

**VILLAGE OF RIVER FOREST
ZONING BOARD OF APPEALS MEETING MINUTES
April 11, 2019**

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, April 11, 2019 in the Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois.

I. CALL TO ORDER

The meeting was called to order at 7:30 p.m. Upon roll call, the following persons were:

Present: Chairman Frank Martin, Members David Berni, Gerald Dombrowski, Ronald Lucchesi, Tagger O'Brien, Joanna Schubkegel, and Michael Smetana

Absent: None

Also Present: Secretary Clifford Radatz, Assistant Village Administrator Lisa Scheiner, Village Attorney Carmen P. Forte, Jr.

II. APPROVAL OF MARCH 14, 2019 ZONING BOARD OF APPEALS MEETING MINUTES

A MOTION was made by Member O'Brien and SECONDED by Member Berni to approve the minutes of the March 14, 2019 Zoning Board of Appeals meeting.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, and Martin

Nays: None.

Abstain: Member Smetana

Motion passed.

III. APPROVAL OF FINDINGS OF FACT FOR THE PROPOSED ZONING VARIATIONS FOR 559 ASHLAND FROM THE MEETING OF THE ZONING BOARD OF APPEALS OF MARCH 14, 2019

A MOTION was made by Member O'Brien and SECONDED by Member Lucchesi to approve the Findings of Fact and recommendation for the proposed Zoning Variations for 559 Ashland Avenue from the meeting of the Zoning Board of Appeals on March 14, 2019.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, and Martin

Nays: None.

Abstain: Member Smetana

Motion passed.

IV. APPROVAL OF FINDINGS OF FACT FOR THE PROPOSED TEXT AMENDMENTS TO THE ZONING ORDINANCE FROM THE MEETING OF THE ZONING BOARD OF APPEALS ON MARCH 14, 2019

A MOTION was made by Member O'Brien and SECONDED by Member Berni to approve the Findings of Fact and recommendation regarding the proposed Text Amendments to the Zoning Ordinance from the meeting of the Zoning Board of Appeals on March 14, 2019.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, and Martin
Nays: None.
Abstain: Member Smetana
Motion passed.

V. VARIATION REQUEST FOR 755 WILLIAM STREET - SECONDARY FRONT YARD SETBACK

Chairman Martin stated that the next item on the agenda is a Variation Request for the property at 755 William Street. All those present at the meeting who planned to testify were sworn in. Chairman Martin invited the applicant and/or their representatives to present their application for the Variation Request.

Daniel Lauber, the applicant's planner and attorney, spoke first on behalf of the applicant. He has lived in River Forest for 32 years. The applicant is Dr. Lydia Manning, seeking two variations from Zoning Code Section 10-9-7: one is a variation from the 13-foot secondary front yard requirement, so that she can build a proposed two story addition continuing the current setback to the wall in the secondary front yard on Chicago Avenue at the existing Sunroom. The other variation is to allow the construction of a roof overhang at the second floor level which will match the nonconforming 5-foot setback of the existing roof overhang at the existing Sunroom on the first floor level. The property is on the southeast corner of Chicago and William, in the R-2 district, which means it technically has two "front" yards under the Zoning Code. Mr. Lauber noted that one of the yards is essentially a side yard, bearing no resemblance to a front yard. Mr. Lauber showed images of the house as it currently appears. He then turned the presentation over to the applicant's architect.

The architect, Pat Magner, advised that he was retained by Dr. Manning to design an addition to her home on its William Street side. Mr. Magner noted that the houses adjoining 755 William property were designed in concert to lend some continuity to the block. The corner lots in the area, such as 755 William, were all designed such that their side yards do not in any way resemble front yards.

Mr. Magner advised that, in designing the addition, he aspired to maintain the architectural character of the block. If required to maintain a 13-foot setback off of Chicago Avenue, he feels that an addition would not allow for the right roof lines. He also noted that, with a 5-foot setback on one side and a 13-foot setback on the other, 755 William affords less buildable space than other 50-foot lots in the area. Mr. Magner noted that the layout of the

lot virtually precluded the addition from being built on the south side of the lot. Mr. Magner noted that the proposed addition would not encroach further on any neighbors.

Mr. Magner then noted the zoning code standards applicable to the application:

Standard 1: The physical surrounding shape or topographical conditions of the property involved will bring a specific hardship on the owner, as opposed to an inconvenience, if the strict letter of the regulations were to be carried out. There are no other means to alleviate the hardship. Mr. Magner noted that the 13-foot setback renders the rear of the house largely unusable, and would create an oddly-shaped house that is not in keeping with the surrounding structures. Dr. Manning desires to build the addition to make the home more accommodating and accessible for her parents, who are advanced in age.

Standard 2: The physical condition did not result from any action by a person who has an interest in the property, but was created by natural forces or was the result of governmental action (other than the adoption of the zoning ordinance). Mr. Magner noted that the house was built approximately 100 years ago, long before Dr. Manning purchased it. This house is one of a group of houses that sits on a 50-foot lot and only faces William Street, reflecting a pattern imposed by a designer approximately 100 years ago.

Standard 3: The conditions upon which the petition for variation is based may not be applicable generally to other property within the same zoning classification. Mr. Magner noted that this standard is easily met for this property. Only one in twelve of the 50-foot lots in this block are similarly situated, and those other than 755 William do not face Chicago Avenue.

Standard 4: The purpose of the variation is not based predominantly upon a desire for economic gain. Dr. Manning seeks the addition in order to help her parents; she has no interest in economic gain.

Standard 5: The granting of the variation shall not be detrimental to the public welfare or unduly injurious to the enjoyment, use, or development value of other property or improvements in the neighborhood in which the property is located. Mr. Magner noted that there is no neighbor on the north side of the property; therefore, the addition will not affect a nearby resident on that end. Dr. Manning would maintain the existing set back on the south side of the property, so as not to further encroach on that neighbor.

Standard 6: The proposed variation will not impair an adequate supply of light and air to 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. Mr. Magner noted that Dr. Manning's neighbor to the south will testify that he is not opposed to the addition. The addition would not impinge on any air or light to the neighboring property. Mr. Magner also noted that the current layout of the property is obsolete, and in need of an update.

Standard 7: That the granting of the variation would not unduly tax public utilities and facilities in the area. The number of residents that would be in the house at any one time is proportionate to the homes in the area. The home would not place an undue burden on nearby utilities and facilities.

Mr. Magner did not discuss Standard 8, that there are no means other than the requested Variation by which the hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the property.

Mr. Magner then invited Mr. Lauber to speak. Mr. Lauber reiterated that the purpose of the addition is to accommodate Dr. Manning's aging family members. Maintaining the current setback would not permit Dr. Manning's family members to use a wheelchair in the home. Granting these variations would amount to a reasonable accommodation to persons with disabilities. Mr. Lauber noted the distance between the property and the nearest home to the north. On this basis, the addition would have a minimal impact.

Mr. Lauber noted various hardships caused by the narrow width of the corner lot. Conforming to the 13-foot setback would render the proposed addition virtually unusable. Conforming to the Zoning requirements would also result in an oddly-shaped house that is out of character with the surrounding homes.

Mr. Lauber then presented his observations in regard to the effects of variations which the Zoning Board of Appeals had previously recommended for other corner lots in River Forest which sought to extend similar non-conformities. He noted that the variations previously granted by the Village Board of Trustees have not had any adverse impact on the community.

Next, Dr. Lydia Manning spoke regarding several of the standards applicable to her application. She reiterated that the project has nothing to do with economic gain. She bought the house, and is interested in building the addition, with the intention of investing in the community. Dr. Manning hopes that her parents will come live with her someday, and hopes to make the home more accessible and visitable.

Dr. Manning reiterated that the addition, as planned, would not encroach on any neighboring property; however, if forced to conform to the existing setback, her addition would likely encroach on her neighbors to the south. She noted that the house will not house an excessive number of people.

Dr. Manning stated that she seeks variations that will amount to reasonable accommodations allowing her parents to stay with her. She was excited to purchase the property knowing that an elderly-living facility was entering the community nearby.

Dr. Manning argued that if the variation is not granted, the property would become obsolete and would not accommodate older guests. She noted that, if forced to build an addition without the variation, the building would not conform to nearby homes. Dr. Manning

concluded by noting that every other proposed change to the property meets all applicable zoning standards.

Mr. Lauber then distributed a summary of the evidence presented, and provided a recap of the same. Mr. Lauber stated that it was unlikely the addition could have an adverse impact on the community in any way. Mr. Lauber reiterated that an addition without the variation would likely have a negative impact on a neighboring home. This concluded the applicant's presentation.

Public Comment in regard to the Variation Request

Tom Bierzychudek, resident of 754 William Street, began by welcoming Dr. Manning to the community. Tom is excited that Dr. Manning seeks to preserve the home. Tom noted that his home has had a similar addition that does not impose on anyone in the community. He is in favor of the addition as proposed, because it preserves the original look of the house. He has no objections to the variation.

Jan Saeger, resident of 435 William Street, began by thanking the Zoning Board. She stated that Dr. Manning should be commended for seeking to accommodate the elderly. She noted that she is normally not in favor variation requests, but this application presents an exception. She lauded the trend in the community favoring accessibility.

Joe Bobak, resident of 751 William Street, lives immediately south of 755 William Street. He feels that the owner of a piece of property should be able to do what they want with it, within reason. He said he prefers Dr. Manning's plan to build the addition to the north of the home. He has no problem with the plans.

Discussion and Deliberation of the Variation Request

Chairman Martin asked the architect to clarify that the addition would line up with the existing sun room, and not with the wall closest to Chicago Avenue, which Mr. Magner confirmed. He asked whether there is working going on at the house now. Dr. Manning detailed some of the work she has done thus far.

Commissioner Berni asked for clarification about a measurement on the final floor plan, which Mr. Magner provided.

Upon Chairman Martin's request, Secretary Radatz clarified that no other variations would be needed to authorize construction of the addition as presented.

Commissioner Berni agreed with the testimony regarding the Village's recent failure to preserve some historic structures. He would be in favor of this addition, insofar as it protected a historically significant home.

A MOTION was made by Member Schubkegel and SECONDED by Member Smetana to recommend to the Village Board of Trustees that the requested variations be granted.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, Smetana, and Martin
Nays: None.
Motion passed.

Chairman Martin stated that the recommendation of the Zoning Board of Appeals to the Village Board will be 7-0 that the variations be granted. He stated that Village staff would let anyone know when this will be on the schedule of the Board of Trustees and that anyone is welcome to appear before them. There was no additional new business on the agenda.

VI. PUBLIC COMMENT

None.


VII. ADJOURNMENT

A MOTION was made by Member Schubkegel and SECONDED by Member Berni to adjourn the meeting at 8:17 p.m.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, Smetana, and Martin
Nays: None.
Motion passed.

Respectfully Submitted:


Clifford Radatz, Secretary


Frank Martin, Chairman
Zoning Board of Appeals

Date: 5-9-2019