

VILLAGE OF RIVER FOREST
ZONING BOARD OF APPEALS MEETING MINUTES
March 11, 2021

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, March 11, 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, Lucchesi, Schubkegel, Smetana and Chairman Martin.

Absent: Member Berni

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

II. APPROVAL OF February 11, 2021 ZBA MEETING MINUTES

A MOTION was made by Member Dombrowski and SECONDED by Member Lucchesi to approve the minutes of the February 11, 2021 Zoning Board of Appeals meeting.

Ayes: Dombrowski, Lucchesi, Schubkegel, and Martin

Nays: None

Abstain: None

Motion passed.

III. PETITION FOR A PROPOSED ZONING VARIATION REQUEST - 7612 VINE STREET - PUBLIC HEARING

Chairman Martin called the public hearing to order

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

Rosemary McAdams and Quinn Brennolt, property owners/applicants, presented their petition for a zoning variance with regard to a side yard setback for a home with an existing non-conforming side yard setback. Mrs. McAdams stated that she and her husband need the setback to add a second floor addition to the home to provide more space for their growing

family. She stated that they have spoken with both of their neighbors who expressed that they do not have any issues with the variance, and they received a letter of support from their neighbors to the west.

The McAdams' architect, Mark Zinni, described the property as an unusually small site for River Forest standards at just over a total of 1,000 sq. ft. with a width of only 37 ½ feet and a depth of 134 ft. Mr. Zinni stated that the owners are looking to extend the existing side yard setback vertically/upward, for which they are seeking an exemption for the non-conforming addition. The setback is currently at 2 ft. 10.5", and the minimum setback requirement is 5 ft. for a standard 50 ft. wide lot. They are also seeking an extension for the overhanging eave, to maintain the current aesthetics of the home. Mr. Zinni presented Exhibit A, which is the survey of the lot showing the width (37 ½ ft.), the depth (134 ft.), the west side yard setback (2 ft. 10.5"), and the east side yard setback which is approximately 13 ft.

Mr. Zinni claimed the property presents a specific hardship because the lot is smaller than the standard 50 ft. width and has no alley access, which forces the owners to comply with the garage standard - to place the garage in the back and have the driveway on one side with a non-conforming side yard setback on the other. Further, Mr. Zinni stated that it is the only house on the block that is one-story, and all other houses already possess the setback condition the owners are seeking.

Mr. Zinni stated that the height of the second floor addition would be 29 ft. 2", which is within the 32 ft. limit, and the floor area would be increased to the maximum allowed. Mr. Zinni showed the Board member various plans and proposed drawings for the addition. Mr. Zinni confirmed that the addition was not going to exceed the permitted floor ratio or lot coverage.

Mr. Zinni stated that the unique physical character of the property is not due to the actions of any person with interest in the property, the condition for the petition is not based other applicants in the same zoning classification (R2) because most of them are 50 ft. or have alley access, and the proposed variation is not predominantly for the desire of economic gain evidenced by the intent of the owners to stay in the home once the addition is constructed. He also stated that the addition would not be injurious to the public health, welfare or environment, and would not adversely affect the neighbors' properties because the proposed variation would not change the general nature of the property (single family residential) or the width of the setbacks. Mr. Zinni claimed that the addition would not limit access to light or ventilation to the neighbors, emphasizing that their total combined setback footage (15 ½ ft.) would exceed the minimum of 15 ft. for the larger standard 50 ft. wide lots. He also claimed that there would be no further tax on public utilities. Finally, Mr. Zinni claimed that there is no other means by which the hardship can be remedied to permit a reasonable use of the subject property, because without the variation, the rear addition would have to be removed, which would involve foundational issues which could affect the neighbors and would also require a variation as a non-conforming use.

Mr. Martin asked the Board members if they had any questions for the applicants. Member Lucchesi asked Mr. Zinni about the width of the driveway on the West side, which he

confirmed was just under 13 ft. Mr. Martin asked Mr. Zinni what the impact of the second floor's shadow will be on the North side neighboring property when the sun is shining in the South. Mr. Zinni stated that would not be an issue, but the most concern would be the shadow effect on the East or West side neighbors when the sun is rising or setting, but he claimed it would not be an issue given the side yard driveways which give space between the houses.

Chairman Martin closed the public portion of the hearing.

Members Dombrowski and Lucchesi stated their support for the plan. Member Smetana stated that he agreed that there was not a lot that could be done with the lot because of the side yard driveway that wraps around the back. He agreed that there was no room to extend out and that extending the house up vertically is the only practicable way to use the property given the small width of the property.

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

Ayes: Smetana, Schubkegel, Dombrowski, Lucchesi and Martin
Nays: None
Motion passed.

III. PETITION FOR A ZONING VARIATION REQUEST - 1018 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.

John Hague, architect for the project, introduced the owners of the property, Greg and Amanda Palivos. He described their house as a two-story Colonial home, and the owners are seeking a side yard setback variation to allow them to enlarge their house in light of their second pregnancy. The owners have two vehicles that they would like to store inside, and their backyard experiences severe flooding issues that would preclude a garage located in the rear of the yard. Mr. Hague stated that the best place to put the garage would be the front of the house to the South, and to do this the side yard setback would need to be reduced from 7.5 ft. to 3.75 ft. to allow for a 24 ft. wide garage. The existing house is 2600 sq. ft., and the owners are trying to enlarge it to 4800 sq. ft., for a family room addition and a master bedroom, on a lot that allows up to 6500 sq. ft. house. The owners are requesting two variations: (1) the reduction of the side yard setback from 7.5 ft. to 3.75 ft., and (2) a variation for the combined side yard setback from 18.75 ft. to 13.95 ft. The owners have letters of support from both of their adjoining neighbors regarding both requests. The house to the South is located 6 ft. from the property line.

Member Dombrowski asked if the neighbors to the North and the South agreed with the proposed addition, and Mr. Hague presented letters of support from both. Member Lucchesi asked about the plans for the existing driveway, which Mr. Hague said they would remove.

Greg Palivos, the property owner, spoke to the Board and thanked them for hearing their variation requests. He stated that his family's intent is to stay in River Forest, where his wife was raised and where her parents still reside.

Chairman Martin closed the public portion of the hearing.

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 Dombrowski stated that the variance was a large one but that he believed all eight standards had been met.

Ayes: Dombrowski, Lucchesi, and Schubkegel

Nays: Martin and Smetana

Motion passed.

Village Attorney Forte noted that, according to the Village of River Forest Zoning Ordinance, a vote on a recommendation for a major variation must receive (4) affirmative votes from the Zoning Board of Appeals to be considered a positive recommendation to the Village Board. Therefore, this application will have to receive a 2/3 vote of the Board of Trustees to be approved, and the recommendation of the Zoning Board of Appeals will be to deny the variation request.

IV. TEXT AMENDMENT REQUEST – SECTION 10-19-3(A) OF THE VILLAGE OF RIVER FOREST ZONING ORDINANCE – STANDARDS OF REVIEW FOR PLANNED DEVELOPMENTS

Chairman Martin welcomed Acting Village Administrator Lisa Scheiner to present a petition from the Village of River Forest.

Ms. Scheiner presented the petition on behalf of the Village, and described the history of the Village's adoption of its affordable housing plan, as required by state statute. She noted that the proposed text amendment is to amend section 10-19-3(A) of the Zoning Ordinance, which is the first standard of review required for the Development Review Board when reviewing a proposed planned development. The standard states that the "proposed use or combination of uses is consistent with the goals and policies of the comprehensive plan." The Village adopted an amended comprehensive plan two years prior which included a recommendation for development of an affordable housing plan. The proposed standard under the text amendment would read "the proposed use or combination of uses is

consistent with the goals and policies of the comprehensive plan and the affordable housing plan.”

Chairman Martin stated that he did not like the amendment and that he would be voting against it. He stated he felt this way because there are a number of statutes and ordinances, such as the Americans with Disabilities Act (ADA), which should be considered as part of the review of planned development projects, in addition to the affordable housing plan. He did not like that the proposed amendment singles out the affordable housing plan. He would prefer the amendment to read “proposed uses or combination of uses is consistent with the goals and policies of the comprehensive plan and all other relevant ordinances and statutes.” Ms. Scheiner stated that she understood his concerns, but stated that the ADA and other statutes are already considered in planned developments. She also stated that the affordable housing plan is not an ordinance or a statute but a policy statement similar to a comprehensive plan.

Member Smetana asked if the affordable housing plan requires that the comprehensive plan itself be changed to support the goals of the affordable housing plan. Ms. Scheiner answered that it does not. She stated that the comprehensive plan is a policy statement for the Village, and that it already asks that the Village pass an affordable housing plan in accordance with the Affordable Housing Planning and Appeals Act. She noted that the comprehensive plan will not be changed, but specific issues such as bulk standards that will have to be changed to support the affordable housing plan (which are not at issue at this time) will be completed through text amendments which will be brought to the Zoning board of Appeals at a later time.

Chairman Martin asked if the later proposals will include amendments to the Zoning Ordinance or Development Ordinance to implement the affordable housing plan. He clarified that these kinds of amendments are not at issue at this hearing, and that the only thing at issue at the instant hearing is to consider a simple amendment to one of the review standards that the Development Review Board considers, which Ms. Scheiner affirmed.

Ms. Scheiner also stated that the standards in the Planned Development Ordinance were amended to take into account accessibility for individuals with disabilities.

Attorney Forte stated that the legal notice regarding the proposed text amendment was directed to a very specific change to the Zoning Ordinance, and because the notice is so

specific to the proposed amendment mentioning the affordable housing plan, he would not recommend proposing any additional text amendments in the confines of the hearing.

Chairman Martin called for any motions on the proposed text amendment, and none were made.

V. ADJOURNMENT

Chairman Martin called for a motion to adjourn.

At 8:22 p.m., a MOTION to adjourn was made by Member Lucchesi and SECONDED by Member Dombrowski.

Ayes: Dombrowski, Lucchesi, Smetana, Schubkegel, and Martin

Nays: None.


Motion passed.

Ayes:

Nays:

Respectfully Submitted:


Cliff Radatz, Secretary


Frank Martin, Chairman
Zoning Board of Appeals

Date: 4/21/2021