



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, MARCH 21, 2018**

**7:30 P.M.**

**COUNCIL CHAMBERS**

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

**Members Absent:** John Kolleng

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

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**I. Call to Order**

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

**II. 2018-Z-11 1209 Middlebury Street**

See the complete case minutes attached to this document.

**III. Approval of the February 21, 2018 Meeting Minutes**

Mr. Robke moved to approve the February 21, 2018 meeting minutes.

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

**VI. Public Comment**

There was no public comment.

**VII. Adjournment**

The meeting was adjourned at 8:03 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. Jason Sander, applicant

3.12 Ms. Luciane Sander, applicant

3.13 Mr. Mark Golan, architect

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

3.21 Ms. Roberts said that this is a request for a 428.66 square foot (5.69%) total floor area variation, an 18.19' front yard setback variation, a 1.42' minimum side yard setback variation, a 3.46' combined side yard setback variation, a 1.0' side yard adjoining a street setback variation, a 14.69' front yard eave setback variation, a 1.88' side yard porch setback variation, a 0.54' combined side yard eave setback variation, a 167.0 square foot (9.88%) front yard impervious surface coverage variation, and a variation to exceed the first floor height limit to permit the construction of a substantial addition and remodel that is classified as a new home. The Village Board will hear this case on April 10, 2018.

3.22 Mr. Sander said it sounds like a lot of variances, but this is one of the most unique homes in the village. He was born and raised in Wilmette, moved to California, and then moved back here. The home was originally known at 1210 Illinois Road. It was difficult to find the home so they changed the address to Middlebury. The house is on an angle and does not conform to any standard lot. They want to eliminate some current difficulties and make the house more cohesive and normal. The house was a hodge podge. It was built in the 1850s and additions were put on the home in the 1960s and 1980s. The house is two different colors and does not fit the norm of other homes on the street. They have a detached garage that is too small. They cannot park two cars in the garage. There is an exterior stairway that they are looking to eliminate. They want the home's entrance on the ground level and they would have an attached garage, which is safer.

3.23 Chairman Duffy clarified that they are enclosing the court yard area.

Ms. Sander said that currently one walks into the home and into a kitchen, which does not work for her family. The court yard area would become the new kitchen.

3.29 Mr. Schneider asked to see 1.8 on the screen.

3.30 Chairman Duffy asked if the curb cut was approved.

Ms. Roberts said that it is an existing curb cut.

- 3.31 Clarification was made that the curb cut was on Middlebury.
- 3.32 Mr. Surman said that Middlebury was acting as the alley for the house originally.
- 3.33 Mr. Schneider asked what the existing floor area variation is without doing anything. The net addition is the kitchen to fill in that area. That is a one-story addition. They are adding some square footage for the garage.
- 3.34 The architect referenced a drawing and spoke to a rectangle that is on an angle. That is the current detached garage and it is very close to the property line. It restricts the open space between the applicants and the immediate neighbor to the south. They want to replace this with an attached garage that results in more open space between them and the neighbor and more open space between them and the front property line.
- 3.35 Mr. Schneider asked about the front entrance to the house.

The architect showed the front entrance on the drawing. The door exists. The current house has a den/sitting room that will remain. What was the kitchen becomes the mud room. They will now enter the house through the garage via stairs that are not vulnerable to the weather. He showed the new kitchen infilling a court yard between two buildings. That is where the kitchen will go. They want shelter in front of the front door. The living room becomes the master bedroom. The current dining room becomes the master bath. There is currently a portico which they are removing.

- 3.36 Chairman Duffy said that the role of the board is to observe the property as it currently exists and to see how changes will impact the property. All decorative trim of the front porch is seen when driving down Illinois.

Mr. Sander said they want to keep the character of the house.

The architect said that the first floor is up a number of steps, the basement counts against FAR. The basement is 6.5' high and is wet and dark and rarely used. In the R1-C district, they do not like a lot of outdoor stairs going up to an entrance that is half way up the wall. It looks bad. They are eliminating the stair and the door. If it weren't for the basement, they would not be over on FAR.

- 3.37 Chairman Duffy asked where the basement was.

The architect showed the basement on the drawing. He added that they are removing the foundation of the garage. They will be entering the house at ground level instead of climbing the outdoor stairs. They made a stair to the basement from the main level.

- 3.38 Mr. Surman asked if they were modifying the second floor.

The architect said there are no visual changes to the second floor from the outside. They are moving the master bedroom down to the first floor and split the upstairs bedroom into two rooms. The lot is unique. They are taking a house that has a lot of zoning encroachments. They are now moving further from the property line. What is good for the applicants improves the situation for surrounding homes.

- 3.39 Chairman Duffy said he could not understand how the side yard adjoining a street was identified.

Ms. Roberts said that the side yard was off of the one angled lot line adjacent to Illinois Road.

- 3.40 Chairman Duffy asked how the front yard was determined in this case. Is it on Middlebury?

Ms. Roberts said that ordinarily, the narrower frontage would be the front yard but the zoning administrator has the authority to determine that the front is on Middlebury and that makes more sense in this case.

- 3.41 Chairman Duffy said that the basement is about 6.5' in height. There is a rec room and laundry room there. Will the basement remain as is?

The architect said that the laundry room is moving to the first floor.

Mr. Sander said that the basement will be used as storage.

Ms. Sander said that part of the basement is dry. The stairs going to the basement are dangerous. There are some windows above ground in the basement.

The architect said they are enlarging a window to become an escape window.

- 3.42 Mr. Schneider asked why this was considered new construction.

Ms. Roberts said that because of the addition and based on information provided, they will be gutting the building. It may be a close call as to whether this is actually new construction.

- 3.43 Mr. Robke asked if the basement provided natural light and ventilation.

The architect said that one room has a window that meets light and ventilation. None of the others are habitable without changing windows. The rooms do not meet the height minimum for the basement. The basement is part of the calculation because part of it is above grade.

Ms. Sander said that the children have never gone to the basement.

3.44 Mr. Surman said that the basement walls are masonry.

The architect said that there is no insulation in the basement.

3.45 Chairman Duffy said that the key is seeing the basement as a basement. The usability is nominal.

3.46 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. Robke said this is a very unique site. The improvements will improve all setback conditions or keep them as they are. The key issue is the floor area variation. This is different from a case heard a few weeks ago. In tonight's case, the basement is a basement. It is not finished living space. In most areas, there is not sufficient light or air. The proposal is an improvement and he can support the request.

5.2 Mr. Boyer agreed. There are 10 variance requests. The board is focusing on FAR, which is driven by first floor height and square footage of the basement. The proposal makes sense. He can support the request.

5.3 Mr. Schneider said that the proposal makes a lot of sense. He can support the request.

5.4 Mr. Surman said they are minimizing some of the issues by eliminating the porch on Illinois and shifting the garage over. The space is opened up more for the neighbor to the south. He can support it.

5.5 Chairman Duffy said this is a unique situation. There are several sides to the lot. The uniqueness created a lot of setback issues. The question regarding FAR had to do with the basement. The space is not useful. He thanked the applicant for bringing in pictures as it helps the board to see the situation. The uniqueness of the siting of the house on the lot and the uniqueness of lot shape created hardships and the reason for so many variances. All standards of review are met, and he can support the request.

## **6.0 DECISION**

6.1 Mr. Robke moved to recommend granting a request for a 428.66 square foot (5.69%) total floor area variation, an 18.19' front yard setback variation, a 1.42' minimum side yard setback variation, a 3.46' combined side yard setback variation, a 1.0' side yard adjoining a street setback variation, a 14.69' front yard eave setback variation, a 1.88' side yard porch setback variation, a 0.54' combined side yard eave setback variation, a 167.0 square foot (9.88%) front yard impervious surface coverage variation, and a variation to exceed the first floor height limit to permit

the construction of a substantial addition and remodel that is classified as a new home at 1209 Middlebury 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	Not Present
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Yes

Motion carried.

6.2 Mr. Boyer moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-11.

6.21 Mr. Robke 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 condition of how the lot fronts on Illinois Road as well as Middlebury Street, the irregular shape, the location of the house on the lot, and the irregularity of multiple additions over time, imposes upon the owner a particular hardship. The plight of the owner was not created by the owner and is due to the unique circumstances of the development of the lot and house. The hardship is peculiar to the property in question. The hardship prevents the owner from making reasonable use of the property with additions that will also improve the interior function of the home and with a functional garage. The proposed variations will not impair an adequate supply of light and air to adjacent property. Existing non-conforming additions will be maintained or made more conforming. The variations, if granted, will not alter the essential character of the neighborhood. The appearance of the home from Middlebury will be improved.

**8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a 428.66 square foot (5.69%) total floor area variation, an 18.19' front yard setback variation, a 1.42' minimum side yard setback variation, a 3.46' combined side yard setback variation, a 1.0' side yard adjoining a street setback variation, a 14.69' front yard eave setback variation, a 1.88' side yard porch setback variation, a 0.54' combined side yard eave setback variation, a 167.0 square foot (9.88%) front yard impervious surface coverage variation, and a variation to exceed the first floor height limit to permit the construction of a substantial addition and

remodel that is classified as a new home at 1209 Middlebury in accordance with the plans submitted.