



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, MARCH 4, 2015**

**7:30 P.M.**

**COUNCIL CHAMBERS**

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**Members Present:** Chairman Patrick Duffy  
Mike Boyer  
John Kolleng  
Bill Merci  
Lynn Norman  
Bob Surman

**Members Absent:** Reinhard Schneider

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

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**I. Call to Order**

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

**II. 2015-Z-06 527 Central Avenue**

See the complete case minutes attached to this document.

**III. 2015-Z-05 422-444½ Ridge Road**

See the complete case minutes attached to this document.

**IV. Public Comment**

There was no public comment.

**V. Adjournment**

The meeting was adjourned at 8:47 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. Matt Sokolowske, landscape designer  
James Martin Associates

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 6.74' front yard stoop setback variation and a 6.74' front yard step setback variation to permit installation of a front stoop and the replacement and modification of existing front porch steps on the legal non-conforming structure. The Village Board will hear this case on March 24, 2015.

3.22 The landscape designer showed additional pictures to the Board. The owners are out of town and could not attend the meeting. The front stoop is currently in disrepair. They want to make the stoop ADA accessible and safer with a landing. There currently is no landing and there are six steps that go up to the front entrance. The doorway swings outward. It is an abrupt incline as one tries to enter the house and is a safety hazard at this time. They are requesting a 4' landing at the top of the 6 steps. He showed a picture of the entirety of the context they are working with.

The pictures show existing conditions. The steps are starting to crumble so repair is needed. The graphic shows where the 50' line is. In the red shaded area is the extent of the existing nonconforming front stoop. They are asking for an additional 3' between the proposed and what is there now.

3.23 Mr. Boyer asked if they are changing the door swing.

The landscape designer said that they are not changing the door swing of the existing door. The interior of the room is finished as a sun room. There is an error in the drawings.

3.24 Mr. Boyer said it appeared as if the existing stoop was settling to the right.

The landscape designer said this was correct. There is a safety hazard in that the risers are not equal. That is part of the reason for the proposal. In conjunction with that they want to create a landing space.

3.25 Mr. Surman clarified that they are going to raise the landing up so it is below the threshold of the door.

- 3.26 Ms. Norman asked if they were keeping the number of steps the same.  
The landscape designer said they would keep the same number of steps.
- 3.27 Mr. Surman asked about any step changes.  
The landscape designer said that the stairs will be 12” treads like they are now. The treads are bluestone, limestone on the sides of the stoop and the risers.
- 3.28 Mr. Surman asked how tall the riser was.  
The landscape designer said that the riser is 6.5”.
- 3.29 Mr. Surman said he thought that two treads plus a riser has to be 22” or less.  
The landscape designer said he thought that they would keep the tread width the same as existing because if they added more, the variance would be greater.
- 3.30 Mr. Surman said that the variance would decrease. It is now more of a gradual slope and to meet code it would be more of a vertical slope. The variance would not be as great. He would make it conform to the code. The reason for the code is for safety reasons.  
The landscape designer said he would confirm his dimensions.
- 3.31 Mr. Merci said he was more concerned about the tread overhang, which has some bearing on ADA requirements.  
The landscape designer said they usually do ¾” to 1” overhang. Their goal was to make everything ADA accessible.
- 3.32 Mr. Surman said that the design is nicely done.
- 3.33 There was no one in the audience to speak on this case.

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

- 5.1 Mr. Boyer said that the standards of review are met. This is not self-created and there is no impact on the neighbors. It is a reasonable solution to a design issue and it’s good that there will be a safer set of stairs at the house. He can support the request.
- 5.2 Mr. Kolleng said that standards are met and safety features are important to address so he can support the application.

5.3 Ms. Norman agrees with the above and will support this request.

5.4 Mr. Surman said that the solution is good.

5.5 Mr. Merci agreed with the above comments.

5.6 Chairman Duffy agrees with his colleagues.

## **6.0 DECISION**

6.1 Mr. Boyer moved to recommend granting a request for a 6.74' front yard stoop setback variation and a 6.74' front yard step setback variation to permit installation of a front stoop and the replacement and modification of existing front porch steps on the legal non-conforming structure at 527 Central Avenue in accordance with the plans submitted.

6.11 Mr. Kolleng seconded the motion and the vote was all ayes and no nays (Mr. Schneider was not present).

Motion carried.

6.2 Ms. Norman moved to authorize the Chairman to prepare for the Zoning Board of Appeals for case number 2015-Z-06.

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

Motion carried.

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

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the existing siting of the house on the lot and the lack of a conforming stoop, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique circumstances of the house and lot. The difficulty is peculiar to the property in question with the required front yard setback and the location of the front porch. The difficulty prevents the owner from having a code-compliant stoop for safe egress from the existing porch. The proposed variations will not impair an adequate supply of light and air. 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 6.74' front yard stoop setback variation and a 6.74' front yard step setback variation to permit installation of a front stoop and the replacement and modification of existing front porch steps on the legal non-conforming structure at 527 Central Avenue in accordance with the plans submitted.

### **422-444½ Ridge Road - 2015-Z-05**

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

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

3.11 Mr. William Ng, architect representing the applicant  
1239 W. Winamac, Chicago

3.12 Mr. Dino Mustafik, general contractor  
CH Ventures LLC

### **3.2 Summary of presentations**

3.21 Ms. Roberts said that this is a request for a special use to expand an existing special use (townhouses), a 36.32' combined side yard setback variation, a 30.32' combined side yard window well setback variation, a 2.25' window well separation variation, a 3,130.18 square foot (18.23%) combined side yard impervious surface coverage variation, a 468.84 square foot (4.61%) rear yard pavement impervious surface coverage variation, a 3.33' aisle width variation, a 5.17' aisle width variation, a variation from the requirement that off-street parking areas with more than 4 spaces must provide concrete curbing along the perimeter of the parking lot, a variation from the requirement that 50% of all parking spaces be enclosed, and a variation to alter an existing non-conforming structure. The Village Board will hear this case on March 24, 2015.

3.22 The architect said that they are proposing to add additional parking to the site, as well as window wells and the front decks. Currently there are 24 townhouse apartment units. They are in the process of remodeling each unit as tenants leave.

Regarding the parking, he showed a depiction of the existing site. There are currently 24 units and 24 parking spaces. They are proposing to increase the parking to 22 more spaces with two of them being handicapped accessible. The current configuration provides one parking space per unit. In the middle of the parking are paved landscaped areas where tenants would walk into their unit without having to go around parked cars. They want to remove the paved areas.

Some have landscaping with trees and grass, but most are tiled landscape pavers.

They want to use some of the unused space to add parking spaces. They want to reconfigure the walkway aisles and make them narrower and allow for the tenants to share a common walk area. They are keeping the parking lot dimensions the same except for the rear yard. They are proposing a turnaround for the cars parked in the rear so they can back into the area and pull forward instead of backing out all the way onto Ridge Road, which is not safe. They are including curbing around the entire parking site. The design shown is updated from his original submission. There is also a 3' sidewalk that will be next to the units.

The configuration of the parking lot is not up to the current zoning code for aisle widths. The new aisle width will be wider than what is currently there. It will be a better driving experience. The area will not be busy.

They are proposing to put fencing required by code to screen the parking lot from the front street. There is no fencing at this time. They will put in additional trees and shrubs and will landscape the front yard. They will add new trees to the parkway along Ridge Road. The site should look nicer than it does today.

The added parking will enhance the development and will relieve street parking, which will not be as congested as it is now. Bedrooms are being added to some units. The new tenants will probably have more than one car. Tenants will be able to park closer to their units.

3.23 Chairman Duffy asked if there was drainage in the parking lot at this time.

The architect said that there is storm sewer drainage in the front yard and in the parking lot. If there is not enough capacity they plan to put in more drainage to compensate for more rain water from the parking lot. They put drainage in the back yard which will pitch towards drainage in the parking lot.

3.24 Chairman Duffy clarified that the parking lot will be torn up and re-graded.

The architect said that this depends on calculations with the civil engineer. They will see if it will hold enough drainage. They are not adding that much to the area. He is not sure if they are going to tear up the whole site. Mr. Mustafick said that they would tear up the whole site.

3.25 Chairman Duffy said that if it is torn up it will need to be re-graded and approved by the Village. They are curbing all the way around the lot, but this is not part of the submitted proposal. There is existing drainage but the applicant will add more drainage if needed.

- 3.26 Mr. Surman asked about impervious calculations and how this would impact the request.
- Chairman Duffy said that the numbers increase significantly and that this information was in the packet on page 3.
- 3.27 Chairman Duffy clarified that the curbing variation is being eliminated from the request.
- 3.28 Mr. Boyer asked about the existing impervious number.
- Ms. Roberts said that number is not part of the report. Existing impervious surface is conforming.
- 3.29 Chairman Duffy said that the impervious surface variation request is 21%, but the existing number is not provided.
- Ms. Roberts said that the applicant's numbers indicate that the existing coverage is 11,997 so it is a little more than the 10,304, which is the limit.
- 3.31 There was discussion about existing and proposed impervious surface coverage.
- Ms. Roberts said that the applicant's existing number is 11,997 and the applicant's new proposed number is 13,435.
- 3.32 Mr. Boyer said that the allowed is 10,304, existing is 11,997 so they are currently over by 1,693. The proposed is 13,435. These numbers represent the side yard.
- 3.33 Mr. Surman said that the requested is the 13,435, existing is 11,997. They are looking for an additional 1,438.
- 3.34 Chairman Duffy referenced page 5 and said that this information was correct.
- 3.35 Mr. Surman said he would like to see the mix of units.
- 3.36 Mr. Merci asked if the parking stalls were dedicated to each unit.
- Mr. Ng said that if they get the 46 proposed, it is not a 1 to 1 match. There are two handicapped spaces. Some of the spaces are dedicated to a specific unit.
- 3.37 Mr. Merci asked if the spaces not dedicated were classified as guest parking.
- Mr. Mustafik said that some spaces would be classified as guest parking.
- 3.38 Mr. Merci asked how they would determine where handicapped parking would be.

The architect said it is hard to say who will lease what unit and they will probably have handicapped spaces in each parking area. Two are required.

3.39 Mr. Merci asked if landscaping was required within the parking area.

Ms. Roberts said that the ordinance calls for interior landscaping for parking lots of 20 spaces or more.

3.40 Mr. Merci noted that the refuse containers are not screen as required by code.

Mr. Ng said that the refuse containers are by the common walk areas on garbage day. They are usually up against the buildings.

3.41 Mr. Merci said that snow is placed around the perimeter of the parking lot reducing the effective use of the aisle. It was hard to navigate. This is a difficult driving hazard.

Mr. Ng said he cannot answer the question regarding snow removal.

3.42 Mr. Merci said that the question has to do with the result of the junction of open area for snow to be placed. It will either remain on the side or has to be removed off of the site to permit parking that can be navigated.

3.43 Mr. Boyer asked how many units are getting an additional bedroom.

3.44 Chairman Duffy asked that the applicant next talk about window wells and then discuss issues related to Mr. Boyer's question.

3.45 Regarding the rear yard impervious surface increase, Chairman Duffy said it looks to be 468 square feet.

3.46 Mr. Boyer asked if the number was currently conforming.

3.47 Mr. Merci said that the rear yard is conforming for impervious coverage.

3.48 Chairman Duffy said that they are requesting an impervious surface coverage variation as part of the proposal. What is the increase in the rear yard from existing to proposed? Is it just the two bump outs for the turn-arounds? The patios are not impervious.

The architect said that patios were calculated as impervious. Most of the impervious increase is the patios and the rear yard turnarounds.

3.49 Chairman Duffy said that the rear yard impervious surface was the bump out.

Ms. Roberts said that the rear yard is the last 40' of the property on the east side so it includes building as well. The applicant provided information that the existing impervious flat surface coverage is 2,281, which is conforming at 30% and building coverage at 35% is conforming. With the increase including patios and the additional paved area for the driveway is 3,522, which is a variation request in the packet.

3.50 Mr. Kolleng asked about the width of the parking spaces.

The architect said that they are 8.5' x 18', which is standard.

3.51 Chairman Duffy clarified that the 8.5' is measured from the center of the yellow line to the center of the yellow line.

3.52 The architect talked about the window wells on the south building. They are proposing two window wells per unit. Currently in the units the basements are not finished. There are no stairs that go down there and it is like a large crawl space. Some of the spaces have an 8' ceiling height. They want to incorporate the spaces into livable space.

3.53 Chairman Duffy asked about the current unit mix and what is the future unit mix.

The architect said that they are currently all one bedrooms. In the future there will be 16 two-bedrooms and 8 three-bedroom units.

3.54 Mr. Merci clarified that only the south end buildings will have bedrooms in the basement.

3.55 Regarding the window wells, the architect said that the dimensions are 3' x 4' x 4.5' deep. They will protrude above grade by 6". They should not be visible from the street. There is a grate cover for the window wells.

3.56 Mr. Merci said that that a covering is not part of the submission.

3.57 Mr. Surman said he thought that by code there needed to be a railing.

3.58 Mr. Merci said that the open well is a safety hazard. There are metal covers but that defeats the light issue.

3.59 There was discussion about various types of window wells available and what is allowed.

The architect said that window wells require drainage and will tie it into the existing storm sewer.

3.60 Mr. Merci asked how they would prevent backflow to the window well drains.

The architect said that they asked their plumber about changing the diameter of the storm drainage pipe and backflow valve on each window well.

3.61 Mr. Surman asked about the garbage cans that go against the 3' deep walkway.

Mr. Ng said that the current walkway is less than 3' deep and that is where they put garbage receptacles. The plan shows a/c condensers where it will not impact the walkway and garbage condensers could go in that area.

3.62 Mr. Surman asked about the shed at the end of the turnaround.

Mr. Merci said it appeared to be for landscaping equipment and asked if that would be relocated.

Mr. Ng said he did not notice this structure although he is often on site.

Mr. Mustafik said he did not think that it was used.

3.63 Chairman Duffy asked how long ago the current owner purchased the property.

Mr. Mustafik said that he bought it about a year ago and they are updating as units turn over.

3.64 Chairman Duffy clarified that they have not used the shed.

Mr. Mustafik said he has not seen this shed and he is there almost every day.

3.65 Chairman Duffy asked how the project will be managed.

Mr. Mustafik said that their corporate office is on Green Bay Road and they contract out for services.

3.66 Chairman Duffy said it seems like the shed would get in the way of parking lot expansion. But they are saying if it is in the way it will be removed.

3.67 Regarding window wells, Mr. Ng said that they will be inconspicuous unless railings are required by code. There are nice grates that will allow for a lot of light.

3.68 Chairman Duffy asked about the window well separation request. The window wells are too close together and why are they being placed that way.

Mr. Ng said that they can combine the window wells if it is required to make it a larger window well.

3.69 Chairman Duffy clarified that each window well accesses a bedroom. Because of the width of the unit, the window wells have to be a specific distance apart.

Mr. Ng said that the windows are close together. There is not that much play regarding window well location.

3.70 Mr. Surman said that the site plan shows combined window wells. He said that there would need to be a railing on the stoop.

3.71 Chairman Duffy referenced 1.11 and said that a bedroom width is 8' and the other bedroom is almost 9'. Their proposal is that they are putting the windows next to each other versus centering them in the room.

Mr. Ng said that there are utilities on both sides of the windows that prevent them from centering them in the room unless they move the utilities.

3.72 Chairman Duffy asked the applicant if he had reviewed everything.

Mr. Ng said he wanted to talk about the front decks, which are important spaces for the tenants. He saw tenants with lawn chairs in the parking lot so front decks are a much needed outdoor space and they have none at this time. This is a safer option than being in the parking lot.

There will be landscaping around the front decks. From the street, it should not impact the neighborhood in a negative way.

3.73 Mr. Surman talked about the garbage dumpsters, which need to be screened by code. There is 3' next to the dumpsters for people to walk so that cannot be grass and it turns into more paved area. He does not see where all greenery will be. It seems awkward to walk around a/c units. Perhaps they need to create an area in front of the a/c units. 32 containers will not look attractive. He would consider creating a central area with a grouping of dumpsters and screen it. They are over on impervious area and it seems like there will be no area for snow. On the north building they might have to give up a few spaces.

3.74 Ms. Norman clarified that patios will not be sitting on concrete and will be on wooden posts on concrete piers.

3.75 Mr. Boyer asked if many of the tenants are long term and has there been a vacancy problem.

The architect said that there has been no vacancy issues.

(After section 4.0)

3.76 Mr. Ng said he cannot comment regarding future snow removal. Regarding rain water, the added turn-arounds in the back will help rain water drain towards a

central catch basin where it will move rain away from rear yard.

- 3.77 Chairman Duffy said that the Village Engineer will tell them how to grade the lot so that the water does not run off and the curbing will help with that as well.
- 3.78 Mr. Ng said that ownership said that they would reduce the number of parking spaces for garage dumpsters if this is needed. He can reconfigure a new parking layout.
- 3.79 Mr. Kolleng asked about exterior work being done.

Mr. Ng said that all work is interior.

#### **4.0 INTERESTED PARTIES**

- 4.1 Persons speaking on the application

4.11 Mr. John Greening  
1747 Central Avenue

- 4.2 Summary of presentations

- 4.21 Mr. Greening said that the whole back wall is a fence that he shares with the apartments. His property is 1.5 lots so the fence covers all of that area. He has been delighted to see that the apartments are being upgraded. Some of the questions that Board members raised were questions that he and his wife raised.

He talked about the indentations to help with parking. They go right up against the fence. They have had problems with a previous owner who piled snow up against the fence and it folded the fence back on this property. The fence was old and he replaced the fence, but he can see this problem happening again because there is not enough room for snow with the indentation. They are worried about trees along the fence. Most are on the apartment side. Trees provide screening from his house to his apartment and are good for privacy. He would hate to see the trees damaged or dead. The eco system where he lives is very precious. He is at the top of a hill and it goes down pretty fast. If there was not proper drainage he is concerned that run off would come down on his property which could throw the eco system off. He was out there today and talked about the dumpster on one side.

He showed the location of his house in relation to the site. He has 1.5 lots.

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

- 5.1 Mr. Boyer said this may be a great real estate project. The project has been there for a long time and fits within the neighborhood. There are similar townhouses along Ridge Road. When he looks at the standards of review some are not met.

Because they are going to expand the size of the units, they are requesting a lot of variances. This is a self-created situation. The idea is creative for the property but as a Board member he believes that this is too much to ask.

- 5.2 Mr. Surman agrees with the above comments made by Mr. Boyer. It is a nice development but is asking for too much and is a little too aggressive. It has compromised the project by having too much parking. It is self-created but as it stands, it is too overbuilt as presented.

- 5.3 Mr. Merci shares the above views. The lack of information regarding landscaping, screening, protection, the additional impervious area, the minimal aisle condition for navigation in the parking lot indicate that there needs to be more engineering and thought required to make this project conform to the zoning requirements.

- 5.4 Ms. Norman agrees with the above comments. It is a big parcel and a big development and intensity increases with more bedrooms per unit. The standards of review for special use are not met and it does not align with the goals of the comprehensive plan and the neighborhood. The variances are economically motivated to get more people and to get higher rents. She cannot support it because standards of review are not met.

- 5.5 Mr. Kolleng agrees with the above comments. They are trying to do too much on the site. Density is increasing and there is more need for parking. Traffic will be difficult. Snow removal could be an issue. He agrees with Mr. Boyer in that it is a good project but increased density leads to the need for the variances. He cannot support the request.

- 5.6 Chairman Duffy said that this is a real estate development and they are trying to maximize opportunity for the units. He did not struggle as much with the requests for the window wells, the decks, but he ran into a problem with parking. They are trying to get too many parking spaces on the site. A different plan might be more amenable. The site plan review committee gave some wiggle room in the 3' clear between the building and the parking. But there is a problem when a/c condensers go into the 3' walkway. If they can accommodate some of the issues, the Board might be more amenable in the future, but he cannot support the request as proposed.

## 6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a request for a special use to expand an existing special use (townhouses), a 36.32' combined side yard setback variation, a 30.32' combined side yard window well setback variation, a 2.25' window well separation variation, a 3,130.18 square foot (18.23%) combined side yard impervious surface coverage variation, a 468.84 square foot (4.61%) rear yard pavement impervious surface coverage variation, a 3.33' aisle width variation, a 5.17' aisle width variation, a variation from the requirement that 50% of all parking spaces be enclosed, and a variation to alter an existing non-conforming structure at 422-444½ Ridge Road in accordance with the plans as amended. The use shall run with the use.

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

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

Motion failed.

6.2 Ms. Norman to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2015-Z-05.

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

Motion carried.

## 7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request does not meet the special use standards of Section 5.3.E and the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, the proposed improvements are not consistent with the goals and policies of the Comprehensive Plan. With the proposed increase in bedrooms and thus the density of the site, the establishment and operation of the use with the improvements may be injurious to the use and enjoyment of other property in the neighborhood. The increase in parking spaces and the narrow aisle widths in combination with the constraints of trash location and air conditioner condenser location will create difficulty for internal movement of cars.

Regarding the variation standards, the plight of the owner is being created by the owner. The proposed increase in bedrooms is driving the need for more parking, which is causing more paved coverage. The increase in parking is reducing the available area for walkways and garbage bins, further restricting the available space. The location of the proposed bedrooms below grade necessitates the window wells, which also require relief. The increase in bedrooms would allow the owner to use the development more profitably by charging higher rents for units with more bedrooms. The proposed improvements may injure other property if drainage is not managed properly.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends denying a request for a special use to expand an existing special use (townhouses), a 36.32' combined side yard setback variation, a 30.32' combined side yard window well setback variation, a 2.25' window well separation variation, a 3,130.18 square foot (18.23%) combined side yard impervious surface coverage variation, a 468.84 square foot (4.61%) rear yard pavement impervious surface coverage variation, a 3.33' aisle width variation, a 5.17' aisle width variation, a variation from the requirement that 50% of all parking spaces be enclosed, and a variation to alter an existing non-conforming structure at 422-444½ Ridge Road in accordance with the plans as amended. The use shall run with the use.