



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, DECEMBER 7, 2016

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Chairman Patrick Duffy
Mike Boyer
John Kolleng
Michael Robke
Reinhard Schneider
Christopher Tritsis

Members Absent: Bob Surman

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

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

II. 2016-Z-54 2222 Greenwood Avenue

See the complete case minutes attached to this document.

III. 2016-Z-44 3533 Illinois Road

See the complete case minutes attached to this document.

IV. 2015-Z-56 211 Kilpatrick Avenue

See the complete case minutes attached to this document.

V. 2016-Z-57 227 Kilpatrick Avenue

See the complete case minutes attached to this document.

VI. 2016-Z-58 235 Kilpatrick Avenue

See the complete case minutes attached to this document.

VII. Approval of the November 9, 2016 Meeting Minutes

Mr. Kolleng moved to approve the November 9, 2016 meeting minutes.

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

VIII. Public Comment

There was no public comment.

IX. Adjournment

The meeting was adjourned at 9:36 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. Jeff Shaw, applicant

3.12 Ms. Michaela Shaw, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 343.25 square foot (5.62%) total floor area variation to permit the construction of a first floor and a second floor addition on the legal non-conforming structure. The Village Board will hear this case on January 10, 2017.

3.22 The applicant said they have lived in the home since 2003. They want to build a modest addition that exceeds the allowable floor area and expands the existing square footage by about 95 square feet. They plan to build a small addition on the first floor as part of the renovation. The purpose is to relocate an existing full bathroom that is not functional as a full bathroom. The bathroom has to be moved to accommodate his son's needs. He has autism and this allows him to have his own bathroom. He will be living with them for a long time. The bathroom is modest and provides just enough room for a full bath.

The project is part of their plan to improve the existing kitchen structure. When built in the late 1930s the structure was an afterthought. There was an addition in the 1950s that did not improve the structure. The house is well constructed and uniquely designed except for the kitchen. They want to make the kitchen consistent with the quality and character of the rest of the house.

They want to properly align the first floor footprint to allow for installation of an odd shaped wedge that is not utilizable within the interior or exterior of their house making the first floor and the patio more functional. This wedge is where rain runoff is funneled and causes seepage into the basement and damage to the patio. They plan to divert the rainwater into a larger downspout into the backyard away from the house. Temporary fixes are ugly and don't work.

The current full bath is located off of the kitchen. It cannot be used as a full bath at this time. They will move the bathroom above the existing kitchen to provide a more suitable suite for his son.

The current kitchen has limited or no insulation which causes problems. The interior renovations will create a more usable space in the kitchen and dining room. Renovations are modest and consistent with neighborhood renovations. The

exterior design will make the east part of the back of the house more consistent with the design and character of the rest of the house.

The prior additions done in the 1940s and 1950s exceeded the floor area. Their lot is smaller than other lots in R1C. If they were on a larger lot they may not have the hardship related to needing a variation for additional square footage. They meet other zoning requirements. No light or air would be impaired with the additions. Property values won't be impaired. The next door neighbor wrote a letter and supports the plan.

- 3.23 Mr. Boyer clarified that they are moving a full bath and the current powder room remains.

The applicant confirmed that on the first floor there are 1.5 bathrooms.

- 3.24 Mr. Boyer clarified they are moving the full bath upstairs and expanding the kitchen.

- 3.25 Mr. Robke clarified they bought the house in 2003 and asked how old their son was.

The applicant said his son is 14 years old.

- 3.26 Mr. Boyer asked if there was a record of permits for the previous additions.

Ms. Roberts said that she found a permit dated nineteen-fifty-something, which said that the addition extended 22' out beyond the edge of the house. It is probably the sunroom.

- 3.27 Mr. Schneider asked about the net increase of square footage.

The applicant said that it is 95 square feet and almost all of it is on the second floor.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Boyer said there is one total request. The request shows larger due to the existing non-conformity. The total request is 95 square feet net. The request is not large. All standards of review are met. He can support the request. No neighbors are impacted. The request is reasonable.

- 5.2 Mr. Kolleng said it is a targeted request. They were non-conforming to begin with. What they want to do is minor and hardships exist. He can support the request.

- 5.3 Mr. Tritsis suggested showing the current layout with the proposed plan.
- 5.4 Chairman Duffy added that this is a modest request especially for the standard of living they are trying to achieve.

6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a request for a 343.25 square foot (5.62%) total floor area variation to permit the construction of a first floor and a second floor addition on the legal non-conforming structure at 2222 Greenwood Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Not Present
Christopher Tritsis	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-54.

6.12 Mr. Robke 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 particular physical conditions of the property, the previous additions that had been added, imposes upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to previous additions. The difficulty prevents the owner from making reasonable use of the property with kitchen and other improvements on the first floor and a new full bath on the second floor. The proposed variation will not impair an adequate supply of light and air. The variation, if granted, will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 343.25 square foot (5.62%) total floor area variation to permit the construction of a first floor and a second

floor addition on the legal non-conforming structure at 2222 Greenwood Avenue in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Luke Liu, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a revised request for a 3.87' side yard setback variation, a 2.87' side yard eave setback variation, and a 3.0' combined side yard setback variation to permit the construction of a one-story addition on the legal non-conforming structure. The Village Board will hear this case on January 24, 2017.

3.22 The applicant said he bought the house and closed on June 27, 2016. They have been working on the plans. They had a hearing on this case already and he incorporated Board member feedback and made substantial changes to the original plan. They went to the Village Board and the Village Board sent the case back to the ZBA.

3.23 Chairman Duffy said that the ZBA is seeing more cases that the Village Board has remanded back even if alterations are made. They want the ZBA to make the approval.

The applicant said they appreciate feedback from the ZBA.

3.24 Chairman Duffy said he was not at the first hearing for the case. It looks like they reduced the amount of impervious surface for the driveway.

The applicant said it was their plan to reduce the amount of impervious surface. On the east side, they reduced the request to 1' or less. They are more than 4' away from the neighbor's fence.

3.25 Mr. Schneider asked if the applicant was referencing 1.4 when he was explaining the above.

The applicant talked about the distance being 3'4" and not over 4'.

Ms. Roberts said that the applicant was referencing 1.11.

3.26 Mr. Schneider clarified that the distance is 3'4" from the property line but the request shows 3.87'.

3.27 Chairman Duffy said that the original proposal was 4.89' and now it is 3.87' so they are asking for a lesser amount.

The applicant said they reconfigured the driveway while making it safer. The original request had 516 square feet overage in the front. They removed 414 square feet in the front. They narrowed the driveway and reduced the apron. On the east side there was a plan to create another 160 square feet of green area.

- 3.28 Chairman Duffy said that at the last meeting, it was brought up since they are reconstructing the current garage, why not put a detached garage in the back. Why is it important to have an attached garage? Does it have something to do with his mother-in-law?

The applicant said that his mother-in-law lives with him and has medical problems and her health is deteriorating. It is easier to get her in and out with an attached garage.

- 3.29 Mr. Schneider asked how much wider they were making the garage.

The applicant said they making it over 3' wider.

- 3.30 Mr. Schneider said that the last hearing, the applicant was removing the existing garage. They were only saving the floor or part of the floor.

The applicant said he spoke with his architect. They will redo the garage roof. They will remove the east wall and then pour the slab. Most of the weight is on the western part.

- 3.31 Mr. Boyer clarified that they are pouring footings all the way around.

The applicant said that his architect noted that only a slab would be fine.

- 3.32 Chairman Duffy clarified that they are keeping the south wall.

The applicant said that the architect is delayed coming to tonight's meeting but he could explain by phone.

- 3.33 Mr. Boyer said that the architect explained the proposal at the last meeting. It will all be removed and new concrete will be poured and it is being rebuilt. It is smaller but the construction process is the same as was explained before.

- 3.34 Mr. Schneider said that at the last meeting, the applicant said he had not spoken with the neighbor to the east. Has he spoken to the neighbor since that meeting?

The applicant said he spoke with the neighbor. The neighbor sent a letter and an email. He supports the proposal. He is a very good neighbor.

- 3.35 Mr. Kolleng asked the width of the garage.

The applicant said that it originally was 10' wide.

- 3.36 Mr. Kolleng said they need 16'.

The applicant said that is the typical recommendation but they will not be at 16'

- 3.37 Mr. Schneider said that the distance from the exterior wall to the property line will be 3' and the width of the garage exterior is 13'11". The garage door is 12' wide.

The applicant referenced the plan on Exhibit 1.13. The applicant talked about having the garage exterior at 13'6".

- 3.38 Chairman Duffy asked if there were water issues in the yard. Does water pool in the yards?

The applicant said that his east side neighbor spent \$16,000 to improve the situation in his backyard. The applicant had water in his front yard from melting snow.

- 3.39 Chairman Duffy said that a neighbor who lives on Thornwood was saying that water pools in the backyards.

The applicant said that his west side neighbor had water issues in the basement.

- 3.40 Mr. Boyer said that the garage is 38' long. Will they splash downspouts into the backyard or have a 40' gutter system along the east side of the garage wall and putting water in the front yard?

The applicant said they are not putting water in the front yard. There are issues with water in the front yard.

- 3.41 Chairman Duffy said that maybe a garage in the rear yard is not a great idea.

- 3.42 Mr. Robke said that at the last hearing, it was discussed that they would be increasing the impervious area with a detached garage back there and this would cause more water problems.

The applicant said they will gutter to the backyard. He referenced Exhibit 1.18. He talked about an area on the site where they would build a rain garden. It is the lowest point in the neighborhood.

- 3.43 Mr. Boyer said he looked at county topography maps and that is one of the lowest areas in the neighborhood. There are three new construction houses in the immediate area and they are higher than the applicant's backyard. There is also a basketball court on the property behind the applicant's house.

- 3.44 Mr. Schneider said it looks like the garage will match the roofline of the rest of the house. Half of the water will drain to the back and the other half to the front.

The applicant said that all water will go to the back. He explained how this could be done.

- 3.45 Chairman Duffy said that more water would go to the back because the front already floods.

The applicant said that only the northwest corner will discharge to the front and the rest will discharge to the rear. The neighbor had a water problem on the east side.

- 3.46 Chairman Duffy said that the neighbor who wrote in lives on Thornwood which is to the south. He noted that there are already water issues.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Boyer said he was not in favor of the case when it first came before the Board. He is now on the fence. There is not that much that is different. The applicant did change the front yard request a little, but he was not concerned with the front yard request in the first proposal. He changed the garage size from 570 square feet to 533 square feet. It is a large, long, one-car garage. He does not know if it will solve all needs to store his cars. Having a tandem one-car garage does not get used the way a two-car detached garage gets used.

He knows that the proposal was created due to family issues. He wants to hear his colleagues' opinions on this case.

- 5.2 Mr. Schneider said that the existing garage is being taken down and replaced/expanded in the same location. Why not do it in a conforming location? But he is somewhat persuaded with the fact that if the garage was put in the back plus a driveway, it would significantly expand impervious surface. The neighborhood has issues regarding water runoff. The neighbor to the east does not object to the proposal. The proposal is better than any alternatives. He thinks he can support the request.

- 5.3 Mr. Robke said that there is a decrease in impervious area in the front. There is reduction on the driveway. The side yard setback is small. This is a unique situation. If he built in a conforming location he would exacerbate the problem that he has. He hesitantly supports the request.

- 5.4 Mr. Boyer said that if he put a garage in a conforming location could he pitch a driveway to control rainwater and throw it to the front of the yard.

- 5.5 Mr. Robke said that the front yard has flooding issues.
- 5.6 Mr. Boyer said there is ponding in the front of the yard and flooding in the back of the yard.
- 5.7 Chairman Duffy asked Mr. Boyer what is the difference in the depth from his back yard to his front yard?
- 5.8 Mr. Boyer said it was about 2'. The garage would have to be more than 2' out of the ground in order to have enough to run the water from back to front.
- 5.9 Chairman Duffy agreed with Mr. Schneider that this is probably the best option because in theory the detached garage makes the most sense. In practicality the proposal is probably the way to go.
- 5.10 Mr. Robke said that the applicant talked about the rain garden in the back to deal with flooding and it reduces that opportunity with the garage in the back.
- 5.11 Mr. Tritsis said that he was also on the fence. He said that the proposed solution is not great, but it is slightly better than other options.
- 5.12 Mr. Kolleng said that there are a lot of elements that are topographically negative and surrounding lots that are higher. He will always have a water problem. He does not know if putting a garage in the back yard will exacerbate the problem. He thinks they should put the garage in the back yard.

6.0 DECISION

- 6.1 Mr. Boyer moved to recommend granting a revised request for a 3.87' side yard setback variation, a 2.87' side yard eave setback variation, and a 3.0' combined side yard setback variation to permit the construction of a one-story addition on the legal non-conforming structure at 3533 Illinois 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	No
John Kolleng	No
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Not Present
Christopher Tritsis	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-44.

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 IS 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 particular physical conditions of the property, the existing one-car garage, the location of the house on the lot, and the topography of the immediately area 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 development of the lot. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property with a garage of adequate width and access to the house for family members. The proposed variations will not impair an adequate supply of light and air to adjacent properties. The proposed addition will have the least impact on other property, compared to a detached garage located in the rear yard, which already floods. The applicant revised his request to provide the greatest setback possible and has obtained the approval of the immediate neighbors who would be most impacted. The variations, if granted, will not alter the essential character of the neighborhood as the appearance of the house is to remain substantially the same.

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 a conforming location in the rear yard where the applicant could build a one- or even two-car garage. The work being done to the existing garage largely results in it being entirely removed; in which case, there would be easy access to a new garage in the rear.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a revised request for a 3.87' side yard setback variation, a 2.87' side yard eave setback variation, and a 3.0' combined side yard setback variation to permit the construction of a one-story addition on the legal non-conforming structure at 3533 Illinois Road in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Robert Davis, applicant
227 Kilpatrick Avenue

3.12 Mr. Samuel Lin, applicant
235 Kilpatrick Avenue

3.13 Mr. Greg Kharas, applicant
211 Kilpatrick Avenue

3.14 Mr. Tim Sheridan, architect
1351 Ashland Avenue

3.2 Summary of presentations

3.21 Ms. Roberts said that there are three cases for discussion together:

211 Kilpatrick Avenue, case 2016-Z-56, is a request for a 23.7' front yard setback variation and a 405.3 square foot (28.59%) front yard impervious surface coverage variation to permit the construction of an attached garage on the legal non-conforming structure.

227 Kilpatrick Avenue, case 2016-Z-57, is a request for a 23.92' front yard setback variation and a 405.97 square foot (28.78%) front yard impervious surface coverage variation to permit the construction of an attached garage on the legal non-conforming structure.

235 Kilpatrick Avenue, case 2016-Z-58, is a request for a 23.55' front yard setback variation and a 402.81 square foot (28.42%) front yard impervious surface coverage variation to permit the construction of an attached garage on the legal non-conforming structure.

The Village Board will hear these cases on January 10, 2017.

3.24 Mr. Davis will speak on all three properties this evening. All applicants are at the meeting if questions arise.

3.25 Chairman Duffy said that there are three houses on the same block that all have below grade garages. They are at the meeting to discuss a solution to garage flooding.

3.26 Mr. Davis said that the first slide shows storms of record. In the last seven years,

there were a lot of storms.

- 3.27 Chairman Duffy asked about abbreviations.

Mr. Davis said WTP is water treatment plant. There is a separate location where they measure water and he thinks that this is the pumping station.

- 3.28 Mr. Davis showed a topographical view of the Village and where the homes were located.

Christopher Burke Engineering is the consulting engineer for the water treatment plant. He did a review of their street, which is one of the lowest streets. What is above a 10-year flood, the street is filled up with water after rain.

- 3.29 Chairman Duffy asked about the relation of water levels and the three properties. Is this accurate to the properties being discussed?

Mr. Davis said that it was accurate to 235 and 227. 211 is about 8" higher. Proposed changes to the storm water system will not make a lot of difference for them.

- 3.30 Chairman Duffy said that the second chart is after proposed improvements to the sewer system. Who did this?

Mr. Davis said that the Village consultant prepared the charts. The improvements would reduce the duration of the conditions on the block.

- 3.31 Mr. Schneider referenced rain events that were listed. Did the level of the water rise to where it flowed into the garages?

Mr. Davis said that the level of the water rose to where it went into the garages in the instances on the chart. He also said there are more instances from this year. There were three instances this year and one instance got into the basements.

- 3.32 Mr. Robke asked if there was water that came in from sources other than the garage.

Mr. Davis said they had water that came potentially came through other sources. The water is over the top of the sanitary. Once water comes in through the street, it also comes in through the sanitary. He has a check valve.

- 3.33 Mr. Schneider said if the street is under water, the water rises and flows into the driveway and into the garage and basement.

Mr. Davis said that is correct. It is surface water. He has storm and sanitary sewers.

- 3.34 Mr. Schneider asked if there was a drain where the garage doors are.

Mr. Davis said that there are two drains into the street.

- 3.35 Chairman Duffy asked if any of the three applicants had tried pumps where it pumps it into a separate holding area of French drain to move the water before it gets to the garage.

Mr. Davis said he has five pumps that pump water into the backyard or out into the street. These pumps are all in place. In addition to those pumps, he has sump pumps.

- 3.36 Mr. Schneider referenced 241 Kilpatrick and said that they have some pipes coming out. What do they do?

Mr. Davis said they do the same thing as his does. 241 is not part of the discussion because Mr. Adler told them that there is sufficient room on the side to access a detached garage and the ZBA would not approve adding an attached garage.

- 3.37 Mr. Kolleng asked how the process works. Do they fill in the current driveway to grade and put in a garage? What happens to the old garage space?

Mr. Davis said he does not know what to do with the old garage space.

- 3.38 Chairman Duffy said they could put in a foundation wall to keep ground water from penetrating into the space.

- 3.39 Mr. Boyer suggested filling in the space.

Mr. Davis said they tried putting up a berm, but it didn't work. They put up sand bags in mid-April and take them down in mid-October. He uses his garage during that time but he takes down the sand bags and then has to put them up again.

- 3.40 Mr. Tritsis asked how high the water gets to the sand bags.

Mr. Davis said water goes over the top of the bags, but not every time there is a storm.

- 3.41 Mr. Kolleng asked about the height of the new garage compared to the bags.

Mr. Davis said it is about the level of the cement. They cannot go much higher. They would block the windows.

- 3.42 Mr. Lin said he has lived in his house for over 30 years. He said that water has always been a big issue. The sand bags have been there for about five years. He talked about damage to his cars in a storm. There was over 40 inches of rain in the garage. Water also goes into the lower level of his home. Water in his house was at 3'. They get flooded with every heavy rain. Sandbags won't hold back the rain.

- 3.43 Chairman Duffy said that there is no opportunity to have a side drive with a rear garage. How do the neighbors feel about having a garage in three of the front yards?

Mr. Davis said all but one neighbor support the proposal.

- 3.44 Chairman Duffy said they are talking about changing the face of the neighborhood.

Mr. Davis said they now have sandbags, berms and pumps and there is still water. People fall in the winter.

- 3.45 Mr. Schneider talked about a block on Hibbard with at least six houses that have the driveways going down. There is also a house with a drive going down on Hartzell.

Mr. Davis said that the house on Hartzell has a problem. He said that on his street, the water flows past and collects in a low point which is Kilpatrick. His street fills with water. Hibbard floods but not like Kilpatrick does.

- 3.46 Mr. Robke asked if other houses that don't have garages like this also have flooding.

Mr. Davis said the flooding is not as severe as his flooding. Some houses have water that comes in the back way versus the front way. They have had 4 to 5 garages put up in the area and they did not need to come before the ZBA. There is now more impervious surface in the area causing more water problems for them.

- 3.47 Mr. Lin said they fight the water battle every year. As one gets older, it gets harder physically and mentally. He worries about his electrical system.

- 3.48 Mr. Schneider asked if they were to build a garage, based on the Christopher Burke information, they would still get water. Would the proposal then prevent water from getting in the house and in the basement?

Mr. Davis said the proposal would keep water out of the basement.

- 3.49 Mr. Boyer asked if they thought about re-pitching the front sidewalks or raise the sidewalks.

Mr. Davis said they have done this. He has a GMC truck and he is almost scraping the bottom as he goes over the sidewalk. The Village helped him put in a higher sidewalk to act as a dam in front of the house many years ago, but it does not help. The water is getting worse.

- 3.50 Mr. Schneider asked if the water would pass along the side of the house.

3.51 Mr. Tritsis said that if the water peaks at a specific height it will still peak at that height even with the proposal.

3.52 Mr. Boyer said that if the garage starts 3' from the sidewalk, now the water will push against the new garage door.

Mr. Davis said that is correct and they will have to raise the garage door when there is a problem.

3.53 Chairman Duffy said that inches of water in the garage is better than a lot of water in the house.

Mr. Davis said that all three homeowners are retired or about to retire. In the winter, they want a place to put their cars.

3.54 Mr. Schneider said they have lived through the storms, lost some cars as a result of water and had a lot of aggravation, why has no one lifted up the driveway to make it level with the garage.

Mr. Davis said they heard a lot of reasons why they were having problems and get fed up and decided to come to the Board for help with the problem. As they get older, the problem gets worse for them. They are frustrated. At first they were going to wait to see what the Village was going to do with the storm water.

3.55 Chairman Duffy said that it sounds like what the Village does with storm water is not going to help them.

3.56 Mr. Kolleng asked if the garage was a two-car garage and will impervious surface increase.

Mr. Davis said that it is a two-car garage and impervious surface will not increase.

3.57 Chairman Duffy said they are looking at front yard coverage and setbacks. One of the standards of review has to do with changing the character of the neighborhood.

3.58 Mr. Kolleng asked each owner how long they have lived in their home.

Mr. Davis has lived in his home since 1981. Mr. Lin since 1988 and Mr. Kharas since 1992. Mr. Kharas has lost two cars. It is emotionally draining for him to go through this. It only takes a few minutes for the basement to flood. No system will cure the problem.

3.59 Mr. Kolleng asked if it has gotten worse during each flood.

Mr. Kharas said it depends on the level of the street. At times there is 3' of water. If there is no electricity, it takes days until the pumps start to work. He has two pumps and if there is electricity, it takes a few hours to get rid of the water.

- 3.60 Mr. Schneider asked if the neighbors who do not have the same driveway situation have water problems.

Mr. Davis said that some neighbors have water problems. If someone does not have a check valve, the sanitary in his area will fill up and there is not enough conveyance to get it out and it ends up in someone's basement. Even with overheads, some people have problems from time to time.

Mr. Kharas said there might be sewer backups.

- 3.61 Mr. Schneider asked how the storm water got into the sanitary system.

Mr. Davis said that the water goes through the cover that has a hole. It is not as fast as street water.

- 3.62 Mr. Schneider said if they keep the water from getting into the basement, it will go into someone else's basement.

(After section 4.0)

- 3.63 Mr. Davis referenced Mr. Cohen's remarks. As far as looking at the garage, itself, they propose to install truck mirrors, convex mirror on each side. They will move the side windows as close to the front as possible. He hopes that would take care of that issue. He talked about putting up Mars lights so when the garage door opens, there is a visual warning. These can come with shields so that the light is more directed. With regard to aesthetics, they spoke with Chalet and they are looking at a modified evergreen that is columnar to hide the wall except for the last 5' to 6' of the garage. Regarding doing a carport, they would still use the trees and wall off the areas. One way or another, it will get walled off.

- 3.63 Mr. Kharas said that as far as safety and sidewalks, one of his neighbors keeps a car on the driveway. The problem won't exist if they have a garage.

- 3.64 Mr. Lin said that there is an impact on the street and the citizens. He said he has lived in his house for 30 years and the problem with the water has become unbearable. He gets 3' of water when it floods. He said that in life, someone isn't always happy when someone else does something. He said that people have to consider the situation that he and his neighbors are in and this has been going on for years. He asked the Board to help them out.

- 3.65 Chairman Duffy asked if it was a possibility to move the garage up a level. Could that happen? Does the area above the garage come close to lining up with where they could have a drive way.

The neighbor said that anything is possible.

- 3.66 Chairman Duffy said he understands that there is design and engineering involved to make that work. Is this or is this not a possibility? Is this an alternative solution?

Mr. Sheridan referenced Exhibit 1.4. The upper level above the current garage has two bedrooms. If they were to put a driveway on grade and renovate the house to have an interior attached garage, they would lose two bedrooms. They would go from having a four-bedroom to a two-bedroom house.

- 3.67 Mr. Schneider asked the elevation of the floor of the bedroom versus the sidewalk.

Mr. Sheridan said that it is up about five steps. The basement is a typical basement where the top of the foundation wall is just half way.

- 3.68 Mr. Schneider referenced Exhibit 1.5. He said that the front door is three steps above.

Mr. Sheridan said that there are five interior steps.

- 3.69 Chairman Duffy said they would have to get consideration to replace the two bedrooms with an addition, which is an additional expense.

4.0 INTERESTED PARTIIES

4.1 Persons speaking on the application

4.11 Mr. Randall Cohen
210 Kilpatrick Avenue

4.12 Mr. Kevin Coppola
231 Kilpatrick Avenue

4.2 Summary of presentations

- 4.21 Mr. Cohen said he has a lot of sympathy for the applicants. He has lived on the block for over 20 years. He has seen the flooding and the debris coming out of the basement after storms. His house has rarely flooded. He has a one-story attached garage at level with the property. He has had one situation where the surface water came up the front of his yard about half-way. He has a basement with a standard sump pump system.

He is strongly opposed to the variances for three reasons. Aesthetics, which were discussed earlier. He could not find any single-family home where the garage is 3' from the public sidewalk. It would make a major aesthetic difference on their block

and have a negative impact on property values. There is a real public safety issue. If there is a garage that is 3' from the sidewalk and someone is backing out, before one can look left or right from the windows, the car is already in the sidewalk. His car is entirely out of the garage when he backs out. He stops and looks left and right to make sure he will not hit someone and then he will continue backing out. With the proposed garages, all someone can do is look out the back window and someone probably would not see a little child. There are good reasons why the Village has setbacks of 27' from the public sidewalk. His third concern has to do with public liability. If a child is injured or killed when someone backs out of the garage, the Village could be sued for approving a garage within 3' of a public sidewalk.

They have other options to solve the problem. One option is to fill in the driveway and convert the first floor area that is now living space into the attached garage. That is what his house has. His attached garage is at level and he gave up living space. They could do the same thing. The other option is to demolish the house.

Mr. Schneider asked if they could add living space in the rear.

Mr. Cohen said that would be up to the Village. If they demolished the house, they could build a house without a below grade garage. The contractor who built these homes was 'insane.' He is nervous about having private garages within 3' of the sidewalk.

Mr. Tritsis said that Mr. Cohen's first floor living space is less because of the garage.

Chairman Duffy said that in split level houses, the area above the garage lines up with grade, but a lot of them don't because the grade level is the front door which is offset the side from the garage. Across from his house someone has this same issue and water goes down the driveway and floods his house. But he has room on the side to add a garage and fill in the driveway. The applicants don't have that option.

Mr. Cohen said that someone asked the applicants how the neighbors felt about the proposal and they said most neighbors seem to think it is a good idea. He doesn't and his neighbor to the north does not support the proposal but didn't want to come to tonight's meeting. If you asked most of the neighbors and explained the proposal, there would not be a lot of support.

- 4.22 Mr. Coppola has lived in his home for seven years. He has concerns about the character of the neighborhood changing. He is between two of the applicants and this is awkward because he is friends with the applicants. The street floods and he gets seepage but nothing like the applicants get. Whoever designed the homes should have their license removed. He objects to a patchwork solution to a much larger problem.

He believes that everyone has a right to a dry basement. He has no problem if they want to fill in the hole and block off the wall so they can stop the deluge of water. He does not want to now become the lowest point on the block. He does not know if a two-car garage is mandated when safety issues arise and changes the character of the neighborhood. They are talking about changing a setback from 25' to 3'.

He presented some mocked-up photos to the Board. He said that they would now be 3' from the sidewalk with a 25' wall that does not currently exist. It does create a cavern for his home. He showed what he currently sees from his window and talked about how what is being proposed would seal off his view and light and air would be impaired. What is being done to the neighborhood with this proposal?

He has spoken with a real estate agent. She said that the change would significantly decrease the value of his home and make it a hard home to sell. He knows that it is not the Board's objective to fix one hardship and create another. He has lived in the Village for 25 years and loves living here.

If he wanted to see walls, he could live in the city. He said that the wall seals off the neighborhood. There is not a single home in the immediate area that has the garage or portion of the home built to within 3' of a sidewalk. He also talked about safety issues if the proposal is approved. He said if the neighbors were to be surveyed, he does not think that there would be many people who would be in favor of the proposal once they understood what was going on. He has no problem with building a driveway. He feels for his neighbors and hopes that there is a solution for them.

He hopes that the Village can help to fix the problem. He does not know if raising the sidewalks to the level of the sandbags would help. It is a patchwork solution and he is not sure that he also wants to raise his sidewalk which he would have to do.

Mr. Kolleng painted the following scenario – driveways were filled in and cars will always be parked there. What does that scene mean for the neighbor?

Mr. Coppola said he would rather see a car than a wall.

Mr. Kolleng asked what if they had an open carport that was open on the sides.

Mr. Coppola said he would be open to exploring that idea.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Robke said he is sympathetic to the plight of the applicants and there is a hardship, all standards of review are not met because the request would alter the essential character of the neighborhood. There are also safety issues involved.

Mars lights and mirrors are more like being in an alley in Chicago than a street in Wilmette. He cannot support any of the three requests. The neighborhood has flooding issues and the solution is patchwork.

- 5.2 Mr. Kolleng said he thinks that 211 is different from the other two properties. The presentation creates a situation where there is significant detriment to another resident. There is a significant hardship, but light and air will be blocked with the proposal. It is mind boggling that they have been dealing with the flooding issues for 30 years. There should be a way to deal with this. Doing a drive would be least imposing and easiest and the next less imposing would be a carport. He would see having a garage for 211 unless the neighbor has significant issues. He wants a solution, but 227 and 235 present problems for the neighbor, Mr. Coppola. He would not support those cases. He empathizes with the applicants and he would like to find a way to do this. He can support 211. He talked about safety issues.
- 5.3 Mr. Boyer empathizes with the applicants. He has had some flooding issues but not to the extent that the applicants have. This ask too aggressive. It does not fit the standards of review or the Village's comprehensive plan. The character of the neighborhood would change. He has a feeling that there would be arguments if the Board makes a positive recommendation and the Village passes it. It would set a precedent for other types of requests.
- 5.4 Mr. Schneider agrees with the above comments. He can understand the challenge in this situation and dealing with flooding. The proposal is not the right solution. Would the solution of a previous case where they changed the driveway direction apply in this case?
- 5.5 Mr. Boyer said it is different for the other case, 3128 Greenleaf. He had a longer driveway.
- 5.6 Chairman Duffy said it did not seem like that applicant collected as much water on the street compared to tonight's applicants.
- 5.7 Mr. Boyer said one possible solution might be for the Village buy these 3 or 4 houses, tear them down and create a retention pond in West Wilmette.
- 5.8 Mr. Tritsis said that the situation is horrible. It feels like a large request that will help some but create hardships in other ways.
- 5.9 Chairman Duffy sympathizes with the applicants. But he cannot see the proposal as the solution. Putting three garages to the sidewalk is not appropriate for the neighborhood. In the long run, the neighbors are impacted more than the flooding. There is a system of water movement that is not sufficient for the amount of rain. If the Board said that they should fill in their driveway and just have a driveway or a carport, is that fair to the applicants although it is the most practical solution. They now lose a two-car garage. How does that impact their day-to-day routine?

He wishes there was a more obvious solution, but the garages as proposed are not the solution. That two of the houses would sandwich in the neighbor is an additional hardship on the neighbors and neighborhood.

- 5.10 Mr. Robke said even one proposal changes the character of the neighborhood. Mr. Robke said that each one individually does alter the character and design of the neighborhood so all standards of review are not met.

6.0 DECISION

- 6.1 Mr. Robke moved to recommend granting a 23.7' front yard setback variation and a 405.3 square foot (28.59%) front yard impervious surface coverage variation to permit the construction of an attached garage on the legal non-conforming structure at 211 Kilpatrick Avenue in accordance with the plans submitted.

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

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

Motion failed.

- 6.2 Mr. Boyer moved to recommend granting a request for a 23.92' front yard setback variation and a 405.97 square foot (28.78%) front yard impervious surface coverage variation to permit the construction of an attached garage on the legal non-conforming structure at 227 Kilpatrick Avenue in accordance with the plans submitted.

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

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

Motion failed.

6.3 Mr. Boyer moved to recommend granting a request for a 23.55' front yard setback variation and a 402.81 square foot (28.42%) front yard impervious surface coverage variation to permit the construction of an attached garage on the legal non-conforming structure at 235 Kilpatrick Avenue in accordance with the plans submitted.

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

Motion failed.

6.4 Mr. Boyer to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case numbers 2016-Z-56, 2016-Z-57, and 2016-Z-58.

6.41 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 requests do not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, the proposed variations, if granted, will substantially alter the essential character of the neighborhood. Having an attached garage so close to a front lot line in a single-family neighborhood is unheard of. One such addition would negatively impact the neighborhood; three as proposed would have an even more significant impact. Particularly in the case of 227 Kilpatrick Avenue and 235 Kilpatrick Avenue, the proposed variations will impair an adequate supply of light and air to the property in between, 231 Kilpatrick Avenue. The Zoning Board of Appeals has much sympathy for the applicants and finds that the plight of the owners was not created by the owners and is due to the unique circumstances of the houses' design and location on their respective lot. The applicants have a hardship that prevents them from making reasonable use of their property and protecting their property. However, the Zoning Board of Appeals finds that the negative impact on the neighborhood outweighs the potential positive impact on the three applicants.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a 23.7' front yard setback variation and a 405.3 square foot (28.59%) front yard impervious surface coverage variation to

211 Kilpatrick Avenue, 227 Kilpatrick Avenue, 235 Kilpatrick Avenue

permit the construction of an attached garage on the legal non-conforming structure at 211 Kilpatrick Avenue in accordance with the plans submitted.

The Zoning Board of Appeals recommends denying a request for a 23.92' front yard setback variation and a 405.97 square foot (28.78%) front yard impervious surface coverage variation to permit the construction of an attached garage on the legal non-conforming structure at 227 Kilpatrick Avenue in accordance with the plans submitted.

The Zoning Board of Appeals recommends denying a request for a 23.55' front yard setback variation and a 402.81 square foot (28.42%) front yard impervious surface coverage variation to permit the construction of an attached garage on the legal non-conforming structure at 235 Kilpatrick Avenue in accordance with the plans submitted.