



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, APRIL 20, 2016**

**7:30 P.M.**

**COUNCIL CHAMBERS**

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

**Members Absent:** John Kolleng  
Lynn Norman  
Bob Surman

**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-16                    2920 Wilmette Avenue**

See the complete case minutes attached to this document.

**III. 2015-Z-19                    2247 Lake Avenue**

See the complete case minutes attached to this document.

**IV. 2016-Z-18 218 17<sup>th</sup> Street**

See the complete case minutes attached to this document.

**V. 2016-Z-17 744 Sheridan Road**

See the complete case minutes attached to this document.

**VI. Approval of the March 2, 2016 Meeting Minutes**

Mr. Merci moved to approve the March 2, 2016 meeting minutes.

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

**VII. Approval of the March 16, 2016 Meeting Minutes**

Mr. Boyer moved to approve the March 16, 2016 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 9:59 p.m.

Respectfully submitted,

Lisa Roberts  
Assistant Director of Community Development

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

**3.1 Persons appearing for the applicant**

3.11 None

**3.2 Summary of presentations**

3.21 Ms. Roberts said that the applicant was requesting that the case be continued to May 18, 2016.

**6.0 DECISION**

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

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

Motion carried.

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

**3.1 Persons appearing for the applicant**

3.11 Ms. Margaret Lee, applicant  
2247 Lake Avenue

**3.2 Summary of presentations**

3.21 The applicant requested a continuance to the May 18, 2016 meeting.

**6.0 DECISION**

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

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

Motion carried.

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

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

3.11 Mr. Lance Shalzi, applicant  
Airoom Architects

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

3.21 Ms. Roberts said that this is a request for a 29.41 square foot (0.46%) lot coverage variation and a 445.94 square foot (6.98%) total floor area variation to permit the construction of a new front porch on the legal non-conforming structure. The Village Board will hear this case on May 10, 2016.

3.22 Mr. Shelby said they are adding a front entry. There are no structural alterations. They are adding new Hardie board siding and new trim and modernizing the appearance. He showed photos of existing and proposed. The variation is due to the front portico. They are over impervious surface coverage. The existing concrete stoop is already there. They are not creating a worse condition. There is a safety issue during the winter with ice accumulating on the front stoop. They are creating a covered entry to keep the owners out of the elements. There is no impact on light and air of neighboring properties and the structure is open on three sides.

3.23 Chairman Duffy clarified that the area of non-conforming floor area is not changing. The porch cover is 44.5 square feet but the lot coverage variation is only 29.41 square feet. The request is nominal.

3.24 Mr. Schneider said he visited the site and compared the elevations on exhibits 1.8 and 1.9 to what exists. He said it appears that the additions shown on those elevations have not been done. He asked if this was correct.

3.25 Chairman Duffy had the same question and Ms. Roberts told him that these parts are existing. They are shown on the elevations as having work planned because they are adding siding and roofing tile.

The architect said that they are not adding any structure to the existing building except the new porch roof.

3.26 Mr. Schneider referenced the south elevation on 1.9 and said that the eastern part of the elevation is a two-story addition. It was determined that the architect had a different set of drawings and the drawing being discussed was sheet A2.2. Mr. Schneider said he walked to the edge of the building and did not see the addition. Is it in the rear?

The architect said this is in the back and is not part of their scope of work. It is existing. Regarding the plat of survey, the 6.53' dimension represents the door. The 5.96' dimension is the offset that goes back. The addition is the 14.52' dimension.

3.27 There were no more questions for the architect.

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. Boyer said that the requests are small and existing conditions will remain the same. They are moving some numbers around. There is minimal impact and it is an improvement over existing. All standards of review are met and he can support the request.

5.2 Mr. Merci said that the minimal variation achieves a practical solution to the problem of not having a porch and protection. He can support the request.

5.3 Mr. Schneider said they are putting a roof over the existing front entrance.

5.4 Chairman Duffy said improvements are both aesthetic and functional. He can support the request.

## **6.0 DECISION**

6.1 Mr. Boyer moved to recommend granting a request for a 29.41 square foot (0.46%) lot coverage variation and a 445.94 square foot (6.98%) total floor area variation to permit the construction of a new front porch on the legal non-conforming structure at 218 17<sup>th</sup> Street 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	Yes
John Kolleng	Not Present
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-18.

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**

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 siting of the house on the lot and the lack of an existing covered entry, impose upon the owner a practical difficulty. The applicants are adding a covered porch to an existing stoop and steps. 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 a covered front entrance. The proposed variations will not impair an adequate supply of light and air to adjacent property nor otherwise injure other property. The variations, if granted, will not alter the essential character of the neighborhood.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a 29.41 square foot (0.46%) lot coverage variation and a 445.94 square foot (6.98%) total floor area variation to permit the construction of a new front porch on the legal non-conforming structure at 218 17<sup>th</sup> Street 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. Tom Hickman, applicant and architect

3.12 Mr. Rich Hossfeld, owner

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

3.21 Ms. Roberts said that this is a request for a 3.1' side yard setback variation and a 671.77 square foot (4.82%) total floor area variation to permit the construction of a two-story addition on the legal non-conforming structure. The Village Board will hear this case on May 10, 2016.

3.22 The architect explained that he is the applicant because they have not moved here from Arizona, but that the husband is at the hearing. He brought additional pictures to show the Board. He said Mrs. Hossfeld could not be at the meeting but her family is from the Wilmette area.

The home is magnificent. It is iconic. It is not a historic landmark but it is on a list of significant structures for the Village. The new owners are interested in preserving the historic character of the home. They do not want to impact the view of the home from Sheridan Road or Washington Avenue. The photos being shown include interior photos. The owners do not want to change the home's interior. The home has an elegance that should not be altered.

One of the photos showed the interior stairway on the first floor. That stair goes from the first floor to the third floor but not to the basement. There is a powder room there instead. That is the only bathroom on the first floor.

One of the photos showed the exterior and what appears to be a two-car garage. Inside, there is a stair to the basement carved out of the garage area. The space inside the garage is 14' wide and is only big enough for one car. This can also be seen on the floor plan. The owners did not want the stair to remain in the garage as they wanted a two-car garage, although it is narrow at 18' wide with the stair gone. Only certain cars can fit into a garage of this size.

Removing this stair from the garage leads to the issue of where to put the stair to the basement. The best place for it is in the rear of the home where there already is an exterior stair to the basement. That is the only other way to access the basement.

3.23 Mr. Boyer clarified that the only interior access to the basement is through the garage at this time.

The applicant said that was correct. There is a floor plan in the packet showing the exterior stair to the basement. The thought process was to enclose that space where the deck and exterior stair are now and make that an interior stair to the basement. It's already occupied by the deck in essentially the same location as the proposed addition. They also considered where could they solve these problems and not be visible from the street. The proposed area is behind the home. He showed pictures of the kitchen interior and indicated where the exterior doors are. The pictures also show that the house is very narrow. There is not a lot of flexibility with the plan or the layout. The large island is needed because there is no upper cabinet space. There is no closet from any entry here. There is no mudroom or transitional space in the current configuration. One comes right into the kitchen.

3.24 Mr. Boyer asked the width of the kitchen.

The applicant said it was approximately 15' to 16'. The widest that the house gets from front to back is slightly more than 20'. The home is L-shaped and wraps around the corner. It is narrow everywhere.

3.25 Mr. Schneider referenced 1.6. Is the room west of the kitchen the dining room?

The applicant said that was correct.

3.26 Mr. Schneider asked about the other rooms to the right. The plan did not detail this.

The applicant said there is a turret, a living room turns to the north towards Washington Street. There is a sun porch room beyond that.

3.27 Chairman Duffy referenced 1.6. It shows the first floor enclosed area, an exterior porch, between the garage and turret. What is the width of that area? Could they use that space to go up?

The applicant said they did not consider this because the owners did not want to alter the exterior facing the street.

3.28 Chairman Duffy said they could leave the arches as an architectural detail and put windows in there and create a staircase there.

The applicant said everyone who has look at this has initially thought they should build to the east and build the garage there or expand the garage. There could be master space above. They could leave the stair where it is and create a mudroom space. They did not do this because they did not want to change the exterior appearance of the house.

3.29 Chairman Duffy said they are changing the exterior right now. They are adding something to the outside of the house.

They are adding it in a way that it is visible to the neighbor to the south but not to anyone else.

- 3.30 Chairman Duffy said if they put a garage off the east side of the house no one would see it.

The applicant said it becomes part of that façade. It is a corner lot that is visible from Washington. They want to do what the homeowners see as the right thing for the home. They tried to be respectful to the immediate neighbor. The trees that form a buffer would not need removal. The excavation for the stair is already there though they would rebuild the stair.

- 3.31 Chairman Duffy said they would need to dig a foundation south of where the stairs exist to support a structure going up.

The applicant said they would need to dig a little for working space. They would take the existing foundation out and replace it in its current location. If they can reuse existing they will.

- 3.32 Chairman Duffy said they cannot reuse what is there even if it is in good condition.

The applicant said if they go down the stair and to the left, the whole well under the deck is bounded by foundation. It is weight bearing. To the west the footprint is a few feet larger than that.

- 3.33 Mr. Merci asked to see the configuration on an illustration.

The applicant showed the exterior picture of the rear deck. It does not include the crawl space, which would be new foundation. They would do it as a slab instead of a crawl space. They are putting the addition where the deck is now. The window on the south elevation has the same view area as the deck on the first floor. The first two windows are for light only and one cannot look out of the windows. There is no impact on privacy. The intent is to keep the Arbor Vitae, which functions as a screen. There are two fences on the fence line. The view is blocked at the pedestrian level.

- 3.34 Mr. Merci said that there is a new mudroom on the first floor and a new walk-in closet on the second floor.

The applicant showed a photo with the view to the south and to the neighbor's home from another bedroom on the second floor. The tandem garage is at the neighbor's house and is the first structure that is beyond the home being discussed tonight. Even with the reduction of the setback by 5', there is 14' between the proposed addition and the north edge of the garage. The garage is another 12' before the point where the living space is.

- 3.35 Mr. Schneider indicated the picture of the neighbor's house. He asked if the two windows shown would look out onto the proposed addition.

The applicant said that is correct. If the neighbor looks straight out those windows, the neighbor faces the existing house, not the proposed addition.

- 3.36 Chairman Duffy said they would see the second-story over the hedge from their backyard.

The applicant said that is correct. They are not blocking anything other than their own structure. They are not seeking extravagance but are looking for functional items that are not there including a master closet to store clothing. There is no master closet or mud room now. There is a large one-car garage and the proposed two car garage is narrow. He considered alternatives but his clients do not want to hear options. He pointed out that the best element of the existing home is the steep roof. But it is the worst point in that the roof pitch creates the space that causes them to have to count 900 square feet on the upper level. That dimension if it was not there they would be 330 square feet under. Hypothetically if they put an 8/12 roof on this house, because of the narrowness of the house, there would not be any countable space on that upper level.

He showed a picture of the master bedroom. That vaulted ceiling is under the limit for being counted as two-story space. Effectively if they continued that vault through the entire second floor they could produce a result that would lower the square foot total by about 720 square feet, which would put them 400 square feet under the allowable square footage without changing the home's exterior.

- 3.37 Chairman Duffy said that in a large portion of the house there is another floor above the level where the master bedroom is.

The applicant said that there is a media room and a family room up there. These are features that would be found in a finished basement of a new home. There is a room up there that is not a legal bedroom because there is no window. They could create a bulk calculation total with a manipulation that drops them 400 square feet below the allowed maximum. The outside would not change, but they could add 400 square feet to the outside. They are not near the maximum lot coverage. They could build the two-car garage addition to the east. What they proposed is better because of its location. They did not think that they were doing anything that would greatly impact the neighbor. They are not extending further to the east so they are not cutting off any view. They tried to do the best for the house and for the community. They tried to minimize what they were putting to the south side of the house.

- 3.38 Mr. Boyer said when he looks at 1.7, the second floor level remodeled, the room to the west is what the previous owners used as a walk in closet. What are the rest of the rooms in the outline?

The applicant said there are two bedrooms, hallway, and family room. There are Jack and Jill bedrooms with a bathroom between the two.

The owner said that the room next to the master bedroom is proposed to be the nursery. There is an open hallway that is not usable space. There is a guest suite with a sun room. There are four bedrooms in the home. The guest suite is small but original to the house.

- 3.29 Mr. Boyer referenced the open hallway. Are there dimensions on that?

The applicant said there are not dimensions on the drawing.

- 3.30 Mr. Boyer said that the questions coming up will deal with hardship. Do existing condition of the house create hardship for creating new space? There's attic space but it's livable.

The applicant said that where there is space is not applicable to solving the problems that the home has. They cannot break through the kitchen to add a stair. There is no basement on the portion of the house that faces Sheridan Road. From the turret on it is crawl space.

The owner said that the previous owners had tried to dig out the area under current living room and created some significant foundation issues. They filled it in with concrete to shore up the foundation. They have to be careful with the foundation. They looked at various options to access the basement and met with many architects, builders and the historical society. Their main objectives were to preserve the historical aspects of the house, interior and exterior. The size of the rooms has been preserved for 100 years. No one has taken out the terra cotta tile in the sun room or taken out original windows. They can repair damage to windows. They wanted to have minimal impact on surrounding neighbors. If they added on to the current garage it would impact neighbors to the east.

- 3.31 Mr. Merci said that there are two objectives including interior access to the basement and an enhancement of the master bedroom.

The applicant said that having a closet is reasonable, not really an enhancement.

- 3.32 Mr. Merci said that there are other ways to get closet storage in an 18' x 18' master bedroom.

The applicant said that it does not seem to him that the right solution to the problems is to scale down existing interior spaces to fit more in. They could do this, but it's not a good solution. They want to preserve a great old home.

- 3.33 Mr. Merci said that the Board is not trying to be an architect but they are trying to weigh the concerns expressed by the applicant with what the Board's charge is.

- 3.34 Mr. Schneider talked about adding a 10' x 20' addition to the garage, they still would need a variation for floor area.
- 3.35 Chairman Duffy said that solution would eliminate the side yard setback request but they still would need an FAR variation. There is still the argument about the attic.
- 3.36 Mr. Merci said other design considerations could offset the additional increase.
- 3.37 Chairman Duffy said Mr. Merci is talking about the attic that counts against them, which they are using but there may be an argument that that should not be counted against them.
- 3.38 Mr. Boyer asked if the garage stairs were original.
- The applicant said no, they were cut into the garage.
- 3.39 Mr. Boyer asked if there was an original interior basement access at some point.
- The applicant said it might have been in the turret at one time. There was a stair somewhere leading to the basement but he does not know where it was. There is a cut in the foundation wall in the basement that the stair from the garage was cut in. It was not original.
- 3.40 The owner said that this was the first home they walked into when looking for homes. They have a responsibility to maintain the historical aspects of the home. There are three functional issues with the house: that half of the garage is used as a stairway to the basement, the lack of any other interior basement stair, and no closet in the master bedroom. They have to make changes to the house to solve those issues. The proposed plan seems like the minimal solution. New materials will match what is there. The home's architecture being L-shaped with two long, narrow sections, prevents them from solving these problems in any other way. There is no other place on the first floor to access the basement given that half of the floor is crawl space. There previously were foundation issues. There is no other place to build a garage unless they were to build a massive extension to the east, which would impact the home. That would have a greater impact on the neighbors.
- 3.41 Chairman Duffy said that on the north end of the house is a sun room and there is a suite with a small closet.
- The owner said they looked to see if they could convert that into the master bedroom. But the challenge was to move that wall. That closet is original and has small cupboards and a shallow closet depth. It is 15" deep. Preserving original features is important.

The applicant said they discussed plans and options with the Village and that strong consideration would be given in matching existing architecture if they were to build to the east. He wants to end up with a finished product so there is no realization that it is an addition though that is not always the approach per historic preservationists.

- 3.42 Mr. Merci said he was a member of the Historic Preservation Commission and one of the requirements is a sympathetic addition so that the addition is clearly not attempting to look original.
- 3.43 The Board had no more questions at this time.

(After section 4.0)

- 3.44 Ms. Roberts said that she and the Chairman spoke about the attic floor area and how space that is 6'9" or higher from the floor to the bottom of the roof rafters counts as floor area and a bonus for floor area is provided. She said that whether the space is functional or not the floor area ordinance is a bulk ordinance getting to the exterior appearance of the house. The house has a high roof line and the ordinance gets at this and not the functionality of that space.
- 3.45 Chairman Duffy said that the Board addresses hardship and discounting attic or basement space that counts against the applicant. The Board says that if a bedroom is up there it is functional space. Ms. Roberts said that FAR is a bulk regulation. The space is big and well-built out and one could read the definition to say the space counts against them.

Ms. Roberts said it may be functional in that one could use the space but it does not mean that it is functioning efficiently in the house.

- 3.46 Chairman Duffy asked if every house deserved a mudroom or extra closet space? The FAR is bulk versus how the space is used.
- 3.47 The owner apologized for not reaching out to his neighbors. He underestimated the impact of the proposal on neighbors' homes. His wife sent a letter to introduce them to neighbors and provide contact information and that they were happy to discuss plans with them. Prior to the notice, the builder told him that he has come by a number of times trying to walk through the plans with neighbors. This is what he was told and he and his wife want to be respectful of neighbors. They intend to be good neighbors.

They are asking to have basement access from the main floor, a two-car garage and a master closet. The mudroom is shown on the plans but that is the enclosure that houses the elevation changes between the kitchen, which is four steps above garage level and houses the staircase down. They need to fit two sets of stairs side by side into that space and access into the garage. They have put three lockers in the

mudroom. He said if they just wanted to build a mudroom the application should be rejected because there would be no hardship.

The builder is helping them and created the kitchen for the prior owners. They are focusing more on present work not the past work. They don't want to take out a new kitchen and build a staircase. The house is narrow and there is not a lot of space in the kitchen to work with. They did not create this. It seemed like the windows in the kitchen to the north have been there for a while and match well. A few other windows were restored. He plans to restore remaining windows.

The attic is huge and is functional space. They are not asking for more bedrooms, a new family room or a media room but if they were they could go in the attic space. It cannot provide access to the basement. It cannot provide a garage or a closet. If that was taken away, even with the addition they would be well under the allowable square footage for the lot size. They are 900 square feet under permitted lot coverage even with the addition.

Yes the house is a looming presence. It is very tall and he thinks this should be preserved instead of being a future teardown. They lowered the roof line of the addition as much as possible and tucked it in as much as possible so neighbors would see sky above the roofline and not more house above that. The plan was to preserve the current view. They matched building materials.

The applicant said that there was mention that they should not add 600 square feet. They are adding 380 square feet. The overall total above is in the 600s. They tried to minimize their request.

This subject comes up regularly as to how to reconcile historic or older homes that were sympathetically altered to today's standards. What changes have taken place have been done to not diminish the character of the house.

They showed the roof of the addition to be copper or it could be done in slate so it blends like the second floor wall does. From the neighbor's kitchen window they will see the same wall that is there now and the same wall style. It will be 7' 10" closer than the existing wall.

He talked about other homes with similar issues. They are not willing to settle for something that is less than right. Part of the rationale when opposing this type of request takes the attitude that they should settle for something that is less than right. Neighbors say applicants should not have a mudroom if the neighbor doesn't have one. The way the Board and the Village approach these houses needs to be thought over carefully. Don't tell new homeowners to put up with the things that don't work for them. The owner said they are not asking for extravagance but some functional things. The footprint equals that of a parking space. They tried to minimize the request. They wanted to respect the neighbors. They reduced the size of the addition from 9' to 7' 10" to provide at least 5' as a setback. That 5' plus 10'

to the neighbor's garage plus 12' for the width of that garage is 27'. There is 27' between the addition and the closest exterior surface of the habitable portion of the neighbor's home. There are many locations in the Village where the distance between homes is less.

- 3.48 Chairman Duffy said he made the comment about exploring under archways and they had not explored that. It was recommended to go east and create more parking and garage space and they did not want to do that. The option they chose by going up the south face and creating two stories – what was the driving force behind that. Was it the most economical? Was this the way to get a second story?

The applicant said he initially recommended to go east instead of going in the rear.

Chairman Duffy asked if they could have a walk in closet if they went east.

The applicant said they might be able to develop this in the rooflines of the eastern projection.

Chairman Duffy asked the motivator to be on the south wall?

The applicant said he was brought into the process in a limited way. He made his arguments for other options. Prior to that, his client spent more time working through the process in talking to other architects, realtors and Village staff and thought that the proposed plan was the best.

The owner said that from an economic standpoint it will be expensive to build the addition no matter where it goes. They were told that if they did the addition towards the east they would get a better return on investment. They thought that an addition in that location would negatively impact more neighbors. They want as small a footprint as possible to solve functional issues. They wanted to preserve façade on Washington side. They wanted to do an addition that would be well received by neighbors. The addition is small relative to a larger garage.

The garage is 18' wide and two large cars would not fit into this garage. They made sure that both cars would fit into the garage. There is no storage space in the garage.

- 3.49 One of the Board's roles is to try to work with applicants to minimize variances. That is why comments and suggestions are being given. He asked the neighbor to the south about a one-story addition. Is that an option for the owner?

The owner said he would need to speak with his wife about this. They took 30 square feet out of the original design to minimize this. They put in no windows to avoid peering down into yards. The closet is narrow.

#### **4.0 INTERESTED PARTIES**

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

4.11 Ms. Shirley Pfenning  
738 Sheridan Road

4.12 Ms. Lisa Russell  
800 Sheridan Road

4.13 Ms. Joan Wang  
724 Sheridan Road

4.14 Mr. Justin Starren  
730 Sheridan Road

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

4.21 Ms. Pfenning is the neighbor to the south. Regarding the basement steps, when one went into the back door it leads into the kitchen and there were steps coming up and then one would turn to the left and there is an alcove with steps going down to the basement. But then they extended the kitchen towards the garage. The previous owner wanted a bigger kitchen and not a two-car garage.

Mr. Schneider asked when that happened.

Ms. Pfenning said it was done recently and the previous owners did not plan to move. She talked about a builder who did the work on the house and the builder is now working with the current owners.

If the owners wanted a two-car garage and steps to the basement they could undo what the previous owners did.

Regarding the attic, there is a media room, rec room and exercise room up there as well as a bedroom and bathroom. It can be usable space.

Her garage is 10' from the lot line. She has an old wooden fence and a wire fence that is hers. She was told by the survey company that there should be 4" to 5" inside the lot line.

Regarding the master bedroom, it used to be on the Sheridan and Washington side of the house. The prior owners moved the location. There is no closet because they wanted a larger room. It measures 19' x 18'. There is a loft in that room. There are steps to a loft. The loft is about 14' x 12'.

The applicant said that the loft is no longer there.

She wrote a letter and sent photos. No one has come to her about the changes. She objects to the side yard setback and the FAR requests. Adding a two-story addition

will have a looming presence over her house, her patio and her rear yard. Her den window faces north and she will look at the addition. It will impact her light and air and well-being. She is a gardener who is in the yard a lot. The photos show the current impact the house already has on her house. A two-story addition will have more impact.

Regarding the statement about the addition being unobservable from public viewing ignores the impact on her and imposes all of the negative impacts on her. The applicant said that it would only impact the person so the south and it does. The setback is supposed to be 8'1" and if they make it 5', they will be much closer. She asked if they are building a basement and a bathroom down there? If that takes place and they need footings, they will be 3' from the lot line and that is a concern. For these reasons, she objects to the setback and FAR variations.

Chairman Duffy asked if the addition was one-story would she object.

She said she would have to consider this but a one-story addition would be better. She added that the porch is not original and if they built out to the porch and not any farther she would not object.

Chairman Duffy said that her concern is the impact of the addition on her. But the impact seems to come from the second floor.

- 4.22 Ms. Russell has lived in her home for 26 years. The house being discussed had four previous owners that she knows of and there were a lot of changes to the house. She talked about some of the changes including adding windows in the kitchen and turret, basement excavation, and more. The loft mentioned was added by a previous owner and has now been removed. The house was not what it was 20 years ago. In the past people used wardrobes and not closets. Regarding a mudroom, she does not have one. She is against the request. Houses in Wilmette are not tight, which is great.
- 4.23 Ms. Wang said she first heard about this from the appeal notification. It would have been nice if the applicant/owner had talked to her about the proposed plans. The neighbor who is impacted the most did not have much contact about the proposed plans. There was a lot of talk from the applicant/owner about preserving the home. She does not understand the preservation. The owner wants a lot of changes which is contradictory to preservation. The proposed changes are modern amenities. They bought the house without modern amenities. She is very familiar with the house. The third floor attic and the proposal to raise the ceiling and not use that space to reduce square footage does not make sense. The space is nice for a new mudroom and a closet.

Chairman Duffy said it was a theoretical discussion.

Ms. Wang said that the attic is usable. The house has features that the owner is complaining about like no mudroom and access to basement as well as

configuration. She would not buy the house because it is disjointed. Her house was built in the 1940s and has no mudroom and it's okay. The square footage is over for the existing structure. To add another 600 square feet for a mudroom and closet seems like they could find the space in the house. They are not keeping all walls intact. There are a lot of changes proposed. Regarding the side yard variance, it is tight between the neighbor and this house. There are two decks, but this is different from an addition with a roof. The neighbor gardens a lot and the structure is already massive.

She does not agree with the FAR and side yard requests. Her house is 3,400 square feet and she has four children and it's okay. Maybe they can find space within the existing home and not have an addition.

- 4.24 Mr. Starren lives two houses to the south. He has appeared before the Board. He showed the view from his kitchen window. He would look directly at the proposed addition. The nickname of the house is the castle. It lords over the neighborhood – it is bigger, taller and more massive; it has more street frontage than anything nearby. The house already looms over the neighbor's yard. She spends a lot of time in her yard. The applicant is correct – the difficult thing as well as great thing about the house is the roof line. He referenced 1.8 and talked about breaking up the roofline. The yard is huge. His house used to have a covered porch but it is now the enclosed mudroom. It feels like the hardships are constraints that were imposed by the owner or created by previous owners. He said that the fireplace is gas and is not historical. He agrees with the need to be sensitive to the house. Being in an old house is like living with charming old relatives. Part of the challenge is deciding whether they want idiosyncrasies or a new house. They can make changes without impacting the home's historical character. He cannot support the increase in size or setback request because they are not consistent with the house. It impacts neighbors and the neighborhood more than a change to the north side. He does not support the requests.

## **5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS**

- 5.1 Mr. Schneider said the Board has seen similar cases that revolve around an important old structure where owners want to adapt it to fit the lifestyle and functionality of today's family. Usually it requires at least one variation. When there is a case where the hardship is created by the owner and is larger than needed, the Board tends to not be supportive. But in this case, the condition of the two-car garage was not created by the current owner. If they were to create an addition to the east to fit in two cars, it would still require a floor are variation. His sense is that if they are dealing with the massive roof to the east it would be as much if not more in cost. Regarding the 3' encroachment to what should be an 8' setback is minimal. The functionality created by enclosing basement stairs and providing covered access to the kitchen and a reduced second floor for a master closet, which will replace an unsightly balcony and deck. He went to the site and to the neighbor's property and tried to visualize how it would impact the neighbor's north

view. It would not make much of a difference. The addition melds with the current structure. It has no significant impact on daylight. It resolves in a very small way the function problem that was not created by the owner. He will support the request.

- 5.2 Mr. Merci said the ZBA usually does not offer architectural advice but often gets led into it. The lack of architectural information does not support an indication of a hardship. This information could have provided alternative solutions that might not have required a side yard setback variation and minimized the amount of FAR. The request is not justified and he will not support it.
- 5.3 Mr. Boyer said he was initially on the fence. Because Mr. Merci is not supporting the request, the recommendation will be negative.
- 5.4 Chairman Duffy said that the Village Board reads the minutes about the discussion.
- 5.5 Mr. Boyer is still on the fence. There are functional issues with the house but most of them were rehabbed into it. If they were looking at an original home from 1925 and the functional issues were there, there would be a different argument. This may be a situation where they deconstruct themselves into the solution. They bought the home the way it is and they like certain parts of the home. But some items were changed from the original home. They like the modern feel of the old structure. He is trying to understand the hardship. A lot of options were not explored to solve the problems.
- A 380 square foot addition is not that much. He is trying to weigh the property rights of the current owner with the property rights of the neighbors, mostly the neighbor to the south. A 5' setback is typical for an interior Village lot. 90% of the Village has to deal with this. He is struggling with where the hardship is.
- 5.6 Chairman Duffy said Mr. Schneider brought up a great point about the two-car garage issue and this has to be addressed. The Village wants cars in garages. There needs to be some solution to the stairwell being in the garage. To him, where are reasonable solutions that are least impactful or require the least variances. That is why he turned to the porch area on the north with the arches. Could they change the entrance and have a stairwell into the basement and a first floor mudroom. But that only addresses stairs from the basement to the first floor on the interior. It does not address the desire for a larger closet in the master bedroom.
- 5.7 Mr. Boyer said the closet isn't necessarily a hardship.
- 5.8 Chairman Duffy agreed. He lives in a small house without a master bedroom. His wife's clothes are downstairs in another bedroom and she uses the guest bathroom and he shares a bathroom with his kids. A good portion of Wilmette lives like this. That is not tainting his opinion on this case. The owner has a large home and they are trying to economically accommodate some desirous modern features. What is the best way to get that? Could they take the bedroom to the west and make some

of it a walk in closet. Is there another way? This is where the above comment about not enough detail in the plans comes in. The Board cannot see if there are other options. This makes the decision harder to make. Why does the proposal have to be done this way?

- 5.9 Mr. Boyer said this was not done on purpose.
- 5.10 Chairman Duffy said it is an efficient way to see the main project focus. He would probably have done it that way.
- 5.11 Mr. Boyer said he cannot tell if there is functionally obsolete dead space in the home because there were no additional drawings.
- 5.12 Chairman Duffy said this is why he and Ms. Roberts had the conversation before the meeting about FAR and bulk versus functionality. He is also struggling with this case. Is this the best solution?
- 5.13 Mr. Schneider asked if this was the best solution to preserve the character of the house. He thinks that it is. He is sure that if the addition was built, Ms. Pfenning would not be impacted. Maybe there is a way to do this better.
- 5.14 Mr. Merci said he hopes that options were studied and that the proposed solution is the best.
- 5.15 Mr. Schneider said that the Board is not asked to pick from options.
- 5.16 Mr. Merci said that the Board should have been presented with information that would have led to a solution. No information has been given about hardship.
- 5.17 Mr. Boyer asked that if the Board saw three plans and two were not workable, what would Mr. Merci do.
- 5.18 Mr. Merci said he would have wanted to know about the three plans. He did not need to see them. He might have been comfortable with tonight's proposal if this was identified as a preferred option.
- 5.19 Chairman Duffy asked if this seemed like the best option. He does not know.
- 5.20 Mr. Merci said that there is no information to tell them anything to the contrary.
- 5.21 Chairman Duffy said that the request is small compared to lot and house sizes. He struggles with the question of whether something else could have been done that was not presented. He is on the fence. He explained that the Board gets the packet on Friday and the meeting is Wednesday. He reads through them and then he goes to the site. When one drives up to the house, one's opinion can change from what they have read. He initially was okay with the request until he read the neighbor's

letter. When he went to the house he saw how big it was compared to the neighbor's home. It could have more impact. But during the discussion tonight he could be swung back and he is on the fence. But he does not know if this is the best option.

5.22 Mr. Boyer said that the Board supports historic structures.

5.23 Chairman Duffy said that the Board would prefer to give a variance for an older home and save it versus having a teardown. He does not see this house being torn down. Someone might come back in the future with more requests.

## 6.0 DECISION

6.1 Mr. Schneider moved to recommend granting a request for a 3.1' side yard setback variation and a 671.77 square foot (4.82%) total floor area variation to permit the construction of a two-story addition on the legal non-conforming structure at 744 Sheridan Road in accordance with the plans submitted.

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

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

Motion failed.

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-17.

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

Three members of the Zoning Board of Appeals find that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, the applicant is creating his own hardship with the size and function of the addition. There are no particular physical conditions imposing a practical difficulty or particular hardship. There was insufficient evidence regarding why the request was the best option for the applicant. The owner is able to make reasonable use of the property without the variations. The immediate neighbor testified that the proposed addition would be injurious to her and her property.

One member 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 siting of the house on the lot, the size of the attic area, and the location of the basement stairs in the garage, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique circumstances of the lot. The difficulty is peculiar to the property in question; the house style is unique. The difficulty prevents the owner from making reasonable use of the property by having full use of the garage while maintaining indoor access to the basement. The proposed variations will not impair an adequate supply of light and air to adjacent property. The proposed side yard setback is consistent with the minimum side yard setback on typical lots. The variations, if granted, will not alter the essential character of the neighborhood. The addition is to the rear of the home and will not be visible from either street frontage.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends denying a request for a 3.1' side yard setback variation and a 671.77 square foot (4.82%) total floor area variation to permit the construction of a two-story addition on the legal non-conforming structure at 744 Sheridan Road in accordance with the plans submitted.