

AN ORDINANCE GRANTING MINIMUM REAR AND SIDE YARD VARIATIONS FOR THE SINGLE-FAMILY RESIDENCE AT 4441 DENNY COURT

WHEREAS, Joel Fitzgerald (“*Owner*” and “*Applicant*”) owns the property commonly known as 4441 Denny Court within the City’s R-2 Single Family Residence District, which property is legally described in **Exhibit A** to this Ordinance (“*Subject Property*”); and

WHEREAS, the Applicant desires to construct a second-floor addition for an existing house on the Subject Property (“*Improvements*”); and

WHEREAS, the existing house on the Subject Property is legally non-conforming as to the rear and side yard setbacks, and the Applicant seeks variations from the applicable Minimum Side Yard and Minimum Rear Yard requirements in order to allow the construction of the Improvements (the “*Requested Relief*”); and

WHEREAS, the City’s Planning and Zoning Commission (“*PZC*”), after notice was provided as required by law, conducted a public hearing on May 7, 2024 to consider the Requested Relief; and

WHEREAS, after taking and considering all testimony presented at the public hearing, the PZC made the findings of fact enumerated in **Exhibit B** and recommended that the City Council approve the Requested Relief; and

WHEREAS, the Corporate Authorities of the City of Rolling Meadows have determined that it would be in the best interest of the City to approve the Requested Relief in accordance with, and subject to, the conditions, restrictions, and provisions of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Illinois:

Section 1: Recitals. The recitals set forth above are incorporated herein by reference as the findings of the Corporate Authorities.

Section 2: Grant of Variation. Pursuant to the standards and procedures set forth in Section 122-393 (“Variations”) and the City’s home rule authority, and subject to and contingent upon the conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, the City hereby grants variations from the Minimum Side Yard and Minimum Rear Yard provisions of Table 5.4 of Section 122-232 (“R-2 Single Family Residence District”) to allow the construction of the Improvements on the Subject Property.

Section 3: Conditions. The Special Use granted in Section 2 of this Ordinance is hereby expressly subject to and contingent on each of the following conditions, restrictions, and provisions:

- A. No Authorization of Work. The approvals granted pursuant to this Ordinance do not authorize the development, construction, reconstruction, alteration, demolition, or moving of any buildings or structures on the Subject Property, but merely authorize the preparation, filing, and processing of applications for any permits or approvals that may be required by the codes and ordinances of the City, including without limitation demolition and building permits.
- B. Compliance with Plans. Except for minor changes and site work approved by the Zoning Administrator, the Improvements and the Subject Property must be developed, used, and maintained in substantial compliance with the plans attached as **Exhibit C** (collectively "**Plans**").
- C. Compliance with Applicable Law. In addition to the other specific requirements of this Ordinance, the Improvements, the Subject Property, and all operations conducted thereon and therein must comply at all times with all applicable federal, state, and City statutes, ordinances, resolutions, rules, codes, and regulations, including, without limitation, this Ordinance.

Section 4:

- A. The City shall not be obligated to issue, and may withhold, building permits, certificates of occupancy, and other approvals that do not completely comply with and satisfy the conditions, restrictions, and provisions of this Ordinance.
- B. Upon failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, the Variation granted in Section 3 of this Ordinance may, at the sole discretion of the Corporate Authorities, by ordinance duly adopted, be revoked and become null and void and of no force and effect.

Section 5: The privileges, obligations, and provisions of each and every section and provision of this Ordinance are for and inure to the benefit of and run with and bind the Subject Property, unless otherwise explicitly set forth in this Ordinance.

Section 6: Nothing in this Ordinance shall create, or shall be construed or interpreted to create, any third-party beneficiary rights.

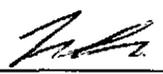
Section 7: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 28th day of May, 2024.

AYES: Boucher, Reyez, Koehler, McHale, Budmats, O'Brien

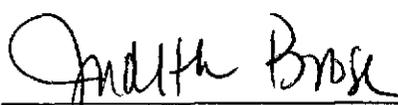
NAYS: 0

ABSENT: Vinezeano



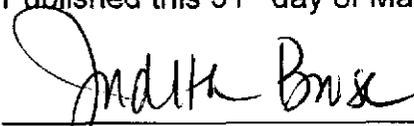
Lara Sanoica, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 31st day of May, 2024.



Judith Brose, Deputy City Clerk

Exhibit A

Legal Description of Subject Property

(Commonly Known As 4441 Denny Court)

PIN #: 02-26-106-022-0000

LOT 5 IN DENNY'S RESUBDIVISION OF LOT 4 IN BLOCK 15 IN A.T. MCINTOSH AND COMPANY'S PALATINE ESTATES, UNIT NUMBER 2 IN THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN TOGETHER WITH THE VACATED WINNETKA AVENUE, SOUTH AND ADJOINING SAID LOT 4 ALL IN COOK COUNTY, ILLINOIS.

EXHIBIT B

PZC's Adopted Findings of Fact

Variation Standards

Unique physical condition: The presence of unique physical conditions related to the property that create a hardship or practical difficulty for the applicant to meet the established requirements of this chapter. The applicant must evidence how such unique hardship or practical difficulty is more impactful to meeting the requirements of this chapter than a mere inconvenience.

The home is legally non-complying because it is less than 10 feet from one side of the property line and less than 30 feet of the rear of the property line. To be in compliance would require an unusual shifting of the new floor so that it does not stand directly over the current main floor or substantial change to the existing home.

Impact: Granting a variance will not substantially impact use and enjoyment of adjacent or nearby properties by impairing an adequate supply of light and air, increasing the risk from fire or other public safety hazard, or diminishing property values. To mitigate impacts, the variance should be the least amount of relief required to accomplish the proposed development.

The addition will improve the value of the home and does not greatly decrease the health and safety of the area. It will continue to look consistent with the other homes in the community.

Not self-imposed: The conditions creating the hardship or practical difficulty are a result of application of this chapter, and not self-imposed, having been created by the applicant or by another on behalf of the applicant, or in furtherance of an opportunity for additional profit.

The home was initially built in compliance with zoning, but is now legally non-compliant due to closeness to the rear and one side of the property line.

Use of property: Use of the property possible under the standards of this chapter, without receiving the requested variance, would deprive the property owner of substantial rights commonly enjoyed by owners of other lots subject to the same provisions. This standard acknowledges that application of zoning standards may create somewhat increased development costs; which do not constitute, in and of themselves, a hardship.

Adhering to the current zoning standards for this addition would greatly increase the difficulty and ugliness of adding the additional rooms to the home, based on the layout of the home and property lines.

Community character: Granting a variance will not impair the public health, safety, morals, comfort, or welfare of the community. Further, said variance shall not significantly alter or impact the essential character or trend of development in the general area, including characteristics such as building height and setback, traffic management, landscaping, building orientation, and established aesthetic standards.

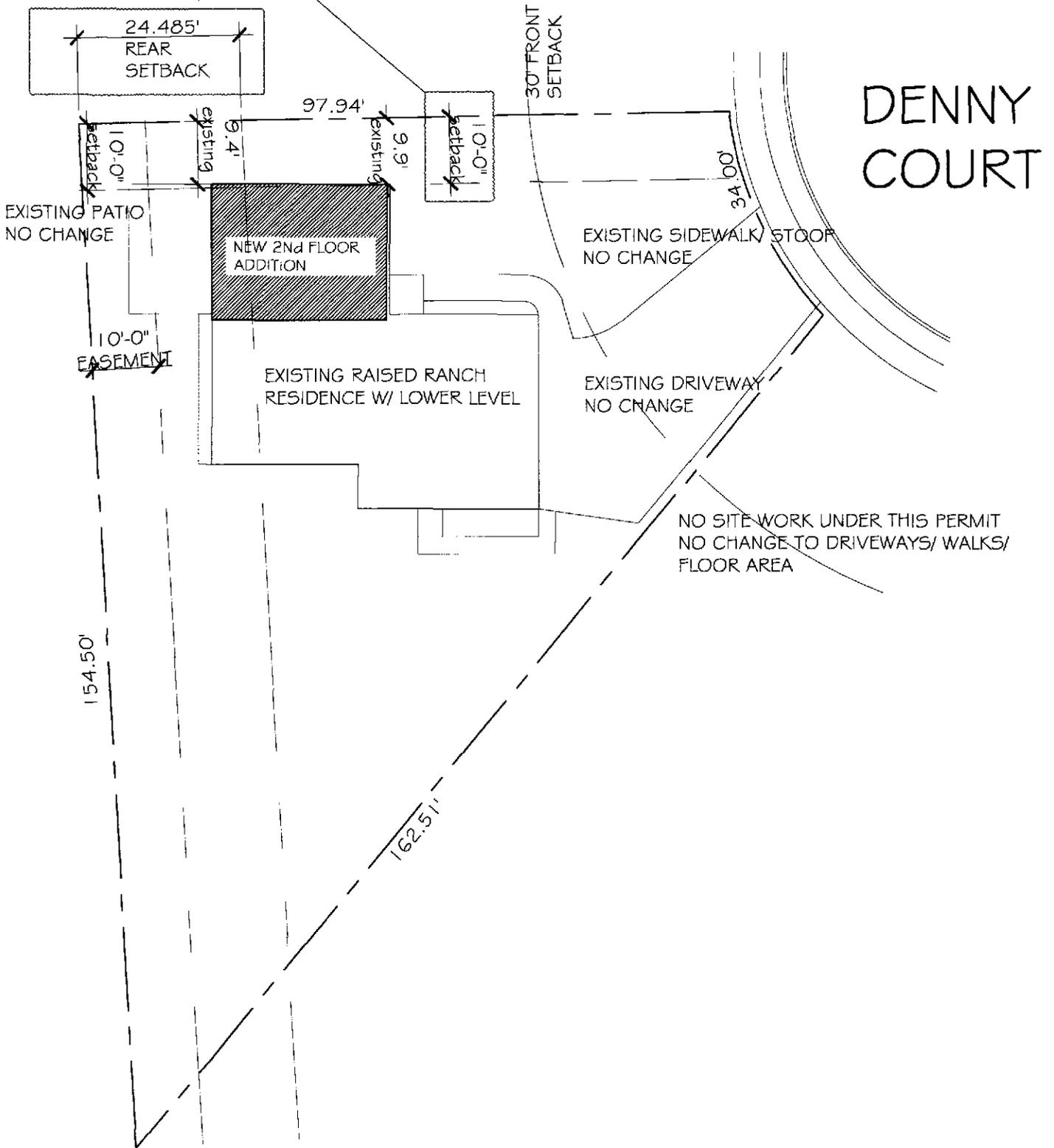
Granting this variance will increase the value of the home directly and will not adversely affect the community. The addition will increase the building height, but it will not be an irregular height and it does not impact setback, traffic management, landscaping or building orientation. It should improve the community aesthetically.

EXHIBIT C

Plans

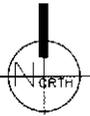
REAR
SETBACK
BASED ON
MIN. 30' OR
25% LOT
DEPTH
WHICHEVER
IS LESS

R-2 ZONING
SIDEYARD SETBACK= MINIMUM 10'
PUTS ADDITION AND EXISTING HOUSE INTO
REQ'D. SIDEYARD.
IS THIS CONSIDERED NON CONFORMING



DENNY
COURT

SITE PLAN

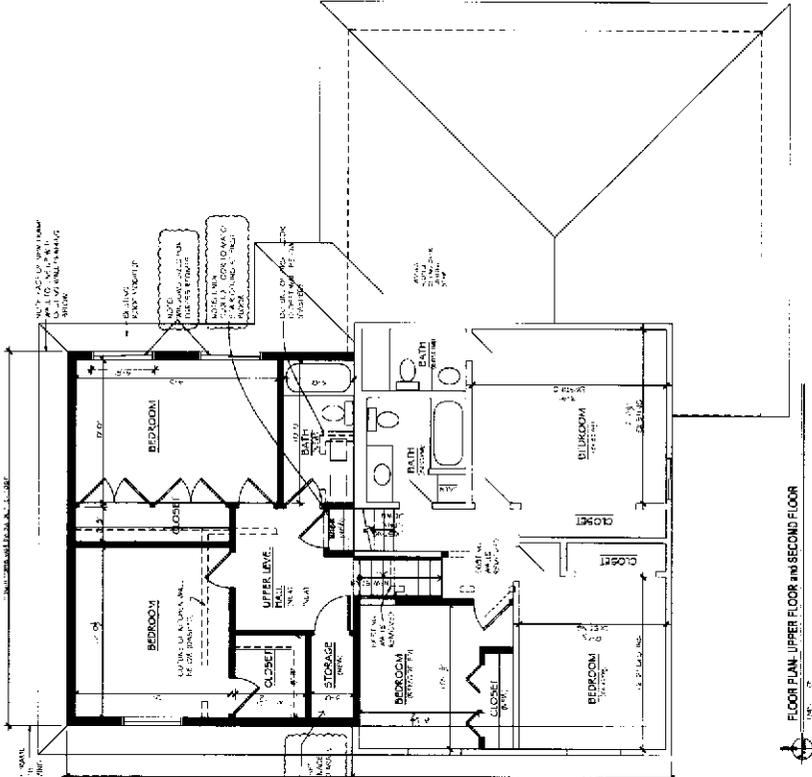


1" = 20'-0"

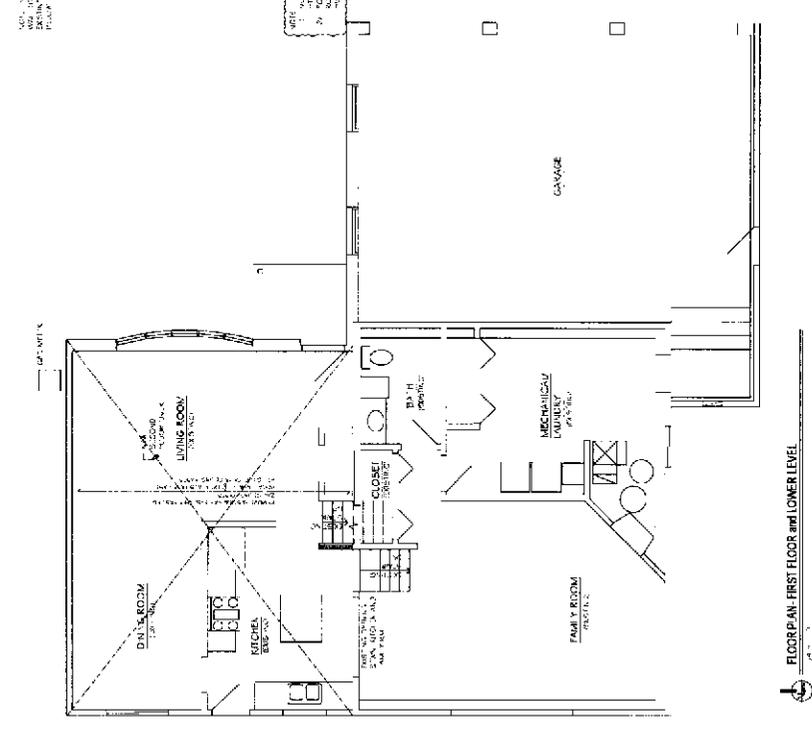
NO.	DESCRIPTION	DATE	BY
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100	ISSUED FOR PERMITS	11/15/11	WJ

Proposed Addition
 Fitzgerald Residence
 4441 Denny Ct.
 Rolling Meadows, IL

FLOOR PLANS



FLOOR PLAN UPPER FLOOR IN SECOND FLOOR



FLOOR PLAN FIRST FLOOR and LOWER LEVEL

