



RIVER FOREST ZONING BOARD OF APPEALS MEETING AGENDA

A meeting of the River Forest Zoning Board of Appeals will be held on Thursday, November 12, 2020 at 7:30 P.M. in the Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois.

Physical attendance at this public meeting is limited to 10 individuals, with Zoning Board of Appeals officials, staff and consultants having priority over members of the public. Public comments and any responses will be read into the public meeting record. You may submit your public comments via email in advance of the meeting to: Lisa Scheiner at lscheiner@vrf.us. You may listen to the meeting by participating in a telephone conference call as follows, dial-in number: 1-312-626-6799 with meeting id: 898 3418 7472. If you would like to participate over the phone, please contact Assistant Village Administrator Lisa Scheiner by telephone at (708) 714-3554 or by email at lscheiner@vrf.us by 12:00 pm on Thursday, November 12, 2020.

- I. Call to Order
- II. Approval of the Minutes from the meeting of the Zoning Board of Appeals on October 15, 2020
- III. Approval of Findings of Fact for the Proposed Variation Requests at 7820 Augusta Street – Lot Coverage and Rear Yard Setback
- IV. Approval of Findings of Fact for the Proposed Variation Requests at 210 Gale Avenue – Building Height for an Accessory Building.
- V. Variation Request for 1134 - 1136 Harlem Avenue – Enclosed Parking requirement.
- VI. Confirmation of Next Meeting – December
- VII. Public Comment
- VIII. Adjournment

VILLAGE OF RIVER FOREST
ZONING BOARD OF APPEALS MEETING MINUTES
October 15, 2020

A regular meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, October 15, 2020 in the Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois.

I. CALL TO ORDER

Chairman Martin called the public hearing to order at 7:30 p.m.

Upon roll call, the following persons were:

Present: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, and Chairman Martin.

Absent: Member Smetana

Also Present: Assistant Village Administrator Lisa Scheiner and Village Attorney Carmen Forte, Jr.

II. APPROVAL OF SEPTEMBER 10, 2020 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 September 10, 2020 Zoning Board of Appeals meeting as amended.

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

Nays: None

Abstain: None

Motion passed.

III. VARIATION REQUEST - 7820 AUGUSTA AVENUE

Assistant Village Administrator Scheiner read the admonition and swore in all parties wishing to speak.

Chairman Martin called upon the applicant to present the variation requests.

Dan Lauber stated that Georgina Fabian and her husband are seeking two variations from the zoning code so that they can build a small addition to the rear of their house. The addition would house a therapy pool that is necessary for them to continue to live in their home due

to the disabilities of three of the members of their family. He stated the pool will still be needed once the pandemic is over.

Mr. Lauber stated one variation is sought from the setback regulations. They are seeking to reduce the rear yard setback by 6 feet, 8 inches, which would leave a rear yard setback of 5 feet, 6 and 3/8 inches from the wall of the proposed addition, and 3 feet, 7 and 3/8 inches from the fascia board of the proposed addition's roof. When the home was bought it was already a legal non-conforming use. He stated the purposes of setbacks will still be achieved despite the reductions in the yard setbacks, due to the unique juxtapositions of the surrounding properties.

Mr. Lauber stated that the second variation they seek is from the lot coverage provisions in Section 10-8-5 of the Zoning Code. He reiterated that the house, when they bought it, was already a legal non-conforming use, exceeding the 30% maximum by 1.68 percentage points. They are seeking a variation to allow them to exceed the limit by 6.4 percentage points—approximately 4.7 percentage points more than what is already in place.

Georgina Fabian, resident of 7820 Augusta, stated she lives at the property with her husband, Brad, their child, and her mother. The home is a one-story structure that was built on a lot that is 109 feet wide and 90 feet deep. The home has a screened porch at the rear end of the house.

Ms. Fabian showed photos of their screened porch and the rear of their house. She stated they are seeking the two variations in order to build a small addition to their house which will allow them to continue to live in their home. The addition will house a therapy pool that will give them the ability to treat the disabilities that Ms. Fabian, her husband, and her mother are facing. She stated that the details of their disabilities are explained in the submitted letter from Dr. Ned Zallik from Northwestern, which was included in their application.

Ms. Fabian stated that the addition would replace the existing screened porch, and it would expand to the east of the home. The location of the addition would allow them to retain accessibility and not lose any living space, which is important since her mother is now living with them. They cannot install the pool on the second floor of the home or in the basement without losing accessibility or living space, which is needed and crucial. The basement has a low ceiling that will not allow them to be able to operate a chair lift, which would allow her mother to get in and out of the pool.

Ms. Fabian stated it is important for them that the existing layout of the house remains the same due to her mother's severe disabilities. Her mother is 86 years old and has several conditions with both knees, her heart, her lungs, and she also has memory conditions. She uses an oxygenator and a walker. She uses a wheelchair as needed because she can only walk short distances. Her mother is in constant pain whenever she walks and she is at risk of not being able to continue to walk unless she continues to move her legs. The only way

she can continue to move her legs without pain is by doing it in water. She requires a chair lift to get in and out of the pool.

Ms. Fabian stated the layout of the house is crucial to her, especially this year, due to her own severe walking limitations. She stated she has a disability and has been wheelchair-bound for over 2 months due to severe injuries she suffered in both of her ankles.

She stated that doctors have strenuously recommended that none of the members of the family use a public pool, even after the COVID pandemic ends. She said that they took their daughter out of school and now currently home school her because of her husband's condition and his immune system. He cannot be exposed to any virus or bacteria.

Ms. Fabian stated that when they bought their home 6 years ago, they never imagined they would be facing their current situation. When they brought the application, they were cautious to make sure they meet the standards and requirements for granting the variations. The granting of the variations is essential for them to be able to continue to use and enjoy their home.

Jon Bergstrom, architect for the project, addressed the members. He stated he was hired by Mr. and Ms. Fabian to put in a therapy pool and therapy area for their needs. The home is already a legal non-conforming home. It is about 4 feet past the rear yard setback, with an existing one-story porch. He stated the lot depth is only 90 feet deep. With the setback in the front of the lot, it makes any plans problematic.

Mr. Bergstrom showed a bird's-eye view site plan of the house. He stated he initially told the Fabians that they would have to ask for a variance if they did not find an alternative way to install the pool. They considered putting the pool inside the home, within the footprint of the house. He said that did not work, because it took away usable space for the home, which was required as living space. They use every square foot of their home, including the first floor and basement. He said they considered putting the pool to the east, but there is no room to put in an addition at this location. They considered building to the west of the home. The area there is open, and has a small 3-foot sliver of land where an addition could be constructed. However, he said the proximity of the garage of the neighboring property is 3 feet off the property line. This addition would require variances for a side yard setback, a rear yard setback, and lot coverage. He added that an addition to the west would cause a circulation and location problem, since that side of the home consists of bedrooms and bathing areas. He stated that they determined what would work best is if the pool addition and therapy area is adjacent to the public living spaces of the home. He said this would allow one-level access into the pool area. The proposed pool is 60 inches deep, and designed to be set into the foundation of the crawlspace of the addition. The pool would be 16 to 18 inches above the ground, which allows ambulatory people to easily get into the pool. He said a chair lift would allow those who have mobility issues to easily get into the pool. There is an open area next to the pool which is designated for getting in and out of the pool, massages, and exercise equipment.

Mr. Bergstrom stated they considered putting the pool in the basement. The basement is 7 feet to 7.5 feet high. He stated the logistics did not work for a 60 inch deep pool. They did not think putting the pool into the ground would help, either. He said they would lose living space by putting the 686 square foot pool into the basement. The biggest aspect of the basement placement was accessibility. He said placing it in the basement makes it no longer accessible to people with mobility issues.

Mr. Bergstrom showed the elevations of the proposed addition. He stated that their architectural plan follows the existing home. The existing home has a hipped branch, and the addition has the same siding, roofline, overhang, and pitch back. The roof slopes back, allowing a lot of light and air to get through to the property. He said they are going to be installing a gutter system across the addition to collect rain water. Presently, water is drained in three locations into the rear of the property. There has been no issue of water ponding on their property. The water is disconnected from the storm sewer system and percolates into the earth of the yard. Because of the closeness of the addition to the property line, they will take the downspouts and connect them underground to a trench drain on the west side of the property. This allows the water to collect underground in a graveled system and then percolate into the ground as it would on surface.

Mr. Bergstrom showed an aerial image from Google Earth. He said the northwest corner of the proposed addition is 54 feet from the neighbor's house to the north, as measured through Cook County's website. He stated that the purpose of setbacks is to provide light and vent for homes, to provide access to homes in the case of emergencies, and to reduce the risk of the spreading of fires. He said that they have met those purposes with their proposed addition. With the setbacks, there is "plenty of room" for emergency, medical, and fire personnel to get around the home and take care of a situation.

Mr. Bergstrom stated the pool is self-contained. There would be no external equipment or pieces of pool equipment going out of the addition. Public utilities and facilities would not be taxed any more than by any other outdoor pool in the area, of which there were several. The pool would be filled by a spigot from the inside and the water would be tempered by the pool itself. Drainage of the water would be done internally, as they would create a drain in the existing crawlspace which would go into the basement. With the pool going down 42 inches into the foundation, that the crawlspace will be insulated as well as the slab underneath. Not only would the pool and therapy area be a conditioned space, the crawlspace will also be conditioned.

Mr. Lauber asked about the purpose of setbacks to prevent the spread of fires from one house to another. He asked whether the 54 feet from the house to the north would be sufficient to prevent the fire from leaping from one house to another. Mr. Bergstrom responded that he is not an expert but that he believed it was sufficient space.

Mr. Lauber clarified that the addition would be one story like the rest of the existing house, and asked whether there was any chance that the addition would reduce the supply of light

and air to any of the neighboring properties or their backyards. Mr. Bergstrom responded that it would not.

Joseph Wilcox, CRA, from the Wilcox Company, the appraiser of the property, stated that he was hired to do an impact analysis of the proposed addition. He did a physical walk of the premises and a full review of the architectural plans. He took into account all the neighboring structures, and took video footage of the sidewalk. He testified that he made sure the improvement does not damage any of the neighbors' properties, whether financially or by impacting their use, functionality, or the enjoyment of their properties. He stated he examined whether the addition will encroach over the property line or cause undue duress to the neighboring properties. He examined safety issues, and things that will cause harm to the neighbors or the community as a whole. He also examined whether the addition is undesirable as an "ugly structure" or is incompatible for the property. He found that the structure that is currently on the property, a frame screened porch, currently functions as an outdoor space. He testified that the proposal is to enclose the same space, with some expansion, while keeping in character with the existing home. He stated the height of the proposed addition is the same height as the existing structure.

Mr. Wilcox stated that there will be no new draining issues. The addition's drains would be tied into an underground system and the gutters would be directed to the side of the property. He opined that draining would be improved by the addition. Functionally, there would be no impact on the neighbors' properties. There is a long fence along the northern line of the property that is heavily landscaped with bushes, trees and hardscape. The new structure will be facing this existing hardscape of "view-blocking" trees. He opined that the addition would not be able to be seen directly from the neighboring house to the north. The properties to the east and west would be able to see the addition, but it would not impede their light or air flow or create any sort of functional issues with their properties. The addition would not impact the value of any of the surrounding properties, neighborhood, or community. He did not see any impact it would have on the neighboring properties or communities, their safety, or property values.

Mr. Lauber asked whether the 54 foot distance would serve the purpose of keeping the houses apart in order to prevent the easy spread of fire, which is one of the purposes of side yard setbacks. Mr. Wilcox responded in the affirmative. He added that on the other side of the fence there is a "waste area" for water drain-off from the northern property's lot. He stated that there is no use to the space, in that it is not a play area or part of their pergola. It is "an area of hardscape." He stated the addition will be in front of this area, on the other side of the fence.

Chairman Martin asked Mr. Wilcox to talk about the mechanicals for the pool. He wanted to know how they arrived at the conclusion that the pool would create no noise for the neighbors. Mr. Wilcox responded that, according to the plan that he reviewed, all of the mechanicals for the therapy pool would be housed inside the enclosed structure. He stated there is an air conditioning condenser on the northwest corner of the property already, which, he opined, would be louder than an interior pump system inside the home. He did

not see any reason to think that there would be any loud noise coming out of the home due to the mechanicals of the pool.

Mr. Bergstrom stated the pool is self-contained. He said it was a pool that has therapy jets, a stream that can be set for resistance, and that one could also swim in it. All the equipment is within the pool itself. There would be a separate heating and cooling system for the addition. He said the existing heating and cooling system for the house itself could not be used for the addition. He said the heating and cooling system for the addition would probably be placed in the basement and inducted through the crawlspace into the new space. An additional, smaller air conditioning condenser would be placed on the property on the east side of the addition, toward the two-story garage.

Mr. Lauber asked whether one of the concerns addressed by having a separate ventilation system and heating and cooling system was to ensure that the odor of the chlorine and fumes of the pool did not circulate throughout the house. Mr. Bergstrom responded in the affirmative and added that there would also be a separate exhaust system for the addition to help circulate the air.

Konstantine Savoy, AICP, of Savoy Consulting Group, stated that he believes the variations are appropriate. The configuration of the property features a shallow depth which is unique to the property. He stated there are other lots in the neighborhood that have greater depths, and the traditional lot in the community is configured much differently. He stated the variations would not fundamentally alter the conditions of the adjacent properties. He stated that the testimony shows the care which the petitioners and professionals involved have taken to minimize the impact on adjacent property. He stated the separation from the nearest point of the addition to the house at 1011 Forest and other setbacks will not compromise the property to the north.

Mr. Savoy said that most of the homes in River Forest have been built much closer together than the proposed house, even with the addition. He said he surveyed nearby properties in a quarter mile radius and found five homes which had rear setbacks which were similar or less than the proposed addition's setback. He stated that the addition is not significantly physically proximate to the adjacent structures. He pointed out that the neighbor to the west has a much closer rear-to-side relationship to the home to their north than the addition would have.

Mr. Savoy stated that the variations would not generally harm the public welfare. He said the addition is a limited and unique circumstance that is not pervasive. The addition would not be precedent setting, and therefore would not affect the public welfare generally. He stated the use of the property would stay the same, as would the elevation and character of the building. The proposed setbacks do not change the uses already allowed in the zoning district and do not undermine the yard setback regulations. Mr. Savoy testified that the granting of the variation would not change any of the provisions of the existing zoning ordinance.

Mr. Savoy stated the particular use and proposal are for the very specific need of people with disabilities. He stated that this addition was clearly not done for economic gain. The residents want to continue to live their lifestyle, and the proposal attempts to accomplish that.

Mr. Savoy added that, in his report, the five properties he mentioned have orientations that are similar to the orientation of the property in question. He stated that the proposal is not fundamentally different and that it is a very common condition in the neighborhood.

Mr. Lauber asked whether granting the variations would fundamentally alter the nature of the zoning ordinance. Mr. Savoy stated that it is a modest change to an existing use. He said there is no fundamental change. He asked whether the 4.7% increase in lot coverage would alter the nature of the zoning ordinance. Mr. Savoy responded in the negative, stating that there is a significant area of the lot left in green space. It is a minor change over existing conditions that would not significantly impact the zoning ordinance.

Mr. Lauber concluded the presentation. He stated that they established the variations are needed due to the unique lot size and the unusual shape of the shallow 90-foot deep lot. The two variations are needed because the rear of the house is the only practical location where the pool can be placed. The house is a relatively small one, which cannot afford to lose living space. The situation of Ms. Fabian's mother, who has memory issues, means the layout of the house must be maintained in such a way that she is able to get around. The addition is for a needed therapy pool that is essential for the family to be able to continue to live in the house, and it must be accessible to people with mobility limitations. They would not be able to live in their house if the strict letter of the zoning ordinance was carried out. He stated they would be forced to find new housing under very trying and risky health circumstances. He reiterated Ms. Fabian's comment that they never expected to be in these circumstances when they bought the house six years ago.

Mr. Lauber stated the lot size and the unusual shape were there decades before the Fabians bought the house. Mr. Savoy's report and the testimony showed that the 90-foot lot depth, which triggered the need for the variations, is generally not present in the R-2 zone. Other River Forest lots are more rectangular in shape and have a much greater depth with a width that is shorter than their depth.

Mr. Lauber stated the addition is proposed solely to provide for the health needs of the family. He referred to Dr. Zallik's letter, which establishes that the family members have disabilities as defined by the Americans with Disabilities Act and the Fair Housing Act, which require that reasonable accommodations be made for such people. Dr. Zallik's letter explained that the pool is critical to treat and prevent their disabilities from worsening. The Fabians cannot use public pools for aquatic therapy due to their reduced immune systems. He stated the COVID epidemic would continue for at least another year, and that the Fabians' immune systems are sufficiently low that going to public pools poses a serious health threat.

Mr. Lauber stated that the architectural renderings and testimony showed that the addition would blend into the existing home. The draining system with the underground trench drains would prevent drainage to any neighboring property. The proposed addition will not reduce the neighbors' privacy or interfere with the use of their properties. He said there is no evidence at all of any harm to public welfare. Allowing the addition will not compromise what side yard setbacks are intended to achieve; it still achieves its goal of preventing the easy transfer of fire from one house to another and preventing the reduction of light and air. The closest corner of the house to the north is 54 feet away from the addition, which is greater than any setback might require. He said if the addition was built on the west side of the house, then the addition would be very close to the house on the west, and they would not be able to achieve the goal of setbacks of preventing fire from easily transferring from one house to another. The proposed location prevents that possibility. Further, as the certified appraiser's report and the testimony shows, the addition would have no impact on the property values of the adjacent houses. None of the factors which cause property values to decline are present.

Mr. Lauber stated that Dr. Zallik's letter explains the need for the therapy pool that will enable the family to continue to live in their ADA-accessible house. The architect's testimony showed that the proposed location at the rear is the only feasible location for the addition. The location of the therapy pool is only possible if both variations are granted. The variations are needed to overcome the hardship posed by the rare, shallow lot depth, since the lot is wider than it is deeper.

In response to a question from Chairman Martin, Ms. Scheiner stated that there was no one else who indicated that they would like to speak on the matter.

Chairman Martin noted that letters from neighboring property owners were received and would be included in the record for this matter and considered by the Board and passed on along with their recommendation.

Chairman Martin asked Mr. Lauber to address the ADA and Fair Housing Act regulations that he raised during his presentation.

Mr. Lauber responded that they are a contingency that need only be considered if the ZBA declines to grant the two variations sought. He stated that they included the information to inform the ZBA about the requirements under the Fair Housing Act that jurisdictions are to make reasonable accommodations for people with disabilities so they may fully enjoy and occupy a property. The FHA provides two basic balancing acts. First, as a threshold question, there is the determination that the person or people at issue have disabilities. Then, the question is whether the accommodation is reasonable. He stated that it boils down to whether the change would fundamentally change the zoning ordinance, which, in this case, it would not. Another factor is whether it would pose an undue financial or administrative burden on the Village. He stated it is hard to imagine how the variations could pose any greater financial or administrative burden on the Village beyond that which is present with any other variation. He stated that the ZBA does not have to look at the reasonable

accommodation portion of the submission if the ZBA approves the variations. He stated a reasonable accommodation would be to grant the variations by using the standards of the reasonable accommodations process rather than by the eight zoning ordinance standards.

Mr. Lauber stated he would like to address comments from Jeff and Mary Stoker that the addition would increase density. He stated that density refers to the number of dwelling units per acre, which the addition does not affect. The Stokers also state that the addition addresses a temporary inconvenience due to COVID-19. Mr. Lauber responded that the health issues are long-term and that, even if the pandemic could be under control in a year, it would be unfathomable to make the family members in question deteriorate physically for a year. He added that the immune system issues will continue, as will issues of the Ms. Fabian's mother's immobility. He stated the pool is a necessity and that the rest of the Stoker's comments are speculation and not backed by expert testimony.

In response to a question from Member O'Brien, Mr. Bergstrom stated that the dimensions of the addition are 16 feet, 1 and 1/8 inches deep and 39 feet, 8 and 1/4 inches wide.

Mr. Lauber clarified that there is no longer a home office proposed as part of the addition.

In response to a question from Member O'Brien, Mr. Bergstrom stated that the current screen porch is 224 square feet. He said the addition is the width of the recess and goes out 9 feet, 5 inches from the house. He said the addition goes 6 feet, 8 inches past the screen porch to the north. Thus, the addition increases the square footage by 472 square feet, making it a total of 686 square feet.

Ms. O'Brien asked if the addition could be any smaller. Mr. Bergstrom replied that they determined, through analysis and design studies, that they needed a minimum of 3 feet around the pool. He said the pool is 7 feet, 10 inches wide and 17 feet, 11 inches long. He said they also needed additional space for the chair lift and accessibility. From the breakfast room/kitchen area there will be a sliding glass door that people go through, and there will be additional space there of 4 feet, 9 inches for people to be able to maneuver in a wheel chair and be able to get into the chair lift and into the pool. To the west is the therapy area for additional therapy and exercise. He said it is an area where people can congregate and move into the pool area. It is separated by a triple sliding glass door to create openings and accessibility to the pool and therapy area.

Chairman Martin said that he sees the one-story framed addition, which he assumes is the 686 square foot addition. However, he stated that, to the west of that, they have other dimensions. He asked what those dimensions were. Mr. Bergstrom replied that the area to the west was the therapy area. He said the 686 square foot consists of the entire footprint of the addition and that it includes the two rooms. They separated the pool from the therapy area because they knew that there would be smells and moisture. He said they wanted to keep the therapy room separate with sliding glass doors when the pool is in use.

Ms. Fabian stated one of the reasons why they wanted to enclose the pool as much as possible is because she has a 7-year-old and an 86-year-old with memory problems. She said she needs to carry a wheelchair, walker, and oxygenator wherever they go. Thus, she needs space in order to maneuver, seat, and assist her mother. For security reasons, she needs space in order to care for her mother without fearing for her safety. She stated that, while assisting to her mother, she needs a lot of space and the ability to maneuver.

In response to a question from Member Berni, Mr. Bergstrom stated that construction would take approximately 5 to 8 months to complete. Mr. Berni asked if they examined any available alternative pool sizes. Ms. Fabian responded that her husband is tall and also that someone will need to assist her mother. She stated at least two people would have to be there when her mother is using the pool. The size is appropriate in that her husband can use it and there is additional space for someone else to be able to get in and out. She said she looked into several pools, and that this is the one that fits her mother's needs.

Mr. Berni asked if the pool would fit into the existing footprint of the screened-in porch. Mr. Bergstrom replied in the negative. He said the porch is the wrong shape and that they need three feet of accessibility around the pool. He stated the room is 24 feet, 5 inches long. The existing porch is only 11 feet deep and not more than 13 feet in length. Therefore, the plan does not fit in the existing footprint.

Mr. Berni stated he has concerns about lot coverage. Mr. Lauber replied that the purpose of the lot coverage restrictions are due to stormwater concerns, and the applicant has mitigated that issue with a drainage system. Any rain water will be drained to the underground system, which will percolate in a natural disbursal system. He said the size of the addition is the smallest sized pool that will meet their needs, and that they would need space around the pool for accessibility.

Ms. O'Brien asked if the therapy area of the addition could be smaller. Mr. Bergstrom stated that it flows with the architecture of the home, where it is recessed instead of having a niche. The space is needed to address the mobility issues of Ms. Fabian's mother and also provides circulation space to get to the exterior of the home. He said that when the pool is in use, they will need circulation space.

In response to a question from Member Lucchesi, Mr. Bergstrom confirmed that they have examined all alternatives and that it does not work anywhere else in the house because it would take up living space. He said the basement is not feasible due to accessibility and mobility issues. He explained that the existing areas of the house are currently utilized space that would be impractical for the pool.

Mr. Lauber stated that essential living spaces cannot be eliminated, and that, even if they were building the pool inside the footprint of the house, expansion would still be necessary to provide for the lost essential living spaces. He added that the chlorine odors would spread throughout the house if the pool was built within the footprint of the house.

Ms. Fabian stated that the basement ceiling is too low to accommodate the pool. Mr. Lucchesi agreed that the basement space would not work.

Hearing no further testimony, Chairman Martin closed the public hearing.

Chairman Martin asked Village Attorney Forte to give the ZBA some input as to what the impact might be if they were not prepared to recommend the variation based on the typical standards against which they always measure variation requests. He expressed concern as to the requirements of the Fair Housing Act or the Americans with Disabilities Act.

Village Attorney Forte stated that if the ZBA finds that the standards for the variation requests have been met, that the ZBA need not consider the standards of the FHA and ADA. Mr. Forte was not prepared to provide an opinion as to the applicability of FHA and ADA standards to the application before the ZBA, but stated that he could, upon the ZBA's request, review the case law and provide a thorough analysis on those standards before the ZBA makes a decision. He recommended that the ZBA discuss the standards first and decide, through a straw poll or other informal discussion, whether they would approve the variations without considering the requirements of the FHA and ADA. He stated that the applicants could bring a request for reasonable accommodations to the Zoning Ordinance under the FHA and ADA, but that it would not be prudent for him to comment on the specific facts of the application since he has not had a chance to review the case law and analyze the accommodation standards as they apply to this specific application.

Mr. Forte added that if the variation was granted under the FHA and ADA standards that it would not have any effect on any other property within the Village and would not be a change to the zoning code.

Member Berni asked Mr. Forte to clarify that if they did not vote in favor of the variations, that review of the ADA and FHA standards would then become appropriate. Mr. Forte stated he was not prepared to provide an opinion on the issue that night, but stated that the accommodation process under the FHA and ADA is another means for the applicants to obtain the requested relief, outside of the variation process in the Village Code.

Chairman Martin stated they could either vote on the application that night or continue the matter to allow the Village Attorney time to review the FHA and ADA standards to see whether they are applicable to the requests before the ZBA.

Member Dombrowski said he would like to vote that night. He stated the problem he has with the variations is that the addition is very close to the property line. However, he noted the strange nature of the lot and the fact that the neighbors have structures close to the property lines.

Ms. Scheiner commented that if the applicant was proposing an accessory structure, they could place it within 3 feet of any property line. The applicant is not proposing an accessory

structure, but she stated it is informative that they would, as of right, be able to propose one very close to the property line.

Member O'Brien stated she was prepared to vote on the application that night. She was not sure what putting the matter off for the future would do for the applicant, the Board, or the Village.

Member Schubkegel stated she was prepared to vote that night, but asked what other concerns, other than drainage, were relevant to lot coverage standards. Ms. Scheiner responded that there are bulk standards to control how much building can be built. She stated drainage is a concern, but that there are also building permit reviews and an engineer's review of lot drainage and lot grading.

Member Berni stated that he has a problem with the general area because it is clustered already with structures. He said that the plan gives a lot of mass to the rear of the house.

Member Lucchesi stated he is prepared to vote.

A MOTION was made by Member Dombrowski and SECONDED by Member Schubkegel to recommend to the Village Board of Trustees that the proposed zoning variations be approved.

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

Assistant Village Administrator Scheiner and Village Attorney Forte explained that because the variation failed to receive four affirmative votes the matter would be forwarded to the Village Board of Trustees as a negative recommendation.

In response to a question from Ms. Fabian, Chairman Martin said the ZBA will submit findings of facts at the next meeting, which will set out the reasons for the votes.

Chairman Martin stated that the hearing on the variation application is concluded and that they would hear the next request.

IV. VARIATION REQUEST – 210 GALE AVENUE

Laura Maychruck stated that she lives at 210 Gale with her husband and four children. They are seeking a height variation to build a historically appropriate garage for their 1894 Victorian home. She stated that they spent a lot of time, effort, and money restoring the home, which has been awarded a Historic Preservation Award by the Village. Her architect told her that, in order to build a garage that matches the house, the garage would be higher than the Village Code allows because of the pitch of their roof.

Ms. Maychruk stated that she is seeking a variation from the ordinance that allows for an accessory structure to be no taller than 18 feet. She said that duplicating the roof pitch and triangle shape of the house causes the proposed, matching garage roof to be 23 feet tall.

Member O'Brien asked if they intended to put anything in the above area of the garage. Ms. Maychruk answered in the negative but stated that they would possibly use it for storage.

In response to a question from Member Berni, Ms. Maychruk confirmed that the requested area of the garage would not be used for living space. She stated that her neighbors have no issues with the proposed addition. She added that the garage they are proposing is smaller than their existing garage. Their existing garage is a three-car garage, and they are proposing a two-car garage. She added that the proposed garage would reduce the lot coverage and move the garage further away from the property line. She stated the proposed variation would increase the property value of their house.

Chairman Martin reviewed previous applications and stated that in at least one of the applications they recommended that there be no variation, which the Board of Trustees opted not to accept. He stated the Board of Trustees had created a standard that is not part of the Code whereby they consider the architectural significance of the proposed addition, both from a historical and architectural viewpoint.

Chairman Martin asked Ms. Maychruk to state the basis of the hardship. Ms. Maychruk stated she could not build a garage that matched the house, otherwise. Instead, it would be a normal looking garage that did not have "anything to do" with the house. She confirmed that it would subtract from the architectural significance of the house and stated she wants to improve the value of her house. The garage as it is now holds back the value potential of the house.

Ms. Schubkegel asked whether the variance was primarily for economic gain and whether Ms. Maychruk intends to move. Ms. Maychruk responded that it is not their intention to ever move and that they applied for long-term care so that they can live in their house forever.

Hearing no further testimony, Chairman Martin closed the public hearing.

A MOTION was made by Member Lucchesi and SECONDED by Member Berni to recommend to the Village Board of Trustees that the proposed zoning variation be granted.

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

Nays: None.

Chairman Martin stated he voted aye based on the previous actions that the Board of Trustees have taken.

Motion passed.

Ms. Scheiner stated the ZBA must meet again in November to adopt findings of fact. She said the next meeting of the ZBA will be November 12, 2020.

V. PUBLIC COMMENT

None.

VI. ADJOURNMENT

A MOTION was made by Member O'Brien and SECONDED by Member Schubkegel to adjourn the meeting at 9:18 p.m.

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

Respectfully Submitted:

Assistant Village Administrator Lisa Scheiner, Secretary

Date: _____
Frank Martin, Chairman
Zoning Board of Appeals

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS
FINDINGS OF FACT AND RECOMMENDATION REGARDING
REAR YARD SETBACK VARIATION AND A
MAXIMUM LOT COVERAGE AREA VARIATION
RELATED TO A PROPOSED ADDITION
AT 7820 AUGUSTA STREET**

WHEREAS, petitioners Brad Ament and Georgina Fabian (“Petitioners”), owners of the property located at 7820 August Street in the Village of River Forest (“Property”), requested a variation from the Village of River Forest’s rear yard setback requirements in Sections 10-8-7(A) and 10-8-7(B) of the Village of River Forest Zoning Ordinance (“Zoning Ordinance”), to allow the construction of a one-story addition to a home on the Property with a rear yard setback of five feet, six and three-eighths inches (5’ 6 3/8”), where the Zoning Ordinance allows a rear yard setback of twenty-six feet, two inches (26’ 2”); and a variation from the Village of River Forest’s maximum lot coverage allowance in Section 10-9-5 of the Zoning Ordinance, to allow for an increase of the maximum lot coverage to thirty-six and four-tenths percent (36.40%), where the maximum allowed lot coverage is thirty percent (30%) (together the “Variations”). The Property is located in the R-2 Single-Family (Detached) Residential Zoning District (“R-2 Zoning District”); and

WHEREAS, the Village of River Forest Zoning Board of Appeals (“Board”) held a public hearing on the question of whether the requested Variations should be granted on October 15, 2020, and the hearing was held in accordance with Section 10-5-4(E) of the Zoning Ordinance. At the public hearing, all persons present and wishing to speak were given an opportunity to be heard and all evidence that was tendered was received and considered by the Board; and

WHEREAS, public notice in the form required by law was given of the public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing in the *Wednesday Journal*, a newspaper of general circulation in the Village, there being no newspaper published in the Village. In addition, notice was mailed to surrounding property owners; and

WHEREAS, at the public hearing on October 15, 2020, the Petitioners, through testimony by Petitioner Georgina Fabian, their attorney, their appraiser, their planner and their architect, provided information regarding the requested Variations, testifying, among other things, that they desired the addition to house a therapeutic swimming pool to aid in the care of their elderly mother and to address their present disabilities; and

WHEREAS, six (6) members of the Board were present for the public hearing, which constituted a quorum of the entire Board that is required to convene a meeting of the Board, and allow for the public hearing to proceed; and

WHEREAS, after the close of public comment, the Board discussed and deliberated the application for these Variations; and

WHEREAS, following discussion, the Board, having considered the criteria set forth in Section 10-5-4 of the Zoning Ordinance, on October 15, 2020, voted three (3) to (3) on a motion to recommend approval of the Variations; and

WHEREAS, having not received a majority vote of the Board members present, the motion failed and the recommendation of the Board is to deny the variations as presented pursuant to Section 10-5-4(E)(3) of the Zoning Ordinance;

NOW, THEREFORE, the Board makes the following findings of fact and recommendations pursuant to Section 10-5-4(E)(2) of the Zoning Ordinance:

FINDINGS OF FACT

1. **The physical surroundings, shape or topographical conditions of the Property constitute a specific hardship upon the owner as distinguished from an inconvenience if the strict letter of the regulations were to be carried out.** The Board found that this standard has not been met. The Property contains a smaller home in the R-2 Zoning District. However, the Property maintains ample space for enjoyment of the home within the borders of the Property, without the construction of an addition to the home.
2. **The aforesaid unique physical condition did not result from any action of any person having an interest in the property, but was created by natural forces or was the result of governmental action, other than the adoption of the Village's Zoning Regulations, for which no compensation was paid.** The Board found that this standard has been met. The Petitioners purchased the home in its current state, and the home has a smaller footprint, given its orientation between two lots. The lot one hundred and nine feet (109') wide and ninety feet (90') deep, resulting in an unusual lot configuration.
3. **The conditions of the Property upon which the petition for Variations is based may not be applicable generally to other property within the same zoning classification.** The Board found that this standard has not been met. Other properties in the nearby area have similar available lot area that would not accommodate an addition without variations to setback and lot coverage restrictions. As such, the Property is not uncharacteristic of the surrounding properties.
4. **The purpose of the Variations is not based predominately upon a desire for economic gain.** The Board found that this standard has been met. The Petitioners indicated that they desire to build the addition to the home on the Property and reside in it themselves for the foreseeable future, with no desire for economic gain or resale of the Property.
5. **The granting of the Variations is not 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.** The Board found this standard has not been met. An adjacent neighbor of the Petitioners to the north objected to the addition, as it would infringe on the use of their property by diminishing the light and air to their property, and negatively affecting the storm water drainage between the two properties.

6. **The granting of the Variations 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.**

The Board found this standard has not been met. An adjacent neighbor of the Petitioners to the north objected to the addition, as it would infringe on the use of their property by diminishing the light and air to their property, and negatively affecting the storm water drainage between the two properties. The addition would significantly increase the size of the rear of the home, which is uncharacteristic of the home in its present state.

7. **The granting of the Variations will not unduly tax public utilities and facilities in the area of the Property.** The Board found that this standard has been met. The addition and installed therapy pool will not increase the public utility usage than any comparable one-story addition or indoor swimming pool in the area.

8. **There are no means other than the requested Variations by which the hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Property.** The Board found that this standard has not been met. The Board felt that the therapy pool could be located in other areas of the home, or the size of the addition could be made smaller to accommodate the pool that was requested by the Petitioners. However, the Petitioners requested the addition to be constructed in with significantly larger dimensions than to enclose the pool, leading to the significant increase in lot coverage than may be required if the addition were built to a smaller scale.

RECOMMENDATION

The Board, by a vote of three (3) to three (3) found that the standards for granting of the Variations were not met. Therefore, the Board recommends to the Village President and Board of Trustees that the Variations to allow the construction of a one-story addition to a home on the Property with a rear yard setback of five feet, six and three-eighths inches (5' 6 3/8"), where the Zoning Ordinance allows a rear yard setback of twenty-six feet, two inches (26' 2"); and a variation from the Village of River Forest's maximum lot coverage allowance in Section 10-9-5 of the Zoning Ordinance, to allow for an increase of the maximum lot coverage to thirty-six and four-tenths percent (36.40%), where the maximum allowed lot coverage is thirty percent (30%) in a R-2 Zoning District be **DENIED**.

Frank Martin
Chairman

Date

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS
FINDINGS OF FACT AND RECOMMENDATION REGARDING
AN ACCESSORY STRUCTURE HEIGHT VARIATION
RELATED TO A PROPOSED GARAGE
AT 210 GALE AVENUE**

WHEREAS, petitioners Laura and Andrew Maychruk ("Petitioners"), owners of the property located at 210 Gale Avenue in the Village of River Forest ("Property"), requested a variation from the Village of River Forest's accessory structure maximum height allowance in Sections 10-8-6 of the Village of River Forest Zoning Ordinance ("Zoning Ordinance"), to allow the construction of a garage with a maximum height of twenty-three feet and one-half inches (23' ½"), where the maximum allowed height is eighteen feet (18') ("Variation"). The Property is located in the R-2 Single-Family (Detached) Residential Zoning District ("R-2 Zoning District"); and

WHEREAS, the Village of River Forest Zoning Board of Appeals ("Board") held a public hearing on the question of whether the requested Variation should be granted on October 15, 2020, and the hearing was held in accordance with Section 10-5-4(E) of the Zoning Ordinance. At the public hearing, all persons present and wishing to speak were given an opportunity to be heard and all evidence that was tendered was received and considered by the Board; and

WHEREAS, public notice in the form required by law was given of the public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing in the *Wednesday Journal*, a newspaper of general circulation in the Village, there being no newspaper published in the Village. In addition, notice was mailed to surrounding property owners; and

WHEREAS, at the public hearing on October 15, 2020, Petitioner Laura Maychruk provided information regarding the requested Variation, testifying, among other things, that she and her husband purchased their home and performed extensive renovations to preserve its historic nature, and wished to construct a garage to match the style of the home; and

WHEREAS, six (6) members of the Board were present for the public hearing, which constituted a quorum of the entire Board that is required to convene a meeting of the Board, and allow for the public hearing to proceed; and

WHEREAS, after the close of public comment, the Board discussed and deliberated the application for this Variation; and

WHEREAS, following discussion, the Board, having considered the criteria set forth in Section 10-5-4 of the Zoning Ordinance, on October 15, 2020, voted six (6) to zero (0) to recommend approval of the Variation;

NOW, THEREFORE, the Board makes the following findings of fact and recommendations pursuant to Section 10-5-4(E)(2) of the Zoning Ordinance:

FINDINGS OF FACT

1. **The physical surroundings, shape or topographical conditions of the Property constitute a specific hardship upon the owner as distinguished from an inconvenience if the strict letter of the regulations were to be carried out.** The Board found that this standard has been met. The Petitioners reside in the home and intend to remain there with their children. If they did not receive the requested Variation, they will not be able to construct a garage that matches the architectural style of the home that has led to its historical significance.
2. **The aforesaid unique physical condition did not result from any action of any person having an interest in the property, but was created by natural forces or was the result of governmental action, other than the adoption of the Village's Zoning Regulations, for which no compensation was paid.** The Board found that this standard has been met. The Petitioners purchased the home in its current state, and presently standing garage was built in a style that bears no resemblance to the home on the property. The new two-car garage will be smaller than the present three-car garage that is in poor condition.
3. **The conditions of the Property upon which the petition for Variation is based may not be applicable generally to other property within the same zoning classification.** The Board found that this standard has been met. Other properties in the nearby area do not possess the same historical significance as the Petitioners' home, and they wish to continue to preserve this characteristic by building a garage to match the home.
4. **The purpose of the Variation is not based predominately upon a desire for economic gain.** The Board found that this standard has been met. The Petitioners indicated that they desire to build the garage for the home on the property and reside in it themselves for the foreseeable future, with no desire for economic gain or resale of the property.
5. **The granting of the Variation is not 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.** The Board found this standard has been met. The neighbors of the Petitioners testified that they were in support of the project, and specifically noted that the new garage would not infringe on the use of their property. The new garage would be smaller than the garage presently located on the property.
6. **The granting of the 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.** The Board found that this standard has been met. The neighbors of the Petitioners testified that they were in support of the project, and specifically noted that the new garage would not infringe on the use of their property. The new garage would be smaller than the current garage, and its increased height will have a negligible effect on the surrounding properties.

7. **The granting of the Variation will not unduly tax public utilities and facilities in the area of the Property.** The Board found that this standard has been met. The Petitioners noted that there will be no increase to the use of local electrical utilities at the garage, and no water service will be installed in the garage. No living area will be constructed above the garage.

8. **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.** The Board found that this standard has been met. The Petitioners noted that they would not build the new garage on the property if the Variation was not granted, as the style of garage could not be built unless its height were allowed to be above the maximum allowed by the Zoning Ordinance.

RECOMMENDATION

The Board, by a vote of six (6) to zero (0) found that the standards for granting of the Variation was met. Therefore, the Board recommends to the Village President and Board of Trustees that the Variation to allow the construction of a garage with a maximum height of twenty-three feet and one-half inches (23' ½"), where the maximum allowed height is eighteen feet (18') in a R-2 Zoning District be **GRANTED**.

Frank Martin
Chairman

Date



MEMORANDUM

DATE: November 6, 2020

TO: Zoning Board of Appeals

FROM: Clifford E. Radatz *CeR*
Building Official

SUBJECT: Variation Request – 1134 – 1136 Harlem Avenue

Daniel J. Brown, owner of the property at 1134 – 1136 Harlem Avenue, has submitted the attached application for a variation to the Off-Street Parking regulations (Section 10-10-8) of the Zoning Code.

The applicant proposes to construct a two car detached garage in the rear yard of the property to replace an existing garage which was destroyed by fire in 2019. This property is in the R3 Single Family Attached Residential District, and the primary structure on the property contains two attached dwelling units.

The applicant is requesting a variation that would allow the new garage to provide a total of two enclosed parking spaces, thereby providing only one enclosed parking space per dwelling unit. The Zoning Ordinance requires two enclosed parking spaces to be provided for each dwelling unit on the property.

If the Zoning Board wishes to recommend the approval of this variation to the Village Board of Trustees, the following motions should be made:

Motion to recommend to the Village Board of Trustees the approval of a variation to Section 10-10-8 of the Zoning Code at 1134 – 1136 Harlem Avenue.

If you have any questions regarding this application, please do not hesitate to call me.



**LEGAL NOTICE
ZONING BOARD OF APPEALS
RIVER FOREST, ILLINOIS**

Public Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals (ZBA) of the Village of River Forest, County of Cook, State of Illinois, on Thursday, November 12, 2020 at 7:30 p.m. in the First Floor Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois on the following matter:

The ZBA will consider an application for a major zoning variation submitted by Daniel J. Brown, owner of the property at 1134 – 1136 Harlem Avenue, who is proposing to construct a new detached garage in the rear yard.

Section 4-8-5 of the Village Code provides the Zoning Board jurisdiction to hold public hearings and offer recommendations to the Village Board concerning variations to Zoning Ordinance.

The applicant is requesting a major variation to Section 10-10-8 that would allow the new garage to provide a total of two enclosed parking spaces, thereby providing only one enclosed parking space per dwelling unit. The Zoning Ordinance requires two enclosed parking spaces to be provided for each dwelling unit on the property.

The legal description of the property at 1134 – 1136 Harlem Avenue is as follows:

LOT 25 IN GREY AND BRAESE'S RESUBDIVISION OF LOT 1 IN THE SUBDIVISION OF BLOCKS 1, 8, 9, 10, 11, 14, 15 AND 16 IN BOGUE'S ADDITION TO OAK PARK, BEING A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

A copy of the application will be available to the public at Village Hall and on the Village's website at www.vrf.us/zoningvariation no less than 15 days prior to the public hearing. The Zoning Board of Appeals meeting packet will also be available at www.vrf.us/meetings no less than 48 hours prior to the public hearing.

All interested persons will be given the opportunity to be heard at the public hearing. **For public comments to be considered by the Zoning Board of Appeals and Village Board of Trustees in their decision, they must be included as part of the public hearing record.** Interested persons can learn more about how to participate in the hearing by visiting www.vrf.us/zoningvariation.

Sincerely,
Clifford Radatz
Secretary, Zoning Board of Appeals

CHECKLIST OF STANDARDS FOR MAJOR VARIATIONS

Name of Commissioner: _____

Date of Public Hearing: _____

Application: _____

Address _____

Standards:

Met? ¹	Standard
Yes No	1. The physical surroundings, shape, or topographical conditions of the specific property involved will bring a specific hardship upon the owner as distinguished from an inconvenience if the strict letter of the regulations were to be carried out; Notes: _____ _____ _____
Yes No	2. The aforesaid unique physical condition did not result from any action of any person having an interest in the property, but was created by natural forces or was the result of governmental action, other than the adoption of this Zoning Title, for which no compensation was paid; Notes: _____ _____ _____
Yes No	3. The conditions upon which the petition for variation is based may not be applicable generally to other property within the same zoning classification; Notes: _____ _____ _____
Yes No	4. The purpose of the variation is not based predominantly upon a desire for economic gain; Notes: _____ _____ _____
Yes No	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; or Notes: _____ _____ _____

¹ If a standard has not been met, indicate the reasons why in the notes section for that standard.

CHECKLIST OF STANDARDS FOR MAJOR VARIATIONS

Yes No	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; Notes: _____ _____ _____
Yes No	7. That the granting of the variation would not unduly tax public utilities and facilities in the area; Notes: _____ _____ _____
Yes No	8. That there is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property; Notes: _____ _____ _____

If any of the standards have not been met, what changes could be made to the application so it meets all the standards?



APPLICATION FOR ZONING VARIATION
Village of River Forest Zoning Board of Appeals

Address of Subject Property: 1134-36 N. Harlem Ave. Date of Application: 10-15-20

Applicant		Architect / Contractor	
Name:	<u>Daniel J Brown</u>	Name:	<u>Drew Nelson, WDN Architecture, LLC</u>
Address:	<u>4 Oak Brook Club Dr, G107</u>	Address:	<u>125 N. Marion St., #204</u>
City/State/Zip:	<u>Oak Brook, IL 60523</u>	City/State/Zip:	<u>Oak Park, IL 60301</u>
Phone:	<u>630-629-4400</u>	Phone:	<u>(708) 912-6453</u>
Fax:	<u>630-455-1190</u>	Fax:	
Email:	<u>djb938@SBCGlobal.net</u>	Email:	<u>dnelson@wdnarchitecture.com</u>

Relationship of Applicant to Property (owner, contract purchaser, legal counsel, etc.): Owner

Zoning District of Property: ☐ OR1 ☐ OR2 ☒ OR3 ☐ OR4 ☐ OC1 ☐ OC2 ☐ OC3 ☐ OPRI ☐ OORIC

Please check the type(s) of variation(s) being requested:

☒ Zoning Code

☐ Building Code (fence variations only)

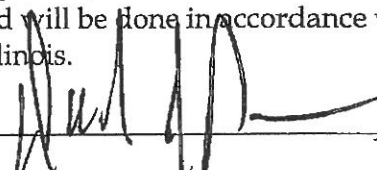
Application requirements: Attached you will find an outline of the other application requirements. Please read the attached carefully, the applicant will be responsible for submitting all of the required information.

Also attached for your information are the Zoning Board of Appeals "Rules of Procedure" for their public hearings.

Application Deadline: A complete variation application must be submitted no later than the 15th day of the month in order to be heard by the Zoning Board of Appeals in the following month. The Zoning Board of Appeals meets on the second Thursday of each month.

SIGNATURES:

The undersigned hereby represent for the purpose of inducing the Village of River Forest to take the action herein requested, that all statements herein and on all related attachments are true and that all work herein mentioned will be done in accordance with the ordinances of the Village of River Forest and the laws of the State of Illinois.

Owner:  Date: 10-15-20

Applicant (if other than Owner): _____ Date: _____

Application Fee: A non-refundable fee of \$750.00 must accompany every application for variation, which includes the cost of recording the variation with the County. Checks should be made out to the Village of River Forest.

APPLICATION FOR ZONING VARIATION

Address of Subject Property: 1134-36 N. Harlem Ave. Date of Application: 10-15-20

Summary of Requested Variation(s):

Applicable Code Section (Title, Chapter, Section) <i>Example:</i> 10-8-5, lot coverage	Code Requirement(s) <i>Example:</i> no more than 30% of a lot	Proposed Variation(s) <i>Example:</i> 33.8% of the lot (detailed calculations on a separate sheet are required)
10-10-8, Off Street Parking	A. Two enclosed parking spaces for passenger automobiles for each dwelling unit which are not in any of the required open yards unless such enclosure is a detached garage. B. For each dwelling unit, one guest parking space shall be provided which may be on the dwelling unit's private driveway.	Existing 2-Unit building. Provide 2 enclosed (detached garage) parking spaces = one per unit. Provide 3 outdoor surface parking spaces = 2 standard size (8'6" wide), 1 compact size (7'6" wide) Matches previous parking layout before existing garage burned down.

THE APPLICANT IS REQUIRED TO SUBMIT DETAILED LONG HAND CALCULATIONS AND MEASUREMENTS FOR ALL APPLICABLE ZONING PROVISIONS. APPLICATIONS WILL NOT BE CONSIDERED COMPLETE WITHOUT THESE CALCULATIONS AND MEASUREMENTS.

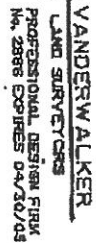
October 15, 2020

Garage Replacement
1134 – 1136 North Harlem Ave.
River Forest, IL 60305

In February of 2019, a garage fire destroyed the two-car garage located at 1134-1136 North Harlem Avenue. The existing garage sat at the intersection of two alleys (see the attached survey and site plan). The previous garage served an existing two-unit residence. In addition, the site contained a concrete parking pad that was big enough to accommodate two standard size parking stalls and one compact size (based on River Forest required parking dimensions). Therefore, a total of five parking spaces were provide across the entire rear of the lot.

The existing two-unit residential structure is in a R3 zoning district. This district requires two enclosed parking spaces and one surface parking space for each unit. Therefore, six spaces are required per the zoning code (see section 10-10-8).

The building owner requests a variance to replace the destroyed garage with a new two-car detached garage in the same location of the previous garage. The new garage will be slightly larger than the previous garage to better accommodate two cars. The existing exterior parking pad will remain and will still be able to accommodate two standard size parking stalls and one compact size stall. A total of five parking spaces will be provided across the entire rear of the lot. This request is based on the eight standards for variation detailed on the following pages.

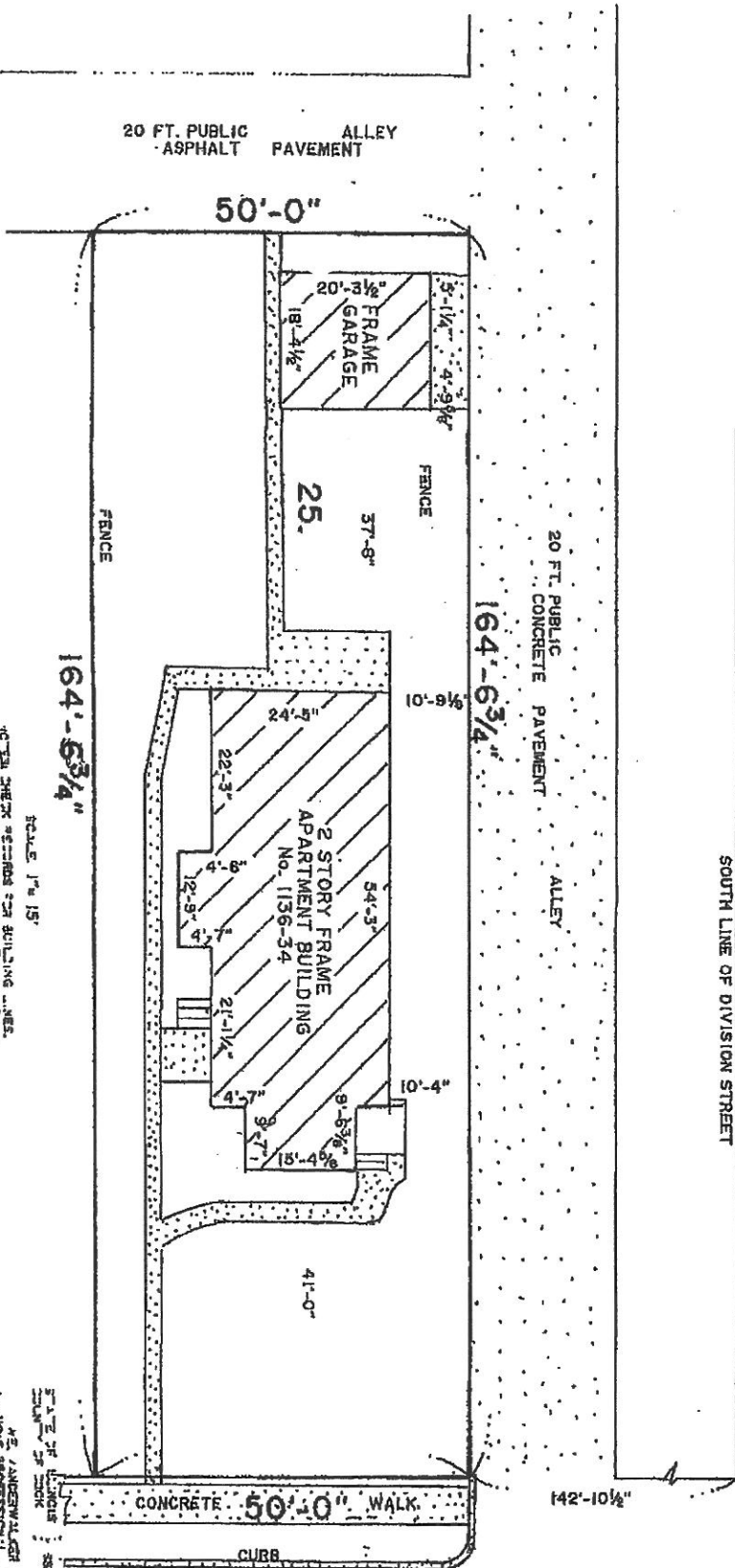


PLAT OF SURVEY

3421 W. 116th St., Ste. 201
Oak Lawn, IL 60453
PHONE 708-23-3252
FAX 708-423-8212

LOT 25 IN GREY AND BRAES RESUBDIVISION OF LOT 1 IN THE SUBDIVISION OF BLOCKS 4, 8, 9, 10, 11, 14, 15 AND 16 IN BOGUE'S ADDITION TO OAK PARK, BEING A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SOUTH LINE OF DIVISION STREET



NORTH HARLM AVENUE

**MASSACHUSETTS
PILGRIM REAL ESTATE**

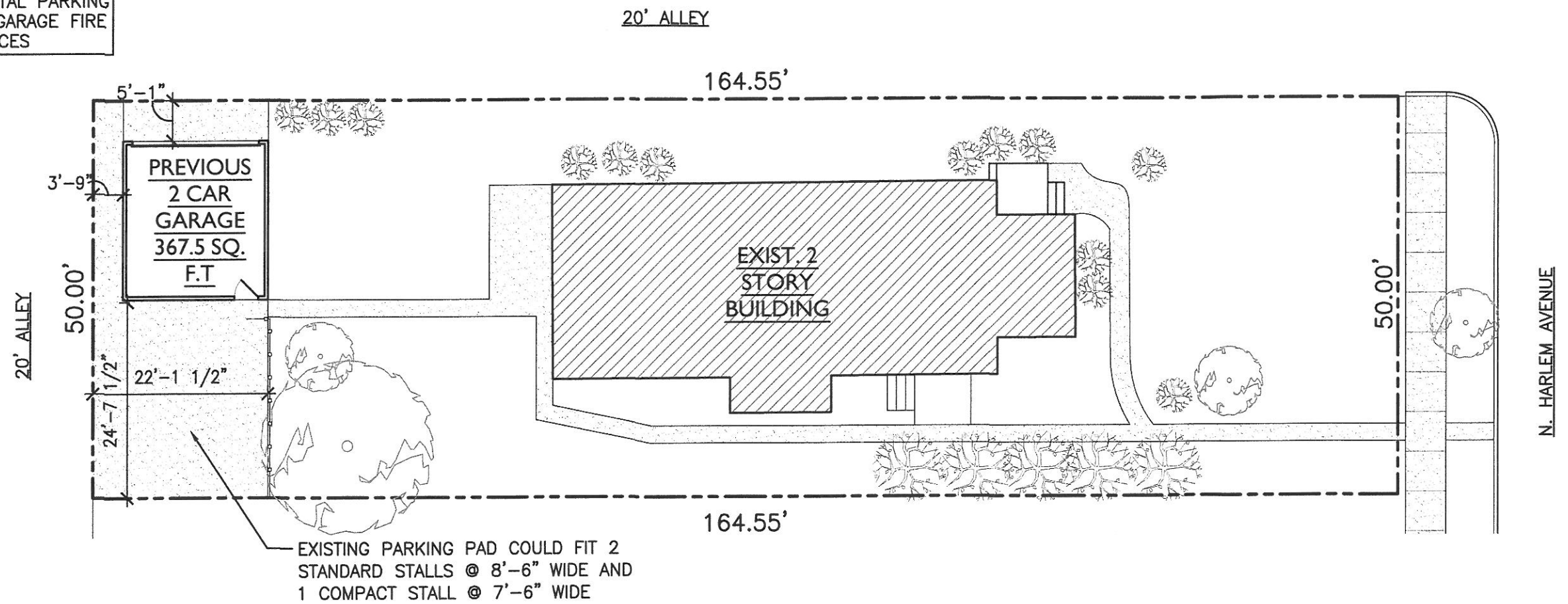
041-02

AT THE REQUEST OF THE CLIENT, NO MONUMENTATION WAS RESET. BEFORE ESTABLISHING FENCE LINES OR CONSTRUCTION, A "STAKED" SURVEY SHOULD BE PERFORMED TO VERIFY CORNERS.

151

[illegible][illegible]

NOTE: TOTAL PARKING
BEFORE GARAGE FIRE
= 5 SPACES



WDN ARCHITECTURE, llc

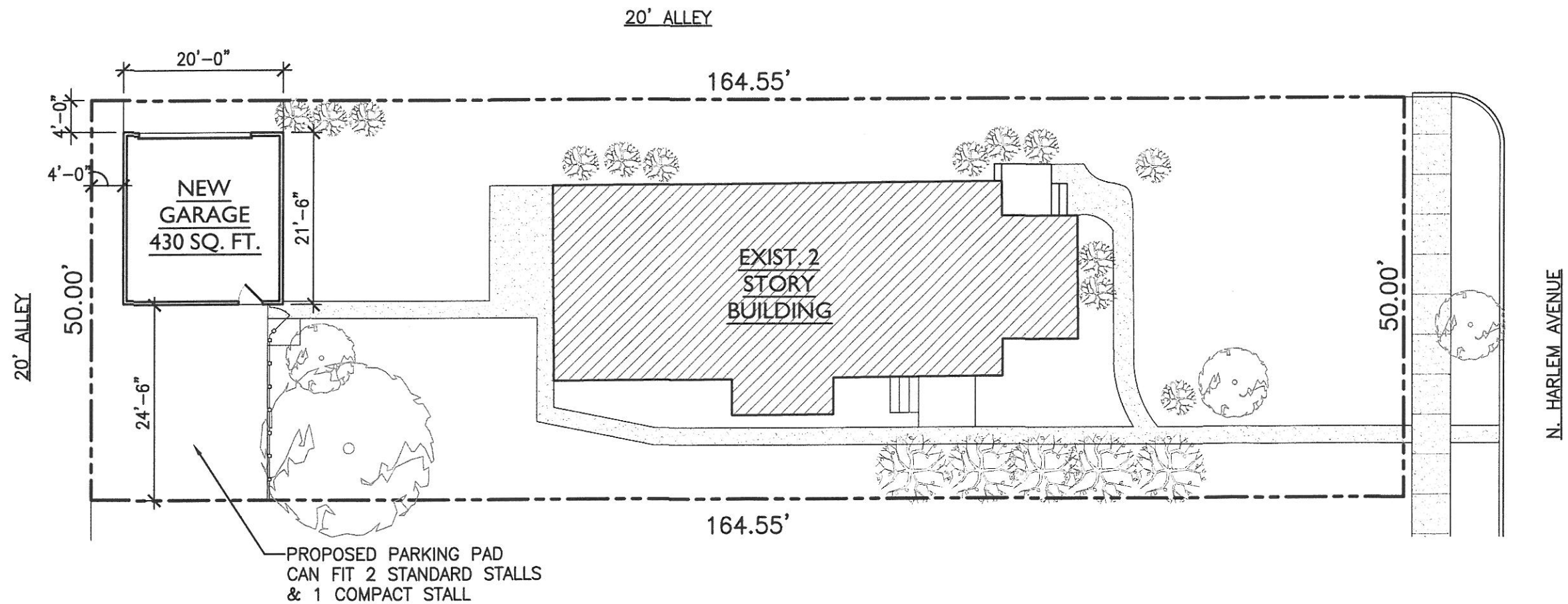
125 NORTH MARION ST. #204
OAK PARK, ILLINOIS 60301
PHONE: 708.386.9695

1134-1136 N. HARLEM AVE., RIVER FOREST, ILLINOIS

PREVIOUS SITE PLAN

SCALE: 1/16" = 1'-0"
OCTOBER 15, 2020

NOTE: PROPOSED PLAN MATCHES PREVIOUS
PLAN PARKING COUNT = 2 ENCLOSED SPACES,
2 STANDARD OUTDOOR SPACES, ONE COMPACT
OUTDOOR SPACE



WDN ARCHITECTURE, llc

125 NORTH MARION ST. #204
OAK PARK, ILLINOIS 60301
PHONE: 708.386.9695

1134-1136 N. HARLEM AVE., RIVER FOREST, ILLINOIS

PROPOSED SITE PLAN

SCALE: 1/16" = 1'-0"
OCTOBER 15, 2020

Zoning Review Checklist

Address: 1134 Harlem Avenue
 Date of Review: 6/19/2019 Date of Submission:
 Contact: Telephone #:

Zoning District : R3

10-10-1 Use: Detached Garage Accessory Building
Permitted Use

Lot Area	Lot Width	Lot Depth	Lot Area
	50.00	164.5625	8228.13

10-10-5 Lot Coverage:	Allowed	Proposed	
40% allowed for the R2 District	3291.25	2002.91	<input checked="" type="checkbox"/>
		24.34%	

10-10-5 Floor Area Ratio:	Allowed	Proposed	
80% allowed for the R2 District	6582.50	3059.11	<input checked="" type="checkbox"/>
		37.18%	

Setbacks	Required	Proposed	
Side Yard			
North		4.0000	
		0.5000	
10-10-7-C 3 foot minimum	3.0000	3.5000	<input checked="" type="checkbox"/>

Side Yard			
South		26.0000	
		0.5000	
10-10-7-C 3 foot minimum	3.0000	25.5000	<input checked="" type="checkbox"/>

Rear Yard			
West		4.0000	
		0.5000	
	3.0000	3.5000	<input type="checkbox"/>

10-10-6 Height Regulations:	Allowed	Proposed	
Height above grade in feet	30'	12.5'	<input checked="" type="checkbox"/>
Story Height	3	1	<input checked="" type="checkbox"/>

Accessory Structure

Zoning Review Checklist

10-10-8 Off-Street Parking:

Number of Dwelling Units

2

Required

4

Proposed

2



Enclosed Parking Spaces

10-10-8-A 2 enclosed parking spaces required per dwelling unit

Guest Parking spaces

2

2



10-10-8-B 1 guest parking space required per dwelling unit

Does the Accessory Structure cover more than 40% of the Rear Yard? ☒

10-10-8-A

No

Rear Yard Depth 59.78

Lot Width at Rear Yard 50.00

Area of Rear Yard 2989.07

x 40% 0.40

Allowable Area of Acc. Bldg. 1195.63

Proposed Area of Garage 440.00 14.72%

1134 Harlem Avenue
Area Calculations

6/19/2019

Zoning District R3

Lot Area	50.0000	164.5625	8228.1250
Allowed Coverage	0.4000		3291.2500
Allowed FAR	0.8000		6582.5000

Lot Coverage - Existing

First Floor Area	Existing	1529.5537
Detached Garage	Existing	372.8600
Open Porch	Existing	33.3593
		0.0000
Total		1935.7730

Lot Coverage - New

First Floor Area	Existing	1529.5537
Detached Garage	Proposed	440.0000
Open Porch	Existing	33.3593
		0.0000
Total		2002.9130

Floor Area - Existing

Floor Area - existing	1st floor	1529.5537
	2nd floor	1529.5537
	Attic	0.0000
Detached Garage	Existing	372.8600
garage allowance (up to 500 s.f)		-372.8600
		3059.1074

Floor Area - Proposed

Floor Area - Proposed	1st floor	1529.5537
	2nd floor	1529.5537
	Attic	0.0000
Detached Garage	Proposed	440.0000
garage allowance		-440.0000
		3059.1074

House - 1st floor - **Existing to remain**

A	24.4167	54.2500	1324.6042
B	15.3854	9.5573	147.0429
C	4.5417	12.7500	57.9067
			0.0000
			1529.5537

House - 1st floor - **Proposed**
Existing to remain

1529.5537
0.0000
1529.5537

House - 2nd floor - **Existing to remain**

a	24.4167	54.2500	1324.6042
b	15.3854	9.5573	147.0429
c	4.5417	12.7500	57.9067
			1529.5537

House - 2nd floor - **Proposed**
Existing to remain

1529.5537
0.0000
1529.5537

Detached Garage - **Existing**

eg	20.2917	18.3750	372.8600
			0.0000
			372.8600

Detached Garage - **Proposed**

pg	20.0000	22.0000	440.0000
			0.0000
			440.0000

Open Porch - **Existing**

op	4.4479	7.5000	33.3593
			0.0000
			33.3593

October 15, 2020

Garage Replacement
1134 – 1136 North Harlem Ave.
River Forest, IL 60305

STANDARDS FOR MAJOR VARIATIONS (SECTION 10-5-4F)

1. The physical surroundings, shape or typographical conditions of the specific property involved with bring a specific hardship upon the owner as distinguished from an inconvenience if the strict letter of the regulations were to be carried out.

If a four-car garage (two enclosed spaces per residential unit) is provided it will be minimum of 40'-0" across the rear of the lot. It is not physically possible to provide six spaces (4 enclosed and 2 surface) across the rear of the 50' lot. Therefore, the extra parking would need to be added to the side yard along the north alley. The owner does not want to increase the lot's impervious surfaces with a new 4 car garage and an additional 400 square foot parking pad in the side yard. The owner and tenants value the original open green space of the yard for recreation over the additional parking spaces.

2. The aforesaid unique physical condition did not result from an action of any person having an interest in the property, but was created by natural forces or was the result or was the result of governmental action, other than the adoption of this Zoning Ordinance, for which no compensation was paid.

It is not physically possible to provide six spaces (4 enclosed and 2 surface) across the rear of the 50' lot. The owner wishes to provide the same enclosed parking spaces that the home was originally designed with and believes it is more important to have easily accessed surface visitor parking than additional enclosed spaces. The majority of the Harlem side of the alley is currently surface parking serving multi-family residences (see attached photos).

3. The conditions upon which the petition for variation is based may not be applicable generally to other property within the same zoning classification.

As mentioned above, the majority of the Harlem side of the alley is currently surface parking serving multi-family residences. Also, the zoning code states:

In an R3 district, no building may be erected or altered to achieve the permitted density of this district on a lot recorded after the effective date hereof which is less than seventeen thousand four hundred twenty four square feet and one hundred feet wide throughout its depth

This existing property is 8,277 square feet. It seems as if the parking requirements for an R3 district are written to represent a much larger multi-family development with a parking garage rather than this existing two-flat on a small lot.

Garage Replacement
1134 – 1136 North Harlem Ave.
River Forest, IL 60305
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4. The purpose of the variation is not based predominantly upon a desire for economic gain.

The request is not economic. The owner wishes to maintain the parking and the existing rear yard open space and supply of light as it has had most likely since original construction.

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.

The neighborhood and alleyway will remain as it has been for many decades. A new larger longer garage may impact the ability of neighbors to access their garages across the alley.

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.

The proposed variation will allow the alley to remain as it has been for many decades and not change any of the factors listed above. However, a new four car garage could impact supply of light and air to the adjacent property.

7. That the granting or the variation would not unduly tax public utilities and facilities in the area.

Since the proposed variation will allow the alley and property to remain as it has been for many decades, it will not unduly tax public utilities and facilities in the area.

8. That there is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

As stated above, it is not physically possible to provide six spaces (4 enclosed and 2 surface) across the rear of the 50' lot. Therefore, the only alternative is to add two spaces (approximately 400 s.f.) of parking area at the side yard along the north alley. This greatly increases the impervious area of the lot and will create more water runoff to the alley. The owner and the tenants greatly value the green space that has always been part of the property and do not wish to replace it with concrete and a larger garage structure. Based on statements 1 through 7 we feel the requested parking layout is the most reasonable use of the lot.

1134 – 1136 North Harlem Avenue
River Forest, IL



From Harlem looking southwest

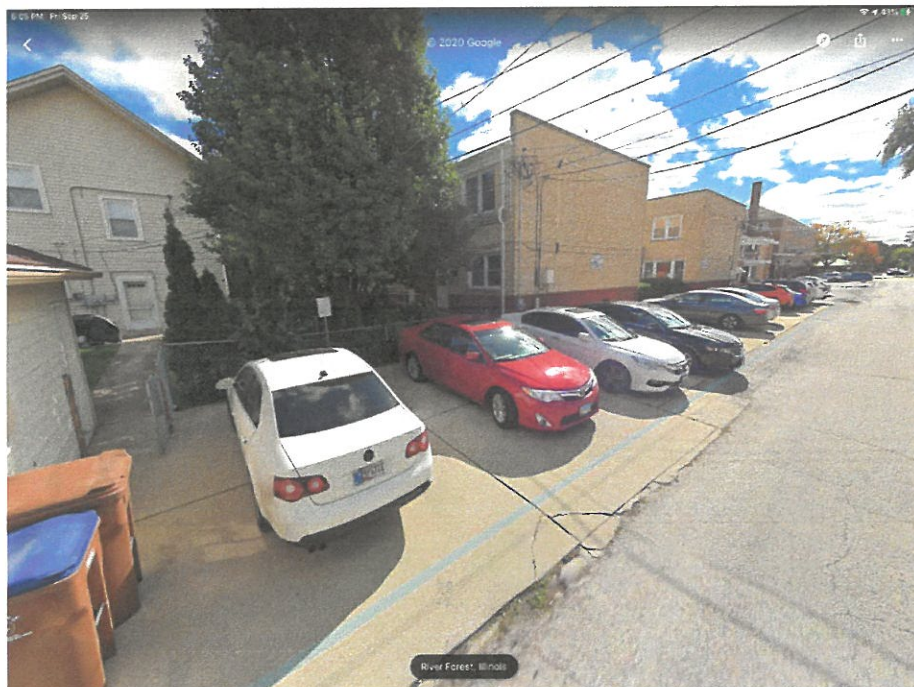


Previous garage from alley looking south

1134 – 1136 North Harlen Avenue
River Forest, IL



Previous garage from alley looking east



South side of previous garage and existing parking pad.
Line of existing parking pads continue down the entire alley south.

1134 – 1136 North Harlen Avenue
River Forest, IL



South side of previous garage looking north



Current photo with no garage. Looking southeast.