

**VILLAGE OF RIVER FOREST
ZONING BOARD OF APPEALS MEETING MINUTES**

August 9, 2018

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, August 9, 2018 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, Michael Smetana, and Tagger O'Brien

Absent: Members Gerald Dombrowski, Michael Ruehle, and Robert Swindal

Also Present: Secretary Clifford Radatz, Assistant Village Administration Lisa Scheiner, Village Attorney Michael Mars

II. PUBLIC HEARING – 346 PARK AVENUE - VARIATION REQUEST - GARAGE HEIGHT

Secretary Radatz swore in all parties wishing to speak.

Secretary Radatz provided the ZBA with a summary of the events that led to the property owner appearing before the Board to request a major variation.

Section 10-8-6 of the Zoning Code limits the height of an accessory building to 18 feet above grade, grade being defined as the elevation at the public walk. The applicant had sought a minor variation for the allowable height of the garage which he was proposing to build. A Minor Variation allows up to five percent increase in the maximum building height permitted by the Zoning Code. In accordance with Section 10-5-4(B)(5) of the Village Zoning Code, a minor variation was granted in December, 2016 to construct a garage at a height of 18 feet 10.8 inches. The garage was constructed with an actual height that exceeds the permitted height by approximately 1 inch. Since a minor variation is only permissible when that variation is the only variation required for that structure or use per section 10-5-4-(B)(1), the applicant must now seek a major variation for the additional height.

Mr. Shaun Krueger, owner the property at 346 Park Avenue, stated that the reason for his appearance before the Zoning Board of Appeals was that an error had been made in the calculation of the garage height during construction. He stated that the height from the grade adjacent to the garage is in compliance, but the height as measured from the elevation of the public sidewalk, (which is what the code requires), exceeds the height that was authorized by the minor variation that he was granted.

In response to a question from Mr. Berni, Mr. Krueger replied that behind his garage is additional yard space and then an incline of the embankment for the Canadian National railroad tracks. In

response to a question from Chairman Martin, Mr. Krueger confirmed that there are no buildings behind his garage.

Chairman Martin asked if any member of the public wished to address the Zoning Board. Hearing none the public hearing was closed.

A MOTION was made by Member Berni and SECONDED by Member O'Brien that the Zoning Board of Appeals recommend to the Board of Trustees that the requested variation to Section 10-8-6 of the Zoning Ordinance be approved.

Ayes: Members Berni, Smetana, O'Brien, and Chairman Martin

Nays: None.

Motion passed.

III. PUBLIC HEARING – 346 PARK AVENUE – VARIATION REQUEST – ADDITION TO HOUSE

Mr. Krueger explained that he intends to construct a second floor addition to his home which would increase the height of the north wall of the existing house which maintains a nonconforming setback.

Mr. Krueger noted that to offset the wall to comply with the setback requirement would result in an unusual appearance that could throw off the aesthetics of the entire block. Further he indicated that the proposed bedrooms on the Second Floor of the addition would lose substantial area.

Mr. Krueger noted that the Sun Study included in his submission that the proposed variation did not have a significant impact on the light and air available to the neighboring property to the north of his.

Mr. Krueger stated that it is a substantial hardship to build an addition when the wall of the second floor does not align with the wall below, as it is not standard construction practice which results in additional construction costs to be incurred.

The applicant stated that the proposed variation would not have a significant impact on public utilities and would not diminish anyone's enjoyment of their property. Additionally, he stated that as designed, the house will add character and appeal to the area, increasing the value of the surrounding homes.

Mr. Berni asked if the applicant had looked at any other plans for the proposed addition to the house. Mr. Krueger indicated that they had reviewed the possibility of moving the second floor back to conform with the setback requirement, but reiterated that he felt that it would look off or like a mistake.

Mr. Berni observed that the roof eave on the proposed addition actually projects further than the current roof overhang.

Chairman Martin noted that this application includes two variations, one for the increase in height of the wall, and a second variation for the projection of the roof overhang into the required side yard setback.

Ms. O'Brien asked about the length of the non-conforming wall. Mr. Krueger answered that it is 26 feet long.

Chairman Martin noted that the Sun Study shows that the window of the neighboring house will be in shadow most of the year. Mr. Krueger noted that it will be in shadow most of the year with or without the variations.

Mr. Smetana asked how the side of the house would be maintained with such a small side yard. Mr. Krueger noted that there is specialized construction equipment that can be used to access the side of the building if that became necessary.

Mr. Berni asked if the chimney that projects from the north wall of the house was also being extended. David Muriello, architect for the project, indicated that the chimney would be removed, and that the appliances would be vented through the side of the house.

Mr. Berni asked if any different roof orientations were considered. Mr. Muriello stated that the "sideways" facing gable of the proposed design matches that of the existing roof and the roofs of most of the other houses on the block.

Chairman Martin asked if any member of the public wished to address the Zoning Board. Hearing none the public hearing was closed.

Ms. O'Brien noted that there are 11 similar properties on the block, so the conditions are not unique, citing Standard 3.

A MOTION was made by Member O'Brien and SECONDED by Member Berni that the Zoning Board of Appeals recommend to the Board of Trustees that the requested variations to Section 10-9-7 of the Zoning Ordinance NOT be approved.

Member O'Brien and Chairman Martin stated that standards 1, 3, 5, 6 and 8 have not been met.

Ayes: Members Berni, Smetana, O'Brien, and Chairman Martin

Nays: None.

Motion passed.

The recommendation of the Zoning Board of Appeals to the Village Board is that these variations NOT be approved.

IV. PUBLIC HEARING – 514 ASHLAND AVENUE – VARIATION REQUEST – LOT COVERAGE

Mr. Steve Glinke, owner of the property at 514 Ashland Avenue, introduced his proposed variation to allow a Lot Coverage of 34 percent of the Lot Area to allow the construction of his proposed addition to his house.

Mr. Glinke noted that the house is an Arts and Crafts bungalow, and that he is enamored with the property. He believes that the style of the building is unique in River Forest and that the existing details would be difficult to reproduce. He noted that the additional Lot coverage comes to 314 square feet.

Mr. Berni asked how the applicant has determined that the lot is sub-standard, as noted in the application. Mr. Glinke answered that the subject lot does not meet the minimum lot area set forth in the Zoning Ordinance.

Mr. Glinke emphasized that the variation will not result in any impact in the light and air of the neighbors. He also noted that he has retained a Civil Engineer, who has noted that the addition can be built without any adverse impacts on the neighboring properties.

Mr. Berni asked what qualified a lot to be a standard lot. Secretary Radatz stated that the Zoning Ordinance requires a minimum Lot Area for lots in the R-2 Zoning District of 8,712 square feet.

Mr. Berni noted that he remembered an instance where a variance had been granted for lot coverage to construct a detached garage on a “sub-standard” lot. Mr. Berni asked if the proposed addition would be conforming with Lot Coverage if the Lot had the standard area. Mr. Glinke answered that his Architect’s calculations indicate that they would be conforming if the Lot was standard.

Ms. O’Brien asked if there would be water problems as a result of the excess Lot Coverage. Mr. Glinke stated that the verbal report he received from the Engineer was that there would not be any problems. Ms. O’Brien asked if he had any water problems now. Mr. Glinke indicated that he did not.

Mr. Glinke noted that the rear line of the proposed addition will be approximately in line with the rear of the neighboring houses.

Chairman Martin noted that each application for Zoning Variation is judged on its own merits, and that a decision in one case does not set a precedent for any subsequent application.

Chairman Martin asked if there is any way to decrease the magnitude of the variation which is being requested. Mr. Glinke cited the efficiencies of the design of the proposed addition. He noted the proposed design by any measure is a modest addition, being sized just to meet present and future anticipated needs.

Mr. Smetana asked if the present garage on the property existed before he owned the property. Mr. Glinke noted that he built the garage and that it has an area in excess of 700 square feet.

Chairman Martin noted that there was no one remaining in the audience who had signed up to address the Board. The public portion of the hearing was closed.

Mr. Berni stated that he believes that the area of the lot, being smaller than the "standard" lot, was a grounds for finding a hardship. Ms. O'Brien concurred with Mr. Berni's observation.

A MOTION was made by Member Berni and SECONDED by Member O'Brien that the Zoning Board of Appeals recommend to the Board of Trustees that the requested variation to Section 10-9-5 of the Zoning Ordinance be approved.

Member Smetana stated that he believes standard two had not been met, noting that the applicant had added Lot Coverage when the applicant had constructed the garage.

Ayes: Members Berni, O'Brien
Nays: Chairman Martin, Member Smetana
Motion failed.

In a response to a question from Chairman Martin, the Village Attorney noted that because of the tied vote, the application will go forward to the Village Board as a "NO" recommendation.

V. PUBLIC HEARING – TEXT AMENDMENT TO SECTIONS 10-3-1 (DEFINITIONS), 10-20-1 (HEIGHT) AND 10-21-3 (APPENDIX A/LAND USE CHART) OF THE ZONING ORDINANCE REGARDING SMALL WIRELESS FACILITIES

Village Attorney Michael Mars explained what a small cell is stated that the reason this matter is currently on the forefront is that the telecommunications industry is getting ready to launch a 5G network which will support technology such as smart home devices and driverless cars. He explained that the State of Illinois passed legislation to permit installation of these small wireless facilities and limits local zoning authority.

Mr. Mars explained that small wireless facilities are a permitted use in all public rights-of-way, which includes streets parkways, and compatible utility easements. He stated that, under Illinois law, the Village is required to designate this use as a permitted use in zoning districts that are exclusively commercial. In River Forest this is the C1 Commercial Zoning District. Mr. Mars stated that the Village Board of Trustees recently adopted an amendment to the Village Code by adding a section related to small wireless facilities.

Mr. Mars said the Village also wanted to address this matter from a zoning perspective by amending Section 10-3-1, 10-20-1, and 10-21-3 Appendix A of the Zoning Ordinance. He explained that the proposed amendments modify definitions in the zoning ordinance to clarify the

meaning of "small wireless facility, regulate the height of the facilities, and modify the land use chart to identify this as a permitted use in the C1 District, and a Special Use in all other zoning districts.

Chairman Martin asked why the Village has to go through the amendments if the state statute requires that the Village do this. Village Attorney Mars stated that the Village implemented the state statute by adopting a new chapter in the Village code and that these amendments give the Village additional protection.

Mr. Mars explained that the carriers will want to install the small wireless facilities on Commonwealth Edison poles since they are required to pay ComEd only \$15/year. If facilities are placed on the Village's poles the fee is \$200/year. He said that he, Village Staff and AT&T recently met regarding AT&T's desire to install a facility at the intersection of Lake Street and Harlem Avenue.

Chairman Martin asked whether the carriers would need the permission of a private land owner in the C1 District to install the facility. Mr. Mars said they are required to obtain that permission but the carriers are unlikely to seek this out because they will have to pay more (\$250 per month).

Member Smetana asked how many facilities would be installed in a specific area. Mr. Mars replied that in a densely populated area like River Forest that they could be installed about every 150 to 300 feet. He stated that they will be installed over time and some people may become accustomed to them over time.

Member Berni described a conversation he had with his son who said that the carriers will not attach these facilities to cement poles and that they will likely target ComEd poles.

Mr. Mars said that design standards will allow the Village how these facilities appear.

In response to a question from Chairman Martin, Mr. Mars reiterated the amendments being sought to the Zoning Ordinance.

Chairman Martin asked if any member of the public wished to address the Zoning Board. Hearing none the public hearing was closed.

A MOTION was made by Member O'Brien and SECONDED by Member Smetana that the Zoning Board of Appeals recommend to the Board of Trustees that the Zoning Code text amendments regarding small wireless facilities be approved.

Ayes: Members Berni, Smetana, O'Brien, and Chairman Martin

Nays: None.

Motion passed.

VI. ADJOURNMENT

A MOTION was made by Member O'Brien and SECONDED by Member Berni to adjourn the meeting at 8:56 p.m.

Ayes: Members Berni, Smetana, O'Brien, and Chairman Martin

Nays: None.

Motion passed.

Respectfully Submitted:



Clifford Radatz, Secretary



Frank Martin, Chairman
Zoning Board of Appeals

Date: 9/20/2018