

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

Call to order and Roll Call

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

ABSENT: Member Jim Lencioni

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. 01-18-Z: 500 Linden Avenue, Rengaraju and Dhanalakshmi Ganesan

Mr. Bruce reads a Description of the Case: Rengaraju and Dhanalakshmi Ganesan, Applicants, are seeking variations from the following sections of the Oak Park Zoning Ordinance, which sections detail the requirements for minimum lot size and minimum lot width for lots located in the R-1 Single-Family District, to permit the subdivision of a large lot (18,377.625 square feet) into two smaller lots, where the improved lot containing the existing house would be approximately 10,150 square feet and the new lot would be approximately 8,051.15 square feet in size and approximately 46 feet wide at the premises commonly known as 500 Linden Avenue, Oak Park, Illinois.

- a. Section 4.4 (Table 4-1: Residential Districts Dimensional Standards) requires a minimum lot area of 10,000 square feet; whereas the proposal features a new lot approximately 8,051.15 square feet.
- b. Section 4.4 (Table 4-1: Residential Districts Dimensional Standards) requires a minimum lot width of 50 feet; whereas the proposal features a new lot with an approximate width of 46 feet.

James Collins, Architect of record, describes that the owners would like to subdivide their existing property. The applicant says that housing prices for comparable residences in the neighborhood are less than when the 500 Linden Avenue residence was purchased in 2005. The high real estate taxes compared to other communities make purchasing a house in Oak Park less desirable. This would have an effect of lowering the value of an Oak Park property.

Standard a

The applicant says that each community competes for new owners; one of the main considerations is being able to financially afford the house. The taxes on the property are approximately \$36,000 but the value of the property has reduced by 20%, according to the applicant. The new tax law will penalize owners of property who pay taxes over \$10,000. This tax is having a detrimental on the value of the 500 Linden Avenue property. The property cannot yield a reasonable return if it is to be used under its current configuration.

The owner purchased the property in 2005 for \$1,000,150. The applicant says that the large lot is almost twice as large as the adjacent lots on the rest of the block. The size of the lot puts it as detriment in comparison to the sale prices of the rest of the block. 500 Linden as it stands right now without dividing the land and keeping the front yard would put the worth of the house in its current condition in the \$1,100,000 - \$1,150,000 list price range. The current home located at 500 Linden is in good condition.

The applicant says that the value of the lot to be parceled off to the south along Chicago Avenue is very much tied to what can be built on the lot. If the lot could be used to build a nice 4-bedroom, 3.5 bath new construction home that would sell for \$950,000 then the lot is worth roughly around \$300,000. Should a new 3-bedroom, 2.5 bath home in the 2200 sq. ft. range be built then the house would sell for just under \$800,000 and the land is worth roughly \$250,000 - \$260,000.

Standard b

The physical surroundings, shape or topographical conditions of the specific property impose a particular hardship on the owner.

Standard c

The applicant says that the new lot would still be within this district's requirements for setbacks and lot coverage. The new single family home would blend in completely with the other houses in the block and district. The alleged hardship has not been created by any person presently having a proprietary interest in the premises. The house and lot were purchased together when the applicants purchased the home in 2005. The proposed variation would not be materially detrimental to the public welfare of injurious to other properties or improvements in the neighborhood, since it is consistent with the majority of the existing homes on the block.

Seven neighbors spoke in opposition to application. A letter from the Historic Preservation Commission in opposition to the application was read into the record.

Member Brumirski moved to have the ZBA attorney draft a Resolution denying the application. Member Hansen seconded the motion. The motion was approved 6-0.

Cal. No. 02-18-Z: 838 Madison Street, Karla Linarez

Mr. Bruce read a description of the case: Karla Linarez, Applicant, is seeking a variation from Section 5.3 (Table 5-1: Commercial Districts Dimensional Standards) of the Oak Park Zoning Ordinance, which section requires a build-to-zone of three (3') to five (5') feet along Madison Street, to allow construction of a mixed-use building featuring a zero (0') foot setback along Madison Street located at the premises commonly known as 838 Madison Street, Oak Park, Illinois.

Mr. Linarez, on behalf of Karla Linarez, the Applicant, argues that building the at the build-to-line behind other buildings on the block would obstruct signage and traffic would not be able to see the building when driving along Madison Street.

Standard a

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

The applicant says that without this variance, we will have an obstructed view of the retail storefronts including its signage looking from the West to the East.

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 applicant says that the particular surroundings and conditions currently has an abandoned & deteriorated building to the West. If we carry out the strict letter of regulations, there will be an unsightly and unfinished four foot exposed masonry wall on the east side of the building.

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 says that we are proposing the relief of this variance due to the site conditions. The relief will improve site conditions for the commercial & residential tenants of the building as well as the community.

Member Brumirski moved to have the ZBA attorney draft a Resolution approving the variation application. Member DeBruin seconded the motion. The motion was 5-1, denying the requested variance. Member Brumirski voted to approve.

Cal. No. 03-18-Z: 508 N. Kenilworth Avenue, Oliver Wendell Holmes Elementary School

Mr. Bruce reads a description of the case: Jennifer Costanzo with STR Partners, LLC, Applicant, on behalf of Oak Park Elementary School District 97, is seeking variations from the following sections of the Oak Park Zoning Ordinance, which sections relate respectively to dimensional standards (setbacks) and off-street parking requirements, to permit construction of two additions to the school building on the premises commonly known as 508 N. Kenilworth Avenue, Oak Park, Illinois.

- a. Section 6.2 (C) (Table 6-2: District Dimensional Standards) requires a minimal interior side setback of 10 feet; whereas the proposal features an addition that aligns with the existing school building that features a 7'-2" setback along the eastern lot line; and
- b. Section 10.4 (A) (Table 10.2: Off-Street Parking Requirements) requires that one parking space per classroom be added to accommodate the additional classrooms; whereas the proposal features an addition that will add a total of seven new classrooms while providing no additional on-site parking spaces.

Jennifer Costanzo, architect of record, says that Oak Park Elementary School District 97 has determined that the student population at Oliver Wendel Holmes Elementary School has increased beyond its capacity. Therefore, two additions have been planned to meet the anticipated population and the instructional needs of the facility. A two-story, six classroom addition is to be constructed to the west of the building; and a two-story addition to expand the cafeteria/multi-purpose room space on the first floor and new instructional space at the second floor is to be constructed off the south face of the eastern wing of the building. Overall, the completed project will add seven instructional spaces.

Standard a

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

a. Relative to the interior setback, the applicant argues that maintaining the zoning required set back at the east property line will affect the direct path of egress within the building at the second floor, and will also reduce the instructional space at the second floor.

b. Relative to off-street parking, the applicant argues that it is not physically possible to expand the existing off-street parking lot. Introducing parking at another location on the site will create an unsafe condition by mixing vehicular traffic with play area and open space for the students and community.

Standard 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.

a. Interior Side Yard Set Back: The applicant says that there are no physical surroundings restricting compliance with the setback other than the adverse impact on the interior egress and educational spaces.

b. Off-Street Parking: the applicant says that the existing parking lot is constrained by property boundaries and the existing school building on all sides of the lot. Therefore, it is not physically possible to expand the parking lot to add the zoning required parking spaces.

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.

a. Interior Side Yard Set Back: The applicant says that our request for variance is a result of the function of the school and its site constraints. No person at currently an Administrator for the school district was involved with the original construction of the school and its addition. The Owner will not personally benefit as a result of the variance; however, the public will benefit from a school facility properly sized for anticipated population.

Member Brumirski moved to have the ZBA attorney draft a Resolution approving the variances. Member Ruszczuk seconded the motion. The motion was approved 6-0.

Member Hansen moved to adopt the draft Resolution approving the variation application. Member Brumirski seconded the motion. The motion was approved 6-0.

Minutes

No minutes were available to approve.

Other Business

Adjournment