



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, APRIL 6, 2016**

**7:30 P.M.**

**COUNCIL CHAMBERS**

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

**Members Absent:** None

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

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**I. Call to Order**

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

**II. 2016-Z-15 1135 Laramie and  
1165 Laramie, 3515 Illinois Road, and 3521 Illinois Road –**

See the complete case minutes attached to this document.

**III. 2015-Z-13 161 Prairie Avenue**

See the complete case minutes attached to this document.

**IV. 2016-Z-12 1530 Greenwood Avenue**

See the complete case minutes attached to this document.

**V. Public Comment**

There was no public comment.

**VI. Adjournment**

The meeting was adjourned at 8:24 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. Chris Canning, representing the applicant

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

3.21 The applicant is present at the meeting to request that the case be continued until May 18, 2016, which is the next hearing date with no other cases on the agenda.

(After section 6.0)

### **4.0 INTERESTED PARTIES**

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

4.11 Mr. Cal Bernstein, representing North Shore Citizens to Preserve Green Space

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

4.21 Mr. Bernstein said that they received notice about the request to continue very late this afternoon and a lot of the people did not get the notice. They requested that if the applicant decides to continue again, they give more notice than 2 hours.

Chairman Duffy said that the Board only received the same length of time about the continuation and asked the applicant to do their best to give more notice in the future, if necessary.

### **6.0 DECISION**

6.1 Mr. Kolleng moved to continue the case to the May 18, 2016 meeting.

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

Motion carried.

**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 has worked out the issues so they are requesting to continue to the May 4<sup>th</sup> meeting.

**6.0 DECISION**

6.1 Mr. Kolleng moved to continue the case to the May 4<sup>th</sup> meeting.

6.11 Mr. Boyer seconded the motion and the voice vote was all ayes and no nays.

Motion carried.

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

#### **3.1 Persons appearing for the applicant**

3.11 Mr. Ben Cirrincione, applicant

3.12 Mr. Antonio Fanizza, architect

3.12 Ms. Alicia Cirrincione, applicant

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

3.21 Ms. Roberts said that there is a minor change to the request. The setback variation for the garage has been removed so the request is for a 40.16 square foot (0.64%) lot coverage variation, a 262.5 square foot (4.2%) total floor area variation, a 2.5 square foot (0.2%) rear yard structure impervious surface coverage variation, and a 2.8' side yard air conditioner setback variation to permit the construction of a two-story addition and a new detached two-car garage. The Village Board will hear this case on April 26, 2016.

3.22 Mr. Boyer asked if the garage height was included.

Ms. Roberts said that the garage height was not included in the request.

3.23 The applicant has lived in the Village for 1.5 years. The house is a three bedroom, one-and-one-half bath house. They have four children and want to enlarge the house. They want to put the addition on the back along with a basement. They are adding a master bedroom, a mudroom/den and are looking to eventually move the garage over.

Ms. Roberts said with the design of the garage with cross gables, the maximum height is 15'. If they can live with 15', no variation would be needed.

The applicant said they would probably tear down the garage at the same time and will shift it over so there is a courtyard between the garage and the house.

3.24 Chairman Duffy clarified that the applicant was okay with the 15' height.

The applicant said that was fine.

3.25 Mr. Boyer said there are a number of variances although they are not substantial. What is the practical difficulty or hardship for some of the requests?

The applicant said that he talked about the plans with his architect.

The architect said that the headroom of the roof is decreased and he cannot use what he actually has. That is what is causing the need for more square footage for the bedrooms on the second floor.

- 3.26 Mr. Surman said it would seem as if he had more square footage than less.

The architect said they cannot get any furniture in those rooms.

Mr. Surman said that does not count against them.

The applicant said that to conform they would have to tear down that part of the house.

- 3.27 Mr. Surman said it is his understanding that only the volume that is 6'8" or higher is counted. If the roof has a higher pitch with areas off of each side, those areas do not count against them.

The architect said that there is a front porch that counts for square footage and that is a few hundred square feet.

- 3.28 Chairman Duffy said on the drawing it shows to be 5' x 13'. It goes 10' out on each side and wraps around. He asked when the porch was put on.

The applicant said they added the porch a few months after they moved in.

- 3.29 Chairman Duffy said it did not impact FAR at that time because they were well under what was allowed. They now want to put an addition and the porch is impacting their request.

- 3.30 Mr. Merci asked for clarification of the side yard setback for the ac unit.

The architect said they are not asking for a side yard variance.

- 3.31 Mr. Merci asked if it encroached on the 10' setback.

The architect said that it does and they can move the unit to the back. He is not asking for side yard setbacks.

- 3.32 Mr. Kolleng noted that side yard setbacks are part of the request. It is an easier request than other things they are requesting.

- 3.33 Chairman Duffy said there are existing ac units and they are replacing those units that are in that setback.

- 3.34 Mr. Merci said they are not within the setback and extends beyond the setback and is about 5.5' from the property line. The dimension shown is inaccurate. This

dimension was from the site visitation. He explained how he got the dimension from the property line. There is a fence with shrubbery. If the neighbor is not complaining, the request is minimal.

3.35 Mr. Schneider referenced 1.4. It indicates that the new ac unit is to be 5' from the property line that confirms Mr. Merci's estimate from the property line.

3.36 Mr. Merci said that the write up indicates a 2.8' side yard air conditioning setback. He is not sure if the 5' or the 2.8 is correct.

The architect said they have 10' in the side yard so they can push it back.

3.37 Mr. Boyer asked where they would push it back because it is already against the house.

3.38 Mr. Merci is saying that there is a difference in dimension. Is it 5' or 2.8'?

The architect said that 5' is correct.

3.39 Mr. Merci said that the motion then has to change to 5'.

3.40 Mr. Surman still had a question about hardship issues and who created the hardship.

The architect said they need more bedrooms based on the number of people in the family and the other hardship is square footage.

3.41 Mr. Surman said that the code indicates what is allowed by the house's square footage.

3.42 Mr. Boyer asked if there was interior space that is unusable but is part of the square footage calculations.

The architect talked about the second floor layout of existing residence. There are only three bedrooms. They have four children. They want a total of four bedrooms. There is dead space and he referenced the second floor plan.

3.43 Mr. Kolleng clarified they are adding master bedroom/bath, closet and office. What is the purpose of the office?

The applicant said he owns some businesses and he needs a place to work out of his house. They moved to the Village because of the schools. He went from a 3,600 square foot house with an office and plenty of bedrooms to a house with 1,800 square feet and is more cramped. He does need an office.

3.44 Mr. Kolleng asked if they could do a first floor office. The Board wants applicants to minimize variation requests. Wilmette does not have zero lot line building.

The applicant said that the addition would not make his house any closer to adjacent neighbors.

- 3.45 Mr. Boyer talked about a previous case where someone had an unusable attic. All of that square footage was counted against the applicant. That was the hardship in that case. The Board saw that as a hardship. Why does the applicant need what he is requesting and what is the hardship or practical difficulty?

The architect said if the areas on the second floor plan were usable it would not require them to add a master bedroom.

Ms. Cirrincione said their home was built in 1926. It is small. They knew that they would over on square footage when they created the plans. They knew that the front porch would count against them on square footage. But they wanted to move forward with this. They have little closet space and a lot of dormers. The attic is very small. They have one bathroom with a low ceiling. There are six in their family.

- 3.46 Chairman Duffy said that from the applicant's comments, the hardship is the lack of functionality in the second floor.

Ms. Cirrincione said her husband works in Elk Grove Village and the more work he can do at home the better.

- 3.47 Mr. Surman said that when he looks at the second floor, 1.9, there is an angled roof. At what point would they estimate 6'8" hitting that point? Did they calculate square footage based on the floor plan?

The architect explained how they calculated square footage.

- 3.48 Mr. Surman said that they accurately measured the second floor.

- 3.49 Mr. Schneider asked if they were to reduce the depth of the addition, which is 20' x 25', and reduced the 20' by 5', there would be almost no variation required.

The architect talked about room dimensions and if they take out 5', the rooms would be quite small. The rooms are not generous.

- 3.50 Mr. Kolleng said that the master suite is generous.

The architect said the master suite is 12' x 7'.

- 3.51 Mr. Kolleng said that the lot is small. The house is old. The Board wants applicants to keep older homes. They moved in 1.5 years ago and they knew what they were buying. They wanted a front porch and now they want more than the lot should have.

Ms. Cirrincione said they want to tear down the current garage and moving it to the other side is to make the back yard usable. The lot is not that small. The front yard is really big. They cleared out shrubbery when they moved in.

The architect said that the addition will complement the house and not fight the house.

3.52 Chairman Duffy said FAR is there to keep the size of the house relative to lot size. The hardship is the functionality of the second floor. They then get some extra space on the first floor.

3.53 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 this is an interesting case. All requests are fairly small. On the surface, it looks reasonable. But there is almost too much of an ask based on the Board struggling to find the hardship. He would like to find a way to approve this, he can't see the practical difficulty or hardship.

5.2 Mr. Kolleng talked about past cases regarding floor area with similar floor area variation requests. The other requests are very small and easier to say yes to. He talked about maintaining older homes. He can support the request. Standards of review are met.

5.3 Mr. Merci said the effort to maintain the home's character with a minimal amount of variation is good. He can support the minimal amount of variances being requested.

5.4 Ms. Norman said a lot of residents have older home. They just moved to the home so they knew what they were getting. She does not like increasing density on smaller lots. Everyone wants more room. Lots are not as dense as in the city and there is more open space. The request could have conformed. She sees no hardship. The plight was created by the owners – they bought the house.

5.5 Mr. Schneider agrees with Ms. Norman. Instead of a 1,000 square foot addition, they could do what they want with an 800 square foot addition. The plight is created by the owner and there is no hardship supporting the request. He cannot support the application.

5.6 Mr. Surman agrees in that he does not see the hardship. He looks at the plans. He looked at the first floor also and they have a family room/living room, den and sunroom. There is almost a 200 square foot mudroom. There are washers and dryers on both floors. They could put the office on the first floor. They could reconfigure the second floor. He cannot support this.

5.7 Chairman Duffy said he struggled with this case. He looked are the site and thought that there would not be a lot area between the house and the garage. The other variance requests are small and easier to approve. He struggled with the FAR request. It is an older house. When it was built people lived differently. They are trying to improve the house while not going too far beyond what they are allowed to build, but they are confined because they have to build within the envelope. He said that Mr. Surman suggested that they tweak the request so it is not as large. The request is 4% and he would like to support it, but he would like to see the request be smaller. He struggled with this case. He understands where the applicants are coming from in terms of wanting more space.

**6.0 DECISION**

6.1 Mr. Boyer moved to recommend granting a request for a 40.16 square foot (0.64%) lot coverage variation, a 262.5 square foot (4.2%) total floor area variation, a 2.5 square foot (0.2%) rear yard structure impervious surface coverage variation, and a 5.0’ side yard air conditioner setback variation to permit the construction of a two-story addition and a new detached two-car garage at 1530 Greenwood Avenue in accordance with the plans as amended.

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

Chairman Patrick Duffy	Yes
Mike Boyer	No
John Kolleng	Yes
Bill Merci	Yes
Lynn Norman	No
Reinhard Schneider	No
Bob Surman	No

Motion failed.

6.2 Ms. Norman move to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2016-Z-12.

6.21 Mr. Boyer 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**

Four members 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, the applicants created their own hardship by previously constructing a front porch approximately 104 square feet in excess of the floor area porch bonus. The applicants are also creating their own hardship with the size of the addition, which could be reduced by improving the

efficiency of the plan. There are no physical conditions of the property that are imposing a practical difficulty or particular hardship, other than the lot is smaller than average and the home is small. This is not a unique circumstance. The applicants knew what the property and house were like when they bought it.

Three members of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The particular physical conditions of the property, the size of the lot and house and the configuration of the house, impose upon the owner a practical difficulty. Dormers on the second floor reduce the usability of the space. The plight of the owner was not created by the owner and is due to the circumstances of the house and lot. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property with an addition to improve the functionality of the home. The proposed variation will not impair an adequate supply of light and air. The variations, if granted, will not alter the essential character of the neighborhood.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends denying a revised request for a 40.16 square foot (0.64%) lot coverage variation, a 262.5 square foot (4.2%) total floor area variation, a 2.5 square foot (0.2%) rear yard structure impervious surface coverage variation, and a 5.0' side yard air conditioner setback variation to permit the construction of a two-story addition and a new detached two-car garage at 1530 Greenwood Avenue in accordance with the plans as amended.