



**MEETING MINUTES**  
**ZONING BOARD OF APPEALS**

Tuesday, July 16, 2019  
7:00 PM

Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Mary McAuley, Violetta Cullen, Kiril Mirintchev, Jill Zordan

Members Absent: Lisa Dziekan, Scott Gingold, Myrna Arevalo

Staff Present: Melissa Klotz

Presiding Member: Chair Cullen

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**Declaration of Quorum**

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

**Minutes**

The meeting minutes of June 18, 2019 were motioned for approval by Ms. McAuley and seconded by Ms. Zordan and unanimously approved.

Ms. Cullen noted 747 Howard St. would not be heard since the case has not yet obtained a DAPR recommendation.

**Old Business**

**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), and 15 dwelling units where 9 dwelling units are allowed including the Inclusionary Housing Bonus (Zoning Code Section 6-8-4-7). The Zoning Board of Appeals is the determining body for this case.

Ms. Klotz noted additional documents, letters of support and opposition, and a letter from the Alderman were passed out at the beginning of the meeting.

With testimony open, the case continued:

The applicant explained all property owners immediately adjacent to the property have provided letters of support.

Ms. McAuley noted some of the letters of support for surrounding properties are from management companies and the applicant noted those owners are in the audience tonight and can speak if needed.

The applicant addressed the Standards:

- All immediately adjacent property owners support the property so the proposal must not cause a negative impact.

- Vehicles will park in garages and the owner accepts a restriction that tenants will not be eligible for street parking permits.
- Drainage on the property and in the alley will be improved.
- Height is on par with surrounding properties.
- Project keeps with the intent of the Zoning Ordinance and meets the parking, building lot coverage, and impervious surface coverage.
- Lot is unique because it is 40' wide in an R5 District and is surrounded by high density buildings.
- A small building on this lot would be out of character of the area.
- Economic hardship is a practical difficulty because the development is not economically feasible if there are fewer units.
- Proposal is the least deviation from the applicable regulations that creates a viable project.

The applicant explained density variations have been granted at other properties, including 824-828 Noyes St. that approved 44 dwelling units where 12 were permitted (plus ground floor commercial) by the underlying zoning.

Ms. McAuley asked if the garages have already been purchased by the applicant. The applicant explained those garages are currently on month to month leases as storage, and the lessees know they will have 30 days to vacate at some point. A covenant will be recorded noting the off-site parking is required for 2211 Maple.

Kevin Miller, 2121 Sheridan, CFO of Garrett Theological Seminary south of the property, supports the project and supports any tenants that may live there including students. A 2-flat is not appropriate there. The plans have been reviewed in detail. Ms. McAuley asked if Garrett has had any discussions with the single family property owners south of Garrett and he responded no.

Matt Doherty, 2122A Maple Ave., stated the presentation by the applicant is selective in what properties are being compared. Although some of the neighborhood is high density, there is also a lot of single family residential throughout the neighborhood and that has not been accurately represented.

Jerry Folz, 2022 Maple Ave., stated the financials provided that show a 6% return over 30 years is not believable - real estate investors do not do projects with that low of a return rate. The numbers may not be accurate. The traffic from the additional students who will live in the building and park in the garages will add up. There is no neighborhood benefit provided.

Tony Rae, 1020 Grove Ave., representing Joining Forces for Affordable Housing, states the zoning bonuses to encourage affordable housing and appreciates the landscaping.

Stuart Cleveland, 2145 Maple Ave, stated the parking garages are not currently used for parking vehicles so this proposal will add 15 vehicles to a busy alley and neighborhood.

Marc Beem, 2128 Maple Ave., stated this proposal does not meet the requirements for granting zoning variations. The height is an issue because the lot size and width prohibit the density - without those variations, only a 1 or 2 family home could be built there and

that wouldn't be 50' tall. The neighborhood does have issues with students from NU (but not students from Garrett).

David Fetner, 910 Skokie Blvd., Highland Park, explained he is the general contractor for the proposal and he believes this is the best proposal for this property because it is an aesthetically pleasing building that also has on-site affordable housing. Ms. McAuley asked if a smaller building with fewer units could be built that is also aesthetically pleasing. Mr. Fetner responded that a smaller building would not look as good because surrounding buildings could build up in the future and go up to 5 stories. Ms. McAuley noted the existing buildings are 3.5 or 4 stories.

Tim Resulou, 2201 Ridge Ave, supports the project because it will improve the look on the block. With the building 7' taller than the building next door, no one will notice.

Diane Lithite, 2017 Maple Ave, stated tenants will not use the parking garages and instead will park on the street which is already full. Maple Ave. is mostly homes not apartments.

Jane Evans, 813 Gaffield Pl., stated there have always been students living in the area and the neighborhood works very hard to keep it a livable neighborhood. The concern is the density. An apartment building is fine on that property, but the height should be similar to the other vintage buildings on the block. The applicant should have been aware of the zoning requirements and affordable housing requirements prior to purchasing the property. The applicant and his wife own 7 buildings between Simpson and Noyes and all are rented to students.

Barbara Blades, 2111 Maple Ave., explained her submittal of approximately 50 signatures against the project, noted as Exhibit 2.

Carrie Brown, 2018 Maple Ave., supports the project because this is a neighborhood with businesses, large apartment buildings, and houses. The developer has done a lot for the Maple-Noyes Business District and to help small business owners in the area.

Mark Serika, 837 Lincoln Ave., knows students live in the area and has not had any problems with students. Having another housing option that students may use is a good thing and increases the tax base, so he supports the project.

Developer Paul Harb responded that he owns 2141 Maple Ave. (a 2-flat) which is the only other property in the area that he owns, not 7 in the 2 block area. The anticipated economic return of 6% for the development is correct.

At the applicant's request, Ms. McAuley motioned to continue to case to the August 27, 2019 ZBA hearing, which was seconded by Chair Cullen and unanimously approved so that the applicant may return with a reduced proposal.

### **New Business**

#### **2510 Green Bay Rd.**

**19ZMJV-0060**

Bane Srdjevic, potential lessee, applies for a special use permit for a Commercial Indoor Recreation facility, Lock Chicago, in the B1a Business District and oCSC Central

Street Overlay District (Zoning Code Sections 6-9-5-3 & 6-15-14-7). 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.

The applicant explained the proposal:

- An escape room is a family friendly, work friendly, set of puzzles/games for groups of people.
- Currently located at 820 Davis St.
- During the week there are 20 people at the facility at one time maximum.
- Most customers come by train from Chicago or carpool.
- 10 parking spaces on site and parking issues are not anticipated.
- Noise is limited (e.g. no yelling, running, loud noises, etc.)
- Alley will not be used for any trucks - there are no deliveries.
- Customers are there for one hour and then must leave, which also encourages parking turnover.
- Interior buildout will comply with City Codes.
- The only exterior changes to the building will be signage.
- Employee/emergency exit in rear off of alley, but public access is only via the front.

Chair Cullen asked who the typical client base is, and the applicant responded customers are often corporate outings, mid 20s people and NU students, and birthday parties for ages 12 and up.

Ira Smith, 1835 Lincoln St., lives at the property that is closest to this building off of the alley. Compared to a previous use that was proposed at the building recently, this is a good use. Parking is still a concern since there are 10 parking spaces on site and no other alternatives in the area.

Property owner Charles Happ, 657 Ash St., Winnetka, owns commercial buildings throughout Evanston, and believes there is enough parking on-site for the use. There have been discussions with nearby businesses that have parking and have off-hours to the escape room in case overflow parking is ever needed. The remainder of the building will be used as an incubator space.

Deliberation:

Ms. Zordan stated that if feedback from the neighborhood or customers is that parking is an issue, the scheduling of escape room start times could be altered so that there is less overlap of customer groups. The applicant agreed and noted it is very easy to modify start times and that is routinely done at other locations when needed.

Standards for Special Use:

1. Yes
2. Yes
3. Yes
4. Yes

5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Ms. McAuley motioned to recommend approval of the special use with the following condition:

1. The project be developed in substantial compliance with the documents and testimony on record.

The motion was seconded by Mr. Mirintchev and unanimously recommended for approval.

**1000 Florence Ave.**

**19ZMJV-0062**

Patrick Coleman, contract purchaser, applies for major zoning relief for a second story addition that aligns with the first floor, and for an addition to a detached garage in the R3 Two-Family Residential District. The applicant requests a 3.5' street side yard setback where 15' is required (Zoning Code Section 6-8-4-7-A-2) and a 1.41' north interior side yard setback where 5' is required (Zoning Code Section 6-8-4-7-A-3) for the house addition, a 5.2' street side yard setback for the garage addition where 15' is required (Zoning Code Section 6-8-4-7-B-2), and a 10' street side yard setback for a roofed deck where 15' is required (Zoning Code Section 6-8-4-7-C-2). The Zoning Board of Appeals is the determining body for this case.

Ms. Klotz read the case into the record.

The applicant's architect explained the proposal:

- Existing 25' wide corner property only has a 5' wide area that can be altered without zoning relief.
- The interior stair is extremely dangerous and nearly impossible to get up to the second floor.

Judy Yeager, lives immediately north of the property and has had extensive conversations with the new property owner and understands there the lots on the block are all small and this property needs significant work done to it, so realistically this is a good proposal. It won't be the largest house on the block. The proposal is fine.

Deliberation:

Ms. McAuley noted the house either needs a lot of work or is a teardown, and as a teardown it would require significant zoning relief. It is commendable that the property owner wishes to restore the property.

Standards:

1. Yes
2. Yes
3. Yes
4. Yes

5. Yes
6. Yes
7. Yes

Ms. McAuley motioned to approve the proposal, which was seconded by Ms. Zordan and unanimously approved with the condition the project be developed in substantial compliance with the documents and testimony on record.

**1321 Brummel St.**

**19ZMJV-0056**

Farrukh Ali, property owner, applies for major zoning relief to convert a 2-family residence into a multiple family 4-unit residence in the R4 General Residential District. The applicant requests a lot width of 40' (existing) where 50' is required for multiple family residential uses (Zoning Code Section 6-8-5-5), 4 dwelling units where 2 dwelling units are permitted due to the lot size (Zoning Code Section 6-8-5-4), zero additional parking spaces where 3 additional parking spaces are required (Zoning Code Section 6-16-2 Table 16B), and a building height of 3 stories (31.5' at the highest point of the flat roof) where a maximum building height of 35' or 2.5 stories is permitted (Zoning Code Section 6-8-5-8). 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, and noted one additional letter of opposition.

Doug Clark, architect, explained the proposal:

- Submitted revised elevations that no longer include the 3rd floor roof as requested by DAPR.
- Propose to convert a 2 unit building to a 4 unit building with a rear addition for the 2 new units. A new open stair will also be added.
- Propose 1 unit as affordable, but agree to 2 units as affordable as recommended by DAPR (which is 50% of the total units).
- The addition meets all setback requirements.
- There is no way to add parking on the property.

Ms. McAuley noted the 2-flat to the west is very similar in size and asked if there have been conversations with that owner. Farruk Ali, property owner, responded he has not spoken to that neighbor.

Ms. McAuley asked the length of the affordable housing requirement, and Ms. Klotz explained the proposal is not a covered development since it is less than 5 units total, but staff recommends 2 affordable units for 10 years at 80% AMI, since that is the typical standard stated by the ZBA for affordable housing as a public benefit.

Ms. McAuley asked when the property was purchased by the current owner, and he responded in November 2018.

Amy Tucker, 1325 Brummel St. next door, requests the proposal be denied. Mr. Ali has property maintenance issues at this and his other properties so this will become a bigger building that will have similar issues.

Joann Hessler, 128 Asbury Ave., on behalf of the Board of her condo building, opposes the proposal due to parking and the other issues raised by Ms. Tucker.

Jeffrey Guirez, 141 Asbury Ave., stated parking is a concern. There should be 3 parking spaces added for this. Parking in the area is difficult already.

The applicant submitted a video showing the parking conditions in the area. The applicant stated he understands there is traffic in the area and that will continue to increase. Since the property is landlocked, there is no alternative regarding the parking, and that is one reason why 2 affordable units are acceptable as a public benefit.

Chair Cullen asked about the property maintenance issues raised by a neighbor, and the applicant responded he was not aware of those issues until they were raised but he will take care of the issues immediately, and once this building is occupied he will likely hire a property maintenance company.

Deliberation:

Ms. McAuley stated the property was purchased in the last year, and the new owner knew the zoning limitations of the property at that time. Parking in the area is very tight already. Additionally, there is not a lot of greenspace in the neighborhood, so the proposed addition would further reduce that green area. It seems the hardship is self-created. Mr. Clark noted a green roof is being considered to add greenspace but not decided yet. A partial green roof will likely be done. Ms. McAuley noted that change could be made before the case proceeds to City Council.

Mr. Mirintchev agreed that very little rear yard will be left so a green roof would be helpful. For this proposal, does the affordable housing outweigh the parking issue in the neighborhood? The affordable housing is a very big public benefit.

Ms. Zordan stated her concerns about the livability of the area with the loss of greenspace and impact on parking.

Chair Cullen stated 2 affordable units does not offset the lack of parking. The video shown did not display ample parking available on the surrounding streets.

Chair Cullen reopened the record:

Ms. Tucker stated the video shown is from today when the weather is good. In the winter, parking is terrible. Ms. Hessler added that parking at 6:42pm is different than later in the evening. By now there is no parking left, and in bad weather it is impossible. Many vehicles end up parking illegally in crosswalks and by fire hydrants. Garbage and rats are also an issue at this owner's properties.

Marie Dockra, 1325 Brummel St., stated the video was not a fair representation of the lack of parking once everyone is home from work. With the addition, the building will loom over her property next door and she will not have any privacy.

Natalia Reed, 1013 Dewey Ave., noted the inequity in the earlier case at 2211 Maple Ave. in north Evanston that had a lot of neighbors turn out against, while this case has fewer neighbors but bigger parking issues.

Standards (based on the revised proposal without the third floor roof):

1. Yes (Mr. Mirintchev – no because of the loss of greenspace and parking burden)
2. Yes
3. No
4. Yes (Mr. Mirintchev – no that is faulty reasoning)
5. Yes, with the 2 affordable units
6. No
7. No

Mr. Mirintchev motioned to recommend approval, which was seconded by Ms. McAuley, with the condition for 2 affordable units, and voted 0-4. Therefore, the case is recommended for denial.

Adjourned 9:55pm