



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 21, 2016

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Acting Chairman Bob Surman
Mike Boyer
Michael Robke
Reinhard Schneider

Members Absent: Chairman Patrick Duffy
John Kolleng

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

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

II. 2016-Z-43 777 Michigan Avenue

See the complete case minutes attached to this document.

III. 2015-Z-42 2411 Wilmette Avenue

See the complete case minutes attached to this document.

IV. 2016-Z-44 3533 Illinois Road

See the complete case minutes attached to this document.

V. Public Comment

There was no public comment.

VI. Adjournment

The meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Lisa Roberts
Assistant Director of Community Development

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. John Forehand, applicant
Orren Pickell Design Group

3.2 Summary of presentations

3.21 The applicant requested a continuance to the October 5, 2016 meeting.

6.0 DECISION

6.1 Mr. Schneider moved to continue the case to the October 5, 2016 meeting.

6.11 Mr. Boyer seconded the motion and the voice vote was all ayes and no nays (Chairman Duffy and Mr. Kolleng 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. Jason Lee, applicant
2411 Wilmette Avenue

3.2 Summary of presentations

3.21 The applicant requested a continuance to the October 5, 2016 meeting.

6.0 DECISION

6.1 Mr. Boyer moved to continue the case to the October 5, 2016 meeting.

6.11 Mr. Schneider seconded the motion and the voice vote was all ayes and no nays (Chairman Duffy and Mr. Kolleng 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. Luke Liu, applicant

3.12 Mr. Joseph Evan, architect
100 Tower Drive, Suite 220 Burr Ridge, IL

3.2 Summary of presentations

3.21 Ms. Roberts noted that there was a minor revision to the request. A variation was added and there are additional exhibits in the updated staff report packet. The request is for a 4.89' side yard setback variation, a 4.02' combined side yard setback variation, a 3.89' side yard eave setback variation, and a 410.94 square foot (23.86%) front yard impervious surface coverage variation to permit the construction of a one-story addition and new front porch on the legal non-conforming structure. The Village Board will hear this case on October 11, 2016.

3.22 The applicant said he was before the Board to ask for variations. He talked about the floor plans that were part of the packet. He said that the house is closer on the east side. Originally there was a 7' x 7' shed; this has been removed. He talked about concrete pavement and gravel in the front. The house has a narrow garage. He said that there is not enough space to park the car and get out of the car. His mother-in-law lives with them. She is a senior citizen. It is hard for her to get out of the car no matter which car they use. Most of the garage is about 10' wide. There are support beams and steps so the width of the garage is a little bit less than 9' from wall to wall. He showed a picture of the garage and concrete foundation slabs on the ground. They tried to resolve the issue.

At the same time, they also have a leaking roof issue. He talked about having a roofing come in to try to patch some leaky spots in the roof. He put on another layer of paper to stop the water leaking inside the house. He showed a picture of a skylight in the house.

He asked Board members to consider his issue as he described and grant his request.

3.23 Mr. Schneider asked how the skylight related to the garage.

The applicant said that in addition to the requested variations, another part of the project is raising the roof pitch over the entire building.

3.24 Acting Chairman Surman said that part of the renovation was to put on a new roof and improve the rest of the house.

The applicant said they want to get renovations started before winter.

- 3.25 Mr. Schneider asked if raising the pitch was part of the variation request.

Ms. Roberts said that the addition they are proposing on the side will have the same new pitch so the setback is covered by the addition, but it is good that the applicant brought this up because it is a change even though no variation is required.

- 3.26 Acting Chairman Surman clarified that the variation is just extending the garage to make it wider.

He said that was correct and it is a good chance for them to address the roofing issue.

- 3.27 Mr. Boyer asked if the new garage dimensions will be about 15' x 38'.

The applicant said this was correct.

- 3.28 Mr. Boyer said he is coming up with about 570 square feet for the new garage area.

The applicant said this is correct.

- 3.29 Acting Chairman Surman asked if the lot coverage variation was due to the new garage and the existing conditions.

Ms. Roberts said that the variation is for the front yard impervious coverage because there is a lot of coverage in the front and they need to widen the driveway to match the new garage door. The lot coverage and floor area are conforming.

- 3.30 Acting Chairman Surman asked if he considered making the garage smaller to minimize the variance.

The applicant said that the garage is not as wide as Board members think it will be.

- 3.31 Acting Chairman Surman referenced a step. Is that on either side of the fireplace?

The applicant said the step was on either side of the fireplace.

- 3.32 Mr. Boyer asked if there was a conforming location for a detached garage on this lot.

Ms. Roberts said she did not examine that in depth but looking at the plat it looks like there is enough room to do a driveway on the west side. The rear yard is open so they could do a detached garage in the rear. Lot coverage and floor area would have to be checked but would likely be conforming.

- 3.33 Mr. Boyer said that would probably reduce some of the driveway in the front.
- 3.34 Mr. Robke asked if they were changing any of the existing driveway, if they were proposing to make it wider.

The applicant said he is not a fan of too much paving. He wants to be better with regard to the environment.

- 3.35 Acting Chairman Surman said that the driveway is somewhat wider to accommodate the new garage.

The applicant talked about the interior of the garage.

- 3.36 Acting Chairman Surman noted that the garage is 38' deep and will they leave this specifically as a garage.

The applicant is not sure they can make the garage shorter. They would be willing to consider that as an option.

- 3.37 Mr. Schneider asked if there was a basement.

The applicant said that it had a basement. There is a full basement under the original part of the house. He indicated on the floor plan which part of the house was a later addition.

- 3.38 Acting Chairman Surman said that there was a car port prior to the garage.

- 3.39 Mr. Boyer referenced interior stairs in the garage. He is trying to see the steps on the plan.

- 3.40 Acting Chairman Surman said there is a door towards the backyard at the far end of the garage. There is a line next to it and it is a continuous curb or one step.

- 3.41 Mr. Boyer referenced the door sweep in the center of the east wall. One steps down onto the curb and then another step onto the garage floor.

- 3.42 Acting Chairman Surman said that should not impact the garage width. The car door will open above that.

- 3.43 Mr. Boyer asked if the dimension of the curb was known. He knows the curb would not impact the opening of one door, but that impacts the possibility of putting two cars side by side. The proposed changes to the garage just make it a wider tandem garage.

The applicant said that it is a tandem garage. For his mother-in-law who is a senior it is more difficult for her to step down from the car than they thought.

- 3.44 Mr. Schneider asked what the neighbors to the east said about the proposal.

The applicant said he tried to reach the neighbor. The neighbor leads a very private life. The applicant knocked on the door twice. He left a note with his phone number. He talked to a few other neighbors who are positive about the proposal. He talked about water problems in the neighborhood.

- 3.45 Acting Chairman Surman said he has an issue with the size of the variance. He does not like that there is only 2' on the side of the house. When freestanding detached garages are built, 3' is required. That is the minimum that he would look for. 14'11" for the outside garage width is large.

The applicant said he had to make a correction. He talked about a wall being 4.5" at this time. The interior width is no more than 13.5'.

- 3.46 Acting Chairman Surman said that dimension is to the curb. 2' isn't enough to have access to maintain the side of the house. He asked if the applicant knew the size of the current door. People build two-car garages that are 22' wide and the applicant only has one car. He doesn't know anyone who has a garage where they can open car doors all the way. He understands the issue with the mother-in-law, but if they shifted the car a little to the side there would be enough room to open the door on one side if they reduced the request by 1'.

The applicant said he didn't measure it, but the current door is about 8'. He said he would consider reducing his request. In the rebuild they might be able to reduce the width. He talked about a beam in the garage.

- 3.47 Acting Chairman Surman asked about the beam. The architect can speak about that element. Is the beam perpendicular to the house? Does it go east/west?

The architect said that the garage is about 36' to 38' deep. There are cross ties tying the roof together. The cross ties hold three supporting beams east/west. They project into the garage space. He mentioned the above referenced 14'11" dimension. It is actually 14.0' from drywall. There is a 4.5" load bearing exterior wall. There is 14.0' to a gas curb. The gas curb is projecting about 4" to 5".

- 3.48 Acting Chairman Surman said it is 14.0' plus the step.

The architect said that the step only projects 5".

- 3.49 Mr. Schneider asked the architect to put up the drawing and talk about what he is trying to describe. 1.5 would be the right page of the materials provided.

- 3.50 Acting Chairman Surman said that part of the variance is that for the front door. Are they removing the concrete?

The architect said there is 4' of existing sidewalk. They are proposing a 6' projection into the front yard setback. There will be one step only and the porch is open on all sides. There are columns on the porch.

Regarding the garage, the architect said the gas curb projects 4" to 5". That is a gas curb that should be in all garages so fumes do not penetrate into the house. The curb is between the garage and the house. That is on the west side of the garage. The curb is 6" high. The dimension from the curb to the load bearing exterior wall is 14.0'. He indicated the projections into the garage space on the plan.

3.51 Acting Chairman Surman asked if they could do a reduction and still have the space work.

3.52 Mr. Boyer said that the question he is trying to understand is what the hardship is when there is a conforming location for a detached garage. What is the hardship when there is going to be a remodel?

3.53 Acting Chairman Surman asked if the architect if he planned to remove the whole portion and rebuild it for the new garage or are they leaving the existing structure and extending it.

The architect said that the existing structure is sound. There is foundation and a slab.

3.54 Acting Chairman Surman said that as they extend east, they have to put in a new foundation. What happens above there? Does the structure extend?

The architect said that the structure extended. There is a whole new roof with a higher pitch.

3.55 Mr. Boyer said there is a new roof and three walls are moving and new rafters.

3.56 Acting Chairman Surman said they are really taking down the whole garage.

The architect said they would keep the south exterior load bearing wall. There will be beams over the garage doors to create support.

3.57 Acting Chairman Surman said that what Mr. Boyer is saying that if they are going to tear that all off, they could extend the driveway and put a garage in the backyard and not need any variances.

3.58 Mr. Boyer said that is the point he is trying to make and he is not sure that an almost 600 square feet garage is even needed. He has lived through a tandem garage and they never used it. They are not a good solution when there are other options.

- 3.59 Acting Chairman Surman asked if they had investigated putting the garage in the back with a driveway to the back.

The architect said they did not consider that as an option. They just need to additional few feet and foundation walls if the variances are granted.

- 3.60 Acting Chairman Surman said they will have to remove the walls and tear out the structure because they are putting a new pitch on. Everything will be gone.

The architect said they just need to remove the east wall.

- 3.61 Acting Chairman Surman asked if they planned to build on top of the existing structure. Would it make more sense to tear it off and put in more trusses? He thinks that would be more economical.

- 3.62 Mr. Robke said that the columns intruding the width of the garage would have to go and those are holding up beams that hold up the roof.

- 3.63 Mr. Boyer said that the ZBA is an advisory board and makes recommendations to the Village Board. They have to look at the hardship and try to minimize variances requested. He is having a hard time with the request as it is. Whatever the ZBA votes on tonight, there is a second opportunity to present their case to the Village Board. If there was no way to build a garage on the lot, that would be a different situation. That would be a hardship. But the lot is 9,000 square feet and it is a large and wide lot. If this was a 50' wide lot they would be 180' deep. If they were a 60' lot they would be 161 feet deep. They are at almost 70' wide and 132 feet deep. There are other areas in the Village that have smaller lots like Kenilworth Gardens and they have side drives with two-car garages in the rear.

- 3.64 Acting Chairman Surman said that the Board has to review the standards of review and compare that to the property and interpret the request based on those items.

The applicant said they considered having the garage in the back more of a problem than a solution. He said there are water issues in West Wilmette. The east side is flat. He showed a site plan with a detached garage. They want to minimize the footprint. If they put the garage in the rear, the existing garage becomes a driveway and they add approximately 600 square feet of hard surface.

- 3.65 Acting Chairman Surman asked the size of the proposed garage.

The applicant said that the garage was 20' x 22'. They think that adding 600 square feet of hard surface is too much. What they proposed is the best solution to help them and to help the neighborhood. He is worried about water problems if the garage was in the rear. The people behind them have a basketball court, the neighbor to the east has a connected garage and an addition. The neighbor to the west has a detached garage with a sunroom in between. The applicant has had a lot

of water towards the back of his yard already and some water went into the neighbor's basement. He spoke with the landscapers and their suggestion is to try to minimize the water issue. He talked about rain gutters.

- 3.66 Acting Chairman Surman said that the issue is that the Board has to interpret the information based on the code and not on neighbor or landscaper opinions. The garage plan that was drawn was not realistic. They are adding more impervious surface with the proposal and that impacts the water problems.
- 3.67 Acting Chairman Surman said he would like to hear from other Board members.
- 3.68 Mr. Robke referenced the applicant's mother-in-law. Yet there is still a step to get into the garage, which is required by code. They asked for a variance from pervious area in the front so they could do a larger porch. That also has a step. It seemed as if they were trying to address the mother-in-law's needs, they would provide ramp access at the front. The porch has not really been part of tonight's discussion. He is also troubled by that. It adds an entry element to the house but there is no hardship or case he is seeing for that. He does not see justification in increasing the impervious area.

The applicant said they going to build a drain. There will be plants on top of the drain to further absorb the water. They are not adding any impervious area. He said they are removing pavers. They are working with building on details. He talked about the ramp. His house is too far front and too far east and they cannot get a ramp that is ADA approved. For the front entrance they are going to make that more accessible. Having a garage that is free of ice and snow would be better for her.

- 3.69 Mr. Schneider said he visited the site and referenced the existing asphalt drive. There were two cars parked east to west on the west side of that drive still leaving room for a car to go into that one-car garage. That is a very large asphalt covered area in front that contributes to impervious surface. When he was there, there were three cars total.

- 3.70 Mr. Boyer asked if there was going to be a complete interior remodel.

The applicant said no, it was just the garage and the roof.

- 3.71 Mr. Boyer asked if what was shown on the floor plan was existing.

Acting Chairman Surman said that was correct. Nothing is being done on the home's interior.

- 3.72 Mr. Schneider said that the floor plan is hard to read. What do solid lines mean?

The applicant said they will be looking into ways to reduce the asphalt. They are not big fans of hard space.

- 3.73 Acting Chairman Surman asked the applicant if he was interested in reducing the width of the garage at this time.

The applicant said they would try very hard to shrink the garage.

- 3.74 Mr. Boyer said that with the current number of Board members present at the meeting, it wouldn't probably make a difference if he changed the request and it could be a detriment if he wanted to move the request forward to the Village Board.

The applicant said if they got closer to a 14' interior it should be okay for his mother-in-law. If it's way under 14', that won't work.

- 3.75 There was no one in the audience to speak on this case. There was no additional communication on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Boyer has a problem with this request because he cannot seem to find the hardship. There are some solutions. There is a conforming solution. The tandem garage is almost 600 square feet and only 14' wide. It will create a problem with having this kind of garage. Tandem garages do not get used. There will still be cars on the driveway. The request is too close to the side lot line and puts too great of a burden on property to the east. He cannot support the request for the garage. For the front porch area, he does not find hardship although he could get comfortable with that request as it is not as big of a detriment to any of the adjacent properties. There are some issues with the siting of the property and of the house. Overall he will vote no on the full request.
- 5.2 Mr. Robke said he agrees with Mr. Boyer's comments. There are conforming locations that would most likely be functionally better. He appreciates the comments that the applicant made regarding impervious area and addressing drainage issues. He wished that everyone did that. Even with the impervious area, they could come up with a more efficient solution on impervious area for a single garage that did not have the large parking area in the front. That would make him comfortable with the front porch addition and the setback, but he cannot support the garage expansion. He does not see a hardship or a need for 14' width for the garage on the interior.
- 5.3 Mr. Schneider understands the request to accommodate the mother-in-law, but there might be other ways to accommodate that. It is an understandable request. 2' from the property line is not acceptable to him. Even 3' is probably not acceptable to him. The applicant has not been able to speak with the neighbor most impacted by the request. The request is more than the Board can reasonably accommodate.

There are other solutions. The hardship is not persuasive. He cannot support the request.

- 5.4 Acting Chairman Surman agreed with his colleagues. He understands the issue with the elderly mother-in-law. He does not have as much of a problem with the porch, but for the garage, a 2' setback is not a reasonable number. The codes are there for a reason. He does not see the true hardship because they could put a two-car garage in the rear that would function much better than a tandem garage. They could possibly put a ramp to the side door. The driveway should have been reduced down to have more pervious area. He cannot support the request.

6.0 DECISION

- 6.1 Mr. Boyer moved to recommend granting a request for a 4.89' side yard setback variation, a 4.02' combined side yard setback variation, a 3.89' side yard eave setback variation, and a 410.94 square foot (23.86%) front yard impervious surface coverage variation to permit the construction of a one-story addition and new front porch on the legal non-conforming structure at 3533 Illinois Road in accordance with the plans submitted.

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

Acting Chairman Surman	No
Chairman Patrick Duffy	Not Present
Mike Boyer	No
John Kolleng	Not Present
Michael Robke	No
Reinhard Schneider	No

Motion failed.

- 6.2 Mr. Boyer authorized the Chairman to prepare the report and recommendation for the Zoning Board of appeals for case number 2016-Z-44.

- 6.21 Mr. Robke 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 does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, there is no hardship preventing the owner from making reasonable use of the property. There appears to be a conforming alternative, to construct a detached garage. The proposed 2.0' setback is simply too close to the east lot line. It is likely that being this close will impair an adequate supply of light and air to the adjacent property, or otherwise injure it. An addition this close to the lot line

may also alter the essential character of the neighborhood. The addition of the porch is a modest request through any reduction of existing front yard pavement would be an improvement given the drainage issues in the area.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 4.89' side yard setback variation, a 4.02' combined side yard setback variation, a 3.89' side yard eave setback variation, and a 410.94 square foot (23.86%) front yard impervious surface coverage variation to permit the construction of a one-story addition and new front porch on the legal non-conforming structure at 3533 Illinois Road in accordance with the plans submitted.