

## **FINDINGS OF FACT AND RECOMMENDATION OF THE ZONING BOARD OF APPEALS/PLAN COMMISSION**

**RE: 4400 Ridgeland Avenue, Stickney, Illinois 60804 (the “Subject Property”)**

### **GRANT OF CERTAIN VARIANCES**

On October 4, 2022, the Village of Stickney (the “Village”) Zoning Board of Appeals/Plan Commission (the “ZBA”) recommended granting certain variances and other relief, which are detailed below and collectively referred to as the “Relief”, related to the existing use of the Subject Property as a freighting and storage operation for the storage of shipping containers, including outdoor storage of such shipping containers in the Village’s Light Industrial District zoning district, based on the following:

1. ISF Chicago LLC, (the “Applicant”), represented by Thompson Coburn LLP, submitted an application to the ZBA requesting the following Relief from Article XIX, Sections 22-703, 22-705, 22-706, and 22-72 of the Village Code in order to exempt the Applicant from adhering to the premises requirements regarding:
  - a. Setbacks for the storage of shipping containers;
  - b. Keeping equipment weighing over one (1) ton, or 2,000 pounds on lots made of constructed surfaces, such as paved, asphalt or concrete surfaces set forth in such Section 22-705, provided ISF Chicago LLC causes the implementation of dust mitigation measures and provides adequate screening (fencing and landscaping) for the residential neighborhoods to the north of the Subject Property and otherwise limits the hours of operation creating any material noise to the hours of 7:00 am – 8:00 pm. Monday - Friday, and as needed on Saturday and Sunday (but in any event within the foregoing hours);
  - c. Extending the term of the outdoor storage license for such use;
  - d. Limiting increase of the maximum licensing fees set forth in Section 22-706 and extending the term of the license for the outdoor storage license; and
  - e. Requiring a permanent structure with at least one accessible bathroom as defined by the Americans with Disabilities Act and any other applicable federal or state laws be located on the Subject Property; and
2. Article XIX, Section 22-703 of the Village Code provides, in relevant part, that “no such materials shall exceed the height of 12 feet in any area that is located within 600 feet of a residential zoning district and further, no such materials shall exceed a height of eight feet in any area that is located within 300 feet of a residential zoning district.”; and

3. Article XIX, Section 22-705 provides, in relevant part, that any premises over 1,000 square feet must maintain a permanent structure on-site which shall have Americans with Disabilities Act accessible restroom facilities; and that all materials or equipment weighing over one ton or 2,000 pounds shall be kept on ground or lots made of a constructed surface, including paved, asphalt, concrete surfaces, and other hard impermeable surfaces; and
4. Section 22-706 sets the permit fee for an outdoor storage facility at \$500.00 per year, plus \$0.04 for each square foot of land licensed for outdoor storage in excess of 10,000 square feet, with a cap for the license fee at \$20,000.00; and
5. Section 22-708 allows for the Applicant to seek a variance from the requirements of Article XIX; and
6. Section 22-72 provides that business licenses shall be renewed annually; and
7. In accordance with the Illinois Compiled Statutes and the Village's Zoning Ordinance, as amended, notice of the hearing regarding the Applicant's requested Relief (the "Hearing") was published in one or more newspapers published in the Village, including notice published on September 15, 2022 in the Suburban Life newspaper, and taxpayer notice was sent by the Applicant; and
8. The hearing was held on October 4, 2022 (the "October 4<sup>th</sup> Hearing"); and
9. At the Hearing, the Applicant provided credible evidence showing that:
  - (a) The Applicant's tenant, ConGlobal, operates a shipping container storage facility at the Subject Property; and
  - (b) The Applicant presented certain plans (the "Plans") to improve the Subject Property, which were marked as Exhibit C and made a part of the record; and
  - (c) Said Plans included, among other things (i) replacing the existing fence along the entire north end of the Subject Property and along certain portions of the east end of the Subject Property as depicted in the Plans with a vinyl cream colored fence as a dust mitigation measure and for visual looks; (ii) as an additional dust mitigation measure, the Applicant intends to plant numerous non-deciduous or evergreen trees; and
  - (d) The Applicant is requesting to store trailers up to one trailer, no more than nine (9) feet high, no more than one hundred (100) feet of a residential zoning district; and
  - (e) The Plans show that the improvements will make the sightline more pleasing as it will obscure the trailers, including those stored between one

hundred (100) feet and three hundred (300) feet of a residential property district while viewing from the sidewalk; and

- (f) The Applicant also has adequate ADA accessible facilities located in the adjoining property in Forest View; and
10. The Applicant further testified regarding the Relief requested, which include: (a) to revise the height and location limitations as set forth in Section 22-703 to permit one storage container (i.e. approximately 9 feet in height) within 100 feet of a residential zoning district, and thereafter (i.e. beyond 100 feet) with no limitation other than the maximum height limitation currently set forth in the ordinance (i.e. 50 feet), provided that ISF Chicago, LLC maintains a 10 foot fence (and landscaping) to address any major visibility concerns; (b) to exempt ISF Chicago LLC from adhering to the premises requirements regarding keeping equipment weighing over 1 ton, or 2,000 pounds on lots made of constructed surfaces, such as paved, asphalt or concrete surfaces set forth in Section 22-705, provided ISF Chicago LLC implements dust mitigation measures and provides adequate screening, including fencing and landscaping, for the residential neighborhoods to the north of the Subject Property; and (c) to permit the structure as required in Section 22-705 to be located on ISF Chicago's property located in Forest View, Illinois (provided that ISF Chicago LLC shall cause typical maintenance to any existing structures on the Subject Property); and
  11. The Applicant further testified as part of the Relief, they are also seeking a variation to Section 22-706 and 22-72 (a) to permit operators of otherwise permitted and licensed outdoor storage operations at the Subject Property to extend their license term from one (1) year to ten (10) years with license fees of \$20,000 to be paid to the Village annually, by January 31 of each year during such term; (b) to limit the increase of such license fees by not more than 5% per year thereafter (from January 31 2033 - January 31, 2038); and (c) and to limit the annual license fee to not more than \$25,000 a year until January 31, 2038; and
  12. Members of the public and the Village's staff voiced no objections to the Plans for improvement of the Subject Property; and
  13. The ZBA members discussed the Applicant's application at great length. The ZBA ultimately voted to approve the Relief on the conditions that: (a) the Applicant substantially complies with the Plans and the application, and consistent with their testimony at the hearing; and (b) the Applicant shall regularly maintain the fencing and landscaping (the "Conditions"); and
  14. Further, the ZBA finds that: (a) 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; (b) the conditions upon which the Relief are based are unique to the Subject Property for which the variation is

sought; and (c) the Relief 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; and

15. Further, the ZBA finds that granting the Relief, subject to the Conditions stated above, will not be detrimental to or endanger the public health, safety, or general welfare; will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; that the granting of the Relief will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district; and that the Proposed Use conforms in other respects to the applicable regulations of the Zoning Ordinance, Article XIX, and other applicable regulations of the Village;

### **CONCLUSION; CONDITIONS**

The Applicant provided evidence that the requested Relief would comply with the requirements set forth in the Article XIX, and other applicable regulations. Testimony at the public hearing on the proposed Zoning Relief demonstrated that the proposed Zoning Relief will not be contrary to the public interest and that due to conditions peculiar to the Subject Property, a literal enforcement of the Village Code would result in unnecessary hardship. Based on the foregoing, the ZBA recommends granting the Relief, as presented, subject to the Conditions stated herein.

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Chairman of the Zoning Board of Appeals for the Village of Stickney