

**VILLAGE OF RIVER FOREST
ZONING BOARD OF APPEALS MEETING MINUTES
January 14, 2021**

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, January 14, 2021 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 7:37 p.m.

Upon roll call, the following persons were:

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

Absent: Members Schubkegel, Berni, and Smetana

Also Present: Secretary Clifford Radatz and Village Attorney Carmen Forte, Jr.

II. APPROVAL OF NOVEMBER 12, 2020 ZBA MEETING MINUTES

A MOTION was made by Member O'Brien and SECONDED by Member Dombrowski to approve the minutes of the November 12, 2020 ZBA meeting as amended.

Ayes: Dombrowski, O'Brien and Martin

Nays: None

Abstain: Lucchesi

Motion passed.

III. APPROVAL OF FINDINGS OF FACT FOR THE PROPOSED ZONING VARIATIONS AT 1134-1136 HARLEM FROM THE MEETING OF THE ZONING BOARD OF APPEALS ON NOVEMBER 12, 2020

A MOTION was made by Member O'Brien and SECONDED by Member Dombrowski to approve the Findings of Fact and recommendation.

Ayes: Dombrowski, O'Brien, Lucchesi and Martin

Nays: None

Abstain: Lucchesi

Motion passed.

IV. CONTINUATION OF ZONING VARIATION REQUEST – 346 PARK AVENUE – PUBLIC HEARING

Chairman Martin called the public hearing to order.

Secretary Radatz read the attestation and swore in all parties wishing to speak.

Julie Krueger, property owner/applicant, presented the petition for the zoning variation. Plans for the variation include a 1,700 square foot second floor addition to an existing 880 square foot cottage, and updating of the plumbing, electric, and fire suppression system, bringing the home up to current building code specifications. Ms. Krueger claimed the additions would increase the value of the home and neighborhood and that the addition is within her family budget and cheaper than buying a similar home that is already constructed.

James O'Rourke, attorney for the property owner/applicant for the variation, claimed the request is modest and keeps in character of the neighborhood on Park Ave. Mr. O'Rourke stated that other homes on the block had second stories and similar characteristics. He pointed out that the house next door (348 Park Avenue) is built on the center of its lot, as opposed to on one side with a driveway like other houses on the block, and is therefore closer to the applicant's lot than other houses on the block are to each other. He claimed that this creates a hardship for the applicant because of the setback requirements. He noted that the applicant's lot is substandard because it is five feet narrower than similar lots and that the purpose of the addition is not economic gain but to raise a family in an affordable home. Mr. O'Rourke stated that the addition would comply with Village Code as evidenced by an architectural study which states no impacts would occur to the light entering 348 Park Avenue's window facing his client's property, and there would be a minimal loss of light to 348 Park Avenue overall, when the Village Code only prohibits loss of adequate light. He also noted that some neighbors expressed support for the addition because of the value added to the neighborhood, and that fire suppression systems will eliminate the risk of fire as much as possible. He believes the variation would permit a reasonable use of his client's property.

Jennifer Cappelli, resident of 15 years and owner of 348 Park Avenue, objected to the variation request. She confirmed the supplemental packet she brought had been distributed to the members. Ms. Cappelli stated she already endured construction of a garage at 346 Park Avenue, and claims this went beyond what the variation granted for that project. Additionally, she has a studio with south facing windows, and is concerned about light and fire danger if the variation is granted.

Timothy Okal, attorney with the firm Spina McGuire & Okal, P.C., who represents Jennifer Cappelli, claimed that the applicant has not established hardship because the lot dimensions were known when the property was purchased and the same zoning restrictions existed upon purchase of lot. He claimed the small loss in square footage from a smaller addition would not result in a hardship and that no hardship exists from natural forces or government action. Mr. Okal provided that the elements of a hardship in the Zoning Ordinance are not

satisfied by the applicant. He stated that granting the variation would impact his client's access to light and ability to build additions on her home. He noted that the Zoning Ordinance requires evidence that each element of hardship be met and that the applicant failed to meet that burden in this case. In his opinion, the members cannot recommend variation according to the Zoning Ordinance, and should recommend denial of the variation request.

Ms. Krueger then provided that she did not realize when she purchased her home that the width of the home would impede her ability to add a second story. She also pointed out that, under the Zoning Ordinance, Ms. Cappelli could add second story to home without seeking a variation.

Mr. O'Rourke stated that counsel for Ms. Cappelli is incorrect because the members have discretion, and there is evidence that all elements and conditions of the variation application have been met.

Hearing no further testimony, and no more requests from the applicant for additional time to present additional information or evidence, Chairman Martin closed the public hearing.

Discussion and Deliberation of the Variation Request

Chairman Martin asked if anyone had any comments.

Member O'Brien asked Ms. Krueger if any of her neighbors have moved since the applicant previously requested the variation. Ms. Krueger responded that none of her neighbors have moved.

Chairman Martin noted that it seems that variations for single family occupied homes typically come about because the house no longer suits them. And while he sympathized with the applicant, personal situations do not overcome the standards the members have to apply. He did not see anything significant that changed since the applicant came before the members more than two years ago.

Ms. O'Brien agreed with Chairman Martin's sentiment about nothing changing in the applicant's situation.

Mr. Lucchesi stated that the variation sought is over two feet, which is significant, and that he did not view this as reasonable. He viewed the variation as creating a hardship on the neighbor.

A MOTION was made by Member Dombrowski and SECONDED by Member Lucchesi that the Zoning Board of Appeals recommend to the Village Board of Trustees that the requested variation be granted.

Member O'Brien stated that she did not believe standards 1, 3, 5, 6 and 8 had been met. Chairman Martin stated that he did not believe standards 1, 6 and 8 had been met.

Ayes: Dombrowski
Nays: O'Brien, Lucchesi, Martin
Motion failed.

A MOTION was made by Member Lucchesi and SECONDED by Member O'Brien that the Zoning Board of Appeals recommend to the Village Board of Trustees that the requested variation be denied.

Ayes: O'Brien, Lucchesi, Martin
Nays: Dombrowski
Motion passed.

The Zoning Board of Appeals recommendation to the Village Board of Trustees is that the requested variation not be granted. Chairman Martin explained there will be another chance to address the variation before the Village Board of Trustees and explain the reason for the variation at that time.

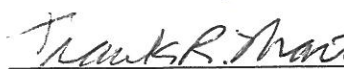
V. ADJOURNMENT

A MOTION was made by Member O'Brien and SECONDED by Member Dombrowski to adjourn the meeting at 8:21 p.m.

Ayes: Dombrowski, O'Brien, Lucchesi and Martin
Nays: None
Motion passed.

Respectfully Submitted:


Cliff Radatz, Secretary


Frank Martin, Chairman
Zoning Board of Appeals

Date: 2/11/2021