



MEETING MINUTES
ZONING BOARD OF APPEALS

Tuesday, May 21, 2019

7:00 PM

Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Lisa Dziekan, Myrna Arevalo, Kiril Mirintchev,
Violetta Cullen

Members Absent: Jill Zordan, Scott Gingold, Mary McAuley

Staff Present: Melissa Klotz

Presiding Member: Violetta Cullen

Declaration of Quorum

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

Minutes

Ms. Arevalo motioned to approve the meeting minutes of April 16, 2019, which were seconded by Mr. Mirintchev and approved 4-0.

Old Business

New Business

1729 Dodge Ave.

19ZMJV-0029

DonnaLee Floeter, architect, applies for major zoning relief to construct a single family residence in the R4 General Residential District. The applicant requests a 3.4' north interior side yard setback and a 3.5' south interior side yard setback where 5' is required (Zoning Code Section 6-8-5-7-A), and a 2.4' north interior side yard setback for an eave (yard obstruction) and a 2.5' south interior side yard setback for an eave (yard obstruction) where 4.5' is required (Zoning Code Section 6-4-1-9). The Zoning Board of Appeals is the determining body for this case.

Ms. Klotz read the case into the record.

DonnaLee Floeter, architect, explained the proposal:

- Proposal is house #6 in the ETHS Geometry In Motion project.
- Lot is 25' wide, which makes side yard setbacks essential.
- The exact same variations were requested and granted at 1820 Dodge Ave. a few years ago for ETHS house #2.

Vice Chair Cullen stated this is a great project for the community, and an exciting improvement over what was previously located on the property.

Ms. Dziekan asked if any alternative designs were considered that would not trigger variations, and Ms. Floeter explained variations would be needed unless the house was only 15' wide which is not wide enough to accommodate a family with adequate room sizes as well as a

staircase to the second floor. The eaves are needed for practical reasons to keep the elements away from the building, and for aesthetic reasons to blend well with the neighborhood architecture.

Joe Walk, 1727 Dodge Ave., plans to build a house in the future on his lot, and having a house next door with a smaller side yard setback will require him to build his house further away from the property line so that the houses stay separated by a larger distance. Eaves are for aesthetics only.

Vice Chair Cullen asked Mr. Walk if he has a house design planned out currently, and he responded no he does not at this time.

Irinitis Korika, 1740 Dodge Ave., plans to build a house in the future and also has a narrow lot, and understands the benefit of allowing the house to be a little wider to accommodate more floor area and blend better with the neighborhood.

Ms. Floeter stated it would be extremely difficult to change the eaves and they would essentially just be gutters then, which would be problematic as storm water hits the house walls over time.

Deliberation:

Vice Chair Cullen asked staff if the variations requested are the minimum necessary, and Ms. Klotz responded yes, the eaves are necessary to achieve protection from the elements and to better blend with the architecture of the existing neighborhood.

Mr. Mirintchev noted the house is north of the property that opposes the reduced setbacks, therefore this new house will not cast shadows that effect that property. Without the reduced setbacks the property is unusable, therefore this is a good proposal.

Ms. Arevalo noted many areas and other communities such as the City of Chicago have standard 3' side yard setbacks. With the reduced setbacks at 1727 Dodge, there is no requirement of the neighboring property to increase their setback. Regardless, the difference over all to the neighboring property is 1.5' on a 40' wide lot. This is a good project for a narrow lot.

Ms. Dziekan stated she supports the project since it is a very conservative design for a narrow lot. The variations will allow a house to exist on the lot, which would otherwise likely sit vacant. Ms. Dziekan encouraged the neighbor to connect with the project architect following the meeting.

Vice Chair Cullen reopened the record to allow an additional neighbor to speak.

Jenny Huan, 1725 Dodge Ave., explained she is currently constructing a fence on the south side of her property but would also like a fence on the north side of her property that abuts 1727 Dodge Ave.

Vice Chair Cullen closed the record and addressed the Standards:

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

Ms. Dziekan motioned to approve the proposal, which was seconded by Ms. Arevalo and unanimously approved subject to substantial compliance with the documents and testimony on record.

2650 Sheridan Rd.

19ZMJV-0028

Shawn Jones, attorney, applies for major zoning relief to establish a curb cut and driveway from the street frontage (Sheridan Rd.) when alley access to the property is present (Zoning Code Section 6-16-2-2) in the R1 Single Family Residential District. The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Klotz read the case into the record.

Shawn Jones, attorney, explained the proposal:

- There is currently a home with a driveway to the street. That home will be demolished.
- The property was subdivided into two lots recently, and the owner plans to keep the driveway to the street for one of the subdivided properties, while the other lot will use the alley access.
- There is no additional impact to the neighbors because the curb cut is existing.
- The proposal is keeping with the intent of the Zoning Ordinance because a second curb cut is not being added.
- The hardship is that there is already a purchaser for the lot and it is a deal breaker to lose the curb cut, and the current owner purchased the lot with the curb cut so he expected it could remain.
- There is no additional income derived from the proposal, but there would be income lost if the driveway and curb cut are not allowed.
- The preference is to relocate the curb cut so that it is not at the very edge of the property, but it can remain in the old location if that is preferred by the Board.

Mr. Mirintchev noted there is a site plan in the packet that says 'optional garage' at the rear of the property with alley access and the applicant responded yes, there was that option but the current buyer did not choose that option.

Ms. Dziekan asked staff to explain what was legally nonconforming or 'grandfathered in' and Ms. Klotz explained the existing driveway and curb cut were legally nonconforming but once the property was subdivided and when the house is torn down, all legal nonconformities go away so the driveway and curb cut must be removed. Once the house is torn down, there is no principal use or structure on the property, so any legally nonconforming accessory use or structure (the driveway and curb cut) cannot retain that status and must also be removed. The new house will have to comply with the current Zoning Ordinance, and the driveway access will as well.

Alex Factor, property owner, stated he spoke to the owner to the south of the subject property, and the owner kitty-corner to the property, and the neighbor to the north said they do not care.

Mr. Mirintchev asked if there is a conditional sale for the south lot, and Mr. Factor responded no. Mr. Mirintchev asked if other reasonable solutions have been explored, and the applicant responded no because the conditional sale requires the curb cut and it was expected that curb cut would be allowed. The applicant explained there is enough impervious area allowed on the property for a turn-around within the driveway so that vehicles are not required to back out onto Sheridan Rd. if they do not want to.

Ms. Arevalo recommended the previous curb cut location is not a good location because the driveway apron extends in front of the other (subdivided) property. The new location is preferable if the driveway is granted.

Ms. Dziekan noted a 3-point turning area could be constructed on the driveway so that vehicles do not have to back out, and Ms. Klotz confirmed the driveway configuration could be a required condition of approval, though it is not feasible to enforce how vehicles use that driveway configuration. The applicant confirmed there is enough impervious area available to expand the driveway if needed.

Elliot Wixer, 500 Skokie Blvd, attorney representing Jim Hennessey at 2658 Sheridan Rd. immediately to the north with the circular driveway, stated there is no hardship since there is alley access.

Ms. Dziekan noted it is somewhat ironic that 2658 Sheridan Rd. was granted a second curb cut not long ago for safety reasons so that vehicles would not back out onto Sheridan Rd., but now oppose the curb cut at 2650 Sheridan Rd. Mr. Wixer responded that if the subject property were not subdivided, it would be wide enough to accommodate a circular driveway with a new curb cut further away from 2658 Sheridan Rd. and that would be fine. The issue is primarily safety related and does not have a hardship other than a financial hardship.

Paula Jones, 2664 Sheridan Rd., opposes the proposal because there is no hardship and the current owner should have realized that with the subdivision and demolition of the house, the driveway and curb cut would also have to be removed. There are many properties on Sheridan Rd. that do not have driveways that lead to the street. Ms. Jones explained she once inquired about adding a driveway to the street and was told no by zoning, and understands why. Any additional curb cuts on Sheridan Rd. are hazardous.

The applicant summarized that the driveway and curb cut are necessary and the property owner has no problem adding a 3-point-turn.

Deliberation:

Ms. Dziekan asked if allowing curb cuts depends on the street, and Ms. Klotz confirmed that any property with alley access cannot have a curb cut.

Mr. Mirintchev stated this is a difficult situation and mistakes were made along the way that have led to this point. It is understandable why the property owner wants a curb cut, especially given there is a pending sale and plans dependent on this. However, front loading garages are not aesthetically pleasing, and the proposal does not keep with the intent of the Zoning Ordinance and could set a dangerous precedent.

Ms. Arevalo agreed with Mr. Mirintchev and noted the financial hardship is because a deal has already been made, but unfortunately the request does not meet the standards. Vice Chair Cullen agreed.

Ms. Dziekan stated this is a very challenging case, but the hardship is financial and there is an alternative compliant option.

Standards:

1. No
2. No
3. No
4. No

5. No
6. Yes
7. No

Ms. Dziekan motioned to recommend denial with the condition that if City Council grants approval, the ZBA recommends including the condition that the driveway have a 3-point turn, which was seconded by Ms. Arevalo and unanimously recommended for denial with the condition if approval occurs.

The meeting adjourned at 8:25pm.