

**ZONING BOARD OF APPEALS MEETING
MAY 22, 2023
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: David Brumirski

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 April 3, 2024. Seconded by Member Weismantle. A voice vote was taken and the minutes were approved 4-0.

Non-Agenda Public Comment – None

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.

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

CALENDAR NUMBER: 06-24-Z The Zoning Board of Appeals (“ZBA”) will conduct a public hearing on a special use permit application filed by the Applicant, Mastec, Mathew Fitzgibbon, on behalf of AT&T Mobility, 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 408 S. Oak Park Avenue, Oak Park, Illinois, Property Index Number 16-07-418-001-0000 and 16-07-418-005 (“Subject Property”) in the NC Neighborhood Commercial Zoning District.

In addition, the Applicant seeks a variance from Section 8.4 (V) (Wireless Telecommunications Antennas and Towers) (3) (Height) (b) of the Oak Park Zoning Ordinance (“Zoning Ordinance”), which prohibits antennas from increasing the overall existing height of the structure by more than seven feet above the roof, to authorize the installation of 12 antennas, four (4) antennas per sector (typical of three (3) sectors) at a height of sixty-five feet (65’) to the top of antennas located on the 56 foot tall roof of 408 S. Oak Park Avenue, Oak Park, Illinois, Property Index Numbers 16-07-418-001-0000 and 16-07-418-005-0000 (“Subject Property”) in the NC Neighborhood Commercial Zoning District.

Lenny Caccamo, Site Acquisition Project Manager for Mastec, on behalf of AT&T Mobility, explained that the special use permit use will be compliant with all local, federal and extra jurisdictional

requirements. Mr. Caccamo says that the existing rooftop wireless facility uses are already established at this location and that wireless service is an essential public utility. Colocation of the AT&T facility is consistent with the spirit and intent of the Ordinance by eliminating the need for a new self-support tower in an established neighborhood. The proposed colocation will improve wireless service in the community on an existing structure.

End of hearing for the special use application. The ZBA members deliberated.

The members discussed screening of the two antenna sectors more retally visible from the street and that said antennas should be painted to match the brick color of the building.

Motion by Member Smith to draft a Recommendation to the Village Board to approve the special use permit application with a condition that two of the antenna sectors be screened and that the antennas be painted to match the brick color on the building. Seconded by Member Weismantle. The motion was approved by a four (4) to zero (0) vote.

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

Lenny Caccamo, Site Acquisition Project Manager for Mastec, on behalf of AT&T Mobility, explained that a variance is requested and necessary to co-locate AT&Ts telecommunication facility; the strict application of the terms of the ordinance to limit the height of the extension of the facility no more than 7' does not acknowledge the current engineered, physical design the modern wireless antennas, and their appurtenances, which in this case extend 9 feet above the rooftop.

Mr. Caccamo says that the rooftop facility is designed and engineered to provide fast and reliable wireless telecommunication service to the community. This proposed facility at Oak Park Arms presents an ideal opportunity to provide service on an existing structure, rather than seeking to construct a new tower nearby. The ordinance sets the height extension at 7'. However, AT&T's RF engineers have determined the proposed antennas located 9 feet above the roof is required to provide service.

Mr. Caccamo says that the plight of the owner - AT&T, tenant, and Oak Park Arms, owner - derives from the ordinance establishment of a 7 feet extension above the rooftop; modern antennas and their appurtenances are typically greater than 7'. The granting of the variation will not be detrimental to public health, safety and welfare. The use will be compliant with all local, federal, or extra-jurisdictional requirements.

The Hearing was closed. The Members deliberated.

Motion by Member Smith to draft a Resolution to approve the variance request. 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: 07-24-Z The Zoning Board of Appeals ("ZBA") will conduct a public hearing on an application filed by the Applicant, Catherine Bendowitz, seeking a variance from Section 9.3 (A)(5)(c) of the Oak Park Zoning Ordinance requiring a four (4) foot setback from the rear lot line to construct a new two-car, 20' x 20' garage featuring a rear yard setback of 2.5 feet at the northeast corner of the structure. The variance would permit the demolition of the existing one-car garage featuring a 1.57-foot rear yard setback at the northeast corner of the structure and replaced with a standard two-car garage at the premises commonly known as 1018 N. Harvey Avenue, Oak Park,

Illinois, Property Index Number 16-05-115-004-0000.

Dave Krecek, Blue Sky Builders, say that due to the alley being on a diagonal, it is physically impossible to build a standard sized two car garage 20x20 on the lot without the reduced alley setback. He says the diagonal lot creates a hardship for the resident to not be able to park two cars inside a garage. He says that this is not a self-created hardship. The hardship was created when Ridgeland Ave. and nearby blocks were developed.

The Hearing was closed. The Members deliberated.

Motion by Member Smith to draft a Resolution to approve the variance request. 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: 08-24-Z The Zoning Board of Appeals (“ZBA”) will conduct a public hearing on an application filed by the Applicants, Mirth Hoyt and Andres Padua, seeking a variance requests for an increase in the maximum impervious surface area of the lot to 62%, where the maximum impervious surface area allowed is 60% per Section 4.3 (Table 4-1: Residential Districts Dimensional Standards) of the Oak Park Zoning Ordinance to permit a two-story addition to the single-family residence located at the premises commonly known as 246 Iowa Street, Oak Park, Illinois, Property Index Number 16-05-316-028-0000 (“Subject Property”), in the R-3-50 Single-Family Zoning District.

Tracey Brewer, Architect, spoke on behalf of the Applicant. She says that the proposal is a 2-story addition to the existing single-family residence at 246 Iowa Street. The First Floor Plan of the addition will create space for a family room, powder room, and mudroom, and the Second Floor Plan allows the addition of a primary suite. The Roof Plan of the new addition includes gutters with downspouts that lead to the rear yard where storm water can be absorbed, so the neighboring properties will not be adversely affected. As calculated on the Site Plan, the area of the addition is within the allowable limits on Building Coverage prescribed in Table 4-1 of the Ordinance; consequently, the Ordinance supports that the additional bulk would be harmonious with that of the district. However, the lack of alley access to this property requires a long driveway leading from the street to the existing detached garage as shown on the Site Plan. As a result, the driveway contributes to a disproportionately large area of Impervious Surface. The strict application of the terms of this Ordinance will result in undue hardship unless the specific relief requested is granted. The maximum allowable Impervious Surface prescribed in Table 4-1 applied to this property doesn’t leave enough area for both the driveway and the proposed new addition, so we are applying for zoning relief to allow 62% of the lot area be permitted for Impervious Surface.

The Hearing was closed. The Members deliberated.

Motion by Member Peter Weismantle to draft a Resolution approving the variance request. Seconded by Member Smith. The vote was three (3) to one (1). Since the motion did not receive four affirmative votes, the application was tabled to June 5, 2024 to allow an absent member to review the application and video tape of the proceeding and render a vote. Members Hansen voted in opposition.

Other / Old Business – None

The meeting was adjourned.