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**VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS**

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**ORDINANCE NO. 20 - 05**

**AN ORDINANCE APPROVING BULK AND SETBACK VARIANCES  
FOR THE CONSTRUCTION OF A MULTI-FAMILY RESIDENCE AT  
6420 W. GUNNISON**

Passed by the Board of Trustees, February 13, 2020

Printed and Published, February 13, 2020

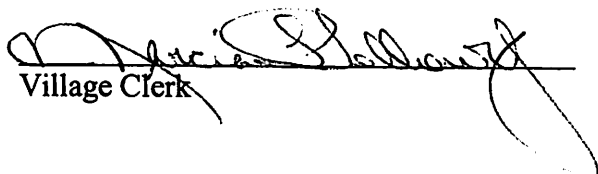
Printed and Published in Pamphlet Form  
By Authority of the Village Board of Trustees

VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS

ARLENE C. JEZIERNY, MAYOR  
MARCIA L. POLLOWY, VILLAGE CLERK

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I hereby certify that this document was  
properly published on the date stated above.

  
Village Clerk

**VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 20-05**

**AN ORDINANCE APPROVING BULK AND SETBACK VARIANCES  
FOR THE CONSTRUCTION OF A MULTI-FAMILY RESIDENCE AT  
6420 W. GUNNISON**

**WHEREAS**, the Village of Harwood Heights (the “Village”) is an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois; and

**WHEREAS**, Roberto Barrerra (the “*Applicant*”) is under contract to purchase 6420 W. Gunnison Street, Harwood Heights, IL, bearing tax identification number 13-07-423-021-0000 and legally described as follows:

LOT 6 IN BLOCK 2 IN W.F. KAISER AND COMPANY’S RIDGEMOOR TERRACE SUBDIVISION IN THE SOUTH ½ OF THE SOUTH ½ OF THE SOUTH ½ OF THE SOUTHEAST ¼ AND THE SOUTH ½ OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 7, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

(the “*Property*”); and

**WHEREAS**, the Applicant is seeking multiple variances to allow the construction of a “3-flat” apartment building consisting of three 3 bedroom/2 bath units on the Property, together with six off-street parking spaces located at the rear (north) of the Property, off of the public alley (the “*Project*”); and

**WHEREAS**, Applicant seeks relief in order to proceed with the Project, including variances from the following requirements:

- (i) Minimum lot area for multi-family housing is 7,500 square feet for a structure exceeding two dwelling units (Table 17.12.040.1), whereas Property is only 3,969 square feet;

- (ii) Minimum front-yard setback is 25' (Table 17.12.040.1), whereas the structure would be built with a 12' front-yard setback;
- (iii) 5' setback is required for corner side yards (Table 17.12.040.1), but Applicant proposes a 3.2' side yard setback along eastern side of Property fronting Natchez Avenue;
- (iv) Maximum floor-area-ratio (F.A.R.) is 0.4 (Table 17.12.040.1), but the Project involves a 1.20 F.A.R.;
- (v) Drive-aisle width must be at least 24' wide to accommodate backing out of the tandem parking spaces proposed for the Project (Table 17.28.100.1 and Section 17.28.100(B)(1)), but the public alley is narrower than the required threshold (Table 17.28.100.1 and Section 17.28.100(B)(1));
- (vi) Half of required off-street parking in residential districts is to be provided via an enclosed garage (Section 17.28.090(A)(3)), but all six parking spaces proposed for the Project are outdoor, uncovered spaces at the rear of the Property; and
- (i) For such other and further relief as may be necessary to enable Applicant to construct the Project on the Property.

**WHEREAS**, the Zoning Board of Appeals ("**ZBA**") convened a public hearing on November 4, 2019 and concluded the public hearing on December 2, 2019; and

**WHEREAS**, at the conclusion of the public hearing, the ZBA voted unanimously to recommend approval of each of the above-described variances from the Village of Harwood Heights Zoning Code, as described in the ZBA's "Report of Findings of Fact and Recommendation to the Village Board of Trustees to Grant Variances," ("**ZBA Recommendation**") a true and correct copy of which is attached hereto as *Exhibit A*; and

**WHEREAS**, the President and Board of Trustees of the Village of Harwood Heights (the "**Corporate Authorities**") have reviewed and considered the application and associated supporting materials, the ZBA Recommendation, and the legal standards and criteria by which the requested variances are to be judged as set forth in the Village Code; and

**WHEREAS**, the Village Board, meeting as the Committee of the Whole, has received public comment on the Project, deliberated at the December 2019 and February 2020 Committee of the Whole meetings regarding the Project and directed the Chief of Police and Village staff to conduct an independent inquiry into concerns expressed regarding the Project's potential to compromise sightlines for motorists proceeding southbound on Natchez Avenue and attempting to view eastbound traffic along Gunnison Street approaching from the west; and

**WHEREAS**, Chief DeVries examined the matter and reported that he did not believe that the Project would have a significant negative impact on public health and safety; and

**WHEREAS**, the Village Board took notice of the fact that other buildings near the Property feature identical front-yard setbacks to that proposed for the Property without significant accident issues; and

**WHEREAS**, the Corporate Authorities find and determine that Petitioner has demonstrated satisfaction of each of the evaluative criteria set forth in Section 17.56.220 of the Village Code for each of the requested variances; and

**WHEREAS**, except as otherwise noted herein, the Village Board concurs with the factual findings and legal conclusions rendered by the ZBA and substantially agrees with the recommendations made by that body as set forth in the ZBA Recommendation with respect to the requested variances, subject to and contingent upon the conditions set forth in this Ordinance;

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

**SECTION 1. RECITALS.** The above-stated recitals are incorporated into this Ordinance by reference.

**SECTION 2. ENACTMENT.**

**A. Incorporation of ZBA Recommendation.** The ZBA Recommendation and the findings of fact and conclusions set forth therein are hereby adopted by reference to the same effect as if fully recited herein at length. All references in the ZBA Recommendation are made the references of the President and Board of Trustees of the Village of Harwood Heights.

**B. Incorporation of Exhibits.** Exhibit A is attached to this Ordinance is, by this reference, incorporated in, and made a part of this Ordinance.

**C. Approval of Variances.** The following variances are hereby granted from the Village of Harwood Heights Zoning Ordinance to authorize the Project on the Property, subject to the conditions set forth in Section 3 of this Ordinance:

- (i) Subminimal lot area of 3,969 square feet approved for multi-family housing otherwise requiring 7,500 square feet lot for structures exceeding two dwelling units by Table 17.12.040.1;
- (ii) Subminimal 12' front yard setback instead of 25' front yard setback required by Table 17.12.040.1
- (iii) Subminimal 3.2' side yard setback along eastern side of Property fronting Natchez Avenue instead of 5' setback required for corner side yards by Table 17.12.040.1;
- (iv) 1.20 floor-area-ratio, in excess of maximum floor-area-ratio of 0.4 authorized by Table 17.12.040.1;
- (v) Reduced drive-aisle width serving off-street parking spaces instead of 24' drive-aisle required by Table 17.28.100.1 and Section 17.28.100(B)(1); and
- (vi) Authorization for no off-street parking spaces to be located within enclosed garage as otherwise required by Section 17.28.090(A)(3).

**SECTION 3. CONDITIONS.** The approval of the variances in Section 2 is conditioned upon and limited by the following requirements, conditions, and restrictions, the violation of any of which shall, in the sole discretion of the President and Board of Trustees, invalidate the variance approval:

A. **NO AUTHORIZATION OF WORK.** This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Property pursuant to this Ordinance unless and until all conditions precedent to such work have been fulfilled, including without limitation the Village Building Department's final approval of the proposed crushed-stone paving material and other authorizations for such work in accordance with applicable law.

B. **COMPLIANCE WITH LAWS.** The Zoning Code, the Subdivision Code, the Building Code, and all other applicable Village ordinances and regulations shall continue to apply to the Property, and the development and use of the Property shall comply with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.

C. **COMPLIANCE WITH PLANS.** The construction, maintenance, and operation of the proposed improvements on the Property will be in substantial compliance with the application and the plans submitted to the Village for review and approval with the application, except for minor changes and site work approved by Village staff (for matters within their authority) in accordance with all applicable Village rules, regulations, and ordinances.

D. **EXPIRATION OF VARIANCES.** The variances shall run with the land and not be personal to the Applicant, but said variances shall expire and become null and void two (2) years

from the date of this Ordinance unless any and all permits required for the construction of the proposed improvements on the Property have been issued by the Village by said date.

**SECTION 4. RESOLUTION OF CONFLICTS.**

All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5. SAVING CLAUSE.**

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

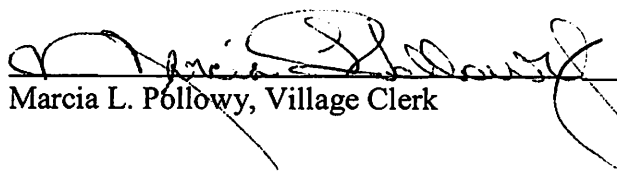
**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Passed and Approved this 13th day of February, 2020.

  
\_\_\_\_\_  
Mayor Arlene Jezierny

ATTEST:

  
\_\_\_\_\_  
Marcia L. Pollowy, Village Clerk

VOTES

AYES: Trustee Schuepfer, Steiner, Brzezniak-Volpe, Brzozowski-Wegrecki, Zerillo, Lewandowski

NAYS:

ABSENT:

ABSTAIN:



**EXHIBIT A**

**ZBA Report of Findings of Fact and Recommendation to the  
Village Board of Trustees to Grant Variances**

(appended on following pages)

**VILLAGE OF HARWOOD HEIGHTS, COOK COUNTY, ILLINOIS  
ZONING BOARD OF APPEALS**

**In Re the Matter of:** )  
**Petition of ROBERTO BARRERRA** )  
**for Bulk and Setback Variances Enabling** )  
**Construction of a Multi-Family Residence)**  
**6420 W. Gunnison** )

**REPORT OF FINDINGS OF FACT AND RECOMMENDATION**  
**TO THE VILLAGE BOARD OF TRUSTEES**  
**TO GRANT VARIANCES**

**I. BACKGROUND**

**A. APPLICANT**

ROBERTO BARRERRA (“Applicant”) is under contract to purchase the below-described property from current owner Parkway Bank & Trust Co., not personally, but as Trustee u/t/a No. 1059, dated 3/1/69 (“Seller”). The sale is contingent on the Applicant obtaining zoning approvals to develop the Property with a “3-flat” apartment building consisting of three distinct 3 bedroom/2 bath units, with one such unit on each floor of the proposed structure.

**B. PROPERTY**

The subject property is a vacant parcel commonly known as 6420 W. Gunnison Street, Harwood Heights, IL (the “Property”), bearing tax identification number 13-07-423-021-0000 and legally described as follows:

LOT 6 IN BLOCK 2 IN W.F. KAISER AND COMPANY’S RIDGEMOOR  
TERRACE SUBDIVISION IN THE SOUTH ½ OF THE SOUTH ½ OF THE  
SOUTH ½ OF THE SOUTHEAST ¼ AND THE SOUTH ½ OF THE SOUTH ½  
OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 7,  
TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL  
MERIDIAN, IN COOK COUNTY, ILLINOIS.

The Property is located at the northwest corner of Gunnison Avenue and Natchez Avenue. The Property is bordered to the west by a half-dozen three-flat apartment buildings, to the south by the unincorporated Ridgemoor Country Club, to the east across Natchez by the recently-constructed Fuller’s Car Wash, and to the north by single-family residential homes lining both sides of Natchez Avenue.

**C. DEVELOPMENT PLANS**

As amended during the public hearing process, Applicant is seeking variances pursuant to Section 17.56.220 of the Village Code, that would allow the construction of a “3-flat” apartment

building consisting of three 3 bedroom/2 bath units on the Property, together with six off-street parking spaces located at the rear (north) of the Property, off of the public alley (the "Project").

#### **D. REQUEST FOR RELIEF AND EXISTING ZONING**

The Property is zoned R-3 Multiple Family Residential. While a 3-unit multi-family dwelling structure is permitted as of right in the host R-3 zoning district, the Property is not large enough to accommodate the proposed three-flat structure without the Village first granting variances from the Village's minimum off-street parking requirements and a variety of bulk and yard requirements. As amended, Applicant ultimately is seeking variances authorizing deviations from the following requirements in order to construct the Project:

- (vii) Minimum lot area for multi-family housing is 7,500 square feet for a structure exceeding two dwelling units (Table 17.12.040.1), whereas Property is only 3,969 square feet;
- (viii) Minimum front-yard setback is 25' (Table 17.12.040.1), whereas the structure would be built with a 12' front-yard setback;
- (ix) 5' setback is required for corner side yards (Table 17.12.040.1), but Applicant proposes a 3.2' side yard setback along eastern side of Property fronting Natchez Avenue;
- (x) Maximum floor-area-ratio (F.A.R.) is 0.4 (Table 17.12.040.1), but the Project involves a 1.20 F.A.R.;
- (xi) Drive-aisle width must be at least 24' wide to accommodate backing out of the tandem parking spaces proposed for the Project (Table 17.28.100.1 and Section 17.28.100(B)(1)), but the public alley is narrower than the required threshold (Table 17.28.100.1 and Section 17.28.100(B)(1)); and
- (xii) Half of required off-street parking in residential districts is to be provided via an enclosed garage (Section 17.28.090(A)(3)), but all six parking spaces proposed for the Project are outdoor, uncovered spaces at the rear of the Property.

#### **E. PUBLIC HEARING**

After reviewing Applicant's application for a variance, site plans, photographs, and comments from the Village attorney, the ZBA commenced a public hearing on November 4, 2019 to consider the Applicant's request for a variance. The Village published notice of the public hearing in the *Pioneer Press* between 15 and 30 days before the public hearing and mailed notice of the November 4, 2019 hearing to all residents located within 250 feet of the Property. The public hearing was entered and continued for further proceedings on December 2, 2019, as announced on the record during the November 4, 2019 hearing. Notice was recirculated more than fifteen (15) days prior to the December 2, 2019 hearing date to all property owners within

250' of the Property who did not receive the first mailed notice. Those owners were served via mailed notice directed to the mailing addresses indicated in current tax records.

The ZBA finds and determines, on advice of counsel, that all persons entitled to notice of the hearing received mailed notice prior to one or both hearing sessions, that additionally all occupants of premises within 250' of the Property received mailed notice of the hearing, and that notice was properly published. The notices were consistent with the requirements set forth in the Village Code.

At the public hearing sessions (cumulatively, the "Hearing"), the ZBA listened to testimony presented by Applicant and Brian Costello ("Costello"), real estate agent for Hometown Real Estate in support of the requested variances. A number of area property owners and residents attended the Hearing and registered opposition to the Project on a variety of grounds, primarily related to the initial request by Applicant – later withdrawn – for a variance allowing a reduced number of off-street parking spaces serving the Project, but also registered concerns regarding density, traffic congestion and sightlines for vehicular traffic turning onto Gunnison from southbound Natchez. Public comment testimony was received from Phillip Cypcar, Geraldine Stroka, Judith Simmons, Cheryl Zalenski and Michael Ray. Attorney Bill Gold appeared and offered testimony on behalf of Seller.

#### **F. PUBLIC HEARING**

Pursuant to Section 17.56.030(E)(2) of the Village Code, the ZBA is empowered to hear and recommend, in its capacity as an advisory body to the Village Board, the rejection or approval of Applicant's variance request to the Village Board. The Village Board has jurisdiction to make final decisions on variance requests.

#### **III. STANDARDS**

Pursuant to Section 17.56.220 of the Village of Harwood Heights Zoning Code, the ZBA considered the following criteria in evaluating the proposed variances:

- 1) whether the Applicant demonstrated an undue hardship not generally applicable to other parcels in the R3 district, and that the Applicant did not create the undue hardship;
- 2) whether the Applicant is seeking a special privilege denied to other structures in the R3 district;
- 3) whether the literal interpretation the zoning regulations would deprive the Applicant of rights commonly enjoyed by other properties in the R3 District and would work unnecessary and undue hardship on the Applicant;
- 4) whether each requested variance is the minimum departure necessary from zoning regulations to enable reasonable use of the land;

5) whether granting each variance would result in reduced property values or otherwise harm neighbors or the public; and

6) whether granting the variance would conflict with the purposes of the Comprehensive Plan or Zoning Code.

#### **IV. FINDINGS OF FACT & LEGAL CONCLUSIONS**

After reviewing all application materials and a memorandum from legal counsel, and hearing testimony and receiving evidence at the public hearing commenced on November 4 and concluded on December 2, 2019, the Harwood Heights Zoning Board of Appeals finds as follows:

1. The foregoing recitals set forth in Sections I – III shall be and are hereby incorporated into and made a part of the Findings of Fact & Legal Conclusions as if fully set forth herein.

2. All exhibits, testimony and evidence presented at Public Hearing 19-02 are made a part of the official record of proceedings and are hereby incorporated into and made a part of the Findings and Conclusions as if fully set forth herein.

3. The ZBA finds and concludes that the Hearing was properly noticed.

4. The ZBA finds and determines that the Petitioner abided by all of the procedural requirements associated with the Village's planned development process.

5. The ZBA heard and credited testimony from Applicant that the price of the Property required construction of a three-flat structure in order to deliver an adequate return on investment to justify the acquisition of the Property.

6. The Property had previously been paved and utilized for parking purposes, but has been unimproved as a grassy lot for several years.

7. The Property has not in recent memory featured constructed improvements other than an asphalt surface parking lot.

8. The ZBA finds that the unusually small size of the Property actively impedes its marketability and development.

9. The ZBA initially received and credited testimony from area owners and residents that the area is congested and the subject of intensive parking competition for a limited number of street-side parking spots due to the abundance of multi-family housing in the immediate vicinity.

10. Following the initial Hearing, Applicant revised his Project plans in response to critiques received at the Hearing. Specifically, in response to complaints from neighbors at the

Hearing, Applicant doubled his proposed off-street parking to six parking spaces on the Property, which is all that is required for a three-flat structure under the Village Code.

11. The ZBA finds that the proposed parking spaces are properly sized (9' x 18') in accordance with Table 17.28.100.1.

12. The ZBA finds that the "tandem parking" (two spaces sharing the same means of ingress/egress) setup is allowed for multi-family buildings so long as the two "shared" spaces are allotted to the same residential unit. (Sec. 17.28.090(A)(4)).

13. The proposed parking spaces open onto an alley, which satisfies the accessibility required by Section 17.28.100(B)(2).

14. The alley is less than 24' wide, which is the required drive-aisle width under Table 17.28.100.1 and Section 17.28.100(B)(1) in order to accommodate the anticipated backing out and turn radius maneuvers of the vehicles. However, Section 17.28.100(B)(1) explicitly allows the Village's Zoning Officer to approve reductions in the 24' wide drive aisle space without need of a public hearing. The ZBA additionally has jurisdiction to recommend that the Village Board simply grant a variance from the minimum required drive-aisle width.

15. The ZBA found that all of the multi-family and commercial structures immediately west of the Property back out onto the same alley and have done so for many years without any apparent incidents or difficulties. As such, the ZBA finds that granting a drive-aisle width variance does not compromise health, safety or welfare of the neighborhood or Village generally.

16. The ZBA found that many properties in the Village lack enclosed parking and that it is not uncommon for multi-family structures to lack covered parking options in the Village. Indeed, the ZBA found that most off-street parking in the Village is not enclosed. As such, granting a variance from Section 17.28.090(A)(3)'s requirement that at least three of the six spaces be provided via an enclosed garage would not create any negative secondary effects for neighbors and would be consistent with common practice throughout the Village.

17. The ZBA asked Applicant to consider permeable pavers for the off-street parking instead of the originally proposed concrete and Applicant agreed and revised its plans to reflect permeable pavers.

18. The ZBA further noted that Village staff would engage in specific drainage details at the permitting stage in order to ensure that the proposed improvements allow sufficient surface drainage and are consistent with Village regulations and the ZBA concluded that such technical review was beyond its jurisdiction, expertise and purview.

19. The Applicant demonstrated an undue hardship not generally applicable to other parcels in the R3 district based on the unusually small size of the parcel, which is not large enough to construct any type of residential structure upon in any residential district within the

Village without obtaining a variance. The lot is literally unbuildable without a size variance. The Applicant did not create the undue hardship.

20. The Applicant is not seeking a special privilege denied to other structures in the R3 district because many properties along Gunnison Avenue, including a half-dozen properties neighboring to the north, are three-flats, which are also allowed as of right in the host R3 zoning district.

21. The literal interpretation of the zoning regulations without any lot size or setback variances would prevent any construction on the Property create unnecessary and undue hardship on Seller by greatly diminishing the marketability and value of the Property. Applicant would not acquire the Property without the variances granted and the Property has remained undeveloped for decades in the absence of variances.

22. While the neighborhood testified to the intense competition for parking in the area and many multi-family building owners and landlords testified to the difficulty with finding tenants in light of parking difficulties, no area resident or property owner acquired the Property for supplemental parking purposes and no testimony was received that any offer or serious attempt had been made over the years.

23. Applicant testified that construction of a two-flat, which would still require the same set of setback and lot size variances, would not yield an adequate return on investment sufficient to justify the purchase price and that a three-flat was the minimum size necessary to generate sufficient value to pay the sale price. Given that most of the same variances would be needed for a two-flat or even a single-family structure on the Property, the ZBA finds that the requested variances are the minimum departures necessary from zoning regulations to enable reasonable use of the Property. This finding is bolstered by the fact that Applicant revised its proposal and site plan to increase off-street parking to the amount required by the Village Code without any variance required.

24. The ZBA heard a great deal of uniformly negative testimony regarding the Project from neighboring property owners, who cited existing density, traffic congestion and parking scarcity as the primary reasons that the construction of the Project on a small lot would exacerbate, rather than alleviate, existing difficulties.

25. At the November 2, 2019 hearing, much testimony was received from Project opponents noting that the increased parking demand created by the Project, coupled with the originally-requested variance to provide only three off-street parking spaces instead of the six required for a three-flat by the Zoning Code paucity of parking, would worsen the existing supply-and-demand imbalance for area parking.

26. The ZBA found Applicant extremely responsive to expressed concerns at the initial Hearing, revising its proposed Project to double the off-street parking capacity and revising its construction materials to provide for a permeable parking pad. The ZBA found that the Project amendments improved the Project and effectively addressed all initially-expressed public concerns.

27. Following the revision of the Project to provide the required number of off-street parking spaces and lessen stormwater runoff, the ZBA finds that the local opposition to the Project did not diminish, but simply shifted to a new front that was not expressed at the initial Hearing, namely, claimed safety concerns regarding the impact of the reduced front-yard and side-yard setbacks on motorist sightlines for southbound traffic on Natchez seeking to turn onto Gunnison. Specifically, testimony was received that traffic approaching from the west would be less apparent to drivers on southbound Natchez and vice-versa.

28. The ZBA finds that the proposed front-yard setback variance was consistent with the front-yard setbacks of the multi-family structures to the west of the Property and would serve to maintain a uniform street-wall along that portion of Gunnison. The only deviation from the uniform street-wall actually consists of a commercial office building (State Farm Insurance) with a *lesser* setback.

29. The ZBA noted the existence of a stop-sign at the intersection of Natchez and Gunnison and found that traffic stopped at the stop sign would have adequate room to see both ways down Gunnison before proceeding and that would continue to be true if the Project were constructed as proposed.

30. The ZBA heard a request by a neighbor that a traffic study be conducted in order to verify the safety of the reduced sightlines but did not conclude that such a measure was necessary.

31. The ZBA found that the Project would not compromise motorist safety and that the safety/sightline concerns articulated for the first time at the second Hearing by neighbors despite the fact that none of the Project refinements between the first and second Hearings had created, increased or had any impact at all on the claimed sightline dangers revealed that neighborhood opposition was less issue-driven than representative of density objections generally.

32. The ZBA finds no evidence in the record that the requested variances would result in reduced property values. or otherwise harm neighbors or the public.

33. Granting the requested variance would be not be inconsistent with the Comprehensive Plan or the purposes of the R3 zoning district.

## V. RECOMMENDATION

**NOW THEREFORE, following a public hearing convened by the Village of Harwood Heights Zoning Board of Appeals on November 4, 2019 and concluded on December 2, 2019, and based on the foregoing findings of fact and legal conclusions, by a unanimous vote, the Zoning Board of Appeals recommends that the Village Board grant the Applicant's requested variances from the following provisions of the Village Code:**



- (i) **Minimum lot area for multi-family housing is 7,500 square feet for a structure exceeding two dwelling units (Table 17.12.040.1), whereas Property is only 3,969 square feet;**
- (ii) **Minimum front-yard setback is 25' (Table 17.12.040.1), whereas the structure would be built with a 12' front-yard setback;**
- (iii) **5' setback is required for corner side yards (Table 17.12.040.1), but Applicant proposes a 3.2' side yard setback along eastern side of Property fronting Natchez Avenue;**
- (iv) **Maximum floor-area-ratio (F.A.R.) is 0.4 (Table 17.12.040.1), but the Project involves a 1.20 F.A.R.;**
- (v) **Drive-aisle width must be at least 24' wide to accommodate backing out of the tandem parking spaces proposed for the Project (Table 17.28.100.1 and Section 17.28.100(B)(1)), but the public alley is narrower than the required threshold (Table 17.28.100.1 and Section 17.28.100(B)(1)); and**
- (vi) **Half of required off-street parking in residential districts is to be provided via an enclosed garage (Section 17.28.090(A)(3)), but all six parking spaces proposed for the Project are outdoor, uncovered spaces at the rear of the Property.**

By:

  
\_\_\_\_\_  
Tony Lostumbo, Zoning Board of Appeals Chair

02-10-2020  
Date

STATE OF ILLINOIS

COUNTY OF COOK

**CERTIFICATION**

**I, Marcia L. Pollowy, do hereby certify that I am the duly elected and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.**

**I do further certify that the foregoing Ordinance 20-05 entitled:**

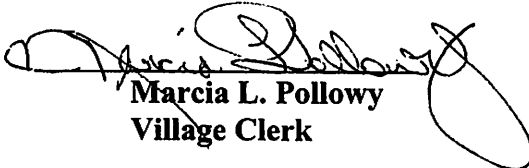
**AN ORDINANCE APPROVING BULK AND SETBACK VARIANCES  
FOR THE CONSTRUCTION OF A MULTI-FAMILY RESIDENCE AT  
6420 W. GUNNISON**

**Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 13th day of February, 2020.**

**I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am keeper of the same.**

**I do further certify that I am the keeper of the records, ordinances, and resolutions of said Village of Harwood Heights, Cook County, Illinois.**

**In witness whereof I have hereunto set my official hand and seal this 14th day of February, 2020.**

  
**Marcia L. Pollowy**  
**Village Clerk**

**Corporate Seal**