



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, AUGUST 19, 2015

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: Mike Boyer
Lynn Norman

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

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

I. 2015-Z-32 701 Laurel Avenue

See the complete case minutes attached to this document.

III. 2015-Z-34 441 Locust Road

See the complete case minutes attached to this document.

IV. 2015-Z-34 627 Forest Avenue

See the complete case minutes attached to this document.

V. 2015-Z-33 305 17th Street

See the complete case minutes attached to this document.

VI. Approval of the July 1, 2015 Meeting Minutes

Mr. Kolleng moved to approve the July 1, 2015 meeting minutes.

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

VII. Public Comment

There was no public comment.

VIII. Adjournment

The meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Lisa Roberts
Assistant Director of Community Development

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

3.1 Persons appearing for the applicant

3.11 None

3.2 Summary of presentations

3.21 Ms. Roberts said that the applicant submitted an email requesting that the case be continued to September 2, 2015.

6.0 DECISION

6.1 Mr. Kolleng moved to continue the case to the September 2, 2015 meeting.

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

Motion carried.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Jonas Glenn, applicant
441 Locust Road

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 6.37' side yard air conditioner setback variation to permit the retention of a replacement air conditioner condenser. The Village Board will hear this case on September 8, 2015.

3.22 The applicant said he has lived in the home for the five years. This is the first house that he has ever owned. The central air unit broke down. He got estimates to fix the problem. His grandson receives therapy at their home so they didn't want the house to be too hot. He got an estimate and was told by the company that they would take care of the permit. He did not know that if you replace something that has been there for 25 years has to get a variance. There is no other viable option for the unit. The house has a huge deck in the rear. The unit cannot go on top of the deck because it would block the entrance and windows. They are seeking a variance to keep the unit in the location where it has always been located. It is close to the furnace and piping. There is no problems with neighbors. The unit they bought is very quiet.

3.23 Chairman Duffy asked if the unit was already installed.

The applicant said that the unit is installed. If the unit is moved to the rear yard, the whole purpose of the rear yard is ruined. It is a place of serenity.

3.24 Chairman Duffy asked about administrative review for this type of variance.

Ms. Roberts said that administrative review can only look at requests that are 5' or greater from the lot line.

The applicant said that houses in this area are very close together. His neighbor across the street has a similar problem and received a variance.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Mr. Timothy Carey
442 Locust Road

4.2 Summary of presentations

- 4.21 Mr. Carey lives directly across the street from the applicant. He has lived in the house for a year but lived in the Village previously. The applicant is an excellent neighbor. The placement of the unit is not harmful to anyone in the neighborhood. There is no reason to not grant the variance.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Kolleng said this could have been approved via administrative review except for the additional 1.37'. This is a logical location because the previous unit was also in that location. The neighbor's air conditioner unit is adjacent to the applicant's unit. No one is being inconvenienced and he can support the request.
- 5.2 Mr. Surman can also support this.
- 5.3 Mr. Schneider can also support this for the above reasons.
- 5.4 Chairman Duffy said that not everyone knows what the rules are and it is a simple assumption to replace something that is already there. The houses are close together. He can support this request.

6.0 DECISION

- 6.1 Mr. Kolleng moved to recommend granting a request for a 6.37' side yard air conditioner setback variation to permit the retention of a replacement air conditioner condenser at 441 Locus 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 and Ms. Norman were 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-31.

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 particular physical conditions, the layout of the house on the lot, including an existing deck and patio, and the location of the existing furnace,

impose upon the owner a practical difficulty. A condenser unit previously existing in this location for some time. The plight of the owner was not created by the owner. The difficulty is peculiar to the property in question. The difficulty prevents the owners from making reasonable use of the property. The proposed variation will not impair an adequate supply of light and air to the adjacent property. The next door neighbor's unit is located in this same area between the houses. 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 6.37' side yard air conditioner setback variation to permit the retention of a replacement air conditioner condenser at 441 Locus 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 Ms. Healy Rice, architect

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 3.52' front yard porch setback variation and a 6.52' front yard porch step setback variation to permit the construction of a front porch on the legal non-conforming structure. The Village Board will hear this case on September 8, 2015.

3.22 Ms. Rice said they want to restore the home to the way it was in the early 1900s. There was a porch on the house that is approximately the same depth that they are proposing. On exhibit 1.1 there is an outline of the original porch. What they are proposing is in line with what is shown there. This block, other than the applicant's home and the most east home that faces 6th Street, all have large front porches. They seek to create a porch that is in keeping with the neighborhood and brings their home into conformance with other homes. They are not sure when the porch was torn off, but it was well before they bought the home. One is exposed to weather, ice and snow in this location on the north face of the house.

They need more than the minimum 3' setback for the stair encroachment. They are asking to create stairs that are 12" deep. The main thrust of the case is that they want to restore what was original to the home. The house needs that substance from an architectural perspective.

3.23 Chairman Duffy asked how they arrived at the depth of 9'.

Ms. Rice said it was from looking at photos and looking at what practically made sense with other homes in the neighborhood. Other porches are 9' to 11' deep. They want to sit on the porch.

3.24 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 this variation is consistent with similar approvals granted. There is no opposition and he can support the request.

5.2 Mr. Schneider said that the adjacent neighbors have similar porches. He can support the request.

- 5.3 Mr. Kolleng said that standards of review are met. This house currently looks different than other houses on the street. The stairs come right up to the door and there is no porch. He can support the request.
- 5.4 Mr. Surman said that initially it seemed as if the depth was somewhat excessive, but after visiting the property, he saw that the request aligned with other porches on the block. He can support the request.
- 5.5 Chairman Duffy said he also initially thought that the depth was a little excessive. He was not sure of the neighbor's porch came out this deep, but if this is a little farther out, the proposed porch will blend in. He can support the request.

6.0 DECISION

- 6.1 Mr. Merci moved to recommend granting a request for a 3.52' front yard porch setback variation and a 6.52' front yard porch step setback variation to permit the construction of a front porch on a legal nonconforming structure at 627 Forest Avenue in accordance with the plans submitted.

- 6.11 Mr. Schneider seconded the motion and the vote was all ayes and no nays (Mr. Boyer and Ms. Norman 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-34.

- 6.21 Mr. Kolleng 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 existing siting of the house on the lot and the lack of a covered entry, 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. There is some evidence that a porch like that proposed was original to the home. The current owners did not remove the original structure. 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 safe egress from the house. 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. The proposed porch seeks to match the original porch. The proposed porch is consistent in scale with others in the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 3.52' front yard porch setback variation and a 6.52' front yard porch step setback variation to permit the construction of a front porch on the legal non-conforming structure at 627 Forest 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 Mr. Andrew Venamore, applicant
602 Academy Drive, Northbrook

3.12 Mr. Alex Ratarac, owner
305 17th Street

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 3.0' side yard setback variation, a 2.0' side yard eave setback variation, and a 5.0' accessory structure separation variation to permit the construction of a new detached garage. The Village Board will hear this case on September 8, 2015.

3.22 Mr. Venamore said that the applicant is at the meeting. They are replacing a detached garage that is currently on the site. The garage needs to be replaced because it is decrepit. There is a lot of run off coming from the northeast which they hope to resolve by lifting the foundation so that the water does not run over the top of the existing slab.

They want to give the owners a more practical structure, 20' x 22' garage. The lot is irregular and they want to bring the new garage forward. The 20' x 20' area behind the structure is useless to the owners. By moving the garage forward, the idea is to open that area up a little bit more, connecting it more clearly to the rest of the property. There is 9' of separation between the rear of the new garage and that rear angled property line. Doing this reduces the setback between the accessory building and the principal structure. A 5' separation is proposed and 10' is required by the ordinance. The current structure is 18' wide and is not of adequate size. By going to a 20' width and bringing the garage forward, the setback from the south property line has been reduced a little.

The variations are being driven by the irregular shape of the lot. Most lots south of this property have the vacated alley as part of their property. Had this property been given use of the entire vacated alley, there would probably be no need for the variations because the garage would quite easily fit in the rear area.

3.23 Mr. Schneider asked when the alley was vacated.

Ms. Roberts said she would have to research this.

The applicant said that the owner said it was 1994/1995.

- 3.24 Mr. Schneider asked why the vacation stopped as shown on 1.4.

The owner said that the lots are offset. One neighbor deeded the property to 17th Street and one didn't and that is why there is an offset.

- 3.25 Mr. Schneider said that the garage for the neighbor to the north has a fence to the south edge of the garage. He assumes that the applicant is making use of this area as his property.

The owner said they have part of the vacated alley, about 20' x 20'. The neighbor to the north does not have any part of the vacated alley. The neighbor to the south also has an irregular lot because the lots are off-set between Lawndale and 17th. The Lawndale owner that gave them the vacated alley also gave a portion to the applicant's neighbor to the south.

- 3.26 Chairman Duffy clarified that the neighbor to the south has the same irregular lot. He drove the alley from Lawndale and assumed he could make the turn and see the back of the applicant's property. But that is vacated and the Lawndale property owns it up to the back of the applicant's property. The property that fronts Lawndale, directly west of the applicant, is really two properties. He talked about the property that had the vacated alley and why one cannot see the applicant's property.

- 3.27 Mr. Schneider referenced exhibit 1.4 and the portion of the vacated alley north of the part included in the subject property.

The owner said that portion is owned by 306 Lawndale. Those owners make use of that property. It was purchased by the current owners a little over a year ago and they built a fence that encompasses the area; before it was open. He tried to purchase that property but it didn't work out.

- 3.28 Mr. Schneider said that the alley is an easement and until it has been vacated by the Village, it's not an individual's property.

Mr. Venamore said that the survey indicates the alley is vacated.

- 3.29 Chairman Duffy asked how far forward the garage will be moving.

The owner said that the dimension is a little less than 5'. He talked about a large tree and he is not sure if they can over to the north because of that large Maple tree. It is a tree that was originally planted into the alley and grew into his lot.

- 3.30 Mr. Schneider said that when alleys, rights of way, are vacated, the adjoining land owners get half of the alley. What happened here?

The owner said that an argument developed. That subdivision on Lawndale gave all that land. The Village did not take ownership of the land. So once it was vacated, it automatically went back to the Lawndale properties.

Ms. Roberts said vacated alley land goes back to the subdivision that it came from.

3.31 Mr. Surman asked what they used the back area for at this time.

The owner said it is more of an entertainment area. They had a swing set in the area. The new Lawndale owner put in a fence about a year ago, fortunately leaving some room at the north corner of the garage to get back there.

3.32 Mr. Schneider asked how they took ownership of the 20' x 20' piece.

Ms. Roberts said that some of the residents on Lawndale didn't want or need the land and sold it to individuals on 17th Street to give them more land. The Lawndale lots were already deeper than those on 17th Street.

The owner said they looked at different options for garage placement and there is not much they can do except for this option.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Ms. Carol Cleave
303 17th Street

4.2 Summary of presentations

4.21 Ms. Cleave lives just south of the applicant and she supports the proposal. Her property is incorrectly shown on documents. She has a two-car garage and it looks like a one-car garage on the documents. The applicant needs a two-car garage. The alley never was a real alley that one could drive down. The property was primarily used by people on 17th Street. Lawndale did not need larger lots. Her part of the alley is 30' and the applicant's part is 20'. The alley was vacated in about 1995.

Mr. Surman said that alleys are platted but never put into use. They were never paved and it says vacated. Cars never went down the alley.

Mr. Schneider said that the Plan Commission spent a lot of time in 1990s vacating alleys that were not being used as alleys though the adjoining landowners made use of them. The Plan Commission formally divided the rights of way and gave the adjoining landowners half and half. This was an unusual situation where the alley wasn't divided that way.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Kolleng said that the current garage needs to be replaced. They are making the new garage slightly larger. It makes sense to move the garage up to gain access to the backyard. The neighbor has no issue. Standards of review are met and he will support the request.
- 5.2 Mr. Surman agreed with the above. At first he hesitated to see the 5' dimension, but it now makes sense. They could not use that back area if the garage was shifted further west to increase the separation. He will support the request.
- 5.3 Mr. Schneider agrees and is not sure about other options given the site's constraints. He supports the request.
- 5.4 Mr. Merci said this is a reasonable solution to offset the loss of access to the rear of the property.
- 5.5 Chairman Duffy agrees with the above and he can support the request.

6.0 DECISION

- 6.1 Mr. Kolleng moved to recommend granting a request for a request for a 3.0' side yard setback variation, a 2.0' side yard eave setback variation, and a 5.0' accessory structure separation variation to permit the construction of a new detached garage at 305 17th Street in accordance with the plans submitted.

- 6.11 Mr. Surman seconded the motion and the vote was all ayes and no nays (Mr. Boyer and Ms. Norman were 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-33.

- 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 unusual shape of the rear yard due to the alley vacation and the layout 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 unique circumstances. The difficulty is peculiar to the property in question

because of the alley vacation. The difficulty prevents the owners from making reasonable use of the property with a functional two-car garage. The proposed variations will not impair an adequate supply of light and air. The requested setback variations allow the unusual area behind the garage to be incorporated into the yard while still providing some separation from the house and adequate access to both garage spaces. 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 3.0' side yard setback variation, a 2.0' side yard eave setback variation, and a 5.0' accessory structure separation variation to permit the construction of a new detached garage at 305 17th Street in accordance with the plans submitted.