



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 26, 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-44 1515 Sheridan Road

See the complete case minutes attached to this document.

III. 2018-Z-43 214 5th Street

See the complete case minutes attached to this document.

IV. 2018-Z-32 1500 Maple Avenue

See the complete case minutes attached to this document.

V. 2017-Z-45 935 Oakwood 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 9:11 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 an applicant

3.11 Mr. Scott Miller, representing Retail Properties of America

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a special use for dwellings above a ground floor to permit the conversion of office space into three residential dwelling units (apartments). The Village Board will hear this case on October 9, 2018.

3.22 Mr. Miller said he is asking for a special use to convert office space to three apartment units in Plaza del Lago. He exhibited a site plan and said he is talking about the building labeled lot 3. That building currently has retail at grade level and above are 14 apartment units. Three of them had been converted to the Moss Realty offices. He is asking to convert those back to residential units. He has plans for the demo. They want to demise the realty office into three separate apartments.

He talked about how the request related to the village master plan. The plan currently indicates 25 units in that space. They are asking to go from 14 units to 18 units, so they are within the cap of 25. The request is in accord with the mixed-use character of the property. They are going from residential to more residential. They are well within the parking ratio for all the various uses at the center. He showed a spreadsheet that focused on parking. With the conversion, they will have a surplus of 15 parking spaces.

3.23 Mr. Schneider asked if the parking spaces for the apartments were designated spaces.

Mr. Miller said they are not designated spaces within the property.

3.24 Mr. Surman asked if the current office would now be offsite.

Mr. Miller said they are using one of the vacant spaces that was previously occupied by the Chamber of Commerce in the old arcade building. The office was converted to a property management office. There is not full-time staff at the site. He is there one day/week, and other staff is there at various times. He hopes that the space is totally leased and that there is no room for a property management office. But they intend to have a continuing presence on the property.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Surman said this is a straightforward request. It is a conversion back to what it initially was. There is no parking issue. He can support the request.
- 5.2 Mr. Robke said that he had no issues with the request. He will support it.
- 5.3 Chairman Duffy said that standards of review were met. He can support the request.

6.0 DECISION

6.1 Mr. Surman moved to recommend granting a request for a special use for dwellings above a ground floor to permit the conversion of office space into three residential dwelling units (apartments) at 1515 Sheridan Road 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 Ms. Norrick moved to recommend that the Chairman prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-44.

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 special use standards of Section 5.3.E of the Zoning Ordinance. The proposed use in the specific location is consistent with the goals and policies of the Comprehensive Plan. Three residential units previously existed in the office space and the rest of the second floor has continued to be apartments. Restoring the three apartment units is consistent with the historical use of the second floor and the mixed-use nature of the center. As an existing use on the second floor, adding back three apartment units will not be detrimental to or endanger the public health safety and welfare or otherwise be injurious to the use or enjoyment of other property. The

re-establishment of three apartment units will not impede the normal and orderly development or improvement of surrounding property nor substantially diminish property values in the neighborhood. Adequate utilities and other facilities already exist. There is sufficient parking in the center to accommodate the three additional apartment units. The addition of three apartment units is consistent with the community character of the center and the neighborhood. No other buffers or landscaping are required. No additional use standards apply.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a special use for dwellings above a ground floor to permit the conversion of office space into three residential dwelling units (apartments) at 1515 Sheridan Road 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 Mr. Mike Leonardson, applicant
214 5th Street

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 2.25' detached garage height variation to permit the retention of an expanded dormer on a detached garage. The Village Board will hear this case on October 9, 2018.

3.22 The applicant said they just moved to Wilmette from Virginia/Washington, DC area. The key point is that there was a significant condition on the property that they bought, and the condition was that he would be able to install a car lift in the garage. Prior to buying the property, he had a garage door installer inspect the property. He had a contractor come and inspect the property. He was told that a car lift could be installed in the garage without having to change the roofline. They spent a number of months with contractors, designers, and architects trying to work out the plans. The plans were permitted by the village a few weeks before they moved here in early June. One week before construction was to start, the garage door installer said they could not do the work anymore. The contractor had talked to his engineering department late in the process and they said they could not do a garage door that would go up at a 45-degree angle and then another 45-degree angle.

The applicant worked with his contractor and the designer/architect to come up with plans. He was presented with two options. One he was told would be a simple change request that could be shown to the inspector when he arrived. The other option would require major renovation to the roof and would require re-permitting, which meant a four-week delay. He told them to move forward with option A. The inspector came out and did not agree with the architect in terms of the change.

He said that was an original smaller dormer. The dormer he is discussing tonight ended up being in back of the dormer, 1' above ordinance. He was not aware of the ordinance. He was trying to coordinate the project from out of state and was relying on well-paid professionals to understand the ordinance. He is an audit partner with Ernst & Young and appreciates rules and believes in following them. He made every effort to do this right. To date, he has spent about \$25,000 on the construction project. His understanding is that he would have to remove the garage roof, and everything done to date. He would have to lower the garage peak to 15' and extend the dormer out the front and back of the garage. It would cost him about \$20,000 more.

- 3.23 Mr. Robke clarified that the applicant is doing all of this because of the lift. Is there a hardship that requires the lift?

The applicant said that the hardship would not be requiring the lift, but it was a condition of their purchase. He relied on professionals to tell them that it could be done. The hardship relates to the fact that if his request was denied, he would have no choice other than to spend \$20,000 to redo it. To do it that way would make the garage look more industrial. Not having the lift is not an option so he would make the change, but the garage would not match the appearance of the house. All of his neighbors have said that they hope he doesn't have to change the garage.

- 3.24 Mr. Kolleng asked if the lift was to fit more cars in the garage.

The applicant said this was correct.

- 3.25 Mr. Kolleng asked if it was a one car or two car lift.

The applicant said it is a one-car lift and a two-car garage. He has the lift to put in a third car.

- 3.26 Mr. Surman asked if drawings had been submitted drawings regarding internal modifications. Was it when the external drawings came he did not repermit?

The applicant said that the above was accurate. He was advised that what he wanted to do was a simple change order that could be shown to the inspector.

- 3.27 Mr. Schneider referenced the before and after photos and asked for an explanation.

The applicant said that in the before photo, a dormer is shown. Where that dormer sat now sits a wider dormer, which is 1' higher than the old dormer. They extended the dormer width to the width of the garage door so that there could be supports going straight up to the roof. That allows the garage door to go straight up to 12'. That eliminated the need for two-45-degree angles in the garage.

- 3.28 Mr. Schneider asked if the variation involved a change in the height of the dormer.

The applicant said that the height change caused the variation. He has been advised that the variation is not because the dormer is too high. There is an allowance for a dormer to be that high if the roof peak is 15' or less.

- 3.29 Mr. Schneider said that the existing top of the garage roof is 17'. The previous dormer was permitted.

The applicant said that the previous dormer was 12'.

- 3.30 Mr. Schneider said that the new dormer is 13, 1' higher. Now the maximum roof height has to be 15'.

The applicant said that his options is to get the dormer back to 12' or bring the roof pitch to 15'.

- 3.31 Mr. Schneider asked Ms. Roberts to provide additional information.

Ms. Roberts said that the height of accessory structures including garages used to be 15'. Several years ago, changes were made. Changes were also made in 2014 to allow a higher roof pitch up to 18', but the wall height was capped at 9'4". The idea was that the additional height that would be allowed by ordinance was solely to have a roof pitch greater than what is typically seen to provide some architectural character and allow garages to better match the home. Part of that discussion was limiting exterior roof projections, like dormers. The intention was to have height on a roof and not to make that a usable space except for storage. Dormers potentially add an appearance of bulk to the structure.

- 3.32 Mr. Kolleng clarified that the roof line is staying the same as it is today. They had to raise it 1' in order to get the door to slide up the way it needed to slide up due to the lift.

- 3.33 Chairman Duffy clarified that the lift is driving the variance request.

- 3.34 Mr. Surman said that the dormer is just 1' higher than it should be. There is a maximum wall height of 9'4". Is that part considering the wall as well because it integrated the dormer?

Ms. Roberts said that was correct.

- 3.35 Chairman Duffy noted that the dormer comes out to the front wall.

- 3.36 Mr. Robke clarified that it is not a dormer in the architectural sense, but it is a tall wall with a complex roof. A dormer comes out from the roof and is engaged with the roof. There is no roof in front of it therefore it is not a dormer.

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

- 3.38 The applicant said he understands that not having a car lift is not a hardship. It is the fact that he will have a car lift and it is a question of whether he has to tear off his roof and extend the dormer out the front and back to accommodate the roof line. This would not match the house and he and his neighbors have a clear view as to preference. He did spend premium dollars to ensure that materials and design match the original house. The dormer is and will be trimmed out like the house dormers to maintain the aesthetic.

- 3.39 Mr. Kolleng said he assumes that the applicant has three cars. Where would he have to put the third car if he had no lift?

The applicant said he would have to rent a space. He would not park the car on the street.

- 3.40 Chairman Duffy said that the option is to do the roof line change. The board makes a recommendation to the Village Board who has final say. Even if the board makes a negative recommendation, the case can be presented to the Village Board and they can overturn a negative vote. The Zoning Board brings all facts to the surface and apply those facts and circumstances to the zoning code. The Zoning Board more strictly applies the zoning code than the Village Board does. Previously there was no tree house ordinance, so the Zoning Board had to say no to every tree house case. The Village Board would overturn the Zoning Board on these requests. When the zoning code was rewritten, there was then an ordinance for treehouses.

The applicant said that when he first met with the village, he heard that village staff could not approve a variance. They could only strictly apply code. His understanding is that the board could look at hardship. He considers \$20,000 a hardship.

- 3.41 Chairman Duffy said that a hardship is not how it inconveniences the applicant. A hardship is the uniqueness of the property or a characteristic of the home. Is not having enough room in a garage for cars and for storage a hardship? In some cases, it is because of other circumstances. The board looks at a hardship differently in some cases than an applicant does.

The applicant said he understands what Chairman Duffy clarified. But he asked the board to consider his request. He tried hard to coordinate this project from out of state. He hired what he thought were qualified individuals. The position he is in today is that strict adherence to the code will cost him \$20,000. He considers this to be a personal hardship. He asked the board to consider his request. They are not changing the footprint or inconveniencing neighbors. He understood that the ordinance came to be due to a mass issue. He said that some individuals ask for a variance, so they can put more items in the garage. He is not asking to use the garage for storage.

- 3.42 Chairman Duffy said that the applicant is asking to use the garage as storage in a way. He has to create space for the lift. So, in a way, they are creating more mass. Is the appearance of mass going to make a difference? He talked about the standards as related to requests and questions that are asked. The key standard is about difficulty or hardship resulting from application of the zoning ordinance and this preventing the owner from making a reasonable use of the property. However, the fact that the property could be used more profitably with the variation than without is not considered grounds for granting a variation. He is not speaking for the whole board, but what the applicant presented may not be a hardship. It may get a negative

recommendation, but the Village Board can overturn the vote. That is the procedure. The case could also be remanded back to the board.

The applicant asked if hardship is measured from today or is it measured from before he hired professionals.

- 3.43 Chairman Duffy said that usually when the board deals with cases when something has been done, completely and partially, and the applicant comes to the board, there is sometimes deceit involved. But the board understands that the applicant went above and beyond to try to make this work. In a case where something is already completed or partially completed, the board has been given direction that the board has to look at the case as if nothing was done and this is the original request. Would the board approve the request if nothing had already been done?

5.0 VIEWS EXPRESSED BY THE ZONING BOARD OF APPEALS

- 5.1 Mr. Robke said Chairman Duffy brought several issues. He does not see a hardship and he thinks that this is the wrong variation request. This is not a dormer. This is a wall that exceeds the height allowed for the wall. It is a technicality as to how it is approached. He looked at the property and asked what the problem was. It is set back and innocuous. It is beyond the jurisdiction of the board. The board advises as to whether standards are met. In his opinion the hardship criteria is not met. He wants to see the Village Board give the board authority to make zoning decisions as an appeal board, but that is not the board's role. This is a height of wall instead of a dormer issue. A dormer is fully captured by the roof. He cannot support the request.
- 5.2 Mr. Kolleng said that while the board is advisory, they have approved variations. Many of them more liberal than what the applicant is requesting. The roof height in this case does not change. It is a 1' dormer height increase. The board has approved two car garages going to three car garages to accommodate a situation when there is three cars. The lift is requiring the change. The third car sounds like it needs to be housed. There is not a lot of street parking in the area for any one of the three cars. That may create a hardship. The problem is a technical issue of 1'. He thinks the request is very small. The board has often granted small requests. He can support this, and the standards of review are met.
- 5.3 Mr. Surman said that there was an existing garage. A new garage could have been built deeper which would not have forced a dormer or structure of that size. They could have come to the board with a new garage request of 2 more feet and then the dormer could be maintained. But the garage was built in 2013. The structure is only 3' horizontally and vertically. It is a small area. They are not talking about even 18' so the request is really small. He has the support of the neighbors and the applicant did his due diligence regarding the process. He hired professionals and got three bids. He was also out of state during this time. He can support the request.

- 5.4 Mr. Robke asked the allowed height of the garage wall.
Ms. Roberts said it is 9'4".
- 5.5 Mr. Robke asked the height of this uninterrupted wall. He reiterated that this is not a dormer.
- 5.6 Mr. Schneider referenced the original garage drawings of the first garage. It is around 1.5 in the packet. The vertical line, from the edge of the dormer down to the edge of the wall, it follows the front of the garage wall directly.
- 5.7 Mr. Robke said that the garage door exceeds above the roof line. So, the garage door must be part of the dormer too by Mr. Schneider's definition of a dormer.
- 5.8 Mr. Schneider said that with the original garage, the edge of the dormer front is in line with the front of the wall of the garage. He then referenced 1.8 and 1.9. In 1.8, they are just covering the overhang with asphalt shingles. They could have done the same thing in 1.9.
- 5.9 Mr. Robke said they could not have done this in 1.9 because the garage door extends into the roof area.
- 5.10 Chairman Duffy said that the garage door is 1' taller. The garage door is a panel taller.
- 5.11 Mr. Robke acknowledged that this is semantics.
- 5.12 Mr. Schneider said that whether this is a dormer or not is neither here nor there. His point is that this applicant did the work with the best of intentions. He did not do this to deceive anyone. He tried to do this long distance received assurances that this could be done. He is noncompliant in a relative insignificant manner. There was no intent to deceive. Things happen.
- 5.13 Chairman Duffy reminded the board that their directive was to think about this as if it came to the board without work having been done. Would the board approve it?
- 5.14 Mr. Surman said if the applicant had come to the board with this request, he would have spent time on it and would have asked if there was any way to eliminate the extra panel door. Can the dormer be back a little more? In the end, he would have supported the request because it is so minimal.
- 5.15 Ms. Norrick agreed that this is a very small request that is not visible from the street. She would have supported the variance if the applicant had come to the board before work was done. She can support the request.

5.16 Chairman Duffy said there was a lot of effort put into this case by the applicant. He said that the applicant’s intent was obvious. In looking at the application as if it had not been started, he would have struggled with the hardship aspect. It is not impactful on the neighborhood. It blends in with the house. He went to the site and did not notice the issue until he saw a notice posted on the tree. It is unobtrusive, but there is no hardship.

6.0 DECISION

6.1 Mr. Robke moved to recommend granting a request for a 2.25’ detached garage height variation to permit the retention of an expanded dormer on a detached garage at 214 5th Street 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	Yes
Christine Norrick	Yes
Michael Robke	No
Reinhard Schneider	Yes
Bob Surman	Yes

Motion carried.

6.2 Mr. Kolleng moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-43.

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

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 existing detached garage, resulted in a practical difficulty that the applicant had tried to foresee and work around, to allow the installation of a car lift within the existing structure. The plight of the owner was not created by the owner. The garage was built prior to his owning the property and he had designers and contractors advise him that the lift could be installed without modifying the garage. The difficulty is unique in that the applicant attempted to prevent this issue by working extensively with designers. The hardship is that the applicant would need to spend approximately \$20,000 (in addition to what he already spent) to rebuild the roof structure to conform with the code and provide for the car lift. The dormer change does not impair an adequate supply of light and air. The proposed

variation will not alter the essential character of the neighborhood. Not granting the variation will necessitate the garage to be rebuilt in a style that is less pleasing and coordinated with the house. The dormer change allows the overall garage structure to remain and does not negatively impact the appearance of the garage.

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 specific to the property that is preventing the owner from making reasonable use of the property. The modification to the garage was necessary to accommodate a car lift; not having room for a car lift is not a hardship and there are other alternatives including off-site storage.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 2.25' detached garage height variation to permit the retention of an expanded dormer on a detached garage at 214 5th Street 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 Ms. Carolyn Sennett, applicant
1500 Maple Avenue

3.12 Mr. John Nitamaso, Contractor
Wilson Lawn

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a revised request for a variation to permit a parking space in a side yard adjoining a street to permit the widening of the existing driveway at 1500 Maple Avenue in accordance with the plans submitted. A memo at the board members' places explains the change. The Village Board will hear this case on October 9, 2018.

3.22 The applicant said that the driveway is in the side yard. She talked about the site. This is a situation where village code was written for Wilmette houses that do not have the same characteristics as her house. They have an attached garage, which is unusual in her neighborhood. They are a corner house. The driveway and garage are in the side yard. They are asking to widen the driveway, so they can pull a car in and park it.

3.23 Chairman Duffy asked if space was a problem in the garage.

The applicant said they cannot park a third car in the garage. They want the ability to take the third car off of the street. Both 15th and Maple restrict parking to one side of the street. When it snows there is no street parking at all. They want to remove the existing asphalt driveway rather than repaving and replacing it with a paver driveway that would be wider to accommodate the car. The total square footage in impervious surface they would be adding is 111 square feet. They have no issues with coverage – it is just the fact that there will be a parking space on the side of the house instead of in the rear.

The code prohibits parking in the side yard but would allow it in the back yard. There is room for that, but it is not workable. They cannot access the alley from their house. They would have to build a path to the parking pad.

In one scenario, the driveway would remain the same. She showed where they would put the parking pad. But doing so would cause problems. They would have to build a path and they would be adding over 360 square feet of impervious surface to their property. Side yard would be adding 111 square feet. The area at the rear would mean taking down several mature trees. She showed a photo from the alley.

Because they are proposing to do this with pavers, it would be environmentally better and would look nicer.

- 3.24 Chairman Duffy noted that there are no dimensions shown. What is the depth from the sidewalk to the house? What are they adding?

Mr. Nitamaso apologized for not showing dimensions. The side yard setback is 25'. The dotted line shows the side yard definition. The house is 25' from the sidewalk.

- 3.25 Chairman Duffy clarified that there is about 25' in depth. What is the additional width?

Mr. Nitamaso said at the property line, it can be no wider than 18' to meet code. It is shown as 18' wide. He would have to bump out a little bit to get to the 20' where the garage is. The pad is 8.5' x 13'. He tried to make it as minimal as possible.

- 3.26 Mr. Schneider said if it is 8'6" side, the 13' dimension does not make sense. A car could not fit in 13'.

Mr. Nitamaso said he shaved some off of one edge to get more dimension on another edge.

- 3.27 Mr. Schneider clarified that water would drain into the storm sewer. Have they thought about doing permeable pavers?

Mr. Nitamaso said that there the increase in permeability is minimal with permeable pavers. Maybe the paver would be 20% more permeable. At this point they have not picked a paver.

Ms. Sennett pointed out that it is asphalt right now and she is replacing it with pavers.

- 3.28 Mr. Schneider that 20% is almost the same as having grass, which is 30% permeability.

Mr. Nitamaso clarified that he meant that the permeable paver had 20% more permeability than other pavers. They are considerably more expensive.

- 3.29 Mr. Schneider said he encourages applicants to reduce runoff when possible. It is not required.

Ms. Sennett said that the run off would not go into the street and would go into the parkway.

- 3.30 Mr. Surman said that when he scales the plan, the 13' dimension is more like 20'. Plans cannot be approved without dimensions.

Mr. Nitamaso said that he can add dimensions.

3.31 Mr. Schneider said that 20' sounded more reasonable.

3.32 Mr. Surman asked the applicant to explain the hardship in having another space. New homes have two garage spots and two spots on a driveway. Why does she need three spots?

The applicant said that a lot of people have the chance to have a pad in the back yard. Garages are off of an alley. Within a block of her house, one can park in the front yard. Some can park two cars. Some have a detached garage.

3.33 Mr. Surman said that the applicant has the ability to park two cars currently on the driveway.

The applicant said this was true. Her adjacent neighbor has a one-car garage and a parking space. One neighbor has two cars parked in front of the house instead of the garage.

3.34 Mr. Kolleng said that the applicant would have two cars in front of the garage on the driveway.

Ms. Sennett said that the back would work, but it would be expensive, and they would lose trees and it would flood the alley.

3.35 Chairman Duffy said that hardship is a uniqueness. Having a third car is not a hardship to justify this request. There is not an impervious surface issue. So, they are dealing with a parking space in the side yard. This is the only situation where there is parking in the side yard. Everyone else can be in the back and the applicant is choosing not to do this.

Ms. Sennett talked about a neighbor's antenna tower. They added trees so they wouldn't have to see it.

3.36 Mr. Schneider said there were cases where there was an alley, a corner lot, a two-car garage and then they wanted a pad towards the street. That violates something. But the board sees cases where the home is in the middle of the block, they have a two-car garage and they add a parking pad. The board has not raised objections.

3.37 Chairman Duffy noted that the above situations were off of alleys. He remembers a case similar to Mr. Schneider's description. The applicants had poured the pad. The village came out and said they could not connect the pad to the alley. They had a two-car garage. The applicants did not connect it to the alley. They put stone between the alley and the pad. The house was on a corner. Tonight's case is similar to another case a short time ago. The applicant wanted to expand his driveway to the width of his garage. The driveway was short. The hardship was that the garage

was 18' from the sidewalk. Other houses on the block were set farther back. They didn't have an alley. People parked in the driveway. The board recommended that he get 4' or 6' on one side of the driveway but not both. That applicant reduced his request.

3.38 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. Schneider said that the zoning code provided limitations on side yards adjoining a street is to avoid having cars parked so visibly adjacent to a street. In tonight's case, cars will not go into the garage but park on the apron in most cases. There are limiting factors regarding parking on adjacent streets. Impervious surface coverage limitations are not exceeded. It is a small request and he can support it.
- 5.2 Mr. Robke is on the fence and wants to hear other comments on this case. He is not a fan of cars in front of houses. They have four parking spaces already. He understands that there are street parking limitations, which is why he was on the fence.
- 5.3 Ms. Norrick is on the fence. They have alley access and that is what the alley is for.
- 5.4 Mr. Schneider said that more impervious surface would be needed in the rear.
- 5.5 Mr. Robke said that this would not necessitate a variance.
- 5.6 Mr. Surman said that Chairman Duffy had referenced the recent driveway request. That applicant wanted to go to 20 or 21'. He scaled the drawing and he said it looks to be about 21' wide for the whole area. There is space for two cars. This is what exists. There is alley access. He does not see the hardship when there are four parking spaces.
- 5.7 Mr. Kolleng said that the lot situated on a corner creates an issue. Some of the pictures are compelling. There are similar circumstances in the neighborhood, so the character of the area would not change. There is an option in the back. Is there really a hardship? He can support this.
- 5.8 Mr. Surman asked in how many places, except for alleys, are three cars lined up? If someone does not use a garage, three cars could be lined up. That is what the code is trying to avoid – a grouping of three cars. Three seems excessive to him.
- 5.9 Chairman Duffy said he drove around the neighborhood. Parking restrictions seems to be for people using public transportation. The real issue is no cars on the street when it snows. He looked at the property. There is a lot of room for a pad in the back. It would be an inconvenience. The complaint is that the trees have to come down. There are pine trees and shrubs. Looking at the house across the alley – is

that a hardship? What is the parking pad in the front creating? It is creating more parking by the sidewalk. He believes that this should not happen. He did not see the proposal as being a reasonable solution to the issue. It is the least impactful to the lot and to her wallet. This seemed the most convenient solution.

- 5.10 Mr. Schneider said if the pad was off the alley and had a pathway to it from the house, they would not conflict with impervious surface regulations. But it would increase impervious surface. That is a factor. If they flipped the garage and parking pad to the alley, there would not be a problem.
- 5.11 Mr. Surman said if they flipped the garage and parking pad to the alley, they would lose two driveway spots.
- 5.12 Chairman Duffy said if it was on the alley there would be no parking between the alley and the garage.
- 5.13 Mr. Schneider said if there was a garage with a long driveway in the back of the house, they could have a 100' driveway. They could have five tandem spaces. The number of spaces on the driveway are not counted. The board is counting tandem spaces.
- 5.14 Mr. Surman said that his issue is having three cars adjoining a sidewalk. This is not seen in the village.
- 5.15 Chairman Duffy talked about a scenario when a car has to get around a parked car. It is an inconvenience, but people manage.

6.0 DECISION

- 6.1 Mr. Schneider moved to recommend granting a revised request for a variation to permit a parking space in a side yard adjoining a street to permit the widening of the existing driveway at 1500 Maple Avenue in accordance with the plans submitted.

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

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

Motion failed.

6.2 Mr. Kolleng moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-42.

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

A majority 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 imposing a practical difficulty or particular hardship. The applicant could construct a conforming parking pad at the rear of the property.

A minority 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 location as a corner lot and the siting of the house on the lot, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the circumstances of the lot. The difficulty prevents the owner from making reasonable use of the property with adequate off-street parking. The proposed variation will not injure other properties and results in less impervious coverage than a conforming parking pad would create. The variation, if granted, will not alter the essential character of the neighborhood, which consists of homes where cars are parking in the driveway of side yards adjoining a street.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a revised request for a variation to permit a parking space in a side yard adjoining a street to permit the widening of the existing driveway at 1500 Maple Avenue in accordance with the plans submitted.

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

3.1 Persons appearing for the applicant

3.11 Ms. April Cesaretti, applicant
935 Oakwood Avenue

3.12 Mr. John Cesaretti, applicant
935 Oakwood Avenue

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 22.77 square foot (0.34%) total floor area variation, a 1.71' rear yard garage setback variation, and 0.21' rear yard garage eave setback variation to permit the construction of a new detached two-car garage. The Village Board will hear this case on October 9, 2018. There are modified elevations at the board members' places.

3.22 Ms. Cesaretti said they want to build a new garage. Their existing garage is 20' x 16' and is from the 1950s. It is leaning. The garage door does not go up all the way. They want to replace the existing garage and parking pad with a new garage that measures 22' x 20'. She reviewed the variances for the new garage and parking pad. They want to keep their existing setback. Their lot is not of standard size. It measures 149' x 44' and the house takes up most of the space on the lot. They have little green space in the rear yard. They will lose green space if the garage is pushed farther into the back yard. There is a tree in the middle of the back yard. They lost two old growth trees on their property that provided shade. They don't want to do anything that could harm the remaining tree in the back yard.

By building the garage, they are shifting it somewhat to the east, which will add 1' of greenspace to the west. They asked the board for approval of their request.

3.23 Chairman Duffy asked if the house was remodeled.

Ms. Cesaretti said that the house's exterior is largely unchanged.

3.24 Chairman Duffy said that maximum allowable floor area is 3,438.99. They have a 360 square foot garage. Are they already exceeding?

Ms. Roberts said that the current house and garage are non-conforming.

3.25 Chairman Duffy asked if the code changed. Was there an addition?

Ms. Roberts said she did not research that.

Mr. Cesaretti said that there was 10' in lot width was ceded to the neighbors.

- 3.26 Chairman Duffy said he thought that the adjacent house was identical.

Ms. Cesaretti said that the adjacent house was much smaller. When that house was built, 10' in width was gifted to that property. That is why her lot is only 44' wide.

- 3.27 Chairman Duffy said that the neighbor's lot is thinner. And the applicants' house is larger than the adjacent house. He is trying to figure out how the overage in FAR happened. FAR involves density. Maybe they got caught up in a code change.

Ms. Cesaretti said the house looked the same in the 1950s as it does today. They reviewed past house photos and documents. It is a 1920s-ish house.

- 3.28 Chairman Duffy said that the proposal is to put the garage in the same location as the current garage, expanding to the east, and taking out the parking pad. One of the variances is about being set back from the alley. They are trying to maintain the same location.

- 3.29 Mr. Schneider asked about the minimum requirement.

- 3.30 Chairman Duffy said that the minimum requirement is 3' and they are proposing 1.7'.

- 3.31 Mr. Schneider asked about the hardship if they didn't do 3'.

Mr. Cesaretti said their yard is already small and the yard would become smaller by 18" to 20".

Ms. Cesaretti said they do not want to impact the tree in the back yard. It is in the middle of the back yard between the deck and the garage.

- 3.32 Mr. Surman said that the reason why the 3' is there is when they pour the new garage, it probably won't be poured at the current height. It will be poured taller so the ramp going in will be at a different height. There is a setback for snow and trucks driving by. He understands the concern about the tree and small yard. But there is a reason beyond aesthetics for the 3'.

Ms. Cesaretti said that there have been no alley access issues with trucks going into the garage.

- 3.33 Mr. Surman clarified that the request is 22.77 square feet of floor area and the setback and the eave.

- 3.34 Ms. Norrick asked if the garage company expressed any concerns about being closer to the lot line.

Ms. Cesaretti said they did not express a concern.

3.35 Chairman Duffy said that when he drove into the alley and saw the angle of the garage, one doesn't notice it is closer than other garages. It is not an aesthetic issue.

3.36 Mr. Surman said he wanted to make applicants aware of what happens after concrete is poured.

Ms. Cesaretti said she will speak with her garage contractor. She doesn't need to go up a huge ramp to get in. Their lot is raised significantly from the adjacent lot. She wants to ask the garage contractor to not raise her garage higher than the yard. They might want to make their yard a little lower at some time.

3.37 Mr. Schneider asked if an arborist told them that the tree would be in danger if they moved it 18" further.

Ms. Cesaretti said that they did not hire an arborist to get that recommendation.

(After 4.0)

3.38 Ms. Cesaretti said if the neighbor has a problem with the way she parks her car in the alley, they can ring her doorbell and approach the safety issue with her. She will not park the way that was shown in the picture again. Her car was parked there for 10 minutes. An 18" further setback will not make the corner any safer. There are trees and a telephone pole right there as well as garbage cans. Any alleyway going into a street is a bad corner. During the winter she will now have a two-car garage where she can park.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Mr. Mark Voight
219 9th Street

4.2 Summary of presentations

4.21 Mr. Voigt said all neighbors on 9th share a T-alley. He said that his main concern is safety. He said that AT&T put in a huge fiber optic box near the applicants' property. He reviewed the plan. There is a huge blind spot and kids walk to school in that location. The applicants want to build a new garage, but he and fellow neighbors are concerned about safety. It is the 1.71' rear yard setback that is a concern. He knows that they have a tree in the backyard. He showed a photo of how the applicants parked their car behind the garage parallel to the alley. He had to put in their mirror to drive by the car. It is hard to get around their car. He said that he and other neighbors want the garage set back off of the alley. Eliminating the apron does not solve the issue. The applicant's house faces 10th and not Oakwood. To

keep the garage where it is does not make a lot of sense unless they are trying to use the existing foundation and rebuild the garage, but his understanding is that they are building a new garage. So why not build it so it conforms to the ordinance. He said that because it is hard to get around the applicant's car, he can go to the east and get out of the alley at 9th Street. He does not have pictures of the tree with him at the meeting. It is a tough situation because the lot is small, and he knows that the garage needs to be replaced. Hopefully they will put two cars in the garage. They can park on the west side of 10th Street.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Surman said that the square footage is a small request. He previously voiced his concern about the garage setback. He thinks it is fine if they want to maintain the current location. He has no issue with this. He can support the request. All standards of review are met. The village supports two-car garages to get cars off of the street. For 22 square feet, the request is minimal.
- 5.2 Mr. Kolleng agreed. The current garage needs to be replaced. Standards of review are met. He can support the request.
- 5.3 Mr. Schneider said he cannot agree with the garage setback variation. The neighbor talked about safety issues. There is no hardship to move it 18" or 19". They should comply with the 3' setback. He doubts that the tree is in danger.
- 5.4 Mr. Robke agrees about the above setback comments. They are building a new garage and not reusing the foundation. He is troubled with the setback issue but has no problem with the FAR request. The 3' gives a buffer when a car is coming out. He cannot support the proposal.
- 5.5 Ms. Norrick said she can support the request. It is minimal and in the existing location.
- 5.6 Mr. Surman said he does not live on an alley. Where do garbage cans go?
- 5.7 Ms. Norrick said that most people live on an alley leave their garbage cans out.
- 5.8 Chairman Duffy said there is room on the east side of the garage for garbage cans. There won't be a parking pad there.
- 5.9 Mr. Surman said he is on the fence. The code is there for a reason.
- 5.10 Chairman Duffy said he does not see people putting garbage cans in front of their garage. To him, the 3' does not make a difference. He has no issue with the request.
- 5.11 Mr. Surman asked if Ms. Roberts knew the reasoning behind the 3' setback from the alley.

Ms. Roberts said that she did not specifically know why. Maybe for visual separation and for safety?

6.0 DECISION

6.1 Mr. Surman moved to recommend granting a request for a 22.77 square foot (0.34%) total floor area variation, a 1.71’ rear yard garage setback variation, and 0.21’ rear yard garage eave setback variation to permit the construction of a new detached two-car garage at 935 Oakwood in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Kolleng moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-45.

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

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 lot size, condition as a corner lot, and siting of the house on the lot, impose upon the owner a practical difficulty to replace and enlarge the garage. The plight of the owner was not created by the owner and is due to the circumstances of the lot. The lot is narrower than typically, reducing the allowable floor area available. The siting of the house on the lot and the orientation as a corner lot reduce the back yard area. The difficulty prevents the owners from making reasonable use of the property with a new two-car garage. The proposed variations will not impair an adequate supply of light and air or otherwise injure adjacent property. The proposed rear yard setback maintains the existing condition, so there will be no change on the impact to the neighborhood. The parking pad is proposed to be removed, improving the appearance of the yard. The variations, if granted, will improve the appearance of the property and be consistent with the essential character of the neighborhood.

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 hardship that necessitate the rear yard setback variation request. The applicants could move the garage to conform to the 3.0' rear yard setback without endangering the tree or impacting their back yard space.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 22.77 square foot (0.34%) total floor area variation, a 1.71' rear yard garage setback variation, and 0.21' rear yard garage eave setback variation to permit the construction of a new detached two-car garage at 935 Oakwood in accordance with the plans submitted.