



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 17, 2014

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: Mike Boyer
John Kolleng
Bob Surman

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

Chairman Sullivan called the meeting to order at 7:39 p.m.

II. 2014-Z-41 1025 Greenwood Avenue

See the complete case minutes attached to this document.

III. 2014-Z-43 1125 Wilmette Avenue

See the complete case minutes attached to this document.

IV. 2014-Z-40 33 Locust Road

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. Adjournment

The meeting was adjourned at 8:22 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 None

3.2 Summary of presentations

3.21 Ms. Roberts said that the applicant had submitted an email request to continue to October 1, 2014 when more Zoning Board members might be present.

6.0 DECISION

6.1 Mr. Duffy moved to continue the case to October 1, 2014.

6.11 Ms. Norman seconded the motion and the voice vote was all ayes and no nays (Messrs. Boyer, Kolleng, and 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. Cindy Larson, Board Chair, Wilmette Community Nursery School

3.12 Ms. Robin Stark, Board Member, Wilmette Community Nursery School

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 12.0' front yard playground equipment setback variation to permit the replacement of playground equipment. The Village Board will hear this case on October 14, 2014.

3.22 Ms. Larson said that she and Ms. Stark are school parents. They are requesting a variance so that they can replace a climbing structure on the playground. The equipment would go in the same place as the previous structure.

3.23 Ms. Stark said there is a hardship due to the shape of the lot, the size of the playground area, and the history of the property. There was an existing structure in the proposed location that was there for over 27 years. It was a little bigger than what they are currently proposing. The proposed structure is more compact. The proposed structure is a little further from the property line. It is the only location for the structure to fit. They do not believe that the application would negatively impact the neighborhood because the location has not changed. The structure was selected to keep with the natural environment of the playground. The colors will be dull greens, browns and tans. The color copy of the structure does not indicate the chosen colors. They showed a picture of the actual structure in a catalog.

They will answer any questions from the Board and they thanked the Board for their consideration of their request.

3.24 Ms. Norman asked if the proposed structure was taller than the other structure.

Ms. Stark said that it is somewhat shorter than the previous structure. The previous structure was almost 6' and the proposed structure is 4' at the landing portion. There is a higher piece above.

3.25 Ms. Larson said she would look on the drawing for total height.

3.26 Mr. Duffy clarified that there is not a structure there at this time.

Ms. Stark said that they had the structure removed because it was starting to rot and the spacing between steps was not up to current code.

3.27 Ms. Larson said that the overall maximum height is 8'4" including the top portion. It is not as tall as what was shown in a picture because they will not have the roof on top.

3.28 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. Duffy said that the hardship was pointed out, which is that the site causes them to infringe into the setback area. This is an easy decision that he can support. All standards of review are met.

5.2 Ms. Norman agreed with Mr. Duffy's comments. All standards are met and she will support the request.

5.3 Mr. Schneider said he could also support the request. They are basically replacing what was there for so many years.

5.4 Chairman Sullivan agreed with his colleagues. The hardship is the lot. There is no negative impact to the neighbors.

6.0 DECISION

6.1 Mr. Duffy moved to recommend granting a request for a 12.0' front yard playground equipment setback variation to permit the replacement of playground equipment at 1125 Wilmette Avenue in accordance with the plans submitted.

6.11 Ms. Norman seconded the motion and the voice vote was all ayes and no nays (Messrs. Boyer, Kolleng, and 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-43.

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

Motion carried.

7.0 FINDING 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 shape of the lot and the siting of the structures 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 lot and its

use. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the available outdoor play space. The proposed variation will not impair an adequate supply of light and air. The proposed variation is to replace an existing piece of playground equipment, therefore there will be no change to the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 12.0' front yard playground equipment setback variation to permit the replacement of playground equipment at 1125 Wilmette 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. Richard Laya, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 12.25' front yard porch setback variation and a 17.0' front yard porch step setback variation to permit the construction of a new side porch on a legal nonconforming structure. The Village Board will hear this case on October 14, 2014.

3.22 The applicant said that the property is legal non-conforming, which includes the leading west edge of the house on the Locust side. The property has a very small phone-booth like entry structure on the north side of the house. The applicants want to remove that and have a covered entry of a more reasonable size. The proposal is to remove the current vestibule and replace it with an open porch that is longer and provides more cover, but it is not located beyond the leading edge of the house on the west side. There are no issues with side yard setbacks. It does not protrude into the side yard. The existing entry is also legal nonconforming. No matter what they did would require a variation. The new structure will provide more cover for when people go in and out of the house.

3.23 Mr. Duffy said that the proposed structure will protrude 6' from the edge of the house. Where does that end? Is it to the edge of the brick? To the driveway? How far does the existing vestibule extend?

The applicant said that the existing vestibule protrudes about 4.5'. The new structure will come up closer to the edge of the driveway, but not impede the driveway in any way.

3.24 Mr. Schneider referenced 1.4, shaded area. He said he also noticed that construction is going on at this time. Is the shaded area what is being constructed at this time?

The applicant said they have not started construction on the entry way. They had been in the permit process, but then they revised the permit application so they could get started on other parts of the project.

3.25 Mr. Schneider asked if the other parts were in compliance.

The applicant said that the other parts went through permit and zoning review processes. They have permits for the work that is underway.

- 3.26 Ms. Norman clarified that the structure is open on all sides except for the house side.

The applicant said that was correct. There is a copper standing seam roof that will match what is over the breakfast nook. The roof over the nook is also new.

- 3.27 Ms. Norman asked if the applicant or the applicants spoke with neighbors about the plan.

The applicant said that the applicants are friendly with their neighbors. They have not heard any comments from neighbors. It is a noncontroversial request and is an improvement to what currently exists. It is not highly visible to the adjacent property.

- 3.28 There was no one in the audience to speak on this case and there was no communication on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Ms. Norman said that the hardship is the siting of the property. A variation is required for whatever they want to do. The structure is not obtrusive and is a great entrance to the home. Standards of review are met. She will support the request.

- 5.2 Mr. Schneider agreed with the above. This will not be a burden on the neighbors and an enhancement to the neighborhood and will benefit the owners.

- 5.3 Mr. Duffy asked why the setback was 73'.

Ms. Roberts said that there are only two houses on the block and it takes the average from those two houses.

Mr. Duffy said that the homeowners are penalized for having this house on a big lot and only one other house to compare it to.

Ms. Roberts said that the intention when there is an average is to maintain the perception of an established setback. When houses have a setback difference of 40', it does not make a lot of sense.

Mr. Duffy said that the way the houses are sited also creates a hardship. He can support the request, but just wanted to know why the setback was so deep.

- 5.4 Chairman Sullivan agrees and there are other projects being done that are within the code. The request is consistent with what they are doing to the house and will be a benefit to the owners and the neighborhood. He can support the request.

6.0 DECISION

6.1 Ms. Norman moved to recommend granting a request for a 12.25' front yard porch setback variation and a 17.0' front yard porch step setback variation to permit the construction of a new side porch on a legal non-conforming structure at 33 Locust Road in accordance with the plans submitted.

6.11 Mr. Schneider seconded the motion and the vote was all ayes and no nays (Messrs. Boyer, Kolleng, and Surman 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-40.

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 variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, location of the house on the lot and the required front yard setback that is heavily impacted by the other house on the block, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique development of the house and the block. The difficulty is peculiar to the property in question; the 73' front yard setback is unusually deep. The difficulty prevents the owner from making reasonable use of the property with a covered entry to the home. The variations will not impair an adequate supply of light and air to adjoining properties. 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 12.25' front yard porch setback variation and a 17.0' front yard porch step setback variation to permit the construction of a new side porch on a legal non-conforming structure at 33 Locust 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. David Fettner, contractor

3.12 Ms. Myrna Sherman, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that there is a revised request at the Zoning Board members' places. The revised request is for a 137.4 square foot lot coverage variation, a 2.3' front yard porch setback variation and an 86.68 square foot front yard impervious surface coverage variation to permit the construction of a new front porch on a legal nonconforming structure.

3.22 Mr. Fettner is at the meeting representing his client who is the applicant. They are requesting variances to rebuild and improve the primary ingress and egress at the property. These are small requests and they have tried to minimize the impact.

About 1.5 years ago, they did improvements and renovations to make the property ADA accessible. They widened the doorways, lowered the light switches, and revised the bathroom so it could be wheelchair accessible. There is a front door that is never used and there is a side door by the driveway that is always used. It is the primary access when people come to the house. The front door and overhang are part of the hardship in this case.

The applicant realized that it is awkward for her to get into the main area for ingress and egress. The width of the riser is not to code. They looked at several options. One would be to create an ADA ramp. The applicant has two knee replacement surgeries coming up in the fall, which makes the project even more important.

The ramp, by code, would still require a variance. Based on the height of the door and the pitch, they would need more than 5', which is allowed, into the setback. ADA guidelines supersede municipal code. If they were to do a ramp, it would be allowed, but to get the pitch, they would almost be ½ way into the front yard, which is not a good option for the applicant.

The second option would be to redo the area with some steps, create an overhang and this is what they submitted for their request tonight. Some neighbors were concerned about the size and that it could be turned into a screened porch or patio. They agreed with the neighbor's concerns and went back and decreased the size from 8'6" x 12 overhang to a 5' x 10' overhang. The original request is highlighted and the proposed request is in red. It is 10' due to the bay window extending 10' from the bay to the door.

They believe that the situation is due to unique circumstances. There is a corner lot. The lot coverage variance is small at 1% and would not be there if not for the front overhang. The front overhang cannot be removed and is tied into the roof structure. To remove that overhang, which is causing the lot coverage variance and the impervious surface variation, would involve removing the entire roof and rebuilding it.

The lot coverage prevents proposed construction to allow the applicant to have egress into the house. The applicant did not create the hardship. The home and stoop were built before she owned the property and is the front door overhang. The hardship is peculiar to the property and is not shared by other properties in the district, most of which are new and have proper ingress and egress to the home. The applicant is not looking to profit off of this. This will be her home for the rest of her life and she wants to use it reasonably. Light and air is not impaired to adjacent properties. There will be no increase in congestion on area streets.

Regarding the neighbors, she heard from the adjacent neighbor, Ms. Kristin Beyer, who does not oppose the request.

- 3.23 Chairman Sullivan referenced the revised plan and clarified that the steps come off of the driveway and the 10' goes to the end of the bay window. Is there enough room between the railing and the door to get in?

Mr. Fettner said that it is tight, but they wanted to make the area as minimal as possible. He said that the drawing might not be to scale. They went over the request with the designer and the dimension will work.

- 3.24 Mr. Schneider asked the width of the stair. He referenced 1.4.

Mr. Fettner is not sure of this dimension. The designer created the plan.

- 3.25 Mr. Duffy said that the original drawing showed the width to be at 3'.

Mr. Fettner said reiterated that they want to do as minimal dimensions as possible.

- 3.26 Chairman Sullivan said that the Board is struggling with dimensions and said that it appears as if it might not work.

- 3.27 Mr. Duffy asked about coming straight out from the door and didn't have the 10' width, but had the width of the opening or slightly more and came straight out. That would increase the setback, but minimize the coverage issue. The Board, however, is not there to redo plans.

Mr. Fettner said they are open to suggestions.

- 3.28 Mr. Duffy said that they cannot even open the storm door because there is only 2' to the railing. If they came in straight and gave themselves the proper distance from the door so that it swings open before one gets to the first step that would work better.
- 3.29 Chairman Sullivan said that it is not the purview of the Board to redesign plans.
- Mr. Fettner said it is not a total redesign, but making a modification of where the stairs come in. The applicant is looking for proper egress.
- Ms. Sherman said that they could move the location of the stairs. They could step onto where the blacktop is at this time. Then they would not be in the way of the door.
- 3.30 Chairman Sullivan clarified that Mr. Fettner was not the architect and did not create the design.
- 3.31 Chairman Sullivan said they might not get what they want from an approval standpoint. The applicant could go forward with the current proposal. But he is struggling with the current design. There might be other options that would work and would minimize more of the variances. He said they could withdraw tonight's request and start over with their plans.
- 3.32 Mr. Duffy said he is not sure that there is enough room if they want three steps. It might be too close to the edge of the door and the garage. He is not a design person, however.
- Mr. Fettner said they need the three steps.
- 3.33 Chairman Sullivan said that the Board needs to make sure that they are comfortable with the 5' x 10' dimension, which is causing the lot coverage and front yard variations.
- Mr. Fettner said that the point of doing this is to have it work properly and he appreciates the input from the Board.
- 3.34 Mr. Schneider said that what they proposed is not going to work. They have 2' between the end of the stair and the door and this won't work.
- The applicant agreed that the plan, as designed, will not work.
- 3.35 Chairman Sullivan said that the applicant might need more of a variance for that proposal to actually work.
- 3.36 Mr. Duffy said if they could come straight at the door, they would increase the front yard setback variation, but they don't get the 10' width because they are now

keeping the porch more in line with the door so they are decreasing the coverage variation. There might be enough room to come in through the side, but they will need some room to turn so a stoop would be needed. He would support something that does not go the entire 10', but maybe increases the variance into the front yard.

Mr. Fettner clarified for the applicant what Mr. Duffy was suggesting.

3.37 Mr. Duffy said that Mr. Fettner should go back to the drawing board and figure out something that works better.

3.38 Chairman Sullivan said if this is continued until October 1st, Lisa and her team could ensure that they get on the Village Board meeting for October 14th. They would not lose any time in going before the Village Board.

Mr. Fettner said they are in a time crunch because of the weather and the upcoming surgery.

Ms. Roberts said that the applicant will have to show her neighbors the final plan since it could be a greater setback variation than tonight's proposal.

Mr. Fettner said there might be less lot coverage.

(After section 6.0)

3.39 Ms. Norman said she did not want the applicant to think that because they were returning with revised plans, it would be approved. They could be asking for incremental increases in lot coverage. They might want to anticipate a handicapped entrance in the drawings.

3.40 Chairman Sullivan reiterated that when they return on October 1st, there is no assurance that there will be a positive recommendation.

3.41 Ms. Norman said that the ZBA is advisory and the Village Board has final say.

6.0 DECISION

6.1 Mr. Duffy moved to recommend granting a continuance to the October 1, 2014 meeting.

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

Motion carried.