



MEETING MINUTES

ZONING BOARD OF APPEALS

Tuesday, September 4, 2018

7:00 PM

Civic Center, 2100 Ridge Avenue, Council Chambers

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

Members Absent: Scott Gingold, Mary McAuley, Kiril Mirintchev

Staff Present: Scott Mangum

Presiding Member: Mary Beth Berns

Declaration of Quorum

With a quorum present, Chair Berns called the meeting to order at 7:00 p.m.

Minutes

Ms. Cullen motioned to approve the meeting minutes of August 28, 2018, which were seconded by Ms. Dziekan, and approved 4-0.

New Business

514 Custer Ave.

18ZMJV-0062

William Lensky, project manager, applies for a special use permit for a Public Utility, ComEd, in the R3 Two Family Residential District (Zoning Code Section 6-8-4-3). The applicant also requests zoning relief for two concrete walls (fences) that are 14' and 20' in height where concrete material is not permitted for fences (Zoning Code Section 6-4-6-7-F-1) and a maximum fence height of 6' is allowed (Zoning Code Section 6-4-6-7-F-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Mr. Mangum read the case into the record.

Carlo Cavallaro, applicant's representative, explained the proposal:

- Third DC in a box project in Evanston (Church Street wall is 18' tall, Green Bay wall is 20' tall).
- Upgrades from 4kV to 12kV increasing capacity and reliability of equipment with more redundancy.
- Site is smaller than others, less separation from adjacent buildings requires higher two-hour firewall.
- Highest transformer is 9-feet tall.
- Thermographic study produced by engineers with wall height recommendation.
- Ward meeting discussion involved aesthetics, including landscaping. Limited area for landscaping reason for proposed prairie grasses.
- Coloring and stamping of wall can be customized.
- Outages to transfer equipment is limited.
- ComEd and industry-wide standard reason for 8" deep concrete firewalls.

- ComEd crews maintain grounds as needed.
- ComEd's responsibility to adapt site to future conditions as needed.
- Lighting not proposed but could be added if needed and pointed downward similar to facility on Green Bay Road.

Deliberation:

Ms. Cullen noted that the proposed project will be an improvement over existing conditions.

Ms. Arevalo inquired about the possibility of a mural. Mr. Mangum explained previous discussion regarding mural including ComEd's explanation that it could not be added to inside of wall and would have limited visibility from opposite side of wall.

Ms. Dziekan agreed that the proposal was an improvement, but suggested conditions for lighting and staff review of a thermographic study.

Chair Berns suggested two pours of concrete to break down scale of wall by adding variety.

The Special Use Standards were addressed:

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

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

1. Thermographic study to be reviewed by staff.
2. Add Lighting as appropriate.
3. Reconsider perceived scale of wall.
4. Guarantee maintenance of project.
5. Substantial compliance with the documents and testimony on record.

The Major Variation Standards were addressed:

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

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

1. Substantial compliance with the documents and testimony on record.

413 Grove St.

18ZMJV-0068

Jeffrey K. & Janet H. Clements, property owners, appeal the Zoning Administrator's decision to partially deny minor zoning relief (case number 18ZMNV-0029) to construct a one-story addition with 34.6% building lot coverage where 30% is allowed (Zoning Code Section 6-8-2-7). The appellant was granted approval for 33.1% building lot coverage to allow a smaller one-story addition. The Zoning Board of Appeals is the determining body for this case.

Mr. Mangum read the case into the record and summarized the reasons for the partial denial.

Mr. Clements, owner, explained the appeal request:

- Described context of property and proposed addition.
- Several revisions to project over design process including a compliant side setback.
- The plans reviewed for minor variation were erroneously submitted by applicant showing a planter.
- Preservation Commission recommended approval.
- Neighbors in support.

Chair Berns noted that the dimensions of plans were not reduced when the 2-foot deep planter was removed from plans.

In response to Chair Berns, Mr. Clements confirmed that the planter was removed but the dimension didn't change, however, the use of a portion of the area changed to pantry and closet from dining area.

Chair Berns remarked about the large size of the 11' by 12' pantry and closet area with skylights and window. Ms. Clements noted that there is no other closet on 1st floor.

In response to Ms. Dziekan, Ms. Clements stated the that space is intended to be used as a kitchen, for dining, in addition to as a mud room, pantry, and closet.

Mr. Mangum clarified that staff believed other reductions were possible, not solely the removal of the planter area.

Ms. Clements stated that the area has been reduced in 3 different ways.

Chair Berns noted the difference in plans submitted and the ability of ZBA to make modifications to the Zoning Administrator's decision.

Mr. Mangum summarized the preservation and minor variation process and clarified that the plans submitted by the applicant for the minor variation did include the planter.

Ms. Arevalo noted minimal difference in size of the addition approved versus requested.

Ms. Dziekan stated there was the ability for the ZBA to uphold initial decision based on information presented, but still approve what was requested based on the applicant following the spirit of reducing to limit impact.

Chair Berns stated that the minimum necessary is an important standard and the scale of pantry/closet is oversized.

Standards for Minor Variation:

1. Yes
2. Yes
3. Yes
4. Yes
5. No

Ms. Dziekan motioned to affirm decision of the Zoning Administrator to partially deny the minor variation for building lot coverage, which was seconded by Ms. Cullen and unanimously approved.

Ms. Dziekan motioned to approve a building lot coverage of 34.6% in compliance with testimony and plans as revised showing a pantry/mudroom/storage area, which was seconded by Ms. Arevalo.

With a vote of 3 in favor and one opposed, the case continues to September 25, 2018 meeting for concurring vote of 4 board members. Testimony is closed so no additional information may be provided.

2626 Reese Ave. (rescheduled and re-noticed to Sept. 25, 2018) 18ZMJV-0078

William James, contractor, applies for major zoning relief to construct a single family residence and detached garage in the R1 Single Family Residential District. The applicant requests 42.5% building lot coverage where a maximum 30% is allowed (Zoning Code Section 6-8-2-7), a 3' south interior side yard setback where 5' is required for the principal structure (Zoning Code Section 6-8-2-8-A-3), a 3.5' street side yard setback (Hartzell Street) where 15' is required for the principal structure (Zoning Code Section 6-8-2-8-A-2), an 8.5' street side yard setback where 15' is required for a deck, 10' street side yard setback where 15' is required for the accessory structure (detached garage) and a 1' street side yard setback where 15' is required for open parking (Zoning Code Section 6-8-2-8-C-2). The Zoning Board of Appeals is the recommending body, and the City Council is the determining body for this case.

2415 Wade St.

18ZMJV-0076

Phillip Kupritz, applicant, applies for major zoning relief to construct a 1-car attached garage, a rear addition and deck to an existing single-family residence in the R2 Single-Family Residential District. The applicant requests building lot coverage of 50% where 40% is permitted (Zoning Code Section 6-8-3-6), to reduce the minimum required front yard setback from 25.9' to 19.8' (Zoning Code Sections 6-8-3-7 and 6-4-1-9), to reduce the required west interior side yard setback from 5' to 0' and to reduce the required east interior side yard setback from 5' to 2.9' (Zoning Code Section 6-8-3-7), to reduce the required off-street parking from 2 spaces to 1 space for a single-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.

Mr. Mangum read the case into the record.

Matthew Kupritz, architect, explained the proposal:

- Clarified 44.3% actual relief requested based on staff calculations.
- Prior owners received approval in 2009 for garage, driveway built over property line.
- Garage built without permit, but inspected. Does not function as constructed.
- Accessibility needs of mother that lives in house and one that visits.
- Additionally, 2 nieces now living in house.
- Plan would add lift and stair and additional first floor bedroom.
- The taper of lot results in location and setback variations for garage.
- Lower height of garage adjacent to park.
- Berm west side of property to integrate with park and provide storage.
- Proposed east setback at location of existing garage.
- Believes full foundation present below existing garage based on discussion with building division staff.

Nichole Pinkard, property owner, testified that:

- Would not have purchased the property without a garage.
- There are 7 residents in the house.
- Need to seat up to 12 guests for University position.
- Desired to live in 5th Ward based on work.
- Interested in adding space on side of garage with cupboards for parks/library storage space.
- Have spoke to neighbors and two Alderman and have not had opposition.
- The lack of an alley and the lot shape are hardships.
- Currently own 2 cars which are stacked in driveway, but may reduce to 1 vehicle.
- Garage needed for covered accessible entrance and because of tree damage to vehicles currently parked in driveway.
- Was not aware driveway was located off property line at time of offer on house.

Deliberation:

Ms. Cullen, sympathizes about accessibility and parking concerns, not sure of other options.

Chair Berns stated there are ways to meet rules by reducing sizes or removing existing garage.

Ms. Arevalo noted current applicant shouldn't be responsible for previous applicant's actions.

Ms. Dziekan sees the applicant taking a problematic situation and improving it while also adding public benefit to wall of garage.

Chair Berns noted that the addition could be reduced to be closer to lot coverage requirement. As proposed it is not the minimum necessary and the hardship is based on the occupants and not property.

Ms. Arevalo believes proposed solution is best that applicant can do. Ms. Cullen and Ms. Dziekan agree.

The Major Variation Standards were addressed:

1. Yes
2. Yes
3. No (Berns); Yes (Dziekan, Cullen, Arevalo)
4. No (Berns); Yes (Arevalo, Cullen)
5. Yes
6. Yes
7. No (Berns); Yes (Dziekan)

Chair Berns suggested a condition that if the existing garage foundation is not adequate, and needs to be removed, the addition needs to comply with side setback and lot coverage requirements.

Ms. Dziekan motioned to reopen the record, which was seconded by Ms. Cullen, and unanimously approved.

Mr. Kupritz asked for confirmation on suggested condition regarding foundation removal.

The record was closed again for deliberation:

Chair Berns believes condition should state that if the existing foundation needs to be removed completely, with exception of portion already proposed to be removed, the new addition would need to meet current zoning requirements.

Ms. Arevalo clarified suggested condition regarding delineation of the west property line could be stated that fence is constructed where shown on plans.

Ms. Cullen moved to recommend approval of the variations requested, with the exception that the building lot coverage allowed is up to 44.3%, which was seconded by Ms. Arevalo, subject to conditions:

1. Consider fence or other delineation of west lot line in rear as shown on plan.
2. If existing foundation is inadequate per code and removed in its entirety, the building lot coverage shall be limited to 40% and the addition shall comply with the required setback.
3. Substantial compliance with the documents and testimony on record.

With a vote of 3 in favor and 1 opposed, the ZBA recommends approval to the City Council.

The meeting adjourned at 9:43 pm.