

MINUTES OF THE OTTAWA ZONING BOARD OF APPEALS

October 21, 2021

Chairman Charlie Sheridan called the meeting to order at 7:00 p.m. in the Ottawa City Council Chambers.

Roll Call

Present: Charlie Sheridan, Todd Volker, Earl Lecki, Tricia Flavel and Dan Bittner. Also present was city staff member Matt Stafford.

Meeting

The meeting was called to order by Chairman Sheridan at 7:00 p.m. It was moved by Earl Lecki and seconded by Todd Volker that the minutes of the previous meeting be approved. The motion passed unanimously.

Mr. Sheridan the recounted the city ordinance provisions for granting zoning variances, per Section 118-19, G, 3 of the city zoning ordinance (see below). He noted that there were four items for consideration by the board.

Item 1

Lot 14 in block 5 in Hess' Second Addition in the City of Ottawa, La Salle County, Illinois, commonly known as 1506 W. Main Street.

Applicant(s): David and Tabitha Budnick

Review: Applicant requests a variance to permit an accessory structure more than 50% of the footprint of the principal structure and in no event exceed 900 feet.

Applicant wants to build a new garage on the foundations of a small house which was located in his backyard and recently demolished. Has existing one-car garage and two small sheds on the property. Neighbors neutral on the project. There will be a total of one house, two sheds and two garages on the property if project is completed.

Action: Earl Lecki moved to recommend the granting of the variance; seconded by Todd Volker and unanimously approved.

Item 2

Lot 52 in the West Peninsula Unit 1 at Heritage Harbor Ottawa in the City of Ottawa, La Salle County, Illinois, commonly known as 1 Windward Way.

Applicant: Mylynda Moore

Review: Applicant requests four variances in order to construct a garage: front yard setback, side yard setback, rear yard setback and to allow an accessory structure in the front yard.

Applicant explained proposed garage project to be located on the front yard of the property. She stated that the project received approval from the Heritage Harbor homeowners association. There were several persons making public statements on the proposed project.

Todd and Cindy Oard, neighbors, oppose the granting of the variance, citing concern for the river view from their property and feeling the project diminished property values.

Bruce Brown said that he felt the garage would not eliminate the river view. He noted that in another location at Heritage Harbor front yard garages were part of that development, and supported the project.

Peter Borzym would prefer the variance not be granted, noting the value of the river view.

Jane McClendon, the mother of the applicant, noted that the project helped the safety of her daughter and that public access to the river would not be affected. She pointed out that the Heritage Harbor association had approved the project.

Bridget McGettigan, speaking on her own behalf and not as an employee of Heritage Harbor, pointed out that the garage would be on her property and not the public access.

Michael Robbins noted that Moore's house has a river view, which should actually be considered the front of the property.

Action: Charles Sheridan moved to recommend the rejection of the four variance requests based on the garage being located on the front yard of the house, the motion was seconded by Dan Bittner. The zoning board of appeals voted to deny the variance requests by a 3-2 vote, with Sheridan, Bittner and Volker voting against the variance requests and Earl Lecki and Tricia Flavel voting in favor.

Item 3

Lot 5 in Dudgeon's First Subdivision & commencing at the SW corner of Section 36, TWP 34 N, Range 3 East of the 3d Principal Meridian, thence East of the South line of said Section 36 a distance of 684.3 feet in the City of Ottawa, La Salle County, Illinois, commonly known as 300 Hillside Avenue.

Applicant: Jordan Jackson

Review: Applicant requested a variance from the City of Ottawa's fence ordinance. Mr. Jordan discussed his desire to erect an eight-foot fence around the front of his property, citing traffic noise from Rt. 23 and trespassers across his lot.

Action: It was moved by Tricia Flavel to approve, and seconded by Earl Lecki, and the ZBA voted to recommend the variance request by a vote of 3-2.

Item 4

Lots 4 & 5 and 12 in Block 23 in Green's Addition in the City of Ottawa, La Salle County, Illinois, commonly known as 527 E. Main Street.

Applicants: Gregory and Gerena Muffler

Action: Applicants explained their desire for an eight-foot fence in their front yard and requested a variance from the City of Ottawa's fencing ordinance citing the historic appeal of the fencing they selected. It was moved by Dan Bittner to approve a five-foot fence, seconded by Tricia Flavel and unanimously approved.

Having no further business in front of it, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

TODD VOLKER
ZBA Secretary

ZBA Variance Considerations

Section 29 G,3 Standards for Variances

The Zoning Board of Appeals shall not recommend a variance from the regulations of this ordinance unless it shall make written findings based on evidence presented to it in each specific case that all the standards for hardships set forth are met.

- 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 district wherein the property is located.
- b. The plight of the owner is due to unique circumstances such that the enforcement of this Ordinance would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district.
- c. The variance, if granted, will not be a substantial detriment to adjacent property.
- d. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- e. The granting of the variation will not be detrimental to the public welfare or injurious to other property and improvements in the neighborhood in which the property is located, and will not overcrowd the land or create undue concentration of population.