



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, MAY 20, 2015

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Acting Chairman Reinhard Schneider
Mike Boyer
John Kolleng
Bill Merci
Lynn Norman
Bob Surman

Members Absent: Chairman Patrick Duffy

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

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

II. 2015-Z-18 700 Forest Avenue

See the complete case minutes attached to this document.

III. 2015-Z-17 402 Maple Avenue

See the complete case minutes attached to this document.

IV. 2015-Z-16 209 4th Street

See the complete case minutes attached to this document.

V. Approval of the April 15, 2015 Meeting Minutes

Ms. Norman moved to approve the April 15, 2015 meeting minutes.

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

VI. Public Comment

There was no public comment.

VII. Adjournment

The meeting was adjourned at 8:51 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. Chuck Cook, architect
Cook Architectural Designs
115 N. Wacker Drive, Chicago

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 2.68' side yard setback variation to permit modifications to an existing non-conforming wall. The Village Board will hear this case on June 9, 2015.

3.22 Mr. Cook said he is a Village resident. The applicants are planning an addition and renovation to the existing home. The main intent is to overtake an existing one-story garage and make it livable space as a family room. To the east of that they are adding more structure for a dining room. They plan to build a detached two-car garage off of the alley.

He showed some photos of the existing home and garage. The floor of the garage sits a few feet below grade. There is a driveway off of Forest that ramps down into the garage. There are retaining walls on each side. It is the only front garage and driveway on this side of the street on this block. He showed where the new two-car garage would be built off of the alley.

The dashed line on the drawing is the required side yard setback on the west side of the property, which should be 6'. The existing structure encroaches into the setback and it sits at 3.32' off of the west property line. They are asking to allow for a vertical extension of the existing structure so they can make it a habitable space that is contiguous with the first floor. He showed a floor plan of the existing lower level and the garage. The new foundation is to the right. He showed the first floor and talked about how they are converting the current garage into a family room with a dining room to the right. He showed a plan of the dining room. They plan to extend the kitchen somewhat and add windows to bring light into the family room and kitchen spaces.

He showed a drawing of the existing elevation along Forest. The one story structure is further back than the rest of the façade of the house. He showed a drawing with the dining room space and the wall is flush with the east façade of the house. He showed a view of the north side where they are adding a dormer on the top. He showed a view from the west side of the house. They are adding a mansard roof to replicate the roof on the main body of the house. The vertical extension is less than 2'.

The wall section was explained. They are extending the top of the brick wall to get the wall to a height where they can have a habitable ceiling height on the inside and the floor will flush out with the current floor. They will add the mansard roof on to match the rest of the house.

By adding windows on the south and on the west the feel will be lighter and airier.

He summarized by saying that the hardship is that the existing structure is not habitable at this time. If they align the floors in there the ceiling height is less than 6'. By allowing the vertical extension of the existing nonconformity it will overcome the hardship. It is a unique condition. There are no other houses like it on the block in the area that have this type of garage that fronts onto a major street. It is appropriate to grant the request and will not set a precedent.

- 3.23 Mr. Surman said they are using all the walls within the setback and they are creating a new wall where the garage door was.

The architect said that there will primarily be a window where the garage door was. That does not fall within the setback. They were being very close to approaching the request as an administrative adjustment but were over by a few inches.

- 3.24 Mr. Boyer clarified that they were removing the curb cut and driveway.

The architect said that they would do this and also do some landscaping.

- 3.25 Mr. Boyer asked about the total difference in height between existing and proposed.

The architect said that the top of the mansard roof will align with the current railing height.

- 3.26 Mr. Boyer asked if they are under the maximum FAR.

The architect said they are under the maximum FAR. They are close to it but about 30' under.

- 3.27 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 this is a modest request. The wall is marginally non-conforming. They are going up a small amount. There are no FAR issues. Standards of review are met and he can support the request.

- 5.2 Mr. Boyer said that all standards are met. This will be an improvement to the neighborhood. They are eliminating the curb cut and driveway which are not

typical for the neighborhood. The house was built before current zoning codes. The current owner did not create the situation. The request is reasonable.

- 5.3 Ms. Norman agreed with the above comments.
- 5.4 Messrs. Surman and Merci also agreed.
- 5.5 Acting Chairman Schneider also agreed with comments from his colleagues.

6.0 DECISION

6.1 Mr. Kolleng moved to recommend granting a for a 2.68' side yard setback variation to permit modifications to an existing non-conforming wall at 700 Forest Avenue in accordance with the plans submitted.

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

Motion carried.

6.2 Ms. Norman moves to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2015-Z-18.

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 physical condition of the property, the siting of the house on the lot, imposes 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 to in question. The difficulty prevents the owner from making reasonable use of the property with modifications to the existing attached garage. The proposed modifications will allow for the removal of a partially-below grade garage and require only a modest increase in the height of the existing non-conforming wall. The proposed variation will not impair an adequate supply of light and air to adjacent properties. The variation if granted will not alter the essential character of the neighborhood and will allow for improvement of the neighborhood with the removal of the garage and curb cut.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 2.68' side yard setback variation to permit modifications to an existing non-conforming wall at 700 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. Micah Hemmer, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that there is a corrected request for a 4.54' side yard adjoining a street generator setback variation and a 1.02 decibel sound variation to permit the retention of an emergency standby generator. The Village Board will hear this case on June 9, 2015.

3.22 The applicant moved to the Village in January. He is requesting a variation for a generator and a decibel sound variation to allow the retention of an emergency standby generator.

They bought the house in January in the winter from a builder. The house came with a generator installed on the east side. It is a corner lot that is 100' wide. There is good space on the side with the generator. They worked with the Village to ensure that the house complied with codes. They worked with the Village on an issue regarding flooding and a sump pump ejector on the side of the house. The builder told them that the house was up to code. This sump pump ejector was written into their conditional certificate of occupancy. As of today, they got the trench dug and hopefully will solve the problem. But this validated that they needed a generator on the property. There is a French drain. There are holes throughout the property. When they bought the house they were not told about any issues with the generator. All utilities are on the side of the house where the generator is located. It is on the side of the house where there are no adjacent neighbors. It is the least obstructive side of the house.

His letter explains how they meet the standards of review. The builder created the plight. They were told that the generator might need to be moved into the backyard. There are safety concerns about doing this. If the generator had to go into the back yard it would have to stick out into the yard away from the house. In its current location, there are no windows, doorways, egress, no children playing in the area. It is in the optimal location. It is within the minimal side of past generator request. They will landscape their home after the generator issue is resolved. They will landscape around the generator.

3.23 Ms. Norman said she is unclear about what happened. Did the builder not get approval for the generator?

The applicant said that is his understanding as to what happened. The builder put in a generator and did not take the required steps. They bought the house and

worked with the Village to ensure there were no open items and were not told of outstanding generator issues. They inherited this problem. It seems like the current location is the best.

3.24 Ms. Norman asked if the new location was on the plat.

The applicant said he first saw the plat when Ms. Roberts posted it to the website. The new location is on the plat.

3.25 Ms. Norman asked if this was the location where the contractor said it would be moved.

The applicant said that the builder told them that he was having an issue with the generator and would have to move it somewhere in the backyard. That was the first time he learned where the location would be.

3.26 Mr. Boyer asked if the new location language on the plat was from the builder or the Village.

Ms. Roberts said that it did not look like staff handwriting on the plat.

3.27 Mr. Boyer clarified that there is nothing in that language that is a true proposal that was measured out where it could go. Is that the best location?

3.28 Acting Chairman Schneider referenced 1.4. There is a rear door and a patio in the rear.

The applicant said there are two areas of ingress and egress in the back yard. One is in the side area where they want their children to play. They did not consider a generator in that location.

3.29 Mr. Surman asked if the builder has built in the Village.

Ms. Roberts said it was several years since the builder last built in Wilmette.

The applicant said that they later found out that their sump pump drainage was a mess. It was leaking water on the sidewalk. They fixed this. That was written into the conditional certificate of occupancy so the builder had to fix this.

3.30 Ms. Norman asked if the Village noted alternative options for generator location if the variation is not allowed.

The applicant said he had heard through the builder that there was one possible location and that location is shown on the sheet. It is not a good location for the use of the yard and there are safety concerns with the extension of a natural gas line. This is not recommended. They are also extending electrical lines which will

flow through his yard. He has a current water issue and may have to continue trenching. Extensions can cause voltage degradations.

- 3.31 Mr. Merci said he needed additional clarification and Ms. Roberts suggested that he speak with John Norman in the Village's building department. Mr. Norman told him that the generator installation was installed without a permit. The current location does not have adequate separation from openings, not just door and windows, but vents and other pipe projections through the structural wall. A 5' separation is required by the International Fire Code and the National Fire Protection Association as well as a recommendation by the manufacturer. Five feet is also recommended and requested by those same agencies with regard to separation from non-rated structural walls – the HardieBoard wall that extends above the masonry. In effect what exists is a generator that is in violation of fire codes and manufacturer's recommendations. According to Mr. Norman, the builder has offered to relocate the generator. It would seem that a simple increase in separation would satisfy the code if it could be moved closer to the curb away from the building. This would reduce the potential danger of carbon monoxide infiltration into the building through the openings as well as fire danger from engine combustion. There would be a nominal decibel increase.

The applicant said what Mr. Merci said makes sense. They do not want to have a fire hazard. They were not aware that any codes were being violated.

- 3.32 Mr. Surman said that the furnace intake is there as well so they could be bringing combustion air into the house.
- 3.33 Mr. Merci said that the measurement from the unit to the furnace intake, according to building inspector John Norman, was about 4'. They need to increase the separation by about 1'. The impact on the noise at the curb would be nominal. It would allow them to keep gas and electric lines in place, meet the code and satisfy the applicant that would not be creating a hazardous situation.

The applicant said they would move it closer to the street or 2.5' away from the house and it would be a 7' variance request which is comparable to previous variation requests for generators.

- 3.34 Ms. Norman said that new construction should not require any variances. She also pointed out that each property that has been granted a generator variation is unique. Was the other side of the house where the air conditioner condensers are located considered for the generator?

The applicant said that there is not room where the condensers are located. It is close to their adjacent neighbors. There are no neighbors on the side of the house where the generator is now located. He said they could move it on the same side of the house where it now located. They will landscape around that area.

Ms. Roberts said she spoke with Mr. Norman after he and Mr. Merci talked. The Village code states that there is a required 5' distance between the generator and windows and doors. It did not specify any other intake. The installation is not violating Village code in that respect. The building inspector does not enforce NFPA recommendations. If the Board wants to give the applicant the opportunity to adjust the location this can be discussed. Village staff are not requiring that the unit be moved to comply with the building code.

3.35 Mr. Merci referenced article 5.4.C of the zoning ordinance, it does not wish to encourage endangerment by granting a variance. By granting a variance in the current application, there would be an increased hazard and would be nominal or tacit consent to that violation.

3.36 Acting Chairman Schneider asked if the applicant voluntarily wishes to amend the application can the Board do that now and then discuss/vote on that now.

Ms. Roberts said that could be done at this time.

3.37 Acting Chairman Schneider asked how far the unit should be moved.

3.38 Mr. Merci said that less than 2' would produce the necessary separation to satisfy the NFPA and IFC codes.

3.39 Mr. Kolleng said he is confused. Does the Board need to do anything or not? If the Board does not have to do anything than the generator should stay where it is and not move further from the house.

3.40 Acting Chairman Schneider said that there is no violation of the Village code. Village code requires that it be 5' from doors and windows.

3.41 Mr. Kolleng asked if it satisfied Village code in its current location.

Ms. Roberts said that it does not satisfy the fire code.

3.42 Mr. Surman said he would not be as concerned about the fire code. This is new construction with a high efficiency furnace. This is different from other generator cases where most requests are for existing homes. In this case there are PVC pipes and he would be concerned that bad air could be brought in. He has designed projects like this and one has to be careful about air intake. It is not in the Village code, but the Village has several building codes that they refer to and need to be met.

3.43 Mr. Merci said that the building code indicates that it must conform to International Fire Code standards and this makes reference to the National Fire Association in article 37, which identifies the needed separation. The building code says that this must be done.

- 3.44 Mr. Surman said that the building inspector needs to make those decisions.
- 3.45 Mr. Merci said that the Board should not contribute to endangerment of health and safety in granting the variance.

The applicant said if they are talking about 1' to make that adjustment he would have it moved. He asked if this could be done at tonight's meeting.

- 3.46 Mr. Surman said that the Board's responsibility would be to say if that this location is accepted and any required movement that the Village decides so that the building code can be met. It is not the Board's responsibility to enforce those codes.

The applicant said what happens if they want to move it by 1'.

Mr. Surman said that this has to be approved by the Board. The language and distance has to be decided upon.

Ms. Roberts clarified that what Mr. Surman is suggesting is that the Board, with the applicant's agreement, adjust the setback request to an additional 1' to comply with the fire code. If the building inspector does not wish to enforce that on site, at least zoning has been granted to meet that distance.

- 3.47 Mr. Boyer asked if 1' is sufficient.
- 3.48 Mr. Surman said if the unit dimensions are known, the minimum requirement per code must be met. The Board's responsibility is to point out that those questions are out there from a code perspective.
- 3.49 Mr. Boyer asked what number the Board was going to approve.
- 3.50 Mr. Merci said that it maintains the separation of 5' from the opening.
- 3.51 Mr. Boyer asked if open ended language is allowed.
- 3.52 Mr. Surman said that if 5' is the number, then it could be 5' plus the depth of the unit of 2'4".
- 3.53 Mr. Boyer asked Ms. Roberts if they could administratively review a zoning variance if they need a few more inches.

Ms. Roberts said that number can be confirmed after tonight's meeting so it goes to the Village Board in the way that the Board wanted it to be given. She cannot give the decibel number tonight. The inspector measured 4' from the exhaust to the intake pipes.

- 3.54 Ms. Norman said she is not clear about the question raised by Mr. Boyer. If it is not a permitted encroachment, why is the Board considering a setback variation?

Ms. Roberts said that section 8.3, residential section, identifies all required setbacks for the property. Section 13.5, lists all of the various elements that are allowed to encroach. Generators are not an allowable encroachment in a side yard adjoining a street. That means that there setback is 25' which is the side yard adjoining a street requirement for that lot.

- 3.55 Acting Chairman Schneider said that the generator will need to be moved further to the east and perhaps moved further north or south to make sure it is 5' from the exhaust intake.

The applicant said he would commit to that. Could it ball parked in terms of inches or feet?

- 3.65 Mr. Kolleng said that the wording could be up to a maximum additional distance. They cannot go beyond that distance.

- 3.66 Acting Chairman Schneider said that the Board has to agree that this is a feasible approach. The Board has to be comfortable with the variance itself. If the Board members are comfortable saying something to the effect that the variance is supported with the exact distance to be determined by Community Development before it goes to the Village Board.

Ms. Roberts asked if it would be helpful to specify a 5' minimum from the intake pipe and then she can work with the applicant in terms of which direction it is going in.

- 3.67 Acting Chairman Schneider said 5' from all openings.

The applicant said that it could be within 18" of the wall but 5' from the openings.

- 3.68 Mr. Merci said that the movement would be directly east in order to satisfy the separation requirement.

- 3.69 Acting Chairman Schneider said that he was confused. On that side of the wall is there an opening?

- 3.70 Mr. Merci said that the openings are the PVC pipes.

- 3.71 Acting Chairman Schneider said he thought that Mr. Merci was saying that because of the nature of the exterior construction that it needs to be a wider distance.

- 3.72 Mr. Merci said that Mr. Norman did not identify that the siding portion of the east wall was a 1-hour fire rated wall. He is surprised to think that it would not be. It

is an issue in the sense that the code has not identified that as a 1-hour fire rated wall. If one is providing 5' separation from the pipes, they might as well provide 5' separation from the structural wall.

The applicant said that it is currently at 29" from the wall. They would be talking about 31" more inches.

- 3.73 Acting Chairman Schneider said they would add to the request, with the permission of the applicant, that the staff determine the minimum distance from any opening as well as the wall and fix that distance and determine the variance request for the side yard setback variation. The minimum/maximum is 5' (hard to interpret what he actually said!). Is that acceptable to the applicant.

The applicant said that is acceptable and they were acceptable to moving it towards the east at whatever amount they can. Right now it is not close to windows or doors. They are happy to meet any request related to this.

- 3.74 Mr. Merci said that once the variation has been granted, some provision of screening of mechanical and electrical devices be provided. The village refers to the International Fire Code, which in turns makes reference to the National Fire Protection Association articles 37, 110 and 111.

- 3.75 Mr. Surman said that a lot of responsibility goes back to the inspector. In the past the Board has recommended approval of generators for an existing home.

- 3.76 There was no one to speak on this case.

- 3.77 There was discussion about wording for this motion.

- 3.78 Mr. Merci noted that the NFPA makes reference only to exterior located generators and refers to the structure and no other building use type. It refers to openings in a structure and fire rated walls.

- 3.79 Mr. Surman said that generators could also refer to commercial buildings.

- 3.80 Ms. Norman said it is on public record that the location is not appropriate and maybe the Trustees should talk about this.

- 3.81 Mr. Boyer said that the motion should be kept as open as possible and let the Trustees decide as well as staff drive where the generator should be placed.

- 3.82 Mr. Kolleng said that it needs to be 5' from the wall and it is 33.5" wide. 93.5" is the maximum from the building.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Merci said that the zoning ordinance indicates that any approval of a variation should not contribute to endangering the health and safety of its occupants and public.
- 5.2 Mr. Boyer said that the property is unique because it is so big and so wide. He found that the zoning code is silent regarding large lots and those that are corner lots. If there was a 400' wide lot and one is on a corner side, by code, they could not have a generator anywhere in the side yard which does not make sense due to the size of the yard. If this was an interior lot, the generator location would still be conforming if there was an interior generator placement. The standards of review are met and generator placement is the best location. If it is moved to the rear, it is closer to a neighbor or more than one neighbor.
- 5.3 Mr. Kolleng agrees. The builder made a mistake. The Village did not catch this as soon as it happened. The electric and gas are in this location and were there because the generator would go there. There are water issues so they need a generator. There is a hardship if they need to start moving this around to where it should have been. Standards of review are met. Maybe the Huff Group should be fined in some way.
- 5.4 Ms. Norman said that her issues is that this is new construction and the lot is big and there are other places for the generator. The builder made a mistake. The lot is across from a well-used park by little kids. She has not heard discussion about an optional location. Maybe it could be in another location. The proposal does not provide landscaping and fencing. She cannot be sure she will support this request.
- 5.5 Acting Chairman Schneider said this should not have happened. On the west side is the garage. There is a stair and entrance, air conditioner units, and a window well. Then there is a patio with doors and windows on that corner. If the generator was by the northwest corner of the patio, it would bother the neighbors more. The current location is the natural location even though it is a variation request. He is not happy but will support this request.
- 5.6 Mr. Surman said given the situation, this is the best location. It is tested once/week or every two weeks for a few minutes. The noise of the CTA will be greater than the generator noise. When the generator runs most it is usually after a bad storm and the park will not be used as much. Keeping the generator away from neighbors is the best solution and there is a need to make it safe for children in the backyard. He will support the application.

6.0 DECISION

- 6.1 Mr. Merci moved to recommend granting a request for a side yard adjoining a street generator setback variation and a decibel variation to relocate an emergency standby generator at a distance of 5' from any existing openings and from the wall in conformance with the applicable building codes and having a setback of not less

than 17.2’ from the side lot line adjoining of the street at 402 Maple Avenue in accordance with the plans as amended.

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

Acting Chairman Reinhard Schneider	Yes
Chairman Patrick Duffy	Not Present
Mike Boyer	Yes
John Kolleng	Yes
Bill Merci	Yes
Lynn Norman	No
Bob Surman	Yes

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 2015-Z-17.

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

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 design of the house and the siting 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 design of the home with the location of windows and doors and other features. The difficulty is peculiar to the property in questions. The difficulty prevents the owners from making reasonable use of the property with a generator. There are known water problems on the lot that indicate the need for a generator. The proposed variations will not impair an adequate supply of light and air to adjacent properties. As sited, the generator will have the least impact on residential neighbors. The variations if granted will not alter the essential character of the neighborhood provided the applicant installs landscaping and/or fencing to screen the generator from the street, as he has proposed to do.

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 physical conditions of the property that impose upon the owner a practical difficulty or particular hardship. The lot is 100’ wide and the home is new construction. The builders created the hardship by not including the generator in the design and by installing it in a non-conforming location. No evidence was provided as to why another, conforming location would not work.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a side yard adjoining a street generator setback variation and a decibel variation to relocate an emergency standby generator at a distance of 5' from any existing openings and from the wall in conformance with the applicable building codes and having a setback of not less than 17.2' from the side lot line adjoining of the street at 402 Maple Avenue in accordance with the plans as amended.

NOTE: Village staff met with the applicant and the builder after the Zoning Board meeting to discuss moving the generator. It was agreed that the generator could be moved north approximately 1' to achieve a 5' separation between the generator and the furnace intake pipe. There is no proposed increase in the distance between the generator and the house, therefore the setback variation and decibel variation initially presented to the Zoning Board remain unchanged.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Andrew Venamore, applicant
Mach 1

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 1.0' side yard setback variation, a 1.0' rear yard setback variation, and a 90.0 square foot (9.0%) rear yard structure impervious surface coverage variation to permit the construction of a new detached two-car garage. The Village Board will hear this case on June 9, 2015.

3.22 Mr. Venamore said they are replacing an existing decrepit one-car detached garage that is adjacent to the single family residence. It is in bad shaped, undersized – 11' x 19'. The garage will now move further into the rear yard. They want to give it more practical access for a two-car garage. They also want to create separation between the house and garage to prevent any potential fire damage. The garage will be about 15' back from the house and it is currently around 3' from the house.

The requested variations are related to the relocation. They are asking to reduce the side yard setback to 2'. The current garage is in that 2' range. Instead of 3' off of the rear lot line, they are proposing a 2' setback. Those setbacks are driven by the narrow lot width of 40' and also by the 38' up to the garage. By putting a garage in that 40' x 40' space while still maintaining a reasonable setback from the house, they have proposed those 2' setbacks.

The 40' width, 38' in depth is also what is driving the impervious surface variation. That is due to a lot that is 110' deep. The ordinance requires a 25' rear yard. It is impractical to get any sized garage in the 350 square foot impervious coverage area.

The idea with a two-car garage is to get vehicles off of the street and under cover. This will improve the look of the lot.

The owners have done a lot of interior house remodeling and this project culminates getting the project done.

The request is driven by the 110' depth of the lot. There are not that many lots in the neighborhood with this depth. The owners wanted something larger than what is proposed but it did not make sense from a variation and practical standpoint. They are proposing a 20' width for the garage. It would be challenging to put in a wider garage in terms of setbacks.

The proposed FAR is under what is allowed by 300 square feet. The lot coverage is under by about 100 square feet. At the 20' width, they felt that two cars would fit in the garage space. The depth may be larger than standard. The ordinance has looked at a 440 square foot garage as being a standard. The extra 2' depth would allow for additional storage space for a reasonably small house at 2,300 square feet.

3.23 Mr. Surman asked about the impervious area.

Mr. Venamore said they are under the overall impervious area. It is the 25' rear yard that encompasses the garage and some of the apron. Lot width at 40' drives this.

3.24 Mr. Surman said that the driveway is only 6' wide.

Mr. Venamore said that the plan shows a line which depicts additional driveway width. The owners intend to remove the asphalt drive and replace it with pavers. That is a future project.

3.25 Mr. Surman asked if they could get a second car in the driveway.

Mr. Venamore said that it should work, which is why they went with an 18' door. The north car has to park first in the garage to get the second car in.

3.26 Ms. Norman clarified that the garage length is 22' and additional space is for storage.

3.27 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. Boyer said that this is a lot that should not have been subdivided. The existing garage is also in a non-conforming location so not much of a sight line is changed for neighbors. He does have some concern about increasing impervious surface. This block has no alley. But it really comes down to a 9' x 10' area of new impervious surface. This will not have a significant impact on any water issues. The house size is not increasing and the garage size is slightly increasing and is moving somewhat to a new location. All standards of review are met. He can support it.

5.2 Ms. Norman said that this is a big garage and it is the purview of the Board to minimize variations. The lot is unique. She said that the area has known flooding issues. If it was up to her, they would have the minimum garage size, especially since their lot is small. A minimum size garage would be adequate for two cars. She is not sure she can support the request.

5.3 Mr. Kolleng agreed with Mr. Boyer’s analysis of the case. He believes that standards of review are met and he can support the request. A minimum garage size is 20’ x 20’ and they are proposing 22’ x 20’. He thinks that this is a nominal increased and is forced by the lot size.

5.4 Mr. Merci said that this request is consistent with other requests that the Board has recommended approval and he can support this request.

5.5 Mr. Surman said that this is a modest request. A garage of this size is standard. He will support the request. They need the extra 1’ for better maneuvering. He agrees with Mr. Boyer that the impervious surface is a small number.

5.6 Acting Chairman Schneider asked if the applicant has to submit information about water flow issues.

Ms. Roberts said they need a grading permit as part of the process. As part of grading they look at water flow in the area.

5.7 Acting Chairman Schneider asked about the eave as part of the setback.

Ms. Roberts said that the eave is allowed to encroach and it is conforming.

5.8 Acting Chairman Schneider said he could support this request.

6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a request for a 1.0’ side yard setback variation, a 1.0’ rear yard setback variation, and a 90.0 square foot (9.0%) rear yard structure impervious surface coverage variation to permit the construction of a new detached two-car garage at 209 4th Street in accordance with the plans submitted.

6.11 Ms. Norman seconded the motion and the vote was as follows:

Acting Chairman Reinhard Schneider	Yes
Chairman Patrick Duffy	Not Present
Mike Boyer	Yes
John Kolleng	Yes
Bill Merci	Yes
Lynn Norman	No
Bob Surman	Yes

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 2015-Z-16.

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 meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the narrow lot width and shallow lot depth, impose upon the owner a particular hardship. The plight of the owner was not created by the owner and is due to unique circumstances. The hardship is peculiar to the property in question, which is narrower and shallower than a typical lot. The hardship prevents the owners from making reasonable use of the property with a two-car garage. The proposed variations will not impair an adequate supply of light and air. The requested setback variations are to help access the garage, providing as much room as possible between the house and garage. The variations if granted will not alter the essential character of the neighborhood. The proposed garage replaces an existing one-car garage behind the house and detached two-car garages are common in the neighborhood.

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, the plight of the owner is being caused by the owner with their request for a 22' by 20' garage, rather than a 20' by 20' garage. The difficulty of the lot size is not preventing them from making reasonable use of the property as many properties have 20' by 20' garages.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 1.0' side yard setback variation, a 1.0' rear yard setback variation, and a 90.0 square foot (9.0%) rear yard structure impervious surface coverage variation to permit the construction of a new detached two-car garage at 209 4th Street in accordance with the plans submitted.