



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, DECEMBER 2, 2015**

**7:30 P.M.**

**COUNCIL CHAMBERS**

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**Members Present:** Chairman Patrick Duffy  
Mike Boyer  
John Kolleng  
Bill Merci  
Lynn Norman  
Reinhard Schneider

**Members Absent:** Bob Surman

**Staff Present:** Lisa Roberts, Assistant Director of Community Development

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**I. Call to Order**

Chairman Duffy called the meeting to order at 7:36 p.m.

**II. 2015-Z-54 161 Prairie Avenue**

See the complete case minutes attached to this document.

**III. 2015-Z-55 114 Girard Avenue**

See the complete case minutes attached to this document.

**IV. 2015-Z-53 1101 Central Avenue**

See the complete case minutes attached to this document.

**V. 2015-Z-56 1314-1318 Wilmette Avenue**

See the complete case minutes attached to this document.

**VI. Approval of the October 21, 2015 Meeting Minutes**

Ms. Norman moved to approve the October 21, 2015 meeting minutes.

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

**VII. Public Comment**

There was no public comment.

**VIII. Adjournment**

The meeting was adjourned at 10:41 p.m.

Respectfully submitted,

Lisa Roberts  
Assistant Director of Community Development

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

**3.1 Persons appearing for the applicant**

3.11 None

**3.2 Summary of presentations**

3.21 Ms. Roberts said that the applicant was requesting that the case be continued to January 7, 2016

**6.0 DECISION**

6.1 Mr. Merci moved to continue the case to the January 7, 2016 meeting.

6.11 Ms. Norman seconded the motion and the voice vote was all ayes and no nays (Mr. Surman was 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. Nate Freeborn, applicant

#### **3.2 Summary of presentations**

3.21 Ms. Roberts said that this is a request for a 276.05 square foot (5.35%) total floor area variation to permit the construction of a second-story addition and a 6.67' side yard air conditioner condenser setback variation to permit the installation of one air conditioner condenser. The Village Board will hear this case on January 12, 2016.

3.22 The applicant said that they want to add a master suite addition at their house. Currently there are only two bedrooms upstairs and they are in need of three. He and his wife have two kids. They have lived in the neighborhood for five to six years and want to stay there.

They are asking for the floor area variation because they cannot fit a functional master suite into the allowable square footage. They are also seeking a variation on the condenser setback because the lot is 40' wide. There is some open space in the back yard where it would conform but it would be trip hazard for kids and pedestrians.

3.23 Mr. Kolleng asked if the air conditioner is currently a tripping hazard.

The applicant said no, it is currently off to the side.

3.24 Chairman Duffy clarified that they plan to put the new one by the old one.

The applicant said the new one will be adjacent to it and closer to the side lot line.

3.25 The applicant said the neighbor to the north wrote a letter of support.

Chairman Duffy noted that the Board had received that letter.

3.26 Mr. Boyer clarified that there are currently two bedrooms in the house.

The applicant said yes.

3.27 Mr. Boyer asked how much square footage the overhang would add.

The applicant said that it is about 45 square feet.

3.28 Mr. Boyer asked about dimensions of the overhang.

The applicant said it is 18'10" wide and they want to go out 18".

3.29 Ms. Norman said that the document says that the dimension is 43 square feet.

3.30 Chairman Duffy asked if they currently had an overhang.

The applicant said they have an alcove. There is a bay windows with a little coverage.

3.31 Chairman Duffy said it looks like there is a vaulted ceiling in the back room and they are leaving three walls and putting in a new ceiling.

The applicant said that the above was correct.

3.32 Chairman Duffy said there is a soffit on the home at that time. Are they expanding it the same amount as the soffit?

The applicant said that they wanted to take this a little bit further. The actual bedroom will be a little too shallow. The plan has 2" x 4" studs along the exterior walls and they want to use 2" x 8" studs to have more space for insulation.

3.33 Mr. Boyer said that the total width for the bedroom per the plan is 14'7". If they got rid of the overhang to reduce the variance request, they would come in 1.5'.

The applicant said that the above was correct.

3.34 Mr. Boyer said that the room's measurements would be 13' x 18'.

The applicant said if they did 1.5', it would go from 14'7" to 13'1". If they took in the thicker wall, it would take them to 12'7".

3.35 Mr. Schneider referenced the condensing unit. The existing unit is in the corner of the family room – northeast corner. What is wrong with putting the additional condensing unit directly east of that?

The applicant said that area is a traffic area where their children play and they are worried about potential safety problems.

3.36 Mr. Schneider asked if the patios were on the other side of the house.

The applicant said that this was correct.

3.37 Mr. Schneider said that 3'4" from the property line for a condensing unit is a fairly significant variation.

The applicant said that there is a sidewalk/parkway that is probably 6' to 7' wide. The neighbor's actual house is about 30' away. She wrote a letter supporting the request.

- 3.38 Chairman Duffy said it looks like the overhang that is counting against them is mostly into the rear yard space and to the east. On the north and south sides of the house, there will not be an overhang. It will go straight up.

They are being penalized for having a very large garage. There is another 110 square feet counting against the FAR.

The applicant said that the garage is original to the house.

- 3.39 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 it looks like, from the plans, the applicant made the request to be as minimal as possible. They are using the existing first floor structure and going up over that. The overhang adds to the square footage request and it is a minimal additional request and seems almost like a requirement the way the house is configured with two bedrooms right now. If the 41 square foot overhang was taken away, it leaves them with almost a non-workable room as the master bedroom. That variance request meets the standards of review.

Regarding the condenser, there will be additional space between the applicant's house and the neighbor's house. The way the neighbor to the north's house is situation, there is a great deal of buffer zone and no detriment to the neighbors to the north. The garage is in an odd location in the middle of the yard and acts as an additional buffer from the new addition.

The way the garage is situation reduces any detriment that the addition might impose. All standards of review are met and he will support the proposal.

- 5.2 Mr. Merci said that the overhang is the result of construction for the need to cover the bay below and allowing some space on each side, which is not usable space. The construction seems to be logical. The fence to the north effectively acts as a buffer for the neighbor to the north and the public area. While he might not agree with condensing units being placed in side yards, in this case it is not a problem. He can support the proposal.
- 5.3 Ms. Norman said she does not see that any of the standards of review are met for the extra square footage. Everyone wants more house. This is a small house on a small lot and it adds to the density problem in the village. Everyone wants a master bedroom. She does not see any hardship. The plight was created by the owner. She suggested they move to a new house/bigger house.

- 5.4 Mr. Kolleng said he does not have a problem with the condenser request because of the side walkway and the neighbor supports it. But he agrees with Ms. Norman in that the other request does not meet the standards of review. He does not see the hardship. They are jamming more house onto the lot. He cannot support the proposal.
- 5.5 Mr. Schneider said it is a tough call. Having two bedrooms for a family is in some sense a hardship. Could they have solved the problem by adding another bedroom on the second floor without seeking a variance on FAR? Probably not possible, but the variation request might not have been this large. There is an alley to the east and a garage to the south. He will support the request.
- 5.6 Ms. Norman said they bought the house about 5 years ago. They knew that the garage was huge. She cannot imagine that they could not project 5 years into the future. She has small bedrooms in her house and they make do with small bedrooms. The applicants bought the house with the current garage, which is huge.
- 5.7 Chairman Duffy said that no one has an issue with the condenser unit. The FAR is the big stumbling point and this is where the board often gets hung up. If they take 43' of the overhang that counts against them and the 110' of the extra garage space that counts against them, it cuts their request. It goes from 276 to 123 square feet, which is about 2% of total floor area. If one looks at it that way the request is not large. When you look at the numbers as a whole, there is a 3,278 square-foot two-bedroom house because it has a large first floor and a small second floor. Is that a hardship? He is struggling with this.

## 6.0 DECISION

- 6.1 Mr. Boyer moved to recommend granting a request for a 276.05 square foot (5.35%) total floor area variation to permit the construction of a second-story addition and a 6.67' side yard air conditioner condenser setback variation to permit the installation of one air conditioner condenser at 114 Girard Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	No
Mike Boyer	Yes
John Kolleng	No
Bill Merci	Yes
Lynn Norman	No
Reinhard Schneider	Yes
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 2015-Z-55.

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**

Three members of the Zoning Board of Appeals find that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The particular physical conditions of the property, the narrow lot width and relatively small lot size, the fact that the house has only two bedrooms, and the detached garage is oversized, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the size of the lot. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property with a second-story addition above the existing first floor. Approximately 43 square feet of the proposed floor area is for the second floor overhand, which not usable space on the first floor. The proposed variations will not impair an adequate supply of light and air to adjacent property. The variations, if granted, will not alter the essential character of the neighborhood as the addition and air conditioner are not visible from the street. The location of an 8' pedestrian easement to the north of the property provides additional separation from Baker Demonstration School and the closest residential neighbor to the northwest.

Three members of the Zoning Board of Appeals find that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, there is no difficulty preventing the owner from making reasonable use of the property. The plight of the owner is being created by the owner with the proposed plan. The applicants were aware of the house size and lot size when they purchased the house. The conditions of the property, the lot size, the two bedrooms, and the oversized garage, are not peculiar to the property in question and are shared by others. The applicants have been able to make reasonable use of the property to this point. The proposed addition is at the rear of the home and conforms to the side yard setbacks, therefore it will not impair an adequate supply of light and air to adjacent property nor alter the essential character of the neighborhood.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends denying a request for a 276.05 square foot (5.35%) total floor area variation to permit the construction of a second-story addition and a 6.67' side yard air conditioner condenser setback variation to permit the installation of one air conditioner condenser at 114 Girard 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 Mother Marie Martha  
St. Roger Abbey

3.12 Sister Marie Valerie  
St. Roger Abbey

#### **3.2 Summary of presentations**

3.21 Ms. Roberts said that the applicant has revised their request. The request is now for a special use for a limited service restaurant (St. Roger Abbey Patisserie) at 1101 Central Avenue. The Village Board will hear this case on January 12, 2016

3.22 The applicant said they are renting the space for a bakery. Whatever they sell is to help their mission, which is to help the poor and the needy in the Chicago area.

They are asking permission to serve soup and salad in addition to bakery products. They are cancelling the variation request for outdoor seating.

3.23 Chairman Duffy said that they could request outdoor seating at a later time.

Ms. Roberts agreed with this.

3.24 Mr. Schneider asked if they were bringing in baked goods or baking on site.

The applicant said that the products are baked off site.

3.25 Chairman Duffy asked about inside seating.

The applicant said that there will be seating indoors.

3.26 Chairman Duffy asked about number of employees.

The applicant said that one to two sisters will be working on site.

3.27 Chairman Duffy asked about hours of operation.

The applicant said they would be open approximately 8:00 a.m. to 6:00 or 7:00 p.m.

**4.0 INTERESTED PARTIES**

**4.1 Persons speaking on the application**

4.11 Ms. Mary Ann Roderick  
1039 Central Avenue

**4.2 Summary of presentations**

4.21 Ms. Roderick’s townhouse is directly across the street from the proposed business. She is the president of the Central East homeowner’s association, which is a group of six townhouses. They have objected to the outdoor seating on 11<sup>th</sup> Street and they are glad that the request was withdrawn. Will they get notice if the outdoor seating request is brought back to the ZBA?

Ms. Roberts said they will be notified if outdoor seating is requested in the future.

Ms. Roderick asked if what they have already filed in objection to outdoor seating can be preserved.

Ms. Roberts said that information is kept on file. It will be attached again if that is what Ms. Roderick is requesting.

Ms. Roderick said that she is requesting that it be attached again.

**5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS**

5.1 Mr. Kolleng said that standards of review are met and he can support the request.

5.2 Mr. Boyer said that standards of review are met and it is a welcome addition to the Village.

5.3 Chairman Duffy said he cannot wait for the business to open.

**6.0 DECISION**

6.1 Mr. Kolleng moved to recommend granting a revised request for a special use for a limited service restaurant (St. Roger Abbey Patisserie) at 1101 Central Avenue in accordance with the plans submitted. The special use shall run with the use.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
Bill Merci	Yes

Lynn Norman	Yes
Reinhard Schneider	Yes
Bob Surman	Not Present

Motion passed.

- 6.2 Ms. Norman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2015-Z-53.

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 proposed use in the specific location will be consistent with the goals and policies of the Comprehensive Plan to encourage a vibrant commercial district in the Village Center. The proposed bakery and limited service restaurant is similar to the previous bakery use, which operated at the property without incident for many years. The proposed use will not be detrimental to or endanger the public health, safety or general welfare nor will it be injurious to the use or enjoyment of other property. The proposed use will not impede the normal and orderly development and improvement of surrounding properties nor will it diminish property values. The proposed use will complement existing businesses. Adequate utilities, road access, and other facilities already exist. Adequate measures already exist to provide ingress and egress with the lot to the rear of the building. The proposed use will be consistent with the community character. No known archaeological, historical or cultural resources will be impacted. No buffers, landscaping or other improvements are necessary. No other standards of Article 10 apply.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a revised request for a special use for a limited service restaurant (St. Roger Abbey Patisserie) at 1101 Central Avenue in accordance with the plans submitted. The special use shall run with the use.

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

#### **3.1 Persons appearing for the applicant**

3.11 Mr. Hal Francke, attorney  
Meltzer, Purtill & Stelle  
1515 E. Woodfield Road, Schaumburg

3.12 Mr. Tom Lindsey, architect  
Lindsey Associates Architects  
950 River Drive, Glenview

#### **3.2 Summary of presentations**

3.21 Ms. Roberts said that this is a request for a special use to permit more than one townhouse building on one lot, a 4.35' rear yard setback variation, a 300.68 square foot (7.36%) rear yard pavement impervious surface coverage variation, and a variation from the requirement that only either detached garages located in the rear yard or attached garages oriented to the rear of the units are permitted to allow the construction of five (5) townhouse units in two (2) buildings. The Village Board will hear this case on January 12, 2016.

3.23 Mr. Francke is at the meeting representing the Gambacorta Family Limited Partnership, which is the owner of the property. He provided background about the applicant.

The Gambacorta family have been Village residents since 1923 and four generations have lived here. Sam Gambacorta Sr. and his wife, Joan, could not be at the meeting. They have owned a home in the Village for 55 years. Sam Gambacorta Jr. and his wife, Lisa, have owned a home in the Village for 28 years. Sam Sr. and his wife own the property to the east of the subject property, 1310 Wilmette Avenue, and they have owned it since 1960. Sam Sr. has had a business in Wilmette for almost 30 years, Village TV and Audio.

The property is zoned R2 attached residence district. All of the properties surrounding it is also in R2. He showed a portion of the zoning map that shows what he mentioned. The subject property is cross-hatched. There are other townhome projects in the vicinity of the subject property. To the east of 1310 is a townhome project across from the library.

The purpose of R2 district is to protect, promote, and maintain the development of single-family detached and attached housing. Both are considered single-family uses and limited public and institutional uses that are compatible with the surrounding residential neighborhood. He read additional information about the purpose of the R2 district.

He showed relevant provisions related to use in R2 district. From the zoning ordinance, highlighted in yellow are townhouses up to four dwelling units in one building only. These are permitted uses in R2. It is possible to come in with more than four units per building or more than one building, if they go through the special use process. There was an application for this property in the past. The applicant and the plan were different from tonight's presentation. In the former application, there was a request for two buildings and one building had five units.

The property is currently improved with two residential buildings. The lot is 100' wide. That lot was a consolidated lot that dates back to 2008. It is a long and narrow lot. The site was previously approved in 2007 for a 7-unit townhome project. A request to build was subsequently denied earlier this year.

His client participated in the process that was denied. His client was concerned about the 7-unit development and after it was rejected by the Village Board, his client approached the owner of the property and bought the property for investment reasons and to protect its own investment of the property to the east. His client started to design a project that was more in keeping with the neighborhood, less intense, and less aggressive than the previous application.

He met with his client many times and they looked at a lot of iterations of the plan. They worked with the architect and arrived at the current plan, which is to build 5 units in 2 buildings. One building will contain 2 units and one building will contain 3 units. Each unit will have 3 bedrooms and a 2 car garage. Each unit will have a fire sprinkler system.

A big point of contention in the last proposal was the fact that it had a driveway that was narrower and required a variation and allowed for a cut through on the property to the alley in the back. It had parking for guests off of the alley. This proposal provides for a primary point of ingress and egress off of Wilmette Avenue and a driveway that conforms to the Village code. There is an access point that goes out to the alley, but it is gated, so it's not a cut-through. There was a lot of concern at the last hearing that children and others use the alley.

After the last application, his client tried to address concerns raised at the hearing. This is a reasonable plan that takes into account the zoning and other concerns expressed. He showed the plan that was approved in 2007 and rejected earlier this year. It significantly differs from tonight's plan.

- 3.24 The architect said this is a straight-forward plan. They decided to break up the site from one big building to two buildings. The back end of the two-story building is within a few feet of the end of the neighbor's building to the west. Having that gap between the two buildings served a few purposes. It allowed for two guests parking places and gave an air gap that made it more palatable to that neighbor to the west when they were in their back yard. It also created a logic for the guest parking. Guest parking is not required in the Village. There is no parking on Wilmette

Avenue directly in front of this property. Guest parking should not be off of the alley. They thought it would be intuitive to have two guest parking spaces with the first building and three spaces behind that. It gives them a place to push snow, which was one of the staff comments.

Alley access would be limited by a gate, with a card or a button. Garbage is within the units and picked up on collection day in containers that are rolled out. There is no central garbage or dumpsters on the property. The rest of the items in the staff report present no problems to him or to the applicant. They are not fans of sodium vapor lights.

- 3.25 Mr. Schneider asked if there was a requirement that townhouses face the street.

Ms. Roberts said if the building is oriented sideways, the front unit needs to face the street. In this case, it does face the street. It used to be that all units had to face the street in the previous ordinance, but not in this ordinance.

The architect said that their front unit does face Wilmette Avenue and the other units have their front door facing east. One of the variations pertains to the location of the garages. He believes that the intention of the code to have the front door be opposite of the garage door should be referring to townhouses facing the street.

- 3.26 Mr. Schneider asked about the one requirement that requires a special use for R2.

The architect said that it is two buildings. The code says a maximum of one building and four units is a permitted use.

- 3.27 Mr. Schneider asked if they had one building and five units, would the requirements be met?

Ms. Roberts said that there can be no more than four units per building as a permitted use. If there was a five-unit building, that would be a special use request.

The architect said that they currently have a 60' wide building, a 30' air gap and then another 90' so that is quite a break up of space.

- 3.28 Chairman Duffy said that one of the variations is a rear yard impervious surface coverage variation. Is that because they are adding parking? The second building is pushed back an extra 30' for parking and then there are three more spaces in the back.

The architect said that is correct. The variations for the rear yard setback and the rear yard coverage could disappear if they were to move the second building 5' closer to the front. It would also eliminate one of the two parking spaces. There is area to each side of the parking places. People have to be able to park some place to find where they need to go.

- 3.29 Chairman Duffy said the width of the driveway is not sufficient to allow parallel parking along the east lot line and still give people room to get in and out of their garages.
- 3.30 Mr. Boyer asked if there was a plan that showed garages in the rear, attached or detached. Per code, the garages have to be in the rear.

The architect said he believes that requirement was written for developments where all townhouses face the street. If they built the garages to the back of the units as proposed, they believed that would not be as desirable to the neighbor to the west.

Mr. Francke said that under the ordinance, other than the front unit facing Wilmette Avenue, the other units are permitted to be side facing. If the garages were built in the back of the proposed units, they felt this would not be as desirable to the neighbor to the west.

- 3.31 Mr. Boyer asked if it was possible in the plan.

Mr. Francke said they felt that would be less desirable to the neighbor to the west. If the garages were in the rear of the proposed units, the 23' driveway would also be in the rear of the units. The garage doors would come up and down next to the neighbor to the west. The neighbor to the west has concerns about the application. They revised the plan based on comments made at the last hearing concerning this property. There is a 22' side yard and the ordinance requires 12'. The prior application had an 18' drive aisle. This has a 22' wide drive aisle that conforms to code. Detached garages in the rear would mean more traffic in the alley and this was a concern with the previous request. They could have one four-unit plan that is 120' deep and eliminate a variation, but he reiterated that they were trying to address concerns from the last hearing. They created a 1,500 square foot open space to maintain light and air for the neighbor to the west.

Mr. Boyer clarified that the applicants had not done a plan exploring detached garages in the rear yard.

Mr. Francke said that they did have a plan with the garages in the back. People would drive in from Wilmette Avenue, turning left and going down the driveway in the back and pulling into their garage. They didn't think this concept would be as favored by the neighbor to the west.

The architect said that there are other issues with that. There is a maximum 30' width for townhouse units. A normal two-car garage is 20' wide, which leaves 10' left over. What can you do in 10'? They added a front door and a foyer and a stair to the upstairs in that 10'. When the front door has to be opposite of the garage door, it means that the 10' has to be more usable on the back side of the house. If there is a garage back there, the back yard becomes the front yard and it is an

awkward scenario. The intent of that requirement was for townhouses facing streets, which makes sense. With that orientation, there's an option of coming in from an alley to a detached garage behind the townhouse.

They could do four units attached with four detached garages – two pairs of garages in the rear yard setback. The issue of requiring the garage opposite the front door doesn't make sense for a side-facing townhouse. Staff has agreed that there is a part of the code regarding garages that has to be more clearly written. The intention at this time is not clear.

Mr. Francke said they meet the minimum lot width and lot area, minimum front yard setback for R2. There is a required minimum side yard setback of 12' on the west and this plan provides for 22'. It meets the minimum required rear yard setback except for the 51 square foot area. The maximum FAR is met. Maximum building height is met. Maximum rear yard impervious coverage is exceeded. They have provided a preliminary landscape plan. This needs to go before the Appearance Review Commission. The intent is to provide extensive foundation landscaping and along Wilmette Avenue. The landscape architect is at the meeting if there are questions.

He summarized and said that they are asking for a special use to build two townhome buildings on a lot, a variation for the side yard facing garages, the rear yard coverage variations. There was a lot of talk at the last hearing about precedent. What they are asking for in terms of a special use has been granted by the Village on a number of lots, some of which are in proximity to this lot. He highlighted the lots that are closest and most residential. This plan offers the neighborhood and the block a lot of positives. This plan has two fewer units from the previous plan, which was approved in 2007 and rejected this year. There is no longer a request to have more than four units in one building. The side yard setback on the west will be 22'. The prior plan for this project had units coming out on the alley which created a lot of discussion at the last hearing. They are providing for a gated entry. They are providing for guest parking, but not on the alley. They tried to address a lot of issues from the last hearing. The comprehensive plan is a guidance tool. What is being proposed meets land use policy 6, which is to relate uses and structures to what is around them. They have shown sensitivity to the neighbor to the west. The projects provides a different housing option for an area. All standards for special use are met. They do not see that property values in the area will diminish if this project is approved and built. This is consistent with what is in the neighborhood. It is a permitted use. They have gone out of their way to address congestion by not focusing on the alley as a point of ingress and egress.

- 3.32 Mr. Kolleng said that there is a lot of traffic on Wilmette Avenue. Having alley access would be better for a project like this.

Mr. Francke said that decision is up to the ZBA. They don't have to have gated access. They were responding to comments at the last hearing about concerns of more traffic in the alley.

- 3.33 Mr. Kolleng clarified that he meant just having alley access and not Wilmette Avenue access.

The architect said that it is more intuitive to have access from Wilmette Avenue. With no parking in front on Wilmette Avenue, directing guests to the alley could be difficult. For houses that have alleys, guests park on the street in front.

Mr. Kolleng noted that there are other portions of Wilmette Avenue where parking is not available in front.

The architect noted that they are found because they have a front door on the street.

Mr. Kolleng noted that this project has a front door on the street.

The architect said there are two residences there now and five a proposed. Because of the proximity to the train, it's likely that some occupants will walk. In his opinion, the alley access should be limited and Wilmette Avenue should be the main access.

- 3.34 The applicant's presentation ended and said that they were happy to answer any questions.

- 3.35 At this time, there were no additional questions for the applicant.

(After section 4.31)

- 3.36 Mr. Francke said he appreciated the passion and fervor of the neighbors who are concerned about the character of the neighborhood. He will address that issue as well as the issues of traffic and density.

Regarding density, he initially described the property. The property currently has two two-family structures on the property. His proposal means one extra unit and one extra family. Some of the neighbors talked about the comprehensive and maintaining the approximate density. The comprehensive plan and density were discussed during the presentation. More than one neighbor acknowledged that one extra unit or one extra family will not adversely impact the neighborhood.

He said that most of the residents said that this type of use – two buildings on a lot – is not appropriate for the neighborhood. This issue came up almost 15 years ago in front of the IL Supreme Court between Chicago Heights and a church. He talked about the case and noted that the Supreme Court said that when a zoning ordinance authorizes a business as a special use, such authorization is tantamount to the

legislative conclusion that the use is appropriate in the district. He continued talking about the case.

When the village or the board identifies special uses, they are making a legislative determination that it is an appropriate use for the district. An applicant still has to prove that the particular use does not have an adverse impact on the neighbors. A special use is not the same as a permitted use. Residents said tonight that a two-building use is not appropriate in the R2 district. The law would say otherwise. The village has determined that this use is appropriate.

There was discussion about special uses and permitted uses and what they can build by right. They have tried to present a reasonable proposal.

Ms. Norman asked Mr. Francke if he was arguing that because 4 townhouses are allowed, the fifth townhouse should be allowed because it is within the same parameter of things.

Mr. Francke said that was not what he was saying. If the buildings were pushed together, there were no rear yard variations and it was a five-unit building, that can be done if a special use is granted. The village has said that a five-unit building is appropriate for this district.

Ms. Norman said she disagreed with this premise.

Mr. Francke said he is responding to Ms. Goodie's comment that all townhome developments should only be four units. If the village really only wanted four-unit buildings in the R2 district, then why would they identify the right to apply for a special use for a five-unit building? Standards of review have to be met for the fifth unit.

3.37 Mr. Kolleng said that people are saying that there is an adverse impact and therefore the applicant doesn't comply with the special use standards

3.38 Mr. Boyer said that a five-unit building might be appropriate if the lot was much larger.

Mr. Francke said he did not indicate that a five-unit building or two buildings are permitted. There is a difference between permitted and special uses. The village has said that a two-building townhome development or a building with 5 to 6 units is appropriate for the district if standards are met. The Village has said that only a 100' wide lot is needed. They meet this. The question then becomes whether the standards are met. They tried to meet standards for traffic impact. They are increasing the permitted number of units by one. When the density was higher, the traffic report indicated no adverse impact on traffic. The question about the curb cut on Wilmette Avenue is a fair area of inquiry. They are prepared to live with what the village determines to be best. They are trying to address concerns from

the last hearing. There was a major uproar about alley traffic and children using the alley. If the Board thinks it is better to focus traffic on the alley and not have the curb cut, that should be the ZBA's recommendation to the village board. They think that the separation between the buildings is the best way to go.

The architect said that 4 units in a row, side facing is permitted. When side facing, the building can only be 50' wide because of the side yard setbacks. Each unit is limited to 30' wide. So four units times 30' results in a building 120' long. The first floor of each unit is 30' x 50', 1,500 square feet, two floors is 3,000 square feet. Over four units, this is 12,000 square feet. They are not planning to build in the attic at this time. They are spending floor area on the attic so that the building looks good from the outside. It would be possible to use it as habitable space but that's not the plan. There are no porch, garage or attic bonuses for townhouses.

If the garage door issue could not be resolved, those 4 units are entirely living area and they would build two 20' x 40' detached garages in the 40' setback off of the alley. This is one legal possibility.

There is nothing in the code that says that they have to start the building at the front yard setback. They could say that they want guest parking up front. They could be further back than the front yard setback.

When the townhouse units are front facing, they do not have to have 50' of side yard. They only need 25' of side yard so the building is 75' wide. It could be 90' deep, to get at the same 12,000 square feet. Roofing a building like that would mean a flat roof. This project would be legal. There would be detached garages in the rear yard. He said that a 75' wide, two-story building facing Wilmette Avenue is not going to feel like a single-family home.

They are trying to do the best of many worlds. There will never be a townhome project next to single family homes that isn't going to have opposition.

- 3.39 Chairman Duffy asked the applicant to speak about the barracks-style comments made by residents versus what they are building.

The architect said they are not building a barracks. There are at least two legal projects that could be done on the site, but they are not as attractive as the proposed project. The townhouses will be masonry. There will be a porch on the front. They are trying to break down the mass. There are five garage doors that will be seen from some angle. Their proposal is a reasonable compromise.

## **4.0 INTERESTED PARTIES**

### **4.1 Persons speaking on the application**

- 4.11 Ms. Judith Godfrey  
1408 Wilmette Avenue
- 4.12 Mr. Rich Jones  
1058 Linden Avenue
- 4.13 Ms. Marie Jones  
1058 Linden Avenue
- 4.14 Mr. Ben Bezark  
1325 Wilmette Avenue
- 4.15 Ms. Cindy Gaskill  
1325 Wilmette Avenue
- 4.16 Ms. Judy Goodie  
436 Prairie Avenue
- 4.17 Ms. Margaret Smith  
1322 Wilmette Avenue
- 4.18 Ms. Evita Gailuma  
1326 Wilmette Avenue
- 4.19 Ms. Jenny Yu  
1410 Wilmette Avenue
- 4.20 Mr. James Schmit  
1319 Wilmette Avenue
- 4.21 Ms. Meg Gambacorta Maris  
1200 Cleveland Avenue

### **4.2 Summary of presentations**

- 4.21 Ms. Godfrey lives in a townhouse at Wilmette and Prairie. She is not against townhouses. She complained about the quality of the microphones when the Board spoke. She said she could not hear when she was sitting in the back of the room. She has lived in her townhome at the northwest corner of Wilmette and Prairie since 2006 and has living in the Village for 38 years, raising her children here.

She spoke about how she tells people how to find her townhome and where they can park if they are coming to visit her. She directs people to the private drive off of Prairie. She also tells people that it's easier to go east to the stop light at Park and go around from Central to Prairie. There is only parking on one side of Prairie. It can become complicated, but people manage to find her. She said that finding the new townhomes in the middle of the block might be difficult to explain.

Regarding logistics of navigating intersections, she will comment on only the intersections from the alley to Wilmette Avenue, not including Central. There are four intersections of four-way traffic and one is ten-way traffic. She said that the driveway they are proposing is opposite another alley that cuts from Central to the alley. A lot of service vehicles cut through the alley that is between Prairie and Park. That three-way intersection will become four-way with that driveway added, with or without the gate. There is another intersection with the townhouses on the corner of Central and Prairie where their entrance and exit is on the alley. She egresses from Prairie Avenue onto Wilmette Avenue and goes left or right, several times per day. The egress from Prairie onto Wilmette is difficult. It helps when the crossing guard is there but otherwise, it's quite difficult. Sometimes she goes to Central then to Park to use the stoplight. She is skeptical about having five townhomes with space for 10 more cars egressing onto Wilmette Avenue.

There is confusion and difficulty at Prairie and Wilmette Avenues where there is no right turn/no left turn on Wilmette Avenue. It is a restricted intersection during school hours. People don't realize that it doesn't apply when school is out. Oak Circle is a ten-way traffic corner.

Regarding the alley, during school hours, service trucks sometimes wait in the alley if they can't get through Prairie. There are a lot of puddles of standing water in the alley. With more cement, there will be more water pushed in to the alley. Kids do walk through the alley and it's no fun to get splashed when cars go through rather quickly.

There is no entry onto Prairie from Wilmette Avenue at certain hours. There are no right turns if one is going west and no left turns if one is going east. To the comment about the difficulty of finding the property, it's got a private drive west of Prairie. This proposal is in the middle of the block. She has difficulty every day driving out from Prairie onto Wilmette either way. There has to be a total redesign and many issues have to be reconsidered.

- 4.22 Mr. Jones said he lives in an R2 district. He is speaking against the proposal. In the map of the R2 district that the applicant presented, there were 5 or 6 properties in yellow, which were other multi-unit properties. Not one of those properties was center block. They were all corner or side street properties. That is essential as to why he is opposed to the proposal.

He is against the density. The project is too dense for the primarily single-family homes around the proposed project.

Regarding traffic, traveling east on Wilmette Avenue during rush hours already has a long line of traffic. If there is entrance into the property from Wilmette Avenue, people turning left will cause a traffic jam because cars are unable to go around the car turning left.

He said Mr. Francke presented about 10 special uses granted in R2, but not a single one was after 1998 and not a single one was granted under the current comprehensive plan.

The street and alley access discussion tonight shows how dense and complicated this is in a residential area.

- 4.23 Ms. Jones said they have lived in their home since February 1988. They have enjoyed living in an R2 district. Their R2 area, on the east side of the railroad tracks, has flourished. The properties in question have been neglected for a long time. They can be redeveloped as single-family homes or as 4 townhome units and help revitalize the neighborhood. The proposal changes the nature of the neighborhood. When the zoning code was edited, the special use for sideways facing townhomes was dropped and done without public discussion. Where do side-facing townhouses fall and are they compatible with the preamble to the zoning code?

One requirement is that the proposed use will not substantially diminish property values in the neighborhood. The developer said that property values will not diminish. There needs to be data to back this up that show that property values are not adversely affected by this kind of development mid-block.

The developers' appeal for variation is in part based on hardship. The standard means that the hardship cannot be created by the person appealing for relief. The hardship in this case is created by the applicant. In her view, this standard of review is not met.

- 4.24 Mr. Bezark lives across from the proposed development. His primary concern is disruption of the feel of the neighborhood with a drive that goes down the center of the block. He has concerns about traffic coming out onto Wilmette Avenue. He understands the comment about kids in the alley, but the purpose of the alley is to divert traffic away from Wilmette Avenue. The hardship is caused by the number of proposed units. There is a way to do this project that conforms with the code.
- 4.25 Ms. Gaskill said her family has owned the property for 50 years. She lived there for 40 years and now her son lives there. The house has been both a duplex and a single-family home. Her duplex was originally a non-conforming use. It was grand-fathered in. And then they went through the process to make it a conforming

use. All the time that she's been there, she's understood the area should maintain a residential density at about the same level permitted by the zoning ordinance. Exceptions should rarely be made. It should also preserve the single-family character of the neighborhood. The study done by the consultants that identified multi-family in R2 was totally incorrect. Some houses look like they are not multi-family but they are.

She is also worried about the curb cut. This is a hard street to cross without this project. The Board should not grant a special use for this project. She was not notified that R2 zoning requirements had changed in 2014 and therefore she could not weigh in on that.

Chairman Duffy asked how many public meetings were held for the zoning rewrite.

Ms. Roberts did not know the exact number but there were meetings between 2009 and 2013.

Ms. Gaskill said she did some surveying in R2 when they were trying to gather opinions from residents. People had no idea they were in R2 so there is a disconnect somewhere.

Chairman Duffy said that is a lack of an owner's due diligence when they buy their property.

Ms. Gaskill said that the neighborhood looks like all single-family homes and people don't pay attention.

- 4.26 Ms. Goodie said she lives around the corner from the subject property. She wrote a letter that was in the packet. She presented a legal step by step analysis of why the project should be denied although it is better than the one proposed earlier in 2015.

It still has too many buildings and too many units. There are five units in two buildings and no building has more than four units. The purpose is to enable the owner to build five units versus four units. The intent of the ordinance was to limit these developments on these 100' lots to four units.

After the comprehensive plan was changed in 2000, this was the first property discussed and it is still being discussed many years later. Any townhouse developments approved before the year 2000 should not be regarded as an indication that the Village wants this kind of housing. The Village does not want that kind of trend to be continued.

22% of all residential units in Wilmette in 2000 were in multi-unit buildings. The intent of the plan is to retain and preserve the density in R2 through R4 districts to

the same density as it was in the year 2000. Growth in the Village would take place in these multi-unit districts because all single-family land was in use.

The new building that was approved for the central business district is another reason to stick to the density that we now have in adjacent R2 districts. The large building going up on Green Bay Road, one block to the east, does not appear to contradict this interpretation of the comprehensive plan because the plan limited growth in residential districts, not in the central business district.

She urged the Board to take the above into account. It may be only one unit, but one unit is too many. One unit may not change the character of the village or the neighborhood, but it is the start of a trend which can be accelerated when someone buys the next two 50-foot lots and wants to build a side-facing project with more than four units. The four unit requirement needs to be adhered to. The code does not provide an upper limit in R2. There is an upper limit for other districts. This property has 25,000 square feet and could hold 8 3,000-square-foot units, but that is a bulk standard and not a density standard. Table 8.2 talks about bulk and yard regulations. It should not be interpreted as allowing 8 units.

She talked about special use standards for allowing two buildings if one building has three units and one building has two units. The first special use requirement is that the proposal be consistent with the comprehensive plan. The zoning ordinance says that the first thing to do is to look at the comprehensive plan.

She thinks that there is an issue regarding injury to the use and enjoyment of the neighbors, particularly the adjacent neighbors as well as the neighborhood in general. The whole block is characterized by long, narrow, rectangular lots. The proposal, despite the proposed 30' opening, virtually covers the lot from front to back. A single-family home on the lot would have a larger backyard than is presently seen. If they built four units in one building, they would leave another 60' opening and the request would conform. It would not require a special use because side-facing townhouses are now a permitted use and would be more in character with the neighborhood. Adjacent neighbors will see buildings and not an open area if the project is built as proposed.

Mr. Schneider said if they had four units, how large could each unit be?

Ms. Goodie is not sure about this, but she said the architect earlier mentioned a 30' width. She does not know about square footage. The request is in compliance with those requirements; she is talking about the impact on the ambiance of the neighborhood.

Chairman Duffy said if there is a 25,000 square foot lot with four units, each unit could be 25% of the total FAR that could be built. The building could be almost 17,500 square feet. The height cannot be taller than 35'. The applicant has the right to build that large of a building.

Ms. Goodie said she would have no argument if it was a permitted use. It would change the character of the neighborhood, but the applicant would not be asking the Board for approval.

Chairman Duffy said that there would still be a large building impeding backyards. There could also be a commercial use on the site.

Ms. Goodie said no commercial uses are allowed in R2.

Chairman Duffy said that a municipal use could go on the site. The library could relocate there. It does not only have to be a townhouse although a townhouse is the most economical use.

Ms. Goodie said that there could be four stacked flats on the site. She clarified that she is not an expert in those areas.

Chairman Duffy said he was then asking as a general idea, what is a reasonable accommodation between what he's allowed to build and what is okay for the neighborhood?

Ms. Goodie said that maintaining the density as it should be is a requirement. They do not need that extra unit and it could set a precedent and the character of the street will be changed.

Mr. Schneider said if the two buildings were shoved together and divided it into four units, this would conform.

Ms. Goodie said that there would be another 30' of rear yard.

Mr. Boyer said there is still the issue of where to put the garages. We don't know if that was written in the code to make it an impossibility.

Mr. Merci said it was a creative challenge.

Mr. Boyer said he was bringing this up because of the assertion that a 17,000 square foot, 4-unit building would be in compliance with the code. That's not accurate: we don't know that would work.

Chairman Duffy said they could come in off of the rear for garages.

Mr. Boyer said we don't know if that would comply with impervious surface or with setbacks.

Mr. Merci clarified that it would be conforming with the square footage. There are many other parameters that also apply.

Ms. Goodie said they would have to see the whole project laid out before determining whether it conformed in its entirety.

She agrees with those who said that the driveways should have alley access and not street access. Alleys are for vehicles. The traffic study said that there is light alley traffic.

Regarding the variation standards, this was talked about at the last hearing on this property and it also came up at a Village Board meeting. In her experience when she was a ZBA member, she never saw a request for a variation on new construction. The Village Board also does not like variations on new construction. She urged the Board to follow this practice. She talked about the rationale for not permitting variations on new construction. With new construction, one has the opportunity to comply with all requirements. This property is not unique and is like other lots in the neighborhood.

The owner has created the hardship by buying the property with full knowledge of its dimensions and what the regulations were that governed it. The owner wants to put 5 units on the site versus 4 units. They cannot have 5 units without asking for a variation.

The owner has a burden to show that he could not make reasonable use of the property without getting the two variations. He is saying he cannot make reasonable use of the property without building 5 units instead of 4. The variations are minor, but it is driven by the owner's desire to have 5 units. That changes the density and does not align with the comprehensive plan.

There is a cumulative effect from the number of such requests which are likely to come pouring in over the next several years. The Village Board is considering whether to amend the zoning code so that the side facing townhouse also requires a special use as it used to. There is a good reason for that. The Board needs to consider each variation request and the cumulative effect they will have over time.

She urged the Board to deny the special use and the variations and send the proposal to the Village Board with a negative recommendation.

- 4.37 Ms. Smith distributed her letter to the Board. She opposes the application for the project. By allowing the variations, the extra unit, and the additional building, the proposal would set a precedent in the R2 district, which would have a cumulative impact over time resulting in development that is contrary to the comprehensive plan. The mid-block location is not suitable to the proposed development. It is disruptive to existing development patterns and goes against community sentiment. It is consistent with Housing Policy 1 of the Comprehensive Plan to maintain residential densities permitted by the Zoning Ordinance.

She lives next door to the proposed development. She raised her children there and has owned her property for almost 30 years. There is strong opposition to mid-

block side-facing townhouse developments although it is now a permitted use. Last winter, a 7-unit townhouse development was proposed for 1314-1318 Wilmette; many neighbors opposed this and it was voted down. The neighbors discovered that parts of the zoning ordinance had changed without their knowledge in the April 2014 revision. She said that Chairman Duffy said that it was careless thing that people did not know about the change when they bought their houses.

Chairman Duffy said he did not say that. He said that the zoning ordinance change was different. He was speaking about people not researching their zoning district when buying the property.

Ms. Smith continued. She said she went to the Village to see what was changing in the ordinance. She could not see anything different except for stacked flats. She asked community development staff about changes and she was told that nothing changed except for stacked flats. Village staff did not know that zoning had changed.

Chairman Duffy noted that he had said that there were many announcements about changing to the ordinance. There were open meetings about the changes. There was a meeting about how FAR and the envelope of a single-family home could be built. The meeting was well attended. Most of the meetings were sparsely attended. All meetings were open to the public. That staff did not know that there were minor changes could be a timing issue. Everyone knows about it now and it is being addressed.

Ms. Smith said that for 30 years townhouses had to be front facing.

Chairman Duffy said that some townhouse developments built during this time were in fact side-facing. They were not required to be front facing only.

Ms. Smith clarified that until 2014, units had to be front facing or else they would require a special use. All units discussed by the applicant got special use approval.

Chairman Duffy referenced the development behind the gas station on Wilmette Avenue as a side-facing development that was approved.

Mr. Boyer said that particular project was a contentious project.

Ms. Smith said that for many years a side lot line facing townhouse required a special use, but after the revision, it became a permitted use. 76 Village residents, mostly from the R2 district, signed a petition requesting that the Village Board change the zoning back to what it had been and require a special use for side facing townhouses. A copy of that petition is attached to her letter with a list of all signers. Side-facing townhouses mid-block would not be consistent with the single-family character of R2 and would cause them to be vulnerable to significant change in neighborhoods. The Village Board appointed the Land Use Commission as a

Special Zoning Committee to review and recommend changes to the ordinance regarding R2. This committee met in September 2015 and is expected to make recommendations in 2016.

In the meantime, the petitioners have requested zoning relief to build more than is currently allowed and including a fifth unit and a second building. The ZBA should take community sentiment into account when they make a recommendation to the Village Board. There is no reason to grant variations and a special use to allow more units and more buildings.

She showed a map highlighting the R2 district around the VC. She showed a Google map to show the existing development patterns in R2 surrounding the proposed development. The R2 district is outlined in yellow. The predominant pattern of development on the 1300 block of Wilmette Avenue are properties facing the street and having detached garages in the rear accessed by an alley. The backyards are deep and open with large mature trees. The backyards on both sides of the street on the 1300 block of Wilmette Avenue are open from Park Avenue to Prairie Avenue. The existing homes are laid out like a single family residential development even though several of the properties are 2 or 3 flats. The existing townhouse developments in this neighborhood, shown in blue, are on corners with the exception of one mid-block development a 1454-1458 Wilmette Avenue, which sits on a footprint approximately the same size as the surrounding homes. There is no curb cut or driveway but has a detached garage on the alley like the other homes.

The other R2 neighborhoods on the 1400 block of Wilmette Avenue, Park Avenue, Prairie Avenue, and Central Avenue have the same pattern of front facing properties, open back yards and garages in the rear. The map shows the proposed project overlaid the existing development. A side-facing development mid-block would be disruptive to current pattern of development. It would cause a loss of privacy to neighboring homes, insert driveways into current green space and cause loss of large trees essentially paving over back and side yards.

Once the single-family features of a neighborhood are lost, neighboring properties become candidates for more barracks-style townhouses especially if they are encouraged by the Village by receiving zoning relief to build an extra unit and an extra building, and for variations.

She showed a Google map showing development patterns of the R2 district to the south of the Village Center. Along Linden Avenue, homes generally face the street with garages to the rear with open backyards and trees. There was another map showing development patterns of the R2 neighborhood north and east of the Village Center. Properties along the 1000 block of Greenleaf Avenue, 10<sup>th</sup> Street north of Central, and Lake Avenue between 11<sup>th</sup> and Green Bay are generally front facing properties with backyards and garages to the rear. People from these areas signed the petition.

She took some pictures from her yard in mid-November. Some large trees are on her property and some are on the subject property. There are photos showing trees in both back yards. The photos also show existing trees behind her house and the house to her west. The trees on this block are the largest trees in the area. Other large trees lining the street were lost. She showed a view from the backyard at 1325 Wilmette Avenue looking east. There are open backyards through to Park Avenue. Trees in the applicant's yard will be lost and other backyard trees will be lost over time.

The comprehensive plan directs the Zoning Board to recommend decisions about special use permits and variations with consistency. She read from part of the plan about decisions having a cumulative impact over time.

She showed photos of how multi-family residences can look like single-family homes. She continued to show photos of other R2 areas around the Village Center.

The first goal of land use per the comprehensive plan is to maintain a predominantly single-family residential community. There were further advisements regarding land use changes. Another policy of the plan is to adopt land use controls that will assure patterns of development or redevelopment are compatible with neighboring properties. She continued to read portions of the comprehensive plan that related to this development.

She provided comments to the applicant's response regarding standards of review. She talked about the applicant's massing technique of splitting the development into two buildings for the benefit of the adjacent neighbor. She is the adjacent neighbor to the west and this is not beneficial to her, but is most beneficial to the applicant. She showed a diagram of how, when she stands in the middle of her yard about 8' to 9' out from the back of her house, in the direction of the 30' gap between the buildings, her largest field of view of this gap is 17.5 degrees out of 180 degrees. She will see that the large trees are gone and she will view a 90' building alongside her backyard, which previously was open space. It is beneficial to the applicant because they can provide workable floor plans for two of their rental units by allowing windows in the family and dining rooms. If this project was one building, there would be solid walls versus windows.

The applicants also said the landscape plan would be beneficial to her, but it only benefits the applicants. She cannot see landscaping from her house if there is a fence between the houses, except for tops of Arbor Vitae planted along the property line.

The applicant has not shown any fence in their plans and they may rent to families with pets. She will need to replace her fence. New landscaping does not replace large mature trees.

The driveway placement on the east side of the yard is a supposed benefit to her. She agrees that it is better for her than having a driveway right next to her property, but this does not solve the problem for neighbors of future developments. A precedent could be established to encourage townhouse developments with driveways down the depths of lots. The single-family development pattern in the R2 district generally results in green space between properties. If zoning relief is granted, it will encourage driveways to be built between houses. Premium mid-block lots could be diminished to be like lots along alleys.

If this type of development were to be built, the primary access point should not be through a new curb cut but through the alley. The townhouse development across from McKenzie School has one access point in the alley.

When the two most prominent and centrally located homes on a block are allowed to deteriorate like the homes on this property, it has a detrimental effect on the whole block. Like several of her neighbors, she has not made improvements to her property until she learns what will happen at this property. If barracks-style townhouses are approved, it would not be in her best interest to make improvements to her two-flat next door. If future developments next door to her would follow the front-facing development pattern, it would make sense for her to improve her property. She urged the Board to remember that granting zoning relief in this case tips the scales to making side-facing townhouses economically feasible. She urged that the Board uphold the policies of the comprehensive plan and vote against the application and send it to the Village Board with a negative recommendation.

- 4.28 Ms. Gailuma said that she lives to the west of Ms. Smith's property. She said that they bought a two-flat that they converted to a single-family home. They bought the property for its location to the train station and the huge backyard. They plan to completely rehab the property. The proposed development is a huge concrete building and she did not buy her property to have a huge concrete building on her block. The developers said that they had addressed issues raised with the previous development of 7 townhomes. The previous development's overall issue was not the specifics of the development, but the impact of that type of development on the neighborhood.
- 4.29 Ms. Yu said she is against the proposal because of traffic and safety concerns. She has lived in this area for 10 years. Wilmette Avenue is very busy during rush hours. The drivers are already impatient. She said that sight lines are often not good because the road is curved and sometimes it's hard to see pedestrians who want to cross the street. Cars don't stop for pedestrians. She has experienced this when trying to walk across the street. The developer said that people can walk, but it is her experience that not a lot of people walk and most people drive. She noted that most people park on the street in front of their house even if they have a garage. She said that the proposed project could yield 10 cars. Traffic will increase with the proposed development.

- 4.30 Mr. Schmit said he has no parking in front of his house on Wilmette Avenue yet he can get deliveries made to his house. He opposes the proposal because of density, changes to character of the neighborhood, the variations, and diminished property values.

There will be more people and more traffic in the area if the proposal is built. He lives in a single-family house with a long, narrow backyard and a detached garage. He bought his house around 2005. If there was a driveway onto Wilmette Avenue, it would be difficult to make a left turn into the development or leave the development. There are safety issues. Children use sidewalks to bike and/or walk. Residents walk to the train station. He questioned the applicant's comments regarding the impact of their investment on property values in the neighborhood. He believes a comparable investment into a single-family home would have a more positive impact.

He hopes that the Board takes all of these things into consideration when making a decision.

- 4.31 Ms. Maris said that she is part of the limited partnership creating this project. The lots are large and if two single-family homes were to remain, it would not be unlikely that there would be 3 to 4 children per home because the homes permitted would be so large. She lived in a house with five people and they had five cars for about a 10-year period. She wants to take the traffic study issue off of the table. Everyone on her team would work with the Village staff and neighbors to help limit traffic entering and exiting Wilmette Avenue or the alley.

Regarding sidewalks, driveways and curb cuts, the Village has sidewalks in many locations. Driveways cross over sidewalks throughout the Village. Drivers know to take caution when there is a sidewalk.

Regarding character preservation, one does not get a feel for the green space between houses when walking down the sidewalk. There is a fence in the front and a lot of shrubbery. There are tall fences when going down the alley.

When they come to planning townhome elevations, they will do their very best to work with the village and the neighbors to build something that fits in with the neighborhood.

(After 3.39)

- 4.32 Ms. Godfrey asked if the special use is for both or either. The language says it could be for more than one building or more than four units. The applicant is doing both.

Mr. Francke said it reads as more than four units in a building. They are not doing that. If they want two buildings, a special use is needed and that is what they are requesting.

He then read from the minutes from the January 2015 hearing. Ms. Smith said that the proposal was an aggressive use of the property. They have tried to come back with what they believe is a reasonable use of the property that is responsive to every concern that Ms. Smith raised at the last hearing. He asked the Board to vote in favor of the proposal.

## **5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS**

- 5.1 Mr. Merci said he appreciates the considerable volume of information submitted and expressed at the hearing. There has been merit in the architectural rendering presentation. In reviewing the standards of review, it does not seem that the hardship and its peculiarity to the property in question prevents reasonable use of the property. He is not supporting the request for the variation because difficulty and hardship has not been proven.

Regarding the special use, it should be denied.

- 5.2 Mr. Boyer said he is on the fence on this case. He looked at whether there is a hardship, were the standards for special use met. He is not sure that these are met. There will be impact to the neighbors with increased density and increased bulk. It's possible that property values could be reduced. The new curb cut more likely than not will be detrimental to pedestrian and vehicular traffic. That said, for townhomes that are side oriented, he is not sure that having driveway access only from the alley makes sense. If side-facing townhomes are allowed, having vehicle traffic coming from both sides, the alley and Wilmette Avenue, makes sense. If the Board was looking at a single-family home, these variances would not be granted for new construction. The Board would not allow a new curb cut for a single-family home that is serviced by an alley.

Chairman Duffy said that Mr. Boyer seems to mean that the rear yard variations were created to make the buildings more attractive to the occupants but also to decrease the sense of bulk. They created parking to take cars off of side streets and put them onto the property. The variances are there because they are trying to make the development more attractive and less impactful on the neighborhood. Is the hardship created by the applicant? Yes, but because they want to make the development better for the neighborhood.

- 5.3 Mr. Kolleng said that there really is not a hardship. It is new construction. They bought the property with their eyes open. The Village Board may decide differently from the ZBA. He does not see that the applicant complies with variation and special use standards and the requests should not be approved.
- 5.4 Chairman Duffy said that the 25,000 square foot property is the hardship.
- 5.5 Mr. Kolleng said there is not adequate information to consider that.

- 5.6 Ms. Norman said it does not make sense to consider hypotheticals.
- 5.7 Mr. Schneider asked if the lot was 200' x 250' would only four units be allowed.
- Ms. Roberts said that only four units is a permitted use.
- Mr. Schneider said something needs to be done about that.
- 5.8 Ms. Norman said that standards of review for special use are not met. It is not consistent with the comprehensive plan. There are issues with ingress and egress onto Wilmette Avenue. It will be injurious to other residents. It looks nice and is better than the previous plan.
- 5.9 Mr. Schneider said he wanted to address density. This is R2 zoning and higher density should be anticipated. By right they can build four units that may block the view from adjacent properties. These are not issues that the request turns on. Rather, this request turns on the fact that the applicant has not convinced him that the variation to build five units instead of four is necessary, that there is a hardship. He cannot support the request.
- 5.10 Mr. Merci said complying with the permitted use will not overcome all objections. The architectural solution might be better with 5 units. But the code is explicit and says that if there is not a hardship or a difficulty and not making reasonable use of the land that is not the reason to grant a variation.
- 5.11 Mr. Schneider said if the request had been for a corner lot that was larger some of the issues could be overcome. But it is not a corner lot and it is the size that it is.
- 5.12 Mr. Francke asked if there could be separate votes for each part of the motion.
- Mr. Kolleng said if the special use is denied then the variations are denied.
- Mr. Francke said that they are separately viewed under the law. He said they could eliminate variations by pulling the building back.
- Chairman Duffy said that was not what presented at the hearing tonight.
- 5.13 Chairman Duffy said this will be addressed as one vote and this is how it has been done in the past.

## **6.0 DECISION**

- 6.1 Mr. Merci moved to recommend granting a request for a special use to permit more than one townhouse building on one lot, a 4.35' rear yard setback variation, a 300.68 square foot (7.36%) rear yard pavement impervious surface coverage variation, and a variation from the requirement that only either detached garages

located in the rear yard or attached garages oriented to the rear of the units are permitted to allow the construction of five (5) townhouse units in two (2) buildings at 1314-1318 Wilmette Avenue in accordance with the plans submitted. The use shall run with the use.

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

Chairman Patrick Duffy	Yes
Mike Boyer	No
John Kolleng	No
Bill Merci	No
Lynn Norman	No
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 2015-Z-56.

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**

A majority of the Zoning Board of Appeals finds that the request does not meet 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 in the specific location is not consistent with the goals and policies of the Comprehensive Plan. The establishment, maintenance, or operation of the proposed use will be detrimental to or endanger the public health, safety and welfare. The proposed use will be injurious to the use or enjoyment of other property in the neighborhood by impeding privacy because of the development density and the cars added to existing traffic. The establishment of the special use will impede the normal and orderly development and improvement of surrounding properties because of the development density and traffic. The proposed use may substantially diminish property values in the neighborhood because of the development density and traffic. Adequate utilities, road access, drainage, and other necessary facilities do not already exist to serve the proposed use. Adequate measures will not be taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion. The proposed use will be inconsistent with the community character of the neighborhood, which consists of single-family homes and two- and three-unit dwellings that have the appearance of single-family homes. The townhouses that exist in the area are located on corner lots or are immediately adjacent to commercial properties. This would be the only townhouse development that is located on an interior lot between other residential uses. The application does not comply with all use

standards in Article 12 as the request includes a variation from the townhouse use requirement that attached garages be located at the rear of townhouse units.

There are no physical conditions of the property that are imposing a practical difficulty or particular hardship on the owner. The plight of the owner is created by the owner. There is no difficulty or hardship that is peculiar to the property. The lot is conforming in width and area and it is the applicant's design choice that is driving the variation requests. The applicant can make reasonable use of the property with a development that is more conforming; the fact that the property can be utilized more profitably with the variation is not considered as grounds for granting the variation. The applicant should provide access to the site only from the alley.

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One member of 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 in the specific location is consistent with the goals and policies of the Comprehensive Plan that seek to provide housing options in appropriately zoned locations that complement the traditional single-family character of Wilmette and to provide opportunities for the development of non-single-family detached housing options. Greater density is proposed for the Village Center and this development is consistent with that effort to bring more people downtown. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety and welfare. The proposal complies with the requirement front and side yard setbacks, providing a separation to next-door properties, with landscaping proposed to further buffer views. The proposed use will not be injurious to the use or enjoyment of other property in the neighborhood. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding properties. Neighboring properties are all developed and this project does not impede the redevelopment of surrounding properties. Adequate utilities, road access, drainage and other necessary facilities already exist or will be provided. Adequate measures will be taken to provide ingress and egress to the proposed use. The site is proposed to be accessed primarily from Wilmette Avenue, limiting the impact of the development on the alley. The proposed use will be consistent with the community character of the neighborhood, which includes other townhouse developments as well as some two- and three-family dwellings. Development of the proposed use will not substantially adversely affect a known archaeological, historical or cultural resources. The applicant has made adequate provision for buffers and landscaping. The proposed development complies with the required front and side yard setbacks and provides landscaping as required by the Zoning Ordinance.

Two of the three proposed variations allow for separation between the two proposed buildings and guest parking, which are intended to benefit the adjacent neighbor to the west as well as the larger neighborhood. The proposed variations will not impair an adequate supply of light and air to adjacent property. The variations will not alter the essential character of the neighborhood.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends denying a request for a special use to permit more than one townhouse building on one lot, a 4.35' rear yard setback variation, a 300.68 square foot (7.36%) rear yard pavement impervious surface coverage variation, and a variation from the requirement that only either detached garages located in the rear yard or attached garages oriented to the rear of the units are permitted to allow the construction of five (5) townhouse units in two (2) buildings at 1314-1318 Wilmette Avenue in accordance with the plans submitted. The use shall run with the use.