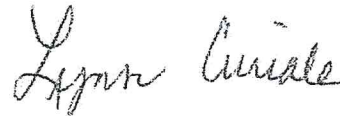


STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF DU PAGE     )

I, Lynn Curiale, City Clerk of Wood Dale, Illinois DO HEREBY CERTIFY that as such City Clerk and keeper of the records, that the foregoing is a true and correct copy of Ordinance **#O-24-013 AN ORDINANCE GRANTING A VARIATION FOR REDUCTION OF MINIMUM LOT WIDTH FOR PROPERTY TO BE KNOWN AS 118 HOMESTEAD DRIVE, WOOD DALE, ILLINOIS**

Passed by The City Of Wood Dale, Du Page County, Illinois, IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the City of Wood Dale, this 2<sup>nd</sup> day of May, 2024



Lynn Curiale, City Clerk

SEAL



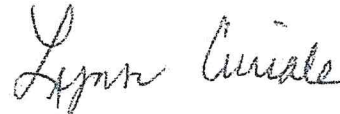
**Ordinance #O-24-013**

**AN ORDINANCE GRANTING A VARIATION FOR REDUCTION OF  
MINIMUM LOT WIDTH FOR PROPERTY TO BE KNOWN AS 118 HOMESTEAD  
DRIVE, WOOD DALE, ILLINOIS**

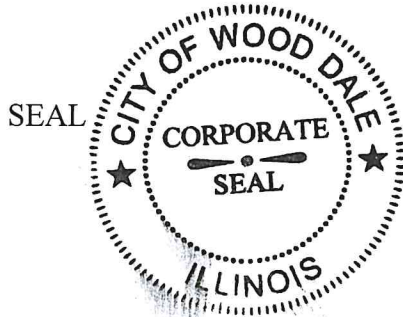
Passed: May 2, 2024  
Published in Pamphlet Form: May 3, 2024

I, Lynn Curiale, as the City Clerk for the City of Wood Dale, hereby certify that the attached Ordinance is a true and correct copy of **#O-24-013**  
**AN ORDINANCE GRANTING A VARIATION FOR REDUCTION OF MINIMUM LOT  
WIDTH FOR PROPERTY TO BE KNOWN AS 118 HOMESTEAD DRIVE, WOOD  
DALE, ILLINOIS**

Passed and approved by the City Council of the City of Wood Dale on May 2, 2024 and hereby published in pamphlet on May 3, 2024



Lynn Curiale, City Clerk



**ORDINANCE NO. O-24-013**

**AN ORDINANCE GRANTING A VARIATION FOR REDUCTION OF MINIMUM LOT WIDTH FOR PROPERTY TO BE KNOWN AS 118 HOMESTEAD DRIVE, WOOD DALE, ILLINOIS**

**WHEREAS**, the City of Wood Dale (“City”) is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

**WHEREAS**, the City is authorized and empowered, under the Illinois Municipal Code and the Code of Ordinances of the City of Wood Dale (“City Code”), to regulate properties located within the municipal boundaries of the City; and

**WHEREAS**, in furtherance of this authorization, the City has adopted a Unified Development Ordinance (“UDO”), codified in Chapter 17 of the City Code, which sets forth regulations regarding the use of property within the City; and

**WHEREAS**, the UDO provides for regulations concerning minimum lot widths in the City’s R-2, Large Lot Single-Family District; and

**WHEREAS**, the Petitioner, Claudiu Husar, applied for a zoning variation to reduce the minimum lot width measured at the front yard line of the property located at, PIN: 03-16-209-024, to be known as 118 Homestead Drive; and

**WHEREAS**, on April 15, 2024, the Community Development Commission held a public hearing on the proposed variance in Case No. CDC-2024-0002 following the necessary publication of a legal notice pursuant thereto, as required by law and the City Code; and

**WHEREAS**, following said hearing, the Community Development Commission voted to recommend approval of the proposed variances, predicated on the Petitioner’s application, testimony presented, UDO requirements, and recommendation of City Staff; and

**WHEREAS**, the proposed variances; recommendation of the Community Development Commission; and Findings of Fact and Staff recommendation set forth in the Staff Report relative to Case No. CDC-2024-0002, dated April 15, 2024, attached hereto and incorporated herein by reference as Exhibit A have been considered by the Planning, Zoning and Building Committee of the City Council of the City of Wood Dale, and the Planning, Zoning and Building Committee of the City Council has recommended approval of the variance requested by Petitioner; and

**WHEREAS**, the City Council of the City of Wood Dale has reviewed the matter herein and has determined that granting Petitioner’s request for variances in Case No. CDC-2024-0002 is in the best interests of the health, safety and welfare of the citizens of the City of Wood Dale.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOOD DALE, DUPAGE COUNTY, ILLINOIS, as follows:**

**SECTION ONE:** The recitals set forth above are incorporated herein and made a part hereof.

**SECTION TWO:** Petitioner, in Case No. CDC-2024-0002, is granted a variance from the UDO to reduce the minimum lot width at the front yard line from 80 ft. to 65 ft. for the property located at, PIN: 03-16-209-024, to be known as 118 Homestead Drive in the City of Wood Dale.

**SECTION THREE:** That all ordinances or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

**SECTION FOUR:** That the City Clerk of the City of Wood Dale is hereby directed to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

**SECTION FIVE:** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED this 2nd day of May, 2024

AYES: 7

NAYS: 0

ABSENT: Ad. SusmarSKI

APPROVED this 2nd day of May, 2024

SIGNED: Annunziato Pulice  
Annunziato Pulice, Mayor

ATTEST: Lynn Curiale  
Lynn Curiale, City Clerk

Published in pamphlet form May 3, 2024

**EXHIBIT A**

**CDC STAFF REPORT – APRIL 15, 2024**

# CITY OF WOOD DALE

Community Development



## MEMO

DATE: April 15, 2024

TO: Community Development Commission

FROM: Andrew Koterak, Planner

SUBJECT: Case No. CDC-2024-0002, Zoning Variation to reduce minimum lot width at front yard line, PIN: 03-16-209-024, To be known as 118 Homestead Drive

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### **REQUEST**

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An application has been filed by Claudiu Husar for a Zoning Variation to reduce the minimum lot width measured at the front yard line of the property located at, PIN: 03-16-209-024, to be known as 118 Homestead Drive, to facilitate the construction of a new single-family home.

### **PROPERTY INFORMATION**

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Site Address: (To be known as 118 Homestead Drive)  
PIN: 03-16-209-024  
Property Size: Approx. 0.25 Acres (10,887.50 square feet)  
Existing Land Use: Vacant  
Future Land Use: Single-Family Residential  
Existing Zoning: R-2, Large Lot Single-Family

#### Surrounding Zoning / Land Use

North: R-2, Large-Lot Single-Family / Residential  
South: R-2, Large-Lot Single-Family / Residential  
East: R-2, Large-Lot Single-Family / Residential  
West: R-2, Large-Lot Single-Family / Residential

### **ANALYSIS**

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#### **Submittals**

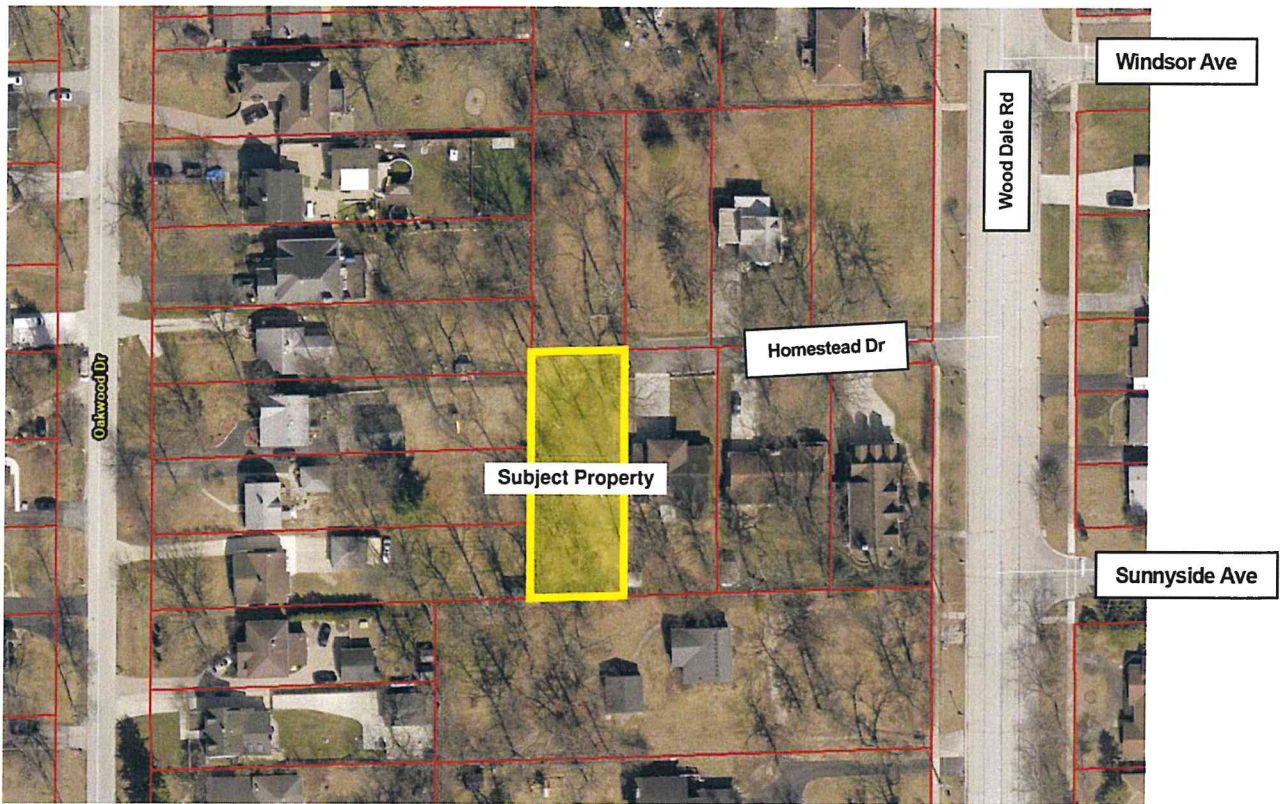
The analysis and recommendation provided in this memo are based on the following documents, which are on file in the Community Development Department and attached as noted:

- Public Hearing Application
- Owner Letter of Authorization

- Plat of Survey (Exhibit A)
- Concept Site Plan (Exhibit B)
- Front Façade Rendering (Exhibit C)
- Petitioner Narrative (Exhibit D)
- Petitioner Responses to Variation Standards for Approval (Exhibit E)
- Private Driveway Access Agreement (Exhibit F)

**Project Description**

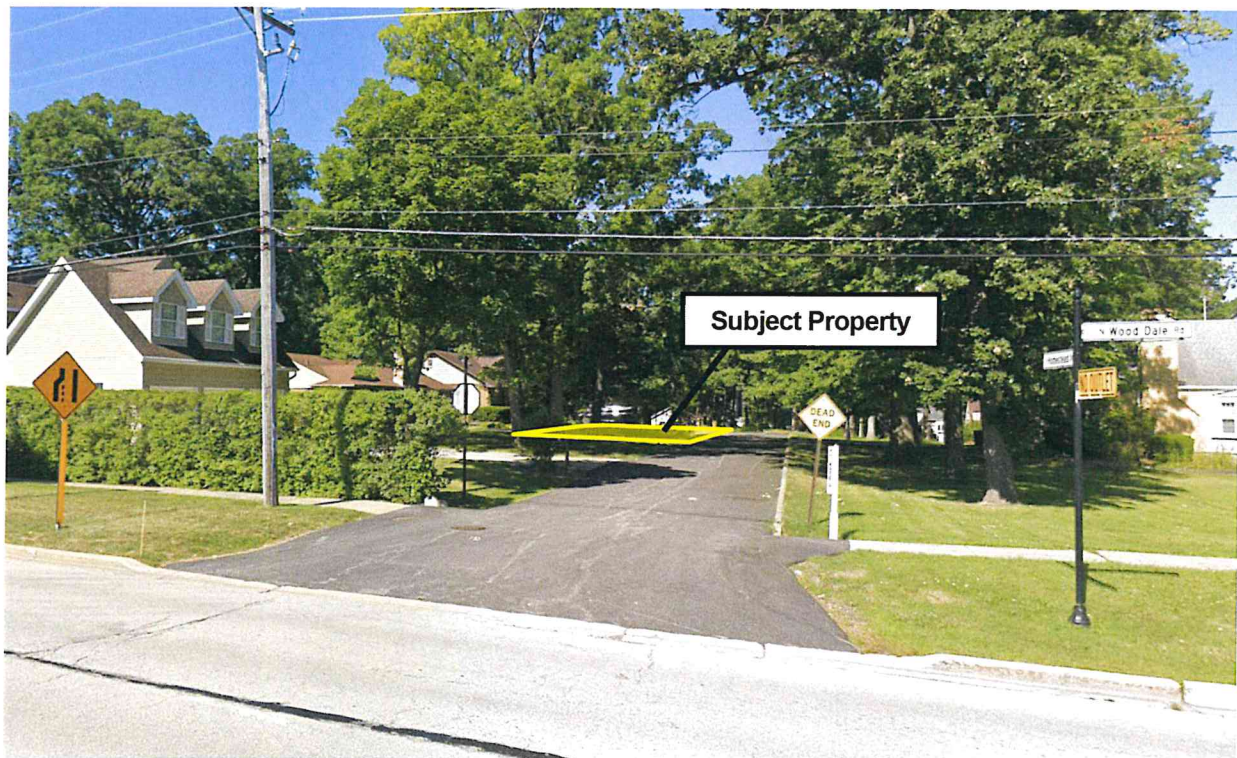
The subject property does not currently have an address assigned, but is generally located at the western terminus of the private street known as Homestead Drive. Homestead Drive intersects Wood Dale Road mid-block between Windsor and Sunnyside Avenues (see location map below). The property is zoned R-2, Large Lot Single-Family and is currently vacant. The property is currently held in a trust which names Peggy Wiesneth and Patricia Kearney co-trustees (owners). Claudiu Husar is the applicant who intends to purchase the property to construct a new single-family home on the lot. The applicant has obtained permission from the property owners to submit this zoning petition.



*Location Map*

Homestead Drive is primarily a private street which provides access to Wood Dale Road for each home in the subdivision. A 30 ft. private road easement shown on the plat of subdivision accommodates the street. The applicant has submitted a copy of the original 1940 access agreement which sufficiently demonstrates the subject property has the right to traverse across each and every intervening private property to access the Wood Dale Road public right-of-way. The agreement requires that the property owners work together to maintain in good repair, at their own expense, the 30 foot private road shown on each plat of survey.

According to the Director of Public Works, the developer of the subject property will be required to extend the private street to provide sufficient access for the new home. The City recently partnered with the homeowners to resurface the asphalt road which is in good condition. According to the concept site plan submitted by the applicant, the existing private street will be extended to the western edge of the subdivision, across the subject property and adjacent at 110 N Homestead Drive. The owner of the adjacent property, across which a portion of the new private street would be constructed, has submitted a letter of support for the proposal.



*View of Homestead Drive (Facing west from Wood Dale Road)*

### **Compliance with the Comprehensive Plan**

The property is designated as Single Family Residential on the Future Land Use Map of the Comprehensive Plan. The Single-Family Residential land use category for properties in the southwestern area of the City is intended to maintain the existing character of the neighborhoods in this area. These neighborhoods have less of a grid street network and more parks and green spaces throughout. The southwest area has a variety of housing



types including single-family, larger single-family lots in semi-rural areas, townhomes, multi-family developments, and more open spaces.

The proposed development will help the City achieve Goal 4, Objective 1: Ensure there is housing stock for current and future residents through development of new owner-occupied and rental housing. The proposed development would advance this goal by expanding the housing supply to accommodate new residents in the City. The new single-family home helps Wood Dale continue to maintain small-town charm. Therefore, the requested zoning Variation is generally consistent with the comprehensive plan.

**Compliance with the Unified Development Ordinance (UDO)**

The subject property is designated as R-2, Large Lot Single-Family. The subject property does not meet the minimum R-2 lot standards set forth in the UDO (per table below; standards in bold do not meet minimums). However, since the property is surrounded entirely by the R-2 zoning district, this is the most appropriate designation.

Sec.17.704.A.1 of the Municipal Code allows for continuation of substandard lots which do not meet lot standards, however, since the subject property was previously under common ownership with the adjacent property (116 Homestead Drive), this exception does not apply. Hence, the applicant is requesting a zoning Variation for relief from lot development standards to reduce the minimum lot width at the front yard line from 80 ft. to 65 ft. It will not be possible to construct a home on the subject property without such a Variation.

	<b>R-2 Lot Standards</b>	<b>Proposed Lot Standards (118 Homestead)</b>
Minimum Lot Area (sq. ft.)	10,000 SF	10,000 SF
Minimum Lot Width at front yard line (ft.)	80 ft	<b>65 ft</b>
Minimum Lot Depth	125 ft	125 ft
Minimum Front Yard Setback (ft.)	25 ft	25 ft
Minimum Corner Side Yard Setback (ft.)	25 ft	25 ft
Minimum Side Yard (ft.)	10 ft or 10% of lot width, whichever is less	10 ft or 10% of lot width, whichever is less
Minimum Rear Yard	30 ft	30 ft
Maximum Lot Coverage	40%	40%
Maximum Building Height	30 ft	30 ft

### Neighborhood Comment

Notice was provided to adjacent property owners in accordance with Section 17.202.E of the UDO. A public hearing sign was placed at the subject and a notice was published in the Daily Herald on 3/29/2024. Staff received three general inquiries about the petition from nearby residents. Staff explained that a Zoning Variation is being requested by the applicant to reduce the minimum lot width to facilitate the construction of a new single-family home and that Homestead Drive may be extended to provide access to the new home.

One resident had concerns about the geometry of the end of the street, existing drainage issues in the area, and screening of the yard. Staff explained that because Homestead Drive is a private street, the City does not have engineering standards for its construction. Staff also explained that the site will undergo engineering review upon permitting to ensure compliance with all applicable stormwater management ordinances and that while a 6 ft. tall privacy fence is allowed to be installed in the side and rear yards of the subject property, it is not necessarily required.

### Findings of Fact

No variation shall be authorized by the City Council unless the Community Development Commission shall find evidence establishing the following general standards and criteria, found in Chapter 17, Article II, Section 17.204.C.6 of the Municipal Code. Applicant's responses to standards are attached in Exhibit C. The standards are as follows (*staff comments italicized*):

1. General Standard. No variation will be granted pursuant to this Section 17.204.C.6 unless the applicant will establish that carrying out the strict letter of the provisions of this UDO would create a particular hardship or a practical difficulty. Such a showing will require proof that the variation being sought satisfies each of the standards set forth in this Subsection.

*Response: See responses to standards below.*

2. Unique Physical Condition. The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

*Response: The subject property is exceptional in the R-2 zoning district, as the lot is a substandard width compared to the current bulk standards for the district. The lot has always measured 65 ft. in width which was permitted at the time of subdivision in 1921. The unique condition is not merely an inconvenience, as the lot would not be "buildable" unless it were consolidated with an adjacent property, or a Variation obtained.*

3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or his predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this UDO, for which no compensation was paid.

*Response: The physical condition of the subject property has not been created by the current owner. The lot was originally created prior to adoption of the current UDO. According to the original plat of subdivision, the lot was approved before the required minimum lot width of 80 ft. measured at the front yard like was effective in the R-2 district. The applicant does not own the subject property, but intends to purchase the lot for the purpose of developing a single-family home should the requested Variation be granted.*

4. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

*Response: The subject property is the same width (65 ft.) as other lots in the subdivision on which homes have been built. Carrying out the strict letter of the Unified Development Ordinance would deny the applicant the right to construct a home on a lot otherwise sufficiently sized lot to accommodate a single-family home.*

5. Not Merely Special Privilege. The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the sale of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship will not be a prerequisite to the grant of an authorized variation.

*Response: The alleged hardship is not merely a special privilege, nor merely an inability to make more money from the sale of the subject property, as no home could be constructed on the lot if not for the requested Zoning Variation.*

6. Code and Plan Purposes. The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which this UDO and the provision from which a variation is sought were enacted or the general purpose and intent of The City of Wood Dale Comprehensive Land Use Plan.

*Response: The variation request is consistent with the general purpose and intent of the UDO and the Comprehensive Plan. The property is located within an established residential district and will be used for a residential use compatible with surrounding development patterns. The request also supports goals and objectives*

*of the Comprehensive Plan including by expanding the housing supply to accommodate current and future residents. If not for the requested Variation, the lot would continue to remain vacant providing no benefit to the neighborhood or City.*

7. Essential Character of the Area. The variation would not result in a use or development on the subject property that:
- a. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity;
  - b. Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity;
  - c. Would substantially increase congestion in the public streets due to traffic or parking;
  - d. Would unduly increase the danger of flood or fire;
  - e. Would unduly tax public utilities and facilities in the area; or
  - f. Would endanger the public health and safety.

*Response: The proposed development would not be materially detrimental to public welfare, adequate supply of light and air to neighboring properties, or public health and safety. Furthermore, the Wood Dale Fire District has reviewed the proposed concept plan and raised no objections, as the proposed extension of Homestead Drive would continue to accommodate fire apparatus (vehicles). The new single-family home is anticipated to have a similarly minimal impact on public utilities and services compared to preexisting homes in the area.*

No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

*Response: No lot less than 80 ft. in width could be created in the R-2 zoning district under the provisions of the current UDO, rezoning the subject property to a less restrictive residential district is not a viable or desirable alternative as this would result in "spot zoning". The R-2 Single-Family zoning designation is the most appropriate for this area of the City, so there is no other remedy than obtaining a Variation.*

## **RECOMMENDATION**

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The Community Development Department finds that the request for a zoning variation for the property located at PIN: 03-16-209-024 (to be known as 118 Homestead Drive) is compatible with surrounding zoning and land use classifications, meets the requirements in the Unified Development Ordinance and is consistent with the City's Comprehensive Plan. Based on the above considerations, staff recommends that the Community Development Commission make the following motion recommending approval of this petition:

*Based on the submitted petition and the testimony presented, the proposed zoning Variation is consistent with the Unified Development Ordinance and Comprehensive Plan; and, therefore, I move that the Community Development Commission adopt the findings of fact included within the staff memo dated April 15, 2024 as the findings of the Community Development Commission, and recommend to the City Council approval of the zoning Variation to reduce the minimum lot width measured at the front yard line from 80 ft. to 65 ft. for property to be known as 118 Homestead Drive in Case No. CDC-2024-0002.*

***(Yes vote would be to approve; No vote would be to deny)***

**Exhibits**

- A – Plat of Survey
- B – Concept Site Plan
- C – Front Façade Rendering
- D – Petitioner Narrative
- E – Petitioner Responses to Variation Standards for Approval
- F – Private Driveway Access Agreement



# MURRY AND MOODY, LTD.

Land Surveyors

Illinois Professional Land Surveying Firm Corporation License No. 184-002845  
933 S. Plum Grove Road, Suite 101  
Palatine, Illinois 60067  
www.murrysurvey.com info@murrysurvey.com Phone: (847)358-5960

## Exhibit A

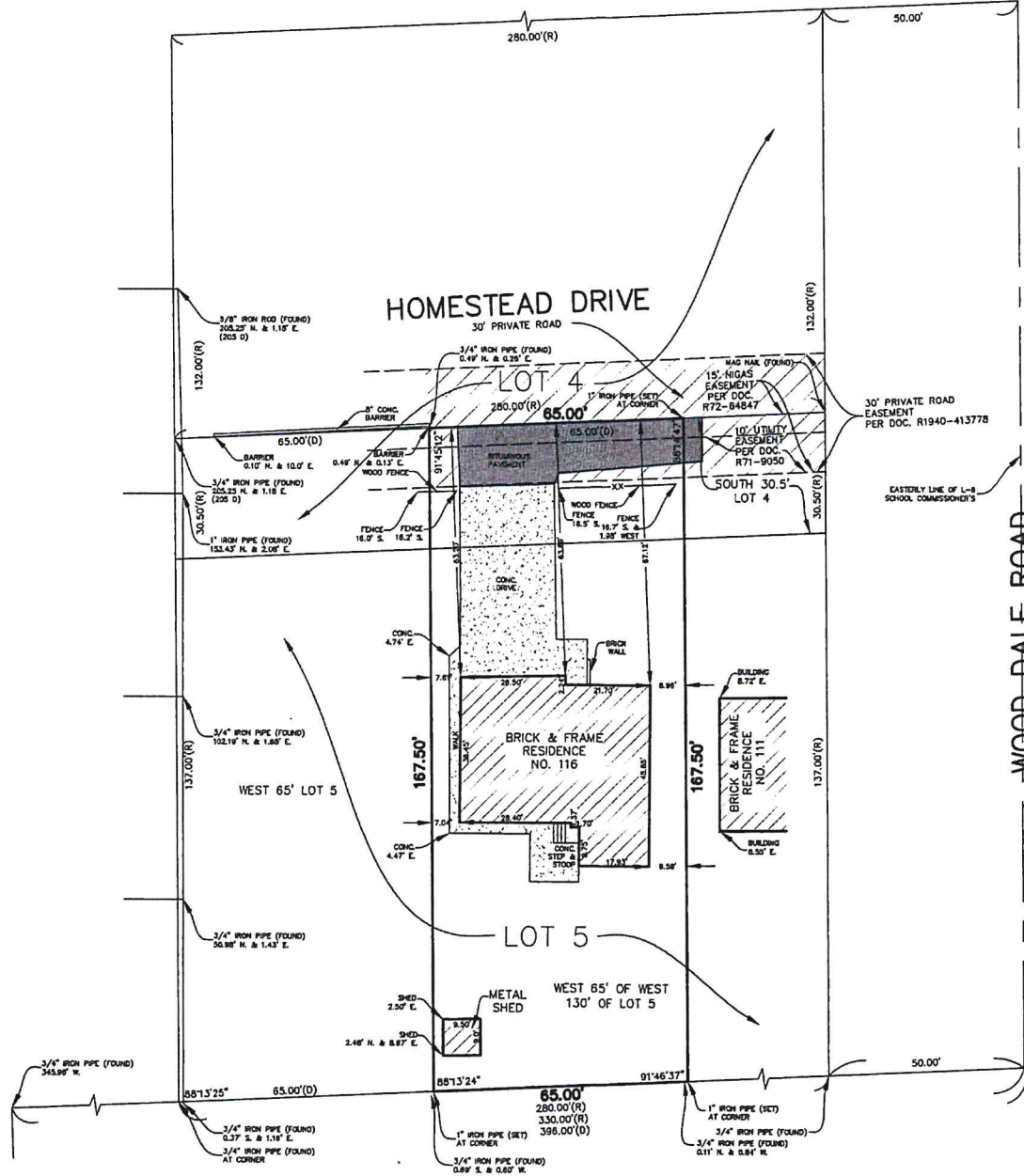
### CDC-2024-0002



## PLAT OF SURVEY

OF

THE EAST 65 FEET OF THE WEST 130 FEET OF THE SOUTH 30.5 FEET OF LOT 4, AND THE EAST 65 FEET OF THE WEST 130 FEET LOT 5 IN OWNER'S ASSESSMENT PLAT OF THE EAST 330 FEET OF LOT 6 IN SCHOOL COMMISSIONER'S PLAT OF SECTION 16, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID OWNERS ASSESSMENT PLAT RECORDED SEPTEMBER 16, 1921 AS DOCUMENT 150872, IN DUPAGE COUNTY, ILLINOIS.  
AREA = 10,869± S.F. / 0.249 ACRES



### EASEMENTS

- #1: 30 FT. X 215 FT. PRIVATE ROAD EASEMENT OVER THE NORTH 15 FT. OF THE SOUTH 30.5 FEET OF LOT 4 AND ALSO OVER THE SOUTH 15 FEET OF THE NORTH 45.5 FEET OF LOT 4 PER DOCUMENT R1940-413778
- #2: 10 FT X 240 FT. UTILITY EASEMENT OVER THE SOUTH 10 FT. OF THE NORTH 15 FT. OF THE SOUTH 30.5 FT. OF LOT 4 PER DOC. R71-9050
- #3: 15 FT. NIGAS EASEMENT OVER THE NORTH 15 FT. OF THE SOUTH 30.5 FEET OF LOT 4 AND LOT 5, ETC. PER DOC. R72-64847

### LEGEND AND NOTES

Dimensions shown thus: 50.25 are feet and decimal parts thereof. Angular data shown thus: 90°00'00" indicate degrees, minutes and seconds.  
50.25 / N 90°00'00" E indicates measure dimension / bearing.  
[50.25 d] / (N 90°00'00" E) indicates record dimension / bearing.  
Bearings shown hereon, if any, per local or assumed data, unless shown otherwise.  
Compare your points before using same and report any differences immediately.

Check legal description with deed or title policy and report any discrepancy immediately. Building lines and easements, if any, shown hereon are as shown on the recorded subdivision plat or as indicated.

Order Number: 19-1180  
Survey Made For: Anne Cotter

STATE OF ILLINOIS } S.A.  
COUNTY OF COOK }

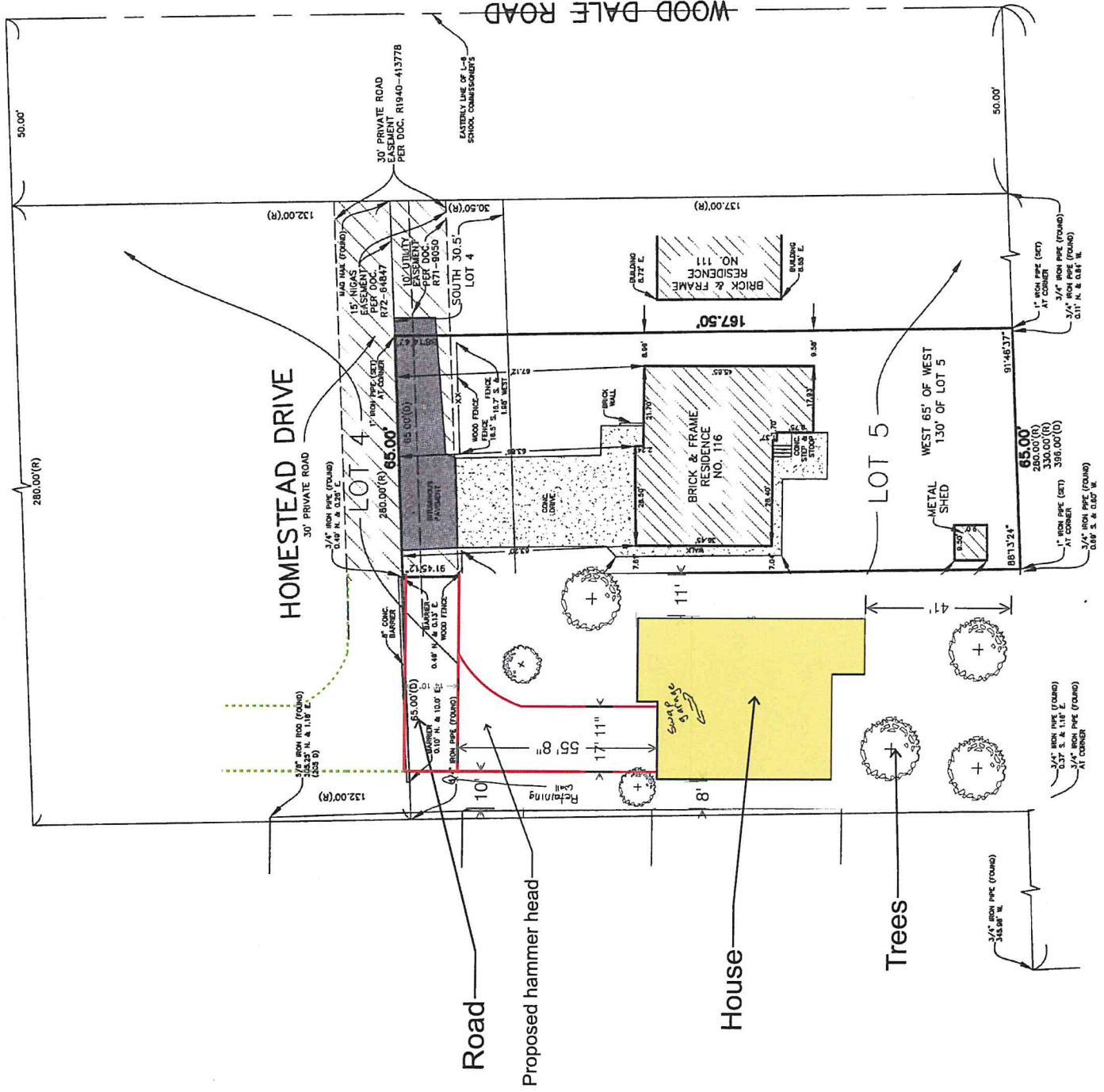
I, Barbara C. Murry, an Illinois Professional Land Surveyor, do hereby certify that I have surveyed the above described property, and that the above plat is a correct representation of said survey and that this professional service conforms to the current Illinois minimum standards for a boundary survey.  
Date of completion of field work: July 17, 2019

Palatine, Illinois: July 13, 2019

Illinois Professional Land Surveyor - Barbara C. Murry 035-003529  
License Renewal date: November 30, 2020

Project Number: 19118000  
Field Book: 327L-41-43  
Drawing File: 19118000.dwg





EASEMENTS





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**CLAUDIU AND SORIN HUSAR**

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117 PARAMOUNT DR WOOD DALE IL 60191



000 Homestead Dr

Prepared for: City of Wood Dale

Prepared by: Claudiu Husar

January 31, 2024

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## Objective

Upon seeing 000 Homestead dr my father and I immediately agreed this would be a great lot to build a beautiful (roughly 2,500) soft home. Upon approval of our offer we found out the lot was not in compliance with the current R2 zoning. Speaking several times with Andrew Koteris we looked into a substandard lot. This subject lot didn't qualify as it was owned by the same trust at some point when the zoning changed where in affect. We then got on a few calls to discuss proceeding with a variation. Homestead dr was subdivided in 1921 and since all lots have remained the same most parcels have homes constructed but 2 or so do not. We would like to get a variation in width for our width of 65 ft and a variation in square ft of 8,905. We believe since surrounding lots are all equal that a nice home could be built on this lot. Additionally me and my family have lived in Wood Dale for as long as I can remember and would love to reinvest in our town.

## Goals

The overall goal is to be able to get a variation approved so we can move forward and close on the property and begin to submit all the plans for building. We would love to start building as soon as we get approvals and are serious of completion in a timely fashion.

## Solution

I am willing to work with the board and accommodate different homes. I have included a set of preliminary pictures and drawings but am not locked on this home if the city believes we should go with a home that is less in width or depth I can work with that to create a solution.

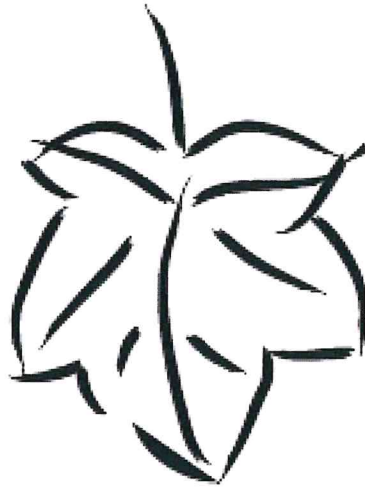
## Project Outline

If we are granted this variation and after said plans are approved we will begin with extending the private drive and removing 2-3 trees based upon where the home would be built. My father and I both love nature and would plant more than is needed back upon construction completion. We expect the duration to be anywhere from 12-16 months depending when we would start. My father and I are both in the construction business and have licensed and insured companies that would do the project so that's why we have confidence of completion and completion on time.

Thank You and look forward to working with you guys  
Sincerely

Claudiu and Sorin Husar

---



**Variations**  
**APPLICATION PACKET**

City of Wood Dale  
Community Development Department  
404 N Wood Dale Rd  
Wood Dale, IL 60191  
(630) 766-5133

*Updated 06/2022*



**AUTHORIZED VARIATION REQUESTS**

**The City Council can only grant variations from the following listed regulations, per Sec. 17.204.C.5.b:**

1. To vary the applicable lot area, lot width, and lot depth requirements, subject to the

following limitations:

- a. The minimum lot width and lot depth requirements shall not be reduced more than fifty percent (50%).
  - b. The minimum lot area for a single-family or two-family dwelling shall not be reduced more than forty-five percent (45%).
  - c. The minimum lot area per dwelling unit required for multiple-family dwellings shall not be reduced so as to permit more dwelling units than would be permitted by strict application of minimum lot area requirements.
2. To vary applicable bulk regulations, including maximum height, lot coverage, and floor area ratio and minimum yard requirements.
  3. To vary applicable off-street parking and off-street loading requirements.
  4. To vary regulations relating to restoration of damaged or destroyed nonconforming structures.
  5. To vary the regulations relating to signs.
  6. To vary the regulations relating to fences.

The Municipal Code is available online at [www.woodddale.com/citycode](http://www.woodddale.com/citycode).

## **PERIOD OF VALIDITY FOR GRANTED VARIATIONS**

Decisions granting a variation are only valid for a period of six (6) months from the date of such decision and no variation from the provisions of this UDO that is granted concurrently with a special permit will be valid for a period longer than one year per Sec. 17.204.C.11.a, unless:

1. A building permit application is submitted within that period and is diligently pursued to completion
2. A Certificate of Occupancy is issued, and a use is commenced within that period.

Variations granted pursuant to Section 17.204.C.5 of this Article will be valid for a period that is coterminous with the period that the tentative subdivision plat is valid, and will be deemed final variations that run with the land only after recordation of a duly approved final subdivision plat.



## **TYPICAL PUBLIC HEARING PROCESS**

### **1. Preliminary Meeting with Community Development Staff**

A preliminary meeting with Community Development Department (CD Staff) is required

prior to submitting the Development Review & Annexation Application. The meeting is to provide CD Staff an understanding of the project/requested relief and to provide the applicant with a timeline of the public hearing process and review required submittal materials.

**2. Submittal & Review of Plans/Drawings**

The applicant shall submit the Development Review & Annexation Application as well as any plans/drawings to CD Staff for tentative review and approval to determine under what conditions a variation could be approved by the City Council. See pages 4-5 of this application packet for a checklist of documents to be included with the

**3. Community Development Commission (CDC) Meeting**

After tentative review by CD Staff, a Public Hearing will be scheduled with the CDC to review the request. The CDC shall review the submittal and forward a recommendation to the City Council for approval or denial of the variation request. Attendance is required to answer questions the CDC may have regarding your request.

**4. Planning, Zoning and Building (PZB) Committee Meeting of the City Council**

At the conclusion of the CDC hearing, your variation request will be forwarded to the PZB Committee for review of the request and the CDC's recommendation of approval or denial. The PZB Committee will make a motion whether to approve or deny the variation request. Attendance is required to answer any questions that PZB Committee may have for your request.

**5. City Council Meeting**

At the conclusion of the PZB Committee Meeting, the request will be forwarded to the City Council. The City Council makes the final decision on all variation requests and will have a final vote to approve or deny the variation request. Attendance is suggested at this meeting to answer any final questions that may be posed unless a unanimous vote to approve the variation request was made at the PZB Committee meeting.

**VARIATION PROCEDURE**



**VARIATION SUBMITTAL CHECKLIST**

**Submittal Guidelines:**

This is a general checklist. Other items pertaining to your case may be necessary. The Community Development Commission (CDC) or City Council may request additional information. All petitioners are urged to review the material in this packet and Chapter 17 of the Municipal Code.

**General Requirements:**

Every submission shall minimally be provided in accordance with the following requirements:

- A completed application submittal must be received at least five weeks prior to the anticipated public hearing date. *(Check with staff for the upcoming meeting deadlines.)* • Electronic copies of documents in .PDF format.

**Every petition shall include the following in the submittal:**

1. **APPLICATION FOR DEVELOPMENT REVIEW & ANNEXATION.** The application shall be filed with original signatures.
2. **PROOF OF OWNERSHIP.** A copy of the recorded deed is required. If the applicant does not own the subject property or if an agent is designated, a notarized Letter of Authorization from the Owner of Record is required. Based on the ownership structure, a Disclosure of Interest Form must be included with any applicable agreement or resolution.
3. **APPLICATION FEE.** Fees are listed on the application and are based on the type(s) of relief requested. If the request is modified and re-publication of the public hearing notice is required, additional fees will apply. Fees incurred for outside reviews conducted in connection with this request are required to be reimbursed.
4. **PLAT OF SURVEY.** A current and accurate plat of survey prepared by a land surveyor licensed in the State of Illinois is required to include:
  - a. Legal description of the site;
  - b. Acreage/Site Area;
  - c. Dimensional Boundaries of the subject site;
  - d. Property Lines;
  - e. Easements, if any;
  - f. Adjacent rights-of-way;
  - g. Overhead and underground utilities (sanitary sewer, water main, storm sewer, electric, telephone, gas, cable television and street lights)
5. **PROJECT SUMMARY/NARRATIVE LETTER.** A written overview of the project and summary of evidence must be submitted in the form of a cover letter that makes reference to the submitted plans and exhibits. The letter must contain a written description of the requested relief and include a summary of the evidence which the petitioner proposes to offer in order to demonstrate compliance with the Variation Standards approval criteria in Section 17.204.C.6 of the Municipal Code. The Municipal Code is available online at [www.woodddale.com/citycode](http://www.woodddale.com/citycode).



6. **APPLICABLE DRAWINGS/DOCUMENTS.** Drawings with sufficient details (dimensions, construction details, etc.) are required that indicate the desired variation(s) and the need for such variation. Any other documents that adequately demonstrate the hardship that the variance request is based upon must be included.

**VARIATION STANDARDS**

Applicant Responses  
Highlighted Red



No variation shall be authorized by the City Council unless the Community Development Commission shall find evidence establishing the following general standards and criteria (*found in Chapter 17, Article IV, Section 17.204.C.6 of the Municipal Code*):

1. General Standard. No variation will be granted pursuant to this Section 17.204.C.6 unless the applicant will establish that carrying out the strict letter of the provisions of this UDO would create a particular hardship or a practical difficulty. Such a showing will require proof that the variation being sought satisfies each of the standards set forth in this Subsection.

I do not see and hardship or difficulty being brought upon because of doing a variation on said property and would better its surrounding not hurt.

2. Unique Physical Condition. The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

The unique physical condition of the property is its trees and yes due to building 2-3 would be removed which many will be placed to substitute but the backyard would still have the beautiful oak trees. The land is also in amazing shape and has a very nice plot of land. Also the fact that its on a dead end and hidden off in a private street surrounded by beautiful nature makes it a place for a great nea home.

3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or his predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this UDO, for which no compensation was paid.

I as not the current owner (under contract) firmly believe based upon my research that the property has been the same since its creation. The lot has always been the same and can firmly state that it has never been tampered with.

4. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

The subject property wouldn't deny substantial rights because all lots were created equal from 1921. All lots are the same size and some have homes built and some still do not. This would not give any more hardships on any surrounding lots.

5. Not Merely Special Privilege. The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the sale of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship will not be a prerequisite to the grant of an authorized variation.

This is not applicable to our variation as we are just trying to build on a lot that is equal to surrounding lots. We are just building a house just like most of the surrounding properties already have.

6. Code and Plan Purposes. The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which this UDO and the provision from which a variation is sought were enacted or the general purpose and intent of The City of Wood Dale Comprehensive Land Use Plan.

On the subject lot a home would be built fully in compliance with the code. The plan would be worked out with the city of Wood Dale to make sure we are in full compliance with regulations and building codes.

7. Essential Character of the Area. The variation would not result in a use or development on the subject property that:

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- a. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity;
- b. Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity;
- c. Would substantially increase congestion in the public streets due to traffic or parking;
- d. Would unduly increase the danger of flood or fire;
- e. Would unduly tax public utilities and facilities in the area; or
- f. Would endanger the public health and safety.

The subject property variation would not lead to any of the following. A. would not affect any of the following: we are building a home on a lot that was created for this before the zoning change went into effect. B. it will not impair light or air to its surrounding properties as it still would comply with setbacks. C. The subject property is on a private road with only few homes and few empty lots. We would have to extend our road to our property; it won't affect traffic nor parking. D. the subject lot is far away from a flood zone therefore won't affect and as for fire the house will be compliant with building regulations and we will have the fire department also give us a thought if anything else has to be done. E. We are adding another



home which would only bring up the home's tax value and not surrounding property. F. I believe we aren't endangering anyone as I don't believe this applies to us

8. No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

The subject property is owned by different owners from immediate adjacent lots and therefore cannot be combined to make it compliant to new r2 zoning. Therefore I believe that its only option for development would be a variation to its lot width and square footage.

A G R E E M E N T

This agreement entered into by and between  
CARL E. CARLSON and GUST JOHANSON, hereinafter called  
the "Contractors", and THE VILLAGE OF WOODDALE, ILLINOIS,  
hereinafter referred to as "The Village", WITNESSETH:

For and in consideration of the agreement by  
The Village to approve a certain Plat of Survey made by  
Central Survey Co, as of April 27, 1940, being a Plat of  
Survey of the following real estate, to-wit:

The South 1/2 of lot 3 and all of lots  
4 and 5 in Owner's Assessment Plat of  
the E. 330.0 ft. of lot 6 on the School  
Commissioners Plat of Section 16, T. 40 N.,  
R. 11 E of the 3rd P. M.,

the contractors hereby agree for themselves, their heirs,  
executors, administrators and assigns that they will main-  
tain in good repair, at their own expense, the 30 foot private  
road shown on said Plat of Survey, and they further agree,  
that in all deeds by them executed to any vendees to any of  
the real estate in said Plat of Survey shown, they will re-  
quire said vendees to covenant and agree to maintain and re-  
pair, at their own expense, that part of said private road  
which will adjoin any of said real estate so conveyed.

IN WITNESS WHEREOF the undersigned contractors have  
caused their hands and seals to be affixed hereto this 10  
day of Aug., 1940, and The Village of Wooddale has caused  
these presents to be executed by its President and attested by  
its Village Clerk, this 10 day of August, 1940.

Carl E. Carlson (SEAL)

Gust Johanson (SEAL)

VILLAGE OF WOODDALE, a Municipal corporation

By Matt R. Bauman  
President of the Board of Trustees of the  
Village of Wooddale

ATTEST:  
Ray C. Grossel  
Village Clerk

No. 413779 Filed for Record August 12th A. D. 1940 at 8:05 A.M.  
Recorder.

*Lawrence Hattendorf*

