

STAFF REPORT

DATE: February 5, 2024
TO: Zoning Board of Appeals
FROM: Planning Staff
RE: Petition Number: 2024-04
Applicant / Owner: Eugene Kazmark Jr.
Location: 506 Manhattan Road
Request: Variation of Use to allow continuation of a three-unit residence in an R-1 (single-family residential) zoning district

Purpose

The applicant is requesting a Variation of Use to allow the continuation of an existing three-unit residence at 506 Manhattan Road. The Variation of Use request must be considered by the City Council following the recommendation of the Zoning Board of Appeals.

The property has an existing nonconforming front yard setback of seven feet. 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.

Site Specific Information

The subject property is approximately 12,130 square feet and contains a one-and-a-half story three-unit residence and a detached two-car garage. The house has a two-bedroom unit and a one-bedroom unit on the main floor, and a two-bedroom unit on the second floor. The residence contains approximately 2,280 square feet of total living space. Sufficient off-street parking is provided within the garage and the paved driveway.

The property was annexed in 1964 as part of the larger piece of land (3.8 acres) owned by the petitioner and their family that includes 510 Manhattan Road and 5 Remin Lane. The property was classified to R-1 (single-family residential) zoning at that time, and this is still its current zoning designation. According to City Directory data, the residence contained at least two units from around 1947 onward. The property has been on the Neighborhood Services Rental Inspection Program since 1986, and property history notes indicate that it had three units when it was enrolled. The property has continued to receive certificates of inspection since then, with the current four-year certificate expiring in December 2027. There are no outstanding violations at the property.

Surrounding Zoning, Land Use and Character

The property is located on the south side of Manhattan Road, between the Sugar Creek Hills subdivision and the Wauponsee Glacial Trail. Most of the surrounding properties are within unincorporated Will County / Joliet township and contain residential uses. The parcels to the east and south that contain the Remin Laboratories building and another residence are also owned by the petitioner or their family. The zoning and land use for the adjacent properties are as follows:

- North: County R-3 (single-family residence), single-family residences
- South: City R-1, single-family residence
- East: City R-1, Remin Laboratories
- West: City R-2 (single-family residential) and County R-3, single-family residences (Sugar Creek Hills neighborhood)

Applicable Regulations

- Section 47-5 R-1 Single-Family Residential District
- 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

According to the petitioner, the owners purchased the property in 1947 as a three-unit and have maintained the property as a three-unit since then. When the property was annexed in 1964, it was classified to R-1 (single-family residential) zoning, though City directory data shows it was likely a multi-unit use at that time. The property has been inspected by the City as a three-unit since 1986. Notes from the Neighborhood Services history of the property say that in 1989, City staff stated that the structure was "grandfathered" until the property was sold or changed ownership. Later notes, from 2001 and on, continue to list the zoning and use as grandfathered. The zoning mismatch was recently brought to Planning staff's attention, and staff determined that at this point in time, a Variation of Use would be needed. The petitioners are now requesting the Variation of Use to fulfill this zoning requirement. There are no proposed changes to the property.

The property has been inspected as a three-unit by Neighborhood Services for 38 years. The property is currently in good standing, with no violations and a four-year rental inspection certificate. Neighborhood Services does not have any concerns about the

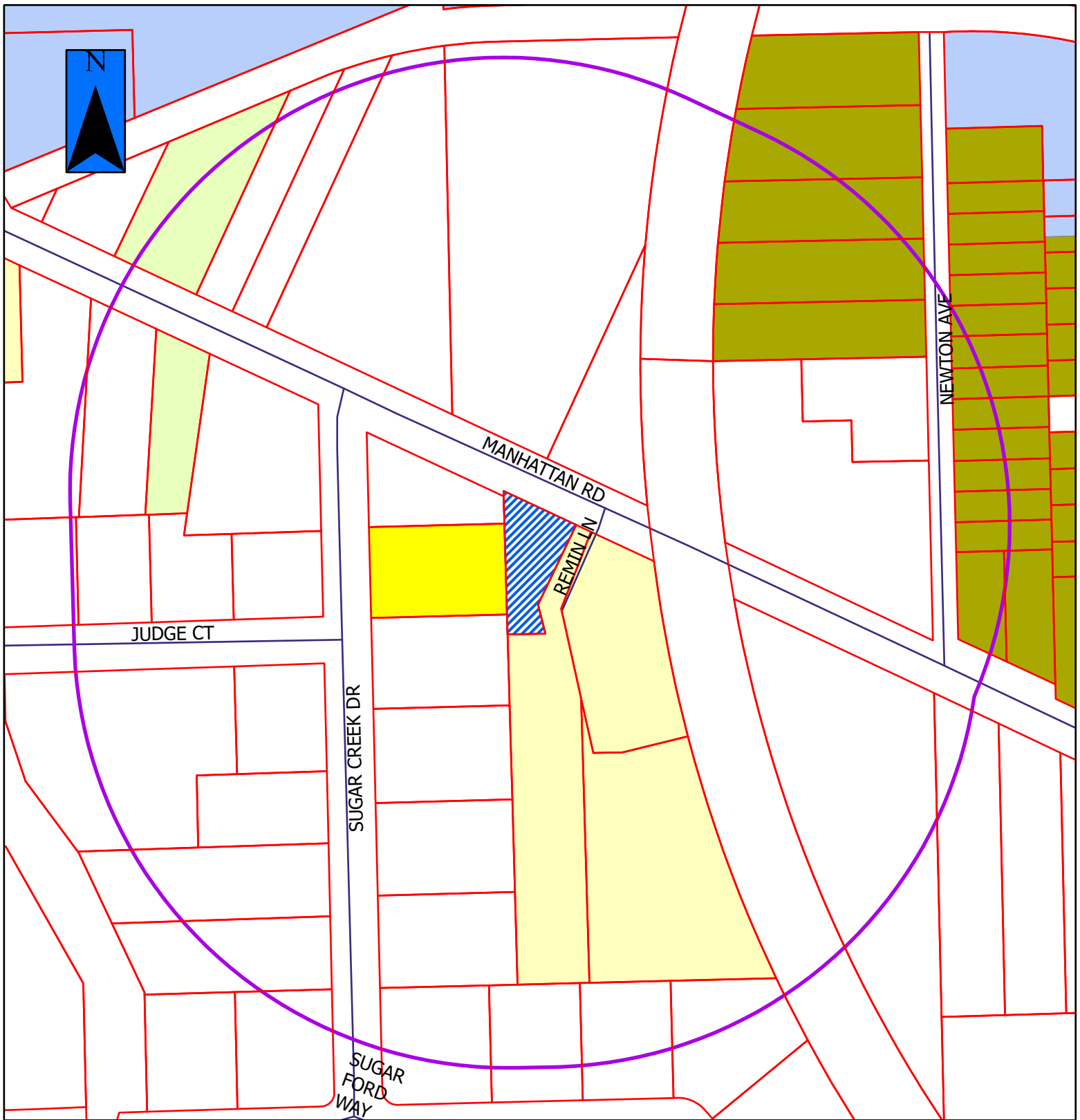
property remaining as a three-unit. If the Variation of Use is approved, the property will remain in the Rental Inspection Program.

The residence contains two two-bedroom units and one one-bedroom unit. The garage and paved driveway can accommodate five off-street parking spaces, which is the minimum number of spaces required for a three-unit residence. A plat of survey and current floor plans are attached.

Conditions

If the Zoning Board desires to approve this Variation of Use to allow the continuation of a three-unit residence in an R-1 (single-family residential) zoning district, the following conditions would be included:

1. That off-street parking spaces for a minimum of five vehicles shall remain in the future;
2. That the use of the property shall not be expanded in the future;
3. That the property shall remain in and comply with the City's Rental Inspection Program; and
4. Should the property be declared a public nuisance by the City Council, the Variation of Use shall be automatically revoked.



2024-04



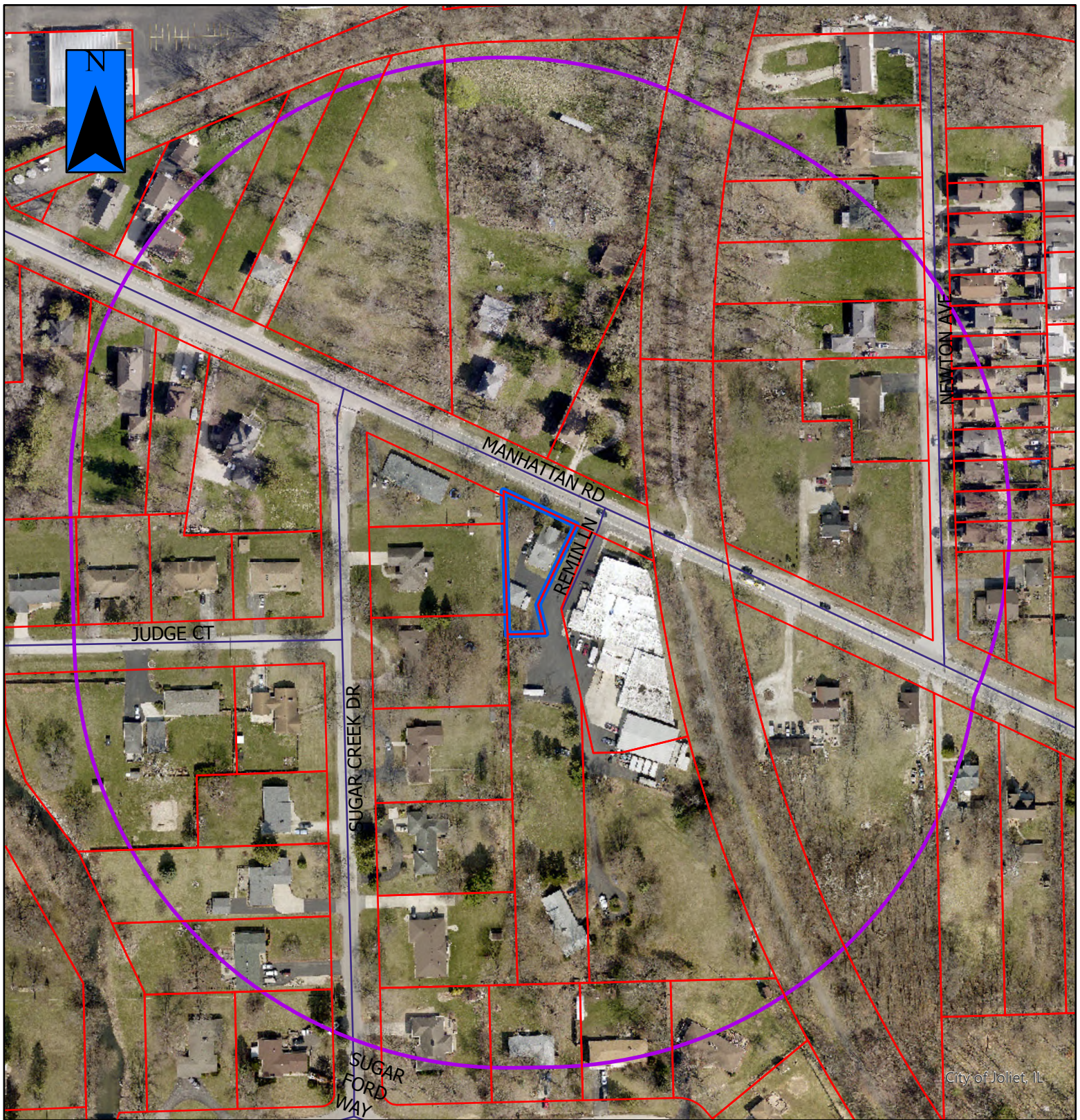
= Property in Question



= 600' Public Notification Boundary

Legend

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



2024-04a



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

Figure 1: Subject site at 506 Manhattan Road; adjacent properties to the east and south are also owned by the petitioner or their family

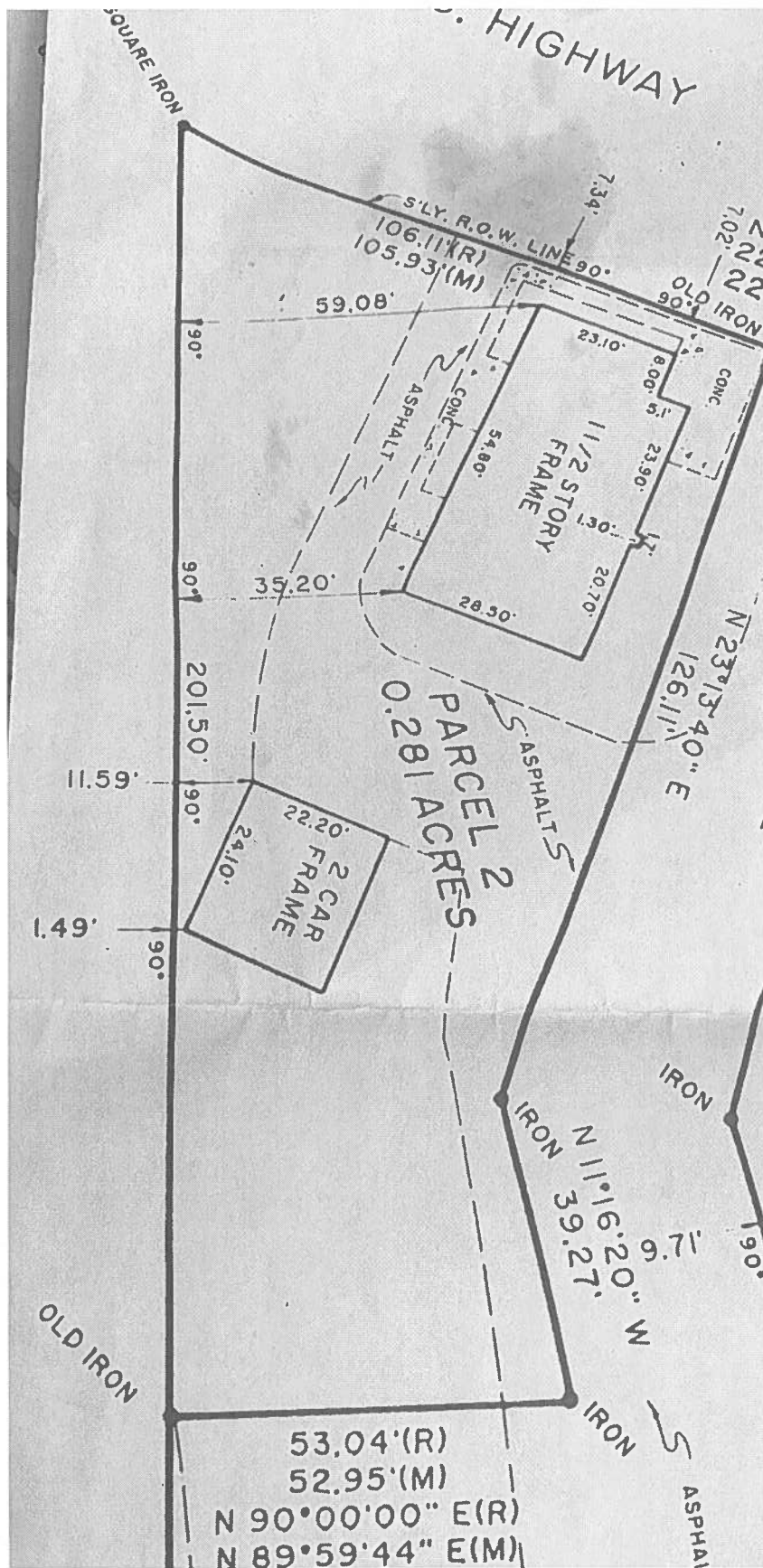


Figure 2: 506 Manhattan Road, view facing south from Manhattan Road



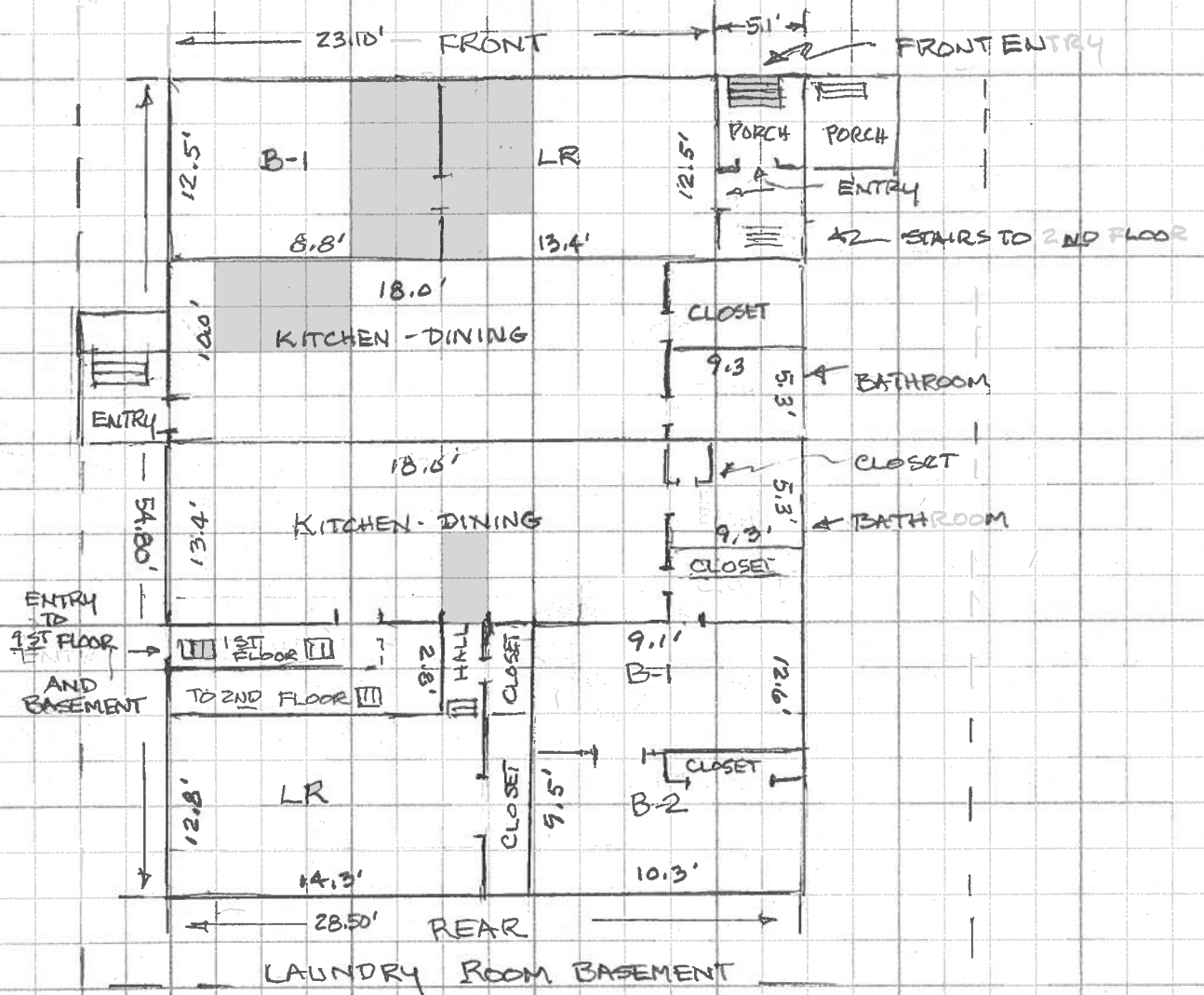
Figure 3: 506 Manhattan Road, view facing southwest from Manhattan Road; Remin Laboratories at 510 Manhattan Road is on the left





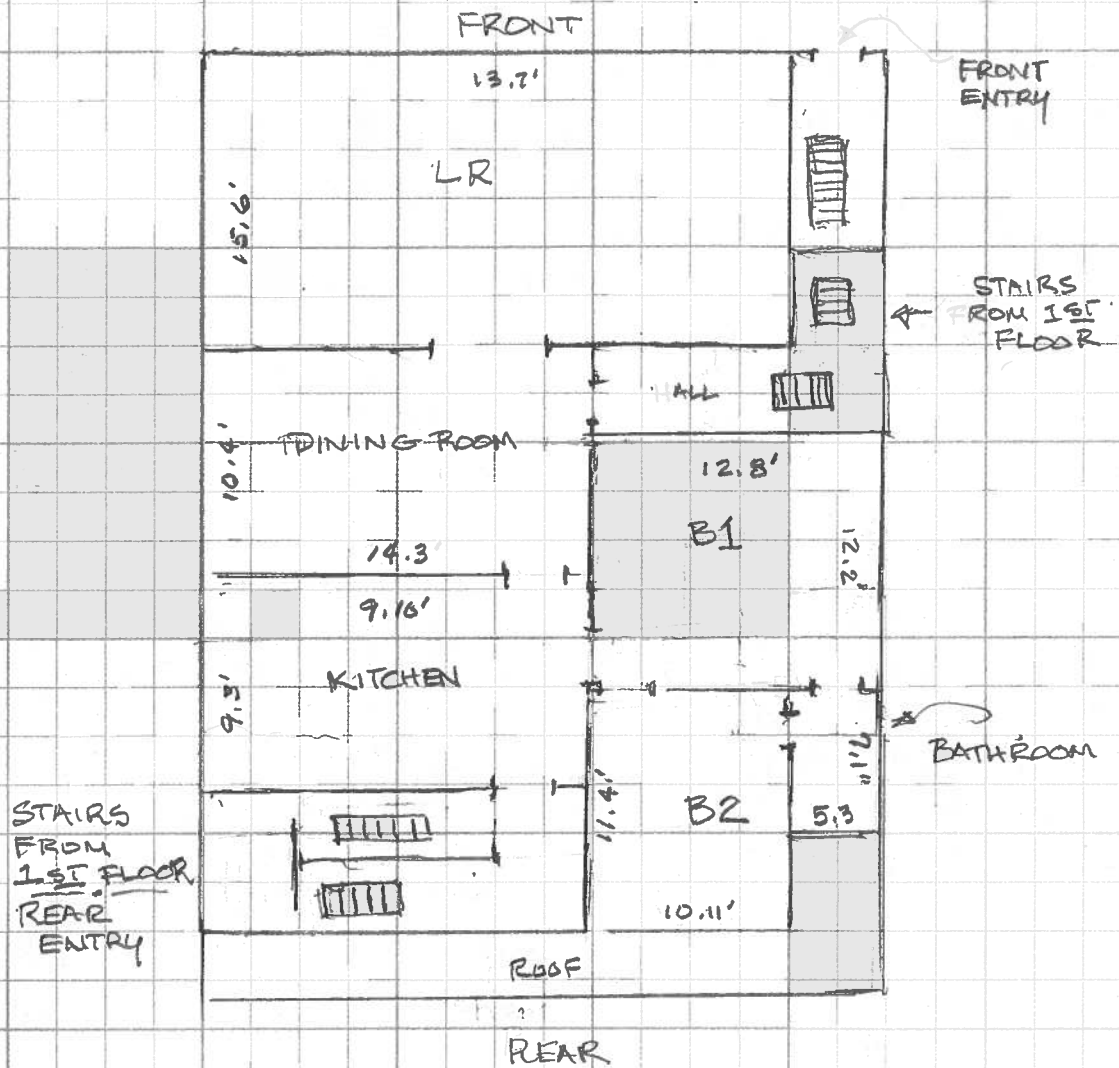
506 MANHATTAN Rd. - 1 1/2 STORY FRAME

1ST FLOOR PLAN



506 MANHATTAN Rd.
2ND FLOOR PLAN

1 1/2 STORY FRAME



FOR OFFICE USE ONLY

Verified by Planner (please initial):

Payment received from:

Eugene A. Kazmark, Jr.
1206 Norley Avenue
Joliet, IL 60435

Petition #: 2024-

Common Address: 506 Manhattan Rd.

Date filed: 1/8/24

Meeting date assigned: 2/15/24

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: 506 Manhattan Road

PETITIONER'S NAME: Eugene A. Kazmark Jr.

HOME ADDRESS: 1206 Norley Ave., Joliet, IL ZIP CODE: 60435

BUSINESS ADDRESS: 510 Manhattan Rd, Joliet, IL ZIP CODE: 60433

PHONE: (Primary) 0: 815-723-1940 (Secondary) C: 815-263-7814

EMAIL ADDRESS: gene.kazmark@gmail.com FAX:

PROPERTY INTEREST OF PETITIONER: Owner

OWNER OF PROPERTY: SAME AS ABOVE

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.): 30-07-22-414-023-0000

_____; _____; _____
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):

N 63° 38' 20" W 227.40' (MEAS.) 227.58' (REC'D)

LOT SIZE: WIDTH: 106.11'(R) DEPTH: 201.50' AREA: 0.281 ACRES

PRESENT USE(S) OF PROPERTY: Rental

PRESENT ZONING OF PROPERTY: R-1

VARIATION OF USE REQUESTED: Request to allow the continuation of three(3) residential units in a R-1 (single-family zoning) district by granting a variation of use/zoning exception

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?

(A) The property was annexed into the city around 1963. Property use is the same prior annexation. Because of development of surrounding subdivision being R1, we were grandfathered in use of land/property. It would prevent me of a reasonable return on value of property since the property is a rentable house with three units(residential). (B) Further, I am told that this property would be prevented from being sold in the future if the land use and zoning do not match.

2. What unique circumstances exist which mandate a variance?

Zoning ordinance that pertained to surrounding development at the time of annexation into city. Owner was grandfathered in use of property because it was here since 1930s. Owner paid for city sewer line from Richards St. & Rt. 52 to Manhattan Road. The city has requested a variation of use.

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.

None at all, it has been the same since 1947 when purchased and when it was originally built in the 1930s.

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)

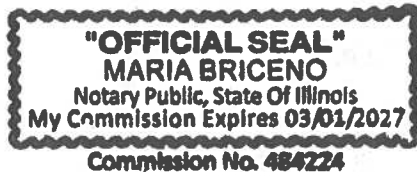
I, Eugene A. Kazmark Jr., depose and say that the above statements are true and correct to the best of my knowledge and belief. I agree to be present in person or by representation when this petition is heard before the Zoning Board of Appeals.

Eugene A. Kazmark Jr.
Petitioner's Signature

Eugene A. Kazmark Jr.
Owner's Signature
(If other than petitioner)

Subscribed and sworn to before me
this 5th day of January, 2024

Maria Briceno



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:

506 Manhattan Road, Joliet, IL 60433
 PIN(s): 30-67-22-414-023-0000

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 |

Eugene A. Kazmark Jr.
510 Manhattan Rd., Joliet, IL 60433
C: 815-263-7814 O: 815-723-1940

E-MAIL: gene.kazmark@gmail.com FAX: _____

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: Eugene A. Kazmark Jr.

DATE: JAN. 5, 2024

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

Eugene A. Kazmark Jr., Owner
C: 815-263-7814 O: 815-723-1940

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