



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, JANUARY 18, 2017

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: Mike Boyer
Michael Robke

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-02 625 Park Avenue

See the complete case minutes attached to this document.

III. 2017-Z-03 411 Linden Avenue

See the complete case minutes attached to this document.

IV. Public Comment

There was no public comment.

V. Adjournment

The meeting was adjourned at 9:34 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. Fred Wilson, applicant
Morgante Wilson Architects

3.12 Ms. Julia Sweeney-Blum, owner

3.13 Mr. Michael Blum, owner

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 0.5' rear yard setback variation and a variation to permit structural alterations to a legal non-conforming accessory structure. The Village Board will hear this case on February 14, 2017.

3.22 The architect said that the owners would speak at the hearing. He worked on the house 15 years ago. It is the old Village Hall that was once on the present Village Hall site. It was moved to 625 Park Avenue. At the time of the renovation, they did not touch the coach house. A previous owner did the work on the actual house. A lot of house details will appear on the coach house such as molding around windows and rake boards.

3.23 Chairman Duffy asked why they did not ask to renovate the coach house 15 years ago.

The architect said it was due to budget. At that time the coach house functioned relatively well. Part of the problem now is that the coach house has sunk into the ground by about 4". They are the low spot in the neighborhood and they collect 2" to 4" of water in a heavy rain. Concerns are both aesthetic and a structural situation.

They will not move the coach house. They will raise the building up to expose the foundation and tear out the slab from underneath. They will remove the inside plaster finish and outside sheathing on the first floor. On the second floor, they are only removing the outside sheathing and some windows. They are keeping roof sheathing and asphalt shingles. They are within the 50% demo of the structure. The contractor has priced a full replacement relative to the work they are doing. The layout will remain the same on the first floor. Where the coach house garage is located there is a wall down the center that will be removed. They will open that up and have a 16' door put in on the alley. This is the wall that is 6" over the setback. It is currently 2'6" and the required setback is 3'.

3.24 Mr. Schneider asked if that was a bearing wall that they were removing.

The architect said they are not removing a bearing wall.

Regarding the stairs, they will be replacing stairs to the second floor. They will keep the current layout on the second floor and clean it up.

- 3.25 Chairman Duffy asked for clarification of cleaning it up. What are they doing upstairs?

The architect said they are painting. They are keeping the walls. No one has lived in the coach house for about four years or longer. It is uninhabitable right now. They will look at HVAC system. They are replacing fixtures. They are not moving plumbing. It will be up to code with electrical and plumbing.

They will reside the outside. There is a new door coming into the first-floor garage. There will be new windows. There will be new crowns over the top of the trim to match existing. They are not extending the height or the bulk. They are not changing the setbacks.

- 3.26 Chairman Duffy asked how many inches they planned to raise the coach house.

The architect said they are raising it by 6". They are cutting off the bottom plate and are not raising building height.

- 3.27 Mr. Surman clarified that they have to reframe the garage door. Is there enough space?

The architect said that there is enough space to do that. The garage door is 7'.

- 3.28 Mr. Schneider asked about the HVAC for the coach house.

The architect said it is a mini split ductless system through wall units.

- 3.29 Chairman Duffy asked where the main HVAC system went.

The architect said there is a small wall unit in the bedroom and another unit. There is no duct work. They pipe to a condenser that bolts to the wall. It is compact. It can be placed in any wall and there is a supply and a return in them. The condenser is high efficiency. It is 18" deep and sits 6" off the wall.

- 3.30 Mr. Schneider asked about the new plumbing provided by the owner.

The architect said that the general contractor provides the labor and install figures. His office provides the fittings, like cabinetry, counters, tile, and plumbing fixtures. They are owner supplied items because the owner, through his office, brings them to the project. The owner buys them with his discount.

- 3.31 Mr. Schneider said that there is a lot of work being done in the front yard. Does that have anything to do with this project?

The architect said that is being done for flood control for the current basement. They are doing a back flow in the yard, which has been permitted. The owners have had water issues in the current basement.

- 3.32 Mr. Surman referenced the second floor and noted that the architect said they were only going to paint upstairs. The sheet says supply and install new dry wall and paint.

The architect said there are no plans for new dry wall. They will patch and repair.

- 3.33 Chairman Duffy asked if they were installing new windows all the way around.

The architect said yes, they were installing new windows.

- 3.34 Chairman Duffy asked Ms. Roberts to explain the 50% rule.

Ms. Roberts said that under the zoning ordinance, if construction work is being done and it is on a non-conforming structure, if 50% or less of the replacement value of the structure is damaged, then zoning violations do not need to be remedied. They can replace as is. If the work that needs to be done is more than 50% of the replacement value, then it is deemed new construction and any zoning relief needs to be granted. If this was more than 50% this project would require a height variation and possibly a floor area variation.

- 3.35 Mr. Tritsis asked how replacement value was defined.

Ms. Roberts said they accept an architect's description of the assessment of it. They had a contractor provide data and this will be provided to the Village.

- 3.36 Chairman Duffy asked if the Board should have gotten this information as it plays into the decision.

- 3.37 Mr. Surman said that looking at the proposal and plans, it seems to be more than 50%.

The architect said that they submitted more drawings to Ms. Roberts. The new drawings show that the dry wall and insulation is to remain.

- 3.38 Chairman Duffy asked about the value.

Ms. Roberts said that staff generally makes that assessment with the applicant. If it turns out that when they are constructing the scope of work expands and the value

increases, then they might be back to the Zoning Board to have another conversation as if it was new construction.

- 3.39 Chairman Duffy asked if Ms. Roberts was saying that staff is good with 50% - that they are less than 50%.

Ms. Roberts said that staff was assured by the architects that they will meet the 50% or less requirement.

- 3.40 Chairman Duffy clarified that they will create cribs and raise the second floor to replace first floor studs.

The architect said they are not replacing the studs. There will be four cribs. They then run a beam the long way and crank it up equally. They will strip the interior and exterior to cut the wall back and move the plate up. They will then pour new foundation and slab underneath.

- 3.41 Mr. Surman said they would have to hand dig the foundation.

- 3.42 Chairman Duffy asked if the cost to do the work counted towards the 50% rule.

The architect said that the numbers they have for full replacement value is \$175,000. The proposed project comes in at about \$60,000.

- 3.43 Chairman Duffy asked for the square footage of the footprint.

The architect said it is about 1,200 square feet.

- 3.44 Mr. Surman said that this is just a garage with a room on top. How much would a garage cost to build?

The architect said that a garage with cedar siding, trim and detail would cost about \$45,000.

- 3.45 Mr. Surman said that the second floor would be about \$130,000.

- 3.46 Mr. Tritsis said that the cost per square foot on the second floor is multiples of the first floor.

The architect said that it is about \$200 per square foot for the second floor. They have a sworn statement that is a bid, which they will turn in to Ms. Roberts.

- 3.47 Mr. Surman said that the cost seems very high for a coach house.

- 3.48 Chairman Duffy said to move on because staff said that they are below 50%.

- 3.49 Regarding hardship, the architect said that with reference to standard one, existing coach houses can be continued to be used. However, the building in its current condition is an eyesore to the neighborhood. The alley was resurfaced several times, creating a high point in the alley and directing water towards the garage level of the coach house. The garage has experienced at least 2" to 4" of settlement and the garage is the lowest point, which causes flooding even during mild rain storms. Prolonger water exposure has rotted the bottom of the structure. Repairs are required to continue using the structure.

Regarding standard two, the owner purchased the property as is with an existing two-story coach house with a non-conforming west wall. Its location and configuration were determined by previous owners of the house prior to passage of the current ordinance.

Regarding standard three, other properties appear to be at a higher elevation creating a low point at this property. If they can re-pour the foundation at a higher elevation, they can pitch water into proper storm management locations.

Regarding standard four, without a variance, the homeowner would be unable to replace the structural members of the coach house without being considered a whole demolition. If the members could not be replaced, the coach house would be unfit to live in. This would make the whole level unusable.

Regarding standard five, the structural integrity will be improved and will be less likely to fall over.

Regarding standard six, the proposed coach house is designed with similar features to the current home and neighborhood. It will tie in better with the current house.

- 3.50 Mr. Surman said that the architect noted they are not putting on a new roof.

The architect said they are putting on new shingles. They are leaving rafters and sheathing.

- 3.51 Mr. Tritsis asked if the coach house was balloon framing. Have they seen what the members look like?

The architect said it is platform framing. For budget reasons, they are keeping the 2 x 4s on the first floor. The calculation is 100% of the wall being removed. If they take off the surface on the outside and the inside, they have fully demolished that wall. They might be replacing the studs on that wall and this would not change the demolition calculation. In their calculations, 100% of the garage perimeter is being calculated as being demolished. For budget reasons, they want to keep it. The contractor has said he thinks he can keep it.

- 3.52 Mr. Tritsis said that the architect said that the coach house sunk 4" over the last 15 years. What would stop it from sinking again?

The architect said they are going down to the frost line with the foundation. He thinks that it is now a thickened edge, slab on grade. It is an old structure. There are records indicating occupancy from 1946 to 1949.

- 3.53 Mr. Tritsis asked when they submit the affidavit of cost, what level of detail will it be? Will footings and foundation be x dollars? Will carpentry be x dollars? Does it give a breakdown like that?

Ms. Roberts said that she would have to see what they submit.

The architect said they would give a sworn statement of what it is.

Ms. Roberts said that a sworn statement has been generally accepted in the past from other similar situations.

Ms. Sweeney-Blum said that they love their house and proud that it used to be the Village Hall. It was beautifully redesigned by Mr. Wilson. The coach house is like a horrible tenement in their back yard and they spend a lot of time in their backyard. She intends to use the coach house for her writing. The coach house gets completely flooded when it rains.

- 3.54 Chairman Duffy said he does not know that the Zoning Board wants to stop what they plan to do other than say that it can't be a dwelling unit. It may not be one for the applicants, but it cannot be one in the future if they sell the house and the new owners want to rent it out.

Ms. Sweeney-Blum said she thought that it was against the rules to rent the house.

- 3.55 Chairman Duffy said no one wants to stand in the way of them improving the structure and making it fit with the house.

Ms. Sweeney-Blum asked how they would make it so that it is not a dwelling.

- 3.56 Chairman Duffy said they would have to make it so that someone cannot live there like no shower or both, not a full kitchen.

The architect said that the applicants would be willing to sign an affidavit that says it cannot be rented.

- 3.57 Chairman Duffy asked what happens when the applicants sell the house.

The architect said that it could go with the title.

- 3.58 Chairman Duffy said it would then become a covenant.
- 3.59 Mr. Schneider said that this is an R2 zoned area. They could legally have two units, but they would have to be one on top of the other or adjacent townhouses. In this case, it is a detached unit. He does not see why this kind of exception could not be made. They could connect the coach house to the house with an enclosed walkway and they would be legally allowed to do so.
- 3.60 Mr. Tritsis said that the spirit is that the applicants do not want to rent the coach house. They are willing to say they will not rent it. If it is a guest house and a guest could have their own space that is not bending the rules. It sounds as if the applicants are willing to sign something saying they would not rent out the coach house.
- 3.61 Mr. Kolleng said that if expenses are higher than anticipated, what will they do at that time if they are over 50%?
- The architect said he has worked with the builder in the past and he trusts him. He is not a nickel and dime kind of guy. The framing is wood. They are not dealing with crumbling brick. He did the renovation on the house 15 years ago.
- 3.62 Mr. Tritsis clarified that the renovation is \$60,000 including foundation, slab, cutting back the first-floor studs 4-6", swapping out some fixtures and equipment on the second floor, putting Ptac units through the walls, residing the entire exterior, putting in a two-car garage door, a stairway, shingles and windows.
- 3.63 Chairman Duffy added that they will have new plumbing fixtures and updated electric.
- The architect said that if they discover something that is not up to code, it must be brought up to code.
- 3.64 Mr. Tritsis asked if the electrical service was in the unit.
- The architect said electrical service goes back to the house.
- 3.65 Mr. Tritsis clarified that there is a sub-panel in the house that feeds the garage. Do they have to have larger service? Do they need to run new wire and conduit?
- The architect said that the general contractor has an electrician as part of his staff that does the work for him.
- 3.66 Mr. Surman said he is still bothered by the cost issue. All they are saving is the frame and the frame of the house cannot be 50% of the cost. They will have all new appliances and cabinets in addition to above information.

The architect said he would submit it as a sworn statement.

- 3.67 Mr. Tritsis clarified that they do not have a sworn statement at the meeting.
- 3.68 Mr. Blum said that they have no plans to rent out the unit. There was a tenant when they bought the house and he got rid of them. It has been unoccupied and it has deteriorated. Heat must be kept going. Pipes have frozen. They could use it as an office if the space is habitable. It will be maintained.

Regarding the cost, what would the solution be? The big problem for them is doing the garage floor. The floor has deteriorated. They could cut the scope of the project. They could do the second floor later. But that seems like a hardship to him and it involves multiple projects. The cost would go up.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Schneider said that his key point is that the area is zoned R2. The reason for that zoning is that they expected a higher density. Sometime last year, on Wilmette Road, there were two lots totaling 100' facing Wilmette Road. The request was made to build townhouses and a higher density than the four units that were allowed. They asked for five units. The property being discussed tonight is near the central business district. The intent is to have higher density in this area. The zoning code says that two units are allowed but they must be adjacent as townhouses or one on top of the other. He does not see much difference in tonight's configuration.

He takes the architect at his word that the cost to do this work is less than 50% of replacement cost. They will provide evidence that that is true. But even if it more than that, his view is that the proposal is appropriate for this district.

He complemented the architect for the original renovation to the house.

He does not understand why the request to make this a habitable space would not be allowed.

- 5.2 Mr. Tritsis said he is not sure about his vote on this case.
- 5.3 Chairman Duffy said no one is now allowed to build a garage with a coach house. If they were to try to make this structure conforming, the Zoning Board thinks that they are spending more than 50% of the value, but they would not be allowed to rebuild. It was not recognized as a coach house past 1949. The idea is to keep the structure and the way to do that is to do an extensive rehab. He would like to see the structure repaired, but he wants to see it conform to the rules, which is no living

unit. They can have a bathroom that is not a full bathroom and a kitchen that is not a full kitchen. It's still usable space. They don't have to move it back 6" to get it out of the setback. It's an accommodation on both parts. You can keep it where it is, it can be rehabbed and match the house, but it can't be a living unit. Otherwise, it has to come down and then there is a two-car garage back there moved in by 6".

5.4 Mr. Schneider asked if they could put a kitchen on the second floor of the current house and rent it out.

5.5 Mr. Surman said he did not think you could convert single family to multi-unit.

Ms. Roberts said that a two unit is defined as two units up and down that looks like a single-family home. It is allowed in R2 on a 50' wide lot.

5.6 Chairman Duffy said that is not what is being proposed.

5.7 Mr. Kolleng agrees with Mr. Schneider. This is a unique piece of property. The Zoning Board would like to see the character maintained. He is not concerned if they put in a shower and a kitchen that works. Because it is in R2 it could be viewed differently than if it wasn't. He said that it meets the standards of review and he can support the request.

5.8 Mr. Surman said he agrees that there should not be a living unit up there. He is on the fence. If they were to reduce it down, would they modify their request now?

5.9 Chairman Duffy said it is too late to modify the request.

5.10 Mr. Surman would like to see it repaired. He could see that it is sinking.

5.11 Mr. Tritsis said that safety is paramount. Would it be considered livable if someone's sick mother wanted to be there?

Ms. Roberts said that who occupies it does not matter. The only thing that might be questionable on the plan is the shower. The ordinance talks about not having bathing facilities. The kitchen definition talks about allowing a sink and a microwave or an oven. It does not say you cannot have a refrigerator or a dishwasher.

5.12 Mr. Surman said they did offer to put a covenant in that said they would not rent the space.

5.13 Mr. Tritsis said that gets back to the question of the livable part and not the getting money part.

- 5.14 Mr. Kolleng said that the Board made a bigger accommodation going to five townhomes than making an accommodation in this case. This is less of an accommodation than was made for the townhomes.

6.0 DECISION

- 6.1 Mr. Schneider moved to recommend granting a request for a 0.5' rear yard setback variation and a variation to permit structural alterations to a legal non-conforming accessory structure at 625 Park Avenue in accordance with the plans submitted.

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

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

Motion carried.

- 6.2 Mr. Kolleng moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-02.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

A majority of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the non-conforming location of the existing structure and its current deteriorated condition, 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 structure. The difficulty is peculiar to the property in question and not generally shared by others. The difficulty prevents the owner from repairing the structure to prevent further deterioration and to improve its appearance, and from using the structure. The proposed variation will not impair an adequate supply of light and air to nor otherwise injure adjacent property. The variation, if granted, will not alter the essential character of the neighborhood. The improved appearance and maintenance of the structure will benefit the neighborhood.

A minority of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, there is no

difficulty that prevents the owners from making reasonable use of the property without the proposed improvements to the coach home. The coach home is a nice feature to have on the property however such uses are no longer permitted. While the applicants don't propose to rent the unit out, the unit could still be occupied by guests or used as a rental unit by future owners. The owners would be able to make reasonable use of the property with a detached garage that is entirely conforming.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 0.5' rear yard setback variation and a variation to permit structural alterations to a legal non-conforming accessory structure at 625 Park 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. Allison McMahon, applicant
Lake Bluff

3.12 Ms. Sharon Kozek, applicant

3.13 Ms. Amy McSwane, traffic consultant
Hampton, Lenzini and Renwick

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a special use for a pre-school (child day care center), a variation from the requirement that adequate on-site drop-off zones are provided, and a variation from the requirement that adequate open space and recreational areas must be provided to permit a pre-school. The Board will hear this case on February 14, 2017.

3.22 Ms. McMahon said they are seeking a special use permit for North Shore pre-school. They feel that the pre-school will be a wonderful asset to the neighborhood as well as the Wilmette community. Last year when they pursued the property across the street, they got positive feedback, but that site fell through.

3.23 Chairman Duffy asked which space they were pursuing last year.

Ms. McMahon said they were pursuing 414 Linden last year.

Ms. Kozek said they did not take that space because they could not get more than a two-year lease. They want a long-term lease. Everything is the same as was presented at the last hearing. They want to be in that neighborhood.

Ms. McMahon said the only thing that would be different is the capacity. At 414 they would have 56 students. They have decreased to two classrooms, which would allow for 36 students.

3.24 Chairman Duffy said that drop off and pick up were addressed at the other space. What was that plan? Was it in the back? Was it next to the building?

Ms. Kozek said that they had requested 3 15-minute loading zones. She had walked the Board through how it worked in the city in a dense area. It's a two-hour drop off period. It is not a big line. Parents are in and out. There is a parent policy for parking. They must park in another area if they are going to stay to get coffee.

- 3.25 Chairman Duffy asked them to review drop off pick up policy so that it can be on the record.

Ms. McMahon said school opens at 7:30 a.m. The curriculum starts at 9:30 a.m. They require families to escort their children into the school and sign them in. Parents then leave. If they plan to stay in the area, the parents have to park elsewhere.

- 3.26 Chairman Duffy asked if there is a way to control drop off so that 25 families don't show up at the same time or within five minutes of each other.

Ms. McMahon said they cannot control that, but from having the three schools in Lincoln Park, they know that there is a rhythm.

Ms. Kozek said the parents learn the rhythm. They have never had a problem in the city. They had a parking study done for the proposed location.

Ms. McMahon said that the traffic engineer is at the meeting.

- 3.27 Mr. Surman said when they were at 414, there was parallel parking. On this side of the street, it's angled parking so someone will pull in and back out, which is the disadvantage to this site.

- 3.28 Mr. Surman asked about outdoor space at the other location.

Ms. Kozek said there was not outdoor space at 414. They can use parks in the neighborhood.

- 3.29 Mr. Tritsis said that the applicants are assuming that the students are local. Will people walk instead of drive?

Ms. McMahon said they don't know the answers to those questions. She would think that some families would walk. Overall, she does not know.

- 3.30 Mr. Tritsis referenced their three city locations. What is the percentage of families that live within a few blocks of the schools?

Ms. Kozek said that in the Lincoln Park location, in nice weather people, may walk. In winter people drive. Maybe 20% walk with strollers on a cold day.

- 3.31 Chairman Duffy said one big thing that has changed for the neighborhood since the last hearing is that the space they did not use is now a dance studio. They have classes with waves of people coming and going. That did not occur before. Have they looked at the dance studio schedule? Does it conflict with their schedule? Does it overlap? That will be a concern for the neighbors. There could be congestion due to more intense uses.

Ms. McMahon said they could look at the dance studio schedule and they can say that their schools drop off is between 7:30 and 9:30 a.m.

- 3.32 Chairman Duffy said that afternoons are staggered because some people are half day and some are full day.

Ms. McMahon said they have a 1:00 p.m. pickup and a 3:00 p.m. to 5:30 p.m. pick up.

- 3.33 Mr. Kolleng noted that they will have 20 fewer students.

- 3.34 Mr. Schneider asked student ages.

Ms. Kozek said that students are 2 to 5 years old.

- 3.35 Mr. Schneider said that the entire space was a hardware store in the past. The space they requested last year had been a grocery store. Those stores probably attracted a lot of traffic, but it's hard to say whether the schools or the stores are a more intense use.

- 3.36 Mr. Tritsis asked about the process when someone pulls in for drop off.

Ms. Kozek said it is a very short time. They will pass Ms. McMahon's office in the front. They go into the classroom, sign in and teachers take the child's coat. Maybe 5 to 10 minutes maximum.

- 3.37 Mr. Surman said they must park somewhere to bring the child into the school. At the last hearing, the applicants said they did not like the perception of not entering the front of the building. Have they looked at entering through the alley? They could have queuing. Then the parents would not need to get out of the car if a teacher was there to help children out.

Ms. McMahon said that would require someone to be out there for two hours.

Ms. Kozek said that is not in the best interest of their culture. They want the parent in the school every day. Parents need to see the teachers daily for that age group.

- 3.38 Mr. Kolleng said that there would be two hours to drop off 36 students and some families might have more than one student. This is better than when they were planning on 56 students.

Ms. Kozek said they are requesting loading zones.

Ms. McMahon said they are in the process of requesting 2 15-minute loading zones directly in front of the property.

Ms. Kozek said they are next to a dentist who has parking spaces. Parents can pull in and out of those spots if they are available. She sees a flow that can work.

3.39 Chairman Duffy asked about the traffic study.

Ms. McSwane said they did not do a traffic study for the original site. They are looking at 16 vehicles entering at the peak hour in the morning, one car every four minutes. They did observations in the morning and in the evening. There were empty parking spots. Parking is not an issue.

3.40 Chairman Duffy asked about times of parking demand for the area.

Ms. McSwane said that the a.m. peak hour is between 7:00 and 9:00 a.m. He came out again in the afternoon. There was underutilized parking in the afternoon, but she was not sure the time of that observation as a colleague performed that observation. The p.m. peak is usually between 4:00 and 6:00 p.m. They looked at the peak hours of the street not the peak hours of the proposed use. The village engineer did not ask for traffic counts as part of the study. They were not asked to do a full parking study based on observations.

3.41 Mr. Tritsis asked about the truck element. Will a truck drop off food?

Ms. McMahan said they have one lunch delivery and they can be told what time to come before 11:30 a.m.

3.42 Chairman Duffy asked if the truck would deliver in the back.

Ms. Kozek said trucks are all in the back.

Ms. McMahan said that Sysco comes every other week to deliver supplies.

3.43 Mr. Surman noted that they said the drop off was over two hours. What time does school start?

Ms. McMahan said school starts at 9:30 a.m.

Ms. Kozek said they cannot predict drop off times until the school opens. They have a predictor for the other three schools. There is a rhythm for drop off times.

3.44 Mr. Tritsis clarified that the way it is zoned right now, the actual required parking is not the issue.

Ms. Roberts said that in the NR-1 zoning district, existing buildings do not need to meet parking requirements so no parking variation is needed.

3.45 Mr. Kolleng asked if they pursued 15-minute loading last year.

Ms. Kozek said they did not because of the lease situation but are pursuing it for this space.

(After section 4.0)

3.46 The applicants were given a chance to respond to the below comments.

Ms. Kozek said they have said what they need to say.

3.47 Mr. Kolleng asked them to address a possible misconception about parking and drop off. They are looking to have a drop off zone in front. Explain how it works in Lincoln Park. They talked about this at length at the last hearing.

Ms. McMahon said North Shore pre-school would not want to come into a neighborhood when people say they don't want them to be there. That concerns them. In Lincoln Park, they have never had 36 cars show up at one time. She has been doing the business for 25 years. Why would it be different in Wilmette? It will bring more traffic into the area. She can only go by what she knows. Cars really do go in and out. She doesn't want to defend herself, but they are early childhood educators. They have the highest national accreditation. Every teacher has a bachelor's or master's degree in early childhood education.

They take gross motor activities very seriously. She invited Ms. McFarlane to visit the school. They have a huge wait list in the city. Their curriculum is working for parents. She wants to be a great fit for the neighborhood. She talked about schools in the city and working with various constituents to make drop off and pick up work. They thought that two loading spaces would be adequate if they can use the dentist spaces when he does not have patients.

Having two drop off spots has worked for them and parents are usually not there for more than 5 to 10 minutes. Their drop offs are very smooth. They have a niche area. They looked at Growth Spurts and they want to complement that business. Their service is different from Growth Spurts. They do not want to be adversarial and want to be part of the neighborhood.

3.48 Mr. Surman said the issue he has with the parking with the proposed site is that they have to do with backing out and getting a view of what is coming down the street. Across the street was parallel parking. At Belden, is parking parallel?

Ms. McMahon said that parking is parallel at Belden. Most areas in the city have parallel parking.

3.49 Chairman Duffy said the challenge is accommodating drop off/pick up and the way parking is set up. Some parents can adapt, but there will be parents who won't follow the rules and double park and/or cause issues. It happens at the Montessori School on Thornwood. The neighbors are indicating that the street has parking challenges now even with store vacancies. Is there something else that can be done?

Ms. Roberts said it is up to engineering and public works as to what else could be done.

3.50 Chairman Duffy said that this is unique due to diagonal parking.

3.51 Mr. Schneider said he assumes that it is the police who enforces the parking limitations.

Ms. Roberts said that there is a parking enforcement officer.

3.52 Mr. Schneider said his sense is that a lot of parking is taken up by people who live in the apartment buildings. They should not be parking there for more than the allowed time. He does not have facts to support that.

3.53 Mr. Surman said he was there today and found parking in front. He was there at 4:30 p.m. None of the cars moved during his time there, which was about 20 minutes.

Ms. McMahon said it sounds like most of the traffic is drop off except for the dentist and a few other businesses. If the apartments are not supposed to park there maybe the parking problem could be eliminated.

3.54 Chairman Duffy said that the Board either has to approve or deny tonight's request. The Board might be able to request that they get more designated spots.

Ms. Roberts said the engineering department can react to a situation. They can come back and look at conditions on the block to see if there is something else to be done.

3.55 Mr. Surman asked if a 15-minute spot was dedicated for a business.

Ms. McMahon said that anyone could use those spots.

Ms. Roberts said engineering talked about the two 15-minute spaces being dedicated to the pre-school for two hours in the morning and two hours in the afternoon. It does not have to be all day.

3.56 Chairman Duffy said that people want to see businesses come into the neighborhood for more activity. But there is a parking issue. How is that handled?

3.57 Mr. Kolleng said that the other locations for the business are in the city and busier than the Wilmette location is. They make it work there. This should work as well in the Village. He can always find a parking space in that area. He thinks that there will be staggered drop offs and pick-ups. His sense is that there will be an even flow of traffic. No parking concerns were addressed last year.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

- 4.11 Ms. Katherine Mann
414 Laurel Avenue
- 4.12 Mr. Blair Cooke, owner, Alchemy Coffee House
416 Linden Avenue
- 4.13 Ms. Tameeka McFarlane, owner, Growth Spurts
404 Linden Avenue
- 4.14 Ms. Julie Cooke, owner, Alchemy Coffee House
416 Linden Avenue
- 4.15 Ms. Chris Kondos, owner, Chris Kondos Boutique
407 Linden Avenue
- 4.16 Dr. Milin, property owner
411 Linden Avenue

4.2 Summary of presentations

- 4.21 Ms. Mann said her property shares the alley with the school. She has lived there for 26 years. She has seen the neighborhood change a lot over that time. Fourth and Linden can handle a lot of traffic. She is diagonally behind the school's building. Once a month she is stuck in her garage because a truck or car blocks her garage. Her concern is for her access and also for the safety of kids in the back or parents cutting through the alley. She is glad to have the business but does not want danger or congestion in the alley. She asked for signage at each end of the alley warning to drive carefully.

Mr. Tritsis asked where people are going to or coming from when they park behind her garage.

Ms. Mann said it is maintenance people to the apartment buildings and people to the publishing business. She has a parking pad. She found a car on the pad one morning. As a good neighbor, she hopes that the school tells parents that they would not speed, they wouldn't use the alley, and that they would be considerate.

- 4.22 Mr. Cooke does not think that the school is a good idea. He is already getting complaints from his customers that it is hard to find a parking spot. His peak selling times are 7:30 a.m. to 9:30 a.m. He needs that revenue. It took a long time to build his business.

Mr. Schneider asked the business address.

Mr. Cooke said it is 416 Linden. There is no precedent for this from looking at the packet. None of the variations for other schools impacted parking or retail. He reiterated that the crush of cars would hurt his business. He thinks the cars will show up at the same time. Cars start stacking up when people pull out of parking spaces. There is a four way stop right there and it gets crowded at rush hour. He does not see how they will get approval for the special use based on the standards. Creating traffic jams and impeding other businesses is not part of the comprehensive plan. There is not adequate parking. 13 years ago, he came to the Board for a parking variance because of his seating and square footage. He got permission at that time. But now they are talking about 36 cars, twice a day. Road access would be seriously impeded. A pre-school is not zoned for this area.

Chairman Duffy said that a pre-school is a special use in NR-1. The special use standards have to be met.

Mr. Surman said that the dentist was before the Board for a special use.

Mr. Cook referenced special use standard “adequate measures exist or will be taken to provide ingress and egress...in a manner that minimizes traffic congestion...” There will be traffic congestion with this use. 72 cars a day plus 8 employees who say they will park in the CTA lot. Over time employees will park wherever they want.

Mr. Surman asked what it was like when there was a hardware store.

Mr. Cooke said the hardware store was great because there was no crush of cars.

Mr. Surman asked how many of his customers walked and how many drove to his business.

Mr. Cooke said it depends on the weather. In the summer, maybe 25% walk up. People use Linden as a through fare for not dealing with Lake Avenue.

Mr. Kolleng asked Mr. Cooke if he was noticed last year.

Mr. Cooke said he was told last year that all cars would go down the alley. He didn't know that there were little kids who need to be taken into school and signed in.

Mr. Schneider asked if Mr. Cooke thought parents could be potential customers.

Mr. Cooke thought of that, but he has seen that when people come to 4th and Linden, they have one thing to do and then leave. If there is no parking close by for his business people will leave.

Chairman Duffy referenced the dance studio. How long has that been open?

Ms. McMahon said it was open since October.

Chairman Duffy asked if that business impacted Mr. Cook's business in any way.

Mr. Cooke said that people often double park for that business and they drop off their kid. Kids can go in on their own. That business has not negatively impacted his business. Regarding the traffic study, it does not make much sense to him. It was written by students who attended a school. He talked about something written five years ago. There is no way they considered the three large apartment buildings that are nearby and filled with people who like to park. He does not oppose the pre-school, but he opposes the intensity of the use. There are not enough parking spots for this use. People who live in the apartment buildings park on Linden until 8 AM. It is then one hour parking. He is nervous if the pre-school is approved.

- 4.23 Ms. McFarlane is a licensed Illinois early childhood educator. Her business is Growth Spurts? She got the letter a few weeks ago about the meeting tonight and saw some red flags. She has a different experience with the dance studio than Alchemy. She does camps with them. With the addition of the dance studio and her business, which offers drop in play for children, classes and birthday parties. Parking is crazy on Linden. There is handicap parking directly in front of her store. People are parking there illegally because there is no parking in Linden. She sends her parents to park on 4th Street. There is no parking on weekends for birthday parties. She is nervous as well about parking. With some businesses, kids can go in alone. With other businesses, kids have to be taken in because of their ages. There is constant traffic throughout the day.

Regarding adequate amount of space, she looked at the pre-school's curriculum since she is an early childhood educator. She is for quality care. Indoor space must be adequate. They will not take children to the park in winter. They need the indoor space. Under Illinois licensing standards for childcare, it requires an hour of indoor quality space for students. The applicants did not address this tonight. She wants to see a large play space.

Mr. Surman asked if she was saying that the applicants' space does not have enough space.

Ms. McFarlane said she did not hear how they are going to address the space issue. How will they address gross motor time for 36 kids every day? This is a state requirement.

Chairman Duffy said that might have been discussed at the last presentation.

Ms. McFarlane said she does not know where the 16 unused parking spaces are located. It is best practice for parents to take the time to transition their child in and

not just sign in and drop off. Sometimes it's longer than five minutes. She is nervous about parking. She is for quality care, but she does not know if this location is the best spot.

Mr. Schneider asked her where her business was located.

She said they are located at 404 Linden.

4.24 Ms. Cooke said she has been there every day for the last 11.5 years and there has been a dramatic change in traffic. There has been an increase in complaints about lack of parking over the past two months. Customers pull into the alley because there is no spot in front. People won't walk a block for coffee. She didn't do a traffic study and she does not know why there is an increase in traffic. Since the dentist and SNAP have opened there is more traffic. Backing out is a huge problem. She is not opposed to the school but is opposed to the drop off/pick up plan. SNAP is huge between 3:00 and 5:00 p.m.

4.25 Ms. Kondos said she has nothing against the applicants or the concept. Most of her customers complain about parking. She has been there since the early 1960s and there was no diagonal parking at that time; it was parallel parking on their side. There was no problem with parking at that time. Now it is congested and people cannot find parking. She would be glad if the space is occupied. It's nice to have commercial spaces occupied.

Mr. Schneider asked about hours of operation.

Ms. Kondos said she opens at 8:30 a.m. and closes at 5:00 p.m.

Mr. Surman asked about the type of business she owns.

Ms. Kondos said she does fashion designing and dress making. They sell clothes.

Chairman Duffy asked where people go who use all the parking.

Ms. Kondos said a lot of people who live in buildings and go in and out and she thinks some of them use the parking spaces. People also have visitors. There is now the dentist and a dermatologist. There is no reason for people to stay more than an hour, but they might stay longer at the dentist. In the morning, drop off in the morning would not impact her business. She gets most of her complaints mid-morning and midafternoon. She is not against having the pre-school but parking is a problem.

4.26 Dr. Milin has been there since November. He asks his patients about parking issues and no one has ever complained.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Surman said this is a tough case and he is on the fence. It was approved across the street. Parking was different in that it was parallel and this is not. Last night he did not think that neighbors spoke about the case.
- 5.2 Chairman Duffy clarified that everyone within 250' of the address gets notified of the hearing.
- 5.3 Mr. Surman said he wants to hear what others have to say.
- 5.4 Mr. Kolleng said the same case was seen last year with the same variations. It was approved. For those reasons, he is in favor of approving the request again. The only difference is that people are saying that there is a parking issue, which did not happen one year ago. As noted above, the applicants have three city locations, congested areas and they make it work. This is less congested than the city areas. He can support the request.
- 5.5 Mr. Schneider said that when he was on the plan commission 15 to 16 years ago, they re-did the master plan for the village. One of the focal points was Linden and they changed the name to Linden Square. They were hoping there would be more intense retail and a community retail center. Baha'i would attract customers. Since that time, a lot of the retail is gone and the replacement have been service uses. Had the expectation been fulfilled with pedestrian heavy retail, parking intensity would have been more severe than these kinds of uses. Having a business like this is better than having a vacant space.

Someone said that the master plan had underground parking.

Mr. Schneider said he would review the plan again. He said they talked about underground parking but was not sure there was a specific design. He continued and said the Board approved a more intense use on the other side of the street last year. The concerns that have to be taken into account will probably not be as severe as expected. He said things tend to work out when people get used to a pattern. He can support the request.

- 5.6 Mr. Tritsis said there is a problem at this time that has nothing to do with what is being proposed. He said when he dropped off his child at daycare his in/out time was five minutes. He does not feel that this use will exacerbate a problem. Parking will self-regulate to the new use. He said when he shopped at the hardware store people could be there for a half-hour. This use will be much quicker than the previous use. It was approved across the street. There will not be 36 people double parked in the front. He empathizes with small business but does not think the pre-school will further exacerbate the parking. He can support the request.

- 5.7 Chairman Duffy said what the Board is hearing is that parking is being misused in that area. Parking may not be totally to the benefit of the businesses in the area. Maybe more than two spaces can be designated for 15-minute parking during the peak times for the pre-school. People will have to park around the corner and walk around back. If there are more 15-minute spaces for this business it could free up parking for other businesses.
- 5.8 Mr. Surman said he is still struggling. Across the street was a different situation. They could visualize drop off and cars coming into the alley. That is what sold him on approving that case. Now the business is going in the center of a block. It's probably not the right location to pull in and back out.
- 5.9 Chairman Duffy said that maybe more designated spaces would help that pulling in and backing out. But there were more students with the proposal when it was across the street.
- 5.10 Mr. Tritsis said that there is only a finite of parking on the block.
- 5.11 Chairman Duffy said that parallel spaces seem more fluid and in and out is easier. People usually didn't go to Ace hardware between 7:30 and 9:30 AM.
- 5.12 Mr. Surman said that other area businesses did not attend the meeting last year. Regarding the alley, if people speed down the alley would the Village put speedbumps in alleys.
- Ms. Roberts said that the transportation commission would look at that. She has not heard of that being done.
- 5.13 Mr. Kolleng said that Evanston puts speed bumps in alleys.
- 5.14 Chairman Duffy asked if there is a way to approve the request if they could have more opportunity for spaces. In the packet it says they will apply for two spaces. He does not know how they came to that number. The extra spaces are not part of the request.
- 5.15 Mr. Surman asked if they could make that request without informing the other businesses in the area that is being proposed.
- Ms. Roberts said she would hesitate to have the Zoning Board prejudge what the best solution would be. But maybe there is a way to condition it upon approval by the village engineer for an approved plan, which would need to be worked out through the Engineering Department.
- 5.16 Chairman Duffy asked if the approval was conditioned upon further review by the appropriate department and/or committee, is than an open meeting so that all area

businesses get notified so people can come in to talk about changes to the area? Or ask someone to come and observe the parking situation at certain times?

Ms. Roberts said she does not know the process for the two loading zone spaces. If the request is made by the whole block, the Transportation Commission would be the best way to take that up. But her guess is that the village engineer would review any request for parking spaces and use his best judgment. She does not think that it is a public meeting process.

- 5.17 Chairman Duffy said that unless other business owners from the block come together or maybe they circulate a letter that everyone signs and they bring it to the village engineer asking him to look at the situation so that the issue can be addressed.

Ms. Roberts said that there might be some public notice and the village engineer could ask for feedback on proposed changes. But the Zoning Board could recommend that the Village Board put a condition on the request that the loading plan is approved by the village engineer.

- 5.18 Chairman Duffy said it is up to the village engineer to say what is best for the neighborhood.

- 5.19 Mr. Kolleng said that the Zoning Board is advisory only.

Ms. Roberts said that a condition could be recommended.

- 5.20 Mr. Kolleng said that the Board should deal with what is front of them at this time and the Village Board can take it from there.

6.0 DECISION

- 6.1 Mr. Surman moved to recommend granting a request for a special use for a pre-school (child day care center), a variation from the requirement that adequate on-site drop-off zones are provided, and a variation from the requirement that adequate open space and recreational areas must be provided to permit a pre-school at 411 Linden Avenue in accordance with the plans submitted. The use shall run with the use.

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

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

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-03.

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

A majority of the Zoning Board of Appeals finds that the request meets the special use standards of Section 5.3.E and the variation standards of Section 5.4.F of the Zoning Ordinance. The proposed use in the specific location will be consistent with the goals and policies of the Comprehensive Plan to encourage a vibrant commercial district in the Fourth and Linden commercial district. The proposed preschool will attract new customers to the commercial district. The proposed use with staggered drop-off and pick-up 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 preschool has a morning drop-off window of two hours, so that cars will be distributed during this time rather than coming at once. The applicants will require all clients to follow a written parking policy. The applicants have request two short-term drop-off spaces. Employees will park in the parking lot or at the public CTA lot. Adequate utilities already exist. 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.

Regarding the standards of review for variation, the particular physical conditions of the property, the location in a commercial district, imposes a practical difficulty. The plight of the owner was not created by the owner and is due to the commercial location. The applicant has requested two short-term loading zones. The applicant proposes to use Maple Park for outdoor recreation. The business will meet the requirements of state licensing including outdoor recreation. The variations, if granted, will not alter the essential character of the neighborhood, which is commercial.

A minority of the Zoning Board of Appeals finds that the request does not meet the special use standards of Section 5.3.E and the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, the proposed use is likely to 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 because of the number of cars coming for drop-off and pick-up in addition to the problem that already exists in the neighborhood. The parking on the south side of

the street is angled, not parallel, making the in and out of cars more disruptive than with parallel parking.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a special use for a pre-school (child day care center), a variation from the requirement that adequate on-site drop-off zones are provided, and a variation from the requirement that adequate open space and recreational areas must be provided to permit a pre-school at 411 Linden Avenue in accordance with plans submitted. The use shall run with the use.