



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, MAY 6, 2015**

**7:30 P.M.**

**COUNCIL CHAMBERS**

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**Members Present:** Chairman Patrick Duffy  
Bill Merci  
Lynn Norman  
Reinhard Schneider

**Members Absent:** Mike Boyer  
John Kolleng  
Bob Surman

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

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**I. Call to Order**

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

**II. 2015-Z-14 1733 Lake Avenue**

See the complete case minutes attached to this document.

**III. 2015-Z-13 101 15<sup>th</sup> Street**

See the complete case minutes attached to this document.

**IV. 2015-Z-15 914 Yale Street**

See the complete case minutes attached to this document.

**V. 2015-Z-12 1135 Greenleaf Avenue**

See the complete case minutes attached to this document.

**VI. Approval of the March 18, 2015 Meeting Minutes**

Ms. Norman moved to approve the March 18, 2015 meeting minutes.

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

**VII. Public Comment**

There was no public comment.

**VIII. Adjournment**

The meeting was adjourned at 8:54 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. Chris Canning, representing the applicants

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

3.21 Ms. Roberts said that this is a request for a 2.61' side yard setback variation, a 2.61' side yard eave setback variation, and a 1.79' side yard porch setback variation to permit a two-lot subdivision. The Village Board will hear this case on May 26, 2015.

3.22 Mr. Canning said that the applicants are out of town and could not attend the meeting. He commended Ms. Roberts in getting the case before the Board. This is a chicken-and-egg situation where the ZBA matter comes before the Plan Commission matter. The subdivision that causes the variance has not yet been approved. They will go before the Plan Commission on June 2<sup>nd</sup> to subdivide the lot, which is 120' wide and 273' deep. The proposal is to divide into a 70' wide lot and a 50' lot. That matter is not before the ZBA. The matter before the ZBA is assuming that the subdivision is approved, can the ZBA grant the side yard setback variation being requested for the house that exists on the lot at this time.

The question is should the Zoning Board grant the side yard setback variation. That would mean that the applicants could maintain the home in its current location. This is a historic home built in the 1870s and he talked about the home's history, which is significant. The house was in serious disrepair in the 1980s. The applicant did a lot of work on the house when they moved in. The back part of the property had not been cleared in over 30 years. In order to not have a variance, the applicants would have to take off the two-story portion of the house that protrudes into the setback on the west side of the house towards the St. Joe's parking lot. That includes part of their dining room and bedrooms. That is the practical difficulty and the hardship. The house was sited before the zoning code. In order to make the house conforming, there would be some destruction of a historic house.

They are asking for the requested variations listed above. The steps that come off of the porch and go towards the west will be taken off and put around the back of the house. For the reasons set forth tonight and in their letter, they request that the ZBA to approve the variations and send a positive recommendation to the Village Board.

3.23 Mr. Schneider asked Mr. Canning to again explain why there is a side yard setback variation since the porch will be moved.

Mr. Canning said that the porch stairs will be moved, but not the porch. The porch is flush against the west side of the house.

- 3.24 Mr. Merci asked if the subdivision exhibit been recorded.

Mr. Canning said no because the subdivision was not approved

- 3.25 Mr. Merci asked if the Zoning Board could act upon a variance for a non-recorded plat of subdivision.

Ms. Roberts said yes and the zoning ordinance requires that zoning issues be addressed before the Plan Commission hears a case. It is understood that the variation is contingent upon the subdivision being granted.

- 3.26 Mr. Merci asked if the Zoning Board was acting in an advisory or in a ruling capacity.

Ms. Roberts said advisory and this is the same capacity that the Zoning Board always acts in when cases go to the Village Board for approval.

Mr. Canning said that intellectually the Zoning Board has to think of this as a subdivided lot.

- 3.27 Mr. Merci said that any approval granted would be one that would identify the approval as advisory versus an action that would be needed at a later time.

Ms. Roberts said that it is inherently contingent upon the Plan Commission subdivision being granted.

- 3.28 Mr. Merci asked if the case would then return to the ZBA for action after Plan Commission review.

Ms. Roberts said that it would not return to the ZBA. The Village Board would grant this request like they grant other requests.

Mr. Canning said that the reasons why the applicants are doing what they are requesting is that they are building a home for their son. They want to start construction as soon as possible pending approvals so their grandchildren can attend Wilmette schools. He said that the new lot will be between the existing house and the St. Joe's parking lot. He envisions that the house will be in a conforming location. The variance is between the house and the lot line for the new parcel that will have a new house. The Board has to think about the case as though the lot was subdivided.

- 3.29 Ms. Norman asked if the applicants added onto the house when they bought it.

Mr. Canning said they did not add onto the house when they bought it. After doing electrical and plumbing work, they did additional work on the interior of the home including moving some walls.

- 3.30 Ms. Norman said if the variations are granted, with a new house being built on an adjacent lot and the driveway gone, where will they park and how will this work.

Mr. Canning said that the driveway for the main house will go to the east side of the house. He does not believe that a variation is needed for the driveway.

Ms. Roberts said that driveways are allowed to the lot line.

Mr. Canning said that the applicants discussed the driveway and parking with adjacent neighbors. The neighbors had no problems with the request as far as Mr. Canning knows. The neighbors' only concern was storm water runoff that exists through the area that comes down the hill from St Joe's and through that area. This issue needed to be addressed administratively.

When the new house is built, any storm water detention has to be handled through the grading process. The new lot will have contained water and cannot flow the existing house or to the neighboring homes.

- 3.31 Ms. Norman said that Mr. Canning noted that the siting of the home is the uniqueness issue and the hardship. She sees it as they are dividing up a property for economic gain. The code says that Board should not take economic gain into consideration. She said that the house was built in the 1870s.

Mr. Canning said that information comes from the historical society. The house was looked at to be landmarked in the early 1990s but this was not done.

- 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 request relative to the situation is relatively small. The lots are large and very deep. The request to subdivide the lot creates the variation request. The request is relatively small. He can support the request and standards of review are met.

- 5.2 Mr. Merci agrees that the variations are consistent with other approvals by the Board in the past. The ZBA will revisit this matter when submittals are made in the future as related to driveway setbacks and side yard setbacks. If approval is advisory, he could support the request.

- 5.3 Ms. Norman said the Board's opinions are always advisory to the Village Board. The Village Board has final decision. She is still grappling with this request.

- 5.4 Chairman Duffy said that lot width is not in the purview of the Board because they are not talking about the subdivision.
- 5.5 Ms. Norman understands that this is an old historic house. She envisions what it will look like when the other lot has a house. There could be requests for additional variations. She is still deciding which way she will go on this case.
- 5.6 Chairman Duffy said he agrees with Mr. Schneider’s comments. The requests are nominal. He can support the request.
- 5.7 Ms. Norman noted that the applicants created the situation and asked why the other lot could not be smaller.
- 5.8 Chairman Duffy said that the minimum lot width is 50’.
- 5.9 Ms. Norman said they are selling the other portion of their property for economic gain.
- 5.10 Mr. Schneider said that whoever builds on that lot will need to comply with the ordinance.
- 5.11 Chairman Duffy said that the house would probably be longer and skinnier. In other parts of town, 50’ lots do not seem noticeable because all of the lots are the same size and houses are the same width.
- 5.12 Mr. Schneider asked about the combined side yard for a 50’ lot.  
  
Ms. Roberts said that it is 12.5’.
- 5.13 Mr. Schneider said that they could still build a house that is 37.5’ wide.
- 5.14 Mr. Merci said that if this request is approved by the Village Board, it may come back to the ZBA at some point.

**6.0 DECISION**

- 6.1 Mr. Schneider moved to recommend granting a request for a 2.61’ side yard setback variation, a 2.61’ side yard eave setback variation, and a 1.79’ side yard porch setback variation to permit a two-lot subdivision at 1733 Lake Avenue in accordance with the plans submitted.
- 6.11 Mr. Merci seconded the motion and the vote was as follows:

Chairman Patrick Duffy	Yes
Mike Boyer	Not Present
John Kolleng	Not Present

Bill Merci	Yes
Lynn Norman	Yes
Reinhard Schneider	Yes
Bob 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 2015-Z-14.

6.21 Mr. Schneider 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 property, the size of the lot and the siting of the house 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 house and lot. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property to preserve the home in conjunction with a conforming subdivision. The proposed variations will not impair an adequate supply of light and air to adjacent property. 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 2.61’ side yard setback variation, a 2.61’ side yard eave setback variation, and a 1.79’ side yard porch setback variation to permit a two-lot subdivision at 1733 Lake 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. Andrew Venamore, applicant  
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3.12 Mr. Fritz Bader, owner  
101 15<sup>th</sup> Street

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

3.21 Ms. Roberts said that this is a request for a 7.0' side yard adjoining a street setback variation, a 135.15 square foot (15.52%) rear yard structure impervious surface coverage variation, and a 66.4 square foot (7.62%) rear yard total impervious surface coverage variation to permit the construction of a new detached two-car garage. The Village Board will hear this case on May 26, 2015.

3.22 Mr. Venamore said they are requesting to replace an existing decrepit single-car garage with a more practical two-car garage that will go in almost the same location in the rear of the lot. The driveway will remain. The driveway will flare to make a practical approach for the second bay in the garage. They want to get a second car off of the street.

The owners want both cars in the garage. They initially thought about doing a 22' wide x 22' deep structure. They narrowed the garage to 20' wide to try to limit the variations. The request for setback off of the street property line is really needed. They increased that setback from the current 6' to 8'. This is a difficult request to get around since the requirement is 15'. With all of the setback requirements, they would have ended up with an impractical 15' wide garage.

They are trying to minimize the variations, but the width of the lot dictates certain dimensions. This is one of the smallest lots in the neighborhood. Most of the lots are 50' wide. If that was the case, they would not be before the Zoning Board. A lot of their requests are driven by the narrow width.

There are some coverage requests necessitated by the narrow lot width. The largest is the rear structure impervious requirement of 135 square feet. If they were going to get close to complying with that, the garage would be in the 300 square foot range, which is impractical. They are requesting a simple two-car garage with a 20' width. It was hard to get coverage numbers down any more.

The hardship is related to the lot size at 35.5' in width. Although the requests might seem high from a percentage standpoint, a lot is driven by lot width.

- 3.23 Ms. Norman said that at the last meeting, an architect proposed a 20' x 20' garage for a smaller house on Oak Circle. Why is the applicant requesting 22' x 20'?

Mr. Venamore said they narrowed the garage to a 20' width. The 22' depth is being driven by the owner's SUV, which is 17' to 18' long. The Village changed its ordinance to recognize that a standard size garage would be 440 square feet. They also are requesting space for extra storage.

- 3.24 Ms. Norman noted that the Board does not like extra storage. She has a 20' x 20' garage. This is a small property and she wondered why they did not request a 20' x 20' garage.

Mr. Venamore reiterated that the owners own a 17' to 18' SUV. Plus they wanted extra storage.

- 3.25 Chairman Duffy asked about not being able to access the garage from the alley. How did that impact the variances?

Mr. Venamore said that there is a Com Ed pole adjacent to the west side of the garage. That plays a big part in whether the orientation could change.

The applicant did some investigation with Com Ed and got a letter from them. They wanted \$1,000 to take a look at the pole. He talked about the process and shelved the whole idea. The two guy wires have been there since 1981 and moving the pole was not an option.

Mr. Venamore said they had investigated moving a Com Ed pole in another location. Com Ed throws out a high number to deflect the request. It is well into the \$100,000 range.

- 3.26 Mr. Schneider asked about the pole location at this time.

Mr. Venamore showed a drawing that he entered into the record. The drawing showed the pole location and where it is located in relation to the current garage. There are other services on the pole. They are not able to move the guy wires since moving the pole is expensive. This means that the garage has to keep its access onto Isabella.

- 3.27 Mr. Schneider clarified that they will use the Isabella Street access. Without widening the drive from Isabella Street, can they access two cars?

Mr. Venamore said that the plan shows the existing driveway. They moved the garage back from 6' to 8' with a 3' apron and minimal extension. That is what gives the owners the ability to access the garage. There is some landscaping in that area that the owners would prefer to keep.

- 3.28 Chairman Duffy clarified that the side orientation is causing some of the variance request.

Mr. Venamore said that if it was adjacent to the alley that impervious number would drop because he would only have to be 3' off of the alley property line. They have the apron sitting off of the property line.

- 3.29 Ms. Norman asked if they knew the impervious surface coverage reduction number.

Mr. Venamore said that the reduction would be 160 square feet.

- 3.30 Ms. Norman said if they made the garage 20' x 20' that would be 200 square feet as related to a reduction.

- 3.31 Chairman Duffy said they would not have the rear yard impervious surface coverage variation if the garage was oriented towards the alley. But this cannot be done because of the Com Ed pole. That is causing an additional request.

Mr. Venamore said they would not be able to get around the side yard adjoining a street setback request.

- 3.32 Chairman Duffy said that the impervious surface coverage variation would be eliminated.

Mr. Venamore said that the impervious coverage would probably go away as well.

Ms. Roberts said that the total coverage would go away but the structure coverage variation would still be there.

- 3.33 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. Merci said it is not unreasonable to seek a two-car garage. The size conforms to normal garage sizes. There will be some awkward access from the street regardless of the increased apron but that is a difficulty that the owner will need to face once it's in place. He can support the request.

- 5.2 Mr. Schneider said he can also support the request for similar reasons. This is a very narrow lot which has created the hardship. A two-car garage should be an option for a homeowner. He can support the application.

- 5.3 Ms. Norman said she is conflicted. She understands the need for a two-car garage, but a 20' x 20' garage would work.

- 5.4 Chairman Duffy said he looked at this case as a two-car garage and someone should be able to park two cars in a garage. The Com Ed pole created a problem and they had to ask for an additional variance. He said that there is a hardship.
- 5.5 Ms. Norman said that the Board should minimize variations. A lot of people have big cars and 20' x 20' garages.
- 5.6 Chairman Duffy said he will support the request without any minimization. The Village said that 440 square feet for a garage is reasonable.

**6.0 DECISION**

6.1 Mr. Merci moved to recommend granting a request for a 7.0' side yard adjoining a street setback variation, a 135.15 square foot (15.52%) rear yard structure impervious surface coverage variation, and a 66.4 square foot (7.62%) rear yard total impervious surface coverage variation to permit the construction of a new detached two-car garage at 101 15<sup>th</sup> Street in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Not Present
John Kolleng	Not Present
Bill Merci	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 2015-Z-13.

6.21 Mr. Merci seconded the motion and the voice vote was all ayes and no nays.

Motion carried.

**7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED**

A majority of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the lot width and the location of a Com Ed pole, 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 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; conforming setbacks are provided to the immediate neighbor and the alley. The variations if granted will not alter the essential character of the neighborhood. The proposed garage replaces an existing one-car garage in the same location 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 applicant could comply with the total rear yard coverage requirement with a reduced garage size. 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 denying a request for a 7.0' side yard adjoining a street setback variation, a 135.15 square foot (15.52%) rear yard structure impervious surface coverage variation, and a 66.4 square foot (7.62%) rear yard total impervious surface coverage variation to permit the construction of a new detached two-car garage at 101 15<sup>th</sup> Street 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. John McCarthy, architect

3.12 Mr. Jonatas Fante, prospective owner and applicant

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

3.21 Ms. Roberts said that this is a request a 2.0' first floor height variation and a 955.23 square foot (10.54%) total floor area variation to permit the construction of a new house. The Village Board will hear this case on May 26, 2015.

3.22 The architect brought additional documentation for the meeting and submitted it into evidence including the sales report, engineer's report, and additional plans.

Chairman Duffy said that some of the information was included in the packet.

3.23 The architect said they designed a modest modern split-level home. They are seeking a variation on the height of the basement from 4' to 6' and an increase in floor area that happens when they raise the floor level. This request is due to water table issues on the site. They designed the house to comply with floor area, height and impervious coverage. They did a soil report that indicated that the water table is at a relatively high level. They are squeezed with the calculated grade level and the existing grade which goes up in the middle of the lot. If they comply with the 4' basement maximum height, the water table is at their slab. According to their soil report and engineer's recommendations, this is a quite costly dewatering situation that has to occur both under slab and perimeter drainage, extra excavation for the installation of gravel or a stone base.

3.24 Chairman Duffy said that the number is about 1,000 square feet. Is this basement area? If so, he noted that this is not the entire basement. Where in the house is this basement raising up and creating a higher floor?

The architect said that it was basement area. He referenced page 7, there are two sections that show the comparison of the 4' allowable basement height at the split level portion to the north which is closer to the north neighbor. The two-story portion of the house is further from the neighbor and closer to the alley. That is the section of the house impacted by the request. They will raise the slab under the two-story portion but they are not counting that floor area. It will be a shallow crawl space.

3.25 Chairman Duffy asked the dimensions of the area.

The architect said that it is 16' wide by 59'4" deep in the east/west direction.

- 3.26 Chairman Duffy clarified that at its height it is below the height of the second story.

The architect said that the two-story portion house remains the same. The split level portion is always lower than that.

- 3.27 Mr. Schneider asked if there are any basements in the neighborhood.

The architect said that he did not know.

- 3.28 Mr. Schneider did the engineer ask neighbors about any water issues.

The architect said that the engineer did not inquire as far he knows.

- 3.29 Ms. Norman asked if there was a basement in the existing house.

The applicant said he is not the owner yet because the closing is in two days. He said that the architect he has been working with was not able to attend the meeting. The primary architect went out the applicant to visit the site. The current house has a basement with huge infiltration problems. Part of the basement has holes where water comes through. He does not know the exact basement depth but thinks that it is about 8'. It is not finished. The line of the water table is visible on the concrete. The garage is not part of the basement. There was water under the garage.

- 3.30 Ms. Norman referenced the owner's disclosure statement. It said that there had been water in the basement. How often did it say?

The applicant said that this was not disclosed. He purchased the lot knowing he would tear down the house. So he did not hire an inspector. He hired someone to do the soil boring, which is how he found out about the water table. He also hired someone to do a phase 1 environmental. The house was put on the market as being in need of remodeling or a tear down.

- 3.31 Mr. Schneider asked if there was a sump pump in the basement.

The applicant said there was a sump pump in the basement.

- 3.32 Ms. Norman said that there is a need to raise it to reduce the flooding problem but they are not sure if there is really a flooding problem. The soil people said there could be a flooding problem. They want space in the basement to have more room although they are already over the total FAR. If they did not raise up the space, would they still be above the FAR?

The architect said they would not be above the FAR.

- 3.33 Mr. Merci said regarding the soil samples, did they take standing water measurements after 24 hours. Was this measured in the boring?

The architect said he did not know.

- 3.34 Mr. Merci explained the process and asked if that was done.

The architect said he did not know if that was done.

- 3.35 Mr. Merci asked who authorized the soil boring report.

The architect said that they requested the letter and report from Bono. Bono was hired as the consulting engineer on the plan.

- 3.36 Mr. Merci read the results and said that the water was saturated at 622.4. What is the top of the slab elevation?

The architect said that this was 621.68 and now will be 619.68.

- 3.37 Mr. Merci said that they will then be in water. They are 3' in water.

- 3.38 Chairman Duffy said that the drain tile goes at 622.8.

- 3.39 Mr. Merci said that the boring was prepared in February, which is a fairly dry month for boring; it's preferable to have them done in the wet months of June, July, and August. The report indicates substantial fluctuation in the water table. What precautions are they planning to avoid serious water infiltration?

The architect said that they plan to do the under slab and perimeter drain tile and would still be following some of the recs from the soil engineer.

- 3.40 Mr. Merci asked about the recommendations.

The architect said there is granular fill around the perimeter. They may do some geotech style. They may not have to do the CA7 layer underneath.

- 3.41 Mr. Merci asked if they were doing anything to the exterior walls.

The architect said they talked about cost of actually doing a barrier system.

- 3.42 Mr. Merci asked what was meant by barrier system.

The architect said something like PermaSeal.

- 3.43 Mr. Merci asked if it was damp proofing or water proofing.

The architect said that there are membranes that could be used on the outside. They are pricing that out.

- 3.44 Mr. Merci referenced the juncture between the slab and the wall – do they plan to provide any water stops?

The architect said that they may provide water stops. It is a cost issue.

- 3.45 Mr. Merci said that it is a cost now or a cost later. Nothing can be more damaging to a basement than water infiltration of this magnitude as indicated in the report. Hydrostatic relief is generally released through a valve in a tube with some kind of perforated tube that releases the water through the interior and is removed from the interior of the space. Were they planning on any hydrostatic relief?

The architect talked about using granular fill, drain tile on the perimeter. He has not considered hydrostatic relief.

- 3.46 Mr. Schneider just wanted to understand that if there are basements in the neighborhood, did they have the same issues.

- 3.47 Chairman Duffy said that there are some neighbors in the audience who could speak to that.

- 3.48 Mr. Schneider said that water is an issue in the Village especially with hard rains. The western part of the Village and Kenilworth Gardens are severely impacted and this area might be also. Maybe it's due to the water table or maybe it's due to the capacity of storm water to be drained quickly enough. One way to solve a water issue when one wants to build is to build it high enough and ask for a variance. That is one way to avoid a water problem. The ordinances was not designed for that purpose. He wish he had more information about basements in the area. This is a large building that goes from 4,000 to 5,000 square feet based on the variation request. He has a difficult time reconciling these issues.

(After Section 4.0)

- 3.49 The architect said they talked to their engineers about doing French drains to capture the water and hold it so that the system is not taxed.

Chairman Duffy said there are also systems where you could capture and hold the water and then pump it out later.

- 3.50 Ms. Norman referenced the drawing for the new house and clarified that the drawing was actually for the new house.

The architect said the bottom drawing shows the split level portion 4' above calculated grade. The upper drawing shows it at 6' above grade. The drawings of the two neighbors are identical.

- 3.51 Regarding house comparison, Chairman Duffy said the comparison was not to the current house, but to neighboring houses and showing the house in context.

#### **4.0 INTERESTED PARTIES**

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

- 4.11 Ms. Serena Peterson and Mr. Brian Closa  
918 Yale Street

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

- 4.21 Ms. Peterson said that they live to the north of the property being discussed. She bought the house over 21 years ago. They like living on a quiet cul de sac. They are concerned about the proposal. In the past they have ignored these types of notices trusting that the Village would make choices that would benefit all residents. They should have advocated on their own behalf.

None of the Trustees live on Yale Street. She shared experiences with construction and how it has impacted their quality of life. She is not anti-tear down. This is about being sensitive to the houses and owners who are still there. Rules and variances were made for a reason.

She talked about previous tear downs and problems they encountered during the tear down. Their backyard became flooded as did their basement many times per year. There was a lot of loss of personal items. They have not had water in the basement until construction began in the area. Yale Street becomes flooded. There are new huge homes on the street. They sometimes cannot leave their homes. She showed a picture after a rain.

914 Yale Street has gotten water all the time during storms. Yale Street gets water all the time. Water has to go somewhere and it goes in her yard. She wants the Board to be sensitive to modest homes on the street. She is worried about her future and quality of life. Neighbors were shocked about the variance. If the owners want a large house they should buy a lot that would accommodate that.

The constructions means more water in their basement. They are asking the ZBA to not approve the request. She is concerned about the resale value of their home.

Mr. Schneider clarified that prior to new construction she never had water in her basement.

Ms. Peterson said that was correct. But 914 Yale had water. Other neighbors get water a lot. She cannot speak for every neighbor. The street gets a lot of water and the situation is getting worse.

Chairman Duffy said that someone will redevelop next door to her. Whether it's this house or another house. The house will be bigger than the current house. The water problems are unavoidable. Is there anything that the Board can do differently? He reiterated that something will be built on that lot. Is it every rain that they get water?

Mr. Closa said they get water in the basement and heavy rains have not started. The water comes through a drain in the floor.

Ms. Peterson understands that something will be built but wants the Board to be sensitive to the neighbors.

Mr. Schneider clarified that their water backs up through the storm drain.

Ms. Peterson said that 914 Yale had a big Pine tree that was there for a long time and is no longer there. That impacted water.

Mr. Schneider asked Mr. Merci how that was a water level issue.

Chairman Duffy said it was a sewer system issue.

Mr. Merci said that it is primarily a sewer system issue however, because there is a high water table, there are probably sump pumps that discharge into the storm water system. Tonight's proposal might be to drain not to the storm water pipe but to drain on grade. It would then leak into sewer catch basins that discharge into the storm system. Water is constantly transferred from areas where it's not wanted into an overloaded storage system.

Mr. Schneider said he believes that is separate from the water table.

Mr. Merci said that if habitable construction is provided within the water table and people do not want the water table to infiltrate into a habitable area, they resort to sump pumps. He said sump pumps can discharge on grade, into the street, into a storm drain basins or into a sewer system that the sump pump is connected to illegally.

Chairman Duffy said that the higher water table causes more water in the sewer system.

Mr. Merci said that this happens because people are building into the water table. The water table is variable.

Ms. Norman asked if the Petersons had seen the plans.

Ms. Peterson said no one spoke to them and they did not see plans until tonight. They had no idea this was happening.

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

- 5.1 Mr. Merci said that the variation request is excessive and he does not think that the contribution of this construction will be an easily maintained structure. It has inherent potential water infiltration problems that have not been resolved.
- 5.2 Ms. Norman said that she finds it difficult to grant variations with new construction especially something that increases the home’s livable space. The height also bothers her. She is not sure if she can support this.
- 5.3 Mr. Schneider said that he was looking at standards for variations. None of the standards are met except that the proposed variation will not impair an adequate supply of light and air. That is probably met. He cannot support the request.
- 5.4 Chairman Duffy said he struggled with this due to total FAR. He understands what the architect is trying to achieve. There will be a large house on this lot. Even though the section causing the FAR issue is not that large and does not protrude higher than the roofline on the balance of the property everyone is struggling with the house size for the neighborhood.

**6.0 DECISION**

6.1 Mr. Merci moved to recommend granting a request a 2.0’ first floor height variation and a 955.23 square foot (10.54%) total floor area variation to permit the construction of a new house at 914 Yale Street in accordance with plans submitted.

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

Chairman Patrick Duffy	No
Mike Boyer	Not Present
John Kolleng	Not Present
Bill Merci	No
Lynn Norman	No
Reinhard Schneider	No
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 2015-Z-15.

6.21 Mr. Schneider seconded the motion and the voice vote was all ayes and no nays.

Motion carried.

**7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED**

The Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. There are no particular physical conditions of the property that are imposing upon the owner a practical difficulty. The plight of the owner is being created by the owner by their choice to raise the height of the basement level. There is nothing peculiar about the property that warrants the granting of the variation. The owner is able to make reasonable use of the property without the variations. The proposed variations are likely to injure other property and its use because of a flooding problem in the area. The variation if granted will allow a house of a size that will alter the essential character of the neighborhood.

**8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends denying a request a 2.0' first floor height variation and a 955.23 square foot (10.54%) total floor area variation to permit the construction of a new house at 914 Yale Street in accordance with plans submitted.

### **3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT**

#### **3.1 Persons appearing for the applicant**

3.11 Ms. Pamela Sue Fox  
7046 N. Damen, Chicago

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

3.21 Ms. Roberts said that this is a request for special use for an art studio (Studio North Academy of the Performing Arts). Less than a year ago she was before the Zoning Board because she was ready to expand. At that time it was unclear what would happen to Wilmette Subs and Ice Cream. She signed a one year lease at 1141. It is better for them to be at the proposed location. It will be safer for children and quieter for neighbors. She is asking for her last special use to change the space.

3.22 Chairman Duffy clarified that the applicant operated for one year at 1141. The space between 1141 and 1137 is now available and she is going to close the 1141 space and move to the 1135 space.

3.23 Ms. Norman noted that the applicant is not renewing her lease at 1141.

3.24 Regarding future expansion, the applicant would have to return because the use ran with the use.

3.25 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 Ms. Norman said that this case was heard last year. Traffic is somewhat problematic in the area, but standards of review are met and she will support the request.

5.2 Mr. Schneider said that there is no change so he can support the application.

5.3 Mr. Merci said he will support the request.

5.4 Chairman Duffy said he agreed.

### **6.0 DECISION**

6.1 Ms. Norman moved to recommend granting a request for special use for an art studio (Studio North Academy of the Performing Arts) at 1135 Greenleaf Avenue in accordance with plans submitted. The use shall run with the use.

- 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 Mr. Schneider moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2015-Z-12.

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

Motion carried.

## **7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED**

The Zoning Board of Appeals finds that the request meets the special use standards of Section 5.3.E of the Zoning Ordinance. The use has successfully operated three spaces in the building for the last year and now wishes to consolidate them into three adjoining spaces. The existing use has been good for the Village Center with no negative impacts. The proposed use (consolidation of an existing use in three adjoining spaces) in this location is consistent with the Comprehensive Plan to encourage a vibrant commercial district in the Village Center. The proposed use will not be detrimental to or endanger the public health, safety or general welfare nor will it be injurious to the use or enjoyment of other property. The proposed use will not impede the normal and orderly development and improvement of surrounding properties nor will it diminish property values. The proposed use will complement existing businesses. Adequate utilities, road access, and other facilities already exist. Adequate measures already exist to provide ingress and egress with the lot to the rear of the building. The proposed use will be consistent with the community character. No known archaeological, historical or cultural resources will be impacted. No buffers, landscaping or other improvements are necessary. No other standards of Article 10 apply.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for special use for an art studio (Studio North Academy of the Performing Arts) at 1135 Greenleaf Avenue in accordance with plans submitted. The use shall run with the use.