

**VILLAGE BOARD
COMMITTEE OF THE WHOLE MEETING**

**SEPTEMBER 15, 2014 - 7:00 P.M.
LEMONT VILLAGE HALL
418 MAIN ST.
LEMONT, IL 60439**

AGENDA

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. DISCUSSION ITEMS**
 - A. 901 SINGER AVE. VARIATION DISCUSSION
(PLANNING & ED)(STAPLETON)(JONES/GLAS)**
 - B. ST. MARY'S WATER CONNECTION REQUEST DISCUSSION
(ADMIN.)(REAVES)(SCHAFFER)**
- IV. UNFINISHED BUSINESS**
- V. NEW BUSINESS**
- VI. AUDIENCE PARTICIPATION**
- VIII. ADJOURN**



Village of Lemont
Planning & Economic Development Department

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

TO: Committee of the Whole
FROM: Martha M. Glas, Village Planner
THRU: Charity Jones, AICP, Planning & Economic Development Director
SUBJECT: Case 14-07 901 Singer Ave Variation
DATE: September 9, 2014

SUMMARY

Joe Dlugopolski, owner of the subject property, is requesting a variation to place a 6' privacy fence 4.2' into the required corner side yard setback at 901 Singer Ave. The property is zoned R-4A and the required corner side yard setback is 7.2' or, 12% of the lot width. The applicant is requesting the 6' privacy fence to be placed in the same location as the existing 3' decorative fence. Staff does not recommend approval of the variation. PZC members were split and voted 3-3.



PROPOSAL INFORMATION

Case No. 14-07
Project Name 901 Singer Ave

General Information	
Applicant	Joe Dlugopolski
Status of Applicant	Owner of the subject property
Requested Actions:	Variation to allow a 6' privacy fence 4.2' into the required corner side yard setback.
Site Location	901 Singer Ave (PIN 22-29-119-001)
Existing Zoning	Lemont R-4A, Single-Family Detached Residential
Size	6,630 sf; approx. 0.152 acres
Existing Land Use	Single-family residential
Surrounding Land Use/Zoning	North: Single Family Residential, Lemont R-4A
	South: Single Family Residential, Lemont R-4A
	East: Multi-family Residential, Lemont R-6
	West: Single Family Residential, Lemont R-4A
Comprehensive Plan 2002	The Comp Plan calls for this site to medium density 2-6 du/acres.
Special Information	
Public Utilities	The site is serviced with Village water or sewer
Physical Characteristics	Site has no unusual topography
Other	

BACKGROUND

The applicant constructed the home in 2010 and was aware of the 7.2' corner side yard setback for the subject lot. The owner installed a 3ft decorative fence that is located 3' from the lot line. For privacy, the owners were advised to install bushes as the UDO does not regulate landscaping on residential lots. A majority of the bushes that were installed have not survived. The applicant states that soil conditions are poor and they have been unable to maintain the landscaping. The applicant is requesting a variation to allow a privacy fence in the location where the decorative fence currently exists. The homeowner intends on increasing the height to 6' to match what exist along the rear lot line of the property. See site photos for reference.

CASE HISTORY

PZC Public Hearing. The Planning & Zoning Commission conducted a public hearing on the requested variation at its August 20, 2014 meeting. Staff did not recommend approval of the variation as all 3 standards for evaluating variation requests were not substantially met. Particularly, the hardship was created by the owner and the variation request would be applicable to other corner lots. The PZC members were split and voted 3-3.

Chairman Spinelli was most concerned with safety and adhering to the vision triangle. The fence, as proposed, would meet the vision triangle defined in the UDO, however, the Chairman believed the fence would cause obstruction to motorists exiting the alley behind the subject property. The owners contended that evergreen bushes planted along the fence line would create the same obstruction.

The UDO does not regulate the placement of landscaping. If evergreens were planted and survived, they would be closer to the sidewalk than the proposed fence and would likely cause a greater visual obstruction than the proposed fence.

Another concern was the close proximity of a privacy fence to the sidewalk. Commissioners stated that a corner side yard provides a buffer and a privacy fence closer to the sidewalk than what is permitted would create a wall effect for public using the sidewalk. The owners contended that the area is a high traffic area and many people from the apartment complex behind their lot park along Norton and pass their yard. They further stated that a privacy fence would allow them to utilize their yard without feeling like they are on display. Additionally, the owners stated that while moving the fence inward an additional 4.2' is an option, it would reduce the size of their already small yard. They also contended that because the area is higher traffic, the 3' fence does not provide adequate protection for their children when they are out in the yard.

Commissioners Sanderson, Kwasnewski, and Sullivan voted to approve the fence stating that the vegetation would likely not grow there. Allowing the privacy fence would allow the family to maximize their limited yard space and would allow them reasonable use of the yard.

Those against approval offered alternatives such as a 5' fence or a semi-private fence. The applicants stated that they had not considered those options as they wanted to match the existing fence along the rear lot line.

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 clearly not applicable to this variation request. The remaining four components are applicable:

- *Promoting and protecting the general health, safety and welfare.* The proposed variation should have no impact on public safety, health or welfare. The proposed fence would be placed outside the vision triangle identified in UDO Figure 17-12-01 and therefore, would not create a hazard for pedestrians.
- *Ensuring adequate natural light, air, privacy, and access to property.* The proposed variation would not negatively impact light or air to the property. The fence would increase privacy for the homeowners.
- *Protecting the character of established residential neighborhoods.* The R-4A district is generally comprised of smaller lots and is designated for preservation and infill. The subject property is in a somewhat transitional area, located 1 block away from State Street and adjacent to higher

density residential development, but it is in an established neighborhood nonetheless. A 6' privacy fence is permitted if it meets the setbacks. The variation request would permit the 6' privacy fence to be 4.2' into the required corner yard setback which is more than half of the required corner side yard. While this individually would not necessarily impact the character of the residential neighborhood it would set a precedent that could result in an overall change over time.

- *Conserving the value of land and buildings throughout the Village.* The addition of a fence is generally seen as an improvement to a property and when kept in good repair, has potential of increasing the value of the land and buildings in the surrounding area.
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 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.

- a. *Particular physical surroundings, shape or topographical conditions results in a particular hardship upon the owner as distinguished from a mere inconvenience.* The applicant asserts that the physical surroundings create a hardship because the home is on busy corner and adjacent to an apartment complex that has high traffic volume. The applicant has stated that safety is a concern and previous attempts to provide landscape screening have failed due to poor soil conditions.

Dense landscaping can provide the desired screening and privacy; the applicant contends, however, that poor soil conditions prevent this. Without actual soil samples or a soil analysis it is difficult to validate this as a hardship. Soil amendments are readily available as are other plant varieties that may be better suited for the existing conditions.

In regards to the concerns about safety and traffic in the area, a 6' privacy fence located to meet the required corner yard setback would provide equal protection.

The applicant further claims that the UDO's fence location restrictions create a hardship for their enjoyment of limited outdoor space. Additionally, they have children and dogs and are concerned about their safety. The existing fence is located 4' from the lot line. A 6' privacy fence would be permitted if moved inward an additional 4.2'. While some yard space would be lost, staff finds that the physical surroundings cannot be attributed to the hardship and the proposed location is a preference.

- a. *The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district.* The conditions upon which this petition is based would be applicable to other properties in residential zoning districts. On Singer Ave., two other corner lots are adjacent to apartment complexes. The home depicted below is located on Singer and Eureka and has similar physical surroundings and currently maintains a row of landscaping to provide privacy.



- b. *The alleged difficulty or hardship has not been created by any person presently having an interest in the property.* The applicant built the home in 2010 and was advised of the fence regulations at the time. The applicant installed a decorative fence in the corner side yard and installed bushes along the fence line to provide screening. The applicant has stated that poor soil conditions prevented the bushes from establishing and resulted in their removal. The applicant could install a 6' privacy fence at the corner setback line; however their intention is to increase the fence height of the existing fence, which is 3' from the lot line. Because the existing lot conditions were created by the current owners, the desire to not move the fence to meet the setback is a hardship created by the owners.
- c. *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 project is located.* The variation would not be detrimental to the public welfare or injurious to other property. It would, however, have a negative impact on the streetscape. A 6' privacy fence only 3' from the sidewalk will create a wall effect for any pedestrians waking along Norton. Given the potential soil problems, landscaping, which is often used to mitigate the negative visual impact of fences, would likely not be an option.
- d. *The variation will not impair an adequate supply of light and air to adjacent properties or substantially increase congestion in the public street or increase*

the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood. The variation would not endanger public safety, substantially impair property values, diminish adequate supply of light or air, or increase the danger of fire or congestion.

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

Analysis. Usually, in evaluating corner side yard variation requests the Village is concerned with examining impacts to adjacent neighbors whose front yards are adjacent to a corner side yard variation. In this case there are no such neighbors in that the rear yard abuts an alley and is next to the parking area for the neighboring apartment complex. The circumstance applicable to this case is the location and proximity to more intense land uses. The variation to allow a 6' fence into the required corner side yard would not be a substantial detriment to adjacent property.

A variation allowing a 6' privacy fence to be installed 3' from the lot line rather than the required 7.2' would likely not alter the essential character of the locality. As discussed, however, there would be a negative visual impact from having of a privacy fence closer to the lot line than what is permitted.

CONCLUSIONS & RECOMMENDATIONS.

The UDO requires that the applicant demonstrate consistency with all three of the variation standards contained within §17.04.150.D. and staff finds that not all three were substantially met.

The corner side yard fence setback protects homeowners adjacent to the rear of a corner lot. In this case the lot backs up to an alley and is adjacent to a parking area for the neighboring apartment complex. While the physical surroundings contribute to the desire for a 6' privacy fence, the surroundings do not create a hardship for meeting the fence regulations. The fence, if moved inward an additional 4.2', would comply with the fence location regulations and provide security and screening. Staff finds that because the applicant purchased the lot, built a home and constructed the existing fence with knowledge of the UDO fence regulations, the hardship is created by the applicant.

Recognizing that constructing the fence at the setback line would reduce the amount of yard space, the fact remains that this variation request would be applicable to other corner lot properties and is a hardship created by the applicant. Based on the analysis above and the inability to substantially meet all three criteria, staff does not recommend approval the requested variation. In evaluating the request and circumstances, PZC members were split and voted 3-3.

ATTACHMENTS

1. Site Photos
2. Minutes from 8/20/14 PZC meeting
3. Applicant submittals

SITE PHOTOS





Village of Lemont
Planning and Zoning Commission
Regular Meeting of February 19, 2014

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, February 19, 2014 in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Chairman Spinelli called the meeting to order at 6:35 p.m. He then led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Kwasneski, Maher, McGleam, Sanderson, Sullivan, Spinelli

Absent: None

Planner Martha Glas was also present.

C. Approval of Minutes July 16, 2014

Commissioner Kwasneski made a motion, seconded by Commissioner Sullivan to approve the minutes from the July 16, 2014 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS

Chairman Spinelli greeted the audience. He then asked for the audience to stand and raise his/her right hand. He then administered the oath.

III. PUBLIC HEARINGS

Case 14-07 – 901 Singer Avenue Variation.

Variation to allow a 6' privacy fence into a corner side yard setback.

Chairman Spinelli called for a motion to open the public hearing.

Commissioner McGleam made a motion, seconded by Commissioner Sanderson to open the public hearing for Case 14-07. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Chairman Spinelli asked for staff to make their presentation.

Mrs. Glas stated this is a variation to allow a six foot privacy fence into a corner side yard setback. She presented the fence regulations on the overhead screen. She said fences are not permitted in a corner side yard. The intent of a corner side yard setback is meant to protect neighbors from having a six foot privacy fence in their front yard. This particular case it is not applicable because the lot is adjacent to an alley which is next to a parking area of an apartment building. Substantially, meeting the criteria for the variation is still applicable.

Mrs. Glas showed a picture of the subject area on the overhead. The lot is located on the corner of Singer and Norton. The applicant is requesting a variation to allow a three foot decorative fence be increased to a six foot privacy fence. The applicant constructed the home in 2010 and at that time they installed the decorative fence. The owners were concerned about privacy at that time and were advised to put a landscape barrier along the fence. The Village does not regulate the amount of landscaping on a residential lot. She stated the applicant did try to do that and were unsuccessful in keeping it alive and maintained. The existing fence is 4.2 feet into the corner side yard. The side yard setback for this particular lot is 7.2 feet.

Mrs. Glas said they did have one neighbor call concerned about visibility coming out of that alley. There is a vision triangle that stipulates that for street corners there has to be a 20 x 20 foot triangle. In its current location on the north side the three foot decorative fence is three feet from the lot line. On the east side abutting the alley it is right up to the lot line. She then showed a picture of the current fence on the east side. In its proposed location, the fence would be outside of the vision triangle.

Chairman Spinelli stated the vision triangle should be based on the lot lines and not the street lines.

Mrs. Glas said it is the street lines.

Chairman Spinelli stated that needs to be looked at. The intent when proposed was supposed to be from the lot lines because of public safety on sidewalks. He said before the 20 x 20 it used to be 6 x 6 on the property line. He stated after this case staff needs to look at regulation.

Mrs. Glas said there are three standards that have multiple components in the standards. The first standard is that it is in harmony with the general purpose and intent of the UDO (Unified Development Ordinance). The intent of the UDO for protecting your neighbor is not relevant for this particular case. However, there is a component that talks about the character of the neighborhood. Allowing a privacy fence closer to the

lot line then what is permitted may not impact it individually, but can set precedence for other requests. The second criteria are that the plight of the owner is due to unique circumstances and would impose exceptional hardships. The circumstances in this case are the applicant's desire for privacy from adjacent land uses which includes the apartment building. Also the desire to increase the height of the existing fence rather than moving it to the permitted location. Moving the fence to meet the required setback would reduce the applicant's existing yard space by about 225 square feet. The applicant has tried to screen the yard with landscape but has been unsuccessful.

Mrs. Glas stated the existing lot conditions were created by the lot owner. Meaning they constructed the house, put up the decorative fence and now want to increase the height in the same location. Additionally this request would be applicable to other lots and there are other corner lots in the general vicinity that are adjacent to apartment complexes with similar land use concerns.

Mrs. Glas said the third criteria are that it will not alter the essential character of the locality and will not be a detriment to adjacent property. Allowing a six foot privacy fence closer to the lot line than what is permitted would have negative visual impact to pedestrians. It would create a wall a lot closer to a sidewalk then if we would allow some green space in between. She stated it would not be detrimental to adjacent property which in this case would be the apartment complex. Because the variations are based on meeting these criteria, staff does not recommend approval.

Chairman Spinelli asked if because there is an alley if the vision triangle is different.

Mrs. Glas stated with the vision triangle there are two options. One if there is a street to a street, which would be the twenty feet. The other being if there is a driveway or a driveway access or an access aisle which would be ten feet. This would be the more restrictive vision triangle because it is a street to an alley.

Chairman Spinelli asked being that it is an alley, isn't it a still dedicated access.

Mrs. Glas said yes it is.

Chairman Spinelli asked if they knew how far the new solid fence on the alley was off of the property line.

Mrs. Glas stated the solid fence off the alley is on the property line. The plat of survey shows their original decorative fence. The applicant came in a couple of months ago asking for the privacy fence in the rear yard. The applicant was not able to carry that along the whole rear lot line because of the corner side yard. The applicant moved it three feet forward at the point it was a corner side yard.

Commissioner McGleam asked if that was permitted.

Mrs. Glas said that was permitted. The rear fence can be on the lot line with a privacy fence. The corner side yard can't have a privacy fence.

Chairman Spinelli asked if the Village allows fences right on the alleyway.

Mrs. Glas said yes they do.

Commissioner Sullivan asked what was across the street from the three foot decorative fence.

Mrs. Glas stated it was residential.

Commissioner Sullivan asked how that protects the view of the apartment complex.

Mrs. Glas said their issue is with privacy and safety.

Commissioner Sullivan asked how high is the apartment building.

Mrs. Glas stated it was a two and half story building.

Chairman Spinelli asked if anyone else had questions for staff. None responded. He then asked if the applicant wanted to come up and make a presentation.

Joe Dlugopolski, 901 Singer Avenue, Lemont, passed out photos to the Commissioners of another home that is on the corner of Warner and Cass that has a six foot privacy fence on a side yard. He said initially when they put up the three foot decorative fence staff recommended using landscape as fillers for privacy. In the pictures from staff's report you can see only five bushes survived out of all of them. They had planted 40 some trees along the side and back. He stated he was well aware of the 7.2 setback. Obviously the yard is not very large and every foot counts. He felt comfortable stepping that back three feet off the sidewalk and planting the trees, but that did not work. He said if they try the trees/bushes again and they take they will be pushing out towards the sidewalk. The vision triangle will be more affected if they do the trees/bushes rather than the six foot privacy fence.

Mr. Dlugopolski said it is a high traffic street and there are a lot of people coming through the alley. He stated there is also a lot police activity and he has children that he is trying to protect and keep safe. He said he is trying to make it look nice with safety being a concern.

Chairman Spinelli asked about the police activity and traffic.

Mr. Dlugopolski stated he sees police there once to three times a week. He said there are a lot of people filtering through. Most of the people are nice but there are three to five families filtering through that cause a few a problems. He finds trash in his yard and people block cars.

Chairman Spinelli said if the trees were able to be planted on the sidewalk side of the fence, he agrees they would be encroaching on the sidewalk. Also with the 20 x 20 vision triangle, that is not only for fences but for any above ground obstruction. He stated he would be restricted planting there also. If the vision triangle is what staff reported, he would like it noted that it is not the original intent. Regardless of how this Commission makes its recommendation to the Village Board he is going to make the suggestion that the vision triangle be taken from the property line and not the street line.

Ms. Glas stated that the vision triangle is specific to fences and does not apply to landscaping.

Mr. Dlugopolski stated that a vision triangle from his lot line would cut off half his yard.

Chairman Spinelli said he is looking for public safety. Before the meeting he had visited the property and came down the alley to pull out onto the street. He stated half of his vehicle had to get onto the sidewalk in order to see down the sidewalk. He said he has always aired on the side of safety when it comes to public safety and sidewalks. He has made developers move monument signs because it is blocking the vision triangle. Regardless on how the Commission votes one of the recommendations will be that the vision triangle is adjusted based on how he feels the original intent was.

Commissioner Sullivan asked when was the rear six foot fence put in along the alley.

Mr. Dlugopolski stated it was less than two months ago.

Commissioner Sullivan asked if that was permitted and allowed.

Mrs. Glas said yes.

Commissioner Sullivan asked if the vision triangle was looked at when that was put in.

Chairman Spinelli stated he feels it was based on the way the ordinance was written.

Barbara Antol, 901 Singer Avenue, Lemont, said she understands that safety is the most important thing. However, what was approved before were the privacy bushes, whether it is the bushes or the privacy fence how does that change. She stated you can see the bushes that survived and what it would look like for the visibility.

Chairman Spinelli stated they had built their house in 2010 and the vision triangle had not been approved at that time.

Ms. Antol said the bushes did not go in during 2010.

Mr. Dlugopolski stated it was at the end of 2011 that they put the bushes in.

Chairman Spinelli said he does not know the exact date that this vision triangle became an ordinance.

Commissioner Maher stated the point is if you go ahead and put the same bushes in, where you have the fence stopping is where you would have to stop with the bushes as well. He said you would not be able to wrap all around this.

Mrs. Glas said the vision triangle is under fences and under development signs. Landscaping at the time they built their house and currently is not regulated for where it can and can't be placed.

Commission Sullivan stated if the owner took where the six foot fence ends now and took it on a 45 degree angle and went down he would then open up that vision triangle.

Chairman Spinelli said the fence would have to be outside of the vision triangle if it is anything more than a three foot fence.

Mr. Dlugopolski stated with that 20 x 20 vision triangle from his property line he would lose that whole back fence.

Ms. Antol said that was just put in and now they are going to be held to some standards. She stated she does not see any difference in terms of visibility if it is a six foot fence that is not going to move or six foot bushes that could grow as tall as eight feet and unruly. That would create more of a hazard and could grow onto the sidewalk. She said why would she want to cut into her yard and take away space from her kids. It would create more dead space for dogs to poop on in her neighborhood.

Chairman Spinelli asked if there was any attempt to put the trees within the fence line to provide the screening, since they didn't survive between the sidewalk and the fence.

Ms. Antol stated they spent \$5,000 to put the bushes in, by the time summer ended they were brown. They took those bushes out and have been trying to decide since then what is their best option.

Mr. Dlugopolski said the lot is small and if you are trying to put a 20 x 20 triangle in there then you are taking away half my yard. He stated moving it in to the 7.2 also decreases the yard. He does not mind cutting it at a 45 degree angle for safety concerns. He said if he puts the bushes back in then it will create a larger problem.

Commissioner Sanderson stated he agrees with him. If he is allowed to put the bushes back in then he would rather see a fence. He understands safety but a 20 x 20 triangle on that size lot is too much especially with what is adjacent to him. He said let him do a 45 degree angle, it would be much better than having bushes all around.

Chairman Spinelli said he has a problem with having a solid fence that close to a sidewalk. The last three fence requests that have come before the Commission were for pools. He stated they have made all of those fences come eight feet off the property line. There was even a gentleman in Mayfair that had to do a strange angle because of the sidewalk.

Ms. Antol asked what the concern is with the sidewalk and the fence.

Commissioner Maher stated it is with people using the sidewalk.

Ms. Antol said if there were bushes then they would not even have the three feet.

Commissioner McGleam asked if staff can clarify what the intent is for the 7.2 foot setback. He stated you passed out a picture and what they are trying to avoid is something that looks as terrible as that.

Mrs. Glas stated the intent of the corner side yard setback was to protect an adjacent house from having a privacy fence in their front yard. The criteria for a variation has other standards. The visual impact of having a fence right up along your sidewalk speaks toward character and allows for a buffer. The intent is to protect adjacent neighbors, but there are other things that they look for with the criteria for the variation.

Commissioner McGleam asked if there is a different setback depending on the type of fence.

Mrs. Glas said a decorative fence is permitted in a front yard or a corner side yard. The size was just recently changed from three feet to four feet. This allows residents to enclose the yard without having that impact of a wall next to you.

Commissioner McGleam asked if the applicant had thought of putting up a six foot ornamental fence along the sidewalk instead of a privacy fence.

Ms. Antol stated it is a busy street with everyone from the apartments parking along that street. She said as her kids are playing in the backyard there are constantly people walking back and forth. She is not saying that someone is going to try and take her kids but things can happen in nice neighborhoods. She stated she can't even turn her head for three seconds without worrying that something is going to happen. This is her home and she should feel safe and comfortable.

Chairman Spinelli asked on the decorative fence rule can the four foot fence be solid.

Mrs. Glas said it cannot, it has to be 50% opaque.

Commissioner Sullivan asked if landscaping can be planted on the inside of that fence.

Chairman Spinelli stated yes it can.

Mr. Dlugopolski said the lot is small and you will take away more of the lot.

Ms. Antol stated the landscaping is permitted on the outside so why would they want to bring it inside.

Mr. Dlugopolski said if that was the case he would have built at the 7.2 feet and went straight across. He stated that would have left a side yard for the apartment building to park their toys, beer bottles, or for them to walk their pets on. He said that is why the landscaping has not survived. After he planted new grass he had asked for them not to walk on it and they just yelled at him.

Chairman Spinelli stated he wondered if there was a solid four foot tall fence with an open decorative feature at the top. This way you would get the privacy you need but there will still be the openness at the top. He said he has a hard time permitting a solid six foot tall fence that close to the sidewalk.

Commissioner Sullivan asked if those cars on the street park there overnight.

Mr. Dlugopolski said yes they do. He stated the parking is not that big of a problem.

Ms. Antol stated she is not sure why they would want to do a four foot solid with the open at the top rather than the six foot privacy.

Commissioner McGleam said it helps the appearance of the side yard and the view along the parkway or street. He stated he thinks it would be a good compromise. It would make the fence tall which will provide additional security and it gives that clear vision.

Chairman Spinelli stated that was just something he was throwing out there as a compromise. He is not sure if it is even possible.

Commissioner McGleam asked if they know of any other reason other than the dogs as to why the shrubs did not take.

Ms. Antol said after spending \$5,000 the first time you are not in a rush to spend more. She stated she is not sure. She said it is something they could try, but they would still be planting it along the outside which might be defeating the purpose of what the Commission is stating. If they put up the fence then there is still three feet of space for people to walk down the sidewalk without getting scratched or for dogs to walk on.

Commissioner McGleam asked if they have ever considered a five foot solid fence.

Mr. Dlugopolski stated since the back fence was six feet they thought it would be easier to wrap around.

Chairman Spinelli asked if there was anyone else in the audience that wanted to speak in regards to this case. None responded. He then called for a motion to close the public hearing.

Commissioner Maher made a motion, seconded by Commissioner Kwasneski to close the public hearing for Case14-07. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Chairman Spinelli asked if there were any further questions or comments from the Commission. None responded. He then called for a motion for a recommendation to the Mayor and Village Board of Trustees.

Commissioner Maher made a motion, seconded by Commissioner Sullivan to recommend to the Mayor and Board of Trustees approval of Case 14-07, variation to allow a six foot privacy fence at 901 Singer Avenue. A roll call vote was taken:

Ayes: Kwasneski, Sanderson, Sullivan

Nays: McGleam, Maher, Spinelli

Motion failed

IV. ACTION ITEMS

Athen Knolls Resubdivision – Subdivision of a single lot into two which allows an existing detention basin to become a separate lot.

Mrs. Glas said this was a previously approved subdivision. The particular lot is zoned B-1 and includes an easement which encompasses a detention area. The Village has been working with the owner of this property because there are some maintenance issues with the detention area and it was determined that the best course of action was to divide the basin from the lot.

Mrs. Glas said staff approves the plat of resubdivision. She stated they would only take over the detention basin and not the other half of the lot.

Chairman Spinelli asked if it was a wet basin with standing water.

Mrs. Glas stated it has been referenced as a “pond” so there is standing water.

Chairman Spinelli asked if the Village is willing to take on this maintenance and asked if all 16 homes were part of the Village of Lemont.

Mrs. Glas stated yes they are. She said both empty parcels will remain B-1.

Chairman Spinelli asked if the commercial lot comes in and has to provide storm water detention where are they going to provide that. He stated he understands that the

Variation Application Form

APPLICANT INFORMATION

Joseph Dlugopolski

Applicant Name

Owner

Company/Organization

901 Singer Ave, Lemont

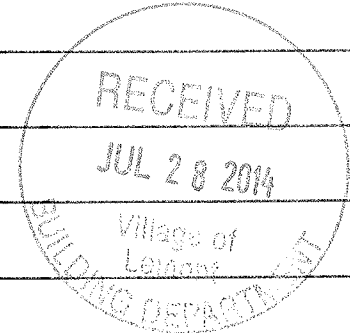
Applicant Address

708.415.2145 (cell) 866.899.3719 (fax)

Telephone & Fax

jdpolski@gmail.com

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

901 Singer Ave

Address of Subject Property/Properties

Parcel Identification Number of Subject Property/Properties

Size of Subject Property/Properties

DESCRIPTION OF REQUEST

Requesting to add to an existing 3 ft fence on side of home, increasing to a full 6ft fence, for increased privacy and safety. The previously approved Brief description of the proposed variation landscaping plan had been initiated in the previous year and all the landscaping bushes had died and had to be removed leaving backyard fully exposed.

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

Date

State

County

[Handwritten Signature] 7-28-14
ILLINOIS COOK

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that Joseph Dlugopalski 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 20th day of July A.D. 20 14.

My commission expires this 3rd day of December 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 proposed variation will first and foremost cause no detriment to public welfare or impede negatively on any other property or improvement actions in the surrounding neighborhood. This variation will also not impair on adequate light or air supply to adjacent properties or have any negative impact on congestion in public streets putting the properties and residents at in dander of fire or other public safety. The proposed variation will most definitely improve the aesthetic appearance of the neighborhood and there is no concern for diminishing

UDO Section 17.04.150.D.1.a

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

CONTINUED FROM PREVIOUS...

Property values within the neighborhood.

Furthermore this alleged difficulty or hardship has not been created by any person presently having an interest in the property. The home was built per code on the empty lot near 4 years ago.

901 Singer Ave is the corner lot located on the streets of Singer and Norton. The primary concerns prompting this variation appeal would include the physical surroundings. Singer Ave is located just one block in of the Main St. Along Norton Ave the property also backs up to an alleyway housing a full apartment complex and residents parking spaces. Although street stop signs are present on only Norton Ave passerby vehicles often roll through these stops signs and rarely are going the posted speed limits. A beautiful new home was built up in a wonderful, convenient, and safe, neighborhood. Although the family does not have any immediate concerns in terms of child abduction, the existing 3ft fence provides very little in terms of safety and security for a family with 2 young children and expectant of a 3rd. The family's young puppy will also grow to be near 60 lbs in adulthood. The existing fence again provides little in terms of safety for both the family and pedestrians. Even with the most stringent monitoring children and pets are both naturally unpredictable. A full 6 ft fence would provide the family with a safe and secure yard for their children and pets to enjoy themselves without the constant stress and worry that turning your head for a brief moment will yield a child or pet running into the busy streets. If any place for an individual to feel safe and secure, that would be their home in their own neighborhood.

The previously approved landscaping plan had been initiated the year prior in an attempt to increase privacy and safety, however due to the condition and health of the soil near on the property, all but 4 or 5 of the landscaping bushes had died within months and were simply plucked right out of the soil with little effort. After spending near \$5,000 to create a pseudo privacy fence the family is again left feeling completely exposed.

With approval of the variation the existing 3 ft fence, currently 3ft in from sidewalk placed by the family at time of building, would be increased to a 6ft fence. This would create an aesthetically pleasing addition to the home and neighborhood, would cause absolutely no detriment to any surrounding properties or residents, and would have no ill affect on safety as there would be no change in visibility for drivers on the streets or in the alley way. Above all would provide for a safe environment to children to play in their own backyard.

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 primary concern and reason for initiating this appeal is to simply increase the privacy and safety of the home and backyard area. The family consists of two young children, 2 & 4 yrs of age, with one on the way in Jan '15. A recent family addition includes a lab/boxer mix puppy who will grow to be near 60 lbs in weight. Being located on a relatively busy corner lot just once block in from Main St and backing an alley way, only a full 6 ft fence could provide an adequate sense of security, safety, and privacy for the homeowners/family.

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 proposed variation will absolutely not alter the character of the locality in any sense. The property is located on a side/corner lot backing an alley with an apartment complex. Increasing the existing fence to the proposed 6 ft fence would create no detriment to any surrounding properties or residents. A 6 ft wood framed fence, as opposed the already approved 6ft plus landscaping plan, would create equal if not improved aesthetic appeal. Placement of this 6ft fence would also not cause any increased visibility issues from a street or alley standpoint than would a full 6ft plus landscaping plan. A permanent fence fixture may also prove to be a safer option in terms of visibility as landscaping can become unruly and grow several ft higher.

**QUIT CLAIM DEED
Statutory (ILLINOIS)
(Individual to Individual)**



Doc#: 1109446219 Fee: \$42.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 04/04/2011 02:09 PM Pg: 1 of 4

(Above Space for Recorder's Use Only)

THE GRANTOR (S) Joseph Dlugopolski married to Barbara Antol, of the City of Lemont, County of Cook, State of Illinois for the consideration of (\$) TEN DOLLARS, and other good and valuable considerations in hand paid, **CONVEYS and QUIT CLAIMS** to

Joseph Dlugopolski and Barbara Antol husband and wife as tenants by the entirety,

all interest in the following described Real Estate, the real estate situated in Cook County, Illinois, commonly known as 901 Singer Ave. Lemont, IL 60439, legally described as:

SEE ATTACHED LEGAL

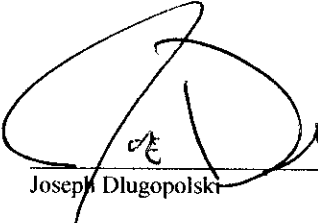
hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.:

Permanent Real Estate Index Number(s): **22-29-119-001-0000**

Address(es) of Real Estate: **901 Singer Ave. Lemont IL 60439**

Dated this 16 day of December, 2010

PLEASE
PRINT OR


Joseph Dlugopolski

(SEAL)

(SEAL)

BELOW
SIGNATURE(S)

(SEAL)

(SEAL)

THIS IS NOT HOMESTEAD PROPERTY

State of Illinois, County of Cook ss, I, the undersigned, a Notary Public
In and for said County, in the State aforesaid, DO HEREBY CERTIFY that Neil
McLaughlin personally known to me to be the same person(s) whose name(s)
subscribed to the foregoing instrument, appeared before me this day in person,
and acknowledged that they signed, sealed and delivered the said instrument as
their free and voluntary act, for the uses and purposes therein set forth, including
the release and waiver of the right of homestead.

Given under my hand and official seal, this 16 day of December, 2010.



Commission expires 4-18-11

NOTARY PUBLIC

This instrument was prepared by: DENNIS FOX INC. 6165 S ARCHER, CHICAGO, Illinois 60638

MAIL TO:

SEND SUBSEQUENT TAX BILLS TO:

Joseph Dlugopolski
901 Singer Ave.
Lemont IL 60439

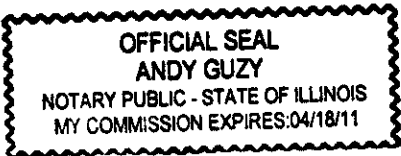
Same As Mail To

OR

Recorder's Office Box No. _____

EXEMPT UNDER PROVISIONS OF PARAGRAPH
E SECTION 31 - 45,
REAL ESTATE TRANSFER TAX LAW
DATE: 12-18-10

Signature of Buyer, Seller or Representative

(Notary Public)

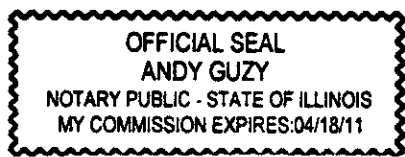
LOT 20 IN BLOCK 3 IN NORTON AND WARNER'S SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTH 30 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

STATEMENT BY GRANTOR AND GRANTEE

The grantor or his agent affirms that, to the best of his knowledge, the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois Corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title real estate to real estate in Illinois, or other entity recognized person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

Date 12-16 2010
Signature: [Handwritten Signature]
Grantor or Agent

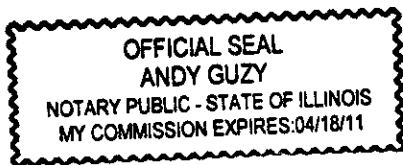
Subscribed and sworn to before
me by the said Grantor
this 16 day of December, 2010
Notary Public [Handwritten Signature]



The grantee or his agent affirms and verifies that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title real estate to real estate in Illinois, or other entity recognized person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

Date 12-16 2010
Signature: [Handwritten Signature]
Grantee or Agent

Subscribed and sworn to before
me by the said Grantee
this 16 day of December, 2010
Notary Public [Handwritten Signature]



Note: Any person who knowingly submits a false statement concerning the identity of a grantee shall be guilty of a Class C misdemeanor for the first offense and of a Class A misdemeanor for subsequent offenses.

(Attached to deed or ABI to be recorded in Cook County, Illinois, if exempt under the provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.)



Area Survey Company
16144 S. Bell Road
Homer Glen, Illinois 60491

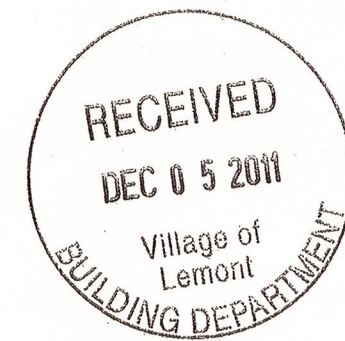
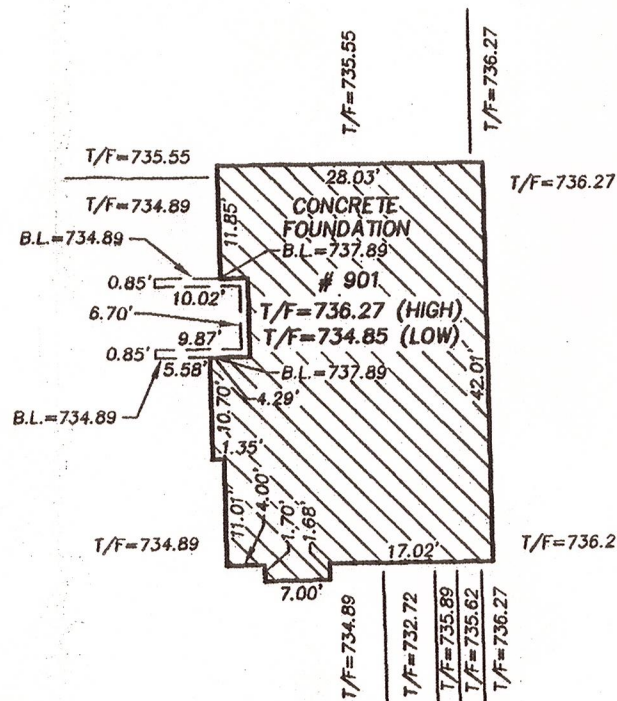
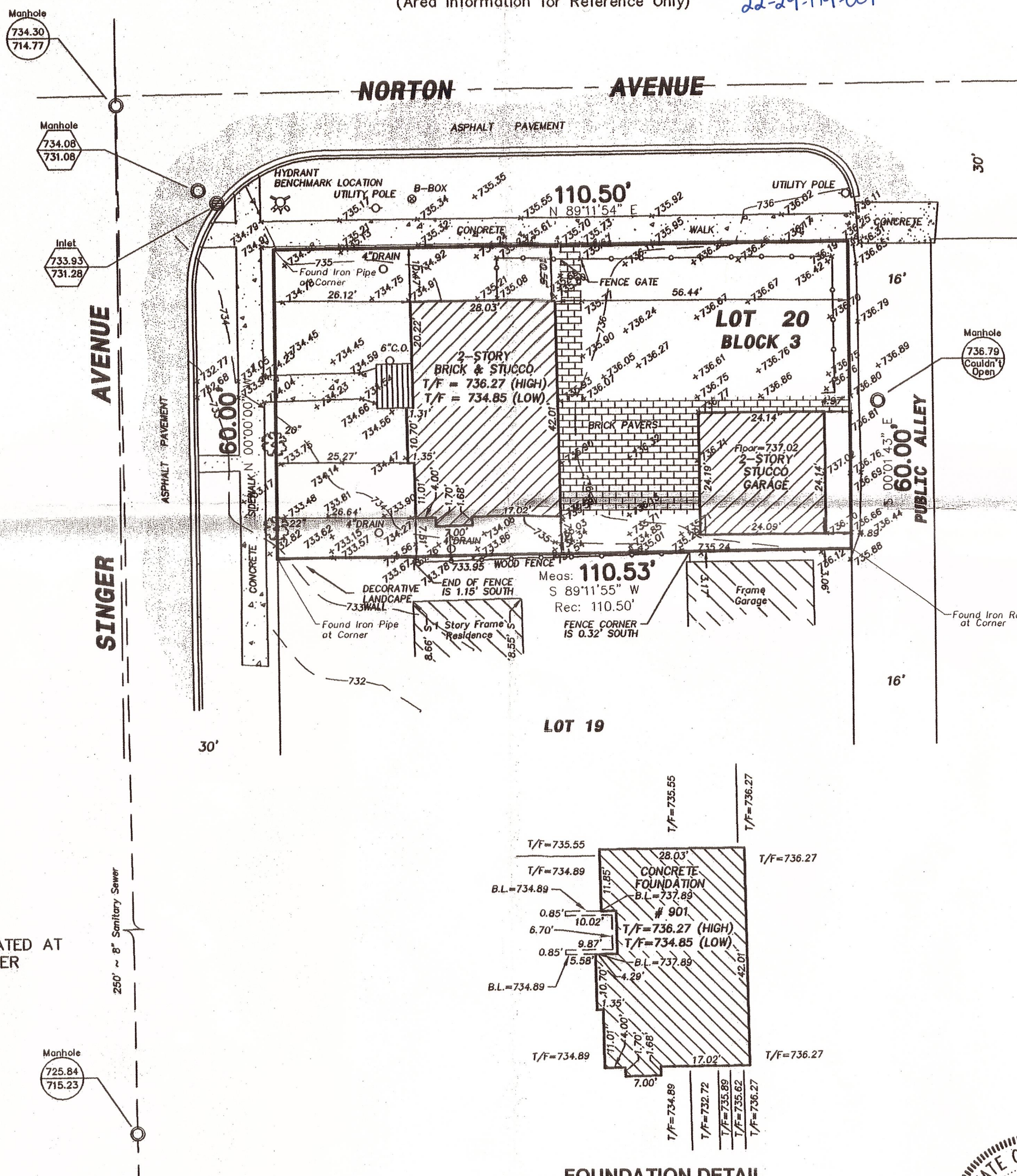
FINAL GRADING SURVEY

Phone: (708) 349-7364
Fax: (708) 349-7372
E-mail: area.tom@gmail.com

OF:

LOT 20 IN BLOCK 3 IN SUBDIVISION OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, INCLUDING THE SOUTH 30 FEET OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 TO FORM THE NORTH 1/2 OF EUREKA AVENUE, AS RECORDED JANUARY 12, 1886, IN BOOK 21, PAGE 26, AS DOCUMENT NO. 688090, IN COOK COUNTY, ILLINOIS.

Area of Lot: 6,630 Square Feet or 0.152 Acres (More or Less)
(Area Information for Reference Only) *22-29-119-001*



Engineering
VILLAGE OF LEMONT
 APPROVED
 APPROVED AS NOTED
 NOT APPROVED
RJH/LL
Date Signature

* swale must be per approved site plan along south property line
* rear yard sheet flow to building; must slope away 0.5' in 10'

BENCHMARK:

EAST-SOUTHEAST FLANGE BOLT ON FIRE HYDRANT LOCATED AT THE SOUTHEAST CORNER OF NORTON AVENUE AND SINGER AVENUE.

ELEV. = 736.95

PROPERTY ADDRESS:

901 Singer Avenue
Lemont, Illinois

Compare all points before building and at once report any differences to the surveyor. For building lines, easements and other restrictions not shown hereon, refer to your abstract, deed, contract, and zoning ordinance. No dimension shall be assumed by scale measurement upon this plat.

Scale: 1" = 20' Order Number: 2761-20

Ordered By: JOE DLUGOPOLSKI

State of Illinois) s.s.
County of Will)

This Professional Service conforms to the current Illinois Minimum Standards for a Boundary Survey.

Field Work was completed on NOVEMBER 10, 2011

Signed on this 11TH day of NOVEMBER, 2011

Thomas J. Cesal

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2205
(License Expiration Date: November 30, 2010)
Illinois Professional Design Firm No. 184-003604



Copies of this Survey are not Valid without the Embossed Seal of the Professional Land Surveyor.

Village Board

Agenda Memorandum

To: Mayor & Village Board

From: George Schafer, Village Administrator

Subject: **St Mary's Water Connection Request Discussion**

Date: September 10, 2014

BACKGROUND/HISTORY

The Slovenian Catholic Mission, headquartered in St Mary's Franciscan Monastery at 14246 Main Street in Lemont is requesting a connection to the Village's water system via the Franciscan Village's water line. The water serving St Mary's would not be metered by the Village, instead the water usage would run through the Franciscan Village's meter. The plan would be to supply the residence structures including the internally attached smaller property structure to the east. There will be no interconnection to the existing well and proper backflow devices will be installed.

Franciscan Village has a similar arrangement with Mt. Assisi Academy. Currently, Franciscan Village furnishes water to Mt. Assisi by means of a water main down Hillcrest Road, east of Walker. All of this supply is metered at the point of connection near the Franciscan Village water tower. They are also requesting that they may keep their existing wells to be used for irrigation purposes.

There are a couple issues with this request that will require policy direction from the Board. It is Village policy to only service properties with water/sewer that are incorporated with the Village. This property is not continuous with the Village. In addition, when connected to Village water the Village typically requires the capping of all wells.

RECOMMENDATION

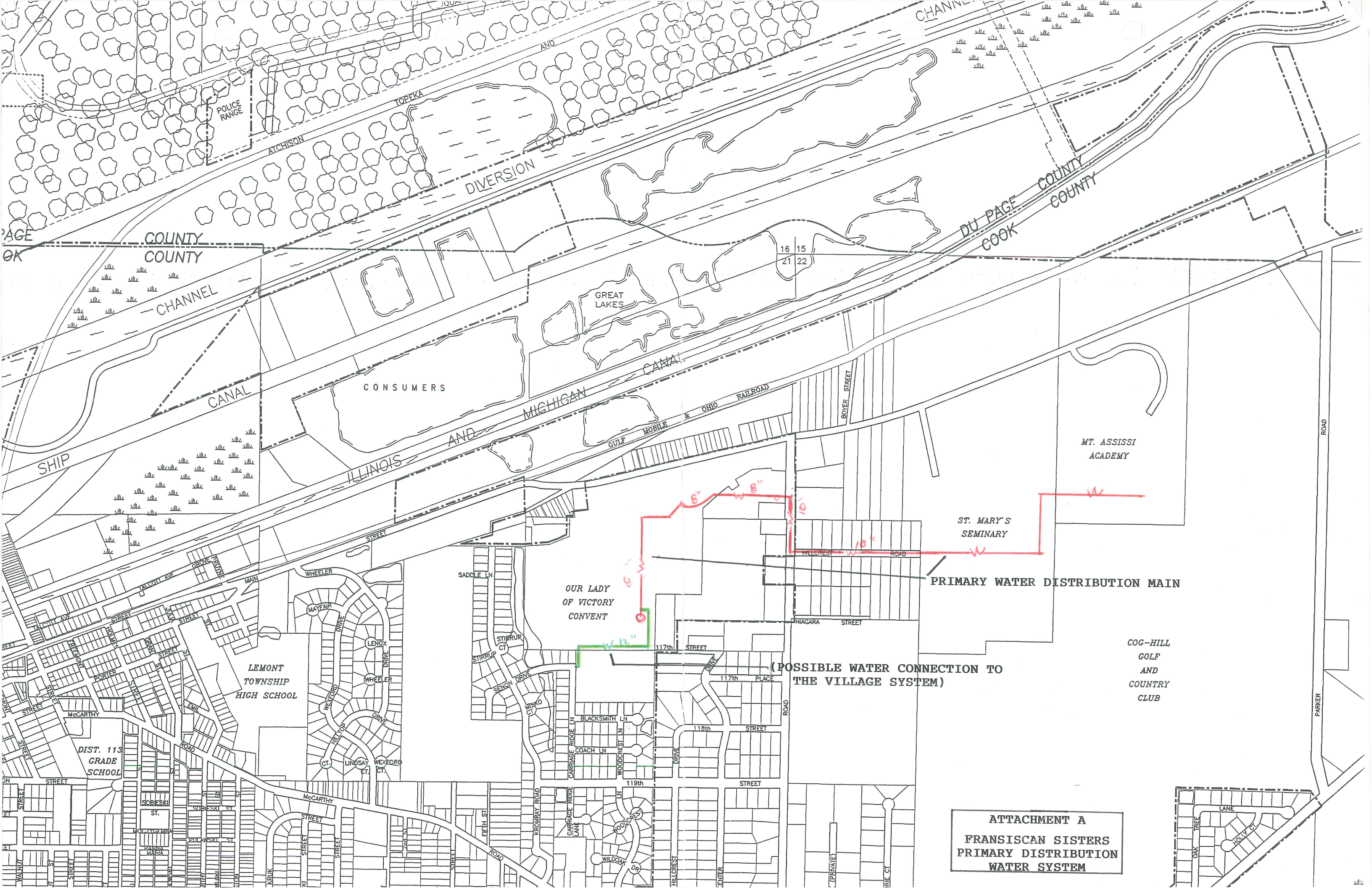
A similar arrangement is allowed for Mt Assisi Academy. Further, the annexation agreement with Franciscan Village (which expires in November of this year) states that the Village shall place no restrictions upon the owners' right to utilize its water system. Therefore, its staff's recommendation to allow the connection. In addition, if the well is allowed to stay in operation, it is recommended that the site not be allowed to drill any future wells to service the property. Also, potential annexation should be addressed, via a pre-annexation agreement or similar arrangement.

ACTION REQUIRED

Discussion and Direction

ATTACHMENTS

1. Water Distribution Map



COUNTY COUNTY

DU PAGE COUNTY COOK COUNTY

PAGE OK

MT. ASSISSI ACADEMY

ST. MARY'S SEMINARY

PRIMARY WATER DISTRIBUTION MAIN

OUR LADY OF VICTORY CONVENT

(POSSIBLE WATER CONNECTION TO THE VILLAGE SYSTEM)

COG-HILL GOLF AND COUNTRY CLUB

LEMONT TOWNSHIP HIGH SCHOOL

DIST. 113 GRADE SCHOOL

ATTACHMENT A
FRANSISCAN SISTERS
PRIMARY DISTRIBUTION
WATER SYSTEM