

**ORDINANCE 2021-05**

**APPROVING AND GRANTING A VARIANCE FROM THE PROVISIONS OF  
SECTION 17.40.010(D), "ACCESSORY BUILDING SETBACK REQUIREMENTS"  
OF THE CITY'S ZONING TITLE TO PERMIT A SIDE YARD SETBACK  
OF LESS THAN FIVE FEET FOR THE PROPERTY COMMONLY KNOWN  
AS 1416 EAST MAIN STREET, STREATOR, ILLINOIS**

**WHEREAS**, Jeff Majernik, the "Property Owner," has filed a petition for a variance seeking relief from the provisions of Section 17.40.010(D), "Accessory Building Setback Requirements" of the City's Zoning Code which requires a 5 foot side yard setback, to permit construction of a garage with a 3 foot side yard setback on the following property:

Street Address:           1416 E. Main Street

Legal Description:       Lot 21, Blk 6, Section 30-31-4 of Broadway 2<sup>nd</sup> Addition, in the City of Streator,  
County of LaSalle.

PIN:                       34-30-309-021

the "Subject Property;" and

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

**WHEREAS**, a public hearing on the petition was initiated on March 24, 2021 and completed on March 30, 2021 by the Board of Appeals pursuant to a notice of public hearing published in a newspaper of general circulation on March 10, 2021 as required by law; and

**WHEREAS**, the Board of Appeals after having considered all evidence, both written and oral, due to an evenly divided board was unable to make a recommendation to the City Council with respect to the requested variance; and

**WHEREAS**, the Council has reviewed the evidence submitted at the public hearing and the findings made by the Board of Appeals; 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, a map depicting the Subject Property, and a chart reflecting the findings made by the Board of Appeals.

**NOW, THEREFORE**, be it ordained by the City Council of the City of Streator, LaSalle and Livingston Counties, 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 garage with a side yard setback of 3 feet as requested 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.

**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.

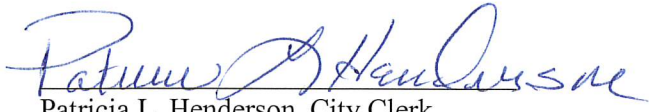
**Section 5:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed by the City Council of the City of Streator, LaSalle and Livingston Counties, Illinois at a regular meeting thereof, held on **April 21, 2021**, 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		√		

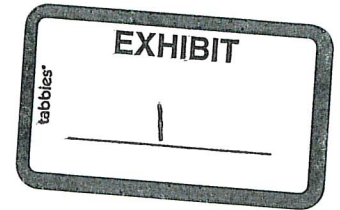
**EXHIBIT A**

(attached)



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

Permit #: 21STR-V00001

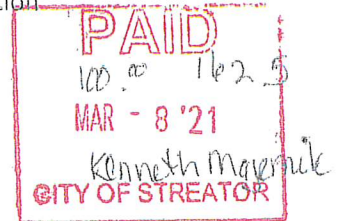


### VARIANCE APPLICATION

Applicant Name: JEFF MAJERNIK Primary Phone #: 815-579-2272  
Mailing Address: 1416 E. MAIN ST. City/State/Zip: STREATOR 61364  
Applicant's Representative: KENNETH MAJERNIK Primary Phone #: 815-579-2925  
Mailing Address: 408 N OTTER CREEK RD. City/State/Zip: STREATOR, IL. 61364

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: BROADWAY 2ND ADDITION Property Tax ID #: 34-30-309-21  
34-30-309-22
- b. Street Address or Common Location: 1416 / 1418 E. MAIN ST.
- c. Describe Reason for request: REQUEST VARIANCE FOR 5' SIDE LOT LINE SET BACK, FOR ERECTION OF 2 GARAGES
- d. Describe the proposed use; characteristics such as operating hours, number of employees, capacity of facility, etc.: N/A
- e. Size of Lot (sq. ft.): 64 X 176 11,264 SQ. FT.
- f. Existing Zoning District: \_\_\_\_\_
- 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: NO IMPACT
- j. How will the proposed variance impact adjacent property values: NO IMPACT JUST BUILDING GARAGES
- k. Will the variance negatively impact the general public health, safety and welfare: ☐ Yes ☒ No



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

- I. 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:

- 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
- 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
- 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
- Is related to the hardship of the applicant's land, rather than personal circumstances, and
- Is related to the unique hardship, or nearly so, rather than to one shared by many surrounding properties, under the same regulation, and
- 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: \_\_\_\_\_ Date: 02-08-2021

Applicant's Signature: Stevie D. Hanson Date: 0-2-08-2021

Subscribed and sworn to before me this 02 day of February, 2021

(Seal)

Kimberly K Broyles  
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.

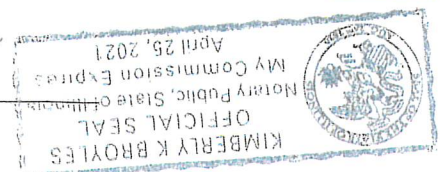
Owner's Signature: Kenneth Majernik AA Date: 2-8-21

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

Subscribed and sworn to before me this 02 day of February, 2021

(Seal)

Kimberly K Broyles  
Notary Public



Kenneth Majernik  
408 N Otter Creek Rd  
Streator, IL 61364-2569

SHAW MEDIA  
EST. 1851  
PO BOX 250  
CRYSTAL LAKE IL 60039-0250  
(815) 459-4040

ORDER CONFIRMATION (CONTINUED)

Salesperson: BARBARA BEHRENS

Printed at 03/08/21 12:55 by bbehr-sm

Acct #: 10182364

Ad #: 1866571

Status: New

**LEGAL NOTICE**

Notice is hereby given in compliance with the Municipal Code of Ordinances of the City of Streator, Illinois, that the City will hold a public hearing before the Board of Appeals of the City of Streator related to an application of the property owners of 1416 and 1418 E Main Street, requesting a variance from the provisions of Title 17, Chapter 17.40, Section 17.40.010 (D) Building Setback Requirements, to allow for variance of the 5' side setback requirements for the construction of two garages.

Due to the ongoing COVID-19 restrictions on public gatherings this public hearing will be conducted as both an in-person meeting as well as a phone-in conference on March 24, 2021 at 6:00 p.m. to allow for social distancing. 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 be included in the meeting.

Additionally, due to social distancing requirements information related to these requests will be available via mail or email for review prior to the public hearing as of March 9, 2021. To request a copy of this information please email [ce@ci.streator.il.us](mailto:ce@ci.streator.il.us) or call 815-672-2517 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 South Bloomington Street, Streator, Illinois 61364.

Jeremy Palm, Community Dev.  
Director/City Engineer  
(Published in The Times March 10,  
2021) 1866571

EXHIBIT

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# City of Streator



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

March 9, 2021

RE: Public Hearing Notice – Requesting a Variance from Setback Requirements  
– 1416 & 1418 E. Main Street  
Lots 21 & 22 in Block 6 Section 30-31-4 of Broadway 2<sup>nd</sup> Addition to the City of Streator.  
Commonly known as 1416 & 1418 E. Main 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 March 24, 2021 in the City Council Chambers of City Hall, 204 South Bloomington Street, Streator on the petition by the property owners, petitioning for a “Variance from Setback Requirements” from provisions of Title 17, Chapter 17.40.010 (D) Building Setback Requirements, to allow for variance of the 5’ side setback requirements for the construction of two garages, on properties 1416 E. Main Street and 1418 E. Main Street, legally described as follows:

Lots 21 & 22 in Block 6 Section 30-31-4 of Broadway 2<sup>nd</sup> Addition to the City of Streator.  
Commonly known as 1416 E. Main Street (Tax ID 34-30-309-021)  
Commonly known as 1418 E. Main Street (Tax ID 34-30-309-022)  
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.

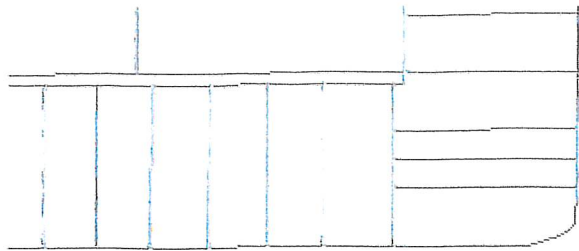
A teleconference option is also available to attend the meeting remotely. Please dial 1-888-386-8750 and use password 25778703 within 10 minutes of the start of the public meeting. If you wish to have input on the Zoning Board of Appeal’s decision you may submit your comments in advance by addressing them to the Zoning Board of Appeal, c/o of the City of Streator, 204 S. Bloomington St. Streator, IL 61364, or call City Hall @ 815.672-2517 and we will see the Zoning Board of Appeals gets your comments.

Cordially,

Jeremy Palm  
Dir. of Community Development

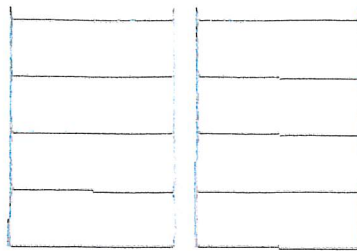




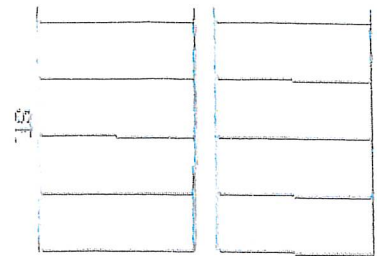


RD.

ST

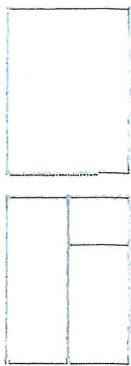


OTTER CREEK RD.

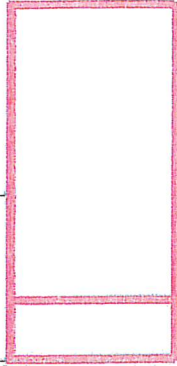
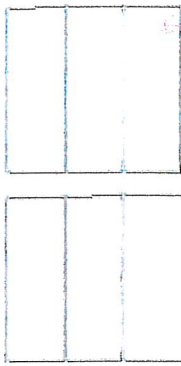


ST.

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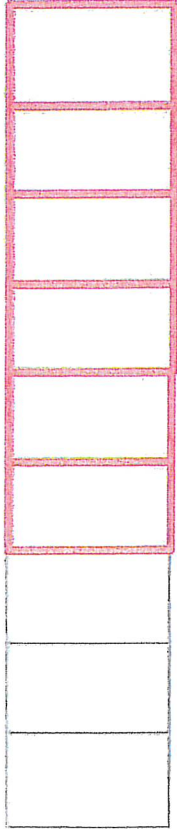
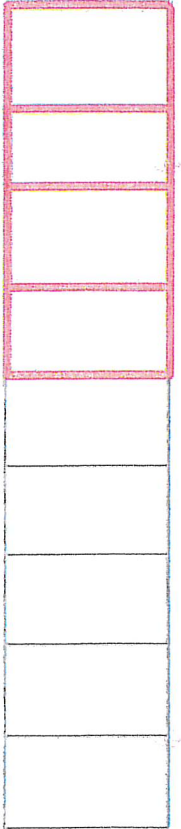
BRIDGE ST.



BIRMINGHAM ST.

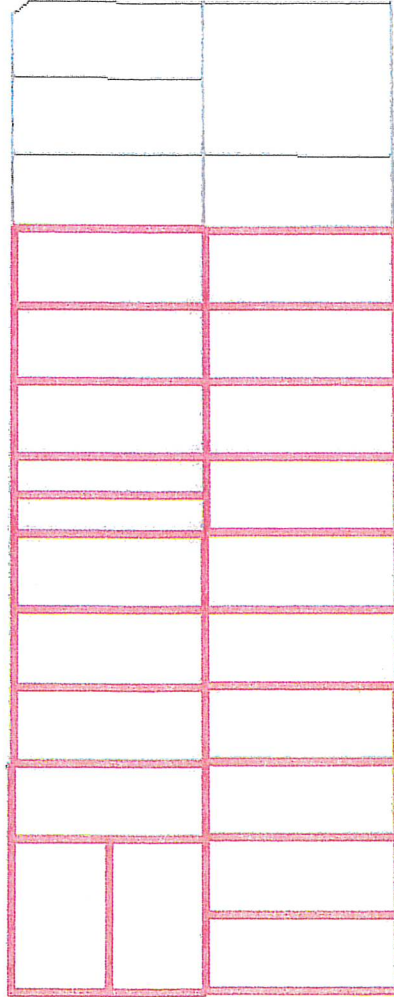


BRIDGE ST.

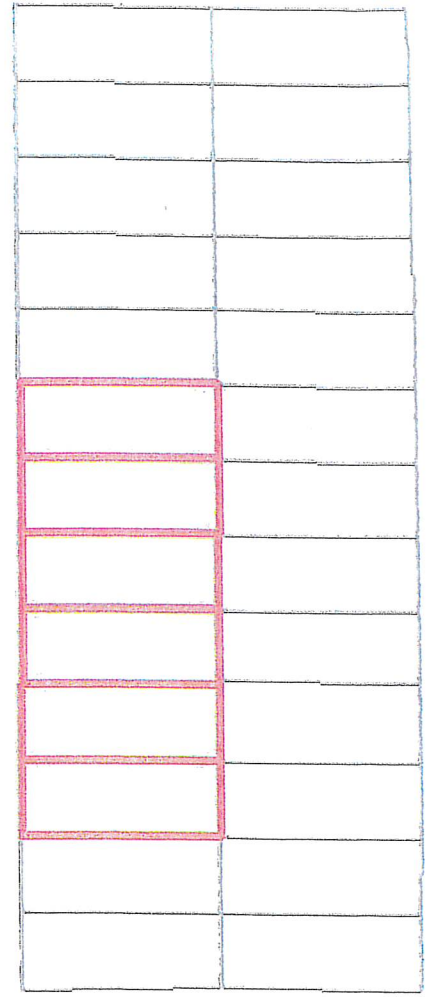
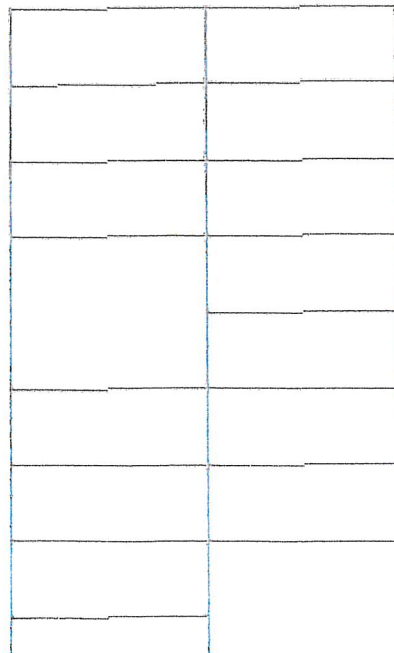


TRINITY RD.

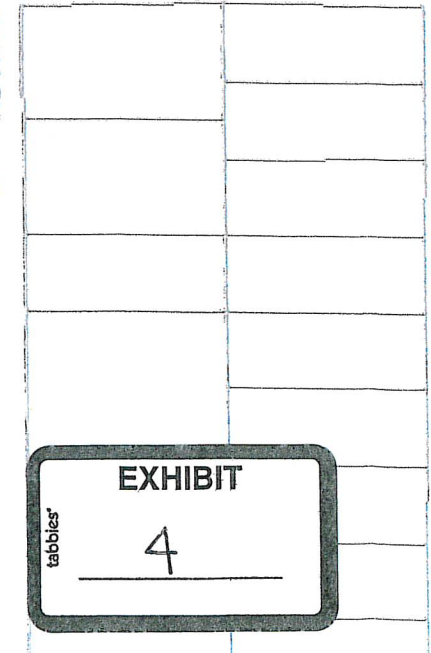
MAIN ST.



CENTER ST.



HICKORY ST.



EXHIBIT

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EXHIBIT

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1.9

1.24

STEVE 16 X 24"  
WILKINSON  
34-30-309-002  
834 SQ FT

RIDGE LINE

PROPOSED  
GARAGE

DOOR

3'

10'

3'

10'

2' X 12' concrete

3' X 30' concrete

JEFF 18 X 30'  
MASTERBARK  
540 SQ FT

4-30-309-21

RIDGE LINE

PROPOSED  
GARAGE

3'

10'

3'

DOOR

10'

## OFFICE MEMORANDUM

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TO City Manager  
FROM Community Development Director  
SUBJECT March ZBA Meeting  
DATE March 15, 2021

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### 1416 and 1418 E Main Street Variance Request

Enclosed with this memo please find an application for a variance request for 1416 and 1418 E Main.

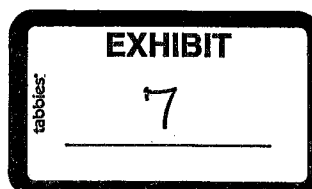
This application is being presented by the owners of the properties to request a variance from Title 17, Chapter 17.40, Section 17.40.010(D) Building Setback Requirements to allow for the construction of two garages that will not meet the required 5' side yard setback. The proposal is for the 1416 E Main property to have a 3' setback and the 1418 E Main property to have a 2' setback.

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:

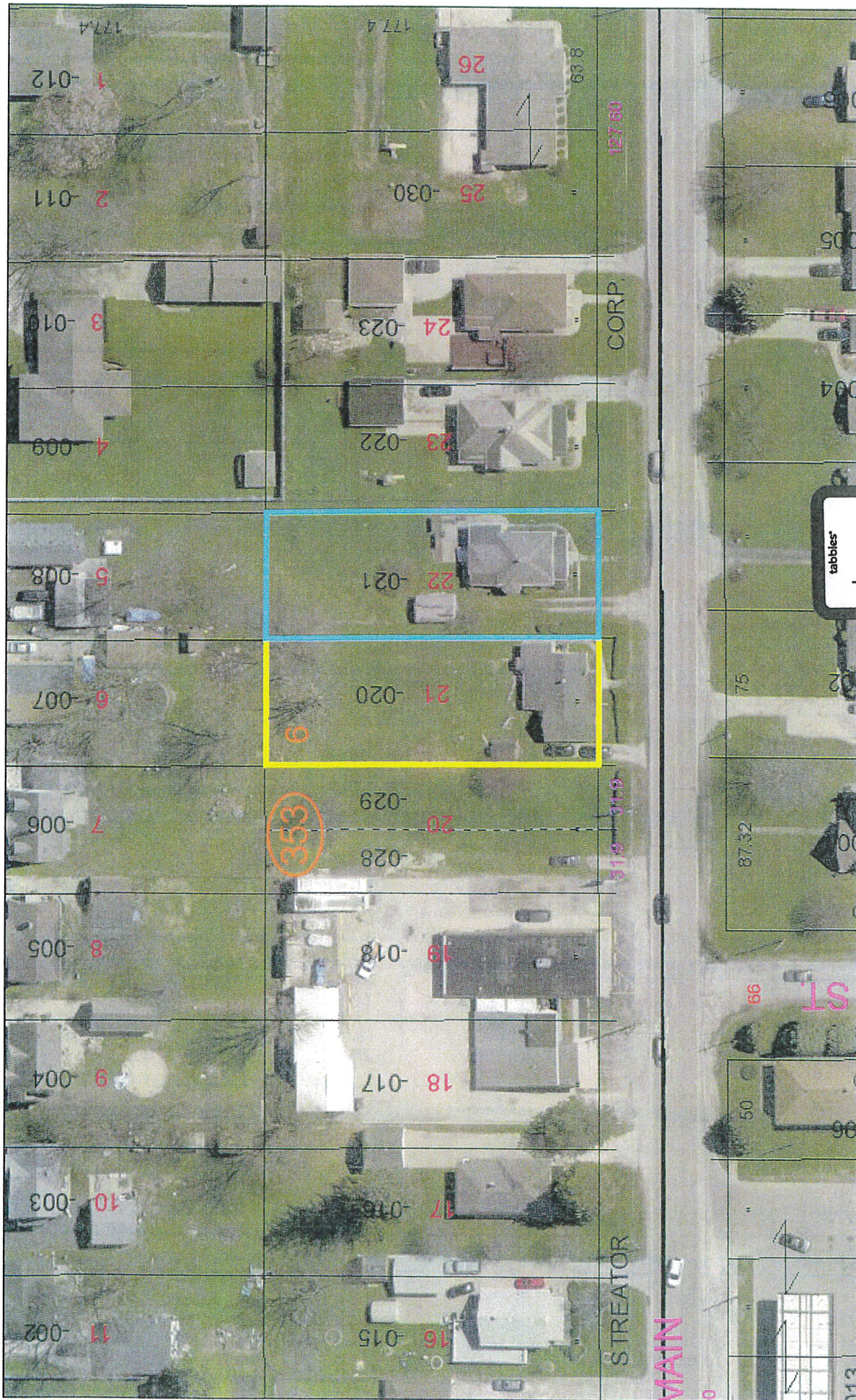
1. The proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding 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, but will increase the potential for fire by decreasing the distance between the two properties that could allow fire to spread more easily from property to property



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. The petition does not appear to meet this requirement so this matter should be discussed by the zoning board
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. The petition does not appear to meet this requirement so this matter should be discussed by the zoning board
4. The hardship relates to the applicant's land, rather than personal circumstances
  - a. The petition does not appear to meet this requirement so this matter should be discussed by the zoning board
5. The hardship is unique, or nearly so, rather than one shared by many surrounding properties, under the same regulation;
  - a. The petition does not appear to meet this requirement so this matter should be discussed by the zoning board

After discussion on each finding the board may only grant a variance if it finds favorably on all six requirements.





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**EXHIBIT**

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March 24, 2021



PETITIONER(S): Majernik &amp; Wilkinson

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. It may reach these conclusions if it finds that:		HALL	HARCAR	LIBBY	OBERHOLTZER
<b>1a</b>	If the variance is granted, an adequate supply of light and air to adjacent property <b>WILL NOT</b> be impaired A "yes" vote means there <u>will not</u> be an impairment to the supply of light and air A "no" vote means the supply of light and air <u>will be</u> impaired	Y	Y	Y	Y
<b>1b</b>	If the variance is granted, there <b>WILL NOT</b> be an unreasonable increase in the congestion in public streets A "yes" vote means there <u>will not</u> be an increase in street congestion A "no" vote means there <u>will be</u> an increase in street congestion	Y	Y	Y	Y
<b>1c</b>	If the variance is granted, public safety <b>WILL NOT</b> be endangered A "yes" vote means public safety <u>will not</u> be endangered A "no" vote means public safety <u>will be</u> endangered	Y	Y	Y	Y
<b>1d</b>	If the variance is granted, established property values within the surrounding area <b>WILL NOT</b> be unreasonably diminished or impaired A "yes" vote means property values <u>will not</u> be diminished or impaired A "no" vote means property values <u>will be</u> diminished or impaired	Y	Y	Y	Y
<b>1e</b>	If the variance is granted, it <b>WILL NOT</b> impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Streator A "yes" vote means public health, safety, comfort, morals or welfare <u>will not</u> be impaired A "no" vote means public health, safety, comfort, morals or welfare <u>will be</u> impaired	Y	Y	Y	Y
<b>2</b>	If the variance is denied and the applicant complies strictly with the provisions of the zoning title, the applicant could not make a reasonable use of their property A "yes" vote means the applicant <u>could not</u> make a reasonable use of the property <u>if the variance is denied</u> A "no" vote means the applicant <u>could</u> make a reasonable use of the property <u>if the variance is denied</u>	N	N	N	N
<b>3</b>	If the variance is denied, the applicant's claimed hardship is a hardship suffered uniquely by the applicant rather than by neighbors or the general public under the same regulation A "yes" vote means the denial of the variance <u>will cause</u> the applicant to suffer a unique hardship which neighbors or members of the general public do not suffer A "no" vote means the denial of the variance <u>will not cause</u> the applicant to suffer a unique hardship	N	N	N	N
<b>4</b>	The applicant's claimed hardship is related to the applicant's land, rather than personal circumstances A "yes" vote means the applicant's hardship <u>is caused</u> by the applicant's land, not by the applicant's personal circumstances A "no" means the applicant's hardship <u>is not caused</u> by the land, but by the applicant's personal circumstance	N	N	N	N
<b>5</b>	The applicant's claimed hardship is unique, or nearly so, rather than a hardship shared by many surrounding properties under the same regulation A "yes" vote means the claimed hardship <u>is unique</u> to the applicant A "no" vote means the claimed hardship <u>is not unique</u> to the applicant and is shared by many surrounding properties which are subject to the same regulation	Y	Y	Y	Y
<b>6</b>	The claimed hardship is not the result of the applicant's own actions A "yes" vote means the applicant's actions <u>did not</u> cause the claimed hardship A "no" vote means the applicant's actions <u>did</u> cause the claimed hardship	N	N	N	N

EXHIBIT A