Village of Oak Park

STAFF REPORT

TO: Zoning Board of Appeals **MEETING DATE:** June 5, 2024

FROM: Project Review Team **PREPARED BY**: Mike Bruce, Zoning Administrator

P R O J E C T T I T L E

Cal. No.: **06-24-Z Special Use Permit/Variance – Townhomes.**

The Zoning Board of Appeals ("ZBA") will conduct a public hearing on an application filed by the Applicant, 427 Madison, LLC, seeking a special use permit from Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance of the Village of Oak Park to construct a six (6) unit, 3-story townhouse development facing Madison Street at the premises commonly known as 427 Madison Street, Oak Park, Illinois, Property Index Number 16-18-206-014-0000 ("Subject Property") in the NC Neighborhood Commercial Zoning District.

In addition, the Applicant seeks three (3) variances from Section 5.3 (Table 5-1:Commercial Districts Dimensional Standards) of the Oak Park Zoning Ordinance ("Zoning Ordinance") for: 1) a reduction of the rear yard setback from a required 25 feet to 15'-8", inclusive of the alley, along the west lot line and 2) a reduction of the side yard setback from a required five (5') feet to zero (0') feet along the south lot line and 3) an increase in height from a required 35 feet to 40'-6' at the premises commonly known as 427 Madison Street, Oak Park, Illinois, Property Index Numbers 16-18-206-014-0000 ("Subject Property") in the NC Neighborhood Commercial Zoning District.

A P P L I C A N T I N F O R M A T I O N

APPLICANT: 427 Madison Street, LLC
427 Madison Street
Oak Park, IL 60302

OWNER: SJM HOLDINGS, LLC
6540 Roosevelt Rd.
Oak Park, IL 60304

CONTACT: John Conrad Schiess, Architect
905 Home Avenue
Oak Park, IL 60304

P R O P E R T Y I N F O R M A T I O N

EXISTING ZONING:	Madison Street Zoning District
EXISTING LAND USE:	Vacant Lot former Gas Station
PROPERTY SIZE:	6,979.68 SF (52.40' x 133.20')
COMPREHENSIVE PLAN:	Corridor Commercial/Mixed-Use

SURROUNDING ZONING AND LAND USES:

NORTH: Madison Street followed by Madison Street Zoning District (Jewel-Osco Grocery Store)
SOUTH: Madison Street District (Single-Family Residence)
EAST: Elmwood Avenue followed by Madison Street Zoning District (Two-Story Residence)
WEST: Public Alley followed by Madison Street Zoning District (Two-Story Residence)

A n a l y s i s

Submittals

This report is based on the following documents, which were filed with the Zoning Administrator – Development Services Department:

1. Application for Special Use;
2. Application for Zoning Variance;
3. Responses to the standards for receiving a special use, as conveyed in Article 14.2 (E);
4. Responses to the standards for receiving a variance as conveyed in Article 14.3 (E);
5. First Floor Plan;
6. Second, Third and Penthouse Level Floor Plans;
7. North Elevations;
8. Location and Zoning Map;
9. Plat of Survey; and
10. Schematic Building Section Looking West.

Description

The Subject Property is a zoning lot approximately 52.40' x 133.20' located at the southwest corner of Madison Street to the north and Elmwood Avenue to the east. The lot is currently vacant. The subject site was formally occupied by a gas station. The applicant is proposing to develop the lot with six (6) residential townhome units along Madison Street. The Project will contain four stories consisting of a garage at ground level, living space, second level, bedrooms, third level and a penthouse (roof access) fourth level. The garage level consists of two-stall spaces for each townhome located at grade level. The garages will be accessed via a driveway from Elmwood Avenue. All six units will front on Madison Street.

C o m p l i a n c e w i t h t h e Z o n i n g O r d i n a n c e

Special Use - Townhomes:

As stated above, Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance requires a special use permit to allow townhomes in the Madison Street Zoning District.

A Townhouse is defined as follows:

"A structure consisting of three or more dwelling units, which are connected by party walls. A townhouse is designed with no other dwelling or portion of other dwelling, directly above or below, where each unit has a separate exterior entrance and direct ground level access to the outdoors with no opening between units. A

townhouse dwelling does not include two-family or multi-family dwellings. A townhouse is also referred to as single-family attached dwelling. A townhouse dwelling refers to the design of a structure and not the type of ownership of the individual units."

Special Use

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Ordinance. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed. The recommendation of the Zoning Board of Appeals and decision of the Village Board must make findings to support each of the conclusions listed below.

1. The establishment, maintenance, and operation of the proposed special use will not have a substantial or unduly adverse impact on the neighborhood or endanger the public health, safety, or welfare.

2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.

3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance, adopted land use policies and the Comprehensive Plan.

4. The special use meets the requirements for such classification in this Ordinance.

The Applicant has responded to the above standards in their application.

Variances request for the Townhome Structure:

In addition, the Applicant seeks three (3) variances from Section 5.3 (Table 5-1:Commercial Districts Dimensional Standards) of the Oak Park Zoning Ordinance ("Zoning Ordinance") for: 1) a reduction of the rear yard setback from a required 25 feet to 15'-8", inclusive of the alley, along the west lot line and 2) a reduction of the side yard setback from a required five (5') feet to zero (0') feet along the south lot line and 3) an increase in height from a required 35 feet to 40'-6'.

The following table and text details the requested allowances relative to the MS Madison Street Zoning Districts Dimensional Standard:

	Bulk Standards	**Zoning Ordinance**	**Proposed**	*Variance Request*
1	**Height**	35 Feet	40 Feet, 6 Inches	5 Feet, 6 Inches
2	**Setback -Rear Yard - West**	25 Feet	15 Feet, 8 Inches	9 Feet, 4 Inches
3	**Setback -Side Yard - South**	5 Feet	0 Feet	5 Feet

In order for the Zoning Board of Appeals to grant a variance, the ZBA must make findings to support each of the following items listed below.

1. The Zoning Board of Appeals decision 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.

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 having a proprietary interest in the property in question.

2. The Zoning Board of Appeals, 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 the 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.

c. The proposed variation is consistent with the spirit and intent of this Ordinance and the adopted land use policies.

The Applicant has responded to the approval standards in their application.

In summary, a special use permit is required to construct townhomes in the Madison Street Zoning Districts. In addition, the Applicant seeks variances from the rear yard setback, side yard setback and from the height of the townhome buildings. The ZBA will provide a recommendation for the special use permit that will be forwarded to the Village Board. However, approval or denial of the variance requests will be undertaken by the ZBA only. If the Village Board choses to deny the special use application, the variances, if approved, would become null and void.

Compatibility with the Neighborhood

The site is physically suitable for the type, density, and intensity of the proposed use. There are mixed uses (commercial / residential) within the block of the subject property. To the north, directly across Madison Street is a commercial use. To the east is a two-story residential building. To the west across the alley is a commercial development. To the south of the Subject Property is a two-story residential building. Staff believes that the proposed land use (townhomes) is compatible with the surrounding neighborhood and land uses.

General Information

Project Review Team

On April 9, 2024, the Village Project Review Team reviewed the Applicants plans. The Team consists of representatives from various departments and divisions within the Village government.

The Team is in support of the special use request to construct the six (6) townhome units at 427 Madison Street in the Madison Street Zoning District. In addition, the Team supports the variance requests to modify the setback along the side and rear yard and the height limitation. Again, Staff believes that the proposed townhome development is compatible with the surrounding neighborhood and land uses.

As a result of underground contamination from the prior use of the property, the Illinois Environment Protection Agency has placed a Land Use Limitation on this cite requiring that the land shall not be used in a manner inconsistent with industrial or commercial development. The special use permit, if approved, shall be conditioned on the Applicant obtaining a revised Land Use Limitation letter from the Illinois Environment Protection Agency allowing the proposed townhome development on the cite, which the Applicant is currently working to obtain from the IEPA.

End of Report.

c. Applicant
Zoning Board of Appeals members
Rasheda Jackson, Zoning Board of Appeals, Attorney
Craig Failor, Village Planner