

MINUTES
MEETING OF THE OAK PARK PLAN COMMISSION
VILLAGE HALL- ROOM 201
Feb. 1, 2018
7:00 p.m.

PRESENT: Chair David Mann; Commissioners Glenn Brewer, Lawrence Brozek, Jeremy Burton, Greg Marsey and Kristin Nordman

EXCUSED: Commissioners JoBeth Halpin, Paul May and Iris Sims

ALSO PRESENT: Craig Failor, Village Planner; Gregory Smith, Plan Commission Attorney

Roll Call

Chair Mann called the meeting to order at 7:02 p.m. Roll was called. A quorum was present.

Non-Agenda Public Participation

None.

Approval of Minutes

Commissioner Burton moved to approve the minutes from January 18, 2018. Commissioner Brozek seconded. A voice vote was taken and the minutes were approved unanimously as submitted.

Public Hearing

PC 08-01; Zoning Ordinance text amendment – Side Yard Setback for Accessory Buildings

The Village has requested an amendment to Article 9 (“Site Development Standards”), Section 9.3 (“Accessory Structures and Uses”), Subsection (A)(5)(a) of the Oak Park Zoning Ordinance, by changing the existing requirement that detached accessory structures, including those listed in Section 9.3 and Section 9.4 of the Oak Park Zoning Ordinance, must be setback, unless otherwise permitted or restricted by the Oak Park Zoning Ordinance, “One foot from any interior side lot line,” to “One and one half feet from an interior side lot line and two and one half feet from the opposite interior side lot line.”

Mr. Failor reviewed the staff report. He said staff was in favor of a one foot side lot line setback as it has been in existence for many years and by changing the setback it would create nonconformity. Commissioner Marsey asked staff to clarify the staff report on nonconformity. Mr. Failor said if a resident wanted to add an addition to a garage or replace a garage in the same location they would need to ask for a variance. Staff said there were some internal variance requests that staff could review; only if the request was for ten percent of the variance or less.

Chair Mann moved to public testimony. Mr. Failor read a letter from Mr. Greg Kolar, a resident, who said most residents would not tear down a garage and rebuild from the current foundation and that most residents who did rebuild would follow the current garage setback. He said servicing garages with a one foot setback was not an issue, nor was it a fire hazard issue. He said increasing the setback would put homes out of compliance; variances would be a waste of time.

Attorney Smith swore in those wishing to testify.

Mr. Mike Scoby, from the Oak Park Association of Realtors, said the association opposed changing the setbacks as it would create a significant number of non-conforming properties. He asked why the change

was being sought and what problems was it trying to fix; he said they saw no need from a zoning or safety perspective to change this as it would create unnecessary burdens for homeowners in the future.

Chair Mann closed public testimony and moved to commissioner deliberations.

Commissioner Marsey outlined why the commission was reviewing the setback requirement and noted that Oak Park was an outlier compared to neighboring communities' setback requirements. Commissioner Burton noted he has heard of someone having to build a new exit to an existing garage when a neighbor built to the setback allowance. Commissioner Marsey said this was a concern in south east Oak Park.

Mr. Failor said the fire department has not raised any issues on the current setbacks.

Chair Mann said any rebuilt garage in his neighborhood created a new foundation as the old foundations were not equipped to support a new garage.

Chair Mann asked staff if an administrative variance could be granted for a half foot setback required on a garage with a one foot setback that was torn down and wanted to be rebuilt. Mr. Failor said per the zoning code, ten percent of the required setback could be done through the administrative process, unless a neighbor complains. If a neighbor complains it would be done through the Zoning Board of Appeals. For an 18 inch setback, ten percent is 1.8 inches.

Commissioner Marsey asked if existing structures could be waived and the new setbacks would apply to new structures. Attorney Smith said it could be drafted but it would need to go into the nonconforming structures of the ordinance and that portion may need to be re-noticed as the hearing tonight did not cover this section; more research would be needed to definitively say. Further discussion noted a different section of the zoning code would allow for an addition to follow the straight vertical lines of a structure. Mr. Failor said if commissioners wanted to change this section to include accessory structures they would need to table the discussion and re-notice the hearing.

Commissioners came to a consensus to focus on the noticed section of the zoning code.

Commissioner Burton said he didn't believe this would be an issue for homeowners who were nonconforming as most circumstances would require a new slab. Chair Mann said a second story should have a setback. Mr. Failor suggested a greater setback on the second story and keeping the existing on the first floor. Commissioner Burton said egress was still an issue. Commissioner Marsey suggested the new setbacks on new construction only. Commissioners discussed conforming versus nonconforming structures.

Staff said they have not heard many complaints about garage location; when they went through the rewrite of the zoning ordinance they heard from one person about side yard setbacks, but there wasn't an overarching theme after meeting with a lot of people for input. Chair Mann suggested amending the setbacks to one foot on one side and 2.5 feet on the other as it would make less garages nonconforming. Commissioner Burton suggested three feet on one side. Commissioner Brozek suggested a smaller setback for smaller lot sizes.

A short discussion ensued regarding a one foot setback versus the changes proposed. Chair Mann said he was concerned about the density in alleys. Commissioner Burton suggested a one foot setback on one side and a larger setback on the other.

Commissioner Brewer moved to amend the zoning ordinance to set accessory setbacks to one foot on an interior side lot line and 2.5 feet on the opposite interior side lot line. Commissioner Nordman seconded.

A roll call vote was taken:

Brewer – yes

Nordman – yes

Burton – yes

Brozek – yes

Marsey – yes

Mann – yes

The motion passed 6-0.

Other Business

Remanded Zoning Ordinance provisions – discussion

Community Residences

Mr. Failor said Attorney Smith undertook an overview of community residences. Attorney Smith reviewed his memorandum. He said it addressed the general concepts and background of what was proposed in the zoning ordinance and the list of issues that the Board has asked the commission to address: the lack of definition of family; whether the permitted list of occupants be dependent on the definition of family; should there be a distance requirement; should a special use permit be required and should there be parking spaces required. He explained that they were unable to determine the exact number of community residences in Oak Park as the Illinois Department of Public Health would not release the licensing information. He said the memo also outlined the federal laws that weigh in this area; as well as other communities' definition of community residences.

He said there were two recommendations the commission could discuss: the Village could include a specific reference to the reasonable accommodations clause in federal law. He said most communities do not include this but this would put the Village ahead of the curve. The second recommendation was to include additional performance standards.

Commissioner Marsey suggested sending the memo to the Board to review and to make a determination if the information was sufficient to make a decision on community residences. Ms. Tammie Grossman, Director of Development Customer Services, said a resident from River Forest, Mr. Daniel Lauber, went to the Board and suggested there be geographical area restrictions in the zoning code for community residences. At that time staff was not in support of this so the Board suggested sending it back to the Plan Commission for review. She explained Attorney Smith was directed to look into this and she said staff was comfortable with the recommendation given tonight. She said the language was not very different from what was in the zoning code at this time; staff does not see the need to amend it. She said staff would support adding language about reasonable accommodations for the disabled community; but staff would not support a geographical distance requirement.

Commissioner Burton said he strongly cautioned against including a definition of family as it could raise legal issues. Commissioner Brewer agreed; he suggested adding the reasonable accommodations language but that was all he'd change.

A short discussion ensued regarding occupancy standards in the building code. A short discussion ensued regarding language choice for the reasonable accommodations clause.

Mr. Failor said there were two options- the commission could keep the ordinance language as is or add the reasonable accommodations language, which would require a public hearing in March. Commissioners came to a consensus to hold a public hearing.

Commissioner Burton moved to direct staff to hold a public hearing to add additional language to the community residences portion of the zoning code to include the reasonable accommodations federal law

requirement. Commissioner Marsey seconded. A voice vote was taken and the motion was approved unanimously.

Mr. Failor said a planned development application between Home and Clinton Avenues on Madison should be coming to the Plan Commission in March. A text amendment to the zoning code to allow a physical therapy business on Harrison Street through a special use would be coming in March as well.

Ms. Grossman gave an update on affordable housing at the Board level. Mr. Failor said he was working a draft of the design standard guidelines for single family homes; he reviewed what will be included.

Adjournment

Commissioner Burton moved to adjourn. Commissioner Brewer seconded. The meeting adjourned at 8:46 p.m.

Angela Schell,
Recording Secretary