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

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**ORDINANCE  
NUMBER 2022- 041**

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**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK  
COUNTY, ILLINOIS, APPROVING A VARIANCE FOR THE  
PROPERTY LOCATED AT 2260 OLIVE STREET**

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**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 2022-041**

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS,  
APPROVING A VARIANCE FOR THE PROPERTY LOCATED AT 2260 OLIVE  
STREET**

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**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 Amanda Gamboa (the “*Applicant*”) to install a vinyl privacy fence within her secondary front yard (the “*Variance*”) on the corner property located at 2260 Olive 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 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 recommendation that the Variance be granted, and the Mayor and Aldermen of the City have duly considered said findings of fact and recommendation, 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;
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 fence will increase the Applicant's welfare and not harm anyone else's welfare;
5. The Variance will not impair conditions surrounding the Property or endanger public safety because the fence will stop short of the neighbor's property line;
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 Amanda Gamboa for a privacy fence on her secondary side yard along Vincennes Road, as presented, on the property located at 2260 Olive Street, Blue Island, Illinois.

**Section 5.** Applicant hereunder, and the installation of the privacy fence, 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 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.

*[Intentionally left 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.

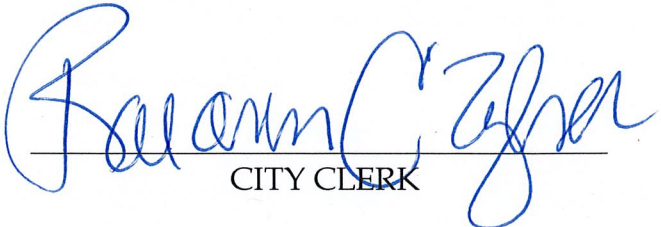
I further certify that on **June 29, 2022** the Corporate Authorities of such municipality passed and approved Ordinance No. **2022 - 041** Entitled: **ORDINANCE: AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, APPROVING A VARIANCE FOR THE PROPERTY LOCATED AT 2260 OLIVE STREET.**

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

The pamphlet form of Ordinance No. **2022 - 041** 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

*Faint circular stamp of the City of Blue Island, Cook County, Illinois, dated June 29, 2022.*

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, APPROVING A VARIANCE FOR THE PROPERTY LOCATED AT 2260 OLIVE STREET.**

**ORDINANCE NO. 2022-041** 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 CANTELO-ZYLMAN, CITY CLERK**

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

**RAEANN CANTELO-ZYLMAN, CITY CLERK**

Exhibit A

*Legal Description*

ADDRESS: 2260 Olive Street, Blue Island, Illinois  
PIN: 25-30-310-033-0000

LOT 17 (EXCEPT THE WEST 120 FEET THEREOF) AND LOT 16 (EXCEPT THE WEST 120 FEET THEREOF, AND EXCEPT THE NORTH 34 FEET THEREOF) IN BLOCK 3, IN FAIRMOUNT, SAID FAIRMOUNT BEING A SUBDIVISION OF LOTS 2 AND 3, OF THE ASSESSOR'S DIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.





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

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**FINDINGS OF FACT**

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**CITY OF BLUE ISLAND PLANNING AND ZONING BOARD OF APPEALS (PZBA)  
PUBLIC HEARING OF JUNE 2, 2022**

Applicant: Amanda M. Gamboa  
Property: 2260 Olive 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 fence variance within the corner front yard area in the R-1 District of the Blue Island Zoning Ordinance of 1971, as amended.

The PZBA considered the standards for making a fence 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 that without this fence variance, the property cannot yield a reasonable return as a residential use, because it is a corner lot. Since a corner lot does not really have a proper backyard, there is no conforming way for the homeowner to enclose the corner front yard with a privacy fence, which will reduce its potential yield.*

- 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 fence variance will alleviate some demonstrable and unusual hardship associated with a corner lot on a busy street.*

*Since the corner front yard cannot be properly enjoyed for some peace and tranquility by the homeowner, the homeowner would like to enclose this area with a privacy fence, and use this enclosed area where a small child and dog can run and roam freely from the hustle and bustle of the city.*

*The home owner has some real concerns about a lack of privacy and security with strangers trespassing onto the home owner's property; especially, when a small child lives at this property.*

## Fence Variance

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

*The PZBA finds a fence variance was not created by the actual homeowner, because the lot was created as a corner lot prior to the applicant's ownership.*

- 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 fence variance will not be materially detrimental to the public welfare or injurious to other properties or improvements within the neighborhood. The existence of a privacy fence will increase the welfare of the homeowner and her family, while not affecting other properties 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.

*The PZBA finds a fence variance on a corner lot will not impair an adequate supply of light and air to adjacent property owners because the privacy fence is only six feet in height. It will not impact congestion in the streets, increase the danger of fire, or endanger public safety.*

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

*The PZBA finds a fence variance will not alter the essential character of the immediate neighborhood because it will be the only privacy fence that will be erected on a corner front yard versus a regular front yard.*

*The homeowner intends to keep the regular front yard free of a privacy fence, which is very similar to the other residential houses on Olive Street that do not have fences within the regular front yards. This secondary front yard is essentially a side yard, on which privacy fences are allowed.*

- 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 fence variance for this residential house is in harmony with the spirit and intent of the zoning ordinance. The home owner is erecting a corner front yard privacy fence to help alleviate for people littering on the property and for people physically trespassing onto the private property.*

Based on the foregoing, the Planning and Zoning Board of Appeals recommends that the City Council approve a fence variance within the corner front yard area for Amanda M. Gamboa at 2260 Olive Street, Blue Island, Illinois 60406.