



**AGENDA ITEM #9A**

**AGENDA ITEM EXECUTIVE SUMMARY  
Village Board Meeting  
9/13/2022**

**Item Title:** PZ 22-1102 Eddy’s Mobile Garage

**Staff Contact:** Caron Bricks, AICP, Community Development Manager

OLD BUSINESS

**VILLAGE BOARD ACTION:**

**Pass an ordinance granting a special use for the property commonly referred to as 816-818 Central Avenue.**

**Executive Summary:**

At the public hearing held on August 2, 2022, the Planning & Zoning Commission unanimously (5-0) recommended approval of a special use for a garage and automotive repair for a tire business. No members of the public spoke in favor of or against the request.

The business, Eddy’s Mobile Garage, is a tire business that will repair or replace customer’s tires. They will primarily be open Monday-Friday 9 AM-6 PM and Saturday from 9 AM-2 PM. 24-hour service can be provided on a case-by-case basis. The front portion of the unit will be dedicated to the business with a front office, vehicle lift, and storage areas. The rear of the space will contain private storage for the business owner for his personal vehicles and equipment.

**Implications:**

**Is this item budgeted?** N/A

**Estimated cost:** N/A

**Any other implications to be considered?** N/A

**Strategic Priority:**

N/A

**Attachments:**

Ordinance

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THE VILLAGE OF ROSELLE  
COOK AND DUPAGE COUNTIES, ILLINOIS

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ORDINANCE  
NUMBER 2022 \_\_\_\_\_

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AN ORDINANCE  
GRANTING A SPECIAL USE  
FOR THE PROPERTY COMMONLY REFERRED TO AS  
816-818 CENTRAL AVENUE,  
ROSELLE, ILLINOIS 60172

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DAVID PILESKI, Mayor  
AMANDA HAUSMAN, Village Clerk

BRUCE BERKSHIRE  
TOM DELLA PENNA  
WAYNE D. DOMKE  
CHERYL LENISA  
TOM PIORKOWSKI  
LEE TREJO

Village Board

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Published in pamphlet form by authority of the  
Mayor and the Board of Trustees of the Village of Roselle  
on this the 13<sup>th</sup> day of September, 2022

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE  
GRANTING A SPECIAL USE  
FOR THE PROPERTY COMMONLY REFERRED TO AS  
816-818 CENTRAL AVENUE,  
ROSELLE, ILLINOIS 60172**

WHEREAS, the Village of Roselle (hereinafter referred to as the "Village") is a municipal corporation with authority granted pursuant to the Illinois Constitution of 1970 and the Illinois Municipal Code to exercise certain powers and perform certain functions pertaining to its local government and affairs;

WHEREAS, the Village is authorized by the Illinois Municipal Code, 65 ILCS 5/11-13-5 to vary its zoning regulations where there are practical difficulties or particular hardship in observing those regulations for the use, construction or alteration of buildings or structures or the use of land;

WHEREAS, the Village is authorized by the Illinois Municipal Code, 65 ILCS 5/11-13-1 to provide for the classification of special uses, which may include but are not limited to public and quasi-public uses affected with the public interest, uses which may have a unique, special, or unusual impact upon the use or enjoyment of neighboring property and planned developments;

WHEREAS, the special use described herein is being adopted pursuant to the authority set forth in the Village of Roselle Code of Ordinances, Zoning Ordinance, Section 10.01(C)(4.1) in the M Limited Industrial District;

WHEREAS, Edzus Neilands DBA Eddy's Mobile Garage (hereinafter referred to as the "Petitioner"), has petitioned the Village for a special use for a garage, automotive repair for a tire business in the M Limited Industrial District at the property commonly referred to as 816-818 Central Avenue, Roselle, Illinois 60172 (hereinafter referred to as the " Subject Property");

WHEREAS, the Village of Roselle Planning and Zoning Commission held a public hearing on August 2, 2022 to consider the Petitioners' request and to hear testimony on the proposal and as a result of said hearing the Village of Roselle Planning and Zoning Commission issued a recommendation in this matter all pursuant to proper notice and in compliance with the laws of the State of Illinois and Ordinances of the Village of Roselle;

WHEREAS, the Planning and Zoning Commission found that the Petitioner has demonstrated just cause and said request is reasonable in that the requested special use is appropriate and a compatible land use with the existing land uses and existing zoning in the surrounding area under the standards adopted by the Village of Roselle in its Zoning Code applicable to special uses and made positive findings of fact in support of said special use;

WHEREAS, the Planning and Zoning Commission recommends approval of the Petitioners' request by the Board of Trustees of the Village of Roselle;

WHEREAS, the President and Board of Trustees of the Village of Roselle have been advised of the findings and recommendations of the Planning and Zoning Commission with respect to said special use; and

WHEREAS, the corporate authorities of the Village of Roselle find that the granting of the requested special use has no detrimental impact on the health, safety, or welfare of the public in general and finds that the Petitioners have met the standards set forth in the Village of Roselle Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED, in open meeting assembled, by the President and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois, as follows:

#### Section One - Recitals

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to this ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this ordinance as legislative findings.

#### Section Two – Description of Subject Property

The property subject to the granting of this special use is described as follows:

THE EAST 165.55 FEET OF THE EAST 333.10 FEET OF LOT 4, (AS MEASURED ALONG THE SOUTH LINE THEREOF) IN ROSELLE FARM SITES, A SUBDIVISION IN THE NORTH HALF OF SECTION 4, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 20, 1946 AS DOCUMENTN NO. 500423, AND CERTIFICATE OF CORRECTION RECORDED APRIL 7, 1947 AS DOCUMENT NO. 518569, IN DUPAGE COUNTY, ILLINOIS.

PIN: 02-04-102-013  
Address: 816-818 Central Avenue, Roselle, Illinois 60172

#### Section Three – Grant of Special Use

A special use is hereby granted for a garage, automotive repair in accordance with Chapter 13, Section 13.11, “Special Uses”, and Section 10.01(C)(4.1) M Limited Industrial Special Uses” of the Roselle Zoning Ordinance for the Property is legally described as:

#### Section Four – Conditions to Special Use

The Special Use shall be developed, operated, and maintained in accordance with the interior floor plan provided by the Petitioner, attached hereto and incorporated herein by reference as fully set forth as “Exhibit C.” This Special Use is further subject to all applicable ordinances and codes of the Village of Roselle.

#### Section Five - Penalty

Any persons violating the terms and conditions of this ordinance shall be subject to a fine not exceeding \$750.00 with each day that a violation is allowed to exist constituting a distinct and separate offense. In addition, the Village of Roselle may take whatever action it deems appropriate to enforce the terms of this ordinance including an action for injunction. All attorneys’ fees and costs incurred by the Village in enforcing this ordinance shall be paid by the violator.

Section Six – Effective Date:

This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law; provided, however, this ordinance shall not take effect until the Consent (a copy of which is attached hereto and made a part hereof as Exhibit B) is executed by the Petitioner and by the owner, thereby memorializing its agreement to be bound by the terms and conditions contained within this ordinance. Such execution shall take place within forty-five (45) days after the passage and approval of this ordinance or within such extension of time as may be granted by the Corporate Authorities by motion prior to the expiration of said forty-five day (45) period. If the Consent is not executed within forty-five (45) days after passage and approval of this ordinance or within an extension of time granted during said forty-five (45) day period, this ordinance shall be void and of no force or effect, and the request for relief identified herein shall be deemed abandoned.

Section Seven - Conflict Clause

That all ordinances or parts of ordinances in conflict with the terms of this ordinance shall be repealed to the extent of said conflict.

Section Seven - Publication

This ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

Section Eight – Saving Clause

If any section, paragraph, clause, or provision of this ordinance is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of the remaining provisions of this ordinance, which are hereby declared to be separable.

Section Nine - Recording

This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Roselle.

Section Ten - Direction

Upon adoption and publication of this ordinance as required by law, the Village Clerk is authorized and directed to record this ordinance in the office of the DuPage County Recorder of Deeds. The Village Clerk is also authorized to secure reimbursement from the Owner for any and all costs incurred by the Village to record this ordinance.

The Remainder of this Page has been Intentionally Left Blank / Roll Call Vote to follow:

**DECIDED** pursuant to a Roll Call Vote:

	YES	NO	ABSTAIN	ABSENT
Bruce Berkshire				
Wayne D. Domke				
Cheryl Lenisa				
Tom Della Penna				
Tom Piorkowski				
Lee Trejo				
David Pileski (if necessary)				
TOTAL				

**PASSED AND APPROVED** by the Village of Roselle Board of Trustees on the 13<sup>th</sup> day of September, 2022:

\_\_\_\_\_  
David Pileski  
Mayor

ATTEST:

\_\_\_\_\_  
Amanda Hausman  
Village Clerk

Exhibit A

Recommendation

Background

Edzus Neilands DBA Eddy's Mobile Garage (hereinafter "Petitioner") is the business owner of Eddy's Mobile Garage, a tire business. The petitioner has signed a lease with the owner of the property commonly known as 816-818 Central Avenue. The property is zoned M Limited Industrial District and is surrounded on the north, east, and west by M Limited Industrial and R-2 Single Family Residence to the south. The Petitioner has requested a special use permit for a "garage, automotive repair" in order to conduct his tire business operations at the Property. Notice was properly served for a public hearing held on August 2, 2022, including a legal notice in the Daily Herald, a sign posted on the Property, and a certified mailing to property owners within 350 feet and first-class mailing to property owners within an additional 150 feet.

The Village of Roselle Planning and Zoning Commission considered all evidence presented during the public hearing on August 2, 2022, including testimony regarding the purpose and reasoning behind the application.

Findings

The Planning and Zoning Commission made the following findings for a special use permit for a garage, automotive repair for a tire business at 816-818 Central Avenue in the M-Limited Industrial Zoning District:

- a. The approval of such special use is in the public interest and not solely for the interest of the applicant;
- b. That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
- c. That such use will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity; and
- d. That the proposed use will comply with the regulations and conditions specified in this ordinance for such use, and with the stipulations and conditions made a part of the authorization granted by the Board of Trustees.

The findings of fact were adopted in a 5-0 vote at the August 2, 2022 meeting.

The Planning and Zoning Commission recommended approval of the request in a vote of 5-0 at the August 2, 2022 meeting.

Respectfully submitted,

Village of Roselle Planning & Zoning Commission

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Chairman

Exhibit B

Consent

The undersigned, \_\_\_\_\_, as representative for and on behalf of \_\_\_\_\_, owner of the Subject Property, described in the foregoing Ordinance Number \_\_\_\_\_ (hereinafter referred to as "Ordinance"), having read a copy of the Ordinance, do hereby accept, concur, and agree to develop, use and maintain the Subject Property in accordance with the terms and conditions stated in the Ordinance, to the extent that the Owner has use and control over the Subject Property as of the date of the approval of the Ordinance. This consent shall be binding upon the Petitioner, the Owner, and their administrators, assigns, beneficiaries, contract purchasers, executors, grantees, heirs, and successors.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2022.

Owner:

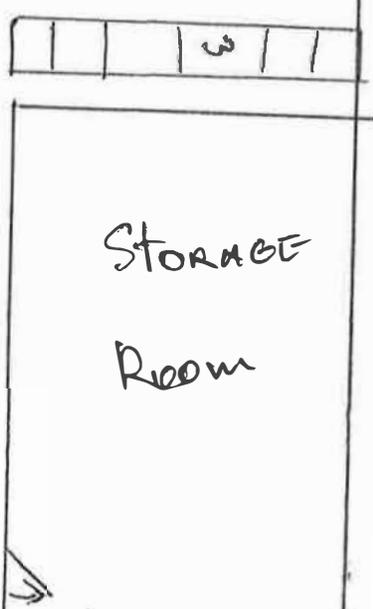
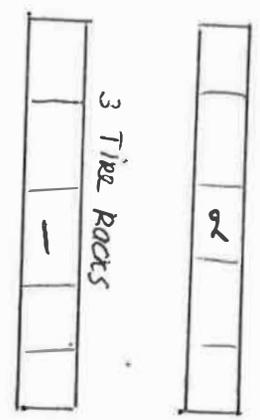
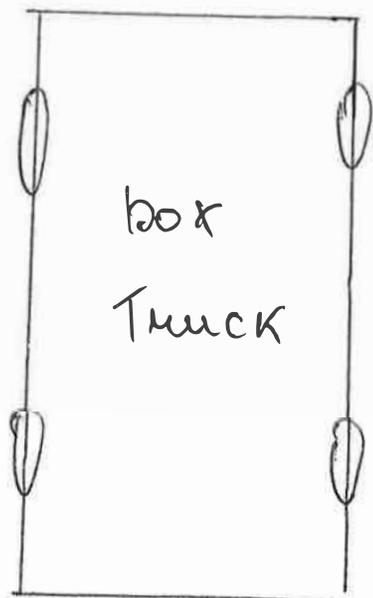
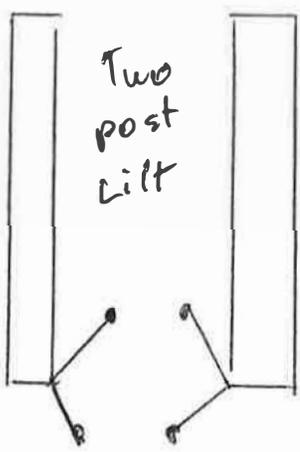
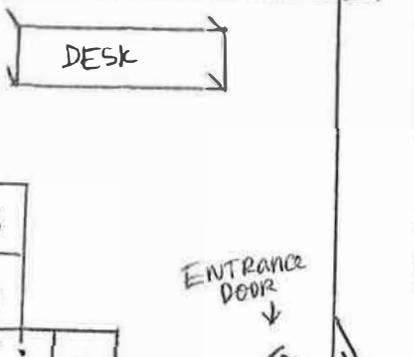
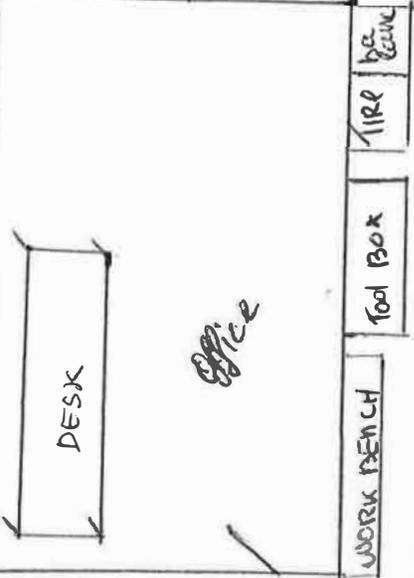
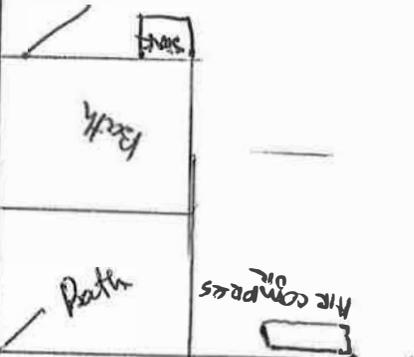
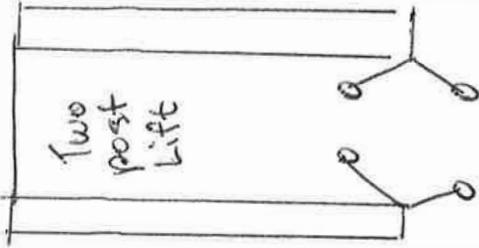
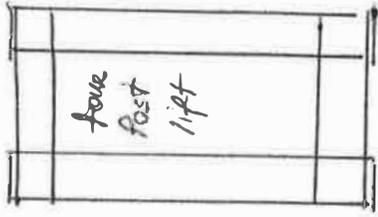
\_\_\_\_\_

SUBSCRIBED AND SWORN to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public

Back Door

# Personale Storage



GARAGE DOOR #1 | GARAGE DOOR #2

Business hours Monday - Friday  
9am - 6pm

Saturday - (Sunday closed)  
9am - 2pm

by appointment only  
6pm - 9am

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24/7

Employees: Edžus Neilands  
Evija Tomsone  
Dima Mazur  
Kevin Suarez