



MEETING MINUTES
ZONING BOARD OF APPEALS

Tuesday, June 18, 2019

7:00 PM

Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Lisa Dziekan, Myrna Arevalo, Kiril Mirintchev,
Violetta Cullen, Jill Zordan, Scott Gingold, Mary McAuley

Members Absent: none

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. Dziekan motioned to approve the meeting minutes of May 21, 2019, which were seconded by Ms. Arevalo and approved 4-0 with 3 abstentions.

Old Business

1124 Florence Ave.

19ZMJV-0038

James Ticus, property owner, applies for major zoning relief for a second story addition to a commercial building in the B1 Business District with a 7' south interior side yard setback for an eave (yard obstruction) where 9' is required (Zoning Code Section 6-4-1-9), and for 3 parking spaces where 4 parking spaces are required (Zoning Code Section 6-16-3-1 Table 16-B). 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.

Mr. Mirintchev recused himself from the case since he is the architect of record.

The applicant, James Ticus, explained the proposal:

- Will fit as many parking spaces as are possible on the property without having to tandem park them.
- Propose a variation for an eave by 2' that will add protection to the building and at a staff entrance at the second floor.
- No expansion to the building footprint is proposed; the proposal is only building up.
- Building is currently all commercial office use - there are 4 tenants now (one has a suite that could be split up into separate offices).
- With the addition, there will be 2 live-work units added.
- One live-work unit is a 3 bedroom unit and the other is a 1 bedroom unit.

- Existing tenants do not park on site - most walk to work and others could use street parking if needed. Two of the current tenants lease parking on an adjacent lot.
- Existing businesses include a contractor, attorney, and Evanston Round Table.
- Currently there is only 1 parking space on site.
- No changes are proposed to the front of the building.

Ms. McAuley noted this is a very walkable neighborhood and the proposal increases the parking from what is currently there. Ms. McAuley added there are many live-work units in the neighborhood and it is stabilizing to the community to do so.

Ms. Dziekan asked if the applicant has spoken to neighboring property owners or is aware of any concerns. The applicant responded he has spoken to some, including the Alderman, and is not aware of any concerns or issues.

Deliberation:

Ms. McAuley stated this is a great thing for the neighborhood and is consistent with surrounding development. The building now has fewer people coming and going than it used to, and the back of the building was previously set up as a contractor office.

Mr. Gingold stated the B1 District makes this different than a residential area and development. The eave variation is in character with the neighborhood and has function and aesthetic value. The parking variation is a concern because overflow parking spills into neighborhoods. Since there is no opposition at the meeting stating there is a concern about parking, there must not be a significant parking issue in this neighborhood.

Ms. Dziekan and Ms. Arevalo agreed this is a good proposal. Chair Cullen agreed and noted there is no known opposition so the parking must not be a significant issue.

Standards:

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

Mr. Gingold motioned to recommend approval, which was seconded by Ms. Dziekan and unanimously recommended for approval with the condition the project be developed in substantial compliance with the documents and testimony on record.

New Business

2404 Ewing Ave.

19ZMJV-0049

Kevin Davitt & Jacquelyn McGuire, property owners, apply for major zoning relief for a second story addition that aligns with the first floor in the R1 Single Family Residential District, with a 5' street side yard setback where 15' is required (Zoning Code Section 6-

8-2-8), and a 4.1' street side yard setback for eaves (yard obstruction) where 13.5' 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.

Kevin Davitt, applicant, explained the proposal:

- Propose to construct a second story addition that aligns with the existing first floor.
- There is no expansion of the building footprint proposed.
- The attic will not be habitable space.
- The first floor will have a 9' ceiling and the second story will have normal ceiling heights.
- The family has lived in the house since 2015.
- The existing first floor addition was done by a prior owner in the mid 1980's.
- The current home has 800 sq. ft. on the second floor (first floor has 1100 sq. ft.) and the addition will add 300 on the second floor to match the first floor.
- The two adjoining property owners have no problem with the project, as well as other neighbors.
- There are no other feasible options due to the odd lot shape and setbacks.

Deliberation:

Ms. Dziekan asked if the architects on the Board could explain if there are any other feasible options. Mr. Mirintchev stated there are no other feasible options, but the roof connection is not ideal and is not the best design. While not required, modification to the roofline could make the project better looking.

Mr. Gingold stated the unique property shape is a hardship. Building up is a good option in this case. The setback variations sound like a lot, but they are the same as the existing first floor structure.

Ms. Arevalo stated she understands the constraint on corner properties. The only way to comply is by first tearing down the existing structure. Chair Cullen, Ms. Dziekan and Ms. McAuley agreed.

Standards:

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

Ms. Dziekan motioned to approve, with Ms. Arevalo seconding, and unanimous approval with the following conditions:

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

Matt Rodgers, zoning consultant, applies for major zoning relief to construct first and second floor additions to a single family residence in the R3 Two Family Residential District. The applicant requests to increase the habitable area of a legally nonconforming residential use and structure (Zoning Code Section 6-6-4-4), with a 0' north interior side yard setback where 5' is required (Zoning Code Section 6-8-4-7-A-3) and a 3' rear yard setback where 30' is required (Zoning Code Section 6-8-4-7-A-4). The Zoning Board of Appeals is the determining body for this case.

Ms. Klotz read the case into the record.

Matt Rodgers, applicant, explained the proposal:

- The property has existed with two single family residences for many years, and was condoed for ownership purposes in 2005.
- There is no storage currently on the first floor, and the attached garage is too small to provide storage.
- Propose to shift the garage to the rear by 8' to fit a mudroom at the front of the existing portion of the garage.
- The garage is 17.5' wide which is very tight, but that cannot be expanded due to a structural wall.
- The garage will then be set back 3' from the rear property line like other structures that are near the alley.
- The second story currently has a rooftop deck that the owners propose to enclose to add a second living room space off of the master bedroom.
- The rooftop deck has a small parapet wall currently, and window walls and a roof will be added. Along the north wall windows are not allowed due to the 0' setback. That room is 13' x 14'.
- There is nowhere for a compliant addition.

Mr. Gingold asked if the encroaching variations are the same as the existing structure and are only due to building up or aligning, and Mr. Rodgers said yes other than the rear bump out of garage towards the alley.

Ms. McAuley asked if the utility pole in the alley will be a problem and the applicant responded no.

Ms. Dziekan asked what communication has been made with neighbors, and Mr. Rodgers said a meeting was held with all adjoining property owners. The largest impact would be to the neighbor to the north, who was at the meeting.

Mr. Rodgers explained the house is currently used by a couple who has children in college that are anticipated to move back in so a second living room area will be necessary.

Mr. Rodgers noted the property to the south has a larger rear "coach house" building.

Mr. Gingold stated he would be more comfortable with the proposal if he knew the new space would not be rented out. Mr. Rodgers stated it would not be feasible to rent out

the new room because it is not connected to a bathroom or a separate entrance. A condition stating that would be acceptable.

Cassandra Dockins, 1127A Elmwood Ave., explained the condo building across the alley has parallel parking abutting the alley and it will be more difficult for those vehicles to park, especially during construction.

Ms. Klotz stated the project will require a Construction Management Plan for shoring due to the 0' setback, so additional measures can be added to that to ensure construction vehicles do not block the alley or impact the adjacent parallel parking.

Deliberation:

Ms. McAuley stated this is a unique way to add some interior square footage with minimal impact.

Mr. Gingold agreed and noted it is unique to have two single family residences on a property, and the owner has found a way to increase the habitable space minimally.

Ms. Dziekan and Mr. Mirintchev agreed, and Mr. Mirintchev suggested the garage addition be made of brick to match the existing structure. Ms. Zordan and Ms. Arevalo agreed.

Mr. Gingold motioned to approve the proposal, which was seconded by Ms. Dziekan and unanimously approved with the condition the project be done in substantial compliance with the documents and testimony on record.

747 Howard St.

19ZMJV-0040

Gircel Cunningham, lessee, applies for a special use permit for a Religious Institution in the B3 Business District (Zoning Code Section 6-9-4-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Klotz noted the case has not yet received a recommendation from the DAPR Committee so it should be continued to the next ZBA hearing. Ms. Arevalo motioned to continue the case to July 16, 2019, which was seconded by Ms. Dziekan and unanimously continued to July 16, 2019.

2211 Maple Ave.

19ZMJV-0054

Adam Wilmot, architect, applies for major zoning relief to construct a 5-story, 15 dwelling unit multiple family residence with off-site parking in the R5 General Residential District. The applicant requests a 40' lot width (existing) where 50' is required for multiple family residences (Zoning Code Section 6-8-7-5), 15 dwelling units where 9 dwelling units are allowed including the Inclusionary Housing Bonus (Zoning Code Section 6-8-4-7), and 15 (off-site) parking spaces where 17 parking spaces are required (Zoning Code Section 6-16-2 Table 16B). 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, noted 6 additional letters of concern, and noted the revised plan makes the ZBA the determining body for the case, therefore the case

will be heard but continued with testimony open to the July 16, 2019 ZBA hearing with the case re-noticed to neighbors.

The applicant explained the proposal:

- Propose a 5 story, 15 dwelling unit building with 15 off-site parking spaces.
- The units are for rent and include the garage spaces in the rental agreements at no additional cost (one parking space per unit).
- The parking garage is owned by the property owner and is currently on a month to month lease to people that do not live in the neighborhood (most of them are used for storage, not vehicles).

Adam Wilmot, architect, explained the design:

- Project site is TOD and is in close proximity to major amenities.
- Property currently features a 2-story structure and garage.
- The off-site parking garage has already been renovated.
- The proposed building complies with all setbacks.
- Propose 15 units where 9 are allowed (including the inclusionary housing bonus).
- 15 units will be more density than the building on one side but less density than the building on the other side.
- 11 units would be on par with the surrounding existing density, so with the 4 bonus units that gets to 15.

Ms. Dziekan asked for clarification on the bonus units and Ms. Klotz stated the base zoning allows for 5 units, and if two of those units are inclusionary housing, 4 additional bonus units are added so that 9 units are allowed in compliance with the Zoning Ordinance. The applicant therefore requests 15 units where 9 units are allowed.

Mr. Wilmot continued:

- Housing staff requested the applicant provide smaller units as the inclusionary units instead of the larger 3 bedroom units, which actually makes the parking requirement higher.
- One affordable unit is a one-bedroom unit and the other is a studio.
- 3 parking spaces will have electric vehicle charging stations.
- One parking space is an ADA space.
- The proposal complies with building lot coverage because of the inclusionary housing bonus for building lot coverage, which helps the building stay at 5 stories instead of 6 stories (as originally planned).
- The proposal complies with impervious surface coverage without using the bonus.
- The proposal uses the density bonus (and still needs a variation for density) and the parking bonuses (the proposal now complies with parking and does not need a parking variation).
- The proposal uses 3' of the height bonus, so the building will be 9' taller than the adjacent building.
- The building will have adequate trash storage (double the EPA recommended amount) as well as recycling and composting.

- 5 existing trees will be removed from the property. Two are damaged and do not need to be replaced, and the remainder will be replaced by 6 shade trees, 2 ornamental trees, and extensive front and rear yard landscaping.

Landscape architect, Jennifer Draper, explained:

- The parkway tree will remain. 4 trees are pinned under the existing structures and cannot be saved. Two of those 4 do not have to be replaced. However, those will be replaced with 6 trees.
- It is not feasible to add any more trees on the site or there will be too much shade and the landscaping will not survive.

Mr. Wilmot continued:

- Bioinfiltration will be used for stormwater management.

Mr. Gingold asked that the applicant look further into how the stormwater management will be handled and provide a more solidified stormwater plan at the July 16, 2019 meeting.

Ms. Klotz clarified the inclusionary unit rental is done through a program with the City and non-profit corporations with wait-lists. There is City oversight.

Mr. Wilmot continued:

- Units will have mid-level finishes and are not intended to be luxury units.
- The base of the building and the punched openings on the building relate to the surrounding architecture.

Paul Harb, property owner, added:

- The existing 2-flat building is in poor condition and not economically feasible to maintain.
- Public benefits include redevelopment of a blighted property, the tax base will increase from \$5k to estimated \$65k, and units that are needed by the community will be added in an area that is TOD which will discourage use of automobiles.

Mr. Gingold asked why the top floor can't be removed and just build 10 units, and the property owner explained it would not be economically feasible with fewer units.

Ms. McAuley noted it is extremely difficult to develop a small infill lot in an economically feasible way. But, it is not correct to call this project an affordable housing project. It is a luxury housing building that includes 2 affordable units. Mr. Harb responded the project will cost about \$5 million.

Marc Beem, 2128 Maple Ave., stated the variations are requested because too much density is proposed. The building is too large and will increase pressure on the entire neighborhood, to the detriment to the single/two-family houses in the area. Even if the building were smaller at 4 stories, the developer would be required to follow the inclusionary housing ordinance.

Matt Douherty, 2122A Maple Ave., agreed with the previous statement by Mr. Beem and noted the neighborhood has more and more rentals, which are then occupied by students. At the rent rates proposed, the building will be for students.

Jane Evans, 813 Gaffield Pl., stated most of the neighborhood is zoned R4a to protect the single family homes and require variation approval for anyone wanting to increase density to determine if it is appropriate or not. Also, the existing garages are all used as storage, not as parking.

Barbara Blades stated she submitted comments and agreed with the previous comments.

Stuart Cleveland, 2145 Maple Ave., stated the garages are for storage. No one will have their parking displaced. Vehicles do not come and go from there. So, the proposal will add 15 vehicles to the neighborhood.

Ms. McAuley noted the petition submitted in support largely is signed by property owners that are not within this neighborhood. Ms. McAuley urged the applicant to reach out to immediate neighbors of the subject property. The applicant agreed and noted 4 of the signatures are within the vicinity.

Mr. Mirintchev asked if the building will have a basement, and the applicant responded it may have a partial basement but it will not be visible/exposed. Mr. Mirintchev asked if the building will be typically constructed and the architect stated yes, the building will have 10' floor to floor and 9' ceilings, be a podium building, and sprinklered. The 9' ceilings are typical of new multiple family construction.

Mr. Mirintchev asked what the building height next door is to the parapet wall rather than to the higher front decorative parapet and the applicant stated that would be looked into.

Mr. Gingold motioned to continue the case to the July 16, 2019 meeting with testimony open, which was seconded by Ms. McAuley and unanimously continued.

The meeting adjourned at 9:45pm.