

VILLAGE OF BRADLEY

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ORDINANCE NO. O-07-22-02

AN ORDINANCE GRANTING ZONING VARIANCES FOR CERTAIN PROPERTY WITHIN  
THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS  
(270 S. Schuyler Avenue)

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ADOPTED BY THE  
BOARD OF TRUSTEES OF THE  
VILLAGE OF BRADLEY

THIS 11<sup>th</sup> DAY OF July, 2022

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Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,  
Kankakee County, Illinois this 11th day of July, 2022

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**AN ORDINANCE GRANTING ZONING VARIANCES FOR CERTAIN PROPERTY  
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**WHEREAS**, the President and Board of Trustees of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the health, safety, and welfare of its citizens; and

**WHEREAS**, the land described in Section 2 of this Ordinance (the “Subject Property”), *infra*, is located within the corporate boundaries of the Village; and

**WHEREAS**, the Subject Property is presently zoned B2 (Commercial); and

**WHEREAS**, on February 28, 2022, Rebecca Emling submitted an application to the Village requesting that the Village grant a zoning variance reducing the off-street parking spaces on the Subject Property by twenty percent (20%) of the applicable regulations, thereby permitting the use of the Subject Property with only twelve (12) parking spaces (hereinafter referred to as “the Variance”); and

**WHEREAS**, the Subject Property is presently owned by Municipal Trust and Savings Bank as Trustee, under the provisions of Trust Agreement dated October 6, 2020, and known as Trust Number 2914 (the “Owner”), which has authorized Rebecca Emling to make the variance application in this instance (hereinafter Rebecca Emling and Municipal Trust and Savings Bank will be referred to collectively as the “Applicant”); and

**WHEREAS**, the Variance is an authorized variance pursuant to Section 60-369 of the Village of Bradley Code of Ordinances (the “Village Code”); and

**WHEREAS**, the Applicant’s application, along with all necessary documentation and supporting data (collectively the “Application”), has been submitted to the President and Board of Trustees of the Village by the Village of Bradley Planning and Zoning Commission (the “Plan Commission”); and

**WHEREAS**, the Plan Commission held a public hearing to consider the Application on Tuesday, July 5, 2022, with notice having been properly given for the same, and at that time made all findings of fact required by and pursuant to the Village Code (a copy of the Plan Commission’s written findings of fact and recommendation of approval is attached hereto as Exhibit A and fully incorporated herein); and

**WHEREAS**, the Plan Commission has recommended that the President and Board of Trustees approve the Application and pass this Ordinance granting the Applicant’s request; and

**WHEREAS**, the President and Board of Trustees of the Village hereby approve and adopt the Plan Commission’s findings of fact; and

**WHEREAS**, the President and Board of Trustees of the Village have determined that granting the Applicant the Variance for the Subject Property is in the best interests of the Village and its citizens.

**NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:**

**SECTION 1.** The President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

**SECTION 2.** The President and Board of Trustees of the Village hereby accept the recommendations of the Plan Commission and vary the provisions of the Bradley Zoning Code as set forth in Section 3 of this Ordinance, *infra*, as they apply to the Subject Property. The Subject Property is zoned B2 (Commercial) and is legally described as follows:

LOTS 16, 17, 18, AND 19 IN BLOCK 135 IN NORTH KANKAKEE, NOW KNOWN AS THE VILLAGE OF BRADLEY, IN KANKAKEE COUNTY, ILLINOIS.

**Commonly known as:** 270 S. Schuyler Avenue, Bradley, Illinois, 60915

**Bearing the current PINs:** 17-09-29-223-015; 17-09-29-223-016;  
17-09-29-223-017; and 17-09-29-223-018.

**SECTION 3.** The zoning variance granted for the Subject Property by operation of this Ordinance is as follows:

1. A variance reducing the off-street parking spaces on the Subject Property by twenty percent (20%) of the applicable regulations, thereby permitting the use of the Subject Property with only twelve (12) parking spaces.

**SECTION 4.** That the Variance granted by this ordinance is and shall be subject to the following conditions and restrictions pursuant to Section 60-368(c) of the Village Code:

1. The variance granted by this Ordinance is and shall be limited to the Applicant and not be transferrable upon a sale of the business or property.
2. The following signs shall be posted on the Subject Property:
  - a. A sign shall be posted near the entry point of access onto the Subject Property from Schuyler Avenue that states: "ENTRANCE"
  - b. A sign shall be posted at the point of exit from the Subject Property onto Schuyler Avenue that states: "RIGHT TURN ONLY"
3. The Applicant shall not permit vehicles to stack in the drive-through on the Subject Property in any manner that causes vehicles to stack onto the public roadway or otherwise interfere with traffic or cause any traffic hazard.

The Applicant shall be deemed to have accepted and agreed to the conditions and restrictions aforesaid as of the date on which the Applicants first begin to use the Subject Property in accordance with the Variance granted hereby.

**SECTION 5.** In the event that the Applicant violates any of the conditions and restrictions set forth in Section 4 of this Ordinance, *supra*, the Village shall have the ability, but not the obligation, to rescind this Ordinance and revoke all of the Variances granted hereby, provided that the Applicant shall be entitled to notice and a hearing prior to any rescission and revocation pursuant to this Section. Under no circumstances shall any failure to enforce any condition or restriction of this Ordinance on any particular occasion or occasions be deemed or interpreted as constituting a waiver or forfeiture of the Village's right to so enforce in the future, nor shall any such failure to enforce preclude the Village from considering any and all prior violations as part of any rescission and revocation proceeding pursuant this Section.

**SECTION 6.** That the Village Clerk is hereby instructed to record a certified copy of this ordinance with the office of the Kankakee County Recorder of Deeds.

**SECTION 7.** In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

**SECTION 8.** That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

**SECTION 9.** That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

**SECTION 10.** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

*[Intentionally Blank]*

**PASSED** by the Board of Trustees on a roll call vote on the 11th day of July, 2022.

**TRUSTEES:**

RYAN LEBRAN	Aye - <u>X</u>	Nay - <u>    </u>	Absent - <u>    </u>
BRIAN BILLINGSLEY	Aye - <u>X</u>	Nay - <u>    </u>	Absent - <u>    </u>
DARREN WESTPHAL	Aye - <u>X</u>	Nay - <u>    </u>	Absent - <u>    </u>
BRIAN TIERI	Aye - <u>X</u>	Nay - <u>    </u>	Absent - <u>    </u>
GRANT D. VANDENHOUT	Aye - <u>X</u>	Nay - <u>    </u>	Absent - <u>    </u>
GENE JORDAN	Aye - <u>X</u>	Nay - <u>    </u>	Absent - <u>    </u>

**VILLAGE PRESIDENT:**

MICHAEL WATSON      Aye -           Nay -           Absent -     

**TOTALS:**              Aye - 6      Nay - 0      Absent - 0

**ATTEST:**

  
\_\_\_\_\_  
JULIE TAMBLING, VILLAGE CLERK

**APPROVED** this 11th day of July, 2022.

  
\_\_\_\_\_  
MICHAEL WATSON, VILLAGE PRESIDENT

**ATTEST:**

  
\_\_\_\_\_  
JULIE TAMBLING, VILLAGE CLERK

STATE OF ILLINOIS            )  
  )  
COUNTY OF KANKAKEE    )        §§

I, Julie Tambling, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance Number O-07-22-02, "AN ORDINANCE GRANTING ZONING VARIANCES FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (270 S. Schuyler Avenue)," which was adopted by the Village Corporate Authorities at a meeting held on the 11th day of July, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 11 day of July, 2022.

  
\_\_\_\_\_  
JULIE TAMBLING, VILLAGE CLERK

(SEAL)



# **Exhibit A**

## **PZC FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL FOR A PARKING VARIANCE**

**(PIN's: 17-09-29-223-015; 17-09-29-223-016; 17-09-29-223-017 AND 17-09-29-223-018)**

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On July 5, 2022, at 6:30 p.m., at the Bradley Village Hall, 147 S. Michigan Avenue, Bradley, Illinois 60915, the Village of Bradley Planning and Zoning Commission conducted a public hearing, with public notice having been duly given for the same. At that hearing, the Planning and Zoning Commission considered whether to recommend approval or denial of a variance to reduce the applicable off-street parking for a business permitted by Section 60-369 (6) (the "Parking Variance"). Having heard and considered all of the evidence presented at the hearing and being fully advised in the premises, the Planning and Zoning Commission hereby finds as follows:

1. The subject property likely cannot yield a reasonable return if the Parking Variance is not permitted.
2. The plight of the applicant is due to unique circumstances.
3. The Parking Variance, if granted, will not likely alter the essential character of the locality.
4. The particular physical surroundings, shape or topographical conditions of the subject property would likely create a particular hardship, as distinguished from a mere inconvenience, if the strict letter of the Village's regulations were to be enforced.
5. The conditions upon which the petition for the Parking Variance is based would not be applicable generally to other property within the same zoning classification.
6. The purpose of the Parking Variance is not based exclusively upon a desire to make more money out of the subject property or merely for the convenience of the applicant.
7. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.
8. Granting the Parking Variance will not likely be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located.
9. The proposed Parking Variance will not impair an adequate supply of light and, on adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

Based on the foregoing findings, the Planning and Zoning Commission hereby recommends that the Corporate Authorities of the Village approve the applicant's request and adopt an ordinance approving the requested Parking Variance, subject to the following conditions and restrictions:

1. The variance will run with the business and not be transferrable upon a sale of the business or property.



- 2. The following signs shall be posted on the Subject Property:
  - a. A sign shall be posted near the entry point of access onto the Subject Property from Schuyler Avenue that states: "ENTRANCE"
  - b. A sign shall be posted at the point of exit from the Subject Property onto Schuyler Avenue that states: "RIGHT TURN ONLY"
- 3. If stacking vehicles in the drive-through on the Subject Property causes vehicles to stack onto the public roadway that interferes with traffic and/or causes a hazard, the Village may revoke the Variance granted pursuant to this Ordinance.

**PASSED** this 5<sup>th</sup> day of July, 2022, by roll call vote.

	Aye	Nay	Absent
Ryland Gagnon (Chairman)	<u>  X  </u>	<u>      </u>	<u>      </u>
Charlene Eads (Secretary)	<u>      </u>	<u>      </u>	<u>  X  </u>
Mike Dauphin	<u>  X  </u>	<u>      </u>	<u>      </u>
James Guiss	<u>  X  </u>	<u>      </u>	<u>      </u>
Rick White	<u>      </u>	<u>      </u>	<u>  X  </u>
Bill Bodemer	<u>  X  </u>	<u>      </u>	<u>      </u>
Michael Williams	<u>  X  </u>	<u>      </u>	<u>      </u>



REVIEW SET ONLY  
NOT FOR  
CONSTRUCTION

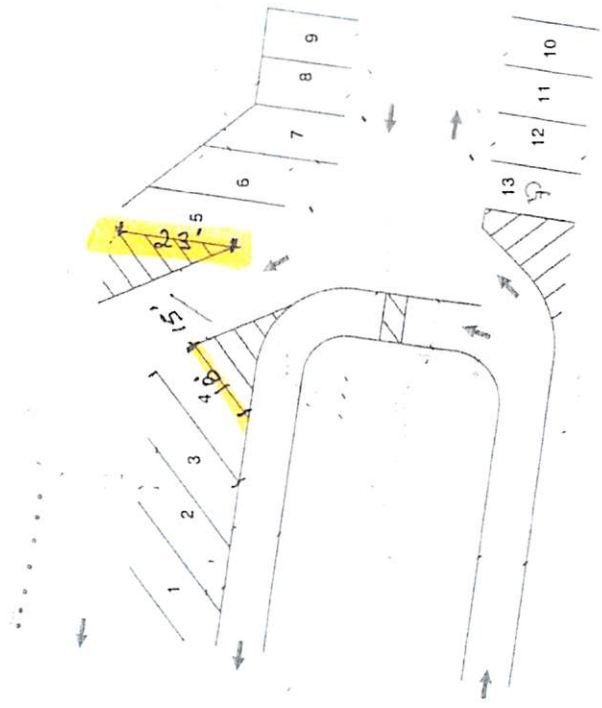
Carlie  
GROUP

Applied Batts Parking Lot  
270 Schuyler Ave  
Brooklyn, NY 11215

DATE: 10/15/15  
SCALE: 1" = 20'  
PROJECT: C-100

PUBLIC ALLEY

PUBLIC ALLEY



PARKING LOT PLAN

SOUTH SCHUYLER AVE

C-100



# Agenda Cover Memorandum

Meeting Date: July 11th, 2022

Fiscal Year: 2022

Agenda Item: Ordinance granting zoning variance for certain property with the Village of Bradley, Kankakee county, Il. ( 270 S. Schuyler)

Item Type:  Ordinance  Resolution  Other

Action Requested:  Approval  First Reading  For Discussion  Informational

Staff Contact: Name: Bruce Page - Director Community Development Department

Phone: 815-936-5100 ext. 1111

Email: bepage@bradleyil.org

Internal Review
Initials
Date

Summary: The applicant Rebecca Emling owner of Uplifted Bistro at 270 S. Schuyler is requesting a variance to the applicable off street parking. Our code Sc. 60-369 allows for a variation reduction of 20%. The facility’s square footage would require a need for 15 parking spots. The professional design submitted by Carlisle Group, Architects, does show a total of 13 spots with an included handicap parking spot. This meets the allowable reduction of 20% (3 spots). The need for the variance is associated for the installation of a drive thru lane for the facility. There are listed conditions in Section 4 of the Ordinance associated with granting the variance. This case was approved to move forward by a vote of 6-0 at a Planning and Zoning commission meeting held July 5<sup>th</sup>, 2022.

Is this a budgeted item?  Yes  No  Requires Budget Amendment

Line Item: Title: O-07-22-02

Amount Budgeted: