



**MEETING MINUTES**

**LAND USE COMMISSION**

Wednesday, August 14th, 2024

7:00 PM

Lorraine H. Morton Civic Center, 2100 Ridge Avenue, James C. Lytle City Council Chambers

Members Present: Matt Rodgers, Max Puchtel, Kiril Mirintchev, George Halik, Jeanne Lindwall, Myrna Arevalo

Members Absent: Brian Johnson, Darush Mabadi

Staff Present: Neighborhood Land Use Planner Meagan Jones, Zoning Administrator Melissa Klotz

Presiding Member: Matt Rodgers

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**I. CALL TO ORDER/DECLARATION OF A QUORUM**

Chair Rodgers opened the meeting at 7:00 PM. A roll call was then done and a quorum was determined to be present.

**II. APPROVAL OF MEETING MINUTES: May 8, 2024, May 22, 2024, and June 26, 2024**

Commissioner Lindwall made a motion to approve the meeting minutes from May 8th, May 22nd and June 26th. Seconded by Commissioner Arevalo. Commissioner Lindwall then provided several edits to the group of minutes. A voice vote was then taken approving the minutes as amended.

**Ayes:** Matt Rodgers, Max Puchtel, Kiril Mirintchev, George Halik, Jeanne Lindwall, Myrna Arevalo

**Nays:**

**Abstain:**

**III. NEW BUSINESS**

**A. Major Variations | 1630 Ashland Avenue | 24ZMJV-0025**

Peter Kaeding, architect and applicant on behalf of the homeowner, requests Major Variations for a north interior side-yard setback of 1' where 5' is required and 6" is the existing legally non-conforming condition (Section 6-8-2-8 (A)(3), and a rear-yard setback of 3' where 30' is required and 28' is the existing legally non-conforming condition (Section 6-8-2-8

(A)(4). The Land Use Commission is the determining body for this case in accordance with Section 6-3-8 of the Evanston Zoning Ordinance. PIN: 10-13-403-027-000.

Peter Kaeding provided details on the proposed project and the reasoning behind moving the garage location and need for the requested variations.

### Commissioner Questions

Chair Rodgers questioned the height of the brackets on the historical (balcony), which vehicles would pass under, with confirmation from Mr. Kaeding that vehicles could fit. He then stated placement options for the garage were considered, including side-loaded and detached garage options. However, they were deemed infeasible due to lot constraints.

Commissioner Halik stated putting the garage on the south side of the home would cause the homeowner to knock down some of the existing trees and asked what the setbacks would be for a detached garage. Ms. Klotz responded that a 3 foot setback would be required. Commissioner Halik stated there are other homes with garages very close to property lines

Commissioner Lindwall questioned how the stormwater coming off of the roof of the garage would be handled. Mr. Kaeding responded that a gutter would be installed to drain to the south yard. That would be slightly closer than the one foot building setback.

Commissioner Halik stated a property owner north of the property raised questions about the project but did not express opposition. Additional letters of support were received from a property owner southwest of the subject property.

Commissioner Puchtel asked if there is currently access to the garage from the home, back door. Mr. Kaeding responded that currently there is an entrance from the house to the garage which would be kept. Access to the new garage would be by going out that door or the rear door of the house.

Commissioner Halik questioned if they were adding additional landscaping. Marie Opdycke, property owner, stated that arborvitae trees would be installed along the west property line. On the south wall a trellis would be installed with vines. Currently there are flowers along the north property line.

Commissioner Lindwall questioned a window on the west side of the house. The intent was made to be more appealing architecturally.

Commissioner Mirintchev questioned what the Preservation Committee had to say about the roof. Mr. Kaeding provided background on the conversation with the Preservation Commission.

Chair Rodgers asked for clarification on trees around the south side of the house and where exactly they were located in the yard and by the property line.

## Public Comment

Shannon Seiberling, property owner to the north, had concerns if one foot was enough to avoid having people or construction workers going on her property. She also questioned if the one foot setback was enough to prevent rain, leaves, etc, from the proposed garage roof from going onto her property.

Amanda Ziehm, 1630 Wesley Avenue, expressed concerns about the small setback adjacent to the north neighbor's property and expressed belief that there would be negative impact because of that. The proposed garage also does not seem to be necessary for the property.

Joan Safford, 1618 Wesley, stated she has been a happy resident since 1967 and the most senior resident in the four block radius. She voiced Shannon Seiberling as the most impacted by the proposed project. She stated that garages are a newer addition to the neighborhood due to the houses in the district being built around the horse and buggy days. She also looked at other garages in the neighborhood and said that in fact a two car garage is not the standard and she does not understand why a two car garage is necessary in the historic district. She believes this should only be a one car garage.

Mary McWilliams, 1606 Wesley Ave since 1976, stated that she lives in a house that's a zoning administrator's nightmare, and sympathizes with Shannon Seiberling because she has gone through similar issues.

Ellen Prieto, 1510 Church, expressed that she has visual issues with the proposed garage and stated it will impact the aesthetic of her entryway since it faces the rear yard of the subject property. Discussion followed on proposed landscaping for the project and how that may shield the view of the garage.

Kate Cohler, owner of 1629 Florence, submitted a letter of support for the garage.

## Deliberations

Commissioner Halik stated there were several homes in violation of zoning and believes people these days the City needs to accommodate the typical family. He also stated that it would be almost impossible for construction to happen without stepping on Shannon's property.

Commissioner Lindwall has concerns that the garage is 3 feet from the property line, and that a couple feet would be helpful if possible.

Standards for Major Variations (Section 6-3-8-12.E).

1. The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties: *Testimony was heard from the neighbors to the north and from southwest who feel that this will impede on*

*their enjoyment and use of their properties. There was some disagreement on whether this standard was met due to emphasis on the word substantial. Disagreement on the extent of the potential impact.*

2. The requested variation is in keeping with the intent of the zoning ordinance: *Seeks to remove cars from the street, however, the requested variations are shoehorning the garage into this location and does not keep with the intent. Disagreement on this as there is ability to preserve the south yard and front facade of the property. Partially met*
3. The alleged hardship or practical difficulty is peculiar to the property: *There are other locations where this can be constructed. However, as stated above there is opportunity to preserve the south yard with the current proposal so this standard may or may not be met.*
4. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out: *This gets into the definition of hardship and inconvenience. Any movement of the garage is going to affect the house so there is some difficulty there. Solution is maintaining an existing hardship so this standard is met*
5. Either the purpose of the variation is not based exclusively upon a desire to extract additional income from the property, or, while the granting of the variation will result in additional income to the applicant and while the applicant for the variation may not have demonstrated that the application is not based exclusively upon a desire to extract additional income from the property, the Land Use Commission or the City Council, depending on final jurisdiction under Section 6-3-8-2 of this Chapter, has found that public benefits to the surrounding neighborhood and the City as a whole will be derived from approval of the variation, that include, but are not limited to, any of the standards of Section 6-3-6-3 of this Chapter: *The proposed garage is for the property owner's personal use and not to extract income so this standard is met.*
6. The alleged difficulty or hardship has not been created by any person having an interest in the property: *Heard testimony that the home was built in 1951, predating current ownership. Owners looking to make the property more adaptable to their use. Standard is met.*
7. The requested variation requires the least deviation from the applicable regulation among the feasible options identified before the Land Use Commission issues its decision or recommendation to the City Council regarding said variation: *There is a large yard south of the home where the garage could be met. There was some disagreement with Commissioners stating that the large yard is often part of the historic nature of the property. Proposed location is the least deviation.*

**Commissioner Puchtel made a motion to approve the requested variation with the condition that a Construction Management Plan be submitted detailing no infringement on the north property line and requirement for gutter guards on the north side of the garage to minimize needed maintenance. Seconded by Commissioner Lindwall.**

**Ayes:**, Max Puchtel, George Halik, Myrna Arevalo  
**Nays:** Jeanne Lindwall, Kiril Mirintchev, Matt Rodgers  
**Abstain:**

**The current vote stands at 3-3. The two absent commissioners will cast their votes at the next meeting scheduled for August 28th in order to obtain the 5 concurrent votes required when the Land Use Commission is the determining body.**

Clarification was provided on next steps for this case.

#### **IV. COMMUNICATION**

Chair Rodgers shared that Commissioner Hewko resigned from the Commission due to work commitments that would not allow him to attend meetings and with the current workload coming before the Commission he felt it would be in the best interest of the Commission to find someone else and that the Mayor is aware. He then stated that he will be meeting with staff to outline a timeline and involvement for the Commission as it relates to the Comprehensive Plan and Zoning Code review.

#### **V. PUBLIC COMMENT**

No Public Comment

#### **VI. ADJOURNMENT**

**Commissioner Lindwall moved to adjourn, seconded by Commissioner Arevalo. The meeting was adjourned at 8:39pm.**

The next meeting of the Evanston Land Use Commission will be held **on Wednesday, August 28th, 2024, at 7:00 pm**, in the James C. Lytle Council Chambers in the Lorraine H. Morton Civic Center.

Respectfully submitted,  
Justin Bock, Administrative Lead

Reviewed by,  
Meagan Jones, AICP, Neighborhood and Land Use Planner