

ZONING BOARD OF APPEALS

VILLAGE OF OAK PARK

RESOLUTION

WHEREAS, on November 1, 2024, Craig and Kelly Mitchell (the “Applicants”) submitted an application (Calendar No. 18-24-Z) with the Zoning Board of Appeals for the Village of Oak Park (“ZBA”) seeking a variance from Section 9.4 (Table 9-1: Permitted Encroachments into Required Setbacks) and Section 9.3(P)(1)(a) of the Oak Park Zoning Ordinance (“Zoning Ordinance”), which regulate permitted encroachments into required setbacks and require that ground mounted mechanical equipment (air conditioning units) shall be located in the interior side or rear yard only and not in the front yard at the premises commonly known as 215 Le Moyne Parkway, Oak Park, Illinois, Property Index Number 16-05-109-003-0000 (“Subject Property”); 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 4375 square feet and located within in the R-1 Single-Family Residential Zoning District.

2. The Applicant seeks a variance to install a 13 SEER 3 ½ ton A/C condenser on a pad in the front yard of the Subject Property. The A/C condenser unit will be concealed by a solid fence and landscaping to screen the unit from view (“the Proposal”).

The Applicant.

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

4. Section 9.4 (Table 9-1: Permitted Encroachments into Required Setbacks) Zoning Ordinance regulate permitted encroachments into required setbacks.

5. Section 9.3(P)(1)(a) of the Zoning Ordinance require that ground mounted mechanical equipment (air conditioning units) shall be located in the interior side or rear yard only and not in the front yard of the Subject Property.

6. The Applicant filed the following documents with the Zoning Administrator of the Village’s Development Customer Services Department:

- a. Application for the Variation;
- b. Project Summary;
- c. Responses to the Standards for Receiving a Variation, as Conveyed in Section 14.3(E);
- d. Plat of Survey;
- e. Proposed Location;
- f. Landscape Plans; and
- g. Photos of Yard.

Need For a Variance.

7. The Applicants seeks variances from Section 9.4 (Table 9-1: Permitted Encroachments into Required Setbacks) and Section 9.3 (P)(1)(a) of the Zoning Ordinance to permit the installation of an A/C unit in the front yard setback. Sections 9.4

and 9.3 provides that ground mounted mechanical equipment shall be located only in the interior side or rear yard setbacks.

Compatibility with the Neighborhood.

8. There are single-family dwellings within the immediate area of the Subject Property.

9. The A/C unit will be screened by a fence and landscape material. For the foregoing reasons, the Proposal will be compatible with the neighborhood.

Project Review Team.

10. The Village's Internal Project Review Team ("Team") met to review the Applicants' Proposal. The Team consists of staff members from various departments and divisions within the Village government.

11. The Team supports the variance with the condition that the property owner maintain the fence and landscaping to conceal the A/C unit.

Approval Standards.

12. 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 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.

13. 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 Ordinance and the adopted land use policies.

14. 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 a side-discharge unit under the rear deck would be a financial burden;
- 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. The evidence indicates that the Subject Property has limited side and rear yard space; 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 the unique circumstances.

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 a variance to allow an A/C unit screened by a fence and landscaping in the front yard setback of the Subject Property in

the R-1 Single-Family Zoning District at the premises commonly known as 215 Le Moyne Parkway, 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 4th Day of December, 2024.