



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, NOVEMBER 5, 2014**

**7:30 P.M.**

**COUNCIL CHAMBERS**

---

**Members Present:** Acting Chairman Patrick Duffy  
Mike Boyer  
John Kolleng  
Reinhard Schneider

**Members Absent:** Chairman Dan Sullivan  
Lynn Norman  
Bob Surman

**Staff Present:** Lisa Roberts, Assistant Director of Community Development

---

**I. Call to Order**

Acting Chairman Duffy called the meeting to order at 7:30 p.m.

**II. 2014-Z-48 500 Lake Avenue**

See the complete case minutes attached to this document.

**III. 2014-Z-51 1047 Linden Avenue**

See the complete case minutes attached to this document.

**IV. 2014-Z-50 2211 Kenilworth Avenue**

See the complete case minutes attached to this document.

**V. 2014-Z-37 3039 Indianwood Road**

See the complete case minutes attached to this document.

**VI. 2014-Z-49 1622 Wilmette Avenue**

See the complete case minutes attached to this document.

**VII. Adjournment**

The meeting was adjourned at 8:26 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 None

**3.2 Summary of presentations**

3.21 Ms. Roberts said that the applicant had submitted a request to continue to November 19, 2014 when more Board members might be present.

**6.0 DECISION**

6.1 Mr. Kolleng moved to continue the case to November 19, 2014.

6.11 Mr. Schneider seconded the motion and the voice vote was all ayes and no nays (Chairman Sullivan, Ms. Norman, and Mr. Surman 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 None

**3.2 Summary of presentations**

3.21 Ms. Roberts said that the applicant had submitted an email request to continue to November 19, 2014 when more Zoning Board members might be present.

**6.0 DECISION**

6.1 Mr. Schneider moved to continue the case to November 19, 2014.

6.11 Mr. Kolleng seconded the motion and the voice vote was all ayes and no nays (Chairman Sullivan, Ms. Norman, and Mr. Surman 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 Ms. Stephanie Donovan, applicant

3.12 Mr. Colin Donovan, applicant

#### **3.2 Summary of presentations**

3.21 Ms. Roberts said that this is a request for a 7.85' side yard air conditioner setback variation to permit the replacement of two existing air conditioner condensers. The Village Board will hear this case on November 25, 2014.

3.22 Ms. Donovan said they are requesting a variation to replace an air conditioner that was part of the original house. The unit is non-functioning. The new air conditioner is far more energy efficient and quieter. To comply with the 10' requirement, that would put the air conditioner unit in front of the bay window in the back yard. They have complied with all requirements and notification. They have spoken with their neighbors. There is a large fence that blocks the units from the neighbors' views. The neighbors have no problem with the request.

3.23 Mr. Boyer clarified that the units were original when they bought the house.

Mr. Donovan said they moved into the house in June 2014 and about a month after they moved in the older ac unit died. Part of the application process allows them to replace the second unit at the same time.

3.24 There was no one in the audience to speak on this case.

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

5.1 Mr. Kolleng said that this is a straight forward request. There is an existing nonconforming unit that is being replaced. None of the neighbors are at the meeting to speak against the request. There is a fence in between. He can support the request and standards of review are met.

5.2 Mr. Boyer agreed that standards of review are met.

5.3 Mr. Schneider had nothing to add.

5.4 Acting Chairman Duffy agreed with above comments.

**6.0 DECISION**

6.1 Mr. Kolleng moved to recommend granting a request for a 7.85' side yard air conditioner setback variation to permit the replacement of two existing air conditioner condensers at 2211 Kenilworth Avenue in accordance with the plans submitted.

6.11 Mr. Boyer seconded the motion and the vote was all ayes and no nays. Ms. Norman and Messrs. Sullivan and Surman not present.

Motion carried.

6.2 Mr. Boyer moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2014-Z-50.

6.21 Mr. Schneider seconded the motion and the 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 particular physical condition of the property, the layout of the lot, imposes 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 prevents the owner from making reasonable use of the property with more efficient condensers. The proposed variation will not impair an adequate supply of light and air. The proposed variation will not injure other property or its use, with the location of the new units replacing existing units and there being a fence in between the properties. The variation, 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 7.85' side yard air conditioner setback variation to permit the replacement of two existing air conditioner condensers at 2211 Kenilworth 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. David Fettner, Fettner Construction  
852 Ridge Road, Highland Park, IL

#### **3.2 Summary of presentations**

3.21 Ms. Roberts said that this is a revised request for a 137.4 square foot (1.07%) lot coverage variation, a 5.8' front yard porch setback variation, and an 86.68 square foot (3.4%) front yard impervious surface coverage variation to permit the construction of a new front porch on the legal nonconforming structure. The Village Board will hear this case on November 25, 2014.

3.22 Mr. Fettner is speaking on behalf of the owner, Ms. Sherman, who recently had knee surgery. He said that the revised proposal has only a 2.3' front yard porch setback variation as they decreased the depth. All other numbers are accurate.

Ms. Roberts agreed.

3.23 Mr. Fettner said he has been before the Board on the case. They did the renovation of the property for Ms. Sherman. The home is now ADA accessible. She wanted to make sure that the doorways, light switches, and shower were wheelchair accessible. Ms. Sherman started living in the residence. The main egress for her is right off of the driveway. The main entrance is not used.

He referenced page 1 in the packet. The steps are steep and hard for her to use and impossible after her surgery. They looked at different options. One option was a ramp, which she does not want to have. The ramp would come out far into the front yard due to the pitch needed. That would need a variance also. The initial concept for egress was larger than the current proposal. The depth originally was 8'6" and 12' across. They heard from the neighbors that it was too big so they revised the plan.

He showed the revised plan. The Board said it did not look like it would work so the Board recommended that they go back to the drawing board and redesign it. The applicant retained an architect for the redesign of the plan.

He showed the proposed plan. The landing is 10' wide by 5'. It is 10' because there is a bay window at the kitchen. They extended it farther so the bay window is not cut off.

3.24 Mr. Schneider referenced 1.11 and 1.12. The door is about 3' wide and the masonry between the door and the garage door is about 3'. The window looks like it is more

than 4'. He is not sure if what they are proposing, as shown in the elevation, will work.

Mr. Fettner said that it works at 10'. The wall as shown on the floor plan shows it to start right at the garage, but it is in a little further than what they are showing. It is not a good representation. 10' does work if they go in right off of the bay window. It looks like tight with the door and the bay window, but it works for the landing.

The elevation will have a matching brick wall that matches the rest of the brick on the house. There is an overhang to make it look good. This will be the true main entrance of the home since the entrance on the north elevation is not used. They cannot get rid of that entrance and this is a hardship. That overhang on the north elevation is tied into the overhang of the roof structure of the home. If they were to try to take it apart, they would have to redo the entire roof.

He talked about being over on lot coverage and on impervious surface. The 2.3' setback is not related to that, but it is a small request regarding the front yard setback. Ms. Sherman has heard from some neighbors. Some support the revised request including an adjacent neighbor and the others don't care one way or another.

He said that all standards are met. This is a unique circumstance. The applicant needs the egress and this is the primary egress for the home. The main entrance is what is keeping them from doing the proposed plan as a right.

3.25 Mr. Kolleng asked the height of the steps.

Mr. Fettner said he is not sure if this is shown on the plan. He does not want to give an improper dimension, but reiterated that the dimension is not on the plan. At one time there were three steps, but they eliminated the third step.

3.26 Mr. Schneider said that he still questions the 10' dimension. He said that the drawing must be incorrect.

Mr. Fettner said he would assume that it was right, but cannot be sure. He said that the initial plan did not work because a designer and not an architect created the plan. He said that the architects she hired were thorough. They made sure that the architect went through all of the proper steps.

3.27 Mr. Schneider referenced 1.11. There is a dimension that looks like it is from grade to the first floor. Is that 1.0' or something else?

Mr. Fettner said he is not sure if that is the exact height of the step. He clarified the dimension shown is 1'0".

- 3.28 Mr. Kolleng talked about a wheelchair ramp. If someone was in a wheelchair, they would not be able to access what is being proposed.

Mr. Fettner said that was correct. If she needed a wheelchair, something different would be need as the proposed plan would not work. She hopes that she never has to be in a wheelchair.

- 3.29 Acting Chairman Duffy asked why they had to bring the porch past the bay window. Why can't it stop close to where it stops right now? Is it because of the want for a sitting area?

Mr. Fettner said that the intent was not to have a sitting area. It would be very tight if it came right to the door.

- 3.30 Acting Chairman Duffy said they could go 1' to 2' past the door and they are stepping out 5' from the door, so there is room to step back as the door opens. He referenced 1.11 and said that they are proposing a substantial looking structure. He talked about a 3.5' height, columns, and the roof structure sticking out.

Mr. Fettner said that the intent was to give her the ability to have egress to the main entrance and have it look consistent with the rest of the house instead of trying to slap a landing on there. He said that the main entrance is for the applicant as well as anyone who comes to the house. If something was built the brick knee wall and just a landing, it would not look great. It would look slapped onto the house.

- 3.31 Mr. Schneider asked what was considered the front yard.

Mr. Fettner said that it is a corner lot and said that the property technically has two front yards.

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

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

- 5.1 Mr. Schneider said that the variation requests are appropriate in order to have the applicant construct an entryway that both allows individuals to stay out of the elements and that it would be easier for the owner to enter her house from the garage. This was never meant to be the back entrance. It is logical to be the front entrance. It has the added benefit of making that exterior portion of the house more attractive.

- 5.2 Mr. Boyer said it is a corner side lot, but is a house that has three streets around it – Hibbard and Indianwood because of the way that it curves around. This is a unique piece of property. This creates a lot of issues and a number relate to aesthetics and the character of the neighborhood. Because of the way the lot is situated with the street, they do deserve relief. The yards do not function like a

typical corner side. With a typical corner side there is a backyard and this type of construction can be hidden from the neighbors. But because of the way that Indianwood curves around, it creates more visibility with this type of addition and the neighbors are more concerned.

He was not at the first hearing for this case, but it seems like they have scaled down the request. They are minimizing the variances. They have done a good job to keep with the character of the house. It adds more function to the house.

The way the back door opens up, it opens up the wrong way. Someone has to do a shuffle and a hop when walking inside the house. There were some issues with the way that the house was designed. Because of the lot, this house deserves relief. All standards of review are met.

5.3 Mr. Kolleng said that the request is small and he can support it though he struggles with the issue of hardship. He can support the request because it is small.

5.4 Acting Chairman Duffy said he struggled with this case because he thought that the addition was substantial to that part of the house. Regarding aesthetics, as one comes around the curve, there will be viewed a substantial structure jutting out from the house, adjacent to the garage. There is a door from the garage into the house. There is a formal front entrance on Indianwood. But he tends to lean with Mr. Kolleng that this is a minor request. He can support it.

**6.0 DECISION**

6.1 Mr. Schneider moved to recommend granting a request for a 137.4 square foot (1.07%) lot coverage variation, a 2.3' front yard porch setback variation, and an 86.68 square foot (3.4%) front yard impervious surface coverage variation to permit the construction of a new front porch on the legal nonconforming structure at 3039 Indianwood Road in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Boyer moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2014-Z-37.

6.21 Mr. Kolleng seconded the motion and the 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 particular physical conditions of the property, the design of the home as a ranch and location of the house on three street frontages, 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 property. The difficulty is peculiar to the property. The difficulty prevents the owner from making reasonable use of the property with a covered porch at the primary entrance to the house. The proposed variation will not impair an adequate supply of light or air. The variation, 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 137.4 square foot (1.07%) lot coverage variation, a 2.3' front yard porch setback variation, and an 86.68 square foot (3.4%) front yard impervious surface coverage variation to permit the construction of a new front porch on the legal nonconforming structure at 3039 Indianwood Road 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. Garrett Hohimer, applicant

3.12 Ms. Donna Lee Floater, architect

#### **3.2 Summary of presentations**

3.21 Ms. Roberts said that this is a request for a 5.43' front yard setback variation to permit the construction of a new home and a 62.79 square foot (3.64%) rear yard pavement impervious surface coverage variation and a 34.22 square foot (2.0%) rear yard total impervious surface coverage variation to permit the retention of an existing detached garage. The Village Board will hear this case on November 25, 2014.

3.22 The applicant said he is requesting a 5.43' front yard setback variation and a rear yard pavement variation. There is an existing nonconforming home on the property that was built in the 1950s. The house is a single story-home surrounded by two-story homes. The house is in good shape. They want to make the home a two-story home.

They thought about doing this by possibly raising the house and that is their intent and building a new first floor underneath. They were informed by Community Development that whether they raised it or demolished the first floor interior and built a second floor it would be considered new construction and they would need to come before the Board. They want to keep the foundation and current line of the home in its current location.

They have letters of support from adjacent neighbors. He also received some emails and notes from neighbors indicating their support. One of the neighbors across the street did a very similar project in 1987 is at the meeting.

3.23 Mr. Kolleng asked Ms. Roberts to explain why the applicant had to come before the Board.

Ms. Roberts said that the definition of new construction is that 50% or more of the structure is removed. If this was a second-story addition the Village might not have looked at it in that way. They are removing the first floor, lifting it up and building a new first floor underneath it. The only thing that will be remaining is the foundation although the first floor is intact.

3.24 Chairman Duffy said that the project was cool and that it looked neat.

- 3.25 Mr. Schneider said it looks like all the other houses on the block have the same issue regarding setback.

The applicant said that they appear to be in almost a straight line although some go further forward than his house and some are a little further back.

- 3.26 Mr. Boyer asked if the Wilmette Avenue curve caused the issue with the front yard. Are other porches on the block also nonconforming?

Ms. Roberts said that the curve would not impact it and it would be taken from the front lot line. It is a relatively long block and there can be a lot of variation on the block.

- 3.27 Mr. Boyer said that the survey indicates the curve at 27'.

Ms. Roberts said that anyone east or west of that would be measured at their front lot line. It might not visually give the perception that everyone is in line.

- 3.28 Mr. Boyer asked if the other houses not on the curve conforming to the front yard setback.

Ms. Roberts said that she does not have this information.

- 3.29 Chairman Duffy said if one looks to the west, that house is set so far back from the street. When they take the average of the setback maybe more than half of the houses might be in the front yard setback because there are several houses that are so far back.

The applicant said that the house immediately to the west is noticeably further forward.

- 3.30 Mr. Boyer said that there is a garage in the back. There is a bump out in the concrete area. Do they use that for an additional turning radius so they don't have to back out of the alley?

The applicant said that he uses that area to turn around. It was existing when they bought the house in September.

- 3.31 Mr. Boyer said that if the additional concrete was not there, they would have a hard time turning the car around.

The applicant said that Mr. Boyer's statement was correct. The alley dead ends into the garage, but it would make it awkward to do an 8-point turn in the alley.

- 3.32 Mr. Boyer said he had to back out when he went to visit the site. Backing out would be hard on a daily basis.

The applicant agreed that it was precarious and would prefer not to do that.

- 3.33 Mr. Schneider asked if they really planned to lift the house.

The applicant said that was their intent.

Ms. Floater said that she made the connection between the across the street neighbor and the applicant. The neighbor did a similar project.

The applicant said that the footprint of the neighbor's home is similar to his house. The interiors are also similar.

Ms. Floater said they plan to lift the house and then build a new first floor underneath it. The foundation is retained in doing it in this manner. The foundation is in good shape and it can be reused.

- 3.34 Mr. Kolleng asked if there was a basement.

Ms. Floater said that there was a basement.

- 3.35 Mr. Schneider said that there is some kind of stairway on the east.

Ms. Floater said that exterior stairway led to the basement. The kitchen is currently on the front of the house on the southeast corner and there is a kitchen side door and a stairway on that east side. That will go away. They plan to keep the exterior stair to the basement.

- 3.36 Ms. Roberts said that the code would require a 3' setback to those. She cannot tell from the plat if this setback is met or not.

- 3.37 Mr. Schneider said that it looks like the total distance from the edge of the building to the property line is 6'.

The applicant said that the dimension is about 3', but she would have to measure it for an exact dimension.

- 3.38 Ms. Roberts said that a side yard setback variation could be added about retaining the existing exterior basement stairs and then a number can be created that would be official for the Village Board meeting.

- 3.39 Mr. Kolleng said that the request would read "... and a side yard setback variation to retain the existing exterior stairs to the basement...".

- 3.40 Ms. Floater said she was scaling it from the plat and it is at about the 3' mark. One should not scale from printed copies. It is scaling at about 3.5'.

- 3.41 Acting Chairman Duffy clarified that a number would not be association with the new variation request.

Ms. Floater reiterated that was an existing stair.

- 3.42 Ms. Floater said she was pleasantly surprised to find out that their proposal is a less expensive way of creating a two story house.

Acting Chairman Duffy agreed that was surprising.

(After 4.22)

- 3.43 Ms. Floater said they are saving the foundation and a lot of the current first floor. They are pleased that they could do the work the way they proposed.

#### **4.0 INTERESTED PARTIES**

##### **4.1 Persons speaking on the application**

- 4.11 Mr. Jim Morton  
320 Central Park Avenue

##### **4.2 Summary of presentations**

- 4.21 Mr. Morton has lived in the Village since 1968 and has lived in the house since 1975. In 1987 he lifted the house and used all Wilmette contractors to do HVAC and carpentry. Tonight's proposal is very similar to his project. He did not have any variances when he did his project. He thinks that the applicant has done a good job and he supports the project.

(after 3.42)

- 4.22 Mr. Morton said that he designed the house both ways and saved \$65,000 by raising the house.

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

- 5.1 Mr. Boyer said that it is an interesting project and interesting in that there is an alley that dead ends into the back yard. Regarding the rear yard impervious surface coverage variation, there is no good way to replace this garage or to have other conditions that would reduce or eliminate the variance. It either creates more impervious surface or a hardship on the applicant. There is a dangerous situation with the egress at Wilmette Avenue so that is not a good option. The garage is of reasonable size. The issue is the bump out in the extra concrete to allow a decent way to turn around and not back out of the garage and the alley. The rear yard coverage variations meet all standards of review.

The front yard setback variation should be kept. It is in character with the neighbors. All houses pretty much line up. It is not out of character with the neighborhood. With the way they are going to do the construction, the Board could grant relief for the front yard setback.

He has no issues with the request. It is a great project and all standards of review are met.

- 5.2 Mr. Kolleng agreed with Mr. Boyer's comments. They are adding a floor to the home but everything else is staying the same. He can support the request.
- 5.3 Mr. Schneider could also support the request. Mr. Boyer laid out the issues very clearly. Standards are met and he will support it.
- 5.4 Acting Chairman Duffy agreed with above comments. The Board has granted variations for the second floor additions and this is the same situation but it is being done the opposite way. It benefits the applicants in several ways. They are keeping some of the look of the street. They are not building a new house. They are saving money.

## **6.0 DECISION**

- 6.1 Mr. Boyer moved to recommend granting a request for a 5.43' front yard setback variation to permit the construction of a new home and a 62.79 square foot (3.64%) rear yard pavement impervious surface coverage variation and a 34.22 square foot (2.0%) rear yard total impervious surface coverage variation to permit the retention of an existing detached garage at 1622 Wilmette Avenue in accordance with the plans submitted.

- 6.11 Mr. Kolleng seconded the motion and the vote was all ayes and no nays (Chairman Sullivan, Ms. Norman, and Mr. Surman were not present).

Motion carried.

- 6.2 Mr. Boyer moved to authorize the Chairman to create the report and recommendation for the Zoning Board of Appeals for case number 2014-Z-49.

- 6.21 Mr. Kolleng 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 particular physical conditions of the lot, the siting of

the house on the lot and the location of the garage at the end 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 unique circumstances. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property to build a new home by raising the existing first floor and building a new first floor underneath it. The proposed variations will not impair an adequate supply of light and air. The new home will be constructed in the footprint of the existing home and the garage and driveway will remain unchanged. The variations, if granted, will not alter the essential character of the neighborhood. The home will remain in the same location and will be consistent with two-story homes on the block and the garage and driveway will remain unchanged.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a 5.43' front yard setback variation to permit the construction of a new home and a 62.79 square foot (3.64%) rear yard pavement impervious surface coverage variation and a 34.22 square foot (2.0%) rear yard total impervious surface coverage variation to permit the retention of an existing detached garage at 1622 Wilmette Avenue in accordance with the plans submitted.