



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, NOVEMBER 1, 2017

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: None

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-51 154 Maple Avenue

See the complete case minutes attached to this document.

III. 2017-Z-52 1 Indian Hill Road

See the complete case minutes attached to this document.

IV. 2017-Z-53 1140 Greenwood Avenue

See the complete case minutes attached to this document.

V. 2017-Z-45 1932 Washington Avenue

See the complete case minutes attached to this document.

VI. 2017-Z-42 3110 Hill Lane

See the complete case minutes attached to this document.

VII. 2017-Z-54 2600 Thornwood Avenue

See the complete case minutes attached to this document.

VIII. 2017-Z-55 505 Skokie Boulevard

See the complete case minutes attached to this document.

IX. Public Comment

There was no public comment.

X. Adjournment

The meeting was adjourned at 9:53 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

None

3.2 Summary of presentations

3.21 Ms. Roberts said that this case was continued from the October 18, 2017 Zoning Board meeting. Staff met with the applicants and there was a conversation about next steps. The applicants are not ready to be heard tonight. The request is to table the case to the November 15, 2017 meeting. It is unclear as to whether that date will work.

6.0 DECISION

6.1 Mr. Kolleng moved to continue the case to the November 15, 2017 meeting.

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

Motion carried.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Jeff Belting, General Manager
Indian Hill Club

3.12 Mr. Dave Schlagger, Golf Course Superintendent
Indian Hill Club

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 2.5' fence height variation and a fence openness variation to permit the replacement of 6.5' tall solid fence in a front yard. The Village Board will hear this case on November 28, 2017.

3.22 Mr. Belting thanked the Board for considering their request. They are looking to replace an existing fence. For them, the height and closed element serve a good purpose as it screens a maintenance facility. All equipment is stored in that area as is spoiled sand. It is better for the neighbors to have a fence like they are proposing.

3.23 Chairman Duffy said he was confused. Are they requesting to replace the fence on the east and south sides or just the east side?

Mr. Belting said that the replacement will be on the south side, the west side and the north side. The fence on the east side is in fairly good shape other than the posts so they will replace posts on the east side and keep the current fence. Variances were approved on the south and east sides in the past. They need a variance for the west and north sides. He is not sure why it wasn't done at one time.

3.24 Mr. Schlagger said that they are in a residential area. They are looking for security and privacy for the neighbors and it is important to them.

3.25 Mr. Surman asked the current height of the fence. Is there access on any of the sides?

Mr. Schlagger said that the fence is now 6.5'. There is a gate on the south side that is only used to maintain the outside of the property. They come and go from the north side almost exclusively.

3.26 Mr. Kolleng said he was confused. Were they looking for a variance on the north and west sides?

Mr. Belting said that the variance was already granted on the east and south sides in 2005.

3.27 Mr. Kolleng said that the variance granted in 2005 was for a 2' height variance.

3.28 Chairman Duffy noted that they are now asking for a 2.5' height variance. Are the fences different heights?

Mr. Schlagetter said he was surprised by the different variation requests. The fence they are proposing is 6.5'. They could do 6' on the south side.

3.29 Mr. Surman said that the request is for a height variation of 2.5'. The code is 4' so it would be a 6'5" high fence.

3.30 Mr. Robke said drawings show a 6' fence.

3.31 Chairman Duffy clarified that they were discussing a 2.5' height variation. They are repairing or replacing all fencing around the entire site.

3.32 Mr. Tritsis asked if the existing height was the same.

3.33 Chairman Duffy said that the fence is currently 6.5'.

Mr. Schlagetter said that the fence on the east side and the north side is old and is 6.5. The fence on the south side is 6' and they want to replace that fence with another 6' fence.

3.34 Mr. Boyer clarified that 4' is the maximum height. They are asking for a 2.5' variation.

Ms. Roberts said that the east side was granted a 2' height variation in 2005.

3.35 Chairman Duffy said that in 2005 they got a 2' height variation along the east lot line and they are only repairing the posts on the fence to the east. The south, west and north will get new fencing. They are asking for a 2.5' height variation for the fence they are replacing. Does anyone have a problem with a 2.5' height variation?

3.36 Mr. Kolleng noted that the applicant indicated they would replace the south at 2'.

Mr. Belting said that 2' was granted in the past.

3.37 Chairman Duffy said if they choose to replace a portion at 6' versus 6.5' then that is their choice. There would be no modification as to what they are requesting.

3.38 Mr. Robke said there is a 6' high fence on the south at this time.

Ms. Roberts said that the variation granted for that fence was for 6.5' in 1998.

3.39 Chairman Duffy asked Ms. Roberts about when a petitioner comes to the Board and says they will replace their fence and it was already a 6' high fence, they are asking for a 2' variation. But hadn't they been granted that in the past to put up the current fence.

Ms. Roberts said that the east and south sides were previously granted and the north and west were not requested. The variation runs with the land, so the east and south sides were covered by previous ordinances. Once the variation is granted, it should run with the land.

3.40 Mr. Robke noted that the previous ordinance specified a 6' fence.

3.41 Mr. Schneider asked if the south was also being replaced.

3.42 Chairman Duffy said that it was, but this was granted in 2005 and it will stay at 6'.

Ms. Roberts said that the south side was granted a variation for 6.5' so the replacement could be 6.5'. The east side is limited to 6'.

3.43 There was discussion about what had been approved in 1998 and 2005.

3.44 Mr. Boyer said if they were granted a variance for a 6'5' fence, but they want to build a 6' fence that is their choice.

3.45 Mr. Robke said that the Board grants variances per plans and it states that it was a 6' high fence. That was from 2005.

3.46 Chairman Duffy said that Ms. Roberts said that when they got the 2.5' height variation in 1998 the limit to a fence was 3.5' and not 4' like today.

3.47 Mr. Robke noted that everything they were granted was for 6'.

3.48 Chairman Duffy clarified that the request tonight was for north and west side fence replacement, 6.5' height, so they are asking for a 2.5' height variation.

3.49 Mr. Surman said that north and west are not specified in the request.

3.50 Mr. Robke said that the drawing shows a new 6' high fence and nothing in the drawings show a 6.5' high fence.

3.51 Mr. Surman said that specific drawing was dated from 2005.

3.52 Mr. Robke asked if there was a drawing showing what they are asking for.

Chairman Duffy said that 1.6 shows existing.

- 3.53 Mr. Robke said it says replace existing with 6' stockade.
- 3.54 Chairman Duffy said that is pointing at the south and east fences. For the west and north fences, it says a 7' existing stockade fence on 1.6. 1.4 shows where the fence is on the survey. The plan shows x marks for part of the north fence, the whole west fence, and the south fence to be replaced.
- Mr. Belting said that is correct.
- 3.55 Mr. Schneider asked that when they replace a fence that had been previously granted a variance, do they not need another variance.
- Ms. Roberts said they do not need another variance if they are doing the same thing that the variation was granted for.
- 3.56 Chairman Duffy clarified the discussion was about a 6.5' fence on the west and north sides, which is a 2.5' height variation and 100% closure.
- 3.57 Mr. Robke asked the applicants if they could make up a drawing showing what they are asking for in terms of heights. There are a lot of different drawings with various heights.
- Mr. Belting said they are asking for 6.5' on the west and north sides.
- 3.58 Mr. Kolleng said they don't need a drawing, but need to include the language about the north and west sides in the motion.
- Mr. Belting said that the existing 7' fence was installed before he started more than 24 years ago. He wants to replace it as it is falling down.
- 3.59 Mr. Robke asked the reason why this would need to be taller than the 6' high fence on the other two sides.
- Mr. Belting said that the reason is that it is closer to pedestrian access. The 6' fence is farther away from the road on Kenilworth. The 6' fence on the east side is behind the shop. They needed more height to discourage people from jumping the fence or looking over the top. They needed more security in that area. They want to keep the area as clean as possible for neighbors. There are a lot more people next to the 6.5' fence than next to the 6' fence.
- 3.60 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 there should be no issue with this request. To enclose this yard, which is not pleasant to look at, is appropriate. They are also looking at the fence for security. All standards are met and he can support the request.
- 5.2 Mr. Boyer said it is a material yard and a work yard and to enclose it to that it is hidden is an improvement to the neighborhood. Standards of review are met. He can support the request.
- 5.3 Chairman Duffy agreed with the above and said that the request is straightforward.

6.0 DECISION

- 6.1 Mr. Schneider moved to recommend granting a request for a 2.5’ fence height variation and a fence openness variation to permit the replacement of 6.5’ tall solid fence in a front yard at 1 Indian Hill Road 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	Yes
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Yes
Christopher Tritsis	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 2017-Z-52.
- 6.21 Mr. Kolleng seconded the motion. 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 and the fence variation standards of Section 5.4.F.h of the Zoning Ordinance. The particular physical conditions of the property, its location as a corner lot on public streets and as a corner lot on a private street and its use as a golf course maintenance facility within a residential neighborhood, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the orientation and use of the lot. The difficulty prevents the owner from making reasonable use of their property to enclose it for

the safety of the property and for the appearance to the neighborhood. The proposed variations will not impair an adequate supply of light and air to adjacent properties or otherwise injure other properties and its use. The variations if granted will not alter the essential character of the neighborhood.

The fence secures the property adjacent to Indian Hill Road. The proposed fence replaces existing non-conforming fences that are in disrepair. The location of the lot is such that the proposed fence will not impact adjacent residential properties.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 2.5' fence height variation and a fence openness variation to permit the replacement of 6.5' tall solid fence in a front yard at 1 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. Greg Adams, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a special use for a detached garage in excess of 600 square feet to permit the construction of a detached three-car garage. The Village Board will hear this case on November 28, 2017.

3.22 The applicant said they are looking to replace an existing two-car garage. In the packet, there is a picture of that garage. They are on an alley. The doors to the garage are not on the alley. The house runs north to south. The garage doors sit on the west side and there is a small drive that comes in. At least 40 years ago, a planter was built in the back of the garage, which makes it hard to get a second car into the garage when another car is in there. What are options to make this more usable? The garage also needs a lot of repair. They would like to tear down the current garage and build a three-car garage and move the door onto the alley side to make it more usable. They have three cars and one car gets parked in the drive or on the street.

3.23 Mr. Boyer asked if they had plans to remodel the home or create a home addition.

The applicant said that he had no plans to remodel the home or create an addition. They did work in the past. They are not planning to add square footage.

3.24 Mr. Surman clarified that the applicant was in conformance with FAR and lot coverage.

3.25 Chairman Duffy said his questions were regarding future ramifications of having a 600-square foot garage. What if they sell the house and a future owner wants to put on an addition? The hardship would be the 600-square foot garage. There is the debate of whether that counts against them or not because they didn't build it.

3.26 Mr. Boyer said this turns on future square footage and if someone will vote aye on this motion their vote might turn on no FAR requests in the future.

3.27 Chairman Duffy said they cannot use the 600-square foot garage as an excuse to get a bonus. The other issue he had was how many other three-car garages there were. Does that impact the neighborhood? There are parking pads so theoretically this could be a two-car garage with a parking pad next to it.

The applicant said that to make that work they would still need to turn down the garage. The garage is brick and they cannot move the garage door to the other side.

The way that the drive is configured, if you park one car on the drive you can't get another car out.

The house that is diagonal to him and fronts on Ashland. They have a three-car garage. It is a double lot. They also have a parking pad.

In the packet is information about give properties that have been granted the same request. They cases are generally in his neighborhood.

- 3.28 Chairman Duffy said that there was one case across from Howard Park. There were old barn style garages in that neighborhood. To grant them the oversized garage, it wasn't the only one in the neighborhood. He believes that there was another case and the Board had discussion related to the case. He did not remember the outcome.

Regarding Mr. Schneider's statement, two car garage with parking pad, had they considered that?

The applicant said they reviewed various options even possibly tearing out the planter, but he would prefer not to do this. Given the cost of building a garage, if all he can do is take the same space he has today and rebuild it and gain a parking pad, he would not move forward with that. Having the third garage spot is important to him.

- 3.29 Mr. Kolleng asked the size of the current garage.

Chairman Duffy said it is 22' x 20'.

- 3.30 Mr. Surman asked if what was shown was the current garage height.

Ms. Roberts said that up to 18' is allowed.

- 3.31 Mr. Surman asked how much of left of the FAR. Are they using all the FAR that is left?

The applicant said that they are not using all the available FAR.

Ms. Roberts said they could not confirm some numbers because there is not a full set of plans on the house, for example to confirm the attic area. They will be 1,000 square feet under including the new garage. They are not close.

- 3.32 Mr. Robke said that one of the criteria is about hardship. The configuration of the existing garage is not a hardship.

Chairman Duffy said this is a special use so there is no hardship involved.

The applicant said what they are building is consistent with the neighborhood and the house.

3.33 Mr. Boyer asked if it would be a sympathetic design to the house.

The applicant said that both are designed by the same architect.

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. Kolleng said since there are no other variations as part of this, they are having issues getting two cars in the garage, the Village does not want cars on the street, it is an alley, so it is not as visible, and the character is not being changed in any way. Standards of review are met, and he can support the request.

5.2 Mr. Boyer said he was initially against the case. It is a corner large lot. If the applicant had a larger lot, he could have a larger garage without a special use. The lot is 80% of that number and 80% would give him 640 square feet. His request is 8 square feet less than what 80% is. He was concerned about future FAR requests. His vote will hinge on there not being additional FAR requests coming at later times. The applicant said there would not be. Special uses prevent neighbors from adverse impact. This is a structural issue and does not feel it is a special use, but the Board must vote on special use and all standards are met.

5.3 Mr. Robke shares Mr. Boyer's concerns. The future impact of this is not only on potential FAR, but as more and more garages of this size come before the Board, it will be hard to resist the urge to say, "there are four, why not a fifth?"

5.4 Chairman Duffy said that is his trepidation about this case.

5.5 Mr. Boyer said that if this was a 50' interior lot, he would not be in favor of the request. No neighbors are impacted, the lot is large and on a corner. The applicant is close to a by-right build.

5.6 Mr. Schneider said that in the future, if a new owner proposes a 2,000 square foot addition, the ZBA at that time should deal with that. Because it would be a significant variation.

5.7 Mr. Boyer said that the Board has seen cases where the requests come in separately. They get one and then get another.

- 5.8 Mr. Kolleng said he would differentiate between that example and one of some new owner 10 years down the road.
- 5.10 Mr. Surman said he assumes that the upstairs area is all open structure.
- 5.11 Mr. Robke said that the approval is not per plans because it is special use.
- 5.12 Mr. Surman said he agrees with Mr. Boyer in that if it wasn't such a large lot he would have a difficult time with the request.

6.0 DECISION

6.1 Mr. Kolleng moved to recommend granting a request for a special use for a detached garage in excess of 600 square feet to permit the construction of a detached three-car garage at 1140 Greenwood Avenue in accordance with the plans submitted. The use shall run with the use.

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

Chairman Patrick Duffy	No
Mike Boyer	Yes
John Kolleng	Yes
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Yes
Christopher Tritsis	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 2017-Z-53.

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

A majority of 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 of a garage in excess of 600 square feet is consistent with the goals and policies of the Comprehensive Plan for a residential use. The property is a corner lot of a relatively large size. If the property were larger, an 800 square foot garage would be permitted. The garage as currently oriented is difficult to access and is in need of replacement. The garage will not be detrimental to or endanger the public health, safety or welfare nor will it be injurious to the use or enjoyment of other property in the neighborhood. The proposed garage will not impede the normal and orderly development of surrounding properties, which are also fully developed. The

proposed garage will not impact property values. Adequate utilities, road access, drainage and other facilities already exist. The proposed garage will be consistent with the community character. The garage will conform to all other requirements of the Zoning Ordinance.

A minority of the Zoning Board of Appeals finds that the request does not meet the special use standards of Section 5.3.E of the Zoning Ordinance. Specifically, that the approval of one such request will lead to other requests being made, ultimately altering the community character of the neighborhood. If the special use is granted, there is no guarantee that the applicant or a subsequent owner would seek other zoning relief and cite the garage as one reason for needing relief.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a special use for a detached garage in excess of 600 square feet to permit the construction of a detached three-car garage at 1140 Greenwood Avenue in accordance with the plans submitted. The use shall run with the use.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Michael Ford, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 227.11 square foot (2.57%) total floor area variation and a 37.07 square foot (0.41%) lot coverage variation to permit the construction of a new detached garage on the legal non-conforming structure. The Village Board will hear this case on November 28, 2017.

3.22 The applicant said he was recently deployed to Puerto Rico in support of Hurricane Maria relief efforts with the Army. He is a new Wilmette homeowner, but he grew up in the Village. They want to tear down their 20' x 20' garage and build a 24' x 20' garage. The proposal incorrectly stated 26' x 20'. They want to expand the existing garage on the current footprint. It will not impact the right of way or alley. It will not alter the look of the neighborhood.

He and his wife recently had a baby and the garage is too small for their two-car needs. It is 20' x 20' and was built in 2002.

3.23 Chairman Duffy noted that the house was built in 2002 along with the garage. Codes were different at that time. There was more FAR allowed on the lot at that time. Codes have changed and now they are over on FAR and want to expand the garage by 4' in width.

3.24 Mr. Surman asked if this was a whole new garage.

Chairman Duffy said it is a new garage.

The applicant said they would tear down the existing garage and rebuild it. He could not see how they could expand it.

3.25 Mr. Kolleng said that there is a parking pad next to the garage.

The applicant said they would remove that pad and add green space.

3.26 Mr. Boyer referenced the letter in the packet and said that there are two options.

The applicant said he had a meeting with Village staff in July. He originally wanted to propose the 26' x 20' garage and he was told that would not get approved. He then proposed 24' x 20' and was told that the Board may consider that. Another option would be 22' x 20', but he would prefer 24' x 20'.

- 3.27 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 this is a minimal request. He can support it. Removing the pad and restoring green space is a benefit.
- 5.2 Mr. Kolleng said this is a nominal request. They will have more green space. Standards of review are met. He can support the case.
- 5.3 Mr. Boyer said this is an interesting case. He would be more in support of a 440 square foot than a 480 square foot request. It is a smaller lot. The developer built a large house. They have used all of the FAR. They are asking for something that is more than what a new house is allowed. He is looking at this as a new construction case and would prefer for the 440 square feet. The home is new construction. In new construction situations, the Board has allowed 440 square feet or 22' x 20'.
- 5.4 Chairman Duffy said he is also leaning towards the 22' x 20' garage. How is this garage different from other garages? He understands the circumstances, but they are already over so why go over by another x square feet?
- 5.5 Mr. Reinhard said they are reducing impervious surface in exchange for 40 square feet is a good trade. He can support the request.
- 5.6 Mr. Robke is always troubled with FAR increases. What is the unique circumstance in this case that requires a larger garage?
- 5.7 Chairman Duffy said this is a hardship case and where is the hardship. There is an inconvenience, but he doesn't know where there is a hardship.
- 5.8 Mr. Boyer said that 440 square feet is allowing them a larger garage than they have now. Not to what the applicant is seeking, but larger than exists.
- 5.9 Mr. Schneider said even if they replaced the existing garage at 20' x 20' a variance would be needed.
- 5.10 Chairman Duffy said that the Board is allowing 440 square feet, 22' x 20'. In general, the Board grants the variance related to a garage of that size. In tonight's case, the garage is not in disrepair. It does not *need* to be replaced. It is a *want* right now. It is more of a want than a hardship. It is a convenience issue. They can have 22' x 20' because this is what the Board is granting.
- 5.11 Mr. Surman asked if they could put a 100-square foot shed on the property. Or 80 square feet?

Ms. Roberts said a shed is not counted if it is less than 64 square feet.

- 5.12 Mr. Tritsis asked which option the Board was considering.

Chairman Duffy said that the motion is for as proposed. The Board could vote on the motion and if it is a negative recommendation could the Board reintroduce it as option B and vote on that. The Board would be voting twice.

Ms. Robert said she would be concerned about the Board voting twice.

- 5.13 Chairman Duffy asked how the Board should proceed.

Ms. Roberts said that the Board could ask the applicant if he wanted to amend his plan and then the Board could vote on what he requests.

- 5.14 Mr. Boyer said that the applicant could move forward and having a positive or negative recommendation and then go to the Village Board.

- 5.15 Mr. Kolleng said that the applicant made a presentation that the Board heard. There was discussion and now it's time for a vote. Chairman Duffy implied it would be a negative vote.

- 5.16 Chairman Duffy said the applicant had two options.

Mr. Kolleng said that the applicant presented one option.

- 5.17 Chairman Duffy said that the applicant said he had option B.

The applicant said that based on guidance he received from staff, he wanted to state two options. His preference is 24' x 20' knowing he is removing the pad to increase green space.

- 5.18 Chairman Duffy told the applicant that he can proceed with the 24' x 20' garage. If there is a negative recommendation, he can go to the Village Board with that recommendation and let them make the final decision. He could make it a smaller garage at that time. Or he could amend his request right now and make it a smaller garage and the vote would be taken.

The applicant asked if he went forward with the 24' x 20' and it is turned down, could he re-appeal with a 22' x 20'.

- 5.19 Chairman Duffy said that for expediency's sake if the recommendation was negative then he should go to the Village Board and ask for the smaller garage. The Village Board will hear the case before it could come back to the Board.

- 5.20 Mr. Surman said he thought that the applicant would have to wait a year if his request was turned down and he wants to return to the Board.

Ms. Roberts said if the Village Board denied the request the applicant would need to wait a year to return to the Board with the same request.

- 5.21 Mr. Boyer said that the Board is advisory only and the Village Board makes the final decision.

The applicant asked if the 24' x 20' was denied by the Board and he decided not to go the Village Board, could he return to the Board in 30 days and ask for a 22' x 20' garage.

Ms. Roberts said that the applicant goes to the Village Board after this Board votes on the case. The applicant could present the current larger garage, or he can say that he wants to change his request and wants to return to the Board.

- 5.22 Mr. Tritsis said he thought that there were some cases that did not go to the Village Board, but were amended and represented.

Ms. Roberts said that once the ZBA votes, the case then goes to the Village Board.

- 5.23 Chairman Duffy clarified that the applicant wanted to move forward with the 24' x 20' garage, removing the car pad and increasing green area.

The applicant said this was correct. Neighbors are not impacted.

6.0 DECISION

- 6.1 Mr. Surman moved to recommend granting a request for a 227.11 square foot (2.57%) total floor area variation and a 37.07 square foot (0.41%) lot coverage variation to permit the construction of a new detached garage on the legal non-conforming structure at 1932 Washington Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	No
Mike Boyer	No
John Kolleng	Yes
Michael Robke	No
Reinhard Schneider	Yes
Bob Surman	Yes
Christopher Tritsis	No

Motion failed.

6.2 Mr. Boyer authorized the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-45.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

A majority of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, there are no conditions of the property that are imposing a practical difficulty or particular hardship. The house was built when the regulations permitted more floor area than is currently permitted. The applicant is creating his own plight by seeking a garage in excess of the 440 square feet standard related to the garage floor area bonus. The applicant is able to make reasonable use of the property with the current garage or one 440 square feet in area.

A minority of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the size of the lot and the size of the house, 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 construction of the home. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property with a slightly larger garage. The proposed variations will not impair an adequate supply of light and air to adjacent properties. The applicant proposes to remove some existing impervious coverage in the rear yard, creating more green space. The variations, if granted, will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 227.11 square foot (2.57%) total floor area variation and a 37.07 square foot (0.41%) lot coverage variation to permit the construction of a new detached garage on the legal non-conforming structure at 1932 Washington 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 Ms. Liz Hayes, architect

3.12 Ms. Dandan Zhang, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 427.81 square foot (4.93%) total floor area variation, a 24.0' front yard setback variation, a 1.71' combined side yard setback variation, and a 564.22 square foot (24.43%) front yard impervious surface coverage variation to permit the construction of a garage addition on the legal non-conforming structure. The Village Board will hear this case on November 28, 2017.

3.22 The applicant said they lived in the Village for three years. In 2016, they had floods to their house and had another flood two weeks ago. On July 23, 2016 that was the worst flood. Water got into the garage and her car was totaled. From the garage water went to the lower basement and they had 6" of water. They filed an insurance claim, but the family suffered massive financial loss. They have a flood control system in their front yard. It is at its full capacity. As part of the Village engineering recommendation, they called a pavement company to create a hump to stop water coming in from the driveway. No pavement company could guarantee this would work. Some pointed out that adding a hump could provide more force to the water into the garage. The flooding is a hardship for them.

The architect said that the applicants considered various options before they called her. They looked at some conforming options. But those didn't work. They have exhausted where they can add usable square footage. They hired a civil engineer who helped them decide the appropriate height. The civil engineer was concerned about front load and water might still get into the garage. They tried to minimize the variation request. This is the only house on the street with a sunken driveway. There are only four drains on the street. Her driveway is a retention pond for the street. She has spoken with the Village about the problems.

3.23 Chairman Duffy said his first reaction is that the bedroom windows are above the garage. How is the roofline matching up to the windows?

The architect said there is a sandwich roof. They will have to shrink the windows that are egress windows. They are casement windows. There is 4' before the garage starts from the wall of the bedroom or existing garage.

3.24 Chairman Duffy said he is looking at the west elevation and it looks like an eave. On the east elevation it is a continuous roof line.

The architect said it is lower on the west elevation so that it misses the windows. They are doing shorter windows.

- 3.25 Mr. Schneider referenced 1.10, east elevation. How much higher is the level of the garage from the level of the street.

The architect said it would be about 2' grade wise.

- 3.26 Mr. Schneider said he was thinking of a front-loaded garage that measures 20' x 22' that would give them 25' to the front of the garage from the street. The increase in elevation would be 2'. He referenced 1.10. They should be able to do this and alleviate flooding issues.

- 3.27 Chairman Duffy asked Mr. Schneider if he was saying if they front-loaded the garage as it sits or closer to the house.

- 3.28 Mr. Schneider said to attach the garage to the house. The distance from the edge of the 20' depth to the edge of the street is 25'. That would be the width of the driveway to the street. The current slope going down is at least as severe as what they are proposing. The slope now is 2' within a shorter distance.

- 3.29 Chairman Duffy said it is a longer distance to the existing garage. They would come out 20' to raise 2'. Existing they have that additional 20' to come down that 2'. The angle would be a little more severe.

- 3.30 Mr. Schneider said that there are downward slopes on Kilpatrick that is more severe.

The architect said if they are having a front-loading entrance, there is still a drain that is right at the bottom of street level for the current garage. There is an opening that water can seep into the garage if it overflows.

- 3.31 Chairman Duffy said they are putting the garage at the same elevation in the proposed plan but being 4' closer to the street. Where is the difference? In the current proposal, the floor of the garage is at the same point that Mr. Schneider's proposal is. The only difference is that in Mr. Schneider's proposal the garage is 4' closer to the house with a front load. The water will get into either door.

- 3.32 Mr. Boyer said that what they are proposing is not possible for water to do. The water is cresting a curb and running down a hill. There is an entry issue. The water is running downhill.

- 3.33 Chairman Duffy said if they leave the garage at the proposed height but front load it the applicant is saying that water will go through the front door. Wouldn't you get water on a side loaded garage?

- 3.34 Mr. Kolleng asked if there was less impervious surface with a side-loaded garage.

Chairman Duffy said that there is more impervious surface with a side-loaded garage.

- 3.35 Mr. Surman said that with Mr. Schneider's proposal, the slab is at the same height.

- 3.36 Chairman Duffy asked why do a side-load instead of a front load?

The applicant said that there is grading on the street. Where the street drain is being the lowest point. Going east, the grade of the street gets higher. They are trying to do a driveway from the higher end. They want to stay as far as possible from the drain location, which is the pooling area. If they do a front load, there is no way to avoid that drain. The side-load is further from the lowest point. It is higher than the front-load point.

- 3.37 Mr. Surman said he is concerned about how far the garage sticks out.

- 3.38 Chairman Duffy said that applicants on Kilpatrick made a presentation to the Board. They proposed front loaded, but they were 4' off of the sidewalk. The Board said no because it was too dangerous. It must be out farther because of the stairs to the front door.

The architect said that there is a 9' parkway. There is no sidewalk. When she presented the two options to the civil engineer, her first instinct was that he would want a front-load garage. He felt that the proposed way is the way that she should present the request to the Board.

- 3.39 Regarding street water, the applicant said that there is no pump that is powerful enough to pump the street water.

- 3.40 Chairman Duffy asked where they put that water.

The architect said that there is no room to pump that water.

- 3.41 Chairman Duffy asked if the resident would be forced to store the water for the street.

- 3.42 Mr. Schneider said that there is a drain that was enclosed with plastic. It is shown on 1.5. What is the purpose of that drain?

The applicant said that there is a sump pump underneath. They put plastic around it is that when water overflows the pump powers off. The outlet is at ground level.

- 3.43 Mr. Schneider asked when it works, where does the water go.

The architect said that it pumps out to the street.

- 3.44 Mr. Schneider clarified that one of the reasons they are moving the driveway 30' to the east from that manhole in the street is because when there is a severe storm, the elevation of the driveway where it is proposed and where it meets the street and the elevation where the manhole is being so significant that during a heavy rain event when it floods, they could not drive a car if the garage was front-loaded. There would be standing water in the street with both options. Is one so much deeper than the other?

The architect said that one is where all the water is draining to from the street.

- 3.45 Mr. Schneider asked about the difference in elevation during a severe rain event from the middle of the proposed driveway and the street? If it was a matter of a few inches that is not significant in his opinion.

The architect said it is about 1' higher, but she needs to figure this out.

- 3.46 Chairman Duffy said as he pulled in front of the house he was more in the middle of the street. Then he parked across the street and he was looking at the house. As he pulled away, he pulled toward the applicant's driveway to turn around and go back down the street. He wanted to see front yard setbacks, other garages like this. He noticed that his car dipped to the side as he circled around. The crown of the street is severe in front of their house. He didn't notice this to the east of their lot line. The severe crown is to run water to the drain.

- 3.47 Mr. Surman asked if they measured the distance for the house to the west where their garage is. They have a unique situation.

The architect said that information should be on the site plan. It is 6.37' from the property line. The applicant is further from the street by over 3'.

- 3.48 Mr. Schneider asked about maximum depth of the water at the drain during a storm.

The applicant said there is a high crown in the middle of the road. She has seen the whole street covered with water. Their height maximum at the garage was about 27". There is about 8" to 9" at the top of the drain.

- 3.49 Mr. Tritsis said he saw letters of support. Which houses are adjacent to the applicants? Did anyone say they were not in favor of the proposal?

The applicant said that there are 25 neighbors. She spoke to eight neighbors. There are two neighbors on her street who signed the letter. There are some on Hibbard that signed the letter. On Wilmette Avenue a couple of neighbors signed the letter. There were no objections to the plans. She spoke with the neighbor to the west. They are okay with the plan.

(After 4.0)

3.50 The applicant said she spoke with two neighbors who were there for over 20 years. They gave her background. The previous homeowner had similar situations with flooding. The neighbor to the west said they saw that the previous owner had similar situations to the applicants.

3.51 Chairman Duffy said that the neighbor talked about changing the neighborhood with the garage in front of the house.

The architect said that the way they proposed the garage is in keeping with the existing house. A side load garage is often preferred.

3.52 Mr. Surman asked if they would landscape the garage so it would blend in. The neighbors did a nice job of landscaping.

The architect said that there will be landscaping. Plantings will help with the drainage. The applicant spoke with the neighbors about this.

The applicant said she had to put permanent sand bags to help with the water. A side load garage will look better than a front load garage with sand bags.

3.53 Chairman Duffy asked if they were in the garage and walked through to the house what do they walk into.

The applicant said they would walk into a bedroom and an office.

3.54 Chairman Duffy said if water was to come through the garage the applicant said it gets into a basement. Where is the basement?

The architect said that the garage is underneath the living room.

3.55 Chairman Duffy noted that the home is split level. The water could downstairs to the basement. Does it impact the bedroom and office?

The applicant said it finds a low area and then it flows down the stairs to the basement. It is a laundry room. There is no crawl space.

3.56 Mr. Tritsis asked if they were worried that they would be putting more water into the front area. Would other materials work better?

The architect said that pavers would drain more but there could be an issue with cost. This is an expensive addition to alleviate the water problems.

3.57 Chairman Duffy asked if water would run off the applicant's property to a neighbor's property?

Ms. Roberts said that a grading permit would be required.

The architect said they hired a civil engineer to look at the project and not causing more problems.

3.58 Mr. Tritsis said that they are having a lot of asphalt on the site.

3.59 Mr. Surman said he was not sure why front loaded would not work. The slope is not that great.

The architect said there must be a certain slope. Getting the slope so high was a concern to their engineer. The water will still pool and could go into the garage.

3.60 Mr. Surman asked if they could reduce the depth it was coming out if they did side loaded.

The architect said they would back up over steps. With the proposed option, there is a man door to get out of the garage. If the garage was closer, they would not have the man door.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Mr. Byung Kim
421 Hibbard Road

4.2 Summary of presentations

4.21 Mr. Kim said he knew the previous owner for 30 years. They rarely had a problem because there was drainage in the middle of the driveway. Everyone in the area has had flooding in their basement. The frontage is important for the neighborhood. He said that the garage must fit with the neighborhood.

He lives next door on the corner.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Robke said the Board has seen a few cases where people come requesting a variance to have a garage in the front. He sympathizes with the flooding issue. This case meets the hardship requirement and standard of review criteria apart from not altering the essential character of the neighborhood. The proposal does alter the character of the neighborhood. There is a house next door that has a garage closer to the street. He could not advocate a row of garages in the front yard setback. The Village needs to address this. There are requirements about not draining onto other private properties. The public street is draining into the applicant's garage and then into their basement. He cannot support the garage because the neighborhood character will change.

- 5.2 Mr. Schneider asked about the three houses on Kilpatrick. What was the distance proposed from the curb to the edge of the garage?
- Ms. Roberts does not have those numbers because she didn't know that this would come up.
- 5.3 Mr. Robke said he thought it was 4' to 5'.
- 5.4 Chairman Duffy said that the major concern was that car windows wouldn't clear the garage door.
- 5.5 Mr. Schneider said he understands the hardship, which is that as currently exists, the garage cannot be used because it floods during heavy rains. This has happened in other cases. They all asked to build an above grade garage. He understands tonight's plight and unique circumstances. It may not be offensive visually. A front-loaded garage pushed back 6' from current location reduces significantly the impervious surface coverage which is critical. He talked about impact on runoff into the street. He could accept a solution that is front loaded and 20' deep. He said that the neighborhood appearance would be altered if this was approved. But his main reason is the nature of the solution.
- 5.6 Mr. Kolleng said this is a situation where the hardship is obvious. He agrees with Mr. Schneider. By doing the side-load with increased impervious surface, that water must go somewhere and where will it go? Maybe it goes to the neighbors. Front loading is a better option if there was a way to do this. He is in favor of them doing something but cannot support tonight's request.
- 5.7 Mr. Boyer agrees with all above comments. There is no alley. Side yard setbacks do not allow a side drive. That causes the need for a front-loaded garage or a garage in the front. But he has the same concerns he had with Kilpatrick requests. He looked at that as a rezoning of the area. This request changes the character of the neighborhood. The ask is too much. It is imposing more on the neighbors. He has problems with two out of four asks.
- 5.8 Mr. Tritsis agrees with all above comments. The proposal does not feel right. The neighborhood character would be changed with this proposal. He cannot support the request.
- 5.9 Mr. Surman said his comments are consistent with the above. The Board has seen other cases like this throughout the years. They would have a lot of impervious surface on site. He talked about what might work and alleviate the flooding problems. He said that they could be 20' out versus the proposed 26'.
- 5.10 Chairman Duffy said what doesn't get considered is that because the street is lower there and the drain is at the head of the driveway, the road crests higher. The difference between this property and Kilpatrick is that this is a 70' wide lot. There

is 20' more width to work a side load garage. That wasn't the situation on Kilpatrick. Is this the solution for this property? Yes. But then it sticks out so far. How does he justify this? He looked past impervious surface. They are adding a new driveway and the garage is taking up two-thirds of current driveway. They are eliminating one-third of the driveway off the front yard. They are adding the new driveway. The impervious surface is not quite as extreme as proposed. The garage is going over two-thirds of the existing driveway. The garage and driveway are all in the front yard. Front yard setback goes up to front steps. How does he deal with the garage sticking out? Neighbor to the west has a garage that sticks out 3' further. It is covered by foliage. Will this proposal work for him? He likes the idea of pushing the garage closer and making it front load, but he's worried about it coming into the street because it is the lowest point in that area. There is a drain there. It is a terrible place for the drain. He is struggling with this case. He wants to solve a problem for someone who does not have a good solution. The hardship is that the house as sited on the lot is odd. For other houses garages are at grade and setback from the street more than this house. This is the first house that fronts onto Hill. There are two houses that front onto Hibbard. It is an unsolvable problem with current codes.

6.0 DECISION

6.1 Mr. Robke moved to recommend granting a request for a 427.81 square foot (4.93%) total floor area variation, a 24.0' front yard setback variation, a 1.71' combined side yard setback variation, and a 564.22 square foot (24.43%) front yard impervious surface coverage variation to permit the construction of a garage addition on the legal non-conforming structure at 3110 Hill Lane in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	No
John Kolleng	No
Michael Robke	No
Reinhard Schneider	No
Bob Surman	No
Christopher Tritsis	No

Motion failed.

6.12 Mr. Schneider suggested to the applicants that they provide information to the Village Board that includes a cross section through the middle of the garage and the street to show the grade change.

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-42.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

A majority of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, the variations, if granted, will alter the essential character of the neighborhood. While there is a detached garage in the front yard at the property to the west, this is not the character of the street. The proposal for a side-loaded garage adds more impervious coverage to the front yard than would be necessary for a front-loaded garage. More impervious coverage may be injurious to neighboring properties.

A minority of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The particular physical conditions of the property, the style of the house with a below-grade garage, the siting of the house on the lot, and the location of the street inlet, impose upon the owner a particular hardship. The plight of the owner was not created by the owner and is due to the circumstances of the house and lot. The hardship is peculiar to the property in question. The house is designed with a below-grade garage into which water flows. The house is sited such that there is not enough room on the sides to access the rear yard for a detached garage. The inlet as one of the low points of the street causes water to be directed to their driveway and garage. The hardship prevents the owners from making reasonable use of the property by preventing flooding and damage to their home and cars. 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 as there is a detached garage to the west that is closer to the street than the proposed garage.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 427.81 square foot (4.93%) total floor area variation, a 24.0' front yard setback variation, a 1.71' combined side yard setback variation, and a 564.22 square foot (24.43%) front yard impervious surface coverage variation to permit the construction of a garage addition on the legal non-conforming structure at 3110 Hill Lane 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. Lucila Felcaro, applicant

3.12 Mr. Ovidio Felcaro, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 1,106.86 square foot (22.68%) total floor area variation, an 89.83 square foot (1.84%) lot coverage variation, a 9.1' side yard adjoining a street setback variation, a 9.0' front yard stoop setback variation, a 9.0' front yard step setback variation, a 2.89' side yard adjoining a street stoop setback variation, a 7.81' side yard adjoining a street step setback variation, a 90.92 square foot (7.34%) front yard impervious surface coverage variation, and a 179.3 square foot (43.33%) side yard adjoining a street impervious surface coverage variation to permit the construction of a one-story addition and new front stoop, steps, and walk on the legal non-conforming structure, and a 2.0' fence height variation and a fence openness variation to permit the construction of a 6.0' tall solid fence in a side yard adjoining a street. The Village Board will hear this case on November 28, 2017.

3.22 Ms. Felcaro said they want to make improvements to have better functioning in the house.

Mr. Felcaro talked about the entrance to the basement. The house was built that way originally. They are asking to create 80' of framing to the basement. The framing would attach to the brick house. This would make it better to get to the basement.

The front entrance was built in 1924. The entrance is 7' to 8' from the curb. They used the back entrance as the main entrance when they moved in. They tried to change the entrance position. They want the porch to face east and not west. They would have a new main door and create a path to the driveway. They do not have a garage. They use the driveway to park cars.

They want a fence on the west side. They had an accident in July. A car went into the basement. This is the second time it happened. The car was coming from the west and went through the basement.

Ms. Felcaro said she spoke with Ms. Berger about the fence. They want the Village to put a guard rail to prevent cars from crashing again. There was not a police report in the previous accident. That accident happened when they did not own the house. The fence is to make them feel more protected. They also talked about putting in railroad ties.

- 3.23 Mr. Schneider referenced 1.6. Where will the new door on the addition be?
- 3.24 Chairman Duffy said that 1.6 is the new door. 1.5 is the old door.
- Mr. Felcaro said there is a back door on the north side.
- 3.25 Chairman Duffy referenced the fence and said it would not stop a car. Perhaps railroad ties would help.
- 3.26 Mr. Boyer talked about a similar situation on Sheridan Road. It is on the Michigan Avenue side. Cars have missed that corner. There are cement-filled metal posts and some boulders to help with the situation. There is a single-level ranch at that point. Chairman Duffy acknowledged that a fence would not stop a car. He is not sure railroad ties will either. Something more substantial is needed to stop a car. The applicants should look at this house.
- Mr. Felcaro talked about 4" steel in concrete every four feet and three railroad ties. And he talked about the car that went into their basement.
- 3.27 Chairman Duffy said they should call Ms. Berger after they put up the fence to have a reflective sign showing that the road is curving. They could put reflectors on their face.
- 3.28 Mr. Schneider said that there is a large house at the corner of Locust and Illinois. There is a solid fence on the south side. The fence has a variation.
- 3.29 Chairman Duffy said that the argument for that fence was the car lights.
- 3.30 Mr. Schneider said that the lots across the street have a metal fence.
- 3.31 Chairman Duffy said that most people have vegetation versus fences.
- 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. Boyer said it is a small lot. The house is sited where it is. The home is non-conforming. Any changes to the home would need a variance. They are correcting an issue with entry and exiting the home. Illinois Road and the curve create access issues. There are many hardships that would allow this to be approved. The net request is minimal over the existing conditions.

Regarding the fence, the request should be granted. There are some privacy issues. There is a sweeping nature to the curve. Lights sweep across the home. He can support this, and all standards of review are met.

- 5.2 Mr. Schneider said he agreed with above. This house could not be built today based on current code. The requested changes make a lot of sense. He can support the request.
- 5.3 Mr. Tritsis said that the request makes sense.
- 5.4 Chairman Duffy talked about the variations but there are reasons for this number of variations. It is a bad situation they are making a little better. He can support this request.

6.0 DECISION

- 6.1 Mr. Boyer moved to recommend granting a request for a 1,106.86 square foot (22.68%) total floor area variation, an 89.83 square foot (1.84%) lot coverage variation, a 9.1' side yard adjoining a street setback variation, a 9.0' front yard stoop setback variation, a 9.0' front yard step setback variation, a 2.89' side yard adjoining a street stoop setback variation, a 7.81' side yard adjoining a street step setback variation, a 90.92 square foot (7.34%) front yard impervious surface coverage variation, and a 179.3 square foot (43.33%) side yard adjoining a street impervious surface coverage variation to permit the construction of a one-story addition and new front stoop, steps, and walk on the legal non-conforming structure, and a 2.0' fence height variation and a fence openness variation to permit the construction of a 6.0' tall solid fence in a side yard adjoining a street at 2600 Thornwood Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
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-54.

- 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 meets the variation standards of Section 5.4.F and the fence variation standards of Section 5.4.F.h of the Zoning Ordinance. The particular physical conditions of the property, the size and shape of the lot, the location with streets on three sides, and the location 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 lot. The hardship is peculiar to the property in question and not generally shared by others. The hardship prevents the owner from making reasonable use of the property with an enclosed stairway to the basement, a front porch oriented to the front of the house, and fencing to serve as an additional barrier to west-bound Illinois Road traffic. The proposed variations will not impair an adequate supply of light and air to adjacent property. The proposed addition replaces an existing structure of similar size. The variations, if granted, will not alter the essential character of the neighborhood.

The property has streets on three sides including Illinois Road, which is a busy street at this location. The fence will help to protect the property from car damage, block headlights, and improve the use of the outdoor space. The lot is unusual in shape and development and the area to be screened by the fence is the only backyard space available. The unusual location of the lot is such that the fence will not negatively impact the properties to the north and west. Similar fences existing in the neighborhood, specifically on the lots across Illinois Road that have their rear frontage facing Illinois. Many of these properties have tall and/or solid fences along Illinois Road.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 1,106.86 square foot (22.68%) total floor area variation, an 89.83 square foot (1.84%) lot coverage variation, a 9.1' side yard adjoining a street setback variation, a 9.0' front yard stoop setback variation, a 9.0' front yard step setback variation, a 2.89' side yard adjoining a street stoop setback variation, a 7.81' side yard adjoining a street step setback variation, a 90.92 square foot (7.34%) front yard impervious surface coverage variation, and a 179.3 square foot (43.33%) side yard adjoining a street impervious surface coverage variation to permit the construction of a one-story addition and new front stoop, steps, and walk on the legal non-conforming structure, and a 2.0' fence height variation and a fence openness variation to permit the construction of a 6.0' tall solid fence in a side yard adjoining a street at 2600 Thornwood 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. Jeffery Glazer, owner of the property and facility manager

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a special use for medical/dental clinic, large and a 1 space parking variation to permit the expansion of a med spa (Images Med Spa). The Village Board will hear this case on November 28, 2017.

3.22 The applicant wants to expand the space. He wants a variance for one parking space. It is a unique property. It was a bookstore, pharmacy, rug shop and more. They have had great growth. The clinic is doing well. They want to expand their services.

Regarding the parking lot, it is strange. They looked at possibly buying the house to the north to see if they could make the parking lot work, but it wouldn't accomplish anything. They would be happy to put in a fenced-in dumpster as requested. They have a good relationship with the neighbors. They treat themselves as a neighbor and not just a business.

3.23 Chairman Duffy asked what a medical spa was. What services are provided?

The applicant said they are a hybrid between a dermatologist/cosmetic surgeon. They do Botox and filler. They are also a day spa with massages, facials and peels. It is a growing area of the cosmetic field.

3.24 Chairman Duffy asked how long a patient was there.

The applicant said about 30 minutes. Some treatments are one hour. It is not high traffic or high volume. They see about 15 to 25 patients on a good day.

3.25 Chairman Duffy asked what they planned to add.

The applicant said there would be three more treatment rooms. One is a dedicated laser room. That is a shared room between estheticians.

3.26 Chairman Duffy clarified that there are six chairs plus the other room.

The applicant said that there are four chairs now and they want to add three chairs for a total of seven chairs. They could have six patients at any given time. There would be six staff for those patients and front desk staff. He said there would be 15 people and 15 cars. There is parking for five cars.

- 3.27 Mr. Schneider said it sounds like there is parking for four cars. But the SPR committee is asking them to stripe for five.

Ms. Roberts said that the lot is not striped at this time. It is an estimate of what they could fit in. There is an early 90s plan.

- 3.28 Mr. Schneider asked where the variation request came from.

Ms. Roberts said it is the difference between the requirement when the use was put in place. It was originally to be office space which would have required three spaces. This use in the space requires four spaces. It is the difference between old and new requirement.

- 3.29 Mr. Schneider said that there are two spaces to the east and three behind the building.

- 3.30 Chairman Duffy said one space must be handicap.

- 3.31 Ms. Roberts said that the office requirement was four spaces and the new use is five spaces.

- 3.32 Mr. Schneider asked if the request was for four spaces.

Ms. Roberts said that the variation request is for one space, the difference between old and new.

- 3.33 Mr. Robke said that six is required.

Ms. Roberts said that five is required for the additional spa space.

- 3.34 Chairman Duffy said that med spa was in part of the building. They anticipated the other space to be office.

The parking requirement at that time was one space per 200 square feet for a personal service use per Ms. Roberts. That was the same as the previous use.

- 3.35 Mr. Schneider referenced 1.3. There is a parking lot behind the building. The building is 47' wide. They could park three cars there plus have the dumpster with one being handicap. There could be two on the other side.

Ms. Roberts said they would then have five spaces.

- 3.36 Chairman Duffy said they need six spaces.

- 3.37 Mr. Robke said that there is street parking in the area that is ample.

The applicant said that there are some spots in front of the gas station.

3.38 Chairman Duffy said when the applicant moved in they took over some of the building. The space they didn't take was designated as office use. That meant three parking spaces. Once the use changed the parking requirement changed to four. One more parking space was then needed.

3.39 Mr. Surman clarified that six are required but only five are there so he is asking for a variance.

3.40 Mr. Schneider asked Ms. Roberts how many spaces were required.

Ms. Roberts said that for the entire building, they would need 12 spaces. They said that the existing use would be grandfathered in because it came in under the old parking requirement, retail and personal service.

3.41 Chairman Duffy said that the request would not impact the neighbors. There is a lot of street parking.

Regarding staff, the maximum staff on site is six per the applicant. With the addition, the maximum they would have is eight.

3.42 Mr. Surman asked if people drove or are some dropped off and picked up.

The applicant said a few people are dropped off. But he cannot predict this in the future.

3.43 Mr. Schneider asked if they agreed to provide five spaces would the variation be required.

Ms. Roberts said it would be required because of the incremental difference.

3.44 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. Robke said this is a minor change. He is familiar with the property. He has never seen a back up of cars. He can support the request.

5.2 Mr. Tritsis said this is an easy case. There is street parking that is plentiful. This is

6.0 DECISION

6.1 Mr. Robke moved to recommend granting a request for a special use for medical/dental clinic, large and a 1 space parking variation to permit the expansion of a med spa (Images Med Spa) at 505 Skokie Boulevard in accordance with plans submitted. The use shall run with the use.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Yes
Christopher Tritsis	Yes

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-55.

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 special use standards of Section 5.3.E of the Zoning Ordinance. The proposed use in the specific location will be consistent with the goals and policies of the Comprehensive Plan. The use has existed at a smaller scale at the site for several years. 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 applicant will be improving the off-street parking area to identify parking spaces and enclose the dumpster. 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 medical/dental clinic, large and a 1 space parking variation to permit the expansion of a med spa (Images Med Spa) at 505 Skokie Boulevard in accordance with plans submitted. The use shall run with the use.