

**ORDINANCE 2020-17**

**APPROVING AND GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 17.40.010(D), "BUILDING SETBACK REQUIREMENTS," OF THE CITY'S ZONING TITLE TO ALLOW FOR THE CONSTRUCTION OF A COVERED PATIO WITHIN 2 FEET OF THE PROPERTY LINE FOR PROPERTY COMMONLY KNOWN AS 802 E. 12<sup>TH</sup> STREET (LORI AKIN) IN THE CITY OF STREATOR**

**WHEREAS**, Lori Akin, the Property Owner, has filed a petition seeking relief from the provisions of Section 17.40.010(D), "Building Setback Requirements" of the City's Zoning Code, to allow for the construction of a covered patio on an existing concrete pad at the following property:

Street Address: 802 E. 12th Street

Legal Description: W H Dixons Subdivision Lot 3, Lot 11, Blk 1, in the City of Streator, Counties of LaSalle and Livingston, Illinois

PIN: 33-36-329-006;

the "Subject Property;" and

**WHEREAS**, the Subject Property is zoned as "R-1B" Single Family Medium Density; and

**WHEREAS**, a public hearing on the petition was held on May 11, 2020 by the Board of Appeals pursuant to a notice of public hearing published in a newspaper of general circulation on April 28, 2020 as required by law; and

**WHEREAS**, attached hereto as Exhibit A are copies of the Petition for Variance, the public notice provided, the letter sent to nearby property owners, and a map depicting the Subject Property; and

**WHEREAS**, the Board of Appeals of the City of Streator has considered all evidence, both written and oral, and has submitted Recommendation 2020-01 to the City Council recommending 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 below.

**Section 1:** The City Council hereby finds the recitals stated above are true and correct and incorporate them into this Ordinance by this reference.

**Section 2:** The variance petition filed by the Property Owner for the Subject Property is hereby approved and granted and the construction of a covered patio on an existing concrete pad within 2 feet of the property line is hereby permitted.


**Section 3:** The City Clerk is hereby directed to record with the LaSalle County Recorder a certified copy of this Ordinance, together with Exhibit A which is attached hereto to and incorporated in this Ordinance.

**Section 4:** If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

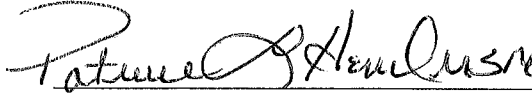
**Section 5:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed by the City Council of the City of Streator, LaSalle and Livingston Counties, Illinois at a regular meeting thereof, held on May 20, 2020, 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	✓			

CITY OF STREATOR  
BOARD OF APPEALS

RECOMMENDATION 2020-01

**RECOMMENDING APPROVAL AND GRANTING OF A VARIANCE FROM THE PROVISIONS OF SECTION 17.40.010(D) "BUILDING SETBACK REQUIREMENTS" OF THE CITY'S ZONING TITLE TO ALLOW FOR THE CONSTRUCTION OF A COVERED PATIO WITHIN 2 FEET OF THE PROPERTY LINE AT 802 E. 12<sup>TH</sup> STREET, IN THE CITY OF STREATOR, LASALLE & LIVINGSTON COUNTIES, ILLINOIS**

WHEREAS, Lori Akin, the "Property Owner," has filed a petition seeking relief from the provisions of Section 17.40.010(D) "Building Setback Requirements" of the City's Zoning Title to allow for the construction of a covered patio on an existing concrete pad at the following property:

Street Address: 802 E. 12<sup>th</sup> Street

Legal Description: W H Dixons Subdivision Lot 3, Lot 11, Blk 1, in the City of Streator, Counties of LaSalle and Livingston, Illinois

PIN: 33-36-329-006;

hereinafter referred to as the "Subject Property;" and

WHEREAS, the Subject Property is currently zoned as "R-1B" Single Family Medium Density; and

WHEREAS, a public hearing on said petition was held on May 11, 2020, by the Board of Appeals pursuant to a notice of public hearing published in a newspaper of general circulation on April 28, 2020 as required by law; and

WHEREAS, the Board of Appeals 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 makes the following findings:

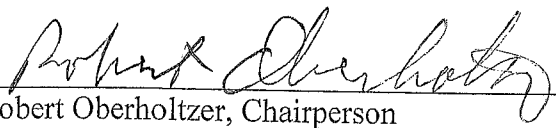
- 1) That the proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City;
- 2) That if the applicant complies strictly with the provisions of the title, she can make no reasonable use of her property;

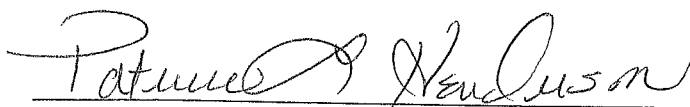
- 3) That the hardship of which the applicant complains is one suffered uniquely by the applicant rather than by neighbors or the general public under the same regulation;
- 4) That the hardship relates to the applicant's land, rather than personal circumstances;
- 5) That the hardship is unique, or nearly so, rather than one shared by many surrounding properties, under the same regulation; and
- 6) That the hardship is not the result of the applicant's own actions.

**Section 2:** The Zoning Board of Appeals recommends that the Streator City Council grant and approve the Property Owner's requested variance for the Subject Property.

**Section 3:** The City Clerk is directed to immediately transmit this recommendation, together with a copy of the minutes of the meeting of the Zoning Board of Appeals, to the City Council for final review and action.

Passed by the Board of Zoning Appeals of the City of Streator, LaSalle and Livingston Counties, Illinois at a special meeting thereof on the **May 11, 2020** and approved by me as chairman on the same day.

  
 Robert Oberholtzer, Chairperson

  
 Patricia L. Henderson, City Clerk

RECORD OF THE VOTE	Yes	No	Abstain	Absent
Alan Hall	✓			
Andy Harcar	✓			
Larry Libby	✓			
Robert Oberholtzer, Chairman	✓			



**City of Streator**  
 204 South Bloomington Street  
 Streator, Illinois 61364  
 Phone: (815) 672-2517  
 Fax: (815) 672-7566

**EXHIBIT A**  
 Permit #: \_\_\_\_\_

**VARIANCE APPLICATION**

Applicant Name: Lori Akin Primary Phone #: 815-257-8222  
 Mailing Address: 802 E 12th St City/State/Zip: Streator IL 61364  
 Applicant's Representative: \_\_\_\_\_ Primary Phone #: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

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: Dixons Property Tax ID #: 33-36-329-006
  - b. Street Address or Common Location: 802 E 12th St
  - c. Describe Reason for request: add covered patio
  - d. Describe the proposed use; characteristics such as operating hours, number of employees, capacity of facility, etc.: Residential personal use
  - e. Size of Lot (sq. ft.): 50 x 125
  - f. Existing Zoning District: Residential
  - g. Is the property located in a flood plain or flood way?  Yes  No
  - h. Is the proposed use in conformance with the city's Comprehensive Plan?  Yes  No
  - i. How will the proposed variance impact existing and future land uses: Increase property value
  - j. How will the proposed variance impact adjacent property values: Improve property appearance and value
  - k. Will the variance negatively impact the general public health, safety and welfare:  Yes  No

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

l. Will the variance conflict with existing conditions or public improvements such as schools, sewer/water system, parks, roads, traffic patterns, etc.:  Yes  No  
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, they could not make a reasonable use of their 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.

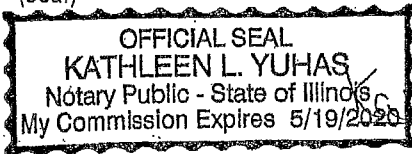
4. The applicant(s) have read and completed all of the above information and affirm that it is true and correct.

Applicant's Signature: Lori J Akin Date: 4-7-2020

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Subscribed and sworn to before me this 7th day of April, 2020.

(Seal)



Kathleen L Yuhas  
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: Lori J Akin Date: 4-7-2020

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

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

(Seal)

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

# City of Streator

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



May 4, 2020

RE: Public Hearing Notice – Variance Request – 802 E. 12<sup>th</sup> Street  
W.H. Dixons Subdivision Lot 3, Lot 11, Blk 1, in the City of Streator.  
Commonly known as 802 E. 12<sup>th</sup> Street.

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 May 11, 2020 in the City Council Chambers of City Hall, 204 South Bloomington Street, Streator on the petition by Lori Akin, property owner, petitioning for a “Variance” from the provisions of Chapter 17.40, Section 17.40.010 (D) Building Setback Requirements, to allow for the construction of a covered patio within 2’ of the property line and zoned R-1A, Single Family, legally described as follows:

W.H. Dixons Subdivision Lot 3, Lot 11, Blk 1, in the City of Streator.  
Commonly known as 802 E. 12<sup>th</sup> Street. Tax ID# 33-36-329=006  
Please see attached map.

Due to the ongoing COVID-19 restrictions on public gatherings this public hearing will be conducted as a phone-in conference on May 11, 2020 at 6:00 p.m. To participate in this conference call please call 888-386-8750 and use passcode 25778703 within 10 minutes of the start of the public hearing. To request a copy of this information please email [cma@ci.streator.il.us](mailto:cma@ci.streator.il.us) or call 815-672-1232 between the hours of 7:30 a.m. and 5:00 p.m. Comments or written testimony may also be submitted in advance by addressing them to the Board of Appeals c/o City of Streator, 204 S. Bloomington Street, Streator, Illinois, 61364.

Cordially,

Jeremy Palm  
Dir. of Community Development



AKIN, JEFFREY-LORI  
802 E 12TH ST |  
STREATOR, IL 61364

BEAVERS, EDWARD / SANDRA  
C/O MARY SULLIVAN  
608 FORREST RD |  
MARSEILLES, IL 61341

BEDECKER, DONNA K TTEE  
C/O MARK BEDECKER  
804 E 12TH ST |  
STREATOR, IL 61364

BETTENHAUSEN, BOBBE / MARLENE  
2522 N 13TH RD |  
STREATOR, IL 61364

BROWN, LEA ANN  
800 COTTON ST |  
STREATOR, IL 61364

DURDAN, LORRIE LEE  
812 E 12TH ST |  
STREATOR, IL 61364

GARCIA, ANTONIO / ROSITA  
6320 BARRISTER RD |  
CHESTERFIELD, VA 23832-6807

GARRISON, ROBERT D/HELEN E  
809 COTTON ST |  
STREATOR, IL 61364

JONEN, LINDA L  
810 E 12TH ST |  
STREATOR, IL 61364

KATRO, EVONNE  
358 BLOSSOM ST |  
CREST HILL, IL 60435

KAUTH, JOHN/ DOROTHY  
803 COTTON ST |  
STREATOR, IL 61364-3526

KOMSTELLER, CHERYL E ETAL  
601 E BROADWAY ST |  
STREATOR, IL 61364

LASALLE COUNTY TRUSTEE  
PO BOX 96 |  
EDWARDSVILLE, IL 62025\*

LEONARD, CHARLES/ZENA  
814 E 12TH ST |  
STREATOR, IL 61364

NAVARRO, CAROL  
617 N SHABBONA ST |  
STREATOR, IL 61364

OLVERA, SANDY  
208 PENN ST |  
STREATOR, IL 61364

SAUERS, JOHN / AGNES ETAL  
1012 CABLE ST |  
STREATOR, IL 61364

VAUGHAN, JERROLD L & JEANETTE  
1012 HOYNE ST |  
STREATOR, IL 61364

VON RUDEN, ROBERT LEE /  
CHRISTINE RENEE  
1017 ROGERS ST |  
STREATOR, IL 61364

WILLIAMS, SHIRLEY J  
710 E 12TH ST |  
STREATOR, IL 61364

BARTON LORI M  
1305 S SHABBONA ST |  
STREATOR, IL 61364

RENNER JAMES K  
801 E 12TH ST |  
STREATOR, IL 61364

JOHNSTON KENNETH E  
614 WISCONSIN AVE |  
STREATOR, IL 61364

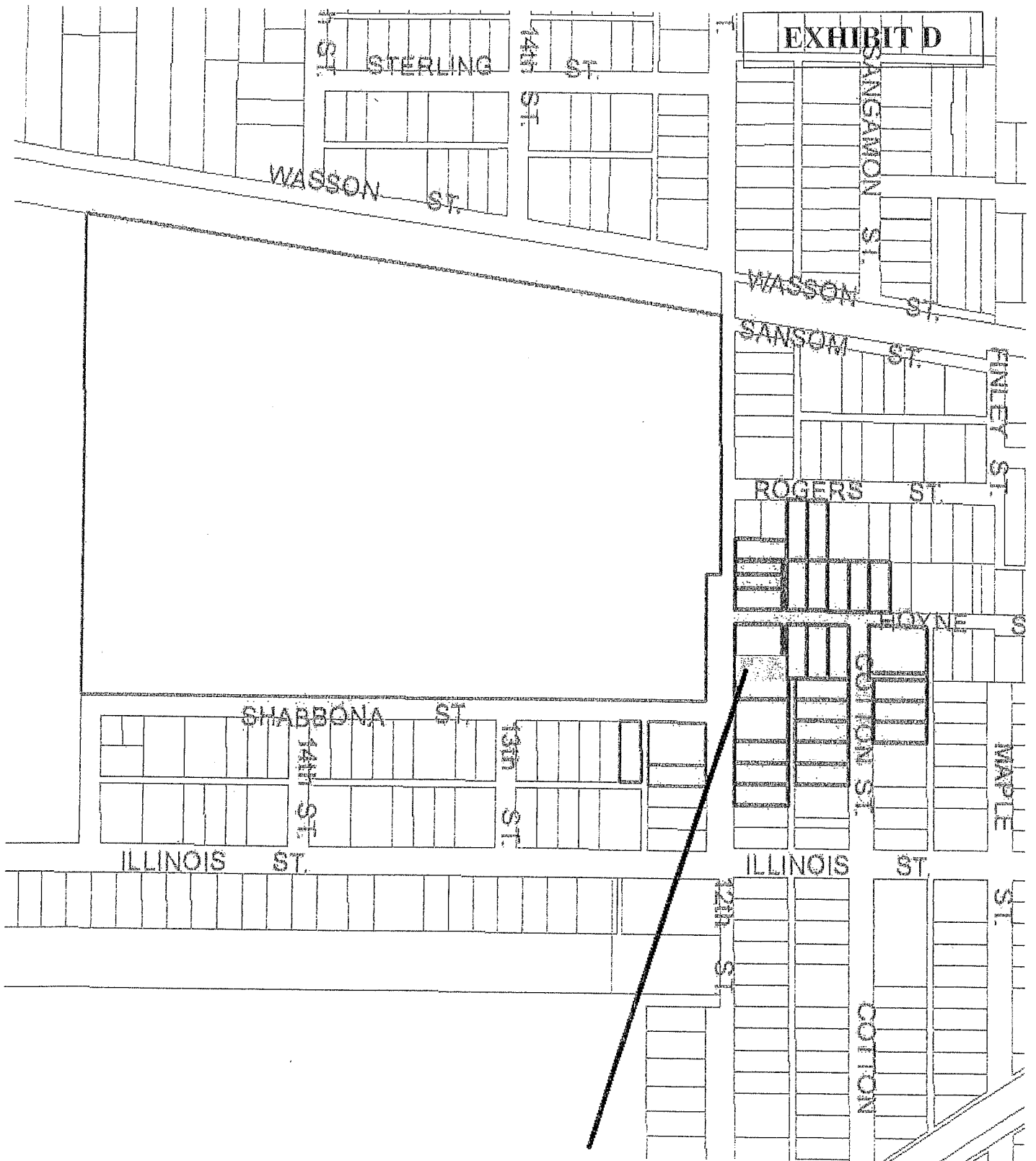
USF PROPCO I LLC ATTN:  
US FOODSERVICE INC  
9399 W HIGGINS RD SUITE 500 |  
ROSEMONT, IL 60018

**EXHIBIT D**





EXHIBIT D



802 E 12th

