

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE DENYING THE APPLICATION OF MARIAN PATKOWSKI FOR  
THE REZONING OF THE PROPERTY LOCATED AT 1817 NORTH BROADWAY  
STREET IN CREST HILL, ILLINOIS, FROM R-1 SINGLE FAMILY RESIDENCE  
DISTRICT TO R-2 TWO FAMILY RESIDENCE DISTRICT**

**WHEREAS**, the Illinois Municipal Code, 65 ILCS 5/11-13-1 (the “Code”) authorizes the corporate authorities of any municipality broad authority create zoning laws and regulations on land use to secure adequate light, pure air and safety from fire and other dangers, and to regulate land use so that the public health, safety, comfort, morals and welfare are promoted. Included in these broad grants is the authority to classify, regulate and restrict the location of trades and industries and the location of buildings for certain specified uses; and

**WHEREAS**, the Illinois Municipal Code, 65 ILCS 5/11-13-14 (the “Code”) authorizes the corporate authorities of any municipality to amend its zoning classifications, Ordinances, and regulations from time to time; and

**WHEREAS**, the City of Crest Hill (“City”) has detailed the procedural requirements for requesting relief from Zoning and Land Use Regulations, including map and text amendments, variances, and special uses, in Sections 12.6, 12.7 and 12.8 of the Crest Hill Zoning Ordinance; and

**WHEREAS**, Marian Patkowski (the “Owner”), has properly filed and brought before the Crest Hill Plan Commission an application for re-zoning certain property (“Application RZ-24-1-7-1”) within the City Limits of the City of Crest Hill, Will County, Illinois, located at 1817 N. Broadway Street, Crest Hill, Illinois, with PIN: 11-04-33-405-018-0000 (the “Property”); and

**WHEREAS**, the application was presented and heard by the Crest Hill Plan Commission on July 11, 2024, at a properly noticed Plan Commission meeting, with proper publication of notice of Public Hearing and proof of Notice to all property owners within 300 feet of the subject property; and

**WHEREAS**, the Property has heretofore been zoned R-1 Single Family Residence under the Crest Hill Zoning Ordinance and the Owner has requested that the property be re-zoned to R-2 Two-Family Residence so the property can be used as a two-dwelling rental unit; and

**WHEREAS**, the Crest Hill Plan Commission, by formal vote taken on July 11, 2024, following the taking of evidence, an opportunity for public comment, questions from the Plan Commissioners and due deliberation, recommended denial of the Application for re-zoning, as more fully detailed in the attached Findings and Decision “Exhibit A,” based upon the evidence presented.

**WHEREAS**, the City Council has examined the July 11, 2024, Findings and Decision of the Plan Commission and has considered the presentations and arguments of the Owner in an open meeting regularly scheduled; and

**WHEREAS**, the City Council finds that it is in the best interests of the City that the recommendation of the Plan Commission be adopted and that the application be denied for the reasons stated by the Plan Commission and in the Staff Memoranda dated July 11 and July 22, 2024 and attached hereto as Exhibits “B” and “C”.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Crest Hill, Will County, Illinois, as follows:

**SECTION 1:** The Preambles of this Ordinance are incorporated herein by reference.

**SECTION 2:** That the City Council hereby adopts and ratifies the findings and decision of the Plan Commission, attached hereto as “Exhibit A” and incorporated by reference herein, as the finding and decision of the City Council in relation to the application for re-zoning certain property (“Application RZ-24-1-7-1”) within the City Limits of the City of Crest Hill, Will County, Illinois, located at 1817 N. Broadway Street, Crest Hill, Illinois, with PIN: 11-04-33-405-018-0000.

**SECTION 3:** The requested Rezoning is hereby denied.

**SECTION 4:** This Ordinance shall take effect upon its passage according to law.

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PASSED THIS 5<sup>th</sup> DAY OF AUGUST, 2024

	Aye	Nay	Absent	Abstain
Alderwoman Jennifer Methvin	<hr/>	<hr/>	<hr/>	<hr/>
Alderman Scott Dyke	<hr/>	<hr/>	<hr/>	<hr/>
Alderwoman Claudia Gazal	<hr/>	<hr/>	<hr/>	<hr/>
Alderman Mark Cipiti	<hr/>	<hr/>	<hr/>	<hr/>
Alderperson Tina Oberlin	<hr/>	<hr/>	<hr/>	<hr/>
Alderman Darrell Jefferson	<hr/>	<hr/>	<hr/>	<hr/>
Alderman Nate Albert	<hr/>	<hr/>	<hr/>	<hr/>
Alderman Joe Kubal	<hr/>	<hr/>	<hr/>	<hr/>
Mayor Ray Soliman	<hr/>	<hr/>	<hr/>	<hr/>

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Christine Vershay-Hall, City Clerk

APPROVED THIS 5<sup>th</sup> DAY OF AUGUST, 2024.

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Raymond R Soliman, Mayor

ATTEST:

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Christine Vershay-Hall, City Clerk

“Exhibit A”

BEFORE THE PLAN COMMISSION  
OF THE CITY OF CREST HILL, ILLINOIS

IN RE: )  
 )  
The application of AB Shuttle ) No. V-24-2-6-1  
 )  
For a variation. )

**FINDINGS AND DECISION OF THE  
PLAN COMMISSION AS TO CASE NO. RZ-24-1-7-1  
THE APPLICATION OF MARIAN PATKOWSKI TO REZONE THE PROPERTY LOCATED  
AT 1817 NORTH BROADWAY IN THE CITY OF CREST HILL FROM R-1 SINGLE FAMILY  
RESIDENCE DISTRICT TO R-2 TWO-FAMILY RESIDENCE DISTRICT**

THIS APPLICATION, coming before for a decision by the Plan Commission, and the Plan Commission having heard the evidence in support and opposition to the application at a regularly scheduled meeting held on July 11, 2024, being fully advised in the premises, THE COMMISSION DOES MAKE THE FOLLOWING FINDINGS:

A. That the applicant, Marian Patkowski, is the owner of the real estate described in the application;

B. That the application seeks a rezoning of the property described in the application, commonly known as 1817 N. Broadway Street in Crest Hill, Illinois (the “Property”);

C. That the Property is zoned R-1 Single Family Residence;

D. That the application seeks a rezoning of the Property from R-1 Single Family Residence to R-2 Two Family Residence pursuant to Section 12.8 of the Crest Hill Zoning Ordinance.

E. That the application for the variation was properly submitted and notice of the application and the public hearing were properly made;

F. That no interested parties filed their appearances herein;

G. That the public hearing was opened and called to order on July 11, 2024, the applicant presented evidence and arguments in support of its application on July 11, 2024.

H. That the rules adopted by the Plan Commission for the conduct of Public Hearings by the Plan Commission were duly followed and observed;

I. That the proposed rezoning, as considered under section 12.8-5 of the Zoning Ordinance, does not meet the standards for the granting of the requested zoning change.

J. In addition, the Plan Commission finds that the City Council previously denied a request by a prior property owner of the Property to rezone the property from R-1 to R-2, and that the requested rezoning would be counter to the West Broadway Commercial Subarea Plan component to the City of Crest Hill 2014 Comprehensive Plan.

**THEREFORE, IT IS THE DECISION OF THE PLAN COMMISSION OF THE CITY OF CREST HILL, ILLINOIS, BASED UPON THE EVIDENCE HEARD BY SAME AND ARGUMENTS AND SUGGESTIONS HEARD AT THE PUBLIC HEARING, AND HAVING DULY CONSIDERED THE MANDATES AND STANDARDS AS SET FORTH IN THE CITY OF CREST HILL, ILLINOIS ZONING ORDINANCE FOR THE GRANTING OF MAP AMENDMENTS, AS FOLLOWS:**

1. That the application of Marian Patkowski for a rezoning of the property located at 1817 N. Broadway Street in Crest Hill (with PIN: 11-04-33-405-018-0000) from R-1 Single Family Residence to R-2 Two-Family Residence should be denied and is not supported by the evidence; and

2. It is therefore the recommendation of the City of Crest Hill Plan Commission that the City Council deny the application for rezoning.

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Adopted by the Plan Commission of the City of Crest Hill, Illinois, this 11th Day of July, 2024  
upon the following voice vote:

	Aye	Nay	Absent	Abstain
Commissioner Bill Thomas	<u>X</u>			
Commissioner Ken Carroll	<u>X</u>			
Commissioner Cheryl Slabozeski			<u>X</u>	
Commissioner Angelo Deserio	<u>X</u>			
Commissioner Jeff Peterson			<u>X</u>	
Commissioner John Stanton	<u>X</u>			

Approved:

Bill Thomas, Chairman

**Attest:**

Christine Vershay-Hall, City Clerk

(“Exhibit B”)

July 11, 2024 PC Memorandum



**To:** Plan Commission

**From:** Ron Mentzer, Interim Community and Economic Development Director  
Zoe Gates, Administrative Clerk

**Date:** July 11, 2024

**Re:** Marian Patkowski Rezoning of 1817 North Broadway Street

*Project Details*

Project	Marian Patkowski
Request	Rezoning
Location	1817 North Broadway Street

*Site Details*

Lot Size:	0.15 acres
Existing Zoning	R-1

*Land Use Summary*

Subject Parcel	Land Use	Comp Plan	Zoning
Subject Parcel	Single Family Residential	Local Commercial	R1
North	Remodeling Business	Local Commercial	B2
South	Multi-Family Residential	Local Commercial	R3
East	Empty Lot	Mixed Use/Flex	B2
West	Single Family Residential	Mixed Use/Flex	R1



#### **Attachments**

Supporting Documents prepared by Applicant

#### **Project Summary**

Attorney Daniel Stefanczuk (the "Applicant") on behalf of Marian Patkowski (the "Owner") is seeking approval of the rezoning of 1817 N. Broadway St. (the "Property") from R-1 Single Family Residence to R-2 Two-Family Residence. The Owner desires to use the property as a two-dwelling unit rental instead of the single dwelling unit permitted in the Property's existing underlying R-1 zoning.

#### **Analysis**

In consideration of the request, the key points of discussion and details are as follows:

The Property is located in the "West Broadway Commercial Model Block" of the Broadway/Theodore Commercial Subarea Plan component of the City's 2014 Comprehensive Plan. As documented in the attached excerpts from the City's Comprehensive Plan, the Broadway/Theodore Subarea Plan calls for the area the Property is located in to be redeveloped with a small or medium box commercial development area. Encouraging the addition of new residential units through the rezoning of existing single family zoned properties to two-family zoning would be counter to that plan.

Historical City records reflect that in 1998, the City denied a previous property owner's request to have this Property rezoned from R1 to R2.

Section 12.8-5 of the Zoning Ordinance states the Plan Commission shall submit written findings of fact together with a recommended course of action to the City Council and shall consider the following factors when considering rezoning/zoning map amendment requests:

1. Whether the uses permitted by the proposed amendment would be appropriate in the area concerned.
2. Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional dwelling units likely to be constructed as a result of such change.
3. Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewers in the vicinity.
4. Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the City and the probable effect of such change on the cost of providing public services.
5. The amount of vacant land which is currently zoned for similar development in the City or in contiguous areas, and particularly in the vicinity of the area included in

the proposed amendment, and any special circumstances which may make part of such vacant land unavailable for development.

6. The recent rate at which land is being developed in the proposed district of the City, and particularly in the vicinity of the area included in the proposed amendment.
7. The effect of the proposed amendment upon the growth of existing neighborhoods as envisaged by the Crest Hill Comprehensive Plan.
8. Whether other areas designated for similar development are likely to be so developed if the proposed amendment is adopted, and whether the designation for such future development should be withdrawn from such areas by further amendment of this Ordinance.
9. If the proposed amendment involves a change from a residential to a non-residential designation, whether more non-residential land is needed in the proposed location to provide commercial services or employment for the residents of the City.
10. Existing uses and zoning within the general area of the property in question.
11. The extent to which property values are diminished by particular zoning restrictions.
12. The extent to which the restriction of property values of the petitioner promotes the health, safety, morals, or general welfare of the public.
13. Whether the proposed amendment is the minimum adjustment necessary to allow the reasonable use of the property.

**Additional items for consideration include:**

The existing building has one water meter and the City has no record of any building permits to divide the existing building into more than one unit. Any work that has been performed by the previous or current property owner to convert the existing single-family structure into a multi-unit building has been performed illegally and without proper permits from the City.

Please contact Ron Mentzer at 815-741-5107 or [mentzer@cityofcresthill.com](mailto:mentzer@cityofcresthill.com) with any questions or concerns.

(“Exhibit C”)  
July 22, City Council Memorandum



## City Council Work Session Agenda Memo

Crest Hill, IL

**Meeting Date:** 07/22/24

**Name:** Ron Mentzer, Interim Community & Economic Development Director  
Zoe Gates, Administrative Clerk

**Department:** Community Development

**Topic:** Plan Commission Rezoning Recommendation for 1817 N. Broadway Street

**Summary:** At the Plan Commission meeting conducted on July 11, 2024, the Plan Commission conducted a public hearing on the rezoning requested by the owner of the residential property located at 1817 North Broadway Street. Ms. Marian Patkowski submitted to rezone the property from R-1 Single Family Residence to R-2 Two Family Residence.

A previous owner was denied a rezoning from R-1 To R-2 in 1998. The house was split into two units without city permits at some point in the past. As a result, the two unit configuration is non-conforming. The current owner purchased the property as an income property (rental) and wishes to rezone the property in order to legalize and rent the second unit. They have done both interior and exterior work without permits.

The rezoning request goes against the 2014 Comprehensive Plan. According to Zoning Ordinance Section 5.5 Sale of a Non-Conforming Use, when a property is sold, non-conforming use must be brought into conformance with applicable City zoning requirements.

The Plan Commission recommended unanimous denial of this rezoning at their July 11, 2024 meeting.

**Recommended Council Action:** Direct Staff and the City Attorney to prepare an ordinance to deny the requested rezoning for 1817 North Broadway Street as recommended by the Plan Commission at their July 11, 2024 meeting.

### Financial Impact:

**Funding Source:**

**Budgeted Amount:**

**Cost:**

**Attachments:**

- July 11, 2024 Community Development Staff Report.
- Plat of Survey dated 02/23/2022 which does not reflect current lot coverage.
- Page 96 of the 2014 Comprehensive Plan showing the Land Use & Development of the area in question.
- Zoning Ordinance 5.5 Sale of a Non-Conforming Use.