



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, OCTOBER 18, 2017**

**7:30 P.M.**

**COUNCIL CHAMBERS**

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**Members Present:** Chairman Patrick Duffy  
Mike Boyer  
Michael Robke  
Reinhard Schneider  
Bob Surman

**Members Absent:** John Kolleng  
Christopher Tritsis

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

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**I. Call to Order**

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

**II. 2017-Z-49 1415 Gregory Avenue**

See the complete case minutes attached to this document.

**III. 2017-Z-51 154 Maple Avenue**

See the complete case minutes attached to this document.

**IV. 2017-Z-50 500 Gregory Avenue**

See the complete case minutes attached to this document.

**V. 2017-Z-46 2945 Central Avenue**

See the complete case minutes attached to this document.

**VI. 2017-Z-48 1635 Lake Avenue**

See the complete case minutes attached to this document.

**VII. Public Comment**

There was no public comment.

**VIII. Adjournment**

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Lisa Roberts  
Assistant Director of Community Development

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

#### **3.1 Persons appearing for the applicant**

3.11 Ms. Julie Johnson, applicant

3.12 Mr. Craig Johnson, applicant

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

3.21 Ms. Roberts said that this is a request for a 6.77' side yard air conditioner condenser setback variation to permit the installation of two air conditioners. The Village Board will hear this case on November 14, 2017.

3.22 Ms. Johnson said they have two small air conditioner units on the side of the home near the garage. They are old, loud and leaking Freon. They need new air conditioners and seek quieter units. To get quieter units, they need to be bigger. To get a bigger one in the same location, the sidewalk that leads to their back door is blocked. They want to relocate the two units to the side of the house. They have a 6' solid wooden fence between them and the neighbors. They spoke with their neighbors who have no issue with the request. They investigated alternative locations without success. They cannot move the units to the front of the house because it is very expensive. On the other side of the house, the space is smaller between their home and their neighbor's home.

3.23 Mr. Boyer asked about rough dimensions of the current and new units.

Ms. Johnson said that the current units are 22.5" x 22.5". The new ones are two different sizes in terms of tonnage. They are 2.5 and 3 tons. They need a bigger unit for upstairs. One unit is 31+ inches by 32+ inches and one is 35+ inches x 28+ inches. One unit is taller than the other unit. The second unit is three tons and is for the second floor. She showed a picture of their current units.

3.24 Mr. Schneider asked about decibels.

Ms. Johnson said one unit is 72 decibels and one is 74 decibels.

3.25 Mr. Schneider asked about decibel requirements.

Ms. Roberts said there is no requirement for residential units less than five tons.

3.26 Mr. Robke asked if they had looked at other manufacturers that might have smaller units in terms of size.

Ms. Johnson said she got three estimates. To get the quieter unit, they must go with a larger size. They need a larger coil to achieve better sound reduction. She likes smaller units also.

3.27 Mr. Surman asked how long they had lived in the house.

Mr. Johnson said they lived in the house since 1995.

3.28 Chairman Duffy noted they were placing a unit under a window.

Ms. Johnson said she knows this is not great, but they don't want to block the sidewalk.

3.29 There was no one at the hearing to speak on the case. There was no additional communication on this case.

## **5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS**

5.1 Mr. Boyer said he does not see any other area that the units could be located in. They have an attached garage with a center drive. The units cannot go in front of garage doors. The chosen location is the best option. If the Board had asked the applicants to remove the deck to locate the units in the deck location, that would be a considerable expense and hardship. All standards of review are met.

5.2 Mr. Robke said he usually views these types of cases as straightforward. In this case, they are placing units that are old and make a lot of noise. At some point, the proposed units will get old and could potentially make a lot of noise. In most cases like this people are putting new units in the current location. That is not the situation in this case. He is on the fence and wants to hear what his colleagues have to say.

5.3 Mr. Schneider said he had a neighbor with a unit close to his property line. It was noisy. There is a reason why units are at least 10' away. There are other locations that would not be obtrusive. The neighbor who supports the proposal does not know what he is getting into. The solid fence reverberates the noise and makes it louder rather than absorbing the noise. He is concerned about approving this proposal. Other approved proposals have not had adjacent neighbors.

5.4 Mr. Surman said this is a tough case. The developer built the house and put the units in the current location. He talked about having the ability to enjoy the use of the deck.

5.5 Chairman Duffy asked what type of noise buffering has been requested in the past.

5.6 Mr. Schneider referenced a case on Maple where buffering had been requested.

- 5.7 There was a case on Michigan Avenue where buffering was requested.
- 5.8 Chairman Duffy said there was a case in west Wilmette where the Board requested shrubbery to help deaden the noise.
- 5.9 Mr. Boyer asked if they were talking about landscaping or acoustical material.
- 5.10 Chairman Duffy said that the Board requested at least one applicant to add landscaping. Like Arbor Vitae. There would be room in tonight's case for landscaping but not much room. There is only 2' to the fence.
- 5.11 Mr. Surman reiterated that this is a difficult case.
- 5.12 Chairman Duffy said he was inclined to support the case. The neighbor said they support the proposal.
- 5.13 Mr. Boyer asked Ms. Roberts if there was a decibel limit for condensers.
- Ms. Roberts said that there is no limit in the ordinance. For generators there is a limit.
- 5.14 Mr. Boyer asked if this setback was implied that there is a noise issue or is it more an aesthetic issue.
- Mr. Roberts said that it is a combination but there is no set limit. She did research on the decibels for the units. Both units, if converted using the online calculator staff uses for generators, would be less than 70 decibels at the lot line.
- 5.15 Mr. Schneider said he was not an expert on decibels.
- 5.16 Chairman Duffy said that at the lot line it is less than what a generator would sound like at the lot line.
- 5.17 Mr. Robke noted that generators are on during emergencies for limited time periods.
- 5.18 Chairman Duffy said that there is a generator limit for decibel level at the lot line. If that was applied to this case and the units are below the standard, then maybe it's not as noisy as one imagines it to be.
- 5.19 Mr. Boyer said if the units are older they are noisier than new units. He knows this to be true.
- 5.20 Chairman Duffy said that the new units are more efficient. The applicant said they are trying to get quieter units. They don't want to run into the issue of loud noise. He must believe that the new units will be quieter than current units.

- 5.21 Mr. Schneider said it would be helpful, in the future, to know what 70 decibels means. He believes that 70 decibels are not that significant.
- 5.22 Chairman Duffy said he is sure that there is a sound app.
- 5.23 Ms. Roberts had a decibel app and the Board’s conversation was between 70 and 79 decibels. Chairman Duffy said 70 decibels is loud conversation.
- 5.24 There was discussion about a house on the survey, but Mr. Boyer said he did not think it existed now.

**6.0 DECISION**

6.1 Mr. Boyer moved to recommend a request for a 6.77’ side yard air conditioner condenser setback variation to permit the installation of two air conditioners at 1415 Gregory 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	Yes
John Kolleng	Not Present
Michael Robke	No
Reinhard Schneider	Yes
Bob Surman	Yes
Christopher Tritsis	Not Present

Motion carried.

6.2 Mr. Surman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-49.

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**

A majority of 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 layout and siting of the house and the deck, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the circumstances of the development of the lot. The difficulty is peculiar to the property in question and prevents the owner from making reasonable use of the property by locating the air conditioning units in a less obtrusive location. The proposed variation will not

impair an adequate supply of light and air. The units are screened from the neighbor and the street by an existing 6' tall solid fence. The variation, if granted, will not alter the essential character of the neighborhood as the units will be screened from sight.

A minority of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, the units, while relatively quiet now, will become less so as they age, and can potentially be a nuisance to the west neighbor, impairing their use of their own property.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a 6.77' side yard air conditioner condenser setback variation to permit the installation of two air conditioners at 1415 Gregory 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. Ron Strauss, applicant

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

3.21 Ms. Roberts said that this is a request for an 18.5' fence height variation and a variation to allow fencing lighter than an 11 gauge to permit the replacement of a 25' tall wire fence in the side and rear yards. The Village Board will hear this case on November 14, 2017.

3.22 The applicant said that his property abuts the 8<sup>th</sup> hole of Canal Shore's golf course. He is vulnerable to golf balls hitting their house or coming into their backyard. They want protection to keep this from happening. There is a question as to whose fence it is – his or the golf course's. The Village said no permit was applied for to install the fence. The fence was there when he bought the home 20 years ago.

The safety of people in his backyard is at risk when trees are naked in the fall and early spring. What helps them is the 25' high fence. In June 2017, a severe microburst destroyed trees and wrecked the fence.

3.23 Chairman Duffy empathizes with the applicant's plight. There is no plan. There is nothing in the packet that reflects a plan.

The applicant said they are replacing the fence that exists and in the current location.

3.24 Chairman Duffy said he walked around the site. The fence seems partially attached to a telephone pole. There are some posts that are broken. Are they replacing everything as is? What are they doing?

The applicant said they are installing a new fence. The fence is made of chicken wire. Chicken wire is less visible than chain link.

3.25 Chairman Duffy asked about all the supports. Will they extend the 4 x 4s up or whatever size they are? The Board's approval is based on reviewing plans that were submitted to them. The Board understands that the applicants want to replace the fence, but there is no plan. The Board won't know what it looks like because of this. How do you approve something when you don't know what it looks like?

The applicant said that the fence looks like how it looks today but it will be standing up and not in pieces. It will look new after the replacement.

- 3.26 Mr. Schneider said he stood on the tee. But the trajectory of a hit from the tee to the applicant's property it would not land on his lot.

The applicant said that depends on the ability of the golfer.

- 3.27 Mr. Schneider noted that the 25' fence would help protect other neighbors.

The applicant said it would not help protect other neighbors. The neighbor next to him finds golf balls in his backyard and in his front yard. This means that the ball went over the applicant's house, over the neighbor's house, and into the front yard.

- 3.28 Mr. Schneider said he cannot see why 25' is needed to protect the applicant's lot.

- 3.29 Chairman Duffy agreed (because is not a great golfer) that he would like to see the applicant replace what he has now.

- 3.30 Mr. Schneider noted that the fence only protected the back yard and not the house, itself, all the time.

- 3.31 Chairman Duffy said that there are many factors to look at in terms of the ball getting hit. They would be getting a variance for over 18.5' and lighter than 11 gauge to prevent 25' of fence.

- 3.32 Mr. Schneider asked if the building department would regulate the fence and approve it.

Ms. Roberts said that the applicant would apply for a permit. The building code does not address chicken wire fencing construction.

- 3.33 Mr. Surman said that the Board cannot approve something. Eventually it will go the building department will look at the fence and indicate how it must be. Are they working with a fence company? A company would tell him what he needed to do and could draw up plans.

The applicant said he would work with a fence company. He has three proposals, but he has not accepted any one of them.

- 3.34 Chairman Duffy asked if there were plans as part of the proposals. Did they submit a picture of a fence?

The applicant said no to both parts of the question.

- 3.35 Mr. Schneider asked if the motion could be conditioned upon approval from the building department after he submits a plan.

Ms. Roberts said that this would be possible.

3.36 Chairman Duffy said he really wants to help the applicant, but does not want the Board to give carte blanche. There were cases in the past that were completed in not the way the Board anticipated completion.

3.37 Mr. Schneider said that the current situation looks dangerous.

The applicant said that the situation is dangerous and recent storms made the situation worse.

3.38 Chairman Duffy asked how they would amend the motion.

Ms. Roberts said that a condition could be that the applicant submit better drawings before going to the Village Board.

3.39 Chairman Duffy asked if the applicant could get a continuance with the Village Board if he needs more time.

Ms. Robert said this was possible.

3.40 Mr. Robke said that it the request indicates lighter than 11 gauge but the Board does not know what is going up.

3.41 Chairman Duffy said that the building department also approves the way treehouses are built and anchored and supported.

Ms. Roberts said that the building code does not address tree houses. There is no building code for something like tonight's request.

3.42 Mr. Surman asked the applicant if the neighbors were aware of changes to the fence and the applicant said that they were aware.

The applicant said that the neighbors asked if they should come to tonight's meeting, but the applicant did not think it was necessary.

3.43 Chairman Duffy said it is about knowing what the Board is approving. This way the Board can 'control' what gets built. What will it look like? What is the Board approving?

3.44 Mr. Schneider said it is a life safety issue.

The applicant said he would be using chicken wire and wood. There are vertical and horizontal portions of the fence. He said they are looking to replace what currently exists for the wood features.

- 3.45 Chairman Duffy said that the current fence is over 20 years old. They built it well enough to last for at least 20 years. But people today might say to use metal versus wood poles. Or anchoring needs to be done differently.
- 3.46 Mr. Surman said that someone must take responsibility for what is being requested.
- 3.47 Mr. Schneider asked if the Board could ask if the applicant submit a plan to get a permit.
- 3.48 Mr. Robke said that the Board still doesn't know what it is approving. There is no description, no elevation, no product data. When a variance is granted it is granted based on the plans submitted. There is no objection of what the Board thinks that the applicant wants to do, but through plans one can understand what that I s.
- 3.49 Chairman Duffy talked about approval based on the building department approving the plans. There is no building code that the building department must follow. It is arbitrary. Or another suggestion was that the case be approved subject to plans being submitted by the applicant to the Village Board for approval.
- 3.50 Mr. Surman said that the Board must identify what is the lower portion of the fence. If it is a 6' solid fence and it is acceptable and the above needs to be open.
- The applicant said that he needs to put in new posts to support the fence.
- 3.51 Mr. Surman clarified that they are putting in a new 6' solid fence.
- 3.52 Chairman Duffy said he would feel more comfortable if there was a plan before the case gets to the Village Board.
- 3.53 Mr. Robke asked Ms. Roberts if there was any way for the Board to request a continuance. The applicant could return with additional information like a simple elevation, product data, etc. the Board would probably approve this in short order. There is ambiguity right now.
- Ms. Roberts said that could be done.
- 3.54 Chairman Duffy asked the applicant was comfortable with this suggestion and then come back when he has a plan. If the Board has a full agenda this case could still be heard since it won't take a lot of time. But the applicant must have a plan. He has at least three out of five Board members supporting his plan this evening. Two members are not at the meeting.
- 3.55 Mr. Surman asked about the next meeting.

Ms. Roberts said that the next meeting was November 1. Is that too soon?

3.56 Chairman Duffy said that as soon as the applicant got plans the case could be heard.

Ms. Roberts said case must be continued to a specific date.

3.57 Chairman Duffy suggested continuing the case to November 1<sup>st</sup>.

## **6.0 DECISION**

6.1 Mr. Surman moved to continue this case to the November 1, 2017 meeting.

6.11 Mr. Schneider 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. Jay Montblanc, applicant

**3.2 Summary of presentations**

3.21 Ms. Roberts said that this is a request for a 225.5 square foot (21.68%) rear yard pavement impervious surface coverage variation and a 193.5 square foot (18.61%) rear yard total impervious surface coverage variation to permit the construction of a patio. The Village Board will hear this case on November 14, 2017.

3.22 Chairman Duffy asked if the patio was already installed.

The applicant said that the area is dug out.

3.23 Mr. Surman said that the pavers near the driveway are done, but the patio is not done.

The applicant said that he got approval for the driveway, but they stopped once they hit the maximum square footage.

3.24 Chairman Duffy clarified that where the patio is going to start is not filled in.

3.25 Mr. Schneider said that patio by the garage is done.

The applicant said that it is not done. It is carved out. The grass has been removed. They are looking to transfer existing pavers to the opposite side that is near the garage mainly because there is no way to enjoy the patio. It was canopied when they bought it four years ago. Since then they collaborated with neighbors to take down trees. Every time they are on the patio after 3:00 p.m. on a summer day, the sun beats down on them. It is unusable space.

They received a variance to build a garage. They inspired others to do major improvements in the area based on their garage. Tonight's request is the last stage in bringing the house back to life which is making the back yard a usable feature for himself and for his children.

3.26 Chairman Duffy referenced 1.4.

The applicant did not have this document.

3.27 Mr. Schneider said that it is a plan that shows the patio.

The applicant said they have taken out the pavers. If the Board does not recommend approval, the applicant will make it all grass.

- 3.28 Mr. Schneider asked what they were requesting.

The applicant said they are requesting to build the patio like as shown on 1.4.

- 3.29 Mr. Surman clarified that they want to build the patio within the rear yard instead of having it adjacent to the house.

The applicant said that what Mr. Surman said was correct. They want to do this to cut down on the bright sun and for as aesthetics. They will be adding green space. The fence line was previously on the east side of the driveway and is now on the west side creating even more square footage in the back yard and bringing the entire structure into the back yard.

- 3.30 Chairman Duffy asked a question about the picture provided by the applicant – what are the black squares?

The applicant said they these are rubber temporary squares that they brought from a home in the city.

- 3.31 Mr. Surman asked if pavers were existing.

The applicant said pavers were new. They are concrete pavers.

- 3.32 Chairman Duffy asked if the patio on 1.3 was gone. The new patio would be next to the garage. It takes up less space, so it is a positive of over 70 square feet.

The applicant said it makes the symmetry of the house much better. The neighbors are raving about the new garage. The patio will make the area look even better. They will then be done with the house and they can move on with life.

- 3.33 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. Surman said he can support the proposal. They are reducing impervious surface. He said that the patio is in a good location.

- 5.2 Mr. Boyer said he likes the net reduction of pervious surface. He would allow the replacement of the existing patio that they did remove. Moving the patio makes sense. The lot is substandard for the block. A substandard lot is a hardship. The zoning district is R1-H. The lot is 5,200 square feet. All standards of review are met. He can support the request.

5.3 Mr. Schneider just because they are replacing an existing patio and reducing it to some extent, they are still requesting a substantial impervious surface variance. He would like to see that whenever there is a change requested, the Board tries to reduce impervious surface significantly. He understands these circumstances with a substandard lot. He wished that the applicant, however, had made more effort to provide additional pervious surface than they have. But he can support the request.

5.4 Mr. Robke said standards of review are met.

5.5 Chairman Duffy agreed that the standards are met.

**6.0 DECISION**

6.1 Mr. Surman moved to recommend granting a request for a 225.5 square foot (21.68%) rear yard pavement impervious surface coverage variation and a 193.5 square foot (18.61%) rear yard total impervious surface coverage variation to permit the construction of a patio at 500 Gregory Avenue 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	Not Present
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Yes
Christopher Tritsis	Not Present

Motion carried.

6.2 Mr. Schneider moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-50.

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 meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the lot size and the house size, 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 hardship is peculiar to the property in question and not generally shared by others. The

hardship prevents the owner from making reasonable use of the property with outdoor living space. The proposed variation will not impair an adequate supply of light and air and results in a net reduction in the impervious coverage on the lot. 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 225.5 square foot (21.68%) rear yard pavement impervious surface coverage variation and a 193.5 square foot (18.61%) rear yard total impervious surface coverage variation to permit the construction of a patio at 500 Gregory 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. Damien Kulikowski, applicant

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

3.21 Ms. Roberts said that this is a request for a 0.96' side yard setback variation, a 2.09' 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 November 14, 2017.

3.22 The applicant said they want to build a second story addition to a single-family home. Building an addition poses a structural difficulty as the property faces a 7.24' setback on the east side instead of the 8.20 required by the ordinance. Their current garage does not have the 5' setback that is required. They also need a combined side yard setback of 2'.

3.23 Mr. Surman clarified that they were adding the second floor above the first floor. They are changing anything above the garage.

The applicant said they are changing the roofline. Above the garage is open attic space.

3.24 Chairman Duffy said that for the rest of the second floor they are below height standards. There is no FAR request or other issues on this case. There are existing conditions that are impacted by the lot shape and others are due to where the house is sited on the lot.

3.25 Mr. Schneider said that the side yard variation has to do with the trapezoidal shape of the lot. The new ordinance that requires a garage to be set back 5' is for new buildings.

3.26 Chairman Duffy said that this house falls into new construction because they are doing a lot of work. They should not be asked to push the garage back 5'.

3.27 Mr. Surman said that the plat of survey is different from what exists.

The applicant said that they did a concrete patio in the backyard.

3.28 Mr. Surman said the notch that is in the front of the house is greater than shown.

The applicant said that there is no porch right now. There is an open yard in front. Soon they will have a porch addition. It is within the line of the existing house.

- 3.29 Chairman Duffy said that this was a straightforward request. They are going up and they are sited where they are. The Board cannot make the applicant take out foundation or walls.

#### **4.0 INTERESTED PARTIES**

##### **4.1 Persons speaking on the application**

4.11 Mr. Weiguo Li, 550 Skokie Boulevard

##### **4.2 Summary of presentations**

- 4.21 Mr. Li said that he supports the request. He came to the meeting to learn more about the request. They have 11 members in the townhouse association. He is not sure how others feel about the request. He understands what the applicant is doing. The street condition is not good now.

Chairman Duffy said the reason why the applicant is before the Board is not that he is exceeding the bulk of the house on the lot, he is not exceeding height requirements, but the way that the house sits on the lot, portions of it are in the side yard setback area. This is because of the way the lot is shaped. This type of situation is seen frequently in remodeling. The codes have changed over time. The Board does not tell people how to conform if they want an addition. The parts affecting this neighbor is where the garage sited. He is not making substantial changes to the garage. Does the neighbor have concerns? The Village Board gives final approval and the meeting is on November 14<sup>th</sup>. The applicant hopes to start the project by March 2018 and it is as 5- to 6-month project. If one home on a block has improved value, it can improve the value of other homes on the block. The only impact on the street with rehab or new construction is fencing and parked vehicles.

The applicant said that there has been some work being done on the street itself. In the middle of the night some work is taking place.

Chairman Duffy said that construction is regulated by the Village regarding doing work at certain hours of the day. If members of the association have questions, they should come to the November 14 Village Board meeting. There can be talks with the property owner, so everyone knows what is going on.

Mr. Li said he would let the other residents in his association know about the proposed project at 2945 Central. He couldn't say whether other neighbors might have a problem with the request.

## 5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Schneider said this is a straightforward request. Setbacks exist due to the shape of the lot. The Board cannot force the owner to shave feet off the existing house. To move the front-loaded garage back by 5' would be expensive. All they are doing is building another level above the first floor. He can support the request.
- 5.2 Mr. Robke agreed that this was straightforward. They are not asking for increased FAR or height. The hardship is caused by lot shape. The scale of the addition puts it into new home construction. He can support the request.
- 5.3 Other Board members could support the application. Mr. Boyer said if the Board asked the applicant to comply with an attached garage 5' back, they would need a larger variance.
- 5.4 Chairman Duffy said that there is no room to move the garage back due to lot shape. The Board is not going to ask the applicant to tear down the garage and start over. All standards of review are met. It is a straightforward request. FAR is not increasing. They are not exceeding height limits. He can support the request.

## 6.0 DECISION

- 6.1 Mr. Schneider moved to recommend granting a request for a 0.96' side yard setback variation, a 2.09' 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 2945 Central 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	Yes
John Kolleng	Not Present
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Yes
Christopher Tritsis	Not Present

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-46.
- 6.21 Mr. Schneider seconded the motion and the voice vote is 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 shape of the lot, the siting of the house on the lot, and the existing configuration of the house, impose upon the owner a practical difficulty. The plight of the property 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 not generally shared by others. The difficulty prevents the owner from making reasonable use of the property with improvements to the home. The proposed variations will not impair an adequate supply of light and air to adjacent properties. The variations result from the location of the existing house and the proposed addition and remodeling will not reduce any existing non-conformities. 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 a 0.96' side yard setback variation, a 2.09' 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 2945 Central 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. Ed Twohey, BBA Architects

3.12 Ms. Kelly Higgins, owner

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

3.21 Ms. Roberts said that this is a request for a 996.08 square foot (7.42%) total floor area variation, a 9.12' side yard adjoining a street setback variation, an 8.62' side yard adjoining a street chimney setback variation, and a variation to exceed the first floor height limit 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 November 14, 2017.

3.22 Mr. Twohey is an architect. He is at the meeting for one of his partners who is the architect of record who could not attend this meeting. The home was built in the 10<sup>th</sup> century. It is a cottage on the corner of 17<sup>th</sup> and Lake. It is existing non-conforming. It is built too close to 17<sup>th</sup> Street. The first floor is about 2' above what one would build a first-floor height in a modern new home. Because of that the basement counts as floor area. The basement of this home is unspectacular and barely habitable. The basement height is 6'9". The first floor is almost 5'9.5" above grade.

Ms. Roberts said that since they are considering this to be a new home, the maximum would be 4' above grade.

3.23 Mr. Twohey showed the existing survey. They have created a site plan showing the existing home footprint, the addition footprint and the gray area is the building envelope they could build by right if they were building a brand-new home. The area they are proposing isn't substantially different than they would build if it was a new home. They are hampered that the 19<sup>th</sup> century builders did not follow the ordinance.

3.24 Mr. Schneider referenced the area between 17<sup>th</sup> Street and the gray line. What could they build by right?

There was discussion about what they could build by right.

Mr. Twohey said they compared the front elevation. He showed the original structure. The gray represents an elevation that they could build by right. It shows a deeper basement. They are not getting the benefit of the basement although it counts towards FAR. If they were building a new home, they would build a modern

basement with decent head height. They could build it below the 4' threshold. The first and second floor of the current home plus the addition the collective area would be far below what is allowed if it was a new home. That is the primary point of the submission. The clients chose to maintain an historic building. People find this home to be important. It is on a major corner and is part of the neighborhood character. They do not have an exact age.

Ms. Higgins said when the previous owners moved out, they left a plaque on the fireplace mantel. In 1973 the house was 100 years old.

Mr. Twohey said that the home was originally on another site in the Village and moved to this site.

3.25 Chairman Duffy said there was some information being shared about the history of the home. Where was it moved from? It was originally on Lake Avenue just west of Ridge. It was designated a local landmark.

3.26 Mr. Surman asked if historic landmarks could be modified.

Ms. Roberts said it is not a landmark but was recognized as a 100-year-old home.

3.27 Chairman Duffy clarified that it is a historic house, but not a landmark house.

Mr. Twohey said that the new rooflines are lower than the original rooflines. It creates a situation where the original building is prominent. It is an Italian cottage now and the addition is contemporary.

3.28 Chairman Duffy said it didn't look right to him because two styles are clashing. There is something in the code about conforming to the neighborhood. The proposal is a clash. Why not build with the existing style?

Mr. Twohey said that is a good question. The reason is that they choose to contrast the architecture so that the historic piece stands out apart. Adjacent to the home is a low slung mid-century modern home. The addition relates to the design of that home.

3.29 Chairman Duffy said that the adjacent home was built solely of that design.

Mr. Twohey said there are a lot of opinions on the style of the house. His clients want a contemporary home. They bought a historic home they want to respect. It was an aesthetic vs. an economic decision. When doing a renovation like this, the cost of maintaining the older structure could be more than new square footage.

3.30 Chairman Duffy asked if the curb cut was approved.

Ms. Roberts said that that the curb cut was approved.

- 3.31 Chairman Duffy said they are removing the driveway from the side street onto Lake Avenue. Someone will have to back out onto Lake Avenue. Other houses can come out nose first. Will the driveway on Lake Avenue lead to a future request for a turnaround in the front yard creating a parking space in the front yard? This has happened in the past. Why not keep the garage in the back and pull out onto the side street? It is easier.

The architect said the applicants have four children and they wanted to maximize the rear yard for play. Lake Street is busy and 17<sup>th</sup> is not. Children playing in the front yard is not ideal.

- 3.32 Chairman Duffy understands they want backyard space.

- 3.33 Mr. Robke asked about the square footage of the basement that is being counted.

Mr. Twohey referenced 2.8 and it is 1,026.89 square feet that is existing. They are adding more basement space for mechanicals.

- 3.34 Mr. Robke said that the basement space is why they are above the FAR.

- 3.35 Mr. Schneider asked about exterior materials.

The architect said the exterior materials are hearty board and standing seam roofing and the existing brick.

- 3.36 Mr. Surman was on the Landmarks Preservation Council in Chicago. The roofline should not be impacted when the structure is existing. They can do what they want for the addition in terms of design. The board cannot control that element.

- 3.37 Chairman Duffy said that the board can control it because one of the standards has to do with not altering the essential character of the neighborhood.

- 3.38 Mr. Robke said that the design element is not part of the variation.

- 3.39 Chairman Duffy talked about a past case on Central Park and talked about the case. The home was within 8' of the sidewalk and everything else was set back much further. The request was for exterior design work. The Board turned down the original plan because of the appearance of the house because it impacted the neighborhood.

- 3.40 Mr. Surman said tonight's design could impact the value of neighboring homes.

- 3.41 Mr. Robke said Mr. Surman's comment was speculation. The board should stick to zoning issues than design issues.

- 3.42 There was no one in the audience to speak on this case. There was no additional communication on this case.
- 3.43 Ms. Higgins spoke to her commitment to the community. They moved from the city to Wilmette. They wanted to put their own spin on the old school charm. Their home in the city was very modern.

## **5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS**

- 5.1 Mr. Robke said he has a hard time supporting anything with an FAR variation, but this is due to a unique circumstance with the existing home. They are trying to keep the home and not tear it down. He supports the request. The hardship is to preserve something, and this is in the interest of the Village.
- 5.2 Mr. Boyer agreed with the above. The siting of the home and the way it was built would allow him to support the request. He does not understand the design and why the curb cut was allowed. But they could tear down the house and rebuild it. It is an historic home. He does not support the design. The board cannot base decision on design however.
- 5.3 Mr. Surman agrees with above comments. It cannot be judged by the design. He supports the request.
- 5.4 Chairman Duffy said that the basement is the key to FAR request. The hardship is the siting of an old house on the lot. This is a prominent house that impacts the neighborhood when design work is being done. He believes that the essential character of the neighborhood is impacted with the design. It is a corner house on Lake Avenue.
- 5.5 Mr. Boyer referenced a previous case. The home was not historic. The structure did not get accommodations. The home was different from tonight's home. It would not have mattered as much if that home was torn down, but in tonight's case it matters if the home is torn down. That is where it turns for him. He believes that the addition will matter. It is prominent. Lake Street is the gateway to the village.
- 5.6 Chairman Duffy said they could have designed something that was not as contrasting and is less obtrusive and still meet all the requirements.
- 5.7 Mr. Robke said that it is not part of the board's purview to worry so much about appearance. There were no material samples presented. But the board generally makes decision off drawings and not an appearance board. The variation of the setback will not alter the essential character of the neighborhood that exists. He talked about what the board is responsible for as related to zoning. There is nothing about the FAR that will alter the essential character of the neighborhood. The other conditions exist.

- 5.8 Chairman Duffy said that by granting these variances, the board allows them to design as the plans submitted. He disagrees with the way that the plans are drawn. It is too obtrusive for the neighborhood and alters the essential character.
- 5.9 Mr. Robke said that the larger issue is when people get approval but do not build according to plans. This should be addressed but it is not relevant to tonight's case.
- 5.10 Mr. Boyer said when the board looks at variances, the comprehensive plan needs to be kept in mind.
- 5.11 Mr. Robke said that any vote taken without a full finished board and palette showing materials would be irresponsible.
- 5.12 Mr. Schneider suggested that a vote be taken.
- 5.13 There was continued discussion about other cases and appearance impacting decisions although it is not the purview of the board.

## 6.0 DECISION

- 6.1 Mr. Robke moved to recommend granting a request for a 996.08 square foot (7.42%) total floor area variation, a 9.12' side yard adjoining a street setback variation, an 8.62' side yard adjoining a street chimney setback variation, and a variation to exceed the first floor height limit to permit the construction of a substantial addition and remodel that is classified as a new home at 1635 Lake Avenue in accordance with the plans submitted.

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

Chairman Patrick Duffy	No
Mike Boyer	Yes
John Kolleng	Not Present
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Yes
Christopher Tritsis	Not Present

Motion carried.

- 6.2 Mr. Schneider moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-48.

- 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**

A majority of 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 conditions of the property, the location of the house on the lot and the first floor height 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 circumstances of the house and 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 two-story addition and interior and exterior improvements to the home. The proposed setback variations are for existing conditions that will remain unchanged. The floor area variation relates to the existing condition of the height of the first floor, which will be matched with the proposed addition. The proposed variations will not impair an adequate supply of light and air to adjacent properties. The variations, if granted, will not alter the essential character of the neighborhood.

A minority of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, the essential character of the neighborhood will be altered with the granting of the floor area variation.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a 996.08 square foot (7.42%) total floor area variation, a 9.12' side yard adjoining a street setback variation, an 8.62' side yard adjoining a street chimney setback variation, and a variation to exceed the first floor height limit to permit the construction of a substantial addition and remodel that is classified as a new home at 1635 Lake Avenue in accordance with the plans submitted.