



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, FEBRUARY 18, 2015

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: John Kolleng

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-03 519 Forest Avenue

See the complete case minutes attached to this document.

III. 2015-Z-04 1916 Washington Avenue

See the complete case minutes attached to this document.

IV. Public Comment

There was no public comment.

V. Adjournment

The meeting was adjourned at 8:24 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. Erica Blake, applicant
519 Forest Avenue
- 3.12 Mr. Chris Blake, applicant
519 Forest Avenue
- 3.13 Ms. Amy Mangold, architect
Mangold Architecture
- 3.14 Mr. Tom Kenny, general contractor
Scott Simpson Builders

3.2 Summary of presentations

- 3.21 Ms. Roberts said that this is a request for a 3.5' detached garage height variation, a variation to retain a non-conforming detached accessory structure upon the demolition of a principal building, and a variation to permit a parking space in a required front yard. The Village Board will hear this case on March 10, 2015.
- 3.22 The architect said that there is an existing garage that was built about 10 years ago. Her clients are conscientious when constructing a new home. They want to preserve the existing garage. It is higher than allowed so they are asking for a height variation. They want to make some improvements to the existing structure. One improvement is changing the siding and roofing so that the garage relates to the home. Garages on this block are spectacular. The existing garage is vinyl-sided, asphalt-roofed box. They want to change the materials so that it related architecturally to the house. It is a big garage. They want to add some dormers, which face north or the rear yard of the property. She started facing the garage in the way that she did because from the alley one cannot see the proposed dormer improvements. The footprint and height of the garage as seen in the alley is what currently exists, but they are asking for approval to shift it to the east.

The proposed gable end would be hard to see from the alley given the sight lines. While the dormers exceed the limit of 12', they are done in such a way that one would see the last one on the east only obliquely. They want to make improvements and realize that it is above the 12' limit. They want the garage to fit with the neighborhood's character. It is irresponsible to have a forced demolition of something that was recently built and is in very good shape. Adding the dormers is cosmetic; they are not changing the roof rafters. Ceiling joists stay in place as do the LVL headers over the garage doors.

They did not create this problem. They are seeking approval to move something that is built and act responsibility to not have this be a forced demolition.

Regarding the front yard parking request, there is an asphalt driveway that runs from Forest to the alley. It is a massive amount of asphalt. It has created storm water runoff issues in the past. There is a landscape plan in the packet. They want to remove almost all of the driveway. The through driveway would be gone. They can now create some open space at the back part of the property, which helps with sunlight issues. They want to keep a small portion of the front yard driveway. There is a request with the Director of Engineering to keep the curb cut. They also want to permission to keep a portion of the front yard driveway for parking of cars.

There is no parking on the north side of the street. They do not want to have to park blocks and blocks away. There is a letter from a neighbor at 525 Forest, to the west, and they have the exact setup that the applicant is requesting. The general contractor is also at the meeting for questions.

- 3.23 Mr. Boyer asked if the garage was conforming in height, would they still add the design elements.

The architect said that a conforming height would be 15' so they would probably be asking to do something to dress up the face of the garage.

- 3.24 Mr. Schneider asked for an explanation as to whether they can go up to 18'.

Ms. Roberts said that going from 15' to 18' is allowed under two conditions: the exterior wall framing does not exceed 9'4" and that any exterior roof projections do not exceed 12'.

The architect said that the overall height of the existing garage was permitted at 18'. She measured and thinks that it is more like 18'6". There is a gable end and the ridge of the gable end and where the shed dormers meet the existing roof is 15'7". It is not 18'. Her understanding is that the permitted height of the dormers would be 12' and they are requesting 15'7".

- 3.25 Mr. Surman asked if it would work if it was 3' lower.

The architect said it would not work and explained why. The dormers are over-framed on the existing structure if they want to move all dormers down, they would have to cut out ceiling joists.

- 3.26 Mr. Surman asked what over-framed meant.

The architect said they are going to pick up the current garage and slide it over on the lot. The existing roof rafters and plywood sheeting will stay. The dormers are

decorative and will be built on top of that existing plywood sheeting and rafter framing.

- 3.27 Chairman Duffy asked if the dormers would shed light inside the space.

The architect said that they would not shed light for now. They are trying to create a garage that is a monument to the property. They want to make improvements and do not want to change the alley view.

- 3.28 Mr. Schneider said that it is an attractive solution. He clarified that they are moving the garage, building a new pad, there will be new electricity, new siding, new roofing, and new doors. What they are moving are 2 x 4s and rafters and plywood and LVL headers. What would the difference in cost be to start all over?

The architect does not have a number regarding the difference in cost. But they are not necessarily approaching this from a cost standpoint. They are trying to be responsible in not tearing down a 10 year-old structure.

Mr. Blake said it would be \$6,300 less expensive to slide the garage over and remodel it. This is more of an environmental issue. They do not want to demolish a 10 year-old garage.

- 3.29 Ms. Norman referenced the photo of the home. She said that they are putting a parking pad in front of the garage into the backyard of the house for two additional cars. They are asking for space in front of the house for two more cars.

- 3.30 Mr. Surman talked about having one car in the front.

- 3.31 Ms. Norman said that in the summer people park between the sidewalk and the street.

Mr. Blake said that the front is designed for one car and there is space for two cars in the back. There is space to allow his wife to drive through. They are a two-car family.

- 3.32 Ms. Norman pointed out that they have four children.

- 3.33 Mr. Surman said that they are reducing the driveway down.

Mr. Blake said that they plan to remove the entire driveway. The garage originally was in the center of the back yard.

- 3.34 Mr. Boyer asked about a calculation on impervious surface existing and proposed. Is there a net reduction with this plan?

Ms. Roberts said that she does not typically calculate existing coverage. The proposed coverage is conforming.

- 3.35 Chairman Duffy said he did not see a landscape plan in the packet. His question is about the parking spot in the front. Are they having bushes along the side?

The architect said that the landscape plan is preliminary. They will probably not have bushes there based on the configuration of the existing curb cut. The curb cut is for 519 and 525 Forest. The driveways are side by side with a small amount of grass in between. If they wanted to create enough buffer for landscaping, they are concerned about the safety issue and they would have to adjust the existing curb cut further to the east to accommodate the shift in the driveway. The site plan shows that they want to keep the existing curb cut and driveway. The buffer is probably not going to happen.

- 3.36 Chairman Duffy said it does not make sense to have two spaces in the back when there is more room in the front. The space in the back is blocked by the garage.

Ms. Blake said that their mudroom was in the back. She does not want her or the children traipsing through the house. It is hard to park on the street from May through September. The neighbors have parking pads and driveways. They cannot park on the street in the summer during the day.

- 3.37 Ms. Norman asked if they had considered putting a parking pad in the back instead of in the front.

Mr. Blake said they thought about that, but they would be shifting the garage into the green space. One of the big attractions of the property was the amount of green space that could be created in the back for their children. They want to preserve the backyard.

- 3.38 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 that the difficulty or hardship is the non-conforming height of the existing garage. The design elements are going to be an addition that brings this garage more into character with existing garages surrounding the property. The existing garage is out of character with that alley. The applicants are spending a significant amount of money on materials. The garage doors are even more expensive than put in a typical garage. All standards of review are met.

The driveway is an improvement to existing conditions. They are removing a lot of impervious surface. The remaining parking pad exists. They are making an improvement. There is no impact on the neighborhood and it is not out of character with the neighborhood.

He can fully support the application.

- 5.2 Mr. Surman agrees with the above comments. He likes the idea of retaining the existing structure. It will be an improvement sliding it off center. He also agrees that the new garage is more characteristic of other garages in the area. Regarding the driveway in the front, it is a good solution. He will support the request.
- 5.3 Ms. Norman said that garage changes meet the standards of review and thinks that it is good that they are keeping the garage. She is having an issue with the parking pad in the front and the Village looks like a parking lot with all of the cars in the front. That driveway was already there so they are actually keeping part of a driveway. She knows what parking can be like there during the summer.
- 5.4 Mr. Schneider said he has no problem with the parking pad. Regarding the garage, if they had come to the Board and said that they are building a new garage that is 18'5" and they wanted variations for a new garage, he would have supported it because the garage is attractive. It is somewhat disingenuous to say that they are moving an existing garage. They are reconstructing 90% of the garage. But he still can support it. He said there is a garage on the alley that is boarded up. The proposed garage will be a good addition to the neighborhood.
- 5.5 Mr. Merci said that one of the components of sustainable architecture is the retainment of existing structures when possible. The solution is admirable. He was glad to see a reduction in the amount of hard surfaces. He can support the request.
- 5.6 Chairman Duffy concurs with his colleagues and does not see any issues, although he might have asked for a front yard driveway that extends closer to the front door.

6.0 DECISION

- 6.1 Mr. Boyer moved to recommend granting a request for a 3.5' detached garage height variation, a variation to retain a non-conforming detached accessory structure upon the demolition of a principal building, and a variation to permit a parking space in a required front yard at 519 Forest Avenue, in accordance with the plans submitted.
- 6.11 Mr. Surman 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	Yes
Bob Surman	Yes
Reinhard Schneider	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-03.

6.21 Ms. Norman seconded the motion and the voice vote was all ayes.

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the existing non-conforming detached garage and the existing driveway, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property by otherwise requiring an existing garage to be demolished. Instead, modifications can be made to the structure to improve its appearance while essentially maintaining the impact that it has on the alley. Other garages on the alley are oversized and this garage will be consistent with existing conditions. The retention of a portion of the front driveway does not alter the existing condition of cars parking there now. Street parking is restricted to the north side of the street and parking is limited during the summer months. The proposed variations will not impair an adequate supply of light and air to adjoining property. The garage will be conforming in setbacks and coverage and the driveway portion is existing. The proposed variations if granted will not alter the essential character of the neighborhood, which includes oversized detached garages and parking spaces in the front yard.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 3.5' detached garage height variation, a variation to retain a non-conforming detached accessory structure upon the demolition of a principal building, and a variation to permit a parking space in a required front yard at 519 Forest Avenue, in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Mike Swain, representing the applicant
B & D Custom Builders and AccuBuild Development
2045 Highland Avenue

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 2.59' front yard setback variation, a 1.0' front yard porch setback variation, and a 2.82' side yard patio setback variation to permit the retention of a new home. The Village Board will hear this case on March 10, 2015.

3.22 Mr. Swain said that he is the salesman and project manager. They are new home builders and this is the first remodel project they have done. They bought the property with the intent to demolish and build a new home. They saw that the house had a good foundation and there is demand for newer homes at a lower price point than new homes are driving. They could do a second floor addition and a remodel to the first floor and basement and price it at a lower price point.

The existing structure was legal non-conforming. It sat in front of the front yard setback. They did an administrative review for a front yard setback variance, which was approved. They also received a front yard encroachment variance for the porch. They got the building permit and started construction. Upon demolition of the roof, two exterior walls collapsed. The remaining two walls were in bad shape. The inspector was out for a foundation inspection for the front porch piers. At that point, the building inspector brought it to the attention of Community Development that they replaced the first floor walls. He spoke with staff and it was presented to him that they should modify the plans to represent what is being replaced. They did that and continued with construction and it was never mentioned that they should stop. Now they are under roof. In mid-January, it was noted that this would now be classified as a new home and they would need to get another variance, but not through administrative review, and they got a stop work order on the project. They then applied for this variance. They are asking for a front yard setback variance, which was granted through administrative review of 2.59'. They are asking for a front porch encroachment variance of 1', which was also granted during the administrative review. There is an existing side yard patio that goes up to the property line so they are asking for a variance to keep that patio. That variance is 3'.

The house as it sits now does not look different from what was previously approved. The first floor wall is now new and not old. The property to the west is in line with

them and might be 1' closer. The property to the east at 1910 Washington projects closer to the street than this property does. But all homes are in alignment.

- 3.24 Mr. Boyer asked if they replaced the 2x4s and if the layout is the same.

Mr. Swain said that the first floor was originally proposed to be remodeled.

- 3.25 Chairman Duffy said that as long as the four walls are up, it is not new construction. The original plan that was approved is still the plan today except it is a new house because some walls came down during demolition. What is the need to keep the patio? Is there an opening on the side of the building?

Mr. Swain said it is nice, but they could give it up. There is a patio door. The patio would conform if it was cut back to 3', which would be fine.

- 3.26 Mr. Surman said that everything is the same but there are new first floor walls. The elevation and the footprint are the same.

Ms. Roberts said that the Village sees this as new construction.

Mr. Swain said he will now have to do a new sewer and water service, new electrical service. They did engineering for site development, which is not typically required.

- 3.27 Mr. Schneider referenced the case on 8th Street where they found out that after examining the foundation walls, they had to take those down. In tonight's case, the foundation walls are staying where they are and the first floor is staying where it is. It is less of a significant destruction of the existing property. Regarding the existing patio, is there anything underneath?

Mr. Swain said that it is a concrete slab with cinderblocks. The room has a sliding door; it was originally an attached garage. They are removing the drive in front of the house. He is not sure when the patio was added. He could keep the patio and cut it back to 3' from the lot line. The patio is currently 10.29' wide.

- 3.28 Chairman Duffy said they could have kept the patio if the walls had not fallen down.

- 3.29 Mr. Boyer asked the additional cost they have incurred because of the change.

Mr. Swain said that the cost is significant. With all framing involved, new sewer, water, and electrical, and engineering, it is about \$100,000. He will still have a new house on top of an old foundation so he cannot sell it for what he sells a new house for.

- 3.30 Mr. Schneider asked the age of the current house.

Mr. Swain said it was built in the 1940s. The foundation walls are concrete. They are very solid. A structural engineer looked at them.

- 3.31 Mr. Merci asked the elevation of the new study as compared to the elevation of the existing patio.

Mr. Swain said it is labeled as right elevation. On the plan, a window is shown there.

- 3.32 Mr. Merci asked if that fenestration was a door or a window.

Mr. Swain said the plans shows a window. They are planning to keep the existing door opening.

- 3.33 Mr. Merci said that there would be a step up from that room to the patio. What is the difference in height between the two elevations?

Mr. Swain said they are the same grade. It is quite possible that the patio was part of the original garage.

- 3.34 There was no one in the audience to speak on this case. There was an email from a neighbor who supported the application.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Ms. Norman said that the variations meet the standards of review and it would be a hardship to make the changes required if the variations weren't granted. She can support the application.

- 5.2 Mr. Boyer said standards of review are met. There is a need for this mid-level new construction home. He can support the request. The setbacks are fine and the footprint remains the same. The patio is existing. An open patio is a less intense use if the patio was actually part of the garage. Additional costs were incurred, which would be more than any penalty imposed on someone.

- 5.3 Mr. Surman agrees with the above comments. He can support the request.

- 5.4 Mr. Schneider will also support it but has some concerns that the notion that they approached the project by just adding a second floor and maybe change some interior walls and comply with the definition of a renovation versus new construction. How many of these will be the Board see? It seemed unlikely that this could be classified under the rules of renovation. The Board needs to be sensitive to this in the future.

- 5.5 Mr. Merci also supports the request.

- 5.6 Mr. Surman said if the applicant had come to the Board asking for foundation modifications to accomplish something different that would be one thing. The house is on the existing pad and this will deter others from going around the issue.
- 5.7 Mr. Boyer said he did a similar project and ran into the same problems in trying to keep up the walls.
- 5.8 Chairman Duffy concurred with the above comments. He agrees that the contractor was penalized with the additional expense incurred since this is now seen as new construction. He hopes that the Village Board takes this into account. He can support the application.

6.0 DECISION

6.1 Ms. Norman moved to recommend granting a request for a 2.59’ front yard setback variation, a 1.0’ front yard porch setback variation, and a 2.82’ side yard patio setback variation to permit the retention of a new home at 1916 Washington Avenue 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	Yes
Reinhard Schneider	Yes
Bob Surman	Yes

Motion carried.

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-04.

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

Motion carried.

7.0 FINDING OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The particular physical conditions of the property, the location of the house on the lot and the loss of two of the first floor walls during construction, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the siting of the house on the lot and an occurrence

during construction. The difficulty is peculiar to the lot in question. The difficulty prevents the owner from making reasonable use of the property with a second-story addition that is now considered a new home because two of the first floor walls collapsed during construction. The construction was proposed to take place on top of the existing first floor; the first floor had to be reconstructed, and the new home now built over the existing foundation. The original plan did not require removing and relocating the foundation and to do so now imposes an economic burden on the applicant. The proposed variations will not impair an adequate supply of light and air to adjoining properties. The house conforms to the side yard setbacks and an alley separates the property from a house to the east. The variations if granted will not alter the essential character of the neighborhood. The proposed new home will look the same as the original plan for a second-story addition.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 2.59' front yard setback variation, a 1.0' front yard porch setback variation, and a 2.82' side yard patio setback variation to permit the retention of a new home at 1916 Washington Avenue in accordance with the plans submitted.