

**ORDINANCE NO. O-25-01**

**AN ORDINANCE GRANTING CERTAIN VARIATIONS FOR  
THE PROPERTY AT  
1 E. WILLOW RD., PROSPECT HEIGHTS, ILLINOIS**

**PZBA Case #24-13 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 1 E. Willow Road prescribe that a fence is prohibited within the required 25’ corner side yard setback; and

**WHEREAS**, the City Council approved ordinance #O-08-33 granting a 25’ corner side yard set encroachment for the construction of a four (4’) cedar and chain link fence for the property; and

**WHEREAS**, the owner of the Property has submitted an application for a variation to amend the height and materials condition of ordinance #O-08-33 to allow a six (6’) vinyl corner fence at the corner side yard property line; and

**WHEREAS**, the Plan/Zoning Board of Appeals held a public hearing on November 20, 2024 and continued to January 25, 2025 regarding said application; and

**WHEREAS**, the Plan/Zoning Board of Appeals has recommended the Requested Variation be approved with the conditions and has made the necessary findings; 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 as recommended.

Section 3. That this variation is conditioned upon applicant’s construction of the fence in accordance with the approved conditions,

1. The six foot high (6') vinyl fence shall be kept 3' south of the corner side yard property line for  $\pm 100'$  to a point  $\pm 5'$  from the existing stump, where the fence can be placed on the corner side yard property line for  $\pm 52'$  to meet existing fence at the rear of the property.
2. Landscape and prairie plantings are required to cover 50% of the fence and be planted within the 3' setback from property line and the fence. Landscape plan to be submitted at time of building permit application.
3. The vinyl fence shall be gray to match the sample provided during the public hearing.

Section 4. That this variation is conditioned upon applicant's construction of the fence in accordance with the approved conditions, plans and documents submitted at the public hearing on this matter and with applicable codes.

Section 5. 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 6. 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 24th day of February 2025.

  
Patrick Ludvigsen, Mayor

ATTEST:

  
Lloyd Austin, Deputy Clerk

AYES: Cameron, Anderson, Morgan-Adams, Dash, Dolicik

NAYS: None

ABSENT: None

Published in pamphlet form: February 25th, 2025





# 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](http://www.prospect-heights.il.us)

## MEMORANDUM

Date: February 3, 2025

To: Mayor Ludvigsen and City Council

Cc: Joe Wade, City Administrator

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

Subject: Consideration of Ordinance #25-01 Amending the Conditions of Ord. #O-08-33  
 ZBA Case No. #24-13 V – Amending Conditions of Ord. #O-08-33 for height and material

**ISSUE: Consideration** of a variation amending the restrictions of ordinance #O-08-33 to increase the fence height from 4' to 6' and materials from cedar and chain link to vinyl.

**BACKGROUND:** Mr. Michaelangelo Monterrosa, property owner, applied for a variation to amend an existing variation regarding a corner side yard encroachment conditioned on maximum fence height of 4' and materials to be cedar and chain link. The PZBA held a public hearing on November 20, 2024. The applicant requested a continuation to gather additional information necessary to answer questions raised by the PZBA members. The PZBA voted to continue the hearing at the next regular meeting on January 29, 2025.

The public hearing for PZBA Case #24-13V was reopened on January 29, 2025. Mr. Monterrosa presented new exhibits and testimony to support his request for variation. Concern was raised about placing a 6' vinyl fence at the property line for approximately 152'. Additionally, any landscaping proposed would be in the city right-of-way and may not be permitted. Members of the PZBA questioned the applicant regarding the standard required for a variation, specifically related to hardship, alternative means to achieve and impact to the character of the immediate neighborhood. The applicant responded it was his desire to increase privacy and safety for pets and children using property due an increase in traffic using Willow Rd. Also, there is extensive bushes and established recreational areas that would be lost with the moving the fence to the building line, where the fence would be allowed at 6' in height and vinyl material. Additionally, Mr. Monterrosa presented color samples of the fence and agreed to change the color from white to a gray and still wanted to landscape to break up the mass of the fence.

After discussion, Commissioner Patel asked the applicant if he would be agreeable to moving the fence off the property line 3' for the length of the property until 5' before the large tree and then move the fence to the property line for the remainder of the property heading east to allow for a 3' landscaping bed on his property that would be planted to cover 50% of the fence to minimize the impact of the solid fence. Mr. Monterrosa stated that he would agree to these conditions.

Commissioner Saewert stated that the hardship standard had not been met. She suggested that a 4' fence be maintained with additional landscaping to address the privacy concern raised by the applicant.

Commissioner DeGraf asked if Ord. #O-08-33 did not have the conditions restricting the height and materials, would a 6' tall vinyl fence be allowed? Director Peterson responded that vinyl is an approved fence material per the zoning code.

No other residents provided testimony.

After all testimony, the Commissioners deliberated and voted 3-2 to recommend to the city council approval of the variance request with three (3) conditions:

1. Fence to be installed three feet (3') south of the northern property line from the driveway  $\pm 100'$  east to a point five feet (5') west of the large tree stump and then to the property line east  $\pm 52'$  until it meets the rear yard fence; and
2. Installing landscaping in the 3' area to provide 50% coverage of the fence to minimize the impact of the solid fence; and
3. The color of the fence shall be gray per the samples provided at the hearing.

**RECOMMENDATION:** First reading of Ordinance #O-25-01 Granting Certain Variations Amending the Conditions of Ordinance #O-08-33 for the 1 E. Willow Rd. (No action requested)

**Exhibit A**

**Legal Description 1 E. Willow Rd., Prospect Heights, IL**

LOT 1 IN SMITH AND DAWSON SECOND ADDITION TO COUNTRY CLUB ACRES, A SUBDIVISION OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ AND THE WEST 10 ACRES OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF REGISTERED AS DOCUMENT NUMBER 791719, IN COOK COUNTY, ILLINOIS.

PIN #03-22-400-001-0000

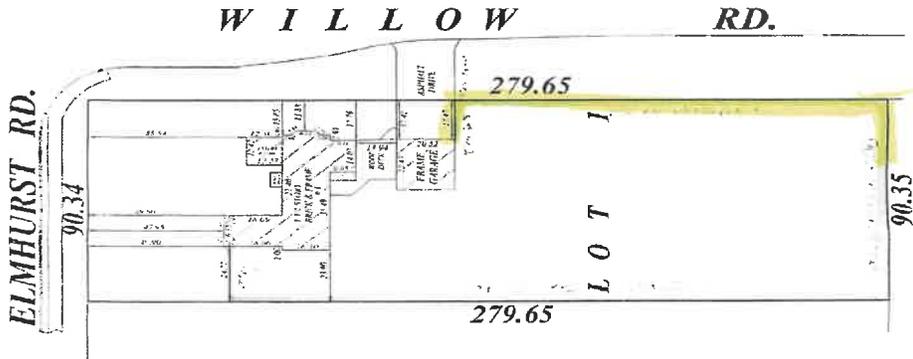


**PLAT OF SURVEY**

DESCRIBED AS :

LOT 1 IN SMITH AND DAWSON SECOND ADDITION TO COUNTRY CLUB ACRES, A SUBDIVISION OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ AND THE WEST 10 ACRES OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF REGISTERED AS DOCUMENT NUMBER 791719, IN COOK COUNTY, ILLINOIS.

RECEIVED OCT 16 2021



NO DIMENSIONS SHALL BE ASSUMED BY SCALE MEASUREMENT UPON THIS PLAT

Scale: 1" = 30'  
Ordered: ANDRZEJ MURZANSKI  
Page: 28-N-28-G  
Drawn: A.M.  
Checked: A.M.  
Job No.: 040324-G  
Municipality: PROSPECT HTS.

STATE OF ILLINOIS }  
COUNTY OF COOK } SS MARECH 23° 00' E 200'

I, ANDRZEJ MURZANSKI, AN ILLINOIS REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

ANDRZEJ MURZANSKI PLS. NO. 35-3258 EXPIRES: 11/30/2004  
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

ANY DISCREPANCY IN MEASUREMENTS SHOULD BE PROMPTLY REPORTED TO THE SURVEYOR FOR EXPLANATION OR CORRECTION.

This Plat of Survey is for real estate purposes only.

**ANDRZEJ MURZANSKI**  
LAND SURVEYORS, INC.

8116 W. CATHERINE AVE.  
NORWOOD PARK TWP.  
ILLINOIS 60056  
PHONE: 773-763-0346  
FAX: 773-763-0593



monty38910@yahoo.com

FOR OFFICE USE ONLY:
FEE PAID \$150.00
RECEIPT # COS17
DATE 10/16/24
RECV'D BY [Signature]
CASE # 24-13V
MEETING DATE 11/30/24

PLAN/ZONING BOARD OF APPEALS
APPLICATION

Special use (S400)
Variation (S150)
Text Amendment (S300)

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

APPLICANT: Michaelangelo Montemuro
ADDRESS: 7 E. Willow Rd.
Prospect Hts, IL 60070
PHONE: 312-218-2477

ADDRESS OF SUBJECT PROPERTY: 7 E. Willow Rd., Prospect Hts, IL 60070

PROPERTY IS LOCATED IN THE R1 ZONING DISTRICT.

APPLICABLE SECTION OF ORDINANCE: 5-3-4(H)1F1

DESCRIPTION OF REQUEST: Amendment of Ord 0-08-33 to include the allowance of a 6' PVC fence in white in addition to all materials allowed in Secs. 5-3-4(H)4a & 4b

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 filing:

- 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. Notice to Property Owners (1 copy)
6. List of Property Owners (1 copy) obtained from the Wheeling Township Office, 1616 N. Arlington Heights Rd. Arlington Heights, IL 60004 - Tel.847-259-1515 of all properties lying within 350ft. of property line/subject's property once approved confirmation letter from the City of Prospect Heights is received.
7. Application Fee (cash or check made payable to: City of Prospect Heights)

10/15/24
Date:

[Signature]
Signature of Applicant

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## Letter of Hardship

Dear members of the PZBA,

I have been provided and have read the standards for variation to section 5-3-4(H)1f1 of the Prospect Heights, IL Code of Ordinances as well as the previously approved Ordinance O-08-33 relating to the property at 1 E. Willow Rd. and have determined them to still cause undue hardship for the current needs of our home and family. As such, I request that ordinance O-08-33 be amended to allow for the construction of a fence of up to but not exceeding 6 feet (6') of height on the north lot line and to allow the use of PVC (Polyvinyl Chloride) as a material option in addition to all materials listed in section 5-3-4(H)4a and section 5-3-4(H)4b.

Some of the reasons and benefits for installing this fence include:

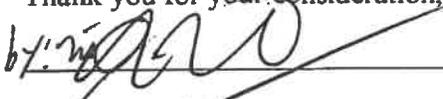
- Enhancing the safety and security of the property by acting as a deterrent to current/potential trespassers and other unauthorized access
- Prevents wandering into the street by guests, children, and pets
- Increases privacy for family, guests, and pets as they have a right to
- Reduces noise from busy traffic as well as excessively noisy vehicles
- Minimizes accidents by increasing visibility of the residence to traffic in instances of inclement weather

This proposed fence will also:

- not impair an adequate amount of light or air to neighboring properties
- not be injurious to other properties or cause undue hardship
- not hinder improvements in the neighborhood
- not be detrimental to the public welfare

I believe this fence to be in the best interest of our home and to be in the spirit and intent of the ordinance. I also intend to plant prairie grasses, sedges, and rushes to minimize the effect, if any, on the essential character of the locality through the "GROW IT DON'T MOW IT" program being offered by the Prospect Heights National Resource Commission (PHNRC).

Thank you for your consideration.

by:   
Michaelangelo Monterroso

10/15/24





Dear Neighbor,

This is Michael Monterroso, your neighbor at 1 E. Willow Road. Many in the community also know me as Monty and can often see me helping the local nature volunteer group improving our slough as well as other nature areas in our town. I hope you've had the chance to enjoy them but if not, I highly recommend you check them out.

If you've driven by my house anytime recently, I'm sure you've seen the cedar fence near the road that runs along the property. If you have, I'm sure you've also noticed it's seen better days and with the recent storm, even more so. Something you may have not seen, however, are the bottles, trash and other items seemingly being left behind by uninvited evening guests. While the current fence has held up for quite some time, it seems that it's on its last legs and so I intend on putting a new and taller fence made of white vinyl to last longer than the first as well as to keep out the "guests" leaving me souvenirs. This fence will also have a section of prairie grass planted in front of it to keep with our town's natural look. I am in the process of having a new fence installed but need your help in getting approved for the permit.

One of the requirements of the permit appeal process in our town is to get the approval of all residents within 350ft of my home. It just so happens that you fall within this range. I know, lucky you, right? I have brought some images of what the new fence will look like as well as a page that will need your approval or comments on why you don't if not.

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# Contents

Section	Page
Property Owners and Identification .....	1
Edited view of Plat .....	1
View of variance requested .....	2
Reference Pictures .....	2

## Property owners and Identification

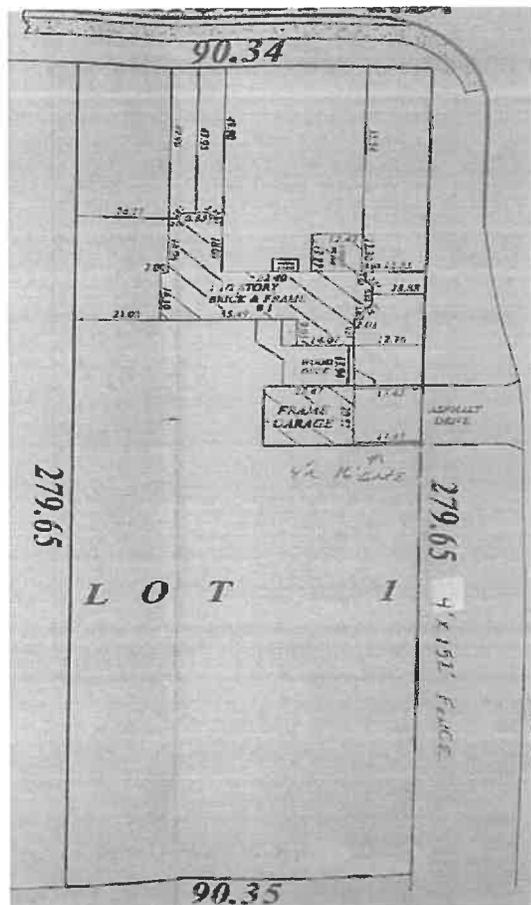
Homeowner: Consuelo Tapia-Monterroso

Consuelo's Phone: 1-847-452-8070

Son's phone (Point of contact): 1-312-218-2477

Plat view of: 1 E. Willow Rd., Prospect Heights IL, 60070

## Edited view of Plat

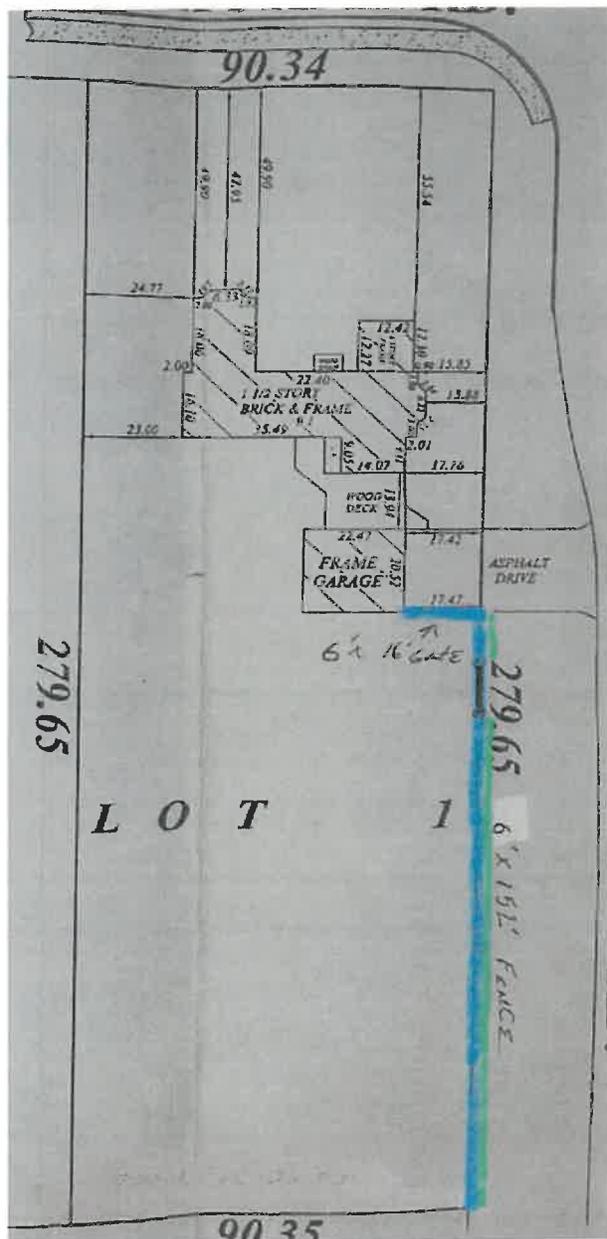


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Figure 1

### View of Variance Requested

We would like to install a new fence in the area highlighted in turquoise with a section of prairie grasses, sedges, and rushes to be installed in front of the fence as highlighted in green. The naturalization of the fence will be a part of the GROW IT DON'T MOW IT Program being run by the Prospect Heights Natural Resource Commission ("PHNRC"). The fence will have a double door gate as highlighted in black to accommodate landscaping needs, large family gatherings, and future community social events. The desired fence will be 6' in height of white PVC construction in lieu of the currently inadequate cedar picket style for the reasons mentioned in the letter of hardship. This request would require an amendment to previous ordinance O-08-33 to accommodate a 6' fence of up to but not exceeding 6 feet (6') of height on the north lot line and to allow the use of white PVC (Polyvinyl Chloride) as a material option in addition to all materials listed in section 5-3-4(H)4a and section 5-3-4(H)4b.



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Reference Pictures (North fence—Front view)

Current Style of fence is very rotted and slowly collapsing.



Figure 3



Figure 4

Desired final appearance (North fence –front view)

The prairie grasses will reach a height of ca. 5' and will be emphasized by the fence backdrop.

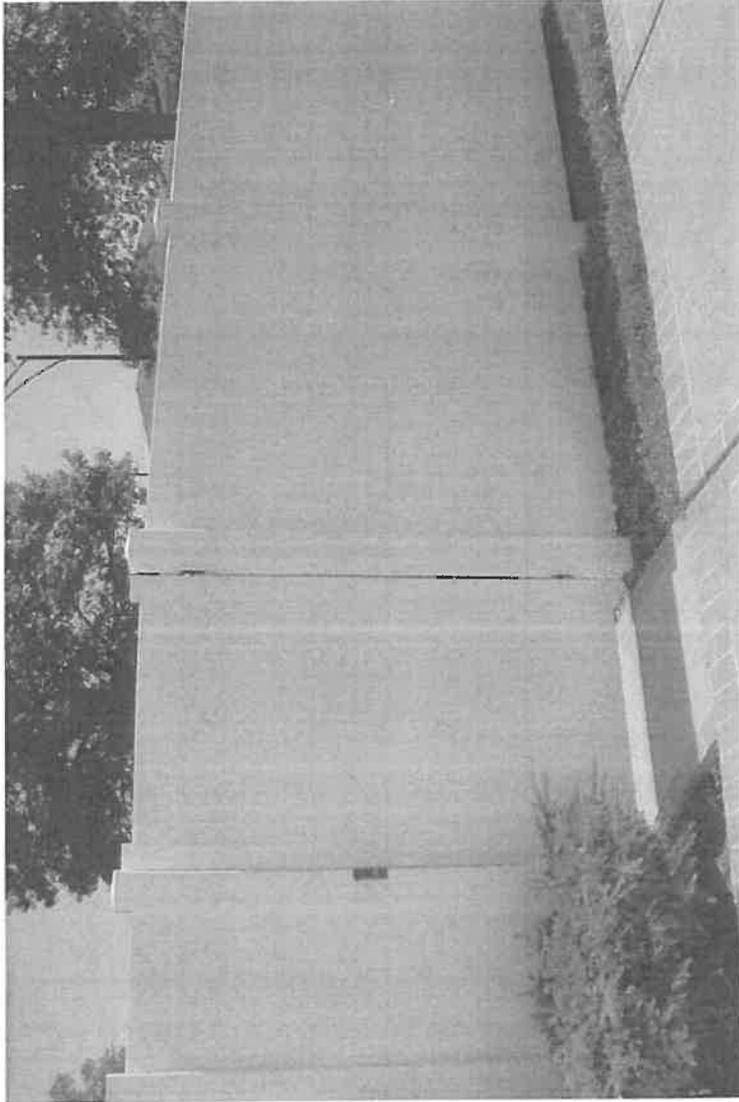


Figure 5



Figure 6

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Contents

Neighbor Variance Notification

..... 1

Neighbor proximity to 1 E. Willow Rd.

..... 1

Neighbor Variance Notification

The project description has been provided and discussed with our neighbors at 2 E. Willow Rd.

Neighbor approval?  Yes  No

Neighbor's comments:

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None

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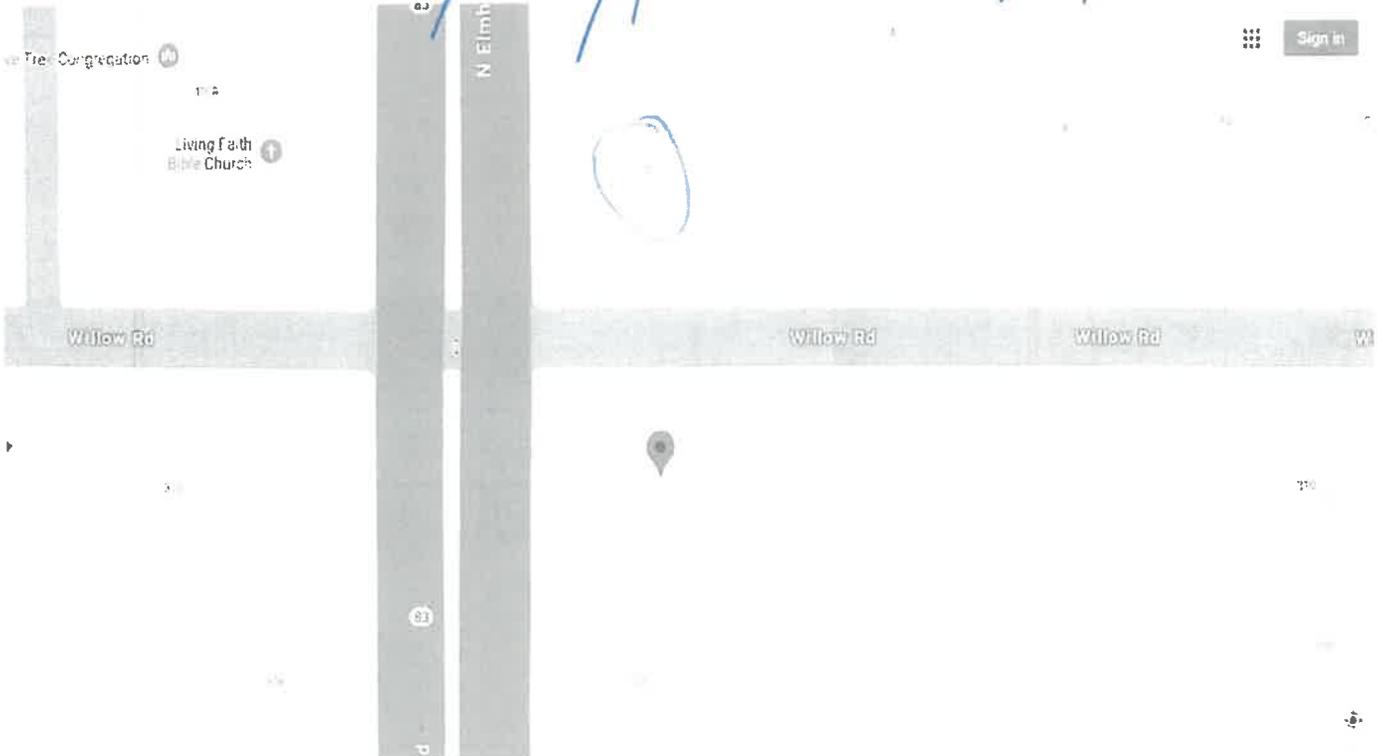
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Neighbor's signature:

*[Handwritten Signature]*

Date:

10/12/2024



Contents

Neighbor Variance Notification

..... 1

Neighbor proximity to 1 E. Willow Rd.

..... 1

Neighbor Variance Notification

The project description has been provided and discussed with our neighbors at 6 E. Willow rd.

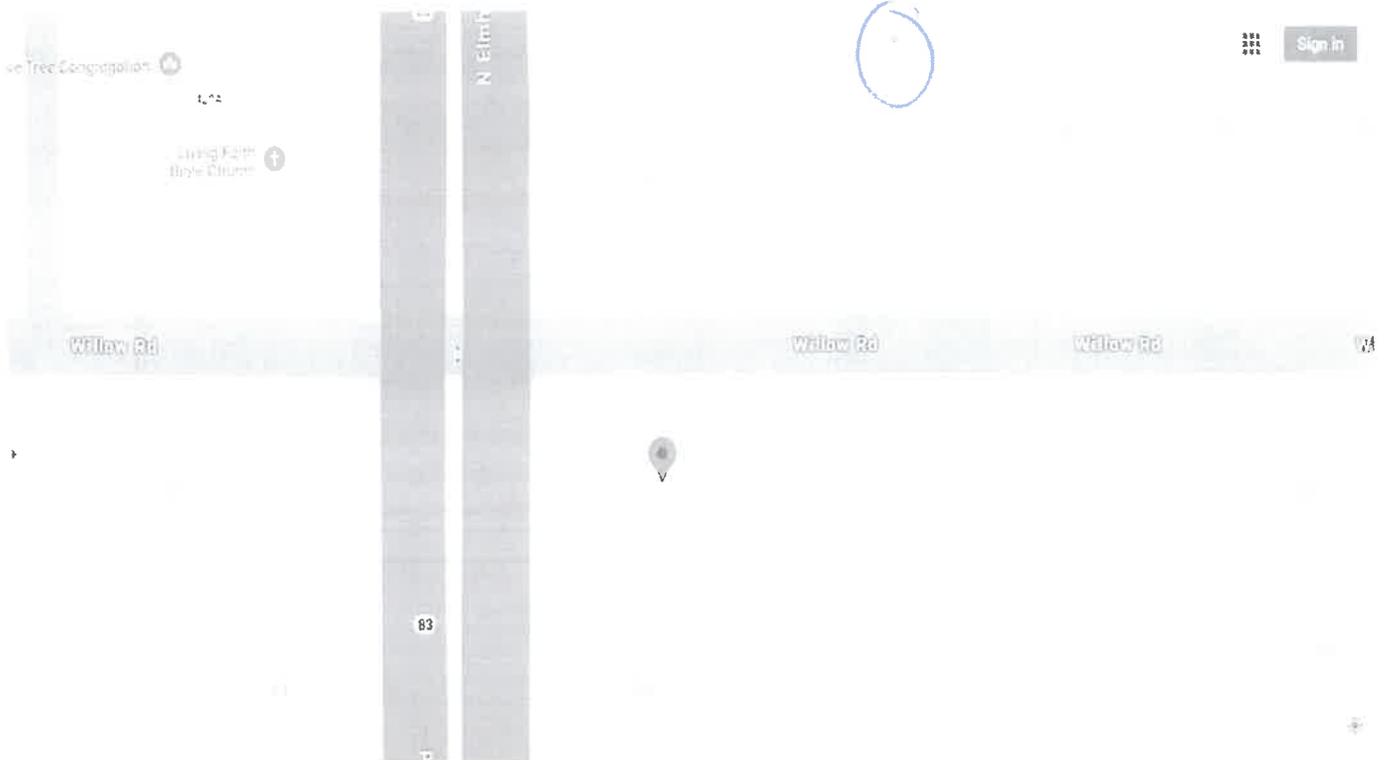
Neighbor approval?  Yes  No

Neighbor's comments:

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unable to reach in time

Neighbor's signature: \_\_\_\_\_ Date: \_\_\_\_\_



Contents

Neighbor Variance Notification

..... 1

Neighbor proximity to 1 E. Willow Rd.

..... 1

Neighbor Variance Notification

The project description has been provided and discussed with our neighbors at 8 E. Willow Rd.

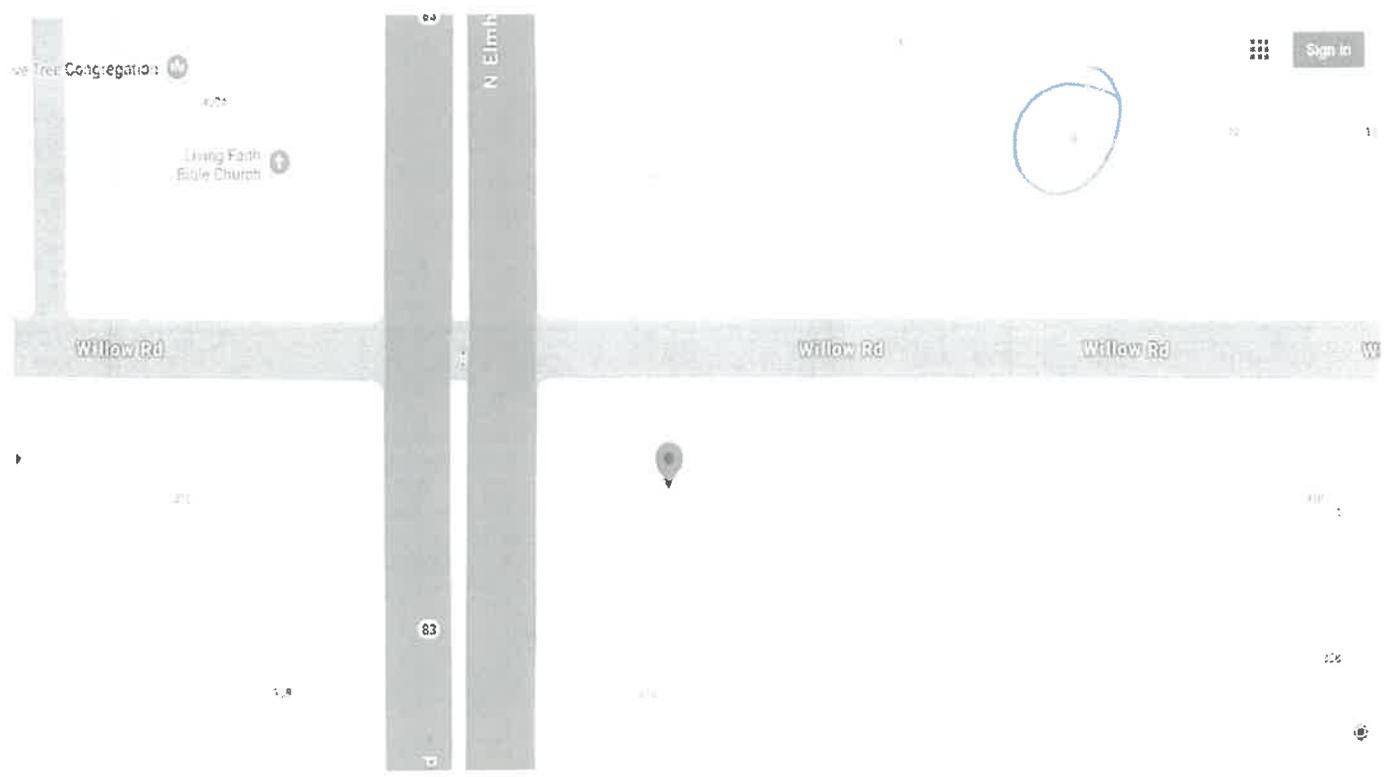
Neighbor approval?  Yes  No

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Neighbor's comments:

\*1 neighbor approved but refused to sign any documentation.

Neighbor's signature: \_\_\_\_\_ Date: \_\_\_\_\_



Contents

Neighbor Variance Notification

..... 1

Neighbor proximity to 1 E. Willow Rd.

..... 1

Neighbor Variance Notification

The project description has been provided and discussed with our neighbors at 309 N. Elmhurst Rd.

Neighbor approval?  Yes  No

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Neighbor's comments:

None

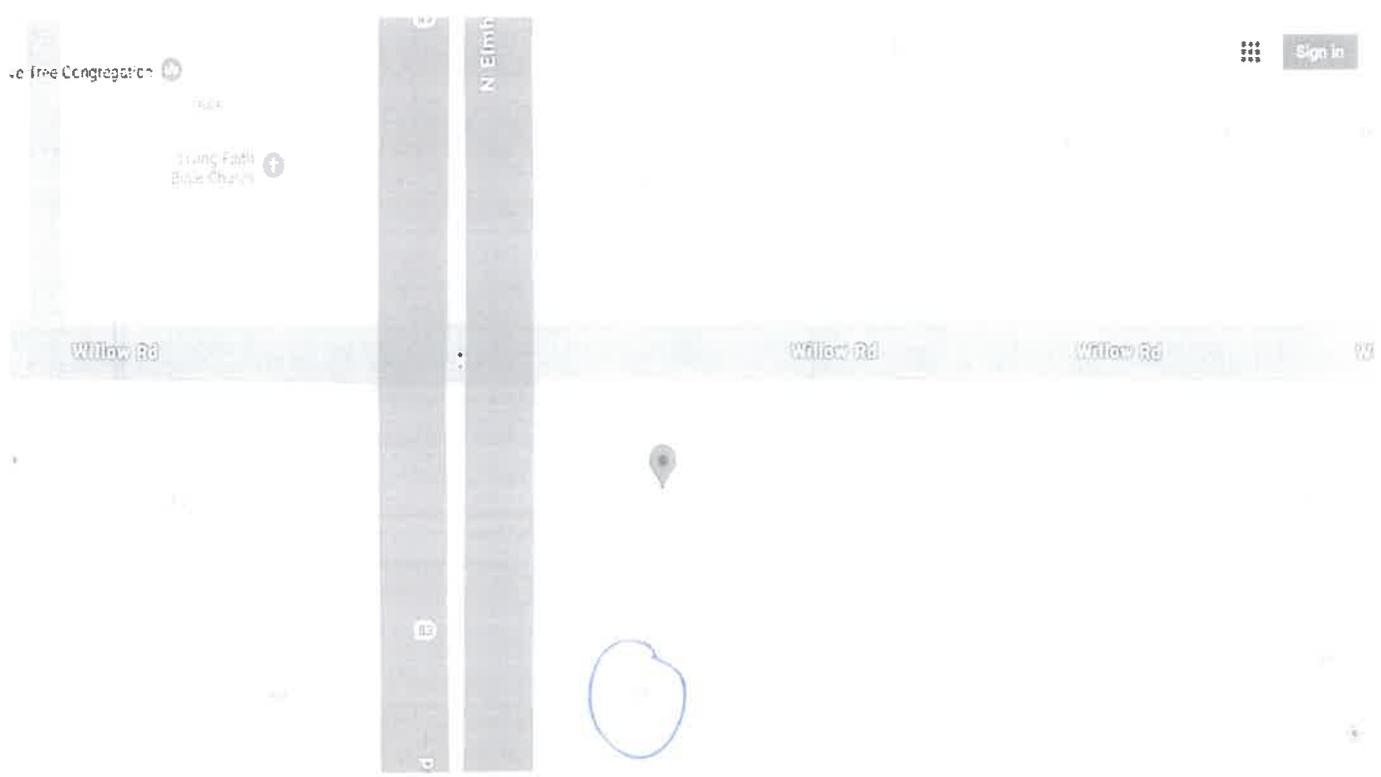
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Neighbor's signature: Al Droneyk Date: 10-15-24



Contents

Neighbor Variance Notification

..... 1

Neighbor proximity to 1 E. Willow Rd.

..... 1

Neighbor Variance Notification

The project description has been provided and discussed with our neighbors at 310 N. Maple St.

Neighbor approval?  Yes  No

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Neighbor's comments:

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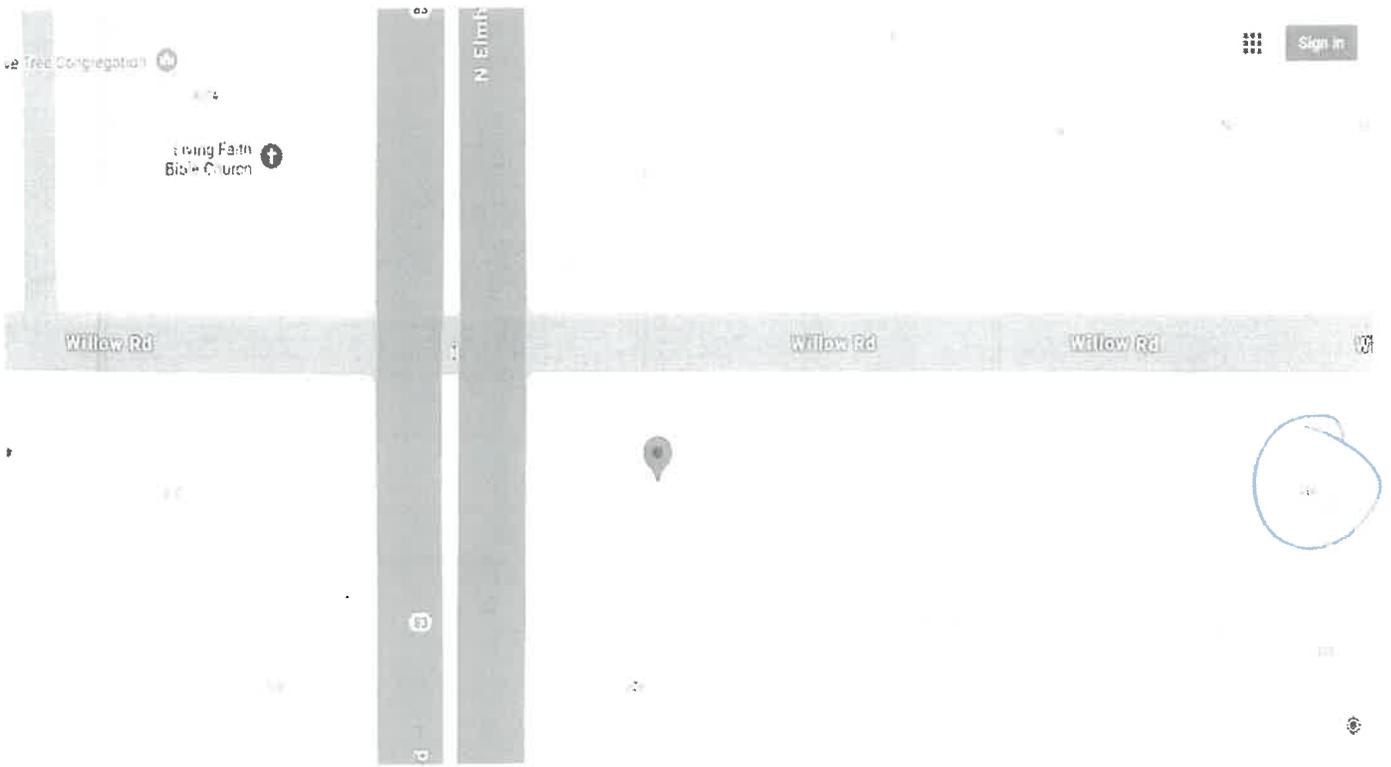
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Neighbor's signature: *Amber* Date: 10/13/24



Contents

Neighbor Variance Notification

..... 1

Neighbor proximity to 1 E. Willow Rd.

..... 1

Neighbor Variance Notification

The project description has been provided and discussed with our neighbors at 310 N. Elmhurst Rd.

Neighbor approval?  Yes  No

Neighbor's comments:

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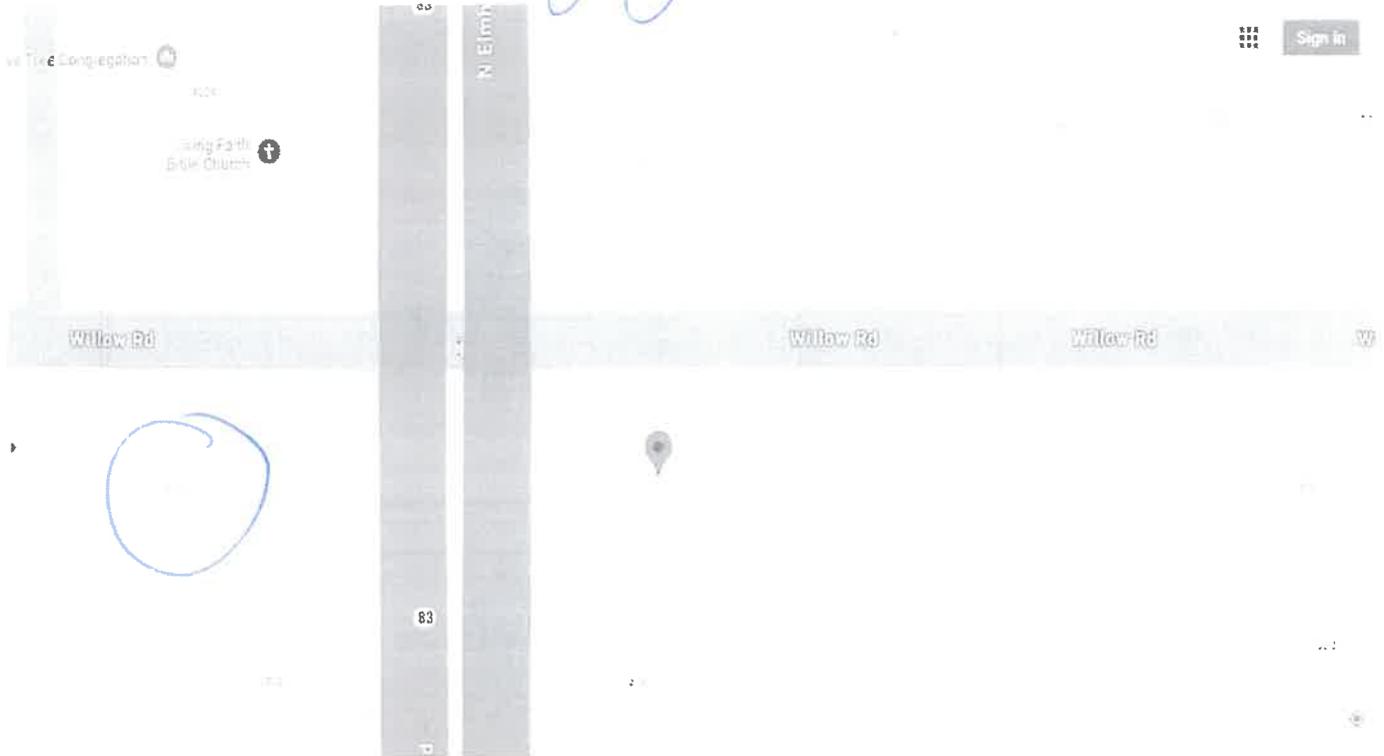
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Neighbor's signature:

*Rita & Joyce* Date: *10-09-2024*



Contents

Neighbor Variance Notification

..... 1

Neighbor proximity to 1 E. Willow Rd.

..... 1

Neighbor Variance Notification

The project description has been provided and discussed with our neighbors at 400 N. Elmhurst Rd.

Neighbor approval?  Yes  No

Neighbor's comments:

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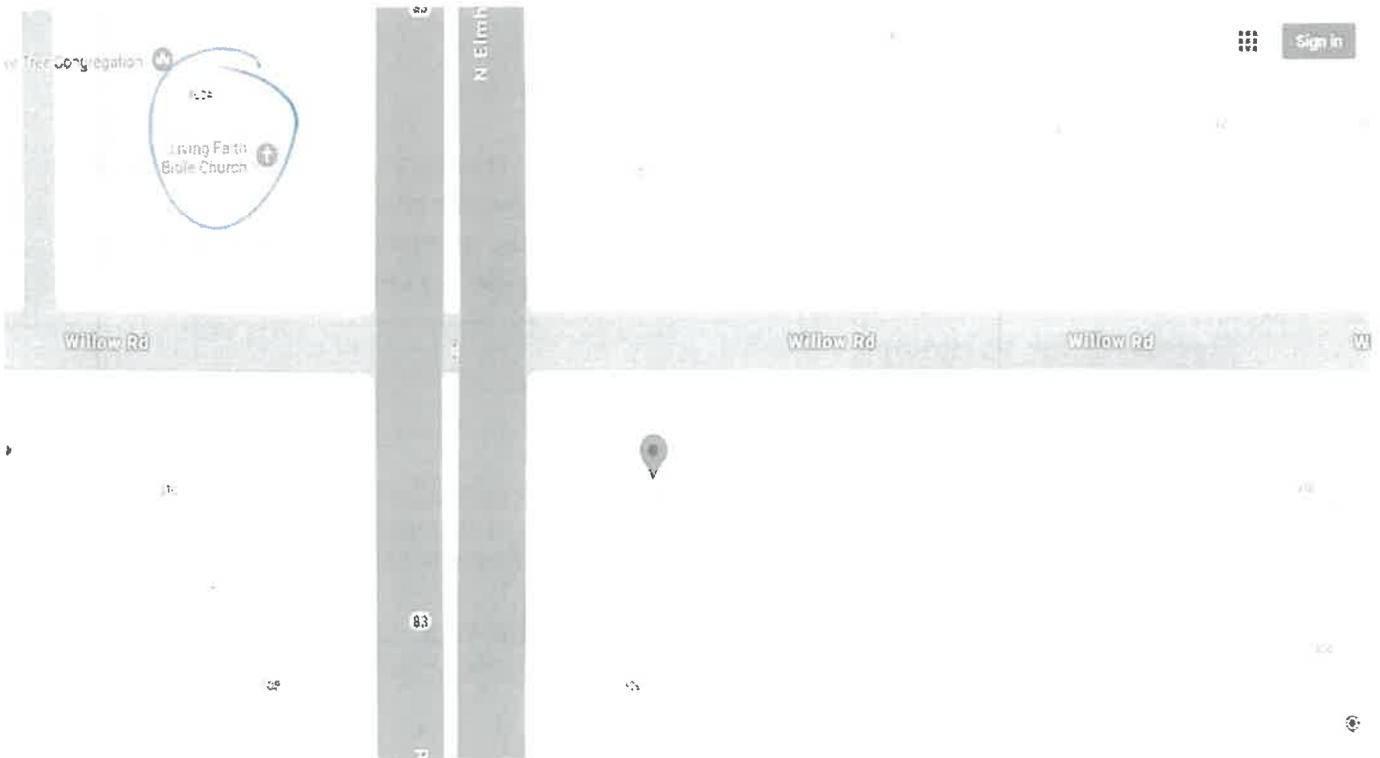
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Neighbor's signature: *[Signature]* Date: 10/15/2024



# Zoning Review



Date: November 5, 2024

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

Applicant: Michaelangelo Monterrosa

Subject Property: 1 E. Willow Rd., Prospect Heights, IL

Application: Variation for Corner Side Yard Setback for Fences – Section 5-3-4 H1f(2), Amend Ordinance #O-08-33, conditions of approval

Project: Increase fence height by 2' and change materials from cedar to white vinyl and maintain the approved setback variation in the required yard in the R-1 District

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

Applicable Zoning & Building Code Sections: Fences: 5-3-4 H1f(2) – Corner Side Yard Variation Standards 5-10-8

Current Zoning: R-1 Single Family Residential District  
Current Use: Single Family Residential Permitted Use

Request: Owner of the subject property, is seeking a variation to Section 5-3-4 H1f(2) of City of Prospect Heights Zoning Code to allow the reduction of the required corner side yard setback from 25' to 0' for the construction of a 6' high white vinyl fence amending the conditions of approval for Ordinance #O-08-33.

## **Standards for Variations:**

### **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 current single-family home is existing legal non-conforming due to lot width of 90.34' in lieu of the required 100' lot width, and due to an existing 13.88' corner side yard setback in lieu of the required 25'.

**Ordinance #O-08-33 granting a variation to encroach into the required corner side yard 13.88' to the property line with the condition that the fence be 4' in height and be constructed of cedar and chain link fence materials.**

**Review owner's hardship letter and variation request supporting documents packet. Safety and security are the primary hardships listed.**

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. Property has already received approval for the corner side yard encroachment. The owner is not deprived of rights commonly enjoyed by others.

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. Review hardship letter.

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

**Response:** Applicant shall provide additional testimony to support the letter of hardship statements. The letter lacks details to support this standard.

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:** Increasing the height of the existing fence at the property line will not impair adjacent properties or increase congest

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

**Response:** Applicant should provide additional testimony regarding the solid white vinyl fence and how this will not alter the essential character of the neighborhood. There are no other white vinyl fences in the neighborhood.

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

**Response:** Standard met.

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

**Response: Standard met. Variation previously issued by ordinance #O-08-33.**

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: The subject property is legal non-conforming and is the only property in question.**

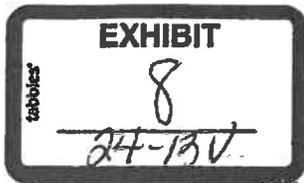
10. The plan/zoning board of appeals shall further make a finding that the reasons set forth in the application justify the granting of the variation, and that the variation is the minimum variation that will make possible the reasonable use of the land, building, or structure. (Ord. 0-77-27, 7-18-1977;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

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.

**Response: The solid white vinyl fence and the impact on the character or the neighborhood is a concern. A material change to a solid wood may lessen the impact.**

#### **Conclusion**

**The question is does the application meet standards and requirement for amending the original variation ordinance. The applicant can could construct the requested fence by placing the fence at the 17.47' setback line at the front northeast corner of the garage.**



**ORDINANCE NO. O-08-33**

**AN ORDINANCE GRANTING A VARIATION TO PERMIT A 25 FOOT ENCROACHMENT INTO THE REQUIRED 25 FOOT CORNER SIDE YARD SETBACK TO PERMIT THE CONSTRUCTION OF A FOUR FOOT (4') CEDAR AND CHAIN LINK FENCE FOR THE PROPERTY LOCATED AT 1 EAST WILLOW ROAD**

WHEREAS, the Section 4.04 H.1. f(2) of the Prospect Heights Zoning Ordinance as applicable to the property legally described in Exhibit A attached hereto (hereinafter "Property") and commonly known as 1 East Willow Road prescribes the construction of a fence in the required twenty-five feet (25.0') corner side yard to the existing legal non-conforming single-family home; and

WHEREAS, the Owners of the property have submitted a petition for a four foot (4.0') cedar and chain link fence that would encroach twenty-five feet (25.0') into the required corner side yard; and

WHEREAS, the current single-family home is existing legal non-conforming due to a lot width of ninety and thirty-four one/hundredths feet, (90.34'), in lieu of the required one hundred feet, (100'), and due to an existing corner side yard of thirteen and eighty eight one/hundredths feet, (13.88'), in lieu of the required twenty-five feet (25.0');

WHEREAS, the Plan/Zoning Board of Appeals held a public hearing on June 26, 2008 regarding said petition; and

WHEREAS, the Plan Zoning Board of Appeals has found the petition meets the standards for a variation and has recommended the variation be approved; and

WHEREAS, the Mayor and City Council have reviewed the documents pertinent to the application and the recommendations of the Plan/Zoning Board of Appeals and determined that the standards for the variation have been met; and

WHEREAS, the Mayor and City Council find that the record supports a finding that applicant faces a particular hardship and strict enforcement of the Zoning ordinance prevents applicant from the full use and enjoyment of his land;

**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 adopts same as part of this Ordinance.

Section 2. That a variation is hereby granted to reduce the required corner side yard setback of twenty-five feet (25.0') as prescribed in the Zoning Ordinance to encroach twenty-five feet (25.0') to permit only the construction of a four foot (4') cedar and chain link fence to the north and east lot lines.

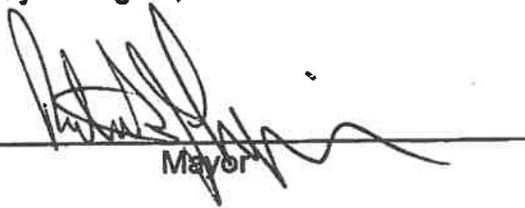
**Section 3.** That this variation is conditioned upon applicant's construction of the fence in accordance with the approved site plan and documents submitted at the public hearing on this matter.

**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.

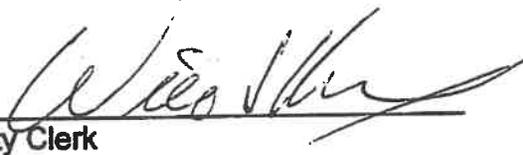
**Section 5.** This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

**PASSED and APPROVED this 4th day of August, 2008**



  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
City Clerk

**AYES:** Aldermen Armbruster, Hamen, Higgins, Styler, Vole  
**NAYES:** None  
**ABSENT:** None

Published in pamphlet form: 8/5/08

Effective Date: 8/15/08

**EXHIBIT A**

Lot 1 in Smith and Dawson Second Addition to Country Club Acres, a Subdivision of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  and the West 10 Acres of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 22, Township 42 North, Range 11, East of the Third principal Meridian, according to the Plat thereof registered as Document Number 791719, in Cook County, Illinois, commonly known as 1 East Willow Road, Prospect Heights, Illinois 60070.

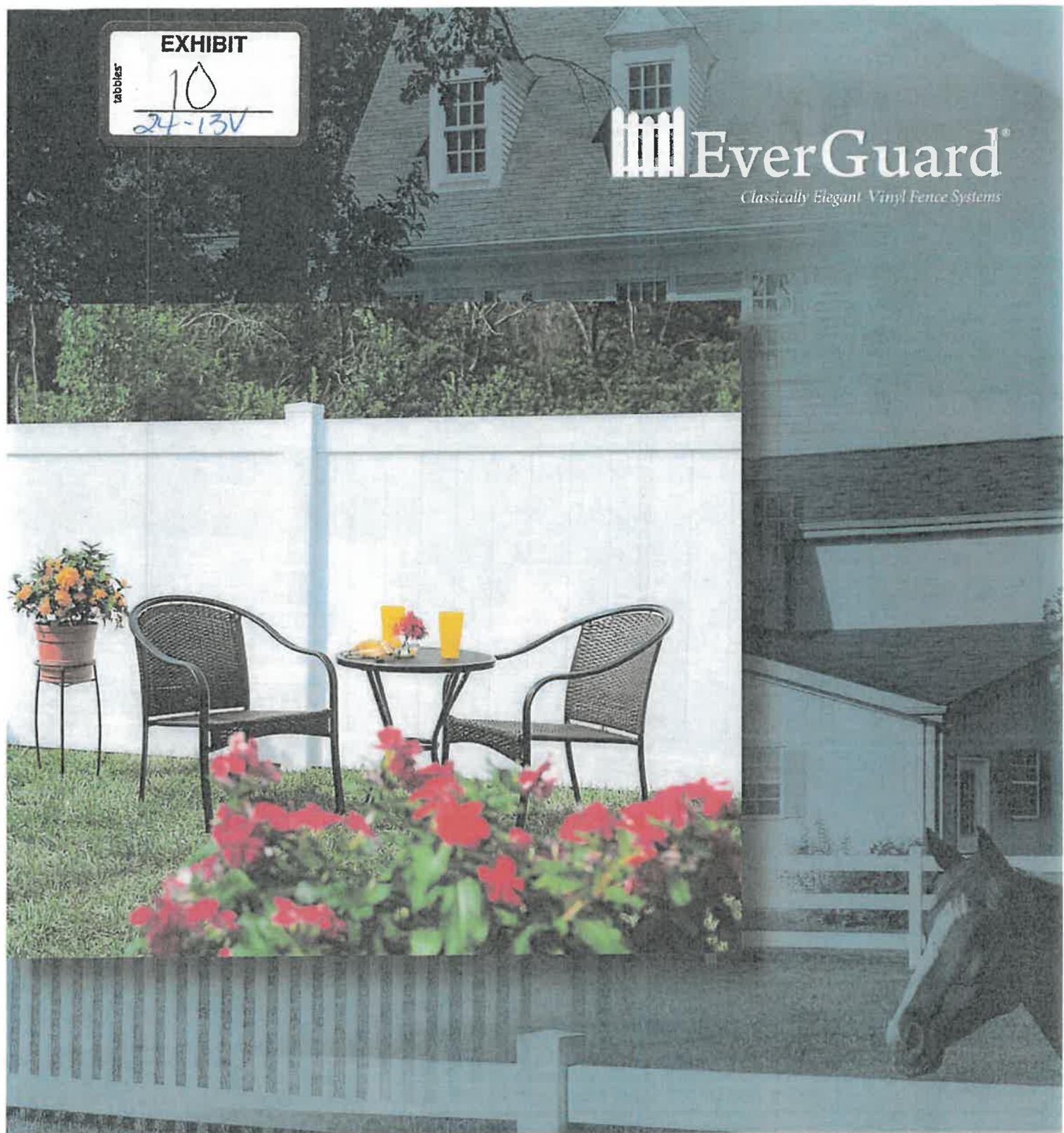


EXHIBIT  
tabbles  
10  
24-13V



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Classically Elegant Vinyl Fence Systems



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the first name in fence solutions

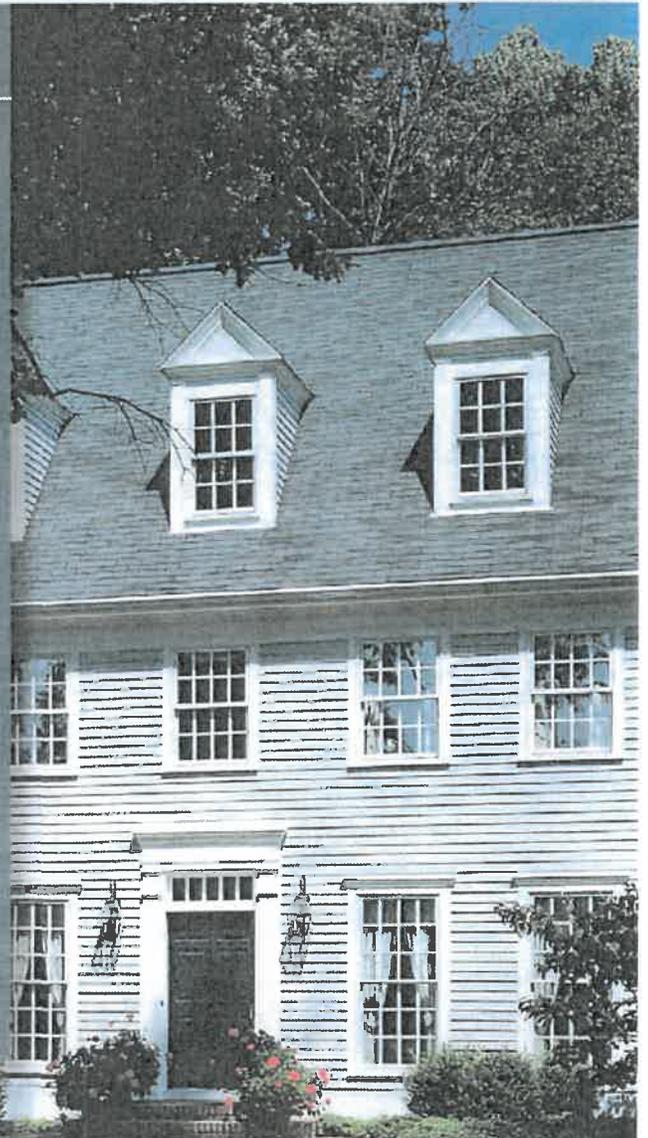
EVERGUARD®

## Classically Elegant Vinyl Fence Systems

EverGuard® is the perfect blend of elegance, strength and performance. Designed with clean lines and high quality materials, EverGuard® provides the long lasting beauty and charm that can only be created with a professionally manufactured vinyl fence system.

The EverGuard® fencing system is available in Picket, Privacy, Semi-Privacy and Ranch Rail options. Crafted in a variety of heights and styles, EverGuard® has the perfect design to complement your home, property and investment.

- High quality, low maintenance
- Made in the USA
- Limited lifetime warranty
- Available in 3 pocket rail options
- 13 panel styles
- Multiple color options
- Panels with reinforced bottom rails available
- Ranch Rail available in 2, 3 & 4-Rail and crossbuck

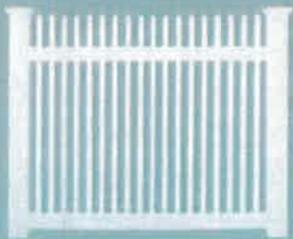
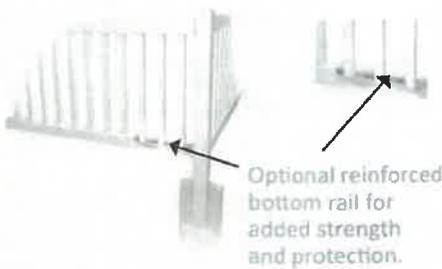


CAMDEN PICKET FENCE

## EverGuard® Picket Fence

Nothing beats the charm of a vinyl picket fence. EverGuard® offers a wide variety of heights and styles to accent your landscaping and create a beautiful boundary to your property.

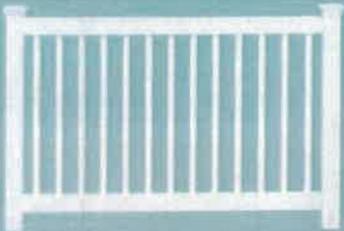
### PICKET TOP STYLES



CAMDEN



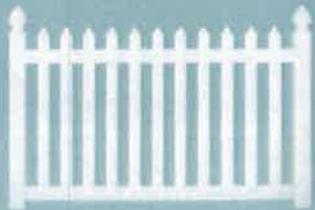
DOWNINGTON



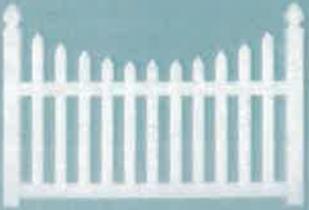
SAVANNAH



REGENCY



MELROSE



SCALLOPED MELROSE



SCALLOPED MELROSE

## EverGuard® Semi-Privacy



BARRINGTON

### Picket Features

- 6 standard picket styles available
- Pickets installed with through-rail construction
- Panels offered in 6' and 8' widths
- Assortment of picket top options allowing you to create a distinctive look
- Optional bottom rail insert



## EverGuard® Privacy

Your privacy fence should be more than just a barrier wall, it should be a reflection of your individual style. With that in mind, we offer a wide variety of rail sizes, decorative tops and colors to choose from, ensuring that you'll find the fence that is right for you.



ESTATE COMBO



ESTATE WITH LATTICE



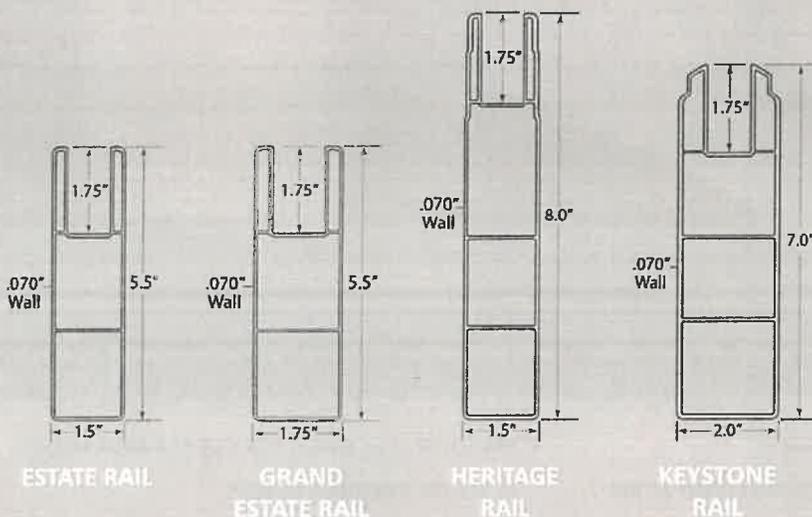
HAMPTON



SUMMIT

## RAIL STYLES

- Four pocket rail options available, each with optional reinforced bottom rail
- 6" tongue and groove pickets, 11.3" available in limited locations
- Panels offered in 6' and 8' widths
- ReadiPak packaging available for quick and easy installation



## Accessories & Hardware

### Post Caps

Complete your look by choosing from four distinct post cap options, each created to match perfectly with all styles of EverGuard® fencing. Select one post cap style to use throughout the entire layout, or use two or more styles to create an even more customized look. Available in 4" and 5".



Outside Pyramid



Gothic



New England



Inside Pyramid

### Gate Hardware

We offer a large array of high quality gate hardware to ensure your fence will keep working for years to come.



Nylon Adjustable Self-Closing Hinge



Pool Gate Latch



Cain Bolt



Keyed Nylon Latch



Lockable Steel Latch



Vinyl to Vinyl Self-Closing Hinge



Vinyl to Steel Self-Closing Hinge



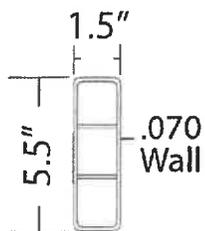
RANCH RAIL  
4-RAIL

### EverGuard® Ranch Rail

Turn your rural or agricultural property into a showplace with EverGuard® Ranch Rail. All the beauty of traditional wood horse fence is combined with the low maintenance advantages of vinyl to provide a dramatic boundary to your farm, ranch or neighborhood.

#### Features

- 1-1/2" x 5-1/2" rails
- 5" x 5" posts
- Available in 2, 3 & 4-rail and Crossbuck
- Offered in a variety of grades



Ranch Rail Profile

## Additional Fence Solutions

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- Steel Ornamental in both Component and Fully-Welded Systems
- Aluminum Ornamental Systems
- Wood Fence
- Vinyl Fence
- Temporary Fence
- Aluminum Track Gates
- Access Control Products
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- Pre-hung Security Gates
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### ORNAMENTAL



### PVC



### CHAIN LINK



### WOOD



### GATES



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