

MINUTES OF A MEETING OF THE KENILWORTH ZONING BOARD OF APPEALS  
HELD IN THE VILLAGE HALL, 419 RICHMOND ROAD, KENILWORTH, ILLINOIS AT  
7:30P.M. ON MONDAY, OCTOBER 23, 2006 PURSUANT TO WRITTEN NOTICE TO  
EACH MEMBER.

The meeting was called to order by Chairman Frank Cavalier at 7:38 p.m. and upon roll call the following persons were present:

|                                     |                      |                                   |
|-------------------------------------|----------------------|-----------------------------------|
| Present:                            | Frank Cavalier       | Chairman                          |
|                                     | Kristin Casas        | Member                            |
|                                     | Mark Hinkamp         | Member                            |
|                                     | Cary Johnson         | Member                            |
|                                     | Dr. James Pollock    | Member                            |
|                                     | Vicki Thompson       | Member                            |
|                                     | Kathy Wilson         | Member                            |
|                                     |                      |                                   |
| Other Village<br>Officials Present: | Brad Burke           | Village Manager                   |
|                                     | Susan Criezis        | Community Development Director    |
|                                     | Barbara Adams        | Attorney                          |
|                                     |                      |                                   |
| Others Present:                     | Pat Babb             | 349 Ridge Road                    |
|                                     | Heidi Mangel         | 205 Melrose Avenue                |
|                                     | John Mangel          | 205 Melrose Avenue                |
|                                     | Jackie Bossu         | 614 Earlston Road                 |
|                                     | Rachel Noel          | 141 Kenilworth Avenue             |
|                                     | Ted Heldring         | 328 Leicester Road                |
|                                     | Ann Dumler           | 645 Melrose Avenue                |
|                                     | Bill Welch           | 331 Essex Road                    |
|                                     | Kelli Kobor          | 620 Abbotsford Road               |
|                                     | John W. Barriger     | 155 Melrose Avenue                |
|                                     | Michael Patterson    | 626 Warwick Road                  |
|                                     | Beth Baxter          | 546 Sterling Road                 |
|                                     | Curtis Barnett       | 626 Wayland Avenue                |
|                                     | Kathy Barnett        | 626 Wayland Avenue                |
|                                     | Bob Foley            | 240 Kenilworth Avenue             |
|                                     | Bill Morrison        | 615 Essex Road                    |
|                                     | Karen Morrison       | 615 Essex Road                    |
|                                     | Evie Barriger        | 155 Melrose Avenue                |
|                                     | R. Patterson         | 330 Sterling Road                 |
|                                     | Jan Fraleigh         | 244 Cumnor Road                   |
|                                     | Antoinette Vigilante | 123 Melrose Avenue                |
|                                     | Kathleen Cummings    | Chicago                           |
|                                     | Judith McBurden      | Wilmette                          |
|                                     | Ned Leuchtner        | 638 Abbotsford Road               |
|                                     | Jonathan Fine        | Representative for 157 Kenilworth |
|                                     | John Phillips        | 627 Brier Street                  |
|                                     | John Eifler          | Architect for 612 Warwick Road    |
|                                     | William Holland      | 342 Sterling Road                 |
|                                     | Cameel Halim         | 533 Roslyn Road                   |

|                 |                |                       |
|-----------------|----------------|-----------------------|
| Others Present: | Nefrette Halim | 533 Roslyn Road       |
|                 | Kelly Chestnut | 133 Kenilworth Avenue |
|                 | John MacLeod   | 612 Warwick Road      |
|                 | Judy MacLeod   | 612 Warwick Road      |

Chairman Cavalier gave guidelines for speaking to the Zoning Board. He said the applicants should not have questions directed to them by the audience.

Chairman Cavalier administered an oath to all persons in attendance who may testify.

The minutes of the September 18, 2006 meeting were placed before the Board. Mark Hinkamp made a motion to approve the variance. Kristin Casas seconded the motion and the minutes were unanimously approved on voice vote.

Continued Public Hearing of Charles and Anne Marie Magolske's application for a variation in the Residential R-3 District, commonly known as 421 Ridge Road, Kenilworth, Illinois. The petitioner has requested continuation to the next meeting. Cary Johnson made a motion to table the request. Vicki Thompson seconded the motion and the motion was unanimously approved on voice vote.

The application by Cameel Halim, owner of 157 Kenilworth Avenue, was placed before the Board for public hearing. Chairman Cavalier stated that it is an historic Daniel Burnham house but that should not be discussed in this meeting. The alternative of tearing down and the third floor are not the issues. The Zoning Board needs to focus on the hardships of the existing house.

Jonathon Fine, an architect who founded Preservation Chicago, represented the owners of 157 Kenilworth and presented their application for a variation to construct a two story rear addition which will exceed the maximum floor area by 1,297.97 square feet (23.4%) and the maximum building coverage by 588.52 square feet (15.9%) in the Residential R-1 District, commonly known as 157 Kenilworth Avenue, Kenilworth, Illinois.

Mr. Fine stated the owners, his clients, went back to the drawing board to respond to the Zoning Board's issues, and achieved a 50% reduction in floor area and a 75% reduction in building coverage. He enumerated the characteristics of the home and the elements of the owners' proposal. Their proposal will infill the niche of the existing house. They would like to enclose part of the existing house. The owners had looked at other options but chose Option #3 which was to add onto the rear of the house to save the existing house and maintain the existing roof lines.

The plan is to remove the porte cochere, the rear covered entry and the mud room, and put that square footage elsewhere. The alterations to the existing house were explained. Mr. Fine explained the lot coverage calculations as related to the existing house. Mr. Fine also explained the floor area ratio calculations as related to the size of the existing house.

Mr. Fine outlined the hardships which include the porches and missing third floor. He explained the square footage of the existing house. He stated 50% of the house is on the first floor, but the total square footage exists outside of the interior living space. He stated the plan would create a small increase of less than 1% to the impervious area, and there would be no change in height.

Mr. Fine stated each standard of variation was responded to as either applicable or not applicable. He noted that there is no other house in the Village with a full wraparound porch on the original house.

Chairman Cavalier commented on a letter from Mitchell Heath. Chairman Cavalier stated zoning ordinance changes are not the issues tonight and he will direct the comments about zoning issues to the public meeting next Monday.

Chairman Cavalier stated the architect has worked hard to make changes. Dr. Pollock asked why the porte cochere was removed? Cameel Halim, the owner of 157 Kenilworth Avenue, stated nothing existing was removed in his first submission to the Village. Mr. Halim stated he had planned to remove some of the existing parts but was trying not to change the essential parts of the house. He said he would like to keep the porte cochere if possible.

Cary Johnson asked if the porte cochere was original to the house? Mr. Halim stated it was.

Kathy Wilson asked what credits would be allowed for this proposal? Chairman Cavalier stated this has not been decided yet, but will be dealt with next week at the public hearing. Chairman Cavalier administered an oath to all persons who had arrived since the initial oath and may wish to testify.

Kelly Chestnut, a neighbor, stated she is in full support of the plans for the house.

A letter from the Landmarks Preservation Council stated it is an important house.

John Mangel stated the height of the building is important. He stated height, along with impervious surfaces and setback requirements are very important problems in new houses and none of these are problems with this application.

Bill Holland asked if the neighbors have seen the plans? He thought the Nash family was concerned with keeping the porte cochere.

Jonathan Fine reported that Ms. Bernstein, who lives east of the property, supports the plan as does the Nash family.

Rachel Noel, who lives two houses away on Kenilworth Avenue, strongly supports the plans.

John Phillips stated that times have changed and the proposal fits the neighborhood, so he supports the plans.

Lilly Duquette stated she had been on the Building Review Commission when this house was reviewed for demolition. At that time, John Thorpe, a Village consultant, came up with similar plans requiring a variance. Ms. Duquette stated this house is unique due to the porches and so shouldn't be used as a precedent for others seeking variations.

Beth Baxter stated she is an Ad Hoc Committee member and feels the current zoning code does allow for this type of variance.

Nefrette Halim showed pictures of porches in Kenilworth.

Chairman Cavalier stated the porch is a hardship.

Kathy Wilson agreed with Chairman Cavalier that the porch is unique and the open porch configuration is a particular hardship. She stated the first proposal was too large, but she wants this proposal to be approved.

Vicky Thompson stated she commends the Halims in returning to the Board. She felt it is a unique situation and would not impact on other properties. Ms. Thompson stated she would vote favorably.

Cary Johnson stated he likes the proposal with less square footage. He stated the porches and porte cochere are unique elements, and it is the only house on Kenilworth Avenue without a third floor. He stated the basement is not usable. These are equal hardships.

Kristin Casas stated the plans were explained well, and they make sense.

Mark Hinkamp stated he was concerned with setting a precedent and what the Board has approved in the past.

John Barriger stated he supports the work and felt that Mr. Halim does first class work.

Chairman Cavalier stated he knew the previous owners, the Lane family, and knew the excess FAR was a problem in selling the house.

Cary Johnson stated this house was not like other applications the Zoning Board has received and noted the house already is 12% over the FAR limit.

Vicky Thompson stated houses with third floors are different in asking for 10%. She also asked if the porte cochere could be retained?

Attorney Adams stated the legal notice controls what can be considered as a variance. She stated the port cochere cannot be included because this was not specifically addressed in the notice.

Dr. Pollock stated the floor area ratio is significantly over the maximum allowed, but the increase is not very much.

Chairman Cavalier stated the proposed zoning ordinance amendments would give 554 square feet which is equivalent to the proposed 10% zoning credit.

Curtis Barnett toasted the Halims.

Dr. Pollock made a motion to approve the variations to exceed the maximum floor area by 1,297.97 square feet and to exceed the maximum building coverage by 588.52 square feet as per the submitted plans. Cary Johnson seconded the motion, and a roll call vote was taken as follows:

Yea: Casas, Hinkamp, Johnson, Pollock, Thompson, Wilson, Cavalier  
Nay: None  
Absent: None  
Abstain: None

The motion to approve the requested variations for 157 Kenilworth Avenue was declared passed 7-0.

John Eifler of Eifler & Associates presented the variation request of John and Judy MacLeod for a variation to construct a 1 ½ story addition to a detached garage which will exceed the maximum height by 3.54 feet, will exceed the knee wall height and size of dormers allowed in a half story and will have an overhang that will project 0.52 feet beyond the allowed 1 foot encroachment in the rear yard setback in the Residential R-1 District, commonly known as 612 Warwick Road, Kenilworth, Illinois.

Chairman Cavalier and Attorney Adams clarified the request and stated it is a height variance request for a two story garage.

Mr. Eifler stated that the owners want to match the height of the existing coach house which has a knee wall. The knee wall is 6 to 8 inches above the 2 feet that is allowed.

The roof ridge was stepped down for a shed storage area. The roof ridge must be maintained for the third garage bay.

Kathy Wilson asked what the hardship is?

Mr. Eifler stated the MacLeods inherited the height of the roof ridge and the knee wall, and it would look awkward to change the ridge. Mr. Eifler also noted the garage is under the zoning limits.

Cary Johnson asked if adding the third parking place in the garage causes the variance request? Mr. Eifler said yes.

Bill Holland stated he has been in this house and the garage has been a big problem. He stated the past owner wanted a third bay which would provide architectural integrity.

Chairman Cavalier stated not having a three car garage is not a hardship. He stated the garage is basically on Essex and is visible from the street. Mr. Eifler stated the addition is to the inside.

Bill Morrison stated the garage is in his front yard, and the proposal doubles the size which would affect trees and sunlight. Mr. Morrison stated he wanted the garage to be as small as possible.

Karen Morrison stated it is 2½ feet from the fence line and the new color is lighter and more visible. The garage is more intrusive on her property. Ms. Morrison also stated the proposal could threaten some 80 year old spruce trees.

Vicky Thompson stated the question to be answered is about the roof line of the garage not the size of the garage which is in compliance.

Bill Morrison asked why the owner couldn't tear down the garage and turn it clockwise? Mr. Eifler responded that the owner wanted to save the existing building.

Michael Patterson stated the garage is in his back yard and he would like the roof stepped down to reduce the height and bulk. He stated that house looks like a small house now and will become a larger house.

Judy MacLeod stated the triangular lots of Mr. Morrison and Mr. Patterson create the condition. She stated she is concerned about the tree roots.

Bill Welch stated the severe pitch of the garage roof doesn't match the existing house. Mr. Eifler disagreed and said he felt they were similar in style and detail to the house.

Mark Hinkamp asked for clarification of the variance requested.

Mr. Morrison stated the variance was about an apartment on the second floor.

Lily Duquette stated there is a problem with many old houses and old garages, and it is important to make the new parts look right.

Cary Johnson stated there has been a change of the maximum height to garages. When adopted, the Village expected that older homes with garages would need variances for height. Due to the odd shaped lot, he feels this is the best solution

Dr. Pollock stated he opposed changes in original garage height. Dr. Pollock is concerned with bulk of garages. He felt there is no good solution.

Michael Patterson stated the scale of the garage is on the flag of a "flag lot". It is out of sight from the Macleod's house. He stated mass is a big issue.

Bill Morrison stated the garage is visible from both his house and the Patterson's house.

Lilly Duquette stated with regard to garage height changes, the Zoning Board has a duty to consider the intent of the legislation when the code was changed.

Kathy Wilson stated she is concerned with unhappy neighbors.

John Eifler stated there would be minimal impact on the neighbors.

John Macleod stated that this an aesthetic perspective and issues.

Mark Hinkamp made a motion to approve the requested variation as per the plans presented. Cary Johnson seconded the motion, and a roll vote was taken as follows:

Yea: Casas, Hinkamp, Johnson, Thompson, Cavalier

Nay: Pollock, Wilson

Absent: None

Abstain: None

The variance was approved 5-2.

Vicky Thompson made a motion to adjourn. Cary Johnson seconded the motion, and the meeting was adjourned.

Respectfully submitted,

Susan Criezis