



MINUTES - SHOREWOOD BOARD OF APPEALS
January 11, 2022

1. Call to Order

Chair Tidwall called the meeting to order at 5:31 p.m.

2. Roll Call

Members present: Adam Burns, Kara Espera, Michael Paulson, Wendy Smith, and Karen Tidwall

Excused: April Toy

Others present: Village Manager Ewald and Inspector Burris

3. Statement of Public Notice

Village Manager Ewald stated that the meeting had been posted and noticed according to law.

4. Consideration of meeting minutes – December 14, 2021.

Ms. Espera moved, seconded by Mr. Burns to approve the December 14, 2021 meeting minutes. Motion carried 5-0. Mr. Paulson requested that his name be spell checked for consistency of spelling in the minutes.

6. Attorney to Review Standards by which the Board of Appeals must abide.

In lieu of the Village Attorney, Chair Tidwall outlined the procedures by which the Board of Appeals (BOA) must abide, and the legal standards involved with the application listed on the agenda.

7. Consideration of a request for special exception per Village Codes 535-19 F. (4) (b) for the construction of dormers at legal non-conforming residential property 4453-55 N. Murray Avenue.

The public hearing was opened at 5:38 p.m. Bryan Koester, neighbor to the north, and Design Review Board member, offered no public comment but desire to attend to learn about the project. Public hearing closed at 5:39 p.m.

Inspector Burris was sworn in and provided testimony that the property owners desire to add on two dormers to their legal conforming home. The building permit application (21-2290) for modifications to the 3rd floor including the addition of dormers at residential property 4453-55 N Murray Ave. has been respectfully denied per Zoning Code Section 535-19 F. (4) (b); your application was received December 6, 2021. Village Code Section 535-19 F. (4) (b) states:

R-6 One- and Two-Family Residence District, Building Height Maximum: 30 feet.

BUILDING HEIGHT: The vertical distance measured from the mean elevation of the established grade of the frontage street to the highest point of flat roofs, including parapets; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.

The building permit has been denied because the proposed dormer expansion increases building height from the current measurement of 31 feet, to 32' 10". The existing building height of 31 feet makes the home legal non-conforming, and pursuant to 535-34 A. (1) and 535-34 E. no such structure shall be expanded or enlarged if such expansion or enlargement will add to or increase the degree of nonconformity, unless a special exception is granted by the Board of Appeals.

Ms. Smith requested the Inspector provide information on the conformity or non-conformity of the neighboring properties. Burris noted that there are likely other homes that are legal nonconforming, as many of the homes were built on hills. The height of homes is challenging to assess because the benchmark for height is taken from the street and many of the properties are significantly setback from the street.

Mr. Shea was sworn in and spoke on behalf of the applicant. This is a duplex property. The owners and their family will be living on the second floor and need to expand into the third floor for purposes of adding another bedroom and bath. It was noted that this was the only way to add additional room to the second upper unit. Mr. Paulson noted that the front elevation roof pitch will run north-south, while most of the neighboring roof lines run east-west. Mr. Paulson inquired if the change in direction of roof line will have a negative impact on property values and character of the neighborhood? Mr. Shea noted that even at this height, it will be similar in height to a neighboring home. The improvements to the home will balance with additional room on the third floor.

Ms. Roehl was sworn in and desires the gable roof to match the same angles of the neighbors to the front and side. She appreciates the scale and perception from the street which is why the dormer is set back a distance from the front elevation. The height allows the peaks to have a similar angle. Chair Tidwall requested Ms. Roehl comment on whether she has any concerns regarding the impact of the style of home from the street. Ms. Roehl noted that the varying styles, depths from the street and landscaping around each home on their block. They did meet their neighbors to the south, and they did not have plans at that time, so they have not yet been shared with them. She does not believe there will be a hardship for adjacent neighbors, as an entire third story is only adding two large dormers. They are paying careful attention to what it will look like, and the design being reviewed will meet that need. Increasing the non-conformity increases the design characteristics of the home and respects the adjacent buildings with a softer touch. The applicant prefers the look of the dormers as opposed to a flat roof. It also decreases the mass of the home that could be perceived from the street elevation. The applicants believe the value of the home will increase and support increased neighborhood values.

Bryan Koester noted that the dormer looked large and presumed it would have been along the southern portion of the roof line, but he only had a few moments to look at the proposed design. He resides north of the applicant's property. Testimony concluded at 6:17 p.m.

Mr. Paulson moved, seconded by Chair Tidwall that the special exception per Village Codes 535-19 F. (4) (b) for the construction of dormers at legal non-conforming residential property 4453-55 N. Murray Avenue be granted.

Mr. Paulson noted the perceived scale of the addition on the plans and impact on the neighbors. The record and the testimony of the applicant provides their opinions and do seem to indicate that the larger perception; however, it this perception would not be seen as such from the street. While a legitimate concern, it is not a strong enough concern that the additional dormers would overwhelm the neighborhood. There are varying styles and sizes of homes in the neighborhood; more significantly varying than other residential blocks. The record also shows that the improvements will have a positive impact on the applicant's property and neighboring properties. Therefore, the granting would serve the public interest and preserve the property interest of both the property and neighboring properties. He believes the application meets the requirement for a special exception. Chair Tidwall echoed Mr. Paulson's comments. Mr. Burns noted that the only reservations he has is whether the dormer aesthetically fits with the other homes in the neighborhood and that is a concern better addressed by the Design Review Board; otherwise, the application supports a special exception, allowing the Design Review Board to discuss the design at a future date. Chair Tidwall left the meeting at 6:25 p.m. due to technical issues and the group paused to allow her time to reconnect. Chair Tidwall joined the meeting again at 6:31 p.m. and restated the motion. Motion carried 5-0 by roll call vote.

8. Adjournment.

Mr. Paulson moved, seconded by Mr. Burns to adjourn at 6:37 p.m. Motion carried 5-0.

Respectfully submitted,

Rebecca Ewald

Rebecca Ewald
Village Manager