
**THE CITY OF BLUE ISLAND
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 2017-008**

**AN ORDINANCE GRANTING A VARIATION OF THE BLUE
ISLAND ZONING CODE FOR THE PROPERTY LOCATED AT
2517 ORCHARD STREET, BLUE ISLAND, ILLINOIS**

**DOMINGO F. VARGAS, Mayor
Randy Heuser, City Clerk**

**1st Ward TOM HAWLEY
2nd Ward LETICIA VIEYRA
3rd Ward NANCY RITA
4th Ward CANDACE CARR
5th Ward JANICE OSTLING
6th Ward DEXTER JOHNSON
7th Ward NANCY THOMPSON**

**GEORGE POULOS
FRED BILOTTO
KEVIN DONAHUE
ALECIA SLATTERY
KENNETH PITTMAN
JAIRO FRAUSTO
JAMES JOHANSON**

Aldermen

ORDINANCE NO. 2017-008

**AN ORDINANCE GRANTING A VARIATION OF THE BLUE ISLAND ZONING
CODE FOR THE PROPERTY LOCATED AT 2517 ORCHARD STREET,
BLUE ISLAND, ILLINOIS**

WHEREAS, Michael Mech filed an application for zoning relief with the City of Blue Island requesting a variation for the property located at and commonly known as 2517 Orchard Street, Blue Island, Illinois;

WHEREAS, the existing zoning classification is R-1 single family residential;

WHEREAS, the property is improved with a Chicago-style bungalow that is a designated Blue Island Local Landmark;

WHEREAS, the Zoning Board of Appeals held a public hearing on February 27, 2017 in accordance with Section 166.092(B) of the Blue Island Code of Ordinances;

WHEREAS, proper notice of the meeting of the Zoning Board of Appeals was given and posted in accordance with the Illinois Open Meetings Act; and

WHEREAS, Section 166.092(D)(1)(a) of the Blue Island Code of Ordinances authorizes a variation to permit any yard or setback less than a yard or a setback required by the applicable regulations;

WHEREAS, the Zoning Board of Appeals has recommended that zoning relief be granted at the premises indicated. A true and correct copy of the Findings of Fact from the Blue Island Zoning Board of Appeals and Community Development Department Staff Report are attached hereto;

NOW BE IT ORDAINED, by the City Council of the City of Blue Island, County of Cook, and State of Illinois:

SECTION ONE

The recitals and findings set forth above and in the recommendation of the Blue Island Zoning Board of Appeals regarding the request for zoning relief and variations are incorporated herein by reference the same as if they were fully set forth herein verbatim and the recitals and findings are adopted as the findings of City Council.

SECTION TWO

The variation to the Blue Island Zoning Code is hereby granted based on the proposed standards and conditions summarized in the Staff Report attached hereto which provide: (1) the residential property at 2517 Orchard requires a variation of fifteen (15) feet to the front yard to permit the erection of cedar picket fence, not to exceed thirty-six (36) inches in height.

SECTION THREE

That the variation hereby granted may be revoked by the City Council upon application being made by the City Building Department or any interested department or party and upon a finding by the City Council that the conditions herein established have not been complied with or otherwise violated.

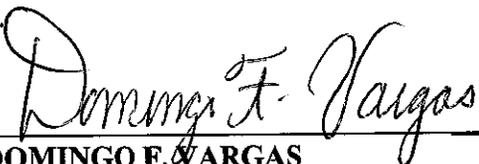
SECTION FOUR

This ordinance shall be in full force and effect upon the date of passage or as otherwise required by law and shall supersede all ordinances, or parts thereof, in conflict herewith. All other provisions of the Blue Island Zoning Code (Title XV Land Usage, Chapter 166 Zoning Code) shall remain unchanged and in full force and effect.

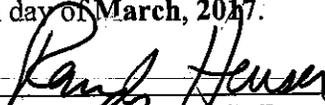
ADOPTED this 14th day of **March, 2017**, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman Hawley	X				
Alderman Poulos			X		
Alderman Vieyra	X				
Alderman Bilotto	X				
Alderman Rita	X				
Alderman Donahue			X		
Alderman Carr	X				
Alderman Slattery	X				
Alderman Ostling	X				
Alderman Pittman	X				
Alderman Johnson			X		
Alderman Frausto			X		
Alderman Thompson			X		
Alderman Johanson	X				
Mayor Vargas					
TOTAL	9		5		

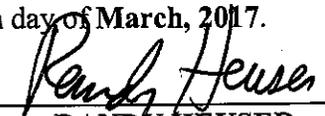
APPROVED by the Mayor on **March 14, 2017**.


DOMINGO F. VARGAS
MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and Filed in my office this
14th day of March, 2017.


RANDY HEUSER
CITY CLERK

PUBLISHED in pamphlet form this
14th day of March, 2017.


RANDY HEUSER
CITY CLERK

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

CERTIFICATE

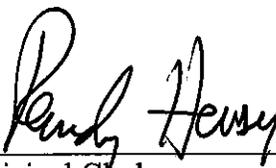
I, Randy Heuser, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

I further certify that on **March 14, 2017** the Corporate Authorities of such municipality passed and approved Ordinance No. **2017 - 008** entitled: **AN ORDINANCE GRANTING A VARIATION OF THE BLUE ISLAND ZONING CODE FOR THE PROPERTY LOCATED AT 2517 ORCHARD STREET, BLUE ISLAND, ILLINOIS.** Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2017 – 008** including the Ordinance and a cover sheet thereof, was as prepared, and a copy of such Ordinance posted in the municipal building commencing **March 14, 2017** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Blue Island, Illinois, this **14th** day of **March, 2017.**

(SEAL)



Municipal Clerk

**CITY OF BLUE ISLAND ZONING BOARD OF APPEALS
FINDINGS OF FACT**

PUBLIC HEARING OF FEBRUARY 27, 2017

Michael Mech, 2517 Orchard Street, Blue Island

On February 27, 2017, the Blue Island Zoning Board of Appeals voted unanimously (4-0) to adopt Findings of Fact recommending City Council approval of a variation to the R-1 Single Family use table, pursuant to Section 166.092(D)(1)(a) of the Blue Island Code of Ordinances, to permit any yard or setback less than a yard or a setback required by the applicable regulations. 2517 Orchard Street requests a front yard setback variation of 15 feet.

Section 166.092(1) Standards: The City Council shall not vary the regulations relating to use, construction or alteration of buildings or structures or the use of land as authorized in this Ordinance, unless the Zoning Board of Appeals shall have made findings based upon the evidence presented to it in each specific case that the following conditions have been complied with:

a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.

Finding: The Zoning Board of Appeals finds that the property was improved with structures and the use established before adoption of the current zoning regulations.

b. The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which would result if the strict letter of the regulations were carried out and which is not generally applicable to other property within the same district.

Finding: The Zoning Board of Appeals finds that the existing improvements on the lot provides a demonstrable hardship.

c. The alleged hardship has not been created by any person presently having a proprietary interest in the premises.

Finding: The Zoning Board of Appeals finds that the existing improvements were built before the current owners purchased the property.

d. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

Finding: The Zoning Board of Appeals finds that the proposed variation will not be detrimental to the neighborhood and is in harmony with the property's designated local landmark status.

e. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

Finding: The Zoning Board of Appeals finds that the proposed variation does impair adjacent property, public streets or endanger safety.

f. The proposed variation will not alter the essential character of the neighborhood.

Finding: The Zoning Board of Appeals finds that the proposed variation will not alter the character of the neighborhood and enhance the character of the landmark property.

g. The proposed variation is in harmony with the spirit and intent of this Comprehensive Amendment [Blue Island Zoning Ordinance of 1971, as amended].

Finding: The Zoning Board of Appeals finds that the proposed variation conforms to the intent of the Blue Island Zoning Code.



City of Blue Island
13051 Greenwood Ave
Blue Island, IL 60406
www.blueisland.org

COMMUNITY DEVELOPMENT DEPARTMENT

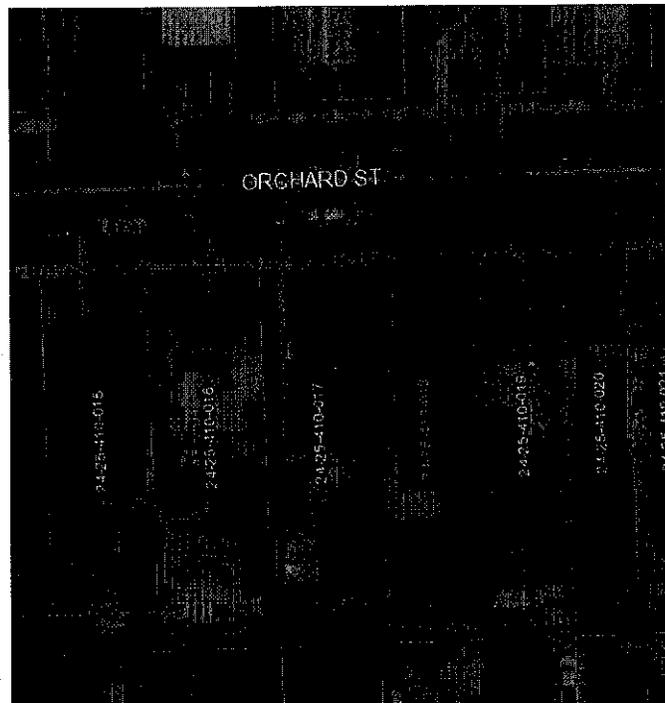
STAFF RECOMMENDATION REPORT

DATE: MARCH 6, 2017

PREPARED BY: JASON BERRY, AICP

This report is prepared by the City of Blue Island Community Development Department to provide a summary of information as it relates to projects reviewed by the Zoning Board of Appeal on the scheduled appeal hearing date: Monday, February 27, 2016.

APPLICANT: MICHAEL MECH
LOCATION: 2517 ORCHARD STREET
RE: FENCE VARIATION
ZONING: R-1 Single Family Residence



I. Project Description

The applicant seeks a Variation to permit a fence within the front yard setback in the R-1 district. The applicant seeks to erect a 4 foot tall, spaced picket fence (see attachment) constructed of cedar along the front lot line of Orchard Street

Building setbacks on the block are irregular, but all less than the required 25 feet. Most are equivalent to the minimum block average setback of 15 feet. The proposed fence would encroach 15 feet into the required setback.

The subject property is located mid-block and improved with a single family home and garage. The residence has been designated a Blue Island Local Landmark.

II. Approvals Required

The variation process begins with a public hearing before the Zoning Board of Appeals, which offers its recommendation to City Council for final determination.

III. Standards for Variations

Per *Section 8.7 Variations (3) Standards for Variations* of Ordinance 2151 the Zoning Board of Appeals must take the following standards into consideration when determining a variation to and building, structure or use.

- A. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
- B. The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which would result if the strict letter of the regulations were carried out and which is not generally applicable to other property within the same district.
- C. The alleged hardship has not been created by any person presently having a proprietary interest in the premises.
- D. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
- E. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.
- F. The proposed variation will not alter the essential character of the neighborhood.
- G. The proposed variation is in harmony with the spirit and intent of this Comprehensive Amendment [the Blue Island Zoning Code].

The Zoning Board of Appeals may recommend the imposition of such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards established in this Article, paragraph 8.7(3) above, to reduce or minimize the effect of such variation upon other properties in the neighborhood, and to better carry out the general intent of this Ordinance.

IV. Authorized Variations

Per *Section 8.7 Variations (4) Authorized Variations* – Variations from the regulations of the City of Blue Island Zoning Code shall be granted by the City Council only in accordance with the standards established above.

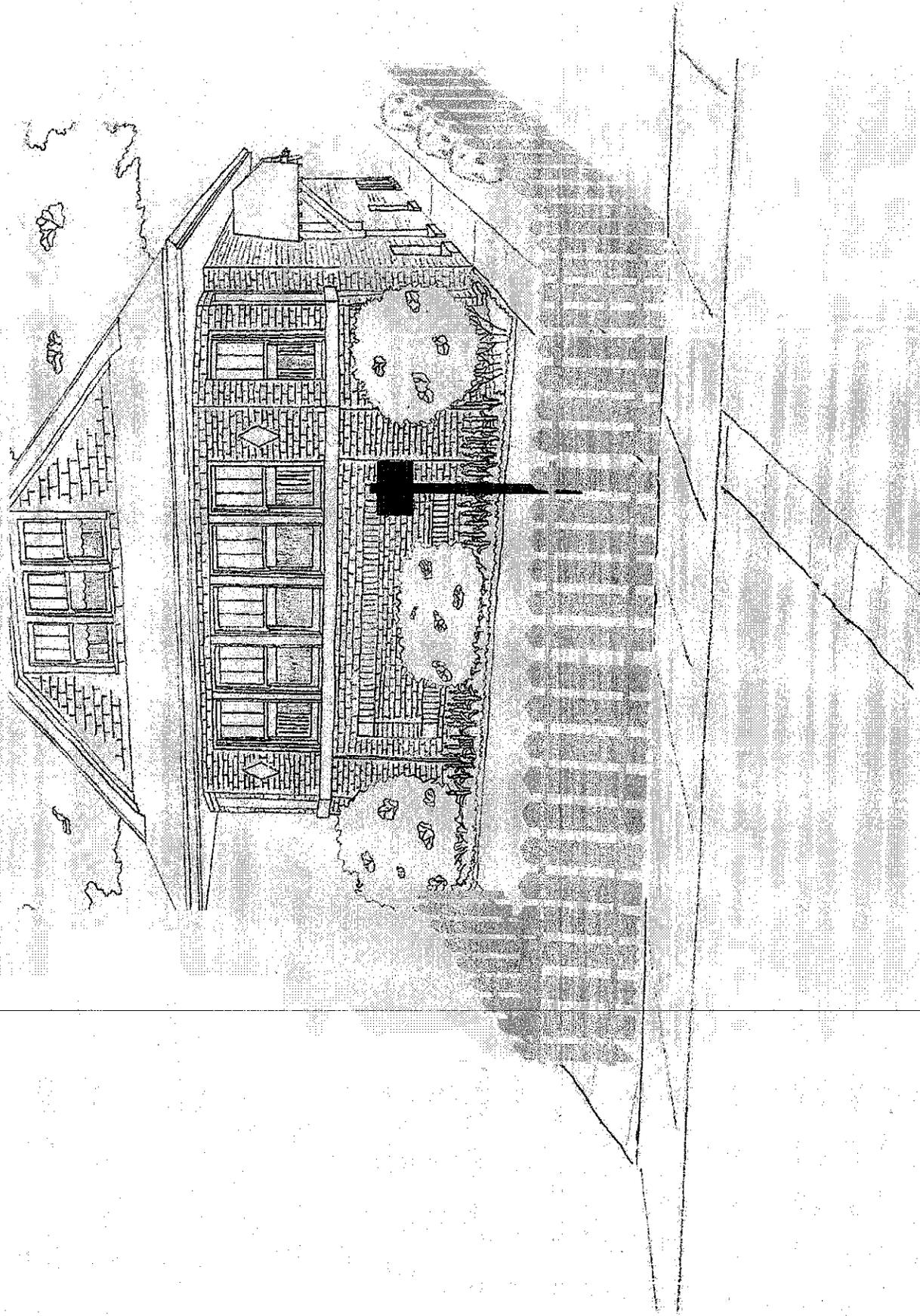
The applicant seeks a Variation pursuant to Section 8.7(4)a:
To permit any yard or setback less than a yard or a setback required by the applicable regulations.

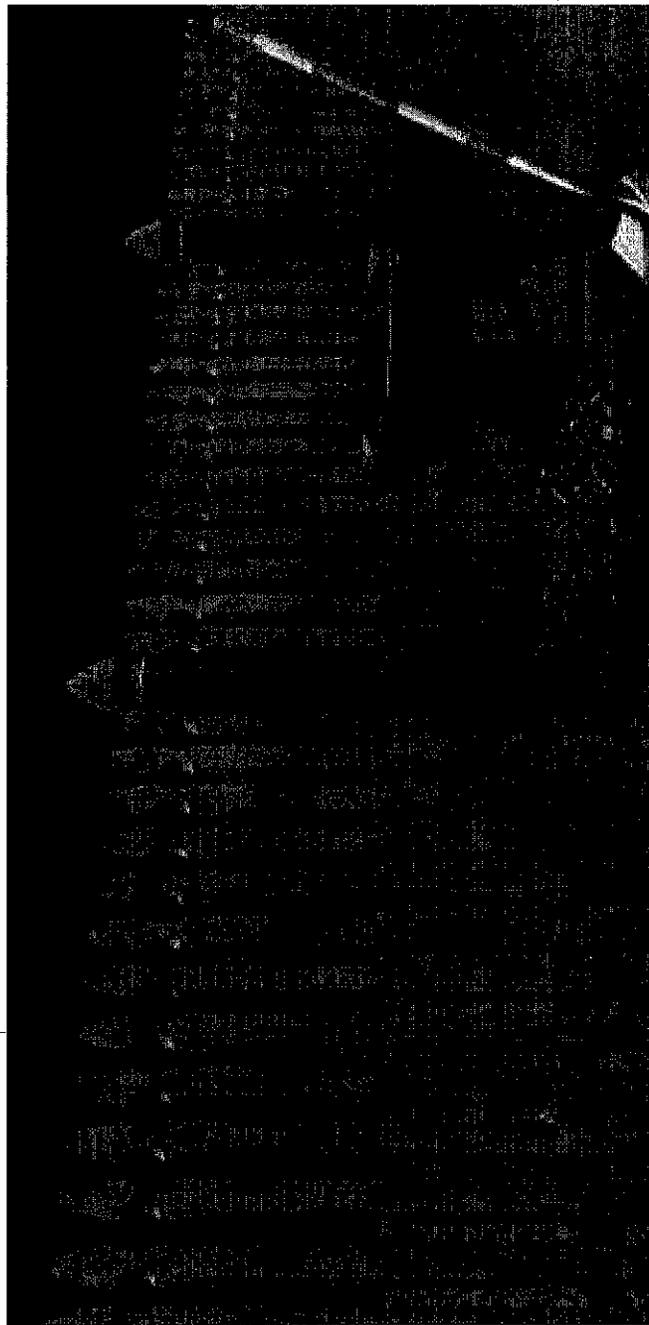
V. Staff Summary

The hardship was not created by the applicant, as the home has a non-conforming setback. The proposed variation will not be detrimental to welfare, impair adjacent property or be detrimental to the character of the neighborhood. The variation is otherwise in harmony with the Zoning Code and would meet all the requirements of the Building Code.

VI. Attachments

- Zoning Relief Application
- Plat of Survey
- Proposed Rendering and Materials





Cedar French Gothic Spaced Picket

Description	Model Number
<p>42" x 8' Panel - Actual Size 41-1/2" x 96-1/2" Picket Dimensions - Actual Size 5/8" x 3-1/2" W x 42" H Space Between Pickets - 3-3/4" Backer Rail Heights (from ground) - 6-3/4", 32" Pickets per Panel - 13</p>	6393
<p>42" x 45' Gate - Actual Size 41-1/2" x 45"</p>	8037



**Variation: Front Yard Setback
2517 Orchard Street
3/8/2017**

I. Introduction and Purpose

City of Blue Island received an application to grant a variation to the front yard setback from Michael Mech for the property located at 2517 Orchard Street in the R-1 Single Family Residential zoning district.

II. Discussion/Highlights

The applicant requests a variation of 15 feet to erect a cedar picket fence to the sidewalk line, enclosing the front yard along the front and side lot lines. The proposed fence will not exceed 42 inches in height. The home is a Chicago-style bungalow and a designated Local Landmark.

On February 27, 2017 the Zoning Board of Appeals (ZBA) voted unanimously in favor (4-0) to grant the variation.

III. Conclusion and Recommendation

Recommendation to grant variation.

Staff contact: Jason Berry, ACIP, Deputy Director of Community Development

Email: jberry@cityofblueisland.org
