



VILLAGE OF RIVER FOREST REGULAR VILLAGE BOARD MEETING

Monday, February 11, 2019 – 7:00 PM
Village Hall – 400 Park Avenue – River Forest, IL 60305
Community Room

AGENDA

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Citizen Comments
4. Elected Official Comments & Announcements
 - a. Recognition as a Dementia Friendly Community – Resolution
5. Consent Agenda
 - a. Regular Village Board Meeting Minutes – January 28, 2019
 - b. Committee of the Whole Meeting Minutes – January 28, 2019
 - c. Change to the Annual Meeting Schedule Regarding the Regular Meeting Date and Time for the Board of Fire and Police Commissioners
 - d. Monthly Department Reports
 - e. Monthly Performance Measurement Report
 - f. Village Administrator’s Report
6. Consent Items for Separate Consideration
7. Recommendations of Boards, Commissions and Committees
8. Unfinished Business
9. New Business
 - a. Amend Title 1 of the Village Code Regarding Rules and Order of Village Business of the Village Board – Ordinance
 - b. Zoning Board of Appeals - Recommendation regarding a Variation Request – 346 Park Avenue (Side-Yard Setback) – Ordinance **Reconsideration of Trustee's vote upholding ZBA decision**
 - i. Motion to Suspend the Rules (2/3 vote of the Board of Trustees)
 - ii. Motion to Reconsider the January 28, 2019 Vote on 346 Park Avenue (Side-Yard Setback) – Ordinance (majority vote of the President and Board of Trustees)
 - iii. Recommendation from the Zoning Board of Appeals regarding a Variation Request – 346 Park Avenue (Side Yard Setback) – Ordinance (2/3 vote of the Board of Trustees)
 - c. Amend Title 3 of the Village Regarding Hours of Work for Residential Contracts – Ordinance
 - d. Discussion and Direction Regarding Potential Text Amendments to the Zoning Ordinance:
 - i. Second Story Additions in Side-Yard Setbacks for Pre-Existing Non-Conforming Walls
 - ii. Daycare Centers in the PRI Zoning District as a Special Use
 - iii. Modification to the Standards for Planned Developments Regarding Individuals with Disabilities
 - e. On-Street Parking License Agreement with Lathrop & Central, LLC – 400 Lathrop
10. Executive Session
11. Adjournment

New Business could start as soon as 7:15 pm. Arrive before 7 pm to sign up at the podium to speak when New Business starts

Reconsideration ordinance - see page 5

Commission. The Board discussed this and clarified that while the motion states the 500 block of Park and Franklin Avenues, the ordinance is correct and limits the restrictions to the northern property line of Lincoln Elementary School.

Trustee Gibbs amended his motion to the following: to approve an ordinance to amend Title 9 of the Village Code authorizing No Parking Restrictions on the Park and Franklin blocks as described in the Ordinance, seconded by Trustee Henek.

Roll call:

Ayes: Trustees Cargie, Conti, Corsini, Gibbs, Henek, Vazquez

Absent: None

Nays: None

Motion Passes.

- c. Traffic and Safety Commission – Amend Title 9 of the Village Code – “No Left Turn” from Southbound Franklin at Lake from 7:30 AM to 9:00 AM and 2:00 PM to 4:00 PM on School Days – Ordinance

Trustee Gibbs made a motion, seconded by Trustee Vazquez, to approve an ordinance to amend Title 9 of the Village Code authorizing No Left Turn from Southbound Franklin at Lake from 7:30 AM to 9:00 AM and 2:00 PM to 4:00 PM on School Days

Trustee Gibbs asked whether the sign could be modified to say Monday-Friday rather than “on school days” in case drivers did not know whether school was in session. Administrator Palm stated the “one way” is only in effect on school days, and the Board determined it was acceptable as written.

Roll call:

Ayes: Trustees Cargie, Conti, Corsini, Gibbs, Henek, Vazquez

Absent: None

Nays: None

Motion Passes.

346 Park Variance Discussion

- d. Zoning Board of Appeals - Recommendation regarding a Variation Request – 346 Park Avenue (Side Yard Setback) – Ordinance

Trustee Corsini made a motion, seconded by Trustee Gibbs to approve an ordinance granting the requested variation to Section 10-9-7 of the Zoning Ordinance at 346 Park for a side yard setback.

Shaun Krueger, petitioner, and his son Nolan summarized their variance request to construct a second story addition. They explained that the addition would create much-needed space for their family. The proposal includes three additional bedrooms, one additional bathroom, and a kitchen remodel. As proposed, the construction would continue the north wall vertically, which sits 3 feet into the required 5-foot side yard setback. Mr. Krueger stated complying with this requirement would cause him unnecessary hardship due to a significant

increase in construction costs to offset the second story wall onto non-load bearing first floor walls. He stated a conforming design would also be aesthetically unappealing and out of character with other homes in the neighborhood. Additionally, offsetting the wall would result in a loss of floor space, and he also stated his neighbor's home sits with enough space between them to meet fire safety regulations.

In response to a question from Trustee Cargie, Mr. Krueger stated there were many homes in his area that are two stories and that many of them sit within 3 feet of the side yard setback. He believes they were constructed prior to the recent changes made to the Zoning Code increasing the side yard setback requirement to 5 feet. Trustee Gibbs stated a home two doors down (338 Park) did this same project. Village Attorney Smith confirmed the Zoning Code update was done in 2012 due to a large number of similar variation requests, and the Code now allows a nonconforming wall to continue back horizontally but not vertically. Mr. Kreuger stated he misunderstood this and that was why he was notching in the two story addition in the back to meet the 5-foot setback requirement (which was part of his construction proposal but not the variation request).

In response to a question from Trustee Henek regarding the Board's intention with this policy, Village Attorney Smith stated his interpretation is that a wall existing in a vertical dimension could continue horizontally since it is already established at that height, but to increase the height of a wall in a setback may have an adverse impact on neighbors in terms of air and sunlight quality. Mr. Kreuger stated he submitted a sun study showing his proposal would have a marginal impact on the neighboring property. He asserted that he stands no economic gain and this request is only to accommodate the size of his family.

In response to a question from President Adduci, the petitioner stated his neighbors are supportive of this project as proposed.

In response to a question from Trustee Vazquez, Village Attorney Smith stated "hardship" has been interpreted by courts to mean an unusual circumstance that is unique to the property in question and not generally applicable to other properties in the vicinity. He gave the example of a standard size lot with a stream running through the back of it; if a property owner wants to construct a garage on their property, they are entitled to do so.

In response to a clarifying question from Trustee Vazquez, Village Attorney Smith stated the courts have concluded financial aspects of construction do not constitute hardship.

Trustee Corsini asked Assistant Village Administrator Scheiner to comment on the Zoning Board of Appeal's findings of fact. She highlighted that the ZBA found that this request did not meet standards 1, 3, 5, 6, and 8 and summarized these findings. Mr. Kreuger stated he has submitted a response to their findings.

In response to a question from President Adduci, Assistant Village Administrator Scheiner stated June 2016 was the last time there was a variation request from this section of the Zoning Code, and that that request had been approved.

The Board continued to discuss the request as well as the petitioner's previous variation.

President Adduci summarized a complaint submitted via email from the petitioner's neighbor Jennifer Cappelli regarding construction noise and garbage. Mr. Kreuger stated he has discussed these issues with Ms. Cappelli and tries to be a good neighbor.

In response to a question from Trustee Corsini, Assistant Village Administrator Scheiner stated a contractor working on their own property is not technically subject to the same noise regulations on Sundays as contractors generally, but that the Village requests homeowners be mindful of their neighbors. President Adduci directed staff to address this issue with the Village Code.

Trustee Gibbs expressed concern that the ZBA was short three members when voting on this request, and Trustee Cargie responded that their presence would not necessarily have changed the outcome of the vote.

Trustee Henek stated she appreciated Mr. Kreuger's need for the variation, but she agreed with the ZBA's recommendation that the request does not meet the standards for hardship or effect on other properties and voted no.

Trustee Gibbs stated he did not believe the ordinance should be the reason the sightlines of the property did not line up and voted in favor.

Trustee Corsini stated she believes the hardship exists with the nonconforming setback and voted in favor.

Trustee Cargie stated he believed the ZBA's recommendation deserved deference and that because he could not articulate a reason to disagree with them, he voted no.

Trustee Vasquez agreed with Trustees Henek and Cargie in their reasoning and stated he believes the ordinance would be meaningless because many homes would require variations and voted no.

Trustee Conti stated she thinks it would be impractical to conform to the Zoning Code in this instance and is saddened to see more affordable homes become unaffordable and voted in favor.

Roll call:

Ayes: Trustees Conti, Corsini, Gibbs

Absent: None

Nays: Trustees Cargie, Henek, Vazquez

Motion failed.

- e. Plan Commission – Appoint David Crosby Chairman (Ryan Vacancy) – Term Ending April 30, 2020



Village of River Forest
Village Administrator's Office
400 Park Avenue
River Forest, IL 60305
Tel: 708-366-8500

MEMORANDUM

Date: February 6, 2019

To: Catherine Adduci, Village President
Village Board of Trustees

From: Eric J. Palm, Village Administrator

Subj: Amend Title 1 of the Village Code Regarding Rules and Order of Business

Issue: Attached please find an ordinance making various changes and additions to our rules and order of business. Most of the changes are minor clarifications. In additions to these clarifications, two other suggestions are proposed:

1. Reconsideration – This language will allow Village Board members to reconsider a vote at the same meeting or a subsequent meeting provided they are on the prevailing side.
2. Addressing the Board – Currently there is little substance for the rules for public comment at our meeting. The proposed language adds some modest time limits for public comments and clarifies issues for repetitious comments. In essence, what is being proposed mirrors most of what we do in practice today.

Recommendation: Consider the attached ordinance amending Title One of the Village Code regarding Rules and Order of Business.

Attachment
Ordinance

NO. _____

**AN ORDINANCE AMENDING SECTION 1-6-4 OF THE
RIVER FOREST VILLAGE CODE WITH REGARD TO
RULES AND ORDER OF BUSINESS**

WHEREAS, the Village of River Forest (“Village”), is a non-home rule unit of local government as provided by Article VII, Section 7 of the Illinois Constitution of 1970; and

WHEREAS, the President and Board of Trustees of the Village find that amending the rules and order of business of the President and Board of Trustees in order to clarify the rules and order of business best serves the public’s health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of River Forest, Cook County, Illinois, as follows:

SECTION 1: That the recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

SECTION 2: That Section 1-6-4 of the River Forest Village Code, entitled “Rules and Order of Business,” is hereby amended to read as follows, with additions underlined and deletions struck through:

“Rule 1. Agenda: Prior to each regular meeting of the village board, the village administrator shall cause to be prepared an agenda. Said agenda shall substantially conform to the following structure:

- I. Call to order/roll call
- II. Pledge of allegiance
- III. Citizen comments
- IV. Elected official comments and announcements
- V. Consent agenda (including minutes)
- VI. Consent items for separate consideration
- VII. Recommendations of ~~B~~ boards, commissions and committees reports
- VIII. Unfinished business
- ~~IX~~ VIII. New business

IX. Executive session and any action on executive session items

XI. Adjournment

Rule 2. Voting: The ayes and nays shall be taken and recorded in the minutes in the case of the passage of all ordinances for whatever purpose, and of any resolution or motion creating a liability against the village, or for the expenditure or appropriation of its monies, or at the request of any member. A concurrence of a majority of all members then holding office on the village board, including the president, shall be necessary to the passage of same, unless otherwise required by law. In all cases where a motion is entered into the minutes, the names of the member moving and seconding shall be entered.

In addition, the village administrator shall prepare a consent agenda for each regular meeting containing proclamations, unanimous recommendations of committees or commissions, resolutions, monthly staff reports or motions which require only a simple majority vote for passage. The administrator shall not include on such agenda any item which requires more than a simple majority vote for passage. Failure of the president or any trustee to object to the inclusion of any item or items on such agenda shall constitute unanimous consent by the corporate authorities to taking a single vote by yeas and nays on the various items on such agenda. Upon objection by the president or any trustee to the inclusion of any item on such agenda, such item shall be removed from the consent agenda. In the absence of objection or after such removal, the various items on the consent agenda shall be voted on by the trustees, and if necessary the president, in a single vote by yeas and nays. The record of the meeting shall reflect the names of those voting "yea" and of those voting "nay" with respect to each item on the consent agenda.

When a question is stated from the chair, every member present shall vote therein, unless excused by the president and board or unless he is personally interested in the question before the board. At the conclusion of the roll call vote, the presiding officer shall announce the results.

Rule 3. Addressing The Board: Except during the portion of the meeting dedicated to public participation, no person (other than the village administrator or, upon consent of the board, village staff) may address the board without consent of a majority of the trustees then present. The public may address the board with concerns or comments regarding issues relevant to village business. Issues relevant to village business mean information about village events, issues that the village has the authority to address, items listed on the agenda and items or issues previously voted on by the board or that the board has the authority to

consider or vote on in the future. The president or her/his designee shall restrain comments to matters that are relevant to village business and shall not permit repetitious comments or arguments. Members of the general public who wish to address the board must sign the speaker form prior to the start of the meeting. Any person addressing the board shall be allotted five minutes to speak, with a total of thirty minutes of citizen comments speaking time being available to the public at each board meeting.

Rule 4. **Rules May Be Suspended:** These rules, except rule 2, may be temporarily suspended by a vote of two-thirds of the trustees present, but shall not be repealed, altered or amended, unless notice thereof shall have been in writing, and alteration and amendment submitted, at least one meeting prior thereto, and two-thirds of the trustees shall concur therein.

Rule 5. Expelling A Member: Any member acting or appearing in a disgraceful manner, or who uses opprobrious or insulting language to or about any member of the board, or who does not obey the order of the chair, shall be, on motion, censured by a majority vote of the members present, or expelled by a two-thirds vote of all members elected.

Rule 6. **Reconsideration:** A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion to reconsider must be made by a trustee who voted on the prevailing side of the vote or question to be reconsidered. Any trustee may second a motion to reconsider. A vote or question may be reconsidered at a special meeting held prior to the next regular meeting but only if there are present at such special meeting as many members of the board of trustees as were present when the original vote was taken. Where a motion to reconsider is made at the same meeting as the passage of the original motion, it may be postpone to a later date certain. Where a motion to reconsider is to be made at a different meeting than the passage of the original motion, the trustee intending to make a motion to reconsider shall inform the president no less than three business days prior to the next regular or special meeting where the motion to reconsider may be made.

Rule 67. Presiding Officer To Decide: The presiding officer shall decide all questions of order. In all cases not otherwise provided by law or ordinance, the village board shall be guided by parliamentary law as contained in "Robert's Rules Of Order" and any amendments thereto."

SECTION 3: That all ordinances, or parts of ordinances in conflict with this Ordinance, are hereby expressly repealed.

SECTION 4: That each section, paragraph, clause and provision of this Ordinance is separable, and if any section, paragraph, clause or provision of this Ordinance shall be held unconstitutional or invalid for any reason, the unconstitutionality or invalidity of such section, paragraph, clause or provision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 5: That this Ordinance shall be in full force and effect immediately upon its passage as provided in 65 ILCS 5/1-2-4 given the urgency of the matters addressed herein.

ADOPTED this ____ day of _____, 2019, by no less than a vote of two-thirds (2/3) of the Village President and Board of Trustees pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2019.

Catherine Adduci, Village President

ATTEST:

Kathleen Brand-White, Village Clerk



Village of River Forest
Village Administrator's Office
400 Park Avenue
River Forest, IL 60305
Tel: 708-366-8500

MEMORANDUM

Date: February 6, 2019

To: Eric Palm, Village Administrator

From: Lisa Scheiner, Assistant Village Administrator

Subj: 346 Park Avenue – Variation Request Reconsideration

Issue

On January 28, 2019, the Village Board voted 3-3 on a variation request to increase the height of a wall with a nonconforming side yard setback at 346 Park Avenue. The Zoning Board of Appeals recommended denial of the variation, which required 4 affirmative votes for approval by the Village Board of Trustees. Trustee Cargie has asked that this item be reconsidered.

Analysis

In order to facilitate Trustee Cargie's request the following procedures are required the Village Board must first vote to suspend its normal Roberts Rules of Order and this will require a 2/3 vote of the Village Trustees. The Board may then make a motion to reconsider the January 28, 2019 vote on 346 Park Avenue, which may be approved by a simple majority. If those two items are approved the Village Board may then reconsider an Ordinance granting approval of the zoning variation at 346 Park Avenue. Please note that a 2/3 vote of the Village Trustees is still required to grant the variation.

Recommendation

If the Board wishes to proceed the following motions would be appropriate:

1. Motion to Suspend the Rules (2/3 vote of the Board of Trustees)
2. Motion to Reconsider the January 28, 2019 Vote on 346 Park Avenue (Side-Yard Setback) – Ordinance (majority vote of the President and Board of Trustees)
3. Recommendation from the Zoning Board of Appeals regarding a Variation Request – 346 Park Avenue (Side Yard Setback) – Ordinance (2/3 vote of the Board of Trustees)

Attachments

The Ordinance approving the requested variation is attached to this memo, however, due to the volume of documents associated with this application, staff will not be including the original materials in this packet. Instead, these materials are available online at https://www.vrf.us/uploads/cms/documents/events/01-28-19_VBOT_packet_public_reduced.pdf.

ORDINANCE NO. _____

**AN ORDINANCE APPROVING SIDE YARD SETBACK VARIATIONS TO ALLOW
CONSTRUCTION OF AN ADDITION AT 346 PARK AVENUE**

WHEREAS, a request for variations (“Application”) from the requirements of the Zoning Ordinance of the Village of River Forest (“Zoning Ordinance”) relative to increasing the lot coverage requirement of Section 10-9-7 of the Zoning Ordinance, to allow the construction of a two (2) story addition on a single-family residence that would increase the height of a wall with a nonconforming side yard setback, requiring a variation of approximately two feet (2’) for a length of approximately twenty-six feet (26’), and to construct an eave that would encroach into the side yard setback, requiring a variation of approximately one and a half feet (1.5’) (together the “Variations”), on the property commonly known as 346 Park Avenue, River Forest, Illinois (“Property”) in the R-2 Single-Family (Detached) Residential Zoning District, has been received from petitioners Shaun and Julie Krueger (together “Petitioners”); and

WHEREAS, the Property is legally described in **Exhibit A** attached hereto and made a part hereof; and

WHEREAS, the Application was referred to the Zoning Board of Appeals of the Village (“Board of Appeals”) and was processed in accordance with the Zoning Ordinance, as amended; and

WHEREAS, on August 9, 2018, the Board of Appeals held a public hearing on the Application pursuant to notice thereof given in the manner required by law, and, after considering all of the testimony and evidence presented at the public hearing, the Board of Appeals recommended denial of the Variations by a vote of 4-0, all as set forth in the Findings and Recommendation of the Board of Appeals in this matter (“Findings and Recommendation”), a copy of which is attached hereto as **Exhibit B**; and

WHEREAS, the President and Board of Trustees of the Village of River Forest have duly considered the Findings and Recommendation of the Board of Appeals, and all of the materials, facts and circumstances affecting the Application, and, finds that the Application satisfies the standards set forth in the Zoning Ordinance relating to variations.

NOW, BE IT ORDAINED by the President and Board of Trustees of the Village of River Forest, Cook County, Illinois, as follows:

SECTION 1: The recitals above are incorporated into Section 1 as though set forth herein.

SECTION 2: The President and Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and the Zoning Ordinance: (i) find that the Variations meets the standards for a variation set forth therein and (ii) approve the Variations with respect to the two (2) story addition to the single-family residence on the Property proposed by the Petitioners in their application for the Variations. The Variations are approved only to the extent needed for the construction and maintenance of two (2) story addition to the single-family residence on the Property proposed by the Petitioners in their application for the Variations, and the Variations shall remain in effect only for so long as the two (2) story addition to the single-family residence remains on the Property.

SECTION 3: Prior to the issuance of any building permit by the Village for the addition related to the Variations, the Petitioners shall record a copy of this Ordinance on title to the Property at Petitioners' sole cost and expense, and the Petitioners shall provide proof of said filing to the Village.

SECTION 4: Any violation of any term or condition stated in this Ordinance or of any applicable code, ordinance, or regulation of the Village shall be grounds for the rescission of the approvals made in this Ordinance.

SECTION 5: That all ordinances, or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

SECTION 6: This Ordinance shall be in full force and effect after its approval and publication in pamphlet form as provided by law.

ADOPTED this 11th day of February, 2019, pursuant to a roll call vote of at least two-thirds (2/3) of the Board of Trustees of the Village of River Forest, per Section 10-5-4(E)(3) of the Zoning Ordinance.

AYES:

NAYS:

ABSENT:

APPROVED by me this 11th day of February, 2019.

Catherine Adduci, Village President

ATTEST:

Kathleen Brand-White, Village Clerk

The Petitioners acknowledge hereby the reasonableness of the above and foregoing terms and conditions in the Ordinance, and hereby accepts the same.

By: _____
Titleholder of Record of the Property

By: _____
Titleholder of Record of the Property

Date: _____

Date: _____

EXHIBIT A

LEGAL DESCRIPTION

LOT 25 IN RIVER FOREST PARK HOMES SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NUMBER 14446645 IN THE VILLAGE OF RIVER FOREST, IN COOK COUNTY, ILLINOIS.

PIN: 15-12-302-029

COMMONLY KNOW AS: 346 Park Avenue, RIVER FOREST, ILLINOIS

EXHIBIT B

FINDINGS OF FACT AND RECOMMENDATION

(attached)

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS
FINDINGS OF FACT AND RECOMMENDATION REGARDING
SIDE YARD SETBACK VARIATIONS RELATED TO A
RESIDENTIAL ADDITION AT 346 PARK AVENUE**

WHEREAS, petitioners Shaun and Julie Krueger (together the "Petitioners"), owner of the property located at 346 Park Avenue in the Village of River Forest ("Property"), requested certain variations from the Village of River Forest's setback requirements pursuant to Sections 10-9-7 and 10-8-7 of the Village of River Forest Zoning Code ("Zoning Ordinance") related to the construction of an addition on the residence at the Property that would increase the height of the wall with a nonconforming side yard setback, requiring a variation of approximately two feet (2') for a length of approximately twenty-six feet (26'), and to construct an eave that would encroach into the side yard setback, requiring a variation of approximately one and a half feet (1.5') (together the "Variations"). The Property is located in the R-2 Single-Family (Detached) Residential Zoning District; and

WHEREAS, the Village of River Forest Zoning Board of Appeals ("Board") held a public hearing on the question of whether the requested Variations should be granted on August 9, 2018, and was held as required by Section 10-5-4(E) of the Village of River Forest Zoning Ordinance ("Zoning Ordinance"). At the public hearing, all persons present and wishing to speak were given an opportunity to be heard and all evidence that was tendered was received and considered by the Board; and

WHEREAS, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing in the *Wednesday Journal*, a newspaper of general circulation in the Village, there being no newspaper published in the Village. In addition, notice was mailed to surrounding property owners; and

WHEREAS, at the public hearing on August 9, 2018, the Petitioners provided information and testimony regarding the requested Variations, testifying, among other things, that constructing the addition directly on top of the existing wall was the most effective and efficient means of construction, and that the aesthetics of offsetting the wall of the Second Floor of the proposed addition would be undesirable;

WHEREAS, at the public hearing on August 9, 2018, no member of the public testified regarding the Variations; and

WHEREAS, the Board, having considered the criteria set forth in Section 10-5-4 of the Zoning Ordinance, by a vote of 4 - 0, recommends to the Village President and Board of Trustees that the requested Variations for the Property be DENIED.

NOW, THEREFORE, the Board makes the following findings of fact and recommendations pursuant to Section 10-5-4(E)(2) of the Zoning Ordinance:

FINDINGS OF FACT

1. **The physical surroundings, shape, or topographical conditions of the Property constitute a specific hardship upon the owner as distinguished from an inconvenience if the strict letter of the regulations were to be carried out.** The evidence presented at the public hearing did not establish any unique characteristic of the Property that constitutes a specific hardship on the Petitioners. The Petitioners did not prove that a hardship would result if they were unable to obtain the Variations. The Board finds this standard has not been met.
2. **The aforesaid unique physical condition did not result from any action of any person having an interest in the property, but was created by natural forces or was the result of governmental action, other than the adoption of the Village's Zoning Regulations, for which no compensation was paid.** Given its finding on Standard 1 above, the Board finds this standard has not been met.
3. **The conditions of the Property upon which the petition for Variations is based may not be applicable generally to other property within the same zoning classification.** It was noted at the public hearing that there are approximately eleven (11) houses on the same street as the Property with similar configurations, suggesting that the conditions on the Property are not unique, but are instead typical for the area. The Board finds this standard has not been met.
4. **The purpose of the Variations is not based predominately upon a desire for economic gain.** There was no testimony or evidence presented that the Petitioners' desire for the Variations is for economic gain, but instead to allow for a more aesthetically pleasing addition to the residence on the Property. The Board finds this standard has not been met.
5. **The granting of the Variations is not detrimental to the public welfare or unduly injurious to the enjoyment, use, or development value of other property or improvements in the neighborhood in which the Property is located.** An addition will shade the neighbor to the north's southern facing window. The Board finds this standard has not been met.
6. **The granting of the Variations will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.** The shadow study revealed that a neighboring property would receive additional shadows if the Variations were granted and the addition built to the residence on the Property. The additional shadows would impair an adequate supply of light to the neighboring property. The Board finds this standard has not been met.
7. **The granting of the Variations will not unduly tax public utilities and facilities in the area of the Property.** If granted, the Variations would not unduly burden public utilities or facilities in the area of the Property. This Board finds this standard was met.

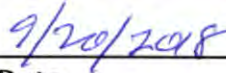
8. **There are no means other than the requested Variations by which the hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Property.** The testimony and evidence presented at the public hearing showed that an addition to the residence on the Property may be constructed without the Variations, if the addition is offset from the existing wall that is within the side yard setback. The Board finds this standard has not been met.

RECOMMENDATION

The Board, by a vote of 4-0, for the reasons stated above, recommends to the Village President and Board of Trustees that the proposed Variations for construction to build an addition on the Property in the R-2 Single-Family (Detached) Residential Zoning District be DENIED.



**Frank Martin
Chairman**



Date