

ORDINANCE 2019-20

APPROVING AND GRANTING OF A VARIANCE FROM THE PROVISIONS OF TITLE 17, CHAPTER 17.40 “DENSITY, DIMENSIONAL AND OTHER REGULATIONS”, SECTION 17.40.010 (D) “GARAGES AND ACCESSORY BUILDING SETBACK REQUIREMENTS”, TO ALLOW FOR CONSTRUCTION OF AN ACCESSORY STRUCTURE SIDE YARD SETBACK LESS THAN 7 FEET.

WHEREAS, Rob Yurko, owner, have filed a petition seeking relief from the provisions of Title 17, Chapter 17.40, Section 17.40.010 (D) “Garages and Accessory Building Setback Requirements” to allow for the construction of an accessory structure side yard setback less than 7 feet for property commonly known as 1505 Walnut Street; and legally described as LOT 11 in BLK 2 PRAIRIE CREEK ADDITION in the City of Streator; and

WHEREAS, a public hearing on said petition was opened on June 11, 2019 and continued until June 18, 2019, by the Board of Appeals pursuant to a notice of public hearing published in a newspaper of general circulation on May 25, 2019 as required by law; and

WHEREAS, the Board of Appeals of the City of Streator has considered all evidence, both written and oral and recommend that the requested variance be granted;

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

Section 1: That the requested variance for property zoned “CBD” Central Business District and commonly known as 1505 Walnut Street and legally described as: LOT 11 in BLK 2 PRAIRIE CREEK ADDITION in the City of Streator be approved.

Section 2: That the City Clerk is hereby directed to record with the LaSalle County Recorder and to file with the LaSalle County Clerk a certified copy of this ordinance, together with Exhibit A which has been appended to the ordinance.

Section 3: That this ordinance shall be in full force and effect from and after its passage approval, and publication in pamphlet form as provided by law.

Passed by the City Council of the City of Streator, LaSalle and Livingston Counties, Illinois at a regular meeting thereof, held on the **June 19, 2019** and approved by me as Mayor on the same day.

APPROVED:

  
 Jimmie D. Lansford, Mayor

ATTEST:

  
 Patricia L. Henderson, City Clerk

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

**OFFICE MEMORANDUM**

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**TO** City Manager  
**FROM** Community Development Director  
**SUBJECT** June 11, 2019 ZBA Meeting  
**DATE** June 4, 2019

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**1505 Walnut Street Variance Request**

Enclosed with this memo please find an application for a variance for 1505 Walnut Street.

This application is being presented by Rob Yurko as the owner to request 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 3' side lot line setback. The reason that the variance is being requested is that the current code requires a 7' side yard setback and since the owner is proposing to enlarge the size of the garage the legal non-conforming status of the existing garage will be lost in accordance with Section 17.28.

In accordance with Section 17.18.020 "Variances" the Zoning Board of Appeals must review this application and make six findings prior to recommendation of any variance. This review is made to determine the eligibility for a variance as stated in 17.18.020:

"A variance may be granted by the board of appeals if it concludes that by reason of an exceptional situation, surroundings, or condition of a specific piece of property, or by reason of exceptional **narrowness, shallowness** or shape of a specific piece of property of record, or by reason of exceptional topographical conditions strict enforcement of the title would result in peculiar or exceptional practical difficulties or particular unnecessary hardships for the applicant and that, by granting the variance, the spirit of the title will be observed, public safety and welfare secured, and substantial justice done.

The findings that must be made and my report on each is as follows:

1. 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
  - a. Staff finds that this request will not impair or decrease property values

2. If the applicant complies strictly with the provisions of the title, he or she can make no reasonable use of his or her property;
  - a. Staff finds that strict adherence to the code due to the amount of the lot that lies within the floodplain would require additional fill to be placed in the floodplain which is not recommended
  
3. 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;
  - a. Staff finds that due to the amount of the lot contained within the regulatory floodplain of Prairie Creek the applicant's hardship is not suffered by the general public
  
4. The hardship relates to the applicant's land, rather than personal circumstances
  - a. Staff finds that the hardship relates to the applicant's land
  
5. The hardship is unique, or nearly so, rather than one shared by many surrounding properties, under the same regulation;
  - a. Staff finds that the hardship is unique due to the rear yard lying with the floodplain

After discussion on each finding the board may only grant a variance if it finds favorably on all six requirements. Based on the staff findings it is recommended that the variance be approved.

ORDINANCE 2019-20

APPROVING AND GRANTING OF A VARIANCE FROM THE PROVISIONS OF TITLE 17, CHAPTER 17.40 “DENSITY, DIMENSIONAL AND OTHER REGULATIONS”, SECTION 17.40.010 (D) “GARAGES AND ACCESSORY BUILDING SETBACK REQUIREMENTS”, TO ALLOW FOR CONSTRUCTION OF AN ACCESSORY STRUCTURE SIDE YARD SETBACK LESS THAN 7 FEET.

WHEREAS, Rob Yurko, owner, have filed a petition seeking relief from the provisions of Title 17, Chapter 17.40, Section 17.40.010 (D) “Garages and Accessory Building Setback Requirements” to allow for the construction of an accessory structure side yard setback less than 7 feet for property commonly known as 1505 Walnut Street; and legally described as LOT 11 in BLK 2 PRAIRIE CREEK ADDITION in the City of Streator; and

WHEREAS, a public hearing on said petition was opened on June 11, 2019 and continued until June 18, 2019, by the Board of Appeals pursuant to a notice of public hearing published in a newspaper of general circulation on May 25, 2019 as required by law; and

WHEREAS, the Board of Appeals of the City of Streator has considered all evidence, both written and oral and recommend that the requested variance be granted;

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

Section 1: That the requested variance for property zoned “CBD” Central Business District and commonly known as 1505 Walnut Street and legally described as: LOT 11 in BLK 2 PRAIRIE CREEK ADDITION in the City of Streator be approved.

Section 2: That the City Clerk is hereby directed to record with the LaSalle County Recorder and to file with the LaSalle County Clerk a certified copy of this ordinance, together with Exhibit A which has been appended to the ordinance.

Section 3: That this ordinance shall be in full force and effect from and after its passage approval, and publication in pamphlet form as provided by law.

Passed by the City Council of the City of Streator, LaSalle and Livingston Counties, Illinois at a regular meeting thereof, held on the **June 19, 2019** and approved by me as Mayor on the same day.

APPROVED:

\_\_\_\_\_  
Jimmie Lansford, Mayor

ATTEST:

\_\_\_\_\_  
Patricia L. Henderson, City Clerk

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

BOARD OF APPEALS

RECOMMENDATION 2019-02

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) "GARAGES AND ACCESSORY BUILDING SETBACK  
REQUIREMENTS", TO ALLOW FOR CONSTRUCTION OF AN  
ACCESSORY STRUCTURE SIDE YARD SETBACK LESS THAN 7 FEET.

WHEREAS, Rob Yurko, owner, has filed a petition seeking relief from the provisions of Title 17, Chapter 17.40, Section 17.40.010 (D) "Garages and Accessory Building Setback Requirements" to allow for An Accessory Structure side yard setback less than 7 feet for property commonly known as 1505 Walnut Street; and legally described as Prairie Creek Addition LOT 11 BLK 2 in the City of Streator; and

WHEREAS, a public hearing on said petition was opened on June 11, 2019 and continued until June 18, 2019 by the Board of Appeals pursuant to a notice of public hearing published in a newspaper of general circulation on May 25, 2019. 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) for an Accessory Structure side yard setback less than 7 feet and 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-1A" Single Family Low Density and legally described as: PRAIRIE CREEK ADDITION LOT 11 BLK 2 in the City of Streator;

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 **June 18, 2019** and approved by me as chairman on the same day.

\_\_\_\_\_  
Robert Oberholtzer, Chairperson

RECORD OF THE VOTE	Yes	No	Abstain	Absent
Alan Hall				
Andy Harcar				
Larry Libby				
Chairman Robert Oberholtzer				
Terry O'Neal				

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



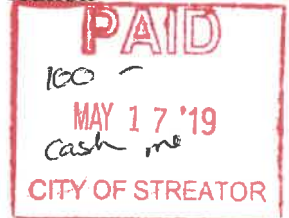
19STR-V00001

APPLICATION FOR A VARIANCE

Applicant(s): ROB YURKO Telephone: 815-257-8630  
Mailing Address: 1505 WALNUT 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: LOT 11 IN BLOCK 2 PRAIRIE CREEK ADDITION

Property Tax ID #: 33-24-407-006 SIDWELL #: 28-24-476-006

b. Street Address or Common Location: 1505 WALNUT ST. STREATOR

c. Describe Reason for request: BUILD NEW GARAGE (LARGER) IN SAME LOCATION

d. Describe the proposed use; characteristics such as operating hours, number of employees, capacity of facility, etc.: GARAGE FOR PERSONAL USE

e. Size of Lot (sq.ft.): 73' X 301'

f. Existing Zoning District: RESIDENTIAL

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. DOES NOT

j. How will proposed variance impact adjacent property values. ENHANCE VALUES



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: \_\_\_\_\_ Date: \_\_\_\_\_

Petitioner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

(Seal)

\_\_\_\_\_  
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.

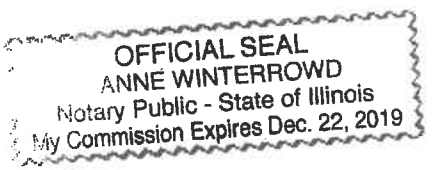
Owner's Signature: *[Signature]* Date: 5-17-19

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Subscribed and sworn to before me this 17th day of May, 2019

(Seal)

*Anne Winterrowd*  
Notary Public





# LaSalle County Property Tax

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## Parcel # 33-24-407-006

< > Tax Year 2017 Payable 2018

General Information	Payments & Fees	Tax Districts	Sales History	Building Characteristics	Images	Multi-year Summary																																																															
<p>Owner Name: YURKO, ROBERT G</p> <table border="0"> <tr> <td>Alt. Parcel Number:</td> <td></td> <td>Land:</td> <td>2,342</td> </tr> <tr> <td>Site Address:</td> <td>1505 WALNUT ST, STREATOR</td> <td>Farm Land:</td> <td>0</td> </tr> <tr> <td>Property Use:</td> <td>0040 - IMPROVED RESIDENTIAL</td> <td>Building:</td> <td>13,157</td> </tr> <tr> <td>Tax Code:</td> <td>BR003</td> <td>Farm Building:</td> <td>0</td> </tr> <tr> <td>Section/Lot:</td> <td></td> <td>Total Assessed Value:</td> <td>15,499</td> </tr> <tr> <td>Legal Township:</td> <td></td> <td>Owner Occupied</td> <td>6,000</td> </tr> <tr> <td>Range/Block:</td> <td></td> <td>Total Exemptions:</td> <td>less 6,000</td> </tr> <tr> <td>Township:</td> <td>33-BRUCE</td> <td>Net Taxable Value:</td> <td>9,499</td> </tr> <tr> <td>Subdivision:</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Zoning:</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Mobile ID #:</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Legal Description:</td> <td>PRAIRIE CREEK ADD LOT 11 BLK 2</td> <td></td> <td></td> </tr> </table> <table border="0"> <thead> <tr> <th></th> <th>Billed</th> <th>Collected</th> </tr> </thead> <tbody> <tr> <td>Taxes:</td> <td>\$1,225.26</td> <td>\$1,225.26</td> </tr> <tr> <td>Fees:</td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td>Interest:</td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td>Collection Status:</td> <td></td> <td>Collected</td> </tr> </tbody> </table>							Alt. Parcel Number:		Land:	2,342	Site Address:	1505 WALNUT ST, STREATOR	Farm Land:	0	Property Use:	0040 - IMPROVED RESIDENTIAL	Building:	13,157	Tax Code:	BR003	Farm Building:	0	Section/Lot:		Total Assessed Value:	15,499	Legal Township:		Owner Occupied	6,000	Range/Block:		Total Exemptions:	less 6,000	Township:	33-BRUCE	Net Taxable Value:	9,499	Subdivision:				Zoning:				Mobile ID #:				Legal Description:	PRAIRIE CREEK ADD LOT 11 BLK 2				Billed	Collected	Taxes:	\$1,225.26	\$1,225.26	Fees:	\$0.00	\$0.00	Interest:	\$0.00	\$0.00	Collection Status:		Collected
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[Statement](#)

[GIS](#)

[Email Sign Up](#)

**EXHIBIT  
B**

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

**DATE:** May 23, 2019  
**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 1505 Walnut, 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 5:30 p.m. on June 11, 2019 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  
C**



# City of Streator

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

May 31, 2019

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 Accessory Structure – 1505 Walnut Street

PRAIRIE CREEK ADDITION LOT 11 BLK 2.

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 5:30 p.m. on June 11, 2019 in the City Council Chambers of City Hall, 204 South Bloomington Street, Streator, on the petition by Rob Yurko 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 Board of Appeals c/o of the City of Streator, 204 S. Bloomington St. Streator, IL 61364.

Cordially,

Jeremy Palm  
Dir. of Community Development

**EXHIBIT  
D**