

ORDINANCE 2012-44

APPROVING A REAR YARD VARIATION AS REQUIRED IN APPENDIX B, SECTION VII (C)(10) TO REDUCE THE REAR YARD SET BACK TO CONSTRUCT A NEW ATTACHED GARAGE LOCATED AT 7126 W. LILL ST., NILES, ILLINOIS

WHEREAS, the question of granting a rear yard variation to 7126 W. Lill St., included in this ordinance was referred to the Plan Commission and Zoning Board of Appeals to hold a public hearing;

WHEREAS, a public hearing was held on July 2, 2012, after proper notice in a manner provided by law;

WHEREAS, the Plan Commission and Zoning Board of Appeals has made a report, containing findings of fact and recommending the granting of the rear yard variation at 7126 W. Lill St., Niles, IL 60714; and

WHEREAS, the corporate authorities of the Village of Niles, Cook County, Illinois have duly considered said Plan Commission and Zoning Board of Appeals Recommendation.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Niles, Cook County, Illinois, as a Home Rule Municipality, as follows:

SECTION 1: The materials and exhibits attached to this ordinance are incorporated by reference and made a part of this ordinance.

SECTION 2: A rear yard variation as required in Appendix B, Section VII (C)(10) to reduce the rear yard set back from the required 40 feet to 17 feet 3 1/8 inches to construct a new attached garage at 7126 W. Lill St., Niles, IL 60714 is approved.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED: This 24th day of July, 2012
AYES: 6 Hanusiak, Hynes, LoVerde, Palicki, Preston, Przybylo
NAYS: 0
ABSENT: 0

Village Clerk

APPROVED by me this 24th day of July, 2012.

President of the Village of Niles
Cook County, Illinois

ATTESTED AND FILED in my office this 24th day of July, 2012, and published in pamphlet form as provided by law in the Village of Niles, Illinois.

Village Clerk

**FINDINGS OF FACT AND RECOMMENDING
DECISION OF THE ZONING BOARD OF APPEALS
VILLAGE OF NILES, ILLINOIS
July 2, 2012**

12-ZP-20

**Mattheos Stergiou
7216 W. Lill St.
Niles, IL 60714**

Requesting approval of a rear yard variation to Niles Zoning Ordinance Appendix B Section VII (C)(10) to reduce the rear yard set back from the required 40 feet to 17 feet 3-1/8 inches to construct a new attached garage at 7126 W. Lill St., Niles, IL 60714, PIN #10-19-123-006-0000.

Mr. Ostman presented case 12-ZP-20. Legal notice for this case was published in The Bugle Newspaper on June 14, 2012. Letters were mailed out to all properties located within 250 ft. of the subject property. The applicant is proposing the addition of a new two (2) car attached garage to the east side of the house and turn the existing one (1) car garage into a living space. This lot is not a typical shaped lot since it is located on a cul-de-sac. The existing house has a rear yard set back of 13' 8-7/8". The new proposed attached garage will have a rear set back of 17' 3-1/8" which is 3' 6-1/4" greater than the existing rear yard set back. The proposed addition meets all other zoning requirements. The Community Development Department has reviewed this case and has no objection in granting this request. He noted if this was a detached garage it would meet all of the required setbacks but it would have to be 10' away from the house. If this was a detached garage it would be in full compliance; in fact the garage could be moved back farther on the property.

Commissioner Nakanishi questioned whether or not the garage is detached.

Mr. Ostman said it is attached. There is a breezeway between the house and the garage. There have been no negative comments from any of the neighbors.

Vice-Chairman Dimond asked for the petitioner to come forward.

Mattheos & Anastasia Stergiou stepped forward and both were sworn in. They live at 7126 W. Lill St., Niles, IL 60714. Mr. Stergiou said they purchased the home seven (7) years ago as a newlywed couple. They now have two (2) children and need more room. They would like to convert the single car garage [on the left side in the drawing shown on the overhead] to a bedroom and then put the 2-1/2 car garage on the other side. Besides giving them another bedroom, it will get the cars off the street. It is a breezeway that is attached but not accessible from the house. It does share the roof line.

Commissioner Schuller asked if the reason they did that is because of a staircase going to the basement.

Mr. Stergiou said they wanted to save as much yard as they could. There is a deck on the back side of the house. The service door will be located toward the back of the garage. It would have been too much work to have the garage actually attached to the side of the house. There are several windows on that side and by adding the breezeway all the windows were able to stay in place.

Commissioner Dubiel said you planned it this way to have as much yard as you could for your kids, correct?

Mr. Stergiou said yes. Mrs. Stergiou stated she was there for support.

Vice-Chairman Dimond asked if there were any more questions from the Commissioners. There were none. No people were present in the audience. She then entertained a motion.

POSITION OF VILLAGE

The Community Development Department has no objection to this request. None of the remaining village departments have any objection to the granting of this request

FINDINGS

- 1. Establishment, Maintenance, or Operation, of the Variation will not be detrimental to or endanger the public health, safety or general welfare.**

There is no evidence that the establishment, maintenance or operation of the Variation will be detrimental to or endanger the public health, safety or general welfare.

- 2. Establishment, Maintenance, or Operation of the Variation will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted, nor diminish and impair property values within the neighborhood.**

There is no evidence that the maintenance or operation of the Variation will be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted, nor will it diminish and impair property values within the neighborhood.

- 3. Establishment, Maintenance, or Operation of the Variation will not impede the normal and orderly development and improvement of surrounding property for permitted use.**

There is no evidence that the maintenance or operation of the Variation will impede the normal and orderly development and improvement of surrounding property for permitted use.

4. Conformance to Regulations.

The establishment, maintenance or operation of the Variation, shall in all other respects conform to all Village of Niles Ordinances, unless otherwise authorized by the Village of Niles Zoning Board of Appeals.

Commissioner Dubiel moved to **approve** 12-ZP-20 - Mattheos Stergiou, 7216 W. Lill St. Niles, IL 60714 requesting approval of a rear yard variation to Niles Zoning Ordinance Appendix B Section VIII (C)(10) to reduce the rear yard set back from the required 40 feet to 17 feet 3-1/8 inches to construct a new attached garage at 7126 W. Lill St., Niles, IL 60714. In addition to requesting this approval, it also meets the standards set forth in the Zoning Code H 4 a,b,c. It is deemed necessary for the public convenience at this location and is so designed, located and proposed to be operated that the public health, safety and welfare will be protected and will not cause substantial injury to the value of other property in the neighborhood in which it is located.

Commissioner Schuler corrected Commissioner Dubiel. Prior paragraph, third line Commissioner Dubiel referred to it as Section VIII. In fact it should be Section VII. Commissioner Dubiel accepted the friendly amendment.

Vice-Chairman Dimond announced they do have a Zoning Packet which will be part of the record; they have considered and looked at it this evening and she would like it entered into the record. There is no addition by way of other Exhibits to the Packet other than what they were presented with at the beginning of tonight's meeting.

Seconded by Commissioner Nakanishi, on roll call the vote was:

AYES: 6 Dimond, Surace, Troiani, Nakanishi, Schuler, Dubiel,

NAYS: 0

ABSENT: 1 Kanelos

There being six (6) affirmative votes the motion carried.

Vice-Chairman Dimond stated this Board is a recommending Board to the Board of Trustees. They can either confirm or negate this Board's decision. It is up to the petitioner to contact Mr. Ostman to ask that it be place on the Board of Trustees agenda.

RECOMMENDATION:

Based upon the foregoing, the Zoning Board of Appeals recommends that 12-ZP-20, requesting approval of a rear yard variation to Niles Zoning Ordinance Appendix B Section VII (C)(10) to reduce the rear yard set back from the required 40 feet to 17 feet 3-

1/8 inches to construct a new attached garage at 7126 W. Lill St., Niles, IL 60714, PIN #10-19-123-006-0000 be approved.

Respectfully Submitted,

ZONING BOARD OF APPEALS

Karen Dimond, Chairman