

STAFF REPORT

DATE: September 4, 2024
TO: Zoning Board of Appeals
FROM: Planning Staff
RE: Petition Number: 2024-50
Applicant / Owner: Marla Summers
Location: 1307 Briargate Avenue
Request: Variation of Use to allow a hair salon, a B-1 use, in the R-2 district

Purpose

The applicant is requesting a Variation of Use to allow a one-chair hair salon, which is a B-1 (neighborhood business) use, at their residence in the R-2 (single-family residential) zoning district. The Variation of Use request must be considered by the City Council following the recommendation of the Zoning Board of Appeals.

Home occupations are permitted in residential districts provided they meet the requirements listed in Section 47-5.3 (C) of the City's Zoning Ordinance. Businesses that see clients in the home, such as a hair salon, must request approval of a Variation of Use due to the "external evidence" of clients traveling to and parking at the home.

Site Specific Information

The subject property is approximately 5,780 square feet and contains a one-and-a-half-story residence and rear detached garage. The house is approximately 1,548 square feet and contains four bedrooms and two bathrooms. The property has a shared driveway with the adjacent property at 1305 Briargate Avenue. The property is zoned R-2 (single-family residential).

Surrounding Zoning, Land Use and Character

The property is located in the Briargate subdivision and surrounded by other single-family residences with R-2 zoning.

Applicable Regulations

- Section 47-5.3 (C) Home Occupations (R-1 Permitted Accessory Uses)
- Section 47-6 R-2 Single-Family Residential District
- Section 47-11.1 (C) B-1 District Permitted Uses
- Section 47-17.28 Variation of Use

Section 47-17.28: Variation of Use: A "variation of use" shall be defined to mean relief from strict compliance with the use limitations of this Ordinance regarding the classification, regulation, and restriction of the location where trades, industries, businesses, and residences may exist.

Discussion

The petitioner is requesting a variation of use to allow a one-chair hair salon home-based business within their residence. The petitioner is the only employee of the business and operates approximately 15 to 20 hours per week, on Tuesdays and Thursdays from around 8 AM to 7 PM. Clients are booked by appointment only – this business is not open to walk-in clients. The salon is in a 12-foot by 12-foot room at the front of the house and features a sink and one salon chair. Clients typically park at the end of the petitioner's driveway and on the street in front of the residence. A plat of survey, floor plan, and photos are attached.

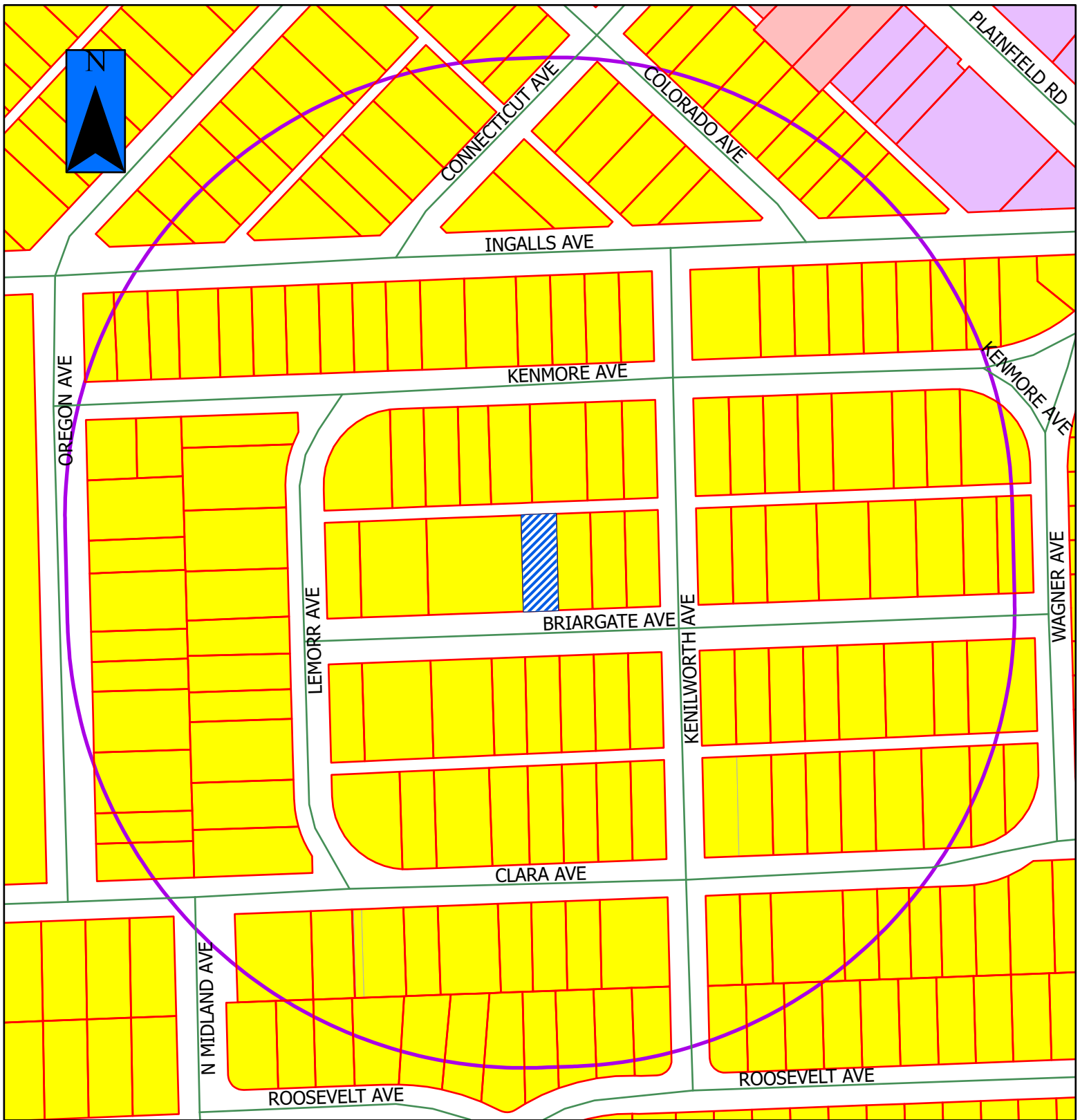
The petitioner has had a cosmetology license with the state since 1986. They previously operated a home-based hair salon at a different residence for approximately 15 years, under a variation of use approved in 1999 (Ordinance #12476). The petitioner has operated their current business from this residence for around 10 years. It should be noted that as part of their application, the petitioner submitted thirteen signatures of support from residents on Briargate Avenue as well as seven letters of support.

The business meets many of the requirements for home occupations, including that the business takes place entirely inside the principal dwelling and is operated only by those living in the residence, and that the business does not have a separate entrance from the main dwelling. As a condition of approval, the business will not be allowed to expand beyond one chair. Home-based businesses are not required to obtain a business license or register with the City's Business Services Division.

Conditions



If the Zoning Board desires to approve this Variation of Use to allow a hair salon, a B-1 (neighborhood business) use, in the R-2 (single-family residential) zoning district, the following conditions would be included:


1. That the use of the property shall not be expanded in the future;
2. Should the property be declared a public nuisance, the property may be subject to a rehearing and a possible revocation of the Variation of Use.



2024-50



 = Property in Question
 = 600' Public Notification Boundary

Legend			
	B-1		R-2
	B-2		I-TA
	B-3		R-2A
	I-1		I-TC
	I-2		R-3
	I-T		R-1
			R-1A
			R-1B
			R-4
			R-5
			R-B



2024-50a





-  = Property in Question / Propiedad en cuestión
-  = 600' Public Notification Boundary / Límite de notificación pública de 600 ft (180 m)

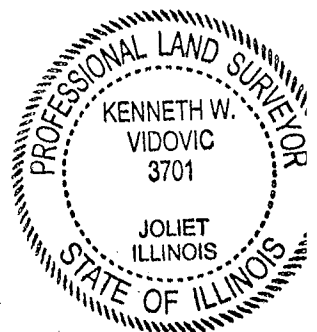
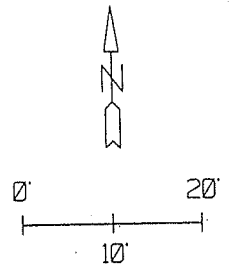
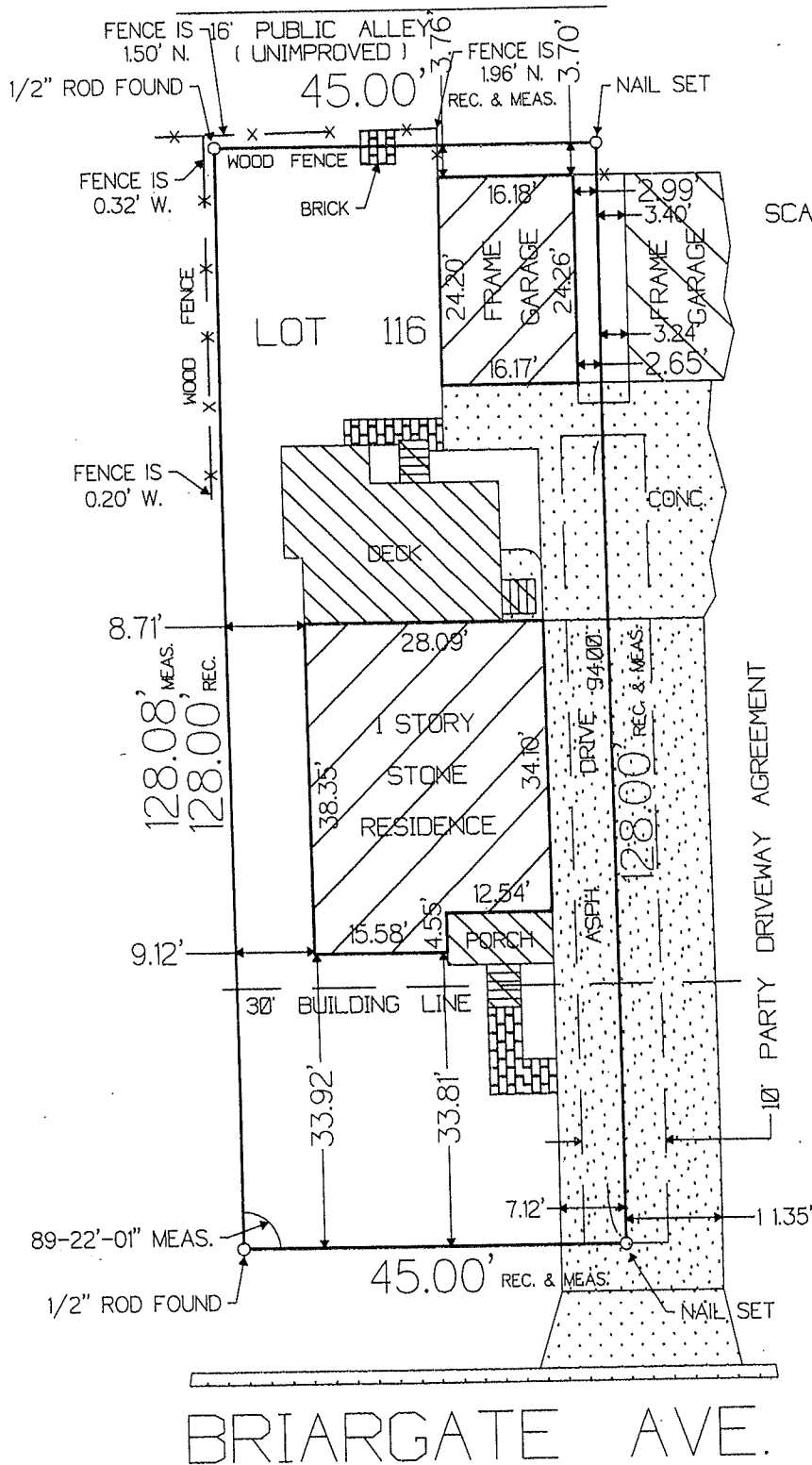
Figure 1: 1307 Briargate Avenue, view north from Briargate Avenue (September 2024)



PLAT OF SURVEY

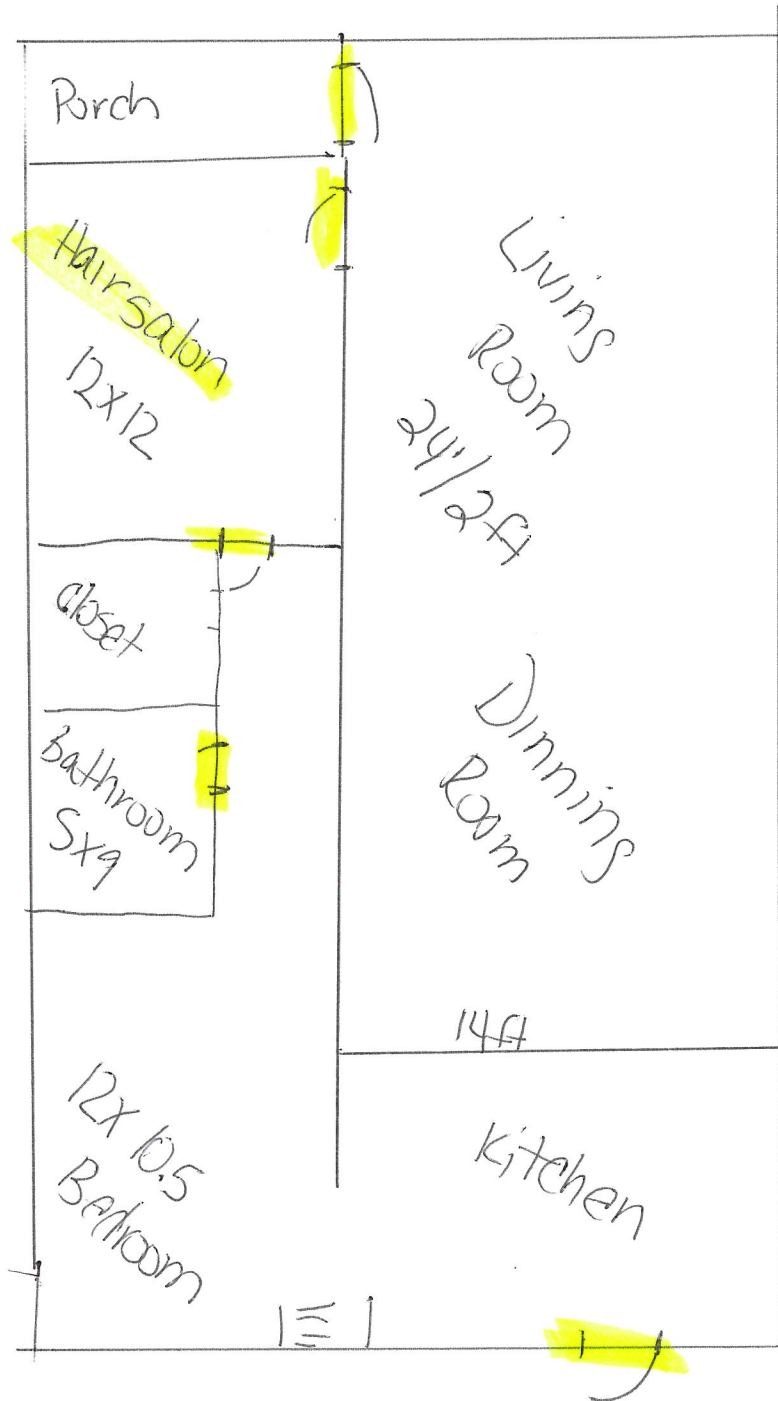
LOT 116 IN BRIARGATE, A SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 5, IN TOWNSHIP 35 NORTH, AND IN RANGE 10 EAST OF THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 20, 1925, AS DOCUMENT NO. 382451, IN WILL COUNTY, ILLINOIS.

1307 BRIARGATE AVENUE
JOLIET, IL



Plot Survey 45^{ft} X 128^{ft}

First floor layout





SAJON

SAJON

1307



Front Door

5th

DARKNESS

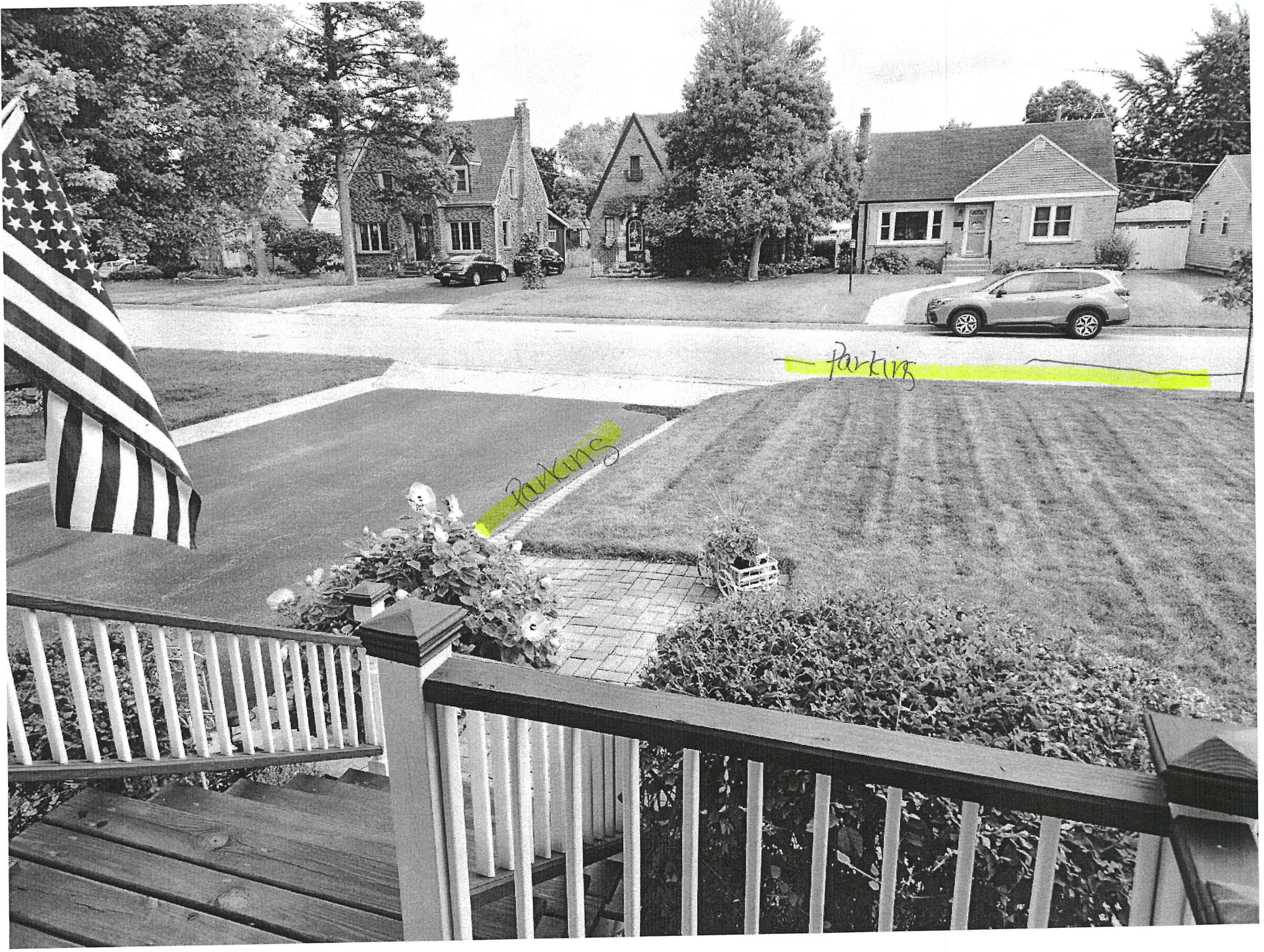


Front
Door

Parkers

Parkers

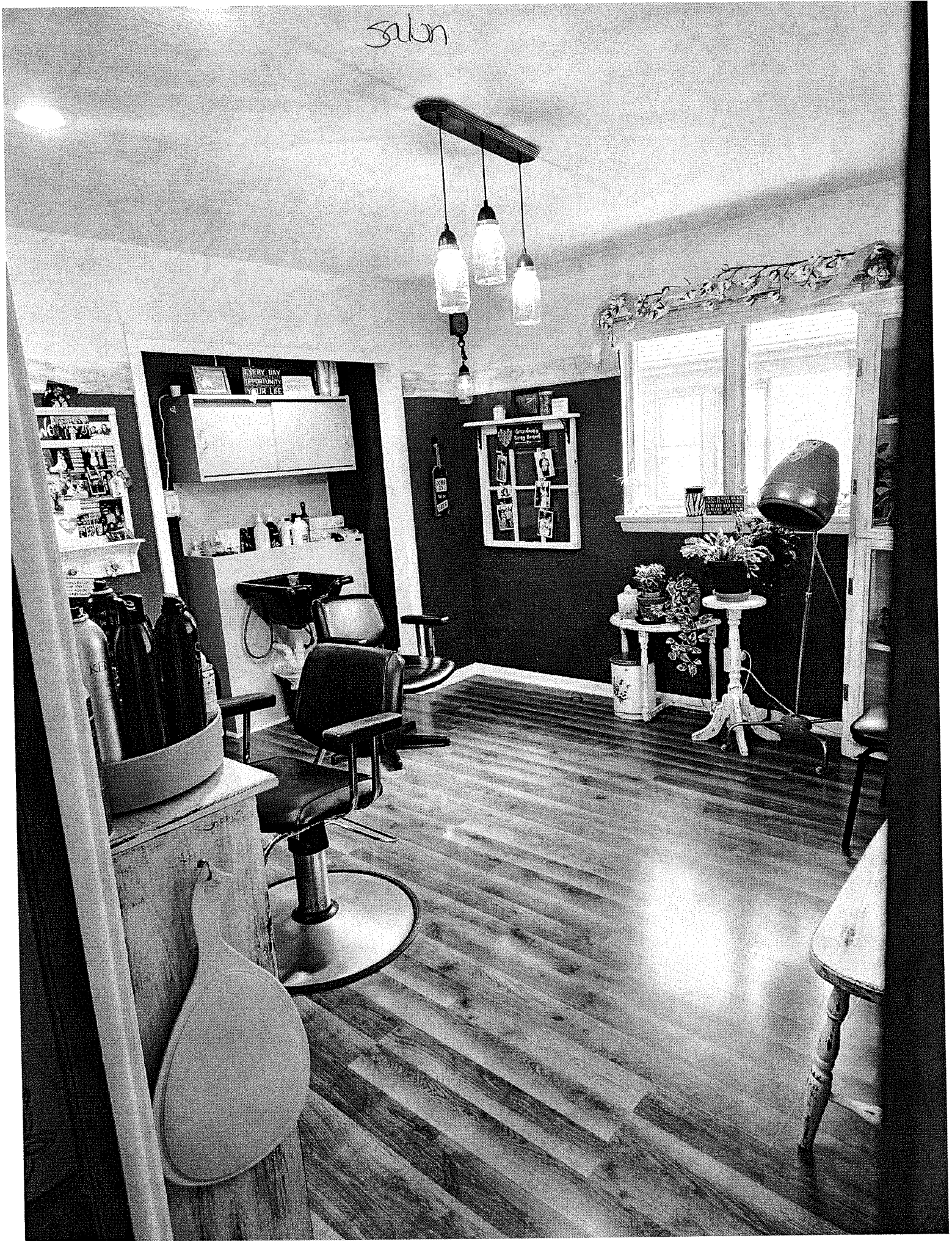
Star
Sign



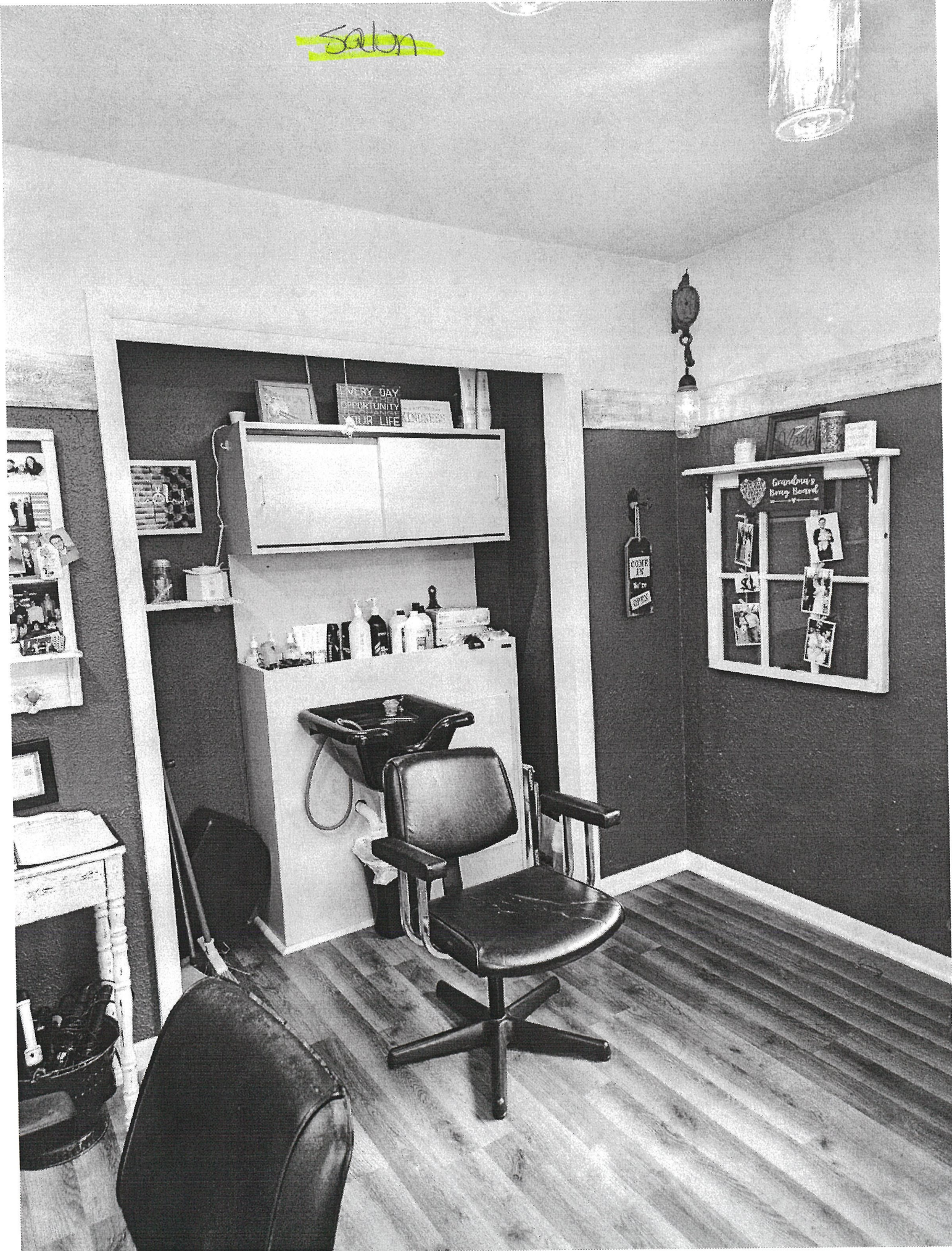
parking

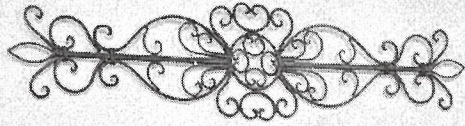
parking

salon

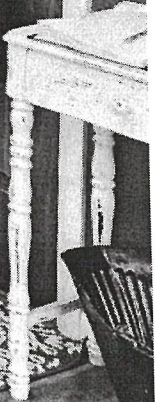
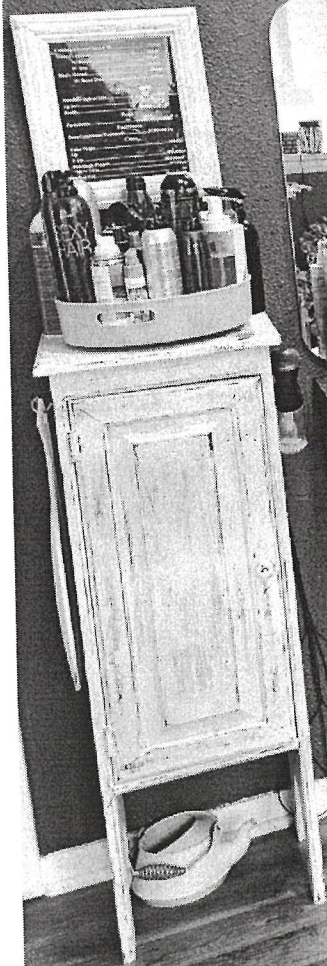


Salon



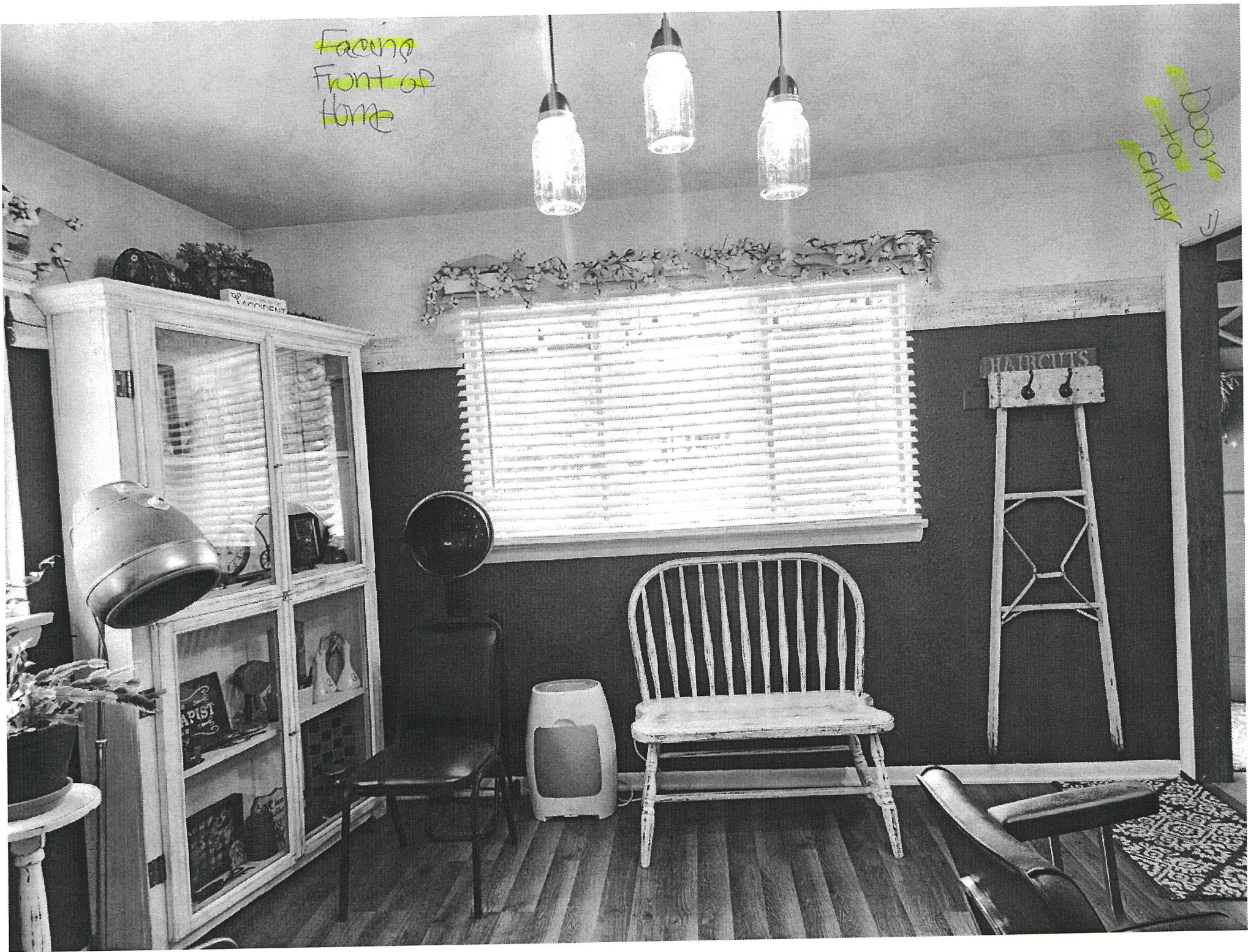


Door
to Bathroom
Also exit in
EMERGENCY



Facing
Front of
Home

Door
to
entry



Bathroom for clients



FOR OFFICE USE ONLY

Verified by Planner (please initial): _____

Payment received from: _____

Petition #: _____

Common Address: _____

Date filed: _____

Meeting date assigned: _____

ZONING BOARD OF APPEALS
JOLIET, ILLINOIS

PETITION FOR VARIATION OF USE

City of Joliet Planning Division, 150 W. Jefferson St., Joliet, IL 60432
Ph (815)724-4050 Fax (815)724-4056

ADDRESS FOR WHICH VARIATION IS REQUESTED: 1307 Briargate Ave

PETITIONER'S NAME: Marla Summers

HOME ADDRESS: 1307 Briargate Ave ZIP CODE: 60435

BUSINESS ADDRESS: 1307 Briargate Ave ZIP CODE: 60435

PHONE: (Primary) 815-582-0518 (Secondary) _____

EMAIL ADDRESS: mm.warren12@gmail.com FAX: _____

PROPERTY INTEREST OF PETITIONER: Marla Summers

OWNER OF PROPERTY: Marla & Gary Summers

HOME ADDRESS: 1307 Briargate Ave ZIP CODE: 60435

BUSINESS ADDRESS: 1307 Briargate Ave ZIP CODE: 60435

EMAIL ADDRESS: mm.warren12@gmail.com FAX: _____

Any use requiring a business license shall concurrently apply for a business license and submit a copy with this petition. Additionally, if this request is for operation of a business, please provide the following information:

BUSINESS REFERENCES (name, address, phone or email):

Stephan Rutkowski Chets Hair Studio
1212 W. Jefferson St. 815-685-8825
Joliet keyboards@sbeglobal.net

OTHER PROJECTS AND/OR DEVELOPMENTS:

PERMANENT INDEX NUMBER (TAX NO. OR P. I. N.): _____;
30-07-05-307-014-0000 _____;

Property Index Number/P.I.N. can be found on tax bill or Will County Supervisor of Assessments website

LEGAL DESCRIPTION OF PROPERTY (an attached copy preferred):
Single family home, 1,548 sqft 4 bedroom, 2 bathroom
Built in 1963 full basement

LOT SIZE: WIDTH: _____ DEPTH: _____ AREA: _____

PRESENT USE(S) OF PROPERTY: Single family home

PRESENT ZONING OF PROPERTY: 1 room, main floor Hair salon

VARIATION OF USE REQUESTED: Single chair Hair Salon, Appointment
only. Operating 2 days a week 15 to 20 hours a week

RESPONSE TO VARIATION OF USE CRITERIA

The Zoning Board of Appeals is authorized to grant or recommend relief only when it has received adequate evidence to establish a practical difficulty or hardship. The evidence must support each of the following three conditions:

- (a) The property in question cannot yield a reasonable return by use permitted and subject to the conditions allowed by the regulations in the particular district or zone.
- (b) The plight of the owner is due to unique circumstances.
- (c) The variation, if granted, will not alter the essential character of the locality.

Please describe how this request meets the criteria by responding to the following questions in your own words.

1. How do the applicable zoning regulations prevent the property in question from yielding a reasonable return?
The current zoning regulations unjustifiably hinder the property's potential to yield a reasonable return. I see no valid reason why zoning should not be granted. My salon primarily serves elderly clients, resulting in minimal traffic and parking demands. Typically I have 1-2 cars present on Tues and Thurs, 15 to 20 hours weekly. Limited use ensures that any impact of the neighborhood remains negligible. Given these factors, the proposed zoning, aligns both with community and standards intended for the use the property, supporting its reasonable and productive utilization.

2. What unique circumstances exist which mandate a variance?

The salon represents my primary career and source of income. Especially in these challenging economic time. Maintaining my business is crucial for financial stability. The variance is essential to ensure the business can continue to operate to sustain my livelihood.

3. What impact would the granting of this variance have upon the essential character of the general area? Please include both positive and negative impacts.

Granting this variance will have minimal impact on the residential character of Briargate Ave. The operation of the salon has not altered the aesthetic appeal or character of the street, which remains beautiful and well maintained. (lover)

REQUIRED SUPPORTING ATTACHMENTS

- Site plan / concept plan / floor plan / building elevation plan
- Joliet Ownership Disclosure form
- Business license application (if applicable)

NOTARIZATION OF PETITION

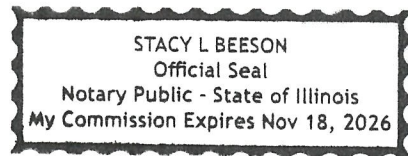
STATE OF ILLINOIS) ss
COUNTY OF WILL)

I, Marla Summers, depose and say that the above statements are true and correct to the best of my knowledge and belief. I agree to be present in person or by representation when this petition is heard before the Zoning Board of Appeals.

Marla Summers
Petitioner's Signature

Owner's Signature
(If other than petitioner)

Subscribed and sworn to before me
this 25th day of July, 20 24
Stacy Beeson



CITY OF JOLIET OWNERSHIP DISCLOSURE FORM

The City of Joliet requires that applicants for zoning relief, subdivision approval, building permits and business licenses disclose the identity of all persons having an ownership interest in the business and the real property associated with the application. A copy of this form must be completed and submitted with other application materials. Failure to properly complete and submit this form may result in the denial of the application.

I. INFORMATION ABOUT THE APPLICATION

This form is submitted as part of an application for the following (check all that apply):

- Rezoning, Special Use Permit, Variation, or Other Zoning Relief (Complete Sections II and III)
- Preliminary Plat, Final Plat, or Record Plat of Subdivision (Complete Sections II and III)
- Building Permit (Complete Sections II and III)
- Business License (Complete All Sections)

II. INFORMATION ABOUT THE PROPERTY

The address and PIN(s) of the real property associated with this application are:

1307 Briargate Ave. Joliet IL 60435

 PIN(s): 30-07-05-307-014-0000

III. PROPERTY OWNERSHIP

Select the type of owner of the real property associated with this application and fill in the appropriate contact information below:

- Individual: State the names, addresses, and phone #'s of the individual owner(s)
- Corporation: State the names, addresses, and phone #'s of all persons holding 3% or more of the stock of the corporation and the percentage of shares held by such stockholders
- Limited Liability Company: State the names, addresses, and phone #'s of all members of the company along with the percentage of ownership held by each member
- Land Trust: State the names, addresses, and phone #'s of the trustee(s) and all beneficiaries
- Partnership: State the names, addresses, and phone #'s of all partners
- Other type of organization: State the names, addresses, and phone #'s of all persons having a legal or equitable ownership interest in the organization or the right to direct the affairs of the organization

Marla Summers	Gary L. Summers
1307 Briargate Ave	1307 Briargate Ave
Joliet IL 60435	Joliet IL 60435

E-MAIL: mm.warren12@gmail.com FAX: _____
 Gary Summers @att.net

IV. BUSINESS OWNERSHIP

If the owner of the business is different than the owner of the real property associated with the application, then the following information must be provided:

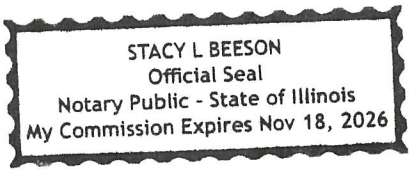
Select the type of business owner associated with this application and fill in the contact information below:

- Individual: State the names, addresses, and phone #'s of the individual owner(s)
- Corporation: State the names, addresses, and phone #'s of all persons holding 3% or more of the stock of the corporation and the percentage of shares held by such stockholders
- Limited Liability Company: State the names, addresses, and phone #'s of all members of the company along with the percentage of ownership held by each member
- Partnership: State the names, addresses, and phone #'s of all partners
- Other type of organization: State the names, addresses, and phone #'s of all persons having a legal or equitable ownership interest in the organization

Maria Summers
 1307 BriarGate Ave
 Jilet IL
 60435
 E-MAIL: mm.warren12@gmail.com FAX:

NOTE:
 If a stockholder, member, beneficiary or partner disclosed in Section III or Section IV is not an individual, then the individuals holding the legal or equitable title to the real property or business associated with the application must also be disclosed. For example, if the real property associated with an application is owned by a land trust, and the beneficiary of the land trust is a limited liability company, then the members of the limited liability company must be disclosed. If one of the members of the limited liability company is a partnership, then the identity of the partners must be disclosed. If one of the partners is a corporation, then all persons owning 3% or more of the issued stock must be disclosed.

SIGNED: Stacy Beeson
 DATE: 7-25-24




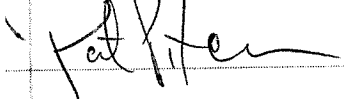


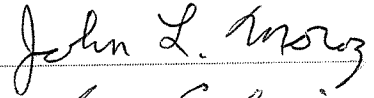

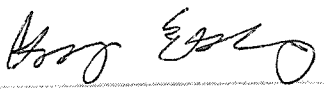

Name, Title, and Telephone Numbers of Person Completing and Submitting This Form:

<u>Maria Summers</u>	<u>7-25-24</u>	<u>Property owner of</u>
<u>Mary Summers</u>	<u>7-25-24</u>	<u>1307 BriarGate Jilet</u>
<u>855020518</u>		<u>IL</u>

PRINT

Allow zoning to be granted at 1307 Briargate Ave

Petition To: for single chair Hair Salon.


Printed Name	Address	Contact Info	Signature
Tim Pitcairn	1305 BRIARGATE JOLIET IL 60438		
PATRICIA PITCAIRN	1305 BRIARGATE JOLIET IL 60438		
Morro Moroz	1300 Briargate Joliet IL 60438		
Judith Moroz	1304 Briargate Joliet, IL		
John L. Moroz	1304 Briargate Joliet, IL		
JAN ESKRIBBE	1302 Briargate Joliet IL		
Nayli Eskribe	1302 Briargate Joliet, IL		
Karen White	1306 Briargate Ave Joliet IL		

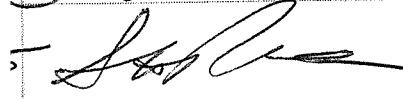
Allow zoning to be granted at 1307 Briargate Ave.


Petition To: for Single Chair Hair Salon


Printed Name	Address	Contact Info	Signature
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PETER WHITE	1306 BRIARGATE AVE		
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Elvira Beltran	1312 Briargate Ave		
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Stephan Rutkowski	1310 BRIARGATE		
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Cosy Orsborn	1310 BRIARGATE Ave		
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Raul Gutierrez	1308 Briargate ave		
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Zoning issue

1 message

Judy Moroz <judy.moroz@icloud.com>

Tue, Jul 16, 2024 at
11:52 AM

To: m.m.warren12@gmail.com

Zoning Committee
Joliet, Illinois

Dear Committee:

We are in support of Marla Summers, of 1307 Briargate Avenue, Joliet, IL 60435, to have clients continue to come to have their hair cut at the listed address. In fact, Marla has been cutting hair at this address for several years and there has NEVER been any issue from her clientele or neighbors. We live across the street from Marla and she is a wonderful neighbor and keeps her property at the upmost beauty. You should visit our beautiful street and see how all of the properties are well kept with no problem from Marla's little business.

We have never had any issues of the following:

- 1.) No parking issues at all. In fact, we hardly know when someone is there.
- 2.) There is NEVER any loud noises or unusual activity because of this business. In fact, many of her clients are seniors and are very quiet.
- 3.) The owner, Marla, is very conscientious as to not bother the neighbors because of this business.

In conclusion, we hope that you will be so kind as to grant Marla the proper zoning papers so she can continue this business out of her home.

Sincerely,

John and Judith Moroz
1304 Briargate Avenue
Joliet, IL 60435



Street parking

1 message

Tue, Jul 16, 2024 at
9:13 AM

Tim Pitcairn <tjpit@hotmail.com>

To: mm.warren12@gmail.com

Good morning,

My name is Tim Pitcairn. I live at 1305 Briargate Ave, Joliet IL 60435. I share a driveway with 1307 Briargate Ave. Marla Warren owns that house at 1307. She has a small business cutting hair. There may be 2 clients that come at one time. Only twice a week. I have never had any problems whatsoever with parking in my side of driveway or in the street. There is ample parking up and down Briargate Ave. truth be told there are more cars on the 1200 block of Briargate Ave. I have no issues whatsoever that she has a small business. They have been model neighbors since moving in several years ago.

If you need to have any further conversations please contact me at:

tjpit@hotmail.com Or call:
815-530-9098.

Thank you for your time,
Sincerely,

Timothy Pitcairn.
Sent from my iPhone

July 16, 2024

City of Joliet
Department of Community Development
150 West Jefferson Street
Joliet, IL 60435

RE: Neighborhood Zoning

Dear Chairman and Board Members:

This letter is in regards to the property owned by Marla Warren, located at 1307 Briargate Avenue, Joliet. I the neighbor of Marla Warren would like to express my support of her business and I attest that I have no objection to the keeping of her business operating at her residence. The business has caused no problems or disruption to the neighborhood, and if anything has provided a service. In the 10 or so years that Marla has lived at her residence, I have benefited from her business, as well as many others neighbors, some which are elderly. I am in support of Marla continuing to operate her business from her residence.

Thank you for your consideration of this matter,

Kristina Paul
1303 Briarage Ave.
Joliet, IL 60435

July 15, 2024

Recommendation: Marla Warren

To whom it may concern,

My name is Raul Gutierrez currently residing at 1308 Briargate avenue in Joliet, Illinois. I am the neighbor of Marla Warren and have known her for 8 years. I strongly support her business and the amazing services she provides to our community. Marla is friendly, dedicated, a hard worker and very skilled in her profession. Her clients always leave with a smile. During my eight years as her neighbor there have been zero issues with her business in our neighborhood. I am happy to recommend the services Marla provides and the continuation of her excellence business.

If you have any questions, please feel free to contact me, 815-545-7662.

Thank you.

Sincerely,

X 

Raul Gutierrez

Peter and Karen White

1306 Briargate Ave

Joliet, IL 60435

Zoning Committee:

As a neighbor of Marla Summers we would like it known that we have no issues with her business. We have been neighbors for years and have had no issues with her or her business. We have no problem with her having her business in her home.

Please feel free to contact us with any questions at home 815-744-1406.

Pete and Karen White



zoning committee

1 message

Stephan Rutkowski

<keyboarder55@sbcglobal.net>

Thu, Jul 18, 2024 at
10:52 AM

To: mm.warren12@gmail.com <mm.warren12@gmail.com>

to whom it may concern, I'm writing this letter on behalf of Marla Warren and to express my disbelief and irritation that someone from our neighborhood would take the time to complain about the business that she runs out of her home...i have lived on Briargate Ave. for 34 years and can honestly say that nothing dealing with her business impedes traffic or parking on our street whatsoever... her home is impeccably maintained and i consider her an excellent, respectful neighbor... with all the problems that people have in various neighborhoods, its hard for me to believe that this situation even needs to be addressed... if you have any further questions, please feel free to call me at 815-685-8825.... thank you , Stephan Rutkowski owner and operator of Chets Hair Studio, 1212 W. Jefferson St.

To Whom It May Concern:

My husband and I have lived across the street from Marla and her family for the past three years. During that time, there have been absolutely no instances of her business having a negative effect on our block. Her clients don't seem to park on the street. They are not loud or disruptive. One of my family's favorite things about our neighborhood is the quiet and friendly atmosphere. Marla running a business out of her home has not interrupted our peaceful street in the least. She is a kind and respectful neighbor with kind and respectful clients and I hope her business is allowed to continue as it has previously done.

Thank you for your consideration,
Kayli Eskridge
1302 Briargate Ave
Joliet, IL 60435