



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 7, 2016

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: Mike Boyer

Staff Present: John Adler, Director of Community Development

I. Call to Order

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

II. 2016-Z-39 1930 Birchwood Avenue

See the complete case minutes attached to this document.

III. 2015-Z-38 922 Forest Avenue

See the complete case minutes attached to this document.

IV. 2016-Z-41 1810 Elmwood Avenue

See the complete case minutes attached to this document.

V. 2016-Z-37 1006 Forest Avenue

See the complete case minutes attached to this document.

VI. 2016-Z-40 832 Greenwood Avenue

See the complete case minutes attached to this document.

VII. Approval of the August 3, 2016 Meeting Minutes

Mr. Schneider moved to approve the August 3, 2016 meeting minutes.

Mr. Surman 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 8:56 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. Joe Joyce, applicant

3.12 Ms. Mary Joyce, applicant

3.2 Summary of presentations

3.21 Mr. Adler said that this is a request for a 1.75' side yard parking space setback variation, a 5.0' rear yard parking pad setback variation, and a 0.47' parking space depth variation to permit the retention of a parking pad at 1930 Birchwood Avenue. The Village Board will hear this case on September 27, 2016.

3.22 Mr. Joyce said they did not put in the parking pad. They hired someone to put in a pad and a garage and then found out after that it was not in compliance with the code.

3.23 Chairman Duffy clarified that the company the applicants hired to build the garage over poured the footings. Did they just pour the parking pad without asking?

Mr. Joyce said that the company asked and he said yes.

3.24 Mr. Surman asked when the garage was built. It appears to be a different pour of concrete. Was it all done at the same time or separately?

Mr. Joyce said it was done separately. The garage was built and then they needed to do the apron for the garage to abut to the alley. That was when the pad was poured along with sidewalk area around the garage and to the door in the back.

3.25 Mr. Surman asked how much time there was between building the garage and pouring the concrete.

Ms. Joyce said it was about a week.

3.26 Mr. Surman said that the permit is from July 2015.

Ms. Joyce said that the project started at the end of September 2015. There was a house on the back of the property when they moved in. They were not allowed to change/upgrade the back house. It was never a garage, but was a four-room house without running water but with electricity. They used it as a storage shed. It was an eyesore. They tore this down and put up the garage.

3.27 Mr. Surman asked how the case came to be.

Mr. Joyce said everything was okay when the garage inspection was done. They talked about someone coming in March 2016.

- 3.28 Mr. Schneider asked if one of the conditions to get a permit was to remove the driveway in the front.

Mr. Joyce said they were supposed to remove part of the driveway. They are trying to figure out how to get handicap access to the front of the house.

Ms. Joyce said she has been working with Russ Jensen in the Engineering Department on the front driveway.

Mr. Adler said there is a process they can go through to keep the driveway and they are going through that process.

- 3.29 Chairman Duffy said that in the original application they said they were going to remove the driveway.

Ms. Joyce said they planned on removing it but then there would be no way to access the house unless they went to the end of the block that has a handicap curb.

- 3.30 Chairman Duffy clarified that the request was because it was poured without getting a permit and it is now an after-the-fact situation.

Mr. Joyce said the person behind has a three-car pad.

- 3.31 Chairman Duffy said that if there had been a conversation with Village staff about pouring the pad, they would not have had to come before the ZBA to pour the pad. They are sitting in setbacks and now need variances.

Mr. Joyce said if he knew, he would have come to the Village.

Ms. Joyce said they had no idea about the pad until they poured it. It was the concrete man and not the Danley man who asked them.

Mr. Joyce said that everything was done through Danley. They did not pay the concrete man directly. Someone should have told them they were not in compliance.

- 3.32 Chairman Duffy said that someone did tell them but it was after the fact.

- 3.33 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. Schneider said he is usually in favor of having off the alley parking pads. It does not impact the neighbors regarding line of site and air and gets cars off of the street. This was done by the sub-contractor without knowledge of the ordinance. It is not a significant request and he can support it.
- 5.2 Mr. Surman agreed. He thought that Danley did a lot of work in the Village and thought they would have known better. He cannot fault the applicants. He will support the request.
- 5.3 Mr. Robke agrees with the above comments. There is no negative impact on neighbors. The only dangerous precedent would be if they intentionally poured the concrete but there is no reason to think that. The problem was created by the contractor. He can support the request.
- 5.4 Mr. Kolleng said the request is small and in the alley. It was done without the applicants' knowledge. He has no issue with the request.
- 5.5 Chairman Duffy said if this was brought to the ZBA before being done, the Board probably would have said okay or asked for some small modifications so there weren't as many variations. He will not support this because although it seems as if it was not done intentionally, everyone needs to apply for a permit. If there was a change in the project, the Village needs to be notified so they can determine if neighbors are impacted or if ordinances will be violated.

6.0 DECISION

- 6.1 Mr. Schneider moved to recommend granting a request for a 1.75' side yard parking space setback variation, a 5.0' rear yard parking pad setback variation, and a 0.47' parking space depth variation to permit the retention of a parking pad at 1930 Birchwood Avenue at accordance with the plans submitted.

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

Chairman Patrick Duffy	No
Mike Boyer	Not Present
John Kolleng	Yes
Michael Robke	Yes
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-39.

- 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

A majority 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 impose upon the owner a practical difficulty. The plight of the owner was created by the sub-contractor who installed the parking pad without a permit. The difficulty is peculiar to the lot in question. The difficulty prevents the owner from making reasonable use of the property with an open, off-street parking space. The proposed variations will not impair an adequate supply of light and air to adjacent property. The variations, if granted will not alter the essential character of the neighborhood.

A minority of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, the applicants created their own plight by having the parking pad installed without getting approval from the Village. There is no practical difficulty or particular hardship of the property that would prevent them from having a parking pad. If they had asked about doing the work first, they could have configured a conforming parking pad or perhaps received zoning relief with a minor change to the plan.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 1.75' side yard parking space setback variation, a 5.0' rear yard parking pad setback variation, and a 0.47' parking space depth variation to permit the retention of a parking pad at 1930 Birchwood Avenue at 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. Mike Venechuk, architect
1615 Highland Avenue

3.12 Ms. Jo Sawyer, applicant

3.2 Summary of presentations

3.21 Mr. Adler said that this is a request for a 6.18' front yard setback variation to permit the re-construction and expansion of a one-story addition on the legal non-conforming structure at 922 Forest. The Village Board will hear this case on September 27, 2016.

3.22 Mr. Venechuk said they are asking for a variance to the required front yard setback. The required is 31'. The existing sunroom is just less than 25' from the front lot line. They need to rebuild the sunroom and want to extend it above 3'10" to the east. They would not be increasing the non-conformity. They meet all side yard and combined side yard setbacks. They are under the allowable lot coverage. They are well under the allowable building square footage permitted. It is a modest addition.

The home is a local landmark. It was built just after the Civil War. They presented the project to the Historic Preservation Commission and it was approved by them. The Commission is okay with them removing the chimney, which was added in 1956. It started out as a screened porch and someone winterized it and they added the fireplace in 1956 and the windows, but no one did anything with the foundation, which is why they need to rebuild it now.

They need to take it down and rebuild for a proper foundation. If they were to rebuild in a conforming location, it would change the look of the home, which might not be allowed, but by pushing it back they would run into a square bay in the dining room that was original to the home.

The homeowner did not create the hardship. The home was built where it was when there was no zoning. The hardship is not shared by other homes on the block. All other homes are farther back. The foundation is not adequate and parts of the room are sinking and the walls are pulling apart. When they rebuild, they want to add a little more square footage.

By doing this, the home will be more attractive to a future homeowner and it will keep the house from being torn down.

The proposed sunroom expansion is modest. No air to adjacent properties will be impaired. It has no negative impact on neighboring properties. The essential character of the neighborhood won't be altered. It will be what one can now see, but 4' wider.

- 3.23 Mr. Surman clarified that they are matching the current setback.

The architect said they are not increasing the non-conformity.

- 3.24 Mr. Kolleng asked why they could not keep it the way that it is.

The architect said that the space is a little tight. It is only 12' on the inside. They are trying to make it more attractive and larger. They have the room to do so. The home does not have a family room so this will be the home's family room. A 12' wide family room is not attractive, but a 16' wide family room is attractive.

- 3.25 Mr. Kolleng said that is not within the purview of the Board. Future home value should not come into play.

The architect talked about making a reasonable use of property.

The applicant said that even with the chimney gone, the room is still not very wide. There is less than a 1' difference.

The architect said that the chimney sticks out 2' beyond and they would go about 16" further. This makes the room more usable.

- 3.26 Mr. Kolleng said that the chimney was not non-conforming.

- 3.27 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 it is important to keep landmarks. He applauds the owner for pursuing this. They are matching the current setback. He can understand that if it was pushed back it would impact another room. The addition they are adding to the east is minimal. It went through the landmark process and received approvals and he can support it.

- 5.2 Mr. Kolleng said he does not see the hardship. It sounds like they want a larger room for resale, which is not the Board's purview. They are not expanding the non-conformity and the request is not large. He will support the request.

- 5.3 Mr. Schneider had no comment.

- 5.4 Mr. Robke said he can support the request. The landmark approval carries a lot of weight. The encroachment is not increasing. They are rebuilding to landmark standards and will make a small addition more of a premium. The added use helps justify the premium they are spending.
- 5.5 Chairman Duffy said he had a similar thought to Mr. Kolleng’s, but then he realized that the landmark committee based approval on what is proposed. He thought that the chimney was significant, but it is not. He can support the request.

6.0 DECISION

6.1 Mr. Surman moved to recommend granting a request for a 6.18’ front yard setback variation to permit the re-construction and expansion of a one-story addition on the legal non-conforming structure at 922 Forest 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	Not Present
John Kolleng	Yes
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Yes

Motion carried.

6.2 Mr. Surman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2016-Z-38.

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 particular physical conditions of the property, the siting of the house on the lot and the interior layout, 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 home. The difficulty is peculiar to the property in question and not generally shared by others. The difficulty prevents the owner from making reasonable use of the property with an adequately sized family room. The proposed reconstruction also remedies the problem of the foundation under the room. The proposed expanded room meets the side yard setback, lot coverage, and floor area requirements and therefore will

not impair an adequate supply of light and air to adjacent properties. The variation, if granted, will not alter the essential character of the neighborhood, which includes the presence of an addition in this location on the lot. As a local landmark, the home is an important contributor to the character of the neighborhood and the Village. The proposed variation will allow for the home to be maintained and improved, extending its functional life.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 6.18' front yard setback variation to permit the re-construction and expansion of a one-story addition on the legal non-conforming structure at 922 Forest 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. Tim Sheridan, architect
1351 Ashland Avenue

3.12 Sean Trac1, applicant

3.2 Summary of presentations

3.21 Mr. Adler said that this is a request for an 8.55' front yard porch setback variation, a 6.55' front yard porch step setback variation, a 343.41 square foot (27.5%) front yard impervious surface coverage variation, and a 146.84 square foot (11.75%) front porch coverage variation to permit the construction of a front porch on the legal non-conforming structure at 1810 Elmwood Avenue. The Village Board will hear this case on September 27, 2016.

3.22 Mr. Sheridan referenced the standards of review. Regarding the difficulty or hardship, the applicants wanted to build a front porch to improve the circulation into the house because of the location of the driveway and the current main entry. One would pull into the driveway and entrance is on the side of the house. There is a first floor plan in the packet. The entry is constricted between the closet and the stairs. They want to move the entry to the front of the house with a proper porch. They are taking out a side entry. Entering the house along the driveway is tight. To move the entry to the front would improve interior and exterior flow.

Regarding not altering the essential character of the neighborhood, they will be enhancing the neighborhood with their proposal. Most homes on the block have porches. This is one of the only homes with a side entry.

3.23 Chairman Duffy mentioned the wrap around feature of the porch. They are increasing their request with that element. How did they get to including a wrap-around porch?

The architect said there is a side porch now and it seemed logical to wrap the porch around and create a base for the look of the house from the side. There is a need for curb appeal. The applicants have done a lot of interior work and work in the rear in the last 10 years. This is the last piece to renovate the house.

The applicant said they bought the house 16 years ago. A neighbor said it would be great if they didn't tear the house down. They started doing additions every three years. The house is in the center of the lot. Putting on the wrap-around porch does not come near the easement on the west side or on the east side. That is another

reason for the type of porch they proposed. The neighbors two doors down have this type of porch.

- 3.24 Chairman Duffy said he is not disagreeing that this is not a great architectural feature that would improve the look of the house, but with this element, they are increasing the equests significantly.

The architect said that the house is far into the front setback. With the part of the house in the setback and the driveway, it eats up the 30% pervious surface and any bonus. If they had not been that far over, they could have gone through the administrative process rather than coming to the hearing tonight.

- 3.25 Chairman Duffy said that regardless of the impervious surface coverage variation, there is a 146 square-foot front porch coverage variation.

The architect said that is a function of the size of the front yard. A 25' setback is as small as they get. They are not over on general lot coverage or FAR.

- 3.26 Mr. Schneider asked about neighbors' reactions to the proposal.

The applicant said that Ms. Kerrigan is not at the meeting. They asked people in the neighborhood about the proposal. No one has expressed any negative comments about the front porch. Their neighborhood has turned into a front porch neighborhood. It used to be a backyard neighborhood.

- 3.27 Mr. Schneider said that the two to three houses to the west have appropriate setbacks because they are newer in construction. To the east, how old are the two houses?

The applicant said that one of the neighbors did his remodel about fifteen to sixteen years ago and he did a wrap-around porch. The house next door to them was also built around 1935 like their house.

- 3.28 Mr. Schneider asked if the neighbor's wrap-around was original construction.

The applicant said it was original and was built without a permit and then the house was sold to his neighbors who live there now.

- 3.29 Mr. Surman asked if they considered a smaller option. With a variance, there has to be a hardship. Looking nicer is not a hardship. The Board has to follow what they are told to review.

The architect said that they want to get the front door away from the driveway side of the house, the applicants would walk onto the porch and into the house. That extension facilitates getting in and out of the house.

- 3.30 Mr. Surman said that the two houses to the west are new and they have to be set back 25' and now the applicant wants to go even closer. He understands the aesthetic and functional issues.

The applicant said he thought that the hardship was not tearing the house down and living up to an agreement made with a neighbor. They almost regretted not tearing the house down. That is the hardship they are trying to endure.

- 3.31 Mr. Schneider said he understands the rationale behind the front entry. They want to have a covered space in the front. To continue the porch past the front entrance to the west is for purely aesthetic reasons.

The architect said he would disagree. It is functional and not for aesthetic reasons. It makes the metric more balanced.

- 3.32 Chairman Duffy clarified that Mr. Schneider was talking about the west side. They are eliminating the side front door but they are adding 48 square feet on the west, which is one-third of the variance request. The house is so forward and that is the hardship as he looks at the case. The Board's job is to interpret the village code and to apply it to the applicant's request. They are requesting a lot and are being penalized for the house being so far forward on the lot. Should the Board reduce some of the request?

- 3.33 Mr. Kolleng asked the width of the two sides, east and west. Are they functional?

The architect said that they are about 4'6". The east side is functional.

- 3.34 Mr. Kolleng said that having the house farther forward on the lot gives them a larger back yard.

- 3.35 Mr. Surman said that based on other cases, with a request like this, they would request something that would be at maximum the width of the existing house or less or something as wide as the front stoop.

The applicant said that it started with the front stoop being the way that it is.

- 3.36 Chairman Duffy said that wrapping the porch around is causing hesitation on the part of the Board. Do they need this much of a front porch? Would they be willing to modify their request? If the request is denied, they could modify it before the Village Board meeting. Maybe the Village Board would overrule the ZBA's negative.

Mr. Adler said that the Village Board prefers that kind of discussion to take place at the Zoning Board level. The Village Board could say that they are not the fact finding body. The applicants could be remanded back to the Zoning Board. The

Board could table this case until after the next case and the applicant and architect could talk about options.

The applicant said that he wanted to table the case to speak with his architect.

(After 6.1)

3.37 The applicant said he will move forward with the plan as submitted.

3.38 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. Schneider said that the question is what is the hardship? He understands their wish to move the entrance to the front from the side and to have a covered entrance. The request to wrap the porch beyond the front entrance all the way around to the west has nothing to do with hardship and it is the applicant's desire, for aesthetic reasons, to do this. It increases the request significantly. He cannot support the request.

5.2 Mr. Surman agreed with the above. They are already out far into the front yard. But something more modest with a smaller width would have worked. There is not the hardship to support the entire request. He cannot support this.

5.3 Mr. Robke said that the applicant talked about trying to create curb appeal. The one comment that was more compelling than trying to create curb appeal was to provide some protection when getting out of the car and going to the front door.

5.4 Mr. Kolleng agrees with the above assessments.

5.5 Chairman Duffy said he was a little more flexible with regards to the proposal. He thinks they are not trying to increase the presence of the house into the front yard. He feels for their desire to change the look of the house and to have the front porch. It could be less of a request. He won't support the request as proposed.

6.0 DECISION

6.1 Mr. Robke moved to table this case to a later time in tonight's meeting.

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

Motion carried.

6.2 Mr. Schneider moved to recommend granting a request for an 8.55' front yard porch

setback variation, a 6.55’ front yard porch step setback variation, a 343.41 square foot (27.5%) front yard impervious surface coverage variation, and a 146.84 square foot (11.75%) front porch coverage variation to permit the construction of a front porch on the legal non-conforming structure at 1810 Elmwood Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	No
Mike Boyer	Not Present
John Kolleng	No
Michael Robke	No
Reinhard Schneider	No
Bob Surman	No

Motion failed.

6.3 Mr. Surman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2016-Z-41.

6.31 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 does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, there is no practical difficulty or hardship that correlates to the size of the front porch they have requested. They are creating their own plight with the request to have the porch wrap around the west side of the house. The applicants have a hardship in that the house is non-conforming in front yard setback, which creates the setback and front yard coverage variations. This is a condition that was not caused by the applicants. While other homes on the block have a front porch, they are also more conforming in front yard setback. A front porch on the subject property would be consistent with the essential character of the neighborhood. However, the size of the porch in that location is excessive and does not meet the standards of review.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for an 8.55’ front yard porch setback variation, a 6.55’ front yard porch step setback variation, a 343.41 square foot (27.5%) front yard impervious surface coverage variation, and a 146.84 square foot (11.75%) front porch coverage variation to permit the construction of a front porch on the legal non-conforming structure at 1810 Elmwood 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. Healy Rice, architect
934 Elmwood Avenue

3.12 Ms. Andrea Hofmeister, applicant

3.2 Summary of presentations

3.21 Mr. Adler said that this is a request for a 6.83' side yard adjoining a street setback variation, an 8.0' side yard adjoining a street deck setback variation, and a 5.5' side yard adjoining a street step setback variation to permit the construction of a one- and two-story addition, enclosed porch, and raised terrace at 1006 Forest Avenue. The Village Board will hear this case on September 27, 2016.

3.22 Ms. Rice said they want to build a one- and two-story addition and a patio on the side of the house. The hardship is the lot shape. There is a 123' front yard setback on Forest and a 38' rear yard setback at the north side of the property. The side yard requirement is 25' versus 30% so it presents a difficulty in making improvements to that side of the property. There is a community church across the street. The house has an inadequate kitchen, no family or mud room and some difficult staircases. They considered expanding the house straight back from the main bulk of the house, adding a small front porch and a screened porch on the west side of the property. If they adjusted the 30% and went to 37' on the front and 11' on the back, there would still be some of the screened porch that is impacted but almost all of the family room would be outside the setback there.

They will not impact any of the neighbors with their proposals. They talked to the neighbors behind them and they do not object. The church is not really impacted. There are issues inside the house including a circular staircase that is difficult to navigate. The back stair is a necessity. They are creating a 12' x 14' family room behind the kitchen and a better flow in the house.

3.23 Chairman Duffy referenced the side yard adjoining a deck setback. In the drawing, it says patio.

Ms. Rice said it is a patio and not a deck. It is less than 2' off of the ground so she did not think they needed a variation for this.

Mr. Adler said if it is less than 2' the variation is not needed.

3.24 Chairman Duffy clarified that the patio is stone and not wood. He asked if that variance should be eliminated.

Mr. Adler said he would look at some elements and then decide if the variance should be eliminated.

3.25 Chairman Duffy said 18' off of the road is close to Wilmette Avenue.

Ms. Rice said that is okay.

3.26 Mr. Schneider asked how high the deck off grade would be.

Ms. Rice said that it would be 23 steps or 22".

3.27 Mr. Robke asked about a bench or wall.

Ms. Rice said they had a seat wall and it is 18" above the patio.

3.28 Chairman Duffy said they would take out the 8' side yard adjoining a street setback variation.

Mr. Adler said that they would not need a railing for a less than 2' wall. Then they do not get into the problem of a larger structure. It is nominal.

3.29 Mr. Surman said it sticks out into the setback quite a bit. It is a fairly large lot.

3.30 Chairman Duffy said that regarding alternatives, there are some issues. It cannot be in the front due to the front yard setback. The proposed location seems to be logical.

3.31 Mr. Schneider asked if there was a way to get to the patio from the family room.

Ms. Rice said that one gets to the patio from the porch.

3.32 Chairman Duffy referenced the 25' line. Is that because it is Wilmette Avenue?

Mr. Adler said it is because the lot is wide at the front and where they calculate the width for a side yard adjoining a street setback. It is very narrow in the rear. The lot is triangular in shape.

3.33 Mr. Surman asked what the setback would be if the house fronted on Wilmette Avenue.

Mr. Adler said that the front lot line is the narrower of the two street frontages. The front will always be off of Forest. If the house fronted Wilmette Avenue, the setbacks would be the same. How they look at zoning front yard and side yard adjoining a street does not change by the way the house is situated, but the narrower of the two street frontages is the front. If this was an 80' wide lot, setback would be 24'. Where they calculate the property width is fairly wide.

Ms. Rice said it is 11' on the back if they are at 30% and they are barely clipping the corner of the addition.

- 3.34 Mr. Robke asked how many square feet there was in the existing house.

Mr. Adler said that total proposed is 4,758 and the additions were 805 square feet. It is currently just under 4,000 square feet. They could go up to 5,160 square feet.

- 3.35 Mr. Robke asked what the hardship was that requires additional square footage.

Ms. Rice referenced the original house plan and said there is a small kitchen with no family or mud rooms right now. The owner wants a screened porch. They are slightly pushing out a second floor bedroom. The back stairs must remain because of the problems with the front circular staircase.

- 3.36 Mr. Surman asked if they are under FAR.

Mr. Adler said that they are under FAR by 400 square feet.

- 3.37 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 board sometimes sees odd lots. It is 39' at the rear. There are limitations with the house and the lot is big. It is on Wilmette Avenue. There are no neighbors on that side or across the street. There are no FAR or impervious surface issues. The design is really nice. The standards of review are met. He can support it.

- 5.2 Mr. Surman said when he initially looked at the case, he was trying to figure out hardship. But the lot shape impacts everything. The design is nice. It is not impacting neighbors and he will support the request.

- 5.3 Mr. Robke said he continues to struggle with hardship and what is the hardship. He is looking for help to understand the hardship. He is worried about the encroachment on Wilmette Avenue. There are shrubs and landscaping for buffering at the sidewalk. He wants assurance that those will remain.

- 5.4 Mr. Surman said that lot configurations creates a hardship. The 25' that is set up by the configuration of the property is the hardship.

- 5.5 Mr. Robke said that is not limiting their use of the property but their ability to expand.

- 5.6 Chairman Duffy said that they are allowed to put more house on the lot but there is no room to put it without going into the excessive setback because of the shape of the lot.
- 5.7 Mr. Robke said that the hardship is that they are not allowed to maximize FAR in the other buildable area due to the corner lot and the shape that limits building.
- 5.8 Mr. Surman said that the floor plan also plays into the hardship.
- 5.9 Chairman Duffy said that every case is different.
- 5.10 Mr. Schneider said he can support the request and the key is the shape of the lot and how it impacts building.
- 5.11 Chairman Duffy said he voiced his concern – the 18’ setback from the street – but the applicant is okay with this.

6.0 DECISION

6.1 Mr. Kolleng moved to recommend granting a request for a 6.83’ side yard adjoining a street setback variation, an 8.0’ side yard adjoining a street deck setback variation, and a 5.5’ side yard adjoining a street step setback variation to permit the construction of a one- and two-story addition, enclosed porch, and raised terrace at 1006 Forest Avenue 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
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Yes

Motion carried.

6.2 Mr. Surman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2016-Z-37.

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 particular physical conditions, the shape of the lot and the interior configuration of the home, 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 and not generally shared by others. The difficulty prevents the owner from making reasonable use of the property with typical features such as a family room and a mudroom and to remedy some internal issues with the kitchen size and stairs to adequately access the second floor. The setback variations are into the side yard adjoining a street and will not impair an adequate supply of light and air to adjacent properties, including any residential properties. 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 6.83' side yard adjoining a street setback variation, an 8.0' side yard adjoining a street deck setback variation, and a 5.5' side yard adjoining a street step setback variation to permit the construction of a one- and two-story addition, enclosed porch, and raised terrace at 1006 Forest 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. Healy Rice, architect
934 Elmwood Avenue

3.2 Summary of presentations

3.21 Mr. Adler said that this is a request for a 2.92' side yard adjoining a street setback variation, a 2.92' side yard adjoining a street porch setback variation, a 3.92' side yard adjoining a street porch step setback variation, a 0.42' side yard adjoining a street chimney setback variation to permit the construction of a substantial addition and remodel that is classified as a new home. The Village Board will hear this case on September 27, 2016.

3.22 Ms. Rice said they want to put a second floor on the home. It is a one-story bungalow. The existing side yard adjoining a street setback is 19.58' and 22.5' is required. They applied for this initially as administrative review, but because it was more than 50% improved, it falls into the new home category.

They looked at the best use of the home when the applicant bought it. It was more prudent to use the current footprint and put a second floor on top. They will meet the same setback. The chimney exists but they need to make it taller. They are moving the entry to 9th Street from Greenwood. The neighbors have seen the plans and support the request. This run of 9th Street has houses facing 9th. The 900 block houses face Greenwood but everyone else faces 9th. The existing footprint is three bedrooms, one bath, a tiny kitchen and living room and a dining room. The home will now have four bedrooms on the second floor and common living space on the first floor. The porch encroachment is 6'. They are asking for a porch to provide front door protection and to get down the steps.

3.23 Mr. Schneider referenced exhibit 1.5. There was a case on 8th Street where everything was removed except the foundation. He is not sure if it was new construction though it should have been. Exhibit 1.5 shows that they are saving perimeter walls – three, not the north wall. The floor of the basement will remain.

Ms. Rice talked about there being a lower basement floor and having the rest remain.

3.24 Mr. Schneider said that what causes one of the encroachments on the west side is the foundation wall and the porch at the entrance. They are rebuilding everything but three walls.

Mr. Adler said that is accurate. The only variations needed are due to the side yard

adjoining a street setback.

- 3.25 Mr. Schneider said that the hardship is that to move the foundation wall would be very expensive. They would have to tear down the wall and the first floor above the wall. The foundation walls are in good condition.

Ms. Rice said they are not the deepest house on the block. The existing foundation is brick and the floor is concrete.

- 3.26 Chairman Duffy asked if they had someone explore if it is substantial enough in the current condition to support two stories. In a past case, the Board had said yes because they were going to use current foundation walls and then the applicant had to come back because they could not use current walls.

Ms. Rice said they explored the current situation, which can support two stories. She evaluated the situation, not an engineer.

- 3.27 Mr. Surman clarified that if they had to return to the Board, they would then meet the requirements.

Ms. Rice agreed with this.

- 3.28 Chairman Duffy said if they had to return to the Board to keep the house, now it would be 3' thinner. Would they tear everything out and shift everything? Is there enough room on the east side?

Ms. Rice said there is plenty of room on the east side. There is 17' beyond the existing wall. She would look at tightening up the floor plan to make it 28' versus 32' wide.

- 3.29 Chairman Duffy said they would not make Ms. Rice hold to that and hopefully they will not have to return.

Ms. Rice said they do not plan to return. The exposed brick looks to be in good shape. According to the former owner, there have been no problems.

- 3.30 Mr. Surman asked if this was being done for a homeowner or for a developer.

Ms. Rice said this was being done for the homeowner.

- 3.31 Mr. Robke asked if anyone provided a cost estimate if they had to move the foundation wall and provide a new foundation wall.

Ms. Rice said it would cost \$60,000 to \$70,000 to dig the wall and pour a new foundation. It would cost more than \$100,000 to change that.

- 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. Kolleng said there has been substantial debate about when one tears down enough of a house, it becomes a total rebuild. Mr. Schneider's question was correct. They are keeping the three walls that are non-conforming. They will build on top of that. There are no FAR or impervious surface issues or other variation issues. This is not new construction even though it is being looked at as new construction. The standards of review are met and he can support the request.
- 5.2 Mr. Surman can support it for the same reasons.
- 5.3 Mr. Robke had no comments to add.
- 5.4 Mr. Schneider said he is generally very uncomfortable with these kinds of cases where 95% of the building is removed and 5% is kept. This is a side yard adjoining a street and the variation is not that significant. He hopes they can keep the brick basement walls. He will support the request.
- 5.5 Mr. Surman said he is an architect, but does not do residential or single-family homes. The foundation is closer to 15% of project cost.
- Ms. Rice said if they get to the point of replacing the foundation, they will do what they need to do.
- 5.6 Chairman Duffy said that the request is minor but the project is substantial. They are saving money by doing it the way they are proposing. He can support the request.

6.0 DECISION

- 6.1 Mr. Kolleng moved to recommend granting a request for a 2.92' side yard adjoining a street setback variation, a 2.92' side yard adjoining a street porch setback variation, a 3.92' side yard adjoining a street porch step setback variation, a 0.42' side yard adjoining a street chimney setback variation to permit the construction of a substantial addition and remodel that is classified as a new home at 832 Greenwood Avenue 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
Michael Robke	No

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-40.

6.21 Mr. Robke 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

A majority 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 condition of the property, the siting of the house on the lot, 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 property in question. The difficulty prevents the owner from substantially renovating the home with a second-story addition and expansion of the first floor. The setback variations are into the side yard adjoining a street and will not impair an adequate supply of light and air to adjacent properties, including any residential properties. The existing non-conforming setback is being maintained. The variations, if granted, will not alter the essential character of the neighborhood. By relocating the front door to 9th Street, the home will be consistent with others on 9th.

A minority of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, there is condition of the property that is creating a practical difficulty or particular hardship. The applicant is not prevented from making reasonable use of the property.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 2.92' side yard adjoining a street setback variation, a 2.92' side yard adjoining a street porch setback variation, a 3.92' side yard adjoining a street porch step setback variation, a 0.42' side yard adjoining a street chimney setback variation to permit the construction of a substantial addition and remodel that is classified as a new home at 832 Greenwood Avenue in accordance with the plans submitted.