



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, DECEMBER 17, 2014

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Chairman Dan Sullivan
Mike Boyer
Patrick Duffy
John Kolleng
Lynn Norman
Reinhard Schneider

Members Absent: Bob Surman

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-51 1047 Linden Avenue

See the complete case minutes attached to this document.

III. 2014-Z-48 500 Lake Avenue

See the complete case minutes attached to this document.

IV. Approval of the November 5, 2014 Meeting Minutes

Mr. Duffy moved to approve the November 5, 2014 meeting minutes.

Mr. Kolleng seconded the motion and the voice vote was all ayes and no nays. Motion carried.

V. Approval of the November 19, 2014 Meeting Minutes

Mr. Duffy moved to approve the November 19, 2014 meeting minutes.

Ms. Norman seconded the motion and the voice vote was all ayes and no nays. Motion carried.

VI. Adjournment

The meeting was adjourned at 8:39 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. Nick Hynes, managing member
West Birchwood Development LLC, owner of the property

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 0.57' side yard window well setback variation, a 0.63' side yard window well setback variation, and a 0.67' side yard window well setback variation to permit the retention of three window wells on a home under construction. The Village Board will hear this case on January 13, 2015.

3.22 Mr. Hynes said that there are three window wells on the west side of the lot. The property is 40' x 200' requiring a 12.5' total side setback combined between the two sides. He referenced 1.5 and 1.6 and said that the three window wells are of poured concrete. On the first floor floor plan there is a window well with a 2.8' setback that is approved. In the basement plan, it is a 36" clearance on the inside and still shows the 8" poured concrete on the outside. For the combined side setbacks, there is a 5'7" side setback requirement for the west side. There is a generally a minimum of a 5' setback.

For the combination and based on the narrower lot with a 12.5' combined setbacks combined, they had to go with 5'7". The general minimum side setback from a window well is 2', but the new ordinance was enacted on April 1 and they submitted on April 7. The architect had a lapse.

The individual window wells are emergency window wells with a ladder to gain egress from the property. Without the 36" clearance, one would not be able to get out during an emergency.

On the west property, they are conforming with the 2' minimum that is required. The distance on the side setback is 2.13', 2.07' and 2.03' on the side setback. They have more than what the minimum generally is required. Since it is 5'7" side yard, the window well setback moves to a 2'7" setback. Based on that, it would be impossible to do any poured concrete emergency window well exits on that side of the property with the 40' lot in the Village.

Their contractor poured it based on the basement approved plan and knowing that there is a 36" requirement for the emergency exit and did not see the first floor plan. The first floor and the basement floor plans are both approved but state two separate things. The contractor went off the basement plan versus the first floor plan.

1.5 shows the poured concrete. 1.6 shows a 2'8" setback. They are not consistent on the two plans although both were approved.

He has a picture of what the window well will look like when it is completed. There is about a 2" to 3" concrete lip from the ground level and that is the only part that is encroaching. The wrought iron fence will be at the 36" line. Nothing above that much of the concrete will be on the setback than the poured concrete for the window well.

3.23 Mr. Duffy clarified that this was a contractor mistake.

3.24 Mr. Duffy asked if the Village has ever asked a contractor to cut back a poured foundation because it was over the setback.

Ms. Roberts said that this has been done in the past. In cases where there is a fraction of an inch error, sometimes the builder is able to shave the concrete to conform with the setback requirement.

3.25 Ms. Norman said that this could be corrected by putting a metal corrugated window well piece in but the applicant does not like how this looks.

The applicant said that with the metal piece, some type of water damage could occur. It will not be as safe. They could move the fence back, but it will not be as secure. He distributed pictures to the board. They would move the fence back right to the line. The only thing encroaching on the side setback would be the 2" to 3" portion of concrete that is above grade. The fence would not impede on the side setback. They spoke with the neighbor who has no issues.

3.26 Ms. Norman asked questions about the fence.

The applicant said that they plan to have the fence at the 36" line. He is trying to show what one sees with the encroachment. The fence will not encroach on the side setback.

3.27 Mr. Boyer noted that the applicant stated that the plans had been approved. Did the Village approve the plans?

The applicant said that the Village approved the plans.

Ms. Roberts said that zoning typically approves the site plan and not the individual sheets for each floor. She confirmed that the building department approved the entire set of plans.

3.28 Mr. Duffy asked if the board's issue was the section of the concrete above grade or the concrete as poured down to how ever many feet.

Ms. Roberts said that in cases where there is a fraction of an inch error and the concrete can be shaved, typically the staff looks for the correction to be made to at least 6" below grade.

- 3.29 Ms. Norman asked if it was possible to cut down the concrete without damaging the integrity.

The applicant said if they cut it down they will have to cut off the entire west wall of the concrete that has been poured. It will cause water damage into the wall and into the property. The contractor said it would mess with the integrity of the foundation.

- 3.30 Ms. Norman indicated that she was confused. Wouldn't it be structurally sound from the sides to the part they are going to cut back?

The applicant said the contractor noted that there would be water issues.

- 3.31 Mr. Schneider said that we are talking about the difference between 1' 11" and 2' 7".

The applicant said that they are talking about between 6.5" to 8". About 2.5" to 3" is visible.

- 3.32 There was no one in the audience to speak on this case and the Village received no communication on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Boyer said that it seems like a minimal request but he is having a hard time finding the hardship. Having a narrow lot on new construction is not necessarily a hardship. He struggles with the fact that this is a minimal request. The board granting relief is almost out of the board's purview. Right now he wants to hear what his colleagues have to say. It feels like they are making a Village Board decision on this case. There is no hardship except perhaps of the mistake of plan approval. That is outside of the board's purview.

- 5.2 Mr. Schneider said he is considering the 40' lot with the setbacks which leaves a small buildable area. That might be a minor consideration. This has been built. The issue is whether the 2" to 3" of concrete above grade of an 8" concrete wall is so critical to the variance request that the board should not approve it. This has no impact on the neighbors, light, or air. It is a small 4" x 8" x 5' strip on the ground. He can support it.

- 5.3 Mr. Duffy he is conflicted. There is an issue where staff made a mistake. Staff did not check to determine that all dimensions were right. A contractor got the plan particular to him and he poured it as the plan laid out. They are now a couple of inches over the lot line. If the board is lenient, then does it send a message that the

board is lenient on other foundation issues? He is looking at this and they need the 36" depth for health and safety. He cannot shave it off and the move it back. It is poured and is the distance it needs to be and he struggles whether the board should approve this or not. It is only 8" at grade so will anyone notice it? A packet was approved and there was a page in the packet that was measured differently than the cover page.

Ms. Roberts said that staff signs off on the blueprints, site plan, foundation plan, etc. She said it was largely the architect's responsibility to make sure the plans are consistent from page to page, though the staff has caught errors like this in the past.

- 5.4 Ms. Norman said that she does not see the hardship. There are other small lots in the Village.
- 5.5 Mr. Duffy said that being at grade makes it unobtrusive.
- 5.6 Ms. Norman asked if it was the board's decision that it was aesthetically fine with the board. She still does not think that standards are met.
- 5.7 Mr. Duffy said that when there is a mistake like this, does it fall outside of the board's purview.
- 5.8 Mr. Boyer said that the board is correcting a mistake, whoever's fault it is. Variances should not be given for new construction.
- 5.9 If it was not poured already, what would the board do?
- 5.10 Mr. Kolleng said that the board would say no because it is new construction.
- 5.11 Chairman Sullivan said that the board could also say that standards are not met. That is how he views it. It is poured and that is for the Trustees to resolve. If this was not already poured, could he support it? The applicant is looking at the 40' lot as a hardship.
- 5.12 Mr. Duffy said that the lot was 40' when they bought it and it did not shrink.
- 5.13 Chairman Sullivan noted that it is up to the board to minimize variances.
- 5.14 Mr. Kolleng said it makes no sense for them to take it out or cut it back. The concrete could get compromised. It is a narrow lot and a minimal request. Some board members might have voted for it even it wasn't poured already. He will support this. Whether there was a mistake or not, the fact is that the concrete is poured. If the trustees want to fine the applicant they can do that.
- 5.15 Mr. Duffy said it is almost the width of the protrusion. If it is cut back to 4" to 6" below grade, when it rains the water will come in.

- 5.16 Mr. Kolleng said that even if that was cut off to eliminate excess concrete, water will flow in even if corrugated tin is put in there.
- 5.17 Mr. Boyer said if the ZBA was the Village Board, he would probably allow them to keep it without shaving concrete.
- 5.18 There was continued discussion and some board members felt that standards of review were not met.
- 5.19 Mr. Boyer said it is different when the board is looking at new construction. New construction should be built to code.
- 5.20 Mr. Schneider said it seems to them that a lot of cases on 8th Street and other places which were new construction and/or an addition were allowed greater variations than the 8" below ground.
- 5.21 Ms. Norman said if they had come to the board before starting construction and asked for this same variation request, would Mr. Schneider say that the hardship is the 40' lot. The lots on 8th Street were small or irregularly shaped.
- 5.22 Mr. Schneider said that given the extent of this compared to other variations granted, he would have approved this request.

6.0 DECISION

- 6.1 Mr. Boyer moved to recommend granting a request for a 0.57' side yard window well setback variation, a 0.63' side yard window well setback variation, and a 0.67' side yard window well setback variation to permit the retention of three window wells on a home under construction at 1047 Linden Avenue in accordance with the plans submitted.

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

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

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-51.
- 6.21 Mr. Boyer 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 does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, the owner created his own plight since he is the one who constructed the window well. There is no hardship resulting from the conditions of the lot. The lot is narrow but not unusually so; there are many narrow lots in the Village. If this request had been made prior to installing the window well, the board would find little reason to recommend the request.

A minority of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The particular physical condition of the property, the lot width, impose upon the owner a practical difficulty. While the owner created the situation due to an inconsistency in the construction drawings, the owner intended to comply with the setbacks. The interior size of the window well is dictated by building code. The amount of the non-conformity is minimal and will have no impact on adjoining property. The variations if granted will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 0.57' side yard window well setback variation, a 0.63' side yard window well setback variation and a 0.67' side yard window well setback variation to permit the retention of three window wells on a home under construction at 1047 Linden 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. Jeff Harding, architect
Gensburg Toniolo Harting Architects

3.12 Ms. Amanda Nugent, home owner
500 Lake Avenue

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 165.36 square foot (1.41%) total floor area variation, a 2.01' side yard setback variation, and a 2.17' side yard adjoining a street setback variation to permit a one-story addition on the legal non-conforming structure. The Village Board will hear this case on January 13, 2015.

3.22 The architect said he is at the meeting with his clients, the Nugents. They are seeking relief for a small amount of FAR and setbacks of a nonconforming structure built in 1906 as a single family residence. They want to continue a nonconforming wall on the west side of the house. His clients spoke with the neighbor who does not object to the request.

The other side of the property faces 5th Street and there is a screened porch that extends much farther than what they are asking for relief. They want to add a mudroom. The current screened porch has a 14.27' setback and they are trying to keep it as close as possible to the existing corner lot setback, which is part of the hardship. They are trying to stay at 15.83'. They will remove a pergola from the back of the house.

Part of hardship is that the house was created prior to the current zoning ordinance and setbacks. They have a corner lot which makes the 5th Street setback larger than a standard interior lot. When the house was built, it was built when there was little interest or need like larger kitchens, family rooms. The house has a small kitchen, a small eating area in the back of the house, a large living room, a nonconforming sunporch on the front which is probably from the 1920s, and a large foyer and dining room. They cannot practically gut the whole house and lose the integrity that is attached to the house. The house needs to fit the needs of a modern family. They tried to keep the addition as tight as possible without it being too small. They want to keep some of the existing house intact.

If one looks at the footprint of the house, it is a vertical house. There is a 600 square foot attic was originally created with the house. It is a negative part of the FAR aspect in trying to ask for relief. It is not practical to remove/change the roof. It would be costly and would change the character of the house in order to gain FAR

on a first floor vs. a third floor where the family cannot use it. They addressed the standards in their document. The request will not create any health or safety issues or impact the neighborhood in a negative way.

- 3.23 Mr. Duffy asked if any of the attic was used as living space at this time.

The architect said that there are two bedrooms tucked into the gables and the space in the center of the area.

- 3.24 Mr. Duffy clarified that the rooms are living space whether or not they are used this way.

The architect said that the area was finished 20 years ago.

- 3.25 Mr. Duffy asked if they could have done the addition so it fit within the envelope so it didn't protrude the extra 2'.

The architect said that the kitchen and the family room are as narrow and long as possible to sit side by side. To do something differently, rooms would have to be stacked from the back of the house going farther into the yard. They could go to the existing dining room wall and capturing structurally the current kitchen space and removing the exterior wall on the first floor to keep it as tight as possible. The yard is a huge appeal to the house and they want to keep rooms from going into the yard. When there is the setback to the west and to the east on 5th, it is a narrow swathe. There is some space outside of the dining room that is available but that does not help in trying to create spaces and keep it as tight as possible on the rear and still have dining room.

- 3.26 Mr. Duffy said he understands that they just wanted to do that section of the house without losing rear yard. They were trying to line up the east wall with the front of the house.

The architect noted that the sunroom is on the front of the house and steps in a little bit.

- 3.27 Mr. Duffy asked what was on the east side – the protrusion seen on the plan?

The architect said that the existing protrusion is a screened porch.

- 3.28 Ms. Norman asked the architect if he had plans and he said that he brought them to the meeting. The architect displayed the plans.

- 3.29 Mr. Boyer said if they tighten the setbacks and build into the yard they would still need an FAR variation.

- 3.30 Ms. Norman said they have an extra 392.4 square feet to work with. They are requesting 557.76 square feet.

The architect said they would have to go further into the existing house and they are trying to keep the rooms as intact as possible.

- 3.31 Ms. Norman asked intact or big? Did they think about minimizing the FAR request as much as possible?

The architect said they did minimize the request. Anything less would make the rooms too small and unusable. The family room would only contain a small soft and a chair. They would not be able to eat in the kitchen. They tried to design it as tight of possible while respecting the character of the house, the site, and the existing rooms. They want to keep the historic parts of the rooms as intact as possible.

- 3.32 Mr. Duffy asked the square footage of the existing footprint. This is an existing house of 4,576 square feet. The third floor is about 600 square feet. They have just under 4,000 square feet and the footprint is about 2,000 square feet. They are adding some second floor space but it is mostly first floor space that is being added.

The architect said that no second floor space is being added. They are also removing a pergola that is not being put back. He referenced the site plan which shows the footprint of the pergola that is being removed and the areas outside of that to see how minimum the space is.

- 3.33 Mr. Kolleng noted that one can see the space on 1.4.

The architect showed the areas that they were adding and taking away. The pergola does count.

- 3.34 Mr. Kolleng referenced the lot coverage and floor area worksheet, page 18. Page 17 shows lettered areas. L and K – are those the pergola? If not, what is the pergola?

The architect said that page 17 shows the proposed and L and K indicate new space.

- 3.35 Mr. Kolleng said that page 18 talks about the existing first floor. He thought that the drawing on page 17 correlated with that. On page 18, is the pergola the 22 x 22 space?

The architect said that the pergola is the 11 x 18 space. He realized that the pergola was not added in.

- 3.36 Mr. Kolleng said that the pergola is not counting against them but it should be.

Ms. Roberts said they do not take existing and subtract and add back in. The pergola is going away and is no longer counted.

- 3.37 Mr. Kolleng referenced page 2 and asked if the existing square footage is 4576 square feet.

Ms. Roberts said that number represents what is remaining.

- 3.38 Chairman Sullivan said they are asking for no more than 200 square feet, but the way that the Village calculates it is assuming that it was not there to begin with. The total build is 557 square feet.

- 3.39 Ms. Norman referenced 1.9, new east elevation. It shows the one story addition. Is that what the pergola will cover? Will there be a patio with fencing and a deck that go further into the backyard?

The architect drew what they were proposing. He showed where the existing house ended. The existing pergola comes out to a point and there is also a column. There is a deck and he showed where the deck came out to. There is a small raised terrace, but they are planning not to have a raised garden wall.

- 3.40 Mr. Boyer asked how much of the current house is being retained. There are some changes to the first floor plan.

The architect talked about the existing first floor. They now are planning to keep the dining room fireplace due to cost of removing it. The fireplace does not work but is decorative. He showed the space they are renovating and how far back they are renovating.

The current kitchen is small and non-functional. They are removing the old basement staircase and a nonconforming staircase that goes to the second floor to gain net space. They are leaving the wall that creates the existing living room, existing dining room, the foyer and the screened porch. There probably was an open porch off the back of the house at some time. The kitchen was probably last renovated in the 80s.

- 3.41 Mr. Boyer said he assumes they will dig out the basement because it is too low.

The architect said that the basement is not too bad. There is a game room in the basement and they are going to re-drywall that and finish it and add a more finished laundry room space. Height is pretty good.

- 3.42 Mr. Boyer said that there is about 80 square feet of stairwell space.

- 3.43 Mr. Schneider referenced 1.6 that showed the stairwell space.

The architect then talked about adding a pantry to the house. He showed stairs that accessed the basement. It is not stairs going to the second floor. It is a rework of the existing basement stairs which are quite narrow and steep. They want to use the basement for more kid entertaining space if possible versus an old 1905 basement. They are trying to make the best use of the space they have. They were willing to give up the second staircase to the second floor so as to not have to add onto the back of the house for the master bathroom renovation, which is what the Board saw on the second floor. They cannot sacrifice the staircase to the basement. They looked at whether they could place the new basement stairs under the first floor stairs that go up from the foyer. The thickness of the walls and the foundation walls would make the staircase too narrow.

- 3.44 Ms. Nugent said that she is proud of the home's history and this drew them to the house. They are trying to maintain the integrity of the space. A huge amount of square footage is taken up by a foyer, which is beautiful but not useful as a living space. They did not want to gut the history of the house to make an eat-in kitchen and family room.

The owner said that they wanted to see how they could use the space. He said they realized that they could not reconstruct the entire first floor and still maintain the integrity of the house.

The architect said they do not take the process lightly. They come to the Board to tell them that they have tried other options. They tried to divide the living room in half to create a smaller living room and smaller dining room. They looked at orientations and cost to avoid having to come before the Board but they found that it was futile. From a budgetary standpoint they realized they were destroying the house that the family loved in order to make it work for a modern family. They have worked on this for eight months.

- 3.45 Mr. Boyer said there are some changes on the east elevation. Is a new front porch going in?

The architect said that was part of the design process and it refers to an open terrace.

- 3.46 Mr. Boyer said that the windows on the screened in porch were drawn differently than what exists?

The architect said they were changing the screening profile on the screened in porch.

- 3.47 Mr. Boyer said a gable has changed. The roofline is a little different on the roof over the screened in porch.

The architect said that there is a flat spot at the top that does not fit the character of the house. At the time when they reroof, they might extend the gable up. It will not increase the FAR.

- 3.48 Mr. Boyer said that the roof change is an architectural design element.

The architect said that the screened porch was added in the teens or 20s and it was originally a sleeping porch on the second floor. The foyer was actually an open front porch at one point in time.

- 3.49 There was no one to speak on this case and the Village received no communication on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Ms. Norman sympathizes with the problems of older homes, but she is having difficulty in finding a hardship. She understands that the hardship is that the house was not built for a modern family. But there is a lot of space and there is a lot of bulk being added to the back. She does not find a hardship and cannot see a way to approve this request. They have a lot of space.

- 5.2 Mr. Duffy struggles with the 165 square feet but he did not have the same concern that he did when he initially read the request. The side yard setback variation for an addition is okay if it is a continuation of the wall. On the east side, it is a continuation of the wall. On the west side, there is a bump out for the screen porch and it might bump out for the addition in the back, which is mostly the mudroom along the side. They tried to keep that in line with the current porch. He could support those two variations.

His struggle with the 165 square feet is that it is not a high percentage of the house (1.4%), but the house is large. The homeowners tried to make this work within the existing home or putting on a minor addition. He is not sure if he can support the FAR request.

- 5.3 Mr. Schneider said that he is focusing on the increase of 165 square feet, which is fairly small. The hardship is the existing first floor. If they needed to reconfigure the first floor to comply and not exceed the FAR limits, it would have been a significant increase in cost. The solution they are proposing is effective and he will support it.

- 5.4 Mr. Boyer said that the setback requests are reasonable and he has no issue with those. The standards of review are met for those requests. It is the continuation of an existing construction wall. Regarding the 165 square feet, he originally was leaning against the request. But when looking at the house and looking at the existing plans, there are some design elements of existing plans that create some issues and bring up the 165 square foot request.

If one looks at the foyer, it is a great design element but has no functionality for living. It is a space to get from one area to another. The screened porch and sunroom are not modern family living areas. He is in support of the request. He referenced former board member Mr. Kent Darbyshire who would note that if the board does not give some of the historic homes some relief, they will come down. 165 square feet is not that big of a request. They are making some decisions based on the historic elements of the house, which is important for the Village and the comprehensive plan, which talks about character of homes.

There are a lot of houses that could be purchased and torn down and the lot is fairly large. A large new home could go there if they tore down the house.

The standards of review are met and he will support the request.

- 5.5 Mr. Kolleng said he agrees with a lot of what Mr. Boyer said. When one sees older homes like this and sees a first floor like this, the foyer is not really used and maybe the living room is not really used. The house fits the early 1900s but the room setup does not fit today's family. The request is modest – 165 square feet –, he can support this and standards of review are met.
- 5.6 Ms. Norman said that she understands the problems of unusable space, but the house is big and allowing them to add more space to a large house is counter-productive. Some of the newer homes are just as nice as some of the older homes although they might not be as quaint.
- 5.7 Chairman Sullivan said that the house is almost 110 years old. There are some limitations on a house of this age. They are 200' over in the attic and 100' over in the garage. There is some odd use of FAR and they tried to minimize the request the best as possible. The proposed rooms are not that large. They tried to find an alternative use up to the second floor. This is as minimal as they could achieve while still keeping practicality. He did not hear from any neighbors and the Village did not receive any communication. The project should not be a major impact to the neighborhood. He can support the application.

6.0 DECISION

- 6.1 Ms. Norman moved to recommend granting a request for a 165.36 square foot (1.41%) total floor area variation, a 2.01' side yard setback variation, and a 2.17' side yard adjoining a street setback variation to permit a one-story addition on the legal non-conforming structure at 500 Lake Avenue in accordance with the plans submitted.
- 6.11 Mr. Duffy seconded the motion and the vote was as follows:

Chairman Dan Sullivan Yes

Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
Lynn Norman	No
Reinhard Schneider	Yes
Bob Surman	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-48.

6.21 Ms. Norman seconded the motion and the 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 particular physical conditions of the property, the interior layout of the home and the siting of the home on the lot, 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 lot. The difficulty is peculiar to the property to in question. The difficulty prevents the owner from making reasonable use of the property with an improved kitchen and new family room and mudroom. The proposed kitchen addition is in line with the existing home. The proposed mudroom addition does not extend an existing wall, but is farther from the lot line than the existing screened porch. Existing interior spaces, including the living room, sunroom, and attic, contribute to overall square footage but cannot be converted to kitchen and family room space because of their location and/or structural constraints. Because the additions are in line with or setback farther than the existing home, the proposed addition will not impair an adequate supply of light and air to adjacent properties. The variations, if granted, will not alter the essential character of the neighborhood. There is an existing pergola that will be removed, reducing the net increase in floor 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 conditions of the house or lot that impose upon the owner a practical difficulty or particular hardship. The existing home is large with plenty of space in which to make interior changes without adding more floor area than permitted.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 165.36 square foot (1.41%) total floor area variation, a 2.01' side yard setback variation, and a 2.17' side yard

adjoining a street setback variation to permit a one-story addition on the legal non-conforming structure at 500 Lake Avenue in accordance with the plans submitted.