



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 2, 2015

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: Mike Boyer
John Kolleng

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-38 1514 Lake Avenue

See the complete case minutes attached to this document.

IV. 2015-Z-36 2026 Washington Avenue

See the complete case minutes attached to this document.

V. 2015-Z-35 930 Pontiac Road

See the complete case minutes attached to this document.

VI. 2015-Z-37 342 Gregory Avenue

See the complete case minutes attached to this document.

VII. Approval of the July 15, 2015 Meeting Minutes

Mr. Merci moved to approve the July 15, 2015 meeting minutes.

Mr. Schneider 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 8:55 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. Stacey Woehlerle, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 6.3' side yard adjoining a street parking setback variation to permit a parking pad. The Village Board will hear this case on September 22, 2015.

3.22 The applicant passed around a picture of a patio approved in 2009. They did not get a variance and did not go through the proper process. Their alley is being redone at this time. There is a 6' x 21' apron. There are stones that get scattered everywhere. The pad gets the cars off of the street.

3.23 Mr. Merci visited the site and noted that there is a power pole in the alley. He asked the location of the pole and if it would interfere with the parking pad.

The applicant said that the pole is on her property. The pole will not interfere with parking. She showed the location on the plan. The pad will be away from the patio.

3.29 Chairman Duffy clarified that the pad was poured in 2009. They got a permit to pour the pad. They requested to have the pad connected to the alley and were told by Village staff that it would cause it to be a parking pad versus a patio.

The applicant said that her husband was in charge of the 2009 construction and he now travels, which is why she is before the Board. It was the path of least resistance. This is now a good time to do the parking pad. The alley will have brick in the middle and cement on the sides for drainage. They still have a side yard with a fence. They also have a two car garage.

3.30 Ms. Norman said that she was confused. In 2009 they did not get a permit or did they not need a permit?

The applicant said that they had a permit for a patio, but they did not realize that it would be a parking pad because of the apron. They are now asking for an apron so it changes from a patio to a parking pad.

3.31 Chairman Duffy clarified that they got a permit to pour the patio in 2009.

The applicant talked about scheduling the cement truck in 2009 and they did not know the procedures and did not know they needed a variance and did not have time to get one.

- 3.32 Mr. Surman asked if they initially applied for a patio.

The applicant initially applied for a patio. The area was not only for parking because her children also play back there.

- 3.33 Mr. Surman said he does not see the hardship right now. The reason why there is a setback code is to protect the neighborhood and the environment and to keep cars from being on the parkway. If the Board were to allow this, the car would be 6'3" closer to the curb. There are setbacks for a certain reason.

- 3.34 Chairman Duffy said this is more restrictive because it is a side yard adjoining a street.

The applicant said that the situation is awkward. They still have a side yard and a fence and some yard and a sidewalk. They alley is cement with brick in the middle. They could not come up with an answer for hardship other than that the stones are sloppy, there is a new alley and there is a house behind her. The pad will clean everything up.

- 3.35 Chairman Duffy asked if parking was restrictive or is it open.

The applicant said they are close to the el and at 7 AM no permit is needed but there is a permit needed at times and on other blocks. There is restricted parking on her side of the street as well. There are no cars along that whole side.

- 3.26 Mr. Surman said that the pad is wide enough to put two cars there.

The applicant said that does not happen very often unless there is snow when plows come through.

- 3.27 Mr. Surman said if they were looking for one spot they could have an apron go all the way across. It could be 11' wide and the car would stay off of the setback. There would be enough to pull in one car.

The applicant noted that this would look odd aesthetically. She said that her husband probably did what he thought was best at the time.

- 3.28 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 granting this variation would set a precedent for creating a parking pad close to a side yard frontage. Mr. Surman suggested a way to eliminate the need for a variance and would have resolved the problem of having a car parked too close to the side yard. He cannot support the request.

- 5.2 Ms. Norman agreed with the above. It is becoming more common that people want to have parking pads on their lawns. She likes that setbacks are required because backyards should not look like parking lots. She does not see a hardship. There is parking available at least most of the time. She cannot support the request.
- 5.3 Mr. Schneider said this lot is on the corner which creates an issue. Getting cars off the street is a good idea. The site is well screened and the neighborhood will not be impacted in any way. He can support the request.
- 5.4 Mr. Surman said he does not think that the apron needs to be that big. The car should be kept away from the curb and not set a precedent. He cannot support the request.
- 5.5 Chairman Duffy said he walked down the alley. One of the reasons why improvements are being done is because of flooding in that area. This is a way of keeping water from running into the street from the long alley and from along Crescent. He can see why the applicant is saying that it would look cleaner. No one else has a parking pad along the alley or Crescent. It is not feel obtrusive so he was on the fence. But he agrees with Mr. Surman in trying to reduce the request for the variance and give the applicant what they want. That is a reasonable solution. By moving the apron away from the street enough the setback issue is avoided.

6.0 DECISION

- 6.1 Mr. Merci moved to recommend granting a request for a 6.3' side yard adjoining a street parking setback variation to permit a parking pad at 701 Laurel Avenue in accordance with the plans submitted.

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

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

Motion failed.

- 6.2 Mr. Surman moved to authorize the Chairman to create the report and recommendation for the Zoning Board of Appeals for case number 2015-Z-32.
- 6.21 Ms. Norman seconded the emotion 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 variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, there are no particular conditions of the property or its surroundings that impose a practical difficulty or particular hardship on the owner. The owner is not prevented from making reasonable use of the property if the variation is not granted. There is a water problem in the area and the parking pad will add impervious coverage to the problem.

A minority of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. As a corner lot, the required setback is greater than for an interior lot, resulting in less room to construct a conforming parking pad. It is to the benefit of the neighborhood to get cars off the street. The proposed variation will not impair an adequate supply of light and air to adjacent property. The parking pad will be screened by landscaping and fencing and therefore will have minimal impact on the neighborhood. The appearance of the current situation will be improved with paving connecting the pad to the alley.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 6.3' side yard adjoining a street parking setback variation to permit a parking pad at 701 Laurel 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. John Scully, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 4.6' side yard parking pad setback variation and a 101.65 square foot (4.8%) rear yard pavement impervious surface coverage variation to permit a parking pad in the rear yard. The Village Board will hear this case on September 22, 2015.

3.22 The applicant has lived in the Village for 6 to 7 years. There is a space next to the garage that is often used for parking. It is uneven and mud covered. His grandparents are in their 90s and it is hazardous for them to park there so they often park in front of the garage but this causes congestion in the alley. They have words with their neighbors about backing out cars and there is congestion in the alley that they want to alleviate. There is no street parking on Lake Avenue. Guests often park on 15th and 16th but this is inconvenient and hazardous. They want to pave the area to create a better surface and adjoin the parking with the alley.

3.23 Chairman Duffy said that this case is different from the last parking pad case is that this is on Lake Avenue with no street parking. Drop off and pick up is inconvenienced. He is not on the corner.

3.24 Mr. Surman agrees with the above. Are they proposing to go from the garage to the lot line?

The applicant said that there is about a 4" setback. He provided an exhibit A which shows a Village with similar characteristics to Wilmette and their proposed handicap parking spots take up 14'.

3.25 Mr. Surman said they are going right to the lot line.

The applicant said they would leave 4" from the lot line.

3.26 Mr. Surman asked if the applicant spoke with neighbors.

The applicant said that he did and Mr. Smith, who would be most impacted, has a written letter in the packet and supports the project.

3.27 Mr. Surman said that he agrees with the Chairman that this is a different situation than the previous case because of no parking on Lake.

- 3.28 Ms. Norman asked if it was necessary to put concrete all over. Are they having two cars there?

The applicant said they are having only one car. Two cars could not fit. It is 25' long from the edge of the fence backwards.

- 3.29 Chairman Duffy asked about the length of the apron off of the alley.

The applicant is now sure of the length of the apron but the width of the space is 14'4". The apron is a little wider.

- 3.30 Chairman Duffy said that that creates the extra depth.

- 3.31 Mr. Surman referenced the survey. It would be depth of the garage that would mirror that.

- 3.32 Ms. Norman referenced 1.4 and talked about the 60 square foot apron.

The applicant said that is the apron that adjoins the proposed pad with the alley.

- 3.33 Ms. Norman said that the parking pad is 21' x 14'.

- 3.34 Mr. Surman said that the garage is 21'.

The applicant said he cannot fit a big car in his garage.

- 3.35 Mr. Surman asked if they could park on the apron.

The applicant said they could not park on the apron.

- 3.36 Chairman Duffy said it starts to interfere with the alley.

- 3.37 Mr. Surman said that a typical parking space is about 9' by 18'. The Board is trying accommodate the request but minimize the amount of the variance or justify it.

The applicant said that the car he has parked there now leaves about 1' at the end of the garage. He has a GMC Acadia.

- 3.38 Mr. Surman said that a public parking space is 14' x 18'. They are talking about the difference between 18' and 21'. That would give room to walk in front. It is not an unreasonable depth because they cannot park on the apron.

The applicant said that the length of the entire spot is 21'3". He does not know if that is less the 4'.

- 3.39 Mr. Merci said he is concerned about the width. The actual width is 13.75' and not 14' per the documents. If the intention is to build inside of the property line and not to the fence.

The applicant said that his calculation was from the garage to the property line was 14'6". He would not remove the fence that is on the property line.

- 3.40 Mr. Merci referenced a dimension of .35' and .4' off of the property line.

The applicant was not aware of those dimensions. He would prefer to go to 14' wide.

- 3.41 Mr. Merci said that this would move him to the property line and require removal of the fence.

The applicant said that is not his intention.

- 3.42 Mr. Merci said if they reduce the width to 9', they would not need a variance. Nine feet is more than adequate.

- 3.43 Chairman Duffy said that Wilmette's zoning calls for 8.5' x 18'.

- 3.44 Mr. Merci said that a 9' pad would not require a variance. The variance for side yard setback is not violated.

The applicant said he is aware of this but is asking for the variance because his grandparents have to get in and out of their cars at that specific location.

- 3.45 Mr. Merci said that there is a reason that goes beyond the 14' x 21' pad. The dimension 14' should be corrected if the intention is to build to the inside face of the fence.

- 3.46 Chairman Duffy said that the intention was to leave it 4" to 6" off of that fence, which is fine.

The applicant said it would be appropriate to bring it in.

- 3.47 Mr. Merci said that 13.5' would clear all fence and setback requirements.

- 3.48 Mr. Surman said that the survey shows the garage width plus the space on the other side although it changes because the garage is angled.

The applicant said he did not take into account the fence and that would bring it in about 6".

- 3.49 Mr. Surman talked about 13' clearing everything.

The applicant wants as much space as possible. The intention is to get within 3-4” of the fence.

3.50 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. Schneider said that as one drives down the alley, especially to the south, the houses that face Lake Avenue all have parking pads. The request is reasonable. Concrete versus dirt makes a lot of sense. There is hardship in that they cannot park on Lake Avenue. He can support the request.

5.2 Mr. Surman agreed with the above. He would have liked to have seen the space smaller and have space around it. But it appeared to be a shady area so grass would not grow in the area and it would be a muddy mess. There is a hardship by not being able to park on Lake. He can support the request.

5.3 Mr. Merci said he can support the request with the correction of the dimensions and impervious area altered by correct dimensions.

5.4 Ms. Norman said there is a hardship but she is requesting granting approvals for extra impervious surface especially because of problems with rain. This is minimal so she can support the request.

5.5 Chairman Duffy said that the applicant is required to have an apron. The apron for the garage is 4’ off of the alley. The parking pad requirement is 5’ off of the alley. He has to put on an additional 1’ that he has to put on. It is nominal. Lake Avenue is the hardship. Every house on the alley has some type of parking pad. He can support the request. He did not have as large an issue with the width as others. He can understand why the applicant is asking for the width.

5.6 Mr. Surman said what makes it easier to approve is that there is a 65’ wide lot so they are not going from lot line to lot line with impervious surface. There is still 26.65 linear feet of green area on the other side of the garage.

6.0 DECISION

6.1 Mr. Schneider moved to recommend granting a request for a 4.6’ side yard parking pad setback variation and a 101.65 square foot (4.8%) rear yard pavement impervious surface coverage variation to permit a parking pad in the rear yard at 1514 Lake Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy Yes

Mike Boyer	Not Present
John Kolleng	Not Present
Bill Merci	Yes
Lynn Norman	Yes
Reinhard Schneider	Yes
Bob Surman	Yes

Motion carried.

6.2 Ms. Norman oved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2015-Z-38.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The particular physical condition of the property, the location in the middle of a block that does not allow street parking, 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, other lots on the block already having similar parking pads off the alley. The difficulty prevents the owner from making reasonable use of the property with adequate and safe parking for the owners and guests. The propose variations will not impair an adequate supply of light and air or otherwise injure adjacent properties. The variations, if granted, will not alter the essential character of the neighborhood, where other parking pads exist.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 4.6’ side yard parking pad setback variation and a 101.65 square foot (4.8%) rear yard pavement impervious surface coverage variation to permit a parking pad in the rear yard at 1514 Lake 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, Mach 1, applicant
602 Academy Drive, Northbrook

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 109.96 square foot (1.58%) total floor area variation for a new detached two-car garage on the legal non-conforming structure. The Village Board will hear this case on September 22, 2015.

3.22 Mr. Venamore said they are requesting a replacement detached garage. The current garage is decrepit and old. The slab is cracked significantly. The west wall of the structure is up against the existing rear 15' and is now leaking. The roof is old. He brought in contractors to try to repair the structure and replace the existing slab. The suggestions was that it would not be worth the investment to repair and replacement would make more sense.

The proposed garage is 20' wide x 22' deep. The current garage is 18'3" wide and this has created issues with getting in and out. Both existing vehicles have damage on the side and there is damage to the garage.

The variation is for FAR. It is a 1.58% request or 110 square feet. Although the replacement is slightly larger than existing the proposed new size is covered by the floor area bonus. Because the house exceeds the allowed FAR even though the garage is not further contributing to that situation, its replacement necessitated the need for the variation.

The FAR relief is related to the house. The garage is at 440 square feet which is what the bonus allows. The attic on the case is not functional but contributes over 400 square feet to the calculation.

There is a second story element with an open area underneath on the east side of the house. That is counted space although it is not practical space. It is not usable internally. That is about 111 square feet. Those two elements total 500+ square feet of floor area which contributes to the increase.

3.23 Mr. Surman said that with all of the variances, the Board tries to reduce the impact. They might not need the impervious surface coverage variation if they position the front face of the garage in the same location as before. They have shifted the new garage to the rear of the yard by about 2'.

Mr. Venamore said that their only request is for FAR. The impervious request was from 2009.

3.24 Mr. Surman asked who did the 2009 request.

Mr. Venamore said that the current owners did the request. There was nothing structurally unsound about the garage at that time. The slab is now more cracked. There is leaking in the winter into that slab, which causes more cracking.

3.25 Chairman Duffy said when the addition was done, were the owners granted a variance for FAR.

Mr. Venamore said they were granted a variance for FAR. The size of the current garage is compensated for with the FAR allowance. Even though the structure is slightly larger than what exists, it does not contribute more to that FAR than exists today. Once they remove an existing non-conforming condition and rebuild it, they have to come before the Board.

3.26 Mr. Surman said that the 109.96 square feet is existing overage.

3.27 Mr. Schneider said that the new garage adds 50 square feet more than the previous garage.

3.28 Chairman Duffy said that 440 square feet is allowed.

3.29 Ms. Norman clarified that the second floor overhang is open ground and is 111 square feet.

3.30 Mr. Merci asked if there was a side yard setback requirement.

Ms. Roberts said that there is a 3' minimum requirement.

3.31 Mr. Merci said if the garage is positioned as indicated, the side yard setback is reduced to almost 3'. The wall and overhang would extend beyond the 3' dimension.

Ms. Roberts said that eaves can encroach 2' into that setback.

3.32 Chairman Duffy said that the wall can be no closer than 3'.

3.33 Mr. Merci asked the eave width.

Mr. Venamore said eave width is 6".

3.34 Mr. Merci said that the setback is accommodated by the placement of the garage.

Mr. Venamore said that the proposed setback is 3' to the east and the overhang will also conform.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Ms. Norman said she believes that standards of review are met. One of her pet peeves is counting overhang space as livable space and attic space, which is not livable. She opposed larger garages but this is going in the same location. She will support the request.

5.2 Mr. Surman can support the request. They could get by with a 20' x 20' garage, but it is not practical. Standards of review are met and he agrees with Ms. Norman about the overhang issue.

5.3 Mr. Schneider referenced 1.4 and impervious surface and the previous case on Lake Avenue. He asked for clarification on rear yard impervious coverage.

Chairman Duffy said the other case was rear yard impervious surface.

Ms. Roberts said that this case is also rear yard.

5.4 Mr. Schneider asked how that was measured.

Ms. Roberts said that the rear yard is the last 27.87'.

5.5 Mr. Surman asked how much of the rear yard could be covered.

Ms. Roberts said that with the garage, 35% can be covered, which equates to 487 square feet.

5.6 Chairman Duffy noted that the request is 440 square feet.

5.7 Mr. Schneider asked how the rear yard is calculated.

Ms. Roberts said that it was 20% of the property depth.

5.8 Mr. Schneider asked what the issue was with the Lake Avenue case.

Mr. Surman said there was a setback issue with that one in addition to impervious coverage. A garage can be 3' from the lot line and a paved surface has to 5'.

Ms. Roberts said that the house on Lake Avenue had a bigger rear yard.

5.9 Mr. Surman said that the previous case had a 14' wide space.

- 5.10 Mr. Schneider said he wonders where the impervious surface issue comes from.
- 5.11 Chairman Duffy said this was a straight forward placement of a slightly larger garage. There were other issues like the eave and attic that created the hardship of space counting against them so he can support the request.

6.0 DECISION

6.1 Ms. Norman moved to recommend granting a request for a 109.96 square foot (1.58%) total floor area variation for a new detached two-car garage on the legal non-conforming structure at 2026 Washington Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Not Present
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-36.

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 size and design of the existing house, imposes 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. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property with a replacement two-car garage. The proposed variation will not impair an adequate supply of light and air to adjacent properties. The proposed 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 109.96 square foot (1.58%) total floor area variation for a new detached two-car garage on the legal non-conforming structure at 2026 Washington 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. Mike Venechuk, architect
1615 Highland Avenue

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 47.68 square foot (0.62%) total floor area variation, a 0.29' minimum side yard setback variation, and a 0.64' combined side yard setback variation to permit the construction of a second-story addition on the legal non-conforming structure. The Village Board will hear this case on September 22, 2015.

3.22 The architect said that the applicants could not be at the meeting. They are doing two projects. One is a master bedroom, bath and closet above an existing two car attached garage. The other is a small 6' deep porch on the front of the house.

With the bedroom, by building directly on top, they are a little too close on the north side yard setback by about 2.5". They could set back the addition by 8" to meet the zoning requirements. But that is an ongoing maintenance issue and it is expensive to try to keep the water out.

This kind of variation is usually done administratively but they thought they would combine this with the porch.

The second request is for a front porch, which is about 140 square feet. They meet all setbacks but are short on the total floor area. They are about 48 square feet over. Their porch bonus is 91 square feet, which would give them a porch of 3' 10" deep, which is not practical and is not worth doing. They want a 6' depth and it works. The main hardship is that their lot is one of the smallest in the neighborhood and zoning district. Porch bonuses are based on lot sizes. They cut about 10' off of the yard and if they had that extra 10' they would not need the variance. To do less than a 6' porch is not practical.

The current owners did not create the hardships. The addition will add value to the neighborhood, will help with property values and is in keeping with the character of the neighborhood. The requests are modest.

3.23 Chairman Duffy said that the argument of a small lot is hard for him to swallow. Floor area ratio is meant to control the size and the bulk on a given lot. He understands that they want to put the porch across the front of the house because it looks nicer. To maximize the porch, they run into the middle of a window. A 6' depth is practical.

Mr. Venechuk said that an addition is solid, but the porch is supported by columns. They could move the column to a conforming location and go with a larger overhang and have the same sized roof but it would look silly.

- 3.24 Chairman Duffy said they could move the columns into the middle of the porch and have the same overhang. Would the decking go out the same dimension?

Mr. Venechuk said that the decking would stop at the 3' 10". They have the same roof coverage. He would have a hard time with a smaller lot and asking for more square footage based on that hardship if that was solid. A porch is open to the air, light and vent.

- 3.25 Mr. Surman said that the focus has been on the overage caused by the porch but doesn't the second floor addition contribute to this.

Mr. Venechuk said that the second floor addition does not contribute to this. The 6' depth is causing the variation request.

- 3.26 Mr. Surman said they could reduce the size of the addition.

Mr. Venechuk said they could do this but then they are pulling it away from the support of the first floor walls.

- 3.27 Mr. Surman said that the Board looks at hardship and he does not understand the hardship. They have four bedrooms and now they want a fifth bedroom.

Mr. Venechuk said they would need an administrative variation for the setbacks. They are okay on square footage.

- 3.28 Mr. Surman asked if they just put on a porch that was 8' x 8' in the front. A lot of homes have a square porch.

Mr. Venechuk said that his clients want a porch and not a small covered front area. With the window placement and roof overhang on the porch, it becomes too small and they don't want to do this.

- 3.29 Mr. Surman asked what was in front now.

Mr. Venechuk said that there is a 3' overhang that is kind of odd. The second floor hangs back.

- 3.30 Mr. Merci asked how they solve the problem of the valley between the two gables.

Mr. Venechuk said that they put a saddle in there all the way back up until he hits a vertical. They will cover it with a snow and ice shield. It comes in 3' roll and is self-adhesive and flashes up several feet in both directions.

3.31 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. Schneider said that with regarding the master bedroom it would be a hardship to pull in the second floor north wall from the existing garage wall. Regarding the porch, the variance is small and the porch adds charm to the home. He will support the request.

5.2 Mr. Merci said he would have taken another view of the second floor setback north wall. It can be resolved by extending stud walls from the inside face of the masonry garage. However, the important matter is the porch and he agrees with Mr. Schneider's view of the porch as having architectural value. He will support the request.

5.3 Ms. Norman said setbacks are very small. They could have been done with administrative review. She has an issue with hardship as related to the porch. Having a porch is not necessary. They have open space and a patio in the back. She will not support the request.

5.4 Mr. Surman said at first he agreed with Ms. Norman regarding hardship but when he looked at the total request, it is less than 1%. He does not have an issue with this request. He will support the request.

5.5 Chairman Duffy looked at the situation and his first reaction was that this is a small lot and the house should be small. He can support the setback request. The code has changed since the house was built. The porch he struggled with a little more. But to Mr. Surman's point, the request is small. The porch is not adding significant mass to the house. The garage is already sticking out 8' to 10' beyond the existing porch. He can support the request.

5.6 Ms. Norman said that with the massive new addition, houses on both sides will be overshadowed. There will now be a big porch in the front which adds to the mass.

6.0 DECISION

6.1 Mr. Schneider moved to recommend granting a request for a 47.68 square foot (0.62%) total floor area variation, a 0.29' minimum side yard setback variation, and a 0.64' combined side yard setback variation to permit the construction of a second-story addition on the legal non-conforming structure at 930 Pontiac Road in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Not Present

John Kolleng	Not Present
Bill Merci	Yes
Lynn Norman	No
Reinhard Schneider	Yes
Bob Surman	Yes

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-35.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

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 physical conditions of the property, the location of the house on the lot and the lot size, 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. The difficulty prevents the owner from making reasonable use of the property with a master bedroom suite addition and front porch. To reduce the size of the addition to conform with the setbacks and floor area would result in an addition that is difficult to construct and maintain. 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. The porch will enhance the appearance of the home and 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 are no physical conditions of the property that are creating a hardship regarding the floor area variation for the porch. The owner is creating their own hardship with a porch of this size. The porch in combination with the addition will increase the apparent mass of the house and impact the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 47.68 square foot (0.62%) total floor area variation, a 0.29' minimum side yard setback variation, and a 0.64' combined side yard setback variation to permit the construction of a second-story addition on the legal non-conforming structure at 930 Pontiac 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. Brendan McCarthy, applicant

3.12 Ms. Katie McCarthy, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 114.22 square foot (2.42%) total floor area variation and a 4.04' side yard adjoining a street setback variation, and a 58.33 square foot (5.84%) side yard adjoining a street impervious surface coverage variation to permit the construction of a two-story addition on the legal non-conforming structure. The Village Board will hear this case on September 22, 2015.

3.22 Mr. McCarthy walked through the documents in greater detail. They moved into the neighborhood in 2011 and helped restore the house. It was built in 1908. They preserved the house the best that they could. There is about 1,200 square feet of livable space. The house flow causes some safety concerns for their children.

There is a front porch but they do not get a bonus for the porch. That is a hardship because it is an open air porch that is not usable. They cannot winterize the porch. The porch is screened. The children use the porch but it cannot be used in the winter. They tried to minimize their request as much as possible. The lot is a corner lot and there are challenges in working with those setbacks.

They want to keep the front of the house aligned. There are two house fronts – the steps where they come up and the actual house. They want to preserve that line to keep the flow of the original appearance and feel of the house.

They are asking for the impervious surface coverage variation so they can access into the house. The house sits up. They looked at a way to minimize that request. They plan to put in central air which is more efficient than window units.

They have shown their neighbors of plans and got letters of support from their direct neighbors which they shared at the meeting. One of the direct neighbors has an addition that mirrors what the applicants are requesting. He said that his addition will not go out any farther than the neighbor's extension.

Ms. McCarthy said that their third bedroom has a sloped ceiling and it is about 8' x 10' and one cannot stand in part of the room so it is not usable for a third bedroom.

On the second floor they are trying to preserve the existing stairwell. The existing bathroom is very tiny. They have tried to keep rooflines consistent.

3.23 Mr. Schneider asked if they had a bathroom on the first floor.

Ms. McCarthy said there was no bathroom on the first floor when they bought the house. There was a full bath on the second floor. They added a half bath on the first floor. With the addition, they planned on moving a bathroom to the new space.

Mr. McCarthy said that the previous owners had taken out the half bath on the first floor. The real safety issue has to do with going down to the basement. One cannot stand on the landing to open the door.

Ms. McCarthy said they need to preserve the existing front line of the house. If they had to go back to the required setback, the only way to access the new space is through the kitchen which would jam up the kitchen flow or through the area down to the basement.

3.24 Mr. Surman clarified that in addition to setback relief, they are requesting 114.22 square feet of floor area. The porch is about 200 square feet. The porch hurts the square footage.

3.25 Chairman Duffy clarified that the reason why the porch counts against them has to do with no stairs leading up to it.

Ms. McCarthy said that the front door is not on the porch.

3.26 Mr. Surman said that the hardship is the layout. A house like this would typically front on Dupee so then the porch could have counted the porch and a porch bonus added to the allowable square footage. The way the building is sited and the entry location on the side street are both hardships.

3.27 Chairman Duffy said that if the entrance came through the porch would the entire porch be a bonus.

Ms. Roberts said that only the part that is not under the second floor would receive a bonus.

Mr. McCarthy said that the dimension is a little more than half – about 120 square feet.

3.28 Chairman Duffy said it is odd because of the way the house was built.

3.29 Mr. Surman said that the home is very nice and he likes the addition.

3.30 Chairman Duffy said that he likes the porch.

3.31 Mr. Surman said that he looked at the addition and what they are adding on is in character with the house and is not overly generous. There is no way to reduce the 114 square feet any lower and have usable space.

3.32 Chairman Duffy said that the deck creates impervious surface and the justification is that this is access and the air conditioner unit would go on the deck. There is no room on the side of the house for the air conditioner unit.

Ms. McCarthy said they have worked on the plans for over a year.

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. Surman said the hardship is where the door is located when one enters the space. The request is modest. The house needs to align with the other face. The addition is nice and he will support the request.

5.2 Mr. Merci said that the requests are modest and usability is improved. He can support the request.

5.3 Ms. Norman said that the hardship is the way the house is sited on the property. She will support the request.

5.4 Chairman Duffy agreed. He can support the request and sees the value of the deck in the back. The deck is functional.

6.0 DECISION

6.1 Mr. Surman moved to recommend granting a request for a 114.22 square foot (2.42%) total floor area variation and a 4.04' side yard adjoining a street setback variation, and a 58.33 square foot (5.84%) side yard adjoining a street impervious surface coverage variation to permit the construction of a two-story addition on the legal non-conforming structure at 342 Gregory Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Not Present
John Kolleng	Not Present
Bill Merci	Yes
Lynn Norman	Yes
Reinhard Schneider	Yes
Bob Surman	Yes

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-37.

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 conditions of the property, the narrow lot width, the location of the house on the lot, and the layout of the house, impose upon the owner a particular hardship. The plight of the owner was not created by the owner and is due to the conditions of the lot and house. The hardship is peculiar to the property in question. The hardship prevents the owner from making reasonable use with an addition to add living space and improve the interior layout. The proposed variations will not impair an adequate supply of light and air to adjacent properties. 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 114.22 square foot (2.42%) total floor area variation and a 4.04' side yard adjoining a street setback variation, and a 58.33 square foot (5.84%) side yard adjoining a street impervious surface coverage variation to permit the construction of a two-story addition on the legal non-conforming structure at 342 Gregory Avenue in accordance with the plans submitted.