

STAFF REPORT

DATE: March 20, 2025
TO: Zoning Board of Appeals
FROM: Planning Staff
RE: Petition Number: 2025-06 and 1983-04
Applicant / Owner: Jim Hensley
Location: 845 N. Broadway Street
Request: 2025-06: A Variation of Use to allow a two-unit residence, an R-3 (One- and Two-Family Residential) use, in an R-2 (Single-Family Residential) zoning district and a series of Variations to allow a two-unit residence, located at 845 N. Broadway Street. (COUNCIL DISTRICT #4)

REPEAL OF PETITION 1983-04: A Variation of Use to allow the continued use of a bait shop in an R-3 (one- and two-family residential) district, located at 845 N. Broadway Street. (COUNCIL DISTRICT #4)

Purpose

The applicant is requesting a Variation of Use to allow the addition of one residential unit, for a total of two residential units, located at 845 N. Broadway Street. The applicant is proposing to convert the first-floor commercial space of the building into one residential apartment. As part of this request, the existing Variation of Use (Petition 1983-04) to allow use of a bait shop with sales of package liquor, in addition to a reduction of off-street parking, approved under Ordinance #7832 in June 1983, will be repealed. The Variation of Use requests must be considered by the City Council following the recommendation of the Zoning Board of Appeals.

The applicant is also requesting a Variation to reduce the minimum lot area per family from 7,500 sq. ft. to 1,642 sq. ft. The property has existing yard and lot non-conformities. Section 47-17.22(3) (Non-Conforming Structures) of the Zoning Ordinance allows pre-existing non-conformities to remain as long as the structures are not enlarged or altered in a way that increases their non-conformity. The petitioner will not be changing the footprint of the main building or accessory garage with the planned interior renovation.

Site Specific Information

The subject property is approximately 3,284 square feet in size and contains a two-story building with vinyl siding with a 1-story rear addition. Between the main building and an

accessory garage in the property's rear, the subject property contains a lot coverage of approximately 55%. A variation to allow this lot coverage was approved in 1979. The building was constructed in the 1930's. Several commercial uses have occupied the ground floor of the building, with an apartment use typically occupying the second floor. In 1983, the City Council approved a Variation of Use to allow a bait shop with package liquor sales and a parking reduction to allow the continuation of a business use at this location.

Figure 1 – Front Facing View of 845 N. Broadway Street



The petitioner wishes to convert the ground floor from a commercial use to a second dwelling unit in the building. The renovation would create separate points of access for each dwelling unit, with the ground floor access coming from the Ross Street (north) side of the building through an existing side door. The second story unit would be accessed from the rear (west) building extension. The petitioner intends to add a three-space parking pad to the rear yard to allow for off-street parking. Per Section 47-17.17N(2) of the City's Zoning Ordinance, 1.5 parking spaces are required for each dwelling unit.

Figure 2 – View of 845 N. Broadway Street from Ross Street (Looking Southeast)



Surrounding Zoning, Land Use and Character

The property is located at the southwest corner of N. Broadway Street and Ross Street. The surrounding neighborhood is largely comprised of R-2 (Single-Family Residential), R-3 (One and Two-Family Residential), and B-3 (General Business) zoned properties. The North Broadway Street corridor contains a mixture of single-family, duplex, and multi-family residential lots, with automotive or neighborhood commercial uses located at certain corner intersections. The subject property is located across from Route 66 Park, which is on the east side of North Broadway Street.

The zoning and land use for the adjacent properties are as follows:

- North: B-3 (General Business), auto towing business
- South: R-2 (Single-Family Residential), single-family residence
- East: B-3 (General Business), Route 66 Park
- West: R-2 (Single-Family Residential), single-family residence

Applicable Regulations

- Section 47-17.28 – Variation of Use
- Section 47-19.8 - Criteria for granting a Variation (refer to attachment)
- Section 47-6 – R-2 (Single-Family Residential) Zoning District

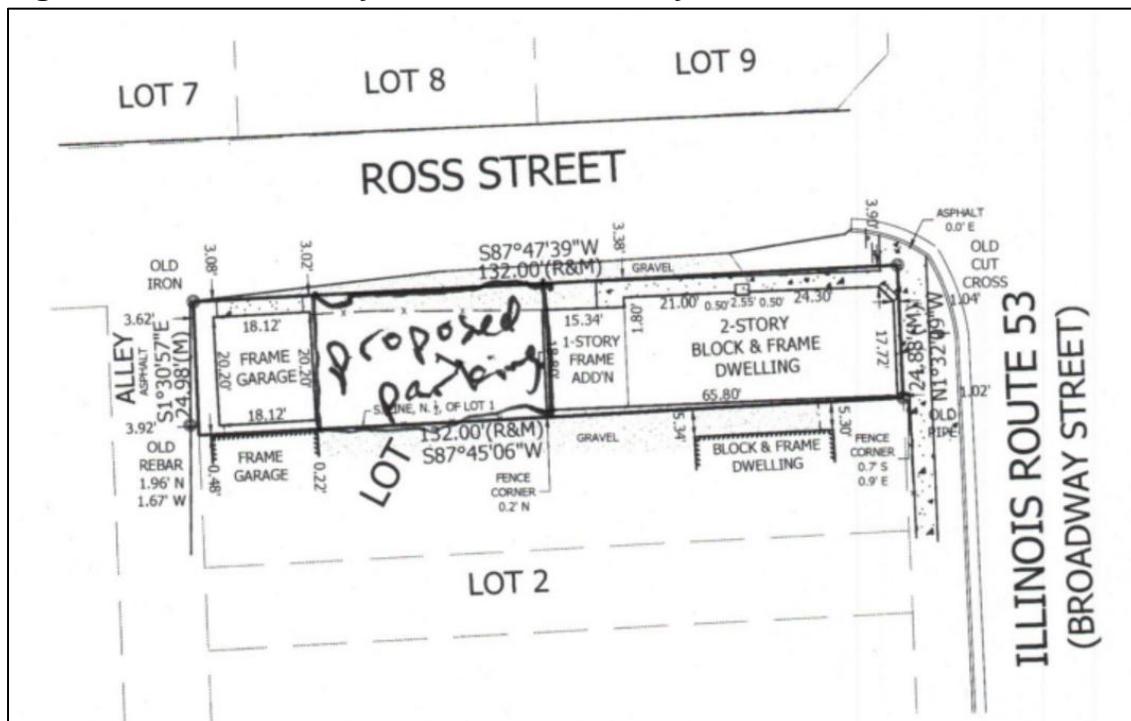
Section 47-17.28: Variation of Use: A "variation of use" shall be defined to mean relief from strict compliance with the use limitations of this Ordinance regarding the classification, regulation, and restriction of the location where trades, industries, businesses, and residences may exist.

Discussion

The petitioner is requesting a Variation of Use to allow the use of two dwelling units, an R-3 (One and Two-Family Residential) use in an R-2 (Single-Family Residential) zoning district. The petitioner believes having a second dwelling unit in the building will be more beneficial than attempting to recruit and maintain a neighborhood commercial use for the ground floor unit. While the petitioner intends to add some parking to the rear of the building, a lack of on-street parking in the area creates a challenging environment for the long-term viability of a commercial use at the subject property. The neighborhood features strong residential density, however, walkability to the subject property is somewhat lessened by a lack of connectivity from the adjacent block of Ross Street to the rest of the Cunningham neighborhood. Given current local demand for increased housing volume and diversity, staff supports the petitioner's request to add a second dwelling unit in the main building. If the Variation of Use is approved, the petitioner will need to obtain all necessary building permits and complete all renovations prior to occupancy of the unit.

Since the main building is being altered to allow two dwelling units on the subject property, a variation to reduce the minimum lot area per family (or per dwelling unit), is required to avoid a nonconformity with the underlying zoning district. In this instance, the variation would reduce the required minimum lot area per family from 7,500 square feet, which is the minimum requirement for an R-2 (Single-Family Residential) zoning district, to 1,642 square feet per dwelling unit. The subject property was downzoned in 1998 from R-3 (One and Two-Family Residential) zoning to R-2 (Single-Family Residential) zoning along with many properties in the surrounding area. However, the dimensions of the subject property have remained the same since the downzoning was enacted, thereby creating a natural mismatch between the required underlying zoning square footage of 7,500 square feet, and the existing lot size of 3,284 square feet. The property in question cannot yield a reasonable return if permitted to be used only under R-2 zoning regulations, due to the preexisting nature of the undersized lot. The downzoning that occurred in 1998 that brought about the nonconforming nature of the zoning applied to the subject property represents a unique circumstance. Since the neighborhood contains a variety of housing types with both single and multi-family residential dwellings, staff does not believe the variations requested would alter the essential character of the locality. Approval of the requested variation to reduce the minimum lot area per family will allow two dwelling units to operate legally at the subject property.

Figure 3 – Plat of Survey for 845 N. Broadway Street

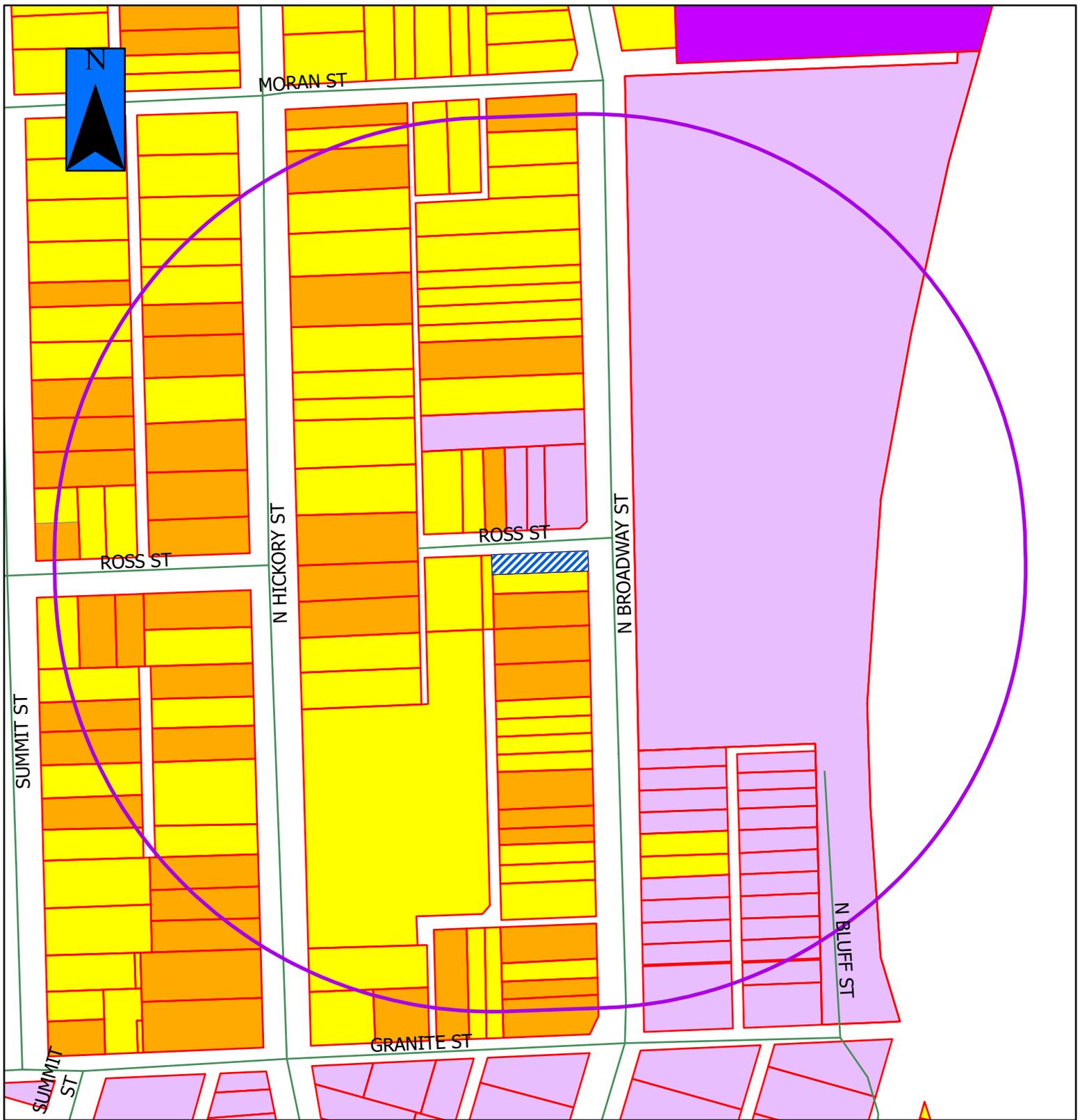


Conditions

If the Zoning Board desires to approve this Variation of Use to allow a two-unit residence, an R-3 (One and Two-Family Residential) use, in an R-2 (Single-Family Residential)

zoning district and a series of Variations, and to repeal the existing Variation of Use granted in 1983 (Petition 1983-04), staff recommends the following conditions be included:

1. That the proposed rear yard off-street parking area shall be paved with concrete, bituminous concrete, or other approved surface material in accordance with Section 47-17.17(J) of the Zoning Ordinance and other applicable ordinances.
2. That off-street parking for a minimum of three vehicles shall be provided.
3. That the existing fence in the rear yard shall be removed.
4. That all necessary building permits shall be obtained, and all renovations completed prior to occupancy of the unit.
5. That any and all outstanding Building and Property Maintenance Code violations shall be remedied as directed by the City of Joliet Department of Neighborhood Services.
6. That the property shall remain in and comply with the City's Rental Inspection Program.
7. Should the property be declared a public nuisance by the City Council, the Variation of Use shall be subject to a rehearing and possible revocation of the Variation of Use.

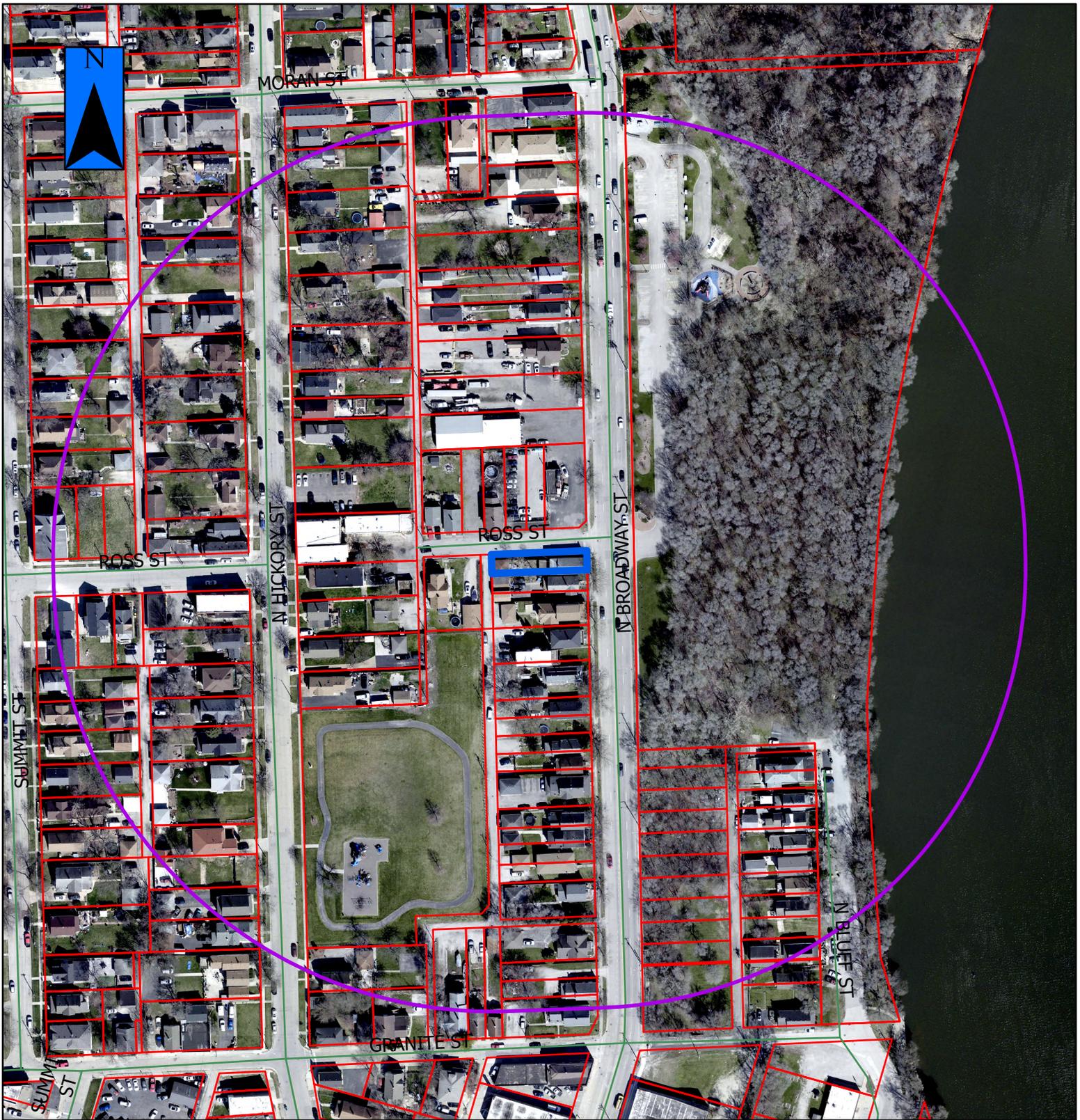


2025-06 & 1983-04



 = Property in Question
 = 600' Public Notification Boundary

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



2025-06a & 1983-04a



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









GMC
202241 F

Handicapped Parking

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: 845 Broadway

PETITIONER'S NAME: Jimmy Hensley

HOME ADDRESS: 111 S. Midland Ave ZIP CODE: 60436

BUSINESS ADDRESS: 111 S. Midland Ave ZIP CODE: 60436

PHONE: (Primary) 815-791-8432 (Secondary) _____

EMAIL ADDRESS: decnjin22@yahoo.com FAX: 815-630-3526

PROPERTY INTEREST OF PETITIONER: Owner

OWNER OF PROPERTY: Same

HOME ADDRESS: _____ ZIP CODE: _____

BUSINESS ADDRESS: _____ ZIP CODE: _____

EMAIL ADDRESS: _____ 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):

OTHER PROJECTS AND/OR DEVELOPMENTS:

PERMANENT INDEX NUMBER (TAX NO. OR P. I. N.): 30-07-04-419-047-0000
_____ ; _____ ; _____.

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):

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

PRESENT USE(S) OF PROPERTY: Bait shop + Apartment

PRESENT ZONING OF PROPERTY: _____

VARIATION OF USE REQUESTED: 2 unit apartment building

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 first floor is currently a bait shop. I am hoping to convert this to an apartment

2. What unique circumstances exist which mandate a variance?

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.

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, Jimmy Hensley, 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.

Jimmy Hensley
Petitioner's Signature

Owner's Signature
(If other than petitioner)

Subscribed and sworn to before me
this 14 day of February, 2025
Michelle FitzHenry



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:

845 Broadway
 PIN(s): 30-07-04-419-047

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

Jonahpaige Investments
Jimmy Hensley 815-791-8432

E-MAIL: becnjim22@yahoo.com FAX: 815-630-3526

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

E-MAIL: _____ FAX: _____

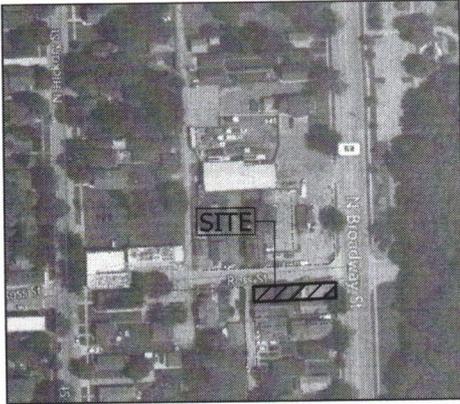
NOTE:
 If a stockholder, member, beneficiary or partner disclosed in Section III or Section IV is not an individual, then the individuals holding the legal or equitable title to the real property or business associated with the application must also be disclosed. For example, if the real property associated 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: Jimmy Hensley
DATE: 2-14-25

Name, Title, and Telephone Numbers of Person Completing and Submitting This Form:
Jimmy Hensley Owner 815-791-8432

PRINT

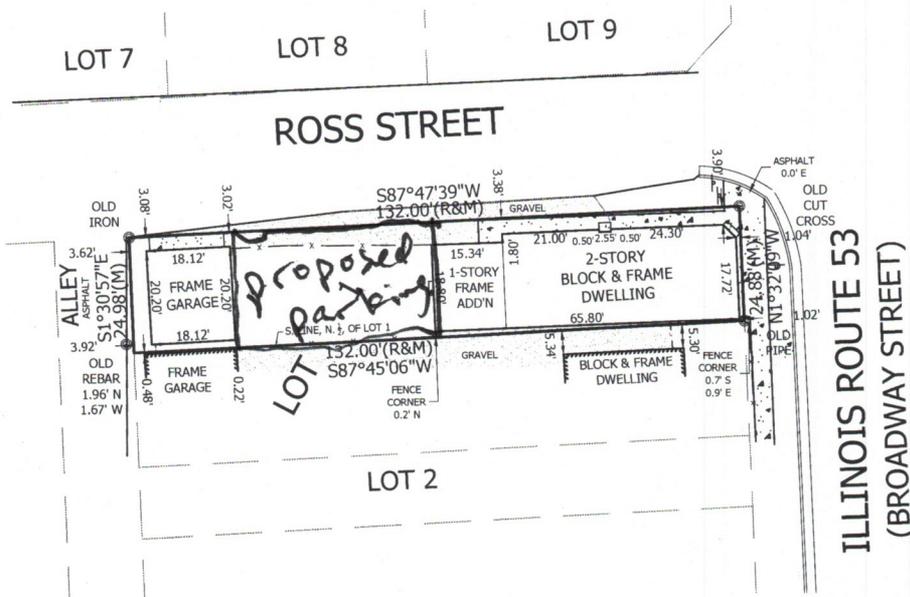
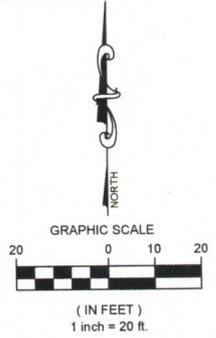
ALTA/NSPS LAND TITLE SURVEY



LOCATION MAP
NOT TO SCALE

LEGAL DESCRIPTION

THE NORTH 1/2 OF THE EAST 132 FEET OF LOT 1 IN MARIA BANNON'S RE-SUBDIVISION OF LOTS 36, 37, 38, 39, 41, 42 AND 45 OF AMBROSE DOTY'S SUBDIVISION OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF SECTION 4, TOWNSHIP 35 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND A STRIP OF LAND LYING EAST OF SAID LOTS 37, 38, 41, 42 AND 45 AND WEST OF BROADWAY, ACCORDING TO THE PLAT THEREOF RECORDED OF SAID BANNON'S RE-SUBDIVISION OF RECORD IN THE RECORDER'S OFFICE OF WILL COUNTY, ILLINOIS, ON JUNE 22, 1881 IN MAP BOOK 3, PAGE 98, AS DOCUMENT NO. 120052, IN WILL COUNTY, ILLINOIS.



LEGEND

MANHOLE	⊙
CATCH BASIN	⊙ OR □
INLET	⊙ OR □
WATER MAIN	— W —
FIRE HYDRANT	⊗
STREET LIGHT	⊗
WATER VALVE VAULT	⊙
UTILITY POLE/LITE	UP/LP
UTILITY POLE	UP
STORM SEWER	--- S ---
WATER MAIN	--- W ---
IBT BOX	⊕
FLAG POLE	⊕
OVERHEAD ELECTRIC	— O —
SIGN	⊕

SURVEY NOTES:

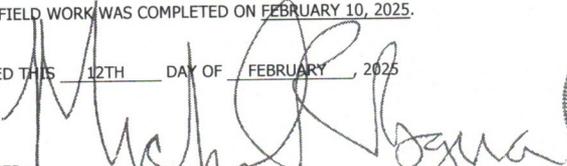
- 1) THE ALTA/ NSPS SURVEY WAS PREPARED WITH THE BENEFIT OF FIDELITY NATIONAL TITLE INSURANCE COMPANY, LLC COMMITMENT NUMBER WJ25001042 WITH AN EFFECTIVE DATE OF JANUARY 3, 2025.
- 2) BASIS OF BEARINGS IS THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE NAD 83.
- 3) THE PROPERTY'S ZONING IS CITY OF JOLIET R-2 (SINGLE-FAMILY RESIDENTIAL DISTRICT).
- 4) THE PROPERTY CONTAINS ZONE X FLOOD HAZARD AREA PER THE FLOOD INSURANCE RATE MAP FOR WILL COUNTY, ILLINOIS, MAP INDEX NUMBER 1719C0162G, EFFECTIVE DATE FEBRUARY 15, 2019

TO: -JONAH PAIGE INVESTMENTS LLC - BROADWAY SERIES
 -ESTATE OF ANTHONY J. KOTLAR, DECEASED, BY JASON KOTLAR, AS INDEPENDENT EXECUTOR
 -FIDELITY NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND ITEMS 1, 2, 3, 7(a), 8, 9 & 14 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON FEBRUARY 10, 2025.

DATED THIS 12TH DAY OF FEBRUARY, 2025

SIGNED: 
 MICHAEL R. ROGINA I.P.L.S. 3516
 LICENSE EXPIRES 11/30/2026



NOTES:

- PUE PUBLIC UTILITY EASEMENT
- BSL BUILDING SETBACK LINE
- (M) MEASURED
- (R) RECORD
- (D) DEED

COMMONLY KNOWN AS:
 845 N. BROADWAY STREET
 JOLIET, IL 60435
 PIN 30-07-04-419-047

THE NORTH 1/2 OF THE EAST 132 FEET OF LOT 1 IN MARIA BANNON'S RE-SUBDIVISION			
SCALE: 1" = 20'	FIELDWORK DATE: 2-10-25	REVISED FIELDWORK DATE:	DRAWN BY: CRR
 ROGINA ENGINEERS & SURVEYORS, LLC 1225 Channahon Road Joliet, Illinois 61779-0777 FAX 815/729-0782 Professional Design Firm License No. 184-006843 - Exp. 4/30/2025		FILE NO. 2013.963	
LAW OFFICE OF DONALD J. GOULD, LTD.			FILE NO. 2013.963

EXECUTOR'S DEED

THIS INDENTURE,
Made this 13th day of
February, 2025, between
JASON KOTLAR
of 6270 Whitetie Road,
Village of Coal City, in the
County of Grundy and
State of Illinois as Independent

Executor of the last will and testament of ANTHONY J. KOTLAR, deceased, late of the City of Joliet, in the County of Will, in the State of Illinois, Grantor and JONAH PAIGE INVESTMENTS LLC, Grantee whose address is 111 South Midland Avenue, Joliet, Illinois 60436. WITNESSETH, That, whereas said deceased made and executed a last will and testament, dated the 10th day of May, 2018, duly admitted to probate in the Circuit Court of Will County in the State of Illinois, whereby, among other things, he constituted and appointed the said Grantor, Executor of said last will and testament, and did thereby, among other things, authorize and empower said Executor to sell and convey the real estate hereinafter described: AND WHEREAS, on the 27th day of January, 2023 letters testamentary duly issued out of said Circuit Court to the said Grantor as Independent Executor, which said letters are still in full force and effect, NOW THEREFORE, The said Independent Executor, by virtue of the power and authority given to said Independent Executor in and by said last will and testament, and for and in consideration of the sum of SEVENTY THOUSAND and NO/100's DOLLARS (\$70,000.00), in hand paid by the said Grantees, the receipt of which is hereby acknowledged; does hereby GRANT, SELL and CONVEY unto the said Grantee, the following described real estate, to wit:

THE NORTH 1/2 OF THE EAST 132 FEET OF LOT 1 IN MARIA BANNON'S RE-SUBDIVISION OF LOTS 36, 37, 38, 39, 41, 42 AND 45 OF AMBROSE DOTY'S SUBDIVISION OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF SECTION 4, TOWNSHIP 35 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND A STRIP OF LAND LYING EAST OF SAID LOTS 37, 38, 41, 42 AND 45 AND WEST OF BROADWAY, ACCORDING TO THE PLAT THEREOF RECORDED OF SAID BANNON'S RE-SUBDIVISION OF RECORD IN THE RECORDER'S OFFICE OF WILL COUNTY, ILLINOIS, ON JUNE 22, 1881 IN MAP BOOK 3, PAGE 98, AS DOCUMENT NO. 120052, IN WILL COUNTY, ILLINOIS.

subject to: General real estate taxes for 2024 and subsequent years; Special assessments confirmed after the Contract date; Building, building line, use or occupancy restrictions, conditions and covenants of record; Zoning laws and ordinances which conform to the present usage of the premises; Public and utility easements which serve the premises; Public roads and highways, if any; Drainage ditches, feeders, laterals and drain tile, pipe or other conduit.

SUMMARY

Petition #76-71

The petitioner, Danley Lumber Company, is requesting a variation from the Zoning Ordinance to allow him to build a garage. In order to build the garage, the petitioner needs a variation in ground coverage and also setback variations. The Zoning Ordinance requires that you cannot cover over 30% of the lot with principal building and accessory buildings. Also, they need sideyard setback variations to build garage. Property is located at 845 No. Broadway Street, Joliet, Illinois.

BOARD OF ZONING APPEALS
JOLIET, ILLINOIS

Variation Request
No. 76-71

Request for Variation or Request for Variation of Use

A variation is required in conformity with the powers vested in the Board of Appeals to permit detached frame garage 18x20
(insert use or construction proposed)

on the property described below.

Legal Description: lot #1 Maria Baumgardner's Ambrose
Doty's sub-div sect 4, Twp 35N
Range E-10

Common Address: 845 No. Broadway

Zoning Category: _____

Adjoining properties zoning category and use: _____

East of property ~~R-3~~ Residential West of property R-3 Business

North of property ~~B-3~~ Business South of property ~~R-3~~ Residential

PLEASE SUBMIT DETAILED PLOT PLAN

Name of Applicant(s) Stanley Lumbardo

Address of Applicant(s) 11759 No. Mannheim Road - Stone Pt, Ill

Property Interest of Applicant(s) _____

Name of Owner(s) Peter Backulich 726-8928

Reasons for request. (Use additional paper and attach if necessary.)

1. What characteristics of your property prevent its being used for any of the uses permitted in your zone?

Too narrow Elevation _____ Soil _____

Too small Slope _____ Subsurface _____

Too shallow _____ Shape _____ Other _____

2. Describe the items checked, giving dimensions where appropriate.

3. How do the above site conditions prevent any reasonable use of your land under the terms of the Zoning Ordinance? YES

4. Are the conditions on your property the result of man-made change? If so, describe: _____

5. Which of the following types of modifications will allow you a reasonable use of your land?

Change in set-back requirement? ✓
Change in lot-coverage requirement? ✓
Change in side-yard restriction? _____
Change in off-street parking requirement? _____
Change in lot area per family requirement? _____
Other (describe) _____

6. State what is the Variation requested, giving distances where appropriate. ground coverage and set back from Ross St

7. Are the conditions of hardship for which you request a variation true only of your property? _____ If not, how many other properties near by are similarly affected? _____

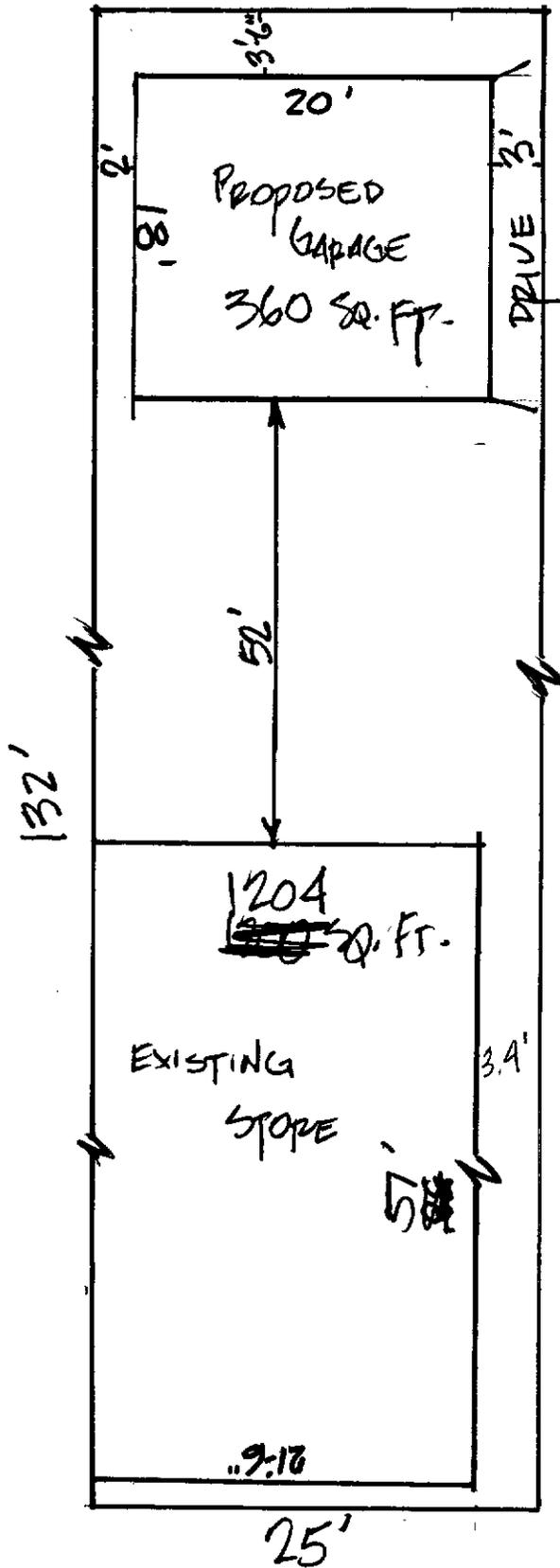
8. Will the grant of a variation in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance? Elaborate _____

Signature of Applicant(s) Daniel J. Miller Co JGM 9/7/78
Date

Signature of Owner(s) _____
Date

76- 71

AUER



ROSS ST.

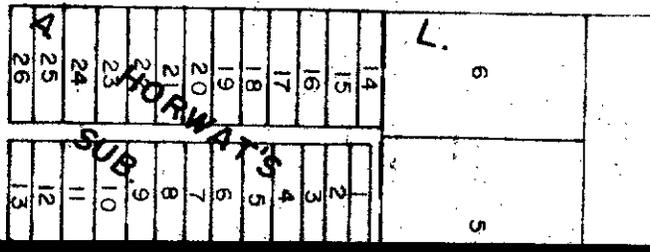
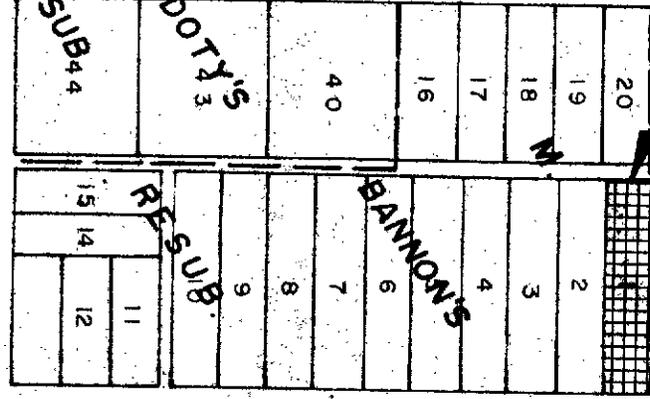
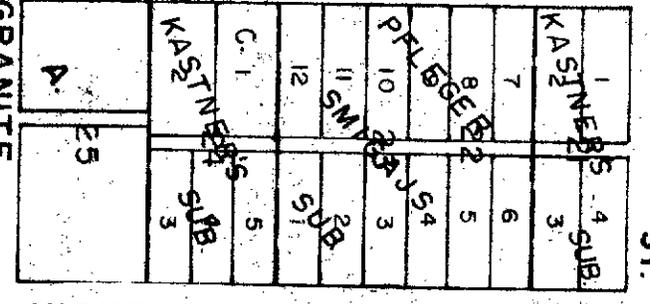
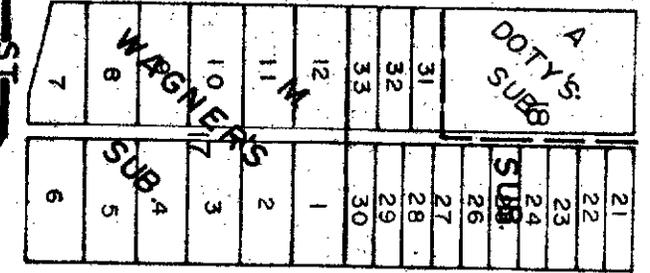
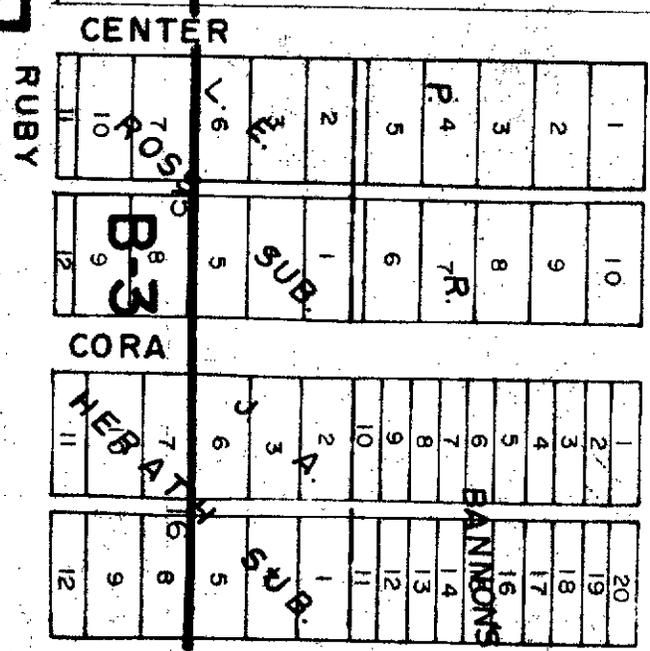
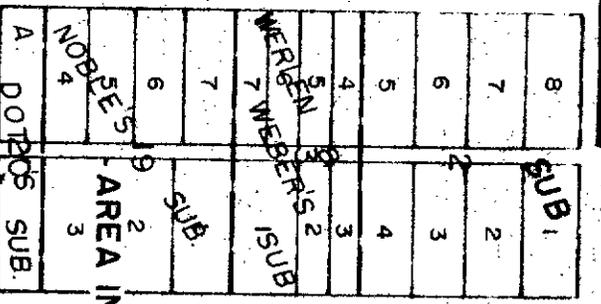
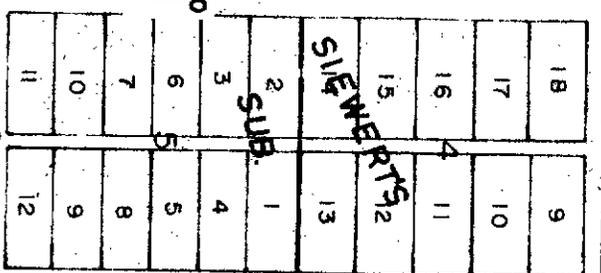
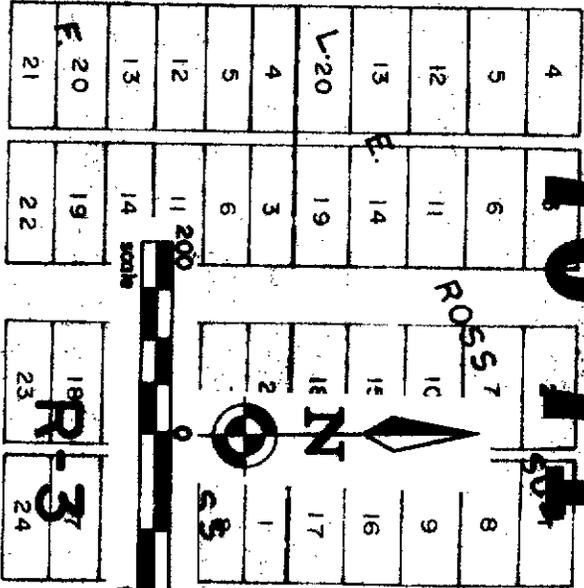
LOT 3300*

$$\frac{1204}{360} = 64\%$$

BROADWAY

7071

HAR... MORAN... COUNTY... ECK... ST...



ST.

ST.

ST.

ST.

SUMMARY

Petition #79-10 - Ground Coverage Variation

The petitioner is requesting a ground coverage variation in order to erect a 10'x18.5' (sun porch) addition onto a non-conforming building. The petitioner is already covering approximately 50% of the lot with buildings; with the addition, they will be covering approximately 55%. Property is located at 845 No. Broadway St., Joliet, Illinois.

BOARD OF ZONING APPEALS
JOLIET, ILLINOIS

Variation Request
No. #79-10

Request for Variation or Request for Variation of Use

A variation is required in conformity with the powers vested in the Board of Appeals to permit Included Sun Park
(insert use or construction proposed)

on the property described below.

Legal Description: The north 1/2 of the East 132.0 feet of lot 1 in Maria Bannor
Re subdivision of lots 36, 37, 38, 39, 41, 42 & 45 of Abraham Doty's subdivision of
S 1/2 of the S 1/2 of Sec 4, township 35 N, Range 10 E of the 3rd Principal Meridian, also a strip
of land E of lots 37, 38, 41, 42 & 45 W of Broadway, all in township 35 N, Range 10 E of the

Common Address: 845 N. Broadway St | 3rd Principal Meridian Joliet
Township, Ill.

Zoning Category: R-2

Adjoining properties zoning category and use: R-1

East of property B-1 West of property R-1

North of property B-1 South of property R-1

PLEASE SUBMIT DETAILED PLOT PLAN

Name of Applicant(s) Peter and Betty Backlund (726-8828)

Address of Applicant(s) 845 N. Broadway, St

Property Interest of Applicant(s) Buyer

Name of Owner(s) _____

Reasons for request. (Use additional paper and attach if necessary.)

1. What characteristics of your property prevent its being used for any of the uses permitted in your zone?

- Too narrow X Elevation _____ Soil _____
- Too small X Slope _____ Subsurface _____
- Too shallow _____ Shape _____ Other _____

2. Describe the items checked, giving dimensions where appropriate.

3. How do the above site conditions prevent any reasonable use of your land under the terms of the Zoning Ordinance? lot coverage prevents any addition building on lot

4. Are the conditions on your property the result of man-made change? If so, describe: _____

5. Which of the following types of modifications will allow you a reasonable use of your land?

Change in set-back requirement? _____
Change in lot-coverage requirement? X _____
Change in side-yard restriction? _____
Change in off-street parking requirement? _____
Change in lot area per family requirement? _____
Other (describe) _____

6. State what is the Variation requested, giving distances where appropriate. addition 10 feet to West end of building

7. Are the conditions of hardship for which you request a variation true only of your property? Yes If not, how many other properties near by are similarly affected? _____

8. Will the grant of a variation in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance? Elaborate Yes

Signature of Applicant(s) Robert Backlund } April 25, '79
Signature of Owner(s) Betty Backlund } Date
Date

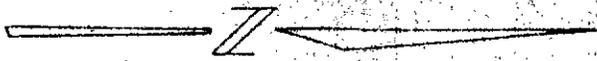
As my Physician suggested I must rest for periods during
the day. I found that climbing steps to go up stairs for
rest time most difficult as I'm on crutches. With a few
Packs I'm sure it would be easier on me.

Signature of Petitioner

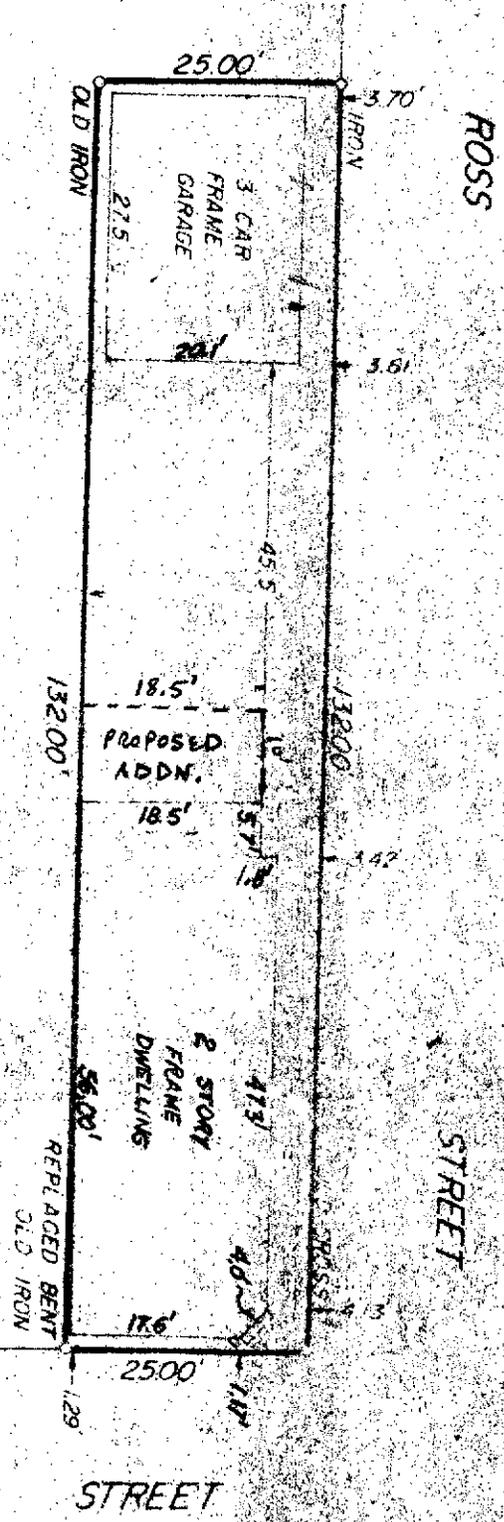
Betty Backulich

Betty Backulich

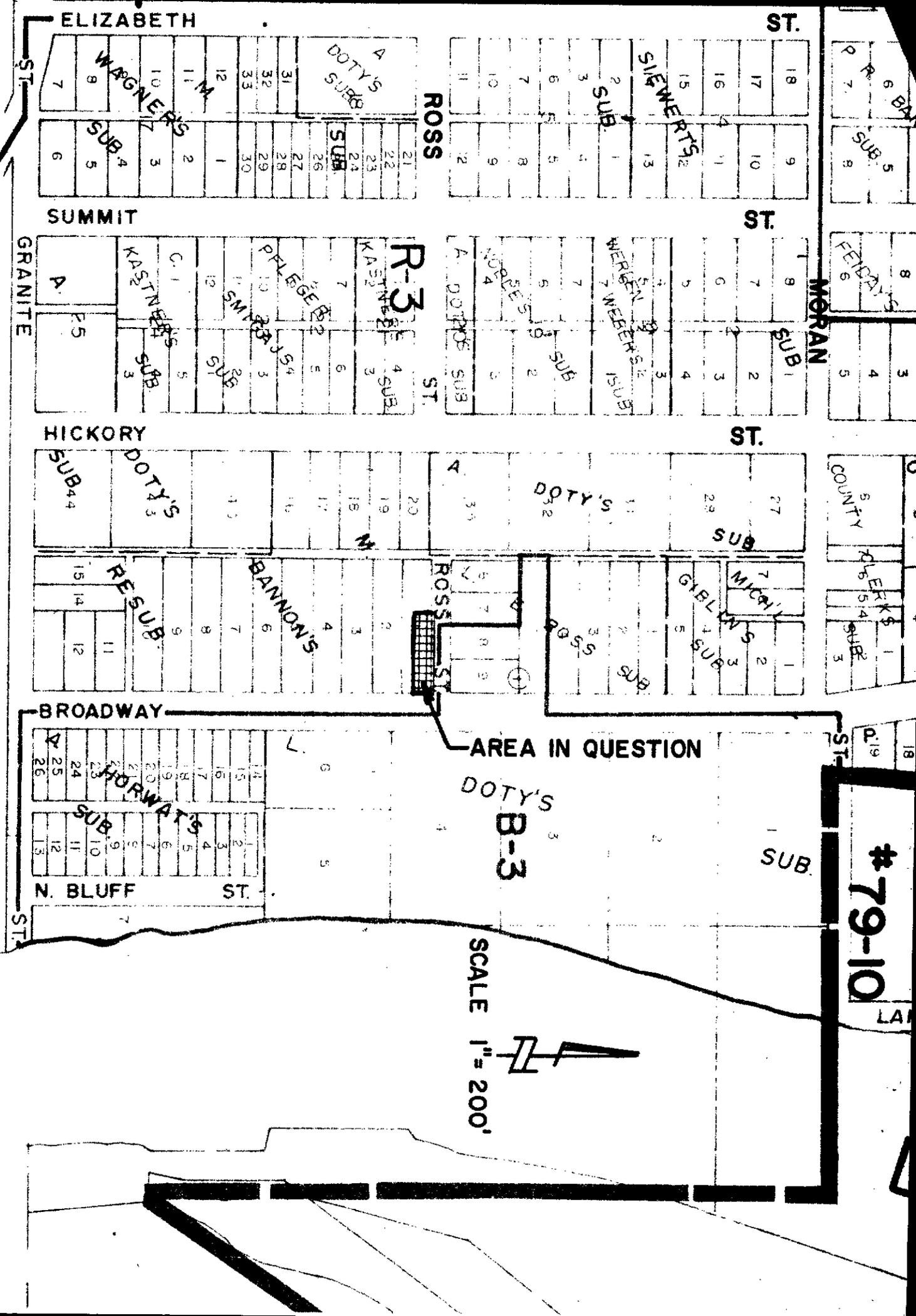
SCALE: 1" = 20'



79-10



NO INSURE AUTHENTICITY OF ANY COPIES, THEY MUST BEAR THE SIGNATURE OF THE ORIGINAL DRAWER. INCREASED SIZE



AREA IN QUESTION

DOTY'S
B-3
SUB

SCALE 1" = 200'

#79-10

ORDINANCE NO. 7832

AN ORDINANCE GRANTING A VARIATION OF USE

WHEREAS, the question of granting the variation included in this Ordinance was referred to the Joliet City Zoning Board of Appeals to hold a Public Hearing thereon; and,

WHEREAS, such a Public Hearing was held, after due Public Notice, in the manner provided by law; and,

WHEREAS, said Board has made a report concerning their action in regard to the petition requesting said variation and said report indicates that a Motion to allow was granted..

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET, ILLINOIS:

SECTION 1: A variation from the terms of Ordinance No. 5285, being the Revised Zoning Ordinance of the City of Joliet, is granted to permit continued use of the existing building at 845 No. Broadway Street as a bait shop with the permitted auxiliary use to allow the sale of packaged beer not for consumption on the premises in an R-3 (One & Two Family Residential) District, legally described as: The North Half of the East 132 feet of Lot 1 in Maria Bannon's ReSubdivision of Lots 36, 37,38,39,41,42, and 45 of Ambrose Doty's Subdivision of the South Half of the South Half of Section 4, in Township 35 North, and in Range 10, East of the Third Principal Meridian, and of a strip of land lying East of said lots 37,38,41,42, and 45 and West of Broadway, according to the Plat of said Bannon's ReSubdivision of record in the Recorder's Office on June 22, 1881, in Map Book 3, page 98, as Document No. 120052, in Will County, Illinois, commonly known as 845 No. Broadway Street, Joliet, Illinois. This variation is granted subject to the terms and conditions of all of the other laws and regulations of the City of Joliet, County of Will and State of Illinois. The zoning classification of the property for which this variation is granted remains the same and is not changed in any way by the adoption of this Ordinance. This Ordinance shall be strictly construed so as to prohibit any use not specifically granted herein nor otherwise allowed by the Zoning Ordinance of the City of Joliet.

SECTION 2: The findings and recommendation of the Joliet City Zoning Board of Appeals on the question of granting this variation of use are hereby accepted and adopted and made a part of this Ordinance.

SECTION 3: This Ordinance, and every provision thereof, shall be considered separable; and the invalidity of any section, clause, paragraph, sentence or provision of the Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 4: All Ordinances or parts of Ordinances conflicting with any of the provisions of this Ordinance, shall be and the same are, hereby repealed.

SECTION 5: This Ordinance shall be in effect from and after its passage, approval and recording according to law.

PASSED this 7th day of June, A.D. 1983.

Gary Valler
CITY CLERK

APPROVED this 7th day of June, A.D. 1983.

John Bowry
MAYOR

RECORDED in General Ordinance Book No. _____ at page
_____ this 8th day of June, A.D. 1983.

SUMMARY

Petition #83-4 - Variation of Use/Reduction of Off-Street Parking

The petitioner is requesting a variation of use to allow continued use of a bait shop, and to allow the sale of package liquor in the existing building in an R-3 (One & Two Family Residential) District; also requested is a reduction of required off-street parking.

Property is located at 845 No. Broadway Street, Joliet, Illinois.

BOARD OF ZONING APPEALS
JOLIET, ILLINOIS

3/17/83

Variation Request
No. #83-4

Request for Variation or Request for Variation of Use

A variation is required in conformity with the powers vested in the Board of Appeals to permit variation of use to allow continued use of a bait shop plus sale of package liquor (insert use or construction proposed) in an R-3 (One & Two Family Residential) District; also on the property described below. reduction of off-street parking

Legal Description: The North Half of the East 132 feet of Lot 1 in Maria Bannon's ReSubdivision of Lots 36, 37, 38, 39, 41, 42, and 45 of Ambrose Doty's Sub. of the South Half of the South Half of Section 4, in Township 35 North, and in Range 10, East of the Third Principal Meridian, and of a strip of land lying East of said Lots 37, 38, 41, 42, and 45 and West of Broadway, according to the Plat of said Bannon's Re-Subdivision of record in the Recorder's Office on June 22, 1881, in Map Book 3, page 98, as Document No. 120052, in Will County, Illinois.

Common Address: 845 N. Broadway

Zoning Category: R-3

Adjoining properties zoning category and use: _____

East of property B-3 West of property R-3

North of property B-3 South of property R-3

PLEASE SUBMIT DETAILED PLOT PLAN

Name of Applicant(s) Betty Backulich

Address of Applicant(s) 845 N. Broadway St

Property Interest of Applicant(s) _____

Name of Owner(s) Betty Backulich

Reasons for request. (Use additional paper and attach if necessary.)

1. What characteristics of your property prevent its being used for any of the uses permitted in your zone?

Too narrow _____ Elevation _____ Soil _____

Too small _____ Slope _____ Subsurface _____

Too shallow _____ Shape _____ Other _____

We now have a residential zoning with a bait shop we want this change to we can handle package liquor

2. Describe the items checked, giving dimensions where appropriate.

3. How do the above site conditions prevent any reasonable use of your land under the terms of the Zoning Ordinance? Not applicable

4. Are the conditions on your property the result of man-made change? If so, describe: Not applicable

5. Which of the following types of modifications will allow you a reasonable use of your land?

- Change in set-back requirement? _____
- Change in lot-coverage requirement? _____
- Change in side-yard restriction? _____
- Change in off-street parking requirement? _____
- Change in lot area per family requirement? _____
- Other (describe) X Variation of Use

6. State what is the Variation requested, giving distances where appropriate. _____

7. Are the conditions of hardship for which you request a variation true only of your property? Yes If not, how many other properties near by are similarly affected? _____

8. Will the grant of a variation in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance? Elaborate Yes - we plan on painting outside

of building - and changing inside of business by adding one cooler for package beer only also other business in area

Signature of Applicant(s) X Betty m. Backlund X 03/07/83

Signature of Owner(s) X Betty m. Backlund X 03/07/83

Date

HARRIS OF

R-3

BANNON'S

FEIDAYS

OETTER'S COUNTY

ST. 15 16 17 18 19

ORAN

4 5 12 13 20 4 5 12 13 20

ROSS SUB

SIEWERTS

WEBBERS

DOTY'S SUB

DOTY'S B-3 SUB

OSS

1 2 3 4 5 10 9 8 7 6 5 4 3 2 1

BANNON'S

DOTY'S SUB

KASINE

DOTY'S SUB

BROADWAY N. BLUFF ST.

83-4

SCALE 1"=200'



AREA IN QUESTION

ROSS ST.

4

B-3

SUB.

A S

MINUTES

At a Meeting of the Zoning Board of Appeals of the City of Joliet, Illinois, held Thursday, April 21, 1983, at the hour of 1:30 P.M. in the Municipal Building, 150 West Jefferson Street, Joliet, Illinois, the following petition was heard:

Petition #83-4 - Variation of Use/Reduction of Off-Street Parking

The petitioner is requesting a variation of use to allow continued use of a bait shop, and to allow the sale of package liquor in an R-3 (One & Two Family Residential) District; also requested is a reduction of required off-street parking. Property is located at 845 No. Broadway Street, Joliet, Illinois.

Members of the Zoning Board of Appeals present were:

Jonathan Simpson
Anthony Buchar
James Weakman
Dominic Principali
Richard Hoffman
Ben Waldvogel, Chairman

Members of the Zoning Board of Appeals absent were:

Ed Hennessy

Mrs. Betty M. Backulich, 845 No. Broadway Street, appeared before the Board to present the petition. Mrs. Backulich stated that she and her late husband bought this property in 1975 under the pretense that it was zoned B-1 with living quarters upstairs. Mrs. Backulich said this has always been a business - a church, a store, a liquor store, a cigar store - always commercial. But when they started checking the records, they found their property was not zoned for business. Now, they want it business-zoned. She again stated that she and her late husband have been operating a bait shop since 1975.

Mr. Waldvogel stated that the Zoning Board does not have the authority to change the zoning; they can, however, grant a variation for a business use. Mrs. Backulich said their real estate agent told them they had B-1 zoning when they purchased the property. Mr. Waldvogel said they apparently lied.

Mr. Buchar suggested the possibility that the property was downzoned to R-3. Mr. Waldvogel said no, he did not think the property was downzoned. Mrs. Backulich said the property listed as B-1 when they purchased it; they just made a mistake. Mr. Buchar commented that there has been business use at this property ever since he can remember. Mrs. Backulich said yes; she recalled a television repair shop, cigar store, grocery store. She believed the building was originally used for a pub because it was all reinforced for coolers.

Mr. Simpson asked Mrs. Backulich what prompted her to come in for this variation. Mrs. Backulich said they want to sell packaged beer along with their bait. Mr. Simpson asked if they sold beer before. Mrs. Backulich said no. She stated they have parking in front of the building. Also, there is a used car lot across the street and the owner gave permission to use his lot if they ever have too many customers. Mr. Simpson asked if they would sell hard liquor. Mrs. Backulich said no - beer only - and not to drink on the property. Mrs. Backulich said when fishermen go out, they take their bait, ice and beer.

Mr. Waldvogel asked if the Board granted a variation to this property in the past. Mrs. Backulich said yes. They had an old 3-car garage with a dirt floor. They tore this down and wanted to erect a new 2-car garage. The Board granted a 3' setback variation for the new garage. A few years later, her husband became ill and couldn't climb stairs. They tore down a shed on the side of the building and wanted to build a room for a bed so her husband could stay downstairs. The Board granted a variation for that. Mrs. Backulich said her husband died in August 1981.

Mr. Waldvogel asked Mrs. Backulich's reasons for wanting to sell beer. Mrs. Backulich said they go together - when a fisherman goes out, he takes a six-pack of beer, ice and bait. This will keep him from making one more stop. It will keep the money in the community.

Mr. Waldvogel commented that the City restricts operating hours of package liquor stores. Mrs. Backulich said she understands, but the Zoning Board is the first step in the process.

Mr. Waldvogel asked if Mrs. Backulich has talked with the Liquor Commissioner yet. Mrs. Backulich said he was out yesterday and he told her to get the zoning approved first, then check back with the Liquor Commission.

Mr. Buchar asked if Mrs. Backulich is in the right department with this request. Mr. Waldvogel said yes, they are requesting a variation of use. Their present zoning is R-3. Mr. Waldvogel asked if they already have a variation for the bait shop. Mrs. Backulich said no. That is why they are asking for a variation to allow continued use of the bait shop and to sell packaged beer. Mr. Waldvogel said he doesn't think this Board can allow the sale of package liquor. That has to do with the Liquor Commissioner. The Zoning Board can allow the variation for the bait shop. Mrs. Backulich said they realize this, but they need the OK to have their shop there first.

Mrs. Ann Picco, 211 Ross Street, appeared before the Board to speak in opposition to the petition. Mrs. Picco said that 211 Ross is just around the corner from 845 No. Broadway Street. Mrs. Picco said they have no objection to the bait shop, although they do get a lot of traffic from it. Customers use her double-driveway instead of the alley. The other way is a dead-end. Mr. Waldvogel said the only thing the Board is considering today is approval of the bait shop. Mrs. Picco said the bait shop is OK, but they cannot have the liquor; there is a liquor store right behind there. There are five liquor stores in a block. Mrs. Picco asked what about the off-street parking. Mr. Waldvogel said that if they consider the parking, they must allow what is there now. Mrs. Picco complained about "No Parking 9-5" signs erected five or six months ago. Nobody in the area was notified. Mr. Waldvogel said he has no concept of that. Mrs. Picco said she asked for a "No Outlet" or "No Thoroughfare" sign, but the City would not do that. Sometimes buses and semi-trucks pull in there; then they have trouble backing out and have to use her driveway. Mr. Waldvogel said Mrs. Picco should request a "Dead End" sign from the Street Department; also to question the "No Parking 9-5" signs.

Mr. Eckman clarified that the petitioner is requesting continued use of the bait shop and permission to sell package liquor in an R-3 (One & Two Family Residential) District. The package liquor would require a B-1 zoning. They already have a bait shop. A variation of use must state the specific use(s) requested. This

variation of use would go with the property. Mr. Eckman added that if the variation of use to allow the sale of package liquor is allowed, this does not mean that they can have a package liquor store; it means that they have the zoning to operate a package liquor store. After the zoning is approved, they would have to go to the Liquor Commissioner.

Mr. Simpson asked about the possibility of approving this variation under the condition that they qualify with the Liquor Commissioner.

Mr. Principali asked if the Board approves continued use of the bait shop, aren't they approving the use of B-1 zoning? Mr. Waldvogel said no. Mr. Eckman said the bait shop has been there and he does not know how it got there. There was never a B-1 zoning or a variation granted to this property. Mr. Eckman said there is one good feature about a variation of use--it allows only the specific use(s) granted.

Mr. Waldvogel said he favors acting on the bait shop, but tabling any action on the package liquor store. The Board could bring it back if the Liquor Commissioner approves it.

A motion was made by Jonathan Simpson to APPROVE part of #83-4 - the part dealing with the bait shop only. Mr. Simpson further stated in his motion that action on the sale of package liquor and off-street parking be TABLED and brought before the Board at a later date with no additional fee required. The motion was seconded by James Weakman.

Mr. Eckman polled the Board:

Jonathan Simpson voted AYE.
Anthony Buchar voted AYE.
James Weakman voted AYE.
Dominic Principali voted AYE.
Richard Hoffman voted AYE.
Ben Waldvogel voted AYE.

The minutes of this meeting are recorded on Cassette Tape #85 in the Zoning Office.

MINUTES

At a Meeting of the Zoning Board of Appeals of the City of Joliet, Illinois, held Thursday, May 19, 1983, at the hour of 1:30 P.M. in the Municipal Building, 150 West Jefferson Street, Joliet, Illinois, the following petition was heard:

Continuation of Petition #83-4 - Variation of Use/Reduction of Required Off-Street Parking

The petitioner is requesting a variation of use to allow continued use of a bait shop, and to allow the sale of package liquor in an R-3 (One & Two Family Residential) District; also requested is a reduction of required off-street parking. Property is located at 845 No. Broadway Street, Joliet, Illinois.

Members of the Zoning Board of Appeals present were:

Jonathan Simpson, Acting Chairman
Ed Hennessy
Anthony Buchar
James Weakman
Dominic Principali
Richard Hoffman

Members of the Zoning Board of Appeals absent were:

Ben Waldvogel, Chairman

Mrs. Betty Backulich, 845 No. Broadway Street, appeared before the Board to present the petition. Mrs. Backulich said they presently have a bait shop; now they want to sell package liquor.

Mr. Simpson said he would like to clarify the status of this petition. He knows that they voted on the bait shop at their last meeting. Mr. Eckman said that he prepared the Board's recommendation on the bait shop for the City Council agenda, but the Administration felt it would be better if the Board acted on the entire petition before presenting it to City Council. Mr. Eckman added that the existing bait shop is classified as a legal, non-conforming use. Mr. Eckman further stated that the liquor commissioner will not act on the request for a liquor license without a variation of use being granted to this property.

Mr. Simpson commented that this is a legal, non-conforming use because it has always been a bait shop. Mrs. Backulich said that when she and her late husband purchased the building, they were told it had always been used for business.

Mr. Peter Backulich, Jr., 204 St. Jude, appeared before the Board to speak on behalf of the petition. Mr. Backulich showed a diagram (layout) of the shop. He said they have a cooler 3' high and they would like to sell 6-packs of beer. They have no intention of selling any hard liquor. Mr. Backulich said he also has a notarized statement from 343 No. Broadway that they are in favor of this request.

Mr. Backulich presented a petition with 445 names of customers who are in favor of selling package beer at the shop. Mr. Simpson said he will accept the submitted documents but they cannot have an effect on the Board's decision.

May 19, 1983

Page Two

Regarding off-street parking, Mrs. Backulich stated that Jack Skole Motors has agreed to allow customers to park in his lot. Mrs. Backulich said the maximum number of cars they would have at one time is 8-10. Their busiest time is on Saturday morning from 6 a.m. to 9 a.m. Mr. Buchar commented that there seems to be a great deal of on-street parking on both sides of the street.

Mrs. Backulich stated that there are not too many places in town where fishermen can get everything in one place--beer, ice and bait. This would be a convenience to the fishermen.

Mr. Principali said that he is concerned about this request for a package liquor store. The request does not limit the sale of liquor to package beer. Mr. Hennessy said that the liquor license would limit that; there is a specific license for beer and wine. Mr. Simpson said they are asking to sell beer only. He would like to see this specifically stated in the motion.

Mr. John R. Skole, 916 Ronnie Court, appeared before the Board to speak in favor of the petition. Mr. Skole stated that he operates a business at 903 N. Broadway. Mr. Skole said he would allow the petitioner's customers to park in his lot. Sometimes they already do when it is busy. Mr. Buchar asked if Mr. Skole is talking about parking in his lot or along the street. Mr. Skole said they can park in his lot--this would be off-street parking.

Mrs. Ann Picco, 211 Ross Street, appeared before the Board to speak in opposition to the petition. Mrs. Picco said she lives three (3) doors up from 845 No. Broadway. She presented petitions from the neighborhood and stated that nobody wants the sale of package liquor at this location. Mrs. Picco noted that within a three-block area there are eleven liquor licenses. She asked the Board: "Don't you think we have enough?" Mr. Buchar said that is not the point. The Board is looking at the facts of this particular building.

Mrs. Picco said there are never more than 4 or 5 cars at one time. She said they don't need the 9-5 parking signs.

Mr. Hennessy asked Mrs. Picco if she believes the availability of package liquor will bring in more people. Mrs. Picco said yes, more people will come in if liquor is sold there.

Mrs. Picco stated that she lives on a dead-end street. She said it is pitiful what they have to put up with. People speed through there. They have no respect for the neighborhood. Big boats turn around there. They ruined her brother's hedges. They use her driveway.

Mr. Simpson said he would like to make it clear to Mrs. Picco that if the petition is denied, the bait shop would be allowed to continue operation. Mrs. Picco said it is alright to let the bait shop stay, but don't change the zoning. Mr. Simpson clarified that the Board does not have the authority to change the zoning, they can only allow a variation of use. Mr. Hennessy added that this Board decides if the petitioner has the right to operate the business, but the Liquor Commissioner gives the liquor license. Mrs. Picco asked that the Board not give him the proper zoning and then he won't be able to get a liquor license. She asked again if eleven liquor licenses in the immediate area are not enough. Mr. Simpson said that is not a decision for this Board.

Mrs. Picco stated that all the people in the area are elderly. She is only trying to look out for the neighborhood.

May 19, 1983

Page Three

Mrs. Picco complained about the parking situation. She did not like the 9-5 parking signs; also, there are no sidewalks on the north side of the street and people park where the sidewalks should be. Mr. Simpson said that complaints of this nature should be referred to another department. Mr. Buchar commented that if they couldn't park there, they would probably park by Mrs. Picco's house.

Mr. Weakman made a motion to recommend to the City Council that this petition be APPROVED, limiting the sale of liquor to beer and wine. Mr. Weakman made his motion based on the following FINDINGS OF FACT:

1. As stated at the last meeting, the petitioner's hardship is that they need the added income.

The motion was seconded by Richard Hoffman.

Mr. Simpson questioned whether they should add "wine" to the motion. Mr. Weakman said he would delete "wine" from his motion.

Mr. Buchar said he would like to add that the liquor license should go only to this owner. Mr. Simpson said he doesn't believe the Board can tie the variation to the owner; the variation goes with the land.

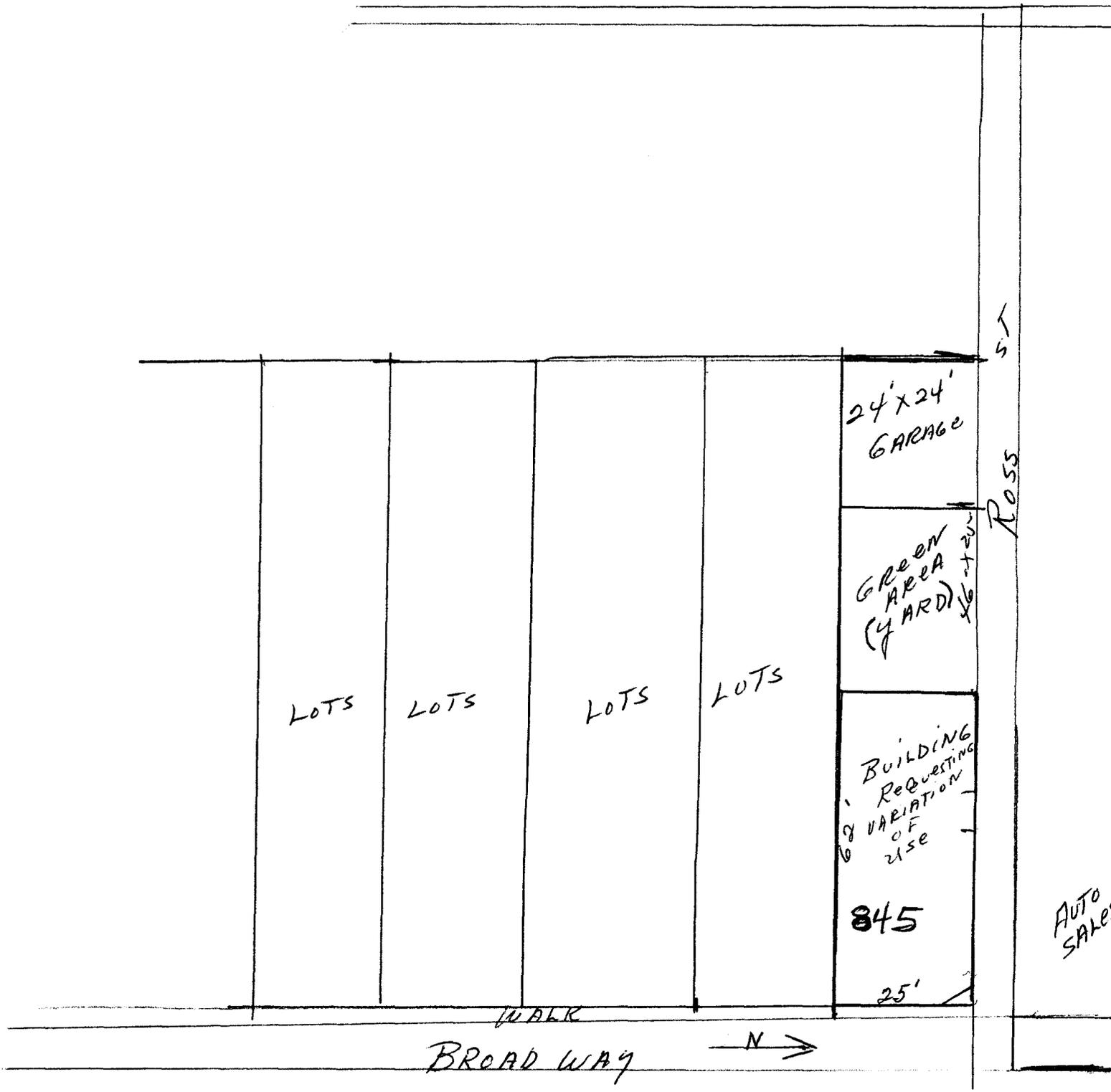
Mr. Eckman polled the Board:

Ed Hennessy voted AYE.
Anthony Buchar voted AYE.
James Weakman voted AYE.
Dominic Principali voted AYE.
Richard Hoffman voted AYE.
Jonathan Simpson voted AYE.

Mr. Simpson stated that this petition will be presented to the City Council for final decision; also, the petitioner will have to request a liquor license from the Liquor Commission.

The minutes of this meeting are recorded on Cassette Tape #87 in the Zoning Office.

845 N. Broadway



LOTS

LOTS

LOTS

LOTS

24' x 24'
GARAGE

GREEN
AREA
(YARD)

BUILDING
REQUESTING
VARIATION
OF
USE

845

25'

WALK

BROADWAY

N →

ROSS

AUTO
SALES

OFFICE OF THE CITY MANAGER
 KENNETH R. MURRAY
 CITY MANAGER
 815/740-2211

CITY OF JOLIET



150 WEST JEFFERSON STREET
 JOLIET, ILLINOIS 60431

May 25, 1983

TO: Mayor & City Council

FROM: City Manager

SUBJECT: Petition #83-4 - Variation of Use to allow continued use of a bait shop, and to allow the sale of package liquor in an R-3 (One & Two Family Residential) District; also requested is a reduction of required off-street parking. (The required zoning for this use is B-1 - Neighborhood Business). Property is located at 845 No. Broadway Street, Joliet, Illinois.

BACKGROUND

At a Meeting of the Zoning Board of Appeals of the City of Joliet, Illinois, held Thursday, May 19, 1983, in the Municipal Building, the following petition was heard:

Continuation of Petition #83-4 - Variation of Use/Reduction of Required Off-Street Parking

The petitioner is requesting a variation of use to allow continued use of a bait shop, and to allow the sale of package liquor in an R-3 (One & Two Family Residential) District; also requested is a reduction of required off-street parking. Property is located at 845 No. Broadway Street, Joliet, Illinois.

The petition was presented by the owner and operator of Pete's Bait Shop, Mrs. Betty M. Backulich, 845 No. Broadway Street.

Regarding the history of the property, the first floor of the existing two-story building has been used by the petitioner as a bait shop since they purchased it in 1975. Prior to that, the building housed several other small businesses: TV repair shop, grocery store, and liquor store. The upstairs is residential and is occupied by the owner. The present zoning is R-3 (One & Two Family Residential) and the present use is classified as non-conforming. The required zoning for a bait shop, as well as a package liquor store, is B-1 (Neighborhood Business).

Mrs. Backulich stated that she and her late husband purchased the property with the assumption that it was zoned for business. Her purpose before the Board was to request a variation of use to make the bait shop a legal and conforming use; also, to ask permission to sell package liquor (beer only). The property has no off-street parking, but the owner of Skole Motors, 903 N. Broadway Street, has agreed to allow patrons of the bait shop to park in his lot, as they have been doing in the past.

May 25, 1983

Page Two

One objector from the immediate area voiced her opposition to the parking situation since "No Parking" signs were posted on Ross Street. She also opposed the sale of package liquor, but had no objection to continued operation of the bait shop.

The Zoning Board of Appeals voted unanimously (6-0) with one member absent, to recommend to the City Council that a variation of use to allow continued use of a bait shop, and to allow the sale of package liquor (beer only) in an R-3 (One & Two Family Residential) District be approved. The parking variation was also approved. The following Board members voted AYE: Ed Hennessy, Anthony Buchar, James Weakman, Dominic Principali, Richard Hoffman, Jonathan Simpson.

The minutes of the April 21, 1983 and May 19, 1983 Zoning Board of Appeals meetings are attached.

RECOMMENDATION

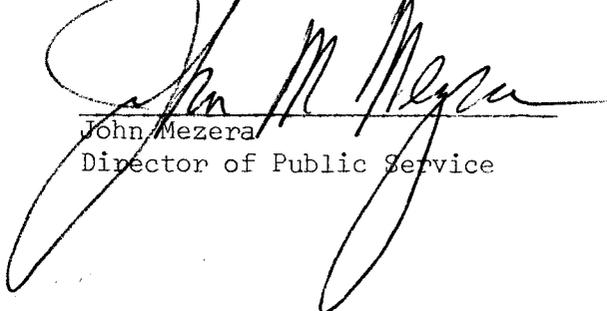
Because the property has been used for business for many years and is occupied by a commercial building, the Administration recommends that Mayor and City Council concur with the Zoning Board of Appeals and approve the requested variation of use. This variation will permit the use of the existing building at 845 No. Broadway as a bait shop and for the sale of packaged beer.

Respectfully submitted,


Kenneth R. Murray
City Manager

CONCURRENCE:


Buel Eckman
Secretary, Zoning Board of Appeals


John Mezera
Director of Public Service


Michael J. Zelinski
Director of Community & Economic Development

APPROVED AS TO FORM:


Nicholas Sakellariou
Corporation Counsel

BE:jf

Attachments (3)

ZONING BOARD OF APPEALS
CRITERIA FOR VARIATIONS

Section 47-19.8 of the Zoning Ordinance states:

A variation shall not be granted in any case unless the Board shall find and clearly state in its record of the case that:

	Does the evidence presented sustain this criteria?	Comments
(1) Reasons sustaining the contention that strict enforcement of the Ordinance would involve practical difficulties or impose exceptional hardship were found as follows: (a) _____ (b) _____ (c) _____ (list of reasons)		
(2) Adequate evidence was submitted to establish practical difficulties or particular hardship so that, in the judgment of the Board, a variation is permitted because the evidence sustained the existence of each of the three following conditions: (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 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.		
(3) A public hearing was held on such variation of which at least 15 days and not more than 30 days notice was published in the _____ (name of newspaper) on _____ (date).		