

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS
FINDINGS OF FACT AND RECOMMENDATION REGARDING
A LOT COVERAGE VARIATION RELATED TO A PROPOSED GARAGE
AT 1427 JACKSON AVENUE**

WHEREAS, petitioner HJH Homes (“Petitioner”), owner of the property located at 1427 Jackson Avenue in the Village of River Forest (“Property”), requested a variation from the Village of River Forest’s lot coverage requirements in Section 10-9-5 of the Village of River Forest Zoning Code (“Zoning Ordinance”), to allow the construction of a two-car garage that exceeds the lot coverage limit of 30% by 1.96%, for a total lot coverage on the Property of up to 31.96% (“Variation”). The Property is located in the R-2 Single-Family (Detached) Residential Zoning District; and

WHEREAS, the Village of River Forest Zoning Board of Appeals (“Board”) held a public hearing on the question of whether the requested Variation should be granted on February 14, 2019, 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 February 14, 2019, the Petitioner, through testimony by Petitioner’s partner Michael Trilla, provided information and testimony regarding the requested Variation, testifying, among other things, that the Property does not have a garage at this time, and that the proposed garage is required by the Village Code, and that to his knowledge, he was unsure as to whether or not a garage had previously been located on the Property. Mr. Trilla further testified that he would be willing to engage in a process to alleviate any drainage concerns at the Property and the rear yards of the surrounding properties. He testified that selling the Property in its current state without a garage would be more difficult than if the Variation were granted, and that the Property would sell for a higher amount with a garage than without one. Mr. Trilla testified that the intention of Petitioner was to refurbish the current home and market it for sale, and that the principals of Petitioner were not inhabiting the Property, nor had any intention to inhabit it; and

WHEREAS, at the public hearing on February 14, 2019, resident Dennis McMurray, residing at 1429 Jackson Avenue, which borders the Property on the northern side, objected to the Variation, and testified that he did not believe the current lot coverage calculations were accurate. Mr. McMurray testified that the construction of the garage and additional driveway surface would cause further overland flooding that occurs onto his

property from the Property. He testified that there was never a garage present on the Property; and

WHEREAS, at the public hearing on February 14, 2019, resident Linda Binder, residing at 1422 Monroe Avenue, which is adjacent to the Property to the southeast, objected to the Variation, and testified that the construction of the garage and additional driveway surface on the Property would cause further overland flooding that occurs onto her property from the Property, because the rear of her property already floods in the event of heavy rains from water coming off the Property. Ms. Binder testified that she understood the need for a garage on the Property, and suggested the use of a pervious paver brick surface for the driveway extension; and

WHEREAS, at the public hearing on February 14, 2019, resident John Binder, residing at 1422 Monroe Avenue, which is adjacent to the Property to the southeast, testified that several properties in the area have overland flooding concerns due to the construction of impervious surfaces on those properties; 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, a majority of Board members present on February 14, 2019, having considered the criteria set forth in Section 10-5-4 of the Zoning Ordinance, found the criteria to have been met and voted 3-1 to recommend approval of the Variation. However, as that vote failed to meet the minimum requirement of four (4) votes in favor of the Variation for a positive recommendation to the Village President and Board of Trustees in Section 10-5-4(E)(3) of the Zoning Ordinance, it does not constitute a recommendation for approval of the Variation by the Board.

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 members present found that this standard has been met. The Property contains a large home in the R-2 zoning district with no current garage. The Zoning Ordinance requires any garage that would be constructed to be a two-car garage.
- 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 members present

found that this standard has been met. Petitioner purchased the home in its current state without a garage.

3. **The conditions of the Property upon which the petition for Variation is based may not be applicable generally to other property within the same zoning classification.** The Board members present found that this standard has been met. Other properties in nearby area have sufficient available lot area to accommodate a two-car garage, or already have a garage present on the property. The Property is unique in that the current home, as constructed, is large in size relative to the size of the lot.

4. **The purpose of the Variation is not based predominately upon a desire for economic gain.** Chairman Martin found that this Standard was not met, and stated that he believed that the purpose of the construction of the garage was for economic gain in order to allow Petitioner to sell the Property for more than if the Property did not contain a garage, which he felt was clear from Mr. Trilla's testimony.

5. **The granting of the Variation is not detrimental to the public welfare or unduly injurious to the enjoyment, use, or development value of other property or improvements in the neighborhood in which the Property is located.** The Board members present found this standard has been met. Member O'Brien also commented that if an engineering study determined that the construction of the garage would not increase overland flooding on the surrounding properties, she would agree that this standard has been met.

6. **The granting of the Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.** The Board members present found that this standard has been met. The positioning of the garage will not infringe on the light and air to the neighboring properties. A garage in the proposed location would be similar in nature to the garages already present on nearby properties, and would conform to the setback requirements of the Zoning Ordinance.

7. **The granting of the Variation will not unduly tax public utilities and facilities in the area of the Property.** The Board members present found that this standard has been met. There will be minimal electric usage at the proposed garage, and it will not utilize gas or water utilities.

8. **There are no means other than the requested Variation by which the hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Property.** The Board members present found that this standard has been met. A two-car garage is the required minimum garage size in the Zoning Ordinance, which will require a variation from the lot coverage restrictions.

RECOMMENDATION

A majority of the Board members present, by a vote of 3-1 (Chairman Martin voting no), found that the standards for granting of the Variation were met. However, at least four (4) members of the Board must have voted in favor of the Variation for the Board to recommend its approval to the Village President and Board of Trustees, per Zoning Ordinance Section 10-5-6(c). Therefore, because only three (3) Board members voted in favor of the Variation, the vote of the Board does not constitute a positive recommendation to the Village President and Board of Trustees on the Variation to allow the construction of a two-car garage on the Property in the R-2 Single-Family (Detached) Residential Zoning District.



Frank Martin
Chairman

3/14/2019

Date