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Prepared by:
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Prepared on behalf of:
Village of Western Springs

PIN: 18-06-005-005-0000



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Doc# 1829616069 Fee \$56.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 10/23/2018 02:45 PM PG: 1 OF 10

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COOK COUNTY, ILLINOIS
RECORDING COVER SHEET
FOR VILLAGE OF WESTERN SPRINGS

ORDINANCE NO. 2018-05

AN ORDINANCE APPROVING A PETITION REQUESTING A VARIATION FROM
MAXIMUM LOT COVERAGE REQUIREMENTS OF SUBSECTION 10-6-3(I)
(MAXIMUM LOT COVERAGE), SECTION 10-6-3 (R2 - SINGLE-FAMILY RESIDENCE
DISTRICT), CHAPTER 6 (RESIDENTIAL DISTRICT REGULATIONS) OF TITLE 10
(DEVELOPMENT CONTROL ORDINANCE), AND A VARIATION FROM THE SETBACK
REQUIREMENTS OF SUBSECTION 10-4-4(A)(5) (GENERAL PROVISIONS;
ACCESSORY BUILDINGS IN REQUIRED YARDS), SECTION 10-4-4 (ACCESSORY USES
AND STRUCTURES), CHAPTER 4 (DEVELOPMENT STANDARDS OF GENERAL
APPLICABILITY) OF TITLE 10 (DEVELOPMENT CONTROL ORDINANCE) OF
THE WESTERN SPRINGS MUNICIPAL CODE OF 1997, AS AMENDED,
FOR THE 1341 WALNUT STREET PROPERTY

After recording return to:
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RECORDING FEE

DATE 10-23-18

OK BY

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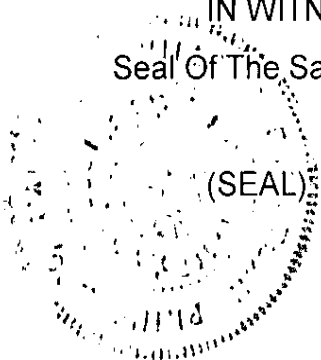
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STATE OF ILLINOIS)
)ss
 COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Elaine T. Haeske, Deputy Clerk Of The Village Of Western Springs, In The County Of Cook And State Of Illinois, Do Hereby Certify That Attached Hereto Is A True And Correct Copy Of Board of Zoning Appeals Ordinance No. 2018-05 Approving A Petition Requesting A Variation From Maximum Lot Coverage Requirements Of Subsection 10-6-3(I) (Maximum Lot Coverage), Section 10-6-3 (R2 - Single-Family Residence District), Chapter 6 (Residential District Regulations) Of Title 10 (Development Control Ordinance), And A Variation From The Setback Requirements Of Subsection 10-4-4(A)(5) (General Provisions; Accessory Buildings In Required Yards), Section 10-4-4 (Accessory Uses And Structures), Chapter 4 (Development Standards Of General Applicability) Of Title 10 (Development Control Ordinance) Of The Western Springs Municipal Code Of 1997, As Amended, For The 1341 Walnut Street Property Dated July 19, 2018.

IN WITNESS WHEREOF, I Have Hereunto Set My Hand And Affixed The Seal Of The Said Village Of Western Springs This 19th day of September, 2018.



Elaine T. Haeske

Elaine T. Haeske, Deputy Village Clerk
 Village Of Western Springs

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BOARD OF ZONING APPEALS
ORDINANCE NO. 2018-05

Board Members Present: Art Roman,
 Brandon Calvert, Jeffrey Fus, Mitch Johnson,
 Scott Tausk, and Patrick Turner.

Board Members Absent: Michael Pabian.

DATE: July 12, 2018.

AN ORDINANCE APPROVING A PETITION
 REQUESTING A VARIATION FROM MAXIMUM LOT
 COVERAGE REQUIREMENTS OF SUBSECTION 10-6-
 3(I) (MAXIMUM LOT COVERAGE), SECTION 10-6-3
 (R2 - SINGLE-FAMILY RESIDENCE DISTRICT),
 CHAPTER 6 (RESIDENTIAL DISTRICT REGULATIONS)
 OF TITLE 10 (DEVELOPMENT CONTROL ORDINANCE),
 AND A VARIATION FROM THE SETBACK
 REQUIREMENTS OF SUBSECTION 10-4-4(A)(5)
 (GENERAL PROVISIONS; ACCESSORY BUILDINGS IN
 REQUIRED YARDS), SECTION 10-4-4 (ACCESSORY
 USES AND STRUCTURES), CHAPTER 4
 (DEVELOPMENT STANDARDS OF GENERAL
 APPLICABILITY) OF TITLE 10 (DEVELOPMENT
 CONTROL ORDINANCE) OF THE WESTERN SPRINGS
 MUNICIPAL CODE OF 1997, AS AMENDED, FOR THE
 1341 WALNUT STREET PROPERTY.

WHEREAS, Maxx and Gabrielle Pastiak and Joseph Hathaway (the "Petitioners" and "Owners") are the owners of the 1341 Walnut Street property (PIN 18-06-406-005-0000) (the "Subject Property"), which is located in the Village of Western Springs (the "Village"). The Subject Property is classified under the R2 Single-Family Residence District, and each of the adjacent properties to the north, south, east and west of the Subject Property are also classified under the R2 Single-Family Residence District. The Subject Property is legally described as follows:

THAT PART OF LOT 35 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT, THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT A DISTANCE OF 43.15 FEET, THENCE SOUTHERLY TO A POINT ON THE SOUTH LINE OF SAID LOT, WHICH IS 9.95 FEET SOUTHWESTERLY OF THE SOUTHEAST CORNER OF SAID LOT, THENCE ALONG SAID SOUTHERLY LOT LINE TO THE SOUTHEAST CORNER OF SAID LOT, THENCE NORTHERLY TO THE POINT OF BEGINNING IN BLOCK 12, IN WILLIAMS RESUBDIVISION OF LOTS 31, 32, 33, 34, 35 AND 36 IN BLOCK 11, LOTS 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, AND 16 AND PART OF LOT 1 IN BLOCK 12 OF WESTERN SPRINGS RESUBDIVISION OF PART OF EAST HINSDALE AND LOTS 8, 9, 13, 14, 15, 16 AND 17 OF SAID BLOCK 11 AND LOTS 3, 4, 5, 14, 15, 16, 17, 18 AND PART OF LOTS 1, 2, 6, 7, 8, AND 19 IN SAID BLOCK 12 OF EAST HINSDALE SUBDIVISION, SAID EAST HINSDALE SUBDIVISION BEING A SUBDIVISION OF THE EAST ½ OF SECTION 6 AND THAT PART OF THE EAST ¼ OF THE SOUTHWEST ¼ OF SECTION 6, LYING NORTH OF CHICAGO, BURLINGTON AND QUINCY RAILROAD, IN TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

WHEREAS, on April 24, 2018, the Petitioners filed with the Village a Petition and supporting documents requesting approval of the following variations (the "Requested Zoning Relief") relative to the construction of a detached single car garage on the Subject Property. The Petitioners request a nine percent (9%) variation from the maximum lot coverage regulations as set forth in Subsection 10-6-3(I) (Maximum Lot Coverage), Section 10-6-3 (R2 - Single-Family Residence District), Chapter 6 (Residential

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District Regulations), Title 10 (Development Control Ordinance) of the Western Springs Municipal Code of 1997, as amended (the "Village Code" or "DCO"), as part of constructing a detached single car garage, which will result in a total lot coverage on the Subject Property of fifty-nine percent (59%). The current zoning regulations limit the maximum lot coverage on the Subject Property to fifty percent (50%). Petitioners also request variations from the side yard setback requirements set forth in Subsection 10-4-4(A)(5) (General Provisions; Accessory Buildings In Required Yards), Section 10-4-4 (Accessory Uses And Structures), Chapter 4 (Development Standards of General Applicability), Title 10 (Development Control Ordinance) of the Village Code to construct the proposed single car garage within the required five (5.00) foot interior side yard setback area, which would result in a one and one-half (1.50) foot setback on the northwest corner, a one and one-half (1.50) foot setback on the southwest corner and a three (3.00) foot setback on the southeast corner; and

WHEREAS, a copy of the Petition dated April 24, 2018 is incorporated by reference into this Ordinance as Group Exhibit "A" and made a part hereof, and includes the following:

- a. A Statement prepared by the Petitioners in support of the Requested Zoning Relief as well as a description of the need for the requested variations, the Petitioners' response to the variation standards in the Village Code (3 pages), calculation sheet regarding the Requested Zoning Relief (1 page), Site Plan and Scope of Work Sheet No. A1 dated February 2018 (1 page), Portion of William's Resubdivision Plat showing the Subject Property (1 page), photographs of the as-built condition of the residence on the Subject Property (3 pages) and Square Footage Calculations Sheet for Permeable / Impermeable Areas (1 page);

and

WHEREAS, Subsection 10-6-3(l) (Maximum Lot Coverage), Section 10-6-3 (R2 - Single-Family Residence District), Chapter 6 (Residential District Regulations), Title 10 (Development Control Ordinance) of the Village Code states as follows:

The maximum percentage of total lot coverage for a residential lot that is improved with a principal single-family residential structure and any other impervious surfaces, including, but not limited to, accessory structures, a detached garage, a driveway, an outdoor residential recreational facility, sidewalks, decks and patios, shall be fifty percent (50%);

and

WHEREAS, Subsection 10-4-4(A)(5) (General Provisions; Accessory Buildings In Required Yards), Section 10-4-4 (Accessory Uses And Structures), Chapter 4 (Development Standards of General Applicability), Title 10 (Development Control Ordinance) of the Village Code states as follows:

No accessory buildings or structures, except as otherwise provided in table 4-1 or elsewhere in this ordinance, shall be located in the required front, corner side or interior side yards. No accessory buildings on a corner lot shall project beyond the required front yard or corner side yard line of either street. In the case of reversed corner lots, no accessory building or structure located in the required rear yard shall project beyond the required front yard setback of the adjoining property. Accessory buildings shall not be closer than five feet (5') to an interior side or rear lot line;

and

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WHEREAS, Sections 11-13-4, 11-13-5 and 11-13-11 of the Illinois Municipal Code (65 ILCS 5/11-13-4, 11-13-5 and 11-13-11) and Section 10-3-11 (Variations) of the Village Code require the Board of Zoning Appeals to conduct a public hearing regarding the requested variations, to make certain Findings of Fact in accordance with the applicable standards set forth in Subsection 10-3-11(C)(4) (Criteria for Variations) of Title 10 (Development Control Ordinance) of the Village Code, and to state its decision on the requested zoning relief. After prior written notice was published in a newspaper and posted on the Subject Property and mailed to adjacent owners of record and taxpayers of record as required by State law, the Board of Zoning Appeals conducted the required public hearing on July 19, 2018 (the "Public Hearing"), in accordance with the applicable provisions of State law, the DCO and the Open Meetings Act (5 ILCS 120/1, *et seq.*), as amended; and

WHEREAS, during the Public Hearing, the Board of Zoning Appeals heard statements from: the Petitioners and their consultants and the Village staff and the Village's consultants. The following Interested Parties (members of the public) submitted written statement(s) in support of or in opposition to the Petition with the Board of Zoning Appeals: Letter (undated) signed by Griffin and Diana Pasquinnelli (4345 Hampton Road) (supportive of the Petition and the Requested Zoning Relief); Letter (undated) signed by Kristen Davis (1333 Walnut Street) (supportive of the Petition and the Requested Zoning Relief); Letter (undated) signed by Dave and Cindy Ogren (1337 Walnut Street) (supportive of the Petition and the Requested Zoning Relief); and Email dated July 18, 2018 signed by Valerie Myers (1347 Walnut Street) (opposition to the Petition and the Requested Zoning Relief).; In addition, the Board of Zoning Appeals accepted into the record and reviewed documents submitted by the Petitioners and their consultants, certain Interested Parties, and the Village staff and the Village's consultants. Each of the documents were marked as Exhibits and accepted into the record by the Board of Zoning Appeals, and are incorporated into the court reporter's transcript of the Public Hearing proceedings transcribed by Pamela Cosentino, CSR of County Court Reporters, Inc. The transcript and Exhibits are incorporated by reference into this Ordinance as Exhibit "F" and made a part hereof. Copies of the transcript and Exhibits are on file with the Village's Department of Community Development, unless otherwise noted below. The following documents were entered into the record of the Public Hearing or taken notice of and relied upon by the Board of Zoning Appeals:

- A. The Petition filed April 24, 2018 with Attachments (incorporated herein by reference as Group Exhibit "A").
- B. The Public Hearing Notice with Publisher's Certificate with Affidavit of Mail / Service of Notice of Public Hearing Publisher's Certificate and Affidavit of Publication and Sign Posting for a Public Hearing prepared by Martin Scott (incorporated by reference as Group Exhibit "B").
- C. Village Staff Report prepared by Martin Scott dated July 9, 2018 (incorporated herein by reference as Exhibit "C") ("Village Staff Report").
- D. Village's Official Zoning Map and Official Land Use Plan Adopted by Ordinance No. 03-2226 dated February 24, 2003, as amended by Ordinance No. 11-2643 dated August 22, 2011 (incorporated herein by reference as Group Exhibit "D").
- E. The Western Springs Municipal Code of 1997, as amended, including the Development Control Ordinance (incorporated herein by reference as Exhibit "E").
- F. The Transcript of the July 19, 2018 Public Hearing, prepared by a Court Reporter (incorporated herein by reference as Exhibit "F").
- G. Supplemental Petition Materials (incorporated by reference as Group Exhibit "G"): None.

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H. **Materials Submitted by Interested Parties (incorporated by reference as Group Exhibit "H"):**

- a. Letter (undated) signed by Griffin and Diana Pasquinelli (4345 Hampton Road) (supportive of the Petition and the Requested Zoning Relief).
- b. Letter (undated) signed by Kristen Davis (1333 Walnut Street) (supportive of the Petition and the Requested Zoning Relief).
- c. Letter (undated) signed by Dave and Cindy Ogren (1337 Walnut Street) (supportive of the Petition and the Requested Zoning Relief).
- d. Email dated July 18, 2018 signed by Valerie Myers (1347 Walnut Street) (opposition to the Petition and the Requested Zoning Relief).

; and

WHEREAS the Petition has been reviewed by the Village staff and the Village consultants pursuant to the applicable requirements of the Village Code and they have filed a *favorable* recommendation regarding the approval of the Petition, subject to conditions, if any, set forth in the Village Staff Report (Exhibit "C") and the decision of the Board of Zoning Appeals and any conditions required by the Board of Zoning Appeals; and

WHEREAS, in accordance with the authority granted by the applicable provisions of the Illinois Municipal Code and the Village Code, and based upon the Petition and other supplemental submittals, and the testimony and evidence presented at the Public Hearing, the Board of Zoning Appeals makes the below Findings of Fact and decision on the Petition in regard to the Requested Zoning Relief.

BE IT ORDAINED BY THE BOARD OF ZONING APPEALS OF THE VILLAGE OF WESTERN SPRINGS, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. INCORPORATION. The above Whereas paragraphs are incorporated by reference into Section 1 of this Ordinance as material terms and provisions.

SECTION 2. FINDINGS OF FACT. Based upon the Petition and the testimony and evidence presented at the Public Hearing, the Board of Zoning Appeals considered the seven (7) criteria for approving a variation contained in Subsection 10-3-11(C)(4) (Criteria for Variations) of the DCO, and made the following Findings of Fact in regard to the requested variations for the Subject Property:

- a. **Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.**

A hardship exists as a result of the unusual, irregular shape of the Subject Property, which is located adjacent to a cul-de-sac, and there is a unique block and rear alley design that services the Subject Property. The Plat of Survey demonstrates how the specific cul-de-sac/street/alley of the Subject Property is the only one of its kind in the Village. Each lot is sectioned off in a "pie-shape" to accommodate the cul-de-sac alley. The unique, irregular lot shape makes it impossible to fit a single car garage with the required five (5.00) foot setback on the east and west side yard areas. Currently, the Subject Property has one (1) parking spot and the Petitioners must store all outdoor items (lawnmower, shovel, tools, bicycle, etc.) in the basement. The property to the west side of the Subject Property has a single car garage which is four and seventy-five hundredths (4.75) feet from the property line. The

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property to the east does not currently have a garage.

The Board of Zoning Appeals finds that a hardship to the Petitioners exists, as distinguished from a mere inconvenience, with regard to the unique, irregular shape and small size of the Subject Property, and the limited potential locations to place a garage on the Subject Property if the strict letter of the regulations were to be applied.

- b. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property within the same zoning classification.**

The Board of Zoning Appeals finds that conditions upon which the application for the variations are based are unique to the Subject Property for which the variations are sought, and are not applicable, generally, to other property within the same zoning classification. The Petitioners have a narrow, triangular shaped lot. The shape of the lot is unique relative to the vast majority of existing lots in the neighborhood, which are typically rectangular. In order to adequately store a single car and lawn/outdoor equipment, a twelve (12.00) foot by twenty-two (22.00) foot garage is requested by the Petitioners. Due to the irregular shape of the Subject Property, this size garage will encroach on the required interior setbacks and exceed the maximum allowable lot coverage. The unique, irregular shaped lot, the small size of the Subject Property, the narrow width of the lot and the original placement of the existing home precludes the Petitioners from other remedies.

These conditions are all unique circumstances that are not generally applicable to other properties in the same zoning classification as the Subject Property.

- c. The purpose of the variation is not based primarily upon a desire to increase financial gain.**

The Board of Zoning Appeals finds that the purpose of the variations is not based primarily upon a desire to increase financial gain. The purpose of the variations is to allow for a reasonable expansion and rehabilitation of the Subject Property by adding a detached single car garage.

- d. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.**

The Board of Zoning Appeals finds that the alleged difficulty or hardship was not caused by any person presently having an interest in the Subject Property. The Petitioners had no involvement in the platting of the small, irregular shaped lot or deciding where to place the existing residence and garage on the Subject Property with regard to the setback and lot coverage regulations applicable thereto. Also, the Subject Property had an garage constructed on it in the past, but was demolished due to termite damage and was not re-built by a previous property owner.

- e. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.**

The Board of Zoning Appeals finds that the granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the Subject Property is located. This request only seeks to match the surrounding garages and is not

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detrimental to the public welfare or injurious to the neighbors. The garage will be similar to or smaller than other garages in the neighborhood.

- f. **The granting of the variation will not alter the essential character of the neighborhood.**

The Board of Zoning Appeals finds that the granting of the variations will not alter the essential character of the neighborhood. With the requested variations, the Subject Property will be enhanced, and the addition of a detached single car garage would not alter the essential character of the neighborhood, even if a portion of the garage is within the interior side yard setback, and even if the Subject Property exceeds the maximum lot coverage requirements. The proposed garage's exterior will resemble the residence's exterior in color and style and will have similar roofing peaks as the house. The Subject Property has an alley to access the garage, so the garage will not be visible from the street.

- g. **The proposed variation will not impair an adequate supply of light or air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.**

The Board of Zoning Appeals finds that the proposed variations will not impair an adequate supply of light or air to adjacent properties, or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood around the Subject Property.

SECTION 3. DECISION. In accordance with the authority granted by the applicable provisions of the Illinois Municipal Code and the Village Code, and based upon the written statements and other content in the Petition, the testimony and evidence presented at the Public Hearing and the above Findings of Fact, the Board of Zoning Appeals approves the Petition and grants the following zoning relief:

- A. **Variations in the amount of three and one-half (3.50) feet from the northwest corner, three and one-half (3.50) feet from the southwest corner, and two (2.00) feet from the southeast corner from the interior side setback requirement, as set forth in Subsection 10-4-4(A)(5) (General Requirements; Accessory Buildings In Required Yard) of the Village Code, in order to allow the Petitioners to construct the detached single car garage on the Subject Property; and**
- B. **A variation in the amount of nine percent (9%) from the maximum lot coverage regulations as set forth in Subsection 10-6-3(I) (Maximum Lot Coverage) of the Village Code for a total allowable lot coverage of fifty-nine percent (59%) to permit the Petitioners to construct a detached single car garage on the Subject Property within the rear yard, interior side setback areas on the Subject Property, SUBJECT TO THE FOLLOWING CONDITIONS.**
- C. **CONDITIONS:**
 1. The Petitioners shall construct the detached single car garage on the Subject Property as shown on the Site Plan and Scope of Work Sheet No. A1 dated February 2018 (1 page),

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which is part of Group Exhibit "A", subject to compliance with the Village-approved development plans, as amended after the Village Plan Review process to include the Plan Review comments and requirements of the Village Engineer and Village Code Officer(s), including all stormwater drainage improvements and any other "best management practices" site development improvements required by the Village Engineer.

SECTION 4. CONFLICTS. Any Ordinance, or portion thereof, in conflict with this Ordinance is repealed to the extent of such conflict.

SECTION 5. SEVERABILITY. Each Section, paragraph, clause and provision of this Ordinance is separable, and if any such Section, paragraph, clause or provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any portion hereof, other than that part affected by such decision.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by State law.

SECTION 7. RECORDATION. If the Petition is approved by the Board of Zoning Appeals, a certified copy of this Ordinance shall be recorded against title to the Subject Property by the Village, at the Petitioners' sole cost, with the Cook County Recorder of Deeds Office ("CCRD"). The Village will provide the Petitioners with a copy of the Ordinance after it is filed with the CCRD.

MOTION TO APPROVE THE PETITION (motion made by Patrick Turner and seconded by Scott Tausk) **WAS PASSED** by the Board of Zoning Appeals of the Village of Western Springs, Cook County, Illinois, at a Regular Meeting thereof, held on the 19th day of July, 2018 by a roll call vote as follows: voting yes: Art Roman, Brandon Calvert, Jeffrey Fus, Mitch Johnson, Scott Tausk, and Patrick Turner; voting no: None; and abstention from voting: Michael Pabian.

This Ordinance has been signed by the Chair and the Secretary on the 19th day of July, 2018.



Art Roman, Chair, Board of Zoning Appeals

ATTEST:



Secretary

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Group Exhibit "A"

Petition filed April 24, 2018, with Attachments

Exhibit "B"

The Public Hearing Notice, with Publisher's Certificate

Exhibit "C"

Village Staff Report Prepared by Martin Scott
dated July 9, 2018

Group Exhibit "D"

Village of Western Springs Official Zoning Map

and

Village of Western Springs Official Land Use Plan
Adopted by Ordinance No. 03-2226
dated February 24, 2003, as amended
by Ordinance No. 11-2042 dated August 22, 2011

Exhibit "E"

The Western Springs Municipal Code of 1997 as amended,
including the Development Control Ordinance

Exhibit "F"

The Transcript of the July 19, 2018 Public Hearing,
Prepared by a Court Reporter

Group Exhibit "G"

Supplemental Petition Materials

Group Exhibit "H"

Materials Submitted by Interested Parties

(Incorporated herein by reference
and on file in the Community Development Department)