



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, JUNE 20, 2018

7:30 P.M.

COUNCIL CHAMBERS

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

Members Absent: None

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

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

II. 2018-Z-28 816 Lake Avenue

See the complete case minutes attached to this document.

III. 2018-Z-29 1522 Isabella Street

See the complete case minutes attached to this document.

IV. 2018-Z-27 514 Poplar Drive

See the complete case minutes attached to this document.

V. Approval of the May 16, 2018 Meeting Minutes

Mr. Kolleng moved to approve the May 16, 2018 meeting minutes.

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

VI. Public Comment

There was no public comment.

VII. Adjournment

The meeting was adjourned at 9:29 p.m.

Respectfully submitted,

Lisa Roberts
Assistant Director of Community Development

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Mr. Mike Chookaszian, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 2.29' detached garage height variation to permit the construction of an addition to a legal non-conforming accessory structure. The Village Board will hear this case on July 10, 2018,

3.22 The applicant moved to the home less than a year ago. He believes that all standards of review are met. They are trying to maintain the existing garage. The house was built in 1895. Their plan is to add another stall to the garage. The garage has carriage doors in the front. Doors open on the front and back of the garage. Their request fits within the community character and it makes more sense to build the garage the way he has proposed.

3.23 Mr. Surman asked to see a photo of the garage.

3.24 Mr. Boyer clarified that the plan is to match the addition to the existing structure. Will the roofline be the same?

The applicant said there is an existing dormer. The new one just continues. The dormer is on the south side of the garage and there is no dormer on the north side.

3.25 Mr. Boyer asked if there was a practical difficulty in having a roof line at a conforming location.

The applicant said that the roof line would drop if it was conforming and it would look awkward.

3.26 Mr. Boyer said that there could be ice damming.

3.27 Mr. Surman asked if they planned to keep what exists.

The applicant said that they might redo the shingles so that the shingles match. They are trying to keep the current look with the addition.

3.28 There was no one in the audience to speak on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Kolleng said this is a very small request. The applicant is not seeking other variances. They are converting the car from two-car to three-car. The appearance will remain the same. He can support the request.
- 5.2 Mr. Boyer said that they are under the allowable square footage. 800 square feet is allowed on this size lot and the applicant is at 760 square feet. The design is sympathetic to the original home. Wilmette has alley neighborhoods. The alley is part of the character of the neighborhood. The applicant should be commended for keeping the garage and putting on an addition that appears to be the same instead of putting up a three-car vinyl wrapped vanilla box garage. That would change the character of the neighborhood. He talked about the alley at 5th and Forest where there are a lot of older two-story homes. He can support the request.
- 5.3 Mr. Surman said that since they are under FAR, he can agree with other comments. Being on Lake Street, it would be nice to have the additional parking space in the back.
- 5.4 Chairman Duffy said his initial thought was whether a three-car garage would change the character. But there are several three-car garages in the immediate area. Some are older structures. He thought that the proposed design was good. They are not asking for floor area.

6.0 DECISION

6.1 Mr. Kolleng moved to recommend granting a request for a 2.29’ detached garage height variation to permit the construction of an addition to a legal non-conforming accessory structure at 816 Lake Avenue in accordance the 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
Christine Norrick	Yes
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Yes

Motion carried.

6.2 Ms. Norrick moved to authorize the chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-28.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The particular physical condition of the property, the height and design of the existing detached garage, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique appearance of the garage. The difficulty is peculiar to the property in question and not generally shared by others. The difficulty prevents the owner from making an otherwise conforming addition to his detached garage. The variation will not impair an adequate supply of light and air to adjacent property and will not alter the essential character of the neighborhood. The proposed variation will allow the garage addition to match the height of the existing garage and will therefore have less of an impact than a conforming addition would.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 2.29' detached garage height variation to permit the construction of an addition to a legal non-conforming accessory structure at 816 Lake Avenue in accordance the 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. Chad Boomgaarden, architect

3.12 Mr. Scott Palmer, owner

3.13 Ms. Carrie Palmer, owner

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 96.82 square foot (1.07%) total floor area variation to permit the construction of a new detached two-car garage on a legal non-conforming structure. The Village Board will hear this case on July 10, 2018.

3.22 The architect said that the applicants are active participants in the community. When they bought the house, they renovated the interior and they have very good taste. The interior project is done. They have an old garage that they are ready to renovate. Its location does not work well for house access. They are asking to tear it down and then have a garage on the east side and to be allowed to build to 440 square feet.

3.23 Chairman Duffy said that this is a pre-existing garage to the home.

The architect said that the garage goes from 404 square feet to 440 square feet. When they renovated the house and did the front porch area, they enclosed that.

3.24 Chairman Duffy asked for a plan that shows the porch and how much was enclosed.

The architect showed a plan and the enclosed area. They also have a larger deck area off of the front porch.

3.25 Chairman Duffy asked the size of the enclosed area.

The architect said that it was 100 square feet. It is about 8 x 12 and it got enclosed.

3.26 Chairman Duffy asked for a drawing of the original house design.

The architect did not have this with him at the meeting.

3.27 Mr. Boyer asked if this was a new house.

Mr. Palmer said they bought the house in 2010. The structure was existing. The house was built in 1997.

- 3.28 Chairman Duffy clarified that the applicants bought the house in 2010 and then enclosed the area.

Ms. Palmer said they did not enclose the area.

The architect said they are requesting about 100 square feet in FAR. Where would they gain FAR on a renovated project? It meets the garage, porch, and attic bonuses (hard to hear this part). He does not know if this was a new house or a renovation. The way they designed it was with the intent of the porch bonus on a house that was renovated. They achieved their goal which is why they got the porch bonus, but it is enclosed. They meet the requirement in the intent of the zoning code to get the bonus, but they were not granted the bonus.

- 3.29 Chairman Duffy said that they are saying that this was a front porch that got enclosed. That is why they should get the bonus.

The architect said that was not correct. The intent of a porch bonus and why it is granted is because of the design, scalability and scale to the street scape which they have. But because it is now enclosed, they do not get the bonus.

- 3.30 Mr. Schneider said they are increasing the garage size by about 40 square feet. That is the whole change to the request.

Ms. Palmer said that garage was an original the structure before this house was built. It does not match their house. Everything is crumbling. It had a fire place in it so there is a crumbling chimney.

- 3.31 Chairman Duffy clarified that they are looking for about 40 more square feet. It is already over FAR.

- 3.32 Mr. Surman asked if the concrete pad would remain.

Ms. Palmer said they are going to bring the yard back further, so they will have more yard. The parking pad will not be the same size as it was before. They are working with a landscape designer. The pad in the back is new. They are trying to work around the two birch trees. The hoop will be moved.

- 3.33 There was no one in the audience to speak on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Schneider can support this request. It is less than 0.5% of the total. The proposal makes sense.

- 5.2 Mr. Surman agreed. It is a small request. A new garage will be more usable.
- 5.3 Mr. Boyer said that the new garage will not impact the neighbors or property values. Strict application of the code is the hardship. The request is small.
- 5.4 Chairman Duffy concurred. Initially he thought that there was no change, but now knows that there is a minor change. He couldn't understand the front porch concept which he is why asked a lot of questions related to this.

6.0 DECISION

6.1 Mr. Schneider moved to recommend granting a request for a 96.82 square foot (1.07%) total floor area variation to permit the construction of a new detached two-car garage on a legal non-conforming structure at 1522 Isabella Street in accordance with the plans submitted.

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

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
Christine Norrick	Yes
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	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 2018-Z-29.

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

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the condition of the existing detached garage and the previous modification to the front porch, 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 modifications to the structures on the lot. The difficulty prevents the owner from making reasonable use of the property with a new detached garage. The proposed variation will not impair an adequate supply of light and air to adjacent properties. The proposed garage conforms to setback and height requirements. Because the allowable floor area increases with the proposed size of the

garage (because the garage floor area bonus is larger), the non-conforming floor area remains the same with the new garage. The variation, if granted, will allow for the replacement of an old and unsightly detached garage, which will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 96.82 square foot (1.07%) total floor area variation to permit the construction of a new detached two-car garage on a legal non-conforming structure at 1522 Isabella 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. Kevin Gazley, applicant
1418 Scott Avenue, Winnetka
- 3.12 Mr. Jim Chambers, architect
FWC Architects
- 3.13 Mr. Michael Bleck, project engineer
Bleck Engineering, Lake Forest

3.2 Summary of presentations

- 3.21 Ms. Roberts said that this is a request for a 440 square foot lot area variation, a 20.0' front yard setback variation, a 4.0' south side yard setback variation, a 6.44' combined side yard setback variation, a 0.07 floor area ratio (848.76 square foot) variation, a 27% front yard impervious surface coverage variation, a 3.3% rear yard total impervious surface coverage variation, a 4.6% rear yard pavement impervious surface coverage variation, a 7.0' side yard garage setback variation, a 16.5' front yard eave setback variation, a 3.0' side yard eave setback variation, a 1.0' combined side yard eave setback variation, a 17.0' front yard window well setback variation, a 12.5' front yard porch setback variation, an 11.0' front yard porch step setback variation, a 2.0' side yard deck setback variation, and a 5.5' side yard garage eave setback variation to permit the construction of a 4-unit townhouse development with 4 two-car detached garages. The Village Board will hear this case on July 10, 2018.
- 3.22 The applicant said he has extensive real estate development experience on the north shore and in the Chicago area. The project team are highly respected real estate pros. His partner is Ross Friedman is a veteran single family and townhouse developer based in Lake Forest. Jim Chambers and Dave Dodt, FWC Architects, have deep experience and understanding of townhouse design and construction. Mike Bleck is the owner of Bleck Engineering knows about the local storm water and utility issues.

They started the process about one year ago when they started to negotiate with Mr. Witt. The deal is conditioned on zoning by agreeing to tough terms to get the project started. They studied the comprehensive plan and zoning code and align with the village's goals and objectives while needing some relief from code requirements. They met with staff several times and took their guidance. They met with adjacent neighbors and listened to their concerns and walked some of them through the proposal details. Some are at the meeting and several submitted support letters.

The site is an odd trapezoid shape and they tried to put the lot into the constraints of the zoning code while fulfilling comprehensive plan objectives. They did a good job of hitting key objectives. They expect to positively impact neighboring property values and will enhance the quality of life of close neighbors. The design and plan are compatible with nearby properties reflecting architectural styles and details and supporting the hometown character of the area.

The property currently is virtually impervious and non-compliant, and they have brought it up to village storm water standards; they will free up local capacity to help alleviate flooding issues for nearby homeowners. They are replacing an unattractive non-conforming property. They will satisfy a need for more affordable, smaller scale residents for young seniors, the empty nesters, and people who want to stay in the village and downsize.

They have several requests for the board to accomplish this. Hardships include the long frontage, the short depth of 83' to 146'. The architects did a masterful job of designing the plan. He will ask others on the team to speak at this point.

- 3.23 Mr. Chambers said that his business partner, Dave Dodt, was also at the meeting. They are excited to be part of the project. The property is located directly across the alley from the VC zoning district. That district allows much higher density of development. The current zoning for their property allows for 3.85 dwelling units. They are asking for four units. They believe that this is the minimum number of units to support the infrastructure that is required and to make a viable project. They feel that four units are the best fit for the 120' frontage.

The other benefit to having four units is that it will allow steeper roof pitches with the 20' wide units they are proposing. It would increase value to the community by adding another household. In early conversations with community development staff, they were encouraged to move the building closer to the front, closer than the 25' setback, to keep more in line with existing street scape. The buildings on either side are at the 5' line. It is the porch steps on their project at the 5' line. The building is back a few feet from there. The proposal is a better fit for the streetscape. It is the same as VC zoning for front setbacks.

They realize the front porches cost them in terms of setback and FAR, but they are an essential part of a project like this. They are necessary for a friendly/welcoming streetscape.

The current building has less than a 2' setback from the south property line. They are proposing 6' at that point. The closest structure is the neighbor's garage, which is 2.5' away from the property line.

They wanted to be efficient with the site, so they looked at various options as far as the way they can put the building on the site and conform to the ordinance. They thought of lowering the garages and putting the unit above that. The garages would

have been partially sunken with a partially sunken courtyard to access them. This would be at the rear. But because of existing village infrastructure with the combined sewer/sanitary line, it was advised not to do that. The elevation of that line was not deep enough to accommodate the level they would need to place the garages. If they could have done that, they would not have to ask for FAR relief.

They had to go with detached garages and they tried various options to conform with zoning as much as possible. They tried different shapes and configurations but ended up with the proposed because it had the least amount of paving and they could provide garages adjacent to the back yards of the units. This was the most effective configuration. It allows for fenced rear yards and adjacent garages except for unit 3.

They had to go back and look at the units and reduce the size without compromising on the floor plans. They reduced it from 2000 square feet/unit to under 1800 square feet/unit, which is at the low end of market tolerance for this type of unit.

The trapezoidal shape of the site is problematic for setbacks and FAR. The staggered footprint is the best way to build on this site. It has other advantages. It breaks up massing to more human scaled units. It provides more daylight for each unit. It makes both the front porches and rear decks totally private.

There are four units that are individually expressed. The row house character naturally emerges. They enhanced this and incorporated subtle changes in architectural features between each unit. They changed window placements and developed different shades of gray in the color palette. They wanted a residential appearance and a traditional silhouette to compliment near-by residences.

They wanted a clean and simple urban aesthetic. They found inspiration in the modern farmhouse style. Windows are black clad casements with simple mutton pattern. Trim is monochromatic. They worked hard to keep four-sided architecture for continuity. They raised the first floor 42" above grade and still have a steeply pitched roof. They have 10' ceilings on the first floor. They comply with building height restrictions. The first floor adds to the rowhouse aesthetic and helps to daylight the full basement and allows them to express the natural stone base, which gives a visual base to the building and a timeless quality.

Regarding the staff report and the sprinkler system requirement, they worked hard to develop this project. While developing the project, they could put one steel beam in the basement and a few load bearing walls, they could frame this with dimensional lumber. According to village code and his discussion with Scott Berg, if it is all-dimensional lumber, sprinkling is not required.

3.24 Mr. Schneider asked what all-dimensional lumber was.

Mr. Chambers said that it is like a 2 x 12 or a 2 x 10 as opposed to an engineered joist like a TJI or roof trusses. Those are not included in the exception. If you frame with those types of systems, fire sprinkling is required. One would expect to use trusses and engineered joists, so the plan works fine without them.

- 3.25 Mr. Surman asked if they had a two-hour separation.

Mr. Chambers said that there is a two-hour separation between units that runs the full building height.

- 3.26 Mr. Chambers introduced Mike Bleck, the project engineer.

- 3.27 Mr. Bleck is going to speak on drainage and impervious surface coverage. The site is 90% to 95% impervious in its current condition. There is no storm water management now. With the proposed plan, there is a storm water management plan. All downspouts and sump pumps for the new townhomes and the downspouts for the garages, inlet for the driveway, and yard inlets for the backyards are all tied into underground detention basin with a release that releases at a controlled rate. This will have a positive impact on drainage in the area.

Regarding impervious surface coverage, the front and rear impervious areas do not meet requirements. This plan will help to meet it.

- 3.28 Chairman Duffy asked what the green area delineated on the plan.

Mr. Bleck said that the green areas were plastic underground pipes and is the retention area. At the corner of the alley is the man hole with the restrictor. All buildings, yards, and driveways are connected into that system.

- 3.29 Mr. Schneider asked if the current impervious surface covered 90% of the lot.

Mr. Bleck does not know the exact number, but the gravel is extended out close to Poplar. Typically, the gravel is compacted to the point where it is not going to have water seeping through.

- 3.30 Mr. Schneider said what they are proposing would not result in making the storm water draining issue worse than it is today.

Mr. Bleck said that their proposal will make it better. All that water is currently sheeting off the building or parking lot onto neighboring properties. With this development, water will be captured and will go into the storm sewer system. The driveway will be pitched away from the garage, there is a curb along the west side to capture the run off before it gets to the neighbor's property, then direct to an inlet that takes it into the storm water sewer system. Everything on site is captured and put into a detention basin.

- 3.31 Chairman Duffy asked the rate at which it can receive the water.
- Mr. Bleck said it designed to take the 100-year storm and release it at a controlled rate. He does not know the number of inches it can take per hour, but it meets village requirements for the 100-year critical storm.
- 3.32 Chairman Duffy clarified that the water situation will be better than what it is today.
- 3.33 Mr. Surman said if they were in the VC zoning district, what is the requirement compared to the actual requirement for detention and impervious coverage?
- Mr. Bleck said that the site is small and is below the threshold for requiring detention. But the policy is that everything has detention.
- 3.34 Mr. Surman asked about the requirement for impervious in the VC.
- Ms. Roberts said that impervious limits apply only to the required setbacks in residential zoning districts.
- 3.35 Mr. Schneider asked if they were to comply with all setbacks, what could they build?
- Mr. Chambers said they would be severely limited in what they could build. He referenced the 25' front setback line on the site plan. Everything would have to be pushed back there. There would be no garages.
- 3.36 Mr. Schneider said that garages are required.
- 3.37 Chairman Duffy said what if they did two or three units instead of four? Could they fit within the envelope or be close to fitting within the envelope?
- 3.38 Mr. Schneider asked how the lot shape constrained or limited them to what is feasible. What would comply with required setbacks?
- Mr. Chambers said he would have to check for sure, but it looks like unit four, the one at the south, might barely fit. The building might fit without a garage. The sides would have to be altered. There would have to be fewer units across.
- 3.39 Mr. Schneider said they could do a duplex. What does a duplex require in terms of a garage?
- Ms. Roberts said that it would require four parking spaces, two per unit.
- 3.40 Mr. Schneider asked if a duplex would be the maximum feasible alternative without a variation.

The applicant said that the project would be something close to that.

3.41 Chairman Duffy asked the applicant to outline the setback area, which he did.

3.42 Mr. Kolleng asked where the entrance was for each garage.

The architect said that the entrances are off of the alley. Two are loaded directly off the alley. One garage is side loaded off of the new driveway. The southernmost garage is loaded straight on off of the same driveway.

3.43 Mr. Boyer asked if 22' was the optimal width for a side load garage.

The architect said he spoke with planning staff. They are slightly larger than it needs to be. 22' for the turn-in is adequate, but minimal.

3.44 Mr. Boyer asked about the garage for unit 3. He asked for a walkthrough of parking after coming in from the grocery store and then walking into a unit. Is there an easement?

The architect said that unit 3 owner has the longest route between the unit and the garage. All the other garages are adjacent to their backyards. They have a back door for the unit three garage. The actual path is only slightly longer than the others.

3.45 Mr. Boyer asked if the land was owned by each owner.

The architect said that was correct.

3.46 Mr. Boyer noted that the owner of unit 3 will walk across unit 2's property.

The architect said that was not true. The site plan does not show all fencing, but the owner of unit 3 will enter his backyard at a specific point. It is 30' from his garage.

3.47 Mr. Boyer referenced unit 4. Is the gray box on the site plan the entrance door?

The architect said that it is a stoop for the door. He showed where garage 4 drove in and it is 10' to steps on deck.

3.48 Mr. Boyer asked about snow removal and storage.

The architect said that staff had them look at this closely. They expanded the driveways slightly in one location for snow accumulation.

3.49 Mr. Boyer said that would block garage 3 from accessing the yard if there is a 5' pile of snow.

The architect said there would be a barrier to keep the pathway open.

- 3.50 Mr. Surman said that for garage 4, one has to back all the way out to the alley.

The architect said one can back a certain way and out. But they couldn't do this if there was snow.

- 3.51 Mr. Boyer asked about trash.

The architect said that the trash would be in each individual garage.

- 3.52 Chairman Duffy said that garages are 19' wide. The garbage can is about 2' x 2' and has to go in the garage with two cars.

- 3.53 Mr. Surman said the owners would need alley space for trash containers.

- 3.54 Chairman Duffy said that garbage would need to be moved by the side yard of unit 1. They have to walk them around the garages to the alley to the side yard.

Mr. Chambers said they have to bring them to the alley. The driveway is wider than it looks.

- 3.55 Chairman Duffy said that the driveway is 16' wide. Garage units 1 and 3 either move it down the side yard or in front of garage doors. The other two units could leave garbage beside garage door 3.

Mr. Chambers said that is probably what would end up happening.

- 3.56 Mr. Surman asked if they would pave right up to garage 3.

Mr. Chambers said they were going to pave up to garage 3.

Mr. Chambers said that they considered having extra space along the side. It is 16'.

- 3.57 Chairman Duffy asked if the garbage men got out and grabbed cans.

Mr. Boyer said that a claw would grab the garbage cans.

- 3.58 Chairman Duffy clarified that all garbage cans would need to be in the alley for garbage pick up to work.

- 3.59 Mr. Schneider clarified that these units would be sold. What is the affordability of the development? What is pricing?

The applicant said he expects the middle units to be in the mid \$700,000 range and the two end units in the \$800,000 range. Their primary competition is around Plaza del Lago. Those units are 50 to 60 years old and trading at higher prices.

- 3.60 Mr. Schneider asked if the basement is counted in square footage.

The applicant said that the basement is not counted. The square footage of each unit is about 1,860 square feet.

The architect said it is 1,800 square feet, first and second floor and a full basement, unfinished.

- 3.61 Chairman Duffy asked the size of the window well. Is it an escape window well?

The applicant said it was an escape window well.

- 3.62 Chairman Duffy said that there is the potential to build out the basement. They could put a bedroom down there.

- 3.63 Mr. Boyer said that if the lot was squared off so that it was 100' x 146' square, he is still not sure that it would be by-right development. They would still need variances. They could have four units, but they would require variances.

- 3.64 Chairman Duffy said they would have to have a drive so are the garages closer to the units? Does the drive run along the back?

- 3.65 Mr. Boyer said if they lined up the garages to each unit and there was a drive along the back, 20' drive, north to south, that would increase impervious surface coverage, maybe the garage would fit in the rear yard setback.

- 3.66 Mr. Robke said that if the lot is rectangle and bigger, they would be putting 5 to 6 units on there.

- 3.67 Mr. Boyer said that there still would be side yard variances required.

The applicant said they spent a lot of time figuring out the garages. They wanted to minimize impervious surface and maximize the rear yard grass areas. They tried to put them all off of the alley, but it does not fit. They tried to do it along the north-south property line on the east side, but they ran out of turning space and they created more impervious surface. They looked at a lot of options and the proposed option is the most efficient.

The architect said that from street level the garages would not look irregular. It is from the aerial view that it looks irregular. They did this to minimize the amount of paving area. Unit 4 garage could be moved behind unit 4. Right now, it is adjacent to unit 4. It minimized paving.

The applicant said they are creating a more open space environment.

- 3.68 Mr. Boyer asked Ms. Roberts if they would still need variances if the lot is squared off. The hardship that was put forth was the odd shaped lot.

Ms. Roberts said that if the lot was squared off, they would need side yard setback relief. There might need to be some rear yard coverage relief depending on how the garages were configured.

- 3.69 Mr. Surman said that from an aesthetic standpoint, staggering helps the development. The concern is coverage and area in the back. The board has to think about the 25' setback. What is acceptable – what they are proposing or should they be set back be more. But if the setback is more, then they are down to three units. It may not work financially. Even if units are larger, then they are out of the price point.

The applicant said that the project does not work with three units.

(After section 4.0)

- 3.70 Chairman Duffy said that certain comments were reiterated by neighbors, which include too much density in a small area and taking down of the trees.

The applicant said that the existing trees will come down. There are six trees. Two are totally dead, one is used as a telephone pole; there are 3 to 4 trees that are quite old. Their landscape architect is not at the meeting, but one is engaged. They have 4 to 5 varieties of trees that are part of an extensive landscape plan. They don't have it at the meeting.

Two arborists came to look at the trees and said they are old cottonwoods and lived a long life. There is no hope to save the trees.

The architect showed a landscape plan. There are plans to plant new trees in the back. They have to be careful of variety and grid of water storage below. It is doable and that is their intention to plant trees in the back. The plan was done in collaboration with Mr. Bleck who can talk about how it interrelates to underground piping.

Mr. Bleck said he met with the landscape architect. A concern was raised about what is the depth they need for plant material? They were looking at 2.5' to 3' planting bed. Pipes are deeper than that to allow for planting of trees and shrubs. Pipes are PVC.

- 3.71 Chairman Duffy clarified that the project needs to go before ARC.
- 3.72 Mr. Robke said that a 2.5' depth suggests limited height to the trees.

Mr. Bleck said that is at the upper end of the detention. There is more depth as they go downstream. They looked at less pipe or bigger pipe, but they were getting into the planting zone, so they went with smaller and deeper pipes.

3.73 Mr. Boyer asked about a fence on the alley.

The applicant said that there is a fence on the north side of the property line. It creates a small side yard for unit 1. He showed a fence elevation.

Regarding economics, he said he knows that is something that the board does not consider. Density does help support the VC. He is a retail developer by history. The long frontage on Poplar is enhanced by four units. It is R2, which is a transitional zone and some density is expected. It helps support the streetscape.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

4.11 Mr. Rich Cozzola
1107 Greenleaf Avenue

4.12 Ms. Alexandra Cole
1046 Linden Avenue

4.13 Mr. Tom Keefe
1064 Linden Avenue

4.14 Ms. Marie Jones
1058 Linden Avenue

4.15 Ms. Jane George
1055 Linden Avenue

4.16 Mr. Rich Jones
1058 Linden Avenue

4.2 Summary of presentations

4.21 Mr. Cozzola said that he lives in the red brick condo building over Kashian Bros. The issue is not whether something gets built there, but how much gets built. This is too much for too small an area. The area is very tight. He has lived in the area for a year. They looked at townhouses in the village. The prices by Plaza del Lago were not in the \$600,000 to \$800,000 range. Many were in the \$500,000 to \$600,000 range for comparable sized units.

He is not an architect, so he does not know the best number. He used to live on Wilmette Avenue and the original proposal for the townhouse development there was for seven units and five units were approved. That is a much bigger space than the applicant's area.

He has not seen pools of water just sitting. The gravel seems to absorb some water, but he does not know the technical definition.

Some of the questions such as garage placement, where will snow go, and more – these questions still need to be resolved.

Three or two units might not be as financially feasible as four. He is not an expert on this. He asked the board to consider putting fewer units in the area and having some kind of setback. There are a lot of variance requests – too much going into too little space if they need this number of variances.

Mr. Surman said asked where the green space was for the building that Mr. Cozzola lives in.

He said that there is a court yard on the west side of the building.

Mr. Surman said that Mr. Cozzola's building is almost to the lot line. They are set back about 10' in the back. He clarified that there is underground parking.

He said that there is green space to the west. Two private homes are to the west of that.

Chairman Duffy asked if the condo had a different sewer system than other residences on the block.

- 4.22 Ms. Cole said she lives on Linden and 11th Street. She has lived there for 35 years. Over that time there have been numerous developments proposed for the site. She commended the applicant and his team. This is a fabulous use of the site. Some people could not make it work. She supports the proposal. She disagrees that this is overbuilt. The FAR would allow them to build this anyway. If the lot was squared off, the property would have been developed 20 years ago. The lots, including hers, had been zoned VC until the rezoning. They could build four townhouses on the site in 1983 and without variances. It is not VC at this time and was down zoned. If the village is going to continue to encourage urban development near the VC, this is a fabulous choice.

Mr. Surman asked Ms. Cole if her home was on the northwest corner. The lot is large, and the home is very nice.

Ms. Cole said that was correct. She needs to know when the sewer system was put in because they are redoing their lateral. No one knows when the sewer was put in, but it was after 1870.

Mr. Surman asked the size of her lot.

Ms. Cole said it is 190' x 150'.

- 4.23 Mr. Keefe said he bought his house in February 2016 on a foreclosure. He and his wife are excited about the project. They met with the applicant and spoke with the team. They don't think traffic will be an issue. Homeowners might be retirees. He is not on the alley, so his opinion is marginal. The developer seems to have taken drainage and water issues into account. That is a huge issue for him.

Regarding the setbacks, there is no setback for his garage. They are presently 19" away from their neighbor. 6' helps him. The setbacks are good for him and for the area. The development will improve his property value and of the area.

If there was something that could be built that is a duplex or smaller, somebody would have already proposed this. This is the best proposal that he has seen since he has lived in his home. The board should keep this in mind. The lot is odd.

He and his wife like the style. He is looking to use that style for his property. He also wants to incorporate the applicant's landscape plan.

Mr. Kolleng asked if Mr. Keefe wrote the letter that was in the packet.

Mr. Keefe said he wrote a letter.

The applicant said he provided a form letter to several neighbors.

Mr. Keefe said that the letter had his signature.

The applicant said staff directed him to ensure that neighbors are aware of what they are asking for. So, he drafted the core content of the letter. People can adjust it to meet their own needs.

Mr. Keefe said he is an attorney, so he read the letter before he signed it.

Ms. Keefe said that the letter may look generic, but she did change some things in the letter. They are in support of the project and love the plans.

Mr. Boyer said there is no parking going north on Poplar. There is parking on the west side of Poplar.

Mr. Keefe showed where there was two-hour parking until 9 PM. They cannot park on the east side. They can park on the west side. There is train parking that is free on weekends.

- 4.24 Ms. Jones said she and her husband have lived in their home for 31 years. This property has been under discussion, on and off, for 25 years. There were two previous proposals. It is zoned as R2. The two previous proposals required rezoning as VC and paving it over completely. The proposed project is the best that they have seen and the best they can hope to see for this property. She talked about a proposal for a 24-hour drive in bank with a parking lot lit all night. The other was for a four-story apartment building that was scaled back to three stories and paving the property from edge to edge.

The proposal, even with variances, has green space and space between units and lot lines. It has the capacity for landscaping. It has a low residential profile. They were inventive to come up with a proposal that looks like single family homes. There are porches and the appearance align with the neighborhood, which is A frame and stucco.

She has backyard flooding that sometimes comes almost to the level of the houses. Even with some improvements they still get flooding. One of the reasons is that one of the buildings drains directly into her neighbor's yard and the water runs downhill into her yard. The proposal with drainage storage and additional green space and more permeable land is helpful for her property. The proposal will enhance the neighborhood and the village. She is strongly in favor of the proposal.

Chairman Duffy asked her if she liked the idea of townhouses. Would it make a difference as to number of units?

She said she would be in favor of 2 to 3 units also. She likes the residential feel of the project. The property needs to be economically viable. She wants to see the property developed into what the village has intended for so long. She is fine with 4 units.

- 4.25 Ms. George has lived in her home for 15 years. She thinks that the plan would enhance the overall look of the neighborhood. But she has concerns about the density and four units. She is a tree advocate and all old growth trees would be removed. They won't be able to replace with other trees due to underground storm water. The rendering looks good, but none of those trees would be there. She agrees with everything else her neighbors said. The plan is pleasing but too dense.

Regarding garbage pickup, her lot is an irregular lot with a driveway on Poplar, so she has to pull garbage cans to Poplar. That would not be possible with the townhomes sharing joint walls and not getting through.

Mr. Surman asked if she shared the alley with the applicant.

Ms. George does not share the same alley. She is on the south side of Linden, second house in from Poplar. She does not have an alley, so she brings garbage from her driveway to Poplar.

Chairman Duffy clarified that her address is Linden, but garage faces Poplar. She has a side loaded garage that cuts across someone else's back yard. He asked Mr. Keefe where he put his garbage cans.

Mr. Keefe puts his garbage outside the garage on Poplar.

Chairman Duffy said that where the garages are being where garbage pick-up happens. Where is Ms. Jones' garbage picked up?

Ms. Jones said that her garbage picks up is in the alley.

- 4.26 Mr. Jones said that when he heard about the proposal, he and his wife said that this is the project they were waiting for. There were battles over zoning and the village plan. It is zoned R2 and this is transition between more densely populated areas and residential. Water has been a big issue for him. They were pleased with the attention given to alleviating the water problem. They will miss the trees, but whatever goes in is okay. The existing trees are not in good shape. There was damage from falling tree limbs during the last storm.

Regarding garbage, his goes in the alley. There is plenty of room between the property and the alley. Garbage collection is not an issue with the proposal. Snow removal is not an issue either.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Schneider said he spent time thinking about this request. The key is the setback requirement along Poplar, as well as to the east. One issue in his mind is if they were to comply with all setback requirements and not have any variation, he is not sure they could even build two townhouses since garages are required.

The R2 zoning was intended to be a transition from single family detached to high density VC. It allowed for duplexes or townhouses, which is more density. If this was a 100' wide lot and it was 150' deep and it backed onto an alley, this would comply with all requirements. The unique situation is the lot shape and that it fronts a street and an alley in such a way that it cannot be organized with the units facing the street and garages facing the alley.

It is an improvement over what is there. It aesthetically helps the community. It provides somewhat higher density near the VC. In spite of the number of variation requests, the proposal is appropriate to do for this site.

- 5.2 Mr. Robke said most of the setbacks are not a problem for him. He understands this is part of the transition. He is very troubled by the density. Is it a transition to a lower density or extending something that is a little too dense? The renderings and design look very nice. He has seen quite a few renderings and does not think that the project will feel quite so spacious or horizontal. He is worried about the fourth unit and the density it brings. He has a difficult time supporting the request due to overall density.
- 5.3 Mr. Surman asked if Mr. Robke was referring to the one extra unit or the lot coverage.
- Mr. Robke said it is a combination of the coverage and the extra unit. It is pushing too much in every direction and contributes to the density.
- 5.4 Mr. Surman said he looks at the proposal and thinks about what will happen to the property just to the north. He asked the height limit in VC.
- Ms. Roberts said she has to look up this information.
- Mr. Surman continued and said that the building that will be where the old Backyard Barbecue store is located could be a 45' building and that will be dense. The transition is acceptable to him. The property has been used as a parking lot for 25 to 30 years. His initial reaction was that the four units was too much. He is not sure what is perfect for this property.
- 5.5 Mr. Kolleng said this development is preferable to what exists. A lot of neighbors support it because they are tired of looking at what is there. Water issues will be alleviated by changing what is there. It looks great and something like this is the right thing. He agrees with Mr. Robke about the density issue. The lot has not been bought. The hardship is economic. The board is not looking at this as a hardship. They are looking for many variances and this is new construction. It is difficult for the board to approve new construction with variances. He does not think that the standards of review are met.
- 5.6 Ms. Norrick is not that concerned about the density. It is an appropriate use for a highly visible location and is an appropriate transition from the VC, where the density is even greater.
- 5.7 Mr. Boyer said he thinks the design looks great. The plan is creative. He loves the traditional look. The board is looking at 16 variances, which is a lot. Even if the lot was squared off, there still be multiple variances needed. Because of that, the lot is being asked to do too much. If there is a conforming lot and still need variances, the lot is doing too much. There are too many variances required for the project. The lot has been for sale in perpetuity. Maybe the dirt is too expensive. If nothing can be built on the lot because it is not economically feasible, then something is too expensive.

- 5.8 Chairman Duffy said that it appears as if the board is favor of townhouses.
- 5.9 Mr. Boyer noted that this is R2, which is a transition zone.
- 5.10 Chairman Duffy said that the design is beautiful. He likes the way the units step back. He thinks that there are too many units because of the number of variances being requested. He asked Ms. Roberts before the meeting that if this was a squared off lot, she drew a plan with the longest length along the alley and then dropped down and went back. What he visualized for a squared off lot was the same square footage but in a squared off lot. In that instance, almost all the variances would need to be requested.
- 5.11 Mr. Schneider said that if this was a 100' x 150' lot with one side facing the street and the other side faced the alley, no variances would be needed. The garages would be accessed off the alley. But that is not the situation in this case.
- His guess is that the only thing they could do on the lot is maybe do a two flat and they still may need variances.
- 5.12 Mr. Kolleng said that some variances are okay. If they put in three townhouses instead of four, there would be fewer variances.
- 5.13 Mr. Schneider said they would still have the major variance, which is the 20' setback from Poplar.
- 5.14 There was discussion about which variances might be eliminated if there was three units.
- 5.15 Chairman Duffy said when he asked for the outlining of the buildable area, almost any project would require variances. Can the variances be minimized? That is the goal.
- 5.16 Mr. Schneider said that other than the front yard setback, the other variances are relatively small and have been approved in other situations.
- 5.17 Mr. Surman agrees with Messrs. Kolleng and Robke regarding hardship. A hardship cannot be based on not being able to fit something they want to fit. That is not a hardship. The irregular lot might be able to be used for hardship when there is a small residential lot. This is a fairly large lot. The part that initially concerned him was the back area with the garages. It seemed constrained and contorted. In this type of development that should not be as much of an issue.
- 5.18 Chairman Duffy said if there was one less unit, there would not be as many problems in the back.
- 5.19 Mr. Surman said that all three garages could probably be on the alley.

- 5.20 Mr. Surman said that the board is charged with looking at hardship.
- 5.21 Chairman Duffy said that the applicant addressed the trapezoidal issue in the front. He agrees with Mr. Kolleng. He can live with a larger encroachment into the front yard setback because it is townhouses. Across the alley to the north, something will be built close to the property line.
- 5.22 Mr. Surman said he could live with the front setback a little further back. At 25', the board would probably ask the applicant to move it forward. It would be too far back.

6.0 DECISION

- 6.1 Mr. Schneider moved to recommend granting a request for a 440 square foot lot area variation, a 20.0' front yard setback variation, a 4.0' south side yard setback variation, a 6.44' combined side yard setback variation, a 0.07 floor area ratio (848.76 square foot) variation, a 27% front yard impervious surface coverage variation, a 3.3% rear yard total impervious surface coverage variation, a 4.6% rear yard pavement impervious surface coverage variation, a 7.0' side yard garage setback variation, a 16.5' front yard eave setback variation, a 3.0' side yard eave setback variation, a 1.0' combined side yard eave setback variation, a 17.0' front yard window well setback variation, a 12.5' front yard porch setback variation, an 11.0' front yard porch step setback variation, a 2.0' side yard deck setback variation, and a 5.5' side yard garage eave setback variation to permit the construction of a 4-unit townhouse development with 4 two-car detached garages at 514 Poplar Drive 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
Christine Norrick	Yes
Michael Robke	No
Reinhard Schneider	Yes
Bob Surman	No

Motion failed.

- 6.2 Mr. Surman moved to authorize the chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-27.

- 6.21 Mr. Boyer 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 does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, there are no conditions of the property that are causing a hardship. The applicant is creating his own plight by proposing a development with four units. That the requested density might be more economically viable is not a standard for granting relief.

A minority 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 lot size and trapezoidal shape and the location of the alley, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique development of the lot. The difficulty prevents the owner from making reasonable use of the property with a townhouse development of adequate density. The proposed development will not impair an adequate supply of light and air to adjacent property. The structures closest to the site are the detached garages on neighboring properties, which will not be negatively impacted by the side yard setback variations. The proposed development will implement a storm water plan that will improve the conditions on the site and will not injure adjacent properties. The proposed variations, if granted, will not alter the essential character of the neighborhood. The siting of the development close to the front lot line and the style of development is consistent with and complementary to the single-family residential character of the neighborhood and will serve its purpose as a transition between the single-family neighborhood and the higher-density Village Center.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a 440 square foot lot area variation, a 20.0' front yard setback variation, a 4.0' south side yard setback variation, a 6.44' combined side yard setback variation, a 0.07 floor area ratio (848.76 square foot) variation, a 27% front yard impervious surface coverage variation, a 3.3% rear yard total impervious surface coverage variation, a 4.6% rear yard pavement impervious surface coverage variation, a 7.0' side yard garage setback variation, a 16.5' front yard eave setback variation, a 3.0' side yard eave setback variation, a 1.0' combined side yard eave setback variation, a 17.0' front yard window well setback variation, a 12.5' front yard porch setback variation, an 11.0' front yard porch step setback variation, a 2.0' side yard deck setback variation, and a 5.5' side yard garage eave setback variation to permit the construction of a 4-unit townhouse development with 4 two-car detached garages at 514 Poplar Drive in accordance with the plans submitted.