

**WINNETKA ZONING BOARD OF APPEALS MEETING MINUTES
DECEMBER 12, 2022**

Zoning Board Members Present: Matt Bradley, Chairman
Kate Casale MacNally
Lynn Hanley
Mike Nielsen

Zoning Board Members Absent: Mark Haller
Todd Vender
Max Weigandt

Village Staff: David Schoon, Director of Community Development
Ann Klaassen, Assistant Director of Community Development

Call to Order & Roll Call:

Chairman Bradley called the meeting to order at 7:05 p.m. Ms. Klaassen took roll call of the Board Members present.

Approval of November 14, 2022 Regular Meeting Minutes

Chairman Bradley asked if there were any comments or corrections to be made to the November 14, 2022, meeting minutes or for a motion to approve. A motion to approve the November 14, 2022 meeting minutes was made by Ms. Casale MacNally and seconded by Mr. Nielsen. A vote was taken and the motion unanimously passed, 4 to 0:

AYES: Bradley, Casale MacNally, Hanley, Nielsen

NAYS: None

Community Development Report:

Mr. Schoon provided the Board with an update on the 1303 and 1311 Scott Avenue resubdivision and noted the Village Council has not reviewed the recommendation yet which is scheduled to be heard at the Village Council January 17, 2023, meeting.

New Cases:

a. **Case No. 22-26-SD: 484 and 488 Elder Lane:** An application submitted by Tim and Kimberly Junker seeking approval of a Final Plat of Subdivision to consolidate the two existing lots into a single lot of record. As part of the Final Plat approval, the application includes a request of approval of a zoning variation to permit the existing residence at 484 Elder Lane to observe less than the minimum required side yard setback from the east property line, which is due to an increase in the minimum required side yard setback as a result of the proposed increase in total lot area and increase in average lot width. The Village Council has final jurisdiction on this request.

Ms. Klaassen noted the request is being driven by the subdivision which resulted in the existing residence becoming nonconforming as a result of the subdivision. She identified the properties' location, zoning classification and size and noted the applicants reside at 484 Elder Lane with the 488 Elder Lane home to be demolished and the lots are to be consolidated into a single buildable lot. Ms. Klaassen then stated the applicants provided preliminary plans for the consolidated lot to construct an addition on the west side of the existing residence and replace the detached garage with a new detached garage and install a new in-ground pool. She described the driveway reconstruction and noted Village staff reviewed the

1 preliminary plans to verify the proposed improvements comply with zoning regulations. Ms. Klaassen
2 noted Elder Lane would continue to be the front lot line and referred to plats of surveys of the existing
3 improvements and the proposed site plan representing the proposed improvements. She noted the
4 existing lots are nonconforming and the consolidation would result in a conforming lot. Ms. Klaassen then
5 explained the side yard and front yard setbacks and the variation being requested.

6
7 Ms. Klaassen stated the 488 Elder Lane demolition permit application was reviewed by the Landmark
8 Preservation Commission (LPC) in December of last year and the LPC approved the issuance of the
9 demolition permit without delay. She then stated following public comment and Board discussion, a Board
10 Member may wish to make a motion to recommend approval or denial the request as indicated by the
11 draft motion on page 14 noting no additional public correspondence was received by staff other than
12 what was included in the agenda packet. She then asked if there were any questions.

13
14 Ms. Hanley asked if the new variation being created is on the east side of the remaining home which was
15 conforming. Ms. Klaassen confirmed that the home complied with the zoning regulations when it was
16 built, including the side yard setback. She explained that the variation is being requested as a result of
17 the increase in lot area and lot width, which increases the side yard setback requirement to 12 feet.
18 Chairman Bradley referred to the side yard setback and asked if the resulting home would not be located
19 closer to the side yard. Ms. Klaassen responded with the exception of the east side yard setback; the home
20 would be in compliance and that no new improvements were being proposed as part of this proposal, the
21 variation is for the existing residence that is to remain once the lots are consolidate. Mr. Nielsen referred
22 to the amount of driveway and asked if it would be in compliance. Ms. Klaassen explained that the
23 proposed driveway, along with the other improvements as currently proposed, comply with zoning

24
25 Chairman Bradley asked for the applicants' presentation. Scott Javore, the architect, introduced himself
26 along with Karl Sponholtz and Tim Junker. The applicant further explained the gross floor area currently
27 on both lots and confirmed nothing about the residence at 484 Elder would change and only the property
28 line would move. No additional questions were raised at this time.

29
30 Chairman Bradley asked if there were any comments from the audience. He then swore in Betsy Owens,
31 228 Myrtle Street. Ms. Owens described her disappointment at seeing the home demolished and
32 identified two concerns, the first of which is her view of the large proposed driveway and asked if there
33 were any landscaping plans. Ms. Owens stated her second concern related to the amount of vehicles
34 parking behind her driveway and that the proposed plans would make the situation worse. She then
35 described the difficult parking situation on Myrtle Street and asked if the No Parking Signs could be
36 reverted back to the east side of the street.

37
38 Chairman Bradley encouraged Ms. Owens to discuss parking issues with the Village staff since they are
39 outside of the Board's purview as well as landscaping plans. Mr. Javore informed the Board of the new
40 driveway's proximity to the neighbors and that landscaping concerns would be considered. No additional
41 comments were made at this time. Chairman Bradley then called the matter in for discussion.

42
43 Ms. Casale MacNally stated she would be in favor of the application and noted she lived close to the
44 applicants. She referred to the unkempt condition of 488 Elder Lane which also lent to safety issues. Ms.
45 Casale MacNally then referred to the amount of nonconformities cured by the proposal and noted the
46 lack of response from the immediate neighbors at 480 Elder Lane. Mr. Nielsen stated the proposal fully
47 complied with lot width, depth and area requirements and the home is not being moved. He concluded
48 by stating he is in favor of the request. Ms. Hanley also stated she is in favor of the request and agreed

1 that no new nonconformities would be created with the request meeting the standards. Chairman Bradley
2 stated he is also in favor of the request noting the request fully complied with subdivision standards
3 together with the elimination of existing nonconformities.

4
5 Chairman Bradley then asked for a motion to recommend approval as noted on page no. 9., Ms. Casale
6 MacNally moved to recommend approval of the final plat of subdivision and Mr. Nielsen seconded the
7 motion. A vote was taken and the motion unanimously passed, 4 to 0:

8 AYES: Bradley, Casale MacNally, Hanley, Nielsen

9 NAYS: None

10
11 **b. Case No. 22-30-V2: 232 Sheridan Road: An application submitted by Amy and William Franzen**
12 **seeking approval of zoning variations to allow construction of an addition to the existing residence at**
13 **232 Sheridan Road. The requested variations would permit the addition to (i) exceed the maximum**
14 **permitted roofed lot coverage; (ii) exceed the maximum permitted gross floor area; (iii) provide less**
15 **than the minimum required corner yard setback from the private road easement along the north**
16 **property line; (iv) provide less than the minimum required rear yard setback from the west property**
17 **line; (v) exceed the maximum permitted width for a front-facing attached garage; and (vi) exceed the**
18 **maximum permitted width for a front-facing attached garage door. The Village Council has final**
19 **jurisdiction on this request.**

20 Ms. Klaassen identified the property's location, zoning classification, size and its legal nonconforming
21 status. She then referred to photos of the site and identified the proposed two story addition as well as
22 four of the requested variations highlighted in the table. Ms. Klaassen then explained the reasoning for
23 the GFA variation and calculations due to the parapet wall height. She also explained the corner yard and
24 rear yard setbacks and how they would be affected by the proposed addition. Ms. Klaassen described the
25 first floor plans which include an additional garage bay and kitchen addition as well as the proposed
26 second floor addition. She then referred to the proposed front, rear, corner and south elevations. Ms.
27 Klaassen stated the Village Council has final jurisdiction and a draft motion is included on page nos. 39
28 and 40 for the Board to consider. She also referred to public correspondence received from a neighbor
29 that was provided to the Board. She then asked if there were any questions.

30
31 Ms. Hanley asked why the easements were not included in side yard calculations. Ms. Klaassen explained
32 the reasoning for the easement exclusion from side yard calculations. Ms. Casale MacNally asked for
33 clarification in terms of where the neighbor who submitted correspondence is compared to the site, which
34 Ms. Klaassen identified for the Board. Chairman Bradley questioned the garage's proximity and limitations
35 with regard to the front lot line which Ms. Klaassen explained to the Board noting the home is considered
36 a corner lot and that the front-facing attached garage width and garage door width also applied to the
37 corner lot line. Ms. Hanley asked if there are any other similar roads in the Village and Ms. Klaassen
38 responded there are several other private roads in the Village. No additional questions were raised at this
39 time.

40
41 Chairman Bradley then swore in those speaking to this matter. John Franzen and William Franzen
42 introduced themselves to the Board. John Franzen state he is an architect practicing in Connecticut and
43 that he is helping his son and his wife and explained the reasoning behind the request. He stated his son
44 bought the 232 Sheridan Road home. He referred to the difficulties of dealing with the private easement
45 in terms of their plans with regard to the double wide garage. William Franzen then described safety issues
46 in the home with regard to bedrooms in relation to the roof deck and their desire to relocate the
47 bedrooms as well as the lack of a mudroom and difficulties with the single bay garage. He described the
48 proposed addition and single garage door which would improve several conditions on the home as well

1 as how the request complied with the standards. William Franzen referred to variation approvals on
2 nearby homes and noted the improvements would not be visible from Sheridan Road adding the
3 neighbors have no issues with regard to the request.
4

5 John Franzen described the conditions and difficulties accessing the garage and property in its existing
6 condition. William Franzen then stated with regard to 224 Sheridan Road and the variations granted in
7 connection with those 2004 renovations, it is similar to their request. He then referred to their attempt
8 to preserve the home's historical significance.
9

10 Chairman Bradley asked if there were any questions. Ms. Hanley asked why impermeable lot coverage is
11 being reduced and William Franzen responded it related to the driveway reduction. Mr. Nielsen referred
12 to point nos. 5 and 6 and asked if the garage size affected the first four points. William Franzen responded
13 that it related to the front yard and corner yard setbacks. Chairman Bradley referred to the extreme
14 variances sought on the west rear yard setback and the letter in the packet by that affected neighbor in
15 support. He also referred to the effort to save the home with no other alternative to place the addition.
16 Chairman Bradley then stated the garage view did not have any effect on the front yard and is not visible
17 from the street by anyone other than the five homes in the enclave. He then asked the applicants if they
18 considered other locations for the proposed addition which did not create such significant variations.
19 William Franzen confirmed they did and stated there were no other viable alternatives. John Franzen
20 added concessions in terms of the garage would result in the inability to park two vehicles in the garage
21 and there is no other area in which to park.
22

23 Chairman Bradley stated it would be precedent setting to reduce the west setback from 14 feet to 5 feet
24 and William Franzen explained the reasoning behind the request. He added the home at 224 Sheridan has
25 the similar garage setup they are requesting. Ms. Hanley stated she appreciated the applicant's position
26 in terms of the garage door need noting her concerns related to GFA and roofed lot coverage and where
27 it can be reduced referring to the reduction of the kitchen addition and master bathroom. She stated the
28 kitchen and master bathroom addition did not meet the standards and agreed with the standards and
29 hardship created by the garage.
30

31 Chairman Bradley suggested the Board deliberate in terms of their position noting the fact there is a bare
32 quorum for an approval recommendation with the option of giving the applicants the opportunity to come
33 back before the Board. John Franzen agreed with Chairman Bradley's suggestion. William Franzen further
34 explained the reasoning behind the primary suite size. John Franzen then described a proposed option in
35 order to reduce the RLC and GFA calculations by reducing the width of the garage addition.
36

37 Chairman Bradley then called the matter in for discussion. He first asked for public comment. No
38 comments were made at this time.
39

40 Chairman Bradley described the property as very unique and the attempted modernization being
41 requested as well as the effect of the easement. He referred to the challenges relating to the west rear
42 yard setback and referred to the letter in support from the affected neighbor. Chairman Bradley then
43 stated he would recommend the applicant either go forward now or come back before the Board with
44 revisions. Ms. Hanley stated she would agree with the request if it incorporated the reductions suggested
45 by Mr. Franzen although GFA can be further reduced in other areas. Mr. Nielsen stated the five homes in
46 the subdivision are the same with the amount of weight placed on the neighbors' letter. He stated the
47 fact that no other owners are against the request lent toward the argument that the request is favorable.
48 Mr. Nielsen then stated the proposed 1.5 foot reduction would not change that much but would put the

1 Board in the position to recommend approval. Ms. Casale MacNally agreed with Ms. Hanley's comments
2 and stated she would be in favor of considering the proposal's slimmed down version.

3
4 Chairman Bradley explained the options to the applicant. William Franzen explained the effect of the
5 easement on GFA adding all of the neighbors are in support of the request. He then stated they could not
6 reasonably give up much more GFA in terms of their plans for the property. Ms. Hanley further explained
7 her position to the applicants. Chairman Bradley informed the applicants the reasonable return standard
8 has not been met and explained how the Board's job is to mitigate the variance amounts requested. Mr.
9 Franzen stated they request that their application be continued until the January 9, 2023, meeting.

10
11 Ms. Hanley moved to continue the application to the January 9, 2023, meeting. Mr. Nielsen seconded the
12 motion. A vote was taken and the motion unanimously passed, 4 to 0:

13 AYES: Bradley, Casale MacNally, Hanley, Nielsen

14 NAYS: None

15
16 c. **Case No. 22-31-V: 740 Humboldt Avenue: An application submitted by Rachel and Chris Kozina**
17 **seeking approval of a zoning variation to allow construction of an addition to the existing residence at**
18 **740 Humboldt Avenue. The requested variation would permit the residence to provide less than the**
19 **minimum required front yard setback from Humboldt Avenue. The Zoning Board of Appeals has final**
20 **jurisdiction on this request.**

21 Ms. Klaassen referred to the lot's irregular shape and identified the property's location, zoning
22 classification and size and that it is a legal nonconforming lot. She also referred to the home's photos
23 which was converted to a single family residence in 1949. Ms. Klaassen described the proposed addition
24 and the required setbacks identified in red on an illustration as well as the proposed first and second floor
25 plans and the proposed building elevations. She also noted that the existing residence is wholly located
26 within the minimum required front yard setback. Ms. Klaassen then stated draft resolutions are included
27 on page nos. 89 and 105 of the agenda packet, with public correspondence distributed to the Board earlier
28 today. She then asked if there were any questions.

29
30 Ms. Hanley questioned the setbacks for 720 Humboldt which Ms. Klaassen identified for the Board while
31 identifying several variations previously requested for the property. No additional questions were raised
32 at this time.

33
34 Chairman Bradley swore in those speaking to this matter. Chip Hackley introduced himself to the Board
35 as the architect and stated the property is under contract for purchase which is contingent on this
36 meeting. He read his application summary statement into the record describing the lot as highly irregular
37 and unbuildable due to the recreational easement. Mr. Hackley also described the existing residence and
38 its siting on the property and proposed modifications as well as descriptions of surrounding properties.
39 He then cited how the required setbacks resulted in the inability to build on the lot and the applicants'
40 desire to maintain the home. Mr. Hackley described the hardships for the property which include the
41 existing home's placement, the lot's irregular shape and the front yard setback relative to neighboring
42 buildings. He then referred to their response to the standards included in their application and asked if
43 there were any questions.

44
45 Chairman Bradley also asked if there were any questions. No questions were raised at this time from the
46 Board or the public. Chairman Bradley then called the matter in for discussion.

47

Ms. Casale MacNally stated she would be in favor of the request and referred to the property's nine sides. She stated the proposal would result in the property being improved and agreed there in no way to build an addition on the home as a result of the setbacks. Mr. Nielsen commended the architect on the proposal which resulted in only one variation and noted it would be an improvement. He stated he is also in favor of the request. Ms. Hanley agreed with the comments made. Chairman Bradley also stated he is in support of the request and also commended the architect on the proposal. He then asked for a motion to approve the request as indicated on page no. 89.

A motion to approve the request as presented was made by Mr. Nielsen and seconded by Ms. Casale MacNally. A vote was taken and the motion unanimously passed, 4 to 0:

AYES: Bradley, Casale MacNally, Hanley, Nielsen

NAYS: None

New Business:

a. January 9, 2023, Meeting - Quorum Check

The Board Members discussed their availability. The four members present indicated they are available for the meeting.

Adjournment:

Chairman Bradley asked for a motion to adjourn. A motion to adjourn was made by Ms. Casale MacNally and seconded by Mr. Nielsen. A vote was taken and the motion unanimously passed, 4 to 0:

AYES: Bradley, Casale MacNally, Hanley, Nielsen

NAYS: None

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Antionette Johnson

Recording Secretary