

VILLAGE OF RIVER FOREST
ZONING BOARD OF APPEALS MEETING MINUTES
June 10, 2021

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, June 10, 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.

Upon roll call, the following persons were:

Present: Members Berni, Dombrowski, Lucchesi, and Chairman Martin.

Absent: Members Schubkegel, Smetana

Also Present: Lisa Scheiner, Acting Village Administrator
Clifford E. Radatz, Secretary
Carmen Forte, Village Attorney
Jacob Seid, AICP, Senior Planner, and Jaemi Jackson, AICP, Senior Planner for the Chicago Metropolitan Agency for Planning

II. APPROVAL OF APRIL 8, 2021 ZONING BOARD OF APPEALS MEETING MINUTES

A MOTION was made by Dombrowski and SECONDED by Berni to approve the minutes of the April 8, 2021 Zoning Board of Appeals meeting.

Ayes: Berni, Dombrowski, Martin

Nays: None

Motion Passed.

III. APPROVAL OF MAY 20, 2021 ZONING BOARD OF APPEALS MEETING MINUTES

A MOTION was made by Dombrowski and SECONDED by Martin to approve the minutes of the May 20, 2021 Zoning Board of Appeals meeting.

Ayes: Dombrowski, Martin

Nays:

Motion Passed.

IV. APPEAL OF THE ZONING ADMINISTRATOR - 138 AND 142 KEYSTONE AVENUE

Secretary Radatz swore in all parties wishing to speak.

Stuart Weiner, owner of 138 and 142 Keystone Avenue, explained that he is appealing the decision of the Zoning Administrator who has determined that he is unable to replace garages at both 138 and 142 Keystone Avenue with three-car garage at 142 Keystone that would provide off-street parking for both properties in order to achieve a greater amount of green space on his properties. Mr. Weiner stated that Mr. Radatz probably made the right decision and has applied the decision several times before, however, as the property owner of both lots he is in a unique position and will meet the intent of the Zoning Ordinance requirement, which is to provide sufficient off-street parking.

Secretary Radatz summarized that the Zoning Ordinance Sections 10-9-8 and 10-8-8 contain the same off-street parking requirements for the R1 and R2 Zoning District, which is that each lot must contain two enclosed parking spaces for passenger automobiles. He continued that every time a new house is built it must include two enclosed parking spaces. He said there are some lots in the Village that do not provide two enclosed parking spaces that may have been built before the Zoning Ordinance was enacted and perhaps also before automobiles. Mr. Radatz stated that during his tenure the purpose of the Zoning Ordinance has always been to maintain two enclosed spaces per lot. When building permits are received for garage demolition there must also be a plan to replace those two spaces in kind. The Village has always done its best to enforce the enclosed off-street parking requirement. Mr. Radatz acknowledged that it is unique for there to be one owner on two independent lots of record. However, he could sell either lot at which point one lot would have a three-car garage and one lot would have no enclosed parking spaces. He said that if the property owner's interpretation of the Zoning Ordinance is accepted that there is no requirement to maintain the two enclosed parking spaces then a property owner could construct a new home and then immediately file for a permit to demolish the garage and provide no enclosed parking.

Village Attorney Forte confirmed that Mr. Radatz followed the plain language of the Zoning ordinance and correctly applied it in this case. He said that the Village has historically and consistently applied the code correctly in the R1 and R2 zoning districts to require two enclosed parking spaces per lot to provide sufficient off-street parking facilities. He stated that overturning the Zoning Administrator's ruling in this case would be to ignore the plain language of the Zoning Ordinance. Mr. Forte noted that four affirmative votes are needed by the Zoning Board of Appeals to overturn the Zoning Administrator's ruling. He stated that the Zoning Board's ruling is final in this case and appealable to the Circuit Court.

Acting Village Administrator Scheiner noted, and Mr. Forte confirmed, that the role of the Zoning Board of Appeals in these matters is to determine if the Zoning Administrator has incorrectly interpreted the Zoning Ordinance.

In response to a question from Member Berni, Mr. Weiner stated that he rents one of the properties and it is currently occupied by tenants who would be allowed to utilize the garage at 142 Keystone. Mr. Berni noted that the property owner is only proposing to construct a three-car garage at 142 Keystone, not a four-car garage. Mr. Weiner said that is true.

Mr. Weiner reiterated that he meets the intent of the Zoning Ordinance to provide covered parking and has pictures of multiple properties where cars are not parked in the garage. If the intent of the rule is to provide covered parking it is not working. He said he is sure the Village correctly applied the rule but hopes that logic will prevail.

A MOTION was made by Martin and SECONDED by Berni to reverse the decision of the Zoning Administrator.

Ayes: None

Nays: Lucchesi, Dombrowski, Berni, Martin

Motion Fails.

A MOTION was made by Berni and SECONDED by Lucchesi to affirm the decision of the Zoning Administrator.

Ayes: Lucchesi, Dombrowski, Berni, Martin

Nays: None

Motion Passed.

V. DISCUSSION & DIRECTION: POTENTIAL AMENDMENTS TO THE RIVER FOREST ZONING ORDINANCE REGARDING ACCESSORY DWELLING UNITS

Secretary Radatz swore in all parties wishing to speak.

Chairman Martin recapped the presentation at the May meeting of the Zoning Board of Appeals.

Jaemi Jackson, Senior Planner from the Chicago Metropolitan Agency for Planning, reviewed her presentation from the May meeting.

Ryan Gilbert, a River Forest resident who works at home, spoke in support of accessory dwelling units as they would provide the ability to use space above their two car garage for home office space with a kitchenette and bathroom.

David Crosby, Plan Commission Chair, provided information regarding the genesis of this matter as outgrowth of the Comprehensive Plan and Affordable Housing Plan. The Zoning Board of Appeals is asked to consider amendments to the Zoning Ordinance to implement components of the Affordable Housing Plan.

In response to a question from Member Berni, Mr. Crosby stated that the Village currently has 9% affordable housing, which necessitates a plan under State law. Mr. Crosby and Acting Village Administrator Scheiner confirmed that the state establishes the affordability threshold for rental and owner-occupied properties based on regional data.

In response to a question from Member Dombrowski, Mr. Crosby stated that the goal of the Affordable Housing Plan is to meet and exceed the minimum requirement of 10% of all housing in River Forest qualify as affordable housing. Ms. Scheiner described the compulsory requirements of an affordable housing plan under the state law, including a defined affordable housing goal.

In response to a question from Chairman Martin, Mr. Crosby stated that the Village needs 39 affordable housing units to achieve the 10% minimum requirement. He clarified that ADUs is one strategy to help the Village achieve its goal, but is not intended to be the only way in which the Village satisfies the 10% minimum requirement.

Dan Lauber, River Forest resident, spoke in favor of accessory dwelling units. He encouraged the Village to thoroughly review this issue due to the technical zoning considerations that must be considered regarding accessory dwelling units such as units per lot, parking, etc. He encouraged the Village to look outside of Illinois for guidance regarding these policy decisions. He also stated that he believes this matter should be sent to the Plan Commission, not the Zoning Board of Appeals. He said the Plan Commission needs to make the policy decisions and then send them to the Zoning Board of Appeals who will review the recommended text amendments. He stated that the Zoning Board of Appeals does not have sufficient information to make these policy decisions and understand their impact on River Forest.

Mr. Gilbert reiterated his support for accessory dwelling units.

Jaemi Jackson presented a summary of the topics which the Zoning Board needs to consider. She noted that her colleague Jake Seid had just joined the meeting via Zoom. The topics included location (what Zoning Districts should ADU's be located in), types of ADU units (attached, detached, internal), Occupancy requirements, parking, and Administration of the program. Ms. Jackson noted that the discussion should focus on how ADU's should be permitted rather than the question of if ADU's should be permitted.

The Affordable Housing Plan recommends ADU's to be located in the R1 and R2 Districts, but the R3 District could also be considered.

Ms. Scheiner noted that the regulatory structure for ADU's can be adjusted to address the concerns of the community. She asked what were the Board's concerns regarding the implementation of the Plan.

Chairman Martin expressed concern over parking, suggesting that the regulation include a requirement of at least 1 additional enclosed parking space per ADU.

A question was posed if it was worthwhile to implement regulations for ADU's if only a few units actually get built. Ms. Scheiner hypothesized that only a few ADU's might be built, but that it was worthwhile as one portion of a plan to meet the goals for Affordable Housing.

Chairman Martin expressed support for considering studies and data from communities that have had ADU's for longer periods of time, 20 years or more. Ms. Jackson answered that most of those studies were from communities on the west coast rather than the midwest, and that given the differences in the housing markets, relying on those studies could result in comparing apples to oranges. Mr. Lauber disagreed vehemently.

Mr. Dombrowski commented on the hesitancy of the Zoning Board. He indicated that he could only support ADU's within existing structures and for family members only. He opposed the construction of new structures on any single family lot.

Mr. Berni expressed concerns regarding the Lot Coverage regulations of the Zoning ordinance. Ms. Jackson acknowledged that existing Zoning restrictions tend to limit the proliferation of ADU's.

Chairman Martin expressed concern about maintaining the character of the Village.

Ms. Jackson related how Princeton, New Jersey removed the occupancy requirements on their program and that the number of new permits in the following year was only two. Ms. Jackson noted that this was an example of the slow rate of growth.

Ms. Jackson noted there seemed to be a consensus for occupancy requirements.

Mr. Lucchesi requested that examples of ordinances from other jurisdictions be provided to the Board for review and consideration.

Ms. Scheiner summarized her understanding of the concerns of Zoning Board.

Chairman Martin stated his opinion that ADU's could be allowed in the R3 District as well as R1 and R2, they should be attached units, there should be an owner occupancy requirement, a parking requirement, and subject to a Special Use.

Mr. Lauber noted that one of the goals of allowing ADU's is to promote aging in place. He suggested one mechanism for regulating the placement of units was to add a spacing limit, requiring a minimum distance between units so there are not too many units in any block.

VI. CONFIRMATION OF NEXT MEETING – JULY 8, 2021

No applications for Zoning Variations were anticipated to be filed for the July meeting.

VII. PUBLIC COMMENT

Chairman Martin noted that David Berni was retiring from the Zoning Board of Appeals, that this was his last meeting, and thanked him for his years of service to the Village of River Forest.

VIII. ADJOURNMENT

MOTION to adjourn was made by Mr. Berni and SECONDED by Mr. Dombrowski.

Ayes: Berni, Dombrowski, Lucchesi, and Chairman Martin.

Nays: None.

Motion passed.

Respectfully Submitted:

Clifford E. Radatz, Secretary

Frank Martin, Chairman
Zoning Board of Appeals

Date: _____

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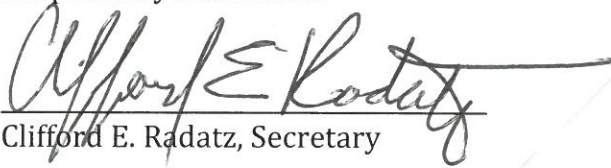
MOTION to adjourn was made by Mr. Berni and SECONDED by Mr. Dombrowski.


Ayes: Berni, Dombrowski, Lucchesi, and Chairman Martin.

Nays: None.

Motion passed.

Respectfully Submitted:


Clifford E. Radatz, Secretary


Frank Martin, Chairman
Zoning Board of Appeals

Date: 10/14/2021