



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, MARCH 1, 2017**

**7:30 P.M.**

**COUNCIL CHAMBERS**

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**Members Present:** Chairman Patrick Duffy  
Mike Boyer  
Reinhard Schneider  
Bob Surman

**Members Absent:** John Kolleng  
Michael Robke  
Christopher Tritsis

**Staff Present:** Lisa Roberts, Assistant Director of Community Development

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**I. Call to Order**

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

**II. 2017-Z-05 83 Indian Hill Road**

See the complete case minutes attached to this document.

**III. 2017-Z-07 617 Linden Avenue**

See the complete case minutes attached to this document.

**IV. 2017-Z-08 114 Skokie Boulevard**

See the complete case minutes attached to this document.

**V. Public Comment**

There was no public comment.

**VI. Adjournment**

The meeting was adjourned at 8:14 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. Thomas Pins, architect  
2216 Dewes Street, Glenview

#### **3.2 Summary of presentations**

3.21 Ms. Roberts said that this is a request for a 20.12' front yard setback variation for a second-story addition, and a 13.19' front yard setback variation and a 12.27' front yard chimney setback variation to permit the construction of a two-story addition on the legal non-conforming structure. The Village Board will hear this case on March 28, 2017.

3.22 Mr. Pins said that there are two parts to this project – putting a screened porch addition over an existing sunroom. That entire addition is in the current front yard setback. The hardship is that is where the house was constructed when originally built in the 1920s. They are also doing a new two-story addition that is in the rear yard, but it is half way in the front yard due to the home's siting on the lot.

The addition is a master bath addition and there is no other option for locating the addition on the home.

What is technically the front yard really acts as the side yard. The addition is in the back of the house. They are trying to minimize the impact of the additions. The roofline is tucked down into the structure to match the house. The rear addition is not seen from the front. The side addition will be visible but they kept a low roofline. That is a screened porch addition so the impact is minimal.

3.23 Chairman Duffy clarified that the hardship is the shape of the lot and the location of the house on the odd-shaped lot.

The architect said that a good bit of the current house is in the front yard setback.

3.24 Mr. Schneider asked why it was considered the front yard setback.

The architect said that is the narrow side of the lot and it is considered the front yard. The lot is a corner lot.

Ms. Roberts agreed with the above reasoning.

3.25 Mr. Schneider said it doesn't seem to matter where the front door is located.

The architect said they are well back from both yards. It seems like they are requesting a large variance but they aren't given the size of the lot and how far they are setback. They are not encroaching on anything.

- 3.26 Mr. Schneider referenced the house to the east, the garage seems to be encroaching further than 79'.

The architect said they are probably non-conforming also. It is common in that area to have nonconforming properties.

Ms. Roberts said that house would front on the other leg of Indian Hill. She is not sure where the garage is on that lot. They would also have a 79' setback from the front.

- 3.27 Mr. Surman said it looks like the house is in the center of the lot right now. He said that the master bedroom looked small to begin with.

The architect said that it is small.

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

## **5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS**

- 5.1 Mr. Surman said it is a straightforward case. The encroachments are due to the configuration of the site. He can support the request.

- 5.2 Mr. Boyer agreed that the siting of the house on the lot is a hardship. No other variances are required. The lot is large – 37,000 square feet vs. 15,000 square feet for a minimum lot in R zoning. All standards are met and he can support the request.

- 5.3 Mr. Schneider agreed with above comments and he can support the request.

- 5.4 Chairman Duffy said that standards of review are met. The lot is unique. The way the house is sited causes the issues. They are not going over FAR. He can support the request.

## **6.0 DECISION**

- 6.1 Mr. Surman moved to recommend granting a request for a 20.12' front yard setback variation for a second-story addition, and a 13.19' front yard setback variation and a 12.27' front yard chimney setback variation to permit the construction of a two-story addition on the legal non-conforming structure at 83 Indian Hill Road in accordance with the plans submitted.

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

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

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 2017-Z-05.

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

Motion carried.

## **7.0 FINDINGS OF FACT UPON WHICH DECISION IS BASED**

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 location on a private road, the irregular shape of the lot and the location as a corner 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 circumstances of the development of the house and lot. The practical difficulty is peculiar to the property in question and is not shared by many other properties. The practical difficulty prevents the owner from making reasonable use of the property with a master bathroom and other improvements. While the proposed additions require relief, the setbacks proposed are still more than typically provided on smaller lots and therefore will not impact the light and air of 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 20.12' front yard setback variation for a second-story addition, and a 13.19' front yard setback variation and a 12.27' front yard chimney setback variation to permit the construction of a two-story addition on the legal non-conforming structure at 83 Indian Hill Road in accordance with the plans submitted.

### **3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT**

#### **3.1 Persons appearing for the applicant**

3.11 Mr. Marc Anderson, architect

3.12 Mr. Justin Hood, owner

3.13 Ms. Jennie Bishop, owner

#### **3.2 Summary of presentations**

3.21 Ms. Roberts said that this is a request for a 299.03 square foot (5.36%) total floor area variation, a 1.56' west side yard setback variation, and a 6.49' combined side yard setback variation to permit the construction of a second-story addition on the legal non-conforming structure. The Village Board will hear this case on March 28, 2017.

3.22 Mr. Anderson said that the owners and three neighbors were present at the meeting. They are looking for two variances – the side yard setback change and the total area increase for the house. They want to add a second floor to an existing one story house. The lot is 35' so it is narrow. The house is 85 years old and is 25'7" wide so they are already over the side yard setback. They are a little over 5' from the property line on the east and about 3.5' on the west. The house on the west is 20' away. The property on the east is about 10' away. It is not feasible to bring the house into compliance. They would have to tear down the house and rebuild it. The property to the east is 40' wide and everyone else is 70' on their side of the block. One lot across the street is 100' wide. The width limits the amount of area they can build. They could not do a full second floor within the allowed area.

He said that 300 square feet and 5% might seem large. But they are building over the entire first floor. If they cover over the porch they lose the porch bonus area so that puts them at 78 square feet. They now have to include the porch as part of the house. Half of their request is the recategorization of the porch per zoning.

3.23 Chairman Duffy asked how many square feet the front and back porches were.

The architect said they are 78 square feet total. The remaining 150' is what gets them to the outside edge of the house. It is less expensive to build over an existing exterior wall.

3.24 Mr. Schneider referenced 1.5. Is that the proposed first floor plan? Is that current first floor plan? What porches is he referring to?

The architect said that the first floor plan stays as it currently exists. Regarding the porches, there is one on the front and one on the back. The porches will still be used the same way.

They are trying to use the full attic allowance allowed, which is 186 square feet of attic space. They are doing that to maximize the house height. The adjacent properties are much taller. The ridge line of the roof is north south. Most of the other neighbors have east west roof lines. Going taller does not impair the neighbors' light/air.

- 3.25 Mr. Boyer asked the height of the existing structure and the proposed height.

The architect said that the existing structure is around 30' and the new structure is about 34'5".

- 3.26 Chairman Duffy said that his initial concern was that in turning the roofline from side to side to front to rear, they increase the bulk significantly. This is his stumbling block for this case. He understands the desire for more bedrooms and space.

The architect said they had looked at another option and it was \$30,000 more to do it that way. The proposed solution saved them a lot of money. The total area facing the street is less than the neighbor's house. They are trying to be tall and skinny. By turning the roof, they have a square profile and it is not as nice.

- 3.27 Chairman Duffy asked about the other alternative.

The architect said the other option was to keep the roof line as is and doing two dormers that come out just as far.

- 3.28 Mr. Surman asked how much area there is in the attic that is above 6'9".

The architect said that it is less than 186 square feet.

- 3.29 Mr. Surman asked the purpose of the attic.

The architect said that it will be used for storage.

- 3.30 Chairman Duffy asked about the exterior finish on the addition.

The architect said they are looking at fiber cement board and it would appear as board and batten. It will run vertically as shown on the drawing.

- 3.31 Mr. Surman asked what he was going to do with horizontal seams.

The architect said that there is a little joint that goes across. They have to flash over the top with fiber cement to keep water from sitting on top of the board.

3.32 Mr. Surman clarified that the hardship is that the lot is so small that they cannot build that much. He clarified that the perimeter is the same.

3.33 The applicant said that the neighbor to the east is at the meeting and supports the proposal. The neighbors to the west could not be at the meeting but he is in full support of the project. They are excited to move to the Village. They have not moved in yet. They will move in when construction is finished.

(After 4.21)

3.34 Regarding a question about bedroom windows, Ms. Bishop said they only have one window on the second floor on the east side that is existing. There are no other windows on the second floor on that side. They are not adding windows on that side.

(After 4.22)

3.35 Mr. Schneider asked Ms. Roberts if this could be classified as new construction.

Ms. Roberts said she does not think so based on what has been submitted so far. They are not doing anything on the first floor, they are not gutting the whole house, and they are not making changes to envelope of the first floor. They are redoing the whole second floor and the roof.

3.36 Ms. Roberts said that the residents from 610 Linden Avenue submitted a letter of support.

#### **4.0 INTERESTED PARTIES**

##### **4.1 Persons speaking on the application**

4.11 Mr. Bryan Mills  
615 Linden Avenue

4.12 Mr. Sarkis Tatosian  
700 Linden Avenue

##### **4.2 Summary of presentations**

4.21 Mr. Mills lives to the east of the applicant's home. He has seen the plans, knows the construction schedule, has given feedback and he supports the plan. He said that home improvements can increase property values in the neighborhood. He is on a narrow lot and renovations were done to his house about 15 years ago. His lot is 40' wide.

4.22 Mr. Tatosian said he is favor of the project. It will give nice living area on the second floor and add some value to the property. The plans are well thought out. No other neighbors are impacted and he can support the proposal.

## 5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Schneider said he went to the neighborhood and drove by the house. They don't have a lot of flexibility with a 35' lot. What they have done to make this a comfortable four-bedroom house versus an uncomfortable three-bedroom house has been sensitively done about the neighbors. It will not encroach on the neighbors. The neighbors support the proposal. He can support the request.
- 5.2 Mr. Boyer said the uniqueness of the lot being 35' wide and the square footage of the lot at 5,500 square feet. The hardship is having a unique small lot. The bedrooms are of modest size. There is no large ask. The addition is well thought out. Any alteration would need a variance. All standards of review are met. He can support the request. This is a past lot subdivision with unseen future consequences.
- 5.3 Mr. Surman concurs and he can support the request. He likes the design.
- 5.4 Chairman Duffy said his initial reaction was about bulk. The hardship is the smaller lot and the house was built before current setbacks. He was a little worried about the size because they are increasing the presence of the house. But he understands that they must work within the first floor of the house. They must go up from the foundation. They will then increase the bulk. He will support the request.

## 6.0 DECISION

- 6.1 Mr. Schneider moved to recommend granting a request for a 299.03 square foot (5.36%) total floor area variation, a 1.56' west side yard setback variation, and a 6.49' combined side yard setback variation to permit the construction of a second-story addition on the legal non-conforming structure at 617 Linden in accordance with the plans submitted.

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

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

Motion carried.

- 6.2 Mr. Surman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-07.

- 6.21 Mr. Boyer 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 narrow lot width and the siting of the house on the lot, impose upon the owner a particular hardship. The plight of the owner was not created by the owner and is due to the unique circumstances of the development of the house and lot. The hardship is peculiar to the property in question and is not generally shared by others. The hardship prevents the owner from making reasonable use of the property with improvements to the second floor of the existing home. The proposed addition maintains the existing setbacks of the home. 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, which consists of similar two-story homes.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a 299.03 square foot (5.36%) total floor area variation, a 1.56' west side yard setback variation, and a 6.49' combined side yard setback variation to permit the construction of a second-story addition on the legal non-conforming structure at 617 Linden 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. Steve Bauer, attorney  
Meltzer, Purtill & Stelle LLC

3.12 Mr. Jeremy Wilmot, architect  
DXUR Architects

#### **3.2 Summary of presentations**

3.21 Ms. Robert said that this is a request for a special use for a medical/dental clinic, large (ATI Physical Therapy). The Village Board will hear this case at their March 28, 2017 meeting.

3.22 The attorney is representing Next Wilmette, LLC, the owner of the property at 50-125 Skokie Boulevard, which is at the southeast corner of Skokie Boulevard and Old Glenview Road. The project architect, Jeremy Wilmot, DXUR Architects, is at the meeting as are Javier Milan and Brendan May of KLOA. They are the project parking consultants.

This is not really a medical clinic but a physical therapy type clinic. The specific facility is called ATI. It is similar to Athletico. They are focused on rehab services for various body injuries or body repair needs.

3.23 Mr. Schneider asked why it is called a medical/dental use.

The attorney said that is the term that the zoning code uses. He continued and said they are before the Board this evening because the facility is 2,777 square feet, which falls above the limitation of 2,000 square feet of what is a small medical dental clinic. The large clinic requires a special use.

There are three important considerations –

- This space is about 51% of the space that was previously occupied by Advocate Healthcare. The use is similar in nature. There are similar aspects regarding parking demand and operational considerations.
- From an operational perspective, no one from ATI is at the meeting but he has general information. The same information is in their letter of request. Hours of operation are from 7:00 a.m. to 7:00 p.m. Monday through Friday and by appointment on Saturdays. They will have a maximum of four clinicians on site at any given time. Each clinician can serve two patients at a time.

- 3.24 Chairman Duffy asked about the number of employees on site.

The attorney said he spoke with an ATI representative about staffing. They would have a maximum of 2 to 3 in addition to clinicians.

From an operational perspective, the clinicians serve patient needs. Patient demand will be higher at various times. The parking study indicates that there is ample parking on site. There are 145 spaces throughout the center that are open for use. At peak, the parking study identifies significantly fewer spaces used than the 145 allowed. The study identified 110 vehicles at peak on a weekday, which was on a Friday when the study was done and 95 vehicles at a peak on Saturday.

Regarding the standards of review, there is a detailed explanation provided. Should he get into the standards of review?

- 3.25 Chairman Duffy said that some of the issues are definition like large and medical facilities. They are providing physical therapy. They are not doing surgery or dispensing meds.

- 3.26 Mr. Surman said it sounds like they will use the walls that are there.

The architect is the project architect for all ATI projects around the country. They are leaving perimeter walls. The existing demise walls in the two tenants to the south and to the north will remain the same. There is a mezzanine above the space that can be accessed from the west side. They will close off a second stair to the mezzanine above. The only changes to the interior space will be the demise walls and partitions for laundry room and private treatment room and restrooms. Those are new walls.

- 3.27 Mr. Surman asked where the elevator went.

The architect said that the elevator goes up to the mezzanine. That was a requirement for the previous use.

- 3.28 Mr. Schneider asked if the mezzanine was used for any purpose.

The architect said it is not used at this time and he is not aware of any plans for the landlord to lease that space.

- 3.29 Mr. Schneider asked how much of the first-floor space does the mezzanine comprise.

The architect said that the mezzanine space is the middle third of the entire first floor footprint. There is 2,200 square feet upstairs.

- 3.30 Mr. Surman said it looks like one accesses it from outside of the space. It is not a leased space for the applicant.

The architect said that the applicant is only occupying first floor space.

- 3.31 Mr. Surman asked if there were other Chicago-area locations.

The architect said there are 30 to 40 locations in the Chicago area and many on the East coast. They are expanding into the West coast.

- 3.32 Mr. Surman said the use seems very similar to what was there.

The attorney said that is a true statement. There is some dissimilarity. What was there before was more of a hospital type use in terms of type of service provided.

- 3.33 Mr. Surman asked if the landlord had issues with parking.

The attorney said he was representing the property owner/landlord. The parking consultants can speak to parking details if needed. Page three is the parking evaluation. There is ample supply of parking even under worst of conditions which would be peak use in play all the time and this is not the case.

- 3.34 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 this is straightforward. A similar business is being traded for a similar business. There are no issues with approving this. All standards of review are met. No additional variances are being requested. He can support the request.

- 5.2 Mr. Surman said he can support it as well and the use is similar to what was there. There was no parking issue before so there should not be one now.

- 5.3 Mr. Schneider agreed with the above comments and said he can support this request.

- 5.4 Chairman Duffy said that standards of review are met and he can support it.

## **6.0 DECISION**

- 6.1 Mr. Boyer moved to recommend granting a request for a special use for a medical/dental clinic, large (ATI Physical Therapy) at 114 Skokie Boulevard in accordance with the plans submitted. The use shall run with the use.

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

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

Motion carried.

6.2 Mr. Surman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-08.

6.21 Mr. Schneider 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 special use standards of Section 5.3.E of the Zoning Ordinance. The proposed use replaces a similar use that occupied a larger portion of the shopping center. The proposed use will have similar but less impact because of its smaller area. The proposed use is consistent with the goals and policies of the Comprehensive Plan. The proposed use in this location is consistent with the Comprehensive Plan to provide service as well as retail uses in the zoning district. The proposed use will not be detrimental to or endanger the public health, safety or general welfare nor will it be injurious to the use or enjoyment of other property. The proposed use will not impede the normal and orderly development and improvement of surrounding properties nor will it diminish property values. The proposed use will complement existing businesses. Adequate utilities, road access, and other facilities already exist. Adequate measures already exist to provide ingress and egress with the lot to the rear of the building. The proposed use will be consistent with the community character. No known archaeological, historical or cultural resources will be impacted. No buffers, landscaping or other improvements are necessary. No other standards of Article 12 apply.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a special use for a medical/dental clinic, large (ATI Physical Therapy) at 114 Skokie Boulevard in accordance with the plans submitted. The use shall run with the use.