

## **FINDINGS OF FACT AND RECOMMENDATION OF THE ZONING BOARD OF APPEALS**

**RE: 4429 Wenonah Avenue, Stickney, Illinois 60804 (the “Property”)**

### **GRANT OF A SPECIAL USE PERMIT**

On November 2, 2021, the Village of Stickney (the “Village”) Zoning Board of Appeals (the “ZBA”) recommended granting a lot size variance and garage location variance (collectively, the “Zoning Relief”) to construct two (2) new single-family homes on the two existing property identification numbers (“PINs”) where said proposed plans for said single-family homes place the garages at the front of the Property and where the lot width for each parcel is thirty (30) feet, which is less than the required thirty-five (35) feet (the “Proposed Use”) in the Village’s Single-Family zoning district, based on the following:

1. Stanislaw Pepek (the “Applicant”) submitted an application to the ZBA requesting a lot size variance and garage location variance (collectively, the “Zoning Relief”) to construct two (2) new single-family homes on the two existing property identification numbers (“PINs”) where said proposed plans for said single-family homes place the garages at the front of the Property and where the lot width for each parcel is thirty (30) feet less than the required thirty-five (35) feet; and
2. The Property is located in the Village’s Single-Family Zoning District; and
3. In accordance with the Illinois Compiled Statutes and the Village’s Zoning Ordinance, as amended, notice of the hearing regarding the Applicant’s requested Zoning Relief (the “Hearing”) was published in one or more newspapers published in the Village, including notice published on September 22, 2021 in the Riverside-Brookfield Landmark, and taxpayer notice was sent by the Applicant; and
4. The initial hearing was held on October 19, 2021 (the “October 19<sup>th</sup> Hearing”), and was continued to and concluded on November 2, 2021 (the “November 2<sup>nd</sup> Hearing”) (collectively, the “Hearings”); and
5. At the abovementioned October 19<sup>th</sup> Hearing, the Applicant and his architects, Andrew and Peter Sterniuk, provided credible evidence that: (a) the Applicant owns the Property, which was subdivided into two (2) lots, each measuring thirty (30) feet wide; (b) the Property is currently uninhabited; (c) the Applicant seeks to construct two (2) single-family homes on each lot; (d) the side, rear, and front setbacks are compliant with the Village’s Zoning Ordinance; (e) the proposed single family homes would be twenty-three (23) feet wide and sixty-two (62) feet long with a two-car garage at the front of the Property; (f) there is no basement proposed or planned for the Property; and (g) the Applicant would also need a “curb-cut” at each Property to provide a driveway for the garage; and

6. At the Hearings, testimony was also heard from David and Joseph Gawdzik, who reside at 4431 Wenonah, which neighbors the Property. The Gawdziks testified that they were concerned about: (a) two (2) houses being constructed on the lot where a single-family home now stands; (b) ingress and egress from their home; (c) potential flooding to their property as a result of the new construction; (d) the proposed single-family homes not fitting with the aesthetic of the surrounding area; and (e) the size of the proposed side yard setbacks, which were three (3) feet; and
7. The October 19<sup>th</sup> Hearing was continued to November 2, 2021; and
8. At the November 2<sup>nd</sup> Hearing, the Applicant presented revised plans adding an additional foot on the side yard setback on the south end of each single-family home, which would add another foot between the Gawdziks' property and the proposed single-family home on the south part of the Property. The Applicant also presented the qualifications and proposed water management solutions from Patrick Sienkiewicz of Lukaven Development & Engineering where said proposals included proper grading, dry wells, drainage plan, silt fences, and other potential water management solutions. The Applicant testified that he would present all plans for water management to the Village and would comply with all code requirements related to water management; and
9. The Gawdziks again testified related to concerns regarding water management. They also presented concerns regarding the side setbacks; however, the setbacks adjacent to his property are one (1) foot more than what is required under the Zoning Ordinance. They also expressed concerns regarding air and light deprivation.
10. The ZBA members discussed the Applicant's application at great length. The ZBA ultimately voted to approve the Zoning Relief on the condition that: (a) the Applicant must present and have approved an acceptable water site management plan; and (b) the Applicant shall comply with the plans as presented at the October 19<sup>th</sup> Hearing and as revised at the November 2<sup>nd</sup> Hearing (collectively, the "Conditions"); and
11. Section 3 of the Village's Zoning Ordinance defines a variance as "a relaxation of the terms of the zoning ordinance where such variances will not be contrary to the public interest and where, due to conditions peculiar to the Property a literal enforcement of the ordinance would result in unnecessary hardship;" and
12. The ZBA finds that, in this case, a relaxation of the terms of the zoning ordinance related to lot size and the placement of a built-in garage at the front of the Property are not contrary to the public interest. As the Property consists of two (2) thirty (30) foot lots, where each lot is five (5) feet less than the requirement, without this variance, the two (2) subdivided lots would be unbuildable; and
13. Further, the ZBA finds that: (a) 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; (b) the conditions upon which the petition for variation are based are unique to the Property for which the variation is sought; and (c) 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

14. Further, the ZBA finds that granting the Zoning 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 Zoning 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 and other applicable regulations;

### **CONCLUSION; CONDITIONS**

The Applicant provided evidence that the requested Zoning Relief would comply with the requirements set forth in the Zoning Ordinance, as amended. 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 Property, a literal enforcement of the ordinance would result in unnecessary hardship. Based on the foregoing, the ZBA recommends granting the Zoning 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