



1200 Wilmette Avenue
 Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, APRIL 15, 2015

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: Mike Boyer

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.

II. 2015-Z-09 2214 Old Glenview Road

See the complete case minutes attached to this document.

III. 2015-Z-10 347 Oak Circle

See the complete case minutes attached to this document.

IV. 2015-Z-11 1139 Wilmette Avenue

See the complete case minutes attached to this document.

V. 2015-Z-09 422-444½ Ridge Road

See the complete case minutes attached to this document.

VI. Approval of the January 21, 2015 Meeting Minutes

Mr. Kolleng moved to approve the January 21, 2015 meeting minutes.

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

VII. Approval of the March 4, 2015 Meeting Minutes

Ms. Norman moved to approve the March 4, 2015 meeting minutes.

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

VIII. Public Comment

There was no public comment.

IX. Adjournment

The meeting was adjourned at 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 Ms. Renata Buenrostro, architect
731 Echo Lane, Glenview

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 7.26' front yard setback variation to permit the construction of a second-story addition on the property. The Village Board will hear this case on May 12, 2015.

3.22 Ms. Buenrostro is at the meeting on behalf of the applicants to talk about the variance. The house was built in the 1950s and is nonconforming. The garage has a corner, southeast, is outside of the requirements. The lot has a unit shape which is a parallelogram. Because of this, when one does the setback, the southeast corner is outside of the setback. The rules were established after the house was built. They want to follow the house's footprint and put a second story on top of the house. There is a small portion on the first floor that will be demolished so the houses' footprint will be smaller.

All of the walls are bearing walls. They are about 7' outside of the setback. They comply with all other zoning regulations. 1.12 shows how the small triangular area does not meet the requirements.

3.23 Chairman Duffy clarified that they meet FAR and density requirements.

3.24 Mr. Schneider asked if they proposed to tear down the existing house.

Ms. Buenrostro said they are leaving the one story ranch house and adding a second story.

3.25 Mr. Schneider asked what they planned to preserve of the first floor.

She said they are keeping the first floor and adding new windows. Essentially the whole first floor remains except for one room at the back of the house. The interior stays as it is. There will be a new staircase to the second floor. One bathroom on the first floor will be eliminated and will become a pantry.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Kolleng said that the home is currently non-conforming. The lot has a unique shape. They are not going outside the four corners of the house. He can support the request and finds that the standards of review are met.
- 5.2 Mr. Surman went to the property and noticed that the houses on the opposite side of the street are much closer to the curb than the homes on the north side of the street. The house would not look out of place to have a second floor and he can support it as well.
- 5.3 Ms. Norman said that she initially thought it would be way too close to the street. The other houses on the block are smaller and further back. It seems like the siting of the house on this unique property creates a hardship and it does not make sense to not grant the request. Standards of review are met. She will support the request.
- 5.4 Mr. Schneider said that this is new construction, but the variation is very small and he has no problem supporting this request.
- 5.5 Mr. Merci said that there is an architectural enhancement of the house if the variation was granted.
- 5.6 Chairman Duffy said that since it is legal non-conforming, they would need a variance whether they built over the garage or not. He can support the request.

6.0 DECISION

- 6.1 Mr. Kolleng moved to recommend granting a request for a 7.26' front yard setback variation to permit the construction of a second-story addition on the property at 2214 Old Glenview Road in accordance with the plans submitted.
- 6.11 Mr. Surman seconded the motion and the vote was all ayes and no nays (Mr. Boyer was not present).
- Motion carried.
- 6.2 Mr. Surman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2015-Z-09.
- 6.21 Ms. Norman seconded the motion. 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 condition of the property, the location of the house on the lot, imposes a particular hardship. The plight of the owner was not created by the owner and is due to the siting of the house on the lot. The hardship is peculiar to the property in question. The hardship prevents the owner from making reasonable use of the property with a second-story addition that is in line with the existing first floor. The proposed variation will not impair an adequate supply of light and air. The variation if granted will not alter the essential character of the neighborhood, which includes two-story homes.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 7.26' front yard setback variation to permit the construction of a second-story addition on the property at 2214 Old Glenview Road in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. John Vasilion, applicant
Vasilion Associates Inc. Architects

3.2 Summary of presentations

- 3.21 Ms. Roberts said that this is a request for a 22.78' rear yard setback variation, a 22.03' rear yard eave setback variation, and a 3.45' accessory structure separation variation to permit a detached garage. The Village Board will hear this case on May 12, 2015.
- 3.22 Chairman Duffy noted that there is a yellow memo with a new description of the request, removing the rear yard impervious surface coverage variation.
- 3.23 The architect said that the home is a 1,600 square foot one-story home and his clients wants to bring it up to modern standards. There is no master bedroom suite, there is not a good, functioning kitchen by this community's standards, there is a one-car garage off of the alley and it is oriented parallel to the alley so one has to make a strange maneuver to get into the space. Paving takes up a lot of the back yard space. In solving these concerns, they looked at the historic nature of the neighborhood. Oak Circle is a unique area with a homogeneous architectural character. A lot of smaller homes on the block were modified to varying degrees of success, some very well. He showed a rendering of the proposed design.

There are windows up high set back off of the main ridge of the house. There is a master bedroom suite up there with a fourth bedroom. One of the three existing bedrooms was used to create a stairway that leads up to the second floor.

He is happy with solutions that he found and the house is efficient. The house is modestly sized as is the master bedroom suite. The kitchen works better than the current kitchen and is modestly sized. The garage is 20' x 20' and that is a standard minimal size for a garage.

He showed the proposed garage. There is just enough room behind the house for the garage. It is 3' from the rear property line. That leaves 6.5' between the garage and the house. There are two ways to treat the garage once the position is established going north and south. He talked about the 6.5' wide space that can be left open and requires a variation because the minimum distance between a detached garage and a house is 10'. The other way to handle the garage is to not have that space between the house and garage. The area could be enclosed. It gives them the chance to create a good rear entrance and have a nice kitchen without crowding the kitchen. The attached garage proposal makes the house cross the rear

yard setback line and requires them a second variation for the rear yard setback. It is over the setback line. The attached garage gives them an advantage regarding the home's function. He showed a floor plan of the attached garage. There is no wasted space.

The plan and the drawings were put in front of the Historic Preservation Commission. The commission chair and staff reviewed this in detail. He wanted to have the design accepted by the historic preservation authorities. They did accept it and received it very positively.

- 3.24 Chairman Duffy clarified that the Historic Preservation Commission did not see the plan.

The architect said that was correct and he cannot speak for the commission.

- 3.25 Chairman Duffy clarified that the HPC had no purview on this. Only the commission chair and staff saw this.

The architect said it is important to mention because the commission does look at the character of a neighborhood and the density. When a structure is close to a home, whether the garage is attached or not, there are issues regarding density. They made a point to say that this is a neighborhood that structure-wise, is more dense than other parts of the Village. The design is consistent with the neighborhood.

He talked about the standards of review. The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties. The difficulties are not shared by other properties except those that lack a garage or share a similar situation to his clients. The house at 323 has a garage very close to the house, 339 and 345 share a two-car garage that is rather close to the house. 331 now has a two-car garage and is analogous to their situation. If they visited the block and saw that house, they would see the circumstance he is speaking about. Regarding the neighborhood, whether the garage was attached or not, is not really apparent and he could not tell if it was attached or not. Their application is reasonable in that regard.

Regarding standard five, the proposed variation will not impair an adequate supply of light or air to adjacent neighbors. The garage, if approved, is a volume that is going to be present and is most of what they are adding. The additional volume of the connection between the house and the garage is kept in the very center of the property equally distant from the north and south property lines. There will be minimal impact on neighbors. They are the only ones to see what they are proposing but would not impact neighboring homes' light and air.

- 3.26 Mr. Merci asked about the alley width.

The architect did not have a survey showing the alley width but said that it is about 17'.

- 3.27 Mr. Mercı noted that there is adequate turning radius in the setback. 20' should permit a 90 degree turnout.

The architect agreed with this comment and said that they could also make a three point turn. He might ask his clients to drive it with a mock-up of the location to see how it functions. They would make any adjustments to the garage if needed and would reduce their encroachment.

- 3.28 Ms. Norman said the variations are requested because the architect said that the garage is attached to the house and is not part of the definition of the house on the property. Is that correct? She clarified that the rear setback variation is for the garage placement. What would be the normal placement?

- 3.29 Chairman Duffy said that there is plan A and plan B and they are lumped together in one proposal. Which is the preferred plan?

The architect said that the preferred plan is plan B. He put both of them on the screen.

- 3.30 Chairman Duffy said that the difference between the plans is that there is a connection or no connection for the garage and that in Plan B, where they are connected, the garage moves a little away from the north lot line.

The architect said that if the garage was going to be attached to the house, he cannot have any structure any closer than 5' to the side property line. If it is a detached garage, he can be 3' from the north property line. Those are the only differences.

- 3.31 Chairman Duffy said that this is a unique request in that there are Plan A and B and they are lumped into one description.

The architect said that he favors Plan B. He does not want to construct Plan A. There are a lot of detached garages in the neighborhood. He said that the narrow space is awkward and it is simply the result of the zoning ordinance and not being allowed to close it and make it a meaningful part of the home.

- 3.32 Ms. Norman asked why the rear yard total impervious surface coverage variation was deleted.

The architect said that it is not needed. The application requirements have him submit detailed calculations for the house and then for the impervious surface areas, he does not have to submit all of those detailed calculations and he didn't. Village staff created the calculations and they are a few square feet over. He submitted

detailed calculations showing that impervious surface they are proposing conforms and they do not need a variation. That is in both plans.

- 3.33 Mr. Kolleng said if they went with the plan that does not include the mudroom, they could be 3' and nothing would need to be approved.

Chairman Duffy said approval would need to be given for the accessory structure variation. There would not be a setback issue however.

The architect said that one plan is too close to the alley and the other plan is too close to the house.

- 3.34 Mr. Kolleng said that from the pictures it looks like they cannot get from the back yard to the north side of the house. Is that an issue?

The architect said that is correct. The side yard does not serve as usable outdoor space. It is the buffer space between houses. One could walk around the front yard to access that space.

- 3.35 Mr. Surman asked if the applicant had spoken with the neighbors about the proposal.

The architect said he was not present at the meetings between the applicant and neighbors, but he does not think there were any opposing points of view. Some people came to the Village because they were concerned about how the house would look from the street. But when they saw the presentations that alleviated concerns.

Ms. Roberts said she did not hear back from the neighbor who asked about the front appearance of the home.

- 3.36 Chairman Duffy talked about the windows at the front of the house. They are in disrepair at this time. The drawings show no change in windows. What are they doing about the windows?

The architect said he was not asked to address the windows as part of the plan. If the windows needed to be replaced, it would be hard to replicate what is there. It is not part of the scope of work at this time.

- 3.37 Chairman Duffy said that this is not within the purview of the ZBA, but the windows in particular tie this house to the others in the neighborhood. The windows are significant to him.

(After section 4.0)

- 3.38 The architect said the alley that serves that side of the street has 17 to 18 houses. 12 houses have a two-car garage. Their proposal is reasonable. He thanked the Board.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the case

- 4.11 Mr. Jason Morhart
343 Oak Circle

4.2 Summary of presentations

- 4.21 Mr. Morhart said that he is the next door neighbor. Overall the plans matches the character of the house. His house is south of the applicant's. He wanted to see the coverage on the south side. The single car garage is currently on that side and there is a 6" grade step up. That drainage would go into a basement entrance of the 343 Oak Circle. He has not spoken with the architect or with the owners.

Chairman Duffy said that the applicant will need to comply with grading for construction per the Village. One cannot allow water to leave their lot. They can create swales. Does the water runoff come from the alley or is he concerned that it comes from the lot?

The neighbor said it is primarily from the lot. Overall he is in favor of the plan and would be for either proposal. The garage moves away from him with either plan.

Chairman Duffy said that the applicant will be required to keep water from running off of his lot onto the neighbor's lot.

The architect said that the village engineer is diligent and reviews the plans.

The neighbor said that he looks forward to dialog around the proposal.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Ms. Norman said that she was initially suspect of the request. She in favor of two-car garages to get cars off of the street. The unique property and the siting of the house on the property require these variations. The standards of review are met and she can support the request.
- 5.2 Mr. Schneider also supports the request. The shape of the lot and the setback of the existing building creates a peculiar situation where the garage is close to the building. The second floor addition was sensitively done. It is consistent with other homes. It will not alter the character of the neighborhood. Adding a mudroom

makes a lot of sense in terms of function. The architect did a great job of incorporating the needs of the applicants with the constraints imposed by the site.

- 5.3 Mr. Kolleng said he will support the request. The design is great and the standards of review are met.
- 5.4 Mr. Surman agrees with the above comments. He likes the design. They made the design modest and is a good height. The standards of review are met.
- 5.5 Mr. Merci said that the design has permitted a minimal impact of additional volume. The design was well thought out. The variations allow for reduced impact.
- 5.6 Chairman Duffy agrees with the above. The architect was challenged by the siting of the house on the lot. The lot is smaller and shorter. It is hard to believe that there is 20' between the alley and the house. He can support the request.

6.0 DECISION

- 6.1 Ms. Norman moved to recommend granting a request for a 22.78' rear yard setback variation, a 22.03' rear yard eave setback variation, and a 3.45' accessory structure separation variation to permit a detached garage at 347 Oak Circle in accordance with the plans submitted.

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

Motion carried.

- 6.2 Mr. Schneider moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2015-Z-10.

6.21 Ms. Norman seconded the motion and the vote was all ayes and no nays.

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the lot shape and size and the location of the house on the lot, impose upon the owner a particular hardship in constructing a new two-car garage. The plight of the owner was not created by the owner and is due to the unique conditions of the lot. The hardship is peculiar to the lot in question. The hardship prevents the owner from making reasonable use of the property with a two-car garage. 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 22.78' rear yard setback variation, a 22.03' rear yard eave setback variation, and a 3.45' accessory structure separation variation to permit a detached garage at 347 Oak Circle 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. Robert Garrison, applicant
Depot Nuevo restaurant
1139 Wilmette Avenue

3.12 Mr. Dan Litchfield, brewer
Depot Nuevo restaurant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a special use for a brew pub. The Village Board will hear this case on May 12, 2015.

The applicant said that the request is to operate a brew pub. They sell a small amount of beer at this time and do not anticipate selling a large amount of beer. Their goal aligns with the novelty and taste of fresh made beer. The impact to the neighborhood is minimal. Everything will be done indoors with existing equipment and supplies. It is the legal issue of making beer inside the building. They are not planning on interior renovations.

They intend to brew beer once or twice a week. This would be done in the morning when the venue is closed and empty.

3.22 Ms. Norman asked if brewed beer would create smells that would impact the neighbors.

The applicant said that nothing more or different than cooking food. There are hops, barleys and malts used in brewing. He explained the brewing process. He is talking about a large pot on a stove that boils for an hour.

3.23 Chairman Duffy asked how many gallons they are talking about making.

The applicant said that the pot is about 50 gallons. It is about 2' wide in diameter by about 30" tall.

3.24 Mr. Merci asked how often they brew. He looked at the IL Liquor Control Act and said that the application for this is arduous. How many gallons do they estimate brewing each year?

The applicant said that his current estimate would be 50 to 75 barrels/year. There are 31 gallons in a barrel.

- 3.25 Mr. Merci asked if any beer was conveyed offsite.

The applicant said it might grow into this in the future, but not at this point in time. He talked about wanting to sell growlers, a half-gallon container, for carry out at some point in the future.

- 3.26 Mr. Merci clarified that they were not working with a distributor.

The applicant said that this was correct.

- 3.27 Mr. Merci said about how they planned to implement waste disposal.

The applicant asked Mr. Dan Litchfield, their brewer, to answer this question.

Mr. Litchfield said that they plan to get 46.5 gallons to a batch. He talked about the ingredients in beer. They can throw it in the garage, compost it or find someone to further reuse it. It makes excellent animal feed. They would keep it on site until they decided on an option to get rid of it. They will comply with all rules related to having this on site. It will not be put in the sanitary sewer system.

- 3.28 The Board had no additional questions for the applicant.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Surman said this will be a nice addition to the restaurant and he can support the request. All standards of review are met.

- 5.2 Mr. Merci supports the request.

- 5.3 Chairman Duffy supports this and agreed that standards of review are met.

6.0 DECISION

- 6.1 Mr. Surman moved to recommend granting a request for a special use for a brew pub at 1139 Wilmette Avenue in accordance with the plans submitted. The use shall run with the use.

- 6.11 Mr. Merci seconded the motion and the vote was all ayes and no nays (Mr. Boyer was not present).

Motion carried.

- 6.2 Ms. Norman authorized the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2015-Z-11.

- 6.21 Mr. Kolleng seconded the motion and the voice vote was all yes 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 use of a brew pub in this location is consistent with the goals and policies of the Comprehensive Plan. The brew pub use will be part of the established full-service restaurant use. As such, the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, and welfare nor will the use be injurious to the use or enjoyment of other property in the neighborhood. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding properties. The special use will not substantially diminish property values in the neighborhood. Adequate utilities, access, and other necessary facilities already exist. Adequate measures already exist and will be unchanged regarding ingress and egress to the proposed use. The proposed use is consistent with the community character of the neighborhood. Development of the proposed use will not adversely affect a known archaeological, historical, or cultural resource. The proposed use will take place inside the existing building and will not require the provision or development of any buffers, landscaping, public open space or other improvements. No other standards in Article 12 apply.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a special use for a brew pub at 1139 Wilmette Avenue in accordance with the plans submitted. The use shall run with the use.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. William Ng, architect

3.12 Mr. Cameel Halim, property owner

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a revised 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 3,056.18 square foot (17.79%) combined side yard impervious surface coverage variation, a 3.0' front yard air conditioner condenser setback variation, a 5.17' aisle width variation, a 3.33' 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. The Village Board will hear this case on May 12, 2015.

3.22 Mr. Ng said they are proposing 40 parking spaces, two being handicapped. There are currently 24 townhouse apartments on site. Along with the parking spaces, they are asking for window wells for eight of the units on the south building. They are asking for four air conditioner condensers on the front yard and four in the rear. Originally they had the condenser units in the parking area.

3.23 Chairman Duffy clarified that changes include number of parking spaces from 46 to 40. They moved the air conditioner condensers.

The architect said that there was a turnaround in the rear yard.

3.24 Chairman Duffy said that 1.5 shows the turnaround and then realized he was not looking at the most updated plan on 1.12, which does not show the turnaround. What other changes are there?

Mr. Ng said they tried to keep the original parking and landscaping intact. They will not remove trees for more parking. They tried to keep existing trees that are not dead. They also incorporated existing islands. They are narrowing the current islands that have landscaped pavers. They are trying to maximize the parking and keep the integrity of what exists. They are proposing similar landscaping islands and additional parking. They will plant new trees and keep existing live trees. They are proposing a central garbage disposal area.

3.25 Mr. Schneider asked how the central garbage disposal area worked.

The architect said that each garbage container is one-half cubic yard. They proposed to put a 6 cubic yard dumpster in the center, partially or completely enclosed. In front of this, they can put four recycling one-half cubic yard containers. They can put a fence along three sides of the enclosures with a gate in the front, along with concrete bollards to prevent cars from hitting the area.

- 3.26 Mr. Schneider asked who owned the fence on the south side. Part of it is in disrepair.

Mr. Ng introduced the owner of the property.

The property owner said that they own both properties and he will repair this.

- 3.27 Mr. Schneider asked if they were going to preserve the three large trees in the parking lot area.

Mr. Ng said they plan to preserve two trees; a third tree is dead. They will remove the dead tree and replace it with other trees.

- 3.28 Mr. Surman said that the tree that is alive is actually much further away from the building than is shown on the plan. Will they take that tree down? The trees shown look like they are within 8' of the building per the plan. But they are farther away.

Mr. Ng showed the location of the dead tree. They believe that the other trees are close to the island and will plant additional trees close to the other islands.

- 3.29 Mr. Schneider asked where the downspouts drained to.

Mr. Ng said they go into the front yard storm sewer.

Ms. Roberts said that she is not sure if that is allowed. On the east side of Ridge is a combined sewer. The Engineering Department would need to comment on this.

- 3.30 Mr. Schneider said that there is one drain in the parking lot to the north. It is in the middle of the lot. He did not see one in the south parking lot.

Mr. Ng said that there is a storm drain in the center of both parking areas. This issue came up last time. The diameter of what exists could accommodate the runoff from the previous parking design, which was more elaborate and more impervious area. They were willing to increase the diameter of the storm sewer to accommodate rain water runoff.

- 3.31 Chairman Duffy said the Engineering Department will require a new grading plan because they are re-doing the whole parking lot.

- 3.32 Mr. Kolleng said that they are building out some basements. How do they deal with possible sewer back-up in those units?

Mr. Ng said that there has been no water in those units and there are no signs of flooding. There will not be bathrooms down there. They are keeping it intact the way that it is and are not building farther down in the basement. There are no water stains.

- 3.33 Mr. Surman asked if the impervious request was due to parking. They went from 24 to 40 spaces.

Mr. Ng said that the increase is due to the decks. The parking is reduced in a small amount. Decks count towards impervious calculations. He showed a chart to the Board which indicates allowed impervious by code and existing impervious is mainly from the side yards.

- 3.34 Mr. Surman asked if impervious went down for the parking.

Mr. Ng said it went down from the front yard. The rear yard went up somewhat due to air conditioner condensers. It increased by about 16 square feet. The front went down because the landscaping area of the front yard increased. The area between the parking lot and the front yard landscaping increased.

- 3.35 Mr. Surman said he does not understand how the impervious for the parking went down by over 1,000 square feet when there are more spaces. Were the spaces that much larger in the past?

- 3.36 Chairman Duffy said it seemed to him that although there were parking spaces there was a lot of impervious surface already in the parking lot. They reduced that extension so that reduced some impervious surface.

Mr. Ng said that the existing parking garage has trees. The actual landscaped area is small. Most of the areas around the trees have concrete pavers that surround them.

- 3.37 Mr. Schneider said that when one sees the parking areas on the site, there are a lot of concrete pavers that will be replaced with asphalt surface for parking so there is not much of a change.

- 3.38 Mr. Kolleng clarified that they currently have 24 1-bedroom units. They will have 8 1-bedrooms and 16 3-bedrooms.

Mr. Ng said that before the renovation there were 24 1-bedroom units. Currently they are proposing 16 2-bedroom units and 8 3-bedroom units in the south building. There are no 1-bedroom units proposed.

- 3.39 Mr. Merci addressed the front yard air conditioner condenser setback variation. Presently there is a berm in front of the south building. Did they plan to remove that berm? How are they placing condensing units relative to that berm?

Mr. Ng said they will place the air conditioner condenser units on the berm.

- 3.40 Mr. Merci said that the berm slopes directly to the building. They will require additional fill for sufficient flat surface for location of the condensers.

Mr. Ng did not bring pictures of the front yard because there is one location where it slopes down and then it is level.

- 3.41 Mr. Merci said that is not between the windows where they are showing the air conditioner condenser units. This is where they are shown on the plan. He assumes that they are planning a screen around the units. To each unit there are pipes. Are all these being exposed on the exterior front elevation?

Mr. Ng said that they are planning on running them through the basement of each unit. Before the renovation is finished they want to run piping through the basement. The ceiling height of the basement is above the berm.

- 3.42 Mr. Merci clarified that they would re-grade the front elevation to be flat.

Mr. Ng said they would do this if needed.

- 3.43 Mr. Merci clarified that all that would be visible would be the four condenser units and the screens. They might need more than 3' if they are to provide sufficient air space around the condensing units.

Mr. Ng said they will need more than 3' with the electrical disconnects. He is thinking 3.5'-4'.

- 3.44 Mr. Merci said there has to be sufficient space for air circulation.

- 3.45 Chairman Duffy said he has some questions about the window wells. Why is there a separation variance?

Mr. Ng showed the existing condition for many units. The basement that is there can be accessed through the doorway and through the utility room. He showed a renovated unit picture. He showed a picture of a unit before renovation. Some of the basements are vacant and some people use basements for work-out rooms or storage. They want to bring more light into the basement. There is no egress if something happens. The ceiling heights go up to 8' so they are usable spaces.

- 3.46 Mr. Kolleng asked if they were going to put bedrooms in the basement of the 2-bedroom units.

Mr. Ng said that is correct.

- 3.47 Mr. Kolleng said that if they did not go to 3 bedrooms they would not require the variation for the window wells.

Mr. Ng spoke with the Village's building department and window wells are required for habitable space.

- 3.48 Mr. Kolleng repeated his question, which was why they needed a separation variation for the window wells. Why can't they be wider apart? Why are they so close together?

Mr. Ng said that this was brought up at the last hearing for the case. There are a number of pipes coming out of the building. They could move existing downspouts. But there is a gas main and they don't want to move this piping. They are in front of each unit.

- 3.49 Mr. Schneider asked about the entrance for each unit and its location.

Mr. Ng said that there is a front entrance.

- 3.50 Mr. Schneider asked if that was one of the reasons why they had to place the window well where it is located.

Mr. Ng said that was correct. The space is narrow.

- 3.51 Chairman Duffy said that when he read the plans, he missed how the entrance stops one from putting the window well in a specific location.

- 3.52 Mr. Surman asked if there would be a railing with the window well.

Mr. Ng said they spoke with the Building Department and they are open to having or not having a railing. Either a grate or a railing is acceptable to him.

- 3.53 Mr. Halim told the Board about himself and his background in residential apartment buildings. His office is at 107 Green Bay Road, Wilmette. He is a real estate developer. He is building a museum at this time. He has done projects in the city and in Evanston. He now has come into Wilmette to do business. He understands the Village. The townhouses being discussed tonight were built in the 1950s and they have not been kept up since then. The units need a complete upgrade and he explained why. All of the work being done is to make the units safer for the tenants. They want to create a nice complex. Regarding the parking, they want to take cars off of the street.

- 3.54 Chairman Duffy said that as they increase the density with more bedrooms that means there will be more cars. It seems like the site will be a sea of cars. Can he speak to this? Maybe there is too much density.

Mr. Halim said they do not need one-bedroom apartments. There will be cars in the back. Every unit has one parking space and a patio. They are now putting the patio in the backyard.

- 3.55 Chairman Duffy said a one-bedroom apartment usually equates to one car. Now most likely each unit will have two cars.

The property owner said that the apartments are small. He talked about units maybe having one car versus two as referenced above.

- 3.56 Chairman Duffy asked if there was a requirement for more parking.

Ms. Roberts said they are not meeting the parking requirement but they do not have to because it is an existing condition.

- 3.57 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. Merci said that the magnitude of the variations have not been substantially reduced. They were objectionable at the first hearing. An additional variation was added that is uncertain in terms of its requirements. He was talking about the variation for the condensers. He does not see how an open approval can be given in this case.

- 5.2 Mr. Kolleng said that some of the concerns mentioned at the last hearing were addressed. Overall he thinks that there will be increased cars and traffic. He understands reasons to make a property more profitable, but he sees no hardship in this case. There will be more street parking issues. They are significantly increasing impervious surface. Despite some minor modifications, this does not meet the standards of review and he will not support the request.

- 5.3 Mr. Schneider was not at the first hearing for this case. He talked about the impervious surface issue that exists and will not really change. They are adding more parking spaces and that is good because it will move cars off the street. The issue of increased density has to do with the applicant making the units more conforming. He was referencing the window wells. He does not see how much has changed since the first hearing although the applicant is trying to upgrade the units and the site. He can support this request.

- 5.4 Mr. Surman said is struggling with the project and there was not that much of a change from the first meeting on this case. He appreciates the modifications but he does not see the hardship in this case. He has trouble supporting the request.
- 5.5 Ms. Norman agreed that nothing significant was done since the last meeting. She understands the reason to improve safety. It does not meet any special use standards. Three bedroom units could mean 3 to 4 people in the unit. Property values diminish when density is increased. She does not see any hardship. There is nothing peculiar about the property. She cannot support the request.
- 5.6 Chairman Duffy is hung up on the parking. He believes that they have made changes that are good, especially moving the air conditioner condenser units away from parking areas. He is struggling with the impervious surface related to parking. He might be able to get around the decks. It is an improvement to the units. More green space is needed. More parking makes the units more attractive. There is no requirement for them to increase the parking. They are improving the safety in 8 out of 24 units with the window wells. How will they address the safety of the other units? He is happy with some of the changes, but struggles with other issues. More green space would be better. He cannot support the entire proposal. But it is a move in the right direction and the efforts are appreciated. He hoped that the applicant will return with additional changes so that a solution can be had that works for everyone.

6.0 DECISION

- 6.1 Mr. Merci moved to recommend granting a revised 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 3,056.18 square foot (17.79%) combined side yard impervious surface coverage variation, a 3.0' front yard air conditioner condenser setback variation, a 5.17' aisle width variation, a 3.33' 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 submitted. The use shall run with the use.

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

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

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-05.

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

A majority of 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 and the resulting increase in cars may be injurious to the use and enjoyment of other property in the neighborhood.

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 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. It is not clear how the air conditioner condensers on the front of the south building will be installed, which impacts the setback variation being requested.

A minority of the Zoning Board of Appeals finds that the request meets the special use standards of Section 5.3.E and the variation standards of Section 5.4.F of the Zoning Ordinance. The proposed use is consistent with the goals and policies of the Comprehensive Plan, which call for housing options in appropriately zoned locations that complement the traditional single-family character of Wilmette. The townhouses were built in the 1950s. The continued operation of the special use will not be detrimental to the public health, safety, and welfare nor will it be injurious to the use or enjoyment of other property in the neighborhood. The revised plan moves the parking away from the east lot line, which was previously a concern to that neighbor. The properties around the subject property are fully developed and the operation of the special use will not impede the normal and orderly development and improvement of these properties. The special use will not substantially diminish property values in the neighborhood. Adequate utilities, road access, drainage, and other facilities already exist. Adequate measures already exist to provide ingress and egress. The special use is consistent with the community character of the neighborhood. The proposed use does not substantially adversely affect a known archaeological, historical or cultural resource. Adequate legal provision has been made for buffers and landscaping.

Regarding the variation standards, the particular physical conditions of the property, the orientation and location of the buildings on the lot imposes upon the owner a practical

difficulty. The plight of the owner was not created by the owner and is due to the circumstances of the lot. The difficulty is peculiar to the lot in question and is not generally shared by others. The difficulty prevents the owner from making reasonable use of the property with safety and other improvements. The window wells are necessary to improve the safety of existing basement space. The lack of separation between the window wells is due to the location of utility pipes and the entrances to the units, reducing the available room on the north side of that building. The units currently do not have air conditioning and a variation is required for half of the condensers on one building, which can't be located elsewhere because of the utility pipes and unit entrances. The variations, if granted, will have minimal impact on the exterior of the building and will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a revised 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 3,056.18 square foot (17.79%) combined side yard impervious surface coverage variation, a 3.0' front yard air conditioner condenser setback variation, a 5.17' aisle width variation, a 3.33' 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 submitted. The use shall run with the use.