



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, APRIL 3, 2019

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: None

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

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

II. 2019-Z-10 127 16th Street

See the complete case minutes attached to this document.

III. 2019-Z-09 1110 Seneca Road

See the complete case minutes attached to this document.

IV. 2019-Z-11 611 9th Street

See the complete case minutes attached to this document.

V. Public Comment

There was no public comment.

VI. Adjournment

The meeting was adjourned at 8:01 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 None

3.2 Summary of presentations

3.21 Ms. Roberts said that the applicant was unexpectedly unable to attend the meeting. He sent an email that the board had a copy of. It was requested that the case be continued to the April 17, 2019 meeting.

6.0 DECISION

6.1 Mr. Boyer moved to continue the case to the April 17, 2019 meeting.

6.11 Mr. Surman 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 Ms. Roxy Freel, applicant
1110 Seneca Road

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 16.78' rear yard of a double-frontage lot swimming pool setback variation to permit the construction of an in-ground swimming pool. The Village Board will hear this case on April 23, 2019.

3.22 The applicant said this has to do with measurements. They have a letter of support from the most impacted neighbor and the letter was submitted. They have verbal support from the other most impacted neighbor but they are out of town for the winter so they could not get a letter.

The pool that they propose would be 50' x 20'. They want a dual-purpose pool, which is both a leisure and a lap pool. They want a lap pool for health issues that are detailed in her letter. The main issue is the rear yard setback, which is 40'. Because of the shape of their yard, there is a corner cut off. On one side it is 75' from the house to the street. On the other side it is 58'. If they were to follow the 40' setback, they would only have 18' for the pool width and passageway and deck. The lot is double frontage, so it is treated like a front yard and not a back yard. The lot length is shorter than is required for their district.

The other peculiarity which is on the north side where the hearth comes out more. The house is 52' back. They bought the house after it was built.

A 17' setback would give them a 14' passageway between the house and pool edge. There was no way to make the pool totally conforming. She talked about different options they considered and why they would not work. There is 14' between the north end pool and stairs.

There is a 10' electrical clearance. They would want the pool to be 10' from the house. The 14' was arbitrary.

On the south side of the yard is a garden with trees that would have to be replaced if the pool was there. They would need to add more shrubbery for privacy. The pool goes up against the garden.

There is 25' to 28' of a setback from side yards so they are away from neighbors.

3.23 Mr. Boyer asked if the house did not have a double frontage would the location conform.

Ms. Roberts said that the location would conform.

3.24 Mr. Boyer asked what the spirit of the double frontage provision is and why is it treated as a front yard.

Ms. Roberts said the idea is that it is fronting on a street and is visible like a front yard that has an open feel. Most double frontage lots do not work that way.

3.25 There were no other questions for the applicant.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Surman said that the hardship is the double frontage lot. He can support the request.

5.2 Mr. Boyer said all standards of review are met and he can support the request.

5.3 Chairman Duffy said that he can support the request.

6.0 DECISION

6.1 Mr. Surman moved to recommend granting a request for a 16.78' rear yard of a double-frontage lot swimming pool setback variation to permit the construction of an in-ground swimming pool at 1110 Seneca Road 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
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 2019-Z-09.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

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 shape, the siting of the house on the lot, and the location as a double-frontage lot impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique circumstances of the development of the lot. The difficulty is peculiar to the property and is not generally shared by others. The difficulty prevents the owner from making reasonable use of the property with a swimming pool for therapeutic purposes. The proposed variation will not impair an adequate supply of light and air to adjacent properties nor diminish property values. 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 16.78' rear yard of a double-frontage lot swimming pool setback variation to permit the construction of an in-ground swimming pool at 1110 Seneca 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. Joshua Sacks, applicant
611 9th Street

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 10.6' rear yard deck setback variation, a 4.6' rear yard parking pad setback variation, a 106.04 square foot (7.07%) rear yard structure impervious surface coverage variation, and a 32.57 square foot (2.17%) rear yard total impervious surface coverage variation to permit the construction of a new deck and a new parking pad. The Village Board will hear this case on April 23, 2019.

3.22 The applicant said he has a small property that is 60' x 50' and the house was built in the early 1900s. Whatever he does would require a variation. He has nowhere to park his car on the property. He parks on 9th Street when possible and there are restrictions on 9th Street. It is problematic during the winter. On snow days with restrictions it is difficult. He parks on a neighbor's property sometimes or actually has parked in Evanston. He takes the purple line to work. He has two small children and it is challenging. He has contacted the village several times about these problems.

They didn't want to take away all of the property's green space with a parking pad. There is not enough room for a garage on the west side. 10' is narrow but it is the best they could do. The 26'6" dimension comes from not wanting to overhang the alley.

The second request is the deck. They lived in the house for two years. There is no connection between the house and yard. They have to go around the property to get to the side of the house. They want to create an opening from the kitchen to the deck. The deck is not large. It can hold a table and a grill. They are trying to create practicality and comfort.

3.23 Ms. Norrick noted that they do not have to remove the existing tree to get the work done.

The applicant has a mud room/porch that he would eliminate to have the parking pad.

3.24 Mr. Boyer clarified that the mud room door would be gone. All of the flag stone would be removed also. Why didn't they want a garage?

The applicant said they want a garage, but the area is not wide enough for one. His wife does not want to give up the yard for a garage.

3.25 Mr. Surman asked how close the neighbor’s garage was to his lot line.

The applicant said it is about 18” from the neighbor’s garage to his lot line.

3.26 Mr. Surman said if it was icy, the car could slip into the neighbor’s garage. They might want to do something to protect the garage.

3.27 Chairman Duffy said he might need a variation to put a curb on the property line.

3.28 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. Schneider said that this case justifies a hardship because the lot is so small and there is no flexibility. To allow them to get a car off of the street is more than justified. He can support the request.

5.2 Mr. Boyer said that there are traffic issues and the above hardship. All houses need some parking. There is no impact on surrounding properties. They are not asking for a garage to take up more impervious surface. Standards of review are met. The lot should not have been subdivided. He can support the request. This is property rights vs. strict code application. He is fine with the deck request and other requests. The deck is not on grade. There is impervious surface under the deck. Having a deck does not mean that impervious surface is being added.

5.3 Mr. Kolleng said that the lot size is the issue. He can support the request.

5.4 Chairman Duffy said that the request is very reasonable. He can support the request.

6.0 DECISION

6.1 Mr. Schneider moved to recommend granting a request for a 10.6’ rear yard deck setback variation, a 4.6’ rear yard parking pad setback variation, a 106.04 square foot (7.07%) rear yard structure impervious surface coverage variation, and a 32.57 square foot (2.17%) rear yard total impervious surface coverage variation to permit the construction of a new deck and a new parking pad at 611 9th Street 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
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 2019-Z-11.

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 depth, the siting of the house on the lot, and the configuration of the house, impose upon the owner a particular hardship. The plight of the owner was not created by the owner and is due to the unique development 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 an off-street parking space and a deck. The proposed variations will not impede an adequate supply of light and air to adjacent property. The parking pad is adjacent to the neighbor's garage and will not impact their living space. The deck, while closer to the rear lot line than permitted, is also set back farther than a deck would be if the subject property had a conforming configuration. The variations, 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 10.6' rear yard deck setback variation, a 4.6' rear yard parking pad setback variation, a 106.04 square foot (7.07%) rear yard structure impervious surface coverage variation, and a 32.57 square foot (2.17%) rear yard total impervious surface coverage variation to permit the construction of a new deck and a new parking pad at 611 9th Street in accordance with the plans submitted.