



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, NOVEMBER 4, 2015**

**7:30 P.M.**

**COUNCIL CHAMBERS**

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**Members Present:** Chairman Patrick Duffy  
Mike Boyer  
Bill Merci  
Lynn Norman  
Reinhard Schneider  
Bob Surman

**Members Absent:** John Kolleng

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

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**I. Call to Order**

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

**II. 2015-Z-52                    233 Linden Avenue**

See the complete case minutes attached to this document.

**III. 2015-Z-53                    1101 Central Avenue**

Rescheduled to December 2, 2015

**VI. Approval of the October 7, 2015 Meeting Minutes**

Mr. Surman moved to approve the October 7, 2015 meeting minutes.

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

**V. Public Comment**

There was no public comment.

**VI. Adjournment**

The meeting was adjourned at 8:01 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 Ms. Nancy Hillner, owner

3.12 Mr. Ed Hillner, owner

3.13 Mr. David Roberts, architect  
2608 Old Glenview Road

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

3.21 Ms. Roberts said that this is a request for a 191.17 square foot (2.73%) lot coverage variation, a 498.01 square foot (7.1%) total floor area variation, and a 1.89' combined side yard setback variation to permit the construction of a one-story addition on the legal non-conforming structure. The Village Board will hear this case on November 24, 2015.

3.22 Ms. Hillner said that the neighbor to the east is at the meeting and is the neighbor most impacted by the request. Her husband built this house.

She explained that they added on a foundation with the hope that they could one day add a sunroom and breakfast area. She and her husband sold their kitchen remodeling business and are now retired. They hope to stay and grow old in this house. The foundation remains outside of the kitchen. They now want to add the sunroom and would give them the option to have a first floor bedroom. In 2006 she had a bad accident and was in a hospital bed for 6 weeks and was in the family room. The room addition would allow them to remain in the house.

3.23 Chairman Duffy asked when they built the house.

Mr. Hillner said they built the house about 45 years ago.

3.24 Mr. Boyer asked when the foundation for the sunroom poured.

Mr. Hillner said that this was done at the time when he built the home. After they bought the lot, they then found a site for their business. Money had to be put into the business, which is why they did not add a sunroom at that time.

3.25 Mr. Boyer clarified that the original design included a sunroom.

3.26 Ms. Norman asked if the lot size changed over time. Were any variances requested when they built the house?

Mr. Hillner said that the lot size remained the same and that no variances were requested when they bought the house.

- 3.27 Mr. Surman clarified that the living room was slightly sunken. Would the new room also be sunken? The drawing shows a wall height of 7'8".

The applicants said that the new room would not be sunken. They will put the room on top of existing foundation. The roofline would be lower than the window. They would adjust the 7'8" height as needed.

- 3.28 Mr. Schneider asked if there would be a crawl space under the floor of the addition.

Mr. Hillner said that there would be no crawl space. There is a foundation and a slab for the patio and they would keep this.

- 3.29 Mr. Schneider said plans were approved in 1975 assuming they would build the addition at the time the house was built. Was there anything in the code that allowed for this kind of floor area coverage ratio?

Ms. Roberts said that lot coverage and floor area for single family homes was not put in place until 1990. There was nothing in the 1974 code that would prohibit the request as far as she knows.

The architect said they researched the ordinance in effect during the 1970s. For that zoning district there was no floor area requirement and the only limitations were the height of 35' and side and front yards.

- 3.30 Ms. Norman clarified that the side yard setback was 25% of lot width.

The architect read about lot width in the older ordinance. The yard should not be less than 10% of lot width or feet. The lot is 40' so the interpretation could have been 4' and 4'.

Ms. Roberts said if he read farther it talks about the 25% combined, which is the issue this evening.

- 3.31 Ms. Norman said that requirement was not met when the home was built.

Chairman Duffy said that perhaps a variance was granted.

Ms. Hillner said they have never come before the Board for a variance.

- 3.32 Ms. Norman said that the drawings are hard to decipher. If a master bedroom was to go on the first floor, a bath would have to be larger. Is there a bath on the first floor?

Ms. Hillner said that there is a powder room on the first floor.

The architect said that the powder room could be expanded to a full bathroom. This is on the west side.

- 3.33 Mr. Surman asked if they had to be within current code, the square footage of that space would be 1/3. Is that correct? About 300 square feet.

The architect said that it is 312 square feet right now. The house is already over the allowed square footage.

Impervious surface is not one of the requests this evening, but it is always an issue with regard to water and neighboring properties. The slab has been there and is a solid impervious surface. The room addition would not create a water situation that does not exist on the site.

#### **4.0 INTERESTED PARTIES**

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

- 4.11 Ms. Barbara Mah  
229 Linden Avenue

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

- 4.21 Ms. Mah lives to the east of the applicants. She has lived in her home for 14 years. The space they are building will complement the house.

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

- 5.1 Mr. Boyer said this is an interesting case. The lot size is smaller. The lot is narrower. This is a disadvantage. They built the house and the original plans had the sunroom, but it has not been built. The zoning ordinances change over time. He does not like additional building, but when they look at what the building is and what the ask is, the request is reasonable and is a reasonable use of their land. It is a minimal impact to the neighborhood. Standards of review are met.

- 5.2 Mr. Merci said that the extent of the variation is consistent with other previously approved requests. This is within acceptance based on precedent.

- 5.3 Mr. Schneider said that this initial view prior to testimony was that he assume this was new construction and with a footprint that exceeded the allowable under current ordinance. He was not in favor of adding to that because he asked where the hardship was. Considering that they built a foundation and a floor and got those approved in anticipation of adding a sunroom. It is not unreasonable to be positive about this recommendation.

- 5.4 Chairman Duffy said that in 1990 FAR become a standard. Could FAR have been brought up in 1990 because people were building too large houses on lots. Did FAR become a standard for a more uniform density in neighborhoods. Should houses be held to this new standard where they are trying to keep a density at a reasonable level? He feels terrible that someone made plans, circumstances stopped full construction of the home, rules changed.
- 5.5 Ms. Norman said that this is more of a grandfather-type situation. The hardship is that they put the foundation in already. If they came in today without the foundation, she would vote against the case. They built the house intending to do something.
- 5.6 Mr. Boyer said if the addition was bigger than proposing that would be beyond reasonable.
- 5.7 Chairman Duffy said it was what their original plans were.
- 5.7 Mr. Boyer said that the present plan is within reason especially when looking at the original plans and how rules changed.
- 5.8 Ms. Norman pointed out their circumstances changed over time.
- 5.9 Chairman Duffy said that this is a unique request.
- 5.10 Ms. Norman said she agree with Chairman Duffy that this is unique request. She disagreed with Mr. Merci about this being similar to other approved requests.
- 5.11 Chairman Duffy said that most addition requests are not planned when the house was built.
- 5.12 Mr. Boyer said they did not pour the foundation over the weekend and got caught. What they did was clearly within the original plans.
- 5.13 Mr. Surman it was their original intention to do this. The foundation is there and 2 x 12s will be put on top. They won't be coming back in and saying that the existing foundation has a crack and they need a new foundation. This foundation was poured with footings and done properly. He can support the request. This is a very unique situation.
- 5.14 Chairman Duffy sees the hardship as passing time and rules changing.
- 5.15 Mr. Surman said that the request is modest. They are not trying to make it a large great room. The room is modest.
- 5.16 Chairman Duffy said he has an issue with density and FAR and not setbacks.

**6.0 DECISION**

6.1 Mr. Boyer moved to recommend granting a request for a 191.17 square foot (2.73%) lot coverage variation, a 498.01 square foot (7.1%) total floor area variation, and a 1.89’ combined side yard setback variation to permit the construction of a one-story addition on the legal non-conforming structure at 233 Linden Avenue, in accordance with the plans submitted.

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

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

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-52.

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**

A majority of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The particular physical conditions of the property, the lot width and lot area, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to a change in the Zoning Ordinance. It had been the owners’ original intention to construct the sunroom. The difficulty is peculiar to the property in question and is not generally shared by others. The difficulty prevents the owner from making reasonable use of the property with a sunroom that can be converted to a first floor bedroom. The proposed variations will not impair an adequate supply of light and air or otherwise injure other property. Because the proposed addition is at the rear of the home, the variations, if granted, will not alter the essential character of the neighborhood.

A minority of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, there is no hardship preventing the owner from making reasonable use of the property. While it is unique that the sunroom foundation was poured but not built, the circumstance of the house

exceeding the current lot coverage and floor area is not unique. The owners have been making reasonable use of the property since it was built 45 years ago.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a 191.17 square foot (2.73%) lot coverage variation, a 498.01 square foot (7.1%) total floor area variation, and a 1.89' combined side yard setback variation to permit the construction of a one-story addition on the legal non-conforming structure at 233 Linden Avenue, in accordance with the plans submitted.