

ORDINANCE NO. CO-2020-19

**AN ORDINANCE APPROVING VARIATIONS FOR A BUILDING EXPANSION
ON PROPERTY AT 105 S. 9TH AVENUE (a/k/a 810 ST. CHARLES ROAD), MAYWOOD, ILLINOIS –
AVW EQUIPMENT COMPANY, INC.**

WHEREAS, a petition (the “Petition”) requesting certain zoning variations (the “Proposed Variations”) related to a proposed 10,000 square foot building expansion/addition to an existing commercial building at 105 S. 9TH Avenue (a/k/a 810 St. Charles Road), Maywood, Illinois (the “Subject Property”), has been filed with the Village of Maywood by Petitioner AVW Equipment Company, Inc. (the “Petitioner”); and

WHEREAS, the Petition has been referred to the Plan Commission/Zoning Board of Appeals (the “Plan Commission”) of the Village of Maywood (the “Village”) for consideration, and has been processed in accordance with the Village of Maywood Zoning Code (“Zoning Code”); and

WHEREAS, the Subject Property is located in the BIP Business Industrial Park/Flex Zoning District and is legally described in Exhibit “A” attached hereto and made a part hereof; and

WHEREAS, the Plan Commission held a public hearing on the question of whether the Proposed Variations should be granted on February 25, 2020, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, public notice in the form and manner required by applicable law was given of said public hearing, including by publication not more than thirty (30) calendar days nor less than fifteen (15) calendar days prior to the public hearing; and

WHEREAS, on February 25, 2020, the Plan Commission held a vote on whether the Proposed Variations should be recommended for approval to the Village President and Board of Trustees of the Village of Maywood. The Proposed Variations were recommended for approval, with one condition, on a vote of six (6) in favor and zero (0) opposed; and

WHEREAS, the Plan Commission of the Village has reported its findings and recommendations regarding the Proposed Variations to the Village President and Board of Trustees in a document entitled, “Findings of Fact and Recommendations of the Plan Commission/Zoning Board of Appeals of the Village of Maywood to the President and Board of Trustees”, a copy of which is attached hereto as Exhibit “B”. The Village President and Board of Trustees have duly considered the Findings of Fact and Recommendations of the Maywood Plan Commission as part of its approval of this Ordinance.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Incorporation. Each Whereas paragraph set forth above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

SECTION 2: Proposed Variations. The Petitioner seeks variances in order to construct their 10,000 square foot building expansion from the front (15 ft. minimum), rear (20 ft. minimum) and corner side yard (15 ft. minimum) setback requirements in Chapter 9.3 Office Park and Manufacturing Zoning Districts, Table 9-2 Office and Manufacturing District Bulk and Yard Regulations, to allow setbacks of 0 ft. in front, 0 ft. in the rear, and 13 ft. 8.5 inches at the corner side yard, and seeks a variation from the parking requirement of 68 parking spaces specified in Chapter 13 Off Street Parking & Loading, Table 13-1 Off Street Parking Requirements to allow a total of 66 parking spaces. In addition, being able to provide 66 parking spaces is contingent on the Petitioner's acquisition of the property located to the south of the Subject Property at 136 S. 8th Avenue from the Cook County Land Bank.

SECTION 3: Approval of Findings of Fact and Recommendations. The President and Board of Trustees of the Village of Maywood approve and adopt the Findings of Fact and Recommendations of the Maywood Plan Commission, a copy of which is attached hereto as **Exhibit "B"**, and incorporate such findings and recommendations herein by reference as if fully set forth herein.

SECTION 4: Approval of Zoning Relief. The President and Board of Trustees, after considering and adopting the Findings of Fact and Recommendations of the Maywood Plan Commission and other matters properly before it, approve and grant the Proposed Variations as specified in Section 2 above. The approval and grant of the two (2) space parking variation is conditioned on Petitioner's successful acquisition of the property located to the south of the Subject Property at 136 S. 8th Avenue. Petitioner is not authorized to break ground on its planned building addition until such time as it acquires ownership of the 136 S. 8th Avenue property, or has a contract to purchase the 136 S. 8th Avenue property that includes an agreement for Petitioner to immediately commence parking on the property.

SECTION 5: Compliance. Any violation of any term or condition stated in this Ordinance, or of any applicable code, ordinance or regulation of the Village, shall be grounds for rescission by the Board of Trustees of the approvals set forth in this Ordinance.

SECTION 6: Severability. Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 7: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 8: Recordation. 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 Petitioner with a copy of the Ordinance after it is filed with the CCRD.

PASSED this 2nd day of June, 2020, by the President and Board of Trustees of the Village of Maywood on a roll call vote as follows:

AYES: Mayor Perkins, Trustee(s) I. Brandon, M. Jones, A. Sanchez and K. Wellington

NAYS: None

ABSENT: Trustee(s) M. Lightford and N. Booker

APPROVED by the Village President on the 2nd day of June, 2020, and attested to by the Village Clerk this same day.

Edwenna Perkins, Village President

ATTEST:

Viola Mims, Village Clerk

Exhibit "A"

**Legal Description of
the Subject Property**

PARCEL 1: THE EAST 94 FEET OF LOT 43 AND ALL OF LOTS 44, 45 AND 46 IN BLOCK 59 IN MAYWOOD, A SUBDIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2: THE EAST 7 FEET OF VACATED ALLER WEST OF AND ADJOINING SAID LOTS 44. 45. AND 46 IN COOK COUNTY, ILLINOIS.

**PARCEL NO. 15-11-145-046-0000 & 15-11-145-047-0000
COMMONLY KNOWN AS: 105 S. 9th AVENUE (A/K/A, 810 ST. CHARLES RD), MAYWOOD,
ILLINOIS.**

Exhibit "B"

**Findings of Fact and Recommendations of
the Maywood Plan Commission/Zoning Board of Appeals**

(attached)



**FINDINGS OF FACT AND RECOMMENDATIONS OF THE
PLAN COMMISSION/ZONING BOARD OF APPEALS OF THE VILLAGE OF MAYWOOD
TO THE PRESIDENT AND BOARD OF TRUSTEES**

**PC/ZBA Case #20-001
May 5th, 2020**

APPLICATION: PC/ZBA Case #20-001 – An application for zoning variances at 105 South 9th Avenue (also known as 810 St. Charles Road), had been submitted by John Plavsic (applicant on behalf of AVW Equipment) and was discussed at the PC/ZBA meeting on February 25th, 2020. The applicant is seeking to construct a 1 story expansion of their business. The variance requests are from front (15 ft minimum), rear (20 ft minimum) and corner side yard (15 ft minimum) setback requirements to 0 ft in front, 0 ft in the rear, and 13 ft 8.5 inches at the corner side yard allowing them the proposed 10,000 sq ft. expansion. The applicant also needs a variance from the parking requirements for manufacturing, office, and warehouse/distribution uses located at this site. The total parking spaces provided for these uses brings them to 66 parking spots total, whereas the ordinance requires 68 parking spaces.

ZONING RELIEF IS REQUESTED AT THE FOLLOWING PROPERTY:

PIN No: 15-11-145-046-0000

COMMONLY KNOWN AS: 810 ST CHARLES RD, MAYWOOD, ILLINOIS 60153

Legal Description:

PARCEL 1: THE EAST 94 FEET OF LOT 43 AND ALL OF LOTS 44, 45 AND 46 IN BLOCK 59 IN MAYWOOD, A SUBDIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 2: THE EAST 7 FEET OF VACATED ALLEY WEST OF AND ADJOUINING SAID LOTS 44, 45 AND 46 IN COOK COUNTY, ILLINOIS

Petitioner: John Plavsic (applicant on behalf of AVW Equipment)

PC/ZBA Case #20-001

Plan Commission/Zoning Board Appeals members attending the public hearing:

- **Commissioners Lira, Dawson, Smith, Stelnicki, Capbell, and Vallow**
- **Commissioner Ratley was absent**

Staff:

- **Village Attorney, Michael Marrs, Klein Thorpe and Jenkins, Ltd.**
- **Village Planner, Edgar Lara, Village of Maywood**
- **Director of Community Development, David Myers, Village of Maywood**

SUMMARY OF REQUEST AND RECOMMENDATION:

The applicant is proposing to construct a 1 story expansion of their business (a 10,000 Sq Ft. addition) at 105 South 9th Avenue (also known as 810 St. Charles Road). The location currently serves as AVW's parking lot. In order to allow them to construct, they require zoning relief from front (15 ft minimum), rear (20 ft minimum) and corner side yard (15 ft minimum) setback requirements to 0 ft in front, 0 ft in the rear, and 13 ft 8.5 inches at the corner side yard allowing them the proposed 10,000 sq ft. expansion (Chapter 9.3 Office park and Manufacturing Zoning Districts, Table 9-2 Office and Manufacturing District Bulk and Yard Regulations).

They also need another separate variance from the parking requirements for manufacturing, office, and warehouse/distribution uses located at this site. The total parking spaces provided for these uses brings them to 66 parking spots total, whereas the ordinance requires 68 parking spaces (Chapter 13 Off Street Parking & Loading, Table 13-1 Off Street Parking Requirements).

PUBLIC HEARING: The public hearing for this Project was commenced and completed on February 25th 2020. At the public hearing, Village staff and Mr. Plavsic Presented the Project to the PC/ZBA. Mr. Edgar Lara (Village of Maywood) gave a presentation to the Commissioners; he described in detail what the project would entail. Attached are the Minutes from the on February 25th 2020 PC/ZBA Meeting.

Mr. Lara stated that this case had already been discussed at the January 28th meeting, and now it is coming up as an action item to the PCZBA. He stated that the only difference is that AVW does not have ownership of the parcel that is to provide 49 parking spaces, so he would like to add on to staff recommendation that the motion to approve the variances be contingent on ownership of that property. That AVW cannot break ground on their project unless they have ownership of land or an agreement with the property owner.

Mr. Lara stated that AVW is working with Community Development staff as well as with Cook County Land Bank to acquire the parcel where the 49 space parking lot would be located and that they expect to come into ownership or an agreement over the property within the next few months.

Commissioner Smith asked if the expansion would be for more than one story, or for just one story. Mr. Plavsic responded that the expansion will be for just one story. Commissioner Smith followed up asking what would happen if AVW decided to expand in the future, would they apply to build up? Mr. Plavsic stated that they would not, most likely they would purchase another building on a different parcel, most likely close by.

PUBLIC COMMENT:

Chair Person Lira opened up Public Comment

Geri Woodard Stinson stated that she received a mailed notice and that she remembers the AVW location being a different business than it currently is now, and she just wanted to come to the meeting to understand what the proposal was for. Her comments were neutral in nature, she did not mention whether she was for or against the project.

Following the public hearing held on February 25th 2020 on the variance requested, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval of the variance contingent upon ownership of the property which is needed to provide 49 spaces for the project (also known as 136 S. 8th Ave) . The final votes are as followed:

MOTION AND FINDINGS:

The zoning variance requested at the site is as follows:

1. A variance allowing relief from front (15 ft minimum), rear (20 ft minimum) and corner side yard (15 ft minimum) setback requirements to 0 ft in front, 0 ft in the rear, and 13 ft 8.5 inches at the corner side yard allowing them the proposed 10,000 sq ft. expansion (Chapter 9.3 Office park and Manufacturing Zoning Districts, Table 9-2 Office and Manufacturing District Bulk and Yard Regulations).
2. They also need another separate variance from the parking requirements for manufacturing, office, and warehouse/distribution uses located at this site. The total parking spaces provided for these uses brings them to 66 parking spots total, whereas the ordinance requires 68 parking spaces (Chapter 13 Off Street Parking & Loading, Table 13-1 Off Street Parking Requirements).

Final Vote: 6-0-0 Motion carried. Motion Stelnicki, Smith Second

FINDINGS: The PC/ZBA makes the following findings as to the proposed variance:

1. **The strict application of the terms of this Zoning Ordinance will result in undue hardship.**
 - The strict application of the Zoning Ordinance would result in an undue hardship for the Petitioner because the company has outgrown the currently existing building. The applicant is requesting relief from the zoning ordinance which will allow them to construct their expansion, which will then allow them to provide a safe work environment as well as give the company the space to manufacture their product more productively and the ability to hire more workers. Otherwise, they would be forced to relocate their business to a different location outside of Maywood.
2. **The plight of the owner is due to unique circumstances and not applicable generally to other property within the same zoning classification.**
 - The owner has been in business for a very long time at this location. They are focused in expanding their production and to create jobs for the community. The variance requested will allow them to provide economic and job growth to the Village of Maywood.
3. **The variation, if granted, will not alter the essential character of the locality.**
 - The applicant would be matching the same building setback as the existing building to the south of the project location. The look of the building will align with the pre-existing look of their current building and not pose a dramatic change to the essential character of the area.
4. **The particular physical surroundings shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.**

- The current state of the project location does not provide enough space for them to grow as a company. They require the expansion in order to be able to manufacture their products more efficiently as well as provide a safer work environment for their employees. The company requires this zoning relief otherwise they would need to move their operations to another location that better suits the growing size of their company, possibly out of Maywood altogether.
- 5. The alleged difficulty or hardship has not been created by any person presently having a proprietary interest in the property in question.**
- The difficulty or hardship is due to the size of the existing building on the Property, and is not caused by anyone with a current proprietary interest in the Property.
- 6. The granting of the variation will not be detrimental to the public welfare in the neighborhood in which the property is located.**
- The granting of this variation will not be detrimental to the public welfare. The Variation will allow the owners to expand their business and provide job growth to the community without dramatically changing the look of the community
- 7. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of the fire, endanger the public safety or impair property values within the neighborhood.**
- The proposed variation will not impact, congest, increase risk of fire, endanger the public safety or impair property values within the neighborhood. Rather, if the business is expanded it will have the opposite effect – create new jobs, provide a safer work environment, allow them to produce their products in a more efficient manner. They proposed expansion will also allow them to reduce the flow of traffic due to the location of the parking lots away from St. Charles road as well as the location of the truck docking bays being expanded upon on 8th Avenue.
- 8. The proposed variation is consistent with the spirit and intent of the Village’s Zoning Ordinance and adopted Comprehensive Plan.**
- The Project will work towards the expansion of one of the longest lasting businesses within the Village of Maywood. This coincides with the spirit, zoning ordinance, and comprehensive plan of the Village.
- 9. The value of the property in question will be substantially reduced if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.**
- The current property will be improved upon with the expansion, which would only be allowed if the zoning variance is granted. The expansion will increase the property value of the land as it will be providing more workspace for future companies should they chose to set up shop here.

RECOMMENDATION: Based upon the foregoing Findings, the Plan Commission/Zoning Board of Appeals, recommends to the President and Board of Trustees that the Petitioner’s requested zoning variation to be approved, subject to the Village Board’s approval.

Signed:

Sarah Lira dotloop verified
04/28/20 4:03 PM EDT
MKOB-Q&AT-PUKO-E9AS

Sarah Lira, Chair
Plan Commission/Zoning Board of Appeals
Village of Maywood

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CO-2020-19
CLERK'S CERTIFICATE

I, Viola Mims, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, certify that the attached document is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

**AN ORDINANCE APPROVING VARIATIONS FOR A BUILDING EXPANSION
ON PROPERTY AT 105 S. 9TH AVENUE (A/K/A 810 ST. CHARLES ROAD), MAYWOOD, ILLINOIS –
AVW EQUIPMENT COMPANY, INC.**

which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Special Village Board Meeting on the 2nd day of June, 2020, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 2nd day of June, 2020.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

AYES: Mayor Perkins, Trustee(s) I. Brandon, M. Jones, A. Sanchez and K. Wellington

NAYS: None

ABSENT: Trustee(s) M. Lightford and N. Booker

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 3rd day of June, 2020.

Viola Mims, Village Clerk

[SEAL]