

Village of La Grange



VILLAGE BOARD MEETING

MONDAY, OCTOBER 13, 2008

7:30 p.m.

Village Hall Auditorium

53 S. La Grange Road

La Grange, IL 60525

Elizabeth M. Asperger
Village President

Robert N. Milne
Village Clerk

VILLAGE OF LA GRANGE
BOARD OF TRUSTEES REGULAR MEETING

Village Hall Auditorium
53 South La Grange Road
La Grange, IL 60525

AGENDA

Monday, October 13, 2008 – 7:30 p.m.

1. CALL TO ORDER AND ROLL CALL
*President Elizabeth Asperger
Trustee Mike Horvath
Trustee Mark Kuchler
Trustee Mark Langan
Trustee Tom Livingston
Trustee James Palermo
Trustee Barb Wolf*
2. PRESIDENT'S REPORT
This is an opportunity for the Village President to report on matters of interest or concern to the Village.
 - A. Appointment – Plan Commission
3. PUBLIC COMMENTS REGARDING AGENDA ITEMS
This is the opportunity for members of the audience to speak about matters that are included on this Agenda.
4. OMNIBUS AGENDA AND VOTE
Matters on the Omnibus Agenda will be considered by a single motion and vote because they already have been considered fully by the Board at a previous meeting or have been determined to be of a routine nature. Any member of the Board of Trustees may request that an item be moved from the Omnibus Agenda to Current Business for separate consideration.
 - A. Ordinance – Amendment to Village Code / Immobilization for Outstanding Traffic or Parking Violations.
 - B. Not-For-Profit Solicitation Permit – You Can Make It, Inc.
 - C. Consolidated Voucher 081013
 - D. Minutes of the Village of La Grange Board of Trustees Regular Town Meeting, Monday, September 22, 2008

5. CURRENT BUSINESS

This agenda item includes consideration of matters being presented to the Board of Trustees for action.

- A. Presentation – FY 2007-08 Comprehensive Annual Financial Reports: *Referred to Trustee Kuchler*
- B. Ordinance – Zoning Text Amendment / Creating Variation Authority For Maximum Allowable Height of Detached Garages: *Referred to Trustee Horvath*
- C. La Grange Theater – Continued Discussion

6. MANAGER'S REPORT

This is an opportunity for the Village Manager to report on behalf of the Village Staff about matters of interest to the Village.

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

This is an opportunity for members of the audience to speak about Village related matters that are not listed on this Agenda.

8. EXECUTIVE SESSION

The Board of Trustees may decide, by a roll call vote, to convene in executive session if there are matters to discuss confidentially, in accordance with the Open Meetings Act.

9. TRUSTEE COMMENTS

The Board of Trustees may wish to comment on any matters.

10. ADJOURNMENT

The Village of La Grange is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and/or participate in this meeting, or who have questions, regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA Coordinator at (708) 579-2315 promptly to allow the Village to make reasonable accommodations for those persons.

PRESIDENT'S REPORT

VILLAGE OF LA GRANGE
Administrative Offices

BOARD REPORT

TO: Village Clerk and Board of Trustees
FROM: Elizabeth M. Asperger, Village President
DATE: October 13, 2008
RE: **APPOINTMENT - PLAN COMMISSION**

A vacancy was created on the Plan Commission with the recent resignation of Roger Tyrrell. Mr. Tyrrell was a member of the Plan Commission since 1988.

To fill Mr. Tyrrell's unexpired term on the Plan Commission, I hereby submit the appointment of Greg Paice for your approval. Mr. Paice, who resides at 216 S. Madison Avenue, has been a resident of the Village since the mid-1980's. He has indicated his willingness to serve as a member of the Plan Commission for a term to expire in the year 2010.

Mr. Paice's resume will be submitted to you under separate cover.

I recommend that this appointment be approved.

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OMNIBUS VOTE

VILLAGE OF LA GRANGE
Administrative Offices

BOARD REPORT

TO: Village President, Village Clerk, Board of Trustees, and Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager
Andrianna Peterson, Assistant Village Manager
Michael Holub, Police Chief

DATE: October 13, 2008

RE: **ORDINANCE – AMENDMENT TO VILLAGE CODE /
IMMOBILIZATION FOR OUTSTANDING TRAFFIC OR PARKING
VIOLATIONS**

The Police Department periodically reviews and recommends amendments to the Village Code in an effort to enhance pedestrian safety, traffic management and parking enforcement.

The Village currently has an ordinance provision which allows for the immobilization of a vehicle using a boot device only after the motorist has received five unsettled traffic violations (moving violations) or receives a judgment against them in Circuit Court for repeated traffic violations. This structure mitigates our ability to effectively employ the device because most unsettled violations are related to parking, not related to moving violations. Obtaining a court judgment for repeat offenders can be a tedious process.

Therefore, an amendment to the Village code is proposed which would allow the Police Department to immobilize a vehicle if five or more outstanding or unsettled notices of violation are pending against the owner of a vehicle. The types of offenses eligible for immobilization would be expanded to incorporate parking and compliance regulation violations. One of the benefits of this amendment is that we will more effectively be able to pursue scofflaws without having to file financial judgments in circuit court.

The proposed amendment also includes a new immobilization process. In summary, the Police Department will maintain a list of vehicles that meet the immobilization criteria, and then send out notices to the registered owners of those vehicles in advance of immobilization. Subsequent to the notice process, the ordinance also provides for a procedure for contesting an impending immobilization that includes a hearing with the Police Chief. Once a vehicle is immobilized, it will be towed and impounded if the owner has not made efforts to claim the vehicle after 48 hours.

We believe that the inclusion of this administrative hearing procedure will provide adequate opportunity for the vehicle owner to be advised of the process, have their case heard in the event of extenuating circumstances, and pay accumulated fines.

It is our recommendation that the amendment be approved.

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VILLAGE OF LA GRANGE

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE VII
OF THE LA GRANGE CODE OF ORDINANCES
REGARDING VEHICLE IMMOBILIZATION
FOR OUTSTANDING TRAFFIC OR PARKING VIOLATIONS

WHEREAS, Title VII of the La Grange Code of Ordinances establishes certain regulations and fees related to traffic control, and the President and Board of Trustees of the Village of La Grange have determined that it is appropriate and in the best interests of the Village to revise Title VII of the Code of Ordinances regarding vehicle immobilization in the manner provided in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of La Grange, Cook County and State of Illinois, as follows:

Section 1. Recital. The foregoing recital is incorporated herein as a finding of the President and Board of Trustees.

Section 2. Amendment of Section 70.01 of Code of Ordinances. Section 70.01, titled "Definitions," of the La Grange Code of Ordinances is hereby amended to include the following definitions, in proper alphabetical order:

§ 70.01 DEFINITIONS.

* * *

ELIGIBLE VEHICLE. A motor vehicle eligible for immobilization pursuant to Section 72.50(C).

* * *

VEHICLE IMMOBILIZATION LIST. The list of Eligible Vehicles maintained by the La Grange Police Department pursuant to Subsection 72.50(B).

Section 3. Amendment of Section 72.50 of Code of Ordinances. Section 72.50, titled "Immobilization of Vehicle for Violations; Suspension of Driving Privileges," of the La Grange Code of Ordinances is hereby amended in its entirety so that it hereafter will read as provided in Attachment A to this Ordinance.

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Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this ____ day of _____ 2008.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____ 2008.

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

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ATTACHMENT A
AMENDED SECTION 72.50

§ 72.50 VEHICLE IMMOBILIZATION

(A) Authorization. The La Grange Police Department is hereby authorized to direct and supervise a program of motor vehicle immobilization pursuant to the provisions of this Section. An officer or member of the La Grange Police Department or the La Grange parking division, and any other duly authorized agent of the Village, is hereby authorized to immobilize any motor vehicle pursuant to this Section that is located in or on any street, highway, Village-owned or operated parking facility, or any other Village-owned property and is eligible for immobilization pursuant to Section 72.50(C).

(B) Vehicle Immobilization List. The La Grange Police Department will create, keep, and maintain a Vehicle Immobilization List. The Vehicle Immobilization List will contain the State registration number of all motor vehicles eligible for immobilization pursuant to this Section. The La Grange Police Department or the La Grange parking division may, in a manner consistent with this Section, immobilize any motor vehicle included on the Vehicle Immobilization List.

(C) Eligibility for Immobilization. Subject to the notice and hearing requirements of Subsections 72.50(D) and 72.50(E), a motor vehicle is eligible for inclusion on the Vehicle Immobilization List at any time after there are five or more outstanding or otherwise unsettled notices of violation of vehicular standing, parking, or compliance regulations, or one or more warrants issued for any such violations, pending against the owner of such motor vehicle.

(D) Pre-Immobilization Notice. Before placing the registration number of an Eligible Vehicle on the Vehicle Immobilization List, the La Grange Police Department must cause a notice of pending immobilization to be sent to the registered owner of the Eligible Vehicle. The notice of pending immobilization must be sent certified or registered mail, return receipt requested, to the address of the registered owner of the Eligible Vehicle recorded with the Illinois Secretary of State or, if the Eligible Vehicle bears a registration number of a state other than Illinois, then at the address of the registered owner recorded in that state's registry of motor vehicles. The notice of pending immobilization must provide the following information:

- (1) **Statement of Eligibility:** A statement that the Eligible Vehicle is subject to immobilization pursuant to this Section.
- (2) **Description of Vehicle:** A description of the make, model, year, and color of the Eligible Vehicle.
- (3) **Identification Numbers:** The Eligible Vehicle's vehicle registration number, and the number and state of the license plate displayed on the Eligible Vehicle.
- (4) **Owner:** The name and address of the registered owner of the Eligible Vehicle.
- (5) **Citations:** The number and issue dates of the outstanding citations, and the nature of the violations.
- (6) **Summary of Procedure:** A summary of the procedures set forth in this Section for contesting a notice of pending immobilization.

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(E) Pre-Immobilization Hearing.

- (1) **Contesting Validity of Notice:** The registered owner of an Eligible Vehicle may contest the validity of a notice of pending immobilization by delivering to the Police Chief a written request for a pre-immobilization hearing within five days after receipt of the notice of pending immobilization. If the registered owner of an Eligible Vehicle does not request a pre-immobilization hearing pursuant to this Subsection within said five-day period, then the right to a pre-immobilization hearing will be deemed waived and the Village will place the registration number of the Eligible Vehicle on the Vehicle Immobilization List.
- (2) **Scheduling Hearing:** The Police Chief must schedule a pre-immobilization hearing not later than five days after receipt of a request for a pre-immobilization hearing pursuant to Subsection 72.50(E)(1). The Police Chief must notify the owner not less than 48 hours before such hearing by telephone, mail, or in person. The registration number of the Eligible Vehicle may not be placed on the Vehicle Immobilization List while a pre-immobilization hearing is pending.
- (3) **Conducting Hearing:** The Police Chief may conduct the pre-immobilization hearing or may appoint a hearing officer to conduct the hearing. The registered owner of the Eligible Vehicle must appear in person at the hearing. The registered owner of an Eligible Vehicle is presumed to have been the registered owner at the time that each unpaid citation was issued; provided, however, that no such presumption of liability may be made if at the time a citation was issued, the Eligible Vehicle was being operated without the owner's knowledge and consent. To invalidate the notice of pending immobilization, the owner must submit evidence that conclusively demonstrates that the subject vehicle is not an Eligible Vehicle. Such evidence may include evidence establishing the following:
 - (a) The registered owner was not the owner or lessee of the subject vehicle on the date or dates that the parking violation citations were issued; or
 - (b) The fines or penalties for the parking citations identified in the notice of pending immobilization have been paid in full; or
 - (c) The registered owner has not accumulated five or more unpaid parking violation citations; or
 - (d) At the time a citation was issued, the Eligible Vehicle was being operated without the owner's knowledge and consent.
- (4) **Not Determinative:** A pre-immobilization hearing is not determinative of, and may not be used or construed to adjudicate, any of the individual parking citations on which the notice of pending immobilization was based or any other violation of any Village ordinance relating to the Eligible Vehicle.
- (5) **Decision of Notice Validity:** Based on the hearing record, the Police Chief must issue a written decision affirming the validity of the notice of pending immobilization and confirming that the subject vehicle is an Eligible Vehicle subject to immobilization pursuant to this Section or revoking the notice of pending immobilization. The Police Chief must deliver a copy of his or her decision to the registered owner within 48 hours after the conclusion of the pre-immobilization hearing. The decision of the Police Chief on a pre-immobilization appeal is final.

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- (6) **Process if Validity Affirmed:** If the Police Chief affirms the validity of the notice of pending immobilization and confirms that the subject vehicle is an Eligible Vehicle subject to immobilization pursuant to this Section, then the Police Chief will place the Eligible Vehicle's registration number on the Vehicle Immobilization List; provided, however, that the Eligible Vehicle will not be placed on the Vehicle Immobilization List if, within three days after receipt of the Police Chief's decision, the registered owner of the Eligible Vehicle pays or causes to be paid to the Village all fines and penalties on all outstanding parking citations lodged against the Eligible Vehicle, including specifically but without limitation the parking citations identified in the notice of pending immobilization.
- (7) **Immobilization if No Payment:** If payment is not received pursuant to Subsection 72.50(E)(6), then the Police Chief will place the registration number of the Eligible Vehicle on the Vehicle Immobilization List and, thereafter, the Village will be authorized to immobilize the Eligible Vehicle pursuant to this Section without further notice.

(F) **Immobilizing Restraint.** When immobilizing a vehicle pursuant to the provisions of this Section, the Village may use the "Denver Boot" or other similar wheel locking restraint in such a manner as to prevent operation of the vehicle to be immobilized.

(G) **Unauthorized Immobilization Activities; Penalty.** It is unlawful for any person to relocate or to tow any vehicle restrained by an immobilizing restraint except in accordance with the provisions of this Section. It is also unlawful to remove, to attempt to remove, or to damage an immobilizing restraint except in accordance with the provisions of this Section. Any person who violates any provision of this Subsection will be subject to a fine of \$500.00 for each such violation.

(H) **Notice of Immobilization.** Immediately after immobilization of an Eligible Vehicle, the Village must affix a notice of immobilization in a conspicuous place on the Eligible Vehicle. The notice of immobilization must state that the Eligible Vehicle is immobilized and that any attempt to move the Eligible Vehicle may result in damage to the vehicle. The notice of immobilization also must state that the unauthorized relocation of the immobilized vehicle or the removal of or damage to the immobilizing restraint are prohibited and are punishable by a fine of up to \$500.00. The notice of immobilization also must provide information specifying how the registered owner may secure release of the immobilizing restraint pursuant to this Section and how the registered owner may obtain a post-immobilization hearing pursuant to Subsection 72.50(M).

(I) **Release of Vehicle Upon Payment of Fines and Penalties.**

- (1) **Payments for Release before Towing:** The registered owner of an Eligible Vehicle that is immobilized pursuant to this Section may secure the release of the immobilizing restraint by paying or causing to be paid to the Village all of the following fines and penalties:
- (a) The immobilization fee imposed pursuant to Subsection 72.50(N)(1); and
 - (b) All fines and penalties on all outstanding parking citations issued against the Eligible Vehicle, including specifically but without limitation the parking citations identified in the notice of pending immobilization.
- (2) **Payments for Release after Towing:** The registered owner of an Eligible Vehicle that has been towed and impounded pursuant to Subsection 72.50(J) may secure the release of the Eligible Vehicle by paying or causing to be paid to the Village all of the following fines and penalties:

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- (a) The immobilization fee imposed pursuant to Subsection 72.50(N)(1).
 - (b) The towing fee imposed pursuant to Subsection 72.50(N)(2).
 - (c) The impoundment fee imposed pursuant to Subsection 72.50(N)(3).
 - (d) All fines and penalties on all outstanding parking citations issued against the Eligible Vehicle, including specifically but without limitation the parking citations identified in the notice of pending immobilization.
- (3) Removal from List: After payment of the amounts specified in this Section, the registration number of the Eligible Vehicle must be removed immediately from the Vehicle Immobilization List.
- (J) Vehicle Towing and Impoundment.
- (1) Towing after 48 Hours: If the registered owner of an immobilized Eligible Vehicle does not secure release of the vehicle within 48 hours after immobilization pursuant either to Subsection 72.50(I) or to Subsection 72.50(L), then the La Grange Police Department is authorized to tow and impound that vehicle.
 - (2) Authorized Towing: An immobilized Eligible Vehicle may be towed only by the Village or by outside forces approved by the Police Chief. Towing of an Eligible Vehicle may be authorized only by the Police Chief or his or her authorized designee, and may be undertaken only in compliance with this Section.
 - (3) Impoundment: An immobilized Eligible Vehicle that is towed pursuant to this Section may be impounded only at a facility approved by the Police Chief and may be impounded only until claimed or disposed of pursuant to the provisions of this Section and State statutes.
 - (4) Illinois Vehicle Code Applies: Nothing in this Section may be construed to prohibit the towing of vehicles in accordance with Article II of Chapter 4 of the Illinois Vehicle Code, 625 ILCS 5/4-210 *et seq.*

(K) Notice of Vehicle Impoundment. Within five days after impounding an Eligible Vehicle, the Village must cause a notice of vehicle impoundment to be sent to the registered owner of the impounded vehicle. The Notice of vehicle impoundment must be sent by certified or registered mail, return receipt requested, to the registered owner of the Eligible Vehicle at the address to which the notice of pending immobilization was mailed pursuant to Subsection 72.50(D). The notice of vehicle impoundment must provide the following information:

- (1) Statement of Impoundment: A statement that the Eligible Vehicle has been impounded pursuant to this Section, and the date on which said vehicle was impounded.
- (2) Description of Vehicle: A description of the make, model, year, and color of the impounded Eligible Vehicle.
- (3) Identification Numbers: The Eligible Vehicle's vehicle registration number and the number and state of the license plate displayed on the Eligible Vehicle.
- (4) Owner: The name and address of the registered owner of the Eligible Vehicle.
- (5) Citations: The number and issue dates of the outstanding citations, and the nature of the violations.

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- (6) **Statement of Right to Appeal:** A statement that the registered owner has the right to appeal the immobilization, towing, and impoundment of the Eligible Vehicle pursuant to the procedures set forth in this Section, and a summary of those procedures.
- (7) **Statement of Possible Sale or Other Disposal:** A statement that, if the registered owner of the Eligible Vehicle does not secure the release of the Eligible Vehicle pursuant to the procedures set forth in this Section within 30 days after the registered owner of the Eligible Vehicle receives the notice of vehicle impoundment, then the Eligible Vehicle may be sold or otherwise disposed of pursuant to this Code and all other applicable State and local statutes, ordinances, and regulations.
- (L) Release if Initiation of Post-Immobilization Appeal.
- (1) **Pre-Tow:** The registered owner of an Eligible Vehicle that is immobilized pursuant to this Section, but that has not been towed and impounded, may secure the immediate release of the immobilizing restraint by initiating a post-immobilization appeal pursuant to Subsection 72.50(M).
- (2) **Post-Tow:** The registered owner of an Eligible Vehicle that has been towed and impounded pursuant to Subsection 72.50(J) of this Section may secure the immediate release of the Eligible Vehicle by initiating a post-immobilization appeal pursuant to Subsection 72.50(M).
- (M) Post-Immobilization, Tow, or Impoundment Appeal and Hearing.
- (1) **Right to Appeal:** The registered owner of an Eligible Vehicle that has been immobilized, or towed and impounded, may challenge the validity of any such immobilization, tow, or impoundment by initiating an appeal pursuant to the provisions of this Section. To initiate an appeal if a vehicle has been immobilized but not towed and impounded, the registered owner must take all of the following actions within 48 hours after the Eligible Vehicle has been immobilized. To initiate an appeal if a vehicle has been towed and impounded, the registered owner must take all of the following actions within seven days after receipt of the notice of vehicle impoundment:
 - (a) Deliver a notice of post-immobilization appeal to the Police Chief. Such notice must state whether a post-immobilization hearing is requested and must generally describe the grounds upon which the owner challenges the validity of the impoundment.
 - (b) Pay or cause to be paid to the Village all applicable immobilization, towing, and impoundment fees as required by § 72.50(N).
 - (c) Deposit or cause to be deposited with the Police Chief a deposit equal to \$500.00 or 50 percent of all fines and penalties on all outstanding parking citations issued against the Eligible Vehicle, including specifically but without limitation the parking citations identified in the notice of pending immobilization, whichever is less.

Immediately after the initiation of a post-immobilization appeal pursuant to this Section, the subject Eligible Vehicle will be released and the registration number of that vehicle will be immediately removed from the Vehicle Immobilization List.

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- (2) Waiver of Appeal Right: The registered owner of an Eligible Vehicle that has been immobilized, towed, or impounded pursuant to this Section may be deemed to have waived the right to post-immobilization appeal if the registered owner fails to initiate such an appeal pursuant this Subsection.
- (3) Post-Immobilization Hearing:
 - (a) The Police Chief must schedule, in consultation with the registered owner of the Eligible Vehicle, a post-immobilization hearing no later than three days after the registered owner initiates a post-immobilization appeal pursuant to this Subsection or on such later day as is mutually agreed by the parties. The registered owner will be deemed to have waived the right to post-immobilization appeal if the registered owner fails to appear for the post-immobilization hearing without prior notice of absence and good cause shown therefor.
 - (b) The Police Chief may conduct the post-immobilization hearing or may appoint a hearing officer to do so. At the hearing, the registered owner must appear and present evidence conclusively establishing that the immobilization, towing, or impoundment of the registered owner's vehicle was not authorized by this Section.
 - (c) A post-immobilization hearing is not determinative of, and may not be used or construed to adjudicate, any of the individual parking citations on which the notice of pending immobilization was based or any other violation of any Village ordinance relating to the Eligible Vehicle.
- (4) Decision on Post-Immobilization Appeal:
 - (a) Based on the hearing record, the Police Chief will issue a written decision affirming, in whole or in part, the validity of the immobilization, towing, and impoundment of the registered owner's vehicle or invalidating, in whole or in part, the immobilization, towing, or impoundment of the registered owner's vehicle. The Police Chief must deliver a copy of the Police Chief's decision to the registered owner of the subject vehicle within seven days after the close of the post-immobilization hearing. The decision of the Police Chief on a post-immobilization appeal is final.
 - (b) If the Village Police Chief affirms the validity of the subject immobilization, towing, and impoundment, then the Village will retain all amounts paid and deposited pursuant to Subsection 72.50(M)(1) and the registered owner must pay or cause to be paid to the Village, within three days after receipt of the Police Chief's decision, an amount equal to that portion of all fines and penalties on all outstanding parking violation citations issued against the subject Eligible Vehicle, including specifically but without limitation the parking violation citations identified in the notice of pending immobilization, that were not deposited pursuant to Subsection 72.50(M)(1)(c). After receipt of such payment, the Eligible Vehicle will be released and its registration number removed from the Vehicle Immobilization List. If such amount is not paid within the three-day period, then the Eligible Vehicle will remain on the Vehicle Immobilization List and will remain subject to immobilization pursuant to this Section.
 - (c) If the Police Chief invalidates in whole the immobilization, towing, and impoundment of the subject vehicle, then the Village must return to the registered owner all amounts received pursuant to Subsection

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72.50(M)(1) and must immediately release the subject Eligible Vehicle and remove its registration number from the Vehicle Immobilization List.

(N) Fees.

(1) Immobilization Fee: The fee for immobilization is \$60.00.

(2) Towing and Impoundment Fees: The fees for towing and impoundment subsequent to immobilization are amounts set in a schedule approved by the Board of Trustees from time to time, a copy of which schedule must be maintained in the office of the Village Manager.

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VILLAGE OF LA GRANGE
Administrative Offices

BOARD REPORT

TO: Village President, Village Clerk,
Board of Trustees, and Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager
Ellie Elder, Administrative Secretary

DATE: October 13, 2008

RE: **NOT-FOR-PROFIT SOLICITATION PERMIT –
YOU CAN MAKE IT, INC.**

The following not-for-profit organization has submitted a first time request to solicit donations in the Village and is presented for your approval:

You Can Make It, Inc.
6012 South Honore
Chicago, Illinois 60636

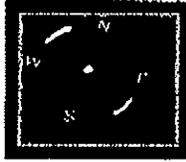
Executive Director: Jacqueline Kennedy

Phone: (773) 424-3492

Use: Not-for-profit organization which operates four different programs: two separate residential programs for men and women with dependency issues; an emergency shelter for homeless women and children; and temporary housing for women and children. All four programs receive support services and related ministries.

You Can Make It is requesting to conduct on-street solicitation at the intersections of La Grange Road and Ogden Avenue; 47th Street and La Grange Road; and 47th Street and Gilbert Avenue for its organization on Friday and Saturday, November 7 and 8, 2008. You Can Make It is also requesting a waiver on time limitations to start early each morning (see attached written request). Also attached for your reference is a list of not-for-profit organizations who have previously been granted permission to solicit in La Grange and a copy of our regulations governing solicitation by not-for-profit organizations.

Although there are many local social service agencies which perform similar outreach functions and while it appears that La Grange is quite an extension of their service area, the You Can Make It organization has met all of our solicitation permit criteria. Consequently, we recommend that the above listed not-for-profit organization be approved to solicit in the Village of La Grange.



**YOU CAN MAKE IT-INC.
6012 South Honore
Chicago, IL 60636**

September 9, 2008
Village of LaGrange
Attention Ellie
53 South LaGrange Road
LaGrange, IL 60525

Dear Ellie,

I am writing this letter to ask for permit to solicit in LaGrange. YOU CAN MAKE IT, INC. is a non-profit organization. It has a 9-month residential program for men with drug addiction and other dependency issues and a 115-bed shelter for women and children. This men's program provides spiritual education, and links residents to life skills agencies, job training and employment. Our goal is to develop tangible marketable skills and equip men and women with practical tools that will enable them to become contributing members of society. Personal objectives for each resident are to provide every resident salvation through the power and work of Jesus Christ, and to develop in each person a greater relationship with God through the word of God and prayer.

Enclosed is a copy of a brochure for our organization, and a letter from the Attorney General's office confirming our status as a charitable organization and proof of insurance with LaGrange as an additional insured.

We are asking to solicit for funding on Friday November 7 and Saturday November 8, 2008 at the intersections of LaGrange & Ogden, 47th & LaGrange Road and 47th & Gilbert.

Also included is a list of the personal information of each volunteer that will be soliciting. If you have any questions, please call me at (773) 424-3492.

Sincerely,

Jacqueline Kennedy
Jacqueline Kennedy
Executive Director



4-B.1



**YOU CAN MAKE IT-INC.
6012 South Honore
Chicago, IL 60636**

April 3, 2008

Village of LaGrange
53 South LaGrange Road
LaGrange, IL 60525

Attn: Ellie

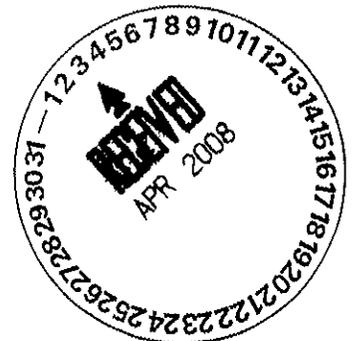
Dear Ellie,

I am writing this letter to ask for permit to solicit in LaGrange. YOU CAN MAKE IT-INC. is a non-profit organization. Programs offered at YOU CAN MAKE IT are a 115-bed shelter for homeless women and children and a 9-month residential program for men and women with drug addiction and other dependency issues (see brochure). These programs provide spiritual education, and links residents to life skills agencies, job training and employment. Our goal is to develop tangible marketable skills and equip men and women with practical tools that will enable them to become contributing members of society.

Personal objectives in Outreach for men residents are to provide every resident salvation through the power and work of Jesus Christ, and to develop in each person a greater relationship with God through the word of God and prayer. Enclosed is a copy of a brochure for our organization, a list of names of the men that will be soliciting, Attorney General Letter and Certificate of Insurance (\$2,000,000 general liability). We are asking to solicit for funding on ~~Thursday June 19~~, ^{NOV. 7} Friday ~~June 20~~, ^{NOV. 8} and Saturday ~~June 21~~, 2008 between the hours of 7:30 a.m. and 7:30 p.m. If you have any questions, please call me at (773) 424-3492.

Sincerely,

Jacqueline Kennedy
Jacqueline Kennedy
Executive Director



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**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

July 28, 2008

**YOU CAN MAKE IT OUTREACH
MINISTRY
7355 S SEELEY AVE
CHICAGO, IL 60636**

**Lisa Madigan
ATTORNEY GENERAL**

**RE: RE: Status of YOU CAN MAKE IT OUTREACH MINISTRY under the Illinois
Charitable Laws
CO# 01039154**

Dear Registrant:

**This letter is pursuant to your request that the Attorney General confirm the status of
YOU CAN MAKE IT OUTREACH MINISTRY under the Charitable Organization Laws.**

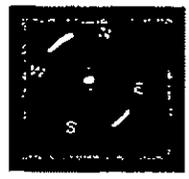
**This organization is currently registered with the Attorney General's Charitable Trust and
Solicitations Bureau as CO# 01039154. It is current in the filing of its financial reports, having
filed its report for the period ended December 31, 2007. Please let us know if you require
further information.**

Sincerely,

**Takiyah Martin Barnes, Compliance Officer
Charitable Trusts Bureau
100 West Randolph Street, 11th Floor
Chicago, Illinois 60601
Telephone: (312) 814-2595**

4-B.3

YOU CAN MAKE IT, INC.



YOU CAN MAKE IT- Shelter for Women and Children AND YOU CAN MAKE IT -Interim House

are agencies dedicated to helping ...

- the homeless
- the economically distressed
- the most forgotten

to provide shelter and support services to women and children in need.

YOU CAN MAKE IT- Outreach Ministry

is a ministry dedicated to helping.

- the addict
- the alcoholic
- the downtrodden

rekindling faith toward God,...
teaching them new skills,...and
return them to society.

HISTORY

Through the efforts of a small group of individuals headed by Jacqueline Kennedy, a grassroots organization was formed to extend a helping hand to some of society's most forgotten, the homeless in the Englewood neighborhood, one of Chicago's poorest communities. Chronic unemployment, drug addiction, gangs, violence and crime plague this community.

March 2001 An overnight shelter for homeless men was opened providing food, showers, phone and emergency housing. (6012 South Honore)

April 2002 Through ongoing efforts and much volunteer support, a second emergency shelter was opened in to serve homeless women. (1500 West 51st Street)

July 2003 Recognizing the dire need for services for homeless women with children You Can Make It - Shelter for Women and Children opened in conjunction with the Chicago Department of Human Services. Its purpose is to provide housing and support services.

January 1, 2007 YOU CAN MAKE IT-Interim House was opened as a designated agency of the Department of Human Services. The main purpose of this program is to provide temporary housing (up to 4 months) for homeless women and children, find permanent housing, as quickly as possible and then, provide the support services needed to keep them housed.

YOU CAN MAKE IT is part of and supports the City of Chicago's efforts to end homelessness.

YOU CAN MAKE IT, INC. is a community based non-profit organization. It has always been a grass roots enterprise and is mainly funded by generous volunteer gifts of time and money from companies and individuals. Our Outreach Program is dependent on private donations for support. We welcome your partnership in our efforts. All donations are tax deductible.

I am interested in funding and/or assisting YOU CAN MAKE IT-Outreach Ministry

I am interested in funding and/or assisting YOU CAN MAKE IT-Shelter for Women and Children

I am contributing or volunteering my expertise in the following areas:
 ___ Food Supply ___ Personal Hygiene ___ Clothing ___ Operating Support ___ Transportation ___ Education
 I am making a contribution of: _____ I would like to make a monthly pledge of: _____

Please Mail Gifts to: **YOU CAN MAKE IT 5200 South Morgan Chicago, IL 60609 Phone: (773) 451-08052**

Name _____ Address _____

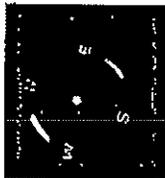
City _____ State _____ Zip _____ Phone _____

Visit our website: youcannmakeitinc.org

4-B.4

4-8-5

YOU CAN MAKE IT, INC.



YOU CAN MAKE IT -
Shelter for Women and Children
AND
YOU CAN MAKE IT -Interim House

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- the economically distressed
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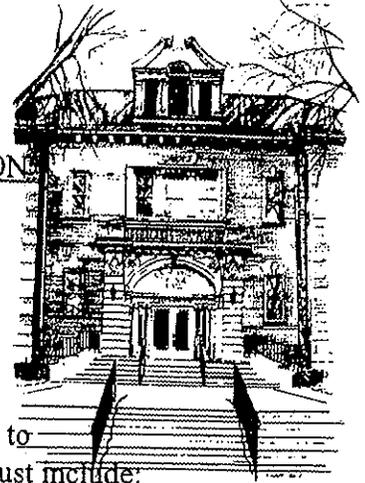
Name _____ Address _____

City _____ State _____ Zip _____ Phone _____

Visit our website: youcanmakeitinc.org

Village of La Grange

RIGHT-OF-WAY AND DOOR-TO-DOOR SOLICITATION BY NOT-FOR-PROFIT ORGANIZATIONS



The following procedure is followed for any individual or organization wishing to conduct a public right-of-way or door-to-door solicitation for a not-for-profit agency:

1. The agency must submit a written request, on agency letterhead, to the Village Clerk's Office at the address below. Such request must include:
 - A. Explanation of services
 - B. Date(s) requested
 - C. Copy of letter from Illinois Attorney General confirming not-for-profit status
 - D. List of those who will be soliciting/canvassing, including name, address, phone number and Social Security number
2. The first time an agency requests to solicit in the Village of La Grange, such request must be approved by the Village Board. Future requests from the same agency are approved administratively.
3. The Village Clerk will send a letter of approval/denial to the agency; a copy of such letter is sent to the Police Department.
4. The day(s) granted to each solicitor/canvasser is marked on the Village calendar so that permission is not granted to more than one agency for any one day.
5. Solicitors may only operate in the Village of La Grange as specified below:
 - A. No soliciting shall take place on Sundays.
 - B. No soliciting shall exceed a maximum of 15 days in any 12-month period.
 - C. Soliciting shall be permitted between the hours of 9:00 a.m. and 9:00 p.m. on weekdays and Saturdays.
6. All agency solicitors must register at the Police Department, 304 West Burlington Avenue, each day of soliciting.
7. No one is allowed to stand in the streets of La Grange for the purpose of soliciting donations except those agencies who hold a one million dollar general liability insurance policy and name the Village of La Grange as an additional insured. Those having such insurance and naming the Village as an additional insured must wear safety vests while soliciting in the street.
8. Contact the Village Clerk's Office at (708) 579-2316 with any questions. (over)

53 South La Grange Road P.O. Box 668 La Grange, Illinois 60525 (708) 579-2300 Fax (708) 579-0980

4-B.6

Solicitor/Peddler Regulations

Those businesses or persons exempt from this procedure include:

- (1) Any person soliciting for, or selling tickets for, any approved religious, charitable, school, educational, veteran's or governmental organization.
- (2) Fraternal organizations having established local chapters.

However, all organizations are requested to register at the La Grange Police Department prior to soliciting/peddling.

08/02

F:\USERS\EELDER\Solicitation\RulesNotForProfit.wpd

4-B.7

**VILLAGE OF LA GRANGE
NOT-FOR-PROFIT LIST OF SOLICITORS**

Name of Not-for-Profit Organization	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997
NPA National People's Action												X
American legion - Robert E. Coulter, Jr. Post No. 1941	X	X	X	X	X	X	X	X	X	X	X	X
American Majestic Eagles - Youth Business Training Program, Inc.											X	X
Camp Fire U.S.A. - Illinois Prairie Council				X	X	X	X	X	X	X	X	X
Campaign for Drug Education Awareness (C.D.E.A)			X	X	X	X	X	X				
Catholic Charities									X	X	X	X
Children's Benefit League of Chicago & Suburbs									X	X	X	
Citizen Action (Formerly Illinois Public Action)											X	X
Citizens for a Better Environment									X	X	X	X
Citizens for a Healthful Environment						X	X					X
Community Extension Program (CEP)					X					X		X
Community Family Service & Mental Health Center / Community Care Options			X	X	X	X	X	X	X	X	X	X
Easter Seal Society												X
Family Outreach Program, Inc.(VB Approved 11/12/07)		X										
Fund for Public Interest Research (Environment Illinois) (National Wildlife Federation/Save the Children)	X				X			X			X	X
Girl Scouts (Whispering Oaks and DuPage County Council)	X	X	X	X	X	X	X	X	X	X	X	X
Greenpeace												X
Have-A-Heart Charities			X		X	X	X	X	X	X		X
Heartland Independent Veteran's, Inc.												X
Helping Hand Rehabilitation (VB Approved 03/13/06)		X	X									
Illinois Peace Action (Formerly SANE/FREEZE)										X		
Illinois Public Interest Research Group			X	X	X	X	X	X	X	X	X	X
Kiwanis Club of La Grange	X	X	X	X	X	X	X	X		X	X	X
Knights of Columbus (La Grange)	X	X	X	X	X	X	X	X	X	X	X	X

4-B.8

Name of Not-for-Profit Organization	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997
La Grange Fire Department	x	x	x			x		x				
La Salle Bank (March of Dimes Walk America)												x
Les Turner ALS												x
LIONS Club International (Brookfield-La Grange Park Lions Club)		x	x	x	x	x	x	x	x		x	
Little City Foundation												x
Misericordia - Heart of Mercy	x	x	x	x	x	x	x	x	x	x	x	x
Missionary Church of the Disciples of Jesus Christ (Approved 8/11/03)												
NEED Foundation										x		
New Foundation of Hope, Inc.		x	x	x		x						
Parc										x		
PLUS												x
Rich Port YMCA						x	x		x	x	x	x
Salvation Army	x	x	x	x	x	x	x	x	x	x	x	x
Seventh Avenue Parent Teacher Organization								x				
Southwest Suburban Center on Aging							x		x	x	x	x
Total Dedication (American Community Services)												x
VietNow Heartland Chapter												x

4-B-9

VILLAGE OF LA GRANGE

Disbursement Approval by Fund

October 13, 2008

Consolidated Voucher 081013

Fund No.	Fund Name	10/13/08 Voucher	10/03/08 Payroll	Total
01	General	192,805.54	228,229.83	421,035.37
21	Motor Fuel Tax			0.00
22	Foreign Fire Insurance Tax			0.00
23	TIF			0.00
24	ETSB	3,237.79		3,237.79
40	Capital Projects	70,299.35		70,299.35
50	Water	132,655.78	30,561.63	163,217.41
51	Parking	6,120.19	20,614.32	26,734.51
60	Equipment Replacement	4,731.00		4,731.00
70	Police Pension			0.00
75	Firefighters' Pension	300.00		300.00
80	Sewer	1,691.17	8,029.86	9,721.03
90	Debt Service			0.00
91	SSA 4A Debt Service			0.00
93	SAA 269			0.00
94	SAA 270			0.00
		<u>411,840.82</u>	<u>287,435.64</u>	<u>699,276.46</u>

We the undersigned Manager and Clerk of the Village of La Grange hereby certify that, to the best of our knowledge and belief, the foregoing items are true and proper charges against the Village and hereby approve their payment.

Village Manager

Village Clerk

President

Trustee

Trustee

Trustee

Trustee

Trustee

Trustee

4-C

MINUTES

VILLAGE OF LA GRANGE
BOARD OF TRUSTEES REGULAR MEETING

Town Meeting – Spring Avenue School
(Gymnasium)
1001 Spring Avenue
La Grange, IL 60525

Monday, September 22, 2008 - 7:30 p.m.

1. CALL TO ORDER AND ROLL CALL

The Board of Trustees of the Village of La Grange regular meeting was called to order at 7:35 p.m. by President Asperger. The following were present:

PRESENT: Trustees Horvath, Kuchler, Langan, Livingston, Palermo, and Wolf

ABSENT: None

OTHERS: Village Manager Robert Pilipiszyn
Assistant Village Manager Andrianna Peterson
Village Attorney Matt Norton
Community Development Director Patrick Benjamin
Finance Director Lou Cipparrone
Assistant Public Works Director Mike Bojovic
Fire Chief David Fleege
Police Chief Mike Holub
Suburban Life Reporter Joe Sinopoli
Doings Reporter Jane Michaels

2. PRESIDENT'S REPORT

President Asperger welcomed all to the first in a series of Town Meetings being held in various areas of the Village. President Asperger began by introducing Village officials and noting their years of service and then expressed her privilege in working with all of her constituents. President Asperger then proceeded to explain that there would be a brief business meeting prior to opening the floor to the audience.

President Asperger stated that a Public Information Fair would be held on October 21 beginning at 7:00 p.m. at the Community Center to inform and assist residents on programs to reduce heating costs; home improvements; and various tips for conserving energy. Representatives from Commonwealth Edison, Nicor Gas, the Southwest Suburban Center on Aging and the West Suburban Neighborhood Preservation Agency would be providing various hand-outs and information.

The Village Board will hold a special meeting on Monday, September 29 at 7:00 p.m. at the Village Hall to continue the discussion of the proposed renovation for the La Grange Theatre.

President Asperger indicated that agenda item 5A "Intergovernmental Agreement & Ordinance – YMCA Redevelopment Project / Land Exchange Between the Village of La Grange and the Park District of La Grange" is being tabled for changes by the Village Attorney. The item will be presented at a future meeting and the public will be notified.

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

None.

4. OMNIBUS AGENDA AND VOTE

- A. Ordinance (#O-08-25) –Adoption of New Federal Floodplain Maps and Amendment to the Village’s Existing Floodplain Regulation
- B. Award of Contract – Leaf Hauling and Disposal (Dutch Valley Landscaping, Monee, Illinois \$6 per cubic yard)
- C. Consolidated Voucher 080922 (\$650,459.32)
- D. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, September 8, 2008

It was moved by Trustee Langan to approve items A, B, C, and D of the Omnibus Agenda, seconded by Trustee Wolf. Approved by roll call vote.

Ayes: Trustees Horvath, Kuchler, Langan, Livingston, Palermo, Wolf and President Asperger
Nays: None
Absent: None

5. CURRENT BUSINESS

- A. Intergovernmental Agreement & Ordinance – YMCA Redevelopment Project / Land Exchange Between the Village of La Grange and the Park District of La Grange: Referred to President Asperger

Tabled

4-0.1

6. MANAGER'S REPORT

Village Manager Robert Pilipiszyn reminded residents about voter registration requirements and deadlines and referenced Cook County's website for additional information.

Mr. Pilipiszyn announced that mopeds and scooters would have designated parking areas. At this time no cost will be assessed, however, future demand will be evaluated and addressed.

7. EXECUTIVE SESSION

8. TOWN MEETING

President Asperger welcomed Mayor Bob Conrad of Countryside who indicated he was impressed with the idea of Town Meetings and hoped to initiate the idea in Countryside.

Prior to opening the floor to the audience, President Asperger introduced members of staff and gave a brief description of the responsibilities assigned to each area.

President Asperger noted the Board's determination for a number of goals to preserve and enhance the community, along with accomplishments throughout the Village. Among them were:

- the approval of a mixed use, Planned Unit Development at the intersection of La Grange Road and Ogden Avenue (the former YMCA site)
- working with the La Grange Theatre for a public/private partnership to financially aid with the renovation of the theatre
- the La Grange Pointe project – residential and retail (the former IHOP site)
- continued improvements to the campus of La Grange Memorial Hospital
- hosted a congressional transit-oriented visit with Congressman Lipinski and U.S. Representative Jim Oberstar
- conducted Economic Development Workshop to direct staff to pursue post-TIF strategies for on-going business development such as the façade loan program
- approved a smoking ban and working towards developing comprehensive amendments to the current liquor code
- zoning code improvements; maximum lot coverage standards
- construction site management
- will be going out to bid for Bluff Avenue street and water main reconstruction project
- renovation of the Stone Avenue train station
- conducted the first Spring Clean Up day
- addressed the coyote issue
- launched a new automatic telephone emergency notification system (CodeRed) whereby residents may register their phone numbers to receive emergency notices
- in the process of re-tooling the Village's website

4-0.2

- receipt of a grant from the West Central Cable Agency to replace the sound system along with recording and playback equipment
- working on restructuring the Department of Public Works to better facilitate workload for capital projects

President Asperger noted staff's professionalism is reflected in the strong financial position of the Village. At 8:05 p.m. President Asperger opened the floor to audience questions, comments or concerns.

Peter May, 919 S. 7th Avenue expressed concerns related to the maintenance of vacant property in his neighborhood. President Asperger noted his concerns and indicated Village Prosecutor John Kenney will continue to serve notices and follow applicable court procedures relating to the violations.

John Powers, 845 S. Madison detailed his issues relating to residential structures being utilized for business purposes. Mr. Powers also noted issues with land usage and compliance thereof. President Asperger indicated Mr. Powers should further discuss his issues with the Community Development Department.

Julie Workman, 233 S. Park Road indicated her involvement with the citizens for a great Gordon Park and encouraged everyone to vote "yes" on the referendum for the Park District to sell all or a portion of the 2.82 acres located near the northwestern edge of Gordon Park. Ms. Workman explained her beliefs in the benefits of the referendum.

Harlan Hirt, 421 S. Spring presented the Board with his written statement and summary relating to the land exchange between the Village and the Park District. Mr. Hirt believes no further action should occur until the results of the referendum vote are known. President Asperger thanked Mr. Hirt for sharing his thoughts.

Kevin Shields, 45 N. Drexel does not believe the Park District should sell all or a portion of the land in Gordon Park. Mr. Shields explained his reasoning and encouraged everyone to vote "no" on the referendum.

Ann Okkema, 635 S. Catherine requested guidance for submitting requests to hold a 5k run sponsored by St. Cletus Parish. President Asperger explained policy and referred Ms. Okkema to the Village Manager for future considerations.

Ruben Varela, 1099 S. Catherine noted that organizers considering a 5k run should check with local groups to avoid conflicts.

Dr. James Bergschneider expressed his concerns relating to parking around Spring Avenue School and particularly in front of fire hydrants.

Steve Metsch, 1055 S. Catherine noted the need for more traffic enforcement at posted stop signs. Mr. Metsch also believes in the preservation of green space at Gordon Park and preservation the La Grange Theatre.

4-D.3

Andrew Dewall, 855 S. 12th Avenue inquired about beautification and having additional trees planted in his area to further screen the adjacent industrial area in Countryside. Mr. Dewall is also in favor of preserving green space and indicated he would vote no on the referendum. President Asperger referred Mr. Dewall to Community Development and Public Works relative to his inquiry.

Wayne Harej, 750 S. 10th Avenue noted issues with Commonwealth Edison and requested assistance to avoid having to remove a tree on his property. President Asperger referred Mr. Harej to Assistant Village Manager Andrianna Peterson.

Donald Hogue, 937 S. 7th Avenue is a neighbor of Peter May and also expressed concerns related to the maintenance of vacant property in his neighborhood.

Sue Schmidt, 839 S. La Grange Road noted that coyotes have again been sighted near the McCook Quarry. Ms. Schmidt also expressed concerns with dumpsters in her area and intermittent power outages. Village Manager Robert Pilipiszyn indicated that staff would follow-up on her issues.

Tom Beyer, 205 S. Catherine noted the need for traffic enforcement at posted stop signs. Also, Mr. Beyer does not believe state statutes are being complied with relative to the transfer act of property to the Park District. President Asperger noted his concerns would be taken under review.

There being no further public comments, President Asperger requested a motion to adjourn.

9. TRUSTEE COMMENTS

Trustee Palermo thanked residents in attendance. Trustee Palermo encouraged publication of the special meeting to continue discussion of the La Grange Theatre as well as the newly established Code Red communication system offered to residents.

10. ADJOURNMENT

At 9:15 p.m. it was moved by Trustee Langan to adjourn, seconded by Trustee Livingston. Approved by unanimous voice vote.

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

Approved Date

4-D-4

CURRENT BUSINESS

Village of La Grange
Finance Department

BOARD REPORT

TO: Village President and Board of Trustees, Village Clerk and
Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager
Lou Cipparrone, Finance Director

DATE: October 7, 2008

RE: **PRESENTATION - FY 2007-08 COMPREHENSIVE ANNUAL
FINANCIAL REPORTS**

Under separate cover, you have received a copy of the Village of La Grange's Comprehensive Annual Financial Report (CAFR) for the fiscal year May 1, 2007 to April 30, 2008. The report is prepared by the Finance Department and reviewed by our auditors, Sikich L.L.P. In addition, you have received:

1) the FY 2007-08 Management Letter identifying certain matters that are opportunities for strengthening internal controls and operational efficiencies. There were no findings of material weaknesses involving the Village's internal controls. A single operational efficiency is noted regarding the Village's ratio of water billed as compared to water pumped, which decreased to approximately 71 percent, with a recommended threshold of 80 percent. This has previously been identified as an area of concern for the Village with potential sources of exfiltration and corresponding remedies discussed during budget workshops.

The Village has attempted to address this issue most recently by scheduling leak studies to be completed annually rather than in alternating years to improve accountability and prevent leaks from continuing for long periods of time. Due to unsatisfactory results with the previous vendor, the Village contracted with a new vendor to perform this year's leak study which was completed during the later summer months. The leak study was conducted at night, during off-peak street usage in order to enhance the results of the electronic and/or sonic equipment. Several large breaks were detected and repaired.

Public Works has also budgeted for the replacement of all residential meters beginning in FY 2009-10 over a 6 year period. Most residences have original meters which were installed in the mid to late 1980's. These types of meters usually have a 15-20 year useful life. When these residential meters are replaced they will also include the capacity of radio reads which is the next wave of meter technology. This issue will be discussed in greater detail at future budget workshops and will be an area of priority for the new Public Works Director.

The Management Letter also identifies several upcoming accounting pronouncements which will need to be implemented in subsequent CAFR's.

5-A

- 2) a report from the auditor including specific matters which are required to be communicated directly to the Village Board including: the limited audit scope of the Required Supplementary Information (RSI) section within the CAFR, no new accounting policies were adopted, all material accounting estimates were reasonable, non-material misstatements were corrected (year-end adjusting journal entries for the La Grange Library) and there were no difficulties or disagreements with management,
- 3) an audit representation letter stating the Village financial statements were prepared in conformity with General Accepted Accounting Principles (GAAP), we have made all financial data and records available to the auditors, and we have no knowledge of fraud or suspected fraud and are unaware of any material transactions or disclosures which have not been conveyed to the auditors, and
- 4) a TIF District compliance letter stating the Village has complied with the provisions of the Illinois Tax Increment Redevelopment Act (Illinois Public Act 85-1142).

Sikich L.L.P. has rendered an unqualified or “clean” opinion for the Village of La Grange, stating that the financial statements present fairly, in all material respects, the financial position of the Village and results of its operations as of April 30, 2008. The unqualified opinion also reflects that the financial statements are prepared and presented in conformity with generally accepted accounting principles.

Mr. Dan Berg, a partner with Sikich L.L.P. will be in attendance at the Board meeting on October 13, 2008 to present a brief overview of the audit report and to answer any questions you may have regarding the FY 2007-08 financial statements.

At the conclusion of the discussion, it would be appropriate for President Asperger to accept the report on behalf of the Village Board. No further action is required.

Village staff will submit the CAFR to the Government Finance Officers’ Association for consideration of the Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by the Village. Receipt of the Certificate of Achievement recognizes the Village has met the high national standards of the program including demonstrating a constructive spirit of full disclosure to clearly communicate its financial story and motivate potential users to read the financial statements. The Village has received this prestigious award for eleven consecutive years.

Hard copies of the audit report are on file at the La Grange Public Library, in the Village Clerk's office and in the Finance Department for public inspection. In addition, an electronic copy of the audited financial statements has been posted to the Village's website.

5-A.1

VILLAGE OF LA GRANGE
Community Development Department

BOARD REPORT

TO: Village President, Board of Trustees,
Village Clerk and Village Attorney

FROM: Robert Pilipiszyn, Village Manager
Patrick D. Benjamin, Community Development Director

DATE: October 13, 2008

RE: **ORDINANCE - ZONING TEXT AMENDMENT CREATING
VARIATION AUTHORITY FOR MAXIMUM ALLOWABLE
HEIGHT OF DETACHED GARAGES**

Jack and Laura Thomas, 311 South 6th Avenue, along with their architect Timothy Trompeter, applied for a text amendment to the Zoning Code that would authorize variations from the maximum height limitations for detached garages, which are 19 feet maximum height and 15 feet mean height. The applicants propose to build a detached garage that is compatible with certain distinct and historically significant architectural features of their house, which was designed by Jos. C. Llewellyn in 1906. At present, the Zoning Code does not allow variations from height limitations for garages.

The Plan Commission conducted a public hearing on the application to amend the Zoning Code on August 12 and September 9, 2008. As part of their case, the applicants presented their plans for the garage they seek to construct. After extensive deliberation at the August 12 public hearing session, the Plan Commission directed Staff and the Village Attorney to prepare language for the to provide specific standards, limitations, and conditions that would apply to all variations in height for detached garages. The Plan Commission made this request because the commissioners recognized that some of the current "traditional" standards for variations may not be appropriate for this type of variation.

On September 9, 2008, the Plan Commission concluded the public hearing and again deliberated extensively. The Plan Commission considered specific language prepared by Staff and the Village Attorney that would authorize variations from height of garages. Two notable standards were established and recommended by Staff to the Commission:

- (i) *The single family dwelling to which the garage is accessory has historical architectural features, and the garage, with a height variation, may be constructed in a manner that is significantly more compatible with those features; and*

5-13

- (ii) *Notwithstanding any other variation authority or other provision of this Code, the garage is set back not less than one foot further from the lot lines than the distances required by Subsection 3-110C or any other provision of this Code for every additional foot or fraction thereof of height for which a variation is granted.*

There was significant discussion regarding the second new standard relating to the additional setback. Three Commissioners supported the standard while two Commissioners thought that it was not useful. In the end, all of the Commissioners agreed to proceed with the majority's recommendation. In addition, we strengthened the language in the first new standard to emphasize the element of historic significance.

The proposed amendment considered by the Plan Commission included further limitations and conditions, as follows:

- (iii) *No variation may exceed three feet in height (to a total mean height of 18 feet) or three feet in maximum height (to a total maximum height of 22 feet).*
- (iv) *No garage, whether attached or detached, is allowed on the subject property except the detached garage for which the variation is granted.*
- (v) *The second level of the garage may not be occupied as a dwelling unit at any time.*
- (vi) *No cooking equipment, toilet, bath, or shower is permitted on the second level of the garage.*
- (vii) *No floor-to-ceiling partition walls are permitted on the second level of the garage.*
- (viii) *The variation may be granted only for a specific design of the garage satisfying the standard in Paragraph (i) above, and the garage must be built in strict compliance with that design.*
- (ix) *The property owner must execute and record a declaration of covenants and restrictions on the subject property in a form satisfactory to the Village Manager before the variation becomes effective.*

The Plan Commission deliberated further and requested that additional language be added to these conditions and limitations that inspectional authority be granted to Staff on an annual basis to verify compliance with the condition that upper levels not be utilized as dwelling space. With that addition noted, the Plan Commission unanimously recommended approval of the text amendment.

After presentation by the Village Trustee, we suggest that the Village Attorney have an opportunity to review the standards section of the ordinance with the Village Board.

Staff concurs with the Plan Commission recommendation, and the Village Attorney has drafted the attached ordinance for your consideration.

With the approval of the zoning text amendment, the authority will be created to review applications. This ordinance does not approve the Thomas's their variation but rather authorizes them to apply for a variation for their desired garage.

5670476_v2

5-B.2

VILLAGE OF LA GRANGE

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE LA GRANGE ZONING CODE
TO ADD AUTHORITY FOR HEIGHT VARIATIONS
FOR DETACHED SINGLE FAMILY RESIDENTIAL GARAGES

WHEREAS, Laura and Jack Thomas (the "*Applicants*") own the property commonly known as 311 South 6th Avenue in the Village of La Grange (the "*Subject Property*"); and

WHEREAS, the Applicants propose to build a detached garage on the Subject Property in a manner consistent with the architectural features of the existing house to which the garage would be accessory, but that proposed garage would be taller than the maximum allowable height of an accessory structure under Paragraph 3-110G1 of the La Grange Zoning Code; and

WHEREAS, the Zoning Code currently does not include authority for the Board of Trustees of the Village of La Grange to vary the height limitations applicable to accessory structures, including detached garages, under Paragraph 3-110G1; and

WHEREAS, the Applicants thus filed an application with the Village for an amendment to the text of the Zoning Code to create authority in the Board of Trustees to vary those height limitations (the "*Application*"); and

WHEREAS, the La Grange Plan Commission conducted a public hearing commencing on August 12, 2008, to consider the Application, pursuant to notice thereof properly published in the Suburban Life; and

WHEREAS, the Plan Commission, after considering all of the evidence presented at the public hearing, recommended approval of a text amendment to the Zoning Code in the form provided in this Ordinance, as set forth in the Plan Commission's Findings for PC Case #189 dated September 9, 2008; and

WHEREAS, the President and Board of Trustees of the Village of La Grange have determined that the proposed text amendment, in the form provided in this Ordinance, satisfies the standards applicable to it under Section 14-605 of the Zoning Code;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of La Grange, Cook County and State of Illinois, as follows:

Section 1. Recitals. The foregoing recitals are hereby incorporated into this Ordinance as findings of the President and Board of Trustees.

5-B.3

Section 2. Amendment of Zoning Code Paragraph 14-303E1. Paragraph 1, titled "Permitted Variations," of Subsection 14-303E, titled "Authorized Variations," of the La Grange Zoning Code is hereby amended by adding thereto a new Subparagraph 14-303E1(p) pertaining to the height of a detached garage in a single family residential zoning district, which new Subparagraph 14-303E1(p) will hereafter read as follows:

E. Authorized Variations.

1. Permitted Variations.

* * *

- (p) To increase the height of a detached garage accessory to a single family detached dwelling classified in a single family residential district under this Code, subject to the following standards, limitations, and conditions:

Standards. The standards for variations set forth in Paragraphs 14-303F2, 3, 4, and 8 of this Code do not apply to variations considered under this Paragraph 14-303E1(p). When considering the standards for variations set forth in Paragraphs 14-303F1, 5, 6, and 7 of this Code, the Zoning Board of Appeals and the Board of Trustees should be guided by the following additional standards:

- (i) The single family dwelling to which the garage is accessory is established, by historical documentation, to be historic and to have distinct, historic architectural features, and the garage, with a height variation, can and will be built with a faithful re-creation of those features; and
- (ii) Notwithstanding any other variation authority or other provision of this Code, the garage is set back not less than one foot further from the lot lines than the distances required by Subsection 3-110C or any other provision of this Code for every additional foot of height, or fraction thereof, for which a variation is granted.

Limitations and Conditions. Every variation granted under this Paragraph 14-303E1(p) is subject to all of the following limitations and conditions:

- (iii) No variation may exceed three feet in height (to a total height of 18 feet) or three feet in maximum height (to a total maximum height of 22 feet).
- (iv) No garage, whether attached or detached, is allowed on the subject property except the detached garage for which the variation is granted.
- (v) The second level of the garage may not be occupied as a dwelling unit at any time.

5-B.4

- (vi) No stove, range, cooktop, or similar installed cooking equipment is permitted on the second level of the garage. This limitation does not prohibit use of a countertop microwave oven, toaster oven, toaster, or similar device.
- (vii) No toilet and no bathtub, hot tub, shower, or similar facility is permitted on the second level of the garage. This limitation does not prohibit installation of a standard washbasin or sink.
- (viii) No floor-to-ceiling partition walls are permitted on the second level of the garage.
- (ix) The variation may be granted only for a specific design of the garage satisfying the standard in Paragraph (i) above, and the garage must be built in strict compliance with that design.
- (x) The property owner must execute and record a declaration of covenants and restrictions on the subject property permanently limiting the use of the second level of the garage as provided in this Paragraph 14-303E1(p), in a form satisfactory to the Village Manager, before the variation becomes effective. That declaration must include, among other things, the grant by the property owner of a right in the Village to inspect the garage not less often than once each year to determine continuing code compliance.

Section 3. Effective Date. This Ordinance will be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED this _____ day of _____ 2008.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____ 2008.

Village President

ATTEST:

Village Clerk

5582581_v2

5-B-5

FINDINGS OF FACT

PLAN COMMISSION OF THE VILLAGE OF LA GRANGE

President Asperger and
Board of Trustees

August 12, 2008
September 9, 2008

RE: **PLAN COMMISSION CASE #189 - ZONING TEXT AMENDMENT** - Village of La Grange.

We transmit for your consideration a recommendation adopted by the Plan Commission of the Village of La Grange on the proposed Zoning Text Amendment creating variation authority for maximum height of garages.

I. THE APPLICATION:

The applicants Jack Thomas and Laura Thomas, and their architect Timothy Trompeter, seek a Zoning Text Amendment.

II. THE PUBLIC HEARING:

After due notice, in accordance with law, the Plan Commission began a public hearing on August 12, 2008, in the La Grange Village Hall. Present were Commissioners Kardatzke, Weyrauch, Williams, Holder, Reich with Chairman Randolph presiding. Also present were Community Development Director, Patrick D. Benjamin and Village Attorneys Mark Burkland and Paula Kirlin.

Chairman Randolph swore in the applicants Jack and Laura Thomas and their architect, Tim Trompeter.

- Mr. Jack Thomas began the presentation indicating that they had researched their home at the Historic Society and would like to be able to rebuild a stable that was designed in 1906 by renowned architect Joseph Llewellyn. They have found architectural plans for the stable and would like to adjust them in size to build a garage for their property.
- Tim Trompeter, their architect, then described the original plans and to indicate that the lot that the applicant owns is 169 by 150 feet. The originally designed structure was twenty-three feet tall and approximately 900 square feet. They do not want a structure this large and have tried to downsize it but tried to keep it in relation to the existing structure. They are proposing a twenty foot ten inch maximum height for the structure. Current code only allows nineteen feet.

5-B.6

Commissioners took an opportunity to look at the original drawings of the stable.

After the presentation, Chairman Randolph solicited questions from the Commissioners:

- Commissioner Reich wondered how the twenty-two foot eight inches they were requesting and the amendment was derived at. The response by the applicants was that this was twenty percent to allow other future applicants room to design garages. Mr. Trompeter stated that they would be asking for a ten percent height increase.
- A question on the heights of the floor by Chairman Randolph stated that there was an eight foot first floor construction and eleven feet for the second.
- Commissioner Weyrauch asked what they would come in as their mean average height. The response by Mr. Trompeter was sixteen feet, ten and three quarters inches.
- Chairman Randolph asked the applicant to describe the second floor, as the drawings did not indicate much detail. Mr. Thomas indicated that they anticipated using the space for an upstairs work out room with a treadmill and stair master. There would be absolutely no kitchen and if they did have a bathroom, it would be on the first floor. Laura Thomas indicated that they do have a swimming pool and the children might want to utilize a bathroom on the first floor for the convenience of the pool.
- Commissioner Kardatzke asked if there were any objections from the neighbors. Mr. Thomas indicated all the neighbors were for the project and referred to the signed petitions submitted to the Plan Commission and marked as Petitioner's Exhibit One by Staff.

Chairman Randolph solicited comments from the Public:

- Mr. Kurt Hoigard, at 345 S. 6th Avenue, indicated he has seen the plans for this garage and is in favor of the code amendment. He stated it was unfortunate that the code doesn't even allow an individual the right to request relief. He further went on to indicate that those with historic homes like himself in too many cases, the height restrictions are not appropriate. He went on to say that he fully supported having the review mechanism within the authority of the Zoning Board of Appeals.

There being no further questions or comments from the audience, Chairman Randolph closed the public participation portion of the public hearing

5-B.7

- Community Development Director Benjamin verified before deliberation what was being requested, that this was not a variance being requested, as it might appear in the presentation, but rather the authority for the Zoning Board of Appeals to grant variations to the maximum and mean height of a garage and that the Commission should stay focused on that particular language as opposed to any specific case.
- Chairman Randolph expressed concerns if we granted exceptions to height, that there would be additional conversions of these spaces into dwelling units, thus resulting in two dwelling units on a single family zoning lot. He further went on to state that we need some teeth in any amendment and believe that both water and sewer should be precluded from being run to these spaces to prevent illegal conversions into dwelling units. He further stated that he felt that if we allowed these variances, it would make it attractive to include a dwelling unit on the second floor of these garages.
- For way of background, Chairman Randolph stated in 1997, one of the reasons that we created the maximum height of nineteen feet is it would make conversion of an upstairs space impractical. Thus, he has reservations on the application as it would make it practical to convert these spaces.
- Commissioner Weyrauch agreed that allowing the zoning variation process may be warranted. She understands there has been a lot of deliberation on the bulk of garages recently by the Zoning Board and Village Board. While she would be very hesitant to make changes to the code at present, the fact that they have a lot three times the size of a normal lot and they have an historic residence, it is a compelling case to allow for variances as opposed to a general allowance.
- Village Attorney Mark Burkland explained how variations work and the specific authority to grant the variation must be stated in the code and at present, there are no variations for height. He further indicated that the normal standards applicable to variations may not be possible to be applied in this particular instance. However, it is possible to create particular standards for a variation from height that might take into account the historic nature of a property. He also thought it would be useful to have as conditions for these types of variances having a covenant governing the use of the property which could address some of Chairman Randolph's concerns.
- Commissioner Williams stated that architecture in La Grange is so unique that at times we may need to preserve some of the character of the area so having a process to review the height might be appropriate.

- Commission Holder questioned how would we determine what historical or of architectural significance is appropriate in granting a variation.
- Attorney Burkland stated that it is possible to write code so the question does not come up if any requested variance has to be a faithful recreation of features carried in the principal structure or demonstrated by other historical documents.

After additional further discussion, it was agreed by all Commissioners that Staff and the Village Attorney would be directed to craft language with specific standards and limitations and conditions for consideration by the Plan Commission at their next meeting on September 9, 2008.

There being no further questions or comments from the audience or Commissioners, a motion was made by Commissioner Reich and seconded by Commissioner Williams that the Plan Commission continue the hearing until Tuesday, September 9, 2008, at 7:30 p.m. Motion carried unanimously by voice vote.

On September 9, 2008, the Plan Commission reconvened the public hearing from August 12, 2008, in the La Grange Village Hall. Present were Commissioners Kardatzke, Weyrauch, Williams, Holder, and Reich. Absent was Chairman Randolph. Also present were Community Development Director, Patrick D. Benjamin and Village Attorney, Mark Burkland.

A motion was made by Commissioner Kardatzke, seconded by Commissioner Reich, to elect Commissioner Holder Chairman Pro Tem. Motion carried unanimously by voice vote.

Chairman Pro Tem Holder requested Community Development Director Patrick Benjamin to give the background from the previous meeting and what has been provided to the Commission to date. Mr. Benjamin went on to remind participants that the public participation portion of the public hearing has concluded at the previous meeting and direction was given by the Plan Commission to Staff and Counsel to draft some amendment language for consideration by the Plan Commission. Attorney Burkland instructed the Commission that there were a couple of standards that must be maintained in consideration of the Zoning Code amendments, particular hardship or practical difficulty and that the other standards for variations are derivations of those particular standards as outlined in state statute, such as unique physical condition. So what Staff along with the Village Attorney has done is kept certain standards in place and added others that might be more appropriate for height variations. In particular, we created maximum limitations as outlined in the memorandum as well as requiring additional setback of garages for every foot in height requested in a variance.

After considerable discussion, it was agreed by all to recommend approval of the variation authority in general and the {i} standard relating to architectural features as presented. There was

5-B.9

significant discussion on {ii}, related to having additional setback with each foot of additional height granted. Three Commissioners favored this while two Commissioners, Reich and Holder, did not feel it was appropriate for the additional setbacks. However, with the majority in favor, they agreed to proceed.

All other standards in the memorandum were generally found to be acceptable to the Commissioners with some further enhancement by Counsel as far as verbiage, specifically related in {6} as it relates to cooking equipment, toilet, bath or shower on the second level of the garage. Counsel was directed to modify this section and also to add enforcement language that would allow for periodic inspections by the Village of La Grange upon notice to the owner to verify compliance.

The Commissioners noted that in some select instances larger garages may be in keeping with the neighborhood and might warrant a variance. However, these cases should be applied for under a variance process to maintain continuity between the garage and the home. They further stated a variation would be rare in nature and it is not an open door. This particular amendment should have limited applicability based upon historical or physical conditions of the property.

There being no further questions or comments from the audience or the Commissioners and after review of the criteria and some amendments as originally proposed by Staff and Counsel, a motion was made by Commissioner Reich, seconded by Commissioner Kardatzke, to recommend approval of a zoning text amendment to Paragraph 14-303(E)1 Permitted Variations which would create variation authority for maximum allowable height of garages with standards, limitations and conditions as outlined in staff memorandum and adding additional inspectional authority for verification of use of structure.

Motion carried unanimously by roll call vote:

AYE: Kardatzke, Reich, Holder, Weyrauch, and Williams.
NAY: None.
ABSENT: Randolph.

Respectfully Submitted
PLAN COMMISSION OF THE
VILLAGE OF LA GRANGE

Stephen Randolph, Chairman

5-B.10

August 12, 2008

*** PLEASE SIGN IN ***

ATTENDANCE
PLEASE PRINT

NAME

ADDRESS

Jacket Laura Thomas	311 6th Ave
MAT CROWN	100 E MAPLE AVE
NANLY WEILER	240 S. 6TH AVE.
Joan + Kurt Hoigard	345 6th Ave
Lori Reynolds	324 S. 6th Ave
Jim Palermo	216 S. Ashtland
CATHY ROSSMILLER	339 S. 6th Ave.
Melody Holt	327 S. 6th Ave

September 9, 2008

*** PLEASE SIGN IN ***

ATTENDANCE

PLEASE PRINT

NAME

ADDRESS

Tina Thompson

318 S. Ashland

Jana Thomas

311 6th Ave

STAFF REPORT

PC Case #189

TO: Plan Commission

FROM: Patrick D. Benjamin, Community Development Director

DATE: August 12, 2008

RE: ZONING TEXT AMENDMENT CREATING VARIATION AUTHORITY
FOR MAXIMUM ALLOWABLE HEIGHT OF DETACHED GARAGES

I. BACKGROUND:

In 1998 in response to citizen and elected official concerns, the Village Board of Trustees remanded to the Plan Commission several bulk, yard and space issues to examine. One of the key concerns requested by the Village Board to be addressed was the height and bulk of accessory structures.

On August 13, 1998 after discussion at several public hearings, the Plan Commission recommended certain zoning text amendments relating to garages. These amendments included square footage limitations based upon lot size, and the addition of a maximum absolute height regulation for a garage of 19 feet in addition to the mean height regulation of 15 feet which already existed in the zoning code. The Village Board subsequently adopted the recommendations as part of the zoning code in 1999. At that time authority to obtain a variance from the maximum height was not contemplated.

II. APPLICATION:

The applicants Laura and Jack Thomas, 311 S. 6th Avenue, along with their architect Timothy Trompeter, 318 S. Ashland Avenue, have applied for a zoning text amendment that would authorize variations from the maximum height of 19 feet for detached garages (see attached). In the application the petitioner requests the authority to grant an up to 20% increase in maximum height or up to 22.8 feet.

Mr. Trompeter, over the past few years, has expressed to staff challenges in designing historically compatible garages for some of the older homes in the community. In the cover letter of the application he points out that the home he currently is working on was constructed in 1906 from a design by La Grange architect Jos. C. Llewellyn. In this case there exists the original drawing of the home as well as the two story stable that no longer exists. While the applicants are not attempting to erect the same accessory structure (936 square feet in area and 23 feet tall) they would like to construct a scaled down version (726

5-B.13

square feet in area and 20 feet 10 inches in absolute height) that would be historically compatible with the principal structure. Variation authority to consider such a request is not currently granted in the Zoning Code therefore the only remedy for the applicants is to amend the code in some manner to allow for such relief.

It would be desirable to hear testimony from the petitioners as well as any attending public at the hearing regarding the amendment as proposed in this application.

III. AMENDMENT CRITERIA & RECOMENDATION

AMENDMENT CRITERIA

The wisdom of amending the Zoning Map or the text of this Code is a matter committed to the sound legislative discretion of the Board of Trustees and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied the Board of Trustees should be guided by the principle that its power to amend this Code is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment be made. In determining whether that principle is satisfied in any particular case, the Board of Trustees should weigh data required in 14-101E and among other factors, the following standards as they may be relevant to a particular application:

(I) *The consistency of the proposed amendment with the purposes of this Code.*

Article III of our Zoning Code, Single Family Residential Districts, gives guidance as to the purpose of the regulations for the district: *"In the single family districts, the combination of uniform use regulations and varied bulk and yard regulations is intended to:*

- A. Perpetuate the existing high quality residential character of the Village by preserving established neighborhoods while encouraging beneficial new development consistent with the overall character of the existing Village;*
- B. Accommodate persons with diverse economic circumstances and life-style preferences seeking to establish or maintain residence in the Village through the various stages of life; and*
- C. Implement, through reasonable regulation, the purposes and intent of this Code.*

5-B.14

Albeit limited, some direction is derived from paragraph 14-303:

VARIATIONS B. Purpose:

The variation procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this Code that create practical difficulties or particular hardships. When such difficulties or hardships are more appropriate for remedy, if at all, pursuant to other provisions of this Article XIV, the variation procedure is necessarily inappropriate.

- (2) ***The community need for the proposed amendment and for the uses and development it would allow.***

During a review of the previous round of bulk yard and space amendments last year the some Village Board members did identify a need for more flexibility on bulk and height regulations especially as it relates to older homes. In recognizing the community need for some adjustment in the variance process, the Village Board has given direction to the Village Attorney earlier this year to consider an administrative relief mechanism and criteria for variances of a more architectural nature for mature housing stock as it relates to certain bulk regulations. This direction is also in recognition of the Zoning Board of Appeals expressing concerns applying the strict variation standards required by state statute and the Zoning Code on applications where there is not a unique physical condition of the property and the amendment is to allow a more architecturally sensitive design to an older structure.

At staff's request the Village Attorney has prepared the attached memorandum discussing options available to the Plan Commission and Village Board as it relates to this application as well as the direction from the Village Board for administrative remedies for small variations to (see attached memorandum).

RECOMENDATION

While we believe that there may well be instances where relief from height may be appropriate (architectural restoration etc.) the current standards provided in the Zoning Code would prove problematic when applied to these types of cases. Further, if relief from height is considered, we believe tightening up regulations on the use of a second floor in a garage to prevent the possibility of a second dwelling unit is also appropriate.

In an effort to be responsive to the applicant as well as the Village Board for the relief mechanisms that they have requested for other minor relief from bulk regulations, **we suggest that the Plan Commission consider the following points and give further direction to staff and legal counsel:**

5-B.15

- A. Does the Plan Commission concur that there should be some relief for height of detached garages?**
- B. If yes, how much relief at a maximum is appropriate and should it be a round number as suggested by the Village Attorney?**
- C. We would ask for input on criteria to be considered in granting these types of variations. Some suggestions are included on page 3 of the attached memorandum from Holland and Knight.**
- D. Lastly, Do you concur with the concept of some minor administrative variations for older homes (i.e.: less than 100 sq. feet of building coverage for a historic home)? If so, staff and the Village Attorney would prepare the necessary language for consideration at your next meeting.**

Once direction has been received on these four points it would be appropriate to recess the public hearing to a time certain at which time you can take public testimony on the proposed amendment language.

Holland Knight

Tel 312 263 3600
Fax 312 578 6666

Holland & Knight LLP
131 South Dearborn Street
30th Floor
Chicago, IL 60603
www.hklaw.com

MEMORANDUM

Date: August 5, 2008

To: Patrick Benjamin

From: Mark Burkland
Paula Kirlin

Re: Request for Zoning Code Text Amendment
re: New Variation Authority (311 South 6th Avenue)

Mark Burkland
312 578 6557
mark.burkland@hklaw.com

Paula Kirlin
312 578 6649
paula.kirlin@hklaw.com

The Village has received from the owners of the property located at 311 South 6th Avenue (the "Applicants") an application for an amendment to the text of the Zoning Code to authorize the Village to grant a variation increasing the height of a detached residential garage (the "Application"). Specifically, the Application requests an amendment to Subsection 14-303E of the Zoning Code to authorize a variation as follows:

To increase to a height of not greater than 18 feet and a maximum height of not more than 22.8 feet of a detached garage accessory to a single family dwelling located in a single family zoning district.

We have written this memorandum, as you requested, to summarize our thoughts about the Application. Our opinion is that a variation of the type requested generally would be acceptable under the Illinois Municipal Code and the La Grange Zoning Code.

In this memorandum we also note that the Board of Trustees has asked the Village staff to explore the possibility of creating a two-tiered variation approach for select bulk, yard, and space standards, with limited authority in the Village Manager to grant certain administrative adjustments while other variations would continue to be processed through the existing variation process.

I. State Law and La Grange Zoning Code Standards

It is our opinion that applicable State and local laws permit the Village to create a variation that would authorize a greater maximum height for a detached accessory garage.

5-B.17

A. State and Local Law

The Village's zoning authority is derived from Article 11 of the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.* In municipalities such as La Grange with populations of less than 500,000, the corporate authorities are authorized to vary zoning regulations by ordinance. 65 ILCS 5/11-13-5. Variations are authorized in cases where practical difficulties or particular hardship result from strict application of zoning regulations relating to use, construction, or alteration of buildings, structures, or land use. *Id.* Variations must be in harmony with the general purpose and intent of the Zoning Code and must be in accord with Zoning Code rules. *Id.*

The La Grange Zoning Code authorizes the Board of Trustees to approve variations granting relief from unforeseen particular applications of the Zoning Code that create practical difficulties or particular hardships. Zoning Code § 14-303B.

The creation of a variation to allow increased maximum height for a detached garage would be consistent with these enabling laws. The proposed variation would not be inconsistent with the stated purpose of the Zoning Code to encourage and enhance preservation of aesthetic amenities (*see* Zoning Code § 1-102A6) and to perpetuate the existing high quality residential character of the Village by preserving established neighborhoods while encouraging beneficial new development consistent with the overall character of the existing Village (*see* Zoning Code § 3-101A). In this case, the Village could determine reasonably that the strict application of the Zoning Code's restriction on the maximum height of a detached garage prevents the Applicants from constructing a detached garage that is otherwise architecturally consistent with the original design and scale of the historic home. The Village also could determine reasonably that this is a practical difficulty that qualifies for a variation from the Zoning Code under State and local standards.

B. Revision of and Conditions on Variation Authority

If the Plan Commission is inclined to recommend some form of amendment to the text of the Zoning Code addressing increases in garage height, then we will write a modified amendment based on direction from the Plan Commission.

Among other things the Plan Commission should consider at the public hearing is the appropriateness of the limits proposed by the Applicants on the authority to increase mean height (18 feet) and absolute height (22.8 feet). We certainly think the limits should be stated in round numbers rather than a fraction of a foot, for ease of administration.

We also recommend that the Plan Commission consider new standards that would be applicable to garage height variations including, perhaps, such standards as these:

1. Compatibility between house design and proposed garage design.

5-B.18

2. Excellence of design of proposed garage.
3. Distance of proposed garage from side and rear lots lines.

These standards would be in addition to the "practical difficulty" and "particular hardship" standards set by State law and, perhaps, in lieu of some of the variation standards set in the Zoning Code.

We also recommend that the Plan Commission consider making all height increases subject to certain conditions, including conditions such as these:

1. No second floor or attic space may be used as a dwelling.
2. No kitchen, laundry, or other facilities distinct to a dwelling unit may be installed in the garage.

These conditions could be written directly into the amendment of the variation authority, making them applicable to every increase in garage height.

II. Administrative Adjustment

As noted in the introductory section of this memorandum, the Board of Trustees has asked the Village staff to consider a two-tiered approach for requests for applications for relief from certain bulk, yard, and space regulations, authorizing the Village Manager to approve certain applications while all other applications would proceed through the existing variation process. The Board of Trustees' desire is to streamline the process for granting zoning relief when an application meets specific criteria and is generally of a "routine," "non-controversial" nature.

This initiative could be discussed in conjunction with the Plan Commission's consideration of the pending garage-height text amendment application, because some of the issues related to that application apply to the initiative. In particular, the issue of creating specific standards applicable to certain variations would apply to administrative adjustments made by the Village Manager under a two-tiered approach. It also would be beneficial to get the Plan Commission's perspective on other issues, as well, such as an appropriate routing process, for example.

As you've requested, we will attend the public hearing on August 12 and help facilitate the Plan Commission's discussion of these matters.

5-13, 19

VILLAGE OF LA GRANGE
Community Development Department

MEMORANDUM

TO: Plan Commission

FROM: Patrick Benjamin, Community Development Director
Mark Burkland, Village Attorney

DATE: September 5, 2008

RE: **PLAN COMMISSION CASE #189 – ZONING TEXT AMENDMENT**

At its August 12 meeting, the Plan Commission discussed the application filed by Laura and Jack Thomas for a text amendment to the Zoning Code that would create authority in the Board of Trustees to grant variations of the maximum height limitations on detached garages in residential districts. At the conclusion of its discussion, the Plan Commission requested that the staff put together a draft text amendment for its consideration at its September meeting.

Attached is a draft text amendment for the Plan Commission's consideration. While there were many divergent opinions expressed by commissioners at the August 12 meeting, the draft attempts to incorporate the key overarching concepts discussed by the Plan Commission:

- A new height variation authority would be created for a detached garage accessory to a single family dwelling zoned in a residential district. The authority would be added to the end of the list of authorized variations in Paragraph 14-303E1 of the Zoning Code.
- Certain existing standards for variations in Subsection 14-303F of the Zoning Code would not be relevant to the new variation, including the standards related to unique physical condition, not self-created, denied substantial rights, and no other remedy. The remaining existing standards would continue to apply, including particular hardship or practical difficulty (required by State law), not merely a special privilege, code and plan purposes, and essential character of the area.
- Two new standards would apply to the new variation: (a) the house has historical architectural features and a variation is necessary for the garage to be significantly more compatible with those features and (b) the garage is set back from the lot lines further than the Zoning Code otherwise requires (suggested to be one foot for each foot of variation).

5-B.20

- The maximum variation is suggested to be three feet in height (that is, mean height) and three feet in absolute height.
- Special conditions are suggested to assure compliance with existing Zoning Code provisions, including among others conditions to prevent the second level of the garage from being converted illegally into a dwelling unit.

We ask that you review the suggested language and offer any final guidance for standards or limitations during your deliberations and make a recommendation to the Village Board on Tuesday evening. We will be in attendance on Tuesday to facilitate your final deliberations.

5-B.21

DRAFT TEXT AMENDMENT ADDING VARIATION AUTHORITY
FOR DETACHED GARAGES ACCESSORY TO SINGLE FAMILY DWELLINGS

Amendment of Zoning Code Subsection 14-303E

E. Authorized Variations

1. Permitted Variations.

* * *

- (p) To increase the height of a detached garage accessory to a single family detached dwelling classified in a single family residential district under this Code, subject to the following standards, limitations, and conditions:

Standards. The standards for variations set forth in Paragraphs 14-303F2, 3, 4, and 8 of this Code do not apply to variations considered under this Paragraph 14-303E1(p). When considering the standards for variations set forth in Paragraphs 14-303F1, 5, 6, and 7 of this Code, the Zoning Board of Appeals and the Board of Trustees should be guided by the following additional standards:

- (i) The single family dwelling to which the garage is accessory has historical architectural features, and the garage, with a height variation, may be constructed in a manner that is significantly more compatible with those features; and
- (ii) The garage is set back not less than **[one foot]** further from the lot lines than the distances required by Subsection 3-110C or any other provision of this Code for every additional foot of height for which a variation is granted.

Limitations and Conditions. Every variation granted under this Paragraph 14-303E1(q) is subject to all of the following limitations and conditions:

- (iii) No variation may exceed **[three]** feet in height (to a total height of **[18]** feet) or **[three]** feet in maximum height (to a total maximum height of **[22]** feet).
- (iv) No garage, whether attached or detached, is allowed on the subject property except the detached garage for which the variation is granted.

5-B.22

- (v) The second level of the garage may not be occupied as a dwelling unit at any time.
- (vi) No cooking equipment, toilet, bath, or shower is permitted on the second level of the garage.
- (vii) No floor-to-ceiling partition walls are permitted on the second level of the garage.
- (viii) The variation may be granted only for a specific design of the garage satisfying the standard in Paragraph (i) above, and the garage must be built in strict compliance with that design.
- (ix) The property owner must execute and record a declaration of covenants and restrictions on the subject property in a form satisfactory to the Village Manager before the variation becomes effective.

5582581_v1

5-18-23

TJT

TIMOTHY J. TROMPETER - ARCHITECT

318 S. Ashland Avenue, LaGrange, IL. (708) 352-7446

June 30, 2008

Village of LaGrange
53 S. LaGrange Road
LaGrange, IL. 60525

Attn: Patrick Benjamin, Community Development Director
Ph: (708) 579-2320
Email: pbenjamin@villageoflagrange.com

Re: Application for Amendment – Authorized Variation – Maximum Height – Accessory Structure
Laura & Jack Thomas
311 S. 6th Ave.
LaGrange, IL. 60525
H (708) 579-0553

Dear Patrick,

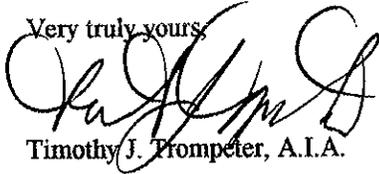
We are pleased to be requesting this Amendment to the Zoning Code for “Authorized Variation” with regard to the height of an accessory structure in a single family-zoning district. The reason that we are so interested in this change is the fact that the Thomas’s who recently purchased this home have acquired a copy of the original drawings of the house and also of the original stable. The house is located in the Historic District and the drawings were in the possession of the Historical Society. The coach house was designed at the same time as the house and has very similar characteristics and scale. The house was designed for Mr. E. K. Boisot (in 1906) by LaGrange Architect Jos. C. Llewellyn who happened to live across the street. There are several other Llewellyn residences nearby and they are all quite remarkable.

The Thomas’s have lived in LaGrange for over 12 years and have faithfully restored their previous residence at 211 S. Waiola Avenue (featured on the LaGrange Pillars House Walk in 2006). Their love and respect for older homes is quite evident in their willingness to pursue the Amendment so that the new garage can be built as close to the original design as possible.

We have an opportunity and also a duty to honor the original design of the stable especially considering we are located in the LaGrange Historic District. The original design had a footprint of 936 square feet and was 23 feet tall (which is much larger than we would want to build). We have taken a critical look at the proportions and key design elements and have scaled the garage down to a footprint of 726 square feet and a maximum height of 20 feet 10 inches. It is our intention to have a three-car garage with an interior stair to a second level workout area (this will not be living space).

Traditionally in our Zoning Code when there have been Authorized Variations the maximum variation allowed has been 20%. That is the amount that we have requested in our application for Amendment. Our specific design only requires a variation of 10% in both the maximum size and maximum height of an accessory structure. We have attached for your use a reduced set of the original drawings of the house and coach house and also a set of the drawings for the proposed garage.

Very truly yours,



Timothy J. Trompeter, A.I.A.

Cc: Laura & Jack Thomas

Attachments: Plat of survey, A1 Site Plan, A2 Plans & Elevations New Garage, copies original stable & house

5-B.24

APPLICATION FOR AMENDMENTS

Application # 189
Date Filed: 7-02-08
UARCO No.: 85496

TO THE PRESIDENT AND BOARD OF TRUSTEES
VILLAGE OF LA GRANGE, ILLINOIS

(please type or print)

Application is hereby made by Laura & Jack Thomas(Homeowners)- Tim Trompeter (Architect)

Address: 311 S. 6th Avenue Phone No. (708) 579-0553

Owner of property located at:

Permanent Real Estate Index No: 18044140020000, 18044140030000 & 18044140040000
as set forth by plat of survey attached hereto.

(1) REZONING FROM N.A. TO _____

(2) AMENDMENT (other than rezoning) OF THE ZONING ORDINANCE, as follows:
(Indicate Article, Section, etc. where applicable)

Subsection 14-303E, Authorized Variations, adding Subparagraph 14-303E1 (p). "To increase to a height of not greater than 18 feet and a maximum height of not more than 22.8 feet of a detached garage accessory to a single family dwelling located in a single family zoning district."

(3) PURPOSE of rezoning/amendment: Please see the attached cover letter to Patrick Benjamin dated June 30, 2008 and the attached drawings.

STANDARDS: The petitioner should state reasons and submit any pertinent evidence to support the following factors:

(a) Existing Uses and Zoning. The existing uses and zoning classifications of properties in the vicinity of the subject property.

The adjoining properties are all single family zoning lots. Our property measures 169 feet wide by 150 feet deep (25,350 square feet) a larger than normal parcel in an R-4 Zoning Classification. It is located in the Historic District and the home was built in 1906. We are very fortunate to be in possession of the original drawings of the home and the two story stable that currently does not exist. These original documents are the reason we are proposing a change in the height of an accessory structure in our current zoning code. We are trying to stay as true to the original design as we feel will be compatible with not only our home but also, all the adjacent properties. Please see the attached cover letter to Patrick Benjamin dated June 30, 2008 and the attached drawings.

5-B.25

(b) Trend of Development. The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present plan designation or zoning classification.

The current trend with regard to the adjacent homes is an ongoing upkeep and long term maintenance and improvement of their properties.

(c) Adverse Impact on Subject Property Value. The extent to which the value of the subject property is diminished by the existing plan designation or zoning classification applicable to it.

We do not believe there will be any adverse impact on our property or the neighborhood. Conversely we believe this will be viewed as an asset and an improvement.

(d) Presence or Absence of Offsetting Public Benefit. The extent to which such diminution in value is offset by an increase in the public health, safety, and welfare.

We feel that this will have an offsetting public benefit by recreating the previous stable design for a new three car detached garage. We propose to build an accessory structure that is Architecturally accurate and consistent with the original design and scale of the home. The new garage will be located completely in the required rear yard and adjacent to two other two car garages on adjoining properties. The existing two car frame garage that will be demolished is currently encroaching on the property to the north and this will be remedied with the new garage conforming to all required setbacks.

(e) Suitability for Use as Currently Zoned. The suitability of the subject property for uses permitted or permissible under its present plan designation and zoning classification.

The accessory structure we are proposing is in keeping with all the current uses in this zoning classification. See attached photos for the existing condition of the house and current garage.

(f) Lack of Development as Zoned. The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.

This is not applicable.

5-13,26

APPLICATION FOR AMENDMENTS

Application # 189
Date Filed: 1-02-08
UARCO No.: 85496

TO THE PRESIDENT AND BOARD OF TRUSTEES
VILLAGE OF LA GRANGE, ILLINOIS

(please type or print)

Application is hereby made by Laura & Jack Thomas(Homeowners)- Tim Trompeter (Architect)

Address: 311 S. 6th Avenue Phone No. (708) 579-0553

Owner of property located at:

Permanent Real Estate Index No: 18044140020000, 18044140030000 & 18044140040000
as set forth by plat of survey attached hereto.

(1) REZONING FROM N.A. TO _____

(2) AMENDMENT (other than rezoning) OF THE ZONING ORDINANCE, as follows:
(Indicate Article, Section, etc. where applicable)

Subsection 14-303E, Authorized Variations, adding Subparagraph 14-303E1 (p), "To increase to a height of not greater than 18 feet and a maximum height of not more than 22.8 feet of a detached garage accessory to a single family dwelling located in a single family zoning district."

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STANDARDS: The petitioner should state reasons and submit any pertinent evidence to support the following factors:

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5-B.28

(b) Trend of Development. The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present plan designation or zoning classification.

The current trend with regard to the adjacent homes is an ongoing upkeep and long term maintenance and improvement of their properties.

(c) Adverse Impact on Subject Property Value. The extent to which the value of the subject property is diminished by the existing plan designation or zoning classification applicable to it.

We do not believe there will be any adverse impact on our property or the neighborhood. Conversely we believe this will be viewed as an asset and an improvement.

(d) Presence or Absence of Offsetting Public Benefit. The extent to which such diminution in value is offset by an increase in the public health, safety, and welfare.

We feel that this will have an offsetting public benefit by recreating the previous stable design for a new three car detached garage. We propose to build an accessory structure that is Architecturally accurate and consistent with the original design and scale of the home. The new garage will be located completely in the required rear yard and adjacent to two other two car garages on adjoining properties. The existing two car frame garage that will be demolished is currently encroaching on the property to the north and this will be remedied with the new garage conforming to all required setbacks.

(e) Suitability for Use as Currently Zoned. The suitability of the subject property for uses permitted or permissible under its present plan designation and zoning classification.

The accessory structure we are proposing is in keeping with all the current uses in this zoning classification. See attached photos for the existing condition of the house and current garage.

(f) Lack of Development as Zoned. The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.

This is not applicable.

5-B.29

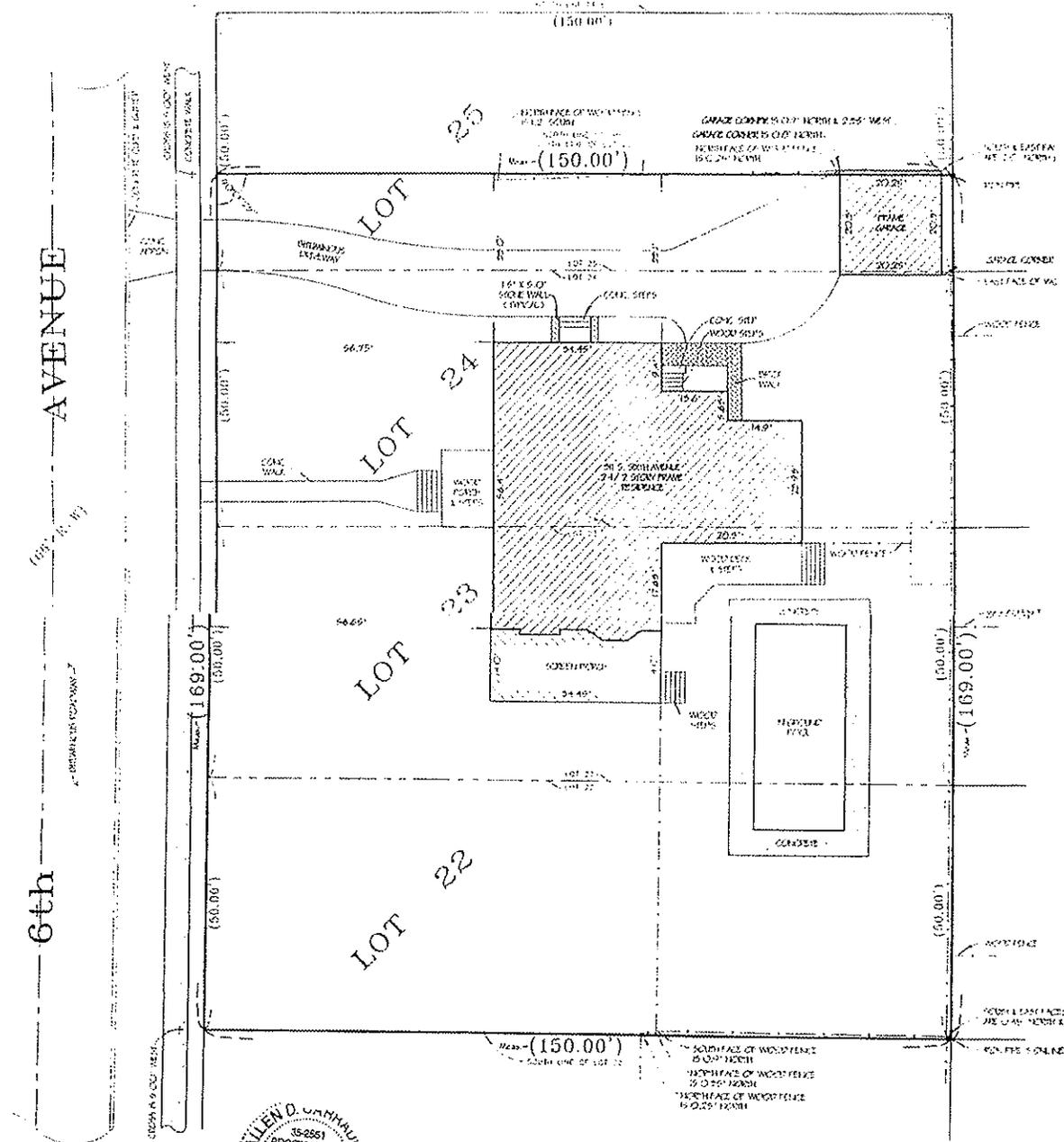
**EXHIBITS OF
PETITIONERS' PROPERTY
FOR REFERENCE**

5-B.31

11/22/04
 Manufacture Form
 Manufacture Form
 (PLS) 301-2211
 301-2211
 301-2211

PLAT OF SURVEY

LOTS 22, 23, 24 AND THE SOUTH 19 FEET OF LOT 25 IN BLOCK 18, IN LEIPER'S 2ND ADDITION TO LA GRANGE IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 35 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



ALLEN D. CARBAUS
 15-2561
 PROFESSIONAL
 LAND
 SURVEYOR
 STATE OF
 ILLINOIS
 WHEATON ILLINOIS

1 OF ILLINOIS) 55
 IV OF DU PAGE)

THIS IS TO CERTIFY THAT I, ALLEN D. CARBAUS, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF ILLINOIS, HAVE SURVEYED THE PROPERTY AS DESCRIBED HEREON AND THAT THE ANNEXED IS A CORRECT AND TRUE REPRESENTATION THEREOF, AND THAT THE PROFESSIONAL SERVICE FEE IS TO THE CURRENT ILLINOIS STANDARD FOR A BOUNDARY SURVEY.

SIGNED AND SEALED AT WHEATON, ILLINOIS THIS 15th DAY OF February, A.D. 2004.
 Allen D. Carbaus
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2561
 MY LICENSE EXPIRES NOVEMBER 30, 2008.

- NOTES
- All distances shown herein are in feet and decimal parts thereof corrected to 68° F.
 - Distances shown along curved lines are measurements unless otherwise noted.
 - Compare the Local Description, Building Lines, and Easements to those shown with this deed. This Insurance Policy by The Guaranty.
 - Cancel local authorities for additional setbacks and conditions not shown herein.
 - Compare all survey points and report any discrepancies immediately.
 - Consult utility companies and municipalities prior to the start of any construction.
 - Distances in and along buildings are interior horizontal measurements.
 - Do Not Assume Distances From Aerial Measurements unless Noted.

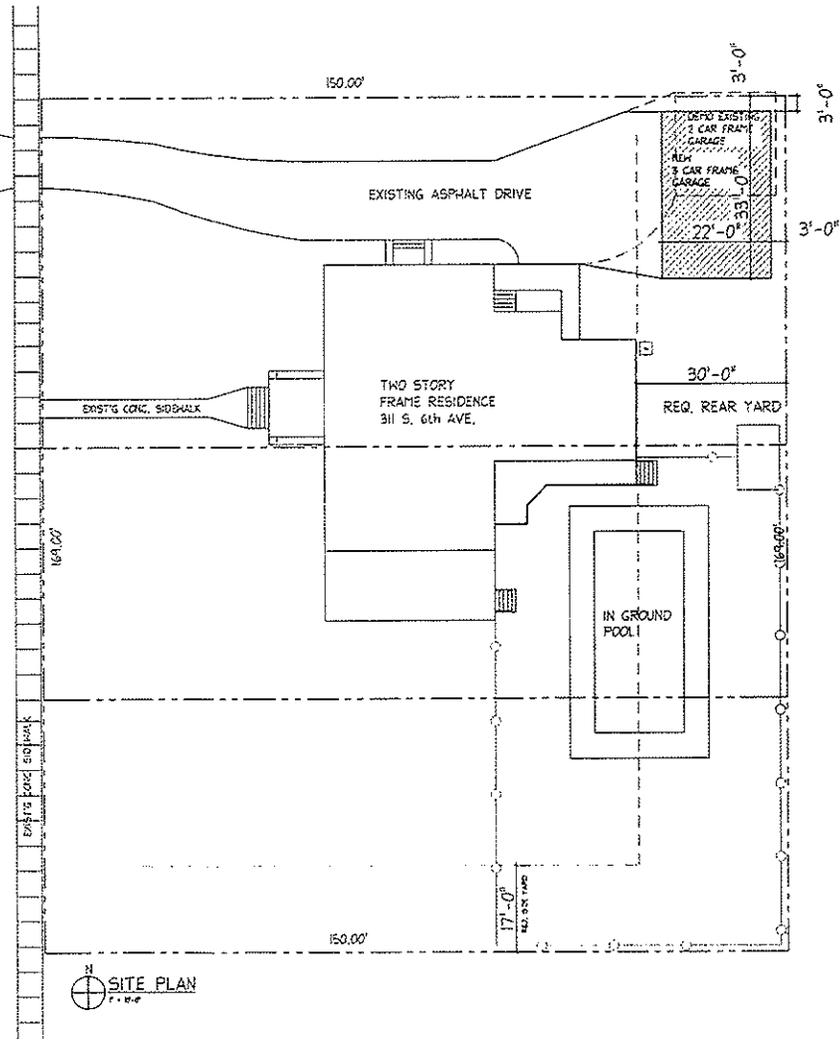
ALLEN D. CARBAUS
 Residential & Commercial Land Surveyor
 100 W. LIBERTY DRIVE, WHEATON, ILLIN
 (630) 588-0616 (FAX) 653-7682
 FREEDMAN, ANSELMO, UNDBERG &

5-B, 32

TYPICAL 1" BOUNDARIES ARE 1/8" = 10' UNLESS OTHERWISE NOTED. ALL DIMENSIONS TO THE CENTERLINE UNLESS OTHERWISE NOTED. DIMENSIONS OF ACCESSORIES ARE INDICATED.

LOT COVERAGE ZONING R-4
 LOT AREA (169' X 150') = 25350 S.F.
 MAX. LOT COVERAGE (30%) = 7605 S.F.
 HOUSE (W/ PORCHES) = 3353 S.F.
 DEMO EXIST'G GARAGE = 411 S.F.
 NEW GARAGE SIZE = 726 S.F.
 3353 SQ. FT. + 726 SQ. FT. = 4079 SQ. FT.
 4079/ 25350 = 16% LOT COVERAGE

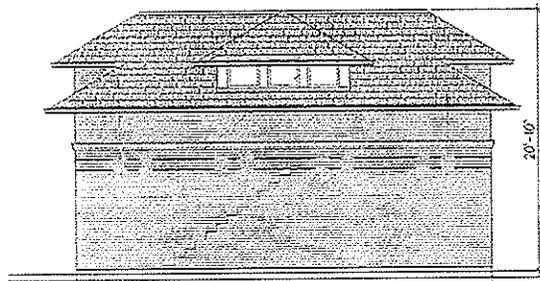
S. 6th AVENUE



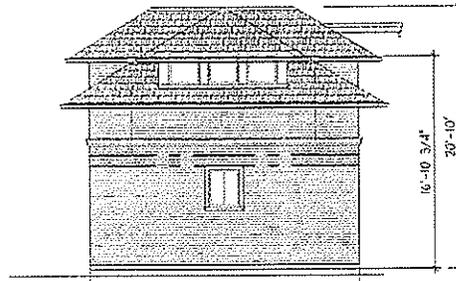
NO. DATE	
TIMOTHY TROPPETER - ARCHITECT TIMOTHY J. TROPPETER A.I.A. 124 S. MAIN AVE. SUITE 100 (702) 351-1428	
TJT	
NEW GARAGE FOR: LAURA & JACK TROPPAS 311 S. 6th AVENUE LAS VEGAS, NV 89102 (702) 351-1428	
T.T. © 2008	
A1	
0/2008	OF 1

5-B-33

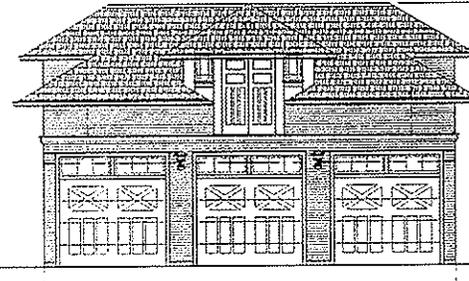
THIS DOCUMENT IS THE PROPERTY OF T.J.T. ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE, REPRODUCTION, OR ALTERATION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF T.J.T. ARCHITECTS IS STRICTLY PROHIBITED. ALL RIGHTS ARE RESERVED.



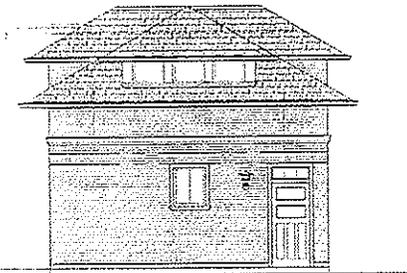
EAST ELEVATION
WF - 1/4"



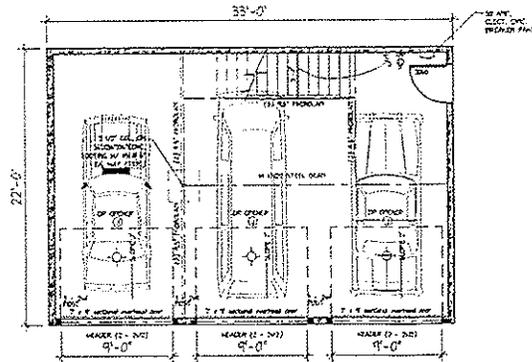
NORTH ELEVATION
WF - 1/4"



WEST ELEVATION
WF - 1/4"

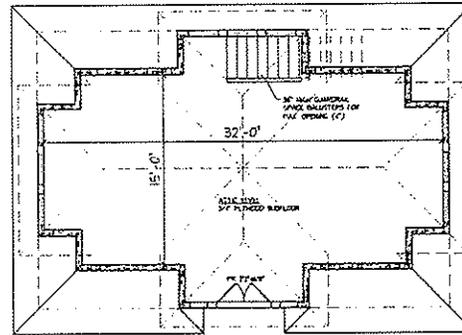


SOUTH ELEVATION
WF - 1/4"



FLOOR PLAN
WF - 1/4"

726 SQ. FT.



ATTIC PLAN
WF - 1/4"

NO.	DATE	REVISION

TIMOTHY J. TROPPIER - ARCHITECT
TIMOTHY J. TROPPIER A.A.
19 S. ASHLAND AVE.
ANN ARBOR, MI 48106
(734) 265-7424

TJT

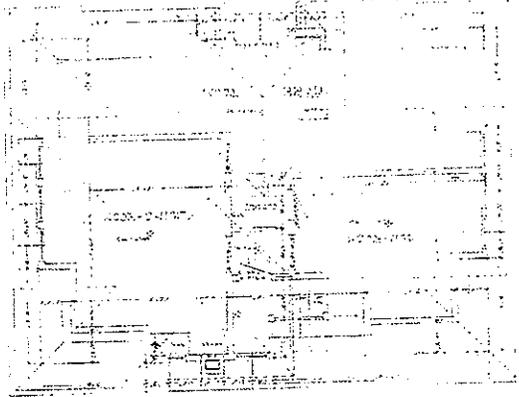
NEHI GARAGE FOR:
LAURA & JACK TROPPIER
371 S. 10th AVENUE
ANN ARBOR, MI 48106
(734) 265-7424

TJT © 2006
A2
SHEET 1 OF 1

5-B-34

STUBBLE FOR MR. R. M. JOHNSON
AT LAWYER, ILLINOIS
J. C. LAWRENCE, ARCHITECT
1001 N. W. 11th St.
MIAMI, FLA.

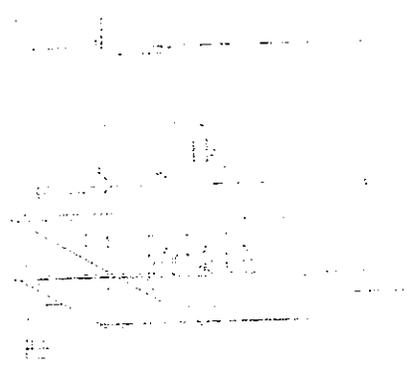
PLAN OF SECOND FLOOR



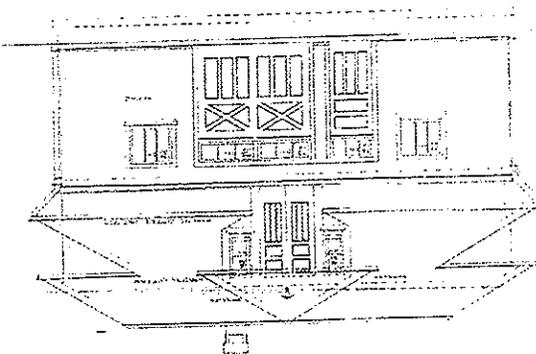
PLAN OF FIRST FLOOR



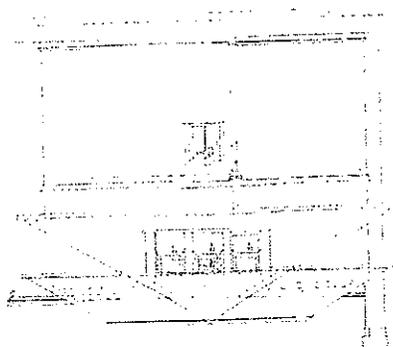
PLAN OF ROOF



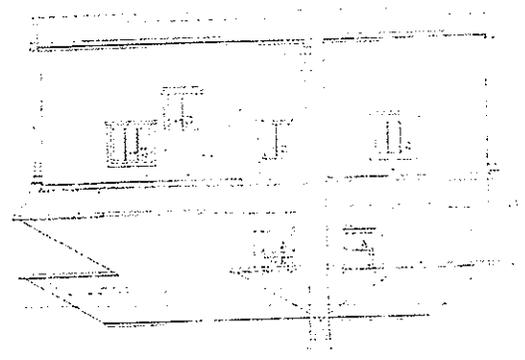
SECTION A-A



SECTION B-B

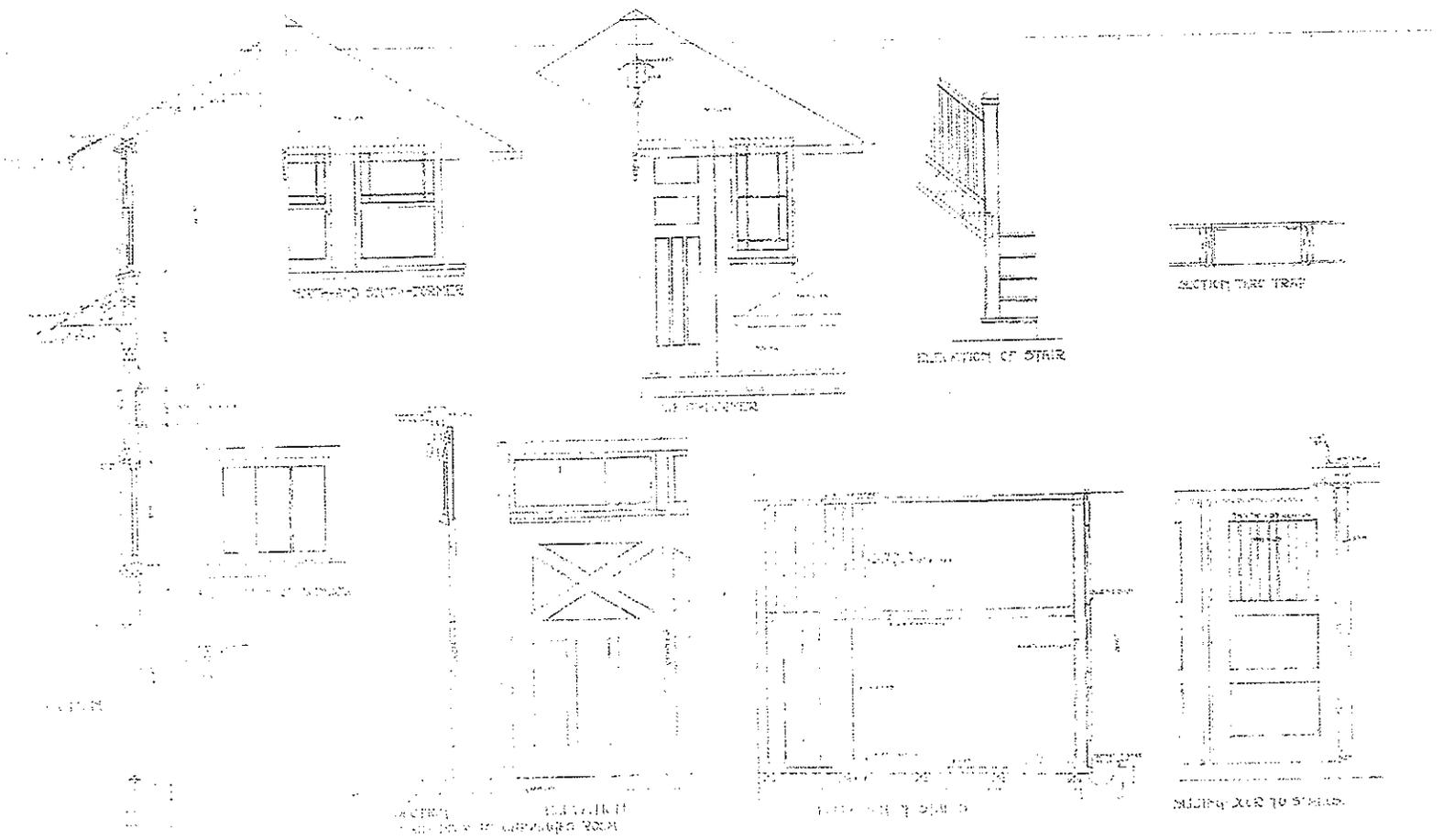


SECTION C-C



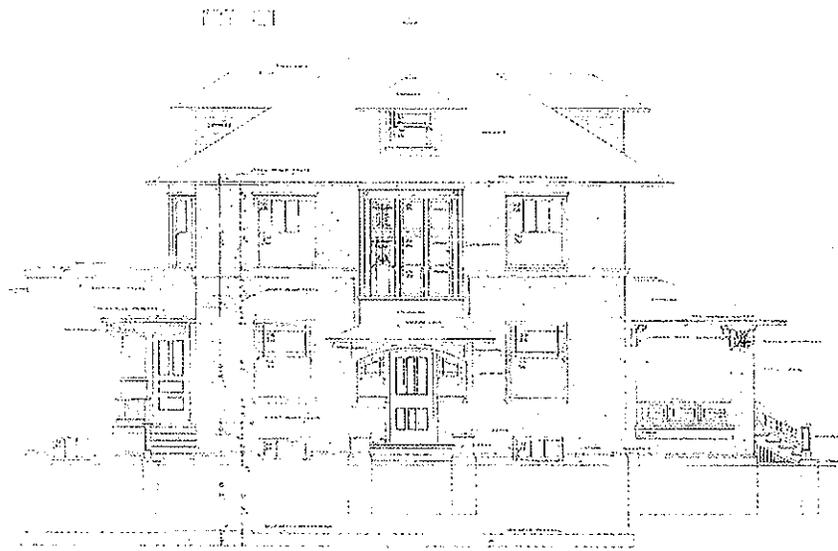
5-B.35

5-B.36



2

DRAWN FOR MR. H. K. BOISOT
 AT LAGRANGE, ILLINOIS
 J. C. LLEWELLYN, ARCHT. & ENGR.
 CHICAGO, ILL.



NORTH ELEVATION

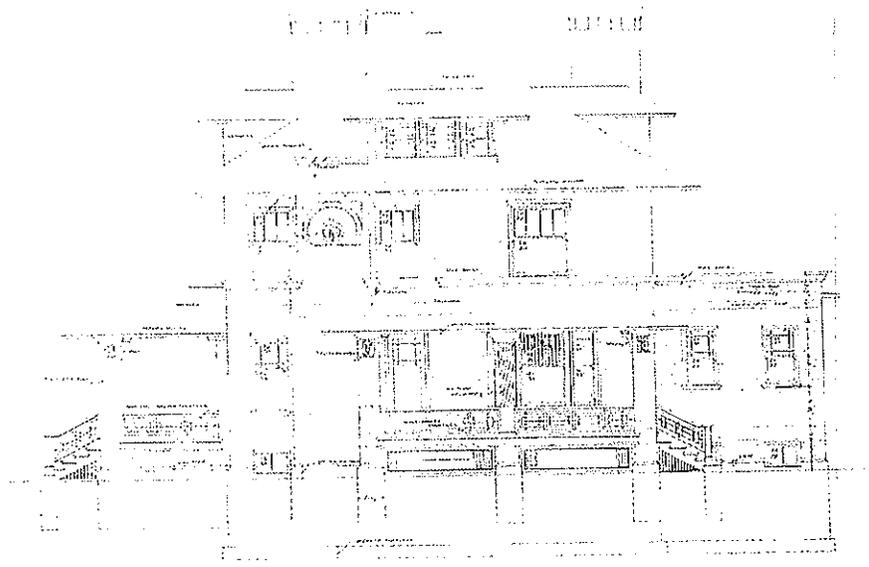


EAST ELEVATION

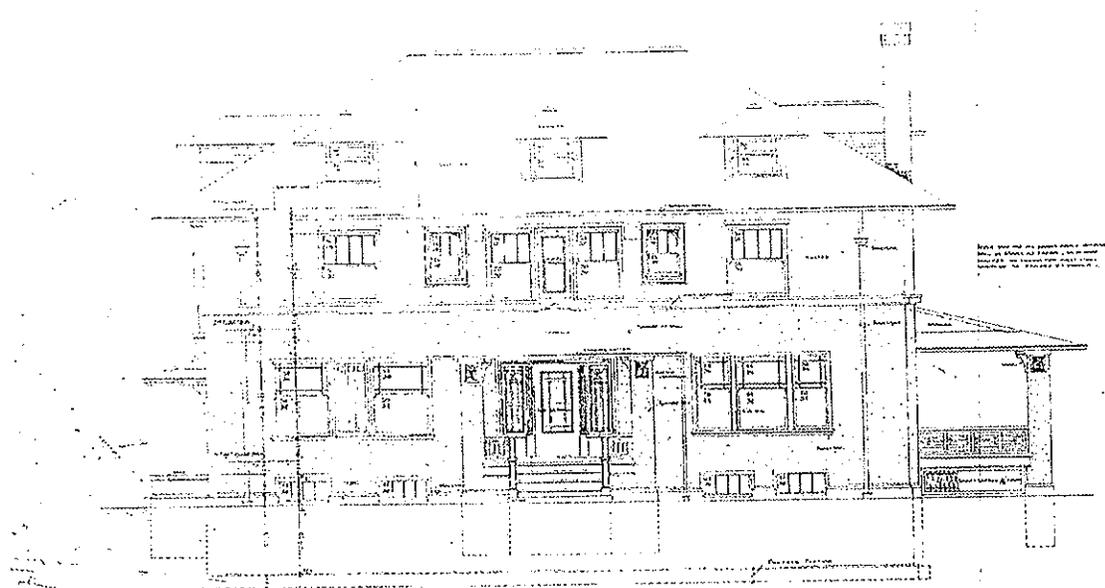
RESIDENCE FOR MR. J. K. DODD
AT LAGBANK, ILLINOIS
BY S. C. LLEWELLYN, ARCHITECT
SCALE 1/4" = 1'-0"

2

5-B.37



SOUTH ELEVATION



WEST ELEVATION

DEPENDENCE FOR MR. E. A. BOGOT,
 OF LAGRANGE, ILLINOIS, BY
 J. D. CLEWELLYN ARCHITECT.
 SCALE 1/8" = 1'-0"

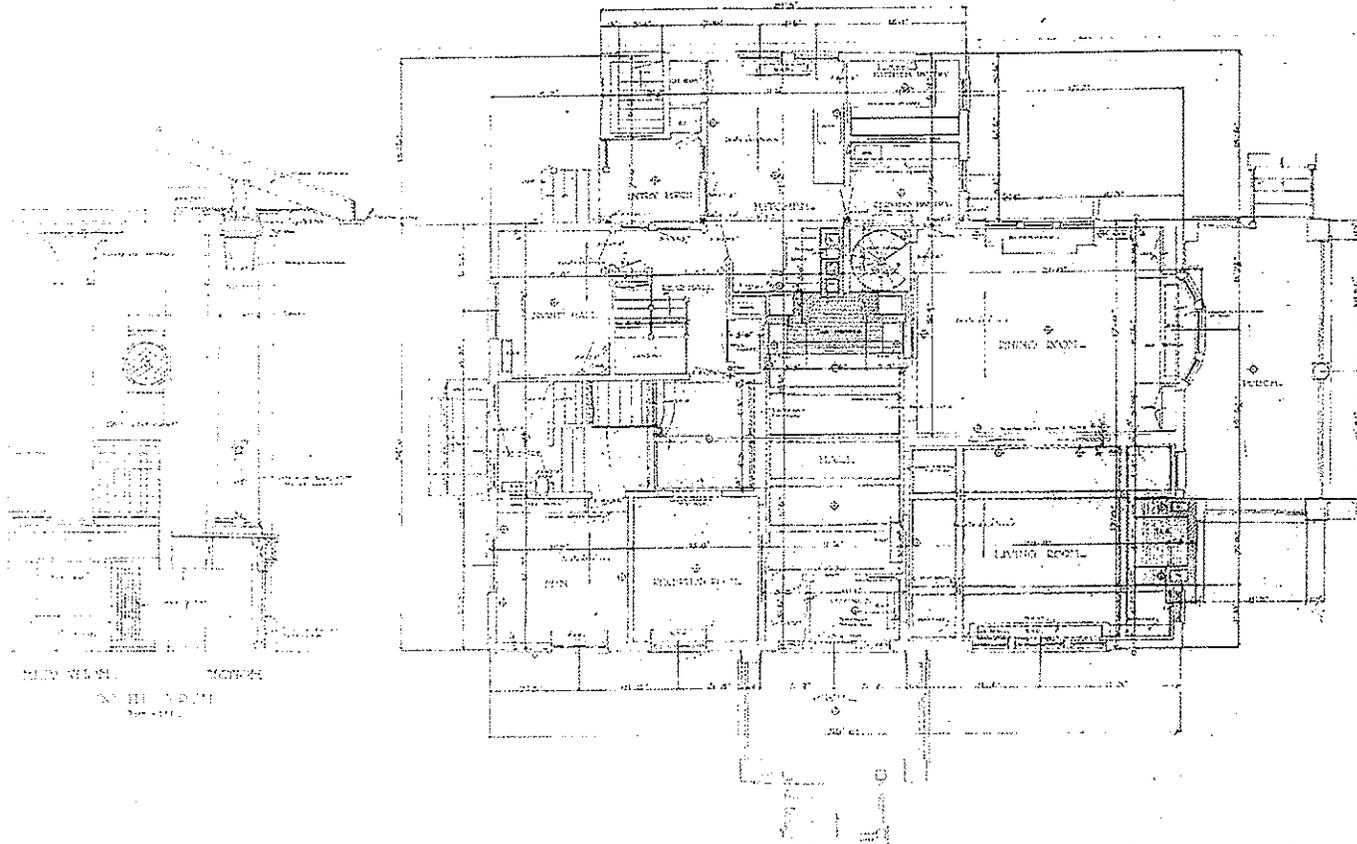


NOTICE

THIS DRAWING WAS PREPARED FOR A PARTICULAR PURPOSE AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. ALL DIMENSIONS SHOWN ON THIS DRAWING ARE TO BE CONSIDERED AS FINAL UNLESS OTHERWISE SPECIFIED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE ACCURACY OF ALL FIELD MEASUREMENTS. THE ARCHITECT ASSUMES NO LIABILITY FOR THE CONSTRUCTION OF THE WORK SHOWN ON THIS DRAWING.

5-B.38

5-B.39

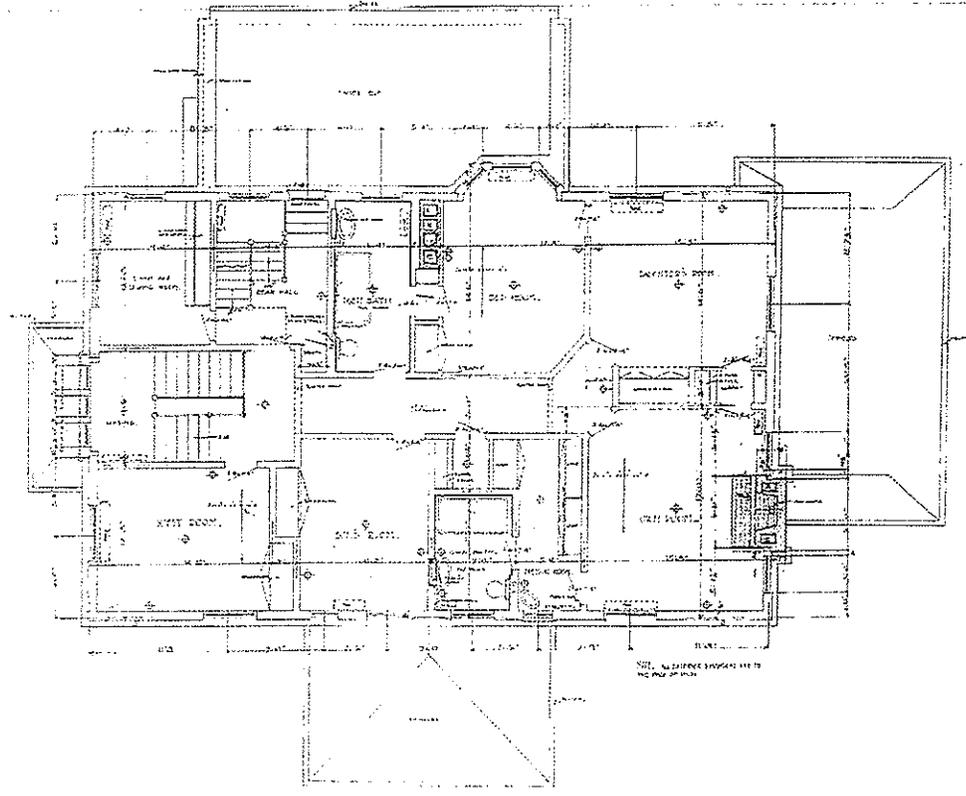


NORTH
NORTH



PLAN OF FIRST FLOOR
RESIDENCE FOR MR. E. K. BOGGS,
AT LAGANON, ILLINOIS
J. C. ELLEWELL ARCHITECT.
SCALE 1/8" = 1'-0"

5-B.40

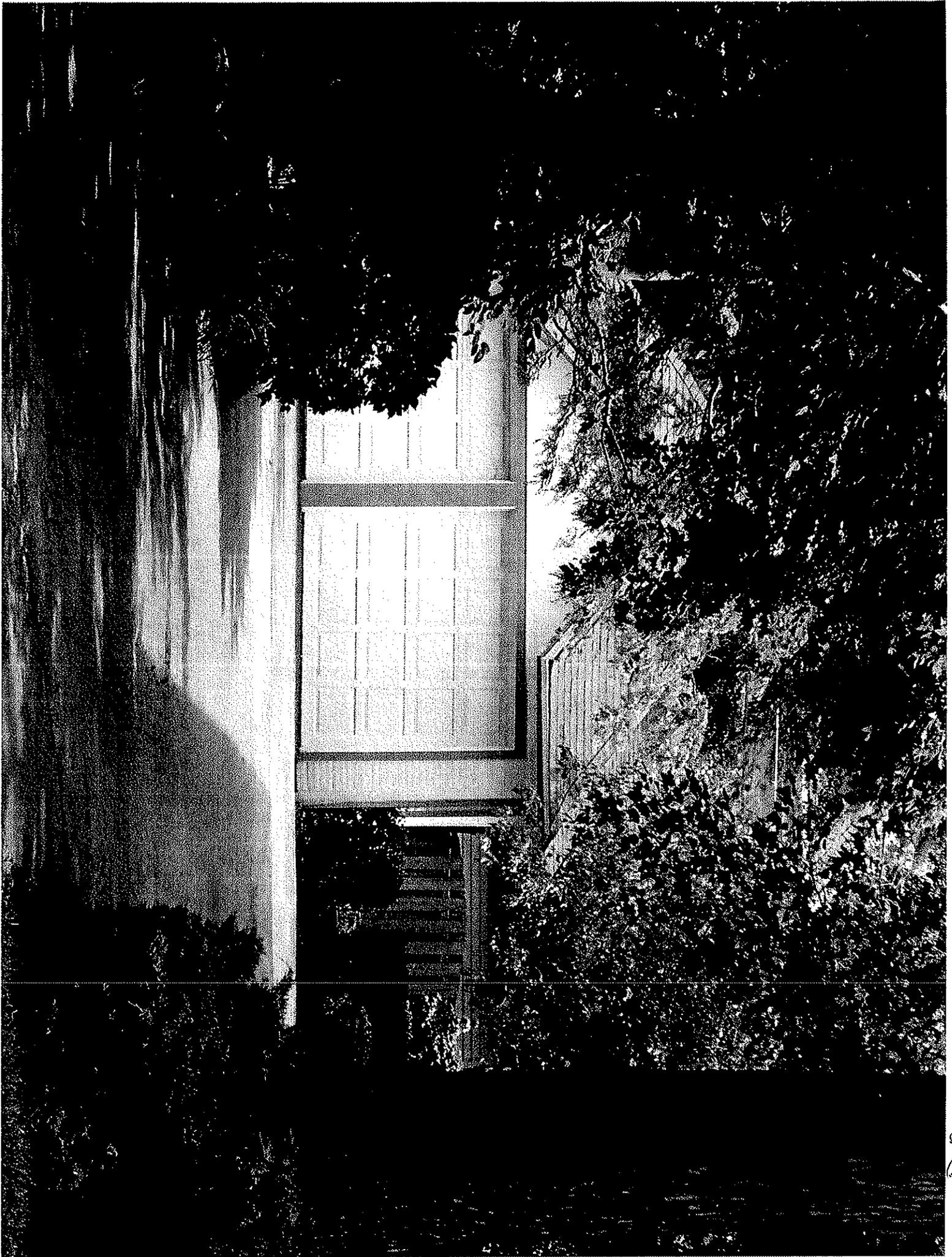


5

PLAN OF SECOND FLOOR
RESIDENCE FOR MR. E. K. DOBSON,
AT LAGRANGE, ILLINOIS.
JOS. C. LLEWELLYN, ARCHITECT.
SCALE: 1/8" = 1'-0"



5-B.42



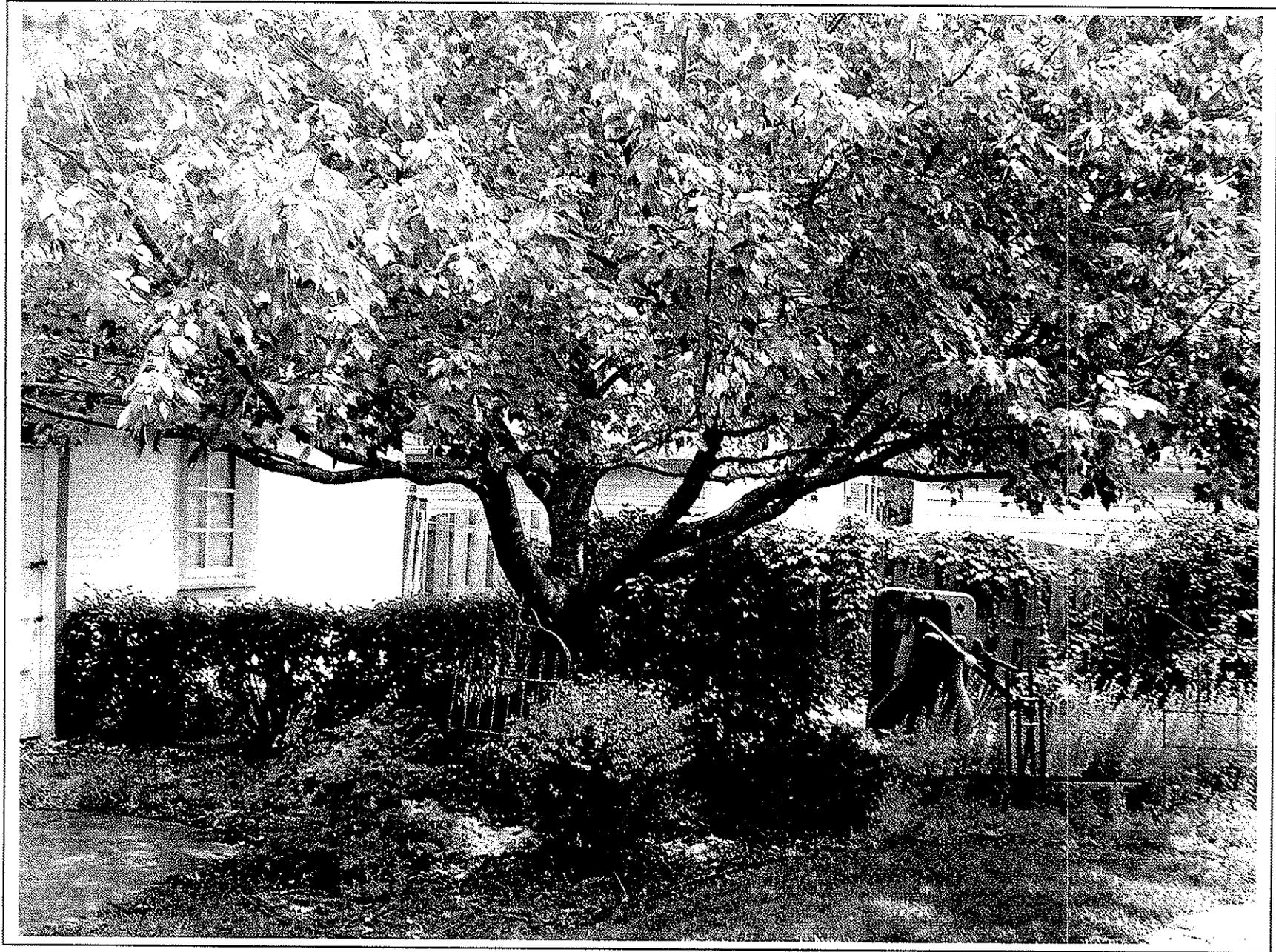
5-8-43

311 Sixth Street South to North view. Garage pictured to right extends 24 ft along back of yard, 7ft separation, and 9ft current exposure of garage in left of picture

5-B-44



311 Sixth Street. Angle view. Current Garage backs up to neighbor 1 Garage with 9ft exposed.. 7ft easement, then neighbor 2 garage and another 24ft of neighbors garage along back of property.



5-B.45

**Thomas Residence-Neighbors support
311 Sixth Street
LaGrange Il 60525**

We are proposing to build per the original 1904 House plans at 311 Sixth Street a smaller version of the original 2 story stable. Very minor modifications have been made to the outside so that it matches the architect's original vision for the property. We are asking for a height variance to no more than 22.8 feet to accommodate the design. By signing below, you are in support of a variance that will allow us to gracefully rebuild a smaller version per the original plans:

Print name	Address	Signature	YES
NANLY WEILER	240 So. 6 TH , L.G.	Nancy Weiler	✓
Linda Hadley	300 S. 6 th LG.	Linda Hadley	✓
Teri Pappas	308 S. 6 th LG.		✓
Mara Devitt	316 6 th Ave	Mara Devitt	✓
PAUL DEVITT	316 6 th AVE	Paul Devitt	✓
Greg Reynolds	324 S. 6 th Ave	Greg Reynolds	✓
LINDA KUSSENHEIM	321 S. 6 th AVE	Linda Kussenheim	✓
Eileen Stan Cleane	100 E. Maple Ave.	Eileen Stan Cleane	✓
Victoria Cutra	300 7 th Ave	Victoria Cutra	
Kara Sandt	308 7 th Ave	Kara Sandt	✓

Patrick Benjamin

From: John Thomas [j.thomas@moredirect.com]
Sent: Sunday, August 17, 2008 4:51 PM
To: pbenjamin@villageoflagrange.com
Cc: ttromp4@sbcglobal.net; jlebm@yahoo.com
Subject: Follow up to Meeting 8/12 regarding Case 189

Patrick,

Thanks for meeting with me on Wednesday AM following the Plan Commission meeting on 8/12 and reviewing my thoughts. Please forward to the members of the Plan Commission.

As we discussed, I think the 8/12 meeting delved into a number of other areas which is easy to do. My request is very straight forward.

My purpose for writing this is to express to the group the following:

1. I strongly believe that every tax payer in LaGrange should have the opportunity to discuss and request any variance they believe they are in need of. The process of charging a fee to file for a variance will self limit requests that the tax payer is not strongly committed to. In speaking with many of my neighbors' and friends in LaGrange, all of them were very clear that they believe they should not be limited in applying for a variance. Whether that variance is granted is a different question.
2. Rules should encourage the behavior we want-The fact that attaching the garage to the house has an entirely different set of rules(37 ft vs. 19 ft) and is far less restrictive than detached garages encourages homeowners in the Historic district to attach the garage to their house. This does not promote keeping the historic district "historic" with progress. This encourages homeowners to meet their needs by attaching the garage to their house. This rewards bizarre designs. The rules should encourage homeowners to preserve and design with the original intent of the district in mind-detached structures.
3. Code vs. Enforcement- We have plenty of code in LaGrange that stipulates that a detached garage on a property with a home can not be rented. The code is clear. The enforcement of that code is what I believe should be discussed.
4. Subdivision rules in a historic district do not work-The homes south of 47th are clearly different than the homes in the historic district. The homes, the lots and the needs of the homeowners are different. As was said during the meeting, there is no standard lot size in LaGrange. Most homes and configurations are different. Trying to enact a one size fits all without reasonable variances due to lot size, historic value etc. is not in the best interest of LaGrange.
5. Renting living space in a garage in LaGrange is against code unless grandfathered. Whether the garage is 19 ft or 22 ft-it is still against code. It's an enforcement issue. I have been in most of the 2 story garages built in the 5 years prior to the new code being enacted in the historic district and not one of them is being rented! Not even a consideration. I remember that these were the garages that sparked the desire to restrict garage size. As was stated, in response to these garages the current max height was "reverse engineered" to prevent the ability to rent space above the garage. Specifically, how many of these non-grandfathered, 11-15 year old garages are rented? With respect to the Planning meeting and comments about knowledge of illegally rented garages... what actions were taken against those garage(s) sited as being recently built and rented illegally? Are they still being rented? Are officers of the village aware of illegally rented garages? What actions did the officers of the village take? Were they "shut down"? Overall, according to comments made at the meeting, the 19 foot limit was chosen to specifically restrict the rental of living space above the garage. This limit does not seem to be necessary to prevent garage rental and actually has had some other rather negative consequences.
6. In the 21st century people want space for things like home offices, work-out rooms, art studios, media rooms and storage. Many people in the historic district have low ceilings in their basements. In land locked LaGrange, with many concerned about rain water run-off, people should be able to utilize space that does

8/18/2008

5-B.47

not increase their lot coverage. As good neighbors and residents of the historic district, we want to be able to not only design this space to fulfill these functions but also to be aesthetically pleasing and historically compatible.

In summary, I believe we need rules. Rules are good for our community. However, we need rules to be pliable because of the diverse nature of our housing stock. We should encourage our homeowners to build accurately historic structures within reason. It should be every homeowner's right to have their "day in court" and see if an exception is reasonable and in the best interest of the community.

I believe you should vote to amend the zoning text so that homeowners can apply for a variance on height to be heard.

I trust that each of the committee members will be able to make the right decision for our community.

Sincerely

Jack and Laura Thomas
311 Sixth Street
LaGrange IL 60525

VILLAGE OF LA GRANGE
Administrative Offices

BOARD REPORT

TO: Village President, Village Clerk,
Board of Trustees and Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager

DATE: October 13, 2008

RE: **LA GRANGE THEATER — CONTINUED DISCUSSION**

We have talked to the theater owners and they have agreed to the concept advanced by Trustee Kuchler, whereby the Village would purchase an easement encompassing the façade of the theater building. The owners of the theater would then return the Village's investment at the time the theater would cease operations.

Under separate cover, you will receive confidential financial information previously requested by individual members of the Village Board.

At this time, we do not have additional information as to the scope of improvements at a Village funding level between \$1.0M — \$1.35M.

President Asperger has requested that this item be placed on the regular agenda for Monday night for further discussion for two reasons. First, President Asperger would like to provide the Village Board with the opportunity to clarify the structure of the proposed easement purchase among yourselves and with the owners of the theater. Second, as our next regular meeting is a Town Meeting, and as it has been our practice to keep those agendas light, the next opportunity to consider this matter is Monday, November 10. It was felt that a nearly six-week gap in considering this matter, was too long of a time period.