

## A G E N D A

MEETING OF THE PLAN COMMISSION OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON WEDNESDAY, DECEMBER 13, 2023 AT 7:00 P.M. AT THE VILLAGE OF WILLOWBROOK COMMUNITY RESOURCE CENTER (CRC) BOARDROOM, 825 MIDWAY DRIVE, WILLOWBROOK, ILLINOIS 60527.

**Due to the expiration of the Governor's Disaster Declaration, public participation/comment is permitted solely by attending the meeting at 825 Midway Drive.**

1. CALL TO ORDER
2. ROLL CALL
3. OMNIBUS VOTE AGENDA
  - A. Waive Reading of Minutes (APPROVE)
  - B. Minutes of October 4, 2023, Plan Commission Regular Meeting
4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 23-06: Consider a petition requesting a zoning variance from Title 9 of the Village Unified Development Ordinance to Section 9-3-01(A) to reduce the front yard setback in R-2 district from 40 feet to 33'-6" at 638 67<sup>th</sup> Place.
  - A. Public Hearing
  - B. Discussion/Recommendation
5. VISITOR'S BUSINESS
6. COMMUNICATIONS
7. ADJOURNMENT

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, OCTOBER 4, 2023, AT THE VILLAGE COMMUNITY RESOURCE CENTER (CRC) BOARDROOM, 825 MIDWAY DRIVE, WILLOWBROOK, ILLINOIS.

**Due to the expiration of the Governor's Disaster Declaration, public participation/comment is permitted solely by attending the meeting at 825 Midway Drive.**

1. CALL TO ORDER

Chairman Kopp called the meeting to order at the hour of 7:00 p.m.

2. ROLL CALL

Those present at CRC: Chairman Kopp, Commissioner Kanaverskiss, Kaczmarek, Kaucky.  
Staff present: Michael Krol, Director of Community Development

ABSENT: Commissioner Baksay, Walec, Vice Chairman Wagner.

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE).
- B. Minutes of August 2, 2023, Plan Commission Public Hearing.

**MOTION:** Made by Commissioner Kaucky seconded by Commissioner Kaczmarek approve the Omnibus Vote Agenda as presented.

Roll Call Votes:

AYES: Commissioner Kaucky, Kanaverskiss, Kaczmarek, Walec, Vice Chairman Wagner, Chairman Kopp

NAYS: None

MOTION DECLARED CARRIED.

1. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 23-05: Consider a petition requesting the following zoning variations from Title 9 of the Village Unified Development Ordinance:

- a. Section 9-3-01(A) to reduce the front yard setback in R-2 district from 40 feet to the existing house location, 26 feet.
- b. Section 9-3-01(A) to reduce the exterior side yard setback in the R-2 district from 40 feet to 31 feet.

A. DISCUSSION/RECOMMENDATION

Plan Commission – Public Hearing

October 4, 2023

Page 2

Director Krol provided a brief overview of the zoning variance request for the front yard setback and the corner/exterior side yard setback at 310 59<sup>th</sup> Street. The subject property was annexed into Willowbrook in 1987 and the home was developed prior to 1978 under DuPage County Zoning and Subdivision codes. It is believed that the front yard setback at the time the house was built was 25 feet and the corner side yard setbacks were 10 feet. There are a number of homes along 59<sup>th</sup> Street with corner yards that appear to be about 10 feet from the property line.

The property approached Village staff regarding a second-floor addition to the existing house, demolishing the existing detached three car garage and building an attached three car garage. Section 9-10-04B states that any non-confirming residential building or structure needs to be brought into compliance. Without completely demolishing the home, it cannot be brought into compliance which is why the owner is seeking the front and exterior side yard zoning variance.

Director Krol asked if the owners had any additional comments or questions.

Chairman Kopp: Does anyone from the Plan Commission have any questions? To the owner, if you would like to speak you are allowed too.

No questions or comments from the property owner.

Chairman Kopp: With that said we will close the public hearing. To me this looks like net gain and I cant image the neighbors had any objection since the garage is moving further away from the neighbors.

Director Krol: The existing house sits back from the exterior side yard 35'-1". The variance is actually for 31 feet because the new three car attached garage will be located about 5 feet closer from the current location of the detached garage. Village staff has no objection to the proposal. Similar variations have been granted in the area for side and front yard setbacks for similar situations.

Chairman Kopp read the proposed motion into the record.

MOTION: to close the public hearing made by Commissioner Kaucky seconded by Commissioner Walec, all in favor

Roll Call Votes:

AYES: Commissioner Kaucky, Kanaverskiss, Kaczmarek, Chairman Kopp

NAYS: None

MOTION DECLARED CARRIED

**MOTION: Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board, approval of the proposed zoning variance requests to the front and exterior side yard setbacks in the R-2 District of the Unified Development Ordinance to allow a 26-foot front yard setback and a 31-foot exterior side yard setback for the subject property.**

Made by: Commissioner Kaucky seconded by Commissioner Kaczmarek.

Roll Call Votes:

AYES: Commissioner Kaucky, Kanaverskis, Kaczmarek, Chairman Kopp.

NAYS: None

5. VISTOR'S BUSINESS.

None

6. COMMUNICATIONS

Director Krol, no report but can answer any questions about ongoing projects.

Commissioner Kaucky, asked about the project at 75<sup>th</sup> and 83, the Panda Express.

Director Krol, The project is still open, however the deadline for permit approval for Panda Express is November 10<sup>th</sup>. After that date there is no further extensions that can be granted by the Board, which they have granted two extensions already which is allowed by code. There are still several open items that the applicant needs to submit prior to permit issuance, two of which need Village Board approval. Part of the delay has been IEPA NFR letter from site cleanup.

Commissioner Kanaverskis, asked about the landscapers witnessed on the property. And installed concrete barriers.

Director Krol, that was requested by staff to keep up property maintenance. Tall grass and weeds were becoming too tall. The barriers were installed by property ownership to keep the semi-trucks and parked cars off the property.

Chairman Kopp, will the change in the zoning ordinance impact Panda?

Director Krol, Panda Express was granted 14 zoning variations for the property. The new UDO will apply to any new application for a Panda Express and zoning variations might be required.

Commissioner Kanaverskis, are they working at the cannabis dispensary business?

Director Krol, yes, they are working, and I don't have a timeline of project completion. They have had rough inspections completed and approved recently.

Chairman Kopp, in my neighborhood everyone was happy that the hoarder on Bentley got their front yard cleaned up.

Director Krol, there were multiple court orders for the Village to go on the property, to tow vehicles away, and cleanup and remove debris from the property. Public Works had several staff members there cleaning up debris for several hours and a tow company on site.

## 7. ADJOURNMENT

MOTION: Made by Commissioner Kaucky seconded by Commissioner Kaczmarek to adjourn the meeting of the Plan Commission at 7:11 p.m.

Roll call votes AYES: Commissioners, Kanaverskis, Kaczmarek, Kaucky, and Chairman Kopp.

MOTION DECLARED CARRIED

UNANIMOUS VOICE VOTE  
PRESENTED, READ, AND APPROVED,

October 4, 2023

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Chairman Kopp

Minutes transcribed by Director Krol



## Village of Willowbrook

### Staff Report to the Plan Commission

<b>Public Hearing Date:</b>	December 13, 2023		
<b>Prepared By:</b>	Michael Krol, Director of Community Development		
<b>Case Title:</b>	Zoning Hearing Case No. PC 23-06: A petition requesting a zoning variance from Title 9 of the Village Unified Development Ordinance for the property address 638 67 <sup>th</sup> Place, Willowbrook, Illinois to Section 9-3-01(A) to reduce the front yard setback in R-2 district from 40 feet to 33'-6".		
<b>Petitioner:</b>	Marius & Gitana Balsys, 638 67 <sup>th</sup> Place, Willowbrook, Illinois, 60517.		
<b>Action Requested:</b>	Consideration and Recommendation of the proposed zoning variance to the Unified Development Ordinance R-2 setbacks for the subject property as part of covered porch, new garage, and second floor addition project.		
<b>Location:</b>	638 67 <sup>th</sup> Place, west of Madison Street.		
<b>PINs:</b>	09-23-400-013		
<b>Existing Zoning:</b>	R-2 Moderate Density Single-Family Detached District		
<b>Proposed Zoning:</b>	R-2 Moderate Density Single-Family Detached District		
<b>Property Size:</b>	0.47 acres		
<b>Surrounding Land Use:</b>	<b>Use</b>	<b>Zoning</b>	
North	Single Family Residential	R-1	
South	Single Family Residential	R-2	
East	Single Family Residential	R-2	
West	Single Family Residential	R-2	

#### Necessary Action by Plan Commission:

Make either a positive or negative recommendation to the Mayor and Village Board for the proposed zoning variance requests to the front yard setback in the R-2 District of the Unified Development Ordinance to allow a 33'-6" front yard setback for the subject property.

A sample motion can be found on page 4.



## History & Background

### Site Description

The existing single-family dwelling was annexed into the Village of Willowbrook in 1981 as part of a twenty-two (22) lot annexation, under Ordinance 81-O-22. The existing house, along with the rest of this residential neighborhood was constructed and developed approximately 1958. According to the plat of subdivision from 1956, the lots had a 30-foot setback per the DuPage County Zoning and Subdivision code. The current R-2 District setback in the UDO, is forty feet (40').

**Exhibit 1:** Zoning and Aerial View of the Subject Property



### Variance Proposal

The property owners contacted Village staff regarding a second-floor addition, a new attached garage, and a front porch extension project. Per the Section 9-10-04(B) of the Unified Development Ordinance (UDO), a nonconforming residential building or structure which is nonconforming only as to bulk regulations (setbacks), may be added to or enlarged, provided such additions or enlargements conform to all regulations of the district in which it is located. The existing single-family residence does not comply with the UDO front yard setback requirement of forty feet (40') and is seeking a zoning variance in order to construct the proposed addition. According to the plat of survey, the existing house is setback 39.45 feet from the front property line. The proposed variance to the front setback is to Section 9-3-01(A) to reduce the front yard setback in R-2 district from 40-feet to the existing house location, 33'-6" for the covered porch extension.

### Staff Analysis

#### Appropriateness of Use

Attached to your packets are a proposed site plan and elevation, which indicate the new covered porch/entry, adding a second floor to the existing one-story house, and adding an attached garage. Since the subdivision, property, and single-family dwelling were legally established by DuPage County



Zoning and Subdivision Codes and does not conform to the regulations of the UDO, the owner is seeking a front yard variance to the property for the proposed addition.

**Exhibit 2: Zoning Table in the R-2 District**

	R-2 Standards	Proposed	Variation Required	
Front (ft)	40'	33'-6"	Yes	New Porch
Rear (ft)	40'	59'-3"	No	New Garage
Interior West Side (ft)	8'	20'-0"	No	Existing
Interior East Side (ft)	8'	11'-3"	No	New Garage

The table above highlights the variance request and highlights that existing single-family dwelling complies with all the other bulk and dimensions standards in the R-2 District. The existing dwelling is located 39.45 feet from the front property line, however the zoning variance request is for an additional 6-feet because of the proposed new covered front porch location.

**Standards for Review for a Variation (9-9-04)**

The variation process is designed to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this UDO that create practical difficulties or particular hardships.

The Plan Commission shall not recommend, and the Village Board shall not grant variations from the regulations of this UDO unless an affirmative finding of facts shall be made as to all of the review criteria established below, which findings of fact shall be based upon evidence provided by the applicant and the information provided in this report.

- (1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located.
- (2) The proposed variation will not merely serve as a convenience to the applicant but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations were carried out and which is not generally applicable to property within the same district.
- (3) The alleged hardship has not been created by any person presently having a proprietary interest in the premises.
- (4) The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
- (5) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.
- (6) The proposed variation will not alter the essential character of the locality.
- (7) The proposed variation is in harmony with the spirit and intent of this UDO.

**Staff Recommendation**

The Community Development Department staff have no objection to the proposed zoning variance to the front yard setback. It is staff's opinion that a hardship of the legally established lot and dwelling prior to annexation to the Village of Willowbrook is justification to recommend approval of the variance request with the condition that all construction permits must be approved and issued prior work starting and the design shall generally conform with the site plan and building elevation attached to the packet.



If additional time or testimony is needed, the Plan Commission may wish to continue this hearing and/or consideration of the proposed petition. If the Plan Commission's work is completed, the following sample motion is provided for the Plan Commission's use:

**Sample Motion:**

**Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board, approval of the proposed zoning variance to the front yard setback in the R-2 District of the Unified Development Ordinance to allow a 33'- 6" front yard setback for 638 67<sup>th</sup> Place with the condition that all construction permits must be approved and issued prior work starting and the design shall generally conform with the site plan and building elevation attached to the packet.**

**Documents Attached:**

- Attachment 1: Notice of Public Hearing
- Attachment 2: Notice of Public Hearing Sign Posted
- Attachment 3: Legal Description
- Attachment 4: Plat of Survey
- Attachment 5: Site Plan by N. Batistich Architects (11x17)
- Attachment 5: First Floor Plan by N. Batistich Architects (11x17)
- Attachment 6: 2<sup>nd</sup> Floor/Elevation by N. Batistich Architects (11x17)

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Attachment 1  
Notice of Public Hearing

VILLAGE OF WILLOWBROOK  
638 67TH PLACE

ADORDERNUMBER: 0001164615-01  
PO NUMBER: 638 67TH PLACE  
AMOUNT: 399.00

NO OF AFFIDAVITS: 1

NOTICE OF PUBLIC HEARING  
ZONING HEARING CASE NO. 23-06

NOTICE IS HEREBY GIVEN that the Plan Commission of the Village of Willowbrook, DuPage County, Illinois, will conduct a public hearing at a regular meeting of the Plan Commission on the 13th of December, 2023 at the hour of 7:00 P.M. in the Village Community Resource Center (CRC) Boardroom, 825 Midway Drive, Willowbrook, IL 60527.

The purpose of this meeting and public hearing shall be to consider a petition requesting zoning variations from Title 9 of the Village Unified Development Ordinance as are set forth in the petition, on the property legally described as follows:

LOT 39 IN B.A. FELLER COMPANY'S SUBDIVISION UNIT NUMBER 2, BEING A SUBDIVISION OF THE EAST 1205.0 FEET OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 21, 1956 AS DOCUMENT 793561, IN DU PAGE COUNTY, ILLINOIS.

ADDRESS: 638 67TH PLACE, WILLOWBROOK, ILLINOIS.

PINs: 09-23-400-013

The applicant for this petition is Marius & Gilane Baley.

Copies of the application and related documentation are on file in the office of Community Development, Village of Willowbrook, 835 Midway, Willowbrook, Illinois, and are available to the public free of charge. Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Willowbrook should contact Michael Krol, Village of Willowbrook, 835 Midway, Willowbrook, IL 60527, or call (630) 920-2262, Monday through Friday, between 8:30 A.M. and 4:30 P.M., within a reasonable time before the meeting. Requests for sign language interpreters should be made a minimum of five working days in advance of the meeting.

All persons desiring to be heard in support or opposition to the application shall be afforded an opportunity and may submit their statements orally, in written form, or both. This hearing may be recessed to another date if not concluded on the evening scheduled.

/s/ Sean Halloran  
Village Administrator  
(630) 323-8215

Published in the November 28, 2023, edition of The Chicago Sun-Times Newspaper.  
11/28/2023 #1164615

Chicago Sun-Times  
Certificate of Publication

State of Illinois - County of Cook

Chicago Sun-Times, does hereby certify it has published the attached advertisements in the following secular newspapers. All newspapers meet Illinois Compiled Statute requirements for publication of Notices per Chapter 715 ILCS 5/0.01 et seq. R.S. 1874, P728 Sec 1, EFF. July 1, 1874. Amended by Laws 1959, P1494, EFF. July 17, 1959. Formerly Ill. Rev. Stat. 1991, CH100, PI.

Note: Notice appeared in the following checked positions.

PUBLICATION DATE(S): 11/28/2023

Chicago Sun-Times

IN WITNESS WHEREOF, the undersigned, being duly authorized,  
has caused this Certificate to be signed

By

Robin Munoz

Manager | Recruitment & Legals

This 28th Day of November 2023 A.D.

VILLAGE OF WILLOWBROOK  
7760 S QUINCY ST  
WILLOWBROOK, IL 60527-5532



Attachment 2  
Notice of Public Hearing Sign Posted





Attachment 3  
Legal Description

LOT 39 IN B.A. FELLER COMPANY'S SUBDIVISION UNIT NUMBER 2, BEING A SUBDIVISION OF THE EAST 1205.0 FEET OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 21, 1956 AS DOCUMENT 793561, IN DU PAGE COUNTY, ILLINOIS.

ADDRESS: 638 67<sup>TH</sup> PLACE, WILLOWBROOK, ILLINOIS.

PIN: 09-23-400-013



## Attachment 4 Plat of Survey



Attachment 5  
Proposed Site Plan by N. Batistich Architects (11x17)

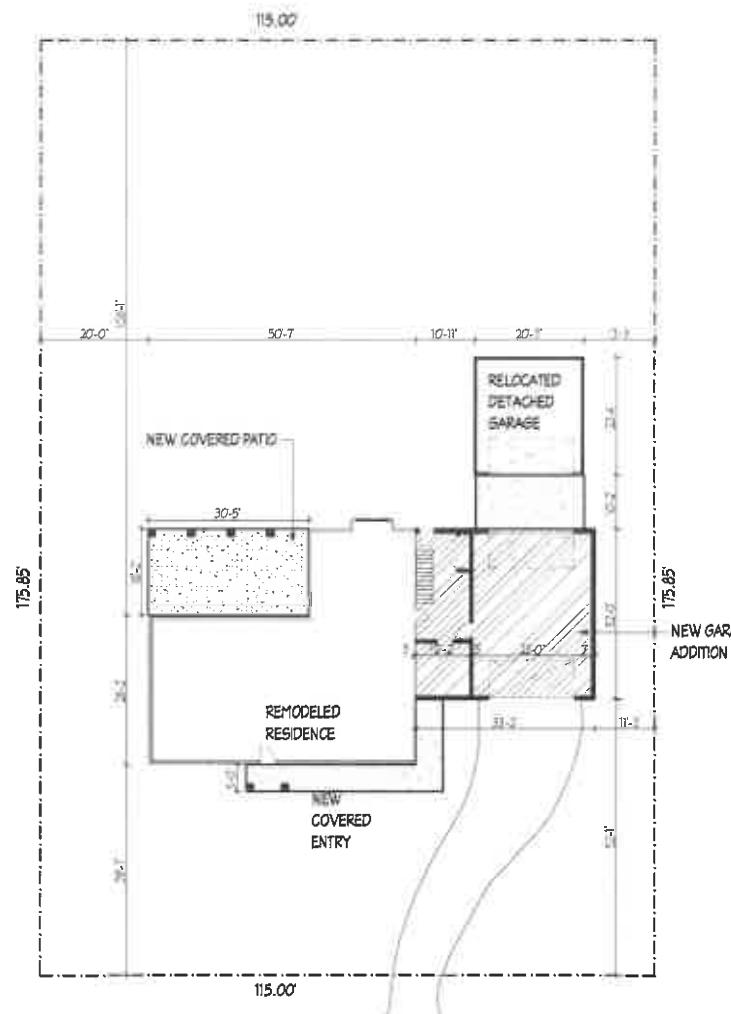
Attachment 6  
First Floor Plan by N. Batistich Architects (11x17)

Attachment 7  
Second Floor / Elevation plan by N. Batistich Architects (11x17)

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PROPOSED ADDITION / ALTERATIONS:  
638 67th PLACE, WILLOWBROOK, ILLINOIS

BUILDING CODES - ALL W/ WILLOWBROOK AMENDMENTS  
2018 INTERNATIONAL RESIDENTIAL CODE W/ AMENDMENTS  
2017 NATIONAL ELECTRICAL CODE W/ AMENDMENTS  
2014 ILLINOIS PLUMBING CODE  
2018 INTERNATIONAL ENERGY CONSERVATION CODE W/  
STATE OF ILLINOIS AMENDMENTS  
CURRENT ZONING ORDINANCE

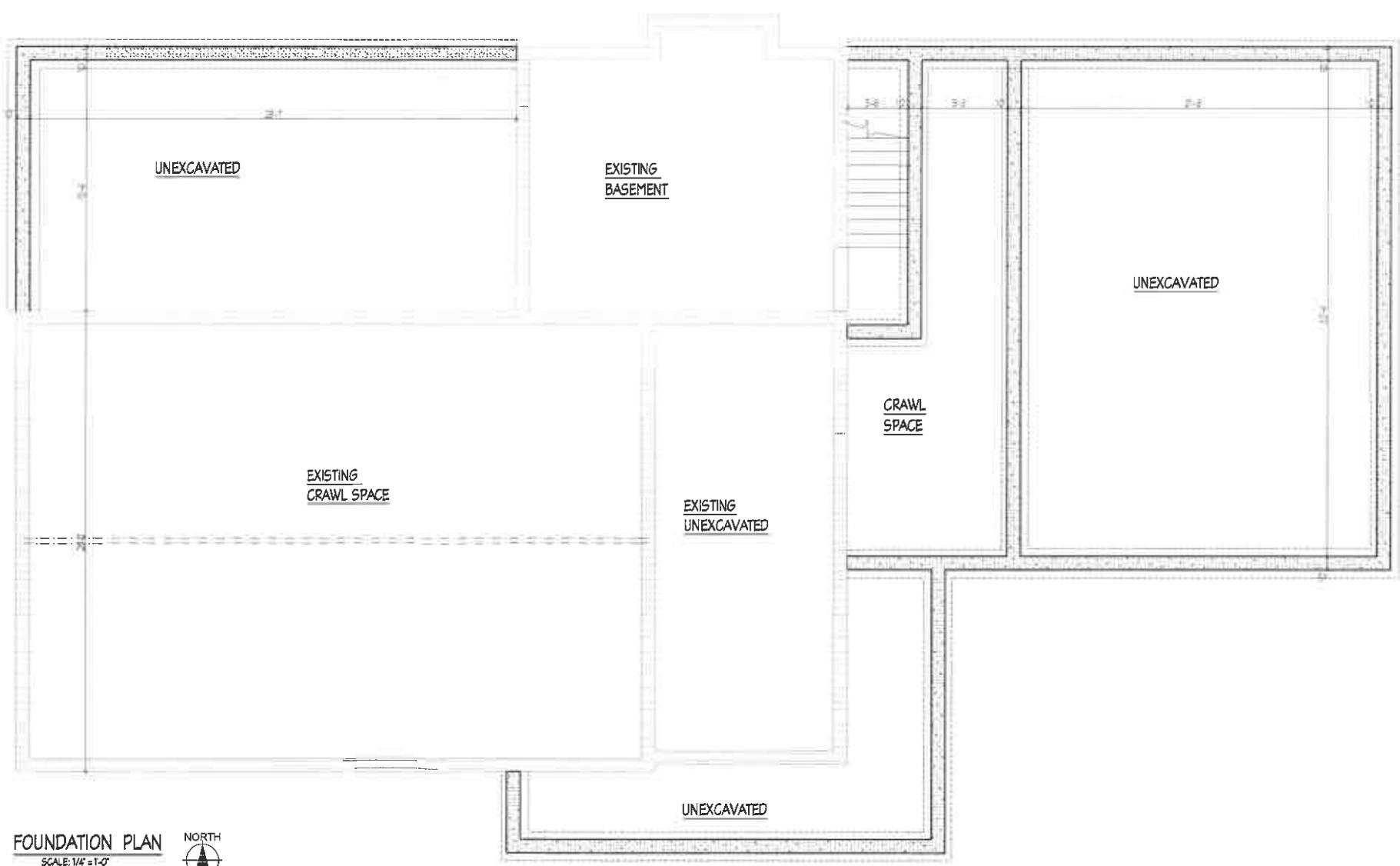


67th. Place

**PROPOSED SITE PLAN**

SCALE: 1/8" = 1'-0"

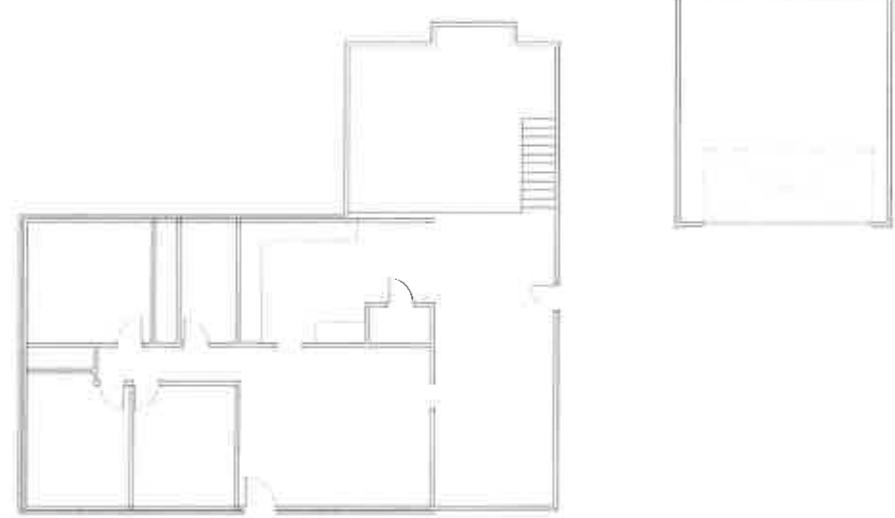
A small icon in the bottom right corner of the page, consisting of a circle with a vertical line through the center, pointing upwards, representing the cardinal direction North.



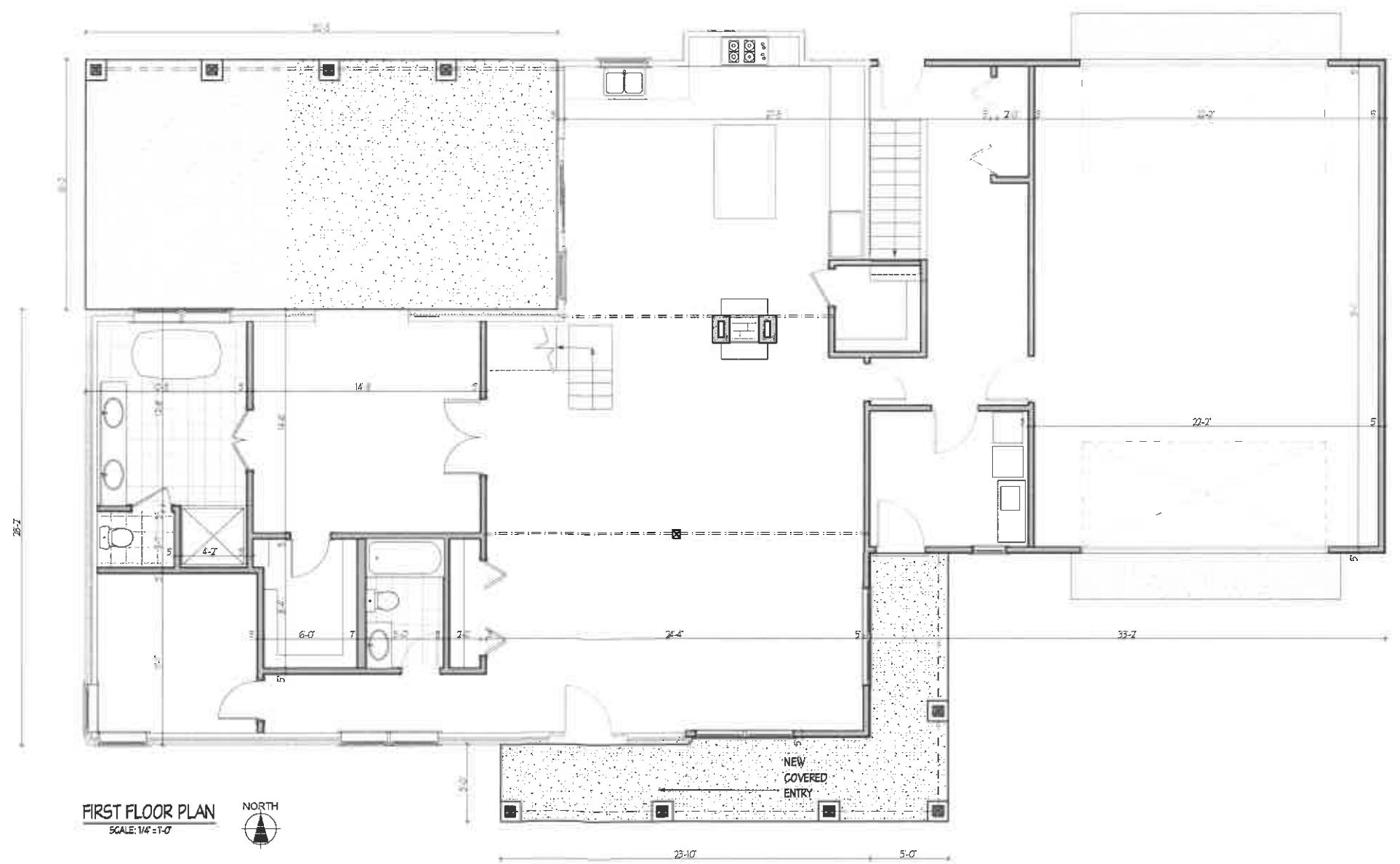
FOUNDATION PLAN      NORTH

A small icon in the bottom right corner of the page, consisting of the word "NORTH" in capital letters above a stylized north arrow symbol.

SHEET No.:	
Nb 72-25	
DRAWN BY:	
CONTRACTOR SHALL VERIFY ALL PLAN AND SPECIFICATIONS AND EVIDENCE ON THEIR CONSTRUCTION AND COMPLIANCE WITH THE REQUIREMENTS OF THE APPLICABLE BUILDING CODES	
DO NOT SCALE DRAWINGS	
SHEET No.:	
Nb 72-25	
SCALE:	
APPROVED BY:	
THESE PLANS ARE PREPARED BY MEADOWBROOK OFFICE CENTER 16W475 S. FRONTAGE RD., SUITE 100 BURLINGAME, IL 60527 (630) 986-5773 IL. DESIGN FIRM LLC. NO. 164-004493	

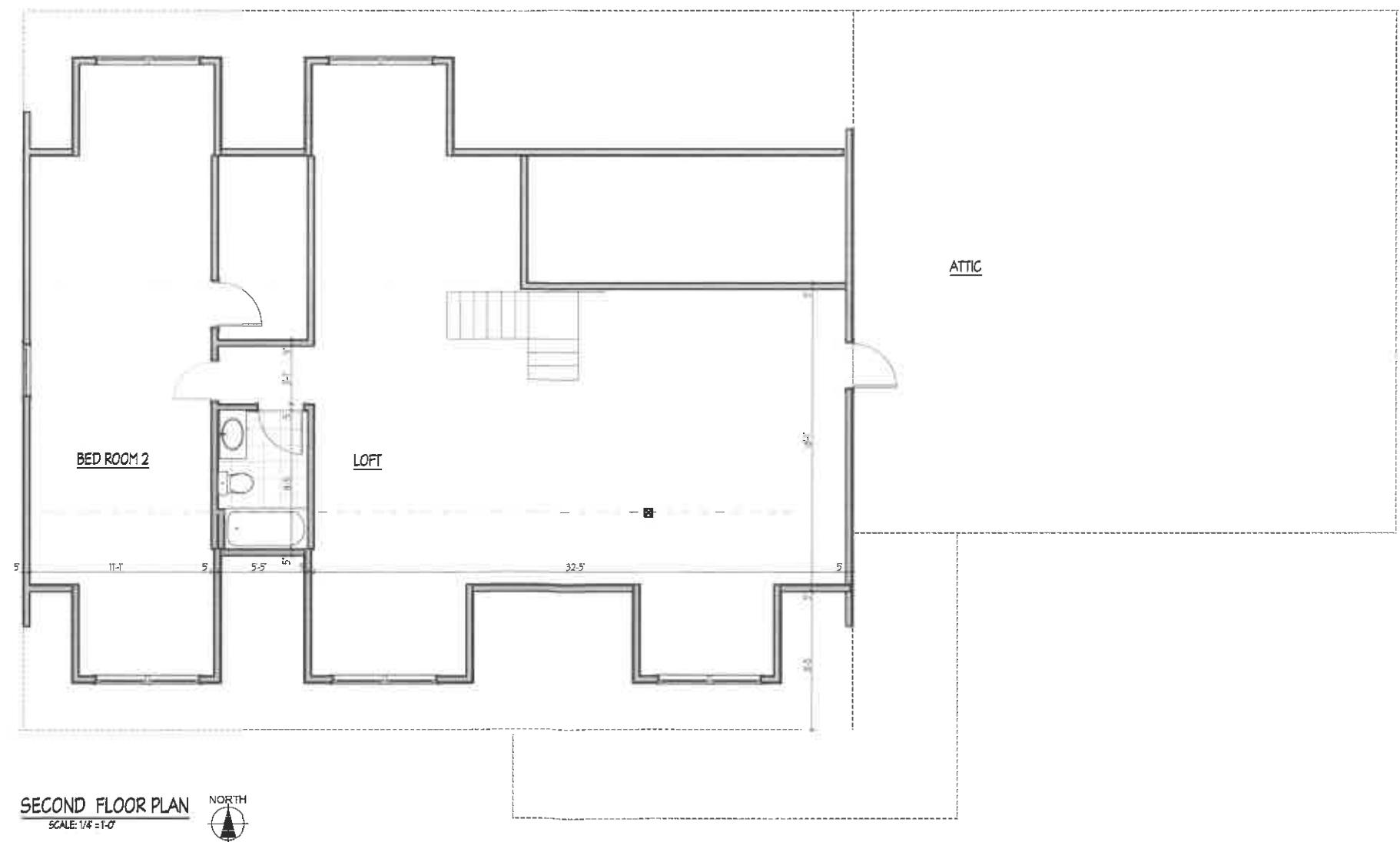


EXISTING FLOOR PLAN



**n. batistich, architects**  
MEADOWBROOK OFFICE CENTER  
16W475 S. FRONTAGE RD., SUITE 201  
BURR RIDGE, IL 60527 (630) 986-1773  
ILL. DESIGN FIRM I.C.C. NO. 184-004493

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY  
ME OR UNDER MY SUPERVISION AND THAT THEY COMPLY  
TO THE BEST OF MY KNOWLEDGE AND BELIEF WITH THE  
REQUIREMENTS OF THE APPLICABLE BUILDING CODES



**PROPOSED ADDITION / ALTERATIONS:  
638 67th PLACE, WILLOWBROOK, ILLINOIS**

**H. BATTSTICH, ARCHITECTS**  
MEADOWBROOK OFFICE CENTER  
16W475 S. FRONTAGE RD., SUITE 201  
BURR RIDGE, IL 60527 (630) 946-1773  
IL. DESIGN FIRM LIC. NO. 184.004493

ME OR UNDER MY SUPERVISION AND THAT THEY COMPLY  
TO THE BEST OF MY KNOWLEDGE AND BELIEF WITH THE  
REQUIREMENTS OF THE APPLICABLE BUILDING CODES

**H. BATTSTICH, architect**  
MEADOWBROOK OFFICE CENTER  
16947.5 S. FRONTAGE RD., SUITE 201  
BURR RIDGE IL 60527 (312) 986-1773  
IL. DESIGN FIRM U.C. NO. 184.004493

ME OR UNDER MY SUPERVISION AND THAT THEY COMPLY  
TO THE BEST OF MY KNOWLEDGE AND BELIEF WITH THE  
REQUIREMENTS OF THE APPLICABLE BUILDING CODES

DEAR MR. S.:

CONTRACTOR SHALL VERIFY ALL PLAN AND DIMENSIONS AND CONDITIONS ON THE JOB AND SHALL INFORMLY NOTIFY THE ARCHITECTS, IN WRITING, OF ANY DISCREPANCY AS FOLLOWS:

SCALE:

1