

**ZONING BOARD OF APPEALS
DECEMBER 6, 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, David Brumirski and Don DeBruin

ABSENT:

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 four 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. 22-17-Z: 200-216 Lake Street, Azim Hemani

Mr. Bruce reads a Description of the Case: Azim Hemani, Applicant, is seeking variations from the following section 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, Oak Park, Illinois:

- a. Section 5.3 (Table 5-1: Commercial District dimensional Standards) requires a maximum building height of 45; whereas the proposal features a building height of 47'-1";
- b. Section 5.3 (Table 5-1: Commercial District dimensional Standards) requires a street setback build-to zone of 0' to 5'; whereas the proposal features an addition that aligns with the existing commercial building that features a 44'-6" street setback;
- c. Section 5.3 (Table 5-1: Commercial District dimensional Standards) requires a 15' rear setback; whereas the proposal features an addition that aligns with the existing commercial building that features a three (3') foot setback; and

Mr. Virani, architect, speaking on behalf of the owner, gives a brief description of the proposed project. Lots 200-210 Lake Street are presently under the ownership of 200 raza l.l.c and they also

own the contiguous lot 216, Lake Street. The owners wish to develop these lots from 200 to 216 as one contiguous lot.

Mr. Virani says that his first design featured the building pulled up to Lake Street and a curb-cut off of Lake Street just as the Zoning Ordinance and the Lake Street Plan envisions. He indicates that the curb-cut needs to be 22 feet in width to allow two-way traffic into and out of the site. He says that the easement located at the rear of the property off of the alley is not wide enough for two-way traffic. In addition, it would not be appropriate to carry commercial traffic from Lake Street to a residential alley. Mr. Virani says that this design only allows for four parking spaces on the site. The lack of proper lot width and access only from Lake Street put some serious limitations on the development potential.

Due to the lack of access from the rear of the property, Mr. Virani argues that the lot cannot be developed to its full potential. Therefore, Mr. Virani says that he then turned his attention to amalgamating the new lot with the existing lot. His proposal is a five story mixed use addition to the existing building. The plan would have 24 parking spaces, 16 spaces for commercial and 8 parking spaces for 8 residential units. He indicates that front and rear yard variances are necessary to mitigate the hardships discussed above.

Mr. Virani says that a new garbage area will be created and that the garbage company will use the easement to access said garbage. Mr. Virani discusses the apartment layouts and the marketability of the spaces that feature 9 foot tall ceiling heights. He says that the design respects the existing architectural site plan and the building design by opting for a new building on lot 216, as a continuation of the south facade of the existing retail building and continuing the parking lot to facilitate a smooth one way traffic flow with a revised and increased parking.

Mr. Virani discusses the shadow study that was provided to the Board.

Member Lencioni clarifies that the existing strip center is only 4 inches from the rear lot line. Member Lencioni asks if parking for the development can be located on streets. Mr. Bruce says that pursuant to the new Zoning Ordinance, parking for commercial uses can be located on the street adjacent to the commercial spaces.

Member Brumirski asks if residential units will have designated parking stalls. Mr. Virani says yes. The spaces will be marked. The Board has a brief discussion about the easement.

Member Brumirski asks the Applicant if he needs 8 units. Mr. Brumirski says would it be better to reduce the number of units and then reduce the height limit?

End of Applicant presentation.

Cross Examination

Mr. Bruce Cox asks: will you change the existing structure to coincide with the proposed addition? Mr. Virani says no.

Ms. Ellen Dove asks a question about restrictions on the easement over her property. Ms. Dove asks if the applicant would move existing tenants to the proposed addition and then redevelop the existing strip center.

Ms. Debra Levine asks whether the Applicant is in conversations with any potential tenants for the proposed addition. The Applicant says that in the past he has had a cell phone company and a hair salon interested in his existing spaces. Ms. Levine asks if the residential units will be condos or

apartments. The Applicant says that we are open at this point, but most likely they would be apartments. Ms. Levine says that noise from the mechanical units have been an issue in the past. She asks whether the new building will have the same issue. The Applicant says no since the mechanicals will not be located on the roof. Ms. Levine asks whether the Applicant has looked at the Lake Street Neighborhood Plan. Mr. Virani says that he has. In fact, his first plan was a zero lot line proposal. The lack of parking led to this proposal. Ms. Levine has multiple questions about the shadow study, indicating that data for June and March may be flip-flopped, stating that the study was cut-off at the NW corner and thus an accurate shadow study is necessary.

Ms. Laura Young asks about the location of sprinklers. The Applicant says that the sprinklers are located in the Block Buster store. Ms. Young asks about the need for bicycle parking. Ms. Young asks where the new loading birth will be located. Mr. Bruce indicates that a loading is not required. Ms. Young asks where the interior lot landscaping will be located. Ms. Young asks if the roof will be tested to see if solar panels could be supported. Mr. Virani says yes.

Testify

Ms. Levine discusses the Lake Street Plan in reference to the Historic Ridgeland District. She says that the proposal is not in compliance with either. She says that the shadow study is incomplete and thus a complete study is necessary. She states that the Village Planner indicated that a hardship cannot be financial and she argues that the proposal is only for the financial gain of the Applicant.

Ms. Levine says that the Village paid \$70,000 to develop the Lake Street Neighborhood Plan, which envisions the creation of pedestrian friendly development and less strip mall development. She says that the neighborhood would welcome a development of the whole site that meets code.

Ellen Dove asks if a driveway could be built between her property and the existing strip center.

Natalie Rousch says that she is happy that the long vacant site can be developed. However, the rear setback is troubling. The reduced setback would negatively impact her property. She says that the proposed 5 story building and balconies would cause a reduction of light to her property. She also talks about the goals of the Lake Street Plan and says this development does not further the outlined goals of the plan.

Warner Huggett says that the Lake Street Plan should be followed otherwise the quality of life for the neighborhood will be reduced. Mr. Huggett talks about the impacts of the development on his existing property. He says that the existing strip center has had issues with upkeep in the past and that the proposed addition will not benefit the neighborhood.

Maria Nitshe says the proposal will decrease privacy for her in her back yard. She says that the proposal is out of character with the Lake Street Plan. She indicates that the Applicant needs to provide a better shadow study and that the proposal is too large and will increase traffic issues in the neighborhood.

Bruce Cox says that the Zoning Ordinance is written to protect all of the community. He says that the proposal does not follow the neighborhood plan. Mr. Cox indicates that the shadow study does not depict the full effects to his property and that the shadows from the development would negatively impact his existing landscaping. He opines that his property value will be negatively impacted, and that he will have reduced privacy due to the height of the structure and the balconies location.

Frank Lipo states that he is the Executive Director of the Historical Society, but he is here as an Oak Park citizen. Mr. Lipo indicates that he participated in the development of Envision Oak Park Comprehensive Plan and the Lake Street Neighborhood Plan, which plans should be used to reject

this proposal. Mr. Lipo argues that the 216 Lake Street lot should be developed separately or the entire property of 200-216 Lake should be developed together under a Master Plan, but this proposal is not appropriate.

Laura Young says that the neighborhood and the gateway to Oak Park is moving in a positive direction with the addition of key developments. Ms. Young says that extending the strip mall would be negative for the neighborhood. Ms. Young indicates that a landscape buffer is required at the rear of the proposal, that bicycle parking is required and that interior landscaping is required for this proposal. Ms. Young indicates that the design of the proposal is flawed, indicating that 9 feet tall ceilings in the commercial space will not be adequate. She says that the Zoning Ordinance requirements should be followed.

Larry Moores reads a portion of his letter that he submitted to the Board. Mr. Moores says that he does not need more building shadows on his property. He says that the Applicant's requests are contrary to the intentions of maintaining a historic atmosphere of our neighborhood and the intent to reduce the "strip mall" effect that is currently inherent at that location. He says that the proposal should be reduced to three-stories and contain only 4 dwelling units.

Theresa Jerguson, local realtor, says that the existing property is an eye sore and welcomes development for that area. She also wants the Board and the Applicant to listen to the concerns of the neighborhood.

Deliberations

Member Brumirski indicates that he has a huge problem with the requested 4 inch setback. He feels that the proposed development is too large for the lot and is not conducive to the neighborhood. He says that the low commercial ceilings will lead to a problematic space in terms of leasing the space.

Member Lencioni indicates that the building is too large to be located so close to the lot line and the 9 foot height of the commercial space is problematic.

Member Ruszczyk indicates that he feels the proposal does not meet two of the standards.

Member DeBruin says that he appreciates the effort of the architect to develop a good proposal; however, he feels that the proposal is too large and too dense.

Member Brumirski moved to have the ZBA attorney draft a Resolution denying the requested variances. Member Lencioni seconded the motion. The motion was approved 7-0.

Cal. No. 23-17-Z: 838 Madison Street, Karla Linarez

Mr. Bruce reads a Description of the Case: Karla Linarez, Applicant, is seeking variations from the following sections of the Oak Park Zoning Ordinance, which sections detail the requirements for an interior side setback, number of required parking spaces and a rear buffer yard, to allow the construction of a mixed-use building with retail/commercial on the ground floor and residential dwelling units above grade located at the premises commonly known as 838 Madison Street, Oak Park, Illinois;

- a. Section 5.3 (Table 5-1: Commercial Districts Dimensional Standards) requires a build-to-line of zero (0') feet along the interior side yard setback; whereas the proposal features a six (6') foot setback along the east side of the property.
- b. Section 10.4 (A) (Table 10-2: Off-Street Parking requirements) requires eleven (11) parking spaces for the 3,564 square feet of retail/commercial space and the three (3) dwelling units

above grade; whereas the proposal features six (6) parking spaces, leaving a need for five (5) parking spaces.

- c. Section 11.8 (B) (2) requires a rear buffer yard a minimum of seven (7') feet in width; whereas the proposal features a three (3') foot wide buffer yard.

We are attempting to increase the commercial square footage to help justify the cost involved with such a project. If we need to cut commercial space, it will severely limit the investment that can be made in this project and it will need to be scaled down by 30-40%. We are trying to fit an attractive & economically feasible building into a limited sized lot. We are limited by the size of the lot and how much parking can be provided in the rear per the new zoning ordinances.

End of Applicant presentation.

Member Hansen moved to deny the request to approve variances. Member Lencioni seconded the motion. The motion was approved 7-0.

Cal. No. 24-17-Z: 6603-6609 North Avenue, Jade Sky Real Estate, LLC

Mr. Bruce reads a Description of the Case: Jade Sky Real Estate, LLC, Applicant, is seeking a special use permit from Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance of the Village of Oak Park, which section requires a special use permit for townhouses located in the NA North Avenue District, to construct two, 2-story loft-type units facing North Avenue (Units 1 and 2) and four, 3-story townhome units which are accessed in a secluded east-facing private courtyard (Units 3 through 6) at the premises commonly known as 6603-6609 North Avenue, Oak Park, Illinois.

Sharon Heilala and Bill Fulmer presented the details of the special use application. The Applicant says that the proposed special use will not have an adverse impact on the neighborhood or endanger the public health, safety, or welfare. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity. The special use in the specific location proposed is consistent with the spirit and intent of the Zoning Ordinance.

The Applicant argues that the proposed townhome development is suitable within the NA North Avenue District and is compatible with the surrounding neighborhood, having little overall impact on traffic patterns, pedestrian traffic or area parking. The Applicant says that the development will provide a service that is in the interest of public convenience and will contribute to the general welfare of the community.

End of Applicant presentation.

Judith Alexander, North Avenue District Chair speaks in favor of the application. She says that the vacant lot has been an eye sore for a long time. She indicates that North Avenue is in need of more residential units and that this in-fill development is appropriate for the area.

Greg Marcy speaks in favor of the application. He says that he supports the proposal.

Close of Hearing

Member Hansen moved to have the ZBA attorney draft a positive Recommendation for the Village Board. Member Brumirski seconded the motion. The motion was approved 7-0.

Member Lencioni moved to approve the positive Recommendation, as amended to include the testimony from Judith Alexander. Member Brumirski seconded the motion. The motion was approved 7-0.

Cal. No. 26-17-Z: 847 S. Ridgeland Avenue, Gretchen Hameister

Mr. Bruce reads a Description of the Case: Rick Easty, Applicant, filed an application with the Zoning Board of Appeals for the Village of Oak Park seeking a variation from Section 9.3 (N) (2) (b) of the Zoning Ordinance, which section requires that detached accessory garages are only permitted in the front and interior side yard, to allow the construction of a garage within the corner side yard, 2'-4" from the corner side lot line along Harrison Street at the Subject Property located at 847 S. Ridgeland Avenue.

The Applicant says that the proposal is to construct a garage within the side corner lot, approximately two feet and four inches (2'-4") from the exterior side lot line along Harrison Street. The Applicant says that the property is improved with an existing single family home in the front and a coach house at the rear of the property. The proposed garage will replace a dilapidated coach house in the rear of property.

The Applicant says that due to the substantial expense of the Gunderson Style garage and the demolition of the coach house, the owner want to address all of their parking needs as part of this project. Moving the proposed garage five feet to the north to meet the setback would reduce the proposed parking pad on the north side of the garage.

The Applicant says that allowing the garage to be built in the proposed location where the existing coach house is located will retain the historic look of the property. He says that most of the existing garages in the area have similar setbacks as the proposed project.

Mr. Easty spoke in favor of the Application.

End of Applicant presentation.

Member Brumirski moved to the ZBA attorney draft a Resolution approving the variation application. Member Hansen seconded the motion. The motion was approved 7-0.

Member Brumirski moved to approve the Resolution approving the variances. Member Hansen seconded the motion. The motion was approved 7-0.

Minutes

November 1, 2017 Minutes: Approved by a 6-0-1. Member DeBruin abstained.

Other Business

The ZBA reviewed their Rules of Procedure.

Member Ruszczyk moved to approve the revised Rules of Procedure. Member Brumirski seconded the motion. The motion was approved by a 7-0 vote.

Adjournment