



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, AUGUST 3, 2016

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Chairman Patrick Duffy
John Kolleng
Reinhard Schneider
Bob Surman

Members Absent: Mike Boyer
Bill Merci

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

Chairman Duffy called the meeting to order at 7:29 p.m.

II. 2016-Z-32 233 Lockerbie Lane

See the complete case minutes attached to this document.

III. 2015-Z-35 108 3rd Street

See the complete case minutes attached to this document.

IV. 2016-Z-36 1162 Wilmette Avenue

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. Public Comment

There was no public comment.

VII. Adjournment

The meeting was adjourned at 9:07 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. Shaban Ratkoceri, applicant
233 Lockerbie Lane

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 August 23, 2016.

3.22 The applicant said he is requesting a 6' fence. There is an existing 6' fence in disrepair. He has children and a 4' fence would not include enough privacy and security. The street is very busy.

3.23 Mr. Schneider referenced 1.4 and said that he did not see the fence in the proposed area.

The applicant said there is a fence in there, but he removed a portion of the fence due to disrepair. He took a picture of the existing fence.

3.24 Mr. Schneider noted that the fence that is there now is less than what the applicant wants to replace.

The applicant showed where his fence is located. He has not had a fence in the front yard but in the side yard.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Mr. Asana Lowe, related to the applicant

4.2 Summary of presentations

4.21 Mr. Lowe said the fence is very old and some of it is falling apart. The fence is old wood. He said that the fence is leaning.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Kolleng said that in these instances, where there is an existing fence that needs to be replaced, is near a busy street and there is support from neighbor, the Board

has approved this type of replacement. He can support the request and standards of review are met.

5.2 Mr. Surman agreed. Most of the fence is shielded by bushes. He can support the request.

5.3 Mr. Schneider had no comment.

5.4 Chairman Duffy said that this is a simple request. Bushes hide the fence. The area is very busy with traffic. Standards of review are met and 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 233 Lockerbie Lane in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Surman authorized the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2016-Z-32.

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 and the fence variation standards of Section 5.4.F.h of the Zoning Ordinance. The physical condition of the property, the location of the property at the corner of Lockerbie Lane and Old Glenview Road and facing Glenview Road, imposes upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique circumstances of the lot. 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 backyard. 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 Old Glenview Road, which is busy at this point as a connector between Glenview Road and Old Orchard Road. 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 233 Lockerbie Lane in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

- 3.11 Mr. Andrew Venamore, applicant
602 Academy Drive, Northbrook

3.1 SUMMARY OF PRESENTATIONS

- 3.21 Ms. Roberts said that this is a request for a 55.7 square foot (5.07%) rear yard structure impervious surface coverage variation to allow the construction of a detached two-car garage. The Village Board will hear this case on August 23, 2016.

- 3.22 Mr. Venamore said this is a request to replace an ineffective 412 square foot garage. It is in disrepair and is a one-car garage. The variation relates to lot narrowness at 44' in width. The lot is shallow. The reason for the variation to replace the current garage with something more practical. The current garage is 22'+ wide by 18' deep. It is staggered at the rear. The proposed garage is 20' deep and 440 square feet. Two cars will fit in the new garage.

The hardship is because of the narrow lot. The ordinance references a garage of 440 square feet. They are proposing a 22 x 20 garage. The garage will have more depth. The homeowner spoke with both neighbors whose concerns were whether the garage would be closer to them. From the site plan, the garage is moving a little further to the north and away from the property line on the east. Neighbors are not impacted.

- 3.23 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 current garage needs repair and is not useful with one door. The proposed plan is modest. He can support the request.
- 5.2 Mr. Schneider said the current garage needs to be replaced and all standards of review are met. He can support the request.
- 5.3 Mr. Kolleng had no more comments.
- 5.4 Chairman Duffy said this was a clear cut case. He can support it. Standards of review are met.

6.0 DECISION

6.1 Mr. Surman moved to recommend granting a request for a 55.7 square foot (5.07%) rear yard structure impervious surface coverage variation to allow the construction of a detached two-car garage at 108 3rd Street in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Not Present
John Kolleng	Yes
Bill Merci	Not Present
Reinhard Schneider	Yes
Bob Surman	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-35.

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

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the narrow lot width, imposes upon the owner a particular hardship..The plight of the owner was not created by the owner and is due to the unique circumstances of the lot. The hardship is peculiar to the property in question and not generally shared by others. The hardship prevents the owner from making reasonable use of the property with a two-car garage. The proposed variation will not impair an adequate supply of light and air to adjacent property. The variation, if granted, will not alter the essential character of the neighborhood. The proposed garage replaces an existing garage, resulting in no substantial change to the property.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 55.7 square foot (5.07%) rear yard structure impervious surface coverage variation to allow the construction of a detached two-car garage at 108 3rd 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 Ms. Chikako Eickbush, applicant
2611 Laurel Lane

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a special use for a limited service restaurant (Torino Ramen). The Village Board will hear this case on August 23, 2016.

3.22 The applicant said she is seeking approval for a special use for a limited service restaurant. She runs ramen based restaurants and has done this for a year in Northfield. She wants to go into the space previously occupied by Wilmette Chop House. It is a typical sit down restaurant and will also have an express pay style. She wants food to be ready quickly. She talked about the pros of the restaurant concept. Cons are that customers might have to wait. The restaurant fits well.

3.23 Mr. Surman asked about the current restaurant.

The applicant said it is pop up style and they go to events. She owns a restaurant that is out of the country.

3.24 Chairman Duffy said the application indicates there will be four employees at any given time. There are no parking issues. It is a great idea. When will then open?

The applicant said her opening date goal is October 1.

3.25 Mr. Surman asked about express pay.

The applicant said it is pre-pay and not express pay.

3.26 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 there was a restaurant in this location. It is a great addition. He can support the request.

5.2 Mr. Surman agreed and standards of review are met. He can support the request.

5.3 Mr. Schneider wishes her success.

5.4 Chairman Duffy agreed and said that standards of review are met.

6.0 DECISION

6.1 Mr. Kolleng moved to recommend granting a request for a special use for a limited service restaurant (Torino Ramen) at 1162 Wilmette 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	Not Present
John Kolleng	Yes
Bill Merci	Not Present
Reinhard Schneider	Yes
Bob Surman	Yes

Motion carried.

6.2 Mr. Surman authorized the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2016-Z-36.

6.21 Mr. Kolleng seconded the motion and the 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 proposed use replaces another restaurant in that location 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 (Torino Ramen) at 1162 Wilmette Avenue in accordance with the plans submitted. The use shall run with the use.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Rich Hossfeld, owner

3.12 Mr. Tom Hickman, architect

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a revised request for a 2.93' side yard setback variation and a 507.96 square foot (3.65%) total floor area variation to permit the construction of a one-and-one-half-story addition on the legal non-conforming structure. The Village Board will hear this case on August 23, 2016.

3.22 He said gave the Board some history. They are relocating from Phoenix, Arizona. Many of his wife's family are from Wilmette. They bought the house on January 22, 2016 and planned to do some renovations. The primary challenge is that the only interior stair to the basement is located in the garage. The garage is a one-car garage and they have two cars. When they closed, they signed a permit application and filed with the Village to start work on the second floor in the master bedroom and bathroom. There is a sagging and leaking loft that needed work. They began exploratory demo. They saw the extent of issues on the second floor. They will have reinforce parts of the roof. That does not require a variance. They thought that the renovation would be quick.

Their first proposal was a two-story addition on the back of the garage and would enclose the existing interior staircase to the basement. They could re-pour the area in the garage with the staircase and that would be the interior access point to the basement.

The second floor would provide a closet for the master bedroom. There was no closet up there. They did not do well at the last hearing for this case. They did not go before the Village Board and instead looked at options that did not require a variance. They also met with neighbors to find a compromise solution. They found a solution that addresses concerns from the Board. They do not have the support of all neighbors but have support with many of them.

He showed the revised solution and revisions are as follows:

For the first floor, they reduced square footage from 213.92 square to 197.16 square feet. They removed a proposed attached shed. The stair is as originally proposed.

For the second floor, they tried to find out what they could do by a right of zoning instead of asking for a variance. They tried to figure out how to eliminate the entire

second floor request by keeping the structure low and not exceeding the setback. They went from 166.07 square feet to 0 square feet.

The request went from 380 square feet to 196 square feet.

They reduced the setback as much as possible. The stairs are side by side. They need a minimum width. They reduced the request by 0.2'. They reduced it from 3.1' to 2.9'. They have an 8.1' setback requirement. The new setback would be greater than 5' from the property line.

They changed to a trapezoidal design. They reduced the eave line so it is below arbor vitae trees that create a privacy barrier between the property and the property to the south.

They changed the roof from slate to aged copper patina. It is consistent with other house features. It allows them to have sloped roof instead of a more rigid design. The height will be lower than if they used the slate roof. They plan to add more arbor vitae trees in a gap area and for privacy. They will add vines on the two sections where there is a wall. They also took out two windows on the second floor.

They have done a lot to change the application. They meet each of the standards.

They have several hardships and practical difficulties including interior access to basement in the garage. It used to be in the kitchen. They have 910.24 square feet of attic space. There is a steeped pitched hip roof. This counts towards maximum square footage. If they limited that to the 400 square foot attic bonus then would pick up 510.24 square feet of space and would be 199.44 square feet under the maximum allowance today. Even with adding 197 square foot addition they would be below maximum square footage for the property if they did not exceed attic space.

There is established precedent in the Village to take under consideration when there are hip roofs and large attic bonus spaces. He talked about a similar case at 819 Michigan.

They have a unique L-shaped house that limits their ability for staircase placement. Part of the basement had structural issues and had to be filled in with concrete. One of the previous owners did a bucket dig of the basement and not in a safe way. Those owners then had to take drastic measures to shore up the foundation.

They looked at the suggestion of doing it in the front of the house where there is an existing structure. They could not figure out how to do it because those are load-bearing walls.

The roof structural issues present a number of challenges from going out another way with a single-car garage. Or they would have to shore it up substantially. Putting pressure sideways on the roof presents a number of challenges.

They did not create the plight. The steep pitched roof is original to the house that was built in 1927. It is a historically significant structure in the village. The previous owners made changes to the garage by putting the interior staircase to the basement in the garage.

The difficulty and hardship is particular to this house. Steep pitched roofs are unique to older homes. It would not be desirable today to put the square footage in an unusable attic instead of in a two-car garage or basement access.

They would preserve all landscape because the addition would be built on an existing concrete pad. It would also be replacing an existing two story wood deck. He showed a picture of the deck.

It also preserves historical features of the house.

They could not make a reasonable use of the property without making a change to the garage. If they did not have a two-car garage, they would have to park one car outside the house and that is not consistent with Village preferences. It also provides protection for cars in the winter. A basement provides access to the laundry and mechanicals.

It does not impair adequate air and light to adjacent properties. It will be visible. They did their best to make it blend in as much as possible. It replaces an existing wood deck that extends closer to the south property line. Property values are improved by removing an unsightly structure that is not original to the house.

They are not altering the neighborhood character. It is consistent with the comprehensive plan. The addition will not change the character of the house. The house is big and they are not trying to add something they do not need. They are adding 197 square feet. There is a preference in the comprehensive plan to park cars in the garage versus outside the house. Their street is a no parking zone. The ordinance says that Village character is enhanced by architecturally significant structures. The structures should be preserved.

The plan also says that development standards should not sacrifice property values and there should be investment in maintaining homes when possible.

They will use building materials that are consistent with the time of the house including the copper roof and bay window.

- 3.23 Mr. Surman asked if anything over 16' was counted as additional area. The bathroom is 16'9". Does that count?

Ms. Roberts said that for a two-story space if the interior height from the floor to the underside of the roof rafters is 17'9" or higher it is counted twice.

- 3.24 Mr. Kolleng said that they are taking the two-story staircase down and putting the addition there and they are using the outdoor staircase as the staircase to the downstairs.
- 3.25 Mr. Surman said he looked at the photo showing the side view of existing stairwell and asked if they were maintaining the width that is already there going down to the basement.

The applicant said they are keeping the width.

- 3.26 Chairman Duffy said that Messrs. Surman and Kolleng were not at the last hearing for this case. Some of the points were that the house does not have much of a basement. The third floor is where attic space is but there is a bedroom without windows, a family room, and a media room. One of the comments was that if they had a basement, all of that would be there and would not count against them.

Another issue was the two-story aspect of the addition previously proposed and its imposing stature to the neighbor to the south. The previous owner had done kitchen improvements and took out a room that had a stairwell and put that into the garage to make the kitchen larger and then sold the house.

- 3.27 Mr. Surman said that when one buys a house one is not aware of every issue such as a setback.

(After section 4.0)

- 3.28 The applicant said he looked at a garage extension. It is complicated by the roof structure. It would have to go out substantially. It is a new kitchen, which is one of the main reasons why they bought the house. They would have to rip out the whole kitchen. What they are proposing is a fairly small and reasonable solution. They taped off the space on that side and they could fit three people in the space so it is tight. They tried to shrink it as much as they could. It is now a functional space. They will add hooks to hang coats.

There has to be a fire door to the garage.

The architect said that Mr. Surman recognized that point and it has to be a rated door and not a slider. He said the applicant is the one who conducted the meetings with neighbors and came back to the architect to ask what could and could not be done. The truncated corners are there because they are trying to make the addition more closely resemble the bay that is further west. All of the nuances of what has been changed were changed trying to respond to making the space better and more accommodating.

Regarding the width in the north/south direction where the stairs are, they are not building above ground but are building a stair projecting to the basement. The foundation walls are thicker. The original proposal had an 8' width and the applicant asked about the minimum they could make work where the stair functions and meets code. They want to finish the wall. What is proposed is the minimum that works for 3' stairs to the basement.

Regarding the length, there is a family living in the house and people do not move single file. Two people need to pass each other. It could be inches tighter. They did their best to shrink it as much as they could. He did have a conversation with the structural engineer after the last meeting about the front porch. The engineer said that because of the nature of a brick arch, anything they do to disturb the foundation creates differential settlement and would create more significant structural problems with arches and roof.

The discussion of adding an additional garage stall onto the existing garage has been belabored. The roof would be higher and more imposing and would be transferring its load onto the old roof and has the least integrity of structure in that area. They don't want to add another roof tying into it.

There are many pipes – hot water, gas – and hanging hvac in the basement now.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Ms. Shirley Pfenning
738 Sheridan Road

4.12 Mr. Justin Starren
730 Sheridan Road

4.2 Summary of presentations

4.21 Ms. Pfenning said she is the neighbor to the south. She could not hear the applicant's presentation. She will address her concerns. Emails and face-to-face conversations were held with the applicant, the architect, another neighbor, and herself. The applicant continually asked about her concerns and she repeatedly said that her concern was the 8.1' setback. They met several times.

The applicant's home is large and imposing. To add more bulk and move it closer to the lot line would pose an overwhelming presence and would negatively impact her. This house could not have a 5' setback.

The new proposal differs very little from the original. The structure is 0.47' less in width and 0.53' less in length. The setback has a difference of 0.7' from the

original. The structure and setback are proposed to accommodate basement steps in the garage. The basement steps could be put into their original position by reconfiguring the kitchen. The steps could remain where they are and a one-car space could be added on going east. The landscaping is arbor vitae.

The proposal discussed was to accommodate ingress and egress of the basement steps. The structure would be for the steps. That is an option.

The argument presented about the attic space that should not be counted has a media room, exercise/office and a bedroom. It is livable space and should be counted.

The small bump out on the second floor started at 2' and is now proposed at 3'10" to 4'5". She understands space is less than 6'9" and cannot be counted. But it adds bulk to the space. There is a large bedroom next to proposed master bedroom. The applicant tore out the master bathroom and the loft without a permit.

There is a bathroom proposed for the basement. She questions the excavation's impact on the surrounding area.

744 was remodeled in the past few years. She agreed that one would not want the basement steps in the garage. There is something workable without building a 27' structure.

Mr. Surman said he looked at extending the garage to the east to try to accommodate it. But they would not take down that wall and they would have to add another full bay and configure a larger roof.

The neighbor said that is more acceptable to her. The proposed building is large and high.

Mr. Schneider asked if it was more obtrusive to sight lines.

The neighbor said they would not be more impaired.

Mr. Surman said the height to match the roof will have the same high pitch.

Chairman Duffy said that the building would be extended by 12' to 14' and the height would have to go up high where the roofline is to make it blend in. It would be higher than what they propose right now.

Mr. Surman said that the second floor falls within the setback.

The neighbor asked if they could cut the first floor structure to half of 28'. They don't need 28' to get downstairs. She would not want a big imposing garage.

Mr. Surman said that he understood the neighbor's concern. He sees how the garage door relates to the basement stairs and where they start. He said they are maintaining the existing kitchen door. It is access to the basement and into the kitchen. They can go from the kitchen to the basement. The stairs head west and they need stairs to the east to make the stairway work.

The neighbor asked if they would need it as far out as they are requesting.

Mr. Surman said if they were to shift anything it would be minimal. It has to function properly. He does not see how they could make it any tighter given existing conditions. He understands the neighbor's concerns. It is an imposing structure, but the whole house is imposing.

The neighbor doesn't want more bulk to what is already there.

Chairman Duffy said they are taking away some of the size of the second floor addition and that is what the neighbor will see. It is hard to see first floor space. They tried to decrease the bulk. The neighbor's idea about the addition of a garage space is more imposing than what is proposed. He had talked about other options at the last hearing. They spent a lot more times looking at other options but they are limited because the basement is only in one section of the house. It is not in the front of the house. To enclose it is a reasonable solution. The applicants are trying not to impose on the neighbor but they have to make the house as functional as possible. He understands why they want a closet in the bedroom.

The neighbor said that the second floor bathroom is enormous. It is existing. There could be a closet in there.

Mr. Surman said most homes are square or rectangular but the applicant's is L shaped. The garage as suggested by the neighbor would be more massive. It could look like a three car garage. He understands the neighbor's concerns, but thinks that the proposal is the best solution.

- 4.22 Mr. Starren lives next to Ms. Pfenning. He has spent many hours speaking with the applicant and Ms. Pfenning. The applicant makes the attic space sound like an airless garret. He showed pictures of the attic space from Zillow. It is livable space. It is not a hardship. What is a hardship?

The hardship they are facing is that they want reasonable things like a two-car garage, to get to the basement without having to go outside, to get to garage without going outside, and they wanted a mudroom, but the Board said this was not a hardship. On the second floor, there were concerns about amount of closet space.

On the first floor, the current hardship was caused by the previous owner and the kitchen renovation, but the applicants knew about the kitchen renovation. They could rearrange the kitchen and get the old stairway back. The cost would be

comparable or less than other proposed solutions. The archway may not be suitable as a stairway to the basement, it could be glassed in and the kitchen would be wider. Plan B is extend the garage as was discussed. There are options to create a one-bay garage. The proposal before the Board is to build out on the south side. The two main hardships that addresses are ingress to the basement and garage connection. He is not an architect but has lived through remodels. At a minimum, they need 3' for a stairway. To put the stairway there, they have to have an encroachment because the door to the basement and the door to the house are over each other. The minimum width is two stairways or 6' and then they need 8" for a wall. The minimum distance out from the house should be 6'8" and not 7'8".

Mr. Surman said they do have to account for railings.

The neighbor said that the Village uses IBC and IBC says that 36" is wall to wall height above the railing. Railing to wall is 31.4".

He continued and said that at one of the meetings, Ms. Pfenning said she wanted to minimize the encroachment. One has to encroach to turn the stair. They talked about a bay window for the stair but then make the rest of the addition non-encroaching. They could reduce the encroaching square footage from 72 square feet to 20 square feet.

Mr. Surman said he appreciates what the neighbor did, but he is not sure that they can slide the basement stair, but maybe they could.

He continued and said that there is a good 3' from the last stair to the door. The whole stairway could be slid 2.5'-3'.

Mr. Surman said he saw a slider door, which is a nice idea, but not sure if they can get a slider that could protect fumes from garage into the house. That is why it is extended now. There isn't much room to take it in.

He said if the goal is getting to the garage they should be able to configure that so it is non-encroaching.

At the last hearing, there was a comment that the Village should have 5' setbacks. The observation is that when there is a 5' setback it is either 12.5' or 15.5' where there is a consideration of setbacks on both sides of the house. On this house it is an arms-length from sidewalk to house or 3'. If they were considering a 12.5' setback rule, then the setback on the other side of the house would be 9 or 9.5' and even more of a variance required for new construction.

Regarding the second floor and this is tied to how big the first floor is and there were questions about what the second floor looked like. On the second floor are two master suites. The original master suite with a sitting room and a new master suite. There are two bedrooms and a bathroom between them. There was a

bathroom that was recently demolished and there were stairs to a loft. There was 12' of closet in one location and 6' in another location. The master is 19' x 18'. The bathroom was 19' x 12'. It is now an open canvas. It is hard to imagine an inability to get a bathroom and a closet and bedroom in 570 square feet is a hardship.

The new proposed design has a 30 square foot shower and two fireplaces. They are adding features.

Mr. Surman said that by right they can build what is on the second floor right now since they shrunk it down.

The neighbor continued and said they have done a lot of work and it is aesthetically better than what it was. Ms. Pfenning's preference was a non-encroaching solution. If they choose to go with an encroaching solution then her request is that the encroachment be the minimum needed to address the hardship.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Surman was not present at the first hearing. He read through the packet. This is a difficult project. From a buyer's perspective, they thought they could do something like this and were unaware of setbacks. He appreciates the neighbors' issues and how this impacts them. He looks at the existing wooden stair. The proposed is more aesthetically pleasing when one looks through their bushes.

The imposing portion of the building happens above the hedge. The design has been tightened up. They cannot go less in width. They are adding drywall to the basement wall. They could cut down the length, but a family has to use the space. The request is not excessive. When the house was built it was built closer to the lot lines. It was built before zoning codes.

There is a hardship. To redo the kitchen and put it all back may solve some of the problems, but does not solve the mudroom issue.

He can support the request. He feels the neighbors' pain.

- 5.2 Mr. Schneider said he voted for the proposal at the last hearing. It was not an imposing solution. He understands the neighbor's concern but the neighbor is on the north side so there is no issue as related to sun. He reiterated the above three options.

He cannot understand the sense in ripping up the kitchen again and going back to what was there. They could go to the east and add 14' x 25' and it is more visually imposing to the neighbors than the minimal approach to solving a number of problems including interior access to the basement, to have interior access in the

rear to the kitchen and to have a one-half-story addition at the second level for a closet.

The building is larger than allowed today due to attic space. In solving the problem, the attic space does not help. He again supports the proposal.

- 5.3 Mr. Kolleng said this is a unique home and they create issues because they were built a long time ago. He was not at the last hearing, but a lot of work has been done to minimize the impact on neighbors. Regarding the closet, it is conforming and not an issue. Having a two-car garage and access to the basement does create a hardship. Homeowners have things they want to do and if they are not totally obtrusive, the Board has to consider them. The applicants chose an option and this is what they want to be approved.

Regarding square footage percentage, there is precedent. And the same thing with setbacks. The 819 Michigan project was approved by the Village Board and this is similar to tonight's situation. He can support the request.

- 5.4 Chairman Duffy said no at the first hearing. He thought it imposed on the neighbor. There was no evidence at the last meeting that they had tried other solutions. He appreciates them looking at other options. They have done a lot to hide the portion that is in the setback. It is not as high as the first proposal. They will see the bump out for the closet, which is not in the setback. The Board has to consider the floor area, but they need closet space. Is someone being hurt by doing this? The appearance of the house changes a little. The third story and the turrets loom over. He can support this and standards of review are met. They have tried to accommodate everyone with this proposal.

6.0 DECISION

- 6.1 Mr. Surman moved to recommend granting a revised request for a 2.93' side yard setback variation and a 507.96 square foot (3.65%) total floor area variation to permit the construction of a one-and-one-half-story addition on the legal non-conforming structure at 744 Sheridan Road in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Schneider authorized the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2016-Z-17.

6.21 Mr. Surman seconded the motion and the 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 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 applicant has revised the plans to limit the impact of the second floor and to provide a 5.17' side yard setback, to reduce the impact of the addition on the adjoining a neighbor. 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 granting a revised request for a 2.93' side yard setback variation and a 507.96 square foot (3.65%) total floor area variation to permit the construction of a one-and-one-half-story addition on the legal non-conforming structure at 744 Sheridan Road in accordance with the plans submitted.