

CITY OF OGLESBY

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ORDINANCE NO. 1061-041519

AN ORDINANCE AUTHORIZING A SIDE-YARD SETBACK VARIANCE  
FOR PROPERTY LOCATED AT 400 WEST PORTER STREET  
OGLESBY ILLINOIS

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ADOPTED BY THE CITY COUNCIL OF  
THE CITY OF OGLESBY  
THIS 15<sup>th</sup> day of April, 2019

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Published in pamphlet form by authority of the City Council of the City of Oglesby, LaSalle County, Illinois, this 15<sup>th</sup> day of April, 2019.

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STATE OF ILLINOIS     )  
  ) SS.  
COUNTY OF LASALLE    )

I, Stacie Mertes, duly appointed and authorized Clerk of the City of Oglesby, LaSalle County, Illinois.

I further certify that on the 15<sup>th</sup> day of April, 2019, the corporate authorities of the above municipality passed and approved Ordinance No. 1061-041519, entitled "An Ordinance Authorizing a Side-Yard Setback Variance for Property Located at 400 West Porter Street Oglesby Illinois", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1061-041519, including the ordinance and cover sheet thereof, was prepared and a copy of such ordinance was posted in the municipal building, commencing on the 15<sup>th</sup> day of April, 2019, and continuing for at least ten days thereafter. Copies of the ordinance were also available for public inspection

upon request in the office of the municipal clerk.

Dated in Oglesby, Illinois, this 15<sup>th</sup> day of April, 2019.

*Stacie A. Mertes*  
\_\_\_\_\_  
Stacie Mertes, City Clerk

(SEAL)



NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF OGLESBY, LASALLE COUNTY, ILLINOIS, AS FOLLOWS:

1. The recitals contained in the preamble to this ordinance are incorporated by reference as if set out in full herein.

2. There is hereby granted a variance reducing the west setback for property located at 400 West Porter Street in the City of Oglesby, County of LaSalle and State of Illinois from 3 feet to 1 foot. The legal description for the property where the variance is being granted is:

Lot 5 in Block 27 in the Subdivision of the East 898 feet of Lot "L" in Assessor's Subdivision of the Southwest Quarter and part of the Northwest Quarter of Section 25, Township 33 North, Range 1, East of the Third Principal Meridian, according to the Plat of said Subdivision recorded in Plat Book "R", Page 6, situated in the City of Oglesby, excepting underlying coal and mining rights, all situated in LaSalle County, Illinois.

3. This ordinance will be in full force and effect after its passage, approval, and publication in pamphlet form as provided by law.

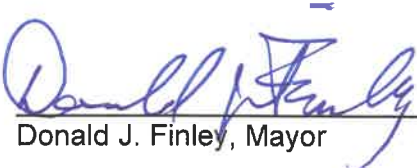
PRESENTED, PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oglesby, LaSalle County, Illinois, by an aye and nay roll call vote as follows:

PASSED AND ADOPTED THIS 15<sup>th</sup> day of April, 2019.

ERIC ZBOROWSKI	<input type="checkbox"/> AYE;	<input type="checkbox"/> NAY;	<input checked="" type="checkbox"/> ABSENT;	<input type="checkbox"/> PASS
DOMINIC RIVARA	<input checked="" type="checkbox"/> AYE;	<input type="checkbox"/> NAY;	<input type="checkbox"/> ABSENT;	<input type="checkbox"/> PASS
THOMAS PORTER	<input checked="" type="checkbox"/> AYE;	<input type="checkbox"/> NAY;	<input type="checkbox"/> ABSENT;	<input type="checkbox"/> PASS
THOMAS ARGUBRIGHT	<input checked="" type="checkbox"/> AYE;	<input type="checkbox"/> NAY;	<input type="checkbox"/> ABSENT;	<input type="checkbox"/> PASS
DONALD J. FINLEY	<input checked="" type="checkbox"/> AYE;	<input type="checkbox"/> NAY;	<input type="checkbox"/> ABSENT;	<input type="checkbox"/> PASS

APPROVED:

  
Stacie Mertes, Clerk

  
Donald J. Finley, Mayor

110 E. Walnut St.  
Oglesby, IL 61348  
Tel. 815/883-3389  
Fax. 815/883-9858



www.oglesby.il.us  
oglesbyclerk@gmail.com

**ZONING BOARD OF APPEALS**  
**City of Oglesby**

April 12, 2019

The Honorable Mayor and City Council  
City of Oglesby  
110 E. Walnut Street  
Oglesby, IL 61348

Re: City of Oglesby - Marsha L. Shepard Variance Request  
400 West Porter Street, Oglesby, Illinois

Ladies and Gentlemen:

Your Zoning Board of Appeals transmits for your consideration its recommendations on the application for a variance from the west side-yard setback requirements, for property located at 400 West Porter Street, Oglesby, LaSalle County, Illinois.

*The Subject Property.* The subject property in question is located at 400 West Porter Street in the City of Oglesby. The legal description for the property is as follows:

Lot 5 in Block 27 in the Subdivision of the East 898 feet of Lot "L" in Assessor's Subdivision of the Southwest Quarter and part of the Northwest Quarter of Section 25, Township 33 North, Range 1, East of the Third Principal Meridian, according to the Plat of said Subdivision recorded in Plat Book "R", Page 6, situated in the City of Oglesby, excepting underlying coal and mining rights, all situated in LaSalle County, Illinois.

The property is improved with a single-family home.

*Characteristics of the Surrounding Area.* The subject property is located in a residential district of the City of Oglesby. Single-family homes are located adjacent to the property.

*Variations Sought.* The owner desires to build an open-air wooden deck above the existing sidewalk on the west side of the property. The deck will extend into the rear yard of the property and wrap around the south side of the home located on the lot. The property owner plans to have the steps from grade level to the deck face the front of her home which is to the north and would face west Porter Street. Her deck would be build above what is currently a deteriorating sidewalk located on the west and south sides of the property.

*Public Hearing.* After due notice, as required by law, the Zoning Board of Appeals held a public hearing on the proposed variation on April 11, 2019 in the City Council Chambers of the Oglesby City Hall, 110 E. Walnut Street, Oglesby, Illinois 61348. The applicant testified at the hearing. The owner of the property located immediately to the west of the subject property also testified at the hearing. The owner of the property located immediately to the west of the subject property also provided a written letter to the Zoning Board of Appeals indicating that the adjoining property owner had no objection to the variance request.

*Findings and Recommendations.* The Oglesby Zoning Board of Appeals recommends that the application be granted in part. The petitioner requested reducing the side-yard setback requirement from 3 feet to 0 feet. The Oglesby Zoning Board of Appeals recommends reducing the side-yard setback requirement from 3 feet to 1 foot. In support of the decision made by the Oglesby Zoning Board of Appeals, the Zoning Board of Appeals presents the following findings:

1. *Hardship conditions.* The property in question is located in a residential district of the City of Oglesby. The encroachment into the side-yard setback will only be approximately be 1 foot further to the west than the existing sidewalk. Ms. Shepard testified that the deck is intended to cover the existing sidewalk, but to only slightly extend the existing sidewalk to the west. The deck area is not intended to be a covered deck.
2. *Unique condition.* While the property itself is not unique, the variance requested would have very little negative impact upon adjoining properties. The deck is intended to simply cover a portion of a sidewalk which has fallen into disrepair.
3. *Purpose of Variation.* The purpose of the variation is not to make more money from the property. The purpose of the variation is to improve the property. By building the deck over the deteriorating sidewalk, the property will be improved.
4. *Cause of Hardship.* The hardship was not caused by the petitioner. Additionally, the adjoining property owner who would be most adversely impacted by the variance request filed a written recommendation to the Zoning Board of Appeals to approve the variance and testified at the hearing in support of the variance.

Accordingly, by a vote of 4-0, the Oglesby Zoning Board of Appeals recommends the variance be granted.

Respectfully submitted,  
Zoning Board of Appeals, City of Oglesby

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By Dan Fitzgerald, Chairman

## MINUTES OF THE OGLESBY ZONING BOARD OF APPEALS

The Oglesby Zoning Board of Appeals met on Thursday, April 11, 2019 at 6:30 p.m. in the City Council Chambers of the Oglesby City Hall, 110 East Walnut Street, Oglesby, Illinois 61348, to consider the variance request of Marsha L. Shepard for property owned by Ms. Shepard located at 400 W. Porter Street, in the City of Oglesby, County of LaSalle and State of Illinois. Present were Zoning Board of Appeals members Fitzgerald, Lijewski, Lavens and Kutz. Absent were Zoning Board of Appeals members Rivara and Marquardt.

Zoning Board of Appeals Chairman Fitzgerald called the meeting to order. City Attorney Andreoni read the Notice published in the News Tribune requesting a variance reducing the side-yard setback requirement for Ms. Shepard's property from 3 feet to 0 feet.

The first person to testify before the Zoning Board of Appeals was the property owner, Marsha Shepard. Marsha Shepard testified that she wished to build a new deck which would be attached to her home. The deck would cover an existing concrete patio. The deck would encroach upon the side-yard setback on the west side of her lot. Ms. Shepard advised the Zoning Board of Appeals that she wanted the deck to cover the sidewalk which wraps around the west and south side of her house. Ms. Shepard presented a drawing showing the approximate location of her deck. Ms. Shepard testified that she wanted the steps from grade level to her deck to be facing the north and she wanted the deck to extend to the west property line.

Rich Greening also testified before the Zoning Board of Appeals. Mr. Greening is the owner of the lot immediately adjacent to Ms. Shepard's lot to the west of Ms. Shepard's property. Mr. Greening submitted a written letter of support for Ms. Shepard's variance. Mr. Greening also told the Zoning Board of Appeals that the actual location of the edge of the deck would most likely be approximately 1 foot off of the property line.

Zoning Board of Appeals member Kutz asked Ms. Shepard why she was requesting the variance. Ms. Shepard indicated she wanted to make her deck wider and she also wanted to have the stairs from grade level to the level of the deck to be facing the north which would be the front side of her home.

No individual presented oral or written testimony to the Oglesby Zoning Board of Appeals in opposition to Ms. Shepard's variance.

A discussion was then held between the members of the Zoning Board of Appeals and Mr. Shepard. The members of the Zoning Board of Appeals asked Ms. Shepard whether a variance reducing the side-yard setback requirement for her deck from 3 feet to 1 foot would be acceptable to her. Ms. Shepard indicated this would be acceptable. It

should be noted that the deck in question is an open-air deck and not a closed structure.

A motion was made by Zoning Board of Appeals member Lavens, and seconded by Zoning Board of Appeals member Lijewski to recommend approval of a variance reducing the west side-yard setback for Ms. Shepard's property from 3 feet to 1 foot. The motion carried unanimously with Zoning Board of Appeals members Lijewski, Kutz, Lavens and Fitzgerald voting in favor of the motion and no Zoning Board of Appeals members voting opposed to the motion.

There being no further business to come before the Oglesby Zoning Board of Appeals, the meeting was adjourned at approximately 7:45 p.m.

Respectfully submitted by  
James A. Andreoni,  
acting secretary,  
Oglesby Zoning Board of Appeals

**SECTION VIII. ZONING PLAN EXAMINER'S NOTES**

Zoning District: \_\_\_\_\_ Use: \_\_\_\_\_

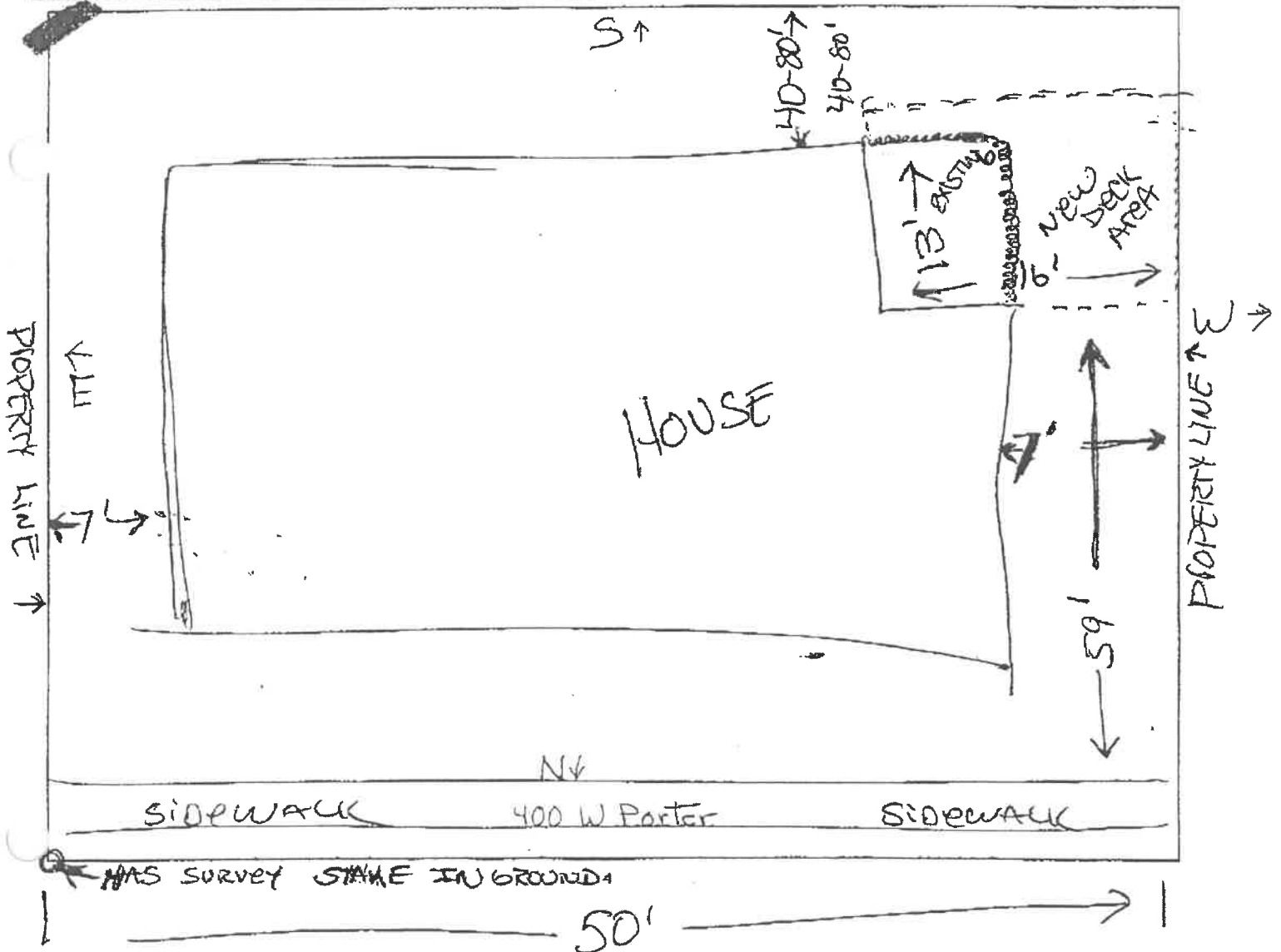
Set Backs: Front Yard \_\_\_\_\_ Side Yard \_\_\_\_\_ Rear Yard \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION IX. SITE OR PLAT PLAN – for applicants use**

Note: Drawing must be to scale, show all property lines, the name of all adjacent streets and alleys, and an arrow indicating the North direction. Additional sheets of paper may be required to ensure clarity.

**IMPORTANT:** Property lines must be proven by one of two means: ① the submission of a survey conducted by a surveyor licensed by the State of Illinois (the survey will be considered valid provided that no additions or deletions have been made to the property since the date of the survey); or ② the sighting by a City Inspector of true property line monuments placed by a licensed surveyor.





April 8, 2019

To Whom It May Concern,

Please accept this letter of approval for Marsha Shepard of 400 W Porter St, Oglesby, IL 61348 to build her deck on the lot line that connects with the property of 402 W Porter St, Oglesby, IL 61348.

If you have any questions I can be reached at 815-883-3180.

Sincerely,

A handwritten signature in cursive script that reads "Rich Greening". The signature is written in black ink and is positioned below the word "Sincerely,".

Rich Greening

110 E. Walnut St.  
Oglesby, IL 61348  
Tel. 815/883-3389  
Fax. 815/883-9858



www.oglesby.il.us  
oglesbyclerk@gmail.com

April 12, 2019

mayorfinley@gmail.com  
Mayor Don Finley  
110 E. Walnut Street  
Oglesby, IL 61348

oglesbyclerk@gmail.com  
City Clerk Stacie Mertes  
110 E. Walnut Street  
Oglesby, IL 61348

Re: City of Oglesby – Shepard Variance Request  
400 West Porter Street, Oglesby, Illinois

Dear Stacie:

Enclosed with this letter you will find the ordinance which I prepared granting a variance reducing the west side-yard setback requirement for property located at 400 West Porter Street in Oglesby, Illinois from 3 feet to 1 foot. Also enclosed with this letter are the Minutes of the Oglesby Zoning Board of Appeals meeting held on April 11, 2019 and the original Findings of Fact and Recommendations made by the Oglesby Zoning Board of Appeals at the conclusion of their meeting.

I would appreciate it if the City Clerk would enclose a copy of this letter along with the enclosures contained herein with the packet of agenda materials going to the Mayor and Commissioners prior to the next regularly scheduled Oglesby City Council meeting. Please also include on the agenda for the April 15, 2019 Oglesby City Council meeting the enclosed ordinance granting the variance request.

If you have any additional questions regarding this letter or the enclosures contained herein, please feel free to contact me.

Yours very truly,

A handwritten signature in black ink, appearing to read "James A. Andreoni". The signature is fluid and cursive, with a large loop at the end.

James A. Andreoni

JAA:kf  
Enc:

