

Attachment A

August 2, 2017

Village President and Board of Trustees
Village of Oak Park
123 Madison Street
Oak Park, Illinois 60302

Re: Application for a Zoning Map Amendment for the Property Located at 417 N. Marion Street, Oak Park, Illinois from B-1/ B-2 General Business District to R-6 Multiple-Family District (Calendar Number 10-17-Z)

Dear Village President and Board of Trustees:

On June 6, 2017, Sara and Terrence Buehler (the "Applicants") submitted an application (Calendar No. 10-17-Z) seeking rezoning of the property located at 417 N. Marion Street, Oak Park, Illinois ("Subject Property") from B-1/B-2 General Business District to R-6 Multiple-Family District pursuant to Section 2.2.2(D). The application was referred to the Zoning Board of Appeals (the "ZBA") by the Village Board of Trustees on July 17, 2017 pursuant to the authority conferred by Section 2.2.2(E) of the Village Zoning Ordinance, to hold the required public hearing and to make a recommendation to the Village Board.

A public hearing was held on the application in the Council Chambers of the Oak Park Village Hall, 123 Madison Street, Oak Park, Illinois on August 2, 2017 at 7:00 p.m. The notice and time and place of said public hearing was duly published on July 19, 2017, in the *Wednesday Journal*, a newspaper of general circulation in the Village. Notice was also posted at the Subject Property and letters were mailed by the Applicant to owners of record within 500 feet of the Subject Property, advising them of the application and the public hearing to be held.

FINDINGS OF FACT

This 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, makes the following findings pursuant to Section 2.2.2 (E) of the Village Zoning Ordinance:

The Subject Property.

1. The Subject Property is a zoning lot of approximately 3,600 square feet (25' X 144') in size, located in the B-1/B-2 General Business District and is currently improved with a single-story brick structure with basement that is now being used as a graphic design studio.

2. The Subject Property is surrounded by the following uses: to the north, a B-1/B-2 General Business District with business uses; to the south and east, R-6 Multiple-Family District with multiple-family dwellings, a single-family and two-family residences; and to the west, R-5 Two-Family District with two flats and single family homes.

3. Village records indicated that the Village Board approved a rezoning petition to change the zoning of the property from a residential to a business district on November 19, 1973. Prior to the rezoning, the Subject Property was used as a single-family residence.

4. The Applicants request that the Subject Property be rezoned from B-1/B-2 General Business District to R-6 Multiple-Family District to allow the existing building to be used as a single-family residence and that the Zoning Map is changed accordingly ("Proposal").

5. The regulations of the R-6 Multiple-Family District are intended to protect existing multiple-family dwellings, to provide guidelines from development of modern multiple-family dwelling units in buildings of a moderate density and to permit compatible development.

This district requires a minimum lots size of 3,500 square feet and single-family uses are allowed.

6. If the requested rezoning was granted, the Subject Property could only be used for a single-family use based on the lot size of 3,500 square feet. A two-family residence requires 5,000 square feet and a multiple-family residence requires 5,700 square feet.

7. The Applicants have indicated that they wish to convert the building into a single-family residence.

8. The Applicants were cross-examined by a resident about the nature of the of the exterior renovations to the property.

Compatibility With the Neighborhood.

8. The character of the neighborhood is general business to the north and multiple-family, two-family and single-residences to the south, east and west of the Subject Property.

9. Before the Village Board approved a rezoning petition on November 19, 1973, the Subject Property was used as a single-family residence.

10. The Proposal to use the existing structure for single-family purposes is compatible with the surrounding land uses.

Project Review Team.

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

12. The team is in support of this application due to the fact that the proposed use is substantially similar to, and compatible with, the other residential uses in the area.

Rezoning Factors.

13. Pursuant to Section 2.2.2 (D) (“Factors to Be Considered in Requests for Rezoning”), an application may be filed for an amendment to change the zoning classification of a particular property. The hearing body shall consider the following factors pursuant to such an application:

1. The character of the neighborhood;
2. The extent to which property values are diminished by the particular zoning restrictions;
3. The extent to which the removal of the existing limitation would depreciate the value of the other property in the area;
4. The suitability of the property for the zoned purposes;
5. The length of time, under the existing zoning, that the property has remained unimproved, considered in the context of land development in the area;
6. The existing uses and zoning of nearby property;
7. The relative gain to the public as compared to the hardship imposed on any individual property owner;
8. The extent to which the ordinance promotes the health, safety, morals or general welfare of the public; and
9. Where applicable, the goals, objectives and policies presented in the Comprehensive Plan.

14. Regarding these factors, the evidence present by the Applicant, Village staff, and upon questioning by the ZBA members at the public hearing, the ZBA finds as follows:

- a. The character of the neighborhood is general business to the north and multiple-family, two-family and single-residences to the south, east and west of the Subject Property, thus the subject property will be compatible with surrounding land uses;
- b. The evidence indicates that the Subject Property’s value will not be diminished by the zoning restriction;
- c. There is no evidence to indicate that the rezoning of the Subject Property would diminish the values of the surrounding properties;
- d. The Subject Property was once used as a single-family residence and would be suitability in the R-6 Multiple-Family District;
- e. The Subject Property is currently improved and
- f. The Subject Property is a graphics design studio with B-1/B-2 General Business District to the north, R-6 Multiple-Family Districts to the south and east and R-5 Two-Family District to the west;
- g. The evidence indicates that there is no relative gain to the public or

- hardship imposed on the property owner;
 - h. The proposed rezoning would promote the health, safety, morals or general welfare of the public by returning the use of Subject Property to its original footprint; and
 - i. The Comprehensive Plan is not applicable.
15. Pursuant to said findings, the ZBA recommends that the application be granted.

RECOMMENDATION

Pursuant to the authority vested in it by the statutes of the State of Illinois and the ordinances of the Village of Oak Park, the Zoning Board of Appeals, hereby recommends to the President and Board of Trustees pursuant to a vote of 6 - 0, that the zoning map amendment be granted to rezone the property located at 417 N. Marion Street, Oak Park, Illinois from B-1/B-2 General Business District to R-6 Multiple-Family District pursuant to Section 2.2.2 (D) of the Village Zoning Ordinance.

This report adopted by a 6 to 0 vote of this Zoning Commission, this 2nd Day of August, 2017.