

**VILLAGE OF STICKNEY
ZONING BOARD OF APPEALS**

FINDINGS OF FACT AND RECOMMENDATION

RE: 6944 40th Street, Stickney, Illinois (the “Subject Property”)

GRANT OF SETBACK VARIANCE

On August 21, 2018, the Zoning Board of Appeals (the “ZBA”) of the Village of Stickney (the “Village”) recommended granting a setback variance based on the following:

1. Gerardo Gutierrez (the “Applicant”) seeks a variation from the setback requirements of the Village’s Zoning Ordinance to allow a legal non-conforming building, which is non-conforming due to not being in compliance with the setback requirements of the Village of Stickney Zoning ordinance, to be altered and remodeled, which is located in the Single-Family Residential zoning district; and
2. Pursuant to the provisions of the Village’s Zoning Ordinance, as amended (the “Zoning Ordinance”), each lot shall have the following setback requirements (the “Setback Requirements”): (a) front yards – sixteen feet (16’); (b) rear yard – thirty feet (30’); and (c) side yard – three feet (3’); and
3. As it currently sits, the Subject Property does not comply with the Setback Requirements and per the Zoning Ordinance, any changes to a non-conforming use must comply with the requirement of the zoning district in which it sits. The Zoning Ordinance further allows for the Zoning Board of Appeals to recommend variations from the requirements of the Zoning Ordinance provided a hearing is held; and
4. Accordingly, the Applicant submitted a request to the Village seeking a variance from the Setback Requirements of the Zoning Ordinance to allow for a variance from the front yard setback requirement of sixteen feet (16’) to a zero-foot (0’) setback (the “Zoning Relief”) at the Subject Property; and
5. In accordance with the Illinois Compiled Statutes and the Zoning Ordinance, notice of the public hearing before the ZBA regarding the Zoning Relief (the “Hearing”) was published in one or more newspapers published in the Village; and
6. At the Hearing, the Applicant provided credible evidence establishing that: (a) the Applicant will be remodeling the Subject Property to add a dormer to the top floor to create more livable space; (b) the Applicant intends to live at the Subject Property once construction is completed and will use the Subject Property as a

single family residence, in compliance with the Zoning Ordinance; and (c) the Applicant will not be altering the footprint of the Subject Property where the non-conforming setback exists; and

7. In light of the above, the ZBA found that: (1) the particular physical surroundings, shape or topographical condition of the Subject 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 Subject Property for which the variation is sought; and (3) the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the Subject Property for which the variation is sought. Furthermore, the ZBA found that the Zoning Relief will not alter the essential character of the area nor negatively impact neighboring property values.

CONCLUSION

The Applicant provided evidence that the requested Zoning Relief would comply with the requirements set forth in the Zoning Ordinance. Based on the foregoing and the findings made herein, the ZBA recommends granting the Zoning Relief.

Juan Chavez, Chair