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

**ORDINANCE
NUMBER 2024- 002**

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK
COUNTY, ILLINOIS, APPROVING A VARIANCE FOR THE
PROPERTY LOCATED AT 11901 ANN 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 2024- 002

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS,
APPROVING A VARIANCE FOR THE PROPERTY LOCATED AT 11901 ANN 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 165 of the Code of Ordinances of the City (the “*Zoning Code*”) has been submitted to the City by Carlos Salmeron (the “*Applicant*”) to install a vinyl privacy fence within her secondary front yard (the “*Variance*”) on the corner property located at 11901 S. Ann 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 December 14, 2023 (the “*Public Hearing*”) as to whether the 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 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;
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 Carlos Salmeron for a privacy fence on his secondary side yard along W. 119th Street, as presented, on the property located at 11901 S. Ann 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]

ADOPTED this 9th day of JANUARY, 2024, 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 JANUARY 9, 2024.

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

ATTESTED and Filed in my office this
 9TH day of JANUARY, 2024.

RAEANN CANTELO-ZYLMAN, CITY CLERK

PUBLISHED in pamphlet form this
 9TH day of JANUARY, 2024.

RAEANN CANTELO-ZYLMAN, 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.

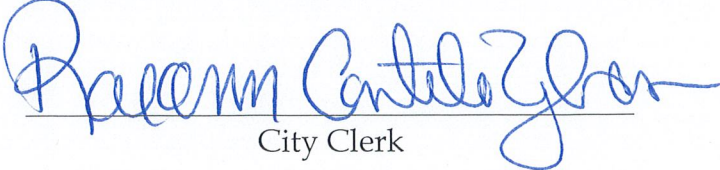
I DO FURTHER CERTIFY that the attached and foregoing is a true and correct copy of the certain **2024 - 002** Entitled: **ORDINANCE: AN ORDINANCE OF THE CITY OF BUE ISLAND, COOK COUNTY, ILLINOIS, APPROVING A VARIANCE FOR THE PROPERTY LOCATED AT 11901 ANN STREET.**

ORDINANCE NO. 2024-002 which was adopted at a regular meeting of the City Council of the City of Blue Island, Illinois held on the **9th day of January, 2024**; 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 **9th day of January, 2024**.

CORPORATE SEAL



City Clerk



Exhibit A

Legal Description

ADDRESS: 11901 S. Ann Street, Blue Island, Illinois
PIN: 24-25-202-078-0000

LOT 48 AND LOT 47 (EXCEPT THE SOUTH 11 FEET THEREOF) IN BLOCK 3 IN JERNBERG'S ADDITION TO BLUE ISLAND, A SUBDIVISION OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 37 NORTH, RANGE 13, 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

FINDINGS OF FACT

**CITY OF BLUE ISLAND PLANNING AND ZONING BOARD OF APPEALS (PZBA)
PUBLIC HEARING OF DECEMBER 14, 2023**

Applicant: Carlos Salmeron

Address: 11901 Ann Street, Blue Island, IL 60406

On December 14, 2023 the Planning and Zoning Board of Appeals voted (4-0) to adopt the Findings of Fact recommending City Council approval of a variance of the Blue Island Zoning Ordinance of 1971, as amended, to allow the construction of a 6-foot white vinyl privacy fence in the second front yard of the property listed above in the R-1 (Single-Family Residential) District.

The PZBA considered the standards for making a variance recommendation pursuant to Section 165.086(B)(1) of the Zoning Ordinance 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.
- b) The 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.
- c) The alleged hardship has not been created by any person presently having a proprietary interest in the premises.
- d) The variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
- e) The 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 public safety.
- f) The variation will not alter the essential character of the neighborhood.
- g) The variation is in harmony with the spirit and intent of the Blue Island Zoning Ordinance.

Based on the foregoing, the Planning and Zoning Board of Appeals recommends that the City Council approve a variance to allow the construction of a 6-foot white vinyl privacy fence in the second front yard at 11901 S. Ann 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

Date: Thursday, December 14, 2023 @ 7:00 PM at the East Annex Building
To: Members of the Planning and Zoning Board of Appeals (PZBA)
From: Ryan R. Morton, City Attorney
Subject: Fence Variance for a Corner Lot in the R-1 (Single-Family Residential) District

Introduction:

Carlos Salmeron, the property owner, is interested in installing a new privacy fence within the second front yard of his corner lot. His property is located at 11901 Ann Street in Blue Island (the "Property"), which is located at the intersection on S. Ann Street and W. 119th Street. The Property is situated in the R-1 (Single-Family Residential) District. It is in the middle of seven houses (corner lots) on the south side of 119th Street.

Staff Analysis:

Mr. Salmeron states that he would like to install a new white vinyl fence within the second front yard of his corner property for security and to prevent further vandalism. He states in his application that he has experienced multiple occasions of people shooting rubber bullets and paint balls at the north side of his house. People have also trespassed onto his property to relieve themselves. He is concerned over safety for his family.

The City actually approved the installation of a similar fence on another portion of the Property earlier this year. The existing 6-foot white vinyl fence was installed between the east edge of his property and the alley. This existing fence extends to and along the sidewalk between the east lot line and the driveway, and then to the garage. The proposed fence would "complete" the security and privacy Mr. Salmeron desires by extending from the front of his house, along the sidewalk, to the west edge of the driveway, and then to the garage. There would be no public access to his property other than his primary front yard.

It is important to clarify that Mr. Salmeron does not consider the yard along 119th Street as his front yard. The entrance to his home is on Ann Street. The part of his property running along 119th Street certainly has the common feel of a "side yard," given its thin dimensions and appearance. However, under the Blue Island Zoning Ordinance, this is considered a second front yard.

The Schedule of Bulk Controls (§165.023(H)) dictates that every Front yard must have 25 feet of setback. A footnote clarifies that for corner lots, that is only required for one front yard. The second front yard must provide a 12.5-foot setback. In this case, the Property's primary front yard is clearly on Ann Street, where the fence would not affect the 25-foot setback. The second front yard on 119th Street, though, is only 8 feet wide, so it does not meet the minimum setback on its own, let alone adding a fence on the property line. In addition, §165.034 prohibits fences in front yards in R-Zones.

The only way for Mr. Salmeron to build his fence is to obtain a variance from these regulations.

Staff Report (Continuation)

Legal Analysis:

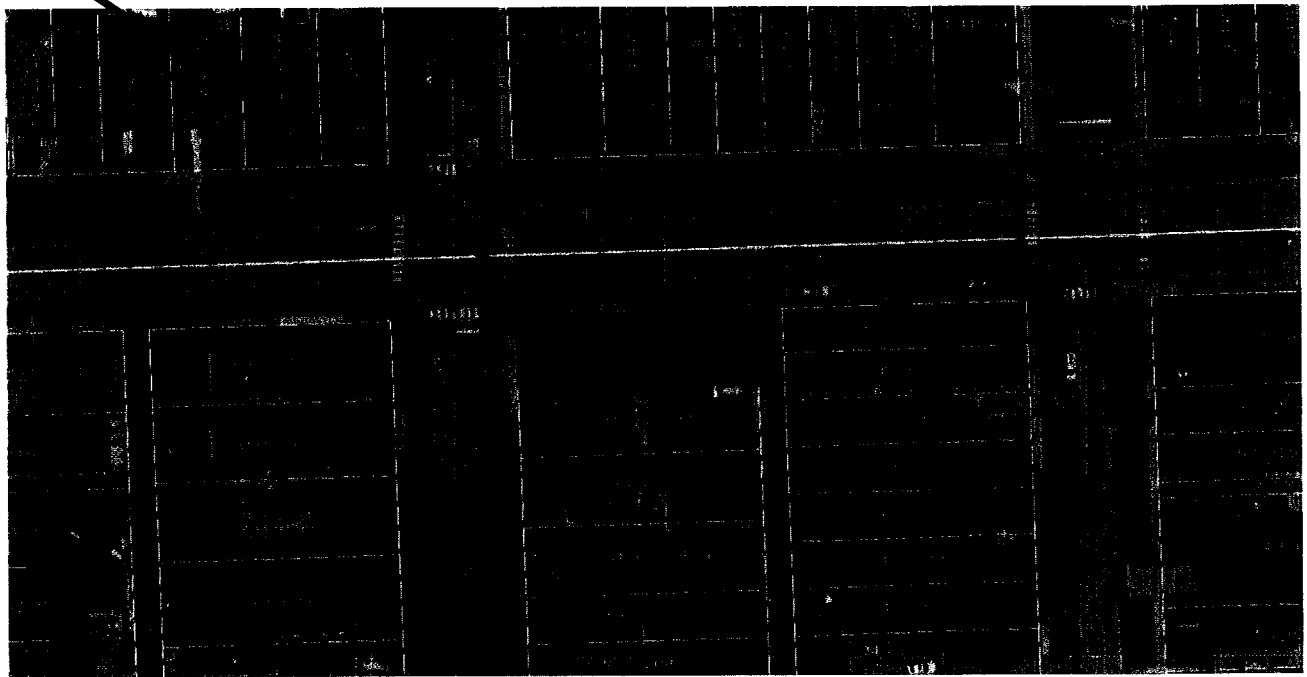
Only "authorized variations" of the Zoning Ordinance are allowed, per §165.086(C)(1). The first of those authorized variations, though, is "to permit any yard or setback less than . . . required by the applicable regulations." §165.086(C)(1)(a). So, the PZBA has the power to recommend this variance.

However, per statute and the City Zoning Ordinance, a variance shall only be granted if all 7 conditions for a variance have been met. These are detailed in your draft Findings of Fact. The most important thing to remember with granting variances is that the cause must be a unique hardship. Variances are designed to be granted sparingly to preserve the intended regulations of the Zoning Ordinance.

Advertisement

Notification requirements for this special use application have been satisfied. A legal notice was published in the *Daily Southtown*, which is part of the Chicago Tribune Media Group, and a sign was posted on the property.

Site





FRED BILOTTO, MAYOR

City of Blue Island Zoning Relief Application

Building & Zoning Department
13051 Greenwood Ave
Blue Island, IL 60406
P (708) 597-8606 • F (708) 396-2686
building@cityofblueisland.org
www.blueisland.org

- Variation
- Text Amendment
- Other: _____
- Special Use
- Map Amendment

Carlos Salmeron
Applicant Name

Owner Name (if different than applicant)

11901 Ann Street, Blue Island
Applicant Address

Owner Address

708-785-6168
Applicant Phone

Owner Phone

csalmeron68@gmail.com
Applicant Email

Owner Email

Property address: 11901 Ann St. Blue Island, IL 60406

Current Zoning Designation

R1: Single Family Residential
 C1: Central Area Commercial
 C2: Highway Commercial
 I1: Limited Industry
 I2: General Industry
 U-TOD: Uptown-Transit Oriented Dev.

Property Identification Number (Use additional sheets if necessary)

- 1 24-25-202-078-0000
- 2 _____
- 3 _____
- 4 _____

Nature of Applicant's Interest: Security and Privacy due to previous vandalizing

Carlos Salmeron
Print Name

11/13/2023
Date

Carlos Salmeron
Signature

OFFICE USE ONLY

Date of Application _____ Date of Publication(s) _____

Date of Hearing _____ Date of Hearing _____ Date of Hearing _____ Date of Hearing _____

Recommendation(s) _____

\$ _____
Application Fee



(assumed)

KABAL SURVEYING COMPANY

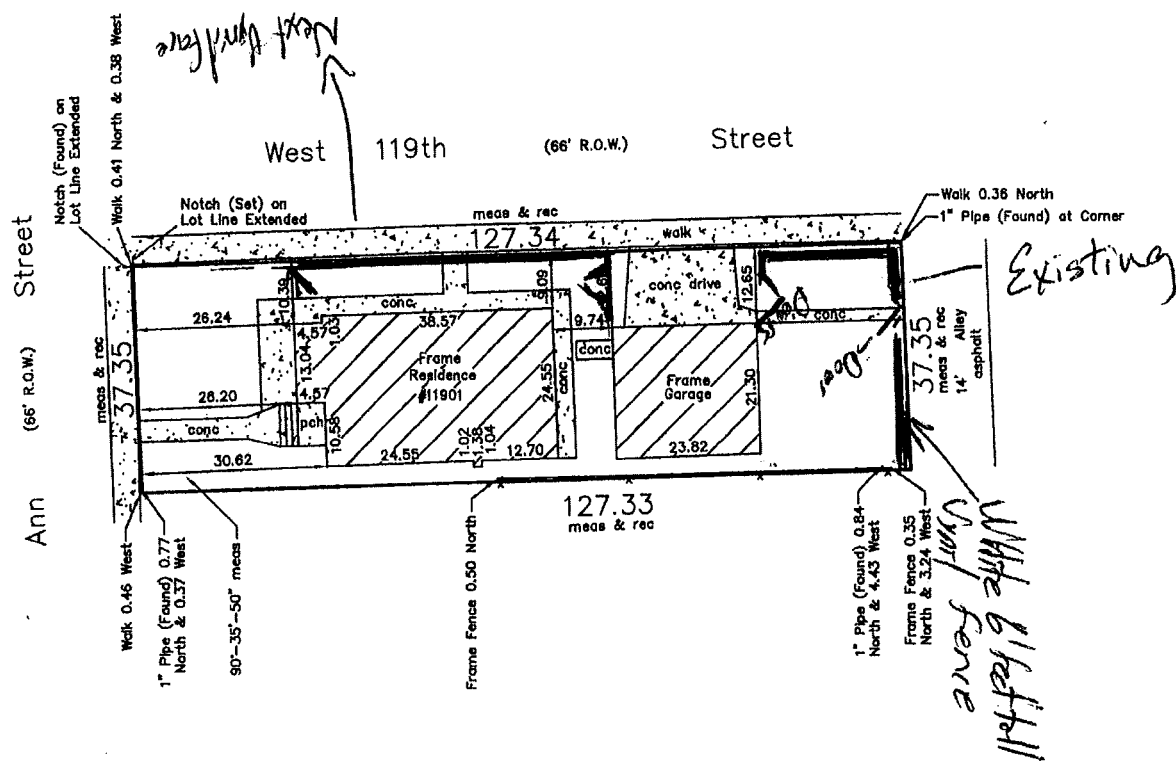
Land Surveying Services

Plat of Survey

10407 West Cermak Road
Westchester, Illinois 60164
(708) 662-2662
Fax (708) 662-7314
email: kabal-surveying@comcast.net
website: KabalSurveyingCompany.com
Registration No. 184-003061

The North 14 feet of Lot 47 and all of Lot 48 in Block 3 in Jernberg's Addition to Blue Island, a subdivision of the East half of the Northeast quarter of Section 25, Township 37 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Address: 11901 Ann Street, Blue Island



RECEIVED

OCT 13 2023

BUILDING DEPARTMENT

LEGEND

R.O.W. = right-of-way, E = East
rec = record, N = North, W = West
meas = measured, S = South
pch = porch, conc = concrete

Area of property is approximately 4,768 square feet

"X" in box indicates that hereon drawn plat was ordered as a non-monumented survey

Please check Legal Description with Deed and report any discrepancy immediately.

Surveyed September 28, 2022

Scale: 1 inch = 20 ft.
Order No. 221730
Ordered By: Owner



This professional service conforms to the current Illinois minimum standards for a boundary survey

STATE OF ILLINOIS }
COUNTY OF COOK } ss.

I, MITCHELL P. BALEK, an Illinois Professional Land Surveyor, hereby certify that I have surveyed the property described above and the plat hereon drawn is a correct representation of said survey.

Dimensions are in feet and decimal parts thereof and are corrected to a temperature of 62 degrees Fahrenheit.

Mitchell P. Bales

Illinois Professional Land Surveyor No. 035-003250
My license expires on November 30, 2022

ORIGINAL SEAL IN RED

Monday, 11/13/2023

To Whom It May Concern:

RE: 11901 Ann Street, Blue Island, IL

The reasons of why I need a fence on the north side of my home:

I live in a heavily trafficked corner street, 119th and Ann Street. Me and my family need some kind of privacy and security as much as possible, especially when we leave home from the 119th street towards the garage, or when we arrive at home, which is on the north side of the street.

As you can see in some of the pictures attached, the City of Blue Island already gave me authorization to install a 6' foot-tall-white vinyl fence in the backyard a couple of months ago. And it provided a very nice looking view to my property. It is my intention to continue to install the same type of fence on the part of my property, a 6' feet-tall white vinyl fence, if it is approved by the city zoning department.

However, the most important reasons of why I need a fence on the north side of my home is for security and privacy reasons. As you can see in some of the pictures, my home has been vandalized in the past - I also did a police report on that. Someone shoot my home with some type of rubber bullets and made some holes on the siding and broke one of my windows, leaving holes on that glass, window framing and siding (please, see pictures). In another time, someone else shoot paint balls on my siding. I was able to wash off the paint from my siding. I suspect it might had been the person who installed a sign without authorization saying "Tax Filing" during Tax season, in front of my house, in my yard.

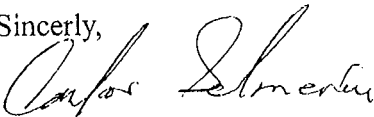
I have been able to deter some people from going into my property, both into my backyard when the fence was not installed yet, to do their bodily needs and in another time when a person tried to do his bodily needs in between my house and my garage.

My mother lives with me, she is 76 yrs old and and I want her to be safe in my house and outside when she comes out of the house. I really need the fence next to my home by the north side. In my plat of survey I have indicated in color red where the next fence is supposed to be. The previous approved fence is colored blue.

If they approve me for the installation of the 6' foot tall-white vinyl fence I would like to plant some nice flowers and bushes around it to provide a welcoming yet private view. Please, know that I am taking into consideration above all, the safety and protection of my family and people in and around my house. The new fence will provide a some kind of safety and protection.

Thank you so much for your consideration!

Please see my Application, my Plat of Survey, Pictures, my check and the Variation Application form attached.

Sincerely,

Mr. Carlos Salmeron
708-785-6168

