



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, MAY 18, 2016

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: Lynn Norman

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

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

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

See the complete case minutes attached to this document.

III. 2016-Z-16 2920 Wilmette Avenue

See the complete case minutes attached to this document.

IV. 2015-Z-25 85 Indian Hill Road

See the complete case minutes attached to this document.

V. 2016-Z-22 111 Dupee Place

See the complete case minutes attached to this document.

VI. 2015-Z-19 2247 Lake Avenue

See the complete case minutes attached to this document.

VII. 2016-Z-24 3232 Lake Avenue

See the complete case minutes attached to this document.

VIII. Approval of the April 20, 2016 Meeting Minutes

Mr. Kolleng moved to approve the April 20, 2016 meeting minutes.

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

IX. Public Comment

There was no public comment.

X. Adjournment

The meeting was adjourned at 8:48 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 at staff's request, the applicant agreed to request that the case be tabled to June 15, 2016 to allow residential cases to go forward.

6.0 DECISION

6.1 Mr. Kolleng moved to continue the case to the June 15, 2016 meeting.

6.11 Mr. Surman seconded the motion and the voice vote was all ayes and no nays (Ms. Norman was 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. Megan Novy, applicant
2920 Wilmette Avenue

3.12 Mr. Dan Elkins, applicant’s brother-in-law
336 Wilshire Drive West

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 2.0’ fence height variation and a fence openness variation to permit the replacement of a 6.0’ tall solid fence in the front yard and side yard adjoining a street. The Village Board will hear this case on June 14th.

3.22 Mr. Elkins is the applicant’s brother-in-law and is helping her with her case.

3.23 Mr. Elkins showed a drawing which he distributed to the Board. They submitted a letter addressing standards of review. They meet the standards of review. The property when purchased had a 6’ high solid privacy fence and he described the fence location. The fence is old and falling apart.

She is looking to replace the fence in kind. The orientation of the property would not allow that type of fence to be put there. The front yard as technically defined is really the side yard. He referenced a photo package and specific photos on page 5. There is a garage at the southwest corner. The yard to the south of the house functions as a backyard. There is an existing elevated deck.

Not being able to replace the privacy fence creates some hardships. She would lose the privacy of the yard. With an elevated deck, there is even less privacy.

3.24 Mr. Schneider asked about Meadow Drive.

The brother-in-law explained that Meadow is the first street west where Wilmette and Glenview split. There are similar properties where the houses face east or west. There is a yard to the side of the house with tall privacy fences that are 6’ tall stockade.

The applicant gave a further explanation of where Meadow is in relation to Wilmette Avenue. It is several blocks east of her property. It is west of Hunter and east of Locust.

3.25 Mr. Surman said that the fence tapers down and does it have to taper down by code at the corner.

3.26 Mr. Merci said that the fence along Wilmette Avenue seems to be 5' in that location and not 6'. He measured the fence.

Mr. Elkins said they want to replace their fence in kind. The applicant's yard is enclosed by the fence. The sidewalk is higher along Wilmette Avenue than the actual yard is.

3.27 Mr. Boyer asked about fence materials.

Mr. Elkins said that the fence is board and batten, red cedar, which is an upgrade over what is there now. Tru-Link is their fence contractor. He showed a picture of the proposed fence, which are flat boards that are overlapped.

3.28 There was no one in the audience to speak on this case. There was no additional communication on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Kolleng said that the lot is unusual and there is only one yard. There is an existing fence. The hardship is that if there was no fence they would be totally exposed. By replacing in kind they are not asking for anything else. He can support the request. Standards of review are met.

5.2 Mr. Boyer said he agreed. Privacy would be impacted without the variance. The living space is out to Wilmette Avenue. He can support the request.

5.3 Mr. Merci said he can support if they match the existing fence height as identified by the applicant.

5.4 Mr. Surman said that the backyard is adjacent to commercial areas and he can support it.

5.5 Mr. Schneider said this is not a unique situation. There is an existing fence, which carries some weight. Some people have vegetation to shield.

5.6 Chairman Duffy said he agreed with Mr. Schneider that this is not a unique situation in the Village, but there is an existing fence with nearby commercial. He can support the request.

6.0 DECISION

6.1 Mr. Kolleng moved to recommend granting a request for a 2.0' fence height variation and a fence openness variation to permit the replacement of a 6.0' tall

solid fence in the front yard and side yard adjoining a street at 2920 Wilmette Avenue in accordance with the plans submitted.

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	Yes

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-16.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the orientation of the house on the lot resulting in the front yard functioning like a back yard, the raised deck in the front yard, and the corner lot location, 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 and house. The difficulty is peculiar to the lot in question and not generally shared by others, even other corner lots. The difficulty prevents the owner from making reasonable use of the property with an enclosed outdoor space, maintaining the privacy of the existing space. The proposed variations will not impair an adequate supply of light and air or otherwise injure other property. The variations if granted will not alter the essential character of the neighborhood. The variations allow the replacement of the existing fence with no change to the appearance of the neighborhood.

Regarding the fence standards, the fence is primarily oriented to Wilmette Avenue, which is a collector street at this point. There are other similar fences in the neighborhood. The proposed fence does not negatively impact neighboring dwelling units and other structures. The applicant proposes to replace an existing fence with a similar closed fence of the same height. The existing fence was likely constructed before fence regulations were in place and before permits were required.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 2.0' fence height variation and a fence openness variation to permit the replacement of a 6.0' tall solid fence in the front yard and side yard adjoining a street at 2920 Wilmette Avenue in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Ms. Kylie Elfring, applicant
Konstant Architecture and Planning

3.12 Mr. Michael Revord, owner

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a variation to permit parking spaces in a required front yard. The Village Board will hear this case on June 14, 2016.

3.22 The applicant is presenting on behalf of the property owners. They are building a single-family home. There is a large established front yard setback, which is 75'. There is a practical difficulty related to the driveway and parking and access to the front of the house. The typical front yard setback is 40' in the R district. There is difficulty with parking in the area. There is no way for a car to get from the street to the garage and vice versa, which will lead to cars being parked along the road. The width of the road is narrow. Cars on the side will make for a worse situation. If cars are allowed to park on a circular driveway it will alleviate the problem and make it more aesthetic pleasing. Landscaping will shield cars from the street. The variation is in keeping with what is in the neighborhood.

Next door at 84 Indian Hill Road a similar variation was granted. She showed a picture of the neighborhood.

3.23 Mr. Schneider asked if they intended to keep the existing gravel parking area by the street.

They do plan to maintain this.

3.24 Mr. Schneider asked if this conformed with the ordinance.

The applicant said it is an existing condition that they plan to keep.

Ms. Roberts said that Indian Hill Road is private and that part is off of their property so it is okay to keep.

3.25 Mr. Merci referenced ordinance 2011-O-23. Is that applicable to this case? Driveways are limited to 18' total.

Ms. Roberts said that ordinance amended Chapter 16 of the Village Code, which pertains to public ways. She said she thought it would apply. The original driveway

is 11' at the lot line and the new driveway access, if not at 18', could likely be made to be conforming.

Mr. Merci said that the dimension of the driveway at the east property line is 11'. The driveway connection at the west would need to be more than 7'. This would exceed 18' that is identified in the ordinance as the maximum.

Ms. Roberts said that there are two points of access.

Mr. Merci said the ordinance implies total and does not say "each."

Ms. Roberts said that the Engineering Department would review this.

- 3.26 Chairman Duffy asked if the proposal was part of the original plan or an addition to the plan.

She said that it is additional. One part of the driveway was approved by the Village and they got a building permit. They are asking for a connection and parking area.

- 3.27 Mr. Kolleng asked why the 75' setback was peculiar to the lot.

She said it is not peculiar to the lot but is peculiar to the R district. Most setbacks in the R district are 40'.

- 3.28 Chairman Duffy said that the front yard setback is established by the average of all houses on the block. So 40' does not apply here so the average on the block is 75'.

She said that this is an exception within the R district.

- 3.29 Chairman Duffy said that the lots are large. When the house was sited on the lot, this parking was not taken into consideration. Now they want parking after the house is already being built.

She said they planned to do a circular driveway but were told that they had to get a variation.

- 3.30 Chairman Duffy said it is the parking that is driving the request. The circular drive is not part of the request.

She indicated that in the letter to the Board she said that the variation is for a circular driveway in the front yard with very limited parking.

- 3.31 Chairman Duffy said that Ms. Roberts explained is that by creating a circular drive, they are creating a request for parking in the front yard. They are also asking for parking spaces off of the circular drive. What surface is the parking off of the front of the house?

The applicant said that they are proposing concrete.

- 3.32 Mr. Surman noted that the applicant mentioned about it not being approved to have a circular driveway.

She said that they were told that they needed a variation because if they added a connection, cars could park in the required front yard because of the size of the setback.

- 3.33 Chairman Duffy said that the plan does not show screening.

She said that the final landscape plan is not done, but they will have hedging. There are also large trees.

- 3.34 Chairman Duffy said that one of the trees comes down. There are three trees in the front yard.

The applicant indicated which tree is coming down.

- 3.35 Mr. Merci asked about the proposed disposition of the gravel parking area off of Indian Hill Road.

The applicant said it would stay as is.

- 3.36 Mr. Merci said there would be an existing gravel area and they are also asking for four more parking spaces. By count there are about 8 vehicle parking locations in the gravel area and 4 in the front yard for a total of 12 parking spaces. Is parking in the gravel area temporary or permanent?

- 3.37 Chairman Duffy said that cars park nose in on the gravel right now.

She said that the area made by the construction is larger than the existing area.

- 3.38 Mr. Boyer said the material is not pea gravel but is rubble.

- 3.39 Chairman Duffy referenced the plan it says existing pea gravel parking area. That area looks greater than the 44' width of the parking area they are asking for off of the front of the house.

Mr. Revord said that the existing gravel area is not that important. It is there because they park construction equipment there. That area was a small parallel parking place. It is not designed for cars to park nose in. Only two cars would fit there. They are not asking for 12 parking spaces. They want 1 to 2 cars in the circular drive without being stuck behind another car.

- 3.40 Mr. Merci said that the proposal they are making is that the existing parking area be removed and landscaped over.

Mr. Revord said that was his intent. It was an uncared for spot when they bought the home. He was not aware that it was not on his property but he would care for the property. The idea was to make it look appealing.

- 3.41 Chairman Duffy clarified that the drive is concrete, the additional parking off of the front door is also concrete. There will not be parking along Indian Hill Road.

- 3.42 Mr. Surman asked about the width of the other driveway.

- 3.43 Mr. Kolleng said that the other houses on the street are more than 18' combined.

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

- 3.45 Mr. Schneider asked if the circular drive should be part of the motion.

Ms. Roberts said that parking spaces will be allowed in the required front yard.

- 3.46 There was no additional communication on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Schneider said that there does not need to be a lot of discussion. The lot is large. Parking can be screened. There is a similar situation on Winnetka Road and they did screening. The proposal makes sense, standards are met, and he can support it.

- 5.2 Mr. Kolleng said this is a unique lot in that there is significant distance between the roadway and the home. The circular drive makes sense. There is no parking on Indian Hill Road. Standards are met and he can support it.

- 5.3 Mr. Boyer said there is limited impact on neighbors and the lot is unique. It is caught in the ordinance which is a hardship. He can support it.

- 5.4 Mr. Merci said there are too many undefined intentions. They did not have to encroach upon the front yard for parking. He did not notice a similar parking pad along Indian Hill Road and he will not support this request.

- 5.5 Mr. Surman supports this and is consistent with other homes in the area.

- 5.6 Chairman Duffy said there are other homes in the area with additional parking for guests. It makes sense and he can support it.

6.0 DECISION

6.1 Mr. Schneider moved to recommend granting a request for a variation to permit parking spaces in a required front yard at 85 Indian Hill Road in accordance with the plans submitted.

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	No
Lynn Norman	Not Present
Bob Surman	Yes
Reinhard Schneider	Yes

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-25.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The particular conditions of the property, the 75' established front yard setback and the location on a private road that is very narrow, impose upon the owner a practical difficulty in providing adequate parking. The plight of the owner was not created by the owner. The difficulty is peculiar to the property and neighborhood in question and not shared by the majority of residential lots. The difficulty prevents the owner from making reasonable use of the property with a home that has some open parking. Because of the size of the lot and the distance between houses, the proposed variation will not impair light and air or otherwise injure neighboring property. The variation if granted maintains the essential character of the neighborhood, as the majority of properties have similar driveways and on-site parking.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a variation to permit parking spaces in a required front yard at 85 Indian Hill Road in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Ms. Christine Post, applicant

3.12 Mr. Colby Post, applicant

3.13 Mr. Daniel Lesus, architect
Lake Zurich

3.14 Mr. Tom Dennis, builder
Evanston

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a half story height variation to permit new dormers on a legal nonconforming structure. The Village Board will hear this case on June 14, 2016.

3.22 Ms. Post said they are seeking a variance. They want to add an extra bedroom and bathroom to have a four bedroom home with two baths on the living floor. They have a small lot size. They have a large tree and a detached garage with a pre-existing deck. They needed to go up instead of going out. They tried to alter plans to come within requirements but that would result in a flat roof with maintenance issues. They have support from all neighbors. They included letters from neighbors to the north and behind them. They want to preserve and update the home.

3.23 Mr. Surman asked if the roof peak was staying the same.

The applicant said it would stay the same.

3.24 Mr. Schneider referenced the dormer on the south side.

The architect said they are going to turn the roof into a gable and add a shed roof on the south side, which mirrors the house to the south. On the other side is a cross gable. They worked with staff on a solution. He showed the drawing with their proposal. They could do what they are asking by using a flat roof but there are maintenance issues with a flat roof and is slightly unsightly.

3.25 Mr. Schneider asked if they would live in the house while the work is being done.

She said they do plan to live in the house.

3.26 In response to Mr. Kolleng's question about issues, Ms. Roberts said that there is a 35' height limit and also a 2.5 story height limit. A half-story is defined as no more than 25% of the footprint of the attic in dormers or outward roof projections. Once they exceed 25%, they are effectively having a third floor.

3.27 Mr. Merci said they are at 39% and some of the area is taken up by a mechanical room. Did they look at an alternate location for mechanicals?

The builder said it is the roof of the staircase in the house, which is a hip roof. It does not count in bulk calculations – it is about 5' tall. It is an unused area and a good area for a furnace.

3.28 Mr. Merci asked if that contributed to the 39% square foot area.

Ms. Roberts said it does not contribute to the half story area.

3.29 Mr. Merci clarified that the only areas that contributed to the 39% are livable areas and did it include the closet.

The applicant said it did include the closet. He talked about small areas that were counted and that put them over. The walk-in closet is the area to the right.

3.30 Mr. Merci asked about the conical area.

The builder said that it was the mechanical area under there. That is part of the main roof.

3.31 Mr. Surman asked if there was a problem because the first floor is elevated higher.

Ms. Roberts said the half story doesn't relate to the height of other floors.

3.32 Mr. Merci asked about square foot calculation.

Ms. Roberts said they used the second floor footprint, which is essentially the attic footprint. This is 934 square feet. 25% of that is 233 square feet. The shed dormer was 220 square feet of projection. The other dormer was 142 square feet of projection, for a total of 361 square feet projecting from the roof plane.

3.33 Mr. Surman asked how this was different from another attic addition.

Ms. Roberts said they have not had anyone who has had more than 25% of a projection on the attic level.

The applicant said they are meeting the floor area. They are just not meeting this one part.

3.34 In response to Chairman Duffy’s question about the half story, it would only be the attic that is limited to being a half story per Ms. Roberts.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Surman said the request is minimal and it would fit in better to have architectural elements they are proposing. They are not adding much to the mass that remains. This aesthetically pleasing and fits with the neighborhood.

5.2 Mr. Merci said that the architectural solution is more like a dormer than a third story. He can support the request.

5.3 Mr. Boyer said it is a creative solution to the problem. No neighbors are really impacted and he will support it.

5.4 Mr. Kolleng said he does not see a hardship but they are not asking for anything else he does not have an issue.

5.5 Mr. Schneider can support this request.

5.6 Chairman Duffy said in the neighborhood there are tall homes. So this request does not have a negative impact. He can support the request.

6.0 DECISION

6.1 Mr. Surman moved to recommend granting a request for a one-half story height variation to permit new dormers on the legal non-conforming structure at 111 Dupee Place 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	Yes
Bill Merci	Yes
Lynn Norman	Not Present
Reinhard Schneider	Yes
Bob Surman	Yes

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-22.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the interior configuration of the home, imposes upon the owners a practical difficulty. The plight of the owner was not created by the owner and is due to the unique circumstances of the house. The difficulty is peculiar to the property in question. The difficulty prevents the owners from making reasonable use of the property with a dormer addition that is consistent with the house and neighborhood. An alternative design that would comply with the code would be less attractive. The proposed variation will not impair an adequate supply of light and air. The variation, if granted, will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a one-half story height variation to permit new dormers on the legal non-conforming structure at 111 Dupee Place in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Ms. Margaret Lee, applicant

3.12 Mr. Tom Fester, son-in-law

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 4.15' side yard adjoining a street setback variation and a 740.77 square foot (27.41%) side yard adjoining a street impervious surface coverage variation to permit the construction of an attached four-car garage on the legal non-conforming structure. The Village Board will hear this case on June 14, 2016.

3.22 The applicant said the house is 103 years old. It was a farmhouse built in sections and does not conform to any current zoning setbacks. She has lived there for 30 years. They are going to continue to reside in the house and make it more attractive. The home behind them was replaced with a new home and those neighbors support her request.

They want a setback variation of 4.1' that will let them attach the garage to the house. The house has not had flooding. They want to keep structural integrity. In 1994 they got a variation for the current garage. They want to remove that garage and want to go from a 20' x 30' garage that runs east/west to a 20' x 40' structure that runs north/south and will attach to the house.

She referenced 1.4 and 1.5, existing and proposed site plans and on 2.1, which explains reasons for the variations. If they set back the structure further they would have more impervious surface. They want concrete in the driveway. They are at a difficult intersection. The engineering department has allowed them a second curb cut.

3.23 Chairman Duffy said that the addition is almost all garage. What are the north/south dimensions?

The applicant said it is a garage and a mudroom. The garage is 20' x 40'.

The son-in-law said there is another 10' to 15' for a mudroom that attaches the house to the garage. The house is about 3.5' above ground level. There is a deck that allows a staircase into the house and they want to enclose this.

3.24 Chairman Duffy asked if each door was 18'.

The son-in-law said they are showing two double doors. It is a four-car garage.

The applicant said they have three cars and a large snow blower.

3.25 Mr. Surman said they can pull the cars in with the existing driveway so they are not on the sidewalk. With the new plan, they have to pull to the garage to clear the sidewalk. He wants to make sure that the setback is great enough to not have cars encroach on the sidewalk.

3.26 Chairman Duffy said that there is an apron.

3.27 Mr. Schneider referenced the light pole.

The son-in-law said they do not plan to move the light pole. The circular drive will go around the light pole and tree. The driveway will be closer to the intersection.

3.28 Mr. Boyer asked if 484 square feet of the house adds to impervious surface.

Ms. Roberts said they came up with 500 square feet of existing structure, which adds to the request. 200 square feet of the addition is being added.

3.29 Mr. Boyer asked if the house was included in the request.

Ms. Roberts said that was correct.

3.30 Mr. Boyer said if they take 500 from 740, that takes away existing house condition. The house adds to impervious surface by 500'. The garage is adding 240.

Ms. Roberts said 200 square feet for the garage.

3.31 Mr. Kolleng asked if that was a shed off the back.

The son-in-law said it was a small workshop space.

3.32 There was no one in the audience to speak on this case. There was no additional communication on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Boyer said that the hardship is where the house sits on the lot. The house gets caught in the current ordinance. The house is not serviced by an alley. There is not a drive with a curb cut on Lake Avenue. There is no parking on Lake Street and Hunter is a busy street. A four-car garage is large and is unique, no other zoning requests are created by the garage. He can support it.

- 5.2 Mr. Kolleng agreed with Mr. Boyer. The hardship has to do with where the house is on the lot. Standards of review are met. He can support the request.
- 5.3 Mr. Merci said that two 18-foot garage doors are not appealing and he reluctantly will support the case.
- 5.4 Mr. Schneider said he would support the request.
- 5.5 Mr. Surman agreed with his colleagues.
- 5.6 Chairman Duffy said his first reaction was that they are crazy but the house location has them handcuffed with the request. They are attaching a garage. His main concern was two 18-foot doors at the street but he is sure that it will look nice.

6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a request for a 4.15’ side yard adjoining a street setback variation and a 740.77 square foot (27.41%) side yard adjoining a street impervious surface coverage variation to permit the construction of an attached four-car garage on the legal non-conforming structure at 2247 Lake Avenue in accordance with the plans submitted.

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	Yes

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-19.

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 physical conditions of the property, the location of the existing home on the lot and the location of improvements in the parkway, 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 prevents the owner from making reasonable use of an attached garage and mudroom. The configuration of the driveway is due in part to working around a light pole and tree in the right-of-way. The proposed variations will not impair an adequate supply of light and air or otherwise injure other property. The variations, if granted, will not alter the essential character of the neighborhood. The proposed garage replaces a detached garage in a similar location, maintaining a similar appearance in the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 4.15' side yard adjoining a street setback variation and a 740.77 square foot (27.41%) side yard adjoining a street impervious surface coverage variation to permit the construction of an attached four-car garage on the legal non-conforming structure at 2247 Lake Avenue in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Nathan Harris, representing Chipotle Mexican Grill
3232 Lake Avenue

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a special use for a limited service restaurant (Chipotle Mexican Grill). The Village Board will hear this case on June 14, 2016.

3.22 The applicant said that they are looking for a special use permit. They are excited to come to the Village. Tenant space is about 2,300 square feet. It is on the west half of the building A addition to the west and north of the Carson's entrance. Chipotle hours are 11:00 a.m. to 11:00 p.m. with the peak at lunch time and a crowd at dinner. This is a limited service restaurant that mostly sells burritos, burrito bowls, tacos, and salads. It fits well with the goals and objectives of the Comprehensive Plan.

3.23 Chairman Duffy asked about the number of employees.

The applicant said that there will be 15 employees and 7 to 8 at any given time.

3.24 Mr. Surman said that there is plenty of parking on the site.

3.25 There was no one in the audience to speak on this case. There was no additional communication on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Boyer said this fits with the purpose of the commercial area. He supported the addition to the Carson's building. This is a business going into the space. All standards of review are met and he and he can support the request.

5.2 Mr. Surman said it is a nice addition to food options in the area and he can support the proposal.

5.3 Chairman Duffy said they are creating a number of additional handicap parking spaces on the west side of the mall. That is a nice addition and he can support the request.

5.4 Mr. Surman asked if more handicapped parking was recommended based on use.

The applicant said that was what was recommended though he was not sure of the process.

5.5 Mr. Surman said that there seemed to be a lot of handicapped spaces.

Ms. Roberts said that the addition is bumping out into the parking lot and there are existing spaces in the lot that are now going to be on the west side of the building.

6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a request for a special use for a limited service restaurant (Chipotle Mexican Grill) at 3232 Lake Avenue in accordance with the plans submitted. The use shall run with the use.

6.11 Mr. Surman 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	Yes

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-24.

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 of the Zoning Ordinance. The proposed use in the specific location is consistent with the goals and policies of the Comprehensive Plan for vibrant commercial areas. The use is located within an existing shopping center and will have no impact on surrounding properties. The establishment and operation of the special use in the specific location will not be detrimental to or endanger the public health, safety, and welfare. The proposed use will not be injurious to the use or enjoyment of other property in the neighborhood. The establishment of the special use will not impede the normal and orderly development of surrounding properties. The proposed use will not substantially diminish property values in the neighborhood. Adequate utilities, road access, drainage, and other necessary facilities already existing to serve the proposed use. Adequate measures exist

for ingress and egress. The proposed use is consistent with the community character. Development of the proposed use will not adversely affect any known archaeological, historical or cultural resources. The proposed use will meet any and all standards specified in Article 12 of the Zoning Ordinance.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a special use for a limited service restaurant (Chipotle Mexican Grill) at 3232 Lake Avenue in accordance with plans submitted. The use shall run with the use.