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

**ORDINANCE
NUMBER 2023-031**

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK
COUNTY, ILLINOIS, GRANTING A SPECIAL USE AND A
PARKING VARIANCE PERMITTING BLUE ISLAND'S
BODEGA, INC. TO OPERATE A FOOD STORE WITHIN THE R-
1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT
(2218 DESPLAINES 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 2023- 031

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS,
GRANTING A SPECIAL USE AND A PARKING VARIANCE PERMITTING BLUE
ISLAND'S BODEGA, INC. TO OPERATE A FOOD STORE WITHIN THE R-1
(SINGLE-FAMILY RESIDENTIAL) DISTRICT
(2218 DESPLAINES 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 165 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 Blue Island’s Bodega (the “*Applicant*”), with permission of the property owner, to allow within the R-1 (Single-Family Residential) District a “food store” use (the “*Proposed Special Use*”) on the property located at 2218 Desplaines Street, Blue Island, Illinois and as legally described and depicted on Exhibit A (the “*Property*”); and

WHEREAS, a variance application related to the Proposed Special Use has also been submitted to the City by the Applicant, seeking a variance from section 165.029(G)(5) of the Zoning Code, waiving the requirement to provide six off-street parking spaces for the Proposed Special Use (the “*Proposed Variance*”);

WHEREAS, the Planning and Zoning Board of Appeals (“PZBA”) held a public hearing on June 1, 2023 (the “Public Hearing”) as to whether the Proposed Special Use and Proposed Variance should be approved, at which time all persons present were afford 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 and Proposed 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 Proposed Special Use and Proposed 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 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 R-1 (Single-Family Residential) District;

2. That the Proposed Special Use, subject to the conditions set forth herein, is consistent with the objectives of the City's comprehensive plan and 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 (Single-Family Residential) District.

Section 4. In addition to the findings set forth above, the Mayor and Aldermen of the City further find in relation to the Proposed 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 5. A special use, subject to the conditions set forth below, is hereby granted and issued to Blue Island's Bodega, Inc. for a "food store" use in the R-1 (Single-Family Residential) District located on the property at 2218 Desplaines 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 Applicant 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;
7. That all windows, doors, and security shades on the Property shall be brought into compliance with City Code; and

8. This Ordinance shall be signed by the Applicant and the property owner to signify acknowledgement of the terms hereof.

Section 6. A variance is hereby granted and issued to Blue Island's Bodega, Inc. to not require any off-street parking spaces associated with the special use on the property located at 2218 Desplaines Street, Blue Island, Illinois.

Section 7. The Applicant 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 8. 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 9. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 10. 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 27TH day of JUNE, 2023, pursuant to roll call as follows:

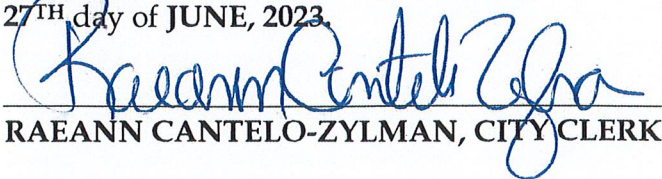
	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman JOHNSON	X				
Alderman FAHRENWALD	X				
Alderman RITA			X		
Alderman MONTOYA	X				
Alderman MCGEE	X				
Alderman CARR			X		
Alderman ROLL	X				
Mayor BILOTTO					
	5		2		

APPROVED by the Mayor on JUNE 27, 2023.



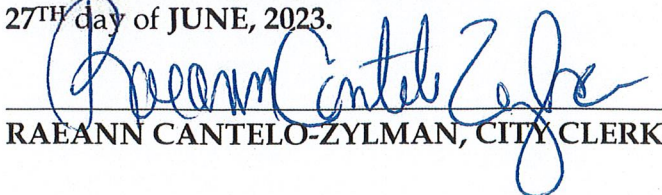
FRED BILOTTO
MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and Filed in my office this
27TH day of JUNE, 2023.



RAEANN CANELO-ZYLMAN, CITY CLERK

PUBLISHED in pamphlet form this
27TH day of JUNE, 2023.



RAEANN CANELO-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 **June 27, 2023**, the Corporate Authorities of such municipality passed and approved Ordinance No. **2023-031**.

Entitled:

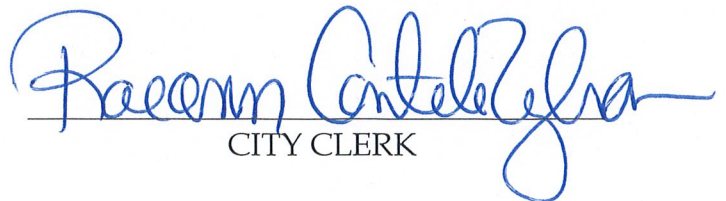
ORDINANCE: AN ORDINANCE OF THE CITY OF BUE ISLAND, COOK COUNTY, ILLINOIS, GRANTING A SPECIAL USE AND A PARKING VARIANCE PERMITTING BLUE ISLAND'S BODEGA, INC. TO OPERATE A FOOD STORE WITHIN THE R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT (2218 DESPLAINES STREET).

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

The pamphlet form of Ordinance No. **2023 - 031** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **June 27, 2023**, 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 **June, 2023**.

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 ORDINANCE and BOOKS of the records of said City.

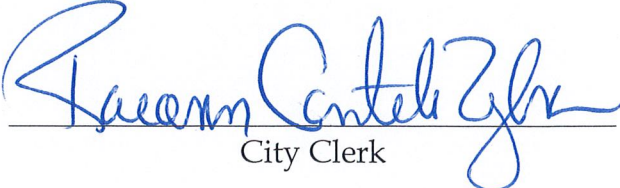
I DO FURTHER CERTIFY that the attached and foregoing is a true and correct copy of the certain **2023 - 031** Entitled: **ORDINANCE: AN ORDINANCE OF THE CITY OF BUE ISLAND, COOK COUNTY, ILLINOIS, GRANTING A SPECIAL USE AND A PARKING VARIANCE PERMITTING BLUE ISLAND’S BODEGA, INC. TO OPERATE A FOOD STORE WITHIN THE R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT (2218 DESPLAINES STREET).**

ORDINANCE NO. 2023-031 which was adopted at a regular meeting of the City Council of the City of Blue Island, Illinois held on the **27th day of June, 2023**; that at said meeting **5** Alderman were present; that at said meeting, on motion duly made and seconded that the Ordinance did pass and on the roll being called the vote of each Aldermen present on the question of the passage of said Ordinance 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 **27th day of June, 2023**.

CORPORATE SEAL



City Clerk


Exhibit A

Legal Description

ADDRESS: 2218 Desplaines Street, Blue Island, Illinois
PINs: 25-31-356-015-0000

THE EAST 30 FEET OF LOT 10 (EXCEPT THE NORTH 10 FEET TAKEN FOR ALLEY) IN BLOCK 129 IN BLUE ISLAND (FORMERLY PORTLAND) IN THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

ACKNOWLEDGMENT BY APPLICANT AND PROPERTY OWNER: THE UNDERSIGNED AUTHORIZED REPRESENTATIVES ACKNOWLEDGE THE CONDITIONS OF THIS ORDINANCE:



Blue Island's Bodega, Inc.



Ahlam Balouta

By: Ayman Atieh

Its: President

Dated: 06.29.2023

Dated: 06.29.2023



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

**CITY OF BLUE ISLAND PLANNING AND ZONING BOARD OF APPEALS (PZBA)
PUBLIC HEARING OF JUNE 1, 2023**

Applicant: Blue Island's Bodega, Inc.

Property: 2218 Desplaines Street, Blue Island, IL 60406

On June 1, 2023, 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 at its present location. Without a parking variance, a food store cannot be approved as a special use within the 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 property mostly contains the two-story building that has been used as a food store and two apartments for thirty years within the R-1 District. A food store is allowed as a special use in that district, but the characteristics of this property prevent the existence of sufficient off-street parking spaces to meet the Zoning Ordinance's requirements. This is an unusual hardship, most properties would be able to fit the required number of parking spaces. Most properties in this district are not similarly affected because they are used as residences.

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

The PZBA finds the new business owner took over the family property "as is" from the previous business owner, and this commercial and residential anomaly was not created by the former or

Parking Variance

current business owners. In other words, this unique property has been like this for more than thirty years and counting.

- 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 more than thirty 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 patrons will simply park on the street in the same manner as other people park their vehicles in the same street. Vehicular congestion does not appear to be a real problem for this business.

The variance is for eight onstreet parking spaces. Desplaines Street can safely accommodate for one onstreet parking space, which is reserved for 15-minute parking. Customers can also park on Chatham Street where a large stretch of onstreet parking exists next to the existing food store business. Staff has counted up to seven vehicles can be parked on this stretch of the street.

- 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 over thirty years, and a small stretch on Desplaines Street is reserved for 15-minute parking, which indicates this has been provided for the existing business many years ago.

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

- 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 a food store to continue to operate within the R-1 District, which the new business 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 business owner will also comply with all city ordinances, especially, that deals with parking, trash, and property maintenance.

Parking Variance

Based on the foregoing, the Planning and Zoning Board of Appeals recommends that the City Council approve a parking variance for Blue Island's Bodega, Inc. to operate a "food store" via the special use process at 2218 Desplaines Street, Blue Island, Illinois 60406.



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

**CITY OF BLUE ISLAND PLANNING AND ZONING BOARD OF APPEALS (PZBA)
PUBLIC HEARING OF JUNE 1, 2023**

Applicant: Blue Island's Bodega, Inc.

Property: 2218 Desplaines Avenue, Blue Island, IL 60406

On June 1, 2023, 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 special use 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 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 food store is a continuation of the same business use as before; the only difference is that the new business owner is the son-in-law of the existing business owner who is retiring. Also, the business name will switch in this manner as well. The food store will continue to exist in the same manner as before, which was not detrimental to public health, safety, morals, comfort, or welfare to the neighborhood.

- 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 inhabit in the same building as the previous food store, and the new food store will continue to provide for a service that is much needed in a neighborhood that lacks a local supermarket. Customers can simply walk over and shop without the need of an automobile.

- 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 food store will not be further expanded upon in a physical manner, and it will continue to inhabit the same commercial footprint dimensions. The development of surrounding property will not be affected.

Special Use

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

The PZBA finds the food store will continue to use the same utilities, access roads, and drainage system for the existing building. The applicant intends to provide for the same parking scenario, which has existed before; this means, customers will be allowed to park on the street, and a parking variance is being applied in conjunction with this special use.

- 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 food store will conform to the existing traffic pattern, and will use the existing onstreet parking for its customers and delivery vehicles. No new curb cuts are being proposed for the food store business.

There is no existing curb cut for ingress and egress to the commercial property. The two-story building simply has its business patrons and residential dwellers park on the street.

- 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 the requirements of the city. The applicant will 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 special use for Blue Island's Bodega, Inc. to operate a "food store" use at 2218 Desplaines Street, Blue Island, Illinois 60406.

The Planning and Zoning Board of Appeals also recommends conditioning this special use on the Applicant ensuring all windows, doors, and security shades on the Property are brought into compliance with City Code.