

ORIGINAL

**ORDINANCE NO. CO-2015-28**

**AN ORDINANCE APPROVING AN ACCESSORY STRUCTURE HEIGHT VARIATION FOR A STORAGE BUILDING ON THE PROPERTY LOCATED AT 1505 S. 1ST AVE, MAYWOOD, ILLINOIS – COMMONWEALTH EDISON**

**WHEREAS**, a petition for the granting of a variation for the maximum height of an accessory structure (the "Petition") at 1505 S. 1<sup>st</sup> Avenue, Maywood, Illinois has been filed with the Village of Maywood by Petitioner Commonwealth Edison Company ("Petitioner"); and

**WHEREAS**, the Petition has been referred to the Plan Commission/Zoning Board of Appeals (the "Plan Commission") of the Village and has been processed in accordance with the Village of Maywood Zoning Code ("Zoning Code"); and

**WHEREAS**, the Subject Property is legally described in **Exhibit A** attached hereto and made a part hereof; and

**WHEREAS**, said Plan Commission held a public hearing on the question of whether the requested Variation should be granted on August 25, 2015, at which time all persons present were afforded an opportunity to be heard; and

**WHEREAS**, public notice in the form and manner required by law was given of said public hearing, including 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 Plan Commission voted unanimously to favorably recommend approval of the requested Variation to the Village President and Board of Trustees of the Village of Maywood, subject to certain conditions; and

**WHEREAS**, the Plan Commission of this Village has reported its findings and recommendations regarding the Variations to this Village President and Board of Trustees, and this Village President and Board of Trustees has duly considered said report and findings and recommendations.

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

**SECTION 1:** Each whereas paragraph set forth above is incorporated by reference into this Section 1.

**SECTION 2:** The Petitioner has requested a Variation from the maximum allowed height of accessory structures in the C-4 Town Center Zoning District of thirteen (13) feet, as set forth in Section 12.4.A(3) of the Zoning Code, in order to construct an accessory building to store equipment that would be twenty (20) feet, six (6) inches in height, all as further described in the findings of fact and recommendations of the Plan Commission, which is attached hereto as **Exhibit B**.

**SECTION 3:** The President and Board of Trustees of the Village of Maywood approve and adopt the findings of fact and recommendation of the Plan Commission, a copy of which is attached hereto as **Exhibit B**, and incorporate such findings and recommendation herein by reference as if fully set forth herein.

**SECTION 4:** The President and Board of Trustees, after considering and adopting the findings and recommendation of the Plan Commission and other matters properly before it, hereby grants the requested Variation to the maximum allowed height of accessory structures in the C-4 Town Center Zoning District of thirteen (13) feet, in order to construct an accessory building to store equipment that would be twenty (20) feet, six (6) inches in height on the Subject Property, subject to the following conditions:

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

**SECTION 5:** Any violation of any term or condition stated in this Ordinance, or of any applicable code, ordinance or regulation of the Village shall be grounds for rescission by the Board of Trustees of the approvals set forth in this Ordinance.

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

**PASSED** this 6<sup>th</sup> day of October, 2015, by the Corporate Authorities of the Village of Maywood on a roll call vote as follows:

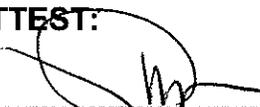
**AYES:** Mayor Edwenna Perkin, Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Dorris, M. Rogers, M. Lightford and R. Rivers.

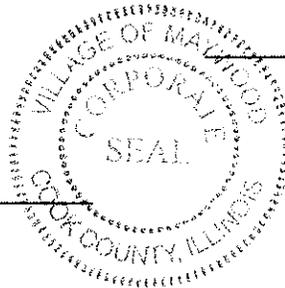
**NAYS:** None

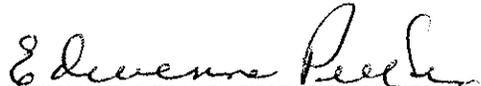
**ABSENT:** None

**APPROVED** by the Village President on the 8<sup>th</sup> day of October, 2015, and attested to by the Village Clerk this same day.

**ATTEST:**

  
\_\_\_\_\_  
VILLAGE CLERK



  
\_\_\_\_\_  
VILLAGE PRESIDENT

## EXHIBIT A

### LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

The Subject Property is legally described as follows:

**PARCEL 1: (FEE)**

THAT PART OF THE FOLLOWING DESCRIBED PARCEL, SAID PARCEL CONSISTING OF THE FOLLOWING DESCRIBED TRACTS: LOTS 1 AND 2, TAKEN AS A TRACT, IN STANNARD'S SUBDIVISION OF THAT PART OF THE NORTHEAST QUARTER LYING WEST OF THE CENTERLINE OF THE DES PLAINES RIVER AND SOUTH OF THE NORTH 23.36 CHAINS THEREOF OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN.

ALSO, A PART OF BLOCK 1 TOGETHER WITH THE VACATED PORTION OF THE NORTH-SOUTH ALLEY IN SAID BLOCK 1; ALSO ALL OF THE VACATED PORTION OF ADAMS STREET LYING EAST OF THE WEST LINE OF SAID BLOCK 1 PRODUCED SOUTH TO THE WEST LINE OF BLOCK 2, TAKEN AS A TRACT, WHICH LIES SOUTHERLY OF THE SOUTHERLY LINE OF THE 100.00 FEET RIGHT OF WAY OF THE CHICAGO GREAT WESTERN RAILWAY COMPANY, ALL IN DES PLAINES ADDITION TO MAYWOOD, A SUBDIVISION OF THE SOUTH 20.00 ACRES OF THE NORTH 60.00 ACRES OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, WEST OF THE DES PLAINES RIVER, ALSO THAT PART OF BLOCK 2 TOGETHER WITH THE VACATED NORTH-SOUTH ALLEY IN SAID BLOCK 2, ALSO THE VACATED EAST-WEST ALLEY SOUTH OF AND ADJOINING SAID BLOCK 2, TAKEN AS A TRACT, WHICH LIES SOUTHERLY OF THE SOUTHERLY LINE OF THE 100.00 FEET RIGHT OF WAY OF THE CHICAGO GREAT WESTERN RAILWAY COMPANY ALL IN DES PLAINES ADDITION TO MAYWOOD, A SUBDIVISION OF THE SOUTH 20.00 ACRES OF THE NORTH 60.00 ACRES OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, WEST OF THE DES PLAINES RIVER.

THE ABOVE DESCRIBED PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE REMAINS OF A BRASS PLUG AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 00 DEGREES 12 MINUTES 20 SECONDS WEST, ALONG THE WEST LINE OF SAID QUARTER, 411.80 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 18 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID QUARTER, 33.00 FEET TO AN IRON PIPE AT THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 12 MINUTES 20 SECONDS WEST, ALONG A LINE 33 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID QUARTER,

993.95 FEET TO AN IRON PIPE ON A LINE 50.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF THE CHICAGO GREAT WESTERN RAILWAY COMPANY (AS MEASURED PERPENDICULAR TO SAID SOUTH LINE); THENCE SOUTH 82 DEGREES 12 MINUTES 57 SECONDS EAST, ALONG AFORESAID PARALLEL LINE, 569.02 FEET TO AN IRON PIPE; THENCE SOUTH 00 DEGREES 12 MINUTES 20 SECONDS EAST, PARALLEL WITH THE WEST LINE OF SAID QUARTER 591.56 FEET TO A MAG NAIL; THENCE NORTH 89 DEGREES 59 MINUTES 18 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID QUARTER, 108.50 FEET TO A MAG NAIL; THENCE SOUTH 00 DEGREES 12 MINUTES 20 SECONDS EAST, PARALLEL TO THE WEST LINE OF SAID QUARTER, 325.20 FEET TO THE NORTHEAST CORNER OF A PARCEL PER DOCUMENT NUMBER 21822761; THENCE SOUTH 89 DEGREES 59 MINUTES 18 SECONDS WEST, ALONG THE NORTH LINE OF SAID DOCUMENT, SAID LINE BEING PARALLEL WITH AND 411.80 FEET NORTH OF THE SOUTH LINE OF SAID QUARTER, 672.00 FEET TO THE POINT OF BEGINNING CONTAINING 13.1687 ACRES MORE OR LESS.

**Common Address: 1505 S. 1st Ave; Maywood, Illinois**  
**PART OF PIN # 15-14-209-020-0000 and 15-14-210-018-0000, 15-14-210-019-0000**

**EXHIBIT B**

**FINDINGS OF FACT OF THE PLAN COMMISSION**

(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. 1<sup>st</sup> 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. 1<sup>st</sup> 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 1<sup>st</sup> Avenue. These trees are intended to contribute to the screening from 1<sup>st</sup> 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)**

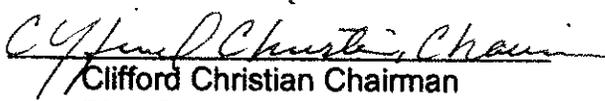
- a) The particular physical surroundings shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out. **If the strict letter of the regulations were 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

