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Cook County Recorder 27.50

COOK COUNTY
RECORDER
EUGENE "GENE" MOORE
MARKHAM OFFICE



99808613

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ORDINANCE NO. M- 1395

**AN ORDINANCE GRANTING A ZONING VARIATION TO PERMIT
THE RECONSTRUCTION OF A DECK WITHIN THE SIDE YARD ON THE
PROPERTY AT 18602 LEXINGTON AVENUE, HOMEWOOD, ILLINOIS**

WHEREAS, 65 ILCS 5/11-13 et. seq. authorizes municipalities under 500,000 population to determine and vary the application of their zoning regulations relating to the use of land; and

WHEREAS, said 65 ILCS 5/11-13 et. seq. further authorizes the granting of a zoning variation by passage of an Ordinance; and

WHEREAS, the President and Board of Trustees of the Village of Homewood, Cook County, Illinois, deem it appropriate and are willing to grant zoning variations for the property hereinafter described to permit the reconstruction of a deck within the side yard, thereby maintaining the nonconformity of the existing structure, subject to the terms and provisions hereof.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Homewood, Cook County, Illinois, THAT:

SECTION ONE - FINDINGS OF FACT:

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In connection with this Ordinance and based upon the record of public hearings before the Homewood Zone Board of Appeals, and Village Board of Trustees, and based upon evidence presented at all said public hearings, the President and Board of Trustees herewith make findings of fact as follows:

- a) A petition has been filed by Kurt Michl seeking a zoning variation from Section 503.1 of the Homewood Zoning Ordinance to allow for the construction of a wooden stoop/stairs in the side yard at 18602 Lexington Avenue.
- b) The proposed stoop/stairs would measure 7 feet 2 inches by 4 feet and would be no larger than the existing concrete stoop.
- c) The current stoop/stairs encroach into the side yard and are a nonconforming structure. The structure is also in a state of deterioration and must be repaired for safety.
- d) The proposed stoop/stairs would be constructed so that they would not be structurally dependent upon the existing structure.
- e) On July 8, 1999, the Zone Board of Appeals unanimously recommended approval of this request.
- f) The construction of the new stoop/stairs is a de minimus extension of an existing nonconforming use which will benefit and improve not only the existing residence, but also the surrounding neighborhood.

SECTION TWO - LEGAL DESCRIPTION:

Lot 2 in Block 4 in Second Addition to Downey Manor, being a subdivision of the South 1/2 of the Northwest 1/4 of Section 6, Township 35 North, Range 14 East of the Third Principal Meridian, according to plat thereof recorded October 18, 1950, as Document No. 14930238, in Cook County, Illinois.

Permanent Index Number: 32-06-120-012-0000

Commonly known as: 18602 Lexington Avenue
Homewood, IL 60430

SECTION THREE - GRANTING OF ZONING VARIATIONS:

The following zoning variation is hereby granted:

A variation from Section 503.1 (repairs and structural alterations) of the Homewood Zoning Ordinance in order to erect a wooden stoop with stairs to encase the existing nonconforming stoop presently located in the SIDE yard.

SECTION FOUR - APPROVAL OF DOCUMENTS:

The plans as submitted by the petitioner at the Zone Board of Appeals meeting on July 8, 1999, are hereby made part of this Ordinance.

SECTION FIVE - ADDITIONAL MATERIALS TO BECOME PART OF THIS ORDINANCE:

The following documents are also hereby made a part of this Ordinance:

- (a) Homewood Zone Board of Appeals Minutes of July 8, 1999, as they relate to the subject zoning variance.
- (b) Homewood Village Board Minutes of July 27, 1999, as they relate to the subject zoning variances.

SECTION SIX - TIME LIMITATIONS:

The proposed project shall be substantially under construction no later than twelve (12) months from the effective date of this Ordinance. Failure to substantially commence construction within that time or failure to complete construction within twenty-four (24) months from the effective date of this Ordinance shall constitute grounds for the Village Board of Trustees to declare this Ordinance null and void after notice of such proposed action to Mr. Michl.

SECTION SEVEN - USE RESTRICTION AND CONDITION:

The approval granted by this Ordinance is subject to the following condition and approval:

The newly constructed stoop and stairs will be built independently of the existing stoop, such that, should the existing stoop collapse, it would have no effect on the new stoop.

SECTION EIGHT - VIOLATION OF CONDITION:

Violation of any of the terms and provisions of this Ordinance shall be cause to rescind this Ordinance upon prior notice to petitioner.

SECTION NINE - RECORDING:

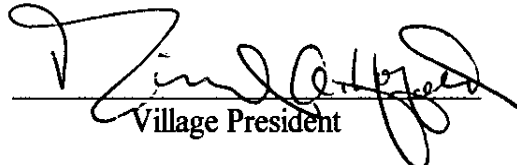
The Village Attorney shall cause this Ordinance, without attachments, to be recorded in the

Office of the Recorder of Deeds of Cook County, Illinois:

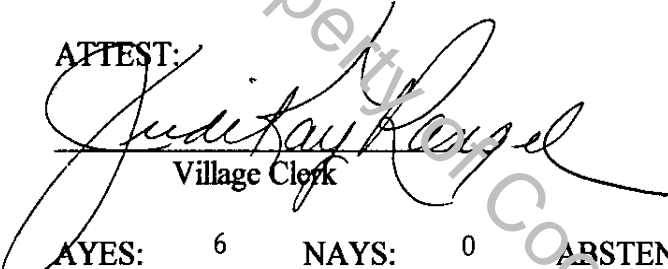
SECTION TEN - EFFECTIVE DATE:

This Ordinance shall be effective upon its passage, approval, and publication in accordance with law.

PASSED and APPROVED this 27th day of July, 1999.


Village President

ATTEST:


Village Clerk

AYES: 6 NAYS: 0 ABSTENTIONS: 0 ABSENCES: 0

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PREPARED BY Office
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