM FUS: The motion has  
18 been approved.

19 Village Attorney, can you confirm the  
20 public hearing was adequately noticed?

21 ATTORNEY SKRODZKI: I can confirm that  
22 the affidavit was presented to me last week.

23 CHAIRMAN PRO TEM FUS: Thank you.

24 Can Village Staff please provide a few

1 brief comments to get us started?

2 PLANNING INTERN PERKINS: Yes.

3 SR. PLANNER FAWELL: I did just want to  
4 take a second to introduce, this is Zachary Perkins,  
5 this is our planning intern, and he has been helping  
6 us out and doing great work for the summer.

7 He is prepared. He did a lot of work on  
8 the Staff report for the case and he has prepared a  
9 presentation for you all.

10 PLANNING INTERN PERKINS: So, the item on  
11 our agenda tonight is a zoning variance request for  
12 4115 Ellington Avenue to build a new two-story side  
13 yard addition. The applicants are requesting two  
14 variations.

15 First, a 0.34-foot encroachment into the  
16 required 35.1-foot front yard and a 3.5-foot  
17 encroachment into the required 10-foot south interior  
18 side yard.

19 So, a little bit of background about this  
20 property.

21 4115 Ellington Avenue is located within  
22 our R2 single-family residential zone, which  
23 encompasses most of the properties within the Field  
24 Park Subdivision, and the residence was constructed in

1 1928. The lot size is 7,205 square feet with a lot  
2 width of 55 feet. And the existing yard setback  
3 requirements for this property are 30 feet for the  
4 front yard, but it also must conform to the average  
5 block setback, which in this case is 35.1 feet. And  
6 as for the side yards, one side yard must reach 10  
7 feet and the other only needs to be 10% of the total  
8 lot width, which in the case of this property is  
9 5.5 feet.

10 A quick zoning analysis of the proposed  
11 work is shown in this table. And while the addition  
12 would be code-compliant with most of these categories  
13 here, it would not be compliant with the front and  
14 side yard, which is why two variations would be  
15 required for those items. And then beyond those two  
16 items the project would comply with all other bulk and  
17 law requirements.

18 So, a little bit on the proposed addition  
19 here, which we can see pictured.

20 The applicants are seeking to build the  
21 two-story addition that's pictured here, which would  
22 allow them to add an additional bedroom for their  
23 growing family, and the addition would further  
24 modernize the home as well by adding a new first floor

1 bathroom and mudroom, which the home currently does  
2 not have.

3 And, additionally, the applicants state  
4 that a side yard addition is necessary, as other  
5 additions would require a substantial reconfiguration  
6 of the interior layout, including moving the hallway  
7 around and reducing the size of some of the existing  
8 bedrooms.

9 And it should be noted that the  
10 applicants are also making an effort to design the  
11 addition in a style that aligns with the existing  
12 historic character of the home, including using  
13 similar building materials and maintaining the same  
14 existing roof pattern.

15 So, here is a look at the existing  
16 condition of the property. Highlighted in blue is the  
17 existing building area and highlighted in yellow is  
18 the existing deck in the backyard there. And this  
19 here is the proposed addition. We can see that the  
20 building area does get extended down more into the  
21 south side yard there, down to where the new requested  
22 setback would be.

23 So the first of the two proposed  
24 variations is for a front yard variation. And, as we

1 can see in the diagram here, in blue is the block  
2 average requirements, and the requested variation is  
3 only 0.34 feet to the west, with the requested  
4 variation line in red there. As we can see, this is a  
5 pretty small variation here.

6 The reason that the applicants are  
7 seeking this variation is because the existing home  
8 was built to that 34.8-foot setback back in 1928 when  
9 it was built. And when building a new addition in  
10 order to allow the new addition to properly align with  
11 the front of the house and maintain the existing  
12 character and aesthetic of the home, it's necessary to  
13 have this variation so that it can align with the  
14 front of the home.

15 And the second proposed variation is for  
16 the south side, the south interior side yard, which as  
17 we can see in the diagram here is a bit more of  
18 the more substantial setback here -- variation request  
19 here.

20 As mentioned before, the Village Code  
21 requires that one side yard must be 10 feet in width,  
22 while the other must be 10% of the lot width, which is  
23 in this case 5.5 feet. And because the 10-foot  
24 requirement is not met on the driveway side of the

1 property, like many other homes in the neighborhood,  
2 the applicants are seeking a 3.5-foot encroachment  
3 into the south side yard, which would afford them some  
4 of that extra room to build a side yard addition to  
5 their home.

6           And I'd also like to note that if  
7 approved this project will also be reviewed by the  
8 engineering department to assess stormwater and  
9 drainage conditions, along with any additional  
10 building reviews as part of the Village's permitting  
11 process.

12           And in terms of public comment, the  
13 applicants submitted letters of support, which were  
14 signed by eight neighboring properties, which are  
15 listed below here, and the Village also received one  
16 additional public comment in support from 4124  
17 Ellington Avenue.

18           So, in conclusion, the Village Staff  
19 finds that the applicants have identified physical and  
20 practical hardships that result when adding additional  
21 floor space to the existing home. As the existing  
22 home already encroaches into the required front yard  
23 based on the average block setback, we find that the  
24 front yard variation request is practical and

1 reasonable based upon the existing conditions and  
2 current code requirements.

3           And as for the side yard variation,  
4 Village Staff does not find all of the standards for  
5 the variation have been met, as there are alternative  
6 designs the applicants could consider for the home  
7 that increase the number of bedrooms, but do not  
8 require a variation.

9           And that concludes our Staff  
10 presentation, and we would be happy to answer any  
11 additional questions or make any clarifications that  
12 you might request.

13           CHAIRMAN PRO TEM FUS: Thank you.

14           Does anybody have any questions?

15           COMMISSIONER BURTKER: I do have a  
16 question.

17           If they were to build a new home on the  
18 same lot, could they build within 5-1/2 feet of the  
19 south lot line?

20           SR. PLANNER FAWELL: As long as they  
21 maintained a 10-foot setback from that north lot line,  
22 yes, because the property is 10 foot on one side,  
23 5-1/2 on the other. So if they built it up to meet  
24 those setbacks, which are part of that code, they

1 would just need a proper building permit.

2 COMMISSIONER BURTKER: So there is  
3 nothing on the south 5-1/2 feet, doesn't impair air,  
4 light, appearance, anything like that?

5 SR. PLANNER FAWELL: So, that was  
6 included, there is a section of that in the Staff  
7 report where the addition is proposed to be the same  
8 height as the existing home, but it is something to  
9 note that they are proposing a larger footprint within  
10 the required side yard, which can be expected to have  
11 -- it is going to impact shade more and lighting more  
12 than if it were less encroaching in that side yard.

13 COMMISSIONER BURTKER: I guess my  
14 question is, you would allow it if it was a new  
15 structure?

16 SR. PLANNER FAWELL: Correct.

17 If it were meeting the 5-1/2 foot setback  
18 on the side yard and as long as it maintained the  
19 other 10 foot, that would be allowed.

20 COMMISSIONER GRESKA: Can I clear up?

21 The new structure, if it sat in the  
22 footprint of the existing structure would not be  
23 allowed in the existing structure?

24 SR. PLANNER FAWELL: Could you repeat

1 that?

2 COMMISSIONER GRESKA: I want to clarify,  
3 if the new structure sat -- if the existing one went  
4 away and the new one sat in the same spot, it would  
5 not be allowed? It is just that these adjustments  
6 that you are talking about, Kelsey, would be made?

7 DIRECTOR VALONE: I think what he is  
8 asking is if the southern side yard followed the  
9 existing line that you can see labeled as 17.30, to  
10 follow that exact same line --

11 COMMISSIONER GRESKA: Exactly.

12 DIRECTOR VALONE: -- would or would that  
13 not be permitted?

14 SR. PLANNER FAWELL: I see, sorry.

15 Yes, that would be permitted. If all the  
16 existing lines, that would be permitted.

17 Because, again, they meet that existing  
18 ten-foot setback there about 10.5.

19 COMMISSIONER FRY: I have a question.

20 On Table 2, just to clarify for myself,  
21 unless I am reading this wrong, side yard setback to  
22 similar properties.

23 Are we saying there that the majority of  
24 them don't have the correct setback existing?

1 SR. PLANNER FAWELL: I believe we are  
2 saying that the majority of them do have a 10-foot  
3 setback driveway, so that they do meet the minimum  
4 required by code.

5 COMMISSIONER FRY: What if it says no?

6 SR. PLANNER FAWELL: No, then they do not  
7 meet that.

8 COMMISSIONER FRY: So the majority --  
9 50/50, some do, some don't.

10 SR. PLANNER FAWELL: Yes, correct.

11 My apologies, I don't know why I saw a  
12 sea of yesses, but, no, that is the majority, correct.

13 COMMISSIONER FRY: Thank you.

14 CHAIRMAN PRO TEM FUS: But that doesn't  
15 mean the other side is --

16 COMMISSIONER FRY: I hear what you are  
17 saying. I just wanted to make sure.

18 It sounds like some are already in  
19 violation that exist, so that's what I wanted to know.

20 CHAIRMAN PRO TEM FUS: Anybody else?

21 COMMISSIONER BURTKER: Just to clear this  
22 up for me, if you can.

23 If they were to build, and I thought this  
24 was in the submission, if they were to build a new

1 home and put the driveway on the north side 10 feet  
2 wide they could build the rest of the structure up to  
3 and within 5 1/2 feet of the south lot line?

4 SR. PLANNER FAWELL: Correct.

5 COMMISSIONER BURTKER: There is nothing  
6 about the height of the structure that is in  
7 contravention of any ordinance that we have, is there?

8 SR. PLANNER FAWELL: No. No.

9 The proposed height actually it is  
10 smaller than our maximum of 35 feet or 2-1/2 stories.

11 COMMISSIONER BURTKER: And then the front  
12 setback, that house has been there for 97 years in  
13 that same position.

14 SR. PLANNER FAWELL: Yes.

15 Our code has a requirement for average  
16 block setbacks that unfortunately don't offer any  
17 special relief to properties that are older.

18 And while it may be a nominal request,  
19 unfortunately it isn't something Staff can approve  
20 because it doesn't meet code.

21 COMMISSIONER BURTKER: I think you folks  
22 have been practical and reasonable to continue on with  
23 the project and waive that particular aspect?

24 SR. PLANNER FAWELL: Correct.

1 COMMISSIONER BURTKER: Okay.

2 If I am reading Table 1 correctly, there  
3 are some properties that have a greater setback and  
4 some that have a lesser setback right now?

5 SR. PLANNER FAWELL: Yes, that's correct.

6 Unfortunately, with block averages they  
7 are a little bit tricky because they can unfortunately  
8 vary from project to project, when a new home is  
9 constructed there is a new front setback, something  
10 you have to pay attention to.

11 COMMISSIONER BURTKER: Okay.

12 SR. PLANNER FAWELL: Some of the homes,  
13 it depends on -- a lot of the older homes have greater  
14 setbacks than most of our newer homes, so a lot of  
15 times that kind of skews the block average.

16 COMMISSIONER BURTKER: Thank you, I  
17 appreciate that.

18 CHAIRMAN PRO TEM FUS: So the proposed  
19 addition, would the footprint of the house, going from  
20 north to south, would it fit within, you know, if  
21 there was a 10-foot setback on the north and 5-1/2 on  
22 the south, would it still fit that envelope?

23 SR. PLANNER FAWELL: I would have to do  
24 the math really quickly.

1                   Actually, if it is --

2                   CHAIRMAN PRO TEM FUS: Sorry if I missed  
3 it in the document.

4                   I am just curious, I don't know if they  
5 are asking for any additional --

6                   SR. PLANNER FAWELL: No, I think they  
7 still meet it.

8                   If the requirement is 10 feet from the  
9 north lot line and then 5-1/2 from the south, that  
10 would be about a 15-1/2 combined, which our code  
11 doesn't require a combined side yard.

12                   But if they are proposing the existing  
13 side yard is 7.9 and then plus 6-1/2, just that looks  
14 like it is just below the 15-1/2 feet requirement, so  
15 they would still need a variation.

16                   CHAIRMAN PRO TEM FUS: Okay.

17                   Anyone else?

18                   COMMISSIONER GRESKA: Can we talk a  
19 little bit about the water?

20                   So you have this exhibit, Exhibit F. Is  
21 that water is that from your neighbors, is that  
22 from -- it can't be --

23                   CHAIRMAN PRO TEM FUS: We will get into  
24 it.

1 Is there anything else for Staff?

2 COMMISSIONER BURTKER: No.

3 CHAIRMAN PRO TEM FUS: Then we will ask  
4 the applicants to please step up to the podium and  
5 provide their presentation on the application.

6 MR. MEYER: First of all, thank you to  
7 Kelsey, Zach, Heather for the process. They have been  
8 incredibly helpful to us as we have gone through this.

9 Obviously, it is a big decision for us to  
10 try to do an addition, and one that they have been  
11 incredibly helpful. They have always been transparent  
12 throughout, and just a great resource to us.

13 I appreciate your guys' consideration. I  
14 know you guys have a tough job to do, we are just  
15 thankful that you guys will hear our case.

16 I think maybe to start, the big point  
17 goes back to where he was hitting, is that, you know,  
18 unfortunately when they built our house they decided  
19 to not get the 10 feet on the driveway side, and so we  
20 felt like we were a little bit disproportionate or  
21 unfair versus others just because you couldn't have  
22 that ability to move over just because of where the  
23 house was built 100 years ago. That kind of started  
24 us off thinking of like, hey, we wish we could have a

1 little bit more space.

2           The second thing is we wanted to, and  
3 it's A credit to her, she always wanted to maintain  
4 the character of our house, she wanted to make sure it  
5 looked and felt -- she really liked the way it looked  
6 already, and so as we looked around the neighborhoods  
7 and we see some of the different addition the go up.  
8 Sometimes they can seem very out of character for the  
9 neighborhood and they can seem like they don't  
10 necessarily fit the house. And it was very important  
11 to her that we really tried to make this look as seem  
12 less as possible. And to our neighbors, too, our  
13 neighbors really like it.

14           We like being on our block. They wanted  
15 to make sure that it was something that was seamless,  
16 so we wanted to try to do that.

17           The other reason that we looked at is,  
18 you know, we said what would be -- what would make the  
19 most sense. Like if you look at the picture and you  
20 just see this tiny little addition, the alternative  
21 would be to leave that addition there and go build  
22 something off the back, building off the back would  
23 then take your deck space, it would take your outdoor  
24 space, and it would start bumping into your concrete

1 driveway, so you would be shifting everything over to  
2 the left, while meanwhile you have this tiny little  
3 thing of an addition sitting on the far side. We just  
4 didn't think that that made a lot of sense.

5 As you then move up to the second floor,  
6 it becomes a real challenge for us because we have got  
7 both bedrooms, the current bedrooms for the kids right  
8 now are on the backside of the house. And neither of  
9 them are that big, they are only about 10 or 11 feet  
10 for each of them, so we already have pretty small  
11 bedrooms. And if you went back you would have to find  
12 a way to get a hallway back to be able to get that  
13 additional fourth bedroom, which would require  
14 splitting those two bedrooms, and now you have got two  
15 8-foot bedrooms and some big third bedroom off the  
16 back. We felt like that was a little bit of a  
17 challenge.

18 The only way to really truly solve for  
19 that would be to then do an addition on the side and  
20 go off the back. If you did that you are talking  
21 about double the square footage, double the cost, and  
22 also just kind of takes away from the character of the  
23 home that we didn't really want to to begin with.

24 And so as we looked at our different

1 options, we just felt like this would make the most  
2 sense, not only for us and our family, but also just  
3 practically speaking.

4           The other thing that we run into a  
5 challenge, too, if you said build off the side and go  
6 off the back. We have got a fireplace right on the  
7 side of it. And so if we were only to build off to  
8 the side up to what the current amount is, we'd have a  
9 bedroom that's only about 8-foot wide with no real way  
10 to kind of work around that fireplace. And so that's  
11 where, you know, we would have to figure that out, and  
12 it just felt like it was going to be a challenge.

13           So those were a lot of the challenges  
14 that we ran into.

15           The one other thing I would say is we  
16 are -- our house doesn't even have a first-floor  
17 bathroom or a mudroom, which my wife gives me jokes  
18 about that I actually didn't know that when we bought  
19 the house that there wasn't a first-floor bathroom, I  
20 am like, hey, this is a perfect house, it's a great  
21 location, but we don't have that first-floor bathroom,  
22 we don't have a mudroom. We have got three little  
23 kids, they are involved in every sport imaginable, so  
24 she is always trying to find different ways of

1 creating a space to be able to store all their  
2 baseball gear, et cetera. So having this incremental  
3 amount would allow us to be able to fit in that  
4 bathroom.

5 The one other thing, and I believe we  
6 have got a neighbor that's concerned about the water  
7 drainage, is by doing the addition where you go off  
8 the back and by necessitating to get a hallway  
9 building the side, you'd have double the amount of  
10 roof space. We do already have a little bit of  
11 trouble with the water in the back. I wouldn't say  
12 it's bad, it is just when it is an extreme rain that  
13 you do see a little bit of pooling and it lasts for at  
14 most a day. But that is one thing we were conscious  
15 of, is that if you have that much more roof space you  
16 are going to have more water to deal with.

17 So we thought that by replacing this  
18 existing roof structure you really -- which you can  
19 see in that one graph, you really kind of minimize  
20 that new roof structure and that new water that is  
21 coming back. You also maintain that wood deck, which  
22 is porous and allows everything to go through, rather  
23 than replacing that deck and putting it into a  
24 concrete foundation. So we felt like that would be a

1 good option.

2 And, also, we are very willing to put in  
3 more additional drainage, the different sink wells or  
4 whatever that is required to help handle that. And  
5 hopefully that would just help solve a lot of things  
6 for the broader neighborhood as well by doing that,  
7 and that's an investment we would be willing to make  
8 as part of this.

9 So that's kind of the overview.

10 I'd say the last thing to close is, you  
11 know, we moved here six years ago, we had two kids and  
12 now we have got three, we just like the neighborhood,  
13 she likes being a block and a half from school, so, we  
14 just -- the kids -- we always talk to moving to a new  
15 house; no, we want to stay here. We are just hopeful  
16 that we can find a way to get the addition all squared  
17 away and make it work, if that works for the Village  
18 and works for our neighbors.

19 So with that I am happy to take any  
20 questions.

21 COMMISSIONER FRY: Thank God you are  
22 young and only one bathroom.

23 MR. MEYER: It's been a little bit of a  
24 battle with the kids, but, you know what, sometimes

1 they all take a bath together, which is pretty funny.

2 CHAIRMAN PRO TEM FUS: Does anybody have  
3 any questions for the applicant?

4 Are you questioning the drainage?

5 COMMISSIONER GRESKA: For the addition,  
6 which way are the gutters going to point coming off  
7 the roof on the addition?

8 MR. MEYER: That's a good question.

9 I know our gutters in the back now point  
10 off towards the back and there is drainage that takes  
11 it back there.

12 My assumption would be that you would  
13 want to have gutters that go down and connect into  
14 some form of drainage tile and go to a sink well. But  
15 we would kind of leave that up to the engineers and  
16 whatever people thought made the most sense.

17 DIRECTOR VALONE: Under Village Code they  
18 are required to drain the front or back, it cannot be  
19 pointed at the neighboring property.

20 COMMISSIONER GRESKA: Good.

21 MR. MEYER: And then just in terms of our  
22 neighboring property, too, both sides have said they  
23 are very supportive of this, so none of them have any  
24 issues with the proposed addition.

1 CHAIRMAN PRO TEM FUS: Anybody else?

2 Okay, thank you.

3 MR. MEYER: Thank you.

4 MS. REPORTER: Can I have you state your  
5 name? You never did.

6 MR. MEYER: Devin Meyer.

7 COMMISSIONER GRESKA: That water that was  
8 in the diagram, is that from the gutters or is that  
9 from your neighbors?

10 MR. MEYER: It's a good question.

11 I think it probably comes a little bit  
12 from everywhere.

13 I would say that probably half of it  
14 comes from ours, but I also would just say that's kind  
15 of a once-or-twice-three-times-a-year kind of  
16 scenario, not a regular scenario. But it is just a  
17 factor that we want to make sure gets taken care of as  
18 part of this issue.

19 COMMISSIONER GRESKA: Thank you.

20 MS. CALDWELL: My backyard meets their  
21 backyard.

22 CHAIRMAN PRO TEM FUS: Can you stand up  
23 and state your name, please? Thank you.

24 MS. CALDWELL: Do I have to now speak,

1 too?

2 MS. REPORTER: Can I start with your name  
3 first?

4 MS. CALDWELL: Christine Caldwell,  
5 C-A-L-D-W-E-L-L. I am at 4110 Clausen.

6 My concern is the water. So, as any  
7 addition, it seems there is sometimes a regrading  
8 isn't there and the drain tiles or French drains are  
9 not placed properly.

10 I already have 12 to 15 drainage areas  
11 going through my backyard because I put up with the  
12 neighbor that is south of me water, the backyards,  
13 certain areas, I have a lot of water. And even  
14 with -- I mean, it has been raining a lot. With that  
15 being said, all those drains do fill up and they do go  
16 out to the areas where the moisture is just kind of  
17 squishy right now because we have had so much rain.

18 That's my biggest concern, is if it's  
19 going to come towards my yard.

20 MR. MEYER: And we think that's a valid  
21 concern, and we certainly would want to work with you,  
22 work with the engineers, to make sure that doesn't  
23 become an issue.

24 And, if anything, I would hope that

1 actually our structure might actually help you on a  
2 net positive.

3 And, also, too, back to the how we are  
4 trying to minimize the actual roof versus we would  
5 have the green light today to build an addition off  
6 the back, that would actually be more roof space than  
7 what we are contemplating here.

8 MS. CALDWELL: I am just hoping that it  
9 all will work out.

10 MR. MEYER: We understand, and we  
11 certainly we want to do what's right for the  
12 neighbors, and we are not afraid to make that  
13 investment if that keeps everyone happy and makes the  
14 situation better.

15 MS. CALDWELL: All right. Hopefully. I  
16 sure don't want to put any more drainage in.

17 Thank you.

18 COMMISSIONER BURTKER: Thank you.

19 CHAIRMAN PRO TEM FUS: Is there anybody  
20 else?

21 SR. PLANNER FAWELL: If I could just  
22 interject very briefly. I just want to make sure this  
23 is on the record.

24 Going back to when we were talking about

1 Table 2 in The staff report, I just want to note that  
2 the majority eight properties meet the 10-foot setback  
3 on the driveway, while four do not. I just want to  
4 make sure we have it for the record.

5 But, also, more than happy to answer any  
6 other questions you guys have before deliberation.

7 CHAIRMAN PRO TEM FUS: Anybody else have  
8 any questions?

9 COMMISSIONER BURTKER: I do not.

10 CHAIRMAN PRO TEM FUS: If not, we can  
11 begin deliberations by going through the approval  
12 standards for variations.

13 The draft ordinance has been provided to  
14 the BZA and has been included in your packet.

15 Board Members, as you know, there are  
16 seven standards that need to be met in order to grant  
17 variation requests, and I would like to walk through  
18 them.

19 The first one, because of the particular  
20 physical surrounding, shape, or topographical  
21 conditions of the specific property involve a  
22 particular hardship to the owner would result as  
23 distinguished from a mere inconvenience if the strict  
24 letter of the regulations were to be applied.

1 Do any board members have any thoughts on  
2 this?

3 COMMISSIONER BURTKER: I think it would  
4 constitute a particular hardship in a far more mere  
5 inconvenience to achieve a 10-foot setback on the  
6 north side of the lot to accommodate and allow per the  
7 existing criteria of a 5-1/2 or a 10-foot or a 5-1/2  
8 foot setback on the south side of the lot. I think  
9 they met Criteria A.

10 CHAIRMAN PRO TEM FUS: Thank you.

11 I guess, well, since there are two  
12 variances, I think the first one -- for the front  
13 yard, is everybody okay with this one?

14 COMMISSIONER FRY: Yes.

15 COMMISSIONER BURTKER: Yes.

16 COMMISSIONER GRESKA: Yes.

17 CHAIRMAN PRO TEM FUS: So we are  
18 specifically talking about the side yard setback,  
19 okay, great.

20 Does anybody else have anything for  
21 Criteria 1?

22 Okay, No. 2, the conditions upon which an  
23 application for a variance are based are unique to the  
24 property for which the variation is sought and are not

1 applicable generally to other property within the same  
2 zoning classification.

3 Does anybody have anything? Okay.

4 The purpose of the variation is not based  
5 primarily upon a desire to increase financial gain is  
6 No. 3.

7 COMMISSIONER BURTKER: I don't think we  
8 have any evidence of that.

9 CHAIRMAN PRO TEM FUS: No. 4, the alleged  
10 difficulty or hardship is caused by this ordinance and  
11 has not been created by any person presently having an  
12 interest in the property.

13 I think that's been met. Okay.

14 No. 5, the granting of the variation will  
15 not be detrimental to the public welfare or injurious  
16 to other property or improvements in the neighborhood  
17 in which the property is located.

18 COMMISSIONER FRY: Well, how do we solve  
19 this young lady's -- I mean, how do we do that  
20 legally?

21 I mean, I know we both say, yeah, we will  
22 take care of it and all that, she seems to have a big  
23 concern on the water.

24 CHAIRMAN PRO TEM FUS: In the past we

1 approved these -- I mean, they all have to go to the  
2 building engineer, so --

3 COMMISSIONER FRY: I am asking a  
4 question.

5 CHAIRMAN PRO TEM FUS: We will approve  
6 those with the condition.

7 COMMISSIONER FRY: There will be a  
8 condition.

9 CHAIRMAN PRO TEM FUS: Of approval.

10 ATTORNEY SKRODZKI: You can add a  
11 condition. I don't know if there is a condition  
12 already in the draft.

13 SR. PLANNER FAWELL: There is not.

14 ATTORNEY SKRODZKI: But you can add a  
15 condition that the variation will be conditioned upon  
16 the Village Engineer being satisfied with the drainage  
17 arrangements that are arrived after the plan is  
18 reviewed.

19 COMMISSIONER FRY: Are you okay with  
20 that?

21 MR. MEYER: That would seem fair to us.

22 DIRECTOR VALONE: I am looking it up  
23 right now. I do believe we had a previous case that  
24 has some language I can pull up and provide if you

1 give me a moment.

2 ATTORNEY SKRODZKI: I know we have done  
3 that.

4 DIRECTOR VALONE: Senior Planner Fawell  
5 does have the language we used in a previous case that  
6 had similar conditions that we were discussing.

7 SR. PLANNER FAWELL: Bear with me, it is  
8 a little long.

9 The petitioner shall submit design and  
10 engineering plans for the building addition and onsite  
11 stormwater management improvements to the Village.  
12 Such plans are subject to Village Code compliance,  
13 plan reviews by the Village Code Officer and Village  
14 Engineer. The petitioner shall comply with the plan  
15 review recommendations and requirements of the Village  
16 Code Officer and the Village Engineer, including all  
17 recommendations and requirements relative to the  
18 installation and maintenance of onsite stormwater  
19 management improvement, so as to not change the  
20 existing onsite water drainage patterns and not impact  
21 the neighboring properties with increased stormwater  
22 runoff.

23 DIRECTOR VALONE: So if someone were to,  
24 say, make a motion and want to include the text that

1 Senior Planner Fay well read off and could say and the  
2 condition for engineering as read by Senior Planner  
3 Fawell.

4 COMMISSIONER FRY: I make that motion.

5 COMMISSIONER BURTKER: I will second  
6 that.

7 DIRECTOR VALONE: I am not sure we are  
8 through all the conditions yet.

9 ATTORNEY SKRODZKI: We are still in  
10 deliberations.

11 COMMISSIONER FRY: I will do that later.

12 ATTORNEY SKRODZKI: We will get there.

13 DIRECTOR VALONE: That is a more succinct  
14 way to utilize Senior Planner Fawell's language.

15 CHAIRMAN PRO TEM FUS: No. 6, the  
16 granting of the variation will not alter the essential  
17 character of the neighborhood.

18 COMMISSIONER BURTKER: I don't think we  
19 have heard anything today that would suggest that.

20 CHAIRMAN PRO TEM FUS: I agree.

21 No. 7, the proposed variation will not  
22 impair an adequate supply of light or air to adjacent  
23 property or substantially increase the congestion of  
24 the public street or increase the danger of fire or

1 impair natural drainage or create drainage problems on  
2 adjacent properties or endanger the public safety or  
3 substantially diminish or impair property values  
4 within the neighborhood.

5 So, I think that goes back to condition,  
6 correct?

7 COMMISSIONER FRY: Uh-huh.

8 CHAIRMAN PRO TEM FUS: Anything else?

9 COMMISSIONER GRESKA: No.

10 COMMISSIONER BURTKER: I think we  
11 addressed this earlier, that if they were actually  
12 building a new structure they would be able to do what  
13 they wanted to. So clearly it doesn't affect the  
14 character of the neighborhood or traffic congestion or  
15 light or air, but the drainage issue is a  
16 continuation.

17 CHAIRMAN PRO TEM FUS: I agree.

18 I mean, I think that -- you know, the  
19 addition isn't excessive. If they did go into the  
20 backyard it would create I think more issues, you  
21 know, with the water that you would have to figure  
22 out, and they would be able to do that by right, so,  
23 they wouldn't even need to be here. So, I --

24 COMMISSIONER GRESKA: I certainly agree

1 with that.

2 COMMISSIONER FRY: Yes, agree.

3 CHAIRMAN PRO TEM FUS: Anybody else have  
4 anything?

5 COMMISSIONER GRESKA: I was thinking  
6 about what Senior Planner Kelsey Fawell said earlier,  
7 maybe we can include that language, I can make a  
8 motion to include that language.

9 CHAIRMAN PRO TEM FUS: Definitely.

10 SR. PLANNER FAWELL: We will need two  
11 motions, one to approve the request with the condition  
12 Senior Planner said, and then we will need a motion  
13 after that directing Senior Planner and Staff to  
14 update the ordinance as drafted and prepare it for  
15 signature.

16 ATTORNEY SKRODZKI: Yes.

17 And the first motion will be for both  
18 variances if you are prepared to vote on them both as  
19 a group.

20 CHAIRMAN PRO TEM FUS: Bear with me on  
21 this now.

22 We are making a motion to approve both?

23 ATTORNEY SKRODZKI: Yes.

24 CHAIRMAN PRO TEM FUS: Can I get a motion

1 to approve or deny this ordinance? Both.

2 COMMISSIONER FRY: Motion.

3 Is that right?

4 ATTORNEY SKRODZKI: And so you are also  
5 going to seek a motion that the ordinance will include  
6 the language presented by Senior Planner Fawell.

7 CHAIRMAN PRO TEM FUS: And we will seek a  
8 motion to approve the language presented by Senior  
9 Planner Fawell. Is that right?

10 COMMISSIONER FRY: Motion.

11 ATTORNEY SKRODZKI: All right.

12 CHAIRMAN PRO TEM FUS: Can I get a  
13 second?

14 COMMISSIONER BURTKER: I will second it.

15 CHAIRMAN PRO TEM FUS: All in favor?

16 (Chorus of ayes.)

17 ATTORNEY SKRODZKI: We will do a roll  
18 call.

19 SR. PLANNER FAWELL: Commissioner  
20 Burtker.

21 COMMISSIONER BURTKER: Aye.

22 SR. PLANNER FAWELL: Commissioner Fry?

23 COMMISSIONER FRY: Aye.

24 SR. PLANNER FAWELL: Commissioner Fus?

1 CHAIRMAN PRO TEM FUS: Aye.

2 SR. PLANNER FAWELL: And Commissioner  
3 Greska?

4 COMMISSIONER GRESKA: Aye.

5 SR. PLANNER FAWELL: Do we need to do  
6 another one or is that altogether?

7 ATTORNEY SKRODZKI: Do a second one to  
8 direct to amend -- to direct Staff to amend the  
9 ordinance with the additional language.

10 CHAIRMAN PRO TEM FUS: I make a motion to  
11 instruct Staff to update the ordinance and circulate  
12 to who?

13 SR. PLANNER FAWELL: You.

14 ATTORNEY SKRODZKI: You.

15 CHAIRMAN PRO TEM FUS: To the BZA and, I  
16 am sorry?

17 ATTORNEY SKRODZKI: You are good. That's  
18 fine.

19 You are making a motion to direct Staff  
20 to update the ordinance according to tonight's  
21 proceedings.

22 CHAIRMAN PRO TEM FUS: Yes.

23 COMMISSIONER FRY: Motion?

24 DIRECTOR VALONE: Is there a second?

1 COMMISSIONER GRESKA: I will second it.  
2 DIRECTOR VALONE: We will do a roll call.  
3 SR. PLANNER FAWELL: Commissioner  
4 Burtker?  
5 COMMISSIONER BURTKER: Aye.  
6 SR. PLANNER FAWELL: Commissioner Fry?  
7 COMMISSIONER FRY: Aye.  
8 SR. PLANNER FAWELL: Commissioner Fus?  
9 CHAIRMAN PRO TEM FUS: Aye.  
10 SR. PLANNER FAWELL: And Commissioner  
11 Greska?  
12 COMMISSIONER GRESKA: Aye.  
13 SR. PLANNER FAWELL: That is four, the  
14 motion passes.  
15 CHAIRMAN PRO TEM FUS: Great. Well,  
16 thank you very much.  
17 Sorry to fumble through that. Okay.  
18 Can I have a motion to close the public  
19 hearing with respect to 4115 Ellington Avenue?  
20 COMMISSIONER FRY: Motion.  
21 CHAIRMAN PRO TEM FUS: Can I get a  
22 second?  
23 COMMISSIONER BURTKER: I will second.  
24 CHAIRMAN PRO TEM FUS: All in favor?

1 (Chorus of ayes.)

2 CHAIRMAN PRO TEM FUS: We are closed,  
3 public hearing, with respect to 4115 Ellington Avenue  
4 is closed.

5 MR. MEYER: Thank you, we really  
6 appreciate it. Thank you so much.

7 COMMISSIONER BURTKER: Good luck.

8 SR. PLANNER FAWELL: I will follow-up  
9 with you guy tomorrow, unless you want to hang out for  
10 another five minutes.

11 MR. MEYER: We can, thank you.

12 SR. PLANNER FAWELL: Moving on, Staff  
13 does not have any new business.

14 As of right now we do not have any  
15 applications submitted so no future meeting date.

16 CHAIRMAN PRO TEM FUS: Great.

17 And then if there is no additional  
18 business to discuss this evening I would like to  
19 request a motion to adjourn.

20 COMMISSIONER BURTKER: Before you do  
21 that, two additional Villagers here, do you have  
22 business we need to attend to?

23 MR. SKRODZKI: No business to attend to.

24 ATTORNEY SKRODZKI: This is my brother

1 and my niece, and their business is going to Oberweis  
2 after this meeting.

3 MS. REPORTER: Can I have your name?

4 MR. SKRODZKI: My name Micah Skrodzki,  
5 and Evelyn Skrodzki.

6 MS. REPORTER: Can you spell your first  
7 names?

8 MR. SKRODZKI: M-I-C-A-H.

9 MS. SKRODZKI: E-V-E-L-Y-N.

10 MS. REPORTER: Thank you.

11 CHAIRMAN PRO TEM FUS: Did we have a  
12 motion to adjourn the meeting?

13 COMMISSIONER FRY: Motion.

14 CHAIRMAN PRO TEM FUS: I will second it,  
15 and we are now --

16 DIRECTOR VALONE: All those in favor?

17 (Chorus of ayes.)

18 DIRECTOR VALONE: We are adjourned.

19 CHAIRMAN PRO TEM FUS: We are adjourned  
20 at 7:43 p.m.

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

23

24





## AGENDA ITEM SUMMARY

### BOARD OF ZONING APPEALS

Board of Zoning Appeals: November 3, 2025

#### AGENDA ITEM D.1.

**To:** Board of Zoning Appeals

**From:** Kelsey Fawell, Senior Planner, Heather Valone, Director of Community Development

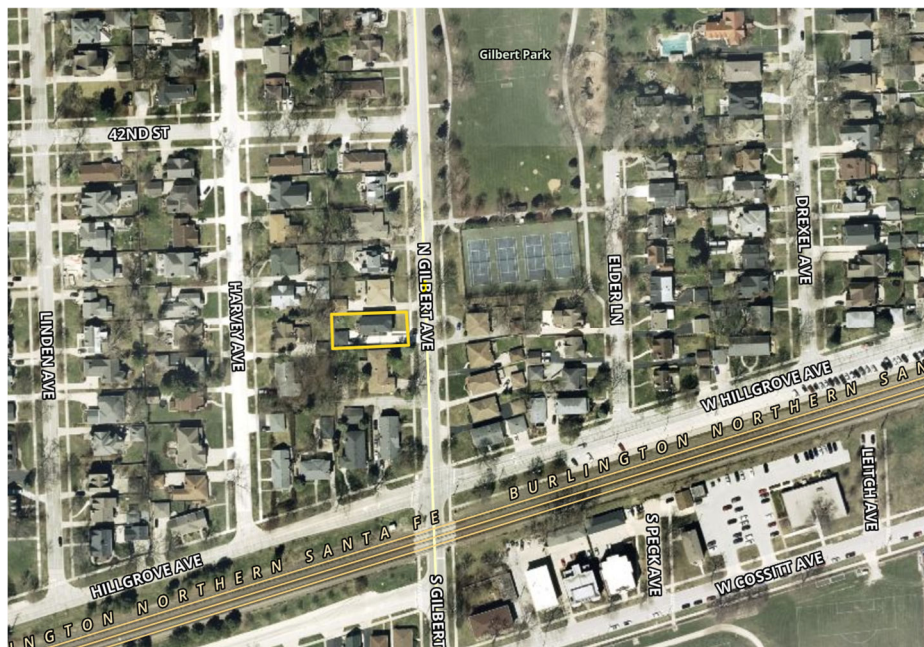
**CC:** Ellen Baer, Village Manager, Casey Biernacki, Deputy Village Manager, Michael Jurusik, Village Attorney, Anne Skrodzki, Village Attorney

**RE:** BZA-2025-03: Molly and Thomas Giltrow 4226 Gilbert Avenue; Zoning Variation for Minimum Rear Lot Line Setback for Accessory Buildings

#### Project Description

Molly and Thomas Giltrow (the “Applicants”) are property owners of the single—family residence at 4226 Gilbert Avenue (Figure 1) (the “Subject Property”), requesting approval of one variation from the Development Control Ordinance (“DCO”) for an existing detached garage.

In December of 2021, the Community Development Department issued a building permit to the previous property owner for the replacement of a detached garage and driveway. The approved permit plans required the garage to be located a minimum of five feet from the south and west lot lines, in compliance with the DCO. Upon inspection in July 2022, it was discovered the garage was constructed only three feet from the west lot line. In August 2022, the property was sold to the current property owners. To date, the building permit has not been closed out due to the structure’s setback violation and outstanding review comments from the Engineering Department. The Applicants are requesting approval of the variation to allow the detached garage to remain.



**Figure 1:** The Subject Property is located on the west side of Gilbert Ave., south of 42nd St. and north of Hillgrove Ave.

**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 7,875 square feet lot within the Village’s R-2 Single-Family Residence District and is currently improved with an approximately 1,426 square foot two-story single-family home. The home is served by an approx. 448 sf detached garage in the rear of the property. A wood deck is located along the rear southeast portion of the home. The northwest corner of the existing detached garage is three feet from the rear (west) lot line and the southwest corner is 3.7 feet from the rear lot line.

**Request**

If approved, the project will result in:

- (1) a two ft. encroachment into the required five -foot setback of accessory buildings from the rear lot line.

**Development Control Ordinance (DCO)**

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

- *10-4-4(A)(5) Accessory Buildings In Required Yards: No accessory buildings or structures, except as otherwise provided in table 4-1 or elsewhere in this ordinance, shall be located in the required front, corner side or interior side yards. No accessory buildings on a corner lot shall project beyond the required front yard or corner side yard line of either street. In the case of reversed corner lots, no accessory building or structure located in the required rear yard shall project beyond the required front yard setback of the adjoining property. Accessory buildings shall not be closer than five feet (5') to an interior side or rear lot line.*

**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.*

According to the Cook County Assessor, the original single-family home was constructed over 62 years ago. In 2021, the previous property owner received a building permit to remodel the first floor of the home and construct a second story addition, which can be seen today (Attachment 1).

The approved building permit was for the demolition of an existing detached garage located in the northwest corner of the lot and for construction of a new detached garage in the southwest corner of the lot. The approved plans showed the new detached garage located five feet from the south and west lot lines, in compliance with the DCO. The structure was ultimately built in violation of those approved plans and the DCO when it was constructed with its smallest setback being three feet. The structure’s original location was reviewed by the Village’s Community Development and Engineering Services Department and was granted approval.

The Subject Property is a typical rectangular interior lot, and exceeds the DCO’s minimum requirements for lot area and lot width for the R-2 Single-Family Residential District.

- 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 majority of lots along the block have a width of 60 feet, being in similar size as the Subject Property (Table 1). The lot abutting the Subject Property to the north is also 60 feet while the property to the south (consisting of two separate parcels) is approximately 86.56 feet. The Subject Property’s lot area is in-line with neighboring single-family lots on the block, excluding 4200 Gilbert Avenue and 4232 Gilbert Avenue.

Three of the properties (4204, 4208, and 4232 Gilbert Avenue) on the block have front-facing attached garages. 4200 Gilbert Avenue’s attached garage faces 42<sup>nd</sup> Street. Although staff was unable to find current surveys for all other properties on the block, it was discovered that two properties (4212 Gilbert Avenue and 4218 Gilbert Avenue) have detached garages too close to the nearby lot lines.

**Table 1:** Lot Widths and Areas of R-2 Single-Family Properties on the 4200 Block of Gilbert Avenue\*

Address	Lot Width (ft.)	Lot Area (sq. ft.)**
<b>4200 Gilbert Ave</b>	50	6,559.0
<b>4204 Gilbert Ave</b>	60	7,870.8
<b>4208 Gilbert Ave</b>	60	7,870.8
<b>4212 Gilbert Ave</b>	60	7,870.8
<b>4218 Gilbert Ave</b>	60	7,870.8
<b>4226 Gilbert Ave</b>	60	7,870.8
<b>4232 Gilbert Ave</b>	86.56	11,364.5

\*Excludes R-3 Two-Family Property 4240 Gilbert Ave.

\*\*Data collected from Village’s 2020 Sidwell tax map records. Lot areas may nominally differ.

- 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 maintain an existing detached garage that allows for on-site vehicular circulation.

- 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 2021 building permit for the detached garage and driveway was issued to the previous property owner. The current property owners and Applicants purchased the property in 2022 and have not made any improvements that contribute to the hardship. The Applicants are requesting approval to maintain and operate the detached garage.

- 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 detached garage is not be detrimental to the public welfare of the neighborhood. Letters of support from three neighbors, including two adjacent property owners, were collected (Attachment 1). The project will comply with all other bulk and lot requirements.

The final as-built (Attachment 1) was reviewed by the Village's Engineering Department and there are a number of outstanding engineering issues and comments that must be addressed. Comments include stormwater management (construction of a swale in accordance with the as-built, information on level-spreader, and grading) as well as slopes of the sidewalk and driveway. Regardless of the result of the variation request, the Applicants will be required to complete these required engineering issues.

During the original permit process, the detached garage was reviewed to relevant building codes and approved. As part of this variation application, the structure was reviewed by the Village's Building Official in regards to its location and fire-rated concerns. Since the west wall of the detached garage is located less than five feet but greater than three feet from the west property line, the Applicants are required to comply with two protective requirements within 2006 International Residential Code (IRC) Section R302.1:

- 1) The eave overhang projection is required to be provided with 5/8" exterior rated gypsum board protection at the underside of the framing, which can then be recovered with exterior cladding [e.g. Aluminum soffit] and the eave cannot be vented along the west wall; and

- 2) The exterior frame wall is required to be protected with 1-hour rated construction in accordance with UL263 for exposure from both sides. This would usually require 5/8" exterior rated gypsum board be installed on both sides with joints fire-taped and finish cladding and WP barrier replaced on the exterior face of the wall accordingly.

If the variation is approved, the Applicants will be required to comply with all outstanding engineering comments as well as the protective requirements per 2006 IRC Section R302.1, necessary to close out the building permit through the application of a permit as the permit from 2021 has expired.

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

The use of the Subject Property and house are not proposed to change with the requested variations. The single-family use will remain consistent with that of other houses within the Field Park subdivision. The garage's architectural style complements that of the single-family residence. The garage can be seen from Gilbert Avenue and abutting properties. Excluding the Subject Property, there are six R-2 Single-Family Residential properties, two of which have detached garages in the rear yard. Historic Village records indicate both detached garages are located less than three feet from nearby lot lines.<sup>1</sup>

- 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 garage will not negatively impact the adequate supply of light and air to adjacent properties and have received letters of support from adjacent property owners (Attachment 1). Three letters were submitted, one from the abutting property owner to the north and one from the abutting property owner to the west, whose lot line is closest to the garage.

The height of the existing garage is approximately 12 feet, two feet below the maximum height requirement of 14 feet in the DCO. The Applicants are proposing a three foot setback from the west lot line opposed to the required five feet. With a reduced setback, the house is therefore anticipated to cast more shadow on the neighboring property than if the strict regulations of the DCO were enforced; however, the abutting neighbor to the west has stated they do not object to the Applicant's request as provided in the

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<sup>1</sup> It should be noted that a mixture of permit records and aerial imagery was used to determine the neighboring garage setbacks.

application materials. A letter of support was not provided by the property owners to the south.

As mentioned above, there are a number of outstanding engineering issues and comments that must be addressed. If approved, the project must comply with these comments and any subsequent reviews by the Engineering Department to assess the stormwater and drainage conditions of the property as part of the permitting process. The Applicants will also be required to comply with the protective requirements set forth within Section R302.1 of the 2006 IRC as part of the building permit process.

The Applicants state in their application that the garage will not increase traffic congestion as the single-family use of the subject property is not being altered. The garage will not have a diminishing effect on property values as the improvements will not alter the existing character of the neighborhood.

### **Public Comments**

At the time of the writing of this report, no public comment was received in support of the application. 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 three 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 the detached garage does not alter the character of the neighborhood and is not detrimental to the surrounding area. Village staff does not find that all

of the standards for the variation have been met, as there are no particular physical hardships and there are alternative locations to construct a detached garage in compliance with the DCO.

Upon review of the application, should the BZA determine that the standards for variations have been met, then staff suggests that the BZA consider the following conditions of approval:

1. The Applicants shall submit design and engineering plans for the garage and driveway and on-site storm water management improvements to the Village in substantial conformance with outstanding comments. Such plans are subject to Village Code compliance plan reviews by the Village Code Officer and the Village Engineer. The Petitioner shall comply with the plan review recommendations and requirements of the Village Code Officer and the Village Engineer, including all recommendations and requirements relative to installation and maintenance of on-site storm water management improvements so as to not change the existing on-site storm water drainage patterns and not impact the neighboring properties with increased storm water runoff.
2. The Applicants shall submit plans for the garage in compliance with the protective requirements set forth within Section R302.1 of the 2006 IRC.

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

## **Attachments**

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1. Application package
2. Draft - An Ordinance Approving / Denying a Petition Requesting a Variation from the Accessory Buildings in Required Yards Setback Regulations of Title 10 (Development Control Ordinance), Chapter 4 (Development Standards of General Applicability), Section 10-4-4 (Accessory Uses and Structures) to Allow for the Continuation, Maintenance, and Operation of a Detached Garage at the 4226 Gilbert Avenue Property

**GENERAL INFORMATION APPLICATION**  
For Land Use and  
Development in the Village

**Applicant(s)**

Name Thomas and Molly Giltrow

Address 4226 Gilbert Ave

Telephone ( 574 ) 261 - 1814

Telephone ( 734 ) 330 - 1408

Fax (      )      -     

E-mail mngiltrow@gmail.com

**Property Owner(s)**

Name Thomas and Molly Giltrow

Address 4226 Gilbert Ave Western Springs, IL

Telephone ( 574 ) 261 - 1814

Telephone ( 734 ) 330 - 1408

Fax (      )      -     

E-mail mngiltrow@gmail.com

**Agent/Attorney**

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone (      )      -     

Telephone (      )      -     

Fax (      )      -     

**Engineer**

Name Design Tek Engineering

Address 9930 190th St I, Mokena, IL 60448

Telephone ( 708 ) 326 - 4961

Telephone (      )      -     

Fax (      )      -     

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

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

- |                             |              |                 |       |
|-----------------------------|--------------|-----------------|-------|
| Annexation                  | _____        | Map Amendment   | _____ |
| Subdivision                 | _____        | Resubdivision   | _____ |
| Planned Development         | _____        | Conditional Use | _____ |
| Variation(s)                | <u>  X  </u> | Outdoor dining  | _____ |
| Other (Temporary Use, etc.) | _____        | Appeal          | _____ |

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

**See Narrative Attachment**

1. Common address or location of subject property:

4226 Gilbert Ave. Western Springs, IL 60558

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

Lot 6 in Block 13 in Martin's Addition to Field Park in the East 3/8 of the West half of Section 5, Township 38 North, Range 12, East of the Third Principal Meridian, and of Section 5, Township 38 North, Range 12, East of the Third Principal Meridian, and part of the Southwest quarter of Section 32, Township 39 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

3. Permanent Index Number: 18-05-131-014-0000

4. Parcel Size (sq. ft. or acres): 7,860 sq ft

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?

**See Narrative**

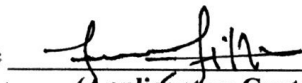
	<u>Current Zoning</u>	<u>Land Uses</u>
On Site	<u>R-2</u>	<u>                    </u>
North of Site	<u>R-2</u>	<u>                    </u>
South of Site	<u>R-2</u>	<u>                    </u>
East of Site	<u>R-2</u>	<u>                    </u>
West of Site	<u>R-2</u>	<u>                    </u>

7. Describe any existing structures and the site

**See Narrative**

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

Date 8/12/2025

Signature   
(Applicant or Contract Purchaser)

Date 8/12/2025

Signature   
(Property Owner)



The ability for the garage to stay where it was built would help the homeowners significantly as it has created an additional amount of space for the cars to be able to be turned around and exit the busy street while driving forward.. The traffic on Gilbert proposes a hazard every time reversing out of the driveway and the existing layout of the driveway and garage has significantly improved the ability for the homeowners to exit onto the street safely.

**Criteria for Variance:**

- a. Because of the particular location of the property being on Gilbert Ave, a very busy street, 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 ability for the garage to stay where it was built with the existing setback of approximately 3 feet versus the required 5 feet, would help the homeowners significantly as it has created an additional amount of space for the cars to be able to be turned around to exit the busy street that the house currently sits on. The traffic on Gilbert proposes a hazard every time reversing out of the driveway. Being able to keep the driveway where it was built would help significantly reduce that risk.
- b. This variation request is not based on a desire to increase financial gain.
  - The approval for the 2 car garage and it's general placement is already approved. The setback variance is the only issue. No one accepts to benefit financially and the homeowners attain less risk of an accident.
- c. 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 detached garage will not be a detriment to the general public or injurious to other properties.
- d. The granting of the variation will not alter the essential character of the neighborhood
  - Majority of the neighborhood has a 2 car garage so the character of the neighborhood will not be altered.
- e. 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.
  - Neighbors to the property are understanding and supportive of the proposed setback of the new garage. (See attached letters from neighbors)

- Given that it would be a similar size to other garages in the neighborhood, in a similar area where the current one sits, it will not negatively affect the properties around it.
- As noted above, granting this variance would result in **LESS** congestion on Gilbert Ave. It would accomplish this by being able to pull out onto Gilbert Ave while driving forward instead of reversing onto the busy street. Traffic is already cumbersome due to the train tracks so this would ease the burden for the homeowners and decrease the risk of a potential accident.

**Photo 1: Front of House with Driveway and Garage**



**Photo 2: Drone View of Garage, Driveway, and Home**



- **Standard 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 for which we are applying for variation are unique to this property and these circumstances; we do not understand this variation to be applicable to any other property within this zoning classification. As noted in our response to Standard D below, the noted variance occurred as a result of construction by the prior owner, and we are not applying for variance other than for this instance as it applies to our individual property and circumstances.
  
- **Standard 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.
  - We confirm that the difficulty caused by this ordinance has not been created by any person presently having an interest in the property. This variance regarding the detached garage is the result of construction by the prior owner of the property and our family purchased this property after its construction by the previous owner. Our family remains the sole parties with interest in the property and we were not responsible for the construction which resulted in the variation for which we seek this Board's consideration and approval.

**Area, Setback, Coverage Table:**

<b><u>Development Standard</u></b>	<b><u>Existing</u></b>	<b><u>Required</u></b>	<b><u>Proposed</u></b>	<b><u>Conforming?</u></b>
<b>Setbacks S &amp; W Lot Lines</b>	2.8' & 3.05'	5' & 5'	2.8' & 3.0'	No - Variance Requested
<b>Max Bldg. Coverage</b>	30%	30%	30%	Yes
<b>Accessory Coverage</b>	35%	35% Max of Rear Yard	35%	Yes
<b>Driveway Coverage</b>	5.5%	20% Max	8.4%	Yes
<b>Min. Lot Width</b>	48'	50'	N/A	No - N/A
<b>Min. Lot Area</b>	6,354	6,200	N/A	Yes
<b>Floor Area Gross</b>	2,320 SF	Max Allowed: 3,739 SF	3000 SF	Yes
<b>Max Lot Coverage</b>	49.1%	50%	50.0%	Yes



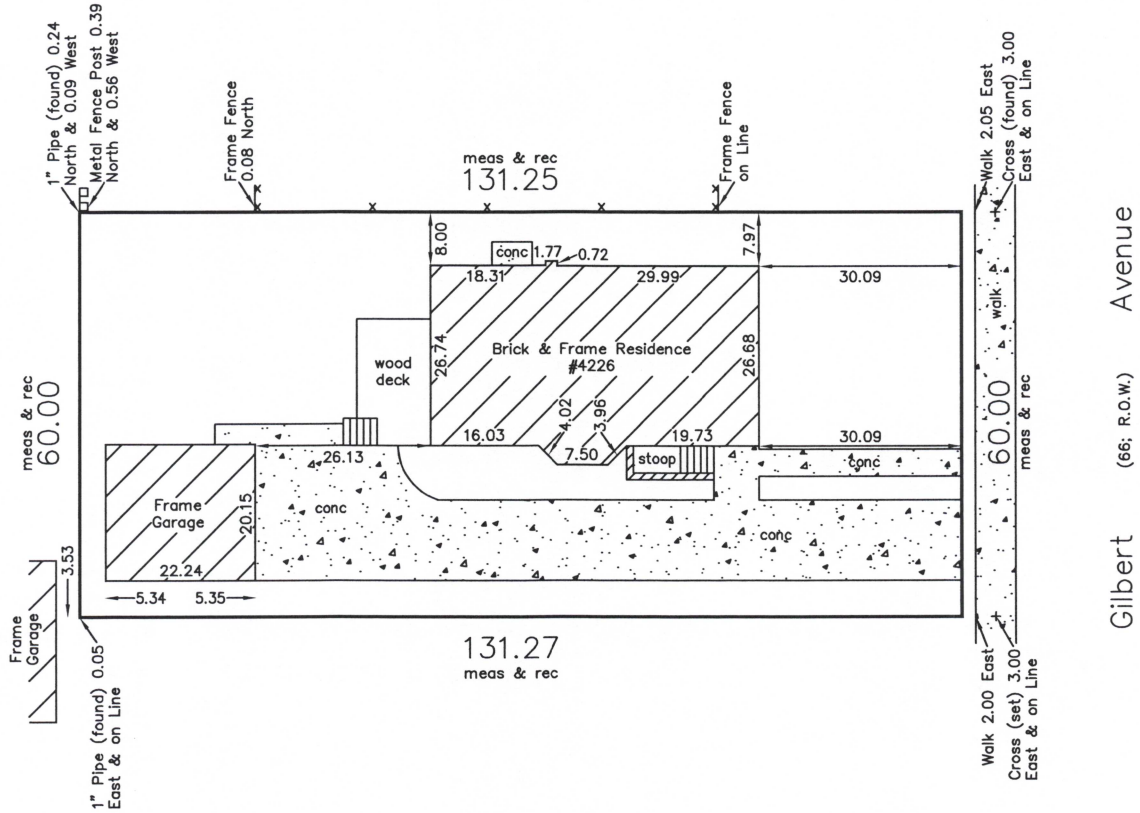
KABAL SURVEYING COMPANY  
Land Surveying Services

10407 West Cermak Road  
Westchester, Illinois 60154  
(708) 562-2852  
Fax (708) 562-7314  
email: kabal-surveying@comcast.net  
website: KabalSurveyingCompany.com  
Registration No. 184-003061

# Plat of Survey

Lot 6 in Block 13 in Martin's Addition to Field Park in the East 3/8 of the West half of Section 5, Township 38 North, Range 12, East of the Third Principal Meridian, and part of the Southwest quarter of Section 32, Township 39 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

Address: 4226 Gilbert Avenue, Western Springs



**LEGEND**

R.O.W. = right-of-way, E = East  
rec = record, N = North, W = West  
meas = measured, S = South  
pch = porch, rad = radius  
prc = point of reverse curve  
conc = concrete, pc = point of curve

Area of property is approximately 7,875 square feet

"X" in box indicates that hereon drawn plat was ordered as a non-monumented survey

Please check Legal Description with Deed and report any discrepancy immediately.

Surveyed July 19, 2022

Scale: 1 inch = 20 ft.  
Order No. 221256  
Ordered By: Bolger, Attorney at Law



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

STATE OF ILLINOIS }  
COUNTY OF COOK } s.s.

I, MITCHELL P. BALEK, an Illinois Professional Land Surveyor, hereby certify that I have surveyed the property described above and the plat hereon drawn is a correct representation of said survey.

Dimensions are in feet and decimal parts thereof and are corrected to a temperature of 62 degrees Fahrenheit.

*Mitchell P. Balek*

Illinois Professional Land Surveyor No. 035-003250  
My license expires on November 30, 2022

ORIGINAL SEAL IN RED



KABAL SURVEYING COMPANY

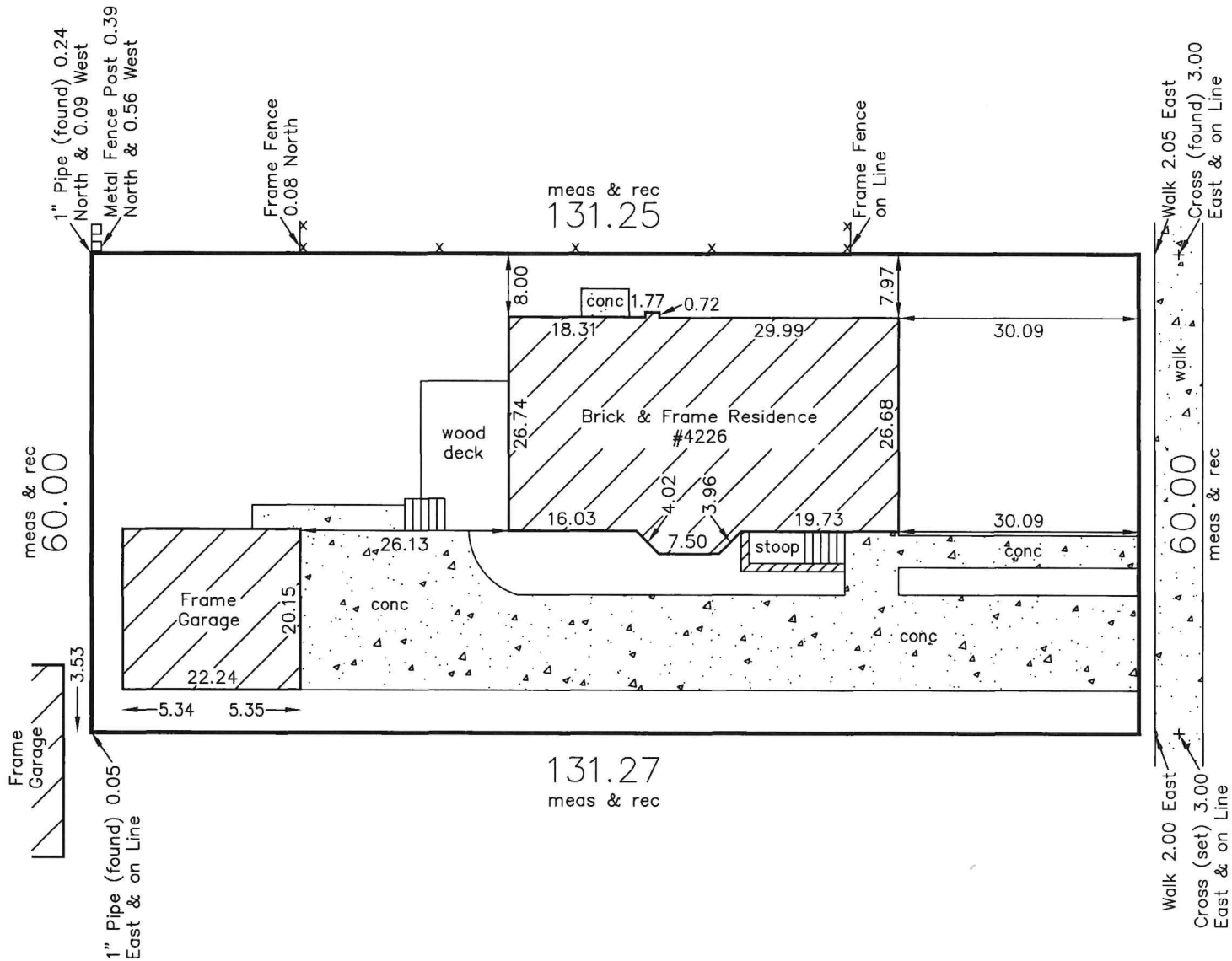
Land Surveying Services

Plat of Survey

10407 West Cermak Road  
Westchester, Illinois 60154  
(708) 562-2652  
Fax (708) 562-7314  
email: kabal-surveying@comcast.net  
website: KabalSurveyingCompany.com  
Registration No. 184-003061

Lot 6 in Block 13 in Martin's Addition to Field Park in the East 3/8 of the West half of Section 5, Township 38 North, Range 12, East of the Third Principal Meridian, and part of the Southwest quarter of Section 32, Township 39 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

Address: 4226 Gilbert Avenue, Western Springs



Gilbert Avenue (66' R.O.W.)

LEGEND

R.O.W. = right-of-way, E = East  
rec = record, N = North, W = West  
meas = measured, S = South  
pch = porch, rad = radius  
prc = point of reverse curve  
conc = concrete, pc = point of curve

Area of property is approximately 7,875 square feet

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Surveyed July 19, 2022

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Order No. 221256  
Ordered By: Bolger, Attorney at Law

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

STATE OF ILLINOIS }  
COUNTY OF COOK } s.s.

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Dimensions are in feet and decimal parts thereof and are corrected to a temperature of 62 degrees Fahrenheit.

*Mitchell P. Balch*

Illinois Professional Land Surveyor No. 035-003250  
My license expires on November 30, 2022

ORIGINAL SEAL IN RED







# Attachment 2.

**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.**

**BOARD OF ZONING APPEALS  
ORDINANCE NO. 2025-03**

**AN ORDINANCE APPROVING / DENYING A PETITION REQUESTING A VARIATION FROM THE ACCESSORY BUILDINGS IN REQUIRED YARDS SETBACK REGULATIONS OF TITLE 10 (DEVELOPMENT CONTROL ORDINANCE), CHAPTER 4 (DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY), SECTION 10-4-4 (ACCESSORY USES AND STRUCTURES) TO ALLOW FOR THE CONTINUATION, MAINTENANCE, AND OPERATION OF A DETACHED GARAGE AT THE 4226 GILBERT AVENUE PROPERTY.**

**Board Members Present:**

**Board Members Absent:**

**DATE: November 3, 2025**

**WHEREAS**, Molly and Thomas Giltrow (the "Petitioners" and "Owners") are the owners of the 4226 Gilbert Avenue Property (PIN: 18-05-131-014-0000) (the "Subject Property"), which is located in the Village of Western Springs (the "Village"). The Subject Property is classified under the R2 - Single-Family Residence District, and each of the adjacent properties to the north, south, east and west of the Subject Property are also classified under the R2 - Single-Family Residence District. The Subject Property is legally described as follows:

*LOT 6 IN BLOCK 13 IN MARTIN'S ADDITION TO FIELD PRK IN THE EAST 3/8 OF THE WEST HALF OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.*

; and

**WHEREAS**, on September 3, 2025, the Owners filed with the Village a petition ("Application" or "Petition") and supporting documents requesting approval of the following one (1) variation (the "Requested Zoning Relief") relative to the operation and maintenance of a detached garage at the Subject Property. The one (1) variation pertains to relief from the required rear yard setback requirements for accessory buildings set forth in Subsection 10-4-4(A)(5) (Accessory Buildings In Required Yards) of Section 10-4-4 (Accessory Uses and Structures), Chapter 4 (Development Standards of General Applicability), Title 10 (Development Control Ordinance) ("DCO") of the Western Springs Municipal Code ("Village Code"), to reduce the required 5.00 foot rear yard setback area to 3.00 feet; and

**WHEREAS**, a copy of the Petition dated September 3, 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 August 12, 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 (6 Pages);
- B. Plat of Survey for 4226 Gilbert Avenue, dated July 19, 2022 and prepared by Mitchell P. Balek of Kabal Surveying Company (1 Page);
  - C. Gilbert Avenue Detach Garge – 4226 Gilbert Ave., Western Springs, IL, 60558 dated April 30, 2021 and prepared by Lynn Architects (2 Pages);
  - D. Final Grading Survey of 4226 Gilbert Ave., Western Springs, IL dated July 26, 2022 and prepared by DesignTek Engineering, Inc. (1 Page);

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

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

**WHEREAS**, 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 variation, 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 November 3, 2025 (the “Public Hearing”), in accordance with the applicable provisions of State law, the DCO and the Open Meetings Act (5 ILCS 120/), as amended; and

**WHEREAS**, during the Public Hearing, the Board of Zoning Appeals **heard statements from: the Petitioners and their consultant (insert), Community Development Director Heather Valone, Senior Planner Kelsey Fawell, Village Attorney Anne Skrodzki, and certain Interested Parties (members of the public). [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 4218 Gilbert Avenue, 4212 Gilbert Avenue, and 4225 Harvey Avenue.** 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 “G”** 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 September 3, 2025 with Attachments (incorporated herein by reference as **Group Exhibit “A”**).
- B. The Final Grading Survey with Engineering Department Comments (Final Grading Survey 4226 Gilbert Ave., Western Springs, IL dated July 26, 2022 and prepared by DesignTek Engineering, Inc. with Engineering Department Comments dated August 24, 2022 (1 Page)) (incorporated herein by reference as **Exhibit “B”**).
- C. The Public Hearing Notice dated **October 16, 2025** and Publisher’s Certificate dated **October 16, 2025**, with Affidavit of Mailing, Publication and Sign Posting for a Public Hearing dated **[INSERT], 2025** and executed by Community Development Director Heather Valone (incorporated herein by reference as **Group Exhibit “C”**).
- D. **Village Staff Report prepared by Kelsey Fawell and Heather Valone dated November 3, 2025** (incorporated herein by reference as **Exhibit “D”**) (“Village Staff Report”).
- E. 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 “E”**).
- F. The Western Springs Municipal Code of 1997, as amended, including the Development Control Ordinance (incorporated herein by reference as **Exhibit “F”**).
- G. The Transcript of the November 3, 2025 Public Hearing, including Exhibits, prepared by Court Reporter **Robin Chimniak** (incorporated herein by reference as **Exhibit “G”**).
- H. Supplemental Petition Materials (Incorporated herein by reference as **Group Exhibit “H”**):
  - a. **Group Exhibit “G-1”**: \_\_\_\_\_, ( \_\_\_\_\_ dated \_\_\_\_\_, 2024).
- I. Materials Submitted by Interested Parties (incorporated herein by reference as **Group Exhibit “I”**):
  - a. **Group Exhibit “I-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 “D”**) 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.**

According to the Cook County Assessor, the original single-family home was constructed over 62 years ago. In 2021, the previous property owner received a building permit to remodel the first floor of the home and construct a second story addition, which can be seen today.

The approved building permit was for the demolition of an existing detached garage located in the northwest corner of the lot and for construction of a new detached garage in the southwest corner of the lot. The approved plans showed the new detached garage located five feet from the south and west lot lines, in compliance with the DCO. The structure was ultimately built in violation of those approved plans and the DCO when it was constructed with its smallest setback being three feet. The structure's original location was reviewed by the Village's Community Development and Engineering Services Department and was granted approval.

The Subject Property is a typical rectangular interior lot, and exceeds the DCO's minimum requirements for lot area and lot width for the R-2 Single-Family Residential District.

The Board of Zoning Appeals finds that a hardship to the Petitioners **exists / does not exist**, as distinguished from a mere inconvenience, 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 majority of lots along the block have a width of 60 feet, being similar in size to the Subject Property. The lot abutting the Subject Property to the north is also 60 feet while the property to the south (consisting of two separate parcels) is approximately 85 feet. Three of the properties on the block have front-facing attached garages. Although staff was unable to find current surveys for all other properties on the block, it was discovered that two properties (4212 Gilbert Avenue and 4218 Gilbert Avenue) have detached garages too close to the nearby lot lines.

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 within the application materials that the proposed improvements to the home are not for financial gain but instead intended to maintain an existing detached garage that allows for on-site vehicular circulation.

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 2021 building permit for the detached garage and driveway was issued to the previous property owner. The current property owners and Applicants purchased the property in 2022 and have not made any improvements that contribute to the hardship. The Applicants are requesting approval to maintain and operate the detached garage.

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 detached garage is not be detrimental to the public welfare of the neighborhood. Letters of support from three neighbors, including two adjacent property owners, were collected. The project will comply with all other bulk and lot requirements.

The final as-built was reviewed by the Village's Engineering Department and there are a number of outstanding engineering issues and comments that must be addressed. Comments include stormwater management (construction of a swale in accordance with the as-built, information on level-spreader, and grading) as well as slopes of the sidewalk and driveway. Regardless of the result of the variation request, the Applicants will be required to complete these required engineering issues.

During the original permit process, the detached garage was reviewed to relevant building codes and approved. As part of this variation application, the structure was reviewed by the Village's Building Official in regards to its location and fire-rated concerns. Since the west wall of the detached garage is located less than five feet but greater than three feet from the west property line, the Applicants are required to comply with two protective requirements within 2006 International Residential Code (IRC) Section R302.1:

1. The eave overhang projection is required to be provided with 5/8" exterior rated gypsum board protection at the underside of the framing, which can then be recovered with exterior cladding [e.g. Aluminum soffit] and the eave cannot be vented along the west wall; and

2. The exterior frame wall is required to be protected with 1-hour rated construction in accordance with UL263 for exposure from both sides. This would usually require 5/8" exterior rated gypsum board be installed on both sides with joints fire-taped and finish cladding and WP barrier replaced on the exterior face of the wall accordingly.

If the variation is approved, the Applicants will be required to comply with all outstanding engineering comments as well as the protective requirements per 2006 IRC Section R302.1, necessary to close out the building permit through the application of a permit as the permit from 2021 has expired.

The Board of Zoning Appeals **finds / does not find** that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the 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 house are not proposed to change with the requested variations. The single-family use will remain consistent with that of other houses within the Field Park subdivision. The garage's architectural style complements that of the single-family residence. The garage can be seen from Gilbert Avenue and abutting properties. Excluding the Subject Property, there are six R-2 Single-Family Residential properties, two of which have detached garages in the rear yard. Historic Village records indicate both detached garages are located less than three feet from nearby lot lines.

The Board of Zoning Appeals **finds / does not find** that the granting of the variation 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 garage will not negatively impact the adequate supply of light and air to adjacent properties and have received letters of support from adjacent property owners. Three letters were submitted, one from the abutting property owner to the north and one from the abutting property owner to the west, whose lot line is closest to the garage.

The height of the existing garage is approximately 12 feet, two feet below the maximum height requirement of 14 feet in the DCO. The Applicants are proposing a three foot setback from the west lot line opposed to the required five feet. With a reduced setback, the house is therefore anticipated to cast more shadow on the neighboring property than if the strict regulations of the DCO were enforced; however, the abutting neighbor to the west has stated they do not object to the Applicant's request as provided in the

application materials. A letter of support was not provided by the property owners to the south.

As mentioned above, there are a number of outstanding engineering issues and comments that must be addressed. If approved, the project must comply with these comments and any subsequent reviews by the Engineering Department to assess the stormwater and drainage conditions of the property as part of the permitting process. The Applicants will also be required to comply with the protective requirements set forth within Section R302.1 of the 2006 IRC as part of the building permit process.

The Applicants state in their application that the garage will not increase traffic congestion as the single-family use of the subject property is not being altered. The garage will not have a diminishing effect on property values as the improvements will not alter the existing character of the neighborhood.

The Board of Zoning Appeals **finds / does not find** that 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 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 2.0 ft. variation from the required 5.0-foot minimum setback of accessory buildings from the rear lot line requirement found in Section 10-4-4(A)(5) (Accessory Buildings In Required Yards) of the DCO along the west lot line of the Subject Property to permit the encroachment of the detached garage, as requested, SUBJECT TO THE FOLLOWING CONDITIONS SET FORTH BELOW.

B. **CONDITIONS:** The following conditions apply to the zoning relief approved above:

- a. The Applicants shall submit design and engineering plans for the garage and driveway and on-site storm water management improvements to the Village in substantial conformance with outstanding comments per Exhibit B. Such plans are subject to Village Code compliance plan reviews by the Village Code Officer and the Village Engineer. The Petitioner shall comply with the plan review recommendations and requirements of the Village Code Officer and the Village Engineer, including all recommendations and requirements relative to installation and maintenance of on-site storm water management improvements so as to not change the existing on-site storm water drainage patterns and not impact the neighboring properties with increased storm water runoff.
- b. The Applicants shall submit plans for the garage in compliance with the protective

requirements set forth within Section R302.1 of the 2006 IRC.

**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 3<sup>rd</sup> day of November, 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 3<sup>rd</sup> day of November, 2025.

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

**ATTEST:**

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

Published by me in pamphlet form this \_\_\_\_ day of November,

2025.

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

**ACKNOWLEDGEMENT AND CONSENT TO COMPLY WITH  
THE TERMS, CONDITIONS, OBLIGATIONS AND PROVISIONS SET FORTH  
IN THE VILLAGE OF WESTERN SPRINGS BOARD OF ZONING APPEALS  
ORDINANCE NO. 2025-03**

We, Molly and Thomas Giltrow (the "Petitioners" and "Owners"), owners of the 4226 Gilbert Avenue Property (PIN: 18-05-131-014-0000) (the "Subject Property"), have read and understand each of the above terms, conditions, obligations and provisions contained in this Ordinance, including Section 3 (Decision) and Section 7 (Recordation), and agree to be bound by the same.

By: \_\_\_\_\_  
**Name: Molly Giltrow**

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

**ATTEST:**

By: \_\_\_\_\_  
Notary Public

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

By: \_\_\_\_\_  
**Name: Thomas Giltrow**

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

**ATTEST:**

By: \_\_\_\_\_  
Notary Public

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

**Group Exhibit "A"**

**Petition filed September 3, 2025, with Attachments**

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

**Exhibit "B"**

**Final Grading Survey with Engineering Department Comments**

**Final Grading Survey 4226 Gilbert Ave., Western Springs, IL dated July 26, 2022 and prepared by DesignTek Engineering, Inc. with Engineering Department Comments dated August 24, 2022 (1 Page)**

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

**Group Exhibit "C"**

**Public Hearing Notice dated October 16, 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 "D"**

**Village Staff Report prepared by Kelsey Fawell and Heather Valone, dated November 3, 2025**

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

**Group Exhibit "E"**

**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 "F"**

**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 "G"**

**Transcript of the November 3, 2025 Public Hearing, prepared by a Court Reporter, including Exhibits**

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

**Group Exhibit "H"**

**Supplemental Petition Materials**

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

**Group Exhibit "I"**

**Materials Submitted by Interested Parties**

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

Draft