

**ZONING BOARD OF APPEALS MEETING**  
**JUNE 5, 2024**  
**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:** Chair Masaru Takiguchi; Members Mark Hansen, Kimberlee Smith and Peter Weismantle.

**ABSENT:**

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

**QUORUM:** The meeting was called to order at 7:02 p.m. and declared that a quorum was present.

**Agenda Approval** – Approved

**Approval of Meeting Minutes**

Member Smith moved to approve the draft Minutes from May 22, 2024. Seconded by Member Hansen. A voice vote was taken and the minutes were approved 4-0.

**Non-Agenda Public Comment** – Chris Donovan mentioned that the Village Board discussed potentially making changes to the public comment process.

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

Chair Takiguchi explains the procedure for tonight's' hearings.

Rasheda Jackson, Counsel, swore-in those wishing to testify tonight for all cases on the document.

Chair Takiguchi indicates that CALENDAR NUMBER: 08-24-Z 246 Iowa Street application has been withdrawn.

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

**CALENDAR NUMBER: 03-24-Z** The Zoning Board of Appeals (“ZBA”) will conduct a public hearing on an application filed by the Applicants, Emily and Mathew McNulty, seeking variances from Section 9.3 (N)(2)(b) of the Oak Park Zoning Ordinance requiring that a detached garage is only permitted in the front and interior side yard and not the corner side yard to construct a garage 3.5 feet from the corner lot line within the required nine (9’) foot corner side yard setback along Division Street at the premises commonly known as 850 Linden, Oak Park, Illinois, Property Index Number 16-06-402-001-0000.

Emily McNulty, owner of the property and Applicant, explains that the goal of our garage build was to create a serviceable recreation of the existing garage. She says that we have taken care in our design considerations to maintain the historic character and preserve the style of the existing garage as much as possible in accordance with the parameters outlined in the Architectural Review Guidelines. The Applicant says that the proposed new garage will not get any closer to the sidewalk than the existing garage, which is original to the property, maintaining historic precedent. The lines of sight from the

alley will not change with our proposed new build, and will be consistent with the existing line of sight that neighbors who use the alley are already accustomed to. She argues that moving the structure further South will take it out of alignment with the historic home. Additionally, moving the foundation of the new structure further South may negatively affect the tree roots in the yard causing the trees to die. The location of an electrical pole across the alley could also impact the homeowner's ability to pull into the garage.

The Hearing was closed. The ZBA members deliberated.

Motion by Member Smith to have Counsel draft a Resolution approving the variance application. Seconded by Member Weismantle. The motion was approved by a four (4) to zero (0) vote.

Motion by Member Smith to approve the draft Resolution. Seconded by Member Weismantle. The motion was approved by a four (4) to zero (0) vote.

**CALENDAR NUMBER:** 09-24-Z The Zoning Board of Appeals ("ZBA") will conduct a public hearing on an application filed by the Applicant, 427 Madison, LLC, seeking a special use permit from Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance of the Village of Oak Park to construct a six (6) unit, 3-story plus penthouse townhouse, development facing Madison Street at the premises commonly known as 427 Madison Street, Oak Park, Illinois, Property Index Number 16-18-206-014-0000 ("Subject Property") in the NC Neighborhood Commercial Zoning District.

In addition, the Applicant seeks three (3) variances from Section 5.3 (Table 5-1: Commercial Districts Dimensional Standards) of the Oak Park Zoning Ordinance ("Zoning Ordinance"), for: 1) a reduction of the rear yard setback from a required 25 feet to 15'-8", inclusive of the alley, along the west lot line and 2) a reduction of the side yard setback from a required five (5') feet to zero (0') feet along the south lot line and 3) an increase in height from a required 35 feet to 42'-6' at the premises commonly known as 427 Madison Street, Oak Park, Illinois, Property Index Numbers 16-18-206-014-0000 ("Subject Property") in the NC Neighborhood Commercial Zoning District.

John Schiess, Architect, discusses the environmental condition of the property and underground contamination. He talks about what needs to be done to allow the proposed residential townhomes to be built on the Subject Property. He discusses the cost of the cleanup plus the price for the land. He says that living space, typically located on the ground floor of townhomes, is not possible due to the existing contamination of the property. Moving living space to above grade impacts the height of the proposal and the required setbacks for the property. In short, the cost of cleanup, the cost of the land and the fact that living space is not allowed on the ground floor necessitates 6 units that require zoning relief.

Mr. Schiess argues that the proposed special use is compatible with the general land use of adjacent properties and other property with the immediate vicinity. Further, the development generally complies with Envision Oak Park as it relates to providing unique ways to add residential uses throughout the Village and Oak Park's comprehensive plan for land uses in this zone district. The proposed use, given its scale and intensity of use, building height and other zoning metrics is consistent with the Ordinance and other previously approved developments along Madison Street.

Mr. Bruce reads a letter from Anna Johnson. She says that "this development is adjacent to the Gunderson Historic District and thus the proposal "should be sympathetic to and complement the scale and design of surrounding historic structures..." She urges the ZBA to require that the proposal "undergo a more rigorous architectural review than is minimally required in this case, either through the Historic Preservation Committee or through the Architectural Review Process that is required for planned developments." She states that she is particularly concerned "with the design of the very

prominent 4th floor - the very floor that is above the zoning limits - which is quite insensitive to the historic neighborhood.”

Prentice Harris, adjacent neighbor to the south, is concerned how this proposal may impact his property. Mr. Harris was allowed to dialog with the ZBA and the Applicant. The Applicant stated that none of the proposal would be located onto Mr. Prentice’s property.

The Hearing was closed for the Special Use Permit. The Members deliberated.

Motion by Member Smith to draft a Recommendation for the Village Board to approve the special use permit request. Seconded by Member Weismantle. The motion was approved by a four (4) to zero (0) vote.

Motion by Member Weismantle to approve the draft Recommendation. Seconded by Member Hansen. The motion was approved by a four (4) to zero (0) vote.

John Schiess, Architect speaks regarding the variance saying that the hardship of the owner and Applicant related to this property are due to unique circumstances inherent to the subject property – specifically the property’s location on a corner, the lot size, lot width and most importantly, the property’s environmental condition – no residential use on the ground floor has not been created by any person presently having a proprietary interest in the property in question. Mr. Schiess indicates that he modified the design of the roof which reduces the height of the proposal to 40’ – 6”.

Chris Donovan asks if there is a proposed privacy fence along the south lot line. A discussions issues regarding the Zoning Ordinance and fence regulations.

The Hearing for the variances was ended. The Members deliberated.

Motion by Member Weismantle to have Counsel draft a Resolution approving the variances requesting, noting the reduced height variance to 40’ – 6”. Seconded by Member Hansen. The motion was approved by a four (4) to zero (0) vote.

Motion by Member Weismantle to approve the modified draft Resolution. Seconded by Member Hansen. The motion was approved by a four (4) to zero (0) vote.

**CALENDAR NUMBER:** 10-24-Z The Zoning Board of Appeals (“ZBA”) will conduct a public hearing on a special use permit application filed by the Applicant, Dish Wireless, to install wireless telecommunications antennas pursuant to Section 8.3 (Table 8-1: Use Matrix) of the Oak Park Zoning Ordinance at the property located at 715 Lake Street, Oak Park, Illinois, Property Index Number 16-07-224-004-0000 (“Subject Property”).

Ariel Stouder, Senior Zoning and Permitting Specialist Fullerton, on behalf of DISH Wireless, presents the case. She says that DISH Wireless is proposing to install their telecommunication equipment on the rooftop and within a leased space on the rooftop supporting equipment. Currently, there is one other carrier located on the rooftop. She indicates that DISH Wireless is proposing to install (3) antennas, (6) radios, and associated cabling on (3) antenna sectors to be located throughout the rooftop to reduce the gaps in coverage. Also proposed to be installed on the rooftop, DISH would install an equipment cabinet on an existing metal platform. The proposed addition of DISH Wireless’s equipment will not cause an increase in the height of the building. Ms. Stouder discusses the special use permit standards.

The Hearing was closed. The Members deliberated.

Motion by Member Hansen to have Counsel draft a Recommendation for the Village Board to approve the special use permit. Seconded by Member Smith. The motion was approved by a four (4) to zero (0) vote.

Motion by Member Smith to approve the draft Recommendation. Seconded by Member Weismantle. The motion was approved by a four (4) to zero (0) vote.

**Other / Old Business** – The ZBA discussed holding a meeting on July 10, 2024 due to the 4<sup>th</sup> of July Holiday.

The meeting was adjourned.