



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

A meeting of the River Forest Zoning Board of Appeals will be held on Thursday, June 8, 2023 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/85110084082>

or participating in a telephone conference call as follows, dial-in number: 1-312-626-6799 with meeting id: 851 1008 4082

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, June 8, 2023.

- I. Call to Order
- II. Approval of the Minutes from the meeting of the Zoning Board of Appeals on May 11, 2023.
- III. Approval of Findings of Fact for the Proposed Variation Requests for 7616 Vine Street – Side Yard Setback and Floor Area Ratio.
- IV. Approval of Findings of Fact for the Proposed Variation Requests for 7960 Chicago Avenue – Lot Coverage, Height of an Accessory Building, and Rear Yard Setback for an Accessory Building.
- V. Approval of Findings of Fact for the Proposed Variation Requests for 559 Ashland Avenue – Side Yard Setback and Roof Height for an Accessory Building.
- VI. Approval of Findings of Fact for the Text Amendment Request – regarding Accessory Dwelling Units
- VII. Confirmation of Next Regularly Scheduled Meeting – July 13, 2023.
- VIII. Public Comment
- IX. Adjournment

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS
FINDINGS OF FACT AND RECOMMENDATION REGARDING
SIDE YARD SETBACK VARIATIONS RELATED TO A
SECOND FLOOR RESIDENTIAL ADDITION AT 7616 VINE STREET**

WHEREAS, petitioners Priscilla and Philipe Carvalho (together the “Petitioners”), owners of the property located at 7616 Vine Street in the Village of River Forest (“Property”), requested certain variations from the Village of River Forest’s side yard setback requirements pursuant to Sections 10-9-7 and 10-8-7(C)(2)(b) of the Village of River Forest Zoning Code (“Zoning Ordinance”) related to the construction of a second story addition on the residence at the Property that would maintain a non-complying side yard setback to the west of approximately two and three-quarters feet (2.76’), which would require a variation of slightly less than two and one-quarters feet (2.24’), and a side yard eave setback of just less than three-quarters of a foot (.76’), which would require a variation of approximately one foot and a quarter (1.24”); as well as a variation from the Village of River Forest’s floor area ratio limitation pursuant to Section 10-9-5 of the Village of River Forest Zoning Code from .40 to .4875, a variation of .0875 (together the “Variations”). 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 May 11, 2023, and was held as required by Section 10-5-4(E) of the Village of River Forest Zoning Ordinance (“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 May 11, 2023, the Petitioners, and their architect, Mark Zinni, provided information and testimony regarding the requested Variations, testifying, among other things, that the proposed addition will add value to their property and the neighboring properties, and that if they were required to build the addition to the home without the variations, they would not be able to develop a livable addition to the Property, which created a hardship that required the Variations be granted; and

WHEREAS, the Board, having considered the criteria set forth in Section 10-5-4 of the Zoning Ordinance, by a vote of 6-1 regarding the floor area variation, and 7 – 0 regarding the setback variations, 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 home on the Property is smaller in size and on an unusually narrow and shallow, 37.5' by 134' deep lot. The Board found that the Petitioners could not otherwise develop a livable addition to the Property. 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, and atypical for the area, in that most of the properties on the same block have lots that are fifty feet (50') in width, and already contain two story homes. 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 a more aesthetically pleasing and livable addition to the residence on the Property, in which the Petitioners indicated they intend to continue to inhabit. 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 be adequately set back from the properties to the east and west, due to driveways separating the properties, which 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 spacing between the adjoining properties, due to the

driveways between them, would not impair an adequate supply of light to the 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 an addition to the residence on the Property constructed without the Variations would require significant demolition and reconstruction of the existing residence on the property. Therefore, the Board finds this standard has been met.

RECOMMENDATION

The Board, by a vote of 6-1 with respect to the floor area ratio variation, and 7-0 for the setback variations, for the reasons stated above, recommended to the Village President and Board of Trustees that the proposed Variations for construction to build a second floor addition 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
AN ACCESSORY STRUCTURE HEIGHT VARIATION,
SETBACK VARIATION AND LOT COVERAGE VARIATION
RELATED TO A PROPOSED GARAGE AND ADDITION
AT 7960 CHICAGO AVENUE**

WHEREAS, petitioners Frank and Jennifer Lesniak (“Petitioners”), owners of the property located at 7960 Chicago Avenue in the Village of River Forest (“Property”), requested a variation from the Village of River Forest’s accessory structure maximum height allowance in Section 10-9-6 of the Village of River Forest Zoning Ordinance (“Zoning Ordinance”), to allow the construction of a garage with a maximum height of nineteen feet and eight and one-half inches (19’ 8.5”), where the maximum allowed height is eighteen feet (18’) measured from the elevation of the public walk to the ridge of the garage roof. In addition, the Petitioners seek variations from the setback regulations for an accessory structure in Section 10-9-7 to allow for a setback of one foot and six inches (1’ 6”) from the rear property line and 6 inches (6”) to the fascia board of the roof eave, where the minimum required setback is three feet from the rear property line; and finally a variation from lot coverage regulations in Section 10-9-5 to allow for coverage 32.68 percent of the lot area where the maximum allowed coverage is 30 percent, to accommodate the new garage and an addition to the residence (“Variations”). The Property is located in the R-2 Single-Family (Detached) Residential Zoning District (“R-2 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 May 11, 2023, and the hearing was held in accordance with 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 the 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 15, 2020, Petitioners Frank and Jennifer Lesniak, as well as Frank Heitzman, their architect, provided information regarding the requested Variation, testifying, among other things, that the topography of the lot required the variation to accommodate a standard height garage; and

WHEREAS, all seven members of the Board were present for the public hearing, which constituted a quorum of the entire Board that is required to convene a meeting of the Board, and allow for the public hearing to proceed; and

WHEREAS, after the close of public comment, the Board discussed and deliberated the application for these Variations; and

WHEREAS, following discussion, the Board, having considered the criteria set forth in Section 10-5-4 of the Zoning Ordinance, on October 15, 2020, voted five (5) to two (2) to recommend approval of the Variations;

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 Board found that this standard has been met. The Petitioners reside in the home and intend to remain there. If they did not receive the requested Variation, they will not be able to construct a garage of adequate height because the lot slopes from back to front yet the height restrictions are measured from the public walk. In addition, the lot coverage variation is necessary to construct an addition that meets building code requirements with regard to an interior staircase.
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 found that this standard has been met. The Petitioners purchased the home in its current state. The topography of the lot predated the Petitioner's acquisition of the property.
3. **The conditions of the Property upon which the petition for Variation is based may not be applicable generally to other property within the same zoning classification.** The Board found that this standard has been met. Other properties in the nearby area are not on lots with as pronounced of a height difference from back to front and are not configured as tightly.
4. **The purpose of the Variation is not based predominately upon a desire for economic gain.** The Board found that this standard has been met. The Petitioners indicated that they desire to build the garage for the home on the property and reside in it themselves for the foreseeable future, with no desire for economic gain or resale of the property.
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 Board found this standard has been met. No opposition to the project was recorded or heard at the meeting, and the Board found that the addition would not be detrimental to the public welfare or devalue other property or improvements in the neighborhood in which the Property was located. In addition, the construction on the site would significantly improve and address drainage issues.
- 6.
7. **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 Board found that this standard has been met. The new garage's increased height, and the proposed addition, will have a negligible effect on the surrounding properties.

8. **The granting of the Variation will not unduly tax public utilities and facilities in the area of the Property.** The Board found that this standard has been met. The granting of the Variation would not unduly burden public utilities and facilities in the area because the use would not be significantly different, and the addition of a drainage system on the property would improve it.

9. **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 Board found that this standard has been met. The Petitioners could not construct the proposed detached garage or configure their addition to meet code requirements without the stated relief.

RECOMMENDATION

The Board, by a vote of five (5) to two (2) found that the standards for granting of the Variation was met. Therefore, the Board recommends to the Village President and Board of Trustees that the Variations to allow the construction of a garage with a maximum height of nineteen feet and eight and a half inches (19' 8 ½"), where the maximum allowed height is eighteen feet (18') in an R-2 Zoning District, as well as to allow a rear setback for an accessory building to be one foot and six inches (1' 6") from the rear property line and 6 inches (6") to the fascia board of the roof eave, where the minimum required setback is three feet from the rear property line in an R-2 Zoning District, and finally to allow lot coverage of 32.68 percent of the lot area where the maximum allowed coverage is 30 percent in the R-2 Zoning District be **GRANTED.**

Frank Martin
Chairman

Date

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS –
FINDINGS OF FACT AND RECOMMENDATION REGARDING
SIDE YARD SETBACK VARIATION AT 559 ASHLAND AVENUE**

WHEREAS, petitioners Paul and Cheryl Harding (the “Petitioners”), owners of the property located at 559 Ashland Avenue in the Village of River Forest (the “Subject Property”), have requested a variation from Section 10-9-7 of the Village of River Forest Zoning Ordinance (“Zoning Ordinance”), which requires a three foot (3’) side yard setback for accessory buildings located in the rear thirty percent (30%) of a lot, but allows a roof overhang to project one foot (1’) into the required setback. The Petitioners seek to build a proposed accessory garage building with a five foot (5’) side yard setback (conforming), but with a roof eave that would encroach, at its greatest point, up to two feet (2’) into the required side yard setback at the south side of the Subject Property. The Petitioners are also seeking a variation from Section 10-9-6 of the Zoning Ordinance, which limits accessory structures to eighteen feet (18’) in height. The Petitioners propose to construct a garage with a maximum height of twenty feet (20’). Together, the variations sought from Section 10-9-6 and 10-9-7 are the “Proposed Variations.” The Subject Property is located in the R-2 Single-Family Residential Zoning District; and

WHEREAS, the Village had previously considered and approved a variation for the encroachment of the roof overhang into the side yard setback in 2016, and side yard and garage height variations in 2019 but Petitioner had never followed through on building the proposed garage (after the 2019 variation the delay was due to the COVID-19 pandemic), and the previously granted variation has expired; and

WHEREAS, the Village of River Forest Zoning Board of Appeals (the “Board”) held a public hearing on the question of whether the Proposed Variations should be granted on May 11, 2023, as required by Section 10-5-4(E) of the Zoning Code, at which 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 sent to surrounding homeowners; and

WHEREAS, at the May 11, 2023 public hearing, the Petitioners explained that the existing single family home on the Subject Property is a 1901 Frank Lloyd Wright designed one story single family residence, and that the design of the proposed garage with its height and tapering eaves is responsive to, and reflects the aesthetic of, the design of the existing home. The existing single-family residence is nationally significant as the first Wright-designed Prairie-Style home in the Chicago area; and

WHEREAS, the Petitioners also asserted that the topography of the Village of River Forest slopes to the Des Plaines River. That fact, combined with the Village Code

requirement of measuring height of structures from the nearest public sidewalk to the highest point of the structure, in the opinion of Petitioners, unfairly penalizes property owners on the east side of north south streets relative to building heights, and constitutes a hardship; and

WHEREAS, the Board, having considered the criteria set forth in Section 10-5-4 of the Village Code, by a vote of 6-0 recommends approval of the Proposed Variations for the Subject Property.

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

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 Board found that this standard has been met. The physical surroundings, shape, and topographical conditions of the Subject 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, due to the location of the single family home on the Subject Property and the historic nature of the Frank Lloyd Wright designed single family residence on the Subject Property;

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 found that this standard has been met. The Petitioners purchased the home in its current state. The topography of the lot predated the Petitioner's acquisition of the property.

3. **The conditions of the Property upon which the petition for Variation is based may not be applicable generally to other property within the same zoning classification.** The Board found that this standard has been met. The conditions of the Subject Property upon which the petition for the Proposed Variations is based are not applicable generally to other property within the same zoning classifications because of the unique siting of the existing single family residence on the Subject Property, the historic nature and national importance of the single-family residence on the Subject Property;

4. **The purpose of the Variation is not based predominately upon a desire for economic gain.** The Board found that this standard has been met. The Petitioners indicated that they desire to build the garage for the home on the property and reside in it themselves for the foreseeable future, with no desire for economic gain or resale of the property. Their development plans are based upon the desire to maintain architectural integrity on the entirety of the Subject Property by ensuring a garage design that is responsive to, and reflects the aesthetic of, the existing nationally significant residence on the Subject Property

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 Board found this standard has been met. The owner of 558 Lathrop, a bordering property, submitted correspondence in support of the project. The Board found that allowing the Proposed Variations will benefit the entire community by allowing the proposed garage to be built in a manner that reflects the design aesthetic of the existing nationally significant residence on the Subject Property;

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 Board found that this standard has been met. The new garage's increased height, will have a negligible effect on the surrounding properties. Investments in property, such as that proposed for the Subject Property, generally have the effect of increasing, not decreasing, property values;

7. **The granting of the Variation will not unduly tax public utilities and facilities in the area of the Property.** The Board found that this standard has been met, because no significant change in use will result from the renovations to be performed if the Proposed Variations are granted; and

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 Board found that this standard has been met. The requested Variations are necessary to permit a reasonable use of the Subject Property, due to the unique and special nature of the existing nationally significant single-family residence on the Property, importance of complementing the design of the existing residence, and physical constraints existing on the Property;

RECOMMENDATION

The Board, by a vote of 7-0, for the reasons set forth above, recommends to the Village President and Board of Trustees that the Proposed Variations on the Subject Property allowing for the construction of an accessory garage building with a maximum height of twenty feet (20'), instead of the eighteen feet (18') in height allowed by the Zoning Ordinance, and with a tapering roof eave that would encroach, at its greatest point, up to two feet (2') into the required side yard setback at the south side of the Subject Property, instead of the one foot (1') allowed by the Zoning Ordinance, be GRANTED.

Frank Martin
Chairman

Date