



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, MAY 3, 2017

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Acting Chairman Reinhard Schneider
Mike Boyer
John Kolleng
Michael Robke
Christopher Tritsis

Members Absent: Chairman Patrick Duffy
Bob Surman

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

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

II. 2017-Z-10 1055 Pontiac Road

See the complete case minutes attached to this document.

III. 2017-Z-17 707 Forest Avenue

See the complete case minutes attached to this document.

IV. 2017-Z-18 77 Indian Hill Road

See the complete case minutes attached to this document.

V. 2017-Z-15 1020 Michigan Avenue

See the complete case minutes attached to this document.

VI. 2017-Z-14 1211 9th Street

See the complete case minutes attached to this document.

VII. Approval of the April 5, 2017 Meeting Minutes

Mr. Kolleng moved to approve the April 5, 2017 meeting minutes.

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

VIII. Public Comment

There was no public comment.

IX. Adjournment

The meeting was adjourned at 8:22 p.m.

Respectfully submitted,

Lisa Roberts
Assistant Director of Community Development

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANTS

3.1 Persons appearing for the applicant

3.11 Mr. John Burton, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for an 8.4’ front yard setback variation to permit the construction of a second-story addition on the legal non-conforming structure. The Village Board will hear this case on May 23, 2017.

3.22 The applicant said that his request has not changed since the last hearing. He did not send out letters to his neighbors before, but this has now been done.

3.23 The Board had no questions for the applicant as the request had not changed since the last hearing.

3.24 There was no one in the audience to speak on this request.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Boyer said that the case is exactly the same as the last request.

5.2 Mr. Kolleng said that all neighbors received notice and there were no objections.

6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a request for an 8.4’ front yard setback variation to permit the construction of a second-story addition on a legal non-conforming structure at 1055 Pontiac Road in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Boyer moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-10.

6.21 Mr. Kolleng seconded the motion and the 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 irregular lot shape and the location 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 lot in question and is not generally shared by other properties. The difficulty prevents the owner from making reasonable use of the property with a second-story addition that adds living space in an efficient and cost-effective manner. The proposed addition faces the front yard and has a large setback to the closest neighbor and therefore will not impair an adequate supply of light and air to adjacent properties. The variation, if granted, will not alter the essential character of the neighborhood, which includes two-story homes of similar appearance.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for an 8.4' front yard setback variation to permit the construction of a second-story addition on a legal non-conforming structure at 1055 Pontiac 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. Greg Korak, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 2.0' side yard parking space setback variation and a 65.86 square foot (3.46%) rear yard total impervious surface coverage variation to permit a parking pad in the rear yard. The Village Board will hear this case on May 23, 2017.

3.22 The applicant said that the submitted letter provides all information about his request. They want to build a parking pad on the east side of the property to get a car off of the street. There is an angled telephone pole that makes it difficult to get the car into that area. The area is now muddy and not that safe. They are asking for a few extra feet to create a walkway so that passengers and driver can get out of the car and get to the alley safely. He spoke with the neighbors. Their next-door neighbors do not use that strip of land along the edge of the area. The neighbors support their request. The neighbors across the alley also support the request. He did not get feedback or questions from any other neighbors.

3.23 Mr. Kolleng asked if they had a four-car garage.

The applicant said they have a three-car garage. It is 30' wide.

3.24 Mr. Kolleng asked why they needed a parking pad with a three-car garage.

The applicant said he is a car enthusiast and he and his wife have four cars.

3.25 Mr. Tritsis asked if someone had to look at the utility pole.

Ms. Roberts said she did not think that someone from the Village will look at this.

3.26 Acting Chair Schneider referenced 1.4. What is the distance from the pole to the edge of the garage?

The applicant said that it is 9.75'.

3.27 Acting Chair Schneider said he questioned the hardship that the pole causes. One almost needs to drive in diagonally to get in and out and that is part of the reason for the request.

The applicant said that if they did not drive in diagonally they would be too close to the pole when getting in and out of the car.

- 3.28 Mr. Robke said that the letter indicated they would do a paver instead of asphalt or concrete.

The applicant said that a paver would be more environmentally friendly and there will be some natural drainage. They have not chosen the paver.

- 3.29 Mr. Kolleng asked about water in that area during heavy storms.

The applicant said they do not get flooding in their yard. In the last storm, they had puddles on paver walkway. The house does not flood. The alley was just redone with a new sewer and regrading. There is a larger diameter sewer pipe.

- 3.30 Acting Chair Schneider talked about the bonus they could get with permeable surface. It is not a significant bonus. He encouraged the applicant to alternate pavers with grass for better drainage than what the applicant is proposing

The applicant agreed to consider this.

- 3.31 Mr. Robke asked what would count if he used a permeable paver.

Ms. Roberts said they could get a 10% bonus but only if all flat surfaces in the required yard are pervious.

- 3.32 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. Kolleng said there is a small percentage increase and the pad is on the alley. He does not have an issue with the request. He did not understand why they needed a pad, but the applicant explained why. The standards of review are met and he can support the request.

- 5.2 Mr. Boyer agreed. Neighbors are not impacted. Request is minimal. All standards are met and he can support the request.

- 5.3 Mr. Robke said he is on the fence but will support the request.

- 5.4 Mr. Tritsis said he is also on the fence, but the request is not that large and he will support it.

- 5.5 Acting Chairman Schneider said that the request is small. He is usually reluctant to improve impervious surface if a remedy can be found without having to do an

increase. But in this case, he is okay with the request. The applicant will consider grass with the pavers. He will support the request.

- 5.6 Mr. Robke said that the applicant indicated in his letter that he would go with some paver which assumes some permeability. He does not see a particular hardship but it is a small request.

6.0 DECISION

- 6.1 Mr. Kolleng moved to recommend granting a request for a 2.0’ side yard parking space setback variation and a 65.86 square foot (3.46%) rear yard total impervious surface coverage variation to permit a parking pad in the rear yard at 707 Forest Avenue in accordance with the plans submitted.

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

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

Motion carried.

- 6.2 Mr. Boyer moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-17.

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

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 a utility pole along the rear of the property, imposes a practical difficulty. The plight of the owner was not created by the owner and is due to the unique circumstance of the pole. The difficulty is peculiar to the lot in question and not generally shared by others. The difficulty prevents the owner from making reasonable use of the property with an improved off-street parking space. The proposed variations will not impair an adequate supply of light and air or otherwise injure adjacent properties. The variations, if granted, will not alter the essential character of the neighborhood and will allow the space next to the garage to be improved and maintained.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 2.0' side yard parking space setback variation and a 65.86 square foot (3.46%) rear yard total impervious surface coverage variation to permit a parking pad in the rear yard at 707 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. Mark Weber, architect
Wheeler Kearns Architects

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 337.0 square foot (29.56%) front yard impervious surface coverage variation to permit the construction of a new home. The Village Board will hear this case on May 23, 2017.

3.22 The architect said that he is asking to change the permeability requirements for the front yard. They have a flag lot. There is an existing driveway. They would do the same drive as is there now. They plan to tear down the existing home and build a new home. This is the variance needed to gain access to the lot from Indian Hill Road.

3.23 Acting Chairman Schneider asked the width of the current driveway.

The architect said that the current asphalt driveway is about 10' to 12' wide. They will rebuild as is with a paved surface.

3.24 Acting Chairman Schneider said he thought that there were two separate owners of this lot and the lot to the west. But there is one owner.

The architect said that there is one owner for two legal lots. It will be developed and permitted as a lot unto itself.

3.25 Mr. Robke said he does not understand how the plan represents something allowed by zoning. It is a pool house and gymnasium. It would seem as if it is a matter of combining two lots, which he is not sure would have negative ramifications. He is troubled approving a variance for something that would require a special use.

Ms. Roberts said that it qualifies as a single family home. There is a full dwelling unit in the house with a kitchen, bath, and bedroom. There is nothing in the codes that says that such uses as a gymnasium cannot be larger than the percentage of the square footage.

3.26 Mr. Robke said that there is a reference to unusual recreational equipment.

Ms. Roberts said that this would not qualify because it is not an accessory structure separate from the principal structure. The gymnasium portion is connected to the

house. This has been administratively determined to be a single-family home on one lot.

The architect said that this has been reviewed with the Village before they came before the Board.

Ms. Roberts said that many homes have basketball courts in basements.

- 3.27 Mr. Robke said that it is the relationship and the scale of the home. Is there a reason why the two lots could not be combined?

The architect said that combining lots is a future consideration. It could be sold as a single lot. It is deed simple and is kept as a separate entity.

- 3.28 Acting Chairman Schneider said that the calculations of buildable area were made assuming that there was one lot. When they did the surface coverage calculation for new construction for one lot, did it comply?

Ms. Roberts said that it complied.

- 3.29 Acting Chairman Schneider said it looks like they are visually covering more area.

- 3.30 Mr. Kolleng asked if the drive was in the front yard.

The architect said that the driveway was in the front yard. Being a flag lot, anything in there automatically covers more property than the permeability allows.

- 3.31 Acting Chairman Schneider asked if it was the 57' x 20'?

Ms. Roberts said that it was 57' x 20' x 30%.

- 3.32 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 regardless of the nature of the construction of the project, this case is an example of why there are zoning codes and why the property needs relief. It is a flag lot. All standards of review are met and he can support the request.

- 5.2 Mr. Kolleng said it is an unusually shaped lot. This is the first time he has seen a lot of this shape. There is an access issue. There is a whole vacant lot next to it. Standards of review are met and he can support the request.

- 5.3 Mr. Robke said he agrees that the shape of the lot and the driveway are a slam dunk. The motion states that it is for construction of a new home. This does not meet the

definition of a new home. He cannot support the request based on that. It is a technicality and there will probably still be four affirmative votes.

5.4 Mr. Tritsis said it is an unusual parcel. He assumes that the calculations were done correctly. It is a technicality. Standards of review are met and he can support the request.

5.5 Acting Chairman Schneider said that but for the unusual shape of the access to this lot, the applicant would not be before the Board. He has not researched the definition of a new home, but he assumes staff has researched that and that it complies. He can support the request.

6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a request for a 337.0 square foot (29.56%) front yard impervious surface coverage variation to permit the construction of a new home at 77 Indian Hill Road in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Boyer moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-18.

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

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 condition of the property, the configuration of the lot as a flag-shaped lot, imposed upon the owner a particular hardship. The plight of the owner was not created by the owner and is due to the unique circumstances of the lot. The hardship is peculiar to the property in question and is not

generally shared by others. The hardship prevents the owner from making reasonable use of the property with access to the property. The proposed variation will not impair an adequate supply of light and air. The proposed driveway replaces a similar existing condition therefore the essential character of the neighborhood will not be altered.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 337.0 square foot (29.56%) front yard impervious surface coverage variation to permit the construction of a new home at 77 Indian Hill 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. Scott Fortman, architect
Gibbons, Fortman, and Associates

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 3.66 dB sound variation to permit the installation of an emergency standby generator. The Village Board will hear this case on May 23, 2017.

3.22 The architect said they are asking for a slight variation of 3.66 decibels so they can place the generator in the side yard. They are also putting in a sound barrier. With the sound barrier, they are six decibels below the 70-decibel maximum.

3.23 Acting Chairman Schneider said that with the sound barrier they are at 64 decibels. Why is a variation necessary?

The architect said that is a good question.

Ms. Roberts said that staff is not allowed to take any screening into consideration because they are not experts. So, if the unit alone, based on manufacturer's specs has an output greater than 70 decibels at the lot line, that requires review and additional information.

The architect continued and said that it is below the requirement of the Zoning Ordinance.

3.24 Acting Chairman Schneider asked for a demonstration of 64 decibels.

The architect said he does not know what that is.

3.25 Acting Chairman Schneider said that 74 decibels is the noise that is created when you take a shower.

3.25 Mr. Robke said that every ten decibels is a doubling of the perceived though it depends on wavelength.

3.26 Acting Chairman Schneider said they are going from 74 to 64, which is a dramatic reduction.

3.27 Mr. Kolleng asked if two houses were being built next to one another.

The architect said that is correct and he represents one house. This is 1020, the house to the north. There is a house to the north and a street that goes back to beach access. They are a new house under construction. They have not heard anything from the neighbor.

3.28 Mr. Boyer asked how far down the bluff will the generator be placed.

The architect said that it is pretty far down. They are about 50' from the house, which is pretty far back.

3.29 Mr. Boyer said that the house next door is fairly lined up but the house to the north is much farther forward and closer to the street. There is no living area across from where the generator will be placed.

The architect said they are screening the generator from view with landscaping.

3.30 Mr. Tritsis asked the architect to talk about the wall.

The architect said that it is masonry. It is permanent. It will be lined with sound-deadening material. It would follow specs recommended by the sound engineer.

3.31 There was no one in the audience to speak on this application.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Kolleng said that standards of review are met. It is significantly away from the nearest home and they are going downhill towards the lake. With soundproofing, they are below the standard that the Village requires. He can support this request.

5.2 Mr. Boyer had nothing to add and he can support the request.

5.3 Mr. Robke said that there is no reason why this would not be successful. He supports the request. He doesn't understand why a variance is needed.

5.4 Acting Chairman Schneider said they need absorbing material because without it the sound would bounce all over. He can support the request.

6.0 DECISION

6.1 Mr. Kolleng moved to recommend granting a request for a 3.66 dB sound variation to permit the installation of an emergency standby generator at 1020 Michigan Avenue in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Boyer moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-15.

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 meets the variation standards of Section 5.4.F of the Zoning Ordinance. The applicant proposes to locate a generator on the property. By itself, the generator does not conform to the decibel regulations but the applicant proposes to install a sound barrier that will reduce the noise level at the lot line to a point that is conforming. The generator is also located down on the sloping lot and at some distance from the house. The house to the north, the closest neighbor, is located forward on its lot, with no living space in line with the generator. The location further down and back on the lot in combination with the proposed sound barrier and landscape screening result in a minimal impact on adjacent properties. Similarly, the variation, if granted, will not alter the essential character of the neighborhood as the generator will be minimally visible and audible.

8.0 DECISION

The Zoning Board of Appeals recommends granting a request for a 3.66 dB sound variation to permit the installation of an emergency standby generator at 1020 Michigan 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. Stuart Shayman, architect

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 556.35 square foot (6.60%) total floor area variation to permit the construction of a second-floor addition on the legal non-conforming structure. The Village Board will hear this case on May 23, 2018.

3.22 The architect said they are asking to put a second-floor addition over an existing first floor in the rear of the house. What is unique about this is that the property has an unusual shape for the neighborhood and is also undersized for the neighborhood. The addition is in the rear and is not impacting any neighbors.

3.23 Mr. Tritsis asked about feedback from the neighbors.

The applicant said he personally delivered notices to neighbors and there were no issues.

3.24 Mr. Boyer referenced 1.7. He referenced the portion reading bedroom addition and said it looks like there is additional space connected to bedroom three.

The architect said that is not an additional bedroom.

3.25 Mr. Boyer asked if they were just going over the footprint of the first-floor addition and that was extra space.

The architect said that was correct. It made for an enhanced bedroom.

3.26 Mr. Boyer said that the Village Board will want to understand and the Board has to make a recommendation based on wanting to reduce some of the variance requests. The above-referenced space might not be needed and they could reduce their request. However, is there is a reason for that additional space?

The architect said that not having that space would impact the ground floor structurally to separate it off. Economically it costs almost the same to do the entire space as it would be for half of the space.

3.27 Mr. Boyer said they would have to expand structural members over the kitchen?

The architect said that there is a kitchen that was recently redone.

- 3.28 Acting Chairman Schneider referenced exhibits 1.5 to 1.7. If they take out that extra bedroom, they would need a bearing wall spanning the second bathroom on the south side, which would then have to span across. There would be a structural membrane coming down on the window wall on the first floor.

The architect said that the above was correct. They want to do the addition in brick to be consistent with the rest of the house. That becomes a substantial structural issue.

- 3.29 Mr. Robke asked what hardship there was that was driving the addition.

The architect said the scale of the lot is undersized for the area. Every other house within the block is on a lot that is 20% to 30% larger.

- 3.30 Mr. Robke said that the addition is to provide an enhanced master suite.

The architect said that was correct.

- 3.31 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 he wanted to hear his colleagues' comments. The way he looks at this is that there is an existing non-conforming home on a decent sized lot. It is not atypical to have corner lots like this in the Village divided this way. They are now asking for an additional non-conformity of 404 square feet over the existing non-conformity. Although it is not that large of a request, he wants to hear comments about the practical difficulty or hardship in this case.

- 5.2 Mr. Robke said this is an issue that troubles him with these cases. What defines a hardship? The lot itself is not a hardship. It is the desire to expand that drives the request. A non-conforming use is to be modified only to be conforming per the ordinance although the Board makes interpretations to that and recognizes hardships. He is troubled by the definition of hardship that requires that this be done. If it was going beyond the footprint, he would be very troubled. But as an architectural solution, it is about as clean as can be done.

- 5.3 Mr. Kolleng agreed. They are following the footprint, there is no other variations being requested. They are doing an expansion which the Board approves all the time. The square footage request is not that great. He talked about comparing it with others that were approved. It is in line with what the Board has approved in the past. He can support this. Standards of review are met. The hardship is a gray area that the Board sometimes struggles with. The addition will be done in brick to match the house. It will be along the existing frame of the house. He can support this.

- 5.4 Mr. Tritsis said that he can probably agree with all the above. You also need to look at how everyone backs up and their greenery. If you were in a neighbor’s yard, the addition would probably not be visible. There are tall trees in the area. Hardship is a gray definition. If someone wants more usability how do you define that? No one is bothered by it, no one will see it. He can support the request.
- 5.5 Acting Chairman Schneider said they are improving the usability and bringing it up to current standards for the master bedroom and bath. The expansion of one of the bedrooms makes sense. Not to do and reduce the variation by 250 square feet does not make sense architecturally and structurally. It is probably more expensive. The addition faces the back yard of the building to the north and other side is the street. It will not impact light and air to neighbors. The request is not outrageous. It is not a clean hardship situation that the Board would like to see. But the request makes sense to him and he can support it.

6.0 DECISION

6.1 Mr. Boyer moved to request for a 556.35 square foot (6.60%) total floor area variation to permit the construction of a second-floor addition on the legal non-conforming structure at 1211 9th Street in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Boyer moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-14.

6.21 Mr. Tritsis seconded the motion and the voice vote was all ayes 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 lot size and the design 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 circumstances of the lot. The

difficulty is peculiar to the property in question and not generally shared by others. The difficulty prevents the owner from making reasonable use of the property with a second-story addition that improves the existing living space in an efficient and cost-effective manner. The proposed addition is conforming in setback and is built on the existing first floor. The adjacent homes are all sited far from the proposed addition. Therefore, the variation will not impair an adequate supply of light and air to adjacent properties or otherwise injure adjacent property. The variation, if granted, will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 556.35 square foot (6.60%) total floor area variation to permit the construction of a second-floor addition on the legal non-conforming structure at 1211 9th Street in accordance with the plans submitted.