



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 5, 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-39 1004 Ashland Avenue

See the complete case minutes attached to this document.

III. 2018-Z-40 431 9th Street

See the complete case minutes attached to this document.

IV. 2018-Z-36 241 Kilpatrick Avenue

See the complete case minutes attached to this document.

V. 2017-Z-41 2601 Old Glenview Road

See the complete case minutes attached to this document.

VI. 2017-Z-38 3232 Lake Avenue #330

See the complete case minutes attached to this document.

VII. Approval of the July 18, 2018 Meeting Minutes

Mr. Kolleng moved to approve the July 18, 2018 meeting minutes.

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

VIII. Public Comment

There was no public comment.

IX. Adjournment

The meeting was adjourned at 9:30 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. Bill Hart, applicant

3.12 Ms. Diane Hart, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 6.5' side yard adjoining a street step setback variation to permit the replacement and modification of the existing side yard stoop and steps on the legal non-conforming structure. The Village Board will hear this case on September 25, 2018.

3.22 Mr. Hart said they have lived in their home for 31 years. The stairs they want to replace are in disrepair. The stairs are non-conforming to the current ordinance. And they are too narrow for peoples' feet. He said that people have tripped down the stairs. There is a second set of stairs that causes people to trip because it is not lit well enough even though they added light. There is another set of stairs at the fence that people also trip over. The situation is not safe for those who come to their home. They are going to widen the stairs and widen the area at the top by the door. Currently people could fall down the stairs when the door opens due to lack of room.

Their house faces 10th Street. There is an extra wide parkway of over 25' from the fence to the gate. There are no issues with visibility.

Ms. Hart said this came about because of problems with guests and the stairs. She is concerned about this. People have to step back when they open the door. The primary reason is safety. And the concrete is very cracked and needs repair.

3.23 Chairman Duffy said he noticed that the stairs are steep. They will stretch out further in the side yard if the request is approved. It sounds as if they are eliminating two additional steps, so the sidewalk will slant from the stairs and then come equal with the sidewalk in front of the house.

Mr. Hart said it will still be set back by 7' or 8'. It will take it out to where the current second set of stairs are located.

Ms. Hart referenced the drawing that showed this best.

3.24 Chairman Duffy asked if there was still an end step at the gate.

Mr. Hart said that there was no end step at the gate.

3.25 Mr. Robke noted that the applicant said that the stair is getting wider. The step is actually getting deeper.

3.26 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 that the request is straight forward, so he can support it. Standards of review are met. Safety is a concern. The design is well done.

5.2 Mr. Robke agreed with the above comments.

5.3 Chairman Duffy agreed with the above and standards of review are met. He can support the request.

6.0 DECISION

6.1 Mr. Surman moved to recommend granting a request for a 6.5’ side yard adjoining a street step setback variation to permit the replacement and modification of the existing side yard stoop and steps on the legal non-conforming structure at 1004 Ashland Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	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 authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-39.

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 siting of the

house on the lot and the location of the front door on the side, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique circumstances of the lot. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making improvements to the safety and function of their primary house entry. The proposed variation will not impair an adequate supply of light and air to adjacent properties or otherwise impact other properties or the public right-of-way. The proposed variation will not alter the essential character of the neighborhood and will allow for the improved appearance of the stoop, steps, entry.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 6.5' side yard adjoining a street step setback variation to permit the replacement and modification of the existing side yard stoop and steps on the legal non-conforming structure at 1004 Ashland 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. Jacqueline Bujdei, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 90.0 square foot (9.0%) rear yard structure impervious surface coverage variation. The Village Board will hear this case on September 25, 2018.

3.22 The applicant said that she is asking to build a two-car detached garage. She currently lives at 5148 Farwell in Skokie. She said that the house in Wilmette was for her, but she was refused the addition a few months ago. They will not live there as planned. The issue related to FAR.

She wants to build a two-car garage in the back of the house. Her neighbors always asked her if they planned to build a two-car garage. The street is a high traffic location with two churches and two schools. Many cars are parked on the street. The lot is very small for the location. It is a 40' x 100' lot.

3.23 Mr. Robke asked the applicant if the front of the garage could be set further back to align with the edge of the house.

The applicant said she wanted to allow for some type of yard space. The house is located off of the alley. Help with the side yard would be beneficial.

3.24 Mr. Schneider asked about the exterior entrance to the basement.

The applicant said it would be kept as exists. There is an exit at the back of the house that remains.

3.25 Mr. Schneider said he does not see this on the plan. He clarified that the applicant proposed to keep this.

The applicant referenced the plat of survey.

3.26 Mr. Schneider said it was an oversight that this was not on the site plan.

The applicant said that the entrance for the first floor is moved to the side of the house.

3.27 Chairman Duffy said he spoke with Ms. Roberts regarding the code for two car garages. If there is an existing one-car garage, the village is not making people

build two-car garages. There is something in the code that someone could have a two-car garage from a one-car garage and see it as a hardship. He wanted to be clear that it was not something that was required.

3.28 Mr. Surman asked if the current FAR was impacted.

Ms. Roberts said that they are within the FAR and are not over.

3.29 Chairman Duffy said that at the last hearing this was being classified as a new home. What they are doing now does not classify it as a new home?

Ms. Roberts said it is not being classified as a new home. They were going up and out before.

3.30 Mr. Robke asked if the home was going back on the market.

The applicant said that the home will go back on the market because the current size was not adequate for her family. The requested addition was not granted.

(After section 4.0)

3.31 Mr. Robke asked if the new concrete apron counted towards impervious coverage.

Ms. Roberts said it does, but not as structure coverage.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Mr. Martin Grill
429 9th Street

4.2 Summary of presentations

4.21 Mr. Grill lives across the alley from the applicant. He was at the last hearing and spoke against the proposal. Tonight, he supports adding a two-car garage. He wants to avoid cars parking in the alley. There is a lot of pedestrian traffic in the alley. He has lived in his home for over 20 years.

Chairman Duffy clarified that there were cars that previously parked in the alley and this would block half of the alley.

Mr. Grill said that garbage trucks had a hard time getting through particularly in the winter. He added that the previous owners had one car but did not use the garage.

Chairman Duffy asked if the owners were asked to move their cars by the police or village. Had anyone complained about the car being there in the alley?

Mr. Grill said that complaints were made but nothing was done. He said that the garage nor the house were usable three months ago. Now the house has been rehabbed and is back on the market, a two-car garage is something a prospective buyer would look for. He added that there are houses with one-car garages and a parking pad.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Schneider said that he can support the request. The hardship is the unusually small lot. There is a need for a two-car garage. 9th Street is full of cars when school lets out in the afternoon and this is an unusual condition. Standards of review are met.
- 5.2 Mr. Kolleng said that the board has supported getting cars off of the street and has almost always approved requests that would accomplish this. He can support the request.
- 5.3 Mr. Robke said he agrees with the general comments but is concerned about one aspect. This is not a resident asking for an improvement, but the request is driven by economic consideration for resale value and this causes a small problem for him.
- 5.4 Mr. Kolleng said that he would typically agree with Mr. Robke's concern, but the applicant bought the house in anticipation of expanding it and was not able to. They are doing the best with a bad situation. He looks at it differently from a developer coming in.
- 5.5 Mr. Robke said that he agrees, but in this case because they are not a developer buying the house and trying to flip it. The applicant is trying to get out of the situation without too much damage. The best way to do that is to improve the house and maybe come out ahead. He can support the request.
- 5.6 Mr. Surman said that the applicant originally wanted to enlarge the house and their request was denied. They could not sell the house now with the current garage. Building a one-car garage does not make sense. He can support the request.
- 5.7 Ms. Norrick agrees with the above comments. She said that she lives near the house and is an alley walker. It is a busy area and the car that was there blocked the alley. She believes that the request will benefit the area.
- 5.8 Chairman Duffy said he had a little hesitation on this request as did Mr. Robke. The applicant is asking for a replacement of a one-car garage. There is room to put

in a two-car garage with a small variance request. He can support the request. He knew that there would be a request at some point with this garage.

6.0 DECISION

6.1 Mr. Schneider moved to recommend granting a request for a 90.0 square foot (9.0%) rear yard structure impervious surface coverage variation at 431 9th Street in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Surman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-40.

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 lot width and size and the proximity to schools and places of worship, impose 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 lot. The hardship is peculiar to the property in question and not generally shared by others. The hardship prevents the owner from making reasonable use of the property with two enclosed parking spaces. The proposed variation will not impair an adequate supply of light and air or otherwise injure adjacent property. The essential character of the neighborhood will be improved as the occupants will be able to park in the garage and not in the alley or on the street, which is already busy due to school and place of worship traffic.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 90.0 square foot (9.0%) rear yard structure impervious surface coverage variation at 431 9th 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 Mr. Mostafa Essabki, applicant
241 Kilpatrick Avenue

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 322.46 square foot (22.5%) front yard impervious surface coverage variation to permit the retention of a front walk on the legal non-conforming structure. The Village Board will hear this case on September 25, 2018.

3.22 The applicant talked about something in the packet that was incorrect.

Ms. Roberts agreed that the second to last sentence was incorrect.

3.23 The applicant said that his contractor told him that he is adding 57 square feet. He said he has gone back and forth with the village regarding permits. He talked about permits for the driveway. He replaced the front walk with concrete. He did this for safety reasons.

3.24 Chairman Duffy clarified that the applicant asked for a permit to redo the driveway. His driveway slopes down below grade to the garage door. They added some pumps to eliminate water. Then the applicant asked if he could do a new sidewalk.

The applicant said he extended the sidewalk by 57 square feet.

3.25 Chairman Duffy said a picture was submitted showing the old sidewalk on the south side being a straight line. Between the sidewalk and the driveway, there is a retaining wall and bushes. The applicant removed the bushes and the sidewalk and filled in that area with concrete. The initial request for a permit was only for the driveway, but when the inspector came out he saw that the applicant was going to do the sidewalk as well. He then needed a new permit and he spoke with Ms. Roberts who told him that he would need a variance. The applicant said that the contractor would be there for the driveway and he wanted them to do the sidewalk at the same time, so he said he would ask for the variance after the fact.

The applicant said that the above was not entirely factual. He went back and forth with Ms. Roberts. She said that she could not approve his options and that he had to go through the variance process. He said that he took 96.2 square feet of sidewalk out. It is no longer there.

- 3.26 Chairman Duffy said that the sidewalk he is talking about is on the south side of the house. The sidewalk that the applicant took out doesn't count as impervious surface.

Ms. Roberts said that the front part counts as impervious surface.

- 3.27 Chairman Duffy said that from the front of the house to the sidewalk in front was counting against the applicant.

Ms. Roberts said that 69.66 square feet was taken out and that counts against him.

The applicant said that he had the numbers and would be happy to review them. Ms. Roberts told him that the village does not care about the back. It was 27'. He said that the concrete in front was 2.7' wide, which gives 96 square feet and he added 57 square feet. He is asking for 57 square feet.

Ms. Roberts said that there is a disagreement on this point. The challenge is that there is not good information about what was there before. She has the plat of survey. There might have been more coverage existing than what is shown on the plat, but she cannot verify that. What was there doesn't really matter. They are looking at what is proposed. The number of what is being proposed is solid and she is confident that it is correct.

The applicant explained that he takes no blame for what the previous owner did.

- 3.28 Chairman Duffy said that the applicant has young children, ages 1 to 7. The bushes that were there were not keeping the children from walking to the edge of the retaining wall. But the applicant built a sidewalk that is equal in height to the retaining wall, so they could now walk right over the edge.

The applicant talked about his neighbors and what they have done at their homes for safety. He was talking about a metal fence to install for safety.

- 3.29 Mr. Surman said that it would have to be a full fence and not just a rail.

- 3.30 Mr. Robke asked if the permit showed a railing on the new retaining wall.

Ms. Roberts said that there was nothing on the driveway permit for that. The plan for the sidewalk was just the site plan.

- 3.31 Mr. Surman said that the applicant thought that he could take the area from the sidewalk and transfer it. But the situation they had was not conforming. Ms. Roberts' goal was to make it conforming so they wouldn't need a variation. Ms. Roberts challenged the proposed plan, but the applicant moved forward and made his own decision on the calculations. This is not the right way to go about the process. The applicant should have stopped the contractor. He had the opportunity

to do this. But the applicant was assuming what was there was his calculation, but this is where the problem occurs. He said he has not seen someone move forward with a project when they were told not to move forward. He said that the applicant would have had to narrow down in a specific area, so they did not exceed the square footage.

3.32 Mr. Robke said that there are a few issues with this case. The board wrestles with a decision when someone does work without a permit. This is unique because before the work was done, the applicant was told he needed a permit for the variance but chose not to pursue that route. He is now asking for an after the fact variance. He is not sure that the board understands what the applicant is requesting. If there is to be a railing, a permit would be required to make sure that it meets code. The applicant said that the railing is for safety.

3.33 Chairman Duffy said that the railing does not fall under the board's purview.

3.34 Mr. Robke said he begs to differ. He is saying that there is a hardship related to safety, but the applicant is showing the board that does not address a safety issue. He is showing a solution without a rail. What he built is less safe than what existed. If the applicant is addressing safety as a concern, then he wants to see it addressed.

3.35 Chairman Duffy said that there was no request for a permit for the sidewalk or for a railing for safety reasons. The applicant just moved forward without a permit and would have probably added the railing without seeking a permit. The railing and the permitting do not fall under the board's purview. But the project, as a whole, is something that the board would review.

3.36 Mr. Schneider said that when there is a deck x inches above grade, there needs to be a railing.

Ms. Roberts said that is correct.

3.37 Mr. Schneider continued and said that the railing has certain specifications. At least part of the driveway would meet the requirement.

Ms. Roberts said she believes that is true.

3.38 Mr. Schneider asked if there would be a separate process.

Ms. Roberts said they would ask the applicant for information, so they know how tall the railing is. It would be a revision to his driveway permit.

The applicant talked about an old picture and a survey. That should provide information about the concrete.

- 3.39 Chairman Duffy said that the picture is in the board packet. What the board is wrestling with is that the applicant is not following rules. He did the work and is not asking for forgiveness. The board is directed to look at this as if the work was not completed and decide on a recommendation to approve or not approve. The questions will keep coming about the plan. The applicant thought that he would build the sidewalk all the way to the retaining wall at the same height as the retaining wall. The applicant said he would put up railings. He will need to meet with Ms. Roberts and village staff if he wants to do that. It has to be added to the application and he needs to show a plan. What the applicant has done to try to mitigate the sidewalk width is that he removed some concrete from the front yard, that counts in his favor. He removed a lot that is beneficial so there is more pervious surface to absorb water. The sidewalk that the applicant removed was all the way down the side of the house. There is a door on the side that the sidewalk served. What are the applicant's plans? There is a landing and stairs that stop about 3' above the ground.

The applicant said that they would not use the sidewalk from the side. His neighbor has the same situation. There are water issues in the neighborhood. He has two sump pumps that pump water to the north.

- 3.40 Chairman Duffy said that on the south side of the house coming out of the second-floor door, what will be there. There is a dangerous drop off of the bottom step.

The applicant talked about putting in rock and two trees.

- 3.41 Chairman Duffy said that there are stones on a walkway near the garden area. Will he put flat stones at the base of the stairs?

The applicant said his neighbor put in small rocks and it looks nice. Water goes through the rocks.

Ms. Roberts said it would be good if that was shown on something but there should be no zoning issue.

- 3.42 Chairman Duffy said that when the applicant comes to speak with Ms. Roberts about the railing or fencing, there should be a plan about what is happening at the bottom of the stairs. When village staff inspects what has been done, they know what they should see and that the applicant is doing what he said he would do.

- 3.43 Mr. Robke suggested getting some drawings for a railing. If the board is being asked to approve the plans as submitted because it is a safer solution, there is no railing shown. He has a hard time accepting safety as a hardship when there is a condition that others have mentioned and seems to be less safe and is not code compliant. Is it possible that the plans could be amended to include the information so that the board can see that it is a safer solution or understand how it is a safer solution?

- 3.44 Chairman Duffy clarified that instead of having the applicant come back on September 26 and for the sake of speed and safety, he has his plans ready for the September 25 Village Board meeting. He needs to tell the Village Board what he plans to do, here are drawings, and this is what it will look like when done. It may not get a positive recommendation from the ZBA, but the applicant still needs to go to the village board and explain what he is doing if they are to overturn the ZBA's decision if the recommendation is negative. The applicant should have his plans together and be collaborating with Ms. Roberts about the railing.

Chairman Duffy said that the applicant was saying that by creating the sidewalk will help with water on the site. Is that correct?

The applicant said that is correct. He is talking about the pervious surface area.

- 3.45 Mr. Surman asked how many square feet are they over. The applicant said 57 square feet. But in the packet, it appears to be 322 square feet. What is the correct number?

Ms. Roberts said that the applicant said he was taking 56 square feet of pervious area out.

- 3.46 Chairman Duffy clarified that the request is 322.4 square feet and a lot of that exists.

Ms. Roberts said that based what is on the plat, they figured 714.47 square feet of existing coverage.

- 3.47 Mr. Surman clarified that some of the overage is from the driveway.

Ms. Roberts said that the driveway by itself puts them over the coverage limit.

- 3.48 Chairman Duffy said that adding the sidewalk means that they are over by more square feet.

Ms. Roberts said that removing the south side walk helped.

The applicant had nothing to add to the discussion. He talked about what the previous owner did. That has nothing to do with him. The contractor talked about 57 square feet. He talked about his inability to change a sewer at the front of the house.

- 3.49 Mr. Surman said that the contractor does not know the codes, so he is not the one the applicant should have been taking advice from. He should have taken Ms. Roberts' advice.

The applicant said that Ms. Roberts gave him verbal advice and they were going back and forth. He talked about taking into permits to the village. He said right now

they are stopped because they were waiting for the zoning meeting. He hasn't even applied for permits for the railing.

- 3.50 Mr. Surman said that a sidewalk that is over 7' wide is a large sidewalk. Most homes have 3' to 4' wide sidewalks. If he had followed what he said he might have been over but not quite as much.

The applicant talked about the big sewer in the front again.

- 3.51 Chairman Duffy asked the applicant to show the sewer on the survey.

The applicant said that the sewer is not on the survey and its located in about the middle of the sidewalk.

- 3.52 Chairman Duffy said he did not see the sewer when he went to the site.

- 3.53 Mr. Surman said it probably is a private sewer.

- 3.54 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. Robke said he cannot support this primarily because of safety being the hardship although there is reference in the letter about a railing. The approval is per the plans submitted and there is no railing. Therefore, he cannot accept safety as a hardship. He agrees with other comments made. A 7' wide walk is well above average width in the village. The applicant could have minimized the width. There is a comment in the letter about filling the area with concrete instead of the bushes will help with flooding, but he doesn't understand this.

- 5.2 Mr. Schneider said that if this case had come to the board prior to the work being done, he would have approved this because there is a net reduction in impervious surface. When the board gets a request when there is a renovation, whether it meets code or not is not checked. The board assumes that the stair has a certain tread width and height that conforms to construction codes. He assumes that this will happen here, or they will be cited. He thinks that the proposal makes sense and he can support it.

- 5.3 Mr. Kolleng said that the biggest issue he has with the case is that the applicant was told that he needed a variance to do something and he went ahead and did it without a permit. He assumes He talked about previous situations where this has occurred, and the applicants were asked to undo what was done. He is troubled by the fact that the applicant talked about safety reasons but there are no safety precautions. He agrees with Mr. Schneider that there is a net reduction in impervious surface, which is a positive. The board probably would not have approved this as a 7'

sidewalk because of the impervious surface issue. Why not make it 5' or smaller? The board encourages applicants to minimize requests.

- 5.4 Mr. Surman agrees with Mr. Kolleng. The applicant did not go through the process in the correct manner. It makes for a hard situation. Chairman Duffy said that the board should review the case as if it was a new case and there was no work done. If that was the situation, the board would say they are already over so reduce the sidewalk width. He could not approve the request without bringing up the issue of not having a railing as it is designed. It is a very dangerous situation in its current state. Near the home one could drop down almost 5'. He cannot support it.
- 5.5 Ms. Norrick is torn on this case. The applicant was misguided by the contractor. If the case came to the board without being built, she would want to see a narrower sidewalk and there would be ways to decrease impervious surface.
- 5.6 Chairman Duffy said that his biggest issue is that there is no plan to show what will happen. The railing is a huge point. He will vote against this because there is no plan to show what the end outcome is. He told the applicant to have the plan when he came to the Village Board, so they can see the end result. That is the most expeditious way for the applicant to get to the end vs. having him return to the ZBA and requesting this again. He would push for a narrower sidewalk to minimize impervious surface.

6.0 DECISION

- 6.1 Mr. Robke moved to recommend granting a request for a 322.46 square foot (22.5%) front yard impervious surface coverage variation to permit the retention of a front walk on the legal non-conforming structure at 241 Kilpatrick Avenue in accordance with the plans submitted.

6.11 Mr. Schneider 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. Surman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-36.

6.21 Mr. Kolleng seconded the motion and the 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 causing a practical difficulty or particular hardship. The applicant created his own plight by installing the sidewalk without approval and installing a width greater than typically seen. The applicant indicated that safety was a concern but did not provide any information about installing a rail or barrier along the edge of the driveway. The proposed variation may be injurious to other property in the neighborhood as there is known flooding issue on that block. The variation, if granted, will alter the essential character of the neighborhood as a 7' wide walk is not consistent with other properties.

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 existing condition of the driveway by itself exceeding the allowable coverage, imposes upon the owner particular hardship in that any amount of walkway in the front yard will require a variation. The applicant attempted to mitigate the coverage issue by removing a sidewalk along the south property line. The applicant was possibly misinformed by his contractor about the net change in impervious coverage, believing there was a net reduction between the removal of the south walk and the additional paving at the front walk. There is no evidence to confirm how much open area was subsequently filled in at the front walk. As a flat surface, the proposed variation will not impair an adequate supply of light and air to adjacent property. There is no evidence that the additional paving will otherwise injure adjacent property. The variation, if granted, will not alter the essential character of the neighborhood; a front walk to the sidewalk is consistent with other properties in the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 322.46 square foot (22.5%) front yard impervious surface coverage variation to permit the retention of a front walk on the legal non-conforming structure at 241 Kilpatrick Avenue in accordance with the plans submitted.

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

3.1 Persons appearing for the applicant

3.11 Mr. John Guy, general manager
Westmoreland Country Club

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 17.5' front yard parking space setback variation to permit the expansion of a parking lot. The Village Board will hear this case on September 25, 2018.

3.22 The applicant said they are trying to address a parking shortage at the club. In the past, when parking was an issue, employees would park on Old Glenview Road. This is his eighth season at the club. The first 4 to 5 seasons parking on Old Glenview Road was not an issue. But neighbors have complained about staff parking on Old Glenview Road all day. Village officials get complaints from neighbors. They said that once they got done with the paddle house project, they would look at the gravel lot where employees park and see if they can expand it. They are landlocked. They cannot go east or west. They can expand the lot in north and south directions. On the south end of the gravel lot there is a berm that is part of the practice short game area. They can reshape the area to get another row of parking. On the north, if they can get a variance from the 25' requirement off of the property line, they could park in that area. It would not involve removing the fence. All trees in area would be removed. They would add Arbor Vitae for screening. They would gain 29 spaces by doing this.

When he met with village staff, he learned about a code that requires a landscaped island for every 20 spaces. That would take up 7 spaces. That is shown on the drawing and their net gain would be reduced. He is asking for a variance on that aspect. The lot is private to the club's members and guests. It is screened from the road. Village officials would like this as they are tired of neighbors' complaints.

3.23 Chairman Duffy referenced the conforming drawing, second to last page. 1.6 shows the plan without the island. But the drawing submitted at the end of the letter, there are handicap spaces by the paddle hut. Are those existing?

The applicant said that those are existing. They were required with the paddle project.

3.24 Chairman Duffy said that if one of the variances is granted for the 7.5' setback, it allows them 18 more spaces along the north fence line and three at an angle. The benefit is 18 spaces.

The applicant said that there is parking all the way to the south. They can park 35 cars on gravel, but that is not striped or organized.

- 3.25 Mr. Surman clarified that the spaces to the north are the ones impacted by the front yard setback.

The applicant said that they are meeting MWRD requirements for storm water sewers.

- 3.26 Mr. Schneider asked how they would meet the requirements.

The applicant said they hired Gewalt civil engineering to look at this. They think that two storm water sewers will be required, but they have to go through MWRD.

- 3.27 Mr. Schneider asked if the purpose is for storing or for getting rid of the water.

The applicant said he thought that the water would go into the village sewers but at a slower release.

- 3.28 Mr. Robke said it would be detention, so the flow will be decreased. There will be on site storage or it won't meet MWRD.

- 3.29 Chairman Duffy said that is not the purview of the board. He said that they are not requesting a variation for the island.

Ms. Roberts said that the island issue is heard by the Appearance Review Commission.

- 3.30 Chairman Duffy clarified that it is the front yard setback variance that is before the board – the 18 or 19 spaces.

- 3.31 Mr. Surman asked the proposed initial height of the Arbor Vitae.

The applicant said that he didn't know but would plant at the required height. He doesn't know how tall he can get them but will look into this.

- 3.32 Mr. Surman asked about the fence operation at that entrance. Is it closed off in the evening?

The applicant said that the fence is closed and locked in the evening. It is used as a service road to bring in materials. It is not for members or guests.

(After section 4.0)

- 3.33 The applicant said he is not sure if Mr. Roberts has walked the property. He said they are landlocked to the east and west, so he is not sure where other options are located.

- 3.34 Mr. Schneider asked if they considered using a pervious surface for parking.

The applicant said that is the purview of the engineering firm.

- 3.35 Chairman Duffy clarified that they were talking about permeable pavers instead of asphalt.

The applicant said they are not that far in the process. He stressed that the project would be done right. He doesn't know about MWRD requirements.

- 3.36 Ms. Norrick said the applicant talked about reconfiguring the slow putting green with a berm. Could it be shifted any further? Maybe they don't need a setback of that amount.

The applicant said that they cannot interfere with the chipping green. They looked at several options.

- 3.37 Mr. Schneider asked what was further to the west on the other side of the entrance.

The applicant said that they have asphalt parking in that area.

- 3.38 Mr. Schneider said that he meant to the east.

The applicant said there is a service road, #14 tee, and a half way house. The service road is adjacent to the gravel lot.

- 3.39 Mr. Robke said that frequently applicants present a well-developed landscape plan. His concern is that there is not only a question of front yard parking. There was a lot of concern about parking as mentioned by neighbors and headlights coming through. By decreasing the buffer, unless it is planted densely, headlights will brightly shine.

- 3.40 Mr. Surman said a document indicates that plantings will be 3' on center.

- 3.41 Chairman Duffy said that 3' on center is dense. It will be denser than what currently exists.

- 3.42 Mr. Robke noted that they are showing parking all the way up to the property line.

- 3.43 Chairman Duffy said that parking is not quite up to the property line. He drove the site today.

The applicant said that Mr. Roberts said that perhaps the current gravel lot is not meeting 25' requirement. He thinks that lot goes back decades and was not intended for parking, which is why it probably doesn't meet that requirement.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Mr. David Roberts
2608 Old Glenview Road

4.2 Summary of presentations

4.21 Mr. Roberts said he and his wife have lived in their home for 38 years. He applauds the club for trying to add parking spaces. His home is just west of the main entrance to the club. He heard some inaccuracies and he also reviewed the plans as he is an architect.

He referenced 1.4, site plan. It shows the row of trees that will be removed. It shows that is a landscaped area, but it is a parking area. It is gravel although it is not labeled as such. The road is north of the asphalt road. The part that isn't stone is parked on. Cars park there all the time. The numbers of parking places stated as existing are much lower than what is actually there. He said what they are proposing to add is almost equal to the number of cars he saw when he attended a recent wedding.

Chairman Duffy said it was his understanding that they park about 35 cars in there.

Mr. Roberts said there are many more spaces than 35 spaces at this time.

Mr. Surman said he did not know if the whole area was gravel.

Chairman Duffy said that where they club can squeeze cars they will park more cars. It is an unorganized parking area.

Mr. Roberts said it is good that the club wants to park more cars. It is unfortunate that a mature row of trees will be cut down. The trees are not shown on the plan.

Chairman Duffy said it was an old survey.

Mr. Roberts said that the plan is dated 2018.

Mr. Kolleng asked Mr. Roberts his opinion – did he support or not support the project and, if not, why.

Mr. Roberts said he is not in favor of the way that the proposal is currently being shown. He is in favor of the applicant adding parking spaces. Granting a variance so they can get closer to the street and cut down the trees is unfortunate. The row of trees looks nice. He knows that all of them probably are not perfect. It would be unfortunate to cut them down. He said that standards of review are not met. This is

an inconvenience rather than a hardship. There is land around the club where they could add cars.

Chairman Duffy said that the golf course is not intended to park cars.

Mr. Roberts said that the front yard is not for parking cars either. Regarding the plight of the owner, the owners created the plight. They just completed a paddle court area, which could have been positioned differently so more parking could be made available. In reviewing the documents, he saw other zoning cases requested on Old Glenview Road. What struck him was that existing conditions, 1.4, three-quarters of the parking lot is closer than the allowable setback distance. There is no record of the applicant getting a variance for this.

He referenced standard c, conditions are peculiar to the property. Those existing trees are problematic in that the applicant proposes to remove them for parking spaces that could be added somewhere else. Right now, people are parking there anyway.

Standard f, the variation will not alter the essential character of the neighborhood, and will be consistent with goals, objectives, and policies of the comprehensive plan. He is certain that the plan says that there should be a front yard so there can be landscaping so that the village can be more beautiful. Front yards should not be dominated by parking lots. There should be green space.

Regarding the water runoff, presently to the east of the driveway that comes off of the parking lot, that is a low spot in the road. The village has worked hard to figure that out. Even with the smallest rain, that section of sewer fills up to almost cover the road.

This parking lot, without water detention or retention required, should be considered.

Mr. Kolleng said that although this is not the purview of the board, the MWRD will have requirement and those will need to be met as has been done in other projects.

Mr. Roberts said that the parking lot will be retention.

Chairman Duffy said the same exists at any school or mall.

Mr. Roberts said that the area is currently problematic, and it will get worse with a larger parking lot. Now it is a mixture of gravel and other materials, so water can make its way into the ground. But it won't happen if the area is asphalt.

Mr. Surman said the situation should be better.

Mr. Schneider wants to make sure that the storm sewer burden is not increased if they follow MWRD guidelines.

Mr. Surman said that water will go into a tank that slowly releases it.

Mr. Schneider said he understands that. The water has to go somewhere. There will be an incremental burden on the storm sewer.

Mr. Robke said it would be a burden, but it will be an off-peak burden. The intent with MWRD is to prevent the surge so that the maximum capacity is not exceeded during those times.

Mr. Surman said we need to trust that MWRD is doing what they need to do. In the last 20 years, they are more stringent than they previously were.

Mr. Roberts suggested that the club take an example from Roemer Park, the Wilmette baseball association. When the association knows they are having an event that will require parking overflow, they hand-deliver a letter to all neighbors in the general area. Westmoreland could do that with events or projects that could cause overflow. That is a neighborly approach that would be well received by many neighbors and lower the tensions.

Mr. Surman said that Roemer Park does not have that much parking, so they don't have the opportunity to expand. That is not common practice for a country club to hand-deliver messages to neighbors. Roemer also has a shorter season. A lot of the area is lawn – it is not all gravel. In the end, does Mr. Roberts want the current situation to continue? The house to the north puts in Arbor Vitae, which is more appealing to look at. Maybe the club could think about the existing trees. Maybe find a way to shift them and say they will save x out of y trees.

Mr. Roberts talked about the whole row of coniferous trees. Maybe those could be saved instead of cutting them down. He didn't say leave the situation as it is, and he commends them for trying to improve parking. He just does not think that it should be moved into the front yard area. The request should therefore not be granted. There are other options to be explored.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Robke said he can support this with the expectation that the ARC reads the board's comments. He is concerned about the landscape buffer. With a buffer the request can be accommodated. He encouraged the sacrifice of 1 to 2 spaces within the area to get additional density for the sake of the neighbors.
- 5.2 Mr. Surman said it is a hard situation. There is not space to expand. The parking is in disarray and efficiency is lost. The plan would be helpful. Arbor Vitae will provide a nice back drop for people driving by. He said it would be good to work

with the ARC to get a plan with more interest. He can support the request. It's a good solution.

- 5.3 Mr. Kolleng said there are some properties in the village that are odd-ball situations in neighborhoods they are in. Every time one of these properties wants to do something, the board approves it, even if there are a lot of variances. They are trying to get cars off of the street and create a better relationship with neighbors. Maybe letting neighbors know about big events might be helpful. He can support the request.
- 5.4 Mr. Schneider has a problem with the request. He does not see the hardship. Traffic counts have not established that the request is an absolute necessity. If it was necessary, he is sure that they could find other options. Mr. Roberts also noted that there is no hardship. It is a nice to have thing and the board should not approve based on that. He cannot support the request.
- 5.5 Ms. Norrick said she hopes that the ARC will review the case and maybe the applicant can preserve some existing trees.
- 5.6 Chairman Duffy said he was looking at the case similar to the way that Mr. Kolleng did. This is a commercial use in a residential district. They are applying residential front yard setback thinking to this property. For a commercial use, you look at the front yard setback differently from a house. Having cars 7' to 8' from the property line is not that unreasonable in a commercial property. It is a little close but Old Glenview Road is a busy road. The applicant spoke about screening cars. One won't know how close cars are. To the hardship, when the board heard the case for the paddle hut, people complained about parking in the street. The hardship is in the neighborhood vs. being on the property. Pulling cars out of the neighborhood is a benefit.
- 5.7 Mr. Schneider talked about a burden on adjacent streets. There is no evidence that they need 17 more spaces.
- 5.8 Chairman Duffy said that neighbors complained about parking problems during the paddle courts hearing.
- 5.9 Mr. Schneider agreed and said that neighbors also complained about noise.
- 5.10 Mr. Robke referenced previous neighbor testimony at the paddle courts case. A lot of people complained about the shortage of event parking. The applicant said at that time they would try to increase parking. He started with the same position as Mr. Schneider about hardship. This is such a unique property. With proper landscaping no one will know that parking is there. If it gets cars off of the street on big event days that will be a win/win.

5.11 Chairman Duffy said he remembers the applicant saying they would turn the proposed area into parking when they came to the board with the paddle hut case. This is phase 2 of that original discussion. He did not know that they would need a variance, but he sees why the request is beneficial. If the cars are not visible is there really an impact. There will now be less cars on the street.

6.0 DECISION

6.1 Mr. Robke moved to recommend granting a request for a 17.5’ front yard parking space setback variation to permit the expansion of a parking lot at 2601 Old Glenview Road 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	Not Present
John Kolleng	Yes
Christine Norrick	Yes
Michael Robke	Yes
Reinhard Schneider	No
Bob Surman	Yes

Motion carried.

6.2 Ms. Norrick moved to authorize the Chairman to prepare a report and recommendation for the Zoning Board of Appeals for case number 2018-Z-41.

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 siting of the existing parking lot and other structures on the lot, impose upon the owner a practical difficulty. The plight of the owner is due to the unique use and development of the lot. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property to improve a staff parking area and to mitigate reported issues of staff parking on public parking on Old Glenview Road. The proposed variation will not impair an adequate supply of light and air to adjacent property. A primary purpose is to provide off-street staff parking, which addresses a negative impact currently felt in the neighborhood. The variation, if granted, will improve the character of the neighborhood by reducing club-related parking on Old Glenview Road,

returning to a more residential character on the street. While existing landscaping is proposed to be removed, new landscaping will screen the parking from the street.

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 condition of the property causing a practical difficulty or particular hardship. The property is very large and a conforming solution could be proposed either by reducing the number of proposed parking spaces or further modifying the site to make more room for the parking lot. The petitioner is creating their own plight by not modifying the site to have more room; something that could have been done with the previous paddle tennis improvements. No evidence was submitted that the club requires all of the parking spaces that are proposed.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 17.5' front yard parking space setback variation to permit the expansion of a parking lot at 2601 Old Glenview Road 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. Bob Fink, applicant
11 East Partners

3.12 Mr. Sean O'Grady, Chief Clinical Operations Officer
NorthShore University Healthsystem

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a special use for a medical clinic, large to permit a pediatric center. The Village Board will hear this case on September 25, 2018.

3.22 Mr. Fink said that someone from NorthShore University Healthsystem is also present at the hearing on behalf of Edens Plaza. They are looking for a special use permit for a medical clinic operated by NorthShore University Healthsystem. The space was formerly occupied by Carson's Furniture store. A special use is required for the first floor.

It is almost 25 years that the Edens Plaza group has worked with the village and the community to ensure that Eden's Plaza is a premier destination on the North Shore. NorthShore University Health has a long-standing relationship with the community. Both the first and second floors will be devoted to medical office uses for pediatric care.

Their formal application addresses the standards of review for a special use. They want to explain why approval of this request is critical for Edens Plaza as it moves forward.

He spoke about Bon Ton and the closure of Carson's. His company is in possession of the furniture store premises. He spoke about the plaza. The furniture store occupied about 10% of the gross leasable area. For the past few years, the plaza has had a 95% occupancy rate. However, at one time there were significant vacancies. They added a non-traditional use, the Big Blue swim school, to its tenant mix. That business brought in traffic and the north end of the plaza was fully leased. However, there have been a rash of store closings in retail. Big box stores have felt the biggest impact. Two story premises are the most difficult to release.

Ownership is committed to retail being the focal point of Edens Plaza for the future. Different uses have been employed in centers to keep them viable. Office, medical, entertainment, hotels, and schools are uses found in centers. Residential uses are in the mix.

If this request is granted, Edens Plaza will not suffer the fate of many other centers. NorthShore University Health is a first-in-class quality tenant that will bring energy and traffic to the center and will serve the community's medical needs. New customers will come to the center. Quickly filling this vacancy sends an important message to the retail community that Edens Plaza is quickly moving forward and adding energy and vitality to the center. Today retailers want to locate where the action is. The addition of NorthShore University Health will help ensure that Edens Plaza is the go-to destination and is well positioned to continue and prosper.

- 3.23 Chairman Duffy clarified that the special use is for the first floor. There is nothing labeled on the plan. What will occur on the first floor?

Mr. Fink said that both floors are dedicated to medical offices for pediatric care. They have a signed lease with NorthShore University Health subject to the special use approval.

- 3.24 Chairman Duffy reiterated that nothing is labeled and asked what was happening in the space.

Mr. O'Grady said it is a destination center that will attract patients well beyond the north shore. There will be specialty pediatric care in the space. Surgery will not take place on the site. The primary use is physician office visits. MRI's and diagnostic testing will be offered. Minimal procedures will be performed. Occupational and physical therapy will be offered.

- 3.25 Mr. Surman asked if there was a current drop off area in the front.

Mr. Fink said that there is currently no drop off area in the front.

- 3.26 Mr. Surman asked if a drop off area is needed. Will there be traffic congestion?

Mr. Fink said there will be no overhang or drop off area.

Mr. O'Grady said that there is sufficient parking in the adjacent lot.

- 3.27 Mr. Kolleng asked about the number of physicians in the building at one time.

Mr. O'Grady said that on peak days there would be 15 doctors plus additional ancillary staff.

- 3.28 Mr. Robke asked about the number of total staff

Mr. O'Grady thought that total staff would be about 40 people including doctors. Every day will not be 100% occupied. 40 is on peak days.

- 3.29 Mr. Surman asked if they would have 40 parking spaces to use.

Mr. Fink said that the spaces are common. No spaces are assigned.

- 3.30 Chairman Duffy asked if they were adding elevators to the space.

Mr. Fink said that elevators currently exist.

- 3.31 Chairman Duffy asked how many tenant opportunities presented other than this medical use.

Mr. Fink said they just started marketing the space. They spoke with about 20 retailers. Two story spaces are more difficult to lease. Going forward there are other large format retailers for the first floor.

- 3.32 Chairman Duffy asked if Mr. Fink's company managed the building.

Mr. Fink said that Carson's owns their own building and his company manages the shopping center. There is an REA that controls it. They are in a good position to sell all of Carson's assets. Parking is controlled by an REA.

- 3.33 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. Robke said he is happy to see the vacancy filled. He would have liked to have seen retail in the space. The worst thing that can happen with retail is a lot of vacancies. This is a positive for the community and for Edens Plaza giving the pending situation and challenges with the larger Carson's space. He can support the proposal.

- 5.2 Mr. Schneider agreed. The use will generate traffic. This use will help other businesses in the center.

- 5.3 Mr. Kolleng said it would be nice if it was retail. But given what is going on with shopping center, a prolonged vacancy would be a negative. A well-known service business will be in the space. It will generate traffic that will benefit other retailers. The applicants did a great job of getting someone in there quickly. He can support this.

- 5.4 Mr. Surman said that this use will be a great frequency generator to get people into the center. It will add a lot of vibrancy. He can support the request.

- 5.5 Ms. Norrick agrees with the above. The tenant is complimentary with adjacent near-by retail. She can support the request.

- 5.6 Chairman Duffy said he is surprised no one from the neighborhood came to complain about possible increase in traffic. He can support the request. This is a

great tenant and excellent use of a difficult space. He can support the request. The special use request was reasonable, and standards of review are met.

6.0 DECISION

6.1 Mr. Robke moved to recommend granting a request for a special use for a medical clinic, large to permit a pediatric center at 3232 Lake Avenue, Suite 330 in accordance with the plans submitted. The use shall run with the use.

6.11 Mr. Schneider 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 authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-38.

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

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The proposed use is consistent with the goals and policies of the Comprehensive Plan to encourage vibrant retail centers. The proposed use is permitted on the second floor and requires approval for the first floor. The use will attract visitors from throughout the north shore, exposing the shopping center to new potential customers. Filling the large tenant space will demonstrate to current and potential retail tenants that the center is still attractive and viable. The establishment and maintenance of the proposed use will not be detrimental to the public health, safety, and welfare nor will the proposed use be injurious to the use or enjoyment of other property in the neighborhood. The establishment of the use will not impede the normal and orderly development of surrounding properties, which are currently fully developed. The proposed use will not diminish property values. Adequate utilities and road access exist to serve the proposed use. Adequate measures already exist to provide ingress and egress and there is adequate parking for the use. The proposed use will be consistent with the community character of the neighborhood. Development of the proposed use will not substantially affect a known archaeological, historical or cultural resource. The property owner will ensure the

maintenance of landscaping and buffers that exist on the property. There are no additional use standards that apply.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a special use for a medical clinic, large to permit a pediatric center at 3232 Lake Avenue, Suite 330 in accordance with the plans submitted. The use shall run with the use.