

ORDINANCE NO. O-24-18

**AN ORDINANCE GRANTING CERTAIN VARIATIONS FOR
THE PROPERTY AT
106 W. RIDGE AVE, PROSPECT HEIGHTS, ILLINOIS**

(PZBA Case #24-09 V)

WHEREAS, the provisions of the Prospect Heights Zoning Ordinance applicable to the property legally described in Exhibit A attached hereto (hereinafter "Property") and commonly known as 106 W. Ridge Ave. prescribe that the principal structure maintain a 40' front yard setback from the property line, and

WHEREAS, the owner of the Property has submitted for consideration of a variation to allow a 11' 6" reduction in the front yard setback for a proposed addition to the single family residence from 40' to 28.5" to construct a covered front porch as part of the remodeling of the existing home per Section 5-6-1E1 of the City of Prospect Heights Zoning Code in the City's R-1 Single Family Residential District; and

WHEREAS, the Plan/Zoning Board of Appeals held a public hearing on July 24, 2024 regarding said application; and

WHEREAS, the Plan/Zoning Board of Appeals has recommended the Requested Variation be approved and has made the necessary findings thereof; and

WHEREAS, the Mayor and City Council have reviewed the recommendation of the Plan/Zoning Board of Appeals.

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

Section 1. The City Council hereby finds and determines that the facts set forth in the preamble hereto are true and correct and hereby incorporates them as part of this Ordinance.

Section 2. The Requested Variation is hereby granted.

Section 3. That this variation is conditioned upon applicant's construction of the addition substantially in accordance with the approved plans and documents submitted at the public hearing on this matter and with applicable codes without condition.

Section 4. That this Ordinance and all exhibits attached hereto shall be recorded at the Cook County Recorder's Office at the expense of the Owners.

Section 5. The City Clerk is directed to publish this ordinance in pamphlet form and this Ordinance shall be in full force and effect from and after its passage and approval as required by law.

PASSED AND APPROVED this 26th Day of August 2024.



Patrick Ludvigsen, Mayor

ATTEST:



Deputy Clerk

AYES: Cameron, Anderson, Morgan-Adams, Dash, Dolic
NAYS: None
ABSENT: None

Published in pamphlet form: August 26, 2024



Exhibit A

Legal Description of 106 W. Ridge Ave., Prospect Heights, IL

LOT 6 IN FLYNN'S SUBDIVISION OF THAT PART OF THE EAST HALF OR THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL, LYING NORTH OF THE SOUTH 1811 FEET THEREOF AND LYING SOUTH DRAWN FROM A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER, 639.70 FEET SOUTH OF THE NORTHEAST CORNER THEREOF TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER 249.82 FEET SOUTH OF THE NORTHWEST CORNER THEREOF (EXCEPT THAT PART OF SAID TRACT LYING WEST OF A LINE 233 FEET EAST OF AND PARALLEL WITH THE WEST LINE THEREOF AND NORTH OF NORTH LINE OF SOUTH 33 FEET THEREOF), MERIDIAN, ALL IN COOK COUNTY, ILLINOIS.

PIN #03-22-101-011-0000



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: August 19, 2024

To: Mayor Ludvigsen and City Council

From: Daniel A. Peterson, Director of Building & Development

Subject: Ordinance #O-24-18 – Granting Certain Variations
ZBA Case No. 24-09 V – 106 W. Ridge Ave.
Variation to Reduce Required Front Yard Setback for a Front Porch Addition

Issue: Siegfried Lebherz, owner of the subject property, is seeking a variation to Section 5-6-1 E (1) of the City of Prospect Heights Zoning Code to allow the reduction of the required front yard setback from 40' to 28.5' for the purpose of constructing an addition onto the primary residence.

Background: Mr. Liebherz has owned the home for many years and is planning to remodel the existing home. As part of the remodeling, he is proposing build a covered front porch. The existing home was platted and built prior to the incorporation of the City of Prospect Heights and his property was platted with a 30' front yard setback and is a legal non-conforming lot. The zoning code does not allow for the expansion of a non-conforming structure.

The PZBA held a public hearing on July 24, 2024. Mr. Lebherz and his architect provide testimony describing the project and hardship. The PZBA deliberated and found that the application met the standards for approval of the variation. The PZBA voted 5-0 to recommend to the City Council approval of the requested variation.

Applicants have requested a waiver of first reading and staff concurs.

Recommendation: Approve Ordinance No. O-24-18 Granting Certain Variations for the Property at 106 W. Ridge Ave. for Front Yard Encroachment

Peter Falcone

From: Dan Peterson
Sent: Wednesday, August 21, 2024 10:01 AM
To: Peter Falcone
Subject: FW: Request for a Waiver of Fist Reading

Peter,

Here is the email from the owner at 106 W. Ridge.

Thanks

Dan Peterson

Dan Peterson
Building & Development Director
City of Prospect Heights, Illinois
(847) 398-6070 x208 || (847) 392-4244 Fax
dpeterson@prospect-heights.org



From: Ziggy Lebherz [REDACTED]
Sent: Monday, August 19, 2024 4:39 PM
To: Dan Peterson <dpeterson@prospect-heights.org>
Cc: [REDACTED]
Subject: Request for a Waiver of Fist Reading

***** THIS IS AN EXTERNAL EMAIL, PLEASE EXERCISE CAUTION WITH LINKS *****

To the city of Prospect Heights and Mr. Dan Peterson

In an attempt to start construction in the fall of 2024, I would like to request a Waiver of first reading regarding my residences at 106 W. Ridge.

My request is based on the facts that the zoning committee's vote was unanimous , and that we have no protests or objections from anyone at this time.

Please take my request into consideration.

Respectfully,

Ziggy Lebherz
106 W. Ridge
Prospect Heights IL. 60070
[REDACTED]



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: July 16, 2024

To: Chairman Kempa and Planning/Zoning Board Commissioners

From: Daniel A. Peterson, Director of Building & Development

Subject: ZBA Case No. 24-09 V – Variation to allow a 11'8" encroachment into the Required Front Yard Setback for the installation of a front porch addition to the house at 106 Ridge Ave.

Please be advised that Siegfried Lebherz, owner of the subject property, is seeking a variation to Section 5-6-1 E(1) of the City of Prospect Heights Zoning Code to allow the reduction of the required front yard setback from 40' to 28.5' for the purpose of constructing a porch addition onto the primary structure.

A public hearing has been scheduled for the next regular PZBA meeting on Wednesday July 24, 2024 at 7:00 pm.

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

Thank you.



FOR OFFICE USE ONLY:
 FEE PAID \$150.00
 DATE 6/4/21
 REC'D BY gm
 CASE # 24-09V
 MEETING DATE 7/24/24

PLAN/ZONING BOARD OF APPEALS
 APPLICATION

Special use (\$400)
 Variation (\$150)
 Text Amendment (\$300)

Map Amendment (Refer to Ord. 0-03-18)
 Subdivision/PUD (Refer to Ord. 0-03-18)
 Lot Consolidation (Refer to Ord. 0-03-18)
 Appearance Review

In addition to the application fee a refundable deposit not <\$500 nor >\$5,000 shall be required for all zoning applications to offset the direct costs of the application incurred by the City. If costs exceed the available escrow balance applicant will be required to replenish account. If balance remains the money will be refunded or applied to any building permit cost. (Refer to Ord. 0-18-06: 5-10-7(D))

APPLICANT: SIEGFRIED LEBHERZ
 ADDRESS: 106 W. RIDGE AVE.
PROSPECT HEIGHTS, IL. 60070
 PHONE: (847) 878-4921
 E-MAIL: LEBHERZ@PERFECT-TEMP.COM

ADDRESS OF SUBJECT PROPERTY: 106 W. RIDGE AVE.

PROPERTY IS LOCATED IN THE R-1 ZONING DISTRICT.

APPLICABLE SECTION OF ORDINANCE: 5-6-1 (E1)

DESCRIPTION OF REQUEST: FRONT ENCROACHMENT

Are there any covenants, conditions, restrictions or floodplain issues concerning type of improvements, setbacks, area or height requirements, occupancy or use limitations, etc. placed on the property and now of record: YES _____ NO X
 If yes, please describe: _____

Has the property been the subject of previous or pending administrative legislative or court action:
 YES _____ NO X If yes, give details: _____

The follow items MUST be submitted at time of filling:

1. Application (12 copies)
2. 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 longer than 11x17.
3. Proof of Ownership (1 copy)
4. Letter indicating Hardship (for variations only 12 copies)
5. Application Fee (cash or check made payable to: City of Prospect Heights)
6. Notice to Property Owners (1 copy) – will be supplied to you by the City of Prospect Heights.
7. List of Property Owners (1 copy) for Notice to Property Owners mailing - will be supplied to you by the City of Prospect Heights.

6-4-24
 Date:

Siegfried Leberz
 Signature of Applicant



Prospect Heights Plan \ Zoning Appeals (Hardship Letter)

8 N. Elmhurst Rd.

Prospect Heights IL. 60070

To the Prospect Heights Zoning Commission,

I am asking for a zoning variation at my residence located at 106 W. Ridge for the sole reason of making the home easier to access from the front...

I had recently, lost my mother to Dementia and in her final year, she had become confined to a wheel chair. It had shown me the importance of how open hall and doorways are for mobility.

I came to realize that my remodel / design should take into the consideration the future of other family members and possibly myself.

I am asking that you approve a small front encroachment of what I believe is less than 15" inches solely for the purpose of a larger entrance area only...

Please take my plans into consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ziggy Lebherz".

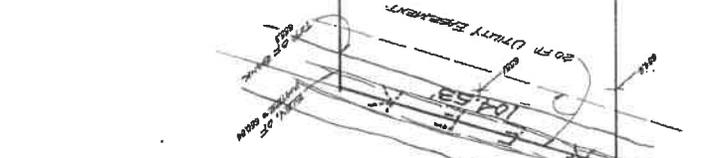
Ziggy Lebherz

Jens K. Doe
SURVEY SERVICE, INC.
Registered Land Surveyors

EXHIBIT
3
Phone: (312) 775-0558
Fax: (312) 775-7512

PLAT OF SURVEY

LOT 6, IN PLUMER'S SUBDIVISION OF THAT PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, LING OF THE SOUTH 1811 FEET THEREOF AND LING SOUTH OF A LINE DEANAN FROM A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER 659.70 FEET SOUTH OF THE NORTHEAST CORNER THEREOF TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER 249.83 FEET SOUTH OF THE NORTHEAST CORNER THEREOF, (EXCEPT THAT PART OF SAID TRACT LING WEST SOUTH OF A LINE 233 FEET EAST OF AND PARALLEL WITH THE WEST LINE THEREOF AND NORTH WEST LINE OF SAID TRACT 233 FEET EAST OF AND PARALLEL WITH THE WEST LINE THEREOF), ALL IN COOK COUNTY, ILLINOIS.



NOTE:
ELEVATIONS SHOWN HEREON ARE IN RELATION TO CHISELED SQUARE ON RIGHT DOWNSTREAM ABUTMENT AT ELMOUNT ROAD BRIDGE OVER McDONALD CREEK ELEVATION: 658.97 USGS
PROPERTY SHOWN HEREON IS LOCATED IN ZONE A2 (AREA OF 100 YEAR FLOOD) AND ZONE C (AREA OF MINIMAL FLOODING) PER FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 170919 0005 C, REVISED: MAY 20, 1993.

JENS K. DOE SURVEY SERVICE, INC. does hereby certify that a survey has been made under its direction, by a Registered Illinois Land Surveyor of the property described herein and that the plat hereon drawn is a correct representation of said survey.
Chicago, Illinois Dated: _____
JENS K. DOE SURVEY SERVICE, INC.
THOMAS J. POPEK, President
(Illinois Registered Land Surveyor No. 12351)

Observations were not to be made or noted.
The Best Description used on this plat is a copy of the order and the surveying instructions used in your absence, field or contract.

NOTE

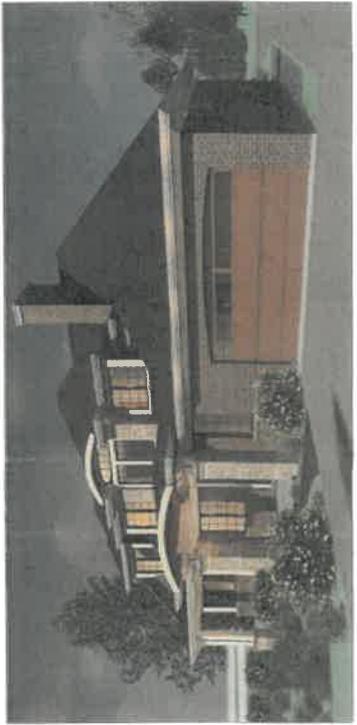
ROSE AVENUE



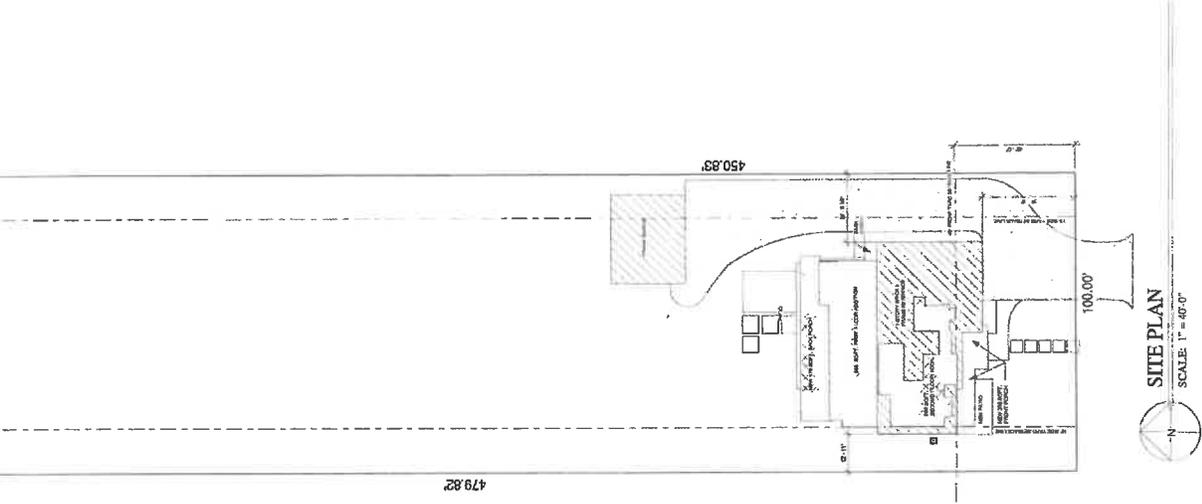
SOUTH EAST VIEW



SOUTH WEST VIEW



SOUTH WEST VIEW



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893 East Rand Road, Suite 230
 Addison Heights, IL 60004
 Phone: (847) 384-4131
 Fax: (847) 384-4132
 www.parcraft.com
 Illinois Design Firm Registration:
 184.007256

**RESIDENTIAL
 REMODEL &
 ADDITION FOR:**
 Siegfried Leberhz
 106 W. Ridge
 Prospect Heights, IL

ISSUE	DATE
PRELIMINARY	8/10/2021
DESIGN DEV.	7/14/2022
DESIGN DEV.	8/15/2022
PRELIMINARY	10/20/22
PRELIMINARY	4/6/2024
DESIGN DEV.	5/6/2024
BID SET	
PERMIT SET	
PERMIT REV	

DATE: _____
 DESIGNED BY: _____
 DRAWN BY: _____
 CHECKED BY: _____
 APPROVED BY: _____

PROJECT: _____
 SHEET: **T1**
 OF 6

SHEET NUMBER	DESCRIPTION
T1	SITE PLAN PERSPECTIVE VIEW, SHEET INDEX
A1	FIRST FLOOR PLAN
A2	SECOND FLOOR PLAN
A3	ROOF PLAN
A4	SECTION



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Arlington Heights, IL 60004
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Fax: (847) 384-4132
www.parcraft.com
Illinois Design Firm Registration:
184.007359

**RESIDENTIAL
REMODEL &
ADDITION FOR:**

Siegrfried Lebhertz

106 W. Ridge
Prospect Heights, IL

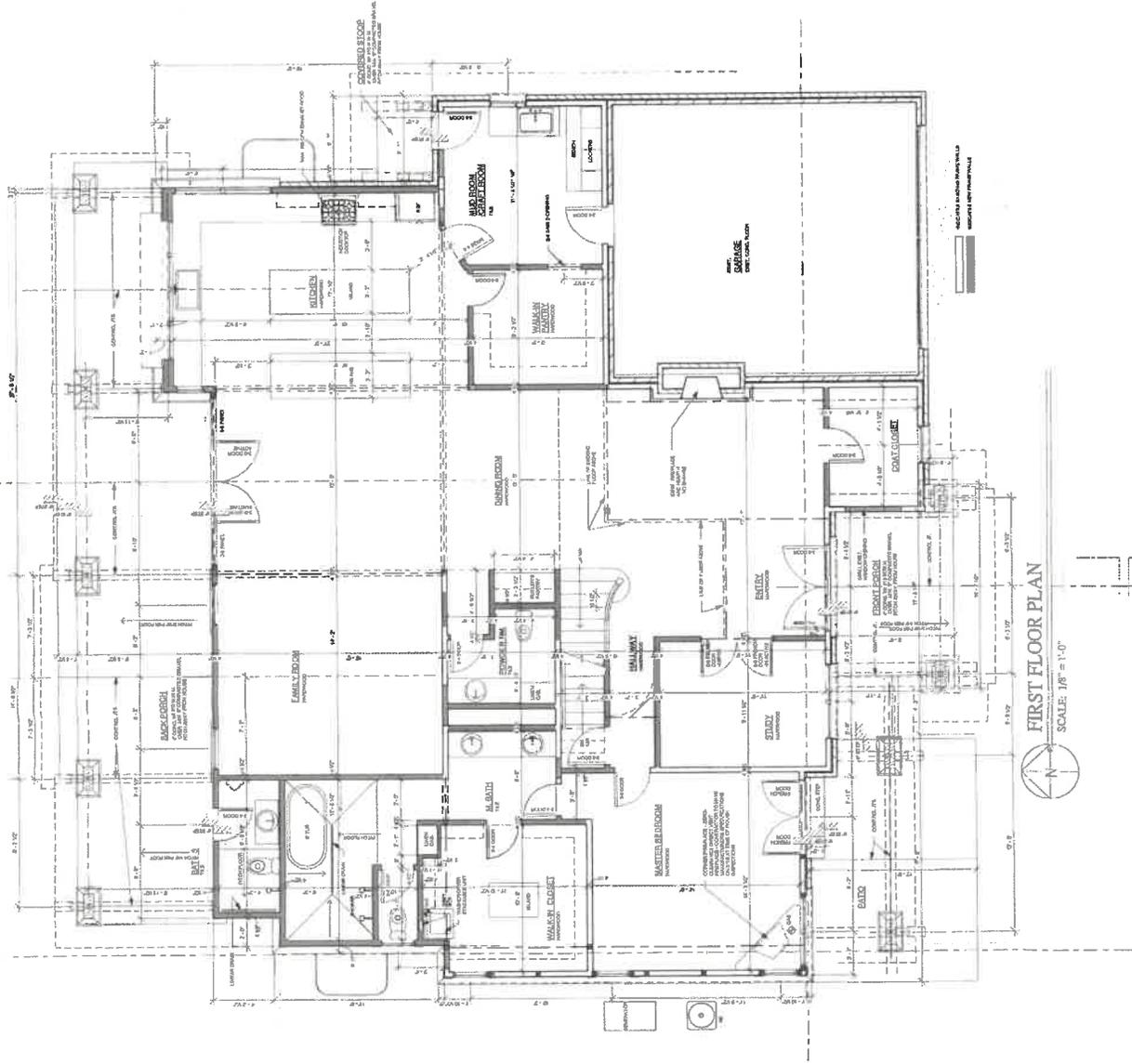
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DESIGN DEV.	09/16/202
PRELIMINARY	10/20/204
DESIGN DEV.	05/20/204
BID SET	
PERMIT SET	
PERMIT REV.	

SIGNATURE:
DATE:
DRAWN: 1/10/204

SHEET:

A1

06





ARCHITECTS
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 Arlington Heights, IL 60004
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 Fax: (847) 394-4132
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 18-007325

**RESIDENTIAL
 REMODEL &
 ADDITION FOR:**

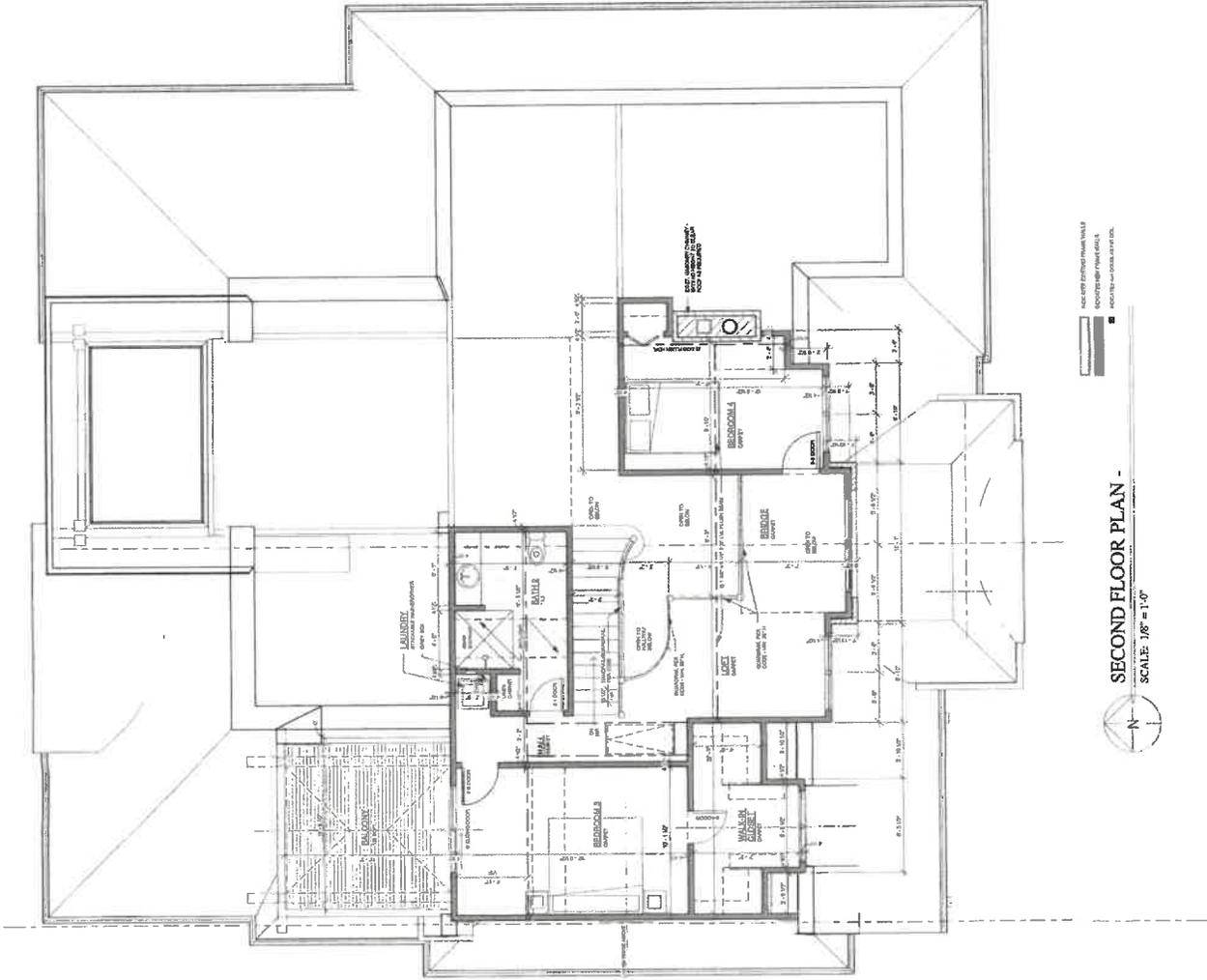
Stegfried Leberitz
 106 W. Ridge
 Prospect Heights, IL

DATE	DESCRIPTION
01/02/22	PRELIMINARY
07/06/22	DESIGN DEV.
09/09/22	PERMITS
09/09/22	PRELIMINARY
04/20/24	PRELIMINARY
05/20/24	DESIGN DEV.
05/20/24	BID SET
	PERMIT SET
	PERMIT REV.

SIGNATURE:
 DATE:
 PROJECT: 118204

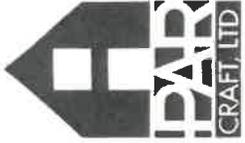
SHEET:
A2

OF:



SECOND FLOOR PLAN -
 SCALE: 1/8" = 1'-0"

NOT TO BE USED FOR CONSTRUCTION
 WITHOUT THE ARCHITECT'S WRITTEN PERMISSION
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www.parcraft.com

Itirode Design Firm, Registered:
154.0071593

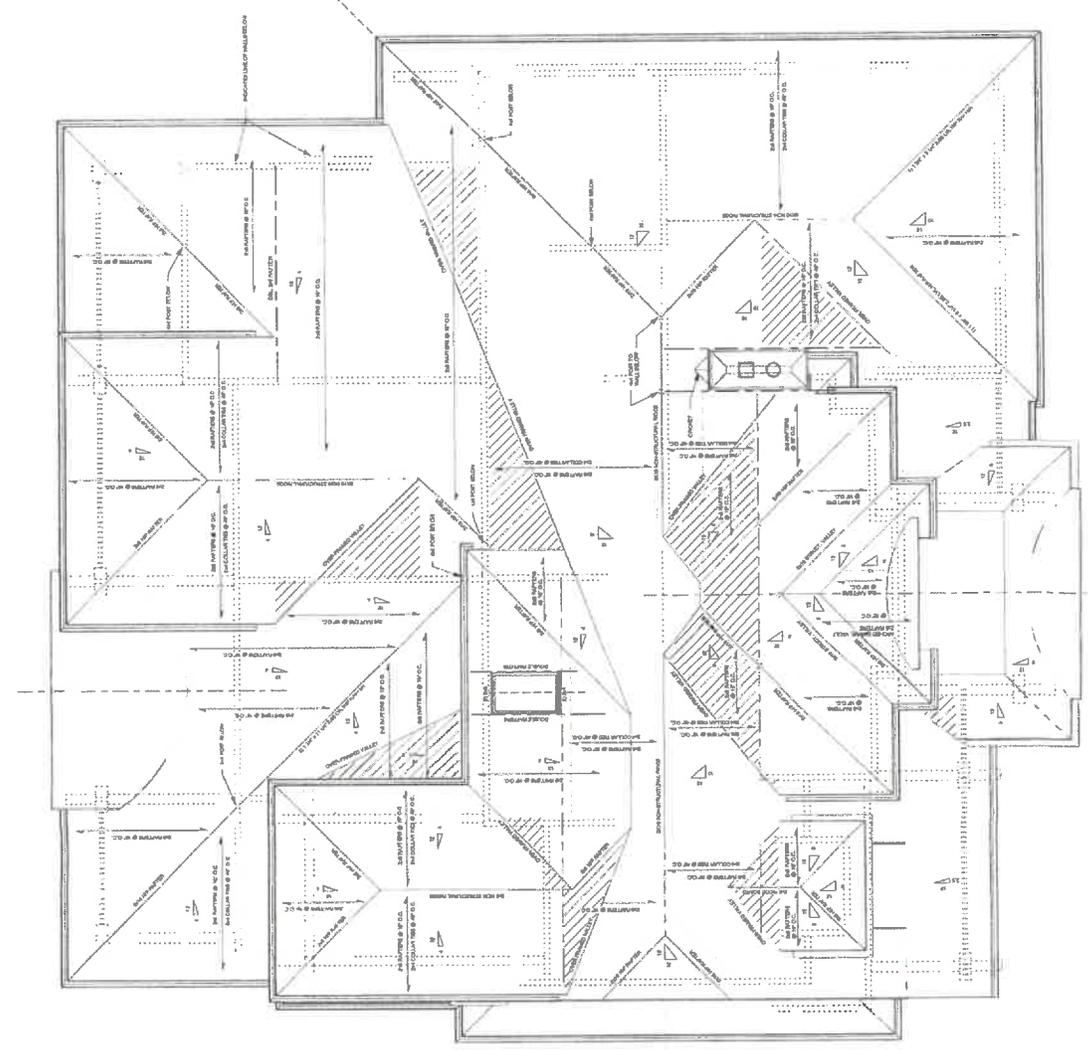
**RESIDENTIAL
REMODEL &
ADDITION FOR:**

Siegfried Leberherz
106 W. Ridge
Prospect Heights, IL

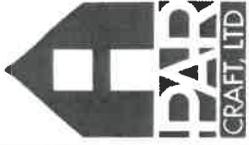
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PRELIMINARY	1/30/2004
PRELIMINARY	4/5/2004
DESIGN DEV.	5/5/2004
BID SET	
PERMIT SET	
PERMIT REV.	

SIGNATURE:
DATE:
EXPIRES: 1/10/04

SHEET:
A3
OF:



ROOF PLAN -
SCALE: 1/8" = 1'-0"



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Illinois Design Firm Registration:
184.007956

**RESIDENTIAL
REMODEL &
ADDITION FOR:**

Stegfried Lebbetz

106 W. Ridge
Prospect Heights, IL

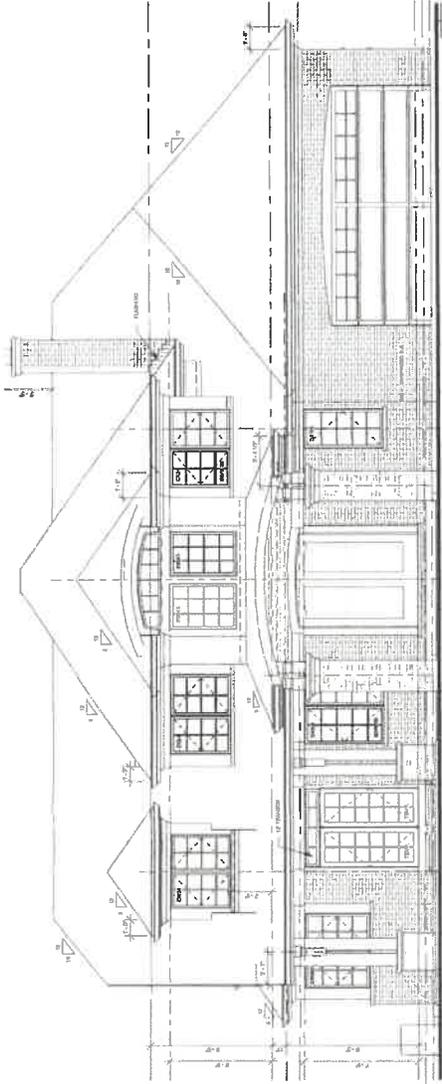
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DESIGN DEV.	7/14/2022
DESIGN DEV.	8/15/2023
PRELIMINARY	1/22/2024
DESIGN DEV.	4/25/2024
BID SET	5/5/2024
PERMIT SET	
PERMIT REV.	

SIGNATURE:
DATE:
EXPRES: 11/9/24

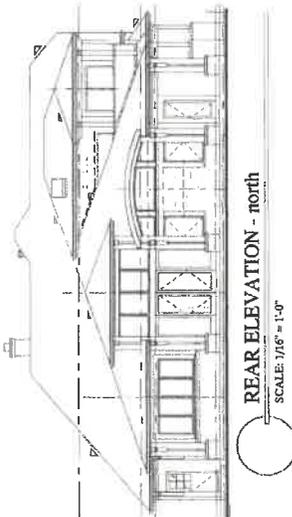
SHEET:

A4

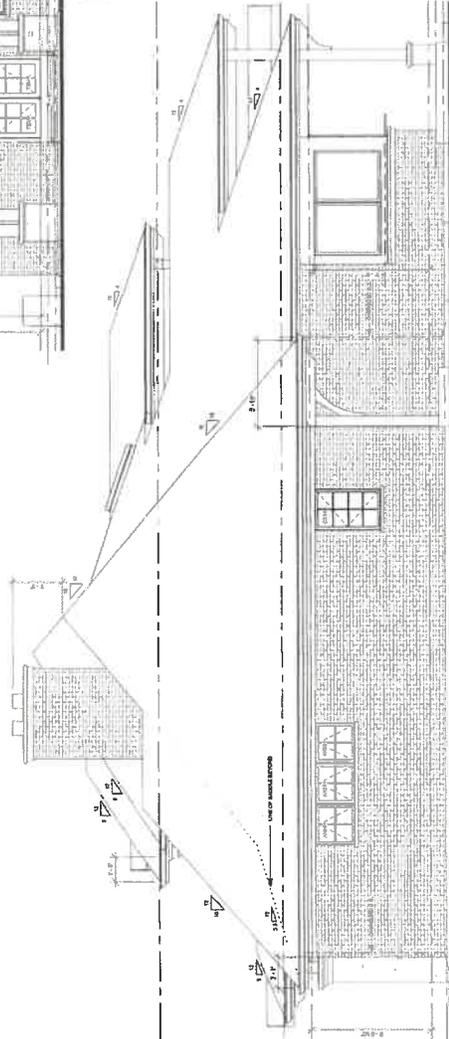
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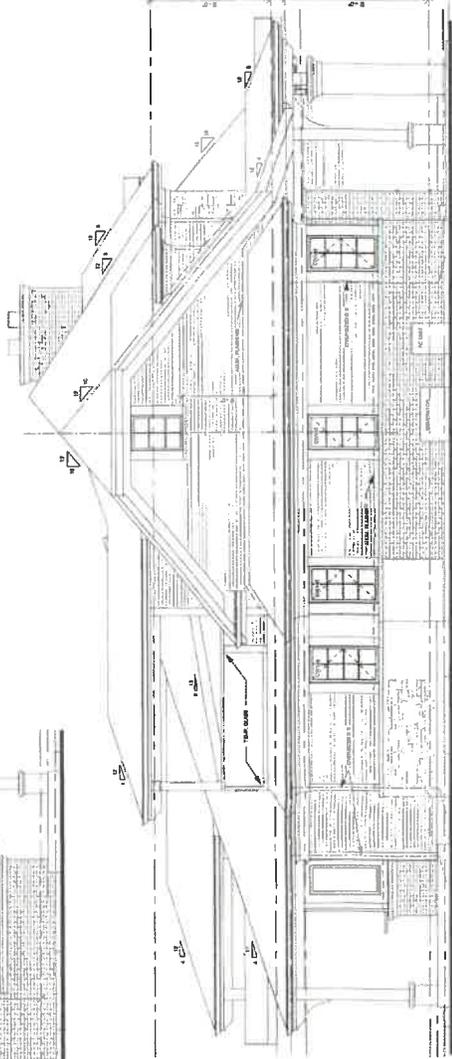
FRONT ELEVATION - south
SCALE: 1/8" = 1'-0"



REAR ELEVATION - north
SCALE: 1/8" = 1'-0"

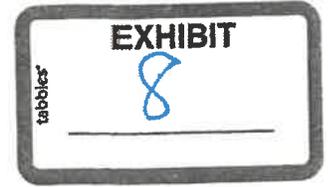


RIGHT SIDE ELEVATION - east
SCALE: 1/8" = 1'-0"



LEFT SIDE ELEVATION - west
SCALE: 1/8" = 1'-0"

Zoning Review



Date: July 15, 2024

Reviewer: Daniel A. Peterson, Director of Building & Development

Applicant: Siegfried Lebherz

Subject Property: 106 W. Ridge Ave.

Application: Variation Front Yard Setback – Section 5-6-1 E(1)

Project: Construct a Front Porch Addition on to the Primary Structure

Documents Reviewed: Completed Application. See list of exhibits in packet.

Applicable Zoning Sections: Yard Areas: 5-6-1(E)1: Front Yard
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 variation to Section 5-6-1(E)1 to allow a reduction in the required front yard setback from 40' to 36' for the proposed front porch addition to the house.

Standards for Variations:

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.

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: **The applicant’s home was built under unincorporated Cook County Standards and has a 30’ front yard building set back and is legal non-conforming. The proposed new front porch and patios would encroach approximately 18” into the 30’ front yard leaving a 28.5’ front yard for 28’ of the width of the house. The remaining 28’ frontage would remain as originally built.**

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

Response: **1. Standard met. The literal interpretation would not allow any additional structure outside of the existing building lines.**

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: **1. Standard met. The property was developed and built prior being incorporated.**

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

Response: **Standard met. The setback reduction and addition will not be materially detrimental to the neighborhood.**

5. 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 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. The granting of 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 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.**

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)

Response: No additional conditions are necessary.

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

Conclusion

Staff believes the project will not create any negative impacts to the neighbors and is in keeping with the character of the neighborhood.

Staff concurs with the request.