

Village of La Grange



VILLAGE BOARD MEETING

MONDAY, NOVEMBER 12, 2007

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, November 12, 2007 – 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.

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 – Disposal of Surplus Property
- B. Award of Contract – Tree Removal Services
- C. Not-For-Profit Solicitation Permit – Family Outreach Program, Inc.
- D. Consolidated Voucher 071112
- E. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, October 22, 2007

- F. Minutes of the Village of La Grange Executive Committee Meeting, Monday, October 22, 2007

5. CURRENT BUSINESS

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

- A. Ordinance – Variation – Corner Side Yard / John and Angela Geraci, 425 East Maple Avenue: *Referred to Trustee Horvath*
- B. Ordinance – Variation – Corner Side yard / Julie and Dan Judd, 30 North Brainard Avenue: *Referred to Trustee Horvath*
- C. Ordinance – Variation – Corner Side Yard / Matt Mazur, 45 N. Madison Avenue: *Referred to Trustee Horvath*
- D. Ordinance – Variation – Maximum Building Coverage / Robert and Lori Donahoe, 346 South Kensington Avenue: *Referred to Trustee Horvath*
- E. La Grange Business Association / Our Hometown Holiday – 2007 Christmas Walk Sponsorship: *Referred to Trustee Livingston*

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.

OMNIBUS VOTE

VILLAGE OF LA GRANGE
Police Department

BOARD REPORT

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

FROM: Robert J. Pilipiszyn, Village Manager and
Michael A. Holub, Chief of Police

DATE: November 12, 2007

RE: **ORDINANCE - DISPOSAL OF SURPLUS PROPERTY**

In 2002, the Village started a parking meter replacement program to replace our mechanical parking meters with digital parking meters. We currently have 865 mechanical meters, and 536 single and short meter housings that were replaced long ago and have been sitting in storage for the past 15 years. There is no resale value to any of these items.

We recommend donating these meters and housings to smaller villages and towns throughout rural Illinois as a goodwill gesture within the law enforcement field. Many smaller villages and towns are unable to replace their existing mechanical meters because there no longer are any support or replacement parts. Our obsolete meters will serve as a replacement parts inventory supply for these communities.

We recommend that the Village Board authorize staff to dispose of surplus Village property as provided for in the attached ordinance.

21-A

VILLAGE OF LA GRANGE

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING DISPOSAL OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF LA GRANGE

WHEREAS, in the opinion of the corporate authorities of the Village of La Grange, it is no longer necessary, useful, or in the best interests of the Village to retain ownership of the personal property described in this Ordinance; and

WHEREAS, it has been determined by the President and the Board of Trustees of the Village of La Grange to dispose of said personal property in the manner described in this Ordinance;

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

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

Section 2. Disposal of Surplus Property. The President and Board of Trustees find that the personal property described in Exhibit A attached to this Ordinance and by this reference incorporated into this Ordinance (the "Surplus Property") is no longer necessary or useful to the Village, and thus the Village Manager for the Village of La Grange is hereby authorized to direct the sale or disposal of the Surplus Property in the manner most appropriate to the Village.

Section 3. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this ____ day of _____ 20__.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____ 20__.

By: _____
Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

4-A.1

Exhibit A

#	Equipment/Description	Serial #	Model	Condition
865	Duncan Mechanical Meters	----	Various	Damaged/ Used
536	Duncan Meter Housings	----	Single and Short	Damaged/ Used

4-A.2

VILLAGE OF LA GRANGE
Department of Public Works

BOARD REPORT

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

FROM: Bob Pilipiszyn, Village Manager,
Ken Watkins, Director of Public Works and
Don Wachter, Village Forester

DATE: November 12, 2007

RE: **AWARD OF CONTRACT - TREE REMOVAL SERVICES**

The Village budgets annually for the removal of parkway trees which are diseased or dead. The Village's current three-year tree removal contract with Midwest Tree Service of DeKalb, Illinois expires on April 30, 2008. The FY 2007-08 Village Budget and financial plan provides funding for the continuation of this service.

Midwest Tree Service was the low bidder for the tree removal contract awarded in April, 2005 and has performed quality service and in a professional manner. Midwest Tree Service has offered to extend our current contract prices for one year with a suggested Consumer Price Index (CPI) increase of 2.5%. The table below outlines the current 2007 price schedules for tree removals and the proposed increase for 2008.

Removal Diameter Class	FY 2007 -08 Current	FY 2008 - 09 Proposed
21" DBH (Diameter Breast Height) and Under	\$18.00 per inch	\$18.45 per inch
22" DBH and Over	\$20.00 per inch	\$20.50 per inch
Border Trees	\$20.00 per inch	\$20.50 per inch

Based on our three year experience with Midwest Tree Service, we believe it is in the Village's best interest to extend the current tree removal contract by one-year. The contract value is limited to the budget allocation which is \$38,300.

We recommend that the Village Board approve a one-year extension of the Village's tree removal contract with Midwest Tree Service of DeKalb, Illinois until April 30, 2009 based on the unit price proposal as described above.

4-B

VILLAGE OF LA GRANGE
Administrative Offices

BOARD REPORT

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

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

DATE: November 12, 2007

RE: **NOT-FOR-PROFIT SOLICITATION PERMIT –
FAMILY OUTREACH PROGRAM, INC.**

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

Family Outreach Program, Inc.
2223 Plainfield Road
Crest Hill, Illinois 60435

Director of Solicitations: Roland Comer

Phone: (815) 730-9567

Use: Social service agency with an orientation to servicing families in need.

Family Outreach Program is requesting to conduct solicitation for its organization on Friday, November 30 and Saturday, December 1, 2007. Also attached for your reference is a list of not-for-profit organizations who have previously been granted permission to solicit in La Grange and a copy of our regulations governing solicitation by not-for-profit organizations.

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

4-C



Family Outreach Program

making a difference

**P O Box 1643 Bolingbrook, IL 60440 Email cityoutreach@aol.com
2223 Plainfield Rd. Crest Hill, Illinois 60435 TEL: 815 730 9567 Fax 815 730 6015**

Village of La Grange October 30, 2007
53 South La Grange Rd.
La Grange., IL 60525 Phone 708 5792300 Fax 708 5790980

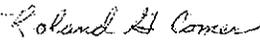
Dear Village Clerk,

Thank you for taking your time to consider our charity program and considering our request for permission to conduct our canvassing and street solicitation in the Village of La Grange.

The Family Outreach Program is an Illinois Not for Profit organization and a federal non profit organization approved under 5 01 (c) (3) as a human service agency with a mission of serving the poor, the needy the suffering, while strengthening children, their families and their communities. Members and volunteers of our programs are involved in programs helping with relief efforts to reduce hunger and derivation of basic necessities, working with local youth and educational programs and assisting area non-profit charities that are seeking to fulfill the same goals.

Due to the many requests for funding for charity and food baskets, as well as winter charitable programs, the staff at our office felt that a tag day would be necessary in order to connect with those who have contacted us for help. This would be for the following dates: November 30 and December 1, 2007. Our hope is that permission would be granted for our adult volunteers to distribute pamphlets and candy at the intersections which would be in the city limits of the Village of La Grange. The requested times of solicitation would be from 9 AM to 5 PM for the above dates. If it becomes dusk the volunteers will end their activity for safety sake. We would also be happy to send you a certificate of liability for these dates, which would be faxed to you from Illinois Securities, Inc., if approved. Enclosed is our copy of our registration with the State and Attorney General.

We appreciate your consideration of our work and can assure you that your help will aid us in seeing people helped and changed and their lives becoming fruitful and productive.

Sincerely, 
Roland Comer, Director of Solicitations
Family Outreach Program, Inc. <http://familyoutreachprogram.org>

4-c-1



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

July 18, 2007

Lisa Madigan
ATTORNEY GENERAL

FAMILY OUTREACH PROGRAM, INC.
2223 PLAINFIELD RD.
CREST HILL, IL 60435

RE: RE: Status of FAMILY OUTREACH PROGRAM, INC. under the Illinois Charitable
Laws
CO# 01034822

Dear Registrant:

This letter is pursuant to your request that the Attorney General confirm the status of
FAMILY OUTREACH PROGRAM, INC. under the Charitable Organization Laws.

This organization is currently registered with the Attorney General's Charitable Trust and
Solicitations Bureau as CO# 01034822. It is current in the filing of its financial reports, having
filed its report for the period ended January 31, 2007. Please let us know if you require further
information.

Sincerely,

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



4-C.2

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

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

4-c.3

Name of Not-for-Profit Organization	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	88-99
La Salle Bank (March of Dimes Walk America)											X
Les Turner ALS											X
LIONS Club International (Brookfield-La Grange Park Lions Club)	X	X	X	X	X	X	X	X		X	
Little City Foundation											X
Misericordia - Heart of Mercy	X	X	X	X	X	X	X	X	X	X	X
Missionary Church of the Disciples of Jesus Christ (Approved 8/11/03)											
NEED Foundation									X		
New Foundation of Hope, Inc.					X						
Parc									X		
PLUS											X
Rich Port YMCA					X	X		X	X	X	X
Salvation Army	X	X	X	X	X	X	X	X	X	X	X
Seventh Avenue Parent Teacher Organization							X				
Southwest Suburban Center on Aging						X		X	X	X	X
Total Dedication (American Community Services)											X
VietNow Heartland Chapter											X

4-c.4

Village of La Grange

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



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

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

4-0.5

Solicitor/Peddler Regulations

Those businesses or persons exempt from this procedure include:

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

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

08/02

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

4-c.6

VILLAGE OF LA GRANGE

Disbursement Approval by Fund

November 12, 2007

Consolidated Voucher 071112

<u>Fund No.</u>	<u>Fund Name</u>	<u>11/12/07 Voucher</u>	<u>11/02/07 Payroll</u>	<u>Total</u>
01	General	205,894.35	244,178.01	450,072.36
21	Motor Fuel Tax			0.00
22	Foreign Fire Insurance Tax	3,779.57		3,779.57
23	TIF			0.00
24	ETSB	2,835.45		2,835.45
40	Capital Projects	63,108.49		63,108.49
50	Water	157,478.88	37,356.61	194,835.49
51	Parking	8,261.17	21,394.79	29,655.96
60	Equipment Replacement	1,899.00		1,899.00
70	Police Pension	750.00		750.00
75	Firefighters' Pension			0.00
80	Sewer	2,133.80	7,489.12	9,622.92
90	Debt Service			0.00
91	SSA 4A Debt Service			0.00
93	SAA 269			0.00
94	SAA 270			0.00
		<u>446,140.71</u>	<u>310,418.53</u>	<u>756,559.24</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-D

MINUTES

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

Monday, October 22, 2007 - 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, Livingston, Palermo and Wolf

ABSENT: Trustee Langan

OTHERS: Village Manager Robert Pilipiszyn
Village Attorney Mark Burkland
Community Development Director Patrick Benjamin
Finance Director Lou Cipparrone
Public Works Director Ken Watkins
Assistant Public Works Director Mike Bojovic
Police Lieutenant Arnold
Fire Chief David Fleege
Doings Reporter Ken Knutson
Suburban Life Reporter Joe Sinopoli

2. PRESIDENT'S REPORT

President Asperger explained that Trustee Langan was not present due to a death in his family.

A. Oath of Office – Firefighter / Paramedic Christopher Cox

President Asperger stated that a vacancy occurred within the Fire Department and the La Grange Board of Fire and Police Commission appointed Christopher Cox to the position of Firefighter / Paramedic effective October 15, 2007. President Asperger welcomed Christopher who is a licensed paramedic and currently attending the Firefighter II Academy in order to achieve his training certification. Village Clerk Milne administered the Oath of Office to Firefighter/Paramedic Christopher Cox.

4-E

President Asperger encouraged the public to attend the Plan Commission meeting tomorrow evening and participate in the public hearing of the proposed redevelopment of the former YMCA property. Prior to the public hearing, the Park District will make a presentation regarding their future plans for Gordon Park.

The La Grange Business Association will hold their Halloween Walk on Saturday, October 27 and Village recommended trick-or-treat hours will be from 3:00 p.m. to 7:00 p.m. on Wednesday, October 31.

President Asperger announced the retirement of police canine Max and his handler Officer Randy Pacana. Officer Pacana will continue to serve the Village as a Police Officer and will permanently adopt Max into his family. Sergeant Erik Berg and new police canine Dak will complete specialized training prior to assuming duties.

President Asperger also announced the retirement of Public Works Officer Manager Chris Dosselman who is moving to Ohio. Chris has served the Village for the past 20 years and will be sorely missed.

Lastly, President Asperger announced that following the formal Village Board meeting this evening, the Board will reconvene in an informal workshop setting to discuss TIF planning which will be televised live and taped for future public viewing.

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

None

4. OMNIBUS AGENDA AND VOTE

- A. Ordinance (#O-07-34) – Creation of a Four-Way Stop Intersection / Cossitt Avenue and Madison Avenue
- B. Ordinance (#O-07-35) – Disposal of Surplus Property
- C. Resolution (#R-07-09) Plat of Dedication – Block 230 Alley Right-of-Way
- D. Purchase – Public Works Department – Replacement of Portable Air Compressor (Volvo Construction, Villa Park, Illinois - \$12,650)
- E. Consolidated Voucher 071022 (\$545,807.02)
- F. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, October 8, 2007

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

4-E-1

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

Trustee Horvath commented that the four-way stop at Madison Avenue and Cossitt Avenue was a good outcome, and that the Village should consider stop signs around all school properties at intersections that the Village controls.

5. CURRENT BUSINESS

A. Preliminary Review of The Proposed 2007 Property Tax Levy Request: Referred to Trustee Kuchler (Resolution #R-07-10)

Trustee Kuchler stated that this is a preliminary review of the proposed 2007 property tax levy request and explained that the Truth in Taxation Law requires a preliminary review of the proposed tax levy at least 20 days prior to its adoption. If the aggregate levy is more than 5% greater than the preceding year's extension, exclusive of debt service, the Village must hold a public hearing before adopting the proposed property tax levy. Since the proposed Truth in Taxation levy request, excluding debt service, shows a total increase of 3.88% over the prior years' extension, the Village of La Grange is not required to hold a public hearing regarding the 2007 property tax levy. Trustee Kuchler indicated the Property Tax Limitation Act limits the increase in property tax extensions, exclusive of debt service and new property growth, to 5%, or the percent increase of the Consumer Price Index (CPI) whichever is less. The CPI for the 2007 tax levy determined as of December 2006 was 2.5%.

Trustee Kuchler gave a detailed explanation of the Village limiting rate; the General Fund levy; Police and Fire Pension Fund levies; and debt service levies noting that the 2007 levy funds the final debt installment on the Police and Fire facility.

Trustee Kuchler noted that the La Grange Public Library is a municipal library not a library district, therefore the library levy is a part of the Village levy. The Library's tax levy request represents an increase of 3.88% over the 2006 property tax levy extension.

At this time the Village is merely announcing the 2007 preliminary tax levy and the ordinance adopting the 2007 tax levy will be presented at the December 10th Village Board meeting.

Trustee Kuchler requested Mr. Tim Sharpe the Village's Actuarial Consultant to elaborate on the history and future of Police and Fire Pension Fund levies. Mr.

4-E.2

Sharpe spoke favorably on the financial position for both funds, noting that the Village has met or exceeded funding requirements.

It was moved by Trustee Kuchler that the Village Board approve the Resolution announcing the estimated 2007 tax levy of \$6,792,632, exclusive of debt service, which is a 3.88% increase from the 2006 tax levy, seconded by Trustee Livingston.

Trustee Palermo inquired about interest calculations from a one-time contribution to a pension fund and Mr. Sharpe responded.

Approved by roll call vote.

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

B. Presentation by La Grange Theater: Referred to President Asperger

President Asperger explained that the La Grange Theater compliments local businesses and with its historic architecture is an asset to the community. Although the current owners of the theater have begun to renovate the building, years of neglect and compliance with current code factors has been challenging. President Asperger introduced owner John Rot and co-owner David Rizner to expand on their vision for the future of the theater.

Mr. Rot thanked Village President Asperger and the Board for the opportunity to speak and noted some of the history related to the theater along with some of the improvements which have been made. Mr. Rizner explained that they are attempting to attract an audience by offering performing arts, live entertainment, private parties, and school groups looking for a first class facility.

Mr. Rot noted that they are seeking help from the Village to maintain and preserve the theater and would like an opportunity to provide the Board a business plan for renovation and proposals to help save the theater.

President Asperger recognized that a future workshop discussion could be scheduled and requested thoughts and comments from the Board.

Trustee Kuchler believes the theater is a great asset for teens and asked if future plans include a move towards a more mature audience. Mr. Rot responded that they clearly intend to maintain events and movies for both adults and teens. Trustee Kuchler inquired if the owners intend to reduce the number of screens and Mr. Rot replied no.

4-E.3

Trustee Horvath agreed that the theater is an asset to the community and expressed his interest in receiving additional details.

Trustee Palermo also expressed his interest in details and a subsequent workshop discussion.

President Asperger noted consensus of the Board to schedule a workshop following the regular Village Board meeting on November 12 to discuss and deliberate options for the preservation of the La Grange theater.

6. MANAGER'S REPORT

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

Dave May, 400 S. Eighth Avenue as President of School District 102 and on behalf of School Districts 102 and 204 would like to acknowledge the success of the TIF plan which has helped the downtown to flourish. As TIF is scheduled to end with the 2009 TIF tax levy (24th levy) which is collected in 2010, school districts are requesting that the Village Board consider entering an intergovernmental agreement to waive the 24th tax levy. Mr. May also requested that TIF funds not be utilized for infrastructure improvements; these projects should be weighed against educational needs.

8. EXECUTIVE SESSION

9. TRUSTEE COMMENTS

Trustee Livingston noted that in conjunction with fire prevention month he had an opportunity to attend the fire training academy and commended the La Grange Fire Department for their professionalism.

Trustee Kuchler indicated he had received input from several residents regarding the YMCA property and acknowledged their thoughts and comments.

Trustee Horvath offered thanks to Mr. May for his comments relating to TIF.

10. ADJOURNMENT

At 8:30 p.m. it was moved by Trustee Horvath to adjourn, seconded by Trustee Palermo. Approved by unanimous voice vote.

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

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Approved Date

4-E.4

MINUTES
VILLAGE OF LA GRANGE
EXECUTIVE COMMITTEE MEETING

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

Monday, October 22, 2007
(immediately following the regular Village Board meeting)

1. CALL TO ORDER AND ROLL CALL

An Executive Committee Workshop of the Board of Trustees of the Village of La Grange was held on Monday, October 22, 2007 and called to order at 8:35 p.m. in the Auditorium of the Village Hall.

PRESENT: Trustees Horvath, Kuchler, Livingston, Palermo and Wolf with President Asperger presiding.

ABSENT: Trustee Langan

OTHERS: Robert Milne, Village Clerk
Robert Pilipiszyn, Village Manager
Mark Burkland, Village Attorney
Patrick Benjamin, Community Development Director
Finance Director Lou Cipparrone
Public Works Director Ken Watkins
Assistant Public Works Director Mike Bojovic
Police Lieutenant Arnold
David Fleege, Fire Chief

2. TIF PLANNING SESSION

President Asperger noted that the meeting is being taped and televised live with the use of new microphones to enable the public to be informed of the discussion.

In order to capture the history of the TIF Plan, President Asperger explained that the highly successful TIF was created in 1986 to encourage economic growth and development throughout the Village. Some of the projects funded by TIF include the Triangle Redevelopment Project, the Façade Loan Program, and the Municipal Parking Structure. As only two or three years remain in the TIF Plan, it is important for the Village to consider how to best utilize the remaining funds.

President Asperger explained that it was the consensus of the Board only to consider redevelopment proposals which are brought forward and not actively seek redevelopment

opportunities. TIF funds have been utilized for certain specialty projects as in the preventive maintenance application of a special Kelmar coating to the parking structure floor.

Also noted by President Asperger was the renovation of exterior buildings through the Façade loan Program which has been so successful that the Village Board has directed staff to transition into a new, post-TIF façade loan program.

President Asperger stated as TIF is scheduled to end with the 2009 TIF tax levy which is collected in 2010, School Districts 102 and 204 have questioned the timing of the last TIF tax levy. The school districts believe that the term of TIF was 23 years and therefore, the Village is only entitled to 23 tax levies. President Asperger explained that the Village Board anticipated making a decision upon guidance from Cook County, however as yet documentation from the County has not been provided. Recently School Districts 102 and 204 renewed their request for the Village to waive the 24th tax levy.

President Asperger requested Village Manager Robert Pilipiszyn to elaborate on TIF planning and related issues. Mr. Pilipiszyn presented staff's preliminary thoughts for further Board discussion as follows:

Parking Structure / Federal Grant: Mr. Pilipiszyn explained that the Village anticipates receipt of Federal grant funds to pay off the 2003 TIF note issued for the parking structure. If the grant funds are received in the current fiscal year, they will create several TIF planning opportunities for the Village.

Mr. Pilipiszyn stated that assuming that federal funds are received prior to the end of this fiscal year, the Village would be able to retire the 2003 TIF note issued for the parking structure. In addition, it is anticipated that the TIF Fund will have sufficient reserves at that time to retire the 2000 TIF note issued for the Triangle Project, leaving no outstanding debt in the TIF Fund. The Village would still be able to complete all current projects as budgeted in FY 2007-08.

Mr. Pilipiszyn added that the TIF Fund will also be receiving at least two more years of tax levy distributions of approximately \$2.5 million each with only the La Grange/Ogden intersection project (\$1,000,000) and CBD street resurfacing project (\$400,000) scheduled to be completed in FY 2008-09 and FY 2009-10, respectively. Assuming revenues and expenditures occur as identified above, at the end of FY 2009-10 the TIF Fund will have approximately \$5.5 million of available reserves to fund not yet identified eligible projects. This estimated reserve amount does not include receipt of the 2009 TIF tax levy (24th levy) in FY 2010-11.

Capital Specialty Projects: Staff recommends that the Village Board affirm the capital / specialty projects as currently budgeted.

4-F-1

Facade Loan Program: Mr. Pilipiszyn noted that staff recommends the continuance of this highly successful TIF funded program and will be providing the Board a detailed report to move forward under a post-TIF strategy.

“Capstone” Projects: As there are several emerging development opportunities which may be considered “capstone” projects in the final years of the TIF Program, staff recommends retaining flexibility in the TIF Fund for such projects.

24th TIF Tax Levy: Mr. Pilipiszyn concluded his presentation by stating that assuming that the Village will have: (1) repaid all current outstanding debt; (2) completed all of the capital/specialty projects budgeted; and (3) reserved sufficient funds for potential “capstone projects” for TIF financial planning purposes, staff feels comfortable in recommending that the Village Board waive its ability to collect the 24th TIF tax levy.

At 8:58 p.m. President Asperger opened the discussion to the Trustees.

Trustee Horvath noted his support of the Village to waive the 24th TIF tax levy. Trustee Horvath also believes that TIF funds should be limited to projects that but for TIF, private investment would not occur.

Trustee Livingston believes staff’s recommendations are well presented. He supports the waiver of the 24th TIF tax levy. He also feels that it is important to reserve funds for potential intersection improvements at Ogden Avenue and La Grange Road. Trustee Livingston stated that TIF has been an excellent tool with measurable benefits for the Village.

Trustee Palermo believes TIF projects should not only demonstrate a return on investment, but also include a return of investment. Trustee Palermo does not believe that planters or benches throughout the Central Business District should be considered as TIF funded projects. Trustee Palermo is supportive of the Village waiving the 24th TIF tax levy; it is a great position to be in. He does however support reserving funds for intersection improvements at Ogden Avenue and La Grange Road as the developer’s obligations are unknown at this time. He will look at TIF on a project-by-project basis.

Trustee Kuchler, although generally not a fan of TIF, does feel that the La Grange TIF District has been handled responsibly. Beautification makes a vibrant Central Business District which reinforces economic growth. Trustee Kuchler is in favor of waiving the 24th TIF tax levy and believes the Board should remain frugal in spending remaining TIF funds. Trustee Kuchler indicated the need to move forward to improve road conditions at La Grange Road and Ogden Avenue.

4-F.2

Trustee Wolf inquired if surplus TIF funds would be returned and President Asperger indicated yes, however, if for some unforeseen reason the Village does not receive the federal grant, there may not be a surplus to return. Trustee Wolf is also in favor of waiving the 24th TIF tax levy, but cautioned the Board not to act until receipt of the federal grant. She also favors retirement of debt. Her preference is to keep TIF expenditures to a minimum.

Trustee Horvath echoed Trustee Wolf's sentiments. In response to a suggestion by Trustee Wolf to use General Fund monies rather than TIF for street work, Trustee Kuchler noted he would not support a tax increase for road repairs which could otherwise have been funded by TIF.

President Asperger relayed thoughts and comments received from Trustee Langan. Those being his support to waive the 24th TIF tax levy subject to completion of projects and earmarking funds for potential projects as recommended by staff.

Village Manager Pilipiszyn explained that road improvements and other budgeted work would not have been recommended as a TIF project if they were not necessary, appropriate or supportive of redevelopment efforts, and discussions with the developer of the former YMCA property are on-going in order to achieve pedestrian safety and traffic improvements.

President Asperger summarized indicating that subject to the receipt of the federal grant and retirement of debt, it appears there is a consensus of the Board as follows:

1. Waive collection of the "24th" TIF tax levy;
2. Re-visit capstone and specialty projects as part of the budget process;
3. Encourage staff to investigate a post-TIF strategy.

Trustee Livingston commended staff on the management of TIF funds; it has put the Village Board in a great position to make these type of policy decisions.

3. ADJOURNMENT

At 9:40 p.m. the Executive Committee meeting was adjourned.

Respectfully submitted,

Ellie Elder
Administrative Secretary

Approved: _____

4-F-3

CURRENT BUSINESS

VILLAGE OF LA GRANGE
Community Development Department

BOARD REPORT

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

FROM: Robert Pilipiszyn, Village Manager
Patrick D. Benjamin, Community Development Director
Angela M. Mesaros, Assistant Community Development Director

DATE: November 12, 2007

RE: **ORDINANCE - VARIATION - CORNER SIDE YARD/JOHN AND ANGELA GERACI, 425 EAST MAPLE AVENUE**

John and Angela Geraci, owners of the property at 425 E. Maple Avenue, have applied for a variation from Corner Side Yard requirements. The subject property is a corner lot located in the R-5 Single Family Residential District. The property in question is atypical of most corner lots in the Village. This lot is triangular in shape. Required yards on corner lots are larger than interior lots; the corner side is required 17 feet, whereas the interior side requirement is 9 feet.

Currently, the petitioners park one car in an attached garage with a surface parking space for a second car next to the garage. They wish to construct an addition to the existing attached garage to replace the surface parking space. The garage, which already extends into the required corner side yard, would extend further into the yard.

Construction of the proposed attached garage would encroach into the required yard setback by 13.25 feet. The Zoning Code allows reduction of any required yard and setback by variation. The requested variation falls within the authorized limits of the Zoning Code.

Due to the irregular shape and size of the subject lot, the previous owner (a builder) received a variation in 2001 in order to construct the house with a one-car attached garage. The petitioners purchased the property in 2002. According to the petitioners, dust and debris from the adjacent industrial sites and the Indiana Harbor Belt Railroad make the proposed expansion of the existing garage to add a second car stall necessary.

On October 18, 2007, the Zoning Board of Appeals held a public hearing on this matter. The motion to recommend that the variation be granted carried by a vote of six (6) ayes and zero (0) nays, with the condition that the petitioners engage in a covenant with the village that the proposed addition will remain a single story structure.

5-A

Commissioners recommended approval of the proposed garage addition, because this lot satisfies the standard for unique physical condition. They also stated that the property abuts a busy street; therefore, the addition would not be adjacent to a residential property. Commissioners recommended the condition that the structure would remain a single story, because they felt that a second story would add bulk and living space in close proximity to the public right-of-way.

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

5-A.1

ORDINANCE NO. O-07-

AN ORDINANCE ALLOWING ZONING VARIATION
OF THE VILLAGE OF LA GRANGE

Published in pamphlet form by authority of the Board of Trustees of the Village of La Grange, County of Cook, State of Illinois, this ____ day of _____, 2007.

WHEREAS, John and Angela Geraci, owners of the property commonly known as 425 East Maple Avenue, La Grange, Illinois, and legally described as follows:

Lot 7 and the east 5 feet of Lot 6 in Clara May Clark's subdivision of lots 9, 10 and 11 in Block 14 in Leiter's third addition to La Grange, a subdivision of that part of the southeast ¼ of Section 4 Township 38 North, Range 12, east of the Third Principal Meridian lying west of Bluff Avenue (except that part north of the south 710 feet of the west 1095 feet), in Cook County, Illinois.

have applied for variation from Paragraph 3-110C2 (Required Corner Side Yard) of Chapter 154 of the La Grange Code of Ordinances in order to construct an addition to an existing attached garage on the above referenced property. The Zoning Board of Appeals, as required by law, has conducted a duly noticed public hearing on this matter on October 18, 2007.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LA GRANGE, COUNTY OF COOK, STATE OF ILLINOIS:

SECTION 1: A variation of 13.25 ft. from Paragraph 3-110C2 (Required Corner Side Yard) of Chapter 154 of the La Grange Code of Ordinances, to construct an addition to an attached garage, be hereby granted to the owner of the above-referenced property in conformance with the plans submitted to the Zoning Board of Appeals subject to the following condition:

1. The owners of the property engage in a covenant with the Village that the proposed addition will remain a single story structure.

SECTION 2: This Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form for review at the La Grange Village Offices and the La Grange Public Library.

ADOPTED this ____ day of _____, 2007, pursuant to a roll call vote as follows:

5-A-2

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2007.

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

President Asperger and
Board of Trustees

October 18, 2007

RE: ZONING CASE #560: VARIATION – John & Angela Geraci -- 425 E. Maple, to consider a zoning variation from Paragraph 3-110C2 (Corner Side Yard) to permit the construction of a garage addition within the R-5 Single Family Residential District.

The Zoning Board of Appeals transmits for your consideration its recommendations for a request of zoning variation necessary to construct a garage addition on the property at 425 E. Maple.

I. THE SUBJECT PROPERTY:

The property in question is a single family residential lot. The lot is irregular in shape.

II. CHARACTERISTICS OF THE SURROUNDING AREA:

The subject property is located within the R-5 Single Family Residential District.

III. VARIATIONS SOUGHT:

The applicant desires a variation from Paragraph 3-110C2 (Corner Side Yard) of the La Grange Zoning Code. The applicant wishes to construct an addition to an existing attached garage, which would encroach into the corner side yard by 13.25 feet. At the public hearing, the applicant requested a variation to allow for the construction of the garage addition at the subject property. Paragraph 14-303E1 (a) (Authorized Variations) allows the reduction of any required yard. 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 October 18, 2007. Present were Commissioners Charles Benson, Jr., Nathaniel Pappalardo, Rosemary Naseef, Nancy Pierson (arrived 7:35 p.m.), and Chairperson Ellen Brewin presiding. Also present was Staff Liaison, Angela Mesaros and Village Board Trustee James Palermo. Testimony was given under

5-A.4

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 Geraci, owner of the subject property, 425 E. Maple, who presented the application and answered questions from the Commissioners:

- The proposal is to add a second stall to an existing attached garage. The house was built in 2001; the petitioners purchased the property in 2002. The lot is irregular and pie shaped. If the lot were regular in shape, according to the petitioners, the variance would not be required.
- The reason for the request is due to the dust and debris from the Indiana Harbor Belt Railroad and the industrial corridor along and adjacent to the property that gets on the car that is parked outside on the uncovered parking space upon which they propose to construct the garage addition.
- They have talked to all the neighbors, and the building would not obstruct the clear site distance required for the stop sign.

Chairperson Brewin solicited questions from the Commissioners:

- Commissioner Pierson asked if they intend to keep the fence. Answer: Yes. None of the landscaping would need to be altered for this project.
- Commissioner Benson asked if the intended garage addition would be two stories or one. Answer: They are willing to go with either alternative; however, their first choice is to put the second story over the garage.
- Commissioner Benson asked if the Zoning Board could recommend a requirement that the second story not be approved. Ms. Mesaros stated that yes; the Commissioners could make a condition on the ordinance that this proposed addition remain one story.
- Commissioner Brenson asked if the petitioner could speak in a little more detail about the dust and debris. Answer: Cars travel fast along Bluff Avenue. In addition, the IHB train and industry create dust and debris that cover the car. Commissioner Benson stated that it appears to him that these conditions existed before the applicant moved to the subject property.
- Commissioner Brenson asked about the variation that is already on the property from 2001. Answer: From what the applicant has been told, the lot was not

5-A.5

buildable and needed a variance from corner side yard requirements to construct the house.

- Chairperson Brewin asked if the Zoning Code has changed since that time. Ms. Mesaros stated that the Code has not changed regarding corner side yards. Chairperson Brewin stated that when the variance was granted in 2001, the Village felt that this variation was the limit to the maximum of what should be granted.
- Commissioner Naseef asked if the property would exceed maximum building coverage with the proposed garage addition. Answer: No. Commissioner Naseef further questioned if a two story addition would create a safety issue. Answer: Not that we are aware of.

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 atypical of most corner lots in the Village. This lot is triangular in shape. Required yards on corner lots are larger than interior lots; the corner side is required 17 feet, whereas the interior side is 9 feet.

2. Not Self-Created:

Due to the irregular shape of this lot, the house was constructed with a variation from the corner side yard in 2001. The petitioners purchased the property in June 2002. They have not made any improvements to the property.

3. Denied Substantial Rights:

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

4. Not Merely Special Privilege:

This property was already granted a variance when it was constructed in 2001. The proposal would replace an existing surface parking area with the expansion of a two-story garage. The new garage would be located within 3.75 ft. of the public sidewalk. The

5-A.6

proposed yard would be smaller than the five foot yard that is typical of most interior side yards.

5. Code and Plan Purposes:

The Zoning Code requires two parking spaces for each single family residence, and the Village does not allow overnight parking on the street. Therefore, the requested variation would allow an attached garage in which to park two vehicles. However, the Code does not specify that the parking spaces be covered. The property currently has an uncovered parking area next to the existing garage.

6. Essential Character of the Area:

The petitioners believe that the requested variations would not adversely affect the character of the neighborhood. However, this two-story garage would extend 13.25 feet into the corner side yard, which is only 3.75 ft. from the property line adjacent to the public right-of-way.

7. No Other Remedy:

Currently, the property has two parking spaces; one in the garage and another uncovered, paved parking area alongside the garage. According to the petitioners, a variation is the only possible course of action to park two vehicles in an enclosed structure on the lot. One remedy would be to construct a carport. This option would not meet the corner side yard requirements; however it would be an open, one-story structure that would create less bulk than the proposed two story garage.

V. FINDINGS AND RECOMMENDATION:

- Commissioner Pappalardo stated that the lot is an unusual size and the fact that it fronts Bluff along a major thoroughfare makes it a unique situation. Commissioner Pappalardo further stated that it would be a different situation if there was a neighbor next door. The fact that it is located on a corner also makes it unique. The minimum variation would be to add only one more garage stall. He feels that this is reasonable by today's housing standards.
- Commissioner Brenson stated that this is an atypical zoning lot. His concern is only that the Code does not necessarily prescribe a two car garage but two parking spaces, which they currently have. Commissioner Brenson further stated that he would not vote for the variance if the garage could be built to two stories.
- Commissioner Naseef stated that she does not believe that this is necessarily a self-created condition and that she agrees that the shape of the lot is unusual and it warrants a variation.

5-A.7

- Chairperson Brewin asked if there would be support for the proposed two story garage.
- Commissioner Brenson stated that he believes the second story adds bulk.
- Commissioner Benson stated that he is concerned with the living area above the garage extending into the required corner side yard.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Pierson and seconded by Commissioner Pappalardo that the Zoning Board of Appeals recommend to the Village Board of Trustees approval of the application submitted with ZBA Case #560 with the condition that the garage addition remain a single story structure.

Motion Carried by a roll call vote (6/0/1).

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

BE IT THEREFORE RESOLVED that the Zoning Board of Appeals recommend to the Village Board of Trustees approval of the variation from Paragraph 3-110C2 (Corner Side Yard) to allow construction of an addition to an existing attached garage at 425 E. Maple.

Respectfully submitted:

Zoning Board of Appeals of the
Village of La Grange

BY: 
Ellen Brewin, Chairperson

5-19-8

STAFF REPORT

CASE: ZBA #560- John and Angela Geraci - 425 E. Maple Ave - Corner Side Yard

BACKGROUND

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

The petitioners, John and Angela Geraci, wish to expand their existing one-car attached garage into a two-car garage at 425 E. Maple Avenue. In 2001, the previous owners received a variation to construct the single family residence that encroaches into the required corner side yard of 17 ft. by 3.25 feet. The Geracis recently purchased the property. They wish to expand the existing attached garage further into the required corner side yard to reduce the setback to 3.75 ft. from the property line.

The petitioners seek a variation from Paragraph 3-110C2 (Corner Side Yard) of the Zoning Code. Construction of the proposed addition would encroach into the required corner side yard of 17 ft. by 13.25 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 atypical of most corner lots in the Village. This lot is triangular in shape. Required yards on corner lots are larger than interior lots; the corner side is required 17 feet, whereas the interior side is 9 feet.

5-18-9

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."*

Due to the irregular shape of this lot, the house was constructed with a variation from the corner side yard in 2001. The petitioners purchased the property in June 2002. They have not made any improvements to the property.

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

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

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

This property was already granted a variance when it was constructed in 2001. The proposal would replace an existing surface parking area with the expansion of a two-story garage. The new garage would be located within 3.75 ft. of the public sidewalk. The proposed yard would be smaller than the five foot yard that is typical of most interior side yards.

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

The Zoning Code requires two parking spaces for each single family residence, and the Village does not allow overnight parking on the street. Therefore, the requested variation would allow an attached garage in which to park two vehicles. However, the Code does not specify that the parking spaces be covered. The property currently has an uncovered parking area next to the existing garage.

5-A.10

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

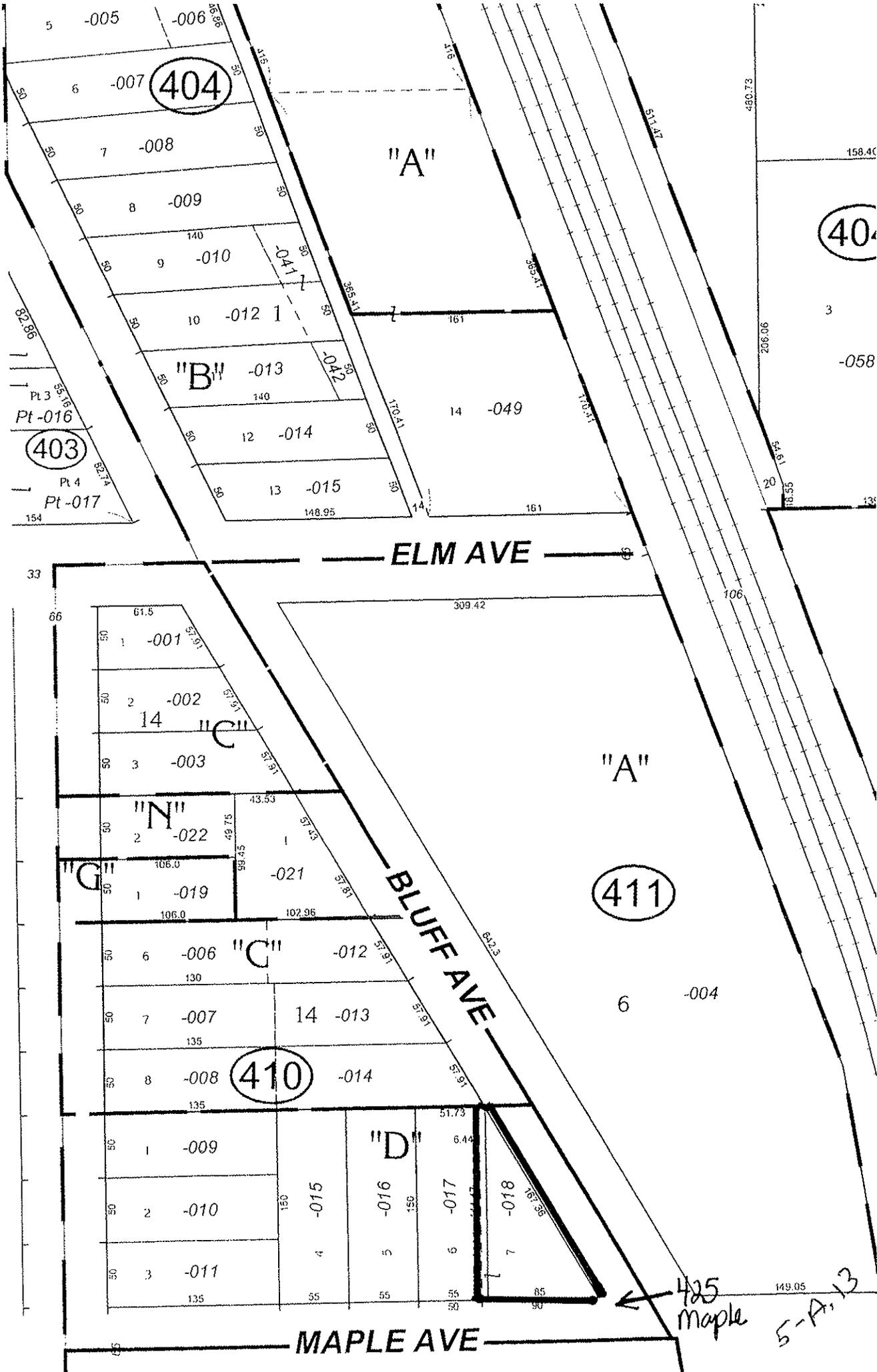
- a. *Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or*
- b. *Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity;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

The petitioners believe that the requested variations would not adversely affect the character of the neighborhood. However, this two-story garage would extend 13.25 feet into the corner side yard, which is only 3.75 ft. from the property line adjacent to the public right-of-way.

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

Currently, the property has two parking spaces; one in the garage and another uncovered, paved parking area alongside the garage. According to the petitioners, a variation is the only possible course of action to park two vehicles in an enclosed structure on the lot. One remedy would be to construct a carport. This option would not meet the corner side yard requirements; however it would be an open, one-story structure that would create less bulk than the proposed two story garage.

5-14-11



Sub

APPLICATION FOR ZONING VARIATION

Application # 560
Date Filed: 8/1/07
UARCO # 83761

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

(please type or print)

Application is hereby made by John & Angela Geraci

Address: 425 E. maple AVE Phone: 708-579-9331

Owner of property located at: John & Angela Geraci

Permanent Real Estate Index No: 18-04-410-018

Present Zoning Classification: R-5 Present Use: Single Family House

Ordinance Provision for Variation from Article # 3-110 C 2 of Zoning Ordinance, to wit:

Corner side yard

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

Is to expand our existing one stall car garage into a two stall by attaching a single stall on the East side.

B. The purpose therefor, to expand our existing one stall car garage into a 2 stall garage.

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

The current zoning requires a corner side yard to be 13.75 feet based on a previous variances granted in 2001 to the builders. Home owner is requesting a variance from the Zoning ordinance and Variance to 3.75 feet.

- See attached rendering and pictures of the second stall which would encroach over the 13.75 side yard by 18 feet 4" at the proposed garage

5-11-14

back corner leaving ~~10 feet~~ and front corner leaving ~~10 feet~~.

The new proposed garage is still within the existing fence, landscaping and is in NO way blocking any visibility of the corner at Bluff and Maple nor any of the neighbors views.

5-A-15

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: when purchased this home in June of 2002 we had only one child, 5 years later we now have 2 children, 2 dogs and lots of toys, bicycles, lawn equipment and other necessities that require shelter.

b. A reasonable return or use of your property is not possible under the existing regulations, because: without a second stall, we do not have covered shelter for both cars, bicycles, lawn equipment etc... we would also like to have shelter from derby & dust from the businesses on Bluff and Freight train.

c. Your situation is unique (not applicable to other properties within that zoning district or area) in the following respect(s): Based on the configuration of the land (our lot is 90ft in front) adding a second stall would add value to our house as well as others, removing the cars and toys/bicycles/equipment from the driveway out of sight would add value and deter theft from the property.

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.

Many homes in our area have 2 car attached and detached garages which add value to the homes/neighborhood and remove vehicles from the streets as would adding a second stall to our home. As the current home owner, we did nothing to cause the condition to the property,

5-14-16

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 land was in existence prior to the enactment of the ordinance.

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.

This is a very unique lot size and shape (see attachment) the existing ordinance does not allow space for a second stall which over 90% of our neighbors have.

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

The existing hardship is not economic. The owner of record has owned this irregular lot for 5 years and can not currently add a second stall due to the restricting zoning ordinance.

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.

This variance would comply and be consistent with the existing land use and surroundings of the neighborhood.

5-14-17

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.

The Homeowner's request would not have a detrimental effect in sub items A through F above.

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.

Only a variance would allow the addition of the second stall to our residence

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);

5-A-18

- (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.

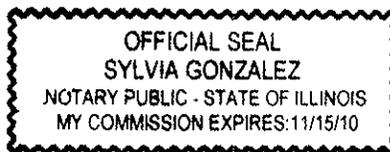
I, the undersigned, do hereby certify that I am the owner, or contract purchaser (**Evidence of title or other interest you have in the subject property, date of acquisition of such interest, and the specific nature of such interest must be submitted with application.**) and do hereby certify that the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

John M. Geraci Angela Geraci 425 E Maple
 (Signature of Owner or Contract Purchaser) (Address)

La Grange IL 60525
 (City) (State) (Zip Code)

Subscribed and sworn to before me this 1st day of August, 2007.

Sylvia Gonzalez
 (Notary Public) (Seal)



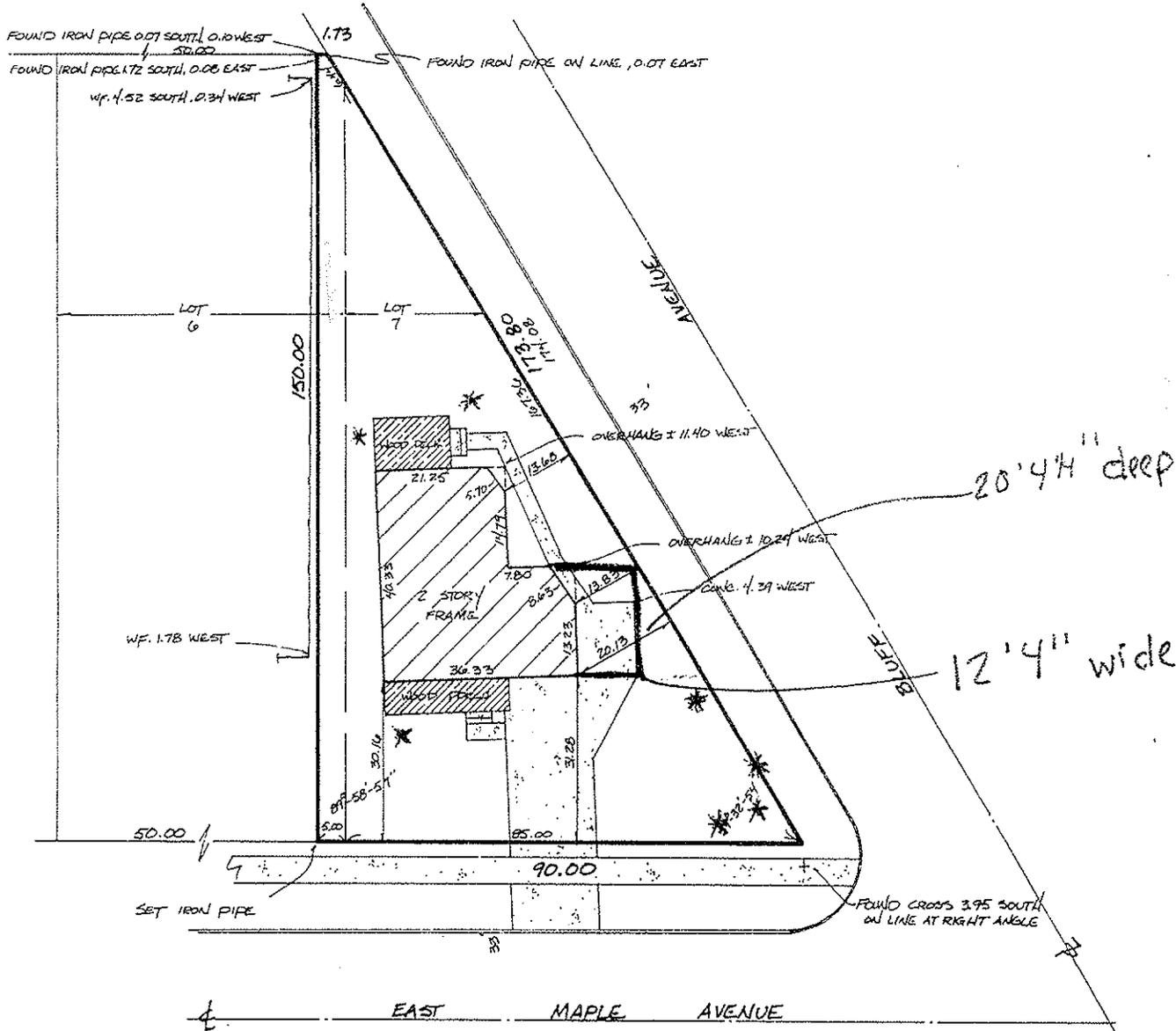
5-14-19

SCHOMIG LAND SURVEYORS, LTD. Plat of Survey

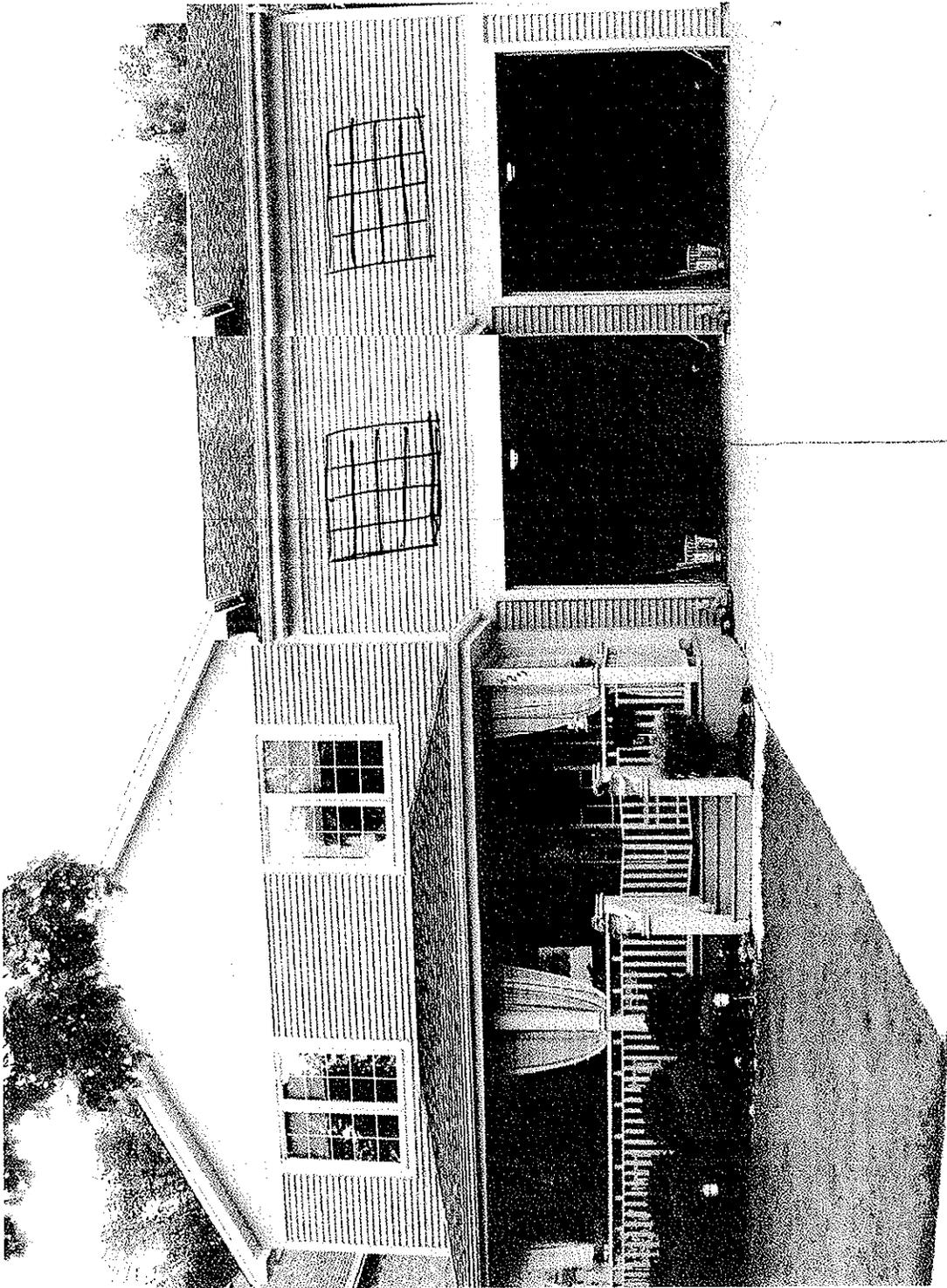
Proposed Site Plan
Petitioner's Exhibit
02-14-95

LOT 7 AND THE EAST 5 FEET OF LOT 6 IN CLARA MAY CLARK'S SUBDIVISION OF LOTS 9, 10 AND 11 IN BLOCK 14 IN LEITER'S THIRD ADDITION TO LAGRANGE, A SUBDIVISION OF THAT PART OF THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF BLUFF AVENUE (EXCEPT THAT PART NORTH OF THE SOUTH 710 FEET OF THE WEST 1095 FEET), IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: 425 EAST MAPLE AVENUE

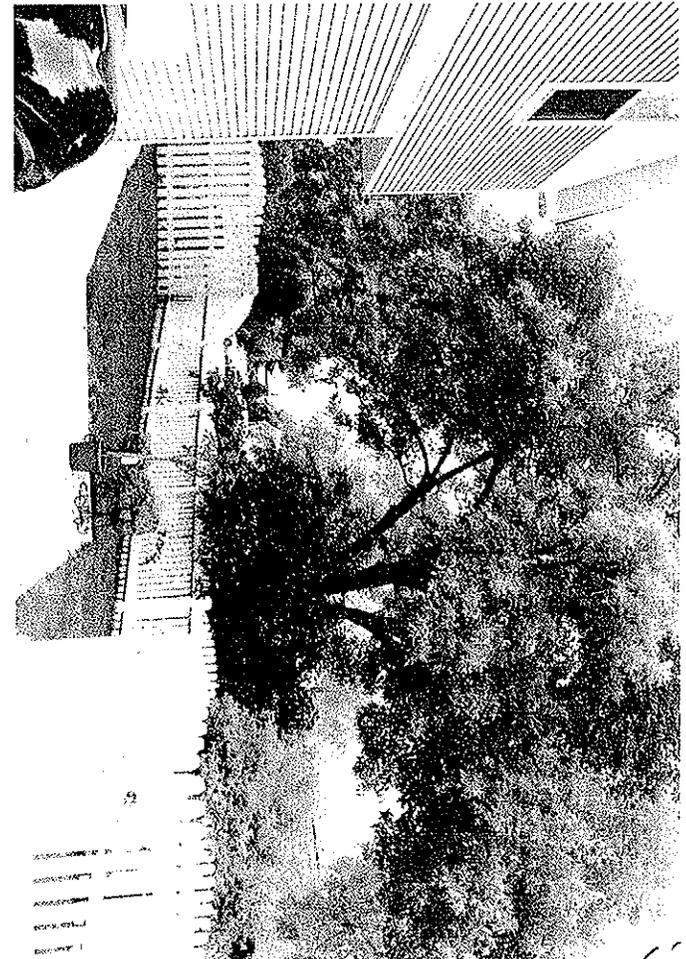
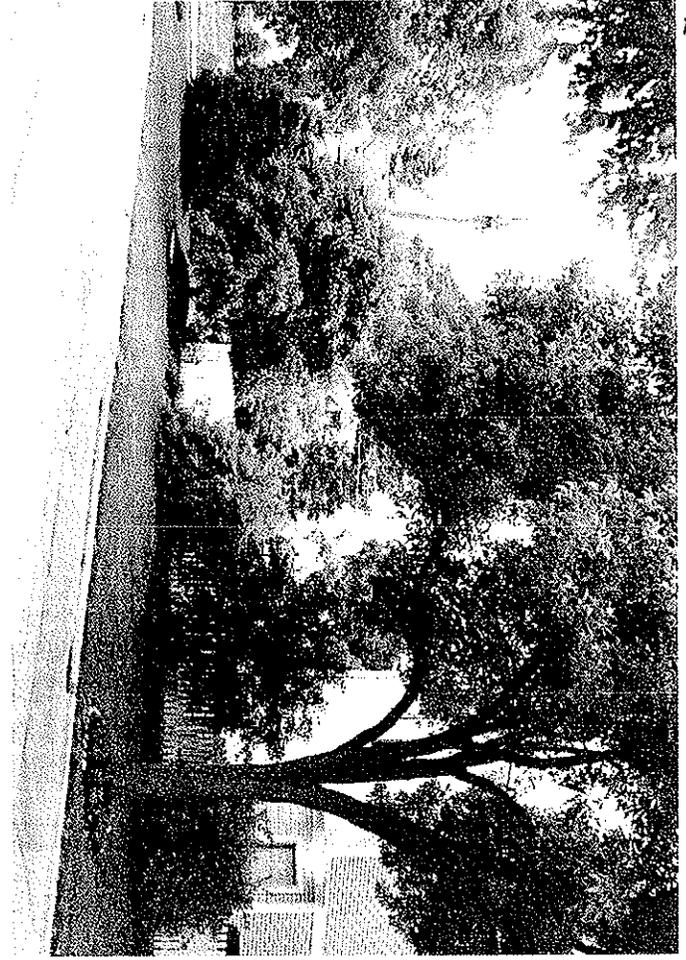
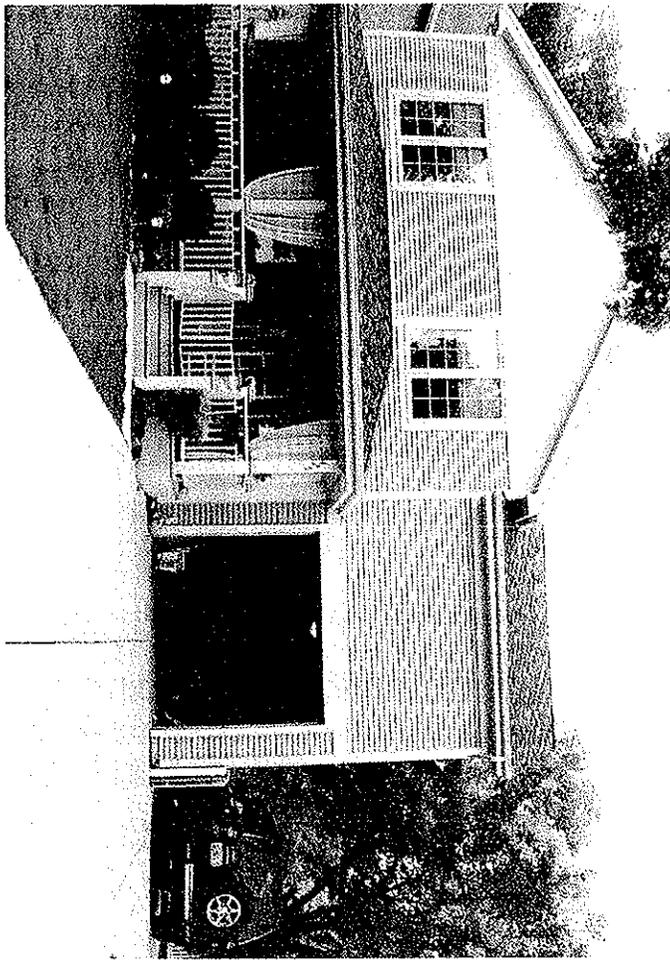


Petitioner's Exhibit
Proposed Addition

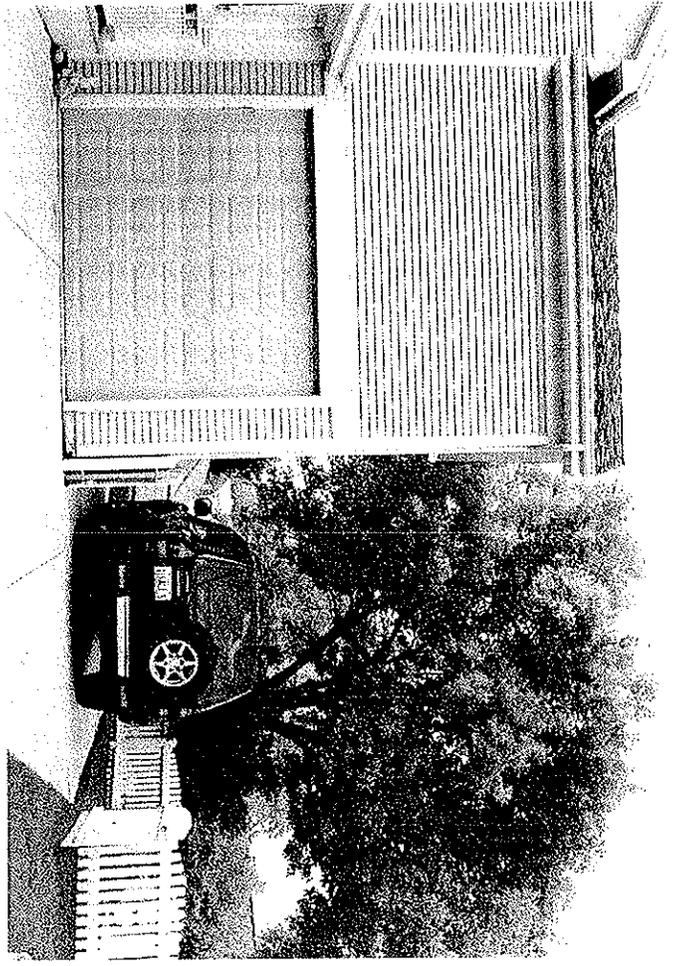
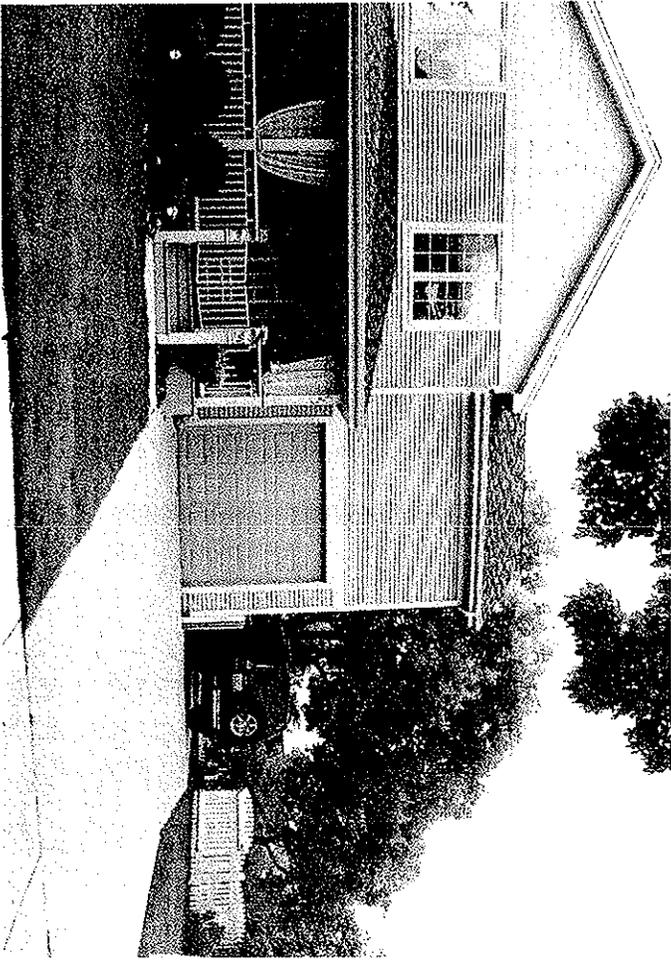


5-A.21

Petitioner's Exhibit - Existing House



5-A.22



5-A-23

VILLAGE OF LA GRANGE
Community Development Department

BOARD REPORT

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

FROM: Robert Pilipiszyn, Village Manager
Patrick D. Benjamin, Community Development Director
Angela M. Mesaros, Assistant Community Development Director

DATE: November 12, 2007

RE: **ORDINANCE - VARIATION - CORNER SIDE YARD/JULIE AND DAN
JUDD, 30 NORTH BRAINARD AVENUE**

Julie and Dan Judd, owners of the property at 30 N. Brainard Avenue, have applied for a variation from Corner Side Yard requirements. The subject property is a corner lot located in the R-4 Single Family Residential District. The property in question is irregular in shape and narrows to 41 feet wide in the rear yard; typical lots are 50 feet wide. Required yards on corner lots are larger than interior lots; the corner side is required 17 feet, whereas the interior side yard requirement is 5 feet.

The subject property was recently re-subdivided from the zoning lot to the north. The petitioners purchased the property in order to construct a new house. They wish to have their main entrance along the corner side off Dover Street. Our building code requires landings to have a minimum size of 4' x 4' at egress doors. Due to the narrowness of the lot, two feet of the required landing would encroach into the corner side yard. The Zoning Code allows reduction of any required yard and setback by variation. The requested variation falls within the authorized limits of the Zoning Code.

According to the petitioners, most corner lots in their neighborhood have entryways that encroach into the required corner side yard. They have submitted pictures of several houses in the immediate area that have similar entrances (see attached.)

On October 18, 2007, the Zoning Board of Appeals held a public hearing on this matter. The motion to recommend that the variation be granted carried by a vote of six (6) ayes and zero (0) nays.

Commissioners recommended approval of the proposed stoop, because this lot satisfies the standards for unique physical condition and minimum variation necessary. In addition, the property is across the street from a commercial property; therefore, the stoop and entryway would not affect a residential property.

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

5-B

ORDINANCE NO. O-07-

AN ORDINANCE ALLOWING ZONING VARIATION
OF THE VILLAGE OF LA GRANGE

Published in pamphlet form by authority of the Board of Trustees of the Village of La Grange, County of Cook, State of Illinois, this ____ day of _____, 2007.

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

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

have applied for variation from Paragraph 3-110C2 (Required Corner Side Yard) of Chapter 154 of the La Grange Code of Ordinances in order to construct an entryway stoop on the above referenced property. The Zoning Board of Appeals, as required by law, has conducted a duly noticed public hearing on this matter on October 18, 2007.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LA GRANGE, COUNTY OF COOK, STATE OF ILLINOIS:

SECTION 1: A variation of 2 ft. from Paragraph 3-110C2 (Required Corner Side Yard) of Chapter 154 of the La Grange Code of Ordinances, to construct a stoop, be hereby granted to the owner of the above-referenced property in conformance with the plans submitted to the Zoning Board of Appeals.

SECTION 2: This Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form for review at the La Grange Village Offices and the La Grange Public Library.

ADOPTED this ____ day of _____, 2007, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

5-B.1

APPROVED by me this _____ day of _____, 2007.

Elizabeth M. Asperger, VILLAGE PRESIDENT

ATTEST:

Robert N. Milne, VILLAGE CLERK

5-B-2

FINDINGS OF FACT

ZONING BOARD OF APPEALS
OF THE
VILLAGE OF LA GRANGE

President Asperger and
Board of Trustees

October 18, 2007

RE: ZONING CASE #561: VARIATION – Julie & Dan Judd – 30 N. Brainard, to consider a zoning variation from Paragraph 3-110C2 (Corner Side Yard) to permit the construction of a stoop for a side entrance within the R-4 Single Family Residential District.

The Zoning Board of Appeals transmits for your consideration its recommendations for a request of zoning variation necessary to construct a stoop on the property at 30 N. Brainard

I. THE SUBJECT PROPERTY:

The property in question is a single family residential lot. The lot is irregular shaped and narrows to 41 feet in the rear yard. Typical lots are 50 feet wide.

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 3-110C2 (Corner Side Yard) of the La Grange Zoning Code. The applicant wishes to construct a stoop which would encroach into the adjusted corner side yard by two feet. At the public hearing, the applicant requested a variation to allow for the construction of the stoop at the subject property. Paragraph 14-303E1 (a) (Authorized Variations) allows the reduction of any required yard. 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 October 18, 2007. Present were Commissioners Charles Benson, Jr., Nathaniel Pappalardo, Rosemary Naseef, Ian Brenson, Nancy Pierson (arrived 7:35 p.m.), and Chairperson Ellen Brewin presiding. Also present was Staff Liaison, Angela Mesaros and Village Board Trustee James Palermo. Testimony

5-13,3

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 Julie and Dan Judd, owners of the subject property, 30 N. Brainard Avenue, and Al Moskiewicz, Builder, who presented the application and answered questions from the Commissioners:

- Petitioner submitted Exhibit A, pictures of other houses in the area, and stated that four houses within half a mile are also not in compliance of the seventeen foot requirement. The houses are at or less than the fifteen foot proposed setback.
- The petitioners are requesting two feet of the stoop to encroach into the corner side yard for a house they are currently constructing. This request is necessary to gain access to the side entrance.
- The lot was recently re-subdivided and it is an irregular shaped lot and an irregular size. The house is narrow to begin with and they request a variation in order to fit within the context of the neighborhood and to have a side entrance as other houses do.
- At the point on the lot where they are asking for the variation, the lot is only forty-four feet wide, typical lots are fifty feet wide.
- According to the petitioners, Brainard, which is their front yard, is a very busy street. Therefore, they need a side entrance. Another reason for the variation request is that the petitioners have decided to maintain the existing detached garage in the back yard, which is already limited in space.
- There are no neighbors across the street, because they are situated across from DeVries Grocery Store.

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

5-B.4

2. Not Self-Created:

The petitioners recently purchased the property, which was subdivided by the previous owner. They have not made any improvements to the property.

3. Denied Substantial Rights:

According to the petitioners, most corner lots in the area have side entrances.

4. Not Merely Special Privilege:

Because of the irregular shape of the lot, it is difficult to construct a side entrance while maintaining the required corner side yard. The petitioners state that they have based the design of their house on the house next door in order to keep the existing detached garage.

5. Code and Plan Purposes:

A minimum four ft. by four ft. landing is required by the Building Code for all egress from single family homes. The proposed house would meet all other provisions of the zoning ordinance.

6. Essential Character of the Area:

Granting the variance would not adversely affect the character of the neighborhood. Construction of the proposed front stoop would be consistent with the area and contribute positively to the neighborhood.

7. No Other Remedy:

Other remedies include reconfiguration of the house and elimination of the entrance from Dover Street. According to the Judds, there is no practical way to change the configuration of the house to allow an entrance along Dover Street due to the narrowness of the lot at the point.

V. FINDINGS AND RECOMMENDATION:

- Commissioner Pappalardo stated that this request meets the minimum variation required to solve this issue. The request is strictly for an entry stoop and it meets all other setback criteria. Commissioner Pappalardo further stated that it is a very narrow, minor stoop on a corner lot and it would not affect other residential neighbors.

5-B,5

- Commissioner Pappalardo stated that these are unusual circumstances because of the irregular shape of the lot.
- Commissioner Naseef stated that she agrees that the irregular shape and size of the lot present challenges, however, she struggles with the idea that this is not self-created because they are constructing a new house.
- Chairperson Brewin stated that she feels the impact would be minor because this house faces a public area. She further stated that the neighborhood is denser, the lot is irregular, and this a minor request for a variation.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Benson 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 #561.

Motion Carried by a roll call vote (6/0/1).

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

BE IT THEREFORE RESOLVED that the Zoning Board of Appeals recommend to the Village Board of Trustees approval of the variation from Paragraph 3-110C2 (Corner side yard) to allow construction of a stoop at 30 N. Brainard Avenue.

Respectfully submitted:

Zoning Board of Appeals of the
Village of La Grange

BY: Ellen Brewin
Ellen Brewin, Chairperson

5-13.6

48 N. BRAINARD

14,9

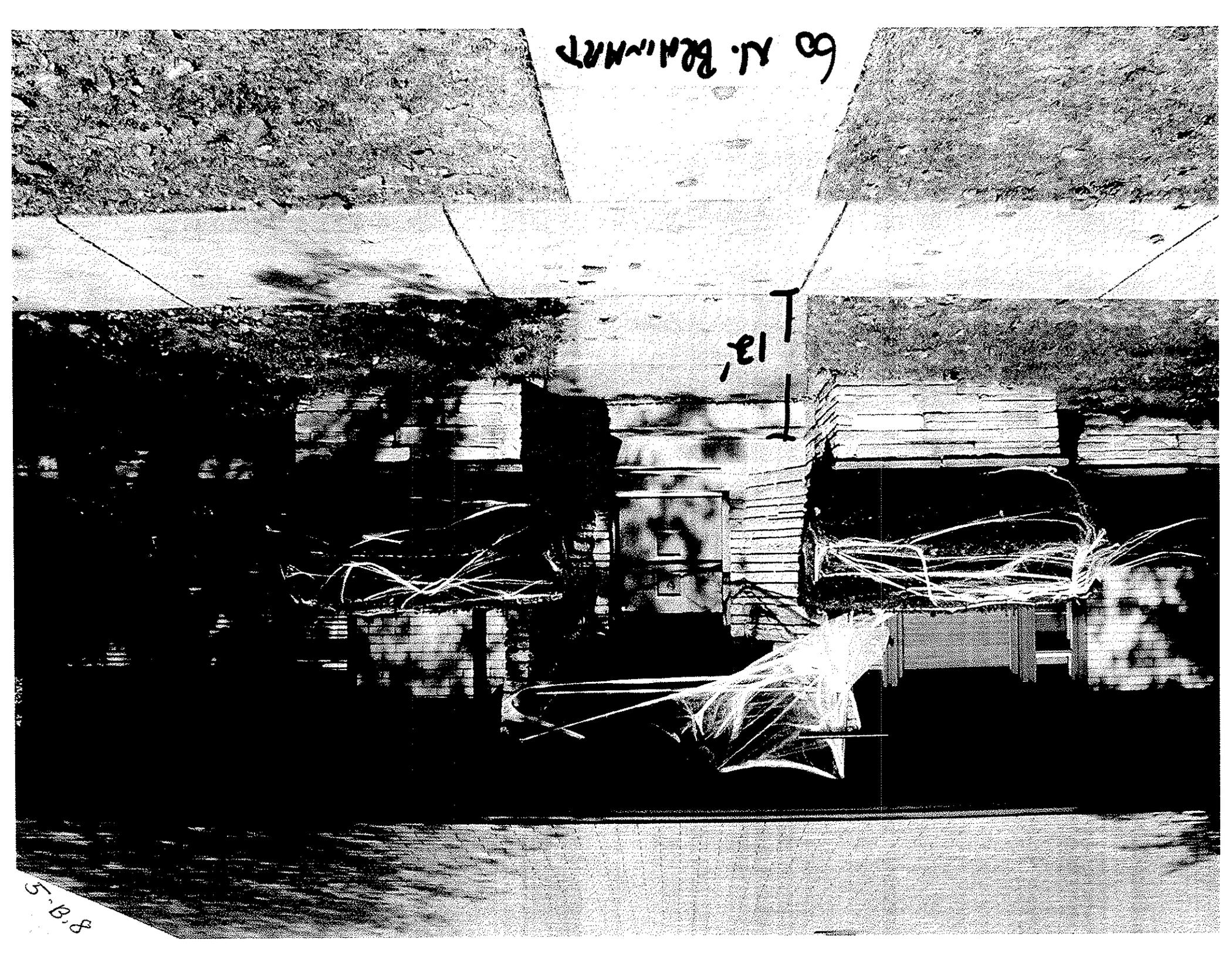
5-10-7



60 N. BENTLEY

13'

5-B.8



60 N. PARK

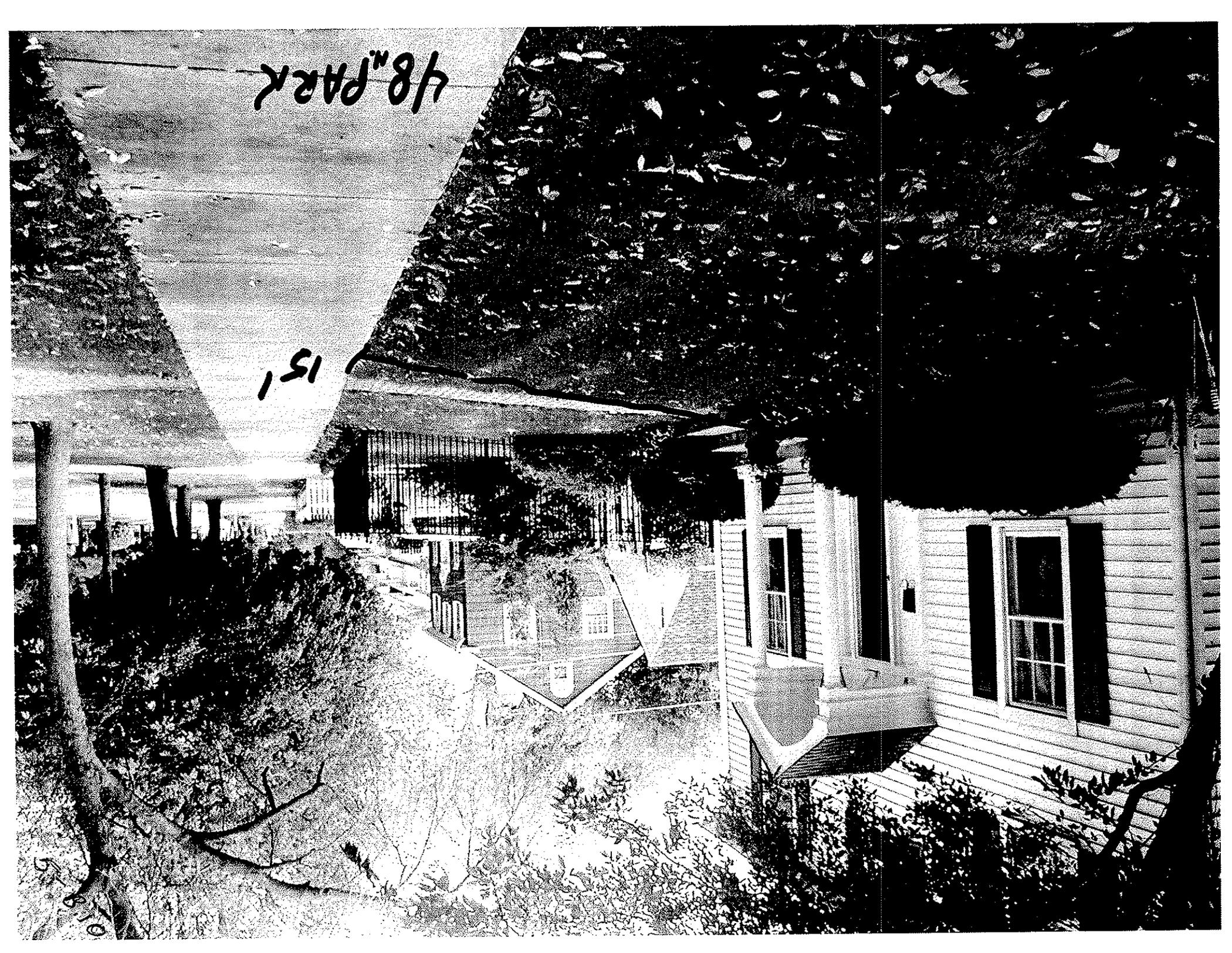


60 N. PARK



48th PARK

151



STAFF REPORT

CASE: ZBA #561 - Julie and Dan Judd - 30 N. Brainard Ave - Required Corner Side Yard

BACKGROUND

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

The petitioners, Julie and Dan Judd, wish to construct a new single family home on a vacant lot with an existing detached garage at 30 N. Brainard Avenue. This property is a corner lot that was recently re-subdivided from the property to the north. The Suburban Building Officials Conference (SBOC) (*Building Code*, 1996 Edition, Section 206.A.6) requires landings with a minimum size of 4' x 4' at egress doors. In order to have their main entrance from the corner side along Dover Street, two feet of the stoop would encroach into the required corner side yard.

The petitioners seek a variation from Paragraph 3-110C2 (Corner Side Yard) of the Zoning Code. Construction of the proposed front stoop would encroach into the required corner side yard of 17 ft. 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 atypical of lots in the R-4 Single Family Residential Zoning District. The lot is irregular-shaped and narrows to 41 ft. in the rear yard. Typical lots are 50 ft. wide.

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

5-B-11

The petitioners recently purchased the property, which was subdivided by the previous owner. They have not made any improvements to the property.

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 petitioners, most corner lots in the area have side entrances.

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."*

Because of the irregular shape of the lot, it is difficult to construct a side entrance while maintaining the required corner side yard. The petitioners state that they have based the design of their house on the house next door in order to keep the existing detached garage.

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."*

A minimum four ft. by four ft. landing is required by the Building Code for all egress from single family homes. The proposed house would meet all other provisions of the zoning ordinance.

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."*

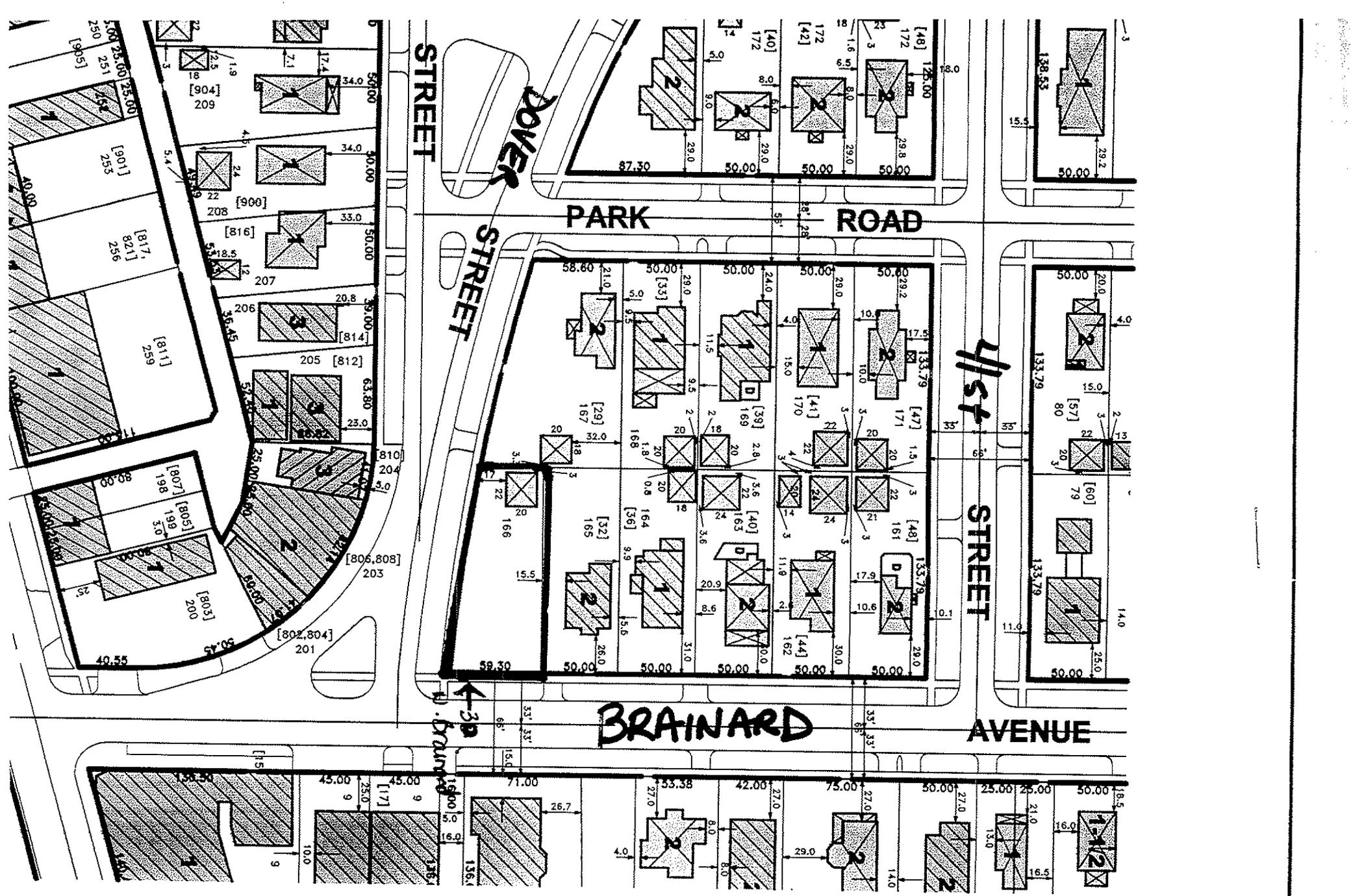
5-B.12

Granting the variance would not adversely affect the character of the neighborhood. Construction of the proposed front stoop would be consistent with the area and contribute positively to the neighborhood.

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

Other remedies include reconfiguration of the house and elimination of the entrance from Dover Street. According to the Judds, there is no practical way to change the configuration of the house to allow an entrance along Dover Street due to the narrowness of the lot at the point.

5-13, 13



DOVER STREET

PARK ROAD

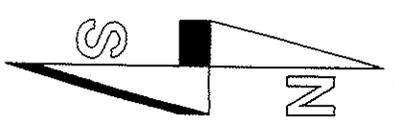
STREET

4th STREET

STREET

BRAINARD AVENUE

AVENUE



5-18-14

APPLICATION FOR ZONING VARIATION

Application # 561
Date Filed: 8-15-07
UARCO # 83859

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

(please type or print)

Application is hereby made by JULIE + DAN JADD

Address: 342 N. KENSINGTON Phone: 708-579-0085

Owner of property located at: 30 3/4 N. BRAINARD

Permanent Real Estate Index No: _____

Present Zoning Classification: R-4 Present Use: LOT WITH EXISTING GARAGE

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

CORNER SIDE YARD (FEET) R-4 17' MINIMUM

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

EXTRA 2' NEEDED FOR 4'x4' STOOP FOR BUILDING REQUIREMENT.
SIDE YARD SETBACK IS AT 17'. WE NEED 2 EXTRA FEET FOR STOOP.

B. The purpose therefor, TO HAVE USE OF A SIDE ENTRANCE FROM DOVER STREET.

DUE TO NO PARKING ON BRAINARD AVE.

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

WE CURRENTLY HAVE A 2 FOOT LANDING. WE MUST HAVE A 4' LANDING
FOR CODE. AN IRREGULAR SIZED LOT WITH LESS THAN 50 FEET WIDE.

5-18-16

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: _____

A LANDING MUST BE 4 FEET BY CODE. WE NEED 2 EXTRA FEET
DUE TO IRREGULAR SHAPED LOT.

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

LOT SIZE ANGLES TO 41.20 IN BACKYARD. NO SIDE ENTRANCE
WILL NOT FIT DUE TO SIDEYARD SET BACK AT 17'

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

LOT IS IRREGULAR SHAPE WITH 41.20' WIDE IN BACKYARD.

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.

WE HAVE AN IRREGULAR SHAPED LOT WITH 41.20' IN BACKYARD. NO
PARKING IS ALLOWED ON BARNARD AVE. WE WILL BE USING DRIVE
AS OUR MAIN ENTRANCE AS PARKING IS PERMITTED ON DRIVE.

5-B.17

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

VACANT LOT - PREVIOUS OWNER SUB DIVIDED. WE HAVE
NOT MADE ANY IMPROVEMENTS

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.

MOST CORNER LOTS IN THE AREA HAVE SIDE ENTRANCES. OTHER
HOUSES HAVE AVAILABLE PARKING IN FRONT OF THEIR HOUSES. WE CANNOT
NOT PARK IN FRONT OF OUR HOUSE DUE TO BRAINARD AVE.

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.

DUE TO OUR IRREGULAR LOT, WE CANNOT MEET THE SIDE
YARD SET BACK. WE ARE MATCHING THE NEXT DOOR HOUSE ON
29 N. PARK. WE WANT TO KEEP THE GARAGE IN THE BACK HOWEVER.
MOST CORNER LOTS HAVE A SIDE ENTRANCE.

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.

A 4'x4' LANDING IS REQUIRED BY BUILDING CODE. THE PROPERTY
MEETS ALL OTHER BUILDING REQUIREMENTS INCLUDING LOT COVERAGE
AND BUILDING SIZE.

5-13-18

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.

WE ARE KEEPING WITH DESIGN ON BOTH BRAINARD (FRONT PORCH) AND DOVER
(SIDE ENTRANCE LIKE 29 W. PARK).

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.

ENTRANCE TO BACK WOULD ENCRUCH ON REQUIRED SPACING TO EXISTING GARAGE
AND HOUSE. EXISTING GARAGE IS SET FURTHER THAN REQUIRED 3' SETBACK.

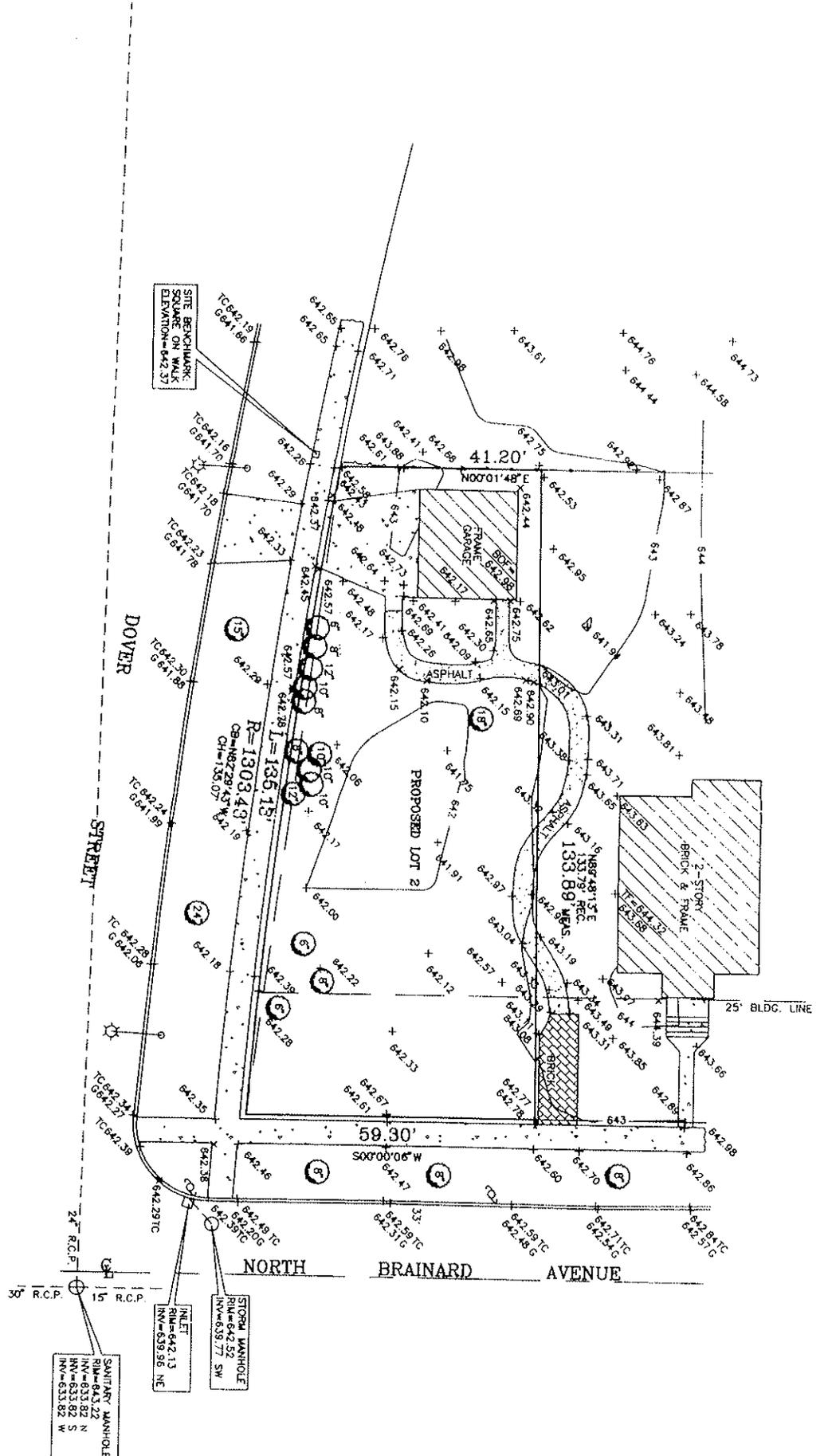
NEW GARAGE WOULD ALLOW MORE SPACING BETWEEN HOUSE & GARAGE. WE CANNOT
RE-CONFIGURE HOUSE TO ACCOMMODATE SIDE ENTRANCE ANYWHERE ALONG DOVER. WE ARE TRYING
TO MAINTAIN FRONT ENTRANCE LOOK ON BRAINARD. WE ARE TRYING TO STAY CONSISTENT
WITH NEXT DOOR NEIGHBOR'S HOUSE ON DOVER. IRREGULAR LOT PREVENTS 4'x4' STOOP.

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);

5-B, 19



SITE BENCHMARK
SQUARE ON WALK
ELEVATION=642.37

SANITARY MANHOLE
RIM=643.22 N
INV=633.82 S
INV=633.82 W

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INV=639.56 NE

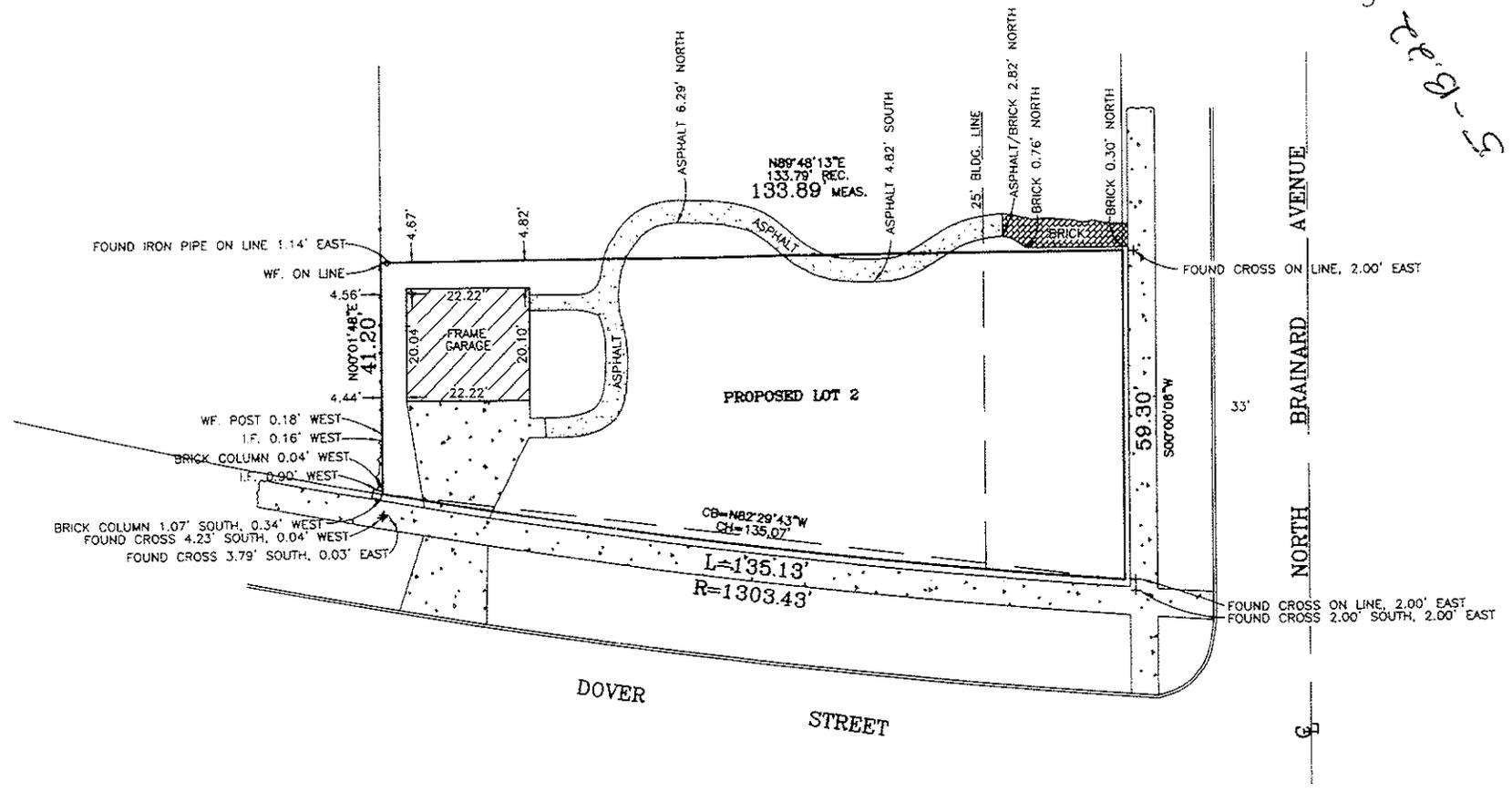
STORM MANHOLE
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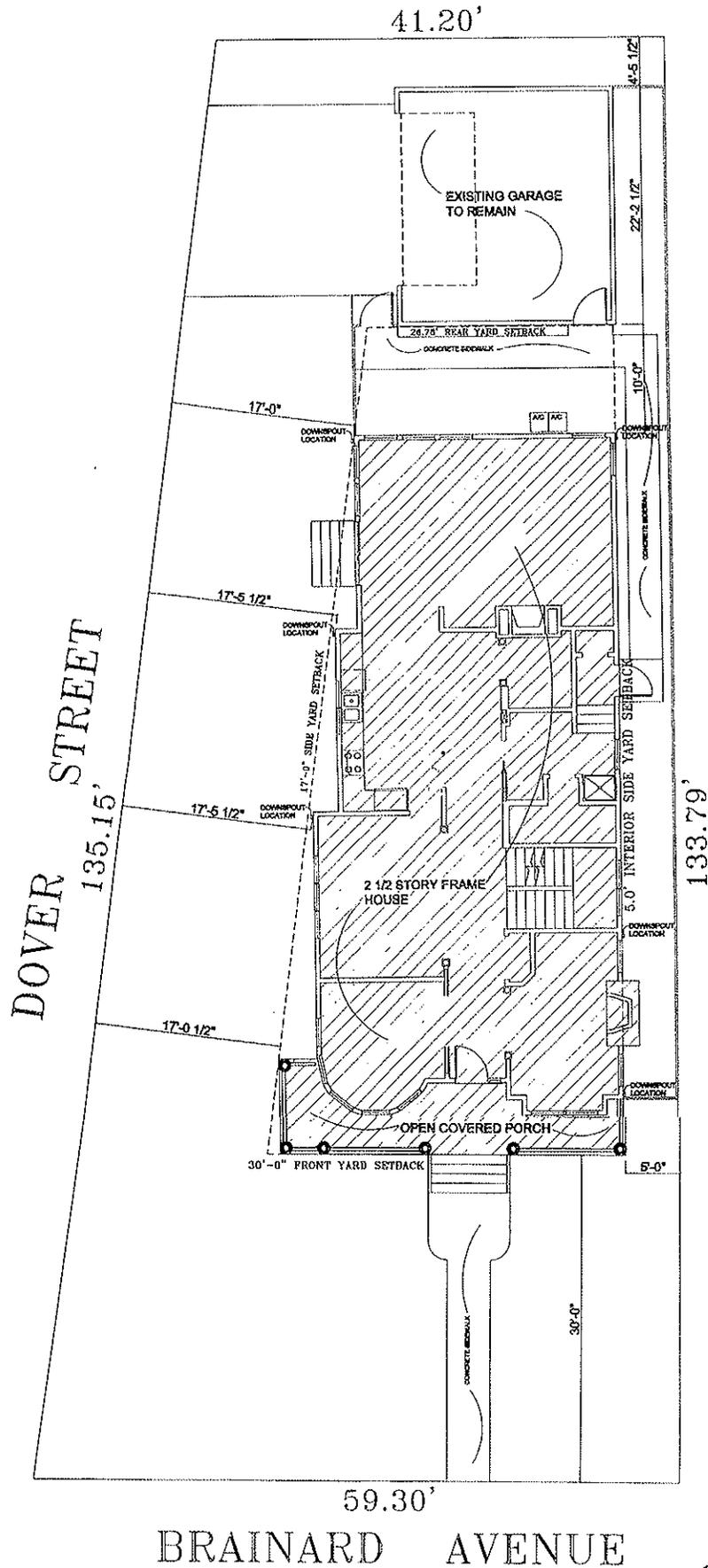


30 N. Brainard
Existing Conditions
18-B-21
15

30 N. Brainard
Existing Conditions

2-13-5





PROPOSED SITE PLAN

30 N. Brainard
Proposed Plan

5-13-23

VILLAGE OF LA GRANGE
Community Development Department

BOARD REPORT

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

FROM: Robert Pilipiszyn, Village Manager
Patrick D. Benjamin, Community Development Director
Angela M. Mesaros, Assistant Community Development Director

DATE: November 12, 2007

RE: **ORDINANCE - VARIATION - CORNER SIDE YARD/MATT MAZUR, 45 N. MADISON AVENUE.**

Matt Mazur, owner of the property at 45 N. Madison Avenue, has applied for a variation from Corner Side Yard requirements. The subject property is a corner lot located in the R-5 Single Family Residential District. The property in question is irregular in shape and narrows to 41 feet wide in the rear yard; typical lots are 50 feet wide. Required yards on corner lots are larger than interior lots; the corner side is required 17 feet, whereas the interior side yard requirement is 5 feet.

Mr. Mazur recently purchased the property. He wishes to replace the existing detached garage in order to provide a safer turn around area on the property. In its current configuration, vehicles must back up onto Ogden Avenue when leaving the property. The new detached garage would encroach into the required corner side yard by five (5) feet. The Zoning Code allows reduction of any required yard and setback by variation. The requested variation falls within the authorized limits of the Zoning Code.

On October 18, 2007, the Zoning Board of Appeals held a public hearing on this matter. The motion to recommend that the variation be granted carried by a vote of six (6) ayes and zero (0) nays.

Commissioners recommending approval of the proposed detached garage stated that this lot satisfies the standards for unique physical condition and minimum variation necessary.

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

5-0

ORDINANCE NO. O-07-

AN ORDINANCE ALLOWING ZONING VARIATION
OF THE VILLAGE OF LA GRANGE

Published in pamphlet form by authority of the Board of Trustees of the Village of La Grange, County of Cook, State of Illinois, this ____ day of _____, 2007.

WHEREAS, Matt Mazur, owner of the property commonly known as 45 North Madison Avenue, La Grange, Illinois, and legally described as follows:

Lot 22 in Block 16 in Cossitt's First Addition to La Grange, being a subdivision, of that part of the northwest ¼, in Section 4, Township 38 North, Range 12 East of the Third Principal Meridian, lying north of the Chicago, Burlington and Quincy Railroad and south of Naperville Road or Ogden Avenue in Cook County, Illinois.

have applied for variation from Paragraph 3-110C2 (Required Corner Side Yard) of Chapter 154 of the La Grange Code of Ordinances in order to construct a detached garage on the above referenced property. The Zoning Board of Appeals, as required by law, has conducted a duly noticed public hearing on this matter on October 18, 2007.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LA GRANGE, COUNTY OF COOK, STATE OF ILLINOIS:

SECTION 1: A variation of 5 ft. from Paragraph 3-110C2 (Required Corner Side Yard) of Chapter 154 of the La Grange Code of Ordinances, to construct a detached garage, be hereby granted to the owner of the above-referenced property in conformance with the plans submitted to the Zoning Board of Appeals.

SECTION 2: This Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form for review at the La Grange Village Offices and the La Grange Public Library.

ADOPTED this ____ day of _____, 2007, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

5-2-1

APPROVED by me this _____ day of _____, 2007.

Elizabeth M. Asperger, VILLAGE PRESIDENT

ATTEST:

Robert N. Milne, VILLAGE CLERK

5-C.2

FINDINGS OF FACT

ZONING BOARD OF APPEALS
OF THE
VILLAGE OF LA GRANGE

President Asperger and
Board of Trustees

October 18, 2007

RE: ZONING CASE #563: VARIATION – Matt Mazur – 45 N. Madison, to consider a zoning variation from Paragraph 3-110C2 (Corner Side Yard) to authorize the construction of a detached garage within the R-5 Single Family Residential District.

The Zoning Board of Appeals transmits for your consideration its recommendations for a request of zoning variation necessary to construct a detached garage on the property at 45 N. Madison Avenue.

I. THE SUBJECT PROPERTY:

The property in question is a single family residential lot. The zoning lot is atypical of most corner lots in the Village. This lot is irregular in shape and measures only 31 feet wide at one end. Typical lots measure 50 feet in width.

II. CHARACTERISTICS OF THE SURROUNDING AREA:

The subject property is located in the R-5 Single Family Residential District.

III. VARIATIONS SOUGHT:

The applicant desires a variation Paragraph 3-110C2 (Corner Side Yard) of the La Grange Zoning Code. The applicant wishes to construct a detached garage which will encroach into the required corner side yard by five feet. At the public hearing, the applicant requested a variation to allow such construction of the detached garage at the subject property. Paragraph 14-303E1 (a) authorized variations allows the increase of the reduction of any required yard. The requested variations fall within the authorized limits of the Zoning Code.

IV. THE PUBLIC HEARING:

After due notice, as is required by law, (including legal publication, posting at the subject property and courtesy notices to owners within 250 feet of the subject property) the Zoning Board of Appeals held a public hearing on the proposed variation in the La Grange Village Hall Auditorium on October 18, 2007. Present were Commissioners Charles Benson, Jr., Nathaniel Pappalardo, Rosemary Naseef, Ian Brenson, Nancy Pierson (arrived 7:35 p.m.), and Chairperson Ellen Brewin presiding. Also present was

5-C.3

Staff Liaison, Angela Mesaros and Village Board Trustee James Palermo. 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 Matt Mazur, owner of the subject property at 45 N. Madison Avenue, who presented the application and answered questions from the Commissioners:

- The lot is pie shaped and not square and it narrows at the east end.
- Currently, the existing detached garage is located thirteen feet from the lot line. Seventeen feet, the required setback from Ogden, is not possible for the detached garage.
- They propose to relocate the new garage to accommodate a turnaround area. In its present location, when pulling a car into the driveway, the vehicle encroaches out onto the sidewalk. In addition, the car must be backed onto Ogden; this creates a safety issue due to the volume of traffic on Ogden.

Chairperson Brewin solicited questions from the Commissioners:

- Commissioner Naseef asked why the Petitioner chose to locate the garage closer to the house. Answer: No particular reason; they could move it.
- Commissioner Pappalardo stated that currently the garage is very close to the commercial property to the east and as proposed, they may have better safety.
- Chairperson Brewin asked if a reduction to twenty-two feet by twenty-two feet (440 square feet) garage would be acceptable. Answer: They could not put as much storage space above if that were the case.

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 atypical of most corner lots in the Village. This lot is irregular in shape; it measures only 31 feet wide at one end. Typical lots measure 50 feet in width. Required yards on corner lots are larger than interior lots; the corner side is required 17 feet, whereas the interior side is 5 feet.

5-C.4

2. Not Self-Created:

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

3. Denied Substantial Rights:

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

4. Not Merely Special Privilege:

The Petitioner is asking for a 22 ft. by 24 ft. (528 sq. ft.) two-car detached garage. On lots similar in size to the Petitioner's, a 600 sq. ft. three-car detached garage would be permitted. According to the Petitioner, the existing garage creates a safety issue, because vehicles must back out of the garage onto Ogden Avenue. Therefore, the request is not a special privilege.

5. Code and Plan Purposes:

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

6. Essential Character of the Area:

The Petitioners believe that the requested variation would not adversely affect the character of the neighborhood. The Petitioner would like to replace the garage in order to have a turn-around area. This would improve the safety of the egress from the property.

7. No Other Remedy:

Currently, the property has a two car detached garage that is located a similar distance from Ogden Avenue. This is a pre-existing, legal nonconformity. A variation is the only possible course of action to relocate a new detached garage on the property to accommodate a turn-around area. The lot is narrower than most zoning lots in La Grange; therefore, sufficient space is not available to meet the corner side requirements

5-C.5

V. FINDINGS AND RECOMMENDATION:

- Commissioner Pappalardo stated that as proposed, the garage would provide better safety.
- Chairperson Brewin stated that she would rather support a variation for a garage that was only twenty-two by twenty-two, which is typically what they grant.
- Commissioner Pappalardo stated that although in the past they have only granted twenty-two feet by twenty-two feet (440 square feet); that is generally related to building coverage issues. In this case, the property complies with building coverage requirements.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Benson and seconded by Commissioner Pierson that the Zoning Board of Appeals recommend to the Village Board of Trustees approval of the application submitted with ZBA Case #563.

Motion Carried by a roll call vote (6/0/1).

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

BE IT THEREFORE RESOLVED that the Zoning Board of Appeals recommend to the Village Board of Trustees approval of the variation from Paragraph 3-110C2 (Corner Side Yard) to allow construction of a detached garage at 45 N. Madison Avenue.

Respectfully submitted:

Zoning Board of Appeals of the
Village of La Grange

BY: Ellen Brewin
Ellen Brewin, Chairperson

5-6.6

STAFF REPORT

CASE: ZBA #563 - Matt Mazur - 45 N. Madison Avenue - Corner Side Yard

BACKGROUND

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

The petitioner, Matt Mazur, wishes to replace an existing detached garage at the subject property at 45 N. Madison Avenue. Mr. Mazur recently purchased the property. He wishes to replace the existing detached garage further into the required corner side yard to allow a safer turn around area. Currently, vehicles must back up onto Ogden Avenue when leaving the property.

The petitioner seeks a variation from Paragraph 3-110C2 (Corner Side Yard) of the Zoning Code. Construction of the proposed detached garage would encroach into the required corner side yard of 17 ft. by 5 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 atypical of most corner lots in the Village. This lot is irregular in shape; it measures only 31 feet wide at one end. Typical lots measure 50 feet in width. Required yards on corner lots are larger than interior lots; the corner side is required 17 feet, whereas the interior side is 5 feet.

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

5-2-7

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

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

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

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

The petitioner is asking for a 22 ft. by 24 ft. (528 sq. ft.) two-car detached garage. On lots similar in size to the petitioner's, a 600 sq. ft. three-car detached garage would be permitted. According to the petitioner, the existing garage creates a safety issue, because vehicles must back out of the garage onto Ogden Avenue. Therefore, the request is not a special privilege.

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

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

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

- a. *Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or*
- b. *Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or*
- c. *Would substantially increase congestion in the public streets due to traffic or parking; or*

5-6-8

- d. *Would unduly increase the danger of flood or fire; or*
- e. *Would unduly tax public utilities and facilitates in the area; or*
- f. *Would endanger the public health or safety."*

The petitioners believe that the requested variation would not adversely affect the character of the neighborhood. The petitioner would like to replace the garage in order to have a turn-around area. This would improve the safety of the egress from the property.

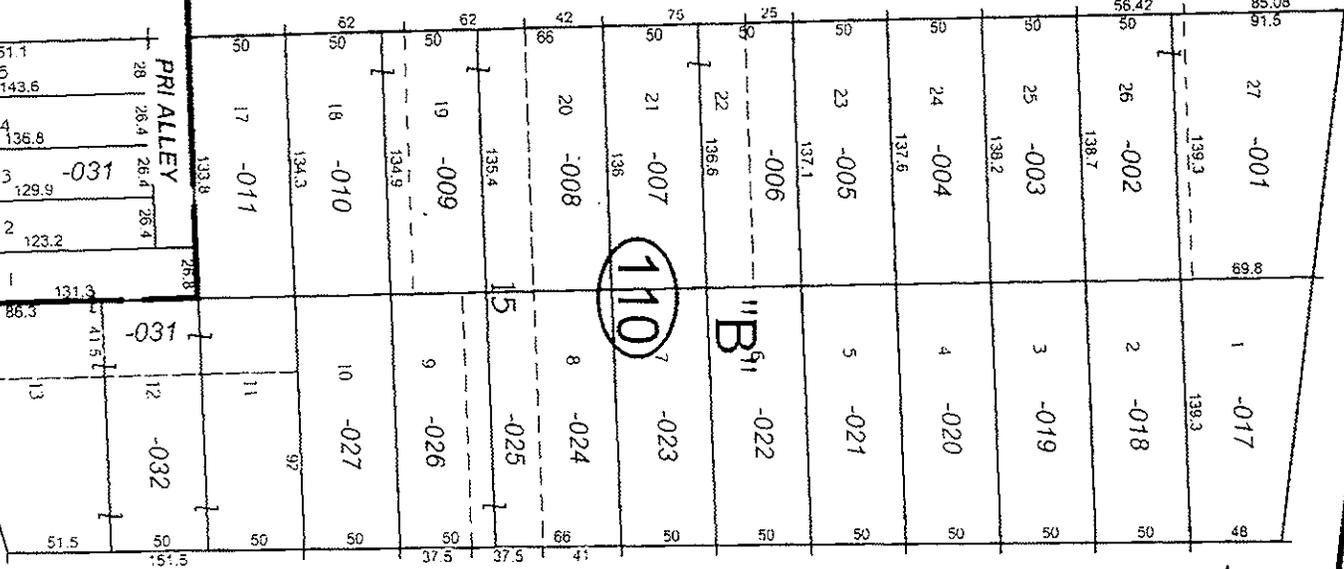
No Other Remedy - *"There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property."*

Currently, the property has a two car detached garage that is located a similar distance from Ogden Avenue. This is a pre-existing, legal nonconformity. A variation is the only possible course of action to relocate a new detached garage on the property to accommodate a turn-around area. The lot is narrower than most zoning lots in La Grange; therefore, sufficient space is not available to meet the corner side requirements.

The only remedy for accommodating a turn around area for vehicles would be to demolish the existing garage and replace it with two surface parking spaces, which are permitted within the required yard. According to the petitioner, this would not be a reasonable solution, because they would be eliminating existing covered parking spaces.

5-1-c.9

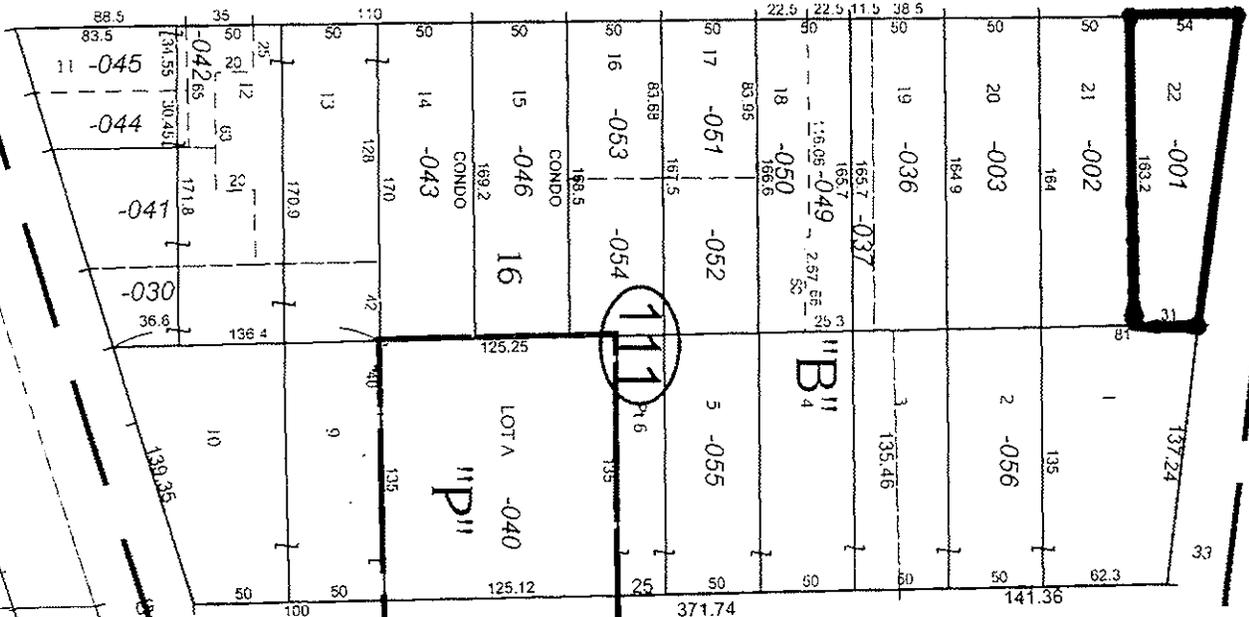
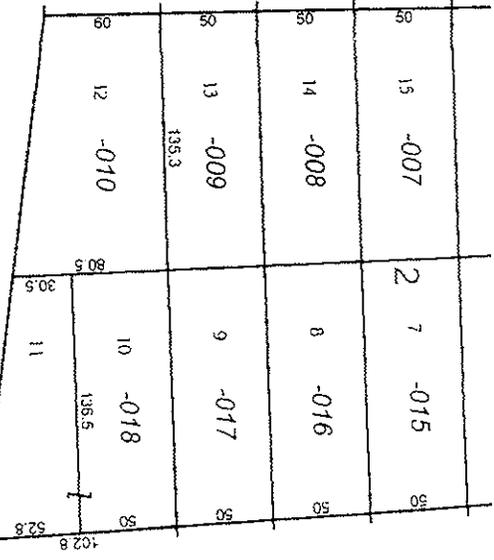
ASHLAND AVE



MADISON AVE

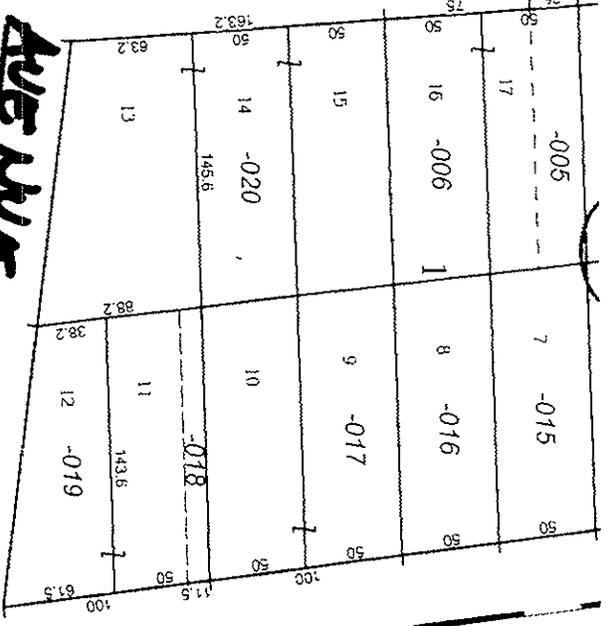
45 N. Madison

OSDEN



LAGRANGE RD

OSDEN AVENUE



01-C-10

APPLICATION FOR ZONING VARIATION

Application # 563
Date Filed: 9-04-07
UARCO # 83945

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

(please type or print)

Application is hereby made by Matt Mazur

Address: 45 N. Madison Ave. Phone: 708-203-4147

Owner of property located at: ↑

Permanent Real Estate Index No: 18-04-111-001

Present Zoning Classification: R5 Present Use: Single Family Residence

Ordinance Provision for Variation from Article # 3-11002 of Zoning Ordinance, to wit:

Corner side requirements

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

(5) five feet

B. The purpose therefor, to construct detached garage

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

detached garage will extend into required corner side yard.

5-6.12

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: Driveway too close to Ogden Ave. Dangerous

Set up for backing out of garage - cannot see cars
coming east.

b. A reasonable return or use of your property is not possible under the existing regulations, because: of
unsafe and illegal driving practices used to enter and
exit existing garage.

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

We would like a longer driveway w/ a turn-around
in it for safety purposes

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.

Leaving the garage in its present location is
unsafe for drivers, passengers & pedestrians. Our
lot is only 30 feet wide.

5-c.13

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

~~Our lot is unique in that it~~
Purchased Property in April 2005
Have not made any structural changes
to property.

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.

Our lot is unique in its shape + close proximity
to Ogden Ave. We do not enjoy backing out of
our driveway that's only 11 ft. + need to make it longer

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 do not want to do this as a special
privilege, but ~~strictly~~ strictly as a
safety issue.

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.

our Plan would be in harmony And would NOT
cause any inconvenience to any CoGrange citizens

5-C.14

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.

Would not cause any of these
issues to anyone.

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.

This is the only remedy to ensure safety to
our family

* * *

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);

5-C.15

- (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.

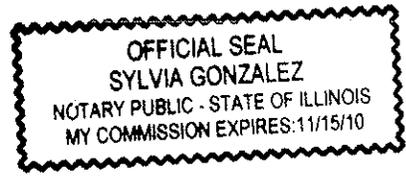
I, the undersigned, do hereby certify that I am the owner, or contract purchaser (**Evidence of title or other interest you have in the subject property, date of acquisition of such interest, and the specific nature of such interest must be submitted with application.**) and do hereby certify that the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

Matthew Mann 45 N. MADISON
 (Signature of Owner or Contract Purchaser) (Address)

Waukegan IL 60525
 (City) (State) (Zip Code)

Subscribed and sworn to before me this 4th day of Sept., 2007.

[Signature]
 (Notary Public) (Seal)



5-c.16

EXISTING CONDITIONS

Petitioner's Exhibit

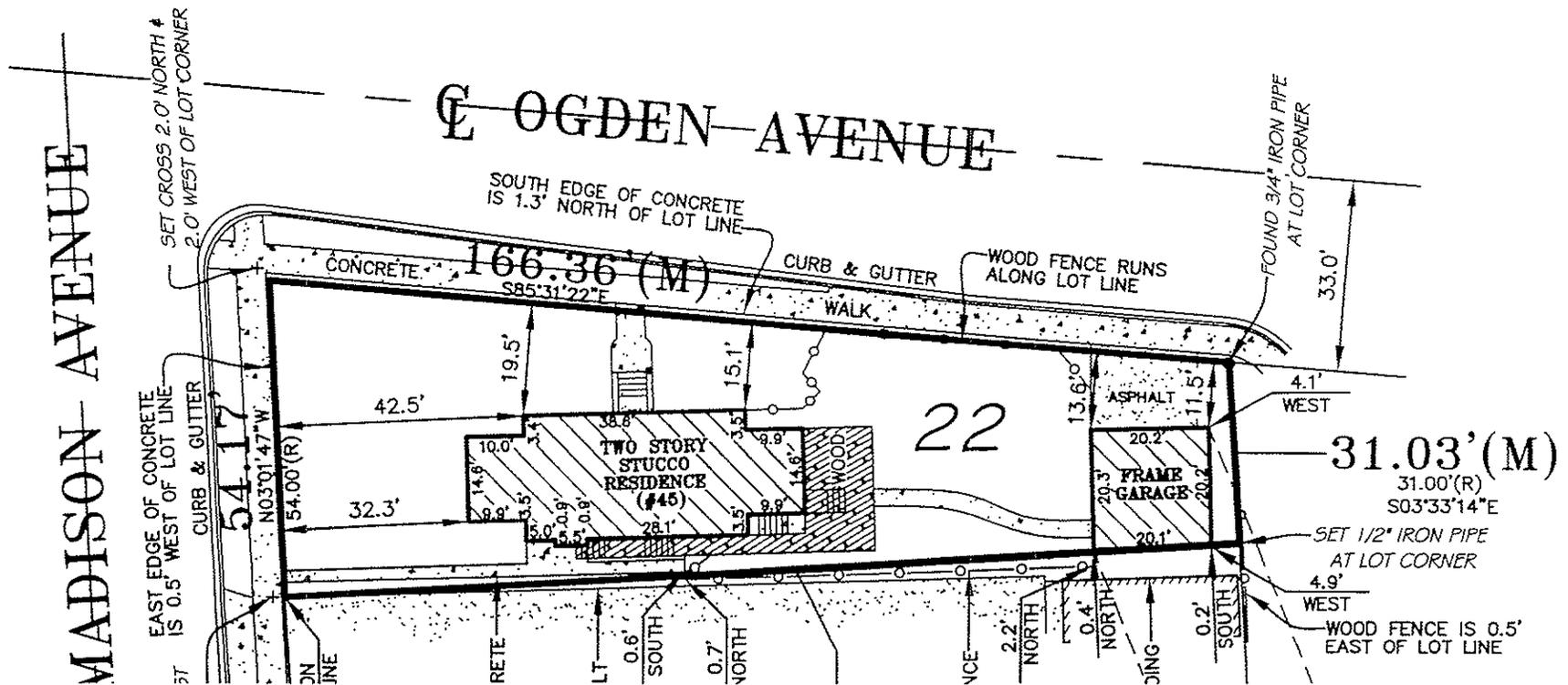
Existing Conditions

PLAT OF SURVEY

OF

LOT 22 IN BLOCK 16 IN COSSITT'S FIRST ADDITION TO LA GRANGE, BEING A SUBDIVISION, OF THAT PART OF THE NORTHWEST 1/4, IN SECTION 4, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD AND SOUTH OF NAPERVILLE ROAD OR OGDEN AVENUE IN COOK COUNTY, ILLINOIS.

L.I. 2-5



Petitioner's Exhibit
Proposed Garage

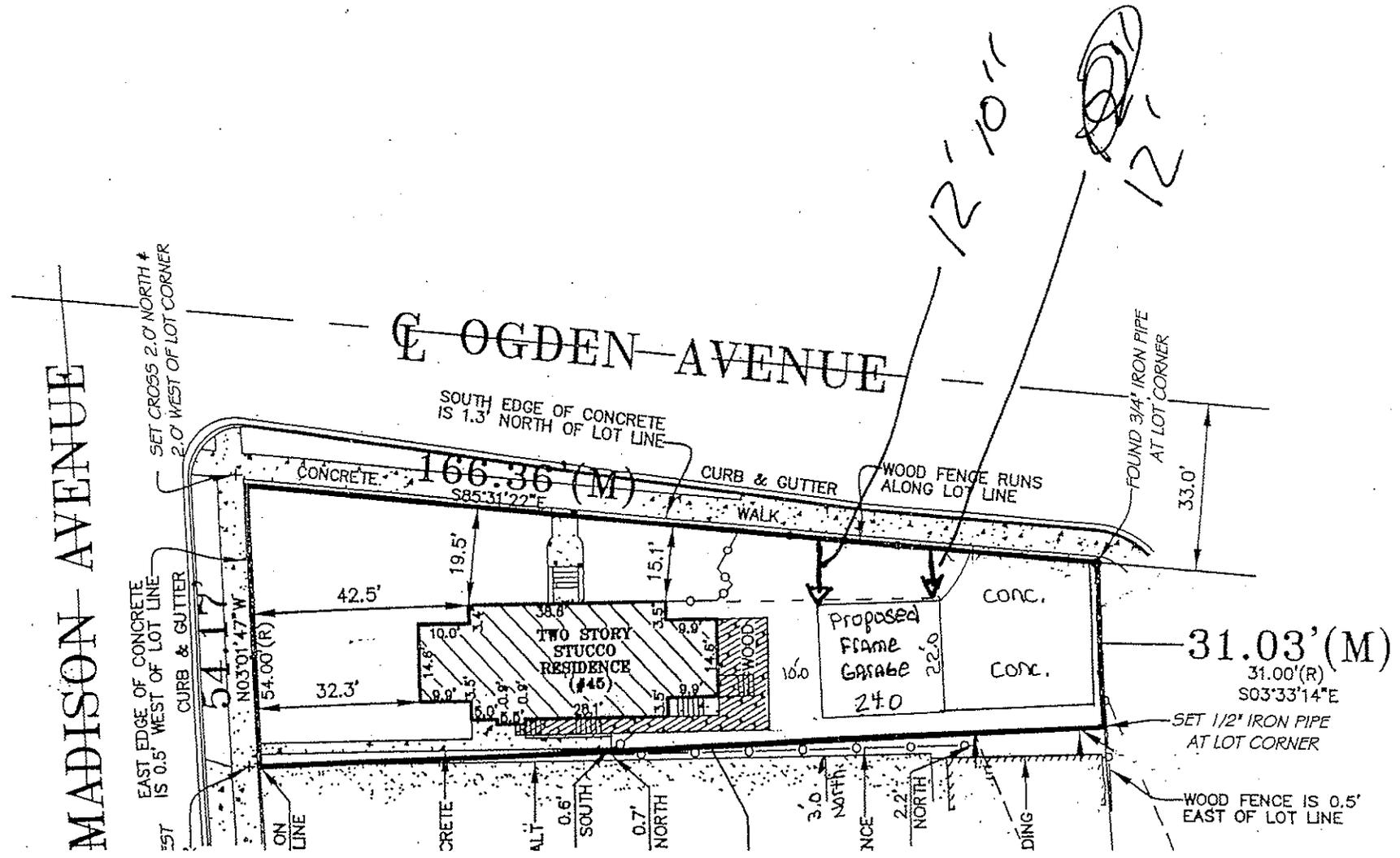
Petitioner's Exhibit
Proposed Garage

815-5

PLAT OF SURVEY

OF

LOT 22 IN BLOCK 16 IN COSSITT'S FIRST ADDITION TO LA GRANGE, BEING A SUBDIVISION, OF THAT PART OF THE NORTHWEST 1/4, IN SECTION 4, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD AND SOUTH OF NAPERVILLE ROAD OR OGDEN AVENUE IN COOK COUNTY, ILLINOIS.



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
Angela M. Mesaros, Assistant Community Development Director

DATE: November 12, 2007

RE: **ORDINANCE - VARIATION - MAXIMUM BUILDING COVERAGE/
ROBERT AND LORI DONAHOE, 346 SOUTH KENSINGTON AVENUE.**

The petitioners, Robert and Lori Donahoe, wish to construct a new front porch as part of a larger remodeling project that includes a two-story family room, master bedroom and bathroom addition, and one-story mudroom addition on the subject property at 346 S. Kensington Avenue. The subject property is typical of most single lots in the R-4 single family residential district.

The petitioners' original request included a larger addition, but they have worked with staff to reconfigure the proposal in order to reduce the requested variation. With the revisions, the front porch is the only portion of the project that would exceed the building coverage requirements.

According to the petitioners, twenty out of twenty-four (83%) houses on the petitioners' block have front porches. In addition, the house currently does not have a family room or eat-in kitchen. Therefore, the Donahoes believe that the proposed addition and front porch would allow them to upgrade the house and improve the façade in order to enhance their house while maintaining the character of their neighborhood.

The proposed open front porch would meet the required setbacks; however, with the addition and front porch, the property would exceed the maximum building coverage requirements of 30% or 2,027 square feet by 200 square feet or 10%. Subparagraph 14-303E1(c) (Authorized Variations) allows an increase of the maximum allowable building coverage by no more than 20%. The requested variation falls within the authorized limits of the Zoning Code. If approved, the new building coverage would be 33%.

On October 18, 2007, the Zoning Board of Appeals held a public hearing on this matter (see Findings of Fact). At the public hearing, the petitioners presented the application. The motion to recommend that the variation with the condition that the applicants engage in a covenant with the village that the front porch never be enclosed be denied carried by a vote of six (6) ayes and zero (0) nays.

5-D

Commissioners recommending denial cited the following facts: this application shows no particular hardship. The project does not meet several of the required standards for variation, including (1) unique physical condition: This zoning lot is typical of properties in the surrounding area; (2) not self-created: The applicants propose to construct an addition to the rear of the property, which is the primary cause of need for the variation for the front porch, and (3) not merely a special privilege: Many houses that are similar in style do not have front porches.

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.

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.

5-0.1

ORDINANCE NO. O-07-

AN ORDINANCE ALLOWING ZONING VARIATION
OF THE VILLAGE OF LA GRANGE

WHEREAS, Robert and Lori Donahoe, owners of the property commonly known as 346 S. Kensington Avenue, La Grange, Illinois, and legally described as follows:

Parcel 1: Lot 12 in Block 9 of Lay and Lyma's Subdivision in Section 4, Township 38 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 2: Easements appurtenant to and for the benefit of Parcel 1 as defined and set forth in the driveway easement recorded as Document No. 86210764, for ingress and egress, all in Cook County, Illinois.

have applied for variation from Paragraph 3-110E1 (Maximum Building Coverage) of Chapter 154 of the La Grange Code of Ordinances in order to construct a front porch on the above referenced property. The Zoning Board of Appeals, as required by law, has conducted a duly noticed public hearing on this matter on October 18, 2007.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LA GRANGE, COUNTY OF COOK, STATE OF ILLINOIS:

SECTION 1: A variation of 10 % from Paragraph 3-110E1 (Maximum Building Coverage) of Chapter 154 of the La Grange Code of Ordinances, to construct a front porch, be hereby granted to the owner of the above-referenced property in conformance with the plans submitted to the Zoning Board of Appeals with the following condition:

1. The owners of the property engage in a covenant with the Village that the front porch never be enclosed.

SECTION 2: This Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form for review at the La Grange Village Offices and the La Grange Public Library.

ADOPTED this _____ day of _____, 2007, pursuant to a roll call vote as follows:

5-D.2

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2007.

Elizabeth M. Asperger, VILLAGE PRESIDENT

ATTEST:

Robert N. Milne, VILLAGE CLERK

5-0.3

FINDINGS OF FACT

ZONING BOARD OF APPEALS
OF THE
VILLAGE OF LA GRANGE

President Asperger and
Board of Trustees

October 18, 2007

RE: ZONING CASE #562: VARIATION – Robert & Lori Donahoe – 346 S. Kensington, to consider a zoning variation from Paragraph 3-110E1 (Maximum Building Coverage) to authorize the construction of a front porch within the R-4 Single Family Residential District.

The Zoning Board of Appeals transmits for your consideration its recommendations for a request of zoning variation necessary to construct a front porch on the property at 346 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 approximately 135 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. The applicant wishes to construct a front porch. At the public hearing, the applicant requested a variation of 10% to allow such construction of the front porch at 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 October 18, 2007. Present were Commissioners Charles Benson, Jr., Nathaniel Pappalardo, Rosemary Naseef, Ian Brenson, Nancy Pierson (arrived 7:35 p.m.), and Chairperson Ellen Brewin presiding. Also present was Staff Liaison, Angela Mesaros and Village Board Trustee James Palermo. Testimony was given under oath by the applicants. No objectors appeared at the hearing and no

5-D.4

written objections have been filed to the proposed variation. The Applicant has a petition signed by neighbors but forgot to bring it to the meeting.

Chairperson Brewin swore in Lori Donahoe, owner of the subject property at 346 S. Kensington, and Tim Trompeter, Architect, 318 South Ashland, who presented the application and answered questions from the Commissioners:

- The Petitioners have lived at the property for eleven years and they wish to stay in the neighborhood. They are planning an addition and the proposed front porch puts the square footage of the house with the new addition over building coverage. They wish to construct the front porch in order to maintain the context of the neighborhood.
- The house was built in 1923; it has no family room or eat-in kitchen. They are proposing a front porch that is eight feet by twenty-five feet.
- Twenty out of twenty-four homes on their block have front porches; four of those porches are enclosed.
- The zoning lot is typical of lots in La Grange.
- According to the Petitioners, the porch cannot be made smaller because of the placement of the windows.
- They hope to update the home to meet today's standards and they would be willing to sign a covenant to require that the porch remain open.

Chairperson Brewin solicited questions from the Commissioners:

- Commissioner Brenson asked if they could conform to the two thousand square feet that was allowed when they designed the porch and addition. Answer: The stairway in the middle of their house did not make it possible.
- Commissioner Benson asked if they could do without any of the area of the proposed addition. Answer: Tim Trompeter stated that this is the minimum area for the addition in the back.
- Commissioner Brenson asked if the zoning lot is typical. Answer: Yes.
- Chairperson Brewin asked what the hardship is in this case. She stated that generally variances for front porches are granted because originally there was a front porch as part of the design. She asked if this was the case for the

5-0.5

Petitioners. Answer: No. Mr. Trompeter stated that no variances were required for the front yard setback in this case.

- Commissioner Pappalardo asked why they designed the new addition so that it did not maximize the second floor space. Answer: They are not trying to construct the maximum living space onto the addition; they wanted more openness in their backyard.

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 for the R-4 Single Family Residential Zoning District. The lot measures 50 feet wide by 135.10 feet deep. It is typical of single lots between Maple Avenue and 51st Street, and Kensington Avenue to Brainard Avenue.

2. Not Self-Created:

According to the Petitioners, the house was constructed in 1923 and no improvements have been made that have increased building coverage.

3. Denied Substantial Rights:

Twenty out of twenty-four (83%) houses on the Petitioners' block have front porches. The Petitioners believe that the inability to construct the front porch would deny them the right to upgrade and improve the house.

4. Not Merely Special Privilege:

According to the Petitioners, they seek only to make the best use of their property. Most of the houses on the Petitioners' block have front porches similar to the porch requested by the Petitioners.

5. Code and Plan Purposes:

Allowing for this variance would maintain the setbacks required in the Zoning Code. The Petitioners believe that a variance for the subject property is in accordance with the

5-D.6

intent of the Village's Code and Plan. The variation would allow the Petitioners to improve the façade of the house.

6. Essential Character of the Area:

According to the Petitioners, granting a variance would not adversely affect the character of the neighborhood. Rather, it would allow them to make significant improvements to the property while also improving the architectural features of their house.

7. No Other Remedy:

Other remedies for improvements to the house that would not require a variation would be to (1) maintain the front entrance as it is without a front porch, or to (2) construct a smaller addition. The Petitioners believe that this remedy would not improve the functionality of their property while maintaining the character of the neighborhood.

V. FINDINGS AND RECOMMENDATION:

- Commissioner Naseef stated that she does not believe that this meets the standard for unique physical condition for the sole reason that other people have or do not have things. Sometimes if you want something, then you have to give up something else -- the applicants could make the addition smaller in order to allow additional square footage for the front porch.
- Commissioner Naseef further stated the Petitioners could potentially build a second story over the addition at a later date that is not regulated by the Village.
- Commissioner Brenson stated that he believes that the Village should preserve the maximum building coverage standards. Commissioner Brenson further stated this is not an illegal or atypical lot.
- Commissioner Pappalardo stated that he agrees that building coverage is an important issue. In cases of front porches, coverage is less obtrusive. He further stated that the house is set back so far that the front porch style would fit into the neighborhood.
- Chairperson Brewin stated that almost all of the houses do have front porches; however, they are mainly four squares and were built with front porches. The Petitioner's house is a Dutch Colonial, which typically does not have this type of front porch. She stated that it is nice to have a variety of housing styles on the block.

5-0.7

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Pappalardo and seconded by Commissioner Pierson that the Zoning Board of Appeals recommend to the Village Board of Trustees Denial of the application submitted with ZBA Case #562.

Motion Carried by a roll call vote (6/0/1).

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

BE IT THEREFORE RESOLVED that the Zoning Board of Appeals recommend Denial to the Village Board of Trustees of variation from Paragraph 3-110E1 (Maximum Building Coverage) to allow construction of a front porch at 346 S. Kensington Avenue.

Respectfully submitted:

Zoning Board of Appeals of the
Village of La Grange

BY: Ellen Brewin
Ellen Brewin, Chairperson

5-10-8

STAFF REPORT

CASE: ZBA #562 - Robert & Lori Donahoe, 346 South Kensington Avenue - 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 petitioners, Robert and Lori Donahoe, wish to construct a new front porch as part of a larger remodeling project that includes a two-story family room, master bedroom and bathroom addition, and one-story mudroom addition on the subject property at 346 S. Kensington Avenue. The petitioners' original request included a larger addition, but they have worked with staff to reconfigure the proposal in order to reduce the requested variation. With the revisions, the front porch is the only portion of the project that would exceed the building coverage requirements. According to the petitioners, construction of the front porch would allow them to enhance their house while maintaining the character of their neighborhood.

Maximum Building Coverage for this lot is 2,027 square feet. Currently this property, including the house, overhangs and detached garage, covers 1,509 square feet. The proposed 8 ft. by 25 ft. (200 square ft.) front porch and addition would increase building coverage to 2,227 square feet, an excess of 200 square feet (10%). A building permit could not be issued for this project, because the front porch would bring the house in excess of the allowable maximum building coverage.

The proposed porch would meet the required setbacks of the Zoning Code but would exceed the Maximum Building Coverage of 30% set forth in Paragraph 3-110E1 by 10%. 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."*

5-0.9

Staff Evaluation Criteria
ZBA #562 - 346 S. Kensington Avenue
Variation - Maximum Building Coverage
Page 2

This zoning lot is typical for the R-4 Single Family Residential Zoning District. The lot measures 50 feet wide by 135.10 feet deep. It is typical of single lots between Maple Avenue and 51st Street, and Kensington Avenue to Brainard Avenue.

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 was constructed in 1923 and no improvements have been made that have increased building coverage.

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."*

Twenty out of twenty-four (83%) houses on the petitioners' block have front porches. The petitioners believe that the inability to construct the front porch would deny them the right to upgrade and improve the house.

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."*

According to the petitioners, they seek only to make the best use of their property. Most of the houses on the petitioners' block have front porches similar to the porch requested by the petitioners.

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."*

Allowing for this variance would maintain the setbacks required in the Zoning Code. The petitioners believe that a variance for the subject property is in accordance with the intent of the Village's Code and Plan. The variation would allow the petitioners to improve the façade of the house.

5-0,10

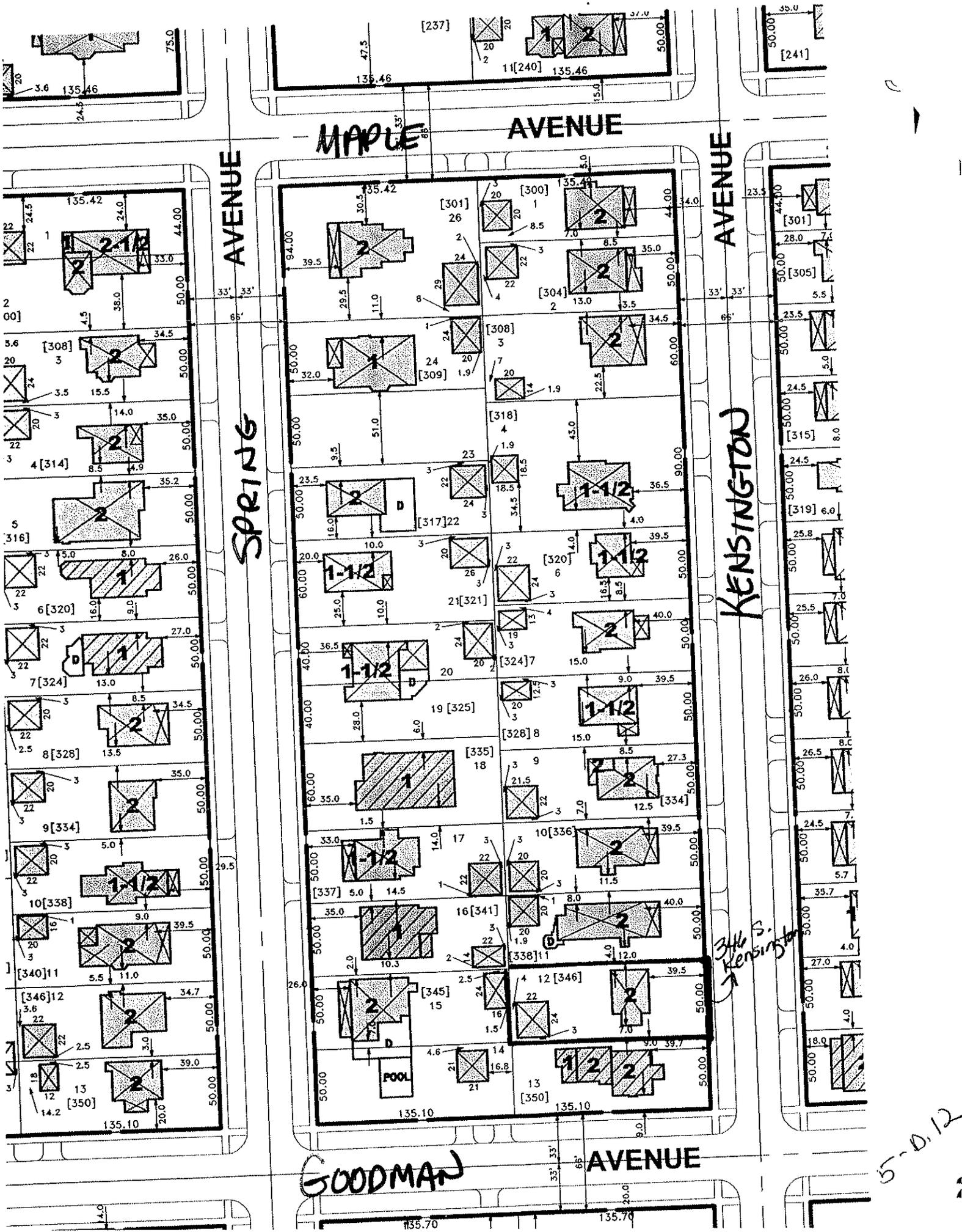
Essential Character of the Area - *"The variation would not result in a use or development on the subject property that:*

- 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 facilities in the area; or*
- f. Would endanger the public health or safety."*

According to the petitioners, granting a variance would not adversely affect the character of the neighborhood. Rather, it would allow them to make significant improvements to the property while also improving the architectural features of their house.

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

Other remedies for improvements to the house that would not require a variation would be to (1) maintain the front entrance as it is without a front porch, or to (2) construct a smaller addition. The petitioners believe that this remedy would not improve the functionality of their property while maintaining the character of the neighborhood.



5-0-12

APPLICATION FOR ZONING VARIATION

Application # **562**
Date Filed: **8.20.07**
UARCO # **83881**

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

Application is hereby made by owner of property: **Robert & Lori Donahoe**

Located at: **346 South Kensington Ave.
La Grange, IL 60525**

Permanent Real Estate Index No: **18-04-318-024-0000**

__Present Zoning Classification: **R-4**

Present Use: **Single Family Residence**

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

maximum building coverage on an interior lot of 30%.

Lot size is 50' X 135.1' = 6,755 sq. feet

30% = 2,027

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

We are requesting a total variance of 200 square feet, which is less than a 10% increase in building coverage.

B. The purpose therefore,

to allow for a covered (open) front porch.

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

Inclusion of a covered front porch requires 200 square feet.

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:

20 out of 24 houses (83%) on our block have front porches (a few of which have been enclosed). The porch size has been minimized and is non-obtrusive on the exterior. The 200 square feet for the covered front porch is to maintain a consistent look among the houses on the block.

5-0.14

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

Under the current limitations, we have exhausted design alternatives to create a viable living space and include a front porch. We feel that this is a reasonable use of property based on comparisons both within La Grange and suburban communities. Additionally, our proposed open porch will not extend beyond the two adjacent front porches, or the front of any house on our side of the block.

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

Of the four houses on our block that do not have front porches; one is being demolished, one is new construction without a detached garage, one is an original La Grange house dating back to 1876.

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 style of the home is a Dutch Colonial with a detached garage, where the entry way is even with the front of the house, setback from the two adjacent neighbors by the proposed depth of the front porch. This 1923 home has very limited family space, no eat-in kitchen and is outdated by today's standards.

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 home was built in 1923 and has never had an addition.

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.

This is one of only four homes on the block without a front porch. Additionally, 15 (63%) of the homes on this block have had an addition to provide adequate family living space and updated kitchens.

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.

5-0.15

This relatively small variance should not provide any disruption to the surrounding community and should substantially increase the curb appeal of the house and neighborhood. My no means are the proposed additions unnecessary or superfluous. The proposed design is in compliance with the most recent lot coverage ordinance.

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.

The objective of this request is to upgrade to currently existing standards of a single family home in our community. The proposal contains elements that are consistent in the historic district in terms of style, design elements, color, craftsmanship and materials.

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.

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.

We respectfully submit that this request for 200 square feet for a front porch over the maximum lot coverage be granted. We have submitted a signed petition of neighbors that serves as documentation to there lack of objection to this request.

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

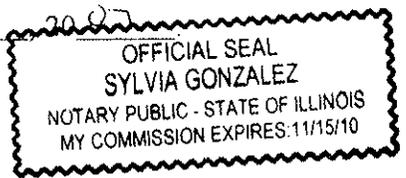
~~AGENT~~ *[Handwritten signature]* S. TRANSPORTER

Robert S. Donahoe
346 S. Kensington Ave.
La Grange, IL 60525

Lori A. Donahoe

Subscribed and sworn to before me this 14th day of Sept.

[Handwritten signature]



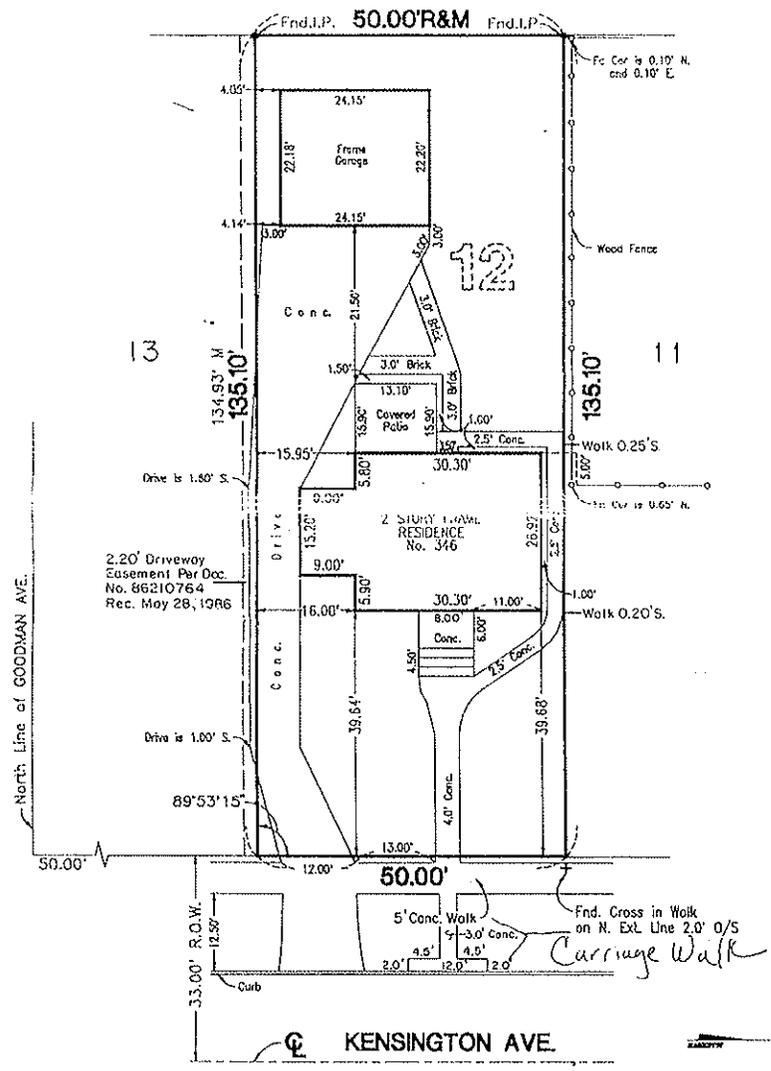
5-0-16

PLAT OF SURVEY

05

PARCEL 1: LOT 12 IN BLOCK 9 OF LAY AND LYMA'S SUBDIVISION IN SECTION 4, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COUNTY OF COOK, STATE OF ILLINOIS.

PARCEL 2: EASEMENTS APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 1 AS DEFINED AND SET FORTH IN THE DRIVEWAY EASEMENT RECORDED AS DOCUMENT NO. 86210764, FOR INGRESS AND EGRESS, ALL IN COOK COUNTY, ILLINOIS.



THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S IMPRESSED SEAL.
 COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND AT ONCE REPORT ANY DIFFERENCE.

BUILDING LINES ARE SHOWN ONLY WHERE THEY ARE SO RECORDED ON THE MAPS. REFER TO YOUR DEED OR ABSTRACT.

STATE OF ILLINOIS)
 COUNTY OF DU PAGE)

I, TED G. STALEY, AN ILLINOIS REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTION AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION THEREOF. ALL DIRECTIONS ARE GIVEN IN FEET AND DECIMALS THEREOF, CORRECTED TO 32 DEGREES FAHRENHEIT.

DATED THIS 20TH DAY OF MAY 1996.

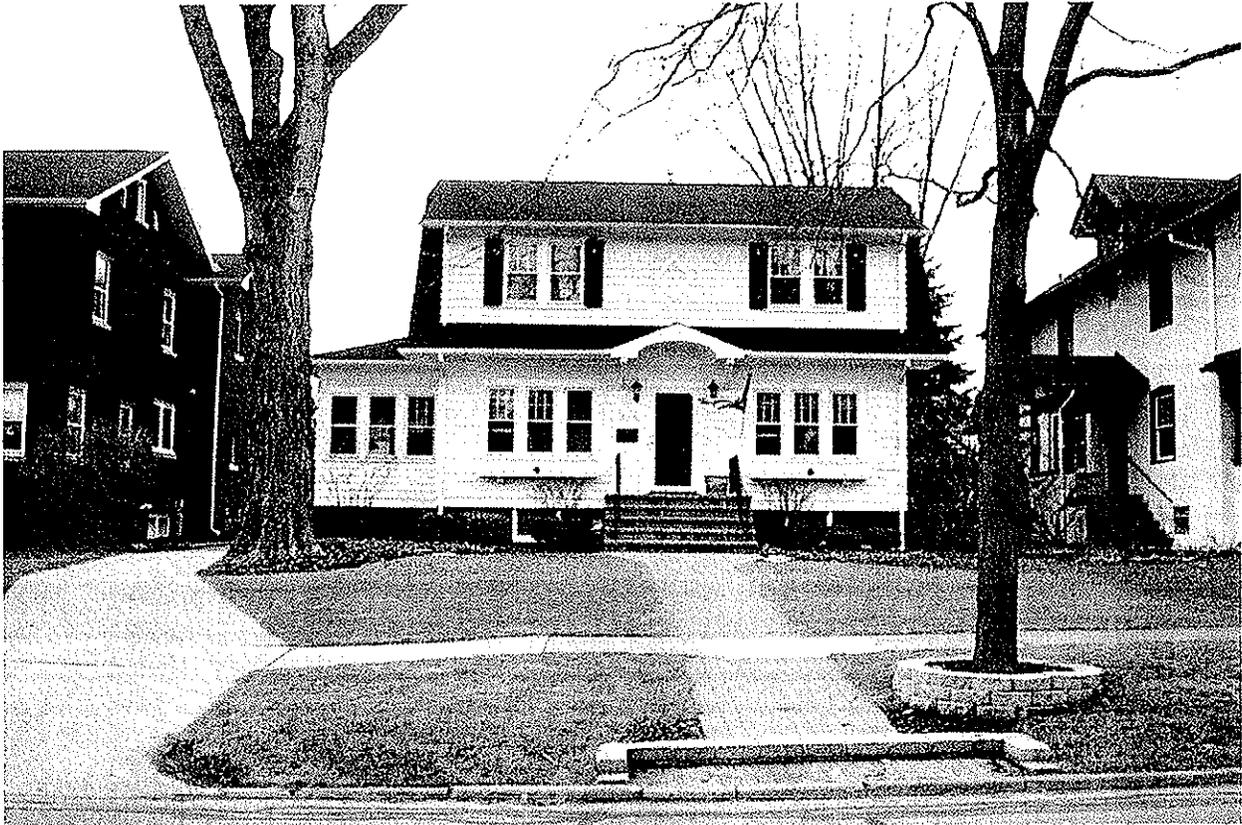
Ted G. Staley
 ILLINOIS REGISTERED LAND SURVEYOR NO. 2348

Up-Date	5/17/96		5/20/96
Grading			
Mortgage	8/17/93		8/28/93 B.P.
Foundation			
Vacant			
Type of Survey	Date	Bk.-Pg.	Date Drn. / By
Common Address : 346 S. Kensington Ave., La Grange, IL			
Builder :			
Job No.: 96-271		Scale : 1"=20'	
Genesis Surveys			
1607 Toll, Lower Level C		Wheaton, Illinois 60187 Phone 708/462-9550	

Variance Petition - Photos

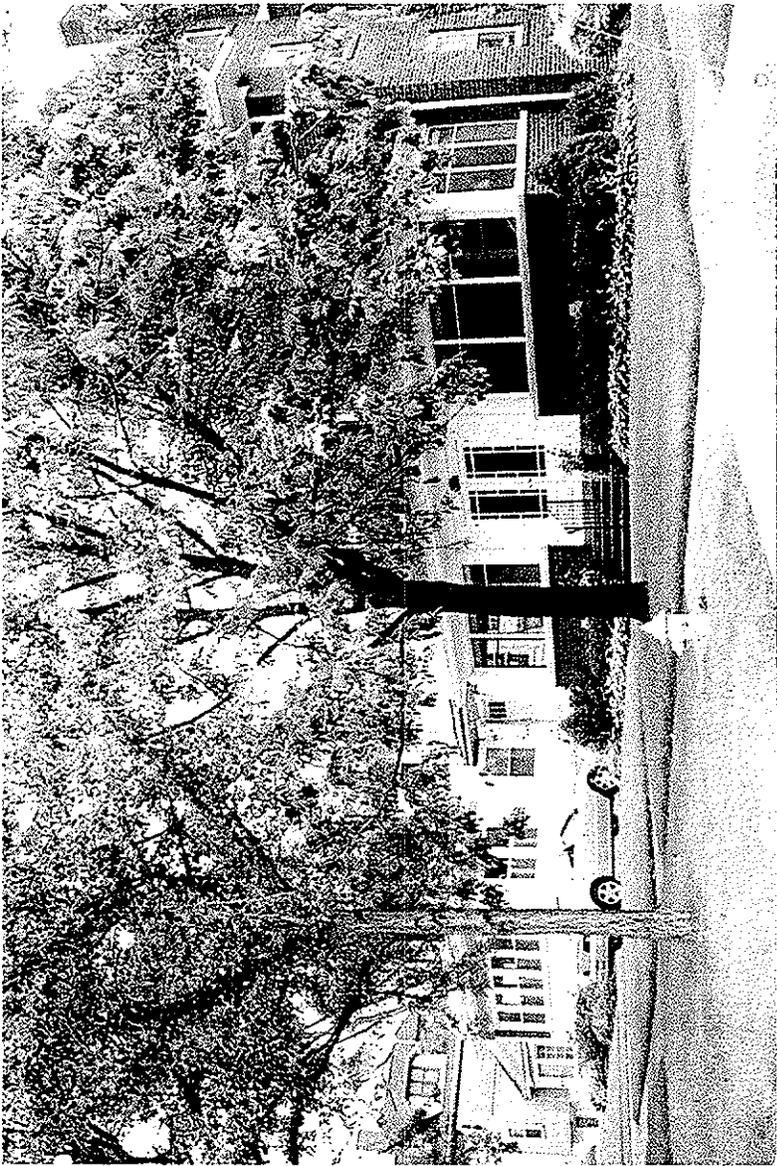
Lori & Bob Donahoe

346 S. Kensington Ave., LaGrange, IL. 60525



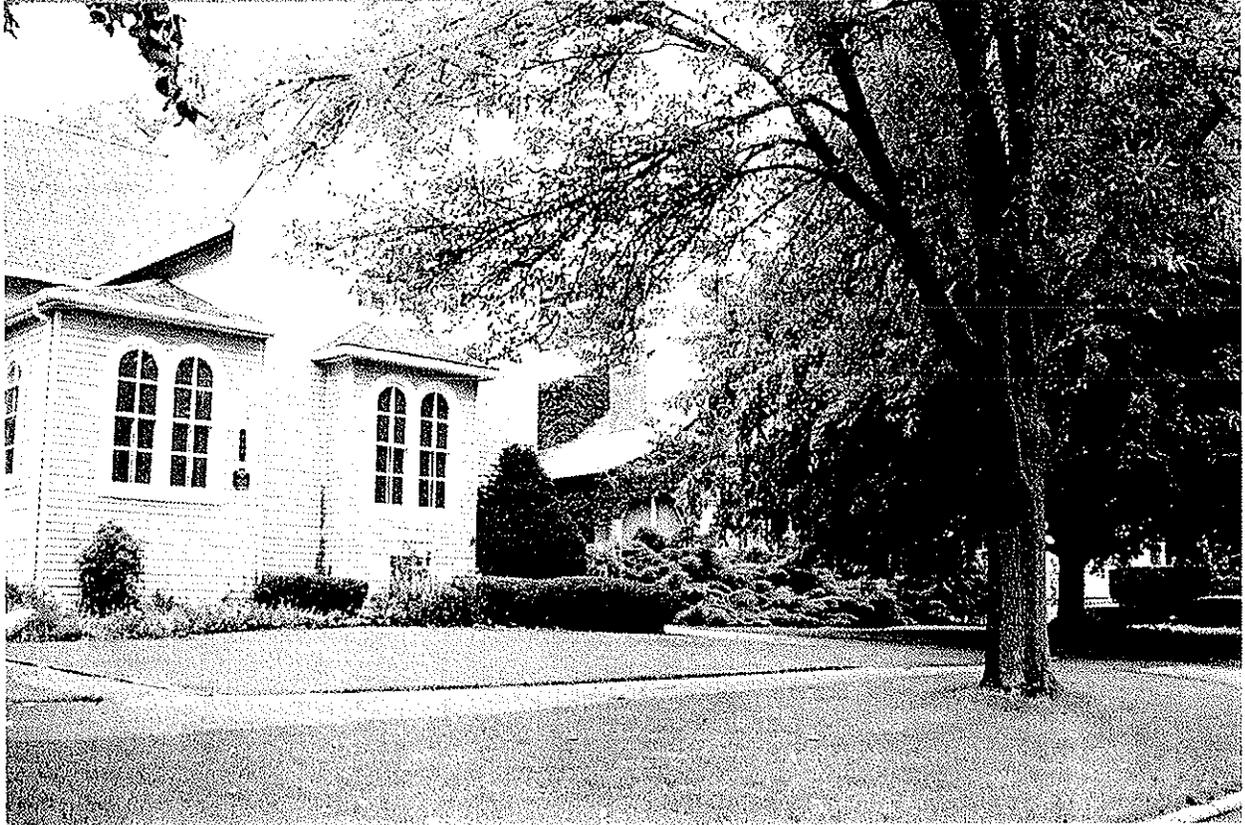
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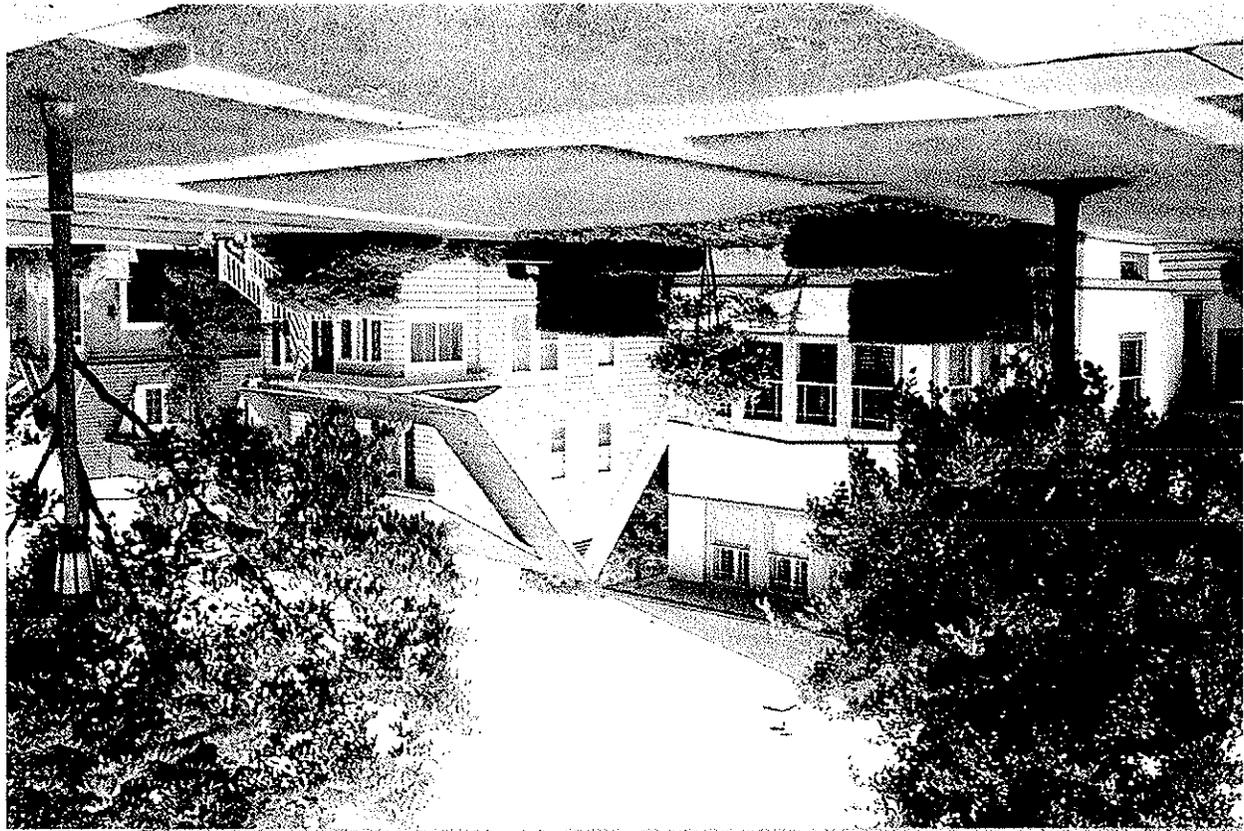


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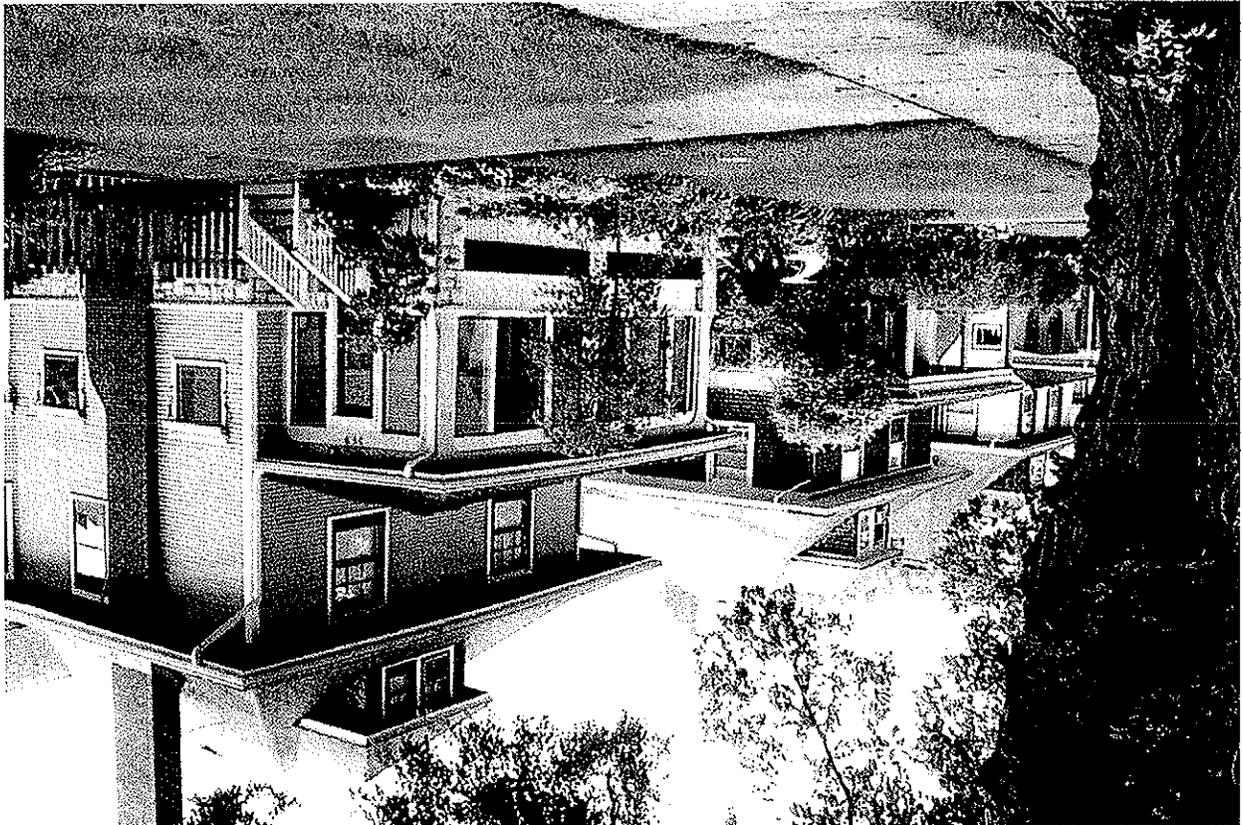
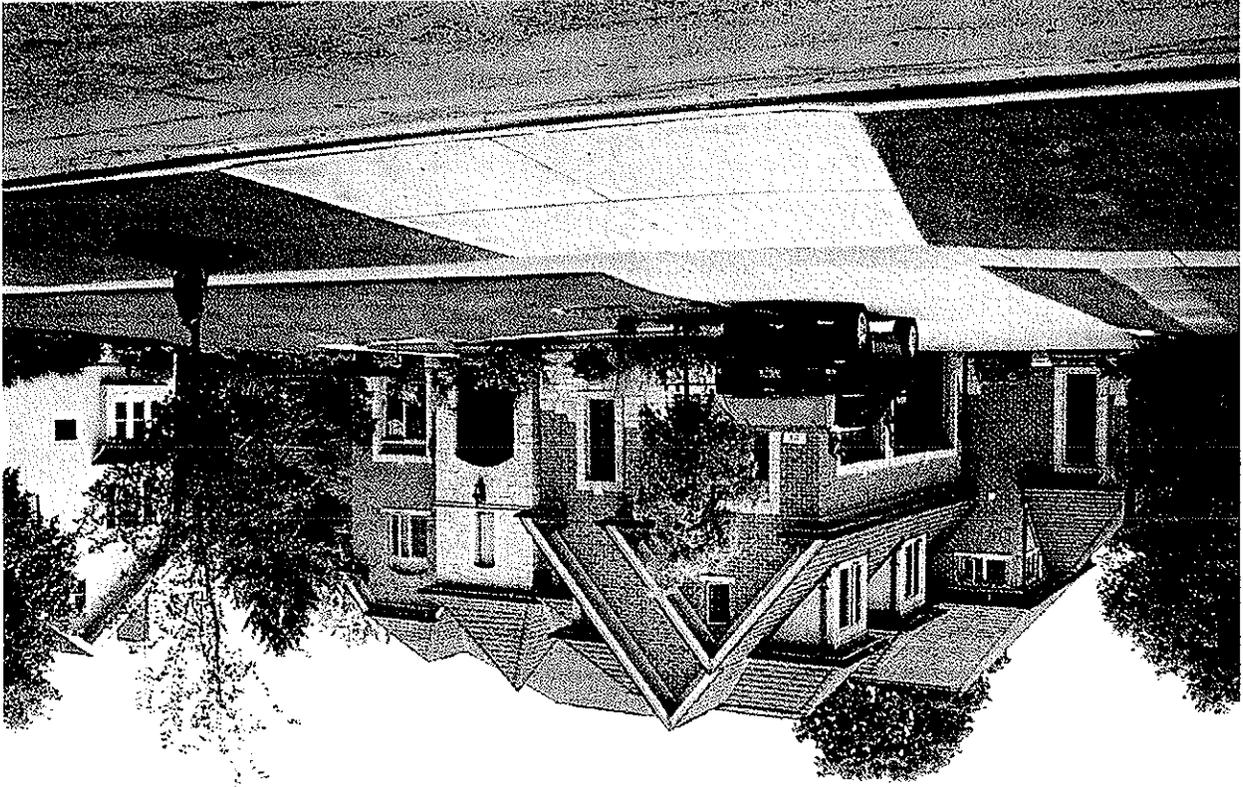


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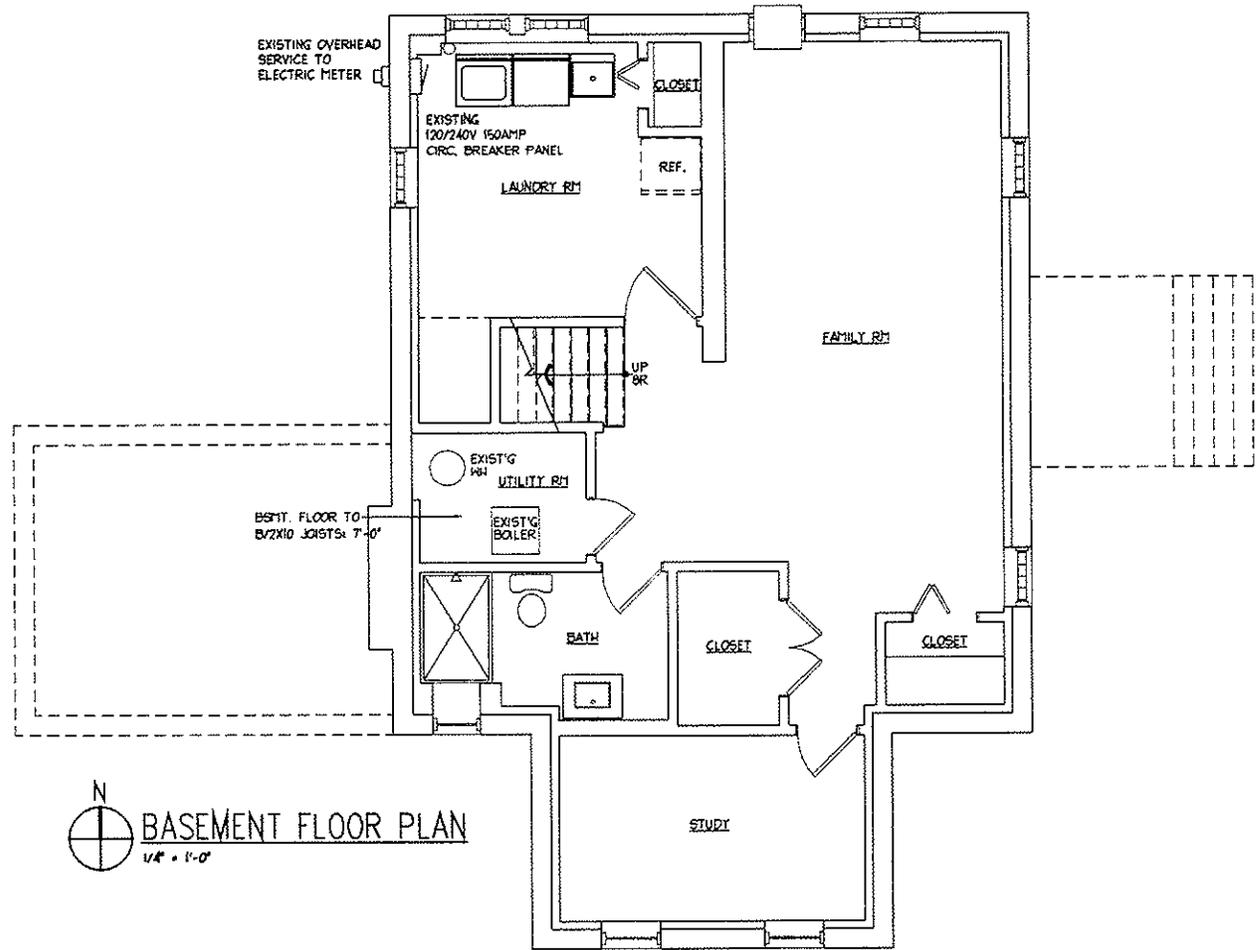
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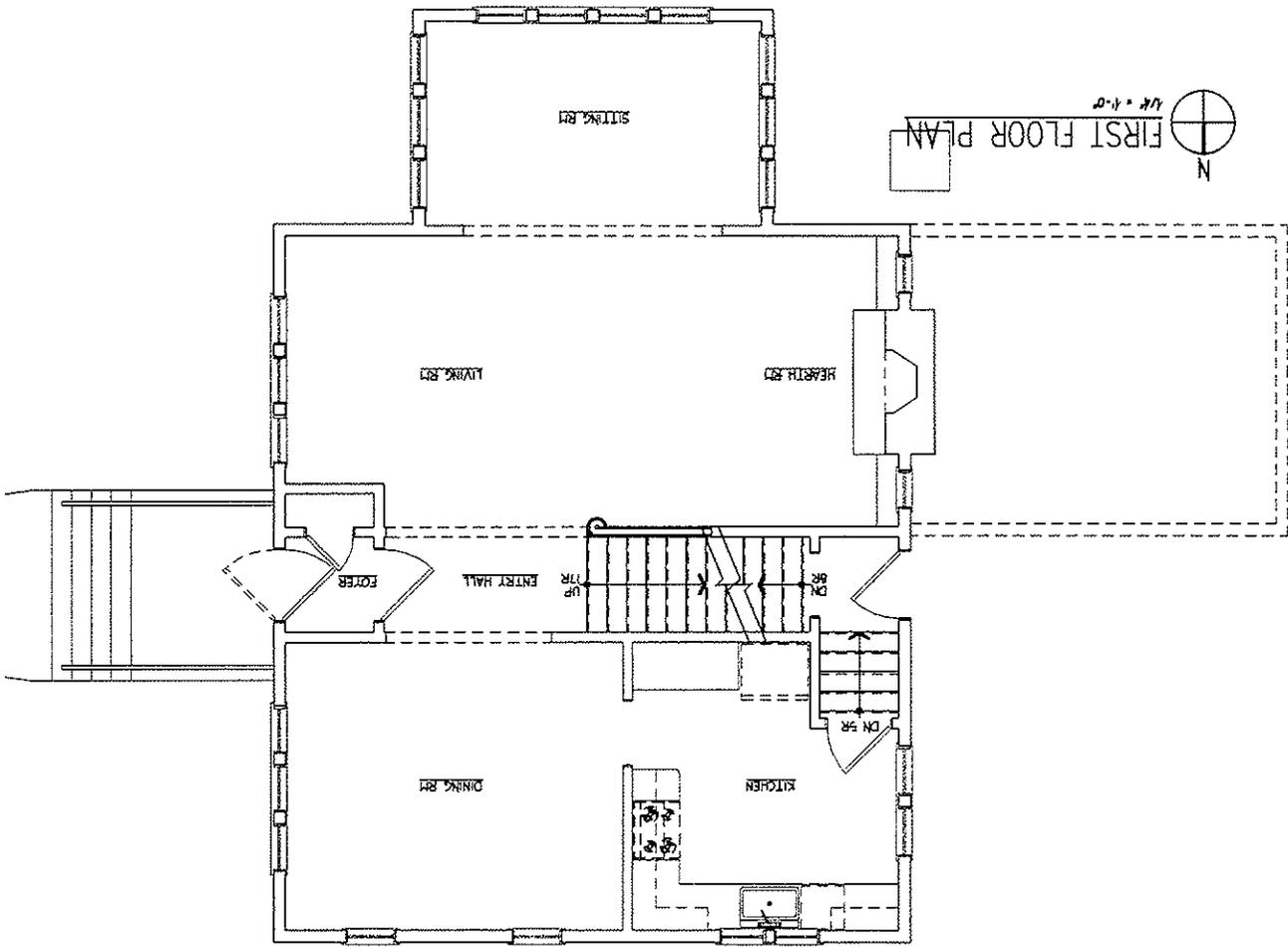
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Existing House & Floor Plans
346 S. Kensington

980-S

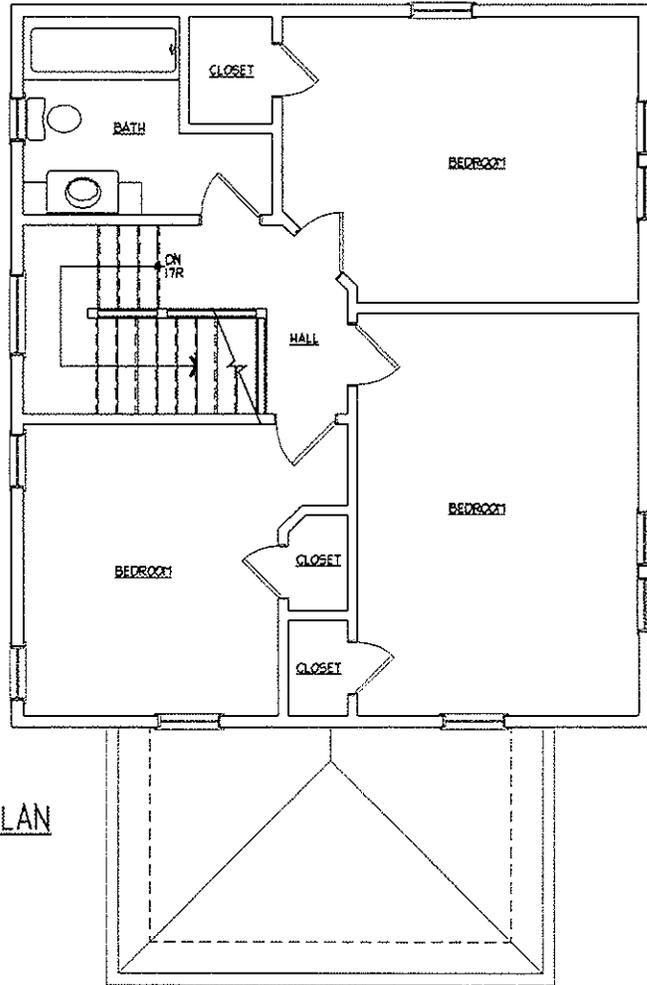


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BASEMENT FLOOR PLAN
1/4" = 1'-0"



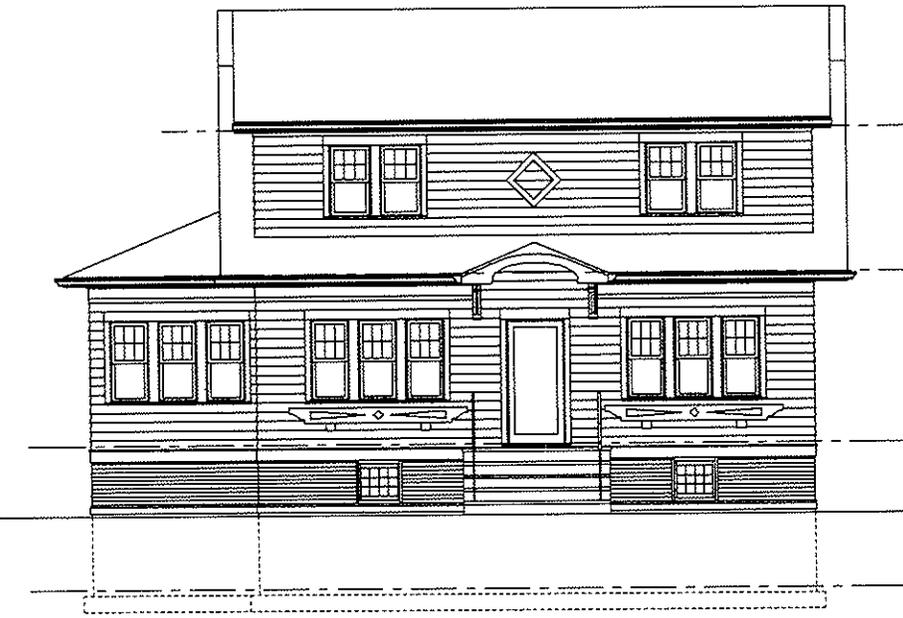
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820-5

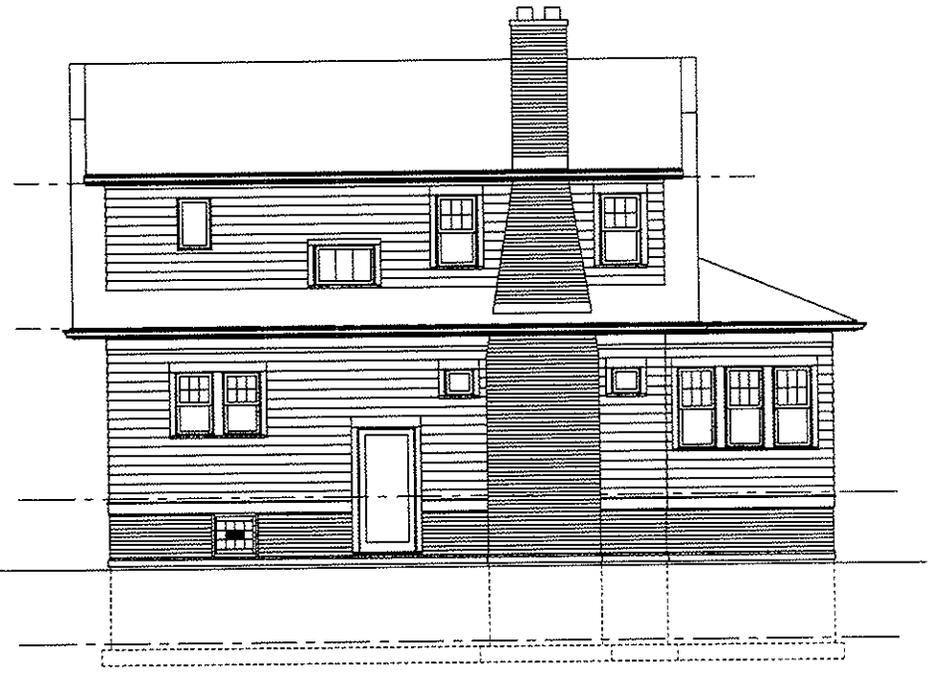


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SECOND FLOOR PLAN
1/4" = 1'-0"

620-5

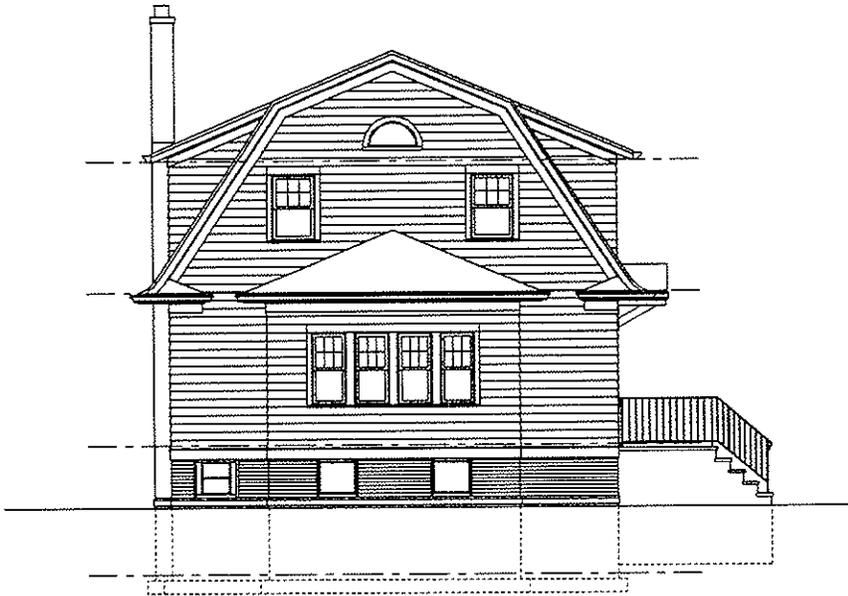


EAST ELEVATION
VF - 1-0'



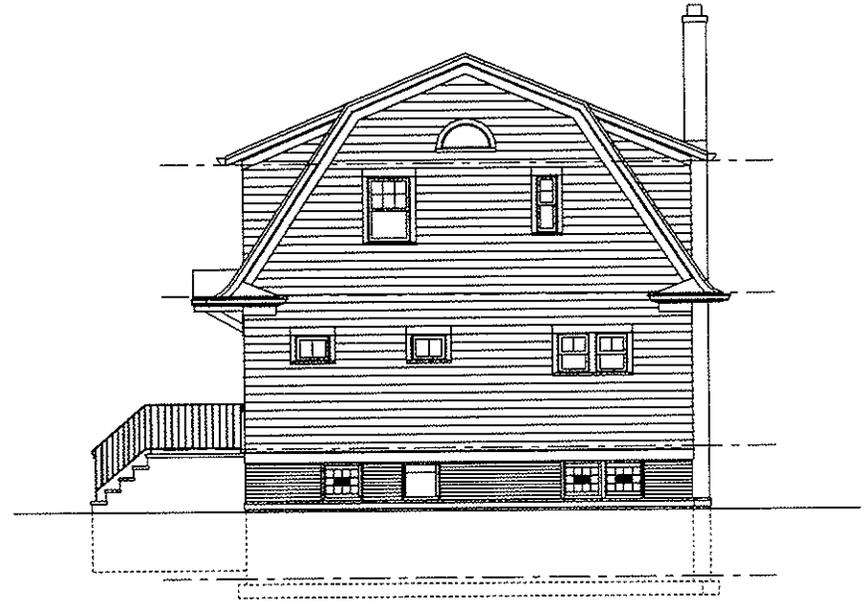
WEST ELEVATION
VF - 1-0'

5-0-30



SOUTH ELEVATION

UC - 1-P



NORTH ELEVATION

UC - 2-P

346 S. Kensington
Proposed Front Porch

18'0"-5



EAST ELEVATION

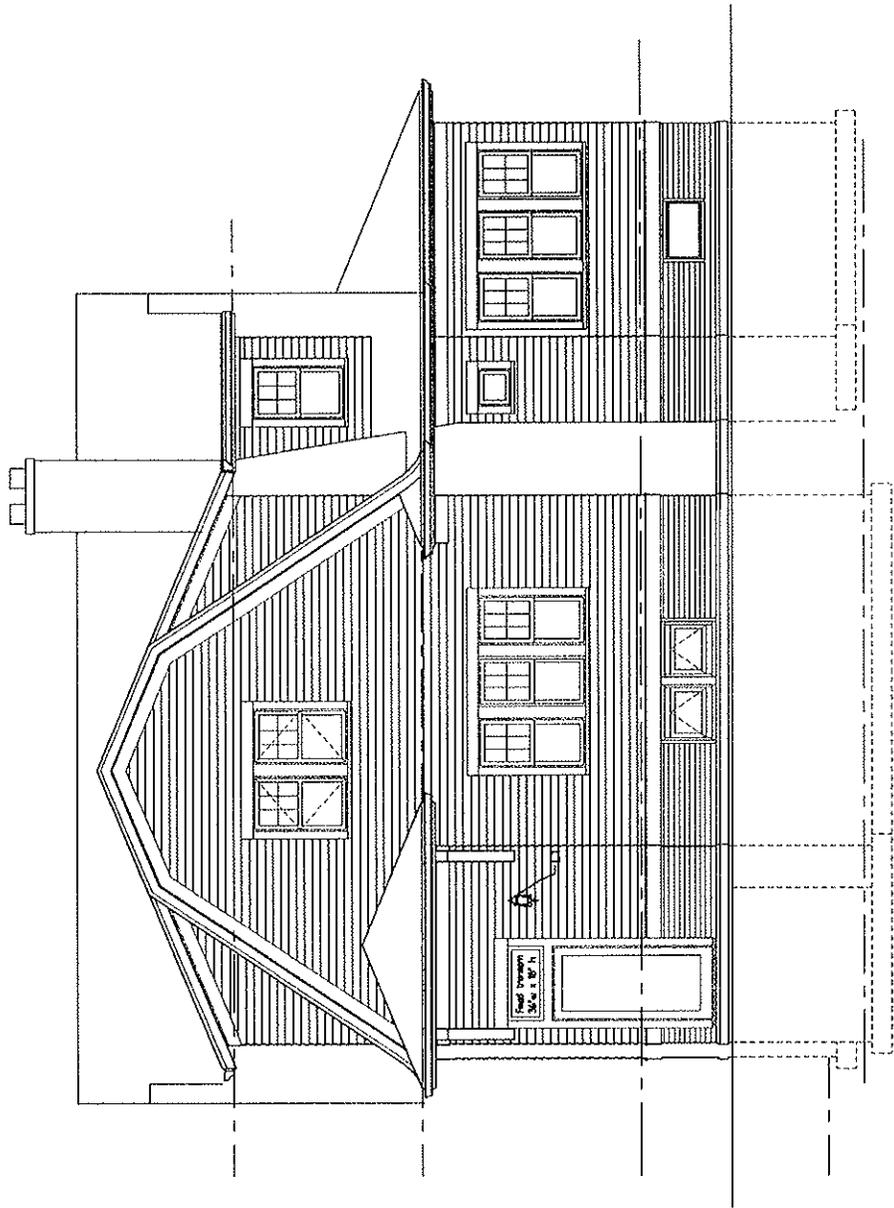
1/4" = 1'-0"

5-0-3-2



NORTH ELEVATION
VP = 1'-0"

5-0.33



WEST ELEVATION
1/4" = 1'-0"

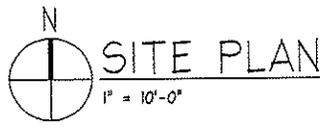
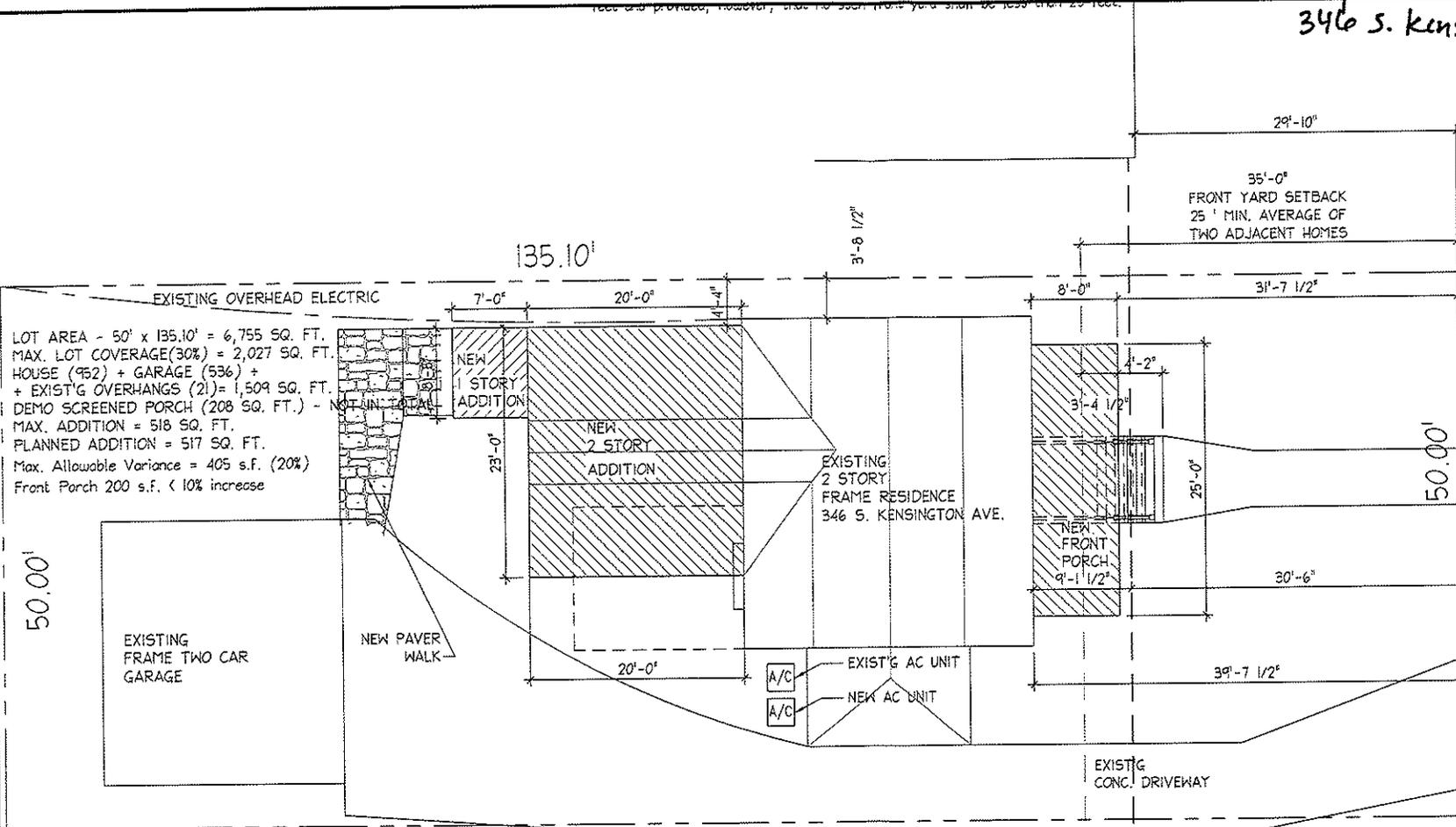
12-0-9



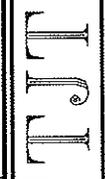
SOUTH ELEVATION

1/4" = 1'-0"

Proposed Addition & Front Porch
346 S. Kensington



TIMOTHY J. TROMPETER - ARCHITECT
 TIMOTHY J. TROMPETER A.I.A.
 318 S. ASHLAND AVE.
 LA GRANGE, ILL. 60525
 (708) 352-7448

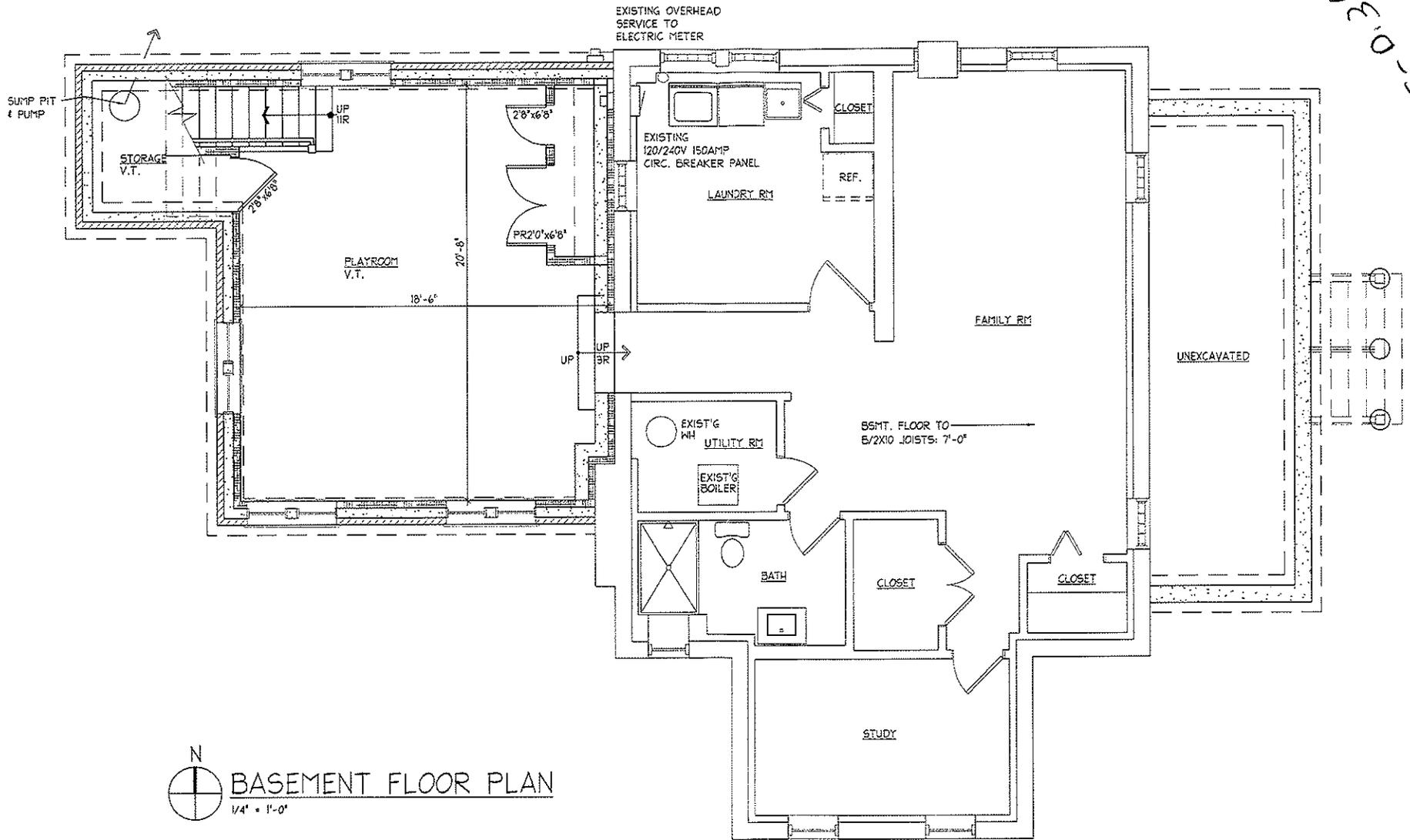


NEW ADDITION & FRONT PORCH FOR:
 LORI & BOB DONAHOE
 346 S. KENSINGTON AVE.
 LA GRANGE, ILL. 60525
 (708) 352-0808

A1
 09/14/07
 OF 6

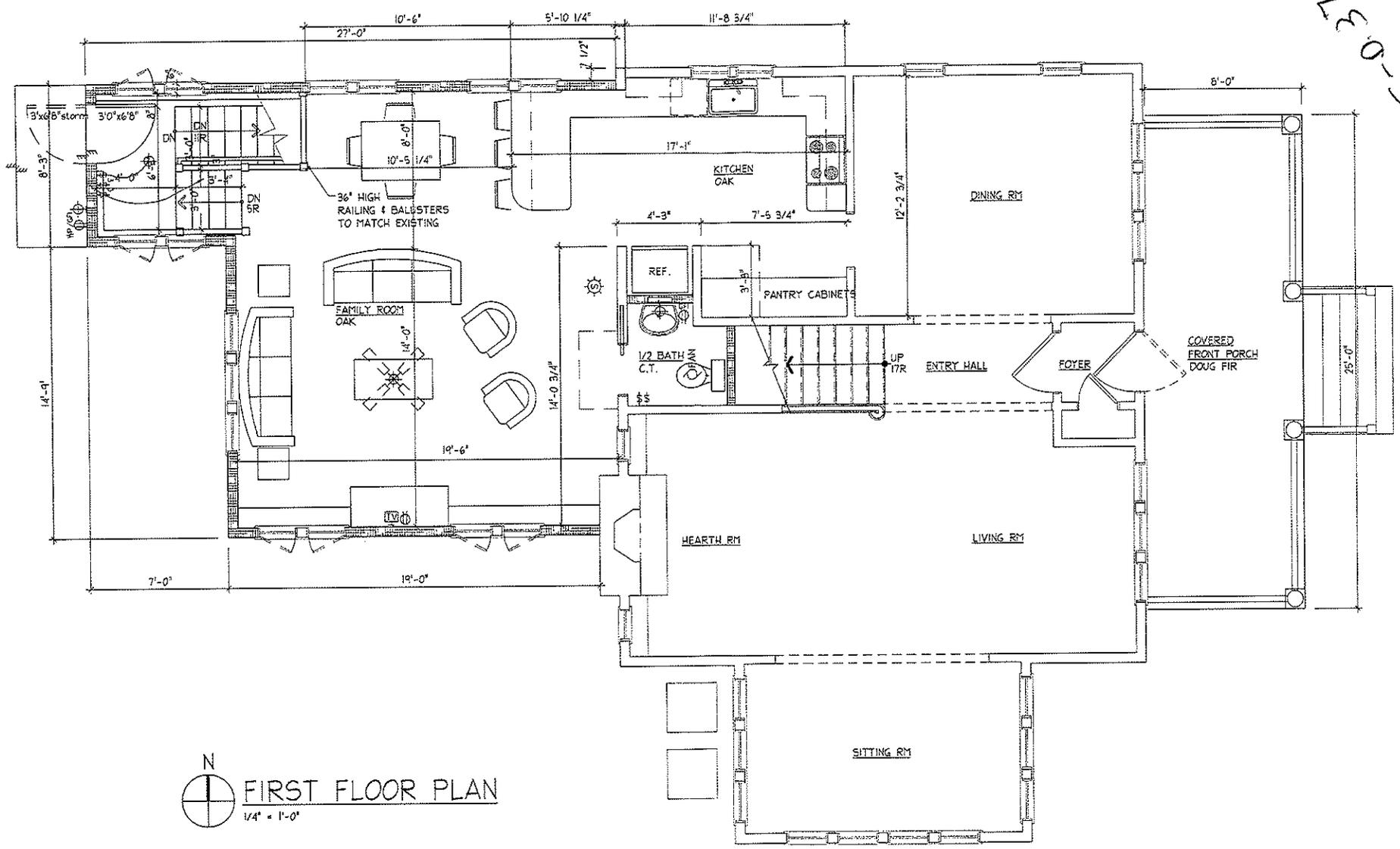
5-0-035

9510-5



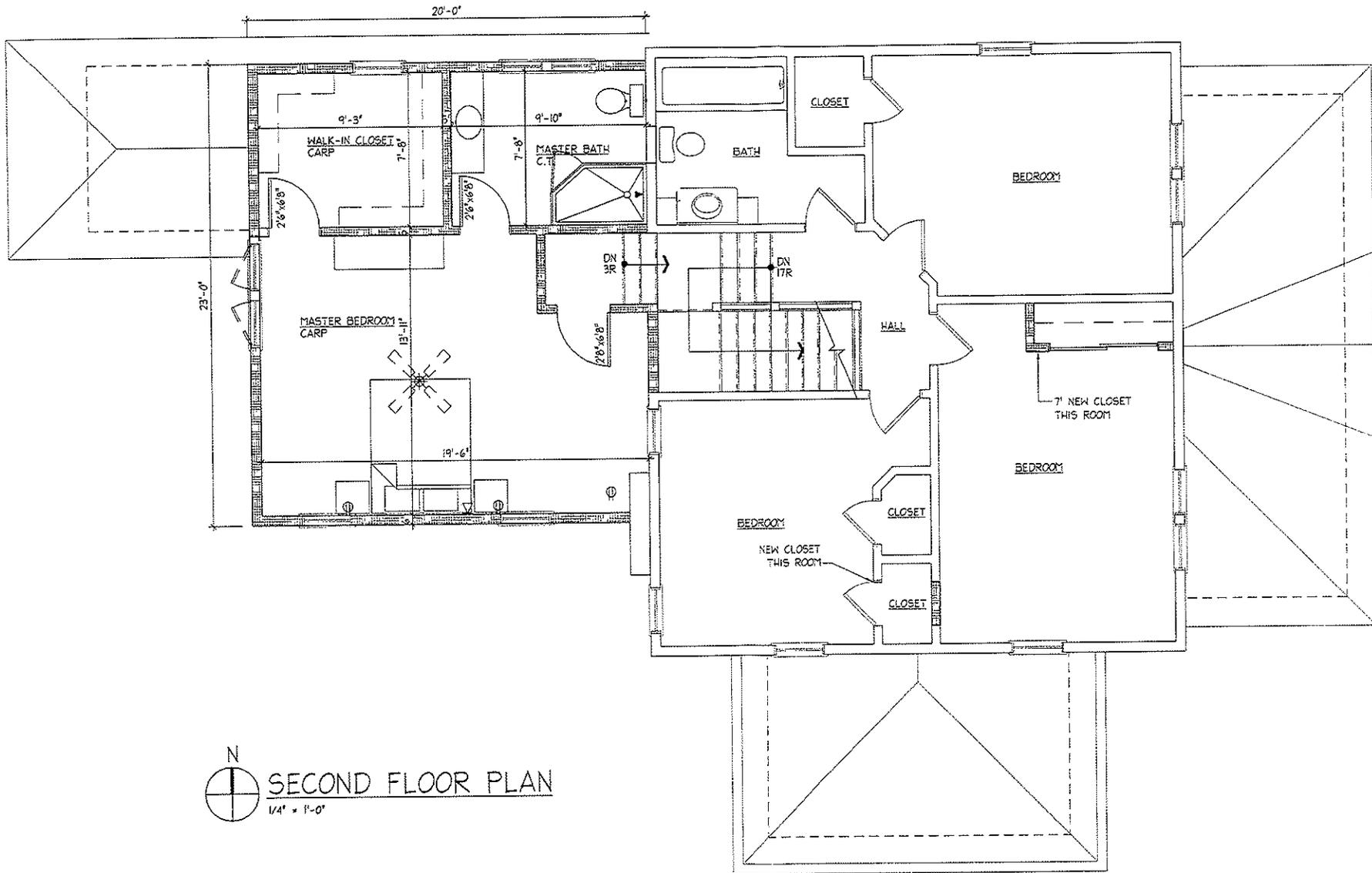
N
BASEMENT FLOOR PLAN
1/4" = 1'-0"

130-5



N
FIRST FLOOR PLAN
1/4" = 1'-0"

5-0-38



N
SECOND FLOOR PLAN
1/4" = 1'-0"

VILLAGE OF LA GRANGE
Community Development Department

BOARD REPORT

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

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

DATE: November 12, 2007

RE: **LA GRANGE BUSINESS ASSOCIATION/OUR HOMETOWN
HOLIDAY - 2007 CHRISTMAS WALK SPONSORSHIP**

Attached for your consideration is a request from the La Grange Business Association seeking authorization and financial support for the annual Hometown Holiday Christmas Walk to be held on Saturday, December 1, 2007 from 5:00 p.m. to 9:00 p.m.

The La Grange Business Association is again requesting that the Village co-sponsor the annual Hometown Holiday Christmas Walk. At this time the La Grange Business Association is requesting that the Village contribute an amount not to exceed \$12,000. This amount has been provided for in our Fiscal Year 2007/2008 Budget. The Village's position of sponsorship is committed to marketing the event, which includes newspaper advertisements, posters, and most importantly the production and mailing of the brochure indicating participants and activities for the evening.

The annual Hometown Holiday Christmas Walk has always been a positive reflection of the Village of La Grange and brings shoppers into the community which is the ultimate goal of both the La Grange Business Association and the Village of La Grange.

It is recommended that the Village again support the Hometown Holiday Christmas Walk's cost of advertising and marketing for 2007 in an amount not to exceed \$12,000, with the following conditions as outlined in our sponsorship policy:

- The La Grange Business Association will provide a complete financial statement for the organization for fiscal year 2007;
- The La Grange Business Association will provide a budget for this event including line item detail;

5-E

- The La Grange Business Association will acquire cash sponsorship to match the Village contribution;
- The La Grange Business Association will provide a complete final accounting for this event;
- The Village of La Grange is to be prominently listed on all advertising, including, but not limited to, posters, web sites and newspaper advertising. All advertising is to be approved by Village staff prior to public presentation
- All events are to be coordinated to the satisfaction of the Village.

Representatives from the La Grange Business Association will be in attendance at your meeting to answer any questions you may have.

5-E.1



106 Calendar Avenue La Grange, Illinois 60525
Info@LGBA.com

October 15, 2007

Via EMAIL

Mr. Patrick Benjamin
Village of La Grange
53 S. La Grange Rd.
La Grange, IL 60525

Dear Pat:

Plans are underway for the 16th annual Christmas Walk “Walking in a Window Wonderland”. The Walk will be held Saturday, December 1st, from 5-9 pm throughout Downtown La Grange.

The Village of La Grange and the La Grange Business Association have successfully partnered to provide our residents a magical evening filled with community spirit. Once again activities will start at 5:00pm on the Village Hall lawn with an All-Village Sing, followed by Santa’s arrival by fire truck and lighting of the “Village Tree”. We would like to continue the tradition of lighting a holiday tree on the Village Hall lawn.

We have been pleased with the arrangement of having Santa situated in the Village Hall Board Room and would like to continue with this idea again this year. Mrs. Claus and several Elves will also be in attendance. We would also like to provide musical entertainment while waiting in line to see Santa. Face painting and improved decorations are also part of the plans for Village Hall. As well as a variety of Christmas Trees decorated by local schools and charity groups.

The walk is also being improved in other ways. Plans are underway to have more strolling musicians, more costumed characters and ice sculptures situated throughout the Central Business District. We will also be providing our guests the opportunity to visit with Santa’s reindeer in the Bier Garten at Palmer Place. There will be two horse drawn carriages and two trolley cars in the downtown area that evening. We will also be setting up a smores/bonfire station around the fountain area. Calendar Avenue businesses will be sponsoring pony rides and a small petting zoo.

An exciting addition to the Christmas Walk this year is the “Walking in a Window Wonderland” event in which businesses can Sponsor a Globe. Similar to the successful Elephants on Parade, a globe sponsor will receive a 24” globe to decorate in the “Peace

5-E.2

on Earth” theme and display in their storefront or business for the holiday season (12/1-12/31). The idea is to create excitement about La Grange and give people a reason to visit La Grange all season long.

We again request that the Fire Department deliver Santa to Village Hall at 5:30pm. Estimates from past years have indicated that approximately 4,000 people are in town the night of the Walk, so we also request any additional police manpower that you deem necessary.

The La Grange Business Association has worked diligently each year to continue to improve the quality of our Christmas Walk. Committee members volunteer countless hours coordinating the details which insure the success of this event. We truly appreciate the help of the Village with sponsorship and the help from Village Departments to help decorate our town.

The La Grange Business Association would like to formally request the marketing funds of \$12,000 which have been budgeted by the Village. We believe our partnership makes The La Grange Christmas Walk an event that is enjoyed by our community and envied by our neighbors.

The Village of La Grange will be included in all newspaper, website, direct mail and other corresponding marketing materials as a “Co-Sponsor” of this important community event along with the LGBA. The La Grange Business Association will provide the necessary expense and receipt reports so that the Village can make their reimbursement.

Again, the LGBA would like to thank the Village of La Grange for their participation and support of this wonderful event.

Please call me at (708) 302-3092 or email me at urbansole@sbcglobal.net with any questions or concerns that you may have.

Sincerely,

Honor Lorenzini
Chairman – Christmas Walk 2007
La Grange Business Association

Michael LaPibus
President
La Grange Business Association

P.S. Please forward this letter or share its contents with the appropriate Village staff so that they will be informed of the plans for this year.

5-E13