



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, DECEMBER 20, 2017**

**7:30 P.M.**

**COUNCIL CHAMBERS**

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

**Members Absent:** Bob Surman

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

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**I. Call to Order**

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

**II. 2017-Z-60 1132 Michigan Avenue**

See the complete case minutes attached to this document.

**III. 2017-Z-66 2011 Hollywood Court**

See the complete case minutes attached to this document.

**IV. 2017-Z-65 1020 Forest Avenue**

See the complete case minutes attached to this document.

**V. Approval of the November 15, 2017 Meeting Minutes**

Mr. Kolleng moved to approve the November 15, 2017 meeting minutes.

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

**VI. Public Comment**

There was no public comment.

**VII. Adjournment**

The meeting was adjourned at 9:47 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. Chuck Cook, architect  
Cook Architectural Design Studio

3.12 Ms. Lisa Rees, owner

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

3.21 Ms. Roberts said that this is a request for a 4.25' side yard generator setback variation and a 4.61 decibel sound variation to permit the installation of an emergency standby generator. The Village Board will hear this case on January 9, 2018.

3.22 Mr. Cook is at the meeting on behalf of the applicants. They had designed a recessed well that the generator could sit in. It was designed to meet the 15' setback. After the house was constructed, when the generator installer looked at the situation again, they were concerned about the operation of the generator and requested that the generator be rotated 90 degrees within that window well. This physically can be done but then that causes the generator to partly encroach into the setback requirement. The end of the generator will be at 10'9". They are encroaching into the generator setback by 4'3".

The generator is not an eyesore because it is below grade. The generator will be about 5' below the window well wall. The only way to see it is to look straight down. It will be down in the well so sound will be directed upward. Based on data provided, the sound level is calculated to be 74.6 decibels at the property line. Sound engineers evaluated it. They can add sound attenuation along the fence line to demise this property from the property to the south. They can add sound attenuation within the window well to absorb sound. The engineers calculated they can get sound down to 63 decibels by doing that, which is well below the requirement.

They would like to test it as they go to see how it works as compared to how it looks on paper. They don't want to be a nuisance to anyone and want to be good neighbors.

3.23 Mr. Schneider said that when he was on site, the electrician took him to the location. It looks to be a 3' x 6' opening.

The architect said that the opening is 3.5' x 12'.

3.24 Mr. Schneider asked what difference it makes if the generator is still in the same

location.

The architect said he partially agrees with Mr. Schneider but according to the generator people, it will make a difference to generator operation.

- 3.25 Mr. Schneider asked what they were doing to the perimeter concrete walls that enclose that.

Mr. Cook said that would be finished in the same stucco finish as is on the house. There was not a plan to do sound absorbing, but now that they are addressing the issue in front of the board, they are saying that they are willing to do sound attenuation as needed.

- 3.26 Mr. Boyer asked if the original location of the generator was conforming.

Ms. Roberts said that the original generator location was conforming.

- 3.27 Mr. Robke said that the letter indicates the sound level is 62 decibels. Is that correct?

Mr. Cook said that it is 62 decibels if the sound attenuation elements are added inside the pit.

- 3.28 Mr. Robke asked if they planned to add sound attenuation. There are many options for this, but it does not say what the applicant plans to do.

Mr. Cook said if it is a requirement for approval, they would do sound attenuation. It is somewhat overkill. Until they measure the decibels themselves, they will not know what it takes to get the decibel level down. They can commit to doing all of it if that is what it takes for approval.

- 3.29 Chairman Duffy said that the generator is in the pit, which is below grade. Won't sound waves be directed up rather than horizontally? Is there no calculation for that?

- 3.30 Mr. Robke said this information is in the report.

Mr. Cook said that the engineers evaluated the generator using their calculations and models. But it is an unusual condition.

- 3.31 Chairman Cook said that they are 9' from the property line. Wouldn't the sound waves go above one's head?

- 3.32 Mr. Robke said that the sound waves could be amplified by the generator.

Mr. Cook said that the plan is to leave the generator enclosure as is, but they will

add sound intenuation if required. The measurements are taken when it is running at emergency capacity. Testing speed is below the requirement. They can approve at emergency speed, 74 decibels at one extreme or they will have to add everything they can and get it down to 62, which seems like the extreme because it is well below the requirement. They want to get it below 70 in an additive approach of let's see what it takes to get us there instead of committing to more than might be needed.

- 3.33 Mr. Robke said that in the letter, they are committing to doing more.

Mr. Cook said that part of that was trying to stay consistent with the way the engineer's letter was written. They didn't propose a middle ground and went for the maximum they could do to get the sound as low as possible. He apologized for the confusion.

- 3.34 Mr. Robke said that Mr. Cook acknowledges that the plight of the property owner was not created by the property owner and is due to unique circumstances. A new house is being built so it is being an issue with the generator manufacturer, but nothing unique to the property or any other characteristics.

Mr. Cook said that when it was a clean piece of paper it was a non-issue.

- 3.35 Chairman Duffy asked what was opposite on the neighboring property.

Mr. Cook said it is their open yard. Their house sits further to the west. All those properties along there slope down. The applicant's home is close in topography.

- 3.36 Mr. Kolleng said he knows that this is where they planned to put it, but it's a big backyard. Could they find another location?

Mr. Cook said that other locations could be more detrimental. They could put it on the beach side of the house, but nobody would be happy about that. Neighbors would see it and people on the beach would see it. It is further away from what it is operating. They thought it was better to stick with their current plans, but rotating it.

- 3.37 Mr. Boyer asked if the variation request was due to generator length.

Mr. Cook said it is a long rectangular shape that was meant to sit parallel to the property line and now it is perpendicular.

- 3.38 Mr. Kolleng asked if there was a different generator that would work in that location.

Mr. Cook said that the generator they chose had the smallest footprint and was quieter than other options.

This is the optimal capacity level. If they step down a bit, they are still with the same footprint. They could go smaller but would not be able to run what they need to run. Because of the slope, there are a lot of things happening with utilities. He talked about a lot sitting below the sanitary line. If those utilities could not be backed up by the generator, there could be a problem.

3.39 Mr. Robke said that is a substantial generator.

Mr. Cook agreed.

3.40 Mr. Schneider said if they enclose that space, can they get to 70 decibels.

Mr. Cook said that it was possible.

3.41 Mr. Tritsis asked if it was just the pit that would have the sound attenuation. Is there a fence?

Mr. Cook said it will not have a fence right around it, but there is a fence at the property line, which is 9' away.

3.42 Mr. Tritsis said if they could take the shaft higher with sound attenuation, it will absorb it up and push it further out.

Mr. Cook said it becomes a pinch point for the side yard.

3.43 Mr. Tritsis said that they need something, or something will fall in.

Mr. Cook said that there is a grate over the top. He added that they want to landscape along the fence line to soften it up. The pathway part will be narrower than that.

3.44 Ms. Rees said she studied a lot of this herself. She went through the list to find the items that need to be on the generator. She did have the checklist at the meeting. She has a handicapped father, so they have an elevator. To run the pumps with the elevator is crucial. Regarding the well, she has acoustical panels at her house. She did research and she would like to put them in the bottom to reduce sound coming up. No one wants to hear the sound. They do not want to do overkill with panels along the fence line because it would be obstructive to neighbors to the right. She talked about a gym panel with the grate over it. That will help alleviate sound from exploding from the top. They will ensure that neighbors are shielded. Mr. Cook did not know that she already bought the panels.

3.45 Chairman Duffy asked what the level was at the property line with the sound attenuation. Is it 64 or is it still 72?

Mr. Cook said they do not know that number. They could go back to engineers to

see if they could run that number.

- 3.46 Chairman Duffy asked about the sound level at the property line without sound attenuation.

Mr. Cook said that it is 74 decibels. He said that by doing sound attenuation in the pit should get them below 70.

- 3.47 Chairman Duffy asked if the board was to approve the request the way that it is written, does the board need to add something about sound attenuation.

- 3.48 Mr. Schneider said they could put something in the motion about getting to 70 decibels. They would commit to installing sound attenuation that brings it to 70 or below.

Mr. Cook said if they are 70 or below they don't need a variance.

- 3.49 Chairman Duffy said that they need to put something in the motion about sound attenuation.

Ms. Roberts said that the applicant just revised the plans to show acoustic panels on the inside.

- 3.50 Chairman Duffy clarified that a new drawing would be submitted to staff.

Mr. Cook said that the engineer would need to run numbers with the sound attenuation.

- 3.51 Chairman Duffy said if the motion includes wording about the applicant's willingness to add sound attenuation as discussed.

- 3.52 Mr. Schneider said that the board was asked to approve a variation which has applicant has said they would modify their plans to meet code, could the applicant just submit a new plan to the board that shows they are at 70 decibels. What should the board do?

Ms. Roberts said that the question would be if the applicant thinks that the sound engineer can provide that. She is not sure how much is based on analysis and how much is based on measurement after sound attenuation is installed.

Mr. Cook said they would rather measure after sound attenuation is added. That would be the most accurate.

- 3.53 Chairman Duffy asked the board if a statement should be added – variation to permit the installation of an emergency standby generator with discussed sound attenuating materials.

Ms. Roberts suggested specifying in the window well/generator pit.

3.54 Mr. Robke noted that the language to be code compliant.

3.55 Mr. Kolleng asked how this would be substantiated after the fact.

3.56 Chairman Duffy asked who would do the measurements.

Mr. Cook said they were going to do the generator this fall, but it will be deferred to the spring. They have a long way to go on construction of the house.

3.57 Mr. Boyer said that the goal is to make the installation code compliant.

3.58 Chairman Duffy read a possible motion – installation of emergency standby generator with sound attenuating materials, which are code compliant, in the generator pit.

Ms. Roberts said suggested wording that the sound level must be code compliance.

3.59 Mr. Robke asked if they could approve one request and reject the other.

Chairman Duffy said you cannot split a motion.

3.60 Mr. Robke said they are obligated to meet decibel levels at the property line per ordinance. He said he would be very surprised if they could not accomplish this in the pit.

3.61 Chairman Duffy then read the motion with modifications: “a 4.25’ side yard generator setback variation and sound attenuating materials be installed to meet the decibel level per code.”

3.62 Mr. Robke asked why the sound variation would be necessary. The application letter said they will meet the code.

3.63 Mr. Schneider said they are asking for a side yard setback variation.

3.64 Mr. Robke read parts of the letter that says they will be well below the 70 decibel maximum allowed.

3.65 Mr. Schneider said that there is still a side yard setback variation for the generator.

3.66 Mr. Robke asked the applicant what they are requesting. What is in the letter is not what they have asked for.

Mr. Cook said that is correct. It was always their intention to be below the 70 decibel level.

- 3.67 Chairman Duffy read a preliminary motion: “move to recommend granting a request for a 4.25’ side yard generator setback variation to permit the installation of an emergency standby generator with sound attenuating materials...” which are code compliant?” Which will reduce the decibels to meet code?

Ms. Roberts said that it is not necessarily consistent to remove the decibel variation. The reason they may want to support the decibel variation is that evidence has been provided that it will be conforming. Technically, the way they measure it, the variation would still apply. She would rather include the variation in case there is an issue with the installation, it’s covered.

Mr. Cook talked about similar cases that were seen by the board and assumed that standard procedure is to ask for a setback variation and a decibel level variation.

- 3.68 Mr. Kolleng said that this is different because it is new construction. A lot of those are areas with a lot of flooding and they have power outages all the time. This is new construction, which should not have any variations.

Ms. Roberts said that like 1000 Michigan, they provided attenuating material, but they still needed the variation. They said they intended to be conforming.

- 3.69 Chairman Duffy read a revised motion - request for a 4.25’ side yard generator setback variation to permit the installation of an emergency standby generator with sound attenuating materials which will meet the 70-decibel sound variation in the generator pit.

Should it be in the pit or at the pit?

Decision made to remove in the pit.

- 3.70 Mr. Tritsis said that the board is not there to design but complying with the decibel level is the goal that is trying to be achieved.

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

- 5.1 Mr. Boyer said that he believes that all standards of review are met. Typically, the board does not recommend variances for new construction. The original plan was such that the location was conforming. Because of issues from the manufacturer, this was an error or an overlook, which causes them to request a variance. He does not think that turning the generator is detrimental. The lot is large. It is in a sunken pit that will take up some of the sound. The applicant is willing to use materials to deaden the sound further.

- 5.2 Mr. Robke said he is troubled by this request. The hardship was created by an error that occurred during the coordination with the generator manufacturer. The unusual circumstance is that it is below grade. Because of this, he can support the request.

5.3 Mr. Tritsis had a question for Ms. Roberts. Is the fact that it is below grade make a difference? What if it was 20' below ground? It is like FAR below ground.

Ms. Roberts said that they have determined that it is 15' to the unit wherever it is. They have not had anyone go 20' down.

5.4 Mr. Schneider said that turning the generator in the pit 180 degrees makes a huge difference. The applicant is willing to cushion sound be applying absorbent materials that should solve the problem.

5.5 Chairman Duffy said he is with Mr. Boyer's comment that it was a manufacturer's decision to make the change to what was approved. Even though this is new construction, but turning the unit puts them over the property line. When the code was written, everyone probably assumed that generators and air conditioners would be on grade. He will support the request.

**6.0 DECISION**

6.1 Mr. Boyer moved to recommend granting a request for a 4.25' side yard generator setback variation and a 4.61 decibel sound variation to permit the installation of an emergency standby generator at 1132 Michigan Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Not Present
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-60.

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

Motion carried.

**7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED**

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The particular physical conditions of the property, status of construction and the determination that the original generator layout is not feasible, 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 project. The generator is necessary to ensure that certain facilities in the home remain functional. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property by locating the generator in a location as unobtrusive as possible. The proposed variations will not impair an adequate supply of light and air to other property. The applicant proposes to apply additional measures to reduce the noise of the generator at the south lot line. The variations, if granted, will not alter the essential character of the neighborhood. The generator will be several feet below the street level, resulting in no visual impact from the street and further dampening the sound to the residential neighbors.

**8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a 4.25' side yard generator setback variation and a 4.61 decibel sound variation to permit the installation of an emergency standby generator at 1132 Michigan 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. Pete Tevonian, applicant

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

3.21 Ms. Roberts said that this is a request for a 3.5' side yard adjoining a street air conditioner condenser setback variation and a fence openness variation to permit two air conditioner condensers and a sound enclosure. The Village Board will hear this case on January 9, 2018.

3.22 The applicant said this request started as relatively simple when they wanted to add a second condenser unit. It was approved through administrative review. However, a neighbor across the street expressed concerns about the volume of the compressor in the neighborhood. There are two other condensers on either side of his house. He feels like he is in a cocoon of air conditioners. He understands the neighbor's issues and he met with the neighbor. He intended to put a barrier around compressors and he was happy to put sound attenuating blankets on the fence to absorb noise. The neighbor said that was great and wrote back to Ms. Roberts that he was pulling back his objections. When he provided details of the barrier, it put it into the fence-variation world. It would have to be 50% open because it is within 15' of the side yard. If the fence is open it is no longer a sound barrier for the air conditioners. He is now asking for a second variance for the fence to be solid, so he can put sound attenuating blankets on the inside to absorb and block the sound.

3.23 Chairman Duffy said what is the difference between a unit in a pit or behind the fence? Is there a difference?

The applicant talked about sources of sound. If you can see the source of sound you can hear it. If you can't see it, you won't hear it very well unless it bounces off other objects. 75% of sound coming out will be absorbed in the blanket. The sound level reaching his neighbor's house would be the sound of a refrigerator running in the kitchen, about 40 decibels.

3.24 Mr. Boyer clarified that what the applicant is proposing to do is because he is being a good neighbor.

The applicant said that to have the sound attenuation blankets permissible. He needs a variation for fence openness. The blankets will make the fence solid again. The fence will remain at 4' in height.

3.25 Mr. Schneider clarified that there is one condensing unit already there with a 3' fence around it. How far is that from the neighbor's house?

The applicant said there is 60' to the window from the unit.

- 3.26 Mr. Kolleng clarified that the existing unit is 3.5'. Even if they were not adding a unit, he would still need the 3.5' variance.

The applicant said he is not touching the unit that is there. They will be side by side.

- 3.27 There was no one in the audience to speak on this request.

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

- 5.1 Mr. Schneider said there is an existing unit and the applicant is adding one more in the same location. It will be enclosed with a fence. The neighbor is 60' away. He can support the request. Standards of review are met.

- 5.2 Mr. Kolleng agreed. The house is already close to the street. The fence remains at 4'. He understands why the applicant is seeking a fence openness variation. He can support this.

- 5.3 Chairman Duffy said that the case is straightforward.

**6.0 DECISION**

- 6.1 Mr. Schneider moved to recommend granting a request for a 3.5' side yard adjoining a street air conditioner condenser setback variation and a fence openness variation to permit two air conditioner condensers and a sound enclosure at 2011 Hollywood Court in accordance with the plans submitted.

6.11 Mr. Kolleng 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	Not Present
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-66.

6.21 Mr. 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 physical condition of the property, the layout and siting of the house, imposes upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the circumstances of the development of the lot. The difficulty is peculiar to the property in question and prevents the owner from making reasonable use of the property by adding another air conditioner condenser unit and screening it. The proposed variation will not impair an adequate supply of light and air. The fence variation is necessary so that the sound and appearance of the condenser are blocked from the immediate neighbors. The variation, if granted, will not alter the essential character of the neighborhood as the units will be screened by the fencing, which will itself be screened by landscaping.

The fence will provide screening of the existing and proposed air conditioner condensers, to block both sound and appearance. The fence is conforming in height and is only limited to a length necessary only to enclose the units. The fence will be screened by landscaping.

**8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a 3.5' side yard adjoining a street air conditioner condenser setback variation and a fence openness variation to permit two air conditioner condensers and a sound enclosure at 2011 Hollywood Court 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. Jane Gallery, President, Board of Directors  
Our Place Adult Day Care

3.12 Ms. Linda Stern  
1708 Lake Avenue

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

3.21 Ms. Roberts said that this is a request for a special use for an adult day care center and a 17 space parking variation to permit the operation of Our Place adult day care.

3.22 The applicant said that Wilmette has been the organization's home since 2008. A group of 20 families came together at the Wilmette Rec Center because they wanted to create a program for their adult children with developmental disabilities, so they could remain in their home community and be contributing, productive citizens. She provided a history from the start to where they are today. In 2009, they received a start-up grant from New Trier Township and found a home at the Community Church of Wilmette. The church is supportive of the mission and helpful during their growth.

She did not realize that they were causing problems in the neighborhood. They recognize that they have put a strain on the neighborhood by putting in a program when there was no program in the past. She had thought the strain was like having to stop behind a school bus.

They have been in that location for eight years. When they sent out letters of notification, one neighbor contacted them, and he was very upset. They are sorry that they caused a problem for him. In the packet, there was another letter. They felt apologetic and remorseful and have started some accommodations to make it a little better in the alley. There has always been one staff member down there to ensure traffic flow and residents were getting into cars and buses. But there are backups. They now have two staff people down there. One makes sure traffic flows and one ensures that individuals move quickly so traffic can move out of the alley.

There is a parking area behind the church where they do pick up and drop off. They have now made this a loading zone. Buses can pull into those spots. There can be a lane of cars and there is a lane for other traffic. She talked about the Pace service that sometimes goes down the alley the wrong way.

She provided information about Pace bus service and who can ride the Pace bus.

Many participants ride Pace buses. She showed a table that depicted how many people were at programs at various times and how many Pace buses and cars are in the alley at various times.

- 3.23 Chairman Duffy said he was there on Monday night at 6. The Pace bus was in the alley parked in a strange way. Someone stopped ahead of the bus and he sat in his car waiting for people to clear out. There were people parked in the loading zone area. He went out and came back around, but it didn't seem to be working quite right.

The applicant said that they implemented this system at the end of last week. One participant's father would park in the handicap spot.

- 3.24 Chairman Duffy asked if they have looked at a different door to use.

The applicant said they have spoken with Mr. Adler and the police department and none of them want to them to divert traffic onto the streets. The other issue is the rear is the location of the accessible door. The elevator, which some residents use, comes right off that door. For residents to exit on Forest or Wilmette Avenue is a longer walk. They are looking at safety issues. She is open to suggestions. They are committed to keeping the traffic flowing. She was there two nights this week. She said that Pace bus came down the alley from 11<sup>th</sup> Street. They have no control over the Pace bus. If the bus pulled in from another street, traffic would flow more smoothly.

- 3.25 Chairman Duffy asked if there was a way for Pace to better instruct their drivers.

The applicant said that a parent, who is at tonight's meeting, suggested that the village post a sign on 11<sup>th</sup> street in the alley saying no entry for Pace buses. Otherwise one of the staff would have to stand there to tell the bus driver not to come in.

- 3.26 Chairman Duffy said that Pace bus drivers only will do what they are told to do by Pace. If someone came up and asked them to move, they won't because they are where they were told to be.

- 3.27 Ms. Stern is a parent whose son uses the Pace bus every day. He does not take the Pace bus home from Our Place at 6 p.m. He works at the Glenview State Bank every morning and has done so for 8 years. He takes the Pace bus from his house in Wilmette to the Glenview State Bank and then back to Our Place by noon. Taking the bus provides her son with dignity and independence.

There is no control over who drives the Pace bus from day to day. She explained how the Pace bus payment system works. There are instructions given to those who work at Pace like don't go in this way, but go in this way etc. The operator at Pace takes the instructions then passes along information to the dispatcher. There is no

parking in front of her house on Lake Avenue. She knows that it is irritating to have the alley blocked. Her instructions are that the bus should pick up her son behind their home, at the alley entrance to the house. Sometimes drivers don't understand this.

Having a bus going down the alley the wrong way blocks cars that want to leave. There need to be signs about buses not going that way.

- 3.28 Chairman Duffy said that is something to try, but it comes down to following directions. He asked about how Pace knew to pick someone up.

Ms. Stern said that parents must call in every day to request for the following day.

- 3.29 Chairman Duffy suggested writing up something so that everyone is giving the same message. Some schools hand out notes with diagrams.

The applicant said they did that with parents, but no one can control Pace buses.

- 3.30 Mr. Tritsis asked why there wouldn't be a Pace bus stop sign on Forest.

The applicant said that this is door to door service.

Chairman Duffy said that the applicant was directed by Mr. Adler and the police to not do drop off/pick up on Wilmette or Forest.

- 3.31 Mr. Kolleng asked about number of attendees daily.

The applicant said this varies from day to day and throughout the day.

- 3.32 Mr. Tritsis seems that a bus going down the alley seems more dangerous than having it on Forest.

The applicant said there is not a lot of available parking on Forest.

- 3.33 Mr. Tritsis says this seems less dangerous than the alley.

The applicant said that some of the students who use that bus cannot get to another location.

- 3.34 Chairman Duffy said that there are five Pace buses for morning drop off.

The applicant said that morning is not a problem because of the wide window of time that pace requires. The problem is really at 6 PM.

- 3.35 Mr. Boyer asked how much the operation has grown since inception.

The applicant said that they had 26 participants when they began with 11 hours of programs. Now they do programs 48 hours/week and have 20-30 people/day.

- 3.36 Mr. Boyer said he thought that he saw a renovation plan.

The applicant said that those drawings were at the church and they copied them.

- 3.37 Mr. Boyer asked if the planned to reconfigure the space and get a longer-term lease.

The applicant said there may be. If they negotiate a long-term lease, they would probably renovate the kitchen but they would not be adding space. It would not be to substantially grow but to use the facility more productively.

- 3.38 Mr. Boyer asked about solid plans to expand.

The applicant said that there are no solid plans to expand. At one time, growth was 25% to 30% and now it is about 5%. People don't usually leave, and they get new people every year. They don't want to get too big because their program is individualized for the participant.

- 3.39 Mr. Boyer asked the maximum number of participants.

The applicant said that the board struggles with that and they don't know. They think 35 in a session would be manageable. 70% of programs are in the community and not actually at the church.

- 3.40 Mr. Boyer asked about the number of cars.

The applicant said that for every new participant there is usually another car.

- 3.41 Chairman Duffy clarified that the parking requirement is due to space size and not because they have x number of employees who must park there.

Ms. Roberts said that is correct and it would be for the maximum amount of space they are using.

The applicant said that includes the 2,500 square feet they occasionally use. They only lease 3,000 square feet in the church.

- 3.42 Chairman Duffy asked where people parked for the church.

People in the audience said they park on side streets.

The applicant said that there is a special permit for them to park on Wilmette Avenue.

- 3.43 Mr. Schneider drove through the alley today. It was the middle of the day with no activity. An alley is 18' wide and some give on the edges. Can cars go past the Pace buses?

The applicant said someone can get past if the bus is over to the side. Staff gets Pace buses to pull over to one side. The photo submitted shows that a van got through.

- 3.44 Chairman Duffy said that the van stopped in front of a garage.

The applicant said that her organization has nothing to do with that van.

- 3.45 Mr. Kolleng asked if some individuals stayed all day.

The applicant said that some stay all day, but the beauty of the program is its flexibility. This is not a structured program. People can work in the morning and come in the afternoon or vice versa.

- 3.46 Chairman Duffy asked why they are requesting the special use at this time.

The applicant has spoken with Mr. Adler several times over the years when they looked at other properties to do a locational program. Mr. Adler said that if they go to another space they need a special use permit. But he didn't say they needed a special use permit for where they are now. When she told Mr. Adler they might enter into a long-term lease, Mr. Adler recommended getting the special use permit now.

- 3.47 Chairman Duffy clarified that they looked at other spaces in the community to make this work.

The applicant said that they have. They have been told they could not lease in those spaces per village code. She talked about buildings they looked at to relocate. The beauty of the Community Church is that it has an elevator that they need for some participants. Churches are not built for accessibility. So, their hands are tied in where they can go.

As a commitment to the participants and them being engaged in the community, they don't want to go to Northfield or a corporate office park. They want to remain in the community.

- 3.48 Mr. Tritsis asked for an explanation of taxes.

- 3.49 Chairman Duffy said the service provider is a not-for-profit.

The applicant said that the village wants businesses in vacant properties in the Village Center that can generate sales tax.

- 3.50 Chairman Duffy said that the applicant is being discouraged from going to a retail location because the village would rather see a sales tax revenue generating business go in those spaces. There are underutilized areas in the village like the St. Joseph Church convent although this building is being used sometimes. There must be somewhere in the village that is not being used to its full extent.

The applicant said they have worked with Community Development to find a space but without success.

They pay \$11 per square foot at the church. The going rate for commercial property is \$29 per square foot.

- 3.51 Chairman Duffy said that \$29 per square foot is more of a retail location.

The applicant said they need at least 3,000 square feet.

- 3.52 Mr. Kolleng asked about the number of staff.

The applicant said they have 13 staff members. Staff manages traffic control.

- 3.53 Mr. Tritsis asked if there has been dialog with any of the concerned neighbors.

The applicant said they just found out about the concerns. One neighbor seems okay with some suggested solutions and they have not spoken with the other neighbor but will approach them.

She talked about the parking area is and the drop off area is and that is between that garage and the driveway. If they can consolidate the traffic, the garage would not be blocked.

- 3.54 Mr. Tritsis suggested putting out traffic cones.

The applicant said they have been working on this for a week.

- 3.55 Chairman Duffy asked about staff transportation.

The applicant said that staff who drive park on the street.

- 3.56 Chairman Duffy clarified that out of 17 spaces, 10 are on the alley. There is a van that is parked there during the day.

The applicant said they have two spots that are separate towards 11<sup>th</sup> Street. That is where large vans park.

- 3.57 Chairman Duffy referenced the spaces to the east and he did not recall seeing a car in those spaces.

- 3.58 Mr. Schneider said he saw two cars in those spaces when he went by today.
- 3.59 Chairman Duffy said that the actual problem is more the use of the alley.

(After 4.0)

- 3.60 Chairman Duffy said that the limit is the available space to accommodate people. There is aversion to say that there should be a cap on anything. With schools that have come before the board, they have tried to stay away from that. It seems to him that the main concern is the alley and its use. Everyone thinks that there is a solution. They should come up with a plan, communicate the plan, and then it will take time to train people who use the alley. A lot of organizations have had to come up with plans for traffic and parking. No one wants to see the program go away. There must be a solution. A commitment to that would alleviate a large concern from the neighbors.

The applicant asked if they committed to a plan would someone from the village staff help them. The people at the police department told them that was what alleys were for.

- 3.61 Mr. Schneider said that on Sundays there is special parking on Wilmette Avenue. Pace buses could be restricted to Wilmette Avenue and not on the alley. Would that work?
- 3.62 Chairman Duffy said that is more of a walk for participants.

The applicant said they could do that.

- 3.63 Chairman Duffy said they were directed by Community Development that is not a solution.

The applicant said that is not their preferred solution. Forest is parked up and two days per week, Skyline Studios uses the church at 6 p.m. and they pick up on Forest.

- 3.64 Mr. Kolleng asked if there were Pace vans.

The applicant said some participants are on walker so Pace sends out the bus that will lift.

Regarding mobility and size of the van, Pace asks whoever is calling if the person riding requires a mobility aid. They should know if someone on the bus requires this. Maybe those with wheelchairs and walkers could have buses in the alley. Others could walk to and from Wilmette Avenue.

- 3.65 Chairman Duffy suggested that a staff member accompany participants to Wilmette Avenue. One of the keys is educating people who use the alleys. No one wants their garage blocked.

The applicant said that a possibility could be to have a staff person standing on 11<sup>th</sup> at the alley and not letting buses go on.

- 3.66 Chairman Duffy said that is part of the training with the buses.
- 3.67 Mr. Kolleng thought it was a good idea to have someone physically there to stop the bus. Some schools do that by putting up cones and having staff there.

The applicant said that they don't want staff hit by cars when it's dark.

- 3.68 Mr. Robke said that everyone is showing a willingness to work towards a solution. He does not think this is the forum to determine that solution. It will involve Community Development, police, other neighbors, etc. He said to focus on the willingness to facilitate that rather than trying to solve it here. There should be a commitment to work towards a specific solution.
- 3.69 Chairman Duffy said that there are village departments, particularly engineering, that they would work with. Ms. Roberts can give direction about how to move forward.
- 3.70 Mr. Schneider talked about schools and signage reading no left turn, one way for certain times. That is an option and involves village entities. Keeping buses on Wilmette Avenue might be an option. There is a solution and it is key to keep buses off the alley.
- 3.71 Mr. Tritsis said he thought that pace should have a regional representative to talk to to figure out the parts to this.
- 3.72 The applicant said they would make the commitment to finding a solution to the problem. They welcome the neighbors' input and want to work with them. The neighbors should be more direct in contacting the organization.
- 3.73 Mr. Kolleng said that schools have been hosting community outreach meetings to get the neighbors to come and discuss concerns and how things are improving.
- 3.74 Chairman Duffy said that the plan could be shown at the meeting.

#### **4.0 INTERESTED PARTIES**

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

4.11 Mr. Jeff Later  
1009 Elmwood Avenue

4.12 Ms. Ann Dronen  
1523 Elmwood Avenue

- 4.13 Mr. Wes Cornwell  
1044 Forest Avenue
- 4.14 Ms. Amy Martin  
1032 Forest Avenue
- 4.15 Mr. Stan Figura  
1025 Elmwood Avenue
- 4.16 Mrs. Stan Figura  
1025 Elmwood Avenue
- 4.17 Mr. Rich Ramlow  
724 12<sup>th</sup> Street
- 4.18 Mr. David Van Brakle, pastor, Community Church of Wilmette  
918 Cornell Street
- 4.19 Ms. Nicole Seidlitz, Executive Director  
Our Place Adult Day Care
- 4.20 Mr. George Graber  
Parent of program participant

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

- 4.21 Mr. Later said he has lived in his home for 18 years. He works from home, so he sees the situation every day. He reached out to the church last week. He had a great conversation with Nicole and they found that the problem is workable. He supports the organization. He gets less impact from the program than others who may speak.

This problem has gone on for years. They've spoken with the police and the church pastor. The problem goes on from 9 a.m. to 6 p.m., 5 days per week and often on Saturday night. Some days it's not an issue but many days it is. It is a Pace bus terminal. There must be a way to work this out. The Pace bus problem is the biggest problem. Some drivers are good, and some are not. Pace must be told to fix this. Let's not make this political. There is a letter in the packet from someone who was not impacted. Why are they writing? There are 15 houses that live with the problem.

Mr. Tritsis said if there was striping in the alley for the Pace bus, would that alleviate some problems?

Mr. Later said they tried that already. But the bus drivers are in the alley more than they use the space. The bus needs to be off the alley.

Mr. Tritsis said that a photo showed that there was space around the bus if the bus

pulled in a certain way.

- 4.22 Ms. Dronen said she supports the program and she is sympathetic to the issues the neighbors are having. The problem just came to light and it's early to come up with solutions. She is optimistic that they can figure something out with Pace. It's important to solve this problem because it's important for children to have a place in the community to go.
- 4.23 Mr. Cornwell lives two houses west of the church. He echoes both the positive and negative comments. The program is good and there are some challenges being faced at this time. He gave an example about a pace bus and his basketball hoop. He called the church, but they said they do not control Pace buses. At times in the alley, the trash cans are not placed perfect in place after pick up and this constricts where the Pace buses can go.

In this type of program, they want to serve as many kids as reasonable. They want to be able to grow the program. There is a lot of traffic in the area. In his opinion, they are getting to a level of traffic and cars that is starting to become a danger to drivers, kids in alleys and more. That must be considered.

He talked about a letter that was created. He would not read all of it because comments are consistent with what has been said. If employees park on the street, this adds to more parking/blocking problems. In that area, Forest is used as a thoroughfare.

He agrees that there should be an amendable solution. He does not know what it is. But standards must be set and achieved. The program nor the neighbors control pace buses. They can be asked but not made to do things. They can try this with parents.

- 4.24 Ms. Martin lives next to the church. She, Mr. Cornwell, and some other neighbors put together a list of concerns. Not all who put the list together experienced everything. Buses, vans, and cars go down both directions, which causes congestion. She has been unable to get her children from school due to buses. The bus drivers do not always drive carefully in the alley, which can cause problems for the children. Parking in the alley causes Pace buses to back up.

Regarding street parking, people who work for the church and for the program tend to park in the street, not necessarily in front of the church and on the opposite side of the street, which makes some neighbors with driveways unable to exit.

In the winter, when someone parks in front of the path, then people cannot get to the street. That is a problem.

They support the program and hope they can stay. But they are concerned and that the program does not continue to grow. It has already caused so much congestion.

Maybe when participants leave they should not be replaced until the traffic/Pace bus problem is under control.

- 4.25 Mr. Figura has lived in his home since 1992. His house is directly across the alley and to the north of the church. He has submitted a letter addressing some of his concerns. He felt more positive about a resolution to the issue prior to tonight's presentation. This problem occurs throughout the day with cars and buses. The spreadsheet provided to the board at the meeting shows 60 buses per week and 176 cars going through the alley each week for 236 vehicles. That does not include program expansion plans. The issues presented here have to do with size of the buses and private vehicles. His neighbor, Mr. Later, submitted a photograph along with his letter. He has copies of the photo and the board also has copies of the photo. He explained the photo. It is a narrow alley at 18' and was not intended for bus traffic from both directions. This problem does not happen on Sunday when the church is fully operational. He showed another photo that indicated a pace bus hanging over the center line of the alley. The bus is pointing east, and the front end is turned into the parking spaces to the south.

There are times when there are two buses in the alley going different directions. Or a bus and private vehicles come in from different directions. He noted that St. Joe's and St. Francis have parking lots.

Mr. Tritsis asked if the traffic existed before 2008 when the organization moved in.

He said that there were no problems on Sundays.

- 4.26 Mrs. Figura said problems began when the church started renting space in 2001. Since that time the problem is ongoing. She has yet to see anyone there directing traffic. They are helping participants getting in and out of cars. She has seen no attempt to help with traffic flow. The problem is split between private cars and the pace buses. This goes from 8 a.m. to 6 p.m. She has often not been able to get out of her garage. Cars are parked with no one in the car to move the car. There might be a car in front of her garage with no one in the car. The pastor was aware of these problems. Her neighbor parks on the street because of the problems with the alley. Children also play basketball in the alley. People who do not live in the area see the alley as a thoroughfare. Participant parents do not seem to regard the neighbors.

- 4.27 Mr. Figura reiterated that Pace bus drivers are out of the control of neighbors and organization leadership. He said because of this it is more difficult for the applicant to present a viable solution.

Chairman Duffy said if it is true, that it is out of the organization leadership's control to regulate Pace buses.

- 4.28 Mr. Figura said the suggestion was made that organization leadership did not hear of the issues until this week. They have taken steps to resolve the issues. That is not

accurate. For the last several years, in response to neighbors' concerns, the program has used a small yellow folding sign that says Pace bus pull over. He does not know how the board can conclude that the solutions mentioned are viable. Can the board make a provisional recommendation for steps that are yet to be proven? If the board were to grant a variance, is the variance forever? What happens if the program expands by 50% and the number of vehicles increase? He has concerns as a homeowner across the alley.

4.29 Mr. Ramlow has been a church member since 1981. The church values the program and gives the church an opportunity to share its building with people in need. The membership of the church has certain they want the program to continue. It is an asset to the Wilmette community. Peak membership of the church was in the 400s in the 1950s. The problems were an issue since the church was built. It is an existing issue. It should not be treated as something new and it ebbs and flows over time.

4.30 Mr. Van Brakle said he is one of the pastors at the church. He has been in the community for 3.5 years. He initially heard different things about the pace bus in the alley. At that point they received calls from neighbors. They spoke with the executive director and that is when the signs started and staff started directing buses. He has spoken with Pace drivers who are both friendly and rude. When notification was sent, that was the first time he heard anything in about two years. He had no idea about any additional parking spaces and he was certain that would not happen. He called organization leadership and talked to them about Pace bus concerns. He was impressed about how quickly leadership reacted to that with their new plan. He thinks there is a solution with Pace buses. He is proud when he sees Our Place participants in the community. He has an alley on Cornell and he worries about his children and traffic in the alley.

4.31 Ms. Seidlitz introduced herself to the neighbors. She has been in her position for about 18 months. Some of the concerns are new. They want to be good neighbors and address the concerns.

They have staff to direct traffic every day and she is often out there. She said staff parking is on the streets. It is very limited if staff park on Forest in front of neighbor's homes. The first five spots on either side are not blocking neighbor's homes.

4.32 Mr. Graber's son has been a participant for eight years. He heard several suggestions that the program should limit enrollment. That would be terrible.

Chairman Duffy said that the limit is the available space to accommodate people. There is aversion to say that there should be a cap on anything. With schools that have come before the board they have tried to stay away from that. It seems to him that the main concern is the alley and its use. Everyone thinks that there is a solution. They should come up with a plan, communicate the plan and then it will take time to train people who use the alley. A lot of organizations have had to come

up with plans for traffic and parking. No one wants to see the program go away. There must be a solution. A commitment to that would alleviate a large concern from the neighbors.

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

- 5.1 Mr. Robke said that this could have been a difficult case when looking at the documents. The challenge is with traffic and with parking to a lesser degree. The one consistent thing he heard from people who spoke for and against the case was a willingness/desire to work with the organization to find a way to make this work. Based on a commitment from the organization, to work with village staff and others including neighbors to manage traffic. He can support the request.
- 5.2 Mr. Schneider agreed with the above. To not permit the special use goes against the expectations for a caring community. The neighbors have legitimate concerns. It is unacceptable for them to not be able to access their garages at any time and something needs to be done. There are solutions. If the applicant will work with village departments, there are ways that the neighbors won't be inconvenienced. It is important that the organization continues its vital work. He can support the request.
- 5.3 Chairman Duffy said everyone is in favor of what they are doing. I cannot support the application because they need to show the plan before being given the opportunity to continue moving forward. He does not think it should be approved without a plan.
- 5.4 Mr. Boyer said that there may be a solution, but it was not presented at the hearing. He talked about Loyola Academy and their plan. He kept providing more accommodations in this mind to the program and to the applicant in support. But then he had to stop himself and look at it through the zoning lens and whether this would meet special use requirements. The answer seems to be that property rights are being transferred from the neighbors to the applicant because of the issues with traffic. The alley was not intended to support the bus traffic. There might be a solution to the problem, but he didn't hear it. The proposal does not meet special use standards.
- 5.5 Mr. Robke said Loyola did not have a plan. They presented numbers and information from traffic consultants. There were vague references and commitments to work with the community and to reevaluate the plan, which was diminished when the village board approved it. Tonight's case relies on an ongoing commitment from the applicant to work with the neighbors and the community. The challenge with is not the huge numbers that were seen at Loyola Academy but the area is so tight and it is a dynamic situation. Small swings in traffic could make a difference in the plan. The alley was not designed to handle pace bus traffic. The village needs to step in with direction on type of traffic that is appropriate for the alley. The presentation of a plan would not make a difference to him, but the

commitment to work on the issues on an ongoing basis with the community. A plan is a starting point, but an ongoing dialog is critical. Even the people who expressed serious concerns said that there was a solution to this and it involved working together. That work is not to come up with a plan today, but a procedure to have ongoing dialog to react to situations on a regular basis. Maybe there must be an email blast if there are weekend events.

- 5.6 Chairman Duffy is looking at order of events. Do you give approval because someone says they will do something? He trusts they will create a plan.
- 5.7 Mr. Robke said that the board approved a plan without any enforcement opportunity for the plan implantation with Loyola Academy.
- 5.8 Mr. Boyer said that a comparison cannot be made to Loyola Academy.
- 5.9 Chairman Duffy said he brought up Loyola Academy because they came to the board, the neighbors stood up and said what they didn't like. Loyola Academy went back to the drawing board and Loyola Academy engaged the neighbors, changed the plan, came back to the board and the board approved the plan.
- 5.10 Mr. Kolleng said that there were several neighbors who voiced concern at the meeting tonight. They said that the issue was years long. Some type of remedy needs to be thought out even if it changes. Certain things need to happen that have not been happening. There has been more scrutiny of churches and schools over time. The neighbors believe there is a resolution, but they want to hear what it is before the board approves a special use.
- 5.11 Chairman Duffy asked if the case should be tabled? The applicant could return with a plan after meeting with neighbors. The applicant could present the plan to the board and then they move forward with approval. If a vote is taken right now it may not pass. Why not table the case until the applicant is ready with a plan? No one on the board is saying they want the applicant to move or that they are not wanted in the community. See where they are headed to solve the issue and then everyone can move forward together.
- 5.12 Mr. Schneider asked which departments in the village would the applicant deal with?
- Ms. Roberts said the Engineering/Public Works department and the Police department.
- 5.13 Chairman Duffy said that Mr. Robke brought up the issue that if the case is denied tonight, they can take it to the Village Board with a negative recommendation. They would need a supermajority vote to overturn the ZBA. He does not think that the board would overturn the ZBA based on tonight's discussion. The applicant would then have to reapply and start again. Is there any time advantage to tabling versus

reapplying?

Ms. Roberts said if the board goes to a vote then the application goes to the Village Board with a recommendation. The Village Board could vote to approve or deny or remand back to the Zoning Board. Getting remanded is like starting over because they must renote. If it is tabled to a specific date, no personal notice needs to be redone.

5.14 Mr. Tritsis asked the difference between a withdrawal and a table.

5.15 Chairman Duffy said that a withdrawal means they are not applying for it any more. When they are ready they must reapply. Tabling means that the decision is postponed regarding moving it to the village board.

The applicant said they want to table the case.

Ms. Roberts said there are a few dates for meetings. Her suggestion is to pick one and then the case could be continued again if needed. January 17, February 7 and 21 are open for new cases.

The applicant said that a neighbor mentioned that it might be six months until they come up with a plan.

5.16 Chairman Duffy said that February would be the earliest for a plan. If they pick a date and they are not ready, the case can be continued to a future meeting. He suggests that they pick a February date and ask for a continuance if needed.

The applicant agreed to February 21, 2018.

## **6.0 DECISION**

6.1 Mr. Robke moved to recommend granting a request for a special use for an adult day care center and a 17 space parking variation to permit the operation of Our Place adult day care at 1020 Forest Avenue in accordance with the plans submitted. The use shall run with the use.

6.11 Mr. Schneider seconded the motion.

6.2 Mr. Schneider moved to table the case to the February 21, 2018 meeting.

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

Motion carried.