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

**ORDINANCE
NUMBER 2019-041**

**AN ORDINANCE AUTHORIZING A FENCE VARIANCE
WITHIN THE FRONT YARD IN A CORNER PROPERTY IN
BLUE ISLAND, ILLINOIS**

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

**DEXTER JOHNSON
FRED BILOTTO
NANCY RITA
TOM HAWLEY
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**ANNETTE ALEXANDER
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JOHNNY RINGO HILL
RAEANN CANTELO-ZYLMAN
JAMES KLINKER**

Aldermen

ORDINANCE NO. 2019-041

**AN ORDINANCE AUTHORIZING A FENCE VARIANCE
WITHIN THE FRONT YARD IN A CORNER PROPERTY IN
BLUE ISLAND, ILLINOIS**

WHEREAS, the Zoning Board of Appeals heard a petition for a fence variance to permit a fence to be located within the front yard of the corner property at 2029 Broadway Street, Blue Island, Illinois 60406. The property owner, Arthur J. Weir, requested the variance to permit installation of a fence in the front yard of the property. The proposed white vinyl privacy fence will be six feet tall, and it will be installed where the older chain-link is currently located; and

WHEREAS, the legal description of the property is set forth in Exhibit “A” (the “*Property*”).

WHEREAS, the existing zoning classification of the property is a Single-Family Residential District (R-1) zone, which allows for single-family homes; and

WHEREAS, the Zoning Board of Appeals (the “*Zoning Board*”) caused the appropriate notice of hearing on the application to be published in accordance with § 166.095(D) of the Blue Island Code of Ordinances; and

WHEREAS, on August 5, 2019, the Zoning Board held a public hearing to hear testimony and consider the petition, along with all other requested and supporting documents submitted by the Applicant. The Zoning Board of Appeals decided it was appropriate to allow the applicant to install a new solid white vinyl fence within with the corner front yard for privacy reasons; and

WHEREAS, the Zoning Board of Appeals after due consideration has found that:

- (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 (*The applicant is simply installing a new privacy vinyl fence to be located*

where a chain-link fence existed. Because the privacy vinyl fence is considered new for zoning purposes, a fence variance is required for this fence.);

- (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 (*The applicant proposes to install a new six-foot tall white vinyl fence for privacy.);*
- (c) The alleged hardship has not been created by any person presently having a proprietary interest in the premises (*The applicant is changing from an existing chain-link fence to a new solid privacy fence. Because zoning does not allow for a fence encroachment within the front yard of a corner property, the applicant must apply for a fence variance.);*
- (d) The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood (*The applicant is installing a new fence for privacy. The new fence will not detract from the neighborhood since the applicant has illustrated and documented that other corner properties have similar fences that encroach into the front yards of corner properties.);*
- (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 (*The applicant will install a new fence within his property, which will not impair adequate light or air to adjacent*

properties. The new fence is located on a corner lot and will not impair site visibility for passing vehicles. The new fence will also provide privacy.);

(f) The proposed variation will not alter the essential character of the neighborhood *(The applicant has illustrated and documented that other corner properties have similar fences. The applicant's proposed fence is comparable to other fences located on similar properties in the neighborhood.);*

(g) The proposed variation is in harmony with the spirit and intent of this section of the Zoning Ordinance *(The applicant is proposing a fence comparable to other fences located on similar properties in the neighborhood. The applicant has properly applied for a fence variance in accordance with the requirements of the Zoning Ordinance.);*

WHEREAS, a true and correct copy of the Findings of Fact and Recommendation of the Zoning Board of Appeals is attached hereto as Exhibit "B."

WHEREAS, the Zoning Board of Appeals has recommended a fence variance within the front yard of a corner property, which is located at 2029 Broadway Street; and

WHEREAS, the Mayor and City Council of the City of Blue Island, after due consideration, have determined that a fence variance permitting a fence to be located within the front yard of the corner property at 2029 Broadway Street, Blue Island, Illinois, 60406 be granted, subject to the following conditions:

1. That the fence variance herein requested shall, except as varied by this ordinance, shall conform to all applicable district regulations, codes, and ordinances of the City of Blue Island.

2. That future plans and specifications for building, construction, or development and with respect to all improvements of any kind or nature to the premises be approved by the Building Department of the City of Blue Island and, when required, by any other department of the city.

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

Section One

That the recitals and findings set forth above are incorporated herein by reference, the same as if they were fully set forth herein verbatim, and they are adopted as the findings of the City Council.

Section Two

The written findings of fact and recommendation of the Zoning Board relative to the petition requesting a fence variance to allow installation of a fence to be located within the front yard of a corner property are hereby accepted, incorporated herein by reference in their entirety, and adopted as the findings of the City Council. All documents and exhibits submitted at the aforesaid public hearing are also incorporated by reference into this Ordinance.

Section Three

That the City Clerk of the City of Blue Island is hereby authorized to issue a fence variance permitting a fence to be located in the front yard of the corner property at 2029 Broadway Street, Blue Island, Illinois, subject to the following conditions:

1. That the fence variance herein requested shall, except as varied by this ordinance, conform to all applicable district regulations, codes, and ordinances of the City of Blue Island.

2. That future plans and specifications for building, construction, or development and with respect to all improvements of any kind or nature to the premises be approved by the Building Department of the City of Blue Island and, when required, by any other department of the city.

Section Four

That the fence variance authorized herein, permitting a fence to be located within the front yard of the corner property at 2029 Broadway Street, may be revoked by the City Council of the City of Blue Island upon application being made to the City Council by the Blue Island Building Department, or any interested party, and upon a finding by the City Council that the conditions herein established have not been complied with.

Section Five

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Six

This ordinance shall be in full force and effect from and after its passage and approval as required by law.

Section Seven

That the City Clerk is further directed to forward a copy of this ordinance to the applicant as notification of the passage and approval of this ordinance.

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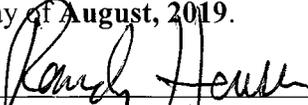
ADOPTED this 27th day of August, 2019, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman Johnson			X		
Alderman Alexander	X				
Alderman Bilotto	X				
Alderman Cazares			X		
Alderman Rita	X				
Alderman Donahue	X				
Alderman Hawley	X				
Alderman Fahrenwald	X				
Alderman Mech	X				
Alderman Hill	X				
Alderman Cantelo-Zylman	X				
Alderman Carr	X				
Alderman Slattery			X		
Alderman Klinker	X				
Mayor Vargas					
TOTAL	11		3		

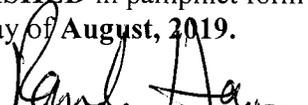
APPROVED by the Mayor on August 27, 2019.


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

ATTESTED and Filed in my office this
 27th day of August, 2019.


 RANDY HEUSER, CITY CLERK

PUBLISHED in pamphlet form this
 27th day of August, 2019.


 RANDY HEUSER, CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF COOK) ss.

CERTIFICATE

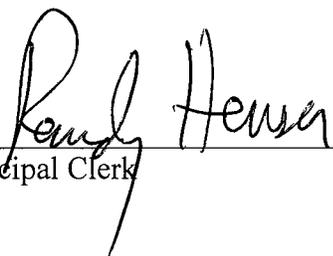
I, Randy Heuser, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

I further certify that on **August 27, 2019** the Corporate Authorities of such municipality passed and approved Ordinance No. **2019 – 041** entitled: **AN ORDINANCE AUTHORIZING A FENCE VARIANCE WITHIN THE FRONT YARD IN A CORNER PROPERTY IN BLUE ISLAND, ILLINOIS.** Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2019 – 041** including the Ordinance and a cover sheet thereof, was as prepared, and a copy of such Ordinance posted in the municipal building commencing **August 27, 2019** 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 **27th** day of **August, 2019.**

(SEAL)



Municipal Clerk

EXHIBIT A
Legal Description

PIN: 25-31-352-001-0000.

Legal Description:

LOT 5 IN BLOCK 118 IN BLUE ISLAND, FORMERLY PORTLAND, IN, THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDEAN, IN COOK COUNTY, ILLINOIS.

Common Address: 2029 Broadway Street, Blue Island, Illinois 60406

EXHIBIT "B"

**RECOMMENDATION OF THE
BLUE ISLAND ZONING BOARD OF APPEALS**

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**City of Blue Island
Building & Zoning Department**

13051 Greenwood Avenue
Blue Island, IL 60406
Office (708) 597-8606
Fax (708) 396-2686
building@cityofblueisland.org

Date: Monday, August 5, 2019 (Zoning Board of Appeals Hearing)
To: Members of the Zoning Board of Appeals (ZBA)
From: Howard M. Coppari, Community Development Manager
Subject: Residential Privacy Fence Variance in an R-1 Zone

Introduction:

Arthur J. Weir, the property owner, is interested in installing a new privacy fence within the front yard of his corner property. His property is located at 2029 W. Broadway Street in Blue Island.

The property is zoned Single-Family Residential District (R-1 zone), and the property contains a single-family house situated in a mostly residential neighborhood.

Notification requirements for this application have been satisfied. A legal notice was published in the *Daily Southtown*, which is part of the Chicago Tribune Media Group, and a sign was posted on the property.

Staff Analysis:

Arthur J. Weir, the property owner, is interested in installing a brand new white vinyl fence within the front yard of his corner property. The new fence will replace the existing chain link fence that is in poor condition.

The existing chain link fence was installed a very long time ago without a variance. Mr. Weir confirmed this fact to staff. The old chain link fence is about five feet (5') tall and has been in continuous use since it was first installed. The existing chain link fence is located within the front, corner side yard of his property.

However, Mr. Weir is interested in removing the existing chain link fence and installing a new white vinyl fence in its exact location. The new privacy fence will be six feet (6') tall. The length of the new fence will be eighty-one feet (81') in length and twelve feet (12') in width. *(Please review the highlighted area on the plat of survey plan for a visual view of the fence location attached with this staff report.)*

The new privacy fence will be located within the front yard of a corner property. In Blue Island, a corner property has two front yards, and a fence is not allowed in a front yard of a corner property. In this situation, Mr. Weir has a front door facing on S. Seeley Avenue, which connotes his front entrance, but his property's address is referred as 2029 W. Broadway Street. In either case, his property contains two (2) front yards.

Mr. Weir is allowed to install a new privacy fence within the corner side of his property, which is facing S. Seeley Avenue, but he would "only" be allowed to locate the fence outside of the front yard setback (more commonly known as the building line). Mr. Weir intends to install his new privacy fence within the front yard setback area and place the fence up to his property line adjacent to the existing sidewalk on S. Seeley Avenue. This is not allowed, and a variance is required for this fence.

The variance in question is shown below:

Section 8.7(4)a. - To permit any yard or setback less than a yard or a setback required by the applicable regulations.

Staff Report (Continued)

Per *Section 5.13(2) Walls and Fences*, either a wall or a fence are permitted in all yards, except within the front yards in an R-1 zone, and they are subject to the visibility requirements. This zoning section makes it very clear that fences are prohibited in a front yard area.

In most cases, fences are not allowed in a front yard because it creates a “physical” nuisance to the other neighbors within the neighborhood. Mr. Weir’s case, the fence would provide him with comfort and security.

Both he and his wife have experienced instances in being verbally and visually harassed by people passing by their property. Below is snippet of issues that Mr. Weir and his wife have experienced:

Mr. Weir stated, “The foot traffic in the area has increased considerably. We also had unwanted attention from residents of the apartment complexes nearby. My wife had instances where she was going to the garage, and she felt [being] harassed when people would yell out comments to her.” Mr. Weir goes on further, “I have also had instances where I’m playing basketball, and people would stop and ask if they could play as well. Recently, I had a person get upset that I told them no. We have also had an issue with a couple of young girls from the apartment east of us where they have gone into our backyard when they felt we were not home.” Finally, Mr. Weir said, “My wife and I believe that by replacing the current fence with a privacy one that it will minimize instances like this, and allow us to feel more comfortable on our property.”

Clearly, the Mr. Weir is seeking a fence variance because he and his wife are experiencing more intrusion into their “physical and personal” space without having a privacy fence. Their hardship is that the fence will give them a piece of comfort and privacy that they are not experiencing with only a china link fence. They would like to physically separate themselves with people passing by their house and being very impolite with them. Mr. Weir and his wife are not trying to be bad neighbors by erecting a privacy fence, but they are trying to secure their personal space in a better manner.

Standards for a Variance:

After hearing the testimony from the applicant, the Zoning Board of Appeals will review the standards for the issuance of a variance as set forth in Article VIII, Section 8.7 (3) (a) through (g), inclusive, and finds as follows:

- (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;

There is no financial gain. I have lived at this home since I was born, and my wife and I hope to continue to live there and feel comfortable on our property. Unfortunately, some of the interactions with residents of the apartment complexes near our home the past couple of years has made it a bit more difficult to feel safe and comfortable on our property. Also, the existing chain link fence is in need of repair, and we wanted to choose materials of a high quality that also fit well with the design of the home and the character of the neighborhood.

- (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;

Staff Report (Continued)

My wife and I are requesting this variance due to safety and privacy concerns. My wife has had instances where she has felt harassed by individuals passing by as she is leaving for work or in the backyard. I have had instances where I am playing basketball and people from the apartment complex south of our home have asked if they can play as well as other unwanted interactions. Recently, I had an individual show frustration when I told them no. We have also had an issue with a couple girls from the apartments east of us who have regularly gone into our backyard and left our swing gate open. We are hoping that a privacy fence will help alleviate some of these issues and any future ones.

- (c) The alleged hardship has not been created by any person presently having a proprietary interest in the premises;

Our home sits on a busier corner where it is inevitable that we will receive foot traffic past our home regularly. This is out of our control and the current fence installed does not give enough privacy for our current situation.

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

The materials used will be of high-quality vinyl and would be installed by a reputable company. Since there is no other property adjacent to the fence it will not affect any neighboring properties.

- (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;

The new fence will not affect light and air supply and would sit far enough away from the street, which would not make it possible to increase congestion. It would also not play a factor in any sort of fire or other public safety concerns.

- (f) The proposed variation will not alter the essential character of the neighborhood; and

The variation would not alter the essential character of the neighborhood. I also have two neighbors on the corners of Seeley and Canal that have 6-foot privacy fences of a similar fashion that I am proposing. I also believe this would add to the beauty of the corner since it is made of high-quality construction and aesthetically would look much better since my home has white accents.

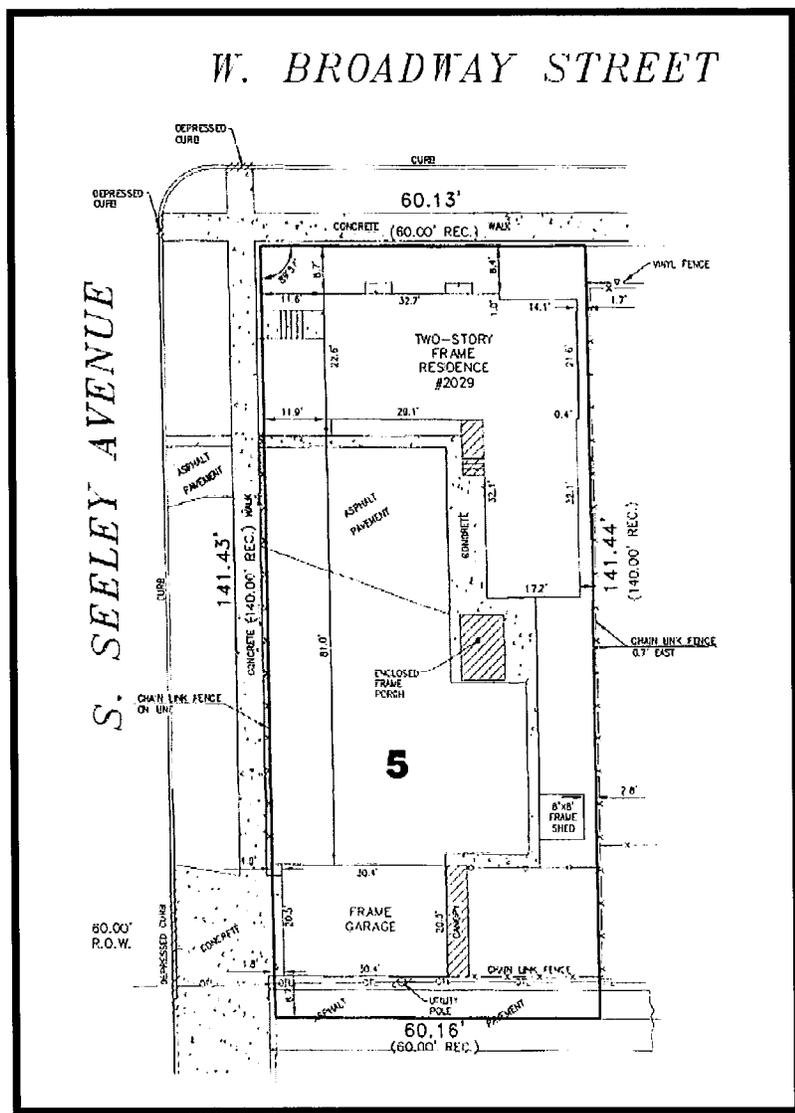
- (g) The proposed variation is in harmony with the spirit and intent of this chapter.

My proposal is based on security and would also improve the appearance of the property since the current fence which has structural issues would be replaced with a high-quality fence with an attractive design that requires minimal maintenance.

Attachments:

- Zoning Relief Application for a Fence Variance
- Required Zoning Findings for a Parking Variance
- Warranty Deed; Legal Description included
- Plat of Survey
- Certification of Taxes Paid
- Existing Photos of Chain Link Fence; Proposed Vinyl Fence Rendering
- Application Fee
- Sign Security Deposit

Plat of Survey: “Highlighted in Yellow” for New Privacy Fence:



Staff Photos (taken on 07-17-19):



Existing chain link fence with temporary zoning sign.



Area where the new vinyl privacy fence will be installed.



Neighbor's house with a covered chain link fence in the front yard of a corner property.



City of Blue Island
Building & Zoning Department
13051 Greenwood Avenue
Blue Island, IL 60406
Office (708) 597-8606
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building@cityofblueisland.org

ZONING MEMO

Date: August 6, 2019

To: Community Development Committee

Re: Zoning Board of Appeals Cases

On Monday, August 5, 2019, the Zoning Board of Appeals (ZBA) held a Zoning Hearing, and they voted on the following items:

1. Approval of Minutes for July 8, 2019:

AYES	<u>5</u>	Frausto, Hardy, Atwell, Martin, Griffin
NAYS	<u>0</u>	
ABSTAIN	<u>0</u>	
ABSENT	<u>2</u>	Johanson, Richardella

2. Approval of a Special Use for a “Tavern or Bar” and a Parking Variance at 2201 Vermont Street (two votes – one for use and one for parking - were taken with same results):

AYES	<u>5</u>	Frausto, Hardy, Atwell, Martin, Griffin
NAYS	<u>0</u>	
ABSTAIN	<u>0</u>	
ABSENT	<u>2</u>	Johanson, Richardella

The ZBA board members asked many parking-related questions; they were comfortable with the use; and the video gaming aspect was not a problem with them.

3. Approval of a fence variance to intrude into the front yard of a corner property at 2209 Broadway Street:

AYES	<u>5</u>	Frausto, Hardy, Atwell, Martin, Griffin
NAYS	<u>0</u>	
ABSTAIN	<u>0</u>	
ABSENT	<u>2</u>	Johanson, Richardella

The ZBA board members took into consideration the lack of privacy that Arthur J. Weir has experienced at his corner property. They concluded that a six-foot tall white vinyl fence will help provide for some peace and tranquility at his property, which he shares with his wife.