

ORIGINAL

ORDINANCE NO. CO-2015-24

**AN ORDINANCE AMENDING THE MAYWOOD ZONING ORDINANCE
RELATIVE TO THE MAXIMUM ALLOWED HEIGHT
OF DETACHED RESIDENTIAL GARAGES**

WHEREAS, the Village President and Board of Trustees of the Village of Maywood (the "Board of Trustees") adopted a new zoning ordinance in April, 2010 (the "Zoning Ordinance"), which has since been amended from time to time; and

WHEREAS, Section 12.4.D(2)(a) of the Zoning Ordinance currently states that the maximum allowed height of residential garages is thirteen (13) feet; and

WHEREAS, the Board of Trustees has recently considered whether it is advisable to increase the maximum allowed height of detached residential garages, and have referred a Petition for a proposed Text Amendment relative to this issue (the "Text Amendment") to the Village's Plan Commission and Zoning Board of Appeals (PC/ZBA) for consideration; and

WHEREAS, upon referral, the Petition has been processed in accordance with the Zoning Ordinance; and

WHEREAS, said PC/ZBA held a public hearing, on August 25, 2015, on the question of whether the proposed Text Amendment should be granted, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing; and

WHEREAS, on August 25, 2015, the PC/ZBA voted to favorably recommend the proposed Text Amendment, with a new maximum height for residential garages of sixteen (16) feet, to the President and Board of Trustees of the Village of Maywood; and

WHEREAS, the PC/ZBA of the Village has reported its findings and recommendation regarding the Text Amendment to the President and Board of Trustees, and the President and Board of Trustees have duly considered said report, findings of fact and recommendation, a copy of which is attached hereto as Exhibit "A" and made a part hereof; and

WHEREAS, the Village is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs. The Village is also authorized to enact and

amend zoning regulations pursuant to Section 11-13-14 of the Illinois Municipal Code (65 ILCS 5/11-13-14); and

WHEREAS, the President and Board of Trustees, pursuant to their statutory zoning powers, home rule powers, and the report, findings of fact and recommendation of the PC/ZBA, have determined that it is in the best interests of the health, welfare and safety of residents of the Village to adopt the Text Amendment as set forth below.

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

SECTION 1: The President and Board of Trustees of the Village of Maywood approve and adopt the report, findings of fact and recommendation of the PC/ZBA, a copy of which is attached hereto as **Exhibit "A"**, and incorporate such report, findings of fact and recommendations by reference as if fully set forth herein.

SECTION 2: Section 12.4.D(2)(a) (Accessory Structures and Uses – Garages – Detached Garages) of the Zoning Ordinance is amended to read in its entirety as follows:

“a. A detached garage shall not exceed a maximum of sixteen (16) feet in height as measured from the garage floor to the peak of a pitched roof.”

SECTION 3: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 4: Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 5: Except as to the Text Amendment set forth above in this Ordinance, all Chapters and Sections of the Zoning Ordinance of the Village of Maywood, as amended, shall remain in full force and effect.

SECTION 6: This Ordinance shall be in full force and effect from and after its adoption, approval and publication as provided by law.

ADOPTED this 15th day of September, 2015, pursuant to a roll call vote as follows:

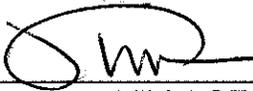
AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I Brandon, A. Dorris, M. Rogers, M. Lightford, and R. Rivers

NAYS: None

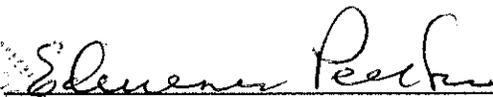
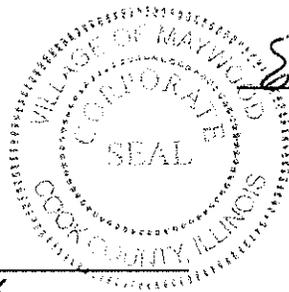
ABSENT: None

APPROVED by me this 16th day of September, 2015, and attested to by the Village Clerk this same day.

ATTEST:



VILLAGE CLERK



VILLAGE PRESIDENT

This Ordinance was published by me in pamphlet form on the 16th day of September, 2015.



VILLAGE CLERK

EXHIBIT "A"

**REPORT, FINDINGS OF FACT AND RECOMMENDATION
FROM MAYWOOD PLAN COMMISSION/ZONING BOARD OF APPEALS**

(attached)



**FINDINGS OF FACT AND RECOMMENDATIONS OF THE
PLAN COMMISSION/ZONING BOARD OF APPEALS OF THE VILLAGE
OF MAYWOOD TO
THE PRESIDENT AND BOARD OF TRUSTEES**

September 2, 2015

Case #15-005

PC/ZBA Case # 15-005 the Village of Maywood received an application with supporting documentation and photos from Commonwealth Edison, owner of the property at 1505 S. 1st Avenue for a Variance for Accessory Structure Height from the 13 foot maximum height allowed by the Village of Maywood Zoning Ordinance to allow an Accessory Structure that is 20 feet, 6 inches (Section 4.3).

The property is zoned C-4, Town Center. According to Section 12.4 A (3) of the Maywood Zoning Ordinance, an Accessory Building in the C-4 cannot exceed 13 feet in height. The applicants are proposing to construct an Accessory Building with a height of 20 feet, 6 inches in order to store equipment year round and to store approximately 10 vehicles during the winter months. This would enable specific and unique vehicles to be available quicker in response to emergency situations throughout the winter months. The surrounding zoning districts are I (Institutional) to the North and East and C-3 (General Commercial) to the West. The Eisenhower Expressway (Interstate 290) is to the South.

The Petitioner's application and submittals were accepted as meeting the minimum standards to set the matter for a public hearing.

PETITIONER: Commonwealth Edison.

APPLICATION: Variance for Accessory Structure Height from 13 feet to 20 feet 6 inches.

RECOMMENDATION: Following a public hearing held on August 25, 2015, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval of the Variance for Height from 13 feet to 20 feet 6 inches on a vote of 5-0. Commissioners Smith and Vallow were absent.

BACKGROUND: The Petitioners are proposing to construct an Accessory Building in order to store equipment year round and to store approximately 10 vehicles during the winter months. The construction of the building is anticipated to start in late September, 2015 and be finished by December, 2015. The goal is to use the structure during the winter of 2015-2016 and beyond. The maximum allowable height for an Accessory Structure Building is 13 feet. The proposed Accessory Structure Building will be 20 feet 6 inches in height. The extra height is needed to accommodate the dimensions of a utility "boom truck".

PUBLIC HEARING: At the public hearing held on August 25, 2015 Staff presented a brief summary of the petition and related documents. This included a summary of the property at 1505 S. 1st Ave which is 13 acres in size. According to Section 12.4 A (3) of the Maywood Zoning Ordinance, an Accessory Building cannot exceed 13 feet in height. Therefore, the proposed 20 foot 6 inch building requires a Variance.

The construction of the building is anticipated to be started in late September, 2015 and be finished by December, 2015. The goal is to be able to use the structure during the winter of 2015-2016 and beyond. The façade of the building will be split-faced block. Overhead doors will be on both the east and west sides of the structure.

Twelve new trees will be installed by ComEd along First Avenue immediately southwest of the Storage Building to soften the appearance. According to the Landscape Plan, Austrian Pine and Blue Spruce Trees with projected growth to 60 to 75 feet will be installed on the west side of the property along 1st Avenue. These trees are intended to contribute to the screening from 1st Avenue and enhance the appearance of the overall property. A barbed wire fence is also located around the perimeter of the section of the property where the proposed structure will be located.

Karl Palmquist, Zoning Officer/Planner outlined the conditions for approval recommended by staff:

1. The Petitioner shall construct the proposed Building in conformance with the Design Standards of Section 9.4 of the Village Zoning Ordinance.
2. The proposed Accessory Structure Building shall meet all Fire Department codes and regulations.
3. The proposed Accessory Structure Building shall meet all Village Engineering regulations.
4. The Landscape Plan shall be in compliance with Section 14 of the Maywood Zoning Ordinance.

Next Chairman Christian opened the floor to the Petitioners for any input on this matter.

Jim Sykora, ComEd real estate manager, discussed the Accessory Building and a description of the building.

Matt Bickel, a consulting engineer on the project, discussed the view approaching the Maywood Village Limits. Additionally, the planting of the Evergreen trees was described.

Scott Saef, attorney for ComEd, concluded the Petitioners presentation before the PC/ZBA.

Among the points made by representatives of the Petitioner: the vehicles that will be stored in the Accessory Structure are already present on the Subject Property, there will be no increase in traffic, the Accessory Structure will allow ComEd to expedite its response time during inclement weather, which will benefit the public, and the need for the variation is caused in part, by the height of the trucks themselves.

No residents or citizens were present to speak for or against the matter.

Chairman Christian opened the floor to discussion with the Commissioners.

Commissioners questioned the Petitioner about what will be stored in the Accessory Structure, how many trucks there will be, existing landscaping, and views of the site from various angles.

Commissioner Ratley asked about the number of vehicles stored in the new structure. Scott Saef responded there would be approximately 10 vehicles plus 22 that can be stored under the canopy on the northern and southern sides of the proposed building.

The Public hearing was closed and the Chairman called for discussion.

Commissioner Lira motioned and Commissioner Stelnicki seconded a motion for approval of a variance for Accessory Structure Height Requirement from 13 feet to 20 feet 6 inches, with the conditions recommended by staff (listed above).

The Motion carried on a unanimous vote of 5-0-0.

FINDINGS: The PC/ZBA makes the following Findings as to the proposed Variance:

Evidentiary Issues (for Variance)

- a) The particular physical surroundings shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out. **If the strict letter of the regulations were carried out, ComEd would not be able to construct the Storage Building, which could delay utility crews in the extreme winter months of the year. The physical surroundings, including the large open nature of the property with no protection from weather conditions, impose a hardship on the applicant.**
- b) The alleged difficulty or hardship has not been created by any person presently having a proprietary interest in the property in question. **The hardship was not created by the Petitioner.**
- c) The granting of the variation will not be detrimental to the public welfare in the neighborhood in which the property is located. **The granting of the variations will not be detrimental to the public welfare in the neighborhood. The business of the Petitioners has operated at this location for decades with no adverse impacts. The Petitioner's plan to plant 12 trees along First Avenue to soften the visual impact. The proposed structure will be in a fenced area and over 100 feet from any setback.**
- d) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety or impair property values within the neighborhood. **The proposed variation will not increase traffic in the public streets; there will be the same number of utility trucks as before the variation. According to the Petitioner, the building will be designed with full fire protection.**

- e) The proposed variation is consistent with the spirit and intent of this Ordinance and the adopted Comprehensive Plan. **The proposed variation is consistent with the spirit and intent of this ordinance and the adopted Comprehensive Plan. This portion of the ComEd property should be Service Industrial use according to the updated Comprehensive Plan.**
- f) The value of the property in question will be substantially reduced if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located. **The value of the property could be reduced if permitted to be used only with the current storage arrangements for the vehicles, given the need of the Petitioner to respond to emergencies in a timely manner.**

SUMMARY OF RECOMMENDATIONS: Based upon the foregoing Findings, the PC/ZBA, by a unanimous vote of 5-0-0, recommends to the President and Board of Trustees that the requested Variance to allow a maximum Accessory Structure height of 20 feet, 6 inches, rather than the maximum allowed Accessory Structure Height of 13 feet, be approved with the following conditions as recommended by staff:

1. The Petitioner shall construct the proposed Building in conformance with the Design Standards of Section 9.4 of the Village Zoning Ordinance.
2. The proposed Accessory Structure Building shall meet all Fire Department codes and regulations.
3. The proposed Accessory Structure Building shall meet all Village Engineering regulations.
4. The Landscape Plan shall be in compliance with Section 14 of the Maywood Zoning Ordinance.

Signed: 
Clifford Christian Chairman
Plan Commission/Zoning Board of Appeals
Village of Maywood

