



## Memo

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**File #:** 428-22

**Agenda Date:** 8/16/2022

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**TO:** Mayor and City Council

**FROM:** James V. Capparelli, City Manager

**SUBJECT:**

Ordinance Approving a Variation of Use to Allow 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 1401 N. Center Street (ZBA 2022-34)

**BACKGROUND:**

The petitioners and property owners, Robert and Barbara Quagliano, request approval of a Variation of Use to allow the continuation of an existing two-unit residence at 1401 N. Center Street. The 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 is currently zoned R-2 (Single-Family Residential).

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 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. John Sheridan, Joliet resident and president of the Cunningham Neighborhood Council, spoke at the Zoning Board of Appeals meeting in support of the petition and stated that he recalls that the property contained two units in the 1960s when he moved to the area.

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 included with the Zoning Board of Appeals staff report packet.

**ZONING BOARD OF APPEALS PUBLIC HEARING:**

The Zoning Board of Appeals held a public hearing on this matter on July 21, 2022. Clinton Hancock, family member of the owners, represented the petition. John Sheridan, President of the Cunningham

Neighborhood Council, spoke in support of the petition. No one appeared or submitted comments in opposition to the petition. Meeting minutes are attached.

**RECOMMENDATION OF THE ZONING BOARD OF APPEALS:**

Vincent Alessio moved that the Zoning Board of Appeals recommend approval of the Variation of Use request to allow 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 1401 N. Center Street, subject to the following conditions:

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.

Jim Riggs seconded the motion, which passed with five (5) aye votes. Voting aye were: Safford, Alessio, McShane, Riggs, and Hennessy.

**RECOMMENDATION:**

The Administration concurs with the recommendation of the Zoning Board of Appeals and recommends the Mayor and City Council adopt an Ordinance approving the Variation of Use to allow 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 1401 N. Center Street, subject to the same conditions approved by the Zoning Board of Appeals above.