

**ZONING BOARD OF APPEALS
JUNE 7, 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, Don DeBruin, Deborah McQueen and David Brumirski

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 two public hearings tonight. Mr. Bruce will summarize the applications after that the applicant can present whatever they wish to present; following that, 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. After that the applicant has 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. 07-17-Z: 112 S. Elmwood Avenue, Ken Floody and Elizabeth Freebairn

Mr. Bruce reads a Description of the Case: Applicants, Ken Floody and Elizabeth Freebairn, are requesting that a variation be granted from Section 3.5.3 (B) (1), which requires that the average front yard setback for the principal building shall be not less than 28.4 feet, whereas the project will feature an enclosed front porch addition with an approximately 20.8 foot front yard setback.

The Applicant is seeking to construct a new enclosed front porch to the existing principal building. The proposal will attempt to be compatible with the original design of the residence that featured an enclosed porch based on the style and age of the residence.

Anthony Ronning, Architect, on behalf of the Applicant, will present the case to the ZBA.

Standard One:

Mr. Ronning says that the monetary return of the proposed Project is minimal. The intent of this Project is the historic restoration of the front of this home.

Standard Two:

Mr. Ronning says over one hundred years ago this home was built approximately 8' closer to the street than most other homes on the block. As such, a strict interpretation of the zoning regulations completely eliminates any possibility of restoring the original Front Porch.

Standard Three:

Mr. Ronning says that the original Front Porch was removed before the current owner's purchased the property.

Standard Four:

Mr. Ronning says that the proposed project has no impact on the public welfare or safety of the neighborhood.

Standard Five:

Mr. Ronnings says of all the issues raised by this standard, the only potential concern may be the creation of shadows that block light from the adjacent north property. However, that property is already as close to the street as our proposed porch, and the alley between the two properties increases the distance between them. Those two factors minimize any shadows cast toward the north property.

Standard Six:

Mr. Ronning says that the dominant architectural form on the block is the single-family home **with** front porch. Among the seventeen other single family homes on the block, thirteen have their original front porch, three have porches that were enclosed, and only one has no porch. The proposed project will return this home to its original form (a home **with** front porch) and bring it in line with the dominant architectural characteristics of the block.

Mr. Ronning says that if the variance is approved, it will not create the appearance of a single home sitting far in front of its neighbors on either side. The proposed porch is designed to match the setback of the adjacent home to the north. The next property to the north (the last on the block) has townhomes adjacent to it which are much closer to the street than either of these two homes. Therefore the proposed porch will follow an already established line of properties that are closer to the street at the north end of the block.

Standard Seven:

Mr. Ronning says that part of the spirit and intent of the zoning ordinance is to protect the historic character of the residential neighborhoods. The proposed project intends to restore the historic front porch this home once had.

The hearing was closed.

Member Brumirski says that the project fails standards one and two and thus it is a convenience to construct the porch.

Member Hansen moved to approve the application. Member Lencioni seconded the motion. The motion was approved 6-1. Member Brumirski voted against the proposal.

Approval of Resolution

Rasheda Jackson, the ZBA attorney, drafted a Resolution approving the variance. Member Lencioni moved to approve the Resolution. Member Hansen seconded the motion. The motion was approved 6-1. Member Brumirski voted against the Resolution.

Cal. No. 08-17-Z: 417-425 Wisconsin Avenue, James Vanderheyden

Mr. Bruce reads a Description of the Case: James Vanderheyden, on behalf of the owner of the Subject Property, is requesting that a variation be granted from Section 3.6.3 (B) (3) and Section 4.10.3 (Appurtenances Permitted in Side Yards) of the Village of Oak Park Zoning Ordinance, wherein Section 3.6.3 (B) (3) require a minimum side yard setback of ten (10') feet in the R-7 Multiple-Family District, and Section 4.10.3 prohibits steps and open porches from projecting into the required side yard, to permit the construction of an open porch and steps on the south side of the building that would be located approximately one (1") inch from the side lot line at the premises commonly known as 417-425 Wisconsin Avenue. (Open Public Hearing)

Mr. Vanderheyden shows the ZBA members pictures of the existing porches and then discusses his proposed drawings of the porches. He says that there are a total of five porches on the property, three of which were rebuilt already and brought up to code. He says that the two south porches cannot be rebuilt as designed due to the Zoning Ordinance.

Standard One:

Mr. Vanderheyden says that the Condo members are concerned that the existing stairs are very dangerous in their original design and that it is a matter of time before an accident happens due to the winders of the stairs. The stairs are the primary means to the units from the parking lot and need to be improved to protect the future value of the units.

Standard Two:

Mr. vanderheyden says that the original designs of the stairs are not up to current codes. When porches and stairs become deteriorated to the point they become unsafe, Building Departments typically require the new stairs to be brought up to code. We have an opportunity to make them safe to use, only if a variance is granted.

Standard Three:

Mr. Vanderheyden says that the original stairs were designed and constructed under different codes before any person presently have a property interest in the premises.

Standard Four:

Mr. Vanderheyden says that the new configuration will be much safer than the existing porch and stairs.

Standard Five:

Mr. Vanderheyden says that these stairs are located on the south side of the building and thus no shadows will be cast on any other properties. The landings will have non-combustible coating to guarantee no fire hazard. The new configuration will be safer.

Standard Six:

Mr. Vanderheyden says that the porch/stair design is consistent with the renovation work already completed to the other three porches on the building.

Standard Seven:

The proposed design does not alter the building footprint, nor does it alter the walkways around the building, according to Mr. Vanderheyden. The design does not impact the ability of the adjacent property to make improvements. Therefore, he believes the variation will be in harmony with the spirit of the Zoning Ordinance.

Deliberation

Members of the Board feel this application illustrates when a life safety issue bumps heads with the Zoning Ordinance.

Member Hansen moved to approve the Application. Member Lencioni seconded the motion. The motion was approved 4-3. Members Ruszczyk, Brumirski and DeBruin voted against the proposal citing issues relative to how close the porch will be to the adjacent property and the fact that the Applicant did not notify the adjacent property owner of the proposed work.

Approval of Resolution

Rasheda Jackson, the ZBA attorney, drafted a Resolution approving the variance. Member Lencioni moved to approve the Resolution. Member Hansen seconded the motion. The motion was approved 4-3. Members Ruszczyk, Brumirski and DeBruin voted against the proposal.

Approval of Minutes**February 15th Minutes**

Steve Ruszczyk moved to approve the minutes. Member Hansen seconded the motion. The minutes are approved 7-0.

May 3rd Minutes

Hansen moved to approve the minutes. Member Lencioni seconded the motion. The minutes are approved 6-0 with one AB. (Brumirski)

Adjournment