



MEETING MINUTES
ZONING BOARD OF APPEALS

Tuesday, August 27, 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: Scott Mangum

Presiding Member: Violetta Cullen

Declaration of Quorum

With a quorum present, Vice Chair Cullen called the meeting to order at 7:07 p.m.

Minutes

Ms. McAuley motioned to approve the meeting minutes of July 16, 2019, which were seconded by Ms. Zordan and approved 4-0 with 3 abstentions.

Old Business

2211 Maple Ave.

19ZMJV-0054

Adam Wilmot, architect, applies for major zoning relief to construct a 4-story, 12 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 12 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.

Mr. Mangum read the case into the record.

The attorney for the applicant, John Seminak, explained the changes to the proposal:

- Noted reduction to 4 stories and 12 units
- Ald. and surrounding property owners in support

Adam Wilmot, architect for the project explained the location and context, density, parking including electric vehicle charging, location of current garage renters, same landscaping, stormwater plan with underground tank, and similar building design.

In response to Chair Cullen, the covenant recorded for parking for tenants will also state that no off-street parking permits shall be issued to tenants by the City.

In response to Ms. McAuley, Paul Harb spoke with Ald. Rue Simmons and she is in support but he did not request another letter of support.

Mr. Mirintchev inquired about elevator type and the applicant responded the elevator is not yet specified but could be lower than shown with a 4-foot overrun.

Matt Doherty, 2122A Maple, spoke in opposition, noting an increase in rentals and lack of enforcement by City.

Mark Beem, 2128 Maple, spoke in opposition, noting the proposal doesn't meet standards.

Toni Ray, 1020 Grove, representing Joining Forces, spoke in support of additional affordable housing.

Mr. Paul Harb thanked ZBA and staff and believes concerns have been addressed.

Deliberation:

Mr. Gingold spoke in support of the process and that the developer has responded to the Board and neighbors. This is a unique property that has already changed in character. Mr. Gingold commended the developer for the changes.

Ms. McAuley stated agreement because of similar height and density with surrounding properties. The project will increase the tax base and improve property values.

Ms. Dziekan agreed and believes the development is appropriate in TOD area like this. Ms. Arevalo agreed the developers responded to comments. Ms. Zordan and Mr. Mirintchev spoke in agreement but Mr. Mirintchev believes there should be design improvements with openings and materials, and suggested reorienting units away from north to allow more light.

Chair Cullen also supports the project.

Standards:

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

Mr. Gingold motioned to approve the zoning relief, which was seconded by Ms. McAuley and unanimously approved with the conditions that the project be developed in substantial compliance with the documents and testimony on record and including the parking covenants.

New Business

1009 Harvard Terr.

19ZMJV-0068

Joshua W. Burton & Deborah S. Burton, property owners, appeal the Zoning Administrator's decision to partially deny minor zoning relief (case number 19ZMNV-0045) to construct a tandem 2-car detached garage with 40.9% building lot coverage where 40% is allowed (Zoning Code Section 6-8-3-6), 55.7% impervious surface coverage where 55% is allowed (Zoning Code Section 6-8-3-9) a 1' west interior side yard setback where 3' is required (Zoning Code Section 6-4-6-2-E), and an 8' separation between the principal structure and accessory structure where 10' is required (Zoning Code Section 6-4-6-2-C) in the R2 Single Family Residential District. The appellant was granted partial relief to either A. Construct a 1-car detached garage not to exceed 22' in depth and a 1' setback from the west interior side property line with the ability to maintain the existing driveway from the street, OR B. Construct a 2-car detached garage with building lot coverage of 40.9%, located at least 3' from the west interior side property line with access from the alley and removal of the existing driveway from the street. The Zoning Board of Appeals is the determining body for this case.

Mr. Mangum read the case into the record.

Joshua Burton, applicant, explained the proposal:

- Described reasons for requests - current garage is too old and small (built in 1924).
- Driveway is needed for overnight visitor parking.
- Both vehicles need to fit into the garage because they have electric vehicle chargers
- One-car garage preferable option of those presented since the driveway could then remain.
- Garage currently used as a storage shed.

Ms. McAuley stated a feasible alternative offered so the Zoning Administrator was not incorrect in finding.

Mr. Mirintchev suggested the applicant could construct a one-car garage and an attached carport to reduce the bulk of the structure.

Deliberation:

Mr. Gingold believes the request is not the least deviation from the applicable regulations, and the Zoning Administrator's decision is correct. Mr. Gingold stated in favor of one-car relief. Ms. McAuley agreed with Option A as identified by the Zoning Administrator.

Mr. Mirinchev and Ms. Zordan agreed with Option A.

Ms. Arevalo stated she agrees with the decision, and noted there could be other options that were not identified or discussed.

Standards (for Minor Variation):

1. Yes

2. Yes
3. Yes
4. Yes
5. Yes

Ms. Gingold motioned to affirm the decision of the Zoning Administrator to partially deny and partially approve the zoning relief by approving Option A for one-car garage, with Ms. Dzeikan seconding, and unanimous approval with the following conditions:

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

3101 Central St.

19ZMJV-0076

Lakeside Auto Rebuilders Inc., submits for major zoning relief to expand a legally nonconforming use and a legally nonconforming structure, Lakeside Auto Rebuilders, to construct a 580 sq. ft. one-story garage bay enclosure (Zoning Code Sections 6-6-4-4 & 6-6-4-5). The applicant requests to expand the legally nonconforming use for an Automobile Repair Service Establishment and an Automobile Body Repair Establishment where said uses are not eligible permitted or special uses in the R4 General Residential District (Zoning Code Sections 6-8-5-2 & 6-8-5-3) or an eligible Active Ground Floor Use in the oCSC Central Street Overlay District (Zoning Code Section 6-15-14-7). The applicant also requests the addition of zero parking spaces where one additional parking space is required due to the expansion, for a total of 21 on-site parking spaces where 28 parking spaces are required (Zoning Code Section 6-16-3-5- Table 16 B). 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.

Chris Canning, applicant/attorney, explained the proposal:

- “Major Variations” are not considerable, continuation of existing business that is legally nonconforming is at issue.
- The business operates on an appointment basis to control parking on site.

Mr. Mangum explained staff and DAPR recommends additional landscaping bordering the front and street side yards of the property, especially at the southeast corner of the property.

The applicant explained employee parking is adjacent to the alley; additional cars are inside the building in repair bays; there is no need for 12 outside parking spaces (the lot is never completely filled); less landscaping is preferred.

Ms. Dziekan asked if the facility produces odors and fumes, and the applicant responded painting is done in the existing spray booth but there will be no additional fumes due to the expansion - that will only be used for estimating. The existing spray booth is in compliance with regulations but some odor does escape.

Mryna Arevalo noted the current site plan shows a total of 13 parking spaces where 11 are required so is a parking variation no longer requested? The applicant clarified the original site plan did not have any vehicle striping, but was requested by the DAPR Committee so once striping was added the updated site plan shows 13 parking spaces.

Board Members discussed the implications of re-striping the parking lot to compliantly show 12 parking spaces, which would mean a parking variation is not needed and the case for zoning relief should be renoticed with the ZBA as the final determining body.

Derek Blakely, 3110 Central St., stated he enjoys living across the street from the business because the business is run sensitively to the surrounding neighborhood and provides great service at reasonable prices. This business should be allowed to expand. The parking lot should not be striped because that would detract from blending into the surrounding neighborhood.

Mr. Mangum stated if the parking variation is no longer needed, testimony should be heard for neighbors who attended the meeting, but the case must be re-noticed with ZBA as the final determining body similar to what was done with 2211 Maple Ave.

Laura Mills, 2620 Lawndale Ave. directly behind the business, supports the proposal.

Mary Enda Tookey, 3106 Hartzell St., supports the proposal and is opposed to striping the lot which would not be aesthetically pleasing.

Charles Cross, 3106 Central St., stated the business is a nice neighbor and the building addition will decrease the activity outside. Mr. Cross is opposed to striping of the parking lot, which would look like a Walmart parking lot if striped. Also, the landscape barrier staff wants will not survive the salt and will end up looking worse.

Don Brown, 3108 Central St., agreed that the business is an excellent neighbor and the variations should be granted. The striping should not be done and additional landscaping will not survive. There are large landscape pots against the building that look nice.

Gerald Rolling, 3029 Central St., commends the business for its cleanliness and supports the variations requested.

Mr. Gingold suggested the ZBA vote on a recommendation for the case assuming the parking variation is correctly noticed and is needed, and that if staff determines the parking variation is incorrect and not needed, then the case can be re-noticed at that point, but if the parking variation is needed then the case is still on track as planned.

The applicant agreed and urged the Board to move forward as originally planned.

Deliberation:

Mr. Mangum clarified that based on additional information provided by staff, the updated site plan shows parking spaces that do not legally count as parking spaces since they are located in the required front yard and were not originally compliant parking spaces. Without those spaces counted, the applicant has 11 spaces where 12 are required and needs the parking variation.

Mr. Gingold asked the Board whether striping should be included in the recommendation or not, and Ms. McAuley stated it should not be required since the applicant and neighbor's do not want it. The Board discussed whether additional landscaping should be required and whether it should be required along the entire street frontage or only at the corner.

The Board reviewed existing conditions listed in the previous governing ordinance.

Standards:

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

Mr. Gingold motioned to recommend approval of the proposal, which was seconded by Ms. Dziekan and unanimously recommended for approval with the conditions that the corner of the property be landscaped/beautified (but not all the way down Central St.), parking lot striping is not required, conditions from the 1987 variation as stated by DAPR are carried forward, and the project be done in substantial compliance with the documents and testimony on record.

1245 Hartrey Ave.

19ZMJV-0070

Becky Trisko & Meaghan Tower, potential lessees, submit for a special use for Daycare Center – Domestic Animal, and a special use for a Kennel, for Unleashed in Evanston, in the I2 General Industrial District (Zoning Code Section 6-14-3-3). 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.

The applicant explained the proposal:

- Submitted Exhibit 1, a revised site plan that shows traffic circulation on the property.
- Existing business, Unleashed of Evanston, is at 1908 Greenwood St.
- Noted the entrance to the space is in the rear with the 2000 Dempster St. address, but it is the same property as 1245 Hartrey Ave.
- Operational details: training classes and daycare on weekdays and weekends, and overnight kennel boarding.
- Sound attenuating measures will be taken including a drop ceiling where the kennels are and extra soundproofing on the walls.
- Outdoor exercise area for the dogs in the rear and will have artificial turf.
- Entrance is in the rear near Temperance and there are dedicated parking spaces by the door for drop offs. Some customers will park and stay for an hour for training classes.

- Employees can park in the west Hartrey lot that is further away if necessary, but there should be enough parking near the entrance. The business shouldn't ever need more than 12 parking spaces (6 for guests and 6 for employees).
- 40-45 daycare dogs; 75 dogs maximum at once including the kennel.
- Dog waste is put in a dumpster daily.

Ms. McAuley asked if the proposed space is contiguous to the ETHS classrooms, and property owner Reed Biedler explained there is a buffer area between the two spaces, which will likely be used for warehousing.

Ms. Dziekan stated she was on a 6 month waitlist for this use so there is definitely a market for it.

Mr. Beidler stated he has talked to the other tenants of the building about the proposal. Mr. Beidler explained there are 11 tenants in the building and over 300 parking spaces on site. A few parking spaces in front of each tenant doors are designated for drop offs, but the rest of the property does not feature dedicated parking for each specific business.

Karena Bierman, 1218 Hartrey Ave., stated concerns over access from Hartrey but was glad to hear the access and entry will be from Dempster St. near Temperance, odor of dog urine, other uses with children and other sensitive needs, consider speed bump on Hartrey Avenue.

Deliberation:

Ms. McAuley expressed support for the project and noted the property is zoned industrial.

Mr. Gingold agreed, with commitment to soundproof the area. Ms. Dziekan and Ms. Arevalo noted their support.

Mr. Mirinchev stated his support and noted speed bumps would be helpful. Mr. Mangum stated the speed bump issue is not within the purview of the ZBA and cannot be required.

Ms. Zordan stated her support and appreciates the considerations that have been made to adjacent users.

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 of the proposal, which was seconded by Ms. McAuley and unanimously recommended for approval with the conditions that the rooms are soundproofed as shown on site plan, and that the project be done in substantial compliance with the documents and testimony on record.

2412 Wade St.

19ZMJV-0071

Nathan Kipnis, architect, submits for major zoning relief to construct a new single family residence in the R2 Single Family Residential District. The applicant requests a 27.5' front yard setback (Wade St.) where 50' is required due to the block average (Zoning Code Section 6-4-1-9-5-b), and a detached accessory structure located closer to the street side yard (Leland Ave.) than the principal structure (Zoning Code Section 6-4-6-3). The Zoning Board of Appeals is the determining body for this case.

Dan Contreras, Kipnis Architecture, explained the proposal:

- Average setback for the corner lot excessively deep due to one of two other houses on the block
- Focus on sustainability
- Designing to be anchor of neighborhood
- Disagree with interpretation of accessory structure setback location
- Object to paying for sidewalk, not existence of sidewalk

Ana , property owner, stated that a FOIA response didn't indicate 50' setback

Ms. Dziekan outlined letter from block club.

Mr. Contreras stated the soil conditions on the site are not good, resulting in shallower basement and increase height. The house location is further west to not impose on street. The building location to the north and garage to the south for solar benefits. Moving house east would split the lot.

Mr. Mangum confirmed the required street side setback is 15 feet.

Ms. Dziekan and Ms. McAuley stated that the cost of sidewalk is a burden on homeowner.

Mr. Contreras noted other properties with similar location of accessory structures.

Mr. Mangum confirmed the zoning ordinance requirement that the accessory structure is not to be located closer to the street than the primary structure and noted that an appeal of determination was not requested.

Mr. Gingold stated that the accessory structure variation was self-created.

Ross Joseph, 1740 Leland - echoed the WEABC letter and stated the need for public sidewalk on Leland to access park where his daughter has wheelchair needs.

Nicole Pinkard, 2415 Wade, expressed concerns with the west setback unneighborly, the orientation of the house with high fence, stated that the sidewalk needed for safety and that there are water issues in the area.

Christine Jones, 2416 Wade, expressed concern with height and location of house.

Kimberly Jones, 2416 Wade, expressed concern with shadow and impact on house.

Janet Alexander-Davis, 1726 Leland, noted many two-story georgian homes in the neighborhood and concern for the neighboring property.

Henry Trowers, 1805 Leland, stated there could be issues with lot and the City.

Melissa Klotz, 2411 Wade St., stated there is soil settling in the area, not everyone would like sidewalk on property, sidewalk on lot would be 1-foot from bedroom window and future cost of sidewalk would be a concern. The front setback variation does impact neighbor with the location of house proposed.

In response to Mr. Gongold's question where it is better to increase front yard or move to east, Ms. Klotz noted that it may be middle ground to minimize impact in approving front yard setback variation.

Ms. Jones warned of sinkholes.

Mr. Contreras stated that a soil survey was conducted and grading and drainage plans submitted to show drainage not impacting neighbor.

After conferring with the property owner, Mr. Contreras stated that they are willing to provide a 10-foot interior side setback.

Mr. Mirinchev and Ms. McAuley agreed that a 10-foot setback was an improvement and a reasonable compromise.

Ms. Arevalo doesn't believe a resident should be required to pay for sidewalk.

Ms. Pinkard stated that a sidewalk is needed and the location of the proposed house is not aligned with others.

Mr. Contreras stated that the house to the south is more aligned with garage and aligned with neighboring house to west.

Deliberation:

Mr. Gingold expressed that he could approve with 10' side setback, but doesn't think City should require to pay for sidewalk.

Mr. Mirinchev and Chair Cullen agree that the sidewalk should not be the responsibility of the homeowner.

Standards

1. Yes, with 10' setback condition to mitigate impact on neighbor
2. Yes, with 10' setback condition to mitigate location of garage
3. Yes
4. Yes
5. Yes
6. Yes, with 10' setback garage is acceptable
7. Yes, with consideration of moving principle structure to lessen deviation

Mr. Gingold motioned to grant the variations for the project, which was seconded by Ms. McAuley and unanimously approved with the conditions that the principal structure be located no closer than 10' from the west property line and that the garage may not encroach any further to the east but could be built closer to the west, the property owner not responsible for construction of sidewalks, and that the project be developed in substantial compliance with the documents and testimony on record.

The meeting adjourned at 11:40 pm.