



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES
ZONING BOARD OF APPEALS

WEDNESDAY, MARCH 2, 2016

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: Lynn Norman
Reinhard Schneider

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

Chairman Duffy called the meeting to order at 7:31 p.m.

II. 2016-Z-10 1434 Isabella Street

See the complete case minutes attached to this document.

III. 2016-Z-09 1819 Wilmette Avenue

See the complete case minutes attached to this document.

IV. Approval of the February 3, 2016 Meeting Minutes

Mr. Kolleng moved to approve the February 3, 2016 meeting minutes.

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

V. Public Comment

There was no public comment.

VI. Adjournment

The meeting was adjourned at 8:27 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. Scott Holstein, applicant

3.2 Summary of presentations

3.21 The applicant said that he wanted to take Chairman Duffy's offer to continue the case to the next meeting.

6.0 DECISION

6.1 Mr. Boyer moved to continue the case to the March 16, 2016 meeting.

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

Motion carried.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Tim Clemens, applicant

3.12 Mr. Allen Grant, architect

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 129.31 square foot (2.08%) lot coverage variation, a 129.4 square foot (2.1%) total floor area variation, a 5.61' front yard setback variation, a 5.17' front yard porch setback variation, a 1.0' front yard porch step setback variation, a 7.0 square foot (0.5%) front yard porch coverage variation, a 4.5 square foot (0.36%) rear yard structure impervious surface coverage variation, and a 5.52' side yard air conditioner setback variation to permit the construction of a new home and detached two-and one-half-car garage. The Village Board will hear this case on April 12, 2016.

3.22 The applicant said they have an existing non-conforming home that they did not want to tear down. This is new construction. They plan to leave the front, two side walls and half of the back wall and then add on. They want to add a front porch because all houses in the neighborhood have porches. The stairs are set farther back into the porch so they don't stick out as far. The porch was made smaller after speaking with Village staff. The proposal before the Board is the current proposal. The air conditioner setback is existing on the east side of the house. There is a fence that they will replace. The house was built in 1938.

They spoke with the adjacent neighbor who has no problem with the request.

They want a 22' x 22', 2.5 car garage. He has a lot of tools. Currently he has to pull out his car to get his lawnmower or snow blower. Having the extra 4' gives him room for storage.

3.23 Chairman Duffy asked if they planned to keep the driveway.

The applicant said they would have garage access from the alley and will remove the driveway. He will have to make a street cut to upgrade water service.

3.24 Chairman Duffy said that the rear yard structure impervious surface coverage variation is due to the garage.

3.25 Chairman Duffy said the house that the applicant lives in looks great.

The applicant said he built that house 14 years ago.

- 3.26 Chairman Duffy clarified that the new house is larger than the current house.
- The applicant said he retired from the fire department and his wife told him to find something to do so he is building the new house.
- 3.27 Mr. Boyer said he could not tell how far the cement went back on the current driveway.
- The applicant said it was just the apron and there is no impervious surface. There was stone that grass eventually grew over.
- The architect said they could pull up a car along that stretch but there is no concrete.
- 3.28 Chairman Duffy said there is no garage there at this time.
- The applicant said there was a garage at one time and it faced front. The previous owner's son tore down the garage right before the applicant bought the house. There was a fire in 1992 and nothing had been done to the garage since that time. The pad is still there and he will remove it.
- 3.29 Chairman Duffy clarified that it is the applicant's intent to move into the house and live there. They do not intend to move in and then sell it within a year. He has lived in his house since 2002.
- 3.30 Mr. Kolleng said that with alley access, the grade goes up into the property.
- The applicant referenced the plans and said that the garage is set back 8' from the alley versus 3'. He will not have a steep drive.
- 3.31 Mr. Surman said that the garage is slid back 5' and he is asking for an additional 7.5' of garage into the rear yard.
- 3.32 Mr. Kolleng asked if they could do what they want without the variances.
- The architect said that the square footage meets the requirements. It is the garage square footage that gives the overage.
- 3.33 Chairman Duffy said that they are indicating that because they have the larger garage, that is why they are requesting the lot coverage and FAR variations.
- The applicant said that when they did the numbers, the house was under what is allowed.
- 3.34 Mr. Surman said that if the garage is 4' wider than a typical garage times 22', which would be 88 square feet of the 129 square feet.

- 3.35 Chairman Duffy asked if the front porch added much.
Ms. Roberts said it is covered by the bonus.
- 3.36 Chairman Duffy said they are 129 square feet over on FAR.
The architect said that something is not adding up. The addition on the rear is 15', but it 30' across so that is 450 square feet and not 129.
- 3.37 Chairman Duffy said if they took 2' off of the back of the house, it would 140 square feet less than the current request.
The applicant said they took out a proposed elevator and they shortened the house and this is as tight as they could go.
- 3.38 Chairman Duffy said that when the Village sets up parameters of lot size to building size, the Board is trying to keep the ratio. They are only keeping three walls and this project is classified as new construction. They are working from a blank slate and should be able to work within parameters. There are certain lot conditions that may allow for variances like the air conditioner. He is fairly comfortable with the porch request though perhaps they could shave off 1' on either side and keep it centered and eliminate the coverage variance. The Board carefully looks at FAR and lot coverage with new construction.
The applicant said they are fighting the existing structure. The framing on the inside of the wall is 16" thick.
The architect said there is a 16" thick brick wall with plaster on the inside.
The applicant said that square footage is being counted.
- 3.39 Mr. Surman said that for the Board to approve something like this, applicants must demonstrate hardship.
The applicant said he got a larger variance on his current house than what he is asking for with the proposed house. The house on the corner has a lot of variances as do other houses on the block. The lots there are short because of the alley.
- 3.40 Chairman Duffy said it is about ratio, lot size to building size. It is about density. The Board strictly interprets the rules.
The applicant said there are six homes on the block. Three have gotten variances to build larger homes.
- 3.41 Chairman Duffy said that the home to the east of the proposed home is new construction. He said he asked Ms. Roberts to research sheds for storage. They

are allowed 64 square feet for an accessory structure so they could put a shed into the corner of the yard and get the storage he is trying to put into his garage. They would eliminate some square footage this way.

The applicants said he thinks that sheds are ugly. He cannot put his tools in a shed. His garage will be insulated. Someone can more easily break into a shed than a garage.

- 3.42 Chairman Duffy said they are 4' larger than the typical garage. The typical garage size is 22' x 22'. The applicant is asking for 22' x 26'. He understands the need for storage, but the typical garage size is 22' x 22'. He is trying to reduce the number of variances being requested.

The applicant has a structural engineer working on the project. They are down to 15.1' from the original depth of 24'. That is as tight as they can go and still have everything work.

- 3.43 Chairman Duffy said there is an area above the second floor with dormers. He referenced exhibits 1.1, 1.8, and 1.9. He asked if any of that was being counted against the applicant's request. Is that all aesthetics.

Ms. Roberts said that the area is less than 6'9" in height.

The applicant said that it is all aesthetics.

The architect said that the highest clearance from the sub floor of the attic to the ridge is 6'5" approximately, but it is definitely below 6'8".

The applicant said that the dormer on the back corner is to allow stairs up to the attic.

- 3.44 Mr. Boyer referenced the bay window to the east that exists. Why would they want to continue that up to the second floor? That is additional space.

The applicant said that it is additional space and helps with the aesthetics of the house.

- 3.45 Mr. Boyer said that if they got rid of that they could eliminate square footage.

The applicant said it would be about 30 square feet on one floor.

- 3.46 Mr. Boyer said it might not look right based on aesthetics. It would be 60 square feet on two floors for the bay window.

The applicant said there is masonry on the first floor.

The architect said that if they took it off on the first floor they would have to deal with the foundation.

- 3.47 Mr. Boyer said they have an additional 60 square feet because of the original design of the house.

The applicant said they are adding 30 square feet above it.

- 3.48 Mr. Surman said he was not sure about the variances for the other property because he was not involved. He understands the garage variance. The proposed house is considered new construction and the Board has to determine the hardship and why does he need more square footage. The depth of the lot is fairly deep. He said that the Board has not granted additional square footage for new construction.

- 3.49 Chairman Duffy talked about what might constitute a hardship.

The applicant said he could make this work if he tore down the house, but he does not want to do that. He would not have 17" walls on a new house.

- 3.50 Chairman Duffy said he sees 17" walls as a hardship but it is not 130 square feet of hardship. Mr. Boyer tried to help out with the bay window. The design of the house and keeping the bay window could be a hardship. The Board is trying to justify the request to move forward. There are a lot of variations. It is hard for him to get through FAR and lot coverage.

The applicant asked if it would help if he reduced the garage from 26' to 24'.

- 3.51 Mr. Surman said that would mean 44 square feet less. If they included 60 square feet on the bays, they would be at around 129 square feet.

- 3.52 Mr. Kolleng referenced paragraph 4 of the applicant's letter, which talks about a 3-car detached garage.

The applicant said that was part of the original proposal and not this proposal.

- 3.53 Mr. Boyer said the applicant touched on structural issues with the length of the house. If they reduced the size of the living room from 14'2" to 12'. What happens then?

The architect said that the stairs would not work anymore. They need a certain size for the landing. He would lose the side entrance into the house.

- 3.54 Mr. Boyer asked if the side entrance went down to the basement.

The architect said if one enters through the side door they are on a landing, which leads down to the basement or into the house on the first floor.

- 3.55 Mr. Boyer asked why they did not put the stairs inside the existing structure.
- The architect said that would blow the whole plan. It would impede doing anything with the space on the second floor or the first floor.
- 3.56 Mr. Boyer asked how it would impede the second floor.
- The architect said it was right in the middle of the house and it was going east/west direction. The second floor had two bedrooms and a bath.
- 3.57 Mr. Boyer said they found practical difficulties with existing conditions. They could not move stairs into existing structure. If 2' was shaved off of the back living room, there would be an issue with the new stairway.
- 3.58 Mr. Surman said if the stairs were in the smaller portion of the house, it would be hard to lay out. He understands why it is going in the back. They could have rotated it. But because of the thickness of the wall that could be considered a hardship. The proposed is the minimum stair size.
- The applicant said that is the wall he has to continue all the way up according to the structural engineer.
- 3.59 Chairman Duffy asked his colleagues if it would be worthwhile to ask the applicant to amend his request and reduce the size of the garage or is that necessary.
- 3.60 Mr. Merci said that it is sensible because the reduction of a garage in size to conform to the usual garage area would eliminate the variation requirement for area. The setbacks are as a result of the footprint of the house. A 20' x 22' proposed garage would be 132 square feet, which reduces the area accordingly.
- 3.61 Mr. Kolleng said that the Board would probably say okay for small variances, but this is new construction so the requests are an issue.
- The applicant does not understand why it is new construction.
- 3.62 Mr. Kolleng said that it is considered to be new construction.
- The applicant said that in his current house he only left two walls and that was remodeling.
- 3.63 Chairman Duffy said it is about current zoning code definition and the code was rewritten. Should the Board ask the applicant to reduce the size of the garage?
- 3.64 Mr. Kolleng said he would not. It is not ultimately the ZBA's decision.

- 3.65 Mr. Merci said it would not bring them down to the necessary requirement where they would not need a variation. They would have to eliminate 6', not 2'.
- 3.66 There was no one in the audience to speak on this case.
- 3.67 The applicant said he did not know how he will get to 129 square feet. He cannot have a garage that is smaller than what he currently has proposed.
- 3.68 Mr. Boyer said he knows that the applicant wants to keep the house as proposed and add on to it. Could they get everything they want if they tore it down and built something new?

The applicant said he could probably get more than what he wanted with a tear down. He is stuck with the thickness of the walls and structural beams. If he built new, he could eliminate all of that and get his proposed garage size. But he wants to keep the house.

- 3.69 Mr. Surman asked the wall's thickness.

The architect said it is three wide thick. If they would do new construction, they do it all in frame and siding and would be about 7" thick. They talked about 2 x 4 or 2 x 6.

- 3.70 Mr. Surman asked for clarification of triple wide.

The architect said that is 12" of brick. With insulation and dry wall it is an additional foot.

- 3.71 Mr. Surman asked the depth of the front portion?

The applicant said that it is 25.5' deep on each side and 31.5' across.

- 3.72 After discussion, the wall thickness contributes about 81 square feet. The applicant said that there is a 1' thick wall plus 2 x 4s on each side so there is another 11 square feet that they are keeping along the rear wall.

Mr. Surman said it would be 81 square feet plus 2' of the garage would be 125 square feet, which is where they need to be. The thickness of the walls on the original structure are the hardship. Keeping the existing structure is a benefit to the applicant.

- 3.73 Mr. Kolleng pointed out that if there was a tear down they could build more than they are proposing. The bottom line is that if this was not new construction the Board would approve this most likely.

- 3.74 Chairman Duffy said he brought up the points that he could live with the porch and the ac but he struggled with lot coverage and FAR. Are these hardships? He does not know.

The applicant said it would cost more money to tear it down.

- 3.75 Mr. Surman asked if the basement was habitable at this time.

The applicant said that the new part would be habitable and the existing is between 77" and 80". There are also mechanicals.

- 3.76 Mr. Surman said that a lot of houses have thick walls.

- 3.77 The applicant said he would be willing to reduce the garage from 26' to 24'.

Chairman Duffy said the Board would not accept that right now as it would not get a favorable recommendation from the Board. He suggested that if the vote did not go the way of the applicant and he still wants his garage, the applicant should take it to the Village Board for a decision.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Boyer said that there are eight total variance requests. But overall even though there are a lot of requests, a lot of them are minimal and are caused by the existing structure of the home especially the front porch setbacks and the side yard setback. The lot coverage and total floor area concern the Board. He is now comfortable with that because of the practical difficulty or hardship of keeping the existing structure. They could tear it down and start new and not need any variances. The desire to keep the existing structure is causing the variances. The area feels like an R2 extension and it is almost a commercial district. There are businesses and townhouses. A lot of people said that Wilmette Avenue was not desirable. There have been a few new construction houses on Wilmette Avenue. It is great that the applicant wants to build the proposed house. It is a typical Wilmette four square so the design is great. He is eliminating the driveway and the curb cut. He is improving the existing conditions and the structure.

Regarding standards of review, they are all met. Although there are a lot of variances, they all make sense. He can support the proposal.

- 5.2 Mr. Kolleng said if the case was coming before the Board for some variances as part of an addition that was not considered new construction, the Board could get there. Air conditioner setbacks are routinely approved. He does see a problem with the project, but he also does not see a hardship. He is stuck. Standards of review are not met in his opinion.

- 5.3 Mr. Merci said that the variations requested are the result of the existing footprint. The extent of the variations are minimal. The excess FAR is the result of an oversized garage. If he conforms with a conventional size garage, he would be within the required limits.
- 5.4 Mr. Surman said that this is a difficult case. If the garage was 22' x 22' that would eliminate 88 square feet. It is difficult to approve additional FAR when the garage is larger than a standard garage. He does not have a problem with other variations. He understands the lot coverage and the garage being shifted into the rear yard, but is having difficulty with the additional square footage. The Board has seen several cases where the building is existing, but is considered new and they need to work within FAR parameters.
- 5.5 Chairman Duffy concurs with his colleagues. There are a lot of variances that the Board can live with like the front porch and air conditioner, but he is also concerned about the FAR and lot coverage. This is new construction and the Board has interpret the rules as written. Mr. Merci's comment about reducing the garage size would greatly alleviate the request. Chairman Duffy had suggested a shed. The applicant is doing a noble project in trying to preserve the house and he is challenged because of construction but that was not the hardship. Each Board member has a different perspective on this case. The Village Board may also have a different perspective on the case. If the case gets a negative recommendation from the ZBA, the Village Board would have to approve with five out of seven aye votes. The applicant may have the opportunity to reduce the request when they are before the Village Board and then get an approval.

6.0 DECISION

- 6.1 Mr. Boyer moved to recommend granting a request for a 129.31 square foot (2.08%) lot coverage variation, a 129.4 square foot (2.1%) total floor area variation, a 5.61' front yard setback variation, a 5.17' front yard porch setback variation, a 1.0' front yard porch step setback variation, a 7.0 square foot (0.5%) front yard porch coverage variation, a 4.5 square foot (0.36%) rear yard structure impervious surface coverage variation, and a 5.52' side yard air conditioner setback variation to permit the construction of a new home and detached two-and one-half-car garage at 1819 Wilmette Avenue in accordance with the plans submitted.

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

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

Reinhard Schneider

Not Present

Motion failed.

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-9.

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

A majority 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. The majority was primarily concerned with the lot coverage and floor area variation requests. The setback and coverage requests were generally acceptable given the location of the house on the lot and the fact that similar requests are often approved for projects not deemed new construction. Regarding the lot coverage and floor area variation requests, the owner is creating his own plight with the proposed size of the addition and detached garage. There is no difficulty or hardship preventing the owner from making reasonable use of the property with a conforming addition and garage. New construction projects can conform with the code and therefore typically have no hardship.

A minority of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The particular physical conditions of the lot, the siting of the house on the lot and the construction of the existing home, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the circumstances of the lot and house. The wall thickness of the existing home adds to the lot coverage and floor area and cannot be mitigated without removing the entire house. The difficulty is peculiar to the property in question and is not generally shared by others. The difficulty prevents the owner from making reasonable use of the property with an addition and interior improvements, and a new detached garage, rather than a more expensive tear down. 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. The neighborhood character will be improved with the improved appearance of the home.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 129.31 square foot (2.08%) lot coverage variation, a 129.4 square foot (2.1%) total floor area variation, a 5.61' front yard setback variation, a 5.17' front yard porch setback variation, a 1.0' front yard porch step setback variation, a 7.0 square foot (0.5%) front yard porch coverage variation, a 4.5 square foot (0.36%) rear yard structure impervious surface coverage variation, and a

5.52' side yard air conditioner setback variation to permit the construction of a new home and detached two-and one-half-car garage at 1819 Wilmette Avenue in accordance with the plans submitted.