



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, MARCH 7, 2018

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: Christopher Tritsis

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

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

II. 2018-Z-10 237 Greenleaf Avenue

See the complete case minutes attached to this document.

III. 2017-Z-63 238 Kilpatrick Avenue

See the complete case minutes attached to this document.

IV. 2018-Z-09 1100 Laramie Avenue

See the complete case minutes attached to this document.

V. Approval of the February 7, 2018 Meeting Minutes

Mr. Kolleng moved to approve the February 7, 2018 meeting minutes.

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

VI. Public Comment

There was no public comment.

VII. Adjournment

The meeting was adjourned at 9:00 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. Mike Hauser, architect
1715 Chancellor Street, Evanston

3.12 Mr. Steve Tucker, owner
237 Greenleaf Avenue

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 0.76' front yard setback variation, 2.02' minimum side yard setback variation, and a 0.15' rear yard detached garage setback variation to permit the construction of a substantial addition and remodel that is classified as a new home. The Village Board will hear this case on Tuesday, April 13, 2018.

3.22 The architect said they are asking for two zoning variation, one for the front yard and one for the side yard of an existing structure. There is another variation that has to do with an existing garage, but it is part of the new home application.

They spent a few years on this project. The elevations on the house were difficult. They had to peel back additions from previous decades and start over. They would be doing work on the east side. They are also doing work on the front yard, but it is minimal.

They are before the board instead of having an administrative review by about .25". They have letters of support from adjacent neighbors. The applicant met with the neighbors who have seen plans.

3.23 Mr. Boyer asked when the house was originally built.

The architect said that the house was built in the 1920s.

3.24 Mr. Boyer clarified that the addition is going over the existing foundation.

3.25 Chairman Duffy said that the setback conditions are existing.

The architect said that both walls are existing on the first floor and foundation.

3.26 Mr. Boyer asked the architect to speak about the structure that is being removed.

The architect referenced the elevations. On the first floor is a back porch that was enclosed. It has an odd roof that slopes into the second floor, which is a makeshift

gamble roof to somewhat match the front, but they have tried to adhere to the east side yard setback so it has shifted over the side. The rooflines are awkward. He referenced exhibit 1.12. It is guesswork as to how construction was done over past 50 years. They enclosed certain structures that were once open air. There was a porch that is now a mudroom. The second floor cantilevers over that awkwardly. The rooflines are a mess. There has been ice damming and water issues in the house. There is an existing one car garage to the side of it. He talked about a court yard that they want to open up. They will remove the one car garage.

3.27 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. Boyer said there are three requests. Two have to do with the home and one has to do with the garage. The home was built in the 1920s. All requests are small. The largest request is the minimum side yard setback variation, but this has to do with the siting of the home on the lot. There will be nothing detrimental for the neighbors. There is a hardship if there was a strict application of the codes. Standards of review are met. The addition is a sympathetic and a good design. It works within the character of the neighborhood.

5.2 Mr. Robke agreed with the above. The removal of the existing garage eliminates another potential variance request if it was new construction because the removal of that garage was infringing on the side yard setback on the other side. He can support the request.

5.3 Mr. Surman said he can support the request and that the design is very well done.

5.4 Chairman Duffy said he can support this. His initial concerns were about the height. The limit is 35' and this sits at 33' at the highest point. How does that compare to adjacent homes? The adjacent homes are higher than the current structure by about 10' to 12'.

6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a request for a 0.76' front yard setback variation, 2.02' minimum side yard setback variation, and a 0.15' rear yard detached garage setback variation to permit the construction of a substantial addition and remodel that is classified as a new home at 237 Greenleaf Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes

Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Yes

Motion carried.

6.2 Mr. Surman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-10.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the location of the house on the lot, imposes a practical difficulty. The plight of the owner was not created by the owner and is due to the unique circumstances of the house and lot. The difficulty prevents the owner from making reasonable improvements including modifications to the roofline to solve water problems. The removal of the existing detached one-car garage eliminates a non-conforming situation. The proposed variations will not impair an adequate supply of light and air to adjacent property. The variations, 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 0.76' front yard setback variation, 2.02' minimum side yard setback variation, and a 0.15' rear yard detached garage setback variation to permit the construction of a substantial addition and remodel that is classified as a new home at 237 Greenleaf 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. Esmael Haddadian, owner
238 Kilpatrick Avenue

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a revised request for a 587.21 square foot (7.43%) total floor area variation, a variation to exceed the first floor height limit, a 1.05' side yard setback variation, and a 2.99' combined side yard setback variation to permit the construction of a substantial addition and remodel that is classified as a new home. The Village Board will hear this case on April 10, 2018.

3.22 The owner noted that at the last hearing there were questions about the drawing and calculations. They worked with Ms. Roberts to answer the questions. They have reduced the original request by about 200 square feet. They are asking for less than the size of the current basement. The current basement is not usable. They will use the current foundation and then do the remodeling.

3.23 Chairman Duffy said that the board has seen this case several times.

3.24 Mr. Surman noted that a lot of the foundation of the south and east area being moved to allow for the new foundation.

The owner said they are not removing it but will add some new foundation. They are keeping the foundation and adding.

3.25 Mr. Surman said it was identified as demolition on the plans.

The owner said that the architect could not be at the meeting, but said they plan to keep the foundation and then add. The new proposal numbers are less than last time.

3.26 Chairman Duffy clarified that the numbers are smaller than last time.

3.27 Mr. Surman said he thought that the owner would provide a section through the building. What is the height of the lower level?

Ms. Roberts did not request a section although the architect, at the last hearing, said he would provide one.

The owner said that Ms. Roberts did not request this in her follow up email.

- 3.28 Mr. Robke said that the increased in FAR is almost 7.5% and the owner said that the hardship is the basement being counted.
- 3.29 Ms. Roberts said that village staff did some measurements and in looking at the exterior of the house, they estimated that the height of the first floor is about 5'7" off grade.
- 3.30 Mr. Surman said that when there are hardships for basement, it is often said that the ceiling height might be only 6' tall, that the basement is old and doesn't have any windows. The house is a split level and the ceiling height is usually 8' in the basement.
- The owner said he can touch the ceiling with his hand.
- 3.31 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. Boyer said that there are three requests. He does not have that much of an issue with the side yard requests. The discussion will be about floor area and the issue of the basement. He was in favor of the proposal at the last hearing. He is still in favor of the proposal and the numbers being decreased.
- Regarding the basement, the space is not that much different than if someone has an American four square or a finished basement under their house. This space is basement even though they are only a few steps down and the house is a bi-level. Basements are now designed as living spaces. There is no other space under this area. This is a basement to him.
- 5.2 Mr. Schneider has no issues with the side yards and they reduced the impervious surface. He has a problem with saying that the lower level, which causes the variation request in FAR, should be ignored as uninhabitable space. The argument is that this is the hardship. They are rebuilding the house. They can design it in such a way that it conforms to the zoning code. He has a hard time supporting this because they are starting from scratch.
- 5.3 Mr. Robke said he objects to the characterization of the lower level as a basement. It is not a basement. If the board is going to redefine spaces, then the board is going beyond its original purview. He cannot support the FAR increase.
- 5.4 Mr. Surman agrees with Messrs. Robke and Schneider. There have been a lot of cases that are historic properties where the floor level might be higher. Then the space below did not have windows and it was less than 6' in height. In tonight's case, the window sills in the lower level are at approximately 42", which is almost standard height for windows. It is an occupiable space. If the code is to be rewritten that is one thing, but this is going to be an issue that comes up when split levels are

reviewed. It is habitable space. After reviewing the plans, 1.16, there is a large L-shaped piece, which is being demolished. All that is left is a little foundation. It is almost like it is being complete rebuilt.

- 5.5 Chairman Duffy clarified that what Mr. Surman is saying that they are not taking out the front foundation wall and the foundation around that lower level and they are keeping one wall and they are removing most of the house and are leaving that piece that they consider as not habitable.
- 5.6 Mr. Surman said they could go back and put a slab on grade.
- 5.7 Mr. Boyer said they could tear the house down completely and put the exact house they are requesting with a full basement underneath and it would not need the variance.
- 5.8 Chairman Duffy said it would depend on the height. Mr. Boyer is saying that they could take the whole thing down and rebuild with a full basement that doesn't count.
- 5.9 Mr. Robke said that the board would have a different set of criteria to judge it by. But it doesn't matter because they are not tearing the entire house down.
- 5.10 Chairman Duffy said that the owner is caught because he is keeping one section that causes the first floor to be too high and there is an area that counts against him in FAR. If he was to build a brand-new house, he could have a basement under the house and have a similar floor plan for the first and second floors. There could be half windows in the basement.
- 5.11 Mr. Boyer clarified that the crawl space is on slab. There is no additional living space. New houses have 9' ceilings, great bathrooms, and two sump pumps in the basements and they are living space.
- 5.12 Mr. Schneider referenced 1.28 and 1.29. Could they have designed the addition first and second floors to have all the spaces that they want in such a way that they do not incur excess square footage? He said it doesn't take a genius to say they could do that. There is nothing that constrains them to create an envelope that conforms to the building code.
- 5.13 Chairman Duffy said that Mr. Schneider is saying that the 587 square feet that the owner is over in FAR could be taken care of by moving the back-wall in. They can't move the side wall on the south end because there is 20' for the garage. There is the existing front and side walls on the west and north. So, it would have to be the east wall that would have to come in to accommodate the 500 square foot change. When the owner first came to the board the suggestion was made along those lines and they brought it in a little bit. They reduced the FAR request by bringing in the rear wall. He understands why they are taking this approach. There

is a cost savings. It is a split level and they are keeping some of the foundation. They are not digging out for a full basement. He assumes that cost is why they are proposing the project the way that they are. There are a lot of split level homes in the village and as people want to put additions on them, they want to make the homes feel less like a split level. They will encounter troubles like this. How does the board handle this? Are they being penalized because the home is a split level? If they had the ability or want to demo the home and start all over, they could have more home by having a full basement. Is there something that is a gray area for split level homes because of the design?

- 5.14 Mr. Surman asked if there were any studies done on this or did this come up when they reworked the zoning?

Ms. Roberts said that this was not really looked at.

- 5.15 Mr. Robke said that if one is going to take the approach about split level homes, then the board would have to determine the hardship around wanting a specific amount of square footage. This is not new construction. If this was new construction, there would not be any requests for zoning variances. All of tonight's variances are interrelated.

- 5.16 Mr. Kolleng said there may be some houses with higher ceilings that are already built out as living space or a family room. Here there is a 7' high ceiling, which is low. That would not be considered habitable area. It is damp and leaks. It is a play area for kids. At some point in time finances dictate what should be done. It is a percentage that has been granted in the past. He agrees with Mr. Boyer. He sees this space as a basement. He can support this.

- 5.17 Chairman Duffy said that it is not to the owner's advantage to say that the ceiling is 7' or lower.

6.0 DECISION

- 6.1 Mr. Boyer moved to recommend granting a revised request for a 587.21 square foot (7.43%) total floor area variation, a variation to exceed the first floor height limit, a 1.05' side yard setback variation, and a 2.99' combined side yard setback variation to permit the construction of a substantial addition and remodel that is classified as a new home at 238 Kilpatrick Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
Michael Robke	No

Reinhard Schneider	No
Bob Surman	No

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-63.

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

Three members 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 siting of the house on the lot and the design of the house as a split-level, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique circumstances of the house and lot. The applicant has worked to reduce the floor area variation, which is now less than the floor area attributed to the basement. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property with a second-story addition and attached garage addition. The proposed variations will not impair an adequate supply of light and air to adjacent property. Attaching the garage will reduce impervious coverage on the lot, improving the condition in an area of flooding. The variations, if granted, will not alter the essential character of the neighborhood.

Three members of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. There are no particular conditions of the property that are creating a practical difficulty or particular hardship. The basement area that contributes to floor area was designed as living space and should not be considered area to be credited for floor area elsewhere. The lot is standard size and dimensions. The owners are creating their own plight with the proposed scope and design of the improvements. The proposed floor area is excessive for the current size of the house and for the lot. The variations, if granted, will alter the essential character of the neighborhood with a house that is oversized for the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a revised request for a 587.21 square foot (7.43%) total floor area variation, a variation to exceed the first floor height limit, a 1.05' side yard setback variation, and a 2.99' combined side yard setback variation to permit the construction of a substantial addition and remodel that is classified as a new home at 238 Kilpatrick 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. Scott Freres, president
The Lakota Group
- 3.12 Mr. Peter Lemmon, traffic consultant
Kimley-Horn & Associates
- 3.13 Mr. Hal Francke, attorney
Meltzer, Purtil and Stelle
- 3.14 Mr. Chris Miehle, engineer
Terra Engineering
- 3.15 Mr. Dennis Stonequist, executive vice president
Loyola Academy
- 3.16 Ms. Jessica Pilon, project manager
The Lakota Group

3.2 Summary of presentations

- 3.21 Ms. Roberts said that this is a request to modify an existing special use (educational facility, secondary) as provided for in 2017-O-63 and for a 7.0' light pole height variation, a 1.0' fence pier height variation, 0.5' fence pier diameter variation, and a 3.0' fence pier setback variation to expand the parking lot and to install new fencing. The Village Board will hear this case on April 10, 2018.
- 3.22 Mr. Freres said they want to amend their previously amended request. He provided history of why they are back at the meeting. With him this evening – Hal Francke, land use attorney; Dennis Stonequist, Executive Vice President, Loyola; Ron Rejman, project manager, Ascent; Chris Miehle, Terra Engineering; Tom Clune, Cannon Design; Jessica Pilon, Lakota Group, project manager; Peter Lemmon, Kimley-Horn, traffic consultant. A copy of tonight's presentation was provided to each board member.

As they moved forward in a positive manner for the phase 1 plan, the design team found ways to make the plan better, to be more efficient and effective, ways to keep the neighbors happy and alleviate concerns, and ways to be more cost effective. Their commitment remains to keep an open dialog with the neighbors. They sat down with Mr. Adler, Ms. Roberts, and Mr. Weissberg, neighborhood representative, to discuss plans. This is a better plan. There are no intentions to

change properties on the west side of Laramie. There are no discussions/changes to the enrollment cap. They will continue to monitor their traffic management plan.

He explained what they are seeking to modify. The plan will now maintain the existing tennis court complex in its current location. They will remove the two eastern most courts, so they will now have 8 instead of 10 courts. They pick up additional stacking and circulation in the pick-up lane. They are maintaining the existing tennis court fence. They are maintaining the existing north parking lot. Sequencing and drop off are the same as last time. They have improved queuing and alignment of streets coming into the site, so they align with the neighbors' streets. They are increasing campus parking in phase 1. They are reducing the overall site impervious area. That is a big plus in storm water management. The storm water plan is changed but still meet the village and MWRD standards. They have added green space back into the plan. They are providing for safer crossings along Laramie.

He talked about the original master plan. They were going to originally move the tennis courts south with two side by side parking lots that started in the middle of campus and moving south and adjacent to the track and field area.

The new global scheme shows that they are keeping the tennis court in its current location. Parking will be on both sides of the tennis court facility.

The approved plan shows the tennis court moved to the south and in the new plan it is in the same location. Parking, stacking, and loading are improved. Streets are aligned at Walnut and Forest. There are safe crossings and landscape components. They are asking for landscape adjustments in the north parking lot. They are trying to work with the existing parking lot in its current configuration. They are asking for some landscaping allowances. All details of landscaping will be presented.

He showed a comparative matrix of the previously approved plan versus the new plan. He discussed the matrix. They went from seven acres to five acres in the overall site disturbance. It makes the time to build this more efficient and effective with less impact on neighbors. The goal is to get the project started at the end of the 2017-2018 school year. They are improving stacking by 8 additional cars. They are increasing parking from 129 to 166 in phase 1. It happens on the north and south pieces of parking. There is an additional open space that is provided on the end of the campus for open recreation and practice facilities. They have decreased impervious coverage by 30% in the overall master plan. Traffic monitoring will stay the same. They are meeting storm water requirements and have less storm water management facilities. They are above grade in the grass area and meet the MWRD requirements. There is less site disturbance.

They put the new variation requests into the matrix. The only additional variances they have asked for is a side yard adjoining a street variance to leave the parking lot and setback as is and still add a fence. They requested a landscape exemption in

the parking lot to avoid loss of spaces. They do not plan to add additional storm water detention.

They will provide an updated photometric plan as they further engineer lighting and meet with the ARC.

He talked about previously approved variances and additional variances. They are providing more bike parking, which is important. He showed where bike parking is located.

They have more work to do for the ARC. He said that tonight's plan is an improved plan and makes it more efficient and smooth as related to construction. They are working with what they have, which is sustainable and smart. There is a reduced impact on neighbors. There is a reduction in cost that will go into other projects. He reviewed the many benefits of the current plan. They are adding more staff and visitor parking which is enough for them to meet their needs. Pedestrian circulation was improved. They will have an active transportation management plan.

- 3.23 Chairman Duffy referenced the tennis courts on the west and said there was an existing fence. Would they need a new variance for modifications?

Mr. Freres said that this was approved under the original special use when it was built.

Ms. Roberts said they do not need a new variance for modifications.

- 3.24 Mr. Surman asked about the right lane where they can prepare to make a right turn. Is that still there?

Mr. Freres said that is still there and Mr. Lemmon can talk about this.

- 3.25 Mr. Surman said that the PACE bus seems to be a problem. Was any thought given after the last meeting as to whether there was a spot for the bus to pull over?

Mr. Freres said Mr. Lemmon could speak to that as well.

- 3.26 Mr. Robke said they are asking for a variance for landscaping in the parking lot. They increased the number of spaces. At the last meeting, the applicant assured the board they had sufficient parking spaces. Why can't they add landscaping and meet the ordinance?

Mr. Freres said they are trying to maximize parking because they want additional parking if possible.

- 3.27 Mr. Robke said only phase 1 is being evaluated. He is curious about the previous assurances about sufficient parking and now a request to increase parking.

Mr. Freres said they want to avoid ripping up and area and causing disturbance on the site.

- 3.28 Mr. Robke noted that this is economic. He does not believe that they have enough parking now or that there was enough before. If the reason is economic that's fine.

Mr. Freres said that the drop off lane area will have sufficient landscaping.

- 3.29 Mr. Lemmon said that a suggestion was brought up at the last meeting regarding the bus. Could the bus issue be addressed with a turn out lane? They looked at some options and spoke with PACE. He indicated on the map where the bus stop was located. They talked about the idea of moving it. There is not sufficient room in specific areas to do a turn out lane. They talked about maybe moving it south and possibly creating a turn out lane. The impact of this lane is that there is sufficient length, but not a lot of width. They would impact the sidewalk and the trees. One of the reasons why they may not have to deal with this now is because of the current circulation pattern. When people now come to drop off they come north on Laramie past where the bus stops and then they enter in. With the new plan, most people who are dropping off will come in at the south end and not conflict with the bus. They want to look at this to see if the problem is solved. If there is a problem they can come back to see if a turn out makes sense. Should the sidewalk be modified?

- 3.30 Mr. Robke asked how adding an extra curb cut helps traffic on Laramie.

Mr. Lemmon said that it is a function of getting people out earlier and off Laramie earlier onto the site.

- 3.31 Mr. Robke said he was worried about exiting.

Mr. Lemmon said they would be exiting at the same place. The driveway at the south end is an entrance only.

- 3.32 Mr. Robke said that there are six ways in and out now and five ways before.

Mr. Lemmon said that during pick up, the driveway north of the tennis courts would be closed off.

- 3.33 Mr. Robke asked if any of these be no left turn. One of the issues that he has experienced is if one is coming from the north on Laramie and people are exiting, people try to move cars along and it can take him 10 minutes. It is a great plan to get people off the property, but it can be difficult because there is no way to coordinate letting people in and out. Now there is one more opportunity for this situation.

Mr. Lemmon said that there are the same number of opportunities to exit because although there are six driveways, during dismissal there are only five because one is closed off.

3.34 Mr. Robke asked about the driveway closest to Lake Avenue.

Mr. Lemmon said that is entrance only for people coming from the north or south.

3.35 Mr. Surman said it looks like there are two exit driveways on Laramie.

Mr. Lemmon showed the main exit. He said another would be closed off during dismissal.

3.36 Mr. Robke said that striping prevents people from exiting.

Mr. Lemmon said there could be traffic management to close off a section and there is also striping. They have personnel managing different driveways. This school year they worked with LA in defining rules for active management personnel. They are in the process of changing traffic configurations.

3.37 Mr. Robke asked how lining up ingress egress points from the Loyola Academy property with the cross streets provide a benefit? Isn't the goal to keep traffic off the cross streets?

Mr. Lemmon said there was nothing stopping someone from exiting LA and going across to a cross street. The benefit of aligning driveways and streets has to do with turns.

3.38 Mr. Robke said that at the last hearing, it was determined that a traffic management plan had to be a living document to get feedback. Have there been community meetings about what is changing in terms of ingress and egress?

Mr. Freres said there was a discussion with the village and Mr. Weissberg as referenced above. Mr. Weissberg saw no major change that would have impact on the community. Throughout the process of developing plans, they maintained constant contact with Mr. Weissberg and offered to meet with neighbors. There have been no meetings to date or contact with any neighbors.

Mr. Francke said that the ordinance that was finally adopted by the village contained lengthy detailed provisions that looked at traffic conditions after work was completed. The village hired their own traffic consultant and made suggestions for modifications to the traffic management plan. The plan is always evolving.

3.39 Chairman Duffy said that in the chart it shows a reduction in coverage? It seems like the change in surface coverage does not significantly change. Where is the savings coming from?

Mr. Miehle said that it changes quite a bit. He talked about how detention was calculated.

- 3.40 Chairman Duffy referenced green space to the south. How much does that change?

Mr. Miehle said that it was another 85' of green space on the southern parcel.

- 3.41 Chairman Duffy said that with the new design, they don't have to use the existing parking lot as part of the calculation. They don't have to use the tennis court as part of the calculation. The neighbors had concerns about water. With the change, what is the attention to water management on the existing tennis court and parking lot? Will there be a drainage change as they are removing two tennis courts?

Mr. Miehle the tennis courts drain into the new basin. The water is staying on site.

- 3.42 Chairman Duffy said that in the original proposal, to the south of the property, there would be underground detention. Is the volume of the underground area changing?

Mr. Miehle said that total volume is changing. Impervious surfaces have changed. Volume that is required is different. It is undisturbed.

- 3.43 Chairman Duffy asked how long ago the main parking lot was resurfaced or changed. Water management was modified.

Mr. Stonequist said there were changes made in 2009. The parking lot is in good shape.

Mr. Miehle said that there is existing detention in the parking lot.

- 3.44 Chairman Duffy asked why the board should not be concerned about storm water because the tennis courts and parking lot don't have to be calculated. Are they sufficient as is?

Mr. Miehle said that the entire campus has permanent detention with MWRD going back to 1993 as part of the gym expansion. There is detention in the football field. There is an underground vault. There is storage in the turf field.

- 3.45 Mr. Schneider asked the applicant if they were still confirming that they would not impact the neighborhood with storm water.

Mr. Miehle replied that they were still confirming that the neighborhood would not be impacted by storm water.

- 3.46 Mr. Surman asked if they detained all water now.

Mr. Miehle said they detained all water at this time. There is a slow flow into the sewers.

- 3.47 Mr. Surman clarified that current MWRD codes are more stringent than past codes. Does the existing lot meet current MWRD codes?

Mr. Miehle said the existing lots are grandfathered in. The difference is volume control. He talked about storm water best practice management and how it worked.

- 3.48 Mr. Robke asked if the applicant believes that detention/retention policies meet best practices for current standards.

Mr. Miehle said that best practices for current standards are met.

- 3.49 Mr. Boyer asked about green space increase in terms of square footage.

Mr. Miehle said he does not know square footage, but it is 85 linear feet by the width from Laramie right of way to other edge of the right of way.

- 3.50 Chairman Duffy referenced the light pole request. Is this for one light pole?

Mr. Freres said that the request is for all new light poles. Old light poles are 7' higher than what is allowed.

- 3.51 Chairman Duffy clarified that the 1' fence pier height request is because they are changing the fencing from the original to the new plan because there is new ingress/egress in different parking lot areas.

Mr. Freres said that they are installing a 4' high metal fence. If the fence height is at 4' it doesn't look good. The pier should be higher than the fence. This was in the plan before and they are asking for it again.

Ms. Roberts said that they must ask for it again because the design along the existing parking lot is different.

- 3.52 Mr. Robke asked how many parking spaces they would need to give up to meet conforming landscaping in the parking lot.

Ms. Pilon said they would have to give up 20 spaces along the buffer plus the interior. The total is about 30 to 40 cars. It is a significant impact.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Ms. Ann Nagel
1139 Manor Drive

4.2 Summary of presentations

4.21 Ms. Nagel said that communication between Loyola Academy and neighbors is good. She learned about the changes from the applicant. The tennis courts were going to move, but the engineer found that the water table was very high. They could not build a detention facility to increase storm water by 150%. The water table would run into the detention. Her thought was why some plans had changed. That detention facility was going to also work for phase 2. Currently Terra Engineering does not have plans for phase 2. She asked the board to look at phase 2 now and be proactive.

Mr. Miehle said one question was why did they change it from the previously designed detention basis. Ground water is high on the site. They are going to maintain separation from ground water. There are code requirements for this. There are constructability issues. There were driving factors in the design. The other issue about phase 2, they are aware of the code and they know they must address storm water. In the initial plan there was a chance to expand the detention basin. He said they would look at the basin they designed now as extra volume and add more volume to meet code requirement.

Chairman Duffy asked what the difference between phases 1 and 2? Aren't they using some of the impervious surface of the parking lot to construct the arts building?

Mr. Miehle said it gets back to the disturbance. As soon as you touch it you must recalculate and go to the new code for volume and rate controls. They will have to do rain gardens and bios wales and potentially underground detention. He talked about the restrictor that forcibly backs up all water and then slowly releases it into the sewer. This is common.

Mr. Kolleng asked about a timing difference about when they can start to release it to the sewer.

Mr. Miehle said that some water will stay on site in the initial first part of a rainstorm. There is an under-drain system. As the rain builds, the volume will build. The release is controlled to a specific value.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Surman said all improvements are good from a planning and cost savings standpoint. The request is straight-forward. He can support it.

- 5.2 Mr. Robke said the only request that bothers him is the landscaping in the parking lot and understanding the need for that. He wants to hear what other board members have to say about that.
- 5.3 Mr. Schneider asked if landscaping was a requirement.
- 5.4 Chairman Duffy does not see it as a requirement. The proposal may not be palatable to all board members, but Loyola Academy owns the land across Laramie Avenue. The neighborhood has said no parking there. They are now trying to work within the confines of the space on the east side of Laramie. There needs to be some relief.
- 5.5 Mr. Robke asked if the land across from Laramie was part of the special use.
- 5.6 Chairman Duffy said no, but it could become part of the special use.
- 5.7 Mr. Robke said enough of the hypotheticals. But he is going by the applicant's requested variations. They added a request for a landscape island exception. Are they asking or not asking for a variance?
- 5.8 Chairman Duffy said that the variances the board is approving are the ones read at the start of the meeting and in the motion.
- Ms. Roberts said that the report was not clear. Relief for landscaping section of the ordinance goes to the ARC.
- 5.9 Mr. Kolleng said that as one gets into a project, engineering design might suggest modifications. These modifications are made to better the project. That is a real positive and he can support the request.
- 5.10 Chairman Duffy said that the new proposal is an improvement to the initial plan. They are taking more cars off the street. Storm water management was a stated concern. There is a hurdle in the future, but for now the solution as designed is acceptable. Regarding the variances, they are straightforward and related to safety. He can support the request.

6.0 DECISION

- 6.1 Mr. Surman moved to recommend granting a request to modify an existing special use (educational facility, secondary) as provided for in 2017-O-63 and for a 7.0' light pole height variation, a 1.0' fence pier height variation, 0.5' fence pier diameter variation, and a 3.0' fence pier setback variation to expand the parking lot and to install new fencing at 1100 Lake Avenue 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	Yes
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	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 2018-Z-09.

6.21 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 special use standards of Section 5.3.E and the variation standards of Section 5.4.F of the Zoning Ordinance. The proposed use in the specific location will continue to operate as it has for much of the last twenty years. The proposed traffic management plan and storm water detention will improve existing conditions related to the public health, safety or general welfare. The proposed use will not 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 creation of stacking lanes through the expanded parking lot will help to reduce the negative impact of such queueing that currently takes place on the adjacent residential streets. Adequate utilities already exist. 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 though new fencing and landscaping will be installed to improve the appearance along Laramie Avenue. All other standards of Article 12 are met.

The physical conditions of the property, the siting of the structures on the lot and the shape of the lot, impose upon the owner a practical difficulty. The modifications to the previous plan will slightly increase on-site parking and queueing, which will be an improvement to the neighborhood. The decorative fencing is necessary to limit where students can cross Laramie Avenue to improve the safety of those crossings. The location of the existing parking requires some relief as does the new fencing, which will be impacted by the location of the existing parking. The plight of the owner was not created by the owner and is due to the unique lot and its use. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property to accommodate new queueing lanes. The proposed variations will not impair an adequate supply of light and air nor will they be injurious to other property. The proposed variations

will result in very little change and likely some improvement to the neighborhood character.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request to modify an existing special use (educational facility, secondary) as provided for in 2017-O-63 and for a 7.0' light pole height variation, a 1.0' fence pier height variation, 0.5' fence pier diameter variation, and a 3.0' fence pier setback variation to expand the parking lot and to install new fencing at 1100 Lake Avenue in accordance with the plans submitted. The use shall run with the use.