



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, APRIL 5, 2017**

**7:30 P.M.**

**COUNCIL CHAMBERS**

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**Members Present:** Chairman Patrick Duffy  
John Kolleng  
Michael Robke  
Reinhard Schneider

**Members Absent:** Mike Boyer  
Bob Surman  
Christopher Tritsis

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

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**I. Call to Order**

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

**II. 2017-Z-109 1322 Washington Avenue**

See the complete case minutes attached to this document.

**III. 2017-Z-13 907 Pawnee Road**

See the complete case minutes attached to this document.

**IV. 2017-Z-11 121 Dupee Place**

See the complete case minutes attached to this document.

**V. 2017-Z-12 2004 Washington Avenue**

See the complete case minutes attached to this document.

**VI. Approval of the February 1, 2017 Meeting Minutes**

Mr. Kolleng moved to approve the March 1, 2017 meeting minutes.

Mr. Schneider 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 8:07 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 speaking on behalf of the applicant**

3.11 None

**3.2 Summary of presentations**

3.21 Ms. Roberts said that the applicant had submitted an email requesting that the case be continued to the April 19, 2017 meeting when more board members might be present.

**6.0 DECISION**

6.1 Mr. Schneider moved to continue the case to the April 19, 2017 meeting.

6.11 Mr. Kolleng seconded the motion and the voice vote was all ayes and no nays (Messrs. Boyer, Surman, and Tritsis 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. John Fiegan, father of the property owner, Christopher Fiegan

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

3.21 Ms. Roberts said that this is a request for a 2.0' fence height variation and a fence openness variation to permit a 6.0' tall solid fence in a front yard. The Village Board will hear this case on April 25, 2017.

3.22 John Fiegan said that he currently lives in the home. His son bought the property in September 2016. He has put up a 6' fence on the north end of the property and is requesting a fence along Lake Avenue which is like the other fences along Lake Avenue. The proposed fence will attach to an existing fence on the west end of the property. Lake Avenue is not the front of the property. The fence would go past the front of the house. The front of the house is on Pawnee. The applicant is out of the country.

They want the fence to reduce the noise along Lake Avenue and to create more privacy. The garage is on Lake Avenue, which is a plus. The whole side of the house is only 20' from the street and open to anyone passing by. He does not want to make the lot seem like a fortress, but almost every house along Lake Avenue has the same fence. His son plans to put the fence on the property and leaving at least 2' on the Lake Avenue side for planting. The fence will be cedar and will match the fence on the north side of the house.

3.23 Mr. Kolleng said that most of the fences along Lake are stockade though not all of them are so it appears as if there is no requirement for uniformity along Lake Avenue.

Ms. Roberts said that there is no uniformity requirement along Lake Avenue.

3.24 Chairman Duffy clarified that they are being caught up in the front yard vs. side yard issue. The side of the lot that faces Lake Avenue is skinnier than the side that goes down Pawnee so it is considered the front yard even though the house faces Pawnee.

The applicant's father said the fence will be a 6' cedar fence that matches the current fence on the north side. Most people on Lake Avenue have similar fences though some are stockade. The newer fences are 6' cedar with straight tops.

3.25 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. Robke said this is a straight-forward case and this is a side yard and they are caught in the semantics based on Lake Avenue. There is a significant setback from the street and they plan to place the fence 3’ into the property. The fence is consistent with what is the other side of Pawnee. Standards of review are met. He can support the request.
- 5.2 Mr. Schneider agrees with the above. The predominant fenestration along Lake Avenue on that side of the street are fences like this and it is appropriate to approve the request.
- 5.3 Mr. Kolleng agreed and said it would look odd if they put in a 4’ high 50% open fence in that location. This is the best option.
- 5.4 Chairman Duffy said that standards of review are met.

**6.0 DECISION**

6.1 Mr. Robke moved to recommend granting a request for a 2.0’ fence height variation and a fence openness variation to permit a 6.0’ tall solid fence in a front yard at 907 Pawnee Road in accordance with the plans submitted.

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

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

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 2017-Z-13.

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

Motion carried.

**7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED**

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F and the fence variation standards of Section 5.4.F.h of the Zoning Ordinance. The particular physical conditions of the property, its location as a corner lot with the front yard facing Lake Avenue and the orientation of the house to Pawnee Road, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the orientation of the lot and siting of the house. The difficulty prevents the owner from making reasonable use of their property with privacy for their outdoor space. The proposed variations will not impair an adequate supply of light and air to adjacent properties or otherwise injure other properties and its use. The variations if granted will not alter the essential character of the neighbor.

The fence provides privacy from Lake Avenue, which is a busy street at that point. The fence is proposed to have a 3' setback where landscaping will be planted to help screen the fence from view. The proposed fence will be similar to other fences along Lake Avenue.

**8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a 2.0' fence height variation and a fence openness variation to permit a 6.0' tall solid fence in a front yard at 907 Pawnee Road 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. Andrew Venamore, Mach 1  
602 Academy Drive, Northbrook

3.12 Mr. Ken Cellak, owner

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

3.21 Ms. Roberts said that this is a request for an 85.8 square foot (8.48%) rear yard structure impervious surface coverage variation to permit the construction of a detached two-car garage. The Village Board will hear this case on April 25, 2017.

3.22 Mr. Venamore said they are asking to replace an existing structure. It is a one-car decrepit structure. It is being used more for storage. They want to provide the applicant with a standard two-car garage, 20' wide x 22' deep. The variation is for the permitted rear yard impervious surface coverage. Based on the lot width, which is about 40', 35% permitted coverage is limiting. They would be limited to a replacement structure of 354 square feet, which is not practical for a two-car structure.

The request is related to the narrow lot width, which is creating an issue for a garage replacement. The relief they are seeking is about 8.5%, which will give the owner a standard 440-square foot structure. At this time, one car is parked in front of the current garage and one is parked on the driveway. Because the applicant's driveway is close to the neighbor's driveway, it is better for the applicant to keep the car off the driveway.

The proposal eliminates two non-conforming conditions. The existing structure is only about 2' from the south property line and is about 2'4" from the west property line. There are large overhangs on the structure of about 18". It is non-conforming for the south side yard and west rear yard. The new garage shows the conforming 3' setback. The applicant spoke with adjacent neighbors and there were no concerns with the project as proposed.

3.23 Chairman Duffy asked about the driveway expansion. They would need to widen the driveway from where the walkway behind the house to the garage. What is that distance from where the driveway starts widening to the apron?

Mr. Venamore said that from the back of the house to the front of the garage is 41' and it is 3' less to the apron. It is about 31' or 32' from where the driveway starts widening to the apron.

- 3.24 Chairman Duffy asked if there is enough room to decrease the coverage variation request but he doesn't think it makes that much of a difference.

Mr. Venamore said that the side of the driveway lines up with the garage door. The backyard is tight.

- 3.25 Chairman Duffy clarified that there is new driveway from the rear of the house to the garage.

Mr. Venamore said there is new concrete from the apron to the back of the house and then they talked about using concrete pavers to replace another section of the driveway.

The applicant said the current driveway is in bad shape. Concrete is heaving in several spots. It must be close to the original driveway. Their driveway is tandem to the neighbor's driveway and the neighbor is interested in repaving her driveway so it will be done in a similar fashion. The neighbor is also interested in a new garage so there will be symmetry or consistency with the applicant's design.

- 3.26 Chairman Duffy said his concern is about runoff. Was there any thought about drainage? Is there a drain nearby?

Mr. Venamore said that Engineering is going to want some sort of catch basin, 12" by 12" or some sort of drainage system to the front yard so that water can percolate to the front yard. There is probably an opportunity to get the water from the back straight down the driveway. If that does not work, they might require another option.

- 3.27 There were no additional questions from the Board.

- 3.28 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. Kolleng said the lot generates the hardship. The Village prefers two-car garages. The street is not conducive for street parking. The percentage request is a little bit larger than usual but given the street and lot size there is hardship. Standards of review are met. He can support the request.

- 5.2 Mr. Robke said that standards of review are met and he can support the request.

- 5.3 Mr. Schneider said he is always concerned about an increase in impervious surface in the Village given flooding issues. He understands the need for the two-car garage and the constraints of a 40' wide lot. He is relying on Engineering to mitigate the

runoff situation sufficiently so it is not worse than it is today. He can support the request.

5.4 Chairman Duffy said that because the 8.4% seemed high, but when one looks at the relationship to the lot, it is high because it is a small lot. He can support this.

**6.0 DECISION**

6.1 Mr. Kolleng moved to recommend granting a request for an 85.8 square foot (8.48%) rear yard structure impervious surface coverage variation to permit the construction of a detached two-car garage at 121 Dupee Place in accordance with the plans submitted.

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

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

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 2017-Z-11.

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

Motion carried.

**7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED**

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the narrow lot width and shallow lot depth, 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. 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 two enclosed parking spaces. 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 request for an 85.8 square foot (8.48%) rear yard structure impervious surface coverage variation to permit the construction of a detached two-car garage at 121 Dupee Place in accordance with the plans submitted.

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

#### **3.1 Persons appearing for the applicants**

3.11 Ms. Donna Lee Floeter, architect

3.12 Mr. Charles Bellefontaine, applicant and owner

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

3.21 Ms. Roberts said that this is a request for a 6.12' front yard setback variation, a 3.66' side yard setback variation, a 5.56' front yard porch setback variation, a 6.5' front yard porch step setback variation, and a 103.52 square foot (7.39%) front yard porch coverage variation to permit the construction of a rear one-story addition, a second-story addition, and new front and side porch on the legal non-conforming structure. The Village Board will hear this case on April 25, 2017.

3.22 The architect said that the submitted letter hits the highlights of the case. The house is about 120 years old so the setbacks are consistent with that time. It has a smaller front yard than currently required by the ordinance and a much narrower side yard on the west side than required.

In calculating the average of the block for the front yard setback, in the middle of the block are some apartment buildings set back very far that through off the average. The project they are proposing goes up off the existing foundation on the front and west side yard setback. The addition to the rear is allowed by right. She has spoken with the village's architectural plan reviewer regarding fire proof requirements on the narrow west side. They would fire proof the wall, windows would have fire proof glass; they have limited the number of windows on that side. The new wall would be more fire proof than the current wall.

Currently the second floor is a half-story under the sloping roof with some dormers. They are within FAR and impermeable surface coverage for the lot. The house was build shoved over to one corner of the lot.

The existing front of the house is enclosed as a sunroom. They plan to open that up and make it a real open front porch. That will improve the look of the home.

3.23 Chairman Duffy said that in the notes it says that the second story over the front is closer that the face of the house and that is due to the construction of the house.

The architect said that the second floor will come out over the existing part of the house that is already there. Nothing they are doing comes beyond the face of the house. The bearing of the house is on the east and west sides because the roof slopes

to those sides. Foundation is in great shape. Their proposed construction proposal is friendlier to the neighborhood. To the earth and to the applicants' budget.

- 3.24 Mr. Schneider asked what percentage of structure will remain.

The architect said that all the first floor is being kept except for the portion in the back that is stairs to the basement, which will be rebuilt. There is a shed attached to the house in the rear which will be gone. The second floor is under a sloping roof and they are making that bigger by making walls taller and roof higher. The roof is within the current height limits.

- 3.25 Mr. Schneider asked if they will keep the floor of the first floor.

The architect said that the floor of the first floor will remain. The floor of the second floor is mostly staying. The roof is going because it is too low. They will extend the second-floor walls higher. Right now, the second-floor walls are 2-2.5' high and then slope. She cannot stand up in a high portion of the second-floor rooms. There will be a new roof to provide full height ceiling.

- 3.26 The Board had no additional questions.

- 3.27 The Chairman said the house will be very attractive when finished.

The architect said there is another home on the block with a similar porch.

- 3.28 The applicant said his grandfather built three of the houses in the neighborhood.

- 3.29 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. Schneider said that the whole variation requests turns on the existing front porch. The essential skeleton of the home will remain. There is no reason to deny this request, which will improve the existing usefulness, utility and aesthetics of the old home. He can support the request. The standards of review are met.

- 5.2 Mr. Robke said that he agreed. The hardship was not created by the owner. The solution is very nice and will enhance the property and the neighborhood. He can support the request.

- 5.3 Mr. Kolleng had nothing to add to the above, but can support the request.

- 5.4 Chairman Duffy concurred with the above. The owners did not site the house on the lot. Setbacks have changed since the house was built. They are replacing and improving existing. He can support the request.

## 6.0 DECISION

6.1 Mr. Schneider moved to recommend granting a request for a 6.12' front yard setback variation, a 3.66' side yard setback variation, a 5.56' front yard porch setback variation, a 6.5' front yard porch step setback variation, and a 103.52 square foot (7.39%) front yard porch coverage variation to permit the construction of a rear one-story addition, a second-story addition, and new front and side porch on the legal non-conforming structure at 2004 Washington Avenue in accordance with the plans submitted.

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

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

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 2017-Z-12.

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

Motion carried.

## 7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical condition of the property, the siting of the house on the lot, imposes upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique circumstances of the development of the house. The practical difficulty is peculiar to the property in question and is not shared by many other properties. The practical difficulty prevents the owner from making reasonable use of the property with improvements to the function and appearance of the home. The proposed addition will maintain the existing west side yard setback and therefore will not impact the light and air of adjacent properties. The variations, if granted, will not alter the essential character of the neighborhood. The removal of the existing porch and the new, larger front porch will add to the appearance of the home and the neighborhood.

**8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a 6.12' front yard setback variation, a 3.66' side yard setback variation, a 5.56' front yard porch setback variation, a 6.5' front yard porch step setback variation, and a 103.52 square foot (7.39%) front yard porch coverage variation to permit the construction of a rear one-story addition, a second-story addition, and new front and side porch on the legal non-conforming structure at 2004 Washington Avenue in accordance with the plans submitted.