



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

A meeting of the River Forest Zoning Board of Appeals will be held on Thursday, February 13, 2020 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 January 9, 2020
- III. Approval of Findings of Fact for the Proposed Text Amendments related to Beauty Shops, Permanent Cosmetics, Microblading, Micropigmentation, and Similar Personal Care Services from the Meeting of the Zoning Board of Appeals on January 9, 2020
- IV. Motion to Reconsider Recommendation Regarding Variation Request – Public Hearing Regarding Major Variation to Section 10-8-7 of the Zoning Ordinance (Setback) at 243 Park Avenue
- V. Recommendation Regarding Variation Request – Public Hearing Regarding Major Variation to Section 10-8-7 of the Zoning Ordinance (Setback) at 243 Park Avenue
- VI. Approval of Findings of Fact for the Variation Requests for Lot Coverage and Setback at 243 Park Avenue from the Meeting of the Zoning Board of Appeals on January 9, 2020
- VII. Confirmation of March 13, 2020 Meeting
- VIII. Public Comment
- IX. Adjournment

**VILLAGE OF RIVER FOREST  
ZONING BOARD OF APPEALS MEETING MINUTES  
January 9, 2020**

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, January 9, 2020 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, Gerald Dombrowski, Ronald Lucchesi, Tagger O'Brien, and Michael Smetana

Absent: David Berni, Joanna Schubkegel

Also Present: Assistant Village Administrator Lisa Scheiner and Village Attorney Carmen Forte, Jr.

**II. PUBLIC COMMENT**

None.

**III. APPROVAL OF NOVEMBER 14, 2019 ZONING BOARD OF APPEALS MEETING MINUTES**

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

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

Nays: None

Abstain: Member Smetana

Motion passed.

Chairman Martin stated that the next item to be considered from the agenda was the request for consideration of text amendments to the Zoning Ordinance, and then the variation request would be considered.

**IV. TEXT AMENDMENT REQUEST – PUBLIC HEARING REGARDING PROPOSED TEXT AMENDMENTS TO THE VILLAGE OF RIVER FOREST ZONING ORDINANCE REGARDING BEAUTY SHOPS, PERMANENT COSMETICS, MICROBLADING, MICROPIGMENTATION AND SIMILAR CARE PERSONAL CARE SERVICES**

Lisa Scheiner, Assistant Village Administrator, administered the admonition regarding the false statements ordinance and swore in all parties wishing to speak.

Chairman Martin explained that the zoning code has a chart of uses that are approved for various zoning districts and that the uses are defined in the code. He described the proposed text amendment as a request to amend to the definition of “beauty shop.” He stated that the proposed text amendment will be presented by Ms. Scheiner on behalf of the Village.

Ms. Scheiner explained that there was a recent request from a citizen (Dustin Cagnina) who would like to open a beauty salon and have, as an accessory use of that salon, certain personal care services including micropigmentation. When the request came in, it was discovered at the time that the Zoning Code did not have a definition for beauty shops. For that reason, the Village felt it would be appropriate to add the definition of beauty shop to the Zoning Code. She described the proposed definition of beauty salon as a standard definition, as it relates to the beauty shop services that are currently being provided in the Village. Ms. Scheiner noted that beauty shops are currently permitted uses in the commercial zoning districts, the C1, C2, C3 and ORIC Zoning Districts.

Ms. Scheiner then addressed the specific request for micropigmentation use. She explained that micropigmentation has a variety of uses. She stated that someone who performs the service must have appropriate certifications and licenses from the state for tattooing. Micropigmentation, in the context of beauty shops, she explained, is typically used for the permanent application of cosmetics or make-up, or as part of restoration services for women who have had breast cancer and are going through different restorative procedures after the surgery.

Ms. Scheiner stated that they are proposing that permanent cosmetics, microblading, micropigmentation, and similar care services be defined and made as a permitted accessory use to beauty shops. She stated this amendment would not give someone the ability to open a stand-alone tattoo shop, as the types of services would have to occur in a beauty shop. Additionally, Ms. Scheiner noted there is language that limits the type of micropigmentation that can be done, so that tattooing would not be done in a beauty shop under the guise that it is micropigmentation. She explained that such a use would be a violation of the Zoning Ordinance and they would be able to cite and stop the services.

Ms. Scheiner summarized the proposals by stating that before the Board was a definition of beauty shop; a definition of permanent cosmetics, microblading, micropigmentation; and a proposal to modify the land use chart to list these uses as permitted accessory uses to beauty shops in the commercial zoning districts.

#### Public Comment with Regard to the Request

Chairman Martin asked if there were any questions. As no one came forward to speak, Chairman Martin closed the public portion of the hearing.

### Discussion and Deliberation of the Request

Chairman Martin then asked if there were any safety concerns as to the procedure.

Ms. Scheiner stated that there are licenses that aestheticians, cosmeticians, and people who perform the services have to get through the State and the Health Department, and that the services are regulated in that manner.

Member Lucchesi asked if the technicians are licensed by the State.

Ms. Scheiner explained that a license from the State was required in order to perform micropigmentation, and that any aesthetician or anyone who cuts hair, or does massages or facials all have to obtain a license from the State.

Member O'Brien asked if the locations have to have certain equipment to perform the procedures.

Ms. Scheiner stated that she is certain that there is equipment that they must have relative to the services that they are providing.

Chairman Martin asked if the definition is a common definition used by other zoning codes.

Village Attorney Carmen Forte, Jr. responded that it was a common definition. He stated that it is becoming more of a common practice, and that it is a newer type of procedure for cosmetic purposes, as well as restoring an individual's appearance after a medical procedure.

Ms. Scheiner added that some different applications are for post-surgery restoration and also for those who have muscular challenges or muscular ailments who find it difficult to apply cosmetics. She stated some people choose to have the cosmetics permanently applied because they will lack motor function to be able to apply cosmetics as their disease progresses.

Member Smetana asked if there are any age limits to the procedure.

Ms. Scheiner stated that she believes that those under the age of 18 require parental consent. She mentioned that whatever the State regulations are would apply.

Chairman Martin noted that if the board recommended the procedure as an accessory use, it would still be bound by the State regulations and State laws in effect.

Ms. Scheiner stated that in her research, it stated that the minimum age is eighteen (18) for tattoos.

Chairman Martin asked if there were any other further questions. He then asked if anyone has any motions.

A MOTION was made by Member O'Brien and SECONDED by Member Lucchesi to amend the text to include the definition of beauty shop.

Ayes: Chairman Martin, Members Dombrowski, Lucchesi, O'Brien, and Smetana  
Nays: None

Motion passed.

Village Attorney Carmen Forte, Jr. stated that because the Village's requests were for two separate text amendments, that they would recommend two separate votes: one for the definition of beauty shop and the second for the definition of the procedures. That way, if there is any change on the Board level that it can be delineated that they were both either approved or not approved.

Chairman Martin noted that the first vote was on the definition of beauty shop.

Village Attorney Carmen Forte, Jr. stated that the vote on the definition of beauty shop was moved and voted properly. He stated they would seek a second motion to approve the text amendment as presented to section 10-21 regarding the procedures.

A MOTION was made by Member Lucchesi and SECONDED by Member O'Brien to approve the definition of permanent cosmetics, microblading, micropigmentation, and similar care services and make such services as permitted accessory uses to beauty shops in the Village in the C1, C2, C3 and ORIC Zoning Districts.

Ayes: Chairman Martin and Members Dombrowski, Lucchesi, O'Brien, and Smetana  
Nays: None

Motion passed.

## **V. APPOINTMENT OF CHAIR *PRO TEM***

Chairman Martin stated that the presentation for the variation request for 243 Park Avenue is to be made by Mr. Zinni. By way of disclosure, Chairman Martin stated that Mr. Zinni has been hired in the past by him and currently does work for Chairman Martin. Chairman Martin stated that although he believes he can make a fair decision on the matter before the Board, that he does not want there to be any reason that anyone could argue that the decision has been tainted due to his economic relationship with Mr. Zinni. For that reason, Chairman Martin recused himself.

Chairman Martin suggested that, because Member O'Brien is the longest-serving member of the Board, that the Board replace Chairman Martin with Member O'Brien as Chair *Pro Tem* for the remainder of the meeting.

A MOTION was made by Member Smetana and SECONDED by Member Lucchesi to appoint Ms. O'Brien as Chair *Pro Tem*.

Ayes: Members Dombrowski, Lucchesi, O'Brien, and Smetana  
Nays: None  
Abstain: Chairman Martin

Motion Passed.

Chairman Frank Martin left the meeting at 7:42 p.m.

#### **VI. VARIATION REQUEST FOR 243 PARK AVENUE – LOT COVERAGE, FRONT YARD SETBACK AND SECONDARY FRONT YARD SETBACK FOR HOME ADDITION**

Member Smetana stated that he did not believe there is a conflict of interest that prevented him from considering or voting on the matter, but, for the sake of transparency, disclosed that he has known the applicants, Mr. and Mrs. Plywacz, for a number of years and that his daughter and their daughter are at the same grade level at the same school and play soccer together. He stated he has no economic or business relationship with the applicants, and that he only knows them socially. For that reason, he stated he did not believe he should recuse himself from the matter.

Christopher Plywacz, one of the applicants, stated that he and his family have been living in the Village for four and a half years, and that he has been working in the Village for the last 20 years. They own a business in the Village. He stated that his family "fell in love with" the area and the house in question. He noted that the house is a "small, modest house on the corner."

Mr. Plywacz stated that they are proposing to add a second story addition to the house. He stated that it would be "straight up and with a small, modest opening on the side." He stated that they planned to make this addition as opposed to building to the side or the back of the house because their neighbors have skylights on their second floor, and they did not want to "get too close to them" where the neighbors would feel uncomfortable or their light blocked. He shared a personal anecdote that he found a historic newspaper in the wall of the home when doing prior remodeling, bearing his birthdate.

Mr. Zinni, the Architect hired for the addition to 243 Park Avenue, stated that a packet was submitted to the Board and also a notice of a hearing for a zoning variance. He stated that a correction needs to be made to the application. The application states that the applicant is requesting a variation for Section 10-8-5, which would allow the property to have lot

coverage equal to 33.8% of the lot, which is not what the applicants are requesting. He noted the property has a lot coverage of about 10% below the permitted lot coverage.

Mr. Zinni stated they are requesting variances of a front yard setback of 31 feet, 3.5 inches, and a secondary side yard setback of 3 feet, 1.5, which matches the existing footprint of the home.

Mr. Zinni explained that the property was already zoned as R2, and that it would stay at that zoning, as a single-family residence. He stated the entire variance would only be for the second floor addition, on top of an existing non-conforming residence, as a corner lot.

Mr. Zinni explained that the front yard would match the overhang, which is part of the request. However, the primary request is the secondary side yard, since it is a corner lot. He explained the Zoning Code clearly states that a 50-foot lot in River Forest needs to have a 13-foot secondary side yard setback. If the lot gets larger, it needs to be increased by the ratio. It does not address properties of less than 50-foot on a corner lot. He stated they would take the 13-foot secondary side yard setback as the standard, even though it does not address lots less than 50 feet.

Mr. Zinni explained that they were assuming a 13-foot side yard setback. He stated that Section 10-8.7 states that on secondary streets the front yard shall be a minimum of 13 feet for a 50-foot wide lot. He noted that it does not address a lot that is 42 feet wide.

Mr. Zinni directed the Board to the section in the packet which contained the site plan of the existing house. He noted that the existing house has a secondary side yard setback of 3 foot, 1.25 inches.

Mr. Zinni explained that they are proposing a second floor addition over the existing house, not to include the front porch, and a modest side entry to get the front entry away from the front of the street and bring it to the side of the house. The entry does not run up the full second floor. He said they would keep the first floor how it is except for removing some of the walls for an open plan. The purpose of the addition on the second floor is to introduce more bedrooms.

Mr. Zinni stated that they intended to keep the character of the scale of the house to the existing character and the neighborhood. He said the first story would retain its overhang with a setback roof, with the second story set back a bit with a hip roof with some dormers. The height of the project is five feet below the maximum permitted height of 35 feet.

Mr. Zinni stated that they were trying to keep the addition away from the lot line and the neighbor to the south, since the southern neighbor's house was built within three feet of the lot line. The neighbor to the south's sidewalk covers their lot line, so he is taking into account the watershed between the two properties, and trying not to adversely affect the drainage of water by maintaining a distance between the properties. He stated the neighbor to the south endorses this project.

Mr. Zinni stated they intend to retain the existing roofline around the whole house, with the addition added to the top of it. He stated that they are keeping the dormers, similar overhangs, and a similar scale.

Mr. Zinni drew attention to the fact that they received three letters of support for the project and showed said letters to the Chair *Pro Tem*.

Mr. Zinni explained that, in addition to being below the height requirement, the project is in compliance with zoning sight coverage, as it is about 10% below the maximum allowed. He stated the plan is also approximately 10% below the maximum allowed in floor area ratio. He underscored that the project is proportionately below the scale that is permitted.

Mr. Zinni stated that the physical surroundings and the conditions create a specific hardship and that the second-story addition is the best solution for the living space to meet the needs of a growing family. It also eliminates the need for additional foundation and roof work, and thus does not create an overdeveloped property with more impervious surfaces. Drainage to the neighbors has been taken into account, and they are trying not to adversely affect the neighbors in that regard.

Mr. Zinni further stated that the physical condition existed prior to the present owner: the property was there before and it is an unusually narrow site. He noted that it is a 42-foot lot rather than the standard 50-foot lot, which he said made for an unusual physical condition. He noted that there is a typo in the application, where they had stated that the lot size is 45 feet, when it is actually 42 feet. He stated this lot size is unusual.

Mr. Zinni stated that the petition is not applicable to other properties.

Mr. Zinni stated that the houses on the block are all shifted to the north, and so they all have a larger space to the south. He stated that the proposed variation respects the spatial rhythm that is set up between the different houses on the block.

Mr. Zinni further stated that the addition is not based on the desire for economic gain. Instead, the addition is based on trying to keep the character of the house while also making the house more habitable for the residents.

Mr. Zinni stated that the proposed addition will not be detrimental or injurious to the public welfare, because it is a single-family residence that will remain a single-family residence. The water service and sewage line will not be increased. He noted that the utilities will be increased modestly. Mr. Zinni stated the public utilities will not be taxed.

Mr. Zinni stated the addition will not impair the supply of air and natural light to the adjacent properties, and that the proposed plan was created specifically so as not to impair natural light to the neighbors.



Mr. Zinni stated that there are no other means to request this variance by which alleged hardship or difficulty can be avoided. He stated that there is an existing footprint, drainage situation, and adjacent properties that cannot be moved. Therefore, he believes the request for the variance is the best plan.

Mr. Zinni summarized that they are primarily requesting leniency on the secondary side yard setback, and a little bit on the front to match the existing setback, because it creates a residence that is more in keeping with the existing residence, textures, and intent of the community in that area.

#### Public Comment with Regard to the Request

Chair *Pro Tem* O'Brien asked if there were any questions.

Richard Schneider was sworn in. He stated that he lives at 246 Park, which is directly across the street from the house in question. He testified that he has known the family since they moved into the property and that they are the most favorite neighbors he and his family ever had. He opined that the Plywacz bring a lot to the community and that their project would only bring value to the community and not harm it in any way.

Ms. Scheiner stated that she has a question. She noted that the application states that "although the combined side yard setback requirement probably should not apply to a corner lot, this has not been formerly codified in the Zoning Ordinance. The applicant wishes for a formal verification of this opinion." She stated they were not prepared to give an opinion on that specific matter. She noted that there was no zoning variation requested or included in the legal notice for a combined side yard setback. She asked whether a variation to the combined side yard setback would be needed, assuming those regulations apply to the property.

Mr. Zinni answered that a variation to the side yard setback would be required if the property was held to the same side yard setback standard required of an interior lot. He said right now corner lots do not adhere to that side yard setback requirement. He stated that for an interior lot, the side yard setbacks have to be 10 feet each and 25% of the total lot when added together. He said the standard does not usually apply to corner lots, but that they were trying to verify whether the lot in question will be held to that standard. He stated that Building Official Cliff Radatz requested they put the request for a formal verification into their application.

Ms. Scheiner summarized that the building official made a preliminary determination and does not believe the standard applies to corner lots and, for that reason, no variation for the combined side yard setback was requested nor included in the legal notice. She stated that if a public hearing was needed that they would have to come back to the Zoning Board of Appeals and go through the process again, so as to provide some clarification before the matter goes to the Village Board.

Village Attorney Carmen Forte, Jr. stated that, based on the Building Official's recommendation, and based off previous hearings for similar requests for variances of corner lots, he did not believe the variance request for the side yard setback would be needed.

Village Attorney Carmen Forte, Jr. stated that the applicant was correct in that there was no request for a lot coverage variation.

Ms. Scheiner stated that it was a mistake in the legal notice and that it does not nullify the legal notice.

Village Attorney Carmen Forte, Jr. concurred, stating that so long as nothing is missing from the legal notice, there is no issue.

Village Attorney Carmen Forte, Jr. summarized the requested motion for a recommendation to approve a variance or a variation to Section 10-8-7 to allow a front yard setback of 31 feet, 3.5 inches, and a secondary front yard setback of 3 feet, 1.25 inches.

Member Smetama noticed that the eaves were indicated to be a different distance on the variation. He asked if it was excluded from the secondary setback requirement.

Village Attorney Carmen Forte, Jr. replied that the vote is for the wall line itself, and that there is always an allowance for the eaves.

Chair *Pro Tem* O'Brien asked how close the proposed new entry was to the south side lot line.

Mr. Zinni responded that it was 5 foot, 2.75 inch from the property line.

Chair *Pro Tem* O'Brien noted there were no other comments or questions forthcoming and closed the public hearing.

#### Discussion and Deliberation of the Request

Ms. Scheiner explained that this means the public can stay but that there would be no further testimony taken.

Member Lucchesi stated that he thought the plan was a good one and fits with the neighborhood and existing house. He thought it was reasonable and stated his vote would be for the plan.

Member Smetana noted that almost half the existing house is setback, and that there were similar other instances where there were slight variations of setbacks when the plan was to build up. He noted the property is next to the street.

Chair *Pro Tem* O'Brien noted that this has come up before in variations where additions are to be made to a non-conforming location, and that the lot being a forty-two (42) feet in width lot makes it even tighter. She stated that there are many corner lots that are built toward one street, and that it is not unique to a corner lot.

Member Dombrowski stated that the proposed variance covers the existing footprint of the building and that it looks like a nice addition. He did not see any reason not to vote for the proposed variance.

A MOTION was made by Member Lucchesi and SECONDED by Member Dombrowski to recommend that the variations be granted.

Ayes: Members Dombrowski, Lucchesi, and Smetana.

Nays: Chair *Pro Tem* O'Brien

Motion Failed.

Lisa Scheiner, Assistant Village Administrator for the Village of River Forest, explained that the vote was 3 to 1. She explained that means that, without four votes in favor of approval, the case will go to the Village Board as a recommendation not to grant the variation. The Zoning Board of Appeals will meet again in February and adopt their findings of fact, which is a written document that memorializes the recommendation that they are making to the Village Board. She explained that the recommendation would go to the Village Board at their second meeting in February. She stated she will follow up with Mr. Zinni as to meeting dates and times.

Ms. Scheiner explained that the Village Board has the ability to modify or amend the recommendation, but that it is going to them as a vote of 3-to-1 and not four votes, and it is therefore not in favor of the proposal.

Mr. Plywacz noted that there were two board members missing and one recused.

Ms. Scheiner stated that they could ask the Village Board to remand the case back to the Zoning Board for a public hearing to reopen the case for a time when there are additional members present.

Ms. Plywacz asked for clarification on the basis for Chair *Pro Tem* n O'Brien's vote for nay.

Chair *Pro Tem* O'Brien replied that she did not believe Standards 1, 3, and 8 have been met.

Ms. Scheiner stated that she did not have anything else for the Board.

## **VII. ADJOURNMENT**

A MOTION was made by Chair *Pro Tem* O'Brien and SECONDED by Member Dombrowski to adjourn the meeting at 8:12 p.m.

Ayes: Chair *Pro Tem* O'Brien, Members Dombrowski, Lucchesi, and Smetana.  
Nays: None  
Nays: None

Motion passed.

Respectfully Submitted:

\_\_\_\_\_  
Lisa Scheiner, Secretary

\_\_\_\_\_  
Frank Martin, Chairman  
Zoning Board of Appeals

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

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS  
FINDINGS OF FACT AND RECOMMENDATION REGARDING  
PROPOSED TEXT AMENDMENTS TO THE VILLAGE OF RIVER FOREST  
ZONING ORDINANCE REGARDING BEAUTY SHOPS,  
PERMANENT COSMETICS, MICROBLADING AND MICROPIGMENTATION**

**WHEREAS**, petitioner the Village of River Forest ("Village"), based upon direction from the Village President and Board of Trustees, has requested consideration of, and a public hearing on, the amendments to the Village of River Forest Zoning Ordinance ("Zoning Ordinance"), which were summarized as follows in the published public hearing notice:

- A. A Text Amendment to Section 10-3 (Definitions) of the Zoning Ordinance, to define beauty shops, permanent cosmetics, microblading, micropigmentation and similar care services; and
- B. A Text Amendment to Section 10-21 (Land Use Chart) of the Zoning Ordinance to designate permanent cosmetics, microblading, micropigmentation and similar personal care services as a permitted use to beauty shops in the land use chart, in the same districts where beauty shops are permitted uses (C1, C2, C3 and ORIC Zoning Districts).

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

**WHEREAS**, the Village's Zoning Board of Appeals ("ZBA") held a public hearing on the question of whether the Proposed Text Amendments should be made on January 9, 2020, as required by Section 10-5-5 of the Zoning Ordinance, 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 the *Wednesday Journal*, a newspaper of general circulation in the Village, there being no newspaper published in the Village; and

**WHEREAS**, at the public hearing, Assistant Village Administrator Lisa Scheiner presented the Proposed Text Amendments on behalf of the Village; and

**WHEREAS**, at the public hearing, opportunity was provided for public comments, and no Village residents or other members of the public testified for or against the Proposed Text Amendments; and

**WHEREAS**, after the close of the public hearing, the ZBA discussed and deliberated the Proposed Text Amendments and voted on recommendations regarding the Proposed Text Amendments; and

**WHEREAS**, following discussion and deliberation, the ZBA, pursuant to Section 10-5-

5(B)(2) of the Zoning Ordinance, unanimously recommended the Village President and Board of Trustees approve the Proposed Text Amendments, as set forth in Exhibit A attached hereto and made a part hereof ("Recommended Text Amendments");

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

#### **FINDINGS OF FACT AND RECOMMENDATIONS**

By a vote of 5 – 0, the ZBA recommends approval of the following Proposed Text Amendments. These Proposed Text Amendments are found to be in the best interests of the Village and its residents and property owners:

1. **Amendment One.** Amendment One, the text of which is in Exhibit A, which defines beauty shops, permanent cosmetics, microblading, micropigmentation and similar care services, is recommended for APPROVAL as proposed. Defining beauty shops and these services provided in beauty shops in the Zoning Ordinance is necessary for the Village to regulate the establishments and these services.

2. **Amendment Two.** Amendment Two, the text of which is in Exhibit A, which amends the land use chart in Section 10-21-3, Appendix A, of the Zoning Ordinance, to designate permanent cosmetics, microblading, micropigmentation, and similar personal care services as a permitted accessory uses to beauty shop establishments is recommended for APPROVAL as proposed.

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Frank Martin  
Chairman

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Date

**EXHIBIT A**

**RECOMMENDED TEXT AMENDMENTS**

(attached)

DRAFT

### **Amendment One:**

Section 10-3-1 of the Zoning Ordinance, entitled “Definitions of Words and Terms,” is amended to add the following two (2) definitions:

“BEAUTY SHOP: An establishment where persons receive beauty treatments, and/or purchase beauty products. These treatments primarily include one or more of the following: 1) cutting, trimming, shampooing, weaving, coloring, waving, or styling hair; 2) providing facials; 3) applying makeup (except permanent makeup); and 4) providing nail care services, such as manicures, pedicures, and nail extensions.”

“PERMANENT COSMETICS, MICROBLADING, MICROPIGMENTATION AND SIMILAR CARE SERVICES: The practice of placing ink or other pigment into the skin or mucosa by the aid of needles or any other instrument used to puncture a person’s skin for the purpose of permanent cosmetic restoration or enhancement of the epidermis for re-pigmentation. This category of services does not include other forms of body art such as body piercing or the adornment of the body with letters, images, drawings, or other illustrations. The use is also commonly known as dermal implantation, microstroking, eyebrow embroidery, and long-time/long lasting makeup.”

### **Amendment Two:**

Section 10-21-3, Appendix A, of the Zoning Ordinance, entitled “Land Use Chart,” is amended to add the following row in the Land Use Chart:

Land Use	R1 and R2	R3	R4	C1	C2	C3	ORIC	PRI
Accessory Uses								
Permanent      Cosmetics,      Microblading, Micropigmentation and Similar Care Services – accessory to Beauty Shop	N	N	N	P	P	P	P	N





Village of River Forest  
**Village Administrator's Office**

400 Park Avenue  
River Forest, IL 60305  
Tel: 708-366-8500

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**MEMORANDUM**

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Date: February 6, 2020

To: Chair Pro Tem O'Brien and Members of the Zoning Board of Appeals

From: Lisa Scheiner, Assistant Village Administrator

Subj: Reconsideration of Variation Request – 243 Park Avenue

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**Issue**

Although the variation requested at 243 Park Avenue was voted 3-1 in favor of recommending that the Village Board of Trustees approve the request, because it failed to receive four affirmative votes it must proceed to the Village Board of Trustees as a recommendation not to grant the variation. The Zoning Board of Appeals member who voted against the variation request has asked that this item be reconsidered.

**Analysis**

At the January 9, 2020 meeting of the Zoning Board of Appeals there were two members absent (Berni and Schubkegel) and one member (Martin) who recused himself from the proceedings. The four remaining Zoning Board of Appeals members present (Dombrowski, Lucchesi, O'Brien, and Smetana) held a public hearing for the variation request for 243 Park Avenue. Following the public hearing, Member Lucchesi made a motion, which was seconded by Member Dombrowski, to approve the variation. The Zoning Board of Appeals voted 3-1.

Section 10-5-4(E)(3) of the Zoning Ordinance states that a variation request which fails to receive the approval of four members of the Zoning Board of Appeals proceeds to the Village Board of Trustees as a recommendation to *not* approve the variation and a 2/3 majority vote by the Village Board of Trustees is required to approve the variation. Therefore, although the ZBA voted 3-1 in favor of recommending that the variation be granted, because there were not four affirmative votes the matter must proceed to the Village Board of Trustees as a recommendation *not* to approve the variation.

Under Rule 2 of the ZBA's Rules of Procedure, which have been attached for your review, "A vote or question may be reconsidered at any time during the same meeting or at the first regular meeting held thereafter. A motion for reconsideration, once having been made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered. A motion to reconsider must be made by a member who voted on the prevailing side of the question to be reconsidered."

A motion to reconsider may be made at the next regular (not special) ZBA meeting, which is scheduled on February 13, 2020, by one of the three ZBA members who voted in favor of recommending approval. The February 13, 2020 agenda of the regular meeting of the Zoning Board of Appeals contains two items related to the variation request at 243 Park Avenue: Motion to Reconsider the Recommendation Regarding the Variation Request, and Recommendation Regarding Variation Request.

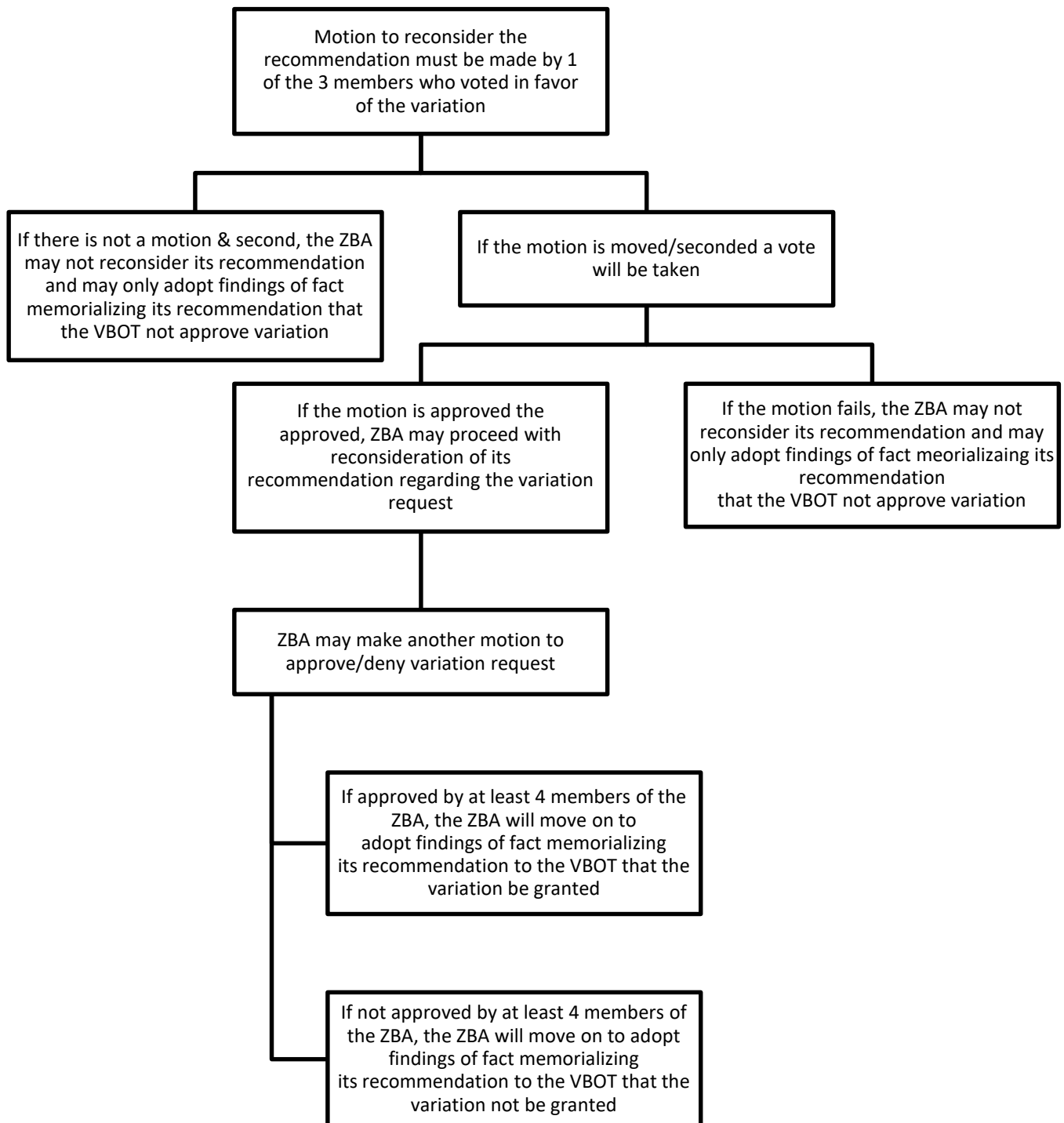
Should one of the three members of the Zoning Board of Appeals who voted in favor of the motion wish to have the matter reconsidered, the following motion would be appropriate: Motion to reconsider the recommendation regarding the variation request at 243 Park Avenue. This motion must be made by one of the three people who voted in favor of the variation and it must be seconded. A vote would then be held and if a simple majority of the Zoning Board of Appeals members present vote to approve this motion, then the ZBA may take up the next item on the agenda, which is the recommendation regarding the variation request. The ZBA should make a motion and second that motion to approve or deny the variation request. A vote will be held and if four members vote in favor of recommending approval of the variation the ZBA's previous vote will be nullified. If less than four members vote in favor of recommending approval the matter would still proceed to the Village Board of Trustees with a recommendation *not* to approve. The attached flowchart summarizes this process.

Two sets of draft findings of fact have been prepared memorializing approval and denial of the variation request and the appropriate findings may be adopted at the February 13 meeting after this matter concludes.

Please note that under Section 2-1-2(D) of the Zoning Ordinance, any absent member who certifies that he/she has read the transcript of the proceedings may vote upon any question before the ZBA. Although the Village does not have a transcript of the meeting, the audio recording is available on the Village's website at [www.vrf.us/192020ZBAHearing](http://www.vrf.us/192020ZBAHearing). Members who were not present at the January 9 meeting, and who are not required to recuse themselves, but listen to the audio recording may vote on the agenda items before the Zoning Board of Appeals at the February 13, 2020 meeting.

### **Attachments**

Zoning Board of Appeals Rules of Procedure  
Flowchart of reconsideration procedure  
DRAFT Findings of Fact



**Rules of Procedure for the Zoning Board of Appeals**  
**Adopted 6/16/04**

**General Rules**

- Rule 1      Prior to each regular meeting of the Zoning Board of Appeals, ("board") the village staff shall cause an agenda to be prepared.
- Rule 2      The ayes and nays shall be taken and recorded in the minutes in the case of the passage of all motions. A concurrence of a majority of all members present shall be necessary to the passage of same, unless otherwise required by law. In all cases where a motion is entered into the minutes, the names of the member moving and seconding shall be entered.
- A vote or question may be reconsidered at any time during the same meeting or at the first regular meeting held thereafter. A motion for reconsideration, once having been made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered. A motion to reconsider must be made by a member who voted on the prevailing side of the question to be reconsidered.
- Rule 3      Except during the portion of the meeting dedicated to public participation, no person (other than village staff or consultants to the board) may address the board without the consent of a majority of board members then present.
- Rule 4      These rules, except rule 2, may be temporarily suspended by a vote of two-thirds of the members present.
- Rule 5      The chairman shall be the presiding officer. In the absence of the chairman, the board members present shall elect a chairman *pro tem*. The presiding officer shall decide all questions of order.
- Rule 6      Four members shall constitute a quorum. Except as provided in this rule, no motion shall be considered or voted on without a quorum present. A member shall be considered "present" when available and participating in accordance with the rules governing participation by electronic means. A motion to recess to a future specified date may be considered and passed by less than a quorum of members.
- Rule 7      Any party to a hearing may arrange for the proceedings to be recorded and transcribed by a certified shorthand reporter at the party's expense. A copy of any transcript prepared shall be filed with the board. The board, at its discretion, may direct that the proceedings be recorded at the expense of the party initiating the action ("applicant") which is the subject of the hearing and may require the applicant to deposit funds sufficient to defer the cost of such recording.
- Rule 8      At any hearing, the applicant or any interested party may appear on his or her own behalf or may be represented by an attorney or agent.
- Rule 9      In addition to the applicant, any person having an interest in the action which is the subject the hearing ("interested parties") may appear at the hearing to give testimony. The village shall be deemed an interested party in every case, and need not appear.

Every interested party wishing to testify at the hearing shall submit to the Chairman of the Board, in writing, his or her name and address. The Chairman may impose reasonable limitations on evidence or testimony presented by interested parties, such as time limits and banning repetitious, irrelevant or immaterial testimony.

### **Rules Governing the Taking of Evidence**

Rule 10 All evidence from the applicant and any interested persons shall be taken during the portion of the meeting dedicated to public participation. The order of presentation of evidence shall generally be as follows, but may be modified by the chairman:

- a. Testimony by applicant's witnesses.
- b. Report by staff and consultants.
- c. Board examination of applicant's witnesses.
- d. Cross-examination of applicant's witnesses.
- e. Testimony by interested party witnesses.
- f. Board examination of interested party witnesses
- g. Applicant's cross-examination of interested party witnesses.
- h. In some cases re-examination may be allowed.
- i. Summary/rebuttal by applicant.

At the conclusion of the portion of the meeting dedicated to public participation, the board shall begin to deliberate or continue the hearing to a date, time and location certain. During deliberations, the board members may question any person present regarding his/her previous testimony.

Rule 11 [Cross-examination of witnesses shall be limited to applications for a special use permit - ZBA only] Only the applicant, an interested party entitled to notice pursuant to the Village Zoning Code, member of the board or attorney for the board shall be permitted to cross-examine witnesses. In the event the applicant or any interested party is represented by an attorney, the attorney may conduct any cross-examination.

The chairman may impose reasonable conditions on cross-examination of witnesses, including, but not limited to, requiring persons to register with the chairman in advance and demonstrate that they fall within the class of persons allowed to cross-examine; restricting the subject matter on which cross-examination will be allowed and identifying those witnesses who may be cross-examined. Any such conditions shall be published in advance of the hearing.

Rule 12 Persons permitted to cross-examine a witness may, at the time indicated by the chairman, direct questions to the witness from a location chosen by the chairman. The opportunity for questioning a witness shall not be used by the questioner to offer testimony or evidence.

Rule 13 All persons offering testimony at a hearing shall testify under oath. An attorney shall be sworn if he or she offers testimony but not if he or she is questioning witnesses, summarizing testimony of witnesses, or addressing the board. Testimony may be given only from a location chosen by the chairman.

Rule 14 The board shall not be bound by strict rules of evidence; however, irrelevant, immaterial, argumentative, or repetitious evidence or questioning shall not be allowed. The chairman shall rule on all questions related to the admissibility of

evidence, which ruling may be overruled by a majority of the board members present.

- Rule 15      The chairman may take such actions as are required to permit an orderly and civil hearing.

#### **Rules for the Conduct of Meetings by Electronic Means**

- Rule 16      Whenever possible, members of the board who cannot be physically present at a public meeting and who wish to attend via electronic means shall give notice to the Village Administrator not less than two business days before the meeting date.
- Rule 17      When it is known two business days in advance of such meetings that any board member will attend through use of electronic means, a notice shall be posted stating the names of the members of the board who will be attending in that manner, and the type of medium through which they will attend.
- Rule 18      When it is not possible for a member of the board to give two business days notice, and the member is unable to be physically present at a meeting, and wishes to attend through the use of electronic means on the date of the meeting, prior to convening the meeting, the presiding officer shall announce such method of attendance to the public and the reason.
- Rule 19      If the chairman attends the meeting through the use of electronic means, he or she shall vacate the chair and a member who is physically present shall preside.
- Rule 20      When one or more members attend a meeting via electronic means, all votes shall be by roll call.
- Rule 21      No more than two members of the board may attend a meeting through the use of electronic means from the same remote location.
- Rule 22      At least four board members must be physically present to constitute a quorum.
- Rule 23      When speaker phones are used to allow a member of the board to attend a meeting without being physically present, the member using the speaker phone must, each time he or she wishes to speak, identify himself or herself by name and be recognized by the presiding officer before speaking.
- Rule 24      The board, in its sole discretion, by majority vote, may authorize village staff, or consultants, to participate in the proceedings by electronic means.
- Rule 25      All notices sent to interested parties and required by ordinance shall include a copy of these Rules and the following statement: All meetings of the board are held at Village Hall beginning at 7:30 P.M. unless otherwise stated in the attached notice, or announced by the board at the time of any recess.

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS  
FINDINGS OF FACT AND RECOMMENDATION REGARDING  
FRONT YARD AND SECONDARY FRONT YARD  
SETBACK VARIATIONS FOR A CORNER LOT  
RELATED TO A PROPOSED ADDITION  
AT 243 PARK AVENUE**

**WHEREAS**, petitioners Chris and Dionna Plywacz ("Petitioners"), owners of the property located at 243 Park Avenue in the Village of River Forest ("Property"), requested variations from the Village of River Forest's front yard and secondary front yard setback requirements for a corner lot in Sections 10-8-7(A) and 10-8-7(A)(2) of the Village of River Forest Zoning Code ("Zoning Ordinance"), to allow the construction of a second-story addition to a home on the Property with a front yard setback of thirty-one feet, three-and-a-half inches (31' 3 ½"), where the average front yard setback on the block is thirty-one feet, five and one quarter inches (31' 5 ¼"), a secondary front yard wall-line setback of three feet, one and one fourth inches (3' 1 ¼"), where the required setback is thirteen feet (13') ("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 January 9, 2020, and the hearing was held as 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 January 9, 2020, the Petitioners, through testimony by Petitioners and their architect, provided information regarding the requested Variations, testifying, among other things, that the current home at the Property was smaller in size, and that the Petitioner desired to increase the size of the home to accommodate their family, but would like to be mindful of the surrounding homes and nature of the community; and

**WHEREAS**, at the public hearing on January 9, 2020, resident Richard Schneider, residing at 246 Park Avenue, which is across the street from the Property, testified that he is in support of the Petitioners' project and the project would bring value to the community; and

**WHEREAS**, four (4) 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 ZBA 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 \_\_\_\_\_, 2020, voted \_\_-\_\_ 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 Property contains a smaller home in the R-2 Zoning District. The Petitioners intend to reside at the home with their children. If they did not receive the requested Variations, this reasonable use of the Property would not be available to them.
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. Petitioner purchased the home in its current state, and the home has a smaller footprint, given its orientation on a corner lot. The lot is only forty two feet (42') wide, reflecting a pattern imposed by its designer many years ago.
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 this standard has been met. Other properties in the nearby area have sufficient available lot area to accommodate an addition that maintains the required setback. The Property is unique in that if the required setback was maintained, the current home would not conform to the Zoning Code, and the addition to the home would be unusable.
4. **The purpose of the Variations is not based predominately upon a desire for economic gain.** The Board found that this standard has been met. The Petitioners indicated that they desires to build the addition to 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 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 Board found this standard has been met. A neighbor of the Petitioners testified that he was in support of the project, and specifically noted that the addition would not infringe on the use of his property. The addition would maintain the existing set back on the south side of the Property. Also, the current home already has a setback on the secondary front yard that is non-conforming.



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 Board found that this standard has been met. A neighbor of the Petitioners testified that he was in support of the project, and specifically noted that the addition would not infringe on the use of his property. Also, the addition would maintain the existing set back on the south side of the Property.
7. **The granting of the Variations will not unduly tax public utilities and facilities in the area of the Property.** The Board found that this standard has been met. There will only be a maximum of three to four persons living in the home, which is characteristic of the surrounding residential properties and the home in its present condition. The Petitioners noted that there will only be a modest increase to the use of local electrical utilities at the home, far less than much larger homes in the area.
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 Board found that this standard has been met. The Petitioner noted that they would not build the addition on the Property if the Variations were not granted, and this would not allow then to complete the rest of the renovations to the home.

#### RECOMMENDATION

The Board, by a vote of \_\_ - \_\_, found that the standards for granting of the Variations were met. Therefore, the Board recommends to the Village President and Board of Trustees that the Variations to allow the construction of a second-story addition to a home on the Property with a front yard setback of thirty-one feet, three-and-a-half inches (31' 3 ½"), where the average front yard setback on the block is thirty-one feet, five and one quarter inches (31' 5 ¼"), a secondary front yard wall-line setback of three feet, one and one fourth inches (3' 1 ¼"), where the required setback is thirteen feet (13') in a R-2 Zoning District be **GRANTED**.

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Tagger O'Brien  
Chair *Pro Tem*

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Date

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS  
FINDINGS OF FACT AND RECOMMENDATION REGARDING  
FRONT YARD AND SECONDARY FRONT YARD SETBACK VARIATIONS FOR A CORNER LOT  
RELATED TO A PROPOSED ADDITION  
AT 243 PARK AVENUE**

**WHEREAS**, petitioners Chris and Dionna Plywacz ("Petitioners"), owners of the property located at 243 Park Avenue in the Village of River Forest ("Property"), requested variations from the Village of River Forest's front yard and secondary front yard setback requirements for a corner lot in Sections 10-8-7(A) and 10-8-7(A)(2) of the Village of River Forest Zoning Code ("Zoning Ordinance"), to allow the construction of a second-story addition to a home on the Property with a front yard setback of thirty-one feet, three-and-a-half inches (31' 3 ½"), where the average front yard setback on the block is thirty-one feet, five and one quarter inches (31' 5 ¼"), a secondary front yard wall-line setback of three feet, one and one fourth inches (3' 1 ¼"), where the required setback is thirteen feet (13') ("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 January 9, 2020, and the hearing was held as 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 January 9, 2020, the Petitioners, through testimony by Petitioners and their architect, provided information regarding the requested Variations, testifying, among other things, that the current home at the Property was smaller in size, and that the Petitioner desired to increase the size of the home to accommodate their family, but would like to be mindful of the surrounding homes and nature of the community; and

**WHEREAS**, at the public hearing on January 9, 2020, resident Richard Schneider, residing at 246 Park Avenue, which is across the street from the Property, testified that he is in support of the Petitioners' project and the project would bring value to the community; and

**WHEREAS**, four (4) 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 ZBA 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 \_\_\_\_\_, 2020, voted \_\_-\_\_ to recommend denial 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 required majority of four (4) members of the Board did not find that this standard was met. Members Dombrowski, Lucchesi and Smetana found that: 1) the Property contains a smaller home in the R-2 Zoning District; 2) the Petitioners intend to reside at the home with their children, and; 3) if the Pettitioners did not receive the requested Variations, this reasonable use of the Property would not be available to them. Chair *Pro Tem* O'Brien found that the width of the lot at forty-two feet (42') feet was not a specific characteristic to the property, as many properties in the area, some of which are corner lots, contained homes that were built in a similar non-conforming manner.
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. Petitioner purchased the home in its current state, and the home has a smaller footprint, given its orientation on a corner lot. The lot is only forty two feet (42') wide, reflecting a pattern imposed by its designer many years ago.
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 required majority of four (4) members of the Board did not find that this standard was met. Members Dombrowski, Lucchesi and Smetana found that: 1) other properties in the nearby area have sufficient available lot area to accommodate an addition that maintains the required setback; and 2) the Property is unique in that if the required setback was maintained, the current home would not conform to the Zoning Code, and the addition to the home would be unusable. Chair *Pro Tem* O'Brien found that the dimensions of the lot was not a specific characteristic to the property, as many properties in the area are of minimal width and are located on corner lots.
4. **The purpose of the Variations is not based predominately upon a desire for economic gain.** The Board found that this standard has been met. The Petitioners indicated that they desires to build the addition to 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 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 Board found this standard has been met.

A neighbor of the Petitioners testified that he was in support of the project, and specifically noted that the addition would not infringe on the use of his property. The addition would maintain the existing set back on the south side of the Property. Also, the current home already has a setback on the secondary front yard that is non-conforming.

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 Board found that this standard has been met. A neighbor of the Petitioners testified that he was in support of the project, and specifically noted that the addition would not infringe on the use of his property. Also, the addition would maintain the existing set back on the south side of the Property.

7. **The granting of the Variations will not unduly tax public utilities and facilities in the area of the Property.** The Board found that this standard has been met. There will only be a maximum of three (3) to four (4) persons living in the home, which is characteristic of the surrounding residential properties and the home in its present condition. The Petitioners noted that there will only be a modest increase to the use of local electrical utilities at the home, far less than much larger homes in the area.

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 required majority of four (4) members of the Board did not find that this standard was met. Members Dombrowski, Lucchesi and Smetana found that the Petitioner statement that they would not build the addition on the Property if the Variations were not granted was a specific hardship that would require the variations to allow for a reasonable use of the property. Chair *Pro Tem* O'Brien found that a specific hardship did not exist at the property, and that a reasonable use of the property could be obtained without the requested variations.

## RECOMMENDATION

The Board, by a vote of \_\_ - \_\_, found that the standards for granting of the Variations were not met. Therefore, the Board recommends to the Village President and Board of Trustees that the Variations to allow the construction of a second-story addition to a home on the Property with a front yard setback of thirty-one feet, three-and-a-half inches (31' 3 ½"), where the average front yard setback on the block is thirty-one feet, five and one quarter inches (31' 5 ¼"), a secondary front yard wall-line setback of three feet, one and one fourth inches (3' 1 ¼"), where the required setback is thirteen feet (13') in a R-2 Zoning District be **DENIED**.

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Tagger O'Brien  
Chair *Pro Tem*

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Date