MEETING MINUTES
ZONING BOARD OF APPEALS
Tuesday, January 16, 2018
7:00 PM
Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Violetta Cullen, Mary McAuley, Kiril Mirintchev, Scott Gingold, Lisa Dziekan, Mary Beth Berns

Members Absent: Myrna Arevalo

Staff Present: Melissa Klotz, Scott Mangum, Mario Treto
Presiding Member: Mary Beth Berns

Declaration of Quorum
With a quorum present, Chair Berns called the meeting to order at 7:05 p.m.

Approval of Minutes
The minutes from the January 9, 2018 Zoning Board of Appeals meeting were motioned for approval by Ms. Cullen and seconded by Ms. Dziekan. The minutes were approved 5-0 with one abstention.

Old Business
2626 Reese Ave. ZBA 17ZMJV-0077
William James, contractor, applies for major zoning relief to construct a 2-story single family residence in the R1 Single Family Residential District. The applicant requests 37.9% building lot coverage where a maximum 30% is allowed (Zoning Code Section 6-8-2-7), a 4’ street side yard setback (Hartzell Street) where 15’ is required for the principal structure (Zoning Code Section 6-8-2-8-A-2), a 3’ street side yard setback where 15’ is required for the accessory structure (detached garage) (Zoning Code Section 6-8-2-8-C-2), an accessory structure in a street side yard closer to the street than the principal structure (Zoning Code Section 6-4-6-2-F), and a 1’ street side yard setback where 13.5’ is required for the porch (yard obstruction) (Zoning Code Section 6-4-1-9-B-1). The Zoning Board of Appeals is the determining body for this case.

Ms. Klotz noted additional materials submitted by the applicant, and two transcript letters submitted by neighbors based on their previous testimony.

Testimony continued:

Richard Horsting, 2624 Reese Ave., noted he has records on file from past decades and knows the property was used for dumping for a long time and is now lead contaminated. Testing the ground and/or removing the lead will be very disruptive to the neighborhood.

Kathy Miller, 2831 Hartzell St., submitted Exhibit D, a map showing the properties in opposition since the case was originally noticed in October 2017.
Alderman Tom Suffredin commended the applicant for his neighbor outreach, but has only heard opposition from the neighbors therefore does not support the project.

Kim Newman, 2833 Hartzell St., explained there is a need for small homes in Evanston.

Liza Kirkpatrick, 2904 Hartzell St., explained that since a profit will be made, public benefits must be provided. Public benefits are not proposed by the applicant. Exhibit E was submitted regarding public benefit standards.

William Seyle, 2835 Hartzell St., explained the Standards are not met based on the current proposal. The hardship was self-created by the applicant, who gambled on purchasing an unbuildable lot.

Jeff Barkley, 2622 Reese Ave., submitted Exhibit F showing the building lot coverage is actually more. Ms. Klotz responded the slight discrepancy appears to be due to the bay window, which staff does not count as building lot coverage since it does not extend down to the foundation, and the roofed porch, which receives a 50% discount to building lot coverage per code.

Beth Paradi, 2907 Hartzell St., agreed the Standards are not met and noted the proposal is not the minimum change necessary since a smaller house could be built. Ms. Paradi also noted the houses that were compared in the last meeting were built 100 years ago and should not be compared to new construction.

Brodie Austin, 2620 Reese Ave., is in favor of something smaller and more modest that does not need as many variations. Also, there is a lot of traffic on this block and the reduction of sight lines is a serious concern. There are significant drainage and flooding issues in the neighborhood, so there will be increased drainage problems if a house is built on the property.

Nancy Crain, 2821 Hartzell St., explained most neighbors do not currently get water in their basements but wonders if they will if the house is constructed.

William James, applicant, responded and explained he considered a 1.5-story home, but it would have to be wider at the bottom to accommodate dormers.

Mr. Gingold asked if the applicant would consider designing a house that is much more modest in size that is similar to the houses in the neighborhood, specifically a house with less than 3 bedrooms and 2 bathrooms. The applicant responded no.

Ms. McAuley asked if the alternate 1.5 story plan changes the setbacks, and the applicant responded yes the setbacks are smaller so that the house can be wider at the base and smaller on the half story. The 1.5 story plan is 1.5’ from the street side yard.

Ms. Cullen asked if the alternate plan is under consideration by the board, and the applicant responded no not currently because it has not been reviewed by staff yet, but if preferred by the ZBA then it could be an option to come back with in the future.
The applicant suggested he could, if the City allows, move the City sidewalk two feet further into the parkway so that there is an appearance the house is further from the Hartzell St. property line.

The applicant obtained a letter by an appraiser that provided an opinion on value of surrounding homes and shows there would be no negative impact on adjoining properties.

Mr. Gingold noted there is no opinion within the appraiser’s letter on the value of properties or impact on neighbors, and that the appraiser noted he has not been to the site. Ms. McAuley noted the appraiser’s letter states minimum variations will not be adverse to existing nearby properties, but that is a general statement and has no specifics or valuations of properties.

Ms. McAuley asked if a Phase 1 soil report was done on the site and the applicant responded no, that is not typical for a residential lot and he had not previously heard of possible soil contamination.

The applicant noted the houses compared at the previous meeting that are similar in bulk and setbacks were built between 1894-1950.

Chair Berns explained one of the homes was originally built as a 1.5 story home and received zoning relief for a second story that did not increase the building footprint, but was specifically denied any increased building footprint.

The applicant explained 2-bedroom homes in the area sell starting at $260,000. A new 2-bedroom house could not be constructed for that amount. Exhibit 4 was submitted noting recent home sales in the area at a price point that new construction cannot be built and sold for.

Chair Berns noted the for-sale homes submitted may not have upgraded bathrooms, kitchen, a finished basement or energy efficiency, so those are not comparable to new construction.

The applicant responded that he could not find evidence of any new 2-bedroom homes constructed in Evanston in the last decade. The applicant previously built 623 Oakton St., a 3 bedroom house, on a 25 foot wide lot, which is still occupied by the original buyer.

The applicant explained the house will be constructed so that stormwater runoff does not drain towards other properties.

Mr. Gingold asked the applicant to address the sight-line concern with the garage location, and the applicant responded he could increase the distance between the garage and the sidewalk if that would help.

The applicant summarized:
- The City has stated this is a buildable lot.
- Variations are less than the previous proposal by the previous owner.
- There will not be an adverse impact on the adjoining property to the south.
- The City has allowed building on other nonconforming lots.
- The public benefit is the reinvestment in property.

Chair Berns noted there are 8 Standards for the Public Benefit alternative when profit is derived from the variations requested. Mr. Mangum further explained the Public Benefit Standards are cross-referenced with Planned Developments but are specifically applicable to major variations.

The applicant explained the public benefit is the increased tax base that supports the schools and local government, and additional lighting for safety.

Deliberations:

Ms. McAuley noted there was a lot of reference that the area should be zoned R2 and then fewer variances would be needed. The R1 designation comes with certain expectations such as more open space. It would be irresponsible to allow something that does not meet those expectations.

Mr. Gingold added that the applicant stated the new home will not impact the value of adjoining property, but the Standard also asks if the use or enjoyment of adjacent properties would be impacted, which it clearly will be given the outpouring of neighbor opposition. Also, the size of the land does create a hardship, but there is a way to develop the property in a way that is acceptable. The hardship created by the applicant is that he is not willing to construct a smaller starter home that would need less zoning relief. The property was sold at a lower price than is typical of Evanston because the property is suited for a smaller home.

Ms. Cullen agreed with Mr. Gingold's comments.

Mr. Mirintchev noted the property is buildable, but only with variances. Variances are inevitable, but the house was designed without taking the number or extent of variances into account. The architectural result and how it will fit with the neighborhood is imperative, not the specific variances. The proposed building is really imposing on the lot and neighborhood. Standards 1, 5 and 7 are not met.

Ms. Dziekan agreed with board member comments and also commended the applicant for his diligence in developing the lot. However, Standards 1, 5 and 7 are not met, specifically that the proposal is not the least deviation necessary. The applicant’s idea of moving the City sidewalk further into the parkway is a red flag that the proposed house is too large.

Chair Berns agreed with board member comments, and added zoning regulations are extremely important. Variances must be limited to the least deviation necessary, and there is opportunity to revise this plan to further minimize variations.

The Standards were addressed:
1. No - many neighbors spoke stating such a large building on such a small lot has an impact on the enjoyment of other property owners. Also, there are safety concerns with sight-lines, and health concerns stated.
2. No - the massing of the structure and location so close to the property line are not appropriate.
3. Yes. No - Mr. Gingold, the extent of the hardship is based on the applicant, not the property.
4. Yes
5. No - there is no public benefit provided since there is not an existing blighted structure, a hazard, etc. and the neighborhood has made it clear the house will not benefit the neighborhood.
6. Yes. No - Mr. Gingold, it is based on the applicant.
7. No - some variances would be appropriate, such as a one-car garage instead of a two-car garage to maintain the sight triangle.

Chair Berns motioned for approval, seconded by Mr. Gingold, with zero votes in favor of the motion, the application was unanimously denied.

**New Business**
There was no new business.

**Other Business**
There was no other business.

**Discussion**
There was no additional discussion.

The meeting adjourned at 8:40pm.