

STAFF REPORT

DATE: July 11, 2022
TO: Zoning Board of Appeals
FROM: Planning Staff
RE: Petition Number: 2022-34
Applicant / Owner: Robert and Barbara Quagliano
Location: 1401 N. Center St.
Request: Variation of Use to allow continuation of a two-unit residence in an R-2 (Single-Family Residential) zoning district

Purpose

The applicant is requesting a Variation of Use to allow continuation of an existing two-unit residence, an R-3 (One- and Two-Family Residential) use in an R-2 (Single-Family Residential) zoning district, located at 1401 N. Center Street. The Variation of Use request must be considered by the City Council following the recommendation of the Zoning Board of Appeals.

The property has existing yard and lot non-conformities, which include:

- A front yard setback of 18.9 feet (minimum required in R-2 district is 30 feet)
- A corner side yard setback of 10.8 feet (minimum required in R-2 district is 20 feet)
- Lot area of 6,216 square feet (minimum required in R-2 district is 7,500 square feet)
- Lot width of 47.7 feet (minimum required in R-2 district is 60 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 located at the northwest corner of Center Street and Russell Street within the Cunningham neighborhood. The property contains a two-story two-unit residence built around 1947. The house has approximately 1,800 square feet of living space in total. There are three paved off-street parking spaces located to the rear of the building. The property is zoned R-2 (Single-Family Residential).

The property and surrounding area were annexed in 1960. The area was zoned R-3 (One-and Two-Family Residential) on the 1965 Zoning Map. On the 1968 Joliet Zoning Map, the property and surrounding area were zoned R-2.

Surrounding Zoning, Land Use and Character

The neighborhood immediately surrounding the property consists of mostly single-family residences with a few two-unit residences. A commercial business, The Crow's Nest Tavern, is located across the street from the property. The zoning and land use for the adjacent properties are as follows:

- North: R-2, single-family residence
- South: R-2, single-family residence
- East: R-2, commercial (Crow's Nest Tavern)
- West: R-2, single-family residence

Applicable Regulations

- Section 47-6 R-2 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

The property owners purchased the property 32 years ago as a two-unit and have maintained the property that way ever since. They are now trying to sell the property, and during this process discovered that the property's zoning did not match the use.

The property and surrounding area were annexed in 1960. On the 1965 Zoning Map, the area is labeled with R-3 zoning. The property and surrounding area were reclassified to R-2 zoning with the adoption of the 1968 Zoning Map. Based on available directories, the property has been a two-unit since at least 1987, and possibly since the late 1950s.

The property has been enrolled in the City's Rental Inspection Program since 2004 and has received four-year certificates during this time. Neighborhood Services does not have any concerns about this property remaining as a two-unit. The property is scheduled to be reinspected in August. If the Variation of Use is approved, the property will remain in the Rental Inspection Program.

The property has three paved off-street parking spaces, which meets the City's parking requirement for a two-unit residence. There is one unit per floor, each with approximately 900 square feet of living space. Each unit has two bedrooms and one bathroom. The property owners have recently replaced both the siding and roof of the house. A plat of survey and floor plans are attached.

Conditions

If the Zoning Board desires to approve this Variation of Use to allow the continuation of a two-unit residence, an R-3 use in an R-2 zoning district, the following conditions would be included:

1. That off-street parking spaces for a minimum of three 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.

FOR OFFICE USE ONLY

Verified by Planner (please initial):

Payment received from:

Robert F. Quagliano
1401 Addleman St.
Joliet, IL 60431

Petition #: 2022-34

Common Address: 1401 N.Center St.

Date filed: 06/14/22

Meeting date assigned: 07/21/22

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: 1401 N. CENTER ST. JOLIET, IL

PETITIONER'S NAME: ROBERT AND BARBARA QUAGLIANO

HOME ADDRESS: 1401 ADDLEMAN ST. JOLIET, IL ZIP CODE: 60431

BUSINESS ADDRESS: ZIP CODE:

PHONE: (Primary) 815-730-0052 (Secondary) 815-405-3836

EMAIL ADDRESS: barbig@comcast.net FAX: 815-510-7042 *Call for

PROPERTY INTEREST OF PETITIONER:

OWNER OF PROPERTY: ROBERT AND BARBARA QUAGLIANO

HOME ADDRESS: SAME AS ABOVE ZIP CODE:

BUSINESS ADDRESS: SAME " " ZIP CODE:

EMAIL ADDRESS: SAME " " 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.): 30-07-04-112-022-0000;
_____;

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 24, IN BLOCK 8, IN WASHINGTON HEIGHTS, A SUBDIVISION OF THE NORTH 60 ACRES OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 4, IN TOWNSHIP 35 NORTH AND IN RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 10, 1891, AS DOCUMENT NO. 163696, IN WILL COUNTY, ILLINOIS

LOT SIZE: WIDTH: 47.75 DEPTH: 130.18 AREA: 6216 Sq. ft

PRESENT USE(S) OF PROPERTY: 2 UNIT RENTAL

PRESENT ZONING OF PROPERTY: R-2 (ACCORDING TO APPRAISER)

VARIATION OF USE REQUESTED: R-3

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?*

We would like to sell the property because of our age and we have lost 3 prospective buyers in the last 2 months because of the incorrect zoning issue which we think was a clerical error.

2. What unique circumstances exist which mandate a variance?

We bought the building as a 2 unit 32 years ago. We have paid all the inspection fees, new curbs and sidewalk, paved the parking area and done everything the city requested of us. In addition, we pay more for water bills, taxes, and homeowners insurance because of it being a 2 unit. We have gotten certificates of inspection all these years, showing it as a multi dwelling property.

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.

The building has had many improvements over the years and is in the best condition it has ever been and we have spent a lot of money to do that because we have always taken great pride in the property. It would have no negative effect on the surrounding area. As for the tenants, we have been extremely lucky and have had some very good tenants. Currently, two of our tenants have been there for 8 years and take very good care of their apartment.

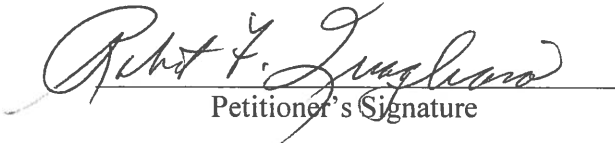
REQUIRED SUPPORTING ATTACHMENTS

- ☐ 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)

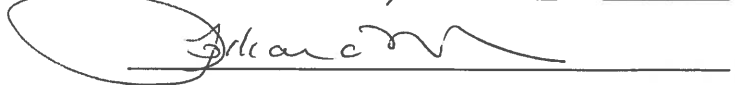
I, _____, depose and say that the above statements are true and correct to the best of my knowledge and belief. I agree to be present in person or by representation when this petition is heard before the Zoning Board of Appeals.

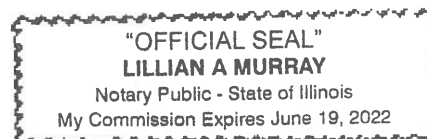

Petitioner's Signature

Owner's Signature
(If other than petitioner)

Subscribed and sworn to before me

this 14 day of June, 2020





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:

_____ **1401 N. Center St Joliet, IL 60435** _____

PIN(s): _____ **30-07-04-112-022-0000** _____

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

_____ **Robert F. Quagliano and Barbara C. Quagliano 1401 Addleman St. Joliet, IL 60431 (815-405-3836)** _____

_____ **Clinton M. Hancock 4616 Hennepin Dr. Joliet, IL 60431 (815-593-8617)** _____

_____ **Kelly J. Sheridan 8036 NW Lake Shore Dr Cedar Lake, IN 46303 (815-545-9839)** _____

_____ **Daniel R. Quagliano 113 Lavidia Blvd Joliet, IL 60435 (815-405-3837)** _____

E-MAIL: barbie@comcast.net FAX: 815-510-7042

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:

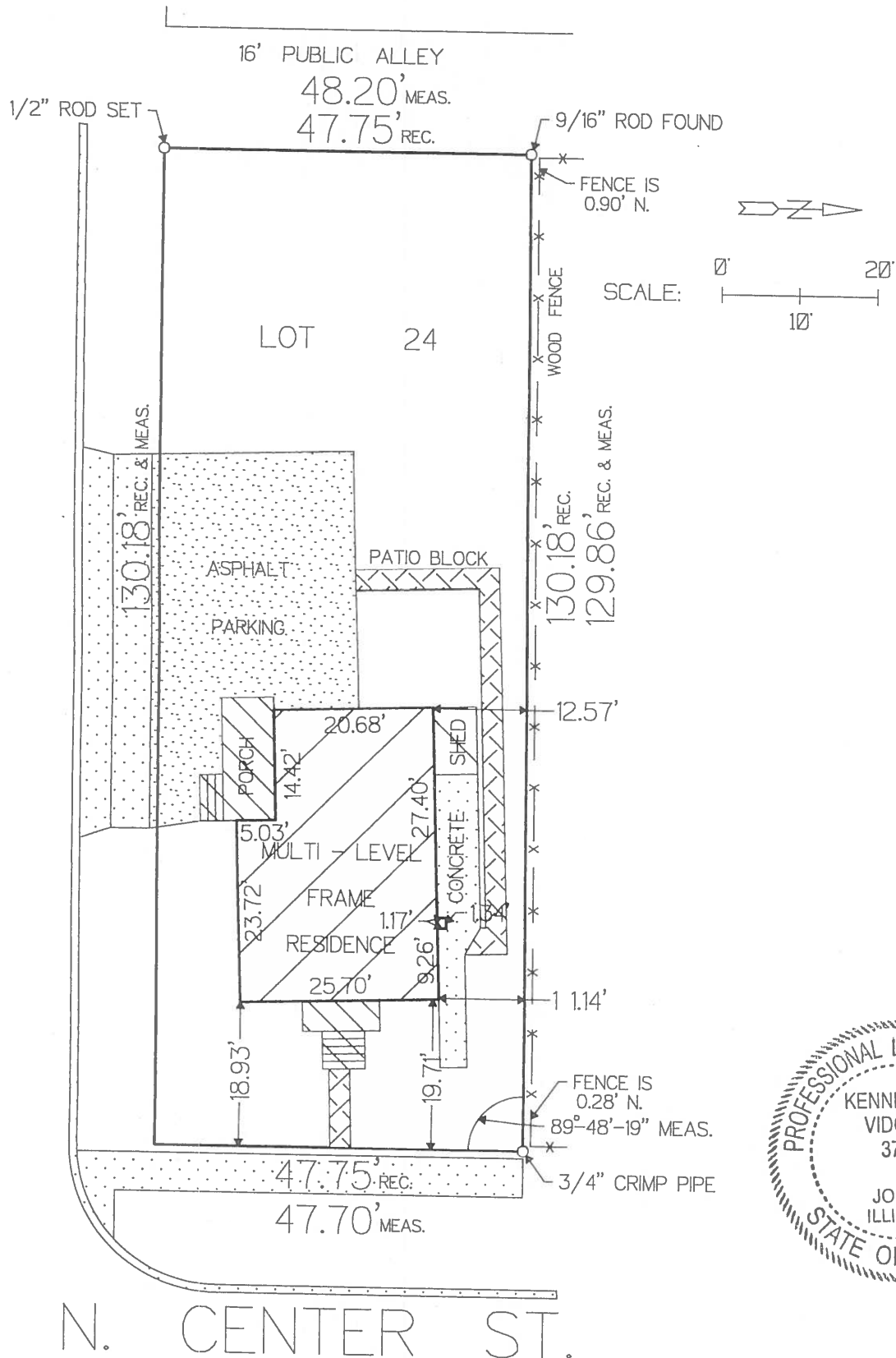
BARBARA GUGLIANO - OWNER 815-405-3838

PRINT

PLAT OF SURVEY

LOT 24 IN BLOCK 8, IN WASHINGTON HEIGHTS, A SUBDIVISION OF THE NORTH 60 ACRES OF THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 4, TOWNSHIP 35 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 10, 1891, AS DOCUMENT NUMBER 163696, IN WILL COUNTY, ILLINOIS.

1401 N. CENTER STREET
JOLIET, IL



COMMUNITY SURVEY INC.

81 N. CHICAGO STREET, SUITE 207
JOLIET, IL 60432

(815) 722-9005 (815) 722-9019 - fax

EMAIL: kvcommunitysurvey@att.net

DESIGN FIRM NO. 184-002899

CHECK DEED OR GUARANTEE POLICY FOR BUILDING LINE OR
EASEMENT RESTRICTIONS NOT SHOWN ON PLAT OF SURVEY.
COMPARE POINTS BEFORE BUILDING.

WE, COMMUNITY SURVEY INC., DO HEREBY CERTIFY THAT WE
HAVE SURVEYED FOR BOETTO & BOETTO UNDER MY HAND
AND SEAL THIS 28TH DAY OF APRIL 2022.
FIELD WORK 4/28/2022.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT
ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

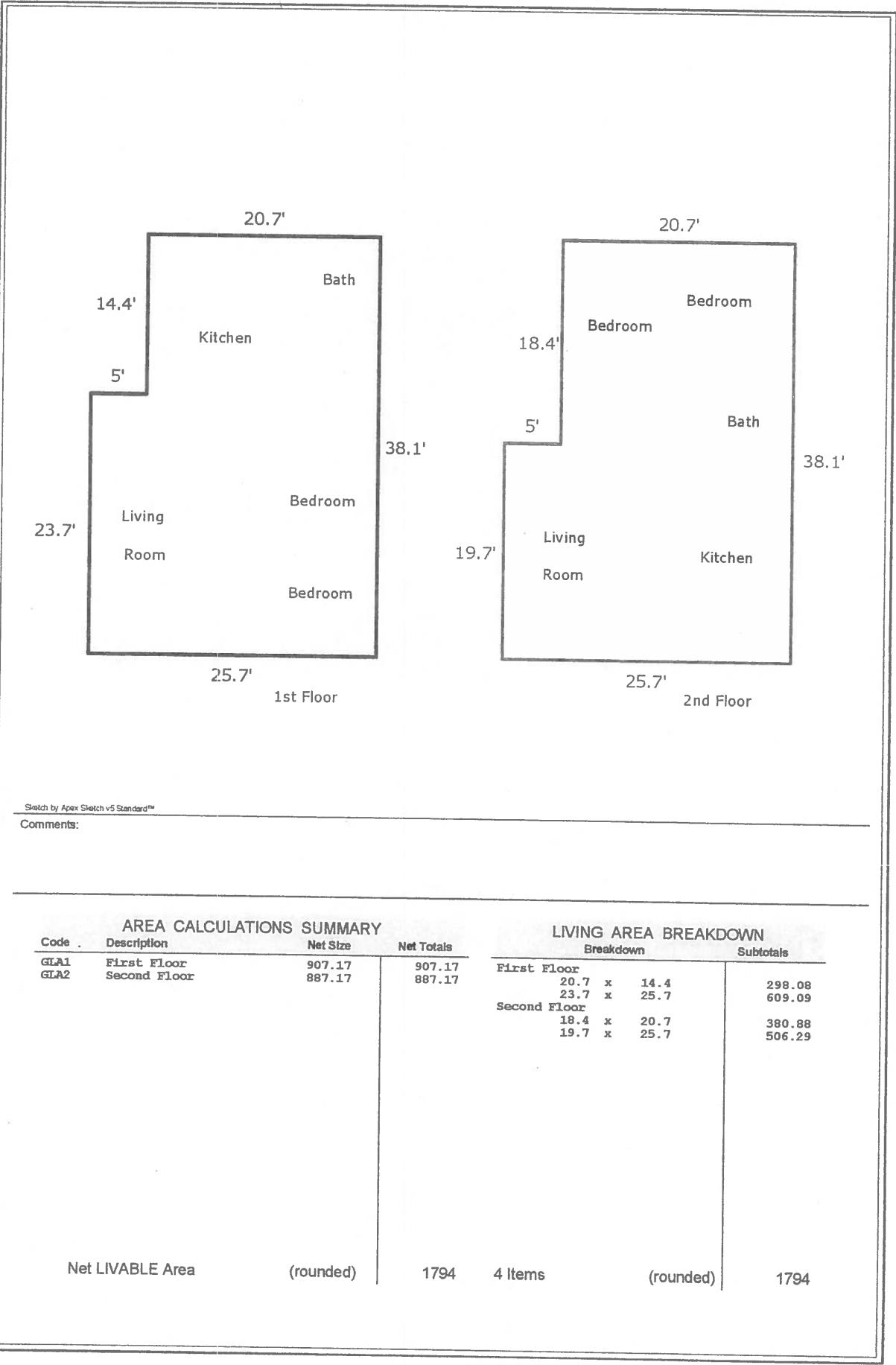
SURVEY NUMBER 22-29053

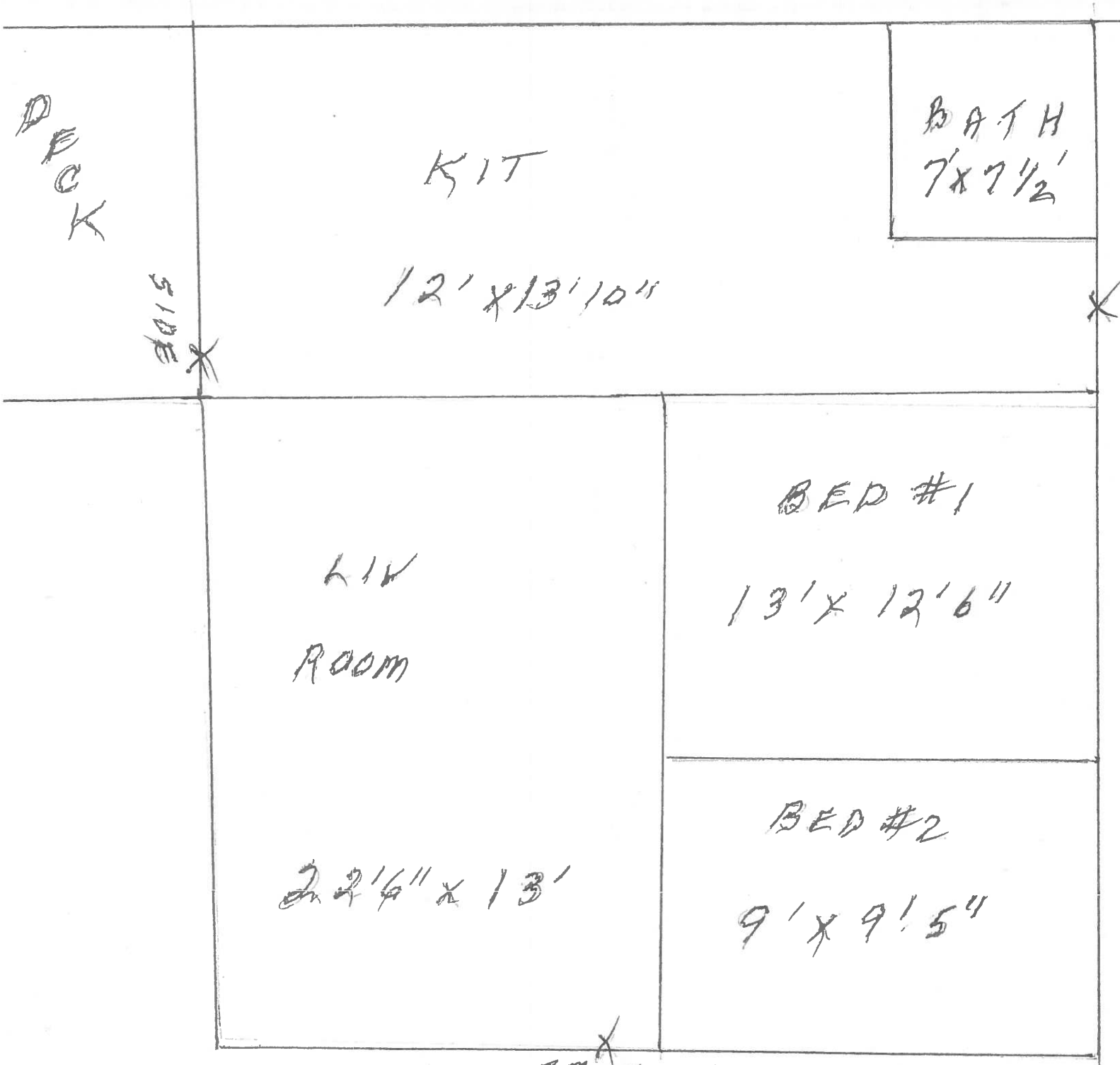
ILLINOIS LAND SURVEYOR NO. 3701
EXPIRES 11/30/2022

EXPIRES 11/30/2022

FLOORPLAN SKETCH

File No. 21-10-093





1st FLOOR
X-DOOR

BED

9'6" x 11'6"

BED

9' x 8'

DECK



BATH

6' x 6'8"

FURNACE

STAIRS
UP + DOWN



LIV

ROOM

13'6" x 18'6"

KIT

13'6" x 10'

2ND FLOOR

X - DOOR

Figure 1: Front of 1401 N. Center St., view looking west from Center Street



Figure 2: Side and rear of 1401 N. Center St., view looking northeast from Russell Street





2022-34



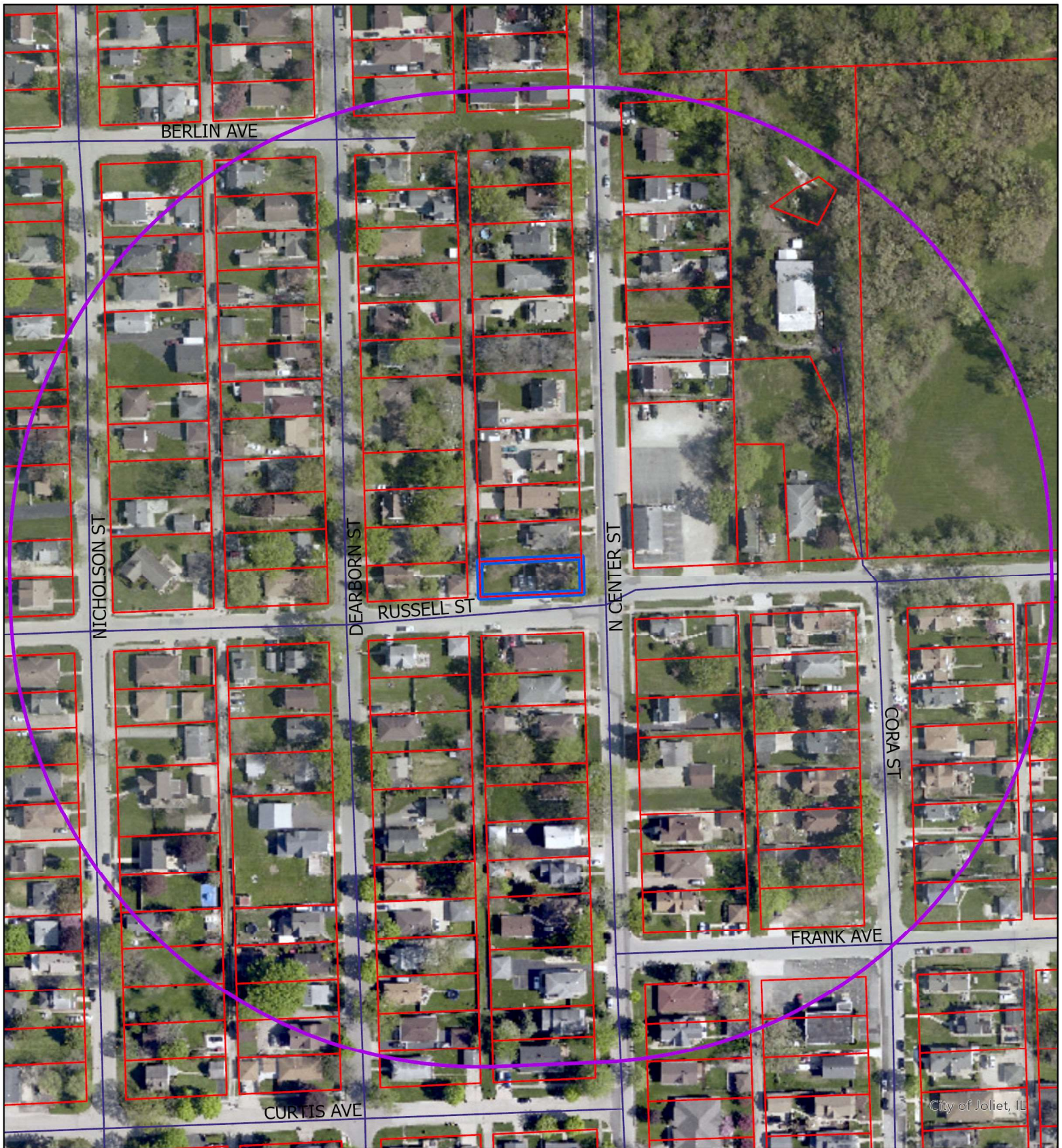
= Property in Question



= 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



2022-34a



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