



Updated: April 4, 2019

## **RIVER FOREST ZONING BOARD OF APPEALS**

### **MEETING AGENDA**

A meeting of the River Forest Zoning Board of Appeals will be held on Thursday, April 11, 2019 at 7:30 P.M. in the Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois.

- I. Call to Order
- II. Approval of the Minutes from the meeting of the Zoning Board of Appeals on March 14, 2019.
- III. Approval of the Findings of Fact for the proposed Zoning Variations for 559 Ashland Avenue from the meeting of the Zoning Board of Appeals on March 14, 2019.
- IV. Approval of the Findings of Fact for the proposed Text Amendments to the Zoning Ordinance from the meeting of the Zoning Board of Appeals on March 14, 2019.
- V. Variation Request for 755 William Street – Secondary Front Yard Setback
- VI. Public Comment
- VII. Adjournment

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

March 14, 2019

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, March 14, 2019 in the Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois.

**I. CALL TO ORDER**

The meeting was called to order at 7:30 p.m. Upon roll call, the following persons were:

Present: Chairman Frank Martin, Members David Berni, Gerald Dombrowski, Ronald Lucchesi, Tagger O'Brien, and Joanna Schubkegel

Absent: Member Michael Smetana

Also Present: Secretary Clifford Radatz, Village Administrator Eric Palm, Village Attorney Michael Marrs

**II. APPROVAL OF FEBRUARY 14, 2019 ZONING BOARD OF APPEALS MEETING MINUTES**

A MOTION was made by Member O'Brien and SECONDED by Chairman Martin to approve the minutes of the February 14, 2019 Zoning Board of Appeals meeting.

Ayes: Members O'Brien, Dombrowski, Schubkegel, and Chairman Martin

Nays: None.

Motion passed.

**III. APPROVAL OF FINDINGS OF FACT FOR THE VARIATION REQUESTED FOR 1427 JACKSON AVENUE**

A MOTION was made by Member O'Brien and SECONDED by Member Schubkegel to approve the Findings of Fact and recommendation regarding the Lot Coverage variation related to a garage at 1427 Jackson Avenue

Ayes: Members O'Brien, Dombrowski, Schubkegel, and Chairman Martin

Nays: None.

Motion passed.

#### **IV. VARIATION REQUEST FOR 559 ASHLAND AVENUE – SIDE YARD SETBACK AND HEIGHT OF AN ACCESSORY STRUCTURE**

Chairman Martin announced that the next matter on the agenda were two variations requested for 559 Ashland Avenue.

Secretary Radatz swore in all parties wishing to speak.

Paul Harding, owner of the property at 559 Ashland Avenue, presented the variations requested for the construction of a detached garage in the rear yard of the property, which include the encroachment of the roof eave into the required setback from the south property line by a variable distance from 0 (zero) up to 1'-0", and to increase the maximum height up to 20 feet.

Mr. Harding explained that the existing home on the property is the E. Arthur Davenport House, the first Prairie School home designed by Frank Lloyd Wright in the Chicago area; and that the home is of national historic significance.

Mr. Harding stated that the proposed garage is designed to be compatible with the aesthetic of the house, with broad roof overhangs. He noted that there is a large existing tree at the northeast corner of the property that conflicts with the location of the garage. Even with the use of a special foundation design to avoid damage to the root system of the tree, the proposed garage cannot be moved any further north, leaving a small tapered encroachment of the roof eave into the south side yard setback.

Mr. Harding continued that the objective is to maintain the fidelity of the design of the garage to that of the house, duplicating the roof pitch. Mr. Harding noted that since the Zoning ordinance requires building height to be measured from the elevation of the public walk, and that there is a general slope in the Village downwards toward the Des Plaines River, properties on the east side of north-south streets are at a natural disadvantage. He also noted that the neighbor to the east had improved their property by raising the grade of their rear yard, resulting in water being trapped in his rear yard. As a result, he must raise the elevation of the garage slab to keep it above the flood level. Mr. Harding noted that his proposed improvements for the garage project includes a dry well to retain rainwater on site. All of which push the height of the roof ridge of the proposed garage above the 18 foot building height allowed by the Zoning ordinance for accessory buildings.

Mr. Harding noted that the hardship of complying to the strict requirements of the Zoning ordinance is that the garage could not be constructed with a design that is complementary to the historic Davenport House.

Chairman Martin asked Secretary Radatz to explain the requested variations to the Board, which he did.

Chairman Martin asked for clarification as to which of the variations currently requested was the same as the variation requested in 2016. Secretary Radatz stated that it was the variation for relief

from the side yard setback requirement. Chairman Martin asked if the currently submission for the Side Yard Setback variation was different in any way from the request that had been previously reviewed and acted upon by the Village Board. Secretary Radatz stated that there was no difference between the current and previous requested variation.

Chairman Martin asked the applicant why the variation for the height of the garage had not been requested with the earlier application. Mr. Harding stated that it was an unusual practice to regulate the height of buildings at the rear of the lot by elevation of the public walk and that it had been an oversight on his part. Chairman Martin asked what the height of the building was relative to the grade immediately adjacent to the proposed garage. Mr. Harding indicated that it was 18'-7½".

Chairman Martin and Mr. Harding discussed the hardship of not constructing a garage which was faithful to the design considerations of a house with national historic significance.

Daniel Lauber, resident at 7215 Oak Avenue, spoke in favor of proposed variations. Mr. Lauber stated that he was a friend of the previous owners of this house, he was familiar with the house and the extreme efforts of the previous owners to maintain its architectural integrity. He stated that his opinion was that it was incumbent upon the Village to allow these variations to maintain the architectural integrity. He noted that the hardship to the Village would be the loss of architectural integrity for a historic home of national significance if the variations were not granted. Further, he did not see any negative effects on the neighboring properties if the variations are granted.

The public portion of the hearing was closed.

Member David Berni expressed support for the variations citing the need to maintain the integrity of a Frank Lloyd Wright property and the requested variations are minimal.

Member O'Brien asked whether there was ever a garage on the property. Mr. Trilla indicated that he did not know for sure.

A MOTION was made by Member Dombrowski and SECONDED by Member Berni to recommend to the Village Board of Trustees that the requests for the variation to the Side Yard setback and to the Building Height requirements for the proposed detached garage be granted.

Chairman Martin asked if there was any discussion regarding the matter.

Chairman Martin called the motion.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, and Chairman Martin (citing the testimony of Mr. Lauber in regard to the hardship).

Nays: None.

Chairman Martin announced that the Zoning Board has voted 6 to 0 in favor of the motion to recommend the variations be granted by the Village Board.



## **V. TEXT AMENDMENTS TO THE ZONING ORDINANCE**

Chairman Martin announced that the next matter on the Agenda was the Text Amendments which had been proposed by the Village Board. He asked that the case for all of the amendments be presented together and that the Zoning Board would discuss and vote on the proposed amendments separately.

Village Administrator Eric Palm presented an overview of the proposed text amendments.

The first text amendment presented was for an addition of language to the standard for Planned Development in section 10-19-3 (K) which will add accessibility for persons with disabilities as a consideration for approval. The proposed amendment stems from the concern of the Village Board that for a recent application for an amendment to the Planned Development at Concordia University Chicago, the applicant did not take an additional step to make the improvement more accommodating for individuals with disabilities. Rather than increase the requirements of Federal and State disability codes, the Board believes that this addition to the standards for review is a more expedient approach.

The second text amendment is to add Child Daycare Center to the Land Use Chart of section 10-21-3, Appendix A, and to designate Child Daycare Center as a Special Use in the PRI Zoning District. Mosaic Montessori School, which operates out of a leased space at the River Forest United Methodist Church, has approached the Village about expanding their operation to operate a Daycare facility within their present school. Currently, the Zoning ordinance defines Child Daycare Center, but does not allow the use. After discussions with the Village Attorney and the Village Board, it was suggested that Child Daycare center should be allowed as a Special Use, but not as a Permitted Use. There is a concern with the implications for traffic during pick-up and drop-off times that warrants additional review of a proposed facility. Further, the use should be focused, and only allowed for consideration in the PRI District.

The final proposed text amendment concerns Side Yard setbacks, and the allowance for additions to walls of existing buildings which maintain non-conforming side yard setbacks. Mr. Palm summarized the history of side yard requirements in the Village and the last time the matter was reviewed in 2012. The current regulation allows walls maintaining a non-conforming side yard to be extended horizontally for 20 feet, but does not allow that wall to be increased in height. Since the last review, requests for variations to increase the height of non-conforming walls continue to be filed; therefore, the Village Board has asked for the matter to be revisited. Additionally, there is a proposed change to allow the continuation of a non-conforming roof eave as of right. For the record, Mr. Palm read the proposed changes to the text. Chairman Martin clarified that this proposed change would allow a wall with a non-conforming setback to be increased in height to the maximum building height allowed in the Zoning District, as of right, and without any notice. Mr. Palm concurred with the Chairman's assessment.

Mr. John Houseal, resident and Planning Consultant for the Village, reviewed the proposed text amendments.

Mr. Houseal agrees with the Village Board's approach for the modification of the standard for Planned Development to address concerns about accessibility. This approach allows the Development Review Board and the Village Board to ask the applicant questions regarding accessibility, and the applicant will need to answer carefully and thoughtfully in order to gain approval.

Mr. Houseal stated that he also supports the change to the Land Use Chart to allow Child Daycare Center as a Special Use in the PRI Zoning District. He noted that although this change is for the propose of allowing one user to apply for this use in one location, it will allow anyone to apply for this use in any other location in the PRI District. He noted that there are a variety of activities which occur in the PRI District, and that Child Daycare Center is compatible as an accessory to other uses within that district. Further, the additional review required by for a Special Use permit is right approach.

Mr. Houseal noted that this is the third time that the requirements for side yard setbacks have been reviewed in the 20 years that he has been a resident of the Village. He reviewed the various iterations of this requirement. Currently the ordinance allows a wall maintaining a non-conforming setback to be extended horizontally for 20 feet, but does not allow the wall to be increased in height. Mr. Houseal indicated that he had reviewed the requirements for similar Villages. He found the following:

Oak Park allows non-conforming walls to be extended horizontally and vertically.

Riverside allows non-conforming walls to be extended vertically, but not horizontally.

Evanston and Glen Ellyn do not allow non-conforming walls to be extended either horizontally or vertically without a Zoning Variation.

Next, Mr. Houseal reviewed the history of the variations requested in River Forest. In the last 10 years, 12 variations had been requested to increase the height of a wall with a non-conforming side yard setback. Mr. Houseal did not feel that this number of requests was a burden to the Village. Of those 12 variations requested, 11 had been approved. It seems that the applicants have been able to make a compelling case in most instances to obtain the requested variation.

Mr. Houseal explored the concept of "fair certainty", where a resident has a fair idea of what can be done with his property, and also what can be done with a neighboring property. Mr. Houseal notes that variety of ways that this issue is regulated in other communities lends credence to the idea that there is no right or wrong way to do it. The relatively low frequency of requests is not a burden to the variation process and it provides an important safeguard to the neighbors. For the above reasons, Mr. Houseal does not support the proposed change to the side yard setback requirement.

Member Berni expressed his opposition to the proposed change to the side yard setback regulation.

Dan Lauber, 7215 Oak Avenue, addressed the Board as a professional Planner. He noted that one of the purposes of the Zoning Ordinance is to protect the neighbors. He does not think it is remotely fair that the extension of a wall with a non-conforming setback should be inflicted on a neighbor without a review process. Mr. Lauber then quoted extensively from the Findings of Fact from the review of this regulation in 2012, noting that there was no contradicting testimony. He concluded that just as there was no evidence was presented 7 years ago to justify this change, and no evidence has been supported now. He further recommended “fact-based zoning”, where the neighbors adjacent to properties which are granted a variation are surveyed after construction is completed to determine what the impact of the variation has been. Mr. Lauber also commented that the number of variation requests was not burdensome. Mr. Lauber does not favor a change to the side yard setback regulations.

Tim Beckman, 550 Thatcher Avenue, stated his support for the proposed change to the Land Use Chart to include Child Daycare Center as a Special Use in the PRI District.

Susan Veazie, 517 Keystone Avenue, stated her support for the proposed change to the Land Use Chart to include Child Daycare Center as a Special Use in the PRI District.

Maria Carandang-Ramos, director of Mosaic Montessori school, expressed her support for the proposed change to the Land Use Chart to include Child Daycare Center as a Special Use in the PRI District.

Shaun Krueger, 346 Park Avenue, indicated that he was in favor of protecting the interest of the neighbors. Mr. Krueger suggested that the regulation should allow either a vertical extension of a non-conforming wall, or a horizontal extension, but not both. Also, he disputes the contention that prospective residents actually consider the Zoning regulations when they move into a community.

Mr. Palm commented that the change in the setback requirement from 3 feet to 5 feet is not much of a concern when a new home is being built, but the challenges faced when adding onto an existing home are considerable. Further, he noted that 12 variation requests in the last 10 years may not be a high frequency in an absolute sense, but it is a large percentage of the requests in River Forest, which does not have a high frequency of requests in total.

Chairman Martin asked Mr. Palm if he thinks that the zoning variation process was “overly time consuming”. Mr. Palm stated that it was not “overly time consuming”, but that it is time consuming and that there is an expense to it. Chairman Martin asked if the \$650 application fee was a big expense compared to the cost of construction for a second floor addition. Chairman Martin noted that the cost is probably less than 1% of the cost of the typical project.

Mr. Houseal reviewed the history of the change in the setback requirement from 3 feet to 5 feet, noting that in that time house sizes were growing unrestrained. Also, the previous 3-foot setback was measured at the closest point of the building to the property line, typically the roof eave; therefore, the walls of the house needed to move further away from the

property line to achieve the desired architectural style. He opined that it is impossible to write a zoning ordinance that works for 100% of the properties. The writes of zoning ordinances assume that the standard will work for 90% to 95% of the properties. The Zoning variation process is available for the 5% to 10% of the properties where the zoning standards don't work, and relief is granted where it is appropriate.

Member Berni asked Mr. Houseal if the regulation in Riverside, which allowed vertical extension of the non-conforming wall but not horizontal extension, worked better than the current regulation in River Forest. Mr. Houseal stated that it was a matter of personal preference, but he believes that River Forest's regulation is better.

Chairman Martin asked Mr. Houseal if he thought that the Zoning Variation process discourages re-investment in properties. Mr. Houseal stated that he did not think so.

The public portion of the hearing was closed.

Member O'Brien expressed support for the proposed change to section 10-19-3 (K). Chairman Martin expressed concern that the term "disabilities" is not defined and it may result in delays to the Planned Development process. Village Attorney Marrs stated that there were various definitions of disability in state and federal law which could be referenced if the issue is ever raised.

A MOTION was made by Member O'Brien and SECONDED by Member Schubkegel to recommend to the Village Board of Trustees that the section 10-19-3 (K) be amended to read "The design of the proposed use or combination of uses promotes a safe and comfortable environment for pedestrians and individuals with disabilities".

Chairman Martin asked if there was any discussion regarding the matter.

Chairman Martin called the motion.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, and Chairman Martin

Nays: None.

Chairman Martin announced that the Zoning Board has voted 6 to 0 in favor of the motion to recommend that the Village Board adopt of the proposed text amendment to section 10-19-3 (K).

A MOTION was made by Member Lucchesi and SECONDED by Member Berni to recommend to the Village Board of Trustees that the section 10-21-3, Appendix A be amended to add Child Daycare Center and to establish it as a Special Use in the PRI Zoning District.

Chairman Martin called the motion.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, and Chairman Martin

Nays: None.

Chairman Martin announced that the Zoning Board has voted 6 to 0 in favor of the motion to recommend that the Village Board amend the Land Use Chart by adding Child Daycare Center and to establish it as a Special Use in the PRI Zoning District.

A MOTION was made by Member Berni and SECONDED by Member Lucchesi to recommend to the Village Board of Trustees that the section 10-8-7 (C) (2) (a) be amended to read: "Eaves: The eaves of a structure shall be required to maintain a minimum three-foot side yard setback. The eave of an addition, where the eave of the existing structure does not meet this standard, may be constructed with a side yard equal to the existing nonconforming side yard of that eave."

Chairman Martin called the motion.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, and Chairman Martin

Nays: None.

Chairman Martin announced that the Zoning Board has voted 6 to 0 in favor of the motion to recommend that the Village Board adopt of the proposed text amendment to section 10-8-7 (C) (2) (a).

A MOTION was made by Member O'Brien and SECONDED by Member Lucchesi to recommend to the Village Board of Trustees that the proposed amendment to section 10-8-7 (C) (2) (b), to allow the wall of a building which maintains a non-conforming side yard setback to be increased in height, should NOT be adopted.

Chairman Martin called the motion.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, and Chairman Martin

Nays: None.

Chairman Martin announced that the Zoning Board has voted 6 to 0 in favor of the motion to recommend to the Village Board that the proposed text amendment to section 10-8-7 (C) (2) (b) should NOT be adopted.

**VI. PUBLIC COMMENT**

None.

**VII. ADJOURNMENT**

A MOTION was made by Member Berni and SECONDED by Member O'Brien to adjourn the meeting at 9:05 p.m.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, and Chairman Martin

Nays: None.

Motion passed.

Respectfully Submitted:

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Clifford Radatz, Secretary

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Frank Martin, Chairman  
Zoning Board of Appeals

Date: \_\_\_\_\_

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS –  
FINDINGS OF FACT AND RECOMMENDATION REGARDING  
SIDE YARD SETBACK AND ACCESSORY BUILDING HEIGHT VARIATIONS  
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’) to 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, but Petitioner had never followed through on building the proposed garage, 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 March 14, 2019, 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 March 14, 2019 public hearing, the Petitioners explained that the existing single family home on the Subject Property is a 1901 Frank Lloyd Wright designed two 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 down towards 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**, there is a 100 year old oak tree on the Subject Property which impacts the location of the proposed garage; and

**WHEREAS**, a letter in support of the Proposed Variations was submitted by the Executive Director of the Frank Lloyd Wright Building Conservancy; and

**WHEREAS**, River Forest resident Dan Lauber spoke in support of the Proposed Variations at the public hearing. Mr. Lauber noted the extreme efforts that have been made in the past to maintain the architectural integrity of the existing residence, and that the loss of complimentary architectural integrity for the garage if the Proposed Variations are not granted would be a loss to the entire community; and

**WHEREAS**, Mr. Lauber further testified that the Proposed Variation would have no impact on the adjacent neighbors relative to flooding, light, and the other concerns expressed in the Village's variation standards. He concluded by noting the Proposed Variations relate to a special garage for a very special house; 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 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;
2. The physical surroundings, shape, and topographical conditions of the Subject Property, along with an existing tree that exists on the Subject Property within the allowable building envelope, constitutes 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 Franklin Lloyd Wright designed single family residence on the Subject Property;
3. The aforesaid unique physical condition did not result from any action of the Petitioners, but was created by natural forces or was the result of government action, other than the adoption of provisions of the Village's Zoning Ordinance, for which no compensation was paid;
4. 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, and unique position of the tree relative to the proposed garage structure;



5. The purpose of the Proposed Variations is not based predominantly on a desire for economic gain, but rather is 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;
6. The granting of the Proposed 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 Subject Property is located. In fact, 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;
7. The granting of the Proposed Variations will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or other endanger the public safety or substantially diminish or impair property values within the neighborhood. Investments in property, such as that proposed for the Subject Property, generally have the effect of increasing, not decreasing, property values;
8. The granting of the Proposed Variations will not unduly tax public utilities and facilities in the area of the Subject Property, because no significant change in use will result from the renovations to be performed if the Proposed Variations are granted; and
9. There are no means other than the requested Proposed Variations by which the hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Subject Property.

### **RECOMMENDATION**

The Board, by a vote of 6-0, 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.

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Frank Martin  
Chairman

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Date

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS  
FINDINGS OF FACT & RECOMMENDATION -  
VARIOUS ZONING CODE TEXT AMENDMENTS**

**WHEREAS**, Petitioner the Village of River Forest (“Village”), based upon direction from the Village President and Board of Trustees given at its February 11, 2019 Regular Board Meeting, has requested consideration of, and a public hearing on, the following amendments to the River Forest Zoning Ordinance (the “Zoning Code”):

- An amendment to Section 10-8-7(C)(2) of the Zoning Code to allow the eave of an addition, where the eave of the existing structure does not meet the minimum three-foot (3’) side yard setback, to be constructed with a side yard setback equal to the existing nonconforming side yard of the eave;
- An additional amendment to Section 10-8-7(C)(2) to allow walls that maintain a nonconforming side yard setback to be increased in height with a side yard setback equal to the existing nonconforming side yard of the existing wall;
- An amendment to Section 10-21-3/Appendix A, to add Child Daycare Centers as a Special Use in the PRI (Public/Private Recreational Institutional) Zoning District; and
- An amendment to Section 10-19-3(K) to amend the standards for review of Planned Developments by adding consideration of the design of the proposed use as promoting a safe and comfortable environment for both pedestrians and individuals with disabilities (currently only pedestrians are considered).

Collectively, the above-listed amendments are the “Proposed Text Amendments.”

**WHEREAS**, the Zoning Board of Appeals (“ZBA”) held a public hearing on the question of whether the Proposed Text Amendments should be granted on March 14, 2019, as required by Section 10-5-5 of the Zoning Code, at which time 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 ZBA; 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 a newspaper of general circulation in the Village, there being no newspaper published in the Village; and

**WHEREAS**, at the March 14, 2019 public hearing, Village Administrator Eric Palm presented the Proposed Text Amendments on behalf of Petitioner the Village; and

**WHEREAS**, Village Planning consultant John Houseal offered further explanation and analysis relative to the Proposed Text Amendments. As to the Proposed Text Amendment relative to increasing the height of existing nonconforming walls as of right, Mr.

Houseal noted that the Village had considered twelve (12) variations for such wall height increases in the last ten (10) years, and all but one (1) had been approved. Using those numbers, approximately one (1) variation for side wall height increases has been considered per year. He does not consider that number to be a burden on the ZBA or the Village. He further noted, however, that when considered, the variation requests for nonconforming side wall height increases were typically granted. Between those two factors, the scales of whether the text should be amended were not tipped a particular way. Mr. Houseal discussed how this same issue is handled in other communities, including Riverside, Hinsdale, Wilmette, Oak Park and Glen Ellyn. There is no discernible trend in other communities to allow or not allow such increases by right. Finally, Mr. Houseal noted that this is the third discussion of this particular text amendment since he started working with the Village 21 years ago, with the most recent consideration being in 2012; and

**WHEREAS**, River Forest resident Dan Lauber testified against the Proposed Text Amendment allowing walls with nonconforming side yard setbacks to be increased as of right. He noted that fairness is an important concept in zoning, both for property owners and those living nearby, and that it is not fair to increase a nonconforming side wall far beyond what a neighbor could have expected when the neighbor purchased his or her property. He contends that it is not an undue burden for property owners to bring a variation request if they desire to increase the height of an existing nonconforming wall; and

**WHEREAS**, River Forest resident Shawn Krueger spoke in favor of allowing increases in the height of nonconforming side yard setback walls as of right (his variation for same had previously been denied). Several members of the public also spoke in favor of the Proposed Text Amendment allowing Child Daycare Centers as Special Uses in the PRI Zoning District; and

**WHEREAS**, after the close of public comment, the ZBA discussed the various Proposed Text Amendments. There was general agreement that all of the Proposed Text Amendments other than the Amendment allowing nonconforming side walls to be increased in height were meritorious. As to the Proposed Text Amendment allowing nonconforming side yard setback walls to be increased in height as of right, the members of the ZBA were uniform in their opposition to the change, noting that the number of requests for variations on this subject has not been overwhelming, the cost and time associated with seeking a variation is not substantial in relation to an overall project cost and timetable, that adjacent neighbors should be given an opportunity to weigh in on individual requests for height increases affecting them, and that nothing has changed since the ZBA last considered this matter in 2012; and

**WHEREAS**, following discussion, the ZBA, pursuant to Section 10-5-5(B)(2) of the Zoning Code, and by unanimous votes of 6-0, recommended approval of the amendment of Section 10-8-7(C)(2) to allow the eave of an addition, where the eave of the existing structure does not meet the minimum three foot (3') side yard setback, to be constructed within a side yard setback equal to the existing nonconforming side yard of the eave, the amendment of Section 10-21-3/Appendix A to add Child Daycare Centers as a special use in the PRI Zoning District, and the amendment of Section 10-19-3(K) to amend the

standards for review of Planned Developments to add consideration of whether the design of a proposed use promotes a safe and comfortable environment for individuals with disabilities. The ZBA next, on a unanimous vote of 6-0, voted to recommend denial of the amendment allowing walls in a nonconforming side yard setback to be increased in height as of right.

**NOW THEREFORE**, the Zoning Board of Appeals makes the following findings of fact and recommendations pursuant to Section 10-5-5(B)(2):

A. That APPROVAL of the following Proposed Text Amendments is recommended. These Proposed Text Amendments are found to be in the best interests of the Village and its residents and property owners:

- An amendment to Section 10-8-7(C)(2) of the Zoning Code to allow the eave of an addition, where the eave of the existing structure does not meet the minimum three-foot side yard setback, to be constructed with a side yard setback equal to the existing nonconforming side yard of the eave;
- An amendment to Section 10-21-3/Appendix A, to add Child Daycare Centers as a Special Use in the PRI (Public/Private Recreational Institutional) Zoning District; and
- An amendment to Section 10-19-3(K) to amend the standards for review of Planned Developments by adding consideration of the design of the proposed use as promoting a safe and comfortable environment for both pedestrians and individuals with disabilities (currently only pedestrians are considered).

B. That the Proposed Text Amendment to Section 10-8-7(C)(2) to allow walls that maintain a nonconforming side yard setback to be increased in height as of right with a side yard setback equal to the existing nonconforming side yard of the existing wall is recommended to be DENIED, and is found to not be in the best interests of the Village and its residents and property owners for the following reasons:

- The number of variations requested for such height variations (approximately one per year) has not been overwhelming for the ZBA;
- It is not a substantial burden in either time or money for persons seeking such a change to come before the ZBA for a hearing;
- Adjacent neighbors should have an opportunity to comment on unanticipated increases in building height and the effect of such increases on their property; and
- Circumstances are unchanged since the ZBA previously recommended denial of this same Text Amendment in 2012.

---

Frank Martin  
Chairman

---

Date



## MEMORANDUM

**DATE:** April 3, 2019

**TO:** Zoning Board of Appeals

**FROM:** Clifford E. Radatz *CER*  
Building Official

**SUBJECT:** Variation Request – 755 William Street

---

Lydia Manning, owner of the property at 755 William Street, has submitted the attached application for a variation to the secondary front yard setback regulations (Section 10-9-7) of the Zoning Code. The applicant proposes to construct a two story addition on the existing residence.

Section 10-9-7 of the Zoning Code requires a thirteen-foot secondary front yard setback for a fifty-foot wide lot. The applicant proposes to construct the addition so that the north wall continues the line of an existing wall which maintains a non-conforming setback in the Secondary Front Yard of 7.67 feet, and to reconstruct the roof overhang at the second floor level with the same dimensions as the existing roof overhang at the present First Floor level which maintains a non-conforming setback of 5 feet.

If the Zoning Board wishes to recommend the approval of this variation to the Village Board of Trustees, the following motion should be made: Motion to recommend to the Village Board of Trustees the approval of the variations to Section 10-9-7 of the Zoning Code at 755 William Street.

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



**LEGAL NOTICE  
ZONING BOARD OF APPEALS  
RIVER FOREST, ILLINOIS**

Public Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals of the Village of River Forest, County of Cook, State of Illinois, on Thursday, April 11, 2019 at 7:30 p.m. at the Community Room of the Municipal Complex, 400 Park Avenue, River Forest, Illinois on the following matter:

The Zoning Board of Appeals will consider a zoning variation application submitted by Lydia Manning, owner of the property at 755 William Street, who is proposing to construct a two story addition on the existing residence.

The applicant is requesting a variation to Section 10-9-7 that would allow the north wall of the addition to continue the line of an existing wall which maintains a non-conforming setback in the Secondary Front Yard of 7.67 feet, and to reconstruct the roof overhang at the second floor level with the same dimensions as the existing roof overhang at the present First Floor level which maintains a non-conforming setback of 5 feet.

The Zoning Code requires a minimum 13-foot setback for the Secondary Front Yard of corner lots.

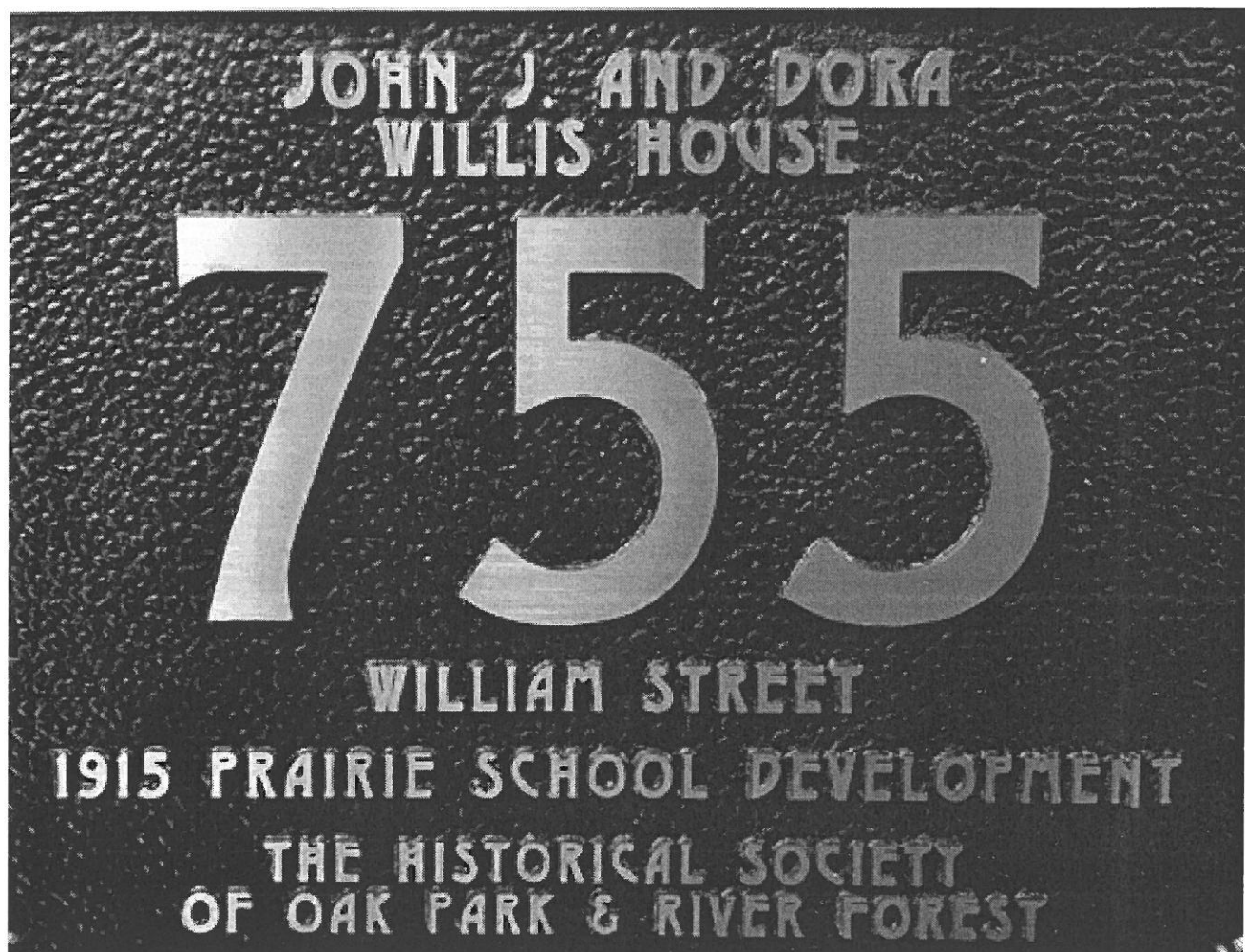
The legal description of the property at 755 William Street is as follows:

**THE NORTH HALF OF LOT 36 IN RIVER FOREST LAND  
ASSOCIATION'S ADDITION TO RIVER FOREST, A SUBDIVISION IN  
THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39  
NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN  
COOK COUNTY, ILLINOIS.**

All interested persons will be given the opportunity to be heard at the public hearing. A copy of the meeting agenda will be available to the public at the Village Hall.

Clifford Radatz  
Secretary  
Zoning Board of Appeals

Application  
Dr. Lydia K. Manning Zoning Variations  
April 11, 2019







APPLICATION FOR ZONING VARIATION  
Village of River Forest Zoning Board of Appeals

Address of Subject Property: 755 William St. Date of Application: March 14, 2019

Applicant		Architect / Contractor	
Name: Lydia Manning		Name: Patrick Magner	
Address: 922 S. Grove Ave		Address: 915 Augusta St	
City/State/Zip: Oak Park, IL 60304		City/State/Zip: Oak Park, IL 60302	
Phone: (513) 314-5405	Fax:	Phone: (708) 383-7744	Fax:
Email: lydiamanning@gmail.com		Email: p.magner@comcast.net	

Relationship of Applicant to Property (owner, contract purchaser, legal counsel, etc.): Owner

Zoning District of Property: OR2

Please check the type(s) of variation(s) being requested:

☒ Zoning Code

☐ Building Code (fence variations only)

**Application requirements:** Attached you will find an outline of the other application requirements. Please read the attached carefully, the applicant will be responsible for submitting all of the required information.

Also attached for your information are the Zoning Board of Appeals "Rules of Procedure" for their public hearings.

**Application Deadline:** A complete variation application must be submitted no later than the 15<sup>th</sup> day of the month in order to be heard by the Zoning Board of Appeals in the following month. The Zoning Board of Appeals meets on the second Thursday of each month.

**SIGNATURES:**

The undersigned hereby represent for the purpose of inducing the Village of River Forest to take the action herein requested, that all statements herein and on all related attachments are true and that all work herein mentioned will be done in accordance with the ordinances of the Village of River Forest and the laws of the State of Illinois.

Owner: Lydia Manning Date: \_\_\_\_\_

Applicant (if other than Owner): \_\_\_\_\_ Date: \_\_\_\_\_

**Application Fee:** A non-refundable fee of \$650.00 must accompany every application for variation. Checks should be made out to the Village of River Forest.

# APPLICATION FOR ZONING VARIATION

Address of Subject Property: 755 William St. Date of Application: March 14, 2019

## Summary of Requested Variation(s):

<u>Applicable Code Section</u> <u>(Title, Chapter, Section)</u> Example: 10-8-5, lot coverage	<u>Code Requirement(s)</u> Example: no more than 30% of a lot	<u>Proposed Variation(s)</u> - Example: 33.8% of the lot (detailed calculations on a separate sheet are required)
10-8.7(A)2 - REQUIRED SETBACK ON A CORNER LOT.	THE SETBACK REQUIREMENT FOR THE SECONDARY FRONT YARD ON A 50' WIDE LOT IS TO BE 13'.	THE REQUESTED VARIATION WOULD ALLOW FOR A SETBACK OF 7.67' TO CONTINUE AN EXISTING NON-CONFORMING WALL LINE AT THAT DISTANCE
		The requested variations would allow the non-conforming setback of the existing wall at 7.67 ft. and reconstruct the non-conforming roof overhang with the existing non-conforming setback at 5' to the fascia board.

THE APPLICANT IS REQUIRED TO SUBMIT DETAILED LONG HAND CALCULATIONS AND MEASUREMENTS FOR ALL APPLICABLE ZONING PROVISIONS. APPLICATIONS WILL NOT BE CONSIDERED COMPLETE WITHOUT THESE CALCULATIONS AND MEASUREMENTS.

## **Application Narrative for Variations Sought for 755 William Street**

I, Lydia Manning, am proposing to build a small addition on the rear of my home at 755 William Street. The addition will allow me to add a bathroom that is handicap accessible and a staircase as well as enlarging my kitchen so I can accommodate the needs of my aging family. On the second floor, the addition will allow for a handicap accessible bathroom and will allow for a larger bedroom. It will also provide space for laundry on the second floor. This addition will help me meet the changing needs of my aging family both now and in the future. Details for this project are further described below. Please bear in mind that 755 William St. is a very small house by River Forest standards. It has a foot print that is only 26x35 feet.

### Short Project Narrative Description

Lydia Manning, PhD wishes to build a two-story addition to her home at 755 William. In order to build an addition of rational room sizes and configuration, she seeks a variation from the zoning code's Section 10-9-7 so the proposed addition simply continues the north wall of the existing structure for the 12.8-foot length of the addition.

Consequently, she needs two variations:

- A variation from the 13-foot side yard requirement so she can continue the current 7.67-foot nonconforming setback in the secondary front yard of her corner lot along Chicago Avenue that existed when the house was built, and
- A variation to continue the non-conforming 5-foot setback of the existing roof overhang currently at the first-floor level when she rebuilds the second floor's roof — namely maintaining the dimensions of the existing roof overhang.

If required to comply with the 13-foot side yard requirement, the addition could be only 29.3 feet wide which would result in inadequate and impractical room sizes and configurations that out of character for the house and atypical of River Forest houses.

Granting the variations will enable Dr. Manning to build an addition that is 37.5 feet wide like the other homes on the block, resulting in normal room sizes and configurations typical of houses in River Forest and in character with the existing house.

The property located at 755 William is considered a historically significant example of a turn of the century prairie style home.

Dr. Manning seeks to keep the proposed addition in line with the current quality of construction, roof lines, and style of the existing structure. She intends to salvage brick from the existing structure to be used for the north and east side of the addition. Her plan follows the setback of the existing structure which has been in place since 1913.

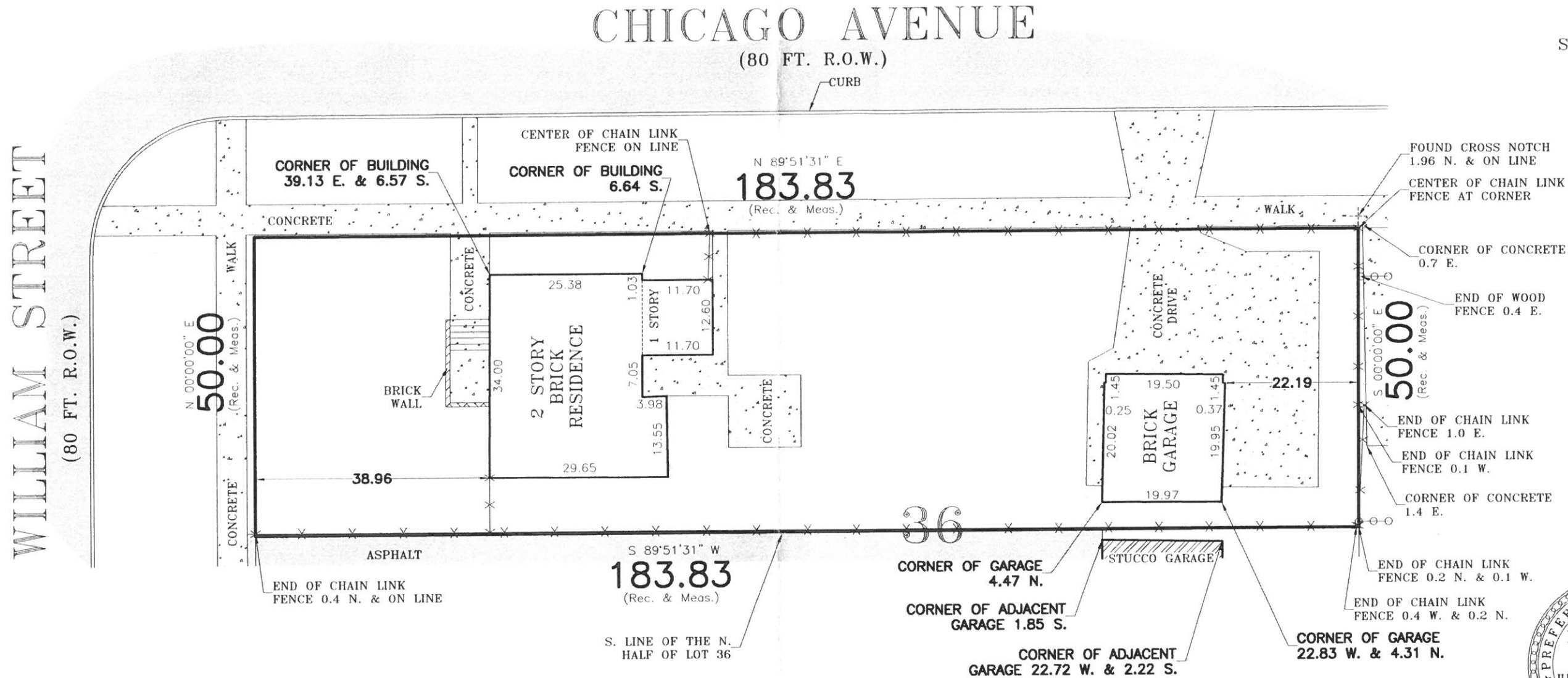
PLAT OF SURVEY  
of

THE NORTH HALF OF LOT 36 IN RIVER FOREST LAND ASSOCIATION'S ADDITION TO RIVER FOREST, A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ADDRESS: 755 WILLIAM STREET, RIVER FOREST, ILLINOIS.  
P.I.N. 15-12-203-001



SCALE: 1"=20'



GENERAL NOTES:

- 1) THE LEGAL DESCRIPTION HAS BEEN PROVIDED BY THE CLIENT OR THEIR AGENT.
- 2) THIS SURVEY SHOWS THE BUILDING LINES AND EASEMENTS AS INDICATED BY THE RECORDED PLAT. THIS PLAT DOES NOT SHOW ANY RESTRICTIONS ESTABLISHED BY LOCAL ORDINANCES UNLESS SUPPLIED BY THE CLIENT.
- 3) BASIS OF BEARING FOR THIS SURVEY IS AS ASSUMED NORTH.
- 4) MONUMENTS; WERE NOT SET, AT THE CLIENTS REQUEST.
- 5) LOCATION OF SOME FEATURES MAY BE EXAGGERATED FOR CLARITY. NO INTERPOLATIONS MAY BE MADE FROM THE INFORMATION SHOWN HEREON.
- 6) ONLY COPIES WITH AN ORIGINAL SIGNATURE AND SEAL ARE OFFICIAL LEGAL DOCUMENTS. ALL SURVEYS ARE COPYRIGHTED MATERIALS WITH ALL RIGHTS RESERVED.

STATE OF ILLINOIS )  
COUNTY OF COOK )

SURVEY ORDERED BY: D. CHASE GENTILE  
I, MICHAEL J. LOPEZ, AS AN EMPLOYEE OF PREFERRED SURVEY INC., DO HEREBY STATE THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARD FOR A BOUNDARY SURVEY. PROPERTY CORNERS HAVE BEEN SET OR NOT IN ACCORDANCE WITH CLIENT AGREEMENT. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND ARE CORRECTED TO A TEMPERATURE OF 68 DEGREES FAHRENHEIT.

GIVEN UNDER MY HAND AND SEAL THIS  
12TH DAY OF SEPTEMBER A.D. 2018

MY LICENSE EXPIRES ON 11/30/18

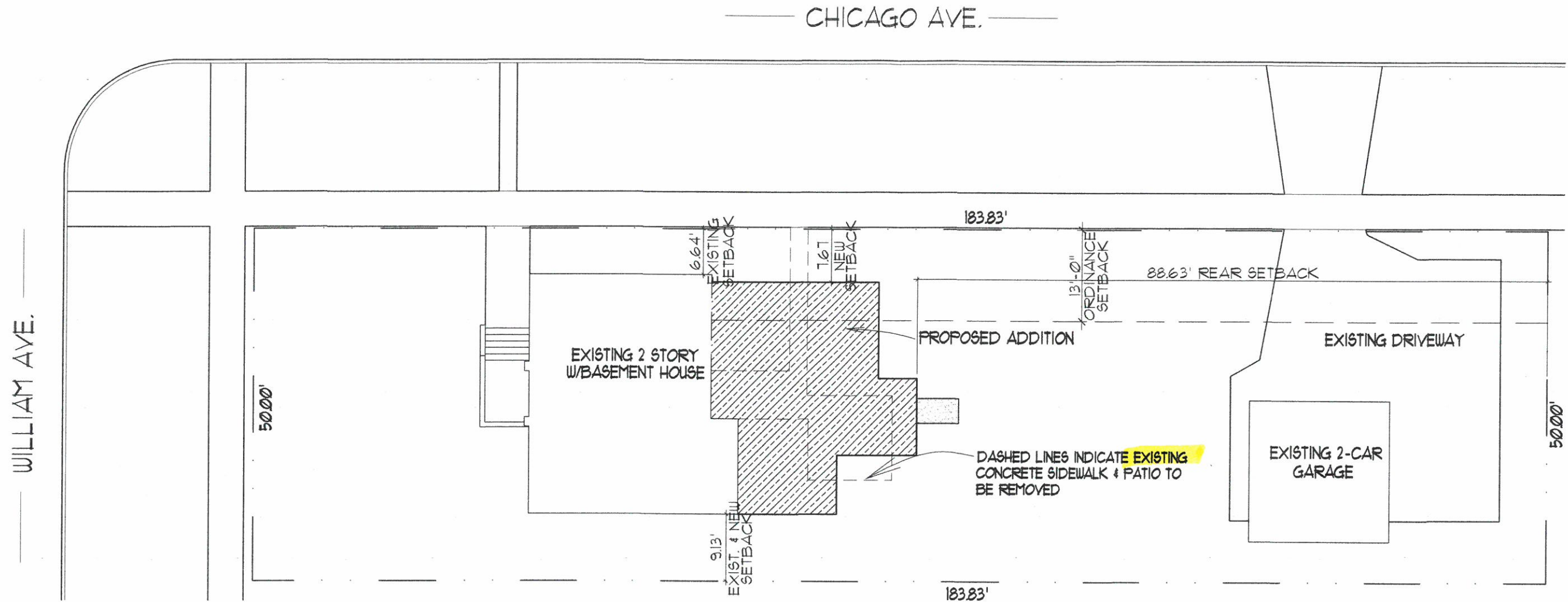
P.S.I. NO. 182721



Professional Design Registration #184-002795

**Preferred**  
SURVEY, INC  
7845 W. 79TH STREET, BRIDGEVIEW, IL, 60455  
Phone 708-458-7845 / Fax 708-458-7855  
www.psisurvey.com

Field Work Completed	09/10/2018	FLD. CREW:	AM2/TZ
Land Area Surveyed	9,191.5 Sq. Ft.	CAD:	SG
Drawing Revised			

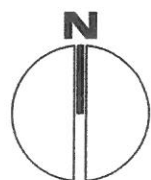
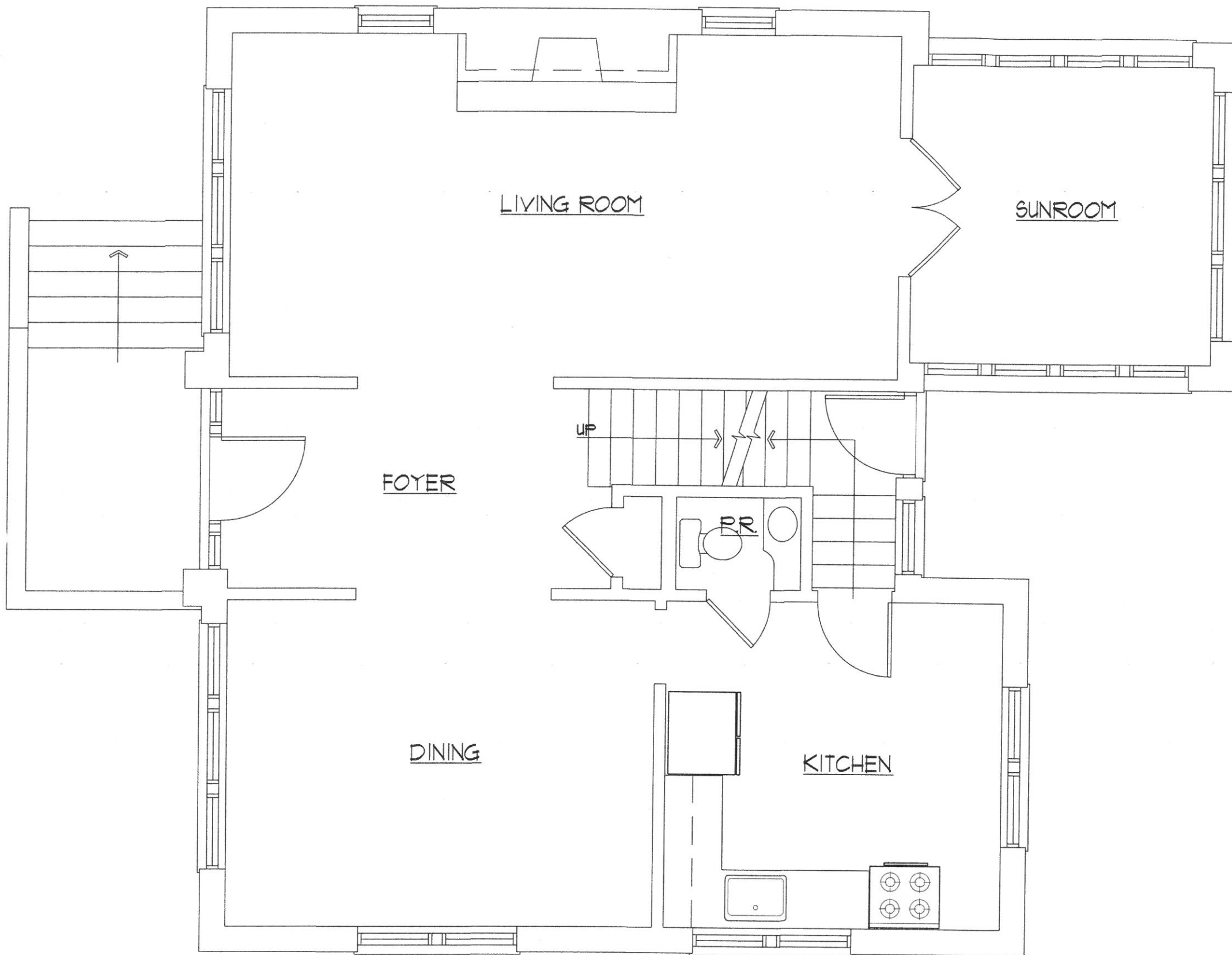


## SITE PLAN

SCALE: 1/16" = 1'-0"

**Manning Residence**  
**755 William Ave.**  
**River Forest, IL**

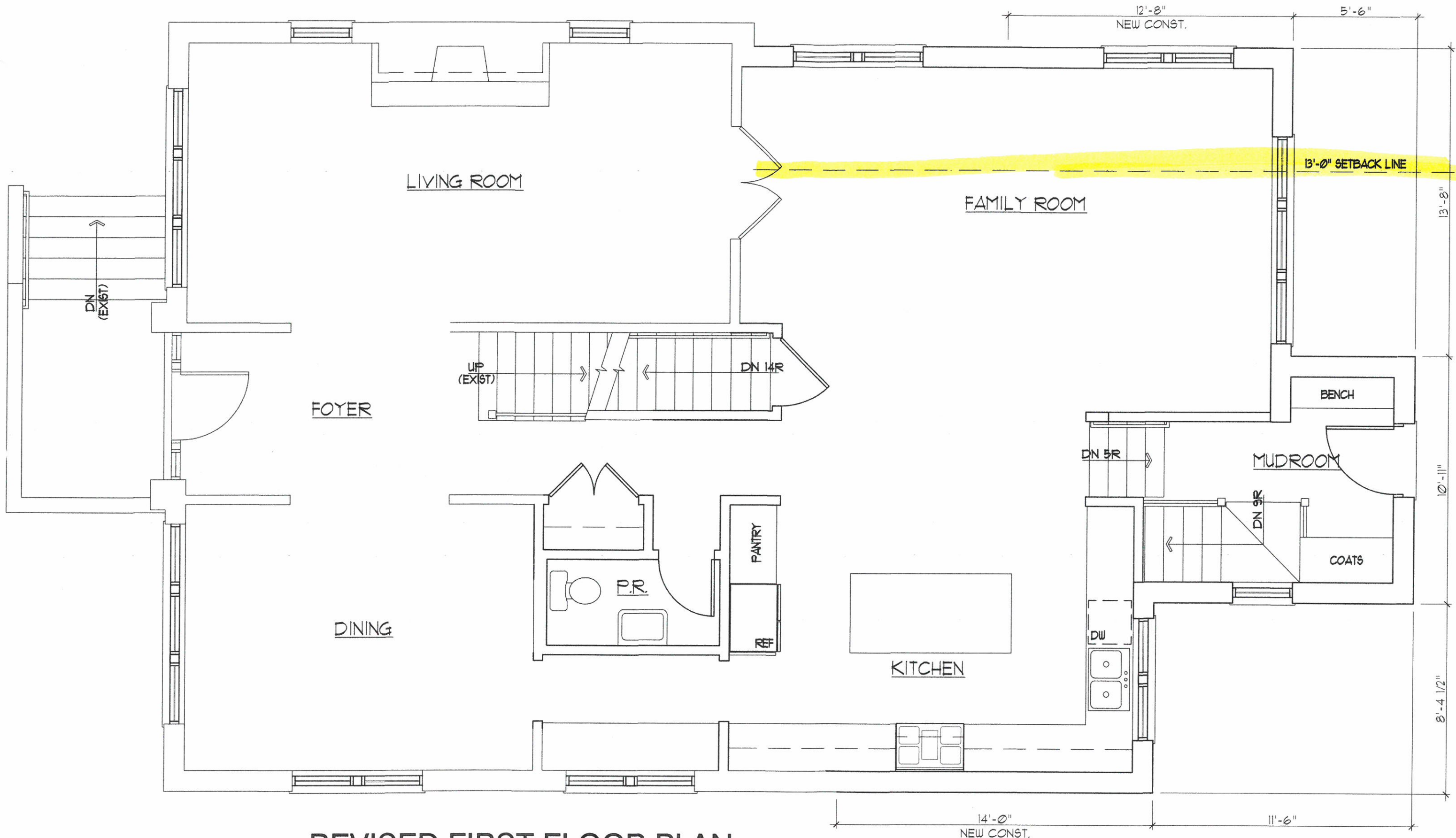




## EXISTING FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

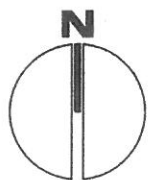
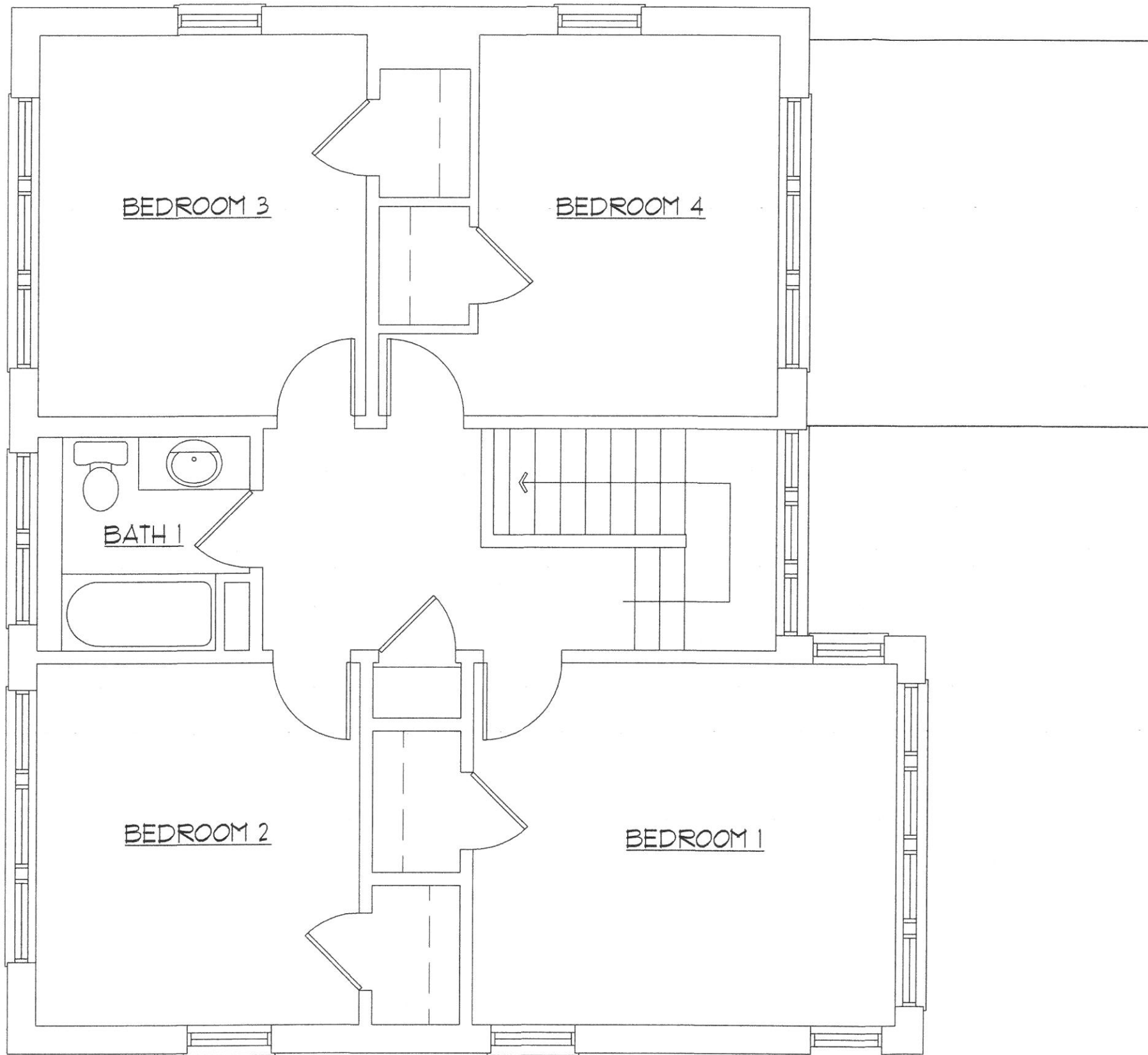
**Manning Residence**  
**755 William Ave.**  
**River Forest, IL**



# REVISED FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

**Manning Residence**  
**755 William Ave.**  
**River Forest, IL**

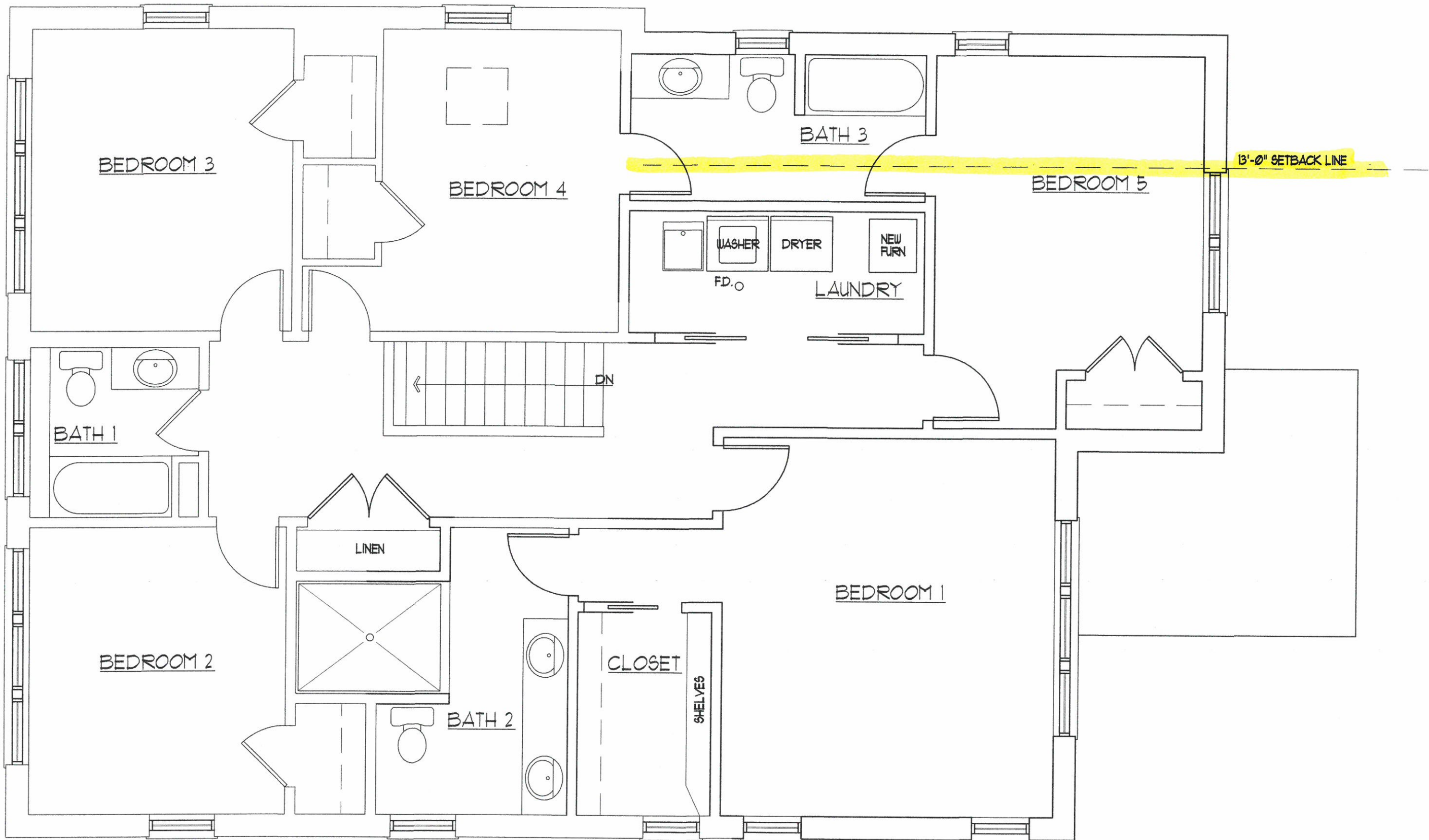


EXISTING SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

**Manning Residence**  
**755 William Ave.**  
**River Forest, IL**





## REVISED SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

**Manning Residence**  
**755 William Ave.**  
**River Forest, IL**



## NORTH ELEVATION

SCALE: 1/4" = 1'-0"

**Manning Residence**  
**755 William Ave.**  
**River Forest, IL**



## EAST ELEVATION

SCALE: 1/4" = 1'-0"

**Manning Residence**  
**755 William Ave.**  
**River Forest, IL**





■ ■ **SOUTH ELEVATION** ■ ■

SCALE: 1/4" = 1'-0"

**Manning Residence  
755 William Ave.  
River Forest, IL**

# Zoning Review Checklist

Address: 755 William Street

Date of Review: 2/11/2019

Date of Submission: 1/22/2019

Contact:

Telephone #:

Zoning District:

R2

**Use:**

Addition to a Single Family Residence

**Permitted Use**

**Lot Area**

Lot Width

Lot Depth

Lot Area

50.00

183.83

9191.50

**Lot Coverage**

30% allowed for the R2 District

Allowed

Existing

Proposed

2757.45

1341.81

2088.22



14.60%

22.72%

**Floor Area Ratio**

40% allowed for the R2 District

Allowed

Existing

Proposed

3676.60

1833.70

3245.86



19.95%

35.31%

**Setbacks**

Required

Existing

Proposed

Front Yard

**West**

Average of block, see 10-8-7 A

38.9600

Eave Length

2.6667

**No Change**

Setback to Eave

0.0000

36.2933

0.0000



Proposed setback  
at addition

Secondary Front Yard

**North**

10% of Lot Width for the R2 District

6.5700

7.6700

Eave Length

2.6667

2.6667

Setback to Eave

13.0000

3.9033

5.0033



Side Yard

**South**

10% of Lot Width for the R2 District

5.0000

9.1300

9.1300



Eave Length

2.6667

2.6667

Setback to Eave

3.0000

6.4633

6.4633



**Combined Side Yard**

25% of Lot Width for the R2 District

12.5000

15.7000

16.8000



Rear Yard

**East**

15% of Lot Depth or 26'-2" minimum

107.7900

89.7200

Eave Length

2.6667

2.6667

Setback to Eave

27.5745

105.1233

87.0533



Addition

Zoning Review Checklist

<b>Building Height Ridge</b>		Allowed	Existing	Proposed Ht. at addition	
Height above grade in feet		35'	30.25'	32'	<input checked="" type="checkbox"/>
Story Height		2.5	2	2	<input checked="" type="checkbox"/>
<b>Off-Street Parking</b>		Required	Existing	Existing + Proposed	
Garage spaces		<div>2</div>	<div>2</div>	<div>2</div>	<input checked="" type="checkbox"/>

**755 William Street****2/11/2019**

Area Calculations

Date of Submission

**1/22/2019**

Lot Area	50.0000	183.8300	<b>9191.5000</b>
Allowed Coverage	0.3000		<b>2757.4500</b>
Allowed FAR	0.4000		<b>3676.6000</b>

**Lot Coverage - Existing**

First Floor Area	Existing	916.8490	
Detached Garage	Existing	394.4040	
Open Porch	Existing	30.5556	
		0.0000	
	Total		<b>1341.8085</b>

**Lot Coverage - New**

First Floor Area	Proposed	1663.2623	
Detached Garage	Existing	394.4040	
Open Porch	Proposed	30.5556	
		0.0000	
	Total		<b>2088.2218</b>

**Floor Area - Existing**

Floor Area - existing	1st floor	916.8490	
	2nd floor	916.8490	
	Attic	0.0000	
Detached Garage	Existing	394.4040	
garage allowance (up to 500 s.f)		-394.4040	
			<b>1833.6980</b>

**Floor Area - Proposed**

Floor Area - Proposed	1st floor	1663.2623	
	2nd floor	1558.5954	
	Attic	24.0000	
Detached Garage	Existing	394.4040	
garage allowance		-394.4040	
			<b>3245.8577</b>

House - 1st floor - **Existing to remain**

A	34.0000	25.3800	862.9200
B	13.5500	3.9800	53.9290
			0.0000
			<b>916.8490</b>

House - 1st floor - **Proposed  
Existing to remain**

			916.8490
F	19.4200	3.9800	77.2916
G	32.9700	14.0000	461.5800
H	24.5833	6.0000	147.5000
I	10.9167	5.5000	60.0417
			0.0000
			<b>1663.2623</b>

House - 2nd floor - **Existing**

a	34.0000	25.3800	862.9200
b	13.5500	3.9800	53.9290
			0.0000
			<b>916.8490</b>

House - 2nd floor - **Proposed  
Existing to remain**

			916.8490
f	19.4200	3.9800	77.2916
g	32.9700	14.0000	461.5800
h'	17.1458	6.0000	102.8748
			0.0000
			<b>1558.5954</b>

House - Attic half story - **Existing to remain**

0.0000  
0.0000  
**0.0000**

House - Attic half story - **Proposed  
Existing to remain**

			0.0000
m	2.0000	12.0000	24.0000
			0.0000
			<b>24.0000</b>



Detached Garage - **Existing**

q

19.9850

19.7350

394.4040  
0.0000**394.4040**Open Front Porch - **Existing**

x

3.6667

8.3333

30.5556  
0.0000**30.5556**

## Standards

### **Standards 1 and 8**

**The physical surroundings, shape or topographical conditions of the specific property involved will bring a specific hardship upon the owner as distinguished from an inconvenience if the strict letter of the regulations were to be carried out**

**That there is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property**

The 50-foot width of this corner lot creates a genuine hardship if required to conform to the side yard requirements adopted long after the house was built more than 100 years ago. As explained below, complying with current side yard requirements would render the proposed addition impractical and out of character with this historic house.

As a corner lot just 50 feet wide, this property lacks the flexibility available to the more typical corner lot with a width of 75 feet or more. If required to comply with the 13-foot side yard requirement, the addition could be only 29.33 feet wide according to village staff which would result in inadequate and impractical room sizes (as much as seven feet narrower) and configurations that do not fit the house's character and are atypical of River Forest houses.

Granting the variations will enable Dr. Manning to build an addition that is 37.5 feet wide like the other homes on the block, resulting in conventional modern room sizes and configurations typical of houses in River Forest and in character with the existing house.

Dr. Manning, who is an associate professor of gerontology at Concordia University Chicago, is "walking the walk, not just talking the talk" of her profession with this house. The renovation of her existing house and the proposed addition are intended to make the house useable by her aging parents, one of whom already has mobility issues. She expects them to need to move in with her within roughly five years. Consequently, she needs to make the house fully accessible for her parents who have mobility issues, including the use of a wheelchair. The full buildable width is also necessary to enable Dr. Manning to build an addition that is fully wheelchair accessible. She is in the process of gutting the existing structure to also make it wheelchair accessible. Doorways need to be fully compliant with standards in the Americans With Disabilities Act (ADA), and therefore wider than in the typical home. Chair lifts need to be installed — which require wider stairways. Rooms need to be wide enough to easily maneuver a wheelchair. Every foot of width is critical to enabling Dr. Manning to achieve full wheelchair accessibility. Dr. Manning petitions the Village of River Forest to grant these variations as a reasonable accommodation to enable her aging parents to join her in this house.

The house, as built, on this specific property is obsolete in today's world. The existing structure was built to meet the needs of a family in the early 1900s. The 4-bedroom home has

just 1 ½ baths with a full bathroom only on the second floor. A tiny powder room was added some time after the home was built. It opens directly into the center of the kitchen and is so small that it contains a cocktail lounge sink rather than a normal pedestal sink.

The kitchen itself is just 10 feet by 10 feet. Due to the location of the existing doors, windows, and radiators, this kitchen is so small that it is difficult to fit in standard size appliances such as a stove, refrigerator, double bowl sink, and dishwasher.

Dr. Manning seeks to keep the proposed addition in line with the current quality of construction, roof lines, and style of the existing structure. She intends to salvage brick from the existing structure to be used for the north and east side of the addition. Her plan requires maintaining the north setback of the existing structure which has been in place since 1913.

Requiring the addition to adhere to the 13-foot setback on the north side of house would place the north outside wall at a location that would render the back of the home inaccessible from the living room with the new wall falling in the middle of the existing living room and sunroom. This setback would create impractical and unusable obtusely shaped rooms and an oddly shaped house not in keeping with its design or the design of other homes in the neighborhood. Without the variations, the home would be difficult to use for most practical living purposes. A rendering will be provided of the building with the required setback at the hearing.



The photograph above shows the rear of 755 William St. Please note where the existing patio ends as that is the end point of the proposed new addition. If Dr. Manning were in fact required to maintain a 13-foot setback, building any useable addition would then require a very tall and narrow structure similar to the gray house shown above at 747 William. An addition that would conform would impede on the air, light, use and enjoyment of the Bobak family located directly to my south at 751 William St.

No other alternatives can alleviate these hardships to permit a reasonable use of the property. Not building the addition still leaves an obsolete, deteriorating structure. Demolishing the existing structure and garage, while possibly desirable for somebody seeking to flip the



property, is prohibitively expensive and does not preserve the architectural characteristics of this historic home.

## Standard 2

**The aforesaid unique physical condition did not result from an action of any person having an interest in the property, but was created by natural forces or was the result or was the result of governmental action, other than the adoption of this Zoning Ordinance, for which no compensation was paid**

The location on the lot and physical conditions that exist at 755 William as described above are unique and were *created at the time the home was built*, more than a century *before* Dr. Manning purchased the property. Were this house *not* on a corner lot, Dr. Manning would be free to build the proposed addition without requiring any variations.

## Standard 3

**The conditions upon which the petition for variation is based may not be applicable generally to other property within the same zoning classification**

The lot at 755 William has the least amount of buildable width on the entire block.

Within the R2 district, *only* the four corner properties on a block face are treated as having two front yards. The vast majority of R2 properties are treated as having a front yard and two side yards. On this 700 William block face, just the four corner lots out of 26 lots in total (15%) are subject to this treatment. Of these four, two are wider than 50 feet, providing much more flexibility for additions than a 50-foot lot like 755 William. So, the conditions upon which the petition for these variations is based is present for just 2 of 26 lots on this block face (8%).

In addition, the location of the house on corner lots in River Forest varies greatly. In some cases, homes abut the sidewalk as shown in Exhibits 1 through 4. Additions have been built for the homes in keeping with the existing buildings and not in accordance with the zoning code's current setbacks. The houses in these exhibits illustrate the practical applications for a zoning variation like that before you. They comply with buildable space requirements but follow the nature and aesthetics of the existing construction.

Treating the north side yard along Chicago Avenue constitutes what is known as a legal fiction. This house is one of only two corner lots on Chicago Avenue between Harlem and Lathrop with its entry on the north-south street instead of on Chicago Avenue. The reality is that no matter what the River Forest Zoning Ordinance may call it, the north side of the house at 755 William truly is a "side yard" in that there is no access to the house or appearance of any type of front facade on the north side of this home.

#### Standard 4

**The purpose of the variation is not based predominantly upon a desire for economic gain**

As noted earlier, Dr. Manning is undertaking this full rehabilitation of the house and the proposed addition to make the house fully accessible for her aging parents who will need wheelchair accessibility. The existing structure is accessible to people who require a wheelchair.

In addition, the current structure is obsolete by today's home standards. One of the purposes of the village's Zoning Ordinance, according to then Village President Frank Paris, was to facilitate the replacement or updating of obsolete homes. The proposed addition is in keeping with the style, size, architecture and workmanship of homes in River Forest. Dr. Manning's intention is not to put on an addition just to make the house larger. She seeks to create a home with practical useable — and fully accessible — space. The proposed addition represents the needs of a growing modern family. It creates usable community space, practical room sizes and meets the changing needs of today's family — while being fully accessible to her aging parents.

#### Standard 5

**The granting of the variation shall not be 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**

By granting the variation, the addition will be placed further away from the adjacent home to the south, thus *not* infringing upon the enjoyment and use of that property. Currently the house to the south is dwarfed and boxed in by the newly built house immediately south of it. But granting the requested variations, the village will enable Dr. Manning to build her addition further away from her neighbor to the south. If required to comply with the strict letter of the current zoning ordinance, the addition will hinder the enjoyment of the adjacent property by placing the addition eight feet closer to the neighboring home. If she were to build the addition without the requested variations, her neighbor to the south would be boxed in on both sides, likely diminishing the neighbor's property value.

There is no adjacent property to the north of 755 William, just Chicago Avenue. Consequently, it is extraordinarily *unlikely* that allowing Dr. Manning to build the proposed addition along the existing setback would generate any harm to the enjoyment, use, or value of the nearest property to the north, on the other side of Chicago Avenue.

The home to the east is separated from the subject addition by a back yard, garage, and former basketball court on the subject property and a garage on the adjacent property. Granting the variations will have no impact on the property to the east.



## Standard 6

**The proposed 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**

By granting the variations, Dr. Manning's proposed addition will be placed 8 feet further away from the adjacent home to the south, thus not impinging on the supply of light and air to the adjacent property. This greater distance also reduces the chances of a fire at 755 William spreading to the adjacent property or damaging it. Denying the variation will move the addition 8 feet closer to the adjacent property to the south which can reduce the supply of light and air to that property.

With Chicago Avenue to the north of 755 William, the proposed addition will have no impact on any property to its north. Allowing the variation obviously will not affect the supply of light or air, nor increase the danger of fire to the property on the other side of Chicago Avenue.

There is no basis upon which to suggest that allowing the proposed variations would substantially reduce or impair property values in the neighborhood. The rehabilitation of the deteriorating current structure and construction of the proposed addition will can only enhance neighborhood property values by replacing an obsolete, deteriorating house and garage (it isn't even connected to electrical service) with a home and garage suited for today's world.

## Standard 7

**That the granting of the variation would not unduly tax public utilities and facilities in the area**

It is difficult to fathom how the granting the variations could unduly tax public utilities and facilities in the neighborhood. When occupied, the house will not increase demands on water and sewer supply, electricity, gas, phone/cable any more than a typical house in this neighborhood, generating certainly a lot less demand on these utilities than larger houses on lots wider than 50 feet.

## Standard 8

Standard was addressed at the beginning of this document.

**Exhibit 1**

**559 Jackson (corner of Jackson and Monroe) - 4-foot setback**





**Exhibit 2**

**632 Bonnie Brae (corner of Bonnie Brae and Oak) – 4-foot setback with 2-foot eave**



**Exhibit 3**



753 Forest (corner of Forest and Chicago)



Exhibit 4

**633 Oak (corner of Oak and Keystone) – 2-foot setback**



## **ATTACHMENT TO ZONING VARIATION APPLICATION**

Owner: Lydia Manning  
Address: 755 William Avenue

### **Responses to Standards for Variation - (Section 10-5-4F)**

1. The subject property is a 50-foot wide corner lot on the north end of the 700 block of William. On the 700 block of William Avenue, there are a total of 24 lots at 50' wide and two corner lots at the south end of the block which are 85' wide. This property is one of the two 50' wide corner lots on the block, one being on each side of the north end of the block at the intersection with Chicago Avenue. The front yard for every lot in the block faces William, including the corner properties at the south end of the block at the intersection with Oak Avenue. By the setback requirements of the zoning ordinance, all of the interior 50' wide lots on each side of the block have a buildable width of 40', which is obtained by subtracting the required total side yard width on a 50' lot (20% of the lot width) of ten feet from the lot width. The allowable buildable width of the lot on the two 85' wide lots on the south end of the block is 51.5', which is determined by subtracting the combined total of a 10% of the lot width on the north side plus a maximum of 25' on the secondary front yard. However, the maximum buildable width on the subject property is 32', which is determined by subtracting the combined total of 10% of the lot width on the south side plus 13' on the secondary front yard, or 18' of total setback. Thus, even though the existing building faces William as do all of the others on the block, the buildable width of the lot is 20% less than any other 50' wide lot. The intent of this request for variation is to allow for the construction of an addition to the rear of the structure by extending a secondary non-conforming wall. It should be noted that the variation would allow for the extension of a wall that is already setback one foot farther than the closest existing distance from the building to the lot line.

2. The current setback on the north side of the property along Chicago Avenue is 6.64' This situation has existed since the current building was constructed some 90 to 100 years ago. Thus, this condition did not arise nor was created by any person currently having an interest in the property. Additionally, no compensation was paid to any person with a current interest in this property.

3. As noted in response #1 above, there are only two of 26 lots on this block that share this condition which limits the buildable width to less than surrounding properties. It should be noted that on the north side of Chicago Avenue opposite this lot, the corner lots are 90' or greater in width. In viewing neighboring properties on the Village's zoning map and cadastral map as well as visually investigating the area, this building is one of only two corner lots on Chicago Avenue between Harlem and Lathrop which does not have its entry facing Chicago Avenue. The point of this information is that the north side of this building truly is a "side yard" in that there is no access to the building or appearance of any type of front facade on the north side of this structure.

4. The purpose of this variation is not based on any desire for economic gain. Rather, the purpose is to allow for a practical addition to the structure that is in keeping with the existing massing of the building.



5. The granting of this variation will not be detrimental to the public welfare or unduly injurious to the enjoyment, use or development value of other property or improvements within the surrounding neighborhood where the property is located.
6. The proposed variation will not in any way impair an adequate supply of light and air to adjacent properties, nor will it increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair the property values within the neighborhood.
7. The granting of this variation will not unduly tax public utilities and facilities within the area.
8. There is no other practical means other than the requested variation by which the hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property. The requested reduction in the secondary front yard setback for this property will not result in the development of the site in a manner that would be out of character to neighboring homes. In fact, the requested variation will allow for an addition to the existing building that is designed in such a way as to blend in with the original construction.