



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, JUNE 3, 2015

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Chairman Patrick Duffy
Mike Boyer
Bill Merci
Reinhard Schneider
Bob Surman

Members Absent: John Kolleng
Lynn Norman

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. 2015-Z-21 1149 New Trier Court

See the complete case minutes attached to this document.

III. 2015-Z-19 2108 Washington Avenue

See the complete case minutes attached to this document.

IV. 2015-Z-05 422-444½ Ridge Road

See the complete case minutes attached to this document.

V. Approval of the May 6, 2015 Meeting Minutes

Mr. Boyer moved to approve the May 6, 2015 meeting minutes.

Mr. Surman 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 8:58 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 Ms. Sophia duBrul and Mr. Bradley Cue, applicants

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 2.5' fence height variation and a fence openness variation to permit the replacement of a 6.5' tall solid fence in a side yard adjoining a street. The Village Board will hear this case on June 23, 2015.

3.22 Ms. duBrul said the previous owners put up the fence which has been there for 15 years. They need to repair the rotting posts. The previous owners never had applied for a fence permit or for the variance. They want to repair the existing fence. There are nine rotten posts and sections of stockade that need to be repaired. If they want to replace the fence in the future they want to replace it at its current height because of the home's location of being the last house in the Village. They face a busy road with open land and forest preserves.

3.23 Chairman Duffy asked if they replaced the fence would they have to return to the Board.

Ms. Roberts said that is why the case information contains the word, replacement. They would not have to return if they wanted to replace the fence.

3.24 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. Boyer said all standards of review are met. Giving zoning relief makes sense. No neighbors are impacted. The fence has been there for 15 years. He can support the request.

5.2 Mr. Merci agrees with above comments.

5.3 Mr. Schneider said that the ordinance should not apply in this case.

5.4 Chairman Duffy said they are right at the corner of where Illinois turns into Happ. There is a lot of traffic and guard rails.

6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a request for a 2.5' fence height variation and a fence openness variation to permit the replacement of a 6.5' tall solid fence

in a side yard adjoining a street at 1149 New Trier Court in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Not Present
Bill Merci	Yes
Lynn Norman	Not Present
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 2015-Z-21.

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 and the fence variation standards of Section 5.4.F.h of the Zoning Ordinance. The physical condition of the property, the location at the intersection of Happ Road and Illinois Road, imposes upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique location of the lot. The difficulty is peculiar to the property in question, being the only one impacted at this intersection. The difficulty prevents the owner from making reasonable use of their property with a safe, enclosed back yard. The proposed variations 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.

Regarding the fence variation standards, the fence is oriented toward Illinois Road, which is identified as a collector, and has high volumes of traffic moving at higher speeds. The fence is away from other residential properties and will not impact on them. The proposed fence replaces a similar fence that has been in place for the last 15 years. There was no record of a fence permit being issued at that time.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 2.5' fence height variation and a fence openness variation to permit the replacement of a 6.5' tall solid fence

in a side yard adjoining a street at 1149 New Trier Court in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicants

3.11 Ms. Kerry Moore, applicant

3.12 Mr. Brian Moore, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 0.17' combined side yard setback variation, a 4.55' rear yard setback variation, a 1.33' first floor height variation, a 0.05' side yard window well setback variation, a 2.15' side yard parking space setback variation, a variation from the requirement that a front-loaded attached garage must be a minimum of 5.0' behind the main front façade of a house, a variation from the requirement to have two enclosed parking spaces, and a 30.0 square foot (4.48%) front yard impervious surface coverage variation to permit the construction of a new home. The Village Board will hear this case on June 23, 2015.

3.22 Ms. Moore said they want to remove two of the variation requests. They are removing the request for the side yard window well setback variation and the impervious material request in the front yard setback. They will use corrugated steel instead of concrete for the window well. Regarding impervious material, they are proposing to use tumbled block, which was original proposed for just the driveway edge, for the whole driveway so they get the 10% coverage bonus. With that, they are well within what is required.

The lot is tiny. Developers are not interested in the lot. This was her husband's childhood home. As builders and designers, they were perfectly suited to take on this project. They are not changing the existing footprint. They are using what is there and building up. Regarding the rear yard setback, there are two properties that they abut. Those properties have rear yards that are in excess of 150' to 200'. There are no privacy issues with these neighbors.

Regarding the combined side yard setback, the project was initially presented as a remodeling project. But they are substantially demolishing most of the home. They are modernizing the home. The house is current not habitable. The project is now considered a new home. They have to meet requirements for new homes. They need a variance to comply with side yard setbacks.

Right now there is a semicircular drive and they are reducing that drive. There is an attached single-car garage. It is a hardship. They have been able to park cars on the drive. At this point, they are reducing the drive. They are hoping to maintain a side parking area for a second car.

- 3.23 Chairman Duffy clarified that on the drawing that would be the space that goes along the side of the house.
- Ms. Moore said this was correct and it is existing. It is now in asphalt but they would be recreating it in tumbled block. The garage will remain in the present location.
- 3.24 Chairman Duffy clarified that they were adding a second floor to part of the house, they are not changing the footprint and most variation are due to existing conditions.
- 3.25 Mr. Surman asked about the height of the first floor and any changes.
- Ms. Moore said it is all existing. The home is a split level. When the drawings were created, the part brought up by staff as being 1.33' not in compliance, she sees that as the second floor because there are bedrooms but Village staff sees it as part of the first floor. Below that is a rec room. They are building up over a portion of the house. To make significant changes would impact the scope and budget of the project.
- 3.26 Mr. Boyer asked about current and proposed square footage.
- Ms. Moore said they are adding about 750 square feet. They are within FAR. A two-car attached garage cannot be changed without redeveloping the site.
- 3.27 Chairman Duffy noted that additional variances are sought through the expansion of the current garage to the lot line.
- 3.28 Mr. Moore said that a two-car garage is not feasible.
- 3.29 Mr. Boyer clarified that there is a side door on the east side of the house.
- Ms. Moore said they are adding that door for children to go in and out.
- 3.30 There was no one in the audience to speak on this case.
- 3.31 Mr. Moore said that it would enhance the neighborhood to improve the home in the proposed way.
- 3.32 Ms. Moore said that to build a new home with a new foundation is not cost effective. To bring this home into the present decade is a very reasonable approach to the problem of this tiny property. The eventual home will be slightly lower than the home to the west and a little higher than the home to the east. It is in context with neighboring homes. This is a little more than a starter home. It is not unaffordable.

- 3.33 Mr. Moore said that if changes are not approved would create a hardship for them or anyone who wants to redevelop the property. Any homeowner would want to make these changes.
- 3.34 Ms. Roberts noted that the drawings reversed with the blocks on the right of way and the asphalt on the property.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Boyer said that this is a lot that caught in the zoning code and should not have been subdivided. It is very small compared to others in the area. There is not much that can be done with the lot other than what is proposed. They are not expanding the footprint. They could not put a two-car detached garage in the rear yard because there is not enough room for a driveway. That would cause impervious surface problems and would be a detriment to the neighbors. There is not enough room to turn in the rear. What they are doing is reasonable and there is no FAR request. They are adding about 750 square feet. The height of the home is 28'. They have minimized their requests this evening. There is a significant reduction in front yard impervious surface. They are making accommodations and improvements to existing conditions. He can support this and all standards of review are met.
- 5.2 Mr. Merci said that the variances are requested due to existing conditions. It will be an admirable addition to the neighborhood.
- 5.3 Mr. Surman agreed that this was a good solution.
- 5.4 Mr. Schneider asked why this is considered new construction.

Ms. Roberts said that it is because of the scope of what is being removed. The house will be gutted so that it is not habitable. They are removing the roof and doing a lot of exterior work.

Mr. Schneider said he could support the request for above reasons.

- 5.5 Chairman Duffy also agreed with the request. They are constricted due to lot size. The minimum lot requirement now is 8,400 square feet and this lot is significantly less than that. The standards of review are met.

6.0 DECISION

- 6.1 Mr. Boyer moved to recommend granting a revised request for a 0.17' combined side yard setback variation, a 4.55' rear yard setback variation, a 1.33' first floor height variation, a 2.15' side yard parking space setback variation, a variation from the requirement that a front-loaded attached garage must be a minimum of 5.0' behind the main front façade of a house, and a variation from the requirement to

have two enclosed parking spaces to permit the construction of a new home at 2108 Washington in accordance with the plans submitted.

6.11 Mr. Merci seconded the motion and the vote was as follows

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Not Present
Bill Merci	Yes
Lynn Norman	Not Present
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 2015-Z-19.

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 size and 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 lot is smaller than most in the immediate neighborhood. The difficulty prevents the owners from making reasonable use of the property with improvements and a reasonable addition. The proposed variations are due to the existing conditions of the house and will not impair an adequate supply of light and air or otherwise injure adjoining property. The applicants propose to remove the existing non-conforming front driveway, improving the appearance and reducing impervious coverage. The applicants also modified their request to remove a window well setback variation and to remove the front yard coverage variation altogether. The variations if granted will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a revised request for a 0.17' combined side yard setback variation, a 4.55' rear yard setback variation, a 1.33' first floor height variation, a 2.15' side yard parking space setback variation, a variation from the requirement that a front-loaded attached garage must be a minimum of 5.0' behind the

main front façade of a house, and a variation from the requirement to have two enclosed parking spaces to permit the construction of a new home at 2108 Washington 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. Cameel Halim, property owner

3.12 Mr. William Ng, architect

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a revised request for a special use to expand an existing special use (townhouses), a 36.32' combined side yard setback variation, a 30.32' combined side yard window well setback variation, 2,652.10 square foot (15.44%) combined side yard impervious surface coverage variation, a 5.17' aisle width variation, a 3.33' aisle width variation, a variation from the requirement that 50% of all parking spaces be enclosed, and a variation to alter an existing non-conforming structure. The Village Board will hear this case on June 23, 2015.

3.22 The property owner said they did not do a good job explaining the project's intent and why they are doing it. He will talk about the exterior work and then the interior of the buildings. There are three rows of townhouses with eight townhouses per row. The south units have their own parking and the middle and north units have a combined driveway. Each townhouse is 19' wide. The condition of the parking areas at this time is very bad. Concrete is broken, ties are uneven, many trees died, and the grass is not attractive. People use the back area for parking. There are a potential 48 parking spaces. The garbage situation is horrible. Each house has their own can. It is disorganized and dirty. The whole building exterior is in bad shape. The landscaping is 40 to 50 years old and the bushes are overgrown.

He wants to upgrade to meet today's standards, both on the interior and the exterior. He wants the units to be safe and a good representation of the Village. They organized the garbage area and they will install new landscaping. They are spending \$600,000 to \$700,000 on the exterior. They are not adding parking. The parking is already there but it is disorganized, unsafe, and in poor condition.

Regarding the interior, they are not converting the units from 1 bedroom to 3 bedrooms. He has already been issued permits to convert the units from 1 bedrooms to 2 bedrooms in the north and middle buildings. The units in the south building have full basements. People already use this space for bedrooms. They want to make the townhomes safe. They are doing extensive remodeling, such as removing and replacing all of the kitchens and furnaces. They spent \$25,000 per unit on modernizing. They are not adding square footage.

3.23 The architect reviewed changes made since the last meeting.

- 3.24 Mr. Surman asked the architect to talk about hardship for each area being discussed.

The architect said that the units, as proposed, will have a positive impact on the neighborhood and on the new tenants. There are existing permits for two bedrooms, which will add to occupancy. Currently there are 24 parking spaces and they are proposing 34 with two handicap spaces included. 24 spaces might not be sufficient for all the tenants. They want to upgrade the property and make it safer. He has slides showing people hanging out in the parking spaces because there is no open space to use. They sit next to a garbage receptacle. There is a need for improvements.

- 3.25 Chairman Duffy said that there is a typo in the sheets. The combined side yard impervious surface coverage variation should be 2,652.1 square feet not 12,957 square feet.

- 3.26 The owner said that most of the relief they are asking for is for the building that is already there. They are not asking to build a new building. The building has conditions grandfathered in and any work they want to do requires a variation. If they count the patios in the back and the areas used for parking, there is little change in the impervious area.

- 3.27 Chairman Duffy asked about number of existing spaces.

The owner said there are 24 parking spaces and they are proposing 34.

- 3.28 Mr. Surman asked what variation that impacted.

- 3.29 Chairman Duffy said it would impact some of the lot coverage. They reduced the request from the previous requests. They started with 46 spaces and now they are requesting 34 spaces.

Chairman Duffy noted that they have to provide window wells for access out of those 8 units with basement bedrooms.

The owner said the window wells are for safety. Having a window well is good for the tenants.

- 3.30 Chairman Duffy said that a previous meeting they showed some tenant's use of the basement. People had beds down there and there is no egress other than the stairwell that leads up to the kitchen. They have to put window wells in for escape purposes with their proposed request.

The owner asked the board to consider some questions. What would happen if they do not do anything? Should he leave it as is? Should they leave the garbage as it is with 46 cans? With the new proposal, all garbage is in its own area and

landscaping will be upgraded. There are a lot of negatives if they do not do anything.

- 3.31 Mr. Schneider said that he has been to the site and he agreed that people park all over including on areas that previously were landscaped. On page 4, the Site Plan Review committee requested curbing the parking lot and the owner agreed to do this. Where will the curbing be?

The architect said that the curbing is around the whole parking area and around landscape planter areas.

Mr. Schneider said that here is a 3' distance between the building and the parking space. Right now there are bumpers. There will now be continuous curbing.

- 3.32 Mr. Surman asked what happened when someone came out of their unit. Would there be a part that drops down?

The architect said that there is are dedicated walkways without curbing. There is a new sidewalk.

- 3.33 Mr. Merci said that the proposed site plan denotes a double line all the way around the parking area and planting area. Is that the curbing as proposed?

The architect said that it is the curbing as proposed. Single lines are for the handicapped area. They will have a depressed curb for handicap parking.

The owner said there are two dedicated handicap spaces and he does not have that at this time.

- 3.34 Mr. Merci asked if they planned to now assign parking to tenants.

The owner said they had not decided yet.

- 3.35 Mr. Merci said that the number of new spaces should equal the number of bedrooms being added. Parking spaces should not be available for sale or least to at large individuals.

The owner said he owns the commercial property next door. So they could overflow into that lot or use it for guest parking.

- 3.36 Mr. Merci said that the curbing eliminates a big problem. They have a 16 double loaded traffic isle about 6' to 8' deficient in normal vehicular planning. The curb will be useful in guiding car traffic.

The architect said that the curb will make a better situation.

- 3.37 Mr. Boyer asked about the size of the container in the garbage shed.

The architect said that currently the containers include one recyclable container that is .5 cubic yard and one regular trash container. The containers they are proposing are front-end lifted.

- 3.38 Mr. Merci clarified that any refuse vehicle would have to drive in, lift and back out.

The architect said that existing containers are .5 yard. They are proposing 8 cubic yard containers, two of them. The south lot containers are smaller than the north lot.

- 3.39 Chairman Duffy said that where the current parking lot extends into the grassy area beyond the townhouses that becomes the garbage area that is fenced.

- 3.40 Mr. Merci said that the refuse truck will lift the garbage. Vehicles will have to drive in and back out.

Chairman Duffy said or back in and drive out.

The architect said he is not sure which type of truck they will assign to pick up garbage.

- 3.41 Chairman Duffy said they are limited based on what is there right now. Adding the 3' from building to parking lot and curbing that and then widening the parking spaces to make the turn into them a little easier. They made some accommodations by decreasing parking spaces. The AC units have all been moved. That eliminated one of the variances.

The architect said that the new AC location is better and tenants are not impacted. It coincides with the aesthetics. They will probably put gates that match the window well gates. In between the window wells will be condenser units. A uniform fence will surround the AC units.

- 3.42 Mr. Boyer clarified that originally there were: 24-1 bedroom units and they are proposing 16 2-bedroom units and 8 3-bedrooms units.

The owner said that is correct. They have already converted 12 of them into two bedrooms.

- 3.43 Mr. Surman said there was a concern about where the snow would be put at the end. The previous design showed lawn areas. Now the garbage is at the end so where will they push snow.

The architect said this issue has been discussed. The building manager said that there are not problems at their other sites regarding snow removal. By reducing the

number of spaces, they added green space comparable to what is now impervious and green space in the parking area. The snow cannot be pushed up against fences or rear yards. There are areas of Chicago where they have to truck out the snow.

- 3.44 Mr. Surman said there are two handicap spots. Why didn't they put in a third one so that there would be one for each parking area? If there were more handicap spaces they could be handicap/visitor parking.

The owner said that the new units will be attractive to a mother with a child. There is no housing for mothers with children. Single family homes rent up to \$8,000. His rent is \$1,600. They fill an important role in the Village. All units have been leased to single mothers with one child.

- 3.45 The architect said he wanted to go over the impervious calculations. By reducing the number of parking spaces they reduced impervious by about 200 square feet from the last meeting. As proposed they are under the allowable impervious for the entire calculated site as shown on the impervious summary. They are over on the side yard, but on the whole project, they are under. If they were to remove the patios from the equation since under the patios is impervious condition, some communities do not calculate patios as impervious. If they took out the patios their overall site is reduced by another 1,570 square feet which is 350 square feet less impervious than what currently exists. The zoning is calculated front yard, side yard, rear yard for impervious. Under those calculations they are under what is allowable. The upper chart shows the entire site with the buildable area.

- 3.46 Mr. Surman referenced information on a chart that indicated total site square footage actual is 50,000. Is that actual or allowed?

The architect said that number was actual.

- 3.47 Mr. Surman asked about total allowed square footage.

The architect said that number is the total square footage. The allowable impervious is 18,319 and the proposed is slightly less than what is allowed. The existing is 16,849. They are proposing patios with pervious soil underneath. The wood patio does not retain water and will drip underneath. In reality it does go into the soil and not drain into the storm sewer system.

The owner said he might change his mind about patios because it might crowd the area.

- 3.48 Chairman Duffy asked if the owner was committing to taking all the patios out. That there would no decks/patios.

The owner agreed that there would be no deck/patios.

Ms. Roberts suggested that the request be considered as submitted and if the applicant wants to later take out the patios, he can.

3.49 Mr. Schneider agreed with Ms. Roberts.

3.50 Chairman Duffy was also in favor of moving in that direction.

(After section 4.0)

3.51 The owner responded to the neighbor's concerns. Regarding the air conditioner units, they can still put in an air conditioner for every unit even without an approval. There is distance between the lot line and the units. They will not build the decks. The units are being leased by Village residents including single parents. Regarding the parking, there will be less parking than is currently on the site.

The architect said that the impervious calculations without the decks will be an improvement over existing. There is less impervious with the current site plan. They are keeping all live mature trees. There will be more green space in parking areas.

3.52 Mr. Surman said they are asking for ten additional spaces and asked if they had considered identifying any spaces as visitor parking only?

The owner said they must have visitor parking. In the south grassy area, there are two bumpers and that is not counted. They are improving the parking.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Ms. Maureen Shelley
502 Ridge Road

4.2 Summary of presentations

4.21 Ms. Shelley said she was a resident of the southern-most townhouse in Sutton Place, which is north of these units, for the last 40 years. She said that it is her recollection when she moved to her home there was no impervious surface in what is now considered the parking area. It was all gravel. The last few times in a big rainstorm when she tried to get down facing streets to get to her house, Washington or Schiller, they were flooded. She was not able to get through. Ridge is the highest point so water goes in both directions from Ridge. In the last year since Edens was repaved, which caused traffic problems for two years; a lot more traffic now uses Ridge. She is worried about increased density as Ridge is a busy street. She is worried about children moving in. Children have rarely lived in these units. She said the residents have been retired people or singles who come here to teach, and

so on. It is a quiet and a good neighbor. She is concerned with the decks NU students will rent and the decks will face her house. The air conditioner units will face her. She is concerned about noise and exhaust of units.

Chairman Duffy asked if Ms. Shelley lived to the north of these townhomes. There is a house between her and the townhomes. The house is set back. She has concerns with increasing impervious surface, the parties that will take place on the decks and keep her awake.

Mr. Boyer asked if there were decks there at this time.

The owner said that there are patios there right now.

The neighbor asked if larger units should go in with the possibility of larger families moving in. She would not move into one of those units if she had a child that age. Ridge is now used differently. People drive fast if the road is clear. People use it to get to the northwest side of Chicago. She is opposed to any of this and asked that as little change as possible be done. She said that they have already gotten variances and no one assumed they would keep asking for them. She said a different kind of person than lives there today will be attracted by the amenities he is asking for.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Schneider said he thinks he can support this request. There is no additional interior space being added; it exists now. By providing window wells, it improves safety, especially in emergencies. Curbing the parking areas and providing a 3' wide aisle separating parking from the front doors are all positive improvements without changing the square footage. There is more space now used for parking than what will be allowed with curbed new parking areas. The proposal is an improvement. Providing rental options in the Village is a positive.
- 5.2 Mr. Boyer said he is on the fence for this case and wants a discussion about the good points of the development. He is stuck on hardship. What is the hardship? The hardship is self-created. Some of the variances requested are because of additional basement bedrooms.
- 5.3 Mr. Schneider asked how the variance was created by having more bedrooms.
- 5.4 Mr. Boyer said that window wells are needed because of those bedrooms in the basement. The development was built as one bedroom units with storage. On the south building, they removed the storage in the one bedroom units. There are not a lot of one bedroom rentals, but this is exactly what is needed. He searched rental history in the MLS. The question he keeps coming back to is whether the Board would approve the request if this was a new building.

- 5.5 Chairman Duffy said one cannot look at this as a new building. If the owner started with a blank state they could probably put in more units than there are currently on the site. The configuration would be different. No variances would be needed. At a previous meeting he became comfortable with basements used for living space. He owns rental units as does Mr. Boyer and one cannot always control how tenants use space. He understood why the bedrooms were needed and why egress had to be supplied. He struggled the most with this variance initially. He initially thought that some of the variances were aggressive. But they moved the air conditioner units and took care of the trash. They are close to what is going to be the best plan for this site. The applicant has done a good job in reducing the request.
- 5.6 Regarding window wells, Mr. Schneider said that even if the area is used as a family room and not as a bedroom, window wells are good for an exit at that point. Any habitable space needs an ability to egress in an emergency.
- 5.7 Mr. Merci said if one was to factor in an approved parking area it would never get the same number of dwelling units. The parking area is grossly deficient in aisle width. They would have to design a new project at 24' aisle width and they would lose an entire row of parking.
- 5.8 Mr. Duffy said that one could get more height in a new development.
- 5.9 Mr. Merci said that the footprint would be substantially reduced. And the structures would need stairwells and handicap access. They have probably done as well as they can with what they have to work with.
- 5.10 Mr. Boyer said that the Board is discussing issues that almost feels like a Village Board decision.
- 5.11 Chairman Duffy noted that the Village Board has not remanded this project back because the ZBA has denied the requests both times and the applicant has returned twice with changes and revised plans.
- [Staff Note: The two previous requests were remanded back to the Zoning Board of Appeals by the Village Board at the request of the applicant.]
- 5.12 Mr. Boyer asked if it is within the purview of the ZBA to grant variances on this project. Is this more of a Village Board decision? It is a larger approval. Is it looked at almost a new project? It feels like rehabbing an existing house and then it is considered to be new construction.
- 5.13 Chairman Duffy said that the Zoning Board never got to that threshold of going from rehab to new construction.
- 5.14 Mr. Schneider said that the Village Board is owed a recommendation from the ZBA.

- 5.15 Chairman Duffy said that there would be a vote on this case. He said he supports the request presented tonight. They are limited in what they can do because the structure is there. There is only so much space for parking. Compared to what they started out with, the applicant has done a great job adjusting to what the Zoning Board has asked of them to change. This is as good as it gets for what is currently on the site.
- 5.16 Mr. Surman said when one designs more of a commercial project, as an architect one has to take the worst case scenario and say this is potentially what could happen. So you have to go to the furthest extent for life safety. He has no problem with the window wells and the parking has been reduced substantially. He would hope they would add another handicapped space for the other building and identify some of the spaces as visitor parking. They could dedicate 24 for the units with some visitor spaces at the far end where snow is stacked.
- 5.17 Mr. Merci said he was concerned about the increase in impervious area. While it is not the purview of the ZBA to talk about engineering solutions, there are engineering solutions that could relieve that problem through detention in the parking lot and restrictors in the drain that would defer any storm water discharge into the sewer system. The increased pervious area should not be a critical matter if engineering is involved with a solution.
- 5.18 Mr. Schneider said there is not that much of a change in impervious surface.
- 5.19 Mr. Merci said there wasn't much of a change but in so far as addressing neighbor concerns about flooding.
- 5.20 Chairman Duffy said that in a case like this where they are going to reconstruct the parking area, there is a whole drainage and grading plan they have to follow. Water to neighbors should be reduced because of the way that the Village mandates the new code.
- 5.21 Mr. Surman said that additional curbing will also help.
- 5.22 Chairman Duffy said that under the decks is pervious soil. The water from the decks goes into the ground but the ordinance considers that impervious surface.

6.0 DECISION

- 6.1 Mr. Schneider moved to recommend granting a revised request for a special use to expand an existing special use (townhouses), a 36.32' combined side yard setback variation, a 30.32' combined side yard window well setback variation, 2,652.10 square foot (15.44%) combined side yard impervious surface coverage variation, a 5.17' aisle width variation, a 3.33' aisle width variation, a variation from the requirement that 50% of all parking spaces be enclosed, and a variation to alter an

existing non-conforming structure at 422-444½ Ridge 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	Not Present
Bill Merci	Yes
Lynn Norman	Not Present
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 2015-Z-05.

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 special use standards of Section 5.3.E and the variation standards of Section 5.4.F of the Zoning Ordinance. The proposed use is consistent with the goals and policies of the Comprehensive Plan, which call for housing options in appropriately zoned locations that complement the traditional single-family character of Wilmette. The townhouses have operated continuously since they were built in the 1950s therefore, the continued operation of the special use will not be detrimental to the public health, safety, and welfare nor will it be injurious to the use or enjoyment of other property in the neighborhood. The revised plan moves the parking away from the east lot line, which was previously a concern to that neighbor, and improves the garbage and recycling collection. The properties around the subject property are fully developed and the operation of the special use will not impede the normal and orderly development and improvement of these properties. The special use will not substantially diminish property values in the neighborhood. Adequate utilities, road access, drainage, and other facilities already exist. Improvements to the parking lots and drainage are part of the proposal. Adequate measures already exist to provide ingress and egress. The special use is consistent with the community character of the neighborhood. The proposed improvements to the parking areas and landscaping will have a positive impact on the neighborhood. The proposed use does not substantially adversely affect a known archaeological, historical or cultural resource. Adequate legal provision has been made for buffers and landscaping.

Regarding the variation standards, the particular physical conditions of the property, the orientation and location of the buildings on the lot imposes upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the circumstances of the lot. The difficulty is peculiar to the lot in question and is not generally shared by others. The difficulty prevents the owner from making reasonable use of the property with safety and other improvements. The window well openings and the window wells are necessary to improve the safety of existing basement space however it is used by the tenants. The variations, if granted, will have minimal impact on the exterior of the building and will not alter the essential character of the neighborhood. The variations will permit the improvement of the appearance and function of the parking areas.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a revised request for a special use to expand an existing special use (townhouses), a 36.32' combined side yard setback variation, a 30.32' combined side yard window well setback variation, 2,652.10 square foot (15.44%) combined side yard impervious surface coverage variation, a 5.17' aisle width variation, a 3.33' aisle width variation, a variation from the requirement that 50% of all parking spaces be enclosed, and a variation to alter an existing non-conforming structure at 422-444½ Ridge Road in accordance with the plans submitted.