



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, NOVEMBER 15, 2017**

**7:30 P.M.**

**COUNCIL CHAMBERS**

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

**Members Absent:** Mike Boyer  
Christopher Tritsis

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

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**I. Call to Order**

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

**II. 2017-Z-51 154 Maple Avenue**

See the complete case minutes attached to this document.

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

See the complete case minutes attached to this document.

**IV. 2017-Z-57 1125 Greenleaf Avenue (formerly 1121 Greenleaf)**

See the complete case minutes attached to this document.

**V. 2017-Z-56 1202 Chestnut Avenue**

See the complete case minutes attached to this document.

**VI. 2017-Z-59 3555 (3551) Lake Avenue**

See the complete case minutes attached to this document.

**VII. Approval of the October 11, 2017 Meeting Minutes**

Mr. Kolleng moved to approve the October 11, 2017 meeting minutes.

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

**VIII. Approval of the October 18, 2017 Meeting Minutes**

Mr. Kolleng moved to approve the October 18, 2017 meeting minutes.

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

**IX. Public Comment**

There was no public comment.

**X. Adjournment**

The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Lisa Roberts  
Assistant Director of Community Development

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

**3.1 Persons appearing for the applicant**

None

**3.2 Summary of presentations**

3.21 Ms. Roberts said that this case was continued from the November 1, 2017 Zoning Board meeting. Staff met with the applicants and there was a conversation about next steps. The applicants are not ready to be heard tonight. The request is to table the case to the December 6, 2017 meeting.

**6.0 DECISION**

6.1 Mr. Schneider moved to continue the case to the December 6, 2017 meeting.

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

Motion carried.

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

**3.1 Persons appearing for the applicant**

3.11 None

**3.2 Summary of presentations**

3.21 Ms. Roberts said that the staff had made an error and not posted the property. The applicant did the proper personal notice so it was requested that the case be continue until December 20, 2017. She apologized to the applicants for the delay.

**6.0 DECISION**

6.1 Mr. Kolleng moved to continue this case to the December 20, 2017 meeting.

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

Motion carried.

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

#### **3.11 Persons appearing for the applicant**

3.11 Dr. Andrew Kohn, applicant

3.12 Mr. Dennis Thornton, real estate agent

#### **3.12 Summary of presentations**

3.21 Ms. Roberts said that this case was noticed as 1121 Greenleaf Avenue, but the tenant space has officially been designated as 1125 Greenleaf. This is a request for a special use for a medical/dental clinic, small to permit the operation of an optometrist's office. The Village Board will hear this case on December 12, 2017.

3.22 The applicant thanked the Board for their time. He is requesting a special use to open an optometry practice in the village. There is a retail optical boutique in the front. In the back is the clinical component.

3.23 Chairman Duffy asked how many employees would be on site.

The applicant said it will be two employees, not including doctors.

3.24 Chairman Duffy asked how many people would be in the office at any given time.

The applicant said that they will start with 2 to 3 people.

3.25 Chairman Duffy noted that the building is under construction. He asked about parking.

The applicant said designated parking is an option. The property owner gave him the ability to have one spot, but he didn't take it.

Mr. Thornton said that inside the building there is a parking garage with spaces offered to the applicant and his staff at a cost.

3.26 Chairman Duffy asked about street parking for patients.

The applicant said that there is street parking for the patients. His employees will also park on the street. If he was parking all day, he would choose to park in a lot versus on Greenleaf because that parking is two hours during the day. He has parked in the Metra lot. The train station is walkable from his home.

3.27 Chairman Duffy noted that the Panera parking lot is always full so there is street overflow. There is commercial to the west of the site and that is their only parking

option. To add more cars could back up the street. He asked the applicant to get a feel for staff and patient parking expectations. Are patient appointments 30 to 45 minutes.

The applicant said that patient appointments are 30 to 45 minutes. He said that presumably a lot of patients want to park on Greenleaf, but there are other streets to also park on.

- 3.28 Mr. Surman asked if the applicant had another location.

The applicant said that the proposed office is his first. He works full time in Bucktown as an associate.

- 3.29 Mr. Schneider asked about the parking requirement per zoning code.

Ms. Roberts said that the parking requirement for the applicant is five spaces.

- 3.30 Chairman Duffy asked why there was not a variation for parking.

Ms. Roberts said that for both commercial spaces together, 17 are provided including six on site, three that they can count on the street, and eight that are within public parking lots such as the Panera lot, which is a public lot that is available for uses in that area.

- 3.31 Mr. Robke said that the first-floor plan says commercial parking garage, eight spaces. Are those available to visitors coming to the office?

The applicant said he did not know.

- 3.32 Mr. Schneider asked if this was a rental building for the residential units.

Mr. Thornton said he believes that these are rental units, but he is not totally sure. He thought a building representative would be at the meeting.

- 3.33 Mr. Robke asked if the lease allowed visitors to the retail business use the commercial parking.

- 3.34 Chairman Duffy said that is a question for the developer.

The applicant said that visitors to the retail business can use the commercial parking.

- 3.35 Chairman Duffy clarified that the lease gives the applicant an option for one parking space. He is opting out of that space.

Mr. Thornton said this would be separate.

- 3.36 Chairman Duffy clarified that the lease does not include additional parking for customers.

Mr. Thornton said that this needs to be confirmed.

- 3.37 Chairman Duffy said that the lease will contain information about parking. If there is extra parking that is not identified in the lease. If there is an assigned space, it is in the lease.

Mr. Thornton said that sometimes it is included in the lease and sometimes it is a separate agreement with the building owner. The latter is a separate lease. It is a month to month payment. It is not like an annual lease. That's the way he understands it.

- 3.38 Mr. Robke asked if there was any other commercial space in the building other than the applicant's space.

The applicant said that there is a space next door. He took half of the available space.

- 3.39 Mr. Robke referenced 1.7. It does not show access from the applicant's space to the back corridor for parking or to public restrooms. Is the plan accurate?

Mr. Thornton said that there will be access in the front. In the back, by the bathrooms, is another entrance.

The applicant referenced 1.8, which shows what is happening.

(After section 4.0)

- 3.40 Mr. Surman said that parking requirement has to be with the lease.

#### **4.0 INTERESTED PARTIES**

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

4.11 Mr. Gabe Horstick, project developer

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

4.21 They have been working with the applicant on the space.

4.22 Chairman Duffy said that the main question was about parking. What is the parking situation?

Mr. Horstick said they have six surface parking spaces designated as commercial space. There is a pathway through the commercial common space that access the

six parking spaces. Dr. Kohn was given the option to lease them. He was given guidance that he may not need those spaces because of the near by public parking.

4.23 Chairman Duffy asked if patients could park there.

Mr. Horstick said patients should be able to park there.

4.24 Chairman Duffy asked about restrictions from anyone using those six spaces if they are patronizing a building store.

Mr. Horstick said they should be able to use those spaces. He spoke with his contractor who noted that there is an exterior garage door.

4.25 Chairman Duffy said they could not access spaces unless they had the opportunity open the garage door.

Mr. Horstick talked about the garage being open during business hours.

4.26 Chairman Duffy said if those spaces were being counted to allow the use then they should be accessible.

Mr. Horstick agreed.

4.27 Mr. Robke said he suspects that the permit was granted based on the use of those parking spaces. Presumably the spaces are available for the retail.

4.28 Chairman Duffy said if there was a barrier to access them and they are not accessible, then they should not be counted.

4.29 Mr. Surman asked about other building parking.

Mr. Horstick said there is a lower parking lot for residential. There are 20 parking spaces designed to the 14-residential unit.

4.30 Mr. Robke asked how commercial users would access the spaces.

Mr. Horstick said there is a garage door. He explained the garage configuration.

4.31 Mr. Robke asked if the door would open when a car pulled up.

Mr. Horstick said that is the idea, but to be honest, they did not know specific requirements for the user. But the door could be easily set up to open when a car pulls up. There are two or three designated retail parking spaces in front of the property that is short term parking. The applicant did not want to rent a space, but they can revisit that area if that is a requirement. The parking spaces are available for the applicant's customers. At this point, the applicant said he did not need the

parking spaces. They did not think about access for customer parking because they were told there was sufficient property in the general vicinity. Parking can be made available for customers.

Ms. Roberts clarified that the proposed use requires five parking spaces.

4.32 Chairman Duffy clarified there are three spaces in the front that can be counted.

4.33 Mr. Robke said that those count for all retail space.

4.34 Mr. Schneider asked about lease negotiations with a potential tenant. Was it explained that parking spaces are available for a price?

Mr. Horstick said parking is discussed.

4.35 Mr. Schneider asked if spaces would be available to the applicant's customers.

Mr. Horstick said not unless the applicant wants or needs them. If he wants to lease them for his business, he can. But the applicant said he didn't need them.

4.36 Mr. Schneider asked about lease terms for parking.

Mr. Horstick said they are looking at about \$150/month.

4.37 Mr. Kolleng asked if they would rent out spaces to someone else.

Mr. Horstick said that would be the plan. Someone will eventually lease them. If the applicant needs the spaces to get approval, they are available to lease.

4.38 Chairman Duffy clarified that the requirement for his use based on the size of the space is five parking spaces. If the six spaces in the building are not counted there are three on the street and he can count eight in the nearby public parking so that would be 11. There is no requirement to have the applicant to have spaces on site. The question then becomes the next user of the commercial space cannot count those three and can only count the six additional spaces of can they count these three and the additional eight spaces.

Ms. Roberts said that both tenant spaces together get 17.

4.39 Chairman Duffy clarified that the 17 include the six on site.

Ms. Robert said that this was correct.

4.40 Mr. Surman said that the six on site are all required to meet the zoning code.

4.41 Chairman Duffy clarified that when both units were rented.

4.42 Mr. Robke said it is required now because it is designated commercial and has that requirement whether it is rented. The requirement of a parking space goes with the use. The requirement was due to the construction of commercial space.

4.43 Chairman Duffy said that there is access to the six spaces. Without a commercial tenant in the other half, they don't need to provide access to those six spaces because the parking requirement for his use is being covered by free parking. The question he has that needs to be clarified is what happens when the next commercial tenant moves in.

Ms. Roberts said that they are still getting on street credit for the three on the street and eight spaces in public lots.

4.44 Chairman Duffy noted that commercial tenants might not need to use the six spaces in the back because they both can use the credit for the three and the eight. Isn't that double dipping on the credit?

Ms. Roberts said that is the way that the ordinance is written.

4.45 Mr. Robke said that it was the intent when the building was built that these are dedicated commercial spaces and if the tenants don't lease them, they must be available on a reasonable basis. The developer has the obligation to make the spaces available.

4.46 Mr. Surman said they could not build a building without some type of commercial parking requirement.

4.47 Chairman Duffy said that there understanding of the intent is that those spaces should be available to the commercial tenant or patrons.

4.48 Mr. Surman said the spaces should not be sold off privately.

4.49 Chairman Duffy clarified that the spaces need to be available. The applicant should be able to use one of the six spaces if he doesn't want to park in the metra lot.

4.50 Mr. Surman said if the developer leases them all privately then there won't be any available.

4.51 Mr. Robke said that the developer would be in violation of his zoning obligation and approved plans including commercial parking.

Ms. Roberts said they not offer the spaces privately.

4.52 Mr. Robke asked if this was a single user this discussion would not take place because those spaces would be required to the single user.

- 4.53 Mr. Schneider asked if the proposed tenant does not lease any spaces and the other tenant does not lease any spaces, what is the developer going to do with the six spaces?

The developer said if they must keep them available for commercial use they will follow what is required. If it's okay they would like to lease them if the commercial tenant doesn't want them.

- 4.54 Mr. Surman clarified that they need those spaces if they are required by code.
- 4.55 Chairman Duffy said the only issue is that if neither commercial tenant wants the spaces, the spaces still need to be available because they are being counted for the use. The developer could not lease the spaces even if the tenants turned him down to lease the parking spaces. The developer is in a catch-22.
- 4.56 Mr. Surman said it would seem like the parking requirement went along with the space.

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

- 5.1 Mr. Robke said he has no problem with the special use. The questions about parking relate to the developer's continued use of the property and fulfilling his obligations under the permit issued for construction. The village should monitor what the developer does with the spaces. Staff is advised that about the requested special use, the parking requirement must be met. The use is consistent with approval standards for a special use and he supports the request.
- 5.2 Mr. Kolleng agreed with the above and supports the request.
- 5.3 Mr. Surman agreed.
- 5.4 Mr. Schneider said it did not appear that a condition was being placed on the motion that the parking spaces be made available.
- 5.5 Mr. Robke said that staff has been advised about the parking spaces. There was a commitment with the issuance of the building permit on the use of those parking spaces. If this was a single retail space, there would be no double counting of spaces. Those would be available for commercial use. Staff should advise at the appropriate time if space was converted to noncommercial use that would not comply with the building permit issued for that use. The issue before the board at this time is the issue of special use as it relates, and the requirement has been met without counting any of those parking spaces.
- 5.6 Mr. Schneider said that the owner said he had intended to lease the six spaces for \$150/month. They would then not be available to the two commercial tenants unless

they agree to pay \$150/month per space. Is what we are saying is that these spaces are not necessary for approval?

- 5.7 Mr. Robke said that was correct and was what was advised in terms of parking. Requirement is met without counting these spaces. The issue is a property owner issue and they must comply with approvals granted. But that is separate from the special use issue. Whatever happened with the parking spaces should not stand in the way of the approval for tonight's special use because he believes that requirements are met.
- 5.8 Chairman Duffy said it is a decision on the owner's part about how to get compensation because they need to be available to anyone accessing the commercial units. It is a business decision. But to build the building with commercial spaces, they had to provide parking for the commercial spaces. They need to be available to commercial users.
- 5.9 Mr. Surman said the spaces can be leased to those who work on commercial spaces or open for customers. The spaces cannot be leased to outside individuals.

## 6.0 DECISION

- 6.1 Mr. Robke moved to recommend granting a request for a special use for a medical/dental clinic, small to permit the operation of an optometrist's office at 1125 Greenleaf 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	Yes
Reinhard Schneider	Yes
Bob Surman	Yes
Christopher Tritsis	Not Present

Motion carried.

- 6.2 Mr. Surman moved to authorize the chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-57.

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

Motion carried.

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

The Zoning Board of Appeals finds that the request meets the special use standards of Section 5.3.E of the Zoning Ordinance. The proposed use in the specific location will be consistent with the goals and policies of the Comprehensive Plan. Such uses are allowed in this location because it tends to be less desirable for retail and restaurant uses. The establishment and operation of the proposed use will not be detrimental to or endanger the public health, safety and welfare. The proposed use in the specific location will not be injurious to the use or enjoyment of nor impede the normal and orderly development of surrounding properties. The proposed use will not substantially diminish property values. Adequate utilities, road access, and other facilities already will be provided upon completion of the building. Adequate measures will be taken to provide ingress and egress in a manner that minimizes traffic congestion. Six parking spaces are provided on-site for the two commercial tenants. The proposed use in the specific location will be consistent with the community character. The proposed use will not adversely affect a known archaeological, historical or cultural site. No other standards of Article 12 apply.

**8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a special use for a medical/dental clinic, small to permit the operation of an optometrist's office at 1125 Greenleaf in accordance with the plans submitted. The use shall run with the use.

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

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

3.11 Mr. Peter Lee, applicant

3.12 Mr. Lucas Goldbach, architect  
Mike Shively Architecture

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

3.21 Ms. Roberts said that this is a request for an 11.08' front yard setback variation to permit the construction of a new home. The village board will hear this case on December 12, 2017.

3.22 The applicants moved to the village nine years ago. He and his wife have four children and the home is small for the size of their family. They created plans to build a new home.

They want to match the current setbacks of the existing home. To do that they need an 11' variance. On the north side of Chestnut there are no through streets up to Kenilworth, so it is a long block. The current ordinance states that they would have match the average setback of all the homes on the north side. There are some large wide lots with deep setbacks. The two adjacent homes are at 46' and 58' setbacks. His current setback is 64'. Matching the existing setback would be a better fit with the block and keeping with the character of the neighborhood.

3.23 Chairman Duffy asked the applicant about hardship. Is it because one block is actually three blocks long and there are wide lots to either side of him. Those houses impact where the setback is. To fit in with the section of the block they are building, they want to build where the house is right now, which causes them to be in the front yard setback that is further back because of the adjacent homes.

The applicant agreed with the above. There are four consecutive blocks that factor into the average.

3.24 Mr. Schneider asked how far back the house to the west was.

The applicant is 58' back. The other house is 46' back.

3.25 Mr. Surman said he went to the site and then asked Ms. Roberts to check for 1114's distance and it is actually 68' back further than the existing house. For the other house, they measured to 66.61, which is the overhang on the front of the house. The number on the request is off by 20'. The 46' dimension should actually be 66'. Visually you can see that difference. It does not change the overall number for

tonight's request. The house, 1216, is it 58' back? He thought that dimension might also be greater.

- 3.26 Chairman Duffy said that the front porch sticks out closer to the street than the existing home at 1202.

The applicant said that the front porch doesn't count.

- 3.27 Chairman Duffy said that if the porch is enclosed it counts.

Ms. Roberts said that it was counted space.

- 3.28 Chairman Duffy said they are further back than 1144.

- 3.29 Mr. Surman clarified that they were closer than 1144.

- 3.30 Mr. Robke asked what is the hardship that prevents the applicant from complying with the ordinance and moving the house back 11'? It is a new house constructed from the ground up. Why can't they meet the ordinance?

The applicant said that one block is actually four blocks and that is a hardship.

- 3.31 Mr. Robke said that the four blocks create the average. What is preventing him for complying with this?

The architect said that his understanding of hardship is the way the code is written. Every time a new home is built it gets averaged into the front yard setback requirement. This is a unique block in the village because of its length. It abuts a different village which has led to deep lots. The 1300 block in particular has particularly large and deep existing setbacks. The applicant's lot has the hardship that is on a peculiarity of the village layout. They are being averaged with two to three times as many properties because the block is so long.

- 3.32 Mr. Robke noted that this establishes the requirement, but he is not clear about why they can't comply with the ordinance. They have almost 300' if they move the house back by 11'. They would not be before the Board if they conformed with the ordinance.

The architect said it could be built 13' back. Our request is that they are contributing more by being more by being closer to the setbacks of their specific block vs. the street. They have been conscious of the neighbors and their access to light and air. By pushing the house further back it will substantially alter the character of the 1200 block of chestnut. Those homes are closer than if they went to the 1300 block. He referenced the sanborn map.

- 3.33 Mr. Surman said sanborn maps are not always the correct.

The architect said it realizes that, but he uses it as a visual aid.

- 3.34 Mr. Schneider asked if they were proposing a two-car garage.

The architect said they were proposing a two-car garage. Their intention is that the house will meet other village zoning requirements as well as engineering requirements.

- 3.35 Mr. Surman asked the height of the portion that it is sticking out.

The architect said that it is 1.5 stories, but he does not know the exact height. The overall height of the main ridge that is set about 60' back is at the village required 35' so the 1.5 stories would be in the 20'-30' range. It is occupiable space up there. He added that the front door of the home will be set back quite a bit further.

#### **4.0 INTERESTED PARTIES**

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

- 4.11 Mr. Michael Thomas  
152 Robsart Place, Kenilworth

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

- 4.21 Mr. Thomas said that his back yard is the adjacent lot to the subject property and the one to the east of it. He supports the request. His issues are around water and drainage. Some homes have been built along Chestnut and a couple of tennis courts were added to the backside of the homes. The water has dumped into his area. He is concerned that when a home is built, he wants the water managed on the homeowner's property. He mentioned the property at 1144 Chestnut. In a rain event, the owners would go out with a sump pump with a soft hose and bring water to the front of their yard. The new neighbor does not do that, and significant ponding water occurs on his property. His request is that the applicant manages their water. If there is anything that the board can do to help with the adjacent property he would appreciate that. They are in construction right now. He is a former member of the Kenilworth village trustees.

Mr. Schneider referenced the property to the east of the applicant's property. They are not rebuilding that and are putting in dormers and windows. The footprint is the same.

About water pooling in the backyard, this happened across the street from Chairman Duffy's house. One of the neighbors called the village and said that this is a health issue. The village checked this out and encouraged the homeowner to take care of the problem. If the neighbor calls the village when there is an issue, then they will come out to check and contact the owner. They are creating a health issue.

Mr. Schneider said that in this case, the applicant is building a new house. They are required to comply with all storm water mitigation requirements so as not to impose on other properties.

Ms. Roberts said that the engineering department will review the plans and make sure that it meets the standards. Ms. Roberts can also be contacted with these types of problems.

The applicant said that not putting the home further back would help the water runoff situation.

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

- 5.1 Mr. Kolleng said that hardship was discussed. The applicant has a long lot. Moving it back 11' really shouldn't be a hardship. Zoning requires them to be 75' back. It currently is at 68'. There are seven homes in a row that are less than 75'. Going west there are seven homes in a row that are more than 75'. It is an odd block. It would look weird having one home pushed back further. They are not too close to the street as the house sits today. Standards of review are met, and he can support the request.
- 5.2 Mr. Robke said that there is an issue with a couple of homes in this area. He does not see a hardship in this case. While many standards are met, he cannot overrule zoning authorities. There is not a hardship. It can be built to comply with the ordinance. He cannot support the request.
- 5.3 Mr. Surman is on the fence. He is sympathetic to what Mr. Kolleng said about looking at the houses lined up. The front door of the said house will be pushed back quite a bit further. The board is trying to make everything look contextual so that it all flows together. It comes down to a visual issue. The house to the east is back 68'. He understands what the applicant is trying to do, but he is not sure if 75' is too aggressive.
- 5.4 Mr. Schneider said that the average was created to maintain more of a consistent setback and not have significant variations on setback. In this case, he is not sure that the ordinance was meant to address this unique situation given the great variety and length of this block. He does not know if the question of hardship comes into play here. All other standards of review are clearly met. The part of the house that protrudes 11' is a 1.5' story building – the garage included. He thinks that the request will improve the neighborhood. He can support it.
- 5.5 Chairman Duffy said that the garage is the protrusion. The garage is 25-30' wide. That is what is 11' into the front yard. The mass of the house is significantly further back. He understood why the setback was there and it is because there is an extra long block with larger lots and larger setbacks that are further away from these houses. How much of the house is over? It is not a significant portion. It will not be

noticeable because the mass of the house is so much further back than the other houses. That is how he justified supporting this request. The hardship is that the applicant is being compared to houses that are significantly set back due to lot size, but the houses are further away than the adjacent neighbors that he should be compared to.

5.6 Mr. Robke said that the fronts of the houses should be lined up and not set back an additional 30'.

5.7 Chairman Duffy said if there is a 500' lot they don't have to build at the front setback and they can build where they want.

The applicant asked if hardship only had to apply to him or could it be hardship that applies to surrounding homes.

5.8 Chairman Duffy explained that the applicant is making the request, so the hardship applies to him. A hardship is what is unique about the house or lot or situation that they have to 'step over the line.'

5.9 Mr. Surman said they want to have the lower portion of the garage at the same face as the existing home. If the home is in the right place now, there should not be that big of an issue.

5.10 Chairman Duffy said that is the way that he is looking at it. The mass less than the existing structure.

5.11 Mr. Surman said that the front door is back far.

## 6.0 DECISION

6.1 Mr. Kolleng moved to recommend granting a request for an 11.08' front yard setback variation to permit the construction of a new home at 1202 Chestnut Avenue in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Robke moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-56.

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 block are such that it is unusually long. The houses on either side are closer than the established front yard setback. The property owner may make reasonable use of his property without the variation, but with the variation, the existing setbacks are maintained. The character of the neighborhood would not be altered by allowing the subject property to maintain the existing front yard setback and thus the appearance of this portion of the block.

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. There are no particular conditions of the property that impose upon the owner a practical difficulty or particular hardship. There is no hardship preventing the owner from making reasonable use of the property. The new home could be constructed without a variation and would not be substandard in any way to the home as proposed. Denying the variation does not result in a negative impact on light and air for either the subject property or the neighboring properties. Allowing this one home to be less than the required front yard setback does not improve the character of the neighborhood where the average is farther back.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for an 11.08' front yard setback variation to permit the construction of a new home at 1202 Chestnut 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. Steve Wilson, Executive Director  
Wilmette Park District

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

3.21 Ms. Roberts said that this is a request for a special use to expand an existing special use (park/playground), a special use to expand an existing special use (recreation center), a 1.0' accessory structure height variation, a 6.0' light pole height variation, and a 4 space parking variation to permit the construction of two lighted paddle tennis courts. The Village Board will hear this case on December 12, 2017.

3.22 Mr. Wilson thanked the board for their time and all that they do in their roles. At the meeting is Jerry Ulrich, Superintendent, Parks and Planning.

He summarized their application. This project was born out of public demand. There is a platform tennis facility at West Park with a warming hut and four courts. The men's program is very popular, and they have 17 teams which has caused a hardship on the league. They are unable to schedule the property number of matches. The league came up with rules indicating one court for every three teams. Everyone in neighboring suburbs has added more courts except for Wilmette and Winnetka. They are running the risk of losing teams because of this. They have 17 teams, so they must add two more courts to get to 18 teams. This has been on their radar for a few years. It was discussed by the Park Board on and off for a few years. They built this into the budget in the 2017 year. They have gotten bids and are ready to move forward.

They had information in the application that is now slightly different. They put in the application that they are another unit of government and the presumptions that go along with them holding public hearings. Their intent was to hold the public hearings, but due to staff changeover, those notices did not go out to the neighbors, so those hearings were not held. He knows that the presumptions no longer apply to their application.

They are asking to expand an existing special use because the prior special use is four courts, and this is six courts. Regarding the fence height variation, the two courts will be like the four existing courts. The same with the light pole variation. Regarding the four-parking space variation, this is a temporary issue. They have gotten lease amendments for the Com Ed property across West Park Drive. They are working with the village to install 66 more parking spaces at West Park because of paddle tennis and use of turf fields. That will be installed in the spring when the

public works project is done. He explained where the parking spots would be located.

- 3.23 Mr. Kolleng asked if they had two more pads put down when they installed the current four courts.

Mr. Wilson said there are no pads. When they were before the board for this facility, the design accounted for six courts. Those courts would have been positioned against the hut on the north side of the hut and run in the opposite direction of the existing four courts. They have now learned that the arc of the sun in the winter is quite problematic to run it north/south and they must run it east/west. Women play during the day. The two courts are removed from the facility towards the turf field. That is due to intricacies of the water main that runs through the park that allows the village to sell water to other municipalities. The original plan was to bridge it if they were going north/south, but they cannot bridge it if they are going east/west. They created a paddle island that is away from the current structure. They must stay away from the turf field and the tank that runs beneath and the water main that runs through there.

The original plan was to bridge it. But if they had to get to a main and must take down something that was preventing access, it would be a cost to the district to rebuild it. When you are going width wise vs. length wise, there is not enough span to fully bridge that need for the right of way.

- 3.24 Mr. Surman asked if there was a way to add a seventh court to the west.

Mr. Wilson said that in theory, yes. There are other places they thought of that they could have added these two courts. But that is not part of their contemplation.

## **4.0 INTERESTED PARTIES**

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

- 4.11 Mr. Frank Gusinde  
197 Mark Drive, Glenview

### **4.2 Summary of presentations**

- 4.21 Mr. Gusinde lives in Glenview. He showed where his house is located. His property is trapezoidal. He is immediately west of the four courts. He has no problem with them. The noise is more significant than noted in the report. The present units are blocked by the trees that are immediately west of the last two units on the west side. The two new units are not blocked by vegetation. There is some mention about some trees. It is not a tall tree. It is a tall bush or short tree. He is at the meeting to recommend more fast-growing trees to the west of the two new courts. It would

help in the winter by blocking the sun so that people are not looking directly into the sun.

Regarding the 66 parking stalls, they are not on the drawing, but he understands where they will go. All 66 cars will train their lights on his property and other properties along the railroad tracks. If the railroad is going to cede land to the park district, they should build a solid fence, so no lights come across the dog park and into their backyards.

Chairman Duffy asked if there is going to be a variance required for the above-referenced parking.

Ms. Roberts said no one mentioned it to her.

Chairman Duffy asked if they needed to pull permits for this work.

Ms. Roberts said they needed to pull permits.

Chairman Duffy asked if there were requirements for foliage or screening. When Loyola Academy came before the board when they were going to do parking west of Laramie, they had berms and plantings to shield it from the neighbors.

Ms. Roberts said that there are potential requirements for foliage or screening.

Chairman Duffy said that this is not within the purview of the board. He explained what the board does and that when parking comes up, it will be dealt with by engineering and village staff regarding requirements placed on them.

Mr. Gusinde asked what was going to happen in the spring regarding the parking.

Chairman Duffy said he did not know. He suggested that the neighbor write a letter to the park district and to the village, John Adler, Director of Community Development, and express his concerns. He agrees that shielding of lights is important to the enjoyment of Mr. Gusinde's property. There might be some articles written about what is happening with this project and there will be dates for possible hearings. He can then write to staff and remind them of his concerns. Maybe staff can show a plan as to how they will address the concerns. Com Ed owns the dog park in response to Mr. Gusinde's question. Mr. Wilson has the highest position at the park district. He has input as to how things are taken care of. He heard Mr. Gusinde's comments. Working with staff will make sure it's on everyone's radar.

Chairman Duffy thanked Mr. Gusinde for his comments.

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

- 6.1 Mr. Surman agreed that the courts are a necessity to meet league requirements. He can support it.
- 6.2 Mr. Robke agreed. The hardship is discussed in the letter. The area has unique zoning. He can support the request.
- 6.3 Chairman Duffy said that this is a great expansion of the special use.

**6.0 DECISION**

6.1 Mr. Surman moved to recommend granting a request for a special use to expand an existing special use (park/playground), a special use to expand an existing special use (recreation center), a 1.0’ accessory structure height variation, a 6.0’ light pole height variation, and a 4 space parking variation to permit the construction of two lighted paddle tennis courts at 3555 (3551) Lake Avenue. The use shall run with the use.

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

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

Motion carried.

6.2 Mr. Surman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-59.

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

Motion carried.

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

The Zoning Board of Appeals finds that the request meets the special use standards of Section 5.3.E and the variation standards of Section 5.4.F of the Zoning Ordinance. The proposed additional paddle tennis courts at the existing park use is consistent with the goals and policies of the Comprehensive Plan. The paddle tennis courts are located as far away as possible from adjoining residential properties. The use is not injurious to the use or enjoyment of other property in the neighborhood. The use does not impede the normal and orderly development of surrounding properties. The use does not substantially diminish

property values in the neighborhood. Adequate utilities, road access, drainage, and other necessary facilities already exist. Additional parking is proposed along the west side of West Drive. Adequate measures already exist to provide ingress and egress. The use is consistent with the community character of the neighborhood. The use does not adversely affect a known archaeological, historical, or cultural resource.

The paddle tennis courts require a tall fence for enclosure and lighting. The fence and lights are as short as they can be and still meet the requirements for use. The location of the improvements will not impair an adequate supply of light and air. The original courts and paddle tennis hut have been in operation for almost five years without negative impact to the surrounding neighbors. For the same reasons, the proposed variations will not alter the essential character of the neighborhood.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a special use to expand an existing special use (park/playground), a special use to expand an existing special use (recreation center), a 1.0' accessory structure height variation, a 6.0' light pole height variation, and a 4 space parking variation to permit the construction of two lighted paddle tennis courts at 3555 (3551) Lake Avenue. The use shall run with the use.