



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 3, 2014

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Acting Chairman Patrick Duffy
John Kolleng
Lynn Norman
Reinhard Schneider

Members Absent: Chairman Dan Sullivan
Mike Boyer
Bob Surman

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

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

II. 2014-Z-37 3039 Indianwood Road

See the complete case minutes attached to this document.

III. 2014-Z-38 1600 Elmwood Avenue

See the complete case minutes attached to this document.

IV. 2014-Z-39 433 8th Street

See the complete case minutes attached to this document.

V. Approval of the July 16, 2014 Meeting Minutes

Mr. Surman moved to approve the July 16, 2014 meeting minutes.

Ms. Norman seconded the motion and the voice vote was all ayes and no nays. Motion carried.

VI. Approval of the August 6, 2014 Meeting Minutes

Ms. Norman moved to approve the August 6, 2014 meeting minutes.

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

VII. Adjournment

The meeting was adjourned at 8:47 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. David Fettner, on behalf of applicant

3.2 Summary of presentations

3.21 Ms. Roberts said this is a request for a 189.4 square foot (1.48%) lot coverage variation, a 5.8' front yard porch setback variation, and a 138.68 square foot (5.44%) front yard impervious surface coverage variation to permit the construction of a new front porch on the legal non-conforming structure.

3.22 Mr. Fettner asked for the case to be continued to September 17, 2014 because there were only four Zoning Board members present.

6.0 DECISION

6.1 Ms. Norman moved to continue the case to September 17, 2014.

6.11 Mr. Kolleng seconded the motion and the voice vote was all ayes and no nays (Chairman Sullivan and Messrs. Boyer and Surman were not present).

Motion carried.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Charles Gladfelter, applicant
1600 Elmwood Avenue

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 2.21' front yard porch setback variation and a 0.06' side yard porch setback variation to permit the construction of a front porch on a legal nonconforming structure. The Village Board will hear this case on September 23, 2014.

3.22 The applicant said that they want to build a small screened porch off the front of their home continuing the current planes of the house. They are not going any farther west or any farther south than the existing planes. The house is almost 100 years old. The screened porch is approximately 8 x 8. He wanted to make it larger but he didn't want to pursue that in the variance. The corners of the house have not been filled in. That is all they are requesting to do.

3.23 Mr. Kolleng asked if the porch was an access porch and was it one story.

The applicant said that there is no egress to the yard. They will take a window that currently exists and convert it to a door. There will be a door from the inside of the house to the screened porch. There are no steps down to grade. The structure is one story and is 8' tall. He wants to keep the roofline exactly where it is and that can happen if he gets the variance. He also wants to keep the overhangs where they are. He does not want to change the aesthetics of the house.

3.24 Mr. Schneider said that the house to the west has a similar configuration. Was that built at the same time?

The applicant said he was not sure if that house was built at the same time. The home's owner offered to attend the hearing. That home has an addition on the rear. His porch is on the same plane as the proposed plane.

3.25 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 Ms. Norman said that standards of review are met. The hardship is where the house is sited on the lot. She can support the request.

- 5.2 Mr. Kolleng said that the lines of the addition mirror what exists. Variances are warranted and standards of review are met. He can support the application.
- 5.3 Mr. Schneider said he would support the request for the above reasons.
- 5.4 Acting Chairman Duffy said that the case is straightforward. They are penalized by the way that the house is sited on the lot. They are trying to not impose on their neighbors. The structure will look great and he can support the request.

6.0 DECISION

- 6.1 Ms. Norman moved to recommend granting a request for 2.21' front yard porch setback variation and a 0.06' side yard porch setback variation to permit the construction of a front porch on a legal non-conforming structure at 1600 Elmwood Avenue in accordance with the plans submitted.

6.11 Mr. Kolleng seconded the motion and the voice vote was all ayes and no nays (Chairman Sullivan and Messrs. Boyer and Surman not present).

Motion carried.

- 6.2 Mr. Kolleng moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2014-Z-38.

6.21 Ms. Norman 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 conditions of the property, the siting of the house on the 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 lot. The difficulty is peculiar to the property in question and not generally shared by others. The difficulty prevents the owner from making reasonable use with a front porch. The applicant has minimized his request by limiting the front porch to the existing front and side setbacks of the house. The proposed variation will not impair an adequate supply of light and air or otherwise injure adjacent property. 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 2.21' front yard porch setback variation and a 0.06' side yard porch setback variation to permit the construction

of a front porch on a legal non-conforming structure at 1600 Elmwood 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. John Vasilion, architect

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 252.64 square foot lot coverage variation, a 1,596.07 square foot total floor area variation, a 3.23' minimum side yard setback variation, a 0.58' combined side yard setback variation, a 6.01' rear yard setback variation, a 3.23' side yard eave setback variation, a 4.01' rear yard eave setback variation, a 11.67' rear yard deck setback variation, a 4.01' rear yard stair setback variation, a 1' first floor height variation, a 2' rear yard detached garage setback variation, a 1.0' rear yard garage eave setback variation, a 3.5' accessory structure separation variation, a 208.06 square foot rear yard structure impervious surface coverage variation, and a variation from the requirement to provide two enclosed parking spaces to permit the construction of a new home and one car detached garage. The Village Board will hear this case on September 23, 2014.

3.22 The architect said that the Zoning Board saw this project about a year ago. They sought relief from certain provisions of the ordinance, mostly because of where the house is sited. It is far back on the lot and the house encroaches across the rear yard setback line and the north side yard line. All of those variances were granted at that time. Subsequently the property was sold to another owner. The approvals received were part of the contingency of the sale of the property. His current client bought the property with the understanding that the variances were in place. They made some minor modifications to the interior plan of the home. They submitted plans for permit within the time envelope that was approved. How they ended up where they are right now is key to approving this request.

They obtained a building permit in June. His client began demolition work. His client had done some demolition work in the past but ran into some resistance going too far before the permit was issued. So the permit was issued and the foundation walls were uncovered. They were finished in plaster on the inside. Once that plaster was removed, they saw about half of the foundation was in irreparable condition. It is made out of clay tile blocks, about 8" cubes with cores going through them. The blocks have the cores running horizontally. There is a horizontal void running through the foundation walls. Once they removed the plaster they could see the bottom core of clay tile block and much of it was broken. A lot of moisture was getting in from the outside and traveling through the horizontal cavities through the block. They were faced with the need to replace the foundation. Knowing what was approved originally, replacing the foundation is more work than envisioned by the Zoning Board. He advised his client to visit

Community Development staff to discuss the situation. His client is eager to build and live in the Village. They met with zoning staff and were told they had to come back before the Zoning Board because it will be hard to maintain enough of the existing house consistent with what was approved. It was not approved as a home replacement but a home remodeling. Now they are into replacing foundation walls. So that is why they are here this evening.

They did not want a situation where, by replacing the foundation walls or conducting extensive repairs, they would be removing everything the walls are holding up. He has seen this happen a lot. It is important to maintain the remodel versus new construction distinction. Certain exterior walls or a chimney are left standing. They could probably do that, but they were advised that it would be difficult to conduct a construction project in that way and have the inspector approve it. What would happen if they removed more than anticipated? They would be stopped.

They are now asking for the Zoning Board's approval on the foundation replacement. They want to further request to build the walls slightly taller so there is proper headroom in the basement. It has 6'8" clearance currently and they want to raise the first floor of the home to 60" above grade. For older homes that is the limit of a first floor height. That would give a basement ceiling height of about 7'10".

He showed two drawings to the Zoning Board: what was approved last year and what it would look like if they raised the first floor to the requested height.

They looked at other homes in the neighborhood to see how high the first floor finished elevations were. They want to respect the character of the neighborhood. This home does not represent an additional volume of construction that causes stress among neighbors. The house is still a relatively low profile similar to the dilapidated house that is there now.

They did an informal survey of the height of the first floor above grade of several adjacent houses. He showed a neighborhood map and indicated where their property is located. He reviewed the results of the survey with the Zoning Board.

They are asking for a variation and it is in keeping with the house's general context. Because they are asking for the height above ground, the square footage of the basement comes into play and gets included in the square footage of the house. He pointed out that the square footage exists. It would be more comfortable and usable if the variations were granted.

The other major component of the request is for a detached one-car garage. They need a variance because it is one car, which is all they can accomplish. It puts them over the impervious surface coverage limits for the rear yard. The original house is well into the rear yard. The total they propose for surface coverage due to the

building plus surface coverage due to paved surfaces is under the limit when one totals those two aspects. If the house were shifted closer to the front of the property, they would not be close on impervious surface coverage limit.

Regarding the standards, many were addressed previously. Standard one – they discussed that during the last hearing. Standard two – this plight is because of home placement on the lot. Standard three – this difficulty or hardship is peculiar to the property – the main issue with the foundation has to do with the materials used. There are not many houses made with clay tile block foundations in the Village. Standard four – denying the request to replace the foundation renders the project untenable. The request to create sufficient headroom in the basement is a modest change to the volume of the house and the scope of the work being undertaken. The house does not have a garage at this time so the garage request is appropriate. There is not room for a two-car garage. Standard five – they have demonstrated that the house will not impair air or light and the height is modest. Standard six – the house has the same visual character that was already accepted.

- 3.23 Mr. Kolleng asked what part of the old house would remain.

The architect said that the basement floor slab, utilities, grading would be kept and the foundation walls will come out. He hopes that the footings are usable, but what he has seen so far suggests they might not be.

- 3.24 Mr. Schneider clarified that they are essentially demolishing the house. Why do they need to continue to follow the existing footprint?

The architect said his client bought the property with the home design that came with it. Zoning variances were already granted. It is the particular design on this particular piece of property that attracted his client and caused them to invest substantially in the property and design. He is not redesigning the house. He has construction documents that are done and need to be modified. But to start over would mean to set aside this investment of time and money. The architectural services are a substantial part of that. They would not have chosen this path in the beginning. They are not trying to circumvent any processes. The condition that was discovered was not discoverable by him or by the previous owner who was a developer.

- 3.25 Mr. Schneider said that the approval was given by the Zoning Board and by the Village Board based on the fact that they would renovate this property and 50% or less of the property would be renovated and not replaced.

The architect said that the 50% requirement was not part of the zoning requests made before. That is tough to quantify, but reiterated that was not part of the approval.

- 3.26 Mr. Schneider asked Ms. Roberts that if more than 50% of a building is involved in renovation, it is considered to be a replacement. Is that correct?

Ms. Roberts said that is the definition of new construction in the Village code. In the previous request, it was for a second story addition and remodeling the first floor so they did not talk about how much was being remodeled in terms of percentages.

- 3.27 Mr. Schneider asked if the increase in first floor height to 5' above grade with the basement ceiling is what it makes it count as part of the buildable area.

Ms. Roberts said that was correct. As a new home, it is bound by the 4' limit and not the 5' limit.

- 3.28 Mr. Schneider clarified that the area in the basement would not count if the first floor was 4'. Why can't they lower the floor?

The architect said that if he placed the floor at 4', he would end up with a ceiling height in the basement of 6'10". To lower the basement floor would require removal of the basement slab entirely and excavation 1' deeper. Certain replacement of the footings or at least reinforcement would have to occur. It would cause them to build the basement further into the water table. If he can design a house that does not go deep into the water table, it is always better. This house has had water problems because of the walls, not because of water coming from below. He can make the basement work without digging deeper. There is value in that.

- 3.29 Mr. Kolleng asked how much square footage there was in the basement.

The architect said that Ms. Roberts calculated this for him. It is about 1,560 square feet. The space is already there.

- 3.30 Acting Chairman Duffy asked if they were to stay at 4' above and dig the basement one foot deeper, then this would not count against the FAR.

Ms. Roberts said that is correct.

- 3.31 Acting Chairman Duffy said that the architect is saying that the hardship for the FAR is the water table and the expense for digging it out and removing the floor slab.

- 3.32 Ms. Norman said that the ceiling height is presently 6'8". Is that not high enough?

The architect said that is not high enough and they want to add 1'.

- 3.33 Ms. Norman asked about the normal height for floors.

The architect said that code is 7'6". They are already doing work that they did not originally plan to do in that they are pouring new foundation walls. To pour them 1' taller is a nominally greater expense and very little compared to the alternative, which is to dig deeper.

- 3.34 Acting Chairman Duffy asked if the architect's client was planning to move into the house.

The architect said his client is planning to move into the house.

- 3.35 Acting Chairman Duffy clarified that the last time the architect was before the Zoning Board, he had a different client.

- 3.36 Ms. Norman said she thought that the former client was going to live on the property.

The architect said that the former client had not bought the house to live in. It was a spec project for the former client.

- 3.37 Mr. Kolleng said he also recalled what Ms. Norman recalled regarding the first client and living in the house.

- 3.38 Ms. Norman said that the last garage was attached. The variation was not as great as is currently being requested. The new client wants a bigger deck and a detached garage at some point.

The architect said that the deck comes with the garage. The original design with the attached garage would have involved removal of a chunk of the existing foundation that the client wanted to keep. That is a moot point now. He was looking for ways to decrease project cost. There is a utility pole in front of the formerly-proposed attached garage. It is difficult to relocate. The building permit that they currently have does not include a garage. They planned to come back later to get variances for a detached garage that is part of the plan. They are now asking for the garage because the owner is here for other reasons and he does not want to come back for a third time on this project.

- 3.39 Acting Chairman Duffy asked if the first floor had changed by creating a detached garage. He noted that the deck is substantially larger.

The architect said that the major changes to the house are that the master suite is now on the second floor. The kitchen is in the same place. That wall has not moved. He agreed that the deck is substantially larger. The utility pole played a role in the project design.

- 3.40 Mr. Kolleng asked if the additional variances were as a result of the increased basement height and adding the garage.

The architect said that accounts for a good number of the variances. There are 14 variances listed in the packet. He offered to review all 14 variances.

- 3.41 Mr. Kolleng said that increasing the basement height creates some issues. The garage adds some additional variances.

The architect said they are not adding square footage to the house. They are not adding volume. The changes are because there is a client who wants to live in the house and needed to make changes for budget reasons and also for functional reasons. Everything his current client has done is consistent with approvals that were previously granted. But now there is a foundation question. Will they have to build the foundation low but then there is not decent headroom in the basement? Will he be allowed to build the basement wall so he can have a proper basement? Many of the homes in the neighborhood have a basement that is usable. They have kept the spirit and character of the house. He does not take approvals lightly. He makes a promise of what the house is going to be about.

- 3.42 Mr. Kolleng said that from his perspective, they do not need to revisit what has already been approved. He suggested looking at what created the additional variances. There are a lot of parts to this request. But many come out because they were discussed at the prior hearing.

The architect said that the new portions are the garage and the height of first floor above average grade.

- 3.43 Mr. Schneider asked if there was a floor drain in the basement. Was any investigation done on the footings for the basement walls?

The architect said he was not sure. He said that the house is 80 to 90 years old. Regarding the footing, he has not seen enough of the footing uncovered to know for sure. He will ask his structural engineer to be prepared with a design for a new footing.

- 3.44 Mr. Schneider said that all or part of the basement floor might have to be replaced.

The architect said that the perimeter might need to be replaced and doing this is common when houses get an internal drain tile installed.

- 3.45 Mr. Schneider asked about the functions in the basement. He asked if the mechanical system is forced air.

The architect said that the basement will be unfinished, but he has planned a rec room, exercise room, and storage. The mechanical equipment will be down there. The system is forced air. It is tough to manage with the duct work and still have good usable head room. Starting at 6'8" would make it hard to have an 8" or 12" deep duct run across the space.

- 3.46 Mr. Schneider asked if the variation requests accommodated a detached garage as drawn on 1.4.

Ms. Roberts said that the packet cover includes the variations needed for the detached garage. The architect had provided her with the previously approved plans except for the second floor. That is the additional plan at their places.

- 3.47 Acting Chairman Duffy clarified that the attached garage was previously approved. He said that the old second floor plan was left out of the latest packet.

The architect said that the plans were similar. The layout of rooms has changed somewhat. He was trying to keep the new submittals uncluttered.

- 3.48 Mr. Schneider said that he saw that parts of the roof had collapsed. The eave is hanging. Is there a safety issue here?

Ms. Roberts said she was not aware of that.

The architect said they are looking for approval to get the roof taken care of.

Ms. Roberts told the architect to do what he needed to do to secure the eave.

The architect said that the house is an eyesore, is unsafe, is a haven for animals and these issues need to be addressed before the winter.

- 3.49 Ms. Norman said she thought that approved variations were only approved for a certain amount of time.

Ms. Roberts said that once the Village Board approves an ordinance, the applicant needs to apply for a permit within six months.

- 3.50 Ms. Norman asked if the attached garage issue could go on for years. Or do they need to return?

Ms. Roberts said that would be up to an interpretation by the zoning administrator.

- 3.51 Ms. Norman asked if most construction had to be in within a year of the permit being issued.

Ms. Roberts said that when the permit is issued they need to start within six months and finish within a year unless an extension is granted.

- 3.52 Ms. Norman said if they are not doing the attached garage for budgetary purposes now, when will it be done?

The architect said he is not sure whether the client is going to include the garage in the current scope of work. If they get the detached garage approved and he does not get a permit for six months, they are before the Zoning Board asking for a garage. He has encouraged the client to consider the entire scope of work at this time. It will cost less and will be less of a headache.

(After section 4.0)

- 3.53 The architect said he was glad that the neighbors came to the meeting. It is good to hear their concerns. They are 38' away from the Goren's house. The house will not feel like too much of a presence to the Goren's. The home will be pleasant to look at from all angles.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

- 4.11 Mr. and Mrs. Ben and Susan Goren
431 8th Street

4.2 Summary of presentations

- 4.21 Ms. Goren said she lives across the alley from the house. She asked how much higher the new house will be relative to the current structure.

The architect did not have an exact drawing in front of him, but it would be about 2' to 2.5' higher to the ridge, which is the highest point. On the back it is built out more squared and their design has a sloped roof. There will be less building volume on that side. It is under the height limit.

- 4.22 Ms. Goren asked the dimension for the first floor compared to existing.

The architect said that the existing first floor is at an elevation of 43". The previous plan was to put in new floor frames on top of the existing foundation. The floor frames are deeper so that would have been close to 47". The current proposal is 60".

- 4.23 Ms. Goren said she sees more steps on the new elevation.

The architect said that the drawing was done early in the design process so it is showing the house with fewer steps than they ended up with.

- 4.24 Mr. Goren said that this is the first time they are seeing the plans. The property is an eyesore and he sees it every day. It is a haven for animals. It is unsafe and he has small children as do his neighbors. He is concerned with what has gone on at the house given that there is a new owner. There has been work going on and no fence put up. There has been destruction of existing staircases going in and out of

the house. He is very concerned is the stewardship of the property. They were removing a dumpster, which pulled down the eave of the house. Somebody needs to deal with this. He does not want the eave to fall on one of his children. They want a lovely house next door to them. The house is being razed at this point. There are no setbacks, except for the front, with this house. It is the wrong piece of property and everyone understands this. He has concerns about what will be next. He has been in his house for two years.

- 4.25 Ms. Goren said that their point is that the house needs to be better taken care of. If things will come down, they want a fence to keep children out. Her one concern is the house being raised. She is not concerned with the siting on the lot. She is worried about the height.
- 4.26 Mr. Goren added that this is the first they have heard about the height of the house.
- 4.27 Ms. Goren said that the architect came to speak with her a long time ago. The plans were different and she did not see the new plans until yesterday.
- 4.28 Mr. Kolleng asked about notification on the case.

It was determined that notification was sent and that the Gorens should have gotten a notice.

Mr. Goren said that this is the first time they heard about the house being raised.

- 4.29 Mr. Schneider clarified that the house is not habitable as it exists today so the Village has to do something to ensure that it is secured.

Ms. Roberts will speak with Code Enforcement about the eave.

- 4.30 Mr. Goren said that there was a stop work order on the house and this goes to the stewardship issue. He is concerned about the property. He is not blaming anybody.
- 4.31 Ms. Norman asked if the roofline being higher was a concern to the Gorens.

Ms. Goren said she is concerned about how much higher the first floor is.

- 4.32 Mr. Kolleng said the first floor will be about equal to the neighbor's first floor.
- 4.33 Acting Chairman Duffy said that there is a 6" difference after reviewing the plans.

Ms. Goren clarified that the applicant's first floor would be about 6" higher than hers.

The architect said that their first floor is respectful of the neighborhood.

- 4.34 Ms. Goren said that it is on the top end of the range considering the lot size and house size.

The architect said that the lot dictates house size, but not how high out of the ground it should be. A small property with a small house being low to the ground would be more of a contrast.

- 4.35 Ms. Goren said she likes what the architect did to the house down the block.

The architect said that there were similar concerns there about the height. Next door neighbors also shared concerns. He knew that was a sensitive issue. This house has a similar strategy with keeping eaves low and placing the bedrooms under the slope of the rafters and trying not to give the house the four square Wilmette treatment.

- 4.36 Ms. Goren said that the house that is already built is a little bit lower, which is more like the originally proposed plan.

- 4.37 Mr. Goren said that the house that is already built is somewhat more modest. He has not been inside the house.

- 4.38 Acting Chairman Duffy said that other lot is already raised up. There is a partial second floor on the house that has been built down the street. What is the height of that house?

The architect said that the house that is already built is a little bit higher, but it is close in height to the proposed house. The house that is already built does compliment the neighborhood in spite of a lot anxiety from many people. He has not heard any negative comments. This house, in its own way, will have similar charm. It fits the neighborhood.

- 4.39 Ms. Goren said she likes the look of the house.

The architect said that serious thinking went into the plans for this house.

- 4.40 Ms. Goren asked about windows for the basement. She does not see them on the drawing.

The architect said that there would be windows and is in the submitted package.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Kolleng said that this is an odd lot given where the house is as related to the street. With the setback being as far as it is and this originally considered as a rehab rather than a rebuild, there needs to be a lot of variations to do what they want to do. Many variations were previously approved so he will not talk about those

tonight. In his opinion, the new request seeks a 1' increase in basement height, which results in square footage variations. That is a hardship to a 6'8" basement. Regarding the garage, the Village wants houses to have garages. They can only do a one-car garage. Given that this basic structure and dimensions were already approved, and they are now looking at two new items, one of which is a real hardship, he can support this. The standards of review are met.

- 5.2 Mr. Schneider has a problem with this case. What was approved before is moot to him. This is new construction. This is not a renovation of an existing structure because if that were the case, most of the existing structure would be retained. Part of the basement floor might be retained, but everything else will be gone as it should be gone. It is an eyesore and not habitable or able to be renovated. The envelope permitted on this lot would allow them to construct a design or build a house that has as much or more square footage that the current perimeter allows them to have. He looks at this as they are tearing down the building, starting new on a lot that is 55' x 100' on which one can build adequate amount of square footage for an appropriate dwelling. What was approved before does not now apply and the Zoning Board is reviewing new construction that has all these variances. If the lot was vacant and the applicant came to the Zoning Board with this design and the number of variances, he does not know what the Zoning Board would say, but he would not approve it. He cannot support this request.
- 5.3 Ms. Norman said both colleagues make good points. She is undecided as she sees this as many variations although most are minimal. She can see that the house's siting on the lot is important. It does not make sense to deny the first floor height variation to build a second floor, which is allowed. It is a unique situation and the house is attractive. The architect did a great job given the lot. The garage is an added variation that is not required although the utility pole is in the way. She is still not sure of how she will vote.
- 5.4 Mr. Kolleng said that a new owner bought the house with the previous approvals in place and thinking they could get the requests approved.
- 5.5 Acting Chairman Duffy said he is of the opinion that the lot is difficult because of its size. It is a substandard lot. If they were to draw the setbacks, which the architect tried to do on exhibit 1.4, to show where the house can be sited, which is where it is at this time except in the back it steps over the rear yard. The footprint would remain essentially the same albeit a little larger. Someone else might not follow the architect's plan in building a house that looks to be 1.5 stories. Someone else may make a more imposing structure than what is proposed and would be more of an impact on neighbors. That has him leaning to supporting the request. There is an idea that the increased height of the first floor to 60" is also a reasonable request. A lot of houses dig down that extra foot. He would rather have a higher than a lower basement. The exterior impact from the street and relative to other homes would be negligible, especially to the two properties facing on Linden.

The one-car garage explains itself. The garage is in the appropriate location given the utility pole issue. It is a substantial investment to move that pole. He can support the request.

6.0 DECISION

6.1 Mr. Kolleng moved to recommend granting a request for a 252.64 square foot lot coverage variation, a 1,596.07 square foot total floor area variation, a 3.23' minimum side yard setback variation, a 0.58' combined side yard setback variation, a 6.01' rear yard setback variation, a 3.23' side yard eave setback variation, a 4.01' rear yard eave setback variation, a 11.67' rear yard deck setback variation, a 4.01' rear yard stair setback variation, a 1' first floor height variation, a 2' rear yard detached garage setback variation, a 1.0' rear yard garage eave setback variation, a 3.5' accessory structure separation variation, a 208.06 square foot rear yard structure impervious surface coverage variation, and a variation from the requirement to provide two enclosed parking spaces to permit the construction of a new home and one-car detached garage at 433 8th Street in accordance with the plans submitted.

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

Acting Chairman Patrick Duffy	Yes
Chairman Dan Sullivan	Not Present
Mike Boyer	Not Present
John Kolleng	Yes
Lynn Norman	Yes
Reinhard Schneider	No
Bob Surman	Not Present

Motion failed.

6.2 Ms. Norman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2014-Z-39.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

A majority of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, its size and shape and the location of the house on the site, impose upon the applicant a particular hardship. The applicant proposes to maintain as much of the foundation as possible. The plight of the owner was not self-created and is due to the small size of the lot and the location of the house. The hardship is peculiar to the lot in question

and is shared by a very small number of lots in the village. The hardship prevents the owner from making reasonable use of the home in repairing or replacing the foundation as well as reconstruction of the first floor and expanding the second floor. The hardship also prevents the owner from making reasonable use of the property with an enclosed parking space. The home is adjacent to the garages of the four adjoining properties, with the alley separating the house to the south. As such, there is adequate separation to minimize any impact of these improvements on the light or air of the existing neighboring homes. The height of the home is below the maximum allowed, minimizing the impact on neighboring lots and to help the home blend in. The variations, if granted, will not alter the essential character of the neighborhood. The appearance and functionality of the existing home will be improved, allowing the existing home to remain as part of the neighborhood character.

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, the applicant is creating his own hardship by using a plan based on the existing home rather than creating a new plan. Because the proposal involves removal and replacement of the first and second floors as well as some portion of the foundation, the applicant is not limited to the existing footprint and therefore could develop a plan that eliminates or at least reduces the number and size of variations.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 252.64 square foot lot coverage variation, a 1,596.07 square foot total floor area variation, a 3.23' minimum side yard setback variation, a 0.58' combined side yard setback variation, a 6.01' rear yard setback variation, a 3.23' side yard eave setback variation, a 4.01' rear yard eave setback variation, a 11.67' rear yard deck setback variation, a 4.01' rear yard stair setback variation, a 1' first floor height variation, a 2' rear yard detached garage setback variation, a 1.0' rear yard garage eave setback variation, a 3.5' accessory structure separation variation, a 208.06 square foot rear yard structure impervious surface coverage variation, and a variation from the requirement to provide two enclosed parking spaces to permit the construction of a new home and one-car detached garage at 433 8th Street in accordance with the plans submitted.