



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, JUNE 7, 2017

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: Mike Boyer

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. 2017-Z-26 1125 Wilmette Avenue

See the complete case minutes attached to this document.

III. 2017-Z-24 1817 Elmwood Avenue

See the complete case minutes attached to this document.

IV. 2017-Z-25 1030 Greenleaf Avenue

See the complete case minutes attached to this document.

V. 2017-Z-23 701 Lake Avenue

See the complete case minutes attached to this document.

VI. Approval of the May 3, 2017 Meeting Minutes

Mr. Kolleng moved to approve the May 3, 2017 meeting minutes.

Mr. Robke 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 8:49 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 Ms. Robin Stark, parent volunteer
Wilmette Community Nursery School

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for an 11.0' side yard play house setback variation to permit the installation of a play house. The Village Board will hear this case on June 27, 2017.

3.22 Ms. Stark said that the projects proposes to remove an old wooden play structure that is in disrepair and replace it with two new playhouses made of wood. They will be in approximately the same location as the current structure. The reason why the variation is important is that due to the playground location on the church's property. About half of the playground is within the setback and the other half is directly adjacent to the building's entry doors. It is difficult to locate a play structure outside of the setback.

The new playhouses will improve the playground and will allow more opportunity for imaginative play.

3.23 The Board had no questions for the applicant.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Schneider said that there was a similar case before the Board. Was it a different structure?

Ms. Stark said they had two old playhouses and a few years ago replace those one of them with a new climbing play structure. The current structure cannot be replaced by a climbing structure due to new rules about how much space they need. They are now asking to replace the current structure with the playhouses.

Mr. Schneider continued and said that he did not see a problem with the variance. There is an apartment building on one side. The request will not impact neighbors regarding use of their property. No one objects to the request. It is appropriate to support the request.

5.2 Mr. Surman agreed with the above comments. They are removing the other play set so it is a wash and he can support the request.

5.3 Chairman Duffy said that this is a simple request and he can support it.

6.0 DECISION

6.1 Mr. Schneider moved to recommend granting a request for an 11.0' side yard play house setback variation to permit the installation of a play house at 1125 Wilmette Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Not Present
John Kolleng	Yes
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Yes
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 2017-Z-26.

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

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the shape of the lot and the siting of the structures on the lot, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique lot and its use. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the available outdoor play space. The proposed variation will not impair an adequate supply of light and air. The proposed variation is to replace an existing piece of playground equipment, therefore there will be no change to the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for an 11.0' side yard play house setback variation to permit the installation of a play house at 1125 Wilmette 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. Doug Harness, owner and president
Harness Real Estate and Construction

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a lot separation variation to separate the ownership of two lots each measuring 50.02' x 140.0', 7,002.8 square feet in area. The Village Board will hear this case on June 27, 2017.

3.22 Mr. Harness is the contract purchaser for the property. It is two separate lots of record, two PINs and has been owned by the Kerrigan family of Kerrigan Plumbing for over 70 years. Staff wrote up the details. Over 92% of the properties with 500' do not comply with the zoning requirements. They meet the 50' minimum but the depth of the lots is only 140' so the lots are over 7,000 square feet instead of 8,400 square feet. As part of their due diligence, he went beyond the 500' radius. He went from 14th Street to Ridge, on Elmwood, on Walnut, on Forest. There are a few lots that meet the minimum requirement but not many. All the lots adjoining them are 50' wide. There are some across the street that are about 36' wide. They made their contract offer to the Kerrigans contingent on the Village granting their request to separate the lots.

3.23 Mr. Kolleng said that new homes would be at 3,670.21 square feet. He asked Ms. Roberts if this was the amount allowed on a 7,000 square foot or an 8,400 square foot lot.

Ms. Roberts said the square footage shown for new homes is what would be allowed on the two lots being discussed tonight.

3.24 Mr. Surman asked if they are able to save any trees on the properties.

Mr. Harness said that one of the big trees towards the front probably cannot be saved. The large one in the back should be able to be saved.

3.25 Mr. Surman said that there is a tree on the far northeast corner but he is not sure which property this tree is on.

Mr. Harness said he was not sure whose property this tree was on. They are not going to cut down a big tree to build a garage. He said that the addresses are 1815 and 1817. The garage for 1817 can be built where the current garage is. The other garage can be built towards the east side.

- 3.26 Mr. Tritsis said it appeared as if they were not building below the drip line of the tree in the back.

Mr. Harness said he did not think so. He has not completed the engineering study. It is pretty far back on the lot so they will try to avoid the drip line. He is not sure what species the tree is.

- 3.27 Mr. Kolleng asked if any variances would be required for the houses they are planning to build.

Mr. Harness said he is a builder and does not ask for variances. He has been told no before.

- 3.28 Mr. Robke asked if it was fair to say that there is no true hardship with the property and that this is strictly a financial consideration.

Mr. Harness said that the hardship would not be his but would be the Kerrigan's hardship. It would be an economic hardship.

- 3.29 Mr. Kolleng said that in the analysis of doing two homes on two lots as opposed to one home on one lot, one home would be over 5,000 square feet. From a financial perspective, where is there more value?

Mr. Harness said that the challenge would be the cost of the larger home. This is not a neighborhood of \$2.5 million or \$3 million homes.

- 3.30 Mr. Kolleng said that one home would not be a real option.

Mr. Harness said that it would not be a real option for him. It would not make financial sense. A home that would be \$2 million or \$3 million is not in character with the neighborhood.

- 3.31 The Board had no additional questions.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Surman said he does not have a problem with this request. Many lots in the area are of similar size as this lot. This lot was not sold off until this time. If a larger home went on the lot, it would not fit with the neighborhood's character. The request will fit in with the neighborhood. He can support the request.

- 5.2 Mr. Robke said he is troubled because the standards state that the difficulty or hardship resulting from the application of this ordinance would prevent the owner

from making reasonable use of the property. However, the fact that the property could be utilized more profitably with a variance than without a variation is not considered as grounds for granting the variation. The Board spends a lot of time looking at hardship. Typically, the basis of the hardship is that this lot is smaller than what was allowed by zoning so someone could not do something as much as their neighbors. Now they are going to create two parcels that meet the criteria that seems to be the hardship that is typically defined when people request a variance. The Board spends a lot of time trying to interpret and find room for hardships to allow residents and developers to maximize the use of their property. He cannot support this request. It is too much of a stretch to turn the language around. The reason for this request is strictly financial.

- 5.3 Mr. Schneider said he can support this request. The 8,400 square foot standard and the 50' minimum width was intended for larger subdivisions. In this case, there are two lots that are consistent with the predominant size of the lots in the area. To insist that they meet the 8,400 square foot minimum is not what was intended in this situation.
- 5.4 Mr. Kolleng said he is a little troubled by paragraph four, standards of review. In the past, before the change from 60' to 50', there was a lot of discussion about the economic impact and the driver in this type of situation. That is what is at work in tonight's case and what mollifies that somewhat is that the neighborhood has houses in similar situations. The Board does not want to grant variances for new construction, which is why he asked the above questions about whether the applicant would be seeking variations for the houses. He is 50/50 at this time but he can probably support this because of the character of the neighborhood.
- 5.5 Mr. Tritsis said that the Board always struggles with the point that Mr. Robke brought up regarding hardship. Tonight's ask seems significant and they are creating more density. The applicant is creating his own challenge. He does not think that he can support this request.
- 5.6 Mr. Kolleng said that no neighbors are at the meeting to complain about the request. One of the neighbor's light and air could be impacted yet they are not at the meeting.
- 5.7 Mr. Robke said he would define the hardship as shown in the language of the code that if they are commonly held by a common owner for a period of time, they need to be separated in this way. He is not sure that the Board is granting a variance for the hardship is the zoning code that creates that with the section 17.5.B that talks about the continuous lots being held in common ownership. He is not within the purview of the Board to change this. He would not agree with the law if he was making the law, but that is not what the Board is doing.
- 5.8 Mr. Surman said that if one looks at the Sanborn map, it was originally designed as two lots, the owners bought two lots, there are two separate PIN numbers. It aligns

with the north to south direction of lots of the same size. In this case, it was never developed. People along the way might have sold off lots next to their homes and this one was remaining. He views it differently than if the applicant was coming in and saying they have an x-foot wide lot and want to divide it but it was initially planned that way. It did not have a separate PIN. But in tonight's case it was planned that way and there are separate PINs.

- 5.9 Chairman Duffy said that he spoke with Ms. Roberts before the meeting asking why the Board had to hear this case since it is two separate PINs. His opinion, if he was not a Board member, he would say that this is two lots already so what is the point. But the technicality is the wording of the code, which says that if they are continuous lot and they are held by one owner for a period of time then there has to be a subdivision. Even with the technicality he thought that there were two PINs and two lots. As pointed out by Mr. Surman, in the past some of these lots were undeveloped and sold off and houses were built on them. Recently the Board had a case on Lake Avenue just east of St. Joseph Church. The property owner owned 100' along Lake Avenue and the Board allowed him to subdivide his lot and let his son build a house next door to him. That was not a case, however, where the lot was smaller than 8,400 square feet and it was substantially larger because the lots were much deeper. In tonight's case, his opinion is that so many of the lots are of similar size to the two lots.
- 5.10 Mr. Robke said the applicant should be able to develop them as two separate lots. He went through the same process as to why this is even an issue. He does not believe that it is within the Board's purview to grant this request. He disagrees with the wording of the ordinance and would love to find another recourse.
- 5.11 Mr. Schneider said that raises a great point that maybe the intent is for when one is subdividing larger parcels or multiple parcels. This request is kind of an anomaly.
- 5.12 Mr. Robke said he would like to see this section removed from the ordinance. If there are two PINs, they should be two separate parcels.
- 5.13 Chairman Duffy said that PINs are for the county and taxes and not for the local municipality and how the Village determines lots.
- 5.14 Mr. Robke said that his objection is with the language included in the ordinance. Can he abstain so that it doesn't go as a negative vote?
- 5.15 Chairman Duffy said that there have to be four positive votes for a positive recommendation.

6.0 DECISION

- 6.1 Mr. Surman moved to recommend granting a request for a lot separation variation to separate the ownership of two lots each measuring 50.02' x 140.0', 7,002.8

square feet in area at 1817 Elmwood Avenue in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Kolleng moved to authorize the Chairman to prepare the report and recommendation the Zoning Board of Appeals for case number 2017-Z-24.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

A majority of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F and the non-conforming lot variation standards of Section 17.5 of the Zoning Ordinance. The physical conditions of the property, the common ownership of two 50-foot subdivided parcels, impose upon the owner a practical difficulty in redeveloping the vacant lot. This condition is based on the ownership of the property and is not actively caused by the owner. The difficulty is peculiar to the lot in question. The difficulty prevents the owner from making reasonable use of the property with redevelopment that is economically viable. The applicant is unable to purchase property either from the east or the west to create a conforming situation. Approximately 93% of the properties within 500' are non-conforming in lot area. Any new construction will be conforming and will have no negative impact to light and air on neighboring properties. Any new construction will be infill on the lots in a pattern consistent with the rest of the lots on the south side of Elmwood Avenue. The neighborhood character thus will not be altered.

A minority of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F and the non-conforming lot variation standards of Section 17.5 of the Zoning Ordinance. Specifically, the fact that the owner or applicant can make more money by separating off lot 4 is not a reason to grant a variation.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a lot separation variation to separate the ownership of two lots each measuring 50.02' x 140.0', 7,002.8 square feet in area at 1817 Elmwood Avenue in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Ken Salsbery, applicant
1030 Greenleaf Avenue

3.12 Ms. Healy Rice, architect

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 50.23 square foot (0.52%) total floor area variation to permit the construction of an addition to an existing detached two-car garage. The Village Board will hear this case on June 27, 2017.

3.22 The applicant is seeking a 50 square foot variance, which is 1.1%. 24 square feet is currently taken up by a back porch covering so he can open the door without getting rained on. If you take out the 24 square feet, the variation request is only 26 square feet. He would like to store bikes, strollers and lawn equipment in the garage rather than outside on the lawn or front porch.

Currently his wife works part time. When she pulls out the baby carrier there is no room to get it out of the garage. She almost tripped a few times. There is no overnight parking on their street so they cannot remove one car to allow for more room. The property borders the downtown commercial area. Directly west is a funeral home, parking lots, and an alley. To the north is a row of townhomes that are currently separated by an 11' high fence. The fence is covered by thick ivy so their view would not be impacted.

3.23 Mr. Surman asked if the existing garage was improved upon in 2014 or was it new.

The applicant said that his architect, Healy Rice, reminded him that he was not the owner at that time and had no input on design. The house was a tear down and rebuild.

3.24 Chairman Duffy asked Ms. Rice if she designed the current house.

Ms. Rice said she did not design the current house.

3.25 Chairman Duffy said that at the time the garage was built, the ordinance said that garage maximum size was 20' x 20'. Since then the garage dimensions were changed to 20' x 22'. Is the porch bonus the same?

Ms. Roberts said that the porch and attic bonuses are the same.

- 3.26 Chairman Duffy said that they get 40 more square feet for the garage, but they are adding 100 square feet with 50 square feet of variance.
- 3.27 Ms. Rice showed the original lot coverage calculations when the house was built. It is showing as a new structure at that time. The garage dimension is showing at 20.12' and it would not have built at that dimension. They probably left the original garage there. The house was built in 2013.
- 3.28 Chairman Duffy said when the house was built four years ago, they maxed out everything like all new homes do. Things have changed since that time. He understands where the applicant is coming from. He then said that hardship needed to be addressed.

The applicant said he wanted to store things securely in the garage. He is brand new to the Village and to the suburbs. He did not imagine that adding to the garage would be a problem.

Ms. Rice said that the key is the house location and its adjacency to the commercial area. There is lack of ability to park on the street overnight so cars must go in a garage. At this point with a 20' x 20' garage and two mid-size SUVs they fill the garage. They want the ability to store family equipment in the garage in addition to two cars.

- 3.29 Chairman Duffy asked if they considered a shed for storage.

Ms. Rice said that is a possibility. She asked if was 64 square feet that was allowed? Could the shed be done without a building permit? There is not enough room for a garage on the side.

The applicant said that his understanding when he spoke with Erika Block that a shed would have to be in front of the garage. They would need to rip up a sidewalk. It would not look nice.

- 3.30 Mr. Surman said he was on site today. Is there a parking pad next to the garage?

The applicant said that there is no parking pad next to the garage.

- 3.31 Ms. Rice said that they are on a corner, which imposes tougher limitations. Everything has to be over to the east side because of the side yard adjoining the street. They are limited as to where they can put things.

- 3.32 Chairman Duffy asked if they could add 2.5' rather than 5' to minimize the request.

Ms. Rice said she does not see how they can make the request smaller.

The applicant said he is friendly with the neighbor to the east. He would not be impacted. The applicant personally delivered letters to several neighbors. No one objected.

Ms. Rice said that there are a number of large garages in the area. It would not be out of context.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Kolleng said that the request is very modest compared to other requested approved by the Board. They are on a corner, they cannot park on the street overnight, they have two SUVs and there is no room to get things out of the car, they are new to the suburbs. Standards of review are met and he can support it.

- 5.2 Mr. Schneider drove down the alley and noticed a lot of three-car garages. He does not know if any of them needed a variation when built. They were built for a reason – street parking is prohibited overnight. Being on the corner makes the situation even harder. He can sympathize with the need for storage in the garage. A storage shed is not attractive. A larger garage for storage is a much more integrative addition that would solve the problem. He will support the request.

- 5.3 Mr. Tritsis asked how many children the applicant has.

The applicant has one child.

- 5.4 Mr. Surman can support the request. Given the condition of no parking in the area and being adjacent to the downtown area, he can support it. If this was a situation that did not have those issues he would have a hard time with it. It is a small request.

- 5.5 Mr. Robke said that it is a small request but he is troubled that something was built to meet code four years ago. Code now allows for more square footage. A 25' wide garage is nice when the standard is usually 22'. He does not know why the applicant could not do a 22.5' garage. Many people, including board members, have two cars and lots of stuff to store. He is not clear why they could not expand the garage and still stay within the ordinance for a four-year-old house.

- 5.6 Mr. Surman said that depending on the developer, he might have put on the minimum sized garage to have more square footage in the house. He cannot support this request.

- 5.7 Chairman Duffy agreed with Mr. Robke. The house is new and the intent of that developer was to maximize the house. The garage is small. He wants them to stay within the limits.

5.8 Mr. Kolleng said that they are talking about 50 square feet. The applicant moved in not anticipating any problem and the finds out there is an issue and is seeking a little relief. He cannot believe that the Board is spending this much time on the request.

5.9 Mr. Schneider said that there are a lot of three car garages up and down that alley. They must have met the requirements. It is not unusual to have more than a 22' wide garage on that alley. The location is unique and they are asking for 50 square feet. He agrees with Mr. Kolleng that this is a minimal request.

Ms. Roberts said she would need to research individual cases of the other garages on the alley.

5.10 Mr. Surman said he originally thought that they should only do 2', but then he looked at it from a financial standpoint. If they are adding 2' or 5', it will cost about the same.

6.0 DECISION

6.1 Mr. Kolleng moved to recommend granting a request for a 50.23 square foot (0.52%) total floor area variation to permit the construction of an addition to an existing detached two-car garage at 1030 Greenleaf Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	No
Mike Boyer	Not Present
John Kolleng	Yes
Michael Robke	No
Reinhard Schneider	Yes
Bob Surman	Yes
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 2017-Z-25.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

A majority of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The particular physical conditions of the property, the size of the current garage and the location of the lot, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner in that he had no involvement in the construction of the new home or the decision to retain the garage. The difficulty is peculiar to the property in question in that other homes along the alley have larger garages. The proposed garage addition is to the west towards the street therefore it will not impair an adequate supply of light and air to adjacent properties. The variation, if granted, will result in the garage being similar in size to other garages on the block and therefore will not alter the essential character of the neighborhood.

A minority of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, there is no difficulty or hardship preventing reasonable use of the property. Also, the plight of the owner, while not created by the current owner, was created when the home was built in 2013 to the maximum allowable without any expansion of the existing garage. That the homeowner now wants additional floor area to expand the garage when this could have been included in the new construction is not a hardship. Many residents have garages the same size and the current garage and the owner can make reasonable use of the property with a garage that conforms to the floor area requirements.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 50.23 square foot (0.52%) total floor area variation to permit the construction of an addition to an existing detached two-car garage at 1030 Greenleaf 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. Chuck Cook, architect
Cook Architectural Design Studio
150 N. Wacker, Chicago

3.12 Ms. Joanne Binkley, owner

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 613.98 square foot (6.44%) lot coverage variation and a 24.83' rear yard setback variation to permit the construction of a one-story attached garage addition and new front porch. The Village Board will hear this case on June 27, 2017.

3.22 Mr. Cook is a Village resident and has lived here for 25 years. He is representing the applicants who are at the hearing as is their realtor and his project manager.

He summarized the reason why they were at the meeting. His client bought the house in the past year. They were looking for a single-story home in the Village. This is their long-term house and there are things that need to be modified in the house in anticipation of future restrictions on mobility. They are currently working on the home's interior like widening doors, making bigger baths and kitchen, and adding an elevator that will go down to the basement. In addition, they want to bring the house up to meet the current standards of today's lifestyle. They want to have a family room and a mud room space. They also want a garage sufficient for their needs.

The best way to do the above was to take the current garage to provide the space for the family and mud rooms and build a new garage with a slightly larger footprint that could hold larger cars and provide accessibility out of the cars. They looked at the option of a detached garage. That would require less on the zoning side. Physically it does not fit because a detached garage has to be 3' off of the rear property line and at least 10' away from the house. The only solution is an attached garage at the south end, leaving about 7' from the garage to the line of the alley. Loading the garage from the alley is beneficial to the Village.

The current house has a curb cut and driveway coming off of 7th. He knows that the Village prefers garages that load off of the alley system and have as few curb cuts as possible. They are providing some beneficial aspects to what they are doing.

The issue of lot coverage also comes into play. The garage is requiring an extra 400 square feet of lot coverage, which is about a 4.3% increase. The front porch is 207 square feet or a 2.1% increase in lot coverage.

There was a letter from the neighbor across the street talking about the overbuild of the rear yard. They state that the rear yard is being filled in 100%, which is grossly inaccurate. The impervious surface is allowed in the rear yard and they can have 60% coverage. Their rear yard is 51.1% coverage. The house in aggregate is under the allowable total FAR. The request is not detrimental to the neighborhood. The other comment in the letter talked about the latter and thought that the home should be two stories like every other house in the Village and have a different configuration. That goes against the grain of what is great about the Village. There is social diversity and architectural diversity. There are not many single-level structures in the Village. It would be great to allow this home to be one.

There was a letter from another neighbor across the alley who was concerned about alley flooding. Mr. Cook thinks that the proposed work will not aggravate flooding and that they can improve the situation. The current yard drains towards the southeast and towards the alley. With the addition of the garage, they will control the rain water runoff and, through storm water management, route the water towards 7th or due east. They are concerned about the alley condition. There has been some discussion with the Village and Engineering is looking into alley conditions to make sure that it is draining property and also looking at what else needs to be done to improve the alley. They will do their part to improve water off of their property. The topography information shows the alley is essentially flat in that area and does not have positive drainage. Maybe this will become a permeable alley.

The precedent for attached garages is high. There are precedents for lot coverage variations; some that are larger than their request have been granted in the past. There were setbacks approved that were similar and/or greater than their request. What they are asking for is not grossly unusual or out of character.

They looked at the neighborhood. He explained the map that he showed at the meeting. He talked about houses that had similar conditions – attached garages coming off an alley or facing the street, some are encroaching into side yards or rear yards or appear to have greater lot coverage. There is a page for each of those locations. He could review each one if requested. There are a dozen homes in the immediate areas that have similar conditions.

- 3.23 Mr. Surman asked if they had some that were similar because he wouldn't say that what was shown was similar to the applicant's house.

The architect showed a photo of a garage that was up to the alley. It does not load off the alley. But his clients' garage is right up to the alley. He does not have surveys but could scale them. Another picture of a house that is south of their property. It

is a much newer home. His clients' home was built over 50 years ago. The house in the photo is not that old but has a three-car garage and is within the required rear yard setbacks and does not load off of the alley. It is a more aggressive condition.

- 3.24 Mr. Schneider said that the utility pole appears to be in the way of the driveway.

The architect said that it is very close. They will skirt right by it and this was a concern.

- 3.25 Chairman Duffy asked the location of the utility pole.

The architect said that the pole is at the corner of the driveway.

The applicant said that the garage door location is offset west to avoid any issues.

- 3.26 Chairman Duffy asked if the house had an elevator at this time. The plans show an existing elevator.

The architect said they are adding an elevator. That work has been approved and permitted and is under construction.

- 3.27 Mr. Schneider said that people are working in the house right now.

The architect said that there are interior renovations going on.

- 3.28 Mr. Schneider asked if the permit for interior renovations was provided some time ago. Is tonight's request separate?

The architect does not remember the date of the permit. Tonight's request is separate and resulted from the master plan of the house and what they wanted to do. The applicants are homeless right now. They needed to get construction started on the interior work. They did not want to delay the ability for the applicants to move into the house.

- 3.29 Mr. Robke said he is a little confused. There is so much discussion about the garage. He looks at the plan and sees the desire to add more living area with the family room. He is not seeing a hardship with the current garage. There is some reference to making things accessible yet the new front porch is not accessible. There is reference to a future ramp. There is ongoing interior renovation but there is nothing being done to make the interior accessible.

The architect said that the goal was to have family and mud room spaces. The new garage is larger than the current garage.

- 3.30 Mr. Robke asked the depth of the current garage.

The architect said that the current garage is 21'8". The garage floor is below the floor of the house and there are multiple stairs to get up to the garage and to the door to enter into the house. That limits the amount of space to park a car. It does not leave enough length for a ramp. The proposed front porch is intended to be accessible. There is a ramp coming off the south end of the porch. The porch is large enough for furniture. It is a usable porch. Wilmette encourages porches. The ramp is driving the dimension.

- 3.31 Mr. Robke asked the construction of the floor of the sunroom.

The architect said that it is a concrete slab with wood over it.

- 3.32 Mr. Surman asked about the 1'2 3/4" dimension.

The applicant said that dimension is the new slab to the existing front door. The existing garage slab to the first floor is about 2'.

- 3.33 Mr. Surman referenced the new plan. There is a block at the top of the ramp – what is that?

The architect said it gives them the ability to add a ramp at any time.

- 3.34 Mr. Surman said he is an architect who does a lot of ADA work and what is going on with the proposal baffles him. Nothing in the bathroom is ADA compliant. It is not even livable ADA. How steep is the ramp? The code requires 1:20; if they are going up 1' they have to go 20' in length, which is the length of the garage. It is one thing to come in and say they are adding this to accommodate ADA but they did not plan it appropriately. They wouldn't want the ramp in front of the car. They would want it on the side so you open the car and go right up the ramp. It is a disservice to put the bathroom with a 3' wide area that is hard to get into. If they are trying to address ADA it should be done properly. 3'6" is not enough space for the ramp.

The architect said they are not making it ADA compliant. They are not meeting commercial ADA requirements. They are trying to make the house more livable.

- 3.35 Mr. Robke said that there is no plan shown for the basement.

The architect said that there is a laundry room in the basement. There is a rec space and another bedroom. It is a full basement. It is not space that they intend to live in.

- 3.36 Mr. Robke said that they are spending a lot of money to get to the basement as opposed to putting the washer and dryer upstairs.

The owner said that she made decisions that an architect probably would not have made. One decision was whether to bring the laundry room up to the first floor.

They thought about this a lot. The only way to take the laundry room out of the basement was to eliminate the third bedroom on the first floor, which they did not want to do. That would ruin the house value. A wheelchair can fit into the bathrooms. The master bathtub has a bench. There are no tubs on the main floor. This was important for her issues. The ramp will hopefully never be a necessity. It is easier to walk up a ramp than stairs.

- 3.37 Chairman Duffy asked if they could put a ramp in the current garage.

The applicant said that then she would have to always come in and out of the garage.

The architect said it would require more vertical travel.

The applicant said that it is very hard to get down the stairs in the garage.

- 3.38 Chairman Duffy asked if a ramp would help.

The architect said it would have to be a steeper ramp.

- 3.39 Chairman Duffy said she would have to come in and out of the garage if they add the garage off of the alley.

The applicant said she could also come in and out of the front door using the proposed ramp.

The architect said that the proposed ramp is in front of the existing garage.

- 3.40 Mr. Kolleng asked if this request is not approved, what happens to the interior design of the house?

The applicant said that they would stop where they are at with the interior modifications. They are doing this in stages. They are missing her husband's library. He has rare books.

- 3.41 Chairman Duffy said that they have pulled permits for bathrooms, kitchen, dry wall, and the elevator.

- 3.42 Mr. Robke asked if the garage reconfiguration and the family room was not approved, would they still be looking to do something with the front porch.

The applicant said that she does not know.

- 3.43 Mr. Kolleng said that they would have a back yard that they could use.

The applicant said that the back yard is much higher than any other part of the house.

- 3.44 Mr. Tritsis asked if anything would change if there was a parking pad instead of a garage.

The applicant said she was willing to go without a garage to have a family room, but the Village said they have to have a garage.

Ms. Roberts said they could have a parking pad but would need to retain two enclosed parking spaces or get a variation to not have two enclosed parking spaces.

The architect asked if it would be easier to seek a variance for a detached garage that was not 10' from the house.

- 3.45 Chairman Duffy said that there is a big lot coverage issue. They are trying to use too much of the structure for living and there is not enough room for the garage. They are impacting the neighborhood. They are changing the way that the house is on the lot relative to others in the neighborhood. There are similar existing conditions but in their case, they are creating the condition. He is not quite sure what the solution is. They would be adding a structure with a detached garage.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Kolleng said he has a lot of trouble with the requests. It is a small lot with a lot on it already. The request is large. They have a plan that if this is not approved, they still have an interior that they can live with. There are some neighbors that object. It does change some of the character of the neighborhood. They are trying to put too much on the lot and he cannot support this.

- 5.2 Mr. Schneider said he understands their desire to make this fit the applicant's wishes and lifestyle and to accommodate any handicaps now or in the future. The existing footprint if carefully thought out can accommodate their needs. He is concerned about impervious surface coverage and they are adding to water runoff. The hardship is self-imposed and does not have to be. The architect and applicant can work on the existing footprint. He does not think he can support the request.

- 5.3 Mr. Robke said he cannot support this.

- 5.4 Mr. Surman said it would be nice to add that space, but the Board cannot grant variances based on what they want to have. It would not be consistent with the neighborhood to have the garage out there.

- 5.5 Mr. Tritsis agrees with all of the above comments.

5.6 Chairman Duffy said he expressed his thoughts earlier in the meeting. He could not support this as proposed. There has to be a way of working around this without creating more bulk on the lot.

6.0 DECISION

6.1 Mr. Kolleng moved to recommend granting a request for a 613.98 square foot (6.44%) lot coverage variation and a 24.83’ rear yard setback variation to permit the construction of a one-story attached garage addition and new front porch at 701 Lake Avenue in accordance with the plans submitted.

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

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

Motion failed.

6.2 Mr. Surman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-23.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. There are no physical conditions of the property that are imposing a practical difficulty or particular hardship. The owners are creating their own plight by the design decisions that were made with the proposed design. The owners would be able to make reasonable use of the property while still accommodating their needs if they made different choices in the design of the modifications. The proposed addition may negatively impact adjoining property because of the proximity of the garage to the alley. Similarly, the proximity of the garage to the alley will alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 613.98 square foot (6.44%) lot coverage variation and a 24.83’ rear yard setback variation to permit the

construction of a one-story attached garage addition and new front porch at 701 Lake Avenue in accordance with the plans submitted.