



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, SEPTEMBER 16, 2015**

**7:30 P.M.**

**COUNCIL CHAMBERS**

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**Members Present:** Acting Chairman Reinhard Schneider  
John Kolleng  
Bill Merci  
Bob Surman

**Members Absent:** Chairman Patrick Duffy  
Mike Boyer  
Lynn Norman

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

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**I. Call to Order**

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

**I. 2015-Z-40 821 Elmwood Avenue**

See the complete case minutes attached to this document.

**III. 2015-Z-43 1110 Chestnut Avenue**

See the complete case minutes attached to this document.

**IV. 2015-Z-42 3023 Central Avenue**

See the complete case minutes attached to this document.

**V. 2015-Z-39 141 Maple Avenue**

See the complete case minutes attached to this document.

**VI. 2015-Z-41 1100 Central Avenue Unit H**

See the complete case minutes attached to this document.

**VII. Approval of the August 19, 2015 Meeting Minutes**

Mr. Kolleng moved to approve the August, 2015 meeting minutes.

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

**VIII. Public Comment**

There was no public comment.

**IX. Adjournment**

The meeting was adjourned at 8:40 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 Neuhaus, applicant  
821 Elmwood Avenue

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

3.21 Ms. Roberts said that this is a request for a variation to alter a non-conforming accessory structure (detached garage). The Village Board will hear this case on October 13, 2015.

3.22 The applicant said that he would like to move his garage door, which is currently on the east side of the garage. There is a concrete driveway. The next door neighbors tore down the house and they used to have an adjoining garage with a concrete pad. They cut it off at the lot line and then it was too tight for him to get in.

His garage was sinking. They were pouring new footings. He decided to get rid of all of the concrete on the east and put the garage door on the alley side. They would get rid of 1,239 square feet of concrete on the east side and add an apron to the existing concrete alley. The apron would measure 137 square feet. He could put in more grass and have a larger back yard.

3.23 Mr. Kolleng asked why the garage was increasing in height.

The applicant said that the water goes around his garage instead of to the alley. The wood was getting wet when it rained, as was the garage floor. The garage was raised about 6" so it is above the water.

3.24 Mr. Kolleng clarified that they are raising the garage, pouring a new slab and moving the garage door.

3.25 Mr. Surman asked if the applicant was satisfied with a 16' wide door.

The applicant would rather have an 18' wide door. His architect drew the plans incorrectly.

3.26 Acting Chairman Schneider asked if the garage was also used for storage.

The applicant has 6 children and they use garage 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. Kolleng said this is a nominal change as a result of pouring the new slab. By removing the old drive, they add grassy area. Standards of review are met and he can support the request.
- 5.2 Mr. Surman said it is a good project and he can support it.
- 5.3 Mr. Merci agreed with the above.
- 5.4 Acting Chairman Schneider agreed. It is an improvement.

**6.0 DECISION**

- 6.1 Mr. Kolleng moved to recommend granting a request for a variation to alter a non-conforming accessory structure (detached garage) at 821 Elmwood Avenue in accordance with the plans submitted.
- 6.11 Mr. Surman seconded the motion and the vote was as follows:

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

Motion carried.

- 6.2 Mr. Kolleng moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2015-Z-40.
- 6.21 Mr. Surman seconded the motion and the vote was all ayes and no nays.

Motion carried.

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

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The particular physical conditions of the property, the existing non-conforming garage, impose upon the owner a particular hardship. The plight of the owner was not created by the owner and is due to the unique circumstances of the garage. The hardship is peculiar to the property in question and not generally shared by other properties. The hardship prevents the owner from making reasonable use of the property by preserving and improving the function of the existing non-conforming

structure. 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 allows for the preservation of an older accessory structure and the removal of excessive paving in the rear yard.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a variation to alter a non-conforming accessory structure (detached garage) at 821 Elmwood 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. Greg Pearlman, applicant  
1110 Chestnut Avenue

**3.2 SUMMARY OF PRESENTATIONS**

3.21 Ms. Roberts said that this is a request for a 5.6' front yard porch setback variation to permit the construction of a front portico. The Village Board will hear this case on October 13, 2015.

3.22 The applicant said that they are looking to rebuild the portico that they took off the house because it was in disrepair. They have lived in the house for about 15 years.

3.23 Acting Chairman Schneider clarified that the foundations are still there and they will reuse them.

The applicant said that this was correct. Everything is there except for the actual structure.

3.24 Mr. Surman will the portico be historically significant

The applicant said that portico will mimic the previous structure.

3.25 Mr. Surman asked if the documents submitted with the application were the original documents.

The applicant said document are architectural drawings from 1924.

3.26 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. Surman said that this is a straightforward request and he is glad that the portico is being restored. Standards of review are met. He can support the request.

5.2 Mr. Merci said that the restoration is to be commended. It is a George Maher residence. He can support the request.

5.3 Mr. Kolleng agreed with the above.

5.4 Acting Chairman Schneider said that the portico is a great addition to the building and he can support the request.

**6.0 DECISION**

6.1 Mr. Surman moved to recommend granting a request for a 5.6’ front yard porch setback variation to permit the construction of a front portico at 1110 Chestnut Avenue in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Kolleng moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2015-Z-43.

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

Motion carried.

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

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The particular physical condition of the property, the 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 in question and not generally shared by others. The difficulty prevents the owner from making reasonable use of the property to restore a front portico on the historic landmark. The proposed variation will not impair an adequate supply of light and air to adjacent properties. The variation, if granted, will allow the original portico to be rebuilt, restoring the original appearance of the home. The essential character of the neighborhood will not be altered. The appearance of the neighborhood will be improved with the restoration of this feature.

**8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a 5.6’ front yard porch setback variation to permit the construction of a front portico at 1110 Chestnut 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. John Nash, applicant  
1729 Washington Avenue

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

3.21 Ms. Roberts said that this is a request for a 2.0' fence height variation and a fence openness variation to permit the retention of a 6.0' high solid fence in a front yard and a side yard adjoining a street. The Village Board will hear this case on October 13, 2015.

3.22 The applicant said that the property has a unique location. On the east side is Skokie Boulevard. On the north side is a forested area, which is Central Street. They want to maintain a 6' privacy fence along the north, east and south sides of the property.

It is important to have the fence as it makes the property safer. It is a sound barrier for the house and for the entire block behind the house. There was no fence there before.

3.23 Acting Chairman Schneider asked the applicant if he knew that he needed a permit before installation.

The applicant said he did not speak with the contractor about this so it went up without a permit and he takes the blame for this.

3.24 Mr. Kolleng asked what the fence would look like if it was conforming.

The applicant said it would be useless. It would not provide a sound barrier. Children could get over it. He wouldn't bother to put it up. He would do something else like add a few more bushes. The purpose of the fence is to keep someone from going over it, to provide privacy and security and to reduce noise. In other locations, a lower fence works but he lives in an isolated location that is surrounded by the forest. No one can see the fence.

3.25 Mr. Kolleng asked when the fence was installed.

The applicant said that the fence was installed in May 2015 and there was no fence before that. He would not want to live without a fence. This is not his residence, but he rents the home.

3.26 Mr. Surman said if there was a standard lot they could install a 6' high fence in the yard. In this case the fence impacts the front and side yards.

Ms. Roberts said that for zoning, the front yard is Skokie Boulevard and the side yard adjoining a street is Central because it is a right of way. The alley is a right of way that is unopened so it is a public right of way. The plat shows the alley.

3.27 Acting Chairman Schneider referenced a case that was near New Trier West.

The applicant said that this exact request was made by the applicant's neighbor directly across the street whose house is positioned the same on the lot. His fence runs along Skokie and along Central and that is what he is asking for tonight.

3.28 Mr. Surman asked if they were on the east side of Skokie Boulevard.

The applicant showed the neighbor's house on a drawing. The property is much larger than his property. They are asking for the same configuration and the same location.

Ms. Roberts said that the neighbor's case is in the packet. She is not sure if this was a new or a replacement fence.

3.29 Acting Chairman Schneider said this is unique situation with a side yard adjoining a street and an unused right of way. The neighbor's house faces a similar situation. Other houses along Skokie have high fences but those are considered back yards.

Ms. Roberts said that the ordinance does provide some fence exception areas where taller fences are allowed along these kinds of routes but it does not apply to front yards.

3.30 Mr. Surman said it is a technicality that the fence is in the front yard.

(After 4.23)

3.31 Mr. Surman asked if the fence was installed on the lot line.

The applicant said there are bushes and trees and the fence is inside the property. He said he would discuss the neighbor's issue with her privately. The issue is that the fence is inside the line and she wants it further out.

3.32 Mr. Merci said that the fence is south of the property line per the neighbor.

The applicant said that is not true.

3.33 Mr. Merci referenced 1.3 and asked if the fence was outside of the property line.

Ms. Roberts said that Mr. Merci is talking about the fence at the rear of the property by the garage.

The applicant said that is not his fence.

- 3.34 Mr. Merci asked what the exact issue was.

The applicant said that there are bushes and trees near the property line. The fence is several feet inside of his property line.

- 3.35 Acting Chairman Schneider clarified that there is no question that the fence location is on his property. It does not violate anyone else's property. The Board is addressing whether to approve the request for a height and openness variance.

The neighbor kept interrupting when Acting Chairman Schneider was speaking and he said that the neighbor and applicant could discuss this outside of the meeting. She would not stop talking during the meeting.

#### **4.0 INTERESTED PARTIES**

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

4.11 Ms. Desai Jyotiben  
551 Skokie Boulevard

(After 3.35) 4.12 Ms. Anita Miller  
3029 Central Avenue

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

4.21 Ms. Jyotiben said that the trees and bushes belong to the applicant and he does not take care of them so they harm her property. The applicant did not discuss the fence with her.

4.22 Mr. Surman said he imagines that the fence is on the lot line.

4.23 Acting Chairman Schneider asked her to sit down and asked the application to come up to explain the situation.

4.24 Ms. Miller said she lives next door to 3023 Central Avenue. She is to the west of the applicant's house. She talked about the orientation of the block. On Central Avenue there are four houses on the block. The orientation of the front yards of these houses face north. Her front yard is a northern front yard and the applicant's front door of the house faces north. The northern part of the fence is bordering the front yard of the house and then it turns the corner and goes east and is adjacent to Skokie Boulevard.

Regarding the fence across from her house, the fence is in the neighbor's back yard due to the way that the house is sited on the lot.

She has lived in her house for 23 years. With the fence being discussed at the hearing, her view has radically changed. She is looking at a backyard fence from

her front yard. Before the fence she saw bushes. She is surprised that Mr. Nash brought up security issues. The former owners did not have a fence on the property. She has never heard of security issues in the easement (forest). There is a path between Central and Skokie Boulevard that is infrequently used.

She was aware of the fence going up because she saw the installation. She thought that it might be a good sound barrier from traffic on Skokie Boulevard. She has not seen any difference in sound with the current fence. Bushes and trees are sound barriers.

Her concern about having a back yard fence in the view from her front yard. This is unusual.

- 4.25 Mr. Surman clarified that the applicant could build a 4' high fence by ordinance with 50% openness.

The neighbor said she knew that. She wants to see landscaping on front of the fence.

- 4.26 Mr. Merci said that acoustical engineers would say that any type of wood fence is insignificant regarding sound attenuation. Mass and area accomplish attenuation but a wood fence does not.

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

- 5.1 Mr. Kolleng has some issues with this. There was no fence in the past. This fence went up and it was not conforming. If the applicant needed a fence, he does not understand why a 4' high 50% open fence does not work. He has issues relating to the hardship in this case. Ms. Miller is being impacted by the 6' solid fence per her remarks. E and F of the standards are also issues. He cannot support this request.
- 5.2 Mr. Merci said that neighbors are impacted by the request. He cannot support the request.
- 5.3 Mr. Surman said that the contractor had to know that a permit was needed. It must have been discussed and the decision made not to pursue it. He can kind of see the fence need along Skokie Boulevard, but the visual presence of the fence impacts the neighbor. He does not see the hardship and cannot support the request.
- 5.4 Acting Chairman Schneider said this is an interesting case and the Board recently saw a similar case. The issue is defined as a side yard adjoining a street. The street is a right of way. There is a path and he does not know who uses the path. To the north, that property had the same situation. Ms. Miller is now looking at a tall fence. That fence is not as visible as the long fence across the street. This request does not fit the description or intent of the ordinance because it is not a trafficked street at that point. He can support the request.

**6.0 DECISION**

6.1 Mr. Kolleng moved to recommend granting a request for a 2.0’ fence height variation and a fence openness variation to permit the retention of a 6.0’ high solid fence in a front yard and a side yard adjoining a street at 3023 Central Avenue in accordance with the plans submitted.

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

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

Motion failed.

6.2 Mr. Surman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2015-Z-42.

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

Motion carried

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

A majority of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F and the fence variation standards of Section 5.4.F.h of the Zoning Ordinance. Specifically, there are no conditions of the property imposing a practical difficulty or a particular hardship. The applicant can make reasonable use of the property without a tall and solid fence. The property has existed without any fence for many years.

The street to which the fence is oriented is a dead end with a pedestrian cut-through to Skokie Boulevard. There is not sufficient pedestrian traffic or any vehicular traffic that drives the need for a tall or solid fence along this frontage.

A minority of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F and the fence variation standards of Section 5.4.F.h of the Zoning Ordinance. The particular physical condition of the property, its location as a corner lot with the front on Skokie Boulevard imposes upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique location of the property, which because of the unopened right of way, fronts on Skokie Boulevard. The difficulty is peculiar to the lot in question and not generally shared by others. The

difficulty prevents the owner from making reasonable use of the property with a secured backyard. As the fence is adjacent to a street, it will not impair an adequate supply of light or air. The variation will not alter the essential character of the neighborhood, which includes 6' tall solid fences along the north side of Central Avenue, which is the backyard of properties on Barclay Lane.

The street to which the fence is oriented is a dead end with a pedestrian cut-through to Skokie Boulevard. While the street does not have much traffic, it is a pedestrian route. There are other fences along the north side of Central Avenue, which are the rear of other homes on Barclay Lane.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends denying a request for a 2.0' fence height variation and a fence openness variation to permit the retention of a 6.0' high solid fence in a front yard and a side yard adjoining a street at 3023 Central 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. Kurt Topel, applicant  
141 Maple Avenue

3.12 Ms. Laura Topel, applicant  
141 Maple Avenue

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

3.21 Ms. Roberts said that this is a request for a 4.92' side yard air conditioner setback variation to locate two air conditioner condensers for a new home. The Village Board will hear this case on October 13, 2015.

3.22 The applicant said that he and his wife are building a new home. It is immediately west of Baker Demonstration School. There is a fence between them and the school. They had designed their house to have most of the windows on the back. When they went to get the permit they were required to put the condensers in the back yard to allow for the 10' setback from the side yard. Because of the fence they thought it would be better for them, neighbors to the west and for the school to move the condensers between the house and fence on the east side versus them being in the back yard. This was for aesthetic reasons.

He has worked with the school a lot since he started building. Someone from the school said they had no issue with their request. Their neighbor on the west supported moving the condensers so he didn't see them.

3.23 Acting Chairman Schneider referenced the part that is going to be enclosed. The current location would put the condensers beyond that porch.

The applicant said that will be a screened in porch and they want to move the location of the condensers.

3.24 Mr. Merci said he did not see the size of the condensers mentioned.

The applicant said that his contractor gave him specs that should be in the packet.

3.25 Mr. Merci said that the tonnage will indicate the size of the unit. The manufacturer's recommendation indicates a 1.5' separation between the wall and the unit. If they needed a 3 ton unit, it is a 36" dimension. 36"+18" is 4'6". The setback of the wall at that point is 8'. The actual variation would be about 3.5' from the property line. That may need to be revised if the Board moves to recommend approval. Unit dimensions are not shown. The manufacturer will ask that the units

be placed above grade, which means they will impede surface drainage going from northeast to southwest. They will create a ponding area on their property adjacent to the easement. Has the applicant gotten permission from the beneficiaries of the easement to build units in the electrical and drainage easement?

Ms. Topel said that architects put the unit on the drawing per the specs.

Mr. Topel asked if Mr. Merci was talking about between them and the western neighbors.

- 3.26 Mr. Merci said he was talking about the eastern neighbors. The easement runs the full length of the eastern boundary line.

Ms. Roberts said that the engineering department will want an updated grading plan to show the units within the 5' easement. There might need to be a slight change to the plan to make this happen. It is a Village easement and not a utility easement.

- 3.27 Mr. Merci said it would seem as if the beneficiary of the easement would need to grant permission. Construction of the units will impede surface drainage. He said they may want to do something to prevent water infiltration into the basement as a result of ponding water by the units.

- 3.28 Acting Chairman Schneider asked about the requirement for the distance from the exterior wall to the unit.

Mr. Merci said that there are two brick courses between the separation between the furthest east wall and the wall on which the units will be placed. The east wall is about 8' from the property line.

- 3.29 Acting Chairman Schneider said that drawing shows the units up to the east wall. Is there a minimum separation distance required?

Mr. Merci said that in order to provide adequate space around the unit 18" is recommended by the manufacturer.

- 3.30 Mr. Kolleng said that the request would be a larger variance.

Ms. Topel said they would follow up with their architects tomorrow.

- 3.31 Mr. Merci talked about the impediment of surface water since they have to build a pad above grade.

- 3.32 Mr. Surman said they could put the unit on a bracket.

- 3.33 Mr. Merci said that units that are bracketed transmit vibration to the structure and the recommendation is to separate the unit from the structure. The question is whether they are allowed to build in the easement.

The applicant asked if they had to return to address this issue.

Ms. Topel said that the fence is 1' on their property so their property line is 1' beyond the fence.

- 3.34 Acting Chair Schneider clarified that the house is less than 10' from the fence. The property line is 1' beyond the fence to the east. The variation request may be larger than what is stated.
- 3.35 Mr. Merci said they need to identify the unit size and the proper spacing between the unit and the wall adjacent to the unit. That may amount to 4'6". If they take the 6'6" dimension and add two brick lengths of 16" they come up to almost 8'.
- 3.36 Mr. Surman said they need a detailed drawing to show to the Village Board. He said that for tonight's request one issue that comes up is hardship. He thinks it is a good idea to move the units, but what is the hardship. The architect did not do the best planning for the project.

Ms. Topel said that regarding hardship, the school was their neighbor and not another home. They did not want views of the school.

- 3.37 Mr. Surman said that the Board looks at who created the hardship and the applicants or the architect created the hardship.

The applicant agrees that they decided to place the house where they did. It did not make sense to make a niche to put in the units. If they have to put them in the back yard they will. They are seeking a better aesthetic situation for them and their neighbors.

- 3.38 Mr. Kolleng said that the school is one of the neighbors and no one sees the fence.
- 3.39 Mr. Merci said that the units generate about 76 decibels. They have windows adjacent to the units. If the request is granted, they should provide suitable acoustical separation.
- 3.40 Acting Chairman Schneider referenced the rear of the house. There is a screened in porch to the left. What is on the rear wall? What leads out of there?

Ms. Topel said that it is the family room and master bedroom and there are sliding doors coming out of the screened porch heading west.

- 3.41 Acting Chairman Schneider asked if there was a problem having the units in the middle of that back wall.

Ms. Topel said that would impact the family room view and a patio. The only windows are really only at the back of the house and a few on the sides. The windows are floor to ceiling.

The applicant said that most of the other windows in the house are high and are not normal windows on the side of the house. It would be better for everyone if they could move the units around the corner.

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

Ms. Roberts said that there were two letters of support from neighbors to the west and south respectively.

Acting Chairman Schneider said that there also was a letter from the school.

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

- 5.1 Mr. Merci said that in view of corrections required for the variation and permission that seems to be in need with respect to building in the easement he cannot support the request at this time.
- 5.2 Mr. Surman said that for new construction there needs to be a hardship. If there was a tree or unusual situation that would be a hardship. He can see past that in this case because a code should not impact the use of the screened in porch. He went out to the site and saw dumpsters next to the home from the school and a temporary green house. They would not harm anyone with their request. He would not support this if there was an adjacent home. He can support this. There needs to be a modification to the location dimension as well as the offset.
- 5.3 Mr. Kolleng said he has an issue with hardship. When there is new construction they are starting with a blank slate. The architect should know zoning requirements and the units should be placed in an area that meets requirements. This is an unusual property however because of the school with the green house and composter. If there was a house next door he would not support it, but he will support tonight's request.
- 5.4 Acting Chairman Schneider said that this is a hard case. This is new construction and the situation could have been anticipated in terms of the design of the house, layout and window locations. To the east is a school. But what if this changes in the future? He finds it hard to support the request at this point and he cannot support the request.

**6.0 DECISION**

6.1 Mr. Merci moved to recommend granting a request for a 4.92' side yard air conditioner setback variation to locate two air conditioner condensers for a new home at 141 Maple Avenue in accordance with the plans submitted.

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

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

Motion failed.

6.2 Mr. Surman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2015-Z-39.

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

Motion carried.

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

Two members 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 condition of the property, the location next to an institutional use, provides the owner with the opportunity to locate the two air conditioner units in a location with the least impact on their neighbors and themselves. The proposed variation will not injure other property. As proposed, the units will be as far as possible from residential neighbors and from the occupants of the institutional property. The institutional use has their dumpster and temporary greenhouse along the same lot line. The variation, if granted, will not alter the essential character of the neighborhood.

Two members 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. There are no particular conditions of the property that are creating a hardship. The new home is currently under construction for the applicant and could have been designed to locate the units in the least obtrusive location. The applicants created their own situation with the layout of the house on the lot.

**8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends denying a request for a 4.92' side yard air conditioner setback variation to locate two air conditioner condensers for a new home at 141 Maple 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 Manoj Mehta, MD, applicant

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

3.21 Ms. Roberts said that this is a request for a special use for a medical/dental clinic, large. The Village Board will hear this case on October 13, 2015.

3.22 The applicant has an office in Kenilworth. He is interested in moving his current office practice to a former pediatrician's office. The opening to the space is in the back off of the parking lot.

He has been in practice for 15 years and is committed to the North Shore. Wilmette is the epi-center of his patient population. He works out of Evanston Hospital as well as Glenbrook and St. Francis. His patients live in Evanston, Wilmette, Winnetka and Glencoe.

The office will be repurposed as a medical office. He is a solo practitioner. He has three employees and himself and is only in the office one day per week and he sees patients every half hour to 45 minutes. He has less traffic than the pediatrician's office. This space is bigger than his current office and has better parking. There are also businesses for patients to go when they are finished seeing him and families could shop. The space is off of the frontage and is not really retail space because no one is window shopping back there. They are not expanding current space. He is not open in the evening so his business will not impact the dinner and/or entertainment groups. The space has been vacant for two years.

3.23 Mr. Merci asked about if the parking requirements for the previous and proposed tenants were the same.

3.24 Mr. Surman said he assumes both offices would have the same parking requirements.

3.25 Acting Chairman Schneider said that there is surface parking and the Burmeister lot that is below grade and accessed from 11<sup>th</sup> Street, which is not fully utilized and most of it is a public lot.

3.26 There was no one in the audience to speak on this case. There was no additional communication on this case.

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

- 5.1 Mr. Kolleng said he can support the request and is a great addition to the area. The use is remaining a medical office. There will be less traffic. Standards of review are met.
- 5.2 Mr. Merci said that the request is consistent with the intended use and he can support it.
- 5.3 Mr. Surman also supports the request.
- 5.4 Acting Chairman Schneider said that this would be an impossible retail location and the use is appropriate.

**6.0 DECISION**

6.1 Mr. Kolleng moved to recommend granting a request for a special use for a medical/dental clinic, large at 1100 Central Avenue Unit H, in accordance with the plans submitted. The use shall run with the use.

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

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

Motion carried.

6.2 Mr. Surman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2015-Z-41.

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

Motion carried.

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

The Zoning Board of Appeals finds that the request meets the special use standards of Section 5.3.E and the variation standards of Section 5.4.F of the Zoning Ordinance. The proposed use of a medical clinic in this location is consistent with the goals and policies of the comprehensive plan. The subject tenant space is located off a courtyard and has no street frontage, therefore it is not well suited for retail or restaurant usage. The space has

been vacant for two years. The proposed medical clinic will replace another medical clinic that occupied the space for approximately 10 years. The applicant testified that his is a sole proprietorship and that he will be in the office only one day per week. This will be less activity than the previous medical clinic.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a special use for a medical/dental clinic, large at 1100 Central Avenue Unit H, in accordance with the plans submitted. The use shall run with the use.