



Village of Lemont
Planning and Zoning Commission

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

PLANNING & ZONING COMMISSION
Regular Meeting
Wednesday, January 18, 2012
6:30 p.m.

**Planning and Zoning
Commission**

Dennis Schubert,
Chairman

Commission Members:
Ryan Kwasneski
David Maher
Gregory Messer
Katherine Murphy
Jason Sanderson
Anthony Spinelli

**Community Development
Department Staff**

James A. Brown, Director
Charity Jones, AICP Planner

I. CALL TO ORDER

A. Pledge of Allegiance

B. Verify Quorum

**C. Approval of Minutes: November 16, 2011
meeting**

II. CHAIRMAN'S COMMENTS

III. PUBIC HEARINGS

A. Case 11-14 – 120 Doolin Street. A public hearing for a variation to allow a shed to be located in a corner side yard.

B. Case 12-01 – 307 Freehauf Street. A public hearing for a variation to allow a new garage in the R-4A zoning district to be accessed from the street, rather than an existing alley.

IV. STAFF REPORT

V. ADJOURNMENT

Village of Lemont
Planning and Zoning Commission
Regular Meeting of November 16, 2011

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, November 16, 2011, in the second floor Board Room of the Village Hall 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Chairman Schubert led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Kwasneski, Murphy, Sanderson, Spinelli, Schubert

Absent: Maher, Messer

Village Planner Charity Jones and Planning & Economic Development Director Jim Brown were also present.

C. Approve Minutes

Commissioner Kwasneski made a motion, seconded by Commissioner Murphy to approve the minutes of the October 26, 2011 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS None

III. ADJOURNMENT

Commissioner Spinelli made a motion, seconded by Commissioner Murphy to adjourn the meeting. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper



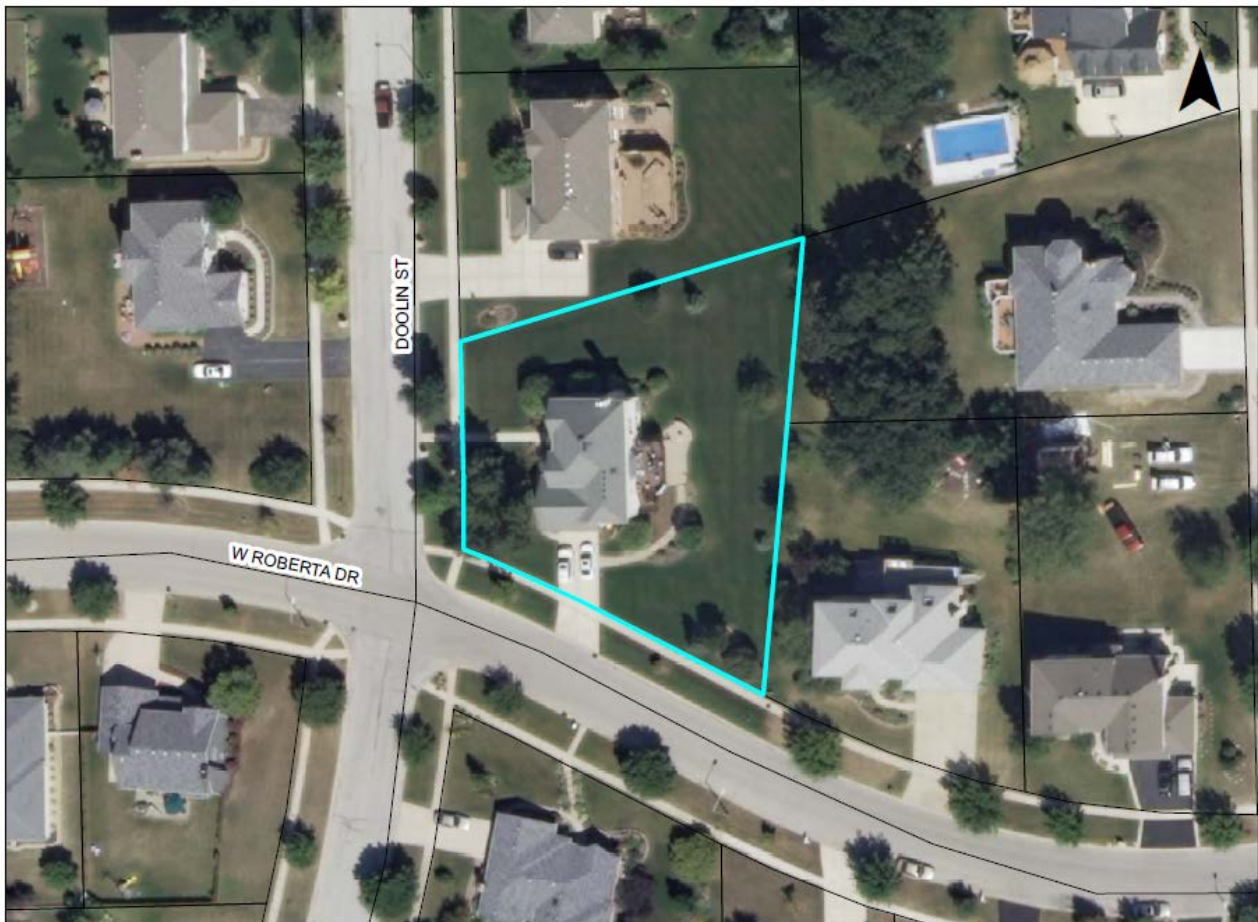
Village of Lemont
Planning & Economic Development Department

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

TO: Planning & Zoning Commission #04-12
FROM: Charity Jones, Village Planner
THRU: James A. Brown, Planning & Economic Development Director
SUBJECT: Case 11-14 – 120 Doolin Street
DATE: December 2, 2011

SUMMARY

Elizabeth and Wesley Tomala, owners of the subject property, have requested a variation from UDO §17.06.030 to allow a shed in a corner side yard. Staff is recommending denial.



PROPOSAL INFORMATION

Case No. 11.14
Project Name 120 Doolin Street Variation

General Information

Applicant	Elizabeth and Wesley Tomala
Status of Applicant	Property Owners
Requested Actions:	Variation to allow a shed to be placed in a corner side yard.
Site Location	120 Doolin Street (PIN 22-30-406-027-0000)
Existing Zoning	Lemont R-4 Single-Family Detached Residential District
Size	.46 acres (19,999 sf)
Existing Land Use	Residential
Surrounding Land Use/Zoning	R-4 Single-Family Detached Residential use and zoning on all sides
Comprehensive Plan 2002	The Comprehensive Plan calls for this site to be residential.
Zoning History	N/A
Special Information	
Public Utilities	The site is serviced by Village water and sewer.
Transportation	N/A
Physical Characteristics	There site slopes significantly to the north and east.

BACKGROUND

The shed has already been constructed in the location proposed by the variation application. A permit for the shed was issued on April 28, 2010 but upon inspection by the Building Department in January 2011, it was discovered that the shed was constructed in a different location than was permitted. The property owner was given the option of moving the shed or applying for a variation.

STANDARDS FOR VARIATIONS

UDO Section 17.04.150.D states that variation requests must be consistent with the following three standards to be approved:

1. The variation is in harmony with the general purpose and intent of the Unified Development Ordinance;

Analysis. The general purpose of the UDO is specified in UDO Section 17.01.050. Of the eight components listed, four are not applicable to this variation request. The variation request is consistent with the remaining four components.

- **Promoting and protecting the general health, safety and welfare.** The variation request will not injure the public health, safety and general welfare. The shed is located within a private yard, approximately 17 feet from the lot line. It poses no threat to public health or safety.

- **Ensuring adequate natural light, air, privacy, and access to property.** The variation will have no impact on light, air, privacy or access to property. The shed is only 120 square feet and less than 15 feet tall. Additionally, it is located in an open yard with surrounding landscaping as screening.
 - **Protecting the character of established residential neighborhoods.** The subject site is in an established residential area. It is located within the R-4 zoning district. As shown in the site photos, the shed is well screened by mature landscaping and by the topography of the site. Therefore, it has little visual impact on the surrounding area and would most likely not harm the character of the area. However, the approval of this variation request may set a precedent for approval of other similar requests, which may collectively impact the character of established neighborhoods.
 - **Conserving the value of land and buildings throughout the Village.** The proposed variation will not have an impact on the value of land and buildings throughout the Village. The only potential impact will be to nearby properties across and along Roberta Street. As noted previously, the shed is not particularly noticeable from the street due and would likely have minimal impact on nearby land or building values. However, as noted before, the approval of this variation request may set a precedent for approval of other similar requests, which may collectively impact land or building values throughout the Village.
2. The plight of the owner is due to unique circumstances and thus strict enforcement of the Unified Development Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unique conditions that are not generally found on other properties in the same zoning district;

Analysis. The applicant suggests that the unique circumstance in this case is that their property has unique setbacks, creating a challenge to place the shed as required by the Unified Development Ordinance.

A 25 ft wide pipeline easement runs the length of the north property line. Structures are generally not allowed to be placed within such easements but limited exceptions have been permitted, based on review and approval by the pipeline company. Although the setback created by the pipeline easement is not standard for R-4 zoned lots, it is not unique either. Approximately 200 properties in the Village are affected by West Shore Pipeline right of way alone.

The east side of the property has a 7.5 ft public utility and drainage easement; such an easement is standard on most newer R-4 lots in the Village. Accessory structures are not allowed to be placed in public utility and drainage easements by right, but placement within the easement is permitted upon approval by the Village Engineer or Village Grading Technician (UDO §17.25.020.H). In fact, the shed location proposed by the applicant encroaches approximately three to four feet within this easement.

The last setback affecting the subject property is the one imposed by the UDO's shed placement requirements. UDO Table 17-06-02, which governs placement of accessory structures, only allows sheds within rear or side yards; they are not permitted in corner yards. This standard means that the shed is required to be set back 35 ft from the south property line. This is a larger setback than would be typically required for most corner lots in the R-4 zoning district; the typical setback is approximately 25 feet. The setback for this site is larger due to the trapezoidal shape of the lot.

The subject site does have unusually large setbacks on the north and south side of the property that would prohibit the applicant from placing the shed in or near the rear corners of the lot. However, the site is nearly 20,000 square feet, which is significantly larger than the typical R-4 lot size. The rear yard is particularly large due to the shape of the lot; the rear lot line is 198.15 feet long. After subtracting the 25 ft gas pipeline easement and the 35 UDO required setback, the rear lot line still has 138.15 ft along which a shed could be placed. Even if the setbacks are considered unique, enforcement of them does not pose a practical difficulty or exceptional hardship for the placement of a 120 sf shed.

3. The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

Analysis. The requested variation will have no impact on the essential character of Lemont. See the analysis contained within section one of the variation standards, regarding the UDO's purposes of protecting the character of established residential neighborhoods.

Engineering Comments. The Village Engineer stated he has no objections to the shed placement. However, if the shed encroaches on an easement, then the Village Engineer recommends the homeowner sign a waiver stating that they are responsible to move the shed, if such a need arises; this type of waiver is standard practice for any structures placed in easements.

RECOMMENDATIONS

Staff does not recommend approval of the variation request. The UDO requires that the applicant demonstrate consistency with all three of the variation standards contained within §17.04.150.D. Staff finds that the applicant fails to meet standard two as described above.

FINDINGS OF FACT

If the Planning and Zoning Commission recommends approval of the variation, the following findings-of-fact might be considered among those appropriate, that:

- a. The requested variation will have no impact to the Village as a whole and the impact to the adjacent properties will be negligible, since the shed is well screened by mature landscaping and the topography of the subject site.

- b. The variation request will not injure the public health, safety and general welfare since the shed was constructed in accordance with Building Department requirements.
- c. The plight of the owner is due to the unique setbacks for the subject site, which make it difficult to place a shed on the site in accordance with the requirements of the UDO.

ATTACHMENTS

- 1. Applicant Submissions
- 2. Site Photos

Variation Application Form

APPLICANT INFORMATION

ELIZABETH TOMALA / WESLEY TOMALA
Applicant Name

Company/Organization

120 DOOLIN ST. LEMONT, IL 60439
Applicant Address

630-257-0720 (FAX) 847-787-0230
Telephone & Fax

wtomala44@comcast.net
E-mail

CHECK ONE OF THE FOLLOWING:

- Applicant is the owner of the subject property and is the signer of this application.
- Applicant is the contract purchaser of the subject property.
- Applicant is acting on behalf of the beneficiary of a trust.
- Applicant is acting on behalf of the owner.

PROPERTY INFORMATION

120 DOOLIN ST. LEMONT, IL 60439
Address of Subject Property/Properties

22-30-406-027-0000
Parcel Identification Number of Subject Property/Properties

21,300 SQ FT.
Size of Subject Property/Properties

DESCRIPTION OF REQUEST

SHED RELOCATED TO AN AREA NOT ALLOWED BY CITY ORDINANCE.
Brief description of the proposed variation

REQUIRED DOCUMENTS

See Form 500-A, *Variation Application Checklist of Required Materials*, for items that must accompany this application.

FOR OFFICE USE ONLY

Application received on: _____

By: _____

Application deemed complete on: _____

By: _____

Current Zoning: _____

Fee Amount Enclosed: _____

Escrow Amount Enclosed: _____

Variation Application Form

Village of Lemont

APPLICATION FEE & ESCROW

Application Fee = \$250 (per zoning lot)

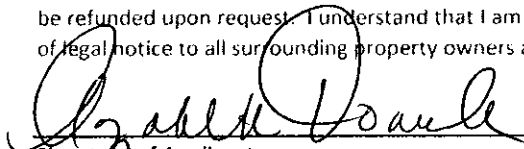
Fee is non-refundable. A zoning lot is defined as "a single tract of land located within a single block that (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon, under single ownership or control" (Unified Development Ordinance Chapter 17.02).

Required Escrow = \$500

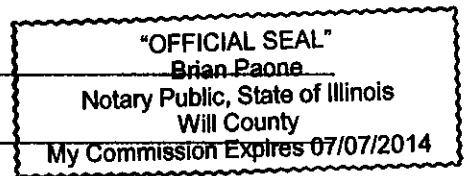
At the time of application, the applicant shall submit a check for the establishment of an escrow account. The escrow money shall be used to defray costs of public notice, consultants, or other direct costs incurred by the Village in association with the variation application. Additionally, should the applicant fail to remove the required public notice sign in a timely manner, the escrow account may be used to defray the costs of the sign's removal. After completion of the variation review process, any unused portion of the escrow account will be refunded upon request.

AFFIRMATION


I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. I permit Village representatives to make all reasonable inspections and investigations of the subject property during the period of processing of this application. I understand that as part of this application I am required to establish an escrow account to pay for direct costs associated with the approval of this application, such as the fulfillment of public notice requirements, removal of the public notice sign, taking of minutes at the public hearing and fees for consultants hired by the Village to evaluate this application. I understand that the submitted fee is non-refundable and that any escrow amount leftover upon project completion will be refunded upon request. I understand that I am responsible for the posting of a public hearing sign and for the mailing of legal notice to all surrounding property owners as required by Village ordinances and state law.


Signature of Applicant
IL

Date
11/17/11
COOK
County



I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that Elizabeth Tomala is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.


Notary Signature

Given under my hand and notary seal this 17th day of November A.D. 20 11

My commission expires this 7 day of July A.D. 20 14

Variation Criteria Worksheet

Unified Development Ordinance (UDO) Section 17.04.150.D.1 establishes the criteria that all applications for variations must meet. In addition, Section 17.04.150.D.2 of the Unified Development Ordinance requires that the Planning & Zoning Commission or Zoning Hearing Officer take the following conditions into consideration when determining whether a request qualifies for a variation. You may want to consider the following in your variation request:

- The particular physical surroundings, shape, or topographical condition of the specific property involved results in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations of the Unified Development Ordinance were fulfilled;
- The conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification;
- The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located; and
- The variation will not impair an adequate supply of light and air to adjacent properties, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Please describe below how your variation request meets the criteria of UDO Section 17.04.150.D.1. Attach additional sheets if necessary.

UDO Section 17.04.150.D.1.a

The variation is in harmony with the general purpose and intent of the Unified Development Ordinance;

THE VARIATION IS IN HARMONY WITH THE U.D.O. THE BOUNDARIES OF MY PROPERTY ARE CREATING A PARTICULAR HARSHIP FOR THE LOCATION OF THE SHED, WHICH HAVE NOT BEEN CREATED BY ME. THE PROPOSED VARIATION WILL NOT BE DETRIMENTAL TO ANY OTHER PROPERTIES OR NEIGHBORS SURROUNDING THE LOCATION.

UDO Section 17.04.150.D.1.b

The plight of the owner is due to unique circumstances and thus strict enforcement of the Unified Development Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unusual conditions that are not generally found on other properties in the same zoning district; and

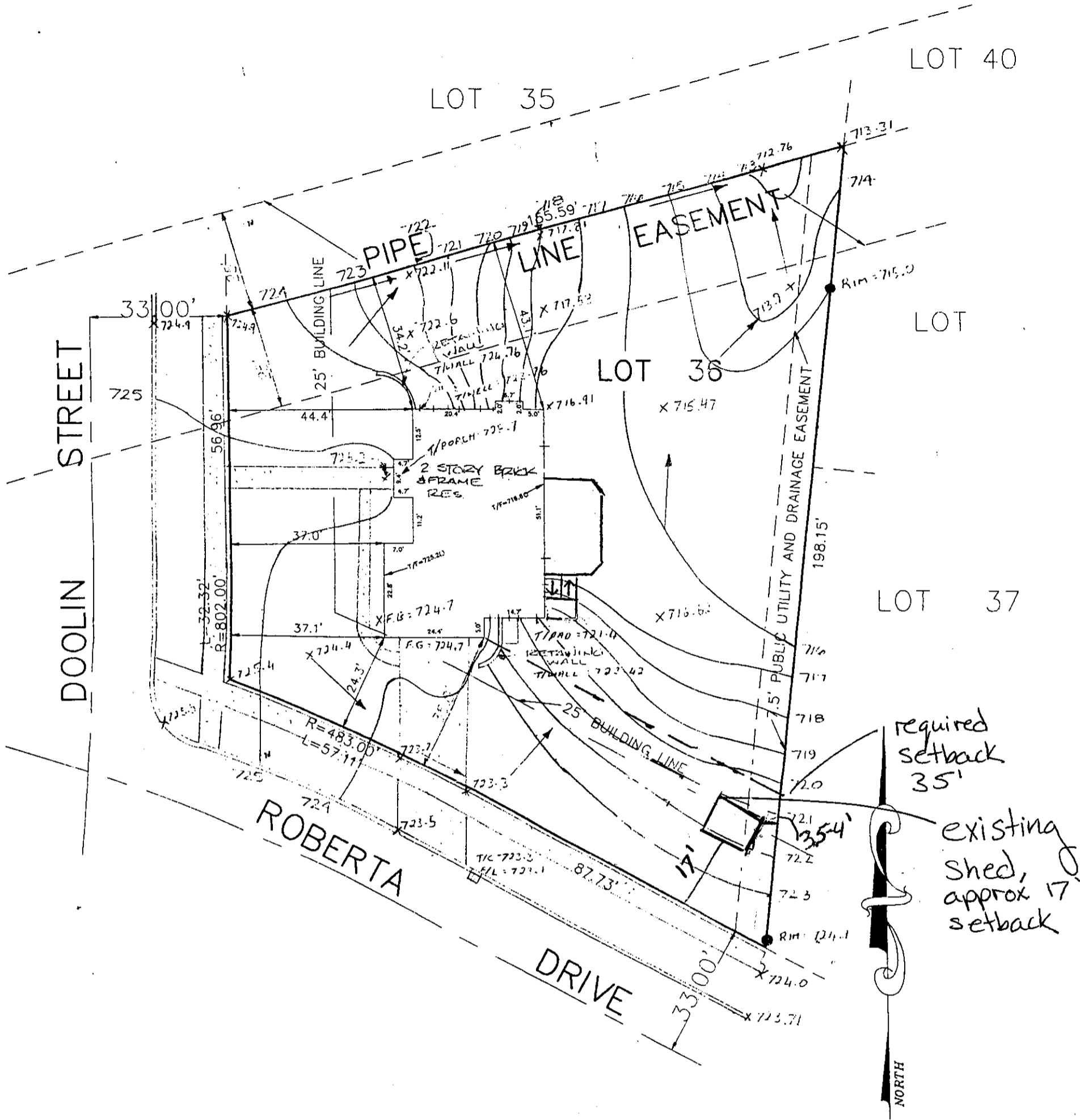
THE UNIQUE CIRCUMSTANCES ARE AS FOLLOWS: NORTH BOUNDARY HAS A PETROLEUM PIPELINE THAT DOES NOT ALLOW ANYTHING TO BE PLACED WITHIN 25 FT OF THE PROPERTY LINE. EAST SIDE BOUNDARY REQUIRES 7.5 FT OF SPACE BECAUSE IT IS CONSIDERED A DRAINAGE AREA. SOUTH SIDE OF THE PROPERTY IS CLOSE TO A PUBLIC SIDEWALK WHICH REQUIRES 35 FT IN BETWEEN THE SHED AND SIDEWALK. MY PROPERTY IS VERY UNIQUE IN RELATION TO SURROUNDING PROPERTIES.

UDO Section 17.04.150.D.1.c

The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

THE VARIATION WILL NOT AT ALL ALTER THE CHARACTER OF THE LOCALITY. THE SHED WOULD BE HIDDEN BY AN ABUNDANCE OF LANDSCAPING AND TREES WHICH ARE CURRENTLY PRESENT. THE ADJACENT PROPERTY IS NOT BEING BOTHERED AT ALL AND ACTUALLY THE VARIATION WOULD PREVENT US FROM CREATING AN EYESORE TO THE ADJOINING NEIGHBOR.

& III - PHASE 1, BEING A RESUBDIVISION OF LOT 35 AND PARTS OF LOTS 6, 7, 8, 9, AND 10 IN COUNTY CLERK'S DIVISION OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1993 AS DOCUMENT NO. 93342825, IN COOK COUNTY, ILLINOIS.



required setback 35'
existing shed, approx 17' setback

SCALE: 1" = 20'



Subject Site, as viewed from the intersection of Roberta Street and Doolin Street.



Shed, as viewed from the west, on the Doolin Street sidewalk.



Shed, as viewed from the east, on the Doolin Street sidewalk.



Shed and neighboring property to the east.



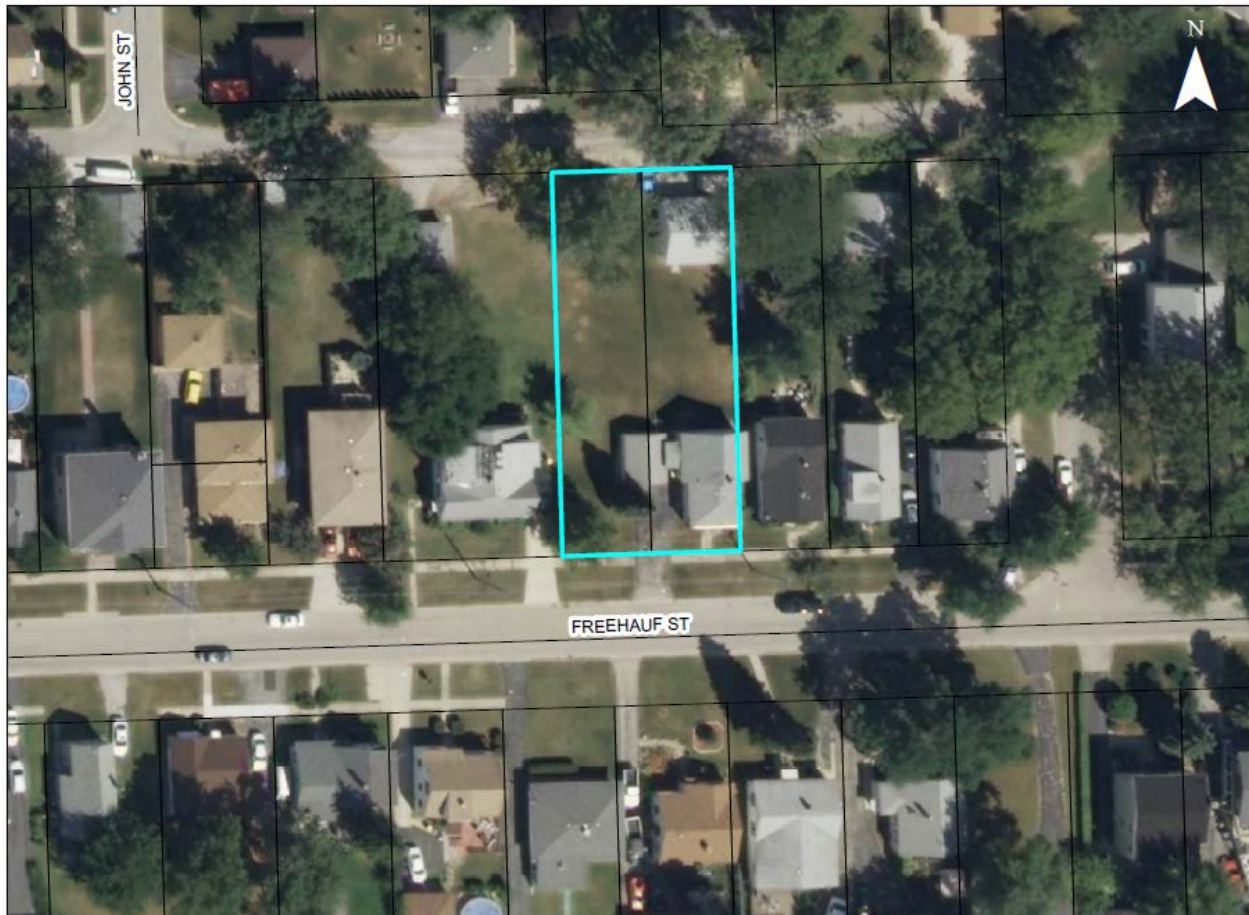
Village of Lemont
Planning & Economic Development Department

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

TO: Planning & Zoning Commission #05-12
FROM: Charity Jones, Village Planner
THRU: James A. Brown, Planning & Economic Development Director
SUBJECT: Case 12-01 307 Freehauf Street
DATE: January 5, 2012

SUMMARY

Wayne Lucht, owner of the subject property, has requested a variation from UDO §17.07.020.F.2 to allow the construction of a new driveway with access from Freehauf Street. Staff is recommending denial.



PROPOSAL INFORMATION

Case No. 12.01
Project Name 307 Freehauf Street Variation

General Information

Applicant	Wayne Lucht
Agent Representing Applicant	John Antonopoulos
Status of Applicant	Property Owner
Requested Actions:	Variation to allow a new driveway with access from Freehauf Street.
Site Location	307 Freehauf Street (PIN 22-29-227-028-0000 and -029-0000)
Existing Zoning	Lemont R-4A Single-Family Preservation and Infill District
Size	.30 acres (13,022 sf)
Existing Land Use	Residential
Surrounding Land Use/Zoning	R-4A Single-Family Preservation and Infill Residential use and zoning on all sides
Comprehensive Plan 2002	The Comprehensive Plan calls for this site to be residential.
Zoning History	N/A

Special Information

Public Utilities	The site is serviced by Village water and sewer.
Transportation	N/A
Physical Characteristics	The site is relatively flat; it is currently under construction.

BACKGROUND

UDO §17.07.020.F.2 states that in the R-4A Zoning District, “if an existing alley provides access to the lot in question, then detached and attached garages shall be accessed from the alley.” The applicant is constructing a new home on the subject property and is requesting a variation from this standard. There was a home on the site previously and the attached garage for that home was accessed by a driveway off Freehauf Street. Prior to beginning construction of the new home, the Planning and Economic Development Department gave the property owner two options 1) use the existing curb cut for the new garage or 2) access the new garage from the alley. On May 23, 2011, the Planning & Economic Development Director approved the building permit for the proposed home; the permit reflected use of the existing curb cut for the new garage. Now, the applicant is requesting a variation to allow a new curb cut off Freehauf Street.

STANDARDS FOR VARIATIONS

UDO Section 17.04.150.D states that variation requests must be consistent with the following three standards to be approved:

1. The variation is in harmony with the general purpose and intent of the Unified Development Ordinance;

Analysis. The general purpose of the UDO is specified in UDO Section 17.01.050. Of the eight components listed, four are not applicable to this variation request. The variation request is consistent with the remaining four components.

- **Promoting and protecting the general health, safety and welfare.** The variation request will not injure the public health, safety and general welfare. The curb cut and driveway will be required to be constructed in accordance with all UDO engineering standards.
- **Ensuring adequate natural light, air, privacy, and access to property.** The variation will have no impact on light, air, or privacy. It will create access to the subject property from Freehauf Street.
- **Protecting the character of established residential neighborhoods.** The subject site is in an established residential area. It is located within the R-4A zoning district, which encompasses the majority of the older and historic homes in the village. The lots in the R-4A district are typically narrow and deep.

Many blocks in the R-4A district are serviced by alleys and the majority of homes with alley access use that access for their garages. The lack of driveways in front yards creates an uninterrupted length of sidewalk on many blocks. These blocks provide safe places for children to play and limit the visual clutter of multiple driveways very close together. The block on which the subject site is located is not a pristine example of such blocks, since the subject site and one other site on the block have/had driveways with access from Freehauf Street. Across the street from the subject site, the lots do not have alley access and therefore all driveways access from Freehauf Street. Therefore the requested variation would not impact the character of this block substantially, since there was already an existing driveway on the site that accessed from Freehauf Street. However, any increase the number of curb cuts in the R-4A area would begin to undermine the character of the neighborhood.

- **Conserving the value of land and buildings throughout the Village.** Any impact on nearby land or building values would be minimal since there was an existing driveway on the site that accessed from Freehauf Street.
2. The plight of the owner is due to unique circumstances and thus strict enforcement of the Unified Development Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unique conditions that are not generally found on other properties in the same zoning district;

Analysis. The applicant suggests that the unique circumstance in this case is that the property previously had a driveway with access off Freehauf Street and the new home's proposed garage does not align with the existing curb cut.

The UDO states that in making a determination whether there are unique circumstances, practical difficulties, or particular hardships in a variation petition, the Planning and Zoning Commission shall take into consideration the factors listed in UDO §17.04.150.D.2. One of these factors is whether the alleged difficulty or hardship has been created by any person presently having an interest in the property. In this case, the UDO requirements were in place before construction of the new home began. The owner had opportunity to realign the building if necessary to make use of the existing curb cut. If any practical difficulty or particular hardship does exist, it is self-imposed. However, staff finds that there is no practical difficulty or particular hardship in this case because: (1) the approved building permit indicates that the property owner is able to make use of the existing curb cut; and (2) there is already adequate vehicle parking on the site in the form of a two-car garage that is accessed from the alley.

Another factor listed in UDO §17.04.150.D.2 is whether the conditions upon which the petition for variation is based would be applicable, generally, to other property within the same zoning classification. The conditions upon which this petition is based would be equally applicable to any R-4A property that is serviced by an alley but currently has an existing driveway accessed from the street. A brief review of R-4A zoned properties east of State Street revealed 23 such properties. Therefore, the plight of the owner is not unique and granting of the proposed variation could set a precedent for other similar variation requests.

3. The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

Analysis. See the analysis contained within section one of the variation standards, regarding the UDO's purposes of protecting the character of established residential neighborhoods and conserving the value of land and buildings throughout the Village.

Engineering Comments. The Village Engineer stated he has no objections to the variation application.

RECOMMENDATIONS

Staff does not recommend approval of the variation request. The UDO requires that the applicant demonstrate consistency with all three of the variation standards contained within §17.04.150.D. Staff finds that the applicant fails to meet standard two as described above.

FINDINGS OF FACT

If the Planning and Zoning Commission recommends approval of the variation, the following findings-of-fact might be considered among those appropriate, that:

- a. The requested variation will have no impact to the Village as a whole and the impact to the adjacent properties will be negligible, since the property already had a curb cut and driveway with access from Freehauf Street.
- b. The variation request will not injure the public health, safety and general welfare because the new driveway will be required to be constructed in accordance with all current Village standards.
- c. The plight of the owner is due to unique circumstances because the previous home on the lot had a driveway with access from Freehauf Street and the new home's garage doors do not line up with the existing curb cut.

ATTACHMENTS

1. Applicant Submissions
2. Site Photos

Variation Application Form

APPLICANT INFORMATION

Applicant Name

WAYNE LUCHT

Company/Organization

Applicant Address

6554 S. AUSTIN, BEDFORD PARK, IL.

Telephone & Fax

(708) 557-2300

(708) 563-2331 FAX

E-mail

CHECK ONE OF THE FOLLOWING:

- Applicant is the owner of the subject property and is the signer of this application.
- Applicant is the contract purchaser of the subject property.
- Applicant is acting on behalf of the beneficiary of a trust.
- Applicant is acting on behalf of the owner.

PROPERTY INFORMATION

Address of Subject Property/Properties

307 FREEHAUF, LEMONT, IL.

Parcel Identification Number of Subject Property/Properties

22-29-227-029-0000

Size of Subject Property/Properties

78 x 167

DESCRIPTION OF REQUEST

Brief description of the proposed variation

TO ALLOW CURB CUT ~~AND~~ ON LOT 15 = TO ACCESS FRONT LOAD GARAGE

REQUIRED DOCUMENTS

See Form 500-A, Variation Application Checklist of Required Materials, for items that must accompany this application.

FOR OFFICE USE ONLY

Application received on: 12-27-11

By: 

Application deemed complete on: 12-27-11

By: 

Current Zoning: _____

Fee Amount Enclosed: \$250

Escrow Amount Enclosed: \$500

Variation Application Form

Village of Lemont

APPLICATION FEE & ESCROW

Application Fee = \$250 (per zoning lot)

Fee is non-refundable. A zoning lot is defined as "a single tract of land located within a single block that (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon, under single ownership or control" (Unified Development Ordinance Chapter 17.02).

Required Escrow = \$500

At the time of application, the applicant shall submit a check for the establishment of an escrow account. The escrow money shall be used to defray costs of public notice, consultants, or other direct costs incurred by the Village in association with the variation application. Additionally, should the applicant fail to remove the required public notice sign in a timely manner, the escrow account may be used to defray the costs of the sign's removal. After completion of the variation review process, any unused portion of the escrow account will be refunded upon request.

AFFIRMATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. I permit Village representatives to make all reasonable inspections and investigations of the subject property during the period of processing of this application. I understand that as part of this application I am required to establish an escrow account to pay for direct costs associated with the approval of this application, such as the fulfillment of public notice requirements, removal of the public notice sign, taking of minutes at the public hearing and fees for consultants hired by the Village to evaluate this application. I understand that the submitted fee is non-refundable and that any escrow amount leftover upon project completion will be refunded upon request. I understand that I am responsible for the posting of a public hearing sign and for the mailing of legal notice to all surrounding property owners as required by Village ordinances and state law.

[Handwritten Signature]

DEC 15, 2011

Signature of Applicant

Date

COOK

State

County

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that Wayne Lucif is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.

[Handwritten Notary Signature]

Notary Signature

Given under my hand and notary seal this 15 day of December A.D. 20 2011.

My commission expires this _____ day of _____ A.D. 20_____.



Variation Criteria Worksheet

Unified Development Ordinance (UDO) Section 17.04.150.D.1 establishes the criteria that all applications for variations must meet. In addition, Section 17.04.150.D.2 of the Unified Development Ordinance requires that the Planning & Zoning Commission or Zoning Hearing Officer take the following conditions into consideration when determining whether a request qualifies for a variation. You may want to consider the following in your variation request:

- The particular physical surroundings, shape, or topographical condition of the specific property involved results in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations of the Unified Development Ordinance were fulfilled;
- The conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification;
- The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located; and
- The variation will not impair an adequate supply of light and air to adjacent properties, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Please describe below how your variation request meets the criteria of UDO Section 17.04.150.D.1. Attach additional sheets if necessary.

UDO Section 17.04.150.D.1.a

The variation is in harmony with the general purpose and intent of the Unified Development Ordinance;

THERE ARE OTHER LOTS ON THE SAME STREET THAT ACCESS THEIR

GARAGE FROM THE STREET

UDO Section 17.04.150.D.1.b

The plight of the owner is due to unique circumstances and thus strict enforcement of the Unified Development Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unusual conditions that are not generally found on other properties in the same zoning district; and

THERE WAS AN EXISTING HOUSE ON THE ADJOINING LOT THAT WAS DEMOLISHED.

ACCESS TO THE GARAGE WAS FROM THE STREET. THE NEWLY CONSTRUCTED

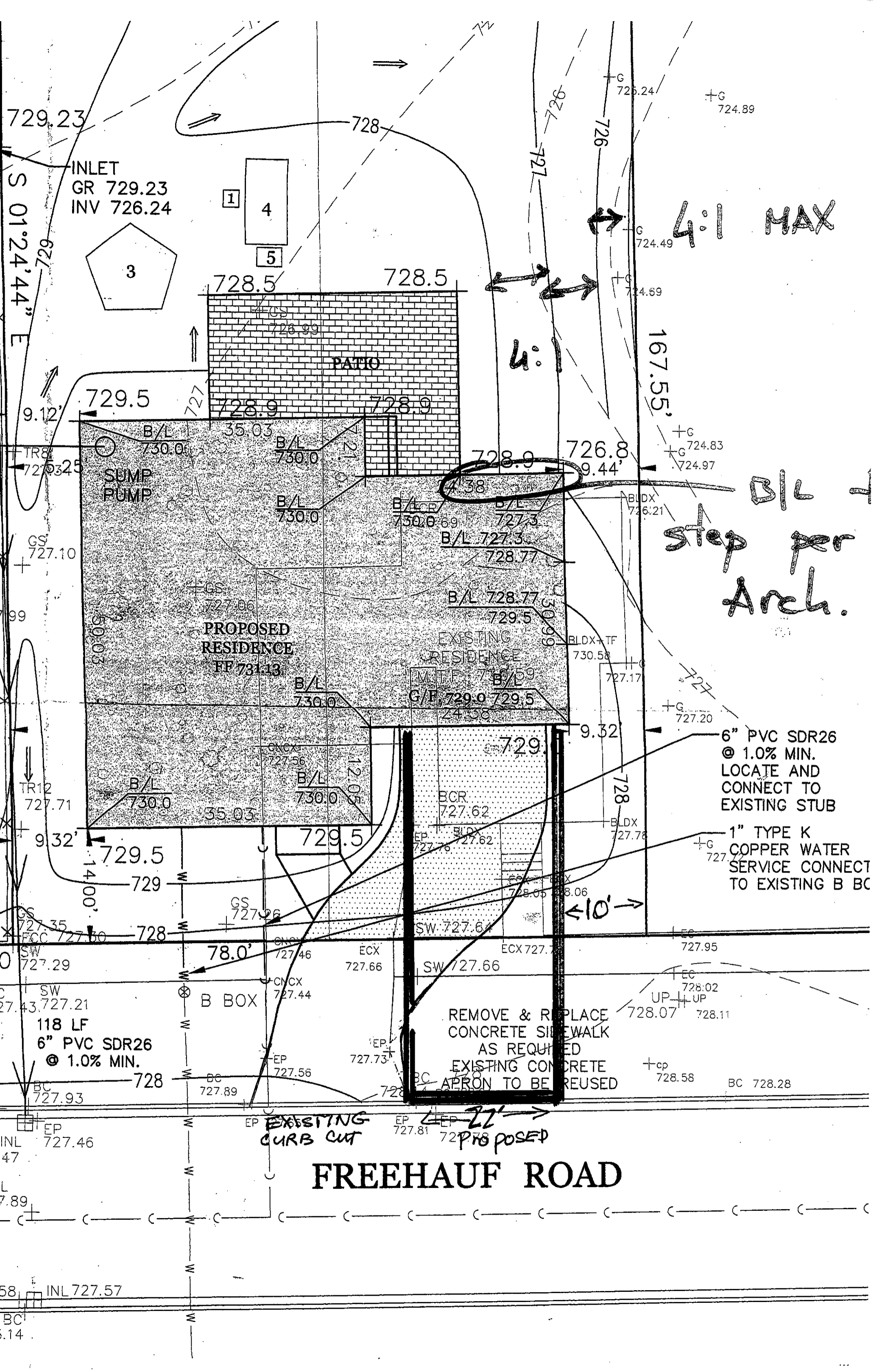
RESIDENCE WITH ATTACHED GARAGE IS NOT ALIGNED WITH THE EXISTING CURB CUT.

UDO Section 17.04.150.D.1.c

The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

THERE ARE SCATTERED LOTS ON THE SAME STREET THAT ACCESS THEIR

GARAGE FROM THE STREET.



INLET
GR 729.23
INV 726.24

4:1 MAX

PROPOSED
RESIDENCE
FF 73113

EXISTING
RESIDENCE

step per
Arch.

6" PVC SDR26
@ 1.0% MIN.
LOCATE AND
CONNECT TO
EXISTING STUB

1" TYPE K
COPPER WATER
SERVICE CONNECT
TO EXISTING B BC

REMOVE & REPLACE
CONCRETE SIDEWALK
AS REQUIRED
EXISTING CONCRETE
APRON TO BE REUSED

FREEHAUF ROAD

EXISTING
CURB CUT

PROPOSED

S 01°24'44" E

INL 727.57

BC 727.14



Subject Site



Detached garage, accessing off alley, on subject site



North side of Freehauf Street, looking west



South side of Freehauf Street, looking west