



RIVER FOREST ZONING BOARD OF APPEALS

MEETING AGENDA

A meeting of the River Forest Zoning Board of Appeals will be held on Thursday, August 8, 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 July 11, 2019.
- III. Approval of the Findings of Fact for the proposed Zoning Variation for 1201 Park Avenue from the meeting of the Zoning Board of Appeals on July 11, 2019.
- IV. Fence Variation Request - 842 Harlem Avenue
- V. Public Comment
- VI. Adjournment

**VILLAGE OF RIVER FOREST
ZONING BOARD OF APPEALS MEETING MINUTES
July 11, 2019**

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, July 11, 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, Joanna Schubkegel, Gerald Dombrowski, Tagger O'Brien, and Michael Smetana

Absent: Members David Berni and Ronald Lucchesi

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

II. APPROVAL OF JUNE 13, 2019 ZONING BOARD OF APPEALS MEETING MINUTES

A MOTION was made by Member O'Brien and SECONDED by Chairman Martin to approve the minutes of the June 13, 2019 Zoning Board of Appeals meeting.

Ayes: Members Martin, Dombrowski, O'Brien, and Smetana

Nays: None.

Motion passed.

III. APPROVAL OF FINDINGS OF FACT FOR THE PROPOSED ZONING VARIATIONS FOR 7628 WASHINGTON BOULEVARD FROM THE MEETING OF THE ZONING BOARD OF APPEALS OF JUNE 13, 2019

A MOTION was made by Member O'Brien and SECONDED by Member Smetana to approve the Findings of Fact and recommendation for the proposed Zoning Variations for 7628 Washington Boulevard from the meeting of the Zoning Board of Appeals on June 13, 2019.

Ayes: Members Martin, Dombrowski, O'Brien, and Smetana

Nays: None.

Motion passed.

IV. VARIATION REQUEST FOR 1201 PARK AVENUE – SECONDARY FRONT YARD SETBACK FOR AN ACCESSORY BUILDING

Chairman Martin stated that the next item on the agenda was a Variation Request for the property at 1201 Park Avenue. All those present at the meeting who planned to testify were sworn in. Chairman Martin explained the process to the applicant.

James Durham, 1201 Park Avenue, stated that he and his family rehabilitated their home after it had been neglected for approximately 30 years. He stated that there was a 10 foot by 10 foot shed on the property that was rusted out, and would not fit their lawn equipment. He said they use their garage to park their two cars. He said they require secondary shed space for storage. He said the previous shed was 15 feet off the southern lot line. He said a new shed cannot be built in a different location because of a tree stump that is approximately 8 feet in diameter. He said they have had two companies try to remove the stump, which was also located on a berm. He said when they replaced the concrete pad from the previous shed, they had to put it in the same location and that their contractor would not build the new pad on top of the old tree stump.

Mr. Durham walked the Zoning Board of Appeals through the application materials he provided. He said they are replacing a rusted aluminum 10 foot by 10 foot shed with an 11 foot by 16 foot shed with wood siding and a slate roof. The shed will be built to match the colonial style of their home. He said the old shed had a setback of 15 feet from their southern property line. Section 10-8-7.A.2 requires a 25-foot setback. Because the length of the shed is 16 feet, a 25-foot setback is not possible due to physical and topographical conditions of the property. He noted that the primary problem with the property which necessitates the variance is a natural occurrence; the presence of an 8-foot diameter tree stump and root ball which remains from a 170-year-old, 80-foot tall oak tree which formerly stood on the property. Any foundation poured in this location would be unstable as the remaining stump and root system continues to decompose. As the stump deteriorates, a void would be created as the dirt collapses under the foundation of the proposed shed. The foundation will have no support, would crack, and the shed would be structurally compromised.

Mr. Durham advised that they have had two stump grinding companies attempt to remove the stump but both were unsuccessful due to the width and depth of the stump. They also explored using an excavator, but the stump's proximity to overhead power lines prevented such work. Because the tree was on a berm, the space is just now down to grade with the rest of the yard. Mr. Durham predicted that the area surrounding the stump would continue to sink over the coming years.

Mr. Durham pointed out the location of the old shed to the Board. He stated that they would build the new shed in line with the old one, but would move it 4 feet further from the east lot line. He also pointed out the location of the stump, and other trees on the property. He showed the Board the impact the project would have on the property.

In response to a question from Chairman Martin, Mr. Durham clarified that south wall of the proposed shed will maintain the line of the south wall of the shed which formerly stood on the site.

Mr. Durham advised that the old metal shed and concrete pad have been removed. The proposed shed would have the same 15-foot setback from the south property line, with the setback from the east fence increased by 4 feet.

Mr. Durham advised that they are planning to construct a one-story, 14-foot tall shed. Mr. Durham reviewed the proposed shed's specifications in light of the Village's zoning regulations, and showed the Board a drawing of the proposed structure.

Mr. Durham showed proposed landscaping work that could be performed at the property after the new shed is constructed.

Mr. Durham asked the Zoning Board of Appeals if they had any questions. Hearing none, he stated that the application includes a narrative in response to the standards of review.

In response to a question from Chairman Martin, Mr. Radatz, confirmed that there were no other zoning variations required other than what was being requested.

Mr. Durham said this is a hardship versus an inconvenience. The family has no other options for the shed. Mr. Durham noted that he did nothing to create the conditions. This is unique to the property due to the size and age of the tree as well as its location under power lines. He said ComEd's tree pruning activities contributed to the death of the tree. He said they will gain no economic advantage by moving the shed 10 feet to the south. He said there is no visual impediment due to shrubbery surrounding the property. He said it will not impact neighboring properties. He said air and light will not be impacted. He said it will not unduly tax public utilities. He said there are no other means to do this. They looked at all other places where they might be able to build the shed, but they won't work. As a corner lot they cannot place the shed on the west side of the lot because it is not allowed under the Village's Zoning Ordinance. If the shed were located near to the northern property line, it would impact light and air of the adjacent properties. On the southern fence line, moving the shed more toward the west would situate it in the middle of the yard, which would not afford them reasonable use of their property.

Mr. Durham reviewed letters of support from neighbors Larry and Caroline Fox, 1200 Franklin Avenue, and Jack and Anita Friedman, 1147 Park Avenue, who are not opposed to the project.

Mr. Durham reviewed the photos attached to the application.

Chairman Martin asked whether Mr. Durham is seeking to build a concrete pad that is the same distance from the south property line as the old shed. Mr. Durham confirmed, and advised that they moved the pad 4 feet to the west so that the proposed shed will comply with the required setback from the east property line.

In response to a question from Member O'Brien, Mr. Durham confirmed that the pad had already been poured.

In response to a question from Chairman Martin, Mr. Durham stated there was nothing more he wished to share.

Public Comment with 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 shared that he thought the proposal was reasonable.

Chairman Martin shared that he has no objection to projects like this, where property owners are simply looking to make reasonable improvements to garages and sheds.

Mr. Smetana said he agrees with Chairman Martin.

Member O'Brien said she believes they have gone above and beyond to try to remove the stump.

A MOTION was made by Member Schubkegel and SECONDED by Member Dombrowski to recommend to the Village Board of Trustees that the requested variation be granted.

Chairman Martin reminded the Zoning Board of Appeals members that if they vote in favor they are voting that all of the standards have been met.

Ayes: Members Martin, Schubkegel, Dombrowski, O'Brien, and Smetana
Nays: None.

Motion passed.

Chairman Martin stated that the Board's recommendation to the Village Board would be 5-0 in favor of approving the applications. Chairman Martin advised that all documents submitted by Mr. Durham would be included in the record.

Ms. Scheiner indicated that, provided the Zoning Board of Appeals meets in August, this matter would appear on the August 26, 2019 Village Board of Trustees meeting agenda.

There was no additional new business on the agenda.

V. PUBLIC COMMENT

None.

VI. ADJOURNMENT

A MOTION was made by Member O'Brien and SECONDED by Member Schubkegel to adjourn the meeting at 7:56 p.m.

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

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
A SECONDARY FRONT YARD SETBACK VARIATION
RELATED TO THE CONSTRUCTION
OF A NEW SHED AT 1201 PARK AVENUE**

WHEREAS, petitioner James Durham (“Petitioner”), owner of the property located at 1201 Park Avenue in the Village of River Forest (“Property”), requested a variation from the Village of River Forest’s secondary front yard setback requirements in Section 10-9-7 of the Village of River Forest Zoning Ordinance (“Zoning Ordinance”), to allow the construction of a shed with a wall-line secondary front yard setback of fifteen feet (15’), where the required setback is twenty five feet (25’) (“Variation”). 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 July 11, 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 July 11, 2019, the Petitioner provided information regarding the requested Variation, testifying, among other things, that the previous shed at the Property was located on almost the exact same footprint as the proposed new shed, a large tree stump near the east fence of the Property makes it impossible to place a new shed any further from the south line of the Property, and constructing the new shed further west into the Property that maintains the required secondary front yard setback would place the shed in the middle of the backyard of the Property; and

WHEREAS, at the public hearing on July 11, 2019, no residents or other members of the public testified with regard to the proposed Variation, and the Petitioner noted that the neighbors they made contact with were all in support of the Petitioners’ request; and

WHEREAS, five (5) 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 this Variation; and

WHEREAS, following discussion, the Board, having considered the criteria set forth in Section 10-5-4 of the Zoning Ordinance, on July 11, 2019, voted 5-0 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 presence of a very large former tree stump at the Property that is impossible to remove, the location of the new shed is very limited without placing the shed in the middle of the Petitioner's backyard.

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 Petitioner purchased the home in its current state, with the pre-existing shed on nearly the current footprint that was already in violation of the Zoning Ordinance. Under the Zoning Ordinance, no shed would be able to be constructed at the Property with the required setback, unless it was placed in the middle of the backyard.

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. The presence of a stump from a 170-year-old former tree is very unusual in the rear yard of a property, especially located underneath overhead power lines. Further, the Petitioner has been unable to remove the stump, which would normally be possible if not for its location under the overhead power lines located directly above it.

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 Petitioner indicated that he desires to reconstruct the shed 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.

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 Petitioner indicated that the neighbors he spoke with were all in support of the project, and he presented letters of support from his adjoining neighbors.

The new shed would comply with all other requirements of the Village of River Forest Village Code and Zoning Ordinance.

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 shed would not further obstruct the view from any adjoining properties on Park Avenue or Division Street.

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 shed will not utilize any additional utilities than the former shed, which only utilized 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 Petitioner would not be able to reconstruct the shed at the Property without the requested Variation, other than to place it in the middle of the yard, significantly changing the character of the Property.

RECOMMENDATION

The Board, by a vote of 5-0, found that the standards for granting of the Variation were met. Therefore, the Board recommends to the Village President and Board of Trustees that the Variation to allow the construction of a shed with a wall-line secondary front yard setback of fifteen feet (15'), where the required setback is twenty-five feet (25') be GRANTED.

Frank Martin
Chairman

Date



MEMORANDUM

DATE: August 2, 2019

TO: Zoning Board of Appeals

FROM: Clifford E. Radatz *CEER*
Building Official

SUBJECT: Fence Variation Request – 842 Harlem Avenue

Richard & Shana Taveras, owners of the property at 842 Harlem Avenue, have submitted the attached application for a variation to the fence regulations (Section 4-8-4) of the Village Code. The applicant proposes to construct a “privacy” fence in the front yard of the property.

Section 4-8-5 of the Village Code provides the Zoning Board of Appeals jurisdiction to hold public hearings and offer recommendations to the Village Board concerning variations to the fence code.

The applicants seek a variation to Section 4-8-4-C-1 of the Village Code to allow the construction of a Type 3 “privacy” fence in the front yard. Section 4-8-4-C-1 only allows the construction of Type 2 fences in front yard, (which are required to be of fabricated metal construction, no more than 6 feet high, and at least 80% open to view).

If the Zoning Board wishes to recommend the approval of this variation to the Village Board of Trustees, the following motion should be made: *Motion to recommend to the Village Board of Trustees the approval of the variation to Section 4-8-4 of the Village Code at 842 Harlem 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 Richard & Shana Taveras, owners of the property at 842 Harlem Avenue. The applicants wish to construct a privacy fence along the east property line in the front yard of their lot.

Section 4-8-5 of the Village Code provides the Zoning Board jurisdiction to hold public hearings and offer recommendations to the Village Board concerning variations to the fence code.

The applicants seek a variation to Section 4-8-4-C-1 of the Village Code to allow the construction of a Type 3 “privacy” fence in the front yard. Section 4-8-4-C-1 only allows the construction of Type 2 fences in front yard, (which are required to be of fabricated metal construction, no more than 6 feet high, and at least 80% open to view).

The legal description of the property at 842 Harlem Avenue is as follows:

PARCEL 1: THE SOUTH 1/2 OF LOT 7 IN BLOCK 16 IN THE SUBDIVISION OF BLOCKS 1, 8 TO 11 AND 14 TO 16 IN BOGUE’S ADDITION TO OAK PARK, A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2: ALL THAT PART OF ALL OF THE 20 FOOT VACATED ALLEY LYING WEST AND ADJOINING THE SOUTH 1/2 OF SAID LOT 7 IN BLOCK 16, ALL 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 E. Radatz
Secretary
Zoning Board of Appeals

CHECKLIST OF STANDARDS FOR MAJOR VARIATIONS

Name of Commissioner: _____

Date of Public Hearing: _____

Application: _____

Address _____

Standards:

Met? ¹	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>

¹ 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	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; Notes: _____ _____ _____
Yes No	7. That the granting of the variation would not unduly tax public utilities and facilities in the area; Notes: _____ _____ _____
Yes No	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; Notes: _____ _____ _____

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

Application for Variation to Fence Regulations
River Forest Zoning Board of Appeals

Submitted by:
Richard & Shana Taveras
842 N Harlem Ave
River Forest, IL 60305

Index of Submission Documents

- 1) Application for Zoning Variation
- 2) Discussion of Major Variation Standards & Personal Statement
- 3) Plat of Survey with Fence Location Overlay
- 4) Fence Design Detail
- 5) Neighbor Letters of Recommendation
 - a) 838 N Harlem Ave
 - b) 7205 Iowa St



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

Address of Subject Property: 842 N Harlem Ave Date of Application: 6/5/2019

Table with 2 columns: Applicant and Architect / Contractor. Applicant: Richard & Shana Taveras, 842 N Harlem Ave, River Forest, IL 60305. Architect/Contractor: Hursthouse Landscape Architects and Contractors, 751 N Bolingbrook Dr # 21, Bolingbrook, IL 60440.

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

Zoning District of Property: R1 R2 R3 R4 OC1 OC2 OC3 PRI ORIC

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

- Zoning Code Building Code (fence variations only)

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

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

Application Deadline: A complete variation application must be submitted no later than the 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: June 5, 2019
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: 842 N Harlem Ave Date of Application: 6/5/2019

Summary of Requested Variation(s):

Applicable Code Section (Title, Chapter, Section) <i>Example:</i> 10-8-5, lot coverage	Code Requirement(s) <i>Example:</i> no more than 30% of a lot	Proposed Variation(s) <i>Example:</i> 33.8% of the lot (detailed calculations on a separate sheet are required)
4-8-4: FENCE REGULATIONS	C. Zoning Districts R1, R2, R3, R4 Or PRI: 1. A type 2 fence, as provided in section 4-8-3 of this chapter, shall be permitted to be constructed in any front yard or secondary front yard. (See exhibit C of this section.)	C. Zoning Districts R1, R2, R3, R4 Or PRI: 1. A type 3 fence, as provided in section 4-8-3 of this chapter, shall be permitted to be constructed in any front yard or secondary front yard. (See exhibit C of this section.)

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.

Richard and Shana Taveras
842 N Harlem

Responses to “STANDARDS FOR MAJOR VARIATIONS (SECTION 10-5-4F)”

1. The physical surroundings, shape or typographical 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;
RESPONSE: The location of the home is somewhat distinct from the large majority of homes in River Forest, being one of only a few single-family detached homes on Harlem Ave, which is a major thoroughfare and an Illinois State Road. The need for this type of privacy and safety is evidenced by the heavy plantings that most houses on Harlem have in order to create separation from the automotive and foot traffic. Figures 1 through 18 in the appendix are images of all of the single-family detached homes on the 800 and 900 blocks of Harlem – these properties represent the only single-family detached homes in all of River Forest (with the exception of 7200 Quick Ave) that are adjacent to Illinois state roads (Harlem & North Ave). Of note is how significantly different the use of foliage for coverage for these properties is when compared to effectively 100% of the other homes in River Forest. This fact alone is evidence of the need for a different treatment for these homes regarding front fence Code compliance. Refer to Figure 7 in the appendix for a current image of our home as seen from the street.
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;
RESPONSE: The location of 842 N Harlem is the result of governmental action which pre-dated our purchase.
3. The conditions upon which the petition for variation is based may not be applicable generally to other property within the same zoning classification;
RESPONSE: Unlike the broad majority of the R2 zoning district, homes built on Harlem Ave are adjacent to a busy thoroughfare / an Illinois State Road.
4. The purpose of the variation is not based predominantly upon a desire for economic gain;
RESPONSE: Correct. The primary purpose of the variation is safety, security, and aesthetic improvement – please refer to our Personal Statement below for further detail.
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;
RESPONSE: Correct. The fence will not be directly adjacent to any adjoining properties; it will run inset along the sidewalk and the side of our driveway that faces the interior of our lot (not adjacent to our neighbor).
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;
RESPONSE: Correct. The fence will not impose any light/air differences for the properties adjacent to our lot. It will also not hinder/reduce public safety – we believe it will have the opposite effect (see our personal statement for more detail). We expect that allowing a slightly more private front yard fence will improve our property value, as there is an inherent perception that Harlem homes lack privacy and are exposed to more road noise than the interior homes in River Forest – these perceptions are not far from the truth. A fence with slightly more privacy, done in a way that is aesthetically pleasing will go a long way to countering these perceptions and will provide benefits to property values, increase our enjoyment of the property, and improve safety to homeowners and drivers, alike.
7. That the granting or the variation would not unduly tax public utilities and facilities in the area;
RESPONSE: Correct. There will be no impact to public utilities or facilities in the area.

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.

RESPONSE: Agreed, broadly. The homes on Harlem could theoretically plant 10 to 30-foot-tall solid plantings that are 0% open along the front yards of their homes, all without requiring a variation (this is what happens currently). The downside of this approach is the complete isolation of the homes, a reduction in curb appeal (which typically depresses home values), and reduced pedestrian safety (due to low visibility for vehicles exiting driveways). We feel that a fence with a lower % open amount will keep the property welcoming/consistent with the quality of construction in River Forest and will increase our ability to enjoy the property, which is the reason we are requesting a variation, instead of keeping our massive plantings.

Personal Statement

Given our home is on Harlem – a high-traffic street relative to the interior streets of River Forest – we are requesting a variation of the fence standards. Our proposal is intended to maintain the spirit of the code in terms of:

- Strength – the code specifies metal fencing (a strong, sturdy material) for front yards
- Durability – the code specifies that the fence is to be maintained in such a way to prevent corrosion/wear

These items above can be summarized as “Quality” as a guiding principle in fence materials. For this reason, our primary material choice is engineered wood / composite with metal framing, which offers a structural integrity and has significantly longer durability than natural wood fencing (with lower maintenance), all while maintaining a natural appearance.

In addition, our proposal aims to supplement the Code by allowing for an attractive aesthetic design, improving privacy (without complete isolation), and improving safety, all as a means of addressing our unique circumstances. On safety, it is currently very difficult for children to play in the front yard of Harlem-facing homes without the risk of toys/balls accidentally going into the street – a hazard not only for small children, but also for the traffic driving on Harlem. A fence would allow for containment of this type of risk on what is a much busier street than most within River Forest.

As to the design itself, we intend on using more natural-looking composite materials in a wood color consistent with the aesthetic of our home so that the fence can more easily blend into the natural environment and the specific design of our home. The fence is intended to be set back from the sidewalk to improve visibility for cars exiting the driveway and to allow for some plantings adjacent to the sidewalk to make for a more attractive appearance – this will enhance pedestrian and vehicular safety. Also attached to this application is the detailed fence design.

In closing, we wanted to make it known that we love our home here in River Forest and we intend to stay in it for the long term – this project is the first of several investments that we plan to make in our home in order to make 842 N Harlem our forever home. This decision has not been made without serious consideration, especially in light of the recent approval of the Chicago/Harlem Senior Living Facility, which is planned to be only three lots away from our home. What the senior living facility process highlighted to us was the need for privacy to facilitate the quiet enjoyment of our home. Subsequently, it indirectly spurred our interest in improving the landscaping of our home to beautify it and to create an environment that allows us to safely enjoy our property.

We very much appreciate your consideration and we hope that you see our proposal as thoughtful and fair. Furthermore, we are happy to discuss any fair amendments to our proposal, as we appreciate your perspective in this dialogue.

Sincerely,

Richard and Shana Taveras
842 N Harlem Ave

Appendix: All of the single-family detached homes that are on the 800 and 900 blocks of River Forest:



Figure 1: 818 N Harlem



Figure 2: 822 N Harlem



Figure 3: 826 N Harlem



Figure 4: 830 N Harlem



Figure 5: 834 N Harlem

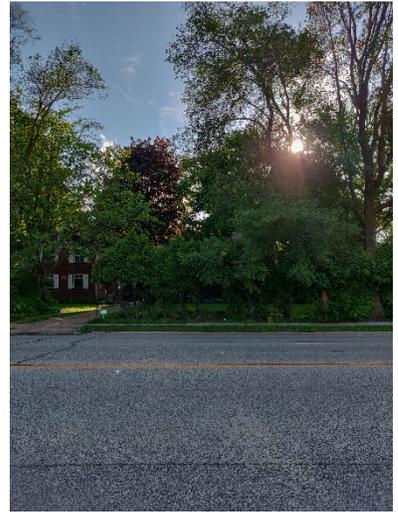


Figure 6: 838 N Harlem



Figure 7: 842 N Harlem **(SUBJECT PROPERTY OF VARIANCE APPLICATION)**



Figure 8: 7205 Iowa (Southwest corner of Harlem & Iowa)



Figure 9: 7204 Iowa (Northwest corner of Harlem & Iowa)



Figure 10: 906 N Harlem



Figure 11: 910 N Harlem

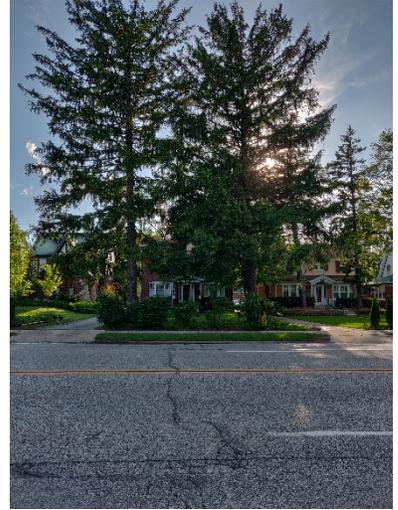


Figure 12: 914 N Harlem



Figure 13: 918 N Harlem



Figure 14: 922 N Harlem



Figure 15: 926 N Harlem



Figure 16: 930 N Harlem



Figure 17: 934 N Harlem

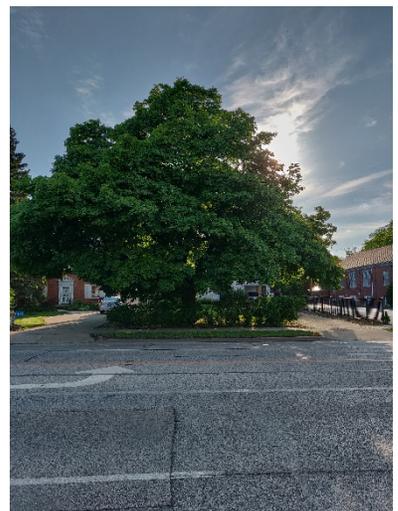
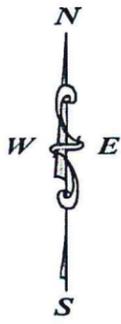


Figure 18: 938 N Harlem



Scale - 1 inch = 30 feet

Jens K. Doe

Professional Land Surveyors, P.C.

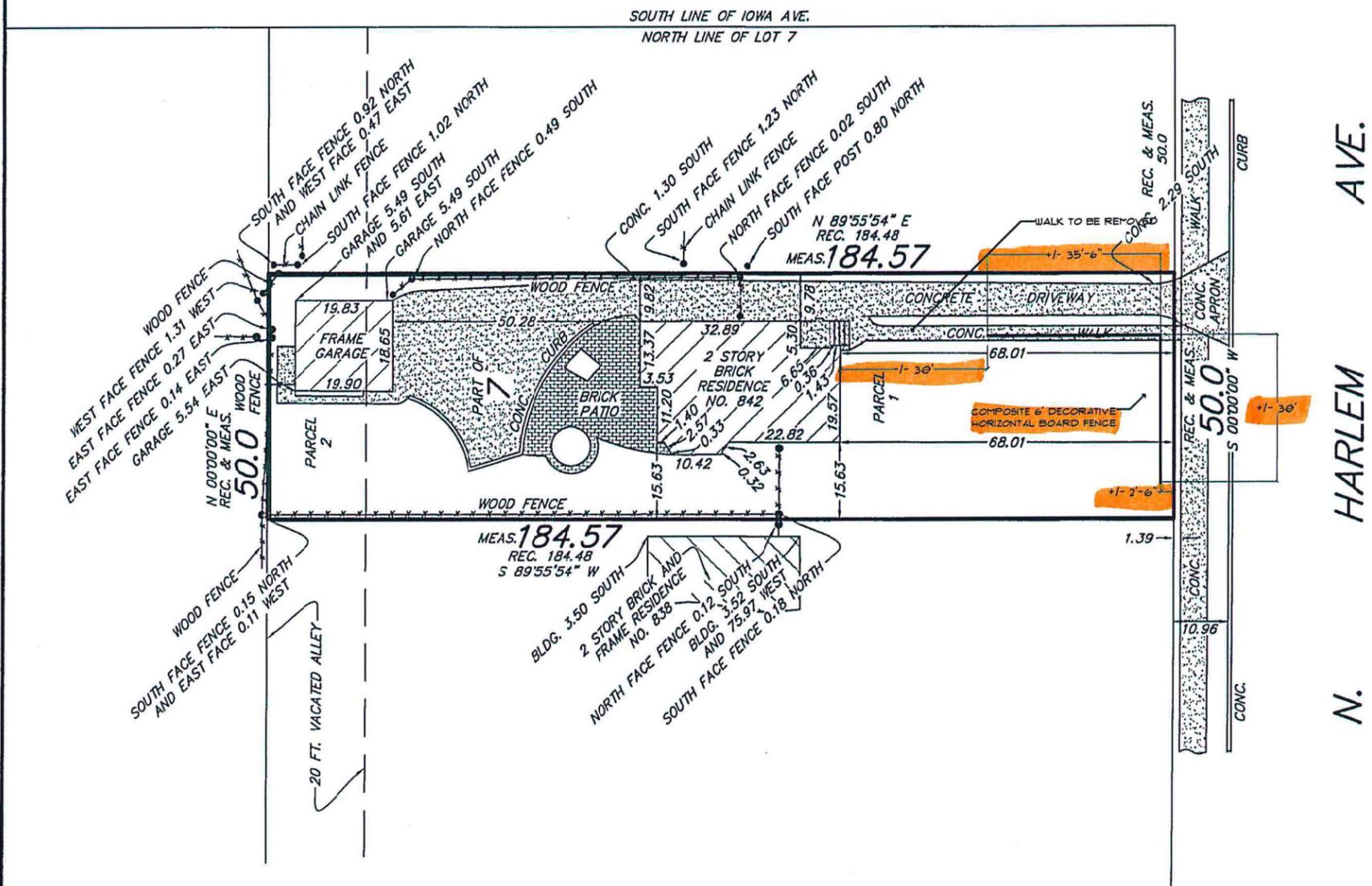
PLAT OF SURVEY

ORDER NO.
18-0175

PARCEL 1:
THE SOUTH 1/2 OF LOT 7 IN BLOCK 16 IN THE SUBDIVISION OF BLOCKS 1, 8 TO 11 AND 14 TO 16 IN BOGUE'S ADDITION TO OAK PARK, A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:
ALL THAT PART OF ALL OF THE 20 FOOT VACATED ALLEY LYING WEST AND ADJOINING THE SOUTH 1/2 OF SAID LOT 7 IN BLOCK 16, ALL IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 842 N. HARLEM AVE., RIVER FOREST, ILLINOIS.



NOTE:

The legal description noted on this plat is a copy of the land survey order placed by the client and for accuracy **MUST** be compared with the Deed. For building restrictions refer to your Abstract, Deed or Contract.

Compare distances between points before building and report any discrepancy to this office immediately.

Dimensions shown hereon are not to be assumed or scaled.

Dimensions shown hereon are in feet and decimal parts thereof.

Property corners have been established to complete the plat of survey shown hereon but have not been staked or flagged per the land survey order in which it was placed by the client.

Field work completion date : April 16, 2018.

ORDERED BY:

MADDEN, JIGANTI, MOORE & SINARS

State of Illinois)
County of Cook)

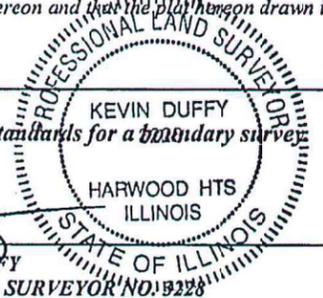
JENS K. DOE PROFESSIONAL LAND SURVEYORS, P.C., does hereby certify that a survey has been made under its direction, by an Illinois Professional Land Surveyor of the property described hereon and that the plat hereon drawn is a correct representation of said survey.

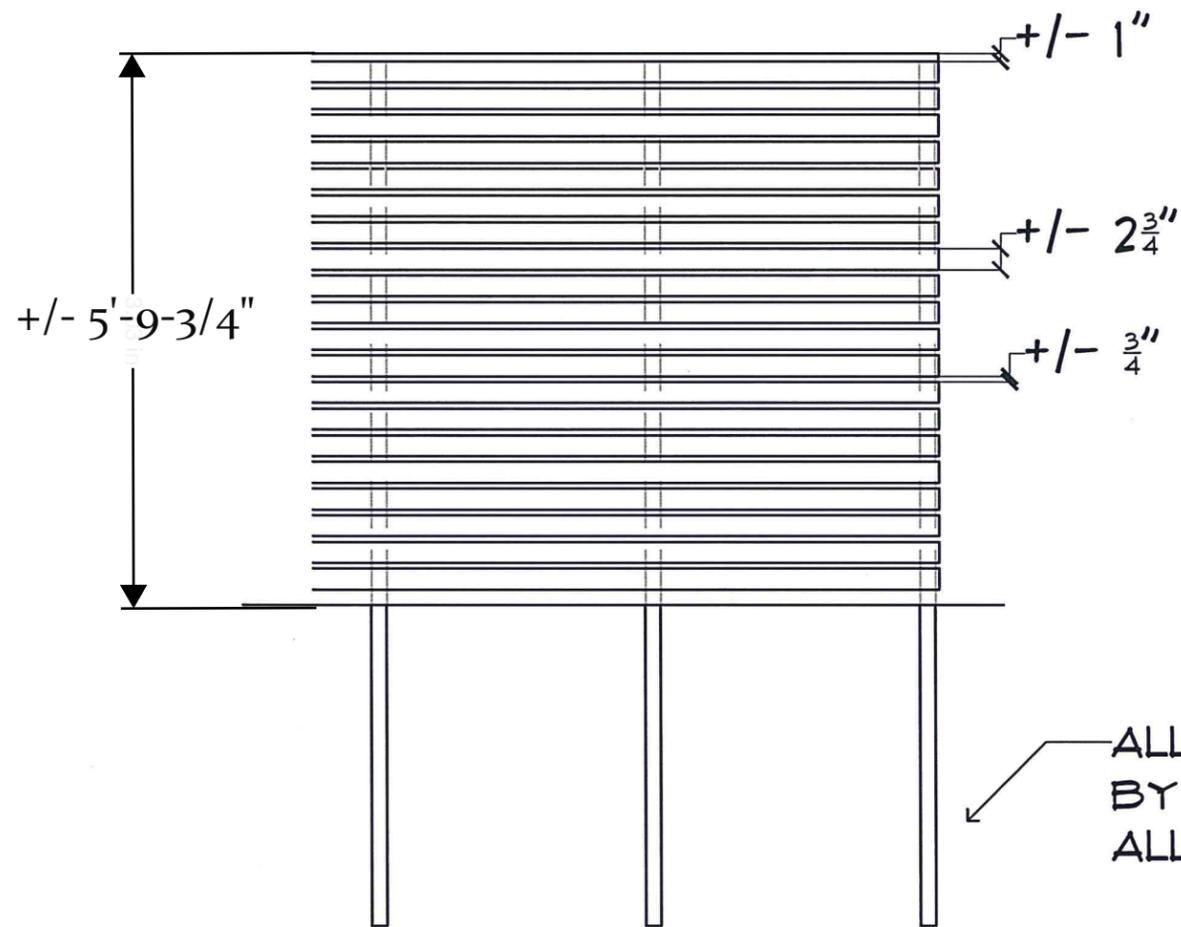
Chicago, Illinois, Dated this 18th Day of April, 2018.

This professional service conforms to the current Illinois minimum standards for a boundary survey.

JENS K. DOE PROFESSIONAL LAND SURVEYORS, P.C.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 9228
LICENSE EXPIRATION: 11-30-18





$$\frac{0.75" \text{ (open)}}{0.75" + 2.75"} = 21.43\% \text{ OPEN}$$

ALL POSTS TO BE SUPPORTED BY PIERS
ALL PIERS TO FROST DEPTH

More than just a View

Client: THE TAVERAS RESIDENCE
Location: 842 N. HARLEM AVE., RIVER FOREST 60305
Date: 05-30-13
Design by: RSH
Draft by: BEL
Revisions:

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Scale: 1/2" = 1' - 0"

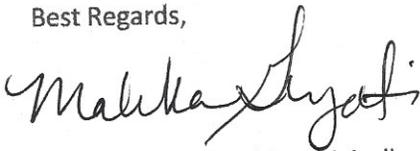
May 21, 2019

Dear Village of River Forest Trustees and Zoning Board of Appeals,

We whole-heartedly support the proposed accommodation by the Taveras Family (842 N Harlem Ave) to the Village of River Forest's "STANDARDS FOR MAJOR VARIATIONS (SECTION 10-5-4F). We conclude that their proposal will support their desire for increased privacy and safety. Given that our homes are located upon a very busy road/Illinois State Road the need for safety of small children and noise and visual privacy is paramount to comfortably living on this street. We believe their proposal will provide this level of reassurance. All detached homes along Harlem Avenue in River Forest are shielded from the street with large plantings, many of which are much larger in scale than the proposal presented by the Taveras Family.

We hope you will support their accommodation request and allow their plan to move ahead.

Best Regards,



Malika Gujrati & Adrian Weisell

838 N Harlem Ave.



May 29th, 2019

Zoning Board of Appeals
Village of River Forest
400 Park Avenue
River Forest Illinois 60305

Dear Village of River Forest Trustees and Zoning Board of Appeals,

We are writing in support of the proposed variation by the Taveras Family (842 N Harlem Ave) to the Village of River Forest's "STANDARDS FOR MAJOR VARIATIONS (SECTION 10-5-4F).

After reviewing the proposed plan, we feel that the proposed fence will provide several benefits to the neighborhood. The design itself is aesthetically attractive and provides an increased amount of privacy for their family without isolating themselves from their neighbors. Being a single-family home on Harlem is inherently different than being on an interior street of River Forest, and many homes attempt to create some level of separation from the street by planting dense greenery, with varying degrees of attractiveness. This fence achieves the goal of privacy in an elegant manner that is consistent with the high quality of other parts of the River Forest community. Finally, the fence location does not have any negative impact on us, as it doesn't run along our property line.

For these reasons, we are in support of the fence and hope you will accommodate their variation request.

Best Regards,



Suzanne Morrison and Dave Elsner

7205 Iowa St (homeowners immediately adjacent to the north)

Clifford,

July 31, 2019

We are unable to attend the ZBA meeting on August 8th, 2019 regarding the construction of the privacy fence proposed for the Taveras residence at 842 Harlem Avenue.

Please note our approval for said fence especially in light of your board's approval of the monstrosity which will be developed on the corner of Harlem Avenue and Chicago Avenue.

Bill & Stacey Iannessa
835 Bonnie Brae Place
River Forest Il. 60305