

ORDINANCE NO. 2021-22

AN ORDINANCE GRANTING AND APPROVING CERTAIN VARIANCES RELATED TO THE CONSTRUCTION OF TWO (2) NEW SINGLE-FAMILY HOMES AT THE PROPERTY COMMONLY KNOWN AS 4429 WENONAH AVENUE, STICKNEY, ILLINOIS.

WHEREAS, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations related to the effective and orderly development of property located within the Village; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to ensuring the health, safety and welfare of individuals residing in, working in and visiting the Village; and

WHEREAS, an application was filed by Stanislaw Pepek, requesting a lot size variance and garage location variance (collectively, the “Zoning Relief”) to construct two (2) new single-family homes on the two (2) existing property identification numbers (“PINs”) at 4429 Wenonah (the “Property”) 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 in the Village’s Single-Family Zoning District; and

WHEREAS, the Village’s Plan Commission/Zoning Board of Appeals (the “ZBA”) held a public hearing on October 19, 2021 and November 2, 2021 (collectively the “Public Hearings”), pursuant to proper notice on the proposed Zoning Relief; and

WHEREAS, said Public Hearings were held in-person; and

WHEREAS, at said Public Hearings, testimony and comment was given by the Applicant, the Applicant’s agents and representatives, members of the ZBA, and the owners of the neighboring property to the south; and

WHEREAS, no protest to the proposed Zoning Relief request was filed pursuant to Section 12.16 of the Zoning Ordinance, as provided in Appendix A of the Village of Stickney Code of Ordinances Titled, “The Village of Stickney Zoning Ordinance—1980, as amended (the “Zoning Ordinance”); and

WHEREAS, based on the testimony given at said Public Hearings, the ZBA made certain findings of fact and conclusions with respect to the Zoning Relief and made a recommendation to the Village Board that the Zoning Relief be approved subject to the conditions (the “Conditions”) stated therein (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 Corporate Authorities find (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 Zoning Relief are based are unique to the Property for which the variation is sought; and (c) the Zoning Relief 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

WHEREAS, the Corporate Authorities further find that the Zoning Relief will advance the orderly and economic development of the surrounding properties; and

WHEREAS, in light of the above, the Corporate Authorities further find that granting the Special Use Permit would not: (a) endanger the public health, safety, morals, comfort, or general welfare of the neighborhood; (b) harm the use or enjoyment of property in the immediate vicinity or damage neighboring property values; (c) impede upon the normal and orderly development and improvement of surrounding property; or (d) alter the essential character of the area;

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. Approval of Special Use Permit and Conditions. The Findings and Recommendation is hereby adopted. The Village Board concurs with the Findings and Recommendation and, in accordance with the findings and conclusions stated therein, hereby approves the Special Use Permit with the Conditions stated therein.

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. Superseder. Other than as set forth in Section 3 above, all ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability. The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

Section 6. Effective Date. This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

PASSED by the Board of Trustees of the Village of Stickney and deposited and filed in my office this 16th day of November, 2021.

AYES: Trustees White, Savopoulos, Milenkovic, Torres, Kapolnek and Hrejsa

NAYS: None

ABSENT: None

ABSTENTION: None

Audrey McAdams, Clerk

APPROVED by the President of said Village this 16th day of November, 2021.

Jeff Walik, President

ATTESTED AND FILED in my office this 16th day of November, 2021.

Audrey McAdams, Village Clerk

EXHIBIT A

FINDINGS AND RECOMMENDATION