
**THE CITY OF BLUE ISLAND
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 2024- 051**

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK
COUNTY, ILLINOIS, APPROVING A VARIANCE FOR THE
PROPERTY LOCATED AT 12803 HIGHLAND AVE.**

**FRED BILOTTO, Mayor
RAEANN CANTELO-ZYLMAN, City Clerk
NANCY RITA, City Treasurer**

**DEXTER JOHNSON
LUIZ MONTOYA
THEODORE RUTHENBERG
BILL FAHRENWALD
GABRIEL McGEE
CANDACE CARR
JOSH ROLL**

Aldermen

ORDINANCE NUMBER 2024- 051

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS,
APPROVING A VARIANCE FOR THE PROPERTY LOCATED
AT 12803 HIGHLAND AVE.**

WHEREAS, the City of Blue Island, Cook County, Illinois (the “*City*”) is a duly organized and existing city created under the provisions of the laws of the State of Illinois and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefits of the residents of the City; and

WHEREAS, an application for a variance to Chapter 165 of the Code of Ordinances of the City (the “*Zoning Code*”) has been submitted to the City by Ron Talaski (the “*Applicant*”) to install a four (4) foot metal space bar fence within his front yard (the “*Variance*”) on the property located at 12803 Highland Ave., Blue Island, Illinois and as legally described and depicted on Exhibit A (the “*Property*”); and

WHEREAS, the Planning and Zoning Board of Appeals (“*PZBA*”) held a public hearing on December 5, 2024 (the “*Public Hearing*”) as to whether the Variance should be approved, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, a public notice in the form required by law was given of said Public Hearing date; and

WHEREAS, the PZBA has filed its findings of fact and recommendation that the Variance be granted, and the Mayor and Aldermen of the City have duly considered said findings of fact and recommendation, and

WHEREAS, the Mayor and Aldermen of the City deem it advisable and in the best interest of the health, safety, and welfare of the residents of the City to grant the Variance subject to the conditions identified herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Aldermen of the City of Blue Island, Cook County, Illinois as follows:

Section 1. The above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. The Mayor and Aldermen of the City hereby adopt by reference the findings of fact of the Planning and Zoning Board of Appeals as findings of the Mayor and Aldermen of the City as if completely set forth herein. All documents and exhibits submitted at the aforesaid public hearings are also incorporated by reference into this Ordinance.

Section 3. In addition to the findings set forth in Section 2 hereof, the Mayor and Aldermen of the City further find in relation to the Variance as follows:

1. That the Property cannot yield a reasonable return if the Variance is not granted;
2. That the Variance will alleviate the unusual hardship that the corner property faces;
3. That the hardship was not created by the owner of the Property;
4. That the Variance will not be materially detrimental to the public welfare because this fence will increase the Applicant's welfare and not harm anyone else's;
5. The Variance will not impair conditions surrounding the Property or endanger public safety because the fence will stop short of the neighbor's property line;
6. That the Variance will not alter the essential character of the neighborhood; and
7. That the Variance is in harmony with the spirit and intent of the Zoning Code.

Section 4. A variance is hereby granted and issued to Ron Talaski for a metal fence in his front yard along Highland Avenue, as presented, on the property located at 12803 Highland Avenue, Blue Island, Illinois.

Section 5. Applicant hereunder, and the installation of the metal fence, shall at all times comply with the terms and conditions of the City Code of Ordinances, including the Zoning Code, and, in the event of non-compliance, the Applicant's variance shall be subject to revocation.

Section 6. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 7. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8. This Ordinance shall be in full force and effect following its passage, approval and publication in pamphlet form as provided by law.

[Intentionally left blank]

ADOPTED this 17TH day of DECEMBER, 2024, pursuant to roll call as follows:

	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman JOHNSON	X				
Alderman MONTOYA	X				
Alderman RUTHENBERG			X		
Alderman FAHRENWALD	X				
Alderman MCGEE	X				
Alderman CARR	X				
Alderman ROLL	X				
Mayor BILOTTO					
	6		1		

APPROVED by the Mayor on DECEMBER 17, 2024.

FRED BILOTTO
MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and Filed in my office this
17TH day of DECEMBER, 2024.

RAEANN CANTELO-ZYLMAN, CITY CLERK

PUBLISHED in pamphlet this
17TH day of DECEMBER, 2024.

RAEANN CANTELO-ZYLMAN, CITY CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATE

I, RAEANN CANTELO-ZYLMAN, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

I further certify that on **December 17, 2024**, the Corporate Authorities of such municipality passed and approved Ordinance No. **2024-051**.

Entitled:

AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, APPROVING A VARIANCE FOR THE PROPERTY LOCATED AT 12803 HIGHLAND AVE.

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2024 - 051** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **December 17, 2024**, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Blue Island, Illinois, this **17TH** day of **December, 2024**.

CORPORATE SEAL


CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF COOK) ss.

CERTIFICATION

I, RAEANN CANTELO-ZYLMAN, DO HEREBY CERTIFY THAT I am the duly elected City Clerk of the City of Blue Island, Illinois, as such City Clerk, I am the keeper of the minutes and records of the Proceedings of the City Council of the said City and have in my custody the ORDINANCE and BOOKS of the records of said City.

I DO FURTHER CERTIFY that the attached and foregoing is a true and correct copy of the certain **2024 - 051** Entitled: **AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, APPROVING A VARIANCE FOR THE PROPERTY LOCATED AT 12803 HIGHLAND AVE.**

ORDINANCE NO. 2024-051 which was adopted at a regular meeting of the City Council of the City of Blue Island, Illinois held on the **17TH day of DECEMBER, 2024**; that at said meeting **6** Alderman were present; that at said meeting, on motion duly made and seconded that the Ordinance did pass and on the roll being called the vote of each Aldermen present on the question of the passage of said Ordinance was duly and separately taken by Ayes and Nays and their names and votes recorded in the minutes of **6** Alderman voted Aye and **0** Alderman voted Nay and **0** Alderman voted Abstain and **1** Alderman Absent.

I DO FURTHER CERTIFY that the original Ordinance which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of the City of Blue Island aforesaid, at the said City in the County and State aforesaid, this **17TH day of DECEMBER, 2024**.

CORPORATE SEAL



City Clerk

Exhibit A

Legal Description

ADDRESS: 12803 Highland Ave.

PIN: 24-36-201-037-0000; 24-36-201-038-0000

LOT 6 (EXCEPT THAT PORTION LYING SOUTH OF A LINE 150 FEET NORTH OF THE NORTH FOR STREETS) IN ASSESSOR'S DIVISION OF THE WEST 1/2 OF THE NORTHEAST 1/4 AND THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 36, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS



FRED BILOTTO, MAYOR

**City of Blue Island
Building & Zoning Department**

13051 Greenwood Avenue
Blue Island, IL 60406
Office (708) 597-8606
Fax (708) 396-2686
building@cityofblueisland.org

Date: Thursday, December 5th @ 7:00 PM
To: Members of the Planning and Zoning Board of Appeals (PZBA)
From: AJ Weir, Community Development Director
Subject: Variance to replace a front yard fence in an R-1 Residential District @ 12803 Highland Ave

Overview

The Applicant has submitted a variance application under the Blue Island Zoning Ordinance to allow the replacement of a fence in the front yard in the R-1 Single Family Residential District.

Property

The Property at 12803 Highland Ave sits directly across from Memorial Park.

PINs: 24-36-201-037-0000, 24-36-201-038-0000

Applicant Materials

The application was submitted on September 30, 2024 and included the following documents:

- (A) Property survey
- (B) Example of proposed fence design
- (C) Photo of site
- (D) Proof of property taxes paid
- (E) Proof of water bill paid

Other information was also provided to comply with the municipal code (e.g. proof of ownership), but those items were not included with this memo as they do not require PZBA review.

Staff Comments

On October 22nd, 2024 the City Council adopted to remove section 150.117(C)(2) which stated "No variance shall be granted to allow a fence in a front yard" as well as 150.117(C)(3) which stated "No variance shall be granted to allow a fence in a corner side yard in a residential district if any of its design elements are prohibited, as specified above." The newly adopted ordinance also added "Variations can only be granted regarding the criteria contained in 150.116(E), or regarding the repair, reconstruction, or reinstallation of a nonconforming fence, provided that no such variation shall increase the nonconformity."

The applicant's fence is currently in a state of disrepair. They plan on replacing it with metal spaced bar fence panels and keeping it the same height of four feet. An example of the proposed design is included below.

Staff believes this will be an upgrade to the aesthetic of the property as well as provide continued security from the high foot traffic that is brought from being located across from Memorial Park.

As always, the PZBA can recommend conditions to be placed on the special use permit. Staff does not have any additional suggested conditions in this case, beyond the standard conditions which will be included in the City Council ordinance.

§ 150.116(E) "No fence on any lot or parcel of ground located in any R-1 Single-Family Residential, as defined and established by Chapter 165, Zoning Code, of this code of ordinances or any amendment thereto, may be erected on any portion of a corner side yard, defined as a side yard which adjoins a street, unless the fence is set back at least a foot from the lot line and is not constructed in whole or in part of what is commonly known as white vinyl."

Variation Standards

(C) Standards for variations.

(1) No variation shall be recommended by the Planning and Zoning Board of Appeals, or granted by the Mayor and Aldermen of the city, unless findings have been made based upon the evidence presented in each specific case that the following conditions have been met:

(a) The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which would result if the strict letter of the regulations were carried out and which is not generally applicable to other property within the same district;

(b) The alleged hardship has not been created by any person presently having a proprietary interest in the property;

(c) The property in question cannot yield a reasonable return if a fence may only be built under the regulations;

(d) The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood;

(e) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety;

(f) The proposed variation will not alter the essential character of the neighborhood; and

(g) The proposed variation is in harmony with the spirit and intent of this chapter.

(2) No variance shall be granted if the proposed fence would detract from the total appearance of the surrounding area. However, creative fencing and landscaping designs will be evaluated.

The PZBA must determine that each of these standards is met before recommending approval of a variation.

Advertisement

Notification requirements for this special use application have been satisfied. A legal notice was published in the *Daily Southtown*, which is part of the Chicago Tribune Media Group, and a zoning sign was posted on the physical property.

Site



Proposed Fence Style





FRED BILOTTO, MAYOR

**City of Blue Island
Building & Zoning Department**

13051 Greenwood Avenue
Blue Island, IL 60406
Office (708) 597-8606
Fax (708) 396-2686
building@cityofblueisland.org

FINDINGS OF FACT

**CITY OF BLUE ISLAND PLANNING AND ZONING BOARD OF APPEALS (PZBA)
PUBLIC HEARING OF DECEMBER 5, 2024**

Applicant: Ron Talaski

Property: 12803 Highland Avenue, Blue Island, IL 60406

On December 5, 2024, the Planning and Zoning Board of Appeals voted (7-0) to adopt the following Findings of Fact and recommend to the City Council approval of a variance of the Blue Island Zoning Ordinance of 1971, as amended, to allow the construction of a 4-foot black metal spaced bar fence to replace an existing fence in the front yard of the property listed above in the R-1 (Single-Family Residential) District.

The PZBA considered the standards for making a fence variance recommendation pursuant to Section 166.092(1) of the City Code and found as follows:

- 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 in which it is located.

The PZBA finds that without this fence variance, the property cannot yield a reasonable return as a residential use, because it is a corner lot. Since a corner lot does not really have a proper backyard, there is no conforming way for the homeowner to enclose the corner front yard with a privacy fence, which will reduce its potential yield.

- b) The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which would result if the strict letter of the regulations were carried out and which is not generally applicable to other property within the same district.

The PZBA finds a fence variance will alleviate some demonstrable and unusual hardship associated with a corner lot on a busy street.

Since the corner front yard cannot be properly enjoyed for some peace and tranquility by the homeowner, the homeowner would like to enclose this area with a privacy fence, and use this enclosed area where a small child and dog can run and roam freely from the hustle and bustle of the city.

The home owner has some real concerns about a lack of privacy and security with strangers trespassing onto the home owner's property; especially, when a small child lives at this property.

Fence Variance

- c) The alleged hardship has not been created by any person presently having a proprietary interest in the premises.

The PZBA finds a fence variance was not created by the actual homeowner, because the lot was created as a corner lot prior to the applicant's ownership.

- d) The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

The PZBA finds a fence variance will not be materially detrimental to the public welfare or injurious to other properties or improvements within the neighborhood. The existence of a privacy fence will increase the welfare of the homeowner and her family, while not affecting other properties in the neighborhood.

- e) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

The PZBA finds a fence variance on a corner lot will not impair an adequate supply of light and air to adjacent property owners because the privacy fence is only six feet in height. It will not impact congestion in the streets, increase the danger of fire, or endanger public safety.

- f) The proposed variation will not alter the essential character of the neighborhood.

The PZBA finds a fence variance will not alter the essential character of the immediate neighborhood because it will be the only privacy fence that will be erected on a corner front yard versus a regular front yard.

The homeowner intends to keep the regular front yard free of a privacy fence, which is very similar to the other residential houses on Olive Street that do not have fences within the regular front yards. This secondary front yard is essentially a side yard, on which privacy fences are allowed.

- g) The proposed variation is in harmony with the spirit and intent of this Comprehensive Amendment [Blue Island Zoning Ordinance of 1971, as amended].

The PZBA finds a fence variance for this residential house is in harmony with the spirit and intent of the zoning ordinance. The home owner is erecting a corner front yard privacy fence to help alleviate for people littering on the property and for people physically trespassing onto the private property.

Based on the foregoing, the Planning and Zoning Board of Appeals recommends that the City Council approve a fence variance to allow the construction of a 4-foot black metal spaced bar fence to replace an existing fence in the front yard at 12803 Highland Avenue, Blue Island 60406.