



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, JANUARY 3, 2018

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Acting Chairman Bob Surman
Mike Boyer
Michael Robke
Reinhard Schneider
Christopher Tritsis

Members Absent: Chairman Patrick Duffy
John Kolleng

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

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

II. 2018-Z-02 3730 Lake Avenue

See the complete case minutes attached to this document.

III. 2017-Z-51 154 Maple Avenue

See the complete case minutes attached to this document.

IV. 2018-Z-03 900 Oakwood Avenue

See the complete case minutes attached to this document.

V. Public Comment

There was no public comment.

VI. Adjournment

The meeting was adjourned at 8:22 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 None

3.2 Summary of presentations

3.21 Ms. Roberts said that applicant had submitted an email requesting that the case be continued to January 17, 2018 due to the number of board members at the meeting.

6.0 DECISION

6.1 Mr. Boyer moved to continue the case to the January 17, 2018 meeting.

6.11 Mr. Tritsis seconded the motion and the voice vote was all ayes and no nays (Chairman Duffy and Mr. Kolleng 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. Suzanne Strauss, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for an 18.5' fence height variation and a variation to allow fencing lighter than 11 gauge to permit the replacement of a 25.0' tall wire fence in the side and rear yard. The Village Board will hear this case on January 23, 2018.

3.22 The applicant said that she found a fence company that is willing and able to replicate the golf course fence. On December 6, 2017, there was a meeting with all participants including Lisa Roberts, Ted Blumenthal, the fence people, and the Com Ed people. There are wires where the current fence is located. The Com Ed representative said that he had no problem replicating what they have and putting the fence in the same location. It won't endanger the Com Ed wires. Those were the only live wires and the other wires are not live wires. Everybody agreed that the fence could be replicated.

3.23 Chairman Surman asked if the length would match the existing perimeter.

The applicant said that the fence is exactly the way that it is today. She showed a picture of what the fence will look like, which is the way that it looked before.

3.24 Mr. Boyer said there is chicken wire and 2 x 6s every 5'. What is the 24' post?

The applicant said that there is 10' between the uprights and the 2 x 6s are every 6'. The 24' vertical is a round post that is very slightly tapered. It is weatherized. It is made by the same company that makes telephone poles.

3.25 Mr. Schneider asked the applicant if she considered netting.

The applicant did not consider netting because the chicken wire is practically invisible; one cannot see through the netting. The netting disintegrates after five years.

3.26 Chairman Surman asked about conversations with neighbors.

The applicant said there is nobody but the golf course where the fence is located.

3.27 Chairman Surman said that because of the fence height, it will be up to the Village as to what building permits might be necessary.

3.28 Mr. Tritsis asked if the fence company that is selling them the fence is also doing the installation of the fence.

The applicant said they were doing sales, design, and installation.

3.29 There was no one in the audience to speak on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Robke thanked the applicant for her efforts to provide additional information. The intent is to replicate the existing fence. He can support the request. The property is unique with the golf course. It is an existing condition. The standards of review are met. He would rather see the fence replaced than having a dilapidated fence that could be a safety issue.

5.2 Mr. Boyer added that there are safety issues for the applicant as related to golf balls. He agrees with Mr. Robke’s comments. He can support the request.

5.3 Mr. Tritsis said the replacement is in-kind.

6.0 DECISION

6.1 Mr. Robke moved to recommend granting a request for an 18.5’ fence height variation and a variation to allow fencing lighter than 11 gauge to permit the replacement of a 25.0’ tall wire fence in the side and rear yard at 154 Maple 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	Not Present
Michael Robke	Yes
Reinhard Schneider	Yes
Christopher Tritsis	Yes

Motion carried.

6.2 Mr. Boyer moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-51.

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

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F and the fence variation standards of Section 5.4.F.h of the Zoning Ordinance. The particular physical conditions of the property, its proximity next to the green of a public golf course, imposes upon the owner a practical difficulty. The plight of owner was not created by the owner and is due to the unique circumstances of the lot. The difficulty is peculiar to the property in question and is not shared by others. The difficulty prevents the owner from making reasonable use of the property including the safe use of the back yard. Because the wire is very open and will abut the golf course, the proposed variations will not impair an adequate supply of light and air to adjacent property. The variations, if granted, will allow the replacement of a structure that has existed for many years and therefore will not alter the essential character of the neighborhood.

The proposed fence is oriented towards a golf course where it will only be visible to those using the course; it will not be visible from the street or other nearby residential properties. The fence is unique in that it will protect the subject property from golf balls. The proposed fence replaces one that has existed for many years. It is not clear when the current fence was constructed. It was most likely constructed without a permit however there have been no complaints about the current fence.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for an 18.5' fence height variation and a variation to allow fencing lighter than 11 gauge to permit the replacement of a 25.0' tall wire fence in the side and rear yard at 154 Maple 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. Erich Wefing, architect
Wefing Design Studio
133 N. Jefferson, Chicago

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 3.13' front yard setback variation, a 4.0' side yard adjoining a street setback variation, a 3.13' front yard porch setback variation, a 3.13' front yard porch step setback variation, and a 194.14 square foot (24.4%) side yard adjoining a street impervious surface coverage variation to permit the replacement of a one-story sunroom and construct a new front porch and steps on the legal non-conforming structure. The village board will hear this case on January 23, 2018.

3.22 Mr. Wefing provided some background. The owners, Jerry and Elaine Lenz, moved into the house in 1985. They have already done two projects in the house. The applicant has a collection of trains and cars and they built storage for them with an attic renovation. The second project was to expand to a two-car garage. They have been with St. Francis since 1985. They are civic minded and good neighbors.

The sunroom is falling off the house and they want to replace as is. The second piece is to add a front porch. They want to sit out front of their house. The current porch is in disrepair.

He explained how one arrives at the front yard setback calculation. They are at 32' versus a typical 25'. He showed a 3-D model of the house. A good portion of the house is over the setback. He showed which areas were over the front and side yards setback. To rebuild this, they are already non-conforming. They are asking for the ability to rebuild the sunroom and add a front porch. By code they can go 6' into the front yard. He thinks that the village should relook that and it should be 8'. One cannot gather with others on a 6' porch. A lot of historic porches in the village are 8'. Architecturally the front porch adds interest to the house and should add a place for people to gather. For the porch, they are going 6' from the face of the sunroom. They would not need a variation for the 6' or the 3' extension of the stairs if the front of the house was not already over the setback.

3.23 Chairman Surman asked if he was saying if the front of the house matched the setback then they could build the porch.

Mr. Wefing said they could build the porch and stairs.

- 3.24 Chairman Surman said that the dimension they are talking about is 2'-10.5".

Mr. Wefing talked about the standards of review. The house existed since 1922 in the current condition. That is the hardship – the preexisting non-compliance of the house. Standard two – unique circumstances – the unique circumstances were that they bought the house and bought it before the zoning code changed and the front yard setback was then non-conforming. That is a unique condition. Regarding difficulty or hardship being peculiar to the property in question..., it is a unique condition due to the age of the house. Along that street, there are varying conditions. The applicants are on a corner lot that is over on both sides.

If one looks at the site plan, they have not built in an entire area. It's as if the house was shifted over. If it had been moved in a different direction the requests would not require variations. If it was shifted to the north and to the west they would have been fine.

- 3.25 Chairman Surman asked about the current foundation below the porch and whether it was adequate.

Mr. Wefing said that it was not adequate.

- 3.26 Mr. Boyer noted that there are five variance requests. Three deal with the original siting of the house and two of them deal with the new porch being added.

Mr. Wefing said that the hardship related to maintaining the value of the house is related to where the existing sunroom is sited.

- 3.27 Mr. Boyer said he assumes that the sunroom was an original porch.

Mr. Wefing said that one could say that. It was not really built as living space and now the foundation is failing.

- 3.28 Mr. Boyer said that the board's discussion will focus on hardship among other things.

Mr. Wefing said that the hardship is that it is unique to this property and the house is built over the setback.

- 3.29 Mr. Schneider referenced 1.7, plan of the replacement of the sun room and addition of the porch. If he understands, they are replacing the sunroom because it is falling apart. They want to replace the entrance deck and the stairs. The incremental addition is the front porch, which results in the variation requests 3 and 4. One ask could have been to indicate that the sunroom is failing and is obsolete and they need to replace it, as well as the walkway and the stairs. In addition to that they want to ask for an incremental area called the porch.

Mr. Wefing said that if the setback had been 25' instead of 32' they would be conforming.

- 3.30 Mr. Robke said that if the porch had not been converted to a sunroom then they would have a porch that conforms. The sunroom was likely a porch in the past.

Mr. Wefing said it was used as a living room. They are well under FAR.

- 3.31 Chairman Surman said it seems like most of the board would approve replacing the sunroom. The issue of adding another porch is something that he not sure that is supported. The board looks at different codes and interprets them as best they can. When one looks at the setbacks and he was at the house this afternoon, the sunroom goes out further than most homes on the block. A hardship cannot be that one wants a larger living room. The board understands the request for the seating, but there is hesitation on the part of the board. The village encourages porches for aesthetics.

- 3.32 Mr. Boyer said he counted one new house on the block that was included in the front yard setback calculation. Is that correct?

Ms. Roberts said that front yard setbacks are set in time – 2003. Even if a new home goes in the setback isn't changed.

- 3.33 Mr. Boyer said that the house before this house may have had a setback that was a lot closer than where it sits now.

Ms. Roberts said that is possible.

- 3.34 Mr. Boyer asked where the original house was sitting on the lot for the home that is now new construction.

Ms. Roberts said she could look this up.

- 3.35 Mr. Boyer said that house may now be lined up with other houses, but wasn't before. It further exacerbates the look of the non-conformity.

- 3.36 Chairman asked if the current sunroom was in good condition and they were not doing work to it and they said they want to add a porch to the front of the house, could they do it then?

Ms. Roberts said that they could do it then. If they were just doing the porch and not replacing the sunroom, the porch alone would qualify for administrative review.

- 3.37 Chairman Surman said that if this was two separate projects it would get approved.

- 3.38 Mr. Robke asked if it would get approved or reviewed.

Ms. Roberts said she believes that the administrative committee would have supported it and it would then be noticed to neighbors who would have an opportunity to provide input.

Mr. Wefing said he completely thrown off about this. They chose to bundle them together instead of just asking for the sunroom and then asking for the porch.

- 3.39 Mr. Tritsis said that Mr. Wefing said that there was room on the side to build. Did they ever consider that?

Mr. Wefing said it would be a different look. The applicants like the house the way it is. It would involve reconfiguring the downstairs.

- 3.40 Mr. Tritsis was talking about the porch piece.

- 3.41 Mr. Boyer said there are porches that wrap on the side instead of across the front.

Mr. Wefing said they looked at some options to do that. They want to see the view down Oakwood. They wanted more public interaction. For the applicants, they haven't liked the look of the front of the house.

- 3.42 Mr. Boyer said that the lot is 109' deep. How many 100' lots are there in this part of the village?

Ms. Roberts said that it was probably less than 12 and this is not a typical situation.

- 3.43 Chairman Surman said they don't have much of a rear yard.

Mr. Wefing said properties in the village that have corner lots are unique. Having diversity of property types is interesting, but difficult when one wants to build.

(After section 4.0)

- 3.44 The board had no questions and the applicant had no further comments.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

- 4.11 Ms. Siobhan Nibhuachalla
427 9th Street

- 4.12 Ms. Mary Beth Cummings
834 Oakwood Avenue

- 4.13 Mr. Frank Paul
904 Oakwood Avenue

4.2 Summary of presentations

4.21 Ms. Nibhuachalla said she lives four houses to the north of the subject house. She is at the meeting on behalf of her husband and several neighbors unable to attend. Everyone completely supports the application. It will enhance the applicants' lives and the neighborhood. The house will look nicer from the outside. She said that sunroom is technically a sunroom but is the living room of their house. The bow window is the dining room. The actual living room is small and not functional. The 'sunroom' needs to be rebuilt to have proper heating with proper insulation. Adding the porch is a safety issue and one can see who is coming to their door. Regarding wrapping the porch to the side, this is not doable. The sun room could not be integrated as part of a porch. It is really a living room. She asked the board to approve the request.

4.22 Ms. Cummings said she is representing her husband and lives across the street from the applicant to the east. She grew up at 834 Oakwood Avenue. The applicants have done great renovations to the house. It is a beautiful old house they enhanced. The new project will continue the enhancements. They will use the porch space. They are an important part of the neighborhood and are wonderful neighbors. The proposed porch seems like an appropriate enhancement to the house. The sunroom needs some work. She supports the entire project. The lot is a corner lot and the corner provides room for extra space. All four corners of the block are the shortened lots.

4.23 Mr. Paul said he is the neighbor to the west. His lot was subdivided into the four houses there are now. His house was built in the 1800s. He supports the proposal. They have been neighbors for 25 years. The improvements the applicants made to their house have been very nice and have also improved the neighborhood. He is confident that the proposal will be an improvement to their house and the neighborhood. He does not want the applicants to tear the house down. He already went through a building nightmare with the house behind his to the north and Mr. Paul's house sustained damage as did his property. He is in favor of improvement over a tear down. He has a short lot and it's been a problem. It will improve the applicants' ability to live in their house that is safe and habitable. He talked about the damage to his house and to his property which was extensive.

Chairman Surman asked Mr. Paul if he had an issue with the porch coming out a little further than it is right now.

Mr. Paul had no problem with this.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Boyer said there are five variance requests. Requests 1, 2, and 5 deal with the siting of the house. He has no problem with those variances. They are rebuilding the sunroom. The hardship is the siting of the home and the request gets caught in

new zoning ordinances. Requests 2 and 3 caused more concern, especially regarding how far the new front porch would stick out as this is a corner lot. Regarding the hardships the house has, his decision turns on the small lot size and original home siting. He is comfortable with the amount they are asking over the front yard porch and step setbacks. It is roughly 3' over. Although the board does not look at precedent, there are many homes on smaller lots that needed complete reconstruction and rehab and had multiple variances to have rehab done. Considering what he believes is a relatively small ask and a sympathetic addition to the original home, he can support this.

- 5.2 Mr. Robke added that he was troubled by the front porch and the corner sticking out like that, but realized that it is a small ask. The neighbors offered strong support. He can support the request.
- 5.3 Mr. Schneider agreed with the above. It is a small request and the changes will be a good addition to the neighborhood. He can support this.
- 5.4 Mr. Tritsis said that the neighbors gave very strong support. That speaks for itself. He can support the request. He has a small lot, so he empathizes.
- 5.5 Chairman Surman agrees with the above comments. There are many things that contribute to the need for the variations including lot size, siting of the property and he appreciates that the representative looked at the depth of the porch and went with 6' although 8' would be ideal. It is a nice design. The porch is not overdone. He can support the request.

6.0 DECISION

- 6.1 Mr. Boyer moved to recommend granting a request for a 3.13' front yard setback variation, a 4.0' side yard adjoining a street setback variation, a 3.13' front yard porch setback variation, a 3.13' front yard porch step setback variation, and a 194.14 square foot (24.4%) side yard adjoining a street impervious surface coverage variation to permit the replacement of a one-story sunroom and construct a new front porch and steps on the legal non-conforming structure at 900 Oakwood Avenue 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	Not Present
Michael Robke	Yes
Reinhard Schneider	Yes
Christopher Tritsis	Yes
Motion carried.	

6.2 Mr. Schneider moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case 2018-Z-03.

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 variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the lot size and the siting of the house on the lot, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to unique circumstances of the lot. The difficulty prevents the owner from making reasonable use of the property with an improved sunroom addition and a functional front porch. The proposed variations for the sunroom allow for the replacement of an existing condition, which will not impair an adequate supply of light and air to adjacent neighbors. The porch is open and likewise will not impact light and air. Similarly, the variations will not alter the essential character of the neighborhood. The new porch will enhance the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 3.13' front yard setback variation, a 4.0' side yard adjoining a street setback variation, a 3.13' front yard porch setback variation, a 3.13' front yard porch step setback variation, and a 194.14 square foot (24.4%) side yard adjoining a street impervious surface coverage variation to permit the replacement of a one-story sunroom and construct a new front porch and steps on the legal non-conforming structure at 900 Oakwood Avenue in accordance with the plans submitted.