



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, FEBRUARY 21, 2018**

**7:30 P.M.**

**COUNCIL CHAMBERS**

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

**Members Absent:** Bob Surman  
Christopher Tritsis

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

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**I. Call to Order**

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

**II. 2017-Z-63                    238 Kilpatrick Avenue**

See the complete case minutes attached to this document.

**III. 2017-Z-65                    1020 Forest Avenue**

See the complete case minutes attached to this document.

**IV. 2018-Z-07 1057 Linden Avenue**

See the complete case minutes attached to this document.

**V. 2018-Z-08 569 Hunter Road**

See the complete case minutes attached to this document.

**VI. Approval of the January 17, 2018 Meeting Minutes**

Mr. Kolleng moved to approve the January 17, 2018 meeting minutes.

Mr. Schneider 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 8:07 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 the case had been continued to February 21. The applicant had submitted an email requesting that the case be continued to March 7, 2018 as he and his architect were not able to attend tonight's meeting.

**6.0 DECISION**

6.1 Mr. Robke moved to continue the case to the March 7, 2018 meeting.

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

None

**3.2 Summary of presentations**

3.21 Ms. Roberts said that this case was continued to tonight's meeting. The applicants are working on a traffic study that was requested by the board. The applicants asked that the case be tabled to the May 2, 2018 meeting.

**6.0 DECISION**

6.1 Mr. Kolleng moved to continue this case to the May 2, 2018 meeting.

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

Motion carried.

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

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

3.11 Mr. Robert Frankel, applicant  
1057 Linden Avenue

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

3.21 Ms. Roberts said that this is a request for a 15.0' side yard adjoining a street parking space setback variation, a 276.58 square foot (33.52%) side yard adjoining a street impervious surface coverage variation, and a 77.71 square foot (20.38%) rear yard pavement impervious surface coverage variation to permit a parking pad on a legal non-conforming structure and a 4.0' side yard air conditioner condenser setback variation to permit a second air conditioner condenser. The Village Board will hear this case on March 13, 2018.

3.22 The applicant said he wants to add a second air conditioner next to the existing air conditioner, which has a 6' setback instead of a 10' setback. He has two hardships – the previous owner rehabbed the house and did not run a/c ducts up to the second floor. The house was built in the 1890s. He had to put an air handler on the second floor, run a line down and now wants to put an a/c unit next to the current unit. The neighbor wrote a letter of support for the request. Both air conditioners will replace the existing unit and they will be quieter than the current unit. The other part of the request is the parking pad. The hardship is that the lot is irregularly shaped. There is no other good location for the parking pad. The neighbor uses part of his property to access his garage.

3.23 Chairman Duffy asked where they were keeping the second car at this time.

The applicant said he has a garage but no space for a second car. He owns the property but it is a rental property that he will rent out.

3.24 Chairman Duffy clarified that there is one living unit.

3.25 Mr. Schneider asked how long he has owned the property.

The applicant has owned the property for 12 weeks.

3.26 Mr. Schneider asked if an easement was granted to the neighbor.

The applicant said that no easement was granted to the neighbor. Legally the neighbor might have a case that by necessity there is the easement. There is no other way that she can get in.

- 3.27 Mr. Schneider asked if a variation was granted for the existing a/c unit.

The applicant said he did not think that the unit had been there for over 20 years.

- 3.28 Mr. Kolleng said that the applicant knew what he was buying when he bought the property. It seems odd that he knew the condition of the driveway and the parking situation and he still bought the property.

The applicant said that they did not want to make the sale contingent on the variance. There are two issues. Most people who rent have two cars. The current one is just under 8' wide so it is difficult to pull into.

- 3.29 Chairman Duffy asked if the contract was conditional on the variation request.

The applicant said that he did not make it contingent on the request.

- 3.30 Chairman Duffy asked who owned the property before the applicant.

The applicant said that the Drexels owned the property before him. They lived there until the last year when they rented the property.

- 3.31 Mr. Schneider asked about the pad dimension.

Chairman Duffy said he sees the dimensions at 9' x 20'.

The applicant said that is incorrect. He spoke with Ms. Roberts about adding space, so the car didn't scrape the area when they pulled in.

- 3.32 Mr. Kolleng asked about the curb cut.

The applicant said they would use the current curb cut.

- 3.33 Chairman Duffy said he drove by the house but did not notice if there were parking restrictions on Linden or on Poplar.

- 3.34 Mr. Kolleng said that he does not know if there are restrictions on parking.

- 3.35 Chairman Duffy said he does not think that there are parking restrictions on Linden. There are rental properties on Linden. He is not sure about Poplar.

The applicant said he thought that there were parking restrictions on Poplar.

- 3.36 Chairman Duffy said that people can still park if they have a second car in the front or down the block.

3.37 Mr. Boyer said that there is no parking on Linden from 8-10 AM Monday through Friday. There is not parking on the north side of Linden. There is no overnight parking in the commuter lot on weekends.

3.38 Mr. Schneider said that one drawing shows the 20' abutting a sidewalk. They should not have the rear end of a car encroach the sidewalk.

The applicant said that dimension abuts the sidewalk.

3.39 Mr. Schneider said that it encroaches on the property line.

3.30 Chairman Duffy said that at 20' it touches the sidewalk.

3.31 Mr. Boyer said that the board might be looking for greater explanations of hardship from the standards of review. Hardship is a large standard that is reviewed. It is on the sidewalk and might cause safety concerns. Is there an additional hardship?

The applicant said that the biggest hardship is that having only space for one car precludes potential renters. The house is very small; it is 1,400 square feet. There is storage, but the car would need to be parked outside.

3.32 Mr. Boyer said that other than economics, if there is something relevant to the conditions of the lot.

The applicant said that the main hardship is the irregular lot shape. The neighbor uses part of the lot as her easement. There is no other space to park.

3.33 Mr. Boyer said that there are four requests. He reviewed the requests. The rear yard condition is created by the neighbor's additional impervious and going over the applicant's lot. That is part of it. That is more of a setback issue.

3.34 Mr. Schneider asked Ms. Roberts what the request would be if he did a parking pad off Linden toward the covered porch.

Ms. Roberts said it would need a setback variation. They would need approval from Engineering for a curb cut, which she does not think would happen.

3.35 Chairman Duffy asked how much room there was from the neighbor's drive to the back of the house but that does not solve impervious surface issues. He suggested pointing the car north/south.

3.36 Mr. Robke said that is still trying to solve the problem. He does not see a hardship that dictates the need for a second parking space. If there was a need for a second parking space other than an economic need, which is excluded from criteria, then the other points might be relevant.

- 3.37 Mr. Schneider said that the Village encourages two car areas off street.
- 3.38 Mr. Robke said that in this case it is not possible to get two cars off of the street. There are many houses in Wilmette with single car areas.
- 3.39 There was no one in the audience to speak on the case. He asked the applicant if he had additional questions or information.

The applicant asked if his request was divided into two sections.

- 3.40 Chairman Duffy said that the variations are one request at this time. Is there a way to create more than one motion?

Ms. Roberts asked if the applicant were to withdraw a portion of the application and proceed with the other portion.

- 3.41 Chairman Duffy said that the applicant could return with the portion that the board is not amenable with at this time.

The applicant said that would be a better way.

- 3.42 Chairman Duffy said that the applicant would withdraw the parking pad request and look at it again.

- 3.43 Chairman Duffy said that the request would be amended to be a request for a 4-foot side yard air conditioner condenser setback variation to permit a second air conditioner condenser. Would the applicant like to do this?

The applicant said he would like to amend his motion to the above.

- 3.44 Mr. Schneider what would the buildable area look like. He said they could not build anything without a variance.

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

- 5.1 Mr. Kolleng said that the second-floor addition that was built was built in a way that does not allow a duct work system and they want a/c on the second floor, so they need a second condenser to do that. This is a hardship to not have a second condenser. They have a condenser that is non-compliant. He will sit them side by side so there is a 6.0' setback instead of a 10.0' setback. The neighbor does not have an issue with the request. The more modern condensers should be quieter than old condensers. He can support this request.
- 5.2 Mr. Robke said he agrees and he would expect the noise to be equal or less than the current unit. He has seen no evidence that duct work could be accommodated. This is a reasonable request. He can support it.



5.3 Mr. Boyer had nothing to add.

5.4 Mr. Schneider had nothing to add.

5.5 Chairman Duffy agreed with Mr. Robke’s comments. There is nothing to say that duct work cannot be done, but the request is not unreasonable. He can support the request.

**6.0 DECISION**

6.1 Mr. Kolleng moved to recommend granting a revised request for a 4.0’ side yard air conditioner condenser setback variation to permit a second air conditioner condenser at 1057 Linden Avenue in accordance with the plans submitted and revised.

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

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

Motion carried.

6.2 Mr. Kolleng moved to authorize the chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-07.

6.21 Mr. Boyer 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 lot shape and the siting of the home on the lot, impose a practical difficulty. The plight of the 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. The owner would not be able to make reasonable use of the property without air conditioning. One unit will replace an existing unit and the new unit next to it. The variation will not impair an adequate supply of light and air to adjacent property nor will the variation alter the essential character of the neighborhood.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a revised request for a 4.0' side yard air conditioner condenser setback variation to permit a second air conditioner condenser at 1057 Linden Avenue in accordance with the plans submitted and revised.

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

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

3.11 Ms. Gail Buscemi, Business Manager  
Public School District 39

3.12 Ms. Sandra Moon, architect

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

3.21 Ms. Roberts said that this is a request for a 19.0' side yard setback variation to permit the construction of a two-story addition on the legal non-conforming structure (Highcrest Middle School). The Village Board will hear this case on March 13, 2018.

3.22 The applicant spoke about how they got to where they are today. The original building was built in 1930 and has had numerous additions. The building currently has additions over the property line and within setback requirements. District 39 has not seen an enrollment decline. There have been 825 students for many years. Due to this, there are not enough classrooms. Over a year or so ago, they started meetings with staff and architects to see where the most critical needs were. They need classrooms. It is not an ideal situation right now. Without an addition, there would be a hardship to the Board of Education as well as the community. By adding a four-classroom addition, it will address these needs and allow them to use the property for its intended purpose. The granting of the variation would have no impact on adjacent neighbors or change the essential character of the neighborhood. She said they have drawings if there are questions.

3.23 The architect said that the Park District has agreed with the plans. The reason for location the classrooms at this end is because it would have the least amount of impact on other educational space. The new addition is on the northwest wing to the 1955 addition. Within the boundaries of the property and the setback, the only other options were to remove parking, which is much needed, or to take away playground space areas used by students. They are adding a total of four classrooms, two on each floor. In the middle they are adding small group rooms to be used for pull out spaces from the classrooms. All can be accessed from the corridor.

3.24 Mr. Schneider clarified that the Park District did not object to the plans.

3.25 Chairman Duffy asked when the plan was developed.

The architect said that the plan was developed over the past year.

- 3.26 Chairman Duffy said that the only request is the side yard setback. The Park District has not submitted anything in writing.

The applicant said that the Park District brought this request in front of their board and it was approved.

- 3.27 Mr. Kolleng clarified that the addition would abut the other building.

The architect said that the new addition is at the east end of the existing building. They want to keep it in the northwest direction, so it does not impact the parking lot.

- 3.28 Chairman Duffy clarified that there is ample parking. Parking requirements are something like one space per classroom.

#### **4.0 INTERESTED PARTIES**

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

- 4.11 Ms. Judy Morton  
2326 Meadow Drive North

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

- 4.21 Ms. Morton said that her home is along one edge of the school. She received a letter that she appreciated. Her home is behind the basketball courts. She was curious about where the addition would be placed. She clarified that the school is not going into the park. She wanted to make sure of this. She did not want it getting closer to any homes or see the loss of park space.

Chairman Duffy said that this is several hundred feet from single family homes. The most impacted party is the Park District, but they are not as severely impacted with the addition as they were with the 2000 addition. The 2000 addition comes out onto Park District property.

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

- 5.1 Mr. Boyer said that there is one request from a school that is in a residential district. Due to the unique lot conditions in relation to the neighboring lot, there is a need for a variance. There is no detriment to neighbors. It is far from residential areas. The use continues as a school. The Park District has not expressed an objection. All standards of review are met. He can support the request.
- 5.2 Mr. Robke agrees. The only surprise was location of existing property lines. There is no impact on the adjacent property, neighbors, or the community. He can support the request.

5.3 Chairman Duffy said it was surprising about the location of the property lines. Standards of review are met. He will support the request.

**6.0 DECISION**

6.1 Mr. Boyer moved to recommend granting a request for a 19.0’ side yard setback variation to permit the construction of a two-story addition on the legal non-conforming structure (Highcrest Middle School) at 569 Hunter Road in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
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 2018-Z-08.

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

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 lot shape, the siting of the school on the lot, and the internal layout of the school, impose a practical difficulty. The plight of the owner was not created by the owner and is due to the unique circumstances of the lot and its development and use. The school will have difficulty meeting its mission without the additional classroom space. The difficulty is peculiar to the property and use in question. The owner would not be able to make reasonable use of the property without air conditioning. The proposed addition is located with the least impact on adjacent residential neighbors as well as the Park District. The addition will not be visible from the street and therefor will not alter the essential character of the neighborhood.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a 19.0' side yard setback variation to permit the construction of a two-story addition on the legal non-conforming structure (Highcrest Middle School) at 569 Hunter Road in accordance with the plans submitted.