

ZONING BOARD OF APPEALS MEETING
November 6, 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, Peter Weismantle, Matthew Shoener and Kimberly Zeiser.

ABSENT: Kimberlee Smith

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

QUORUM: The meeting was called to order at 7:00 p.m. and declared that a quorum was present.

Agenda Approval

Motion by Member Shoener to approve the November 6, 2024 Agenda. Member Zeiser seconded the motion. A voice vote was taken and the Agenda was approved by a four (4) to zero (0) vote.

Approval of Meeting Minutes

Motion by Member Zeiser to approve the August 7, 2024 Minutes. Member Shoener seconded the motion. A voice vote was taken and the minutes were approved by a four (4) to zero (0) vote.

Motion by Member Zeiser to approve the October 9, 2024 Minutes. Member Shoener seconded the motion. A voice vote was taken and the minutes were approved by a four (4) to zero (0) vote.

Non-Agenda Public Comment – None

New Business / Public Hearings and Findings of Facts

CALENDAR NUMBER: 14-24-Z The Zoning Board of Appeals (“ZBA”) will conduct a public hearing on an application filed by the Applicant, Anthony Ehiri, seeking a variance from Section 4.3 (Table 4-1: Residential Districts Dimensional Standards) of the Oak Park Zoning Ordinance to construct a third dwelling unit in the basement of an existing two-family dwelling unit building. The subject lot is 40 feet by 125 feet totaling 5000 square feet of land which is 700 square feet less than the required 5,700 square feet required to allow the Applicants to construct a third dwelling unit at the premises commonly known as 140 S. Austin Blvd., Oak Park, Illinois, Property Index Number 16-17-115-022-0000 (“Subject Property”), in the R-7 Multiple-Family Zoning District.

Chris Bremer, Compass Architects, LLC, spoke on behalf of the Applicant. Mr. Bremer says that my client, Anthony Ehiri, recently purchased this multi-family building. While the property is zoned for two dwelling units, based on the 5,000sf lot, the building had an illegal third dwelling unit in the basement. My client is applying for a Variance to the Zoning Ordinance to allow for the basement dwelling unit to be recognized as legal. To abandon or demolish the dwelling unit, would be an undue hardship in this case. The relief sought for the variance is from Article 4, Table 4-1 (Minimum Lot Area), which requires 5,000 sf of lot area for the first two dwelling units and 700 sf of additional lot area for each additional unit.

The strict application of the terms of this Ordinance will result in undue hardship unless the specific relief requested is granted because the building is not financially feasible as a two dwelling unit building as per the attached Pro Forma.

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 because the basement unit is existing and would need to be demolished.

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 because the owner has purchased the building in this condition.

Motion by Member Weismantle to draft a Resolution approving the variance request. Member Shoener seconded the motion. The motion was approved by a four (4) to zero (0) vote.

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

CALENDAR NUMBER: 15-24-Z The Zoning Board of Appeals (“ZBA”) will conduct a public hearing on a special use permit application filed by the Applicant, Worthy Body Work & Healing, to operate a massage service establishment pursuant to Section 8.3 ("Table 8-1: Use Matrix) of the Oak Park Zoning Ordinance at the property located at 1011 Lake Street, Suite 304, Oak Park, Illinois, Property Index Number 16-07-126-012-0000, in the DT Downtown Zoning District.

Dave King, Dave King and Associates, spoke on behalf of the Applicant. Dave says that the Forsyth Building at 1011 Lake Street is a four story 48, 195 SF building comprised of offices and ground floor commercial. There are currently 38 tenants including Byling Bank, general offices, 6 law firms, etc. The building has a significant medical composition. RUSH Oak Park Hospital has a 3,700 SF primary care office. The building also has an independent primary care doctor and 7 therapy/counseling offices with psychologists, psychiatrists & psychotherapy.

The Applicant has executed a lease, contingent upon zoning approval to occupy an existing two room 281 SF office. Said space is ready to go and no work is required. The space is on the third floor, 20 feet away from RUSH Oak Park Hospital.

Ronen Kohn is a licensed massage therapist whose primary modality is Shiatsu. Shiatsu is a fully clothed, hands-on bodywork treatment that can be used for relaxation and stress relief as well as to address various imbalances of the mind, body, and spirit. Working from the same basis of Traditional Chinese Medicine as acupuncture, Shiatsu utilizes pressure, joint rotations, and stretches to encourage the body's natural healing capability. Ronen has worked with multiple diabetes patients who experience neuropathy and joint pain and who found relief from their symptoms through our sessions. Ronen has also worked with people from various walks of life to address symptoms related to arthritis, depression, and having recently given birth.

We believe that Worthy Body Work & Wellness will complement the existing medical services at 1011 Lake and contribute to the health & wellness of Oak Park.

Motion by Member Weismantle to draft a positive Recommendation supporting the issuance of the special use permit by the Village Board. Member Shoener seconded the motion. The motion was approved by a four (4) to zero (0) vote.

Motion by Member Zeiser to send a Recommendation to the Village Board to approve the special use permit. Member Shoener seconded the motion. The motion to approve the Recommendation was approved by a four (4) to zero (0) vote.

CALENDAR NUMBER: 16-24-Z The Zoning Board of Appeals (“ZBA”) will conduct a public hearing on an application filed by the Applicant, Saints’ Rest, LLC, seeking a variance from the following sections of the Oak Park Zoning Ordinance to allow six dwelling units in the building of the existing four-unit building at the premises commonly known as 429-431 Forest Avenue, Oak Park, Illinois, Property Index Number 16-07-102-022-0000 (“Subject Property”), in the R-5 Two-Family Zoning District.

1. Section 4.3 (Table 4-1: Residential Districts Dimensional Standards) only allows Two- Family dwelling units. The existing property is improved with a legal nonconforming four-unit building. The proposal is to allow two additional dwelling units in the building for a total of six dwelling units on the property.

2. Section 15.2 (B) requires that a nonconforming use of a structure cannot be expanded, extended, enlarged, or increased in intensity. The proposal is to add two additional dwelling units in the building of the existing nonconforming four-unit building which increases the intensity of use by two dwelling units.

John Schiess, Architect of record, spoke on behalf of the Applicant. Mr. Schiess says that historically, the subject property was built as a single-family residence. However, over the years, documents show that the home was converted into a four-unit multi-family building most likely because of certain historic economic challenges of that time. An additional two units were converted sometime in the 1930s – again due to, the then owner’s economic hardship. Currently the structure houses six residential units – four of which are zoning compliant.

Mr. Schiess says that the property has experienced years of disinvestment because of the financial realities. If a strict application of the terms of this Ordinance are applied, and the subject property is forced to operate as a four-unit rental property, then it will not be financially feasible. The property, if the relief sought is not granted, will not provide a reasonable return on investment. Simply, the applicant is seeking relief which will allow for re-investment in the property and return the property as a worthy contributor to the neighboring area.

The current building’s size, specifically the amount of square footage, shape of the building’s footprint and building height, underpin the hardship. The size and configuration of the existing units does not meet current market rental standards.

The plight 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 building’s footprint, unit sizes and configuration have not been created by any person presently having a proprietary interest in the property in question.

The proposed property will be constructed in accordance with all applicable codes and ordinances adopted by the Village of Oak Park including the IRC building codes which govern construction type for the property. In following these codes and ordinances, the development’s maintenance, and operation of the requested variation will not endanger the public health, safety, or welfare.

Motion by Member Weismantle to draft a Resolution approving the variance request. Member Zeiser seconded the motion. The motion was approved by a four (4) to zero (0) vote.

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

Other / Old Business

The Members reviewed a draft 2025 Work Plan.

Motion by Member Weismantle to approve the draft 2025 Work Plan. Member Shoener seconded the motion. The motion was approved by a four (4) to zero (0) vote.

The meeting was adjourned.