

# MINUTES OF THE OTTAWA ZONING BOARD OF APPEALS

June 16, 2022



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

## **Roll Call**

Present: Charlie Sheridan, Dan Bitner, Tricia Flavel, Celeste Nielsen, and Earle Lecki. 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 Dan Bitner and seconded by Earle Lecki that the minutes of the previous meeting be approved. The motion passed unanimously.

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

**Property:** Lot 6 in Dudgeon's First Subdivision of part of the Northwest Quarter of the Southwest Quarter of Section 36 in Township 34 North Range 3 East of the Third principal Meridian, situated in the City of Ottawa, LaSalle County, Illinois. Commonly known as: 303 Hillside Avenue, owned by Andrew Foote and Dana Banfi for a rear yard setback variance request to construct an accessory structure.

**Applicant:** Andrew Foote and Dana Banfi

**Review:** Andrew Foote requested a variance from the rear south property line of 1'-0" to construct a pavilion structure. No opposition to his request was presented.

**Action:** It was moved by Dan Bitner to approve a variance to allow the construction of a 15' x 10' pavilion structure (wood frame/metal roof 1'-0" from the rear/south property line be granted. Earle Lecki seconded the motion and it passed unanimously.

**Property:** Lot 2 in Block 5 in Schomas Second addition to the City of Ottawa, LaSalle County, Illinois. Commonly known as: 1503 W. Jefferson Street owned by Jolanta Lindenbaum for variances to construct an addition (12'x24') to an existing garage (22'x24') 2'-4" from the west side property line instead of 5 feet and exceed the 50% of the house structure by 35.5% per the zoning code.

**Applicant:** Jolanta Lindenbaum

**Review:** Jolanta Lindenbaum requested a variance from the West side lot building set back of 2'-4" to construct a new addition (12'x24') to the existing garage (22'x24') and a variance to exceed the primary structure by 35.5% for a total of 85.5 %.

**Action:** It was moved by Earle Lecki to approve a variance to allow the construction of a new addition to the existing garage 2'-4" from the West property line with a 1-foot overhand for the roof eave be granted and a variance to exceed the 50% of the primary structure by 35.5%. Dan Bitner seconded the motion and it passed unanimously.

**Property:** Lot 29 in Indian Village Subdivision, being a re-subdivision of lots 1 through 26 and lots 28 through 33 of Indian trails Subdivision and being a part of the Southwest Quarter of section 13, Township 33 North, Range 3 East of the Third Principal Meridian, situated in the City of Ottawa, LaSalle County, Illinois. Commonly known as: 1420 Sioux Drive owned by Jerad and Kimberly Hickey for variances to the Fence Ordinance.

**Applicant:** Jerad Hickey

**Review:** Jerad Hickey requested two variances. Variance one to allow a 6' high white vinyl privacy fence on the South portion of the West side front property line up to the South wall of the house structure and variance two to construct the fence 2' East from the West property line.

**Action:** It was moved by Celeste Nielsen to approve the variance to construct a 6' high privacy fence on the South portion of the fence on the West front property line up the house structure and to construct the fence 2' East of the West front property line. Dan Bitner seconded the motion and it passed unanimously.

Having no further business in front of it, Dan Bitner moved to adjourn the meeting; the motion was seconded by Earle Lecki, and ended at 7:40 p.m.

Respectfully submitted,

Earle Lecki

## **ZBA Variance Considerations**

### Section 118-19(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 alter the essential character of the neighborhood and 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.