

STAFF REPORT

DATE: August 10, 2021
TO: Zoning Board of Appeals
FROM: Planning Staff
RE: Petition Number: 2021-43
Applicant: Kamar Tiller
Owner: Same
Location: 429 Buell Avenue
Request: A Variation of Use to allow the continuation of an existing rental unit in a garage (an R-3 use) in a R-2 (Single-Family Residential) zoning district

Purpose

The applicant is requesting a Variation of Use to allow the continuation of an existing rental unit in the upper-level of a garage, which would result in the property having two housing units (an R-3 use), in a R-2 (Single-Family Residential) zoning district. The main house and property are located at 429 Buell Avenue. The address for the garage unit historically has been 426 Division Street. The Variation of Use request must be considered by the City Council following the recommendation of the Zoning Board of Appeals.

Site Specific Information

This corner lot property is 37,461 square feet in size (.86 acres). The property slopes downwards from north to south. The property includes a 4,000 square foot circa 1890 Queen Anne style house, a 936 square foot garage with upper-level recreation room, a 856 square foot garage with an upper-level apartment, and a hot tub house. In 2004, the Zoning Board of Appeals approved a variance of a side yard setback on a corner lot from 20' to 5' to allow the construction of the 936 square foot garage with upper-level recreation room. Prior to April of 2012, the City allowed more than one detached garage and allowed garages with walls greater than 10' in height.

The 856 square foot garage with upper-level apartment is the accessory structure subject to this Variation of Use request. The current owners refer to this structure as the carriage house because that is what the previous owners (and real estate listing) stated that it was; however, staff have determined that this concrete cinderblock structure was never a carriage house. The garage appears to have been constructed in the 1960s. Polk Street Directories show a residence at 426 Division Street from the late 1960s onwards. The 1968 Zoning map shows this property and surrounding neighborhood zoned as R-5

(Multiple Family Residence). Staff found a circa 2000 Plat of Survey that also shows the garage as having a second story apartment.

Surrounding Zoning, Land Use and Character

The property is located in the Upper Bluff National Register District and is located among other two-story turn-of-the-19th century homes. Some of the original single-family homes in the general vicinity have been divided into multifamily housing. Land use and zoning for the adjacent properties are as follows:

- North: R-5 (High Density Residential), multi-family home
- South: R-2 (Single Family Residential), single-family home
- East: R-2 (Single Family Residential), single-family home
- West: R-3 (One-and-Two-family Residential), two-family home

Applicable Regulations

- | | |
|------------------------|--------------------------|
| • Section 47-6.1 (R-2) | Permitted Principal Uses |
| • Section 47-6.8 (R-2) | Prohibited Uses |
| • Section 47-17.28 | Variation of Use |

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

Discussion

The current property owner found out that he did not have proper zoning for a second housing unit when he tried to refinance his home in the spring of 2021. He purchased the property in 2018 believing that he could rent out the apartment above the garage (real estate listing attached) and currently has a tenant.

The apartment unit at 426 Division Street sits above a garage that is currently being used as a wood shop. This garage is a non-conforming structure due to its side and rear setbacks. Section 47-17.22 (Non-conformities), Sub-section (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 entrance to this apartment unit faces Division Street. The apartment unit has one bedroom, one bathroom, kitchen and living room. There is parking for two cars adjacent to the garage with the apartment unit at 426 Division Street. This parking is in addition to the four-bay garage and concrete parking area along Nicholson Street.

The apartment unit is what staff would consider to be an accessory dwelling unit, since it is accessory to the principal single-family home in terms of size and ownership. Communities that allow accessory dwelling units typically require:

- that the owner of record reside in either the principal or accessory dwelling unit for a minimum of six months of each calendar year;
- that no more than one accessory dwelling unit be allowed per lot; and
- that the floor area of an accessory dwelling unit may not exceed 49% of the gross floor area of the principal dwelling unit on the subject lot.

The apartment unit at 426 Division Street currently meets these standard requirements. Staff recommends a condition of approval that the property owner must reside in the principal residence of 429 Buell in order to maintain an apartment unit on the property.

The Division of Neighborhood Services inspected the property in August 2021. Subject to some minor abatements, Neighborhood Services has no concerns with the continuation of the existing apartment unit at this location. Since the principal house is owner-occupied, the apartment unit will not be enrolled at this time in the City's Rental Inspection Program under the program's current enrollment requirements.

Conditions

If the Zoning Board desires to recommend approval of this Variation of Use request to allow the continuation of a rental unit in a garage at 426 Division Street (on the property of 429 Buell Avenue), the following conditions would be included:

1. That a minimum of two off-street parking spaces shall remain in the future;
2. That use of the property shall not be expanded in the future;
3. That the property shall meet the City's water meter and valve requirements, which may require a separate water service external shut-off valve and meter for each unit;
4. That the owner of record must reside in the principal house at 429 Buell Avenue for a minimum of six months of each calendar year in order for the accessory apartment unit to remain and be rented out. Should the owner of record not reside in the principal house at 429 Buell Avenue for a minimum of six months of each calendar year, the Variation of Use for the apartment unit at 426 Division Street shall be automatically revoked;
5. Should the property be declared a public nuisance by the City Council, the Variation of Use shall be automatically revoked.

FOR OFFICE USE ONLY

Verified by Planner (please initial):

Payment received from:

Kamar & Sarah Tiller

429 Buell Ave.

Joliet, IL 60435

Petition #: 2021-43

Common Address: 429 Buell Ave.

Date filed: 07/16/21

Meeting date assigned: 08/19/21

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: 429 Buell Ave

PETITIONER'S NAME: Kamar Tiller

HOME ADDRESS: 429 Buell Ave ZIP CODE: 60435

BUSINESS ADDRESS: _____ ZIP CODE: _____

PHONE: (Primary) (815)302-8561 (Secondary) (815)302-9583

EMAIL ADDRESS: kamartiller@yahoo.com FAX: _____

PROPERTY INTEREST OF PETITIONER: Owner

OWNER OF PROPERTY: Kamar and Sarah Tiller

HOME ADDRESS: 429 Buell Ave ZIP CODE: 60435

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.): 30-07-09-303-001-0000;
_____;

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):

Attached copies from Will County Supervisor of Assessements webite

LOT SIZE: WIDTH: 127.99' DEPTH: 291.91' AREA: .86 Acre

PRESENT USE(S) OF PROPERTY: Family Residence

PRESENT ZONING OF PROPERTY: R-2

VARIATION OF USE REQUESTED: Carraige house has a one bedroom rental unit the was rented out by previous owners. Current owners were not told that it was prohibited under the current zoning and wish to rectify this.

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?*

If the unit is not rented it will become largely unused space. We look for renters that we would comfortable having our family near and a healthy appreciation for the area is a plus. It is currently a rental valued at \$900 a month, this results in income that is taxable, insertable into the local economy, and for maintainence, along with schoolong for our kids.

2. What unique circumstances exist which mandate a variance?

The entire property itself is unique. Just two years ago a burst pipe was noticed by the tenant that the owners would not have noticed on their own. The carriage house contains it's own plumbing, gas and heat. The previous owners had rented out the space for a number of years, which was a large selling point to the current owners.

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.

For negative impacts, the only one I can see is precedence. We understand that others might try to do something similar, but our property and situation are fairly unique. Positives, our renter enjoys this area and has passed our standard for background and credit checks which, considering the proximity to my young family, I have a high standard

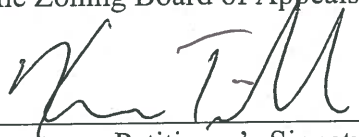
REQUIRED SUPPORTING ATTACHMENTS

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

NOTARIZATION OF PETITION

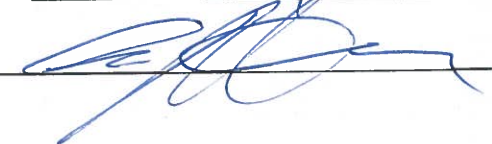
STATE OF ILLINOIS) ss
COUNTY OF WILL)

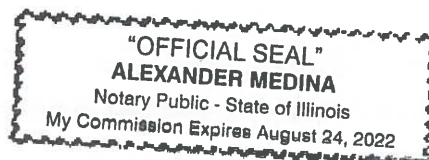
I, Kamar Tiller, depose and say that the above statements are true and correct to the best of my knowledge and belief. I agree to be present in person or by representation when this petition is heard before the Zoning Board of Appeals.


Petitioner's Signature

Owner's Signature
(If other than petitioner)

Subscribed and sworn to before me
this 16th day of July, 2021





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:

429 Buell Ave

PIN(s): 30-07-09-303-001-0000

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

Kamar Tiller, 429 Buell Ave, 815-302-8561

Sarah Tiller, 429 Buell Ave, 815-302-8561

E-MAIL: kamartiller@yahoo.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: _____

DATE: _____

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

PRINT



Will County CCAO
 Rhonda R. Novak, CIAO/I
 302 N. Chicago Street
 2nd Floor
 Joliet, Illinois 60432
 Phone: 1-815-740-4648
 Fax: 1-815-740-4696

PIN 30-07-09-303-001-0000

Parcel Information

<< Prev Parcel

Next Parcel >>

JOLIET TOWNSHIP

Owner Name: TILLER KAMAR T SARAH E

Street Address:

[View Additional Addresses](#)

426 DIVISION ST
 JOLIET IL 60435



[View on Bing Maps](#)

Subdivision:

Property Class: 0040 Residential

Homesite Acres: 0.00

Farm Acres: 0.00

Open Space Acres: 0.00

Total Acres: 0.00



<< Prev Picture

1 of 4

Next Picture >>

[GIS Map & Address Information](#)

[Will County Treasurer's Tax Information](#)

[View Local Taxing Bodies](#)

Assessment Information

Year	Land Unimproved/Farm	Land Improved	Building Other/Farm	Building	Total	Market Value	Instant Date	Instant Amount
2020	0	33,300	0	66,130	99,430	298,320		0
2019	0	30,948	0	61,459	92,407	277,249		0
2018	0	28,597	0	52,585	81,182	243,570		0

Sale Information

Sale Date	Sale Amount	Document Number
06/14/2018	420,000	R2018042417

Building Information

** This property's building information is not available in electronic format. Please contact the Local Township Assessor. **

**** Property information is retrieved periodically from the Local Township Assessor; therefore, the property characteristics may not be the most current. For the most current information regarding your property, please contact your Local Township Assessor and review your property's record card. ****

Legal Description

THAT PRT OF LOT 2 LYG W OF A LN DRAWN N & S THRU SD LOT 2 COMM AT A PT 170 FT W OF NE COR OF SD LOT 2 & EXT S TO S LN OF SD LOT 2, IN BLK 3, IN GLENWOOD, BEING A SUB OF BLKS 29, 30, 31, & 32 OF CANAL TRUSTEE'S SUB, OF THE E1/2 SW1/4 SEC 9, T35N-R10E.

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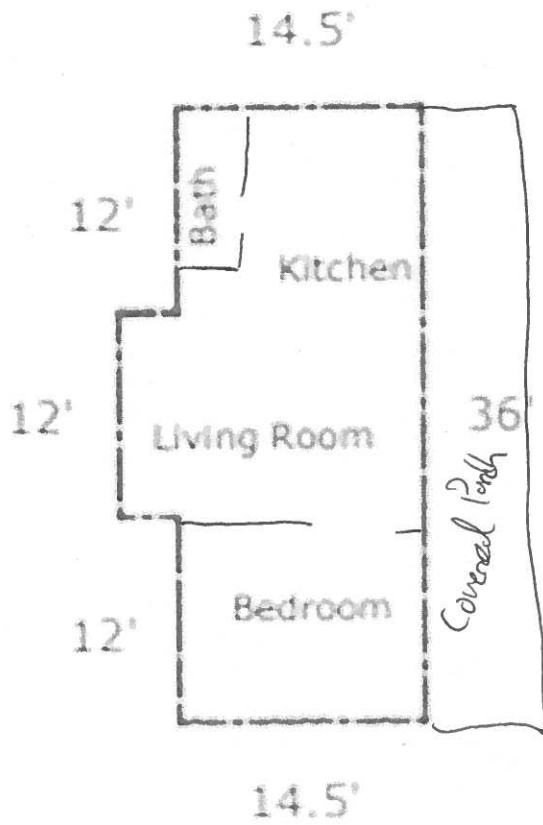


Figure 1: North elevation of the upper apartment unit



Figure 2: West elevation of the upper apartment unit



Figure 3: South elevation of the upper apartment unit.



Figure 4: Living room and kitchen of the apartment



Figure 5: Bedroom of the apartment unit



Figure 6: View of main house from the front lawn



Figure 7: The ZBA approved a variance to allow for the construction of this garage in 2004



Figure 8: Redfin Real Estate Listing at the Time of Purchase in June 2018

About This Home

MOTIVATED SELLERS! Spectacular one of a kind Queen Anne Victorian home offers the charm of yesterday with all of today's conveniences. It includes a historically restored/MAINTENANCE FREE! updated 4000 sqft main house, fully updated/1 bdrm, Carriage House for related living or extra income (potential \$800-\$900 monthly rental income) a massive 4 car heated garage with 2nd story bar & game room, yard boosts a stone fire pit & large gazebo equipped with a hot tub. Joliet School Districts are State & National award winning from academics to athletics. Close to Metra, I80/I55/I355, University of St Francis & Joliet Jr. College. This historic home sits upon one of the last cobblestone streets in Joliet in the Historic Upper Bluffs of the Cathedral Area. Visit the capajoliet site to explore this special neighborhood. Please look at captioned pics for all historic details in this home. Under "Additional Information" you'll find the detailed property history of this home. ENJOY!!

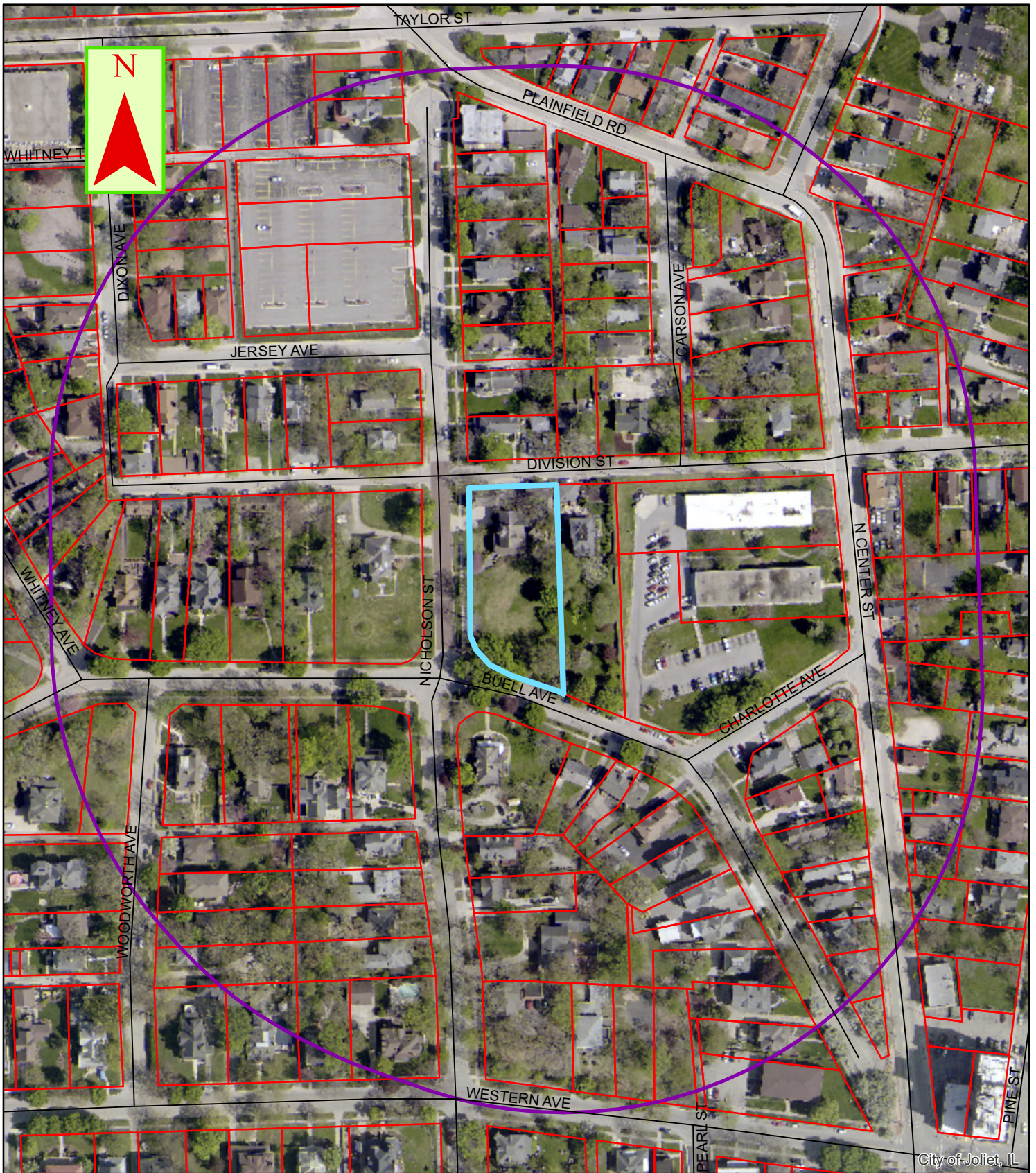
Show Less ^

Listed by Kelly Birk • Real People Realty, Inc.
Redfin last checked: 8 minutes ago | Last updated June 14, 2018 • Source: MRED

Bought with Susan Daley • RE/MAX Action

Home Facts

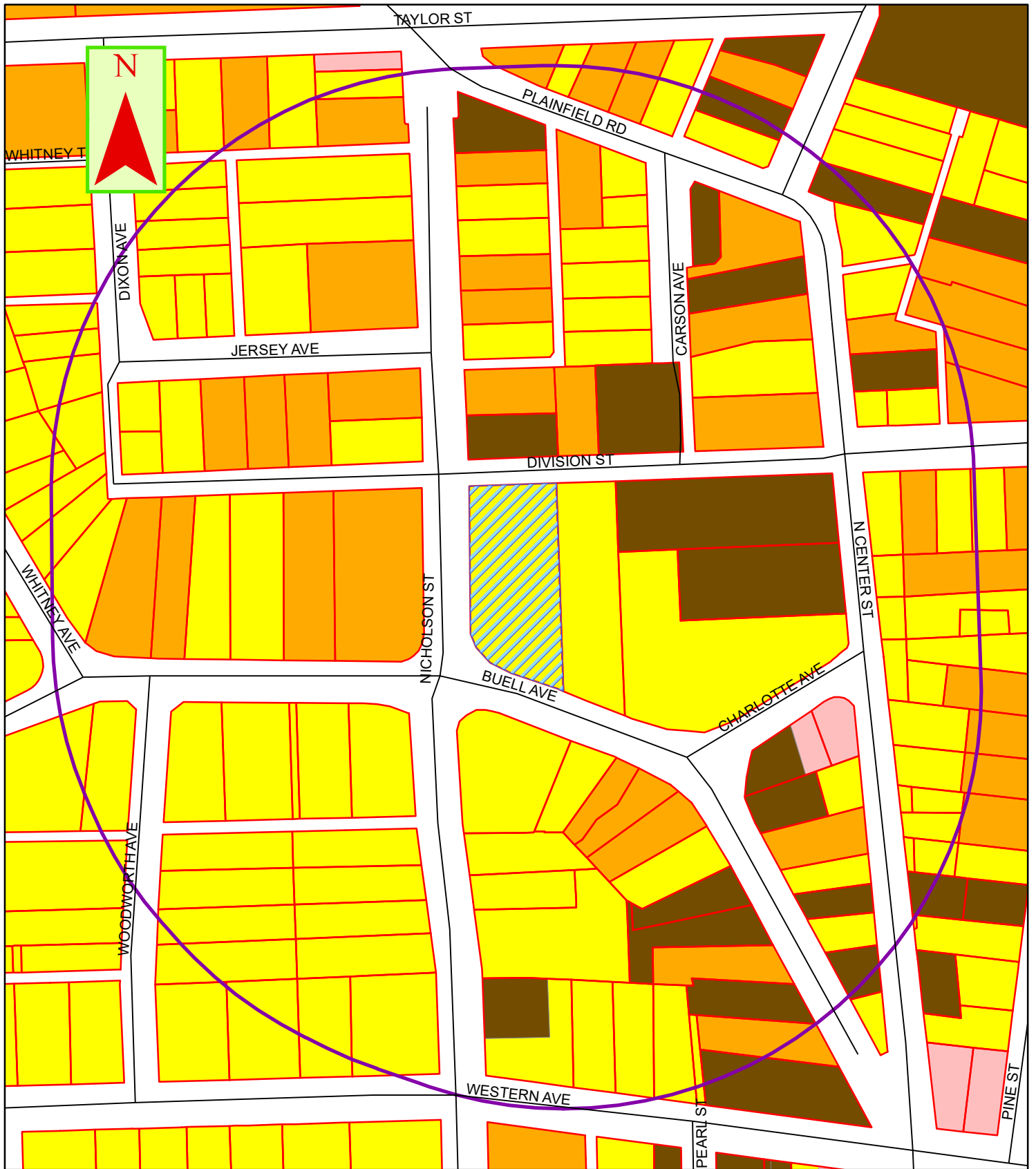
Status	Closed Sale	Property Type	Single Family Residential
Year Built	1885	Style	Queen Anne



2021-43a



-  = Area in Question
-  = 600' Public Notification Boundary



2021-43



= Area in Question



= 600' Public Notification Boundary

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