



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, DECEMBER 21, 2016

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Chairman Patrick Duffy
Mike Boyer
John Kolleng
Michael Robke
Christopher Tritsis

Members Absent: Reinhard Schneider
Bob Surman

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. 2016-Z-48 1132 Michigan Avenue

See the complete case minutes attached to this document.

III. 2016-Z-51 219 Linden Avenue

See the complete case minutes attached to this document.

IV. 2016-Z-59 3027 Greenleaf Avenue

See the complete case minutes attached to this document.

V. Approval of the November 16, 2016 Meeting Minutes

Mr. Kolleng moved to approve the November 16, 2016 meeting minutes.

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

VI. Public Comment

There was no public comment.

VII. Adjournment

The meeting was adjourned at 8:14 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 requested that the case be continued to January 4, 2017.

6.0 DECISION

6.1 Mr. Kolleng moved to continue the case to the January 4, 2016 meeting.

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

Motion carried.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Mark Anderson, applicant
219 Linden Avenue

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 185.35 square foot (11.62%) rear yard pavement impervious surface coverage variation to permit the installation of a patio. The Village Board will hear this case on January 10, 2017.

3.22 The applicant gave some background on the application. They want to build a patio with a seat wall and a fire pit. They submitted an application for a building permit in the summer but were denied because they could have no more than 30% of the rear yard of the property paved.

He referenced 1.1 and said that the property is unique. He showed his property on the plan. They are 400' east of Third Avenue and they are set back from the front lot line by 45'. The rest of the properties on their street are at the setback of 27'. They do not have a detached garage like others on the block. They have an attached garage, which has a driveway that comes from the alley to the attached garage. Because of the driveway and because they are set back further on the lot, they have a small rear yard. When they made their application, they found that they were at the limit of how much impervious coverage they could have.

He believes that because of the fact that they cannot remove the driveway and remain able to get to the garage, they were hopeful that the Board would recommend approval for the variance.

3.23 Chairman Duffy asked when the house was built. Were they the first house on the block?

The applicant said he thought it was built in 1927. He does not know if they were the first house on the block. He thought they were the first or the last. First because of its location or last – did someone try to sneak the house in because further to the east and south of them is the golf course.

He said that the hardships they face due to the unique siting of the property include the house that is set back further, there is an attached garage and other properties on the block do not and they have driveway access to the alley. Only one other house on the block has access from the rear alley. The driveway eats up a significant amount of allowed square footage for impermeable yard coverage. Not having a driveway is not a viable option.

- 3.24 Mr. Kolleng clarified that they have access from the front and from the back. Is that a one or a two car garage? Can one drive through from the front to the back? Which part of the garage do they use for their car – front or back?

The applicant said that it is a 1.5 car garage. Maybe one could drive through from the front to the back. He uses the back for his car. They have a small car. There is a driveway that runs along the west side of the house from Linden Avenue. There was a small slider garage door. He was told that it was there because the previous residents had a boat and they would gain access to the boat and pull it out and hook it up to a car. It is a small space. From the front of the house coming along the drive, the small car parks facing the alley. The other car comes in with a larger garage door from the alley side. The larger car would not fit in the door from Linden Avenue.

He said that the board report indicated that this was a three-car garage and it's not.

The house was built roughly 45' back from the front line. Most of the houses on the block are built at the 27' setback.

He referenced the standard, the plight of the property owner was not created by the owner and was due to unique circumstances. This property was built up in the 1920s. They have only tried to improve what was already there on the property.

Regarding the difficulty or hardship being particular to this property in question and is not generally shared by other properties classified in the same zoning district, it is because the house was built further to the south on the lot with a 45' setback and not the 27' setback like the other homes.

Regarding the difficulty or hardship resulting from the application of the zoning ordinance would prevent the owner from making a reasonable use of the property, they thought about possibly putting the patio in the front of the house but this would detract from the visual aspect and the property's character as well as detract from nearby properties. No one has a patio in the front and everyone else has a patio in the rear. The proposal was the only viable option.

Regarding the proposed variation will not impair an adequate supply of light and air to adjacent property or injure the other property, properties or its use, he talked about the golf course that is to the east and south of his property, which is adjacent to where the patio would be built. They have no residential neighbors to the south or east side of the property. The home of the nearest neighbor is on the west side of the property at 221 Linden, which is 65' from the nearest part of the patio as proposed. The neighbor's home is well out of the patio view and will not be impacted by any water runoff. The driveway runs from the back of the garage is built higher than the proposed patio and all the runoff would be consistent with the slope line of the property which is further east to the golf course or to the south to the golf course.

Other mitigating factors regarding patio size and permeability issue include the following that will not cause harm to adjacent properties. The patio would be built of brick pavers which allows for some water permeability. The patio incorporates the use of ground for planting around the perimeter. He referenced 1.4 and said that it shows land that would not be built on with pavers and that is to allow plantings. The purpose is to allow for more landscaping and to allow for additional runoff as needed.

The last standard is not altering the essential character of the neighborhood and consistency with the comprehensive plan. The property is different from other properties on the south side of Linden. All other houses on the block have a patio. Their proposal is consistent with the neighborhood.

3.25 Mr. Boyer asked if the patio size is about 100 square feet.

The applicant said he did not do that calculation.

3.26 Mr. Robke said that the patio is about 160 square feet.

3.27 Chairman Duffy said that the entire patio does not count towards impervious surface.

3.28 Mr. Boyer said that 100.92 square feet of the patio impacts impervious surface.

3.29 Chairman Duffy said that they were already over on impervious surface.

3.30 Mr. Boyer asked if the house was moved to the front yard setback would there be a conforming location.

Ms. Roberts said that if the house was pushed 10' closer to the front lot line the patio could stay the same size and be totally out of the rear yard, which is typical of most properties.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Kolleng said that this is a unique lot. The applicant pointed out and documented well that the setback is more than the rest of the block, which creates the issue for the applicant. They have the golf course on the east and south sides and it slopes down that way. The excess water should not go to the neighbor to the west. There is a hardship. Standards of review are met and he can support the application.

5.2 Mr. Robke agreed with the above and had nothing to add.

5.3 Mr. Boyer said he would support the request due to the location of the lot in relation to the golf course. There are no neighbors and if there were neighbors he probably

would have voted against the request.

5.4 Chairman Duffy said that standards of review are met and no neighbors are impacted. It is a dramatic drop off from the applicant’s yard to the golf course. Anything that runs off the patio will fall to the east.

6.0 DECISION

6.1 Mr. Kolleng moved to recommend granting a request for a 185.35 square foot (11.62%) rear yard pavement impervious surface coverage variation to permit the installation of a patio at 219 Linden Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
Michael Robke	Yes
Reinhard Schneider	Not Present
Bob Surman	Not Present
Christopher Tritsis	Yes

Motion carried.

6.2 Mr. Kolleng moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2016-Z-51.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

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 location and configuration of the house on the lot, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique circumstances of the lot. The difficulty is peculiar to the property in question and not generally shared by others. The proposed variation will not impair an adequate supply of light and air to adjacent properties or otherwise injure adjacent property. The property is next to the Canal Shores Golf Course and any water runoff will drain in that direction, away from residential neighbors. The variation, if granted will not alter the essential character of the neighborhood. The patio is consistent with outdoor living space on most other residential properties.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 185.35 square foot (11.62%) rear yard pavement impervious surface coverage variation to permit the installation of a patio at 219 Linden 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 Ms. Jennifer Choi, applicant
3027 Greenleaf Avenue

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 360.91 square foot (6.82%) lot coverage variation, a 109.56 square foot (10.35%) rear yard structure impervious surface coverage variation, and a 3.0 square foot (0.28%) rear yard total impervious surface coverage variation to permit the construction detached two-car garage. The Village Board will hear this case on January 10, 2017.

3.22 The applicant said that this is a single-family home. She has lived there since 2008. She thanked the Board for hearing her case. She is asking to build a detached two-car garage, 20' x 24', in the rear yard. Currently she has an outdoor storage shed on that side. That is where she is thinking about building a garage. She reiterated the variations she is seeking in order to build a modest two-car garage.

The home was built in the early 1960s and does not have a garage. Without a garage to store a car, it has been hard and it has created a hardship to her family in the winter. She has two small school children who ride to school. On cold days, she had a hard time starting the car's engine and it takes a long time to warm up the car. The lack of adequate storage is difficult. The house does not have a basement. She is relying on the outdoor shed for storage. She will need to use part of the garage for storage since she is losing her shed.

The proposed garage size can accommodate two cars and allow for storage, but she only has one car. Her lot size is smaller than the standard size. That limits the allowable coverage on the property. There are no standing water issues in her backyard. The remainder of the proposal is conforming. Standards of review are met.

Her neighbors signed a letter of support for her request to build the garage. She brought it to the meeting. Her next door neighbor has an identical house and almost share a driveway. The neighbor is at the meeting to support her request.

The request will help with living and storage issues and will not negatively impact the neighbor. She asked the Board to consider her request.

3.23 Mr. Boyer asked what kind of car she drove and how many cars she planned to park in the garage.

The applicant said she currently drives an SUV.

- 3.24 Mr. Boyer referenced the driveway width, which is 8' and it goes down to 7.8' and this could be a concern. Even with the mirrors in, most SUVs are 7' wide.

The applicant said she will have clearance. It is mainly to park the car in the winter. During the summer she will not use the garage for car storage.

- 3.25 Mr. Boyer said they are 16.5' from the garage to the frame addition. It shows that it would be hard to maneuver two cars around that corner.

The applicant said she has not yet sold her other car but eventually she will only have one car.

- 3.26 Mr. Boyer clarified that the remainder of the garage is storage.

The applicant said she would store one car in the garage and the rest will be storage for bikes, garden tools, etc.

- 3.27 Mr. Robke asked the applicant if she had considered a smaller garage.

The applicant said that Ms. Roberts recommended downsizing to a smaller garage. She is willing to compromise if necessary. But she emphasized that she needs storage space and space for one SUV.

- 3.28 Mr. Boyer asked if she would consider a 20' x 20' garage.

- 3.29 Chairman Duffy said she would eliminate 80 square feet with a 20' x 20' garage. That eliminates the last variation request and modifies the second request. A lot of people have 20' x 20' garages. She would have room for her car and storage space. One of the reasons why there is this issue is due to a small lot. If you try to put a full-size garage on a small lot, that would create issues and variance requests.

- 3.30 Mr. Robke said if the garage was 20' x 18' they would eliminate most requests and the remaining requests would be minimal.

The applicant said she would agree to a 20' x 20' garage.

- 3.31 Chairman Duffy asked when the alley was vacated.

Ms. Roberts said she did not research that.

- 3.32 Mr. Boyer said the point is that if the alley was installed at the time of construction and if the garage was built at that time there would not be the issues. There are other houses on the block without garages.

Ms. Choi said she got a no objection letter from the gas company. She is waiting to hear from Com Ed.

- 3.33 Mr. Tritsis asked if a gas line was running where the garage would be located.

Chairman Duffy said it is a utility easement.

(After 4.0)

- 3.34 Chairman Duffy said that the Board is asking the applicant to scale down the garage. What is acceptable for her?

The applicant said that a 20' x 20' garage is acceptable.

- 3.35 Chairman Duffy clarified that the 3.0 square foot rear yard total impervious surface coverage variation is eliminated, the rear yard structure impervious surface coverage is changed to 29.56 square feet, and the lot coverage variation reduced to a 280.91 square foot variation.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Mr. Al Kupferman
3023 Greenleaf Avenue

4.12 Ms. Chris Kupferman
3023 Greenleaf Avenue

4.2 Summary of presentations

- 4.21 Mr. Kupferman said he lives to the east of the applicant. They do not object to the proposal. They encourage her to do what she needs to do.

Chairman Duffy noted that the garage would change things in the rear.

Mr. Kupferman said he has already talked about this. They will plant a tree. They have a nice garden.

Ms. Kupferman said that her husband was referencing a large tree that would need to come down and she would plant something to balance it out. Regarding the alley, there was not an actual alley. They deeded 10' back to the Kupfermans. There was no real access to the alley.

Mr. Kupferman said that drainage is not a problem. They had a problem with the house to the east of them. A contractor put in stones and they planted weeping willow bushes and that takes care of the water.

Mr. Kupferman said he and his wife are in favor of the applicant building a garage.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Boyer said that all standards of review are met. There are difficulties with this lot due to that it was built without a garage. The alley is vacated and does not allow for alley access to a garage. This is the only location for a garage. They wouldn't put it in the front yard. The neighbors, especially those who came to the meeting, do not seem to object. The neighbors who spoke said they would not be negatively impacted. He can support the request and it is a good solution.

5.2 Mr. Kolleng said he agreed. The Village is in favor of garages and getting cars off the street. The neighbors who spoke support the request. The applicant reduced her request. Standards of review are met. He can support it.

5.3 Chairman Duffy said he was on the fence about this case because he thought that it was too much for the lot size. He appreciates the applicant's willingness to scale down the garage size. This eliminated one request and reduced two requests. He can support the request.

6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a revised request for a 280.9191 square foot (5.31%) lot coverage variation and a 29.56 square foot (2.79%) rear yard structure impervious surface coverage variation to permit the construction detached two-car garage at 3027 Greenleaf Avenue in accordance with the plans as revised.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
Michael Robke	Yes
Reinhard Schneider	Not Present
Bob Surman	Not Present
Christopher Tritsis	Yes

Motion carried.

6.2 Mr. Kolleng moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2016-Z-59.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

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 narrow lot width and the size of the house, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique development of the lot and house. The difficulty is peculiar to the property in question and is not generally shared by others. The difficulty prevents the owner from making reasonable use of the property with enclosed parking spaces and room for some storage. The proposed variation 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.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a revised request for a 280.9191 square foot (5.31%) lot coverage variation and a 29.56 square foot (2.79%) rear yard structure impervious surface coverage variation to permit the construction detached two-car garage at 3027 Greenleaf Avenue in accordance with the plans as revised.