



**RIVER FOREST
ZONING BOARD OF APPEALS
MEETING AGENDA**

A meeting of the River Forest Zoning Board of Appeals will be held on Thursday, November 10, 2022 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/87096142200?pwd=NDE0aDcraFJHUDhNdnViVHhoZ2Q5dz09>

or participating in a telephone conference call as follows, dial-in number: 1-312-626-6799 with meeting id: [870 9614 2200](https://us02web.zoom.us/j/87096142200?pwd=NDE0aDcraFJHUDhNdnViVHhoZ2Q5dz09).

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 20, 2022.

- I. Call to Order
- II. Approval of the Minutes from the meeting of the Zoning Board of Appeals on October 20, 2022.
- III. Approval of Findings of Fact for the Zoning Variation Request for 935 Franklin Avenue – Front Yard Setback.
- IV. Approval of Findings of Fact for the Zoning Variation Request 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%.
- V. Approval of Findings of Fact for the Zoning Variation Request for 7227 Thomas Avenue – Setbacks at the Front Yard and Secondary Front Yard.
- VI. Approval of Findings of Fact for the Fence Variation Request for 1534 Park Avenue – Type of Fence allowed in the Front Yard.
- VII. Continuation of the Public Hearing from October 20, 2022 for the Text Amendment Request – regarding Accessory Dwelling Units

VIII. Confirmation of Next Regularly Scheduled Meeting – December 8, 2022

IX. Public Comment

X. Adjournment

**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. The applicants requested variance meets all standards for the variance.

Mr. McGuinness went into the requirements of standards. First, Mr. McGuinness explained that the unique physical condition of property makes a strict enforcement of code hardship. This property is on unique block of five properties, where only one other property faces Franklin and has a setback of 58.9 feet. 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 previous 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 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 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, 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 infer 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 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 the 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 unique physical condition does not result in any person having any interest in the property. This is a lot of record that currently does not meet the R3 requirements for the zoning. 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, there is not an economic gain 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 increase 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 17000 sq ft., 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 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 Dombrowski, to approve the zoning variance of 7227 Thomas Avenue and recommend to the Board of Trustees that the approval of the requested variations to sections 10-10-4, 10-10-7-A, and 10-10-7-A.2 at 7227 Thomas Street be recommended to the Village Board of Trustees.

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 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 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, the physical condition did not result in 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, no other proposed changes location can be remedied since this is a

house below the required minimum size. 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, then there are two fences at the corner of Lemoyne. 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 went up to speak. She is 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 states 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 the aesthetic is particularly important to the village and there's rules for the aesthetic. 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 approached the podium. He states 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 speaks 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 explains that in June of 2021, they gave the village standards that they wanted them to address 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 there. Mr. Houseal has taken over, and he wants to make it clear that this memorandum has never before made it before the Board since they did not follow up with the board previously regarding the standards.

John Houseal, a village planning consult for 25-26 years came up to the podium to speak. He is going to be talking about Accessory Dwelling Units (ADU), and the current plan regarding ADU's that is going before the board today. 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 R1/2 zoning districts—can't be done 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 (this is since the affordable housing plan says to consider ADU as affordable unit so if it is expensive than it counteracts the affordable housing means)
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 the time of drafting, there was a few communities looking into drafting. 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 do 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 board. 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: _____

Frank Martin, Chairman
Zoning Board of Appeals

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS
FINDINGS OF FACT AND RECOMMENDATION REGARDING
VARIATION RELATED TO THE FRONT YARD SETBACK
AT 935 FRANKLIN AVENUE**

WHEREAS, petitioners Dave and Sheri Delaney (together the “Petitioners”), owners of the property located at 935 Franklin Avenue in the Village of River Forest (“Property”), requested a variation from the Village of River Forest’s front yard setback requirements pursuant to Section 10-9-7 of the Village of River Forest Zoning Ordinance (“Zoning Ordinance”) related to the construction of a of a new home on the Property with a proposed setback of 59.0 feet, which would require a variation (the “Variation”). The Property is located in the R-2 Single-Family (Detached) Residential Zoning District; and

WHEREAS, the Village of River Forest Zoning Board of Appeals (“Board”) held a public hearing on the question of whether the requested Variations should be granted on October 20, 2022, and was held as required by Section 10-5-4(E) of the Zoning Ordinance. At the public hearing, all persons present and wishing to speak were given an opportunity to be heard and all evidence that was tendered was received and considered by the Board; and

WHEREAS, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing in the *Wednesday Journal*, a newspaper of general circulation in the Village, there being no newspaper published in the Village. In addition, notice was mailed to surrounding property owners; and

WHEREAS, at the public hearing on October 20, 2022, the Petitioners provided information and testimony regarding the requested Variation, testifying, among other things, that the proposed new construction will occur on a block with only five other constructed houses, two of which are on corner lots and one of which was a former coach house, providing a much greater than average setback requirement; and

WHEREAS, the Board, having considered the criteria set forth in Section 10-5-4 of the Zoning Ordinance, by a vote of 6 – 0, recommends to the Village President and Board of Trustees that the requested Variation for the Property be APPROVED.

NOW, THEREFORE, the Board makes the following findings of fact and recommendations pursuant to Section 10-5-4(E)(2) of the Zoning Ordinance:

FINDINGS OF FACT

1. **The physical surroundings, shape, or topographical conditions of the Property constitute a specific hardship upon the owner as distinguished from an**

inconvenience if the strict letter of the regulations were to be carried out. The evidence presented at the public hearing established the unique characteristic of the Property that constitutes a specific hardship on the Petitioners, as the Property is situated on a block with only five other constructed homes. Of those homes, two are corner lots, and one contains a former coach house which is situated at the back of the property. This provides a higher setback calculation under the requirements of Section 10-8-7-A of the Zoning Ordinance—72.1 feet. However, the other two homes on the block contain comparable setbacks to the proposed 59 foot setback, of 58.9 and 62.3 feet. The Board finds this standard has been met.

2. **The aforesaid unique physical condition did not result from any action of any person having an interest in the property, but was created by natural forces or was the result of governmental action, other than the adoption of the Village's Zoning Regulations, for which no compensation was paid.** The Board finds this standard has been met, as the location of the other homes on the block has been established and was in existence at the time Petitioners acquired the property.

3. **The conditions of the Property upon which the petition for Variations is based may not be applicable generally to other property within the same zoning classification.** The Board found that the conditions on the Property are unique, as the proposed residence is situated on a unique block. The Board finds this standard has been met.

4. **The purpose of the Variation is not based predominately upon a desire for economic gain.** The Petitioners noted that their desire for the Variation is not predominantly for economic gain, but instead to allow for them to build a house that makes the best and safest use of the Property. The Petitioners indicated they intend to inhabit the Property. The Board finds this standard has been met.

5. **The granting of the Variation is not detrimental to the public welfare or unduly injurious to the enjoyment, use, or development value of other property or improvements in the neighborhood in which the Property is located.** The Petitioners provided a statement of support from their immediate neighbor. The Board finds this standard has been met.

6. **The granting of the Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.** The proposed construction would not impair an already adequate supply of light or air to the surrounding properties. The Board finds this standard has been met.

7. **The granting of the Variation will not unduly tax public utilities and facilities in the area of the Property.** If granted, the Variation would not unduly burden public utilities or facilities in the area of the Property. This Board finds this standard was met.

8. **There are no means other than the requested Variation by which the hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Property.** The testimony and evidence presented at the public hearing showed that construction of a residence with the extended required setback at the Property would detract from the typical use and enjoyment of the property. The Board finds this standard has been met.

RECOMMENDATION

The Board, by a vote of 6-0, for the reasons stated above, recommended to the Village President and Board of Trustees that the proposed Variation allowing a front yard setback of 59.0 feet on the Property in the R-2 Single-Family (Detached) Residential Zoning District be APPROVED.

Frank Martin
Chairman

Date

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS
FINDINGS OF FACT AND RECOMMENDATION REGARDING
VARIATIONS RELATED TO SIDE AND REAR YARD SETBACKS AND LOT
COVERAGE AT 1037 BONNIE BRAE PLACE**

WHEREAS, petitioner Chicago Property Group, LLC (the “Petitioner”), owners of the property located at 1037 Bonnie Brae Place in the Village of River Forest (“Property”), requested certain variations from the Village of River Forest’s lot coverage requirements and side and rear yard setback requirements pursuant to Sections 10-10-4, 10-10-7, and 10-10-8 of the Village of River Forest Zoning Ordinance (“Zoning Ordinance”) related to the construction of a garage located at the rear of the residence at the Property, which would require these variations (together the “Variations”). The Property is located in the R-3 Single-Family Residential Zoning District; and

WHEREAS, the Village of River Forest Zoning Board of Appeals (“Board”) held a public hearing on the question of whether the requested Variations should be granted on October 20, 2022, and was held as required by Section 10-5-4(E) of the Zoning Ordinance. At the public hearing, all persons present and wishing to speak were given an opportunity to be heard and all evidence that was tendered was received and considered by the Board; and

WHEREAS, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing in the *Wednesday Journal*, a newspaper of general circulation in the Village, there being no newspaper published in the Village. In addition, notice was mailed to surrounding property owners; and

WHEREAS, at the public hearing on October 20, 2022, the Petitioners provided information and testimony regarding the requested Variations, testifying, among other things, that the proposed garage would provide the parking required on the lot by Village Code; and

WHEREAS, the Board, having considered the criteria set forth in Section 10-5-4 of the Zoning Ordinance, by a vote of 6 – 0, recommends to the Village President and Board of Trustees that the requested Variations for the Property be APPROVED.

NOW, THEREFORE, the Board makes the following findings of fact and recommendations pursuant to Section 10-5-4(E)(2) of the Zoning Ordinance:

FINDINGS OF FACT

1. The physical surroundings, shape, or topographical conditions of the Property constitute a specific hardship upon the owner as distinguished from an

inconvenience if the strict letter of the regulations were to be carried out. The evidence presented at the public hearing established the unique characteristic of the Property that constitutes a specific hardship on the Petitioners, as the Property is on an existing non-conforming lot with a limited area, and cannot conform to the parking requirements of the R3 district without constructing a garage that will require the setback and lot coverage variations. The Board finds this standard has been met.

2. **The aforesaid unique physical condition did not result from any action of any person having an interest in the property, but was created by natural forces or was the result of governmental action, other than the adoption of the Village's Zoning Regulations, for which no compensation was paid.** The Board finds this standard has been met, as the location of the building on the property was existent at the time the property was purchased by the Petitioner.

3. **The conditions of the Property upon which the petition for Variations is based may not be applicable generally to other property within the same zoning classification.** The Board found that the conditions on the Property are unique, as the residence is already situated on a non-conforming lot, which limits the ability of the Petitioner to provide the required parking on the Property. The Board finds this standard has been met.

4. **The purpose of the Variations is not based predominately upon a desire for economic gain.** The Petitioners noted that their desire for the Variations is not predominantly for economic gain, but instead to allow for them to conform to the parking requirements of the Code as well as provide the best use of the Property. The Board finds this standard has been met.

5. **The granting of the Variations is not detrimental to the public welfare or unduly injurious to the enjoyment, use, or development value of other property or improvements in the neighborhood in which the Property is located.** The proposed garage would provide more screened parking, which would improve the exterior appearance of the Property and therefore would not be detrimental to the value of those surrounding properties. The Board finds this standard has been met.

6. **The granting of the Variations will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.** The garage would replace and enlarge a garage at the same location, and would not interrupt the already adequate supply of light or air to the surrounding properties. The Board finds this standard has been met.

7. **The granting of the Variations will not unduly tax public utilities and facilities in the area of the Property.** If granted, the Variations would not unduly burden public utilities or facilities in the area of the Property. This Board finds this standard was met.

8. **There are no means other than the requested Variations by which the hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Property.** The testimony and evidence presented at the public hearing showed that the construction of the garage would allow for adequate off-street parking, and that the construction requires the requested variations. The Petitioner also affirmed that they would be willing to execute an Easement Agreement with the property at 7227 Thomas for access on the currently constructed shared driveway, and that they will agree to a condition that the construction be masonry in order to alleviate maintenance concerns. The Board finds this standard has been met.

RECOMMENDATION

The Board, by a vote of 6-0, for the reasons stated above, recommended to the Village President and Board of Trustees that the proposed Variations to construct a garage, including a one-foot setback on the south property line, detached garage coverage of 52% of the rear yard, and a variation to the lot size regulations requiring a minimum lot size of 17,424 square feet, conditioned upon the execution of an Easement Agreement for access over the shared driveway at 7227 Thomas and upon the construction of the garage being of masonry as proposed, on the Property in the R-3 Single-Family (Detached) Residential Zoning District be APPROVED.

Frank Martin
Chairman

Date

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS
FINDINGS OF FACT AND RECOMMENDATION REGARDING
VARIATIONS RELATED TO FRONT AND SIDE YARD SETBACKS
AT 7227 THOMAS AVENUE**

WHEREAS, petitioners Bremen Properties LLC (the “Petitioner”), owner of the property located at 7227 Thomas Avenue in the Village of River Forest (“Property”), requested certain variations from the Village of River Forest’s front yard and secondary front yard setback requirements and from the minimum lot size regulations pursuant to Sections 10-10-7 and 10-10-4 of the Village of River Forest Zoning Ordinance (“Zoning Ordinance”) related to the construction of a second floor addition (together the “Variations”). The Property is located in the R-3 Single-Family (Detached) Residential Zoning District; and

WHEREAS, the Village of River Forest Zoning Board of Appeals (“Board”) held a public hearing on the question of whether the requested Variations should be granted on October 20, 2022, and was held as required by Section 10-5-4(E) of the Zoning Ordinance. At the public hearing, all persons present and wishing to speak were given an opportunity to be heard and all evidence that was tendered was received and considered by the Board; and

WHEREAS, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing in the *Wednesday Journal*, a newspaper of general circulation in the Village, there being no newspaper published in the Village. In addition, notice was mailed to surrounding property owners; and

WHEREAS, at the public hearing on October 20, 2022, the Petitioners provided information and testimony regarding the requested Variations, testifying, among other things, that the proposed addition would be a second story addition on top of an existing one-story portion of the building, thereby not increasing any existing nonconforming setbacks; and

WHEREAS, the Board, having considered the criteria set forth in Section 10-5-4 of the Zoning Ordinance, by a vote of 6 – 0, recommends to the Village President and Board of Trustees that the requested Variations for the Property be APPROVED.

NOW, THEREFORE, the Board makes the following findings of fact and recommendations pursuant to Section 10-5-4(E)(2) of the Zoning Ordinance:

FINDINGS OF FACT

1. **The physical surroundings, shape, or topographical conditions of the Property constitute a specific hardship upon the owner as distinguished from an inconvenience if the strict letter of the regulations were to be carried out.** The

evidence presented at the public hearing established the unique characteristic of the Property that constitutes a specific hardship on the Petitioners, as the Property is situated on a narrow lot with existing nonconformities. The Board finds this standard has been met.

2. **The aforesaid unique physical condition did not result from any action of any person having an interest in the property, but was created by natural forces or was the result of governmental action, other than the adoption of the Village's Zoning Regulations, for which no compensation was paid.** The Board finds this standard has been met, as the location of the building on the Property was established when the structure was built, well before the Petitioner purchased it.

3. **The conditions of the Property upon which the petition for Variations is based may not be applicable generally to other property within the same zoning classification.** The Board found that the conditions on the Property are unique, as the residence is already situated on the property with a 36.9 foot front yard setback, a variation of 3.1 feet, and a 7.5 foot secondary front yard setback, a variation of 10 feet. The Board finds this standard has been met.

4. **The purpose of the Variations is not based predominately upon a desire for economic gain.** The Petitioners noted that their desire for the Variations is not predominantly for economic gain, but instead to allow for them to make the best and safest use of the building and enhance its livability. The Board finds this standard has been met.

5. **The granting of the Variations is not detrimental to the public welfare or unduly injurious to the enjoyment, use, or development value of other property or improvements in the neighborhood in which the Property is located.** The proposed addition would add a second story atop an existing area of the building, which would improve the exterior appearance of the Property, and therefore would not be detrimental to the value of those surrounding properties. The Board finds this standard has been met.

6. **The granting of the Variations will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.** The addition would not interrupt the already adequate supply of light or air to the surrounding properties. The Board finds this standard has been met.

7. **The granting of the Variations will not unduly tax public utilities and facilities in the area of the Property.** If granted, the Variations would not unduly burden public utilities or facilities in the area of the Property. This Board finds this standard was met.

8. **There are no means other than the requested Variations by which the hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Property.** The testimony and evidence presented at the public hearing showed that the addition would replace a deteriorating roof terrace, providing

additional safety and conforming the unit size to the unit below. The Board finds this standard has been met.

RECOMMENDATION

The Board, by a vote of 6-0, for the reasons stated above, recommended to the Village President and Board of Trustees that the proposed Variations for construction to construct a second story addition on the Property in the R-3 Single-Family (Detached) Residential Zoning District be APPROVED.

Frank Martin
Chairman

Date

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS
FINDINGS OF FACT AND RECOMMENDATION REGARDING
VARIATIONS RELATED TO FENCE HEIGHT AND TYPE AT
1534 PARK AVENUE**

WHEREAS, petitioners 1534 Park Apartments, LLC and Kevin Martin (together the “Petitioners”), owners of the property located at 1534 Park Avenue in the Village of River Forest (“Property”), requested certain variations from the Village of River Forest’s fence regulations pursuant to Sections 4-8-5 of the Village of River Forest Zoning Ordinance (“Zoning Ordinance”) related to the construction of a fence located at the front of the residence at the Property, which would require a variation (the “Variation”). The Property is located in the C-1 Commercial Zoning District; and

WHEREAS, the Village of River Forest Zoning Board of Appeals (“Board”) held a public hearing on the question of whether the requested Variations should be granted on October 20, 2022, and was held as required by Section 10-5-4(E) of the Zoning Ordinance. At the public hearing, all persons present and wishing to speak were given an opportunity to be heard and all evidence that was tendered was received and considered by the Board; and

WHEREAS, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing in the *Wednesday Journal*, a newspaper of general circulation in the Village, there being no newspaper published in the Village. In addition, notice was mailed to surrounding property owners; and

WHEREAS, at the public hearing on October 20, 2022, the Petitioners provided information and testimony regarding the requested Variation, testifying, among other things, that the proposed fence would provide additional security to the Property and create a front yard for the enjoyment of the residents of the Property; and

WHEREAS, the Board, having considered the criteria set forth in Section 10-5-4 of the Zoning Ordinance, by a vote of 5 – 1, recommends to the Village President and Board of Trustees that the requested Variations for the Property be APPROVED, with the conditions set forth herein.

NOW, THEREFORE, the Board makes the following findings of fact and recommendations pursuant to Section 10-5-4(E)(2) of the Zoning Ordinance:

FINDINGS OF FACT

1. **The physical surroundings, shape, or topographical conditions of the Property constitute a specific hardship upon the owner as distinguished from an inconvenience if the strict letter of the regulations were to be carried out.** The evidence presented at the public hearing established the unique characteristic of the

Property that constitutes a specific hardship on the Petitioners, as the Property is situated on a corner lot with the residence facing south, and the front yard being very narrow. Further, the Petitioners noted that the fence would increase security and provide screened outdoor space for the residents of the Property. The Petitioners pointed out that their current zoning regulations allow a 4 foot fence with 50% screening as a matter of right, and that the Variation sought would allow a higher fence but would voluntarily provide lower screening, promoting safety in sight lines. The Board finds this standard has been met.

2. **The aforesaid unique physical condition did not result from any action of any person having an interest in the property, but was created by natural forces or was the result of governmental action, other than the adoption of the Village's Zoning Regulations, for which no compensation was paid.** The Board finds this standard has been met, as the location of the home on the Property was established when the home was built, well before the Petitioners purchased it.

3. **The conditions of the Property upon which the petition for Variations is based may not be applicable generally to other property within the same zoning classification.** The Board found that the conditions on the Property are unique, as the residence is already situated with a narrow front yard and no side yard or back yard, which limits uses in those portions of the Property. The Board finds this standard has been met.

4. **The purpose of the Variations is not based predominately upon a desire for economic gain.** The Petitioners noted that their desire for the Variations is not predominantly for economic gain, but instead to allow for them to make the best and safest use of the exterior of the residence. The Board finds this standard has been met.

5. **The granting of the Variations is not detrimental to the public welfare or unduly injurious to the enjoyment, use, or development value of other property or improvements in the neighborhood in which the Property is located.** The proposed fence would be more open than what Petitioners are allowed to build as a matter of right, and therefore would not be detrimental to the value of those surrounding properties. The Board finds this standard has been met.

6. **The granting of the Variations will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.** The fence would replace an existing fence at the same location, and therefore would not interrupt the already adequate supply of light or air to the surrounding properties. The hot tub use would have no effect on the light and air supplies to the surrounding properties. The Board finds this standard has been met.

7. **The granting of the Variations will not unduly tax public utilities and facilities in the area of the Property.** If granted, the Variations would not unduly burden public utilities or facilities in the area of the Property. This Board finds this standard was met.

8. **There are no means other than the requested Variations by which the hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Property.** The testimony and evidence presented at the public hearing showed that construction of the fence in the manner provided under existing zoning regulations would result in a slightly shorter fence but with much more screening affecting sight lines for the driveway of the building. The Petitioner indicated that he would voluntarily agree to be limited to a 5 foot tall, 80% open fence rather than the 6 foot Type 2 fence requested. The Board finds this standard has been met.

RECOMMENDATION

The Board, by a vote of 5-1, for the reasons stated above, recommended to the Village President and Board of Trustees that the proposed Variation to construct a fence, conditioned upon said fence having a maximum height of five (5) feet and being a minimum of 80% open, on the Property in the C-1 Commercial Zoning District be APPROVED.

Frank Martin
Chairman

Date



Village of River Forest
Village Administrator's Office
400 Park Avenue
River Forest, IL 60305
Tel: 708-366-8500

MEMORANDUM

Date: November 10, 2022

To: Frank Martin, Chairman, Zoning Board of Appeals

From: Matt Walsh, Assistant to the Village Administrator

Subj: Proposed Text Amendments – Accessory Dwelling Units

Issue & Background: The attached memorandum from Village Planning Consultant John Houseal includes additional information on ADUs, as requested at the October 20, 2022 meeting of the Zoning Board of Appeals.

Engineering Comments: The Village Engineer states that ADUs will have a minimal impact on Village utilities. Additional fixtures would be inspected and reviewed through the building permit review process.

Affordable Rent Limits: The Village's Affordable Housing Plan defines "affordable" using the Illinois Housing Development Authority's calculation. The 2022 affordable rent limits for the Chicago Metro Area are listed below, and included in attachment 2.

Affordable Rental Units for Chicago Metro Area	
Studio	\$1,095
1 Bedroom	\$1,173
2 Bedroom	\$1,407
3 Bedroom	\$1,626
4 Bedroom	\$1,813
5 Bedroom	\$2,001

School Impact Fee Analysis: Section 10-23-4 of the Village Code includes criteria for school land dedication requirements. If the Village wanted to require dedications for new accessory dwelling units, these calculations could be applied. Using the fair market value of land (\$429,100 per acre) and the estimated children per unit figures for apartments, the estimated impact fee would be \$28 for a one-bedroom unit and \$1,211 for a two-bedroom unit.

Attachments:

1. Planning Consultant Houseal Lavigne Memo
2. 2022 Illinois Housing Development Authority Affordability Charts

MEMORANDUM

Date: November 4, 2022

SENT VIA EMAIL

To: Village of River Forest
Zoning Board of Appeals

From: Houseal Lavigne Associates
John Houseal, FAICP, Partner
Jackie Wells, AICP, Senior Planner

Re: **Accessory Dwelling Units - Zoning Ordinance Update**
Follow-up and additional information

The purpose of this memorandum is to provide the Zoning Board of Appeals (ZBA) with additional information in response to discussion and direction given by the ZBA at its October 20th meeting.

Materials include:

1. Revised ADU Ordinance Assumptions to include the addition of assumptions that address variances
2. Revised ADU Draft Standards to include the addition of standards that address variances
3. Comparative community information regarding ADU regulations
4. Items to be addressed by Village staff
5. Appendix: Comparative community ordinance text

The intention of providing these materials is to better facilitate the continued discussion of considering ADUs in the Village of River Forest.

1. REVISED ADU ORDINANCE ASSUMPTIONS

The following initial assumptions were derived from the Village's 2019 Comprehensive Plan and 2020 Affordable Housing Plan, the primary policy documents driving River Forest's consideration of ADUs. The initial assumptions were updated based on the discussion had with the Zoning Board of Appeals at the October 20, 2022 meeting. Revisions reflecting ZBA discussion at the October 20 meeting are included in bold.

The initial and updated assumptions informed the attached revised draft ADU zoning ordinance language.

1. The single-family detached character of the Village's neighborhoods should be preserved, protected, and enhanced.
2. ADUs should be allowed as a special use in the R-1 and R-2 zoning districts.
3. To minimize impacts on neighbors, an ADU should be allowed to be constructed internal or attached to the existing primary dwelling only.
4. An attached ADU should be integrated into the design of the primary dwelling so as to appear as a single dwelling.
5. ADUs should be required to be rented at affordable rates.
6. A mechanism such as deed restriction and/or annual registration program should be utilized to ensure ADUs are rented at affordable rates in perpetuity or for a specified period of time.
7. The primary dwelling should be owner occupied.
8. The maximum size of an ADU should be limited to ensure it remains appurtenant to the primary dwelling.
9. An ADU should have a separate entrance from the primary dwelling. The ADU entrance should be located in the rear of interior side of the primary dwelling to maintain the single-family detached character of the Village's neighborhoods.
10. A minimum of one off-street parking space should be provided per ADU. The parking space should not interfere with other required on-site parking.
11. **ADUs should meet all applicable standards of the zoning district in which it is proposed (R1 or R2 Districts) and no variations should be granted to accommodate an ADU.**
12. **A variation should not be granted for a property if an ADU on the property is the rationale given for the hardship or the condition driving the request for variation.**

2. REVISED DRAFT ADU STANDARDS

The preliminary draft ADU standards have been revised per the updates to the assumptions made based on the discussion had with the Zoning Board of Appeals at the October 20, 2022 meeting. Revisions are included in bold.

The revised draft ADU standards detailed below could be integrated into Chapter 7: Regulations of General Applicability. Additionally, Chapter 21: Land Use Chart would be updated to include Accessory Dwelling Uses as an accessory use allowed in the R1 and R2 low density residential districts as a special use.

1. One (1) attached or internal accessory dwelling unit shall be allowed per lot.
2. The maximum size of an accessory dwelling unit shall be a maximum of twenty (20) percent of the floor area of the principal dwelling or 400 square feet, whichever is greater. In no instance shall an accessory dwelling unit exceed eight hundred (800) square feet in area.
3. Attached accessory dwelling units shall be located fully within the buildable area of the lot.
4. Attached accessory dwelling units shall have substantially similar architectural features including roof pitch; window type, size, and placement; architectural features, and exterior building cladding materials as the principal dwelling.
5. The principal dwelling and accessory dwelling unit shall be served by a common driveway.
6. A minimum of one (1) off-street parking space shall be provided per accessory dwelling unit. Parking required for an accessory dwelling unit shall be in addition to parking required for the primary dwelling. The parking for the accessory dwelling unit shall not be located in the required front yard setback. A tandem parking space, where one (1) car is parked behind another, with the spaces required for the primary dwelling shall be prohibited.
7. The principal dwelling shall be the primary residence of the owner of the property.
8. Prior to the issuance of a Certificate of Occupancy, the property owner shall enter into an Affordable Housing Agreement with the Village of River Forest which shall be recorded as a lien against the property. The lien shall include a covenant that the accessory dwelling unit shall be offered for rent at a monthly rate that qualifies the unit as affordable per the State of Illinois Affordable Housing Act, as amended.
9. **Major or minor variations, per Section 10-5-4, shall not be granted to accommodate an accessory dwelling unit.**
10. **Major or minor variations, per Section 10-5-4, shall not be granted for a property if the cause of the variation request is an accessory dwelling unit.**

3. COMPARATIVE COMMUNITY RESEARCH

Comparative community research was conducted to inform the Zoning Board of Appeals about how other communities regulate ADUs. Some communities are more similar to River Forest than others, but collectively the list identifies communities that permit ADUs, communities that do not, and many communities that share community and neighborhood characteristics similar to River Forest. The comparative communities that were researched include: Elmhurst, Evanston, Glencoe, Glen Ellyn, Glenview, Hinsdale, Kenilworth, Northbrook, Northfield, Oak Park, Wilmette, and Winnetka.

Comparative Communities that Allow ADUs

Comparative Community	ADUs Allowed?	
	Yes	No
Elmhurst		•
Evanston	•	
Glencoe		•
Glen Ellyn		•
Glenview		•
Hinsdale		•
Kenilworth		•
Northbrook		•
Northfield		•
Oak Park	•	
Wilmette	•	
Winnetka	•	

Comparative Community ADU Standards

A summary of standards from comparative communities that allow ADUs is included in the table below. The full standards are included as an appendix to this memo.

ADU Standards	River Forest (proposed)	Evanston (adopted)	Oak Park (adopted)	Wilmette (adopted)	Winnetka (adopted)
Districts Allowed	R1, R2	all lots with single family homes	all lots with single family homes	R, R-1, R-2	all residential districts
Formats	internal, attached	internal, attached, detached	internal, attached, detached	internal	detached (accessory structure existing prior to March 20, 2012)
Allowance Type	special use	by-right	by-right	special use	by-right
Number Allowed	1 / lot	1 / lot	1 / lot	1 / lot	number existing prior to March 20, 2012
Size Limitation	greater of 20% of principal dwelling or 400 sqft, no more than 800 sqft	1,000 sqft, not to exceed one level of an existing structure	1,000 sqft or smaller than principal dwelling, whichever is less	25% of principal dwelling, not less than 600 sqft	no less than 350 sqft for first 2 residents; 150 sqft additional for each person beyond 2
Location Restriction	buildable area only	internal / attached: buildable area only; detached: side and rear yards only	rear or side of principal dwelling, buildable area only	within principal dwelling only	within accessory structure existing prior to March 20, 2012
Design Standards	similar architectural features to primary dwelling	location of entrances and exterior stairs	similar architectural features to primary dwelling	maintain single-family appearance; location of entrance	n/a
Access	one driveway only	n/a	n/a	n/a	n/a
Parking	1 space / unit	n/a	n/a	1 / unit	n/a
Owner Occupied Requirement	principal dwelling	n/a	n/a	principal dwelling or ADU for a minimum of 6 months per year; must be 55+	n/a
Affordability	deed restricted	n/a	n/a	n/a	n/a
Variations	not allowed	n/a	n/a	n/a	n/a
Impact Fees	under consideration	n/a	n/a	n/a	n/a

4. ADDITIONAL QUESTIONS FOR DISCUSSION AND VILLAGE STAFF INPUT

The following questions were asked by the Zoning Board of Appeals at the October 20, 2022, meeting.

1. Should ADUs be subject to the school impact fee like other “first time” residential development in the community?
2. Should a fire separation wall be required between the ADU and principal dwelling?
3. How would the Village’s infrastructure be impacted by ADUs?

APPENDIX: COMPARATIVE COMMUNITY FULL ADU STANDARDS

The following sections include the full ADU standards from the comparative communities. Oak Brook's in-progress standards, despite the community's dissimilarity to River Forest, are also included for reference as they were discussed by the Zoning Board of Appeals at the October 20, 2022 meeting.

Evanston

- A. Construction: An ADU may be created through new construction, alteration of an existing structure, addition to an existing structure, or conversion of an existing structure to an ADU while simultaneously constructing a new residential building on the site.
- B. Number of Units: One (1) ADU is permitted per zoning lot.
- C. Minimum Lot Size: None.
- D. Maximum ADU Size: All ADUs shall be smaller than the floor area of the largest primary dwelling unit.
 - 1. Any detached ADU, internal or attached ADU created through new construction, internal or attached ADU created through an addition to an existing structure, or detached ADU created through the conversion of an existing structure to an ADU while simultaneously constructing a new residential building on the site shall not exceed one thousand (1,000) square feet of floor area.
 - 2. An internal or attached ADU created through the altering of an existing structure may exceed one thousand (1,000) square feet of floor area but the floor area shall be limited to not more than one level of the existing structure (i.e. a basement, story, or half story).
- E. Maximum F.A.R. or Building Lot Coverage: For an attached or internal ADU, the maximum F.A.R. or lot coverage of all structures on the zoning lot shall be that of the underlying zoning district.

For a detached ADU, Section 6-4-6-3 shall also apply.

- F. Yard Requirements: For an attached or internal ADU, the yard requirements shall be those required for a principal structure in the underlying zoning district.

For a detached ADU, the regulations in Sections 6-4-6-2 and 6-4-6-3 shall apply.

- G. Maximum Height: For an attached or internal ADU, the maximum height shall be that of the underlying zoning district.

For a detached ADU the height shall be subject to the following limitations:

- 1. For a detached ADU with a flat or mansard roof the height shall not exceed twenty (20) feet, measured from grade to the highest point of said structure, or two (2) stories, whichever is less.
 - 2. For a detached ADU without a flat or mansard roof the height shall not exceed twenty-eight (28) feet, measured from grade to the highest point of said structure, or two (2) stories, whichever is less.
- H. Off-Street Parking: No parking is required per Chapter 16 (Off-street Parking and Loading), Table 16-B, however, existing required parking for the primary residential structure shall be maintained or replaced.
- I. Design Standards:
 - 1. Entrances: Only one (1) pedestrian entrance to the structure may be located on the front facing facade of the principal building.
 - 2. Exterior Stairs: Any exterior stairs to serve as the primary entrance to an attached or internal ADU within the principal building shall be located on the interior side or rear of the principal building.
- J. Alterations of Existing Structures: If a detached ADU is created from an existing detached accessory structure that does not meet one or more of the standards within Section 6-4-6, the structure is exempt from the standard(s) it does not meet. However, any alterations that would result in the structure becoming less conforming with those standards it does not meet are not allowed.
- K. Ownership and Occupancy: There is no requirement that the property owner reside on the property, however, an ADU shall remain under common ownership with the residential building. Occupancy of the ADU shall be limited to no more than one (1) family.

Oak Brook

- A. An accessory living unit is a detached accessory building that provides living quarters in a location other than the principal residence. An accessory living unit may be located in a pool house, detached garage, or other similar accessory building or structure.
- B. Accessory living units are not permitted in the business or office districts, or the R-2, R-3, R-4, or R-5 Districts.
- C. An accessory living unit shall consist of cooking, sleeping, and sanitation facilities.
- D. Only one (1) accessory living unit is permitted in the R-1 District.
- E. An accessory living unit originally constructed before xx/xx/2022 (date of adoption) is permitted.
- F. An expansion to an accessory living unit constructed prior to xx/xx/2022 (date of adoption) shall require a permit. An expansion is considered additional floor area, modifications to room sizes, removal of walls and significant electrical or plumbing work that otherwise modifies the intended use of the dwelling unit.
- G. No accessory living unit shall be modified to increase the number of dwelling units.
- H. The construction of a new accessory living unit shall require the installation of fire sprinklers in accordance with applicable residential building code regulations.
- I. An accessory building containing an accessory living unit shall be similar in architectural style and building materials to the principal use structure.

Oak Park

- A. Either the single-family dwelling or the accessory dwelling unit must be owner-occupied.
- B. Only one accessory dwelling unit is allowed per zoning lot.
- C. No additional parking is required for an accessory dwelling unit.
- D. All accessory dwelling units must meet all applicable building codes.
- E. Detached Accessory Dwelling Unit – Coach House.
 - 1. Coach houses are permitted on a zoning lot used for a single-family dwelling.
 - 2. A coach house must be located in a detached garage on the upper floor, above parking spaces located on the ground level. A detached garage with a coach house is subject to all standards of item N below, applicable to detached garages.
 - 3. Only one dwelling unit may be located in a coach house.
 - 4. New coach houses built after the effective date of this Ordinance must comply with the following:
 - a. New coach houses must be designed to relate to the design of the single-family dwelling.
 - b. New coach houses cannot exceed the height of the single-family dwelling.
 - c. If located within a historic preservation district, the Historic Preservation Commission review process shall apply.
- F. Detached Accessory Dwelling Unit – Ground Floor.
 - 1. A ground-floor dwelling unit may be either a converted parking garage or a detached accessory dwelling unit on a zoning lot used for a single-family dwelling.
 - 2. A detached dwelling unit must be less than 1,000 square feet of livable space and/or smaller than the single-family dwelling.
 - 3. A detached dwelling unit must be located in the rear or side of a single-family dwelling and meet the dimensional requirements for an accessory structure in this section. Detached dwelling units in a side yard must be set back a minimum of five feet from the front building facade line and three feet from the interior side lot line.
 - 4. New detached dwelling units built after the effective date of this Ordinance must comply with the following:
 - a. New detached accessory dwelling units must be designed to relate to the design of the principal single-family dwelling.
 - b. New detached accessory dwelling units cannot exceed the height of the single-family dwelling.
 - c. If located within a historic preservation district, the Historic Preservation Commission review process shall apply.
- G. Attached Accessory Dwelling Units – Additions with separate entrances.
 - 1. Attached dwelling units are permitted on a zoning lot used for a single-family dwelling.
 - 2. An attached dwelling unit must be less than 1,000 square feet of livable space and/or smaller than the principal single-family dwelling.

3. An attached dwelling unit must be located in the rear or side of a single-family dwelling and meet the dimensional requirements as a single-family dwelling found in Table 4-1: Residential Districts Dimensional Standards.
4. An attached dwelling unit must have its own separate entrance from the single-family dwelling.
5. Additions built after the effective date of this Ordinance must comply with the following:
 - a. New additions must be designed to relate to the design of the single-family dwelling.
 - b. If located within a historic preservation district, the Historic Preservation Commission review process shall apply.
- H. Interior Accessory Dwelling Units – Basement and Attic conversions with separate entrances.
 1. An attic or basement accessory dwelling unit is permitted on a zoning lot within a single-family dwelling.
 2. An attic or basement accessory dwelling unit must have its own separate entrance from the single family dwelling.

Wilmette

- A. The principal dwelling or the accessory living unit must be occupied by the owner(s) of the subject property as the owner(s) principal place of residence for at least six (6) months of the year.
- B. The resident of the principal dwelling or the accessory living unit must be fifty-five (55) years of age or older, or disabled.
- C. The maximum size of the accessory living unit is limited to twenty-five percent (25%) of the total area of the principal structure. The minimum size of the accessory living unit shall not be less than six hundred (600) square feet.
- D. Only one (1) accessory living unit is permitted on any lot.
- E. An accessory living unit must be located wholly within the principal structure on the lot. No accessory living unit is permitted in any accessory structure.
- F. The principal structure on the lot must maintain a single-family appearance with a single, common front entrance on the principal structure shared by the principal dwelling and the accessory living unit.
- G. Any second entrance for the accessory living unit may be located at the rear or side of the principal structure.
- H. Only the owner(s) of the subject property may apply for a special use for an accessory living unit.
- I. An accessory living unit is illegal if it is established without an approved special use permit.
- J. If granted by the Village Board, a special use for an accessory living unit automatically expires when the Zoning Administrator determines that one (1) or more of the requirements of this section have not been met. When a detached single-family dwelling that includes an accessory living unit is sold, the special use associated with the accessory living unit continues provided that the requirements of this section are met by the new owner(s).
- K. The owner(s) granted a special use to establish an accessory living unit must file an affidavit with the Village annually, no later than ten (10) days after the date of the anniversary on which the Village Board granted the special use, stating that the accessory living unit complies with all the provisions of this Ordinance.

Winnetka

- A. The accessory structure in which the accessory dwelling unit is located was constructed before March 20, 2012.
- B. The accessory structure in which the accessory dwelling unit is located was originally constructed as a dwelling unit or was occupied as a dwelling unit at some point in time before March 20, 2012.
- C. No accessory structure shall be modified to increase the number of accessory dwelling units above the number of accessory dwelling units (i) that were included in the accessory building as originally constructed or (ii) that were occupied in whole or in part as a dwelling unit at some point in time before March 20, 2012.
- D. The accessory dwelling unit shall contain not less than three hundred fifty (350) square feet of interior, habitable floor area for the first two persons residing in such dwelling unit, plus one hundred fifty (150) square feet of interior, habitable floor area for each additional person residing in such accessory dwelling unit.
- E. No more than seven persons shall reside in any accessory dwelling unit.
- F. The owner of the accessory dwelling unit shall obtain a certificate of occupancy as provided in Section 17.72.020 and Chapter 15.36 of this code.

2022 Owner-Occupied and Rental Unit Affordability Charts: **Affordable Housing Planning and Appeal Act (310 ILCS 67/)**

IHDA publishes annual Owner-Occupied and Rental Unit Affordability Charts as supplemental guidance for communities concerned about exemption status under the Affordable Housing Planning and Appeals Act. Exemption status is determined by calculating the percentage of total housing units in a given community that are affordable to homebuyers at 80 percent of the Area Median Income (AMI) and renters at 60 percent of the AMI. The charts below may be interpreted as a rule of thumb for what would constitute an affordable owner-occupied unit and an affordable rental unit in the Chicago Metropolitan Statistical Area (MSA) (Cook, DuPage, Kane, Lake, McHenry, and Will Counties), the Kendall MSA (Kendall County), and the Rockford MSA (Boone and Winnebago Counties). Adding housing units considered affordable by the guidelines shown below may not numerically affect results in the annual calculation of AHPAA exemption status but tracking such additions may show a measure of progress.

The **Income Limits** and the **Affordable Rent Limits** are drawn from the U.S. Department of Housing and Urban Development (HUD) guides, published on an annual basis. The 2022 figures are effective as of 06/15/2022. A mortgage industry-standard measure is used to estimate the **Affordable Purchase Price** for families at 80 percent of the AMI. The Income Limits, adjusted by HUD for family size, are divided by .36 to give a rough idea of a purchase price that would result in an affordable monthly mortgage payment that includes principal, interest, taxes, insurance and assessments. Any prospective homebuyer would have to apply for a loan with a more exhaustive analysis of income and debt payments.

Owner Occupied Affordability Chart For Chicago Metro Area (Cook, DuPage, Kane, Lake, McHenry, Will Counties)								
	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
2022 Income Limits (80% AMI)	\$58,350	\$66,700	\$75,050	\$83,350	\$90,050	\$96,700	\$103,400	\$110,050
Affordable Purchase Price	\$162,083	\$185,278	\$208,472	\$231,528	\$250,139	\$268,611	\$287,222	\$305,694
<i>Please Note: The Above chart uses 2022 income limits. Municipalities must make sure they are using the most current income limits (available on IHDA's website: www.ihda.org).</i>								

Affordable Rental Units For Chicago Metro Area (Cook, DuPage, Kane, Lake, McHenry, Will Counties)						
	0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom
2022 Affordable Rent Limits for HH @ 60% AMI	\$1,095	\$1,173	\$1,407	\$1,626	\$1,813	\$2,001
<i>Please Note: The above chart uses 2022 rental limits. Municipalities must make sure they are using the most current rental limits (available on IHDA's website: www.ihda.org).</i>						

Owner Occupied Affordability Chart For Kendall Metro Area (Kendall County)

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
2022 Income Limits (80% AMI)	\$62,600	\$71,550	\$80,500	\$89,400	\$96,600	\$103,750	\$110,900	\$118,050
Affordable Purchase Price	\$173,889	\$198,750	\$223,611	\$248,333	\$268,333	\$288,194	\$308,056	\$327,917

Please Note: The Above chart uses 2022 income limits. Municipalities must make sure they are using the most current income limits (available on IHDA's website: www.ihda.org).

Affordable Rental Units For Kendall Metro Area (Kendall County)

	0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom
2022 Affordable Rent Limits for HH @ 60% AMI	\$1,198	\$1,284	\$1,540	\$1,780	\$1,986	\$2,191

Please Note: The above chart uses 2022 rental limits. Municipalities must make sure they are using the most current rental limits (available on IHDA's website: www.ihda.org).

Owner Occupied Affordability Chart For Rockford Metro Area (Boone and Winnebago Counties)

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
2022 Income Limits (80% AMI)	\$45,100	\$51,550	\$58,000	\$64,400	\$69,600	\$74,750	\$79,900	\$85,050
Affordable Purchase Price	\$125,278	\$143,194	\$161,111	\$178,889	\$193,333	\$207,639	\$221,944	\$236,250

Please Note: The Above chart uses 2022 income limits. Municipalities must make sure they are using the most current income limits (available on IHDA's website: www.ihda.org).

Affordable Rental Units For Rockford Metro Area (Boone and Winnebago Counties)

	0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom
2022 Affordable Rent Limits for HH @ 60% AMI	\$846	\$906	\$1,087	\$1,256	\$1,401	\$1,546

Please Note: The above chart uses 2022 rental limits. Municipalities must make sure they are using the most current rental limits (available on IHDA's website: www.ihda.org).