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**VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 1003

**AN ORDINANCE GRANTING A CERTAIN VARIATION TO THE
OWNER OF THE REAL PROPERTY LOCATED AT 102 N. 15TH
AVENUE IN THE VILLAGE OF MELROSE PARK, COUNTY OF
COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF MELROSE PARK**

THIS 23RD DAY OF OCTOBER 2006

**RONALD M. SERPICO, Village President
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

Board Of Trustees

**JOHN S. CONTEDEUCA
CATHLEEN COSSIDENT ITALIA
THOMAS KLEIN
RUBEN LOMELI
ARTURO J. MOTA
ANTHONY J. PRIGNANO**

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**Published by authority of the
President and Board of Trustees
Of the Village of Melrose Park,
Cook County, Illinois on
This 24TH day of OCTOBER 2006**

ORDINANCE NO. 1003

AN ORDINANCE GRANTING A CERTAIN VARIATION TO THE OWNER OF THE REAL PROPERTY LOCATED AT 102 N. 15TH AVENUE IN THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

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WHEREAS, the Village of Melrose Park, Cook County, State of Illinois (“the Village”) is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village; and

WHEREAS, the Village President, the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005 and the Village Board of Trustees, the Honorable John S. Conteduca, Cathleen Cossident Italia, Tom "T.K." Klein, Ruben Lomeli, Trustee Arturo J. Mota and Anthony J. Prignano, having taken office on May 2, 2005, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, on October 10, 2006, the Planning/Zoning Board of Appeals of the Village of Melrose Park convened a Public Hearing, pursuant to proper notice requirements (notice attached hereto and made a part hereof as Exhibit A), in order to accept evidence and receive public comment regarding the Petition for Variation submitted by Lullo & Son Construction, the owner of the real property located at 102 North 15th Avenue, Melrose Park, Cook County, Illinois (hereinafter “Petitioner”); and

WHEREAS, the variation, as requested, is in connection with certain construction on the property commonly described as 102 North 15th Avenue, Melrose Park, Cook County, Illinois (the "Subject Property"). A copy of the Petition is attached hereto and made a part hereof as Exhibit B; and

WHEREAS, Petitioner requests the following variation:

Variation from the buildable lot requirements of the Code to permit the construction of a two family dwelling on a non-conforming lot. The Petition seeks a variation to allow construction of a two family dwelling upon a lot, which measures 32.96' x 125.29. In the alternative, the Petitioner seeks a lot variation of approximately one half (1/2) inch. (hereinafter the "Variation")

WHEREAS, at said public hearing of the Planning/Zoning Board of Appeals, evidence was presented, comment solicited, and due consideration given to Petitioner's request for the Variation set forth above; and

WHEREAS, after due consideration and thoughtful discussion, the Planning/Zoning Board of Appeals of the Village of Melrose Park voted to recommend that the President and Board of Trustees grant the Variation as requested by Petitioner and as set forth above; and

WHEREAS, the Planning/Zoning Board of Appeals has presented to the President and Board of Trustees written findings of fact with respect to Petitioner's request for a Variation, a copy of said findings are attached hereto and hereby made a part hereof as Exhibit C; and

WHEREAS, after due consideration and thoughtful discussion, the President and Board of Trustees hereby authorize, approve and grant Petitioner's request for a Variation as specifically set forth herein; and

WHEREAS, the President and Board of Trustees of the Village has determined and does hereby find and determine that it is advisable, necessary, and in the best interest

of the Village and its residents to grant, approve and authorize the Petitioner's request for a Variation in the manner as requested and as recommended by the Planning/Zoning Board of Appeals; and

NOW THEREFORE, BE IT ORDAINED by the Village President and the Board of Trustees of the Village of Melrose Park, Cook County Illinois, as follows:

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

The President and Board of Trustees of the Village (the "Village Board") hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance.

Section 02. Purpose.

The purpose of this Ordinance is to approve, authorize and grant the Petition for Variation as submitted by Petitioner and as recommended by the Planning/Zoning Board of Appeals for the Subject Property.

Section 03. Invocation of Authority.

This Ordinance is enacted pursuant to the authority granted to this Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 04. State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this ordinance are hereby incorporated herein by reference.

Sections 05-09. Reserved.

**ARTICLE II.
GRANT OF VARIATION.**

Section 10.00 Findings.

That the President and Board of Trustees of the Village, after thoughtful consideration, find and determine that the Petition for Variation as submitted by Petitioner is in harmony with the general purpose and intent of Village of Melrose Park regulations governing construction. The President and Board of Trustees further find and determine that to impose the strict letter of the requirements of the Village Code on the property located at 102 North 15th Avenue, Melrose Park, Cook County, Illinois, would impose practical difficulties and cause a particular hardship. The President and Board of Trustees additionally find and determine that the granting of the Variation will not alter the essential character of the Village of Melrose Park and/or the immediate area surrounding the Subject Property.

Section 11.00 Grant of Variation.

That the President and Board of Trustees, based on the above findings and the written findings and recommendations of the Planning/ Zoning Board of Appeals of the Village of Melrose Park, and specifically made a part hereof by this reference, hereby authorize, approve and grant the Petition for Variation as submitted by Petitioner, for the variation as set forth below:

A lot variation of approximately one half (1/2) inch for the property commonly known as 102 North 15th Avenue in the Village of Melrose Park, Cook County, Illinois.

Section 12.00 Other Actions Authorized.

The Village President, Village Clerk and other officers, employees and/or agents of the Village are hereby authorized and directed to take all action necessary or

reasonably required to carry out, give effect to and consummate the transactions contemplated by this Ordinance and to take all action necessary in conformity therewith.

**ARTICLE III.
SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 13.00 Headings.

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

Section 14.00 Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Board of Trustees that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

Section 15.00 Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded.

Section 16.00 Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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Section 17.00 Effective date

This Ordinance shall be in full force and effect upon passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: Trustee Conteduca, Trustee Italia, Trustee Lomeli,
Trustee Mota, Trustee Prignano

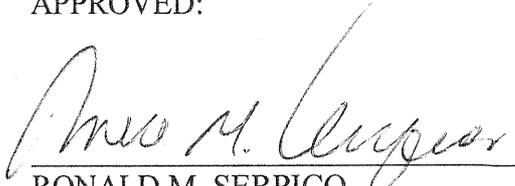
NAY VOTES:

ABSTAIN:

ABSENT: Trustee Klein

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS
TWENTY-THIRD DAY OF OCTOBER, 2006 A.D.

APPROVED:


RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: October 23, 2006
Published in pamphlet form: October 24, 2006