

**ORDINANCE NO. O-22-14**

**AN ORDINANCE GRANTING CERTAIN VARIATIONS FOR  
THE PROPERTY AT  
110 ANDOVER DRIVE, PROSPECT HEIGHTS, ILLINOIS**

**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 110 Andover Dr, prescribe that a fence is prohibited to be closer than the required 25' corner side yard setbacks per Section 5-3-4 H1 (f2) of the City of Prospect Heights Zoning code.

**WHEREAS**, the owners of the Property have submitted an application for a variation to grant a 16' variation in the required corner side yard from 25' to 9' for the placement of a 6' fence; and

**WHEREAS**, the Plan/Zoning Board of Appeals held a public hearing on April 28, 2022 regarding said application; and

**WHEREAS**, the Plan/Zoning Board of Appeals voted 4-2 to recommend the Requested Variation be approved with conditions and has made the necessary finding therefore; 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 with the condition that the bushes and screening of the fence be maintained by the owners.

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

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 23rd day of May, 2022.

  
Acting Mayor Matthew Dolick

ATTEST:

  
Deputy Clerk Schultheis

AYES: Cameron, Dash, Dolick, Morgan-Adams, Ludvigson

NAYS: None

ABSENT: None

Published in pamphlet form: May 23, 2022



**Exhibit A**

**Legal Description of 110 Andover Drive, Prospect Heights, IL**

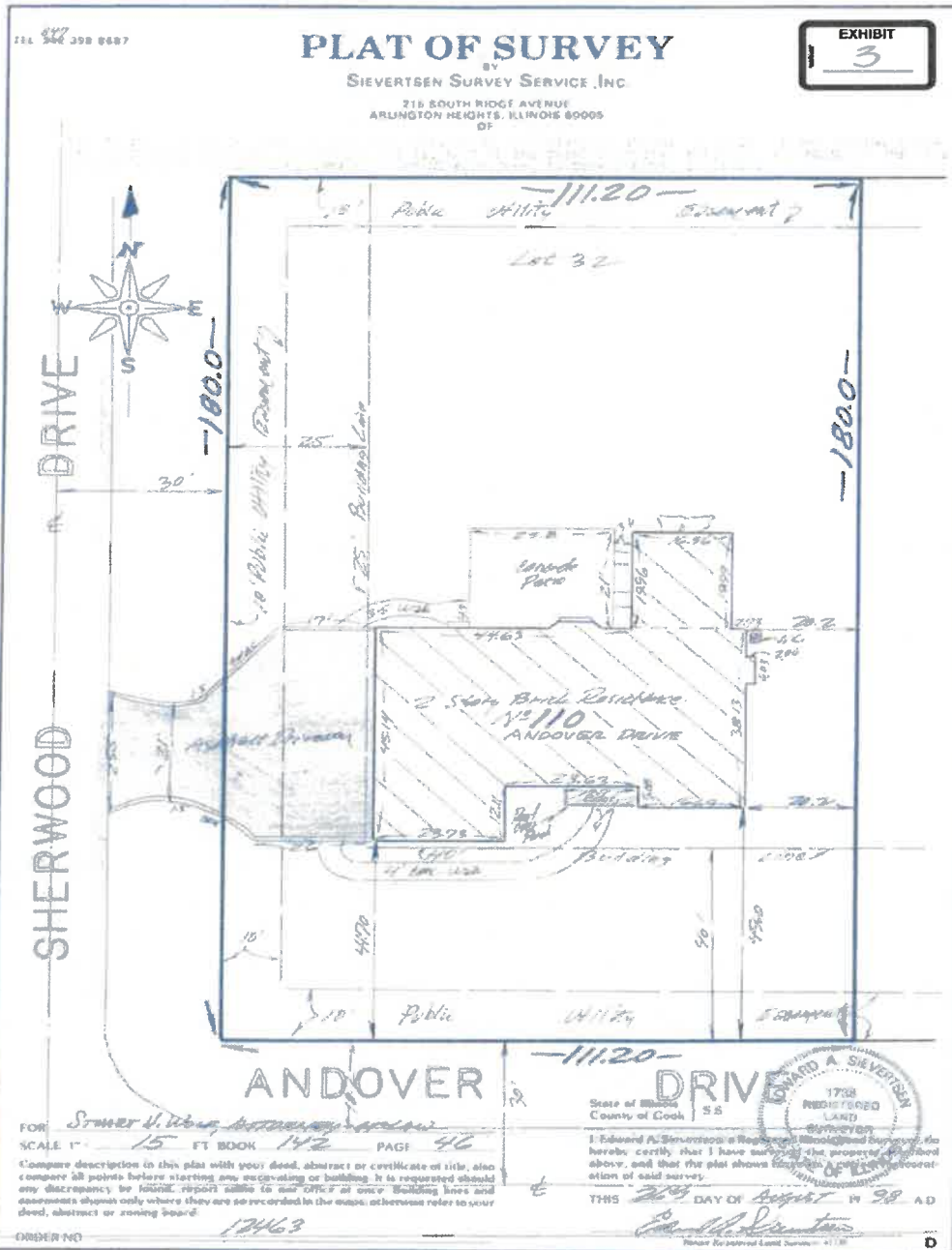
**LOT 32 IN ESTATES OF SOMERSET PARK PHASE II, BEING A  
SUBDIVISION OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF SECTION 15,  
TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL  
MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 8,  
1987AS DOCUMENT #87013686, IN COOK COUNTY, ILLINOIS.**

**PIN #03-15-314-004-0000**

**Exhibit B**

**Plat of Survey Prepared by Sievertsen Survey Services, Inc.**

**Dated: August 26, 1987**





# 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)

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## MEMORANDUM

Date: May 3, 2022  
To: Acting Mayor Dolick and City Council  
Cc: Joe Wade, City Administrator  
From: Daniel A. Peterson, Director of Building & Development  
Subject: Consideration of Ordinance #O-22-14 Granting Certain Variation for 110 Andover Drive

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**ISSUE:** Consideration of a Variation request to Section 5-3-4 H1f(2) to allow a reduction in the required corner side yard for placement of a 6' tall fence in an R-1 Single Family Residential District at 110 Andover Drive.

**BACKGROUND:** The PZBA held a public hearing on April 28, 2021 to hear ZBA Case #22-09V an application for a variation request. Mr. Christopher Lago and Ms. Morgan Miller, property owners, testified that they were requesting the variation to reduce the required side yard and increase the fenced area of their yard. The property abuts the ComEd property to the north and a stated hardship was coyotes and people entering their rear yard. Additionally, they testified to their desire to save as many existing trees as possible. An existing hedgerow was in place when they purchased the property. The request is to reduce the side corner side yard from 25' to 9'.

Ciocoi Floricel, 300 Andover Dr. stated his support of the variation and indicated that fence did not bother him.

No other testimony was provided.

After deliberation and consideration, the Commissioners voted 4-2 to recommend approval of the variance request with the condition that the applicants maintain the existing bushes and provide screening to break up white vinyl fence.

**RECOMMENDATION:** First reading no action required. That the City Council approve Ordinance #O-22-14 granting certain variation allowing a fence in the required corner side yard setback conditions.



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## MEMORANDUM

Date: March 24, 2022

To: Chairman Mellen and Planning/Zoning Board of Appeals

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

Subject: ZBA Case No. 22-09 V – Variations to Reduce the Corner Side Yard for the installation of a fence at 110 Andover Drive

Please be advised that Christopher Lago and Morgan Miller, owners of the subject property, are seeking a variation to Section 5-3-4 H1f(2) of the City of Prospect Heights Zoning Code to allow the reduction of the required corner yard setback from 25' to 9' for the construction of a 6' fence.

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

Thank you.



FOR OFFICE USE ONLY:  
 FEE PAID \_\_\_\_\_  
 RECIEPT # \_\_\_\_\_  
 DATE \_\_\_\_\_  
 REC'D BY \_\_\_\_\_  
 CASE # \_\_\_\_\_  
 MEETING DATE \_\_\_\_\_

**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. O-18-06: 5-10-7(D))

APPLICANT: Christopher Lago  
 ADDRESS: 110 Andover Drive  
Prospect Heights, IL 60070  
 PHONE: 847.630.7347  
 E-MAIL: clago03@gmail.com

ADDRESS OF SUBJECT PROPERTY: 110 Andover Drive

PROPERTY IS LOCATED IN THE R1 ZONING DISTRICT.

APPLICABLE SECTION OF ORDINANCE: 5-3-4 H

DESCRIPTION OF REQUEST: Request to place fence in corner side yard  
15' up to easement line.

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.

3/21/2022  
 Date:

C Lago  
 Signature of Applicant



To the City of Prospect Heights Zoning Board,

Request for a Variance to place a 6-foot privacy fence on the west side of the lot, 16 feet past the building set back line at 110 Andover Drive.

Thank you for taking the time today to review our request. We the homeowners, Christopher and Morgan Lago, have provided further context and applicable reasons that align with the standards for variations as listed in Section 11.08G of the City of Prospect Heights Zoning Ordinance. We hope after your review that you please grant us with use of our property by approving a variance to erect a 6-foot white, vinyl, privacy fence along a portion of our west-facing lot.

- We are requesting 1 foot into the utility line as the fence line, which is 16 feet from the building line, due to two large trees impeding the 10-foot utility line and 2 feet into the property. If we were approved to build 1 foot into the utility line, we would be able to keep the existing 6-foot-tall hedges as well as the two large trees on our property which would **maintain the beauty of the neighborhood and surrounding area.**
- With our unique corner lot, our home and backyard sit further back from the street corner and a fence would **not impair vision for drivers and pedestrians.** Furthermore, our home backs up to a park and running trail that a fence would not conflict with or impede upon the integrity and beauty of said space. Due to backing up to a park/running trail we **do not back up to neighbors to which a fence would encroach upon or disturb** future fence permitting.
- This proposed fence **would not be detrimental to any residents or guests** visiting the park and running trail. Park and trail visitors tend to park on the side of the road (our west facing lot line) and our fence would create a safe space for our family while utilizing full space of yard.
- Should we be required to erect this fence along our building line, it would not allow us as homeowners to use a large portion of our backyard property. We believe our request is a **minimum variation that allows reasonable use of our land.**
- As new homeowners and parents to a 6-month-old boy and 1 year old dog, we **have encountered safety issues** with coyotes entering our yard during the afternoon and evening hours. With the prairie grass and nature trail a natural habitat has been created for coyotes to thrive in. In addition, we have encountered numerous people that walk their dogs without leash against city ordinances and enter our property. With a newborn child, we are simply trying to protect our family from both wild and potentially violent domesticated animals.
  - We have a record on file with the Prospect Heights Police Department of one of the numerous occurrences with a known violent dog off leash entering our property with Morgan Lago holding our infant son in arms and the owner being unable to control their dog.

This Fence would be harmonious and blend in with our existing landscaping and surrounding neighborhood without hindering or impeding upon the integrity of the township ordinances. With our **special and unique lot, with no neighbors behind us**, we hope that you approve this opportunity for us to create a safe environment with the majority of use of our backyard.

Thank you,

Christopher and Morgan Lago

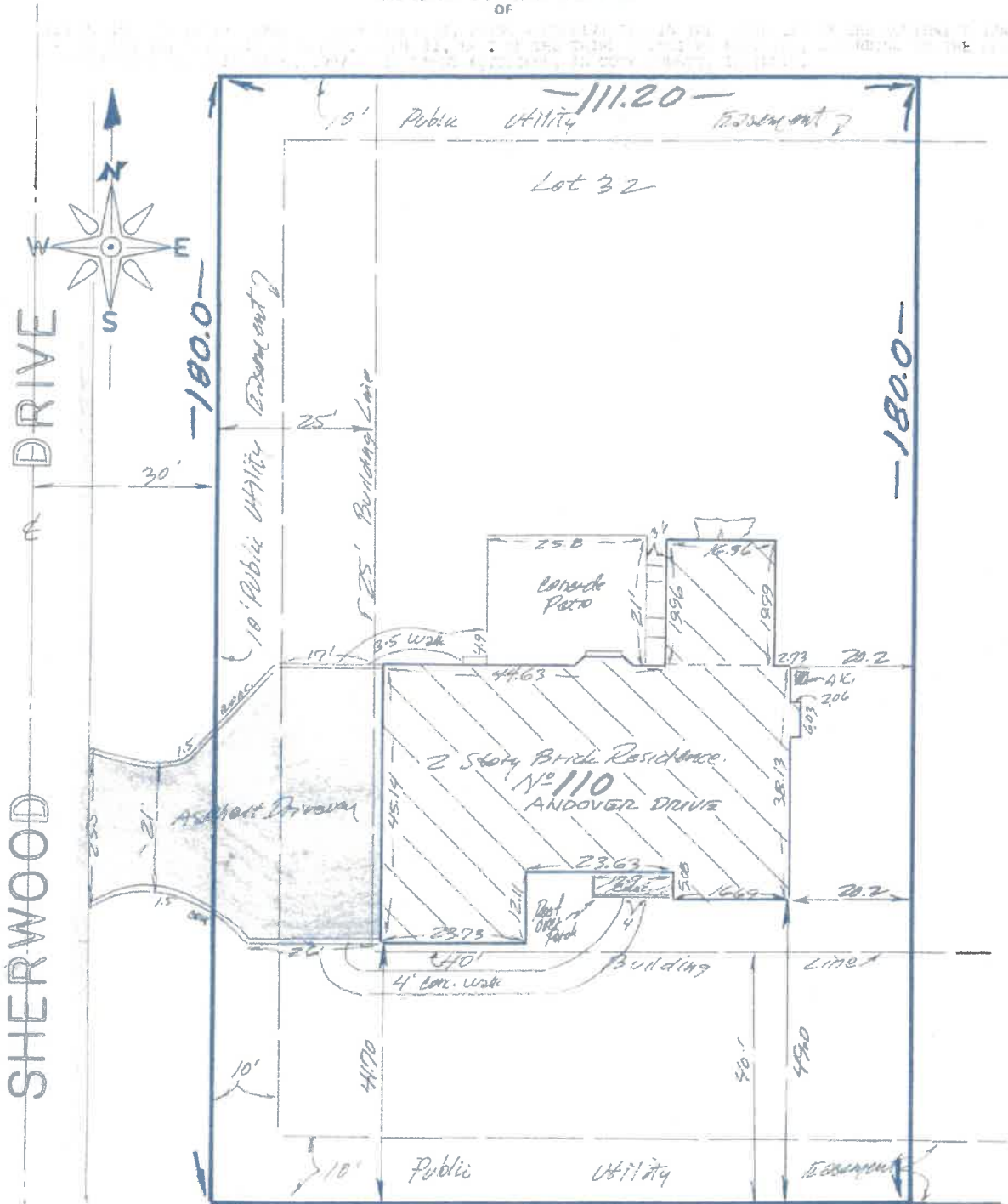


# PLAT OF SURVEY

BY  
SIEVERTSEN SURVEY SERVICE, INC.

215 SOUTH RIDGE AVENUE  
ARLINGTON HEIGHTS, ILLINOIS 60005  
OF

EXHIBIT  
**3**



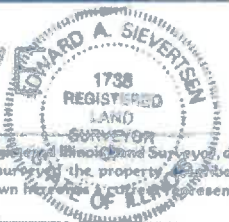
SHERWOOD DRIVE  
ANDOVER DRIVE

FOR STUART W. WOLF, ATTORNEY AT LAW  
SCALE: 1" = 15 FT BOOK 142 PAGE 46

Compare description in this plat with your deed, abstract or certificate of title; also compare all points before starting any excavating or building. It is requested should any discrepancy be found, report same to our office at once. Building lines and easements shown only where they are so recorded in the maps; otherwise refer to your deed, abstract or zoning board.

111.20  
180.0  
180.0  
111.20

State of Illinois  
County of Cook S.S.



I, Edward A. Sievertsen, a Registered Illinois Land Surveyor, do hereby certify that I have surveyed the property described above, and that the plat shown hereon is a correct representation of said survey.

THIS 26th DAY OF August 19 98 A.D.

*Edward A. Sievertsen*

ORDER NO. 12463

BY  
SIEVERTSEN SURVEY SERVICE, INC.

215 SOUTH RIDGE AVENUE  
ARLINGTON HEIGHTS, ILLINOIS 60005  
OF

THIS SURVEY WAS MADE IN THE CITY OF ARLINGTON HEIGHTS, ILLINOIS, IN THE YEAR 1998, IN ACCORDANCE WITH THE ACT APPROVED MARCH 22, 1925, IN PUBLIC ACT 111, CHAP. 1, PAR. 1.

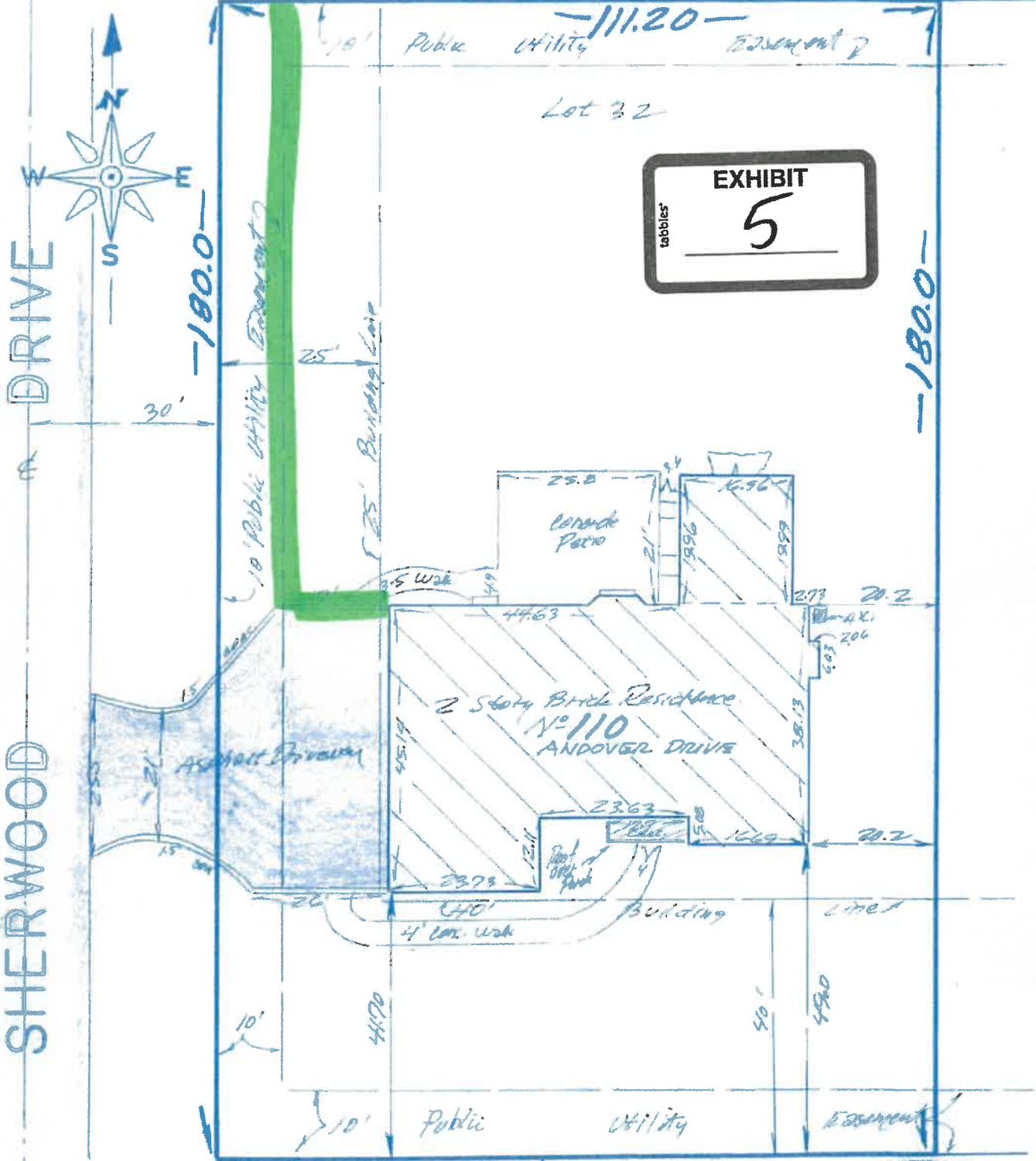


EXHIBIT  
5

SHERWOOD  
DRIVE

ANDOVER DRIVE

FOR STUART H. WOLGAST, ATTORNEY AT LAW  
SCALE: 1" = 15 FT. BOOK 142 PAGE 46

Compare description in this plat with your deed, abstract or certificate of title; also compare all points before starting any excavating or building. It is requested should any discrepancy be found, report same to our office at once. Building lines and

EDWARD A. SIEVERTSEN  
1738  
REGISTERED  
LAND  
SURVEYOR  
State of Illinois  
County of Cook S.S.  
I, Edward A. Sievertsen, a Registered Illinois Land Surveyor, do hereby certify that I have surveyed the property described above, and that the plat shows the correct and true representation of said survey.  
TUES 26th DAY OF AUGUST 1998 A.D.



# Prospect Heights GIS Web Application

Developed by Gewalt Hamiltc icians, Inc.

tabbles

**EXHIBIT**

**6**



SHERWOOD DR

SHERWOOD DR

ANDOVER DR

1,090,705.407 1,984,089.062 Feet

0 30 60ft



# Zoning Review



Date: March 24, 2022

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

Applicant: Christopher Lago and Morgan Miller

Subject Property: 110 Andover Dr.

Application: Variation for Corner Side Yard Setbacks – Section 5-3-4 H1f(2)

Project: Construction of 6' fence in the required corner side 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 a Variation Standards 5-10-8

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

Request: Christopher Laago and Morgan Miller, owners of the subject property, are seeking a variation to Section 5-3-4 H1f(2) of the City of Prospect Heights Zoning Code to allow reduction of the required corner yard setback from 25' to 9' for the construction of a 6' fence.

## **Standards for Variations:**

The variation request is for the reduction of a required corner side yard. Staff has reviewed the project for conformance with the standards for variation. Commissioners should review for conformance with the standards for variation.

### **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 owners have provided a hardship letter that address the standards for granting of a variation. Additional testimony will be required.**

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: The literal interpretation would deprive the applicants the rights to enjoy their rear yard. Applicants should provide testimony to this**

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: Standard met. The existing conditions and improvements were not created by the applicant.**

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. Applicants are proposing to install the western approximately 97 lf of fence at the 9' from the property line and 1' into the utility easement, a 16' encroachment into the required side yard setback.**

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. Placement of the proposed western fence section will be approximately 39' from the centerline of Sherwood Drive. The northern fence section abuts the Commonwealth Edison property. The proposed fence will not impair adjacent property or cause a public safety issue for the public streets.**

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. 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 will be 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 has reviewed the project with the property owners. The staff recommends applicant provide testimony to validate hardship. Staff concurs that the project will not create any negative impacts to the neighbors and is in keeping with the character of the neighborhood.**