

**ZONING BOARD OF APPEALS
JANUARY 4, 2017 AT 7:00 P.M.
COUNCIL CHAMBERS-RM. 201**

Call to order and Roll Call

PRESENT: Chair Michael Quinn and Members Steve Ruszczyk, Mark Hansen, Jim Lencioni, Don DeBruin, Deborah McQueen and David Brumirski

ABSENT:

ALSO PRESENT: Jacob Karaca, Counsel; Mike Bruce, Zoning Administrator

QUORUM: Chair Quinn called the meeting to order at 7:00 p.m. and declared that a quorum was present.

Public Comment

None

Introduction and Procedure Outline

Chair Quinn explained the procedure for the evening. Mr. Bruce swore in those wishing to testify.

Public Hearing

Cal. No. 01-17-Z: 1154 S. Lombard Avenue, Ambrosia Homes

Ambrosia Homes, Applicant, is seeking variations from the following sections of the Zoning Ordinance of the Village of Oak Park to permit the construction of a new single-family residence on a vacant substandard lot of record at the premises commonly known as 1154 S. Lombard Avenue, Oak Park, Illinois;

1. Section 4.1 (A) (2), which section states that buildings or structures shall not occupy smaller lots than the district requirement of 3,500 square feet, whereas the existing lot is 3,070.75 square feet; and
2. Section 3.5.4 (A) (1) (Minimum Lot Size), which section requires a minimum lot size of 3,500 square feet in the R-4 Single-Family District, whereas the existing lot is 3,070.75 square feet; and
3. Section 3.5.4 (B) (3) (Side Yards), which section requires a side yard setback of not less than five (5) feet, whereas the proposal features a single-family residence with three (3) foot setbacks on the north and south lot line. (Open Public Hearing)

Tim Pomaville, Ambrosia Homes, will present the case to the ZBA. Mr. Pomaville discusses who Ambrosia Homes is and that they focus on new construction and rehabs. Mr. Pomaville says the lot at 1154 S. Lombard Avenue is a legal non-conforming lot. He says the lot is 3,070 square feet instead of the required 3,500 square feet and he is requesting a variance to make the substandard lot buildable. In addition, he is requesting to reduce the required side yard setbacks from five (5') feet to three (3') feet. Mr. Pomaville discusses the site plan in that the proposed residence will be 19 feet in width and he discusses the form and shape of the proposed home. He says that the new residence will have a 3,000 square foot basement, have four bedrooms and 3.5 baths. He says that the new

residence will be constructed with fire sprinklers and that the exterior walls will contain drywall for added fire suppression.

Mr. Pomaville prepared a walking tour of the neighborhood to show the character of the neighbor.

Standards one:

Mr. Pomaville introduces the owner of the property Josh Horner. Mr. Horner owns 1156 and 1154 Lombard Avenue. Mr. Horner says that he has owned the properties for approximately 10 years. He has recently moved to Naperville. Mr. Horner indicates that he has had approximately 50 showings of the properties and has received only one offer to purchase the combined lots over a two year period. He indicated that the offer was an extremely low offer. He says he has been renting his house for one year now.

Mr. Pomaville says that the vacant lot has no value as a separate lot unless it is a buildable lot. In addition, constructing a residence with the required five foot setbacks would yield a 15 foot wide residence.

Standard two:

Mr. Pomaville says that the vacant lot has no value unless it is buildable. He indicates that 55% of the lots on the block do not meet the required 3,500 square feet and thus would not be buildable lots. Yet these lots have residences on them that are approximately 19 feet wide like he is proposing. He says that 87% of the lots on the block have approximately 3 foot setbacks on at least one side of the house. Mr. Pomaville says that most homes in Oak Park have 2.5 to 3 foot wide sidewalks and in looking at the residences where only the side walk separates the residences, you can conclude that there is only approximately three feet between residences.

Standard three:

The Applicant did not have anything to do with creating the 25 foot wide lot. He says that the lots in the area were platted a long time ago. Mr. Pomaville shows a GIS Map listing the non-conforming lots on the block.

Standard four:

Mr. Pomaville says that building on the 25 foot wide lot with 3 foot setbacks on the sides will not be detrimental to the neighbor since the majority of the neighbor's residences are built on 25 wide lots with approximately three foot setbacks.

Standard five:

Mr. Pomaville says that constructing a 19 foot wide house with three foot setbacks would not impact the light and air any differently than the existing home that feature a 25 foot wide lot with three foot setbacks.

Standard six:

Mr. Pomaville says that his proposal is in character with all of the existing homes on the block that feature a 25 foot wide lot and three foot setbacks.

Standard seven:

Mr. Pomaville says that his proposal is in line with the goals and intent of the Zoning Ordinance in that his proposal is consistent with the majority of homes in the neighborhood.

The home owners from 1152, 1158, 1153, 1155, S. Lombard and one home owner located across the alley from the Subject Property testify that we have Zoning guidelines for a reason, the application should be denied since the owner no longer lives in the community, the owner did not use an agent when trying to sell his home and that the properties were not marketed properly, and that this proposal would change the character of the neighbor and contribute to a dangerously dense neighborhood which is not fair to the existing resident.

Mr. Pomaville says the purpose of the Zoning Ordinance is to promote safety and fairness and not hold a property owner to a different standard that is already established in the neighborhood.

Chair Quinn closed testimony and moved to deliberations.

Member Lencioni says that he is having an issue with the first standard. Member DeBruin says that the current Zoning Ordinance applies to lots that are 3500 square feet or more. He says that when you have existing lots of record that are smaller than that it seems that fairness would dictate not applying the same rules to these smaller lots. Member McQueen says that having fifty showings over two years and only receiving one offer seems to show that the properties were unable to obtain a reasonable return.

Member McQueen moved to approve the application. Member DeBruin seconded the motion. The motion was approved 5-2.

Approval of Resolution

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Jacob Karaca, the ZBA Attorney, drafted a Resolution. Member DeBruin moved to approve the Resolution as amended to include the sidewalk tour, the public concerns and how some of the ZBA members felt that the height of the proposed residence was incompatible with the existing homes. Member Hansen seconded the motion. The motion was approved 5-2.

Approval of Minutes

None

Adjournment

The meeting adjourned at 8:30 pm.