

ORDINANCE NO. 2018-39

**AN ORDINANCE GRANTING A LOT SETBACK VARIANCE FOR THE PROPERTY
COMMONLY KNOWN AS 6944 40TH STREET, STICKNEY, ILLINOIS**

WHEREAS, the property located at 6944 40th Street, Stickney, Illinois (the "Property") is located in the Single Family zoning district in the Village of Stickney (the "Village"); and

WHEREAS, Gerardo Gutierrez (the "Applicant") submitted a request to the Village seeking a setback variance related to the front yard setback for a legal nonconforming building at the Property to reduce the front yard setback requirement from sixteen feet (16') to zero feet (0') to allow for changes to the Property, including remodeling the second floor to dormer the roof (the "Zoning Relief") at the Property; and

WHEREAS, under the Village's Zoning Ordinance of 1980, as amended (the "Zoning Ordinance"), the Zoning Relief sought requires that a variance from the setback requirements be granted by the Board of Trustees of the Village (the "Village Board") after a hearing and recommendation by the Village's Zoning Board of Appeals (the "ZBA"); and

WHEREAS, the Applicant therefore submitted a request to the Village for the Zoning Relief; and

WHEREAS, the ZBA held a public hearing (the "Hearing"), pursuant to proper notice, on the Applicant's request for the Zoning Relief; and

WHEREAS, based on the testimony given at the Hearing, the ZBA made certain findings of fact and conclusions with respect to the requested Zoning Relief and a recommendation to the Village Board that the Zoning Relief be granted (collectively, the "Findings and Recommendation"); and

WHEREAS, a copy of the Findings and Recommendation is attached hereto as Exhibit A and is incorporated herein by reference as if set forth in full; and

WHEREAS, the Village Board has determined that granting the Zoning Relief is in the best interests of the Village and is in furtherance of the public health, safety, and welfare;

WHEREAS, the Village Board has further determined that: (1) the particular physical surroundings, shape or topographical condition of the Property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; (2) the conditions upon which the petition for variation is based are unique to the Property for which the variation is sought; (3) the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the Property for which the variation is sought; and (4) that the Zoning Relief will not alter the essential character of the area nor negatively impact neighboring property values.

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Stickney, County of Cook, State of Illinois, in the exercise of its home rule powers as follows:

Section 1. Recitals. The foregoing recitals are herein incorporated and made a part of this Ordinance as if fully set forth herein.

Section 2. Grant of Setback Variance; Conditions. The Village Board concurs with and adopts the Findings and Recommendation and, in accordance with the findings and conclusions stated therein, hereby grants the requested Zoning Relief, subject to the conditions contained in the Findings and Recommendation. The term of the Zoning Relief shall be until the Applicant makes any changes or structural alterations to the Property unless such changes or structural alterations, and the use thereof, conform to all the regulations of the Single Family zoning district.

Section 3. Savings Clause. This Ordinance shall not affect suits pending or rights existing at the time this Ordinance takes effect. Such suits and rights shall continue in full force to the same extent and with like effect as if this Ordinance be taken, construed, or held to avoid or impair any cause of action now existing under any ordinance of the Village, or any amendment thereto, but as to any consideration of action now existing, such ordinance and amendment thereto, shall be continued in full force and effect.

Section 4. Effective Date. This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Passed this 4th day of September, 2018.

Jeff Walik, President

ATTEST:

Audrey McAdams, Village Clerk

Date of Passage: September 4, 2018

Date of Publication: August 1, 2018

EXHIBIT A

FINDINGS AND RECOMMENDATION