

STAFF REPORT

DATE: August 10, 2021
TO: Zoning Board of Appeals
FROM: Planning Staff
RE: Petition Number: 2021-46
Applicant: NCS Enterprises Inc
Owner: Same
Location: 142 Akin Avenue
Request: A Variation of Use and a series of Variations to allow the continuation of a two-unit in an R-2 (Single-Family Residential) Zoning District

Purpose

The applicant is requesting a Variation of Use and a series of Variations to allow the continuation of a two-unit (an R-3) use in an R-2 (Single-Family Residential) Zoning District, located at 142 Akin Avenue. The Variation of Use request must be considered by the City Council following the recommendation of the Zoning Board of Appeals.

Requested variations from the Zoning Board of Appeals include:

- A variation to reduce the front yard setback from 30' to 20.5'
- A variation to reduce the minimum required lot area per family from 7,500 square feet to 3,960 square feet

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.

Site Specific Information

The property in question is 7,920 square feet in size. The circa 1890 two-story house was built as a single-family home. According to available Polk Street Directories, the house appears to have been a two-unit since at least 1930 and remained a two-unit until to the present. The 1968 Joliet Zoning Map shows that this property and surrounding area was zoned as R-3 (One-and-Two Family Residence). The house includes 2,100 square feet of living space between the two units. The house is currently vacant. A rear paved parking area, with rear alley access, currently provides off-street parking for five cars.

Surrounding Zoning, Land Use and Character

The neighborhood surrounding the property is comprised of mostly single-family homes

with a few two-unit homes. Zoning in the neighborhood is a mix of R-2 (Single-family Residential) and R-3 (One-and-Two-Family Residential). Land use and zoning for the adjacent properties are as follows:

- North: R-2 (Single Family Residential, vacant lot
- South: R-2 (Single Family Residential), single-family homes
- East: R-3 (One-and-Two-Family Residential), single-family home
- West: R-3 (One-and-Two-Family Residential), single-family home

Applicable Regulations

- | | |
|------------------------|--|
| • Section 47-6.1 (R-2) | Permitted Principal Uses |
| • Section 47-6.8 (R-2) | Prohibited Uses |
| • Section 47-6.4 (R-2) | Yard and Lot Requirements |
| • Section 47-17.28 | Variation of Use |
| • Section 47-19.8 | Findings of Facts Supporting a Variation (refer to attachment) |

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 owner purchased the property in August 2019 believing the building to be a two-unit since it was advertised that way (listing attached). The current owner learned that he did not have proper zoning for a two-unit when City staff initiated their review of building permits for the renovation of the building. The owner seeks these Variances and Variation of Use to allow for the continuation of the existing two-unit so that he can apply for building permits to renovate the house. There is a unit on each floor of the house. Each unit has two-bedrooms and one-bathroom. The petition includes the plat of survey for the property and floor plans for the house.

The Zoning Ordinance requires 3 off-street parking spaces for a two-unit. The property currently offers off-street parking for 5 vehicles, so the property meets the City's parking requirement.

Staff from the Division of Neighborhood Services has been working with the property owner on the proposed renovation of this house. Subject to the proposed renovation's compliance with Building Code and International Property Maintenance Code, Neighborhood Services has no concerns with the continuation of a two-unit at this location. Should the City approve this Variation of Use request, the property shall be automatically enrolled in the City's Rental Inspection Program.

Conditions

If the Zoning Board desires to recommend approval of this Variation of Use request and a series of Variations to allow the continuation of a two-unit, the following conditions should be included:

1. That off-street parking spaces for a minimum of three (3) vehicles shall remain in the future;
2. That the public sidewalk, stairs leading from the sidewalk onto the property and service walks shall be repaired according to the International Property Maintenance Code and Building Code standards;
3. That the public sidewalk, stairs leading from the sidewalk onto the property, service walks and rear asphalt parking lot shall be maintained in the future according to the International Property Maintenance Code and Building Code standards;
4. That use of the property shall not be expanded in the future;
5. 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;
6. That the property shall be enrolled in and comply with the City's Rental Inspection Program; and
7. Should the property be declared a public nuisance by the City Council, the Variation of Use shall be automatically revoked.

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:

Kavanagh Grumley & Gorbald
111 N. Ottawa St.
Joliet, IL 60432

Petition #: 2021-46

Common Address: 142 Akin Ave.

Date filed: 07/15/2021

Meeting date assigned: 08/19/2021

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: 142 Akin Ave., Joliet, Illinois 60433

PETITIONER'S NAME: NCS Enterprises, Inc.

HOME ADDRESS: _____ ZIP CODE: _____

BUSINESS ADDRESS: 25115 Island Drive, Plainfield, Illinois ZIP CODE: 60544

PHONE: (Primary) _____ (Secondary) _____

EMAIL ADDRESS: _____ FAX: _____

PROPERTY INTEREST OF PETITIONER: Property Owner

OWNER OF PROPERTY: NCS Enterprises, Inc.

HOME ADDRESS: _____ ZIP CODE: _____

BUSINESS ADDRESS: 25115 Island Drive, Plainfield, Illinois ZIP CODE: 60544

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:

603 Dover St., Joliet, Illinois

PERMANENT INDEX NUMBER (TAX NO. OR P. I. N.): 30-07-15-217-023-0000 ;
_____ ; _____ ; _____ .

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):

SEE ATTACHED

LOT SIZE: WIDTH: 60' DEPTH: 132' AREA: _____

PRESENT USE(S) OF PROPERTY: 2 Unit Rental Home

PRESENT ZONING OF PROPERTY: R-2

VARIATION OF USE REQUESTED: Operation of property as a 2 unit rental property in an R-2 district.

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?

R-2 zoning is a single family residential district. Multi-family is not permitted. The property was previously zoned R-3 and has been a 2 unit rental home and present owner purchased the property as a 2 unit with intent to continue rental use. The investment was made based upon the 2 unit use single family would not yield reasonable return.

2. What unique circumstances exist which mandate a variance?

Property was rezoned from R-3 to R-2 and failed to secure with the City the right to continue the preexisting 2 unit rental status.

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 area is a mix of R-2 and R-3 properties with other homes serving as multi-tenant rentals. The request of Petitioner is to codify the historic use of the property. No change in the character of the area is expected aside from the general improvement from Petitioner rehabbing the property.

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, Nathaniel P Washburn, Agent, 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.

NCS Enterprises Inc

Nathaniel P Washburn

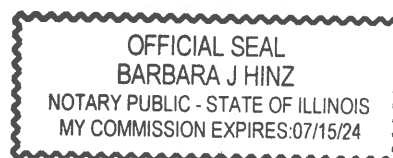
Petitioner's Signature

By Nathaniel P Washburn, Attorney & Agent

Owner's Signature
(If other than petitioner)

Subscribed and sworn to before me
this 31st day of July, 2021

Barbara J. Hinz



LEGAL DESCRIPTION

LOT 17 IN BLOCK 8 IN AKIN'S SUBDIVISION OF THE PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE HIGHWAY BEING THE EXTENSION OF WASHINGTON STREET, IN THE CITY OF JOLIET, ACCORDING TO THE PLAT THEREOF RECORDED JULY 19, 1872 IN PLAT BOOK I, (PART 1), PAGE 77, AS DOCUMENT NO. 852666, IN WILL COUNTY, ILLINOIS

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:

142 Akin Ave., Joliet, Illinois 60433

PIN(s): 30-07-15-217-023-0000

III. PROPERTY OWNERSHIP

Select the type of owner of the real property associated with this application and fill in the appropriate contact information below:

- | | |
|---|--|
| <input type="checkbox"/> Individual: | State the names, addresses, and phone #'s of the individual owner(s) |
| <input checked="" type="checkbox"/> 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 |
| <input type="checkbox"/> 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 |
| <input type="checkbox"/> Land Trust: | State the names, addresses, and phone #'s of the trustee(s) and all beneficiaries |
| <input type="checkbox"/> Partnership: | State the names, addresses, and phone #'s of all partners |
| <input type="checkbox"/> 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 |

NCS Enterprises, Inc., 25115 Island Drive, Plainfield, Illinois 60433

Rajan Madassery - 100% owner

E-MAIL: raj@rmsint.net

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:

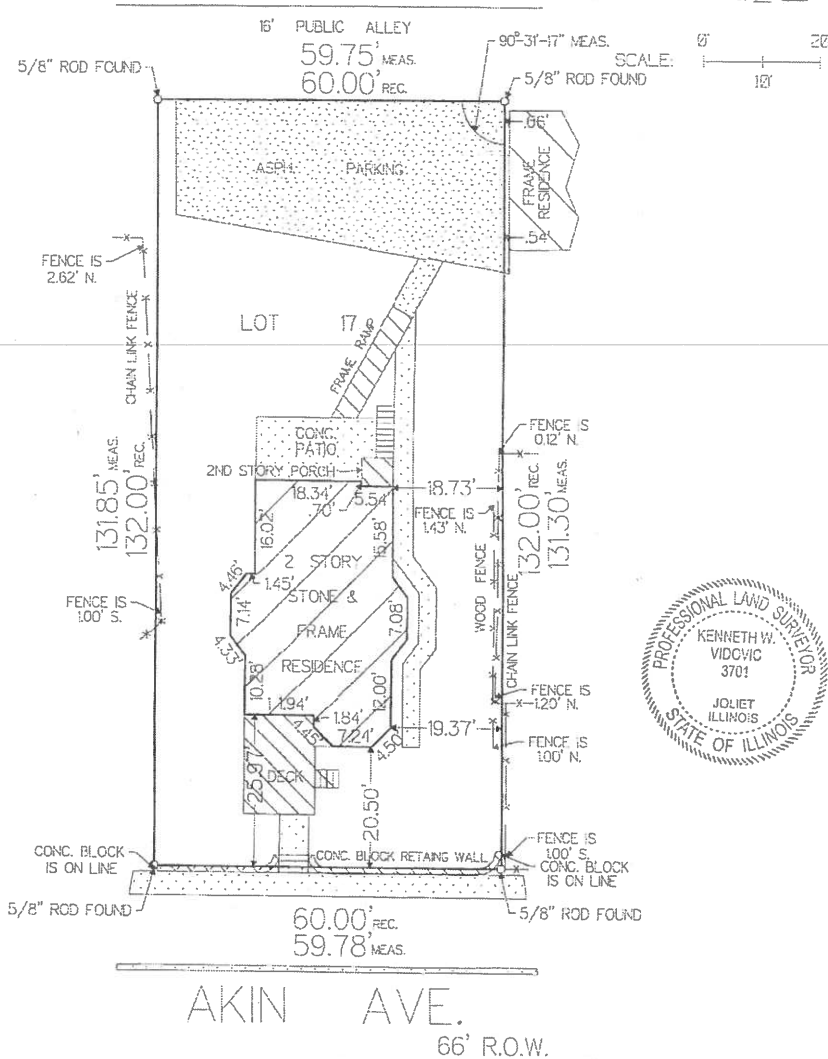
Nathaniel P. Washburn, Attorney, 815-727-4511

PRINT

PLAT OF SURVEY

LOT 17 IN BLOCK 8 IN AKIN'S SUBDIVISION OF THE PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 33 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE HIGHWAY BEING THE EXTENSION OF WASHINGTON STREET, IN THE CITY OF JOLIET, ACCORDING TO THE PLAT THEREOF RECORDED JULY 19, 1872 IN PLAT BOOK 1, (PART 1), PAGE 77, AS DOCUMENT NO. 852666, IN WILL COUNTY, ILLINOIS.

142 AKIN AVENUE
JOLIET, IL



COMMUNITY SURVEY INC.

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

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

E-MAIL: kws@communitysurvey.com

DESIGN FIRM NO. 184-002899

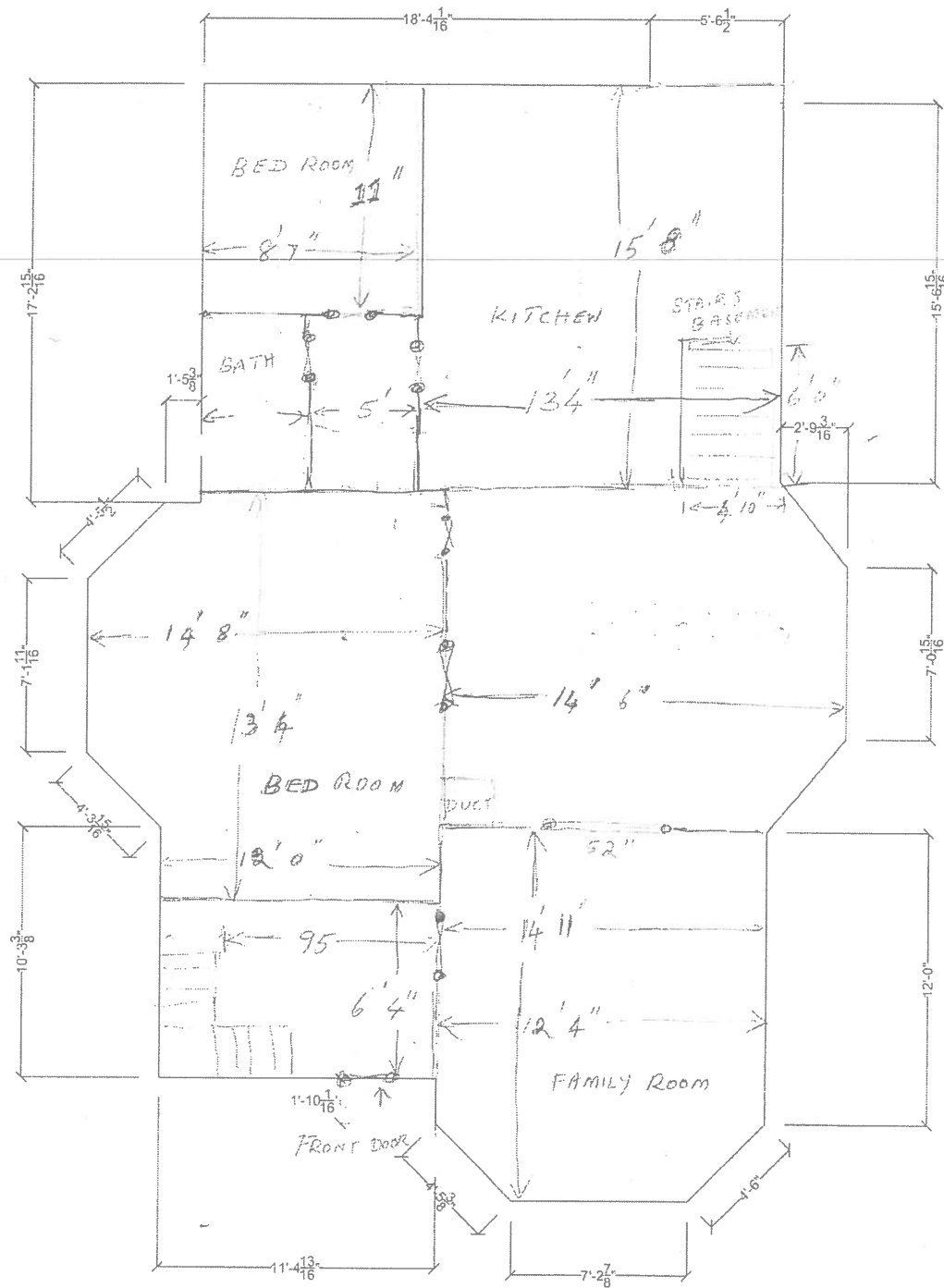
CHECK DEED OR GUARANTEE POLICY FOR BUILDING LINE OR EASEMENT RESTRICTIONS NOT SHOWN ON PLAT OF SURVEY. COMPARE POINTS BEFORE BUILDING.

WE, COMMUNITY SURVEY INC., DO HEREBY CERTIFY THAT WE HAVE SURVEYED FOR SARA GRAY UNDER MY HAND AND SEAL ON THIS 14TH DAY OF AUGUST 2019.
FIELD WORK 8/13/2019
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY

SURVEY NUMBER 19-26072

Kenneth W. Vidovic

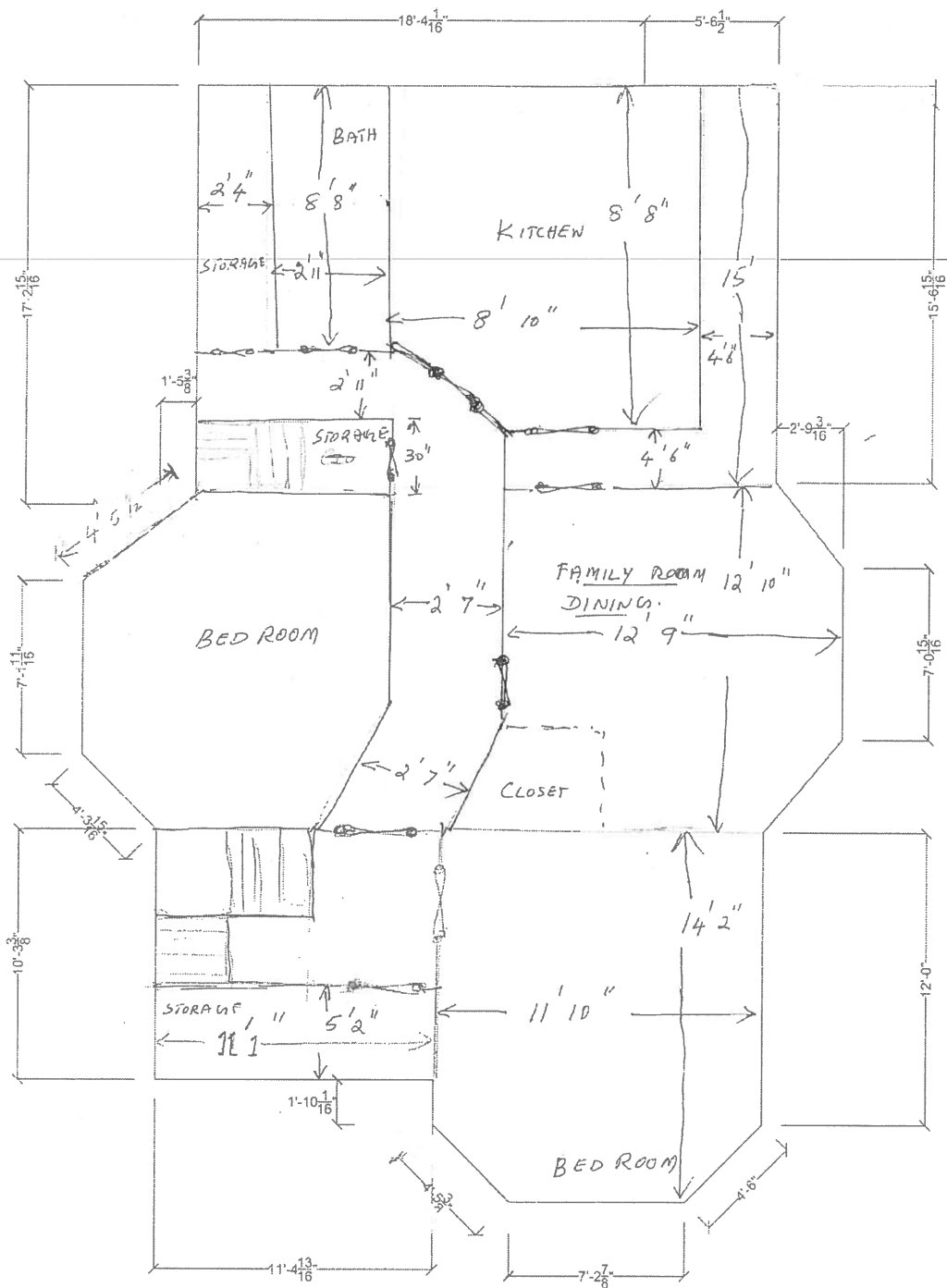
ILLINOIS LAND SURVEYOR NO. 3701
EXPIRES 11/30/2020



142 AKIN

UNIT 1

2 BD ROOM, FAMILY/DINING ROOM / BATH / KITCHEN
STORAGE



142 AKIN

UNIT 2
2nd FLOOR
- 2 BR, FAMILY DINING, KITCHEN, BATHROOM, STORAGE

Figure 1: Front (west-facing) elevation



Figure 2: East (rear) elevation



Figure 3: Rear parking area with alley access.



Figure 4: Front sidewalks (facing south)



Figure 5: Front sidewalks (facing north)



Figure 6: Front stairs leading from public sidewalk onto property



Figure 7: Real Estate Listing on Redfin for 142 Akin Avenue

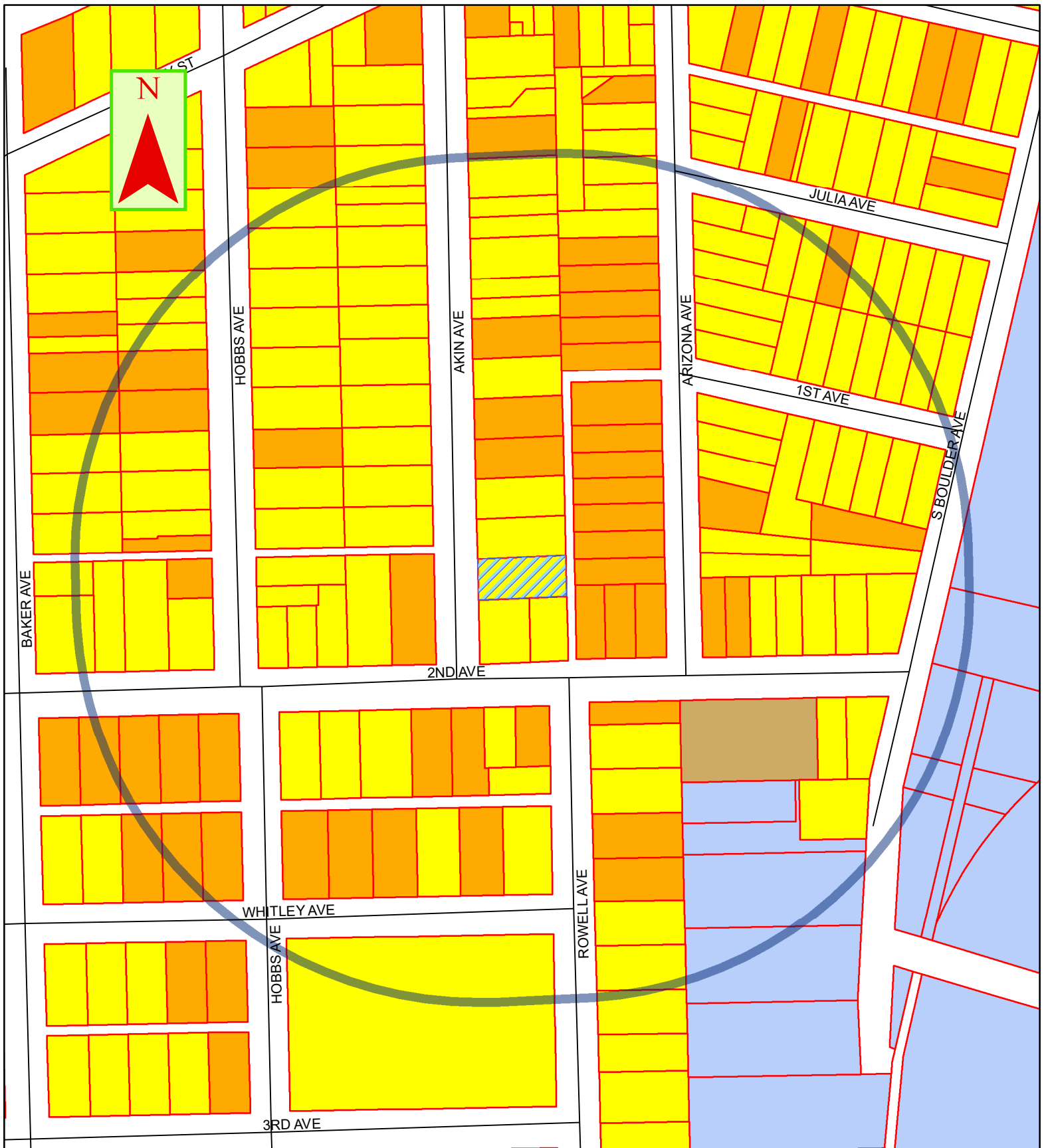
LARGE 2 UNIT WITH SEPERATE UTILITIES. WITH WALK UP ATTIC IN 2ND FLOOR UNIT. LOTS OF POTENTIAL HERE! Seller will not complete any repairs to the subject property, either lender or buyer requested. The property is sold in AS IS condition.

Listed by Jim Kennedy • Kennedy Connection Realtors
Redfin last checked: [5 minutes ago](#) | Last updated Aug 16, 2019 • Source: MRED

Bought with Alma (Coral) Ortega • Coldwell Banker The Real Estate Group

Home Facts

Status	Closed Sale	Property Type	Multi-Family (2-4 Unit)
Year Built	1890	Community	Joliet



2021-46

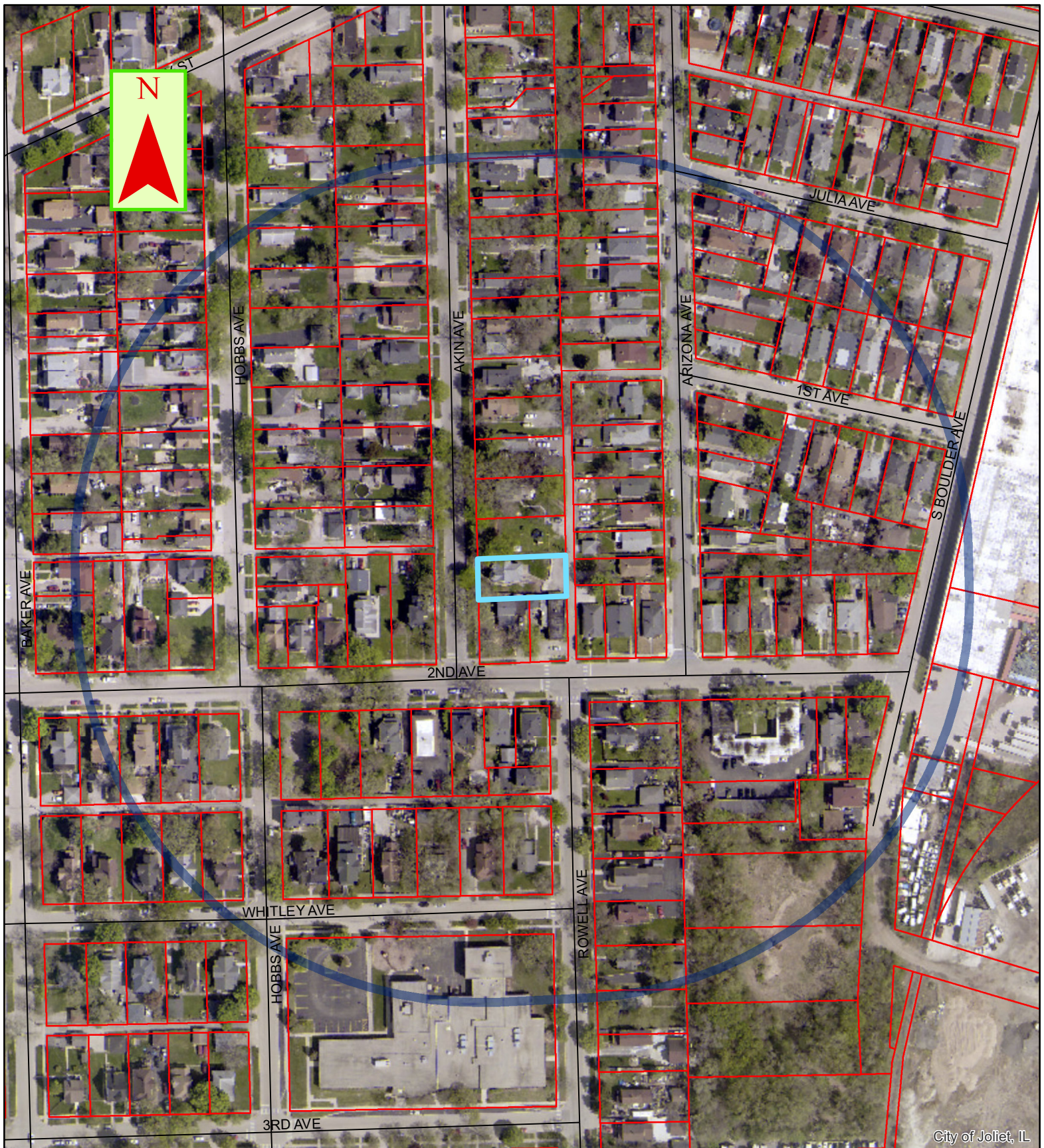


= Area in Question





= 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



2021-46a

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