

ORDINANCE NO. ZO -12- 2021

**An Ordinance Granting A Variation from the
Front Yard Setback Requirement to the Property Commonly
Known as 177 W. Vallette Street, Elmhurst, Illinois (P.I.N. 06-11-403-011)**

WHEREAS, the City of Elmhurst (the “City”) has heretofore adopted an ordinance entitled the “Elmhurst Zoning Ordinance,” (the “Zoning Ordinance”); and

WHEREAS, Section 22.23 entitled, “Variations,” of the Zoning Ordinance sets forth the authority and standards for the granting of variations to the Zoning Ordinance; and

WHEREAS, Ruben Lopez (the “Applicant”) has filed a variation request, on behalf of Cristian Lopez (the “Owner”), regarding certain legal property legally described as follows:

LOT 7 IN HOLLOWAY’S DIVISION OF BLOCK “F” IN J.B. BRYANS’ RESUBDIVISION OF PART OF THE EAST ½ OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID HOLLOWAY’S DIVISION RECORDED NOVEMBER 21, 1923, AS DOCUMENT NUMBER 171830, IN DU PAGE COUNTY, ILLINOIS.

P.I.N. 06-12-318-008

Commonly known as 177 W. Vallette Street, Elmhurst, Illinois (the “Subject Property”);
and

WHEREAS, the Subject Property is located within the R2 Single-family residence district, the regulations of which require a minimum front setback of twenty-five feet (25’) or the average of the front yard setback on the block, whichever is greater; and

WHEREAS, the Applicant is requesting a Variation from the front setback requirement of the 25.16 feet to 19.69 feet, in order to construct an unenclosed covered front porch on the Subject Property; and

WHEREAS, on April 7, 2021 the Zoning Board of Appeals conducted a public hearing at the Elmhurst City Hall, 209 North York Street, Elmhurst, Illinois, in connection with the aforesaid application, after notice of said hearing was duly given; and

WHEREAS, on April 7, 2021, the Zoning Board of Appeals deliberated and on April 8, 2021 rendered its decision on the aforesaid variation recommending that the same be granted;
and

WHEREAS, on April 12, 2021, the Development, Planning and Zoning Committee of the City Council met to review the Zoning Board of Appeals report dated April 8, 2021, and on April 13, 2021 issued its report recommending approval of the aforesaid Variation Application; and

WHEREAS, all applicable requirements of Section 22.23, entitled "Variations," of the Zoning Ordinance relating to the granting of variations have been met, including but not limited to the determinations provided in Section 22.23(e) of the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Elmhurst, DuPage and Cook Counties, Illinois:

Section 1: The facts and statements contained in the preamble clauses to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2: The City Council adopts the following findings of fact for the front yard setback requirement:

- a) The plight of the Applicant is due to unique circumstances. *The Commission found that the plight of the owner is due to unique circumstances. The Commission noted that the Zoning Ordinance has an oddity for projects similar to this one. That oddity in the Zoning Ordinance and the specifics of this site create a unique circumstance. .*
- b) The variation will not alter the essential character of the neighborhood. *The Commission found that the variation, if granted, will not alter the essential character of the neighborhood. The Commission noted that the setback reduction would allow a front porch that would match the surrounding character of the neighborhood and enhance the essential character of the neighborhood.*
- c) The Subject Property cannot yield a reasonable return or provide the Applicant a reasonable enjoyment of the Subject Property if permitted to be used only under the conditions allowed by the regulations in its zone. *The Commission found that the property in question cannot yield a reasonable return or provide the owner or tenants a reasonable enjoyment of the Subject Property if permitted to be used only under the conditions allowed by the regulations in its zone. The Commission agreed that the longevity and quality of the project were improved with the allowance of the Variation providing the owner a reasonable return.*

Section 3: A variation of Section 22.90 of the Zoning Ordinance is hereby granted to permit a reduction of the required front setback requirement from 25.16 feet to 19.69 feet for the purpose of constructing an unenclosed covered front porch on the Subject Property, subject to the condition that the variation granted hereby and the use of the Subject Property

be in accordance with the evidence submitted to and the recommendations of the Zoning Board of Appeals.

Section 4: The City Clerk is directed to transmit a copy of this Ordinance to the Chair of the Zoning and Planning Commission, the City Planner and the Applicant.

Section 5: All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended to the extent of the conflict.

Section 6: This Ordinance shall be in full force and effect upon its passage and approval in accordance with law.

ADOPTED this _____ day of May, 2021, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTENTION: _____

APPROVED by me this 3rd day of May, 2021.

Scott M. Levin, Mayor of the City of
Elmhurst, DuPage and Cook Counties,
Illinois

ATTESTED and filed in my office,
this 3rd day of May, 2021.

Jackie Haddad-Tamer, Clerk of the City of Elmhurst,
DuPage and Cook Counties, Illinois

COUNCIL ACTION SUMMARY

SUBJECT: Ordinance Granting a Variation from the Front Yard Setback Requirement at the Property Commonly known as 177 W. Vallette Street, Elmhurst, Illinois

ORIGINATOR: City Attorney

DESCRIPTION OF SUBJECT MATTER:

Pursuant to the recommendation of the Development, Planning and Zoning Committee, the City Attorney drafted an ordinance granting a front yard setback variation for the property located at 177 W. Vallette Street, Elmhurst, Illinois. The variation permits a reduction of the required front yard setback requirement from 25.16 feet to 19.69 feet for the purpose of constructing an unenclosed covered front porch.