



RIVER FOREST ZONING BOARD OF APPEALS MEETING AGENDA

A meeting of the River Forest Zoning Board of Appeals will be held on Thursday, October 14, 2021 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 may be limited due to the COVID-19 pandemic 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: Clifford Radatz at cradatz@vrf.us. You may listen to the meeting by clicking here <https://us02web.zoom.us/j/84578557570> or participating in a telephone conference call as follows, dial-in number: 1-312-626-6799 with meeting id: 845 7855 7570. If you would like to participate over the phone, please contact Clifford Radatz by telephone at (708) 714-3557 or by email at cradatz@vrf.us by 12:00 pm on Thursday, October 14, 2021.

- I. Call to Order
- II. Approval of the Minutes from the meeting of the Zoning Board of Appeals on June 10, 2021
- III. Appeal of the decision of the Zoning Administrator in regard to the definition of Grade at 558 Lathrop Avenue
- IV. Confirmation of Next Regularly Scheduled Meeting – November 11, 2021
- V. Public Comment
- VI. Adjournment

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: _____



MEMORANDUM

DATE: October 7, 2021

TO: Zoning Board of Appeals

FROM: Clifford E. Radatz *ceR*
Building Official

SUBJECT: Appeal of the decision of the Zoning Administrator – 558 Lathrop Avenue

Jeffrey Olshesky, owner of the property at 558 Lathrop Avenue, has appealed the decision of the Zoning Administrator to reject his building permit application to construct a new single family residence due to a misapplication of the definition of “Grade” resulting in the Floor Area ratio limit being exceeded.

A building permit application was submitted for review on August 11, 2021. Review comments were returned to the owner and architect on September 15, 2021, which cited definitions for “Floor Area” and “Grade” from section 10-3-1 of the Zoning ordinance, as follows:

FLOOR AREA, GROSS (For Determining Floor Area Ratio): The sum of the gross horizontal area of the several floors of a structure, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The gross floor area of a building shall include: ...

...

D. For structures that qualify as "new construction" under this section permitted on or after April 28, 2008, one hundred percent of the floor area of a basement, if four feet nine inches or more of the height of the basement projects above grade as measured from grade to the top of the first finished floor; for structures that do not qualify as "new construction" under this section, permitted on or after April 28, 2008, including additions that do not extend above the existing basement height above grade, the floor area of the basement shall not be included in the gross floor area;

GRADE: A datum or reference level determined as follows:

A. For buildings adjoining one street only, by the elevation of the sidewalk at the center of that wall adjoining the street.

B. For buildings adjoining more than one street, by the average of the elevations of the sidewalk at centers of all walls adjoining streets.

C. For buildings having no wall adjoining the street, by the average level of the finished surface of the ground adjacent to the exterior walls of the building.

1. Any wall approximately parallel to and not more than five feet from a street line shall be considered as adjoining the street.

2. Where no sidewalk exists, the grade shall be established by the village engineer.

On the submitted drawings for the proposed house, the designer has chosen to set the elevation of the First Floor to be 4'-8" above the level of the ground directly adjacent to the building, rather than relating the floor to the elevation at the public walk, which is defined by the ordinance as "Grade". This relationship is shown on the Building Elevations on sheet A2.0, the Building Sections on sheet A3.0, and the Wall Section 1/A3.1. The level of the ground directly adjacent to the building is noted on the drawings to be 22 inches higher than the elevation at the public walk. Therefore, the First Floor is approximately 6'-7" above the elevation at the public walk, rather than the limit of 4'-9" set in the definition for Floor Area.

The definition does not prohibit the elevation of the First Floor from exceeding 4'-9" above the public walk, but it does require that when that elevation is exceeded that the area of the basement floor level be included in the calculation of the floor area ratio. Presently, the calculation of the Floor Area ratio for the proposed house, counting only the First and Second Floor, is 0.377. Adding the area of the Basement to the calculation will push the FAR substantially over the limit of 0.40, (probably close to 0.60).

It should also be observed that the Building Elevations and Building Sections correctly relate the maximum Building Height to Grade, the elevation at the public walk.

The owner is of the opinion that sentence C of the definition for Grade allows him to use the level of the ground next to the house as Grade because C.1. requires a wall of a building to be within 5 feet of the sidewalk before it is considered to adjoin the street. Our interpretation of this definition has consistently been that sentence C only applies to buildings that are sited deep into properties such as the Forest Preserve or other similar sites.

To adopt the owner's interpretation, sentences A and B of the definition would only be applicable to buildings with walls within 5 feet of a sidewalk (which would include almost none of the single family homes in the Village). Also, it should be noted that the level of the ground next to the house can be manipulated by the designer to possibly a great extent. An artificial berm placed around the house effectively alters Grade and the starting point from which all heights are measured.

Section 10-5-6-A allows the Zoning Board of Appeals to hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator. The Zoning Board of Appeals may reverse or affirm or may amend the determination made by the Zoning Administrator which is being appealed, to the extent the Zoning Board of Appeals deems appropriate.

If the Zoning Board wishes to overturn the decision of the Zoning Administrator, the following motion should be made:

Motion to overturn the decision of the Zoning Administrator not to approve the building permit for the new single family residence at 558 Lathrop Avenue based on the reason of non-compliance with the Zoning Ordinance.

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

Attachments:

Owner's email of September 16, 2021, appealing the decision of the Zoning Administrator
Selection of drawings from the Permit application submission
Zoning Analysis for proposed new single family residence at 558 Lathrop Avenue
Village Attorney's opinion (to follow)

From: [jeff.olshesky](#)
To: [Cliff Radatz](#)
Cc: [Michael Hershenson](#)
Subject: Re: Appeal of the determination made by the zoning administrator.
Date: Thursday, September 16, 2021 1:01:26 PM
Attachments: [VC 10-5-6.pdf](#)

Cliff,

Thank you for sending this. As noted on our previous phone call, I disagree with the way "Grade," as defined in 10-3-1, has been applied to the building permit application at 558 Lathrop Ave, Reference Number R1XR68.

The definition distinguishes between a property that adjoins a street and one that does not. The plain English definition of "adjoin" is be touching or bound to. To clarify, the Zoning definition adds, " Any wall approximately parallel to and not more than five feet from a street line shall be considered as adjoining the street." (Grade definition, C1). As the parallel wall(s) of the proposed building at 558 Lathrop greatly exceed 5 feet in distance from the street, I take the position that the Grade reference level, in respect to the height of the proposed basement above grade, should be the "average level of the finished surface of the ground adjacent to the exterior walls of the building." (Grade Definition, C)

In my presentation to the zoning appeal board, I would like to document how the zoning authority determined that my proposed building does not meet the requirements of the definitions above, and instead chose to apply the definition used for buildings with a wall that adjoins the street.

Could you please respond to this email and briefly explain why or how the zoning authority arrived at the definition used in the permit review.

Thank you,

Jeff

Jeff Olshesky
619.699.9086

On Thursday, September 16, 2021, 10:16:43 AM CDT, Cliff Radatz <cradatz@vrf.us> wrote:

Village Code 10-5-6 attached.

Clifford Radatz

Village of River Forest

Building Official

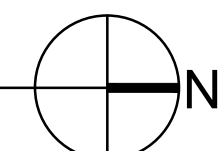
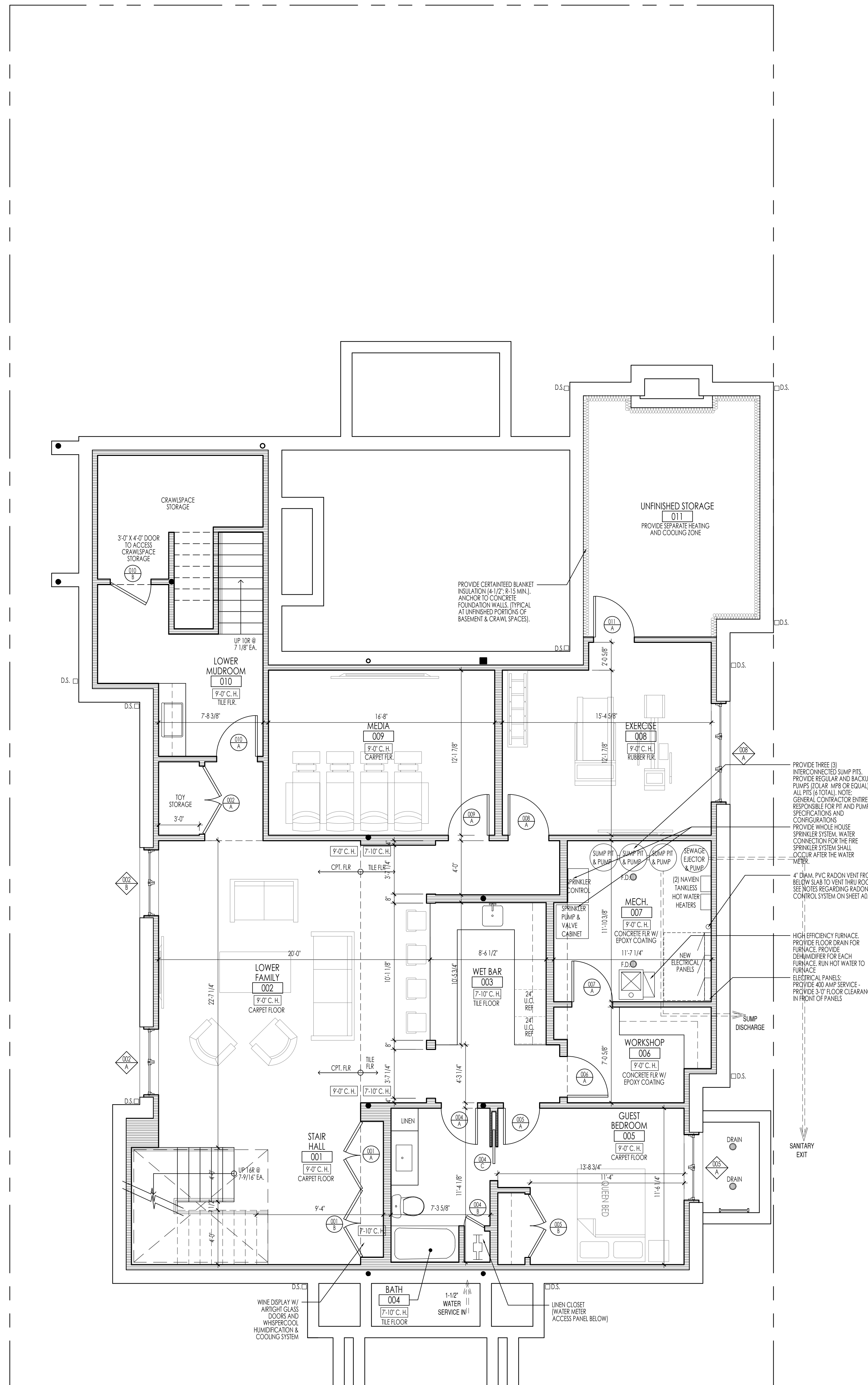
Phone (708) 366-8500 Ext. 357

Direct (708) 714-3557

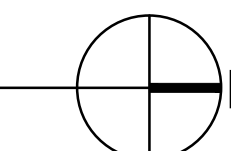
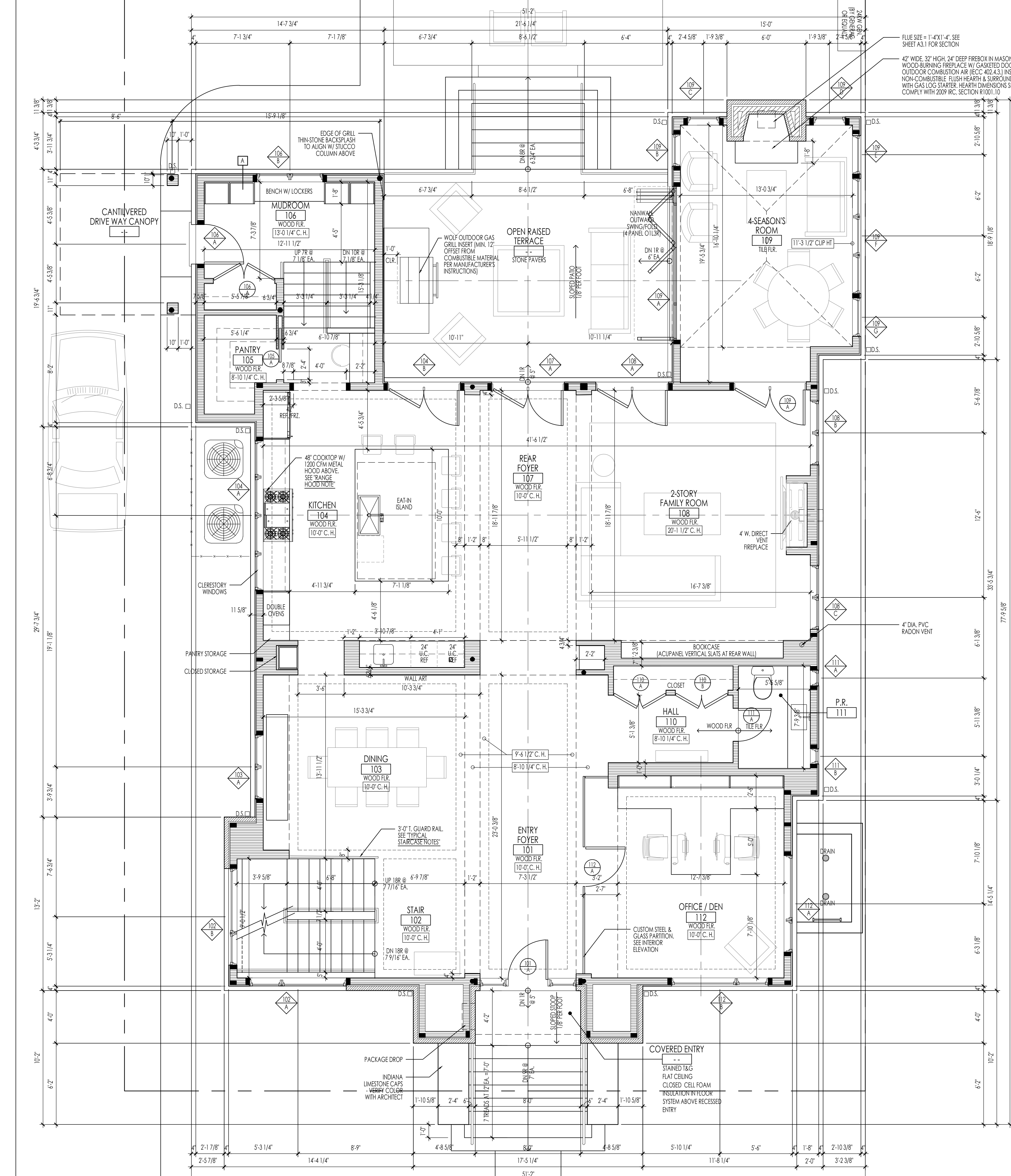
Fax (708) 366-3702

cradatz@vrf.us

1 BASEMENT PLAN
A1.0 Scale: 1/4" = 1'-0"



2 FIRST FLOOR PLAN
A1.0 Scale: 1/4" = 1'-0"



GENERAL FLOOR PLAN NOTES	
EXTERIOR WALLS SEE EXTERIOR WALL TYPES (SHEET A5.0) FOR MORE INFO	INTERIOR WALLS ALL INTERIOR WALLS TO BE 4-3/4" WITH ALL INTERIOR FINISHING & POCKET DOOR WALLS TO BE 4-3/4" FACE OF 5/8" GYP. BOARD TO FACE OF 5/8" GYP. BOARD. ALL INTERIOR WALLS SHALL HAVE SOUND BATT INSULATION TYPICAL UNLESS OTHERWISE NOTED
WALL TYPE A: STONE MASONRY ON 2x6 FRAMING	CEILING: FINISHED CEILING HEIGHTS INDICATED ON PLANS. VERIFY CEILING DECKS W/ WATER OR ELEVATIONS & DETAILS TYPICAL UNLESS OTHERWISE NOTED
WALL TYPE B: SIDING ON 2x6 FRAMING	

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A6.0	WALL SECTIONS
A7.0	INTERIOR ELEVATIONS
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E1.0	MECHANICAL PLANS & NOTES
F1.0	PLUMBING RISER DIAGRAMS

GRAPHIC SCALES

0 4 8 16 32
1/8" = 1'-0" (IN FEET)

0 2 4 6 8 10
1/8" = 1'-0" (IN FEET)

0 1 2 3 4 5
1/8" = 1'-0" (IN FEET)

0 1 2 3 4 5
1/8" = 1'-0" (IN FEET)

0 1 2 3 4 5
1/8" = 1'-0" (IN FEET)

0 1 2 3 4 5
1/8" = 1'-0" (IN FEET)

GENERAL NOTES

- TREAT DIMENSIONS SHOWN ON THIS SET AS UNLESS OTHERWISE NOTED.
- PROVIDE CONTINUOUS WOOD BLOCKING WITH THE WALLS FOR ALL CABINETS, APPLIANCES, TUBS, SINKS, FLOOR STOPS, ETC. VERIFY LOCATIONS WITH INTERIOR DESIGNER.
- ALL INTERIOR PARTITIONS TO BE 4-3/4" UNLESS OTHERWISE NOTED.
- COORDINATE LOCATION OF FLOOR JOISTS WITH PLUMBING DRAIN LOCATIONS, HVAC DUCTS, AND LIGHTING FIXTURES.
- DETAIL WALL CONSTRUCTION TO PROVIDE ACCESS PANELS AS REQUIRED FOR EASY ACCESS TO CONCEALED UTILITIES.
- PROVIDE FLOOR JOIST SUPPLY RISERS IN WOOD FLOOR.
- TYPICAL POWER INCHES UNLESS OTHERWISE NOTED SHALL BE 12" OF CROWN & 4" OF FEET WITH SHEET PILE & 4" OF BOTTOM OF NICHES.
- REPAIR ALL EXISTING TO REMOVE AND RECONSTRUCT. PLUMBING, ELECTRICAL, HVAC, ETC. WORKERS SHALL NOT CUT OR PUNCH CONTRACTOR TO REPAIR WOODWORK TO CORRECT AFTER INSTALLATION OF DRYWALL.
- INSULATE AND COVER EXISTING DUCTS, AIR VENTS, AND HORIZONTAL WATER PIPES TO REMAIN TO MAINTAIN SAME SPACING TO MAINTAIN SPACES.
- MECHANICAL NOTE: TOP OF GRILLES HIGH IN WALLS TO BE 12" BELOW CEILING. TOP OF BOTTOM GRILLES LOW IN WALLS TO BE 12" A.F.F. TOP.
- ALL WALLS SHALL BE FINISHED WITH 5/8" GYP. BOARD.
- ALL INTERIOR WALLS & FLOORS TO HAVE SOUND BATT INSULATION.

08	ISSUED FOR PERMIT	08/10/2021
07	FOR REVIEW	08/09/2021
06	FOR REVIEW	08/08/2021
05	FOR REVIEW	08/07/2021
04	FOR REVIEW	07/23/2021
03	FOR REVIEW	07/19/2021
02	FOR REVIEW	07/09/2021
01	FOR REVIEW	07/02/2021

OLSHESKY RESIDENCE
NEW SINGLE-FAMILY RESIDENCE

558 LATHROP AVENUE
RIVER FOREST, IL 60305

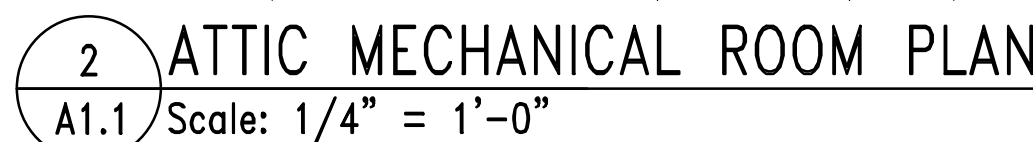
STATE OF ILLINOIS
MICHAEL J. OLSHESKY
ARCHITECT
0001-010655

Michael Olschinsky

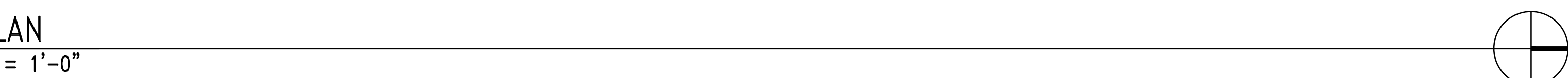
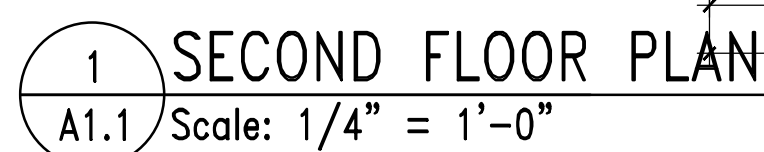
MICHAEL OLSHESKY ARCHITECTS
1515 Sherman Ave / 2 South
Evanston, Illinois 60201
Telephone: 847.866.7700
Facsimile: 847.866.7707
© 2021 Michael Olschinsky Architects

BASEMENT & FIRST FLOOR PLANS

Drawn By: _____ Sheet Number: _____
Checked By: _____
Date: _____ **A1.0**

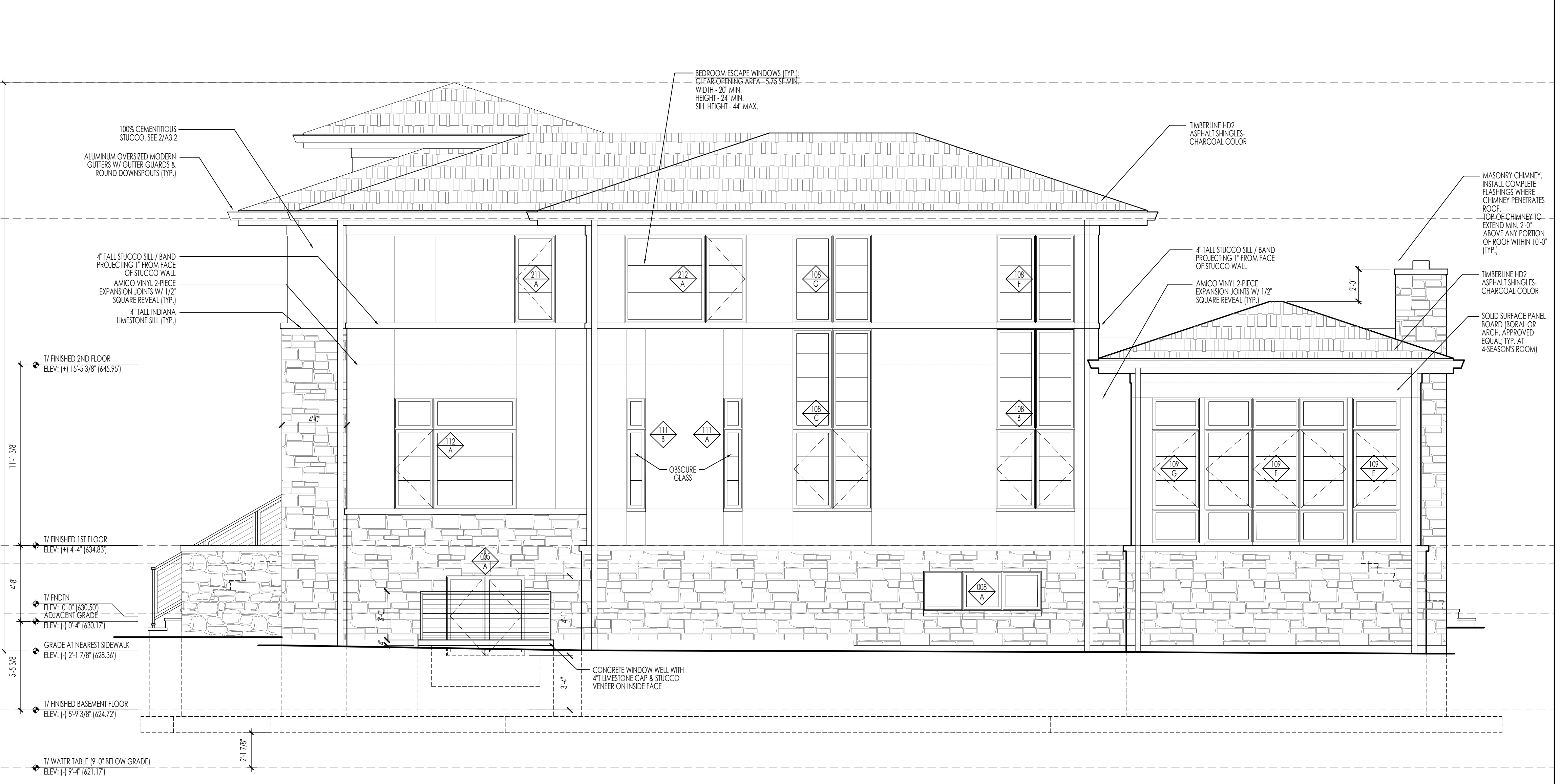


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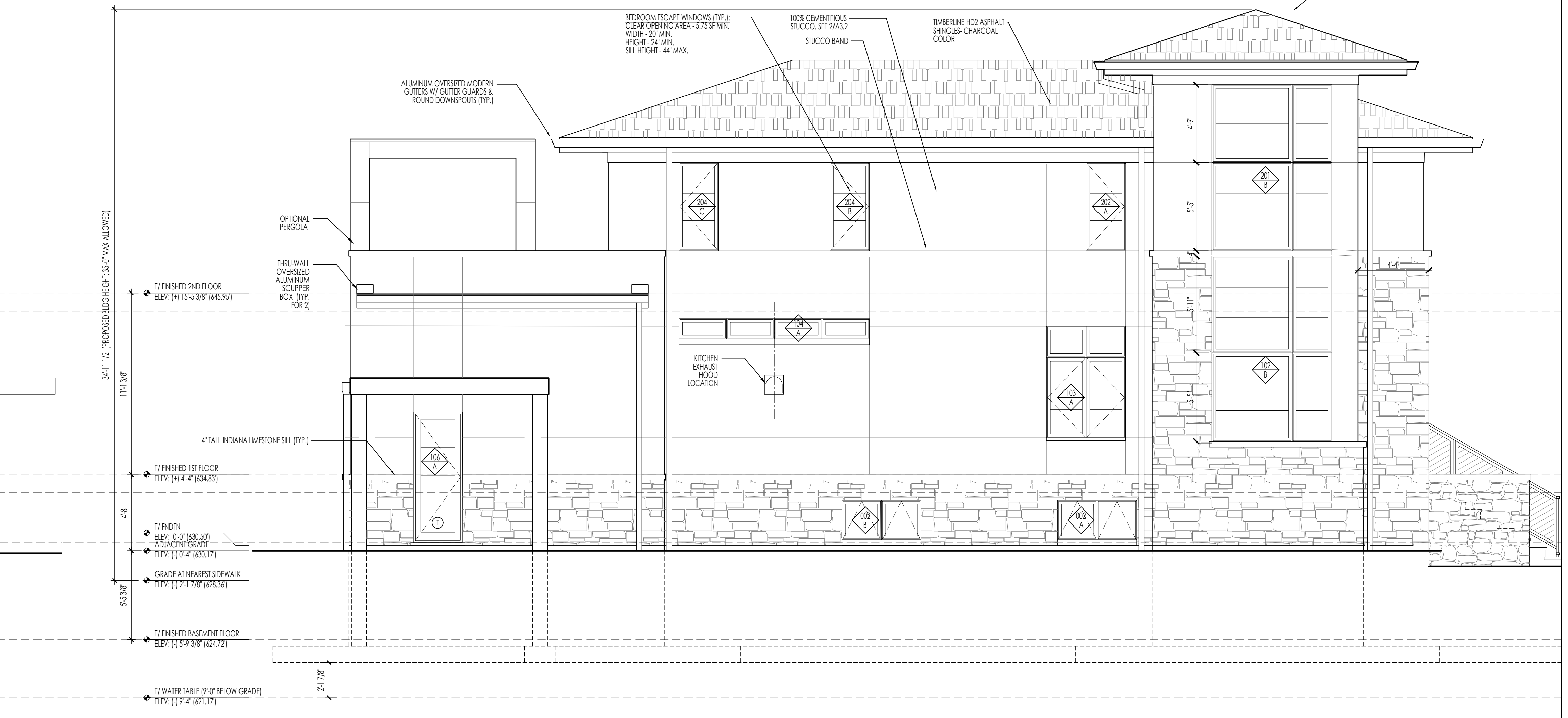
1 EXTERIOR ELEVATION - EAST
A2.0 Scale: 1/4" = 1'-0"



2 EXTERIOR ELEVATION - NORTH
A2.0 Scale: 1/4" = 1'-0"



3 EXTERIOR ELEVATION - WEST
A2.0 Scale: 1/4" = 1'-0"



4 EXTERIOR ELEVATION - SOUTH
A2.0 Scale: 1/4" = 1'-0"

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A06	STRUCTURAL PLAN & NOTES
A07	PLUMBING RISER DIAGRAMS

GRAPHIC SCALES

0 4 8 16 32
1" = 4'-0" (IN FEET)

0 2 4 8 16
1" = 2'-0" (IN FEET)

0 1 2 4 8 16
1" = 1'-0" (IN FEET)

0 5 10 15 20 25 30 35
1" = 1'-0" (IN FEET)

GENERAL NOTES

1. PROVIDE CONSTRUCTION DETAILS FOR ALL ROOFING, FLASHING, AND FINISHES.
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9. PROVIDE CONSTRUCTION DETAILS FOR ALL ROOFING, FLASHING, AND FINISHES.
10. PROVIDE CONSTRUCTION DETAILS FOR ALL ROOFING, FLASHING, AND FINISHES.
11. PROVIDE CONSTRUCTION DETAILS FOR ALL ROOFING, FLASHING, AND FINISHES.
12. PROVIDE CONSTRUCTION DETAILS FOR ALL ROOFING, FLASHING, AND FINISHES.
13. PROVIDE CONSTRUCTION DETAILS FOR ALL ROOFING, FLASHING, AND FINISHES.
14. PROVIDE CONSTRUCTION DETAILS FOR ALL ROOFING, FLASHING, AND FINISHES.
15. PROVIDE CONSTRUCTION DETAILS FOR ALL ROOFING, FLASHING, AND FINISHES.

ISSUED FOR PERMIT 08/10/2021

FOR REVIEW 08/10/2021

FOR REVIEW 08/10/2021

FOR REVIEW 08/10/2021

FOR REVIEW 08/10/2021

FOR REVIEW 08/10/2021

FOR REVIEW 08/10/2021

FOR REVIEW 08/10/2021

FOR REVIEW 08/10/2021

FOR REVIEW 08/10/2021

OLSHESKY RESIDENCE
NEW SINGLE-FAMILY RESIDENCE

558 LATHROP AVENUE
RIVER FOREST, IL 60305

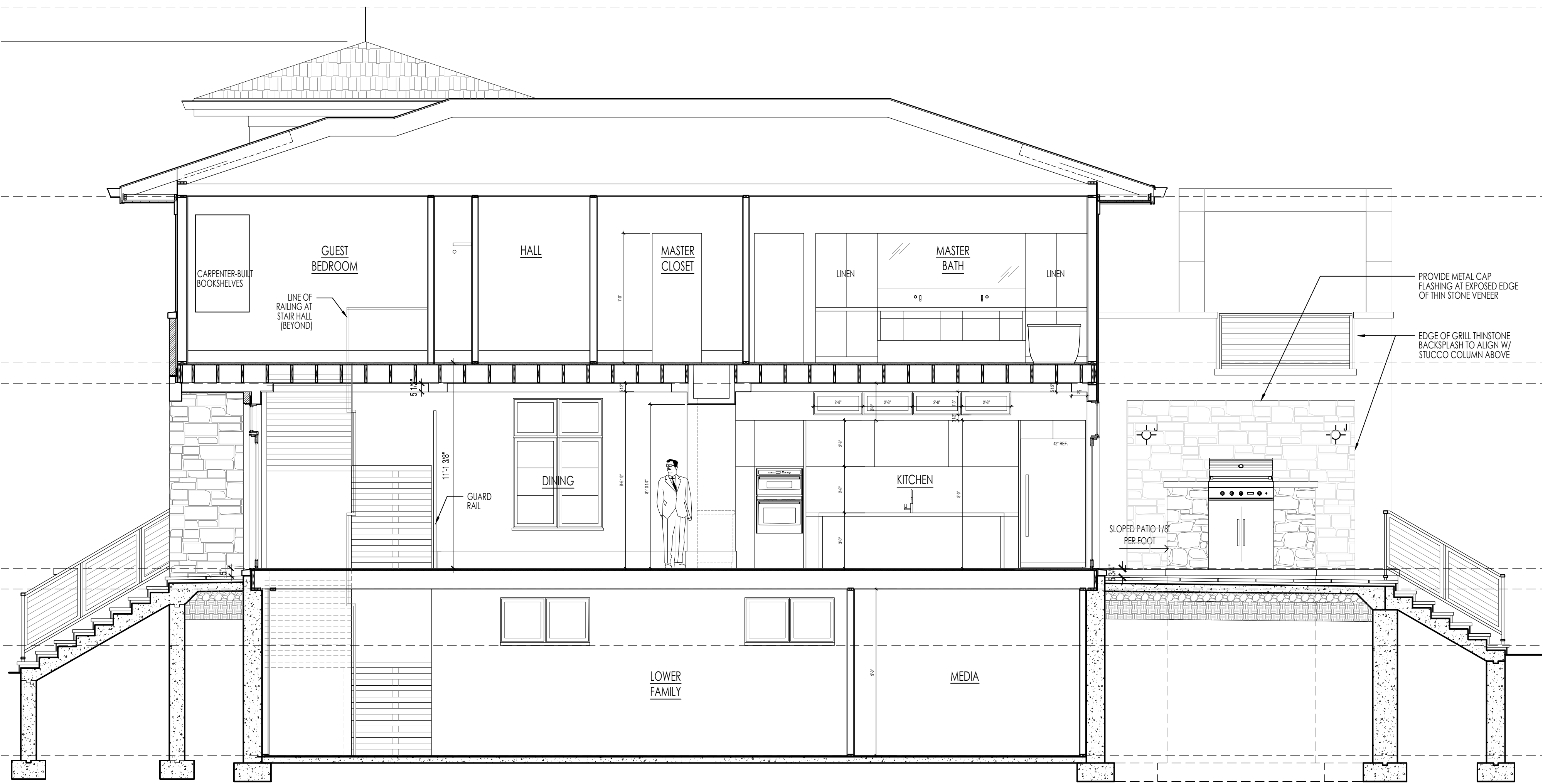
STATE OF ILLINOIS
REGISTERED ARCHITECT

Michael Hershenson

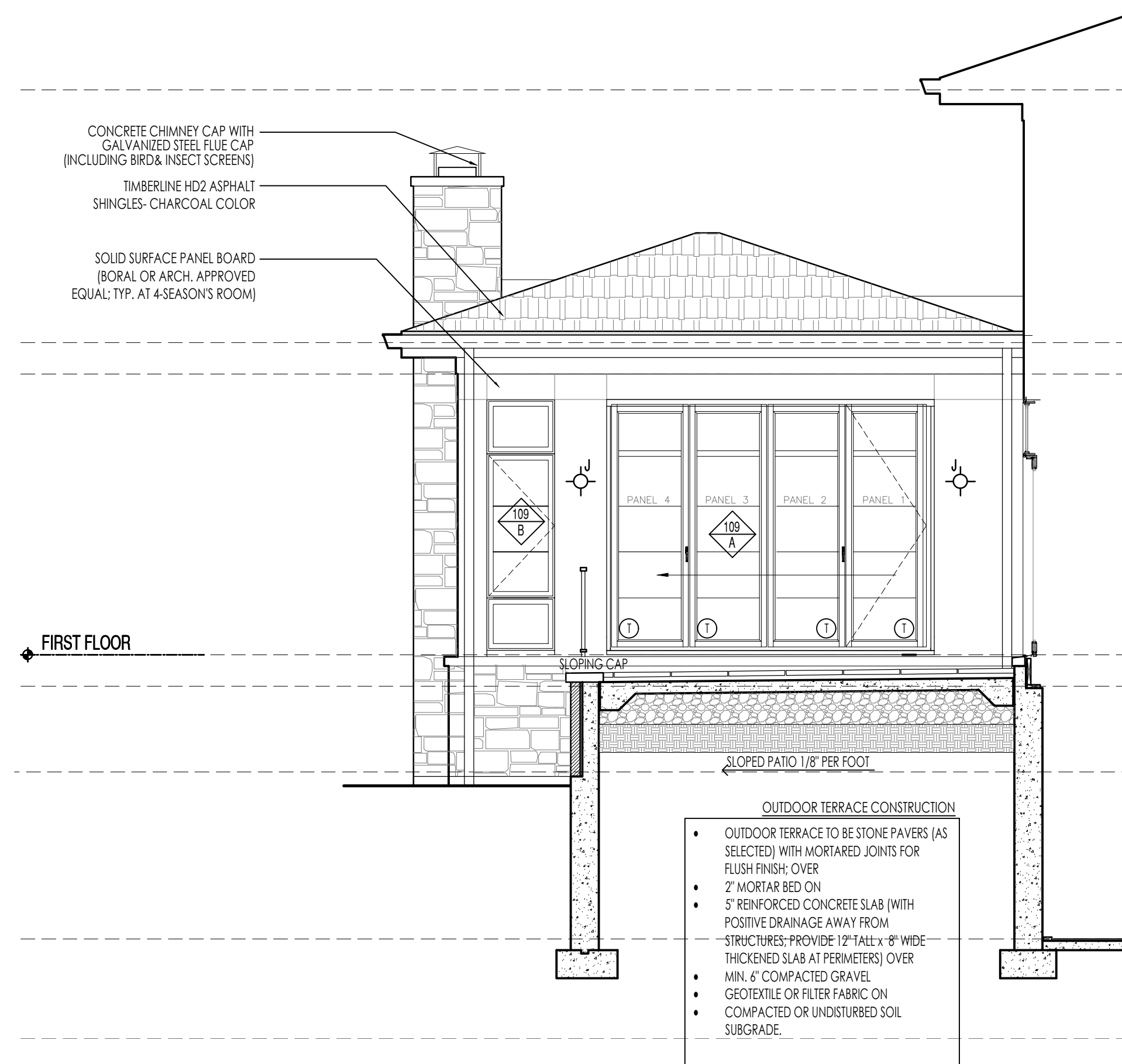
MICHAEL HERSHENSON ARCHITECTS
1515 Sherman Ave / 2 South
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EXTERIOR ELEVATIONS

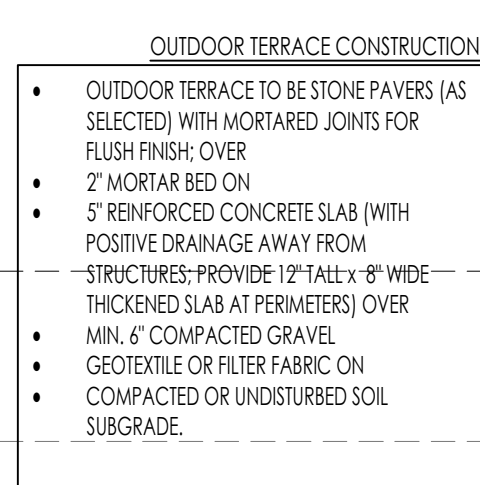
Drawn By: Sheet Number:
Checked By: A2.0
Date:



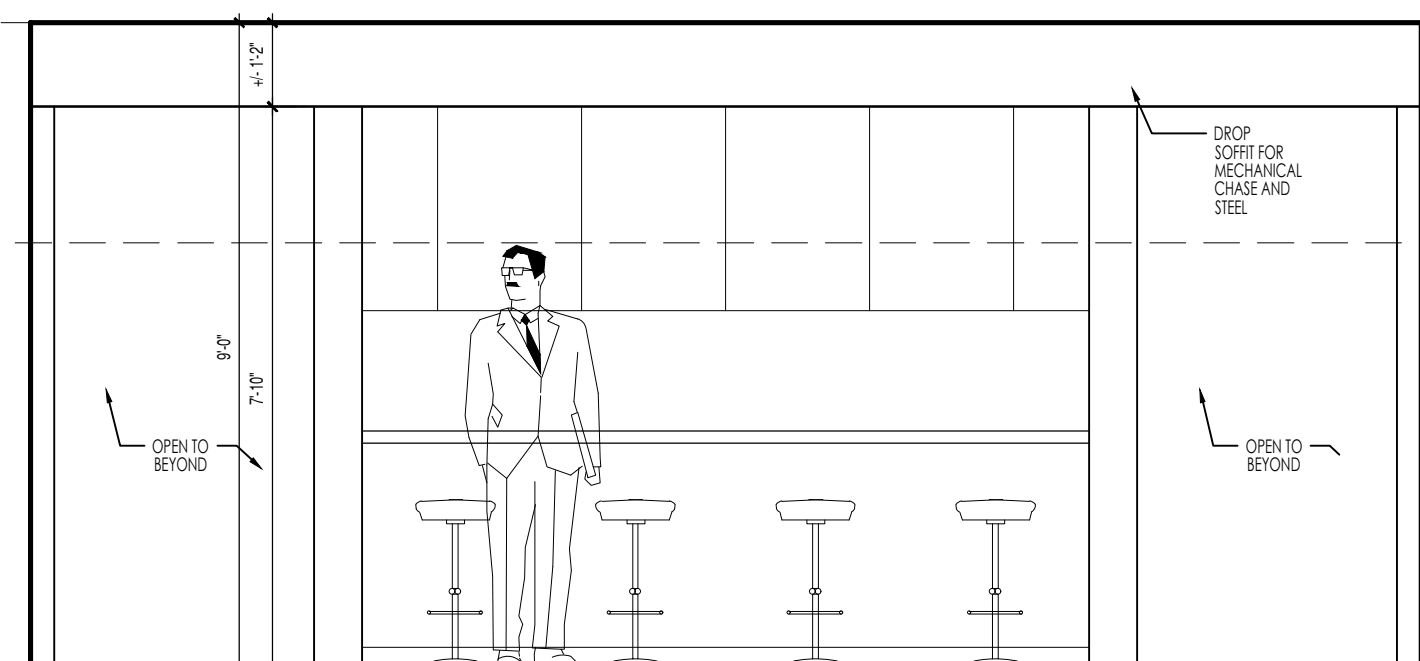
2 BUILDING SECTION
A3.0 Scale: 1/4" = 1'-0"



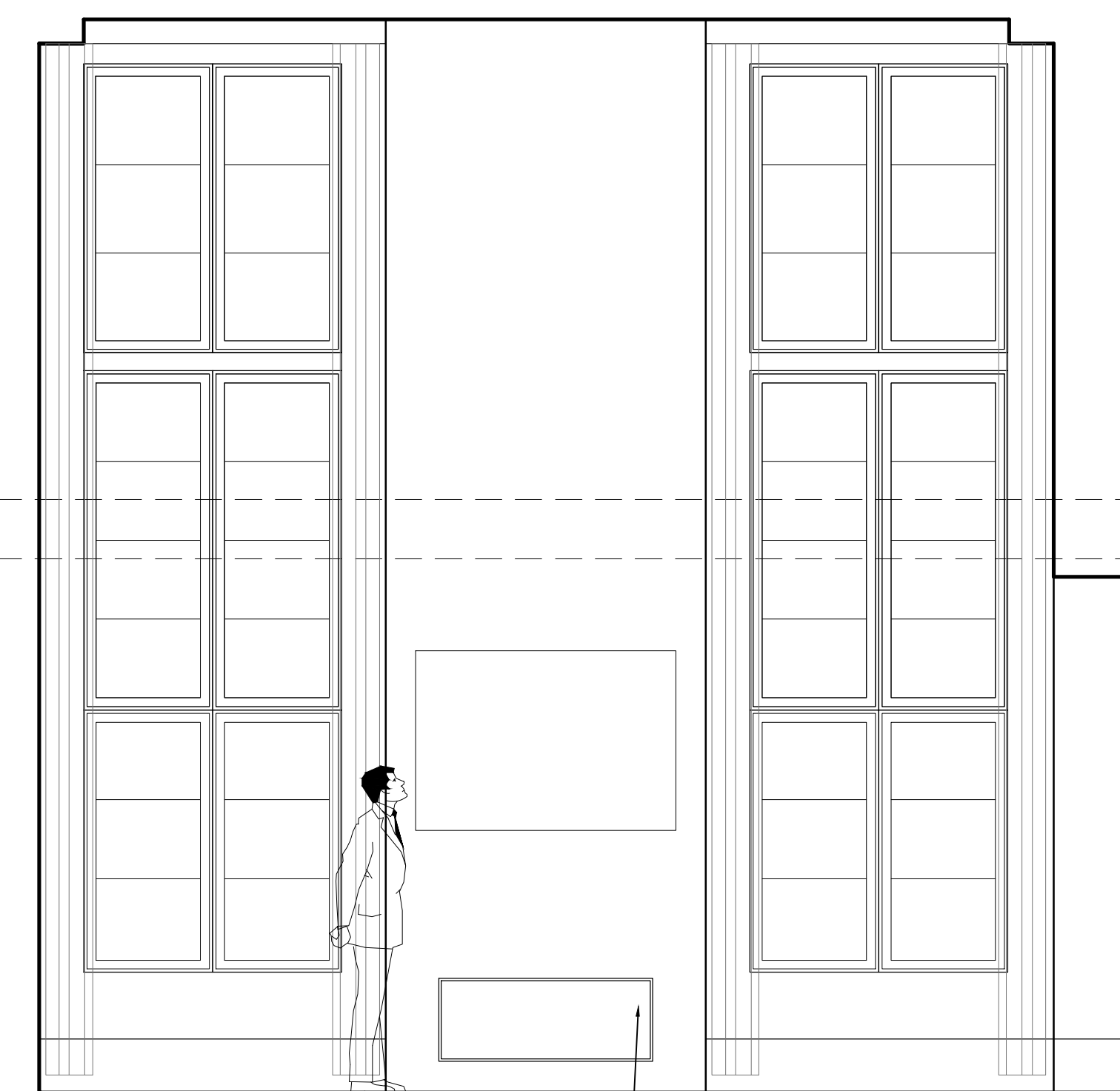
4 BUILDING SECTION
A3.0 Scale: 1/4" = 1'-0"



5 BUILDING SECTION
A3.0 Scale: 1/4" = 1'-0"



7 002: LOWER LIVING
A3.0 Scale: 3/8" = 1'-0"



9 108: GREAT ROOM
A3.0 Scale: 3/8" = 1'-0"

GRAPHIC SCALES

0 4 8 16 32
1/16" = 1'-0" (IN FEET)

0 2 4 8 16
1/8" = 1'-0" (IN FEET)

0 1 2 4 8 10
1/4" = 1'-0" (IN FEET)

0 .5 1 2 4 5
1/2" = 1'-0" (IN FEET)

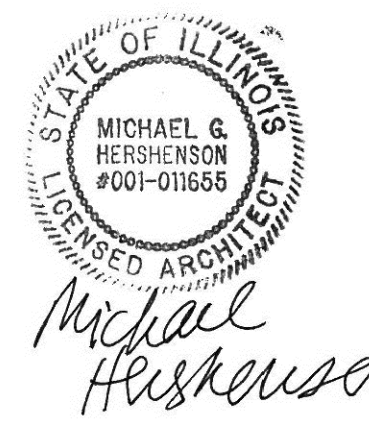
0 .25 .5 1 2
3/8" = 1'-0" (IN FEET)

0 .25 .5 1 2
1/3" = 1'-0" (IN FEET)

[illegible]

8	ISSUED FOR PERMIT	08/10/2021
7	FOR REVIEW	08/09/2021
6	FOR REVIEW	08/06/2021
5	FOR REVIEW	08/02/2021
4	FOR REVIEW	07/23/2021
3	FOR REVIEW	07/19/2021
2	FOR REVIEW	07/09/2021
1	FOR REVIEW	07/02/2021

OLSHESKY RESIDENCE
NEW SINGLE-FAMILY RESIDENCE
558 LATHROP AVENUE
RIVER FOREST, IL 60305



MHA

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BUILDING SECTIONS

Drawn By:	Sheet Number:
Checked By:	A3.0
Date:	

Zoning Review Checklist

Address: 558 Lathrop Avenue
 Date of Review: 9/3/2021 Date of Submission: 8/11/2021
 Revised:

Zoning District : R2

Use: New Single Family Residence with a detached Garage
Permitted Use

Lot Area	Lot Width	Lot Depth	Lot Area
	75.00	157.14	11785.13

Lot Coverage	Allowed	Proposed	
30% allowed for the R2 District	3535.54	3372.41	<input checked="" type="checkbox"/>
		28.62%	

Floor Area Ratio	Allowed	Proposed	
40% allowed for the R2 District	4714.05	4444.46	<input checked="" type="checkbox"/>
(35% allowed for lots of 20,000 s.f. or more, with minimum 8,000 s.f. of GFA)		37.71%	

Setbacks	Required	Proposed	
Frontyard			
Average of block, see 10-8-7 A East		32.6000	
Eave Length		3.0000	
Setback to Eave	30.6081	29.6000	❌

Sideyard			
10% of Lot Width for the R2 District North	7.5000	7.5000	<input checked="" type="checkbox"/>
Eave Length		2.0000	
Setback to Eave	3.0000	5.5000	<input checked="" type="checkbox"/>


Sideyard			
10% of Lot Width for the R2 District South	7.5000	23.3333	<input checked="" type="checkbox"/>
Eave Length		9.9167	
Setback to Eave	3.0000	13.4167	<input checked="" type="checkbox"/>

Combined Sideyard			
25% of Lot Width for the R2 District	18.7500	30.8333	<input checked="" type="checkbox"/>

Rearyard			
15% of Lot Depth or 26'-2" minimum West		52.5600	
Eave Length		1.0521	
Setback to Eave	23.5703	51.5079	<input checked="" type="checkbox"/>

New SFR

Zoning Review Checklist

Building Height Ridge	Allowed	Proposed	
Height above grade in feet	35'	35' (?)	<input type="checkbox"/> 
Story Height	2.5	2	<input checked="" type="checkbox"/>

First Floor Height above Grade	Allowed	Proposed	
Top of First Floor Elevation		634.83	
Top of "Grade" per Civil drawing		628.25	
Height above grade in feet	4'-9"	6.58	<input checked="" type="checkbox"/>
For new construction, 100% of a basement is counted as Floor Area if 4'-9" or more of the height of the basement projects above grade as measured from grade to the top of the first finished floor;			

Off-Street Parking	Required	Proposed	
Garage spaces	<div>2</div>	<div>2</div>	<input checked="" type="checkbox"/>

558 Lathrop Avenue**9/3/2021**

Area Calculations

Lot Area	75.0000	157.1350	11785.1250
Allowed Coverage	0.3000		3535.5375
Allowed FAR	0.4000		4714.0500

Lot Coverage - Proposed

First Floor Area	Proposed		2624.1133
Detached Garage	Existing		609.9000
driveway canopy	10.73	9.92	106.3978
Second Floor OH	8	4	32.0000
Total			3372.4112

Floor Area - Proposed

Floor Area - Proposed	1st floor	2624.1133
	2nd floor	1710.4458
	Attic	0.0000
Detached Garage	Proposed	609.9000
garage allowance		-500.0000
		4444.4591

House - 1st floor - **Proposed**

pier 1	4.7188	4.0000	18.8752
pier 2	4.7188	4.0000	18.8752
A	43.4792	13.1667	572.4761
B	41.4792	1.2708	52.7118
C	43.4792	28.3750	1233.7223
D	47.9792	4.1250	197.9142
E	14.6458	15.4375	226.0945
F	11.8021	1.3854	16.3506
G	15.0000	18.7604	281.4060
H	6.0000	0.9479	5.6874
			0.0000
			2624.1133

House - 2nd floor - **Proposed**

P	16.7708	4.0000	67.0832
Q	42.8125	12.5000	535.1563
R	40.8125	1.8958	77.3723
S	42.8125	31.4479	1346.3632
OPEN TO BELOW	-16.6250	18.9792	-315.5292
			1710.4458

Detached Garage - **EXISTING TO REMAIN**

egtr	21.4000	28.5000	609.9000
			0.0000
			609.9000



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October 11, 2021

VIA ELECTRONIC MAIL

Zoning Board of Appeals
Village of River Forest
400 Park Avenue
River Forest, Illinois 60305

Re: Appeal of the Zoning Administrator's Interpretation of the Zoning Ordinance regarding 558 Lathrop Avenue

Members of the Zoning Board of Appeals:

Village staff asked that the Village Attorney provide an analysis of the appeal by the owner of 558 Lathrop Avenue regarding an interpretation of the Zoning Ordinance made by the Village's Zoning Administrator. As discussed below, we agree with the Zoning Administrator's interpretation.

Background and Procedure

Under the Village of River Forest Zoning Ordinance, the Zoning Administrator has the authority to interpret and apply the Zoning Ordinance. Zoning Ordinance, Section 10-5-1(A). If a person disagrees with the Zoning Administrator's interpretation of the Zoning Ordinance, an appeal may be made to the Zoning Board of Appeals. Zoning Ordinance, Section 10-5-6. After an appeal is filed, a public hearing date is set before the Zoning Board of Appeals.

At an appeal hearing, the Zoning Board of Appeals considers any testimony and documentation provided by the person who filed the appeal along with testimony and documentation provided by the Zoning Administrator. Zoning Ordinance, Section 10-5-6(E). After the hearing concludes, the Zoning Board of Appeals votes on whether or not to grant or deny the appeal. At least four (4) members of the Zoning Board of Appeals must vote to grant the appeal, otherwise it fails, and the Zoning Administrator's decision remains intact. Zoning Ordinance, Section 10-5-6(C). The Zoning Board of Appeals takes final action on appeals, subject to review in the Circuit Court of Cook County. 65 ILCS 5/11-13-13.

The appeal before you arises out of an interpretation of the Zoning Ordinance by the Zoning Administrator regarding plans submitted for a new single family home at 558 Lathrop Avenue. The property is located in the R-2 Single Family (Detached) Residential District.

The owner claims that the grade of the proposed new single family home should be established by the average level of the finished surface of the ground adjacent to the proposed home, not the elevation as measured at the sidewalk in front of the proposed home. The Building Official and Zoning Administrator reviewed the request and denied it, because the Zoning Ordinance states that the grade of the proposed home is set at the elevation of the sidewalk, not the average level of the ground adjacent to the proposed home.

The owner appealed the Zoning Administrator's decision to the Zoning Board of Appeals and argues that the grade of the proposed home is established by the average level of the finished surface of the ground adjacent thereto. The appeal was filed by email on September 16, 2021.

Appeal

In their appeal email, the owner claims that the Zoning Administrator mistakenly interpreted the Zoning Ordinance because the "definition [of 'grade' in the Zoning Ordinance] distinguishes between a property that adjoins a street and one that does not," and the proposed home does not adjoin the street because it is more than five feet (5') from the street.

Analysis

The portion of the Zoning Ordinance relevant to the appeal is:

Section 10-3-1, Definitions of Words and Terms:

GRADE: A datum or reference level determined as follows:

A. For buildings adjoining one street only, by the elevation of the sidewalk at the center of that wall adjoining the street.

B. For buildings adjoining more than one street, by the average of the elevations of the sidewalk at centers of all walls adjoining streets.

C. For buildings having no wall adjoining the street, by the average level of the finished surface of the ground adjacent to the exterior walls of the building.

1. Any wall approximately parallel to and not more than five feet from a street line shall be considered as adjoining the street.

2. Where no sidewalk exists, the grade shall be established by the village engineer.

The owner argues that the definition of “grade” in Section 10-3-1 of the Zoning Ordinance applies depending on the distance between a building wall and the street, and that any wall more than five feet (5’) from the street is subject to the grade measurement in Subsection (C) and the additional provisions in Subsections (C)(1) and (2).

The owner’s interpretation is wrong. The definition of grade has three (3) parts, in Subsections (A), (B) and (C):

Subsection (A) provides that if a building adjoins one (1) street, the grade of the building is the elevation of the sidewalk at the center of the wall adjoining the street. The proposed home at 558 Lathrop Avenue will adjoin one (1) street, Lathrop Avenue. As such, the measurement method in Subsection (A) applies. This is the same conclusion as the Building Official and Zoning Administrator.

Subsection (B) provides that if a building adjoins two (2) streets, the grade of the building is the average elevation of the sidewalks at the center of both walls adjoining the streets. The proposed home is not on a corner lot, so the measurement method in Subsection (B) does not apply.

Subsection (C) provides that if a building does not have a wall adjoining a street, like buildings deep on Cook County Forest Preserve District property, then the grade of the building is based on the height of the surface of the ground around the building. Because the proposed home adjoins a street, the measurement method in Subsection (C) does not apply.

Subsection (C) also includes two Subsections, (C)(1) and (C)(2). These Subsections only apply if Subsection (C) applies, and are inapplicable to the proposed home because it has a wall adjoining one (1) street.

If the definition of grade applied as the owner suggests, than any wall more than five feet (5’) from the street would have a grade set by the average level of the ground adjacent to the building. This interpretation is incorrect. First, this cannot be the correct interpretation of the Zoning Ordinance because there are few walls in the Village within five feet (5’) of the street, as most buildings are set back dozens of feet from the street. If the owner’s interpretation was accepted, it would effectively eliminate Subsections (A) and (B) from the Zoning Ordinance, as few buildings in the Village have walls within five feet (5’) of the street, and the Zoning Ordinance should not be interpreted in a way that renders portions of it meaningless. Second, this interpretation is at odds with the Village’s longstanding application of the definition of grade, as reported by the Building Official and the Zoning Administrator.

For the reasons stated above, we agree with the Zoning Administrator's interpretation of the Zoning Ordinance in this matter.

Sincerely,

KLEIN, THORPE AND JENKINS, LTD.

A handwritten signature in black ink, appearing to read "Gregory T. Smith", with a long horizontal flourish extending to the right.

Gregory T. Smith

cc: Lisa Scheiner, Acting Village Administrator and Zoning Administrator
Clifford Radatz, Building Official



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October 6, 2021

Village of River Forest
Village of River Forest Zoning Appeals Board
400 Park Avenue
River Forest, IL 60305

Re: 558 Lathrop Avenue, New Construction Single Family Residence, permit #22-0663:
Definition of Grade, Village Code section 10- 3-1.

To whom it may concern:

I have been a registered architect since 1986, specializing in residential new construction single family residences. I'm writing this letter to explain my interpretation of "grade" in the River Forest Zoning Ordinance.

Here is the definition:

GRADE: A datum or reference level determined as follows:

- A. For buildings adjoining one street only, by the elevation of the sidewalk at the center of that wall adjoining the street.*
- B. For buildings adjoining more than one street, by the average of the elevations of the sidewalk at centers of all walls adjoining streets.*
- C. For buildings having no wall adjoining the street, by the average level of the finished surface of the ground adjacent to the exterior walls of the building.*
 - 1. Any wall approximately parallel to and not more than five feet from a street line shall be considered as adjoining the street.*
 - 2. Where no sidewalk exists, the grade shall be established by the village engineer.*

Under Clause C1, the definition clearly states that if the wall is further than 5' from the street line, then the wall would not be considered "adjoining" the street, and therefore, the average level of the finished surface of the ground adjacent to the exterior walls of the building should determine "grade".

This definition is not in the Residential District section. One can imagine a commercial situation where buildings are within 5' of the street, where it makes sense to use the sidewalk elevation to define grade.

Every other community I have worked in defines grade as the average level of the surface of the ground adjacent to the exterior walls of the structure. Some define grade with reference to the finished grade, and some define it as an average of pre-construction grade levels. I've listed some examples at the end of this letter.



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Permit #22-0663: Definition of Grade
October 6, 2021
Page 2

The clarity of clause C1, and the use of averaging in determining grade height in all other communities, led me to use *"the average level of the finished surface of the ground adjacent to the exterior walls of the building"* to determine grade at 558 Lathrop Avenue.

Please call or e-mail if you have any questions concerning this matter.

Sincerely yours,

Michael Hershenson, AIA, NCARB, RA
Michael Hershenson Architects, Ltd.

Examples of the definition of "grade" from other Communities:

Highland Park

Grade or Grade Level: The average elevation at the corners of the smallest polygon formed by the intersecting lines of: the minimum required front yard, rear yard, side yard, subdivision setback lines, and steep slope setback lines (excluding established front yard setback lines) on a legal lot of record

Winnetka:

The extent of basement area included in Gross Floor Area calculations is based on the proportion of basement that is exposed above existing natural grade by more than the prescribed amount, measured from *existing natural grade* to *top of the finished first floor level for "Post-FAR" buildings* and to the *bottom of the first floor joist for "Pre-FAR" buildings*.

Glencoe:

GRADE. The curb level of a zoning lot; provided that, where a building is located on a natural terrace or slope, the grade shall be established by the average ground level at the building front.



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Permit #22-0663: Definition of Grade

October 6, 2021

Page 3

Wilmette:

Grade, average abutting. The computed average of the existing elevations of the surrounding ground abutting the structure as measured at every one (1) foot of the perimeter of the structure.

Lake Forest:

GRADE, EXISTING. Established by either:

1. The building pad elevation, as shown on a subdivision grading plan as approved by the City Engineer; or
2. Where such plans do not exist, existing grade shall be the average elevation of the ground surface, in its natural state, measured at the corners of the proposed structure. For structures in excess of 100 feet in length, additional measurements at 100-foot intervals, measured from the lower corner to the higher corner, shall also be included in establishing the average. This comparison must be reviewed and approved by the City Engineer.

Chicago:

17-17-0265 Grade. The *curb level* adjacent to the *front property line* or the mean elevation of the finished *lot*, as measured along exterior building walls of the *principal building*, whichever is higher.

Oak Park:

D. Building Height

1. **Maximum Building Height:** Maximum building height is measured as the vertical distance from the adjacent average grade, or equivalent, opposite the center of the front of a building to:

I. **Grade:** Grade is measured as the average level of the finished surface of the ground adjacent to the exterior walls of the structure.