



**AGENDA
PLAN COMMISSION BOARD OF APPEALS
CITY OF STREATOR
CITY HALL OFFICES 204 S BLOOMINGTON STREET
STREATOR, IL 61364
OCTOBER 2, 2018 - 6:00 P.M.**

CALL TO ORDER:

ROLL CALL:

MINUTES: Approval of the minutes of the regular meeting of SEPTEMBER 11, 2018.

PUBLIC FORUM:

NEW BUSINESS

1. **PUBLIC HEARING.** On the petition of Chris Smoron, requesting a variance from the provisions of Title 17, Chapter 17.40, Section 17.40.010 (D) Building Setback Requirements to allow for the replacement of an existing accessory structure, for property legally described as: The North Half of Lot 12 Block 8 in the Villa Park Addition to the City of Streator, commonly known as 706 N. Jefferson Street.

2. **PLAN COMMISSION RECOMMENDATION 2018-11.** Recommending approval and granting of a variance from the provisions of Title 17, Chapter 17.40 "Density, Dimensional and Other Regulations", Section 17.40.010 (D) "Building Setback Requirements", to allow for replacement of an existing garage at 2' side lot line setback for property legally described as: The North Half of Lot 12 Block 8 in the Villa Park Addition to the City of Streator, commonly known as 706 N. Jefferson.

STATUS REPORTS:

COMMENTS:

ADJOURNMENT:

NOTE: Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the city clerk's office at (815) 672-2517, 24 hours prior to the meeting. Staff will be pleased to make the necessary arrangements.

MINUTES OF THE PLAN COMMISSION – CITY OF STREATOR
CITY HALL OFFICES 204 S BLOOMINGTON STREET, STREATOR, IL 61364
TUESDAY, SEPTEMBER 11, 2018 - 6:00 P.M.

CALL TO ORDER: Chairman Patterson called the meeting to order at 6:00 P.M.

ROLL CALL: Members Present: Chalkey, Godfrey, Gubbels, Pierce, Strabala and Chairman Patterson.
Absent: Hatzer.
Staff present: Jeremy Palm and Patricia Henderson, City Clerk.

MINUTES: Approval of the minutes of the regular meeting of AUGUST 7, 2018.
Chairman Patterson made a requested a motion and second to approve the minutes of August 7, 2018 meeting.
MOTION: Gubbels made a motion to approve the August 7, 2018 meeting minutes; seconded by Strabala.
ROLL: Ayes: Chalkey, Godfrey, Gubbels, Pierce, Strabala and Chairman Patterson.
Absent: Hatzer.

PUBLIC FORUM: None.

NEW BUSINESS

1. **PUBLIC HEARING.** On the petition of Tim Baietto, petitioning to change the zoning and amend the zoning map for property legally described as: Main Street Addition to the City of Streator, Lot 9 in Block 14, commonly known as 108 Colorado Avenue, from "R1-B Single-Family Residential" to "C-3 General Commercial" zoning district under the provisions of the Streator municipal code of ordinance zoning code.

Chairman Patterson requested a motion and a second to open the public hearing regarding rezoning 108 N. Colorado Avenue, from "R-1B' Single-Family Residential" to "C-3" General Commercial.

MOTION: Pierce made a motion to open the Public Hearing; seconded by Chalkey.

ROLL CALL: Ayes: Chalkey, Godfrey, Gubbels, Pierce, Strabala and Chairman Patterson.
Absent: Hatzer.

Jeremy Palm, City Engineer, explained the recommendation to the council and reported the change in zoning was to build a parking lot on the property. There was no discussion or questions. Chairman Patterson requested a motion and a second to close the public hearing.

MOTION: Godfrey made a motion to close the Public Hearing; seconded by Strabala.

ROLL CALL: Ayes: Chalkey, Godfrey, Gubbels, Pierce, Strabala and Chairman Patterson.
Absent: Hatzer.

2. **PLAN COMMISSION RECOMMENDATION 2018-10.** Recommending approval of a change in zoning and amending the district zoning map for property described as Main Street Addition to the City of Streator, Lot 9 in Block 14, commonly know as 108 Colorado Avenue, Streator, Illinois from "R-1B Single-Family Residential" to "C-3 General Commercial" zoning district under the provisions of the Streator municipal code of ordinances zoning code. Chairman Patterson requested a motion and second to approve the recommendation to change zoning and amend the district zoning map for property commonly known as 108 N. Colorado Avenue, Streator, Illinois from "R-1B Single-Family Residential" to "C-3 General Commercial" zoning district under the provisions of the Streator municipal code of ordinances zoning code.

MOTION: Gubbels made a motion to approve the rezoning of 108 N. Colorado Avenue from R-1B Single-Family Residential to C-3 General Commercial; seconded by Chalkey.

ROLL CALL: Ayes: Chalkey, Godfrey, Gubbels, Pierce, Strabala and Chairman Patterson.
Absent: Hatzer.

STATUS REPORTS: Palm gave a status report on downtown "facade grants" and the progress being mad.

COMMENTS: Palm also asked the Plan Commission if they would be willing to serve as the Board of Zoning Appeals until we have a new board in place. It was unanimous by the Plan Commission to take on this task.

Palm also asked if the Plan Commission would be willing to meet on October 2 rather than October 9, 2018. It was agreed the October meeting would be changed to Tuesday, October 2, 2018 @ 6:00 p.m.

ADJOURNMENT: Chairman Patterson requested a motion and second to adjourn the meeting.

MOTION: Gubbels made a motion to adjourn the meeting; seconded by Strabala.

ROLL CALL: Ayes: Chalkey, Godfrey, Gubbels, Pierce, Strabala and Chairman Patterson.
Absent: Hatzer.

ADJOURNED AT 6:15 P.M.


Patricia L. Henderson, City Clerk

OFFICE MEMORANDUM

TO City Manager
FROM Community Development Director
SUBJECT October ZBA Meeting
DATE September 25, 2018

706 N Jefferson Street Variance Request

Enclosed with this memo please find an application for a variance for 706 N Jefferson Street.

This application is being presented by Chris Smoron as the owner to request a variance from Title 17, Chapter 17.40, Section 17.40.010(D) Building Setback Requirements to allow for the demolition of the existing garage on the property and the replacement of the garage at the existing 2' side lot line setback. The reason that the variance is being requested is that the current code requires a 5' side yard setback and since the owner is proposing to enlarge the size of the garage the legal non-conforming status of the existing garage will be lost in accordance with Section 17.28.

In accordance with Section 17.18.020 "Variances" the Plan Commission acting as the Zoning Board of Appeals must review this application and make six findings prior to recommendation of any variance. This review is made to determine the eligibility for a variance as stated in 17.18.020:

"A variance may be granted by the board of appeals if it concludes that by reason of an exceptional situation, surroundings, or condition of a specific piece of property, or by reason of exceptional **narrowness, shallowness** or shape of a specific piece of property of record, or by reason of exceptional topographical conditions strict enforcement of the title would result in peculiar or exceptional practical difficulties or particular unnecessary hardships for the applicant and that, by granting the variance, the spirit of the title will be observed, public safety and welfare secured, and substantial justice done.

The findings that must be made and my report on each is as follows:

1. The proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city
 - a. Staff finds that this request will not impair or decrease property values and will in fact increase property values due to the replacement of the existing garage

2. If the applicant complies strictly with the provisions of the title, he or she can make no reasonable use of his or her property;
 - a. Staff finds that strict adherence to the code due to the size of the lot puts the lot at a disadvantage to the surrounding neighborhood relating to off street parking

3. The hardship of which the applicant complains is one suffered uniquely by the applicant rather than by neighbors or the general public under the same regulation;
 - a. Staff finds that neighbors in the area do not have the same size limitations due to the larger lot sizes

4. The hardship relates to the applicant's land, rather than personal circumstances
 - a. Staff finds that the hardship relates to the applicant's land

5. The hardship is unique, or nearly so, rather than one shared by many surrounding properties, under the same regulation;
 - a. Staff finds that the hardship is unique due to the size of the applicant's lot

After discussion on each finding the board may only grant a variance if it finds favorably on all six requirements. Based on the staff findings it is recommended that the variance be approved.

BOARD OF APPEALS

RECOMMENDATION 2018-11

RECOMMENDING APPROVAL AND GRANTING OF A VARIANCE FROM THE PROVISIONS OF TITLE 17, CHAPTER 17.40 "DENSITY, DIMENSIONAL AND OTHER REGULATIONS", SECTION 17.40.010(D) "BUILDING SETBACK REQUIREMENTS", TO ALLOW FOR REPLACEMENT OF AN EXISTING GARAGE AT A 2' SIDE LOT LINE SETBACK.

WHEREAS, Chris Smoron, Owner, has filed a petition seeking relief from the provisions of Title 17, Chapter 17.40, Section 17.40.010(D) "Building Setback Requirements" to allow for the removal and replacement of an existing garage at the property commonly known as 706 N Jefferson; and legally described as the north half of Lot 12 Block 8 in the Villa Park Addition; and

WHEREAS, a public hearing on said petition was held on October 2, 2018 by the Board of Appeals pursuant to a notice of public hearing published in a newspaper of general circulation on September 19, 2018 as required by law; and

WHEREAS, the Board of Appeals of the City of Streator has considered all evidence, both written and oral;

NOW THEREFORE, be it resolved by the Zoning Board of Appeals of the City of Streator, LaSalle and Livingston Counties, Illinois, as follows:

Section 1: The Board of Appeals has determined that a recommendation for the granting of a variance from the provisions of Section 17.40.010(D) to allow for the removal and replacement of the existing garage at a 2' side yard lot line setback would be consistent with the following findings:

- 1) That the proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city;
- 2) That the applicant complies strictly with the provisions of the title, he or she can make no reasonable use of his or her property.
- 3) That the hardship of which the applicant complains is one suffered uniquely by the applicant rather than by neighbors or the general public under the same regulation;
- 4) That the hardship relates to the applicant's land, rather than personal circumstances;
- 5) That the hardship is unique, or nearly so, rather than one shared by many surrounding properties, under the same regulation;
- 6) That the hardship is not the result of the applicant's own actions.

Section 2: That the Zoning Board of Appeals recommends approval and the granting of the variance to the City Council of the City of Streator at property zoned "R-1B" Single Family Medium Density and legally described as:

North Half of Lot 12 Block 8 in the Villa Park Addition

Section 3: That this recommendation be immediately be transmitted together with a copy of the minutes of said meeting to the City Council for final review and approval.

Passed by the Board of Zoning Appeals of the City of Streator, LaSalle and Livingston Counties, Illinois at a special meeting thereof on the 2nd day of **October 2018** and approved by me as chairman on the same day.

Doug Patterson, Chairperson

RECORD OF THE VOTE	Yes	No	Abstain	Absent
Dean Chalkey				
Harry Godfrey				
Bob Gubbels				
Jeff Hatzer				
Doug Patterson				
Richard Pierce				
Jeanette Strabala				

672-2517 ext: 236

City of Streator
204 S. Bloomington Street
Streator, Illinois 61364
815/672-2517 fax 815/672-7566



APPLICATION FOR A VARIANCE

Applicant(s): Chris Smoron

Telephone: 815-228-1343

Mailing Address: 706 N. Jefferson St.

Fax: _____

Applicant's Representative: _____

Telephone: _____

Mailing Address: _____

Fax: _____

1. Application fee:

- \$100 for a single family zoning classification or a non-residential zoning classification
- \$300 for a more than single family zoning classification under one acre
- \$300 for a non-residential zoning classification
- \$750 for residential zoning classification equal to or greater than one acre
- Applicant will be required to reimburse the City of any cost of legal notices

2. The applicant petitions the City of Streator for a variance for the following property:

a. Legal Description (attach the full legal description on 8 1/2 x 11 separate sheet of paper- type written, plus an electronic version of the legal description).

Subdivision Name: Villa Park Addition ✓

Property Tax ID #: 33-26-464-012 ✓ SIDWELL #: _____ ✓

b. Street Address or Common Location: _____

c. Describe Reason for request: To remove existing garage and replace with new Garage

d. Describe the proposed use; characteristics such as operating hours, number of employees, capacity of facility, etc.: 8-5 may vary, 1-4 workers

e. Size of Lot (sq.ft.): 50' x 70'

f. Existing Zoning District: R-1B ✓

g. Yes No Is the property located in a flood plain or flood way?

h. Yes No Is the proposed use in conformance with the city's Comprehensive Plan?

i. How will the proposed use impact existing and future land uses. parking cars

j. How will proposed variance impact adjacent property values. the look of a new Garage should help raise values

EXHIBIT
A

l. Yes No Will the variance negatively impact the general public health, safety and welfare.
If yes, please explain: _____

m. Yes No Will the variance conflict with existing conditions or public improvements such as schools, sewer, water system, parks, roads, and traffic patterns.
If yes, please explain: _____

3. Before granting a variance, the Zoning Board of Appeals must take a separate vote and vote to approve the variance on each of the following conditions: The proposed variance
- a. Will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Streator, and
 - b. If not approved and the applicant complies strictly with the provisions of the zoning title he could not make a reasonable use of his property, and
 - c. If not approved would cause a hardship, which the applicant is complaining about, is one suffered uniquely by the applicant rather than by neighbors or the general public under the same regulation, and
 - d. Is related to the hardship of the applicant's land, rather than personal circumstances, and
 - e. Is related to the unique hardship, or nearly so, rather than to one shared by many surrounding properties, under the same regulation, and
 - f. Is not related to the hardship, which is the result of the applicant's own actions.

4. The petitioner(s) have read and completed all of the above information and affirm that it is true and correct.
Petitioner's Signature: [Signature] Date: 8-20-18

Petitioner's Signature: _____ Date: _____

Subscribed and sworn to before me this 20th day of August, 2018



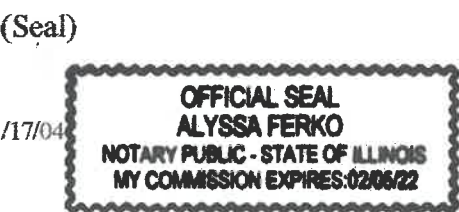
[Signature]
Notary Public

5. I hereby affirm that I am the legal owner (or authorized agent or representative- proof attached) of the subject property and authorize the petitioner to pursue this petition as described above.

Owner's Signature: [Signature] Date: 8-20-18

Owner's Signature: _____ Date: _____

Subscribed and sworn to before me this 20th day of August, 2018



[Signature]
Notary Public



**CITY OF STREATOR
204 SOUTH BLOOMINGTON STRET
STREATOR, ILLINOIS 61364
Phone (815) 672-2517
Fax (815) 672-7566**

DATE: September 17, 2018
TO: The Times
FROM: Jeremy Palm
RE: Legal Notice to be Run

Please run the following legal notice one (1) time as soon as possible and send a certificate of publication with the invoice. If you have any questions, do not hesitate to call.

LEGAL NOTICE

Notice is hereby given in compliance with the Municipal Code of Ordinances of the City of Streator, Illinois, that a public hearing will be held before the Board of Appeals of the City of Streator upon the applications of the property owner of 706 N Jefferson Street, requesting a variance from the provisions of Title 17, Chapter 17.40, Section 17.40.010 (D) Building Setback Requirements, to allow for the replacement of an existing accessory structure.

A public hearing before Board of Appeals on said application will be held at 6:00 p.m. on October 2, 2018 at the Streator City Hall Council Chambers, 204 South Bloomington Street, Streator, Illinois, at which time and place any person determining to be heard may be present. Comments or written testimony may also be submitted in advance by addressing them to the Board of appeals c/o City of Streator, 204 South Bloomington Street, Streator, Illinois 61364.

Jeremy Palm
Community Dev. Director/City Engineer

**EXHIBIT
B**



Existing Garage to be Replaced

EXHIBIT
C



City of Streator

204 South Bloomington Street • Streator, Illinois 61364 • Phone (815) 672-2517 • Fax (815) 672-7566

September 25, 2018

RE: Public Hearing Notice – Requesting a Variance from the Provisions of Title 17, Chapter 17.40 Section 17.40.010 (D) Building Setback Requirements, to allow for the Replacement of an Existing Structure – 706 N. Jefferson Street

VILLA PARK ADDITION N1/2 LOT 12 BLK 8.

Dear Property Owner:

City Staff has identified that property you own is within 250 feet of the above mentioned property. This letter serves as notification that a public hearing will be held at 6:00 p.m. on October 2, 2018 in the City Council Chambers of City Hall, 204 South Bloomington Street, Streator, on the petition by Chris Smoron requesting a variance from the provisions of Title 17, Chapter 17.40, Section 17.40.010 (D) Building Setback Requirements, to allow for the replacement of an existing structure. The property is legally described as follows:

VILLA PARK ADDITION N1/2 LOT 12 BLK 8.
(Please see attached map)

The above referenced application is open to inspection at the offices of the City Clerk, City of Streator, 204 S. Bloomington Street, Streator, IL 61364. Persons wishing to appear at the public hearing may do so in person, by attorney, or by other representative.

If you cannot be present but wish to make comment, you may also submit your comments in advance by addressing them to the Plan Commission c/o of the City of Streator, 204 S. Bloomington St. Streator, IL 61364.

Cordially,

Jeremy Palm
Dir. of Community Development

**EXHIBIT
D**

**Garage to
be
demolished**

