



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, JUNE 17, 2015

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Chairman Patrick Duffy
Mike Boyer
John Kolleng
Reinhard Schneider
Bob Surman

Members Absent: Bill Merci
Lynn Norman

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

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

I. 2015-Z-23 3223 Lake Avenue

See the complete case minutes attached to this document.

III. 2015-Z-24 1536 Central Avenue

See the complete case minutes attached to this document.

V. Approval of the May 20, 2015 Meeting Minutes

Mr. Boyer moved to approve the May 20, 2015 meeting minutes.

Mr. Schneider 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 8:16 p.m.

Respectfully submitted,

Lisa Roberts
Assistant Director of Community Development

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

3.1 Persons appearing for the applicant

3.11 None

3.2 Summary of presentations

3.21 Ms. Roberts said that the applicant was requesting that the case be continued to July 1, 2015.

6.0 DECISION

6.1 Mr. Boyer moved to continue the case to the July 1, 2015 meeting.

6.11 Ms. Kolleng seconded the motion and the voice vote was all ayes and no nays (Mr. Merci and Ms. Norman were not present).

Motion carried.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Gary Broadhurst, applicant

3.12 Ms. Stephanie Broadhurst, applicant

3.13 Mr. Robert Kolososki, architect

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 215.5 square foot (2.76%) lot coverage variation and a 351.69 square foot (4.51%) total floor area variation to permit the construction of a two-story addition and new front porch. The Village Board will hear this case on July 14, 2015.

3.22 Mr. Broadhurst said that they want to update their 1.5 story house that was built in the 20s. They wish to bring the house up to today's living standards for a family of five while maintaining the architectural integrity/diversity of the neighborhood. The variations will not alter the character of the home or the neighborhood but will enhance the house's curb appeal and future salability. They do not want to tear their house down. They worked with their architect on the design. The neighbors support this project and he submitted letters of support.

Current challenges include a choppy first floor with poor flow and use of space, an old three-season porch on the back of the house that is not usable for at least 8 months because it is not insulated and has no heat or ac, the rear porch is structurally unsound and has a sagging roof. On the second floor, a major challenge is lack of space within the existing roofline to expand into a third floor. Most homes have a third floor or potential to expand into the attic. Their second floor has large shed dormers and sloped ceilings running full length along both sides of the home. Each set of dormers has 2.5' wide obstructions dividing up the bedrooms and taking up 6' of headroom. He submitted photos of the latter situation. Expansion upstairs is challenging. There is only one bathroom on the second floor which all five of them have shared for almost 6 years.

The renovation plan addresses the challenges by improving the layout/flow of the home by adding an open plan kitchen and family room off of the back. Upstairs they will add a master suite and a mudroom on the side of the house with direct access to the garage and backyard. The rear wooden steps are eliminated which are challenging in winter. The lack of bathroom amenities on the second floor would be resolved by adding small bathrooms into existing closets. The hallway is open and children have their own spaces and the second floor use is more efficient.

They want to stay in the home and not have to tear it down but they need more living space. They want to bring their home in line with modern living standards while maintaining/enhancing the charm of the house and the neighborhood.

- 3.23 Mr. Schneider said the plan to add a mudroom on the east side. Is that another access to the basement?

The applicant said that would be an access to the new basement area. There would be a new walkway into the kitchen. In the mudroom if one turns right they can access the new basement.

- 3.24 Mr. Schneider noted a chimney on the east side of the house. He does not see it on the existing or proposed plan.

The applicant said that the chimney remains and the mudroom encompasses it. He agreed that the chimney was not shown on the plans.

- 3.25 Chairman Duffy said they are requesting almost 352 square feet of floor area. They are creating this problem by asking for a large addition. Did they try to decrease the size so they did not have to come before the ZBA?

The applicant said they worked extensively with their architect on the plan. They want to remain in their present home. The architect created various designs. He said they were amazed about numbers adding up quickly and the design tonight has been scaled back.

On the west side is a window well that could be 36" deep but that would require another variation for setback and the window well is reduced to 30" to conform. They tried to conform with the overall architecture. The new roof is lower than existing roof. Some of the elevations do not start from full height but gradually enlarge.

The current design encompasses what they need the home to be. There is nothing superfluous in the design.

- 3.26 Chairman Duffy said that the addition is 33' wide, two stories high. If they pared it back towards the house by 5' now they are not asking for the FAR variation.

The applicant said they would then lose the master bedroom closets.

- 3.27 Chairman Duffy noted that there is an office.

Ms. Broadhurst said that the office is small and she and her husband both work at home so they need their own space to work.

Mr. Broadhurst said they each need their own space to work. If they are going to invest this sort of money in the home, the design needs to make sense for them but future owners. Everyone that has owned the home has complained about the home's challenges. It is basically a one story red brick English bungalow that was expanded into the attic in the 1990s with the big shed dormers. Those cannot be changed. They cannot go up to the third level so they have to fully use the first and second floors.

Ms. Broadhurst said that the addition is efficient in the back because they are pulling back on the stairway and the back yard will look nicer. They are eliminating the stairway up to the porch. The back yard will be more rectangular.

- 3.28 Mr. Boyer said that the Board has to look at the issue of practical difficulty or the hardship. What is different about the house or lot?

Ms. Broadhurst said that 2nd floor dormers are massive so tuck a bathroom into one of the rooms does not work. She referenced photos and said they have huge obstructions on the second floor, which is a major hardship. The amount of space in each sectioned off area is about 9' x 10'. If they put up a wall they could have two rooms of that size but they cannot do anything with those rooms. To remove the dormers is expensive and is a risk to the integrity of the house.

- 3.29 Mr. Surman asked if the architect did the FAR calculation did he properly count the area that is within the sloped area. If it is less than 6'9" it does not count against FAR.

Mr. Broadhurst said he checked that several times. The architect was diligent in calculations.

Ms. Broadhurst said that the house is narrow so they don't have hallways. They made the addition so that it does not encroach on the backyard. Why would they want a 12' x 13' small family room when they are investing this amount of money? They looked at neighbors additions and kept their plans in sync with that.

- 3.30 Chairman Duffy said if they were to build a new house it could not be this big.

Mr. Broadhurst said that it would be allowed a third floor which could be up to 6'9".

- 3.31 Chairman Duffy said that it would not have the same square footage that is being requested. They would have less square footage by 362 square feet.

Mr. Broadhurst said they would have more living space with a full third floor. Homes have a third floor and new homes are being built with third floors.

- 3.32 Chairman Duffy said they are asking for a 362 square feet more than they would be allowed to build if they tore the house down.

Ms. Broadhurst said that the way around this is that people are putting third floors on home so they have more square footage.

The architect said that a hardship is the oversized garage that contributed to the floor area calculation.

- 3.33 Mr. Schneider asked the garage size.

Mr. Surman said that the garage is 22.22' x 24.18'.

The architect said that the garage is 528 square feet. Most garages in the Village are not that large.

- 3.34 Chairman Duffy said that the oversize garage 'hurts' them by 80 square feet.

The architect said he asked the applicants what they could give up to bring down the request. He did 2 to 3 plans that shrunk the request. The applicants want a nice family room and kitchen. They plan to remain in their house. To take off 5' would not make it worth the effort of doing the addition.

- 3.35 Mr. Surman pointed out that the difficulty the Board faces is that they have to follow guidelines.

Ms. Broadhurst said that none of their proposed sizes are enormous. They are in sync with their neighborhood. She said there are houses in her neighborhood that have larger kitchens and family rooms. They are not asking for too much. They are putting in a lot of money and effort and talked about resale value.

- 3.36 Chairman Duffy said that resale value cannot be taken into consideration and is not within the Board's purview.

- 3.37 Mr. Kolleng noted that the standards indicate that financial consideration should not be part of a decision.

- 3.38 Chairman Duffy said if a house was built with a basement that is 4' above grade that adds square footage to the house. That would be a candidate for zoning relief. So are houses on small or irregularly shaped lots or houses without alley access if there is a safety concerns or if setbacks predate the code. The Board is struggling.

Ms. Broadhurst asked if the dormers would fall into this category.

- 3.39 Chairman Duffy said they are compensated for that by being under a certain height.

Ms. Broadhurst said that that it is not clean space and it is not usable.

- 3.40 Chairman Duffy reiterated that they were compensated for that by specific measurements.

Ms. Broadhurst said that there is an issue with functionality. The area is skinny. They cannot put a bathroom in that space. They have to work off of the addition space. If they made significant changes on the second floor there would be huge structural issues with the dormers. The addition off of the back has to be clean.

- 3.41 Mr. Surman clarified that anything under 6'9" does not count against them.

- 3.42 Mr. Kolleng asked how far out the front porch came.

The architect said that most of the porch comes out 6'.

Mr. Broadhurst said that they are within the front setback. Some of the other homes come out further than theirs.

- 3.43 Chairman Duffy noted that the only covered part that counts against them is the portion that looks like a gazebo on the elevation drawing.

- 3.44 Mr. Kolleng said that it appeared as if they were losing back yard space.

Ms. Broadhurst said that although they are losing space the yard becomes much more usable. There is a huge staircase that comes out and encroaches on the yard and they are eliminating this. They are putting a mud room on the side of the house and opening up the back yard. The porch is now massive and unsound.

- 3.45 Mr. Schneider asked if the front porch counted against the lot coverage number.

Ms. Roberts said only the section of porch that has a roof counts against lot coverage.

- 3.46 Ms. Broadhurst turned to the issue of hardship again and said that the issue is on the second floor. They cannot work with the space that has dormers. Adding onto the back is the best solution and preserves the architectural integrity of the house and allows it to be more modern for a family of 5.

- 3.47 Chairman Duffy said that everyone is on board with the idea that an addition off the back is the solution but it is the amount of square footage they are asking for is the stumbling point.

- 3.48 Mr. Surman said that Mr. Boyer mentioned hardship earlier in the discussion. When it is a new addition or a new house it is hard to grant a variance. Everyone wants more space but all the houses would continue to grow.

Mr. Broadhurst said that the house is still 1.5 stories. It is not a two-story home. It is an expanded one-story home with a very tall roofline and ceiling. They cannot change what exists with the dormers. An architect told them not to touch the dormers. Each dormer was designed to be divided into two.

Ms. Broadhurst said that the alternative is to tear the house down so they would add another cookie cutter home to the neighborhood. Neighbors would be impacted by their adding a third floor. The back yard might be slightly bigger but it is better to take a few feet of their back yard and keep it a two-story and have what they need for their family. She has concern about cookie cutter homes in her neighborhood. They want to preserve their home and that should be more important to the Village.

- 3.49 Chairman Duffy said that the Board is saying that there is a way to do this without a variance.

Mr. Broadhurst said they looked for a solution to do this and could not find one. They have a vision for the home but are not architects. Their architect has done a fine job. The plans were originally quite different from what is being seen today.

- 3.50 Mr. Surman asked if the second floor office could be on the first floor. There is a lot of area on the first floor

Ms. Broadhurst said there are no hallways on the first floor so that is a tight traffic area with the new plan.

- 3.51 Mr. Boyer said that the powder room is on the other side of the mudroom. He suggested getting rid of the butler pantry and moving the mudroom into the house and reconfigure some of that space.

Mr. Broadhurst said they considered some of Mr. Boyer's suggestions. They come back to the value of the home they are investing in.

- 3.52 Mr. Boyer said that the Board is advisory only and give a recommendation to the Village Board. The Village Board can accept or not accept the ZBA's recommendation. Some of the arguments the applicants bring up are outside what the Board can vote on.

Mr. Broadhurst said if they are to do the project the home has to be modern. This is the only design that makes sense. Otherwise it is not worth the investment. The project has to meet their needs.

Ms. Broadhurst said that the original floor plans show a bathroom in the middle and they moved it to the west side. They cannot put an office on the first floor and talked about why. The area for the pantry is not a big area. It is like the size of a closet. There is no closet space in the front. They are efficient with the floor space.

They have five letters of support from neighbors who want to see the house improved and understand their design challenges.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Boyer said that he is struggling with the practical difficulty and the hardship issues with this case. There are opportunities to make the space the way they want it as well as make it within the zoning codes. He listed issues that require zoning relief – lot shape not typical for area; home placement is not typical on the site; no alley; height of the house; ranch houses. As much he would like to support the request, he cannot get over the hurdle of hardship. The Village Board may view this differently but he cannot support the request because it does not meet standards of review.
- 5.2 Mr. Schneider reluctantly agreed with the above comments. There are solutions. He is looking at standards of review and reviewed the standards and talked about practical difficulty/hardship versus mere inconvenience. He talked about the issue of plight and that standard is not met. The only standard that is met is that the proposal will not impair light or air to neighbors. It is hard for him to support this request. There are many options to create the kind of addition that fits their needs and meets the code.
- 5.3 Mr. Surman agreed with his colleagues' comments. He cannot find any hardship. The proposal has to be downsized and reconfigured and it could be done within that area. It won't be what they want and perhaps it's not going to match the investment. But the Board bases decisions on guidelines that they were given.
- 5.4 Mr. Kolleng said this is an older home and the Board discusses alternatives for older homes. It is important to preserve the home's uniqueness and the Board looks at this. The neighbors support the request. But there are things that the applicants want. They could buy a larger home and get those things. The lot is not that big and they are adding a lot onto the house. The bigger garage hurts them somewhat. He tries to let people do what they want with their homes. There are positives on both sides in this case. He is on the fence right now.
- 5.5 Chairman Duffy said that he reads through the case packet before looking at the site. They are creating their own problem so he is not sure that he sees the hardship. They can pare back the addition. But the applicants bring up a good argument about tear downs and cookie cutter homes. He went to the house and thought that it was imposing. The house is already 3,000 square feet. Is the house up to date for current standards? That is an answer of perspective. The applicants bought the house for some reason(s). He knows that families grow. But after he went around the entire house, there has to be a way to reduce the size of the request. The architect created a great first floor. But they are adding a lot to the home. They are creating their own issue. There is nothing about the house or the lot that would constitute hardship. He will not support the request. Other Board members talked about the

guidelines/standards of review. If he was the applicant, he would ask for what they are asking for because it makes sense and gives them what they want from the house. Is there a way they can get around the rule? Not for the Zoning Board. Or maybe they can come back and be closer to the envelope with a smaller request or take a chance before the Village Board.

6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a request for a 215.5 square foot (2.76%) lot coverage variation and a 351.69 square foot (4.51%) total floor area variation to permit the construction of a two-story addition and new front porch at 1536 Central Avenue in accordance with the plans submitted.

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

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

Motion failed.

6.2 Mr. Schneider authorized the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2015-Z-24.

6.12 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

A majority 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 created by the owner with their design choices for the addition. There is no difficulty or hardship preventing the owner from constructing a two-story addition; it is the owners' choice to propose an addition of this size when a slightly smaller addition would be conforming.

A minority of 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 configuration of the existing second floor and the detached garage in excess of the floor area bonus, imposes upon the owner a practical difficulty. The plight

of the owner was not created by the owner and is due to the unique circumstances of the house. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property since they are unable to make efficient use of the existing second floor and they are losing some square footage to the garage. The proposed addition does not require any setback variations so the proposal will not impair an adequate supply of light and air to adjacent properties. The proposed addition is behind the existing house and is consistent with other two-story homes in the neighborhood. The variations therefore will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 215.5 square foot (2.76%) lot coverage variation and a 351.69 square foot (4.51%) total floor area variation to permit the construction of a two-story addition and new front porch at 1536 Central Avenue in accordance with the plans submitted.