



**REVISED 06-25-19**

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

### **MEETING AGENDA**

A meeting of the River Forest Zoning Board of Appeals will be held on Thursday, July 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 June 13, 2019.
- III. Approval of the Findings of Fact for the proposed Zoning Variation for 7628 Washington Boulevard from the meeting of the Zoning Board of Appeals on June 13, 2019.
- IV. Variation Request for 1201 Park Avenue – Secondary Front Yard Setbacks for an Accessory Building
- V. Public Comment
- VI. Adjournment

**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: \_\_\_\_\_

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS  
FINDINGS OF FACT AND RECOMMENDATION REGARDING  
FRONT, REAR AND SIDEYARD SETBACK VARIATIONS  
RELATED TO THE CONSTRUCTION  
OF A NEW GARAGE AT 7628 WASHINGTON BOULEVARD**

**WHEREAS**, petitioners John and Elizabeth Hosty (“Petitioners”), owners of the property located at 7628 Washington Boulevard in the Village of River Forest (“Property”), requested variations from the Village of River Forest’s front yard, rear yard and sideyard setback requirements in Section 10-9-7 of the Village of River Forest Zoning Ordinance (“Zoning Ordinance”), to allow the construction of a two (2) car garage with a front yard setback of fourteen feet (14’-0”), where the required setback is twenty five feet, three inches (25’-3”), a rear yard setback of two feet, six inches (2’-6”), where the required setback is fifteen percent (15%) of the lot depth or twenty-six feet, two inches (26’-2”), whichever is greater, a wall-line side yard setback of three feet (3’-0”), where the required setback is ten percent (10%) of the lot width which is computed to be fourteen feet, nine inches (14’-9”), and a roof eave side yard setback of two feet, six inches (2’-6”), where the required setback is three feet (3’-0”) (“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 Variation should be granted on June 13, 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 June 13, 2019, the Petitioners provided information regarding the requested Variation, testifying, among other things, that the current garage at the Property was located on almost the exact same footprint as the proposed new garage, the current concrete slab was in significant disrepair, the current garage was quite small and had a post in the middle which made it unable to accommodate a vehicle inside, the setback requirements, as applied to the Property, make it entirely unbuildable as they overlap themselves, and constructing the new garage with a further setbacks would require creating a new driveway that would encompass the entire backyard of the Property; and

**WHEREAS**, at the public hearing on June 13, 2019, no residents or other members of the public testified with regard to the proposed Variation, and the Petitioners noted that the neighbors they made contact with were all in support of the Petitioners’ request; and

**WHEREAS**, six (6) members of the Board were present for the public hearing, which constituted a quorum of the entire Board that is required to convene a meeting of the Board, and allow for the public hearing to proceed; and

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

**WHEREAS**, following discussion, the Board, having considered the criteria set forth in Section 10-5-4 of the Zoning Ordinance, on June 13, 2019, voted 6-0 to recommend approval of the Variation;

**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. Because of the dimensions and unique situation of the Property, the front and rear yard setback requirements overlap, making the construction of a new garage, or any other structure, impossible without the requested variations.
- 2. The aforesaid unique physical condition did not result from any action of any person having an interest in the property, but was created by natural forces or was the result of governmental action, other than the adoption of the Village's Zoning Regulations, for which no compensation was paid.** The Board found that this standard has been met. The Petitioners purchased the home in its current state, with the pre-existing garage on the current footprint that was built in the early 1900s, prior to the enactment of the Zoning Ordinance. Under the Zoning Ordinance, no garage would be able to be constructed at the Property that would meet all the required setbacks.
- 3. The conditions of the Property upon which the petition for Variation is based may not be applicable generally to other property within the same zoning classification.** The Board found that this standard has been met. Other properties in nearby area have sufficient available lot area to accommodate a garage that maintains the required setbacks. The Property is unique in that there would be no possible way for a new two (2) car garage to meet all of the required setbacks.
- 4. The purpose of the Variation is not based predominately upon a desire for economic gain.** The Board found that this standard has been met. The Petitioners indicated that they desire to reconstruct the garage at the Property and continue to reside at the Property for the foreseeable future, with no desire for economic gain or resale of the Property. Currently they are unable to utilize the garage to park their vehicles because of its small size.

5. **The granting of the Variation is not detrimental to the public welfare or unduly injurious to the enjoyment, use, or development value of other property or improvements in the neighborhood in which the Property is located.** The Board found this standard has been met. The Petitioners indicated that the neighbors they spoke with were all in support of the project. The new garage would comply with all other requirements of the Village of River Forest Village Code and Zoning Ordinance. The size of the garage would be similar to standard two (2) car garages currently present in the nearby area.

6. **The granting of the Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.** The Board found that this standard has been met. The location of the garage would not further obstruct the view from any adjoin properties of Ashland Avenue or Washington Boulevard.

7. **The granting of the Variation will not unduly tax public utilities and facilities in the area of the Property.** The Board found that this standard has been met. The new garage will not utilize any additional utilities than the present garage, which only utilizes electricity for its operation.

8. **There are no means other than the requested Variation by which the hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Property.** The Board found that this standard has been met. The Petitioners would not be able to reconstruct the garage at the Property without the requested Variations. Constructing the garage in any other fashion would require the Petitioners to relocate the driveway through their backyard, almost eliminating the backyard in its entirety, and significantly changing the character of the Property.

## RECOMMENDATION

The Board, by a vote of 6-0, 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 two (2) car garage with:

- A front yard setback of fourteen feet (14'-0"), where the required setback is twenty-five feet (25'-3")
- A rear yard setback of two feet, six inches (2'-6"), where the required setback is fifteen percent (15%) of the lot depth or twenty-six feet, two inches (26'-2"), whichever is greater;

- A wall-line side yard setback of three feet (3'-0"), where the required setback is ten percent (10%) of the lot width which is computed to be fourteen feet, nine inches (14'-9"); and
- A roof eave side yard setback of two feet, six inches (2'-6"), where the required setback is three feet (3'-0"), in the R-2 Zoning District be GRANTED.

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Frank Martin  
Chairman

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Date



## MEMORANDUM

**DATE:** July 3, 2019

**TO:** Zoning Board of Appeals

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

**SUBJECT:** Variation Request – 1201 Park Avenue

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James Durham, owner of the property at 1201 Park Avenue, has submitted the attached application for a variation to the front yard setback regulation (Section 10-9-7) of the Zoning Code. The applicant proposes to replace an accessory shed structure which previously stood on the property in approximately the same location. The previous shed had maintained a non-complying setback with respect to the front yard facing a secondary street of 15 feet.

For a corner lot, Section 10-9-7 of the Zoning Code requires a minimum Front Yard setback of 13 feet along the secondary street for a fifty-foot-wide lot, and requires the setback to be increased by two feet for each five-foot increase in lot width, up to a maximum secondary front yard depth of twenty-five feet. With a total width of 76.1 feet, this lot is required to have a Secondary Front Yard setback of 25 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 a variation to Section 10-9-7 of the Zoning Code at 1201 Park Avenue.*

If you have any questions regarding this application, please don't 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, July 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 James Durham, owner of the property at 1201 Park Avenue, who is proposing to construct a detached shed accessory building.

The applicant is requesting a variation to Section 10-9-7 that would allow the shed to be constructed with a setback in the Secondary Front Yard of 15 feet.

For a corner lot, the Zoning Code requires a minimum Front Yard setback of 13 feet along the secondary street for a fifty-foot-wide lot, and requires the setback to be increased by two feet for each five-foot increase in lot width, up to a maximum secondary front yard depth of twenty-five feet. For this lot the required Secondary Front Yard setback is 25 feet.

The legal description of the property at 1201 Park Avenue is as follows:

**PARCEL 1: THE SOUTH HALF OF THAT PART OF THE WEST 3 ACRES LYING SOUTH OF THE NORTH 450 FEET AND NORTH OF THE SOUTH 90 FEET THEREOF OF THE SOUTH 18 ACRES OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY. ILLINOIS.**

**PARCEL 2: THE NORTH 50 FEET OF THE SOUTH 90 FEET OF THE WEST 3 ACRES OF THE SOUTH 18 ACRES OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 1, 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

## CHECKLIST OF STANDARDS FOR MAJOR VARIATIONS

Name of Commissioner: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Application: \_\_\_\_\_

Address \_\_\_\_\_

**Standards:**

Met? <sup>1</sup>	Standard
<p>Yes</p> <p>No</p>	<p>1. 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;</p> <p>Notes: _____</p> <p>_____</p> <p>_____</p>
<p>Yes</p> <p>No</p>	<p>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 this Zoning Title, for which no compensation was paid;</p> <p>Notes: _____</p> <p>_____</p> <p>_____</p>
<p>Yes</p> <p>No</p>	<p>3. The conditions upon which the petition for variation is based may not be applicable generally to other property within the same zoning classification;</p> <p>Notes: _____</p> <p>_____</p> <p>_____</p>
<p>Yes</p> <p>No</p>	<p>4. The purpose of the variation is not based predominantly upon a desire for economic gain;</p> <p>Notes: _____</p> <p>_____</p> <p>_____</p>
<p>Yes</p> <p>No</p>	<p>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; or</p> <p>Notes: _____</p> <p>_____</p> <p>_____</p>

<sup>1</sup> If a standard has not been met, indicate the reasons why in the notes section for that standard.

## CHECKLIST OF STANDARDS FOR MAJOR VARIATIONS

Yes  No	<p>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;</p> <p>Notes: _____ _____ _____</p>
Yes  No	<p>7. That the granting of the variation would not unduly tax public utilities and facilities in the area;</p> <p>Notes: _____ _____ _____</p>
Yes  No	<p>8. 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;</p> <p>Notes: _____ _____ _____</p>

If any of the standards have not been met, what changes could be made to the application so it meets all the standards?

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

1201 Park Ave

7/14/19

Address of Subject Property: \_\_\_\_\_ Date of Application: \_\_\_\_\_

Table with 2 columns: Applicant and Architect / Contractor. Rows include Name, Address, City/State/Zip, Phone, Fax, and Email for James Durham and Kiave Design.

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

Zoning District of Property: [ ] R1 [X] R2 [ ] R3 [ ] R4 [ ] C1 [ ] C2 [ ] C3 [ ] PRI [ ] ORIC

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

- [X] 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 15th 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: [Signature] Date: 7/14/19

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: 1201 Park Ave, River Forest, IL 60305 Date of Application: 7/14/19

**Summary of Requested Variation(s):**

<b>Applicable Code Section (Title, Chapter, Section)</b> <i>Example:</i> 10-8-5, lot coverage	<b>Code Requirement(s)</b> <i>Example:</i> no more than 30% of a lot	<b>Proposed Variation(s)</b> <i>Example:</i> 33.8% of the lot ( <b>detailed calculations on a separate sheet are required</b> )
10-9-7, 10-8-7 A2 Front yards setback for secondary street	25'-0"	15'-0" for the proposed detached shed from the south property line.

**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.**

## **Description of Necessity for Zoning Variance.**

James & Carolyn Durham, residents of 1201 Park Ave, are requesting a zoning variation to said property regarding regulation 10-8-7 A2, which regulates the setback depth of a secondary structure on a corner lot.

We are replacing a rusted aluminum 10x10 shed with an 11x16 wood sided, slate roof shed. The shed style will be built to match the colonial style of our home.

The old shed had a setback of 15 ft. from our southern property line. 10-8-7 A2 requires a 25 ft. setback. Because the length of the shed is 16 ft, a 25 ft. setback is not possible due to physical and topographical condition which are outlined below in our explanation that we meet the standards for a major variance exception.

The primary problem with our property which necessitates this variance is the natural occurrence – the presence of an 8 ft. diameter stump from a 117 year-old 80 ft. Oak Tree stump and associated root ball. Any foundation poured over this 10' x 10' ft. area will be unstable as the stump and root system continue to decompose. As a result, a void is created under the pad and the surrounding dirt collapses the ground under the foundation. The foundation will have no support, crack and then the shed will be structurally compromised.

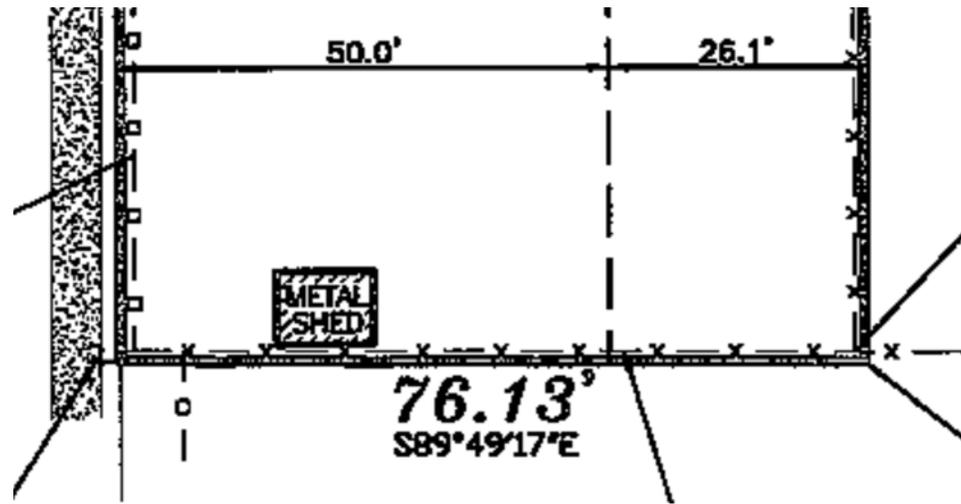
We have had 2 stump grinding companies attempt to remove the stump, however the width of the stump, the depth of the stump the expansive root ball system make removal impossible – with normal means and standard machinery. We did explore having an excavator dig the stump and root ball out, but there is no access for large excavator-type machinery and the close proximity to the overhead powerlines and our electrical service lines prevent this option. Because the tree was on a 1-2ft. berm, we are just now down to grade of the surrounding yard and the grinded stump and root ball system is still 8 ft. in diameter.

Therefore, this part of our property will continue to sink for the next 10-15 years as the stump and root ball system decompose.

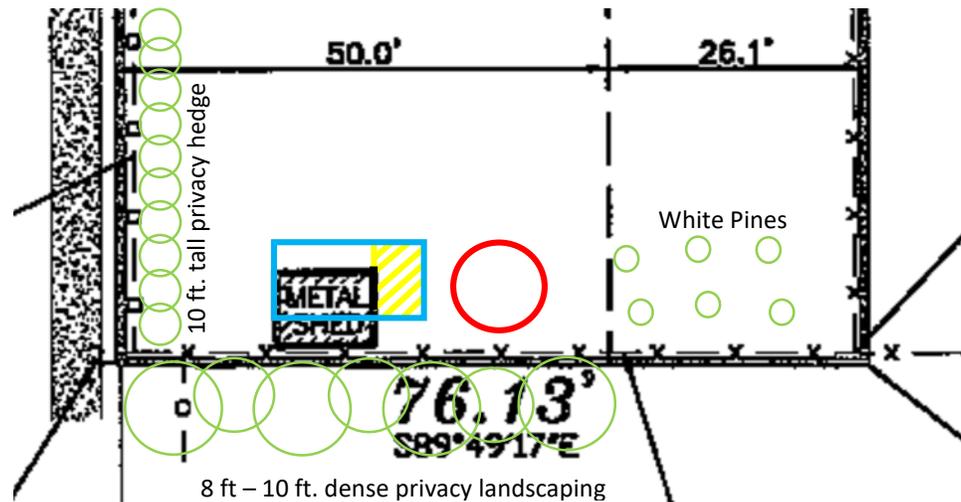
We are requesting that the new shed be placed 15 ft. from the southern property line to remediate this hardship.



## Exhibit A-1. Southeast Corner of Site Survey



## Exhibit A-2. Southeast Corner Current Status



### Site will be impacted minimally.

- This is how the site would be affected if the proposed variance is granted.
- We moved the location of the proposed shed 4' west to become compliant to the zoning regulation to be at least 3' off the fence line.
- The northern elevation of the new shed remains in the same place at the old metal shed. Which is 15' from sidewalk.
- The yellow lines represent the 64 sq. ft. will be added to the north.

### Site Conditions

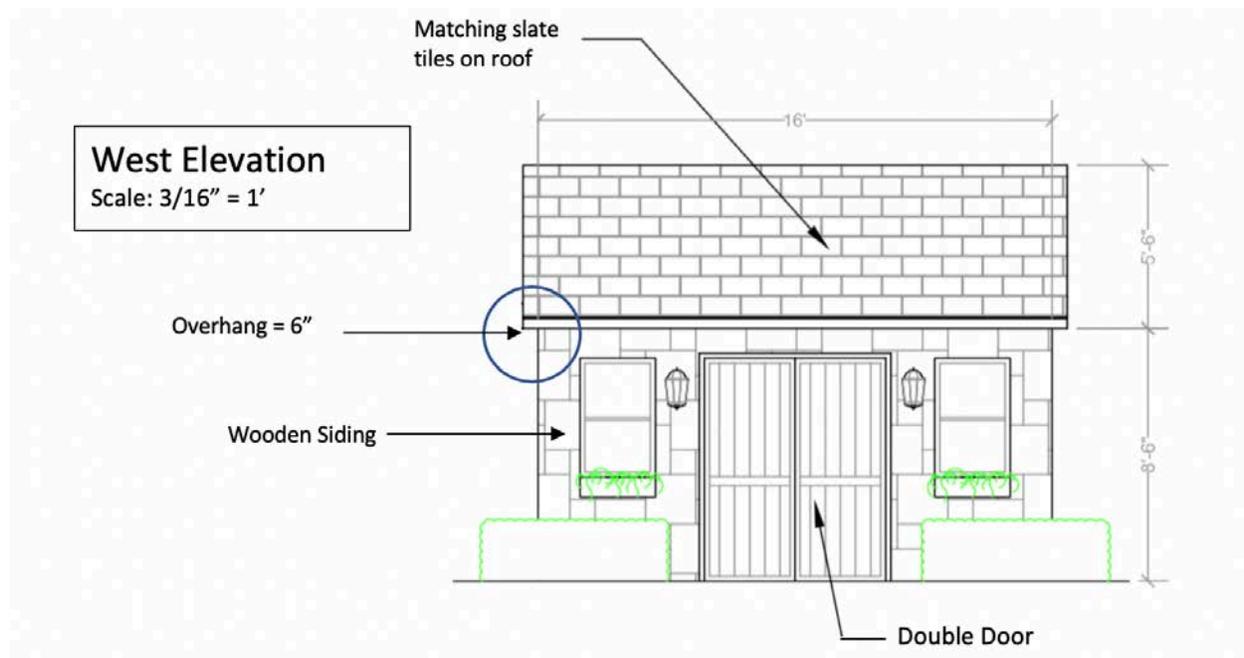
- Metal shed has been removed.
- Proposed is 15' setback from sidewalk, the same setback as previous shed.
- Increased setback to 4' from east fence to be in compliance with village code.
- Blue box indicates new concrete pad.
- Red circle indicates 8' diameter stump location, which rest 18" above grade.
- Green circles, labeled "White Pines" indicate the 4, 40' to 50' White Pines trees remaining in our backyard.

### Additional Information Needed:

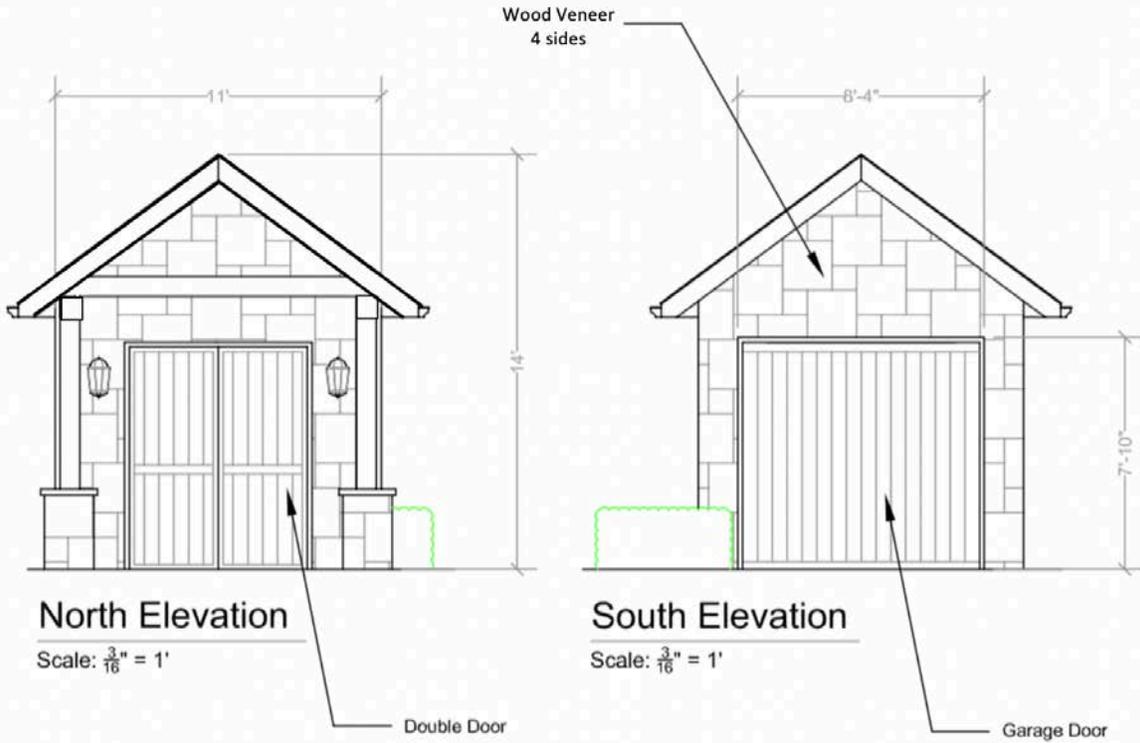
#### Section B-1: Exhibit A-3

- The shed is a single story, 14ft in height.
  - Gross floor area is 176ft.
  - Lot coverage site: 1.3%.
    - 176 sq. ft. (proposed shed) / 13,765sq. ft. (total lot)
- Lot area ratio: 17%
- 176 sq. ft. (new shed) + 300 sq. ft (existing concrete pad) + 195 sq. ft. (existing driveway) + 400 sq. ft. (existing garage) + 1,176 (existing house) = 2,324 sq. ft.
  - Floor area ratio: 2,324 sq. ft. / 13,765 sq. ft. = 17%

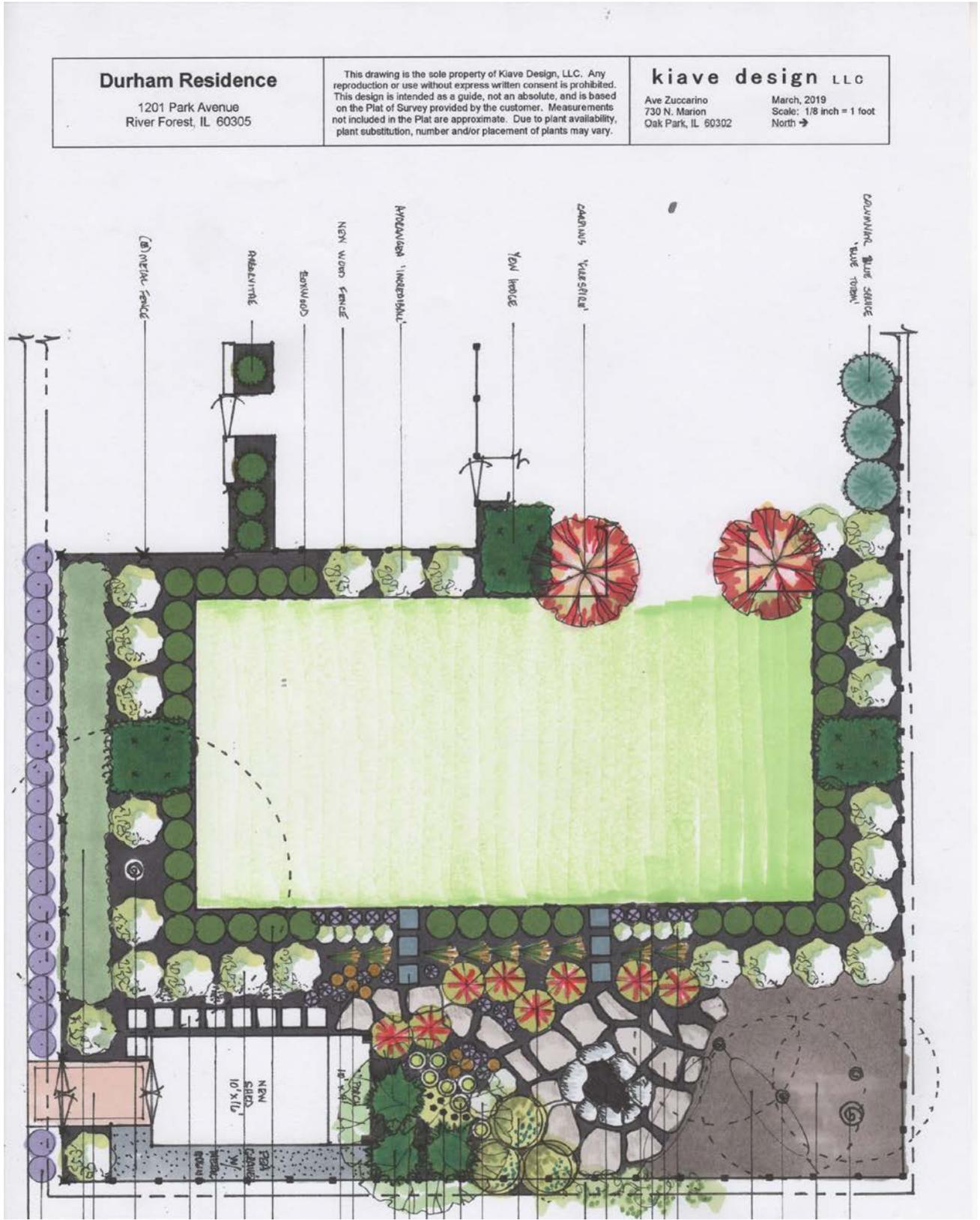
### Drawings of Proposed Structure



**Drawings of Proposed Structure Cont.**



## Master Plan Plant Layout:





## Zoning Review Checklist

<b>Building Height Ridge</b>	Allowed	Proposed	
Height above grade in feet	18'	?	<input type="checkbox"/> ✎
Story Height	1.5	1	<input checked="" type="checkbox"/>
<b>Off-Street Parking</b>	Required	Proposed	
Garage spaces	<input type="text" value="2"/>	<input type="text" value="2"/>	<input checked="" type="checkbox"/>
Does the Accessory Structure cover more than 30% of the Rear Yard?			<input checked="" type="checkbox"/>
		<b>No</b>	

Rear Yard Depth	73.93
Lot Width at Rear Yard	76.13
Area of Rear Yard	5628.54
x 30%	0.30
Allowable Area of Acc. Bldg.	1688.56

**1201 Park Avenue**  
Area Calculations

5/10/2019

Lot Area	76.1300	180.8000	<b>13764.3040</b>
Allowed Coverage	0.3000		<b>4129.2912</b>
Allowed FAR	0.4000		<b>5505.7216</b>

**Lot Coverage - Existing**

First Floor Area	Existing	1802.4254	
		0.0000	
		0.0000	
		0.0000	
	Total	<b>1802.4254</b>	

**Lot Coverage - New**

First Floor Area	Existing	1802.4254	
Garden Shed	Proposed	160.0000	
		0.0000	
		0.0000	
	Total	<b>1962.4254</b>	

**Floor Area - Existing**

Floor Area - existing	1st floor	1802.4254	
	2nd floor	1624.5199	
	Attic		
garage allowance (up to 500 s.f)		-300.0000	
		<b>3126.9452</b>	

**Floor Area - Proposed**

Floor Area - Proposed	1st floor	1802.4254	
	2nd floor	1624.5199	
	Attic		
Garden Shed	Proposed	160.0000	
garage allowance		-300.0000	
		<b>3286.9452</b>	

Note: 2015 designed addition was <u>not</u> constructed.
--

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

A	28.5000	10.2000	290.7000
B	28.9000	34.8000	1005.7200
C	21.4000	19.2000	410.8800
D	2.1000	13.0000	27.3000
E	3.3941	10.8000	36.6563
F1	1.7662	4.9250	8.6985
F2	1.7662	4.9250	8.6985
G	2.5040	5.5000	13.7720
			0.0000
			<b>1802.4254</b>

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

	1802.4254
	0.0000
	<b>1802.4254</b>

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

A	28.5000	10.2000	290.7000
B	28.9000	34.8000	1005.7200
C'	15.6667	19.2000	300.7999
D	2.1000	13.0000	27.3000
			0.0000
			<b>1624.5199</b>

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

	1624.5199
	0.0000
	<b>1624.5199</b>

Garden Shed - **Proposed**

gs	10.0000	16.0000	160.0000
b			0.0000
			<b>160.0000</b>

## **STANDARDS FOR MAJOR VARIATIONS (SECTION 10-5-4F)**

A major variation shall be recommended by the Zoning Board of Appeals only if it makes findings, based upon the evidence presented to it, that each of the 8 following standards has been met:

1. The physical surroundings, shape or topographical conditions of the specific property involved with bring a specific hardship upon the owner as distinguished from an inconvenience if the strict letter of the regulations were to be carried out;
  - a. If the strict letter of the regulation were to be carried out, then 50% of the poured concrete slab (the shed foundation) would reside on a decomposing tree stump (Exhibit B). As mentioned above, the stump of the tree is approximately 8 feet in diameter and sits on a small berm. This berm is approximately 1-2 ft. above the surrounding grade. The primary root ball system is extremely deep – we have contracted with 2 different stump grinding companies. Because of the berm on which the stump sits, they were only able to grind the stump to a depth of 2 feet and the root system is still fully present and intact.
  - b. After consultation with the concrete service, they explicitly advised that the shed foundation cannot be built over this stump/root ball structure. Doing so, with certainty, would cause 50% of the foundation to sink as the stump/root ball structure decomposes. They indicated that the foundation would likely crack in half with 3 -5 years and the shed above would then begin to sink, impacting the structural integrity and safety of the shed. Other landscape architects agree: “When Concrete Slab Meets Rotting Stump: Why Paving Over Stumps is Bad News.”  
<http://allcityflowers.com/2017/12/12/when-concrete-slab-meets-rotting-stump-why-paving-over-stumps-is-bad-news/>
  - c. The tree itself was removed by ComEd approximately 12 years ago and as mentioned above, we have had 2 separate stump grinding companies grind the stump to the maximum depth that the machinery would allow. Including the dirt berm, we were able to grind this stump to around the level of the surrounding grade. Both companies said a large backhoe excavator would be required if we wished to remove the entire stump. This was not possible due to lack of physical access for heavy machinery onto our property. Even if we did have physical access, to the site, the electrical distribution line and home service line would be at extreme risk.
  - d. Putting the shed on the opposite side of the stump would require us to cut down 6, 40ft. White Pines, which constitutes removing all of our remaining, non-parkway trees, in our entire backyard. It was also noted by the concrete company that removal of those trees would create the same foundation sink problems describes above in 1.b. (Exhibit A-2)
  
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;
  - a. Based on the number of rings we counted on the stump, this tree was 117 years old and pre-dates our house which makes this a natural force as a tree is nature by definition.

3. The conditions upon which the petition for variation is based may not be applicable generally to other property within the same zoning classification;
  - a. This petition for variation is not generally applicable to other properties as follows:
    - i. Tree Size & Proximity to Electrical Distribution lines: As per the ComEd website, ComEd does not allow trees with a mature height of more than 25ft. beneath distribution lines. This 80ft. Oak tree was directly under the electrical distribution lines. Generally, throughout the Village of River Forest, 80 ft. Oak trees do not exist beneath the powerlines.
    - ii. Generally, throughout the village of River Forest, home owners do not plant trees that can grow to over 100ft. beneath their power lines.
    - iii. Tree Stump: Because 80ft. Oak trees do not generally exist beneath powerlines, very few, if any, home owners in River Forest have a 8ft. diameter stump in the location for which this variation request is based.
    - iv. Tree Topping: Due to the size of this tree and its proximity to electrical distribution lines, ComEd used a pruning technique called Tree Topping to keep the extremely large branches below the power lines. Joe Lamp'l a Certified Master Gardener, Certified Landscape Professional and who is recognized as one of the country's most trusted personalities in gardening and green living, "tree topping of large branch systems, expose large branch stumps which do not heal over and the exposed wood creates decay, and pathway for pests, disease and other destructive organisms to move into and throughout the branches." (Lamp'l, 2012) Ultimately the tree became diseased and weak. The remaining half of the tree not topped by ComEd fell during a storm. The combination of the tree size, proximity to electrical distribution line and the use of Tree Topping do not generally exist in the Village of River Forest.
4. The purpose of the variation is not based predominantly upon a desire for economic gain;
  - a. Moving this shed 10ft. to the south will not result in any economic gain.
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;
  - a. Moving this shed 10ft. to the south will not be detrimental to public welfare as it does not impede into a public space, including visual space from our neighbor to the east as they have dense landscaping which obscures the shed. (Exhibit A2). Our 10ft. dense hedge row obscures the shed from the street (southern elevation). It should also be noted that this new shed is replacing a shed that shared the same location and we have no records of complains regarding the old shed being detrimental to public welfare.
  - b. Considering that a shed previously existed in this location, enjoyment, use, development value and neighborhood improvement value will not be impacted.

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;
  - a. Impairment of light and air: The shed is smaller than the surrounding landscaping. Air and light supply will not be impacted.
  - b. Danger of Fire / Public Safety: We are building a standard lawn and garden shed. Danger of fire and public safety remain unchanged from the previous shed.
  
7. That the granting or the variation would not unduly tax public utilities and facilities in the area;
  - a. The shed, in both construction and in existence will not tax public utilities or facilities. Construction crews and related equipment will be confined within our property lines and no public services, utilities or roadways would be involved.
  
8. 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.
  - a. Based on our lot location, placing a shed in any other location is not feasible.
    - i. As a corner lot, we cannot place the shed on west side of our house. This part of our property is considered our front yard and setback restrictions would be in effect.
    - ii. Placing the shed along the northern property line would severely impact our neighbors to the west. It would prevent adequate light and air flow as the orientation of the shed would be along their north/south fence, they would object based on public welfare grounds, may impair their property value and deprive their view of the natural surrounding landscape.
    - iii. Placing the shed on the southern fence line is not feasible as setback restrictions are in place and if the strict letter of the regulation were required, then the shed would be in the very middle of our backyard creating a situation insufficient to permit reasonable use of the property.