

# Village of La Grange



## VILLAGE BOARD MEETING

**MONDAY, SEPTEMBER 8, 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, September 8, 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. Oath of Office – Firefighter / Paramedic Daniel Rietveld
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 – Variation – Side and Rear Yard Regulations for Accessory Structures / John Edinger and Maria Niedos, 226 S. Ashland
  - B. Ordinance – Variation – Fence Height on Corner Side Yard / 30 N. Brainard Avenue
  - C. Ordinance – Variation – Side Yard Regulations for Accessory Structures / 1 N. Edgewood

- D. Purchase – Public Works Department / Replacement Asphalt Roller and Trailer
- E. Purchase – Public Works Department / Replacement Dump Truck
- F. Consolidated Voucher 080908
- G. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, August 25, 2008

5. CURRENT BUSINESS

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

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

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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  
Fire Department

**BOARD REPORT**

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

FROM: Robert J. Pilipiszyn, Village Manager and  
David W. Fleege, Fire Chief

DATE: September 8, 2008

RE: **OATH OF OFFICE – FIREFIGHTER/PARAMEDIC DANIEL  
RIETVELD**

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With the most recent resignation of Firefighter/Paramedic Jason De Angelis in July 2008, a vacancy was created in the La Grange Fire Department. The La Grange Board of Fire and Police Commissioners have appointed Mr. Daniel Rietveld to the position of Firefighter/Paramedic effective September 2, 2008.

Daniel is a licensed paramedic and certified firefighter. He has 4 years of fire service experience, most recently as a Firefighter/Paramedic with the Crete Township Fire Department. He resides in Beecher, Illinois.

We are pleased to present Daniel Rietveld to the Village Board and we invite him to step forward so that Village Clerk Robert Milne can administer the oath of office.

2-A

**OMNIBUS VOTE**

VILLAGE OF LA GRANGE  
Community Development Department

**BOARD REPORT**

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

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

DATE: September 8, 2008

RE: **ORDINANCE - VARIATION - SIDE AND REAR YARD REGULATIONS  
FOR ACCESSORY STRUCTURES/JOHN EDINGER AND MARIA NIEDOS,  
226 S. ASHLAND**

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John Edinger and Maria Nidos, owners of the property at 226 S. Ashland, have applied for a variation from side and rear yard requirements for accessory structures in order to replace a detached garage. According to the petitioner, the existing garage is an old horse stable in need of replacement. There is also a large tree in the backyard that prohibits observing the required setbacks. The subject property is located in the R-4 Single Family Residential District. The property in question is slightly smaller than typical smaller properties with a lot depth of 124 feet.

Accessory structures must be setback a minimum of three (3) feet from the side and rear lot lines. Currently, the detached garage is located one foot from the side and rear lot lines. According to the petitioners, the house, driveway and garage were constructed in the current location on the property in the 1880s. The previous owners planted the existing mature tree adjacent to the garage approximately 20 years ago. Without the setback variation, the garage would be located too close to the mature tree and create difficult access for vehicles. Therefore, the applicants originally requested a variation of two feet from both the rear and side yard setback to construct a 20' by 23' garage.

On July 17, 2008 the Zoning Board of Appeals held a public hearing on this matter. During the hearing some Commissioners felt that one criteria the Zoning Board needs to consider is granting the minimum necessary variation to address the Petitioner's need and when there is a unique physical condition, they have generally stuck to the 22' by 22' as the standard garage. The Commissioners felt that they would feel more comfortable recommending the side yard variation, but preferred a lesser rear yard variation. With this in mind the applicant amended their application at the hearing to request a 20 by 23 foot garage with a two foot variance from the side yard setback and a one foot variance from the rear yard setback. At the public hearing the Commissioner making the motion to grant the approval of the setback mistakenly stated a 22 foot by 23 foot garage. It was the intention of the applicant to construct a 20 by 23 foot garage. In addition, a 22 by 23 foot garage would require a separate publication and separate variance from maximum garage size restrictions. It was the Zoning Board of Appeals' intent to approve the setback variance and thus unanimously recommend approval of the two foot variance in the side yard setback and a one foot variance in the rear yard setback.

Staff has prepared the attached ordinance authorizing the variation for your consideration.

4-A

VILLAGE OF LA GRANGE

ORDINANCE NO. O-08-\_\_\_\_\_

AN ORDINANCE GRANTING A ZONING VARIATION  
FOR CONSTRUCTION OF A DETACHED GARAGE  
AT 226 S. ASHLAND AVENUE

WHEREAS, John Edinger and Maria Nidos, are the owners (the "Owner") of the property commonly known as 226 S. Ashland Avenue, La Grange, Illinois, and legally described as follows:

Lot 7 in Block 10 in La Grange, being a Subdivision in the East ½ of the South West ¼ and a part of the North West ¼ lying South of the Chicago Burlington and Quincy Railroad in Section 4, Township 38 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

(the "Subject Property"); and

WHEREAS, the Owner has applied for a variation from the side yard required for accessory structures by Paragraph 3-110-G9 of the La Grange Zoning Code in order to construct a detached garage on the Subject Property; and

WHEREAS, the La Grange Zoning Board of Appeals conducted a public hearing to consider the application on July 17, 2008, pursuant to proper public notice, and recommended in its Findings and Recommendation dated July 17, 2008, that the variation be approved; and

WHEREAS, the President and Board of Trustees have reviewed the record of the public hearing and the Findings and Recommendation of the Zoning Board of Appeals and have determined that the application satisfies the standards set forth in the La Grange Zoning Code for the grant of a variation;

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 incorporated into this Ordinance as findings of the President and Board of Trustees.

Section 2. Grant of Variation. The Board of Trustees, pursuant to the authority granted to it by the laws of the State of Illinois and the La Grange Zoning Code, hereby grants to the Owner a variation from the side yard standard for accessory structures of Paragraph 3-110-G9 of the La Grange Zoning Code to reduce the side yard required on the Subject Property by two feet and the required rear yard by one foot for a detached garage, subject to all of the following conditions:

- A. The variation is granted only to authorize construction of 20 feet by 23 feet detached garage in substantial conformity with the design drawings and site plan attached to this Ordinance as Exhibit A (the "Approved Design"). The permit drawings to be prepared by the owner must conform to the Approved Design.

4-A.1

- B. If the garage is constructed in violation of any term or condition of this Ordinance, then the Village may order the garage to be demolished and may rescind the approval granted by this Ordinance.

Section 3. Effective Date. This Ordinance will be in full force and effect from and after (a) its passage, approval, and publication in pamphlet form as provided by law, (b) execution by the Owner, and (c) approval by the Village's Director of Community Development of conforming plans for the garage as required by Subsection 2A of this Ordinance.

PASSED this \_\_\_\_ day of \_\_\_\_\_ 2008, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

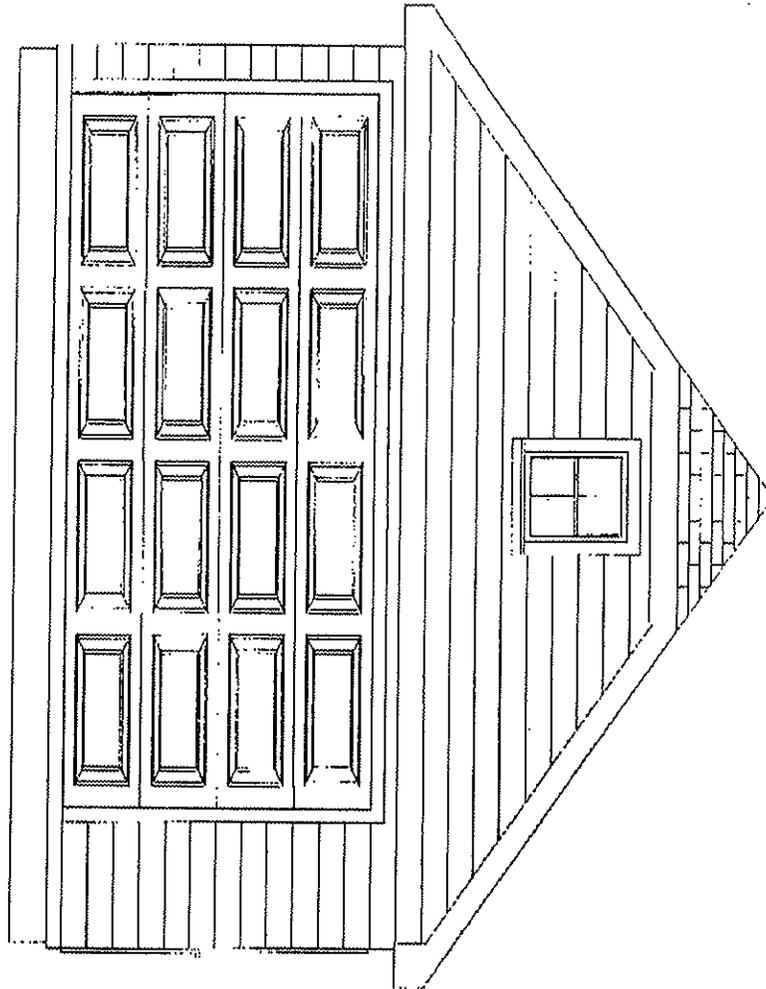
APPROVED by me this \_\_\_\_ day of \_\_\_\_\_ 2008.

\_\_\_\_\_  
Elizabeth M. Asperger, Village President

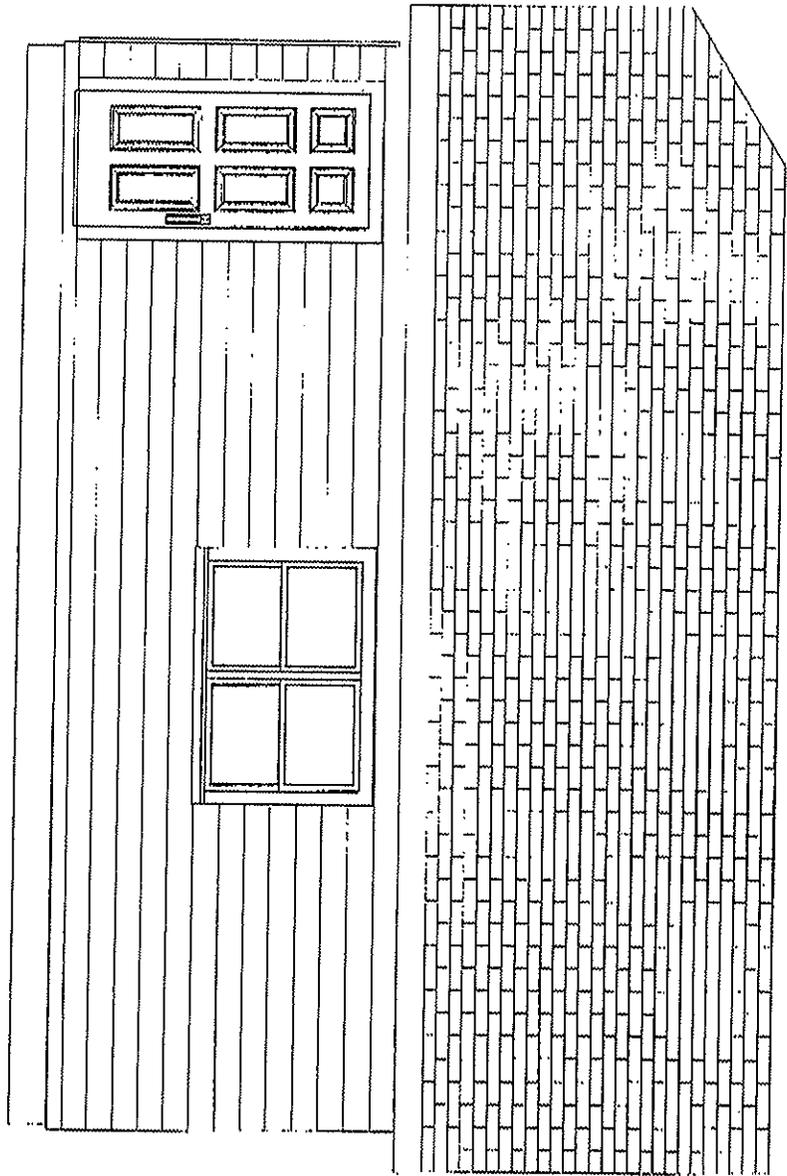
ATTEST:

\_\_\_\_\_  
Robert N. Milne, Village Clerk

4-A-2

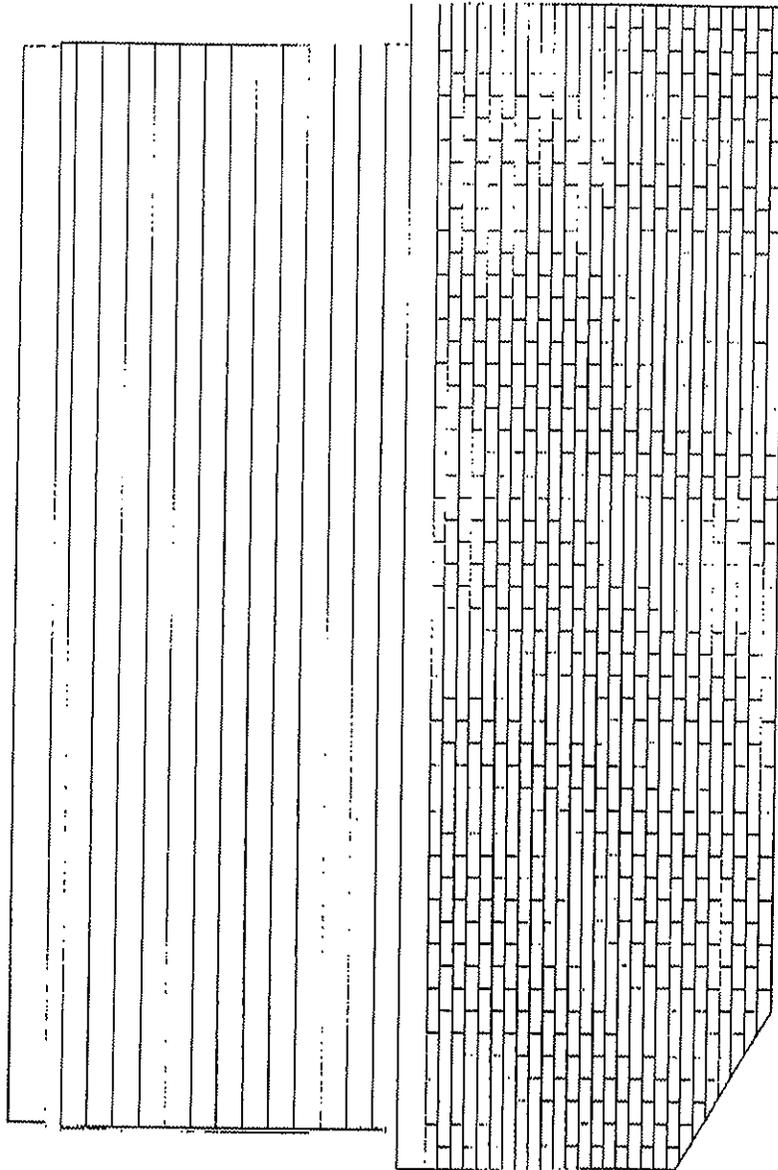


New garage will have garage door offset to the south to shift it away from the mature tree.



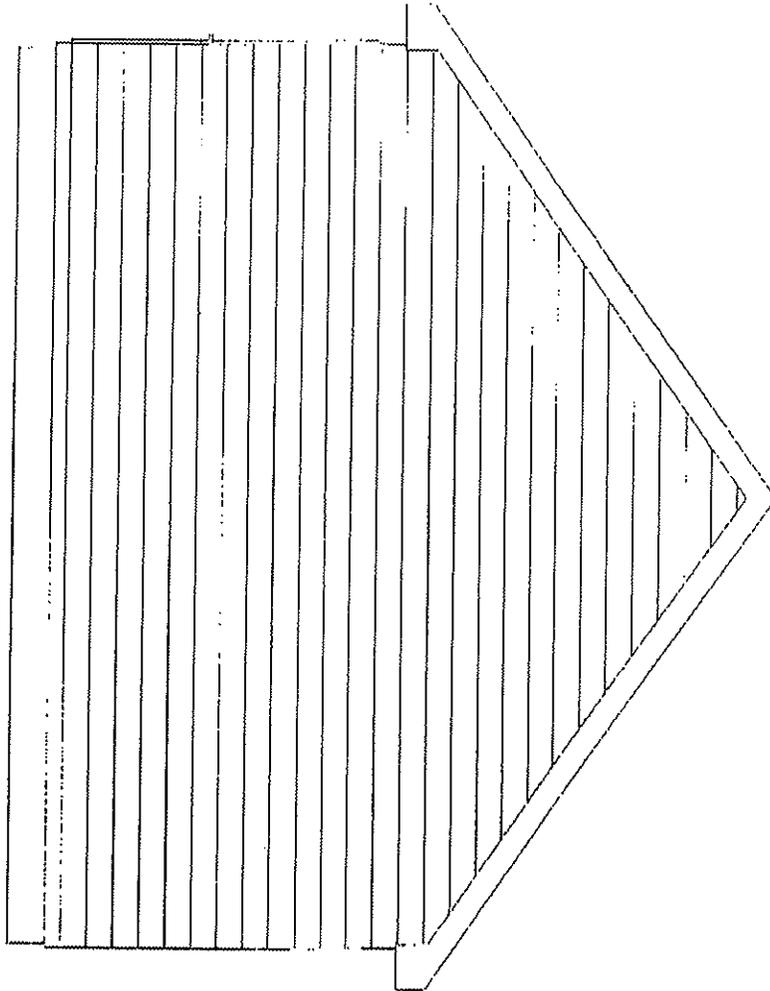
4-A-4

Exhibit "A" pg. 2 of 4



4-A.5

Exhibit "A" pg. 3 of 4



4-A.6

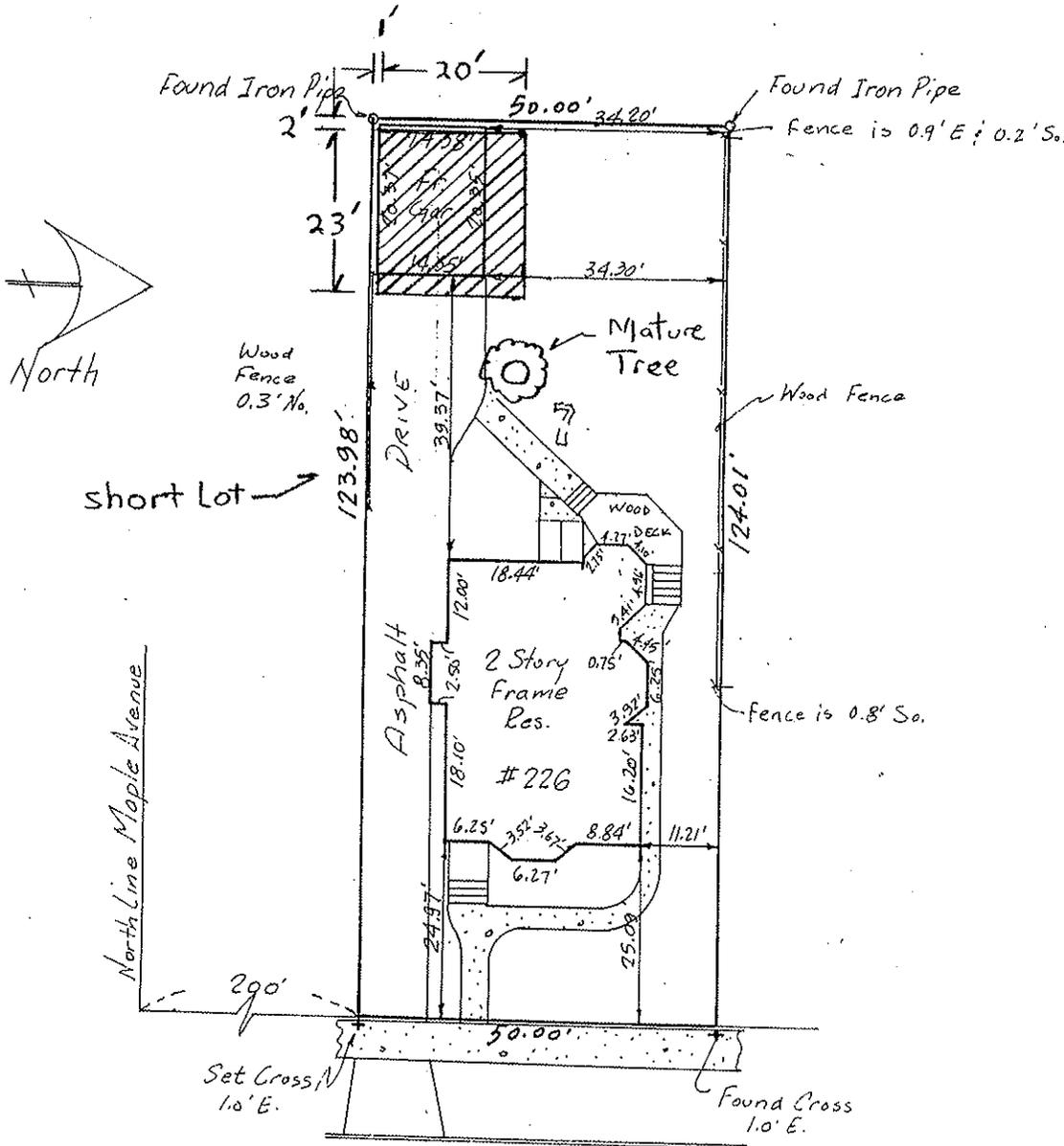
Exhibit "A" pg. 4 of 4

# PLAT OF SURVEY

Lot 7 in Block 10 in La Grange, being a Subdivision in the East 1/2 of the South West 1/4 and a part of the North West 1/4 lying South of the Chicago Burlington and Quincy Railroad in Section 4, Township 38 North, Range 12 East of the Third Principal Meridian in Cook County, Illinois.

John Edinger / Maria Niedos  
226 S. Ashland  
La Grange

Garage 20' x 23' = 460 ft.<sup>2</sup>



Carport & Metal Sto. removed  
Deck & walk added  
NW Corner House revised  
8-22-92

ASHLAND AVENUE

STATE OF ILLINOIS )  
COUNTY OF COOK )

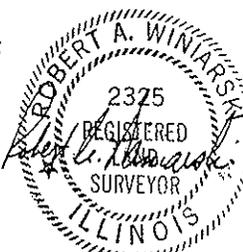
Resurveyed 22<sup>nd</sup> day of Aug 1992

ROBERT A. WINIARSKI RLS 2325

I, Robert A. Winiarski, a Registered Illinois Land Surveyor, hereby certify that I have surveyed the above described property and that this Plat is a true and correct representation of said survey. All dimensions are given in feet and decimal parts thereof, corrected to 68 degrees Fahrenheit.

Dated this 1<sup>st</sup> day of April 1986

For building line and other restrictions not shown here-  
no refer to your plat.



ORDER NO. 92-48

ORDER NO. 86-24  
SCALE - 1 inch = 20 Feet

ENGINEERS & SURVEYORS

8741 South Hillside Drive  
Hickory Hills, Illinois 60531

4-A-7

**FINDINGS OF FACT**

ZONING BOARD OF APPEALS  
OF THE  
VILLAGE OF LA GRANGE

July 17, 2008

President Asperger and  
Board of Trustees

RE: **ZONING CASE #573 - VARIATION – SIDE AND REAR YARD REGULATIONS  
FOR ACCESSORY STRUCTURES – JOHN EDINGER AND MARIA NIEDOS -  
226 S. ASHLAND**

The Zoning Board of Appeals transmits for your consideration, its recommendations for a request of zoning variation necessary to construct a detached garage at 226 S. Ashland.

**I. THE SUBJECT PROPERTY:**

The subject property in question is a residential lot, 50 foot width and a depth of 124 feet.

**II. CHARACTERISTICS OF THE SURROUNDING AREA:**

The subject property is located in the R-4 Single Family Residential District.

**III. VARIATIONS SOUGHT:**

The applicant seeks a variation from Paragraph 3-110G9 (Side and Rear Yard Regulations for Accessory Structures) of the Village of La Grange Zoning Code by 2.25 feet. Sub Paragraph 14-303E1(a) Authorized Variations, allows the reduction of any required yard setback. The requested variation falls within the authorized limits of the Zoning Code.

**IV. THE PUBLIC HEARING:**

After due notice, as is required by law, (including legal publication, posting at the subject property and courtesy notices to owners within 250 feet of the subject property) the Zoning Board of Appeals held a public hearing on the proposed variation in the La Grange Village Hall Auditorium on July 17, 2008. Present were Commissioners Nathaniel Pappalardo, Rosemary Naseef, Charles Benson, Jr. (arrived at 7:38 p.m.), Kathy Schwappach and Chairperson Ellen Brewin presiding. Also present was Community Development Director Patrick Benjamin. Testimony was given under oath by the applicants. No objectors appeared at the hearing and no written objections have been filed to the proposed variation.

Chairperson Brewin swore in John Edinger and Maria Niedos, owners of the property at 226 S. Ashland, who presented the application and answered questions from the

4-A-8

Commissioners:

- Mr. Edinger stated that the garage is an old horse stable that is need of repair. He also stated that there is a large tree in the backyard that prohibits observing the required setbacks. He further stated that they are attempting to replace the garage exactly where it is.
- Mr. Edinger He stated that they have a shorter lot than most as it is only 124 feet deep, whereas more of the standard lots are 125 feet deep. Although they could erect a shed, they prefer the garage. They do not want a third structure on their property.
- Due to the age of the home, there is not a lot of storage in the house, just an old cellar.
- In designing the garage, they are going to clip the gables to match the existing house.

Chairperson Brewin solicited questions from the Commissioners:

- Commissioner Naseef asked if it was possible to be a 22 by 22 garage so it would not have to go into the rear yard setback. Answer: They did think about that but they believe that the garage as designed would provide for a better appearance.
- Chairperson Brewin asked if structurally the building was sound. Answer: It is deteriorating, as you can tell by the paint lines in the siding. Being that it was an old stable, it has a wooden floor and if you are up on the second floor, you can feel the building sway.

*Under the provisions of the Zoning Ordinance, no variation shall be granted unless the applicant establishes that carrying out the strict letter of the provisions of this code would create a particular hardship or practical difficulty. Such a showing shall require proof that the variation sought satisfies certain conditions. The following facts were found to be evident:*

1. Unique Physical Condition:

This zoning lot is typical of most single lots in the R-4 Single Family Residential Zoning District between Kensington and Madison, and Cossitt to 47<sup>th</sup> Street. The depth of the property, 124 feet, is slightly smaller than typical of the smallest lots in the Village, which measure 125 feet. In addition, a mature tree is located between the house and garage

2. Not Self-Created:

4-A-9

According to the petitioners, the house, driveway and garage were constructed in the current location on the property in the 1880s, and previous owners planted the existing mature tree approximately 20 years ago. The petitioners purchased the property in 1986 have made no changes to the property that would affect the location of the garage.

3. Denied Substantial Rights:

A two-car garage is a right enjoyed by many residents in La Grange for automobiles and storage. The petitioner wishes to enjoy the same rights as the neighbors and other village residents. The Zoning Code requires a minimum of two parking spaces for single-family residences.

4. Not Merely Special Privilege:

The petitioners seek to construct a two-car detached garage. The proposed garage would be slightly smaller in area than the maximum allowable gross floor area of 484 square feet for a garage on a zoning lot similar to the petitioners' property. However, the proposed garage is 24 feet deep; typical two-car garages measure 20 - 22 feet deep.

5. Code and Plan Purposes:

The Zoning Code requires two parking spaces for every single-family residence, and the Village does not allow overnight parking on the street. Therefore, the petitioners seek a variance to construct a garage in which to park two vehicles. The proposed garage would be 480 square feet, which is smaller than the maximum allowable gross floor area, 484 square feet, for a garage on zoning lots the size of the petitioners' property.

6. Essential Character of the Area:

A two-car detached garage is in character with the surrounding area.

7. No Other Remedy:

According to the petitioners, without the setback variation, the garage would be located too close to the existing mature tree and create difficult access for vehicles. One remedy to maintain the required 3 feet for the rear yard setback would be construction of a 22 feet deep garage. With the revised depth, the garage would still require a variation from the required side yard. In addition, the petitioners believe that a larger garage would allow additional storage space; their property does not have a basement for storage space. One option for new storage space on the subject property would be a 100 square foot storage shed.

V. FINDINGS AND RECOMMENDATION:

4-A-10

- Commissioner Pappalardo stated that one criteria the Zoning Board would consider is granting the minimum necessary variation to address the Petitioner’s need and therefore, he is struggling with a one foot setback to both the rear and side yards. He is wondering why a standard 22 by 22 garage could not be utilized and allow the extra space on the side where the tree is.
- Chairperson Brewin stated usually when there is a unique physical condition, they have generally stuck to the 22 by 22 as the standard garage.
- Commissioner Naseef stated she is more comfortable recommending a side yard variation but not the rear yard. She stated she would not want to go into the rear yard two feet. Commissioner Naseef asked if the applicant would be willing to consider a 22 by 23 foot garage, granting only a one foot variance to the rear yard, rather than the two foot variance. The applicant considered this request and agreed to amend the application to request a 22 by 23 foot garage with a two foot variance to the side yard setback and a one foot variance to the rear yard setback.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Schwappach and seconded by Commissioner Naseef that the Zoning Board of Appeals recommend to the Village Board of Trustees approval of the application submitted with ZBA Case #573 and revised by the applicant to allow a 22 by 23 foot garage.

Motion Carried by a roll call vote (5/0/2).

AYE: Benson, Pappalardo, Naseef, Schwappach, and Brewin.  
 NAY: None.  
 ABSENT: Brenson, Pierson.

BE IT THEREFORE RESOLVED that the Zoning Board of Appeals recommend approval to the Village Board of Trustees of the variation from Paragraph 3-110G9 (Side and Rear Yard Regulations for Accessory Structures) of the Village of La Grange Zoning Code by 2 feet to the side yard and 1 foot to the rear yard.

Respectfully submitted:

Zoning Board of Appeals of the  
 Village of La Grange

BY: Ellen Brewin  
 Ellen Brewin, Chairperson

4-A-11

## STAFF REPORT

**CASE: ZBA #573 – John Edinger and Maria Nidos, 226 S. Ashland - Side & Rear Yard Regulations for Accessory Structures**

### BACKGROUND

(Note: This Staff Report is solely based on information presented in the application and on a physical inspection of subject property and environs, and is not influenced by any other circumstance.)

The petitioners, John Edinger and Maria Nidos, wish to construct a 20 ft. wide by 24 ft. deep (480 square feet) two-car detached garage in the rear yard of the property at 226 S. Ashland Avenue. The existing one-and-a-half car detached garage is currently setback approximately 1.0 ft. from the side and rear lot lines. According to the Zoning Code, the side and rear yard setbacks required for detached accessory structures is 3 ft.

In order to construct a new two-car garage in the same location as their current garage, the petitioners seek a variation from Paragraph 3-110G9 (Side and Rear Yard Regulations for Accessory Structures) of the Zoning Code. The detached garage would encroach into the required side and rear yard setbacks by 2 ft. Subparagraph 14-303E1 (a) (Authorized Variations) allows the reduction of any required yard setback. The requested variation falls within the authorized limits of the Zoning Code.

### VARIATION STANDARDS

In considering a variation, be guided by the General Standard as outlined in our Zoning Code that "No variation shall be granted pursuant to this Section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Subsection."

**Unique Physical Condition** - *"The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot."*

This zoning lot is typical of most single lots in the R-4 Single Family Residential Zoning District between Kensington and Madison, and Cossitt to 47<sup>th</sup> Street. The depth of the property, 124 feet, is slightly smaller than typical of the smallest lots in the Village, which measure 125 feet. In addition, a mature tree is located between the house and garage.

4-A.12

**Not Self-Created** - *"The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid."*

According to the petitioners, the house, driveway and garage were constructed in the current location on the property in the 1880s, and previous owners planted the existing mature tree approximately 20 years ago. The petitioners purchased the property in 1986 have made no changes to the property that would affect the location of the garage.

**Denied Substantial Rights** - *"The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision."*

A two-car garage is a right enjoyed by many residents in La Grange for automobiles and storage. The petitioner wishes to enjoy the same rights as the neighbors and other village residents. The Zoning Code requires a minimum of two parking spaces for single-family residences.

**Not Merely Special Privilege** - *"The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation."*

The petitioners seek to construct a two-car detached garage. The proposed garage would be slightly smaller in area than the maximum allowable gross floor area of 484 square feet for a garage on a zoning lot similar to the petitioners' property. However, the proposed garage is 24 feet deep; typical two-car garages measure 20 - 22 feet deep.

**Code and Plan Purposes** - *"The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan."*

The Zoning Code requires two parking spaces for every single-family residence, and the Village does not allow overnight parking on the street. Therefore, the petitioners seek a variance to construct a garage in which to park two vehicles. The proposed garage would be 480 square feet, which is smaller than the maximum allowable gross floor area, 484 square feet, for a garage on zoning lots the size of the petitioners' property.

4-A-13

**Essential Character of the Area** - *"The variation would not result in a use or development on the subject property that:*

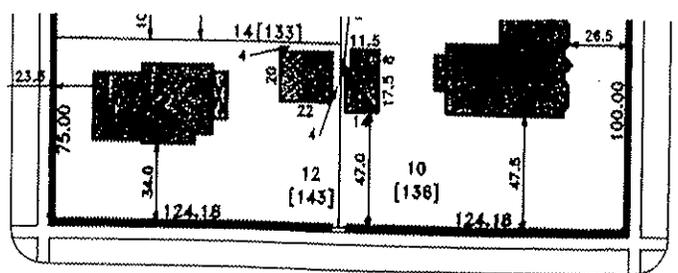
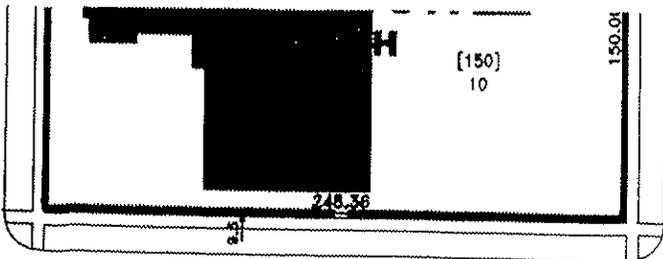
- a. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or*
- b. Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or*
- c. Would substantially increase congestion in the public streets due to traffic or parking; or*
- d. Would unduly increase the danger of flood or fire; or*
- e. Would unduly tax public utilities and facilities in the area; or*
- f. Would endanger the public health or safety."*

A two-car detached garage is in character with the surrounding area.

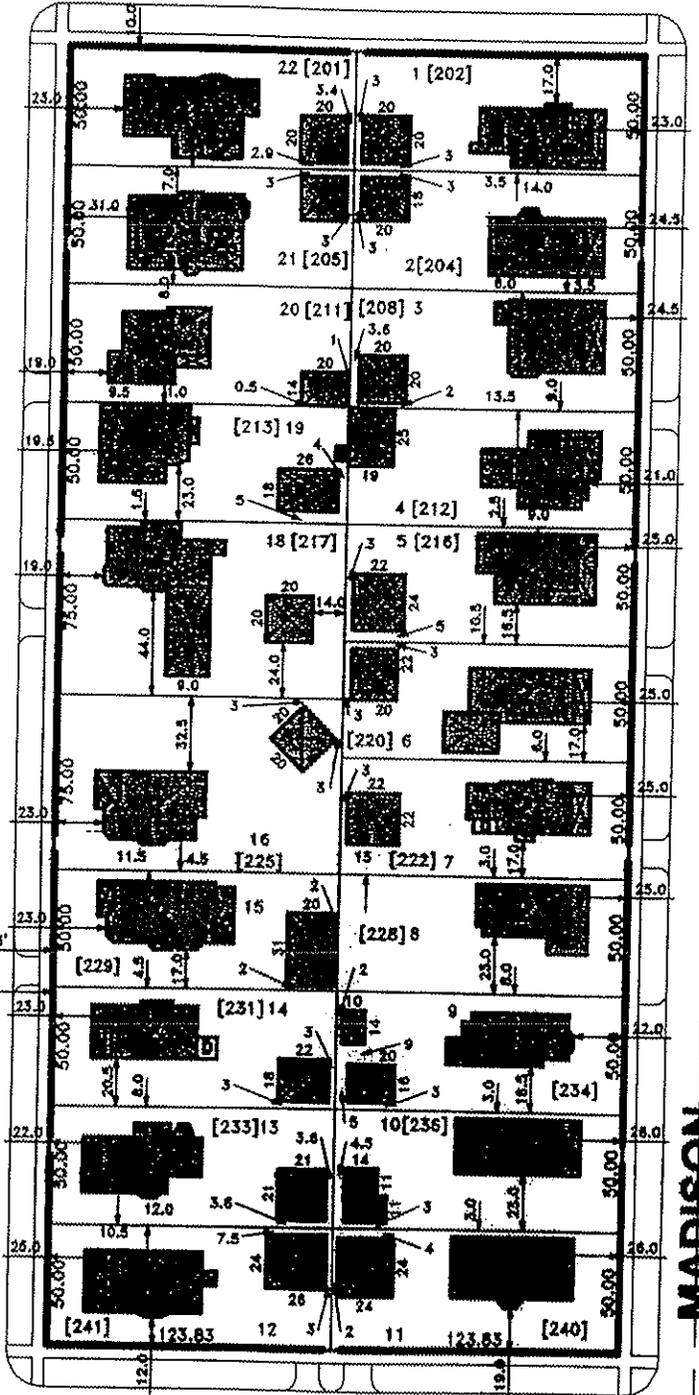
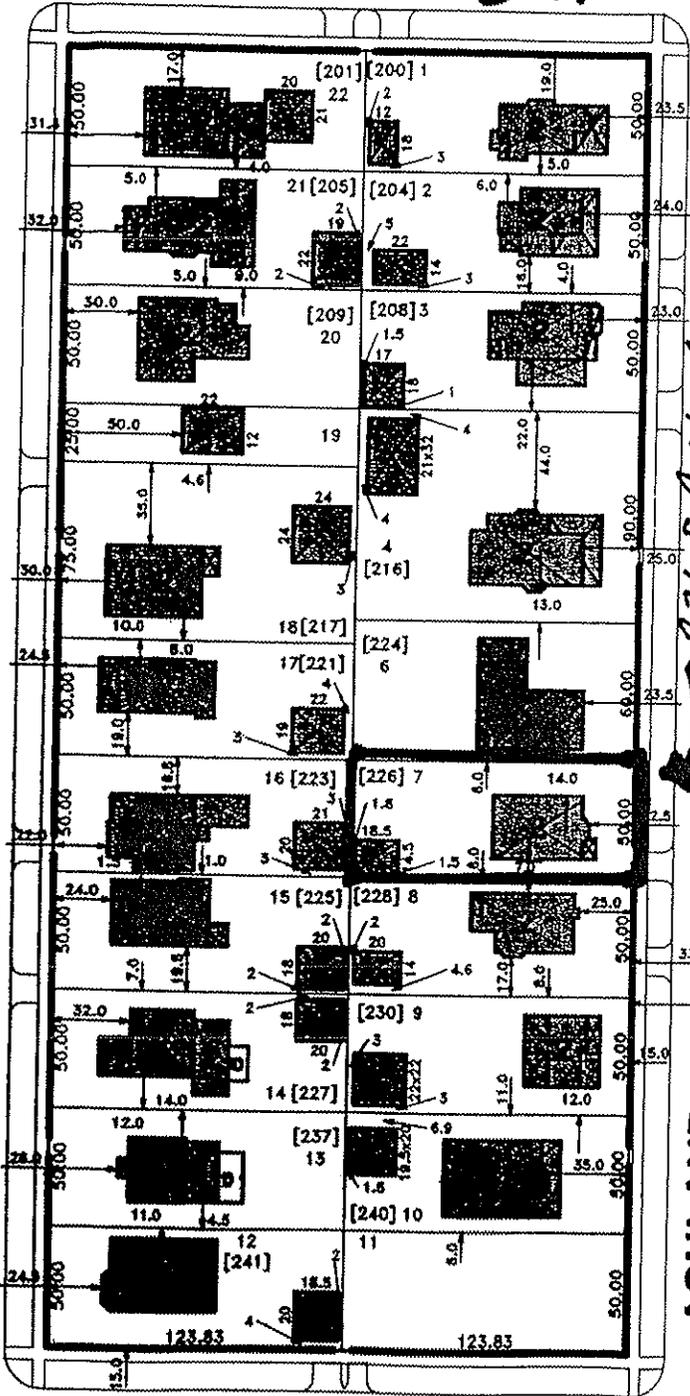
**No Other Remedy** - *"There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property."*

According to the petitioners, without the setback variation, the garage would be located too close to the existing mature tree and create difficult access for vehicles. One remedy to maintain the required 3 feet for the rear yard setback would be construction of a 22 feet deep garage. With the revised depth, the garage would still require a variation from the required side yard. In addition, the petitioners believe that a larger garage would allow additional storage space; their property does not have a basement for storage space. One option for new storage space on the subject property would be a 100 square feet storage shed.

4-A-14



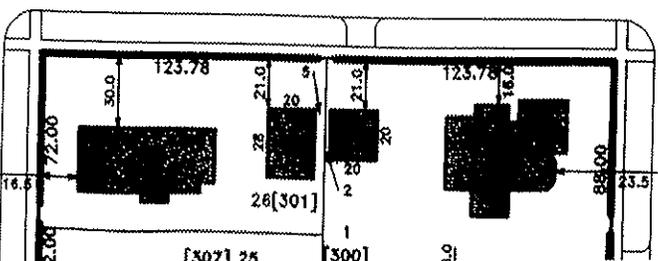
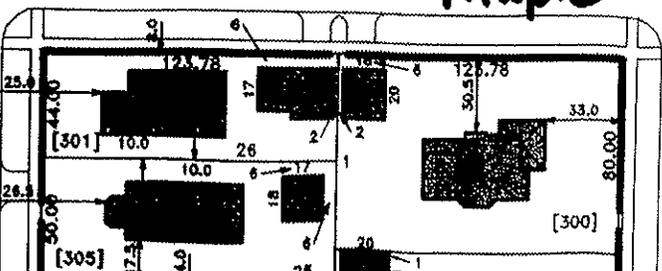
Elm



ASHLAND

MADISON

Maple



4-A-15

8-014	"
9-015	"
10-016	"
11-017	50
124.18	

15	8
14	9
13	10
12	11
124.18	124.18
248.36	

15-008	8-016
14-009	9-017
13	10-018
12	11
124.18	124.18

**ELM**

1	44
2	50
3-007	250
4	"
5	"
6-008	"
7-009	"
8-010	"
9-011	"
10-012	"
11-013	50
123.83	

22-001	1-013	44
21-002	2-014	50
20-003	3-015	"
19-004	4-016	"
18-023	5	"
17-007	6-017	"
16-008	7-018	"
15-009	8-019	"
14-010	9-020	"
13-011	10-021	"
12-012	11-022	50
123.83	123.83	50

22-001	1-011	44
21-002	2-012	50
20-003	3-013	"
19-004	4-014	"
18-005	5-015	"
17	6-016	"
16-006	7-017	"
15-007	8-018	"
14-008	9-019	"
13-009	10-020	"
12-010	11-021	50
123.83	123.83	50

Catherine

Ashland 226 S. Ashland

Maple

**MAPLE**

1-014	44
2-015	50
3-016	"

26-001	1-013	44
25-002	2	50
24-003	3-014	64

26-001	1	44
25-002	2	50
24-003	3-015	56

4-A-16

APPLICATION FOR ZONING VARIATION

Application # 573  
Date Filed: 6/16/18  
UARCO #  
85464

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

(please type or print)

Application is hereby made by John Edinger and Maria Nidos

Address: 226 S. Ashland, Lagrange IL 60525

Phone: 708.482.9038 home  
312.828.8361 work  
312.925.9495 cell  
Email: EdingerJohn@sbcglobal.net  
John.A.Edinger@UStTrust.com

Owner of property located at: same

Permanent Real Estate Index No: 18-04-312-018-0000 Volume 076

Present Zoning Classification: R4 Single Family Residential Present Use: Residential

Ordinance Provision for Variation from Article # 3-110G9 of Zoning Ordinance, to wit:

Side and rear regulations for accessory usage and structures

1. **Minimum Variation** of Zoning requirement necessary to permit the proposed use, construction, or development:

Two (2) feet

2. **The purpose** therefor,

Construction of a replacement detached garage.

3. **The specific feature(s)** of the proposed use, construction, or development that require a variation:

Side and rear yard distance to lot line.

4-A-17

PLAT OF SURVEY must be submitted with application. The plat should show any existing buildings on the petitioned property as well as any existing buildings on property immediately adjacent. It should also show any proposed new construction in connection with the variation, including landscaping, fencing, etc.

1. General Standard. The Petitioner must list below **FACTS AND REASONS** substantially supporting each of the following conclusions or the petition for variation cannot be granted. (if necessary, use additional page)

a. State practical difficulty or particular hardship created for you in carrying out the strict letter of the zoning regulations, to wit:

Due to the location of a mature tree and due to a non-standard (short) lot, in order to construct a two car detached garage to replace a severely deteriorated existing 1.5 car garage, we are asking for a zoning variation to construct the replacement garage along the existing lines that the current garage rests on, namely, a one (1) foot offset from both the side and back lot lines. The variance to the South lot line (side of garage) will allow us to be able to maneuver two cars into the garage without interference from the tree or cause damage to the root system of the tree. The variance to the West lot line (back of garage) will account for the non-standard depth of the lot, namely 123.90 feet.

b. A reasonable return or use of your property is not possible under the existing regulations, because:

To build a new garage to replace the severely deteriorating existing garage with a three foot offset would result in either the loss of a mature tree or in not being able to construct a two car garage with reasonable ease of access.

c. Your situation is unique (not applicable to other properties within that zoning district or area) in the following respect(s):

The location of the mature tree and the non-standard depth of 123.98 feet (short) of the lot.

. Unique Physical Condition. The subject property is exceptional as compared to other lots subject to the same revision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

The lot is unique due to a non-standard depth of 123.98 feet. Also, there is a mature tree in the backyard situated to severely reduce the space needed to park cars in a two car garage.

4-A-18

3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.

The non-standard depth of the lot is a very old condition. The tree is newer than that but over 20 years old and is nearly 2-1/2 feet in diameter.

4. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

All of the surrounding lots have two car garages. Constructing a two car garage on our lot is reasonable and in-line with the surrounding lots. To not allow us a garage of the same size as the surrounding lots would deprive us of substantial rights commonly enjoyed by our neighbors. All three homeowners adjacent to the back corner of the lot have signed statements (attached) that they have no objections to our request for a two foot variance to build a replacement garage along the lines of the existing garage.

5. Not Merely Special Privilege. The alleged hardship or difficulty is not merely inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

We are not seeking to build a garage that would give us any special privilege or additional rights not available to owners or occupants of the surrounding lots as they all have two car garages. Not being able to build a garage similar to the garages on the surrounding lots would prevent us from enjoying our property to the same extent as our neighbors.

6. Code and Plan Purposes. The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

True. Our request to build a two car garage would be in harmony with the provision from which a variation is sought. We are seeking to comply by having a two car covered parking space. The property would comply with maximum building coverage, lot coverage, all other required yards and maximum gross floor area of the detached garage provisions of the Zoning Code. The proposed dimensions of 20 feet wide by 24 feet deep and the offset of the garage door to the south side of the garage front are the result of the mature tree in the back yard leading to a need to shift access to the garage by the cars as far south as possible to allow for room to maneuver around the tree. Reducing the size of the garage does not solve this problem as the need is to move the garage door and vehicle traffic as far south, and as close to the lot line, as possible to avoid the tree.

4-A-19

7. Essential Character of the Area. The variation would not result in a use or development on the subject property that:

- (a) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or
- (b) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
- (c) Would substantially increase congestion in the public streets due to traffic or parking; or
- (d) Would unduly increase the danger of flood or fire; or
- (e) Would unduly tax public utilities and facilities in the area; or
- (f) Would endanger the public health or safety.

Our proposed variation would not result in any of the above situations. Our construction of a two car garage would be in-line with the surrounding properties and would remove the existing severely deteriorated existing structure that does serve as a home for raccoons under the wood floor. As per the attached drawings, our proposed structure will be in keeping with the historic nature of the neighborhood. We would have it constructed by Blue Sky Builders with a clipped gable at extra expense to match the clipped gable on the house. The garage will also have its door offset south from direct center of the front of the garage to further protect the mature tree. There will be a window under the clipped gable to replicate the historic nature of the existing 1.5 car garage and to match the aesthetics of the house. The colors would be matched to the color scheme of the house. Having the garage built along the one foot offset of the existing garage would be in keeping with the historic nature of the area and the new garage would be in keeping with the two car garages built on the adjacent properties.

8. No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

The existing garage is beyond repair. It has a wooden floor beneath which raccoons build homes. It leans, is severely deteriorated and is becoming an eyesore. Replacing it with only a new 1.5 garage is unreasonable as the surrounding properties have two car garages. In addition, due to the lack of storage space in the main residence (damp, low cellar and pull-down stairs attic), storage space in the garage is necessary for bicycles and yard equipment. We do not wish to cut down the mature tree or cause damage to the tree or its roots. However, due to the tree and the sub-standard short lot at 123.98 feet, there is insufficient room to maneuver two cars into a garage without this variance. To minimize damage to the tree and its roots and to provide reasonable access to the garage, we are request this two foot variance (which the neighbors do not object to, see attached) in order to construct a new 20 foot wide by 24 foot deep garage with the same off-set from the property lines as the existing garage. The existing garage is 14.58 feet by 20.37 feet. The new garage will take an extra 183 square feet of space, or less than 3% of the lot total area. The house covers approximately 1,100 square feet. The house and the new garage will cover 1,580 square feet or approximately 25.5% of the total lot area, which is within code. The new garaged will be constructed with a clipped gable and window in keeping with the main residence, the garage it is replacing and with the historic character of the neighborhood.

4-A-20

\*\*\*

**NOTICE:** This application must be filed with the office of the Community Development Director, accompanied by necessary data called for above and the required filing fee of Five Hundred Dollars (\$500.00).

The above minimum fee shall be payable at the time of the filing of such request. It is also understood that the applicant shall reimburse the Village any additional costs over and above these minimums, which are incurred by the Village, including but not limited to the following:

- (a) Legal Publication (direct cost);
- (b) Recording Secretarial Services (direct cost);
- (c) Court Reporter (direct cost);
- (d) Administrative Review and Preparation (hourly salary times a multiplier sufficient to recover 100 percent of the direct and indirect cost of such service);
- (e) Document Preparation and Review (hourly salary times a multiplier sufficient to recover 100 percent of the direct and indirect cost of such service);
- (f) Professional and Technical Consultant Services (direct cost);
- (g) Legal Review, Consultation, and Advice (direct cost);
- (h) Copy Reproduction (direct cost); and
- (i) Document Recordation (direct cost); and
- (j) Postage Costs (direct cost).

Such additional costs shall be paid by the applicant prior to the Board of Trustees making a decision regarding the request.

I, the undersigned, do hereby certify that I am the owner.

Signed:   
 John A. Edinger  
 226 S. Ashland  
 LaGrange, IL 60525

Subscribed and sworn to before me this 13<sup>th</sup> day of June, 2008.

  
 Notary Public) (Seal)



4-A-21

**(FOR VILLAGE USE ONLY)**

1. Filed with Office of the Community Development Director: 6-16, 2008.
2. Transmitted to Zoning Board of Appeals at their meeting held:  

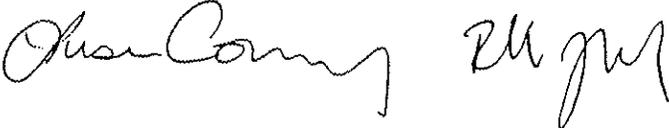
7-17-08
3. Continuation (if any):
4. Notice of hearing published in: Sub Life on: 6-25-08
5. Findings and Recommendation of Zoning Board of Appeals referred to Village Board at Meeting of:
5. Final Action of Village Board for adoption of amending ordinances or denial of applicant's request at meeting held:
7. Payment of expenses satisfied:

Conditions Imposed:

4-A-22

APPLICATIONS FOR ZONING VARIATION

We are aware of the Zoning Variation being applied for by John Edinger and Maria Nidos of 226 S. Ashland in Lagrange, IL regarding the minimum variation of Zoning requirements of two feet necessary to permit their proposed construction of a new garage and we have no objection to their application.

Signed:  RLC

Name: LESLIE + RICHARD CONNEELY

Address: 228 S. ASHLAND, LAGRANGE, IL 60525

Date: 6/8/08

4-A-23

APPLICATIONS FOR ZONING VARIATION

We are aware of the Zoning Variation being applied for by John Edinger and Maria Nidos of 226 S. Ashland in Lagrange, IL regarding the minimum variation of Zoning requirements of two feet necessary to permit their proposed construction of a new garage and we have no objection to their application.

Signed: *Mark T. Mazur*

Name: *Mark T. Mazur*

Address: *225 S. Catherine Lagrange IL 60525*

Date: *6-9-08*

*4-A-24*

APPLICATIONS FOR ZONING VARIATION

We are aware of the Zoning Variation being applied for by John Edinger and Maria Nidos of 226 S. Ashland in Lagrange, IL regarding the minimum variation of Zoning requirements of two feet necessary to permit their proposed construction of a new garage and we have no objection to their application.

Signed:



Name:

Corey Corn

Address:

223 S. Catherine

Date:

June 9, 08

4-A-25





Petitioners Exhibit  
ZBA # 573  
226 S. Ashland



↖ Poor Condition of Garage

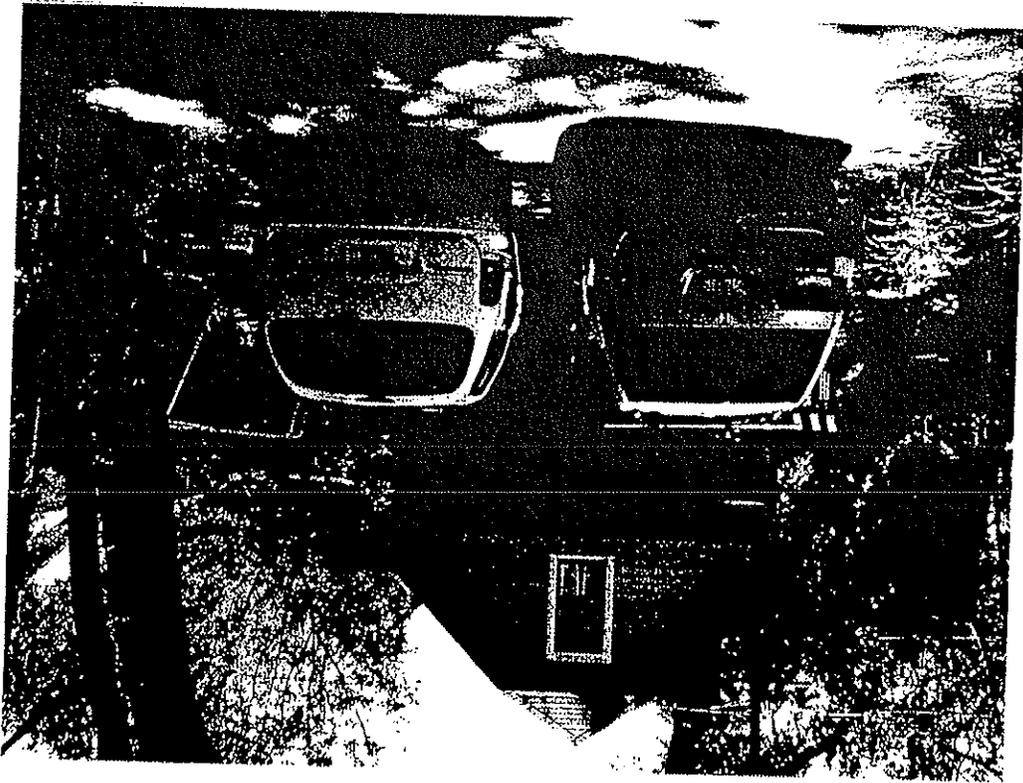


↖ Mature Tree creates access issue

4-A-28

4-A.29

The current garage has a one foot offset from the property line. Even so, it is a tight fit for two cars with the mature tree on the right. The variance is needed to maintain the current situation. A three foot offset would make the situation very difficult, if not impossible, to park two cars.



Peterson's Exhibit  
ZBA #573  
224 S. Astland

VILLAGE OF LA GRANGE  
Community Development Department

**BOARD REPORT**

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

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

DATE: September 8, 2008

RE: **ORDINANCE - VARIATION - FENCE HEIGHT ON CORNER SIDE YARD/  
30 N. BRAINARD AVENUE.**

---

Julie and Dan Judd, owners of the property at 30 N. Brainard Avenue, have applied for a variation from fence requirements to construct a five (5) foot high fence in the corner side yard. The subject property is located in the R-4 Single Family Residential District. The property is somewhat unique compared to other lots in this zoning district because the corner side yard abuts Brainard Avenue, a busy street with a high daily traffic and pedestrian count, and the lot is irregular-shaped and narrows to 41 feet in the rear yard. Typical lots are 50 feet wide.

The maximum allowable height for a fence located in a corner side yard is 3.5 ft. Construction of the proposed fence would exceed the height requirements by 1.5 ft. Subsection 14-303E1(i) of the Zoning Code allows the increase of maximum allowable height and location of any fence by variance. The requested variation falls within the authorized limits of the Zoning Code.

The petitioners have indicated that a fence with a height of 3.5 ft. would not provide the same measure of privacy and safety. The narrow lot with a garage leaves no room for normal back yard usage. There is enough side yard for use, however, it is close to the sidewalk, with easy access to their items in their yard. In addition, the subject property is located adjacent to a commercial district with increased pedestrian traffic from the commuter train and pedestrian businesses in the immediate area.

On August 21, 2004, the Zoning Board of Appeals held a public hearing on this matter and voted to recommend that the variation be granted as requested by vote of 4/1/2.

Staff has prepared the attached ordinance authorizing the variation for your consideration.

4-B

VILLAGE OF LA GRANGE

ORDINANCE NO. O- 08-\_\_\_\_\_

AN ORDINANCE ALLOWING ZONING VARIATION  
FOR CONSTRUCTION OF A FENCE AT 30 N. BRAINARD

WHEREAS, Dan & Julie Judd, owners of the property commonly known as 30 N. Brainard, La Grange, Illinois, and legally described as follows:

Proposed lot 2 in proposed Gutekunst resubdivision of Lot 1 of the plat of consolidation of lots 165 and 166 in west end addition to La Grange, being a subdivision of that part of the east half of the northeast quarter of Section 5, Township 38 North, Range 12, east of the Third Principal Meridian lying between the center line of Ogden Avenue and northerly line of right-of-way of Chicago, Burlington and Quincy Railroad in Cook County, Illinois.

(The "Subject Property"); and

WHEREAS, the Owners have applied for a variation from Subparagraph 9-105D2(b) (Fences - Location on Front and Corner Side Yards) of Chapter 154 of the Village of La Grange Code of Ordinances in order to construct a fence having a height of five (5) ft. located in the corner side yard on the Subject Property; and

WHEREAS, the La Grange Zoning Board of Appeals conducted a public hearing to consider the application on August 21, 2008, pursuant to proper public notice, and recommended in its Findings and Recommendation dated August 21, 2008, that the variation be approved; and

WHEREAS, the President and Board of Trustees have reviewed the record of the public hearing and the Findings and Recommendation of the Zoning Board of Appeals and have determined that the application satisfies the standards set forth in the La Grange Zoning Code for the grant of a variation;

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

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

Section 2. Grant of Variation. The Board of Trustees, pursuant to the authority granted to it by the laws of the State of Illinois and the La Grange Zoning

4-B.1

Code, hereby grants to the Owners a variation from Subparagraph 9-105D2(b) (Fences - Location on Front and Corner Side Yards) of Chapter 154 of the La Grange Code of Ordinances, solely for the purpose of the construction of a five (5) ft. fence in the corner side yard on the property, be hereby granted to the owners of the above-referenced property in conformance with the application submitted to the Zoning Board of Appeals.

Section 3.                    Effective Date. This Ordinance will be in full force and effect from and after (a) its passage, approval, and publication in pamphlet form as provided by law, (b) execution by the Owner, and (c) approval by the Village's Director of Community Development of conforming plans for the fence.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2008, pursuant to a roll call vote as follows:

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**APPROVED** by me this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Elizabeth M. Asperger, Village President

**ATTEST:**

\_\_\_\_\_  
Robert N. Milne, VILLAGE CLERK

4-B.2

**FINDINGS OF FACT**

ZONING BOARD OF APPEALS  
OF THE  
VILLAGE OF LA GRANGE

President Asperger and  
Board of Trustees

August 21, 2008

RE: **ZONING CASE #572: VARIATION – FENCES – FRONT AND CORNER SIDE  
YARD/JULIE & DAN JUDD, 30 N. BRAINARD AVENUE**

The Zoning Board of Appeals transmits for your consideration its recommendations for a request of zoning variation necessary to construct a five foot high fence on the corner side yard at the property at 30 N. Brainard Avenue.

**I. THE SUBJECT PROPERTY:**

The subject property has a width of 59.30 feet in the front and 41.2 feet in the rear and a depth of 135.13 feet.

**II. CHARACTERISTICS OF THE SURROUNDING AREA:**

The subject property is located in the R-4 Single Family Residential District.

**III. VARIATIONS SOUGHT:**

The applicants seek a variation from Paragraph 9-105D2 (Fences) of the Village of La Grange Zoning Code. Subparagraph 14-303E1(i) (Authorized Variations) allows the increase of the maximum allowable height and location of any fence. The requested variation falls within the authorized limits of the Zoning Code.

**IV. THE PUBLIC HEARING:**

After due notice, as is required by law, (including legal publication, posting at the subject property and courtesy notices to owners within 250 feet of the subject property) the Zoning Board of Appeals held a public hearing on the proposed variation on August 21, 2008, in the La Grange Village Hall. Present were Commissioners Nathaniel Pappalardo, Charles Benson, Jr., Nancy Pierson, Kathy Schwappach and Chairperson Ellen Brewin presiding. Also present was Community Development Director Patrick Benjamin and Community Development Clerk Joyce Gomolinski. Testimony was given under oath. No objectors appeared at the hearing and no written objections have been filed to the proposed variation.

4-B.3

Chairperson Brewin swore in Julie and Dan Judd, owners of the property at 30 N. Brainard Avenue, who presented the application and answered questions from the Zoning Board of Appeals:

- Mr. Judd thanked the Commissioners for allowing a continuance in this matter. Mr. Judd stated the lot is irregular. The narrow lot with a garage, leaves no room for normal back yard usage. There is enough side yard for use, however, it is close to the sidewalk, with easy access to their items in their yard.
- There is a lot of transient traffic with trucks delivering goods and a three and a half foot fence does not provide much security.
- A higher fence also provides safety for their pet dogs, who can jump a 3 ½ foot fence.

Chairperson Brewin solicited questions from the Commissioners:

- Commissioner Benson asked where the fence is to be located. Answer: The fence will go along Arlington, 51 feet from the rear corner lot line of the 133 foot lot and 70 feet off of Brainard.
- Commissioner Pappalardo asked about the condition of the fence of the house immediately to the west. Answer: It is a double lot and they have a fence, which is within the zoning parameters. It is stone and wrought iron, three and a half feet high.
- Commissioner Pappalardo asked what the application states as to where the fence is going to be placed. Answer: The fence starts eighty-six feet from the actual back lot line. Commissioner Brewin does not want the fence to go into the front yard. Director Benjamin stated the variance is for the corner side not the front yard. The fence has to stop before the thirty-five foot setback.

*Under the provisions of the Zoning Ordinance, no variation shall be granted unless the applicant establishes that carrying out the strict letter of the provisions of this code would create a particular hardship or practical difficulty. Such a showing shall require proof that the variation sought satisfies certain conditions. The following facts were found to be evident:*

1. Unique Physical Condition:

4-B.4

This zoning lot is atypical of lots in the R-4 Single Family Residential Zoning District. The lot is irregular-shaped and narrows to 41 ft. in the rear yard. Typical lots are 50 ft. wide.

2. Not Self-Created:

The petitioners recently purchased the property, which was subdivided by the previous owner. They have recently constructed a new single family house and detached garage on the property.

3. Denied Substantial Rights:

According to the petitioners, a fence with a 3.5 ft. height, as allowed by the Zoning Code, would not provide the same measure of privacy and security for the corner side yard adjacent to the business district across the street.

4. Not Merely Special Privilege:

According to the petitioners, the proposed fence would provide them with improved use of the corner side yard, which is not a special privilege.

5. Code and Plan Purposes:

Granting the variance would allow the petitioners to enjoy a quieter and more private yard.

6. Essential Character of the Area:

Granting this variation is not anticipated to have an adverse impact on the character of the neighborhood.

7. No Other Remedy:

Other remedies would be to reduce the height of the fence in the corner side yard to 3.5 feet. However, according to the petitioners, the most feasible option to provide safety and privacy for their house is with a 5 ft. fence along the corner side lot line.

**V. FINDINGS AND RECOMMENDATION:**

- Chairperson Brewin stated the Board tries to help residents who reside in “public” corner lots (like the lots of 47<sup>th</sup> Street or by the hospital). Answer: The high school and junior high are close by, but it is the transient traffic and adjacent grocery store in the commercial district they are worried about, as opposed to local residents.

4-B.5

- Commissioner Pierson stated she understands the situation, but feels there is not a hardship. Mr. Judd said the hardship comes in with the irregular sized lot. There is no normal back yard so they are making their side yard into their back yard. They kept the detached garage as it was.
- Commissioner Benson said the lot abuts a commercial district and that makes the situation unique.
- Commissioner Pappalardo asked what is across from that lot. Chairperson Brewin stated it is more apartment buildings than commercial. Commissioner Pappalardo further stated that this lot has a more predominant exposure to commercial property and asked what the new land use plan is – is it slated to stay commercial. Director Benjamin stated it is to stay commercial.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Benson and seconded by Commissioner Schwappach that the Zoning Board of Appeals recommend approval of the application submitted with ZBA Case #572 to the Village Board of Trustees.

BE IT THEREFORE RESOLVED that the Zoning Board of Appeals recommend approval to the Village Board of Trustees that a variation from Subparagraph 9-105D2(b) (Fences – Location on Front and Corner Side Yards) be granted to allow the construction of a 5 foot fence to be located in the corner side yard at 30 N. Brainard Avenue:

Motion carried by a roll call vote (4/1/2).

AYE: Benson, Pappalardo, Schwappach, and Brewin.  
NAY: Pierson.  
ABSENT: Brenson, Naseef.

Respectfully submitted:

Zoning Board of Appeals of the  
Village of La Grange

**DRAFT**

BY: \_\_\_\_\_  
Ellen Brewin, Chairperson

4-B.6

## STAFF REPORT

**CASE: ZBA #572 - Julie and Dan Judd - 30 N. Brainard Ave – Corner Side Fence Height**

### BACKGROUND

(Note: This Staff Report is solely based on information presented in the application and on a physical inspection of subject property and environs, and is not influenced by any other circumstance.)

The petitioners, Julie and Dan Judd, wish to construct a five ft. high fence in the required corner side yard of the subject property at 30 N. Brainard Avenue. The maximum allowable height for a fence in the required corner side yard is 3.5 ft. According to the petitioners, the proposed fence would provide a greater sense of privacy, security and control pedestrian cut-through traffic from the commuters and businesses to the south. A building permit could not be issued, because the proposed fence would be in excess of the maximum height permitted along the corner side lot line.

In order to construct a five ft. high fence along the corner side yard, the petitioners seek a variation from Paragraph 9-105D2 (Fences) of the Zoning Code. Construction of the proposed fence would exceed the height requirements by 1.5 ft. Subparagraph 14-303E1(i) (Authorized Variations) allows the increase of maximum allowable height and location of any fence. The requested variation falls within the authorized limits of the Zoning Code.

### VARIATION STANDARDS

In considering a variation, be guided by the General Standard as outlined in our Zoning Code that "No variation shall be granted pursuant to this Section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Subsection."

**Unique Physical Condition** - *"The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot."*

This zoning lot is atypical of lots in the R-4 Single Family Residential Zoning District. The lot is irregular-shaped and narrows to 41 ft. in the rear yard. Typical lots are 50 ft. wide.

**Not Self-Created** - *"The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid."*

4-B-7

Granting this variation is not anticipated to have an adverse impact on the character of the neighborhood.

**No Other Remedy** - *"There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property."*

Other remedies would be to reduce the height of the fence in the corner side yard to 3.5 feet. However, according to the petitioners, the most feasible option to provide safety and privacy for their house is with a 5 ft. fence along the corner side lot line.

4-B.8

APPLICATION FOR ZONING VARIATION

Application # 572  
Date Filed: 4-9-00  
UARCO #35414

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

(please type or print)  
Application is hereby made by

Address: 30 N. BRAINARD

Phone: 708-579-0085

Owner of property located at: DANIEL + JULIE JUDD

Permanent Real Estate Index No:

Present Zoning Classification: R~~1F~~ Present Use: Single Family Home

Ordinance Provision for Variation from Article # 9.105.02.(b) of Zoning Ordinance, to wit:

A. **Minimum Variation** of Zoning requirement necessary to permit the proposed use, construction, or development:

AN EXTRA 18" OF FENCE HEIGHT OVER Requirement  
FOR A TOTAL LENGTH OF 51 FEET ALONG CORNER LOT LINE  
ALSO 25 FEET FROM SIDE OF HOUSE TO FENCE INTERSECTION.

3. **The purpose** therefor,

- A. SAFETY: 3 1/2 HEIGHT CAN BE JUMPED BY DOGS.
- B. SECURITY: DETER POTENTIAL BREAK INS IN VERY ACCESSIBLE AREA.
- C. PEDESTRIAN TRAFFIC CONTROL - HUNDREDS OF COMMUTERS PASS BY EACH DAY.

2. **The specific feature(s)** of the proposed use, construction, or development that require a variation:

FENCE HEIGHT VARIATION OF 18" OVER CODE FOR

51 Feet  
5 Feet

A length of 51 Feet FROM REAR CORNER LOT LINE  
INTERSECTION. AND 25 FEET FROM END OF FENCE TO HOUSE

LAT OF SURVEY must be submitted with application. The plat should show any existing buildings on the petitioned property as well as any existing buildings on property immediately adjacent. It should also show any proposed new construction in connection with the variation, including landscaping, fencing, etc.

General Standard. The Petitioner must list below **FACTS AND REASONS** substantially supporting each of the

4-B.9

Following conclusions or the petition for variation cannot be granted. (if necessary, use additional page)

- a. State practical difficulty or particular hardship created for you in carrying out the strict letter of the zoning regulations, to wit:

The 3 1/2 Foot Limitation is too low for the safety of our dogs. The lot irregularity makes some use of side yard essential for health & safety.

- b. A reasonable return or use of your property is not possible under the existing regulations, because:

The odd shape of the lot requires use of the side yard for adequate yard space for family activities.

- c. Your situation is unique (not applicable to other properties within that zoning district or area) in the following respect(s):

WE ARE IN DIRECT PATH OF HEAVY TRAFFIC BOTH VEHICLE AND PEDESTRIAN. WE ADJUT THE BUSINESS DISTRICT AND HAVE PARKED CARS NEAR THE ENTRANCE TO OUR HOME 6 DAYS A WEEK UNTIL EVENING.

Unique Physical Condition. The subject property is exceptional as compared to other lots subject to the same revision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

WE HAVE AN IRREGULAR SHARED LOT WHICH IS ONLY 41 FEET WIDE AT REAR LOT LINE. COUPLED WITH THE HEAVY TRAFFIC MAKES OUR SITUATION UNIQUE TO THE AREA. BUSINESS DISTRICT MAKES A SIDE LOT CONVENIENT PARKING AREA FOR STORE PATRONS.

Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or as created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid

The <sup>irregular</sup> ~~odd~~ shape of lot is a function of the village design. Most likely occurring due to the diagonal Burlington Railroad Right of Way.

4-B.10

4. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision. SEE PICTURES. THERE ARE OTHER LOTS WITH

FENCES LARGER THAN 3 1/2 FEET ON CORNER LOTS IN AREA.

5. Not Merely Special Privilege. The alleged hardship or difficulty is not merely inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

THE IRREGULAR SHAPE OF LOT (NARROWING TO 41') IN REAR SPACE CREATES A CONDITION WHERE SOME USE OF SIDE YARD IS REQUIRED TO ENJOY THE SAME FAMILY ACTIVITIES AS OTHER LOTS OF NORMAL SHAPE AND SIZE.

6. Code and Plan Purposes. The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

YES IT WOULD NOT RESULT IN A USE OR DEVELOPMENT THAT WOULD NOT BE IN HARMONY WITH THE GENERAL AND SPECIFIC PURPOSES OF CODE + INTENT OF THE OFFICIAL COMPREHENSIVE PLAN

7. Essential Character of the Area. The variation would not result in a use or development on the subject property that:

(a) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or

HIGHLY TRAFFICED AREA WOULD NOT BE IMPACTED.

FREEDOM OF MOVEMENT IN PUBLIC AREAS AND ACCESS TO PARKING WOULD BE UNAFFECTED.

4-B.11

(b) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or **NO**

(c) Would substantially increase congestion in the public streets due to traffic or parking; or

**NO EFFECT**  
(d) Would unduly increase the danger of flood or fire; or

**NO EFFECT**  
(e) Would unduly tax public utilities and facilities in the area; or

**NO EFFECT**  
(f) Would endanger the public health or safety.

**ONE WAY TRAFFIC ON Street would not  
be obstructed in any way by fence.**

3. No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

**with out the extra 18" our dogs would  
jump into busy traffic. In Addition 3 1/2 Feet is  
easily Breached for <sup>uninvited</sup> access to property.**

\*\*\*

**NOTICE:** This application must be filed with the office of the Community Development Director, accompanied by necessary data called for above and the required filing fee of Five Hundred Dollars (\$500.00).

The above minimum fee shall be payable at the time of the filing of such request. It is also understood that the applicant shall reimburse the Village any additional costs over and above these minimums, which are incurred by the Village, including but not limited to the following:

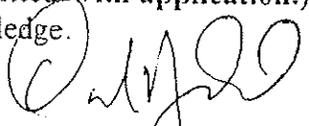
- (a) Legal Publication (direct cost);
- (b) Recording Secretarial Services (direct cost);
- (c) Court Reporter (direct cost);
- (d) Administrative Review and Preparation (hourly salary times a multiplier sufficient to recover 100 percent of the direct and indirect cost of such service);
- (e) Document Preparation and Review (hourly salary times a multiplier sufficient to recover 100 percent of the direct and indirect cost of such service);

4-B.12

- (f) Professional and Technical Consultant Services (direct cost);
- (g) Legal Review, Consultation, and Advice (direct cost);
- (h) Copy Reproduction (direct cost); and
- (i) Document Recordation (direct cost); and
- (j) Postage Costs (direct cost).

Such additional costs shall be paid by the applicant prior to the Board of Trustees making a decision regarding the request.

I, the undersigned, do hereby certify that I am the owner, or contract purchaser (**Evidence of title or other interest you have in the subject property, date of acquisition of such interest, and the specific nature of such interest must be submitted with application.**) and do hereby certify that the above statements are true and correct to the best of my knowledge.



Signature of Owner or Contract Purchaser

(Address)

30 N. BRAINARD

City) LA Grange

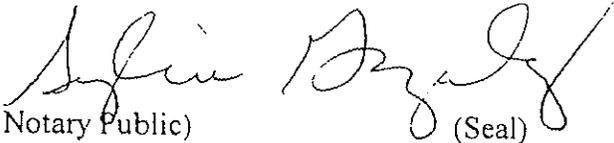
(State)

IL

(Zip Code)

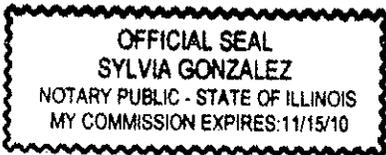
60525

Subscribed and sworn to before me this 9 day of June, 2008.



Notary Public)

(Seal)



nclosures:

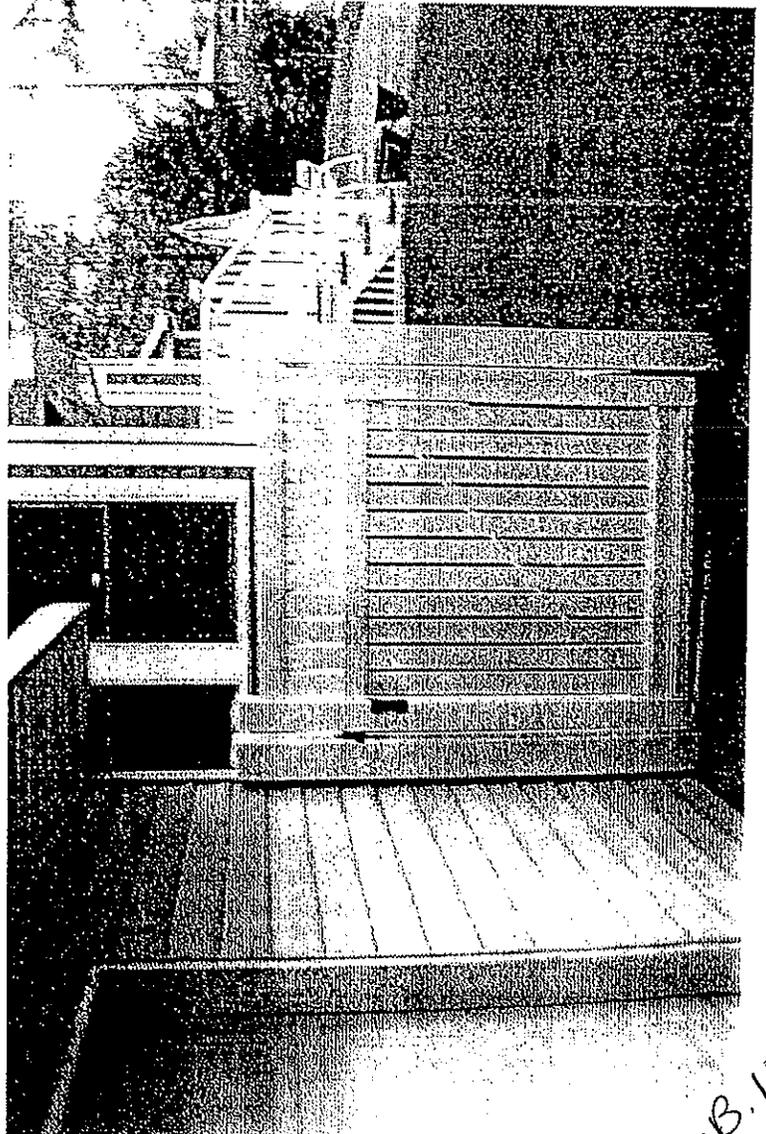
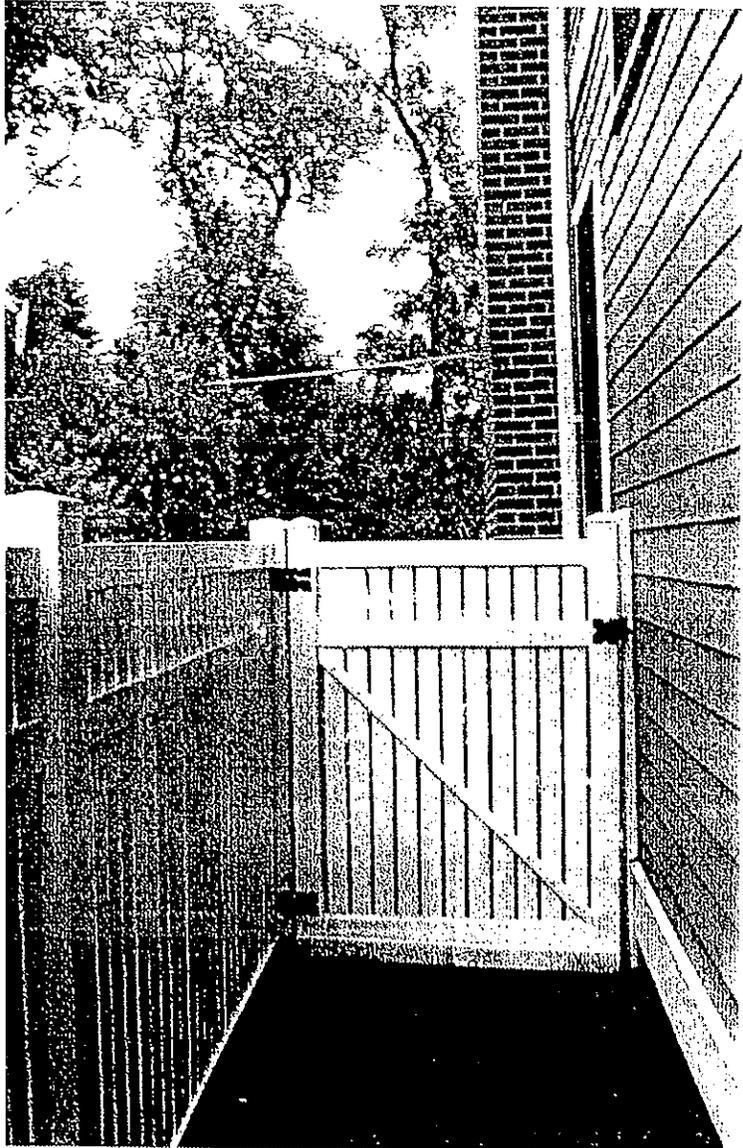
4-B.13

**(FOR VILLAGE USE ONLY)**

- 1. Filed with Office of the Community Development Director: 6-09, 20 08.
- 2. Transmitted to Zoning Board of Appeals at their meeting held: 7-11-08
- 3. Continuation (if any):
- 4. Notice of hearing published in: Sub Life on: 6-25-08
- 5. Findings and Recommendation of Zoning Board of Appeals referred to Village Board at Meeting of:
- 6. Final Action of Village Board for adoption of amending ordinances or denial of applicant's request at meeting held:
- 7. Payment of expenses satisfied:

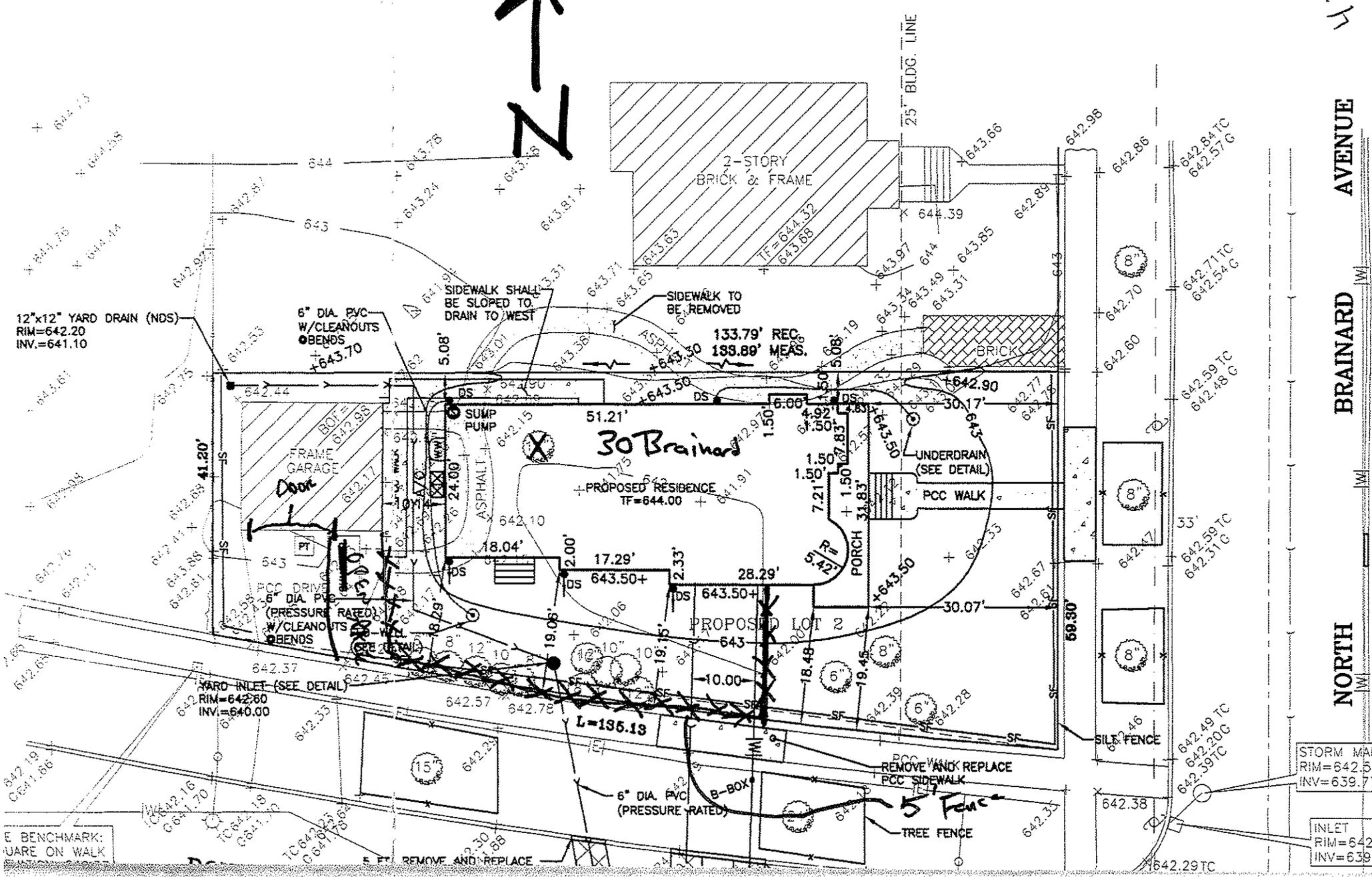
Conditions Imposed:

4-B.14



4-B.15

918-11



BRAINARD AVENUE  
NORTH

STORM MAN  
RIM=642.52  
INV=639.77

INLET  
RIM=642.  
INV=639.9

E BENCHMARK  
WARE ON WALK





VILLAGE OF LA GRANGE  
Community Development Department

**BOARD REPORT**

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

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

DATE: September 8, 2008

RE: **ORDINANCE - VARIATION - SIDE YARD REGULATIONS FOR  
ACCESSORY STRUCTURES/1 N. EDGEWOOD**

---

Robert and Janice Derrickson, owners of the property at 1 N. Edgewood, have applied for variation from corner side yard regulations and side yard requirements for accessory structures in order to replace a detached garage which is original to the home. The subject property is located in the R-6 Single Family District.

The property in question is a two-family residential lot, 66.33 foot width in the front, 29.18 foot width in the rear and a depth of 128.62 feet which is an atypical size and configuration for lots in the area.

The petitioners wish to replace the existing 20.15 ft. x 22.25 ft. detached garage with a new 21 ft. by 24 ft. garage in approximately the same location. They also wish to construct an 8 ft. extension of the garage roof to the (west), facing their house, to create a covered patio area.

Currently, the southeast corner of the existing garage is 7.5 ft. from the (south) lot line. This encroaches into the required corner side yard of 17 feet by 9.5 ft. Construction of the proposed detached garage would maintain this same encroachment into the required corner side yard. Also, at the southwest corner of the new structure, the garage roof extension over the new patio would encroach 1.5 ft. into the required corner side yard. Therefore, the petitioners seek a variation from Paragraph 3-110C2(Corner Side Yard) of the Zoning Code. Subparagraph 14-303E1 (a) (Authorized Variations) allows the reduction of any required yard setback. The requested variation falls within the authorized limits of the Zoning Code.

In addition, the existing garage is located approximately 2.58 feet from the (north) side lot line. In order to construct a larger garage in the same location, the new garage would be closer to the lot line with a 1.83 feet setback. Therefore, they seek a variation of 1.17 feet from the required side yard. Subparagraph 14-303E1 (a) (Authorized Variations) allows the reduction of any required yard setback. The requested variation falls within the authorized limits of the Zoning Code.

On August 21, 2008, the Zoning Board of Appeals held a public hearing on this matter and voted unanimously to recommend that the variation be granted as requested. One condition was noted that

4-C

the Commissioners wanted to reflect that this action was not granting an approval to enclose the roof extension over the patio now or in the future.

Staff has prepared the attached ordinance authorizing the variation for your consideration.

4-C-1

VILLAGE OF LA GRANGE

ORDINANCE NO. O-08-\_\_\_\_\_

AN ORDINANCE GRANTING A ZONING VARIATION  
FOR CONSTRUCTION OF A DETACHED GARAGE  
AT 1 N. EDGEWOOD AVENUE

WHEREAS, Robert Derrickson is the owner (the "Owner") of the property commonly known as 1 N. Edgewood Avenue, La Grange, Illinois, and legally described as follows:

Lot 1 in the Resubdivision of Lots 229, 230, 231 and 232 in the West End addition to La Grange, being a Subdivision of that part of the East half of the Northwest Quarter of Section 5, Township 38 North, Range 12, East of the Third Principal Meridian between the center line of Ogden Avenue and the Northerly line of the right of way of Chicago Burlington and Quincy Railroad, in Cook County, Illinois.

(the "Subject Property"); and

WHEREAS, the Owner has applied for a variation from Paragraph 3-110C2 Corner Side Requirements and the side yard required for accessory structures by Paragraph 3-110-G9 of the La Grange Zoning Code in order to construct a detached garage on the Subject Property; and

WHEREAS, the La Grange Zoning Board of Appeals conducted a public hearing to consider the application on August 21, 2008, pursuant to proper public notice, and recommended in its Findings and Recommendation dated August 21, 2008, that the variations be approved; and

WHEREAS, the President and Board of Trustees have reviewed the record of the public hearing and the Findings and Recommendation of the Zoning Board of Appeals and have determined that the application satisfies the standards set forth in the La Grange Zoning Code for the grant of a variation;

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 incorporated into this Ordinance as findings of the President and Board of Trustees.

Section 2. Grant of Variation. The Board of Trustees, pursuant to the authority granted to it by the laws of the State of Illinois and the La Grange Zoning Code, hereby grants to the Owner variations from (1) corner side yard requirements of Paragraph 3-100C2 of the La Grange Zoning Code by 9.5 feet (2) the side yard standard for accessory structures of Paragraph 3-110-G9 of the La Grange Zoning Code to reduce the interior side yard required on the Subject Property by 1.17 feet for a detached

4-C.2

garage, subject to all of the following conditions:

- A. The variation is granted only to authorize construction of 21 foot by 24 foot detached garage in substantial conformity with the design drawings and site plan attached to this Ordinance as Exhibit A (the "Approved Design"). The permit drawings to be prepared by the Owner must conform to the Approved Design. This Ordinance does not grant any authorization to enclose the roof extension depicted in Exhibit "A".
- B. If the garage is constructed in violation of any term or condition of this Ordinance, then the Village may order the garage to be demolished and may rescind the approval granted by this Ordinance.

Section 3. Effective Date. This Ordinance will be in full force and effect from and after (a) its passage, approval, and publication in pamphlet form as provided by law, (b) execution by the Owner, and (c) approval by the Village's Director of Community Development of conforming plans for the garage as required by Subsection 2A of this Ordinance.

PASSED this \_\_\_\_ day of \_\_\_\_\_ 2008, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

APPROVED by me this \_\_\_\_ day of \_\_\_\_\_ 2008.

\_\_\_\_\_  
Elizabeth M. Asperger, Village President

ATTEST:

\_\_\_\_\_  
Robert N. Milne, Village Clerk

4-C.3



ROBERT AND JALINE DERRICKSON  
1 NORTH EDGEWOOD AVE.  
LA GRANGE, IL. 60525

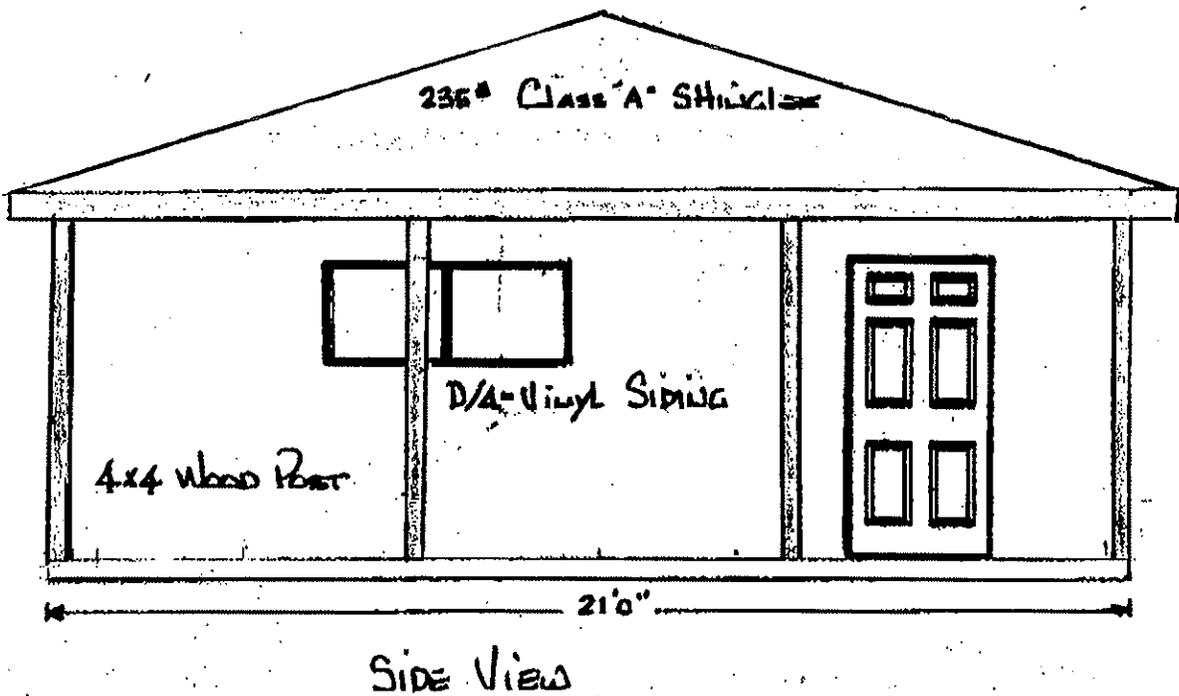
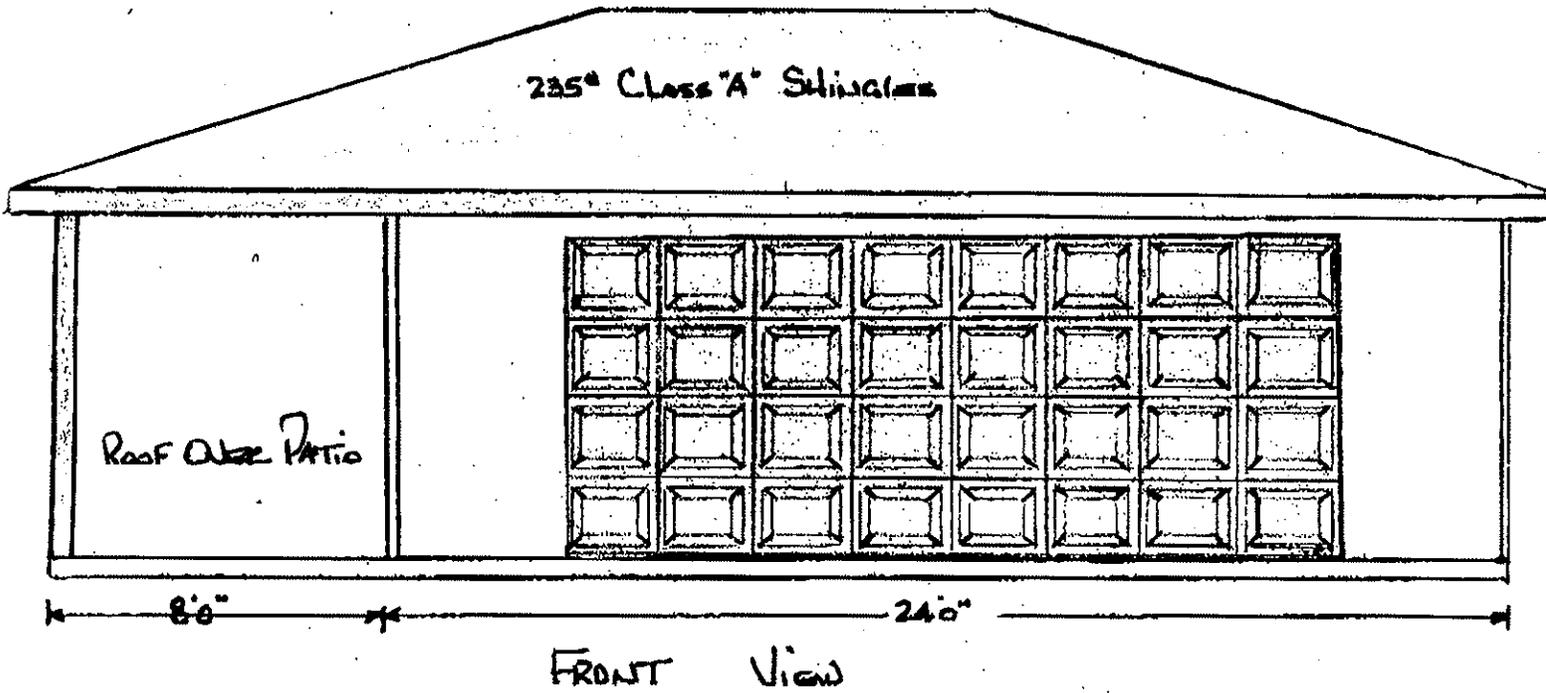


Exhibit "A" 4-C.4

**FINDINGS OF FACT**

ZONING BOARD OF APPEALS  
OF THE  
VILLAGE OF LA GRANGE

August 21, 2008

President Asperger and  
Board of Trustees

RE: **ZONING CASE #575 - VARIATION – CORNER SIDE AND REAR YARD REGULATIONS FOR ACCESSORY STRUCTURES, ROBERT & JANICE DERRICKSON, 1 N. EDGEWOOD.**

The Zoning Board of Appeals transmits for your consideration, its recommendations for a request of zoning variation necessary to construct a detached garage at 1 N. Edgewood.

**I. THE SUBJECT PROPERTY:**

The subject property in question is a residential lot, 66.33 foot width in the front, 29.18 foot width in the rear and a depth of 128.62 feet.

**II. CHARACTERISTICS OF THE SURROUNDING AREA:**

The subject property is located in the R-6 Single Family Residential District.

**III. VARIATIONS SOUGHT:**

The applicant seeks a variation from Paragraph 3-110G9 (Side Yard Regulations for Accessory Structures) and 3-110C2 (Corner Side Yard Regulations for Accessory Structures) of the Village of La Grange Zoning Code. Sub Paragraph 14-303E1(a) Authorized Variations, allows the reduction of any required yard setback. The requested variations fall within the authorized limits of the Zoning Code.

**IV. THE PUBLIC HEARING:**

After due notice, as is required by law, (including legal publication, posting at the subject property and courtesy notices to owners within 250 feet of the subject property) the Zoning Board of Appeals held a public hearing on the proposed variation in the La Grange Village Hall Auditorium on August 21, 2008. Present were Commissioners Nathaniel Pappalardo, Nancy Pierson, Kathy Schwappach, Charles Benson, Jr. and Chairperson Ellen Brewin presiding. Also present was Community Development Director Patrick Benjamin and Community Development Clerk Joyce Gomolinski. Testimony was given under oath by the applicants. No objectors appeared at the hearing and no written objections have been filed to the proposed variation.

4-C-5

Chairperson Brewin swore in Robert Derrickson, owner of the property at 1 N. Edgewood, who presented the application and answered questions from the Commissioners:

- Mr. Derrickson stated his current garage is falling down. It is original to the home and he would like to replace it with a wider garage. The structure would not be going toward the street or any neighbors.
- Since the street runs on angle, a garage seventy feet from the lot line would have to be moved over very close to the lot line to get the same sized garage as proposed, 21 by 24 feet.

Chairperson Brewin solicited questions from the Commissioners:

- Commissioner Schwappach asked about the eight foot extension of the garage roof to create a covered patio. Answer: You cannot see this from the street. The current garage has a gabled design so the new design is actually lower.
- Chairperson Brewin asked if this was the smallest size garage to build which would work for two cars. Answer: Can barely get two cars in the garage, and there is no place for additional storage. It is difficult to get snow blower, lawnmower and two cars into the garage.
- Chairperson Brewin asked about the garage overhang and gutters going into the neighbor's area. Answer: Neither the garage overhang nor gutters will be in the neighbor's yard.
- Commissioner Pierson asked if the petitioner had spoken with the neighbors to the north. Answer: They are pleased with the project, trees were trimmed away from the power lines and they are fine with that.
- Commissioner Pappalardo asked about how close the garage is to the sidewalk. Answer: the door faces the street and they would like to keep that there. The neighbor's garage is further away, on the north side, and there is room to maintain the garage, 1.8 feet.
- Commissioner Brewin asked if the petitioner would consider moving it to make it two feet. Answer: This is only a couple of inches, moving it closer to the street, it becomes difficult to park a vehicle there.

*Under the provisions of the Zoning Ordinance, no variation shall be granted unless the applicant establishes that carrying out the strict letter of the provisions of this code would*

4-c.6

*create a particular hardship or practical difficulty. Such a showing shall require proof that the variation sought satisfies certain conditions. The following facts were found to be evident:*

1. Unique Physical Condition:

This zoning lot is atypical of most corner lots in the Village. This lot is irregular in shape; it measures only 29.18 feet wide at one end. Typical lots measure 50 feet in width. Required yards on corner lots are larger than interior lots; the corner side yard requirement is 17 feet, whereas the interior side is 5 feet.

2. Not Self-Created:

The petitioners purchased the property in April 2005. They have not made any improvements to the property that would affect the location of the detached garage in the corner side yard.

3. Denied Substantial Rights:

This is a legal lot of record; however, it is an irregular shaped lot and the required yards for this corner lot do not allow space for a two-car detached garage.

4. Not Merely Special Privilege:

The petitioner is asking for a 21 ft. by 24 ft. (504 sq. ft.) two-car detached garage. On lots similar in size to the petitioner's, a 600 sq. ft. three-car detached garage would be permitted. According to the petitioner, the size of the existing garage cannot comfortably accommodate their (2) vehicles. Additionally, there are no other storage sheds existing on the property. Therefore, the request is not a special privilege.

5. Code and Plan Purposes:

The Zoning Code requires two parking spaces for each single family residence, and the Village does not allow overnight parking on the street. Therefore, the requested variation would allow a detached garage in which to park two vehicles.

6. Essential Character of the Area:

The petitioners believe that the requested variation would not adversely affect the character of the neighborhood. The petitioner would like to replace the garage which is substantially deteriorated. A two car detached garage is in character with the surrounding area.

7. No Other Remedy:

4-C.7

Currently, the property has a two car detached garage that is located a similar distance from Hillgrove Avenue. This is a pre-existing, legal nonconformity. A variation is the only possible course of action to build or repair/rebuild a new detached garage on the property. The lot is narrower than most zoning lots in La Grange; therefore, sufficient space is not available to meet the corner side requirements. Additionally, even if the existing garage depth of 20.15 ft. was maintained, the new garage would still not meet the interior (north) yard requirement without moving the structure closer to Hillgrove Avenue.

The petitioners feel that the existing garage is substantially beyond repair. They wish to construct a new garage with a more modern design that accentuates the architectural style of the neighborhood and enhances their property

#### **V. FINDINGS AND RECOMMENDATION:**

- Commissioner Benson stated that the lot was a unique physical situation because the lot narrows at the back. The garage can be moved, but it would be almost next to the house.
- Commissioner Pappalardo stated that it appears the 2.58 setback is changing to 1.83 feet in this petition. It is encroaching more to the north lot line. Director Benjamin stated the new garage will maintain 1.4 feet in the corner and it will encroach seven inches on to the north lot line.
- Commissioner Pappalardo asked if the space should be two feet between the garage and the neighbor's lot line. Chairperson Brewin felt there might not be enough room to get to the garage for maintenance purposes and would like it to be two feet.
- Commissioner Pappalardo felt the uniqueness of the shape of the lot made the variation more than reasonable. The garage is situated toward the rear of the lot and consistent with the character of the neighborhood.
- Commissioner Pappalardo stated the garage being considered is only a 21 by 24 foot garage, with an eight foot overhang, which encroaches into the required side yard. He would also like an acknowledgement that the variance is not granting approval for the enclosure of the overhang.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Pappalardo and seconded by Commissioner Pierson that the Zoning Board of Appeals recommend to the Village Board of Trustees approval of the application submitted with ZBA Case #575.

Motion Carried by a roll call vote (5/0/2).

4-0-8

AYE: Pappalardo, Pierson, Benson, Schwappach and Brewin.  
NAY: None.  
ABSENT: Naseef, Brenson.

BE IT THEREFORE RESOLVED that the Zoning Board of Appeals recommend approval to the Village Board of Trustees of the variations from Paragraph 3-110G9 (Side Yard Regulations for Accessory Structures) and 3-110C2 (Corner Side Yard Regulations for Accessory Structures) of the Village of La Grange Zoning Code.

Respectfully submitted:

Zoning Board of Appeals of the  
Village of La Grange

**DRAFT**

BY: \_\_\_\_\_  
Ellen Brewin, Chairperson

4-c.9

## STAFF REPORT

**CASE: ZBA #575 – Robert and Janice Derrickson - 1 N. Edgewood Avenue - Corner Side Yard and Interior Side Yard**

### BACKGROUND

(Note: This Staff Report is solely based on information presented in the application and on a physical inspection of subject property and environs, and is not influenced by any other circumstance.)

The petitioners, Mr. and Mrs. Derrickson, wish to replace an existing detached garage at the subject property at 1 N. Edgewood Avenue. They wish to replace the existing 20.15 ft. x 22.25 ft. detached garage with a new garage in approximately the same location that is 21 ft. x 24 ft. They also wish to construct an 8 ft. extension of the garage roof to the (west), facing their house, to create a covered patio area.

The southeast corner of the existing garage is 7.5 ft. from the (south) lot line. This encroaches into the required corner side yard by 9.5 ft. The petitioner seeks a variation from Paragraph 3-110C2 (Corner Side Yard) of the Zoning Code. Construction of the proposed detached garage would maintain this same encroachment into the required corner side yard of 17 ft. by encroaching 9.5 ft. at the southeast corner. At the southwest corner of the new structure, the garage roof extension over the new patio would encroach 1.5 ft. into the required corner side yard. Subparagraph 14-303E1 (a) (Authorized Variations) allows the reduction of any required yard setback. The requested variation falls within the authorized limits of the Zoning Code.

In addition, the existing detached garage is currently setback approximately 2.58 ft. from the side (north) lot line and 4.1 ft. from the rear (east) lot line. According to the Zoning Code, the side and rear yard setbacks required for detached structures is 3 feet. In order to construct a new larger garage in approximately the same location, the petitioners seek a variation from Paragraph 3-110-G9 (Side and Rear Yard Regulations for Accessory Structures) of the Zoning Code. The detached garage would encroach into the required side (north) yard setback of 3 ft. by 1.17 ft leaving a remaining setback of 1.83 ft. The existing setback of 4.1 ft. from the rear (east) lot line would be maintained. Subparagraph 14-303E1 (a) (Authorized Variations) allows the reduction of any required yard setback. The requested variation falls with the authorized limits of the zoning code.

The petitioners also plan to relocate an existing 6 ft. high solid board fence that runs along the sidewalk of Hillgrove Avenue. At a point 8.5 ft. west of the existing driveway, this fence angles into the lot to meet with the southwest corner of the existing garage. The fence will need to be relocated such that at a point 10 ft. west of the existing driveway, it will angle into the lot to meet the southwest corner of the new garage. Paragraph 9-105D2 (b) (Fence Location on Front and Corner Side Yards) allows for this configuration.

4-C.10

## VARIATION STANDARDS

In considering a variation, be guided by the General Standard as outlined in our Zoning Code that "No variation shall be granted pursuant to this Section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Subsection."

**Unique Physical Condition** - *"The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot."*

This zoning lot is atypical of most corner lots in the Village. This lot is irregular in shape; it measures only 29.18 feet wide at one end. Typical lots measure 50 feet in width. Required yards on corner lots are larger than interior lots; the corner side yard requirement is 17 feet, whereas the interior side is 5 feet.

**Not Self-Created** - *"The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid."*

The petitioners purchased the property in April 2005. They have not made any improvements to the property that would affect the location of the detached garage in the corner side yard.

**Denied Substantial Rights** - *"The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision."*

This is a legal lot of record; however, it is an irregular shaped lot and the required yards for this corner lot do not allow space for a two-car detached garage.

**Not Merely Special Privilege** - *"The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized*

4-C-11

*variation."*

The petitioner is asking for a 21 ft. by 24 ft. (504 sq. ft.) two-car detached garage. On lots similar in size to the petitioner's, a 600 sq. ft. three-car detached garage would be permitted. According to the petitioner, the size of the existing garage cannot comfortably accommodate their (2) vehicles. Additionally, there are no other storage sheds existing on the property. Therefore, the request is not a special privilege.

**Code and Plan Purposes** - *"The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan."*

The Zoning Code requires two parking spaces for each single family residence, and the Village does not allow overnight parking on the street. Therefore, the requested variation would allow a detached garage in which to park two vehicles.

**Essential Character of the Area** - *"The variation would not result in a use or development on the subject property that:*

- a. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or*
- b. Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or*
- c. Would substantially increase congestion in the public streets due to traffic or parking; or*
- d. Would unduly increase the danger of flood or fire; or*
- e. Would unduly tax public utilities and facilitates in the area; or*
- f. Would endanger the public health or safety."*

The petitioners believe that the requested variation would not adversely affect the character of the neighborhood. The petitioner would like to replace the garage which is substantially deteriorated. A two car detached garage is in character with the surrounding area.

**No Other Remedy** - *"There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property."*

Currently, the property has a two car detached garage that is located a similar distance from Hillgrove Avenue. This is a pre-existing, legal nonconformity. A variation is the only possible course of action to build or repair/rebuild a new detached garage on the property. The lot is narrower

4-C.12

than most zoning lots in La Grange; therefore, sufficient space is not available to meet the corner side requirements. Additionally, even if the existing garage depth of 20.15 ft. was maintained, the new garage would still not meet the interior (north) yard requirement without moving the structure closer to Hillgrove Avenue.

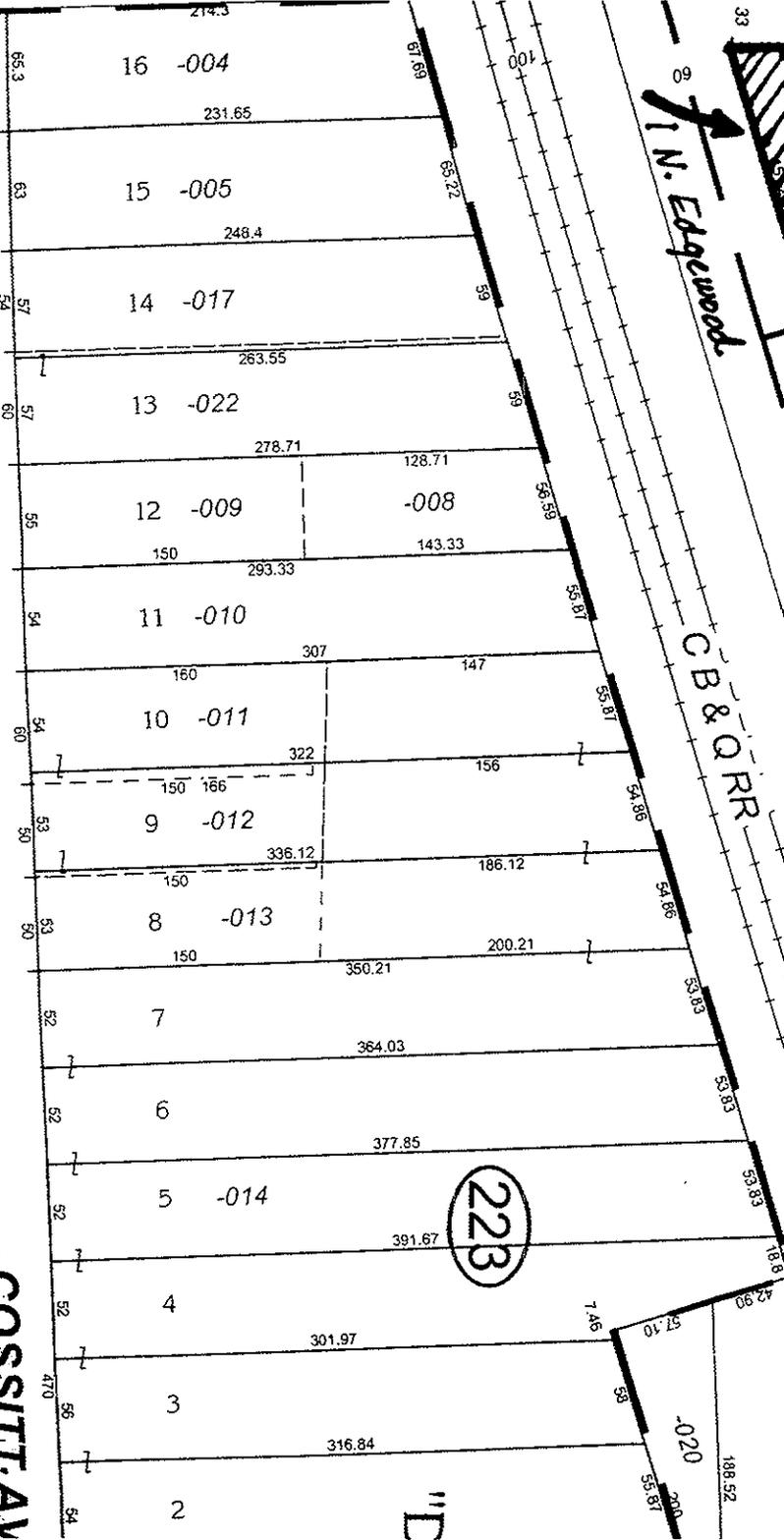
The petitioners feel that the existing garage is substantially beyond repair. They wish to construct a new garage with a more modern design that accentuates the architectural style of the neighborhood and enhances their property.

4-C.13



H.C.S

COSSITT AV



11 N. Edgewood

CB & Q RR

HILL GROVE AVE

Edgewood

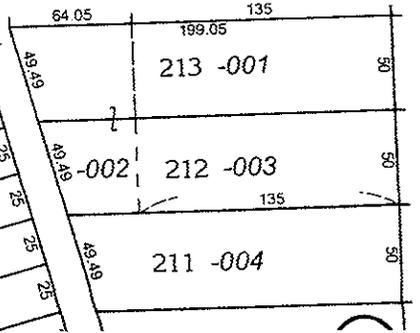
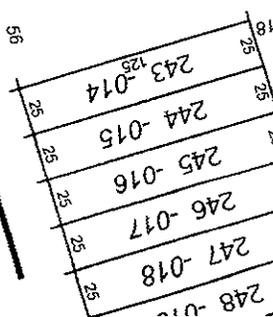


500

220

"B"

261 -020



**APPLICATION FOR ZONING VARIATION**

Application # 575  
Date Filed: July 17, 2008  
UARCO # 9:5707

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

Application is hereby made by: **Robert and Janice Derrickson**

Address: **1 North Edgewood Avenue, LaGrange** Phone: **708.352.5210 (home) 847.877.5502 (Bob's cell)**

Owner of property located at: **1 North Edgewood Avenue, LaGrange**

Permanent Real Estate Index No: **18-05-220-019-0000 Vol. 77**

Present Zoning Classification: **2-03 Residential**

Present Use: **Residential**

Ordinance Provision for Variation from Article #3-110G9 of Zoning Ordinance, to wit:  
3-110C2

**A. Minimum Variation** of Zoning requirement necessary to permit the proposed use, construction, or development:

**Yes. Garage will be 2' wider into our yard to the west and 10" deeper into our yard to the north. Not asking to extend towards neighbors driveway to the east or towards Hillgrove Avenue to the south.**

**B. The purpose** therefor,

**Demolish old garage and construct a newer more modern garage designed to accentuate the neighborhoods architectural design. Furthermore, the new Hip style roof will be lower than the existing Gable style roof allowing for better sightlines for the neighbors to the north and east.**

**C. The specific feature(s)** of the proposed use, construction, or development that require a variation:

**The proposed garage will be slightly wider and deeper than existing garage originally designed in the 1950's when most households only had one car.**

**PLAT OF SURVEY must be submitted with application.** The plat should show any existing buildings on the petitioned property as well as any existing buildings on property immediately adjacent. It should also show any proposed new construction in connection with the variation, including landscaping, fencing, etc.

**Plat of survey should be on file as it has been submitted to the Village of La Grange by Steele & Loeber on our behalf with original request for building permit within the last two weeks.**

4-c.16

following conclusions or the petition for variation cannot be granted. (if necessary, use additional page)

a. State **practical difficulty** or **particular hardship** created for you in carrying out the strict letter of the zoning regulations, to wit:

**It is difficult to comfortably fit two vehicles in the garage in its present configuration and village laws do not allow for over night parking of vehicles on neighborhood streets.**

b. A reasonable return or use of your property is not possible under the existing regulations, because:

**Of size and location limitations.**

c. Your situation is unique (not applicable to other properties within that zoning district or area) in the following < \_\_\_\_\_ respect(s):

**The street (Hillgrove) is on a severe aggregate which angles to the back of the property putting the garage too close to the lot line according to existing zoning laws that have changed since the original construction.**

2. Unique Physical Condition. The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

**Yes. If Hillgrove Avenue was not on such a severe angle the front of the existing and proposed garage would be in compliance.**

3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid

**Yes. When existing garage was built it met local zoning codes. It has fallen out of compliance over the years as the zoning laws have changed.**

4. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

**Yes. There are other properties in the immediate neighborhood that have garages larger than the proposed new garage design.**

5. Not Merely Special Privilege. The alleged hardship or difficulty is not merely inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

**No. As stated in question # 4, there are larger garages on properties of equal size in the immediate neighborhood.**

4-C-17

6. Code and Plan Purposes. The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

**No. We are not asking to move the garage closer to the lot lines on the south or east. The expansion of size would be into current property's yard.**

7. Essential Character of the Area. The variation would not result in a use or development on the subject property that:

(a) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or

(b) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or

(c) Would substantially increase congestion in the public streets due to traffic or parking; or

(d) Would unduly increase the danger of flood or fire; or

(e) Would unduly tax public utilities and facilities in the area; or

(f) Would endanger the public health or safety.

**The requested variation would not affect the essential character of the area.**

8. No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

**No. There is no other remedy than the requested variation for this new garage.**

**NOTICE**: This application must be filed with the office of the Community Development Director, accompanied by necessary data called for above and the required filing fee of Five Hundred Dollars (\$500.00).

The above minimum fee shall be payable at the time of the filing of such request. It is also understood that the applicant shall reimburse the Village any additional costs over and above these minimums, which are incurred by the Village, including but not limited to the following:

(a) Legal Publication (direct cost);

(b) Recording Secretarial Services (direct cost);

(c) Court Reporter (direct cost);

(d) Administrative Review and Preparation (hourly salary times a multiplier sufficient to recover 100 percent of the direct and indirect cost of such service);

4-C.18

- (e) Document Preparation and Review (hourly salary times a multiplier sufficient to recover 100 percent of the direct and indirect cost of such service);
- (f) Professional and Technical Consultant Services (direct cost);
- (g) Legal Review, Consultation, and Advice (direct cost);
- (h) Copy Reproduction (direct cost); and
- (i) Document Recordation (direct cost); and
- (j) Postage Costs (direct cost).

Such additional costs shall be paid by the applicant prior to the Board of Trustees making a decision regarding the request.

I, the undersigned, do hereby certify that I am the owner, or contract purchaser (**Evidence of title or other interest you have in the subject property, date of acquisition of such interest, and the specific nature of such interest must be submitted with application.**) and do hereby certify that the above statements are true and correct to the best of my knowledge.

*Pat Smith*  
Signature of owner

1 N. Edgewood

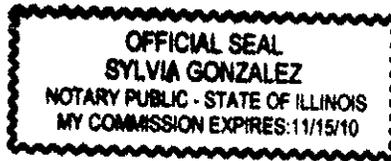
LaGrange Illinois 60525

Subscribed and sworn to before me this 18<sup>th</sup> day of July, 2008.

(Notary Public)

(Seal)

*Sylvia Gonzalez*  
Signature

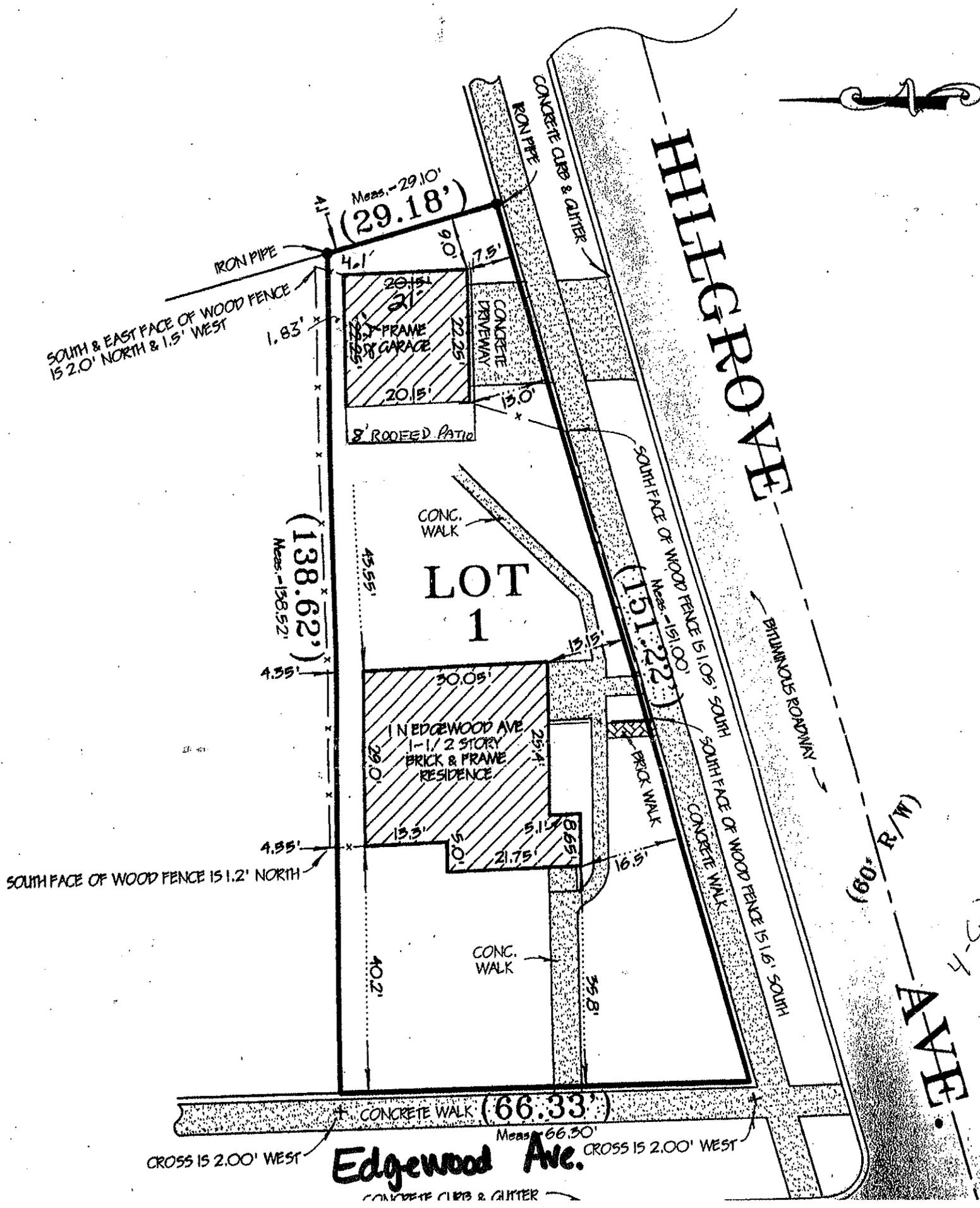


Enclosures: **Plat of Survey on file with the Village of La Grange**

**(FOR VILLAGE USE ONLY)**

4-C.19

AND THE NORTHERLY LINE OF THE RIGHT OF WAY OF CHICAGO & QUINCY RAILROAD, IN COOK COUNTY, ILLINOIS.



4-C-20

Edgewood Ave.

VILLAGE OF LA GRANGE  
Department of Public Works

**BOARD REPORT**

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

FROM: Robert J. Pilipiszyn, Village Manager  
Mike Bojovic, Assistant Director Public Works  
Larry Lezon, Head Mechanic

DATE: September 8, 2008

RE: **PURCHASE – PUBLIC WORKS DEPARTMENT/REPLACEMENT  
ASPHALT ROLLER AND TRAILER**

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The FY 2008-09 Village budget provides for the replacement of the 1991 Mauldin 3-5 ton asphalt roller. The asphalt roller is used to compact asphalt patches in the street caused by water leaks, sewer repair and curb and gutter replacement.

The current roller is very large and difficult to maneuver. Because the machine uses sheer weight to compact the asphalt, it has a chain drive system to propel it which requires frequent maintenance. It also has poor visibility for the driver and poor speed control. There is no emergency stop or rollover protection.

New rollers use frequency vibration to compact the asphalt making them smaller and easier to maneuver. They also have all standard safety features including emergency stop, roll over protection and true hydrostatic drive for better speed control.

Competitive quotations were received from four vendors that were identified as being able to provide the equipment as specified.

Below is a summary of the competitive quotations received for the roller:

VENDOR/CITY	MODEL/PRICE	TRADE-IN	TOTAL PRICE
Volvo Construction- Villa Park, IL	DD24 roller \$31,276	\$350	\$30,926
Martin Implement- Orland Park, IL	Wacker-RD roller \$36,051	\$3,000	\$33,051
McCann- Bolingbrook, IL	Cass-DV202 roller \$34,675	\$900	\$33,775
Patten Construction- Elmhurst, IL	CAT CB24 roller \$36,798	\$1,000	\$36,798
FY 2008-09 BUDGET Equipment Replacement Fund *Roller and trailer			\$36,000*

4-D

Because the new rollers articulate in the middle, they do not have self storing dolly wheels. Therefore, a trailer for the new roller will be needed. The trailer required is a 12 foot long, single axle, 7,000 pound tilt bed type. Competitive quotations were requested from three vendors capable of supplying the trailer per our specifications. We propose to accept the low quote of \$3,385 from Funk Trailer of Morris, Illinois.

The total cost of the roller (\$30,926) and the trailer (\$3,385) is \$34,311. This is \$1,689 under the budget of \$36,000.

We recommend that the Village Board waive the competitive bidding process and authorize staff to enter into an agreement with Volvo Construction of Villa Park, Illinois for the purchase of a DD24 roller at a cost of \$31,276 (less \$350 for trade) for a total cost of \$30,926.

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4-0.1

VILLAGE OF LA GRANGE  
Department of Public Works

**BOARD REPORT**

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

FROM: Robert J. Pilipiszyn, Village Manager  
Mike Bojovic, Assistant Director of Public Works  
Larry Lezon, Head Mechanic

DATE: September 8, 2008

RE: **PURCHASE – PUBLIC WORKS DEPARTMENT / REPLACEMENT  
DUMP TRUCK**

---

The FY2008-09 Village budget provides for the replacement of the 1990 Ford L8000 five-ton dump truck for the Department of Public Works. This vehicle is one of the larger general utility trucks in our fleet and is used for general hauling of dirt and gravel in the summer, and snow and ice control in the winter. It is no longer cost-effective to maintain this vehicle; mechanical repairs have become increasingly frequent and the floor in the cab is starting to rust.

A quote was obtained from Prairie International, in Springfield, Illinois, a dealer providing State pricing for the purchase of a new 2009 International five ton dump with 310 horsepower engine. The vehicle is equipped with an 11 foot snow plow, salt spreader, and pre-wet system to apply calcium chloride to the salt when the temperature drops below 20 degrees. This is a sole source purchase because Prairie International was the only dealer who was able to offer State bid pricing on not only the cab and chassis, but also on the dump body and other equipment components (snow plow package) which we required.

The following is a breakdown of cost:

Cab/Chassis	\$58,492
Dump body, snow plow, salt spreader with pre-wet system	\$38,063
Total	\$96,555
Trade-in 1990 Ford L8000	(\$3,500)
Net Total Cost	\$93,055
FY 2008-09 BUDGET Equipment Replacement Fund	\$93,000

We anticipate delivery of the vehicle before the 2008 / 09 winter season.

4-E

Purchase – Public Works Department / Replacement Dump Truck  
Board Report – September 8, 2008 – Page 2

We recommend that the Village Board accept the quote submitted by Prairie International of Springfield, Illinois for a 2009 International five-ton dump truck in the amount of \$96,555, less a trade-in of \$3,500, for a net total cost of \$93,055.

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4-E.1

**VILLAGE OF LA GRANGE**

Disbursement Approval by Fund

September 8, 2008

Consolidated Voucher 080908

<u>Fund No.</u>	<u>Fund Name</u>	<u>09/08/08 Voucher</u>	<u>09/05/08 Payroll</u>	<u>Total</u>
01	General	198,163.42	233,080.73	431,244.15
21	Motor Fuel Tax			0.00
22	Foreign Fire Insurance Tax	14.00		14.00
23	TIF			0.00
24	ETSB	2,655.63		2,655.63
40	Capital Projects	19,159.30		19,159.30
50	Water	206,995.55	31,095.89	238,091.44
51	Parking	4,407.10	20,639.40	25,046.50
60	Equipment Replacement	23,148.67		23,148.67
70	Police Pension			0.00
75	Firefighters' Pension			0.00
80	Sewer	2,588.44	6,947.22	9,535.66
90	Debt Service			0.00
91	SSA 4A Debt Service			0.00
93	SAA 269			0.00
94	SAA 270			0.00
		<u>457,132.11</u>	<u>291,763.24</u>	<u>748,895.35</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

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Trustee

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Trustee

\_\_\_\_\_  
Trustee

\_\_\_\_\_  
Trustee

4-F

MINUTES

VILLAGE OF LA GRANGE  
BOARD OF TRUSTEES REGULAR MEETING  
Village Hall Auditorium  
53 South La Grange Road  
La Grange, IL 60525

Monday, August 25, 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 7:30 p.m. by President Asperger. On roll call, as read by Village Clerk Robert Milne, 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 Mark Burkland  
Community Development Director Patrick Benjamin  
Finance Director Lou Cipparrone  
Assistant Public Works Director Mike Bojovic  
Fire Chief David Fleege  
Doings Reporter Jane Michaels  
Chicago Tribune Reporter Joe Ruzich  
Suburban Life Reporter Joe Sinopoli

2. PRESIDENT'S REPORT

A. Proclamation – Community Diversity Group 17<sup>th</sup> Annual Race Unity Rally

President Asperger proclaimed Sunday, September 14, 2008 as Race Unity Day and indicated that the 17<sup>th</sup> Annual Rally would be held in the Village Hall Auditorium beginning at 3:00 p.m. President Asperger noted this as an annual event for all to gather and celebrate diversity in the community. Trustee Langan moved to approve the Proclamation, seconded by Trustee Horvath. Approved by unanimous voice vote. President Asperger invited Linda Eastman of the Community Diversity Group to comment on the item. Ms. Eastman encouraged all to attend and participate in this annual event.

4-6

President Asperger announced that the La Grange Business Association will be conducting the "Lounging In La Grange" charity auction on Thursday, September 4. On September 6 and 7 the West End Arts Festival will take place. Residents were reminded to drive safely as school has resumed.

President Asperger explained that immediately following the regular Board meeting, a presentation and the continued discussion of the La Grange Theater would commence.

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

Michael Rutkowski, 309 S. Kensington Avenue noted his presence and requested permission to speak during the Board's discussion of his item on the agenda. Permission was granted by President Asperger.

4. OMNIBUS AGENDA AND VOTE

- A. Ordinance – Variation – Side and Rear Yard Regulations for Accessory Structure / John Edinger and Maria Nidos, 226 S. Ashland (President Asperger noted this item has been removed from the agenda at the applicant's request.)
- B. Authorization to Participate in the Northwest Municipal Conference (NWMC) / Suburban Purchasing Cooperative 2008 Thermoplastic Street Marking Program (\$16,862)
- C. Authorization to Participate in the Northwest Municipal Conference (NWMC) / Suburban Purchasing Cooperative 2008 Crack Sealing Program (\$25,000)
- D. Purchase – Fire Department Vehicle Radio / Intercom Communication Equipment (Miner Electronics Corporation, Joliet, IL - \$16,345)
- E. Consolidated Voucher 080811 (\$580,557.86)
- F. Consolidated Voucher 080825 (\$542,234.91)
- G. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, July 28, 2008

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

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

4-G-1

5. CURRENT BUSINESS

- A. Ordinance (#O-08-21) – Variation – Maximum Building Coverage / Michael Rutkowski, 309 S. Kensington Avenue: Referred to Trustee Horvath

Trustee Horvath explained that Michael Rutkowski, owner of the property at 309 S. Kensington Avenue, has applied for a variation from maximum building coverage in order to construct a two car garage. Trustee Horvath gave detailed information relating to the request for this variation, noting that on July 17, 2008 the Zoning Board of Appeals held a public hearing on this matter and the motion to recommend that the variation be granted failed with three ayes and two nays, at least four ayes are required to decide in favor of any application. Trustee Horvath noted that two Commissioners were absent.

Reasons on the decision by the Zoning Board of Appeals were identified. Trustee Horvath stated that in accordance with State Statute, the approval of any proposed variation which fails to receive the approval of the Board of Appeals will not be passed except by the favorable vote of two-thirds majority vote by roll call of all Trustees (four out of six Trustees) currently holding office.

It was moved by Trustee Horvath to approve the ordinance granting a zoning variation for construction of a garage at 309 S. Kensington Avenue, seconded by Trustee Palermo.

Michael Rutkowski noted his desire to maintain the historic preservation of their home while improving safer conditions by not having to back cars in and out. Mr. Rutkowski presented the Board with signatures from surrounding neighbors in favor of the variation, adding that the proposed plan would eliminate two existing nonconformities.

Trustee Horvath concurred with the reasoning articulated by the three members of the Zoning Board of Appeals who supported the variation. Also, Trustee Horvath noted the lot size and elimination of non-conformities as additional reasons why he supported this variation.

Trustee Wolf believes that a request to construct a 20 x 20 garage is reasonable and indicated her favorable vote.

Trustee Livingston believes the Zoning Board of Appeals did a good job in sorting out the facts. Trustee Livingston noted his support for the same reasons stated by members of the Zoning Board of Appeals and the fact that non-conformities would be remedied.

Trustee Palermo noted his favor.

Trustee Kuchler felt that the request was appropriate for the lot.

4-G-2

Trustee Palermo inquired if applicants are informed of the required number of votes needed for a positive recommendation by the Zoning Board of Appeals. Patrick Benjamin Director of Community Development explained the process by which applicants are advised by the Chair of the Commission.

Approved by roll call vote.

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

6. MANAGER'S REPORT

Village Manager Robert Pilipiszyn explained the implementation of an upgraded emergency notification system entitled, "CodeRed." The system has the ability to deliver prerecorded telephone notification information messages to notify, inform or instruct residents and businesses on matters of public safety. Mr. Pilipiszyn clearly noted that businesses and residents must register their contact information.

Mr. Pilipiszyn noted the final stages of the Gilbert Avenue Water Main Project and thanked residents for their patience. The Burlington Avenue Water Main Project is expected to begin this week and last approximately one month.

Painting of the Ogden Avenue railroad trestle is also close to completion.

Lastly, the free brush pick-up will begin on Tuesday, September 2 due to the Labor Day holiday on Monday, September 1 at which time Village administrative offices will be closed.

7. PUBLIC COMMENTS NOT ON AGENDA

Kathy Deane, 100 S. Ashland Avenue read an editorial printed in the Doings Newspaper relevant to closed session meetings.

President Asperger feels the editorial was not thorough and stands by her personal comments.

8. EXECUTIVE SESSION

9. TRUSTEE COMMENTS

Trustee Horvath reminded residents of the beginning of the school year and encouraged safe driving habits.

4-6-3

Trustee Kuchler expressed his favor to host a 5K run in the Village if an organization is thinking about such an event.

Trustee Palermo expressed concerns with the brevity of Closed Session minutes and would like to see more information going forward.

Trustee Langan commented on the number of public meetings held to discuss the theatre proposal and encouraged President Asperger to meet with the editorial board.

Trustee Livingston noted the reason for closed sessions is to protect taxpayers and the public, when sensitive matters need to be discussed, so that others cannot take advantage by the disclosure of such information. He cited similarities to the process of accepting sealed bids. Decisions are made in public. Trustee Livingston emphasized that the Village wants to do it right and will continue to do so in the future.

10. ADJOURNMENT

At 8:20 p.m. President Asperger announced that a Special Village Board meeting would be held to further discuss the proposed renovation of the La Grange Theatre after which the Board would adjourn.

\_\_\_\_\_  
Elizabeth M. Asperger, Village President

ATTEST:

\_\_\_\_\_  
Robert N. Milne, Village Clerk

\_\_\_\_\_  
Approved Date

4-6-4