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Prepared by:

City of Prospect Heights

Mail to:

8 N. Elmhurst Rd.

Prospect Heights, IL 60070 Attn: Building Department Doc# 2320622021 Fee \$88.00

RHSP FEE:\$18.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH COOK COUNTY CLERK

DATE: 07/25/2023 12:05 PM PG: 1 OF 19



City of Prospect Heights

Department of Building & Development

8 North Elmhurst Road, Prospect Heights Illinois, 60070-6070

Office:847/398-6070 x 211 FAX: 847/590-1854 S. Clark's Office

www.prospect-heights.il.us

Variation Recording

Case: 17-04 V

Ordinance: O-17-11

Address: 1201 N Drury Ln

PIN: 03-21-302-009-0000

Applicants: Joe Papanicholas

CORDING FEE	88-
DATE 7/25/23	COPIES 6x
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ORDINANCE No. 0-17-11

AN ORDINANCE APPROVING A SUBDIVISION and GRANTING A VARIATION FOR 1201 N. DRURY LANE

WHEREAS, Joseph Papanicholas (Owner) has filed an application for a certain variations and a plat of subdivision for the purpose of redeveloping the property to construct an accessory structure at the property commonly known as 1201 N. Drury, Arlington Heights, Illinois and legally described in Exhibit A (the "Property"); and

WHEREAS, the Zoning Ordinance requires that:

1. The maximum height for an accessory structure is fifteen (15') feet.

WHEREAS, The Applicant also applied for the following variations ("Requested Variation"):

1. Increase the maximum height of the accessory structure to twenty-seven feet one inch (27' 1").

WHEREAS, the Planning Zoning Board of Appeals (PZBA) held a public hearing on April 27, 2017 regarding said application; and

WHEREAS, the PZBA has found the application meets the standards for the Requested Variation and the requested subdivision and has recommended that the City Council grant such relief, with conditions; and

WHEREAS, the Mayor and City Council have reviewed the documents pertinent to the application and the recommendations of the PZBA, concurs with the findings of the PZBA and hereby grants the Requested Variations and the subdivision;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS as follows:

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SECTION ONE. The City Council hereby finds and determines that the facts and conditions set forth in the above recitals are true and correct and hereby adopts same as part of this Ordinance.

SECTION TWO. The Requested Variation is hereby granted.

SECTION THREE. Pursuant to Applicant's subdivision application, the Final Plat of Subdivision prepared by COMPASS SURVEYING LTD. attached hereto as Exhibit "B", is hereby accepted.

SECTION FOUR. The Owner will consolidate their property at 1201 -1209 Drury Lane to form a single lot of erord and record the new plat of consolidation upon approval. A copy of the recorded plat will be provided to the City.

SECTION FIVE. The above approvals are granted on the following conditions:

- 1. No additional accessory structures shall be permitted on the property.
- 2. The accessory structure (pool house) shall not be used as a dwelling unit.
- 3. The development shall be constructed in accordance with all applicable City, County, State and Federal codes, standards and regulations.

SECTION SIX. All appropriate city officials are authorized to execute the final plat of subdivision. The City Administrator and his designees are authorized to take all necessary action to carry out the purpose of this ordinance.

SECTION SEVEN. That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED this 8th day of May, 2017

APPROVED this 8th day of May, 2017

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Nicholas J. Helmer, Mayor

ATTEST:

Karen Schultheis, Deputy Clerk

AYES:

Rosenthal, Williamson, Messer, Dolick, Ludvigsen

NAYS:

None

ABSENT:

None

Published in pamphlet ro.m May 8, 2017



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REEDBOOKED UNITADA 118 BUNCTARRET (2000/1387)
CHICKE GOLIGOOD (1387)

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Exhibit A

Legal Description of 1201 - 1209 N. Drury Lane, Arlington Heights, IL

SWORDFISH SUBDIVISION

PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS

LEAGAL DESCRIPTION

LOTS 18 AND 19 IN (RLINGTON COUNTRYSIDE UNIT NO. 2, BEING A SUBDIVISION OF PART OF THE SOUTHWEST HALF OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 23, 1948, AS DOCUMENT NUMBER 14365648 IN COOK COUNTY, ILLINOIS.

PIN: 03-21-302-008-0000, PIN: 0321302-009-000

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Exhibit B

Final Plat of Subdivision prepared by COMPASS SURVEYING LTD. Dated 02/27/2017

Property of County Clerk's Office

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City of Prospect Heights

Department of Building & Zoning 8 North Elmhurst Road, Prospect Heights Illinois, 60070-6070 Office:847/398-6070 x 211-FAX: 847/590-1854 www.prospect-heights.il.us

MEMORANDUM

Date:

May 1, 2017

To:

Mayor Helmer and City Council

Cc:

Joe Wade, Cnv Administrator

From:

Daniel A. Petersor, Director of Building & Development

Subject:

ZBA Case No. 17-04V/LC Final Plat/Lot Consolidation and Certain Variation for 1201 -

1209 N. Drury Lane, Arlangton Heights, IL

ISSUE: Consideration of a Preliminary and Final Plat and certain Variations for the proposed consolidation of 1201 and 1209 N. Drury Lane and construction of an accessory structure.

BACKGROUND: The PZBA held a public hearing on April 27, 2017 to hear ZBA Case #15-04V an application for a Final Plat – Lot Consolidation and a variation by Joe Papanicholas. Mr. Papanicholas is the owner of the property commonly known as 1201 and 120° N. Drury Lane and desires to consolidate the two parcels into a single lot of record for the purpose of constructing an accessory structure (pool house) and swimming pool on his property. City Zoning Ordinance requires that the lots be consolidated as no accessory structure can be built upon a lot without a primary structure. The applicant provided complete plans as required.

The owner is requesting a variation to allow for the construction of an accessory structure to twenty-seven feet 1 inch (27'1") which is greater than the fifteen feet (15') allowed per Section 5-3-91 or the City of Prospect Heights Zoning Code.

The PZBA heard testimony from the applicant and adjoining residential neighbors.

After all testimony the Commissioners voted 5-1 to recommend to the City Council approval of a accepting the final plat for lot consolidation and variation for the proposed accessory structure.

The owner has requested that the City Council waive the first reading. Request letter is attached.

RECOMMENDATION: Waive the first reading and approve an Ordinance #O-17-11 approving final plat and certain variations.

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City of Prospect Heights

Department of Building & Zoning 8 North Elmhurst Road, Prospect Heights Illinois, 60070-6070 Office:847/398-6070 x 211-FAX: 847/590-1854 www.prospect-heights.il.us

MEMORANDUM

Date:

March 30, 2017

To:

Planning Zoning Board Commissioners

From:

Daniel A. Peterson, Director of Building & Development

Subject:

ZBA Case No. 17-04 V/LC: Consider a Lot Consolidation Preliminary/Final Plat and a variation to allow the ineximum height of an accessory structure to be 25' to construct a pool and pool house in the property at 1201 – 1209 N. Drury Lane.

Please be advised that Joe Papanicholas, owner of the subject properties, is seeking a lot consolidation and variation to Section 5-3-9D of the City of Prospect Heights Zoning Code to allow the maximum height of an accessory structure to be 25' in excess of the 15' as required.

Mr. Papanicholas is has purchased 1209 N. Drury and demolished the existing home creating a vacant lot. He is proposing to consolidate the two lots for the purpose on constructing an in ground swimming pool and pool house (accessory structure). City requirements do not permit an accessory structure to be constructed on a lot without a primary structure. The variation being requested is to allow the construction of the pool house to be in scale with the new residence that the petitioner constructed last year. The applicant is seeking a 10' variation to allow the maximum height of the pool house to be 25'.

The lot consolidation will follow the Plan Commission and plat approval requirements as a public meeting. The variation request will heard as a public hearing on April 27, 2017.

Please contact me should you have any questions regarding this application.

Thank you.

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PZBA Meeting

Case #17-04 V/LC

Name: Joe Papanicholas

Address: 1201/1209 N. Drury Lane, Arlington Heights, IL

EXHIBITS LIST				
No.	Date	Description	Prepared	
1	3/3/17	Completed Application	Applicant	
2	2/27/17	Subdivision Plats – 3 pgs	Compass Surveying	
3	3/3/17	Hardship letter	Applicant	
4	3/3/17	Original Flevations	Arcon Architects	
5_	3/18/17	Site Plans	Arcon Architects	
6	4/10/17	Modified Valiation Request Letter	Applicant	
7	3/18/17	Revised Elevations	Arcon Architects	
8	4/17/17	Proof of Notice: New paper, letters, abutters list.		
9	3/30/17	Zoning Review	Director Peterson	
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FOR OFFICE US	E ONLY:
FEE PAID	
RECEIPT#	
DATE	
RECV'D BY	
CASE #	
MEETING DATE	

APPLICATION	
☐ Special Use (\$400) ☐ Map Amendment (Refer to Ord. 0-03-18) ☐ Subdivision/PUD (Refer to Ord. 0-03-18) ☐ Text Amendment (\$300) ☐ Lot Consolidation (Refer to Ord. 0-03-18)	
APPLICANT. De l'Apanicholas ADDRESS: 1209 N. Drury LN. and 1201 N. Drury LN. Arlington 14+5. IL 6004	1tone
PHONE: Horie: 847-878-5547 Work: 847-878-5544	
Address of subject Property: 1201 11209 N. Drung LW Arlington Hts, IL 60004	
PROPERTY IS LOCATED IN THE Zi ZONING DISTRICT. APPLICABLE SECTION OF ORDINANCE: 5-3-9: Accessed Ballings	and Structure.
DESCRIPTION OF REQUEST: Lot Constitution of 1201 1209 Variance for Height of Accessory Structure	
Are there any covenants, conditions, restrictions or floodplain issues concerning type of improvements, setbacks, area or height requirements, occupancy or use limitations, etc. rieced on the property and now of record: YES NO If yes, please describe:	
Has the property been the subject of previous or pending administrative legislative or court action: YES NO If yes, give details:	
 The following items MUST be submitted at time of filing: Application (12 copies) Plat of Survey (12 copies) - must be drawn to scale and indicate the location of the proposed addition or construction and must contain the legal description of the property, along with additional information to support the application (12 copies). (Note*- please include one copy for file no larger than 11"x 17"). Proof of Ownership (1 copy) Letter indicating Hardship (for variations only -12 copies) Notice to Property Owners (1 copy) List of Property Owners (1 copy) obtained from the Wheeling Township Office, 1616 N. Arlington Heights. Rd., Arlington Heights., IL 60004 - Tel: 847/259-1515 of all properties lying within 350 ft. of property line/subject's property once approved confirmation letter from the City of Prospect Heights is received. Application Fee (cash or check made payable to: City of Prospect Heights) 	
Signature of Applicant	



NICHOLAS & ASSOCIATES, INC.

Ex#3

1001 Feehanville Drive Mt. Prospect, IL 60056

Phone 847.394.6200 Fax 847.394.6205

March 3, 2017

City Council
City of Prospect Heights
8 N. Prospect Heights
Prospect Heights, IL 60070

RE: Paranicholas Pool House - Letter of Hardship

1209 N. Drury Lane

Arlington Heights, IL 60004

Dear Members of the Planning and Zoning Board and City Council,

My family and I currently live at 1201 N. Drury Lane. We recently have purchased the property next door (to the North), which is 1209 N. Drury Lane. Our goal is to consolidate lots (1201/1209) and build a pool and pool house on the 1209 property.

Per Section 5-3-9: ACCESSORY BUILDING. AND STRUCTURES of the City of Prospect Heights Zoning Ordinance, "D. Height Of Accessor Buildings In Required Rear Yards, Overall: No accessory building or structure or portion there of located in a required rear yard shall exceed the height of the principal structure at its highest point. However, in no case shall the accessory building or structure exceed fifteen feet (15), "It any point."

As we move through the design process, we feel it is critical that our proposed accessory structure (pool house) exceed the allowable 15' height for the rollowing reasons:

- Balance the newly consolidated properties
 - Once consolidated, the lot will be Approx. 200' x 265'; therefore we feel it is important that the area gets "filled in" appropriately.
- Maintain similar scale/design of our proposed new pool house with our newly constructed home at 1201 N. Drury Lane in an effort to maximize "curb appeal".

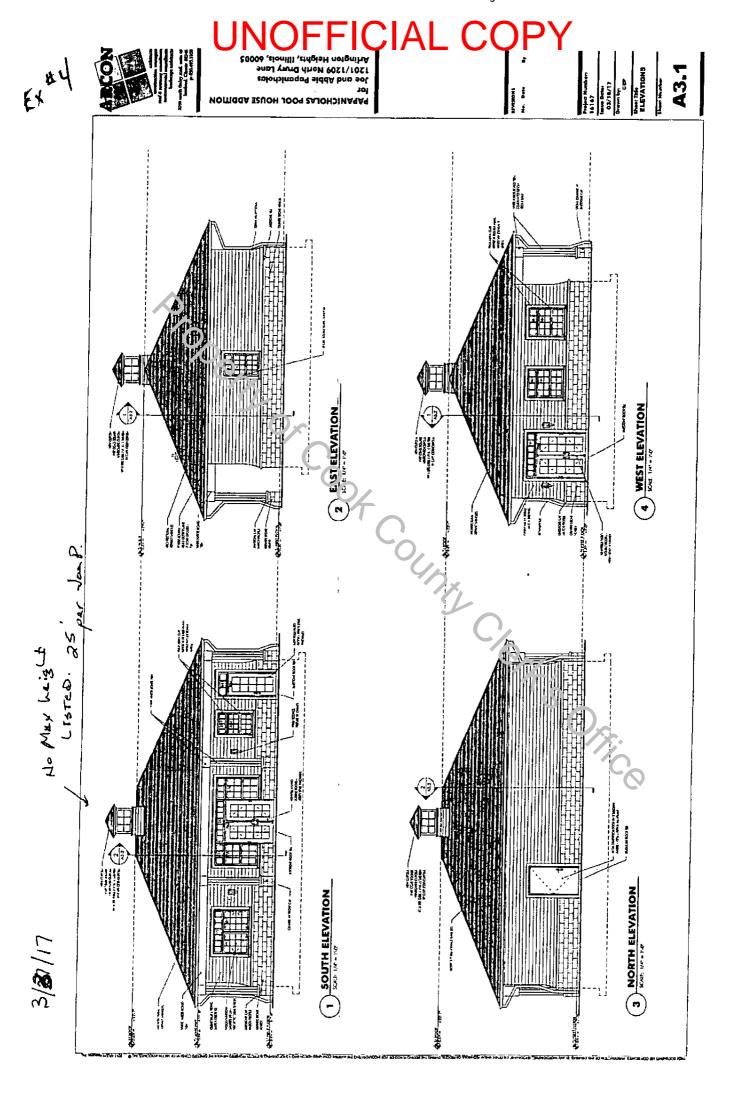
Please consider our hardship for the variance to allow this accessory structure to not conform to the max allowable height as referenced within section 5-3-9 of the city ordinance.

Sincerely,

Joe Papanicholas 847-878-5544

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CITY OF PROJECT HEIGHT.



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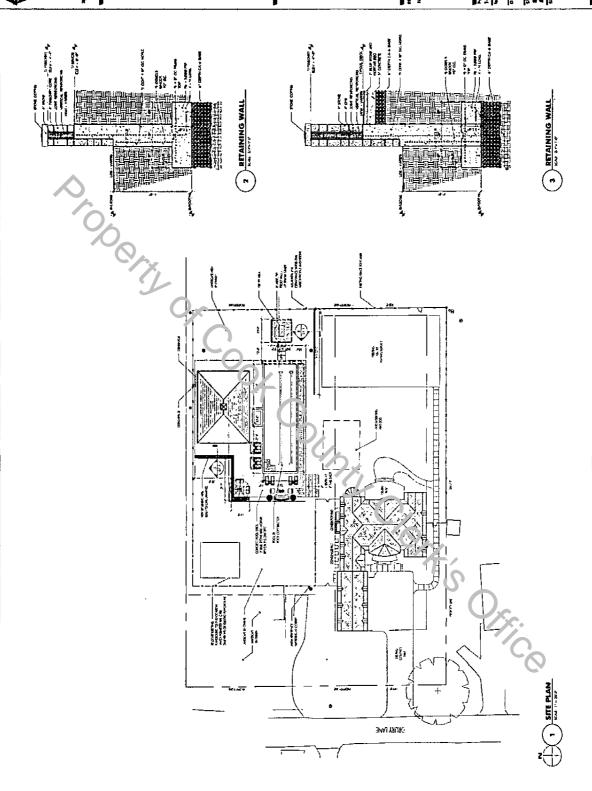
#

J.

Dee und Abbie Poponicholos 1201/1209 North Drum Lane 20005, sionillists, booos

PAPANICHOLAS POOL HOUSE ADDITION

No. Date By
No. Date By
Project Numbers
(1871-187)
Wase Dates
(1871-187)
(1871-187)
Street Plant
Street Plant
Street Plant
Street Numbers
(1871-187)



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Ex #6



NICHOLAS & ASSOCIATES, INC.

1001 Feehanville Drive Mt. Prospect, IL 60056 Phone 847,394,6200 Fax 847.394.6205

April 10, 2017

City Council City of Prospect Heights 8 N. Prospect Heights Prospect Heights, IL 60070

RE: Paparicholas Pool House – Modified Proposed Accessory Structure Height 1209 iv. Or any Lane Arlington heights, IL 60004

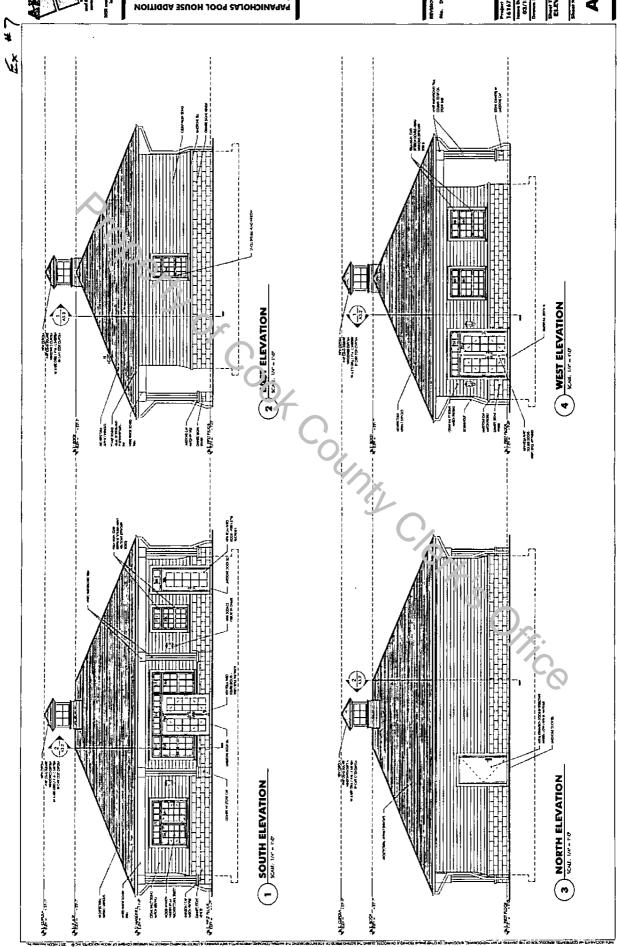
Dear Members of the Pianning and Zoning Board and City Council,

As a product of finalizing the design process, I would like to modify my previously proposed variation to allow the height of an accessory building to be a maximum of 27 feet 1 inch instead of 15 feet as required by Section 5-3-9 D of the City of Prospect Heights Zoning Code on the property commonly known as 1201 Drury Lane, Arlington Heights, Illinois, in the City's R-1 Single Family Residential District.

Sincerely,

Joe Papanicholas 847-878-5544

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Zoning Review

Date:

March 30, 2017

Reviewer:

Daniel A. Peterson, Director of Building & Development

Applicant:

Joe Papanicholas

Subject Property:

1209 N. Drury Lane

Application:

1. Lot Consolidation - Public Meeting

2. Variation to Exceed Maximum Height for an Accessory Structure

- Public Hearing

Project:

Consolidate 1201 N. Drury with 1209 N. Drury to create a single lot of

record.

Construct at in ground swimming pool and pool house in rear yard.

Documents Reviewed: Completed Application. Socilist of exhibits in packet.

Applicable Zoning Sections: Lot Consolidation - Preminary and Final Plat: 6-3-4

Accessory Structure Heights: 3-3-9 D

Variation Standards 5-10-8

Current Zoning:

R-1 Single Family Residential District

Current Use:

Single Family Residential Permitted Use

Request:

The petitioner is seeking a lot consolidation that will allow for the construction of an in ground swimming pool and accessory structure. Upon approval of the plat the petitioner is seeking a variation to Section 5-3-9 D of the City of Prospect Heights Zoning Code to allow a 10' height increase from 15' to 25' for the

accessory structure (pool house).

Standards for Variations:

There are three variations being requested. Staff has reviewed the project for conformance with the standards for variation. Commissioners should review for conformance with the standards for variation on each request separately.

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5-10-8: VARIATIONS:

- F. Standards For Variations: The plan/zoning board of appeals shall not recommend variation of the regulations of this title unless it shall make findings of fact based upon the evidence as presented that: (Ord. 0-77-27, 7-18-1977; amd. Ord. 0-03-35, 9-15-2003)
- 1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

Response: Refer to the hardship letter from petitioner dated March 3, 2017. The plan

commission shall evaluate and verify that special conditions and

circumstance exist.

2. Literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed ry other properties in the same district under the terms of this title.

Response: Standard mes. With the plat of consolidation joining both lots, the applicant

has the right to utilize the property as enjoyed by other properties.

3. The alleged hardship has not been directly created by any person presently, or a predecessor in interest, having a proprietary interest in the premises.

Response: Plan commission should evaluate the hardship letter as presented.

4. The proposed variation will not be materially det.imental to the public welfare or injurious to other property or improvements in the neighborhood.

Response: Standard met.

5. The proposed variation will not impair an adequate supply of light and cir to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

Response: Standard met.

6. The proposed variation will not alter the essential character of the locality.

Response: The overall project will not alter the essential character of the locality.

7. The proposed variation is in harmony with the spirit and intent of this title.

Response: Standard met.

8. Granting the variation requested will not confer the applicant any special privilege that is denied by this title to owners of other lands, structures, or buildings in the same district.

Response: Standard will be met as each case is reviewed and granting of the variation is

not denying the right of others in the same district to seek the same variation.

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9. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variation. (Ord. 0-77-27, 7-18-1977)

Response: Standard met. This case is based upon the conditions of the property.

10. The plan/zoning board of appeals shall further make a finding that the reasons set forth in the application justify the granting of the variation, and that the variation is the minimum variation that will make possible the reasonable use of the land, building, or structure. (Ord. 0-77-27, 7-18-1977; amd. Ord. 0-03-35, 9-15-2003

No additional conditions are necessary. Response:

The board may impose such conditions and restrictions upon the location, construction, design and use of property cenefited by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values.

Conclusion

The applicant has consolidated the low for the purpose of constructing the pool and pool house in conformance with the requirement that no accessory structure is permitted on a lot without a principal structure. The merity of the height variation should be considered OUNT in the entirety of the property.

6-3-2: PRELIMINARY PLAT:

A. Procedure For Approval: The subdivider shall submit twelve (12) copies of the preliminary plat and written application for approval to the city clerk. Accompanying the plats shall be the preliminary plat filing fees referred to in subsection 6-7-4B of this title. The preliminary plat shall be referred by the city council to the plan/zoning board and appropriate city staff officers for review. The plan/zoning board, after its review and report from appropriate city staff officials, shall negotiate with the subdivider on changes deemed necessary, shall recommend approval, approval with conditions, or rejection of the plat to the city council. The council shall refer the preliminary plat to the appropriate committees, and after committee review and recommendation, approve, approve with conditions or reject the preliminary plat. The city clerk shall then notify the subdivider in writing. Such tentative approval by the city council shall not constitute acceptance of the subdivision. (Ord. 0-77-02, 2-7-1977; amd. Ord. 0-03-35, 9-15-2003)

6-3-3: CONSTRUCTION IMPROVEMENT PLANS:

A. Procedure For Approval:

1. Preliminary Plans: Simultaneous with filing the preliminary plat or as soon thereafter as practicable, the subdivider shall submit to the City Clerk three (3) copies of the preliminary subdivision improvement plans covering the area of the preliminary plat. Two (2) copies of the

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preliminary plans shall be forwarded to the City Engineer for review. The City Engineer shall review the plans and submit a report on these plans to the Plan Commission as a part of the preliminary plat review report. Upon approval of the preliminary plat, the subdivider shall be notified in writing to proceed with the preparation of final construction plans.

2. Final Construction Plans And Specifications: After approval of the preliminary plats and plans, the subdivider shall prepare final construction plans, specifications and cost estimates, and submit four (4) copies to the City Clerk. Accompanying the submittal shall be subdivision improvement filing fees referred to in Section 6-7-4C of this Title. Three (3) copies of the submittal shall be transmitted to the City Engineer. The City Engineer shall review the final construction plans for conformance with the preliminary plans and transmit a written report and one copy of the submittal to the City Council with his recommendations. If a final plat is being prepared covering only a portion of the approved preliminary plat, the final construction plans need be prepared for only that portion being platted. However, the entire area must be taken into account in designing the system.

6-3-4: FINAL PLAT:

A. Procedure For Approval: Within one year of approval of the preliminary plat, the subdivider shall prepare a final plat and submit to the City Clerk, together with a written application for approval. Accompanying the submitt il shall be the final plat filing fees referred to in subsection 6-7-4B of this Title.

In case application for approval of a final plat is made for a part or parts of an approved preliminary plat, the City Council may extend the time for application of approval of final plats for other parts of the approved preliminary plat until later date or dates beyond the foregoing one year period.

The City Council shall refer the plats to the Plan Commission and the City Engineer for review. The City Engineer shall review the plats for technical details, conformance with existing City ordinances and conformance with the approved preliminary plat and sobmit a written report to the Plan Commission. The Plan Commission shall, after its review, submit its recommendation to the City Council. The City Council shall, by resolution, approve or disapper ve such plat. Upon adoption of the resolution approving a final plat, the City Clerk shall certify such approval and affix the corporate seal of the City on the final plat.

Conclusion

Staff has reviewed the engineering plans and final plat documents for conformance to City standards and recommends the project be approved conditioned on compliance with all final engineering requirements and approval.

Staff concurs with the request.