



# City of Aurora

44 E. Downer Place  
Aurora, IL 60505  
www.aurora-il.org

## Legistar History Report

**File Number: 23-0613**

**File ID:** 23-0613

**Type:** Petition

**Status:** Draft

**Version:** 1

**General Ledger #:** AU27/2-23.296 -  
Rz/V

**In Control:** Building, Zoning,  
and Economic  
Development  
Committee

**File Created:** 08/01/2023

**File Name:** My Three Colors Construction / 55 Jackson Street /  
Rezoning

**Final Action:**

**Title:** An Ordinance amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto to rezone the property located at 55 Jackson Street from B-2 Business District - General Retail to R-4 Two Family Dwelling District (My Three Colors Construction - 23-0613 / AU27/2-23.296 - Rz/V - JS - Ward 2) (PUBLIC HEARING)

**Notes:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Land Use Petition and Supporting Documents, Plat of Survey, Property Maps, Building Plans, Exhibit "A" Legal Description

**Enactment Number:**

**Planning Case #:**

**Hearing Date:**

**Drafter:** jsodaro@aurora-il.org

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning and Zoning Commission	09/20/2023	Forwarded	Building, Zoning, and Economic Development Committee	09/27/2023		Pass
<b>Action Text:</b> A motion was made by Mr. Kuehl, seconded by Mrs. Martinez, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 9/27/2023. The motion carried.							
<b>Notes:</b> <i>Acting Chair Owusu-Safo said should I read in the next one as well?</i>							
<i>Mr. Sieben said yes, if you could please.</i>							
<i>Mr. Sieben said good evening, everyone. Ed Sieben, City of Aurora Zoning and Planning Director. The property in question, located at 55 Jackson Street, we have the aerial up with the property outlined. This is between Downer Place and Benton, located on the west side of Jackson. So, this is just east of the downtown. That is Waldo Middle School right across the street for perspective. So, we'll leave that up for now and I'll talk a little bit about zoning after that. But the Petitioner, My Three Colors Construction, I believe is the contractor. It's Mireya Garcia is the actual property owner. A little</i>							

background: this property is actually zoned B-2 but...Steve, if you could scroll to the next sheet with the zoning...so you can see the red on the zoning map is B-2. This is at the very north end of a kind of a small strip of B-2 zoning along Jackson Street. In reality, this is not at all a commercial or retail corridor. There's a couple of commercial uses along there. There's a very small old...I think it used to be a gas station that's now a small auto repair two parcels south of this at Benton and Jackson. And then there's a couple of other small, very small commercial uses further down as you go down Jackson Street, but the majority of those B-2 zoned properties are actually residential. So, a little background: this home is actually...was built prior to 1900. It has been a 2-unit for many, many years. It suffered a fire in November of 2021, which damaged the structure to over 50% of its replacement value. It is a legal non-conforming use because it's zoned B-2 but yet it's a 2-unit residential. If the cost of the repair is more than 50% of the replacement value, you cannot repair it as a 2-unit. It would have to be used as a B-2 use. We took a look at it with the Petitioner, Staff did, and we felt that the more appropriate zoning would be the R-4, 2-unit, because this really is not a commercial corridor. This is on the north end of this B-2 strip and the properties on all 4...actually on 3 sides of this, are residential with the school across the street. Also, this by rezoning it to R-4 would meet 100% of the R-4 requirements; R-4 requires 8,000 square foot lot, this lot is a little over 10,000 square feet that the house sits on. As you can see from the zoning map, the orange lots are R-4, which is our 2-family district. So, a lot of those reflect existing 2-units or some of them are even 3 units in the orange up there, so it is in keeping with the trend and character of the area. We do have a little bit more density typically closer to the downtown, so really as you get west of Jackson Street here, it is a little bit of a higher density area. By rezoning it to R-4, then the Petitioner will be able to get a building permit to repair the home. They...so, this is a 2-unit with a unit down and a unit up. Downstairs has been a, I believe it's been a 2-bedroom, 1-bath, and upstairs has been a 3-bedroom, 1-bath. They are planning on doing an addition to the back, if you see the building plan. There is an addition to the back of the building. What that will do will make the building more livable. They are not adding any more bedrooms, but they will be adding a second bath, I believe, to each of the units. With the addition downstairs, they will have kind of a nice luxury kitchen to replace the old one. And then upstairs will be a master suite, just to make both spaces more livable. In other words, not a more intensity of use, even though they're doing an addition, they'll still maintain the same amount of bedrooms but they will be adding additional bathroom and the just making it more livable. In conjunction with the Rezoning, they're also asking for a Variance for the side yard setback. The standard setback is 8 feet for the side. The building, if you look at the survey, it's a little bit cocked on an angle as it goes back. So, with the addition that they want to build there on the drawing on the right that Steve's circling, that's the addition. That part of the house will be about 5 feet from the side yard setback so they're asking for the Variance there. The other building at the end of the driveway, even though it says "single family", that's actually just a detached garage so that will be a 20 by 25 garage. The property now does not have a garage; this again will be an improvement for the property. I think that is really the gist of it. We've worked with the Petitioner to try to get it in. It's been quite a while, but the Petitioner is here and the contractor, if there's any questions of them or for Staff.

Acting Chair Owusu-Safo said alright. Are there any questions for Staff? I have one and that is, is the setback variance only for the addition, right? The existing building does not have the setback requirement or variance?

Mr. Sieben said sorry, this was Jake Sodaro's case, and his last day was yesterday so, let me get my bearings here. I believe it also includes...this doesn't have it, but I believe it's not just...it's to allow the addition but it's also to make the house conforming so I believe (inaudible) it is that.

Acting Chair Owusu-Safo said okay. Alright, any other questions for Staff? Okay, is the Petitioner here?

Mr. Sieben said do you guys want to come up and say anything?

Acting Chair Owusu-Safo said alright. Anybody who wants to speak needs to be sworn in. Can we swear everybody in?

Mr. Salmeron said I can translate.

Mr. Sieben said if you raise your right hand, do you swear to tell the truth...

Mr. Salmeron said if I'm a left hand, what should I do? (laughing) Both? So, I'm a right hand so it's too tenseful here so we just try to figure out what the best...

Mr. Sieben said alright, so do you swear to tell the truth, the whole truth, and nothing but the truth?

And give your name and address.

Mr. Salmeron said definitely I will. My name is Fermin Salmeron. I represent Mireya Garcia. This is a long story, but a short story. Short story because I didn't get any job. Because some people, they think they can do the best. But they don't. So, what this gentleman, what he say, definitely he has the right to say what he want. But, first of all, who speaks Spanish in this hearing?

(Mrs. Martinez acknowledged she does)

Mr. Salmeron said Martinez...did he get a chance to translate everything what he said? Sorry, everything what he say he was in English. He get a chance to translate everything in Spanish so she can understand because she doesn't speak English.

Mr. Sieben said can you guys translate for her?

Mr. Salmeron said well, you make a lot of words.

Mr. Sieben said okay.

Mr. Salmeron said I cannot remember the whole thing. So, my request is did she get the chance to understand everything what this gentleman he spoke? No, because she doesn't speak any English. Who speak English here...1, 2, 3, 4, 5 person. Who speaks Spanish? Who can translate for her? Who did it? Sorry, sir...sorry. That's my worth. That's my time. Who speak Spanish to translate whatever...everything words he said to translate to her?

Acting Chair Owusu-Safo said maybe not every word, but maybe a synopsis of what...

Mr. Salmeron said it definitely, by the law in the United States, everything by the City of Aurora, we should have a translator, every word what we say.

Mr. Sieben said can I just respond, please?

Mr. Salmeron said sure.

Mr. Sieben said so, we were not asked for a translator. We would've attempted to provide a translator, we were not asked for a translator.

Mr. Salmeron said you're a good man.

Mr. Sieben said yes, so, we would've done that. So, we did not know...

Mr. Salmeron said I come from Chicago...

Mr. Sieben said okay...

Mr. Salmeron said I moved to Aurora because I was a salesman. Corn on the street of Aurora. I love Aurora exactly as my blood. But I need someone. In her case, she doesn't speak English at all. I want her to give it a chance to give a hearing to someone who speaks Spanish. Right now, she didn't understand anything. She calls me like 5 minutes ago, 10 minutes ago to see if I can help her.

Mr. Chambers said hey Ed...Ed...

Mr. Sieben said is there anyone else who can speak for her that we've been dealing with?

Mr. Salmeron said you know what, by the law, you need a translator professional.

Mr. Sieben said no we don't. That's not the law.

Mr. Salmeron said okay.

Mr. Chambers said hey, Ed...Ed...can I make a suggestion, please?

Mr. Sieben said oh, I'm sorry.

Mr. Chambers said could we maybe move this to our next meeting and then we can have...

Mr. Salmeron said great! That's what I wanted...

Mr. Sieben said do you want...do you want to...you mean continue it 'til October 4th?

Mr. Chambers said until October to our next meeting.

Mr. Sieben said if you'd like to do that, it'll delay you. It'll delay you 2 weeks. You want a continuance to...it'll be 2 weeks, October 4th? And we can have a translator.

Mr. Salmeron said great, I appreciate it.

Mr. Sieben said we will make every effort to do that. Okay? Is that okay?

Mr. Salmeron said yes...yeah...

Mr. Sieben said because we were ready to move this forward with a positive recommendation.

Mr. Salmeron said a positive...one...two things...

Mr. Sieben said okay.

Mr. Salmeron said fix the house or demo the house. There's no choice?

Mr. Sieben said right.

Mr. Salmeron said I'm a general contractor for 18 years in the City of Aurora. I do construction. I was first...I was first of all general contractor for her, we did not agree on the payment, but I don't care. I just follow the right things to the City of Aurora. I grew up in Aurora, I love Aurora, I (unintelligible) Aurora, I...this is my first thing that I got here...

Mr. Sieben said so, do you want to continue it, or do you want us to vote?

Mrs. Martinez said can I?

Mr. Sieben said sure.

(Mrs. Martinez speaking in Spanish.)

Mr. Salmeron said she's here. I can translate for you. She's here. (Speaking in Spanish).

Mr. Garcia said I'm her son. If everything is positive, basically, this all for a fire and it's been very, it's very (unintelligible) to us. If everything was positive...to tell you the truth, we only wanted the best outcome of this because basically what happened is that they...

Acting Chair Owusu-Safo said can we have you sworn in and if you want to speak...

Mr. Garcia said yes, really quick.

Acting Chair Owusu-Safo (inaudible, off mic speaking)

Mr. Sieben said I need to swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Garcia said I swear.

Mr. Sieben said can you give your name and address?

Mr. Garcia said I swear to tell the truth. My name is Luis Garcia, she's my mom, and I lived in that property when the fire happened. Basically we were just nervous about all these because she received just a fine about the property being in danger and but it's because we've been following what the City has been telling us to do. So, we went through all the process, and I believe the person that was dealing with all this just got fired recently...

*Mr. Sieben said no, he left. So, I've been working with him. So, I'm familiar with this, I'm the Director. So, I guess all I'm saying is if you guys want to proceed, the Staff is recommending approval, okay?*

*Mr. Garcia said okay.*

*Mr. Sieben said so, if you'd like to proceed...otherwise, you'll be delayed 2 weeks.*

*Mr. Garcia said I would like to proceed but I want to ask the City...*

*Mr. Salmeron said so, he's delaying 2 weeks.*

*Mr. Garcia said we don't want to delay 2 weeks. Let's just move forward.*

*Mr. Salmeron said so, he's saying proceed 2 weeks. So, this is what it is...*

*Acting Chair Owusu-Safo said no, that's not what he's saying. He's saying 2 things: 1) We go ahead and hear it today with a positive recommendation for her to proceed. Or, 2) We postpone everything, and we do this over next week...*

*Mr. Garcia said please, please...*

*Acting Chair Owusu-Safo said and wait for a translator...*

*(Mr. Salmeron speaking in Spanish to Ms. Garcia).*

*Mr. Garcia said please, I can translate for her. (Speaking in Spanish to Ms. Garcia). Yeah, she wants to do it.*

*Acting Chair Owusu-Safo said she wants to proceed, okay. So...*

*Mr. Salmeron said okay, I'm going to step back then.*

*Acting Chair Owusu-Safo said okay, thank you.*

*Mr. Salmeron said appreciate it.*

*Acting Chair Owusu-Safo said do you have anything to add to what the Staff said?*

*Mr. Garcia said yes. We received a letter about a fine and I was wondering...we've been following all the steps and this fine is very worry for her because she just received this in the mail today. And it's a \$17 fine...\$17,000 fine, but everything has been delayed because of all the zoning change and all the permits, which the contractor has been taking care of. So, I was just wondering how can we go through this because the delays obviously are of the City and we just want that to be resolved, because she obviously doesn't have the money to do that. She basically doesn't even have the money to even make it back, but we are trying to. So, that's my question.*

*Mr. Sieben said you want me to...I can respond. Sorry. So, I believe that there was a concurrent Property Standards case because this was a fire damaged property that had been sitting there for a long, long time. We have been engaging with...*

*Acting Chair Owusu-Safo said can you please let her son kind of do a little translation for you? I mean her son...*

*Mr. Salmeron said it's cool...you're the City of Aurora permits or...*

*Mr. Sieben said I'm the City of Aurora Zoning and Planning Director.*

*Mr. Salmeron said I was hoping to meet you one time.*

*Acting Chair Owusu-Safo said okay...*

*Mr. Sieben said okay, so...I'm saying this for you guys...*

*Acting Chair Owusu-Safo said okay.*

Mr. Sieben said so...so, this has been in this state for a long time per the Staff Report. So, we've been trying to get this zoning going...I'd have to check the records...it's been at least 6 months or more...that we've been working with the contractor trying to get him in...it's mostly been the contractor we've been working with. So, we're here now. You guys aren't regarding any violations. This is just to talk about the Zoning and the Variance, which we're recommending in favor of, so that they can repair the house. That's the goal.

Acting Chair Owusu-Safo said okay, so can we help them understand what to do next with the violation?

Mr. Sieben said they can...

Acting Chair Owusu-Safo said because that's the biggest question today.

Mr. Sieben said I would be glad on their behalf to talk to Property Standards in the morning. That's Ruthy Harris is the Manager. So, I would be glad if someone wants to reach out to me, I can...or if you want to just come in the office. Someone was in today...you guys were in today. If you want to come in today, I'll go down with you to Property Standards.

Mr. Garcia said yes, because...because if it's about the demolition, the insurance kept some money to do demolition and she would feel even better to start just so she doesn't get that charge because immediately she had to buy another house, and that's what she's worried about, and that's why I was here to try to bring this to the table to everyone. Sorry.

Acting Chair Owusu-Safo said okay.

Mr. Sieben said okay, so if you want to come in tomorrow, that's fine.

Mr. Salmeron said it's all confused. So, first I was the general contractor for her, so we did not agree on the price. I was the first general contractor for her, she did not agree on a price, but I was...she's my real good friend. I don't care about the money. I care about she's...the City of Aurora needs to have decent regulations followed the right way, no matter what. That's my choice. So, her son...he's concerned about the payment she needs to pay, right? If you guys could help her to do all this stuff but behind all that stuff, she got a lot of issues before tried to build a house. First of all, she buy the house by owner. When she got a fire in the house, the previous owner, they push her by the law. I don't know how they did it. But they push her to pay all the money by front. She came to a position that she was like she give them money when the house was on fire. So, what she did, she paid the month what she owe to leave these people out of the side. But what happened? She didn't keep any money to build the house. That was a big mistake. But she didn't know anything. First of all, she didn't speak English. Second thing, she didn't got advice. Third thing, she was scared. I'm here because I love her, I like the person, I love the City of Aurora, and that's insane what she's going through. If you guys consider that, I appreciate. We need to have her to at least more time to see what she's going to do. Because the house is a building, but she's attached emotional. That's what I understand for her. I just need from you guys to give her more time to realize what she needs to be done. You don't have to give me an answer right now.

Acting Chair Owusu-Safo said okay, let's let Ed talk for a minute.

Mr. Sieben said so, what he's saying has nothing to do with you guys. This is all about the zoning.

Acting Chair Owusu-Safo said that's what I was about to say...

Mr. Sieben said so, nothing to do with that. So, we can talk to Property Standards tomorrow.

Mr. Salmeron said yes.

Mr. Sieben said okay? Sound good?

Mr. Salmeron said yes.

Mr. Sieben said this will give her the option to repair, which is what we're trying to do, okay?

Mr. Salmeron said yes.

Mr. Sieben said do you guys have any other questions?

Acting Chair Owusu-Safo said is there any other questions for the Petitioner? Okay, this is a Public Hearing so now we want to open it up to anybody else in the public that would like to speak. Okay, I don't see anybody else. We'll close the Public Hearing. Can we ask for Staff's Recommendation?

Mr. Sieben said sure. I can do the...for the Rezoning. We have a set of Findings of Fact that I can read into the record. So, Staff would like to briefly discuss the Findings of Fact as is required for rezoning petitions; there's five of them:

- 1) The proposal is in accordance with all applicable official physical development policies and other related official plans and policies of the City of Aurora, with the exception of the items being varied in the Major Variance.
- 2) The proposal represents the logical establishment and/or consistent extension of the requested classification in consideration of the existing land uses, existing zoning classifications, and essential character of the general area of the property in question. The neighborhood is zoned a combination of R-2, R-3, and R-4.
- 3) The proposal is consistent with a desirable trend of development in the general area of the property in question, occurring since the property in question was placed in its present zoning classification, desirability being defined as the trend's consistency with applicable official physical development policies and other related official plans and policies of the City of Aurora.
- 4) The rezoning will allow uses which are more suitable than uses permitted under the existing zoning classification. The property has operated as a two unit building for some time and this zoning designation will be more appropriate for that use.
- 5) The rezoning is a consistent extension of the existing land uses, existing zoning classifications, and essential character of the general area. The neighborhood is zoned a combination of R-2, R-3, and R-4.

Acting Chair Owusu-Safo said thank you. Is there a motion for the Findings of Fact?

MOTION OF APPROVAL OF FINDINGS OF FACT WAS MADE BY: Mrs. Martinez

MOTION SECONDED BY: Mr. Chambers

AYES: Acting Chair Owusu-Safo, Mr. Chambers, Mr. Gonzales, Mr. Kuehl, and Mrs. Martinez

NAYS: 0

ABSTAIN: 0

Motion carried.

Acting Chair Owusu-Safo said is there a motion for the Staff...can you read the Staff Recommendation please?

Mr. Sieben said yeah, the Staff Recommendation would be to recommend Approval to rezone the property from B-2 to R-4, two-family.

Acting Chair Owusu-Safo said there's no conditions on that?

Mr. Sieben said no conditions.

Acting Chair Owusu-Safo said alright. Is there a motion for the Staff Recommendation?

MOTION OF APPROVAL OF REZONING WAS MADE BY: Mr. Kuehl

MOTION SECONDED BY: Mrs. Martinez

AYES: Acting Chair Owusu-Safo, Mr. Chambers, Mr. Gonzales, Mr. Kuehl, and Mrs. Martinez

NAYS: 0

*ABSTAIN: 0*  
*Motion carried.*

Aye: 5 At Large Chambers, At Large Gonzales, At Large Owusu-Safo, At Large  
Martinez and At Large Kuehl

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**Text of Legislative File 23-0613**