



VILLAGE OF WILMETTE

1200 Wilmette Avenue
WILMETTE, ILLINOIS 60091-0040

(847) 251-2700
FAX (847) 853-7700
TDD (847) 853-7634
EMAIL wilmette@wilmette.com

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILMETTE, ILLINOIS HELD IN THE COUNCIL ROOM OF SAID VILLAGE HALL, 1200 WILMETTE AVENUE, WILMETTE , ILLINOIS ON TUESDAY, JUNE 26, 2007.

The Village President called the meeting to order at 7:38 p.m.

Item:

1.0 ROLL CALL:

President	Christopher S. Canning
Trustees	Alan Swanson
	Lali Watt
	John Levin
	Mari D. Terman
	Karen Spillers
	Mike Basil

Staff Present:	Michael J. Earl, Village Manager
	Maureen M. Barry, Assistant Village Manager
	Timothy J. Frenzer, Corporation Counsel
	Barbara L. Hirsch, Deputy Village Clerk
	Lisa Roberts, Director of Community Development
	Brigitte Mayerhofer, Director of Engineering
	Jorge Cruz, Assistant Director of Engineering

2.0 APPROVAL OF MINUTES:

2.1 Trustee Terman moved approval of minutes of the Regular Board meeting held June 12, 2007, seconded by Trustee Swanson. All voted aye, the motion carried.

3.0 PETITIONS AND COMMUNICATIONS:

Bill Everham, 251 Maple Avenue, asked to remove item 6.18 from the Consent Agenda.

4.0 REPORTS OF OFFICERS:

Village Manager Michael Earl announced the schedule of the July 3 celebration sponsored by the Wilmette Park District.

4.1 Consent Agenda. Trustee Watt moved approval of the Consent Agenda as follows:

- 6.11 Minutes, Land Use Committee.
- 6.12 Minutes, Plan Commission.
- 6.13 Minutes, Plan Commission.
- 6.14 Temporary Use Permit #2007-TU-24 for the Thornwood Park Outdoor Concert to be held on July 15, 2007.
- 6.15 Appointment of Land Use Committee as a Special Zoning Committee to review possible amendments to noise and other regulations related to emergency generators.
- 6.16 Plan Commission Report, 2031 Elmwood regarding a request for tentative plat approval for a lot subdivision.
- 6.17 Adoption of Resolution #2007-R- 27 regarding final plat approval for a lot subdivision at 2031 Elmwood.
- 6.19 ZBA Report, 420 Vine Court, Case #2006-Z-67 regarding a request for variations to permit the construction of a two car detached garage in accordance with the plans submitted; adoption of Ordinance #2007-O-52.
- 6.191 REMOVE FROM TABLE - ZBA Report, 1050 Forest Avenue, Case #2007-Z-21 regarding a request for a variation to permit the installation of a gas generator in accordance with the plans submitted-
TABLE INDEFINITELY.

- 6.31 Minutes, Community Relations Commission
- 6.32 Minutes, Community Relations Commission
- 6.33 Minutes, Fine Arts Commission.
- 6.34 Minutes, Fine Arts Commission
- 6.35 Minutes, Fine Arts Commission
- 6.36 Minutes, Administration Committee
- 6.37 Minutes, Transportation Commission
- 6.38 Minutes, Ad Hoc Technology Committee

- 6.41 Approval of contract, Holton Brothers, Arlington Heights, IL for tuckpointing and sandstone repairs at Village Hall.
- 6.42 Approval of contract, Visu-Sewer of Illinois, LLC, Bridgeview, IL for completion of the 2007 Sewer Lining Program, contingent upon Illinois Environmental Protection Agency (IEPA) low interest loan approval.

- 6.43 Approval of contract, Visu-Sewer of Illinois, LLC, Bridgeview, IL for 2007 televising and cleaning of Village sewers.
- 6.44 Approval of contract, Infrastructure Management Services, Rolling Meadows, IL for pavement management services.
- 6.45 Approval of contract, Bob Ridings Inc., Taylorville, IL for the purchase of one truck chassis.
- 6.46 Rejection of bids for Village Yard roof replacement.

- 6.51 Minutes, Board of Fire and Police Commissioners.
- 6.52 Adoption of Ordinance #2007-O-46 authorizing staff to sell surplus Village owned property currently stored at the Wilmette Police Station.

- 8.1 Notice of vacancy, Senior Resources Commission
- 8.2 Notice of vacancy, Commission for Persons with Disabilities
- 8.3 Notice of vacancy, Commission for Persons with Disabilities
- 8.4 Notice of vacancy, Community Relations Commission
- 8.5 Notice of vacancy, Community Relations Commission
- 8.6 Notice of vacancy, Senior Resources Commission.
- 8.7 Notice of vacancy, Senior Resources Commission
- 8.8 Notice of vacancy, Appearance Review Commission
- 8.9 Notice of vacancy, Community Relations Commission
- 8.91 Notice of vacancy, Historic Preservation Commission
- 8.92 Notice of vacancy, Youth Commission
- 8.93 Notice of vacancy, Youth Commission
- 8.94 Notice of vacancy, Zoning Board of Appeals
- 8.95 Appointment, Building Code Board of Appeals.

- 9.1 Notice of vacancy, Commission for Persons with Disabilities.
- 9.2 Notice of vacancy, Appearance Review Commission.

Trustee Terman seconded the motion. Voting yes: Trustees Swanson, Watt, Levin, Terman, Spillers, Basil and President Canning. Voting no: none. The motion carried.

5.0 REPORT OF THE LIQUOR CONTROL COMMISSIONER:

No Report.

6.0 STANDING COMMITTEE REPORTS:

6.1 LAND USE COMMITTEE REPORT:

- 6.11 Presentation of minutes of the Land Use Committee meeting held May 24, 2007 was handled with the Consent Agenda.
- 6.12 Presentation of minutes of the Plan Commission meeting held May 1, 2007 was handled with the Consent Agenda.
- 6.13 Presentation of minutes of the Plan Commission meeting held June 5, 2007 was handled with the Consent Agenda.
- 6.14 Approval of Temporary Use Permit #2007-TU-24 for the Thornwood Park Outdoor Concert to be held on July 15, 2007 was handled with the Consent Agenda.
- 6.15 Appointment of Land Use Committee as a Special Zoning Committee to review possible amendments to noise and other regulations related to emergency generators was handled with the Consent Agenda.
- 6.16 Plan Commission Report, 2031 Elmwood regarding a request for tentative plat approval for a lot subdivision was handled with the Consent Agenda.
- 6.17 Adoption of Resolution #2007-R- 27 regarding final plat approval for a lot subdivision at 2031 Elmwood was handled with the Consent Agenda.
- 6.18 Request for a variation extension of an additional 12 months, Case #2002-Z-5, 257 Maple Avenue to permit the construction of a common driveway access.

Trustee Swanson moved to grant a request for a variation extension of an additional 12 months, Case #2002-Z-5, 257 Maple Avenue to permit the construction of a common driveway access, seconded by Trustee Spillers.

Lori Marston, Planning Consultant for petitioner, said the variation was approved five years ago but the lot is unusual and there have been issues regarding the utilities that have been time consuming.

President Canning noted the case received a continuance last year and asked what has happened with the utilities in the past year.

Ms. Marston said there have been three different suggestions for the placement of the water utilities. The petitioner has been working with the City of Evanston to install water utilities from Maple Avenue to Isabella Street. The petitioner currently has a buyer for the two lots, who will submit preliminary plans for the permit process in the near future.

Trustee Swanson asked if the petitioner had an easement agreement with the Chicago Transit Authority (CTA).

Ms. Marston said the petitioner's agreement with the CTA was set to be approved at the June 13, 2007 CTA Board meeting but was deferred to the July meeting.

Trustee Watt asked if the petitioner would be buying water from the City of Evanston for the proposed subdivision.

Dan Carter, consultant for the petitioner, said due to the nature of the proposed site, it has been difficult to obtain easements for utilities to supply water, sanitary sewer and storm sewer discharge. The petitioner is ready to submit engineering drawings to Wilmette for the storm and sanitary sewers. The water utilities will be supplied by the City of Evanston.

Trustee Terman asked why there was a CTA delay.

Mr. Carter said the CTA agreement has been completed and is ready for CTA Board approval, but the CTA had more pressing items on their June agenda and deferred many of their other items to the July meeting.

Trustee Terman asked if the CTA would retain the land in the agreement.

Dick Keefe, petitioner, presented the email from the CTA which stated his proposed item had been among many which were deferred to the July 11, 2007 Chicago Transit Board meeting. The email noted Mr. Keefe's item had been recommended by staff for board approval. Mr. Keefe was buying 20' of land from the CTA and a 7' easement that all parties had agreed upon.

Mr. Everham, 251 Maple Avenue, said he became aware of the request for the variation extension the previous evening. The variation was granted 5 years ago before he moved into the neighborhood but goes back 17 years. He believes Village staff as well as Board and Commission members have changed in the last few years and would like to start the variation request process again. He would

like the Board to reconsider the issues of traffic safety, fire equipment accessibility and the loss of trees.

President Canning said there is an ordinance that requires the permit to be acted upon. The request this evening is for an extension of variation. He asked if there was a mechanism to reconsider the ordinance at this time.

Corporation Counsel Timothy Frenzer said there was no mechanism to reconsider the ordinance at this time.

President Canning said if the variation extension was not granted this evening, then the variation process would have to start over.

Mr. Everham asked that the Board deny the variation extension request.

Mrs. Anderson, 253 Maple Avenue, submitted a letter she previously received from the Village President in 1998, noting the original request from the petitioner to subdivide the property was not granted. Since that time, the petitioner submitted a new proposal which was granted by the Village. She said the variation request for the proposal was granted five years ago and she has continuing concerns regarding a proposed sound barrier and other development issues. She asked the Board to deny the request at this time.

Mr. Keefe said in addition to buying the additional 20' of property and 7' of easement to install utilities, he is also paying \$88,000 to the CTA to install a flashing light signal which they believe is needed at the proposed new driveway for safety. The flashing light will indicate "No Left Turn" when a train is approaching.

President Canning asked if the flashing light was enforceable by the Village.

Mr. Keefe said the installment of the safety light was to protect the CTA and his own liability. He did not believe it was enforceable by the Village.

Trustee Swanson said he knew there had been difficulty with the placement of the utilities on the proposed lot. The solution of the storage of the storm water is a good solution and he believed working out the water utility placement with the City of Evanston was far superior to problems faced by placing them in Wilmette. He does have a concern with the flashing light not being enforced by the Village.

Mr. Frenzer said if the flashing safety light is placed in the public right of way, the Village Vehicle Code provides for enforcement by the Village.

Trustee Swanson said he is also concerned with the CTA arm gate placement on the current tracks as the gates are very close to the proposed driveway and there could possibly be room for someone to go through the gates if they are turning from the proposed driveway.

Trustee Watt said she is disturbed by the flashing light placement. There is a Village process that decided what traffic signals are appropriate for placement in the Village. She has not heard that the flashing lights have gone through that process. Trustee Watt said she is also disturbed by the third request for a variation extension. The reason there is a 6 month limit to variation extensions is that the people who are affected by the variation should be involved in the process. She does not believe the variation process is meant to continue for five years.

Trustee Levin said his recollection is that there was thorough discussion regarding the proposed driveway being sufficient for fire protection equipment. With respect to the "No Left Turn" flashing light being placed at the proposed driveway, he believes it is a self enforcing sign. There is a similar sign on Green Bay Road at the railroad tracks and when a train goes by the "No Left Turn" signal is activated and motorists do not make a left as the train is going by.

Trustee Levin said he believes the Village Board does not have to go through the long, arduous process again. At the time the variations were granted, the process was quite substantial, and the issues were much the same. He also said he would not like to see the variation request drag on for too much longer.

Trustee Terman said she is concerned that the Village is being asked to approve a different variation than was granted five years ago.

Ms. Marston said the arrangement with the CTA regarding the 20' and 7' easements were in the original variation request. The water utilities agreement with the City of Evanston had to be acceptable to the Village of Wilmette as part of a condition to the variation that was granted. The water utilities proposal is acceptable to the Wilmette Village Engineer.

Mr. Carter said the flashing signal light was a requirement from the CTA as their engineers believed it was important for safety. The petitioner will go through the Village permit process for sign placement once the CTA agreement is finalized.

Trustee Spillers said she can appreciate the length of time it takes to work with other governing bodies and will support the variation extension request.

Trustee Basil asked for clarification regarding the amount of time since the variation request was granted.

Ms. Marston said this variation request was originally granted in 2002 but there were two prior proposals that were not granted.

Mr. Everham said he still believed there is a fire equipment accessibility problem with the proposal.

Mr. Keefe asked the Village Board to grant his request.

Ms. Marston said a sound wall was previously suggested by the Plan Commission but due to decreased noise levels from the train tracks, the petitioner will not be installing the sound wall. She said the proposed plans meet the requirements of the fire/safety regulations.

Mrs. Anderson asked if her driveway would be affected by the water utilities.

Ms. Marston said the water utilities would not affect Mrs. Anderson's property.

Trustee Swanson said he knows the petitioner has a difficult site and believes the petitioner has done a reasonable job working out the utility issues. He does not believe that the request is frivolous. The Fire Department and Engineering Department will have final judgment on the safety of the driveway so he will support one more extension.

Trustee Watt said she was concerned last year and continues to be concerned. She does not see a reason to keep extending the variation a year at a time. She believes a six month extension would be more appropriate. She has no doubt efforts have been made but if the petitioner has to go to such incredible lengths to work out all the issues perhaps that is an indication that the issue should be looked at very carefully as the request is not routine.

Trustee Levin said he does not believe anything of substance has been changed since the request was approved. He believes the request is complicated and unique but the person who is suffering the most is the person who is trying to develop the site. He does not believe the petitioner is coming out ahead by

delaying the process. There has been significant progress made in the situation and he will support the request for another year but if the situation can not be completed in one more year, it may be a futile effort.

Trustee Terman said she is taking the petitioner's statements in good faith that the variation as passed five years ago did include the easements and driveway as delineated in the current plan. She is reassured by the expression of sensitivity to the adjacent property owners. She asked if the petitioner would have to abide by the current grading ordinance as the variation request was previously approved.

President Canning and Trustee Levin said the petitioner would have to submit a grading plan as part of the permit process.

Trustee Terman said she would support the variation extension request but she hopes she does not have to do it again.

Trustee Spillers said she will support the variation extension. She appreciates the process the petitioner has gone through as it must be challenging to meet all the requirements of the different entities.

Trustee Basil thanked Mr. Everham and Mrs. Anderson for the vigilance in protecting their property rights and the interests of the Village. He believes Trustee Watt's concern about a six month requirement is valid and needs to be respected. He said the problem is that the petitioner does not have a routine case. Mr. Keefe has had to deal with the Village of Wilmette, City of Evanston and the Chicago Transit Authority and governments do not move quickly. He believes the issue is a five year request not a 17 year request. He said there are currently flashing lights at the site and the engineering department will review the request for an additional light. He will support the request.

President Canning said he believes the petitioner has made progress over the past year but the project is still not finished. He encouraged the petitioner to address the issue as rapidly as possible. He asked the petitioner to tell the other units of government that the Village of Wilmette would like the process to be completed, file the permits, and let Village staff approve issues that need to be approved. He will support the request but will be very concerned next year if the petitioner requests another extension. He believes the petitioner is making good faith efforts towards completing the process and submitting permits.

Voting yes: Trustees Swanson, Watt, Levin, Terman, Spillers, Basil and President Canning. Voting no: none. The motion carried.

- 6.19 Zoning Board of Appeals Report, 420 Vine Court, Case #2006-Z-67 regarding a request for a 146 square foot lot area variation to permit transfer of property and a 1' side yard setback variation and a 3' accessory structure variation to permit the construction of a two car detached garage in accordance with the plans submitted; adoption of Ordinance #2007-O-52.

The request was handled with the Consent Agenda for a 146 square foot lot area variation to permit transfer of property and a 1' side yard setback variation and a 3' accessory structure variation to permit the construction of a two car detached garage in accordance with the plans submitted. Ordinance #2007-O-52 was adopted with the Consent Agenda, authorizing the variations of this case.

- 6.191 REMOVE FROM TABLE - Zoning Board of Appeals Report, 1050 Forest Avenue, Case #2007-Z-21 regarding a request for a 24.21 decibel variation to permit the installation of a gas generator in accordance with the plans submitted- TABLE INDEFINITELY was handled with the Consent Agenda.

- 6.192 Zoning Board of Appeals Report, 2122 Old Glenview Road, Case #2007-Z-17 regarding a request for a 1,444.9 square foot lot area variation for Outlot A, a 7' lot width variation for Lot 1, a 7.97' lot width variation for Lot 2, an 8.3' lot width variation for Lot 3, and a variation from the requirement that all lots shall front on a public street all to allow a four lot subdivision in accordance with the plans submitted; adoption of Ordinance #2007-O-53

Trustee Swanson moved to grant a request for a 1,444.9 square foot lot area variation for Outlot A, a 7' lot width variation for Lot 1, a 7.97' lot width variation for Lot 2, an 8.3' lot width variation for Lot 3, and a variation from the requirement that all lots shall front on a public street all to allow a four lot subdivision in accordance with the plans submitted, seconded by Trustee Watt.

Ronald Cope, attorney for the petitioner, noted that he had an engineer, planner and real estate appraiser present to address any questions from the Village Board.

Mr. Cope reviewed the plans presented in the report noting the lots created in the plans exceed the lot requirement for the neighborhood. He asked the Board to follow the recommendation of the Zoning Board of Appeals and grant the petitioner's request.

President Canning asked if the petitioner had considered two lots for the property rather than the proposed three lots as previously asked by Ms. Dalman at the ZBA meeting.

Mr. Cope said the petitioner had considered two lots.

President Canning said Ms. Dalman also asked if there was a way to make the subdivision conforming without any variation requests.

Mr. Cope said no, there was no way to make the subdivision conforming without any variation requests.

Trustee Swanson asked if Mr. Cope knew what size homes could be built on a two lot subdivision.

Mr. Cope said he did not know. If there was one home, it could be approximately 12,000 square feet, which would be out of character with the neighborhood.

Trustee Swanson asked where the driveways would drain to on the proposed lots.

Dave Shindoll, Mackie Consultants, said the shared driveways will runoff and drain into the lawn area where the proposed rain garden is located.

Trustee Swanson asked if all storm water on the property stays on the property.

Mr. Shindoll said that was the general concept of the plans. However, there are a few isolated areas where they will not be disturbing existing conditions. He noted in the rear of the property there would be a 20' strip that would not be graded and existing vegetation would be left and supplemented by additional planting. Similarly there is a small segment on the west side of the property that has a cross pitch and will not be graded, where the existing vegetation will be left for drainage.

Trustee Swanson said he was concerned about drainage to the neighbors' land on Sandy Lane that live to the west of the proposed lots.

Mr. Shindoll said the site has a dished out shape so much of the existing rear yard drains into the low area of the yard. The parcel then generally drains overland from the north to the south.

Trustee Swanson said there is a note on the plans that says “soils along the retaining wall to remain undisturbed”. He asked what the dimensions would be for setback from the excavation area.

Mr. Shindoll said they will stay 10’ or further away from the property line of the retaining wall.

Trustee Watt said she would like to be sure that drainage water from the petitioner’s site would not flow down to the neighbors’ homes.

Mr. Shindoll reviewed the site plan noting they are proposing to maintain the drainage pattern that currently exists on the site so that rain fall will continue to drain on the property and/or be collected by the new catch basins and drain to the storm sewers. He also noted there will be a rain garden in the front of the lot that will have a broad swale with topsoil, sand, peat bed and appropriate plantings to encourage additional drainage from the site.

Trustee Levin said he is not concerned with the drainage from proposed Lots 2 and 3, but he is concerned with Lot 1, as there are houses close behind it.

Mr. Shindoll said at that point on the site and southward, they are proposing to match existing grade so that drainage will remain in the site’s rear yard.

Trustee Levin asked if the pitch would be significant enough to create a change in the direction of water.

Mr. Shindoll said he believed they would be creating a new ridge line at that location and the catch basin would be approximately 2 ½ feet lower than the ridge line.

Trustee Levin asked how the common road and the rain garden would be structured in the covenants.

Mr. Cope said there would be cross easements and covenants that would run with the land.

Trustee Levin asked if it would be possible to include a provision that the cross easements and covenants could not be amended without the consent of the Village.

Mr. Cope said they would include that within the provision.

Trustee Terman asked for clarification regarding the distance between the retaining wall and the proposed driveway, as the petitioner said 10' and the plans said 12'.

Mr. Shindoll said the closest point would be approximately 10' as the neighbor's driveway curves.

Trustee Terman asked if the ridge at the back of the existing property has the same incline as the homes on Sandy Lane.

Mr. Shindoll said he did not believe there were identical slopes on either side of the ridge line but they are approximately the same.

Trustee Terman asked if the division on the outlot would be proportional to the various square footage of the three properties?

Mr. Cope said the lots would all own an equal interest in the common outlot. It would be part of the covenant that all parties maintain the outlot but he has not yet written a specific covenant.

Trustee Basil asked if the petitioner would need variations for a two lot subdivision.

Mr. Cope said he believed the petitioner would still need to ask for variations for a two lot subdivision, but he did not know exactly how many variations would be needed. He also believed two large lots would be out of character with the neighborhood.

President Canning asked if plans had been drafted for a two lot subdivision.

Mr. Cope said they did not draft the plans for a two lot subdivision as the petitioner believed a three lot subdivision was more in character with the neighborhood.

President Canning asked if the petitioner believed he could only make a reasonable use of the property if it was subdivided into three lots.

Mr. Cope said it depends on how one defines reasonable. He said there is a huge piece of land in this case and the property owner will have to sacrifice the vast majority of the land as open space, which he believes is not fair or reasonable.

Trustee Watt said she is troubled by the proposed outlet and who will be responsible for the maintenance and any problems that may arise.

Mr. Cope said the proposed covenant for the outlet lot is not unusual and works well the majority of the time.

Trustee Watt asked where guests would park and where garbage would be picked up on the proposed site.

Mr. Cope said the garbage would be picked up at the street at the end of the driveway. There would not be parking within the shared private driveway, guests would have to park in the private driveways or on the public street. He said there would be rules in the covenant to govern those type of issues.

Trustee Watt asked if it was good planning to have peoples' front yards be behind their neighbors' back yards.

Scott Miller, planner for the petitioner, said there are many lots in the neighborhood that have the same type of situation.

Mr. Cope said there are other properties in the area that have a similar type of layout.

President Canning declared a recess at 9:50 p.m.

President Canning called the meeting back to order at 9:55 p.m.

President Canning noted that Ms. Roberts provided a handout that showed the setbacks of the three lots.

Trustee Watt asked how the setbacks were calculated for each of the lots.

Ms. Roberts reviewed the calculations for the set backs for the three lots as directed by the ordinance.

Trustee Spillers asked if there were any other outlots in Wilmette.

Ms. Roberts said she was not aware of any other outlots in Wilmette.

Trustee Spillers said the Village has condominium associations but asked if there are any homeowner associations.

Ms. Roberts said she was not aware of any homeowner associations but there are private roads that have associations that manage them.

Trustee Spillers asked if the Village Board approves the proposed plan, would the plan be something in which other developers would be interested.

Ms. Roberts said in her experience, developers prefer to do an easier project rather than the more complicated plan proposed.

Trustee Basil asked if the Board was considering a two lot subdivision that fronted on Old Glenview Road, would there only be two lot width variation requests and perhaps one more regarding a curb cut.

Ms. Roberts said she believed that would be true, but the Village did not have plans with that proposal.

President Canning asked what the lot areas were north of the subject area.

Ms. Roberts said there are four lots that front on Wilmette Avenue that are approximately 50' wide and with a total of approximately 18,000 square feet.

Trustee Watt asked if there are any lots that are as big as the subject property or if it is an unusual lot.

Ms. Roberts said she did not have that information.

President Canning asked for comment in favor of the application.

Sherwin Marks, 214 Valley View Drive, said he has been a resident since 1960 and he has seen a lot of change in the Village. He is definitely in favor of the petitioner's request.

Jeff Zamansky, 329 Sunset Drive, said he is in favor of the petitioner's request as he believes the lot is large enough for three homes.

President Canning asked for comment in opposition to the application.

Mary Methe, 2128 Old Glenview Road, said she has lived at her home for 40 years and she is opposed to the petitioner's request. She said the majority of the neighbors signed a petition opposing the request. She does not believe there are any outlots in the Village and believes the proposed outlot will create enforcement issues for the Village and hazardous conditions for emergency vehicles. She believes the proposed variations will adversely affect the neighbors. She noted there are four lots owned by a school that could possibly be subdivided and granting the proposed request would set a precedent. She believes the petitioner could make a reasonable use of the property with one large home or subdividing the lot into two lots.

Trustee Spillers asked if Mrs. Methe would be in favor of dividing the lot into two lots and building two homes.

Mrs. Methe said she believed two lots would be better than the proposed request.

President Canning noted that two lots would also need variations.

Trustee Watt noted there is a minimum setback, but asked if there is a maximum setback, would someone be able to build 40' back from the front yard?

Ms. Roberts said there is not a maximum front yard set back. A home could be built 40' back.

Peter Schuermann, 2138 Sandy Lane, said he opposes the petitioner's request as it will create multiple safety hazards and hardships to the immediate neighbors. He also has concerns with the proposed water retention plans and possible water drainage onto his property.

President Canning asked if the property owner has a right to reasonable use of his property.

Mr. Schuermann said yes, but it is a matter of what is considered to be reasonable.

President Canning asked Mr. Schuermann if one very large home would affect his property.

Mr. Schuermann said normal construction would leave more green space.

President Canning said whatever is built will need to address drainage issues.

Mr. Schuermann said the impact of one or two homes would be substantially lower than three homes in regard to drainage onto his property.

President Canning asked if Mr. Shuermann would object to two homes on the lot.

Mr. Schuermann said he believed two homes would need fewer variances and have less impact on his property.

Trustee Levin said the Village Board has discretion when granting variations and may possibly place restrictions on where a home could be placed on a lot.

Dora Fox, 2128 Old Glenview Road, said she is currently staying with the Methes as she is their niece. She is opposed to the proposed request as it will introduce a more urban plan into the area. She also did not believe the proposed private road was appropriate for the area. She urged the Board to deny the request as it will cause irreparable damage to the neighborhood.

President Canning asked what the irreparable damage would be.

Ms. Fox said the neighbors would lose the privacy of their backyards.

President Canning noted that the petitioner also has a right to use his backyard. He asked if Ms. Fox could see two homes being built on the lot.

Ms. Fox said she did not personally want to see two homes on the lot but could understand that situation.

Joseph Abel, Joseph Abel and Associates, said he is a planning and development consultant who was asked to speak for the neighbors regarding the petitioner's request.

President Canning noted that Mr. Abel did not speak at the Zoning Board of Appeals and new evidence can not be introduced at the Village Board meeting.

Mr. Abel said he would like to address the proposed variations and the Village's current ordinances. He did not have any documents to introduce, just his opinion.

Corporation Counsel Timothy Frenzer said a professional opinion is considered new evidence.

Trustee Watt said she would be interested in hearing what Mr. Abel had to say.

Trustee Levin said he feels very strongly that no new evidence should be allowed.

Trustee Terman asked if Mr. Abel was going to add to the discourse or simply reiterate what has been said previously.

Mr. Abel said he was hoping to add to the arguments that have been stated previously.

Trustee Basil said he did not believe Mr. Abel would add more to what has already been said.

Trustee Swanson moved to waive the rules regarding no new evidence, seconded by Trustee Watt.

Trustee Swanson said he agreed with Trustee Levin that the Board should not hear new evidence and he believes that Mr. Abel will be presenting an expert opinion. He is not in favor of the request.

Trustee Watt said she is not sure what new evidence Mr. Abel would be presenting but it would be helpful to her to have someone walk her through the existing maps, drawings, and standards of review. She does not know if that constitutes new evidence as the Board already has the material.

Trustee Basil said he does not see the need for additional evidence.

Mr. Cope said there was an expert witness at the ZBA meeting that testified regarding all the uses in the area and was available for questions. He believed the ZBA was the appropriate place for an expert witness to testify.

Voting yes on the motion to waive the rules: Trustee Watt. Voting no on the motion to waive the rules: Trustees Swanson, Levin, Terman, Spillers, Basil and President Canning. The motion failed.

Renate Frankenstein, 2112 Old Glenview Road, said she is concerned about her retaining wall being damaged during the proposed construction and also believes the traffic situation in the area will become more dangerous with the proposed subdivision.

President Canning noted that Mr. and Mrs. Levin stated that when the proposed plans were presented to the neighbors, Mrs. Frankenstein did not have any objections to the plans.

Mrs. Frankenstein said she did not say anything at the time to Mr. and Mrs. Levin, but later when she thought about the proposal and how it affected her property, she did have objections.

Trustee Terman noted the letter in the ZBA report from the Frankensteins which cited the Frankensteins' concerns regarding flooding and damage to their driveway.

President Canning said there was a letter from the Levins to the Methes stating the Levins were "pleased to know that you (the Methers) do not have any specific objection to our plan, which as you know, now includes a shared driveway lending access to three large lots". He asked if the statement was accurate.

Ms. Methe said the statement was not accurate, she did not say she had no objections. She said she listened to what the Levins had to say but did not comment at the time.

President Canning asked if Mrs. Methe had any more objections other than what has already been stated this evening.

Ms. Methe said the Zoning Ordinance states "its purpose is to promote the public health, safety and general welfare and to secure adequate natural light, pure air, privacy and protection and also to maintain and promote a superior quality of life". "The variation process is intended to provide limited relief from the requirements of this chapter (Purpose and Scope) in those cases where strict application of those requirements will create a practical difficulty or unnecessary hardship providing the use of land in a manner otherwise allowed under this chapter. It is not intended that variations be granted primarily to remove inconveniences or financial burdens that the requirements of this chapter may impose on property owners in general."

President Canning said Mrs. Methe cited the Comprehensive Plan in her letter stating in the Housing Chapter, Policy One states that "every effort should be made to maintain the densities of particular neighborhoods at approximately the existing permitted levels. Exceptions should be made rarely and only when other compelling public interests outweigh this policy and justify change". He determined from that statement that Mrs. Methe believes the existing density in

the area is appropriate and adding more homes would increase the density and that would not be appropriate under the Comprehensive Plan.

Mrs. Methe said President Canning's statement is correct. There are large comparable lots in the area.

Carolyn Carmichael, 2106 Old Glenview Road, said her backyard is very close to the petitioner's property and she believes building three homes on the lot is granting the most amount of variations rather than the minimum amount. She would be agreeable to homes especially if they were set back on the lot and there was landscaping to minimize the impact of new homes on the neighbors.

Trustee Watt noted that Ms. Carmichael's home has a drop off down from the petitioners' home and asked how much of a drop off there was.

Ms. Carmichael said she believes it was a 3-4' drop off down to her property from the petitioner's property.

Trustee Watt said Ms. Carmichael would have to look up at anything that is built.

Mr. Cope said if one looks at the photographs in the ZBA report, there is a relationship in the neighborhood between the homes. The petitioner is not asking for anything that does not already exist. The petitioner would not have an objection to move the home further from the lot line. He noted the proposed outlot was designed to preserve the mature trees in the area.

Robert Levin, petitioner, said he has been a resident in Wilmette for 47 years and has raised his children in Wilmette. He has been a good neighbor, maintained his property and allowed the neighbors to use his property. He believes he has suffered a loss for the last 27 years by not utilizing the property in a way that was consistent with his neighbors' use of their land.(i.e. by not subdividing and developing his property to its best use with normal sized lots, consistent with the surrounding neighbors). His neighbors do not share in the expense of maintaining his land, nor should they, but the neighbors continue to enjoy the use and pleasure of the park like setting. After 27 years of residing at the property and paying higher taxes and maintenance costs, he is proposing to create three lots that will meet the Village guidelines for front, rear and side yard setbacks. The proposed lots will exceed the Village size requirements and be larger than the lots in the surrounding area.

He has listened to the Village and the neighbors' concerns and addressed all of the relevant issues. He asked for the Village Board's approval to allow him to use his land in a consistent manner with the land use in the neighborhood.

President Canning asked if the petitioner intended to live on one lot and develop the other two.

Mr. Levin said he did intend to live on one lot and develop the other two.

President Canning asked why the petitioner was asking for the variations to subdivide the property at this time and has not done so previously.

Mr. Levin said the reasons were personal.

President Canning asked what contact Mr. Levin had with the Village regarding the property.

Mr. Levin said he originally proposed a cul-de-sac for the property comparable to another property in the area that was approved. The neighbors said he might possibly be creating a corner lot for one of the neighbors with a cul-de-sac and there was a possible issue of drainage, so he proposed the outlot and a common private driveway.

President Canning asked if the Village Board was only willing to grant a two lot subdivision, would that be a reasonable use of the property for the petitioner.

Mr. Levin said if he only subdivides his property into two lots, he believes he will be donating one-third of his property for his neighbors' use.

President Canning said the Village Board considers precedent in any decisions that they make. He asked if the petitioner believed that a precedent would be set to grant the request for three lots in the area.

Mr. Levin said he did not believe a precedent would be set as the other large parcel in the area did not have the same configuration as his lot and he did not know how it could be subdivided.

President Canning asked Mr. Levin how he intended to be a good neighbor regarding the construction, drainage issues, association regarding the proposed outlet, private driveway and safety issues for emergency vehicles.

Mr. Levin said he believes he has a competent engineer who has provided a good plan that will make the drainage better than it currently is. His plans will have to be approved by the Village regarding regulation issues. He has tried to assure the neighbors that the proposed homes will be reasonable in size and he plans on building the homes all at once. From what he understands, the proposed rain garden will take care of itself, there should not be a large amount of maintenance, but there will be dues paid by the three homeowners to cover any maintenance costs.

President Canning noted the rules state that the Village Board should conclude its meeting at 11:30 p.m.

Trustee Swanson moved to extend the meeting to 11:50 p.m., seconded by Trustee Watt. All voted aye, the motion carried.

Trustee Swanson asked what sized homes would be built on the proposed three lots.

Mr. Levin said he believed the three homes would be approximately 3,200-4,000 square feet as permitted by Village regulations.

Trustee Levin suggested amending the motion with the following conditions:

- 1) The Village would have approval rights on amendments to any easements and covenants in the homeowner's association.
- 2) The Village would have the right to enforce the easements and covenants of the homeowner's association if necessary.

President Canning asked if the site plan review comments on page 5 and 6 of the report should be part of the conditions.

Mr. Frenzer said the comments are incorporated as part of the site plan review process but the Site Plan Review Committee does not have the authority to require sprinkling conditions as the Village Code does not require it, only encourages it.

President Canning suggested that number 6 of the Site Plan Review Comments may want to be included in the amendments to the motion.

Trustee Levin moved to amend the motion with the following conditions:

- 1) The Village would have approval rights on amendments to any easements and covenants in the homeowner's association.

- 2) The Village would have the right to enforce the easements and covenants of the homeowner's association if necessary.
- 3) Provide a fire suppression system within each new home.

Trustee Swanson seconded the motion. All voted aye, the motion to amend carried.

Trustee Swanson said the case is very difficult as indicated by the ZBA discussion. He said the petitioner's land is not a park, it is private property and the property owner has rights. The fact the property has been undeveloped up until this time, does not limit what the property owner can do with his property. The property can be developed but it has to be done without any negative impact upon its neighbors. He has concerns regarding drainage, the neighbor's retaining wall and parking as most property owners generally have one car on the street. He said the question is whether three lots or two lots is a reasonable use of the property.

Trustee Watt said it is the right of the property owner to use his property. However, the zoning code has restrictions and one restriction is that all lots should front on a public street. That is the issue she is struggling with, as neighborhoods with single family homes should feel the same. She believes every cul-de-sac in the Village has large lots. She would not like to see the Village become involved in enforcing regulations on a private road. She is also concerned with traffic backing out from the proposed private road onto Old Glenview Road which is a busy street for cars and children on bicycles. She would be more comfortable with a division of two lots without a homeowner's association agreement for the outlot and private road.

Trustee Levin said the size of the lot does not trouble him, it is the shape of the lot and how it would have to be subdivided to develop. He is very troubled by setting a precedent approving a private road for a three lot subdivision.

Trustee Terman said much of the question of the private street was driven by the considerable, strong statements of the adjacent neighbors that creating a cul-de-sac would create corners. She said there has been no legal decision or opinion regarding a cul-de-sac. In response to that lack of definition, a very attractive, private space was created. She does not believe the density of the proposed three homes on the lot is an issue as they will be congruent with other homes in the neighborhood. She believes the proposed outlot is quite elegant and there are several existing private roads in Wilmette. Respect for the neighbors has been demonstrated by several things the petitioner has already said he will address. She does not have an issue with the proposed three homes. She would also be

interested in knowing if the petitioner could have a cul-de-sac without creating corner lots for the neighbors.

President Canning clarified that there were several private roads in the Village but believed the proposed outlot is a new concept.

Trustee Spillers said based on the communications the Board has received, Mr. and Mrs. Levin must be wonderful neighbors. When she looks at the neighborhood and the rest of the Village, the proposed outlot is a new idea and she cannot get around that. She seems to sense that a two lot subdivision is something everyone could agree to. Also, the traffic in the area seems to be a safety issue for the proposed driveway.

Trustee Basil complimented the petitioner on the concessions made to address the concerns of the Village and the neighbors. He also believes that the neighbors do not have the right to object to the project so that they can have a private park. He realizes the petitioner has spent a great deal of time and money on the proposal. The neighbors have addressed the concerns by specifically speaking to the standards that are generally applied. He is concerned with the lots to the north and the possible subdivision with a private drive and/or outlot. For those reasons, he would yield more to the neighbors with a two lot subdivision over a three lot subdivision. He thanked the petitioners for their patience.

President Canning said his main concerns are the proposed outlot and three lot configuration. He is comfortable with the drainage issue and the safeguards that will be put in place during construction. He does believe change will occur in the neighborhood and believes there will be more new homes. He is concerned, however, with precedence in granting an outlot and the proposed variations.

Voting yes: Trustee Terman. Voting no: Trustees Swanson, Watt, Levin, Spillers, Basil and President Canning. The motion failed.

6.2 FINANCE COMMITTEE REPORT:

No Report.

6.3 ADMINISTRATION COMMITTEE REPORT:

6.31 Presentation of minutes of the Community Relations Commission meeting held February 5, 2007 was handled with the Consent Agenda.

- 6.32 Presentation of minutes of the Community Relations Commission meeting held May 1, 2007 was handled with the Consent Agenda.
 - 6.33 Presentation of minutes of the Fine Arts Commission meeting held January 15, 2007 was handled with the Consent Agenda.
 - 6.34 Presentation of minutes of the Fine Arts Commission meeting held February 26, 2007 was handled with the Consent Agenda.
 - 6.35 Presentation of minutes of the Fine Arts Commission meeting held March 26, 2007 was handled with the Consent Agenda.
 - 6.36 Presentation of minutes of the Administration Committee meeting held April 12, 2007 was handled with the Consent Agenda.
 - 6.37 Presentation of minutes of the Transportation Commission meeting held May 9, 2007 was handled with the Consent Agenda.
 - 6.38 Presentation of minutes of the Ad Hoc Technology Committee meeting held June 6, 2007 was handled with the Consent Agenda.
- 6.4 MUNICIPAL SERVICES COMMITTEE REPORT:
- 6.41 Approval of contract in an amount not to exceed \$31,000 with Holton Brothers, Arlington Heights, IL for tuckpointing and sandstone repairs at Village Hall was handled with the Consent Agenda.
 - 6.42 Approval of contract in an amount not to exceed \$308,000 with Visu-Sewer of Illinois, LLC, Bridgeview, IL for completion of the 2007 Sewer Lining Program, contingent upon Illinois Environmental Protection Agency (IEPA) low interest loan approval was handled with the Consent Agenda.
 - 6.43 Approval of contract in an amount not to exceed \$108,000 with Visu-Sewer of Illinois, LLC, Bridgeview, IL for 2007 televising and cleaning of Village sewers was handled with the Consent Agenda.
 - 6.44 Approval of contract in an amount not to exceed \$22,336 with Infrastructure Management Services, Rolling Meadows, IL for pavement management services was handled with the Consent Agenda.

- 6.45 Approval of contract in the amount of \$20,707 with Bob Ridings Inc., Taylorville, IL for the purchase of one truck chassis was handled with the Consent Agenda.
- 6.46 Rejection of bids for Village Yard roof replacement was handled with the Consent Agenda.

6.5 PUBLIC SAFETY COMMITTEE REPORT:

- 6.51 Presentation of minutes of the Board of Fire and Police Commissioners meeting held May 7, 2007 was handled with the Consent
- 6.52 Adoption of Ordinance #2007-O-46 authorizing staff to sell surplus Village owned property currently stored at the Wilmette Police Station was handled with the Consent Agenda.

6.6 JUDICIARY COMMITTEE REPORT:

No Report.

7.0 REPORTS FROM SPECIAL COMMITTEES:

No Reports.

8.0 UNFINISHED BUSINESS:

- 8.1 Notice of vacancy on the Senior Resources Commission due to the resignation of Michelle Teal was handled with the Consent Agenda.
- 8.2 Notice of vacancy on the Commission for Persons with Disabilities due to the term expiration of Walter Reed was handled with the Consent Agenda.
- 8.3 Notice of vacancy on the Commission for Persons with Disabilities due to the term expiration of Linda Layfer was handled with the Consent Agenda.
- 8.4 Notice of vacancy on the Community Relations Commission due to the term expiration of Pam Mondschein was handled with the Consent Agenda.

- 8.5 Notice of vacancy on the Community Relations Commission due to the term expiration of Alice Chow was handled with the Consent Agenda.
- 8.6 Notice of vacancy on the Senior Resources Commission due to the term expiration of Susan Lin was handled with the Consent Agenda.
- 8.7 Notice of vacancy on the Senior Resources Commission due to the resignation of Faqir Vohra was handled with the Consent Agenda.
- 8.8 Notice of vacancy on the Appearance Review Commission due to the resignation of Stuart Berger was handled with the Consent Agenda.
- 8.9 Notice of vacancy on the Community Relations Commission due to the term expiration of Harry Rhodes was handled with the Consent Agenda.
- 8.91 Notice of vacancy on the Historic Preservation Commission due to the resignation of Mary Abroe was handled with the Consent Agenda.
- 8.92 Notice of vacancy on the Youth Commission due to the resignation of Alison Field was handled with the Consent Agenda.
- 8.93 Notice of vacancy on the Youth Commission due to the resignation of Rita Strang was handled with the Consent Agenda.
- 8.94 Notice of vacancy on the Zoning Board of Appeals due to the resignation of Kristina Dalman was handled with the Consent Agenda.
- 8.95 Appointment of George Vandervoort to the Building Code Board of Appeals from July 2007 to July 2012 was handled with the Consent Agenda.
- 9.0 NEW BUSINESS:
- 9.1 Notice of vacancy on the Commission for Persons with Disabilities due to the term expiration of Diane Wojcik was handled with the Consent Agenda.
- 9.2 Notice of vacancy on the Appearance Review Commission due to the term expiration of Paul Holzman was handled with the Consent Agenda.

6/26/07

Approved 7/10/07

10.0 ADJOURNMENT:

Trustee Watt moved to adjourn the meeting at 12:04 a.m., seconded by Trustee Terman. All voted aye, the motion carried.

Barbara L. Hirsch
Deputy Village Clerk