



MEETING MINUTES

ZONING BOARD OF APPEALS

Tuesday, August 28, 2018

7:00 PM

Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Lisa Dziekan, Violetta Cullen, Mary Beth Berns, Myrna Arevalo, Scott Gingold

Members Absent: Mary McAuley, Kiril Mirintchev

Staff Present: Scott Mangum, Melissa Klotz

Presiding Member: Mary Beth Berns

Declaration of Quorum

With a quorum present, Chair Berns called the meeting to order at 7:04 p.m.

Minutes

Ms. Cullen motioned to approve the meeting minutes of the Joint Meeting with the Plan Commission, and the ZBA hearing of August 8, 2018, which were seconded by Ms. Arevalo and approved 4-0, with one abstention.

Old Business

3318 Grant St.

18ZMJV-0054

Phil & Marcia Vickman, property owners, apply for major zoning relief to enlarge a one-car attached garage into a two-car attached garage in the R1 Single Family Residential District. The applicants request 32.1% building lot coverage where 30% is allowed and 30.7% currently exists (Zoning Code Section 6-8-2-7), a 0.82' west interior side yard setback where 5' is required and 0.82' currently exists (Zoning Code Section 6-8-2-8-A-3), and a 26.5' rear yard setback where 30' is required and 28.7' currently exists (Zoning Code Section 6-8-2-8-A-4). The Zoning Board of Appeals is the determining body for this case.

Ms. Arevalo acknowledged she reviewed the meeting minutes and video of the July 17, 2018 public hearing, and voted to approve the zoning relief. With a final vote of 4-3, the zoning relief was approved.

Mr. Mirintchev arrived.

2004 Central St.

18ZMJV-0065

John Kim, property owner, applies for a special use permit to expand a Type 2 Restaurant, Backlot Coffee, from 2006 Central St. to include 2004 Central St. in the B1a Business District and oCSC Central Street Overlay District (Zoning Code Section 6-9-5-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

John Kim, operator, explained the proposal:

- Want to expand existing business into the space next door.
- Will add more seating (from approximately 30 to 60 seats).
- The expansion will allow some baked items to be made in-house, and some other ready-to-go foods will be added to the menu.
- Will add a doorway between the two spaces to combine them.
- No black-iron ventilation is needed.
- Deliveries to the restaurant occur daily during business hours. Deliveries will be less frequent than they are currently since the kitchen will produce more items.
- Ok with all conditions listed in 2006 Central special use ordinance.
- Plan to add a deck behind 2006 Central that will be constructed as part of the buildout of 2004 space for outdoor dining.

Deliberation:

Ms. Dziekan asked if staff prefers outdoor seating along sidewalks to encourage active frontages, and Mr. Mangum responded storefront windows are encouraged as active uses, and outdoor seating is desirable where there is enough space.

Standards:

1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Mr. Gingold motioned to recommend approval with the conditions listed within the 2006 Central St. special use ordinance, which was seconded by Ms. Arevalo and recommended for unanimous approval.

New Business

1724 Sherman Ave.

18ZMJV-0072

James Shepherd, lessee, applies for a special use permit for a Type 2 Restaurant, Kilwins Chocolates, in the D2 Downtown Retail Core District (Zoning Code Section 6-11-3-4). The Zoning Board of Appeals is the recommending body, and the City Council is the determining body for this case.

Mr. Mangum read the case into the record.

Jeff Snyder, operator, explained the proposal:

- Kilwins offers fine chocolates, ice cream, caramel apples, fudge, chocolate dipped items, and take home items.
- 30% of items are made in the front window of the store.

- Nearest Kilwins is on Michigan Ave., and there is also one in Hyde Park, and Elmhurst.
- Operator does not operate another Kilwins and has no experience in this type of business, but is being trained by Kilwins on how to operate a franchise.
- Hours of operation will be 10am - 11pm maximum, adjusted seasonally.
- A maximum of 5 employees will work at one time.
- Deliveries occur every 2 weeks (ice cream and baking ingredients), and smaller other deliveries are more frequent.
- Deliveries must go through the front door in the early morning hours. The alley is not usable for truck deliveries and not allowed per the lease.
- Will have 5 seats in the facility. Most customers do not stay within the store after purchasing items.
- Agrees to follow the Sustainability Plan, and tap water will be offered for customers who ask for it as requested by DAPR.
- Exterior of the building will be painted (likely beige), and then new signage will be added. No changes will be made to windows or doors.

Deliberations:

Mr. Gingold noted the proposed use fits with the character of the neighborhood and will occupy a vacant space. Ms. Dziekan agreed.

Mr, Gingold also noted that it is acceptable that the operator does not have experience in the field since the store is a franchise and he will be appropriately guided. Ms. Cullen agreed.

Standards:

1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Ms. Dziekan motioned to recommend approval with conditions, which was seconded by Ms. Cullen and unanimously recommended for approval:

1. Hours of operation shall not exceed 10am - 11pm.
2. Deliveries shall ideally be before 7am, and shall be no later than 9am.
3. Employees shall not utilize on street parking.
4. Sustainability practices including offering tap water and using recycling.

2200 Main St.

DonnaLee Floeter, architect, applies for a special use permit and major zoning relief to expand a Daycare Center – Child, Infant Welfare Society of Evanston, in the R2 Single Family Residential District (Zoning Code Section 6-8-3-3), and a west interior side yard setback of 6.1’ where 15’ is required for non-residential structures (Zoning Code Section

6-8-3-7-B-3). The Zoning Board of Appeals is the recommending body, and the City Council is the determining body for this case.

Ms. Klotz read the case into the record.

Steven Vick, Executive Director, and DonnaLee Floeter, architect, explained the proposal:

- The facility serves 80% low income children; many who have special needs.
- Currently the facility does not have an indoor gross motor play area, which is problematic during inclement weather.
- Building footprint will increase by 653 sq ft.
- No increase is proposed to the number of children or teachers.
- The space where the addition is proposed is currently outdoor space and is already impervious.

Ms. Dziekan asked how parking and the drop off works, and Mr. Vick explained:

- 7:30-9am is the busy drop off time and 4-5:30 is the busy pick up time.
- Parents park and come in; there is no curbside drop off.
- There are typically available parking spaces in the parking lot.
- Employees usually park throughout the neighborhood so that the parking lot is available for quick drop off and pick up.
- Ward Manufacturing President (submitted Applicant's Exhibit A) letter submitted noting there is ample parking in the area, but Ward Manufacturing will allow 2 of their spaces to be leased to the IWSE if needed.

Susan Skully, 836 Hartrey, who lives immediately south of the daycare center, has concerns about parking since her 86 year old mother has caretakers that regularly look for parking since the IWSE staff often park in front of her house. Chair Berns noted the Alderman can help obtain a handicap parking space on the street right in front of the house.

Janice Chateman, 832 Hartrey, agrees that the IWSE is a great neighbor, but parking is extremely difficult. Also, how will garbage pickup be done?

Mr. Vick responded there will be no change to garbage pickup since the addition does not impact the location of the garbage near the alley, and IWSE employees can be told to park on the other side of Main St., or Lee St., to alleviate the Hartrey parking issue.

Typically no more than 20 staff are on site at a time. Many staff use public transportation.

Ms. Dziekan noted there is a church on the north side of Main St. that may be able to share parking for IWSE employees. Mr. Vick responded Alderman Braithwaite is currently reaching out to Food 4 Less to see if some of that large parking lot could be used for some employee parking. Chair Berns encouraged the Food 4 Less parking, and Mr. Gingold added the 2 spaces from Ward Manufacturing should be used.

Deliberation:

Ms. Dziekan noted the IWSE is a great and needed service in the community, and Mr. Gingold noted the proposal is not an increase in the number of children or staff. Ms. Cullen agreed.

Standards for Special Use:

1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Ms. Cullen motioned to recommend approval of the special use with conditions, which was seconded by Ms. Dziekan and unanimously recommended for approval.

1. Hours of operation shall not exceed 6am - 8pm.
2. IWSE should continue to explore alternative staff parking options that can alleviate the parking demand on Hartrey Ave.
3. Substantial compliance with the documents and testimony on record.

Standards for Major Variation:

1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes

Mr. Gingold noted the variation is a setback that is adjacent to an alley and then an industrial use, therefore the intent of the regulation is not needed.

Mr. Gingold motioned to recommend approval of the major variation, which was seconded by Ms. Dziekan and unanimously recommended for approval.

348 Custer Ave.

18ZMJV-0060

Graciela Lopez, property owner, applies for major zoning relief to convert an existing 2-flat to a 3-dwelling unit, multi-family dwelling in the R5 General Residential District. The applicant requests a lot area of 3,993 sf (existing) where 4,500 sf is required (Zoning Code Section 6-8-7-4-D), a lot width of 33' (existing) where 50' is required (Zoning Code Section 6-8-7-5-D), and to provide 3 off-street parking spaces (existing) where 4 are required (Zoning Code Section 6-16-3-5, Table 16-B) for a 3-dwelling unit, multifamily dwelling. The Zoning Board of Appeals is the recommending body, and the City Council is the determining body for this case.

Mr. Mangum read the case into the record.

Graciela Lopez, property owner, explained the proposal:

- There was a fire last November, and during the fire inspection it was suggested that the basement (which previously featured a bedroom in conjunction with the first floor unit) be made into a one bedroom dwelling unit.
- Current owned the property for about 30 years.
- Currently, one unit is owner occupied (along with her adult son who sometimes used the basement bedroom, and the other 2-bedroom unit is rented out for \$1200 per month.
- There is a 2-car garage on-site that the owner parks in. The tenant is allowed to park in the garage but prefers to park on the street. There is also one open parking space next to the garage.
- Property is near the Howard CTA and South Blvd. CTA stations, but is not considered a TOD property.

Chair Berns asked if staff asked for the basement unit to be an affordable unit, and the applicant responded it was not brought up. Chair Berns explained staff can help explain the details and set it up so that the unit is considered an affordable unit.

The applicant continued:

- There are 3 vehicles total associated with the property owner, her son, and the current tenant.
- Two vehicles are typically parked on the street because it is more convenient than using the garage or parking pad.
- Alderman Rainey confirmed there is adequate street parking in the neighborhood.

Deliberation:

Chair Berns explained the added unit should be an affordable unit, as precedent has recently been established when zoning relief is requested.

Mr. Gingold noted he does not like the precedent to allow a 2-unit building to convert to a 3-unit building when all zoning regulations cannot be met. The fact that it does not comply with parking is a big concern that may outweigh the public benefit of an affordable unit.

Ms. Klotz noted the City is currently considering revisions to the Inclusionary Housing Ordinance, which includes no parking requirement for affordable units that are required by the IHO (which would not include this proposal, but iterates the low need for parking for affordable units).

Standards:

1. Yes
2. Yes
3. Yes; No (Gingold - because the hardship is specific to the owner, not the property)
4. Yes
5. Yes, No (Gingold - because the public benefit does not outweigh the zoning relief requested, specifically the lack of parking)
6. Yes

7. Yes

Ms. Dziekan motioned and Ms. Cullen seconded the proposal with the following condition:

1. The basement unit shall be an affordable unit for 10 years at 80% AMI.

The proposal was recommended for approval 5-1.

1943 Sherman Ave.

18ZMJV-0073

Angie Radman, property owner, applies for major zoning relief to convert a single family residence to a 3-unit multiple family residence in the R5 General Residential District. The applicant requests a 22' rear yard setback for a three-story stair (yard obstruction) where 22.5' is required (Zoning Code Section 6-4-1-9), and an increase of zero additional parking spaces where 3 additional parking spaces are required, for a total of 1 parking space on-site where 5 parking spaces are required for a 3-unit multiple family residence (Zoning Code Section 6-16-3-5 Table 16-B). The Zoning Board of Appeals is the recommending body, and the City Council is the determining body for this case.

Ms. Klotz read the case into the record, and explained the previous proposal that included adding parking but was opposed at DAPR by neighbors.

Shawn Jones, attorney, explained the proposal:

- The property has not been used as a single family residence in decades and has been student housing for over 20 years.
- The property is currently in court with the City regarding the occupancy and property conditions, and City Attorney Michelle Masoncup suggested the property owner either apply to convert the structure to a legal rooming house or a multiple family residence.
- The previous proposal included adding a driveway on the north side of the house and a parking lot in the rear that would cover the entire rear yard, and was opposed by neighbors at DAPR.

Mr. Gingold asked how much repair is needed to the house and what that cost is, and Mr. Jones explained the repairs needed are exterior cosmetic repairs. The large cost is the conversion to a multiple family residence. Mr. Gingold explained his concern that the property might be converted to a 3-flat but the exterior cosmetic repairs may not be done. Mr. Jones agreed a date certain could be set for repairs after consulting with contractors.

Mr. Jones noted the structure currently features 9 bedrooms, and will have 7 bedrooms after conversion.

ZBA Members felt the property owner should be present to answer questions about maintenance, repairs, timing, and property income.

Mr. Gingold motioned to continue the case to September 25, 2018 with testimony open, which was seconded by Ms. Cullen and unanimously continued.

Ms. Cullen motioned to reopen testimony to allow the neighbor present to speak, which was seconded by Mr. Gingold and approved.

John Carver, President of condo association to the south, explained neighbors have had concerns with the property condition and life safety for a long time. Mr. Carver noted a parking lot to add parking in the rear of the property would have to include significant drainage measures that would likely be cost prohibitive to the owner. The concern is that history has shown there is either not capital available to make the improvements, or that the work done is substandard and done by unqualified workers. The issue has been ongoing for nearly 15 years, and some work is done here and there, but not the extensive work that is needed.

ZBA Members requested the property owner be prepared with the following information for the September 25, 2018 ZBA hearing: timeframe for completion of work, estimated construction costs including interior renovations, and a digital file of the submitted building permit.

Mr. Jones responded the building will be sprinkled, the water service may be upgraded (if needed), and the other requested information will be provided at the next meeting.

The meeting adjourned at 9:00pm.