

**ZONING BOARD OF APPEALS MEETING  
JANUARY 3, 2023  
7:00 P.M.**

A recording of this meeting is available on the Village of Oak Park Website: <https://www.oak-park.us/your-government/citizen-commissions/commission-tv>

**Call to order / Roll Call**

**PRESENT:** Acting Chair David Brumirski; Members Mark Hansen, Kimberlee Smith, Mas Takiguchi and Peter Weismantle

**ABSENT:**

**ALSO, PRESENT:** Rasheda Jackson, Counsel; Mike Bruce, Zoning Administrator

**QUORUM:** The meeting was called to order at 7:00 p.m. and declared that a quorum was present.

**Agenda Approval** – Motion by Member Smith, Seconded by Member Hansen. A voice vote was taken and the agenda was approved by a five (5) to zero (0) vote as submitted.

**Approval of Meeting Minutes**

No minutes available for December 6, 2023.

**Non-Agenda Public Comment** – None

**New Business / Public Hearings and Findings of Facts**

Acting Chair Brumirski explains the procedure for tonight's' hearings.

Rasheda Jackson, Counsel, swore-in those wishing to testify.

Mr. Bruce read a description of the case as follows:

**CALENDAR NUMBER:** 21-23-Z The Zoning Board of Appeals ("ZBA") will conduct a public hearing on an application filed by the Applicants, Roman Stavniichuk and Svitlana Kryzhanovska, seeking a variance from Section 4.3 (Table 4-1: Residential Districts Dimensional Standards) of the Oak Park Zoning Ordinance, requiring multi-family dwelling units to have a minimum lot area of 5000 square feet of land for the first two units, and an additional 700 square feet of land for each dwelling unit in excess of two units. The subject lot is 40 feet by 125 feet totaling 5000 square feet of land which is 700 square feet less than the required 5,700 square feet to allow the Applicants to construct a third dwelling unit in the basement of an existing two-family dwelling unit building at the premises commonly known as 140 S. Austin Blvd., Oak Park, Illinois, Property Index Number 16-17-115-022-0000 ("Subject Property"), in the R-7 Multiple-Family Zoning District. (Continued to January 3, 2024)

Valentina Gaglio, Architect, spoke on behalf of the Applicant. She says that the proposal is a conversion of the existing basement into a dwelling unit. No changes to the volume or footprint of the building would be necessary. There are 2 existing dwelling units in the building, and there would be 3 after construction. 4 existing parking spaces would remain and be available to the 3 units on said lot. The one condition that doesn't meet the Zoning Ordinance is the lot area. The existing lot area is 5,000 sq. ft. We are applying for a zoning variance to waive the additional 700 sq. ft. of lot area required for a

third dwelling unit. What could be built as of right, without applying for a variance, is a finished basement to be shared by the 2 tenants above as an activity room or remote-work area. We are confident that a new dwelling unit close to public transportation and a commercial district would positively impact housing availability and variety, neighborhood vitality and safety, and would benefit the Village of Oak Park.

Ms. Gaglio says that a third compact and affordable unit would create a socially valuable housing options for a wider demographic, including single parents or young families. The lot and building are existing and cannot be modified. The proposed dwelling unit would occupy part of the existing garden level. No exterior changes to the existing conditions. The proposed variation is consistent with the spirit of an R zoning district. The property is also directly in front of bus stops and 0.2 miles from the Madison St. commercial area. The surrounding buildings have a minimum of 2 units, with many having 3, 4, and some having 6+ units.

The Hearing was closed.

The Members deliberated. In general, the Members indicate that the Applicant has not provided sufficient information to sustain a hardship claim, and consider the hardship self-imposed.

Motion by Member Takiguchi to draft a Resolution denying the variance request. Seconded by Member Brumirski. The motion was approved by a six (6) to zero (0) vote.

Motion by Member Brumirski to approve the draft Resolution denying the application. Seconded by Member Hansen. The motion was approved by a six (6) to zero (0) vote.

**CALENDAR NUMBER:** 01-24-Z The Zoning Board of Appeals (“ZBA”) will conduct a public hearing on an application filed by the Applicant, David Hyde, seeking a variance from Section 4.3 (Table 4-1: Residential Districts Dimensional Standards) of the Oak Park Zoning Ordinance requiring a 20’ front yard setback to permit construction of a front yard addition with a proposed 6.07’ setback, to an existing dwelling unit with a nonconforming front yard setback of 9.83’, at the premises commonly known as 802 Home Avenue, Oak Park, Illinois, Property Index Number 16-18-130-001-0000 (“Subject Property”), in the R-3-35 Single-Family Zoning District.

David Hyde, owner, spoke on behalf of the proposal. He says if we are unable to add on to the north side of our property then we will not have any options to build onto the home. This would cause undue hardship because of the need for additional office space. We currently have no available space for an office, which is difficult I am is self-employed and currently works from home on a regular basis.

Given the size and orientation of the lot on which the home is located, along with the existence of the existing garage, there is no other practicable area for any expansion of the home. The lot size is smaller than the average Oak Park lot, and with the reinterpretation of the setbacks and front of the home orientation, expanding the home in any other direction than the one called for in the existing plans is not feasible from any reasonable standard.

Mr. Hyde says that we purchased this home in 2016, at a time, to our understanding, that the Village’s interpretation of the orientation of the home matched with the plans that have been submitted and for which we are seeking a variation. As noted earlier, the size, location and orientation of this lot is unique. We did not create these circumstances but very much desire to stay not only in Oak Park but in our home and our neighborhood. Allowing this variance would not affect those around us and would in fact make our property more in line with the properties around us. Further, the variation will not affect existing sightlines nor would it affect traffic or pedestrian safety. The proposed variation is consistent with the spirit and intent of this Ordinance in that it maintains the integrity of the existing structure, a 1911 construction, while updating and expanding the footprint to bring the existing

structure in line with the needs of 2023. Further, we are, as a family, committed to staying in Oak Park and are committed to maintaining the historic but progressive nature of our community.

The Hearing was closed.

Motion by Member Takiguchi to draft a Resolution approving the variance request. Seconded by Member Weismantle. The motion was approved by a five (5) to zero (0) vote.

Motion by Member Smith to approve the modified Resolution adding a letter of support into the record. Seconded by Member Hansen. The motion was approved by a five (5) to zero (0) vote.

**CALENDAR NUMBER:** 20-23-Z The Zoning Board of Appeals (“ZBA”) will conduct a public hearing on an application filed by the Applicant, Murphy Dental Group, PLLC, seeking a variance from Section 8.3 (Table 8-1: Use Matrix) that prohibits dental clinics from being located within the first 50 feet of the street lot line at grade level or on the ground floor of any building within the DT-1 and DT-2 Sub-Districts of Downtown, allowing Murphy Dental Group, PLLC, a dental clinic, to operate on the ground floor of the existing building and to operate within a 2600 square foot ground-floor addition located within 50 feet of the South Boulevard street line at the property commonly known as 100 S. Kenilworth Avenue, Oak Park, IL Property index Number 16-07-305-001-0000 in the DT-2 Sub-District of Downtown.

Dave King, Realtor, spoke on behalf of the Applicant. He says 100 S. Kenilworth is at the extreme edge of the downtown district with residential use immediately adjacent to the south & west. As such, the property basically acts as a “transition” from the DT-2 District to Residential. Although zoning permits a retail use, restaurant use, convenience store, medspa, nail salon or hair & other commercial uses, it does not permit a dental use. A low-key dental office is a use that is most compatible (versus many of the other uses allowed) & in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance or Comprehensive Plan.

Mr. King says he was engaged in June of 2022 to market the property for sale. He actively marketed for a user to occupy existing building for other uses that are currently allowed in the DT-2 District such as retail, fitness, restaurant, beauty arena such as hair, nails, medspa, etc. He says the main challenge for the types of uses allowed is that South Blvd. is a one-way street going west from Oak Park Avenue to Forest. If a 2-way street, we would not be making this presentation/request for variance.

Mr. King says he marketed the site as a development site. Under current zoning and as a matter of right, you can build up to 50 feet and lot line to lot line. We negotiated with several developers to build under current zoning but all failed due to ever increasing material costs, labor costs and rising interest rates.

The Property is “now under contract” with Murphy Dental Group. The dental practice is currently located inside the Scoville Square Building on the second floor, for past 30 years. Dr. Murphy purchased the dental practice 2 plus years ago and his plan from day one was to move his practice to a more accessible (for older patients and those in wheelchairs) and visible location.

Brandon Murphy, owner of Murphy Dental Group introduced himself and spoke briefly to the Board.

The Hearing was closed.

Motion by Member Hansen to draft a Resolution approving the variance request. Seconded by Member Takiguchi. The motion was approved by a five (5) to zero (0) vote.

Motion by Member Smith to approve the draft Resolution approving the application. Seconded by Member Hansen. The motion was approved by a five (5) to zero (0) vote.

**Other / Old Business** – None

The meeting was adjourned.