



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, AUGUST 15, 2018

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: Christine Norrick
Reinhard Schneider

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

Chairman Patrick Duffy called the meeting to order at 7:31 p.m.

II. 2018-Z-36 241 Kilpatrick Avenue

See the complete case minutes attached to this document.

III. 2018-Z-34 1125 Wilmette Avenue

See the complete case minutes attached to this document.

IV. 2018-Z-35 514 Knox Avenue

See the complete case minutes attached to this document.

V. 2018-Z-33 517 Central Avenue

See the complete case minutes attached to this document.

VI. Public Comment

There was no public comment.

VII. Adjournment

The meeting was adjourned at 8:44 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 there had been an issue with the published notice for the case though the personal notice was done. It was requested that the case be tabled to September 5, 2018.

6.0 DECISION

6.1 Mr. Kolleng moved to continue the case to the September 5, 2018 meeting.

6.11 Mr. Boyer seconded the motion and the voice vote was all ayes and no nays (Ms. Norrick and Mr. Schneider were not present).

Motion carried.

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

3.1 Persons appearing for the applicant

3.11 Mr. Paul Klitzkie, applicant
Nature's Perspectives Landscaping

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 1,212.57 square foot (15.53%) front yard impervious surface coverage variation to permit a sidewalk on the legal non-conforming structure. The Village Board will hear this case on September 11, 2018.

3.22 Mr. Klitzkie said they are looking to create a small paving area to access the playground on the side of the applicant's property. They currently have a bench area there at this time. It is soil with mulch and wood chips on top. Small toddlers are often there, and they want space to park strollers. They don't want to block the sidewalk area. They will do their best to pitch the paving area, so water won't shed onto the sidewalk, which is often a concern. Sometimes wood chips get onto the sidewalk and they will maintain this area. They took 600 square feet of asphalt paving that was in the playground area two years ago and they turned it back to sod. He hopes that the board can grant a variation for their request.

3.23 Chairman Duffy asked about products they proposed.

Mr. Klitzkie said they would use a clay paving product. He also mentioned that they could do permeable paving. The village staff were concerned about maintenance of permeable paving. He said that his business cannot say that it would always be maintained.

3.24 Chairman Duffy asked about dimensions of the area that will be paved.

Mr. Klitzkie said it is a 7.5' x 10' area

3.25 Mr. Surman mentioned a 6.65' dimension.

3.26 Chairman Duffy clarified this information with Ms. Roberts before the meeting. The 6.65' width is to the property line. The 7.5' actually goes to the sidewalk. They will pave the extra foot, but the board is only approving what is on their property and which goes to the property line. This is 6.65'.

3.27 Mr. Surman said that the request is for 1,200 square feet and that is larger because the coverage was already over.

Mr. Klitzkie thanked the board for clarification.

- 3.28 Mr. Surman asked if that area is where the children get picked up and they go in and out of that area.

Mr. Klitzkie said that was accurate. There is a gate and that is where they will access the playground.

- 3.29 Mr. Boyer clarified that this is a Wilmette Avenue address, but the front yard is on 11th Street. Why is the front yard on 11th Street?

Ms. Roberts said it is a corner lot. On a corner lot, the shortest street frontage is the front yard. The 11th Street frontage is shorter by about 2'.

- 3.30 Mr. Boyer said that the lot is a pie shaped corner lot.

Ms. Roberts said that the rear yard is sort of strange.

- 3.31 Mr. Boyer said if the configuration of the streets or the lot were different, this might be considered a side yard if it was not pie shaped.

Ms. Roberts said that the side yard setback requirement would be 20' compared to a front yard of 25'.

- 3.32 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. Surman said this is a small and straightforward request. He is surprised they did not have a sidewalk in that area. He can support the request.

- 5.2 Mr. Boyer said it is a church in an R2 district, so they are getting caught up in the codes. It is near the VC. The shape of the lot and the need to use 11th Street as a front yard causes some hardship. All standards of review are met.

- 5.3 Mr. Robke agrees with above comments. The applicant is providing an accessible path to get to the playground, which is a benefit.

- 5.4 Chairman Duffy agreed that this was a straight forward request. It might seem large, but it is a small area that they plan to pave. It is a convenience, but there is a hardship with the lot shape. He can support the proposal.

6.0 DECISION

- 6.1 Mr. Surman moved to recommend granting a request for a 1,212.57 square foot (15.53%) front yard impervious surface coverage variation to permit a sidewalk on the legal non-conforming structure at 1125 Wilmette Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
Christine Norrick	Not Present
Michael Robke	Yes
Reinhard Schneider	Not Present
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-34.

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 shape of the lot and the siting of the structures on the lot, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to 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 with improved access to the outdoor play ground. The proposed variation will not impair an adequate supply of light and air. Having a paved surface will allow the applicant to keep the area including the adjacent public sidewalk clean. The proposed variation will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 1,212.57 square foot (15.53%) front yard impervious surface coverage variation to permit a sidewalk on the legal non-conforming structure at 1125 Wilmette 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. Daniel Buf, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 276.7 square foot (16.47%) front yard impervious surface coverage variation to permit the widening of the existing driveway on the legal non-conforming structure. The Village Board will hear this case on September 11, 2018.

3.22 The applicant said that the garage is at the front of the house. He has a driveway that is approximately 500 square feet. It is in bad shape. The driveway is made of asphalt. He said that he planned to take out the current driveway and make it wider. He wants to add 2' on each side. He cannot park cars in a tandem configuration because he would block the sidewalk. He parks one car on the grass in the summer and on mud in the winter.

3.23 Chairman Duffy asked if they used the garage for the cars.

The applicant said that the garage is not usable. He uses the garage for storage right now. He uses the garage in winter, but it is inconvenient in the summer to use the garage. He does not have enough room to park two cars in the garage. He is adding 276 square feet.

3.24 Chairman Duffy said that he was trying to figure out the additional square footage.

The applicant said he is adding 276.7 square feet.

3.25 Chairman Duffy said he did not think that this was correct. They are not adding that much. They are adding 2' on each side times 22'. When one does the math, the difference is 150 square feet.

Ms. Roberts said that she also got 150 square feet.

3.26 Chairman Duffy said that he did not understand how they got to those numbers. 25' by approximately 2' on each side. But the driveway has an angle to it. Is the whole area 276 square feet?

Ms. Roberts said that for calculating the current driveway, there are some curves, but she was taking an average width and came up with 22.2' at the garage and 15' at the sidewalk or lot line.

The applicant said that he wants to go straight and not have the curve.

- 3.27 Chairman Duffy said he wanted to make sure that numbers were correct. The request is about getting a car out of a yard.
- 3.28 Regarding square footage, Chairman Duffy said that allowable is 504 square feet and existing is 780 square feet.
- 3.29 Mr. Kolleng said that the proposed is 780 square feet.
- 3.30 Mr. Robke noted that current coverage is 630 square feet.
- 3.31 Mr. Boyer clarified that the board would be allowing 150 square feet.
- 3.32 Mr. Robke said that it goes in about 3' in the center. If they did 3' x 25', it appears as if he is only adding 75 square feet. But it could be that existing was not calculated correctly. The overall will be 25' x 22'.
- 3.33 Chairman Duffy said that as long as they are saying that 780 square feet is the new total, it is insignificant what the difference is.
- 3.34 Mr. Surman clarified that the request is actually smaller. When he saw the larger request, he thought that most of the time when there is a garage that is 22', the driveway might be 20' and not 22'.
- 3.35 Chairman Duffy said he drove around the neighborhood. He said that the applicant's house is closer to the street than other houses on the block. He was looking for a common issue and the applicant has a unique situation. In the past, he has not been in support of parking cars on the driveway just because there is too much stuff in the garage. The argument is what, is the hardship.
- 3.36 Mr. Robke said that nothing was stated as a hardship.
- 3.37 Chairman Duffy asked if the hardship was the garage being too close to the street. That causes extra impervious surface to count against him. He is trying to help the applicant with the hardship issue.
- 3.38 Mr. Surman said that there are concerns about flooding. The more that there is paving, there is more opportunity for areas to flood. In a previous case, the applicant had a single car garage. In tonight's case, the solution might be paving one side. He does not think it is necessary to do the side to the north.
- 3.39 Mr. Robke asked if the board could move into discussion.
- 3.40 Chairman Duffy said that the board is trying to justify the applicant's request. One of the criteria is that there needs to be a hardship, a uniqueness to the property or to

the way structures sit on property. What is unique that causes him to seek a variance from the zoning code? The garage sits further forward than other garages on the street. This comes down to having to park a car in the driveway all the time. The applicant is parking a car in the driveway instead of using the two-car garage. Is there anything that the applicant can add?

The applicant said it is hard to put both cars in the garage because he has a lot of stuff in there. With two cars in the garage he wouldn't be able to get out that easily. It's a two-car garage, but it is too narrow.

- 3.41 Chairman Duffy said that the garage is 22.2' in width which means that the door is about 20' in width.

The applicant said he would have to remove everything from the garage including shelves, so he can open his car door in the garage. He will have to rent storage for everything in the garage.

- 3.42 Chairman Duffy said that the track from tires is on the south side of the driveway. Maybe if they do only one side of the driveway to that width and don't do the extra square footage on the other side. Would that help? Both sides would be straight. On the south side, he would get the extra width, but on the north side, it would be straight without extra width.

The applicant said that he could do that.

- 3.43 Chairman Duffy continued and said that Mr. Surman indicated that would be more amenable of a solution than adding on both sides. 2' would be helpful and 4' would be best.

The applicant asked if he could do 1' on each side so the driveway would be centered.

- 3.44 Chairman Duffy said that the reason why he suggested having more room on the south side was that it gets it further over to that side. He does not know if anyone will notice that the driveway is off center. But the car would be pulled over further from the center which would give the applicant more room to get past it.

The applicant wants 1' on each side.

- 3.45 Chairman Duffy asked if the request should be amended.

- 3.46 Mr. Kolleng said that there was a case on Greenwood where the board did the same thing.

- 3.47 Chairman Duffy said that in the Greenwood case, the applicant was given a lot of width. He and Ms. Roberts spoke about this case in which he was the only board

member who voted no.

- 3.48 Mr. Robke noted that they are essentially in a discussion. If the board is in discussion he wants to share his thoughts. He is torn on this case. But what the board is trying to do is accommodate front yard parking.
- 3.49 Chairman Duffy noted that everyone does front yard parking.
- 3.50 Mr. Robke said that does not mean a variance should be granted for front yard parking. That is the issue for discussion.
- 3.51 Chairman Duffy said the proposal might be amended prior to the discussion. But ultimately it is to provide a parking space in the front yard setback. If he amends his request, do any board members help them to support the proposal?
- 3.52 Mr. Kolleng said that the request is not as large as initially thought. They are probably closer to 80 square feet of additional space. He talked about the Greenwood house that had the same issue of using the garage for storage. He does not know why the request should be amended for 40 square feet.
- 3.53 Mr. Robke said that the driveway would be wider than the garage door.
- 3.54 Mr. Kolleng asked the applicant what kind of car he had.
- The applicant has an SUV.
- 3.55 Chairman Duffy said that the garage is 22' wide and a 22' x 20' garage is a standard size for garages. The biggest difference with the Greenwood case was that was a one-car garage that was smaller. The applicants were not using the garage for a car because it was not convenient. He voted no because he didn't see a hardship. Tonight's case is similar, but if one is looking at this only because of impervious surface, it is a slightly different decision. The reality is about parking cars in the front yard.
- 3.56 Mr. Boyer said that the condition is not changing. There are already two cars in the driveway. By the board allowing any additional impervious surface, this will not allow two cars. They are already there. The board cannot stop the applicant from parking two cars there. Additional parking is not being created.
- 3.47 Mr. Robke said that if somebody does something and it becomes a constructive easement and then is okay by zoning that the board should validate it.
- 3.48 Chairman Duffy said that the board is not validating it because it is already being done. There are already two parking spaces there.
- 3.49 Mr. Robke said that the request is for two parking spaces.

- 3.50 Mr. Surman said that the hardship could be the configuration that was originally created with that bow to the sides and if the board were to say that for a standard 22' garage, the board typically accepts 20' as the width, that would be acceptable. That is sort of the standard.
- 3.51 Mr. Robke said that he agrees with that. He said that for a two car garage the driveway should be straight. He would be fine with that.
- 3.52 Chairman Duffy said if the request was amended he would ask for an extra 1' on each side vs. an extra 2'.
- 3.53 Mr. Robke clarified that the driveway would align with the door and come out straight.
- 3.54 Chairman Duffy said that right now the widest part of the driveway lines up with the door edges and then it tapers in and finishes at an even width to the doors.
- 3.55 Mr. Robke said that the survey shows the driveway going all the way to the outside.
- 3.56 Mr. Surman said if someone came to the board with a new structure and said they want to have a driveway that is the same width as the actual garage, he thinks that the board would say no. At some point the board has to decide on a reasonable number for a variance request. When he saw a 22' width, he thinks about the number of parking spaces. Parking spaces are generally 8-9' wide. If they doubled 9' to 18', that is the width of the garage door.
- 3.57 Chairman Duffy said that in this case the garage is about 20'. He has 22' of width from corner to corner. He said he thought that there was 1' on each side, but he is not 100% sure.
- 3.58 Mr. Surman said he thought that 22' was excessive.
- 3.59 Mr. Robke said he would be comfortable if the driveway was the same width as the doors.
- 3.60 Chairman Duffy said that Ms. Roberts showed him a picture. The driveway comes in and flares out to the corners of the building, but the rest of the driveway lines up with the width of the door.
- 3.61 Mr. Robke said that the rest of the driveway curves.
- 3.62 Chairman Duffy said that it looks like that according to the drawing, but the picture shows that it is not.
- 3.63 Mr. Surman said that in one picture it appears as if the center of the arc aligns with the door.

- 3.64 Chairman Duffy said pictures are not as dramatic as the drawing.
- 3.65 Chairman Duffy asked the applicant if he wants to proceed as he proposed or would he like to amend the application. If the applicant wants to proceed as proposed, there are five board members present. If the vote is 3 to 2, it is a negative recommendation to the Village Board. The Village Board will discuss the case on September 11 and the applicant can present to the village board who can overturn the board's decision. The Village Board has the final decision.

The applicant said he would amend the request so there is 1' on either side. It would be a 20' wide driveway.

- 3.66 Mr. Surman asked if the driveway would be straight.
- 3.67 Chairman Duffy said that it is a 20' width driveway from the garage apron to the sidewalk. It is 25' x 20'.

Ms. Roberts said that the total is 657 square feet. 153.22 square feet is the new variation request.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Kolleng said it is not unreasonable to have a 20' width driveway. This request has been granted for other homes. This is a small and reasonable request. Standards of review are met. He can support the request.
- 5.2 Mr. Boyer agreed. 73 square feet of the house is also in the impervious surface coverage, so net is 584 square feet over. The siting of the home has something to do with the request. He can support the request.
- 5.3 Mr. Surman said the siting has a little to do with the request. They have reduced the request in size.
- 5.4 Chairman Duffy said that the maximum allowable is 504 square feet. The current coverage is 630.43 square feet. Existing, he is over by 125 square feet and he is asking for 153 square feet. So, the request is 28 square feet.
- 5.5 Mr. Robke said he thinks that a tapered driveway is stupid. Because the driveway is now straight, he can support the request as amended.
- 5.6 Chairman Duffy said this is quite different from the Greenleaf request. In tonight's case, the garage protrudes far forward. If the garage didn't stick out into the front yard as much, there might not even be a request to widen the driveway. He is struggling with the request because he is not in favor of parking cars in the front yard.

6.0 DECISION

6.1 Mr. Kolleng moved to recommend granting a revised request for a 153.22 square foot (9.12%) front yard impervious surface coverage variation to permit the widening of the existing driveway on the legal non-conforming structure at 514 Knox Avenue in accordance with the plans as revised for a 20' wide driveway from the apron of the garage to the sidewalk.

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

Chairman Patrick Duffy	No
Mike Boyer	Yes
John Kolleng	Yes
Christine Norrick	Not Present
Michael Robke	Yes
Reinhard Schneider	Not Present
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-35.

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

A majority of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the siting of the house on the lot and the current shape of the driveway, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the circumstances of the lot. The difficulty prevents the owner from making reasonable use of the property with a driveway wide enough for two cars and the two-car garage. The proposed variation will not impair an adequate supply of light and air or otherwise injure adjacent properties. The variation if granted will not alter the essential character of the neighborhood. It will improve the property appearance in that the owner will no longer be driving and parking on the grass.

A minority of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, there are no conditions of the property that are causing a difficulty or hardship. The applicant indicated that he uses the driveway for parking rather than the garage and expanding the driveway for parking is not a hardship.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a revised request for a 153.22 square foot (9.12%) front yard impervious surface coverage variation to permit the widening of the existing driveway on the legal non-conforming structure at 514 Knox Avenue in accordance with the plans as revised for a 20' wide driveway from the apron of the garage to the sidewalk.

3.0 TESTIMONY, COMMENTS, AND ARGUMENTS ON BEHALF OF THE OWNER**3.1 Persons appearing for the owner**

3.11 Mr. Pat Moran, owner

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for an 8.98' front yard setback variation, a 2.98' front yard porch setback variation, and a 7.4' front yard porch step setback variation to permit construction of a one-story addition, front porch, and steps on the legal non-conforming structure. The Village Board will hear this case on September 11, 2018.

3.22 The owner said they are asking to replace the front porch and converting it into an actual part of the house so they can use it year-round. They are not changing the footprint. The front steps might protrude out a little bit further. They will comply with the code as it relates to risers, so the front steps are safer.

They knew that the front steps needed to be replaced. There are rotting parts of the steps. There is a hole. There are problems with the porch. The front door won't close properly. There are windows that someone could go through from the front porch. They want to take out the windows and make the front porch part of the house. They have three small children and the front porch area would become an indoor play area for them. Their basement is small, and the play area shown on the drawings doubles as a laundry area. The home was built over 100 years ago. They did not create the current footprint and they did not create the encroachment on the setback. The proposed numbers are similar to the proposed numbers.

3.23 Chairman Duffy asked if everything is being replaced in the same location as the current configuration.

The owner said that this is correct.

3.24 Chairman Duffy said they are creating more basement. But nothing is going above the porch.

The owner said that the house would look the same.

3.25 Mr. Surman asked if the beautiful tree would remain.

The owner said that all trees would stay as long as they are alive and well.

3.26 Mr. Robke said that the letter indicates that the hardship is the condition of the porch. There is nothing to stop them from rebuilding the porch and repairing it.

The owner said that in order to do a complete rebuild they would still need board approval.

- 3.27 Mr. Robke agreed that they would need board approval. The setback requirement would be different, and the encroachment would be different if they repaired instead of replaced. There is no technical reason why they could not rebuild the porch.

The owner said that by spending the money to do this, they would be adding significantly to the home value and to the overall community. To rebuild the porch the way it is now, they could eliminate some of the safety issues, but it doesn't seem like an economical use of their money.

- 3.28 Mr. Robke said that economics is another consideration. One of the hardships mentioned was safety. There is no reason the safety issues could not be addressed with a rebuild. They may not want to spend the money on a rebuild, but there is no technical reason why this could not be done.

- 3.29 Chairman Duffy asked if the owner was replacing the steps and porch area, would the request be the same. The enclosed porch is still encroaching into the setback.

- 3.30 Mr. Robke said it would be a different request because the setback for the porch requires 53' instead of 59' for building.

- 3.31 Chairman Duffy said that the 53' exists and the porch exists in that location. Doesn't the porch count as encroaching in the front yard setback? That is the question. Will the building come further into the front yard with the proposal?

The owner said that the building would not come further into the front yard.

- 3.32 Mr. Robke said that the porch is enclosed but it is not heated or tempered or has a new foundation. It does not have a full foundation and would not be considered building right now.

The owner said that heat will go into the space. It's a play area for the kids now.

- 3.33 Mr. Kolleng asked if they were talking about 2.98'.

- 3.34 Chairman Duffy asked Ms. Roberts if the request would be different if it was only a replacement of the steps and porch.

Ms. Roberts said if the current and proposed porches were open porches and the same with the steps and it is existing, there is a provision in the ordinance to allow an exact replacement of an existing non-conforming porch without any zoning relief needed. They would go out to see this porch to determine if the space is open. If this was considered a porch that would encroach and is becomes part of the structure, it could not be replaced without zoning relief.

- 3.35 Mr. Surman said that the space is fully enclosed.
- 3.36 Chairman Duffy asked if the owner was only replacing the wood area that needs to be fixed, would the request be the same.
- Ms. Roberts said if he was replacing the steps as they exist, no zoning relief would be needed. But the owner is basically building an enclosed addition which cannot encroach.
- 3.37 Mr. Kolleng said that existing is 50.02', the required is 59', and proposed is 50.02'. So there is no change. On the front yard step, required is 50', existing is 42' and proposed is 42.6' so there is basically no change. The only change is the front porch of 2.98'.
- 3.38 Chairman Duffy asked if just replaces the part that needs to be repaired, would he need relief from the ordinance? The answer was no. But because he is creating a new structure, he now has to ask for zoning relief. He needs a 2.98' setback variations.
- 3.39 Mr. Robke said that the request is written as the area being an enclosed porch. The distinction is made that it is an enclosed porch and not that he is replacing a part of a building with a part of a building. Is the only distinction being that there are currently windows in there? What about having a proper foundation and proper building? If that is considered a building, he agrees that it is a significant situation. But he is reading it as replacing a porch and putting an addition instead of a porch. The implication is that there is a distinction between the porch and the rest of the house.
- Ms. Roberts said that when they look at structures like this, they look at whether the front door goes into the house. They would look to see if windows were permanently installed or temporary or only screens. They would look at the porch structure and talked about whether it is mostly built out at windows. If it was the latter, it would be seen as a permanent structure instead of a traditional open porch. For this analysis, they treated it not as encroachable porch. If the basement had fully extended under this area, the basement is not an allowable encroachment into the front yard.
- 3.40 Chairman Duffy said that the aesthetic change is nil. One will not know what the difference is if one drove by.
- 3.41 Mr. Robke said there are removable windows in there now. The discussion will include whether the village encourages front porches.
- 3.42 The owner asked where the discussion was going so he can understand.
- 3.43 Mr. Robke said that the discussion is just for everyone to understand the issues.

The owner asked the difference in the type of window used.

- 3.44 Mr. Robke said that for him it is a matter of whether it is a porch or part of the building.

The owner asked if windows were permanent, would it be part of the house.

- 3.45 Mr. Robke said that there are several criteria. It is built like a porch, insulated like a porch, has windows like a porch so he thinks it is a porch so that is how setback requirements come into play.

The owner said it seems like a hybrid between a porch and a part of the house. The windows are actually permanent.

- 3.46 Mr. Surman asked if they use the area year-round.

The owner said that they use it as much as they can.

- 3.47 Mr. Surman said it might have been constructed as a porch, but it is used as a structure.

- 3.48 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 for a house with an existing structure. The owners are asking to replace the existing structure. There is a difference in the new use of the structure and it will be more of a permanent structure v. what was originally built over 100 years ago. The use has changed over time. It was enclosed at some point. The sister house is next door at 521 Central Avenue. Their porch is open, and this porch is enclosed. It is a large lot with 210' in depth, 10,500 square feet. The look of the house and the FAR won't change. There are no impervious surface or setback issues. They are asking to rebuild the structure the way it was. With older homes, the board has to look to support the request. Older homes should be given some leeway. Depending on siting, some homes get caught in the existing codes. The new structure will not impact the neighborhood. The practical difficulty and hardship are that the house is being caught up in codes of today. All standards of review are met. He can support the request.

- 5.2 Mr. Surman agrees with above. There will be less impact because the threshold for the stairs is within the building. The stairs will now be safer. They are replacing what is there now and the construction is more permanent.

- 5.3 Mr. Robke said he disagrees with both of his colleagues. It is not being replaced with what is exactly there. It is a completely different type of construction. It is a porch. A porch has a 53' front yard setback instead of a 59' setback. The issue he

has is that he is not sure what the ask is. It is calculated that it is not a porch. The village does encourage front porches. There is a similar house next door with an open porch. The neighborhood is looking for open porches. They can put in temporary windows and use it as a 3- or 4-season space. He is reading the ask as taking down a porch to put a full basement underneath, which is a new element and clearly makes it a building. He wants to hear what other board members have to say.

- 5.4 Mr. Kolleng said they are duplicating what is there and it is on the same footprint. From his perspective, it is form over substance. They are not adding a wrap around porch. There are no FAR or impervious surface issues. One has to work to accommodate older homes. The request is modest, and the footprint is the same. He can support the request.
- 5.5 Chairman Duffy said he understands Mr. Robke's argument. The house will technically now protrude to where the existing front porch is after the addition. That will be 8.9' into the front yard setback. They are going to repair the stairs and add a landing and porch. He went to the site and walked up to the front corner. Will the request protrude farther than existing? Will it impact neighbors? Will anything be changed? He said that he did not see any change. He understands that this is an addition instead of an enclosed porch. It would not change the look and feel of the neighborhood or impact light and air. Does he like the addition into setbacks? No, but the situation is already existing. Although it does not have the permanence of the house after an addition, there will be no change as one looks at it from the outside. He can support the request. It is not an additional request and they are not trying to make it larger than it already is.
- 5.6 Mr. Robke said that when one compares the front with neighboring structures, some of the other structures are porches that are set back. If the windows come out it is a porch and has the potential to be just as nice as next-door porch or other porches. By allowing the addition, the character is permanently changing. It will preclude it from going back to a porch because no one will tear it down.
- 5.7 Mr. Surman said he can agree with both sides. If they came to the board and it was an open porch and they said they wanted to remove the porch and change into something, that would be one thing.
- 5.8 Mr. Robke said that it would be a traditional porch with the windows out.
- 5.9 Chairman Duffy said one has to look at the age of the house and how it sits on the lot. This house was built at a time where a house could go wherever. No one will notice the additional 9'. They are not adding a large addition. The situation exists.
- 5.10 Mr. Robke said that the change takes away the ability for the structure to be a porch.
- 5.11 Mr. Kolleng said it wasn't used that way, so nothing is being taken away.

5.12 Mr. Robke reiterated that they are taking away the ability to make this a porch. It was designed and built to be a porch. He has heard several board members talk about the importance of front porches.

6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a request for an 8.98’ front yard setback variation, a 2.98’ front yard porch setback variation, and a 7.4’ front yard porch step setback variation to permit construction of a one-story addition, front porch, and steps on the legal non-conforming structure at 517 Central Avenue in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Boyer moved to authorize the Chairman to create the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-33.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

A majority of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical condition of the property, the siting of the house on the lot, imposes 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 lot. The difficulty prevents the owner from making reasonable use of the property with improved living space and code corrections to the front steps. The proposed variations will not impair an adequate supply of light and air to adjacent properties. They allow for structures to remain in essentially the same location as existing, with no additional impacts. The proposed variations will not alter the essential character of the neighborhood. The addition is proposed to replace an enclosed porch in the same location, maintaining essentially the existing appearance. The steps will project out a small amount more than existing but not enough to be noticeable.

A minority of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, there is no hardship preventing the owner from making reasonable use of the property. The existing structures could be repaired or replaced without requiring relief. That the applicant is seeking to convert the porch to a fully integrated part of the house is his choice. Other homes on the block have open porches at the same setback at the applicant's current porch. By converting an arguably open porch to an enclosed addition, the character of the neighborhood will be altered.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for an 8.98' front yard setback variation, a 2.98' front yard porch setback variation, and a 7.4' front yard porch step setback variation to permit construction of a one-story addition, front porch, and steps on the legal non-conforming structure at 517 Central Avenue in accordance with the plans submitted.