



AGENDA ITEM #9A

**AGENDA ITEM EXECUTIVE SUMMARY
Village Board Meeting
5/22/2023**

Item Title: PZ 23-1110, 508 E Turner Avenue Variations

Staff Contact: Caron Bricks, AICP, Community Development Manager

OLD BUSINESS

VILLAGE BOARD ACTION:

Pass an Ordinance Granting a Request for a Zoning Variation from Village Code for the Property Commonly Known as 508 E. Turner Avenue, Roselle, Illinois.

Executive Summary:

The Planning and Zoning Commission (P&Z) held a public hearing on May 2, 2023 to consider Keith & Donna Hackney’s request for two (2) variations to permit the construction of an addition to connect the existing single-family residence to the existing detached garage in the R-2 Zoning District.

The P&Z unanimously (6-0) recommended approval of a variation to permit a side yard setback of 5.98 feet in lieu of the 8 feet required and a combined side yard setback of 15.98 feet in lieu of the 20 feet required. No members of the public spoke during the public hearing.

The purpose of the addition is to construct a larger kitchen for the home and provide covered entry from the garage into the home for residents and visitors.

Implications:

Is this item budgeted? N/A

Estimated cost: N/A

Any other implications to be considered? N/A

Strategic Priority:

N/A

Attachments:

Ordinance

THE VILLAGE OF ROSELLE
DUPAGE AND COOK COUNTIES, ILLINOIS

ORDINANCE
NUMBER _____

**AN ORDINANCE
GRANTING A REQUEST FOR ZONING VARIATION FROM
VILLAGE CODE FOR THE PROPERTY COMMONLY KNOWN
AS 508 E. TURNER AVENUE, ROSELLE, ILLINOIS**

DAVID PILESKE, Mayor
AMANDA HAUSMAN, Village Clerk

TOM DELLA PENNA
WAYNE D. DOMKE
DENA FORSYTHE
CHERYL LENISA
TOM PIORKOWSKI
LEE TREJO

Village Board

Published in pamphlet form by authority of the
Mayor and the Board of Trustees of the Village of Roselle
on this the 22nd day of May, 2023

ORDINANCE NO. _____

**AN ORDINANCE
GRANTING A REQUEST FOR ZONING VARIATION FROM VILLAGE CODE FOR THE
PROPERTY COMMONLY KNOWN AS 508 E. TURNER AVENUE, ROSELLE ILLINOIS**

WHEREAS, the Village of Roselle (the “Village”) is a municipal corporation organized pursuant to the laws of the State of Illinois possessing certain powers and perform certain functions pertaining to its local government and affairs as provided for by and through the Illinois Municipal Code and Illinois Statute;

WHEREAS, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Roselle, as amended;

WHEREAS, the Village President and Board of Trustees (collectively the “Corporate Authorities”), as authorized by the Municipal Code, 65 ILCS 5/11-13-1, *et seq.*, may in its ordinances passed, vary its zoning regulations in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of those regulations relating to the use, construction, or alteration of buildings or structures or the use of land;

WHEREAS, Keith & Donna Hackney (hereinafter “Petitioner”) is the owner of the property commonly known as 508 E. Turner Avenue, Roselle, Illinois (the “Subject Property”);

WHEREAS, the Subject Property is zoned located in the R-2 Single Family Residence District and is surrounded by single family residences zoned the same;

WHEREAS, Petitioner has requested a variation to permit a side yard setback of 5.98 feet in lieu of the 8 feet required and a combined side yard setback of 15.98 feet in lieu of the 20 feet required in the R-2 Zoning District in order to construct an addition that connects the detached garage to the single family residence;

WHEREAS, on May 2, 2023 the Village Planning and Zoning Commission (hereinafter referred to as the “Commission”) conducted a public hearing identified as PZ Case No. 23-1110 to consider the Petitioners’ request and to hear testimony on the proposal, and as a result of said hearing the Commission has issued a recommendation approving the Petitioner’s request as it pertains to this matter, all pursuant to proper notice and in compliance with the laws of the State of Illinois and Ordinances of the Village;

WHEREAS, the Commission found the request to be reasonable in that the requested zoning relief is appropriate under the standards adopted by the Village in Appendix A: Zoning of the Village Code applicable to the Petitioner’s Application;

WHEREAS, the Commission recommended approval of the Petitioners’ request by the Corporate Authorities of the Village pursuant to its Recommendation, attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the Corporate Authorities find that the granting of the requested approvals will have no detrimental impact on the health, safety or welfare of the public in general and further finds that the Petitioners have demonstrated practical difficulties or particular hardships in the application of the Zoning regulations of the Village Code.

NOW, THEREFORE, BE IT ORDAINED, in open meeting assembled, by the Village President and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois, as follows:

Section One - Recitals

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to the Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section Two – Adoption of Findings and Recommendations

The Corporate Authorities hereby adopts the Findings and Recommendations of the Commission as if fully set forth herein, as EXHIBIT A, which is attached hereto and made a part hereof.

Section Three – Description of Property

The properties subject to the granting of the requested approvals is described in EXHIBIT A, which is attached hereto and made a part hereof.

Section Four - Grant of Requested Application

The Corporate Authorities hereby grant the following pursuant to certain requirements of Appendix A (Zoning) of the Village Code, to allow a variance from the setback requirements of the zoning district the Subject Property is situated within to construct an addition connected to a detached garage, as set forth in the Petitioner’s exhibits attached herein, as EXHIBIT B (the “Approved Plans”), which are attached hereto and made a part hereof:

- (a) Approval of a variation to permit a side yard setback of 5.98 feet in lieu of the 8 feet required; and
- (b) Approval of a variation to permit a combined side yard setback of 15.98 feet in lieu of the 20 feet required.

Section Five – Additional Requirements

Approval of the Application granted by this Ordinance is further subject to the following conditions and the Petitioner’s compliance therewith:

- (a) Compliance with all plans and testimony presented at the Planning and Zoning Commission meeting of May 2, 2023.
- (b) Compliance with the Community Development Manager’s Memorandum dated May 2, 2023.
- (c) That at all times hereafter Petitioner shall be in total compliance with all applicable Federal, State, and local laws, ordinances, and regulations.

Section Six – Compliance and Conformity with Plans and Specifications

The relief and approvals granted pursuant to Section Four of this Ordinance shall be further contingent upon the substantial conformance with the plans, specifications and documents, which were submitted to the Commission and to the Board of Trustees, and which are set forth in the petitioner’s exhibits attached herein, as Exhibit B (the “Approved Plans”), which

are attached hereto and made a part hereof, and shall govern except where they are inconsistent with the specific terms of this Ordinance.

Section Seven – Conditions to Zoning Relief and Conflict Clause

The Subject Property is subject to all terms and conditions of applicable ordinances and regulations of the Village, including, without limitation, zoning ordinances, building codes, subdivision regulations and regulations concerning the construction and design of antennas and satellite stations; provided, however, the specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the Village to the extent that there may be any conflict. The grant of the relief provided herein is limited to the Subject Property described herein.

Section Eight -- Penalty

Any person violating the terms and conditions of this Ordinance shall, following prior notice thereof by the Village to such offending person and such opportunity to correct such violation(s) as the Village may determine appropriate, be subject to a penalty not exceeding \$1,000.00, with each and every day that such violation of this Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other actions they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees of the Village.

Section Nine -- Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law; provided, however, this Ordinance shall not take effect until the Consent (a copy of which is attached hereto and made a part hereof as EXHIBIT C) is executed by the Petitioner and by the owner, thereby memorializing its agreement to be bound by the terms and conditions contained within this Ordinance. Such execution shall take place within forty-five (45) days after the passage and approval of this Ordinance or within such extension of time as may be granted by the Board of Trustees by motion prior to the expiration of said forty-five day (45) period. If the Consent is not executed within forty-five (45) days after passage and approval of this Ordinance or within an extension of time granted during said forty-five (45) day period, this Ordinance shall be void and of no force or effect, and the request for relief identified herein shall be deemed abandoned.

Section Ten -- Recording

This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees.

[Remainder of page intentionally left blank; roll call vote to follow]

DECIDED pursuant to a Roll Call Vote:

	YES	NO	ABSENT	PRESENT
Tom Della Penna				
Wayne D. Domke				
Dena Forsythe				
Cheryl Lenisa				
Tom Piorkowski				
Lee Trejo				
David Pileski				
TOTAL				

PASSED AND APPROVED by the Village of Roselle Board of Trustees on the 22nd day of May, 2023:

David Pileski
Mayor

ATTEST:

Amanda Hausman
Village Clerk

STATE OF ILLINOIS)
) SS
 COUNTIES OF DUPAGE AND COOK)

CLERK’S CERTIFICATION

I, Amanda Hausman hereby certify that I am the duly appointed and qualified Village Clerk in and for the Village of Roselle, DuPage and Cook Counties, Illinois; that I am the keeper of the files, records, and seal of said Village, and that the following is a true and correct copy of Ordinance No. _____

**AN ORDINANCE
 GRANTING A REQUEST FOR ZONING VARIATION FROM VILLAGE CODE FOR THE
 PROPERTY COMMONLY KNOWN AS 508 E. TURNER AVENUE, ROSELLE ILLINOIS**

adopted and approved by the Mayor and the Board of Trustees at an official meeting held on May 22, 2023 and that the vote on the motion for adoption was as follows:

	YES	NO	ABSENT	PRESENT
Tom Della Penna				
Wayne D. Domke				
Dena Forsythe				
Cheryl Lenisa				
Tom Piorkowski				
Lee Trejo				
David Pileski				
TOTAL				

I do further certify that the deliberations of the Board on the adoption of said Ordinance were conducted openly, that the vote on the adoption of said Ordinance was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Village Code of the Village of Roselle, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board.

I further state that this Certification is issued under my hand and the seal of the Village of Roselle as required in the Illinois Compiled Statues 65 ILCS 5/1-2-4.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Corporate Seal of said Village of Roselle, DuPage and Cook Counties, Illinois on the date set forth herein.

 Amanda Hausman, Village Clerk (SEAL)

Exhibit A

Recommendation

Background

Keith & Donna Hackney (hereinafter "Petitioner") are owners of the property commonly known as 508 E. Turner Avenue. The property is zoned R-2 Single Family Residence District and is surrounded by single family residences zoned R-2 Single Family Residence District. The Petitioner has requested a variation to permit a side yard setback of 5.98 feet in lieu of the 8 feet required and a combined side yard setback of 15.98 feet in lieu of the 20 feet required in the R-2 Zoning District in order to construct an addition that connects the detached garage to the single family residence. Notice was properly served for a public hearing held on April 17, 2023, including a legal notice in the Daily Herald, a sign posted on the Property, and a first-class mailing to property owners within 350 feet.

The Village of Roselle Planning and Zoning Commission considered all evidence presented during the public hearing on May 2, 2023, including testimony regarding the purpose and reasoning behind the application.

Findings

The Planning and Zoning Commission made the following findings for a variation for a side yard setback and combined side yard setback at 508 E. Turner Avenue in the R-2 Single Family Residence District:

- a. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;
- b. That the plight of the owner is due to unique circumstances; or
- c. That the variation, if granted, will not alter the essential character of the locality.
- d. That the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;
- e. That the conditions upon which the petition for variation are based would not be applicable generally to other property within the same zoning classification;
- f. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
- g. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- h. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- i. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The findings of fact were adopted in a 6-0 vote at the May 2, 2023 meeting.

The Planning and Zoning Commission recommended approval of the request in a vote of 6-0 at the May 2, 2023 meeting.

Respectfully submitted,

Village of Roselle Planning & Zoning Commission

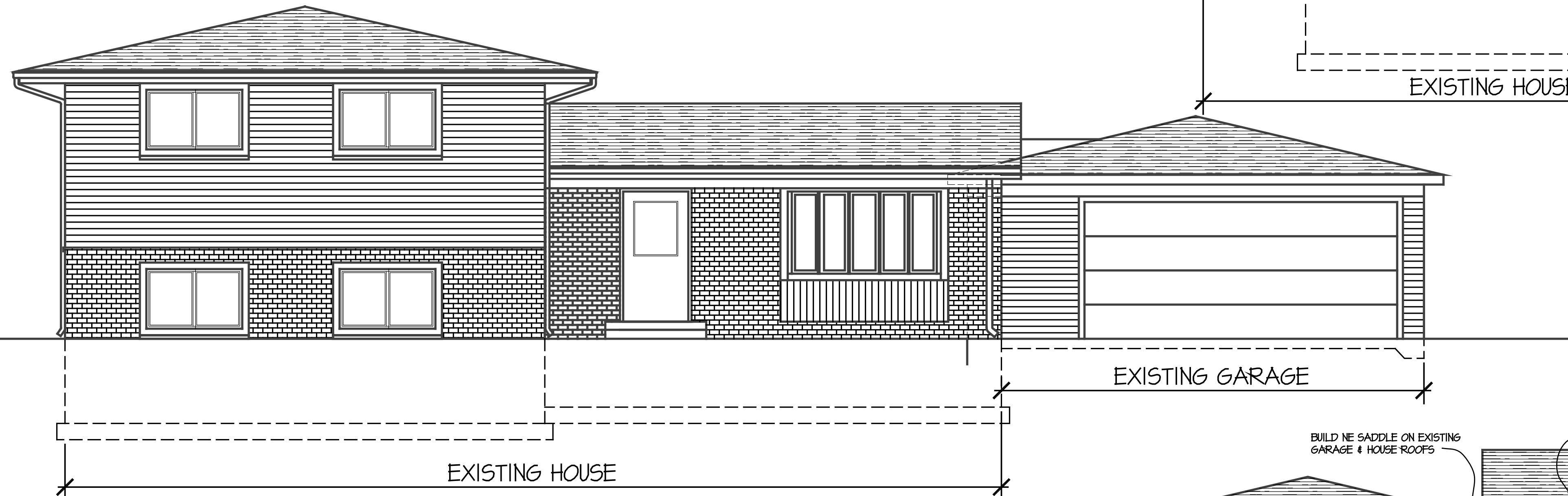
Chairman

DRAFT

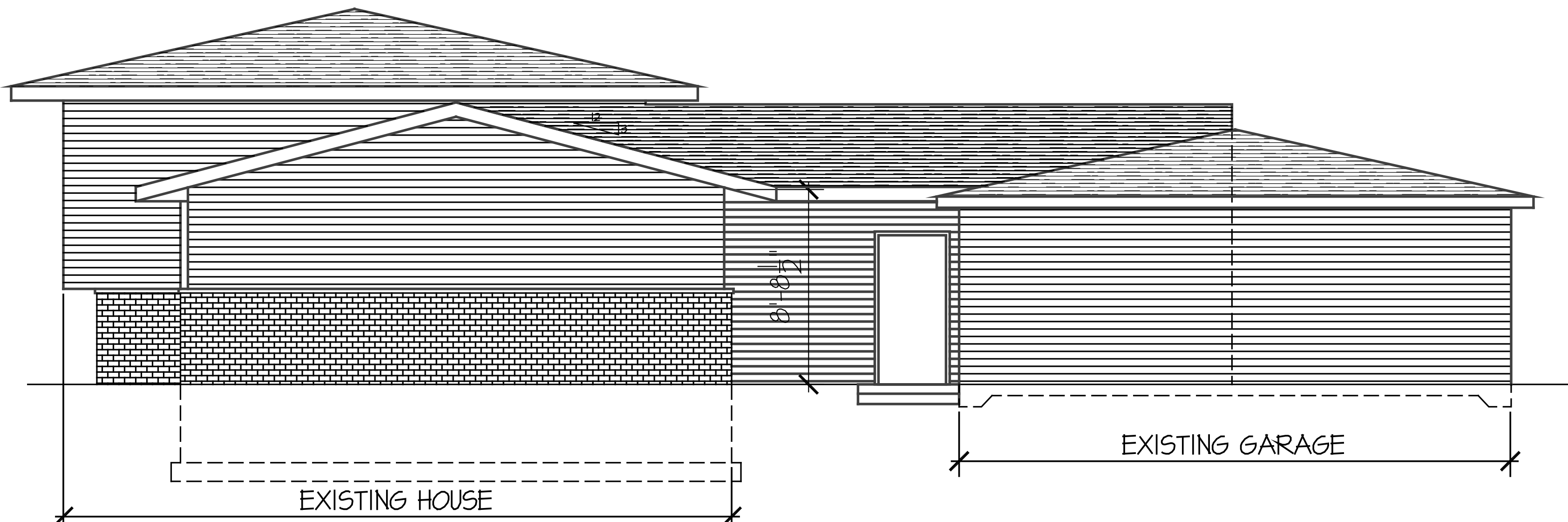
Exhibit B

Approved Plans

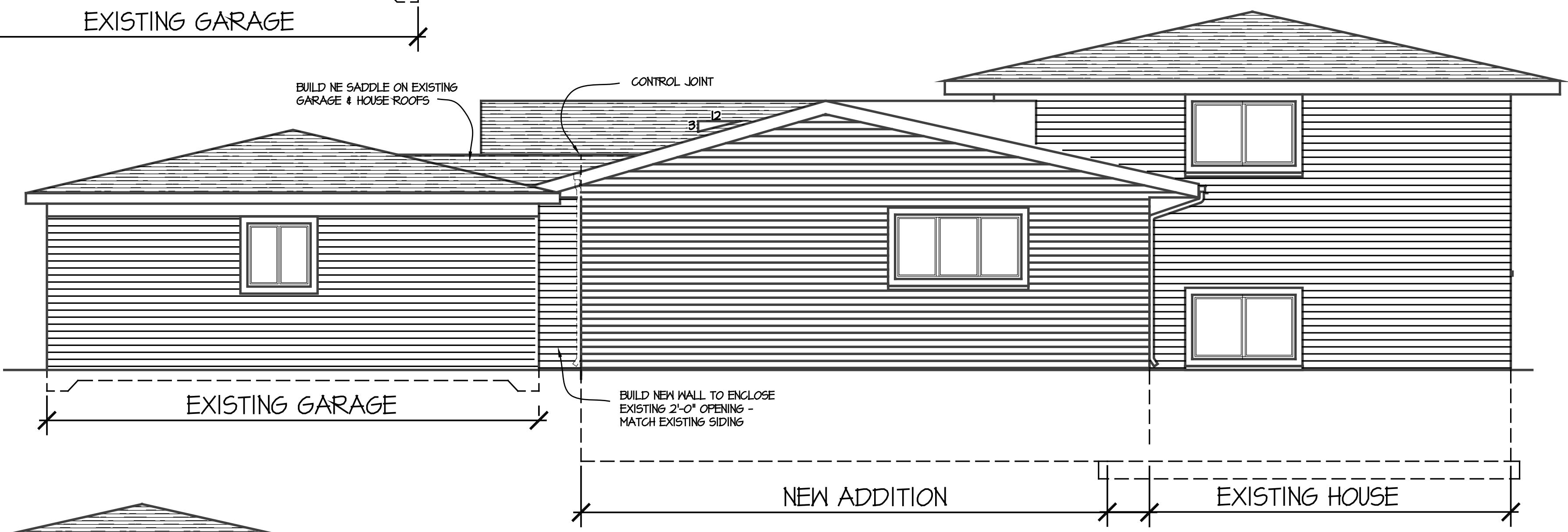
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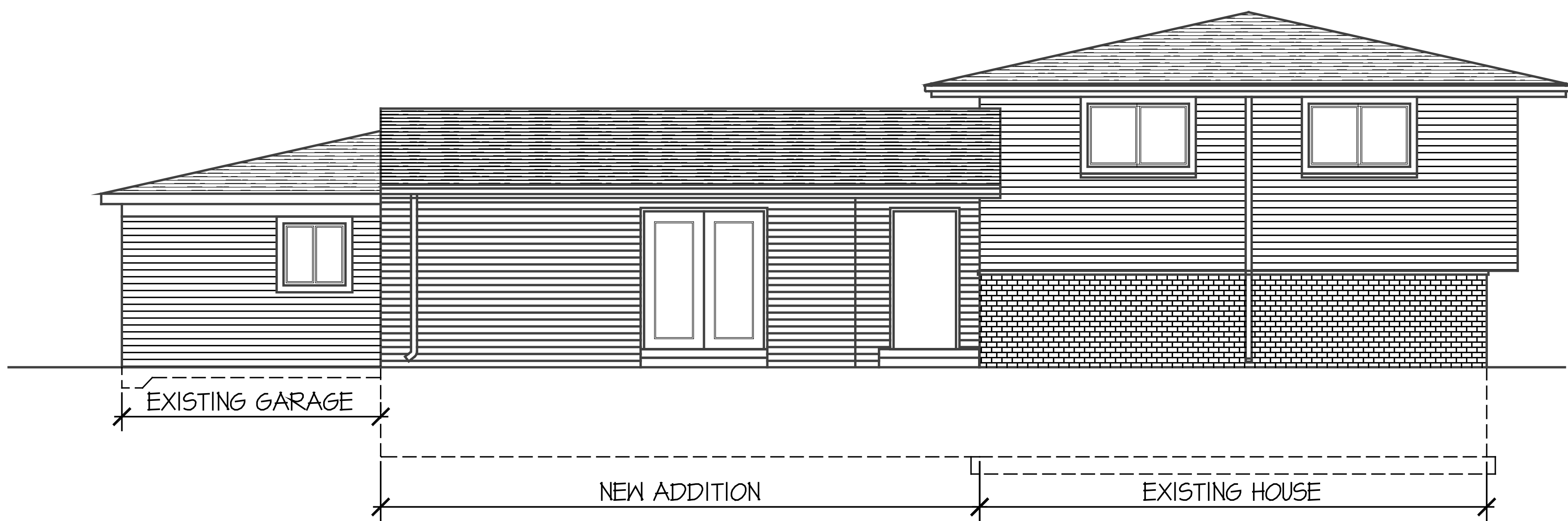
SOUTH ELEVATION (NO CHANGES)
SCALE: 1/4" = 1'-0"



EAST ELEVATION (NO CHANGES)
SCALE: 1/4" = 1'-0"



NORTH ELEVATION (CHANGE AS NOTED)
SCALE: 1/4" = 1'-0"



WEST ELEVATION (NO CHANGES)
SCALE: 1/4" = 1'-0"

Exhibit C

Consent

The undersigned, _____, owner of the Subject Property, described in the foregoing Ordinance 2023-_____ (“Ordinance”), having read a copy of the Ordinance, do hereby accept, concur, and agree to develop, use and maintain the Subject Property in accordance with the terms and conditions stated in the Ordinance, to the extent that the Owner has use and control over the Subject Property as of the date of the approval of the Ordinance. This consent shall be binding upon all parties in interest and all successors and assigns to the Subject Property.

DATED this ____ day of _____, 2023.

PROPERTY OWNER

By: _____

Its: _____

SUBSCRIBED AND SWORN to before me
this ____ day of _____, 2023.

Notary Public
(SEAL)

