

ORIGINAL

ORDINANCE NO. CO-2015-05

**AN ORDINANCE APPROVING INTERIOR SIDE YARD SETBACK VARIATIONS
TO ALLOW A BUILDING/LOADING DOCK EXPANSION –
114 S. 8TH AVENUE – AVW EQUIPMENT CO.**

WHEREAS, a petition for the granting of interior side yard setback variations (the “Petition”) at 114 S. 8th Avenue, Maywood, Illinois has been filed with the Village of Maywood by Petitioner AVW Equipment Co. (“Petitioner”). The 114 S. 8th address is part of Petitioner’s group of properties with addresses of 810 St. Charles Road, 105 S. 9th Avenue, 110 S. 8th Avenue, and 114 S. 8th Avenue, Maywood, Illinois (collectively, the “Subject Property”); 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 Variations should be granted on February 24, 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 February 24, 2015, the Plan Commission voted unanimously to favorably recommend approval of the requested Variations 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 Variations from the interior side yard setback requirements of the Zoning Code for properties located in the BIP Business Industrial Park Zoning District, as set forth in Table 9-2, Section 9.3 of the Zoning Code,

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 Variations from the interior side yard setback requirements of the Zoning Code, in order to allow a proposed building/loading dock expansion resulting in setbacks of seven (7) feet at the west property line, and one (1) foot at the south property line, on the Subject Property in the BIP Business Industrial Park Zoning District.

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 17th day of March, 2015, by the Corporate Authorities of the Village of Maywood on a roll call vote as follows:

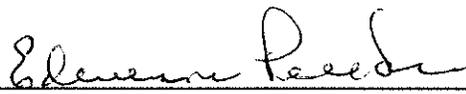
Ayes: Mayor Perkins, Trustee(s) C. Ealey-Cross, A. Jaycox, A. Dorris, M. Rogers, M. Lightford and R. Rivers

Nays: None

Abstain: None

Absent: None

APPROVED by the Village President on the 19th day of March, 2015, and attested to by the Village Clerk this same day.


VILLAGE PRESIDENT

ATTEST:


VILLAGE CLERK



EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

Common Addresses: 114 S. 8th Avenue, 110 S. 8th Avenue, 810 St. Charles Road and 105 S. 9th Ave; Maywood, Illinois

PINs: 15-11-145-044-0000, 15-11-145-046-0000, 15-11-145-047-0000, 15-11-145-001 and 15-11-145-002.

The Subject Property is legally described as follows:

Parcel 1:

LOTS 38, 39 AND 40 ALL IN BLOCK 59 IN MAYWOOD, A SUBDIVISION IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS

Parcel 2:

LOTS 41, 42 AND 43 (EXCEPT THE EAST 94.0 FET THEREOF) ALL IN BLOCK 59 IN MAYWOOD, A SUBDIVISION IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

Parcel 3:

THE EAST 7 FEET OF VACATED ALLEY WEST OF AND ADJOINING SAID LOTS 44, 45 AND 46 IN COOK COUNTY, ILLINOIS.

Parcel 4:

THE EAST 94 FEET OF LOT 43 AND ALL OF LOTS 44, 45 AND 46 IN BLOCK 59 IN MAYWOOD, A SUBDIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

Parcel 5:

LOTS 1,2 AND 3 IN BLOCK 59 IN MAYWOOD, A SUBDIVISION OF PARTS OF SECTION 2, 11, AND 14, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS .

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**

March 12, 2015

Case #15-002

PC/ZBA Case # 15-002 the Village of Maywood received an application with supporting documentation and photos from Petitioner AVW Equipment Co., owner of the properties at 810 St. Charles Road, 105 S. 9th Avenue, 110 S. 8th Avenue and 114 S. 8th Avenue for consideration of a Variance pursuant to Section 4.3 of the Village Zoning Ordinance. The request was to expand the building into the interior side yard setbacks to the west and to the south in the BIP (Business Industrial Park) District on the 114 S. 8th Avenue parcel.

Under Table 9.2 of the Maywood Zoning Ordinance, BIP (Business Industrial Park) District, Bulk and Yard requirements; the required setback for the west lot line on 114 S. 8th Avenue is 30 feet and for the south lot line 10 feet. Surrounding properties to all 4 properties are zoned BIP Business Industrial Park to the North, BIP Business Industrial Park and GL Government Lands to the East, BIP Business Industrial Park District and R-3 Two-Family Residential to the South and BIP Business Industrial Park District and R-3 Two-Family Residential to the West. The project is in accordance with the 2008 Comprehensive Plan and 2014 updates recommending Industrial/Residential flex for that area.

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

PETITIONER: Velimir Vidakovich, AVW Equipment Co.

APPLICATION: For Variances to the West and South Lot Lines to expand a structure for a loading dock on the southern property at 114 S. 8th Ave.

RECOMMENDATION: Following a public hearing held on February 24, 2015, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval of these Variances for Interior Side Yard setback to the west and south lot lines in the BIP (Business Industrial Park) District with the conditions suggested by staff, on a vote of six (6) in favor and zero (0) opposed.

BACKGROUND: The applicants own a total of four (4) parcels; one located on 9th Avenue, one on Saint Charles Road and the other two on 8th Avenue. The two northerly parcels also have frontage on Saint Charles Road. The two proposed Variances are located on the parcel at 114 S. 8th Avenue. The applicants manufacture vehicle washing equipment on the site; conveyor belts, brushes and driers and smaller parts. The com-

pany's staff currently parks on the north side of the property toward St. Charles Road. The company has 25 employees on premises during regular business hours.

On the farthest southern parcel, 114 S. 8th Avenue, the applicants desire to expand the building southward and westward toward interior side yard setbacks. Since the adjacent lot to the south is non-residential, the minimum setback to the south is 10 feet. Based on the shape of the properties, the west lot line for 114 S. 8th Ave is considered an interior side yard setback. The minimum setback for the interior side abutting a residential district in the BIP (Business Industrial Park) District is 30 feet. The proposed addition will reduce the setback to 7 feet on the west lot line and 1 foot on the south lot line.

PUBLIC HEARING: At the public hearing held on February 24, 2015 Staff presented a brief summary of the petition and related documents. The petitioner requests consideration on 2 Variances, as allowed by Section 4.3 (Variation), to expand the structure to build a loading dock on the southern parcel at 114 S. 8th Ave.

Staff (Mr. Palmquist) discussed that in the area to the West of the existing building the applicants plan to expand manufacturing. The loading dock will be used primarily for loading with occasionally some unloading. On average the applicants receive approximately 6 trucks per day and the number would remain unchanged with the expansion. Truck loading and unloading is performed Monday through Friday during business hours. The proposed addition will be 35 feet toward the west lot line and 26 feet toward the south lot line.

The applicants are expanding the building to include a loading dock. Currently, the applicants are loading and unloading on the northeast side of the properties toward the intersection of 8th Avenue & Saint Charles Road. The trucks enter from 8th Avenue. If the proposed addition with a loading dock is approved, loading would be located toward the south lot line. Unloading would continue at its present location. According to the applicant, the speed the trucks will be loaded and unloaded will become faster with the proposed expansion so that trucks will not be idling at the site for so long. The building will also be congruent with the rest of the building toward the west lot line. The applicant stated that by having a separate loading dock, the business could remain competitive with other companies.

The applicants have been operating at this location for over 30 years. No records of Code Violations exist during that time. Engineering requirements include a Stormwater Permit with the Metropolitan Water Reclamation District. The Fire Department had no objections at this time. Staff walked through the site and the noise of constructing the equipment inside could not be heard at the property line.

Staff recommended approval with the following conditions:

1. The applicant shall construct the addition to the Building in conformance with the Design Standards of Section 9.4 of the Village Zoning Ordinance.
2. The addition to the existing structure shall meet all Fire Department codes and regulations.

3. The addition to the existing structure shall meet all Village Engineering regulations.
4. The proposed Loading dock shall be constructed in conformance with the requirements of Sections 13.4 (Construction of Parking and Loading Facilities) and Section 4.6 (Site Plan Review) of the Maywood Zoning Ordinance.

Chairman Christian requested the applicant (Velimir Vidokovich) to speak. The applicant stated they have been operating in Maywood since 1986. They intend to comply with all the Village Codes and Zoning requirements. When the project is approved, it should only take a month or two to construct the addition.

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

No persons were present to speak for or against the matter.

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

Following discussion, Chairman Christian called for a motion. Commissioner Lira made a motion, seconded by Commissioner Stelnicki, to recommend approval of the 2 Variances for interior side yard setback by AVW Equipment Co., at the properties commonly known as 114 S. 8th Avenue, 110 S. 8th Avenue, 810 St. Charles Road and 105 S. 9th Avenue in the BIP Business Industrial Park Zoning District, with the recommended conditions.

Motion carried on a unanimous vote of 6-0-0.

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

Evidentiary Issues (for Variance)

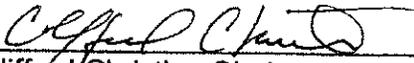
- a) The particular physical surroundings shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out. **The shape of the collective properties on which the facility is located imposes a hardship on the applicant. The current loading and unloading facility is too narrow if the strict regulations and expansion is needed to allow the business to continue operating in a competitively efficient manner.**
- 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 applicant. It was created by the shape of the property.**
- 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 has operated for almost 30 years and has had sections of the building 7 feet from the west lot line without adverse impact.**
- 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 loading trucks as before the variation. The Fire Department had no objections to the proposed variances.**

- e) The proposed variation is consistent with the spirit and intent of this Ordinance and the adopted Comprehensive Plan. **The proposed variations are consistent with the spirit and intent of this ordinance and the adopted Comprehensive Plan. This neighborhood should be Industrial/Residential flex 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 configuration of the building.**

SUMMARY OF RECOMMENDATIONS: Based upon the foregoing Findings, the Plan Commission/Zoning Board of Appeals, by a unanimous vote of 6-0-0, recommends to the President and Board of Trustees that the requested Variances for interior side yard setback on the properties located at 114 S. 8th Avenue, 110 S. 8th Avenue, 810 St. Charles Road and 105 S. 9th Avenue be approved with the following conditions:

1. The applicant shall construct the addition to the Building in conformance with the Design Standards of Section 9.4 of the Village Zoning Ordinance.
2. The addition to the existing structure shall meet all Fire Department codes and regulations.
3. The addition to the existing structure shall meet all Village Engineering regulations.
4. The proposed Loading dock shall be constructed in conformance with the requirements of Sections 13.4 (Construction of Parking and Loading Facilities) and Section 4.6 (Site Plan Review) of the Maywood Zoning Ordinance.

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

