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

**ORDINANCE
NUMBER 2022-040**

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK
COUNTY, ILLINOIS, GRANTING A SPECIAL USE
PERMITTING A “TWO-FAMILY DWELLING” WITHIN THE
RESIDENTIAL (R-1) DISTRICT
(12816 WAHL 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 2022-040

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THE RESIDENTIAL (R-1) DISTRICT
(12816 WAHL 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, the Mayor and the Aldermen of the City of Blue Island have heretofore exercised the power conferred on them pursuant to Chapter 11-31-1, *et seq.* of the Illinois Municipal Code by adopting Chapter 166 of the Code of Ordinances of the City (the “*Zoning Code*”), as amended from time to time; and

WHEREAS, a special use application has been submitted to the City by Camille Murguia, Gustavo Carapia, and Lorraine Murguia (the “*Applicants*”), as contract purchasers with permission of the owners, to allow within the Residential R-1 District a “two-family dwelling” use (the “*Proposed Special Use*”) on the property located at 12816 Wahl 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 June 2, 2022 (the “*Public Hearing*”) as to whether the Proposed Special Use 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 Proposed Special Use 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 Proposed Special Use 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 Proposed Special Use as follows:

1. That the Proposed Special Use, subject to the conditions set forth herein, is in fact, a special use listed and authorized in the zoning district within which the property is located;
2. That the Proposed Special Use, subject to the conditions set forth herein, is consistent with the objectives of the City's Zoning Ordinance;
3. That the Proposed Special Use, subject to the conditions set forth herein, will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
4. That the Proposed Special Use, subject to the conditions set forth herein, will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property

values within the neighborhood.

5. That the Proposed Special Use, subject to the conditions set forth herein, will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
6. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided for the Proposed Special Use, subject to the conditions set forth herein;
7. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in public streets surrounding the Proposed Special Use, subject to the conditions set forth herein; and
8. That the Proposed Special Use, subject to the conditions set forth herein, complies with all additional regulations in the City's Zoning Ordinance specific to the R-1 District.

Section 4. A special use, subject to the conditions set forth below, is hereby granted and issued to Camille Murguia, Gustavo Carapia, and Lorraine Murguia for a "two-family dwelling" use in the R-1 District located at 12816 South Division Street, Blue Island, Illinois, and as legally described on Exhibit A.

This special use permit is subject to the following conditions:

1. That this special use shall be limited to the Applicants and shall not be transferable except upon reapplication, hearing and approval in the manner provided in the Zoning Code;
2. That this special use approval authorizes the conduct of the special use only on the Property and is not transferable to other properties;
3. That any modification or intensification of a special use that alters the essential character or operation of the use in a way not intended at the time the special use was granted, as evidenced by the record or text of the ordinance, shall require a new special use approval;
4. That the approval of a special use authorizes the Property to be used in the manner proposed, but does not alone authorize the establishment or extension of any use, nor development, construction, reconstruction, alteration, or moving of any building, structure, or parking lot without first obtaining any other required permit, including a zoning certificate, building permit and certificate of occupancy;

5. That the special use, subject to the conditions set forth herein, complies with all other codes and ordinances of the City of Blue Island, the County of Cook, the State of Illinois, and the federal government;
6. That the special use, subject to the conditions set forth herein, does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors; and
7. That the special use, subject to the conditions set forth herein, provides vehicular access to the property designed so as not to create interference with traffic on surrounding public thoroughfare;
8. That the special use, subject to the conditions set forth herein, shall not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance; and
9. This Ordinance shall be signed by the Applicants to signify acknowledgement of the terms hereof. The Applicants may sign and return the acknowledgement electronically.

Section 5. The Applicants hereunder shall at all times comply with the terms and conditions of the special use and, in the event of non-compliance, said permit shall be subject to revocation.

Section 6. 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 7. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8. This Ordinance shall be in full force and effect following its passage, approval and publication in pamphlet form as provided by law.

(Left intentionally blank)

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 **June 29, 2022** the Corporate Authorities of such municipality passed and approved Ordinance No. **2022 - 040** Entitled: **ORDINANCE: AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, GRANTING A SPECIAL USE PERMITTING A "TWO-FAMILY DWELLING" WITHIN THE RESIDENTIAL (R-1) DISTRICT (12816 WAHL STREET).**

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

The pamphlet form of Ordinance No. **2022 - 040** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **June 29, 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 **29th** day of **June, 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 SPECIAL USE PERMITTING A "TWO-FAMILY DWELLING" WITHIN THE RESIDENTIAL (R-1) DISTRICT (12816 WAHL STREET).**

ORDINANCE NO. 2022-040 which was adopted at a regular meeting of the City Council of the City of Blue Island, Illinois held on the **29th day of June, 2022**; that at said meeting **5** 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 **5** Alderman voted Aye and **0** Alderman voted Nay and **0** Alderman voted Abstain and **2** 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 **29th** day of **June, 2022**.

CORPORATE SEAL



City Clerk

ADOPTED this 29th day of **June, 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					
	5		2		

APPROVED by the Mayor on **June 29, 2022**.

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

ATTESTED and Filed in my office this
 29th day of **JUNE, 2022**.

RAEANN CANELO-ZYLMAN, CITY CLERK

PUBLISHED in pamphlet form this
 29th day of **JUNE, 2022**.

RAEANN CANELO-ZYLMAN, CITY CLERK

Exhibit A

Legal Description

ADDRESS: 12816 Wahl Street, Blue Island, Illinois
PIN: 24-36-106-024-0000

THE SOUTH 48.16 FEET OF LOTS 10, 11, 12, 13 AND THE SOUTH 48.16 FEET OF THE EAST HALF OF LOT 14 IN BLOCK 24 IN WIRETON PARK, SAID WIRETON PARK BEING A SUBDIVISION OF PART OF SECTION 26, TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

**ACKNOWLEDGMENT BY APPLICANTS: THE UNDERSIGNED ACKNOWLEDGES
THE CONDITIONS OF THIS ORDINANCE:**

Camille Muguia

Date

Gustavo Carapia

Date

Lorraine Murguia

Date

Special Use



FRED BILOTTO, MAYOR

**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 JUNE 2, 2022**

Applicants: Camille Murguia, Gustavo Carapia, and Lorraine Murguia
Property: 12816 Wahl Street, Blue Island, IL 60406

On June 2, 2022, the Planning and Zoning Board of Appeals voted (7-0) to adopt the following Findings of Fact and recommend to the City Council approval of a special use for a “two-family dwelling” within the R-1 District of the Blue Island Zoning Ordinance of 1971, as amended.

The PZBA considered the standards for making a special use recommendation pursuant to Section 166.095(F) of the City Code and found as follows:

- 1) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

The PZBA finds that the existing two-family house is a continuation of the same zoning use, but a new family intends to purchase the property, and apply for a special use to keep a two-family “as is” in the same manner. Given the character of the neighborhood, a two-family house at this location will not be detrimental to the public health, safety, morals, comfort, or welfare.

- 2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

The PZBA finds the special use will continue to be the same zoning use; the only difference is the property will be sold to a new family. The two-family house will continue to be maintained in the same manner. A two-family home on this block will not negatively affect the use of nearby properties or diminish their property values.

- 3) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

The PZBA finds the two-family house will not impede in the normal and orderly development of the existing neighborhood. The existing neighborhood has a plethora of small and large houses that are either single-family or two-family in nature. The new homeowners want to

Special Use

enjoy the current zoning use of the property, and maintain the overall physical appearance of the subject house in its current manner.

- 4) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

The PZBA finds the two-family house will continue to use the same utilities, access roads, and drainage system. The new homeowners intend to provide for the same parking scenario as well. Two parking spaces can be provided inside of the detached, two-car garage, and additional parking can be provided on the existing driveway.

- 5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in public streets;

The PZBA finds the two-family house will conform to the existing traffic pattern, and parking will be provided onsite with a detached, two-car garage. No new curb cuts are being proposed for the two-family house. Parking should not be a big problem.

- 6) The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the Planning and Zoning Board of Appeals.

The PZBA finds the special use conforms with many of the requirements of the city. The new homeowners will comply with all city ordinances, especially, that deals with parking, trash, and property maintenance, as well as building code requirements for two-family houses.

Based on the foregoing, the Planning and Zoning Board of Appeals recommends that the City Council approve a special use for Camille Murguia, Gustavo Carapia, and Lorraine Murguia to continue to have a "two-family dwelling" use at 12816 Wahl Street, Blue Island, Illinois 60406.