

ORDINANCE 2018-46

APPROVING AND GRANTING A VARIANCE FROM THE PROVISIONS OF TITLE 17, CHAPTER 17.40 “DENSITY, DIMENSIONAL AND OTHER REGULATIONS”, SECTION 17.40.010(D) “BUILDING SETBACK REQUIREMENTS”, TO ALLOW FOR REPLACEMENT OF AN EXISTING GARAGE AT A 2’ SIDE LOT LINE SETBACK, AT 706 N. JEFFERSON STREET.

WHEREAS, Chris Smoron, Owner, has filed a petition seeking relief from the provisions of Title 17, Chapter 17.40, Section 17.40.010(D) “Building Setback Requirements” to allow for the removal and replacement of an existing garage at the property commonly known as 706 N Jefferson; and legally described as:

North Half of Lot 12 Block 8 in the Villa Park Addition, commonly known as
706 N. Jefferson Street.

WHEREAS, a public hearing on said petition was held on October 2, 2018 by the Board of Appeals pursuant to a notice of public hearing published in a newspaper of general circulation on September 19, 2018 and said hearing having been conducted by the Zoning Board of Appeals as required by law.

WHEREAS, the Board of Appeals of the City of Streator has considered all evidence, both written and oral, and recommended that the City Council approve and grant the requested variance.

WHEREAS, the City Council of the City of Streator has considered the findings and recommendation of the Board of Appeals and the facts and circumstances concerning the Petition, and the City Council has determined that it is appropriate to grant the variance as provided in this Ordinance.

NOW, THEREFORE, be it ordained by the City Council of the City of Streator, LaSalle and Livingston Counties, Illinois, as follows herein.

Section 1: RECITALS. The City Council hereby finds the recitals contained in the preambles are true and correct and incorporate them into this Ordinance by this reference.

Section 2: VARIANCE GRANTED. The petition filed by Chris Smoron seeking relief from the provisions of Title 17, Chapter 17.40, Section 17.40.010(D) “Building Setback Requirements” to allow for the removal and replacement of an existing garage at the property commonly known as 706 N Jefferson; and legally described as:

North Half of Lot 12 Block 8 in the Villa Park Addition, commonly known as
706 N. Jefferson Street

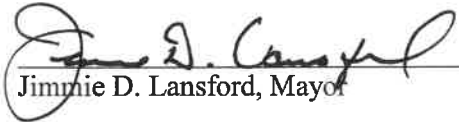
is granted and approved.

Section 3: SEVERABILITY. Each section, paragraph, sentence, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this ordinance nor any part thereof, other than that part affected by such decision.

Section 4: EFFECTIVE DATE AND PUBLICATION. This Ordinance shall in full force and effect from and after is passage and approval and publication as required by law.

Passed by the City Council of the City of Streator, LaSalle and Livingston Counties, Illinois at a regular meeting thereof on the **October 17, 2018** and approved by me as Mayor on the same day.

APPROVED:



Jimmie D. Lansford, Mayor


ATTESTED:



Patricia L. Henderson, City Clerk

	Yes	No	Abstain	Absent
Mayor Jimmie D. Lansford	√			
Councilwoman Tara Bedei	√			
Councilman Ed Brozak	√			
Councilman Brian Crouch	√			
Councilman Joe Scarbeary	√			

OFFICE MEMORANDUM

TO City Manager 
FROM Community Development Director
SUBJECT 706 N Jefferson ZBA Recommendation
DATE October 11, 2018

706 N Jefferson Street Variance Request

Enclosed with this memo please find the Planning Commission/Zoning Board of Appeals recommendation to grant a variance from Title 17, Chapter 17.40, Section 17.40.010(D) Building Setback Requirements to allow for the demolition of the existing garage on the property and the replacement of the garage at the existing 2' side lot line setback.

Following the required public hearing on October 2, 2018 the Plan Commission acting as the ZBA unanimously recommended the issuance of the variance. Based on this it is recommended by staff that the request be granted.

ORDINANCE 2018-46

RECOMMENDING APPROVAL AND GRANTING OF A VARIANCE FROM THE PROVISIONS OF TITLE 17, CHAPTER 17.40 "DENSITY, DIMENSIONAL AND OTHER REGULATIONS", SECTION 17.40.010(D) "BUILDING SETBACK REQUIREMENTS", TO ALLOW FOR REPLACEMENT OF AN EXISTING GARAGE AT A 2' SIDE LOT LINE SETBACK, AT 706 N. JEFFERSON STREET.

WHEREAS, Chris Smoron, Owner, has filed a petition seeking relief from the provisions of Title 17, Chapter 17.40, Section 17.40.010(D) "Building Setback Requirements" to allow for the removal and replacement of an existing garage at the property commonly known as 706 N Jefferson; and legally described as:

North Half of Lot 12 Block 8 in the Villa Park Addition, commonly known as 706 N. Jefferson Street; and

WHEREAS, a public hearing on said petition was held on October 2, 2018 by the Board of Appeals pursuant to a notice of public hearing published in a newspaper of general circulation on September 19, 2018 and said hearing having been conducted by the Zoning Board of Appeals as required by law; and

WHEREAS, the Board of Appeals of the City of Streator has considered all evidence, both written and oral;

NOW THEREFORE, be it ordained by the City Council of the City of Streator, LaSalle and Livingston Counties, Illinois, as follows:

Section 1: The Board of Appeals has determined that a recommendation for the granting of a variance from the provisions of Section 17.40.010(D) to allow for the removal and replacement of the existing garage at a 2' side yard lot line setback would be consistent with the following findings:

- 1) That the proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city;
- 2) That the applicant complies strictly with the provisions of the title, he or she can make no reasonable use of his or her property.
- 3) That the hardship of which the applicant complains is one suffered uniquely by the applicant rather than by neighbors or the general public under the same regulation;
- 4) That the hardship relates to the applicant's land, rather than personal circumstances;
- 5) That the hardship is unique, or nearly so, rather than one shared by many surrounding properties, under the same regulation;
- 6) That the hardship is not the result of the applicant's own actions.

Section 2: That the Zoning Board of Appeals recommends approval and the granting of the variance to the City Council of the City of Streator at property zoned “R-1B” Single Family Medium Density and legally described as:

North Half of Lot 12 Block 8 in the Villa Park Addition, commonly known as
706 N. Jefferson Street

Section 3: That this recommendation be immediately be transmitted together with a copy of the minutes of said meeting to the City Council for final review and approval.

Passed by the City Council of the City of Streator, LaSalle and Livingston Counties, Illinois at a regular meeting thereof on the **October 17, 2018** and approved by me as Mayor on the same day.

APPROVED:

Jimmie D. Lansford, Mayor

ATTESTED:

Patricia L. Henderson, City Clerk`

	Yes	No	Abstain	Absent
Mayor Jimmie D. Lansford				
Councilwoman Tara Bedei				
Councilman Ed Brozak				
Councilman Brian Crouch				
Councilman Joe Scarbeary				

BOARD OF APPEALS

RECOMMENDATION 2018-11

RECOMMENDING APPROVAL AND GRANTING OF A VARIANCE FROM THE PROVISIONS OF TITLE 17, CHAPTER 17.40 "DENSITY, DIMENSIONAL AND OTHER REGULATIONS", SECTION 17.40.010(D) "BUILDING SETBACK REQUIREMENTS", TO ALLOW FOR REPLACEMENT OF AN EXISTING GARAGE AT A 2' SIDE LOT LINE SETBACK.

WHEREAS, Chris Smoron, Owner, has filed a petition seeking relief from the provisions of Title 17, Chapter 17.40, Section 17.40.010(D) "Building Setback Requirements" to allow for the removal and replacement of an existing garage at the property commonly known as 706 N Jefferson; and legally described as the north half of Lot 12 Block 8 in the Villa Park Addition; and

WHEREAS, a public hearing on said petition was held on October 2, 2018 by the Board of Appeals pursuant to a notice of public hearing published in a newspaper of general circulation on September 19, 2018 as required by law; and

WHEREAS, the Board of Appeals of the City of Streator has considered all evidence, both written and oral;

NOW THEREFORE, be it resolved by the Zoning Board of Appeals of the City of Streator, LaSalle and Livingston Counties, Illinois, as follows:

Section 1: The Board of Appeals has determined that a recommendation for the granting of a variance from the provisions of Section 17.40.010(D) to allow for the removal and replacement of the existing garage at a 2' side yard lot line setback would be consistent with the following findings:

- 1) That the proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city;
- 2) That the applicant complies strictly with the provisions of the title, he or she can make no reasonable use of his or her property.
- 3) That the hardship of which the applicant complains is one suffered uniquely by the applicant rather than by neighbors or the general public under the same regulation;
- 4) That the hardship relates to the applicant's land , rather than personal circumstances;
- 5) That the hardship is unique, or nearly so, rather than one shared by many surrounding properties, under the same regulation;
- 6) That the hardship is not the result of the applicant's own actions.

Section 2: That the Zoning Board of Appeals recommends approval and the granting of the variance to the City Council of the City of Streator at property zoned "R-1B" Single Family Medium Density and legally described as:

North Half of Lot 12 Block 8 in the Villa Park Addition

Section 3: That this recommendation be immediately be transmitted together with a copy of the minutes of said meeting to the City Council for final review and approval.

Passed by the Board of Zoning Appeals of the City of Streator, LaSalle and Livingston Counties, Illinois at a special meeting thereof on the 2nd day of **October 2018** and approved by me as chairman on the same day.



Doug Patterson, Chairperson

RECORD OF THE VOTE	Yes	No	Abstain	Absent
Dean Chalkey				✓
Harry Godfrey	✓			
Bob Gubbels	✓			
Jeff Hatzer				✓
Doug Patterson	✓			
Richard Pierce	✓			
Jeanette Strabala				✓

672-2517 ext: 236

City of Streator
204 S. Bloomington Street
Streator, Illinois 61364
815/672-2517 fax 815/672-7566



APPLICATION FOR A VARIANCE

Applicant(s): Chris Smoron Telephone: 815-228-1343
Mailing Address: 706 N. Jefferson St. Fax: _____
Applicant's Representative: _____ Telephone: _____
Mailing Address: _____ Fax: _____

1. Application fee:

- \$100 for a single family zoning classification or a non-residential zoning classification
- \$300 for a more than single family zoning classification under one acre
- \$300 for a non-residential zoning classification
- \$750 for residential zoning classification equal to or greater than one acre
- Applicant will be required to reimburse the City of any cost of legal notices

2. The applicant petitions the City of Streator for a variance for the following property:

a. Legal Description (attach the full legal description on 8 1/2 x 11 separate sheet of paper- type written, plus an electronic version of the legal description).

Subdivision Name: Villa Park Addition ✓
Property Tax ID #: 33-26-404-012 ✓ SIDWELL #: _____ ✓

b. Street Address or Common Location: _____

c. Describe Reason for request: to remove existing garage and replace with new Garage

d. Describe the proposed use; characteristics such as operating hours, number of employees, capacity of facility, etc.: 8-5 may vary, 1-4 workers

e. Size of Lot (sq.ft.): 50' x 70'

f. Existing Zoning District: R-1B ✓

g. Yes No Is the property located in a flood plain or flood way?

h. Yes No Is the proposed use in conformance with the city's Comprehensive Plan?

i. How will the proposed use impact existing and future land uses. parking cars

j. How will proposed variance impact adjacent property values. the look of a new Garage should help raise values

EXHIBIT
A

1. Yes No Will the variance negatively impact the general public health, safety and welfare.
If yes, please explain: _____

m. Yes No Will the variance conflict with existing conditions or public improvements such as schools, sewer, water system, parks, roads, and traffic patterns.
If yes, please explain: _____

3. Before granting a variance, the Zoning Board of Appeals must take a separate vote and vote to approve the variance on each of the following conditions: The proposed variance

a. Will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Streator, and

b. If not approved and the applicant complies strictly with the provisions of the zoning title he could not make a reasonable use of his property, and

c. If not approved would cause a hardship, which the applicant is complaining about, is one suffered uniquely by the applicant rather than by neighbors or the general public under the same regulation, and

d. Is related to the hardship of the applicant's land, rather than personal circumstances, and

e. Is related to the unique hardship, or nearly so, rather than to one shared by many surrounding properties, under the same regulation, and

f. Is not related to the hardship, which is the result of the applicant's own actions.

4. The petitioner(s) have read and completed all of the above information and affirm that it is true and correct.

Petitioner's Signature: [Signature] Date: 8-20-18

Petitioner's Signature: _____ Date: _____

Subscribed and sworn to before me this 20th day of August, 2018



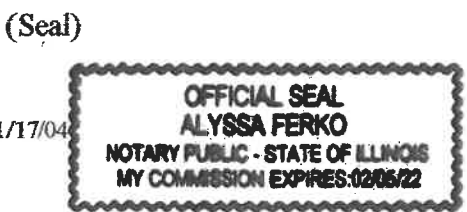
[Signature]
Notary Public

5. I hereby affirm that I am the legal owner (or authorized agent or representative- proof attached) of the subject property and authorize the petitioner to pursue this petition as described above.

Owner's Signature: [Signature] Date: 8-20-18

Owner's Signature: _____ Date: _____

Subscribed and sworn to before me this 20th day of August, 2018



[Signature]
Notary Public



**CITY OF STREATOR
204 SOUTH BLOOMINGTON STRET
STREATOR, ILLINOIS 61364
Phone (815) 672-2517
Fax (815) 672-7566**

DATE: September 17, 2018
TO: The Times
FROM: Jeremy Palm
RE: Legal Notice to be Run

Please run the following legal notice one (1) time as soon as possible and send a certificate of publication with the invoice. If you have any questions, do not hesitate to call.

LEGAL NOTICE

Notice is hereby given in compliance with the Municipal Code of Ordinances of the City of Streator, Illinois, that a public hearing will be held before the Board of Appeals of the City of Streator upon the applications of the property owner of 706 N Jefferson Street, requesting a variance from the provisions of Title 17, Chapter 17.40, Section 17.40.010 (D) Building Setback Requirements, to allow for the replacement of an existing accessory structure.

A public hearing before Board of Appeals on said application will be held at 6:00 p.m. on October 2, 2018 at the Streator City Hall Council Chambers, 204 South Bloomington Street, Streator, Illinois, at which time and place any person determining to be heard may be present. Comments or written testimony may also be submitted in advance by addressing them to the Board of appeals c/o City of Streator, 204 South Bloomington Street, Streator, Illinois 61364.

Jeremy Palm
Community Dev. Director/City Engineer

**EXHIBIT
B**



Existing Garage to be Replaced

EXHIBIT
C



City of Streator

204 South Bloomington Street • Streator, Illinois 61364 • Phone (815) 672-2517 • Fax (815) 672-7566

September 25, 2018

RE: Public Hearing Notice – Requesting a Variance from the Provisions of Title 17, Chapter 17.40 Section 17.40.010 (D) Building Setback Requirements, to allow for the Replacement of an Existing Structure – 706 N. Jefferson Street

VILLA PARK ADDITION N1/2 LOT 12 BLK 8.

Dear Property Owner:

City Staff has identified that property you own is within 250 feet of the above mentioned property. This letter serves as notification that a public hearing will be held at 6:00 p.m. on October 2, 2018 in the City Council Chambers of City Hall, 204 South Bloomington Street, Streator, on the petition by Chris Smoron requesting a variance from the provisions of Title 17, Chapter 17.40, Section 17.40.010 (D) Building Setback Requirements, to allow for the replacement of an existing structure. The property is legally described as follows:

VILLA PARK ADDITION N1/2 LOT 12 BLK 8.
(Please see attached map)

The above referenced application is open to inspection at the offices of the City Clerk, City of Streator, 204 S. Bloomington Street, Streator, IL 61364. Persons wishing to appear at the public hearing may do so in person, by attorney, or by other representative.

If you cannot be present but wish to make comment, you may also submit your comments in advance by addressing them to the Plan Commission c/o of the City of Streator, 204 S. Bloomington St. Streator, IL 61364.

Cordially,

Jeremy Palm
Dir. of Community Development

**EXHIBIT
D**