

## ZONING BOARD OF APPEALS

### VILLAGE OF OAK PARK

#### R E S O L U T I O N

WHEREAS, on October 24, 2024, Anthony Wells and Michael Burkes (the “Applicants”) submitted an application (Calendar No. 17-24-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”) to construct a fourth dwelling in the basement of an existing three-family dwelling unit building. The Subject Property has a 3750 square foot lot which is 1950 square feet less than the required 6,500 square feet required to allow a third dwelling unit at the property located at 110 S. Austin Boulevard, Oak Park, Illinois (“Subject Property”) in the R-7 Multiple-Family Zoning District; and

WHEREAS, Mas Takiguchi, Chairperson of the ZBA, set Wednesday evening, December 4, 2024, at 7:00 p.m. as the date and hour of a public hearing 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 November 13, 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 a zoning lot measuring 30' x 124' which totals 3,750 square feet and is located in an R-7 Multi-Family Zoning District. The zoning lot is improved with a three-story brick building with three-units plus basement.

2. The Applicant seeks to add an additional dwelling unit in the basement to create a four-unit building (the "Proposal").

3. The Subject Property has a three car garage. Although the Zoning Ordinance does not require that a fourth parking stall be provided, the property has an accessible parking stall on Austin Boulevard.

The Applicant.

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

5. Section 4.3 (Table 4-1: Residential Districts Dimensional Standards) of the Oak Park Zoning Ordinance requires multi-family dwelling units to have a minimum lot area of 5,000 square feet of land for the first two units and an additional 700 square feet of land for each dwelling unit in excess of two units.

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

- a. Application for Variation;
- b. Project Summary;
- c. Responses to the standards for receiving a variation, as conveyed in Section 14.3 (E);
- d. Zoning Map/Area Map;

- e. Existing/Proposed Site Plans;
- f. Elevations;
- g. Adjacent Properties Photos;
- h. Proforma Statement;
- i. Income and Expense Report;
- j. Plat of Survey; and
- k. Affidavit.

Need For a Variance.

7. The Applicant requests a variance from Section 4.3 (Table 4-1: Residential Districts Dimensional Standards) to legalize an additional dwelling unit in the basement to create a four-unit building which would require the minimum lot area to be 6,400 square feet when the Subject Property only has 3,720 square feet of land.

8. Article 4: Residential Districts; Section 4.3 Dimensional Standards—Table 4.1 Residential Districts Dimensional Standards requires 5,000 square feet of land for two-family dwelling units and an additional 700 square feet for each dwelling unit in excess of two units. The Applicant proposes to legalize the additional dwelling unit in the basement to create a four-unit building.

9. Thus, a variance is necessary if granted, because the lot area will be 2,680 feet less than the 6,400 square feet requirement.

Compatibility with the Neighborhood.

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

11. The land uses surrounding the Subject Property are a single-family residential area to the west, a multi-unit building to the north, a multi-unit building the south and to the east is Austin Boulevard.

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

Project Review Team.

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

14. The Team is in support of the additional dwelling unit in the basement.

15. Village Board has encouraged staff to review opportunities to add density to residential districts and explore zoning changes to accommodate at-scale housing.

16. In this instance, allowing the variance to legalize the basement unit in an existing structure is an acceptable way to achieve more density in residential districts.

Approval Standards.

17. 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.

18. 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.

19. 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 there is no way to increase the lot size of the Subject Property;
- b. The physical surrounding, shape or topographical conditions of the Subject Property impose a particular hardship upon the Applicants if the strict letter of the regulations were to be carried out. The evidence indicates that if the Applicants adheres to the strict letter of the regulations, a fourth dwelling unit could not be added; and
- c. The plight of the Applicants is due to unique circumstances inherent to the Subject Property and has not been created by the present Applicants. The Applicants did not create this condition.

20. 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 Applicant's request for a variance from Section 4.3 (Table 4-1: Residential Districts Dimensional Standards) to add an additional dwelling unit in the basement with a minimum lot area of that is 2,680 feet less than the 6,400 square feet requirement at the Subject Property in the R-7 Multiple-Family Zoning District for the property located at 110 S. Austin Boulevard, 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 4<sup>th</sup> day of December, 2024.