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

**ORDINANCE
NUMBER 2022-026**

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK
COUNTY, ILLINOIS, GRANTING A VARIANCE FOR OFF-
STREET PARKING IN THE RESIDENTIAL (R-1) DISTRICT
(12824 MOZART STREET)**

**FRED BILOTTO, Mayor
RAEANN CANTELO-ZYLMAN, City Clerk
JAIRO FRAUSTO, City Treasurer**

**DEXTER JOHNSON
LUIZ MONTOYA
NANCY RITA
BILL FAHRENWALD
GABRIEL McGEE
CANDACE CARR
JOSH ROLL**

Aldermen

ORDINANCE NUMBER 2022-026

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS,
GRANTING A VARIANCE FOR OFF-STREET PARKING
IN THE RESIDENTIAL (R-1) DISTRICT
(12824 MOZART STREET)**

WHEREAS, the City of Blue Island, Cook County, Illinois (the “*City*”) is a duly organized and existing city created under the provisions of the laws of the State of Illinois and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefits of the residents of the City; and

WHEREAS, an application for a variance to Chapter 166 of the Code of Ordinances of the City (the “*Zoning Code*”) has been submitted to the City by Doña’s Finer Foods, Inc. (the “*Applicant*”) to waive the requirement that their retail-related special use in the Residential (R-1) District must provide one parking space for every 300 square feet of gross floor area, which would be three spaces (the “*Variance*”), on the property located at 12824 Mozart Street, Blue Island, Illinois and as legally described and depicted on Exhibit A (the “*Property*”); and

WHEREAS, the Planning and Zoning Board of Appeals (“*PZBA*”) held a public hearing on April 7, 2022 (the “*Public Hearing*”) as to whether the Variance should be approved, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, a public notice in the form required by law was given of said Public Hearing date; and

WHEREAS, the PZBA has filed its findings of fact and recommendations that the Variance be granted, and the Mayor and Aldermen of the City have duly considered said findings of fact and recommendations, and

WHEREAS, the Mayor and Aldermen of the City deem it advisable and in the best interest of the health, safety, and welfare of the residents of the City to grant the Variance subject to the conditions identified herein.

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

Section 1. The above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. The Mayor and Aldermen of the City hereby adopt by reference the findings of fact of the Planning and Zoning Board of Appeals as findings of the Mayor and Aldermen of the City as if completely set forth herein. All documents and exhibits submitted at the aforesaid public hearings are also incorporated by reference into this Ordinance.

Section 3. In addition to the findings set forth in Section 2 hereof, the Mayor and Aldermen of the City further find in relation to the Variance as follows:

1. That the Property cannot yield a reasonable return if the Variance is not granted;
2. That the Variance will alleviate the unusual hardship that the corner property faces without enough space to build a parking lot;
3. That the hardship was not created by the owner of the Property;
4. That the Variance will not be materially detrimental to the public welfare because this type of “food store” business has existed on that Property for several years, utilizing only on-street parking;
5. The Variance will not impair conditions surrounding the Property or endanger public safety;
6. That the Variance will not alter the essential character of the neighborhood; and
7. That the Variance is in harmony with the spirit and intent of the Zoning Code.

Section 4. A variance is hereby granted and issued to Doña's Finer Foods, Inc. to waive the requirement of three off-street parking spaces on its property located at 12824 Mozart Street, Blue Island, Illinois.

Section 5. The Applicant hereunder shall at all times comply with the terms and conditions of the City Code of Ordinances, including the Zoning Code, and, in the event of non-compliance, the Applicant's variance shall be subject to revocation.

Section 7. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 8. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 9. This Ordinance shall be in full force and effect following its passage, approval and publication in pamphlet form as provided by law.

[Intentionally left blank]

ADOPTED this 26th day of April, 2022, pursuant to roll call as follows:

	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman JOHNSON	X				
Alderman FAHRENWALD	X				
Alderman RITA	X				
Alderman MONTOYA	X				
Alderman MCGEE			X		
Alderman CARR	X				
Alderman ROLL	X				
Mayor BILOTTO					
	6		1		

APPROVED by the Mayor on April 26, 2022.

FRED BILOTTO
MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and Filed in my office this
26th day of April, 2022.

RAEANN CANTELO-ZYLMAN, CITY CLERK

PUBLISHED in pamphlet form this
26th day of April, 2022.

RAEANN CANTELO-ZYLMAN, CITY CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATE

I, RAEANN CANTELO-ZYLMAN, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

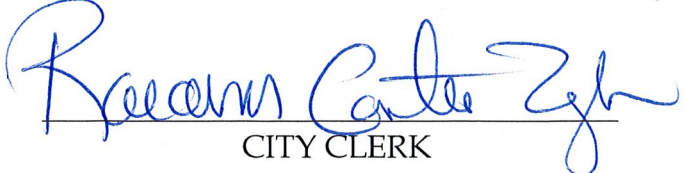
I further certify that on **April 26, 2022** the Corporate Authorities of such municipality passed and approved Ordinance No. **2022 - 026** Entitled: **ORDINANCE: AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, GRANTING A VARIANCE FOR OFF-STREET PARKING IN THE RESIDENTIAL (R-1) DISTRICT (12824 MOZART STREET).**

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2022 - 026** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **April 26, 2022** 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 **26th** day of **April, 2022**.

CORPORATE SEAL


CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF COOK) ss.

CERTIFICATION

I, RAEANN CANTELO-ZYLMAN, DO HEREBY CERTIFY THAT I am the duly elected City Clerk of the City of Blue Island, Illinois, as such City Clerk, I am the keeper of the minutes and records of the Proceedings of the City Council of the said City and have in my custody the RESOLUTIONS and BOOKS of the records of said City.

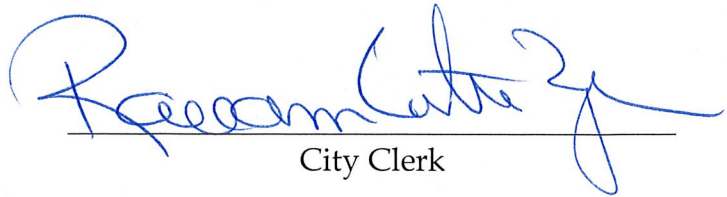
I DO FURTHER CERTIFY that the attached and foregoing is a true and correct copy of the certain **ORDINANCE: AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, GRANTING A VARIANCE FOR OFF-STREET PARKING IN THE RESIDENTIAL (R-1) DISTRICT (12824 MOZART STREET).**

ORDINANCE NO. 2022-026 which was adopted at a regular meeting of the City Council of the City of Blue Island, Illinois held on the **26th day of April, 2022**; that at said meeting **6** Alderman were present; that at said meeting, on motion duly made and seconded that the Resolution did pass and on the roll being called the vote of each Aldermen present on the question of the passage of said Resolution was duly and separately taken by Ayes and Nays and their names and votes recorded in the minutes of **6** Alderman voted Aye and **1** Alderman voted Nay and **0** Alderman voted Abstain and **1** Alderman Absent.

I DO FURTHER CERTIFY that the original Ordinance which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of the City of Blue Island aforesaid, at the said City in the County and State aforesaid, this **26th** day of **April, 2022**.

CORPORATE SEAL



City Clerk

Exhibit A

Legal Description

ADDRESS: 12824 Mozart Street, Blue Island, Illinois
PIN: 24-36-109-018-0000, 24-36-109-019-0000

LOTS 1 AND 2 IN BLOCK 1 IN EVERETT H. REXFORD'S ADDITION TO BLUE ISLAND, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 3, 1896 AS DOCUMENT NUMBER 2398185 IN BOOK 70 OF PLATS, PAGE 16, IN COOK COUNTY, ILLINOIS.



**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

FINDINGS OF FACT

**CITY OF BLUE ISLAND PLANNING AND ZONING BOARD OF APPEALS (PZBA)
PUBLIC HEARING OF April 7, 2022**

Applicant: Doña's Finer Foods, Inc.
Property: 12824 Mozart Avenue, Blue Island, IL 60406

On April 7, 2022, the Planning and Zoning Board of Appeals voted (5-0) to adopt the following Findings of Fact and recommend to the City Council approval of a parking variance for a "food store" within the R-1 District of the Blue Island Zoning Ordinance of 1971, as amended.

The PZBA considered the standards for making a parking variance recommendation pursuant to Section 166.092(1) of the City Code and found 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.

The PZBA finds a parking variance is needed to provide zoning relief for offstreet parking for the continuation of a food store to exist. Without a parking variance, a food store cannot be approved as a special use in a R-1 District.

- 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 PZBA finds a parking variance is needed for three parking spaces required for a food store business, which cannot be provided onsite. This property is a two-story building that has been used as a food store on the first floor and an apartment on the second floor for many years within the R-1 District. In the past, customers would simply park on the street to shop at the food store.

However, a parking variance in conjunction with a special use will be required for this unique commercial and residential anomaly to continue to exist with the new property owner. Physically, the corner property does not have enough space for a commercial parking lot to be built because a detached, two-car garage exists in the rear of the property.

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

Parking Variance

The PZBA finds the new property owner purchased the property “as is” from the previous property owner, and this commercial and residential anomaly was not created by the new property owner.

The new property owner is aware of this notion, and is applying for a special use and a parking variance to mitigate this zoning requirement within the R-1 District. The new property owner would like to continue to enjoy the property as the previous property owner enjoyed it in the past.

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

The PZBA finds a parking variance will not be materially detrimental to the public welfare or injurious to other property owners because a food store has existed in the same place for many years without providing for any offstreet parking. In general, customers have parked on the street to access the food market. The parking variance will simply rectify this zoning problem.

- 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 PZBA finds a parking variance will not impair an adequate supply of light and air to adjacent property owners because the food store customers will simply park on the street in the same manner where residential home owners also park their vehicles in the same areas. Congestion does not appear to be a real problem for this business.

The parking variance is for three onstreet parking spaces. Mozart Street can safely accommodate for three onstreet parking spaces, which is reserved for 15-minute parking. Customers can also park, across the street, on Wahl Street where a large stretch of onstreet parking exists along the train tracks. Unfortunately, customer parking is not allowed on W. 128th Street, adjacent to the food store, because this stretch of the street is reserved for resident permit parking only.

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

The PZBA finds a parking variance for a food store business will not alter the essential character of the neighborhood because a food store has existed in the same location for many years, and a small stretch on Mozart Street is reserved for 15-minute parking, which indicates that this was done for the existing business many years ago.

Again, the food store appears not to generate a lot of motor vehicular traffic, and onstreet parking is plentiful, especially, on Wahl Street adjacent to the train tracks.

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

The PZBA finds a parking variance for a food store is consistent in harmony with the spirit and intent of the zoning ordinance. In other words, a special use and a parking variance is required for

Parking Variance

a food store to continue to operate within the R-1 District, which the new property owner is applying for and seeking zoning relief, especially for a parking variance, from the zoning ordinance.

In conjunction to this zoning entitlement process, the new property owner will also comply with all city ordinances, especially, that deals with parking, trash, and property maintenance.

Based on the foregoing, the Planning and Zoning Board of Appeals recommends that the City Council approve a parking variance for Doña's Finer foods, Inc. to operate a "food store" via the special use process at 12824 Mozart Street, Blue Island, Illinois 60406.