



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, DECEMBER 6, 2017

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Chairman Patrick Duffy
Mike Boyer
John Kolleng
Michael Robke
Reinhard Schneider
Bob Surman
Christopher Tritsis

Members Absent: None

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. 2017-Z-51 154 Maple Avenue

See the complete case minutes attached to this document.

III. 2017-Z-58 2441 Iroquois Road

See the complete case minutes attached to this document.

IV. 2017-Z-61 1123 Greenleaf Avenue (formerly 1121 Greenleaf)

See the complete case minutes attached to this document.

V. 2017-Z-62 431 9th Street

See the complete case minutes attached to this document.

VI. 2017-Z-63 238 Kilpatrick Avenue

See the complete case minutes attached to this document.

VII. Approval of the November 1, 2017 Meeting Minutes

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

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

VIII. Public Comment

An unidentified resident asked about the case for 1202 Chestnut Avenue. She said the posted sign at the property had the meeting date crossed out by hand and the date of December 6 written on it. She asked if the case had been heard in November when she would have missed it.

Mr. Kolleng said yes, the case had been heard in November.

Mr. Surman clarified that the meeting date had been crossed out by hand.

The woman said that yes, it had been crossed out with a thick black marker. She said the owners thought the case had been rescheduled for December 6.

Mr. Schneider asked if this was the project where the house is being torn down.

The woman said yes. It's a very nice house. The request she thought was for an 11' setback.

Mr. Surman said it was the project with the one-story garage at the front.

The woman asked what happened with that request.

Chairman Duffy said the Zoning Board voted to recommend approval of the request because the bulk of the house was set back farther, it was only a one-and-one-half story garage that was encroaching to where the existing house is located.

The woman asked if they couldn't have modified the design to be smaller.

Mr. Surman said the proposed house was conforming to the floor area requirements.

Chairman Duffy said the block for that house is three or four blocks long so when you figure out the average with all the homes set so much further back, the homes closer to 1202 were all pretty much in line with each other but were requiring a greater setback because of other homes on the block.

The woman said she didn't realize the very large mansion-types homes that are way back on their lots were also included in the required setback.

Chairman Duffy said the requirement is based on the average line on the block. That block is four blocks long, not just those 4 or 5 houses right there, that's what affected their requirement.

Mr. Surman said the one-story portion of the new house was pretty close to the setback of the existing house.

Ms. Roberts said that the case will be heard next Tuesday, December 12, 2017 if the resident still had concerns or wanted to address the Village Board on the matter.

Mr. Kolleng said there are about six in a row that are all around the same setback.

The woman agreed and said she had no further concerns about the request.

Mr. Boyer clarified that someone took a huge sharpie and changed the notice. He said that that was very uncool and asked Ms. Roberts if the Village would have done that.

Ms. Roberts said the staff would issue a new printed posting if there was a change to the meeting date.

Mr. Surman asked if the sign was still up.

The woman said it was not. She said that was another question she had, about the sign needing to be posted the entire time. She said there had been some rain and the sign had fallen on the ground.

IX. Adjournment

The meeting was adjourned at 9:40 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

None

3.2 Summary of presentations

3.21 Ms. Roberts said that the staff met with the applicants, the contractor, and Com Ed on the morning of Wednesday, December 6, 2017. The applicant and the contractor are starting to work on plans to submit to the Zoning Board. The applicants cannot attend the next meeting on December 20, 2017 so the request is to continue the case one last time to January 3, 2018.

6.0 DECISION

6.1 Mr. Surman moved to continue the case to the January 3, 2018 meeting.

6.11 Mr. Kolleng seconded the motion and the voice vote was all ayes and no nays.

Motion carried.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. James Gill, applicant

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 the replacement of 6.0' tall solid fence in a side yard adjoining a street. The Village Board will hear this case on January 9, 2018.

3.22 The applicant said that his home is on the southeast corner of Iroquois and Illinois. He is seeking approval for a 2' height variation and an openness variation. He needs to put posts in his existing fence. The fence is 6' high and has existed for 20 years. Fenceworks built the fence and will do the new fence. The new fence will be the same style and material as the current fence. One of the gates to be replaced blew over the other night. It needs posts for strengthening. This is the applicant's first time before the Board.

3.23 Chairman Duffy clarified that they are replacing the posts that are supporting the fence and are not replacing the whole fence.

The applicant said that was correct, but he is also replacing a gate that faces onto Iroquois. On the other side of the property facing east, there is another gate to the backyard and they are replacing that gate. The support posts are starting to rot out.

3.24 There was no one in the audience to speak on the case and the board had no questions for the applicant

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Kolleng said that the board has seen cases like this before. The standards of review are met. The applicant lives on a busy street – Illinois – and the board has typically granted these types of requests in the past. He can support the request.

5.2 Mr. Boyer added that there is more of a repair than a replacement. Standards of review are met.

6.0 DECISION

6.1 Mr. Kolleng moved to recommend granting a request for a 2.0' fence height variation and a fence openness variation to permit the replacement of 6.0' tall solid fence in a side yard adjoining a street at 2441 Iroquois Road in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Yes
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-58.

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 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 an irregular corner lot with substantial frontage along Illinois Road, imposes 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. 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 Illinois Road, which is a busy street at that point. The variations allow for the replacement of a fence that has existed at the property. There is existing landscaping to screen the fence from view.

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 the replacement of 6.0' tall solid fence in a side yard adjoining a street at 2441 Iroquois 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 Ms. Jaime Passaglia, applicant
Little Steps Pediatric Therapy

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a special use for a medical/dental clinic, small to permit the operation of a pediatric physical, occupational, and speech therapy practice (Little Steps Pediatric Therapy). The village board will hear this case on January 9, 2017.

3.22 The applicant said they currently service clinic and in-home therapy, ages 0 to 10. They are located in Glenview and Highland Park. About 20% of their patients come from Wilmette to Glenview. About 30% come from suburbs surrounding Wilmette.

Parents drop off children for a 50-minute therapy session. They can stay within a one-mile radius. They are using retail and service businesses in the village.

Their neighbor, Dr. Kohn, was before the Zoning Board a few weeks ago and parking was a concern. They are in the process of finalizing lease negotiations. Because Dr. Kohn decided not to use the parking, they have six spots available for their use. They are negotiating how many spots they will have. They have about four clients in the clinic and treatment is one-on-one. They have one therapist who lives a block away, so she can walk to work. They have clinicians who take Metra.

They do a lot of community activities and do a lot with preschools and schools. They want to give back to the community.

3.23 Chairman Duffy asked how many staff members they would have at any given time.

The applicant said that typically they would have no more than four to five staff at any given time. There are three treatment rooms and a gym space.

3.24 Chairman Duffy asked about office staff.

The applicant said they do not have office staff at Glenview right now.

3.25 Chairman Duffy said he was trying to gauge parking demand because that area is crowded with parking. The way that village code is written, there is not a requirement for them.

Ms. Roberts clarified that they are meeting the requirement.

- 3.26 Mr. Boyer asked how long each treatment would last.

The applicant said that the sessions are 50 minutes and there is a five-minute window to say good-bye and transition out.

(after 4.0)

- 3.27 Chairman Duffy clarified that the applicant was negotiating to lease some of the parking spaces.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Mr. Rich Cozzola
1107 Greenleaf Avenue

4.12 Ms. Heather Milligan
1047 Linden Avenue

4.2 Summary of presentations

- 4.21 Mr. Cozzola said that physical therapy, occupational therapy, and speech therapy are important for children. In looking at the proposal, there was not much about parking. The applicant said that children would be dropped off and the parent would be in a one-mile radius. The neighborhood is unique. It is one of the few neighborhoods in the village that has a high density of residential with four large condo buildings in a small area. Can the village make parking requirements for this business? Can there be 10-minute spaces in front of the building.

Chairman Duffy said that the board does not make the rules. Ms. Roberts is the expert on the rules.

Ms. Roberts said that in the Village Center commercial tenants are allowed to count as against their parking requirement public parking spaces including the spaces on the street in front of the building, as well as off-street public parking within 500' i.e. the Panera lot. Staff calculated that for this tenant space and the other tenant space in the building, together they would have access to 17 spaces. This use by itself only requires six spaces. There are six on site, three on the street in front of the building and then eight in the Panera lot, which is a public lot. If there was a request to do timed parking on the street, that would go through the Engineering Department and possibly the Transportation Commission.

Mr. Cozzola said that parking is tight at this time and there are 14 more residential units being built.

Chairman Duffy said that with new development, there are parking requirements per unit or apartment. There are also some requirements about parking per square

footage for commercial. They have met those requirements to get building permits. At the last hearing, the board learned that the developer wants to charge for the spaces, but the tenant is saying that the village told them what counts.

Mr. Cozzola said it seems like the board is powerless to say to someone to use the spaces in their building and pay for them.

Mr. Schneider said that the owner of the commercial space and parking spaces would not leave them vacant. The current applicant is negotiating to lease some of the spaces.

- 4.22 Ms. Milligan is an employee of Little Steps. She will work at the clinic three days per week. She can walk to work. She has parking at her home that she has offered during the day to employees.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Robke said that the intended use is consistent with special use requirements. There is an enforcement question that goes along with this so if the applicant chooses not to lease the spaces, they don't lease them for residential use. They are for commercial use. He can support the request.

- 5.2 Mr. Surman agreed with above comments. The spaces are enforced as commercial spaces.

6.0 DECISION

- 6.1 Mr. Robke moved to recommend granting a request for a special use for a medical/dental clinic, small to permit the operation of a pediatric physical, occupational, and speech therapy practice (Little Steps Pediatric Therapy) at 1123 Greenleaf Avenue in accordance with plans submitted. The use shall run with the use.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Yes
Christopher Tritsis	Yes

Motion carried.

- 6.2 Mr. Boyer move to authorize the Chairman to prepare the report and

recommendation for case 2017-Z-61.

6.21 Mr. Schneider seconded the motion and the voice vote was all ayes.

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the special use standards of Section 5.3.E of the Zoning Ordinance. The proposed use in the specific location will be consistent with the goals and policies of the Comprehensive Plan. Such uses are allowed in this location because it tends to be less desirable for retail and restaurant uses. The establishment and operation of the proposed use will not be detrimental to or endanger the public health, safety and welfare. The proposed use in the specific location will not be injurious to the use or enjoyment of nor impede the normal and orderly development of surrounding properties. The proposed use will not substantially diminish property values. Adequate utilities, road access, and other facilities already will be provided upon completion of the building. Adequate measures will be taken to provide ingress and egress in a manner that minimizes traffic congestion. Six parking spaces are provided on-site for the two commercial tenants. The proposed use in the specific location will be consistent with the community character. The proposed use will not adversely affect a known archaeological, historical or cultural site. No other standards of Article 12 apply.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a special use for a medical/dental clinic, small to permit the operation of a pediatric physical, occupational, and speech therapy practice (Little Steps Pediatric Therapy) at 1123 Greenleaf Avenue in accordance with plans submitted. The use shall run with the use.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Roman Bujdei, applicant

3.12 Mr. David Colalillo, architect
Gansari & Associates
4753 N. Broadway Street, Chicago

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 1,268.22 square foot (31.71%) total floor area variation, a 248.14 square foot (6.2%) lot coverage variation, a variation to exceed the first floor height limit, a 17.79' front yard setback variation, a 1.45' side yard setback variation, an 11.51' front yard porch setback variation, a 13.5' front yard porch step setback variation, a 0.62' combined side yard stoop and step setback variation, a 0.25' accessory structure separation variation, a 0.42' detached garage side yard setback variation, a 44.51 square foot (3.18%) front yard impervious surface coverage variation, and a variation to the requirement that a new home provide two enclosed parking spaces, to permit the construction of a substantial addition and remodel that is classified as a new home and the retention of an existing detached garage. The Village Board will hear this case on January 9, 2018.

3.22 The applicant said that he and his family plan to move into the home pending the sale of his home in Skokie. They are trying to use the contextual floor area formula, which is based on height. They are 3" short of being able to use it.

3.23 Chairman Duffy said if they were able to use the contextual formula, they would be over in FAR.

Ms. Roberts said yes, they would be over in FAR.

3.24 Chairman Duffy said that the FAR issue is one of the main battles to get through on this case.

The applicant said that the plan is to build the addition and then move into the home after their home in Skokie sells. Some of the neighbors objected to the proposal, but most of them support the proposal. The objections had to do with a fence although the survey shows the fence on the neighbors' properties. His wife spoke with one of the neighbors who said they would write a letter of support if the applicant replaces the fence along his property and two other properties, but at different heights. His wife said they want to do it, but she is not sure if this is in their budget.

He said they want the addition. If it involves taking the fence down, he will do it. But he is not sure whose fence it is. The survey shows that most of the fence is on neighboring property. He is confused about what the neighbor is asking for since no one knows whose fence it is.

- 3.25 Chairman Duffy said that the board read the letters of opposition. The statement was implied that if the applicant replaces the fence, the neighbor would be in favor of the application. He said he understands that many the requests are existing conditions. But the size of the addition causing them to go over the FAR by a substantial number. There is a 4' high floor for the first floor, which makes the basement count in the FAR. The request of 1,268 square feet is reduced by about 850 square feet, which is the basement, but that still leaves them 417 square feet over the FAR. Why does the applicant need to be that far over?

The architect said that he agrees that they are over 400 square feet over on FAR. If they use the contextual option, they will be under 100 square feet more than allowed. That is because of the way the roof hits the second floor. This house has some unique features. He said the neighbor to the north's backyard is the applicant's side yard. He explained why they were not eligible for the contextual option.

The house currently has a one-car garage. This is an issue for parking. The house is situated closer to the side property line. They are trying to meet all setback requirements by moving it over. Most of their requests are within 1' of allowable or required.

- 3.26 Chairman Duffy asked if they were going to address the garage at the meeting.

The applicant said he would like a two-car garage.

- 3.27 Chairman Duffy said a two-car garage would create more issues with FAR. He clarified that the applicant is leaving the garage as is.

The applicant said he would do something with the garage in the future. They have a very short lot, which is 40' x 100'. It is short compared to other lots.

- 3.28 Chairman Duffy said that comes into play when one looks at a lot of the requirements, many of which are ratios. It is the ratio of the size of the lot to keep the size of the house in proportion to the size of the lot. Small lots present certain challenges, but the applicant must work within their envelope.

- 3.29 Mr. Schneider asked if the applicant currently owned the house.

The applicant said that they emptied out two garbage containers from the previous owners. He obtained a permit for dumpsters to remove the debris. There is some debris in the garage, but not enough to fill a dumpster. They will ensure that the site

is clean and maintained.

- 3.30 Mr. Schneider said that a security fence might be required. What of the existing structure will remain?

The architect said that the existing basement will remain.

- 3.31 Mr. Schneider asked about the soundness of the foundation walls.

The applicant said that there were some cracks. There does need to be repair. A structural engineer must look at this.

- 3.32 Mr. Schneider said that probably some of the perimeter basement walls will remain and others will be replaced with new basement walls.

The architect said that was correct and they are looking to add studs and drywall around that.

- 3.33 Mr. Schneider referenced the first floor and the floor between the basement and first floor. Will that floor be replaced?

The architect said that floor would remain. There are areas where the joists are cracked, and these types of issues will be dealt with on an as needed basis.

- 3.34 Mr. Schneider referenced 1.9. Roughly half of the wall will remain. He assumes they will provide new siding. Will the floor between the first and second floors be replaced? Will the roof be replaced?

The architect said they would provide new siding. Most of the roof will be removed to connect with the new roof that will be added. Most of the floor between the first and second floors will remain. They will double up some joists.

- 3.35 Mr. Schneider asked if there was fire in the house at some time.

The applicant said that on the floor it looks light burn marks.

- 3.36 Chairman Duffy asked if that pertained to the first or second floor.

The applicant said he was referencing the first floor.

- 3.37 Mr. Schneider asked Ms. Roberts why they were deemed new construction.

Ms. Roberts said that it was because of the extensive removal of the interior walls on the first and second floors and the roof.

- 3.38 Mr. Kolleng asked if the basement storage, bedroom, and bath were new. He asked

the architect to say what was new.

The architect said that the above is new. What is new is from the back 4'7" of the basement and the new stairs that are walking out. That extends all the way north. Half of bedroom 3, half of bathroom 1 and the utility room are new. The rest is the existing shell in the basement.

3.39 Chairman Duffy asked what was going to be in the basement.

The architect said there is open area.

3.40 Mr. Schneider asked the height from the floor in the basement to the joist.

The architect said that they are going to attempt to go to 8'. They will dig out the basement slightly to see if they can get up to 8'.

3.41 Mr. Surman said it sounds like they are demoing most of the house and if the floor height is too high, the floor height should be lowered if they are lowering the basement floor. And not have such a large variance. Is he missing something? They are going to make the basement usable.

3.42 Mr. Robke said it was indicated that the applicant is being penalized for the basement because the floor is so high. There is a bedroom and full bath shown. It is high enough for light and ventilation.

3.43 Chairman Duffy said that if they use the contextual option, they are only about 100 square feet over and they can have the basement as designed. They are off of the contextual because of the way that the houses in the neighborhood are situated and the distance to count. They are off by 3".

3.44 Mr. Robke asked to see numbers for the floor area.

3.45 Mr. Surman noted that this size house is put on lots that are twice as big.

3.46 Mr. Boyer referenced the curb cut in front. What is the reason for that?

The applicant said it was an existing curb cut. It looks like at some point the house had a garage on the side. They are not planning to use the curb cut so it should be rebuilt. They don't plan on having a driveway there.

3.47 Mr. Boyer asked Ms. Roberts about the curb cut.

Ms. Roberts said that it will be up to engineering department whether to have them restore the parkway. It is not leading to a driveway. She does not know if engineering will make them take it out.

- 3.48 Mr. Boyer said that there is grass and tire marks there now. He does not recall seeing a car parked there. Can people in Wilmette use the parkway as a parking space.

Ms. Roberts said she is not 100% sure. She would think that the Engineering Department would frown on that, but she is not sure if there is anything in the code. There is some concern from the neighbor next door to make sure that they continue to have access to their driveway. It is up to the Engineering Department to decide about restoration or not. Parking on the grass is not allowed.

- 3.49 Mr. Boyer said that leaving the curb cut would lead to possible misuse. The question will be asked that if the curb cut remains and he has a one car garage and then wants a two-car garage, parking will be an issue at some point. If the curb cut remains, the applicant will return to ask for a parking pad in the front. He would need a variance for front yard parking. If a stipulation could be put on the decision that the curb cut be removed.

- 3.50 Chairman Duffy said that Ms. Roberts will figure out the contextual FAR.

- 3.51 Mr. Kolleng asked the factors as to whether they would live there.

The applicant told the neighbors if the board does not approve the request, an option would be to remodel the existing and use it as a rental property. The only way that market wise that the house would make sense is that if the house retains the value they want they need the addition. They want to have three bedrooms and currently have two. If they could have put another bedroom up there he would not be at tonight's meeting. They cannot put another bedroom up there.

- 3.52 Mr. Kolleng asked if the applicant if the addition could be done would he move in.

The applicant said they would move in if they can have the addition.

- 3.53 Mr. Robke asked if the property was currently for sale.

- 3.54 Chairman Duffy clarified they closed on the property.

The applicant said that the for-sale sign needs to be taken down. They spent several weeks designing the addition.

- 3.55 Mr. Robke asked how long it has been off the market.

The applicant said they closed in May.

- 3.56 Mr. Robke pointed out that it has been several months, and the for-sale sign remains.

The applicant repeated that the sign must be removed. The house is not listed on the MLS.

- 3.57 Chairman Duffy said that there are three bedrooms on the second floor with two full baths and a bedroom and bath in the basement. On the first floor is a half bath, living and dining rooms, and kitchen. What is existing right now? On the second floor it looks like there are already three bedrooms.

The applicant said that those cannot be legal bedrooms because they are so small. He referenced sheet D1. Bedroom one doesn't have a closet, so it cannot be a bedroom. It is labeled as a bedroom.

- 3.58 Mr. Robke said it was shown on 1.7.

- 3.59 Chairman Duffy said that there are no dimensions.

The applicant said bedroom one is 7.5' wide by 9.5' deep. Bedroom two is 8.5' wide by 14' deep. The master bedroom is 16' wide of usable space and by about 14' deep. He said he referenced usable because of the roof. He said one-third to one-half of bedroom one is above 6'. It is a room but not very usable. This house offers challenges and the new house will offer challenges.

- 3.60 Ms. Roberts said that with the contextual option, the lot coverage variation would have reduced to 99.07 square feet, the floor area variation would be at 1,004.16 square feet so only 260 square feet were saved.

The architect asked if the basement counted. It was his understanding that the basement did not count if the house was pre-2003 construction.

Ms. Roberts said that the difference is that pre-2003 construction, 5' is the height limit for the first floor and 4' would be for new construction. This is called new construction, so the first floor height requirement is lower, which is why it is now counting as floor area.

- 3.61 Chairman Duffy said that they are remodeling such a significant portion of the house, so it is considered new construction.

- 3.62 Mr. Kolleng asked if this was all new construction with the same it would still put it over.

Ms. Roberts said that is correct because the first floor is higher than 4'.

- 3.63 Mr. Tritsis asked the height of the basement at this time.

The architect said that it is about 6' 10" to 7'. They want to go another foot lower.

- 3.64 Mr. Surman asked about the slab sitting on the footing.

The architect said they would attempt to put the bottom of the slab to the bottom of the footing and then go up from there and support it that way. The concrete will act as a brace.

(After 4.0)

- 3.65 Chairman Duffy on the survey it indicates that there is a patio and a brick walk. It looks like the addition is not taking up much more space than it already covered.

The architect said they would remove the brick patio and grass and substituting that for the new addition with a net change of 90 square feet.

The applicant said that the village had them hire a civil engineer for this project and to get permits to be sure that the proposed addition does not create a bigger issue. The civil engineer's report noted that they are 93' over.

The architect said that also includes two sets of stairs. The addition is a little smaller than the brick area they are removing. There is a back deck to get out and one on the side too.

- 3.66 Mr. Boyer referenced 1.14, the box with the material description. Does that include windows?

The architect said that is a blank siding wall. It's where the master bedroom and closet are. That is the north elevation.

- 3.67 Mr. Boyer asked if that held true for the lower left quadrant.

The architect said that area has stairs going up.

- 3.68 Mr. Boyer asked if this decision was based on cost or architecturally required based on the interior design.

The architect said it was a choice and there is no reason behind it. There was a window that was infilled.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

- 4.11 Mr. Martin Grill
429 9th Street

4.2 Summary of presentations

- 4.21 Mr. Grill said he is a 21-year resident of the village. He is directly south of the applicant's house and across the alley. His home is 3 bedrooms, 1.5 baths, approximately 2,100 square feet on a 10,500-square foot lot. The subject property has been in decline for the last 2 years at least. He has a vested interest in having the property improved. He has some concerns in the areas of lot coverage, the floor area ratio and parking.

There appears to be an error on 1.2, the Sidwell tax map which identifies the subject property on 10th, north of Linden, when it should be on 9th, south of Linden.

Regarding lot coverage, there is a problem with street flooding. The streets on 9th were designed to retain storm water. Storm water run off is a hot button issue for the village. He is concerned that the lot coverage variation with no mention of remediation for storm water runoff, the problem will be exacerbated. He experiences flooding in his backyard. The streets also flood regularly.

There is a 10% variance in front yard coverage for existing conditions. Any of the variances requested for existing conditions be approved. Requesting a lot coverage variance beyond what is existing seems to be problematic.

Regarding floor area, how was the calculation arrived at for a 2,177.25 square foot maximum. Using the calculations in the ordinance, it looks like it is 1,800 square feet if the contextual option is not used and 2,080 square feet.

Ms. Roberts said that they get a 312.89 square foot floor area bonus for the garage and 64.36 square foot portion for the porch.

Mr. Grill said that the proposed new home seems to be a lot of house for a 4,000-square foot lot size. It is a ratio, but it does not make sense. He would challenge the applicability of the contextual option. The homes to the north could not be used in the calculation because they were over 100 feet away. Their lots are only 150' deep. If they are more than 100 feet away it is not by very much. He thinks that the buildings are over 30' tall. The two properties, his house and the neighbor to the south, cause the contextual option not to be applicable. If they include the properties to the north, this is not just a happenstance of where the property is situated. It is the nature of the neighborhood.

Regarding parking, it is unreasonable to assume that a 3,500-square foot house is going to have one car. Street parking is already constrained by the load from St. Francis Xavier church and school. In the past, the prior owner used the alley as their parking spaces. Some of the other neighbors wrote in to express that concern. Overnight parking in the alley is a problem. The village ordinance is that there be a 10' wide traffic lane in an alley. The alley is 18' wide. Parking a car in the alley would still qualify. If the parking space is supposed to be 5' away from the lot line

and the car is 5', now he is 10' away from the lot line in an 18' alley, which only leaves 8' for passing. The variance for the number of off-street covered parking spaces is significantly problematic.

In closing, he would like to be a good neighbor and he would like to support the renovation of the property, but he feels that the variances requested are a little bit excessive based on lot size. There are other small lots in the area that were built upon. The 400 8th Street lot was a 4,500-square foot lot on which is a 2,200 square foot house was built. There were substantial variances requested relative to the position of the house to the garage of the neighbor. He mentioned 433 8th Street, which was a renovation that required many variances. That is a 3,000-square foot house on a 5,500-square foot lot. It is possible to build homes on a smaller lot. The square footage of this house is excessive compared to lot size.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Robke said that most of them would agree that there are a lot of variations, but most of them are existing conditions. He would be surprised if any board member had an issue with those variations. It comes down to three issues – lot coverage, FAR, and parking.

Without the FAR, parking would not be an issue. The FAR is enough of an issue. He cannot support the request based on the FAR. He understands the attempts to apply the contextual case to it. There needs to be black and white lines as applied. There is just too much house. He reminded the board about counting of the basement. This is usable square footage. There is light and vent for a legal bedroom. It should be counted as part of the home's space.

- 5.2 Mr. Schneider said he somewhat agrees with Mr. Robke's comments. This case is like 400 8th Street. There is an existing structure in terrible shape. He hopes that the village uses some regulation to enforce cleaning that place up. His guess is that by the time they dug into the basement, they realized that the basement walls were in bad shape.

He thinks that when the contractors and architects get into the building, they will not be able to save much if anything of the existing structure. He does not see the hardship to provide all the variations. He would think a better course of action would be to start all over again.

The proposal is not acceptable for this situation. He cannot support the request.

- 5.3 Mr. Boyer said this issue of larger structures on smaller lots reminds him of 400 8th Street where there were many developers and they tried to get variations prior to purchase. It was owner-occupied with a small three-bedroom house. Most of tonight's variation requests are existing. He does not have an issue with those. The issue comes down to FAR and lot coverage and somewhat the parking. It feels as

though the plan is asking to do too much. Usually he sides on property rights and the hardship would be the application of the ordinance to this house. However, he believes that the plan is asking the lot to do too much. He wants to hear what his colleagues have to say.

- 5.4 Mr. Tritsis said that when there is an existing condition and a neighbor who gets hurt or benefits the most. The ask of FAR seems like a lot. If this was a brand-new house with these variances, would the board's feelings be the same or different?
- 5.5 Mr. Kolleng said there are a lot of unique lots in the village. If they were going to build new as was proposed, they might have the same issues. Because the lot is small, he thinks that tonight's proposal is too much house for the lot.
- 5.6 Mr. Surman said when the board has looked at other projects, the board says that the first floor counts against them because the basement height is 6' or it is unfinished. But in tonight's case, they are removing quite a bit of the foundation wall, lowering the floor, and making it livable space. He agrees with Mr. Schneider that by the time they get into the house, probably all the foundation walls will need to be repaired. There is such a small amount remaining that is existing. The variation for FAR is too great.
- 5.7 Chairman Duffy said that his struggle was the size of the house for this lot. Lot coverage he might have gotten around. The board is reasonable regarding parking. A two-car garage cannot be added to the site, so the board probably would have been okay with a one-car garage. Most of the other variations were existing conditions. For him it came down to lot coverage and FAR. They are trying to do too much.
- 5.8 Mr. Boyer said there is something that can be done on this size lot.
- 5.9 Chairman Duffy said that the lot is 4,000 square feet. It is not a small lot. On a lot of this size with these dimensions, you can only get so much house in there. Maybe a three bedroom but most likely a two-bedroom, 2.5 bath house. The applicant must realize what can fit on the lot. The board will work with applicants regarding unique lots. There is something that can be done on the applicant's lot but not what they proposed.

6.0 DECISION

- 6.1 Mr. Robke moved to recommend granting a request for a 1,268.22 square foot (31.71%) total floor area variation, a 248.14 square foot (6.2%) lot coverage variation, a variation to exceed the first floor height limit, a 17.79' front yard setback variation, a 1.45' side yard setback variation, an 11.51' front yard porch setback variation, a 13.5' front yard porch step setback variation, a 0.62' combined side yard stoop and step setback variation, a 0.25' accessory structure separation variation, a 0.42' detached garage side yard setback variation, a 44.51 square foot

(3.18%) front yard impervious surface coverage variation, and a variation to the requirement that a new home provide two enclosed parking spaces, to permit the construction of a substantial addition and remodel that is classified as a new home and the retention of an existing detached garage at 431 9th Street in accordance with the plans submitted.

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

Chairman Patrick Duffy	No
Mike Boyer	No
John Kolleng	No
Michael Robke	No
Reinhard Schneider	No
Bob Surman	No
Christopher Tritsis	No

Motion failed.

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-62.

6.21 Mr. Surman 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. While the lot size and the location of the house on the lot impose upon the owner a particular hardship, the owners are creating their own plight with the proposed scope of improvements. The variations, if granted, will alter the essential character of the neighborhood with a house that is oversized for the lot and neighborhood. The proposed lot coverage and floor area are excessive for the size of the lot.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 1,268.22 square foot (31.71%) total floor area variation, a 248.14 square foot (6.2%) lot coverage variation, a variation to exceed the first floor height limit, a 17.79' front yard setback variation, a 1.45' side yard setback variation, an 11.51' front yard porch setback variation, a 13.5' front yard porch step setback variation, a 0.62' combined side yard stoop and step setback variation, a 0.25' accessory structure separation variation, a 0.42' detached garage side yard setback variation, a 44.51 square foot (3.18%) front yard impervious surface coverage variation, and a variation to the requirement that a new home provide two enclosed parking spaces, to permit the construction of a substantial addition and remodel that is classified as a new

home and the retention of an existing detached garage at 431 9th Street 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. Ali Sajadi, applicant
3628 Torrey Pines, Northbrook

3.12 Mr. Esmael Haddadian, owner
238 Kilpatrick Avenue

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 916.55 square foot (10.92%) total floor area variation, a variation to exceed the first floor height limit, a 1.05' side yard setback variation, a 3.13' combined side yard setback variation, and a variation to the requirement that an attached front-loaded garage must be located a minimum of five feet behind the main front façade of the house to permit the construction of a substantial addition and remodel that is classified as a new home. The Village Board will hear this case on January 9, 2018.

3.22 The applicant said he brought the property owner with him to the meeting.

He talked about the details of the project. The current building is a split-level home. Because the family size is increasing, they need more space. He recommended to the owner that they take the building down and build a two-story brick building with a full basement. This was beyond the home owner's budget. They decided to do an addition to the existing building and keep the current building as is with minor alterations to make it better looking. The children use the basement as a playground, so they plan to keep it the way that it is.

He explained how they counted square footage and noted that they are over on FAR. There is a detached two car garage that will be removed and build an attached two car garage. Because the width of the property is limited, they are requesting variations.

3.23 Chairman Duffy clarified that they are looking for relief for the side yard and the combined side yard. And this is all due to the garage.

The applicant said they are not changing the north side.

3.24 Mr. Schneider referenced 1.7, which is existing. He asked for an explanation of the plan.

The applicant said that to the north is a bedroom. He explained additional details of the plan.

- 3.25 Mr. Schneider clarified that the basement is currently used as the utility room and family room.

The applicant said that this is a playground for the children.

- 3.26 Mr. Schneider said that to build the garage and the kitchen and new addition on the first floor, they are also adding to the second floor. They are taking down the wall to the south. How much of the southern part of the building will be taken down?

The applicant said they will take down everything except the existing bi-level. They will save the portion on the front on Kilpatrick. They will keep existing foundation. They need to add some foundation for the garage.

- 3.27 Mr. Schneider said they had the ability to modify the setbacks to the south. The total floor area variation is a result of the basement which counts.

The applicant said if they didn't have to count the basement they would be in good shape.

- 3.28 Chairman Duffy noted that they still would be over though by not as much. They are about 70 square feet over.

- 3.29 Chairman Duffy asked how wide is the proposed garage?

The applicant said that it is 20' x 20'.

- 3.30 Chairman Duffy said this is a minimally sized garage. They will continue the south wall back, so they can have a kitchen and eating area. That is the side yard setback issue. The basement area that is counting against them is the utility room and open play area. Is that concrete floors and walls? How tall is the ceiling?

The applicant said they have a carpeted concrete floor. The masonry wall is up to 4'. There is 6" to the grade line. The rest is framing.

- 3.31 Chairman Duffy asked about basement height.

The applicant said that basement height is 7'6". About half of the basement is below grade.

- 3.32 Chairman Duffy noted that they would not have the split-level layout any longer. Is it more of a two-story home?

The applicant said they would remain as is with minor alterations. He is going to put on cedar siding. The rest of the building is brick.

3.33 Mr. Robke referenced 1.9 that shows living space. One part becomes two stories and one remains split level.

3.34 Chairman Duffy said he is having problems putting that together in his head. The applicant explained the home layout. He is building a second floor. There is a second floor above the garage. Plan A4 shows the entire second floor.

3.35 Mr. Boyer asked if impervious surface was calculated. It looks like they are reducing impervious surface. They are removing some of the driveway in the back.

Ms. Roberts said they did not have dimensions on the walk. They are allowed 625 square feet and the driveway is 496 square feet. They will probably be okay on front yard coverage.

3.36 Mr. Schneider said that the current driveway is wide at 15'.

3.37 Mr. Boyer asked if they had water issues in the backyard.

The applicant said they did.

3.38 Chairman Duffy said that this street becomes a lake in heavy storms.

3.39 Mr. Surman said that the existing family room on the lower level has windows.

The applicant said windows are 42" high.

3.40 Mr. Surman said that this is habitable space.

(After section 4.0)

3.41 Mr. Schneider asked Ms. Roberts if they had to submit a drainage plan to get permits. And the situation should not be made worse than it currently is.

Ms. Roberts said that was correct.

The applicant said he does not understand how moving the garage would increase water.

3.42 Chairman Duffy said that Mr. Schneider pointed out that when there is construction of a certain amount on a lot, engineering requires submission of plans showing there is no more water running off the lot than currently runs off the lot. They cannot make the situation worse.

The owner said they have a civil engineer to answer any questions. They do not have flooding on their driveway. The back of the house is a lake. The backyard is lower than the neighbors, so they get their water.

- 3.43 Mr. Robke asked if he could confirm that the slope of the driveway they are proposing matches the grade of the existing driveway.

The applicant said this was correct.

- 3.44 Mr. Robke said that no more water should then runoff. A large percentage of the roof areas will be gutters going down which will drain into the backyard. Or will they tie into the storm water sewer?

The applicant said they would tie into the storm water sewer.

Ms. Roberts said they are not allowed to tie into the storm sewer.

- 3.45 Chairman Duffy clarified that downspouts would come into the yard. Engineering will give direction.

The applicant said he would follow any recommendation.

- 3.46 Mr. Robke grew up at 3035 Hartzell. He talked about flooding problems in that area. The proposal could have the potential for alleviating some flooding. He will defer to engineering.

- 3.47 Mr. Surman said he is looking for a 10% variation. What is the hardship? If the area has windows and is usable, that does not seem to be the hardship to build another 900-plus square feet. There is a difference between what someone wants and what is allowed by code.

The applicant said that a bedroom is not suitable on the lower level at this time. They need to have more space for an increasing family.

- 3.48 Mr. Surman said that the basement area is about 700 square feet. They are now at 900 square feet. What is the hardship?

The owner said they have a lot of moisture and it is not pleasant to be there for a long time.

- 3.49 Mr. Kolleng asked if there were drains that the water comes up through in the basement.

The owner said there is condensation. There were signs in the basement that there was flooding. The former owners added a sump pump. He owned the house since 2009. They have not had basement flooding.

- 3.50 Mr. Schneider said they are adding a new family room, which is 36' wide from the existing split level. The existing area from that same point is 24'. They are

expanding the house by 12'. Is it necessary to go out 36' to accomplish what they are proposing?

The applicant referenced sheet A3. There is 400 square feet of garage.

- 3.51 Mr. Robke asked how many square feet they were adding to the house. How many are being counted? He asked for the answer from an architectural perspective.

The applicant said that the addition is 2,821 square feet.

- 3.52 Chairman Duffy said he looks at the existing second floor with three bedrooms. One bedroom will remain with the bathroom and there will be an office. They are adding a second bedroom and a master, a foyer area, a large master bath, and two other bathrooms. They are more than doubling the house. They are asking for a lot of FAR. Did they think about not adding so much house?

The applicant talked about what was allowed by code, which is 4,073 square feet.

- 3.53 Chairman Duffy said he has 4,032 square feet.

The architect said it should be 4,070 square feet.

- 3.54 Chairman Duffy asked how they are getting 4,733 square feet?

It says that maximum floor area allowed is 4,032 square feet. They are over by 170 square feet. Why do they need the extra 170 square feet? Couldn't they do an addition without the 170 square feet?

The architect said that the foyer is counted twice, and he explained why.

- 3.55 Chairman Duffy referenced the large window on 1.11. He does not see what they are talking about regarding a snow or water issue.

The architect said that the first floor to the second finished floor is 11'. There are 9' ceilings on the second floor. That is a total of 20' and they are allowed 17'.

- 3.56 Mr. Surman said they made the design decision to put in a two-story space but that is not a reason to grant a variance. You use up square footage with a two-story space.

- 3.57 Chairman Duffy asked if the split-level nature of the house causing why they don't want the second floor all the way across that area.

The architect said that the split level has nothing to do with the addition. He likes the foyer as designed.

3.58 Chairman Duffy noted that the foyer, as designed, is not a hardship.

3.59 Mr. Schneider asked the foyer dimension.

The architect said that the foyer is about 14' x 10.6', about 150 square feet.

3.60 Mr. Surman clarified that the board is not saying they cannot have a foyer, but then they must make a reduction somewhere else.

3.61 Chairman Duffy said that the foyer is counted twice to have it, so they must take square footage away from another area. It is not a hardship if someone does not have a two-story foyer. Why does the house need to go so far back? Couldn't they have less square footage in the addition to compensate for the size of the foyer?

The architect said they could eliminate the cathedral ceiling and gain 150 square feet and modify the rest of the building.

3.62 Chairman Duffy said they would have to come off by about 170 square feet. Then they could say that the basement is counting against them and that's why they are before the board for the FAR.

The architect said he could eliminate the cathedral ceiling.

3.63 Chairman Duffy said they could keep that ceiling but take 170 square feet somewhere else.

3.64 Mr. Schneider said that there is about 170 square feet more than the basement. There are many ways to deal with that. They could shrink the width of the family room by 2'. The garage has to be at least 20' wide.

3.75 Mr. Kolleng asked for clarification as to what they are doing with the basement.

The applicant said that the basement is used as a playroom. It will be the utility room and the playroom. Not much is changing there.

3.76 Mr. Robke said that the 'basement' is usable livable space.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Mr. Bob Davis
227 Kilpatrick Avenue

4.2 Summary of presentations

- 4.21 Mr. Davis thanked Ms. Roberts for getting case documents to the neighbors. He is also representing Sam Lin at 235 Kilpatrick.

The first set of issues has to do with water after a storm. The east side of the street is higher relative to the west side. Water doesn't get as bad on the east side. They are concerned that the amount of water will change and have more problems. He has a reverse pitch driveway as do other neighbors. They are looking to put up temporary emergency walls in their driveways, but they have run into a height limit as to the water height. That height is about 41". The flooding has gotten worse as they have built five garages.

They are very worried that when construction goes on, the only place to put the equipment is in the front of the house. That displaces more water if there is a storm.

In the back of the house, they are close to the rushing water that comes down Valley View across the back and heading out toward Glenview Avenue and flooding Glenview Avenue. Trustee Kurzman will address that in a board meeting since he could not be at tonight's meeting.

He said he would love to have the applicant build a house. But they are very concerned about drainage issues in that neighborhood.

- 4.22 Mr. Boyer said it looks like there will be more green space in the backyard per the plan. If there is more green space in the back that would be good.

Mr. Davis said it depends on the slope of everything. They looked for grading and elevation maps. They didn't get those maps.

- 4.23 Mr. Schneider said that he is trying to understand that what the applicant is proposing will make the situation worse.

Mr. Davis said that there is less water going north and south. More water will come towards the west when the garage is moved up. Currently the water goes west and south.

- 4.24 Mr. Robke asked why Mr. Davis said there would be more water.

Mr. Davis said there is a roof and soffits running into downspouts. Water must go somewhere. And more would possibly come onto Kilpatrick. It depends on what they do for downspouts, which isn't shown on the plan.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Boyer said that when he first read the case and looked at the house, he initially thought that the proposal was okay. But after discussion, he is looking at this in another way. He is not in favor of the house as proposed. He can get past some of the variations. The total floor area variation and the second variation request are what he cannot get past. The basement is usable space. It cannot be used as usable space and then as a benefit to grant the variance. They are using it both ways. With older homes, the basement cannot be used except for storage and mechanicals due to ceiling height. But that is not the case for this house. There is a lot of space that can be maneuvered so there is not request for an FAR variation. He likes that the house is being brought closer to the street. There is more pervious space. It will alleviate some water problems on the street. He cannot support the request.
- 5.2 Mr. Robke agreed with the above comments.
- 5.3 Mr. Surman said that with a split-level house, even if they have a window and the sill is at 42" or 48", the windows are still large. The space is usable. The applicant decided not to finish or really improve the basement. He thinks that the house would be too massive if they put on an addition compared to others on the street.
- 5.4 Mr. Kolleng agrees with the above and he cannot support the request.
- 5.5 Mr. Schneider said that he agrees. The 5' issue is not an issue with setbacks. He is trying to understand the hardship in this case. Everything they are proposing can be done without the large FAR variation. Split level homes were designed so that the lower level was not called a basement. It is a livable area. He hopes the applicant can continue with a redesign. They are decreasing impervious surface which is good. He said that the applicant, in working with village engineers, will ensure that flooding is not exacerbated. He cannot support the request.
- 5.6 Mr. Tritsis said that the house feels massive. With some redesign, the applicant can get what he wants without a huge variation. He cannot support the request as is.
- 5.7 Chairman Duffy said his initial reaction is that this was a very large home going into an area of modest homes. He was confused initially with the plans but then when he understood the plans, he still thought that this was too much house. There is a reason for ratios and why something counts above a specific height. He cannot support this request. They can tweak the design. Maybe the open space could be turned into a bedroom. There is a lot of space for him to accomplish his goals.

6.0 DECISION

- 6.1 Mr. Boyer moved to recommend granting a request for a 916.55 square foot (10.92%) total floor area variation, a variation to exceed the first floor height limit, a 1.05' side yard setback variation, a 3.13' combined side yard setback variation,

and a variation to the requirement that an attached front-loaded garage must be located a minimum of five feet behind the main front façade of the house to permit the construction of a substantial addition and remodel that is classified as a new home at 238 Kilpatrick Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	No
Mike Boyer	No
John Kolleng	No
Michael Robke	No
Reinhard Schneider	No
Bob Surman	No
Christopher Tritsis	No

Motion failed.

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-63.

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

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. There are no particular conditions of the property that are creating a practical difficulty or particular hardship. The lot is standard size and dimensions. The owners are creating their own plight with the proposed scope and design of the improvements. The proposed floor area is excessive for the current size of the house and for the lot. The variations, if granted, will alter the essential character of the neighborhood with a house that is oversized for the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 916.55 square foot (10.92%) total floor area variation, a variation to exceed the first floor height limit, a 1.05' side yard setback variation, a 3.13' combined side yard setback variation, and a variation to the requirement that an attached front-loaded garage must be located a minimum of five feet behind the main front façade of the house to permit the construction of a substantial addition and remodel that is classified as a new home at 238 Kilpatrick Avenue in accordance with the plans submitted.