



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, JULY 15, 2015

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: Mike Boyer
Bob Surman

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-29 202 Golf Terrace

See the complete case minutes attached to this document.

III. 2015-Z-25 733 Chilton Lane

See the complete case minutes attached to this document.

IV. 2015-Z-26 1505 Wilmette Avenue

See the complete case minutes attached to this document.

V. 2015-Z-30 513 5th Street

See the complete case minutes attached to this document.

VI. 2015-Z-27 104 Woodbine Avenue

See the complete case minutes attached to this document.

VII. 2015-Z-28 3217 Lake Avenue

See the complete case minutes attached to this document.

VIII. Approval of the June 17, 2015 Meeting Minutes

Mr. Kolleng moved to approve the June 17, 2015 meeting minutes.

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

IX. Public Comment

There was no public comment.

X. Adjournment

The meeting was adjourned at 9:06 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. Daniel Aobdia, owner
202 Golf Terrace

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for an 18.86' rear yard setback variation to permit the retention of a roof-top deck on the legal non-conforming structure. The Village Board will hear this case on August 25, 2015.

3.22 The applicant said that he has a PowerPoint presentation. He is requesting an 18.86' rear yard deck setback variation for a deck. He brought additional evidence to the meeting. He has a garage with a flat roof. It was replaced in 2013 because water dripped into the garage. There was a railing on the garage roof that had to be removed. The roofer wanted to replace the railing but did not take out appropriate permits to do this work. The applicant learned two months ago that the deck was not permitted. He also learned that the garage is nonconforming. He showed a picture of the deck on top of the garage roof.

He has two young daughters. There is a door leading from inside the house. Anyone can open the door and walk out onto the roof. Both children can open the door and step out onto the garage roof, which could lead to an unsafe situation. He has to have a railing to prevent an accident. There used to be a railing there that was replaced. He regrets that the permits were not pulled.

He lives at the end of the street which is a cul-de-sac. A long time ago there was a private driveway that connects the end of Golf Terrace to two other houses in the back of Golf Terrace. All houses and lots look pretty much the same.

He showed the plat of survey, which looks the same as other plats of survey for this street. The lots are rectangular. He did not know and just found out that the zoning ordinance computes everything based on the curb. He talked about his garden and where it is located. His garage is located where his garden should actually be located. He showed a picture of the deck and the nonconforming garage. Part of the house is non-conforming.

Regarding his neighbors at 200 Golf Terrace, the garage he has faces the neighbor's garage. Putting a deck on top of the garage will not change anything for the neighbors. They are not present at the meeting because they are out of town but they wrote a letter indicating they had no problem with the proposal. He gave the letter to Ms. Roberts.

If he is allowed to keep the deck, he will paint the railing white. A lot of houses in the area have white railings so his railing would be similar. The deck would fit in better with the neighborhood. He showed pictures of other decks with white railings.

- 3.22 Ms. Norman asked the applicant if he planned further construction on the roof deck.

The applicant said he plans no more construction. They just have to stain the deck and add the railing.

- 3.23 Chairman Duffy clarified that the railing does not go all the way to the edge of the roof. And the roof was a tar roof. The door had some stairs that led down to a flat roof and part of the roof was surrounded by a railing. They replaced the roof and got rid of the railing. The roofer said he would take care of permits and he would add a new deck. There is now a wood deck that covers the entire roof of the garage.

The applicant said that a big area of the roof is covered by the deck. It has been extended beyond what it was before. He showed a photo of the garage roof.

- 3.24 Chairman Duffy clarified the location of the front of the garage. He asked where the railing was located prior to roof replacement.

The applicant showed where the railing was previously located. There are natural steps going down to the flat roof from the doorway.

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

- 3.26 The applicant said that everyone he has spoken with on his street supports the deck. He received a lot of compliments on the deck.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Schneider said he took a look at the deck as it currently exists. The reason the applicant gave about his children accidentally going out onto the roof that is not enclosed could be remedied by locking the door. Mr. Schneider said they are replacing an existing deck. It does not interfere with the neighbors. It is an appropriate addition to the top of an existing nonconforming garage. The lot has an unusual shape. He can support the request.

- 5.2 Mr. Kolleng agreed. The lot is unusually shaped and the street is a cul-de-sac. It is an atypical backyard deck. Most decks are part of the yard, but this deck is on the roof of a garage. He does not see an issue with the request and thinks that it would look better than it used to look. He can support the application.

- 5.3 Ms. Norman noted that the applicant came to the Board when things are completed and then asked for permission, which is aggravating. The Board of Trustees will

address this. Standards of review are met. Property is oddly shaped. She can support the request.

5.4 Mr. Merci said it could be interpreted as an accessory structure than non-conforming and not as a deck. He sees no reason why this should have been requested and he will support the request.

5.5 Chairman Duffy said if the garage was not up against the lot line would the applicant have to come to the Board and he would not. He is only before the ZBA due to the siting of the building on the lot. Codes have changed over time. He would have approved the request if the applicant had come before the Board prior to building the deck. He can support the request.

6.0 DECISION

6.1 Mr. Schneider moved to recommend granting a request for an 18.86’ rear yard setback variation to permit the retention of a roof-top deck on the legal non-conforming structure at 202 Golf Terrace in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Not Present
John Kolleng	Yes
Bill Merci	Yes
Lynn Norman	Yes
Reinhard Schneider	Yes
Bill 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-29.

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

Motion carried.

7.0 FINDING OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The particular physical conditions, the irregular shape of the lot and the location 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 lot. The difficulty is peculiar to the property in question at the end of

a cul-de-sac. The difficulty prevents the owner from making a minor improvement that will also address the safety of the roof deck. The proposed variation will not impair an adequate supply of light and air to adjacent property. The variation if granted will not alter the essential character of the neighborhood. The railing replaces a railing that previously existed.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for an 18.86' rear yard setback variation to permit the retention of a roof-top deck on the legal non-conforming structure at 202 Golf Terrace 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. Scott Lawson, owner
733 Chilton Lane

3.12 Ms. Carla Lawson, owner
733 Chilton Lane

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' tall solid fence in a side yard adjoining a street. The Village Board will hear this case on August 25, 2015.

3.22 The applicant has lived in the house since October and in the Village for ten years. He said that the fence was installed without their knowledge. The day he came to the Village to get a permit to build the fence, the fence had been installed. He called the fence company and they said they had an order to install the fence that they received on May 20, 2015. This fence company came in with the highest bid and the applicant was not going to use this company. The applicant told the company's estimator that May 20th was a possible date for fence installation. He did not sign an estimate or a contract and he did not give a deposit.

The applicant applied for the variance and said that when he got the case packet, he reviewed the other fence variation requests. There were 17 cases dating back to 2007. Sixteen of the 17 cases had the same variation request regarding height and openness that he has. Ten to twelve of the 17 cases are corner lots like his lot. All but one of the variances were granted.

The previous home owners had the same fence. They removed part of it.

Ms. Lawson said that the fence is already built but it stops at the front yard. They continued the fence because they have a dog and two young children.

The applicant said he has seen coyotes or wolves outside his backyard.

They plan to put ivy on the fence to make it more aesthetically pleasing. There are other yards in his neighborhood with similar fences and he offered to provide addresses to Board members. His fence is 103' from the corner and someone else has a fence that is about 20' from the corner. Seven neighbors sent emails in support of the proposal. He has not heard anything negative.

3.23 Chairman Duffy clarified that they replaced a fence in kind in the same location. The reason they are before the Board is because the fence is greater than 4' in height in a side yard adjoining a street.

3.24 Ms. Norman asked about a section of the fence.

Ms. Lawson said that portion used to be there and it was removed. The previous owners had no need to completely fence the yard.

3.25 Mr. Kolleng said they have high bushes that go the full length of the street. Wouldn't a 4' high fence meet their needs?

Ms. Lawson said it would meet their needs, but it is nice to have the fence consistency.

The applicant noted that they have had no rabbits in the yard to date.

3.26 Mr. Schneider said that the reasons the applicants give for having the fence including keeping out animals and for their children to be safe does not warrant a 6' high fence that is completely opaque. The street is not traveled very much.

The applicant said they are finishing off what had been started. The fence is consistent with what is there. They are not concerned about the privacy issue.

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 Ms. Norman said she is not seeing a hardship in this situation. She is not sure if any standards are met and she is not sure she can support the request.

5.2 Mr. Merci said that the request for variation is consistent with other approvals that the Board has granted and he will support the application.

5.3 Ms. Norman said that other fences were replacements.

5.4 Mr. Merci said that tonight's case was an after-the-fact replacement.

5.5 Mr. Kolleng said there is a hardship issue. An argument could be made that a 4' tall/50% open fence could work. This is a corner lot and there are other examples where this type of fence was approved. It is on a street with little traffic. Neighbors support the request. He believes that standards of review are met and he will support this request.

- 5.6 Mr. Schneider has some concerns about making an exception. He does not think that the fence height and openness is necessary. The owner can remove the fence and install a conforming fence. He cannot support the request.
- 5.7 Chairman Duffy said they are corralling their back yard and being consistent all the way around the yard. The bushes are high. This is a back yard and not a front yard. From a practical sense he does not see an issue with the fence. Not a lot of people are impacted by the fence. The request is reasonable and he can support it.

6.0 DECISION

6.1 Ms. Norman 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’ tall solid fence in a side yard adjoining a street at 733 Chilton Lane 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	Yes
Bill Merci	Yes
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-25.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

Three members of the Zoning Board of Appeals find 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 physical conditions of the property, the location as a corner lot, imposes upon the owner a practical difficulty. The plight of the owner was not created by the owner. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property with an enclosed back yard. The proposed variation will not impair an adequate supply of light and air to adjacent property. The variation if granted will not alter the essential character of the neighborhood as a

similar fence previously existed there. The fence is oriented to a street, which is consistent with other fence variations that have been granted. A similar fence existed on the site previously. The applicants propose to plant ivy on the outside of the fence to help its appearance.

Two members of the Zoning Board of Appeals find 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. There are no physical conditions of the property that impose a practical difficulty or peculiar hardship. The lot is a corner lot but is adjacent to a street that has very little traffic. The owner is not prevented from making reasonable use of the property because of the fence requirements and would be able to make reasonable use of the property with the existing landscaping in combination with a conforming fence.

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' tall solid fence in a side yard adjoining a street at 733 Chilton Lane 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. Steven Spellman, son of applicant

3.12 Mr. Jack Spellman, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 1.02' front yard stoop setback variation, a 4.52' front yard step setback variation, a 225.88 square foot (16.73%) front yard impervious surface coverage variation, and a variation to permit a parking space in a required front yard to allow the replacement and expansion of an existing front stoop, stair, and driveway. The Village Board will hear this case on August 25, 2015.

3.22 Steven Spellman said they have lived in the house for 32 years. Their family has lived on this block since 1820. He read the letter from his father to provide background on the case.

Regarding the front steps, he showed a picture of the current steps. There is a storm door that swings out. One has to stand two to three steps below the door to open it safely. It is a challenge to get in and out of the door. The landing is awkward. Winter ice is hard to manage. The front porch is heated. If that door does not latch the front porch will get very cold. They will be further from the public space than the two neighbors.

They showed a picture of the proposed steps and stoop. There will be a larger landing and they can stand on the same level as the door.

3.23 Chairman Duffy asked the depth of the enclosed porch from the house to the doorway.

Jack Spellman said it is 9'.

3.24 Chairman Duffy said they could have a door swing in.

Jack Spellman said that they do have a door swinging in. One door swings in and the other swings out. They may change the front door.

Steven Spellman continued and showed the proposed driveway. They plan to add 40 square feet of pavement in the front. The dimension is 2' x 20'. He showed where they are going to remove a sidewalk. He showed where landscaping would be located. It will allow for more space to maneuver cars. The pavement they are

adding on is not a parking spot but is a sidewalk. It will function for them to have a car placed there while they are moving cars in and out of the driveway.

- 3.25 Mr. Schneider said that 1.3 more clearly shows the proposal.

Jack Spellman continued and said that the shape of the property works against them regarding square footage. The property is a trapezoid.

- 3.26 Chairman Duffy asked if there was a garage at the back of the lot.

Jack Spellman said it is still there but no one uses it.

- 3.27 Chairman Duffy asked if there was a drive going back to the garage. He asked where the basketball hoop was on the diagram.

Steven Spellman showed where the hoop was located. The picture was taken from the second floor of the house. The driveway does not connect to the garage.

- 3.28 Chairman Duffy said that there is no alley access and the only access is the driveway. They are the second house in from the corner. The garage has not been used for a long time.

Jack Spellman said that the neighborhood was different before they moved in. His family built all of the houses in the neighborhood. He noted that it made more sense to park along the house.

- 3.29 Chairman Duffy asked the width from the back corner of the house to the east lot line.

Jack Spellman said that dimension was 8.5'.

- 3.30 Chairman Duffy said that the driveway ends at the end of the house.

Jack Spellman said that they do not park back that far. They have four cars that they jockey.

Jack Spellman said that they are the only house on their block without alley access or 15th or 16th Street access.

Steven Spellman said that many streets around them have no parking or limited parking. Having a space to maneuver cars would make it safer for other people. He talked about dangers of backing out onto Wilmette Avenue. He showed pictures of cars driving in the parking lane of Wilmette Avenue and the pictures were in the Board packet.

- 3.31 Mr. Kolleng brought up the impervious surface issue. They are adding 40 square feet. The variance is 226 square feet. They are already over by 186 square feet.

Ms. Roberts said that all of the surfaces in the yard need to be a pervious paver to get the 10% pervious bonus.

- 3.32 Mr. Kolleng asked if the brick pavers next to the driveway expansion were pervious or impervious.

Jack Spellman said they are individual bricks.

Ms. Roberts pointed out what new and what was replacement.

Steven Spellman said they had pictures of other homes on the block that have what they are proposing to achieve and explained situations with other houses.

Jack Spellman said that houses across the street have an alley to park in if needed. He would put in more pavers if needed.

- 3.33 Chairman Duffy said that a lot of the lots shown are wider than the applicants' lot. This makes a difference regarding front yard impervious surface. The applicants' house is farther forward on the lot than most houses. Those are arguments in the applicants' favor.

- 3.34 Mr. Merci said that there is no change in the apron.

Jack Spellman said that the apron is wide enough.

- 3.35 Mr. Merci inquired about safety rails from the stoop.

Jack Spellman said that there would be safety rails.

- 3.36 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. Merci said that the request for the stoop variation is reasonable and rational considering that it will orient to the driveway where most of the pedestrian traffic originates. In the interest of safety, the variations are modest. He will support the request.

- 5.2 Mr. Kolleng agrees with the above regarding the stoop. Once all facts are obtained, the rest of the request is reasonable and makes sense. There is no alley access and limited parking in the area. Wilmette Avenue is always busy. There is only a 40 square foot increase in impervious surface. He will support the request.

- 5.3 Mr. Schneider agrees and there are a lot of hardships here. He will support the request.
- 5.4 Ms. Norman said the primary hardship is the siting of the house on the lot. The stoop and stairs are a great idea. Impervious surface was her concern, but talked about hardship and she will support the request.
- 5.5 Chairman Duffy agrees with above and said that standards of review are met. They are far forward on the lot. There are additional hardships.

6.0 DECISION

6.1 Mr. Merci moved to recommend granting a request for a 1.02’ front yard stoop setback variation, a 4.52’ front yard step setback variation, a 225.88 square foot (16.73%) front yard impervious surface coverage variation, and a variation to permit a parking space in a required front yard to allow the replacement and expansion of an existing front stoop, stair, and driveway at 1505 Wilmette Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Not Present
John Kolleng	Yes
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-26.

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 lot width, the siting of the house on the lot, the parking situation on the lot, and the location on Wilmette Avenue, 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 lot. 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 with a safe, functional front entrance and with adequate room to maneuver cars. The proposed variation 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 1.02' front yard stoop setback variation, a 4.52' front yard step setback variation, a 225.88 square foot (16.73%) front yard impervious surface coverage variation, and a variation to permit a parking space in a required front yard to allow the replacement and expansion of an existing front stoop, stair, and driveway at 1505 Wilmette Avenue in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Ms. Katie Glen, applicant
513 5th Street

3.12 Mr. Kevin Glen, applicant
513 5th Street

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 77.6 square foot (3.33%) front yard impervious surface coverage variation to permit the replacement and expansion of a legal non-conforming driveway at 513 5th Street. The Village Board will hear this case on August 25, 2015.

3.22 Ms. Glen said they have lived in their house for four years. The curve of the driveway is tight and hard to maneuver. They want to have a safe driveway that is easier to use. They have gone over their impervious surface allotment. It is on an alley. People back onto their grass in an attempt to avoid their hedge. By widening the driveway this may give other drivers space to not worry about that and they can focus on the alley and sidewalk. She showed a picture of the site. They would start at the beds of the bushes and increase it to a maximum of 3' at the base. The garage is 3' wider than the base of the driveway so that is not as practical.

3.23 Ms. Norman clarified that the driveway comes out to 5th Street. Will they remove the hedges?

Ms. Glen said that the driveway comes out to the alley. They will not take down the hedges or trees.

Mr. Glen said they have seen kids biking down the alley and people coming down the alley. It is a hard angle and one ends up on the grass and in the hedges.

3.24 Mr. Schneider clarified that the 77 square feet represents the incremental addition to the driveway.

Ms. Glen said that is correct. They also have letters from neighbors in support of the request for safety reasons. There is no parking on their side of 5th Street. It is a narrow two-lane street.

3.25 Mr. Schneider asked how 77 square feet was calculated.

Ms. Glen said that number was created by their asphalt contractor. The drawing from the contractor is not totally accurate.

Ms. Roberts said she used that as it was the one with dimensions.

3.26 Mr. Schneider questioned why the garage did not face the alley.

Mr. Glen said that the upper part of the garage was added last as the last piece of the garage.

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 an unusual situation with the garage and alley locations and where the driveway is located. It is a clear hardship with getting in and out of the driveway. Their proposal should eliminate the hardship. There has been numerous letters of support. Standards of review are met and he can support the request.

5.2 Ms. Norman agreed and said standards of review are met. The shape of the lot and the siting of the house on the lot are hardship. She supports the request.

5.3 Messrs. Schneider and Merci also agree with above comments.

5.4 Chairman Duffy also agrees. The hardship is the situation with the curving and the garage door. The alley is very busy. He can support the application.

6.0 DECISION

6.1 Mr. Kolleng moved to recommend granting a request for a 77.6 square foot (3.33%) front yard impervious surface coverage variation to permit the replacement and expansion of a legal non-conforming driveway at 513 5th Street in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Not Present
John Kolleng	Yes
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-30.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The particular physical condition, the shape of the lot, the location of the garage, the access from the alley, and the location of a tree, 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 lot. The difficulty is peculiar to the property in question and not generally shared by others. The difficulty prevents the owners from making reasonable use of the property with a functional driveway. The proposed variation will not impair an adequate supply of light and air to adjacent property. The variation 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 77.6 square foot (3.33%) front yard impervious surface coverage variation to permit the replacement and expansion of a legal non-conforming driveway at 513 5th 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. Christopher Lynch, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 1.5' front yard porch setback variation, a 1.0' front yard step setback variation, a 1.04' combined side yard porch setback variation, a 2.38' combined side yard porch setback variation, a 0.06 square foot front yard impervious surface coverage variation, and a 58.1 square foot (4.27%) front yard porch impervious coverage variation to permit the construction of a new front porch on the legal non-conforming structure. The Village Board will hear this case on August 25, 2015.

3.22 Mr. Lynch said he has lived in the Village for two years with his wife and three children. They are requesting to build a 266 square foot front porch that is 6' deep. The above variations are required. They want to build the porch for aesthetic reasons. The house is very plain and the addition of the porch would be an aesthetic improvement to the home. There is also a safety consideration. The three children like to play in the front yard. Their home is one lot in from a busy street. Cars travel fast in the area. Having people on the front porch would help with the safety aspect. There are also hardships. The main hardship is the side entry to the house, which is 12' off of the front. The only way to get to the front door is to build the porch along the side as well so it wraps around the side and this aspect contributes to a number of variation requests. It is a narrower 40' lot and most lots on the street are 50' wide or larger.

His neighbor to the north has a front porch. It is a 9.5' deep front porch. This porch would only be 6' deep.

3.23 Mr. Schneider asked if the tree would remain.

The applicant said that the tree will remain and that is important to them.

3.24 Ms. Norman asked if it was possible to create a porch without variations.

The applicant said he did not think it was possible to create a porch without variations. On the north side it would look awkward to build a porch that did not come close to the edge of the home, which is what they are proposing. If it wasn't approved, he would not pursue that option.

- 3.25 Ms. Norman said that the house next door is closer to the street, but his is the next largest house closest to the curb. The applicant's house is now in a row with other houses on the block. She asked about the dimension between the tree and the porch.

The applicant said it is about 4' between the tree and the porch.

- 3.26 Mr. Kolleng clarified that the porch wrapped around the south and west sides to the front door.
- 3.27 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. Schneider said that a small request for the variances on the table. It is a positive addition to the home. To reduce the front porch to less than 4'10" clear width would make it symbolic and not usable. He can support the request.
- 5.2 Mr. Merci said the proposed porch will provide an identifiable front entry that is lacking at this time. It provides an enhancement to the front elevation. During construction they will have to address the proximity of the tree to the front porch. He can support the request.
- 5.3 Ms. Norman said she is having a problem understanding the hardship issue. Aesthetically it will look nice. She is not sure that a front porch is a necessary accessory to the house. She is still thinking about which way to go on this case.
- 5.4 Mr. Kolleng agrees with Messrs. Schneider and Merci and will support the request.
- 5.5 Chairman Duffy said he agrees with Ms. Norman. The request is reasonable but where is the hardship. The applicant created his own issues, but the request is nominal. He probably will support this.

6.0 DECISION

- 6.1 Mr. Schneider moved to recommend granting a request for a 1.5' front yard porch setback variation, a 1.0' front yard step setback variation, a 1.04' combined side yard porch setback variation, a 2.38' combined side yard porch setback variation, a 0.06 square foot front yard impervious surface coverage variation, and a 58.1 square foot (4.27%) front yard porch impervious coverage variation to permit the construction of a new front porch on the legal non-conforming structure at 103 Woodbine 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	Yes
Bill Merci	Yes
Lynn Norman	No
Reinhard Schneider	Yes
Bob Surman	Not Present

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-27.

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 variation standards of Section 5.4.F of the Zoning Ordinance. The particular physical conditions of the property, the location of the front entrance, the lot width, 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 lot. 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 with a covered porch entry. 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 1.5' front yard porch setback variation, a 1.0' front yard step setback variation, a 1.04' combined side yard porch setback variation, a 2.38' combined side yard porch setback variation, a 0.06 square foot front yard impervious surface coverage variation, and a 58.1 square foot (4.27%) front yard porch impervious coverage variation to permit the construction of a new front porch on the legal non-conforming structure at 103 Woodbine 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 Ms. Christine DiClementi-Harlow, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said this is a request for a special use for a limited service restaurant (A La Carte). The Village Board will hear this request on August 25, 2015.

3.22 The applicant is requesting a special use permit to bring A La Carte back to the Village. They are looking at West Lake Plaza area, unit 8A, on the east end where Irving's is located. The space used to be Diamond Bank and is located right in the corner. The space is 1,300 square feet. They are only looking for a retail outlet with limited seating. They had about twelve to sixteen people for lunch, but this did not happen frequently. For the most part people come in and take food out. She described their menu. They were in the Village for 35 years and have a strong client base in the area. Their business would bring a lot of traffic to the area.

3.23 Mr. Kolleng asked if they moved out of the Village and are they now returning to the Village.

The applicant said they were on 111 Green Bay Road for 34 years. In the last three to four years, they got into a different business. They provide frozen food to Mariano's, Sunset Foods, and other establishments. Right now they are in Highland Park and all food will be prepared there. They are not a conflict for most businesses in West Lake Plaza. They would be at the business from 10:00 a.m. to 7:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturday and 10:00 a.m. to 3:00 p.m. on Sunday. Their foot traffic is opposite Dunkin Donuts and Irving's. They have a good rapport with Village residents. There will be one to two employees at a time. They will park at Edens Plaza. The Village is asking them to do two washrooms that are ADA compliant and putting in a three compartment sink.

3.24 There was no one in the audience to speak on the case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Ms. Norman said this business will not have a negative impact on other businesses. Hours and employees are limited. She supports the request. All standards of review are met.

5.2 Mr. Kolleng agrees with the above and he will support the request.

5.3 Chairman Duffy has no issue with this request and all standards are met for a special use and he will support the request.

6.0 DECISION

6.1 Ms. Norman moved to recommend granting a request for a special use for a limited service restaurant (A La Carte) at 3217 Lake Avenue in accordance with the plans submitted. The use shall run with the use.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Not Present
John Kolleng	Yes
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-28.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the special use standards of Section 5.3.E of the Zoning Ordinance. The proposed limited service restaurant will fit in well at West Lake Plaza and is in keeping with the Village’s Comprehensive Plan. The proposed use was a successful business previously located in Wilmette. 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 applicant has testified that the peak times of her business are different than those of other restaurants in the immediate area. 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. No known archaeological, historical or cultural resources will be impacted. No buffers, landscaping or other improvements are necessary. No other standards of Article 11 apply.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a special use for a limited service restaurant (A La Carte) at 3217 Lake Avenue in accordance with the plans submitted. The use shall run with the use.