



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, OCTOBER 3, 2018

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: None

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-47 1160 Michigan Avenue

See the complete case minutes attached to this document.

III. 2018-Z-48 415 Prairie Avenue

See the complete case minutes attached to this document.

October 3, 2018 Zoning Board of Appeals

Approved November 7, 2018

IV. 2018-Z-49 106 16th Street

See the complete case minutes attached to this document.

V. 2017-Z-46 930 Greenleaf Avenue

See the complete case minutes attached to this document.

VI. Approval of the August 15, 2018 Meeting Minutes

Mr. Kolleng moved to approve the August 15, 2018 meeting minutes.

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

VII. Approval of the September 5, 2018 Meeting Minutes

Mr. Kolleng moved to approve the September 5, 2018 meeting minutes.

Mr. Boyer 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 9:09 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. Brant Rust, applicant
Northworks Architects

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 1.0' side yard retaining wall setback variation to permit the installation of a retaining wall on the north and south lot lines. The Village Board will hear this case on October 23, 2018.

3.22 The applicant said this is a lakefront property. The neighboring properties have a similar slope down to the beach that require retaining walls.

3.23 Chairman Duffy referenced the neighboring property to the north. Is he asking for a variance on both sides or only on the north side?

The applicant is asking for a variance on both sides.

3.24 Chairman Duffy asked if they would extend the existing retaining wall on the south side.

The applicant said they would either repair or replace what is existing. The midline of that wall is on the property line.

3.25 Chairman Duffy referenced page 1.4 and the checkered area. Is that the retaining wall? Or is it the darkened area along each side?

The applicant pointed out the areas for the retaining walls on 1.4. The checkered area would be repaired or replaced. That wall is on the south side.

3.26 Chairman Duffy asked if the entire wall was being replaced on the north side of the property.

The applicant said that wall would be new.

3.27 Chairman Duffy noted that the neighbor to the north had an existing retaining wall for a portion of that area on the north side. Where is their retaining wall located?

The applicant said he thought that was correct.

- 3.28 Chairman Duffy asked about the section of the wall that is above ground and noted that it would not be on the property line. Ms. Roberts told him that a footing was required, and the footing is what is actually against the property line.

The applicant said that if they were using a uniform co-centric fitting with the wall, then the footing would extend past the outside edge. But with the type of footing he is using with the correct amount of rebar would not extend past the outside edge. They dashed in some of the proposed footings on one of the plans. They are all within the property.

- 3.29 Mr. Schneider clarified that the red line is the top of the footing. It can't be the dashed line. He referenced 1.6 and said he asked the width of the retaining wall.

The applicant said that the retaining wall width is 10" maximum.

- 3.30 Chairman Duffy clarified that the red line is the top of the retaining wall.

- 3.31 Mr. Surman said that the reason for the retaining walls is to change the property grade. The house's siting on the lot is creating this situation. He there a code reason for the 1' requirement?

Ms. Roberts said that it is to minimize impact on adjacent properties for excavating for a footing.

- 3.32 Mr. Surman said that his concern is about the condition of the neighbor's property after the wall is up. The neighbors will see the wall. The wall may be 3' to 4' higher than the property.

The applicant said they are lowering the grade on his property only and will do nothing about neighboring grades. It would be as high as needed. Or when they would build up the grade, the wall would be visible to the neighbors.

- 3.33 Mr. Surman asked if the wall was stepped all the way along.

The applicant said it is a continuous contour of existing grades.

- 3.34 Mr. Robke referenced Section 3 on the drawings and said they are building up.

The applicant said that in the other sections, they are lowering the grades.

- 3.35 Chairman Duffy asked how much of the retaining wall going to be exposed on the neighbor's side after it is built. He asked for the dimension in lineal footage.

The applicant reiterated that the only place they would be above grade was in Section 3. That length is estimated at 30'. The height is estimated at 3' for a total of 90'. That is for the north side. The south side would have no above grade

exposure. They would be carving out on his side to get down to the pool terrace along the south side yard.

- 3.36 Chairman Duffy clarified that there is a maximum of 3' exposure for the north side wall and the wall is 30' long, 3' from grade. That is what the neighbor will view.

The applicant confirmed that the wall would be no more than 3' above grade at its highest.

- 3.37 Chairman Duffy asked what point on the property would be considered the dunes, more of the grass/dirt area. It is his understanding that the dunes cannot be manipulated without the approval of the army corps of engineers.

The applicant said that is correct and talked about 50' away from the base flood elevation. They have dealt with the 50' setback from the base flood elevation. 585 is the contour for that elevation.

- 3.38 Chairman Duffy clarified that they are at least 50' away before they start manipulating anything.

The applicant said that the current water line is at 581 elevation.

- 3.39 Mr. Schneider asked if they maintain the 1' separation from the property line, would they still have that 30' x 3' concrete exposure to the north?

The applicant said that was correct. It would be an extra 1' of land.

- 3.40 Chairman Duffy asked what they were removing? Trees? Brush? What is the impact as they install the retaining wall?

The applicant said that the trees on the front line would be maintained. Some of the trees that are inside and, on the property, will be removed with the approval of the forester. The goal is to not impact anything negatively especially anything near feeder roots.

- 3.41 Chairman Duffy asked what if the neighbor said they had significant trees and the neighbor said that the applicant would have to work with them.

The applicant said that their contractor is well aware of this issue. There was a meeting on this topic.

- 3.42 Mr. Schneider asked if the neighbors to the north or south objected to the proposal.

The applicant said he could not speak to that. He has not personally spoken with them, but he thought that the GC contacted the neighbors.

- 3.43 Mr. Kolleng said he could not get on site because it was locked. Why can't they use the existing wall?

The applicant said that they could. The grades on his side of the lot are actually higher, but they will be lowering it, so the existing retaining wall will become excessively tall to that point. They will now be more matching to the neighbor's grades to the south. On the north side they will be lower across from front to back with exception of that 3' section.

- 3.44 Mr. Kolleng said it looks like will be picking up 1' on either side. He has a hard time understanding the need for the proposal when they have retaining walls. Why can't they use what is there?

The applicant said that what is there would be excessively tall on both sides. Both neighbors would have to look at it.

- 3.45 Mr. Kolleng said the way it is drawn, it looks like there is a retaining wall on both sides.

- 3.46 Chairman Duffy said that the only existing retaining wall is on the south side.

The applicant said that there is also something on the north side but was not shown on the drawing. It was confirmed that there was nothing on the north side.

- 3.47 Chairman Duffy clarified that there is nothing on the north side. They are creating a new retaining wall on the north side. On the south side there is an existing section that is marked on the plan. The existing retaining wall on the south side will be removed so they can create a uniform wall that will be longer but shorter in height than existing.

The applicant said that was correct. They want to work with the neighbor to replace the existing wall. But that depends on whether they can rebuild to the lot line or not. The current wall has been there for quite a while, but it has been chipped away.

- 3.48 Mr. Surman said that when he looks at the topography map, it looks like the grades are continuous between the north and center properties. He referenced 1.5. Was a hardship created to accommodate entering the house at different levels? Is that why this is happening?

The applicant said that this is a complicated issue. It applies to zoning heights. There is a lot of back story as to how they got to the point they are at now. They want to allow for proper access to the pool. There are pool codes for emergency access. That needs to be a usable space. Steps need to go down to the pool area.

- 3.49 Chairman Duffy asked if having a pool was a hardship. The pool drives changes.

The applicant said that the pool is not the hardship and the hardship are site contours.

- 3.50 Mr. Surman said that the topography appears fairly consistent as seen on the drawing. He referenced 1.6, second section. It appears as if the neighbor's grade compared to the new grade may be a 30" drop. That area is below the wall.

The applicant said it is 36".

- 3.51 Mr. Surman asked if there would be a fence on top of that wall. There cannot be such an extreme drop from one property to the next. The fence would be almost on the lot line. The fence is cyclone.

- 3.52 Chairman Duffy noted that the cyclone fence exists.

- 3.51 Mr. Schneider referenced section 1 and it indicates privacy fence. Is this on the south side?

The applicant said that was the south side.

- 3.52 Mr. Surman asked how they would deal with the height difference between the neighbor's property.

- 3.53 Mr. Robke said he understands that a 3' drop would require some protection.

- 3.54 Mr. Surman said that the board has to consider the hardship. Is the lot 50'?

The applicant said that the lot is 66'.

- 3.55 Mr. Surman continued and said that the lot is fairly wide. It seems like the envelope is being pushed and impacting the neighbors. The board has to consider this. If the wall is right on the lot line how does this impact the neighbors? The drawing is not detailed enough to show where the handrails start and stop.

- 3.56 Mr. Robke said that it seems as if there are two different conditions. What drives the need for this on the north side? On the south side the applicant referenced pool requirements. Why can't the walkway on the north side follow the contours on that side and eliminate the need for the wall?

The applicant said that the only major condition for ingress and egress would be the window well for the bedrooms in the basement. The window well is shown on the plans. That encroaches 3' into the setback. Their side yard setback is 6.6' or 10%. He talked about a gated guard rail with the window well. They would want to have a way to walk past the window well, which is 3' wide.

- 3.57 Mr. Robke asked if the walkway at 606.5 be at 609.5?

The applicant said it would not be ideal, but it could be. The entry floor of the home is at 607.25, which means that the basement window would be far less than that by about 3' to 4' to the top of the basement window. Is it ideal? No, but it could be done.

- 3.58 Mr. Robke said that he was hearing with regard to the north side, the reason for that retaining wall is the window well when looking at a hardship.

The applicant said that because of the window well and the floor height which extends into the garage. There is a mudroom that attaches the garage to the house. The motor court is a sunken feature.

- 3.59 Mr. Robke said by the time they get to the motor court, they are on the other side. The plan does not show doors going to the walkway. He is trying to understand what is driving the request.

- 3.60 Chairman Duffy clarified that the blank space is a window well.

- 3.61 Mr. Surman said they are trying to fit in too much with a 66' lot. He is concerned about how it impacts the neighbor visually and how it impacts them in the future if they decide to lower the grade. The neighbor could potentially lower the grade and then they would look at the applicant's wall.

The applicant said that there are service doors for the mud room and for the garage.

- 3.62 Mr. Schneider clarified that there is another window well on the north edge.

The applicant showed the window wells on the north edge. There is one on the south side. There is more room on the south side.

- 3.63 Mr. Robke referenced section 1 and asked the difference in grade. The retaining wall is at 610. What is the walkway at?

The applicant said that the walkway is at 608.9 or a difference of 1.35'.

- 3.64 Mr. Robke asked if they could do a lot line footing at 1.5' instead of a retaining wall. Why would they have such a massive retaining wall for 1'?

The applicant said that was generously oversized. Engineering would be pending approval and where it would be placed.

- 3.65 Mr. Boyer asked the difference between the house and the proposed retaining wall on the north and south sides.

The applicant said it is 6' at the north end and the south end would be 10'.

Ms. Roberts said that the required combined side yard setback is 16.67'.

(After section 4.0)

3.66 Chairman Duffy asked the applicant to address Ms. Trotter's concerns.

The applicant said he can make sure that the contractor contacts Ms. Trotter and that he maintains contact with her. He will make sure that a solution is found that is in her best interest.

3.67 Mr. Kolleng asked the applicant if it would have been better to speak with Ms. Trotter already.

3.68 Mr. Robke said that there is a design coordination issue. Unless the contractor is doing the design and the design build, the design must be coordinated.

3.69 Chairman Duffy said that the neighbor does not know what she is getting so how can she support the request. If the board recommends approval and the neighbor says that she thought the proposal was going to be something else, now there is a problem. He is implying that the board may push off this case until there is more information and consulting with the neighbor.

Ms. Trotter asked if the neighbor to the north aware of the plans.

3.70 Chairman Duffy asked if there was discussion with the neighbor to the north.

The applicant said there was no discussion with the neighbor to the north.

3.71 Mr. Surman said that the plan does not show enough information and graphics.

The applicant clarified that he had to provide better graphics.

3.72 Chairman Duffy said that the applicant has to speak with both neighbors, so they are in support of what the applicant is proposing. They are impacted the most. The board would apply standards of review to the request.

3.73 Mr. Surman said one issue he has is what is the hardship?

3.74 Chairman Duffy told the applicant that he had to sell the board on the hardship. One of the ways to do this is if both neighbors support the proposal. He took a straw vote amongst board members to see if the board would move forward with a recommendation this evening or postpone the case a few weeks and ask the applicant to return.

3.75 Messrs. Robke and Kolleng indicated they were ready to vote.

- 3.76 Chairman Duffy told that the applicant that he would probably get a negative recommendation if the board were to vote. Chairman Duffy suggested the applicant have the request tabled and come back at a later meeting.

The applicant said he would put together better graphics and will speak with both neighbors to seek their support.

- 3.77 Mr. Kolleng said that while it appears to be a small ask, it is actually a major ask due to length.

- 3.78 Mr. Robke said that the applicant needs to address the hardship issue.

- 3.79 Mr. Surman asked the applicant if he was familiar with standards of review used to evaluate the proposal.

The applicant said he was familiar with standards.

The applicant said he has a unique hardship, yet all neighbors share the hardship when considering future development. Both neighbors will not agree about grades on the neighbors' side of the lot line. It is more of a 'macro view' hardship. There are plenty of properties in the village that are not lakefront. The uniqueness of the lot is the hardship.

- 3.80 Chairman Duffy said they would table the request. If the board votes on it and the recommendation is negative, the applicant has to re-notify and reapply. If the proposal is tabled, he does not have to re-notice and the board could hear the case on October 17th. Can the applicant put the proposal together by then?

The applicant said he could be ready by October 17th.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

- 4.11 Ms. Dona Lee Trotter
1156 Michigan Avenue

4.2 Summary of presentations

- 4.21 Ms. Trotter said that there is a vacant lot with no structures on it. Why can't they build to comply with the rules? Why only 1' on each side?

Chairman Duffy said that the applicant is talking about the distance from the lot line to where the retaining wall's edge or footing could start on their property, not height, but the distance from the lot line. The retaining wall cannot be within 1' of the property line. They are asking to put it at the property line.

Ms. Trotter talked about rain coming down between the houses. If they will have concrete up to the fence, the rain will come on her side. There won't be a place for rain to go on his side.

Chairman Duffy said that the rain that lands on their side will stay on their side. Her rain will stay on her side.

Ms. Trotter has a retaining wall going down that side. On top is a wooden structure about 8' high. It is attached to the concrete steps used to get to the lower level. Will they take the current wall out and then replace it?

Chairman Duffy said they need her cooperation to do that if the board recommends approval on what they are proposing. It is her wall as much as it is the applicant's. The wall is sitting on the property line. They are proposing a more aesthetically pleasing wall, but it will be much longer. She may not see as much of it in its newer configuration, but it does impact her.

Mr. Schneider asked if the contractor or the owner spoken with her about the plans.

The neighbor said that the applicant had plans that he would show to her and she hasn't seen them, and no one has talked to her about the plans. This evening was an awakening for her.

6.0 DECISION

6.1 Mr. Robke moved to table this case to October 17, 2018.

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

Motion carried.

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

3.1 Persons appearing for the applicant

3.11 Mr. Mike Venechuk, architect
1615 Highland Avenue

3.12 Mr. Matt Radde, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 438.0 square foot (35.0%) front yard impervious surface coverage variation and a variation to permit a parking space in a front yard to permit the widening of the existing driveway on the legal non-conforming structure. The Village Board will hear this request on October 23, 2018.

3.22 The architect said they currently have a single one-car garage that is very narrow. They have four children and a large dog as well as a lot of stuff. They can get one car in the garage, but it's difficult to open the doors. The car used for the kids is parked outside the garage. The existing driveway is very narrow. They initially thought they wanted something for the kids to load on. They have also parked on the street, but there is a lot of traffic and it is better to not get kids in the car out on the street.

On the street there is no overnight parking.

3.23 Mr. Schneider said that no overnight parking on certain streets makes no sense.

3.24 The architect said it would be nice to also park another car on site when they have guests. Otherwise they park on Maple. They cannot widen the driveway because they far exceed the allowable front yard impervious surface coverage. This is the primary hardship that was caused by a previous owner. They built the house and garage on the front yard. Their allowable impervious surface is 375 square feet. However, the house and garage take up 454 square feet. The driveway and walk to the house take up 250 square feet. If the house was built back where it should be, they would not need a variance to do what they want to do

3.25 Mr. Schneider asked about the rear yard setback requirement.

The architect said it is 25'.

3.26 Mr. Surman asked if the house had originally been planned further back, would that impact the rear yard.

The architect said that the house could have been shifted back. The back-yard setback is a 25' minimum. The lot 87.5' deep. That also comes into play. The front yard setback is 25' and the lot is 50' wide.

- 3.27 Mr. Surman said that if the house was sited back it would not impact the rear yard coverage.

The applicant said that they decided to tear down the current garage and build a small two car garage in the rear. That would create massive paving compared to what they are asking for, so they didn't pursue that. What they also did was remove an existing sidewalk from the north side of the property. They removed 60 square feet of paving. They are asking for 48 square feet of new paving. That is a modest request.

He knows that impervious surface is an important issue, but the request would help the family tremendously.

- 3.28 Mr. Surman said that they don't have alley access. But if they did have alley access could they put on a conforming garage?

The architect said they could put in a two-car garage. Properties to the south have alley access. The next six to the north have garages way back and a long driveway. The last one has a two-car attached garage with a wide apron. The applicants are the odd guy out.

- 3.29 Mr. Schneider asked the applicant if he had two cars.

The applicant said they have two cars. They park one across the sidewalk or somewhere else.

- 3.30 Mr. Schneider said that three to four properties to the north have a long drive with a single-car garage in the rear. They can park in tandem along the long driveway.

The applicant said that six houses can park in tandem with three to four cars.

- 3.31 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 that he is almost always opposed to approving a variation to put a parking lot in the front yard setback. But this is a unique case and he can support the request. It is a hardship to only have space for one car. The applicant did not create the position.

- 5.2 Mr. Boyer also can support the request. The house’s siting on the lot is an issue. The depth of the lot and no alley access are also issues. Having a garage in the rear would cause more of an impervious surface issue. There are parking restrictions in the area.
- 5.3 Ms. Norrick agreed with the above and said that this is a straightforward case. She supports it.
- 5.4 Mr. Surman concurred. It is a modest request at 16’ wide.
- 5.5 Chairman Duffy said that he is not a big fan of front yard setback parking, but this is a unique situation with the siting of the house on the lot creating the hardship. The lot is short. He commended the person who wrote out the responses to standards of review.

6.0 DECISION

6.1 Mr. Robke moved to recommend granting a request for a 438.0 square foot (35.0%) front yard impervious surface coverage variation and a variation to permit a parking space in a front yard to permit the widening of the existing driveway on the legal non-conforming structure at 415 Prairie Avenue in accordance with the plans submitted.

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

| | |
|------------------------|-----|
| Chairman Patrick Duffy | Yes |
| Mike Boyer | Yes |
| John Kolleng | Yes |
| Christine Norrick | 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-48.

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 depth and

size, the siting of the house on the lot, the lack of an alley, and the on-street parking restrictions, 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 lot in question and not generally shared by others. The hardship prevents the owner from making reasonable use of the property with a second off-street parking space. As a flat surface, the proposed driveway will not impair an adequate supply of light and air. Nor will it otherwise injure adjacent property. The variation, if granted, will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 438.0 square foot (35.0%) front yard impervious surface coverage variation and a variation to permit a parking space in a front yard to permit the widening of the existing driveway on the legal non-conforming structure at 415 Prairie Avenue in accordance with the plans submitted.

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

3.1 Persons appearing for the applicant

3.11 Mr. Mike Venechuk, architect
1615 Highland Avenue

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 0.5' side yard window well setback variation, a 5.0' side yard air conditioner setback variation, a 154.65 square foot (24.74%) rear yard structure impervious surface coverage variation, and a 141.75 square foot (22.68%) rear yard total impervious surface coverage variation to permit the construction of a new home. The Village Board will hear this case on October 23, 2018.

3.22 The architect said that the applicants were before the board on an earlier date and got a zoning variance to build above their existing home. Since that time, they determined that the existing foundation could not support a second floor. To rebuild the crawl space did not make sense. So, they thought about building a new home. The disadvantage is that it is 17'4" wide instead of 19.5' wide. They are conforming with the exception of the light well. They can encroach 3' into a required side yard setback, but he didn't know it had to be 2' from the property line. Their combined property setback is 7.5'.

3.23 Chairman Duffy asked about the window well.

The architect said the applicants have a finished basement and there must be two means of egress – stairs and light well. They are 4' wide, minimum 3' deep and doesn't stick up much above ground. They are encroaching by 5" into the side yard setback.

The AC condenser is 5' from the property line but is pushed back by the garage. It is further from the neighbors in that location than it would be in a conforming location. This is the same location as the last request.

3.24 Chairman Duffy clarified that the garage and ac situations are the same request as before.

The architect said that the garage was not part of the previous request. Normally variations are not granted when the home is new because one would be creating their own hardship. But in this case, the lot is so small, and he thinks that the requests are justified. They are asking for relief from the current zoning requirements based on the small lot and the desire to make a reasonable use of their property. The lot is 25' wide and 125' deep. The existing one-car garage is an

existing legal non-conforming structure. It must be removed when the existing home is removed. The current zoning requires a two-car garage. This would not be possible without a variation based on lot size.

They have proposed the smallest two-car garage that they can. They are kind of stuck. They would build a one-car garage but would need a variation to do this since the house is new.

3.25 Mr. Surman asked if the window well has a railing.

The architect said that there is no railing. It will have a walkable grill. It won't negatively impact the neighbors. The grill has to support people walking on it.

3.26 Mr. Boyer asked about the existing rear yard gravel – is it pervious or impervious.

Ms. Roberts said that the ordinance considers anything but grass to be impervious. The gravel is probably also compacted; it is considered an impervious surface.

3.27 Mr. Boyer clarified that they would need a variance to keep the current garage and the gravel pad.

Ms. Roberts said that is correct.

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

3.29 Mr. Schneider asked about the 1.5' shown on the plan.

3.30 Chairman Duffy said that is the distance from the window well to the lot line.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Boyer said that the window well variance is minimal and is required. The 5' AC setback is that it would be in the middle of the house with the depth and width of the lot. Where they are proposing it in the back is farther away than it would be in a conforming location. It will have less impact on neighbors.

The other two requests are interesting. It doesn't have to do with new construction. This is not on the structure of the home. They would have to tear down the existing structure and if they wanted to keep existing, they would need a variance. He said that the existing path is impervious. There is not that much impact of the new garage or existing conditions because impervious surface conditions already exist. Hardship are lot width and the strict applications of the codes.

Standards of review are met and he can support the request.

- 5.2 Mr. Kolleng agrees with the above. They need a variance one way or another. Standards of review are met. The lot is very narrow. He can support the request.
- 5.3 Mr. Robke said if the house was existing, the board would most likely support the garage to be a two-car garage. It is less than 18’ wide. He can support the request.
- 5.4 Chairman Duffy said that he sees difficulties faced and empathizes. He can support the request.

6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a request for a 0.5’ side yard window well setback variation, a 5.0’ side yard air conditioner setback variation, a 154.65 square foot (24.74%) rear yard structure impervious surface coverage variation, and a 141.75 square foot (22.68%) rear yard total impervious surface coverage variation to permit the construction of a new home at 106 16th 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 | Yes |
| John Kolleng | Yes |
| Christine Norrick | Yes |
| Michael Robke | Yes |
| Reinhard Schneider | Yes |
| Bob Surman | Yes |

Motion carried.

6.2 Mr. Boyer authorizes the chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-49.

6.21 Ms. Norrick 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, 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 lot in question and not generally shared by others. The hardship prevents the owner from making reasonable use of the property with a new single-family home and conforming

detached garage. The home itself conforms to the setback requirements; the structures that require relief will not impair an adequate supply of light and air or otherwise injure adjacent property. The variation, if granted, will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 0.5' side yard window well setback variation, a 5.0' side yard air conditioner setback variation, a 154.65 square foot (24.74%) rear yard structure impervious surface coverage variation, and a 141.75 square foot (22.68%) rear yard total impervious surface coverage variation to permit the construction of a new home at 106 16th 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. Andy Tinucci, principal
Woodhouse Tinucci Architects

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a request for a 13.55' front yard step setback variation, a 17.0' side yard step setback variation, a 1.34' side yard adjoining a street ramp setback variation, a 35.0' rear yard fire escape setback variation, a 2.3 foot-candle illumination variation, and a 923.4 square foot (53.62%) side yard adjoining a street impervious surface coverage variation to permit remodeling of the legal non-conforming structure at 930 Greenleaf Avenue. The Village Board will hear this case on October 23, 2018.

3.22 Mr. Tinucci said he is the architect for the restoration of the Women's Club project. They are project architects and are also architects for the new Gillson Beach house restoration. He has worked on institutional and historic renovation projects for 30 years. He gave information about past projects.

He has many slides to show to the board. Not all of the board members were on the board when the project came before the board three years ago.

In February 2015, there was a horrific fire at the Women's Club. It almost completely destroyed the structure. It took out under 50% of the structure. They were before the board in October of 2015 getting zoning approval to restore the project. They began work in 2016 and planned to be done before this time.

For a number of reasons, the work took way too long and little of it was done as it should have been or on the pace promised. He spoke of problems along the way. At the end of 2017, the women's club severed ties with their previous design/build architect and hired him. They said that the village and the neighbors needed this project done immediately. He told them that he could not finish the project immediately because it must be done the right way. They had to understand the structure's condition and what was done.

They started with a code analysis and thinking about the entire project, not just the exterior, which was how it was first presented to the board three years ago. They did a lot of feasibility studies and drawings. They have a working set of drawings and are ready to move forward. They are working with Bulley & Andrews in Chicago. They did feasibility analysis together. They looked at it from a cost standpoint. Based on the scope of work proposed, there is money to complete the project.

The women's club has done their best to communicate with neighbors. They hosted a public meeting a few months ago and gave a presentation.

They are at the meeting tonight to conduct the entitlement process and get permits to move forward. Their plan is to finish in 2019. They plan to build out the southern interior of the project of the first floor. The building could then be used on a portion of the first floor. In the subsequent years the renovations could end.

They will go before the ARC on October 15, 2018. They can then get their permits and finish construction drawings, get bids, build ASAP in 2019.

The project is at 10th and Greenleaf. The hardship is that the current structure is a legal existing non-conforming building. Every side is outside of the setback. They will fully restore the exterior as it had been on the north. Most of the work is done but they need to add a new fire escape. It will have a full stone veneer façade. Windows will match the historic condition. One façade has to be almost totally rebuilt because of fire damage.

There are new steps on the south that are required by code for egress out of the south side of the building. They will step into the setback as the building is already in the setback. On the east there will be the most amount of work. He will later highlight the work.

On the west, which is not technically the front of the building, but is where the front door is, they have the structure intact to a certain point and then the new construction that needs to happen. South of that line the entire wall needs to be rebuilt. A ramp will go in for accessibility. It is within the setback.

The large auditorium is currently gutted. It will remain unoccupiable and they will block it off. It will not be accessed. They will build out the south side of the first floor. Existing and new entries and new gathering space, new kitchen and restrooms, all code compliant and fully accessible. There had been egress and accessibility concerns which created a need for an accessible ramp into the building. There had to be proper passage out of the building. The walkway passage is on the property line.

There are many variances and he reviewed them.

He showed a site plan with required setbacks. The building is an existing legal nonconforming structure. It is beyond all of the setbacks. On the south side, there is an egress stair extending into the setback. On the west side, there is an accessibility ramp. On the north side, there is a fire escape.

3.23 Mr. Surman said he understands why they are adding stairs and a ramp, but they weren't there before and why.

The architect said the building is 100 years old and did not meet modern code.

- 3.24 Mr. Surman asked if they had stairs on that side.

The architect said there were no stairs on that side. To the east is another egress passage landing that puts itself on the property line. That egress did exist as did the fire escape to the north. There were stairs at the egress. The ramp did not exist. The stairs already encroached. The fire escape fell off in the fire. There was egress to the east and was encroaching. They have to rebuild. The south is new.

- 3.25 Ms. Norrick asked why an area wasn't purple on the drawing if it was existing and purple represents existing.

The architect said because they are rebuilding it.

Regarding rebuilding, when a building is in this condition and they have to rebuild a wall, the new steel structure put in forces them to raise the elevation of the building beyond what it was. They now have to bring the wall of the building up to that height to cover the steel. This is the east elevation facing the neighbor. The neighbor got the package and conversations took place a week ago.

- 3.26 Chairman Duffy said that to the left of the picture is the egress. And there is another door to the outside in the center.

The architect said that the latter door exists and is intact. There are existing stairs.

- 3.27 Mr. Schneider asked where stairs led.

The architect said that there are stairs in the basement that come up and head out to the north to the alley. The rebuild of that wall is new so they have to ask for the variation on the wall. But the wall is required because the steel is now in a location that must be covered. It cannot be exposed.

The next variation is the minimum allowed light level at the property line. That only allows one-half foot candle at the property line. Building code requires that at any egress they need light for proper exiting. They need lights at all exit doors. There are existing and new lights. Those are identified.

The building is a few feet off of the property line. A light fixture with full cut off will cast a certain amount of light on the property line. They are just over what is allowed on the property line on the east and north. He showed proposed fixtures and existing fixtures.

- 3.28 Chairman Duffy asked about keeping existing fixtures and not putting in all new fixtures. There are exposed bulbs in existing fixtures that cast more direct light at the neighbors.

The architect said they want to keep some existing fixtures due to the historic nature

of the building. All fixtures will have a cut off and shield. He talked about new locations. Lights shine only down. That is on the north wall.

- 3.29 Chairman Duffy said that they are illuminating the two doors in the center plus the walk toward the rear. What is in the front? Are there other fixtures moving towards the south? Or just the one over the door?

The architect said that there was one fixture over the door. They are mounted just above the door. The ones that are further to the right would be just above the 6' high fence. They don't know the exact location.

- 3.30 Ms. Norrick asked if the neighbor on that side had any opinion.

The architect said that neighbors are happy they are using the cut off fixtures in those locations. The neighbors had a walk through of the plan. Both the east and north is where they are requesting the light variance and those two elevations are provided.

With regard to the impervious surface variation, they have a building that already extends into the setback so there is an existing drive and step that count. The new accessible walkway is being added. 100 square feet are within that zone. They are requesting the 100 square feet in addition to what is non-conforming.

- 3.31 Mr. Schneider said he vaguely recalls the meeting three years ago. What is different today than what was requested three years ago?

The architect said he read the meeting minutes from the last hearing. That variation was only about rebuilding the exterior. It lacked all detail about building interior. It lacked any details of the plan. It was saying that they needed a variance to rebuild and to renovate the structure as it was because of the existing nonconforming location. That was approved. The case was 2015-Z-49.

- 3.32 Mr. Robke asked if all adjustments could be characterized as life safety and code required upgrades.

The architect said that this was correct.

- 3.33 Mr. Boyer asked when the building was constructed originally.

The architect said it was built between 1910 and 1912 and renovated in 1929.

- 3.34 Ms. Norrick asked if the amount of lighting provided the minimum. On the east and north property lines, they are exceeding the foot candle requirements.

The architect said that it is the minimum code required in addition to existing fixtures that are there, which are in egress locations.

- 3.35 Chairman Duffy said someone might ask if they are using a 60 W bulb when they could have used a 40 W bulb that would put out less illumination.

The architect said that it is a 6 W LED bulb.

- 3.36 Mr. Robke said that is the energy and the output is about 2.7 lumens. If they are doing a walking path and a garden, they might illuminate the path with 2 to 3 foot-candles. To read pencil writing, 35 foot-candles are needed. It is not a lot of light spilling out. A parking lot has 5 to 7 foot-candles and shopping centers have more foot-candles.

- 3.37 Mr. Kolleng clarified that there is an alley on the north side. What about on the east side?

The architect said that there is not a lot of distance on the east side.

- 3.38 Mr. Surman said the lighting is similar to lighting a home. There is a cut off and light reflects down.

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

- 3.40 Mr. Boyer said that his wife is a member of the Women's Club and on the board. There is no financial connection.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Surman said that all requests are reasonable and are for life safety issue or existing conditions. He can support the request.

- 5.2 Mr. Schneider agreed. To rebuild the club to its existing envelope was approved and these are life safety additions that result in variations. He can support the request. Standards of review are met.

- 5.3 Mr. Kolleng said that this is a unique property like Michigan Shores. They are in the middle of a neighborhood and it's hard to apply normal application of the ordinance. Everyone wants to see this rebuilt. He can support this request.

- 5.4 Ms. Norrick is pleased with the coordination done with the neighbors throughout the process. She can support the request.

- 5.5 Mr. Boyer had nothing to add but can support the request.

- 5.6 Mr. Robke said that the hardship occurred in 1910 or 1912. It was renovated in 1929 and is due for an update. He can support the request.

- 5.7 Mr. Surman said that he and several board members were at the last meeting. He supported this before.
- 5.8 Chairman Duffy said that this is a commercial building in a residential neighborhood. The hardship is that the siting of the building on the lot. His biggest concern was initially about the lights. But there are cut offs and light is minimized. He can support the request.

6.0 DECISION

6.1 Mr. Surman moved to recommend granting a request for a 13.55’ front yard step setback variation, a 17.0’ side yard step setback variation, a 1.34’ side yard adjoining a street ramp setback variation, a 35.0’ rear yard fire escape setback variation, a 2.3 foot-candle illumination variation, and a 923.4 square foot (53.62%) side yard adjoining a street impervious surface coverage variation to permit remodeling of the legal non-conforming structure at 930 Greenleaf Avenue in accordance with the plans submitted.

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

| | |
|------------------------|-----|
| Chairman Patrick Duffy | Yes |
| Mike Boyer | Yes |
| John Kolleng | Yes |
| Christine Norrick | Yes |
| 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-46.

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 particular physical condition of the property, the siting of the building on the lot, imposes upon the owner a particular hardship. The building was constructed before zoning regulations were in place. The building was damaged by a fire. The plight of the property owner was not created by the owner is due to the unique circumstances of the building and the occurrence of the fire. As the restoration work has

progressed, improvements for building and life safety code compliance need to be made. The hardship of the building location on the lot prevents the owner from making reasonable use to restore the property and to comply with current building codes. The proposed variations will not impair an adequate supply of light and air to adjacent properties. The applicants are taking steps to minimize the light impact on adjacent properties. The variations if granted will allow the restored building to comply with the building code, resulting in no change to the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 13.55' front yard step setback variation, a 17.0' side yard step setback variation, a 1.34' side yard adjoining a street ramp setback variation, a 35.0' rear yard fire escape setback variation, a 2.3 foot-candle illumination variation, and a 923.4 square foot (53.62%) side yard adjoining a street impervious surface coverage variation to permit remodeling of the legal non-conforming structure at 930 Greenleaf Avenue in accordance with the plans submitted.