MEETING MINUTES
ZONING BOARD OF APPEALS
Tuesday, December 3, 2019
7:00 PM
Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Myrna Arevalo, Max Puchtel, Mary McAuley, Kiril Mirintchev, Jill Zordan

Members Absent: Violetta Cullen, Lisa Dziekan

Staff Present: Melissa Klotz, Cade Sterling

Presiding Member: Myrna Arevalo

Declaration of Quorum
With a quorum present, Chair Pro Tem Arevalo called the meeting to order at 7:00 p.m.

New Business

1031 Sherman Ave. 19ZMJV-0096
Katherine G. Bills, attorney, applies for major zoning relief to expand a legally non-conforming use to construct an accessory parking lot and outdoor storage area in the MUE Transitional Manufacturing Employment District, and R3 Two-Family Residential District where the expansion of a legally nonconforming use is not permitted (Zoning Code Section 6-6-3-5). The applicant requests to expand the legally non-conforming use for an office and trade contractor where said uses are not an eligible permitted or special use in the R3 Two-Family Residential District (Zoning Code Section 6-8-4). The applicant further requests to locate open off-street parking 166 feet from the rear yard’s east lot line where within 30’ is required (Zoning Code Section 6-4-6-3 (B) Table 4-A 18.), construction of an outdoor storage area abutting a residential use and District where abutting non-residential uses and Districts is required, and an outdoor storage area which exceeds 25% of the total area of the zoning lot where less than 25% is required (Zoning Code Section 6-13-1-8). The Zoning Board of Appeals is the determining body for this case.

Ms. McAuley motioned to continue the case without discussion at the applicant’s request to the January 21, 2020 ZBA hearing, which was seconded by Ms. Zordan and unanimously continued.

1327 Chicago Ave./528 Greenwood St. 19ZMJV-0074
Richard A. Shapiro, applicant, submits for a special use for an Office, for Richard Shapiro Attorney At Law, in the R5 General Residential District (Zoning Code Section 6-8-7-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.
Ms. McAuley motioned to continue the case without discussion to the January 21, 2020 ZBA hearing, which was seconded by Mr. Puchtel and unanimously continued.

1224 Oak Ave.  

Donna Lee Floeter, architect, applies for major zoning relief to construct an attached garage, deck, and attic addition, in the R3 Two-Family Residential District and Ridge Historic District. The applicant requests a 3’ rear yard setback where 30’ is required (Zoning Code Section 6-8-4-7), a 3.2’ north interior side yard setback where 5’ is required (Zoning Code Section 6-8-4-7 (A) 3.), a 1’ south interior side yard setback for an accessory structure (deck) where 5’ is required (Zoning Code Sections 6-8-4-7 (C) 3. and 6-4-6-3), and building lot coverage of 51% where 45% is required (Zoning Code Section 6-8-4-6). The Zoning Board of Appeals is the determining body for this case.

Ms. Klotz read the case into the record, noted two additional letters of support, and clarified an error in the staff memo that stated basement excavation would not be allowed - the clarification is that basement excavation is allowed but a sump pump is not allowed below the water table.

DonnaLee Floeter, architect, explained the proposal:
- Property has always been a 2-flat and was recently purchased.
- Daughter’s family will occupy the first floor and her parents will owner-occupy the second floor.
- Garage addition and future elevator will allow aging in place for the second floor unit. The first floor unit is ideal for the Daughter’s family because they have small children who need easy access to play outside.
- Current house has nonconforming side and rear setbacks.
- Existing 24’ rear setback makes it impossible to add a detached garage so an attached garage is proposed.
- No zoning issues with the attic addition or dormers.

Noreen Edwards Metz, property owner, presented a Powerpoint presentation and addressed the Standards for Approval. The new garage will be set back 4 - 7 feet from the alley therefore increasing maneuvering within the alley.

Ms. McAuley asked how much longer the side wall of the house will be, and the applicant responded the wall would extend 24’ further.

Ms. Metz continued:
- Neighboring property has 3 story, 38’ tall building at the rear of the property.
- Multi-story buildings in rear yards are common on the block.
- Changed the screen porch roof from gable to hip and lowered the height of it as requested by the Preservation Commission.
- Garage is needed for aging in place. Street parking can be difficult to find.
- Hardship is that the existing structure is noncompliant with side and rear setbacks.
- Open parking would not help because it would eliminate outdoor space and eliminate the elevator space, and would still need a variation.
• Side yard setback variation is needed because that is the only place an elevator can work due to existing structural beams.
• Plans to donate 3 trees to Laramie Park.
• There is an invasive tree on the property that will be removed (Norway Maple).
• There are not many housing options for seniors in Evanston. This proposal is a way to age in place.

The applicant stated there have been many discussions and meetings with staff, two meetings with the Preservation Commission which included reducing the size of the dormers and reducing the livable space, DAPR, and the ZBA.

Ms. McAuley noted DAPR suggested not building the proposed deck in the side yard and asked if that is feasible. The applicant responded that then there would not be outdoor space for grilling, etc. for the first floor unit, and that area is so shaded from landscaping that it would be a muddy mess of unusable space without a deck or patio.

Mr. Mirintchev asked why the aging in place unit is on the second floor, and the applicant responded the second floor is nicer, and the first floor is not at grade so it is not accessible. Also, the outdoor space for the second floor unit is a screened rooftop deck which is perfect for aging in place. Additionally, it is not desirable to have the family with small children on the second floor where footsteps will be heard (and where they will later be teenagers).

Mr. Mirintchev asked if the Zoning Ordinance was considered when designing the project, or if a 2-car garage and parking pad was considered instead of 3-car garage. The applicant responded all three cars need to be within a garage, and the garage space is the smallest possible to fit the vehicles and the elevator. Ms. Klotz noted open parking counts as building lot coverage, so one parking pad would reduce the physical bulk on the property but would not eliminate the building lot coverage variation.

Veronica Francisca, 1580 Dewey Ave., stated her family plans to live on the first floor. Ms. Francisca is currently a resident of Evanston, small business owner, and is active in the community. Multigenerational housing like this is needed.

Richard Gleason, 1213 Oak Ave., stated he has known the applicants for many years and is excited to have them as new neighbors. There are very few houses and garages on the block that comply with the current Zoning Ordinance. There is thick vegetation next to the basketball court in the park so the proposed deck 1’ from the property line cannot be seen from the park.

Deliberation:
Ms. McAuley stated the proposal conforms with the Comprehensive Plan by encouraging aging in place and multigenerational housing. The variations requested are appropriate given the existing structure, surrounding neighborhood, and proximity to the park. There are mitigating factors so the Standards are met.

Mr. Mirintchev stated nonconformities should not be extended, such as the addition that will extend the existing nonconforming side yard setback. The 3-car garage could be changed to a 2-car garage to reduce bulk, and the sunroom could be removed to
reduce bulk. The deck in the side yard is appropriate as long as there are no practical difficulties getting around the deck with only a 1’ setback. There is a structure next door that may be demolished at some point in the future, and if it is then a new structure will be built in that rear yard and will be heavily shadowed by this proposed addition.

Ms. Zordan agreed with Mr. Mirintchev and noted the bulk is too much, and continuing the nonconforming setback for most of the length of the property so that a long wall exists along the north property line may be problematic to the neighboring property owner in the future.

Ms. McAuley stated the proposal is reasonable, and the ZBA has previously approved variations that continue nonconforming setbacks. Mr. Mirintchev clarified those variations were granted when building up, not when extending the building footprint.

Mr. Puchtel noted the project on a whole is good, and given the proximity to the park and likelihood that nothing will be built on the park, supports the proposal.

Chair Pro Tem Arevalo stated there is not a better way to address accessibility and the elevator, so she supports the proposal.

Ms. Klotz stated that based on deliberation of the ZBA, it appears there would not be 4 concurrent votes and the case would not be resolved until the next ZBA hearing. Ms. McAuley motioned to re-open the record so the applicant could speak, which was seconded by Mr. Mirintchev.

The applicant explained the garage must be taller (around 14’) to accommodate the elevator height clearance. If there is a deck on top of the garage instead of a sunroom, the bulk will be mostly the same since the deck would need a railing. The sunroom will appear as less bulk since light will go through the many windows.

Ms. McAuley stated the proposal is an improvement to the neighborhood and will create multifamily units that are accessible.

The applicant then explained a rooftop deck instead of a screen porch would be a greater impact because the railing wall would be more bulky than the proposed screens and roof.

Ms. McAuley motioned to continue the case to January 21, which was seconded by Ms. Zordan and unanimously continued.

2008 Harrison St. 19ZMJV-0095
John Fell, property owner, applies for major zoning relief to permit use of a non-conforming dwelling unit in the R5 General Residential District and oCSC Central Street Corridor Overlay District. The owner requests providing four (4) off-street parking spaces where seven (7) 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.
The applicant explained the proposal:

- Property was purchased in 2010 with 4 dwelling units and owner was unaware the basement unit was illegal.
- 7 total parking spaces are required for the 4 dwelling units. There are 4 parking spaces on the property (as recognized by the City) but 5 vehicles can fit.
- It would be a major inconvenience to remove the existing basement unit.
- Basement unit is currently being used by the applicant’s adult child with special needs.
- Property is adjacent to a TOD area where the parking requirement is reduced, and if the property were within the TOD area, the parking variation would not be needed.
- Basement unit was remodeled with permits in 2010 and the City did not state at that point the unit was illegal. If known, it would not have been remodeled.
- There are typically 4 vehicles parked at the property (2 from the owner and 2 from the other tenants), but occasionally there are 5.

Mr. Mirintchev agreed the parking pad can fit 2 vehicles, and stated the proposal makes sense given the situation and that there will be no physical change.

Deliberation:
ZBA Members agreed the owner is legalization something that he was previously unaware was an issue, and there will be no physical change to the property or how it has been used so the request makes sense.

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

Ms. McAuley motioned to recommend approval, which was seconded by Mr. Mirintchev and unanimously recommended for approval.

1713 Central St. 19ZMJV-0101
John Mauck, attorney, submits for a special use for a Religious Institution, in the B1a Business District (Zoning Code Section 6-9-5-2) and oCSC Central Street Corridor Overlay District (Zoning Code Section 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.

John Mauck, attorney, explained the proposal:

- Will use existing building which has been office and medical space in the past.
• Front of the building will feature a reading room open to the public, and rear of the building is for worship services for Second Church of Christ, Scientist.
• City’s Comprehensive Plan specifically states the growth of Worship Institutions should be encouraged when no adverse impact is imposed on surrounding residential neighborhoods, which this proposal will not.

Elizabeth Drake, Treasurer of Second Church of Christ, Scientist, explained their current worship building on Hurd is for sale. The Christian Science Reading Room at 1936 Central will relocate to the new space so that all operations are under one roof, and the reading room will have more fenestration than its current location which will provide better visibility.

Garry Schumaker, architect, explained the reading room is a retail use and will have a glass storefront. The sanctuary will be in the middle portion of the building and will be sun-filled by skylights. There is one evening service on Wednesday and one service on Sunday. The reading room currently sees 5 customers per day but more are expected at the new location. Covered entrances at the rear will be added. The reading room will operate 10am-4pm and Thursday nights. The congregation is currently around 40 but the sanctuary is designed for up to 80. There are 18 parking spaces. There is one administrative office that is sometimes occupied, and there is one bookstore employee. Employees will park on site.

ZBA Members inquired if there will be adequate parking onsite, and the applicant responded there are around 25 parking spaces at the current Hurd location and there are empty spaces during Sunday services. The new location should have adequate parking with an overflow of 3-4 vehicles at the most since there are 18 parking spaces onsite.

Ms. Klotz noted there is no new parking requirement since the proposal is to use an existing building. However, if this were looked at as a new building, the Zoning Ordinance requires 1 parking space for every 10 seats so the property easily complies with the parking regulation.

The applicant noted that by moving the reading room, a good retail space will become available.

John Weinberger, 1722 Chancellor St., stated that on NU football Saturdays there are parties in the Arts Center parking lot and this building’s parking lot and it is a big nuisance. Tailgating should not be allowed. The applicant stated that is an acceptable condition.

Deliberation:
Ms. McAuley stated she supports the proposal because there is already the reading room on Central and it will be moving to a better location. Mr. Puchtel agreed.

Mr. Mirintchev agreed and suggested the architect consider what the storefront should look like after 4pm including lighting which can add vitality to the business corridor outside of operating hours. Ms. Zordan and Acting Chair Arevalo agreed.
Standards:
1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Ms. McAuley motioned to recommend approval, seconded by Ms. Zordan and unanimously recommed for approval with the following conditions:
1. Tailgating in the parking lot is prohibited for NU games but renting out parking spaces is acceptable.
2. Substantial compliance with the documents and testimony on record.

2510 Green Bay Rd. 19ZMJV-0100
Jaison Victor, applicant, submits for a special use for, Indoor Commercial Recreation, Born2Win, in the B1a Business District (Zoning Code Section 6-9-5-2) and oCSC Central Street Corridor Overlay District (Zoning Code Section 6-15-13-7.5). 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.

Charles Happ, property owner, explained the proposal:
- Currently operate one-on-one personal training in the space.
- Typical workout is a 45 minute exercise program (boxing, etc.).
- Trainers are certified in their expertise.
- There are 13 additional parking spaces at 2016 Central St owned by same property owner available for use.
- There are 10 parking spaces on-site at 2510 Green Bay Rd. for all of the businesses at 2510 Green Bay Rd. to use.
- Most clients do not drive to the facility – they typically walk or bike there.
- There have not been parking problems with the different uses that are already operating in the building.
- There will be a maximum of 4 employees for Born2Win working at one time.
- Hours of operation are 5am - 1pm (closes before Lock Chicago opens so parking is not an issue).
- No special events are anticipated but there could be individual training outside of regular hours.
- Other businesses in the building include a variety of office users.
- Center area of the building is a shared reception area with couches.
- Workout space is soundproofed – music is played during workouts and it cannot be heard by the office tenants.
Ms. McAuley asked about the DAPR condition for re-review in one year, and the property owner stated Born2Win has a 3 year lease. Ms. Klotz clarified the DAPR Committee requested this re-review so that if there are issues with things such as loud music or parking that negatively impacts the adjacent residences, DAPR can review and require additional accommodation such as more soundproofing or more parking off-site, and the owner would either need to make those changes or end the lease and use.

Deliberation:
ZBA Members found the proposal, including a one year re-review by DAPR, makes sense at the property.

Standards:
1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Ms. Zordan motioned to recommend approval of the request, which was seconded by Ms. McAuley and unanimously recommended for approval with the following condition:
1. Re-review by DAPR is required one year after special use approval.

Adjourned 9:27pm