



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, JULY 16, 2014

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Chairman Dan Sullivan
Patrick Duffy
Lynn Norman
Reinhard Schneider
Bob Surman

Members Absent: Mike Boyer
John Kolleng

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

Chairman Sullivan called the meeting to order at 7:31 p.m.

II. 2014-Z-33 1533 Greenwood Avenue

See the complete case minutes attached to this document.

III. 2014-Z-34 1141 Greenleaf Avenue

See the complete case minutes attached to this document.

IV. 2014-Z-28 706 Forest Avenue

See the complete case minutes attached to this document.

V. 2014-Z-30 1022 Pawnee Road

See the complete case minutes attached to this document.

VI. Approval of the June 18, 2014 Meeting Minutes

This item was postponed to the August 6, 2014 meeting.

VII. Adjournment

The meeting was adjourned at 9:22 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 appearing for the applicant

3.11 Mr. Constantine Petropolous, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 1.59' front yard setback variation, a 0.76' front yard porch setback variation and a 104.47 square foot (8.30%) front yard impervious surface coverage variation to permit the expansion of an entryway and a new front porch on the legal nonconforming structure. The Village Board will hear this case on August 26, 2014.

3.22 The applicant said that he and his family have lived in the home for 27 years. They have a current front structure that is non-conforming and they have a deteriorating condition. The foundation is sinking. It appears as if the person who built the house put a lot of weight on the protruding portion of the foundation and it started to crack. The bricks are coming apart.

Their front door is standard at 36". Once the door is open it is hard to get in the house and close the door behind because between the edge of the door and the step is only 4". By having an extra 1' in the front, egress will be easier. The front door is not covered from the elements so they are asking for a front porch to provide partial coverage.

3.23 Ms. Norman asked if the impervious surface variation related to the stone path or was it also for the step underneath the canopy.

The applicant said that it is for the walkway to the front door.

3.24 Ms. Norman referenced page 1.5 and asked the location of the porch.

The applicant showed the location of the porch. They are making the walkway somewhat wider. Otherwise it narrows down severely.

3.25 Ms. Norman asked if there was consideration given to making the impervious surface coverage variation request smaller.

The applicant said that they thought about making it smaller, but they had to make sure that the step down conformed to code. Other ways of making it wider could create a hazard. It is not for aesthetics but for safety reasons that the request is the size that it is.

3.26 Mr. Surman said that the stairs are on either side of the columns.

- 3.27 The applicant asked if they had kept the 6'8" sidewalk shown on 1.5 to go up to the entrance that would be roughly about 70 square feet. The net increase is really just 30 square feet.

Ms. Roberts said that she did not do that calculation but it sounds right. They did not calculate what was existing.

- 3.28 The applicant said that the net increase is only the width of the sidewalk or a small distance to the front sidewalk of the house. If it was too narrow, it would be a hazard.

- 3.29 Mr. Surman noted that the columns look somewhat slender and they might want to increase the diameter to improve the appearance.

- 3.30 There was no one to speak on this case, but Ms. Roberts indicated that there was a letter in the packet.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Duffy said that this is a straightforward example of how the standards of review are met. The front already extends into the front yard so the house is non-conforming. They are moving the entry one foot forward to allow an ease of entrance into the house. The impervious surface coverage expands nominally over existing. The standards of review are met and he supports the request.

- 5.2 Ms. Norman agrees that the standards of review are met. She can understand why there needs to be a slight increase in impervious surface.

- 5.3 Mr. Duffy said he went to the site and looked at whether the additional extent into the front yard by the entry way would be exaggerated by how the other houses line up on the block. There are two properties at the east end of the block that extend further out than this would. There is a nominal impact on the neighborhood.

- 5.4 Mr. Surman said he could support the application.

- 5.5 Chairman Sullivan also supported the request.

6.0 DECISION

- 6.1 Mr. Duffy moved to recommend granting a request for a 1.59' front yard setback variation, a 0.76' front yard porch variation and a 104.47 square foot (8.03%) front yard impervious surface coverage variation to permit the expansion of an entryway and a new front porch on the legal non-conforming structure at 1533 Greenwood in accordance with the plans submitted.

- 6.11 Ms. Norman seconded the motion and the vote was all ayes and no nays (Messrs. Boyer and Kolleng were not present).

Motion carried.

- 6.2 Mr. Duffy moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2014-Z-33.

- 6.21 Ms. Norman 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 siting of the house on the lot and the interior entrance configuration, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique circumstances of the house and lot. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property with an improved entranceway and front porch. The proposed variations will not impair an adequate supply of light and air. The variations, if granted, will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 1.59' front yard setback variation, a 0.76' front yard porch variation and a 104.47 square foot (8.03%) front yard impervious surface coverage variation to permit the expansion of an entryway and a new front porch on the legal non-conforming structure at 1533 Greenwood 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 Ms. Pamela Fox, applicant
1141 Greenleaf Avenue

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a special use for an art studio (Studio North Academy of the Performing Arts). The Village Board will hear this case on August 26, 2014.

3.22 The applicant said she owns Studio North Academy of Performing Arts. The studio has become a community center for her students. They want to increase community awareness and offer adult classes, special needs classes, have more rehearsals, and increase visibility to performing arts groups as well. The proposed space has been vacant for about two years. No one has been looking at the space. They want to take over the space as a rehearsal and class space.

3.23 Chairman Sullivan asked about hours of operation.

The applicant said that space would operate on weekends and in the evenings.

3.24 Chairman Sullivan asked about food.

The applicant said there would be no food.

3.25 Ms. Norman asked what classes would be held at the proposed space.

The applicant said there would be dance classes and music rehearsals and dance rehearsals on weekends. The space will not be used every day.

3.26 Ms. Norman asked if weekend hours were different from weekday hours.

The applicant said weekend hours would be 12:00 to 4:30 on Saturday and from 2:00 to 4:00 on Sunday.

3.27 Mr. Surman asked about hours during the week.

The applicant said that hours during the week were Monday 4:30 to 9:00, Tuesday and Wednesday, not in use, Thursday 4:00 to 7:00, and Friday 4:00 to 6:00.

3.28 Mr. Surman asked if most of the attendees would be dropped off.

The applicant said that most are dropped off so the parking should not change from what it is right now.

- 3.29 Mr. Schneider said that the applicant is currently at 1131 and 1133. Are the hours of operation the same for current and proposed spaces?

The applicant said that during the day at 1131 and 1133, they have day time classes for preschool children.

(After section 4.0)

- 3.30 The applicant is starting classes on September 2nd and was wondering if a decision could be made before that time.
- 3.31 Chairman Sullivan pointed out that the application has to go to the Village Board. The Village Board meets on August 26th.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Ms. Debbie Brenman
Glenview

4.12 Ms. Kathy Friedman
Wilmette

4.2 Summary of presentations

- 4.21 Ms. Brenman said her daughter is a student and loves going there. The students like to hang out and they patronize all of the businesses in the area. The more expansion, the more patrons for local venues. Her daughter is 17 and has been a student there for 14 years. They live in Glenview in the Avoca district.
- 4.22 Ms. Friedman is a Village resident and her daughter who is 11. She has been in the program for four years. There is a high quality of professionalism in how the applicant runs the business and works with her students. Her daughter takes classes and is part of the dance troupe. They go out and do performances at nursing homes and for other organizations. There are many times when she gives her daughter money to eat between classes. She always drops her daughter off for classes.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Surman said that he can support the application and it is a good use for that location.

- 5.2 Mr. Duffy said that all standards of review are met for special use. The applicant has shown that she runs a great business that is two doors down from this location and this will be an extension of that business. It is a great use for the building. He supports the request.
- 5.3 Ms. Norman said her only reservation would be traffic but based on comments that should not happen. That street gets really crowded, but business hours are limited. She can support the application. Standards of review for special use are met.
- 5.4 Mr. Schneider can also support the request.
- 5.5 Chairman Sullivan agrees with above comments and supports the request.

6.0 DECISION

- 6.1 Mr. Surman moved to recommend granting a request for a special use for an art studio (Studio North Academy of the Performing Arts), in accordance with the plans submitted. The use will run with the use.

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

Motion carried.

- 6.2 Ms. Norman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2014-Z-34.

6.21 Mr. Duffy 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 special use standards of Section 5.3.E of the Zoning Ordinance. The existing use has been successful and now wishes to expand into a separate space within the same commercial building. The existing use has been good for the Village Center with no negative impacts. The proposed use (expansion of an existing business) in this location is consistent with the Comprehensive Plan to encourage a vibrant commercial district in the Village Center. The proposed use will not be detrimental to or endanger the public health, safety or general welfare nor will it be injurious to the use or enjoyment of other property. The proposed use will not impede the normal and orderly development and improvement of surrounding properties nor will it diminish property values. The proposed use will complement existing businesses. Adequate utilities, road access, and other facilities already exist. Adequate measures already exist to provide ingress and egress with the lot to the rear of the building. The proposed use will be consistent with the community character. No known archaeological,

historical or cultural resources will be impacted. No buffers, landscaping or other improvements are necessary. No other standards of Article 10 apply.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a special use for an art studio (Studio North Academy of the Performing Arts), in accordance with the plans submitted. The use will run with the use.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Walt Eckenhoff, architect
Eckenhoff Saunders Architects
Chicago

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a revised request for a 45.46 square foot lot coverage variation and 907.61 square foot total floor area variation to permit the construction of a roof patio and a second story addition on a legal nonconforming structure. The Village Board will hear this case on August 26, 2014.

3.22 The architect said that the applicants were unable to attend the meeting due to a medical emergency. They are out of town. They wanted to attend the meeting and made sure that the architect was aware of the reason why they were unable to attend.

They are asking for a 45 square foot lot coverage variation and an FAR variation of about 900 square feet. The latter sounds like a large number.

Regarding the existing house, it is a stately, beautiful, old Wilmette home with classical overtones in its rooflines, Palladian windows, and Tuscan columns. Like many fine old homes, it carries burdens for floor area that newer houses might not. It has a wraparound porch, which is in character with the neighborhood and good for the community. It has a large third floor that counts in FAR. The first floor is set up with parlors. He described the parlors. They are connected with doorways. Today, families live in their kitchen and family room and open areas off of the back. He mentioned this to show that the style and age of the house have a lot to do why they are so far over on FAR. They are 600 square feet over. It is a legal conforming use.

The applicants have three young children and will move into the house. They became the owners two days ago. On the first floor of the house in the back they want to add a shed roof over the back door. There is a sheer back addition. There is no protection from the elements. They want to add a 4' extension over the back of the house, which is around 90 square feet.

They want to add a chimney on the west side of the house because they are re-orienting the fireplace. That is 12 square feet. The lot coverage is about 45 square feet over.

The applicants want to have the whole family on one floor when sleeping. The bedrooms are not oversized on the second floor. They want a laundry room on the

second floor. The house does not have a laundry room. The proposed laundry room is in the location of the master bath, which requires them to push the master bath and the closet to the north. They are adding 7' across the north side of the house on top of the existing roof. They are pushing that out so they can add a laundry room which in turn pushes out the bathroom. The bathroom is far from opulent and there is a closet that goes out to the north. The master bedroom is a little bigger because the existing bedroom is only 12' x 16' or 17'. That creates the additional FAR added to the existing overage of 600 square feet.

- 3.23 Mr. Duffy said the architect mentioned that there was no laundry room.

The architect said that there is a small laundry area on the first floor next to a powder room. There is a washer and dryer with little counter space. It is not a room. It is like a foyer into the powder room. With three small children, the laundry room should be on the second floor.

- 3.24 Ms. Norman asked if the basement was finished.

The architect said it was not finished. There is a portion that is finished, but there are low ceiling heights. There is a TV area. They will use most of the basement for a fitness area. The ceilings are approximately 6'4".

- 3.25 Ms. Norman mentioned the pool table that is shown on the plans.

The architect said that is coming out.

- 3.26 Mr. Surman liked the design and thinks it is well done. It makes a lot of sense. The difficulty he has is with the hardship.

- 3.27 Ms. Norman asked about the attic.

The architect said that the attic is finished. There is a large room, a small bathroom, and a bedroom/study. But it is on the third floor and they don't want the kids on the third floor right now.

He then addressed Mr. Surman's comment about hardship. Older houses set the tone for a neighborhood. The lifestyle that was prevalent when those houses were designed is different than it is today. It translates into needing more space for certain things like bathrooms, closets, and kitchens. People look for these areas when buying a house today. The hardship for the older house is that it was not designed with those amenities in mind. The applicants are committed to seeing that the house continues in great condition. They are putting money into fixing up the porch and painting it.

- 3.28 Mr. Duffy said they are asking for extra FAR by expanding the second floor for a laundry room. The architect said that there is a lot of space in the house design that is not used efficiently. Why not use some of that space for the laundry room?

The architect said they looked at the first and second floors for the laundry room. There were not many places on the first floor for a laundry room unless they carved up existing rooms. The only place on the first floor would be in the back. The house does not have a pantry either so they are adding a pantry. Above the pantry is the laundry room. They looked at putting the laundry room in one of the bedrooms, but when one takes 60 to 70 square feet out of a bedroom, they have taken that bedroom out of commission. They need three bedrooms for the children and a guest room when elderly parents come over.

- 3.29 Ms. Norman asked about the laundry room in the basement.

The architect said that the basement is two floors down and this comes back to a lifestyle issue. The proposed laundry room is not opulent but it is functionally where it should be. It is a convenience.

- 3.30 Mr. Schneider asked about the storage area in the back. Is it original to the house?

The architect said it is original to the house. It is on the first floor and is used for bikes, lawn equipment. It is smaller than a car and is 8' wide and 15' long. It is at grade.

- 3.31 Mr. Schneider said that the variation is for 907 square feet. He asked about the calculation for this number. He is trying to compare this to the precedent that is listed in the packet. What is the numerator and what is the denominator?

Ms. Roberts said that is the difference in percentage between the allowable percentage and the proposed percentage so the percentage is obtained by dividing the proposed 907 square feet by the allowable 5,671 square feet. She noted that the 907 is the total amount over the allowable.

- 3.32 Mr. Surman said that a large portion of that is existing.

- 3.33 Mr. Duffy said that the 6% is based on 300, not the total over.

Ms. Roberts said that the allowable floor area ratio is 40.87% of the lot. They are proposed at 47.41%.

- 3.34 Mr. Duffy asked if the storage shed was an addition. In the discussion about the roof line coming out farther, he mentioned that was an addition.

The architect said that it is hard to tell but there is a flat roof. Things like that with flat roofs were not built years and years ago. It probably was an addition. They are putting on a sloped roof and overhanging the roof.

- 3.35 Mr. Duffy asked Ms. Roberts if the overhang counted against FAR.

Ms. Roberts said it did count against FAR and lot coverage.

The architect said that they originally submitted plans with an 8.5' overhang. It has been adjusted back to half that size.

- 3.36 Mr. Surman said he was not at the last hearing. He asked about the new terrace on the second floor and if that counted against square footage.

Ms. Roberts said it did not count against square footage. It is not roofed and it counts on the first floor already so it would not count on the second floor.

- 3.37 Ms. Norman asked about the distance between the back of the house and the garage.

The architect said it is about 28' to 30'. He thinks that the dimension is on the survey.

- 3.38 Mr. Duffy asked if they got water in their basement off of the southwest corner, the front on the west side.

The architect said that he did not see signs of water.

- 3.39 Mr. Duffy said he was at the home today and there were wood chips from the shrubs in front that had run out and down the sidewalk as if they had been carried by some water. It looks like water was coming from the downspout across the basketball area and out to the front.

The architect said he saw no water damage in the basement in that corner.

- 3.40 Mr. Schneider asked if a covered porch counted 100% toward the floor area calculation.

Ms. Roberts said that it did count at 100%. She added that the front porch gets a bonus, but not the canopy in the back.

The architect said he thought that the front porch counts about 300 to 400 square feet over the bonus.

- 3.41 Chairman Sullivan said he has not heard the hardship. This is a big house with a lot of space. He has not heard why this is the best and/or only option. The rooms look big. They are already over floor area. The design is well done and it would

be nice to have what is proposed but that does not justify why the Board should go outside of the ordinance for this when the Board wouldn't do so in other situations. The Board takes FAR very seriously. He is not hearing any reason to have laundry on the second floor except for convenience.

Could the third floor have been an option for other uses? He knows that the applicants do not want their children sleeping up there, but could there be another use for that space? Could they live within what is out there? Could they move walls around?

The architect said they could move walls, but he keeps coming back to the home's architecture. That places limitations on what can economically and practically be done. One could move walls on the first floor and on the second floor and resupport the whole house and take all trim and mill work out and redo all that. That would cost a fortune, however. The house imposes limitations on what can be done. It was built for a different lifestyle. The only way that large old houses like this can be relevant in the housing stock is if they are adapted to modern lifestyles. No one wants to tear down the house. He worked in Glencoe for years and that town had a terrible problem with tear downs.

- 3.42 Chairman Sullivan asked if the whole house was original.

The architect said that the back was an addition but he does not know when it was done.

- 3.43 Chairman Sullivan said that the kitchen was not original. The existing kitchen looks like what most people have today.

The architect said that the back addition was added later, but is not sure when. It has a flat roof and was pushed out without relationship to the classical style of the house.

- 3.44 Mr. Surman asked how this house was any more unique than most of the houses in east Wilmette. They all will have challenges of lifestyle changes within the house. Most people get them to work within the variances. The Board has to look at the hardship issue. What are the hardships? He understands that lifestyles have changed over time. He understands the planning perspective.

- 3.45 Chairman Sullivan asked if they had thought about putting the laundry in the storage facility.

The architect said they did not consider this because that is at grade and there is no entrance from the house into that storage facility unless one goes outside. It is down a half flight from the first floor. They would have to break through the wall, go down half way to the basement and then break through the closets in the mudroom to get into that area.

(After section 4.0)

3.46 Ms. Roberts said that the only communication on this case was from Mr. Drucker.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Mr. Bob Drucker
714 Forest Avenue

4.2 Summary of presentations

4.21 Mr. Drucker said he met Mr. Gallagher when they bought the house. He has not met Ms. Gallagher. He spoke at length with Mr. Gallagher about what they are doing with the house. He and his wife looked at that house before they bought their property. His property adjoins the Gallagher's property to the west. The house is the old Gilson house and the Board would not allow this house to be built today on that lot. It is completely non-conforming. This is a historical beautiful old house that has limitations.

The Gallagher's older daughter has a medical condition that requires much care. They need the additional bath and to say that it could be done differently is true. He comes from a family of architects and there are different ways to do things. He said that the Gallaghers would be penalized if they could not put in a bathroom to make the house really livable because it does not conform to our standards of hardship was be a mistake. The Gallaghers would do what they could to provide for their children within the FAR but they cannot do this.

Mr. Drucker looked at the plans in detail and it serves everyone poorly to think of another way to do this. Obviously there is another way to do it. There are lots of ways to do this. But could it be achieved without destroying the essence of the old house is the question? Does cutting up rooms serve anyone's purpose?

There is a hardship on the applicants if they cannot put a good usable bathroom for their family where they want to put it. He could complain about the chimney because he looks right at it. But he has looked at it from ten different ways and the chimney won't make any difference to him and his wife. The awning over the porch in the rear is almost irrelevant. It is not visible from the front. Maybe they should take off the porch to meet FAR and put it in the back, but the Village would not gain from this.

It comes down to space and the need to put the bathroom the way that the architect has designed it. He would call it a hardship if the applicants cannot do what they propose.

Mr. Surman asked which bathroom Mr. Drucker was referring to.

Mr. Drucker said he was referring to the bathroom that the architect was explaining.

It was determined that the bathroom was the master bathroom.

Mr. Drucker said this is a house that the Village should be proud of.

The architect said that the applicant's daughter has a medical condition that requires attention at night, which is another reason to have the entire family on the second floor. It makes sense to have the laundry right there with the children on the second floor.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Ms. Norman said that the information Mr. Drucker provided was very useful and appropriate. She has a problem with the request because the house is huge. She lives in an older house with inconvenient rooms though that is part of the charm. She understands why they want the convenience and she heard about the daughter's medical condition. Maybe if the parents were at the meeting and could explain this in more detail, she could wrap her head around it. She said her home also has a huge attic that counts against FAR. She has small parlor rooms. She redid part of the house within its structure.

The design is beautiful and the house is gorgeous. The porch is gorgeous. It's huge. She is inclined not to support this request.

- 5.2 Mr. Duffy said when he read through the request he realized that the additional increase is 105 square feet on lot coverage. That is how he read the request. There are a few things that cause problems.

- 5.3 Chairman Sullivan pointed out that the difference in FAR is 330 square feet.

- 5.4 Mr. Duffy continued and said that there are lot coverage and FAR issues. They reduced the roofline going out the back from 8' to 4' and that is throwing them over on lot coverage.

This is a beautiful old house. Old houses cost money to adapt and some cost more than others given constraints. This house might cost more to update. The kitchen and the back of the house were modified.

Having a laundry room on the second floor pushes the master bathroom out the back is a convenience and not a hardship. There is room in the basement for a laundry room or expand the existing laundry room. There is a bathroom next to it that they could use for space.

A master bath was created. There is a walk in closet adjacent to the master bathroom. Does the master bedroom have to extend equal distance?

He reiterated that the laundry room on the second floor is more of a convenience than a hardship. This is not a tear down house. It is a large home that can be adapted. He is inclined not to support the request.

- 5.5 Mr. Schneider said that the request is due to the second floor laundry, a larger closet, and a larger bedroom. He understands the reason for wanting the laundry on the second floor. In today's times, master bedrooms have larger closets.

It seems to him that they could do what they want within the existing envelope. The laundry could be moved across the corridor where the other bathroom and closet are. The existing bathroom could be reworked within that space.

It is too much of a variation in total and he has difficulty supporting the application.

- 5.6 Mr. Surman agrees with his colleagues. The master bedroom is larger than many people's living rooms. The master bedroom is 17'4" x 20'. It is in character with the house but agrees that there might be other ways to do this. Maybe the laundry room could be on the third floor. Maybe they don't need a seating area in the master bedroom.

- 5.7 Chairman Sullivan said he is having a hard time with this request. There was no case made regarding the true hardship in this case. The Board appreciates the hardship that old homes go through to retain them. The Board tries to keep historical homes in the Village. The home is almost 6,000 square feet and he wishes that he had heard why they could not do certain things in the house. There might be existing hardships about the home that were not discussed. There are four bedrooms on the second floor that seem livable. Why do they need to expand the master bath other than saying that they just want a larger bath? More substance is needed in this case. He does not support tearing down the porch to reduce the FAR. Had the case had more substance indicating that the plan was the best they could come up with, that may have helped.

6.0 DECISION

- 6.1 Ms. Norman moved for purposes of discussion to recommend granting a request for a 45.46 square foot lot coverage variation and 907.61 square foot total floor area variation to permit the construction of a roof patio and a second story addition on a legal nonconforming structure at 706 Forest Avenue in accordance with the plans submitted.

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

Chairman Dan Sullivan	No
Mike Boyer	Not Present
Patrick Duffy	No
John Kolleng	Not Present

Lynn Norman	No
Reinhard Schneider	No
Bob Surman	No

Motion failed.

6.2 Mr. Duffy moved to deny granting a request for a 45.46 square foot lot coverage variation and 907.61 square foot total floor area variation to permit the construction of a roof patio and a second story addition on a legal nonconforming structure at 706 Forest Avenue in accordance with the plans submitted.

6.21 Mr. Surman seconded the motion and the vote was as follows:

Chairman Dan Sullivan	Yes
Mike Boyer	Not Present
Patrick Duffy	Yes
John Kolleng	Not Present
Lynn Norman	Yes
Reinhard Schneider	Yes
Bob Surman	Yes

Motion failed.

6.3 Ms. Norman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2014-Z-28.

6.31 Mr. Duffy 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 does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, there is no condition of the home or property causing a hardship that prevents reasonable use. The existing home already exceeds the floor area limit by 576 square feet. The existing home has large rooms on both the first and second floors. The owners are creating their own plight by seeking to add a laundry room on the second floor and other changes that necessitate adding floor area. There was little evidence that alternative plans had been explored or that the proposed plan was the only way to accomplish the applicant's programming goals.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 45.46 square foot lot coverage variation and 907.61 square foot total floor area variation to permit the

construction of a roof patio and a second story addition on a legal nonconforming structure at 706 Forest 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. Brant Rust, architect
B Rust Architecture + Design
Wheaton

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a variation from the requirement that a front-loaded attached garage must be a minimum of 5.0' behind the main front façade of a house to permit the construction of a new home. The Village Board will hear this case on August 26, 2014.

3.22 The architect distributed copies of additional visual aids to the presentation. He will reference the aids during his discussion.

The architect's job is to be environmentally responsible for the project. The lot is very small and the area is densely populated. There are 38 neighbors within 250' of the property. Based on those houses, a lot of the houses that have smaller lots have garages that project forward. Today most houses have a 20' x 20' garage. That bulk can interrupt the flow of a flow plan. In this neighborhood, 60% of the homes have this existing condition which is nonconforming. The lot is 60' x 135'. There is a 10' easement in the back that prohibits a detached garage along the back lot line. Given the short depth of the lot, there is not much room for a driveway apron in front of the garage. They would need to remove a 20" tree on the north side of the property to fit a driveway between the house and lot line.

After looking at alternatives, he has an example of a work around, but there are problems with how this would work. He showed an alternate plan of the proposed house with the attached garage set back to be conforming. In this plan, the study has now been moved towards the front of the house on the south side. This directly impacts one of the larger trees, a 12" Spruce, and pushes the back of the house out further. The backyard would be 4' shorter. The house overdig would jeopardize an 8" tree in the rear yard.

He agrees with the spirit of the code and there are properties in the Village that should not have a garage facing the street. Those are ones that have alleys and have a sufficient lot depth to make the clearance for the garage in the rear. He talked about others in the neighborhood having to come before the Board when they wanted to do renovations to their homes.

3.23 Mr. Duffy said that the Village is not going to make other legal non-conforming home owners cut off their garage. But the architect is building a new home and

they have a blank slate to create what they want on the site. He can create a home that does not have the garage sticking out and would follow the new ordinance. There is a study that is 8' from front to rear. Does that have to be on the first floor? The Board is a little bit harder on new construction conforming to rules than they are with existing homes.

The architect said that it could be the study or could be the living room. Because the ordinance says that the house has to be first at the setback line and then the garage has to be 5' further back, this pushes the house towards the setback in front, which is 33'. The ordinance is pushing bulk further towards the street and this is impacting the trees.

- 3.24 Mr. Duffy said that the Board is speaking about the architect's specific plan. He clarified that the architect said that by having the garage further forward from the house it is creating less of an impact on the street. Is this clarification accurate?

The architect said that they are somewhat starting with a blank slate. Existing conditions have to be taken into account as well as utilities, setbacks and easements. Then there is a battle of logic. He said that some of this might be more appropriate for a Design Commission versus a Zoning Board.

With his plan he is allowing for more light to reach the street.

- 3.25 Mr. Duffy noted that this was a good argument, but the Board has to deal with the current code and apply the ordinance to the house design. Can he design a house that adheres to the new code?

The architect said that he could, but then mentioned some of the issues. There would be more paving on the lot, which is not beneficial when applied on a grander scale. That is against what he would consider to be responsible. Not taking down trees would be preferable for any neighborhood. He talked about the existing trees as noted above. They are not going to change the curb cut or flip the driveway.

- 3.26 Mr. Surman asked about the setback. He said it is currently at 34'3". The Board is not talking about shifting the garage back.

Ms. Roberts said that the minimum setback is 33'. It is based on the average setback of the homes on the block.

- 3.27 Mr. Surman said that they could shift the garage back to be more flush which actually moves the house forward. Then it conforms with the ordinance. But the architect is saying that the hardship is the neighborhood. Because the lots are set up so that one has to have a front loaded garage, he is doing the neighborhood a favor by having the bulk setback and having the garage protrude out farther in front of the house. In this case, the garage has a roof over it. A second floor above the

garage would not work with this argument. When he looks at the plan overall with a 34'3" setback. He said that they are notched back further to the south.

- 3.28 Mr. Duffy said that the reason why the corner is cut out is because in the center, there is a cover for the entrance. The front of the house goes all the way across from the garage.
- 3.29 Mr. Surman asked why they could not fill that area in or bring that side out, bring the garage out.
- 3.30 Mr. Duffy said that the architect indicated if they bring the house forward at the corner there is a tree that is impacted. The tree is causing the architect to keep the house set back farther. His argument is then that the hardship is the neighborhood and the front-loaded garage.
- 3.31 Mr. Surman said that the study was nicely done, but the reason why the code was developed was because there were so many homes that were not compliant to what they wanted. The Board is trying to go against the houses shown in red, which have garages as prominent features. Even though the applicant's house is similar to others in the neighborhood, it is not what the Village wants.
- 3.32 Mr. Schneider asked the architect if he was aware of the changes in the code.

The architect said that he was aware of the changes.

- 3.33 Mr. Schneider said that the code is very clear. There is no ambiguity and indicates that attached front loaded garages must be located a minimum of 5' behind the main front façade of the house. He does not see the hardship and the architect presented what is opposite of the ordinance.

The architect said that it is plainly laid out in the code and definitions that the garage must be 5' back. The 5' rule looks good on paper until one practically applies it. If the Village is trying to get rid of what currently exists in many neighborhoods, that is alarming. He is not trying to create an eyesore. The 5' rule is better located in the bulk section of the code. What the ordinance is saying is that the setback has to be 33' but the garage has to be 38' or 5' more. Not having it in the bulk section is a problem with the way the code is written. He saw the copy of the code before it was adopted. He read through the bulk section, which is where this should have been placed. There is no indication in that section that the definitions of the garage had changed.

- 3.34 Mr. Schneider asked the architect if he was aware of that section of the code when he talked to Community Development.

The architect said that he was made aware of that section of the code. It was shocking to him because he did a house on Schiller that had a front-loaded garage.

The code right now says that front-loading garages have to be 5' back. But what about side-loaded garages?

3.35 Mr. Duffy said that the ordinance indicated that the garages cannot be more than 5' in front.

3.36 Mr. Schneider said that the attached front loaded garages must be located a minimum of 5' behind the main front façade of the house. If there was room and the doors were made to the side of this garage on the north side, the garage would be 5' in front of the main part of the house.

Ms. Roberts said that the way the code has written, staff has determined that if the garage was side-loading, that would not be bound by the 5' setback.

3.37 Mr. Schneider said that he understands the concept they were going for and sometimes it is almost as most there are garages looking for a house in that garages are so dominant. That was most likely why they introduced the change to the code.

3.38 Mr. Surman said the house that is directly to the south meets the requirements.

The architect said that there are some existing houses that meet code.

3.39 Ms. Roberts said there had been discussion about revisiting the zoning ordinance six months or a year after implementation. That is tentatively scheduled for later in the fall. This particular requirement was a recommendation by the consultant who worked on the ordinance and was not suggested because of any specific problems or complaints. This is one requirement that will be reviewed again. Does it solve a current problem? Does it make sense practically speaking?

3.40 Mr. Duffy referenced the colored image of the house and said that the house is beautiful. In his mind, the garage was going to be sticking out like a finger on a hand. But the rendering shows the garage blending in so much better than he had visualized. He misinterpreted the ordinance and now there is a recess of the garage from the front of the house and this is not seen very often in the Village for attached garages. Garages are generally flush or they protrude by a specific distance.

He thinks that 5' to 8' in front of the house is not that much of a protrusion. Twenty feet would have more of an impact on the neighborhood.

Regarding Mr. Surman's point about someone putting a second floor on top of the garage in the future and adding bulk to the house; that is a possibility. But it won't happen in this situation due to FAR.

3.41 Chairman Sullivan asked if there was an owner for the home.

The architect said that this is a spec house. He talked about another house that he built in the Village.

- 3.42 Chairman Sullivan asked the architect how many homes he has designed in the Village.

The architect said he has worked on over six new houses and some were when he was with another firm. He is now on his own and has worked on this home, one at 2238 Schiller, and one at 731 Ashland.

- 3.43 Chairman Sullivan said he appreciated that the architect knew the Village's code, both old and new.

The architect spoke about ordinances in other municipalities regarding garages.

- 3.44 Mr. Schneider asked if the location for the air conditioning unit was conforming.

The architect said this location is not conforming. There is a 10' minimum setback requirement and those units will have to be moved.

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

(After the vote in section 6.0)

- 3.46 The architect said that because the house does not have an owner, the house will be changing.

- 3.47 Ms. Norman said the Zoning Board's opinions are advisory to the Village Board.

- 3.48 The architect said he cannot wait until August 26th for a decision as he is in danger of losing this client. His clients have deadlines to meet. He said that he spoke with Ms. Randolph regarding whether permit reviews going into effect after the ZBA makes their recommendation and Ms. Randolph said that they do. Perhaps that was not accurate.

Ms. Roberts said that staff typically suggests that if the ZBA gives a positive recommendation, the applicant is in a good position to submit for permit and the staff can start the review process. With a negative recommendation, the outcome at the Village Board could be negative so staff suggests not spending time on construction drawings when it is less certain there will be a positive outcome.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Ms. Norman said she thinks that the house looks great. Her only reluctance is that the code is very specific about the situation. As part of the Ad Hoc committee, other members of the Ad Hoc Committee were concerned about appearances and

did not like a huge garage in front. When a garage is side loaded, it looks like it is part of the house. The Ad Hoc Committee was also concerned about townhome appearance. She is inclined not to support this case because there was a revision to the code. She said that standards of review are not met as there is no hardship.

- 5.2 Mr. Schneider agrees with Ms. Norman's comments. The code is very clear. This is a new house and the plan could comply with the code. There is an absence of hardship.
- 5.3 Mr. Duffy said he liked where the architect was coming from and his reasoning why this design made sense in the neighborhood. The Board did not spend much time discussing the precedent that variations have been made due to trees impacting where houses can go. There are a few trees that would be impacted if he had to move the house back or move the southwest corner of the house forward. He said that the trees on the lot are the hardship. Also the argument the way the garage is set up, there is no negative impact on the neighborhood and he is reducing the bulk of the house at the front, which is one of the objects of the ordinance regarding front loaded garages.
- 5.4 Ms. Norman referenced the Ad Hoc Committee and said that concern was about the appearance. This is a front-loaded garage in front of the house.
- 5.5 Mr. Duffy asked if the Ad Hoc Committee did not want to see front-loaded garages.
- 5.6 Ms. Norman said that was her understanding. She sees the same situation in this case.
- 5.7 Mr. Duffy said maybe there is some difference in how far the garage can protrude. He also talked about the trees on the lot, which is why the architect is proposing the application the way that he did.
- 5.8 Mr. Surman said he can appreciate what Mr. Duffy said about the trees but he does not think that he is a reason to force a whole design this dramatically. He thinks that the house is nicely done, but if the variance were to say that the front façade is up and they wanted to set the garage back by 2' vs 5', then he could support it. The code's intention is to try to make the dominant element the house and push back the garage. Five feet on the smaller lots is excessive. It could be 2' or 3'. Given the current code, he cannot support the request.
- 5.9 Chairman Sullivan said that the code is very specific but he is on Mr. Duffy's side. When he looks at examples in the packet and some other homes in the neighborhood, there are garages that come out 10' or 20' and make the house look more like an L. What is proposed is the best option and tried to make it as aesthetically pleasing as possible without having anything protrude out into the street or have the house come any closer to the street. The Village needs to look at

this situation and determine whether it is saying that there cannot be any garages of this style with this look.

The applicant is not pushing the limit on any other variance. And he agreed to move the AC units. He is doing what he can to stay within code. He will support the request.

- 5.10 Mr. Surman agrees that this home is better looking than many of the homes on the block. Perhaps the code is too stringent.
- 5.11 Ms. Norman said she might have been on board if the variation had only been 2', but not at the number the applicant is requesting.
- 5.12 Chairman Sullivan said that the Ad Hoc Committee will look at this in more depth. He also said that the architect considered other options.
- 5.13 Mr. Surman said that the architect did a very nice job on the house on Schiller.

6.0 DECISION

6.1 Ms. Norman moved to recommend granting a request for a variation from the requirement that a front-loaded attached garage must be a minimum of 5.0' behind the main front façade of a house to permit the construction of a new home at 1022 Pawnee Road in accordance with the plans submitted.

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

Chairman Dan Sullivan	Yes
Mike Boyer	Not Present
Patrick Duffy	Yes
John Kolleng	Not Present
Lynn Norman	No
Reinhart Schneider	No
Bob Surman	Yes

Motion failed.

6.2 Ms. Norman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2014-Z-30.

6.21 Mr. Duffy 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 lot depth and the location of existing trees on the property, imposes a practical difficulty. The plight of the owner was not created by the owner and is due to these lot conditions. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property with a new home that preserves existing trees. The proposed variation will not impair an adequate supply of light and air to adjacent properties. The proposed variation will not alter the essential character of the neighborhood. The applicant presented evidence that the proposed home will be more in keeping with the neighborhood with this variation due to the high number of front-loaded garages in the area.

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 are no unusual conditions of the lot that are causing a hardship. The proposal is for a new home, which has the opportunity to comply with the zoning requirements. The applicant is creating his own plight by seeking a design that does not conform to the Zoning Ordinance. The applicant is not prevented from making reasonable use of the property with a new home that conforms to the ordinance.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a variation from the requirement that a front-loaded attached garage must be a minimum of 5.0' behind the main front façade of a house to permit the construction of a new home at 1022 Pawnee Road in accordance with the plans submitted.