

At a meeting of the Zoning Board of Appeals of the City of Joliet, Illinois, held Thursday, April 20, 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. Paul Briese
Mr. Mike Carruthers
Mr. Charles Graham
Ms. Elizabeth Nevarez
Ms. Denise Powers (Chairman Pro-Tem)
Mr. Jim Riggs

Absent:
Mr. Ed Hennessy

Mr. Fisher stated that the following petitions were withdrawn:

PETITION 2006-23: A **Variation of Use** 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 302 Herkimer St.

PETITION 2006-27: A **Variation** of a required side-yard setback on a corner lot from 20 ft. to 5 ft. to allow installation of a 21 ft. diameter, above ground swimming pool, located at 2702 Stonebridge Ct.

PETITION 2006-36: A **Variation** of a required rear-yard setback from 3 ft. to 1.5 ft. and a required side-yard setback from 3 ft. to 0 ft. to allow demolition of an existing one-car garage and construction of a two-car garage located at 720 W. Marion St.

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

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PETITION 2006-22: A series of **Variations** to allow continuation of a 5-unit apartment building, an R-4 (multi-family residential) use, in an R-3 (one and two family residential) zoning district, located at 519 Francis Dr.

Mr. Fisher read the staff report into the record.

Chairwoman Powers swore in Mr. Tom Phelan, Attorney, Joliet, Il. representing the petitioner Antonio Perez, Joliet, Il. Mr. Phelan stated that Mr. Perez bought this property in 1991. At that time an appraisal report noted that this property was non-conforming, but that it was grandfathered in, so it was not considered a problem. The owner would like to continue to use this building as a 5-unit, as it has always been used. Mr. Perez has spoken with the neighbors, and they do not oppose the continued use of the building as a 5-unit.

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

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

Chairwoman Powers closed the petition and asked the board for a discussion and a vote.

Mr. Briese moved to approve the petition and Mr. Carruthers seconded the motion, which passed with 6 aye votes. Voting aye were: Briese, Carruthers, Graham, Nevarez, Riggs and Powers.

Petition 2006-22 was approved with six aye votes.

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PETITION 2006-24: A **Variation of Use** and a series of variations to allow conversion of a 5-unit apartment building into a 4-unit structure, located at 22 S. Hunter Ave.

and;

REPEAL OF PETITION 1990-95: A **Variation of Use** to allow an existing 5-unit, located at 22 S. Hunter Ave.

Mr. Fisher read the staff report into the record. Mr. Fisher stated that the St. Pat's Neighborhood Association is familiar with this building. He said that this 5-unit building was approved in 1980, and there have been some problems at the property. Mr. Fisher stated that it would better suit the area if the basement unit were removed. The repeal and the new variation will repeal the 5-unit status, and certify the 4-unit status of this apartment building.

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

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

Chairwoman Powers closed the petition and asked the board for a discussion and a vote.

Mr. Carruthers moved to approve the repeal of the petition and Mr. Riggs seconded the motion, which passed with 6 aye votes. Voting aye were: Briese, Carruthers, Graham, Nevarez, Riggs and Powers.

Repeal of Petition 1990-95 was approved with six aye votes.

Mr. Carruthers moved to approve the petition and Mr. Riggs seconded the motion, which passed with 6 aye votes. Voting aye were: Briese, Carruthers, Graham, Nevarez, Riggs and Powers.

Petition 2006-24 was approved with six aye votes.

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PETITION 2006-25: A **Variation** of a required front-yard setback from 30 ft. to 12 ft. to allow a 7 ft. x 15 ft. front porch addition on an existing residence, located at 422 Park Dr.

Mr. Fisher read the staff report into the record.

Chairwoman Powers swore in Ms. Penny Giacomi, Joliet, Il., representing the owner, Mr. Greg Grunnet, Joliet, Il. Ms. Giacomi did not have any questions or additional comments.

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

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

Chairwoman Powers closed the petition and asked the board for a discussion and a vote.

Mr. Briese moved to approve the petition and Mr. Carruthers seconded the motion, which passed with 6 aye votes. Voting aye were: Briese, Carruthers, Graham, Nevarez, Riggs and Powers.

Petition 2006-25 was approved with six aye votes.

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PETITION 2006-26: A **Variation of Use** to allow a one-chair barber shop, a B-1 (neighborhood business) use, in an existing single-family residence, in an R-2 (single-family residential) zoning district, located at 1300 N. Luther Avenue.

Mr. Fisher read the staff report into the record.

Chairwoman Powers swore in Mr. Jose Cardenas, Joliet, Il. Board member Ms. Nevarez was acting interpreter for Mr. Cardenas who recently purchased this property. Mr. Cardenas has health problems which have made it necessary for him to be able to work out of his home. Ms. Nevarez asked Mr. Cardenas if he agreed to adhere to all of the conditions of the variation. Mr. Cardenas asked if he could expand the business in the future. Mr. Fisher stated that the Zoning Board would have to approve any expansion of the business, but expansion is typically not permitted. Mr. Fisher added that the City Council has never approved outside employees for any home occupation.

Mr. Carruthers stated that this property is located in the Forest Park area where many new homes are being built. He said that the B-1 zoning on Woodruff Rd. is acceptable, but he questioned allowing a commercial business where all of the new homes are being built. Mr. Fisher stated that this property would not be zoned for business, and would only consist of one-chair for hair cutting, by appointment only, for supplemental income. Mr. Fisher added that the variation is granted only to the current owner and if the property was sold then the variation would no longer apply.

Mr. Cardenas said that sometimes more than one person or a family will come for service but he will only do one haircut at a time. Mr. Fisher said that would not be a problem. Mr. Cardenas stated that he has already added one additional parking spot.

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

Chairwoman Powers asked if anyone wished to speak in opposition to the petition. Chairwoman Powers swore in Ms. Cynthia Cinarder, Joliet, Il. Ms. Cinarder asked if there is a limit to the number of vehicles permitted at the property. Mr. Fisher said that if there is ever a large number of vehicles at the property it should be reported to the city. Ms. Cinarder asked if a new variation would need to be requested if the business was to change in any way, and Mr. Fisher said that there would have to be a new variation request. Ms. Cinarder asked about washroom facilities in the basement to accommodate the business. Mr. Fisher stated that the petitioner would work with the city building department regarding codes for that issue. Ms. Cinarder confirmed that there would be no signs on the grounds or on the exterior of the house, and Mr. Fisher answered that signs would not be permitted.

Chairwoman Powers closed the petition and asked the board for a discussion and a vote.

Mr. Riggs moved to approve the petition and Mr. Briese seconded the motion, which passed with 6 aye votes. Voting aye were: Briese, Carruthers (subject to all conditions), Graham, Nevarez, Powers and Riggs.

Petition 2006-26 was approved with six aye votes.

Zoning Board of Appeals of the City of Joliet, Illinois/Thursday, April 20, 2006

PETITION 2006-28: A **Variation** of a required, front-yard setback from 30 ft. to 22.5 ft. to allow a second story addition on an existing structure, located at 1015 Wabash Ave.

Mr. Fisher read the staff report into the record.

Chairwoman Powers swore in Mr. Armando Cruz, contractor, Joliet, Il., and Mr. Alejandro Cisneros, Joliet, Il. Ms. Nevarez was acting interpreter for Mr. Cardenas. Mr. Cardenas stated that he needs this addition in order to accommodate his four children.

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

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

Chairwoman Powers closed the petition and asked the board for a discussion and a vote.

Mr. Briese moved to approve the petition and Mr. Carruthers seconded the motion, which passed with 6 aye votes. Voting aye were: Briese, Carruthers, Graham, Nevarez, Riggs and Powers.

Petition 2006-28 was approved with six aye votes.

Zoning Board of Appeals of the City of Joliet, Illinois/Thursday, April 20, 2006

PETITION 2006-29: A **Variation of Use** and a series of variations to allow conversion of an existing 3-unit into a 2-unit residence, an R-3 (one and two family residential) use, in an R-2 (single-family residential) zoning district, located at 1017 Elizabeth St.

Mr. Fisher read the staff report into the record. Mr. Fisher said that the petitioner has agreed to install a new sidewalk in front of the property. He said that has walked through the building and it is a very nice property. He said the second floor unit is in excellent condition, that the first floor unit is currently being remodeled, and that the third floor unit will be removed.

Chairwoman Powers swore in Mr. Mike Hutten, Joliet, IL. Mr. Hutten did not have any questions or additional comments.

Mr. Graham asked Mr. Hutten what was the plan for the third floor unit after the removal. Mr. Hutten stated that the kitchen and bathroom will be removed and it will be used for storage.

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

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

Chairwoman Powers closed the petition and asked the board for a discussion and a vote.

Mr. Briese moved to approve the petition and Mr. Riggs seconded the motion, which passed with 6 aye votes. Voting aye were: Briese, Carruthers, Graham, Nevarez, Riggs and Powers.

Petition 2006-29 was approved with six aye votes.

Zoning Board of Appeals of the City of Joliet, Illinois/Thursday, April 20, 2006

PETITION 2006-30: Several **Variations** including a variation of minimum lot width from 60 ft. to 43.3 ft.; a variation of a required front-yard setback from 30 ft. to 17 ft.; and a variation of a required side-yard setback from 8ft. to 5 ft. for the construction of a single-family residence, located at 419 Madeline St.

Mr. Fisher read the staff report into the record.

Chairwoman Powers swore in Mr. Juan Nunez, Joliet, Il. representing the petitioner, Mr. Brian & Ruth Gabor, Sr. Mr. Nunez stated that he is the owner of the property. He said that he tried to sell this property to the neighbors before he put it on the market but none of them were interested in purchasing the property. Mr. Nunez stated that the petitioners would like to build a home on this property.

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

Chairwoman Powers asked if anyone wished to speak in opposition to the petition. Chairwoman Powers swore in Mr. Rich Reichenberger, Joliet, Il. Mr. Reichenberger stated that he was representing the St. Patrick's Neighborhood Association, and the buyer of the property at 720 W. Marion St., Joliet, Il. He said that the neighborhood association, as well as the city, have been working to eliminate overcrowding in these neighborhoods. He said that the petitioner is requesting a large percentage of reduction in the setbacks, and that it is excessive and unacceptable for this property. Mr. Reichenberger asked if the house will be owner occupied, or if it will be a rental building. Mr. Nunez did not know if the buyers were going to live in the building, or rent it out.

Mr. Fisher suggested that this petition be tabled in order to allow time for the neighbors to see the house plans and discuss other issues with staff, and the buyers of the property.

Chairwoman Powers swore in Mr. Jesse Colome, Joliet, Il. Mr. Colome stated that he owns the property adjacent to this property. He said that his driveway was destroyed by the equipment that was brought in when the building at this property was torn down. He asked if this property will be fenced off so that his property is not damaged during construction. Mr. Colome said that he had concerns about the safety of the children in the neighborhood during construction, and also about the very large tree that is located in the middle of the property.

Chairwoman Powers closed the petition and asked the board for a discussion and a vote.

Mr. Briese moved to table the petition and Mr. Carruthers seconded the motion, which passed with 6 aye votes. Voting aye were: Briese, Carruthers, Graham, Nevarez, Riggs and Powers.

Petition 2006-30 was tabled with six aye votes.

Zoning Board of Appeals of the City of Joliet, Illinois/Thursday, April 20, 2006

PETITION 2006-31: A series of **Variations** to allow construction of a second story addition on an existing residence, located at 211 Lincoln Ave.

Mr. Fisher read the staff report into the record.

The petitioner was not present.

Mr. Carruthers moved to table the petition and Mr. Graham seconded the motion, which passed with 6 aye votes. Voting aye were: Briese, Carruthers, Graham, Nevarez, Riggs and Powers.

Petition 2006-31 was tabled with six aye votes.

Zoning Board of Appeals of the City of Joliet, Illinois/Thursday, April 20, 2006

PETITION 2006-32: A Special Use Permit to allow a children's day care center, for up to 350 children, located at 960 Royce Ave.

Mr. Fisher read the staff report into the record.

Chairwoman Powers swore in Ms. Latosha Howard, Plainfield, Il. Ms. Howard stated that she has been providing daycare services for over 3 years at two different locations. She said that this is a good building to use as a daycare center. She has been very successful in the daycare business and has always run at full capacity. Ms. Howard said that she did a survey of the area and found that a lot of the schools have very long wait lists for daycare services. She also spoke to many of the neighbors, and they were in favor of having the daycare located in the area.

Chairwoman Powers asked if anyone wished to speak in favor of the petition. Chairwoman Powers swore in Ms. Latoya Walker, Chicago, Il. Ms. Walker stated that she and Ms. Howard are purchasing the property together as partners. She asked if an additional approval would be required to have classrooms on the third floor for school age children since that floor cannot be used for daycare services. Mr. Fisher stated that if the state of Illinois guidelines for the definition of daycare is not met, then there would have to be an additional approval for after school programs for older children.

Chairwoman Powers swore in Councilman Ledesma, Joliet, Il. Councilman Ledesma stated that he has always hoped that a suitable business would locate in this building. He said that he would not want to see such a historical building demolished. Councilman Ledesman stated that a daycare service is an essential and welcome business for the community.

Chairwoman Powers asked if anyone wished to speak in opposition to the petition. Chairwoman Powers swore in Mr. Bill Harrigan, Joliet, Il. Mr. Harrigan stated that he owns property in this neighborhood and has also lived in this neighborhood since the 1960's. He said that in the past he was the president, vice president, secretary and treasurer of the Lincoln School PTA. He said that he knows from past experience, that safety and street parking are a problem at this location, as well as traffic congestion that blocks Harrison St. Mr. Harrigan agrees that daycare services are needed in the area, but not at this location. Ms. Powers said that the petitioners could work with the police department to develop an acceptable plan for a drop-off and pick-up area to accommodate the traffic pattern. Mr. Harrigan said that he came before the board with these same concerns about the school across the street. He said that he was also given assurance then, that there would not be traffic problems, but there are. Mr. Carruthers mentioned that none of these children will be walking to this daycare center. Mr. Harrigan said that dropping children off is the problem and is currently problem at the school across the street and someone will get hurt.

Chairwoman Powers closed the petition and asked the board for a discussion and a vote.

Mr. Carruthers moved to approve the petition and Mr. Briese seconded the motion, which passed with 6 aye votes. Voting aye were: Briese, Carruthers, Graham, Nevarez, Riggs and Powers.

Petition 2006-32 was approved with six aye votes.

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PETITION 2006-33: A **Variation** of minimum lot width from 60 ft. to 50 ft. to allow construction of a single-family home, located at 109 Edward St.

Mr. Fisher read the staff report into the record.

Chairwoman Powers swore in Mr. Reginald Diggs, Joliet, Il. Mr. Diggs did not have any questions or additional comments.

Chairwoman Powers asked if anyone wished to speak in favor of the petition. Chairwoman Powers swore in Mr. David Sullivan, East Side Realty, Joliet, Il. Mr. Sullivan stated that the setback and the square footage are the only two issues with this property. He said that Mr. Diggs is proposing to build two houses, on existing lots, in an old neighborhood that was developed before the 60 ft. wide setback was required.

Chairwoman Powers asked if anyone wished to speak in opposition to the petition. Chairwoman Powers swore in Ms. Patricia Pascall, Joliet, Il. Ms. Pascall stated that she lives on this street. She said that the owner acquired this property through a sheriff's sale. She said that attorney Christine Zeldez, with the county sheriff sale, has advised her that 10% is to be paid at the time of the sale, and that the remaining amount must be paid within 24 hours of the sale. The owner took over one year to pay for this property. Ms. Pascall said that based on this information, this was an improper sale, and that others should have the opportunity to acquire the property. Mr. Fisher stated that the city does not get involved with the county as far as the disposal of surplus properties. He said that the consideration of the board is only to determine whether a single-family house will be allowed on this lot, as well as the lot at 111 Edward St. (petition 2006-34). Ms. Pascall said that the attorney told her that nothing should be permitted, and that the property should have been put back on the market to be resold.

Mr. Fisher requested that the petition be tabled in order to ask for title on the property.

Chairwoman Powers swore in Ms. Doris Holmes, Joliet, Il. Ms. Holmes stated that she lives on this street. She asked if the homes would be owner occupied or rental property. Mr. Diggs stated that these homes were going to be sold. Mr. Sullivan (East Side Realty) stated that the legal owner of the property is Mr. Scott and Mr. Leonard Libersher and that the title was secured properly. Mr. Sullivan said that he has had these two lots listed for sale and signs have been posted at the properties for over a year, and this is the first question that has ever been raised about ownership.

Chairwoman Powers closed the petition and asked the board for a discussion and a vote.

Mr. Breise moved to table the petition and Mr. Carruthers seconded the motion, which passed with 6 aye votes. Voting aye were: Briese, Carruthers, Graham, Nevarez, Riggs and Powers.

Petition 2006-33 was tabled with six aye votes.

Zoning Board of Appeals of the City of Joliet, Illinois/Thursday, April 20, 2006

PETITION 2006-34: A **Variation** of minimum lot width from 60 ft. to 50 ft. to allow construction of a single-family home, located at 111 Edward St.

Mr. Fisher requested that the petition be tabled in order to ask for title on the property.

Mr. Breise moved to table the petition and Mr. Carruthers seconded the motion, which passed with 6 aye votes. Voting aye were: Briese, Carruthers, Graham, Nevarez, Riggs and Powers.

Petition 2006-34 was tabled with six aye votes.

Zoning Board of Appeals of the City of Joliet, Illinois/Thursday, April 20, 2006

PETITION 2006-35: A **Variation** to allow a 2.3 ft. x 9.5 ft. electronic message board, and several additional sign variations, located at 1415-1525 Essington Rd.

Mr. Fisher read the staff report into the record.

Chairwoman Powers swore in Mr. Ed Hartsell, Express Signs, Joliet, Il. Mr. Hartsell stated that the sign meets all of the setbacks and it will have a full brick base.

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

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

Chairwoman Powers closed the petition and asked the board for a discussion and a vote.

Mr. Riggs moved to approve the petition and Mr. Briese seconded the motion, which passed with 6 aye votes. Voting aye were: Briese, Carruthers, Graham, Nevarez, Riggs and Powers.

Petition 2006-35 was approved with six aye votes.

Zoning Board of Appeals of the City of Joliet, Illinois/Thursday, April 20, 2006

PETITION 2006-37: A **Special Use Permit** to allow a used car display lot located at 2505 W. Jefferson St. (northwest corner of Jefferson St. & Barney Dr.)

Mr. Fisher read the staff report into the record.

Chairwoman Powers swore in Mr. Joe Troha, Manager, D'Arcy Motors, Joliet Il. Mr. Troha did not have any questions or additional comments.

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

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

Chairwoman Powers closed the petition and asked the board for a discussion and a vote.

Mr. Carruthers moved to approve the petition and Mr. Graham seconded the motion, which passed with 6 aye votes. Voting aye were: Briese, Carruthers, Graham, Nevarez, Riggs and Powers.

Petition 2006-37 was approved with six aye votes.

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REPEAL OF PETITION 2001-93: A **Variation of Use** to allow a banquet facility in an existing single family home, located at 206 Broadway.

and;

REPEAL OF PETITION 2004-129: A **Variation of Use** to allow a bed and breakfast establishment for overnight lodging with 5 rooms, a B-1 neighborhood business) use in an R-2 (single-family residential district located at 206 N. Broadway St.

Mr. Fisher read the staff report into the record. Mr. Fisher stated that this property is now vacant. He said that there have been violations of the conditions of the approval for the bed and breakfast establishment. Mr. Fisher said that the property was not brought up to code as specified by the City Building Inspection Department, and that there have been several unfavorable incidents at the property. In addition, the banquet facility was phased out several years ago. The repeal of these petitions will not preclude a qualified applicant in the future to petition for this type of use at the property. Mr. Fisher requested a repeal of both petitions, and stated that the status of the property will return to single-family residential.

Chairwoman Powers asked if anyone wished to speak in favor of the petition. Chairwoman Powers swore in Mr. Charles Wolf, Joliet, Il. Mr. Wolf stated that he is an attorney, and a member of the Cathedral Area Preservation Association Board. As representative for the board, Mr. Wolf said that the board was originally in favor of this property as a bed and breakfast establishment. He said that since the petitioner failed in his obligations to refurbish the property as expected, and because of incidents that have occurred there, the board is rescinding the approval of the operation. Mr. Wolf said that the board is in favor of the repeal of both petitions, and hopes that someone will come forth in the future with a more acceptable proposition.

Chairwoman Powers swore in Mr. Chris Dragatsis, Joliet, Il. Mr. Dragatsis, representing the All Saints Greek Orthodox Church, stated that the church also supported the idea of a bed and breakfast establishment at this location. He asked if the building will go up for sale, or if the same person still owns the property. Mr. Fisher stated that the city has heard that the bank has foreclosed on the property. Mr. Dragatsis stated that there are two of these huge buildings in the neighborhood and they are very difficult to sell. The upkeep and utilities for the homes is very expensive and interested buyers want to use the buildings as multi-family, which will not happen, because the area is zoned single-family residential. He is concerned that these homes will never sell and they will eventually be demolished. Mr. Fisher said that there is some interest in the purchase of this property. The city is hoping that a qualified business person will eventually submit a proposal that both the neighborhood and the city will welcome.

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

Chairwoman Powers closed the petition and asked the board for a discussion and a vote.

Mr. Graham moved to approve the repeal of petition 2001-93 (commenting that in the future, he will take a much closer look at this type of request, considering the incident that occurred at this

property), and Mr. Carruthers seconded the motion, which passed with 6 aye votes. Voting aye were: Briese, Carruthers, Graham, Nevarez, Riggs and Powers.

Repeal of Petition 2001-93 was approved with six aye votes.

Mr. Carruthers moved to approve the repeal of petition 2004-129, and Mr. Carruthers seconded the motion, which passed with 6 aye votes. Voting aye were: Briese, Carruthers, Graham, Nevarez, Riggs and Powers.

Repeal of Petition 2004-129 was approved with six aye votes.

Chairwoman Powers asked for a verbal approval of the minutes of the March 16, 2006 meeting and this passed unanimously with a verbal vote.

Chairwoman Powers asked for a verbal vote to adjourn the meeting and the Board unanimously approved the motion to adjourn.

cc: S. Mufich, Neighborhood Services