



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, AUGUST 16, 2017**

**7:30 P.M.**

**COUNCIL CHAMBERS**

---

**Members Present:** Chairman Patrick Duffy  
Mike Boyer  
Michael Robke  
Reinhard Schneider

**Members Absent:** John Kolleng  
Bob Surman  
Christopher Tritsis

**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-35 1334 Wilmette Avenue**

See the complete case minutes attached to this document.

**III. 2017-Z-37 1215 Washington Avenue**

See the complete case minutes attached to this document.

**IV. 2017-Z-36 112 Lawndale Avenue**

See the complete case minutes attached to this document.

**V. 2017-Z-39 1006 Michigan Avenue**

See the complete case minutes attached to this document.

**VI. 2017-Z-38 1187 Wilmette Avenue**

See the complete case minutes attached to this document.

**VII. Public Comment**

There was no public comment.

**VIII. Adjournment**

The meeting was adjourned at 8:46 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 speaking on behalf of the applicant**

3.11 Mr. Robert Frankel, applicant

**3.2 Summary of presentations**

3.21 Mr. Frankel requested that the case be continued to the September 6, 2017 meeting when more board members might be present.

**6.0 DECISION**

6.1 Mr. Boyer moved to continue the case to the September 6, 2017 meeting.

6.11 Mr. Schneider seconded the motion and the voice vote was all ayes and no nays (Messrs. Kolleng, Surman, and Tritsis were not present).

Motion carried.

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

**3.1 Persons speaking on behalf of the applicant**

3.11 Ms. Bridget Corcoran, applicant

**3.2 Summary of presentations**

3.21 Ms. Corcoran requested that the case be continued to the September 6, 2017 meeting when more board members might be present.

**6.0 DECISION**

6.1 Mr. Boyer moved to continue the case to the September 6, 2017 meeting.

6.11 Mr. Schneider seconded the motion and the voice vote was all ayes and no nays (Messrs. Kolleng, Surman, and Tritsis were not present).

Motion carried.

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

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

3.11 Ms. Michelle Miller, applicant

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

3.21 Ms. Roberts said that this is a request for a 407.7 square foot (16.99%) front yard impervious surface coverage variation to permit the retention of a patio and walk on the legal non-conforming structure. The Village Board will hear this case on September 12, 2017.

3.22 The applicant submitted photos and letters of support. She and her husband are requesting this variance. They have lived in their home since 2013. The picture packet includes a photo from Zillow of what the property looked like when they bought the home. It included a stone pathway and a perimeter ring around a tree at the front of their house. They did not think that it was attractive so earlier this summer her husband removed the stonework, tree, and tree roots so they could create a seating area that would allow them to enjoy the view and interact with neighbors. They did not understand that a variance would be required or they would have asked for a variance right away. A professional landscaper added the pavers on sand to allow drainage. There have been no issues with runoff. Their intent in making improvements was to improve the function and aesthetics of the home. She apologized for not following the process. They have a great deal of green space and want to do more plantings. They cannot finish the project until certain issues are resolved. She would appreciate a favorable vote and that they can keep what they have already done on the site. She asked that the process, itself, not to be held against them.

3.23 Mr. Robke asked if the contractor gave the applicant a drawing.

The applicant said her husband spoke with the contractor and they described what they wanted. There were no plans. The applicant said that they wanted a small 8' area and pathway.

3.24 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 drove by the site and had to look closely to find the patio from the street. It is about 9' in diameter of 75 square feet, which is small compared to the incremental impervious surface coverage that already exists because of the driveway and the walk to the front door and from the adjacent driveway. While the

Board does not like to do things after the fact, these things happen. The installation is fairly insignificant and he can support it.

5.2 Mr. Boyer said that the Board has seen this type of situation many times when residents install something without getting approval. Usually the Board votes against applicants who do not initially apply for a permit. He knows that the applicants were not trying to 'pull a fast one' but it is beyond the purview of the Board in terms of what they can do. Usually the Village Board decides on these decisions.

5.3 Chairman Duffy said that there was no worksheet with this case and was wondering why they are so far over in front yard impervious surface.

Ms. Roberts said they usually do not do a work sheet for impervious surface. The driveway is 758 square feet. The stoop is 12 square feet. The existing walk to the side is 12 square feet. They are adding more impervious surface.

5.4 Chairman Duffy said that this house has a two-car attached garage with a front yard loaded access. If this would have been an application before the work was done, how would the Board have viewed this? They might have asked for a reduction. Does the installation fit in with the neighborhood? Do other people have patios in front of their houses? Some people have porches. Will approval of this request set a precedent? And then the Board should consider that this was an after the fact request and trying to get approval after the installation.

5.5 Mr. Boyer said that if the applicant had come to the Board prior to installation, the Board probably would have asked for a reduction for the walk and/or the patio.

5.6 Mr. Robke said that 17% is a large ask.

5.7 Chairman Duffy asked if the walk counted as the patio or is only the circular piece the patio.

Ms. Roberts said that there are two parts to the walk in addition to the patio.

5.8 Chairman Duffy noted that the walk goes across the front yard.

Ms. Roberts said they calculated the walk across the front and then there is a piece connecting it and the patio. They did not count the existing stepper.

5.9 Chairman Duffy said that they are 1.2% over for the patio surface coverage and asked the square footage of the patio section and walk.

Ms. Roberts said that the patio addition in its entirety is 345 square feet.

- 5.10 Chairman Duffy said it is not a huge change. As Mr. Schneider said, you can barely see it and it is not impacting the neighborhood. When you look at the application, it is 17% over on front yard. He had a struggle with this request. If they would have come in prior to the installation, the Board would have asked for a reduction somewhere.
- 5.11 Mr. Schneider referenced the math on 1.4 and asked questions of Ms. Roberts. He said if added up the square footage, he gets 160 square feet.
- Ms. Roberts said staff calculated the north/south walk at 21.5' long by 3' wide, which is 64.5 square feet. The small walk connecting to the patio is 12 square feet. The patio shows 9' across one way and 9.5' across the other, so staff used a diameter of 9.25'. The calculation used 9.5' in radius, so the correct area of the patio should be 67.31 square feet, not 268.8 square feet. The variation numbers should be updated for that correction.
- 5.12 Chairman Duffy said that if the number is changed then there is no issue with the patio.
- 5.13 Mr. Schneider said that the front yard impervious surface coverage variation is reduced.
- Ms. Roberts said that the variation request would be 206.2 square feet which is 8.59%. The front yard patio coverage variation goes away.
- 5.14 Chairman Duffy said that they are now 200 square feet over which is about 8%. He is not sure if the fence is or is not significant or how the Board would have dealt with it if it had come before the Board prior to installation.
- 5.15 Mr. Boyer said that the request is rather small now that the calculation was changed.
- 5.16 Chairman Duffy asked if the installation fit into the neighborhood – having a patio in the front yard – and is there a hardship. He does not know if there is a hardship. What is the hardship? The tree? That the driveway is too wide? The shape of the lot? It would be tough and if this came before the Board prior to installation he thought that there would be a split vote.
- 5.17 Mr. Schneider said that of the 206 square feet, the circular patio is 75-80 square feet or less than ½ of the variation. The Board is not happy when situations like this come after the fact. The hardship could be that they would have to take out the installation. That must be weighed.
- 5.18 Chairman Duffy said that if there is a negative recommendation, the Village Board could overturn the recommendation and they could vote in favor of the request because it is already installed and the request is not significant. This case is like treehouse cases. The Board would almost always say no to treehouses because it

did not fit into the zoning code. The Village Board would overturn the recommendation if the request met the standards of review.

- 5.19 Mr. Boyer said that there are articles written about the lack of pulling permits in large construction projects. It is not within the Board's purview to grant the request when it is the Village Board's decision to grant the request when procedures are not followed. That has been the directive given to the Board from the Village Board.
- 5.20 Mr. Robke said if you go through the ordinance and criteria, the fact that it has already been built is irrelevant to the Board. This is the Board's jurisdiction or area of enforcement. Work done without a permit is not part of this Board. The job of the Board is to approve or not approve the request from a zoning perspective.
- 5.21 Chairman Duffy said that the request must meet the standards of review.
- 5.22 Mr. Boyer said that Mr. Robke's comments pose an interesting point of view.
- 5.23 Mr. Schneider said that the Board's job is not to just push it off to the Board, but to make Board members' views known considering the circumstances.
- 5.24 Mr. Robke said that the comment someone made about the hardship of ripping up the installation is irrelevant to the Board.
- 5.25 Mr. Schneider said if they had come to the Board ahead of time asking to build the small patio in the front yard which would increase impervious surface coverage by 80 square feet, which is 3.5%, excluding the walk, which is a reasonable request.
- 5.26 Chairman Duffy said that the Board is going through a lot of 'what if' scenarios.
- 5.27 Mr. Boyer said he did not drive around back and asked if the alley is not open.
- 5.28 Chairman Duffy said that the alley is not there and was vacated many years ago. Everyone accesses their lot off the front. The practical difficulty on this lot is that the site is not serviced by an alley and the garages either should be attached in the front or there will be a side drive leading to a garage somewhere in the middle of the lot. They are in the middle because the lot is so long. If there was an alley and there was a garage, the impervious surface would go away and the house would be designed differently if there was an alley. Driveways in the front add a lot of impervious surface. It is a practical difficulty to not have an open alley.
- 5.29 Mr. Boyer does not agree with the above comments regarding hardship.

## **6.0 DECISION**

- 6.1 Mr. Schneider moved to recommend granting a request for a 407.7 square foot (16.99%) front yard impervious surface coverage variation to permit the retention

of a patio and walk on the legal non-conforming structure at 112 Lawndale Avenue in accordance with the plans submitted.

6.11 Mr. Boyer seconded the motion.

6.2 Mr. Schneider moved to recommend granting a corrected request for a 206.21 square foot (8.59%) front yard impervious surface coverage variation to permit the retention of a patio and walk on the legal non-conforming structure at 112 Lawndale Avenue in accordance with the plans submitted.

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

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

Motion failed.

6.3 Mr. Boyer moved to authorize the Chairman to create the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-36.

6.31 Mr. Schneider 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 size and the condition of not having an alley, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the circumstances of the lot. Without an alley, the driveway necessarily must be in the front yard, limiting the available coverage for other improvements. 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 an outdoor seating area. The lot size is large enough that the impervious coverage overall is reasonable. The proposed variations will not impair an adequate supply of light. 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.

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, the owner created their own plight by completing the work without approval. There are no conditions of the lot that necessitate a variation to allow the proposed coverage. The owners have a deep lot where such outdoor space could be located in the backyard without any zoning issue.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a corrected request for a 206.21 square foot (8.59%) front yard impervious surface coverage variation to permit the retention of a patio and walk on the legal non-conforming structure at 112 Lawndale 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. Matt Rogers, zoning consultant  
Kettlekamp & Kettlekamp Landscape Architecture
- 3.12 Ms. Claire Kettlekamp, designer  
Kettlekamp & Kettlekamp Landscape Architecture

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

- 3.21 Ms. Roberts said that this is a request for a 2.5' fence height variation to permit the construction of a 6.5' tall fence in the front yard. The Village Board will hear this case on September 12, 2017.
- 3.22 The consultant said they are requesting a fence height variation. The owners want to install a 6.5' high wrought iron fence to increase security and privacy, to prevent unauthorized public access to the lake, and to provide more safety for a backyard pool. The 4' fence provides some level of security. The taller fence provides more of a deterrent. The fence would be landscaped. The fence is made of a high-quality material consisting of wrought iron panels and four masonry piers. The piers are 2' square and will also stand 6.5' tall. They will flank two access points to the property – one for the front entrance to the house and the second for a driveway to the south. All piers are set back 3' from the side property line to comply with Village zoning requirements.

He understands that when one is applying for a variation, they should attempt to lessen the impact of the request. Their goal is to comply with the comprehensive plan and to maintain the character maintained by the residents. They have spoken with neighbors along the property line. Ms. Roberts got two letters from neighboring properties – one to the immediate north and one that is two houses south. They have verbal approval from the neighbor to the immediate south.

The fence will not adversely impact neighboring properties and is not out of character with the neighborhood. There are several properties in the immediate areas with similar style fence and of similar heights. The Wilmette Water Plant has an 8' high fence and this is in the immediate area. 1001 Michigan has a 4' high fence that sits on an 18" wall. The immediate neighbor to the south, 1004 Michigan, has a 7.5' fence, and 1112 Michigan has a 6' gated entrance.

The proposed fence is located approximately 11' to 16' from the front property line. They are providing openness and creating a small garden between the pedestrian sidewalk and the fence. The fence should be visible three months of the year. The initial small plants will blend with existing arbor vitae hedge row behind the fence.

The property previously had 25' arbor vitae almost at the property line with a 6' cotoneaster in front of that.

The proposed fence and landscaping will be more welcoming in the neighborhood. The requested variation meets the standards of review. He has addressed all standards in his document.

- 3.23 Mr. Boyer asked how far back the fence would be set.

The consultant said that the property line is not square to the fence. At the south end, it is 11'3" and at the north end it is over 16'.

- 3.24 Mr. Boyer asked about relative height in relation to where one is standing.

The consultant said different people have different impressions about that. It depends on the height of the person. They believe that the softening of the fence with landscaping will create a tiered level up to the fence and people should not feel as encroached upon.

- 3.25 Mr. Schneider asked if there was any evidence about a security issue. On Elmwood Avenue, which is two blocks to the north, there is public access to the beach. To the north, all the way from the subject property to Sheridan Road, on either side there are no fences. Have people traversed private property to get to the beach?

The consultant said that the people who own the property are of some level of prominence. He understands that zoning does not concern itself with the people who live in the house. But they want some level of additional security for residents of the house.

- 3.26 Chairman Duffy asked if fencing went all the way around the property.

The consultant said fencing would go around the entire property and across the beach end as well.

- 3.27 Mr. Robke asked if the hardship is the prominence of the owners.

The consultant said that is part of the hardship.

- 3.28 Mr. Robke asked about other hardships.

The consultant said that the need for security is a hardship but he is cognizant that zoning is land use and not always people. They have taken the accommodations that they can to lessen the impact of the request.

- 3.29 Mr. Robke said he is trying to understand what puts the case within the Board's purview and hardship is an issue.

The consultant said that the primary hardship is to provide security and privacy that they are seeking.

- 3.30 Mr. Schneider referenced one of the drawings and noted that the red line represents the proposed fence. What about the fence that will encompass the entire property?

Ms. Kettlekamp said that there is a fence along the north property line, 6' from the rear side yard and along the south. The neighbor has a 7.5' side yard fence.

- 3.31 Chairman Duffy asked if the plan was to connect to that 7.5' fence on the south.

Ms. Kettlekamp said that was correct.

- 3.32 Mr. Schneider asked about the structure by the lake.

Ms. Kettlekamp said that is a beach pavilion. On the 4<sup>th</sup> of July, people tried to exit via the property.

- 3.33 Chairman Duffy clarified that the codes for fences in the Village apply to all lots and are not different for individual zoning districts.

Ms. Roberts said that is correct. However, the area being discussed does allow for larger pillars. But fence height and openness is the same throughout the Village.

- 3.34 Mr. Robke asked at what point does the height provide the added security?

The consultant said that if someone wants to get over a 6.5' fence, they will do so. But a higher fence provides more of a deterrent than a 4' high fence. The landscaping will also provide some level of a deterrent for people wanting to cut through.

- 3.35 Mr. Schneider asked if the perimeter fence was wrought iron.

The consultant said that this fence is also wrought iron with a gate on the eastern end.

- 3.36 Chairman Duffy that even with screening part of the fence would be visible.

The consultant showed a colored drawing of the fence and landscaping. There is 10' arbor vitae behind the fence. In front of that is viburnum, which grow to 5.5' tall at maturity. He talked about other species that can grow to 5.5'. They are trying to screen the fence as best as they can. They will also use evergreens and a deciduous plant that loses leaves in the winter.

- 3.37 Chairman Duffy said that the fence impact won't be as severe because of the screening. It is also not at the sidewalk.

3.38 Mr. Robke clarified that the fence is a deterrent to people trying to get onto the property or cut through the property to the beach. He assumes if the residents are of such national prominence there will be other security measures in place.

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

3.40 Mr. Schneider asked about the gate to the south.

The consultant said there are two gates. The one to the north is for the entrance to the building or the pedestrian entrance. The gate to the south is a driveway entrance and a service entrance that goes back onto the property.

3.41 Mr. Robke asked about the material for the driveway.

Ms. Kettlekamp said it was permeable material – concrete paver.

3.42 Mr. Schneider clarified that the hardship was security.

3.43 Chairman Duffy said that the hardship was security and someone else in the area has a similar fence. He is not throwing that out as a strong argument. Fencing around the water treatment plant is not a good example. They are trying to provide a trade-off with the setback and softening.

3.44 Mr. Schneider asked when the fence to the south was built.

The consultant said it was probably grandfathered in to the current zoning ordinance. The height is 6.5' in the side yard.

3.45 Mr. Boyer asked Ms. Roberts about having a conforming 6.5' fence in the front yard.

Ms. Roberts said that the fence would need to be set back 76' to be conforming.

The consultant said that their fence is technically a 6' high fence with finials on top. The top rail is at 6'. He said they were encouraged to ask for a 6' high fence.

Ms. Roberts went with a 6.5' high fence because pillars seem taller.

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

5.1 Mr. Robke said he is torn because of a poorly defined hardship. The hardship is not physical. The non-conforming fence, however, is far superior to a fence pushed up against the property line. It is not out of character with the neighborhood. His only concern is the hardship issue. The Board is told not to consider precedent or making a precedent. So, for the fact that there are other tall fences shows the danger of

approving a tall fence because some of the examples shown are not what the Board would want to see. He wants to hear what his colleagues have to say.

- 5.2 Mr. Boyer said the fence regulations are applied the same throughout the Village. Applying a blanket ordinance to all the lots works for most but having a house along the lake could be considered a hardship. The lots are unique. The lot is wide at 100' and it is very deep. The setbacks are large. They are pushing the fence back and they are providing landscape to soften the fence. Visually the fence will seem shorter than 6.5'. The screening is great. There is no real conforming location for the fence because 76' is ridiculous. What they are asking is reasonable and they are back farther than they need to be. A lot of the builds are difficult due to the nature and slope of the land on that bluff. It will built further back maybe the fence could go further back. Applying the codes as a blanket is a hardship. The proposed fence on the lot in this district works but it probably not work somewhere else. It is a slippery slope to use security as a hardship to have a taller fence. Security is relative to a person's perception. Mr. Robke makes a good point to say that the lot is unique. The Board should not promote fenced front yards. Wilmette is more of an open community and not walled in like other North Shore suburbs. The hardship is the lot and its depth and location this zoning district.
- 5.3 Mr. Schneider has a hard time understanding the hardship. What they proposed is better than a 4' high chain link fence on the property line. They can have an attractive fence on the north, east and south sides of the property at 6' high. There would be a negative impact to have the 100' on the west side to be compliant with the ordinance. He looked at variation standards for fences. The request is an exception to all areas north and south of this house. Other houses with higher fences were grandfathered in. Why make an exception here? Security should not be criteria that the Board considers. He has a hard time making an exception for this request.
- 5.4 Mr. Boyer said that if the fence was any closer he would have a problem with that and would not support the request.
- 5.5 Chairman Duffy said his initial reaction was okay. Then he struggled with a possible precedent and closing off the front yard that takes away from the openness of the Village. Security is not a hardship. There is a lot of technology today that deals with security issues. He is struggling with this case. The house is new and they want something magnificent as an entryway. They are trying to soften with landscaping but they want some impact. He is on the fence for this case.
- 5.6 Mr. Robke asked about curb cuts.
- Ms. Roberts said that there were curb cuts before and maybe the south curb cut was existing.
- 5.7 Mr. Robke said if they did something conforming, it would look a lot worse.

## 6.0 DECISION

6.1 Mr. Robke moved to recommend granting a request for a 2.5' fence height variation to permit the construction of a 6.5' tall fence in the front yard at 1006 Michigan Avenue in accordance with the plans submitted.

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

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

Motion failed.

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-39.

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

Motion passed.

## 7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

Two members of the Zoning Board of Appeals find that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance and the fence variation standards of Section 5.4.F.h of the Zoning Ordinance. The particular physical conditions of the property, the size and proximity to the lake, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the nature of the lot. The difficulty prevents the owner from making reasonable use of their property with the safe enclosure of their property. 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, which includes several fences of similar height and style.

The fence provides security for the property including securing the swimming pool in the backyard and discouraging through access to the lake. Other fences of similar height and style are in the neighborhood. The fence complies with the openness requirement of the ordinance. The fence will be set back substantially from the front lot line and will largely be screened with new landscaping.

Two members of the Zoning Board of Appeals find that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance and the fence variation

standards of Section 5.4.F.h of the Zoning Ordinance. There are no conditions of the property that necessitate a fence taller than that permitted by the ordinance; the owners' circumstances are the basis for the request. The owners are thus creating their own hardship. While there are some properties in the neighborhood that do have taller fences, those referenced include the Village water plant, which is not comparable to a residential use, and the neighbor to the south, which is an old fence that would likely not be approved today. There are few front yard fences in the neighborhood, which creates an open feeling that is consistent throughout the Village, and to further allow tall fences in the neighborhood would alter that character.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends denying a request for a 2.5' fence height variation to permit the construction of a 6.5' tall fence in the front yard at 1006 Michigan Avenue in accordance with the plans submitted.

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

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

3.11 Ms. Naheed Bolbolan, applicant

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

3.21 Ms. Roberts said that this is a request for a special use for a personal service establishment (High Touch). The Village Board will hear this case on September 12, 2017.

3.22 The applicant said she has a boutique in the Village but was planning to do a spa. When she went to the Village she was told that she might not get permission to do a spa. Her boutique has silk shawls, other clothes with embroidery and handmade shoes and handbags. She does the designs and makes the products. She is an esthetician and spas are her passion. There are spas in the area with basic services. But she will bring in more services than are offered today. Her clients are from the northern suburbs and from Wisconsin. Men and women get facials. She received guidance from the Village for her spa. The back portion of the site will contain the spa. She just needs approval for the spa.

3.23 Chairman Duffy clarified that there is an existing retail store. She wants to add spa services in the rear of the space and it is already built out. How many employees does she have at this time?

The applicant said she has been open for one month. Her daughter is helping her. After 3 to 4 months, she will need 2 to 3 more employees.

3.24 Chairman Duffy clarified that there could be 3 to 4 staff members on site at one time. Is there parking on site?

The applicant said that there is parking in the front. Clients will not be there for a long time. They could be there up to 2 hours but there is also parking in the rear.

3.25 Mr. Schneider asked if the business was open at this time.

The applicant said that the retail store is now open.

3.26 Chairman Duffy asked about the history of the business.

The applicant said she was working with someone in Evanston and downtown Chicago. Wilmette is her heart because of the Baha'i Temple and she is a Baha'i. She has always wanted to be located in the Village.

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

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

5.1 Mr. Boyer said this is a good addition to Wilmette’s downtown area. All standards of review are met and he can support the request.

5.2 Mr. Robke said this is a great addition and he can support the request.

5.3 Mr. Schneider had no additional comments.

5.4 Chairman Duffy welcomed the applicant to the Village and wished her success. He can support the application.

**6.0 DECISION**

6.1 Mr. Boyer moved to recommend granting a request for a special use for a personal service establishment (High Touch) in accordance with the plans submitted. 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	Yes
John Kolleng	Not Present
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Not Present
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-38.

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

**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 allows for an additional service at a retail establishment. The proposed use will attract clients from other communities to Wilmette, therefore the proposed use in this location is consistent with the goals and policies of the Comprehensive Plan. The proposed use in this location is consistent with the Comprehensive Plan to encourage a vibrant commercial district in the Village Center.

The proposed use will not be detrimental to or endanger the public health, safety or general welfare nor will it be injurious to the use or enjoyment of other property. The proposed use will not impede the normal and orderly development and improvement of surrounding properties nor will it diminish property values. The proposed use will complement existing businesses. Adequate utilities, road access, and other facilities already exist. Adequate measures already exist to provide ingress and egress with the lot to the rear of the building. The proposed use will be consistent with the community character. No known archaeological, historical or cultural resources will be impacted. No buffers, landscaping or other improvements are necessary. No other standards of Article 12 apply.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a special use for a personal service establishment (High Touch) in accordance with plans submitted. The use shall run with the use.