

ZONING BOARD OF APPEALS

VILLAGE OF OAK PARK

R E S O L U T I O N

WHEREAS, on May 7, 2024, Claire and Anuj Gangopadhyaya (the “Applicants”) submitted an application (Calendar No. 11-24-Z) with the Zoning Board of Appeals for the Village of Oak Park (“ZBA”) seeking a variance from Section 4.3 (Table 4-1: Residential Districts Dimensional Standards) of the Oak Park Zoning Ordinance (“Zoning Ordinance”) for: 1) an increase in the maximum building coverage to 42% where the maximum building coverage allowed is 40% of the lot and 2) an increase in the maximum impervious surface area of the lot to 75% where the maximum impervious surface area allowed is 65% of the lot at the property located at 741 N. Marion Street, Oak Park, Illinois (“Subject Property”); and

WHEREAS, Mas Takiguchi, Chairperson of the ZBA, set Wednesday evening, July 10, 2024, at 7:00 p.m. as the date and hour of a public hearing to be held in the Council Chambers of the Oak Park Village Hall, 123 Madison Street, Oak Park, Illinois; and

WHEREAS, the notice of the time and place of said public hearing was duly published on June 12, 2024, in the *Wednesday Journal* a newspaper of general circulation in the Village of Oak Park (“Village”), and a sign was posted at the Subject Property; and

WHEREAS, the ZBA having fully heard and considered the testimony of all those present at the hearing who wished to testify and being fully advised in the premises, does hereby find as follows:

The Subject Property.

1. The Subject Property is located in the R-5 Two-Family Zoning District. The zoning lot is improved with a single-family dwelling attached to another single-family dwelling.

2. The Applicants propose to construct a rear enclosed porch addition to an individually owned single-family dwelling at the Subject Property (the "Proposal").

The Applicants.

3. The Applicants are the owners of the Subject Property.

4. Section 4.3 (Table 4-1: Residential Districts Dimensional Standards) of the Oak Park Zoning Ordinance has a 40% maximum building coverage of a lot area and 65% maximum impervious surface lot.

5. The Applicants propose to build a rear enclosed porch with a proposed 42% maximum building lot coverage and a 75% maximum impervious surface area at the Subject Property ("Proposal").

6. The Applicants filed with the Zoning Administrator – Development Customer Services, the following documents:

- a. Application for Variation;
- b. Responses to the standards for receiving a variation, as conveyed in Section 14.3 (E);
- c. Project Summary;
- d. Location Map;
- e. Drawings;
- f. Picture of Surrounding Properties; and

- g. Plat of survey.

Need For a Variance.

7. The Applicants request a variance from Section 4.3 (Table 4-1: Residential Districts Dimensional Standards) to construct a rear enclosed porch with a proposed 42% maximum building lot coverage and a 75% maximum impervious surface area at the Subject Property.

8. The Subject Property has limited alley access which requires a significantly long driveway from the street to the existing attached garage.

9. The existing driveway adds to the maximum impervious surface area of the lot and variances are needed to construct a usable enclosed rear porch.

Compatibility with the Neighborhood.

10. The Subject Property is located in a residential area.

11. The Subject Property is one of two properties that are single-family attached homes.

12. The enclosed rear porch will be compatible with other homes on the block, and gutters with downspouts leading to the rear yard will be installed as to no affect neighboring properties.

13. For the foregoing reasons, the Proposal is compatible with the surrounding neighborhood.

Project Review Team.

14. The Village's Internal Project Review Team ("Team") met to review the Applicants' Proposal. The team consists of staff members from various Village departments.

15. The Team supports the approval of variances at the Subject Property.

Approval Standards.

16. Section 14.3(E) of the Zoning Ordinance, entitled “Approval Standards,” provides that the ZBA must make findings to support each of the following:

- a. The strict application of the terms of this [the Zoning] Ordinance will result in undue hardship unless the specific relief requested is granted;
- 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; and
- c. 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 have a proprietary interest in the property in question.

17. The ZBA, in making its findings, may inquire into the following evidentiary issues, as well as any others deemed appropriate:

- a. The granting of the variation will not be detrimental to public health, safety, and welfare in the neighborhood in which the property is located;
- b. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or impair property values within the neighborhood; and
- c. The proposed variation is consistent with the spirit and intent of this [the Zoning] Ordinance and the adopted land use policies.

18. Based upon the evidence presented by the Applicants, Village Staff, and upon questioning by the ZBA members at the public hearing, the ZBA makes the following findings with regards to the above elements:

- a. The Applicants have demonstrated that undue hardship will result unless the variance is granted. The evidence indicates that the size, location and orientation of the lot is unique and would preclude the

property owners from constructing an usable rear porch if they adhered to the strict letter of the regulations;

- b. The physical surrounding, shape or topographical conditions of the Subject Property impose a particular hardship upon the Applicant if the strict letter of the regulations were to be carried out. Due to the size, location and orientation of the lot, there is no viable space for an addition other than the location proposed; and
- c. The plight of the Applicant is due to unique circumstances inherent to the Subject Property and has not been created by the present Applicant. The Applicants did not create this condition.

19. The Applicants have met the standards contained in Section 14.3(E) of the Village Zoning Ordinance.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that this Zoning Board of Appeals, acting under and by virtue of the authority conferred upon it by the laws of the State of Illinois and the Ordinances of the Village of Oak Park, does hereby GRANT, pursuant to a vote of ___ - ___, the Applicants' request for variances from Section 4.3 (Table 4-1: Residential Districts Dimensional Standards) to construct a rear enclosed porch with a proposed 42% maximum building lot coverage and a 75% maximum impervious surface area for the property located at 741 N. Marion Street, Oak Park, Illinois. The variance shall run with the land and shall not expire with the current owner.

ADOPTED by a ___ to ___ vote of the Zoning Board of Appeals at a public meeting this 10th day of July, 2024.