



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, MARCH 16, 2016

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Acting Chairman Reinhard Schneider
Mike Boyer
John Kolleng
Bill Merci
Lynn Norman
Bob Surman

Members Absent: Chairman Patrick Duffy

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

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

II. 2016-Z-10 1434 Isabella Street

See the complete case minutes attached to this document.

III. 2016-Z-13 221 10th Street

See the complete case minutes attached to this document.

IV. 2016-Z-14 2143 Chestnut Avenue

See the complete case minutes attached to this document.

V. 2016-Z-07 819 Michigan Avenue

See the complete case minutes attached to this document.

VI. Approval of the February 17, 2016 Meeting Minutes

Mr. Kolleng moved to approve the February 17, 2016 meeting minutes.

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

VII. Public Comment

There was no public comment.

VIII. 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. Scott Holstein, applicant
1434 Isabella Street

3.12 Ms. Kim Holstein, applicant
1434 Isabella Street

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 12.64' side yard adjoining a street parking setback variation to permit a parking pad. The Village Board will hear this case on April 12, 2016.

3.22 Mr. Holstein said that the parking pad meets requirements because the lot is small; it is only 40' wide. If they had a 50' lot, they would not be before the Board because the pad would sit away from the street.

The garage is a single-car garage. They put in the garage so they could save three trees. A tree on the west side had storm damage and they had to take it down. They built the garage on the east side as close to the other two trees as possible without causing problems to the root systems. The trees were 80 and 70 years old.

He showed some photos to the Board and explained the subject of each photo.

The lot is narrow and that is a hardship. The property has had zoning issues. They put on an upper level to the house, which required variances. They have a daughter who drives and they have the need for three cars, but have a single-car garage. They cannot park on 15th Street on their side so they park on the other side of the street.

They believe that the pad is a better solution than building more bulk on the property. The property is built to its limit. Building a two-car garage would look strange and would add more bulk. They added bushes on the west side of the area where they want to park. They have agreed to use pavers instead of gravel. They are not requesting a variance on the loose gravel.

3.23 Mr. Kolleng noted that they are parking a car there now.

Mr. Holstein said they park there on and off.

3.24 Mr. Kolleng said they now will park there with pavers underneath.

Mr. Holstein said they want to comply with the code. He knows that one of his neighbors wrote a letter of opposition that was not true. He said that the situation is their fault and they are at the meeting to ask permission according to the ordinance.

- 3.25 Ms. Norman said that the same neighbor objects to the truck being parked there. She also said that she did not see the above-referenced bushes.

Mr. Holstein said that the truck is no longer parked there. They have a commercial spot and the business has moved into the city so that should not be an issue. That neighbor has his own commercial truck in front of the applicant's house all the time.

Ms. Holstein said that the neighbor is an entrepreneur and they respect his business. Their business has been moved away.

- 3.26 Ms. Norman asked if the bushes were still there.

Mr. Holstein said that the existing bushes are very thin. They are willing to add a thicker tree and would cover better in the winter.

- 3.27 Mr. Surman asked if they built the garage.

Mr. Holstein said they did build the garage. They slid the garage between three trees, but one tree died. The pad is placed where the dead tree used to be. When they built the garage they had not planned to add the second story to the house. When they came before the Board and asked for the variations for the second story, they were told they needed a two-car garage. The garage is 1' too thin to be a two-car garage. They had a parking pad in front of the house on 15th Street. It used to be a driveway. They were asked to remove the pad and put the lawn back and then they could keep the one-car garage. It is a tight lot. They lived there since 1999.

- 3.28 Mr. Surman asked if they considered garage expansion. The main issue is the impact on the neighbors. Typically the Board does not grant variances to have parking closer to the street.

Mr. Holstein said that according to his architect, the garage as it currently sits on the west side is already non-conforming. It is 12.5' from the street and it should be 15' from the street. That means they have to go east but that's where the two trees are.

- 3.29 Mr. Surman said that the variance could be that they go further west.

Mr. Holstein said the option they chose is the best option. To build a garage to code, they would have to go east which means taking down the trees. They want to conform.

Ms. Holstein talked about garage bulk. The lot is thin and adding that additional bulk would be awkward. They put a lot of energy and money into the backyard and making it beautiful. A two-car garage would be big for that space.

The neighbors most impacted submitted a letter to the Village. The parking pad would back into their property. The neighbor who wrote against them said that his front door is 100' to the south. The neighbor directly across the street wrote a letter of support. They have additional supporting letters from other neighbor.

3.30 Ms. Norman referenced a letter written by someone at 1431 Gregory.

Mr. Holstein said that Roberts is the letter writer's last name. They are on the other side of the alley. Their neighbor wrote in support of the request. Another neighbor wrote a letter of support but he forgot to submit it, but he gave it to the Board at the meeting.

They have tried to make the best of a thin lot and make it look nice. They want to stay in their home.

(After section 4.0)

3.31 The applicant said will do a nice job on the pavers and he cares about the trees. The truck will not be there.

Ms. Holstein said they would be respectful about the water issue.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the case

4.11 Mr. Jeff Miller
1400 Isabella Street

4.12 Ms. Rosemary Naphin
1430 Isabella Street

4.2 Summary of presentations

4.21 Mr. Miller lives at the other end of the alley. He supports getting more cars off of the street and having off-street parking. It is not unreasonable to request two off-street parking spaces. He said there is congestion in the area and quite a few cars parked on the street at this time. All lots in the area are 50' to 60' wide and the applicants have a challenge with a narrower lot. There were three large mature trees on the site and the garage was squeezed between the trees. That is why they are in the current situation. The objections are aesthetic. There is gravel and there are things to do to improve that. If there was denser landscaping and paver improvements he would support the request.

- 4.22 Ms. Naphin said that she lives next door to the applicants. She has no interest regarding the parking pad. She read the February 24, 2016 letter that talked about the neighbor to the east who would be impacted most and that is her. She said that no one ever discussed the topic of off-street parking with her several years ago or now. No one discussed the garage with her then or now. The information in the letter is therefore not accurate.

There was reference to an ice cream truck. She wants to make sure that this truck won't be back. It was an eyesore and a danger exiting the alley. The truck was there periodically last summer and the van that held product to stock the truck was parked in the alley. There are small children in the neighborhood and the truck blocked sight lines.

She wants to be sure there is no water impact on her based on whatever they decide to do. Two years ago a large deck was put in. She was told there would be no water impact on her. She has had a lot of yard flooding and she regraded her whole yard. There is more water coming into her yard from the west after the deck was put in. She asked for a grading and/or drainage plan before work is done to make sure she does not get water on her property.

Regarding the trees, they are beautiful. They are next to her garage. Several years ago during a storm a large branch and was on her garage and took down wires. It was several days before she could get her car out of the garage.

Ms. Norman asked if permeable pavers were used, does the neighbor have any issue with the parking pad.

Ms. Nathan said as long as there is no truck or water going into her yard, she is okay with the pad.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Kolleng said this is a small lot and there would have been a two-car garage if not for the trees. Everyone signed off when the garage was put in. The pavers will allow for water drainage. The Village wants cars off of the street and into garages or onto a pad. There are many letters of support. Standards of review are met and he can support the request.
- 5.2 Mr. Boyer said that the lot is only 40' wide and is on a corner so this is a hardship. Standards of review are met. If they had a 50' interior lot, they would not need a variance. If they had a 40' interior lot the request would be much less. If they had a 50' corner lot the variance would be needed but would be less. The lot is narrow and on a corner and this is unique.

- 5.3 Ms. Norman said that her only reservation is the narrow lot. There seems to be a piecemeal approach to variations being requested. But she does not see another solution right now so she can support the request.
- 5.4 Mr. Surman said that with past cases, there was a two-car garage and then they asked for a pad. This request is only for two spaces so it is reasonable. What bothers him about these types of cases is the safety near the sidewalk and pulling out.
- 5.5 Acting Chairman Schneider said that safety is a legitimate issue. He can support the request.
- 5.6 Mr. Merci said that there should be appropriate screening and acceptable paving approved by engineering.
- 5.7 Mr. Kolleng said they are putting in pavers and said that landscaping would be put in and he is not sure that approval should be conditioned on that.
- 5.8 Acting Chairman Schneider said they are committed to doing the above.
- 5.9 Mr. Merci said it was an informal commitment.
- 5.10 Mr. Boyer said that testimony was given about what they would do.

6.0 DECISION

- 6.1 Mr. Kolleng moved to recommend granting a request for a 12.64' side yard adjoining a street parking setback variation to permit a parking pad at 1434 Isabella Street in accordance with the plans submitted.

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

| | |
|------------------------------------|-------------|
| Acting Chairman Reinhard Schneider | Yes |
| Chairman Patrick Duffy | Not Present |
| Mike Boyer | Yes |
| John Kolleng | Yes |
| Bill Merci | Yes |
| Lynn Norman | Yes |
| Bob Surman | Yes |

Motion carried.

- 6.2 Ms. Norman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2016-Z-10.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the lot width, the location and size of the garage, the location of existing trees, and the condition of the lot as a corner lot, impose upon the owner a practical difficulty. The lot is narrow so there is not a lot of room for a garage and as a corner lot, the setback requirement is much greater than for a parking pad on an interior lot. The plight of the owner was not created by the owner and is due to the conditions 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 two off-street parking spaces. The garage will hold one car and it is not feasible to construct a two-car garage because of existing trees located on the other side of the garage. The proposed variation will not impair an adequate supply of light and air to adjacent property or otherwise injure other property or its use. 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 12.64' side yard adjoining a street parking setback variation to permit a parking pad at 1434 Isabella Street in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Kirby Atwell, applicant

3.12 Ms. Donna Lee Floeter, architect
826 Gray, Evanston

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 1.95' front yard setback variation, a 0.95' front porch step setback variation, and a variation to retain a non-conforming detached garage 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 April 12, 2016.

3.22 The applicant said that he owns that property at 221 10th Street. It is currently a small outdated ranch. They are looking to add a second-story addition that is keeping with the rest of the neighborhood. The current structure has a setback of 30.05', which was conforming when it was built, but does not meet today's standard of 32'. They want to build on the existing structure. If they had to do a conforming structure, they would have to remove the entire foundation just to move it back less than 2'.

The front porch they are proposing is modest. It is an 8' landing with 8' stairs coming out. They exceed the standard by less than 1' from the street.

They want to keep the existing two-car garage, which is in the back yard. They are not changing this structure.

3.23 Mr. Kolleng asked why this was non-conforming.

The applicant said that it is too close to the street.

3.24 Acting Chairman Schneider asked the applicant to show the garage location if they had to comply, page 1.3.

Ms. Floeter said that is considered a double frontage. The cut-off corner of the lot is along Poplar Drive.

3.25 Acting Chairman Schneider said they would have to go in a line that is parallel to Poplar.

The applicant said they would have to go 30' back.

Ms. Floeter said that this would put them in the house or close to it. Regarding the second-story addition, all of the new parts would be conforming. The existing front of the first floor of the house is non-conforming. What they are proposing to add is set back off of the front. They are asking for a variance to allow what has been existing for 63 years to remain where it is.

- 3.26 Acting Chairman Schneider said that the profile for the first and second floors looks identical.

Ms. Floeter said that it is the same shape and is shifted back 2'.

- 3.27 Mr. Surman asked if this was the applicant's home.

The applicant said he is a builder and has done about 70 projects in 5 years. This is not his home.

- 3.28 Ms. Norman asked if they were keeping the foundation and the walls on the first floor.

Ms. Floeter said that all of the walls are staying. They will move some windows. The concrete and basement are fine. The framing is also fine as are brick walls.

- 3.29 Mr. Boyer clarified that the building envelope is not changing.

Ms. Floeter said they are building up. The front part is set in and that is the change. She said that due to the extent that they are building it is classified as new construction.

- 3.30 Mr. Boyer asked about maximum allowable FAR for the house.

Ms. Roberts said that with the bonus, the maximum allowable FAR is 3,731.98 square feet.

- 3.31 Mr. Boyer asked about the proposed house.

Ms. Roberts said that the proposed is 3,399.77 square feet.

- 3.32 Mr. Kolleng asked if they were aware of the issue when they bought the home.

The applicant said they were not aware of this issue. They initially thought it would be a rehab permit. After they got the plans back, they realized it would be classified as new construction and that is when it became an issue.

- 3.33 Acting Chairman Schneider talked about this being new construction.

Ms. Floeter said that the existing roof is coming off and then the second story goes on. She added that the first floor interior walls are moving.

3.34 Mr. Merci said they were not building beyond the present footprint of the house.

Ms. Floeter said that was correct.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Ms. Norman said that standards of review are met. The requests are minimal. They are adding to an older home. She can support this proposal.

5.2 Mr. Boyer said that standards are met. This case gets caught in the new construction definition. This is a renovation/addition. They are keeping the minimal nonconformities and not adding anything. All standards are met.

5.3 Mr. Kolleng has a little problem with this case. A similar case with many variations was recently heard. That application was not approved. If it was being built new on an empty lot, the Board probably would not approve it. He is not sure if the Board should be implementing a strict application of new construction rules. The request is minimal.

5.4 Mr. Boyer said that the previous case as referenced above was changing the building envelope, which is different from this case. The non-conformities in tonight's case are minimal. In the previous case he was going up and back. The walls were 16". He was asking for more square footage and a larger garage.

5.5 Mr. Kolleng asked at what point in time is it okay and when isn't it okay.

5.6 Mr. Boyer reiterated that in tonight's case the non-conformities are so minimal. He is not adding nonconformities.

5.7 Mr. Surman has no problem with the proposal. They are leaving the existing home and what they are building new will be conforming. He can support the request. A lot of applicants would have gone straight up but they set it back the extra foot. They were detail oriented.

5.8 Mr. Merci can support the request. He talked about the interpretation of double frontage, which is not a problem. The garage exits on the public alley.

5.9 Acting Chairman Schneider agrees with the predominant view in that this is an acceptable request. To ask the applicant to move the concrete foundation wall and the brick wall in front 18" to the back just to comply is a hardship. The Board can

make judgments and each situation is evaluated on its own merits. This is not a precedent. He can support the application.

6.0 DECISION

6.1 Ms. Norman moved to recommend granting a request for a 1.95’ front yard setback variation, a 0.95’ front porch step setback variation, and a variation to retain a non-conforming detached garage to permit the construction of a substantial addition and remodel that is classified as a new home at 221 10th Street in accordance with the plans submitted.

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

| | |
|------------------------------------|-------------|
| Acting Chairman Reinhard Schneider | Yes |
| Chairman Patrick Duffy | Not Present |
| Mike Boyer | Yes |
| John Kolleng | Yes |
| Bill Merci | Yes |
| Lynn Norman | Yes |
| Bob Surman | Yes |

Motion carried.

6.2 Mr. Boyer moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2016-Z-13.

6.21 Ms. Norman 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 location of the house on the lot, the shape of the lot, and the condition of the lot as a double-frontage lot, 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. The difficulty is peculiar to the lot in question and is not generally shared by other properties. The difficulty prevents the owner from making reasonable use of the property with a second-story addition and interior improvements to the home. The proposed variations are for existing conditions that will remain unchanged. All new construction is conforming to the Zoning Ordinance. The proposed variations will not impair an adequate supply of light and air to adjacent 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 1.95' front yard setback variation, a 0.95' front porch step setback variation, and a variation to retain a non-conforming detached garage to permit the construction of a substantial addition and remodel that is classified as a new home at 221 10th Street in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Ms. Beth Baker, architect
Baker Design Group
1221 E. Lake Avenue, Glenview

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 0.55' front yard setback variation, a 0.10' side yard setback variation, and a variation to retain a non-conforming retaining wall 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 April 12, 2016.

3.22 The architect said that the applicants bought the home in December. It is existing non-conforming that they are asking for variations. The front yard setback on the northeast corner of the house is 4.9' and the requirement is 5'. The east wall will be continuous at the addition but the house angles slightly so at the back of the existing house is 5'. The front yard setback is a cantilever on the second floor which overhangs the front yard setback by .55'. They want to keep the existing 80 year old house. The improvements are within the ordinance. The correction to the letter – it says that the proposed additions will maintain the existing setback which is not accurate. The wall is continuous but the home is within the required setback.

3.23 Acting Chairman Schneider clarified that they are adding on top of the garage.

The architect said that they are taking the current garage off. It is 18' square. The applicants have a wheelchair-bound daughter and they need a larger garage for the wheelchair ramp. The new garage is under FAR and meets the zoning ordinance.

3.24 Mr. Surman clarified that the existing home in the front will remain the same.

The architect said that they are changing the façade, which is why they are considered a new home. They are adding new siding and making improvements to the aesthetics. They are not extending it our further and existing walls remain.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Boyer said all requests are minimal. There is no detriment in granting the variances. Where the house was built is the practical difficulty. This meets all standards of review. He can support the request.
- 5.2 Mr. Surman agrees with above and can support this request.
- 5.3 Acting Chairman Schneider can also support the request. The requests are minimal, pre-existing and would create a hardship to fix them due to the expense.

6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a request for a 0.55’ front yard setback variation, a 0.10’ side yard setback variation, and a variation to retain a non-conforming retaining wall to permit the construction of a substantial addition and remodel that is classified as a new home at 2143 Chestnut Avenue in accordance with the plans submitted.

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

| | |
|------------------------------------|-------------|
| Acting Chairman Reinhard Schneider | Yes |
| Chairman Patrick Duffy | Not Present |
| Mike Boyer | Yes |
| John Kolleng | Yes |
| Bill Merci | Yes |
| Lynn Norman | 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-14.

6.21 Ms. Norman 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 condition of the property, the location 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 circumstances of the lot. The difficulty is peculiar to the lot in question and is not generally shared by other properties. The difficulty prevents the owner from making reasonable use of the property with a two-

story addition and interior and exterior improvements to the home. The proposed variations are for existing conditions that will remain unchanged. The proposed variations will not impair an adequate supply of light and air to adjacent 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 0.55' front yard setback variation, a 0.10' side yard setback variation, and a variation to retain a non-conforming retaining wall to permit the construction of a substantial addition and remodel that is classified as a new home.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Dan O'Bara, applicant

3.12 Ms. Sarah Lyke, applicant

3.13 Mr. Paul Ozga, architect

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 967.41 square foot (9.93%) total floor area variation to permit the construction of a two-story and second-story addition on the legal non-conforming structure. The Village Board will hear this case on April 12, 2016.

3.22 Mr. O'Bara said that their architect is also present at the meeting. They have lived in the Village for 16 years and are active in the community. They recently bought the house and plan to remain there for a long time. It was built in 1936 by Hemphill. The exterior is beautiful but the interior needs a lot of work. There is no family room. It was marketed as a potential tear down but they want to save the home. They met with many architects and builders and came up with the proposed design.

They are proposing to move the dining room and kitchen to the other side of the house. That will enable them to add a family room. They are also proposing a new bedroom and bath above the addition to replace a bath and bedroom that will be converted to a laundry room, master closets and bath. They will have the same number of bedrooms and baths on the second floor as originally purchased.

They are seeking variances to overcome several hardships created by the original design and features. The most significant is the large attic space with its high rafters. It is unfinished and unheated. There is a pull down ladder. The floor is 2 x 6s that are not connected to the load bearing wall but are attached to the roof rafters above. The attic was not designed as livable space. It is used and designed for storage. 848 square feet is over 6'9" and counts as floor area.

The second hardship is the garage, which was built at 26.5 square feet over the garage bonus. A third hardship is the sitting area. It was not easily repurposed in the current design. This is 138 square feet. There are several other inefficiencies throughout the house including an oversized foyer, an incinerator, and a covered entry that is not eligible for the front porch bonus.

The lot size is 278 square feet less than what they thought they were buying. They lost 131 square feet of buildable space because of that. When they received the

correct survey, they could have gotten out of the contract but they did not do that. They believe it was an honest mistake.

The proposed design mitigates the hardships. The variance will allow them to have a modern and functional interior space that maintains the original character of the home. Many neighbors support the proposal. The neighbor to the south does not support the plans. He suggested that they put the family room in the attic, but the applicant disagrees with this. The addition meets setbacks and lot coverage. They are under maximum allowed lot coverage.

The neighbor has his driveway on that side of the house. His house and the adjacent house are separated by 21'. They are north of their neighbor and will not impact his southern exposure.

His wife will address the issue of putting the family room in the attic.

Ms. Lyke said they thought about the neighbor's request to put the family room in the attic, but it is not practical or reasonable. Families like the family room close to the kitchen. The neighbors' two houses away tore down their house to get a modern family design. Her mother has Parkinson's and frequently visits and they want a space that she could access if she was in a wheelchair.

The applicant said that this is a difficult situation. In the long run it might have been easier and less expensive to tear down and build new. They would probably get more functional space, but they feel like the house is worth saving.

Mr. O'Bara talked about the comprehensive plan and it emphasizes that the Village is enhanced by architecturally significant homes that impact Village character. By approving the variance and enabling the modernization of the house, they will be meeting goals in the comprehensive plan.

3.23 Mr. Boyer asked about the length of the south wall from the front to the back.

Mr. O'Bara said he thought that it was proposed at 59'. With the porch, it's 32 plus 14. They are adding 11'.

3.24 Mr. Merci asked if the side yard variation was for air conditioning on the south side.

The applicant said they have no side yard setback or lot coverage issues.

3.25 Mr. Boyer asked if the current house had air conditioning.

Mr. O'Bara said that the unit is closer to the driveway. It is forced air throughout. The compressor is closer to the north side of the property.

- 3.26 Mr. Boyer confirmed that they are gutting the interior, upstairs and downstairs. How high are the basement ceilings?

Mr. O'Bara said it is 7' to the bottom of the joists.

- 3.27 Ms. Norman asked if they thought about rearranging what is there already.

Mr. O'Bara said they have spent six months trying to figure out what to do. The determining factor was to have an attached family room to the kitchen. Moving the kitchen to the other side of the house was the only plan that works. That side of the house is wider.

- 3.28 Mr. Surman asked the applicant if he worked from his home.

Mr. O'Bara said that he and his wife work from home at times.

Ms. Lyke said she works from home every night. A key feature of the house is a first floor office and they want to maintain that.

- 3.29 Acting Chairman Schneider referenced 1.5 and talked about the addition enclosing the rear porch.

Ms. Lyke said it would enclose the rear porch and go 11.5' beyond that.

- 3.30 Mr. Surman said that the shaded portion is new construction.

The architect said that the backyard contributes to FAR.

- 3.31 Ms. Norman asked if they made the house the proposed size because they want that big of a space.

Ms. Lyke said they thought very carefully about the size of the house. They looked at measurements for modern houses to see if they were asking for more or less than if they tore the house down and built new. They are asking for less than if they tore down and built new.

- 3.32 Ms. Norman said they asked for a lot of extra floor area. Was there any consideration given to enclosing the porch, rearranging as you have done, and leaving the space smaller.

Mr. O'Bara said that there is a corner that defines the start of a room. There is not much they could do.

The architect said they did a lot of studies about shifting walls. They looked at furniture size and room function. The rooms are not large. The kitchen is reasonable size. The sitting areas are moderate.

Mr. O'Bara said they eliminated the pantry to create some space.

- 3.33 Mr. Surman asked if there was any reason that they decided to not put a bedroom upstairs and have the office on the second floor.

The architect said they considered those options.

Mr. O'Bara said that there was an office on the first floor when they bought the house. His wife needs a first floor office.

Ms. Lyke said that a first floor office was critical to her.

(After section 4.0)

- 3.34 Mr. O'Bara agreed that the house is well built and they want to save the house. He emphasized that a lot of square footage is in the attic, where it is not structurally sound, and in the foyer.

Acting Chairman Schneider asked why the attic was not structurally sound.

The architect said that the house is solid on the lower levels. The first floor has a concrete floor with a frame and then a ceiling. The attic was not designed as a living space. The current structure cannot support the necessary loads for occupancy.

- 3.35 Mr. Boyer clarified that the floor joists are 2 x 6, not the roof rafters.

The architect said roof rafters are also 2 x 6. They would have to tear down the slate roof and rebuild it to allow for insulation. The sitting joists are not resting on the wall but are resting on 2 x 6s, which create the roof structure.

- 3.36 Mr. Merci asked what the 2 x 6 floor joists bear on.

The architect said they are bearing on roof rafters. The floor is attached to the rafter.

- 3.37 Mr. Merci asked if the transfer of the load of the 2 x 6 transferred to the perimeter wall.

The architect said this is correct, through the roof rafters. The wall is a bearing wall.

- 3.38 Mr. Merci said that the concern is the connection between the 2 x 6 floor joists and the roof rafter as it is bearing on the perimeter wall. The integrity of that construction lies in the connection between the 2 x 6 and the roof rafter as it bears as the perimeter wall.

- 3.39 Acting Chairman Schneider asked of the second floor ceiling was coffered. What is the second floor ceiling height?

The architect said that it was coffered. The height is 9' and goes down to less than 8'. The house is not very tall.

- 3.40 Acting Chairman Schneider asked the architects on the Board, referencing the joists on the ceiling of the second floor as they connect to rafters and are not designed to hold a lot of load. Is that correct?

- 3.41 Mr. Surman said that is correct. Can they sister up other joists?

The architect said they would have to remove the entire roof. He said that every 2 x 6 is carrying another 2 x 6. It is not prepared for habitation at this time.

- 3.42 Mr. Merci said this depends on 2 x 6 floor joists and the roof rafter connection. Is there enough "meat" on the wood to take that load from the rafter and then transferred to the bearing wall on the perimeter. It is a structural computation. The 2 x 6 could be increased.

The architect said that the current roof is part of the home's beauty.

- 3.43 Acting Chairman Schneider said that the architect is saying that the attic is not habitable without major demolition of the second floor.

The architect said they would also have to tear down the roof. He drew a picture that showed the wall, the 2 x 6 that comprises the attic floor and the 2 x 6 roof rafter. They could open the roof and make a metal construction, and a connection. It would be complicated and not practical. There is a mansard roof with a flat area.

- 3.44 Mr. Surman said that the neighbor said that the elevations are not correct. Is that true?

The architect said there are different scales. He said that he will check this out.

- 3.45 After discussion and review, Mr. Surman said it appears as if the drawing is not correct.

It is not to scale. The back is longer than what is shown. There is bulk that is being added that is not on the drawing.

Mr. O'Bara said he put stakes in the ground where the addition would go so the neighbor could see it.

Ms. Lyke said they will correct the drawings. They are at a crossroads with the property. They do not want to tear down the house. It needs a lot of interior work.

They want to modernize the house. Many advised them that it would be easier and less expensive to tear the house down and get a lot of modern amenities. The two neighbors to the north support the proposal. She read the letters from the neighbors.

3.46 Acting Chairman Schneider said that the neighbor to the north would be most impacted by sunlight and they support the proposal. Mr. Balzano tore down his own house so he could get modern conveniences.

3.47 Mr. Surman said that the Board looks at each project on its own merits. The Board looks at guidelines and interprets code. Everyone cannot get everything they want in their house. That's why he asked about the office. There is give and take.

The architect said that the house should have a defined family room, living and dining room.

Mr. O'Bara said they are taxed on attic space whether or not they use it because of the way the code is written.

3.48 Mr. Boyer said that the driveway seems narrow as it exists. If they tore down the house would they rebuild the driveway the same way?

Mr. O'Bara said they would get an attached garage in the front and the house would be long and narrow.

The architect said they would have to move it 5' from the front façade. He designs a number of houses in Wilmette. New construction would have a high basement and attic space, going to the limit of the ordinance. The space could be used more efficiently with a new house.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Mr. Ray Balzano
813 Michigan Avenue

4.2 Summary of presentations

4.21 Mr. Balzano showed the Board a copy of the proposed elevation. He talked about the south setback, what is there already, the porch and what they are adding. The original proposal was to build out 7' past the porch and they changed the plans to build it out to 11' past the porch. The floor plans were updated in the packet, but elevations were not updated.

Acting Chairman Schneider said they have the correct elevation.

Mr. Surman said that the south elevation does appear a little bit short.

Mr. Balzano said that it is 4' short. They left the windows off of the elevations. There are windows on the north and south sides of the third floor. On the south setback is a wall that is 28' high and 25' long. That is 82% more than what is there now. He said that the north side of his house faces this. Michigan is at an angle. The north side of his house looks northwest. They get a lot of afternoon sun and the addition will block a lot of sun.

Regarding the applicant's discussion regarding standards of review, number four, they talk about making reasonable use of the property. The applicant claims that the current configuration of their house prevents them from making reasonable use of the property. They cannot incorporate a family room because of the home's layout. The applicant's plan shows a separate formal living and dining room and a family room. It is the applicant's contention that they need all those rooms to make reasonable use of the property. If they only enclosed the porch they would have 45' from front to back. His house has a kitchen and dining room table in 27'. That would leave 17' for a family room. With some adjustments, they could get all three rooms in the house.

On the second floor is a fourth bedroom. The applicant made a choice to incorporate the fourth bedroom into the master suite. With the changes they are making, putting a stairway up to the third floor is not harder than what they are doing. They have 850 square feet on the third floor. They could have 2 to 3 bedrooms on the third floor. It has 14' high ceilings. Windows could go on the front. He never mentioned putting a family room on the third floor. If they used the third floor, they would not have to increase the bulk of the house.

If the Board grants this variance, later on the applicants or future owners could build a stairway up to the third floor. They would have 5,400 square feet of house and it should be limited to 4,400 square feet. There has been a lot of talk about teardowns in the neighborhood and the applicant said that 5 out of 6 houses have been torn down. The two houses behind them on Sheridan were not teardowns; they were new houses built on unimproved lots. The three houses torn down were smaller with the new home built up to what was allowed on the lot. His own house was about half the size of what was allowed before they built a new home. The one house not torn down, the directly north of the applicants, was because it was larger than what was allowed on the lot. The entire interior was rehabbed. The applicant's house already has more square footage than what should be allowed on the lot.

Mr. Boyer said that the neighbor's main issue seems to be the length of the southern wall.

Mr. Balzano said that is correct and especially the second floor.

Mr. Boyer said if they did tear down the house, they could build that wall and a new building envelope. This might be a case of be careful what you wish for.

Mr. Balzano said that if they tore it down, they would have 300 square feet less than they have now and 1,000 square feet less than what they are requesting. If this variance is granted, there will be a large house on the lot. The attic will remain plus 4,400 square feet that exists.

Mr. Boyer said if they did new construction they could place the house where they are proposing and have a smaller house. He is pointing out is that if the house was torn down one of the neighbor's objections would remain. He looked at the satellite photo of the block. There might be homes with smaller square footage but they extend farther back on the lot.

Mr. Balzano said they are going up with the addition and adding a mansard roof which adds a lot of bulk. The house is very well built. It is a Hemphill house. This was a deluxe version of the house and there is 1' of concrete between the first floor and the basement. The house has steel joists supported by steel beams on the first floor. It is solid. A tear down would not be as solidly built as the current house.

Acting Chairman Schneider said it would be expensive to tear down.

- 4.22 There was no one else 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 commended the applicant for trying to keep the house versus tearing it down. It meets all setbacks, lot coverage, and height and impervious surface. The issue is how they can create more space, how they will renovate the house. This turns on the original construction of the house and the hip roof and the 848 square foot attic. He did some math. The proposed house is 5,418 square feet. If they take away 848 square foot attic and give them a bonus he is at 4,895 square feet and allowed is 4,450 so they are over 444 square feet. There is a large hip roof and an attic space that is not really usable, a sitting room, the additional square footage on the garage, the large foyer. All of this combined is a hardship. It is an unusual case. It makes sense to him that this request deserves relief from the codes. He can support the request.
- 5.2 Mr. Kolleng said that the request is large but there are mitigating factors. This is a magnificent house. The Board has worked with owners to bring more modern amenities into the home while maintaining the house. The Board sometimes has to agree to variances that are out of the ordinary. He agrees with the above analysis. From his perspective when one weighs the variances and weighs maintaining this house, he wants to maintain the house and he can support the request.

- 5.3 Mr. Merci said that variations were requested to overcome the deficiencies of a historic lifestyle to accommodate a more modern lifestyle. The variations are not justified.
- 5.4 Ms. Norman is having difficulty with this case. They did not minimize variations. The house is beautiful and the location is great. The applicants need changes to make the house more modern when a lot of people live in older homes and are fine with their homes as is and bought the homes because of that. She does not see a hardship. They bought the house knowing what it was.
- 5.5 Mr. Surman said that Mr. Boyer indicated that the third floor is 800 square feet. How much bigger is this than what was allowed?
- 5.6 Mr. Boyer said he came up with 4,895 square feet and that includes an attic bonus.
- 5.7 Mr. Surman said they cannot gain anything from the attic bonus.
- 5.8 There was continued discussion and Acting Chairman Schneider came up with 4,800 (approximately), which is about 100 square feet above existing.
- 5.9 Mr. Surman said they are looking at 4,450.
- 5.10 Mr. Boyer said that 4,450 is allowed. They got an attic bonus. He came up with a net ask of 444 square feet above the maximum allowed.
- 5.11 Mr. Surman said if they took the attic out they are still building 450 square feet more than they could.
- 5.12 Mr. Kolleng said that it is a more reasonable percentage to what the Board has done in the past.
- 5.13 Mr. Surman said that this is a 4.5% request.
- 5.14 Ms. Norman asked why they could not make the first floor smaller. They enclosed the porch and brought it out more.
- 5.15 Mr. Boyer said that is a design request based on their needs.
- 5.16 Mr. Surman referenced a house on Schiller and they said that a family room had to be a certain size. This is a tough case.
- 5.17 Mr. Boyer said that the Board has to weigh what the owners can do with their property reasonably against the ordinance. There are a lot of pieces to this case, but the requests are reasonable based on the facts. He does not want to minimize the neighbor and his issue. There are houses that extend farther back than this house

and a new house would do that. There is not that great of an impact on surrounding neighbors.

- 5.18 Ms. Norman said that the Board has to come from a place where the zoning ordinance is reasonable.
- 5.19 Mr. Surman said that the request would have been more reasonable and palatable if it was an even trade for what they lost upstairs and what they are getting. To ask for more is not reasonable and is not the way he has voted in the past.
- 5.20 Mr. Kolleng said that when you compare what you can do with new construction and what they are trying to do here, it would be his preference to maintain this type of home in the Village.
- 5.21 Acting Chairman Schneider said this is a hard case. When he first looked at this, he thought that the attic could be made habitable and he wondered why they are asking for this variation. They could move bedrooms to the third floor and rearrange the first floor to make it work. Now he knows that the attic is not habitable and will not be habitable unless they go to great expense. What would be the variation request and he said it would be net of 400 square feet.
- 5.22 Mr. Boyer said that the request as written is correct – 444 above the maximum.
- 5.23 Acting Chairman Schneider asked about hardship. Given that this is a significant building and the Village wants to keep these buildings, would reducing the first and second floor by 100 square feet make a big difference. On balance he can support the request.

6.0 DECISION

- 6.1 Mr. Boyer moved to recommend granting a request for a 967.41 square foot (9.93%) total floor area variation to permit the construction of a two-story and second-story addition on the legal non-conforming structure at 819 Michigan Avenue in accordance with the plans submitted.

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

| | |
|------------------------------------|-------------|
| Acting Chairman Reinhard Schneider | Yes |
| Chairman Patrick Duffy | Not Present |
| Mike Boyer | Yes |
| John Kolleng | Yes |
| Bill Merci | No |
| Lynn Norman | No |
| Bob Surman | No |

Motion failed.

6.2 Ms. Norman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2016-Z-7.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

Three members of the Zoning Board of Appeals find that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The particular physical conditions of the property, the design of the house and the size of the attic, impose upon the owner a practical difficulty. The height of the attic space results in floor area in excess of the bonus but the space is not usable because of the way the attic floor was constructed. The plight of the owner was not created by the owner and is due to unique circumstances. The difficulty is peculiar to the house in question. The difficulty prevents them from making reasonable use of the property with improvements to modernize the home. The proposed addition conforms to the side yard setback and other requirements of the ordinance 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. Granting the variation to allow modernization of the home will help to preserve the structure and the character of the neighborhood.

Three members of the Zoning Board of Appeals find that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, there are no particular physical conditions of the property that impose a practical difficulty or particular hardship on the owners. The applicants are creating their own hardship by seeking to expand the house in excess of what is necessary.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 967.41 square foot (9.93%) total floor area variation to permit the construction of a two-story and second-story addition on the legal non-conforming structure at 819 Michigan Avenue in accordance with the plans submitted.