



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, APRIL 18, 2018

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Chairman Patrick Duffy
John Kolleng
Christine Norrick
Michael Robke
Reinhard Schneider
Bob Surman

Members Absent: Mike Boyer

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-17 1153 Wilmette Avenue

See the complete case minutes attached to this document.

III. 2018-Z-15 405 Vista Drive

See the complete case minutes attached to this document.

IV. 2018-Z-16 803 Lake Avenue

See the complete case minutes attached to this document.

V. Approval of the March 7, 2018 Meeting Minutes

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

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

VI. Approval of the March 21, 2018 Meeting Minutes

Mr. Kolleng moved to approve the March 21, 2018 meeting minutes.

Mr. Robke 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 8:56 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. David Schrempf, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a special use for an indoor amusement facility (Outatime Games Live Escape Rooms). The Village Board will hear this case on May 8, 2018.

3.22 Chairman Duffy asked the applicant how he found the space.

The applicant said that he found it through Zillow.

3.23 Chairman Duffy said that the space is difficult from an owner's perspective, yet this is a great use for the space.

The applicant said that the location is excellent and will complement restaurants and bars in the area. This will give people coming to the Village Center a place to go. It's a win/win for everyone.

3.24 Chairman Duffy asked about the number of employees on site at any given time.

The applicant said that there would be one manager and three gamemasters to run the rooms. They plan to open three rooms.

3.25 Mr. Schneider asked for an explanation of the business.

The applicant said it is an indoor amusement business. He will sell tickets. There are up to 12 people per room. The gamemaster is the host. They will explain the theme. It is an hour-long ticket, so players have an hour to solve a series of puzzles and clues and try to beat the room. The host will set up the situation and then go to a game area where they will watch the players by video. The gamemasters coach players to help solve the puzzle. It is like a murder-mystery.

3.26 Chairman Duffy referenced 1.5, which is the applicant's design of the space.

The applicant explained one of the themes on 1.5. Each room will resemble a theater stage. There will be some audio pumped into the room. There is lighting through a computer system. Fake props will be in each room to align with the room theme. The demographics are ages 12 to 70. Multi-generations are the key to successful escapes.

- 3.27 Mr. Schneider asked how often themes would change.

The applicant said that the three themes will change annually, and each theme is different from another. The submarine theme probably will never change. The first room to open is Escape the White Chapel Club. The second is more family oriented and is called Field Trip Gone Bad. He explained the floor plan. There will be a lobby and bathrooms.

- 3.28 Mr. Surman said he wanted to make sure that there are two stairways. He does not see that on the plan.

The applicant said that the back hall goes to an exit to the alley. The main entrance is to the far left on the drawing. There always will be two exits. The whole site is below grade. There is an interior stair that used to be an exterior stair. They enclosed that stair. There are stairs going up to another level. One enters and then goes down. His frontage space is small.

- 3.29 Ms. Norrick said that the packet indicated hours of operation were 9:00 a.m. to 11:00 p.m. Does someone call to make a reservation?

The applicant said there are appointment only times during the day from 9:00 a.m. to 5:00 p.m. Monday through Friday. Companies could come in to do team building. They would typically buy an entire room instead of purchasing individual tickets. From 5:00 p.m. to 11:00 p.m. is for individual ticket sales. He thought that corporate groups would come during the day. On the weekends, they would also be open from 9:00 a.m. to 11:00 p.m.

- 3.30 Ms. Norrick clarified that individuals could buy a ticket and that they sell 12 to 15 tickets per room per session.

The applicant said that when one room fills up they can then use another room. Someone could buy the full room for a discount and bring in their own party.

- 3.31 Mr. Schneider asked if they would allow someone under 12.

The applicant said that perhaps they would allow someone under 12 by exception. They would have to be with the parents. The first room he is opening is more adult themed. The field trip room would be more geared to a family.

The concept has been in the US for about 10 years. The nearest one is in Evanston and that has been there for two years and they have two rooms. There is also one in Morton Grove and they have three rooms. There are 47 such escape room places in the Chicago area.

- 3.32 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

6.1 Mr. Surman said this is a great use of the space. They probably need darkness in the rooms, so they don't want windows. It is exciting. He can support this request.

6.2 Mr. Robke agreed and said that he could support it. There is nothing obtrusive or negative. It will bring more people to downtown to support other businesses.

6.3 Chairman Duffy said that it is a great use for the space and will bring more people into the VC. He has done an activity like this and it's a lot of fun.

6.4 Ms. Norrick asked if they had a temporary use permit.

Ms. Roberts said they requested and received temporary use approval last fall but did not move forward with it.

6.0 DECISION

6.1 Mr. Surman moved to recommend granting a request for a special use for an indoor amusement facility (Outatime Games Live Escape Rooms) at 1153 Wilmette 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	Not Present
John Kolleng	Yes
Christine Norrick	Yes
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Yes

Motion carried.

6.2 Mr. Schneider authorized the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-17.

6.21 Mr. Kolleng seconded the motion and the voice vote was all ayes.

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 proposed use is consistent with the goals and policies of the Comprehensive Plan to attract uses to the Village Center that will be compatible with

dining and other entertainment uses. The space does not lend itself to a retail use; it was previously occupied by a personal service use, so an entertainment use is ideal. The establishment, maintenance, and operation of the use will not be detrimental to the public health, safety, and welfare as the use will operate largely in the evening and weekend hours. The use will comply with building codes to operate safely. The proposed use will not have any exterior impact and therefore will not be injurious to and will not impede the normal and orderly development of other property in the neighborhood. The proposed use will not diminish property values in the neighborhood. Adequate utilities, road access, drainage, and other necessary facilities already exist to serve the proposed use. Adequate measures already exist to provide ingress and egress to the proposed use. The proposed use is consistent with the community character of the neighborhood. The development of the proposed use will not substantially adversely affect a known archaeological, historical or cultural resource. There are no necessary buffers or landscaping associated with the proposed use. There are no additional standards of Article 12 that apply.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a special use for an indoor amusement facility (Outatime Games Live Escape Rooms) at 1153 Wilmette Avenue in accordance with the plans submitted. The use shall run with the use.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Ms. Sylvia Ballinger, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this was a request for a 2.0' fence height variation and a fence openness variation to permit the retention of a 6' tall solid fence in a front yard. The Village Board will hear this case on May 8, 2018.

3.22 The applicant said that she had an issue with her rear fence due to weather. This was in December 2017. She had Fenceworks construct the fence in the rear, side, and front. It was her understanding that she could have a 6' high fence. There are other nearby houses with similar fences. The yard is open and the fence is not impacting other houses.

3.23 Chairman Duffy said that the applicant has a permit that specifies a 4' high fence in the front.

The applicant said the permit was for a 4.5' fence and she asked if she could increase the height and she was told that she could. She had no reason to think that she could not increase the height.

3.24 Chairman Duffy said that the permit indicates a 4' high picket fence, front side; 6' stockade, side and rear. Who told her that she could go higher in the front?

The applicant said that someone told her that she could go higher in the front when she completed the permit. Perhaps there was miscommunication. She reiterated that there are similar fences in the neighborhood.

3.25 Chairman Duffy said that even though the permit calls for a 4' high fence, at what point did the applicant tell the fence installer to put a 6' high fence in the front.

The applicant said she told them about a 6' high fence in the front yard when the fence installer came out. The installer asked her how high she wanted the fence and she wanted 6' to match the other fences.

3.26 Chairman Duffy said that in the front yard, the applicant replaced what was a 4' 50% open fence. There are pictures of what the fence was before the new fence was installed.

The applicant said that there was a stockade fence and then her husband built a picket fence because he liked them.

3.27 Chairman Duffy said that there is a picture in the packet from 2011 that shows a 50% open 4' tall fence. The one that is set back on the east side of the house is set far enough back so it doesn't fall into the setback that requires a 4' height.

3.28 Mr. Robke noted that the board members did not have that picture.

Ms. Norrick said she printed that picture.

The applicant said there was previously a stockade fence around the property.

3.29 Chairman Duffy clarified that prior to 2011, her husband built the fence in the photo and before that there was a stockade fence that came across and was 6' tall, per the applicant.

The applicant said she did not recall the exact height, but it was a stockade fence. Her husband did not like that fence so he built the picket fence.

3.30 Chairman Duffy said that the board has a direction from corporate counsel that when someone comes in after the fact that the board must look at the case as if it was new and hasn't been built. A lot of times the board asks people to modify their variances to make it more palatable so it's easier for the board to find the hardship, which is one of the standards of review. Why does the applicant believe she needs a 6' high fence across the driveway?

The applicant said it gave her a feeling of privacy and security.

3.31 Chairman Duffy asked what she used the area behind the fence for.

The applicant said it was previously a driveway and when she bought the home, there was an addition put on, so the garage is in the back. That part is open. Previously there were gates that went across and they were not easy to open and close, so they took them off and put a fence around the back side.

3.32 Chairman Duffy referenced the 2011 photo and said it looks like there is an umbrella in the photo. Does she use that area as a patio?

The applicant uses the area as a patio. She likes the security of the higher fence. She said she has gotten compliments on the fence and reiterated that it fit with other fences in the area that face the street.

3.33 Mr. Surman said he did not see any tall fences in the neighborhood. A lot of the fences are set back. The new fence is kind of awkward because it is in front of the house. It slightly goes across the front façade.

The applicant said that the grass area in the front is all open.

- 3.34 Mr. Schneider referenced the higher fence to the east. Is this a replacement fence or a new fence?

The applicant said that this is a replacement fence along with the rear fence.

- 3.35 Mr. Schneider asked the height of the previous fence on the east and in the front yards.

The applicant said the side fence was 6' high and the front was a shorter fence.

- 3.36 Chairman Duffy said that the front on both sides of the house were 4'. It does not show in the photo print out, but he saw it earlier. Tonight, the board is talking about the fence that goes across the driveway.

- 3.37 Mr. Surman said that as long as he has been on the board, the board has not approved a fence of this height unless there was a noise, traffic, headlight issue.

- 3.38 Chairman Duffy referenced a case west of Romona. The house faced east but there was another street that went east/west past the long side and they wanted to install a 6' high fence to replace a fence that had come down. Perhaps they had already installed the fence. He thought that the board had approved it, but the Village Board turned over the board's recommendation. In other instances where the board has granted variations where a 6' fence has been in a front yard and maybe 100% closed is when the orientation of the lot dictates that a particular yard is the front yard when it is not functionally the front yard. That would be the hardship. He talked about where Illinois and Locust intersect. There is a house on the northeast corner and the lot is large. Going in a certain direction, lights sweep through the yard. They had a chain link fence with arbor vitae and they asked to put up a 6' fence due to the lights sweeping through.

The applicant said that is a big issue. She is at the end of the street where it turns and she would see a lot of lights. She put up a higher fence to cover the lights. She is at the end of the cul de sac and there are cars that come in that direction.

- 3.39 Mr. Schneider talked about a case at the southeast corner of Hunter and Wilmette. He is not sure whether that was a side yard facing Wilmette Avenue. They asked for a higher fence on the basis that one of their children had some health issues and they needed that fence for security.

- 3.40 Chairman Duffy said that case might have been 446 or 447 Sandy Lane. Both were yards along Wilmette Avenue.

- 3.41 Mr. Robke asked about hardship in tonight's case.

(After section 4.0)

- 3.42 There were no more questions for the applicant.

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

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

- 4.11 Mr. Dan Beederman
335 Vista Drive

4.2 Summary of presentations

- 4.21 Mr. Beederman said he lives a few houses away from the applicant's house. He is supporting the applicant's request. The front fence is set back even with the house and encloses the patio. It is not out of place and it is not an eyesore. He didn't notice it until he heard about tonight's hearing. He said that when cars go around the curve, headlights will hit the applicant's home. He urged the board to grant the request. The fence is a nice addition to the neighborhood.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Robke said that while he is sympathetic with the applicant's request, he does not see a hardship. The standards of review are not met. He will not support the proposal.
- 5.2 Mr. Kolleng said that a 4' high 50% open fence is the standard in the village. There are certain situations when higher fence requests are granted. He said that the applicant's fence is not in front of her windows, so she will still get some headlights. He does not see a hardship and standards of review are not met.
- 5.3 Ms. Norrick agreed with the above comments. If the applicant had come to the board prior to installation, the board most likely would have requested that the height be lower and that the fence be open.
- 5.4 Mr. Surman explained the role of the board is to interpret the code and make a decision based on code. That is the direction provided by the village board.
- 5.5 Chairman Duffy said that the board is tasked with a strict interpretation of village code. The Village Board has the leeway to overturn the board's recommendation. He is not saying that they definitely would, but he said that the applicant should take her case to the Village Board. It appears as if the board will have a negative vote on this case. He can see why the fence is functionally better for the applicant but if the applicant brought the case to the board, the board would have asked her to conform to code.

6.0 DECISION

6.1 Mr. Robke moved to recommend granting a request for a 2.0’ fence height variation and a fence openness variation to permit the retention of a 6’ tall solid fence in a front yard at 405 Vista Drive in accordance with the plans submitted.

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

Chairman Patrick Duffy	No
Mike Boyer	Not Present
John Kolleng	No
Christine Norrick	No
Michael Robke	No
Reinhard Schneider	No
Bob Surman	No

Motion failed.

6.2 Mr. Kolleng authorized the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-15.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F and the fence variation standards of Section 5.4.F.h of the Zoning Ordinance. Specifically, there are no physical conditions of the property imposing a practical difficulty or particular hardship on the owner. The owner has created her own plight by installing the fence in violation of the code requirements. There is no hardship preventing the owner from making reasonable use of the property with a conforming fence. The fence location in line with the front of the house does not prevent car lights from going into the front windows. There are no other homes in the immediate area that have a tall/enclosed fence in the front yard.

Regarding the fence variation standards, the street to which the fence is oriented is a residential street and does not have an excess of traffic volume. There are no other such fences in front yards in the immediate area. No landscaping has been proposed to minimize the appearance of the fence. While the applicant testified that such a fence existed previously, it appears that the most recent fence was conforming in height and openness.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 2.0' fence height variation and a fence openness variation to permit the retention of a 6' tall solid fence in a front yard at 405 Vista Drive in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS, AND ARGUMENTS ON BEHALF OF THE OWNER

3.1 Persons appearing for the owner

3.11 Mr. Chip Hackley, architect
Hackley & Associates Architects
440 Green Bay Road, Kenilworth

3.12 Mr. Dave Hillyer, owner

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 242.51 square foot (1.69%) total floor area variation and a 20.42' rear yard setback variation to allow the construction of an attached two-car garage on a legal non-conforming structure. The Village Board will hear this case on May 8, 2018.

3.22 The architect said that he prefers old buildings over new buildings, which is evident in his practice. The existing house was built in 1871. He provided a history of the house. This is one of the oldest houses in the village. The house is prominently sited on the southwest corner of Lake Avenue and 8th Street. It is set back on the corner. The house has relatively low lines and an unassuming presence. The house has received many modifications over the years, the most recent in conjunction with his firm. The owners want to retain this house and want to ensure that the house meets today's standards as best as possible in an elegantly simple and contextual manner. The owner's goals are to ensure that modifications have minimal impact on the immediate neighborhood and village.

The house is currently under construction of a previously granted variation for the addition of an attached garage and mudroom to replace an oversized detached garage located in the rear corner of the lot. Circumstances of the ongoing construction have led to tonight's appearance before the board to slightly alter the prior approved garage.

Challenges have resulted in this pursuit. The initial plan was to develop a significant amount of the existing basement. The original basement was probably a dirt floor cellar when originally built. At some point a thin layer of concrete was installed and the ceiling height was 6' 1". Their plan was to dig out a significant portion of the basement to gain proper height. Due to the complex nature of the original structure combined with many past alterations, the ability to gain more height was prohibitive in restructuring and cost.

He explained the basement support system. The owners did not want to inflict undue stress on the original house and to not compromise the integrity of the original finishes.

The garage addition is planned to have a full basement underneath and this will be used as finished recreation space, which is an amenity afforded to many houses in the village. The new garage is significantly smaller than the detached garage. The raised detached garage provided 679 square feet of storage at ground level. The new garage will provide 550 square feet.

The original house is a 1.5 story farm house with no reasonably accessible attic space due to the nature of the truncated second floor ceilings. Additions towards the west done prior to the owners' ownership did not provide attic storage due to vaulted spaces and complex structural methods. This house has no viable attic space and thus has no storage afforded to many other houses in the village.

Due to the zoning rules about how heights dictate the counted square footage of attic spaces of one-story structures, they are asking to raise the proposed roof by 18" so they can have a minimally reasonable amount of attic storage space above the garage under construction. Raising the approved garage roof height by 18" would allow for an additional 123.75 square feet to be figured into the total zoning square footage of the house. There does not seem to be much gain, the additional height requested would provide for a more useful attic storage space in a house that is severely lacking storage available in most other houses in the village.

He talked about the 20.62' rear yard setback. The roof, if raised by 18", is located beyond the rear yard setback line. No footprint expansion is part of the request. The overall design is minimally altered with little change to visual volume.

- 3.23 Mr. Schneider referenced 1.9 of the previous submittal and 1.9 of the current submittal, which is the east elevation. In the new application, he can see the difference in the height above the garage doors. Is that where the 18" comes in?

The architect said that the floor plate would stay the same. The rafters will raise.

- 3.24 Chairman Duffy asked what that does to the floor area that gets counted in the garage. What is the new total floor area above the garage?

The architect said he does not know if he had the information at the meeting.

- 3.25 Mr. Schneider clarified that anything that is 6'9" or higher is measured.

- 3.26 Mr. Robke asked if there was a section through that space.

The architect said he had one, but not with him at the meeting.

- 3.27 Chairman Duffy said that they are adding 123 square feet and there was something up there before.

Ms. Roberts said that 112.4 square feet was on the original proposal. The new

revised proposal is 266.38 square feet.

3.28 Mr. Robke clarified that there was an approval for 120 square feet. The change is to add about 120 square feet.

3.29 Chairman Duffy asked if the room being created above the garage was 266 square feet. Will that be their attic space? They are creating a walkway between the house and the attic space. There will be a stairwell from the attic space into the garage. And there is a stairwell in the garage to the basement.

The architect said that the stairway is in the mudroom and goes to the basement. The stair in the garage is for the owner. There is a legal egress window in the master bedroom, but the owner has limited mobility, so they are looking for a way to get out through the doors of the master bedroom facing south, across the roof, and then go down the stairs.

3.30 Mr. Schneider referenced 1.7, which was shown to the board. This is the second-floor plan.

3.31 Mr. Surman clarified that the space above the garage is for storage. Is it a heated space?

The architect said that the space is not heated. He explained the second-floor plan and how the owner would exit.

3.32 Mr. Robke asked why that space needed the double door going into the garage.

The architect said that there was no actual reason for this.

The owner said that their windows will be the doors for the master bedroom and the roof is 10' away from the window. If that was a simple service door, the limit of the aesthetic from their master bedroom would be nothing but a roof and a service door. From an aesthetic standpoint, they asked the architect to design something that looked more attractive. Regarding the egress, the house is very long and narrow. If there was a fire in the first half of the house, there is no way out other than down and out windows that are high off the ground. The solution provides another egress. His wife would not be able to get out of the other windows; it would be hard for anyone to get out of those windows.

3.33 Mr. Robke said if they were trying to maximize storage, they would have more storage with a single door and would have less stairs.

The owner said that is true, but he would have a problem selling the house to a future owner.

3.34 Mr. Robke asked why that would provide less value to sell.

The architect said that the owner is concerned about the view from inside the master looking directly at a service door and a garage.

3.35 Mr. Robke said that a very talented architect could make that work.

3.36 Chairman Duffy said that they could add an attractive single door.

The owner said they have spent more renovating the home than they would have spent if they had torn the house down to build a new home. They have tried to do all the right things for the neighborhood. They tried to design for themselves and for future owners.

3.37 Mr. Robke said that the aesthetic is very nicely done, but he is trying to understand the request, which is a hardship for storage to gain an extra 120 square feet of storage in a 5,000 square foot house.

The owner said that storage is very limited. The basement is really a crawl space. It is moist. There is almost nothing in that space. The moisture destroys what is stored there.

3.38 Mr. Surman said he imagines that the foundation is rock.

The owner said that there is no drain tile. It is the original crawl space.

3.39 Mr. Surman said he understands the aesthetic. He is an architect and he would have designed it with a pair of doors. That is not an issue and the board is looking at the volume of the space and whether that would impact the neighborhood.

3.40 Chairman Duffy clarified that the most recent work is remodeling the home's interior. In that remodeling was there no desire to create more storage space in that work? Now they are coming back and are asking for more FAR for the storage space in the remodeled house.

The architect said that this is one of the more challenging homes he has worked on. They did a lot of second floor reorganization, but that doesn't do anything for the volume. The added space towards the west is all volume ceilings. They are limited to some of the heights due to mechanicals and other reasons. The house, on paper, is a big house, but it is a tight house. Some internal bearing walls could not be moved. They are trying to get the house to the point where it works better for the owners. They probably should have asked for what they are asking for tonight in the first round.

3.41 Chairman Duffy asked why they are asking for another 120 square feet of FAR.

The architect said that they have a structure that warrants a little more space.

- 3.42 Chairman Duffy said that there is a basement under the garage that they are adding.

The architect said that there is no basement anywhere else in the house.

- 3.43 Chairman Duffy described the first-floor plan. He understands that there are elements that cannot be changed, but there are a lot of rooms in the house. They are adding a basement under the garage and that could be storage. But the choice was made to make that into a family/entertainment room. They are asking for more FAR, so they are making the house larger for the lot than the math says. He understands somewhat the argument that this is an old house and they have constraints. They are creating more and more space and now they are asking for more.

The owner said they tried to sell the house for six months before all of this began. There was not a single buyer because there was not enough storage space and no basement. The cost of digging out the original foundation due to complexities of this old structure was \$225,000 to do raw construction. They looked at a way that would be half of that cost to dig the hole under the garage.

- 3.44 Chairman Duffy said that the board originally approved a height of the garage roof line. Why are they asking for more now? They had at least 112 square feet over 6'9" in that area already. The roof is peaked so they can go back farther. It seems like there is a lot of storage now. Why do they need it to be 18" higher to create more FAR?

The owner said that 112 square feet is 10' x 10'.

- 3.45 Chairman Duffy said that an attic is not a place to walk without hitting one's head.

The owner said they wanted to store outdoor patio furniture into that area and walk through the center. At 6' in height, from that line to the other side is 4.5' to 5'. At 4' in height point, it is like 8' across.

- 3.46 Chairman Duffy said they have almost a 22' wide garage. It seems like there would be more width than is being described.

The owner said that the space is not as wide as one would think it is.

- 3.47 Mr. Robke asked about the garage ceiling height from the garage floor.

The architect said that it is about 10'. The first floor of the current house is 4' out of grade. The transition from grade to garage and garage to mudroom and the clearance they need to have the ceiling of the mudroom clear the doorway.

- 3.48 Mr. Robke said that he was not following this. If there were four steps from the patio into the second floor of the garage, they could lower the garage ceiling by 2'

and it would have no impact on the mudroom.

- 3.49 Chairman Duffy noted they would have an 8' garage ceiling but they would gain 24".

The architect said they would have to add three steps to get 18".

- 3.50 Mr. Robke said that with 10' in the garage there is also opportunity for storage in the garage. He noted that there is no basement plan in the package.

- 3.51 Mr. Surman referenced 1.7 in the previous submittal. One can see the space size on the second level. Were the walls drawn at 6'8"?

- 3.52 Mr. Schneider asked about the laundry area.

The architect said that the laundry is beneath the existing kitchen. It is in the basement. They excavated under the kitchen for the laundry.

- 3.53 Mr. Schneider said that most people want the laundry on the second floor by the bedroom.

The owner said they looked at this and the cost of doing an upstairs laundry was excessive. They can access the laundry through the stair in the mudroom. Five risers down from the kitchen is the mudroom level.

- 3.54 Mr. Schneider asked about furnace location.

The owner said it was under the dining room. It is now hot water heat, but the addition will be forced air.

- 3.55 Chairman Duffy referenced 1.7, current proposal, second floor. To the left side of the page are some dimensions. What are they?

The architect said that the 8'9-5/8" is the width of the countable space and the 4'2-1/8" is the dormer projection.

- 3.59 Chairman Duffy said they have 8'9" at 6'9" if they are to get what they are asking for. The opportunity to do something as suggested by Mr. Robke if they took 1' to 2' out of the garage and added a riser, but it would still add to the floor area.

- 3.60 Mr. Robke said he is confused because there is no basement plan. What he understood to be the hardship is the need for more storage and there is an economic factor, which is not a hardship. Where is there height in the basement? What is in the basement?

The owner said they did not dig out part out of the basement that was storage. The

dug out the part that was laundry and made it taller.

- 3.61 Mr. Robke asked the height of different basement areas.

The architect said ceiling heights are 7'2".

The owner said it is under 6' and they went to 7'5".

- 3.62 Mr. Robke asked about the condition of the basement in the remainder of the house.

The owner said that the height varies in the basement. It is plus or minus 6'.

- 3.63 Mr. Robke continued and said they could use it for storage if they chose to temperate and deal with the humidity.

The owner said they would have to spend a lot of money to get it in shape for storage.

- 3.64 Mr. Robke clarified that the garage is not tempered. He asked if the space above the garage was tempered.

There was discussed about a suspended unit.

- 3.65 Mr. Surman said that the request is for 1.69%. The whole house is 5,920 square feet. A 1.69% would be 100 square feet. The request says 242 square feet.

The architect said that the request is based on the difference between the allowed and proposed. They were approved for about half of that, so they are asking for over 100 square feet. They are further from the lot line than the approval that was given in the past.

- 3.66 Mr. Surman said he thinks he was at the previous hearing. He clarified that they took down a 3.5 car garage with a long driveway.

The owner said they have less impervious surface now.

- 3.67 Mr. Surman said that the board probably approved it was because they went from a three car to a smaller garage with less impervious.

The owner said that the footprint of the new garage is less than the three-car garage.

- 3.68 Chairman Duffy clarified that the 1.69% is only the additional ask and not the total ask.

Ms. Roberts said that 1.69% is the total ask. It matches the 242 number.

- 3.69 Mr. Surman said if they take the house's square footage he gets 5,920.
- 3.70 Mr. Robke said then they would subtract the maximum allowable FAR. The delta is a percentage of the original and the percentage they are over. It is not the percentage from the grand total.
- 3.71 There was continued discussion about calculation of the 1.69%. Ms. Roberts said that the 5,160 is a percentage of the lot area minus the proposed as a percentage of the lot area. The allowable is 36.03% of the lot and the proposed is 37.72% of the lot.
- 3.72 Mr. Kolleng asked when they bought the house.
- The owner bought the house in 2004. He said it was his fault that they didn't come in to ask for tonight's request in the beginning. He looked at the side view and wanted the garage as small as possible and then they dropped the issue. The original design is what the board saw tonight.
- 3.73 There was no one in the audience to speak on this case. There was no additional communication on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Schneider said last time the board approved this with a smaller variation on the floor area, 0.83% with the same side yard setback. He commended the owners for doing all this work to this significant structure. It is better to preserve if possible. With the proposed garage, it appears as if the garage will fit with the profile of the existing structure overall, 1.6% is not significant. The issues with respect to the existing basement is understandable and provides some support to the argument that they want more storage above grade. He can support the proposal.
- 5.2 Mr. Kolleng said that if he has been on the board, there has been bias on older homes. Trying to accommodate some of the redesigns to make them more comfortable and keep the visual image. In 2016, there was a unanimous vote in favor of the request. Had this design been given then, he believes it would have been approved. He can support the request, which is very small. He understands the issues the owners ran into.
- 5.3 Mr. Surman agreed with Mr. Kolleng. It is a small request. It is great they are preserving this piece of property. The design is sympathetic to the overall structure. If this had been submitted in 2016, he would have supported it then. He can understand the issue regarding storage space. He can support the request. The hardship was previously discussed.
- 5.4 Ms. Norrick said she was on the preservation commission and is happy to see older homes preserved. She understands their need for extra space. It is a minor

modification and she can support the request.

5.5 Mr. Robke said he does not believe that needing more storage is a hardship. But there is something unique about this case. It is a modification to something that had a unanimous recommendation. Board members said they would have approved the request if it was made at the initial presentation. Out of respect for the prior vote, he will support this request.

5.6 Chairman Duffy said he reread previous comments. People were more in support of the idea that they were reducing impervious surface and the modification was easy to accept. As Mr. Kolleng pointed out and Mr. Boyer likes to point out, keeping older homes in the village is important and the board should be granting some of the variances in an easier fashion to keep them from being torn down and newer homes built. The modifications are small. The board asked a lot of questions tonight to understand why they were making the request at this time. No one will notice the 1.69% FAR when they drive by the house. He can support the request, which meets the standards of review.

6.0 DECISION

6.1 Mr. Schneider moved to recommend granting a request for a 242.51 square foot (1.69%) total floor area variation and a 20.42’ rear yard setback variation to allow the construction of an attached two-car garage on a legal non-conforming structure at 803 Lake Avenue in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Robke moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-16.

6.21 Mr. Surman 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 lot shape, interior configuration and condition of the house, and the location of the house on the lot, impose upon the owner a particular hardship. The plight of the owner was not created by the owner and is due to the unique circumstance of the lot. The hardship is peculiar to the property and is not generally shared by others. The hardship prevents the owner from making reasonable use of the property with adequate storage and safe egress from the second floor. 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 242.51 square foot (1.69%) total floor area variation and a 20.42' rear yard setback variation to allow the construction of an attached two-car garage on a legal non-conforming structure at 803 Lake Avenue in accordance with the plans submitted.