



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, FEBRUARY 6, 2019

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: Bob Surman

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. 2019-Z-47 1120 Michigan Avenue

See the complete case minutes attached to this document.

III. 2019-Z-06 233 Catalpa Place

See the complete case minutes attached to this document.

IV. 2019-Z-05 1304 Lake Avenue

See the complete case minutes attached to this document.

V. 2019-Z-04 444 Skokie Boulevard

See the complete case minutes attached to this document.

VI. Public Comment

There was no public comment.

Chairman Duffy noted that this was Mr. Robke's final meeting. Chairman Duffy thanked him for his service on the board and for his valuable input. He said Mr. Robke didn't always agree with the rest of the board and that was a good thing. Perhaps Mr. Robke can re-join the board in the future.

VII. Adjournment

The meeting was adjourned at 8:35 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. Ryan Kettlecamp, landscape architect
Kettlecamp and Kettlecamp Landscape Architecture
1315 Sherman Place, Evanston

3.2 Summary of presentations

- 3.21 Ms. Roberts said that this is a request for a 2.0' side yard patio setback variation and a 1.0' side yard retaining wall setback variation to permit the installation of a patio more than 2.0' above grade and a retaining wall on the south lot line. The Village Board will hear this case on February 26, 2019.
- 3.22 Mr. Kettlecamp asked to make a correction to the staff report. Under "Proposal," there is a reference to the west end of the terrace and it is actually the east end of the terrace.

Staff indicates that the swimming pool conforms to zoning requirements. They are looking at two features regarding the pool. There is the yellow highlighted area that represents area of additional paving and decking. That is requested because in that particular area, the hill drops off and they are building that area up to the elevation of the neighbor's property. The neighbor's retaining wall is highlighted on the plan in blue. The applicant's proposed retaining wall is highlighted in pink. That retaining wall supports the area of additional paving. A variance is requested for the yellow highlighted area is because the hills starts to fall off at that point. In putting in a retaining wall, they are raising the grade more than 2'. In the village, when the grade is raised more than 2', the additional decking requirement kicks in.

The pink wall ties back into the neighbor's retaining wall. Whereas the current zoning code requires that there be a gap between retaining walls. The neighbor's retaining wall comes up to the property line. Normally a 1' gap would be required between the two walls. They are not structurally tying into the neighbor's retaining wall. They are abutting the wall. They are doing that to create a cleaner connection between the two retaining walls and to eliminate a hardship with one retaining wall hanging out in space and lack of a connection between the two walls. Water and runoff would flow between the two walls. They are concerned about a maintenance issue.

The area highlighted in yellow is around the pool. There is decking that is permitted. But when they get to the yellow area, decking is not allowed. A simple solution would be to eliminate the yellow area of paving and make that a planting. But that kicks in another aspect of the pool code, which is that around a pool, for safety reasons, there needs to be 4' of paving beyond the setback line.

The hardship they are trying to demonstrate in that location is that it gives the owner the ability to fully police that area of the pool. Planting is not allowed. In this case, the standards they want to point out are that this is an atypical lot. There is 20' of grade change from the top down to the bottom of the project where they hit the lower portion of the project. It is atypical to have this amount of grade change. Historically grade changes in this neighborhood have necessitated construction of retaining walls to make and eliminate the concern about erosion on the sides of the house when there is this much drop off. That is why the blue wall was built on the neighbor's property.

Regarding standard 2, this has to do with the lot and that it drops off. The owner did not create this plight and the grade change is a unique circumstance. They want to meet the neighbor's retaining wall, which was put in before there was the 1' side yard setback.

Regarding the difficulty or hardship being peculiar to this property, the street is interesting. The standards that get assigned to one side of Michigan where there are flat lots and the applicant's side of Michigan is has lots that drop off.

Regarding making a reasonable use of the property, the applicant wants the ability to police the yellow area more effectively. They also want a cleaner approach to the neighbor's wall. They want to eliminate the gap that would occur between the two walls allowing for runoff. From a grading standpoint, they are handling all drainage between the two properties on the applicant's property and back to a drain that connects into the main drainage system.

Regarding impairment of light/air to adjacent properties, they have reviewed the project with surrounding neighbors. They have written a letter of support. He is bringing the applicant's grade up to the neighbor's grade. Both properties will be at the same elevation. They are controlling water between the two properties. Water will not shed on the neighboring property. Light/air will not be impaired.

They are not altering the character of the neighborhood. He thanked the board for visiting the site. He said he worked on a project down the street where two neighbors worked together in a similar situation. This was at 1020 and 1006 Michigan. The retaining walls were joined the project was a success.

- 3.23 Mr. Schneider clarified that the pool deck is at elevation 609. He then asked what the gray line on the plan was.

Mr. Kettlecamp said that was correct. The gray line was where the wall was proposed to go when the village notified them that they needed to terminate the wall 1' back from the property line. They made a modification and put in the pink line, which turns the retaining wall back towards the neighbor's retaining wall and makes the approach directly at the property line.

- 3.24 Chairman Duffy said that Mr. Schneider was talking about what goes across the middle of the pool. He asked for an explanation of what goes from side to side at the pool.

Mr. Kettlecamp said that is a zero-edge pool where the water drops over. The coping elevation of the pool is 609.2, which is the grade at the neighbor's property. There is a drop off and the water falls down into a lower pool at 602.5. There is a 6.5' drop.

- 3.25 Chairman Duffy referenced the area directly opposite the yellow area to the north. He clarified that is 6.5' below the pool edge. Is that to code?

Mr. Kettlecamp said that was to code. There is a safety ledge that is part of the pool application. In the village, if there is a safety ledge that is incorporated into that area, then that is allowed.

- 3.26 Chairman Duffy asked why they didn't do that on the south side of the pool or why not make the pool shorter, so they don't have to deal with the elevation change.

- 3.27 Mr. Robke said that the deck is necessary for safety.

Ms. Roberts talked about a 4' wide access on the north side.

- 3.28 Mr. Robke said that the access could be lower.

Mr. Kettleamp said that they are looking at the aspect of the retaining wall and the additional paving.

- 3.29 Chairman Duffy said if they make the pool shorter, they are not running into the decking issue and the setback for the patio would not have to come as close to the side yard. He understands why they want the retaining wall in the proposed location. If they don't have the deck on one side, why is it on the other side of the pool?

Mr. Kettlecamp talked about the safety ledge. There is 2' of coping and 2' of safety ledge below the level of the water.

- 3.30 Chairman Duffy asked if they could do the same on the yellow side.

Ms. Roberts said that there is no provision to waive the walk. They want as much walk as possible that is accessible to the pool.

- 3.31 There was discussion about the safety ledge, which is on the inside of the pool. It is under the water and is allowed in the village.

- 3.32 Chairman Duffy asked if that allowed them to not have the decking.

Mr. Kettlecamp said that is correct.

- 3.33 Chairman Duffy asked if they would prefer to have the deck.

Ms. Roberts said that they would like to have them have the 4' deck on the other side to the extent they can provide it.

- 3.34 Chairman Duffy clarified that there are stairs leading down to the lower area of the house.

Mr. Kettlecamp said that the landscape across the back of the house drops down 20' from the top to the bottom.

- 3.35 Chairman Duffy asked if the stairs could lead to the north where there is a landing and a gate, and they could fill in that area with more decking.

Mr. Kettlecamp said they still have the 7' that they need to get down via additional stairs.

- 3.36 Chairman Duffy said they could lead to the north away from the pool.

Mr. Kettlecamp showed an area that was all doors. They are doing this in conjunction with an architectural addition to the house. What he is talking about tonight is aligned with a landscape variance. When they submitted drawings, issues were pointed out by staff during review.

- 3.37 Chairman Duffy said if this is new modification to the house, they can change the doors and put in stairs or move the stairs, so they start where the gate is.

Mr. Kettlecamp said that due to the functionality of what the architect is doing at that point, the above would not be possible.

- 3.38 Mr. Robke said that the hardship is based on an architectural design they are undertaking and that the board is not seeing.

- 3.39 Chairman Duffy said that one could argue that the hardship is being created by the owner.

Mr. Kettlecamp said that there is no variance on the north side of the pool. It is the highlighted elements where they are seeking a variance. The issues on the south side of the pool are triggering the situation.

- 3.40 Mr. Robke said there was reference to a letter of support from the neighbor.

Mr. Kettlecamp said that the neighbors at 1112 Michigan are familiar with the situation. In their letter, it says that the applicants reviewed the project and talked

about the issues and the neighbors understand what is going on. He showed an area that if they made it planting, it would satisfy the issue of having decking in the area where the grade is being changed. But they have to have paving to meet pool code. It has to be provided on all sides except on the side where is the zero edge of the pool.

- 3.41 There was no one in the audience to speak on this case. There was no additional communication on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Robke said that he is not seeing the hardship and there are other ways to address the matter. The retaining wall makes sense to avoid the no man's land and he said that drainage needs to be properly handled. But he is not seeing the hardship that drives the variation related to the paving and the deck indicated in yellow. He does not think he can support the request.
- 5.2 Mr. Schneider said that the retaining wall makes a lot of sense and to abut it with the neighbor's retaining wall makes a lot of sense. There is about 50 square feet of additional decking which is small in the scheme of the entire project. They would need to reconfigure the whole project to eliminate the variation. It is too much of a burden on the homeowner to do that. The neighbor to the south supports the request. He can support the proposal.
- 5.3 Mr. Boyer said that the grade where the decking is going in will match the grade of the neighbor's house. The current level of the subject property is below the neighbor. They want the grades to match.
- 5.4 Chairman Duffy said if you look at the middle of the pool, height is shown down to 602 at the end of the pool. The deck is 608. Once the area raised is 2' above the grade that is when this comes into play. That is why only a small part of the yellow area is impacted and nothing more to the west.
- 5.5 Mr. Boyer clarified that the yellow area matches the neighbor's grade. Since the lot is not typical, the circumstance – grade of the land – is unique. This is a minimal request to satisfy a practical difficulty.
- 5.6 Mr. Kolleng agreed with Messrs. Boyer and Schneider. It is a minimal request. The retaining wall makes a lot of sense. He can support the proposal.
- 5.7 Mr. Robke said that although it might be a small request, he is troubled that the letter of support indicates that they could eliminate the paving but doing so would eliminate the deck entirely and this violates village code. And yet it does not exist on the other side. The board has not seen anything that says why they could not satisfy the requirement on the other side. If it is critical for one side, it should be on both sides if it is a safety issue. Given that they are in the midst of another

renovation that might be creating this situation, he is concerned that the letter of support is cautious that seems to imply that it would make sense if they didn't have it. But this seems to be a reaction to something going on that the applicant is creating.

- 5.8 Mr. Boyer said he understands Mr. Robke's concerns about the proposal, but he looked at the letter differently. He has a clear understanding of what the zoning codes are and what is happening at the applicant's house. This is beyond a form letter that neighbors generally send.
- 5.9 Chairman Duffy said that based on Ms. Roberts' comments, the village seems to say that as much paving in the 4' width around the pool is good. The lot slopes off. If you look at the contour lines, they curve as they come around to the other side of the pool. The drop off is more extreme on that side of the pool – north side – than on the south side. He talked about providing the safety step and added that as long as the village is okay with the request and the applicant wants as much of the deck that they can have, then he is okay with the proposal.
- 5.10 Mr. Robke said that the proposal is not what is being recommended from a zoning perspective. It is recommended from a pool design perspective. He does not understand why what they are proposing cannot be done on the other side. If he understood that reason, other than having windows there, he could support the request.

6.0 DECISION

- 6.1 Mr. Robke moved to recommend granting a request for a 2.0' side yard patio setback variation and a 1.0' side yard retaining wall setback variation to permit the installation of a patio more than 2.0' above grade and a retaining wall on the south lot line at 1120 Michigan 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 | No |
| Reinhard Schneider | Yes |
| Bob Surman | Not Present |

Motion carried.

- 6.2 Mr. Schneider moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2019-Z-03.

6.21 Mr. Boyer 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 grade change on the subject property and on the adjacent property, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the topography of the properties. The difficulty is unique to the property in question and other lakefront properties. The difficulty prevents the owner from making reasonable use of the property with effective retaining walls and to provide a pool deck and related patio. The proposed variations will not impair an adequate supply of light and air to adjacent property. The retaining wall will allow for management of grading and drainage on the subject property and between the properties. The variation, if granted, will not alter the essential character of the neighborhood.

A minority of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, there is no hardship requiring the granting of the patio setback variation. There are potentially other design solutions that would negate the need for the patio so close to the side lot line and the applicant did not adequately explain why some other alternative couldn't be employed.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 2.0' side yard patio setback variation and a 1.0' side yard retaining wall setback variation to permit the installation of a patio more than 2.0' above grade and a retaining wall on the south lot line at 1120 Michigan 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 Swain, builder
S4 Construction

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 1.0' side yard detached garage setback variation and a variation to permit the retention of a non-conforming detached garage upon demolition of the principal structure. The Village Board will hear this case on February 26, 2019.

3.22 Mr. Swain is a village resident and has been before the board before. They have demolished the existing single-family home anticipating getting the building permit for the new home in the next few days. He is building a home for a client and looked at the current garage. They would be doing a garage in the exact same place. Structurally the garage is very sound. They will reside, reroof, and put on a new overhead door. The size would not change, and the location would be 1' over.

3.23 Chairman Duffy asked if they were building a new garage or retaining the current garage.

The builder said they would like to retain the current garage. The permit indicates that the garage was built in 1995. The slab is in great shape. It needs new siding and a new roof.

3.24 Chairman Duffy clarified that they are not reconstructing the garage and are putting on a new roof, new siding, and a new overhead door.

The builder said that was correct.

3.25 Mr. Kolleng clarified that if something is more than 50% new, then it is treated as new. Does tonight's case meet this?

3.26 Mr. Robke said this is new construction for the site.

Ms. Roberts said that the code requires if you tear down the house, then the non-conforming accessory structure has to be removed or made conforming. In this case, the siding and roof replacement would be maintenance and not structural repairs.

3.27 Mr. Boyer said he saw that this was constructed and approved in 1995 - is that correct?

Ms. Roberts said that is the information that they have.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Kolleng said that a 1’ variance is very small. They are maintaining the structure by adding new siding, roof, and overhead door. He can support this.

5.2 Mr. Boyer said that the strict application of the code would cause a hardship. Standards of review are met.

5.3 Chairman Duffy agreed with the above comments.

6.0 DECISION

6.1 Mr. Kolleng moved to recommend granting a request for a 1.0’ side yard detached garage setback variation and a variation to permit the retention of a non-conforming detached garage upon demolition of the principal structure at 233 Catalpa Place 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 | Not Present |

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-06.

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 condition of the property, the current location

of the detached garage, imposes upon the owner a practical difficulty. The plight of the owner was not created by the owner. The difficulty prevents the owner from making reasonable use by retaining the existing garage, which is structurally in good shape. The proposed variation will not impair light and air to adjacent property. The garage has existed for over 20 years without any negative impacts. 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 1.0' side yard detached garage setback variation and a variation to permit the retention of a non-conforming detached garage upon demolition of the principal structure at 233 Catalpa Place 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. Ben Wozney, fire chief
Village of Wilmette

3.2 Summary of presentations

3.21 Ms. Roberts said that is request for an 8.0' side yard mechanical equipment setback variation to permit the installation of an exhaust fan. The Village Board will hear this case on February 26, 2019.

3.22 Mr. Wozney said that in 2014, the fire department applied for and received a \$132,000 FEMA federal grant to install a plymovent exhaust fan that is used to vent exhaust from fire vehicles at start up and while backing outside. It was installed in 2014, but the blower unit was installed the fire station per the design of the sales person. They have been dealing with high decibel levels in excess of 75 db at the floor. They are installing a new station alerting system which will allow them to have better speakers inside the apparatus bay, so they need to hear that. They want to put the exhaust fan to the outside facing the railroad tracks. Their setback to the railroad easement is 6'. They have two air conditioning units, a full-size station generator and other exhaust pipes back there as well. The fan location makes the most sense due to its proximity of where it is right now and how many feet it is to the closest neighbor. Any other location would be considerably more expensive. It is 2,873' to the residence using GIS software.

3.23 There were no questions for the applicant.

3.24 There was no one in the audience to speak on this case. There was no additional communication on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Boyer said this is a unique commercial-type property in a commercial location on the tracks. It abuts Green Bay and Lake, which are busy streets. There are commercial properties across the street. He does not see the fan interfering in any way. The standards of review are met. He can support the request. It is the best place for the fan.

5.2 Mr. Robke totally agreed, and it would be a hardship for them to move it to another location. He can support the request.

5.3 Chairman Duffy said that no one is impacted, and he can support the request.

6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a request for an 8.0’ side yard mechanical equipment setback variation to permit the installation of an exhaust fan at 1304 Lake 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 | Yes |
| John Kolleng | Yes |
| Christine Norrick | Yes |
| Michael Robke | Yes |
| Reinhard Schneider | Yes |
| Bob Surman | Not Present |

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-05.

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 siting of the building on the lot, the proximity to residential uses, and the unique use of the property, impose a practical difficulty on the owner and adjacent residential properties if the exhaust fan were to be located in a conforming location. The plight of the owner was not created by the owner and is due to the unique circumstances of the lot and its use. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property with equipment provided for the safety of the occupants and the improved function of the facility. The proposed variation will not impair an adequate supply of light and air. 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 an 8.0’ side yard mechanical equipment setback variation to permit the installation of an exhaust fan at 1304 Lake 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. Eric Pickell, sales manager
The Pickell Group

3.12 Mr. John Forehand, architect
The Pickell Group

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 2,712.18 square foot total floor area variation to construct a one-story addition on a legal non-conforming structure. The Village Board will hear this case on February 26, 2019.

3.22 Mr. Pickell said that they recently moved their showroom and corporate offices to the village. He is representing his parents, Oren and Tina Pickell. They are out of town. They want to improve the building that they bought. The ARC will review the architectural merit of the building. They want to improve the functionality and appearance for them and for their tenants.

3.23 Mr. Forehand said that based on the size of the site, they can have 24,000 square feet of space. The way the building is set up with parking below, their hardship is that they can have only 18,000 square feet of leasable space. The parking is counted towards the leasable space. They are trying to enclose three parking spaces in the front of Skokie Boulevard. The building is currently non-conforming. They are asking for an 11% variance but are asking for only about 500 square feet for the enclosure. The enclosure is storage and enclosed parking for the building. The building has a small footprint and there is no room for storage. That is what prompted the move to the village.

They meet the standards of review. Their hardship is that they are penalized due to the parking being the unique condition.

3.24 Chairman Duffy clarified that they are enclosing an area that is currently not under roof.

Mr. Forehand said that a small portion is under roof.

3.25 Chairman Duffy asked about the size of the enclosure. He said that there are no encroachment or setback issues.

Mr. Forehand said it is about 500 square feet. He noted that there is a utility easement that runs from the Skokie Boulevard side. They will have to deal with

Com Ed before they can submit building plans.

3.26 Mr. Boyer clarified that cars currently park in those spaces that are used on a daily basis as parking.

3.27 Mr. Boyer said that the building was built in 1978 before zoning code and he assumed that it was conforming at the time. Is there any information on that?

Ms. Roberts said that it is her understanding that up until the current code, open sided parking under a commercial building was not counted as floor area. That is part of the 2014 ordinance.

3.28 Mr. Schneider asked the logic of that.

Ms. Roberts said that this is similar to single-family residential where they count space under roof. The argument can be made that it has the appearance or bulk as if it were a completely enclosed building. The building conforms in height.

Mr. Forehand thought they were going to add a stair tower and they backed off on that. They came to the ARC for landscape and this was approved. They will repave the lot and they changed the lighting. They are looking at doing a façade change.

3.29 Mr. Robke said he was a little confused because the architect talked about the limited leasable space, they have covered parking and their solution to that hardship is to provide two more covered parking spaces.

Mr. Forehand said that the parking spaces are enclosed but a good portion of that area is storage.

3.30 Mr. Robke asked why they needed to enclose the parking.

Mr. Forehand said that they are doing this to have executive parking spaces. It is raising the leasability of some of the spaces. The building is 60% to 70% leased.

Mr. Pickell said that this is giving them the opportunity to showcase executive parking for building tenants. The current lobby space is very small. When packages are delivered, they are put in the lobby which fills an already small space and it is also a fire hazard. This gives them an enclosed drop off location for packages to go. They will not have more leasable space but it provides them a chance to market the building with an additional benefit for tenants. If someone wanted an enclosed spot included in their lease, this could be part of negotiations.

3.31 Mr. Boyer asked what was in the spaces before the applicant bought the building.

Mr. Pickell said that their current space was vacant. It was at 50% occupancy and they now only have two unoccupied spaces and they are working to fill those.

- 3.32 Mr. Boyer asked if 50% to 60% was a historical norm?

Mr. Pickell said the space they took over was occupied by a company that went out of business a few years ago. The occupancy rate before they bought it was about 50%. They moved into one-third of the building and retained all tenants. They have some leases at 3 to 5 years and others at 15 years. The building is set up for the executive parking to become a useful tool for smaller units.

- 3.33 Mr. Robke asked how the storage area would work. He understands the need for a package room. It is not accessible from the lobby and is accessible from underneath. He would think that executive parking would lose its panache if everyone went into the area for their packages.

Mr. Pickell said they thought about this. They could convert storage to a third parking spot if they need a third spot.

- 3.34 Mr. Robke clarified that the area is a storage area with two cars.

Mr. Forehand said that there is an entry from out outside to the lobby and from the parking that is underneath.

- 3.35 Mr. Robke said he was excited to see the applicant move in. He knew that something would be done with the building because it is not the right image for designers and builders. He is struggling with the hardship of executive parking. That goes into an economic area that is not the purview of the board.

Mr. Pickell said that the real hardship of the building is when the building was built, parking was not considered in overall square footage.

- 3.36 Mr. Robke said he could buy that if they were adding usable square footage, but they are adding more parking.

Mr. Pickell said they will do the front façade of the building and this will ground the building. They are working on a new cladding for the exterior façade. This will help tie in the cladding material.

- 3.37 Mr. Robke said that their plan is to enhance the streetscape.

Mr. Forehand said they looked at placing storage under the building and they were finding that to do that they were losing more parking spaces. The parking underneath is very tight.

- 3.38 Mr. Robke said that there are safety issues and they would lose lines of sight.

Mr. Pickell said they would lose 6 spots and gain 3 covered spots and one of the covered spots would be storage. They would lose four spots. By doing storage, they

are losing one spot. They have a surplus of parking for usable tenant space. If they have 100% occupancy there would be no parking issues. Their proposal will add to the building's curb appeal and anchor the building. One of the main reasons they want to do this is to have internal storage space. That is one of their main issues because the lobby is so small.

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

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Schneider said this was an intriguing case. He understands why the space under the building is countable space. If they built a two-story building and had taken the 9,000 square feet that is under the building for parking and paved an adjacent 9,000 square foot area, it would have increased drainage issues, storm water issues, and environmentally detrimental to this kind of solution.

They are enclosing space that is below two occupiable floors above. What they propose makes sense and is not a big deal. He can support the request.

- 5.2 Mr. Boyer said that the existing space being discussed is currently used for parking right now. The new area will be parking and a small storage space. The reason why the applicant is at the meeting is that it was built before the code changed and they are caught because of parking under the building. The strict application of the code is the hardship. The proposal makes sense and is a small request. No one is impacted. They will incorporate the new architectural design and what they propose will be seamless.
- 5.3 Mr. Robke said he is generally against FAR increases. It is a unique building but parking under a building is seen as an amenity. If they wanted to build a two-story building, it would be a larger piece of land and would not happen here. This is part of a façade renovation and the request is small, he will support the request.
- 5.4 Ms. Norrick said that the request is very small, and she can support the request. There is an improvement to not see all of the parking.
- 5.5 Mr. Kolleng is fine with the request.
- 5.6 Chairman Duffy said that this request was not a big deal because the building was constructed in a way where there already is bulk feature. The request was not changing the building bulk. They are penalized because of the building design. He can support the request.

6.0 DECISION

- 6.1 Mr. Schneider moved to recommend granting a request for a request for a 2,712.18

square foot total floor area variation to construct a one-story addition on a legal non-conforming structure at 444 Skokie Boulevard 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 | Not Present |

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-04.

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 existing size of the building and the limited lobby area, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the specific development of the property. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property with additional storage space and enclosed parking that may improve leasing. The proposed variation will not impair an adequate supply of light and air to adjacent property. The variation, if granted will not alter the essential character of the neighborhood. The proposed addition is relatively small and will have little impact. The addition will help screen the under-building parking from Skokie Boulevard.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a request for a 2,712.18 square foot total floor area variation to construct a one-story addition on a legal non-conforming structure at 444 Skokie Boulevard in accordance with the plans submitted.