



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

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**ZONING BOARD OF APPEALS**

**CITY COUNCIL EAST ANNEX BUILDING  
2434 VERMONT STREET  
BLUE ISLAND, IL 60406**

Commissioner Chairman Clifford Griffin called the meeting to order at 7:10 PM on October 18, 2018.

**I. Roll Call**

Present

Brandon Richardella  
Clifford Griffin  
Jeffrey Atwell  
Joseph Martin  
Vonda Hardy

Staff

Howard M. Coppari, Community Development Manager

Absent

Eric Frausto  
James Johanson

**II. Approval of Minutes**

Vote on the motion as follows: 09-20-18 ZBA Minutes (Jermaine Walker's Application)

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

**III. Public Comment**

None

**IV. Old Business**

None

**V. New Business**

2270 Grove Street /13145 Chatham Street, Blue Island, IL 60406, Erin Muldoon Stetson (applicant)

Variance to allow the continuance of a secondary principal building on a single zoning lot of record.

## Minutes for the Zoning Board of Appeals (Continue)

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Commissioner Chair Griffin called to order the Zoning Board of Appeals meeting. Mr. Griffin asked for Commissioner Atwell to conduct a roll call of commissioners present for the meeting. Mr. Griffin asked for everyone to stand up and pledge alliance to the flag.

Chair Griffin introduced Edward Muldoon (property owner, father to Erin Muldoon Stetson) and Erin Muldoon Stetson (applicant, daughter to Edward Muldoon) to the board, and he acknowledged no one else was present from the general public. Mr. Griffin allowed for Ms. Stetson to introduce her variance to the board.

Ms. Stetson explained that her father purchased the property in March of 2018 as a single zoning lot with two principal buildings with an attached two-car garage. She further explained that her father purchased the property with the understanding that the site had two buildings with four dwelling units, and they would like to continue the same use of the property. Ms. Stetson said it was determined by the building department that a variance was needed for the property to continue the use of the coach house as a building with two dwelling units.

Commissioner Hardy asked Ms. Stetson, "Who will live there?" Ms. Stetson said she might live on the property, and she will also rent the other dwelling units to anyone.

Commissioner Richardella asked about the current parking situation. Ms. Stetson said the property has access to onstreet parking on Chatham Street. Commissioner Richardella asked Community Development Manager Howard Coppari about the parking scenario as well. Mr. Coppari responded that Ms. Stetson was correct that tenants can park on Chatham Street. He explained that the existing two-car garage appears to service the occupants in the blue colored house and no garage space was available for the white colored coach house residents.

Mr. Coppari confirmed he inspected the property and looked for onstreet parking signs, but he could not find any signs on Chatham Street. Once, Chatham Street did not allow for onstreet parking because it was associated with the Chatham Street Bridge, but the bridge was modified from vehicular to pedestrian only and non-motorized vehicle use. Eventually, "no parking" signs were removed and residents can now park on Chatham Street.

Mr. Coppari confessed the property should accommodate for parking for inhabitants for all four dwelling units. He stated that simply parking on the existing driveway or on Chatham Street was not feasible in the greater picture of things. Mr. Coppari reiterated that sheltered parking spaces are required by zoning code. Mr. Muldoon offered to construct an additional driveway to accommodate for the lack of parking. Again, Mr. Coppari said that parking and congestion were two items noted in his staff report that were questionable and deficient with the current property.

Commissioner Martin asked Ms. Stetson that he was still confused about who will live on the property. Ms. Stetson replied she might live there, but she would also rent to other people. Commissioner Richardella also chimed in with the same request.

Commissioner Martin considered the property to be single family. Commissioner Hardy chimed on the validity of the secondary principal building.

Mr. Coppari interjected and spoke in greater details about the non-conformity dilemma pertaining to the second principal building. Mr. Coppari explained that the two buildings were currently vacant, and nobody was living onsite

## Minutes for the Zoning Board of Appeals (Continue)

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for a very long time. Mr. Coppari examined the property folders associated with the two addresses and found very little information.

It is noted that the two buildings are located on a single parcel of land with one Property Identification Number (PIN). Mr. Coppari viewed the Cook County records, and found the property was assessed as a single-family house for the PIN used to verify the information. Mr. Coppari further acknowledged the prior property owner applied for a senior citizen exemption in property taxes, and the person was awarded a special status from 2017 to 2013. In other words, the last property owner was paying less money in property taxes than a regular single family homeowner.

Mr. Coppari explained that Cook County listed the property as a single family house for tax purposes. No references were made about multiple dwelling units.

Mr. Coppari confirmed the coach house was an anomaly, but lost its status as a non-conformity. He explained the coach house has been unoccupied for more than six months, which invalidated the existence of the coach house as a secondary principal building with two dwelling units. Basically, the coach house was no longer allowed as a secondary principal building per zoning. Time has elapsed on this non-conformity.

Ms. Stetson did not refute the fact that the coach house has been unoccupied for more than six months, but she believed she had a right to continue the existence of the coach house with its two dwelling units. She confessed the building department had given her false hope in applying for a variance. She was informed about the complexity of the secondary principal building, but she thought it would be an easy variance to obtain. A building department staff informed her that many coach houses were awarded in the past and it was not that uncommon to allow for a coach house to exist as a non-conformity. She believed she was misled with the advice she received from the building department.

Mr. Coppari explained that he inherited a variance application that was first submitted to the building department back in March of 2018. He confirmed that the building department officially received the variance application on March 14, 2018, but the application was not forwarded to the Zoning Board of Appeals because there was no staff educated and experienced in land use planning and zoning to review the merits of the variance application to be forwarded. Mr. Coppari stated he started on September 14, 2018 as the Community Development Manager, and he reviewed the variance application, but was not too convinced on the legality of the existing non-conformity. Basically, Mr. Coppari verified with Ms. Stetson the coach house has been unoccupied for more than six months. It was noted that the coach house was unoccupied for a long time before the former owner sold the property to Mr. Muldoon.

Ms. Stetson responded that she thought Howard Coppari was supportive of the variance application, and she was given false hope. Mr. Coppari explained that he did tell Ms. Stetson that this variance application was complicated on many fronts, and that he took a week to review the materials submitted with the completed variance application before he informed Ms. Stetson that he would schedule the variance to be heard at the Zoning Board of Appeals in October of 2018. However, Mr. Coppari did explain to Ms. Stetson that he was not comfortable with this variance.

Ms. Stetson challenged the notion that she was misled by the building department staff that the variance would not be that complicated in getting. Mr. Coppari confirmed that the building department did promise that a variance would be heard by the Zoning Board of Appeals before he started his employment with the city, but he could not guarantee a favorable vote on the variance itself. Mr. Coppari explained that an *"Inspection Report for Sale of*

## Minutes for the Zoning Board of Appeals (Continue)

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*Property*” was created in February 12, 2018 by Building Inspector Brian Pohlis, which he noted in his report that two buildings were identified with four dwelling units. Basically, each building had two dwelling units.

Mr. Coppari countered that Ms. Stetson was fully informed on the problems associated with the property (i.e., the validity of the coach house and its two dwelling units) before her father purchased the property. It was noted in the variance application that Edward Muldoon closed on the property on March 7, 2018. By March 10, 2018, Edward Muldoon and Erin Muldoon Stetson applied for a variance application, which was officially received by the building department on March 14, 2018.

Again, Mr. Coppari said that both the father and daughter were fully informed of the deficiencies associated with the property. Mr. Coppari stated that per zoning section 166.026 only one principal building would be allowed on a single zoning lot. The variance was for a second principal building on a single zoning lot of record. Mr. Coppari also informed Ms. Stetson that per zoning section 166.054 (B), if a building has been unoccupied by inhabitants for more than six months, the building loses its non-conformity status. Mr. Coppari reiterated there was no variance because time had elapsed on the non-conformity of the coach house; it was null and void in a technical zoning manner.

Mr. Coppari further explained that in zoning section 166.092 (D) under *“authorized variations”* from letters “A” through “F” there was nothing in the zoning code that technically allows for a person to apply for a variation on a non-conformity. The *“authorized variations”* allows for a person to apply for a variance for lot setbacks, lot area, lot width, lot length, off-street parking facility, parking spaces or loading spaces, a maximum distance for required parking spaces, and for a fence problem.

However, letters “A” through “F” makes no specific reference for a variance that can be applied for a non-conformity; especially, for a secondary principal building on a single zoning lot. Only letter “G” allows for a sliver of a chance for a non-conformity variance; letter “G” states, *“In such other instances as may be provided by law.”* This means if Ms. Stetson knew about a law that would allow for a second principal structure to be allowed in a single zoning lot, then this law can be brought forward for the Zoning Board of Appeals to review and debate on the merits of the variance. However, nothing was brought forward in such a manner.

Mr. Coppari explained that he allowed for the variance to be heard at the Zoning Board of Appeals because he continued with the promise made by the building department that Ms. Stetson would have an opportunity to voice her variance. However, this coach house variance was very questionable because it lost its protected non-conformity status before it reached the Zoning Board of Appeals.

Commissioner Richardella explained to Ms. Stetson that approving this variance was very hard and complicated. Commissioners Martin and Hardy also chimed in with the same notion on the complexities of this variance.

Chair Griffin asked Mr. Coppari how he felt about this variance and a motion to disapprove this variance. Mr. Coppari reiterated, once again, that a variance was null and void because it lost its protected status. Mr. Coppari said the coach house went for a long time without being occupied by anyone, and Cook County viewed the property as a single family house for taxing purposes. Mr. Coppari concurred with the notion that disapproving the variance was the right step to take after discussing the merits of the variance with Ms. Stetson and the rest of the zoning board.

Commissioner Richardella proposed tabling the variance application to allow for the applicant more time to prepare for the variance application. Mr. Coppari interjected and said that the property owner and applicant had enough

## Minutes for the Zoning Board of Appeals (Continue)

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time to prepare for the application. Commissioner Richardella asked if the board denied the variance; could the applicant reapply for the variance down the road. Mr. Coppari responded that they can reapply in a year, but the variance would need to be slightly different.

Mr. Coppari explained that the coach house elapsed and the applicant forfeited its rights to apply for a variance. Mr. Coppari further explained if the Zoning Board of Appeals did approve the variance then they would set up a dangerous precedent in possibly having other property owners apply for a similar variance pertaining to a coach houses as well.

Ms. Stetson asked Mr. Coppari if she would be able to be keep in the same amount of dwelling units on the property. Mr. Coppari responded only two dwelling units can be kept, which would be associated with the blue colored house.

Mr. Coppari further explained that the property is located in U-TOD zone, which allows for two families to exist within the zone. Mr. Stetson can keep the blue house the way it is configured for a two-family house, but the coach house loses its ability to allow for permanent occupancy. Ms. Stetson then asked what she could do with the coach house.

Commissioner Hardy explained that Ms. Stetson can keep the coach house and beautify it. Ms. Hardy alluded to the fact that no one on the zoning board expects the applicant to tear down the coach house, but the coach house cannot be used as a dwelling unit anymore. This use was been lost. Ms. Stetson said she can turn the coach house into an art studio. Ms. Stetson then asked Mr. Coppari what needs to be done to make the coach house compliant for zoning.

Mr. Coppari answered the question by stating that the coach house would be reverted back to an accessory structure, and the couch house would not be classified as a secondary principal building. Mr. Coppari explained that the existing kitchen facility will need to be removed from the coach house. He read verbatim the definition of an accessory structure from the zoning dictionary to allow Ms. Stetson an opportunity to understand what is required to maintain an accessory structure.

Mr. Coppari emphasized that an accessory building can be used as a “private guest house (without kitchen facilities) or rooms for guests within an accessory building; provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not for permanent occupancy.” The board members looked at each other after Mr. Coppari read the definition pertaining to an accessory building, and they felt relaxed with the notion that people can stay in the coach house on a temporary manner.

Chair Griffin asked for someone to make a motion to disapprove the variance in question. Commissioner Richardella made a motion to disapprove the variance. The motion was seconded by Commissioner Martin. The board voted unanimously to recommend disapproval of the variance request to the City Council.

Chair Griffin offered empathy to Mr. Muldoon and Ms. Stetson that it was terrible to disapprove the variance, but it was the right thing to do.

### VI. Commissioners Comments

None

**Minutes for the Zoning Board of Appeals (Continue)**

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**VII. Adjournment**

On a motion by Commissioner Chair Richardella, seconded by Commissioner Martin, the board agreed to adjourn the meeting.

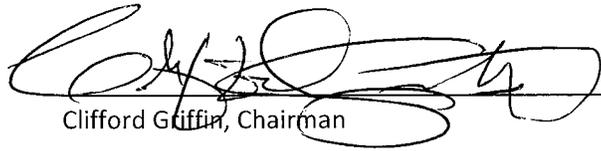
Vote on the motion as follows:

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

The meeting adjourned at 7:53 PM.

These minutes are not a verbatim record of the meeting, but a summary of the proceedings.

11-15-18  
Date

  
Clifford Griffin, Chairman