

Village of La Grange



VILLAGE BOARD MEETING

MONDAY, AUGUST 25, 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, August 25, 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. Proclamation – Community Diversity Group 17th Annual Race Unity Rally

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 Structure / John Edinger and Maria Niedos, 226 S. Ashland
- B. Authorization to Participate in the Northwest Municipal Conference (NWMC) / Suburban Purchasing Cooperative 2008 Thermoplastic Street Marking Program
- C. Authorization to Participate in the Northwest Municipal Conference (NWMC) / Suburban Purchasing Cooperative 2008 Crack Sealing Program

- D. Purchase -- Fire Department Vehicle Radio / Intercom Communication Equipment
- E. Consolidated Voucher 080811
- F. Consolidated Voucher 080825
- G. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, July 28, 2008

5. CURRENT BUSINESS

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

- A. Ordinance – Variation – Maximum Building Coverage / Michael Rutkowski, 309 S. Kensington Avenue: *Referred to Trustee Horvath*

6. MANAGER'S REPORT

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

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

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

8. EXECUTIVE SESSION

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

9. TRUSTEE COMMENTS

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

10. ADJOURNMENT

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

PRESIDENT'S REPORT

VILLAGE OF LA GRANGE
Administrative Offices

BOARD REPORT

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

FROM: Robert J. Pilipiszyn, Village Manager

DATE: August 25, 2008

RE: **PROCLAMATION - COMMUNITY DIVERSITY GROUP**
17TH ANNUAL RACE UNITY RALLY

The CommUNITY Diversity Group will hold its 17th Annual Race Unity Rally in the Village Hall Auditorium on Sunday, September 14, 2008 beginning at 3:00 p.m. The CommUNITY Diversity Group has asked the Village to proclaim Sunday, September 14, 2008 "Race Unity Day" in La Grange. Although this event began in response to civil unrest in Los Angeles in the wake of the Rodney King beating, it is an annual reminder that all groups in our community need to work together, to recognize and appreciate our diversity, and to celebrate the Village's rich history and contributions made by all of its residents.

The speaker for the event is Joyce E. Tucker, Vice President of Global Diversity of Boeing, International. Members from the CommUNITY Diversity Group will be present at the Village Board meeting to extend a personal invitation to you to attend the rally.

It is our recommendation that the Village Board approve the attached proclamation.

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PROCLAMATION

**Village of La Grange
"Race Unity Day"
Sunday, September 14, 2008**

WHEREAS, the 17th Annual Race Unity Rally is an event to reaffirm the commitment to achieving race unity in La Grange and surrounding communities; and

WHEREAS, this year, the CommUnity Diversity Group calls the Village together for a joyous weekend celebration of human diversity culminating with Race Unity Day; and

WHEREAS, the concept of unity and diversity is deeply rooted in the fabric of our American society; and

WHEREAS, much progress has been made in the legislative arena, we have much to do yet to bring us together on a personal level; and

WHEREAS, the Race Unity Rally will demonstrate the commitment of the people of the Village of La Grange and surrounding communities to the principle that all are created equal and come together in recognition of the oneness of humanity;

NOW, THEREFORE, I, Elizabeth M. Asperger, President of the Village of La Grange, and we the Board of Trustees of the Village of La Grange do hereby proclaim that Sunday, September 14, 2008, is

"RACE UNITY DAY"

We urge all residents of our community to resolve this day to promote in ourselves, our community, state and nation those qualities and attributes which will generate the recognition that all humanity belongs to one family, to fight prejudice wherever it is found, and to assure that all persons have equal opportunities regardless of their race.

Dated at the Village of La Grange, Illinois this 25th day of August, 2008.

Elizabeth M. Asperger, Village President

Robert N. Milne, Village Clerk

2-A-1

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: August 25, 2008

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

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 22 by 23 foot garage with a two foot variance from the side yard setback and a one foot variance from the rear yard setback.

The Zoning Board of Appeals voted on the amended application and unanimously recommended approval of the two foot variance from the side yard set back and a one foot variance from 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 22 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

4-A.1

permit drawings to be prepared by the owner must conform to the Approved Design.

- 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

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.3

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 47th 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.4

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 feet storage shed.

V. FINDINGS AND RECOMMENDATION:

Y-A.5

Variation – Side and Rear Yard Regulations for Accessory Structures

July 17, 2008 - Page 4

- 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.6

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 47th 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.7

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.

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

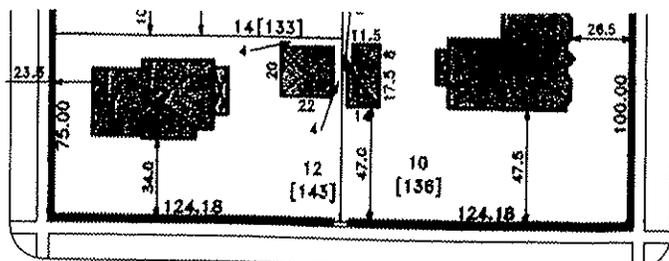
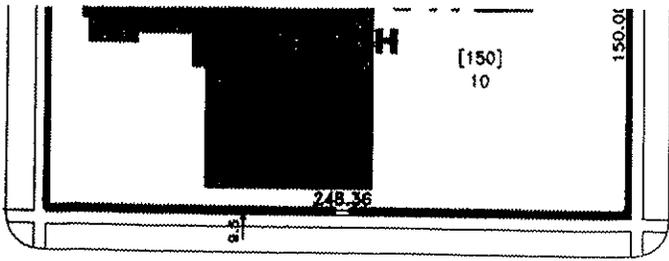
- a. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or*
- b. Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; 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."*

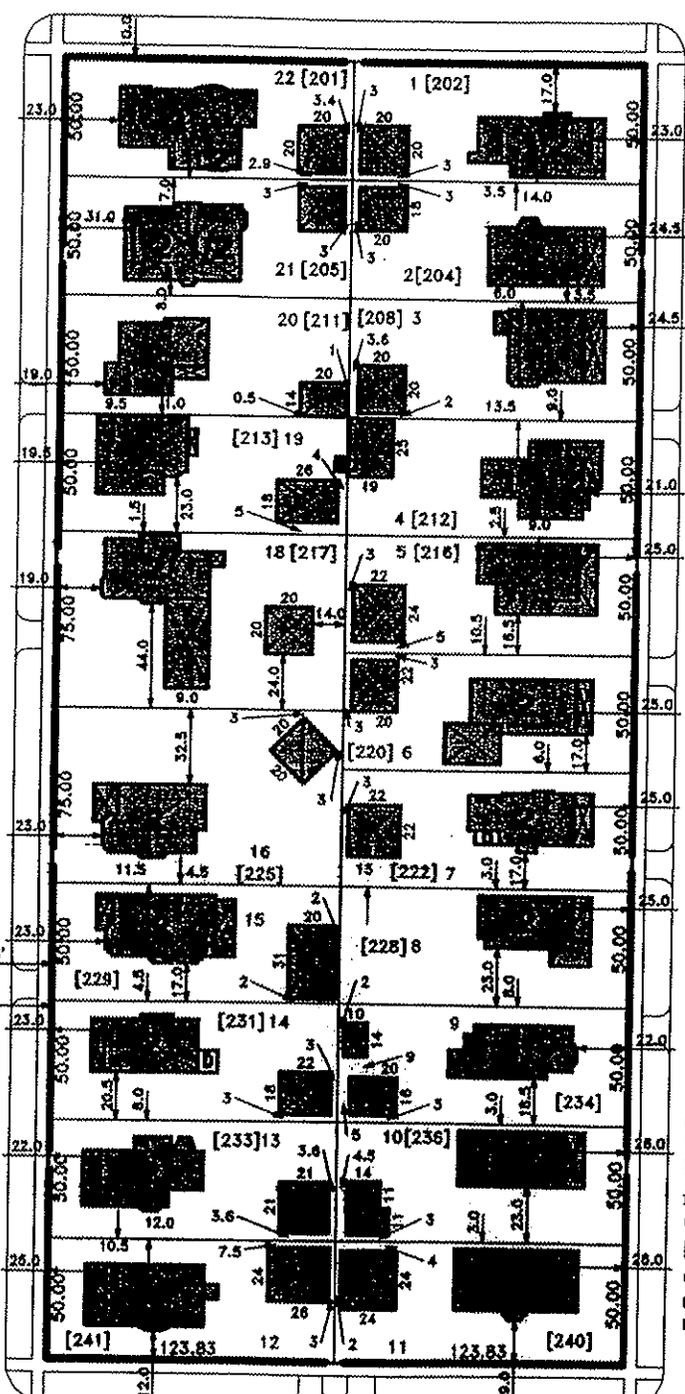
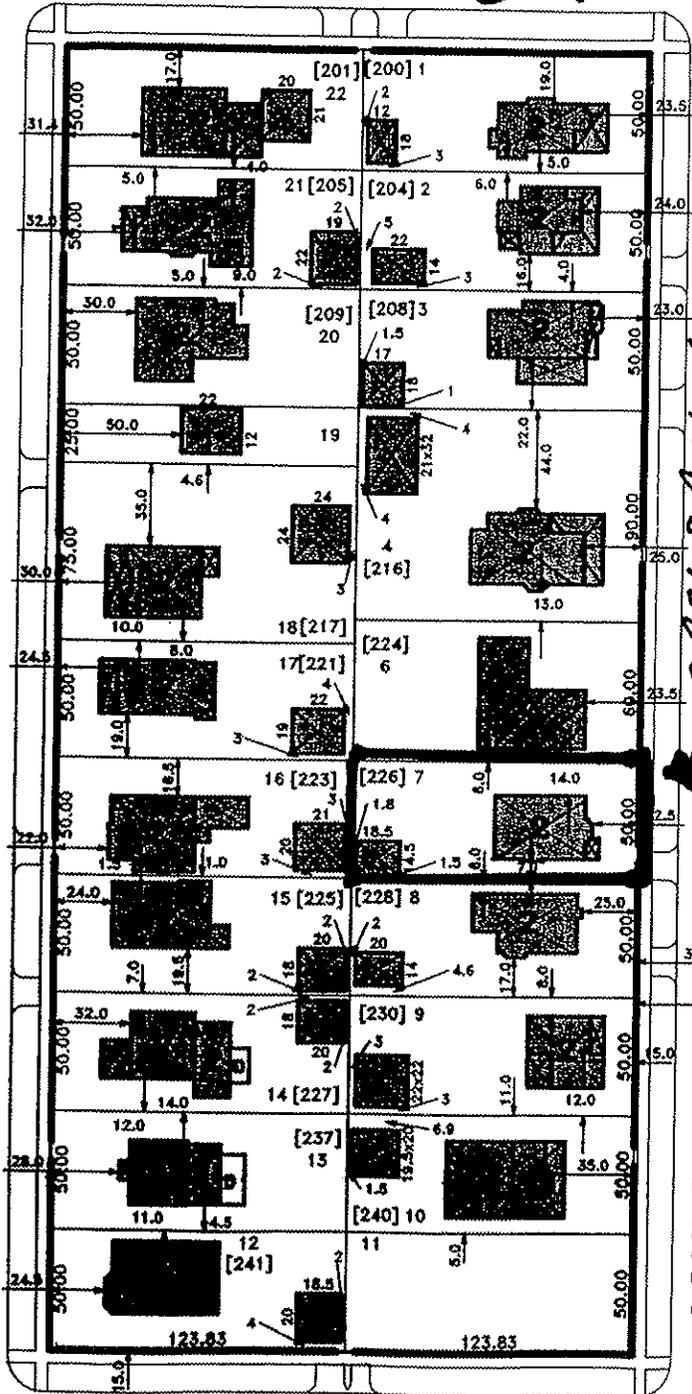
According to the petitioners, without the setback variation, the garage would be located too close to the existing mature tree and create difficult access for vehicles. One remedy to maintain the required 3 feet for the rear yard setback would be construction of a 22 feet deep garage. With the revised 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.9



Elm

226 S. Ashland

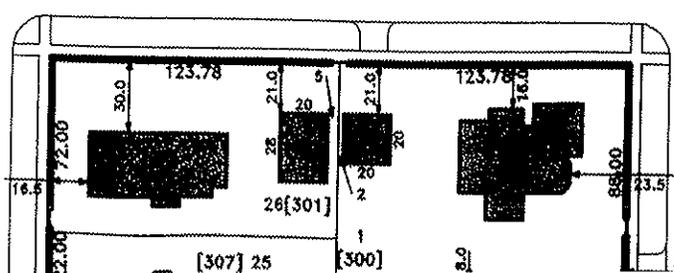
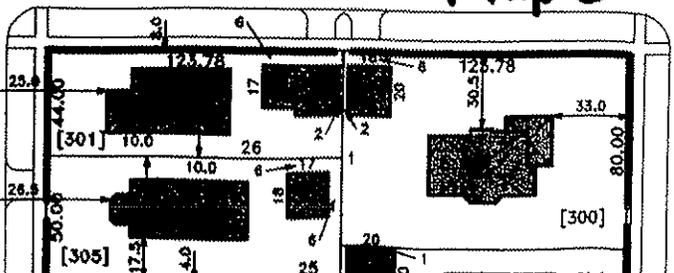


GATHERINE

ASHLAND

MADISON

Maple



Y-A-10

-006	8-014	"
	9-015	"
.007	10-016	"
	11-017	50
	124.18	

"	15	8	"
"	14	9	"
"	13	10	"
50	12	11	50
	124.18	124.18	
248.36			

"	15-008	8-016	"
75	14-009	9-017	"
"	13	10-018	"
75	12-010	11	50
50	124.18	124.18	50

ELM

	1	44
	2	50
201	3-007	250
A	4	"
	5	"
(311)	6-008	"
202	7-009	"
9	8-010	"
	9-011	"
	10-012	"
	11-013	50
	123.83	

44	22-001	1-013	44
50	21-002	2-014	50
"	20-003	3-015	"
25	19-004	4-016	90
75	18-023	5	"
"	17-007	6-017	60
"	16-008	7-018	"
"	15-009	8-019	"
"	14-010	9-020	"
"	13-011	10-021	"
50	12-012	11-022	50
	123.83	123.83	

44	22-001	1-011	44
50	21-002	2-012	50
"	20-003	3-013	"
"	19-004	4-014	"
75	18-005	5-015	"
"	17	6-016	"
"	16-006	7-017	"
"	15-007	8-018	"
"	14-008	9-019	"
"	13-009	10-020	"
50	12-010	11-021	50
	123.83	123.83	

Catherine

226 S. Ashland

Madison

MAPLE

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

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

72	26-001	1	44
50	25-002	2	50
"	24-003	3-015	56

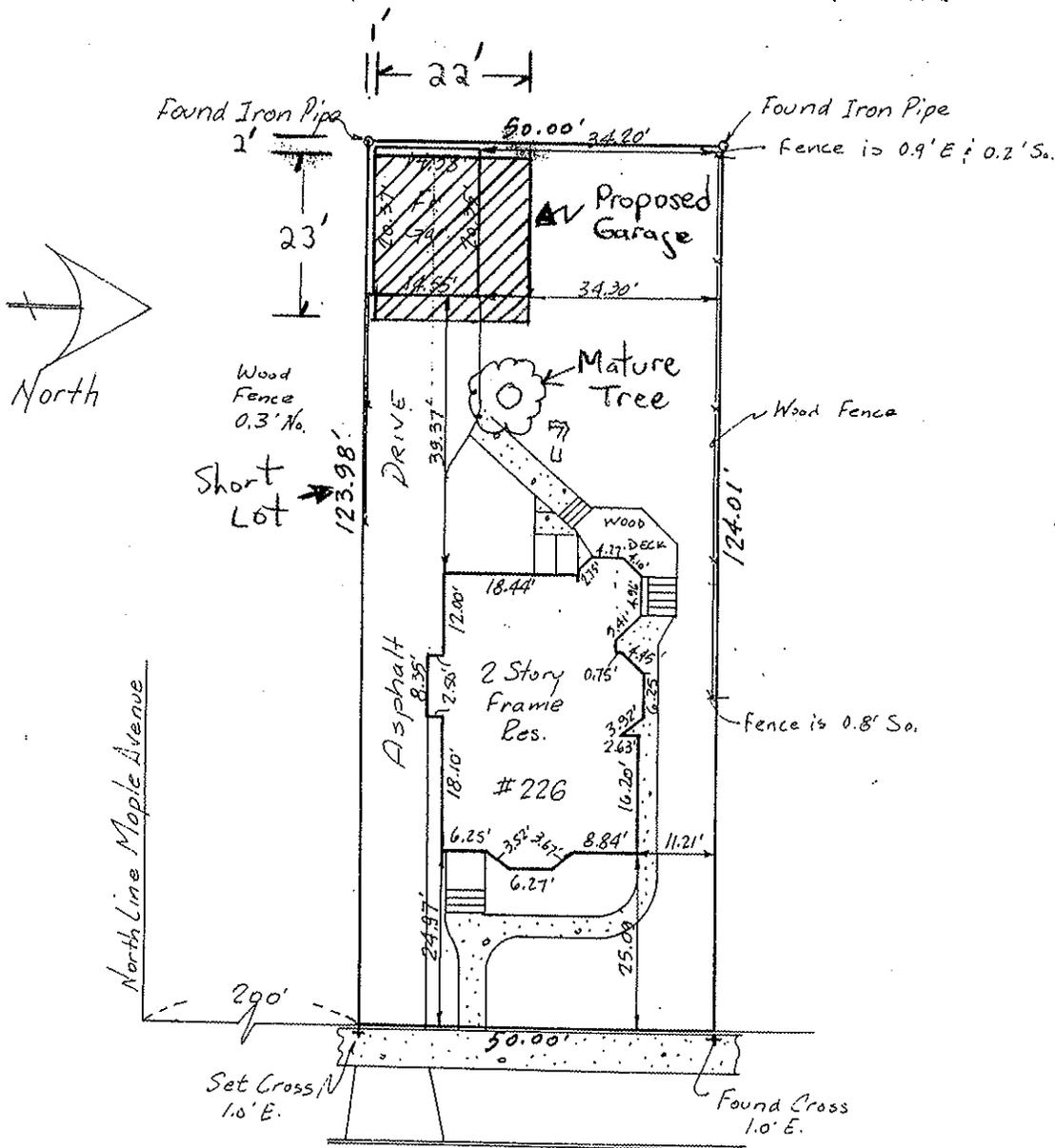
4-A-11

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 Niedo's
226 S. Ashland
LaGrange

Zoning Case #573
As Revised



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

ASHLAND AVENUE

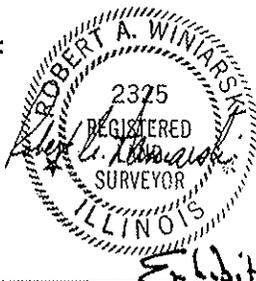
STATE OF ILLINOIS)
COUNTY OF COOK)

Resurveyed 27th 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 1st day of April 1986

For building line and other restrictions not shown hereon, refer to your abstract, deed or zoning ordinance.



ORDER NO. 92-48

ORDER NO. 86-24

SCALE - 1 Inch = 20 Feet

ENGINEERS & SURVEYORS

8741 South Hillside Drive
Hickory Hills, Illinois 60457
598-9405

4-A.12

APPLICATION FOR ZONING VARIATION

Application # 573
Date Filed: 6/16/04
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

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

Two (2) feet

B. The purpose therefor,

Construction of a replacement detached garage.

C. 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.13

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.

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.

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.14

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.15

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.16

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 13th day of June, 2008.


 (Notary Public) (Seal)



4-A.17

(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:
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-A.18

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:  RLJ

Name: LESLIE + RICHARD CONNEELY

Address: 228 S. ASHLAND, LAGRANGE, IL 60525

Date: 6/8/08

4-A.19

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. Mazer*

Name: *Mark T. Mazer*

Address: *225 S. Catherine Lagrange IL 60525*

Date: *6-9-08*

4-A, 20

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.21

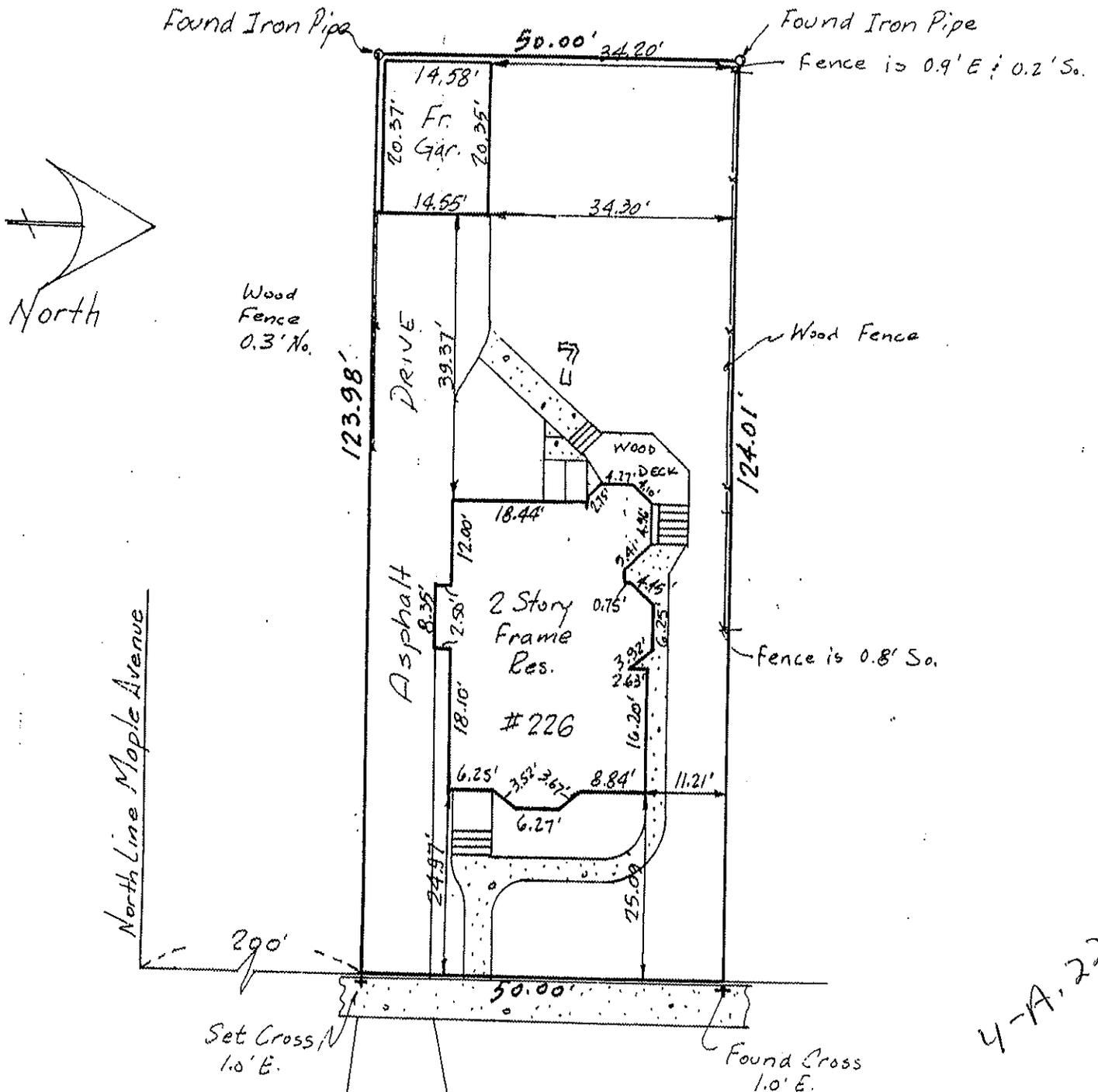
LBA #573

226 S. Ashland

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.

Existing



4-A, 22

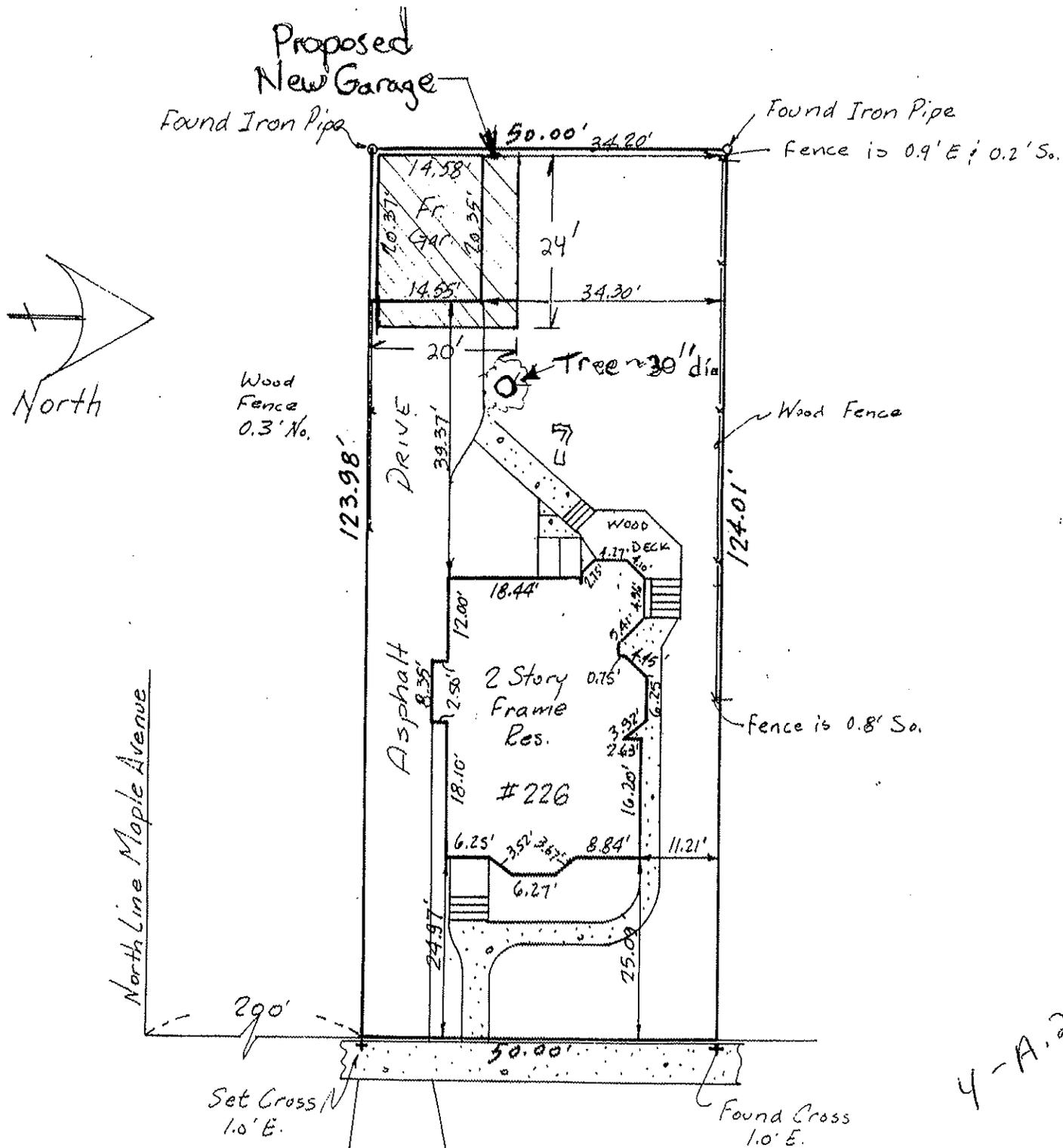
ZBA #573

226 S. Ashland

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.

Proposed



4-A.23

4-19-24

↙ Mature Tree creates access issue



↙ Poor condition of Garage



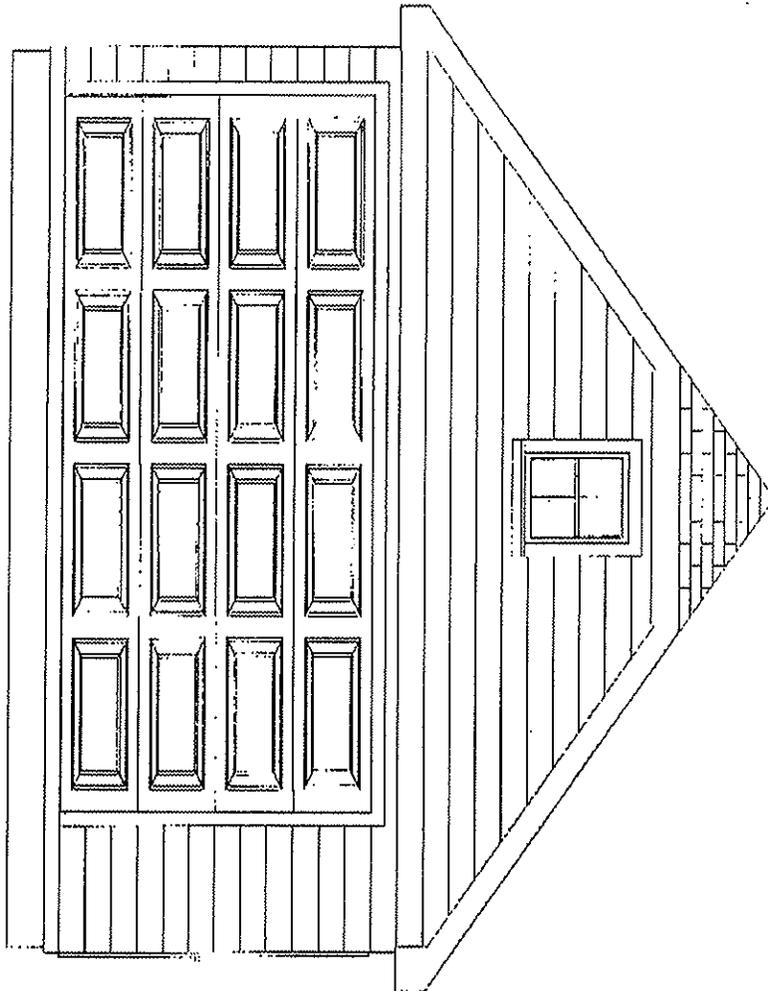
Petitioners Exhibit
ZBA # 573
224 S. Ashland

Petitioner's Exhibit
ZBA #573
226 S. Ashland



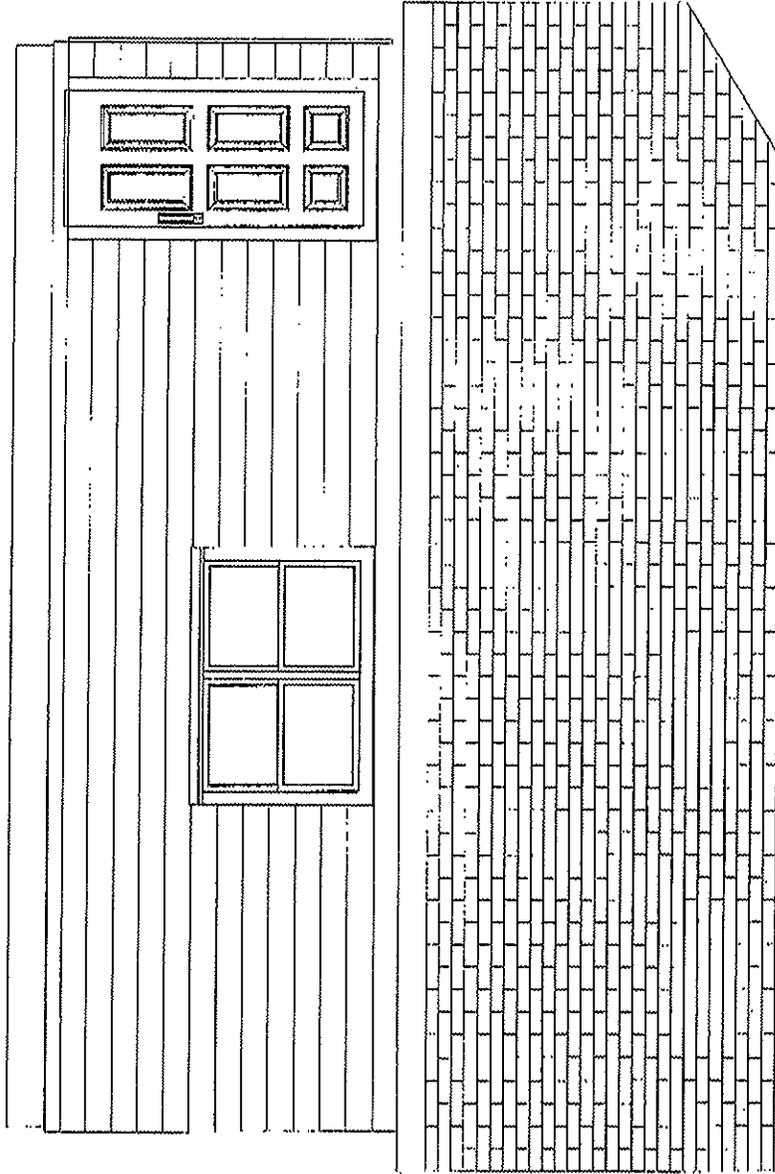
The current garage has a one foot offset from the property line. Even so, it is a tight fit for two cars with the mature tree on the right. The variance is needed to maintain the current situation. A three foot offset would make the situation very difficult, if not impossible, to park two cars.

4-A.25

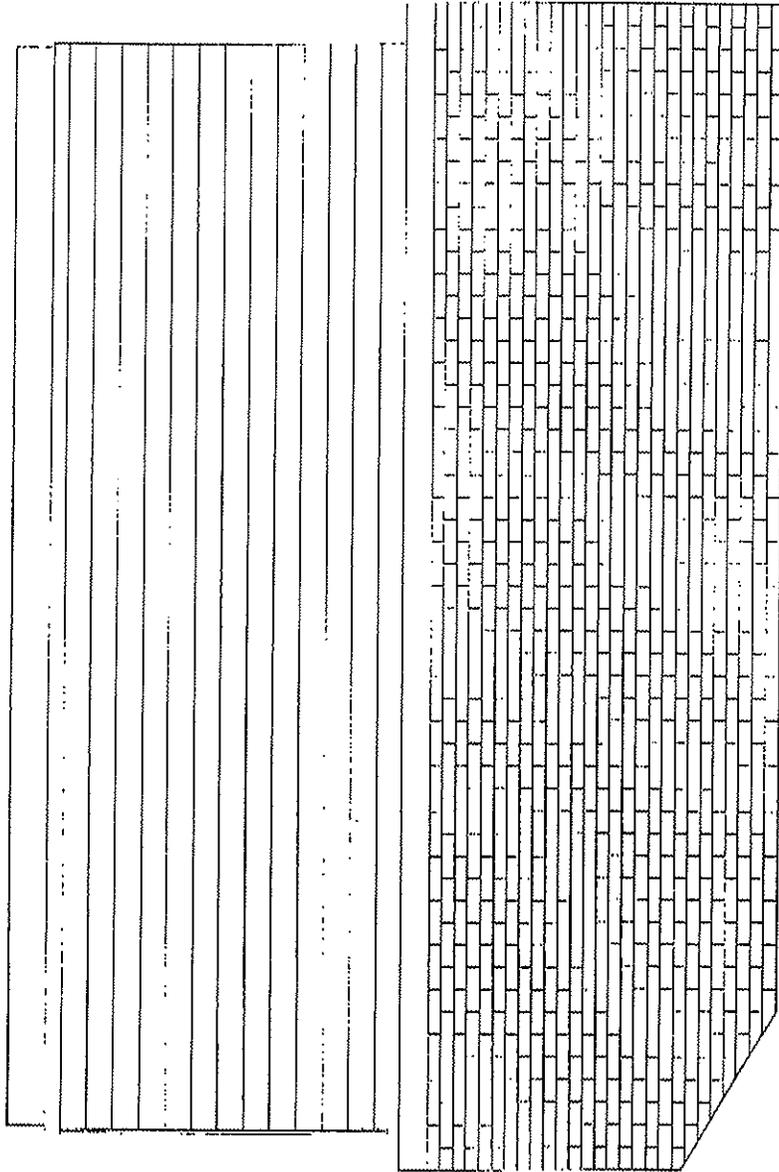


↖ New garage will have garage door offset to the south to shift it away from the mature tree.

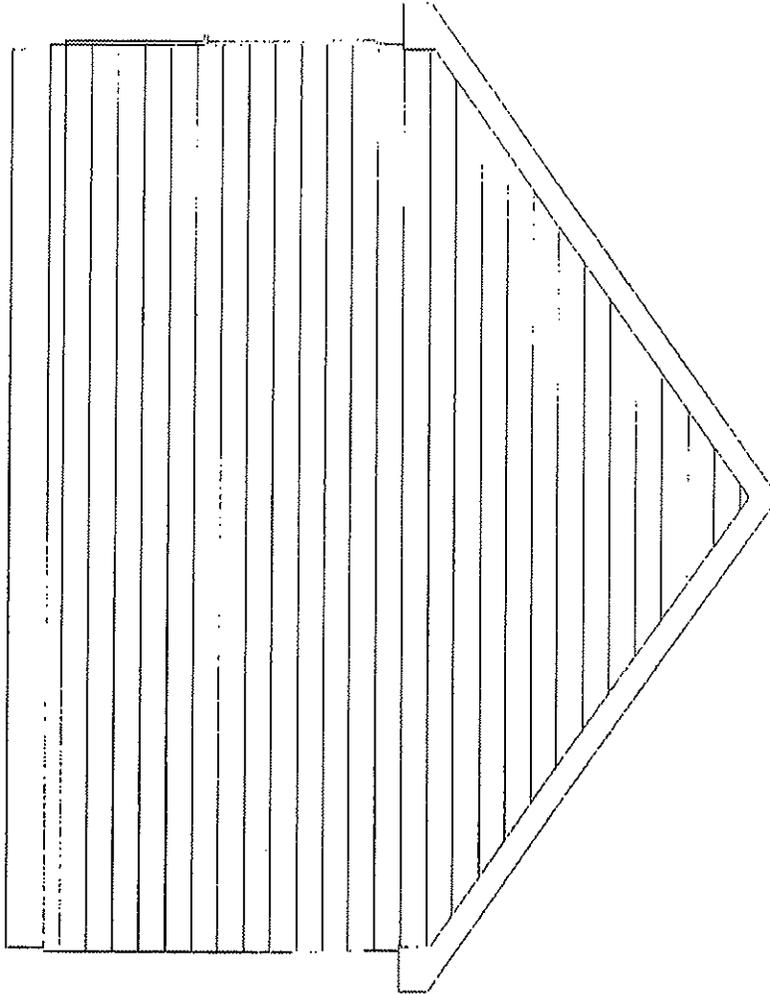
4-A.26



4-A.27



4-A.28



4-A.29

VILLAGE OF LA GRANGE
Department of Public Works

BOARD REPORT

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

FROM: Robert J. Pilipiszyn, Village Manager
Russell Davenport, Foreman

DATE: August 25, 2008

RE: AUTHORIZATION TO PARTICIPATE IN THE NORTHWEST
MUNICIPAL CONFERENCE (NWMC) / SUBURBAN
PURCHASING COOPERATIVE 2008 THERMOPLASTIC
STREET MARKING PROGRAM

As a part of the Village's overall effort to improve pedestrian safety, the FY 2008-09 budget provides \$15,000 to replace thermoplastic street lining at all marked intersections within the Village.

For several years we have contracted for the work through a regional joint purchase program with the Northwest Municipal Conference (NWMC). The NWMC solicited competitive bids on behalf of twenty-six municipalities interested in participating in the program this year.

The contract was awarded to the low bidder, Superior Road Striping of Melrose Park, IL in the amount of \$16,862. As a result of scheduling coordination with the vendor, the work was performed satisfactorily in May, 2008 in order to make sure the project was completed before the Pet Parade.

Six pedestrian crosswalks at major intersections were completed this year as well as the center lines and parking areas on Brainard Avenue between Ogden Avenue and 55th Street. The total project came in slightly over budget by \$1,862 in order to add some additional areas near schools and the railroad to the project scope.

We recommend that the Village Board authorize participation in the Northwest Municipal Conference (NWMC) Joint Purchasing Cooperative 2008 Thermoplastic Street Marking Program at a total cost of \$16,862.

4-B

VILLAGE OF LA GRANGE
Department of Public Works

BOARD REPORT

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

FROM: Robert J. Pilipiszyn, Village Manager
Russell Davenport, Foreman

DATE: August 25, 2008

RE: AUTHORIZATION TO PARTICIPATE IN THE NORTHWEST
MUNICIPAL CONFERENCE (NWMC) / SUBURBAN
PURCHASING COOPERATIVE 2008 CRACK SEALING
PROGRAM

The FY 2008-09 budget provides \$25,000 to perform crack filling maintenance activities. Crack filling involves routing and cleaning street cracks and applying a hot asphalt product to the cracks. The life expectancy of the street surface is extended by prohibiting moisture from getting under the street and undermining the structure of the roadway.

The Village's annual crack filling program is based upon the order of the neighborhood resurfacing projects. Crack filling has been scheduled this year for Neighborhood "C", which is located south of 47th Street between La Grange Road and 10th Avenue.

For several years we have contracted for the work through a regional joint purchase program with the Northwest Municipal Conference (NWMC). The NWMC solicited competitive bids on behalf of twenty-six municipalities interested in participating in the program this year.

The contract was awarded to the low bidder, Complete Asphalt Service Company of Pittsfield, IL in the amount of \$0.0987 per pound plus a \$0.02 per pound administrative fee. The work is expected to be performed within the next thirty days.

We recommend that the Village Board authorize participation in the Northwest Municipal Conference (NWMC) Joint Purchasing Cooperative 2008 Crack Sealing Program at a cost not to exceed \$25,000.

4-C

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: August 25, 2008

RE: **PURCHASE – FIRE DEPARTMENT VEHICLE RADIO/INTERCOM
COMMUNICATION EQUIPMENT**

The FY 2008-09 Emergency Telephone System Board (ETSB) budget provides \$22,500 for the purchase of emergency vehicle radio headset / intercom communication system equipment for the Fire Department.

The purchase of the equipment is recommended in order to help provide clearer radio communication to personnel operating emergency vehicles during emergency response. The equipment also helps reduce noise exposure to firefighters as a result of emergency sirens. All five vehicles (two ambulances and three fire trucks) are proposed to be outfitted with the new equipment.

In order to evaluate the various manufactured vehicle radio / intercom communication equipment available in the marketplace, a Departmental committee was established. The committee identified three manufactures, David Clark, Sigtronics and Fire Com, to provide demonstration equipment for evaluation purposes. Each vendor presented their product; analyzed our existing vehicles and radios to determine the particular radio / intercom communication equipment that best met our needs; and provided a demonstration unit for easier internal comparison.

Following an analysis of the three different manufactured brands of equipment, the David Clark radio headset / intercom communication equipment was selected because their equipment outperformed the other two and best met the operational needs of the Fire Department.

Competitive quotations were received from three vendors that have the ability to provide and install David Clark manufactured vehicle radio / headset intercom communication equipment. Below is a summary of the competitive quotations received:

Purchase-Fire Department Vehicle Radio Intercom Communication Equipment
Board Report – August 25, 2008 – Page 2

VENDOR	TOTAL COST
Miner Electronics Corporation, Joliet, IL	\$16,345.00
Radco Communications Inc, Glendale Hts., IL	16,620.71
United Radio Communications Inc, Bridgeview, IL	17,794.46
FY 2008-09 ETSB Fund New Equipment	\$22,500.00

We recommend that the Village Board waive the competitive bidding process and authorize staff to enter into an agreement with Miner Electronics Corporation of Joliet, IL for the purchase of five (5) David Clark vehicle radio headset / intercom communication systems, to be installed in the Fire Department vehicles, in the amount of \$16,345.

4-D.1

VILLAGE OF LA GRANGE

Disbursement Approval by Fund

August 11, 2008

Consolidated Voucher 080811

Fund No.	Fund Name	08/11/08 Voucher	08/08/08 Payroll	Total
01	General	213,587.45	249,890.91	463,478.36
21	Motor Fuel Tax			0.00
22	Foreign Fire Insurance Tax	323.69		323.69
23	TIF			0.00
24	ETSB	3,029.89		3,029.89
40	Capital Projects	21,619.08		21,619.08
50	Water	20,223.53	32,567.51	52,791.04
51	Parking	3,313.39	19,595.40	22,908.79
60	Equipment Replacement	4,226.53		4,226.53
70	Police Pension			0.00
75	Firefighters' Pension			0.00
80	Sewer	4,422.35	7,758.13	12,180.48
90	Debt Service			0.00
91	SSA 4A Debt Service			0.00
93	SAA 269			0.00
94	SAA 270			0.00
		<u>270,745.91</u>	<u>309,811.95</u>	<u>580,557.86</u>

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

Village Manager

Village Clerk

President

Trustee

Trustee

Trustee

Trustee

Trustee

Trustee

4-E

VILLAGE OF LA GRANGE

Disbursement Approval by Fund

August 25, 2008

Consolidated Voucher 080825

<u>Fund No.</u>	<u>Fund Name</u>	<u>08/25/08 Voucher</u>	<u>08/22/08 Payroll</u>	<u>Total</u>
01	General	76,921.94	229,168.84	306,090.78
21	Motor Fuel Tax			0.00
22	Foreign Fire Insurance Tax	200.79		200.79
23	TIF	510.00		510.00
24	ETSB	4,468.62		4,468.62
40	Capital Projects			0.00
50	Water	145,808.49	31,809.87	177,618.36
51	Parking	6,572.39	19,579.29	26,151.68
60	Equipment Replacement	19,254.30		19,254.30
70	Police Pension			0.00
75	Firefighters' Pension			0.00
80	Sewer	687.60	7,252.78	7,940.38
90	Debt Service			0.00
91	SSA 4A Debt Service			0.00
93	SAA 269			0.00
94	SAA 270			0.00
		<u>254,424.13</u>	<u>287,810.78</u>	<u>542,234.91</u>

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

Village Manager

Village Clerk

President

Trustee

Trustee

Trustee

Trustee

Trustee

Trustee

4-F

MINUTES

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

Monday, July 28, 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 Paula Kirlin
Community Development Director Patrick Benjamin
Finance Director Lou Cipparrone
Assistant Public Works Director Mike Bojovic
Police Lt. Vic Arnold
Fire Chief David Fleege
Doings Reporter Jane Michaels

2. PRESIDENT'S REPORT

President Asperger explained that the developer for the Village Bluffs condominium project has requested an extension until July 31, 2009. Village code does allow for one extension which has been granted to the developer.

The La Grange Memorial Hospital has begun the demolition of the professional office building and hopes to be completed by the first of September.

President Asperger indicated the next regularly scheduled Village Board meeting on Monday, August 11 will be canceled. The next regularly scheduled Village Board meeting will be on Monday, August 25 and will be followed by a workshop session for continued discussion of the La Grange Theatre. The public was encouraged to attend.

4-6

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

Thom Rae of Brookfield expressed concerns with the timeline for review and release of closed session minutes.

Bernard Martin, 901 W. Hillgrove noted his representation in the absence of Mr. Brannen for the ordinance relating to the Design Review Permit.

4. OMNIBUS AGENDA AND VOTE

- A. (Moved to Current Business for further discussion.)
- B. Award of Contract – Economic Development / “Festival Lighting” Along La Grange Road (Holiday Concepts, Romeoville, Illinois not to exceed \$35,100)
- C. Open Meetings Act – Review of Closed Session Minutes
- D. Purchase – Fire Department / Cardiac Monitor / Defibrillator (Zoll Medical Corporation, Chelmsford, Massachusetts - \$19,254.30)
- E. Resolution (#R-08-08) Supporting The City of Chicago’s Bid for the 2016 Olympic and Paralympic Games
- F. Consolidated Voucher 080728 (\$598,653.99)
- G. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, July 14, 2008

Trustee Kuchler requested item 4-A be removed from the Omnibus Agenda and placed under Current Business for further discussion.

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

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

5. CURRENT BUSINESS

- 4-A. Ordinance (#O-08-20) – Design Review Permit (DRP) #74, 71-71 South La Grange Road Fifth Avenue Property Management / Lawrence Brannen (Removed from Omnibus for further discussion.)

4-G.1

Trustee Kuchler expressed his concerns with the design plan for this project and would like to remand it back to the Design Review Commission for enhancements.

Trustee Langan noted his desire to create the appearance of three different stores.

Mr. Martin, on behalf of his client, explained that time is of essence and believes that his client has in good faith presented a doable plan for the area.

Trustee Wolf noted the need for the property owner to move forward and remanding it back to the Design Review Commission would be an undesirable delay for the property owner.

Trustee Palermo requested staff to elaborate on the criteria used by the Design Review Commission. Patrick Benjamin, Community Development Director reviewed the criteria listed within the application.

Trustee Palermo noted that, absent some defined scope of enhanced design, it is difficult to compel the applicant to make such changes at this time. Those improvements could be costly and effect the owner's return on investment..

President Asperger suggested a compromise whereby the property owner could commence with interior buildout, but be required to pursue alternative exterior designs.

Trustee Wolf noted that it was important to her to fill vacant storefronts.

Trustee Livingston inquired if the property owner had previously applied for a façade loan and Mr. Benjamin could not recall.

Trustee Horvath concurred with Trustee Wolf that tenanting the building was important; that the property owner has a self-interest to improve the façade to attract quality tenants; and that he may have felt differently about directing appearance if this was a façade loan application.

Trustee Kuchler stated that now is the time to direct the appearance of the building; that there is no guarantee that the owner will improve the façade; and that the Village will not have the ability to enforce an upgrade in appearance if the current design is approved.

Trustee Kuchler moved to remand the ordinance granting a Design Review Permit for the property at 71-75 South La Grange Road back to the Design Review Commission, seconded by Trustee Livingston.

4-6.2

Motion fails by a 5-1 roll call vote.

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

Trustee Palermo moved to approve the ordinance granting a Design Review Permit for the property at 71-75 South La Grange Road, seconded by Trustee Wolf.

Approved by a 5-1 roll call vote.

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

A. Special Event – La Grange Business Association “West End Art Festival”:
Referred to Trustee Livingston

Trustee Livingston stated that the Village has received a request from the La Grange Business Association to conduct the 13th annual “West End Art Festival” on Saturday, September 6 and Sunday, September 7, 2008.

Trustee Livingston explained that it is necessary for the Village to formally approve the temporary closure of Burlington Avenue and portions of Stone and Waiola Avenues for the outdoor display and to waive restrictions for the outdoor display and sale of goods and services in the C-2 Zoning District.

It was moved by Trustee Livingston that the Village Board authorize the La Grange Business Association to utilize Burlington Avenue from Waiola Avenue to Brainard Avenue for the “West End Art Festival” on September 6 and 7, 2008; that restrictions prohibiting outdoor display and sale of goods and services be waived in conjunction with this event; and that all conditions be satisfied, seconded by Trustee Langan. Approved by roll call vote.

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

Community Development Director Patrick Benjamin indicated that the auction for the decorated lounge chairs, would take place on Thursday, September 4, 2008.

6. MANAGER’S REPORT

None

4-6.3

7. PUBLIC COMMENTS NOT ON AGENDA

Thom Rae, resident of Brookfield noted that the Freedom of Information Request he filed on May 23, 2008 was partially denied and he believes he should have been granted the documents he requested.

8. EXECUTIVE SESSION

9. TRUSTEE COMMENTS

Trustee Kuchler commended the Back Door Theater group on a recent production.

10. ADJOURNMENT

At 8:20 p.m. it was moved by Trustee Langan to adjourn, seconded by Trustee Horvath. Approved by unanimous voice vote.

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

Approved Date

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4-6-4

CURRENT BUSINESS

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: August 25, 2008

RE: **ORDINANCE - VARIATION - MAXIMUM BUILDING COVERAGE**
/MICHAEL RUTKOWSKI, 309 S. KENSINGTON AVENUE.

Michael Rutkowski, owner of the property at 309 S. Kensington Avenue, has applied for a variation from maximum building coverage requirements to construct a two car garage. The subject property is located on an interior lot in the R-4 Single Family Residential District. The property in question is 50 ft. wide by 123.72 ft. deep, which is slightly smaller than most single lots in the R-4 district.

The applicant desires a variation from Paragraph 3-110E1 (Maximum Building Coverage) of the La Grange Zoning Code in order to construct a garage. Mr. Rutkowski requested a variation of 100 square feet or 5% to allow construction of the garage. Paragraph 14-303E1(c) (Authorized Variations) allows the increase of the maximum allowable building coverage by no more than 20%. This would result in a building coverage of 31.6% for the two car garage. The requested variation falls within the authorized limits of the Zoning Code.

On July 17, 2008, the Zoning Board of Appeals held a public hearing on this matter (see Findings of Fact). According to the applicant, the new garage is necessary to replace the current one car garage for additional vehicle storage as well as to improve safety since they would not have to back cars in and out to swap positions. He stated that in 2002, they added an addition to their four square home and the remodeled the upstairs in 2004. The final stage in their improvements is adding the two car garage. Some Commissioners expressed concern that the current situation was self created with the addition that was added to the house in 2002. At that time, the applicant knowingly built up to the maximum building coverage. Other Commissioners voting in favor of the application noted that non-conformities for setback requirements would be remedied with the new garage and the applicants are requesting a very modest 20 by 20 garage which is the smallest functional two car garage. The motion to recommend that the variation be granted as requested failed: (3) ayes and (2) nays with (2) Commissioners absent. Pursuant to Subsection 13-102D of the Zoning Code, at least four aye votes are required to decide in favor of any application.

5-A

If you concur with the recommendation of the Zoning Board of Appeals to deny the request, then a motion to deny the variation is in order. No resolution or ordinance memorializing such action is necessary. Conversely, should you choose to grant the variation, a motion to approve the attached ordinance authorizing the variation would be appropriate. If voting for the variation, it would be appropriate to articulate the reasons for such an approval to establish a legislative record.

Please note 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 (2/3) majority vote by roll call of all Trustees currently holding office (four out of six Trustees).

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

5-A.1

VILLAGE OF LA GRANGE

ORDINANCE NO. O-08-_____

AN ORDINANCE GRANTING A ZONING VARIATION
FOR CONSTRUCTION OF A GARAGE
AT 309 S. KENSINGTON AVENUE

WHEREAS, Michael Rutkowski is the owner (the "Owner") of the property commonly known as 309 S. Kensington Avenue, La Grange, Illinois, and legally described as follows:

Lot 24 in Block 6 in the original Subdivision of La Grange, as recorded in Book 6 of Plats, Page 38, 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 maximum building coverage required by Paragraph 3-110E1 of the La Grange Zoning Code in order to construct a two car 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

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 maximum building coverage standard of Paragraph 3-110E1 of the La Grange Zoning Code to increase the maximum building coverage required on the Subject Property by 10% for an addition, subject to all of the following condition:

- The variation is granted only to authorize construction of a garage drawings 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.

5-A.2

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 recording of the covenant required by Subsection 2B of this Ordinance, and (c) approval by the Village's Director of Community Development of conforming plans for the addition 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

5-A.3

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 #574 - VARIATION – MAXIMUM BUILDING COVERAGE –
MICHAEL RUTKOWSKI, 309 S. KENSINGTON**

The Zoning Board of Appeals transmits for your consideration, its recommendations for a request of zoning variation necessary to construct a garage to the property at 309 S. Kensington.

I. THE SUBJECT PROPERTY:

The property in question is a single family residential lot with a 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 desires a variation from Paragraph 3-110E1 (Maximum Building Coverage) of the La Grange Zoning Code in order to construct an addition. At the public hearing, the applicant requested a variation of 100 square feet or 5% to allow such construction of the garage on the subject property. Paragraph 14-303E1(c) (Authorized Variations) allows the increase of the maximum allowable building coverage by no more than 20%. 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 Kathy Schwappach, Charles Benson, Jr., Nathaniel Pappalardo, Rosemary Naseef 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. Several emails in support of the application were from neighbors and were noted as part of the record by Chairperson Brewin.

5-A.4

Chairperson Brewin swore in Michael Rutkowski, owner of the property at 309 S. Kensington, who presented the application:

- Mr. Rutkowski stated that he resides at 309 S. Kensington and that they have had a one car garage and they would now like to replace that with a small two car garage of 20 by 20. He did state that this would result in a building coverage of 31.6% for the two car garage.
- The applicant went on to articulate the many benefits that this would provide for the home: basic storage, the fact that they would not have to back cars in and out to swap positions, especially with several children playing in the neighborhood, thus providing additional safety.
- The garage being requested is consistent with the homes on the 300 block of South Kensington. Many of these properties exceed the 30% building coverage already.
- The applicant stated the garage would not detract from the historic character of the neighborhood. He stated that in 2002, they added an addition to their four square home and phased the upstairs remodel in 2004. They feel the final stage in the project is adding the two car garage. He further stated the three houses to the south currently exceed 30% building coverage. He further stated that what they were proposing was very consistent with what other neighbors have.

Chairperson Brewin solicited questions from the Commissioners:

- Commissioner Schwappach asked if there was a lack of structural integrity to this structure. Answer: the foundation is cracked and the exterior walls do bow out and the service door will not close properly. He further stated the brick chimney attached to the garage is beginning to crumble at the base.
- Chairperson Brewin asked given the structural condition if it would have to be replaced. Answer: Yes. It does not make sense to replace it with a one car garage, which is essentially obsolete today.

Chairperson Brewin solicited comments from the Audience:

- Mr. Tim Mulik of 305 S. Kensington, stated that he and his family live in the first house north of the petitioner and his family is in full support of the application. They have absolutely no problem with the garage as proposed being constructed. He further went on to state that the Ratkowski's have done nothing but improve the property since they

5-A.5

purchased it and he has observed them backing their cars in and out to reshuffle the vehicles and did agree that it could be a safety issue.

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 district from Kensington to Madison Avenue and Cossitt Avenue to 49th Street.

2. Not Self-Created:

The house was constructed in 1911. In 2004, the petitioner added an approximately 341 square-foot family room addition. According to the petitioner, this addition was necessary to improve the "livable" space of the house to accommodate their family needs. This addition brought them to have the maximum building coverage allowable with the existing one car garage.

3. Denied Substantial Rights:

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

4. Not Merely Special Privilege:

The petitioner seeks only to construct a two-car detached garage, which would be smaller than many garages in La Grange. The proposed garage (400 square feet) would be smaller than the maximum allowable gross floor area, 484 square feet, for a garage on a standard/small zoning lot similar to the petitioner's property.

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 petitioner seeks a variance to construct a garage in which to park two vehicles. The proposed garage would

5-A-6

be 400 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 petitioner's property.

6. Essential Character of the Area:

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

7. No Other Remedy:

Due to the construction of the family room addition, the property currently has no remaining buildable area on the zoning lot; therefore, they have no option other than the requested variation to construct a two-car detached garage.

V. FINDINGS AND RECOMMENDATION:

- Commissioner Benson stated that the condition was a bit self-created by adding the addition but they are not asking for a large two car garage and they are not asking for any encroachments into any side yards. Clearly, the garage needs to be replaced and it is the smallest usable two car garage to be considered.
- Commissioner Schwappach agreed that it is a smaller garage than they would normally grant.
- Chairperson Brewin stated while the width of the lot is typical, the depth is somewhat short at 123.7 feet rather than 125, which is the smallest typical lot in the Village. She further stated that the garage is substandard in its current size and it makes more economic sense to build a two car garage than a one car garage.
- Commissioner Naseef stated that the request puts the Village in a difficult spot when you add on to your home to the maximum building coverage and a few years later, ask for additional relief for another structure.
- Commissioner Pappalardo stated that Illinois State Statutes states that conditions must be met for a variance. One of those key conditions was that the current hardship not be "self-created" and clearly the choice between adding an addition to the home or having a two car garage was made by the applicant previously. He further stated that it is not within our jurisdiction to just look past that requirement. On the positive side of the application, he felt that at least they are asking for the minimal solution, a small two car garage but at the same time, he also stated he is not sure if it is an inalienable right that you must have a two car garage. He further stated an added benefit is they would be resolving existing rear yard and side yard setback non-conformity.

5-A.7

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 to the Village Board of Trustees approval of the application submitted with ZBA Case #574.

Motion FAILED by a roll call vote (3/2/2).

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

BE IT THEREFORE RESOLVED that the Zoning Board of Appeals recommended to the Village Board of Trustees denial of the variation from Paragraph 3-110E1 (Maximum Building Coverage) t requested in Zoning Board Case #574 to allow construction of a two car garage at 309 S. Kensington.

Respectfully submitted:

Zoning Board of Appeals of the
Village of La Grange

BY: *Ellen Brewin*
Ellen Brewin, Chairperson

5-A.8

STAFF REPORT

CASE: ZBA #574 - Michael Rutkowski, 309 S. Kensington, Maximum Building Coverage

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 petitioner, Michael Rutkowski, wishes to construct a 20 ft. by 20 ft. (400 square feet) two-car detached garage in the rear yard of the property at 309 S. Kensington Avenue. Maximum Building Coverage for this lot is 1,855.65 square feet or 30%. Currently this property occupies 29.8% of the lot. The petitioner's house has a front porch, which occupies 4% of the allotted 30% maximum building coverage. In addition, building coverage includes a 14.40 ft. by 20.34 ft. (293 square feet) detached garage and a recently constructed 341 square feet addition.

With the proposed detached garage the building coverage would be approximately 1,956 or 31.6%, which would exceed the allowable requirement of 30% set forth in Paragraph 3-110E1 by approximately 100 square ft. or 5%. Subparagraph 14-303E1(c) (Authorized Variations) allows the increase of the maximum allowable building coverage by no more than 20%. 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 district from Kensington to Madison Avenue and Cossitt Avenue to 49th Street.

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."*

5-A.9

The house was constructed in 1911. In 2004, the petitioner added an approximately 341 square-foot family room addition. According to the petitioner, this addition was necessary to improve the "livable" space of the house to accommodate their family needs.

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."*

According to the petitioner, a two-car garage is a right enjoyed by many residents in La Grange for automobiles and storage. The petitioners wish to enjoy the same rights as 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 petitioner seeks only to construct a two-car detached garage, which would be smaller than many garages in La Grange. The proposed garage (400 square feet) would be smaller than the maximum allowable gross floor area, 484 square feet, for a garage on a standard/small zoning lot similar to the petitioner's property.

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 petitioner seeks a variance to construct a garage in which to park two vehicles. The proposed garage would be 400 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 petitioner's property.

5-14-10

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

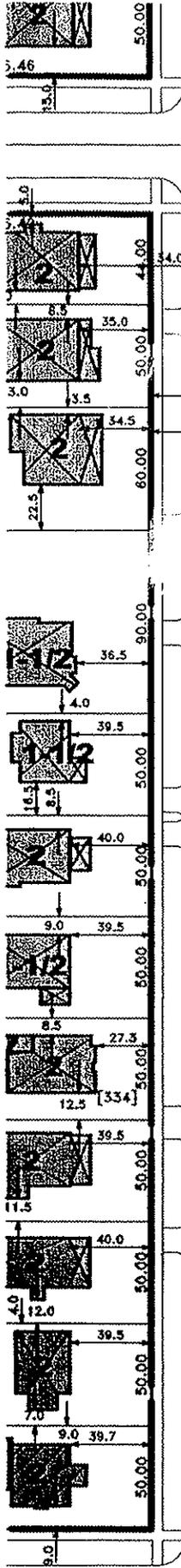
- a. *Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or*
- b. *Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; 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."*

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

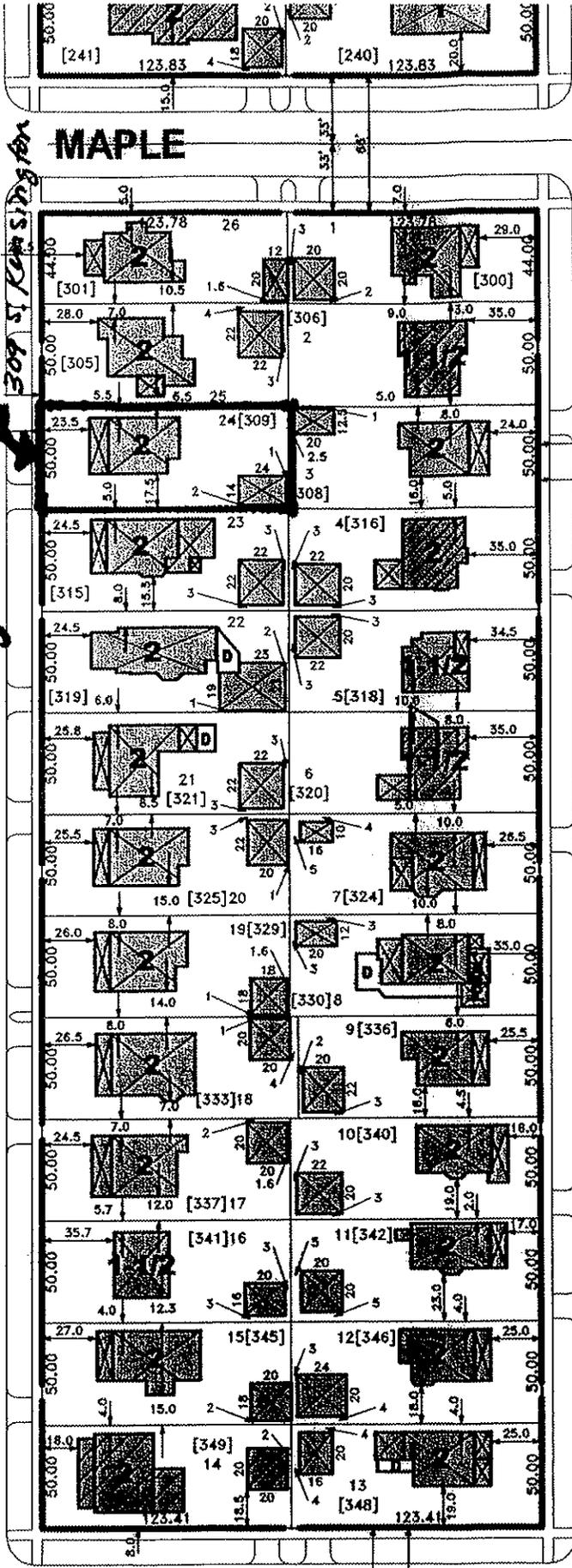
No Other Remedy - *"There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property."*

Due to the construction of the family room addition, the property currently has no remaining buildable area on the zoning lot; therefore, they have no option other than the requested variation to construct a two-car detached garage.

5-A.11

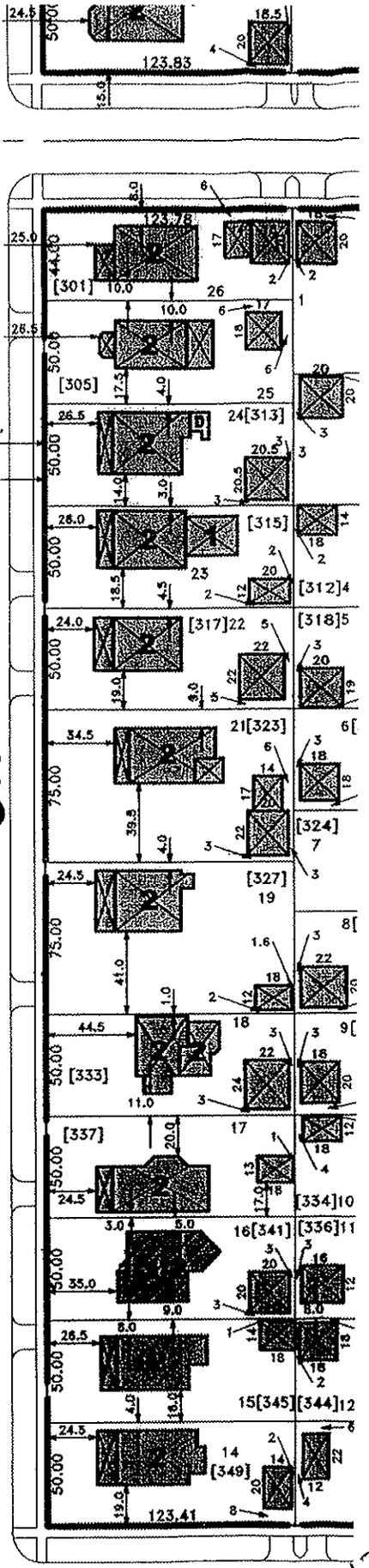


Kensington



GOODMAN

Catherine



5-A-12

KENSINGTON

309 S. Kensington

"	13-005	10-012	"
50	12-006 123.83	11-013 123.83	50

MAPLE

44	123.78 26-001	123.78 1-014	44
50	25-002	2-015	50
		3-016	"
"	23-004 ⁶⁶	A 4-017	"
"	22-005	5-018	"
"	21-006	6-019	"
	319		
"	20-007	7-020	"
"	19-008	8-021	"
"	18-028	9-027	"
"	17-010	10-023	"
"	16-011	11-024	"
"	15-012	12-025	"
50	14-013 123.41	13-026 123.41	50

GOODMAN

69	44	123.37 26-001	123.37 1-013	44	50
50		25	2-014	50	44
"		24-002	3-015	"	
"		23-003 ⁶⁶	A 4-016	"	

"	13-011	10-021	"
50	12-012 123.83	11-022 123.83	50

44	123.78 26-001	123.78 1-013	44
50	25-002	2	50
"	24-003	3-014	"
"	23-004 ⁶⁶	A 4-015	"
"	22-005	5-016	"
"	21-006	6-017	"
	320		
"	20	7-018	"
"	19-007	7 8-019	"
"	18-008	9-020	"
"	17-009	10-021	"
"	16-010	11-022	"
"	15-011	12-023	"
50	14-012 123.41	13-024 123.41	50

CATHERINE

"	13-00		"
50	12-01 123.83		50

44	123.78 26-001	123.78 1-013	44
50	25-002	2	50
"	24-003	3-014	"
"	23-004 ⁶⁶	A 4-015	"
"	22-005	5-016	"
"	21-006	6-017	"
	320		
"	20-007	7-018	"
"	19-008	8-019	"
"	18-009	9-020	"
"	17-010	10-021	"
"	16-011	11-022	"
"	15-012	12-023	"
50	14-013 123.41	13-024 123.41	50

ASHLAND

5-A, 13

APPLICATION FOR ZONING VARIATION

Application # 574
Date Filed: 6/19/08
UARCO # 85489

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

(please type or print)

Application is hereby made by Michael Rutkowski

Address: 309 S. Kensington Phone: (708) 483-3141

Owner of property located at:

Permanent Real Estate Index No: 18-04-319-003-0000

Present Zoning Classification: R-4 Present Use: Residential

Ordinance Provision for Variation from Article # 3-110 E.1 of Zoning Ordinance, to wit:

Maximum Building Coverage

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

We request to exceed the maximum permissible building coverage ratio (30%) by approximately 5% (or ~ 100 sq. ft.), which would result in a building coverage ratio of 31.6%.

B. **The purpose** therefor,

We wish to replace our existing 1-car capacity detached garage (14' wide x 20' deep) with a small, 2-car capacity detached garage (20' x 20'). This improvement will:

- Enable storage of our 2 cars and numerous bicycles, strollers, etc.
- Provide shelter for entering/exiting the second car in inclement weather
- Reduce the amount of "car jockeying" (i.e., backing one car out of the driveway to allow the other car to exit), thus contributing to the safety of neighborhood children
- Provide consistency with other homes on the 300 block of S. Kensington Avenue

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

Increasing the size of the detached garage by ~120 sq.ft. (6' width x 20' deep) will cause us to slightly exceed the 30% building coverage ratio.

5-A.14

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. (See Attachment A)

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:

Our existing garage (built circa 1911) must be replaced due to its lack of structural integrity. In replacing the garage, we wish to expand to 2-car capacity for a number of reasons listed under Section B above.

Under the strict letter of the zoning regulations, we would only be able to increase the width of our garage to 15' (increase of 1'). This would be only a minimal increase to our existing garage size, and would not result in a 2-car capacity garage.

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

Existing regulations do not allow the construction of a 2-car capacity garage on our property. The existing 1-car garage prohibits a reasonable use of our property in that:

- **Safety is a reasonable request** in the use of our property. The existing 1-car garage requires us to frequently move cars out of and into our driveway in order to use the car stored in the garage. This requires backing out of the driveway, over the sidewalk, and onto an increasingly busy S. Kensington Ave. The 300 block of S. Kensington currently has over 40 children living on it, many under the age of 5. Children are frequently playing in the front yards of neighboring houses, and riding bikes on our sidewalk. A 2-car capacity garage would significantly reduce the frequency of backing out of the garage, over the sidewalk, and onto the street, and then re-entering the driveway after the second car has been moved out of the garage, and thereby contribute to the safety of our neighborhood children.
- **Shelter is a reasonable request** in the use of our property. With the existing 1-car garage, shelter is not provided for entering/exiting the outside car in inclement weather; during the winter months, snow removal is also required on the car stored outside of the garage, resulting in unnecessary inconvenience and degradation of the vehicle.

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

Every other R-4 interior lot on the East side of the 300 block of S. Kensington already has at least a 2-car capacity garage. At least 5 of these lots also currently exceed the 30% building coverage ratio. Our situation is unique in that ours is the only one of the similar surrounding properties that does not have a 2-car capacity garage. (see Attachment B for pictures of surrounding homes)

5-A-15

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.

The property is slightly smaller than average R-4 interior lots in LaGrange. The depth of the lot is 123.7 ft., while most lots are at least 125 ft. deep.

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

In 2002-2004, we constructed a home addition to the main structure on our property that increased the building coverage ratio to 29.8%. This addition was necessary to add a family room to the rear of the home to accommodate our growing family (currently 3 children, ages 8, 5, and 2). Like many surrounding homes built around 1911, the original design of the home did not accommodate today's family needs.

At that time, we evaluated several alternative plans that would have increased the building coverage ratio a lesser amount, and possibly would have allowed construction of a 2-car garage without a variation. The only feasible alternative plan would have involved enclosing our existing open front porch to increase the interior square footage of the home.

In 2002, we also considered increasing the size of the detached garage as part of the home addition project, which would have involved requesting a variation at that time. Unfortunately, we did not have the financial means to construct the home addition and garage replacement as a single project, and decided to wait until we could better afford the construction costs before proceeding with the garage expansion.

Our open front porch occupies approximately 4% of the allotted 30% maximum building coverage. We enjoy the use of our open front porch, and also wanted to preserve the historic character of the community. In making our decision about the 2002 home addition, we felt very strongly that we wanted to keep our open front porch. This decision later proved to be consistent with the Board of Trustee's 2007 decision to encourage the same by providing allowances for lot coverage for open front porches and detached garages in the new building code.

5-A.16

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.

As noted in Section 1c above, every other R-4 interior lot on the East side of the 300 S. Kensington block has at least a 2-car capacity garage. In addition, many of these homes also exceed the 30% building coverage ratio, and two of those homes exceeding the 30% building coverage ratio also have enclosed front porches (see Attachment B for pictures and notes on surrounding homes). Carrying out the strict letter of the maximum permissible building lot coverage provision will deprive us of the rights to have a home with a family room, an open front porch, and a 2-car garage. These rights are commonly enjoyed by owners of other lots subject to the same provision on our block, as shown in Attachment B.

Our request is to slightly exceed the 30% building coverage ratio so that we can enjoy an open front porch as well as the safety and shelter provided by a 2-car garage. Two variations have recently been granted by the Board of Trustees to allow the same privilege to two homes on the 300 block of S. Kensington:

- In 2006, a variation was granted to exceed the 30% coverage ratio and allow construction of an open front porch at 305 S. Kensington, a property which already had a 2-car garage.
- In 2008, a variation was granted to exceed the 30% coverage ratio and allow construction of a rear home addition and an open front porch at 346 S. Kensington, a property which already had a 2-car 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.

As stated in several sections above, having a home with an open front porch and a 2-car garage that slightly exceeds the 30% building coverage ratio is a right that has been made available to many other owners of lots subject to the same provision; therefore, we are not asking for a special privilege or additional right not available to other owners.

Furthermore, this request has nothing to do with the ability to make more money from the use of the property; we intend to occupy this home for many more years as we raise our 3 children (currently ages 8, 5, and 2).

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.

If this request for variation were granted, our property would remain in complete harmony with the purposes for which provision 3-110 E.1 was enacted. This provision was enacted to preserve the character of the architecture in the community by limiting the "bulk" of new homes and additions. The addition of 6' of width to our existing garage will be barely visible from the street and surrounding homes, and will not at all increase the bulk of the existing main structure on the property.

5-A-17

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 2-car garage will have no impact on items a, b, d, and e above. As stated in Section 1b above, allowing us to build a 2-car garage would reduce the amount of "car jockeying" (i.e., backing one car out of the driveway, past the sidewalk, and into the street in order to use the other car). As such, the project will have a positive impact on items (c) and (f) above in that it will decrease congestion on our street as well as reduce the amount of car traffic past a sidewalk that is frequently filled with children.

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.

Our request is simple – we wish to replace our 1-car garage with a 2-car garage that is 6' wider. This will provide us with improved shelter and safety compared to our existing 1-car garage. There is no means other than the requested variation whereby this hardship can be avoided.

* * *

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

5-A.18

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, 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

Michael A. Rutkowski

(Signature of Owner or Contract Purchaser)

309 S. Kensington

(Address)

LaGrange IL 60525

(City) (State) (Zip Code)

Subscribed and sworn to before me this _____ day of _____, 20_____.

(Notary Public)

(Seal)

Enclosures: Attachment A: Plats of Survey (4 pages)
Attachment B: Pictures of homes on the East side of the 300 block of S. Kensington Avenue.
Completed Site Development Data Sheet for proposed variation

5-A.19

(FOR VILLAGE USE ONLY)

1. Filed with Office of the Community Development Director: 6-19, 20 08.
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:

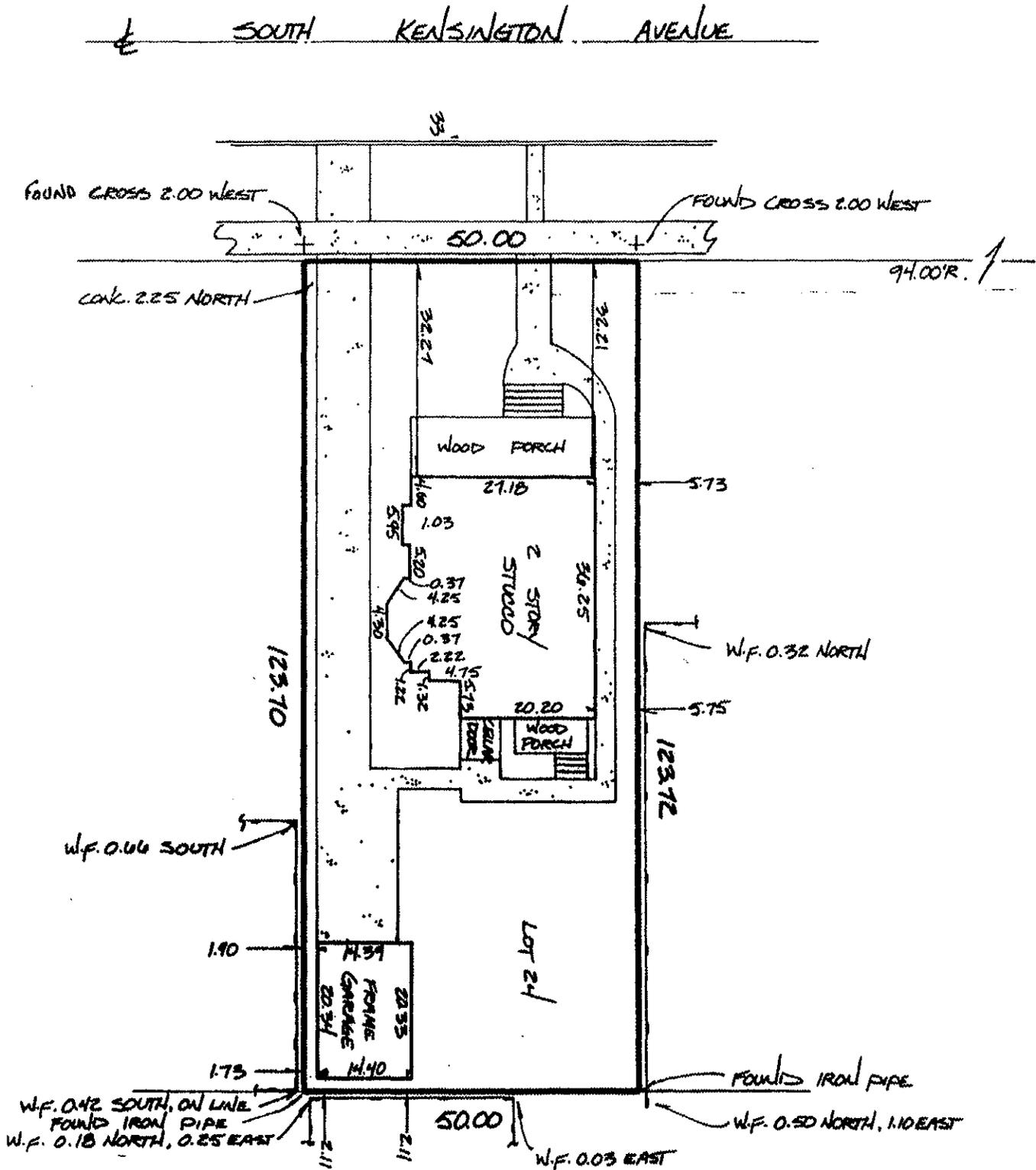
6. Final Action of Village Board for adoption of amending ordinances or denial of applicant's request at meeting held: _____
7. Payment of expenses satisfied: _____

Conditions Imposed:

5-A-20

Attachment A: Plats of Survey

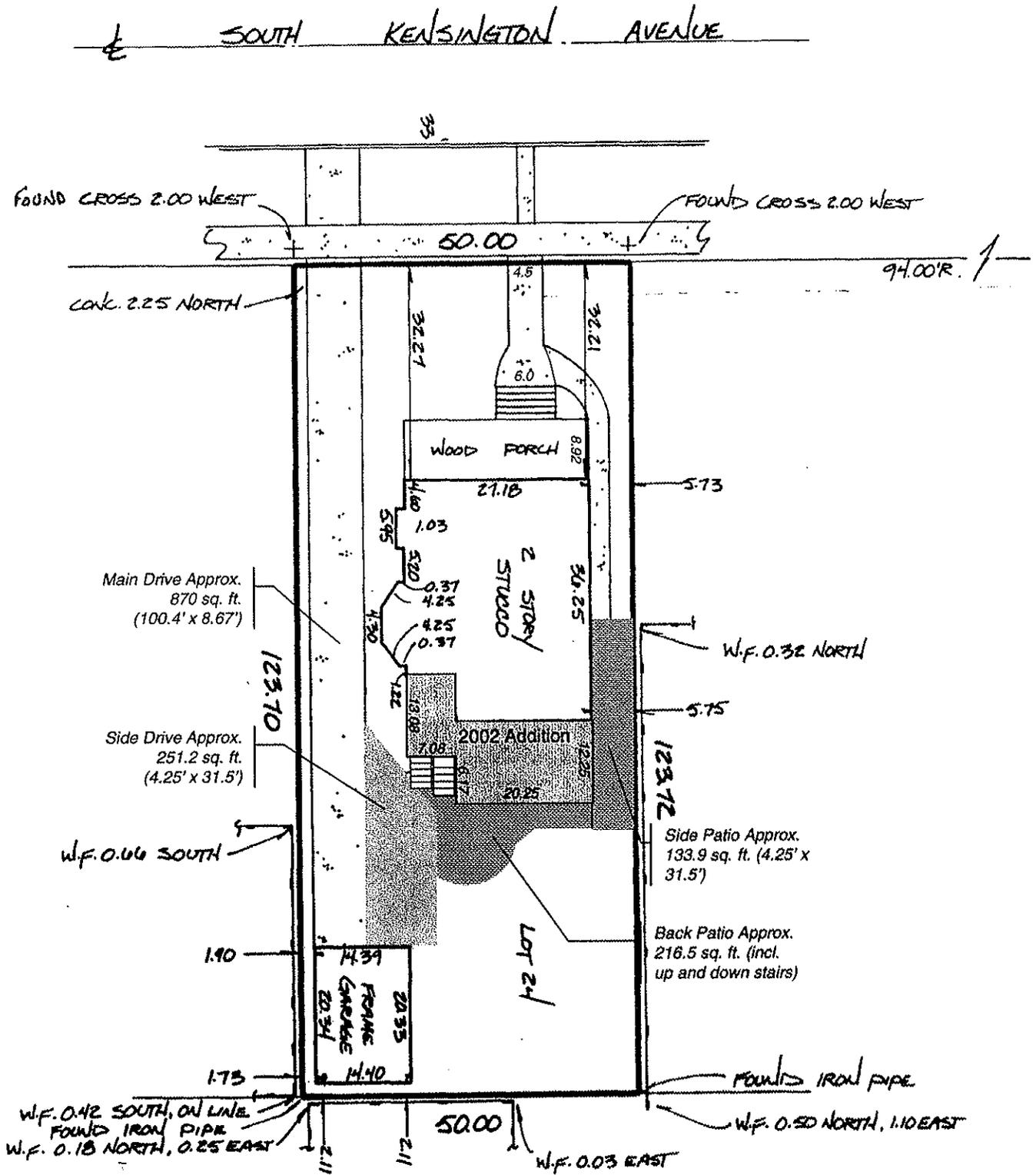
Original Plat of Survey – Lot Area (pre-2002 Home Addition):



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Attachment A: Plats of Survey

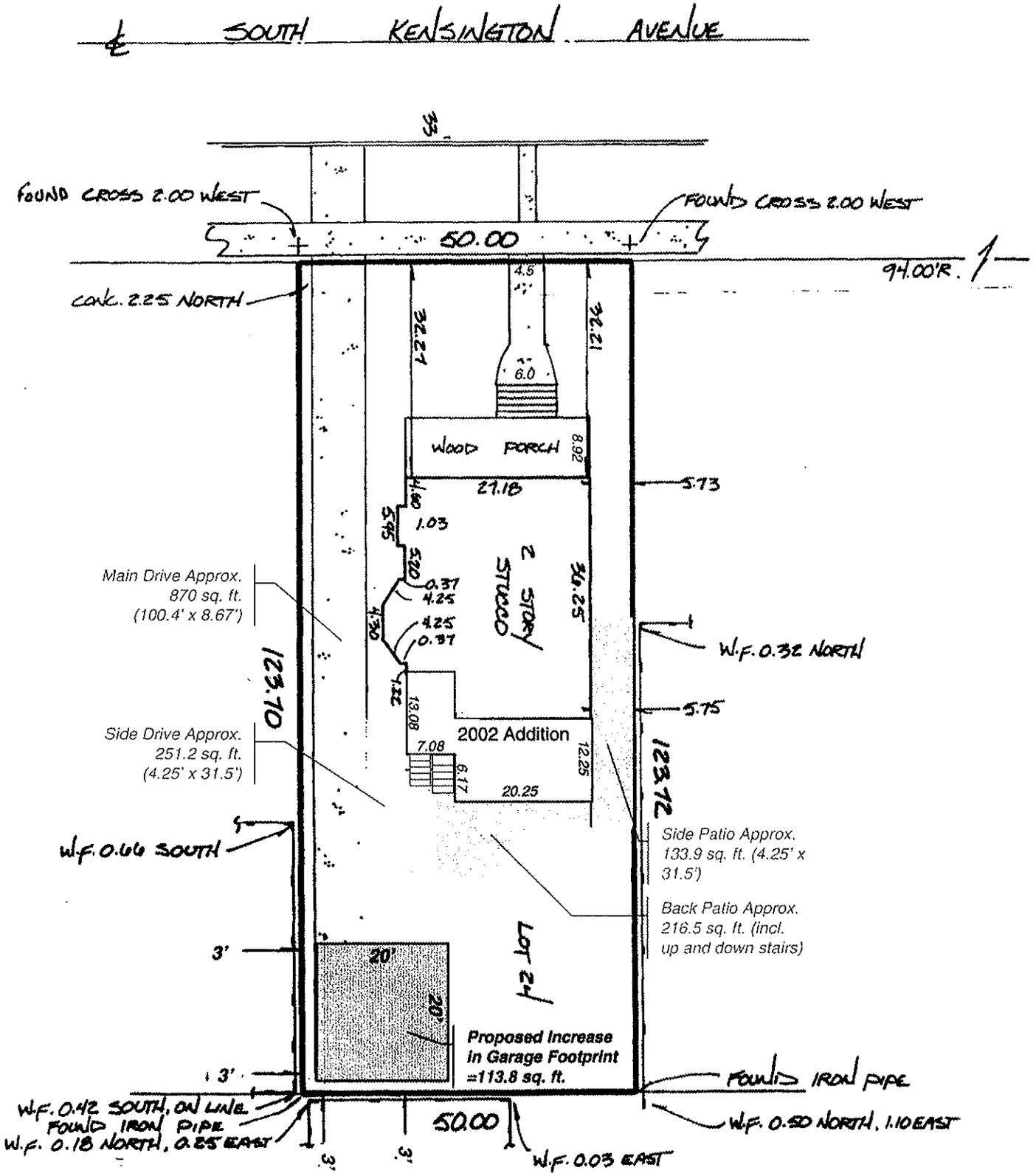
Plat of Survey with changes from 2002 Home Addition:



5-A.23

Attachment A: Plats of Survey

Plat of Survey with Requested Variation:



5-A.24

Attachment B: Pictures of Homes on the East Side of the 300 Block of S. Kensington Ave.

Our Home - 309 S. Kensington

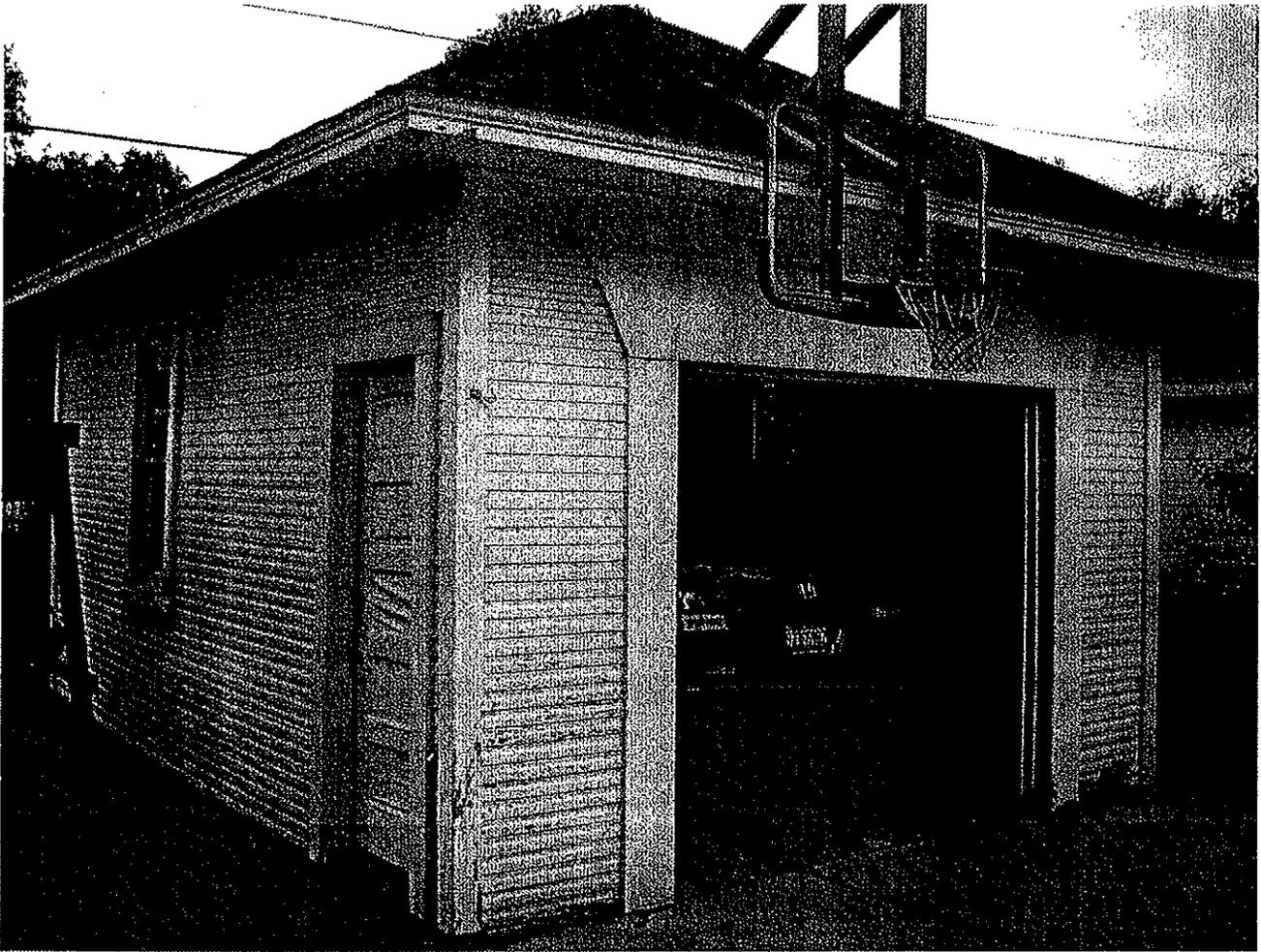


- 1-car garage
- Open front porch

5-A.25

Attachment B: Pictures of Homes on the East Side of the 300 Block of S. Kensington Ave.

Our Existing Garage – 309 S. Kensington



- 1-car capacity
- Built in 1911
- Structurally unsound (cracked foundation, structure leaning)

5-A.26

Attachment B: Pictures of Homes on the East Side of the 300 Block of S. Kensington Ave.

305 S. Kensington



- 2-car garage
- Exceeds 30% building coverage ratio
- Variation granted in 2006 to allow open front porch, exceeding 30% building coverage, 2-car garage

5-14.27

Attachment B: Pictures of Homes on the East Side of the 300 Block of S. Kensington Ave.

315 S. Kensington



- 2-car garage
- Open front porch
- Exceeds 30% building coverage ratio

5-1A.28

Attachment B: Pictures of Homes on the East Side of the 300 Block of S. Kensington Ave.

319 S. Kensington



- Enclosed front porch
- 2.5-car garage
- Exceeds 30% building coverage ratio

5-A.29

Attachment B: Pictures of Homes on the East Side of the 300 Block of S. Kensington Ave.

321 S. Kensington

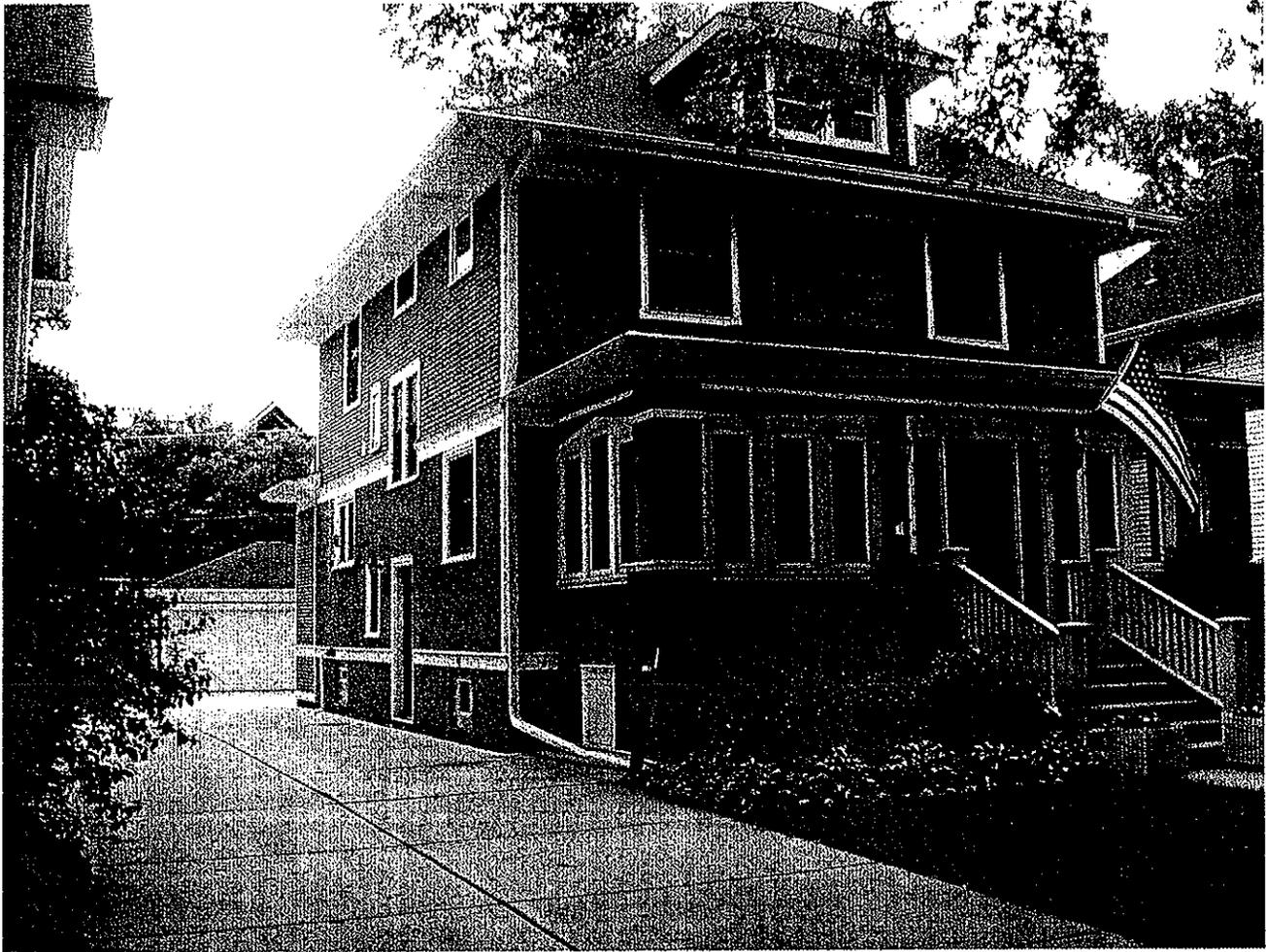


- Enclosed front porch
- 2-car garage
- Exceeds 30% building coverage ratio

5-A.30

Attachment B: Pictures of Homes on the East Side of the 300 Block of S. Kensington Ave.

325 S. Kensington



- Enclosed front porch
- 2-car garage

5-A.31

Attachment B: Pictures of Homes on the East Side of the 300 Block of S. Kensington Ave.

329 S. Kensington

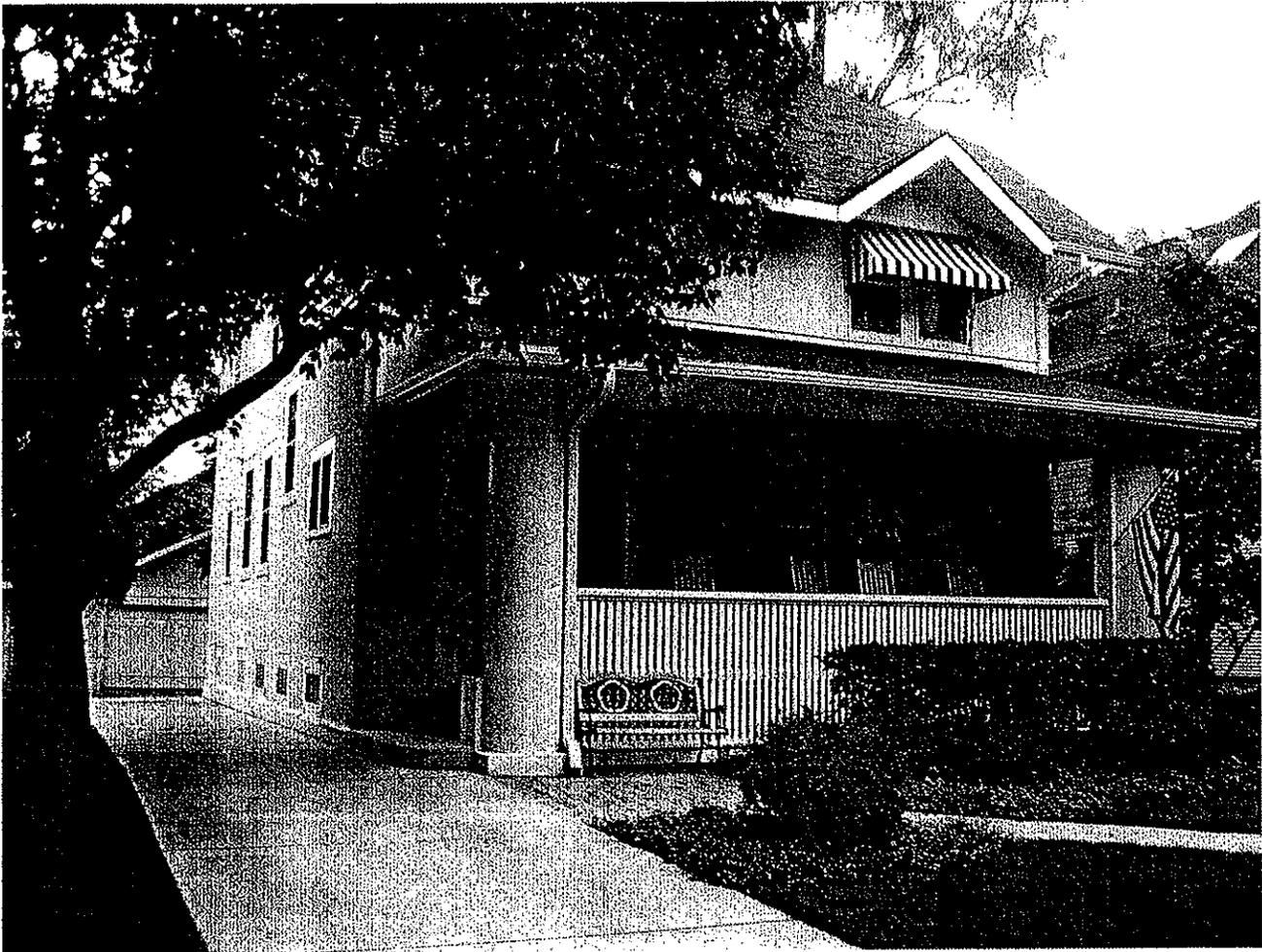


- 2.5 car garage
- Open front porch

5-A.32

Attachment B: Pictures of Homes on the East Side of the 300 Block of S. Kensington Ave.

333 S. Kensington



- 2-car garage
- Open front porch

5-A.33

Attachment B: Pictures of Homes on the East Side of the 300 Block of S. Kensington Ave.

337 S. Kensington



- 2-car garage
- Open front porch

5-A.34

Attachment B: Pictures of Homes on the East Side of the 300 Block of S. Kensington Ave.

341 S. Kensington

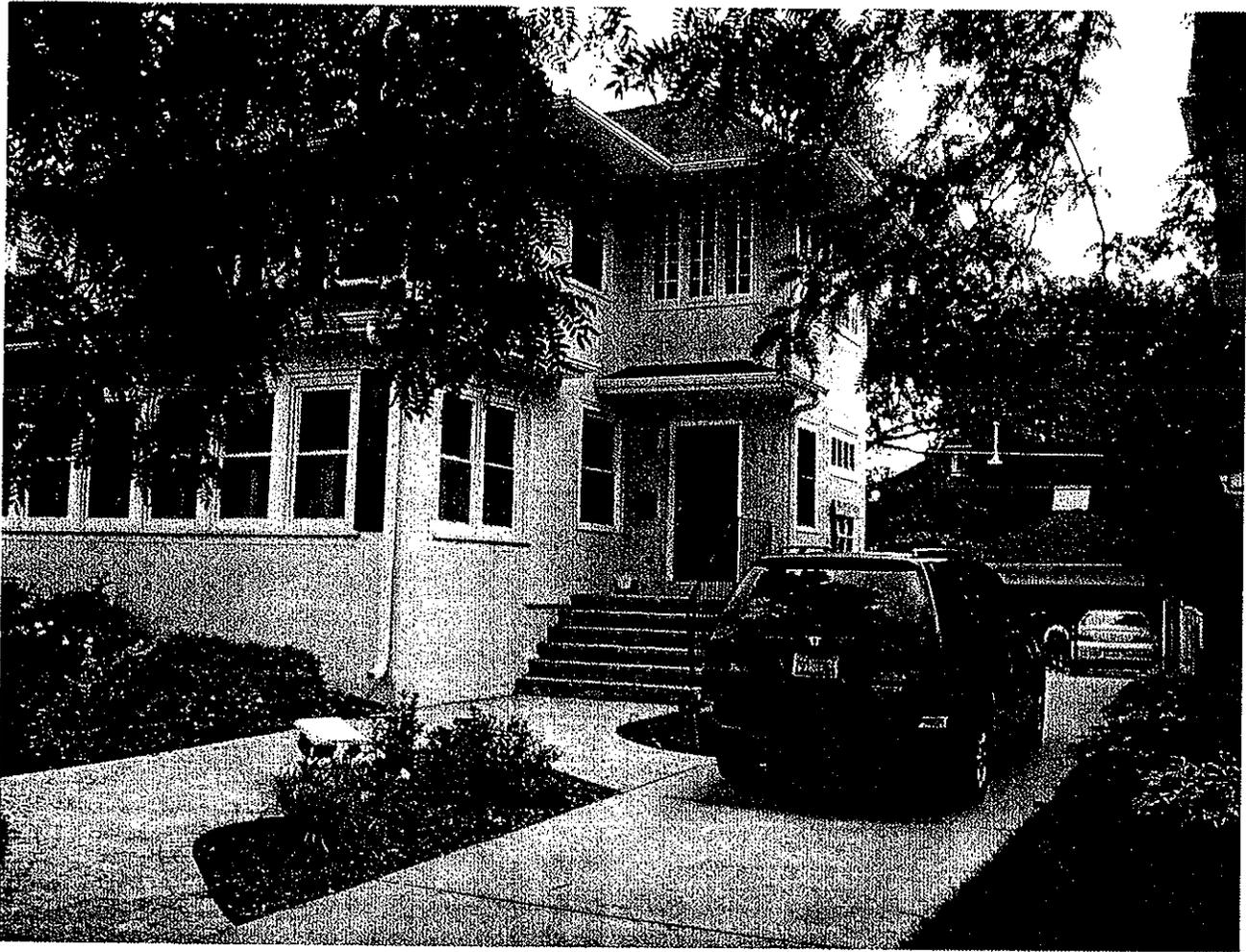


- 2-car garage
- Open front porch
- Exceeds 30% building coverage ratio

5-A.35

Attachment B: Pictures of Homes on the East Side of the 300 Block of S. Kensington Ave.

345 S. Kensington



- Enclosed front porch
- 2-car garage

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Village of La Grange - Site Development Planning Guidelines
SITE DEVELOPMENT DATA SHEET
 DEPARTMENT OF COMMUNITY DEVELOPMENT
 55 South La Grange Road, La Grange Illinois 60525
 Phone: 708-579-2120 Fax: 708-579-0960

The following data tables are to be completed and submitted with the permit application and planning documents to validate the existing and proposed site development conditions.

TABLE 1 - BUILDING SETTING		Lot Width:	50	Lot Depth:	123.7	Lot Area:	6185
Zoned Lot Classification	R-1	Existing	Proposed	Zoning Allowance			
Front Yard Set-Back Dimension		FT	FT				FT
Side-Yard Set-Back Dimension		FT	FT				FT
Side-Yard Set-Back Dimension		FT	FT				FT
Rear-Yard Set-Back Dimension		FT	FT				FT

TABLE 2 - BUILDING COVERAGE	Existing	Proposed	Net Change	
Primary Structure Area	1550.38 SF	1550.38 SF	0	SF
Accessory Structure Area	292.9 SF	406.8 SF	113.9	SF
Total Building Area	1843.28 SF	1957.18 SF	113.9	SF
Percent Building Coverage	29.8 %	31.6 %	1.8	%
Maximum Permissible Building Coverage from Table 5				30 %

TABLE 3 - LOT COVERAGE	Existing	Proposed	Net Change	
Primary Structure Area	1550.38 SF	1550.38 SF	0	SF
Accessory Structure Area	292.9 SF	406.8 SF	113.9	SF
Driveway Surface Area	1121.0 SF	1121.0 SF	0	SF
Patio/Deck Surface Area	350.3 SF	350.3 SF	0	SF
Walkway Surface Area	216.7 SF	125 SF	-91.7	SF
Total Impervious Surface Area	3531.3 SF	3553.5 SF	22.2	SF
Percent Impervious Area	57.1 %	57.4 %	0.3	%

TABLE 4 - LOT COVERAGE ALLOWANCE CALCULATION		Area Values	Percent of Total
1	Total Proposed Impervious Area from Table 3	3553.5 SF	58.9 %
2	Enter total area of open front porch	242.4 SF	
3	Enter porch surface area, up to a maximum of 160 square feet	160 SF	
4	Enter total area of detached rear-yard garage	406.8 SF	
5	Enter half of the garage area, up to a maximum of 130 square feet	203.4 SF	
6	Enter driveway surface area, up to a maximum of 450 square feet	450 SF	
7	Enter total area of approved pervious pavement surface	0 SF	
8	Enter the sum of areas (line 2 + line 3 + line 5 + line 6 + line 7)	813.4 SF	
9	TOTAL IMPERVIOUS AREA WITH ALLOWANCES Subtract value in Line 8 from line 1 to determine adjusted values	2740.1 SF	44.3 %
10	Maximum Permissible Lot Coverage from Table 5		45 %

5-A.37

Angela Mesaros

From: Michael Rutkowski [MRutkowski@NavigantConsulting.com]
Sent: Tuesday, July 15, 2008 9:34 AM
To: amesaros@villageoflagrange.com
Subject: Fw: Mike & Kristin's zoning variation request (309 S. Kensington)

Angela,

You may have received a few emails directly from our neighbors supporting our variation request. Attached below is another one, which I was asked to forward to you.

Thanks,

Mike Rutkowski
Navigant Consulting
mrutkowski@navigantconsulting.com
312.583.6880 (office)
708.204.0001 (mobile)

----- Forwarded by Michael Rutkowski/NCI on 07/15/2008 09:28 AM -----

Robert Donahoe <rsdonahoe@sbcglobal.net>
To Michael Rutkowski <MRutkowski@NavigantConsulting.com>
cc
Subject Re: Mike & Kristin's zoning variation request (309 S. Kensington)

07/15/2008 09:20 AM

Mike, I will not be able to show my support for your project in person as I am in Michigan.

However, please use this email as documentation for our (346 S. Kensington Ave.) complete and unadulterated support for your proposed expansion of your garage. I have been in your backyard as well as many of neighbors' over the past few years and feel that in today's modern environment (two car families plus additional cars for visitors) a one car garage represents an inconvenience, and in fact, a safety hazard. Barring any concern from surrounding neighbors, I cannot fathom that the Village board would deny such a request.

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Navigant Consulting, Inc.
Company Registration Number: UK Ltd. 3641719
Registered in Delaware, USA

7/15/2008

5-A.38

Angela Mesaros

From: Denise Adams [denisejadams@earthlink.net]
Sent: Monday, July 14, 2008 9:24 PM
To: amesaros@villageoflagrange.com
Cc: MRutkowski@NavigantConsulting.com
Subject: Rutkowski Variance

Dear Ms. Mesaros:

My family lives at 337 S. Kensington up the street from the Rutkowskis. We fully support their desire for a slight variance from the Village's lot coverage requirements. As I understand the situation their project would cover just over 31% of their lot rather than 30%. Particularly since the garage they seek to build is set back on the property we don't see any negative impact on the block. In fact it will, most likely, make the property more appealing in the long run.

Thank you for your consideration and please add the Adams family to the support column for the Rutkowski variance.

Denise Adams

5-A.39

Angela Mesaros

From: Lisa Dymek [Dymek308@comcast.net]
Sent: Monday, July 14, 2008 6:16 PM
To: amesaros@villageoflagrange.com
Cc: Michael Rutkowski
Subject: Zoning variation request (309 S. Kensington)

To whom it may concern,

We live directly behind the Rutkowskis at 308 S Catherine. Ultimately, we would be affected by the addition to their garage as much or more than anyone. We have absolutely no issue with their request for variance being granted and would advise that the city approve their request.
Thank you for your consideration,

Lisa and Joe Dymek
708-469-7789

5-1A-40

7/15/2008

Angela Mesaros

From: Barbara Fallon [barbara.fallonaso@sbcglobal.net]
Sent: Monday, July 14, 2008 12:35 PM
To: amesaros@villageoflagrange.com
Subject: re Rutkowski zoning variance request.

Village of LaGrange

We are writing in support of Mike and Kristin Rutkowski's zoning variance request. We are their immediate neighbors at 315 South Kensington and have no objection to their request. We will be unable to attend the meeting on Thursday but wish to voice our support.

Barbara & Tom Fallon
708-482-8828

5-A.41

Angela Mesaros

From: Mark Bazzanella [mbazz@ameritech.net]
Sent: Monday, July 14, 2008 11:07 AM
To: amesaros@villageoflagrange.com
Subject: Zoning variation at 309 S. Kensington

Dear Angela

I live at 318 S. Kensington and have no objection to the zoning variation request by the Rutkowskis, the owners of 309 S. Kensington

Thank you for your time and consideration.

Mark Bazzanella

5-A.42

7/14/2008

Angela Mesaros

From: Mark Bazzanella [mbazz@ameritech.net]
Sent: Monday, July 14, 2008 11:10 AM
To: amesaros@villageoflagrange.com
Subject: 309 Kensington

Angela

I want to be clear, not only do we have **no objection** to the request, We actually **support their request for a variance**

Thanks

Mark Bazzanella
318 S Kensington

5-A, 43

Angela Mesaros

From: McNamara, Mike - IL (Windsor Mortgage) [Mike.McNamara@gmachs.com]
Sent: Monday, July 14, 2008 4:01 PM
To: amesaros@villageoflagrange.com
Subject: zoning variation request (309 S. Kensington)

Hi Angela,

I live across the street from the Rutkowski family. I have a two-car garage and am concerned every time I have to back out of the driveway that I may not see a child in the pathway. The fewer times we have to back out of the driveway the better. If the Rutkowski's have a two-car garage it will make our neighbor a little safer as they will not have to back two cars out in order to drive the one that pulled in first. I have three children under the age of 6 and worry about them riding their bikes down the sidewalk for this very reason. Please consider this when making your decision.

Thank you.

Mike McNamara
Loan Officer

GMAC / Windsor Mortgage
1800 N. Clybourn Avenue | Chicago Illinois, 60614

Direct: 773-360-3011 | Main: 773-360-3000
Cell: 708-288-3377 | Fax: 866-630-3191
Email: mike.mcnamara@gmachs.com
Website: www.mikemcnamara.net

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5-A.44