

VILLAGE OF BRADLEY

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ORDINANCE NO. ii. O-07-22-01

AN ORDINANCE GRANTING ZONING VARIANCES FOR CERTAIN PROPERTY WITHIN  
THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS  
(1608 Surrey Drive)

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

**ORDINANCE NO. O-07-22-01**

**AN ORDINANCE GRANTING ZONING VARIANCES FOR CERTAIN PROPERTY  
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS  
(1608 Surrey Drive)**

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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 NR-3 (Single-Family Residence); and

**WHEREAS**, the Subject Property is presently owned by A. Olbrot Construction, Inc. (the “Owner”); and

**WHEREAS**, on April 27, 2022, the Owner submitted an application to the Village requesting that the Village grant the following zoning variances for the Subject Property:

1. Northwest corner side yard setback variance permitting the use of the Subject Property with a northwest corner side yard setback of twenty-four and 2/10 (24.2) feet; and
2. Southwest corner side yard setback variance permitting the use of the Subject Property with a southwest corner side yard setback of twenty-four and 3/10 (24.3) feet.

Hereinafter, the foregoing requested variances shall be referred to collectively as “the Variances” where appropriate; and

**WHEREAS**, the Variances are authorized variances pursuant to Section 60-369 of the Village of Bradley Code of Ordinances (the “Village Code”); and

**WHEREAS**, the Owner’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 Owner'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 Owner the Variances for the Subject Property are 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.** That 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 NR-3 (Single-Family Residence) and is legally described as follows:

LOT 37 HUNTERS RUN EAST PHASE ONE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANKAKEE COUNTY, ILLINOIS

**Commonly known as:** 1608 Surrey Drive, Bourbonnais, Illinois 60914

**Bearing the current Property Index Number:** 17-09-15-405-028.

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

1. Northwest corner side yard setback variance permitting the use of the Subject Property with a northwest corner side yard setback of twenty-four and 2/10 (24.2) feet; and
2. Southwest corner side yard setback variance permitting the use of the Subject Property with a southwest corner side yard setback of twenty-four and 3/10 (24.3) feet.

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

1. Should the current owner and/or subsequent owner/s seek to construct any addition/s to the existing home or garage, and/or seek to construct any other accessory structures upon the

property, or otherwise change the layout of the property, it must be done so in compliance with applicable Village codes and ordinances, as varied.

**SECTION 5.** In the event that the Owner or any of the Owner's successors in interest violate 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 Owner 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 11<sup>th</sup> 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-07-22-01, “AN ORDINANCE GRANTING ZONING VARIANCES FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (1608 Surrey Drive),” which was adopted by the Village Corporate Authorities at a meeting held on the 11<sup>th</sup> 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.

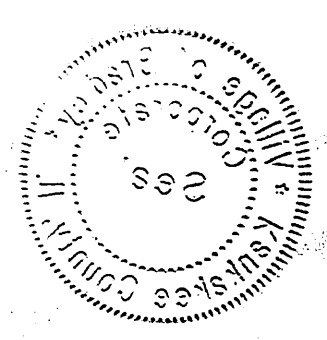
  
\_\_\_\_\_  
JULIE TAMBLING, VILLAGE CLERK

(SEAL)



1911  
No. 1000  
Kauai, Hawaii  
June 10, 1911

*John A. King*



# **Exhibit A**



**PZC FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL FOR  
A CORNER SIDE VARIANCE IN THE VILLAGE OF BRADLEY  
(PIN: 17-09-15-405-028)**

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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 or not to recommend approval or denial of a Variance to NR-3 corner side lot set back regulations permitted by Section 60-369 (1) of the Village's Code of Ordinances (the "Side Yard 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 Side Yard Variances are not permitted.
2. The plight of the applicant is due to unique circumstances.
3. The Side Yard 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 Side Yard Variance is based would not be applicable generally to other property within the same zoning classification.
6. The purpose of the Side Yard 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 Side Yard 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 Side Yard Variances 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 side yard variance, subject to the following conditions and restrictions:

1. Should the current owner and/or subsequent owner/s seek to construct any addition/s to the existing home or garage, and/or seek to construct any other accessory structures upon the

property, or otherwise change the layout of the property, it must be done so in compliance with applicable Village codes and ordinances, as varied.

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

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

**PZC FINDINGS OF FACT AND RECOMMENDATION OF DENIAL FOR A  
CORNER SIDE VARIANCE IN THE VILLAGE OF BRADLEY  
(PIN: 17-09-15-405-028)**

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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 NR-3 corner side lot set back regulations permitted by Section 60-369 (1) of the Village's Code of Ordinances.

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 that the Applicant has failed to present evidence sufficient to carry its burden of proof to demonstrate that satisfies all of the standards and conditions set out in the Village code. As such, the Planning and Zoning Commission hereby recommends that the Corporate Authorities of the Village deny the Applicant's request.

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

	Aye	Nay	Absent
Ryland Gagnon (Chairman)	_____	_____	_____
Charlene Eads (Secretary)	_____	_____	_____
Mike Dauphin	_____	_____	_____
James Guiss	_____	_____	_____
Rick White	_____	_____	_____
Bill Bodemer	_____	_____	_____
Michael Williams	_____	_____	_____



# Village of Bradley

## Building Standards Department

111 N Michigan • Bradley, IL 60915 • 815-933-5008 • Fax 815-933-5068  
www.bradleyil.org • E-mail: buildingstandards@bradleyil.org

### Foundation Surveyor Certification

Section 10-7 (a) of the Bradley Codes states:

*Foundation inspection. Prior to the issuance of an approved inspection of the foundation of any building, the builder or applicant therefor shall provide a certification by a professional surveyor or professional engineer licensed by the state that the top of the foundation complies with the approved neighborhood drainage plan.*

Lot # 37 Subdivision Name: HUNTERS RUN EAST PHASE ONE

Site Address: 1608 SURREY DRIVE BOURBONNAIS, IL

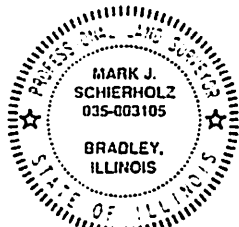
I do hereby certify:

1.  That I have surveyed the property shown on this plat of survey.
2.  The foundation location, dimensioned property lines, easement locations, and building set back line requirements are a true and accurate result of said survey.
3.  The noted top of foundation is based on the bench mark noted on the neighborhood drainage plan for the above-named subdivision or approved site development plan.
4.  \* The survey does not indicate that the foundation violates a building setback or easement provisions.
5.  The survey indicates a top of foundation that generally conforms to the neighborhood drainage plan or site development plan.

Other Comments: \*The foundation is over the setback line on Willowbrook Drive

Dated: 4/20/2022

Mark J. Schierholz, PLS  
M. Gingerich, Gereaux & Assoc.  
240 N. Industrial Dr.  
Bradley, IL 60914  
mschierholz@mg2t.com  
815-939-4921  
License Expires: 11/30/2022







# Agenda Cover Memorandum

Meeting Date: July 11<sup>th</sup>, 2022

Fiscal Year: 2022

Agenda Item: Ordinance granting zoning variances for certain property within the Village of Bradley, Kankakee, IL. ( 1608 Surrey Drive )

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 A. Olbrot Construction is requesting a variance to the side yard setback of 25 feet for the home being built on the lot located at 1608 surrey drive. This request is the result of a foundation being installed 24.2 and 24.3 inches on the Northwest and Southwest corner. By allowing the variance the property will become a legal conforming property and subject to a clean mortgage being written by any underwriting company. This case was approved to move forward by a vote of 6-0 at a Planning and Zoning Commission meeting held on July 5<sup>th</sup>, 2022

Is this a budgeted item?     Yes       No       Requires Budget Amendment

Line Item:      Title:      O-07-22-01

Amount Budgeted: