

At a meeting of the Zoning Board of Appeals of the City of Joliet, Illinois, held Thursday, February 16, 2006, at the hour of 1:30 p.m. in the Municipal Building, 150 West Jefferson Street, Joliet, Illinois with the following members present:

Mr. Mike Carruthers  
Mr. Charles Graham  
Mr. Ed Hennessy  
Ms. Elizabeth Nevarez  
Ms. Denise Powers (Chairman Pro-Tem)

Absent:  
Mr. Paul Briese

Thereupon the following matters were heard by the Zoning Board of Appeals:

**Zoning Board of Appeals of the City of Joliet, Il. - Thursday, February 16, 2006**

***THIS PETITION WAS HEARD OUT OF ORDER AS LISTED ON THE AGENDA.***

**PETITION 2006-12:** A **Variation** to allow an electronic message sign and an additional wall sign on a proposed Walgreen's store, located at 7899 Caton Farm Rd. (Kendall County)

Mr. Fisher read the staff report into the record.

Chairman Hennessey swore in Mr. Dan Wander, Gendell Partners Joliet, LLC, Skokie, Il. Mr. Wander stated that they are requesting the two signs for this site, which will be part of a multi-use commercial property. He said that the wall signs are needed because it will be difficult to see the Walgreens store when traveling west on Caton Farm Rd. The message board will be a brick monument style sign, and it is needed in order to effectively compete in the marketplace.

Chairman Hennessey asked if anyone wished to speak in favor of the petition and no one came forward.

Chairman Hennessey asked if anyone wished to speak in opposition to the petition and no one came forward.

Chairman Hennessey closed the petition and asked the board for a discussion and a vote.

Mr. Carruthers moved to approve the petition and Ms. Powers seconded the motion, which passed with 5 aye votes. Voting aye were: Carruthers, Graham, Nevarez, Powers and Hennessy.

**Petition 2006-12 was approved with five aye votes.**

**Zoning Board of Appeals of the City of Joliet, Il. - Thursday, February 16, 2006**

***THIS PETITION WAS HEARD OUT OF ORDER AS LISTED ON THE AGENDA.***

**PETITION 2006-11:** A series of **Variations** to allow construction of a single-family residence on an undersized lot located at 1316 Colorado St.

Mr. Fisher read the staff report into the record.

Chairman Hennessey swore in Mr. Ryan Proffitt, Crest Hill, Il. Mr. Proffitt stated that he and his future wife will live in this house. He said that the house will have a brick front, with brick or cedar siding on the sides, and it will resemble other houses in the neighborhood.

Chairman Hennessey swore in Mr. Robert Lee Pederson, Joliet, Il. Mr. Pederson announced the names of 7 other neighbors who were present at the meeting. He stated that he had a petition of over 40 signatures from neighbors who are in opposition to this variation. The petition was given to the secretary for the file. Mr. Pederson stated that not only is this lot too small for a house, but with the new Wildflower subdivision, he said that the traffic and parking is getting worse on Colorado St. The street is narrow and allows for parking on both sides, which leaves room for only 1 car at a time to travel down the road. Mr. Pederson said that children play in the alley that is paved, and two of them have been hit by cars in the past two years. He said that there is increased traffic in the alley between the Wildflower subdivision and Massachusetts Ave. Mr. Pederson stated that this area is the lowest part of the neighborhood and that there are constant problems with flooding. He said that the city put in streets, curbs and storm sewers years ago, as well as a storm sewer in the back alley. Even with the improvements, he said that his property still gets the rainwater and sump pump run off from neighboring properties. He said if a house is built on this property, it will cause even more water to run off onto his property. Mr. Pederson stated that he has spent thousands of dollars over the years trying to alleviate the flooding problem. He said that building a house that can be up to 2½ stories high, as allowed by the zoning ordinance, on this lot of only 39 feet will affect the surrounding property values. In addition, he said that the house will not be in character with the rest of the neighborhood.

Chairman Hennessey swore in Mr. James Norris, Joliet, Il. Mr. Norris stated that he has lived in this neighborhood all of his life. He said that even though there have been several attempts, none of the covenants or restrictions have ever been broken in this neighborhood. Mr. Norris was also concerned with the flooding in the area, and said that it has always been a problem and still is. He said that once a variance is permitted, then others are more likely to follow, and he would rather see the neighborhood remain as it is, and as it was intended to be from the beginning.

Chairman Hennessey swore in Ms. Mary Jane Ancel, Joliet, Il., a property owner in the neighborhood. Ms. Ancel asked if Mr. Proffitt, or if his father owns this property. Mr. Fisher stated that the owner of the lot at 1316 Colorado St. and the house on 1318

Colorado St. is Mr. Patrick Proffitt, the father of Ryan Proffitt. Ms. Ancel stated that the picture of the house looks like it will not fit on the property, and that another house would also mean more cars parking on the street. Ms. Powers said that there will be a garage in the rear. Ms. Ancel said that people don't always use their garage to park cars, and there is no parking in the alley.

Mr. Proffitt stated that it would not be a problem to park the cars in the garage, and that there will only be two people living in the house.

Chairman Hennessey asked if anyone wished to speak in favor of the petition and no one came forward.

Chairman Hennessey asked if anyone wished to speak in opposition to the petition and no one came forward.

Chairman Hennessey closed the petition and asked the board for a discussion and a vote.

Ms. Powers said that she agreed with the neighbors, that this lot is too small for such a big house.

Ms. Powers moved to deny the petition and Mr. Graham seconded the motion, which passed with 5 aye votes. Voting aye were: Carruthers, Graham, Nevarez, Powers and Hennessey.

**Petition 2006-11 was denied with five aye votes.**

**Zoning Board of Appeals of the City of Joliet, Il. - Thursday, February 16, 2006**

**PETITION 2006-09:** A **Variation** of a side-yard setback from 6 ft. to 0 ft. to allow construction of an attached shed, located at 724 Apollo Dr.

Mr. Fisher read the staff report into the record.

Chairman Hennessey swore in Mr. David Albert, Joliet, Il. Mr. Albert said that he disagrees that the shed is not in character with the home or the surrounding neighborhood. He said that the siding is identical to the siding that is on the house. Mr. Albert said that the shed is on a floating slab and it is not attached to the garage. He said that he just found out today that the city may be in opposition to this variation. If he had been told that the shed would be an issue, then he never would have applied for the variation, and he would have taken down the shed instead. He did not put the door on the shed yet because he could not do any more work on it until this variation was approved.

Mr. Fisher stated that after further evaluation of a variation request, sometimes it may be determined that approval of the variation would set a bad precedent, and would not be in the best interest of the city. He said that if Mr. Albert had applied for a permit as required, this shed would not have been approved and other options would have been recommended.

Mr. Albert said that he takes responsibility for failing to apply for a permit.

Chairman Hennessey stated that he was more concerned about the zero setback variation than anything else.

Mr. Albert stated that he spoke with his neighbor before he built the shed so close to the property line, and the neighbor did not have a problem with the location of the shed.

Ms. Powers said that if Mr. Albert had applied for the permit, he would have known about the required variation.

Chairman Hennessey asked if anyone wished to speak in favor of the petition and no one came forward.

Chairman Hennessey asked if anyone wished to speak in opposition to the petition and no one came forward.

Chairman Hennessey closed the petition and asked the board for a discussion and a vote.

Mr. Carruthers moved to deny the petition and Mr. Graham seconded the motion, which passed with 5 aye votes. Voting aye were: Carruthers, Graham, Nevarez, Powers and Hennessy.

**Petition 2006-09 was denied with five aye votes.**

**Zoning Board of Appeals of the City of Joliet, Il. - Thursday, February 16, 2006**

**PETITION 2006-10:** A **Variation** of a major street setback along Black Rd. from 80 ft. to 70 ft. to allow construction of a single-family home, located at 711 Ann St.

Mr. Fisher read the staff report into the record.

Chairman Hennessey swore in Mr. John Major, Phoenix Developers LLC, Shorewood, Il. Mr. Major stated that Phoneix Developers has been awarded the contract to build a new group home for Cornerstone Services. He said that the 70 ft. major street setback variation will be in character with other homes in the subdivision that were built on Black Rd. Mr. Major said that the variation will also allow more space in between the other house that was just built south of this property.

Chairman Hennessey asked if anyone wished to speak in favor of the petition and no one came forward.

Chairman Hennessey asked if anyone wished to speak in opposition to the petition and no one came forward.

Chairman Hennessey closed the petition and asked the board for a discussion and a vote.

Ms. Powers moved to approve the petition and Mr. Carruthers seconded the motion, which passed with 5 aye votes. Voting aye were: Carruthers, Graham, Nevarez, Powers and Hennessy.

**Petition 2006-10 was approved with five aye votes.**

## **Zoning Board of Appeals of the City of Joliet, Il. - Thursday, February 16, 2006**

**PETITION 2006-13:** A **Variation of Use** and a series of variations to allow the continuation of an existing 2-unit residence, an R-3 (one and two family residential) use, in an R-2 (single-family residential) zoning district, located at 7-9 Cagwin Ave.

Mr. Fisher read the staff report into the record.

Chairman Hennessey swore in Michael Korst, Attorney, 800 S. State St., Lockport, Il. representing the petitioner, Mr. Jaime Frausto. Mr. Korst stated that this property has been a 2-unit from 1920 to 1935. In 1935 it was listed as 2 separate addresses. He said that the building has always been a 2-unit, with 2 separate addresses. When Mr. Frausto purchased this property, the seller had a 4-year certificate of inspection dated April, 1998 that had been issued by the city, approving the 2-unit with no violations. After Mr. Frausto purchased this property, he received notice of a zoning violation from the Planning Division in August, 2000 stating that the 2-unit was a non-conforming use (a multi-family use in a single-family district). The letter also stated that a certificate of inspection would not be issued until the zoning violation was resolved. Mr. Frausto filed a petition for the variance in October, 2000, but he withdrew the petition because the city issued a certificate of inspection before the Zoning Board meeting. Mr. Korst stated that the city also issued a 2-year certificate of inspection to Mr. Frausto in 2002 and 2004. Mr. Korst said that there are 2 separate entrances for each unit. He said that there is a front door for access to the second floor, but that there is no inside access. The building is in character with the neighborhood, considering that there are several other 2-unit properties in the area. He said that the ceiling height is 6'11" not 7' as required by the ordinance, but the owner has not made any changes, and the city has always issued a certificate of inspection. Mr. Korst said that the residents who live here do not block the alley or park in the alley, but other neighbors may. He said that Mr. Frausto is selling the property and that the buyer would have to agree to provide the parking area in the rear, but it should not be a problem.

Chairman Hennessey swore in Mr. Jaime Frausto, Shorewood, Il. Mr. Frausto stated that there were many times in the past when the city should have pursued this issue and not when he is now trying to sell the house.

Mr. Fisher stated that typically a non-conforming property can not transfer without a variation. He said that a rental certificate has no bearing on what zoning issues there may be. With the zoning ordinances in place now, the variation of use would have had to been addressed in order for the property to transfer in 2000.

Mr. Korst stated that it seems unfair for one division of the city to find that the property is acceptable as a 2-unit, when another division of the city finds that it is not. He said that the owner is willing to do whatever is necessary in order to allow this property to be approved as a 2-unit, as it always has been.

Chairman Hennessey asked if anyone wished to speak in favor of the petition and no one came forward.

Chairman Hennessey asked if anyone wished to speak in opposition to the petition and no one came forward.

Chairman Hennessey closed the petition and asked the board for a discussion and a vote.

Mr. Graham stated that this property is located on Cagwin Avenue which is currently a very fragile place. The city has gone above and beyond to try and make this area better. Cagwin Ave. has been made into a one-way street, which helps to diminish the off-street parking. He said that not only have there been numerous police calls to the property, but a person died due to a fire at the property. He said that this property is not conducive to the revitalization of the area.

Mr. Graham moved to deny the petition and Ms. Powers seconded the motion, which passed with 5 aye votes. Voting aye were: Carruthers, Graham, Nevarez, Powers and Hennessey.

**Petition 2006-13 was denied with five aye votes.**



Zoning Board of Appeals of the City of Joliet, Il. - Thursday, February 16, 2006

**REPEAL OF PETITION 1993-26:** A **Variation of Use** to allow continuation of a 4-unit structure, an R-4 (multi-family residential) use, in an R-3 (one and two family residential) zoning district located at 114-116 Iowa Ave.

Mr. Fisher requested that this petition be tabled for further review by the Legal Department and other city divisions.

Ms. Powers moved to table the petition and Mr. Carruthers seconded the motion, which passed with 5 aye votes. Voting aye were: Carruthers, Graham, Nevarez, Powers and Hennessy.

**Petition 1993-26 was tabled with five aye votes.**

**Zoning Board of Appeals of the City of Joliet, Il. - Thursday, February 16, 2006**

**PETITION 2005-73**: A **Special Use Permit** to allow the relocation of an existing thrift store to the Marycrest Shopping Center located at 2010 & 2012 W. Jefferson St.

Mr. Fisher requested that this petition be tabled indefinitely.

Mr. Graham moved to table the petition indefinitely, and Mr. Carruthers seconded the motion, which passed with 5 aye votes. Voting aye were: Carruthers, Graham, Nevarez, Powers and Hennessy.

**Petition 2005-73 was tabled indefinitely with five aye votes.**

**Zoning Board of Appeals of the City of Joliet, Il. - Thursday, February 16, 2006**

**PETITION 2005-132:** A **Variation of Use** and several variations to allow continuation of a 2-unit residence, an R-3 (one and two-family residential) use, in an R-2 (single-family residential) zoning district, located at 432 Fourth Ave.

Mr. Fisher read the staff report into the record.

Chairman Hennessey swore in Ms. Marie Urbano, Joliet, Il. Ms. Urbano stated that she has put a lot of work into this property, and that she would like to continue to use it as a 2-unit residence.

Chairman Hennessey asked if anyone wished to speak in favor of the petition and no one came forward.

Chairman Hennessey asked if anyone wished to speak in opposition to the petition and no one came forward.

Chairman Hennessey closed the petition and asked the board for a discussion and a vote.

Ms. Powers moved to approve the petition and Mr. Graham seconded the motion, which passed with 5 aye votes. Voting aye were: Carruthers, Graham, Nevarez, Powers and Hennessy.

**Petition 2005-132 was approved with five aye votes.**

Chairman Hennessey asked for a verbal approval of the minutes of the January 19, 2006 meeting and this passed unanimously with a verbal vote.

Chairman Hennessey asked for a verbal vote to adjourn the meeting and the Board unanimously approved the motion to adjourn.

*cc: S. Mufich, Neighborhood Services*