

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

October 20, 2022

A meeting of the River Forest Zoning Board of Appeals was held at 7:30 pm on Thursday, October 20, 2022, in the Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois.

I. CALL TO ORDER

Chairman Martin called the meeting to order. Meeting started by calling roll.

Upon roll call the following persons were:

Present: Members Smetana, Shoemaker, Lucchesi, Dombrowski, Chairman Martin, and Member Davis (arrived by Zoom at 7:35 pm).

Absent: Member Plywacz

II. APPROVAL OF THE MINTUES FROM THE MEETING OF THE ZONING BOARD OF APPEALS ON AUGUST 18, 2022

A MOTION was made by Member Smetana to approve the minutes from the August 18, 2022, meeting.

Ayes: Members Smetana, Shoemaker, Dombrowski and Chairman Martin

Nays: None.

Motion passed.

III. APPROVAL OF FINDINGS OF FACT FOR THE FENCE AND ZONING VARIATION REQUESTS FOR 105 THATCHER AVENUE

A MOTION was made by Member Dombrowski to approve the findings of fact for 105 Thatcher Avenue, seconded by Member Shoemaker.

Ayes: Members Dombrowski, Shoemaker, Smetana, and Chairman Martin.

Nays: None

Motion passed.

Mr. Radatz swore in all parties wishing to speak.

IV. PUBLIC HEARING- ZONING VARIATION REQUEST FOR 935 FRANKLIN AVENUE—FRONT YARD SETBACK

Patrick McGuinness, attorney representing applicants Dave and Shari Delaney (“homeowners”), who are seeking a variance to the front yard setback variance in order to have a Front Yard setback of fifty-nine feet instead of the required 72.1 feet set by the village code.

Mr. McGuinness went into the requirements of standards. First, Mr. McGuinness explained that the unique physical condition of property makes a strict enforcement of the code a hardship. This property is on unique block of five properties. The applicant’s setback would be more consistent with the block as a whole, and consistent with houses across the street which all have similar front yard setbacks. Second, the unique physical condition was not created by applicants. The applicants purchased the property on November 2021 as vacant land. The setback of fifty-nine feet would be further back than the house that previously stood on the applicant’s lot. Third, the variance would not be applicable to other properties. No other blocks in village are similar and granting this variance would not make it applicable to other houses. Fourth, granting the variance would not cause any economic gain since allowing for the setback does not change the size of the house that can be built on the property. Fifth, the variance would not be detrimental to the public welfare or use/enjoyment of property in neighborhood. Denying the variance would be putting the house further back into the backyard of surrounding property. Mr. McGuinness stated that 947 Franklin would be the most affected if the variance were not granted, and that the neighbors wrote a letter in support of variance since they agree that fifty-nine feet would be better than seventy-two feet. The 59-foot variance would make the property less in the neighbor’s backyard and create more a more cohesive block. Sixth, the variance would not impair the adequate supply of light and air of the adjacent properties. The enforcement of 72 feet requirement would have a more detrimental effect on the adjacent properties since it would put the 935 Franklin property further into the backyard of home to the north and closer to the home to the south. Seventh, the variance would not unduly tax the public utilities or facilities since the size of home that can be built does not change. Eighth, there are no other means for the variance requested to avoid the hardship to applicants and surrounding areas. The strict enforcement would create a home with too much front yard and not enough backyard and would interfere with the applicant’s enjoyment of the property. Furthermore, the neighbors to the North think the strict enforcement would put the home further back into their backyard and impair their enjoyment of their property as well

The applicants are therefore seeking the minimum variance needed for the best and most reasonable use of their property.

Chairman Martin asked how the applicants arrived at the fifty-nine feet setback that they are seeking. Mr. McGuinness answered that it was about the same set back as the other property on the block, so they decided on fifty-nine feet in order to be equal with that house

Chairman Martin then stated that the house to north is sixty-two feet and asked why they did not use that number. Mr. McGuinness answered that the particular lot is a corner lot, so the house

does not face Franklin. While it is considered the front yard setback for the village code requirements, it is being used as a side yard.

Chairman Martin then asked if anyone from the public wanted to speak. No one did, so Chairman Martin closed the public portion of the meeting.

Member Davis commented that she is an across the street neighbor of this property, and is supporting the variation request since setting it back too far will eliminate their backyard, and the lot has been on market for a while; they are happy someone wants to build and thinks that approval of the variance will help with the conformity and unity of the block and make the whole block better.

A MOTION was made by Member Lucchesi and seconded by Member Dombrowski that approval of the requested variation for a front yard setback of fifty-nine feet at 935 Franklin Avenue be recommended to the Village Board of Trustees.

Ayes: Members Smetana, Shoemaker, Lucchesi, Dombrowski, Davis, and Chairman Martin

Nays: None.

V. PUBLIC HEARING- ZONING VARIATION REQUESTS FOR 7227 THOMAS AVENUE

Lance Shalzi, architect for the project at 7227 Thomas Avenue presented the variation request for a second-floor addition to a structure. 7227 Thomas Avenue has a deteriorated rooftop terrace, which is causing leaks in the building. The owner of the property wants to enclose the terrace since it is a hazard. By enclosing the terrace, the homeowner will make it part of the overall building, keeping the exterior consistent with the rest of the building. This property is an 8-unit building that will remain eight units.

Mr. Shalzi went explained that there is a hardship of this property. The property is a R3 zoning property that does not meet the minimum lot standard. They are doing what they can do to try to improve the property's eight units and try to get as close as possible to the required parking for a R3 zoning property. Currently for parking there are only six parking stalls. In addition to enclosing the rooftop terrace, they are going to stripe the parking area in the back and add an additional two more stalls to create 8 (one per unit).

Mr. Shalzi then went into the standards. First, he explained that the physical surroundings will not be affected. They are planning on building straight up and will not be creating any new drainage or grading on the property. Second, the property is an existing lot of record which does not meet the minimum size requirement for the R3 Zoning district, and the decisions regarding the type of building, size of building and its locations on the lot were not made by any person having any interest in the property. Third, the condition may not be applicable to other property within in the same zoning. This property is a substandard lot of the R3 zoning lots, so most other properties in this zoning are not similar. Fourth, economic gain is not being used as the motivation. The homeowner is trying to improve the physical condition of the street by getting

rid of the deteriorated roof terrace that no one on the property uses and making sure that the brick and exterior match the existing structure. Fifth, granting the variance will not be detrimental to the public welfare. There is not any decrease of value of other properties and the neighbors in the area are supportive of the enclosure. Sixth, the addition will not impair any adequate lighting. Enclosing the rooftop terrace will not change any of the setbacks, so the air and light around the property that currently exists will remain the same. Seventh, there will be no change to the public utilities. Eighth, there are no other proposed changes to the location that can be remedied. This property is only 10,150 square feet, so there is no place to expand the property, and they are just trying to improve the property for the neighborhood.

Mark Solak (“homeowner”) then stated that he is trying to improve the property and bring it up to better standards. He believes that it is a hardship to the neighborhood due to the poor condition of the terrace. He believes that there is a lot of damage to the property since it is a flat roof and there is a lot of damage to the terrace. They are keeping the same footprint of the property, the units are staying the same size, and they not going any wider or higher than existing building.

Mr. Solak clarified that he is not planning to increase any of the square footage to the building/change unit sizes.

Chairman Martin then clarified that there are plans to match the existing roof line. Mr. Shalzi stated that there are. The current roof line is a hip roof line and there are plans to match the existing roof line.

Chairman Martin then asked if any units currently qualify as affordable housing under the River Forest ordinance. Mr. Shalzi stated that they are not sure about the affordable housing. Mr. Solak then reaffirmed that they did not know the answer. He stated that they are not restricting anyone from applying to live in the building, and that currently mainly students are occupying it. Chairman Martin stated that it did not answer the question for him. He asked if they recall what the standard is for affordable housing is under the ordinance. Mr. Shalzi stated that he is not familiar and cannot recall off the top of his head. Mr. Solak stated that they do have about fifty letters in support for the change and all neighbors they talked to do support the requested ordinance. Chairman Martin told them that they do have the form letter that was circulated.

Attorney Skrodzki then stated that the village affordable housing plan definition of affordable housing includes an owner-occupied affordability chart and asked if the apartments were rented or owned. Mr. Solak stated that they are rented. Attorney Skrodzki then stated that for rentals, under the ordinance, a studio is \$889 dollars a month, a one bedroom would be \$952, two bedrooms would be \$1140. Chairman Martin then asked if any of their units in the building are being rented for \$1143. Mr. Solak stated that they rent the units for more than that. Chairman Martin then asked if they intend to make any of these units affordable housing units. Mr. Solak said that they are not excluding anyone but does not think that he can make that call right now.

Chairman Martin then opened the discussion to the public to see if there was any additional comments or questions.

Ruth Reko, a neighbor living at 1020 N Harlem stated that during Covid pandemic the neighbors walked frequently around the neighbor and become aware of the building that Mr. Solak is talking about. She said that the neighbors complained frequently to the previous owner of the building regarding the terrace. When the neighbors found out about the building was being sold, they were eager to find out the new intentions and are very pleased to be seeing the work that is being done in taking care of the external problems. They are looking forward to having the property be less of an eyesore and more of an asset to the neighborhood.

Chairman Martin then closed the public portion of the meeting.

A MOTION was made by Member Lucchesi, seconded by Member Dombrowski, to recommend to the Board of Trustees approval of the requested variations to sections 10-10-4, 10-10-7-A, and 10-10-7-A.2 at 7227 Thomas Street.

Ayes: Members Smetana, Shoemaker, Lucchesi, Dombrowski, Davis, and Chairman Martin

Nays: None.

VI. PUBLIC HEARING- ZONING VARIATION REQUESTS FOR 1037 BONNIE BRAE PLACE- SIDE YARD SETBACK FOR PROPOSED DETACHED GARAGE AND OCCUPATION OF THE REAR YARD BY THE PROPOSED GARAGE IN EXCESS OF 40%

Lance Shalzi, architect for the project at 1037 Bonnie Brae Place presented the request for the proposed variations. The existing property is a 2 dwelling unit structure. Currently it has one 2-car detached garage, and it is a R3 zoned property that does not meet the minimum required off street parking. The zoning ordinance requires the dwelling units to have two enclosed parking spaces per dwelling unit and in addition one guest space. In order to achieve this on the property, they are proposing to build another detached garage in the backyard and asking for setback variations. The Setback would be a 2-foot reduction. It would be leaving a one-foot setback on the south side of the property. The new garage would match the existing garage. They are proposing two guest spaces between the garages that do meet the stall requirements. They need the variation since 90-degree parking is eight ½ feet wide and they need to move the garage over a couple of feet to achieve that.

Mr. Shalzi then went into the standards. First, property is an existing lot of record which does not meet the minimum size requirement for the R3 Zoning district, and the decisions regarding the type of building, size of building and its locations on the lot were not made by any person having any interest in the property. This is a lot of record and currently does not meet the minimum criteria R3 requirements for the zoning. Second, the condition may not be applicable to other property within in the same zoning since this property does not meet the R3 zoning requirements. Third, there is not any economic gain being used as the motivation. They are trying to keep the cars off of the driveway and off of the street. Fourth, granting the variance will not be detrimental to the public welfare. It will not cause any detriment to the value of other properties, instead it will improve the other properties by having their cars off the driveway and street. Fifth,

the garage will not impair any adequate lighting. It will not impact any surrounding properties since it is completely in their backyard. Sixth, there will be no change in the demand for public utilities. Seventh, there are no other alternate solutions which will achieve the number of parking spaces required by the Zoning ordinance. Mr. Shalzi explained that they do want to sell the property, so the garage will increase the property value.

Chairman Martin then stated that they indicated that they are considering an easement so the Thomas property can make use of the driveway. He asked if they are willing to amend their application, so it stated that they are planning to create an easement. Mr. Solak stated that they are willing to amend their application to include the easement agreement.

Mr. Shalzi and Mr. Solak explained that if they added onto the existing garage, then they would not have the required space for parking. The property is currently sixty feet across, so expanding the garage to a 4-car garage would make it so that the guest stalls are having people parking right along the property line.

Chairman Martin then closed the public portion of meeting.

A MOTION was made by Member Dombrowski and seconded by Member Shoemaker that the approval of the requested variations to sections 10-10-4, 10-10-7, and 10-10-8 at 1037 Bonnie Brae Place be recommended to the Village Board of Trustees, conditioned upon the new garage being constructed of masonry construction and that an easement agreement be entered into with the neighboring property to provide for joint ingress and egress.

Ayes: Members Dombrowski, Lucchesi, Shoemaker, Smetana, Davis, and Chairman Martin.

Nays: None.

VII. PUBLIC HEARING- FENCING VARIATION REQUEST FOR 1534 PARK AVENUE- TYPE OF FENCE ALLOWED IN THE FRONT YARD

Kevin Morgan (homeowner) of a 6-unit multifamily apartment building is seeking to enclose the perimeter of his front yard with an aluminum or steel fence. Currently, the property is a C1 zoning which allows four feet fence with 50% see-through. Mr. Morgan explained that he wants a 5-foot fence with 80% see-through. Most properties on the block are R2 zoning, so they are allowed to have a fence up to six feet high. Mr. Morgan went into the standards of his six-dwelling unit property. First, Mr. Morgan stated that he wants to enclose the yard for the use of tenants, so there is no economic gain. He only wants the tenants to be able to enjoy the yard since the back of the property has a parking structure and they have a shared driveway with their neighbors. Mr. Morgan lives in the building and personally will like to use the property as well. Second, Mr. Morgan states that it is not detrimental to public welfare since it is consistent with other properties on the block. Third, Mr. Morgan does not think that it will diminish or impair values of other properties on the block. Fourth, Mr. Morgan does not think that it will unduly tax any of the public utilities. Mr. Morgan stated that the fencing will provide consistency with other fencing in the neighborhood.

Mr. Morgan stated that there is a 6-foot fence adjacent to the university on the west side of Park. He did not measure it but believes that it is taller than four feet. He thinks that it is at least five feet, but possibly six feet. Mr. Morgan stated that there are no other properties on the block that have six-foot fencing.

Chairman Martin stated that if you go as far south as Greenfield Street, then there are only two fences in front yards, at the corner properties at LeMoynes Street and Park Avenue. He asked why it is necessary to have a fence that is taller than four feet. Mr. Morgan answered that given the vehicle traffic, foot traffic, and bicycle traffic he feels that a 4-foot fence is too low for a multifamily building. He thinks that having only four feet would create more of a chance that someone would jump over the fence, so a 5-foot fence seemed more like a barrier to him.

Chairman Martin then asked if all units were two bedrooms, and about whether there are any affordable housing units. Mr. Morgan responded that he has five two-bedroom and one one-bedroom unit. He also stated that he has one tenant that is participating in the Cook County housing voucher program, and he believes that the tenant would most likely qualify. Chairman Martin asked about the rent on that unit. Mr. Morgan stated that he believes that it is around \$1,100 between what the tenant pays and what the county pays.

Chairman Martin then opened the discussion to the public.

Donna Murray, a condominium owner at 1538 Park Avenue spoke. She owns one of twelve condominiums in the building just north of the property. At least three tenants of that property have responded electronically for this application not to be granted. There are many reasons why they do not want the variance to be passed. Once she got that clarification that Mr. Morgan would be allowed to build a four-foot fence, she stated that there are no six-foot fences on the block. She also stated that the driveway between the two properties is not shared. They are right next to each other, but there is no easement between the two properties for a shared driveway. She then stated that she saw no letters of support and that no one that she has spoken with is in favor of the six-foot aluminum fence. They believe that it will create a blind spot and become a safety hazard for the children. She does not know if the hardship is for the property owner or the neighborhood, but states that a six-foot aluminum fence will also decrease their property values. She stated that, as a long term resident of the village, she believes that aesthetics is particularly important to the charm of the Village of River Forest and that the rules for the aesthetics of fences should not be changed. She believes that allowing the fence will ruin the aesthetic and is asking for the application to be denied.

Dallas Hutsler, a resident of 1530 Park Avenue, the property on the south side of the home then spoke. He stated that at first, he was upset about the application, but he believes that a five-foot fence with 80% see-through will be less of a hazard than the four-foot fence with 50% see through that Mr. Morgan is allowed to build as of right. Also, he stated that he knows that Mr. Morgan just wants to build the fence for him and his tenants to be able to use the yard more. He would like the board to approve the application, so Mr. Morgan will not build the four-foot fence with 50% see through.

Mr. Morgan then stated that while he does have the ability to build a four-foot fence without the board approval, he thinks that the five-foot fence with 80% see through will create more of a barrier and create less of a blind spot for the neighbors.

Chairman Martin then closed the public portion of the meeting.

A MOTION was made by Member Smetana to approve the variation as requested. This motion failed for lack of a Second.

A MOTION was made by Chairman Martin seconded by Member Smetana, that the approval of the requested Fence variation to section 4-8-5 be recommended to the Village Board of Trustees, conditioned upon the fence be limited to a height of 5 feet, and that it be maintained at 80% open to view.

Ayes: Members Smetana, Shoemaker, Dombrowski, Davis, and Chairman Martin

Nays: Member Lucchesi

VIII. TEXT AMENDMENT REQUEST- PUBLIC HEARING REGARDING ACCESSORY DWELLING UNITS

Chairman Martin commented that in June of 2021, the Zoning Board of Appeals gave the village standards that they wanted addressed prior to considering accessory dwelling units. They first heard back in August of 2022 and found out that the first consultant was no longer working for the Village. Mr. Houseal has taken over, and he wants to make it clear that this memorandum has never before made it before the Board since the consultant did not follow up with the board previously regarding the standards.

John Houseal, a village planning consultant for 25-26 years, spoke. ADU's are currently not allowed within the village. River Forest is looking into them since the affordable housing plan adopted by the village stated that the village should look into allowing ADU's into the R1 and R2 zoning as an additional consideration under a special use permit.

The initial assumptions are as follows:

1. Single family detached character should be preserved protected and enhanced – maintain integrity
2. ADU should be allowed as a special use in the R1 and R2 zoning districts, and they should not be allowed as of right
3. To minimize the detriment on neighbors, an ADU should be made within the primary structure (keeps the character of a single-family neighborhood)
4. The attached ADU should be integrated into the primary structure so as to appear as a single-family home
5. The ADU should be required to be rented at affordable rates. (ADU's are being considered as an element of the affordable housing plan. If the ADU's are expensive, then they do not serve the purpose of being affordable housing.)

6. A mechanism like a deed restriction should be utilized to ensure that all ADU's are affordable
7. The primary dwelling should be owner occupied
8. The max size should be limited to ensure that it is permanent to the primary dwelling (less than the size of the house)
9. The ADU should have a separate entrance, located at the rear or the side of the house
10. A minimum of one-off street parking space should be allowed but it should not be interfering with the parking spaces for the primary dwelling. You need a designated space for the ADU that cannot be the driveway

Mr. Houseal stated that at this time, there are few communities looking into drafting a plan. He is not sure whether any of the communities adopted a plan.

The board then had a discussion of which communities they think might have adopted a plan, including Oak Park and Evanston. Mr. Houseal stated that he is not aware of any, but stated that many of their clients did not adopt an ADU plan. He believes that the Village is short about thirty-nine affordable housing units. Mr. Houseal stated that the State of Illinois requires 10% affordable housing. If a village has less than 10%, then the state requires them to adopt an affordable housing plan. The village is not required to have 10%, but they are required to have a plan in place to try to achieve 10%. Mr. Houseal believes that they could change chapter 7 of general applicable and chapter 21 of the land use chart to add accessory dwellings as a special use permit. The ADU would be to accommodate seniors, multiple generations, adults that have disabilities that would allow for a slightly more retainable standard for them to live in rather than getting an apartment. Mr. Houseal stated that when they put these plans in place, it would come before the zoning board and the board would be allowed to reject the proposal if the plan did not meet the standards of review of the Village Code. The standards together with other special standards of review would be the standards for the board. Mr. Houseal stated that the state requirement only counts units, so there is nothing additional that the village would get for adopting this plan.

Chairman Martin stated that he is not comfortable making this decision without the whole board present. He suggested that they continue this to the November Meeting since Member Plywood should be able to attend.

A MOTION was made by Chairman Martin, seconded by Member Dombrowski, to continue the matter to November 10, 2022 at 7:30 p.m.

Ayes: Members Dombrowski, Lucchesi, Shoemaker, Smetana, Davis, and Chairman Martin.

Nays: None.

IX. NEXT MEETING

Next meeting is scheduled for November 10, 2022.

X. ADJOURNMENT

A Motion was made by Member Smetana, seconded by Member Shoemaker to Adjourn.

Ayes: Chairman Martin, Members Dombrowski, Shoemaker, Smetana, Lucchesi, and Davis.

Nays: None.

Motion Passed.

Meeting Adjourned at 9:44 p.m.

Respectfully Submitted:



Clifford E. Radatz, Secretary



Date: 11/10/2022

Frank Martin, Chairman
Zoning Board of Appeals