

**ORDINANCE NO. CO-2021-01**

**AN ORDINANCE APPROVING A SPECIAL USE  
RELATIVE TO PARKING IN A RESIDENTIAL FRONT YARD  
(1421 South 18th Avenue)**

**WHEREAS**, a petition for the granting of a special use pursuant to the Village of Maywood Zoning Ordinance (“Zoning Code”) relative to construction of a front yard parking pad at property located at 1421 South 18th Avenue (the “Subject Property”) has been filed with the Village of Maywood (the “Village”) by Petitioner Krystina Konderak; and

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

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

**WHEREAS**, the Plan Commission held a public hearing on the question of whether the requested Special Use should be granted on October 27, 2020, which was continued and concluded on November 24, 2020, 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. In addition, notice was sent to surrounding property owners; and

**WHEREAS**, on November 24, 2020, the Plan Commission voted to favorably recommend the requested Special Use to the Village President and Board of Trustees of the Village of Maywood on a vote of four (4) in favor, one (1) opposed and two (2) absent, subject to certain conditions; and

**WHEREAS**, the Plan Commission of the Village has reported its findings and recommendations regarding the Special Use to the Village President and Board of Trustees, and the Village President and Board of Trustees have duly considered the Plan Commission’s findings and recommendations.

**BE IT ORDAINED, BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** The Petitioner desires to construct and maintain a front yard parking pad on the Subject Property located in the R-2 Single-Family Residential Zoning District for private residential use by the residents and visitors of 1421 South 18th Avenue. Front yard parking pads are allowed by special use on residential lots that have no rear access to the lot under Section 13.6.A.3. (Location of Off-Street Parking Spaces/Residential Uses) of the Zoning Code.

**SECTION 2:** 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 3:** The President and Board of Trustees, after considering and adopting the findings and recommendation of the Plan Commission and other matters properly before it, grant the requested Special Use to construct and maintain a front yard parking pad at the Subject Property of 1421 South 18th Avenue, in the R-2 Single-Family Residential Zoning District.

**SECTION 4:** 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 the immediate rescission by the President and Board of Trustees of the approvals made in this Ordinance.

**SECTION 5:** All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

**SECTION 6:** 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 7:** This Ordinance shall be in full force and effect from and after its adoption and approval as provided by law.

**PASSED** this 5<sup>th</sup> day of January, 2021, by the Corporate Authorities of the Village of Maywood on a roll call vote as follows:

**AYES:** Mayor Perkins, Trustee(s) I. Brandon, M. Jones, A. Sanchez, K. Wellington and N. Booker

**NAYS:** None

**ABSENT:** Trustee M. Lightford

**APPROVED** by the Village President on the 5<sup>th</sup> day of January, 2021, and attested to by the Village Clerk this same day.

\_\_\_\_\_  
Edwenna Perkins, Village President

**ATTEST:**

\_\_\_\_\_  
Viola Mims, Village Clerk

This Ordinance was published by me in pamphlet form on the 6<sup>th</sup> day of January, 2021.

\_\_\_\_\_  
Viola Mims, Village Clerk

**Exhibit "A"**

**Legal Description  
of the Subject Property**

THE NORTH 29 FEET OF THE WEST 125 FEET OF LOT 12 IN HENRY W. AUSTIN'S SUBDIVISION OF BLOCKS 1, 8 AND 9 OF JAMES H. WALLACE'S ADDITION TO MAYWOOD IN SECTION 15, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

**P.I.N. No.:** 15-15-118-033-0000

**Commonly Known As:** 1421 South 18th Avenue, Maywood, Illinois

**Exhibit "B"**

**FINDINGS OF FACT OF THE PLAN COMMISSION DATED NOVEMBER 24, 2020 -  
FOR SPECIAL USE RELATIVE TO PARKING IN A RESIDENTIAL FRONT YARD  
LOCATED AT 1421 SOUTH 18th AVENUE, MAYWOOD, ILLINOIS**



**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**

**PC/ZBA Case #20-005  
November 24, 2020**

**APPLICATION: PC/ZBA Case #20-005** – An application for a special use permit to construct a 12' x 20' Parking pad with curb cut in the front yard at 1421 South 18th Avenue was submitted by Krystina Konderak (applicant) for the Plan Commission/Zoning Board of Appeals ("PCZBA") meeting on October 27th, 2020. The location is currently a single family residence located within the R-2 Single Family Residential zone, and has no rear access to the lot, or front access to the rear of the lot. The public hearing was commenced on October 27<sup>th</sup>, and was continued to and concluded at the November 24<sup>th</sup>, 2020 PCZBA meeting.

**ZONING RELIEF IS REQUESTED AT THE FOLLOWING PROPERTY:**

**PIN No: 15-15-118-033-0000**

**COMMONLY KNOWN AS: 1421 South 18th Avenue, Maywood, Illinois.**

**Legal Description:**

THE NORTH 29 FEET OF THE WEST 125 FEET OF LOT 12 IN HENRY W. AUSTIN'S SUBDIVISION OF BLOCKS 1, 8 AND 9 OF JAMES H. WALLACE'S ADDITION TO MAYWOOD, IN SECTION 15, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**Petitioner: Krystina Konderak**

**PC/ZBA Case #20-005**

**Plan Commission/Zoning Board Appeals members attending the public hearing:**

- Chairperson Lira, Commissioners Dawson, Stelnicki, Vallow, and Ratley
- Commissioner Campbell and Commissioner Smith were absent

**Staff:**

- Village Attorney, Michael Marrs, Klein Thorpe and Jenkins, Ltd.
- Village Planner, Edgar Lara, Village of Maywood

**SUMMARY OF REQUEST AND RECOMMENDATION:**

The Project requests the granting a special use permit as indicated in Section 13.6 – Location of Off Street Parking Spaces, A.3 in the Maywood Zoning Ordinance (MZO):

1. Parking shall not be located in the front yard of a residential district. However, if there is no rear access to the lot, a special use permit may be applied for to construct a parking pad within the front yard. Lots with rear access are prohibited from constructing front yard parking pads.

Staff confirmed that this address meets the criteria indicated in the ordinance, and that the special use application was allowed to proceed to the PCZBA.

**PUBLIC HEARING – October 27<sup>th</sup> PCZBA Meeting:**

Mr. Lara stated that PCZBA Case #20-005 is for an application for a special use permit to construct a 12' x 20' Parking pad with curb cut in the front yard at 1421 South 18th Avenue submitted by Krystina Konderak (applicant). The location is currently a single family residence located within the R-2 Single Family Residential zone, and has no rear access to the lot, or front access to the rear of the lot.

Mr. Lara stated that the applicant currently has no rear access to her lot, and because of this she was allowed to apply for a special use permit for a parking pad. Mr. Lara then summarized the Village's findings: that this address does have options to address their lack of parking, for instance the applicant could ask the church located at 1427 S. 18th Ave for permission to park in their parking lot, or they could purchase overnight parking passes from the Village of Maywood. Mr. Lara stated that due to the other options available to address parking at this location, staff is recommending they deny the application for the special use permit for the parking pad.

Commissioner Smith asked if there were utilities running underneath the proposed location of the parking pad, to which Mr. Lara stated there were none that staff were aware of.

A further discussion of the proposed location of the parking pad took place.

It was determined by the Commissioners that the applicants could possibly have rear access to their lot through an agreement for an easement with the church located at 1427 S. 18th Ave. If rear access is granted by the church the applicant could construct a garage and avoid needing to put a parking pad in the front lawn.

Krystina Konderak (applicant) stated that she would be ok with trying to come to an agreement with the church for rear access but that she would still like to continue with the application for the parking pad if the applicant does not come into contact with the owners of 1427 S. 18th Ave or if they refuse to come to an agreement.

The commissioners agreed to make a decision pending attempts to come to an agreement with the church, and the public hearing was continued until November 24<sup>th</sup>, 2020.

**CONTINUED PUBLIC HEARING – November 24<sup>th</sup> PCZBA Meeting:**

At the continued public hearing on November 24, 2020, Mr. Lara gave the PCZBA an update on efforts to get into contact with the neighboring church located at 1427 S. 18<sup>th</sup> Ave, to see if they could agree to easement access with Ms. Konderak so that she can access the rear of her lot. If Ms. Konderak could access the rear of the lot, she could build a garage in the rear, removing the need for the parking pad in the front.

Mr. Lara stated that he has made several attempts to get into contact with the owners of the neighboring church, leaving voicemails and even knocking on their door, with no success. Ms. Konderak noted that it

appeared no activity had taken place at the church since Easter, but that she did successfully make contact with the owner (via phone). On the call, the owner stated to her that they were not interested because coming into an agreement over an easement “would be too much of a hassle”.

PCZBA members then further discussed options to accommodate Ms. Konderak’s request without granting the parking pad in front. It was concluded that there is no way to access the rear of Ms. Konderak’s property without an easement granted by the Church, removing the option of constructing a garage from the table.

Chair Lira then suggested to the members that they should make the decision to grant or deny the special use permit.

Ms. Konderak mentioned that there are other houses on the same block that have parking pads in the front, she sent the pictures to the Commission members for their reference. She mentioned that she believed it would not be unusual for her to have her own parking pad since the neighbors have parking pads as well.

Commissioner Ratley announced his entry into the meeting since he arrived late. He asked the applicant a few questions, and inquired generally about why parking pads require a special use permit. The commission members clarified that the parking pad as a special use permit was an ordinance that had been created several years ago, and that special uses for parking pads were considered on a case by case basis. Further discussion was had about parking pads being granted through a special use permit.

Commissioner Ratley asked Mr. Lara what staff’s recommendation was regarding this application. Mr. Lara stated that staff’s recommendation is to deny this permit due to the fact that the applicant does have the option to purchase overnight parking passes, and that she also had the option to ask the neighboring church for an easement or permission to park on their lot. Mr. Lara stated however that if he had known in advance that the church would not come to an agreement with the applicant over parking, that it might have changed staff’s recommendation because there would have been one less option on the table for the applicant. Regardless, staff’s recommendation remains the same even though it is noted that there appears to be other parking pads granted on the block. The one example provided by Ms. Konderak was determined to be a garage that was deconverted into a parking pad.

Further discussion was had regarding the option to pay for overnight parking passes. Ms. Konderak noted that to park two cars on the street every six months would cost \$800 total, and that they would need to renew and pay those fees each time.

Commissioner Dawson asked Attorney Marris if the PCZBA could make a recommendation to the Village Board of Trustees that the overnight parking fee be waived. Attorney Marris answered that they could make such a recommendation but that it would be up to the Board of Trustees if they want to grant it. A further discussion was had about the logistics of street parking.

Commissioner Dawson proposed an overnight parking fee waiver recommendation to the Board of Trustees. Attorney Marris commented that the reason he asked about the criteria for eligibility for the overnight parking program, is because if everybody who doesn’t have rear access is eligible and that is going to be a basis to deny a special use, then he does not believe it should be the only basis to deny the application. That if you have specific reasons to deny the specific application that is one thing, but to deny the application based solely upon the fact that they are already on the list for eligibility for overnight parking passes would not be appropriate because then every special use request for a front yard parking pad would be denied. He suggested changing the ordinance to deny parking pads altogether instead of

allowing them through a special use, if the PCZBA believes that parking pads should be denied for the sole reason that properties without rear access are on the overnight parking list. A further discussion was had about the impervious surface ordinance applying to the parking pad.

Discussion ensued around whether to grant the parking pad or not. Commissioner Stelniki made the argument that the pad was not going to change the general character of the street. Commissioner Vallow agreed and believed that the petitioner should be allowed to build the pad.

**PUBLIC COMMENT:**

Chair Person Lira opened up Public Comment and then closed it because no one from the public was present.

The materials before the PCZBA, including the Staff Report, noticing information for the public hearing, and the application and the applicant's submittal documents, are all attached hereto as **Group Exhibit A**. The additional pictures submitted by the applicant at the continued hearing on November 24, are attached hereto as **Group Exhibit B**.

**Following the close of the public hearing on November 24, 2020 on the special use requested, the PCZBA recommended approval of the special use. The final vote was as follows:**

**MOTION AND FINDINGS:**

The applicant is requesting a special use permit for the construction of a 12' x 20' Parking pad with curb cut in the front yard at 1421 South 18th Avenue.

***Final Vote: 4-1-0 Motion carried. Motion Stelnicki, Ratley Second.***

**FINDINGS:** The PCZBA makes the following findings as to the proposed Special Use:

- 1. The establishment, maintenance, and operation of the special use in the specific location proposed will not be unreasonably detrimental to or endanger the public health, safety or general welfare of any portion of the community.**
  - The property does not have rear access and overnight parking on the street is prohibited. There is no room to place a driveway on the side of the house, the only option left is to place the parking pad in the front yard. The presence of the driveway will not harm the welfare of the neighbors.
  
- 2. The proposed special use is compatible with adjacent properties and other property within the immediate vicinity of the special use.**
  - It will be compatible with neighborhood properties
  
- 3. The proposed special use will not substantially diminish and impair property values within the immediate vicinity.**
  - The PCZBA was not presented with any evidence that the proposed pad would diminish and impair property values in the area. It will blend in with the environment and will look natural.



4. **The establishment of the proposed special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.**
  - It will not impede the normal and orderly development and improvement of surrounding properties, as the area is already fully developed.
5. **Adequate utilities, access roads, drainage or other necessary facilities have been or are being provided.**
  - Access to the street is provided
6. **The special use in the specific location proposed is consistent with the spirit and intent of the Village's Zoning Ordinance and its Comprehensive Plan.**
  - The proposed pad will not alter the residential nature of the current property use, and will allow the residents at this address to obey the village requirement of not parking on the street overnight from 2am to 5 am.

**RECOMMENDATION:** Based upon the foregoing Findings, the Plan Commission/Zoning Board of Appeals, recommends to the President and Board of Trustees that the applicant's requested special use for a parking pad at 1421 S. 18th Avenue be approved, subject to the Village Board's approval.

Signed:                     *Sarah Lira*                      
Sarah Lira, Chair  
Plan Commission/Zoning Board of Appeals  
Village of Maywood

STATE OF ILLINOIS     )  
                                  ) SS  
COUNTY OF COOK     )

**CLERK'S CERTIFICATE**

I, Viola Mims, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

**ORDINANCE NO. 2021-01**

**AN ORDINANCE APPROVING A SPECIAL USE  
RELATIVE TO PARKING IN A RESIDENTIAL FRONT YARD  
(1421 South 18th Avenue)**

which Ordinance was passed by a roll call vote the Board of Trustees of the Village of Maywood at a Special Village Board Meeting on the 5<sup>th</sup> day of January, 2021, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 5<sup>th</sup> day of January, 2021.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

**AYES:** Mayor Perkins, Trustee(s) I. Brandon, M. Jones, A. Sanchez, K. Wellington and  
N. Booker

**NAYS:** None

**ABSENT:** Trustee M. Lightford

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 6<sup>th</sup> day of January, 2021.

\_\_\_\_\_  
Viola Mims, Village Clerk

[SEAL]