

MINUTES OF THE OTTAWA ZONING BOARD OF APPEALS
November 14, 2017



Chairman Charlie Sheridan called the meeting to order at 7:00 PM in the Ottawa City Council Chambers.

Roll Call

Present: Charlie Sheridan, Tom Aussem, Todd Volker, John Stone, Dan Bittner and Vince Kozsdiy. Also present was city staff member Mike Sutfin.

Meeting

The meeting was called to order by Chairman Sheridan at 7:00 p.m. It was moved by Tom Aussem and seconded by John Stone that the minutes of the October meeting be approved. The motion passed unanimously.

Chairman Sheridan the recounted the city ordinance provisions for granting zoning variances, per Section 118-19, G, 3 of the city zoning ordinance (see below). Chairman Sheridan noted that there were four items for consideration.

Item 1

Property: Lots 8 & 9 in Block 1 in Leland's Addition to Ottawa, La Salle County, Illinois, commonly known as 624 W. Marquette Street.

Applicant: Owner Lee Follis.

Review: Mr. Follis discussed his project, constructing a new garage. His project requires a side yard setback variance (Ottawa, Illinois Municipal Code, Sec. 4-A-4C).

Action: Upon hearing applicant testimony and general discussion of the project and its impacts, the board approved the variance. Vince Kozsdiy moved to grant a side yard setback variance, with the stipulation that the new garage have a minimum of a two (2) foot setback from the side property lines. The motion was seconded by Todd Volker and passed unanimously. Charles Sheridan, chairman of the ZBA, recused himself from the vote due to being an adjacent neighbor.

Item 2

Property: Commencing on the West line of Westwood Drive, 50 feet West and 26.5 feet South of the SW corner of lot 1 in Block 4 of South Bluff Addition in the City of Ottawa, La Salle County, Illinois, commonly known as 850 Westwood Drive.

Applicant: Owner Rick Conklin.

Review: Upon hearing applicant testimony and general discussion of the project and its impacts, the board approved the variance. Mr. Conklin wishes to build a driveway and required a variance from the city curb cut ordinance (Ottawa, Illinois Municipal Code, Sec. 86-193).

John Strong moved that the variance be granted with the stipulation that the curb cut be no more than twenty (20) feet in length. The motion was seconded by Tom Aussem and passed unanimously.

Item 3

Property: That part of Lots 1,2,3, & 4 in Block 33 of the Original Town in the City of Ottawa, La Salle County, Illinois, commonly known as 701 Hitt Street.

Applicant: Ryan Brook, representing owner Ottawa River Rescue Squad.

Review: Mr. Brook discussed the Ottawa River Rescue Squad's project to construct new headquarters and equipment storage space. The property has had environmental remediation, and in order not to impinge upon this, the rescue squad wishes to place new construction closer to the front lot line. For this reason, the squad requested a front yard setback variance (City of Ottawa, Illinois Municipal Code Sec. 118-4-A-4a).

Action: A motion was made by Tom Aussem to grant the variance with the following stipulation that the building be no closer than two (2) feet from the front property line. The motion was seconded by Dan Bittner and unanimously approved.

Item 4

That part of the NE Qtr and the NW Gtr of Section 12 Twp 33 North Range 3 East and that part of the NW Qtr of Section 7 Twp 33 North Range 4 East of the 3rd principal meridian lying East of the Fox River North of the North line of the IL & Michigan Canal South of the southerly right of way line of the CSX Railroad and West of the property described in Doc. #1997-20134 in the City of Ottawa, La Salle County, Illinois, commonly known as 1477 E. Norris Drive.

Applicant: Owner Scott Anderson.

Review: Atty. Timothy Creedon and representatives of Illinois Cement and Chamlin Engineering made a presentation to the board outlining the proposed development of a dry cement truck-to-train transfer center, to be operated by site tenant Illinois Cement Company, located in La Salle, Illinois. Mike Sutfin relayed the concerns of Mr. Luke Caruso, owner of an adjacent parcel, about possible cement dust emission. John Roeketer of Gladfelter Funeral Home, another adjacent parcel owner, asked about the noise of the operation. Members of the ZBA asked questions about site operations and impacts; Vince Kozsdiy inquired about the corrosiveness of cement particulate. Tom Govero and Alije Velju, of Halftime Bar & Grill, were also present to hear public testimony.

The project requires several variances from city zoning ordinances. Following discussion, ZBA member Vince Kozsdiy made the following motion to grant Scott Anderson's petition for the following variances (organized here by category):

Boundary Setback Variances

The proposed I&M Rail Yard Terminal at 1477 E. Norris Drive, Ottawa, Illinois requires setback variances on all four side of the property, with the ZBA approving boundary setback variances with the following stipulations:

- Front yard setback variance in “E” Industrial District (City of Ottawa, Illinois Municipal Code Sec. 8-D-1), granted with the stipulation that the construction be placed up to fifteen (15) feet of the north (front) property line.
- Rear yard setback variance in “E” Industrial District (City of Ottawa, Illinois Municipal Code Sec. 8-D-1), with the stipulation that construction be placed up to twenty (20) feet of the south (rear) property line.
- Side yard setback variance for east boundary in “E” Industrial District (City of Ottawa, Illinois Municipal Code Sec. 8-D-1), with the stipulation that construction be placed up to twenty (20) feet from the east property boundary.
- Side yard setback variance for west boundary in “E” Industrial District (City of Ottawa, Illinois Municipal Code Sec. 8-D-1), with the stipulation that construction be placed up to twenty (20) feet from the west property line.

Project Height Allowances

- The I&M Rail Yard Terminal at 1477 E. Norris Drive, Ottawa, Illinois is granted a variance to city ordinances pertaining to structure height over thirty (30) feet relative to setbacks (City of Ottawa, Illinois Municipal Code Sec. 8-D-2).

Modification of Non-conforming structure variance

- The I&M Rail Yard Terminal at 1477 E. Norris Drive, Ottawa, Illinois is granted a variance to city ordinances pertaining to reconstruction of nonconforming structures (City of Ottawa, Illinois Municipal Code, Sec. 11-C-1).

The motion was seconded by Tom Aussem and passed unanimously.

Having no further business in front of it, Tom Aussem moved to adjourn the meeting; the motion was seconded by Todd Volker, and ended at 8:15 p.m.

Respectfully submitted,

TODD D. VOLKER
ZBA Secretary

ZBA Variance Considerations

Section 29 G,3 Standards for Variances

The Zoning Board of Appeals shall not recommend a variance from the regulations of this ordinance unless it shall make written findings based on evidence presented to it in each specific case that all the standards for hardships set forth are met.

- a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district wherein the property is located.
- b. The plight of the owner is due to unique circumstances such that the enforcement of this Ordinance would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district.
- c. The variance, if granted, will not be a substantial detriment to adjacent property.
- d. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- e. The granting of the variation will not be detrimental to the public welfare or injurious to other property and improvements in the neighborhood in which the property is located, and will not overcrowd the land or create undue concentration of population.