

VILLAGE OF BRADLEY

ORDINANCE NO. 001-23-01

AN ORDINANCE GRANTING A ZONING VARIANCE FOR CERTAIN PROPERTY WITHIN
THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(253 N. Kinzie Avenue)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 9 DAY OF January, 2023

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 9 day of January, 2023

ORDINANCE NO. 0-01-23-01

**AN ORDINANCE GRANTING A ZONING VARIANCE FOR CERTAIN PROPERTY
WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS
(253 N. Kinzie Avenue)**

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 B-2 (Commercial); and

WHEREAS, on December 12, 2022, Aiman Kassar (the “Applicant”) submitted an application to the Village requesting that the Village grant the following variance from the sign requirements of Section 38-2(5) of the Village of Bradley Code of Ordinance (the “Village Code”) for the Subject Property:

1. A variance from the requirements of Section 38-2(5) of the Village Code to permit the erection and/or installation of a roof sign on the Subject Property (the “Variance”).

WHEREAS, the Subject Property is presently owned by the Applicant; and

WHEREAS, the Variance is an authorized variance pursuant to Section 60-369(7) of 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, January 3, 2023, 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. 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 B-2 (Commercial) and is legally described as follows:

LOTS EIGHTEEN (18), NINETEEN (19), TWENTY (20), TWENTY-ONE (21), AND TWENTY-TWO (22), IN BLOCK NINETY-ONE (91) IN THE VILLAGE OF NORTH KANKAKEE, NOW KNOWN AS THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS.

Commonly known as: 253 N. Kinzie Ave, Bradley, IL 60915.

Bearing the current PIN: 17-09-28-103-018; 17-09-28-103-019; 17-09-28-103-020; 17-09-28-103-021; and 17-09-28-103-022.

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

1. A variance from the requirements of Section 38-2(5) of the Village Code to permit the erection and/or installation of a roof sign on the Subject Property (the "Variance").

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

1. The Subject Property must comply with all other applicable requirements of the B-2 (Commercial) District.
2. Any interior or exterior sign and building and development plans must be submitted for Staff to review in order to be considered for the development to proceed and will require the submission of a building permit application.

The Applicant shall be deemed to have accepted and agreed to the conditions and restrictions aforesaid as of the date on which the Applicant 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 9 day of Jan., 2023.

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
JULIE TAMBLING, VILLAGE CLERK

APPROVED this 9th day of January, 2023.

Michael Watson
MICHAEL WATSON, VILLAGE PRESIDENT

ATTEST:

Julie Tambling
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 0-01-2301 "AN ORDINANCE GRANTING A ZONING VARIANCE FOR CERTAIN PROPERTY WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS (253 N. Kinzie Avenue)," which was adopted by the Village Corporate Authorities at a meeting held on the 9 day of Jan, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 9 day of Jan, 2023.

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK



1911

John ...

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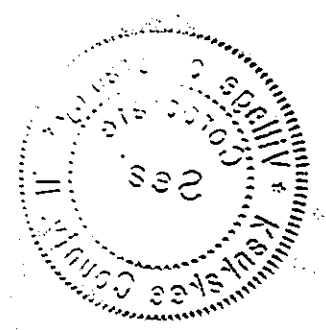


Exhibit A

**PZC FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL FOR
A PROPOSED SIGN VARIANCE
(253 N. KINZIE AVENUE, BRADLEY, ILLINOIS)**

On January 3, 2023, 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 sign variance for certain property located within the Village that is commonly known as 253 N. Kinzie Avenue, Bradley, Illinois, and bears the current PINs: 17-09-28-103-018; 17-09-28-103-019; 17-09-28-103-020; 17-09-28-103-021; and 17-09-28-103-022 (the “Subject Property”). 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 requested variance is not permitted.
2. The plight of the applicant is due to unique circumstances.
3. The requested 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 requested variance is based would not be applicable generally to other property within the same zoning classification.
6. The purpose of the requested 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 requested 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 requested variance will not impair an adequate supply of light and air 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 variance, subject to the following conditions and restrictions:

1. The Subject Property must comply with all other applicable requirements of the B-2 (Commercial) District.

2. Any interior or exterior sign and building and development plans must be submitted for Staff to review in order to be considered for the development to proceed and will require the submission of a building permit application.

PASSED this 3rd day of January, 2023, by roll call vote.

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



Village of Bradley
Community Development Department

111 N Michigan • Bradley, IL 60915 • 815-936-5100 • Fax 815-933-5068
www.bradlevil.org • E-mail: communitydevelopment@bradlevil.org

**PLANNING AND ZONING COMMISSION
STAFF MEMORANDUM**

TO: Planning and Zoning Commission

FROM: Bruce Page, Community Development Director

DATE: January 3rd, 2023

SUBJECT: The applicant is requesting a sign variance recommendation to the BVC Sec. 38-2(5), for a rooftop sign located on parcel #17-09-28-103-020, known as 253 N. Kinzie

BACKGROUND

The subject property was the long standing home to Long John Silvers that operated with a roof top sign. The applicant in the process of remodeling the roof, has removed the old roof top sign and is requesting to put up a new roof top sign. Currently the BVC Sec.38-2 Prohibits roof top signs. Sec 60-369 (7) does allow as an authorized variance, the Village to consider any changes to the sign requirements for all districts.

Surrounding Zoning & Land Use of adjacent property includes:

- North: B-2 Arby's
- South: B-2
- East: B-2
- West: B-2
-

Public Hearing

A sign variance requires a public hearing. A newspaper notice and written notification to all property owners within 250 feet were prepared in accordance with Village requirements. The Certificate of Publication (from newspaper) and Affidavit of Notice Compliance (with certificate of mailing and listing of property owners notified – from applicant) have been received and placed in the project file.

REQUESTED ACTION

Should the Planning and Zoning Commission find the sign variance request favorable, the following conditions should be considered:

1. The subject property will need to comply with all other applicable requirements of the B-2 District.
2. Any interior or exterior sign, building and development plans will need to be submitted for Staff to review in order to be considered for the development to proceed and will require the submission of a building permit application.

ATTACHMENTS

1. Written Narrative
2. Aerial Map
3. Legal Description
4. Sec.38-2 BVC
5. Sec.60-369 BVC
6. Signage information/pictures

I would like to be able to place
a building sign on the front roof of
this building. Thank you,

Handwritten signature

12-12-22

Handwritten text on the left margin, possibly a date or reference number.



60ft





50ft



EXHIBIT A
LEGAL DESCRIPTION

LOTS EIGHTEEN (18), NINETEEN (19), TWENTY (20), TWENTY-ONE (21) AND TWENTY-TWO (22), IN BLOCK NINETY-ONE (91) IN THE VILLAGE OF NORTH KANKAKEE, NOW KNOWN AS VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS.

Property Address: 265 Kinzie Avenue, Bradley, IL

PINs:

17-09-28-103-018
17-09-28-103-019
17-09-28-103-020
17-09-28-103-021
17-09-28-103-022

Sec. 38-2. Prohibited signs.

It shall be unlawful to erect, operate or maintain:

- (1) Any sign which has blinking or flashing lights or lighting which changes periodically or gives the appearance of movement, except those by which the light movement itself creates letters or numerals.
- (2) Any sign which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of a traveled way of any public highway or which is of such intensity as to cause glare or to impair the vision of any driver of a motor vehicle.
- (3) Any sign, which has blinking, flashing and/or visible moving parts, less than four-second intervals as a reader board.
- (4) Any sign advertising commercial activity at a location other than point of sale except a billboard sign.
- (5) Any roof sign.
- (6) Any snipe sign at the same location for more than 72 hours after the advertised event.

(Code 1985, § 15.5-2; Ord. No. O-7-96-6, § 2, 8-26-1996)

Sec. 60-369. Authorized variations.

Variations from the regulations of this chapter shall be granted by the village president and the board of trustees only in accordance with the standards set forth in this section, and may be granted only in the following instances and no others:

- (1) To permit side or rear yards less than the yard required by the applicable regulations. Front and corner side yards shall be reviewed by the planning and zoning commission.
- (2) To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event shall the area of a lot, not of record on the effective date of the ordinance from which this chapter is derived, be less than 90 percent of the required lot area.
- (3) To permit parking lots to be illuminated more than 30 minutes after the close of business.
- (4) To permit the same off-street parking spaces to qualify as required spaces for two or more uses, provided that the maximum use of such facility by each user does not take place during the same hours or on the same days of the week.
- (5) To reduce the applicable off-street parking or loading required to the extent of not more than one parking space or loading berth, or 20 percent of the spaces required by applicable regulations, whichever number is greater.
- (6) To increase by not more than 25 percent the maximum distance that required parking spaces are permitted to be located from the use served.
- (7) To consider any changes to the sign requirements for all districts.
- (8) To vary the maximum height and maximum floor area ratio regulations.
- (9) To permit metal buildings in B-1 and B-2 business districts in contravention of section 10-11 of this Code.
- (10) To consider the placement of a swimming pool in a side yard and/or corner side yard.

(Ord. No. O-11-03-4, § 13.09(4), 11-24-2003; Ord. No. O-6-10-6, § 2, 6-14-2010; Ord. No. O-7-15-4, § 1, 7-13-2015; Ord. No. O-7-16-4, § 1, 7-11-2016)



OLD

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Bradley, IL 60915 |...

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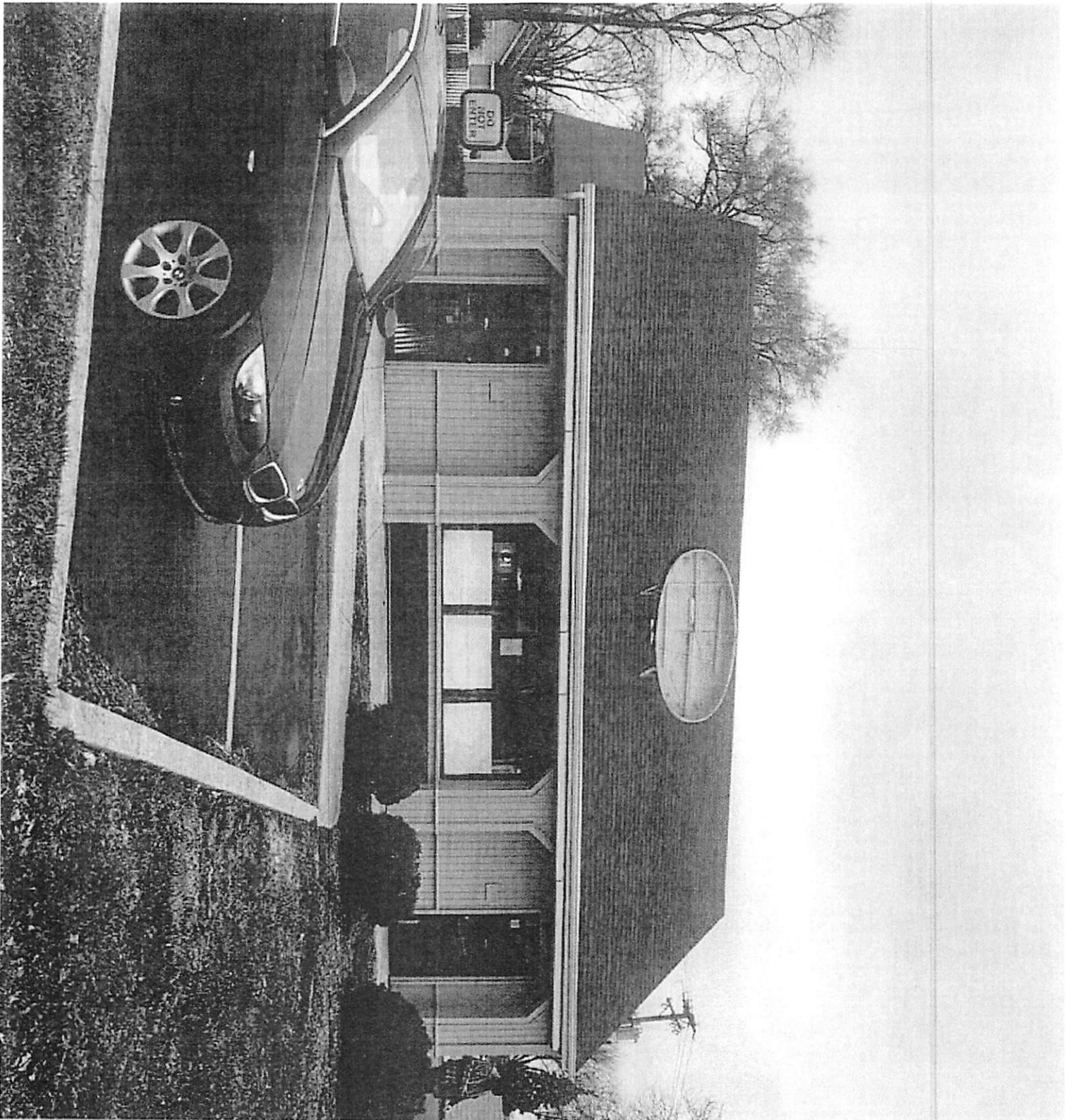


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12/19/22



0-01-23-01

Agenda Cover Memorandum

Meeting Date: January 9th, 2023

Fiscal Year: 2022-23

Agenda Item: Community Development Department
Authorizing a variance to BVC Sec.38-2(5)

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 is requesting a Variance to the BVC Sec. 38-2-(5) to permit the erection and/or installation of a roof top sign on the subject property known as 253 N. Kinzie Ave. (The prior Long John Siver's building.) There was a public hearing held at the Planning and Zoning Commission meeting on 1-3-2023 and by a 7-0 vote in Favor, the committee recommended moving this forward to the Village of Bradley board for consideration.

Is this a budgeted item? Yes No Requires Budget Amendment

Line Item: Title:

Amount Budgeted: