



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, JANUARY 4, 2017

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Chairman Patrick Duffy
John Kolleng
Reinhard Schneider
Bob Surman
Christopher Tritsis

Members Absent: Mike Boyer
Michael Robke

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

Chairman Duffy called the meeting to order at 7:35 p.m.

II. 2017-Z-02 625 Park Avenue

See the complete case minutes attached to this document.

III. 2016-Z-48 1132 Michigan Avenue

See the complete case minutes attached to this document.

IV. 2017-Z-01 930 Sheridan Road

See the complete case minutes attached to this document.

V. Public Comment

There was no public comment.

VI. Adjournment

The meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Lisa Roberts
Assistant Director of Community Development

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons speaking on behalf of the applicant

3.11 None

3.2 Summary of presentations

3.21 Ms. Roberts said that applicant requested that the case be continued to January 18, 2017 due to the number of board members at this meeting.

6.0 DECISION

6.1 Mr. Kolleng moved to continue the case to the January 18, 2017 meeting.

6.11 Mr. Surman seconded the motion and the voice vote was all ayes and no nays (Messrs. Boyer and Robke were not present).

Motion carried.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Chuck Cook, architect
Cook Architectural Design Studio

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a variation to permit parking spaces in a required front yard. The Village Board will hear this case on January 24, 2017.

3.22 Mr. Cook said they are requesting a circular drive. From a zoning perspective, that would allow them the ability to park in the required front yard setback, which is not allowed.

He referenced the existing site plan. The existing driveway is still there. It is a topography plan. The existing house has a circular front drive. Their intention is to use the same curb cuts. The streetscape is not impacted. It will have the same appearance. They plan to reduce the amount of total driveway and pavement.

3.23 Chairman Duffy clarified that there are two houses being built next door to each other. The applicant's house is the one to the south. Do they already have all their foundation in? Is the existing driveway in place?

The architect said that the foundations are in progress right now, but they are not done. The existing driveway is still there. The house and original foundation are completely gone. He continued and said that the new driveway is proposed as a circular driveway with less paved area.

The property is unique due to its location and size. The condition they are talking about is unique although it is prevalent for most of the houses on that side of the street. The properties are very deep. They are on the lakefront so there is not an alley system. The topography has a considerable amount of change as it moves through the length of their property, which has an impact as to where it is practical to place the house. They took photos of houses on that side of the block. They have aerial photos. Ten out of 12 houses have a circular drive or the ability to park cars within the required front yard setback. There are only two houses to the north, which are on narrower lots, that don't have that feature. That block is unique compared to the rest of the Village. That is the hardship of this area.

By having deep lots, they have a deep front yard setback requirement at 82', which forces the house to be pushed farther away from the street than most houses are in the Village. There is no alley system so the garage is at the front. It creates a garage prominence and pushes the front door back. In this case, the door is 150' from the

front property line. It is beneficial to have a circular drive. It gets cars off a street that is congested especially in the summer. It is hard to park in front of one's house.

They are reducing the amount of paved surface area. The current driveway is 2,766 square feet of pavement in the front yard. They are reducing this by 622 square feet. With the current driveway, the secondary leg is over 1,200 square feet and the proposed leg is over 700 square feet. They are reducing it by 42% of the current paved area. They could park five cars in the current driveway and they would be in the front yard setback and not inhibit one from getting in and out of the garage. With the reduced secondary leg of the proposed driveway would only allow two cars at one time.

He talked about standards of review. Regarding a practical difficulty, it is the lot depth, the excessive front yard setback created by the depth and the sloped site limiting house placement. That was not created by the applicants. The hardship for this property is this section of the block, which is unique compared to the rest of the Village. If the proposal is not approved, the owner would be denied the benefit that others with this same hardship have had, which is a circular drive or the ability to have a car pull in off the street. The variation will not impair an adequate supply of light or air. The proposal will not alter the character of the neighborhood. Almost all other houses have a similar condition. The intention is that building materials will consist of brick pavers and either asphalt or concrete, which are like many driveways on the block.

3.24 Mr. Surman asked if this was the original design for the driveway.

Mr. Cook said that this was the original design. The driveway plan was designed by the landscapers. They worked on that while the applicant submitted for the building permit. He has a rendering of the driveway showing materials.

3.25 Mr. Schneider asked if they had the same issue with the house to the north.

The architect said they have similar issues but that house is designed a little differently. It did not have a circular drive so there was no secondary curb cut. He said that they try to design within given parameters.

3.26 Mr. Schneider said that the lot for the house to the north is also 100' wide. It looks like a mirror image to the building to the south based on basic configuration. There is a two-car garage with a house in the back.

3.27 Mr. Kolleng referenced 1.4, which shows the three-car garage. He asked about decreased square footage.

The architect said that there is less square footage in the front yard setback.

3.28 Chairman Duffy said that as they pass the front yard setback, the driveway opens out and there is a big plaza in front of the garage. There is no issue about backing out onto the street because they can do a turnaround.

3.29 Mr. Tritsis asked about other options before they came up with the plan that was created by the landscapers.

The architect said it is more formal in its plan with a center front entry and they want to play up on the symmetry. There is a house several houses down with a driveway on axis with the front door that has an auto court in front of the front door. They did not want this configuration.

3.30 Mr. Tritsis asked if a delivery person would park on one leg of the driveway and then walk 100' to the front door.

Mr. Cook said he thought that is what would happen.

3.31 Chairman Duffy said that there is 1,500 square feet for the turnaround.

3.32 Mr. Surman clarified that they reduced the secondary leg by about 500 square feet.

Mr. Cook said they reduced the secondary leg by 550 square feet or 42% reduction. The total amount of driveway area in the front yard setback was reduced by 622 square feet.

3.33 Mr. Surman asked if they are over on impervious surface with the current design.

Mr. Cook said they are not asking for an impervious surface coverage variation.

3.34 There was no one in the audience to speak on this case. There was no additional communication on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Kolleng said that this is an unusual lot. The lot slopes down toward the rear. The previous house had the circular drive with more square footage than is being proposed. The hardship is the lot situation. Standards of review are met and he can support the request.

5.2 Mr. Schneider said that he can also support the request. There are two curb cuts. There are many circular drives on that block, particularly on the east side. The lot is 100' wide. It can handle the circular drive. Michigan Avenue at that point is narrow and it is hard to have two-way traffic especially in the summer. They are decreasing impervious surface, which he is in favor of.

- 5.3 Mr. Surman said he initially was hesitant with the design, but he understands the design concept better after the presentation. He can appreciate having a drop off. There are existing curb cuts. They are reducing coverage. He can support the request.
- 5.4 Mr. Tritsis asked about the process of getting a curb cut. Is it a permit?
- Ms. Roberts said that the Engineering Department needs to approve the request. There is a policy to have only one curb cut per property, but the width of this lot is more than 75' so two cuts are allowed.
- 5.5 Mr. Tritsis said he did not see that other houses on the block received variances. Why is that?
- 5.6 Mr. Kolleng said that there is one house that received a variance at 1000 Michigan. They had this request and many other requests.
- Ms. Roberts said that 1000 Michigan was not a circular driveway.
- 5.7 Chairman Duffy asked the difference between this case and 2411 Wilmette Avenue, which was just denied. They didn't have a garage and they wanted to put a garage on the property. They have a circular drive. They were going to move the circular driveway closer to the street and they were told no by the Zoning Board.
- 5.8 Mr. Surman asked if the 2411 Wilmette case covered more impervious area.
- 5.9 Chairman Duffy said that it had an impervious surface variation because it was a smaller lot.
- 5.10 Mr. Schneider said that the drive was almost on the street.
- 5.11 Mr. Surman said tonight's case has a bigger lot and the request is more consistent with the area. It is a different scale project.
- 5.12 Chairman Duffy said he wants to make a distinction as to why this case would be approved when the other case was denied. They are similar although not the same but part of the requests is the same. 2411 Wilmette had more variation requests.
- 5.13 Mr. Schneider asked about lot width at 2411 Wilmette.
- 5.14 Mr. Kolleng said it was a narrower lot.
- 5.15 Mr. Surman said if they compared the front yard coverage it was significantly different than tonight's design.

- 5.16 Chairman Duffy said that the garage was in the setback area by 4.5'. He reiterated that he wanted to clarify the difference between the two cases. He looked at tonight's case as being very similar to the 2411 Wilmette case. The 2411 Wilmette applicants wanted to keep their circular drive and the Zoning Board said that they could have a straight driveway into the garage they were building.
- 5.17 Mr. Kolleng said that there was an impervious surface issue.
- 5.18 Chairman Duffy said tonight's case is new construction and they scraped the whole lot. The Board does not usually grant variances for new construction. If the Board adheres to that, then the second curb cut should not be allowed just because it was there.
- 5.19 Mr. Surman said that given the depth of the lot, their setback should be a lot further.
- 5.20 Mr. Kolleng said that when he went to the house the gate was open. He does not know how one would go downhill to get to the back for a garage.
- 5.21 Chairman Duffy said that the garage is fine. The driveway could be curved in and they keep one of the curb cuts. There is a 1,500 square foot turnaround in front of the garage. There are no safety issues with coming in and out of the garage. The old driveway is still there. If one looks at the plat, the old driveway looks a lot farther away from the sidewalk than when one stands on the sidewalk looking through the fence. Parking will be moved right up to the sidewalk. What is the distance from the sidewalk to the front edge of the circular driveway as proposed?
- Mr. Cook said that the distance from the property line to where it becomes a single-width driveway is about 30'. The sidewalk is a little further out from the property line so maybe it's 40' from the sidewalk. This is proposed. Existing is about 75' to the arc.
- 5.22 Chairman Duffy said he is talking about the front edge of the driveway, the part of the driveway that is the closest to the lot line.
- 5.23 Mr. Surman said it looks to be about 25'.
- 5.24 Chairman Duffy said as one looks at the existing driveway and one looks through the fence, it looks like it is close to the sidewalk. How is the proposal making the situation better?
- The architect showed the Board diagrams related to parking. In his mind, moving closer reduces the ability to park cars out there.
- 5.25 Chairman Duffy said that the cars are coming closer to the street.
- 5.26 Mr. Kolleng asked if they would have a fence and/or landscaping in the front.

- 5.27 Mr. Surman said it is only 12' and they can park one car. If they kept the loop and moved it closer to the house, the parked cars would not be as visible per Chairman Duffy.
- 5.28 Chairman Duffy said that one of the criteria for the decision made on Wilmette Avenue is that the cars would be closer to the sidewalk and to the street and that is one of the reasons why that case was denied.
- 5.29 Mr. Schneider said that Chairman Duffy mentioned three to four reasons why the Wilmette Avenue case was not approved. One was impervious surface coverage. The driveway was adjacent to the sidewalk. The garage encroached on the front yard. The lot was not 100' wide. In tonight's case, there is an existing situation, a 100' wide lot, two curb cuts, most of adjacent lots on the same side of the street have a similar arrangement, only two cars can be parked in this driveway to still have garage access. If they move it further back than 25', they would increase impervious surface coverage, which is not a good thing. With sufficient landscaping, they can mitigate visual impact of two cars being 25' away from the sidewalk.
- 5.30 Mr. Surman said they could park four cars.
- 5.31 Mr. Schneider said four cars would not allow access to the garage or get out of the garage.

6.0 DECISION

- 6.1 Mr. Kolleng moved to recommend granting a request for a variation to permit parking spaces in a required front yard at 1132 Michigan Avenue in accordance with the plans submitted.
- 6.11 Mr. Schneider seconded the motion and the vote was as follows:

Chairman Patrick Duffy	Yes
Mike Boyer	Not Present
John Kolleng	Yes
Michael Robke	Not Present
Reinhard Schneider	Yes
Bob Surman	Yes
Christopher Tritsis	No

Motion carried.

- 6.2 Mr. Kolleng moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2016-Z-48.

- 6.21 Mr. Schneider seconded the motion and the voice vote was all ayes and no nays.

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

A majority of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the topography, street condition, and lack of an alley, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique character of the property and the block. The difficulty is peculiar to the property and the block in question and not generally shared by other lots. The difficulty prevents the owner from making reasonable use of the property with adequate access and parking. The proposed variation will not impair an adequate supply of light and air to or otherwise injure adjacent property. The variation if granted will not alter the essential character of the neighborhood, which includes many properties on the block with circular driveways in the required front yard.

A minority of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, there is no particular difficulty or hardship preventing the owner from making reasonable use of the property without the variation being granted.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a variation to permit parking spaces in a required front yard at 1132 Michigan Avenue in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Chris Canning, representing the applicant

3.12 Ms. Jennifer Blair, architect

3.13 Ms. Victoria Kathrein, applicant and owner

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 737.6 square foot (7.38%) total floor area variation and a 3.9' side yard air conditioner condenser setback variation to permit the construction of a first floor addition and a second floor addition. The Village Board will hear this case on January 24, 2017.

3.22 Mr. Canning said that the Village's floor area requirements are meant to allow reasonable sized homes and additions. The Village tries to limit the bulk and density of homes whether they are new construction or renovations. The floor area request seems quite large, but the architect will explain that the actual addition they are requesting is quite modest. The size of the variance is due to unique circumstances arising from the siting of the house and the grade at the rear, which is different from the grade in the front.

The house was built in 1955 and has not been updated since that time. The house is not a local landmark but Village staff identified the house as significant because of the work the architect did on this house and on other homes in the Village. One option would be to tear down the house. Under the ordinance, if the house is demolished, they could build a much larger home with greater FAR than currently exists or would exist if the variance is granted. Staff did not think it would be ideal to do a tear down because of the house's significance. The proposed addition as originally planned conforms to setback, height, lot coverage, and impervious surface requirements. But when the architect submitted lot coverage and floor area worksheet, Exhibit 2.8, she did not believe that the basement contributed any floor area at all to the project. 2.8 shows a floor area for the basement as zero. There are also handwritten notes by staff when they did their review of the addition. Under that review, the basement is now at 1,000 square feet of floor area. The architect will talk about how the design came to be and will show pictures from the rear of the lot. It is the change and interpretation of the difference of what you see from east to west versus what you see from west to east that drives the variance.

The applicant and architect worked with Village staff and reviewed various options. They had considered digging out the lower level, but that is quite expensive – over

\$100,000 – and would require a lot of engineering because there is a lot of water coming in.

- 3.23 Mr. Schneider referenced Exhibit 1.10. What is the issue about digging down? He said that there is about a 2' drop from grade to the floor level of the basement.

Mr. Canning said that the architect would explain this. He continued and said they had considered carving out some niche on the front façade but that did not make sense. They wanted to keep with the design of the house. There are many center entry, two-story homes on Sheridan Road and all have a common setback. If they went with that option, it would look different from other homes on the street. The applicant did not think that these were viable options, which is why they are presenting the proposal at tonight's meeting.

His letter addressed the standards of review. The request is unique and arises from the unique situation of the original siting of the home on the lot as well as what the ordinance does when calculating area below or at grade. In the last 20 years that calculation has changed several times. That creates a unique situation in what is a level between the plat of survey, which identifies this as a two-level home, and the first document sent from the Village, which identified it as a three-level home. It is unclear how many levels the house actually has. That is unique.

The hardship would be the amount of work that would have to go in to make this a conforming house. If there had to be work done in the rear of the house and they had to dig it out and incur significant costs, in terms of the nature of the variation, it would make no difference because the variation is going to the front or west side of the house. There would be no impact on bulk, density or appearance.

One item that came up after they submitted the site plan was the location of two air conditioning condensers. In the existing home they are in a non-conforming location. The architect and the applicant proposed to move them further into the home, raise them on top of a mudroom but this would still be a non-conforming location although further set back from the lot line. The mudroom is in a conforming location would have condensers on top of it. The applicant worked with the neighbors to the north to try to find a location that is more acceptable to them. He met with Ms. Roberts to talk about the possibility of trying to put it on the west side, but there would be some challenges due to the setback and a variation would be needed.

The architect will explain if you put those units too far away from mechanicals, there is another set of issues. She will talk about these issues.

He submitted some photos that depicted issues in the rear of the house.

- 3.24 Mr. Kolleng asked if the addition was about 1,200 square feet.

Mr. Canning said it is about 1,100 square feet.

- 3.25 Mr. Kolleng said if they took away the basement issue, they would be close to a wash.

Mr. Canning said they talked about whether they could do contextual zoning because so many of the homes have a uniform height. But based on the basement issue, they would still be requesting what looks like a large variation, when it is driven by how the basement and lower level is defined. He distributed photos that were not included in the case packet.

- 3.26 The architect said that the photographs are of the west side of the house, which is the front; one is the rear, which is the east side of the house; and the back patio how it is recessed. She talked about a 3' to 3.5' drop based on the retaining wall. This is a unique condition. From the front, the lot looks level. But when looking at the lot from the back you can see that it slopes. When they developed the proposed design, their intent was to use the rear yard and the walk out to the rear yard.

In the ordinance, there is a statement about when there is a sloping lot or walk out basement where that portion exceeds 7' or more above grade, that portion counts towards FAR. Based on the patio door, they are over 7' above grade at the back. On the sides this does not exist. She contacted staff for clarification. She was told that there would be no area to count because there is no volume. After they submitted for permit they were told that it would count because floor area over that space is being considered as the first-floor level.

- 3.27 Chairman Duffy asked if the Village looked at it as an average of the two.

The architect said they looked at the floor that is above the walk out space as a first floor above that space, but not necessarily above the grade. The front half is the first level that is above grade.

- 3.28 Chairman Duffy asked if the assumption is that the slope is always running away from the house down as opposed to this one where it drops down to the house. Why was it written into the code that way?

Ms. Roberts said that it contemplated lake front lots and downward sloping lots. The determination was made upon reviewing this configuration, that this is not a downward sloping lot but more of a terraced back yard.

- 3.29 Mr. Schneider asked if the ground was at the same level as the sides in the back would they count that floor?

Ms. Roberts said it is her understanding that the 6'5" on the section shown on Exhibit 1.10 is from the grade elevation so it is not a function of how low the dirt

is on the back of the house, it is how high that floor is, the third level above the grade.

- 3.30 Mr. Schneider asked if that would be counted as a basement or as FAR?

Ms. Roberts said if the height of the floor was less than 5' it would be a basement space and it would not count as floor area.

- 3.31 Mr. Surman said if they took the same house and put it on a flat lot and the first floor was the same as the front of the house and the back was down lower that would count as FAR – correct?

- 3.32 Chairman Duffy asked if the lot came straight across and there was no sliding door but there were windows, would that still be considered a level or would it be basement?

Ms. Roberts said that it is her understanding that the 6'5" is from the higher point and not from the patio level.

The architect said that it is her understanding that the Village is considering that a first-floor level. The house is a bi-level/split-level house, even though they have the front level that is interpreted as the first-floor level, this is also being considered as the first finished floor level above grade. That one is more than 5' therefore the Village was considering that as floor area.

- 3.33 Mr. Kolleng said when the house was purchased, the assumption was that there was no issue.

Mr. Canning said that the applicant would testify to that.

- 3.34 Mr. Schneider said that this is a 10,000-square foot lot. Is the maximum allowed 4,190 square feet?

Ms. Roberts said that is correct and that does not include any porch or attic bonus, that is just the calculation of the house and the garage bonus.

- 3.35 Mr. Surman asked if the lot sloped back up towards the alley.

The architect said that the lot sloped back up towards the alley.

- 3.36 The architect continued and said therein lies the issue with the floor area. As Mr. Canning pointed out, if that 1,050 or 1,060 square feet of the basement did not need to be counted, they were within or closer to what is allowed.

- 3.37 Mr. Surman said they would not have counted that space if it was lower.

The architect said that if they were 17" lower on that floor it would not have been counted.

- 3.38 Mr. Schneider said that Mr. Canning talked about lowering the floor. How would that solve the problem?

The architect said that the floor to ceiling is over 7.5'. They could not take the floor and move it down to 5' because there would be no headroom at the level below. They would have to dig the slab down to get lower than 5'.

- 3.39 Mr. Schneider clarified that they are saying they would need to put both the floor and the ceiling down.

The architect said that this is very costly. When they would bring the floor even further down there is more potential for flooding and they are deeper into the water table.

- 3.40 Mr. Surman asked if the architect knew what the water table was.

The architect said that she did not know. There were water issues in the lower level. She added that they needed to find space for mechanicals because the applicant has no attic. There is no basement. The existing crawl space has a very low height. They were proposing to dig this down, but the cost estimates were prohibitive. The crawl space is not part of the FAR. Lowering the floor would have no impact from the home's exterior.

- 3.41 Mr. Surman said if they were to build another house on the lot the whole house could be larger including the height.

The architect said that the roof has a low pitch and a new house might raise the pitch of the roof giving it more height and bulk. The ridge could be 12' higher. That might allow for an attic, but the applicant's proposal has a low pitch and therefore cannot have an attic.

- 3.42 Mr. Surman had a question about the air conditioner.

The architect showed a picture and there are steps in the back of the house that come down. Around that corner is a cutout in the side of the house. In that cutout is where the existing condenser is located. This is a non-conforming location. To have positioned the condensers within the 10' setback and in the rear yard, they would need to pull it in further to clear the steps on the north side. They would have to put it on the lower level on the south side, which would be within the 10' setback requirement. Bringing them down into the lower level to get them as close to the house as possible means they are bringing mechanicals into a potential flooding area or water zone. The proposed location is the optimal location for the owner to have a mudroom.

- 3.43 Mr. Schneider asked why they couldn't put the condensers at the end of the downspouts.

The architect said that would have been at the end of the stairs coming down into the patio.

- 3.44 Mr. Surman clarified that Mr. Schneider was referring to the brick part between the window and the downspout.

The architect reiterated that this would be at the base of the stairs.

- 3.45 Mr. Surman said he did not see how they could compromise the neighbors and the noise to that level of elevation. He cannot see that working. They would have to modify the walk in the back.

- 3.46 Chairman Duffy asked if there was some sort of shielding like a solid fence around the units to shield noise.

The architect said she could consider this. It was brought up about sound levels on the ground or up above and she did some research to see if there is a perceived difference. Going up higher does not make it perceivably noisier than being down low. There are products that are acoustical blankets or baffles. One other reason they chose the proposed location is that they can put the supporting beams into the walls versus having to put support through the roof. They try not to penetrate through the roof membrane.

- 3.47 Mr. Surman asked if they looked at bringing the mudroom in and then leaving those at grade level.

The architect said that the space is very confined. They now have an interior stair that gets her into the lower level.

- 3.48 Chairman Duffy said that the units are almost at the gutter level of the existing roof line. If they were to shield them on three sides, leaving the west side open, isn't that directing noise away from the neighbor?

- 3.49 Mr. Surman said there needs to be sufficient clearance if they shield them.

The architect said they need a 20" minimum for clearance all the way around the unit. It is tight up there. Air flow could be impeded. The units were brought up higher to clear flashing on the roof.

- 3.50 Mr. Surman has a problem with the unit location as proposed and its impact on neighbors.

- 3.51 Mr. Tritsis asked about the current air conditioner location.

The architect said that the condenser is currently at floor level. The units are in line with each other, back to back.

- 3.52 Mr. Schneider said at the floor level there is a fence between the two properties.

The applicant said she has come to a compromise with her neighbors on both sides. She has no problem moving the condensers and installing a larger fence. She talked to the neighbors about moving condensers to ground level on the northwest side of the house. She will build an enclosure around them.

- 3.53 Chairman Duffy said that there still is a setback issue. The request needs to be changed and a plan with measurements needs to be submitted.

Ms. Roberts asked what the setback might be.

The architect said that the setback at the front corner of the house is over 5'. They would not want to move the condensers beyond the front window. The front window is an additional 3' in. They would still need to seek side and front setback variations.

- 3.54 Chairman Duffy asked if they needed to deal with a front yard setback.

The architect said that they did need to deal with a front yard setback.

- 3.55 Mr. Surman said they would need to be south of the sidewalk.

The architect said they would need to put them in the front of the house. She showed the location via a photo. The corner of the house is 5' from the side property line.

- 3.56 Mr. Surman asked the required side yard setback.

The architect said that it is 10'.

- 3.57 Chairman Duffy asked if there is that much of a difference to put them in front of the house as on the side of the house. There is no window on the north side of the house.

The architect said that they still would be close to the neighbor's house. The neighbors are objecting to the condenser location.

Mr. Canning said that the neighbors to the north expressed concerns about placement of the units.

The applicant said that the neighbors' objections are that the units would be close to their bedroom window. She has no problem moving the condenser to the corner.

- 3.58 Chairman Duffy said they will stack two units in the front yard and they will stick further out. The Board has approved condenser units on the side of the house. They won't protrude into the front yard as far as they are going down the side of the house.

The applicant said she would consider that option.

- 3.59 Mr. Surman said that the front of the condenser could align with the front of the house and it would go further back.

- 3.60 Chairman Duffy said there are no windows down the side of the house. It is all brick.

The applicant wants to get the units further from the neighbors' property line.

- 3.61 Mr. Schneider asked how far the side of the house is from the property line.

The architect said it is 5' from the property line. They need a 20" clearance for air flow. The unit is 3' wide.

- 3.62 Mr. Surman asked if they needed 20" clear on all sides.

The architect said they need 20" clear on all sides.

- 3.63 Chairman Duffy said that they would be in the middle of the space between the house and fence.

- 3.64 Mr. Schneider said they are right against the fence.

- 3.65 Chairman Duffy said that the units have to be in the front yard.

- 3.66 Mr. Schneider said if they extend the stair 3' to the east and put the units there, they can walk around the units.

The architect said that the units have to sit under the window. They are trying to be considerate of the neighbors.

- 3.67 Chairman Duffy asked if there was a drain in the backyard.

The architect said that there is a catch basin that barely functions.

- 3.68 Chairman Duffy said if they were to put the stairs where the hose is and they tucked them back in, they could put the units on some blocks and have a drain line to the catch basin.

There was continued discussion about the location. The architect said another solution is that they could build up a bracket off of the side of the house as long as they are 10' from the property line.

- 3.69 Chairman Duffy said that puts them in front of sliding doors.

The architect said they could ask for a partial variance on that side and get it past the chimney.

The applicant said that is an ideal option even if they have to ask for another variance. They would be on the south side of the yard where the grade is up and there is more room.

- 3.70 Chairman Duffy asked where mechanicals were located.

The architect said it is where one goes into the house. The north side where the mud room is located is where they come in every day.

- 3.71 Chairman Duffy said if they were on the other side they would be out of the way.

- 3.72 Mr. Schneider said that there is a solution that they can create that conforms with the requirements and they should present it now or at the Village Board meeting.

- 3.73 Chairman Duffy said he is not sure if the Board can approve an approximation.

- 3.74 Mr. Surman asked if this could be taken out of the request and have them present the entire revised request at the Village Board meeting.

The architect said they have 7.5' of side setback at this time.

- 3.75 Mr. Surman asked if the Board could make the change and approve it without letting the neighbors know.

- 3.76 Mr. Kolleng said if it is more than 10' they don't need a variance.

- 3.77 Mr. Kolleng said that the request could be approved without a variance and if they cannot get it done without the variance they could return.

- 3.78 Chairman Duffy said they could start the other work and then return for the condensing unit if they need a variance. Is that okay?

The applicant said that would be okay with her.

- 3.79 Mr. Canning said they could withdraw the request for the air conditioner units and try to find a conforming location. The vote could be taken on the floor area tonight.

If there is no conforming location is that handled administratively if the floor area variation has already been granted.

Ms. Roberts said that they could probably do this administratively. They would need at least a 5' side yard setback to qualify.

- 3.80 Mr. Schneider said when he looks at the current house, front and back, with the addition, he is perplexed as to why the addition is so big. The rooms are massive especially in the addition. The addition is essentially a fourth bedroom.

The architect said they could reduce the addition by pulling it back or carving out sections was less in keeping with the architectural style that the original architect intended. Being able to build upon the existing walls is more structurally sound and brings the front façade more consistent with adjacent neighbors.

The applicant is an artist and also makes clothes. She wanted a house that allowed her to have a work space. The area would be a bedroom and work space.

- 3.81 Mr. Surman said they requested a reasonable height on the second floor of the addition.

- 3.82 The applicant said she was looking for a house in Wilmette. Her husband died 1.5 years ago and she wants to move. Her work space is currently separate from where she lives. She looked at many houses. She wanted a house like this house. The listing sheet for this house said 2,400 square feet. The assessor's office did not count the basement as the basement. She spoke with the Village before she closed on the house and it was confirmed that she could demolish or add. She had no idea that the lower level would be part of the FAR. The lower level is on the same level as the unusable crawl space. Digging down 17" at a cost of over \$100,000 is cost prohibitive and seems like a hardship. If the proposal does not work, she will have to sell the house at a loss.

- 3.83 Mr. Canning said they would amend the application to remove the air conditioner variance request and address that through another variance in the future or go through administrative process or find another location. The Board just has to consider a floor area request. The idea of building up on existing walls so they don't go any further into the setbacks or increase the height has been granted several times by the Board. There are many difficulties if they were to bring the addition in. This is a unique situation with the interpretation of levels and grade and this is not like other houses. It is different from the way that the ordinance envisioned it. The hardship is that if they dug down, it would be very expensive and no one would ever see it. It would have no impact on visual bulk or density. He asked that the Board return a positive recommendation.

- 3.84 Chairman Duffy referenced correspondence with the neighbor to the north. Their email said if the mudroom entrance does get approved for the north side entryway,

the petitioner has agreed to construct a 6' privacy fence between the two properties on the southern border. This should be included in the plans.

There is an existing fence. Were they planning on replacing the fence?

The applicant said she would not need the variance on the mudroom. The neighbors are objecting to the door. She will replace the fence to make the neighbors happy.

- 3.85 There was no one in the audience to speak on this case. There was no additional communication on this case.

5.0 VIEWS EXPRESSED BY THE MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Surman said he is glad that they are going to maintain this house. The addition has minimal impact on the neighborhood. It is unfortunate the way the lower level was calculated. A newer house would be much taller and much larger. He can support the request.
- 5.2 Mr. Kolleng said he can support the request. This is a unique lot situation. A new house would have greater bulk and FAR. This is an important house to maintain. There was a significant issue going into the purchase as to whether or not this was a basement, which may have impacted whether the applicant would have bought the house. She did not know she would need variances when she bought the house.
- 5.3 Mr. Schneider said this is a significant variance request. It is an unusual situation. There are circumstances surrounding assumptions made at the time of purchase and assurances given at the time. The property is unique. He can support the request. He does not think a new home would be less intrusive.
- 5.4 Mr. Tritsis agrees with the above comments.
- 5.5 Chairman Duffy saw this as a unique situation. It is unique that there is the circumstance with the back of the house having a higher first level and that area in the back counts against the applicant. The impact in the front is an improvement. The design will make the house more appealing and is a great improvement for the neighborhood. The neighbor needs to be aware that they could cause bigger problems for themselves. If this did not pass, a developer could buy the house and tear it down and build a massive house. He can support the request. Standards of review are met. It is a unique situation.

6.0 DECISION

- 6.1 Mr. Surman moved to recommend granting a revised request for a 737.6 square foot (7.38%) total floor area variation to permit the construction of a first floor

addition and a second floor addition at 930 Sheridan Road in accordance with the plans as revised.

6.11 Mr. Kolleng seconded the motion and the vote was as follows:

Chairman Patrick Duffy	Yes
Mike Boyer	Not Present
John Kolleng	Yes
Michael Robke	Not Present
Reinhard Schneider	Yes
Bob Surman	Yes
Christopher Tritsis	Yes

Motion carried.

6.2 Mr. Schneider moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeal for case number 2017-Z-01.

6.21 Mr. Tritsis seconded the motion and the voice vote was all ayes and no nays.

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the design of the house as a split-level and the topography of the lot, impose upon the owner a practical difficulty. The difficulty is peculiar to the property in question and not generally shared by others. The difficulty prevents the owner from making reasonable use of the property with an addition for a mudroom and an addition for a master bedroom suite. The proposed variation will not impair an adequate supply of light and air to adjacent property. The proposed additions conform to the setback and height requirements of the Zoning Ordinance. The air conditioner variation, which may have had an impact on adjacent property, has been removed from this request. The variation if granted will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a revised request for a 737.6 square foot (7.38%) total floor area variation to permit the construction of a first floor addition and a second floor addition at 930 Sheridan Road in accordance with the plans as revised.