

## **STAFF REPORT**

**DATE:** August 21, 2025  
**TO:** Zoning Board of Appeals  
**FROM:** Ray Heitner, Planner  
**RE:** Petition Number: 2025-29  
Applicant / Owner: Angela M. Gutierrez  
Location: 421 Abe Street (COUNCIL DISTRICT #4)  
Request: 2025-26: A Variation of Use to allow the continuation of a two-unit residence, an R-3 (one- and two-family residential) use, in the R-2 (single-family residential) zoning district.

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### **Purpose**

The applicant is requesting a Variation of Use to allow the continuation of a two-unit residence, an R-3 (one-and two-family residential) use, in an R-2 (single-family residential) zoning district located at 421 Abe Street. The requested Variation of Use petition will require City Council approval, with a recommendation from the Zoning Board of Appeals.

### **Site Specific Information**

The main building on the subject property was built in the 1930's and has been used as a two-unit residence at various times throughout its history. The ground floor dwelling unit has two entrances, one on the building's east side, and one on the building's south side. The second-floor unit has a separate entrance off the building's north side. The subject property is approximately 4,364 square feet in size and contains a two-story building with a four-car parking pad to the immediate south. Section 47-6.6 of the City's Zoning Ordinance requires two off-street parking spaces for each dwelling unit for properties within the R-2 zoning district.

The subject property was downzoned to its current zoning designation of R-2 (single-family residential) zoning in 1997 along with numerous other properties in this area of the City. However, the surrounding area contains a higher density than is found in most R-2 zoned neighborhoods. Several houses in the area were either built as two-unit residences or have been converted to two-unit residences. The surrounding zoning map shows that six lots within the same block contain R-3 (one- and two-family residential) zoning. One block to the west along Henderson Avenue, 13 lots contain R-3 zoning.

### **Surrounding Zoning, Land Use and Character**

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

- North: R-2 (single-family residential), single-family residence
- South: R-3 (one- and two-family residential), two-family residence
- East: R-2 (single-family residential), single-family residence
- 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 wishes to continue the existing two-dwelling unit use at the subject property. The property was purchased in 2022 with the understanding that the correct zoning to allow two dwelling units was already in place. The first-floor unit is currently owner occupied. The parking pad located south of the main building can adequately accommodate four off-street parking spaces, per R-2 zone requirements. Since the subject property has a history of operating with two dwelling units and is situated in a neighborhood with numerous two-dwelling structures, staff does not believe the requested Variation of Use will alter the essential character of the neighborhood.

### **Conditions**

If the Zoning Board desires to approve this Variation of Use to allow the continuation of a two-unit residence, an R-3 (one- and two-family residential) use, in the R-2 (single-family residential) zoning district, located at 421 Abe Street, staff recommends the following conditions be included:

1. That the property shall comply with the City's Rental Inspection Program.
2. 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.

**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).		

FOR OFFICE USE ONLY

\*\*\*Verified by Planner (please initial): \_\_\_\_\_\*\*\*

Payment received from:

Mario Gutierrez DBA  
MGM Landscaping  
815 Chase Avenue, Joliet, IL 60432

Petition #: 2025-

Common Address: 421 Abe

Date filed: 6/30

Meeting date assigned: 8/21

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: 421 ABE ST., JOLIET, IL 60432

PETITIONER'S NAME: ANGELA M. GUTIERREZ

HOME ADDRESS: 421 ABE ST., JOLIET, IL ZIP CODE: 60432

BUSINESS ADDRESS: 421 ABE ST., JOLIET, IL ZIP CODE: 60432

PHONE: (Primary) 815-603-3266 (Secondary) \_\_\_\_\_

EMAIL ADDRESS: AGUTIERREZ325@ICLOUD.COM FAX: \_\_\_\_\_

PROPERTY INTEREST OF PETITIONER: 421 ABE ST., JOLIET, IL 60432

OWNER OF PROPERTY: MARIO & ANGELA GUTIERREZ

HOME ADDRESS: 421 ABE ST., JOLIET, IL ZIP CODE: 60432

BUSINESS ADDRESS: 421 ABE ST., JOLIET, IL ZIP CODE: 60432

EMAIL ADDRESS: AGUTIERREZ325@ICLOUD.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):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER PROJECTS AND/OR DEVELOPMENTS:

The upstairs had previously been converted into an apt. It was a 2 unit home before we purchased in May '22

We'd like to continue to keep as a 2 unit home.

\_\_\_\_\_  
\_\_\_\_\_

PERMANENT INDEX NUMBER (TAX NO. OR P. I. N.): 30-07-10-237-045-0000;  
\_\_\_\_\_;

*\*\*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 42 IN GEORGE P TROWBRIDGE'S SUBDIVISION OF A PART OF THE EAST 1/2 OF THE EAST 1/2  
OF THE NORTHEAST 1/4 OF SECTION 10, THE TOWNSHIP 35 NORTH, RANGE 10, EAST OF THE  
THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS

LOT SIZE: WIDTH: \_\_\_\_\_ DEPTH: \_\_\_\_\_ AREA: \_\_\_\_\_

PRESENT USE(S) OF PROPERTY: PRIMARY GUTIERREZ RESIDENCE

PRESENT ZONING OF PROPERTY: D2

VARIATION OF USE REQUESTED: SINGLE FAMILY HOME WITH 2 UNITS. We'd like to comply  
with getting our home zoned with the correct zoning code.

#### **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?*

I do not foresee any misuse or conditions that would not yield a reasonable return. The property  
was previously zoned as a 2 unit residence. The previous home owner complied with the City of

Joliet, adhering to regular unit inspections. The previous owner was not aware that the area and home  
were blanket re-zoned. This has been ongoing for at least 30 years & no one seemed aware that this area  
was re-zoned. Had it not been for a recent home evaluation, this issue would have not been discovered.

2. What unique circumstances exist which mandate a variance?

The home has been used as a 2 unit home for at least the last 30 years without any issues.

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.

We're probably the only owners on all of Ave that have regular rental inspections. I feel that we're attempting to comply with city ordinance. If the variance is not approved, we will have a vacant apt & will have to relocate the family member that currently resides there.

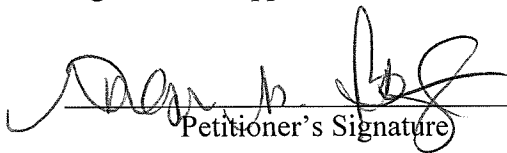
**REQUIRED SUPPORTING ATTACHMENTS**

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

**NOTARIZATION OF PETITION**

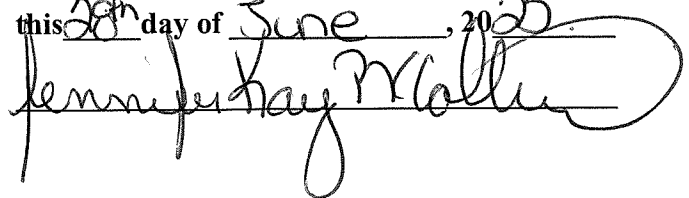
STATE OF ILLINOIS) ss  
COUNTY OF WILL)

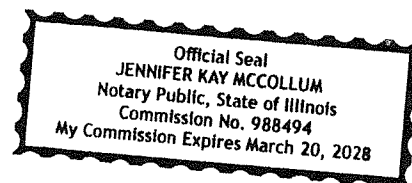
I, Angela M. Butcher depose and say that the above statements are true and correct to the best of my knowledge and belief. I agree to be present in person or by representation when this petition is heard before the Zoning Board of Appeals.

  
Petitioner's Signature

\_\_\_\_\_  
Owner's Signature  
(If other than petitioner)

Subscribed and sworn to before me  
this 28<sup>th</sup> day of June, 2025.





## 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:

PIN(s): 30-07-10-237-045-0000

### 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

Angela & Mario Gutierrez  
401 ABE ST  
Joliet, IL 60430

E-MAIL: Agutierrez325@icloud.com FAX: N/A

#### 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

Angela & Mario Gutierrez  
401 Abe St.  
Joliet, IL 60438

E-MAIL: agutierrez@icloud.com FAX: N/A

#### 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:** Angela M. Gutierrez  
**DATE:** 06/28/2025

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

Angela M. Gutierrez, owner  
815.603.3200

**PRINT**





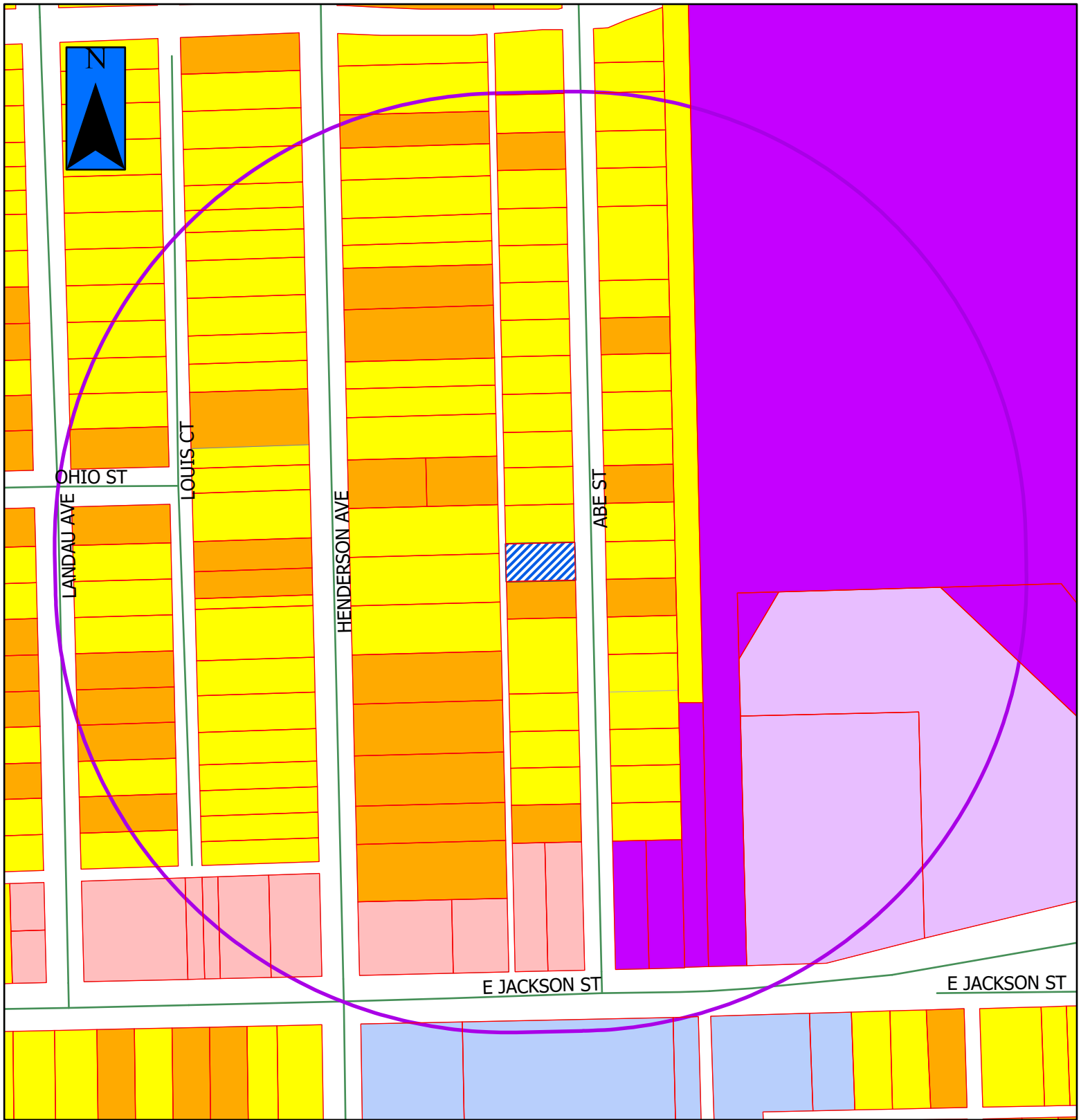







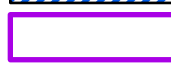






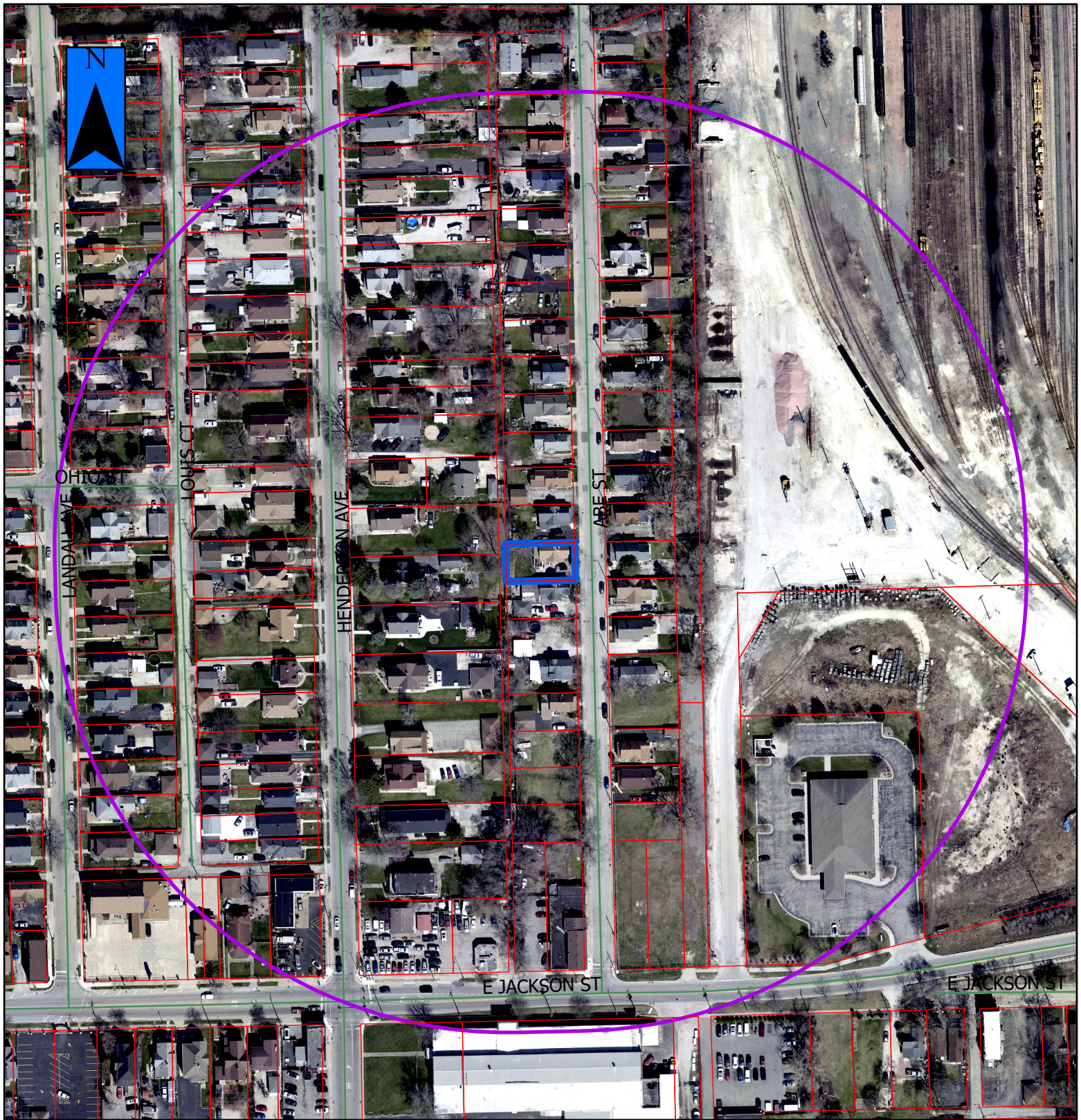
**2025-29**



 = 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





2025-29 a



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