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Prepared by:
Village of River Forest
400 Park Avenue
River Forest, Illinois 60305
Attention: Village Administrator

Record against:
P.I.N.: 15-01-403-022-0000



Doc# 2220140044 Fee \$88.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 07/20/2022 12:15 PM PG: 1 OF 34

[Above space for Recorder's Office]

COOK COUNTY RECORDER OF DEEDS

RECORDING COVER SHEET FOR

ORDINANCE NUMBER 3830
APPROVED JANUARY 25, 2021

AN ORDINANCE APPROVING A VARIATION TO ENCLOSED PARKING SPACE
REQUIREMENTS FOR A GARAGE AT 1134-1136 HARLEM AVENUE

[+ LEGAL DESCRIPTON on a separate page]

RECORDING FEE 88.00
DATE 7/20/22 COPIES 6x
OK BY EK

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ORDINANCE NO. 3830

AN ORDINANCE APPROVING A VARIATION TO ENCLOSED PARKING SPACE REQUIREMENTS FOR A GARAGE AT 1134 – 1136 HARLEM AVENUE

WHEREAS, petitioner Daniel J. Brown (“Petitioner”), owner of the property located at 1134 – 1136 Harlem Avenue in the Village of River Forest (“Property”), requested a variation (“Application”) from the Village of River Forest’s enclosed parking space requirements in Section 10-10-8 of the Village of River Forest Zoning Ordinance (“Zoning Ordinance”), to allow the construction of a garage with two (2) enclosed parking spaces, where the minimum number of enclosed parking spaces required is four (4) (“Variation”), the Property is located in the R-3 Single-Family (Attached) Residential Zoning District; and

WHEREAS, the Property is legally described in **Exhibit A** attached hereto and made a part hereof; and

WHEREAS, the Application was referred to the Village of River Forest Zoning Board of Appeals (“ZBA”) and was processed in accordance with the Zoning Ordinance; and

WHEREAS, on November 12, 2020, the ZBA held a public hearing on the Application pursuant to notice thereof given in the manner required by law, and, after considering all of the testimony and evidence presented at the public hearing, the ZBA recommended approval of the Variation, by a vote of five (5) to zero (0), all as set forth in the Findings and Recommendation of the ZBA in this matter (“Findings and Recommendation”), a copy of which is attached hereto as **Exhibit B** and made a part hereof; and

WHEREAS, the President and Board of Trustees of the Village of River Forest have duly considered the Findings and Recommendation of the ZBA, and all of the materials, facts and circumstances affecting the Application, and find that the Application satisfies the standards set forth in the Zoning Ordinance relating to the Variation;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of River Forest, Cook County, Illinois, as follows:

SECTION 1: Incorporation. That the recitals above are incorporated into Section 1 as though set forth herein.

SECTION 2: Approval. That the President and Board of Trustees of the Village, acting pursuant to the authority vested in them by the laws of the State of Illinois and the Zoning Ordinance, subject to the condition in Section 3 below: (i) find that the Application meets the standards for the Variation requested therein, and (ii) approve the Variation with respect to the garage proposed to be built on the Property as set forth in

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the Application. The Variation is approved only to the extent needed for the construction and maintenance of the garage, and the Variation shall remain in effect only for so long as the garage proposed in the Application remains on the Property.

SECTION 3: Condition. That the Variation is subject to the condition that three (3) additional unenclosed parking spaces be maintained and striped on the parking pad on the Property adjacent to the garage

SECTION 4: Recording. That Village staff is directed to record the Ordinance on title to the Property with the Cook County Recorder of Deeds.

SECTION 5: Violation. That any violation of any term or condition stated in this Ordinance or of any applicable code, ordinance, or regulation of the Village shall be grounds for the rescission of the approvals made in this Ordinance.

SECTION 6: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 7: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

SECTION 8: Effectiveness. That this Ordinance shall be in full force and effect after its approval and publication in pamphlet form as provided by law.

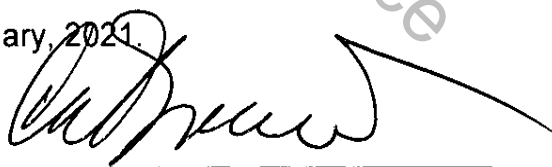
ADOPTED this 25th day of January, 2021, pursuant to a roll call vote.

AYES: Trustees Bachner, Brennan, Cargie, Henek, O'Connell, Vazquez

NAYS: None


ABSENT: None

APPROVED by me this 25th day of January, 2021.



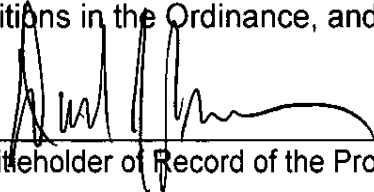
Catherine Adduci, Village President

ATTEST:


Sara Phyfer, Deputy Village Clerk

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The Petitioner acknowledges the reasonableness of the above and foregoing terms and conditions in the Ordinance, and hereby accepts the same.

By: 
Titleholder of Record of the Property

Date: Aug 19, 2021



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EXHIBIT A

LEGAL DESCRIPTION

LOT 25 IN GREY AND BRAESE'S RESUBDIVISION OF LOT 1 IN THE SUBDIVISION OF BLOCKS 1, 8, 9, 10, 11, 14, 15 AND 16 IN BOGUE'S ADDITION TO OAK PARK, BEING A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

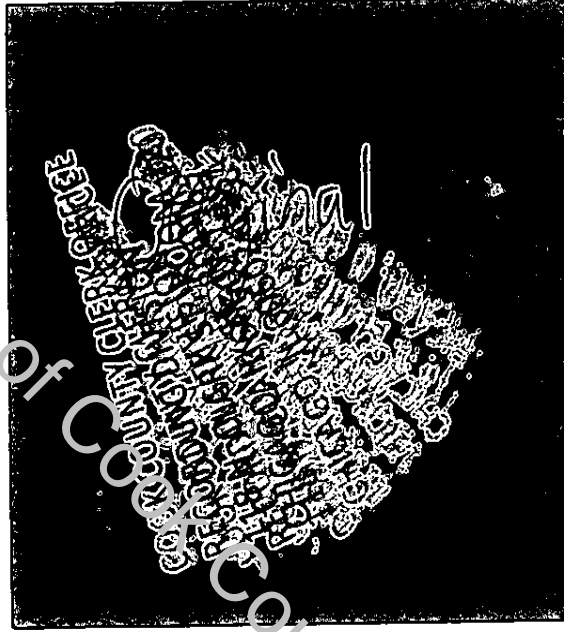
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EXHIBIT B

FINDINGS OF FACT AND RECOMMENDATION

(attached)



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January 25, 2021

STATE OF ILLINOIS}
COUNTY OF COOK}

I, Sara Phyfer, certify that I am the duly appointed deputy municipal clerk of the Village of River Forest of Cook County, Illinois.

I further certify that on January 25, 2021, the Corporate Authorities of such municipality passed and approved **Ordinance No. 3830, AN ORDINANCE APPROVING A VARIATION TO ENCLOSED PARKING SPACE REQUIREMENTS FOR A GARAGE AT 1134 - 1136 HARLEM AVENUE** which provided by its terms that it should be published in pamphlet form as provided by law.

By: 
Sara Phyfer, Deputy Village Clerk

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**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS
FINDINGS OF FACT AND RECOMMENDATION REGARDING
AN ENCLOSED PARKING SPACES VARIATION
RELATED TO A PROPOSED GARAGE
AT 1134 – 1136 HARLEM AVENUE**

WHEREAS, petitioner Daniel J. Brown (“Petitioner”), owner of the property located at 1134 – 1136 Harlem Avenue in the Village of River Forest (“Property”), requested a variation from the Village of River Forest’s enclosed parking space requirement in Section 10-10-8 of the Village of River Forest Zoning Ordinance (“Zoning Ordinance”), to allow the construction of a garage with two (2) enclosed parking spaces, where the minimum number of enclosed parking spaces required is four (4) (“Variation”). The Property is located in the R-3 Single-Family (Attached) Residential Zoning District; and

WHEREAS, the Village of River Forest Zoning Board of Appeals (“ZBA”) held a public hearing on the question of whether the requested Variation should be granted on November 12, 2020, and the hearing was held in accordance with Section 10-5-4(E) of the Zoning Ordinance. At the public hearing, all persons present and wishing to speak were given an opportunity to be heard and all evidence that was tendered was received and considered by the ZBA; and

WHEREAS, public notice in the form required by law was given of the public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing in the *Wednesday Journal*, a newspaper of general circulation in the Village, there being no newspaper published in the Village. In addition, notice was mailed to surrounding property owners; and

WHEREAS, at the public hearing on November 12, 2020, Petitioner Daniel J. Brown and Petitioner’s architect provided information regarding the requested Variation, testifying, among other things, that the Property previously had a two (2) car garage which burned down approximately eighteen (18) months ago, and that Petitioner requested the Variation in order to replace that garage with a similar structure; and

WHEREAS, at the public hearing, Petitioner and his architect testified that building a garage with four (4) enclosed parking spaces as required by the Zoning Ordinance, instead of the two (2) enclosed spaces proposed, would require a significant reduction in available open space in the backyard of the Property; and

WHEREAS, at the public hearing, Petitioner and his architect also testified that the Property has three (3) additional unenclosed parking spaces on a concrete parking pad adjacent to the garage, and that Petitioner intended to keep the three (3) unenclosed parking spaces in place if the proposed two (2) car garage were allowed to be built; and

WHEREAS, five (5) members of the ZBA were present for the public hearing, which constituted a quorum of the entire ZBA that is required to convene a meeting of the ZBA, and allow for the public hearing to proceed; and

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WHEREAS, after the close of public comment, the ZBA discussed and deliberated the application for this Variation; and

WHEREAS, following discussion, the ZBA, having considered the criteria set forth in Section 10-5-4 of the Zoning Ordinance, on November 12, 2020, voted five (5) to zero (0) to recommend approval of the Variation;

NOW, THEREFORE, the ZBA makes the following findings of fact and recommendations pursuant to Section 10-5-4(E)(2) of the Zoning Ordinance:

FINDINGS OF FACT

1. **The physical surroundings, shape or topographical conditions of the Property constitute a specific hardship upon the owner as distinguished from an inconvenience if the strict letter of the regulations were to be carried out.** The ZBA finds that this standard has been met. The Property is used as a two (2) dwelling rental property and has a large backyard for tenants. Allowing the two (2) car garage to be rebuilt in generally the same location and generally the same size, as opposed to requiring a four (4) car garage to be built, will preserve open space on the Property.

2. **The aforesaid unique physical condition did not result from any action of any person having an interest in the property, but was created by natural forces or was the result of governmental action, other than the adoption of the Village's Zoning Regulations, for which no compensation was paid.** The ZBA finds that this standard has been met. The two (2) car garage previously on the Property was destroyed by fire.

3. **The conditions of the Property upon which the petition for Variation is based may not be applicable generally to other property within the same zoning classification.** The ZBA finds that this standard has been met. Other properties in the vicinity of the Property do not have the same circumstances presented here, that a garage burned down which an owner seeks to rebuild.

4. **The purpose of the Variation is not based predominately upon a desire for economic gain.** The ZBA finds that this standard has been met. The Petitioner indicated that he desires to rebuild the garage in generally the same location and size in order to preserve open space on the Property for its tenants' use, not for economic gain.

5. **The granting of the Variation is not detrimental to the public welfare or unduly injurious to the enjoyment, use, or development value of other property or improvements in the neighborhood in which the Property is located.** The ZBA finds this standard has been met, so long as the recommended condition of approval below is satisfied. There was no testimony or evidence that the garage previously on the Property was detrimental to the public welfare or injurious to neighboring properties. The Petitioner stated that if the Variation was granted, the Property would continue to have three (3) parking spaces adjacent to the rebuilt garage available for residents and guests of the

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Property. The ZBA recommends that a condition of approval of the Variation include that these three (3) parking spaces remain on the Property and be striped, to indicate their availability for parking.


6. **The granting of the Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.** The ZBA finds that this standard has been met. The Variation, if granted, would allow a garage to be built of generally the same size and in generally the same location as the garage previously on the Property. No evidence was presented that suggested the replacement garage would have any negative impact on neighboring properties or create a dangerous situation.

7. **The granting of the Variation will not unduly tax public utilities and facilities in the area of the Property.** The ZBA finds that this standard has been met, as a two (2) car garage will not put stress on any public utilities or facilities.

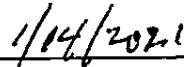
8. **There are no means other than the requested Variation by which the hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Property.** The ZBA finds that this standard has been met. Applying the strict requirements of the Zoning Ordinance would require a four (4) car garage on the Property, which would eliminate most of the open space in the backyard. Allowing a two (2) car garage to be rebuilt on the Property is appropriate and would allow for a reasonable use of the Property.

RECOMMENDATION

The ZBA, by a vote of five (5) to zero (0) found that the standards for granting of the Variation was met. Therefore, the ZBA recommends to the Village President and Board of Trustees that the Variation to allow the construction of a garage with two (2) enclosed parking spaces be **GRANTED** on the condition that three (3) additional unenclosed parking spaces be maintained and striped on the parking pad on the Property adjacent to the garage.



Frank Martin
Chairman



Date

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REPORT FROM THE VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS

Recommendation: The Zoning Board of Appeals recommends granting variation to Section 10-10-8 Zoning Ordinance.

Property: 1134-1136 Harlem Avenue

Zoning District: R3 Single-Family (Attached) Residential District

Applicant: Daniel Brown

Nature of Application: The property owner is seeking relief from the Village's enclosed parking space requirements to allow the construction of a garage with two enclosed parking spaces, where the minimum number of enclosed parking spaces is four.

Ordinance Provision(s): 10-10-8: OFF STREET PARKING: In an R3 district, no building may be erected or structurally altered unless there shall be provided on the same lot, off-street parking as follows:

A. Two enclosed parking spaces for passenger automobiles for each dwelling unit which are not in any of the required open yards unless such enclosure is a detached garage, which may occupy no more than forty percent of the rear yard.

B. For each dwelling unit, one guest parking space shall be provided which may be on the dwelling unit's private driveway.

Analysis of Request:

<i>Ordinance</i>	<i>Requirement</i>	<i>Current Condition</i>	<i>Proposed Condition</i>
10-10-8	4 enclosed parking spaces	0 enclosed parking spaces (previous two-car garage was destroyed by fire)	Replace garage in kind to provide two enclosed parking spaces in addition to three on-site unenclosed parking spaces

ZBA Hearing Date: November 12, 2020

Date of Application: October 15, 2020

Zoning Board Vote:

Chairman Frank Martin	Yes
David Berni	Yes
Gerry Dombrowski	Yes
Tagger O'Brien	Yes
Joanna Schubkegel	Yes

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Michael Smetana	Absent
Ronald Lucchesi	Absent

Documents Attached: Minutes from November 12, 2020 Public Hearing Application

Report Prepared by: Clifford Radatz, Building Official
Lisa Scheiner, Assistant Village Administrator

Requested Action: Motion to approve an Ordinance granting the requested variations to Section 10-10-8 of the Zoning Code at 1134-1136 Harlem Avenue.

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**VILLAGE OF RIVER FOREST
ZONING BOARD OF APPEALS MEETING MINUTES
November 12, 2020**

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, November 12, 2020 in the Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois.

I. CALL TO ORDER

Chairman Martin called the public hearing to order at 7:30 p.m.

Upon roll call, the following persons were:

Present: Members Berni, Dombrowski, O'Brien, Schubkegel, and Chairman Martin.

Absent: Members Lucchesi and Smetana

Also Present: Assistant Village Administrator Lisa Scheiner and Village Attorney Greg Smith

II. APPROVAL OF OCTOBER 15, 2020 ZONING BOARD OF APPEALS MEETING MINUTES

A MOTION was made by Member O'Brien and SECONDED by Member Berni to approve the minutes of the October 15, 2020 Zoning Board of Appeals meeting as amended.

Ayes: Dombrowski, O'Brien, Berni, Schubkegel, and Martin.

Nays: None

Motion passed.

III. APPROVAL OF FINDINGS OF FACT FOR THE PROPOSED ZONING VARIATIONS AT 7820 AUGUSTA STREET FROM THE MEETING OF THE ZONING BOARD OF APPEALS ON OCTOBER 15, 2020 AS AMENDED

A MOTION was made by Member O'Brien and SECONDED by Member Berni to approve the Findings of Fact and recommendation as amended.

Ayes: Dombrowski, O'Brien, Berni, Schubkegel, and Martin.

Nays: None

Motion passed.

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Village of River Forest
Zoning Board of Appeals

November 12, 2020

IV. APPROVAL OF FINDINGS OF FACT FOR THE PROPOSED ZONING VARIATIONS AT 210 GALE AVENUE FROM THE MEETING OF THE ZONING BOARD OF APPEALS ON OCTOBER 15, 2020

A MOTION was made by Member O'Brien and SECONDED by Member Berni to approve the Findings of Fact and recommendation.

Ayes: Dombrowski, O'Brien, Berni, Schubkegel, and Martin.

Nays: None

Motion passed.

V. ZONING VARIATION REQUEST - 1134-1136 HARLEM AVENUE - PUBLIC HEARING

Chairman Martin called the public hearing to order.

Assistant Village Administrator Scheiner read the attestation and swore in all parties wishing to speak.

Daniel Brown, property owner, asked the project architect, Drew Nelson, to present the petition.

Mr. Nelson stated that Mr. Brown came to him after he'd lost his detached two-car garage to fire and that Mr. Brown desires to replace the two-car garage. Mr. Nelson stated that the Zoning Ordinance requires two enclosed spaces and one surface parking space for each unit. He stated that primary structure is a two-flat on a 50-foot wide lot. He continued that a four-car garage and two surface parking spaces will not fit on the site and would require the use of the side yard for more. The house is located at the intersection of an alley and an enclosed four-car garage would take up more yard space and create more impervious surface. Mr. Nelson said that this type of building is not typical for the Zoning District. He said that Mr. Brown proposes to rebuild what was there previously which includes a garage with two enclosed spaces and a parking pad for two additional spaces.

Mr. Brown stated that the backyard is attractive with fencing, trees and grass, and is used by the tenants for outdoor enjoyment. To make it smaller to accommodate the parking pads would detract from the attractiveness from of the house. The house is on Harlem Avenue and the noise is very loud. Mr. Brown continued that the back yard is quiet and nice and it would be ruined if he is required to provide enclosed parking. He stated that they have gotten by with the existing parking for years.

Mr. Nelson stated the Zoning Ordinance requires a minimum lot size in the R3 Zoning District of 8,712 square feet. He stated that the lot is smaller than is what is required and he believes that the parking requirements were a reaction to building a larger multi-unit building than the existing two-flat.

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Village of River Forest
Zoning Board of Appeals

November 12, 2020

In response to a question from Chairman Martin, Mr. Brown stated that the parking spaces are used by the tenants of the parking spots. He stated that each unit gets one covered spot and one uncovered spot on the parking pad. In response to a follow-up question from Chairman Martin, Mr. Brown confirmed that the tenant leases include the exclusive use of two parking spaces. Mr. Brown stated that the fifth parking space could be squeezed onto the pad but it fits two spaces more comfortably. He continued that the pad is used as a walkway to the alley for trash.

Mr. Nelson stated that the existing pad is 24 feet 7 inches and that, per Village Code, it could be striped for two legal spaces and one compact space, but a portion of the pad is currently used as a walkway.

In response to a question from Chairman Martin about whether he intends to use the concrete pad for two or three spaces, Mr. Brown stated it is not currently striped but it could be striped.

Chairman Martin stated that he is asking this question because it appeared that Mr. Brown had five spaces prior to the fire. The petition is for the garage to be replaced in kind. Chairman Martin asked if Mr. Brown would be providing five total spaces or if he was also requesting an additional variation for the number of required parking spaces. Mr. Brown said they didn't plan to change anything, just replace the garage. Mr. Nelson stated that there would be the same amount of surface and garage parking.

In response to a question from Mr. Berni, Mr. Brown stated the garage has been gone for approximately 18 months. Mr. Brown said they had made arrangements to replace it but when they tried to get a permit they discovered that replacing it was not in compliance with Village Code.

In response to a question from Mr. Berni, Mr. Brown confirmed that the existing tenants are only expecting what they had before for parking.

Ms. Scheiner read a letter into the record from one of Mr. Brown's tenants who was unable to attend the meeting but supports the requested zoning variation. Chairman Martin stated the letter would be considered as evidence regarding the requested variation.

Chairman asked Mr. Brown how often the parking spaces are filled. Mr. Brown stated that he doesn't get over to the property very often and that there are sometimes one or two spots available. He said his tenants have different schedules and the spots are used, but he doesn't know that they're all used 100% of the time.

Chairman Martin asked whether Mr. Brown had considered building two two-car garages, one in the location of the old garage and one in the location of the pad, which would provide four enclosed parking spaces. Mr. Brown stated that they would still be short on guest

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Village of River Forest
Zoning Board of Appeals

November 12, 2020

parking. Mr. Martin acknowledged that they would not have two parking spots and no one is suggesting that they destroy the back yard.

Mr. Nelson stated that the new garage is a little longer than the old garage and will comply with current setback requirements.

Chairman Martin asked if there were any further questions for the applicant or anyone else who wished to speak about the application. Hearing none, Chairman Martin closed the public hearing.

Discussion and Deliberation of the Variation Request

Chairman Martin suggested that approval of the variation request be conditioned upon striping the concrete pad for three cars for a total of two enclosed and three unenclosed spaces on the property.

Mr. Berni stated that Harlem Avenue is a hardship in itself as there is no parking and that a parking pad at this property works better for guest parking and preserves open space. He stated he supports the requested variation.

Mr. Dombrowski agreed with Mr. Berni's comments.

A MOTION was made by Member Dombrowski and SECONDED by Member Berni that the requested variation be granted with the condition that the concrete pad be striped for three additional parking spaces.

Ayes: Dombrowski, O'Brien, Berni, Schubkegel, and Martin.

Nays: None

Motion passed.

VI. PUBLIC COMMENT

None.

VII. ADJOURNMENT

Chairman Martin announced that there would be no Zoning Board of Appeals meeting in December. The next meeting will be in January and would include a continued public hearing for the requested variation at 346 Park Avenue.

A MOTION was made by Member O'Brien and SECONDED by Member Schubkegel to adjourn the meeting at 7:57 p.m.

Ayes: Dombrowski, O'Brien, Berni, Schubkegel, and Martin.

Nays: None

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Village of River Forest
Zoning Board of Appeals

November 12, 2020

Motion passed.

Respectfully Submitted:

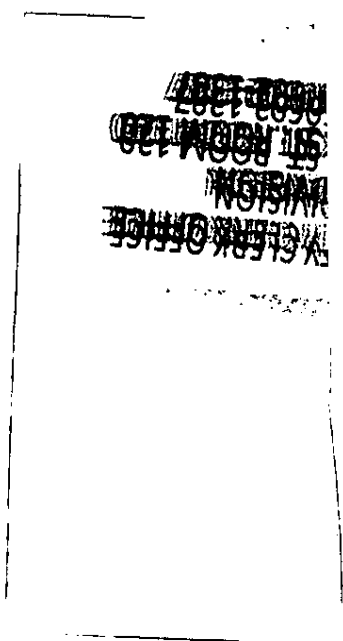
Lisa Scheiner

Lisa Scheiner, Secretary

Frank R. Martin

Frank Martin, Chairman
Zoning Board of Appeals

Date: 1/15/2021



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MEMORANDUM

DATE: November 6, 2020

TO: Zoning Board of Appeals

FROM: Clifford E. Radatz *ceR*
Building Official

SUBJECT: Variation Request – 1134 – 1136 Harlem Avenue

Daniel J. Brown, owner of the property at 1134 – 1136 Harlem Avenue, has submitted the attached application for a variation to the Off-Street Parking regulations (Section 10-10-8) of the Zoning Code.

The applicant proposes to construct a two-car detached garage in the rear yard of the property to replace an existing garage which was destroyed by fire in 2019. This property is in the R3 Single Family Attached Residential District, and the primary structure on the property contains two attached dwelling units.

The applicant is requesting a variation that would allow the new garage to provide a total of two enclosed parking spaces, thereby providing only one enclosed parking space per dwelling unit. The Zoning Ordinance requires two enclosed parking spaces to be provided for each dwelling unit on the property.

If the Zoning Board wishes to recommend the approval of this variation to the Village Board of Trustees, the following motions should be made:

Motion to recommend to the Village Board of Trustees the approval of a variation to Section 10-10-8 of the Zoning Code at 1134 – 1136 Harlem Avenue.

If you have any questions regarding this application, please do not hesitate to call me.

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LEGAL NOTICE ZONING BOARD OF APPEALS RIVER FOREST, ILLINOIS

Public Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals (ZBA) of the Village of River Forest, County of Cook, State of Illinois, on Thursday, November 12, 2020 at 7:30 p.m. in the First Floor Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois on the following matter:

The ZBA will consider an application for a major zoning variation submitted by Daniel J. Brown, owner of the property at 1134 - 1136 Harlem Avenue, who is proposing to construct a new detached garage in the rear yard.

Section 4-8-5 of the Village Code provides the Zoning Board jurisdiction to hold public hearings and offer recommendations to the Village Board concerning variations to Zoning Ordinance.

The applicant is requesting a major variation to Section 10-10-8 that would allow the new garage to provide a total of two enclosed parking spaces thereby providing only one enclosed parking space per dwelling unit. The Zoning Ordinance requires two enclosed parking spaces to be provided for each dwelling unit on the property.

The legal description of the property at 1134 - 1136 Harlem Avenue is as follows:

LOT 25 IN GREY AND BRAESE'S RESUBDIVISION OF LOT 1 IN THE SUBDIVISION OF BLOCKS 1, 8, 9, 10, 11, 14, 15 AND 16 IN BOGUE'S ADDITION TO OAK PARK, BEING A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

A copy of the application will be available to the public at Village Hall and on the Village's website at www.vrf.us/zoningvariation no less than 15 days prior to the public hearing. The Zoning Board of Appeals meeting packet will also be available at www.vrf.us/meetings no less than 48 hours prior to the public hearing.

All interested persons will be given the opportunity to be heard at the public hearing. **For public comments to be considered by the Zoning Board of Appeals and Village Board of Trustees in their decision, they must be included as part of the public hearing record.** Interested persons can learn more about how to participate in the hearing by visiting www.vrf.us/zoningvariation.

Sincerely,

Clifford Radatz

Secretary, Zoning Board of Appeals

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APPLICATION FOR ZONING VARIATION Village of River Forest Zoning Board of Appeals



Address of Subject Property: 1134-36 N. Harlem Ave. Date of Application: 10-15-20

Applicant		Architect / Contractor	
Name: <u>Daniel J Brown</u>		Name: <u>Drew Nelson, WDN Architecture, LLC</u>	
Address: <u>4 Oak Brook Club Dr, 6107</u>		Address: <u>125 N. Marion St., #204</u>	
City/State/Zip: <u>Oak Brook, IL 60523</u>		City/State/Zip: <u>Oak Park, IL 60301</u>	
Phone: <u>630-679-3400</u>	Fax: <u>630-955-1190</u>	Phone: <u>(708) 912-6453</u>	Fax: _____
Email: <u>djb938@SBCGlobal.net</u>		Email: <u>dnelson@wdnarchitecture.com</u>	

Relationship of Applicant to Property (owner, contract purchaser, legal counsel, etc.): Owner

Zoning District of Property: OR1 OR2 OR3 OR4 OC1 OC2 OC3 OPRI OORIC

Please check the type(s) of variation(s) being requested:

- Zoning Code Building Code (fence variations only)

Application requirements: Attached you will find an outline of the other application requirements. Please read the attached carefully, the applicant will be responsible for submitting all of the required information.

Also attached for your information are the Zoning Board of Appeals "Rules of Procedure" for their public hearings.

Application Deadline: A complete variation application must be submitted no later than the 15th day of the month in order to be heard by the Zoning Board of Appeals in the following month. The Zoning Board of Appeals meets on the second Thursday of each month.

SIGNATURES:

The undersigned hereby represent for the purpose of inducing the Village of River Forest to take the action herein requested, that all statements herein and on all related attachments are true and that all work herein mentioned will be done in accordance with the ordinances of the Village of River Forest and the laws of the State of Illinois.

Owner: Date: 10-15-20

Applicant (if other than Owner): _____ Date: _____

Application Fee: A non-refundable fee of \$750.00 must accompany every application for variation, which includes the cost of recording the variation with the County. Checks should be made out to the Village of River Forest.

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APPLICATION FOR ZONING VARIATION

Address of Subject Property: 1134-36 N. Harlem Ave. Date of Application: 10-15-20

Summary of Requested Variation(s):

Applicable Code Section (Title, Chapter, Section) <i>Example:</i> 10-8-5, lot coverage	Code Requirement(s) <i>Example:</i> no more than 30% of a lot	Proposed Variation(s) <i>Example:</i> 33.8% of the lot (detailed calculations on a separate sheet are required)
10-10-8, Off Street Parking	A. Two enclosed parking spaces for passenger automobiles for each dwelling unit which are not in any of the required open yards unless such enclosure is a detached garage. B. For each dwelling unit, one guest parking space shall be provided which may be on the dwelling unit's private driveway.	Existing 2-Unit building. Provide 2 enclosed (detached garage) parking spaces = one per unit. Provide 3 outdoor surface parking spaces = 2 standard size (8'6" wide), 1 compact size (7'6" wide) Matches previous parking layout before existing garage burned down.

THE APPLICANT IS REQUIRED TO SUBMIT DETAILED LONG HAND CALCULATIONS AND MEASUREMENTS FOR ALL APPLICABLE ZONING PROVISIONS. APPLICATIONS WILL NOT BE CONSIDERED COMPLETE WITHOUT THESE CALCULATIONS AND MEASUREMENTS.

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WDN ARCHITECTURE, llc

125 NORTH MARION ST. #204
OAK PARK, ILLINOIS 60301
PHONE: 708.386.9695

October 15, 2020

Garage Replacement
1134 – 1136 North Harlem Ave.
River Forest, IL 60305

In February of 2019, a garage fire destroyed the two-car garage located at 1134-1136 North Harlem Avenue. The existing garage sat at the intersection of two alleys (see the attached survey and site plan). The previous garage served an existing two-unit residence. In addition, the site contained a concrete parking pad that was big enough to accommodate two standard size parking stalls and one compact size (based on River Forest required parking dimensions). Therefore, a total of five parking spaces were provide across the entire rear of the lot.

The existing two-unit residential structure is in a R3 zoning district. This district requires two enclosed parking spaces and one surface parking space for each unit. Therefore, six spaces are required per the zoning code (see section 10.10-8).

The building owner requests a variance to replace the destroyed garage with a new two-car detached garage in the same location of the previous garage. The new garage will be slightly larger than the previous garage to better accommodate two cars. The existing exterior parking pad will remain and will still be able to accommodate two standard size parking stalls and one compact size stall. A total of five parking spaces will be provided across the entire rear of the lot. This request is based on the eight standards for variation detailed on the following pages.

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VANDESWALKER
LAND SURVEYORS
PROFESSIONAL DESIGN FIRM
NO. 20196 EXPIRES 04/30/08

PLAT OF SURVEY

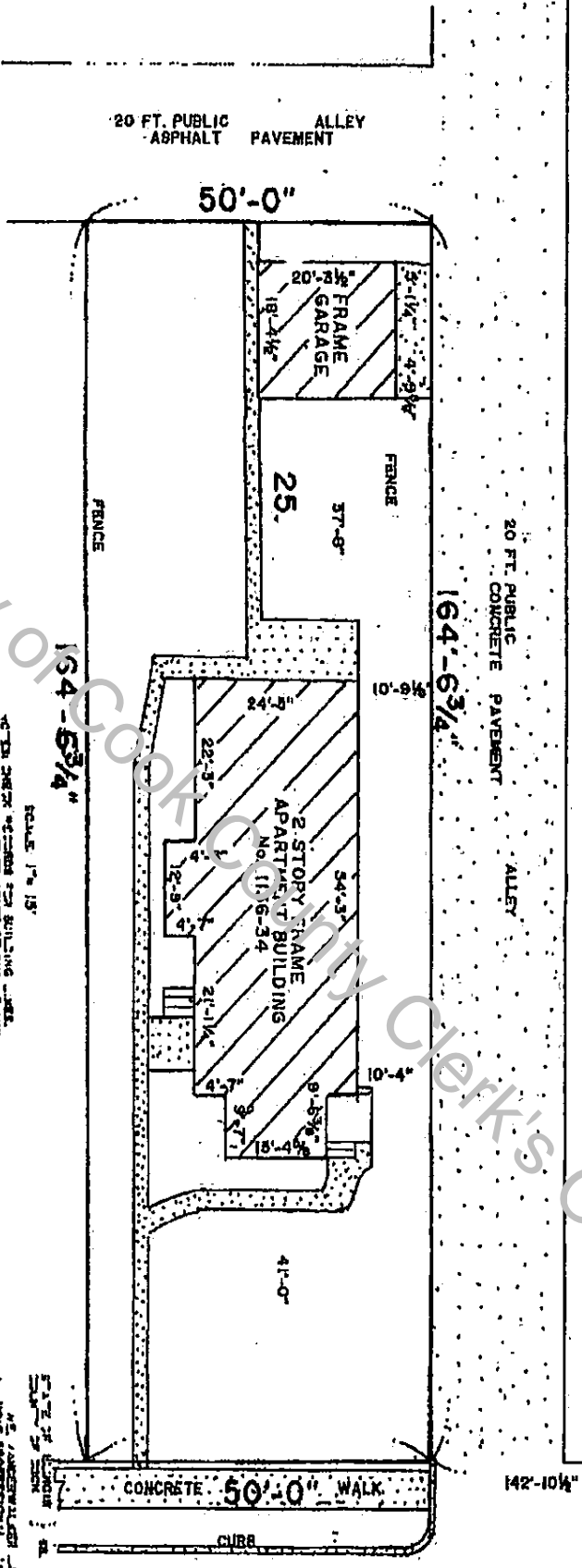
4231 W. 110TH STREET - UNIT 1
SAR LAKE ILLINOIS 60423
PHONE 708-433-8232
FAX 708-433-8232

LOT 25 IN GREY AND BRAUER'S RESUBDIVISION OF LOT 1 IN THE SUBDIVISION OF BLOCKS 1, 8, 9, 10, 11, 14, 15 AND 16 IN ROGUE'S ADDITION TO OAK PARK, BEING A
SUBDIVISION OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SOUTH LINE OF DIVISION STREET

20 FT. PUBLIC CONCRETE PAVEMENT ALLEY

20 FT. PUBLIC ASPHALT ALLEY PAVEMENT



NORTH HARLM AVENUE

RECORDED IN
PILGRIM REAL ESTATE
BOOK NO. 041-02
AT THE REQUEST OF THE CLIENT, NO RECONSTRUCTION
WAS MADE, BEFORE ESTABLISHING RECORDABLES
OR CONSTRUCTION, A STANDARD SURVEY SHOULD
BE PERFORMED TO VERIFY CONDITIONS.

THESE DIMENSIONS ARE BASED ON THE
FIELD MEASUREMENTS AND THE BUILDING
FOOTPRINT AS SHOWN
ON THIS PLAN. THE DIMENSIONS OF THE
BUILDING ARE AS SHOWN ON THE
FIELD MEASUREMENTS AND THE BUILDING
FOOTPRINT AS SHOWN ON THIS PLAN.

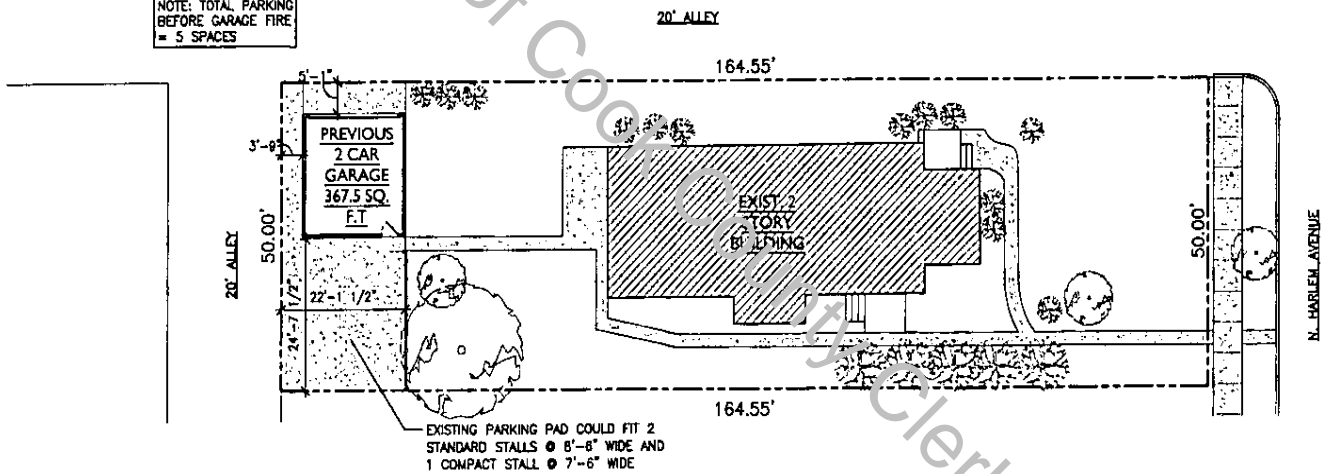
DATE OF SURVEY: 12/11/04
BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]
DATE: 12/11/04
SCALE: AS SHOWN

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Property of Cook County Clerk's Office

NOTE: TOTAL PARKING BEFORE GARAGE FIRE = 5 SPACES



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1134-1136 N. HARLEM AVE, RIVER FOREST, ILLINOIS

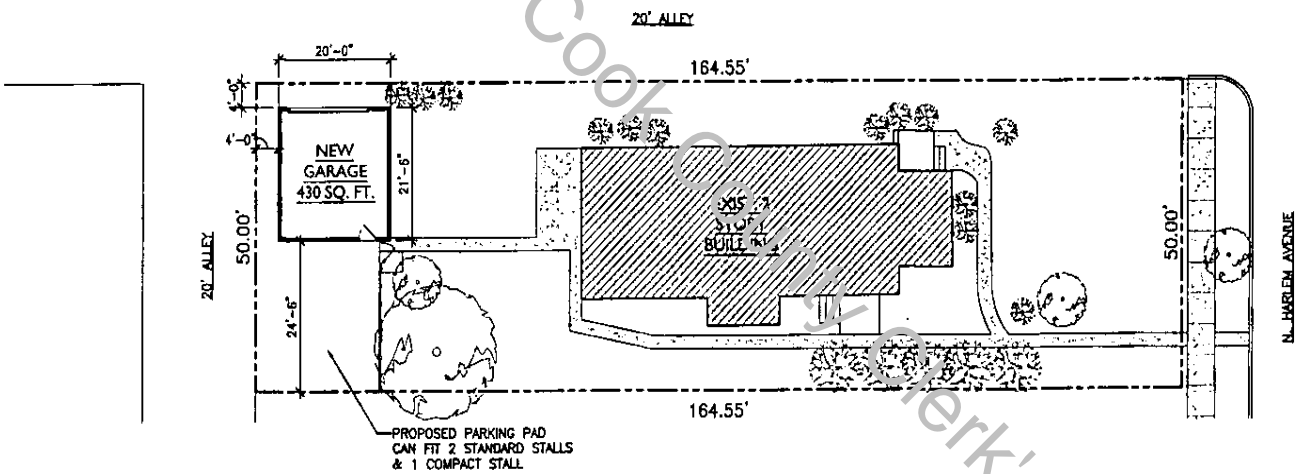
125 NORTH MARION ST. #204
OAK PARK, ILLINOIS 60301
PHONE: 708.386.9695

PREVIOUS SITE PLAN
SCALE 1/16" = 1'-0"
OCTOBER 15, 2020

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COOK COUNTY CLERK'S OFFICE
110 SOUTH WASHINGTON STREET
OAK PARK, ILLINOIS 60301
TEL: 708.386.9695 FAX: 708.386.9696

NOTE: PROPOSED PLAN MATCHES PREVIOUS
PLAN PARKING COUNT = 2 ENCLOSED SPACES,
2 STANDARD OUTDOOR SPACES, ONE COMPACT
OUTDOOR SPACE



WDN ARCHITECTURE, llc

125 NORTH MARION ST. #304
OAK PARK, ILLINOIS 60301
PHONE: 708.386.9695

1134-1136 N. HARLEM AVE, RIVER FOREST, ILLINOIS

PROPOSED SITE PLAN
SCALE: 1/16" = 1'-0"
OCTOBER 15, 2020

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Zoning Review Checklist

Address: 1134 Harlem Avenue.

Date of Review: 6/19/2019

Date of Submission:

Contact:

Telephone #:

Zoning District : R3

10-10-1 Use: Detached Garage Accessory Building

Permitted Use

Lot Area	Lot Width	Lot Depth	Lot Area
	50.00	164.5625	8228.13

10-10-5 Lot Coverage:	Allowed	Proposed	
40% allowed for the R2 District	3291.25	2002.91 24.34%	<input checked="" type="checkbox"/>

10-10-5 Floor Area Ratio:	Allowed	Proposed	
80% allowed for the R2 District	6582.50	3059.11 37.18%	<input checked="" type="checkbox"/>

Setbacks	Required	Proposed	
Side Yard			
North		4.0000 0.5000	
10-10-7-C 3 foot minimum	3.0000	3.5000	<input checked="" type="checkbox"/>

South		26.0000 0.5000	
10-10-7-C 3 foot minimum	3.0000	25.5000	<input checked="" type="checkbox"/>

West		4.0000 0.5000	
	3.0000	3.5000	<input type="checkbox"/>

10-10-6 Height Regulations:	Allowed	Proposed	
Height above grade in feet	30'	12.5'	<input checked="" type="checkbox"/>
Story Height	3	1	<input checked="" type="checkbox"/>

Accessory Structure

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Zoning Review Checklist

10-10-8 Off-Street Parking:

Number of Dwelling Units 2

	Required	Proposed	
Enclosed Parking Spaces	4	2	<input checked="" type="checkbox"/>

10-10-8-A 2 enclosed parking spaces required per dwelling unit

Guest Parking spaces	2	2	<input checked="" type="checkbox"/>
----------------------	--	--	-------------------------------------

10-10-8-B 1 guest parking space required per dwelling unit

Does the Accessory Structure cover more than 40% of the Rear Yard?

10-10-8-A **No**

Rear Yard Depth	59.78	
Lot Width at Rear Yard	50.00	
Area of Rear Yard	2989.07	
x 40%	0.41	
Allowable Area of Acc. Bldg.	1195.63	
 Proposed Area of Garage	 440.00	 14.72%

Property of Cook County Clerk's Office

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1134 Harlem Avenue
Area Calculations

6/19/2019

Zoning District R3

Lot Area	50.0000	164.5625	8228.1250
Allowed Coverage	0.4000		3291.2500
Allowed FAR	0.8000		6582.5000

Lot Coverage - Existing

First Floor Area	Existing	1529.5537
Detached Garage	Existing	372.8600
Open Porch	Existing	33.3593
		0.0000
	Total	1935.7730

Lot Coverage - New

First Floor Area	Existing	1529.5537
Detached Garage	Proposed	440.0000
Open Porch	Existing	33.3593
		0.0000
	Total	2002.9130

Floor Area - Existing

Floor Area - existing	1st floor	1529.5537
	2nd floor	1529.5537
	Attic	0.0000
Detached Garage	Existing	372.8600
garage allowance (up to 500 s.f)		-372.8600
		3059.1074

Floor Area - Proposed

Floor Area - Proposed	1st floor	1529.5537
	2nd floor	1529.5537
	Attic	0.0000
Detached Garage	Proposed	440.0000
garage allowance		-440.0000
		3059.1074

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1134 Harlem Avenue

6/19/2019

House - 1st floor - Existing to remain

A	24.4167	54.2500	1324.6042
B	15.3854	9.5573	147.0429
C	4.5417	12.7500	57.9067
			0.0000
			1529.5537

House - 1st floor - Proposed**Existing to remain**

			1529.5537
			0.0000
			1529.5537

House - 2nd floor - Existing to remain

a	24.4167	54.2500	1324.6042
b	15.3854	9.5573	147.0429
c	4.5417	12.7500	57.9067
			1529.5537

House - 2nd floor - Proposed**Existing to remain**

			1529.5537
			0.0000
			1529.5537

Detached Garage - Existing

eg	20.2917	18.3750	372.8600
			0.0000
			372.8600

Detached Garage - Proposed

pg	20.0000	22.0000	440.0000
			0.0000
			440.0000

Open Porch - Existing

op	4.4479	7.5000	33.3593
			0.0000
			33.3593

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WDN ARCHITECTURE, llc

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OAK PARK, ILLINOIS 60301
PHONE: 708.386.9695

October 15, 2020

Garage Replacement
1134 – 1136 North Harlem Ave.
River Forest, IL 60305

STANDARDS FOR MAJOR VARIATIONS (SECTION 10-5-4F)

1. The physical surroundings, shape or typographical conditions of the specific property involved with bring a specific hardship upon the owner as distinguished from an inconvenience if the strict letter of the regulations were to be carried out.

If a four-car garage (two enclosed spaces per residential unit) is provided it will be minimum of 40'-0" across the rear of the lot. It is not physically possible to provide six spaces (4 enclosed and 2 surface) across the rear of the 50' lot. Therefore, the extra parking would need to be added to the side yard along the north alley. The owner does not want to increase the lot's impervious surfaces with a new 4 car garage and an additional 400 square foot parking pad in the side yard. The owner and tenants value the original open green space of the yard for recreation over the additional parking spaces.

2. The aforesaid unique physical condition did not result from an action of any person having an interest in the property, but was created by natural forces or was the result or was the result of governmental action, other than the adoption of this Zoning Ordinance, for which no compensation was paid.

It is not physically possible to provide six spaces (4 enclosed and 2 surface) across the rear of the 50' lot. The owner wishes to provide the same enclosed parking spaces that the home was originally designed with and believes it is more important to have easily accessed surface visitor parking than additional enclosed spaces. The majority of the Harlem side of the alley is currently surface parking serving multi-family residences (see attached photos).

3. The conditions upon which the petition for variation is based may not be applicable generally to other property within the same zoning classification.

As mentioned above, the majority of the Harlem side of the alley is currently surface parking serving multi-family residences. Also, the zoning code states:

In an R3 district, no building may be erected or altered to achieve the permitted density of this district on a lot recorded after the effective date hereof which is less than seventeen thousand four hundred twenty four square feet and one hundred feet wide throughout its depth

This existing property is 8,277 square feet. It seems as if the parking requirements for an R3 district are written to represent a much larger multi-family development with a parking garage rather than this existing two-flat on a small lot.

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WDN ARCHITECTURE, llc

Garage Replacement
1134 – 1136 North Harlem Ave.
River Forest, IL 60305
Page 2 of 2

4. The purpose of the variation is not based predominantly upon a desire for economic gain.

The request is not economic. The owner wishes to maintain the parking and the existing rear yard open space and supply of light as it has had most likely since original construction.

5. The granting of the variation shall not be detrimental to the public welfare or unduly injurious to the enjoyment, use, or development value of other property or improvements in the neighborhood in which the property is located.

The neighborhood and alleyway will remain as it has been for many decades. A new larger longer garage may impact the ability of neighbors to access their garages across the alley.

6. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

The proposed variation will allow the alley to remain as it has been for many decades and not change any of the factors listed above. However, a new four car garage could impact supply of light and air to the adjacent property.

7. That the granting or the variation would not unduly tax public utilities and facilities in the area.

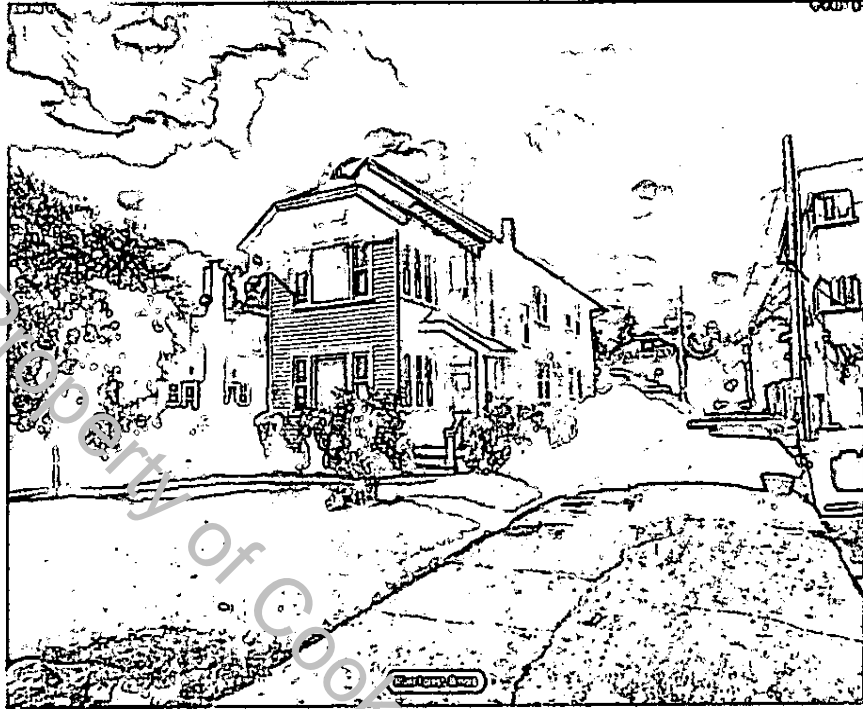
Since the proposed variation will allow the alley and property to remain as it has been for many decades, it will not unduly tax public utilities and facilities in the area.

8. That there is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

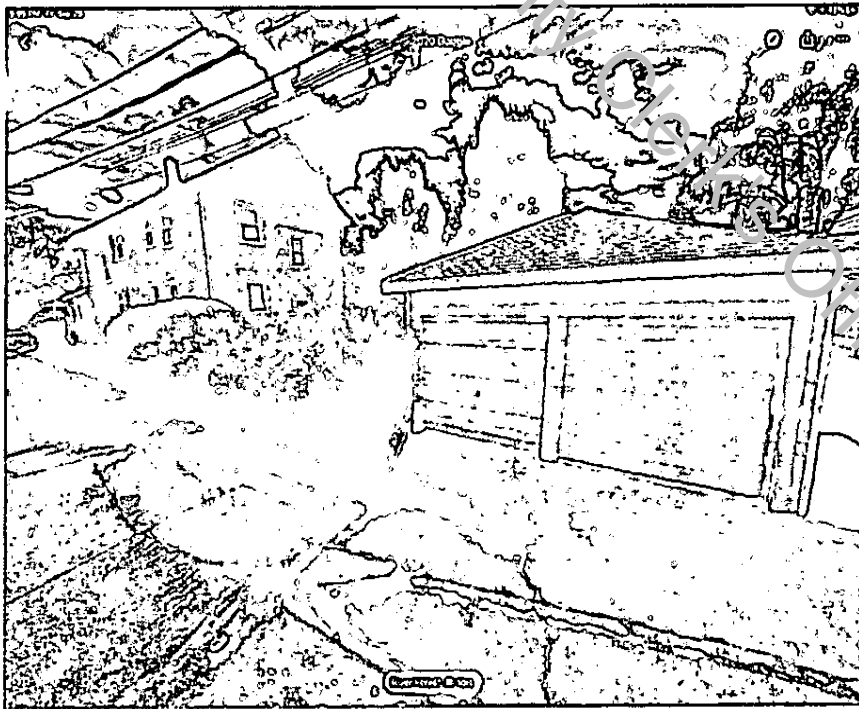
As stated above, it is not physically possible to provide six spaces (4 enclosed and 2 surface) across the rear of the 50' lot. Therefore, the only alternative is to add two spaces (approximately 400 s.f.) of parking area at the side yard along the north alley. This greatly increases the impervious area of the lot and will create more water runoff to the alley. The owner and the tenants greatly value the green space that has always been part of the property and do not wish to replace it with concrete and a larger garage structure. Based on statements 1 through 7 we feel the requested parking layout is the most reasonable use of the lot.

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1134 – 1136 North Harlem Avenue
River Forest, IL



From Harlem looking southwest



Previous garage from alley looking south

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1134 – 1136 North Harlen Avenue
River Forest, IL



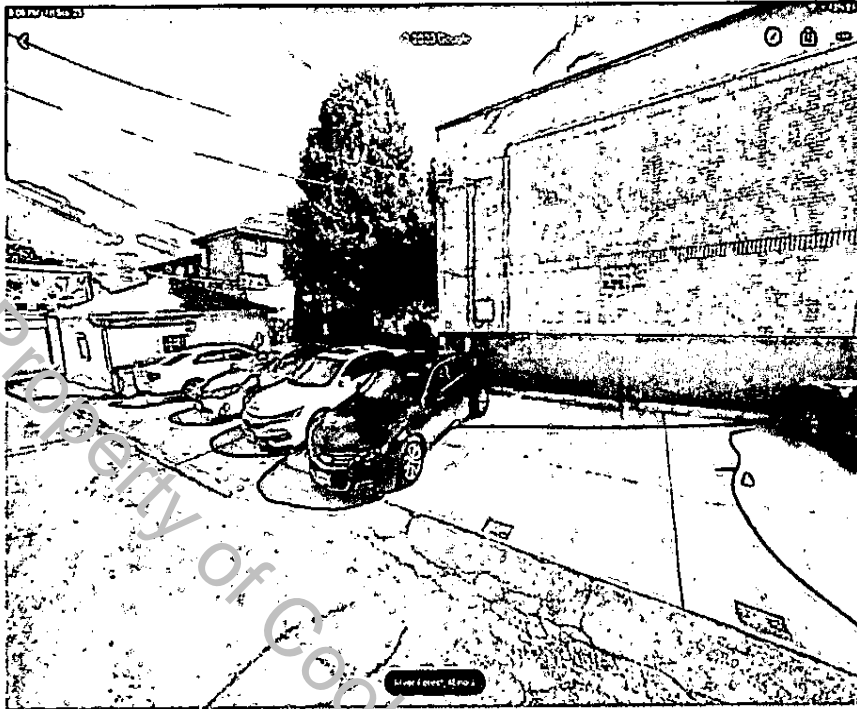
Previous garage from alley looking east



South side of previous garage and existing parking pad.
Line of existing parking pads continue down the entire alley south.

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1134 – 1136 North Harlen Avenue
River Forest, IL



South side of previous garage looking north



Current photo with no garage. Looking southeast.