



# Application for Public Hearing VARIANCE

YOU MUST PROVIDE THE FOLLOWING INFORMATION: IF ADDITIONAL SPACE IS NEEDED, ATTACH EXTRA PAGES TO THE PETITION.

Name of Business (if Applicable): \_\_\_\_\_

Address/Location of Property in Question: 508 S. East Avenue Oak Park II

Property Identification Number(s)(PIN): 16-18-204-040-0000

Name of Property Owner(s): Chicago Title and Trust Trust #4735

Address of Property Owner(s): \_\_\_\_\_

E-Mail of Property Owner(s): \_\_\_\_\_ Phone: \_\_\_\_\_

If Land Trust, name(s) of all beneficial owners: (A Certificate of Trust must be filed.) \_\_\_\_\_

Frances Picone Rosario A. Picone

Name of Applicant(s) (if different than Property Owner): Rosario Picone Jr.

Applicant's Address: 508 S. East Avenue Oak Park II 60304

Applicant's Contact Information: Phone 708-848-4813 E-Mail rosarioapiconejr@sbcglobal.net

Other: \_\_\_\_\_

Property Interest of Applicant:  Owner  Legal Representative  Contract Purchaser  Other

(If Other - Describe): subsequent beneficiary

Property Type:  1 or 2 Family Residential  Multiple-Family  Commercial  Mixed-Use  Hospital  Institutional

Zoning District:  R-1  R-2  R-3(50)  R-3(35)  R-4  R-5  R-6  R-7

DT (1 - 2 - 3)  GC  HS  MS  NA  NC  RR

H  OS  I

Describe Variance Proposal: I would like to construct an 8' foot fence as opposed to a 6' foot fence  
to create privacy and noise reduction off Madison street. The property was  
previously surrounded by fiberglass buildings that were at least 8' foot high.  
This condition existed for 30 years until recently.

Size of Parcel (from Plat of Survey): 4668.16 Square Feet

Adjacent:	Zoning Districts	Land Uses
To the North:	<u>MS</u>	_____
To the South:	<u>R3</u>	_____
To the East:	<u>MS</u>	_____
To the West:	<u>MS</u>	_____

Is the property in question currently in violation of the Zoning Ordinance? \_\_\_\_ Yes  No  
If Yes, how? \_\_\_\_\_

Is the property in question currently subject to any zoning relief? \_\_\_\_ Yes  No  
If Yes, how? \_\_\_\_\_  
If Yes, please provide relevant Ordinance No.'s \_\_\_\_\_

Is the subject property located within any Historic District? \_\_\_\_ Yes  No  
  
If Yes:  Frank Lloyd Wright  Ridgeland/Oak Park  Gunderson

From what Section(s) of the Zoning Ordinance are you requesting approval / relief?

Article: \_\_\_\_\_ Section: Section 9.3 L-1  
Article: \_\_\_\_\_ Section: \_\_\_\_\_  
Article: \_\_\_\_\_ Section: \_\_\_\_\_

Explain why, in your opinion, the grant of this request will be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance or Comprehensive Plan;

The fence in question borders two commercial properties and is not even visible by the neighborhood and is comparable to fences in the alley to the south of the property.  
\_\_\_\_\_  
\_\_\_\_\_

I (we) certify that all the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my (our) knowledge and belief.

I (we) consent to the entry in or upon the premises described in this application by any authorized official of the Village of Oak Park for the purpose of securing information, posting, maintaining and removing such notices as may be required by law.

Rosario Picone Jr  
(Printed Name) Applicant

[Signature]  
(Signature) Applicant

1/6/22  
Date

Rosario Picone Jr  
(Printed Name) Owner

[Signature]  
(Signature) Owner

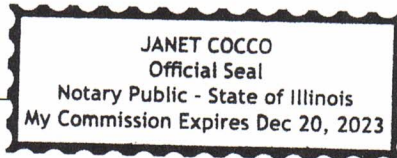
1/6/22  
Date

**Owner's Signature must be notarized**

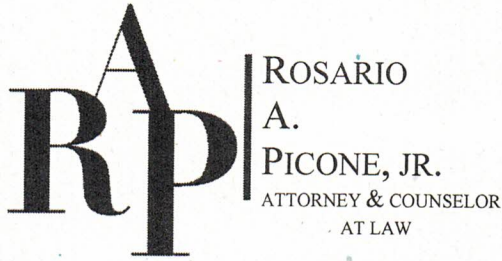
SUBSCRIBED AND SWORN TO BEFORE ME THIS

6th DAY OF January, 2022

Janet Cocco  
(Notary Public)







January 6, 2022

510 S. EAST AVENUE  
1<sup>ST</sup> FLOOR  
OAK PARK, ILLINOIS 60304  
PHONE: (708) 848-4813 FAX: (708) 848-4852  
EMAIL: rosarioapiconejr@sbcglobal.net

Village of Oak Park  
Village Hall  
123 Madison Street  
Oak Park, IL 60302

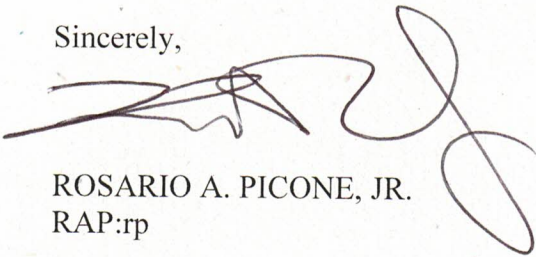
RE: 508-510 S. East Avenue Oak Park Illinois  
P.I.N: 16-18-204-040-0000

Dear Village of Oak Park:

The status of ownership of the above property is as follows:

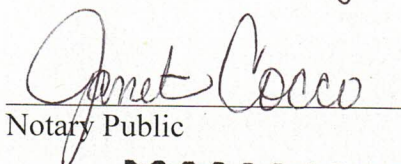
The property is held in a land trust with Chicago Title and Trust #4735. My Father was the beneficiary of the land trust. He passed in February of 2012. According to his private Living Trust, my Mother was to have lifetime use and benefit of the property. My Mother passed in February 2021. According to my Father's Living Trust, when my Mother passes the beneficial interest in the land trust is passed to me, however the Living Trust has not been closed and the land trust has not been transferred to me yet. However, I would be the only person able to assert rights to the property.

Sincerely,

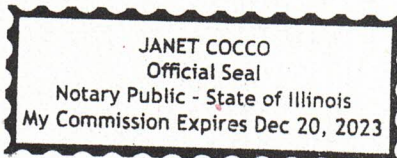


ROSARIO A. PICONE, JR.  
RAP:rp

Subscribed and Sworn: *January 6, 2022*



Notary Public





## RESPONSE TO APPROVAL STANDARDS

1. THE STRICT APPLICATION OF THE TERMS OF THIS ORDINANCE WILL RESULT IN UNDUE HARSHIP UNLESS THE SPECIFIC RELIEF REQUESTED IS GRANTED.

### RESPONSE:

My yard abuts a small parking lot that then faces Madison Street with no fences or obstructions in between. It also abuts a restaurant that is open until 11:30 pm in the evening 6 days per week. My living room and two separate bedroom's windows faces the parking lot. The windows are about 6 feet off the ground level. The noise off the street is deafening between the exhaust noise from cars and motor cycles racing down Madison street and the music being played. The restaurant activity using the parking lot until 11:30 pm. is additional noise. Also people park in the Fenwick's parking lot, facing south, and their headlights shine through my bedroom window. An 8' foot fence board on board would create a noise barrier that would prevent the view and the noise. I am being told by the owner of the property to the north that the parking lot may be used for outdoor seating for the restaurant. A 6' foot fence would not provide any privacy from any of these situations. An 8'foot fence would restore the privacy and peace allowing most noise or light to bounce off the fence.

For 30 years fiberglass buildings ten foot high shielded the yard. Then one day without notice they were gone exposing my yard to Madison street. An 8' foot board on board fence would provide privacy and sound containment and prevent my next dog from constant barking due to the traffic, people and noise.

2. THE PARTICULAR PHYSICAL SUROUNDINGS, SHAPE OR TOPOGRAPHICAL CONDITIONS OF THE SPECIFIC PROPERTY IMPOSE A PARTICULAR HARSHIP UPON THE OWNER, AS DISTIGUISHED FROM A MERE INCONVENIENCE, IF THE STRICT LETTER OF THE REGULATIONS WERE TO BE CARRIED OUT.

### RESPONSE:

When these properties were divided it was as if they were split in half with no boundaries. For the past 30 years there was a tall fiberglass wall that insulated the yard from Madison Street. Due to the current circumstances and bustle of Madison Street Fenwick traffic, late at night traffic, the Popeye's Chicken and Chicken and Waffles being open to 11:30 pm without a barrier I cannot use my yard due to the noise and lack of privacy. The parking lot backs their sport utility vehicles that are taller than 6' feet all the way up to the property line. I had a dog and will have another one and he never barked due to the enclosure of the yard. Now he will bark due to the inability to create

privacy in the back yard. The activity is all hours of the night. This was never an issue before due to the fiberglass wall. Because the two properties proximites and there is no division and it poses a hardship.

3. THE PLIGHT OF THE OWNER IS DUE TO UNIQUE CIRCUMSTANCES INHERENT TO THE SUBJECT PROPERTY AND NOT FROM THE PERSONAL SITUATION OF THE OWNER AND HAS NOT BEEN CREATED BY ANY PERSON PRESENTLY HAVING A PROPRIETARY INTEREST IN THE PROPERTY IN QUESTION.

RESPONSE:

This situation is due to two factors: the way the properties were originally build and divided and the removal of tall fiberglass buildings by the other property owner along the edge of the property that insulated the yard from the street. The fiberglass buildings were built 30 years ago and removed without any notice by the neighbor who purchased the property from the original owner. We had no control over this occurring and the neighbor refused to place a fence on his property. As a result, my yard is exposed completely to Madison Street, the traffic, the noise, and the garbage that blows into my back yard.

Note: to the South, in a residential area the neighbor was allowed to erect an 8' foot fence in the alley due to the traffic in the alley. The volume of traffic I experience every day due to Madison Street is multiples of the traffic in the alley yet they were allowed to build an 8' foot fence.

The fence that I desire to build to separate the properties will not even been seen by any residential neighbors or anyone as it will face Madison Street.

## FENCE PROPOSAL

LOCATION: 508-510 S. EAST AVENUE OAK PARK IL.

PLAN: TO CONSTRUCT A FENCE AT THE NORTH END OF THE PROPERTY TO MATCH THE FENCE AT THE SOUTH END OF THE PROPERTY.

MATERIALS: MATERIALS SHALL CONSIST OF THE FOLLOWING:

4X4X12 PRESSURE TREATED POSTS;  
2X4X6 PRESSURE TREATED CROSS BOARDS 3 PER FENCE PANEL;  
1X6X8 PRESSURE TREATED BOARDS BOARD ON BOARD WITH NO GAPS.

FENCE SHALL BE APPROXIMATELY 8'4" TALL USING 8' BOARDS ELEVATED 2-3 INCHES OFF OF THE GROUND TO PREVENT ROT. TOP OF FENCE SHALL BE FINISHED WITH 1X2 AS SHOWN IN THE PICTURE.

4X4X12 SHALL BE PLACED 36" DEEP AND SET IN CEMENT 6" ON CENTER.

See attached picture which is a representation of the finished project. Survey shows location of the proposed project. Project shall be constructed by the owner's son/family.

There are no grading modifications;  
There are no trees in the location requiring protection;  
No IDOT permits are required;  
No MWRD Permit is required;  
No exterior lighting is required as work shall be performed during the day;  
No civil plan, floor plan, wall, partition, structural, electrical, mechanical or piping plans are required;

If you should have any questions, or any additional information is needed please contact my office.

Sincerely,

ROSARIO A. PICONE, JR.  
RAP:jg  
Enclosure



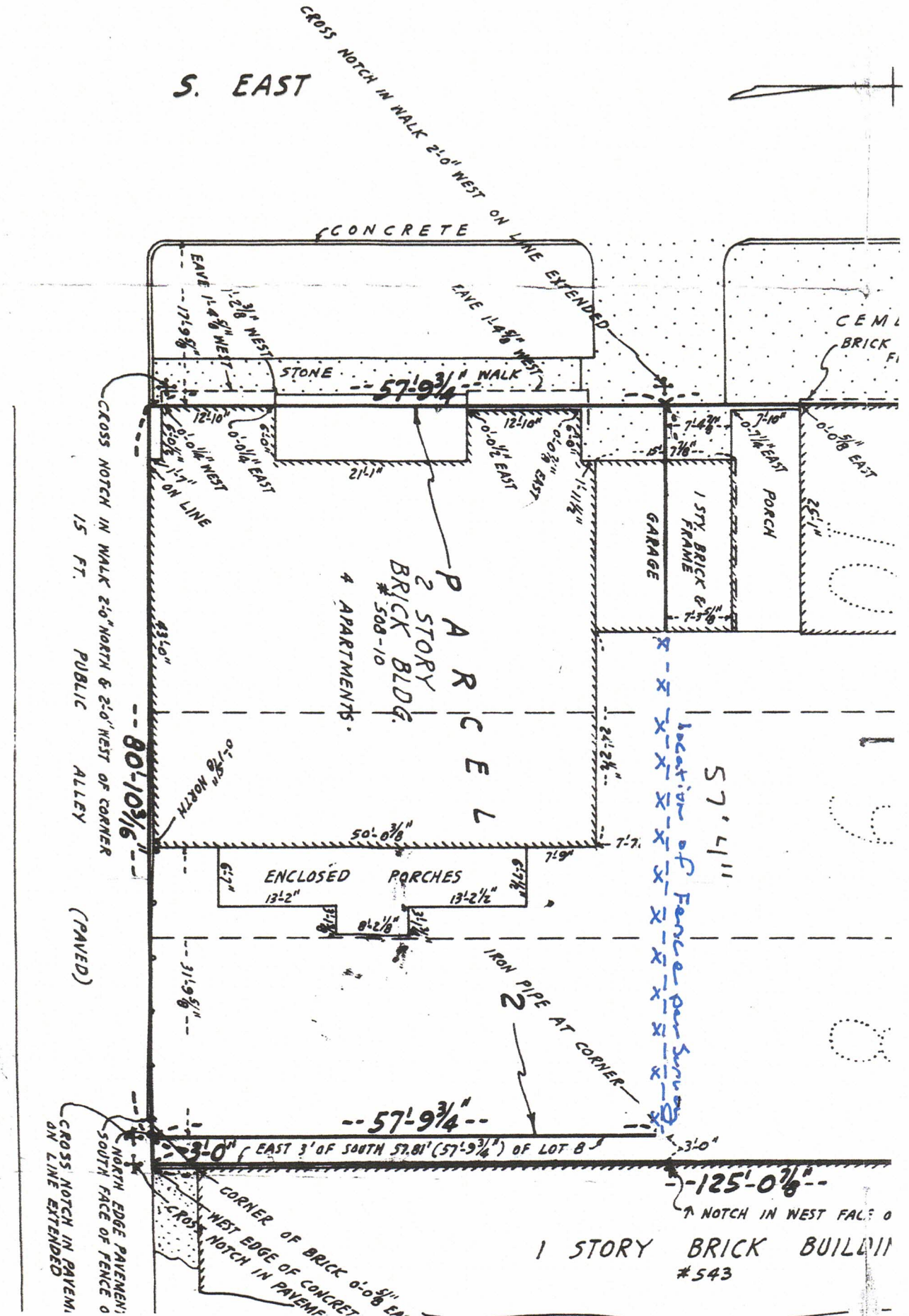
**IMPORTANT**

NO DIMENSIONS SHOULD BE ASSUMED BY SCALE MEASUREMENTS UPON THE PLAY DISTANCES ARE MARKED IN FEET AND DECIMAL PARTS THEREOF. THUS: 4.87' MEANS 4 FEET AND  $\frac{87}{100}$  FEET, OR IN FEET AND INCHES, THUS: 4'-6  $\frac{12}{16}$ " FOR BUILDING LINE AND OTHER RESTRICTIONS REFER TO YOUR ABSTRACT, DEED OR CONTRACT.

CONTRACTORS AND BUILDERS SHOULD BE NOTIFIED TO CAREFULLY TEST AND COMPARE ON THE GROUND THE POINTS MEASUREMENTS ETC. AS SHOWN ON THIS PLAN.

**we hereby certify** that we have surveyed the above described property according to official records and that the above plat is a true representation of said survey.

**NATIONAL SURVEY SERVICE INC.**  
ENGINEERS AND LAND SURVEYORS  
134 N. LA SALLE ST.  
CHICAGO



CROSS NOTCH IN WALK 2'-0" WEST ON LINE EXTENDED

CROSS NOTCH IN WALK 2'-0" WEST ON LINE

CROSS NOTCH IN WALK 2'-0" NORTH & 2'-0" WEST OF CORNER

CROSS NOTCH IN PAVEMENT, SOUTH FACE OF FENCE ON LINE EXTENDED

CROSS NOTCH IN PAVEMENT, NORTH EDGE PAVEMENT, SOUTH FACE OF FENCE ON LINE EXTENDED

CORNER OF BRICK 0'-0" EAST WEST EDGE OF CONCREET CROSS NOTCH IN PAVEMENT

IRON PIPE AT CORNER

NOTCH IN WEST FACE OF

1 STORY BRICK BUILDING # 543



