

**VILLAGE OF RIVER FOREST
ZONING BOARD OF APPEALS MEETING MINUTES
June 13, 2019**

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, June 13, 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 Member Smetana (arrived at 7:32 p.m.)

Absent: Member Joanna Schubkegel

Also Present: Secretary Clifford Radatz, Assistant Village Administrator Lisa Scheiner, Village Attorney Carmen P. Forte, Jr.

II. APPROVAL OF MAY 9, 2019 ZONING BOARD OF APPEALS MEETING MINUTES

A MOTION was made by Member Lucchesi and SECONDED by Member Berni to approve the minutes of the May 9, 2019 Zoning Board of Appeals meeting.

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

Nays: None.

Motion passed.

III. APPROVAL OF FINDINGS OF FACT FOR THE PROPOSED ZONING VARIATIONS FOR 910 FOREST AVENUE FROM THE MEETING OF THE ZONING BOARD OF APPEALS OF MAY 9, 2019

A MOTION was made by Member O'Brien and SECONDED by Member Lucchesi to approve the Findings of Fact and recommendation for the proposed Zoning Variations for 910 Forest Avenue from the meeting of the Zoning Board of Appeals on May 9, 2019.

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

Nays: None.

Motion passed.

IV. APPROVAL OF FINDINGS OF FACT FOR THE PROPOSED VARIATION TO THE FENCE REGULATIONS FOR 910 PARK AVENUE FROM THE MEETING OF THE ZONING BOARD OF APPEALS OF MAY 9, 2019

A MOTION was made by Member O'Brien and SECONDED by Member Berni to approve the Findings of Fact and recommendation for the proposed Variation to the Fence regulations for 910 Park Avenue from the meeting of the Zoning Board of Appeals on May 9, 2019.

Member Smetana noted that he was not at the May 9 Zoning Board of Appeals meeting and would abstain from the vote.

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

Nays: None.

Abstain: Member Smetana

Motion passed.

V. VARIATION REQUEST FOR 7628 WASHINGTON BOULEVARD – FRONT, REAR AND SIDE YARD SETBACKS FOR AN ACCESSORY BUILDING

Chairman Martin stated that the next item on the agenda was a Variation Request for the property at 7628 Washington Boulevard. All those present at the meeting who planned to testify were sworn in.

Chairman Martin asked Mr. Radatz to summarize the conditions that gave rise to the variation. Mr. Radatz explained that the subject property is located at northeast corner of Washington Boulevard and Ashland Avenue. The Zoning Ordinance is intended to fit most properties and there are definitions in the ordinance that determine the primary and secondary front yards of a corner lot. The Zoning Ordinance and that definition were adopted after a number of parcels in the Village had been subdivided.

Mr. Radatz continued that for a corner lot, the primary front yard is determined by measuring which street frontage has the longest distance between intersecting streets. In this case, Ashland Avenue between Washington Boulevard and Linden Street is approximately 533 feet long. Washington Boulevard between Lathrop and Ashland Avenues is 376 feet long. As a result, the primary front yard for this corner lot is on Ashland Avenue, according to the Zoning Ordinance.

Mr. Radatz stated that when the property was subdivided it created a long narrow lot with the narrow part facing on Washington Boulevard, which is in keeping with other properties to the east of it down that street. What should be the depth of the lot, the 149' on Ashland Avenue, is not the depth. Rather, it is the width because it is the primary front yard. What should be the lot width, the 37'-5" on Washington Boulevard, is not the width. Rather, it is the depth because it is the secondary front yard.

Mr. Radatz explained that the zoning ordinance has two means of determining the required setbacks for the primary and secondary front yards. The secondary front yard setback is based on the width of the lot and can range from a minimum of 13' to a maximum of 25'. The primary front yard setback is based on the average setback of the block. Thus, the required front yard setback on Ashland Avenue is based on the average of all the properties between Washington Boulevard and Linden Street, which is approximately 25'-3" for a parcel that is only 37'-6" deep.

Mr. Radatz continued that the rear yard is opposite the primary front yard and that's required to have a setback of 26'-2". Therefore, the front and rear yard setbacks overlap due to the narrow lot depth, which may render the lot unbuildable.

Mr. Radatz noted that the lot width of 149' is fairly substantial and there are few lots that are as wide or wider within the entire Village. He explained that the minimum required side yard setback is 10% of the lot width, which is 14.9' from the north property line.

Mr. Radatz concluded that the Zoning Ordinance is intended to be one size fits all for all properties within the zoning district but the appeals process exists for the purpose of dealing with the cases where the Ordinance does not fit the property.

Member Lucchesi asked whether the property owner would still need a variance if the primary frontage was Washington Boulevard. Mr. Radatz responded that they would probably still need a variance. He continued that Staff already considered whether the property owner should request a variance to reverse the primary and secondary front yards, however, Staff thought it be best not to tamper with a basic definition that determines the yards and to seek the variation based on the current definitions instead.

Chairman Martin invited the applicant and/or their representatives to present their application for the Variation Request.

John and Elizabeth Hosty, owners of 7628 Washington Boulevard, thanked Mr. Radatz for his assistance in guiding them through the process. Mr. Hosty said their home was the first house built on the block in the early 1880s. If you look down Ashland Avenue the garage sticks out from the rest of the houses on the block. He said it was built in 1905, it is unsightly, the concrete floor is cracked and in disrepair, there is a center post, and that although it will not fall down they cannot park a car inside it. He stated that they are aging and would like a functional garage. He said he spoke to his neighbors who could see the garage, and they welcomed the improvement as it is currently an eyesore. He does not believe he could replace the garage unless it is in the same spot.

In response to a question from Chairman Martin, Mr. Hosty testified that the proposed garage replacement is a 20' x 22' frame garage. He noted that the sketch provided shows the view from Ashland Avenue.

In response to a question from Chairman Martin, Mr. Radatz replied that this is a typical sized two-car garage. He noted that the Zoning Ordinance allows up to 500 square feet of floor

area for a detached garage, so as not to diminish how much house a property owner can build. The proposed 440 square foot garage is slightly smaller than what is typically built, as most people build to the 500 square feet limit.

In response to a question Chairman Martin, Mr. Hosty testified that the footprint of the proposed garage will remain the same to the south but will change slightly to the north and east and those are the variations they are requesting.

In response to a question from Member Smetana, Mr. Hosty replied that the garage will not be any closer to Ashland Avenue.

In response to a question from Chairman Martin, Mr. Hosty replied that the proposed garage can accommodate both of their cars without needing to park them on the slab. Mr. Hosty said that the Village requested such changes.

Mr. Radatz reviewed the setbacks required by Zoning ordinance and the variations to those setbacks as requested by the applicant.

In response to a question from Chairman Martin, based on the calculations, Mr. Radatz confirmed that there is no way a garage or home can be built on this specific lot without the variances. Mr. Hosty added that the only other way to do it would be to turn the garage to face south and put the driveway through their backyard.

Public Comment in regard to the Variation Request

Chairman Martin asked if any members of the public wished to comment on the proposed variation. No one came forward to speak, and Chairman Martin closed the public portion of the hearing.

Discussion and Deliberation of the Variation Request

Member Dombrowski stated he used to live at 214 Ashland directly across the street. Washington is a busy street and it is better to have the cars off the street. He stated his opinion that this is the only way to do it, and that he thinks the neighbors would agree this would be an improvement.

Chairman Martin stated that he does not remember another situation like this where, based on the setbacks, it is impossible to build the garage without the variations, and that this is a unique piece of property.

Members Berni, Smetana and Lucchesi agreed that there was a legitimate hardship and that this represents the purpose of the variation process.

A MOTION was made by Member O'Brien and SECONDED by Member Lucchesi to recommend to the Village Board of Trustees that the requested variations for the front, side and rear yards be granted.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Smetana, and Martin.
Nays: None.
Motion passed.

Chairman Martin stated he would like the findings of fact to point out the uniqueness of this property and the problems that are caused by the definition and strict application of the Zoning Ordinance. He stated that it is the recommendation of the Zoning Board of Appeals to the Village Board will be 6-0 that the requested variations be granted.

Chairman Martin advised the property owners that Village staff would let the applicant know when this matter will be on the schedule of the Board of Trustees and that anyone is welcome to appear before the Board.

Ms. Scheiner indicated that, provided the Zoning Board of Appeals meets in July, this matter would appear on the July 22, 2019 Village Board of Trustees meeting agenda.

There was no additional new business on the agenda.

VI. PUBLIC COMMENT

None.


VII. ADJOURNMENT

A MOTION was made by Member Berni and SECONDED by Member O'Brien to adjourn the meeting at 7:53 p.m.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Smetana, and Martin.
Nays: None.
Motion passed.

Respectfully Submitted:


Clifford Radatz, Secretary


Frank Martin, Chairman
Zoning Board of Appeals

Date: 7/11/2019