



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, JUNE 21, 2017

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Acting Chairman Bob Surman
Mike Boyer
John Kolleng
Michael Robke
Reinhard Schneider

Members Absent: Chairman Patrick Duffy
Christopher Tritsis

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

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

II. 2017-Z-29 447 Sandy Lane

See the complete case minutes attached to this document.

III. 2017-Z-30 424 Lake Avenue

See the complete case minutes attached to this document.

IV. 2017-Z-28 1300 Sheridan Road

See the complete case minutes attached to this document.

V. 2017-Z-27 824 Laramie Avenue

See the complete case minutes attached to this document.

VI. Approval of the May 17, 2017 Meeting Minutes

Mr. Schneider moved to approve the May 17, 2017 meeting minutes.

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

VII. Public Comment

There was no public comment.

VIII. Adjournment

The meeting was adjourned at 9:12 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. Paul DeCaen, applicant
447 Sandy Lane

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 2.0' fence height variation and a fence openness variation to permit a 6.0' tall solid fence in a side yard adjoining a street (Wilmette Avenue). The Village Board will hear this case on July 11, 2017.

3.22 The applicant said their property is unique. The backyard faces Crawford and Wilmette Avenues. The area is busy and cars move through there quickly. They moved to the Village in August 2016. Their daughter is autistic and non-verbal and does not respond to all commands. She also climbs fences. They were initially willing to deal with the low fence. But they want to make the property work for them. They are asking to build a 6' high fence that could 'corral' her. The fence is to enclose the back yard. In the area, there are a lot of 6' high fences. Most abut back yards. There are some analogous properties two doors down with 6' high fences. He is making an appeal to conformity and his request should not create a big issue.

He has notified all neighbors in the area within 250'. They will recess the fence by 2' and install shrubbery to block out the fence from view. They also had an idea of putting the fence into their current shrubbery and recessing the property on both sides by an additional 7'. That is drastic and that would take away 25% of their total back yard, which is small.

They cannot do that because they would not be able to pull their cars out and would have to change the driveway set up. He drew a map of the 4' and 6' high fences in the area and showed this to the Board. There are many 6' high fences in the area.

3.23 Mr. Robke clarified that the variance was for the fence along Wilmette Avenue, which is the side yard.

Ms. Roberts said that Hunter Road (Crawford), with the exception of the side yard adjoining Wilmette, is a fence exception area where the fences can be up to 6' tall and solid.

The applicant continued and showed properties that were similar to his.

3.24 Mr. Schneider said that the Board recently approved one of the fences that the applicant showed.

- 3.25 Mr. Robke asked for clarification about recessing the fence by 2' and moving in the shrubs. Is that applicable to Crawford or to Wilmette Avenue?

The applicant said they planned to move it in on both sides because it would look more reasonable.

- 3.26 Mr. Robke said that the Board does not have to take any action related to Hunter where they can do the 6' high fence where they have the fence now.

- 3.27 Chairman Surman said he thought that back a certain distance from the corner was required.

The applicant said that a specific 6' section transitioned down to a 4' section and continues at 4' but they are requesting that the 4' height now be 6'. He showed how he had to back out his car and turn it around to get out. Right now, they can barely accomplish this but if they take away the area and push the fence in, it would not be possible and they would need to change their driveway.

- 3.28 Mr. Robke asked how critical it was to change where the fence met the building. They are replacing the current 4' fence with a 6' fence but when it turns towards the house they are capturing the greater area.

The applicant said that this was not a big deal. He would rather replace the fence along the fence line to capture more area.

- 3.29 Chairman Surman asked if they planned to add a gate to the fence.

The applicant said that it is currently a 4' high fence with a gate. They would like a 6' high fence with a gate.

- 3.30 Mr. Schneider asked if the fence would be solid.

The applicant said it is a solid fence because she can squeeze between the posts. He is concerned that she could wedge her head or arm. She is four years old.

- 3.31 Mr. Kolleng asked if there were bushes along the Wilmette side.

The applicant said there were bushes along the Wilmette side. She still climbs with the 4' high fence. She can wedge between the bushes. There are some broken posts that she can get through.

- 3.32 Chairman Surman said his concern was safety of children outside of the area. Maybe they would bring in the fence near the entry. Maybe they could put in a mirror for better visibility.

The applicant said he was concerned about people walking by when they were exiting. He has looked into sensors.

- 3.33 Chairman Surman said one reason for the requirement for an open lower fence is for visibility. He has concerns about safety for younger children on the outside of the fence.

The applicant said he shares that concern. Would it please the Board if they open the fence more so that when the gate opens it is more open?

- 3.34 Chairman Surman said that suggestion would be acceptable.

- 3.35 Mr. Robke said that when there is foliage they don't need the fence to block the view, but opening it up as wide as possible would be best.

- 3.36 Chairman Surman said that the gate would be the same size, but they could come out a little bit.

The applicant said that this is an option and they could also open it up.

- 3.37 Mr. Robke suggested cutting back some of the shrubs.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Boyer said that the location of this property is the hardship. It is a corner side/double-frontage lot at a busy intersection. There are other 6' high fences in the area. The owner has a burden that many other residents don't have because he has a corner side/double-frontage lot at a busy intersection. There are no safety issues with sight lines to vehicles. There could be a sight line issue with pedestrians. However, the same type of issue could occur with plantings. The request is reasonable. He can support the request.

- 5.2 Mr. Robke agreed with the above comments. The hardship is the siting on the lot. His support is contingent that the new fence be in the same location as the current fence. About the driveway, he encouraged the applicant to look at the gate configuration and make it as wide as the curb cut on the parkway side to give as much buffer as they pull out. He can support the request.

- 5.3 Mr. Schneider said that the Board recently approved the fence replacement to the east of this property. The fence height was also 6'. He did not support that request, but tonight's request is more compelling. If one drives down Glenview Road to the west toward Hibbard, there are similar situations. He can support the request.

6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a request for a 2.0’ fence height variation and a fence openness variation to permit a 6.0’ tall solid fence in a side yard adjoining a street (Wilmette Avenue) at 447 Sandy Lane in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Boyer moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-29.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets request meets the variation standards of Section 5.4.F and the fence variation standards of Section 5.4.F.h of the Zoning Ordinance. The particular physical conditions of the property, its location as a corner lot and a double-front lot with the backyard along Wilmette Avenue, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the orientation of the lot. The difficulty prevents the owner from making reasonable use of their property with the safe enclosure of their backyard. The proposed variations will not impair an adequate supply of light and air to adjacent properties or otherwise injure other properties and its use. The variations if granted will not alter the essential character of the neighborhood.

The fence secures the backyard from Wilmette Avenue and Hunter Road, both of which are busy streets at a busy intersection. Other such fences exist in the area including a fence that was granted a variation for a house directly east of the applicant. Hunter Road is a fence exception area where 6’ tall solid fences are permitted and already exist.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 2.0' fence height variation and a fence openness variation to permit a 6.0' tall solid fence in a side yard adjoining a street (Wilmette Avenue) at 447 Sandy Lane in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Ms. Shannon Page, applicant
424 Lake Avenue

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 120.95 square foot (22.4%) rear yard pavement impervious surface coverage variation to permit the expansion of the existing legal non-conforming driveway. The Village Board will hear this case on July 11, 2017.

3.22 The applicant said that this is a unique situation. They bought their home two years ago. One of the previous owners built a garage and driveway in the back of the property. They made the driveway unusable. There is a huge berm that is a large planter. Their lot is a tear drop lot. One enters the garage in the back through the alley. They knew when they bought the house that an unusable driveway was a drawback and something that they understood was fixable. They have a small child and another child on the way. They have not been able to use the driveway in two years. To back down or pull into the driveway is hard. It is a narrow chute. There is a huge cutaway that makes getting into the garage very difficult. They are asking to widen the driveway to the same width as the garage door.

3.23 Chairman Surman asked if the driveway was initially the garage door width and then previous owners added a planter.

The applicant said that previous owners constructed the driveway in its current configuration, which makes no sense. They will shave the current concrete planter in half. The grading will stay the same. They noticed the neighbors and one of the neighbors is at the meeting. They received comments from neighbors that they support the request. It is not safe to pull into the driveway. There are a lot of small children up and down the alley. The applicants either park on 5th as there is no parking on their portion of Lake or they park on a side pad adjacent to that spot so they are trying to force two cars onto the pad. One car hangs into the alley, which is not a good situation.

The request will not impair light or air. It does not impact any neighbors. According to their contractor, this is a simple process. The current driveway has cracked and broken concrete that will be removed and replaced. They will put foliage in the planter.

3.23 Mr. Robke asked if there are two trees in the planter.

The applicant said there were two trees and Com Ed took down the trees. They plan to landscape the planter.

- 3.24 Mr. Kolleng asked if this was considered a rear yard for purposes of impervious surface.

Ms. Roberts said that it is a rear yard.

- 3.25 Mr. Schneider asked if they ever tried to park two cars.

The applicant said that this cannot be done. When one backs down the berm comes up so high that there are no sight lines. She knows of no houses by them that have this same garage configuration. There is access to the house from the garage but they currently cannot use this.

- 3.26 Mr. Boyer asked where the interior garage access was located.

The applicant said that the access was in the basement. They built the garage off the house and put a deck above it.

- 3.27 Chairman Surman asked if there was a problem with water getting in there.

The applicant said they have no water issues. The construction company looked at it and said that there is a French drainage system at the bottom. The drainage system is good and recommended that it be left in place. There is a drain and sump pump inside the garage.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

- 4.11 Ms. Ann Lancer
915 Sheridan Road

4.2 Summary of presentations

- 4.21 Ms. Lancer said she lives directly across the alley. She is in full support of the request. Their garage is not usable.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Kolleng said that this is a unique lot design in the backyard. There are a lot of impervious surface issues but this situation is not like most other situations reviewed by the Board. He missed it when he first drove by and had to go around again and was stunned when he saw the driveway and how it was blocked. The

hardship is the planter that prohibits them from using the garage. The proposal makes sense to him. The standards of review are met and he can support the request.

5.2 Mr. Boyer said it looks like this was not original to the house. The house needs a garage and the current garage is not usable. The proposal corrects a design issue from an addition to the house. There is no other location for the garage. If they demolish the garage and put it in another area, more variances would be needed. He can support the request.

5.3 Mr. Schneider said that this is a compelling case to approve this variation request.

5.4 Mr. Robke said if they were to get water it would go into their house.

6.0 DECISION

6.1 Mr. Kolleng moved to recommend granting a request for a 120.95 square foot (22.4%) rear yard pavement impervious surface coverage variation to permit the expansion of the existing legal non-conforming driveway at 424 Lake Avenue in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Boyer moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-30.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the irregular shape of the lot and the location of the garage below grade, impose upon the owner a particular hardship. The plight of the owner was created by the owner and is due to the unique development of the lot and siting of the garage. The hardship is peculiar to the property in

question and is not shared by others. The hardship prevents the owner from making reasonable use of the property with a functioning and safe two-car garage. The proposed variation will not impair an adequate supply of light and air. The rear yard is mostly impervious surfaces now so the modification will not negatively impact adjoining properties with water problems. The variation, if granted, will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 120.95 square foot (22.4%) rear yard pavement impervious surface coverage variation to permit the expansion of the existing legal non-conforming driveway at 424 Lake 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. Julie Kramer, applicant
1300 Sheridan Road

3.12 Mr. Harry Kramer, applicant
1300 Sheridan Road

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 642.25 square foot (24.95%) front yard impervious surface coverage variation and a variation to permit parking spaces in a required front yard to allow the expansion of the existing legal non-conforming driveway. The Village Board will hear this case on July 11, 2017.

3.22 The applicant said they have lived in the house for seven years. Her husband works out of their home a lot and they have five children. The driveway is a problem. They want a safer driveway. If there are other cars around they cannot turn cars around and it is hazardous. Sheridan Road is a busy street. It is difficult to look behind if one is backing out. They also need an area for people to sit while dropping things off at their home. People cannot park nearby on the street.

She thought about different options when she was creating the design. The easiest solution was to get two lanes going in and out. Her neighbors either have abundant parking behind the house or someplace else or they have two lanes or a circular drive. Her solution was to have a wider driveway that would accommodate two cars and there would be the flow of traffic coming in and out of the two garages. She did not create this problem. The lot is short and narrow. It is only 50' wide. Traffic is an issue and is not an issue in other locations even locations on Sheridan Road. She does not have access to side streets like others have. They are not impacting light and air.

3.23 Chairman Surman asked about the new house to the north.

The applicant said that there is a new house two houses to the north of her house. It is a wider lot. The two houses to the north of her house have ample parking and two ways in and out.

3.24 Mr. Schneider asked if they would have to widen the curb cut.

The applicant said she did not think they would have to widen the curb cut. It is almost two lanes wide.

- 3.25 Mr. Kolleng said he noticed that the grass in the back yard is worn down. Do they back out onto Sheridan Road?

The applicant said she does not back out onto Sheridan Road. She turns around to get out. Some people back out and it is a safety hazard to do this.

- 3.26 Mr. Schneider asked if they planned to reconstruct the entire driveway if the request is approved.

The applicant said they would reconstruct the entire driveway. She said that snow builds up a lot on the driveway so she wants a heated driveway so that is no longer a problem.

- 3.27 Mr. Schneider asked if she considered a permeable surface driveway.

She said that she has not spoken with anyone who has said that is possible with a heated driveway. They don't have a lot of runoff. She wants to solve the problem of a lot of snow piling up.

- 3.28 Mr. Boyer asked Ms. Roberts about the reason for having the curb cut from existing construction to the north instead of having a straight shot from the garage to Sheridan Road. Was it too close to Michigan Avenue? Too close to the sidewalk?

Ms. Roberts said she does not know the history of the property.

- 3.29 Chairman Surman said he thought that Michigan Avenue probably went straight into it and then they built out the berm at some point.

The applicant said that was done before they moved in.

- 3.30 Chairman Surman said he is not as concerned about the impervious surface coverage. It is more a second issue about the parking in a front area. The zoning ordinance does not allow parking spaces in the required front yard.

- 3.31 Mr. Robke said he is also troubled about parking in the required front yard. The safety issue has to do with the number of cars parked there. Would she consider not widening the driveway until they got onto the property?

- 3.32 Chairman Surman said he would prefer seeing a little more impervious in that area and make it more of a court.

- 3.33 Mr. Robke said he is hearing that the reason for widening the drive is to park cars there. There is no street parking in that area. He suggested moving it back towards the building so it is not visible by the street. If the back area was larger they could accommodate the cars. He does not want to see the parking area from the public right of way.

- 3.34 Chairman Surman said if they pull out of the garage they might not be able to gain that much.
- 3.35 Mr. Robke said that the issues of safety have to do with cars parked in the front yard setback. To allow more cars to park there is not good.
- 3.36 Chairman Surman asked if they had considered this option?
- The applicant did not consider that option because she would then have no yard at all. The two lanes seems to work for others.
- 3.37 Mr. Robke said that the only reason for double width is to park a car and still get out.
- The applicant said that happens all the time with other residents. In order to not have cars there they would have to go down to Elmwood, over to Michigan and all the way up. Most of the time they park on the street. She knows that the Village does not want to have people parking on the driveway. The issue is with turning around. They park way over in the grass now and cars are still in the way. It does not solve the problem to have more space in the turnaround. People park in the middle.
- 3.38 Mr. Schneider asked about capacity of the new scheme. How many cars will they be able to park?
- The applicant said they would be able to park 1 to 2 cars outside the garage.
- 3.39 Mr. Boyer clarified that the applicant did not build the house and did not put in the driveway. The builder did this for a reason – what is the reason? It would make more sense if the driveway was two-car-garage width and to pull out or in in a straight line.
- 3.40 Chairman Surman said in the planning they probably thought that one might get a look at the lake when driving up.
- 3.41 Mr. Boyer said that with a front-loaded garage in a typical build the driveway is the width of the garage to the street with an apron.
- 3.42 Mr. Schneider said that 50' lots do not have 20' driveways to the back.
- 3.43 Chairman Surman said that his understanding was that if they had a two-car garage they can park two cars and the area behind is the driveway. On a 50' lot they could have 18' driveway. He talked about having an hourglass shape.
- 3.44 Mr. Boyer said that would be 1,500 square feet versus 1,605 square feet. There is a configuration that probably has more impervious surface than what the applicant is

asking for – if it was a straight shot. The garage is front loaded because there is no side drive or alley access. They cannot have a side drive due to rear yard topography. There are challenges with this narrow lot on the lake.

- 3.45 Mr. Robke said that to him the issue is not impervious area, but the front yard parking. Making the driveway wide puts cars against the sidewalk.
- 3.46 Chairman Surman said he looked at other houses on Sheridan Road. One can have a u-shaped house or go into the garage and make the u and the car could be parked next to the sidewalk.
- 3.47 The applicant reiterated that the situation is dangerous. With a big house, a lot of cars come and go.
- 3.48 Chairman Surman asked how many cars the family had.

The applicant said they have three cars and one is always on the street. But her husband has clients coming and going. The cleaning lady parks on the street. She needs two lanes to get in and out.

Mr. Kramer said that his wife has spent a lot of time to find the best solution. They have five children and four of them now drive. During the summer, their two college students are home so they are driving. He is a professor at NU and students come over every day. He talked about how hard it was for people coming over to find parking. He is sensitive to the risk of hurting someone. They are blessed to be in the house but backing up is dangerous. They moved into the house seven years ago. They initially thought the situation was dangerous, but they only had one child driving. The fifth child is in driver's ed and will soon be driving. He wants to do what is reasonable but is concerned about safety. He supports what his wife is proposing. The Board has to do what they have to do.

- 3.49 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 he is sympathetic to the unique situation. He asked Ms. Roberts if the 642 square feet was the incremental increase resulting from the request.

Ms. Roberts said that is the whole amount over the maximum. They are over with the existing.

- 5.2 Mr. Boyer said that 394 square feet is the net ask and the gross is 642 square feet.

- 5.3 Mr. Schneider continued and said that he is concerned about water runoff in the Village. When that can be minimized he is in favor of that. In tonight's case, the applicant said they would tear out the current driveway and install a heated driveway, which makes the entire driveway impervious. He wished that there was another solution. He does not know if there is. He does not want to see an increase in impervious surface. That is his issue.
- 5.4 Mr. Kolleng said he looks at this in two parts. The first is expanding the existing area closest to the garage to allow more ease in turning around. He has no issue with that portion. Widening the drive by 8' to allow parking will create more of a safety issue. People will pull in and back out. That is problematic for him. In past cases that are similar, the Board has usually denied the request. He has a problem supporting the front yard parking piece of the request.
- 5.5 Chairman Surman asked if Mr. Kolleng pulled into the driveway.
- Mr. Kolleng said he backed in.
- 5.6 Chairman Surman said he felt disoriented pulling out.
- 5.7 Mr. Robke said there are three issues. He knows that there is a safety concern and that they need to park more cars there. This is a unique site with Michigan Avenue and no parking. He can support more impervious area, but is concerned about widening the drive beyond what is on the public side of the curb cut of the sidewalk. He could support the request if there was a buffer of the original driveway with current landscaping in the front. Without the impervious area, they cannot get parking and the ability to get in and out. There is a hardship given lack of parking in the area. It is not unreasonable to say they can park more than two cars for a house of this size on the lake. He wants the driveway kept at its original length. Cars parked there add to site line concerns and safety issues. The goal is not to have cars parked in the front yard.
- 5.8 Chairman Surman clarified that Mr. Robke would increase it more than what they are showing.
- 5.9 Mr. Robke said that the ask with regard to impervious area is not unreasonable given the task. His issue is with the variation to permit parking, which is being created with the proposed configuration of the driveway so close to the sidewalk.
- 5.10 Chairman Surman said that by parking the cars on the side if they widen it, those cars have to experience backing up.
- 5.11 Mr. Robke said that the goal is not to see the cars. The house is nicely landscaped. He wants to keep parking in the landscaped area.

- 5.12 Chairman Surman said that currently they are requesting over 30' out from the garage. Is Mr. Robke saying he would accept that number or increase that number?
- 5.13 Mr. Robke said he would not have an issue with a slight increase to the 30' number. He would shift impervious from the driveway to get the shape right.
- 5.14 Mr. Boyer said that where the builder made the driveway and where he sited the house seems like a design error.
- 5.15 Mr. Robke said it might not be a design error but an evolution where people have more cars today than in the past.
- 5.16 Mr. Boyer said there is a way to have more of a flag-type layout. Having a single lane drive in this location was not the best design. There is no street parking anywhere for this family and this is unique.
- 5.17 Chairman Surman said if this was a new house, the driveway would go over to the south.
- 5.18 Mr. Boyer said if the driveway was reconfigured there would be parking in the front yard. Either way there will be parking in the front yard and either way there is no street parking. The proposal is not the best correction, but there needs to be some relief. The ask is not that big. The Board has to weigh private property rights with the ordinance. This is a reasonable request.
- 5.19 Mr. Kolleng asked if they were going to guarantee backing out by widening this. Pulling forward is not an issue.
- 5.20 Chairman Surman said if cars are stacked the last car would back out. This is pushing the issue further along the driveway.
- 5.21 Mr. Kolleng said they don't back out now – they turn around.
- 5.22 Chairman Surman said if there are two cars in the garage and they need to back out, even if they added 10 more feet, there would not be enough room to make that turn.
- 5.23 Mr. Schneider said that if there are two cars in the garage and two cars in the court that still leaves room for the cars in the garage to come out. If there are two cars in the widened driveway, that is four cars. Can't the cars turn into the apron, back up and make a three-point turn to come out?
- 5.24 Mr. Robke said an area would need to be squared off more. There could be a more efficient way to do this without widening the driveway.
- 5.25 Mr. Schneider asked the capacity they are designing for. After discussion, it was determined they are designing for six cars. He does not see that issue as such a big

deal and is more concerned about the impervious surface. Runoff would increase and flooding is an issue in the Village.

- 5.26 Chairman Surman said that the property probably slopes to the back.
- 5.27 Mr. Schneider asked if the Village would review/monitor plans to ensure they do not increase the runoff situation. He could support this if runoff was mitigated. It is a unique situation.
- 5.28 Chairman Surman also wants to solve the safety issue at the same time. If the court was larger there could be more spaces on the court. This is a difficult situation.
- 5.29 Mr. Schneider asked if any mitigation to runoff is reviewed.
- Ms. Roberts said that it could be done in this case. It does not need to be added to the motion.
- 5.30 Chairman Surman said impervious surface does not bother him, but extending the safety issue and having to back out is a concern. But something has to be done. If it was designed new there probably would be a parking court.

6.0 DECISION

- 6.1 Mr. Schneider moved to recommend granting a request for a 642.25 square foot (24.95%) front yard impervious surface coverage variation and a variation to permit parking spaces in a required front yard to allow the expansion of the existing legal non-conforming driveway at 1300 Sheridan Road in accordance with the plans submitted.

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

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

Motion failed.

- 6.2 Mr. Boyer moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-28.
- 6.21 Mr. Robke seconded the motion and the voice vote was all ayes and no nays.

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

A majority of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. There are no conditions of the property that are creating a practical difficulty or a particular hardship. There may be an alternative that provides more coverage and maneuvering room closer to the house so that widening the driveway and having parking spaces by the sidewalk is not necessary.

A minority of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the lot, the relatively narrow lot width, the location of the driveway on the lot, and the property location on Sheridan Road where Michigan Avenue comes in, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to unique circumstances. The difficulty is peculiar to the lot in question and not generally shared by others. The difficulty prevents the owner from making reasonable use of the property with safe and adequate parking and egress from the property. The proposed variations will not impair an adequate supply of light and air to adjacent properties. The request will not result in a storm water problem for adjacent properties. The variations, if granted, will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 642.25 square foot front yard impervious surface coverage variation and a variation to permit parking spaces in a required front yard to allow the expansion of the legal nonconforming driveway at 1300 Sheridan Road in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Ms. Maria Tak, applicant
824 Laramie Avenue

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 95.9 square foot (7.15%) front yard impervious surface coverage variation and a 127.48 square foot (15.78%) combined side yard impervious surface coverage variation to permit the widening of the existing driveway. The Village Board will hear this case at their July 11, 2017 meeting.

3.22 The applicant wants to widen their current 8' driveway and extending it to a 13' width. They have lived in the home for four years. They now have funds to repair the cracked and damaged driveway. Due to the narrow width, it is an inconvenience and a safety issue. Her mother will be having knee surgery and will move in with them. They will need more room to get out of the car to have access to a wheel chair or walker. When the weather is bad, one has to step onto soil to get out of the car and her mother slipped. She asked the Board to approve driveway width expansion even if it was not at the requested 13'.

3.23 Mr. Boyer asked if the width did not have to be 13'.

The applicant said they want to take advantage of their space if possible.

3.24 Mr. Schneider clarified that they want to expand the driveway from the edge of the house to the edge of the property line for the whole length of the driveway.

3.25 Chairman Surman said that the reason for ordinances is so that people do not add too much impervious area.

Ms. Roberts said that the driveway could go all the way to the lot line and no setback is required.

3.26 Chairman Surman said 13' is a big ask. More pavement can mean more flooding.

3.27 Mr. Robke said if there is an issue of loading and unloading, the whole driveway does not need to be done. A 5' section could be widened all the way to the property line so one does not go onto wet soil. Or maybe the section could be 10'.

3.28 Mr. Boyer said if they are only doing a section they might not need a variance.

The applicant asked if they could extend it from the start of the garage to the front of the house.

3.29 Chairman Surman asked how much over they were on impervious.

Ms. Roberts said they are over by 95 square feet in the front.

The applicant said the variation request is 127 square feet in the back.

3.30 Mr. Boyer said there is a dark outline on 1.4. That is part of impervious surface.

Ms. Roberts said that is part of the plan but does not count as coverage. It is in the buildable area.

3.31 Chairman Surman said that the whole property is 128 feet long. The driveway would be at least 100 feet long.

3.32 Mr. Boyer said that the driveway from garage to sidewalk is 101.21 feet.

3.33 Chairman Surman said that the front yard is 30' and existing driveway is 8' and they want to go 13' so it is 150 square feet. They would have to narrow the front down and make the request half to make it work right. The original request is 95 square feet so they would have to take 3' off width so they would be down to 10' wide in the front section and there would be no variance needed.

3.34 Mr. Boyer said that the rear area brings in the side yard impervious surface issue, which is another 71 square feet.

3.35 Chairman Surman said that the length is 127 feet. If they took 2' off the whole thing they might not need a variance. They would have an 11.5' area. There is some combination that would work without requiring a variance. They could go from 10' and could continue that and fill up that area along the house and put more area in the back.

3.36 Mr. Robke clarified the above for the applicant. The side yard is a little trickier but if they widened the area by the house it could work and a variance would not be needed. The side yard is to the south when going from the front of the building to the property line.

3.37 Mr. Boyer said that the Board is revising the plan at the meeting. Is there a way to amend the request?

3.38 Mr. Robke said that an amended request as discussed would not require a variance.

3.39 Mr. Schneider asked if they would vote on the original request and then the revised request would not need any variances.

- 3.40 Mr. Boyer said there is a potential for alternatives that would not require variances. The original request would not be supported.
- 3.41 Chairman Surman drew a plan with the front area being 10' and then they would go back a certain distance in the back. The line on the south side would stay straight and widen it in the back. That is one option.
- 3.42 Mr. Robke said they could move the wider part somewhere else.
- 3.43 Chairman Surman said that the applicant would work with staff to stay within the code so no variances would be needed.
- 3.44 Ms. Roberts said she would meet with the applicant to see if the plans could work without any variances. If it can work, the request can be withdrawn from the Village Board.
- The applicant agreed to work with staff.
- 3.45 There was no one in the audience to speak on this case. There was no additional communication on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Boyer said that there is most likely a solution that accommodates the applicant and eliminates the need for a variance, he will not support the request but encouraged the applicant to move forward with a conforming plan.
- 5.2 Mr. Robke agreed with the above.
- 5.3 Mr. Kolleng said it looks like they can do front yard impervious surface within the code and if they needed a smaller side yard variance the Village Board would probably look favorably upon this. He cannot support this as presented.

6.0 DECISION

- 6.1 Mr. Boyer moved to recommend granting a request for a 95.9 square foot (7.15%) front yard impervious surface coverage variation and a 127.48 square foot (15.78%) combined side yard impervious surface coverage variation to permit the widening of the existing driveway at 824 Laramie Avenue in accordance with the plans submitted.
- 6.11 Mr. Robke seconded the motion and the vote was as follows:

Acting Chairman Bob Surman	No
Chairman Patrick Duffy	Not Present
Mike Boyer	No

John Kolleng	No
Michael Robke	No
Reinhard Schneider	No
Christopher Tritsis	Not Present

Motion failed.

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-27.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. There are no particular conditions of the property that are causing a practical difficulty or particular hardship. A conforming alternative likely exists. The owners are able to make reasonable use of the property without the variation.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 95.9 square foot (7.15%) front yard impervious surface coverage variation and a 127.48 square foot (15.78%) combined side yard impervious surface coverage variation to permit the widening of the existing driveway at 824 Laramie Avenue in accordance with the plans submitted.