

**ZONING BOARD OF APPEALS
NOVEMBER 1, 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, Deborah McQueen and David Brumirski

ABSENT: Member Don DeBruin

ALSO PRESENT: Rasheda Jackson, 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 explains the procedure for the evening: we have three public hearings tonight. Mr. Bruce will summarize the applications after that the applicants can present whatever they wish to present; anyone who wishes to speak in favor of the application is given an opportunity to do so, followed by anyone who wishes to speak in opposition of the application, followed by anyone who is neither in favor nor opposed to the application but has information that might be useful to the Board. Finally, the applicants have a chance to summarize and close the public hearing and then the Board will deliberate. If you are going to testify this evening, I'd like to have you sworn in. Mr. Bruce swore in those wishing to testify.

Public Hearings

Cal. No. 18-17-Z: 6429 North Avenue, Learning Oak, Early Childhood Development Center

Mr. Bruce reads a Description of the Case: Maria Nicosia, Applicant, on behalf of Learning Oak, Early Childhood Development Center, filed an application pursuant to Section 3.1 (Summary Use Matrix) and Section 4.5.2 H (Day-Care Centers) of the Zoning Ordinance of the Village of Oak Park requesting the issuance of a special use permit, authorizing a day-care center to be located at 6429 North Avenue. The proposed day-care center would offer early childhood educational programs for ages 2 to 6 years old. The Learning Oak would also offer an extended child care program. The center would be open Monday-Friday from 7:00 am to 6:00 pm. The day-care center will serve approximately thirty children and three (3) staff members at 6429 North Avenue.

Mrs. Nicosia gives a brief description of the proposed day care facility. She describes the layout of the facility and discusses the staff to student ratio.

Standard One:

The Applicant says that Oak Park's demographics hold a large quantity of working professional couples with small children. These parents are willingly investing their resources in richer educational services provided by qualified teachers, with full day options, bilingual learning, and

lower teacher to student ratios. There is a great demand for quality learning preschools. The options are quite limited in this particular area. The proposed use of the 6429 North Ave building is a great location to open a new Early Childhood Development Center which will offer Quality Early Childhood Educational programs for children ages 2 to 6 years old and provide parents with an excellent alternative to large day care facilities.

The Applicant argues that this Early Childhood Center would add great interest to this commercial area on North Avenue that's being visited often, but somewhat neglected due to vast business vacancy level. The Applicant says that this location is ideal for this preschool because there is no other business like this model for at least one and a half miles. The closest preschool offering a comparable model is located on Lake Street. The Program Director for the new Center is a former Early Childhood Teacher of 17 years with the Park District of Oak Park and over 20 years of experience in the Early Childhood field working in different quality educational settings.

Standard Two:

The Applicant the proposed use of the 6429 North Ave. building will not have any adverse effect upon adjacent neighbors nor increase the traffic at the residential areas. The building is located right on the corner of North Ave and Rossel with commercial strips at either sides and across the street. The building has a professional setting and offers plenty of parking on the side by Rossell Street and also in the back of the building by the alley. These options will be convenient for drop off and pick up by staying away from North Ave traffic. Across Rossell Streets there is a Plaza with different retail stores which they are not open before 10:00 am, well after drop off conventional times. Going south on Rossell towards the residential area, there is a sign for Do Not Enter, so neighbors on Rossell Street will not be affected because traffic will be forced to turn into the alley and return back to North Ave.

Standard Three:

The Applicant says that the proposed location requires minor alterations in order to have room to better accommodate the two age groups. None of the modifications are structural. We plan to add a fire alarm system, additional washroom, modify kitchen plumbing, drywall and replace flooring. Drawings of the floor plan will be designed by a professional and all the work will be initiated after getting the required permits from the Village.

Standard Four:

The Applicant says that the proposed use of 6429 North Ave unit will be designed, arranged, and operated according to the Village of Oak Park code and regulations, the Health Department, the Fire Department and DCFS (Department of Children and Family Services). Our objective is to open and operate a licensed preschool program.

Standard Five:

The Applicant says that the proposed use of 6429 North Ave building will be a great asset to the 6400 block of North Ave. The new building ownership is investing greatly to give this building a better "Curve Appeal" and attract professionals and consumers. The preschool will certainly provide a great advantage to the Oak Park families with young children 2 to 8 years of age because it will be another great option to choose from for a smoother transition for their children to formal school.

Standard Six:

The Applicant says that the proposed use of the building will be completed in a timely manner if authorized. This has been a project we were planning and working on for quite some time. Many

of the materials, furniture, and equipment were already purchased and in storage. The class coursework, Parent Handbook, prospective employees, advertising materials, Preschool documentation and planning are ready for DCFS review and approval.

End of Applicant presentation.

Member Lencioni moved to have the ZBA attorney draft a positive Recommendation for the Village Board. Member Brumirski seconded the motion. The motion was approved 6-0.

Member Hansen moved to approve the positive Recommendation, as amended to include the letters of support. Member McQueen seconded the motion. The motion was approved 6-0.

Cal. No. 20-17-Z: 200-210 Harrison Street

Mr. Bruce reads a Description of the Case: Flexhouse Oak Park LLC/Harrison Street Ventures, LLC, Applicant, is seeking variations various sections of the Oak Park Zoning Ordinance, which sections detail the requirements for rear buffer yards for lots with more than 90 feet of lot depth, for the proposed commercial/live work dwelling units development located at the premises commonly known as 200-210 Harrison Street, Oak Park, Illinois.

Chris Dillian, the Applicant says that the Project incorporates three components, including the restoration of the existing buildings located at 200 and 210 Harrison Street, as well as a new construction "live/work" row home component from 202-208 Harrison Street. 200 and 210 Harrison Street will be repositioned to incorporate ground floor retail and a single multi-family rental apartment unit on the second floor at both addresses. The historic restoration will bookend a new construction row home component called Flexhouse Oak Park.

Standards:

a. The strict application of the terms of this Ordinance will result in undue hardship unless the specific relief requested is granted.

The Applicant argues that without adequately sized back yards, the Project cannot derive the necessary sales figures to justify construction and other Project related costs. As a result, the Application for Zoning Variance is absolutely critical to the Project's success. Further, the unique partnership structure between the Developer and Owner establish a framework that allows the Project to advance. A third-party sale of the land associated with the Flexhouse component would make the required gross sales figures unachievable based upon market comparables.

b. The particular physical surroundings, shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

The application for Zoning Variance requests a variance of new Zoning Ordinance Section 11.8 Buffer Yard Requirements, B. Rear Setback Buffer Yards (2). The lot depth (100 feet) exceeds the 90 foot depth threshold by only 10 feet. In lieu of providing the seven foot buffer and corresponding landscaping (items (a), (b), (d) and (e)), the Project Team proposes to comply with item (c) of the aforementioned section of the Zoning Ordinance (also consistent with the requirement for any lot with 90 feet or less of depth, pursuant to new Zoning Ordinance Section 11.8 Buffer Yard Requirements, B. Rear Setback Buffer Yards (3)).

The Applicant argues that the depth of the site does not deliver adequately sized rear yard areas without the variance condition noted above. The rear yards are critical to achieve the price point necessary for the project to work from a financial perspective.

c. The plight of the owner is due to unique circumstances inherent to the subject property and not from the personal situation of the owner and has not been created by any person presently having a proprietary interest in the property in question.

The Applicant argues that the hardship is created by residential market forces for this particular sub-market within the Village of Oak Park. The hardship, as defined by this Application for Zoning Variance, has been determined by establishing what the Project Team believes is the highest and best use for the Property. The redevelopment and preservation of 200 and 210 Harrison come at a significant cost. The most cost effective option would be to redevelop the entire half block, extending from 200-210 Harrison, a concept that was initially proposed to the Village of Oak Park. After further consideration, the Project Team acknowledged the aesthetic and inherent value in preserving 200 and 210 Harrison as a part of the Project. The Flexhouse component fits perfectly between the "bookend" buildings and the team supports this approach, while recognizing the constraints it also imposes from a logistics and cost perspective.

Member Brumirski moved to the ZBA attorney draft a Resolution approving the variation application. Member McQueen seconded the motion. The motion was approved 6-0.

Member Hansen moved to approve the Resolution approving the variances. Member Lencioni seconded the motion. The motion was approved 6-0.

Cal. No. 21-17-Z: 1100 S. Lombard Avenue, Mary Garrett

Mr. Bruce reads a Description of the Case: Mary Garrett, Applicant, is requesting that a variation be granted from Section 4.4 (Table 4-1: Residential Districts Dimensional Standards), which Section requires a maximum impervious surface of 60% of the lot, whereas the project will feature a front porch addition resulting in a maximum impervious surface coverage of 64.4% of the lot, to allow the construction of a front porch.

Tony Ronning argues the case on behalf of the Applicant. The Applicant says that the first part of the Project includes the de-conversion of the home from a two-flat back to a single-family residence. This involves removing one front door and opening up a first floor passageway to the front stairs. The second part includes the removal of the existing porch (13'-6" x 5'-4") and construction of a new front porch (20'-0" x 8'-0") that runs the full width of the house. The new, larger porch requires a variance for impervious surface lot coverage. While the existing porch has been walled in and covered with aluminum siding, the design of the new open porch will be based on the porches of homes with a similar farmhouse character.

The Applicant argues that the original porch is less than five feet deep inside which severely limits its use as a porch. The Owner wishes to use the porch as a place to entertain friends and family. Also, it will allow the Owner, who is elderly, to enjoy an outdoor space without going down stairs. A strict interpretation of the zoning ordinance will only allow a new porch that is "grandfathered in" over the existing porch footprint. This creates little more than a stair landing. In addition, when the existing porch was enclosed with walls, it lost the details of an open porch that gave the house much of its aesthetic character. This is a loss for, not only this house, but also the appearance of entire block. The Applicant presents 10 letters in support of the variance request.

Member Hansen moved to have the ZBA attorney draft a Resolution approving the variation application. Member McQueen seconded the motion. The motion was approved 5-1. Brumirski opposed.

Member Hansen moved to approve the Resolution approving the variances. Member Lencioni seconded the motion. The motion was approved 6-0.

Cal. No. 22-17-Z: 200-216 Lake Street, Azim Hemani

Azim Hemani, Applicant, is seeking variations from various sections of the Oak Park Zoning Ordinance, which section details the required dimensional standards for the NC Neighborhood Commercial Zoning District, to allow the proposed addition of a mixed-use building at 216 Lake Street to an existing commercial building at the premises commonly known as 200-212 Lake Street.

The Applicant has requested that the hearing be continued to the next ZBA meeting.

Member Hansen moved to continue the hearing to the next ZBA meeting on November 1, 2017. Member Lencioni seconded the motion. The motion was approved 6-0.

Minutes

October 4, 2017 Minutes: Approved by a 6-0 vote.

August 23, 2017 Minutes: Not available

Other Business

The ZBA reviewed their Rules of Procedure.

Adjournment