



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, FEBRUARY 3, 2016

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Chairman Patrick Duffy
Mike Boyer
John Kolleng
Bill Merci
Reinhard Schneider

Members Absent: Lynn Norman
Bob Surman

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. 2016-Z-06 33 Crescent Place

See the complete case minutes attached to this document.

III. 2016-Z-05 711 11th Street

See the complete case minutes attached to this document.

IV. 2016-Z-04 911 Michigan Avenue

See the complete case minutes attached to this document.

V. Approval of the December 16, 2015 Meeting Minutes

Mr. Schneider moved to approve the December 16, 2015 meeting minutes.

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

VI. Public Comment

There was no public comment.

VII. Adjournment

The meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Lisa Roberts
Assistant Director of Community Development

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. James Gram, applicant
33 Crescent Place

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 110.24 square foot (11.14%) rear yard structure impervious surface coverage variation and a 23.79 square foot (2.4%) rear yard total impervious surface coverage variation to permit the construction of a new detached two-car garage. The Village Board will hear this case on February 23, 2016.

3.22 The applicant said that this is one of the only curved streets in the Village. It has a curved back alley. The lots are pie shaped. That is an unusual situation for the standard calculation for lot lines and how close the garage can be to the lot lines. His property has a single car garage and it is the last one in the neighborhood to be renovated. He wants to put a two car garage in that location. Everyone else on the street has a two-car garage. According to calculations, to conform, the garage would have to be placed far into the lot. The plat of survey shows the pie shaped lot and also shows the two adjacent garages that are two car garages. The rest of garages on that alley are also two car garages.

3.23 Chairman Duffy clarified that not only is the garage being put further into the backyard space but the lot narrows and this is a hardship. If the lot was rectangular there would be extra yard to count in their favor.

3.24 Mr. Schneider said that there is a utility pole and how does that relate to the property line.

The applicant said he looked into that and JULIE came out and there is nothing buried around the pole. There should be the 3' adequate space and setting the garage back puts it further from the pole so navigation is possible around the pole.

3.25 Mr. Schneider asked who owned the three car garage structure in the middle of the alley.

The applicant said he had no idea why that structure was there. That does not belong to him.

Ms. Roberts said that structure is associated with 54 Crescent Place.

3.26 Mr. Boyer asked about gutters.

The applicant said that on the drawing it shows gutters on two sides of the gable. There is a drain sewer towards the alley. Everything is graded back towards that drain. That is relatively new.

3.27 Chairman Duffy said that the alley is one of the newest in the Village.

(After section 4.0)

3.28 The applicant addressed neighbors' concerns. There has been a lot of rain lately and there is no water in the basement. There was a large tree that had a root problem that was coming up above grade. Any water draining from the house to the alley was being caught by that and it is creating a small pond in the middle of the backyard. He has gotten a permit to have the tree removed and stumped. They will do grading and lawn work because he does not want standing water in the backyard. That is a separate project from tonight's project. He is just trying to get started with the garage.

3.29 Mr. Boyer asked how they will get alley access to walk to the alley.

The applicant said that the requirement is that there is a 3' minimum walkway from the lot line. The garage is placed so that there is 3' from the lot line.

3.30 Chairman Duffy said Mr. Boyer was asking about a sidewalk.

3.31 Mr. Boyer asked Ms. Roberts if the applicant would return if he needed a sidewalk.

The applicant said he does not want a sidewalk.

Ms. Roberts said that a sidewalk is not on the plan.

The applicant said that the sidewalk goes up to the garage and to the garage door that faces the house. One could walk into the garage to get to the alley or walk around either side of the garage to the alley through the yard.

3.32 Chairman Duffy asked if they accessed their garbage through the garage.

The applicant said that was correct.

3.33 Mr. Merci said he did not notice that there were gutters on the current garage.

The applicant said that there are no gutters on the existing garage.

3.34 Mr. Merci said that new gutters could discharge storm water from the roof and other areas of the garage.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Mr. Bill Debartolo
15 Crescent Place

4.12 Mr. Pierre Desmul
25 Crescent Place

4.2 Summary of presentations

4.21 Mr. Debartolo has no problem with the garage, but there should be drainage shown on the plan. There has been a terrible water problem in the alley. After 50 years there has been a big improvement. When this two car garage goes in there will be water that has to go around there in two directions. He knows that the lot is low, but he wants to see what is happening via the plan. He is a builder. Will they get notification if additional impervious surface is required like a back porch or extension of a front porch?

Ms. Roberts said that they not necessarily would be notified. If there is a change to this plan that impacts the variation that would need review. If they were adding sidewalks or doing something to the house it depends on what the zoning requirement would be. If it is conforming there would not be neighbor notification. Notification is required to adjacent neighbors for a grading permit that is part of the building permit process for the new garage.

4.22 Mr. Debartolo said he was talking about setbacks. If there needed to be a variation for a setback.

Chairman Duffy said there would be notification because the applicant would have to come before the Board for setbacks.

4.23 Mr. Desmul referenced the Com Ed pole in the alley. The pole is on the 33 Crescent side of the property line and it is actually in the alley and is recessed. The drawing does not reflect where the pole is located. The pole and the catch basin are both missing from the drawing. The catch basin was added at Village expense to alleviate flooding in the backyard. The catch basin is not connected to anything. The pole and catch basin are directly behind the garage. If you back out of the spot on the west side you would barely clear the pole. He does not know if Com Ed has any objections because someone might hit the pole.

The main concern in the area has been flooding and standing water. The new alley has improved that.

- 4.24 Mr. Schneider asked if there were water problems since the new alley was constructed.

Mr. Desmul said that there used to be ponds in the alley because the grade deteriorated. So far they have not had problems since work was finished. The alley was done in September.

- 4.25 Mr. Schneider said that the pole is on the west side and Mr. Desmul lives to the east of the applicant's house.

Mr. Desmul said that the pole provides power to five homes, his being one of them. He has a supply and a cable line that come off of that pole to his house.

- 4.26 Mr. Schneider asked how it was determined that the pole is within the applicant's property.

Mr. Desmul said it is not on the property, but it is on the applicant's side. The pole is in the alley. It would be an improvement for the neighborhood to eliminate the one-car garage and be replaced with a nice two-car garage. He has no objection for a small variance request for impervious surface. But what happens next in the process for alleviating standing water issues and double checking with Com Ed that the plan will work with the existing pole.

- 4.27 Chairman Duffy asked what standing water issues the neighbor is referring to; he understood that the alley drainage had been fixed.

Mr. Desmul said that there is always standing water in the backyard of 33 Crescent.

- 4.28 Chairman Duffy said they installed a catch basin. The water from the roof is going to the alley and not going into the backyard.

Mr. Desmul said that the basin is not connected to anything. The water will go into the alley as long as the garage is higher than the backyard. The current structure is below the grade of the alley. The high point of the alley is behind 33 Crescent.

Ms. Roberts said it was put in as part of the alley project it is her understanding that the basin is connected to the alley and not to the backyard of 33 Crescent.

- 4.29 Chairman Duffy said they will ask the applicant if the new structure will be above the grade of the alley.

Mr. Desmul said that the backyard will be below the grade of the garage.

- 4.30 Chairman Duffy clarified that there is a standing water issue in the applicant's backyard. The garage will move into his back yard by 7'. That means less water going into the backyard and more onto the surface of the garage, which will be put

into the alley. So there is less water going into the backyard. The Board cannot make the applicant put drains in his yard to take the water out of the backyard.

The neighbor asked why was Village money spent putting in a catch basin that will serve no purpose.

- 4.31 Chairman Duffy said it will serve the alley. The catch basin is connected to the alley.

Ms. Roberts said that water goes into the catch basin and ties into the alley underneath through the perforated drain.

- 4.32 Chairman Duffy asked where the water was going into the catch basin from.

Ms. Roberts said she was not sure about that.

- 4.33 Chairman Duffy asked why the basin was there.

The neighbor asked if anything would happen to make requests on changing the grade.

- 4.34 Chairman Duffy said that as part of the applicant's permit, he has to grade the property around the garage. Part of that is to keep water from going to the neighbors' property. And the applicant should submit a plan that shows the garage raised up above the back of the alley so water does not go into the garage. The water going into the applicant's backyard is not increasing. Some of the backyard space catching water is being taken away.

The neighbor said that if a drain is going in it should be put in prior to the garage being built.

- 4.35 Chairman Duffy said it is not within the Board's purview to tell the applicant to put in a drain in the backyard.

The neighbor said that with other neighborhood projects, a variance is granted on a concept of how to do something. Later as concerns are raised about standing water and flooding, they are told that this is within the purview of the Engineering Department that will review the plans.

- 4.36 Chairman Duffy said that the applicant is not building a new house or putting on an addition. He is working on the rear of his lot where the garage is.

The neighbor said if someone moves into a house and has standing water for two years in the backyard, they will want to do something. They can raise the grade or they connect a drainage system to the catch basin which is there.

- 4.37 Chairman Duffy agreed but with this project he reiterated that the Board cannot make the applicant put drains into his backyard to eliminate water. If he was putting on an addition or building a new house the Board could say they need to address this issue.

Ms. Roberts said Engineering will review the grading plan. The adjacent neighbors would receive notice to come in and review the plan and share any concerns about water. Engineering can ask the applicant to modify the plan if needed. It is an administrative function.

5.0 VIEWS EXPRESSED BY THE ZONING BOARD OF APPEALS

- 5.1 Mr. Merci said that the hardship is the shape of the lot that restricts the allowable square footage for impervious surface and that hardship can be overcome by granting of the variation. He can support the case.
- 5.2 Mr. Schneider agreed with the comments.
- 5.3 Mr. Kolleng said that the Village wants cars off of the street and the garage will help with this.
- 5.4 Mr. Boyer had nothing to add.
- 5.5 Chairman Duffy agreed that the hardship was the shape of the lot. He can support the application.

6.0 DECISION

- 6.1 Mr. Merci moved to recommend granting a request for a 110.24 square foot (11.14%) rear yard structure impervious surface coverage variation and a 23.79 square foot (2.4%) rear yard total impervious surface coverage variation to permit the construction of a new detached two-car garage at 33 Crescent in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Kolleng moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2016-Z-06.

6.21 Mr. Schneider 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 lot shape, imposes upon the owner a particular hardship. The lot is pie-shaped with a very narrow rear yard, reducing the rear yard area and the allowable impervious coverage. The plight of the owner was not created by the owner and is due to the unique circumstances of the lot. The hardship is peculiar to the property in question and is not generally shared by other properties. 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 properties. Assuming any grading and drainage issues are addressed with the building permit, the proposed variations will not otherwise injure other property or its use. The variations, if granted, will not alter the essential character of the neighborhood and will provide the applicant with a garage comparable to the others on the block.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 110.24 square foot (11.14%) rear yard structure impervious surface coverage variation and a 23.79 square foot (2.4%) rear yard total impervious surface coverage variation to permit the construction of a new detached two-car garage at 33 Crescent 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 Alia Ezziddin, DDS, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a special use for a medical/dental clinic, small to permit the operation of a dentist office. The Village Board will hear this case on February 23, 2016.

3.22 The applicant said that the office was used as a dermatologist's office and closed at least two years ago. It is a commercial condo that is 1,120 square feet. It is at the end of the downtown area between Central and Lake. She is a family dentist who sees children and adults. She used to own a practice in the city. Her husband works in Lake Forest and they moved to the Village. She will have three operatories. She wants a small private practice.

3.23 Mr. Schneider asked if this was at the northeast corner of the building shown on 1.4.

The applicant said that it was.

3.24 There were no more questions for the applicant and there was no one in the audience to speak on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Boyer said that all standards of review for special use are met. It was a small doctor's office in the past and with no problems. The space would not be good for another use. It is a poor space for retail. This is the best use for the space.

5.2 Mr. Kolleng agreed and can support the request.

5.3 Mr. Merci said that proximity to parking is an advantage.

5.4 Chairman Duffy said this is a positive for the Village and standards of review for special use are met.

6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a Request for a special use for a medical/dental clinic, small to permit the operation of a dentist office at 711 11th Street in accordance with 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	Yes
Mike Boyer	Yes
John Kolleng	Yes
Bill Merci	Yes
Lynn Norman	Not Present
Reinhard Schneider	Yes
Bob Surman	Not Present

Motion carried.

6.2 Mr. Boyer moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2016-Z-05.

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 proposed use replaces a similar medical use that existed in the space since the building was built. The location on 11th Street is not commercial in nature and the proposed use is one of the few types of uses that can be successful in such a location. The proposed use will not be detrimental to or endanger the public health, safety or general welfare nor will it be injurious to the use or enjoyment of other property. The proposed use will not impede the normal and orderly development and improvement of surrounding properties nor will it diminish property values. Adequate utilities, road access, and other facilities already exist. Adequate measures already exist to provide ingress and egress with the lot to the rear of the building. The proposed use will be consistent with the community character. No known archaeological, historical or cultural resources will be impacted. No buffers, landscaping or other improvements are necessary. No other standards of Article 10 apply.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a special use for a medical/dental clinic, small to permit the operation of a dentist office at 711 11th Street in accordance with 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. Mike Murdock, representing Michigan Shore Club
939 Romona Road

3.2 Summary of presentations

- 3.21 Ms. Roberts said that this is a request for an expansion of a special use for a social club or lodge, a 25,010.21 square foot (29.9%) total floor area variation, a 1.96' side yard adjoining a street fire pit setback variation and a 267.0 square foot (4.91%) side yard adjoining a street impervious surface coverage variation to permit a new canopy on the legal non-conforming structure and fire pits on a new patio. The Village Board will hear this case on February 23, 2016.
- 3.22 Mr. Murdock said that with him at the meeting were Steve DeRose, General Manager, and Peter Witmer, club architect.

The numbers are eye-popping and he wanted to review this and put this in context. They are requesting a 25,010.21 square foot FAR variation, which is big but the net request is 212.8 square feet. They are requesting a variation for a canopy on the east side of the property. There is currently a canopy there and they are asking for one that is a little bigger. The club predates the current zoning code. They were a legal non-conforming use from day one. They have not fit within the allowed FAR in the residential district. Anything they need to do, they have to come before the Board.

Regarding the impervious surface request of 267 square feet, it sounds like a lot but it isn't in context of the site. The side yard surface area is 5,440 square feet. It is a side yard adjoining a street so it is a larger space. They are allowed to have 1,632 square feet of impervious surface and they are asking for 1,899. The change is small and the net is 267 square feet and that is to allow a patio and fire pits.

He has another diagram that was not in the packet that he will walk through. They still have 3,541 square feet of pervious area in the side yard.

They are asking 1.96 foot side yard setback to allow the fire pits. In answer to the question as to why they can't move this and not need a variation, they only have 18.04' and they are required to have 20'. They originally planned to have significantly more impervious surface with a larger patio area and thought that the fire pits would be closer to the street. They pushed the fire pits closer to the building to minimize variations. They are asking for a variation in part to make sure there is sufficient room for a safe walkway before getting to the stairs. This necessitates

the 1.96 setback variation. If they were to push the fire pits 2' closer to the building, the walkway behind the seating area would be tight.

He referenced 1.5 and walked the Board through the plan. 1.5 shows the building and a small below grade area with stairs going up to two fire pits and a patio area including a connection to the sidewalk. The rectangle to the east of the fire pits is grass. They originally intended that the patio go all the way out to the street, but they made that grass area to minimize the variation. To the south they are adding a lot of landscaping along the sidewalk and also for screening.

He talked about the drawing he submitted to the Board. They intended to have seating areas close to the stairs and fire pits with more seating closer to the street. They took out one set of seating areas closer to the building so they could push everything closer to the building.

3.23 Mr. Merci asked about the second sketch.

Mr. Murdock said that this sketch is not to be regarded. The sketch in the packet is the actual sketch. The second sketch is what they originally planned.

The basic purpose of the plan is for a more casual eating/gathering environment. For larger events, there are often seating areas out on the patio. In his write up he covered standards of review for special use and for variation. He is happy to answer any questions.

3.24 Mr. Schneider clarified that there are three requests. The variation for the canopy is the FAR variation.

Mr. Murdock said that he is not sure about dimensions for the current canopy but it is about 4' deep and 16' wide. The proposed canopy is larger. The current canopy covers the below grade area to prevent water from coming in. The larger canopy covers the larger below grade area to prevent flooding. Currently the area covered by the canopy goes to an entrance to the first floor dining venue. They are renovating that space and opening up the east wall to make it brighter and more open. The ARC has reviewed and approved the proposal for opening up the east side and renovation of the dining area.

3.25 Mr. Schneider asked if the canopy request was implicit in the increase. On the proposal it talks about 212 square feet. Shouldn't it be specified that the variance is increased by 212 square feet?

Ms. Roberts said that is not typically done but the motion could be amended.

3.26 Mr. Schneider said that the incremental increase is unknown.

Mr. Murdock agreed that it is misleading.

- 3.27 Mr. Boyer referenced the opening in the wall and clarified that it was already approved. What would happen if they did not put a larger canopy over that area?

Mr. Murdock said he is not sure if they would open up the wall without having a larger canopy. They were flooding issues in the past even with the current canopy. That area has to be covered. There is not a good area for drainage in that area although it is tied into the storm sewer system. They do not want water to enter the building and the canopy is needed.

- 3.28 Mr. Kolleng asked about requirements for fire pits in proximity to the main structure.

Mr. Murdock is not aware of any requirements. It has to be more than the allowed setback from a side yard. In this case because it is a side yard adjoining a street, they are required to be further from the lot line, 20'. In other situations fire pits are allowed to be closer.

The architect was not aware of any requirements for fire pits and proximity to the main structure.

Mr. Murdock said they have a portable fire pit on the north porch which is used for paddle viewing.

- 3.29 Mr. Kolleng said that requirements should be checked out.

Mr. Murdock asked if the concern is that it is too close to the building.

Mr. Kolleng said that would be the concern.

- 3.30 Mr. Merci asked if there was a visual barrier between the fire pit area and Michigan Avenue.

Mr. Murdock said that there was and referenced page 1.5 that showed landscaping along the sidewalk which creates a visual barrier. The material is Evergreen hedge about 4' high.

- 3.31 There were no additional questions from the Board and there was no one in the audience to ask questions of the applicant.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Kolleng said that the club is an outlier with regard to zoning standards. The request for the expansion of the canopy makes sense. It would be a hardship if they could not do that. He has no issue with that part of the request. Regarding the fire pits, as long as there are no regulations about proximity to the structure, he has no

issue. Given the uniqueness of the club and they are always trying to upgrade/improve the club, these are great additions and he can support the request.

- 5.2 Mr. Boyer said that the request feels like two separate requests. The canopy is small ask although it seems big. The other issues are the fire pits and the setbacks. The standards of review are met for variation and special use. Public health and safety is not endangered. The proposed use is not injurious to the use of other properties in the neighborhood. The proposed use will not substantially diminish property values in the neighborhood. Those are all met. There is buffering of the project. The addition is properly buffered.
- 5.3 Mr. Kolleng said that the first house to the north is owned by the club.
- 5.4 Mr. Schneider said that all standards of review are met.
- 5.5 Mr. Merci said that there will an improvement in the front yard that is exposed to the public. There will be a reduction in absorptive surfaces due to the increase in canopy and paving area. It would be expected that the applicant make provision for storm water drainage in those areas. With that accommodation he can support the request.
- 5.6 Chairman Duffy agrees with above comments. It is a unique situation for the zoning district. His initial concern was the street and what impact the project would have and would it be a distraction. But they are buffering with landscaping and that placated his concerns.

6.0 DECISION

- 6.1 Mr. Kolleng moved to recommend granting a request for an expansion of a special use for a social club or lodge, a 25,010.21 square foot (29.9%) total floor area variation, a 1.96' side yard adjoining a street fire pit setback variation and a 267.0 square foot (4.91%) side yard adjoining a street impervious surface coverage variation to permit a new canopy on the legal non-conforming structure and fire pits on a new patio at 911 Michigan Avenue in accordance with the plans submitted. The use shall run with the use.
- 6.11 Mr. Boyer seconded the motion and the vote was as follows:

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
Bill Merci	Yes
Lynn Norman	Not Present
Reinhard Schneider	Yes
Bob Surman	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 2016-Z-04.

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 special use standards of Section 5.3.E and the variation standards of Section 5.4.F of the Zoning Ordinance. The proposed expansion of the canopy and the addition of the patio and fire pits will not alter the type of use or intensity of use at the property. The existing club use is consistent with the goals and policies of the Comprehensive Plan. Operation of the use is not detrimental to or endangering the public health, safety, comfort or general welfare. The use is not injurious to the use or enjoyment of other property in the neighborhood. The use does not impede the normal and orderly development of surrounding properties. The use does not substantially diminish property values in the neighborhood. Adequate utilities, road access, drainage, and other necessary facilities already exist. Adequate measures already exist to provide ingress and egress. The use is consistent with the community character of the neighborhood. The use does not adversely affect a known archaeological, historical, or cultural resource. The applicant has made adequate legal provision regarding buffers and landscaping.

The particular physical conditions of the property impose upon the owner a particular hardship. The club building is a unique use in a unique building located in a residential area that developed around it. The existing structure exceeds the maximum floor area permitted by the zoning ordinance. The proposed canopy will add 212 square feet, a very small amount relative to the size of the building. The plight of the owner was not created by the owner and is due to the unique circumstances of the development of this building and the property. The hardship is peculiar to the property in question and is not generally shared by other properties. The hardship prevents the owner from making reasonable use of the property with enhancements to the existing facilities. The expanded canopy will provide safe coverage to the below grade steps that are being expanded. The proposed variation will not impair an adequate supply of light and air. The addition conforms to the setbacks and does not directly impact adjacent residential properties. The proposed variation will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for an expansion of a special use for a social club or lodge, a 25,010.21 square foot (29.9%) total floor area variation, a 1.96' side yard adjoining a street fire pit setback variation and a 267.0 square foot (4.91%)

side yard adjoining a street impervious surface coverage variation to permit a new canopy on the legal non-conforming structure and fire pits on a new patio at 911 Michigan Avenue in accordance with the plan submitted. The use shall run with the use.