



Village of Winnetka

Zoning Board of Appeals Regular Meeting

June 12, 2023 at 7:00 PM
Village Hall Council Chambers
510 Green Bay Road

AGENDA

1. **Call to Order & Roll Call**
2. **Approval of Minutes**
 - a. April 10, 2023, Regular Meeting Minutes
3. **Community Development Report**
4. **Continued Cases**
 - a. **Case No.23-02-SD: 1415 and 1423 Asbury Avenue (Continued from the April 10, 2023, meeting):** An application seeking approval of a Final Plat of Subdivision and zoning variations to allow a two-lot resubdivision of 1415 Asbury Avenue and 1423 Asbury Avenue and construction of a detached garage on Proposed Lot 2 (1415 Asbury Avenue). The requested zoning variations would (a) permit the existing residence at 1423 Asbury Avenue to (i) observe less than the minimum required side yard setback from the new east property line; and (ii) observe less than the minimum required total side yard setback for Proposed Lot 1; and (b) permit the existing residence and proposed detached garage at 1415 Asbury Avenue to exceed the maximum permitted gross floor area. The Village Council has final jurisdiction on this request.
5. **New Cases**
 - a. **Case No. 23-06-V: 615 Elm Street:** An application seeking approval of zoning variations to allow construction of an addition to the existing residence at 615 Elm Street. The requested variations would permit the addition to (i) exceed the maximum permitted gross floor area; (ii) provide less than the minimum required side yard setback from the west property line; and (iii) provide an unarticulated west side building wall. The Zoning Board of Appeals has final jurisdiction on this request.
6. **New Business**
 - a. July 10, 2023, Regular Meeting - Quorum Check
7. **Public Comments**
8. **Adjournment**

NOTICE

Public comment is permitted on all agenda items at the meeting. If you wish to provide testimony or comments prior to the meeting, you may provide them one of two ways: (1) by sending an email to planning@winnetka.org; or by sending a letter to Community Development, Village of Winnetka, 510 Green Bay Road, Winnetka, IL 60093. All agenda materials are available at www.villageofwinnetka.org/agendacenter.

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities contact the Village ADA Coordinator at 510 Green Bay Road, Winnetka, Illinois 60093, (Telephone (847) 716-3543; T.D.D. (847) 501-6041).

**WINNETKA ZONING BOARD OF APPEALS MEETING MINUTES
APRIL 10, 2023**

Zoning Board Members Present:

Matt Bradley, Chairman
Kate Casale MacNally
Mark Haller
Lynn Hanley
Mike Nielsen

Zoning Board Members Absent:

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 7:00 p.m. Ms. Klaassen took roll call of the Board Members present.

Approval of Minutes:

a. March 13, 2023, Regular Meeting Minutes.

Chairman Bradley asked for a motion to approve the March 13, 2023, meeting minutes. A motion to approve the March 13, 2023, meeting minutes was made by Ms. Casale MacNally and seconded by Mr. Nielsen. A vote was taken and the motion unanimously passed, 5 to 0:

AYES: Bradley, Casale MacNally, Haller, Hanley, Nielsen

NAYS: None

Community Development Report:

Mr. Schoon stated the Village Council approved the zoning relief for the North Shore Country Day School expansion and would consider the Hubbard Woods addition and adoption of the Village's Comprehensive Plan at their meeting next week. He also stated One Winnetka submitted their formal preliminary planned development application which would first be presented to the DRB over several meetings beginning April 20, 2023, followed by the Planned Development Commission meeting no earlier than June 2023.

New Cases:

a. Case No. 23-02-SD: 1415 and 1423 Asbury Avenue: This item is not ready for this meeting and the Board is asked to continue the item to its May 8, 2023, meeting. An application seeking approval of a Final Plat of Subdivision and zoning variations to allow a two-lot resubdivision of 1415 Asbury Avenue and 1423 Asbury Avenue and construction of a detached garage on Proposed Lot 2 (1415 Asbury Avenue). The requested zoning variations would (a) permit the existing residence at 1423 Asbury Avenue to (i) observe less than the minimum required side yard setback from the new east property line; and (ii) observe less than the minimum required total side yard setback for Proposed Lot 1; and (b) permit the existing residence and proposed detached garage at 1415 Asbury Avenue to exceed the maximum permitted gross floor area. The Village Council has final jurisdiction on this request.

Chairman Bradley asked for a motion to continue the matter until the May 8, 2023, meeting. A motion to continue the request until the May 8, 2023, meeting was made by Ms. Casale MacNally and seconded by Mr. Nielsen. A vote was taken and the motion unanimously passed, 5 to 0:

1 AYES: Bradley, Casale MacNally, Haller, Hanley, Nielsen

2 NAYS: None

3
4 **b. Case No. 23-04-SU: 564 Green Bay Road: An application seeking approval of a Special Use Permit**
5 **to allow off-street parking at street-level along the alley and zoning variations for a new four-story**
6 **mixed-use building at 564 Green Bay Road. The requested variations would permit the improvements**
7 **to (i) provide less than the minimum required rear yard setback from the west property line; and (ii)**
8 **provide less than the minimum required off-street parking spaces for the three residential units. The**
9 **Village Council has final jurisdiction on this request.**

10 Ms. Klaassen stated in 2022, the applicant submitted applications for a three story mixed-use building and
11 roof top deck and following review by the various bodies, the Village Council approved the request. She
12 stated the applicant would now like to add a fourth floor for one additional residential unit. Ms. Klaassen
13 then identified the property's location and zoning classification, and stated the use is consistent with the
14 appropriate land use designation and uses allowed by the Zoning Ordinance and the Comprehensive Land
15 Use Map. She also noted that the use is also consistent with the Future Land Use Map of the Winnetka
16 Futures 2040 Plan, which is scheduled for adoption by the Village Council next Tuesday. She then referred
17 to illustrations of the proposed building and rear of the property and noted a demolition permit was
18 approved last April without delay. Ms. Klaassen identified vehicular access and the rear of the building
19 where the proposed setback requires relief from the rear yard setback requirement. She then described
20 the basement space which would be occupied by Engel and Völkers and identified the first floor plan
21 noting a special use permit would be required for the two parking spaces located at the rear of the
22 building, not for Engel & Völkers' occupancy of the space. Ms. Klaassen also described the proposed
23 residential units for the second and third floors, and the parking requirements and the relief required, as
24 well as the fourth floor residential unit.

25
26 Ms. Klaassen stated the applicant is not required to provide parking for the commercial use since the
27 commercial space measures less than 2,500 square feet for calculating parking requirements. She then
28 identified the proposed front and rear elevations as well as a rendering provided by the applicant of the
29 proposed building. Ms. Klaassen stated the Design Review Board reviewed the request and identified
30 concerns related to the building materials and suggested the fourth floor be set back to reduce the
31 building's bulk and scale with the matter being continued to their next meeting. Ms. Klaassen stated for
32 the new proposed design, which is currently before the Board this evening, the fourth floor no longer
33 required a zoning variation with regard to the setback. She also noted that the Plan Commission is
34 scheduled to consider the special use at their next meeting on April 26.

35
36 Ms. Klaassen noted no public correspondence was received relating to the request and the Board is to
37 make a recommendation to the Village Council as to whether the request met the special use and zoning
38 variation standards with a draft motion included on page nos. 18 and 19. She then asked if there were any
39 questions.

40
41 Ms. Casale MacNally asked if the original setback request for the fourth floor is the same against the alley.
42 Ms. Klaassen responded the proposed 3-foot setback at the northwest corner increases to 7.83 feet at
43 the southwest corner of the lot, and that the relief being requested is the same as the previous request
44 in regard to the rear setback. Ms. Casale MacNally also stated with regard to the parking space
45 requirement calculation, she asked if the 1.5 space requirement is for two bedroom units and if they were
46 to round up due to the number of bedrooms. Ms. Klaassen confirmed that is correct. Ms. Casale MacNally
47 then referred to the lift previously requested. Ms. Klaassen confirmed that a lift is not proposed with this
48 plan.

1 Ms. Hanley referred to the Comprehensive Plan land use map and asked if the parking lots nearby have
2 overnight parking. Mr. Schoon referred to A and C permits the Village issues for various parking lots he
3 identified and stated C permits allow parking overnight for tenants. Ms. Klaassen confirmed the
4 residences would be apartments as opposed to condominiums.

5
6 Mr. Haller asked if roof deck appurtenances counted toward roof height. Ms. Klaassen responded the
7 mechanical equipment, and its screening, extended taller than the 45-foot building height and was not
8 included in the overall building height with the proposal complying with the 45-foot building height. Mr.
9 Schoon stated the structure housing stairs to a rooftop deck would be included in building height
10 calculations.

11
12 Mr. Haller asked if two staircases are necessary for each floor. Ms. Klaassen responded an elevator and
13 staircase can be included on each floor with the proposal including two staircases. Mr. Schoon confirmed
14 two means of egress are necessary. Mr. Haller then asked if 560 Green Bay Road to the south included
15 parking. Ms. Klaassen responded they do not. Chairman Bradley referred to page 31 of the agenda packet.
16 Ms. Casale MacNally asked if the C permits are applied for annually. Mr. Schoon responded they are issued
17 6 months at a time with no guaranteed parking space being provided.

18
19 Chairman Bradley referred to page 11 of the staff memo and the minimum clearance requirements from
20 the overhead power lines; he asked for clarification. Ms. Klaassen responded the plans are preliminary
21 with other departments reviewing them. She identified the clearance requirements and also referred to
22 the setback requirements for the second floor deck with the applicant being required to make
23 adjustments, which will only increase the rear yard setback and in turn reduce the requested rear yard
24 setback variation. Chairman Bradley asked if the 2,500 square foot threshold is complied with in terms of
25 public access space. Ms. Klaassen responded the plans need to have enough detail to confirm that the
26 commercial space would not trigger the requirement for parking spaces. She explained that staff will
27 review building permit plans, once submitted, to confirm the commercial space continues to be less than
28 2,500 square feet for parking calculations purposes and thus not require parking.

29
30 Mr. Haller referred to the parking analysis and asked if the Board is to only consider the lack of sufficient
31 space for the residential units and not the commercial space. Ms. Klaassen confirmed that is correct and
32 informed the Board that Village Engineer Jim Bernal reviewed the study and concurred with the findings
33 that the special use would not have a negative impact although the study was not updated to address the
34 variation for the number of parking spaces which the applicant can address. No additional questions were
35 raised at this time.

36
37 Chairman Bradley swore in those speaking to this matter. Cal Bernstein, attorney for the applicant, stated
38 they would explain to the Board what brought about the change requiring the special use. Paul Lazzar, one of the managers for the 564 Green Bay partnership, explained to the Board their finalizing of plans, the changes to the economy and financing on the project changed their financial ability to do the project. He stated they considered options to generate more income to justify the additional expense. Mr. Lazzar stated an offer for off-site parking was offered from a location across the street.

39
40
41
42
43
44 Mr. Bernstein stated the prior proposal included a lift to include three car parking and it was determined
45 not to be a viable option. He described the area as a transit oriented district and their attempts to find
46 additional parking to satisfy the parking requirement. Mr. Bernstein reminded the Board the applicant
47 initially considered renovating the building which did not turn out to be a viable alternative.

1 Nathan Kipnis, the project architect, referred to the PowerPoint presentation and identified the 10-foot
2 setback on the fourth floor which he commented provided a nice transition to the lower floor and
3 described the proposed building materials. He then stated they are in discussions with the Village electric
4 utility regarding the clearance from the powerlines and noted the proposed plans can be adjusted if
5 needed. Mr. Bernstein noted the rear proposed setback would be greater than the existing condition and
6 asked if there were any questions.

7
8 Mr. Haller referred to the economic question and the additional unit added to make the project more
9 economically feasible and asked if an analysis had been done with regard to the smaller unit with a smaller
10 deck in terms of rent. Mr. Lazarre confirmed that is correct and stated the main issue related to material
11 costs. Mr. Bernstein stated the standards are addressed in the materials and asked if there were any
12 questions. No additional questions were raised at this time.

13
14 Chairman Bradley noted there is no one in the audience to comment and called the matter in for
15 discussion. Ms. Casale MacNally stated she had no problem with the rear yard setback, her concern
16 related to the number of residential unit parking spaces and referred to the additional unit and the
17 requirement for more parking spaces. She referred to the variation standards on page 18 which she
18 commented a number of them are problematic to her. Ms. Casale MacNally asked why three additional
19 parking spaces cannot be leased as opposed to one and reiterated her concern relating to parking and
20 whether a walkup development would be successful without parking spaces being provided.

21
22 Chairman Bradley stated for similar projects with the code calling for adequate parking, it is often dealt
23 with in residential areas where people ask for more parking such as for larger garages. He stated for this
24 type of project in an opportunity-zoned site, since it is located proximately near public transportation and
25 access of available public parking for tenants, to stringently require compliance to the code of 1.5 parking
26 spaces per unit is not sensible. Chairman Bradley stated to require underground parking for this project is
27 not feasible and referred to the fact that the property would be improved and would cure the rear yard
28 setback issue. He then referred to the Board's previous discussion regarding the amount of traffic in the
29 alley and stated they should not require additional parking on-site to meet code requirements. Chairman
30 Bradley stated the market would bear in terms of the project and concluded he would be in support of
31 the project.

32
33 Mr. Haller asked Chairman Bradley if he felt similar projects in the future should ignore the parking
34 requirements. He stated he is concerned with regard to precedent setting for a similar mixed use project
35 near the train station. Chairman Bradley responded the project is not a planned development which
36 required the consideration of a different set of standards and would require concessions and a public
37 benefit. He then stated Ms. Casale MacNally's opinions are valid and there is no way standard (e) would
38 be met.

39
40 Ms. Hanley described the request as the perfect scenario for when zoning ordinance variations are needed
41 and stated there is no way to put in five parking spaces on a 2,500 square foot lot. She also described the
42 area as a perfect transit oriented site. Mr. Haller asked after all of the other alternatives were thrown out,
43 why is a third parking spot not an option. Ms. Hanley stated the lot is only 35 feet wide and it is not
44 possible. The Board Members referred to the previous discussion on the amount of traffic in the alley. Mr.
45 Kipnis explained to the Board why three vehicle parking would not be possible in the rear. The Board
46 Members discussed whether a condition should be put on their recommendation for a third parking space
47 for a rental unit. Chairman Bradley added there is ample public parking nearby. Mr. Nielsen stated he
48 would be in favor of the request; the way the world has changed did not require the same amount of

1 parking necessity. Ms. Hanley stated the variation is to allow the applicant to park two vehicles on the site
2 as opposed to five and the special use standards apply to off-street parking.

3
4 Chairman Bradley took a straw poll of the Board Members' positions. Ms. Casale MacNally suggested
5 approval be conditioned on a parking space being leased at the Laundry Mall, as described by the
6 applicant. Ms. Hanley stated they should not require a condition for the applicant to provide parking that
7 may not be necessary. Mr. Haller stated he would be in favor of approval although he was initially
8 concerned with the request for the parking variation. Mr. Nielsen identified his initial concerns and the
9 amount of parking available nearby and stated he would be in favor of the request.

10
11 Chairman Bradley asked if the two parking spaces being provided are designated. Mr. Lazarre responded
12 they have not yet been designated and would depend on the how the units are marketed.

13
14 Chairman Bradley then asked for a motion to recommend approval as noted on page nos. 18 and 19 of
15 the agenda packet. Ms. Hanley moved to recommend approval of the request. The motion was seconded
16 by Mr. Nielsen. A vote was taken and the motion passed, 4 to 1:

17 AYES: Bradley, Haller, Hanley, Nielsen

18 NAYS: Casale MacNally

19
20 **Public Comment:**

21 No comments were made at this time.

22
23 **New Business**

24 a. May 8, 2023, Regular Meeting - Quorum Check.

25 The Board Members discussed their availability.

26
27 **Adjournment:**

28 Chairman Bradley asked for a motion to adjourn. A motion to adjourn was made by Ms. Casale MacNally
29 and seconded by Ms. Hanley. A vote was taken and the motion unanimously passed, 5 to 0:

30 AYES: Bradley, Casale MacNally, Haller, Hanley, Nielsen

31 NAYS: None

32 The meeting adjourned at 8:12 p.m.

33
34 Respectfully submitted,

35
36 Antionette Johnson

37 Recording Secretary



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, ASSISTANT DIRECTOR
DATE: JUNE 7, 2023
SUBJECT: 1415 & 1423 ASBURY AVENUE – FINAL PLAT APPROVAL
LESNIK RESUBDIVISION II (CASE NO. 23-02-SD)

INTRODUCTION

On June 12, 2023, the Zoning Board of Appeals (ZBA) is scheduled to hold a public hearing on an application submitted by Judy Lesnik (the “Applicant”), as the owner of the properties located at 1415 Asbury Avenue and 1423 Asbury Avenue, (collectively the “Subject Property”). The Applicant has filed an application seeking the following approvals as part of a Final Subdivision Plat approval to relocate the lot line dividing the two properties and to allow construction of a detached garage, together with the following relief:

1. A variation to permit the existing residence at 1423 Asbury Avenue (Proposed Lot 1) to observe less than the minimum required side yard setback from the new east property line;
2. A variation to permit the existing residence at 1423 Asbury Avenue to observe less than the minimum required total side yard setback for Proposed Lot 1; and
3. A variation to permit the existing residence and proposed detached garage at 1415 Asbury Avenue (Proposed Lot 2) to exceed the maximum permitted building size (GFA) [Note: The existing residence is currently nonconforming with respect to GFA].

As will be discussed later in this report, the Applicant’s overall plan for the Subject Property also includes replacement of the existing detached garage on the 1423 Asbury Avenue lot with a new, smaller detached garage and a new driveway on the west side of the lot. These proposed improvements comply with the zoning requirements and do not require zoning relief. The ZBA’s consideration of the requested relief outlined above was originally scheduled for the April 10, 2023, ZBA meeting. However, after hearing the comments and concerns expressed by the Plan Commission (PC) during its consideration of the request on March 22, 2023, the Applicant needed additional time to revise the plans to reflect a redesign of the proposed driveway on the 1423 Asbury Avenue lot. A revised site plan has since been received and is included in the application materials included in Attachment A of this report. Although the PC did provide comment on the proposed driveway at 1423 Asbury Avenue, it did recommend approval of the request by a vote of 4-0.

In 2020 the Applicant submitted applications for a subdivision and zoning relief to allow the relocation of the lot line dividing the two properties and construction of a detached garage on the 1415 Asbury Avenue parcel. After review and recommendations of approval from the ZBA and the PC, the Village Council approved the proposed project. The Applicant’s plans in 2020 included the demolition of the existing residence at 1423 Asbury Avenue. Now the Applicant’s plans include maintaining the existing residences

on both lots. The Applicant is now before the Village requesting approval of resubdivision of the two lots and the zoning relief associated with the proposed lots, as well as the construction of a detached garage at 1415 Asbury Avenue. The ZBA is charged with making a recommendation to the Village Council regarding the requested zoning variations described on the previous page, for the existing improvements on the 1423 Asbury Avenue parcel, as well as the proposed detached garage on the 1415 Asbury Avenue parcel.

The initial public hearing scheduled for April 10, 2023, was properly noticed on March 23, 2023, in the *Winnetka Talk* and a mailed notice was sent to property owners within 250 feet in compliance with the Zoning Ordinance for the April public hearing. As the Applicant was in the process of redesigning the proposed driveway at 1423 Asbury Avenue, the request was not ready for consideration by the ZBA on April 10, therefore, the ZBA continued the public hearing to its May 8 meeting. The application was not ready for the May 8 ZBA meeting either and the meeting was cancelled. Once revised plans were received, a notice was mailed to property owners within 250 feet of the Subject Property informing them of the June 12 public hearing. As of the date of this memo, staff has received one written comment from the public regarding this application. The comment is provided in Attachment C.

PROPERTY DESCRIPTION

The Subject Property is located on the north side of Asbury Avenue, between Greenwood and Vernon Avenues, is zoned R-5 Single Family Residential and currently consists of two buildable lots each 75 feet in width, measuring 11,932.5 square feet. 1415 Asbury Avenue is improved with a single-family residence with an attached garage, built in 1999. 1423 Asbury Avenue is improved with a single-family residence, built in 1921, and a detached garage, built in 2005. The existing parcels and improvements are identified below in Figure 1.

The Comprehensive Plan designates the Subject Property as appropriate for single family residential development. The current R-5 zoning is consistent with the Comprehensive Plan.

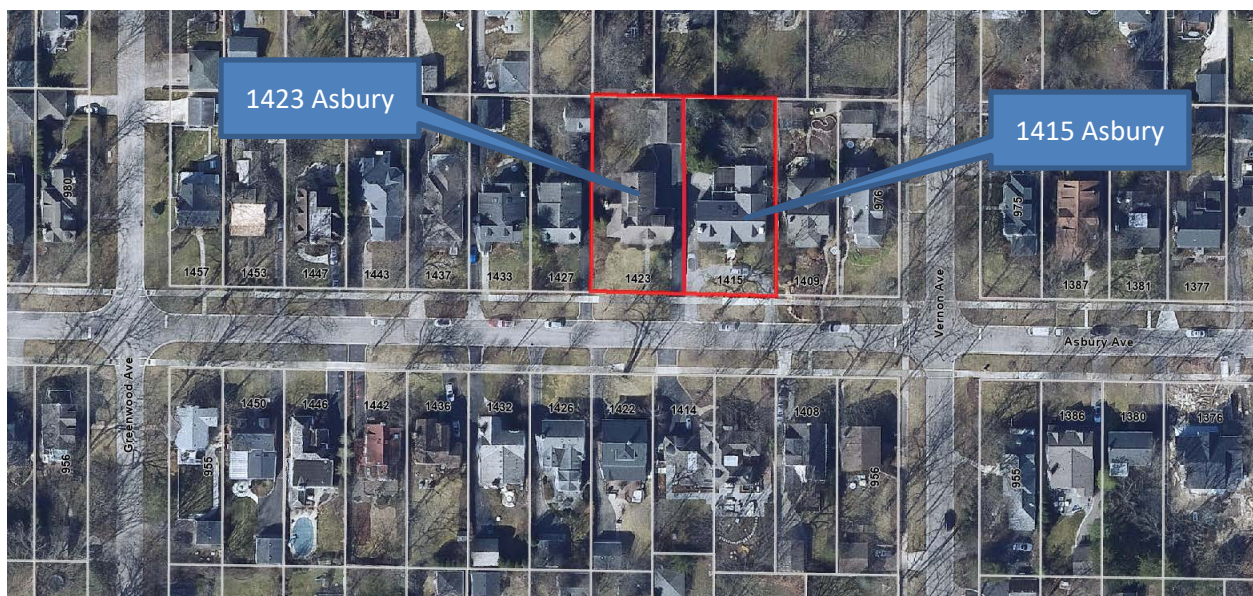


Figure 1 – Existing two lots

PREVIOUS APPROVAL

As previously noted, the ZBA first considered an application submitted by the Applicant seeking approval of zoning relief related to a Final Subdivision Plat to relocate the lot line dividing the two properties and construct a detached garage at 1415 Asbury Avenue on September 14, 2020. After hearing the comments and concerns expressed by the ZBA, the Applicant requested a continuance in order to explore alternatives to reduce the extent of zoning relief necessary for the proposed subdivision and detached garage. The Applicant then submitted a revised plat of subdivision, as well as revised plans for the proposed detached garage. By amending the proposed plat of subdivision, the Applicant eliminated the request to reduce the side yard setback from the east property line for the existing residence at 1415 Asbury Avenue. Additionally, the proposed detached garage was reduced in size from a two-car garage to a one-car garage. On October 12, 2020, the ZBA considered the amended application and by a vote of 5-0, recommended approval of the request. The Applicant's plan in 2020 to relocate the lot line dividing the two parcels 14.2 feet to the west necessitated removal of the existing residence at 1423 Asbury Avenue. Similar to the current request before the ZBA, the previous request required a variation for the proposed detached garage at 1415 Asbury Avenue. However, zoning relief was not required for the existing improvements at 1423 Asbury Avenue since that residence was to be removed. Minutes of the September and October 2020 ZBA meetings are provided in Attachment D.

Ultimately, on January 5, 2021, the Village Council adopted Ordinance M-4-2021, approving a Final Plat of Subdivision and granting a variation from the maximum permitted gross floor area for the proposed detached garage at 1415 Asbury Avenue. Given the approved subdivision required the removal of the existing residence at 1423 Asbury Avenue and the Applicant has since decided to maintain the residence, the 2020 subdivision is not effective. For reference, Ordinance M-4-2021 is included in this report as Attachment E.

GENERAL DESCRIPTION OF PROPOSED PLAT OF SUBDIVISION AND SITE IMPROVEMENTS

Plat of Subdivision. The Applicant resides at 1415 Asbury Avenue, which she acquired in 2000. Subsequently, the Applicant acquired the adjacent home at 1423 Asbury Avenue in 2016. If approved, the Applicant will demolish the existing detached garage at 1423 Asbury Avenue and resubdivide the two parcels by relocating the lot line dividing the two parcels 8.75 feet to the west. The new lots of record would measure 10,544 square feet (1423 Asbury Avenue – proposed Lot 1) and 13,320 square feet (1415 Asbury Avenue – proposed Lot 2).

The proposed subdivision is represented in Figure 2 on the following page. An excerpt of the proposed *Lesnik Resubdivision II* is provided in Figure 3.

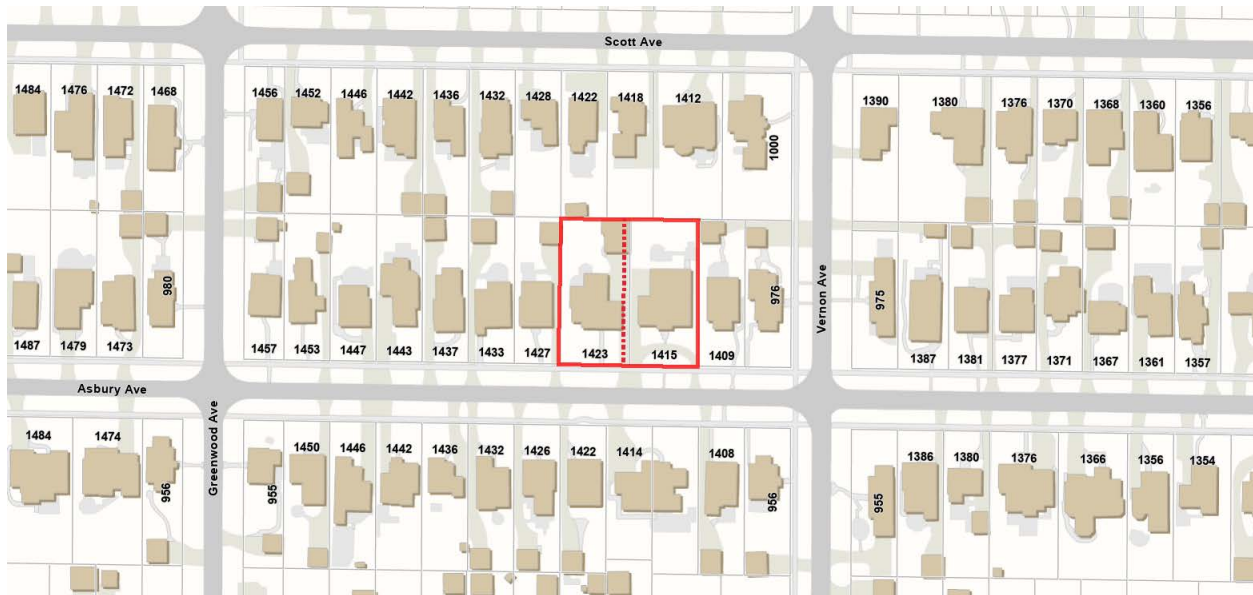


Figure 2 – Proposed subdivision (neighborhood map view)

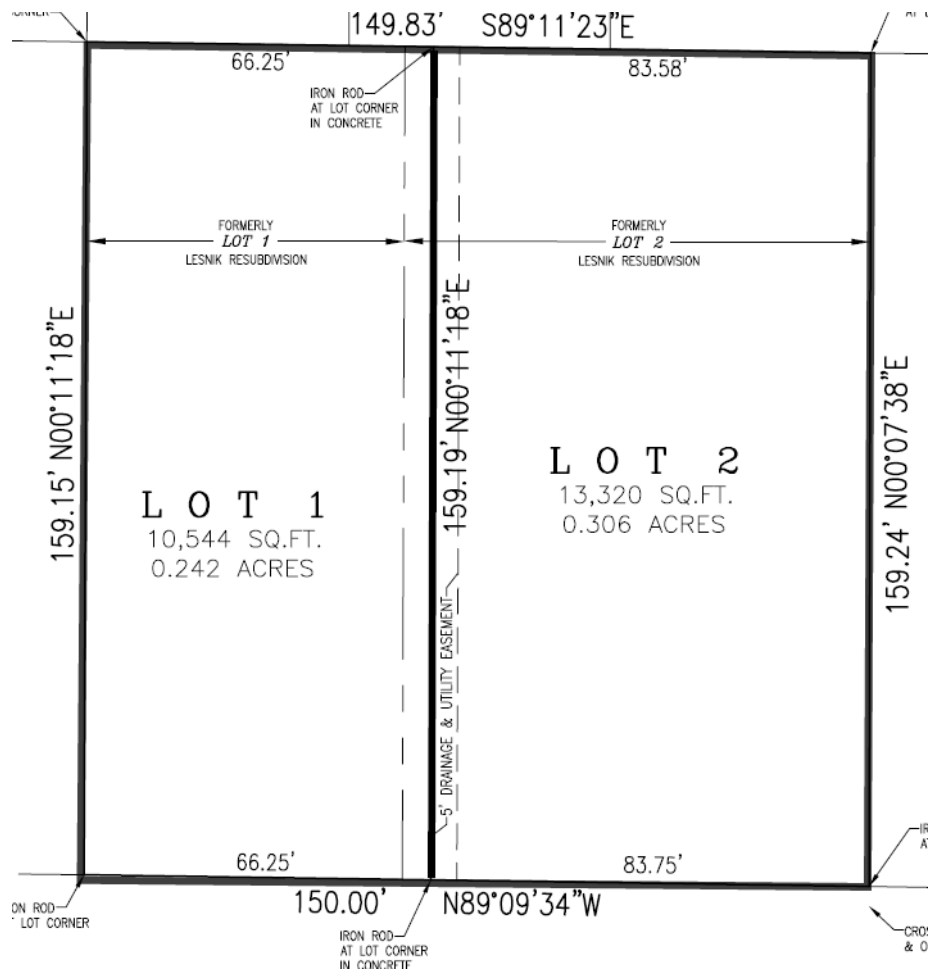


Figure 3 – Excerpt of Proposed Lesnik Resubdivision II Plat

Site Improvements. The Applicant's plan for 1423 Asbury Avenue (Proposed Lot 1) includes removal of the existing detached garage and driveway, and construction of a new detached garage and driveway on the west side of the lot. The proposed two-car garage would measure 21 feet by 21 feet (441 square feet). Given the size of the existing garage (814 square feet) and the existing driveway, the proposed improvements represent a net decrease in gross floor area, roofed lot coverage, and impermeable lot coverage. The proposed improvements are represented below in Figure 4.

On the 1415 Asbury Avenue parcel (Proposed Lot 2), the Applicant is proposing construction of a new one-car detached garage, measuring 13 feet by 21 feet (273 square feet), and a small expansion of the existing driveway to access the detached garage, while also improving access to the existing attached garage. Figures 5 and 6 on the following page include the proposed site plan and plans for the detached garage at 1415 Asbury Avenue.

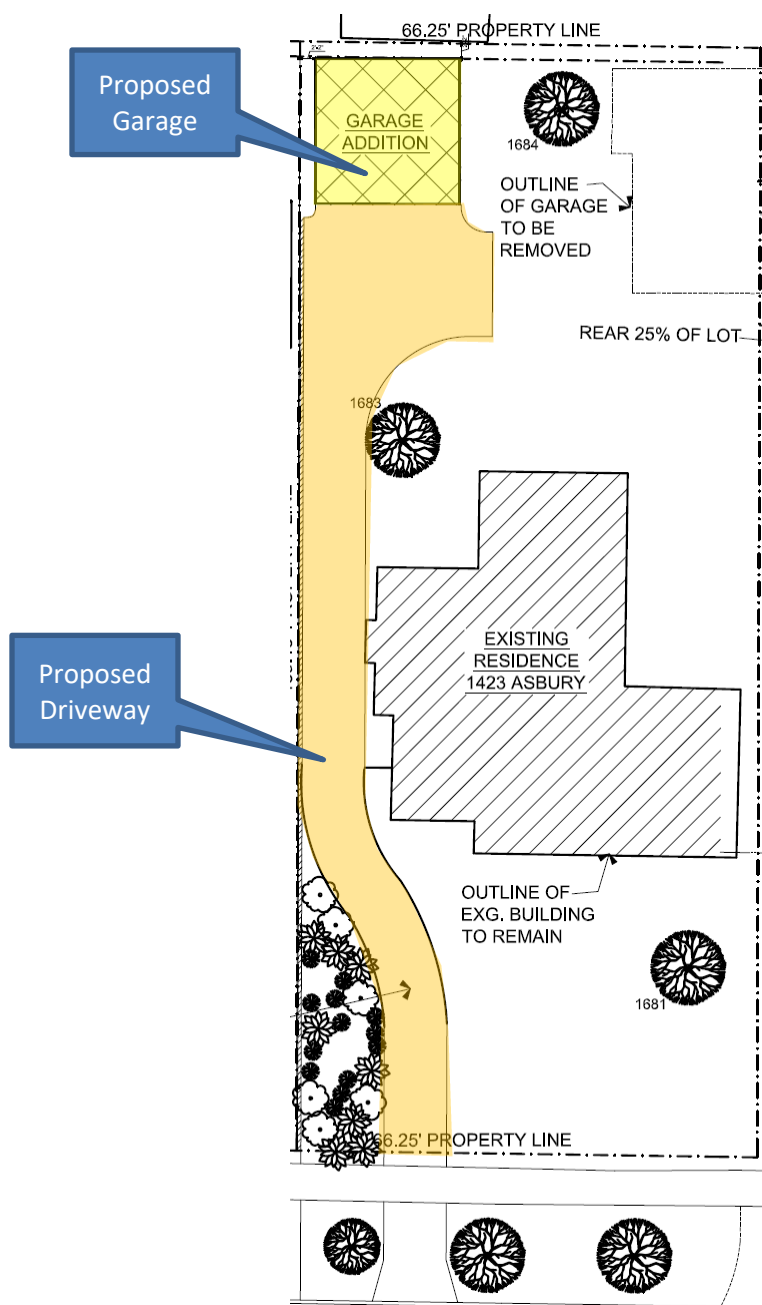


Figure 4 – Excerpt of 1423 Asbury Avenue Proposed Site Plan (Lot 1)

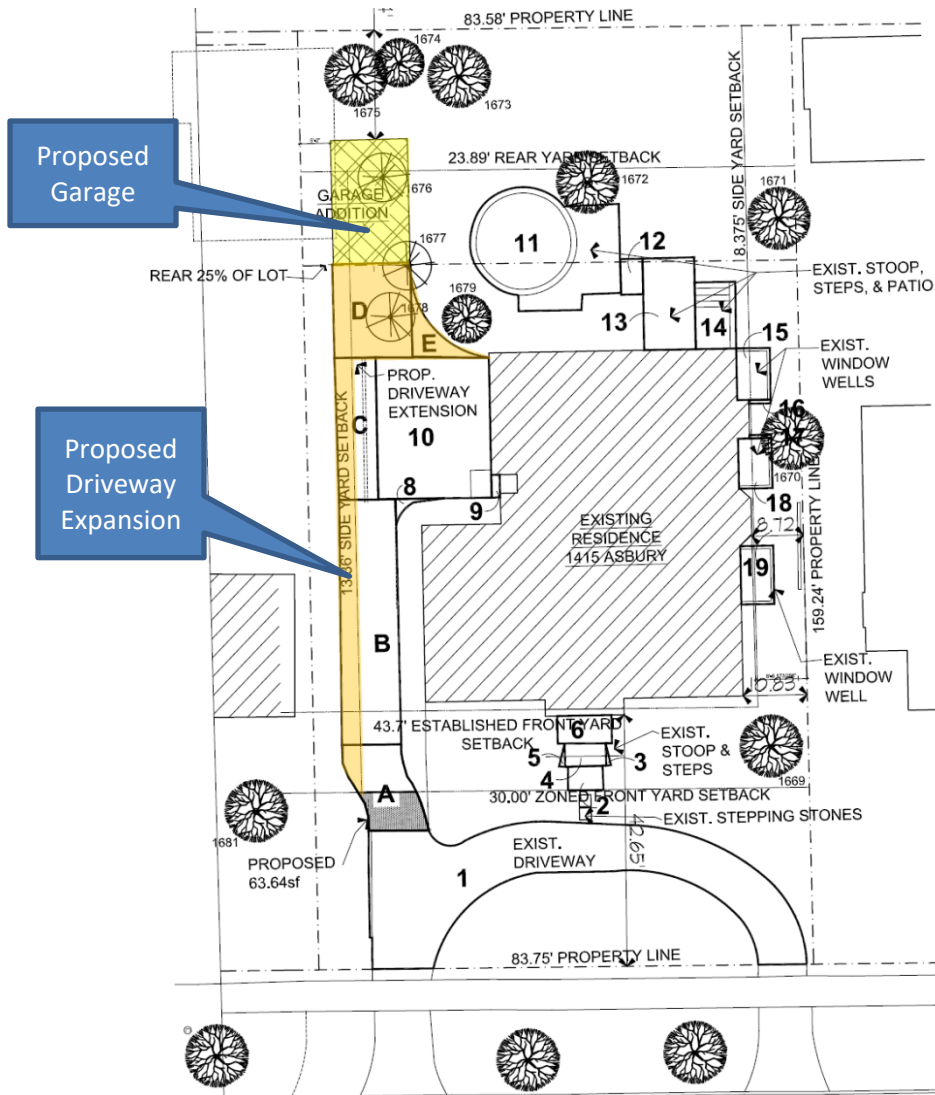


Figure 5 – Excerpt of 1415 Asbury Proposed Site Plan (Lot 2)

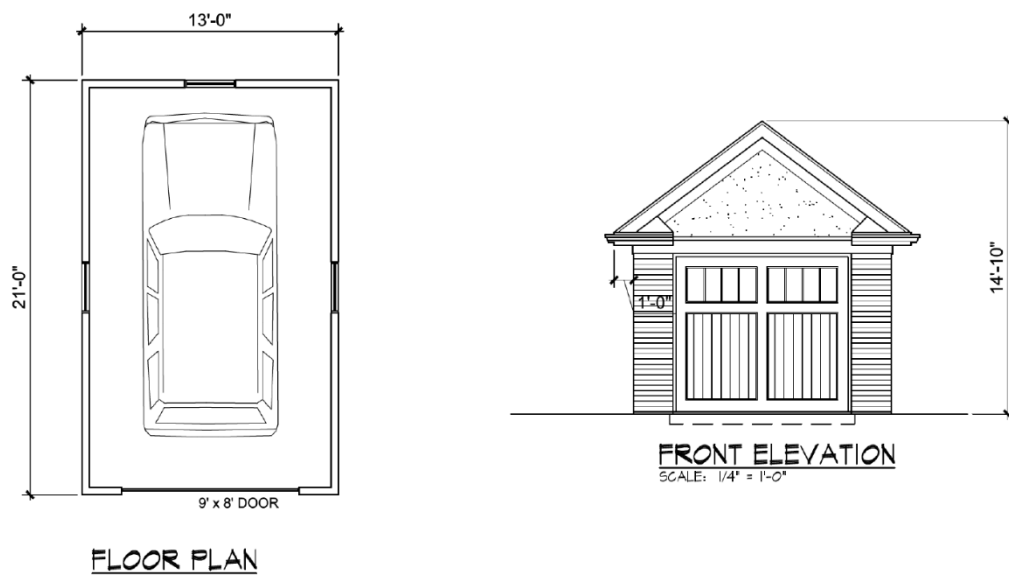


Figure 6 – Floor Plan and Front Elevation of Proposed Detached Garage at 1415 Asbury Avenue

DESCRIPTION OF ZONING STANDARDS

The Subject Property is located in the R-5 Single Family Residential zoning district, which is one of five different single family residential zoning classifications in the Village. The R-5 zoning district provides for the densest form of single-family development compared to most other residential zoning districts, with the R-5 zoning district's purpose statement describing the district as demonstrating a "an intense suburban" character.

Residential Zoning Hierarchy

A comparison of the Village's five different residential zoning classifications (Table 1 below) shows the hierarchy of zoning standards throughout the Village's residential neighborhoods, ranging from larger "estate" character lots in portions of the Village, to smaller, more intensive developed areas.

Surrounding Zoning

The Subject Property is surrounded by lots that are similarly zoned for smaller lot sizes called for in the R-5 zoning district (minimum lot area of 8,400 square feet), as depicted in Figure 7 below.

Table 1 Residential Zoning Hierarchy	R-1 ("estate" character)	R-2 ("small estate" character)	R-3 ("moderately intense" suburban character)	R-4 ("relatively intense" suburban character)	R-5 ("relatively intense" suburban character)
Minimum Lot Area	48,000 s.f.	24,000 s.f.	16,000 s.f.	12,600 s.f.	8,400 s.f.
Minimum Lot Width	150 ft.	100 ft.	75 ft.	60 ft.	60 ft.
Minimum Front Setback	50 ft.	50 ft.	40 ft.	30 ft.	30 ft.
Minimum Rear Setback	50 ft.	25 ft.	25 ft.	25 ft.	25 ft.

Table 1 – Residential Zoning Hierarchy

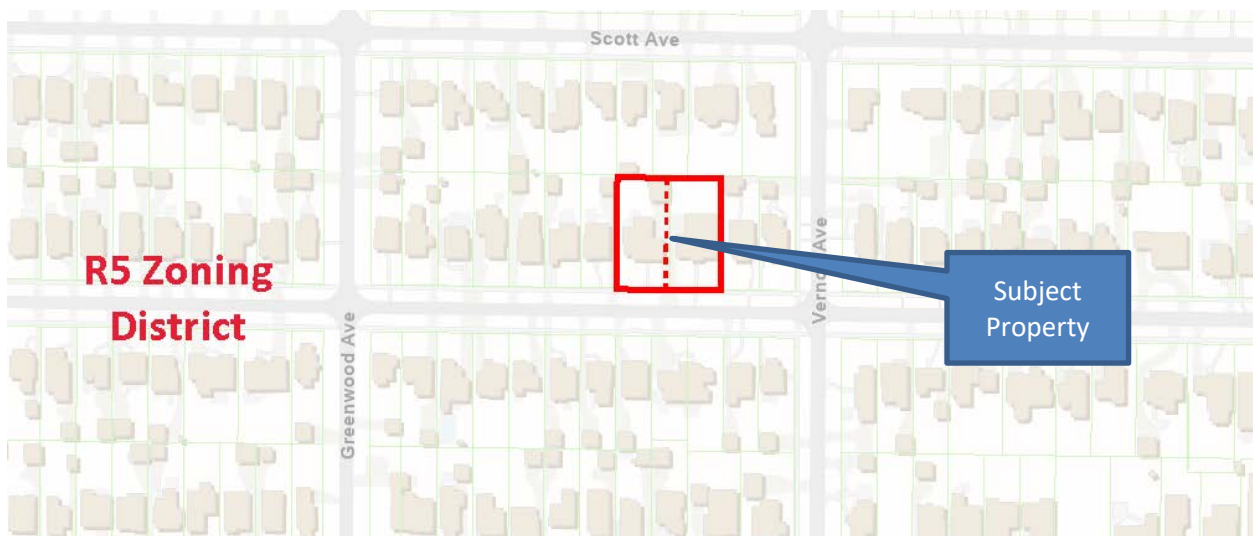


Figure 7 – Area Zoning Map

COMPLIANCE WITH ZONING STANDARDS – LOT SIZE AND DIMENSIONS

All subdivisions are evaluated by staff at the time of application to assure compliance with basic minimum quantitative measures including, but not limited to (a) minimum lot area, (b) minimum lot width, and (c) minimum lot depth.

The proposed *Lesnik Resubdivision II* **fully complies** with minimum lot area, lot width and lot depth requirements as summarized below in Table 2.

<i>Table 2</i> <i>R-5 Zoning Standards</i>	<i>Proposed Lot 1</i> <i>1423 Asbury Avenue</i>	<i>Proposed Lot 2</i> <i>1415 Asbury Avenue</i>
Minimum Lot Area (Interior lot) 8,400 square feet	10,544 sq. ft. COMPLIES	13,320 sq. ft. COMPLIES
Minimum Lot Width (average) 60 feet	66.23 feet COMPLIES	83.65 feet COMPLIES
Minimum Lot Width (at front street line) 20 feet	66.25 feet COMPLIES	83.75 feet COMPLIES
Minimum Lot Depth 120 ft.	159.15 feet COMPLIES	159.19 feet COMPLIES
Minimum Rectangular Area within Lot Boundaries	COMPLIES	COMPLIES

Table 2 – R-5 Zoning Standards

COMPLIANCE WITH ZONING STANDARDS – REQUIRED SETBACKS AND BUILDING SIZE

The allowable size of buildings on a residential lot and the required amount of open space around the buildings is dictated by the Village Zoning Ordinance. As a general rule, the allowable size of buildings and the setback requirements for those buildings change with any modifications to lot dimensions. As a result, staff conducts analyses of proposed lots and the improvements on those lots to determine (a) whether any new zoning nonconformities would be created by the resubdivision and (b) whether there are any existing zoning nonconformities which will remain. In the event of a zoning nonconformity arising out of a proposed subdivision, relief must be granted by both the Plan Commission and Zoning Board of Appeals.

Staff evaluation of the proposed *Lesnik Resubdivision II* is summarized in Tables 3 and 4 on pages 10 and 11 of this report, indicating the extent to which the proposed resubdivided lots comply with (or fall short of) zoning standards. The items highlighted (in yellow) in Table 3 indicates the **creation of a zoning nonconformity**.

Description of side yard setback requirements – Side yard setback requirements are calculated based on a lot's width:

- Lots with an average lot width that is 100 feet or more: The minimum required side yard setback is 12 feet and the total of the two side yards must be at least 30% of the average lot width.
- Lots with an average lot width that is more than 60 feet, but less than 100 feet: The minimum

required side yard setback is 10% of the average lot width and the total of the two side yards must be at least 25% of the average lot width. (This is the side yard setback standard that applies to both the existing lots and the proposed lots.)

- Lots with an average lot width of 60 feet or less: The minimum required side yard setback is 6 feet on one side and 8 feet on the other side.

Newly created zoning nonconformity (zoning variations required) – The proposed subdivision has the effect of decreasing the lot width of 1423 Asbury Avenue (Lot 1) to 66.23 feet, resulting in a minimum required side yard setback of 6.62 feet and a total side yard setback requirement of 16.56 feet. **As a result, the proposed smaller lot renders the existing 1423 Asbury Avenue residence (which would be setback 2.59 feet from the new east property line and 10.89 feet from the west property line), nonconforming with the new minimum side yard requirement of 6.62 feet and the total side yard setback requirement of 16.56 feet. The existing improvements providing a minimum side yard of 2.59 feet, are deficient with the new requirement by 4.03 feet or 60.88%. Additionally, the existing improvements providing a total side yard setback of 13.48 feet are deficient with the new requirement by 3.08 feet or 18.6%.**

Expansion of existing zoning nonconformity (zoning variation required) – The existing residence at 1415 Asbury Avenue currently consists of approximately 6,980 square feet of GFA, exceeding the maximum permitted GFA of the existing lot area by approximately 3,106 square feet (76.08%). The proposed detached garage would measure 13 feet by 21 feet and be located in the rear quarter of the lot. Due to the GFA allowance that would apply to the proposed detached garage, an increase in the attic GFA allowance as a result of the increase in lot area, and the attached garage allowance that would no longer apply, the net increase in GFA is 158 square feet; bringing the total GFA to 7,139.32 square feet, whereas a maximum of 4,300.51 square feet is permitted on the proposed lot, a variation of 2,838.81 square feet (66.01%).

It should be noted that when the existing residence at 1415 Asbury Avenue was constructed in 1999 it complied with the zoning regulations, including the permitted GFA. At that time, the basement area was not included in the GFA as only basements with walls exposed more than 4 feet above grade were included in the GFA. The Zoning Ordinance was amended in late 1999 requiring basements in post-FAR buildings (buildings built since 1989) that have a first floor more than 2.5 feet above grade to be included in the GFA. In this particular case, the first floor is predominately 3.54 feet above grade. Therefore, on the new 1415 Asbury lot that is being created, the entire basement area (approximately 2,461 square feet) is now included in the GFA. That being said, excluding the basement area, the proposed GFA is 4,678.12 square feet, exceeding the permitted GFA of the proposed lot area by 377.61 square feet (8.78%).

Table 3 – Zoning Setback Requirements		Proposed Lot 1 1423 Asbury	Proposed Lot 2 1415 Asbury	Existing Lot 1423 Asbury	Existing Lot 1415 Asbury
SETBACK REQUIREMENTS	Minimum Required Front Yard Setback	30 feet	43.57 feet (average of the block)	30 feet	43.57 feet (average of the block)
	Front yard provided by existing structures	42.46 feet	42.65 feet	42.46 feet	42.65 feet EXISTING NONCONFORMITY
	Minimum Required Side Yard	6.62 feet	8.36 feet	7.5 feet	7.5 feet
	Minimum side yard provided by existing structures	2.59 feet (east) VARIATION OF 4.03 FEET (60.88%)	8.91 feet	10.89 feet (west)	8.91 feet
	Minimum Total Required Side Yards	16.56 feet	20.91 feet	18.75 feet	18.75 feet
	Total side yards provided by existing structures	13.48 feet VARIATION OF 3.08 FEET (18.6%)	27.98 feet	22.89 feet	19.21 feet
	Minimum Required Rear Yard	23.88 feet	23.89 feet	23.88 feet	23.89 feet
	Rear yard provided by existing structures	61.34 feet	54.56 feet	61.34 feet	54.56 feet
	Minimum Rear & Side Setback for accessory structure in rear quarter	2 feet	2 feet	2 feet	2 feet
	Garage setbacks	2.17 feet (rear) 2.17 feet (side)	18.46 feet (rear) 5.17 feet (side)	2.95 feet (rear) 5.76 feet (side)	N/A

Table 3 – Zoning Setback Requirements

Table 4 – Zoning Building Size Requirements		Proposed Lot 1 1423 Asbury	Proposed Lot 2 1415 Asbury	Existing Lot 1423 Asbury	Existing Lot 1415 Asbury
ALLOWABLE BUILDING SIZE	Maximum Allowed Gross Floor Area (GFA)	3,923.8 sq. ft.	4,300.51 sq. ft.	4,202.55 sq. ft.	3,964.4 sq. ft.
	GFA provided by existing & proposed structures	3,654.05 sq. ft.	7,139.32 sq. ft. VARIATION OF 2,838.81 sq. ft. (66.01%)	4,027.86 sq. ft.	6,980.69 sq. ft. EXISTING NONCONFORMITY
	Maximum Allowed Roofed Lot Coverage (RLC)	2,846.88 sq. ft.	3,330 sq. ft.	3,223.19 sq. ft.	2,985.28 sq. ft.
	RLC provided by existing & proposed structures	2,393.36 sq. ft.	3,155.62 sq. ft.	2,674.52 sq. ft.	2,882.62 sq. ft.
	Maximum Allowed Impermeable Lot Coverage (ILC) (50% of lot area)	5,272 sq. ft.	6,660 sq. ft.	5,968.87 sq. ft.	5,970.56 sq. ft.
	ILC provided by existing & proposed structures	4,321.36 sq. ft.	6,376.63 sq. ft.	5,393.21sq. ft.	5,742.62 sq. ft.
	Maximum Allowed Front Yard Lot Coverage (FYLC)	596.25 sq. ft.	752.85 sq.ft.	675 sq. ft.	675 sq. ft.
	FYLC provided by existing improvements	420 sq. ft.	932.73 sq. ft.	420 sq. ft.	932.73 sq. ft. EXISTING NONCONFORMITY

Table 4 – Zoning Building Size Requirements

COMPLIANCE WITH SUBDIVISION CODE STANDARDS

Pre-existing zoning nonconformity – Three existing nonconformities **will remain** on the 1415 Asbury Avenue parcel (Lot 2). The existing residence has a nonconforming front yard setback of 42.65 feet, whereas the required setback is 43.57 feet, the average of the block. Also, the existing improvements at 1415 Asbury Avenue within the minimum required 30-foot front yard required in the R-5 zoning district,

consist of 932.73 square feet of front yard lot coverage (FYLC), whereas a maximum of 752.85 square feet is permitted (30% of the minimum required front yard). These two existing nonconformities that will remain are highlighted (in blue) in Tables 3 and 4 on the previous pages.

Additionally, the east side building walls of the existing residence at 1415 Asbury Avenue do not provide the required building line articulation. The building permit to construct the home was approved in early 1999, which was prior to adoption of the building line articulation requirement in the current Zoning Ordinance, which now requires the side building walls that face the smaller side yard, on a residence constructed prior to April 1999, be articulated by at least 18 inches when the residence is more than 40 feet long. Pursuant to Section 16.12.010(D) of the Subdivision Code, in the instance of such nonconformities, the Plan Commission considers the existence of such nonconformities, and “*shall determine whether such nonconformity, in the context of the proposed subdivision, would result in a material increased adverse impact upon the public health, safety or welfare.*” This is provided as information only, as the ZBA is not charged with considering relief from the Subdivision Code.

Tables 3 and 4 also highlight (in green) the existing nonconformities on the existing lots. The degree of nonconforming GFA and front yard lot coverage on 1415 Asbury Avenue will be decreased due to the increase in lot area and lot width of Proposed Lot 2. The third existing nonconformity, the front yard setback, will remain unchanged.

STORMWATER

The proposed subdivision consists of relocating the lot line dividing two properties. As previously mentioned, the Applicant intends to demolish the existing detached garage and driveway at 1423 Asbury Avenue (Lot 1) and construct a new detached garage and driveway. The proposed plan also includes construction of a detached garage at 1415 Asbury Avenue (Lot 2). The Applicant has provided engineering plans that represent a decrease of 22% of impermeable lot coverage on 1423 Asbury Avenue and an increase of 11% on 1415 Asbury Avenue. Village Engineering staff have conducted a preliminary review of the engineering plans and have indicated that the improvements comply with the Village stormwater regulations, which will not require stormwater detention since the improvements do not required an increase of impermeable lot coverage by more than 25%. Final approval will occur upon submittal of a building permit.

For reference, Figure 8 below represents the Subject Property’s proximity to the 100-year flood plain. The grey represents the 100-year flood area.

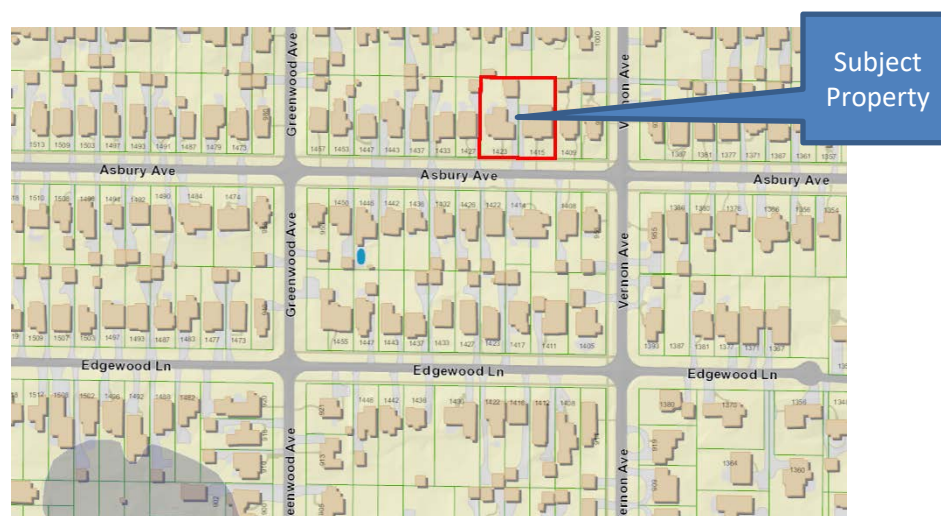


Figure 8 – GIS Floodplain Map

CONSIDERATION BY PLAN COMMISSION

On March 22, 2023, the PC held a public meeting and considered the Applicant's request. After hearing from the Applicant's representatives and receiving one written comment from an immediate neighbor (the same one included in Attachment C), the PC discussed the request and the impact the new driveway would have on the neighbor to the west of 1423 Asbury Avenue. The proposed driveway was originally designed to be immediately adjacent to the neighbor's driveway, giving the appearance that the two lots would have a shared driveway when that was not the intent. At the March PC meeting the Applicant noted that they were working on redesigning the proposed driveway at 1423 Asbury Avenue and addressing the concerns expressed by the neighbor. Ultimately, by a vote of 4-0, the PC recommended approval of the request. The proposed driveway represented in the materials provided by the Applicant and being considered by the ZBA include the redesigned driveway (Figure 4).

REQUESTED ZONING CONSIDERATION

The Applicant is requesting approval of three zoning variations in order to allow the subdivision of the Subject Property, which would relocate the lot line dividing the two properties, and construction of a detached garage at 1415 Asbury Avenue (Proposed Lot 2).

1415 Asbury Avenue

- Maximum Building Size (GFA). The site currently contains 6,980.69 square feet of GFA, exceeding the maximum permitted GFA by 2,680.18 square feet. The net increase in GFA with the proposed detached garage is 158.63 square feet, bringing the total GFA to 7,139.32 square feet, whereas a maximum of 4,300.51 square feet is permitted, a variation of 2,838.81 square feet (66.01%).

1423 Asbury Avenue

- Minimum Side Yard Setback. The proposed subdivision has the effect of decreasing the lot width of 1423 Asbury Avenue. As a result, the smaller lot renders the existing residence, which would provide a setback of 2.59 feet from the new east property line, nonconforming with the new minimum side yard setback requirement of 6.62 feet, requiring a variation of 4.03 feet (60.88%).
- Total Side Yard Setback. The existing residence would provide a total side yard setback of 13.48 feet, whereas a minimum of 16.56 feet is required, a variation of 3.08 feet (18.6%). The existing residence provides a west side yard setback of 10.89 feet, which will remain unchanged, along with the east side yard setback of 2.59 feet, for a total of 13.48 feet.

It is important to reiterate that the proposed detached garage and driveway at 1423 Asbury Avenue comply with the zoning standards and do not required relief. The variations related to 1423 Asbury Avenue are for the existing improvements. It is also worth noting that any future improvements will also have to comply with the zoning regulations for the newly created, smaller lot.

FINDINGS

Does the ZBA find that the requested variations meet the standards for granting such variations; and if so, is the ZBA prepared to make a recommendation to the Village Council regarding the requested relief? If so, a ZBA member may wish to make a motion recommending approval or recommending denial based upon the following:

Move to recommend **approval [denial]** of the following variations granting:

1. Gross floor area of 7,139.32 square feet at 1415 Asbury Avenue, whereas a maximum of 4,300.51 square feet is permitted, a variation of 2,838.81 square feet (66.01%) [Section 17.30.040 – Maximum Building Size];

2. Side yard setback of 2.59 feet from the new east property line to the existing residence at 1423 Asbury Avenue, whereas a minimum of 6.62 feet is required, a variation of 4.03 feet (60.88%) [Section 17.30.060 – Side Yard Setback]; and
3. Total side yard setback of 13.48 feet for the existing residence at 1423 Asbury Avenue, whereas a minimum of 16.56 feet is required, a variation of 3.08 feet (18.6%) [Section 17.30.060 – Side Yard Setback].

The Zoning Board of Appeals finds, based on evidence in the record or a public document, that the variations requested are **in harmony [not in harmony]** with the general purpose and intent of the Zoning Ordinance and that each of the following eight standards on which evidence is required pursuant to Section 17.60.050 of this Code **have been met [have not been met]** in connection with this variation application **[subject to the following conditions...]**

The eight standards to consider when granting a variation are as follows:

- a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.
- b. The plight of the owner is due to unique circumstances. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.
- c. The variation, if granted, will not alter the essential character of the locality.
- d. An adequate supply of light and air to the adjacent property will not be impaired.
- e. The hazard from fire and other damages to the property will not be increased.
- f. The taxable value of the land and buildings throughout the Village will not diminish.
- g. The congestion in the public street will not increase.
- h. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

ATTACHMENTS

Attachment A: Application Materials

Attachment B: Proposed Plat of Subdivision (Lesnik Resubdivision II)

Attachment C: Public Correspondence

Attachment D: September 14, 2020, and October 12, 2020, ZBA Meeting Minutes

Attachment E: Ordinance M-4-2021, adopted on January 5, 2021

ATTACHMENT A

Village of Winnetka
SUBDIVISION/CONSOLIDATION APPLICATION

VILLAGE OF WINNETKA, ILLINOIS DEPARTMENT OF COMMUNITY DEVELOPMENT

SUBDIVISION APPLICATION

Case No.23-02-SD

Property Information

Site Address: 1415-1423 Asbury

Parcel Identification Number(s) (PIN): 05-18-217-020-0000/05-18-217-019-0000

Property Owner Information

Name: Judy Lesink

Primary Contact: Judy Lesnik

Address: 1415 Asbury

City, State, Zip: Winnetka, IL

Phone No. _____

Email: _____

Date owner acquired property: _____

Architect Information

Name: FWC Architects, Inc.

Primary Contact: Jim Chambers

Address: 2057 - A Green Bay

City, State, ZIP: Highland Park, Illinois 60035

Phone No. (262) 909+4692

Email: jim@fwcarchitects.com

Surveyor Information

Company Name: Doland Engineering, LLC

Primary Contact: Jason Doland

Address: 334 E. Colfax, Suite C

City, State, Zip: Palatine, IL 60067

Phone No. (847) 991-5088 x 113

Email: jdoland@dolandengineering.com

Attorney Information

Name: Samuels & Bernstein

Primary Contact: Calvin Bernstein

Address: 484 Central Ave., Suite 202

City, State, Zip: Highland Park, Illinois 60035

Phone No. (847) 433-1980

Email: cbernstein@sambernlaw.com

Property Owner Signature: _____

Date: 11/21/2022

Law Offices of
SAMUELS & BERNSTEIN

484 Central Avenue, Suite 202
Highland Park, Illinois 60035
(847) 433-1980
Fax: (847) 433-4740

Calvin A. Bernstein
Cbernstein@sambernlaw.com

February 27, 2023

Village of Winnetka
Department of Community Development
510 Green Bay Road
Winnetka, Illinois 60093

Re: Application for Re-Subdivision, 1415-23 Asbury Avenue, Winnetka, Illinois

Dear Department of Community of Development:

Please be advised that I am acting as the representative of the 1415-23 Asbury Avenue, Winnetka, Illinois. A few years back, the owner of these two contiguous homes applied for and received approval to re-subdivide the properties to provide for a larger lot for 1415 Asbury. The reasons for that requests were to assist in the remodel her home, provide for improved turning radius into her garage, and thereafter, to allow for the demolition of the unoccupied home located at 1423 Asbury. After the re-subdivision was approved, signed and recorded, the owner reconsidered her plans. The owner now desires to restore the home at 1423 Asbury rather than demolishing it, and to continue with the renovation of her home at 1415 Asbury. In order to do so, she needs to move the lot line between the properties again. This re-subdivision will allow for the preservation and restoration of the historic home (1423 Asbury) while providing better access and improved living at 1415 Asbury.

Please note that the new lots will be conforming, meeting the minimum standards set forth in the zoning code (except for a few variances that will require ZBA action), subdivision standards and shall also comply with the Comprehensive Plan. After the re-subdivision, both lots' sizes, widths and orientation will comport well with the neighborhood and modifying the lot sizes will not alter the essential character of the street or the neighborhood.

If you have any questions, please contact me

Respectfully,

Calvin A. Bernstein

Enc.

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. 23-02-SD

Property Information

Site Address: 1415 Asbury

Owner Information

Name: Judy Lesnik

Address: 1415 Asbury

City, State, ZIP: Winnetka, IL

Email: judylesink@me.com

Primary Contact:

Phone No. (847) 708-3080

Date property acquired by owner:

Architect Information

Name: FWC Architects, Inc.

Primary Contact: Jim Chambers

Address: 2057-A Green Bay Road

City, State, ZIP: Highland Park, IL 60035

Phone No. 847-579-5200

Email: jim@fwcarchitects.com

Attorney Information

Name: Samuels & Bernstein

Primary Contact: Calvin Bernstein

Address: 484 Central Avenue

City, State, Zip: Highland Park, IL 60035

Phone No. 847-433-1980

Email: cbernstein@sambernslaw.com

Nature of any restrictions on property:

Brief explanation of variation(s) requested (attach separate sheet providing additional details): See attached

Property Owner Signature:

Date: 11/11/2022

VILLAGE OF WINNETKA, ILLINOIS

DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. 23-02-SD

Property Information

Site Address: 1423 Asbury

VA2022-1240

Owner Information

Name: Judy Lesnik

Primary Contact:

Address: 1415 Asbury

Phone No. (847) 708-3080

City, State, ZIP: Winnetka, IL

Email: judylesink@me.com

Date property acquired by owner:

Architect Information

Name: FWC Architects, Inc.

Attorney Information

Name: Samuels & Bernstein

Primary Contact: Jim Chambers

Primary Contact: Calvin Bernstein

Address: 2057-A Green Bay Road

Address: 484 Central Avenue

City, State, ZIP: Highland Park, IL 60035

City, State, Zip: Highland Park, IL 60035

Phone No. 847-579-5200

Phone No. 847-433-1980

Email: jim@fwcarchitects.com

Email: cbernstein@sambornlaw.com

Nature of any restrictions on property:

Brief explanation of variation(s) requested (attach separate sheet providing additional details): See attached

Property Owner Signat

Date: 11/11/2022

VILLAGE OF WINNETKA
ZBA Application
Letter of Situation and Hardship
Dated: December 21, 2022

RE: 1415 and 1423 Asbury, Winnetka, Illinois

TO: Zoning Board of Appeals

1415 Asbury is the home of Judy Lesnik. Judy purchased 1415 Asbury in 2000 and she has maintained it as her family's home ever since. In 2016, Judy purchased the home next door (1423 Asbury). A few years back, 1423 Asbury sustained significant flood damage. Instead of demolishing that historic home, Judy now desires to restore it to its previous luster and eventually sell it. However, to do so while at the same time renovating and improving her existing non-conforming home at 1415 Asbury, requires us to seek the certain variances as set forth herein.

Renovating and improving 1415 Asbury presents many unique challenges. Although when it was constructed it complied with the existing zoning code, the zoning code was later amended creating the following three (3) now existing non-conformities:

1. Maximum Building Size.
2. Front Yard Setback.
3. Building Line Articulation.

In connection with the restoration of 1423 Asbury and the renovation of 1415 Asbury, Judy desires re-subdivide the properties again to modify the 1415 Asbury's lot area to allow for improved access to her existing garage at 1415 Asbury. Applications are currently on file seeking such a re-subdivision and for zoning variances at 1423 Asbury. If the re-subdivision is approved, the above three (3) existing non-conformities will remain at 1415 Asbury while the variance recently obtained for minimum required side yard relief will no longer be necessary.

1415 Asbury Variance Request

Maximum Building Size – The maximum permitted Gross Floor Area ("GFA") of new proposed 1415 Asbury is 4,300.51 sq. ft. 1415 Asbury's existing GFA is 7,986.43 square feet (under the existing lot size), 3,685.92 sq. ft over the maximum permitted. As proposed, although not changing the previous approved footprint, a variance will still be required due to the lot size modification.

Front Yard Setback – As proposed, no changes are intended so the existing non-conformity will remain unchanged.

Building Line Articulation – Again, as proposed, no changes are intended so the existing non-conformity will remain unchanged.

The improvements among many others that do not require a variance, will update and restore this home to accommodate a modern lifestyle while preserving the vision of the original architect.

Applying the standards set forth in the Code, the Zoning Board of Appeals should be able to make the following findings of fact based upon the evidence submitted herein and at the hearing:

1. Without the variance and the corresponding renovation, the property cannot yield a reasonable return. Without periodic updating, the existing home could lose its value. Currently, the owners are having difficulty entering and leaving the garage. Furthermore, the owner now desires to restore rather than demolish the home at 1423 Asbury which required us to reexamine the lot lines. Since the lot line will change again, certain variance will be required. Failure to update the current non-conforming important home could lead to it not yielding a reasonable return if permitted to be used only under the conditions set forth in the code.
2. Judy's plight is due to unique circumstances. The home is already existing non-conforming. The zoning code changed requiring the basement to be included in the GFA. But for that change, no GFA variance would be required. This situation contains unique challenges and makes it impossible to update the existing-non-conforming home without a variance. No additional footprint is requested over and above what was previously approved and the owner will be eliminating an existing legal non-conforming side yard encroachment. The physical surrounding of how the house is sited and the desire to preserve a historic home drive this request creating the unique situation, and the variations will alleviate the demonstrable and unusual hardship that exists. Furthermore, this hardship is not generally applicable to other property within the same zoning district. But for the site context and zoning change, the owners would be able to renovate the home without seeking a variance.
3. The variations sought herein will not be materially detrimental to the public welfare or injurious to other property in the neighborhood.
4. The home will not impair adequate supply of light and air to adjacent property nor would it increase congestion in the public streets or increase the danger of fire, nor would it endanger the public safety or substantially diminish or impair property values on the neighborhood.
5. This project will not negatively impact the taxable value of the land and buildings throughout the Village, instead it will improve them by making this property more valuable due to it being updated.
6. Since the encroachment and non-conformity already exists and the request does not increase the previously approved building footprint, granting the variances will not alter the essential character of the neighborhood. Finally, the proposed variations are in harmony with the spirit and intent of the code. The public health, comfort and welfare of the community will not be impacted by the improvements sought herein.

In sum, the intent here is to reduce the amount of the existing non-conformity. As

proposed, improving the existing non-conforming home, while at the same time restoring a historic home, helps maintain the essential character of the neighborhood.

1423 Asbury Variance Request

In order to restore 1423 Asbury while improving access to the 1415 Asbury's garage, the following variance is requested:

Side Yard Encroachment — The minimum side yard requirement is 6.625 feet. The combined minimum side yard is 14 feet. As proposed, the existing historic home will encroach 4.025 ft into the minimum side yard and 0.51 feet into the combined side yard setback.

Many of the other improvements needed to restore the home do not require a variance and except for the new garage and the removal of the existing garage, no changes will be made to the existing building footprint. Applying the standards set forth in the Code, the Zoning Board of Appeals should be able to make the following findings of fact based upon the evidence submitted herein and at the hearing:

1. Without the variance and the corresponding renovation, the property cannot yield a reasonable. Restoration of the historic home while same time improving 1415 Asbury requires Judy to seek the variances set forth herein. Failure to restore the existing historic home could lead to it not yielding a reasonable return if permitted to be used only under the conditions set forth in the code.
2. Judy's plight is due to unique circumstances. The historic home was significantly damaged which now requires a total restoration. In order to restore the home while at the same time providing improved access to 1415 Asbury, variances are required. No additional footprint is sought (except for removing and replacing the garage). The physical surrounding of how the house is sited and the desire to preserve a historic home drive this request creating the unique situation, and the variations will alleviate the demonstrable and unusual hardship that exists. Furthermore, this hardship is not generally applicable to other property within the same zoning district. But for the site context and zoning change, the owners would be able to restore the home without seeking a variance.
3. The variations sought herein will not be materially detrimental to the public welfare or injurious to other property in the neighborhood.
4. The home will not impair adequate supply of light and air to adjacent property nor would it increase congestion in the public streets or increase the danger of fire, nor would it endanger the public safety or substantially diminish or impair property values on the neighborhood.
5. This project will not negatively impact the taxable value of the land and buildings throughout the Village, instead it will improve them by making this property more valuable due to it being updated.
6. Granting the variance will not alter the essential character of the neighborhood. Finally, the proposed variation is in harmony with the spirit and intent of the code. The public health, comfort and welfare of the community will not be impacted by the

improvements sought herein.

In sum, the intent here is to preserve a historic home. As proposed, improving the existing non-conforming home (1415), while at the same time restoring a historic home (1423) helps maintain the essential character of the neighborhood.

Thank you for considering our request.



















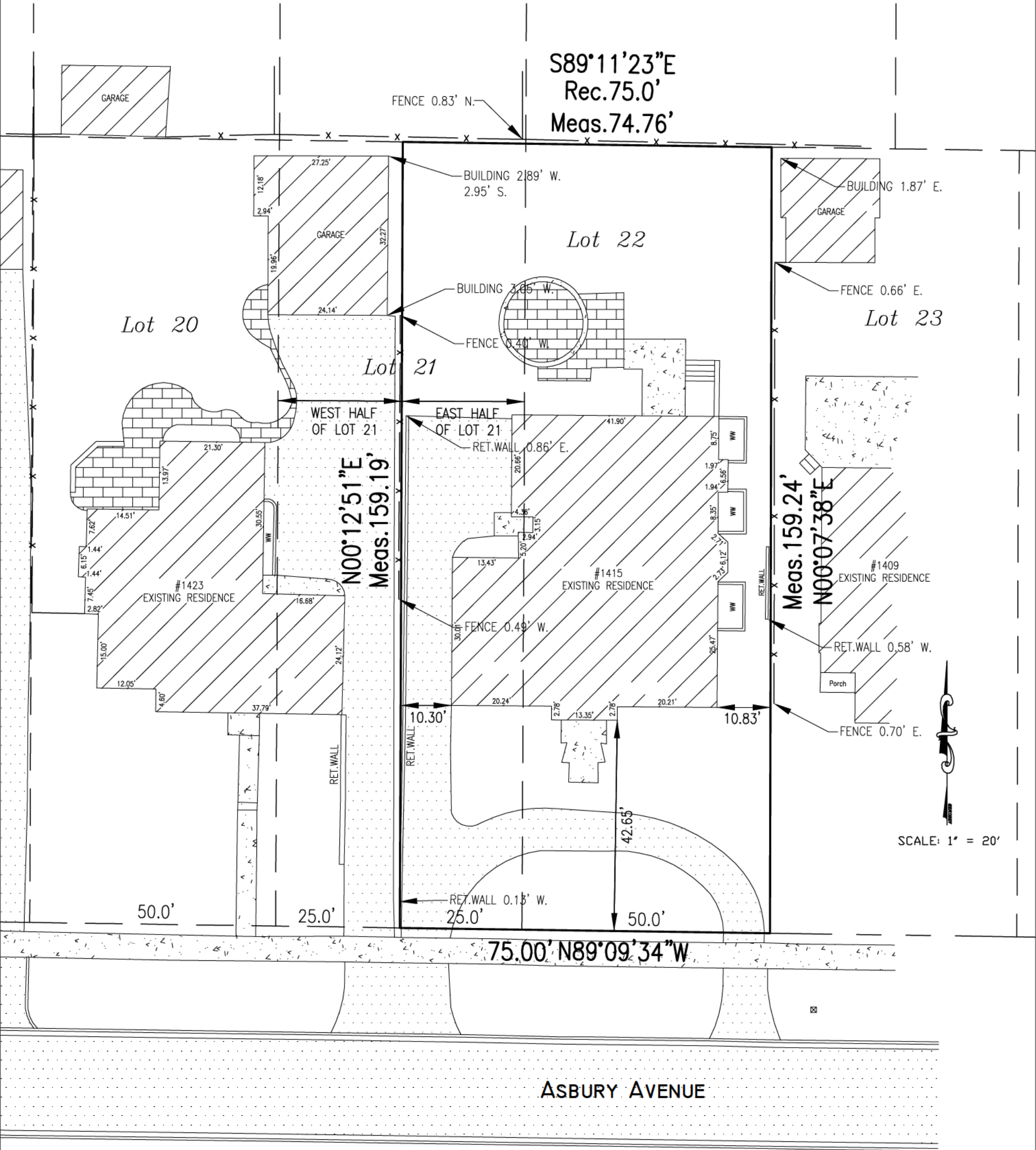




PLAT OF SURVEY

-OF-

LOT 22 AND THE EAST HALF OF LOT 21 IN CHICAGO NORTH SHORE LAND CO.'S SUBDIVISION, BEING A SUBDIVISION IN SECTION 17 & 18, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1891 AS DOCUMENT 3543526, ALL IN COOK COUNTY, ILLINOIS.



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

COMPARE YOUR POINTS BEFORE BUILDING BY THE SAME AND REPORT ANY DIFFERENCES IMMEDIATELY.

CHECK LEGAL DESCRIPTION WITH DEED AND REPORT ANY DISCREPANCY IMMEDIATELY. REFER TO TITLE POLICY OR VILLAGE ZONING CODE FOR POSSIBLE ADDITIONAL EASEMENTS OR BUILDING LINES NOT SHOWN HEREON.

DOLAND ENGINEERING, LLC
-CIVIL ENGINEERING ~ LAND SURVEYING ~ LAND PLANNING-
334 EAST COLFAX STREET, SUITE C
PALATINE, ILLINOIS 60067
(847) 991-5088
(847) 934-3427 FAX

STATE OF ILLINOIS)
COUNTY OF COOK)SS

I, JASON R. DOLAND, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN SURVEYED, UNDER MY SUPERVISION, IN THE MANNER REPRESENTED ON THE PLAT HEREON DRAWN.

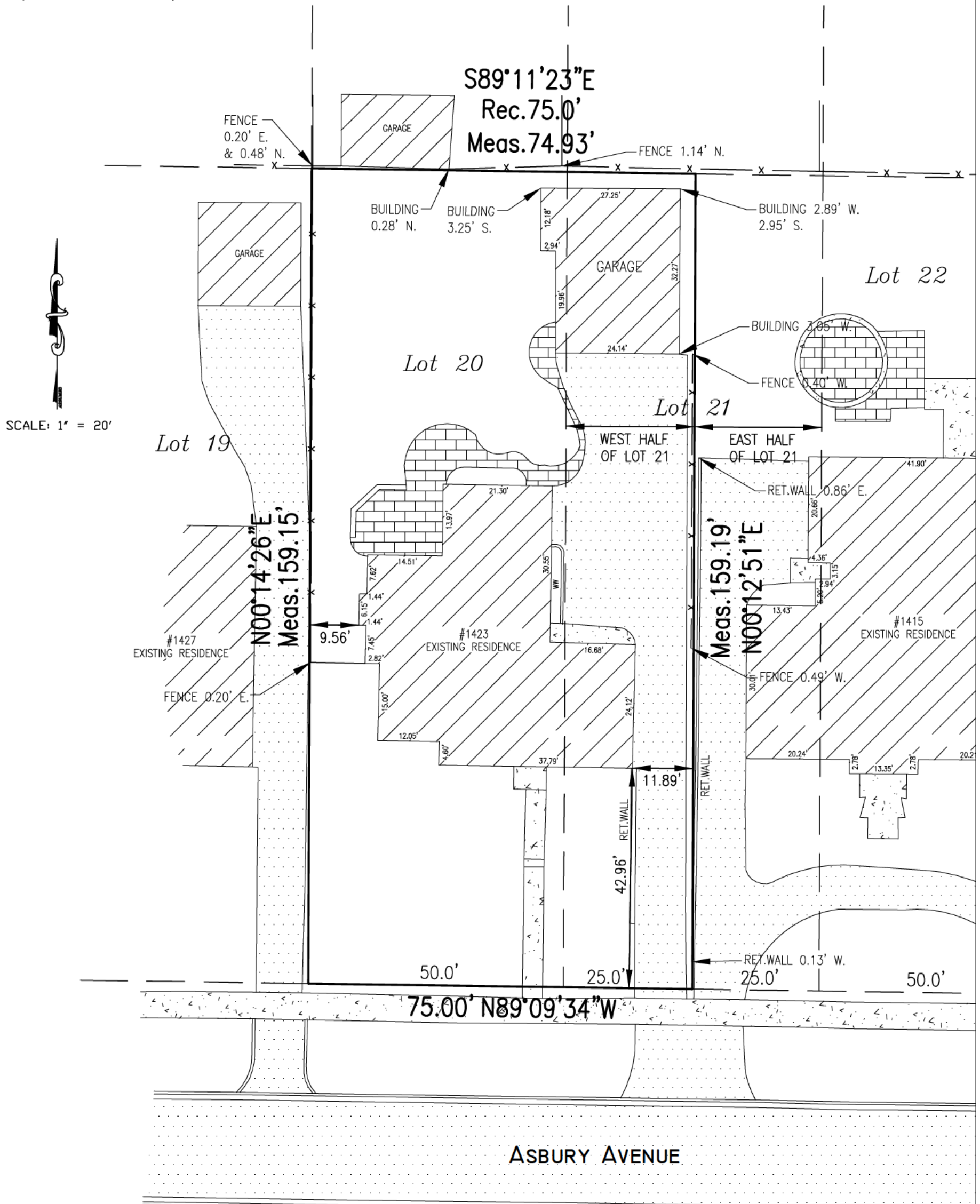
DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

DATED AT PALATINE, ILLINOIS 07/23/19

ILLINOIS PROFESSIONAL LAND SURVEYOR

PLAT OF SURVEY

LOT 20 AND THE WEST HALF OF LOT 21 IN CHICAGO NORTH SHORE LAND CO.'S SUBDIVISION, BEING A SUBDIVISION IN SECTION 17 & 18, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1891 AS DOCUMENT 3543526, ALL IN COOK COUNTY, ILLINOIS.



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM
STANDARDS FOR A BOUNDARY SURVEY.

COMPARE YOUR POINTS BEFORE BUILDING BY THE SAME AND REPORT ANY DIFFERENCES IMMEDIATELY.

CHECK LEGAL DESCRIPTION WITH DEED AND REPORT ANY DISCREPANCY IMMEDIATELY. REFER TO TITLE POLICY OR VILLAGE ZONING CODE FOR POSSIBLE ADDITIONAL EASEMENTS OR BUILDING LINES NOT SHOWN HEREON.

DOLAND ENGINEERING, LLC
-CIVIL ENGINEERING ~ LAND SURVEYING ~ LAND PLANNING-
334 EAST COLFAX STREET, SUITE C
PALATINE, ILLINOIS 60067
(847) 991-5088
(847) 934-3427 FAX

STATE OF ILLINOIS)
COUNTY OF COOK)SS

I, JASON R. DOLAND, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN SURVEYED, UNDER MY SUPERVISION, IN THE MANNER REPRESENTED ON THE PLAT HEREON DRAWN.

DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF

DATED AT PALATINE, ILLINOIS 07/23/19

ILLINOIS PROFESSIONAL LAND SURVEYOR

Tree Inventory/Action Plan										
Tree Description								Action		
Tag	Common Name	Scientific Name	Size	Cond.	Form	Notes		Remove	Root Prune	Crown Prune
1	Swamp White Oak	Quercus bicolor	28.25	4	3	Dieback				
2	Freeman Maple	Acer x freemanii	10	3	2	Basal decay				
3	Redbud	Cercis canadensis	7.6.5	3	2	Decay, dieback				
4	Beech	Fagus spp	8	1	1					
5	Magnolia	Magnolia spp.	6.5.5.4	1	2					
6	Serviceberry	Amelanchier canadensis	2.2.2.1.1.1.1	2	2					
7	Norway Maple	Acer platanoides	14	2	2	Exposed roots				
8	Japanese Tree Lilac	Syringa reticulata	7.4.4.2.1.1	1	1					
9	Mulberry	Morus alba	14	3	2	Dieback				
10	Green Ash	Fraxinus pennsylvanica	32	5	5	Trunk decay, dieback				
11	Norway Spruce	Picea abies	13	1	2					
12	Norway Spruce	Picea abies	7	3	3	Thin crown, overtopped				
13	Red Oak	Quercus rubra	23	4	4	Decay, dieback				
14	Norway Spruce	Picea abies	11	2	3	One sided				
15	Japanese Tree Lilac	Syringa reticulata	3.3.2	4	4	Dieback, overtopped				
16	Norway Spruce	Picea abies	9	2	3	Dieback, thin crown				
17	Norway Spruce	Picea abies	11	2	3	Dieback, one sided				
18	Norway Spruce	Picea abies	13	2	3	Dieback, one sided				

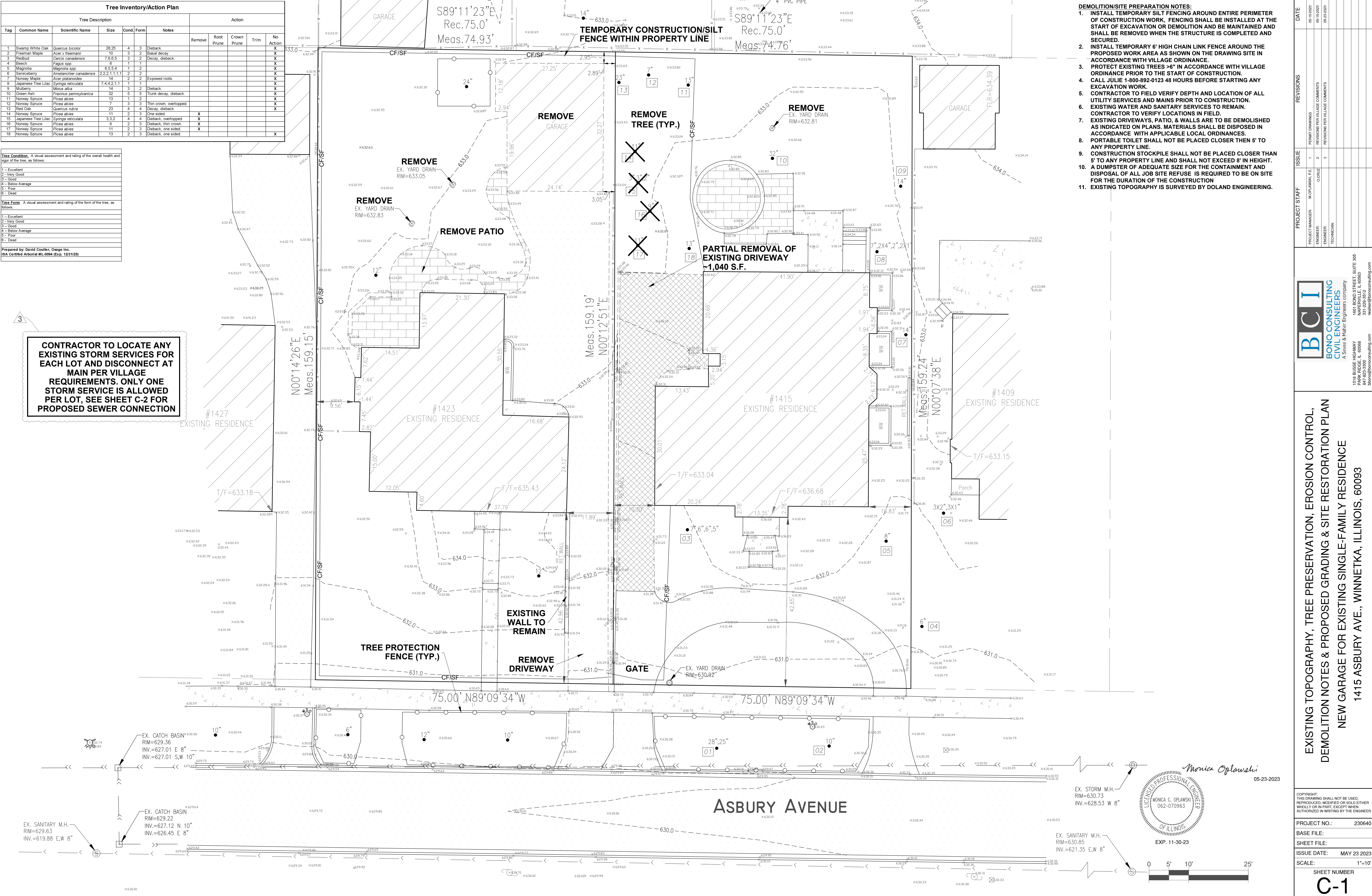
Tree Condition: A visual assessment and rating of the overall health and vigor of the tree, as follows:

- 1 - Excellent
- 2 - Very Good
- 3 - Good
- 4 - Below Average
- 5 - Poor
- 6 - Dead

Tree Form: A visual assessment and rating of the form of the tree, as follows:

- 1 - Excellent
- 2 - Very Good
- 3 - Good
- 4 - Below Average
- 5 - Poor
- 6 - Dead

Prepared by: David Coulter, Onsite Inc.
ISA Certified Arborist #IL-0094 (Exp. 12/31/25)



- DEMOLITION/SITE PREPARATION NOTES:
1. INSTALL TEMPORARY SILT FENCING AROUND ENTIRE PERIMETER OF CONSTRUCTION WORK, FENCING SHALL BE INSTALLED AT THE START OF EXCAVATION OR DEMOLITION AND BE MAINTAINED AND SHALL BE REMOVED WHEN THE STRUCTURE IS COMPLETED AND SECURED.
 2. INSTALL TEMPORARY 6' HIGH CHAIN LINK FENCE AROUND THE PROPOSED WORK AREA AS SHOWN ON THE DRAWING SITE IN ACCORDANCE WITH VILLAGE ORDINANCE.
 3. PROTECT EXISTING TREES 6" IN ACCORDANCE WITH VILLAGE ORDINANCE PRIOR TO THE START OF CONSTRUCTION.
 4. CALL JULIE 1-800-892-0123 48 HOURS BEFORE STARTING ANY EXCAVATION WORK.
 5. CONTRACTOR TO FIELD VERIFY DEPTH AND LOCATION OF ALL UTILITY SERVICES AND MAINS PRIOR TO CONSTRUCTION.
 6. EXISTING WATER AND SANITARY SERVICES TO REMAIN. CONTRACTOR TO VERIFY LOCATIONS IN FIELD.
 7. EXISTING DRIVEWAYS, PATIO, & WALLS ARE TO BE DEMOLISHED AS INDICATED ON PLANS. MATERIALS SHALL BE DISPOSED IN ACCORDANCE WITH APPLICABLE LOCAL ORDINANCES.
 8. PORTABLE TOILET SHALL NOT BE PLACED CLOSER THEN 5' TO ANY PROPERTY LINE.
 9. CONSTRUCTION STOCKPILE SHALL NOT BE PLACED CLOSER THAN 5' TO ANY PROPERTY LINE AND SHALL NOT EXCEED 8' IN HEIGHT.
 10. A DUMPSTER OF ADEQUATE SIZE FOR THE CONTAINMENT AND DISPOSAL OF ALL JOB SITE REFUSE IS REQUIRED TO BE ON SITE FOR THE DURATION OF THE CONSTRUCTION.
 11. EXISTING TOPOGRAPHY IS SURVEYED BY DOLAND ENGINEERING.

DATE

05-10-2023

REVISIONS

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

302

303

304

305

306

307

308

309

310

311

312

313

314

315

316

317

318

319

320

321

322

323

324

325

326

327

328

329

330

331

332

333

334

335

336

337

338

339

340

341

342

343

344

345

346

347

348

349

350

351

352

353

354

355

356

357

358

359

360

361

362

363

364

365

366

367

368

369

370

371

372

373

374

375

376

377

378

379

380

381

382

383

384

385

386

387

388

389

390

391

392

393

394

395

396

397

398

399

400

401

402

403

404

405

406

407

408

409

410

411

412

413

414

415

416

417

418

419

420

421

422

423

424

425

426

427

428

429

430

431

432

433

434

435

436

437

438

439

440

441

442

443

444

445

446

447

448

449

450

451

452

453

454

455

456

457

458

459

460

461

462

463

464

465

466

467

468

469

470

471

472

473

474

475

476

477

478

479

480

481

482

483

484

485

486

487

488

489

490

491

492

493

494

495

496

497

498

499

500

501

502

503

504

505

506

507

508

509

510

511

512

513

514

515

516

517

518

519

520

521

522

523

524

525

526

527

528

529

530

531

532

533

534

535

536

537

538

539

540

541

542

543

544

545

546

547

548

549

550

551

552

553

554

555

556

557

558

559

560

561

562

563

564

565

566

567

568

569

570

571

572

573

574

575

576

577

578

579

580

581

582

583

584

585

586

587

588

589

590

591

592

593

594

595

596

597

598

599

600

601

602

603

604

605

606

607

608

609

610

611

612

613

614

615

616

617

618

619

620

621

622

623

624

625

626

627

628

629

630

631

632

633

634

635

636

637

638

639

640

641

642

643

644

645

646

647

648

649

650

651

652

653

654

655

656

657

658

659

660

661

662

663

664

665

666

667

668

669

670

671

672

673

674

675

676

677

678

679

680

681

682

683

684

685

686

687

688

689

690

691

692

693

694

695

696

697

698

699

700

701

702

703

704

705

706

707

708

709

710

711

712

713

714

715

716

717

718

719

720

721

722

723

724

725

726

727

728

729

730

731

732

733

734

735

736

737

738

739

740

741

742

743

744

745

746

747

748

749

750

751

752

753

754

755

756

757

758

759

760

761

762

763

764

765

766

767

768

769

770

771

772

773

774

775

776

777

778

779

780

781

782

783

784

785

786

787

788

789

790

791

792

793

794

795

796

797

798

799

800

801

802

803

804

805

806

807

808

809

810

811

812

813

814

815

816

817

818

819

820

821

822

823

824

825

826

827

828

829

830

831

832

833

834

835

836

837

838

839

840

841

842

843

844

845

846

847

848

849

850

851

852

853

854

855

856

857

858

859

860

861

862

863

864

865

866

867

868

869

870

871

872

873

874

875

876

877

878

879

880

881

882

883

884

885

886

887

888

889

890

891

892

893

894

895

896

897

898

899

900

901

902

903

904

905

906

907

908

909

910

911

912

913

914

915

916

917

918

919

920

921

922

923

924

925

926

927

928

929

930

931

932

933

934

935

936

937

938

939

940

941

942

943

944

945

946

947

948

949

950

951

952

953

954

955

956

957

958

959

960

961

962

963

964

965

966

967

968

969

970

971

972

973

974

975

976

977

978

979

980

981

982

983

984

985

986

987

988

989

990

991

992

993

994

995

996

997

998

999

1000

1001

1002

1003

1004

1005

1006

1007

1008

1009

1010

1011

1012

1013

1014

1015

1016

1017

1018

1019

1020

1021

1022

1023

1024

1025

1026

1027

1028

1029

1030

1031

1032

1033

1034

1035

1036

1037

1038

1039

1040

1041

1042

1043

1044

1045

1046

1047

1048

1049

1050

1051

1052

1053

1054

1055

1056

1057

1058

1059

1060

1061

1062

1063

1064

1065

1066

1067

1068

1069

1070

1071

1072

1073

1074

1075

1076

1077

1078

1079

1080

1081

1082

1083

1084

1085

1086

1087

1088

1089

1090

1091

1092

1093

1094

1095

1096

1097

1098

1099

1100

1101

1102

1103

1104

1105

1106

1107

1108

1109

1110

1111

1112

1113

1114

1115

1116

1117

1118

1119

1120

1121

1122

1123

1124

1125

1126

1127

1128

1129

1130

1131

1132

1133

1134

1135

1136

1137

1138

1139

1140

1141

1142

1143

1144

1145

1146

1147

1148

1149

1150

1151

1152

1153

1154

1155

1156

1157

1158

1159

1160

1161

1162

1163

1164

1165

1166

1167

1168

1169

1170

1171

1172

1173

1174

1175

1176

1177

1178

1179

1180

1181

1182

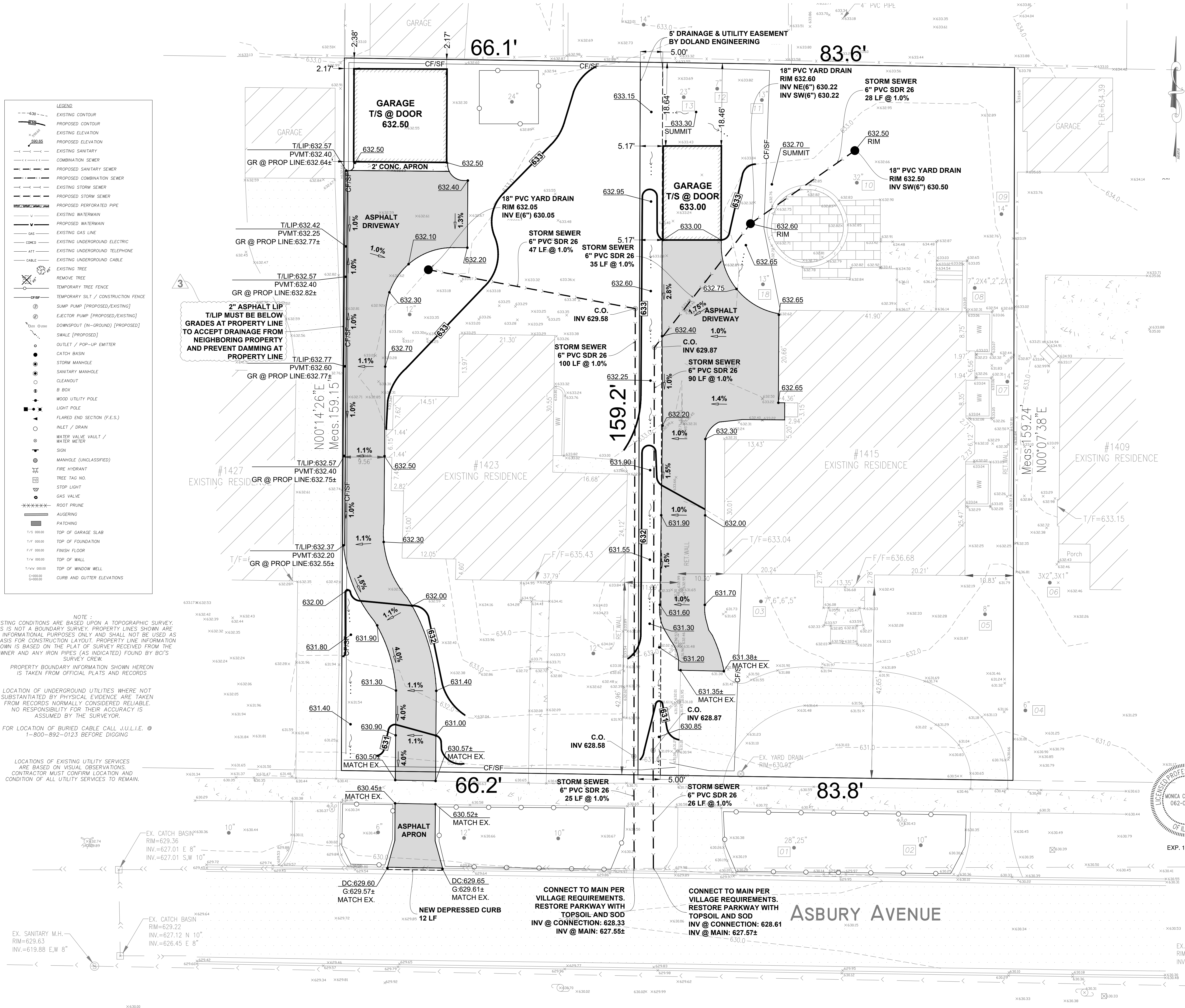
1183

1184

1185

1186

1187



- GENERAL NOTES:
1. CALL JULIE 1-800-892-0123 48 HOURS BEFORE STARTING ANY EXCAVATION WORK.
 2. PROPOSED TOP OF NEW FOUNDATION IS SHOWN ON DRAWING. REFER TO ARCHITECTURAL PLANS FOR TOP OF FOUNDATIONS AT PORCHES AND PATIOS. COORDINATE WITH ARCHITECT FOR FOUNDATIONS AT DOOR STOPS. EXPOSED FOUNDATION SHALL BE MINIMUM OF 4" AND A MAXIMUM OF 8".
 3. A SPOT SURVEY IS REQUIRED TO BE APPROVED PRIOR TO FRAMING.
 4. PROPOSED GROUND ELEVATION AT FOUNDATIONS AS NOTED ON PLANS. PROPOSED ELEVATIONS ARE TOP OF SOD OR DRIVEWAY. FINISHED DIRT GRADE IN LAWN AREAS SHALL BE 2" BELOW TOP OF SOD. SLOPE AREA TO DRAIN AWAY FROM HOUSE.
 5. RUNOFF FROM ROOF OF NEW STRUCTURE TO BE COLLECTED BY GUTTERS, AND DIRECTED TO DOWNSPOUTS. DOWNSPOUTS SHALL SPLASH AT GRADE & NOT BE WITHIN 10' OF THE PROPERTY LINE.
 6. RE-ESTABLISH EXISTING YARD DRAINAGE PATTERNS AFTER CONSTRUCTION EXCEPT AS NOTED ON PLANS.
 7. REFER TO ARCHITECT'S SITE PLAN FOR PROPOSED STRUCTURE'S EXACT SETBACKS FROM PROPERTY LINES.
 8. REFER TO PLAT OF SURVEY FOR LOT DIMENSIONS AND DISTANCES FROM EXISTING STRUCTURES TO PROPERTY LINES.
 9. CONTRACTOR TO PROMPTLY REMOVE ANY EXCAVATED MATERIAL NOT REQUIRED FOR SITE BACKFILL.
 10. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UNDERGROUND OR OVERHEAD UTILITIES EVEN THOUGH THEY MAY NOT BE SHOWN ON THE PLANS. ANY UTILITY THAT IS DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED TO THE SATISFACTION OF THE VILLAGE AND THE OWNER, OR REPLACED.
 11. CONTRACTOR IS RESPONSIBLE FOR THE SAFETY OF THEIR EMPLOYEES AND OTHER WORKERS ON THE SITE. ANY OPEN EXCAVATIONS, OR POTENTIALLY DANGEROUS AREAS SHALL BE FENCED OR GUARDED IN AN ACCEPTABLE MANNER AT THE END OF EACH DAY FOR THE PROTECTION OF THE CONTRACTOR'S EMPLOYEES AND GENERAL PUBLIC SAFETY. BONO CONSULTING ASSUMES NO LIABILITY FOR CONSTRUCTION SITE SAFETY.
 12. CONTRACTOR IS RESPONSIBLE FOR REMOVING ANY SOIL TRACKED ONTO THE ROAD AT THE END OF EACH DAY.
 13. CONTRACTOR IS RESPONSIBLE FOR COMPARING ENGINEER'S PLAN TO ARCHITECT'S PLAN. ANY DISCREPANCIES MUST BE CLARIFIED BY THE ENGINEER AND ARCHITECT PRIOR TO CONSTRUCTION.
 14. CONTRACTOR TO IMPLEMENT PROPER SHORING MEASURES TO PREVENT SUBSIDENCE AND/OR DAMAGE TO ADJACENT PROPERTIES.
 15. ALL TRIBUTARY AREAS FROM ADJACENT PROPERTIES WILL CONTINUE TO DRAIN INTO THE SUBJECT PROPERTY AND THE CONTRACTOR WILL MAKE ANY FIELD ADJUSTMENTS NECESSARY TO ADHERE TO THIS REQUIREMENT.
 16. THE PAVEMENT ALONG ASBURY AVE. AND ANY OTHER STREET UTILIZED AS A CONSTRUCTION ROUTE BY THE CONTRACTOR SHALL BE PROTECTED FROM ANY DAMAGE. THE CONTRACTOR SHALL CLEAN THE PAVEMENT OF ALL CONSTRUCTION DIRT AND DEBRIS AT THE END OF EACH WORK DAY.
 17. TOPOGRAPHIC SURVEY BY DOLAND ENGINEERING.
 18. ALL BUILDING LAYOUTS SHOULD BE DONE BY A REGISTERED LAND SURVEYOR AFTER CONFIRMING THE PROPERTY CORNERS IN THE FIELD. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGN ENGINEER PRIOR TO INITIATING CONSTRUCTION.
 19. AN AS-BUILT TOPOGRAPHIC SURVEY WILL BE REQUIRED PRIOR TO ISSUANCE OF OCCUPANCY CERTIFICATE.
 20. ANY PROPOSED DRAINAGE SWALE AND/OR INLET STRUCTURE WILL BE CONSIDERED MINOR AND BENEFICIAL TO THE OVERALL DRAINAGE PATTERN OF THE SITE.
 21. ALL PROPOSED DRAINAGE SWALES MUST HAVE SUFFICIENT DEPTH AND WIDTH TO DIRECT STORM WATER RUNOFF TO PROPOSED YARD INLETS. SWALES MUST BE AT LEAST 6" DEEP AND 2' WIDE AT THE BASE, WITH A MINIMUM OF 4:1 SIDE SLOPES.
 22. SWALES MUST MEET THE EXISTING GRADES AT THE PROPERTY LINES. THE FLOW LINE OF THE SWALE MUST BE BELOW THE EXISTING GRADE AT THE PROPERTY LINE. DAMMING OR DISPLACING STORM WATER ONTO NEIGHBORING PROPERTIES IS NOT ALLOWED.
 23. CONTRACTOR MUST REMOVE ALL EXCAVATED MATERIALS FROM THE SITE AS SOON AS POSSIBLE. DISTURBED AREAS AND BACKFILL STOCKPILES EXPOSED LONGER THAN 7 DAYS MUST BE PROTECTED AND PROPER SOIL EROSION AND SEDIMENT CONTROL MEASURES MUST BE INSTALLED.
 24. PLANTING, LANDSCAPING AND/OR MULCHING ALONG THE PROPERTY LINES THAT EFFECTIVELY CHANGE ELEVATIONS, CREATES A BERM AND/OR DISPLACES WATER AT THE PROPERTY LINE WILL NOT BE PERMITTED. LANDSCAPING/PLANTING FINISHED GRADES MUST BE AT THE EXISTING GRADE, OR LOWER ALONG THE PROPERTY LINES. LANDSCAPING PLANS MUST MEET AND COMPLY WITH THE APPROVED ENGINEERING AND GRADING PLAN FOR THE SITE.
 25. THIS PERMIT DOES NOT INCLUDE OR ALLOW LANDSCAPING THAT EFFECTIVELY CHANGES YARD ELEVATIONS OR EXISTING DRAINAGE PATTERNS, OTHER THAN THOSE SHOWN ON THE PLANS.

"THE PROPOSED GRADE CHANGES WILL NOT CAUSE SURFACE WATER RUNOFF TO BE DIVERTED ONTO OR DETAINED ON ABUTTING OR NEARBY PROPERTY. WILL NOT SIGNIFICANTLY ALTER EXISTING DRAINAGE PATTERNS AND WILL NOT INCREASE OR CONCENTRATE STORM WATER RUNOFF ONTO ABUTTING OR NEARBY PROPERTY."



Monica Oplawski
ENGINEER

05-23-2023
DATE

EXP. 11-30-23

EX. STORM M.H.
RIM=630.73
INV.=628.53 W 8"

EX. SANITARY M.H.
RIM=630.85
INV.=621.35 E,W 8"



DATE	REVISIONS	ISSUE	PROJECT STAFF
05-10-2023	1	PERMIT DRAWINGS	PROJECT MANAGER
05-15-2023	2	REVISIONS PER VILLAGE COMMENTS	ENGINEER
05-23-2023	3	REVISIONS PER VILLAGE COMMENTS	ENGINEER
			TECHNICIAN

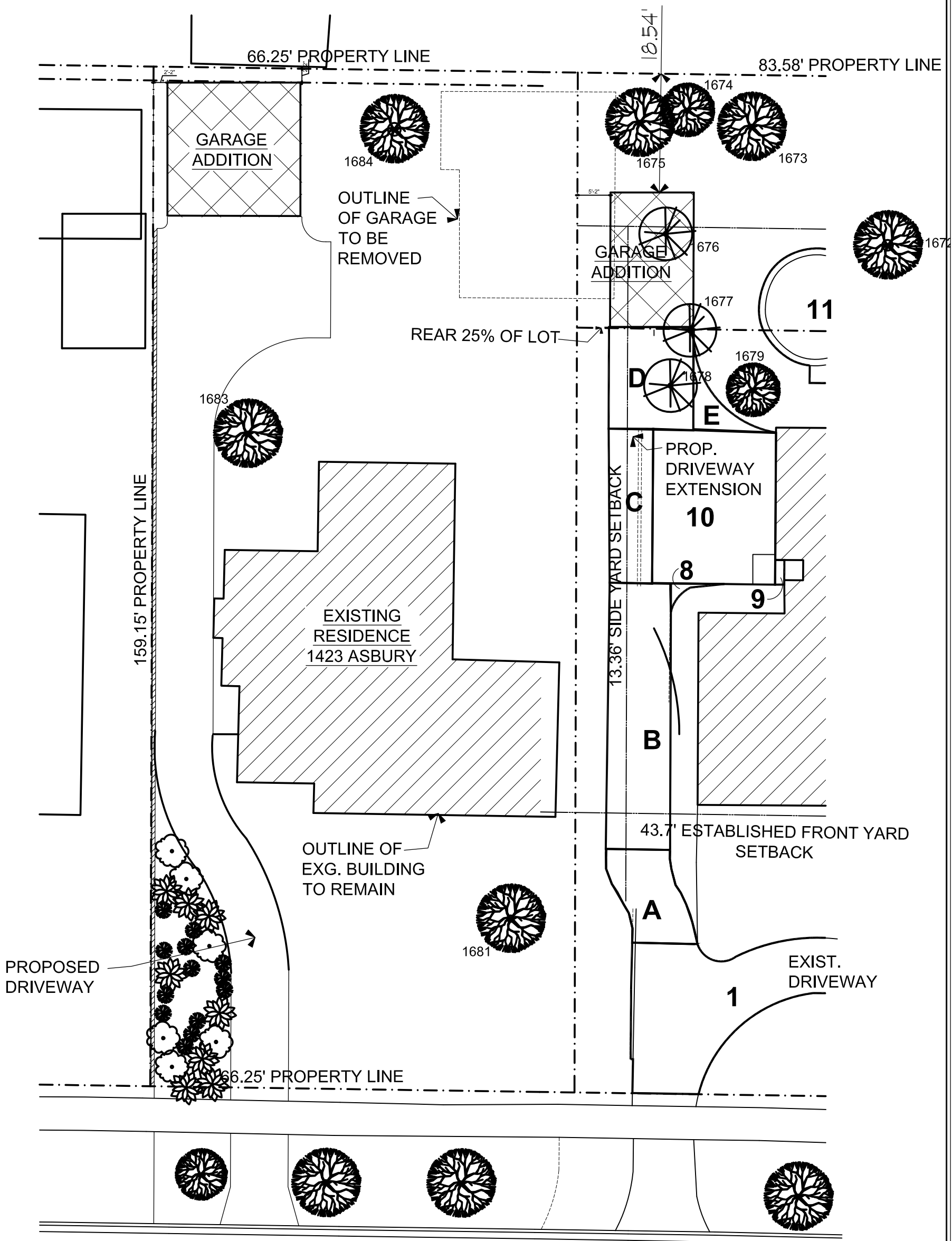
BCI
BONO CONSULTING
CIVIL ENGINEERS

A Sevee & Maher Engineers company
1601 BOND STREET, SUITE 305
NAPERVILLE, IL 60563
630.200.0000
info@bonoconsulting.com

PROPOSED GRADING & UTILITY PLAN
NEW GARAGE FOR EXISTING SINGLE-FAMILY RESIDENCE
1415 ASBURY AVE., WINNETKA, ILLINOIS, 60093

COPYRIGHT:
THIS DRAWING SHALL NOT BE USED,
REPRODUCED, MODIFIED OR SOLD EITHER
WHOLLY OR IN PART, EXCEPT WHEN
AUTHORIZED IN WRITING BY THE ENGINEER.

PROJECT NO.: 230640
BASE FILE:
SHEET FILE:
ISSUE DATE: MAY 23 2023
SCALE: 1"=10'
SHEET NUMBER
C-2



PROPOSED SITE PLAN

SCALE: 1" = 15'-0"



EXISTING TREE
TO REMAIN



TREE TO BE
REMOVED

FWC ARCHITECTS, INC.
303 WAUKEGAN AVENUE
HIGHWOOD, ILLINOIS 60040
TEL : (847)579-5200

**LESNIK
RESIDENCE**

Page 46 of 129

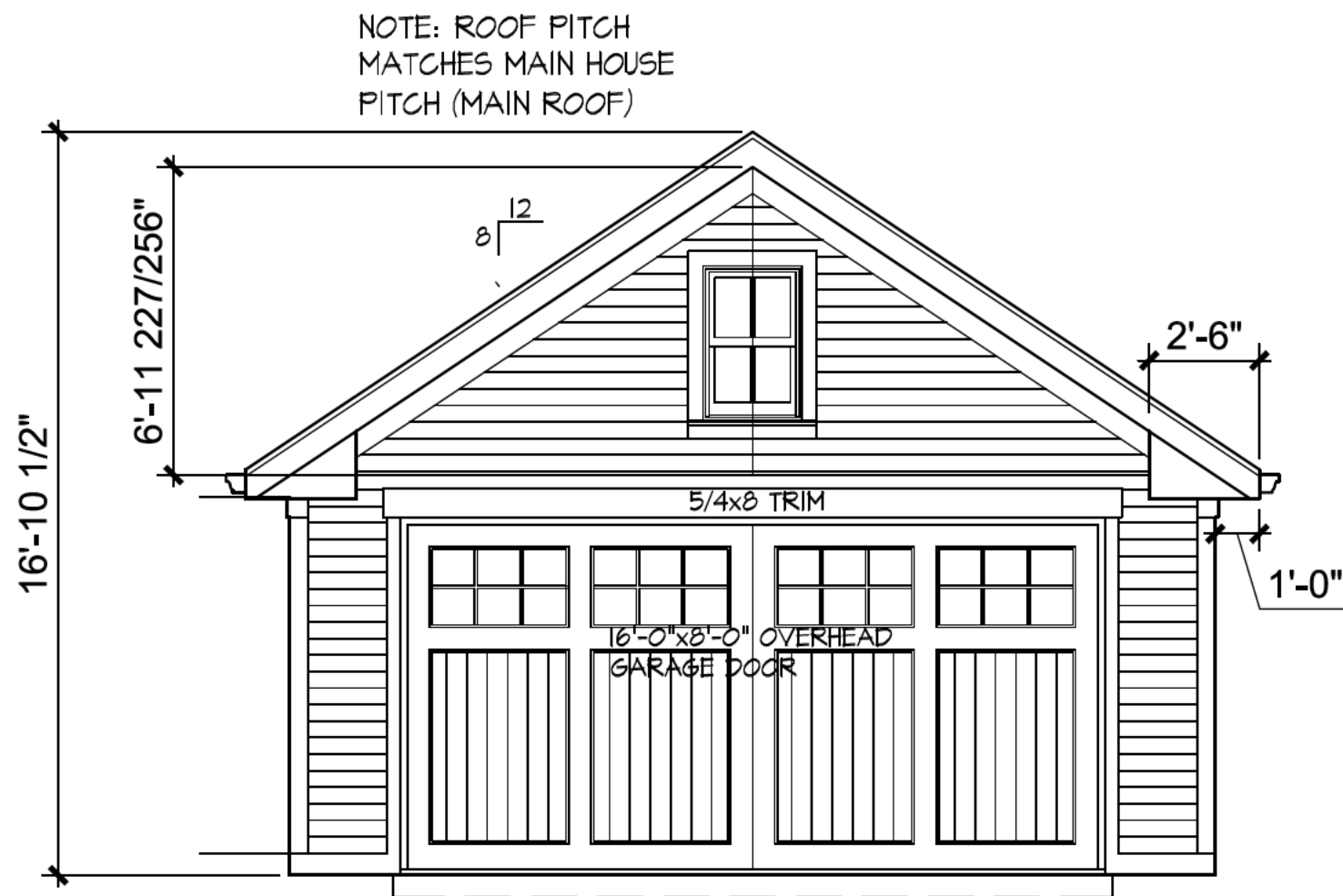
A New Remodel for:

Judy Lesnik
1423 ASBURY
WINNETKA, IL 60093

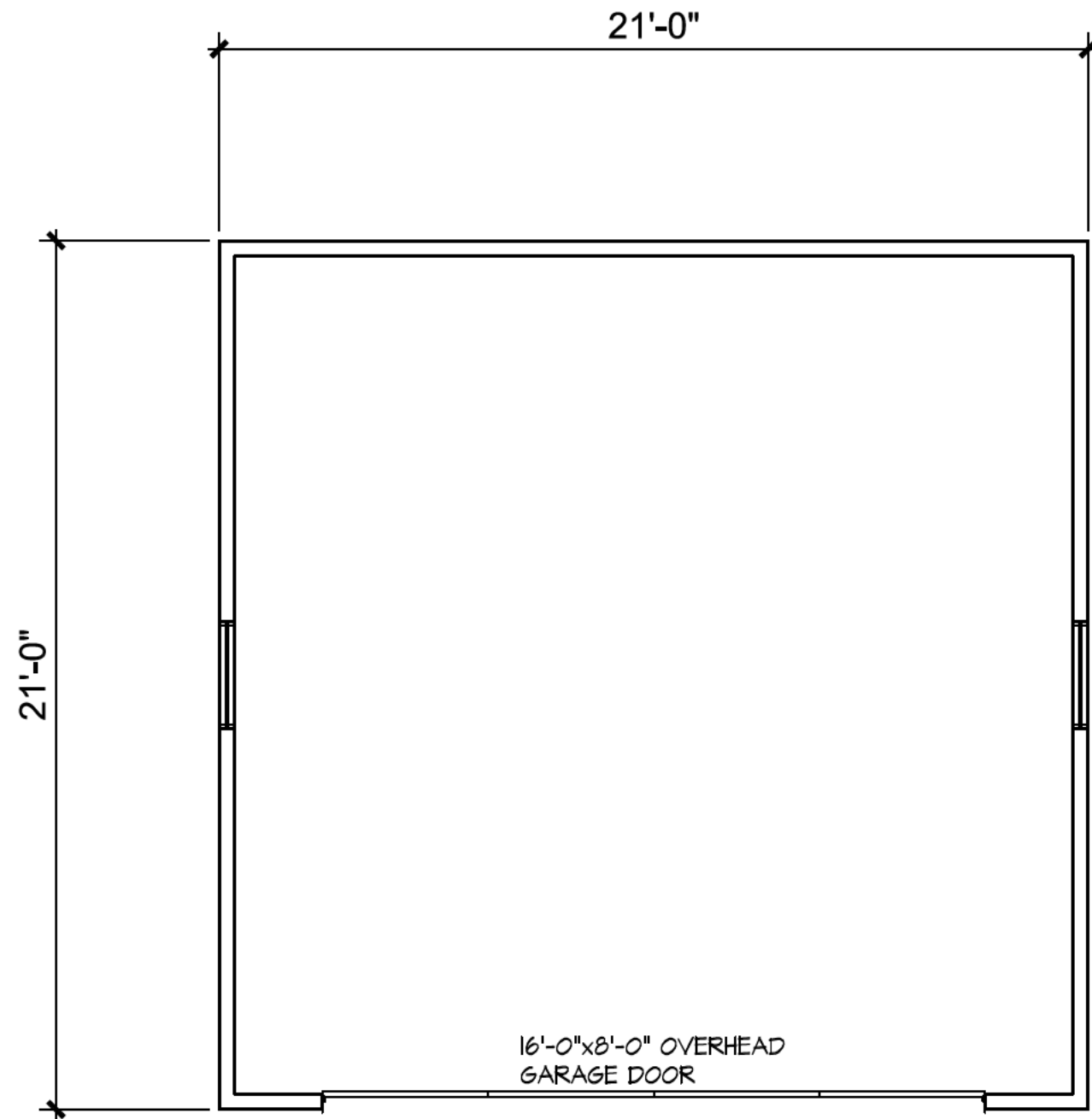
COMM. NO.

DATE:
5/9/23





FRONT ELEVATION
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

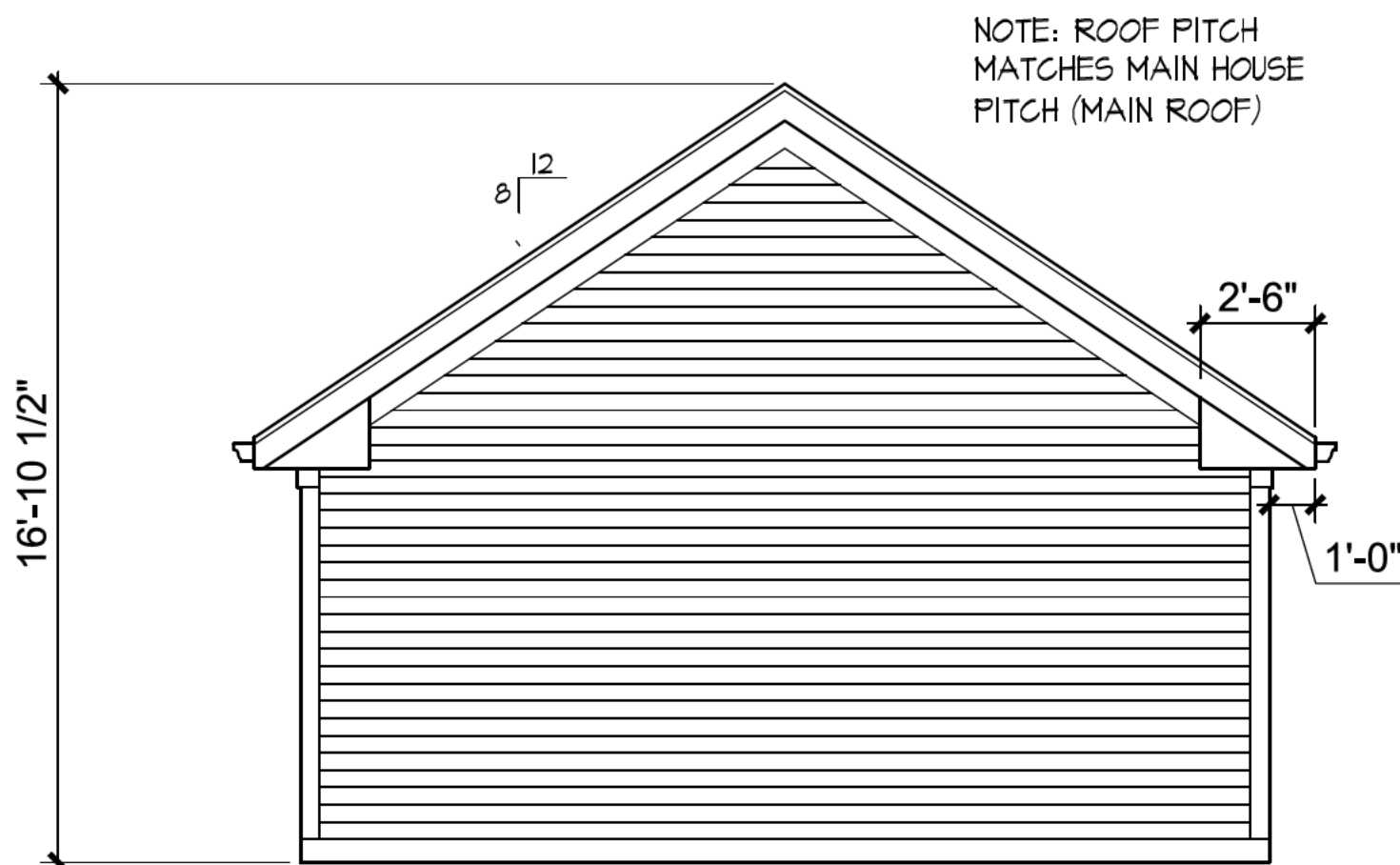


FWC ARCHITECTS, INC.
303 WAUKEGAN AVENUE
HIGHWOOD, ILLINOIS 60040
TEL : (847)579-5200

**LESNIK
RESIDENCE**

A New Remodel for:
Judy Lesnik
1423 ASBURY
WINNETKA, IL 60035

COMM. NO.
DATE:
2/23/23



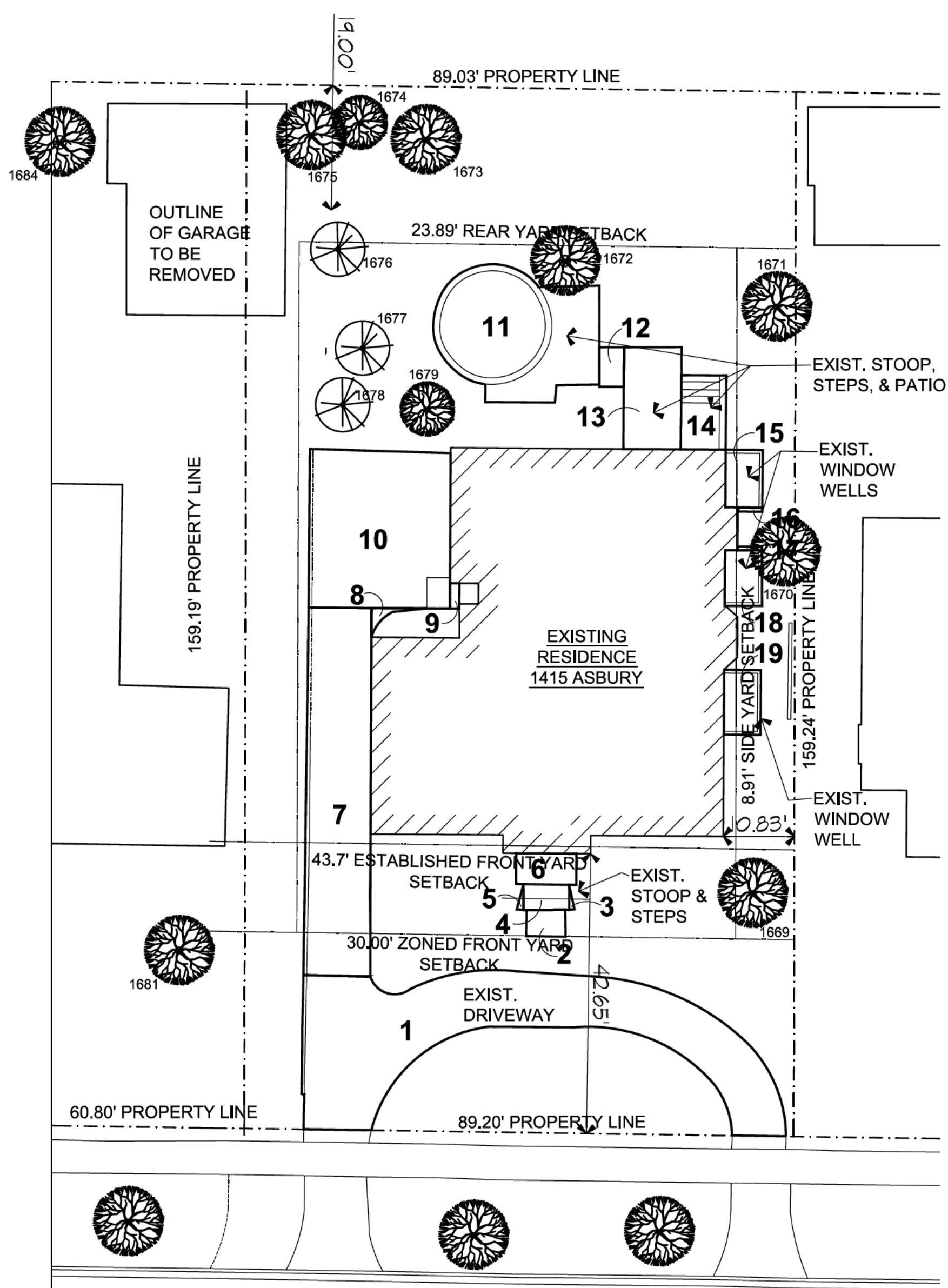
REAR ELEVATION
SCALE: 1/4" = 1'-0"

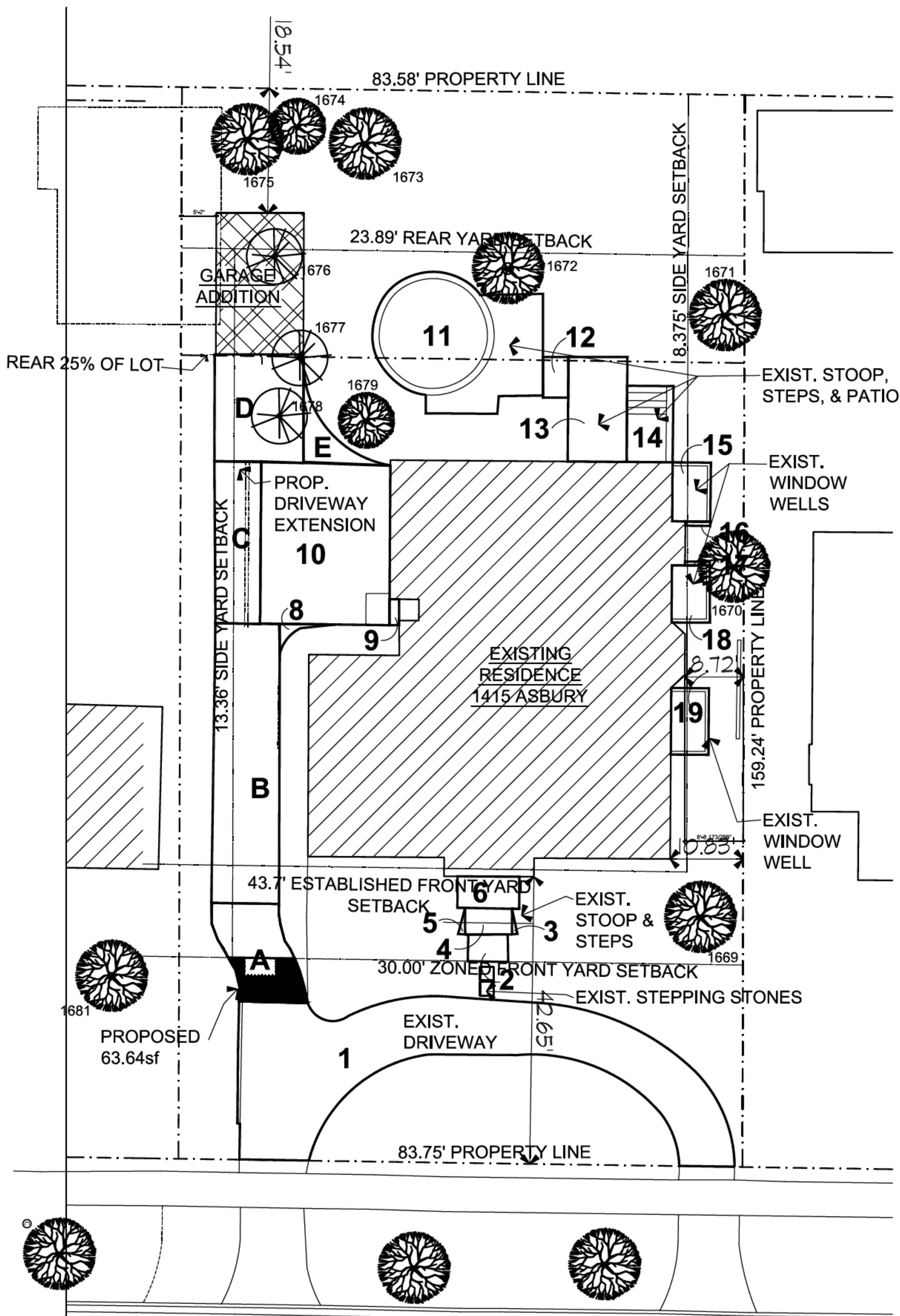


LEFT & RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

	FWC ARCHITECTS, INC. 303 WAUKEGAN AVENUE HIGHWOOD, ILLINOIS 60040 TEL : (847)579-5200	A New Remodel for: Judy Lesnik 1423 ASBURY WINNETKA, IL 60035	COMM. NO. DATE: 2/23/23
	LESNIK RESIDENCE		

COPYRIGHT 2023 FWC ARCHITECTS, INC. ALL RIGHTS RESERVED





PROPOSED SITE PLAN

SCALE: 1/16" = 1'-0"

EXISTING TREE TO REMAIN

TREE TO BE REMOVED

COPYRIGHT 2023 FWC ARCHITECTS, INC. ALL RIGHTS RESERVED



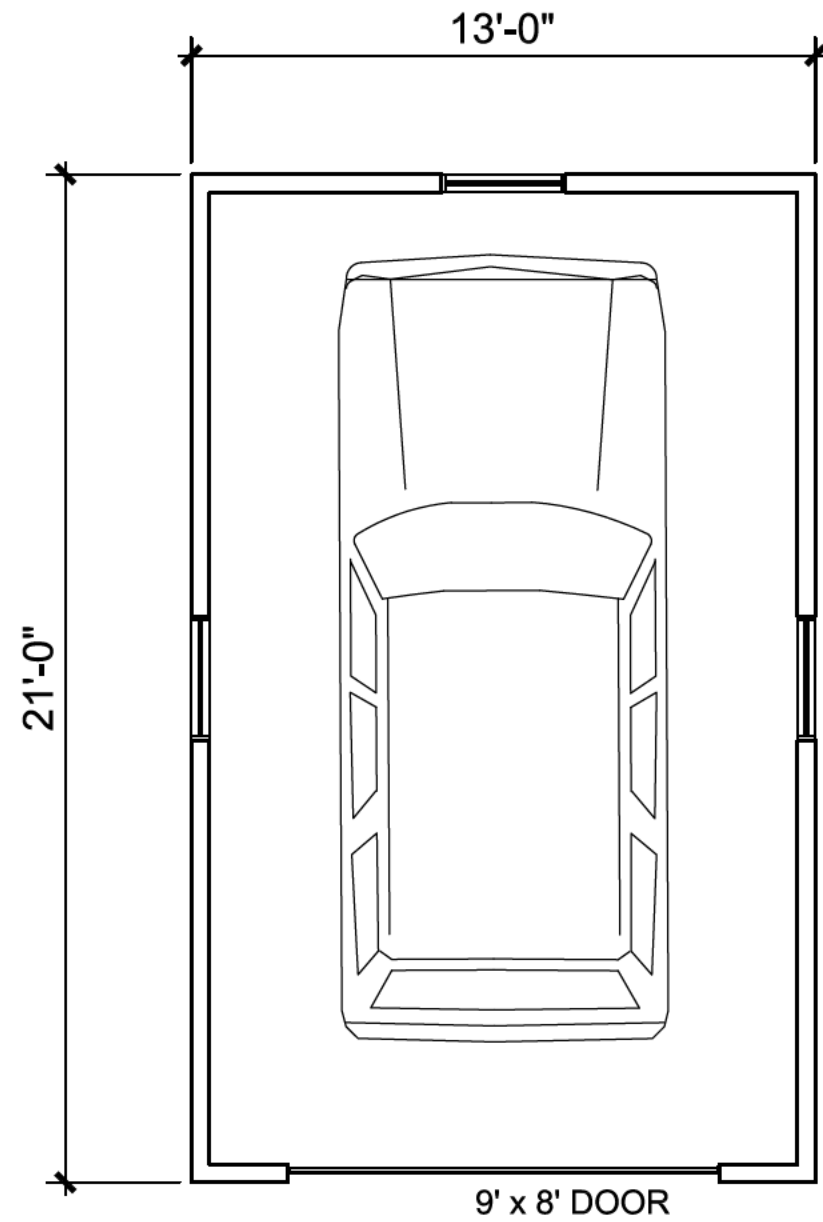
FWC ARCHITECTS, INC.
303 WAUKEGAN AVENUE
HIGHWOOD, ILLINOIS 60040
TEL : (847)579-5200

LESNIK RESIDENCE
Page 50 of 129

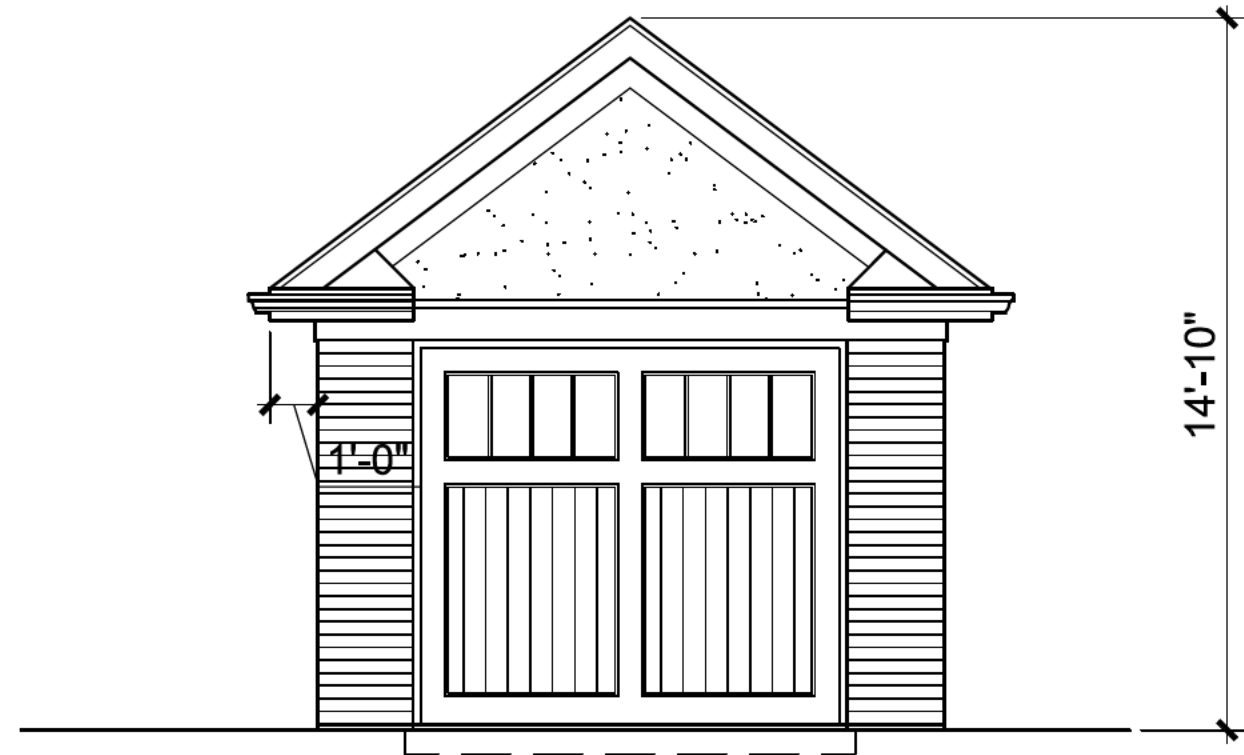
A New Remodel for:
Judy Lesnik
1415 ASBURY
WINNETKA, IL 60093

COMM. NO.
DATE:
2/24/23

	TREE SURVEY 1415 & 1423 ASBURY AVENUE				
TAG#	LOCATION	SPECIES	DBH	CONDITION	NOTES
No Tag	Parkway	Yellow Buckeye	6	Good	
No Tag	Parkway	Freeman Maple	12	Good	
No Tag	Parkway	Blue Beech	9	Fair	
No Tag	Parkway	Burr Oak	55	Good	
No Tag	Parkway	Freeman Maple	9	Good	
No Tag	SE Corner 1409	Elm	19	Poor	Neighbor's property
1669	SE Corner 1415	Magnolia	16	Good	
1670	East of 1415	Norway Maple	13	Good	
1671	1415 backyard, east property line	Mulberry	13	Good	
1672	Center of 1415 backyard	Green Ash	29	Fair	
1673	NW Corner 1415 Backyard	Norway Spruce	11	Good	
1675	NW Corner 1415 Backyard	Red Oak	21	Good	
1674	NW Corner 1415 Backyard	Norway Spruce	11	Good	
No Tag	North of 1415 garage, on neighbor property	Red Maple	13	Good	1418 Scott
1676	1415 backyard, west property line	Norway Spruce	8	Good	
1677	NW Corner of 1415	Norway Spruce	7	Good	
1678	NW Corner of 1415	Norway Spruce	8	Good	
1679	NW Corner of 1415	Norway Spruce	10	Good	
1680	SW Corner of 1415	Redbud	19	Good	
1681	SE Corner 1423	Blue Spruce	14	Fair	
1682	SW Corner 1423	River Birch	15	Poor	
1683	NW Corner of 1423	River Birch	23	Good	Double Trunk
1684	1423 Backyard	Burr Oak	28	Good	



FLOOR PLAN
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

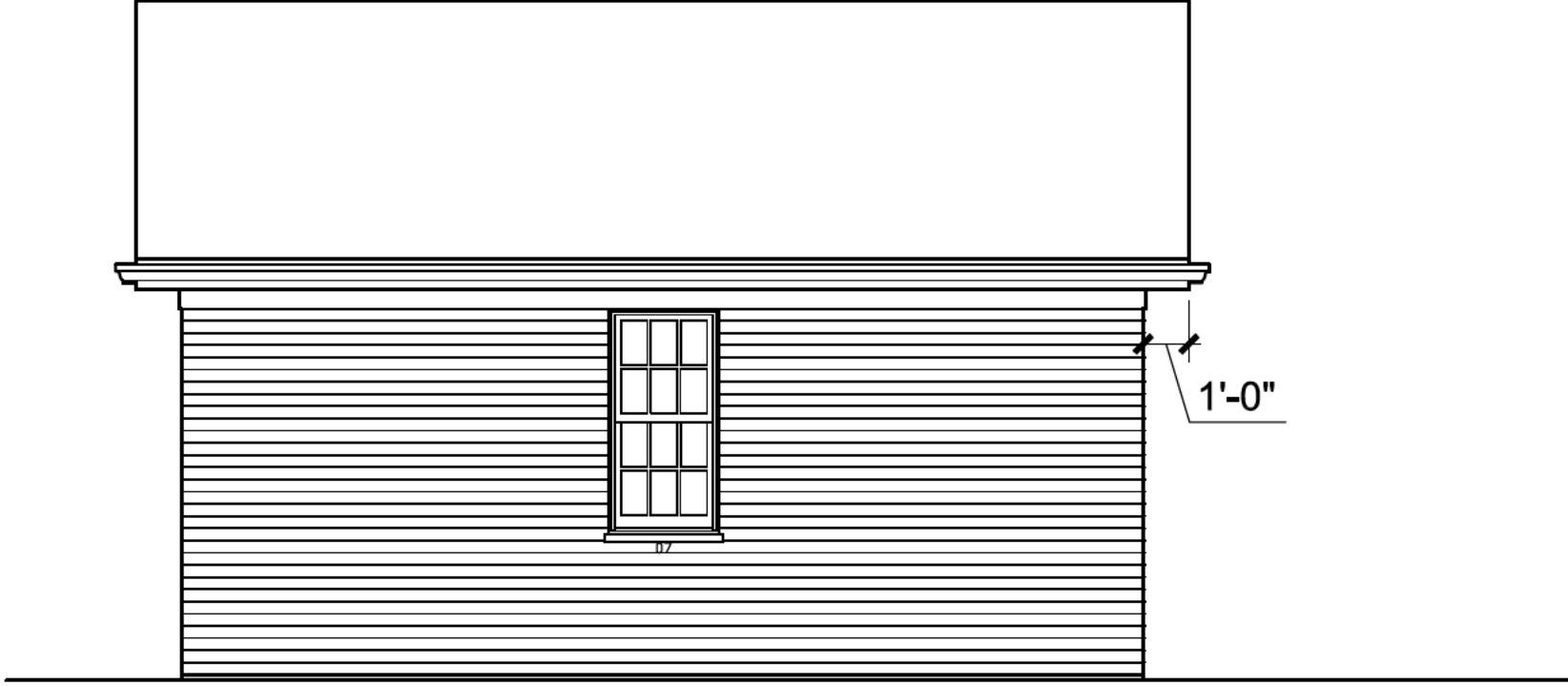
COMM. NO.
DATE:
2/8/23

A New Remodel for:
Judy Lesnik
1423 ASBURY
WINNETKA, IL 60035

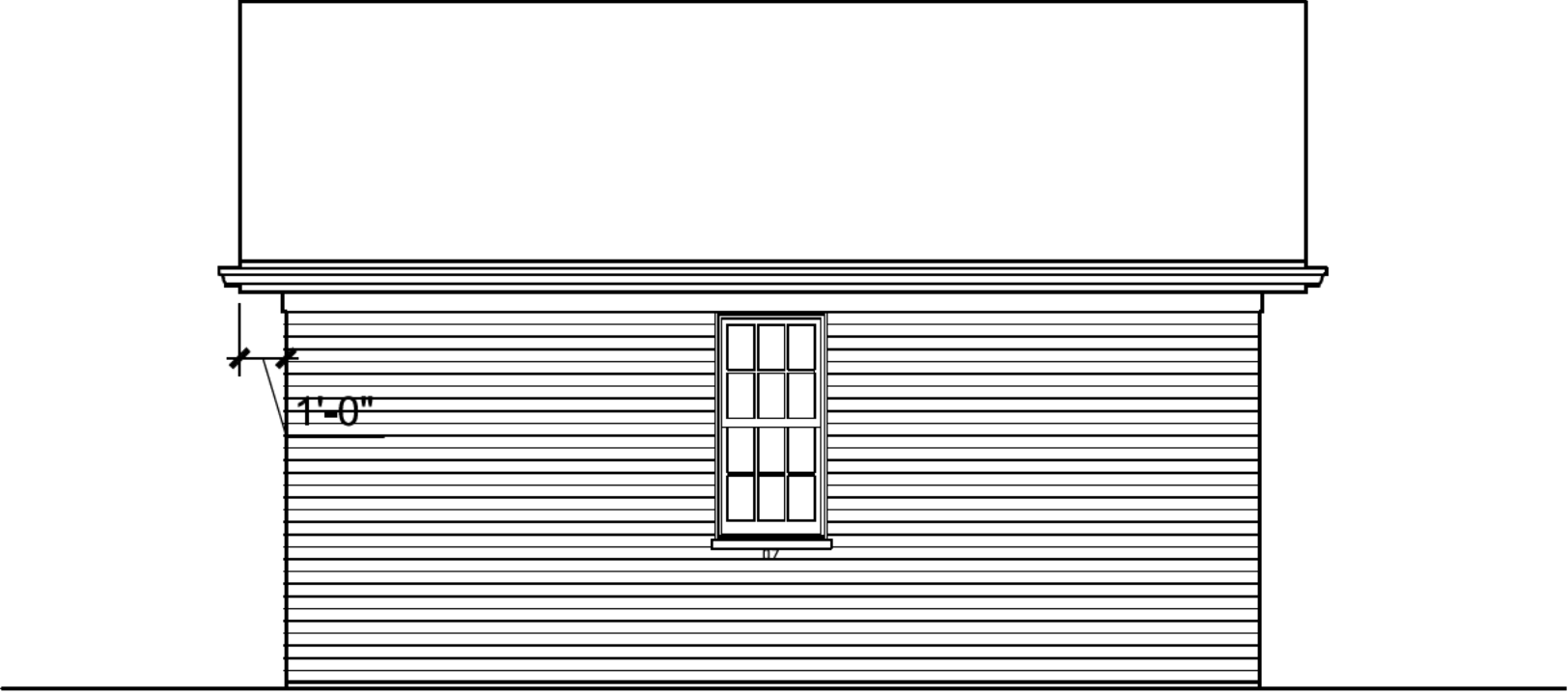
**LESNIK
RESIDENCE**

FWC ARCHITECTS, INC.
303 WAUKEGAN AVENUE
HIGHWOOD, ILLINOIS 60040
TEL : (847)579-5200





LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

COMM. NO.
DATE:
2/8/23

A New Remodel for:
Judy Lesnik
1423 ASBURY
WINNETKA, IL 60035

**LESNIK
RESIDENCE**

FWC ARCHITECTS, INC.
303 WAUKEGAN AVENUE
HIGHWOOD, ILLINOIS 60040
TEL : (847)579-5200



LESNIK RESUBDIVISION II

A RESUBDIVISION OF LOTS 1 AND 2 IN LESNIK RESUBDIVISION, IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDAIN, IN COOK COUNTY, ILLINOIS.

SURVEYOR

STATE OF ILLINOIS)
COUNTY OF COOK)SS

I, JASON R. DOLAND, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY:

LOTS 1 AND 2 IN LESNIK RESUBDIVISION, IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDAIN, IN COOK COUNTY, ILLINOIS.

I FURTHER CERTIFY THAT THE PROPERTY IS LOCATED IN WINNETKA, COOK COUNTY, ILLINOIS, WHICH HAS ADOPTED A CITY PLAN, AND WHICH IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE II OF THE ILLINOIS MUNICIPAL CODE, AS HERETOFORE AND HEREFTER AMENDED.

I FURTHER CERTIFY, BASED UPON THE FLOOD INSURANCE RATE MAP No. 17031C0232J, WITH EFFECTIVE DATE OF 08/19/08 THAT SAID PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.

I HEREBY PERMIT A REPRESENTATIVE OF THE VILLAGE OF WINNETKA, IL TO RECORD THIS DOCUMENT.

DATED AT PALATINE, ILLINOIS THIS ____ DAY OF _____, 20____

REGISTERED ILLINOIS LAND SURVEYOR

OWNERS CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

WE, _____ AND _____, HEREBY CERTIFIES THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED HEREON, AND HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT HEREON DRAWN FOR THE USES AND PURPOSES THEREIN SET FORTH.

THIS ____ DAY OF _____, 20____

OWNER'S SIGNATURE ADDRESS:

OWNER'S SIGNATURE ADDRESS:

NOTARY CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK)SS

I, _____, A NOTARY PUBLIC, DO HEREBY CERTIFY THAT

_____, AND _____, OWNERS OF THE PROPERTY, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION OF THIS STATEMENT AS HIS FREE AND VOLUNTARY ACT.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF _____, 20____

NOTARY PUBLIC

VILLAGE OF BOARD OF TRUSTEES

STATE OF ILLINOIS)
COUNTY OF COOK) SS

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS.

THIS ____ DAY OF _____, 20____

VILLAGE PRESIDENT, WINNETKA, IL VILLAGE CLERK

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

APPROVED BY THE VILLAGE OF WINNETKA PLAN COMMISSION.

AT A MEETING HELD THE ____ DAY OF _____, 20____

CHAIR SECRETARY

SUBMITTED BY AND RETURN PLAT TO:

VILLAGE OF WINNETKA
DEPARTMENT OF COMMUNITY DEVELOPMENT
510 GREEN BAY ROAD
WINNETKA, ILLINOIS 60093

VILLAGE COLLECTOR CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

I, _____, VILLAGE COLLECTOR OF THE VILLAGE OF WINNETKA, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS, OR ANY DEFERRED INSTALLMENTS THEREON THAT HAVE BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT OF CONSOLIDATION.

THIS ____ DAY OF _____, 20____

VILLAGE COLLECTOR

VILLAGE ENGINEER CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

APPROVED THIS ____ DAY OF _____, 20____ BY THE VILLAGE OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS.

VILLAGE ENGINEER

WATER AND ELECTRIC DEPARTMENT CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

APPROVED THIS ____ DAY OF _____, 20____ BY THE DIRECTOR OF THE WATER AND ELECTRIC DEPARTMENT OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS.

WATER AND ELECTRIC DIRECTOR

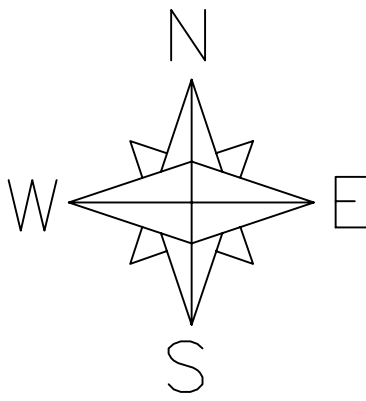
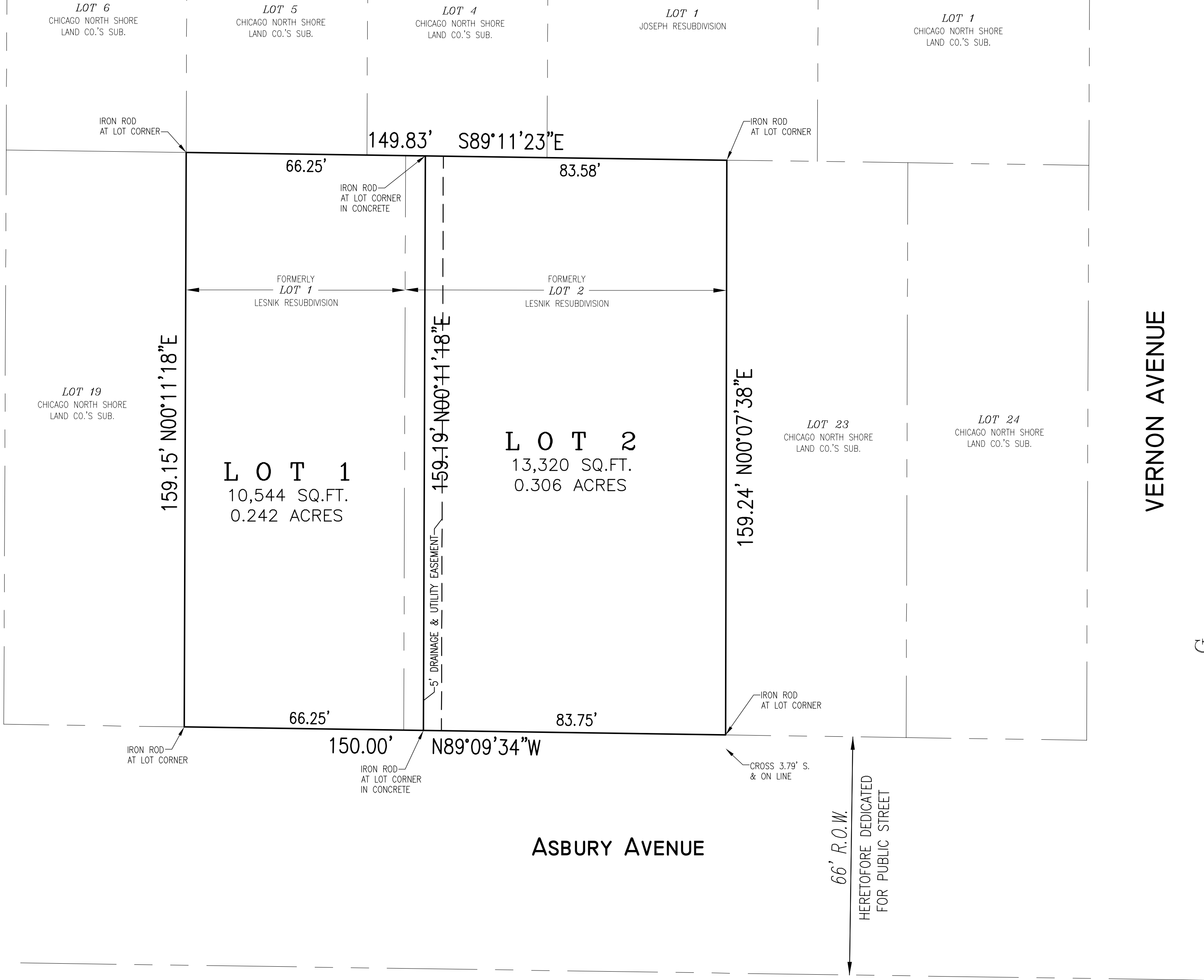
EASEMENT PROVISIONS

A PERMANENT, NON-EXCLUSIVE EASEMENT FOR LOTS 1 AND 2 WITH DRAINAGE IS HEREBY RESERVED FOR AND PROVIDED ON THE WESTERLY 5-FEET OF LOT 2 AS SHOWN HEREON. THIS EASEMENT ON LOT 1 IS FOR THE BENEFIT OF BOTH LOT 1 AND 2.

THE MAINTENANCE OF THIS DRAINAGE EASEMENT IS THE RESPONSIBILITY OF LOT 2. NO ALTERATIONS THAT WOULD OBSTRUCT OR INTERFERE WITH THE DRAIAGE ARE ALLOWED WITHIN SAID EASEMENT. IF THE OWNER OF LOT 2 FAILS TO MAINTAIN THE DRAINAGE, THEN THE VILLAGE SHALL HAVE THE RIGHT, BUT OBLIGATION, TO PERFORM ANY NECESSARY WORK OR REPAIRS TO RESTORE THE DRAINAGE FUNCTION WITHIN THE EASEMENT.

A PERMANENT, NON-EXCLUSIVE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS AND TO THEIR SUCCESSORS AND ASSIGNS, IN, UPON, ACROSS, OVER, UNDER, AND THROUGH THE AREAS SHOWN BY DASHED LINES AND LABELED "DRAINAGE & UTILITY EASEMENT" ON THE ATTACHED PLAT OF SUBDIVISION FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, INSPECTION, OPERATING, REPLACING, RENEWING, ALTERING, ENLARGING, REMOVING, REPAIRING, CLEANING, AND MAINTAINING SWALES, DITCHES, STORM SEWERS, AND ANY AND ALL MANHOLES, PIPES, CONNECTIONS, CATCH BASINS, AND WITHOUT LIMITATION, SUCH OTHER INSTALLATION AS MAY BE REQUIRED FOR DRAINAGE, AND STORM WATER STORAGE IN THE ATTACHED PLAT FOR THE NECESSARY PERSONAL AND EQUIPMENT TO DO ANY OR ALL OF THE ABOVE WORK. THE RIGHT IS ALSO HEREBY GRANTED TO THE VILLAGE TO CUT DOWN, TRIM, OR REMOVE ANY TREES, SHRUBS, OR OTHER PLANTS THAT INTERFERE WITH THE OPERATION OF OR ACCESS TO SUCH FACILITIES, IN ON, UPON, OR, ACROSS, UNDER OR THROUGH SAID EASEMENTS. NO PERMANENT BUILDINGS OR TREES SHALL BE PLACED ON SAID EASEMENTS, BUT SOME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES AND RIGHTS, PROVIDED, HOWEVER, THAT SUCH USE OF SAID EASEMENTS SHALL NOT CONFLICT OR INTERFERE WITH THE DRAINAGE IMPROVEMENTS AND ANY CONFLICTS IN USE SHALL BE SUBJECT TO THE APPROVAL OF THE VILLAGE.

ATTACHMENT B



SCALE: 1"=20'

OCTOBER 06, 2022
Rev. FEBRUARY 07, 2023
FEBRUARY 24, 2023

PREPARED BY:
DOLAND ENGINEERING, LLC
-CIVIL ENGINEERING ~ LAND SURVEYING ~ LAND PLANNING-
334 EAST COLFAX STREET, SUITE C
PALATINE, ILLINOIS 60067
(847) 991-5088
(847) 934-3427-FAX

ATTACHMENT C

From: [REDACTED]
To: [Ann Klaassen](#)
Cc: [REDACTED]
Subject: 1423 Asbury driveway relocation - input from 1427 Asbury (Katie And Corey Minturn)
Date: Tuesday, March 21, 2023 10:12:04 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

We are the residents of 1427 Asbury Avenue. We are not able to be at Wednesday's meeting as we are out of town on Spring Break.

We have two concerns with the proposed driveway relocation plans for 1423 Asbury Avenue that we have discussed with the owner Judy Lesnik.

1) We believe it would be advantageous for the values of both properties to have a plantable, green space area in between the two driveways in the front yard portion of the two homes. Judy has agreed to this, as well. This is not currently reflected on the proposed 1423 site plan.

2) We would like our existing fence on the east side of our property (which we rebuilt in late 2011 and was permitted by the village) to remain in the location it is now and not be affected by the proposed new driveway plan at 1423 Asbury. Judy has agreed to this as well, but upon seeing the submitted plans for this meeting, we are concerned about the proposed "curb" in between the two properties and how that might affect our fence.

It is our expectation that the proposed 1423 site plan and storm water plan will be revised and updated to reflect these concerns that we've discussed with Judy.

Sincerely,

Katie And Corey Minturn
[REDACTED]

ATTACHMENT D

Minutes adopted 10.12.2020

WINNETKA ZONING BOARD OF APPEALS EXCERPT OF SEPTEMBER 14, 2020, MEETING MINUTES

Zoning Board Members Present:

Matt Bradley, Chairman
Sarah Balassa
Kimberly Handler
Lynn Hanley
Mike Nielsen
Max Weigandt

Zoning Board Members Absent:

E. Gene Greable

Village Staff:

David Schoon, Director of Community Development
Brian Norkus, Assistant Director of Community Development
Ann Klaassen, Senior Planner

Case No. 20-07-SD: 1415 and 1423 Asbury Avenue: An application submitted by Judy Lesnik seeking approval of a Final Plat of Subdivision and zoning variations to allow a two-lot resubdivision of 1415 Asbury Avenue and 1423 Asbury Avenue and construction of a detached garage on proposed lot 2 (1415 Asbury Avenue). The requested zoning variations would: (a) permit the existing residence and proposed detached garage at 1415 Asbury Avenue to exceed the maximum permitted building size (GFA); and (b) permit the existing residence at 1415 Asbury Avenue to observe less than the minimum required side yard setback from the east property line. The Village Council has final jurisdiction on this request.

Ms. Klaassen stated Judy Lesnik, owner of both properties, filed an application seeking final plat approval to relocate the lot line between the properties and allow construction of a detached garage at 1415 Asbury and outlined the zoning relief being requested. She then described the subject properties and their respective zoning. Ms. Klaassen informed the Board the applicant resides at 1415 Asbury and acquired 1423 Asbury in 2016 and plans to demolish the home and garage at 1423 Asbury. She stated the applicant then planned to subdivide the parcels by relocating the lot line 15 feet to the west with the new lots of record measuring 9,550 square feet and 14,315 square feet respectively with plans to construct a detached garage at 1415 Asbury. Ms. Klaassen went on to describe the change to lot size requirements as a result of the resubdivision along with consideration for nonconformities. She identified the nonconformity created by the proposed subdivision in Table 3 in connection with an average lot width increase. Ms. Klaassen also described the size of the existing home at 1415 Asbury with the proposed garage and the net GFA increase. She noted the home complied with the zoning regulations at the time it was built since the basement space was not included in GFA calculations. Ms. Klaassen identified two existing nonconformities which would remain as a result of the resubdivision.

Ms. Klaassen stated the Plan Commission would also review the request at their next meeting along with the demolition permit to be considered by the LPC. She stated the applicant would also be required to submit a site restoration plan for the 1423 Asbury parcel along with permits and plans for the proposed garage, all of which would be reviewed by the Village's Engineering Department. Ms. Klaassen informed

1 the Board one email was received which would be read into the record.

2 Ms. Klaassen then stated the Board is to consider whether the requested variations meet the standards
3 for granting such variations and following public comment and Board discussion, a Board Member may
4 make a recommendation to the Village Council with a draft motion provided on page nos. 9 and 10 of the
5 agenda report. She then asked if there were any questions.
6

7 Ms. Hanley asked if the Board is to recommend approval for the plat and variation for the proposed garage
8 together. Ms. Klaassen confirmed that is correct which included a GFA variation for the proposed garage.
9 Chairman Bradley questioned the one inch side yard variation and asked if the lot line could be moved so
10 there would be no need for a variance. Ms. Klaassen stated the applicant can respond but it may be due
11 to complying with minimum lot width requirement for 1423 Asbury.
12

13 Mr. Norkus allowed Cal Bernstein, attorney for the applicant, David Dote and James Chambers of FWC
14 Architects, into the meeting. Chairman Bradley swore in those speaking to this matter.
15

16 Cal Bernstein stated the home at 1415 Asbury is nonconforming due to the zoning change where the
17 basement is now counted into GFA. He stated they are proposing to reduce the nonconformity by making
18 the lot bigger with a GFA decrease of 9%. Mr. Bernstein stated the driving force behind the request related
19 to the existing garage which measured 19x19 feet. He stated there is no room for storage and it is difficult
20 to enter through the driveway. Mr. Bernstein stated a new driveway would be built making the turning
21 radius easier to access the garage. He stated a detached garage would allow them to park two normal size
22 vehicles with space for storage. Mr. Bernstein then stated the unique circumstance related to the home's
23 siting creating the side yard issue.
24

25 James Chambers stated he would speak with regard to the placement and design of the proposed garage
26 with the initial intent to push it as far in the setback as would be allowed. He then stated that would force
27 the removal of important trees. Mr. Chambers stated they also considered moving it forward which would
28 result in less impervious area and would be more efficient which is the best option and is the best in terms
29 of drainage. He then stated with regard to the design, it would have the same roof pitch, gable, trim and
30 brick as the 1415 Asbury home. Mr. Bernstein informed the Board that Mr. Dote assisted with the figure
31 calculations and reiterated the two issues of GFA and side yard for the Board to consider. He informed
32 the Board the home at 1423 Asbury has to be torn down due to the casualty in the home. Mr. Bernstein
33 also stated there would be no change to the neighborhood character and the request would extend the
34 home's usefulness and function. He then asked if there were any questions.
35

36 Chairman Bradley also asked if there were any questions. He stated the packet showed the existing lot
37 and GFA existing nonconformity with the new lot having the larger number at 57% in terms of the variance
38 request and asked for confirmation that the GFA figure would be reduced as a result of the resubdivision.
39 The applicants confirmed that is correct. Chairman Bradley then stated with regard to the side yard, the
40 variation is a result of having a compliant proposed lot 1. Mr. Bernstein confirmed that is correct.
41 Chairman Bradley asked if moving the lot line creating a 61 foot and 59 foot variance did not destroy the
42 variation on the side yard. Mr. Bernstein stated he did not have the information in terms of the calculation.
43 Mr. Dote stated he would have to look up the zoning ordinance and formula. Chairman Bradley stated the
44 Board is not to look at the need for a rear garage which would require an extra 200 feet of GFA and asked
45 why they are considering this request now as opposed to later. Mr. Bernstein stated the development is
46
47

1 being done in its totality and the applicant wants to have a functional garage and may go in a different
2 direction if the request to have a functional garage is not allowed.

3 Ms. Klaassen stated the request before Board included the proposed garage and a draft motion was
4 provided which the Board can amend, as necessary. Ms. Hanley asked if the standards still have to be met
5 for the garage and Ms. Klaassen confirmed that is correct.

6
7 Mr. Bernstein stated with regard to the garage standards, in connection with reasonable return, in having
8 a functional two car garage, reasonable return cannot otherwise be achieved which is why the lot is being
9 enlarged. He reiterated the zoning code changed since the home was built with the basement being
10 included in the GFA calculation. Mr. Bernstein stated the garage would be in the back and would not be
11 seen from the street noting the neighbor is in support of the application. Ms. Handler stated one item
12 mentioned in the application is that there would be better access to the existing garage. Mr. Bernstein
13 confirmed that is correct. Ms. Handler then stated doing the subdivision alone would improve garage
14 functionality. Mr. Bernstein stated even if access is improved, the garage is not usable for two cars. Mr.
15 Chambers stated the need for the owner from the beginning was to have a usable two car garage.

16
17 Chairman Bradley asked for confirmation that the addition of a detached garage in the rear is being done
18 as a very expensive way of securing a property to the west and subdividing the property to provide garage
19 access. Mr. Bernstein confirmed that is correct and added the applicant does not want to move and wants
20 a functional garage. Chairman Bradley asked if there were any other questions. Ms. Hanley asked if
21 consideration was given to not adding a two car garage and adding a shed. Mr. Chambers stated that
22 option was not considered and the existing garage is very substandard noting there would only be 20
23 inches between the vehicle and wall in the current garage. Ms. Hanley asked if they considered a one car
24 garage addition. Mr. Chambers responded that was not discussed.

25
26 Chairman Bradley asked if there were any other questions. No additional questions were raised at this
27 time. He then stated they would hear public comment. Ms. Klaassen noted one email was received which
28 she read into the record from Kevin Gazley, 1418 Scott Avenue, in support of the application. Mr.
29 Chambers confirmed the drainage and grading program would address water issues. Mr. Norkus allowed
30 Caller Keith into the meeting. No comments were made at this time. Chairman Bradley noted any potential
31 public comment before adjournment would be included in the record. He then closed public comment
32 and asked the applicants if there were any technical issues in terms of their presentation. The applicants
33 confirmed there were no difficulties.

34
35 Ms. Handler stated she would be in support of the subdivision which would create a larger lot for one of
36 the largest homes in the neighborhood as well as to solve access for the existing two car garage. She then
37 stated she would not support the request for another two car garage which did not meet the standards.
38 Ms. Handler stated there are no unique circumstances which did not relate to the home but for the
39 applicant's use. She added a four car garage would be extremely unusual and would change the
40 neighborhood character as well as the addition of another 200 square feet which would have been
41 otherwise compliant in 1999.

42
43 Mr. Weigandt agreed with the lot extension and questioned what would be done to the smaller lot after
44 the home is demolished. Chairman Bradley responded it would be a legally compliant lot. Mr. Weigandt
45 then stated a four car garage is extreme and would agree with the subdivision but not the garage. Mr.
46 Nielsen agreed with Ms. Handler's comments relating to the subdivision. Ms. Balassa agreed with the
47 comments made in support of the subdivision but not the garage. Ms. Hanley agreed with the comments
48 made and stated she would recommend approval of the existing GFA negating the garage additional

1 square footage. Chairman Bradley stated he would be in favor of recommending approval compelled by
2 the fact the subdivision creates a lower amount of nonconformity although it would add 200 square feet
3 to accommodate the garage. He then stated a home this size deserved a suitable garage and the existing
4 garage did not meet that. Chairman Bradley then referred to the change of the zoning laws changing the
5 conformity of an otherwise compliant home. He also stated the side yard variation is de minimus due to
6 the location of the lot line. Chairman Bradley then referred to the benefits outlined. Ms. Hanley stated for
7 the record the Board is not being petty in terms of the side yard request and stated it is not necessary to
8 increase the nonconformity if they did not have to. Chairman Bradley stated the garage is a unique
9 circumstance and referred to the architect's testimony that the garage is not standard size.

10
11 Ms. Balassa asked the home was purchased in 2000. Ms. Klaassen responded the home was built by a
12 builder. Mr. Bernstein confirmed the applicant purchased the home in 2000. Ms. Balassa referred to the
13 size of the small garage and stated there are too many moving parts to the request in asking for an
14 additional two car garage and commented a home this size did not require it. She then stated the request
15 did not meet the standards due to the garage size as well as setting a bad precedent.

16
17 Chairman Bradley stated they are looking at a motion against recommending approval to the Village
18 Council and stated the applicant can continue the matter based on the commentary and come back to
19 the Board or allow the Board to vote now with a vote against an approval recommendation noting the
20 Village Council has final jurisdiction. He also stated a motion can be made for approval with a
21 recommendation with regard to GFA for the 1415 Asbury lot with a recommendation for approval for the
22 side yard setback with the concession that the option would not be favorable to the applicant. Mr.
23 Bernstein referred to the option of increasing the lot size making it the largest lot in the neighborhood
24 which represented one issue. He then stated he would have to consult with his client and asked for the
25 request to be continued to the October meeting. Ms. Handler noted combining this lot would not be out
26 of character for the neighborhood since there are other large lots in the neighborhood.

27
28 Chairman Bradley then asked for a motion to continue Case No. 20-07-SD for 1415 and 1423 Asbury to
29 the October 12, 2020 meeting. A motion was made by Ms. Hanley and seconded by Mr. Nielsen. A vote
30 was taken and the motion unanimously passed:

31 AYES: Balassa, Bradley, Handler, Hanley, Nielsen, Weigandt

32 NAYS: None

33
34 Mr. Schoon confirmed if new information or testimony is presented at the October meeting, public
35 comment would have to be reopened.

**WINNETKA ZONING BOARD OF APPEALS
EXCERPT OF OCTOBER 12, 2020, MEETING MINUTES**

Zoning Board Members Present:

Matt Bradley, Chairman
E. Gene Greable
Kimberly Handler
Mike Nielsen
Max Weigandt

Zoning Board Members Absent:

Sarah Balassa
Lynn Hanley

Village Staff:

David Schoon, Director of Community Development
Brian Norkus, Asst. Director of Community Development
Ann Klaassen, Senior Planner

Continued from the September 14, 2020 meeting – Case No. 20-07-SD: 1415 and 1423 Asbury Avenue: An amended application submitted by Judy Lesnik seeking approval of a Final Plat of Subdivision and a zoning variation to allow a two-lot resubdivision of 1415 Asbury Avenue and 1423 Asbury Avenue and construction of a detached garage on Proposed Lot 2 (1415 Asbury Avenue). The requested zoning variation would permit the existing residence and proposed detached garage at 1415 Asbury Avenue to exceed the maximum permitted building size (GFA). The Final Plat of Subdivision has been amended to eliminate the previously requested zoning variation to observe less than the minimum required side yard setback from the east property line. The Village Council has final jurisdiction on the request.

Ms. Klaassen stated by amending the proposed plat of resubdivision, the applicant eliminated the request to reduce the side yard setback from the east property line to less than the minimum required side yard setback. The Board is to make a recommendation to the Village Council regarding the variation requested to exceed the maximum permitted GFA. She then described the revision to the plat of resubdivision on the parcels with the dividing line and explained the shift in the lot line designations. Ms. Klaassen then referred to the resulting east side yard setback measurement. She also stated the plans for the proposed detached garage have been revised reducing its square footage.

Ms. Klaassen referred the Board to Table 3 outlining the current and proposed zoning setback requirements of the proposed two lots as well as Table 4 identifying the building size requirements for the current and proposed lots. She then referred to the calculations resulting in the net GFA increase of 2,571 square feet (56%). Ms. Klaassen described how the existing improvements excluding the garage would exceed the GFA of the proposed lot area by 2,439 square feet (53%) and described the reduction in the degree of nonconformity GFA for 1415 Asbury. She then outlined how the basement area of the home is now counted due to the ordinance change in connection with how GFA is calculated. Ms. Klaassen informed the Board that the Plan Commission's consideration of the subdivision request was continued to October 28, at the applicant's request, after hearing the Board's comments and concerns at the last ZBA meeting. She also stated the applicant submitted a demolition permit for 1423 Asbury and the LPC would consider the application at its November 2 meeting. Ms. Klaassen noted one email received in connection with the request would be read into the record.

Ms. Klaassen then stated the Board is to consider whether the GFA request meets the standards for granting the variation and following public comment and Board discussion, a Board Member may make a motion to

1 the Village Council with a draft motion provided on page 7 of the agenda packet. She then asked if there
2 were any questions.

3
4 Chairman Bradley also asked if there were any questions. Ms. Handler asked how the net increase in GFA
5 was calculated in terms of the garage removal. Ms. Klaassen responded the existing garage at 1423 Asbury
6 is not a shared garage and does not play a part in the calculation for the 1415 Asbury parcel. She then stated
7 if the property were not subdivided, the existing garage would be on the 1423 Asbury parcel and would be
8 removed if the subdivision request is approved. No additional questions were raised at this time.

9
10 Mr. Norkus allowed the applicants, Cal Bernstein, David Dote, Jim Chambers and Keith Jacobs, into the
11 meeting. Chairman Bradley then swore in those speaking to this matter. Cal Bernstein referred to the existing
12 garage on the 1423 Asbury parcel which has nothing to do with the calculations for the 1415 Asbury parcel.
13 He then stated they filed for a demolition application for the 1423 Asbury noting the home is uninhabitable.
14 Mr. Bernstein stated if the request is approved, the smaller one car garage would be visible from the street
15 on the 1415 Asbury parcel and the 1423 Asbury garage would be removed. He noted there will only be one
16 garage door as opposed to two garage doors facing the street.

17
18 Mr. Bernstein stated the existing garage at 1415 Asbury is not functional as a two-car garage due to elevation
19 changes inside the garage and stairways. He then stated after the September discussion, the Board
20 recommended the elimination of the side yard setback encroachment, which they have done. Mr. Bernstein
21 also stated the Board asked for consideration of a one car garage as opposed to a two-car garage, which was
22 done along with the elimination of the request for side yard setback relief.

23
24 Jim Chambers described the location of the proposed garage noting it would also reduce the amount of
25 impermeable surface. He also stated they considered a minimally sized one car garage which would have
26 the same design, roof pitch and gable details as the home. Mr. Chambers informed the Board in terms of the
27 calculations, the overage amount would remain the same as if it were a 400 square foot detached garage
28 and the garage was reduced in response to the Board's concerns.

29
30 Mr. Bernstein informed the Board there is a significant amount of reduction in the nonconformity with this
31 application with the garage having a minimal impact on the existing nonconformity. He then stated in
32 connection with the standards relating to unique circumstances and altering the character of the community,
33 the zoning ordinance changed since the home was constructed rendering the home noncompliant. Mr.
34 Bernstein also stated the existing attached garage is undersized and is unable to operate as a two-car garage
35 which constitutes unique circumstances. He then stated regarding the neighborhood, there are several two-
36 car garages in rear yards which face the street and having a one car garage facing the street would result in
37 less bulk on the street. Mr. Bernstein then asked if there were any questions.

38
39 Chairman Bradley also asked if there were any questions. No questions were raised at this time. Ms. Klaassen
40 read an email from Kevin Gazely, 1418 Scott, in support of the application into the record. Mr. Schoon
41 confirmed there are no members of the public to comment. Chairman Bradley then called the matter in for
42 discussion.

43
44 Mr. Greable stated he was impressed by the applicant correcting the flaws of the application and he is in
45 support of the request. Ms. Handler stated the proposal solved a lot of the issues and she would move to
46 recommend approval of the variations while commenting on the attractiveness of the proposal and
47 reduction in the number of garage bays on the street. Mr. Weigandt and Mr. Nielsen stated they are also in
48 support of the request.

1 Chairman Bradley stated he is also in support of the request after the applicant's consideration of the Board's
2 comments from the previous meeting along with the elimination of one of the variances requested. He
3 agreed the standards have been met with the benefit of the positive changes on the proposed lot 1.
4 Chairman Bradley then asked for a motion to recommend approval of the GFA variance as noted on page 7
5 of the agenda materials. A motion was made by Mr. Weigandt and seconded by Mr. Greable to recommend
6 approval of the variation. A vote was taken, and the motion unanimously passed:

7 AYES: Bradley, Greable, Handler, Nielsen, Weigandt

8 NAYS: None

9
10 ***



VILLAGE OF WINNETKA

Incorporated in 1869

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, the undersigned, do hereby certify that I am the duly appointed, qualified and Deputy Village Clerk of the Village of Winnetka, Cook County, Illinois (the "Village") and as such officer I am the keeper of the official journal of proceedings, books, records, minutes, and files of the Village and of the Council (the "Village Council") thereof.

I do further certify that attached hereto is a full, true, and complete copy of an Ordinance entitled:

ORDINANCE NO. M-4-2021

AN ORDINANCE APPROVING A FINAL PLAT OF SUBDIVISION AND GRANTING A VARIATION FROM THE WINNETKA ZONING ORDINANCE (1415 and 1423 Asbury Avenue)

Adopted by the Winnetka Village Council on January 5, 2021.

I do further certify that the deliberations of the Council on the adoption of said Ordinance were taken openly; that the vote on the adoption of said Ordinance was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was duly given to all of the news media requesting such notice of said meeting; that said meeting was called and held in strict accordance with the provisions of the Open Meetings Act of the State of Illinois, as amended; and that the Council have complied with all of the applicable provisions of said Act, their procedural rules and the Village charter in the adoption of said Ordinance.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the seal of the Village this 7th day of 2021.

[SEAL]

By: 
Kristin Kazenas
Deputy Village Clerk

510 Green Bay Road, Winnetka, Illinois 60093

**VILLAGE OF WINNETKA
COOK COUNTY, ILLINOIS**

ORDINANCE NO. M-4-2021

**AN ORDINANCE APPROVING A FINAL PLAT OF SUBDIVISION
AND GRANTING A VARIATION FROM THE WINNETKA ZONING
ORDINANCE
(1415 and 1423 Asbury Avenue)**

PASSED AND APPROVED by the
President and Board of Trustees
of the Village of Winnetka,
Cook County, Illinois, this
5th day of January, 2021.

PUBLISHED IN PAMPHLET FORM
by authority of the President
and Board of Trustees of the
Village of Winnetka, Cook
County, Illinois, this 8th day of
January, 2021.

ORDINANCE NO. M-4-2021

**AN ORDINANCE APPROVING A FINAL PLAT OF SUBDIVISION AND
GRANTING A VARIATION FROM THE WINNETKA ZONING ORDINANCE
(1415 and 1423 Asbury Avenue)**

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, Judy Lesnik ("*Applicant*"), is the record title owner of the adjoining parcels of real property commonly known as 1423 Asbury Avenue ("*Lot 1*"), and 1415 Asbury Avenue ("*Lot 2*"), each measuring approximately 11,933 square feet, in Winnetka, Illinois, and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance (Lots 1 and 2 are, collectively, the "*Subject Property*"); and

WHEREAS, the Subject Property is located within the R-5 Single Family Residential District of the Village ("*R-5 District*"); and

WHEREAS, the Subject Property consists of three lots of record created by the Chicago North Shore Company's Subdivision ("*Prior Plat*"); and

WHEREAS, the Applicant desires to relocate the property line between Lot 1 and Lot 2 approximately 14.2 feet to the west, and resubdivide Lots 20, 21, and 22 of the Prior Plat into two new lots of record ("*Proposed Subdivision*"); and

WHEREAS, the Applicant further desires, upon approval of the Proposed Subdivision, to demolish the improvements on Lot 1, and construct a detached garage in the northwest corner of Lot 2 ("*Proposed Garage*"); and

WHEREAS, pursuant to Section 17.30.040 of the Zoning Ordinance, Lot 2 in the Proposed Subdivision may not exceed 4,523.79 square feet in gross floor area; and

WHEREAS, the Proposed Garage, together with the existing improvements on Lot 2, would total 7,095.56 square feet in gross floor area, in violation of Section 17.30.040 of the Zoning Ordinance; and

WHEREAS, Lot 2 currently has a legal nonconforming front yard setback of 42.65 feet and a legal nonconforming front yard lot coverage of approximately 924.73 square feet (collectively, "*Legal Nonconformities*"); and

WHEREAS, the Applicants filed an application with the Village for: (i) approval of a final plat of subdivision for the Proposed Subdivision ("*Final Plat*"); and (ii) a zoning variation from Section 17.30.040 of the Zoning Ordinance to increase allowable gross floor area of Lot 2 by 2,571.77 square feet ("*Variation*") (collectively, the "*Requested Relief*"); and

WHEREAS, on September 23, 2020, after due notice thereof, the Winnetka Plan Commission held a public hearing on the proposed Final Plat, which public hearing was continued to October 28, 2020; and

WHEREAS, pursuant to Section 16.12.010.D.4 of the Winnetka Village Code, as amended, the Plan Commission determined that the Legal Nonconformities, in the context of the proposed Final Plat, would not result in a material increased adverse impact upon the public health, safety, or welfare; and

WHEREAS, on October 28, 2020, the Plan Commission, by a vote of six members in favor and none opposed, recommended that the Council of the Village of Winnetka ("**Village Council**") approve the Final Plat; and

WHEREAS, on September 14, 2020, after due notice thereof, the Zoning Board of Appeals conducted a public hearing on the Variation, which public hearing was continued until October 12, 2020, and, by a vote of five members in favor and none opposed, recommended that the Village Council approve the Variation; and

WHEREAS, while Lot 2 will remain nonconforming to the Zoning Ordinance, pursuant to Section 16.12.010(D) of the "Winnetka Village Code of 1999," as amended ("**Village Code**"), such nonconformities, in the context of the Requested Relief, will not result in a material increased adverse impact upon the public health, safety or welfare; and

WHEREAS, the Village Council has determined that it is in the best interest of the Village to approve the Requested Relief, subject to and in strict accordance with the terms and conditions of this Ordinance;

NOW, THEREFORE, the Council of the Village of Winnetka do ordain as follows:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated as the findings of the Village Council, as if fully set forth herein.

SECTION 2: APPROVAL OF FINAL PLAT. Subject to and contingent upon the conditions set forth in Section 4 of this Ordinance, and pursuant to Sections 16.04.030 and 16.08.010 of the Subdivision Ordinance and the Village's home rule authority, the Village Council hereby approves the Final Plat, prepared by Doland Engineering, LLC, and consisting of one sheet, with a latest revision date of September 23, 2020, attached to and, by this reference, made a part of this Ordinance as **Exhibit B**.

SECTION 3: APPROVAL OF VARIATION. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, the Variation from Section 17.30.040 of the Zoning Ordinance is hereby granted, in accordance with and pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village.

SECTION 4: CONDITIONS. The Approvals granted by Sections 2 and 3 of this Ordinance are subject to, and contingent upon, compliance by the Applicant with the following conditions:

- A. **Compliance with Subdivision Ordinance.** The approvals granted in Section 2 and 3 of this Ordinance are subject to and conditioned upon compliance with, and the inclusion of all of the information on the Final Plat required by Chapter 16.08 of the Subdivision Ordinance.
- B. **Compliance with Plans.** The development, use, and maintenance of the Proposed Garage on the Subject Property must be in general accordance with the plans prepared by FWC Architects, Inc., consisting of seven (7) sheets, prepared on September 24, 2020, except for minor changes and site work approved by the Director of Community Development or the Director of Public Works (within their respective permitting authority), copies of which are attached to, and by this reference, made part of this Ordinance as **Exhibit C ("Plans")**.
- C. **Compliance with Regulations.** Except to the extent specifically provided otherwise in this Ordinance, the development, use, and maintenance of the Proposed Subdivision and the Subject Property must comply at all times with all applicable Village codes and ordinances, as they have been or may be amended over time.
- D. **Reimbursement of Village Costs.** In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable Village codes, ordinances, Ordinances, rules, or regulations, the Applicant must pay to the Village, promptly upon presentation of a written demand or demands therefor, of all fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made shall be made by a certified or cashier's check. Further, the Applicant must pay upon demand all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.

SECTION 5: EXECUTION OF FINAL PLAT. The Village Council hereby authorizes and directs the Village President and the Village Clerk, upon satisfaction of the conditions set forth in Section 4 of this Ordinance, to execute and attest, on behalf of the Village, the Final Plat.

SECTION 6: RECORDATION OF FINAL PLAT. Upon execution of the Final Plat by the Village President and the Village Clerk, as provided in Section 5 of this Ordinance, the Village Clerk is hereby directed to cause the Final Plat to be recorded in the office of the Cook County Recorder of Deeds.

SECTION 7: RECORDATION OF ORDINANCE; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the Applicant and each of their heirs, representatives, successors, and assigns.

SECTION 8: FAILURE TO COMPLY. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition

to all other remedies available to the Village, the approvals granted in Section 2 and 3 of this Ordinance will, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Council may not so revoke the approvals granted in Section 2 and 3 of this Ordinance unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Council. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the applicable zoning district and the applicable provisions of the Zoning Ordinance, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 9: AMENDMENTS. Any amendment to this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance for amending or granting variations.

SECTION 10: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 11: EFFECTIVE DATE.

A. This Ordinance will be in full force and effect from and after its passage and approval as provided by law.

B. The Approvals set forth in Sections 2 and 3 of this Ordinance will be effective only upon: (i) the filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent in the form of **Exhibit D** attached to and, by this reference, made a part of this Ordinance to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance; and (ii) the approval and recording of the Final Plat.

C. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent described in Section 11.B of this Ordinance within 60 days after the date of passage of this Ordinance by the Village Council, the Village Council shall have the right, in its sole discretion, to declare the Approvals granted in this Ordinance null and void and of no force or effect.

[SIGNATURE PAGE FOLLOWS]

PASSED this 5th day of January, 2021 pursuant to the following roll call vote:

AYES: Trustees Apatoff, Coladarci, Cripe, Dearborn, Lanphier and Swierk

NAYS: None

ABSENT: None

APPROVED this 5th day of January 2021.

Signed:



Village President

Countersigned:



Village Clerk

Published by authority of the President
and Board of Trustees of the Village of
Winnetka, Illinois, this 8th day of
January 2021.

Introduced: Waived

Passed and Approved: January 5, 2021

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOT 1:

LOT 20 AND THE WEST 1/2 OF LOT 21 IN BLOCK 22 IN CHICAGO NORTH SHORE LAND CO.'S SUBDIVISION IN SECTIONS 17 AND 18, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN.

P.I.N. 05-18-217-019-000

Commonly known as 1423 Asbury Avenue, Winnetka, Illinois.

LOT 2:

THE EAST 1/2 OF LOT 21 AND ALL OF LOT 22 IN BLOCK 22 IN CHICAGO NORTH SHORE LAND COMPANY'S SUBDIVISION IN SECTIONS 17 AND 18, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N. 05-18-217-020-0000

Commonly known as 1415 Asbury Avenue, Winnetka, Illinois.

EXHIBIT B
FINAL PLAT
(SEE ATTACHED EXHIBIT B)

January 5, 2021

7

M-4-2021

EXHIBIT C
PLANS OF PROPOSED GARAGE
(SEE ATTACHED EXHIBIT C)



TREE SURVEY 1415 & 1423 ASHBY AVENUE					
TAG #	Location	SPECIES	DBH	CONDITION	NOTES
No Tag	Parkway	Yellow Buckeye	6	Good	
No Tag	Parkway	Freeman Maple	12	Good	
No Tag	Parkway	Blue Beach	9	Fair	
No Tag	Parkway	Hurt Oak	55	Good	
No Tag	Parkway	Freeman Maple	9	Good	
No Tag	Southeast corner of 1409	Elm	19	Poor	Neighbor's property
1669	Southeast corner of 1415	Magnolia	16	Good	
1670	East of 1415	Norway Maple	13	Good	
1671	1415 backyard, west property line	Madroño	13	Good	
1672	Center of 1415 backyard	Green Ash	29	Fair	
1673	Northwest corner of 1415 backyard	Norway Spruce	11	Good	
1675	Northwest corner of 1415 backyard	Red Oak	21	Good	
1674	Northwest corner of 1415 backyard	Norway Spruce	8	Good	
No Tag	North of 1415 garage, on neighbor's property	Red Maple	13	Good	1418 Scott
1676	1415 backyard, west property line	Norway Spruce	8	Good	
1677	Northwest corner of 1415	Norway Spruce	7	Good	
1678	Northwest corner of 1415	Norway Spruce	8	Good	
1679	Northwest corner of 1415	Norway Spruce	10	Good	
1680	Southwest corner of 1415	Redbud	19	Good	
1681	Southeast corner of 1421	Blue Spruce	14	Fair	
1682	Southwest corner of 1423	River Birch	15	Poor	
1683	Northwest corner of 1423	River Birch	21	Good	Double trunk
1684	1423 backyard	Burr Oak	28	Good	

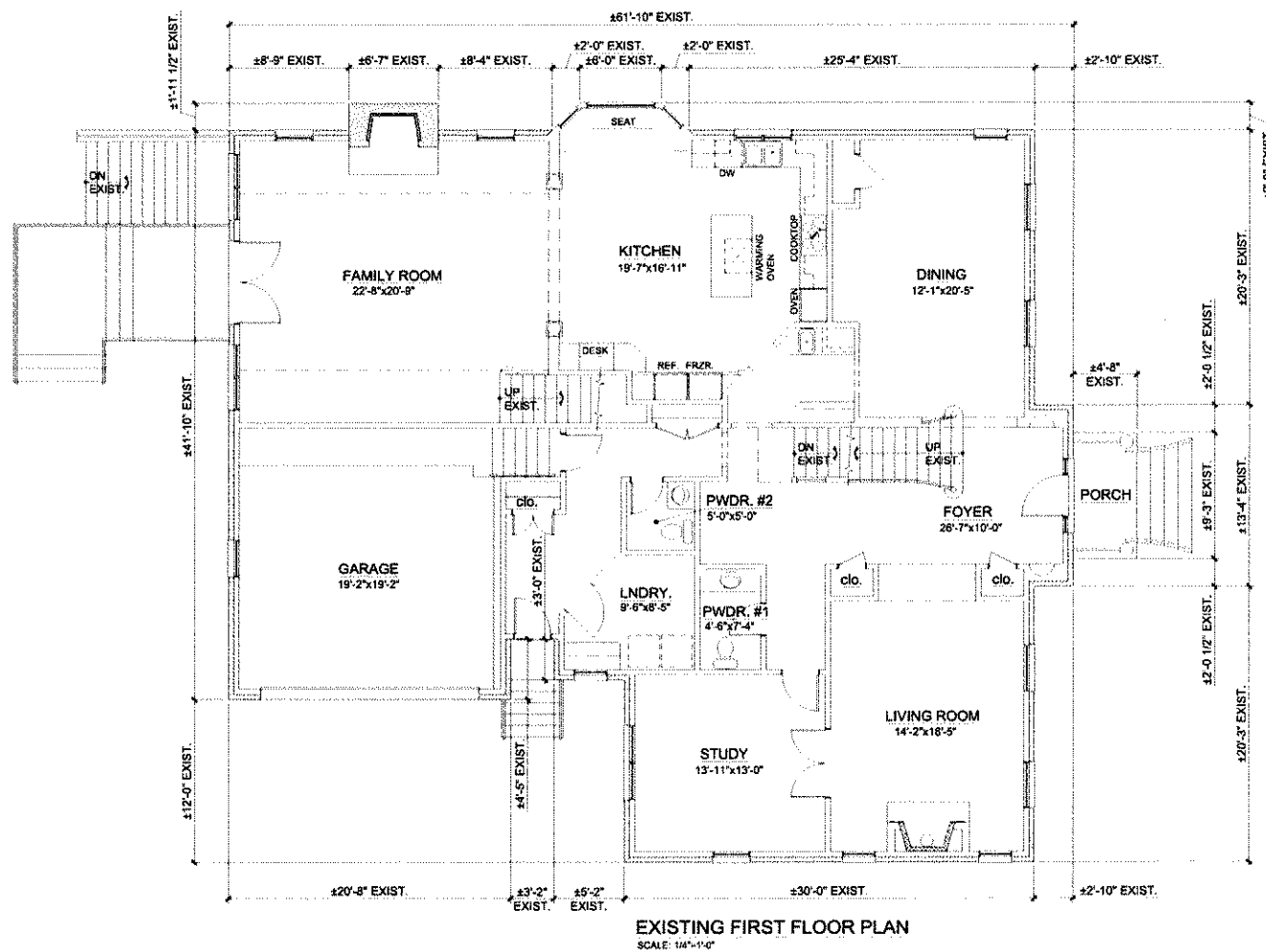
Date 8/15/18

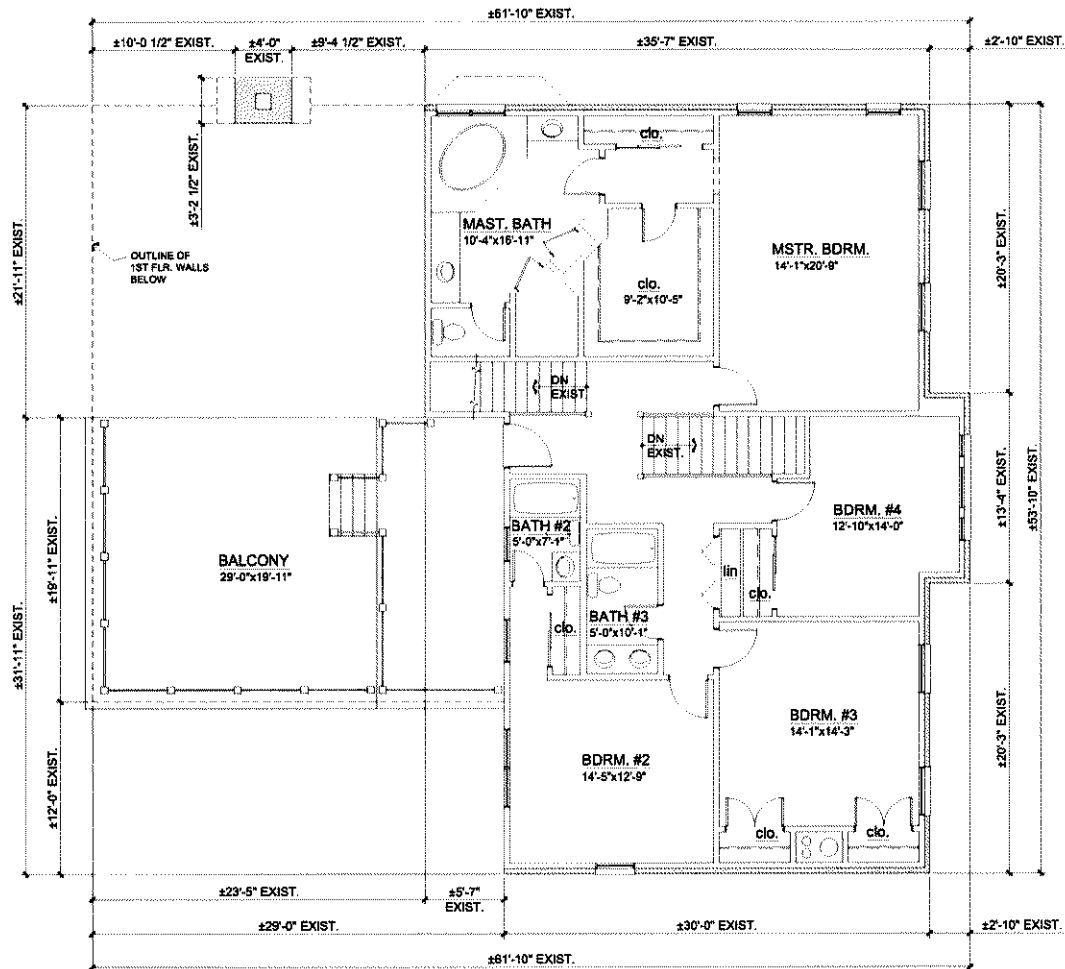
COPYRIGHT © 2020 FWC ARCHITECTS, INC. ALL RIGHTS RESERVED

LESNIK RESIDENCE
1415 Asbury Avenue Winnetka, Illinois

FWC ARCHITECTS, INC.
303 WAUKEGAN AVE. HIGHWOOD, ILLINOIS 60040
TELEPHONE: (847) 579-5200



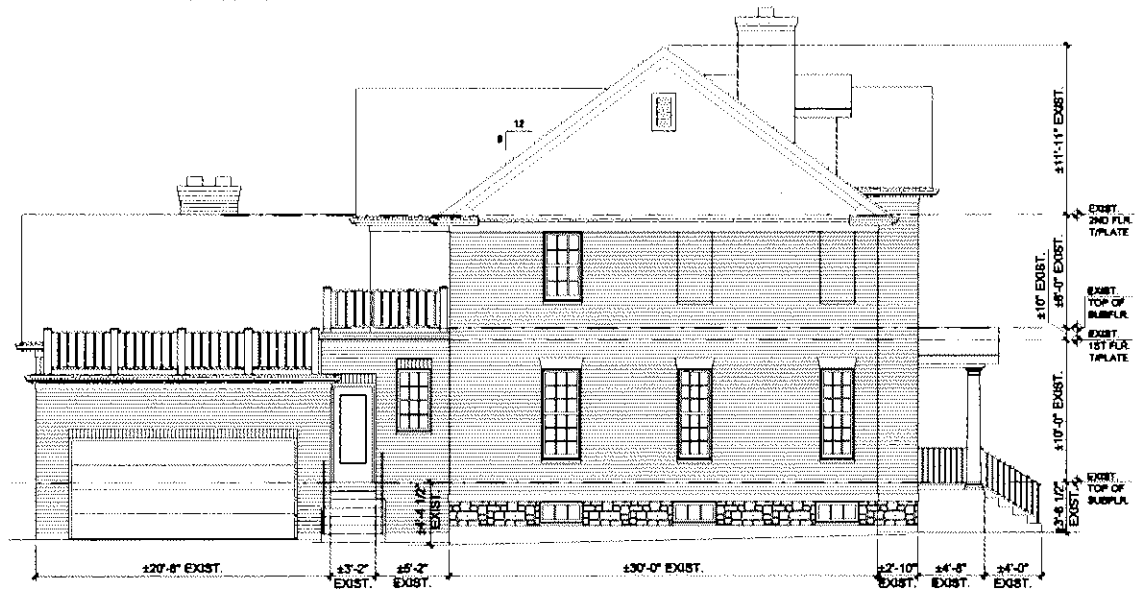




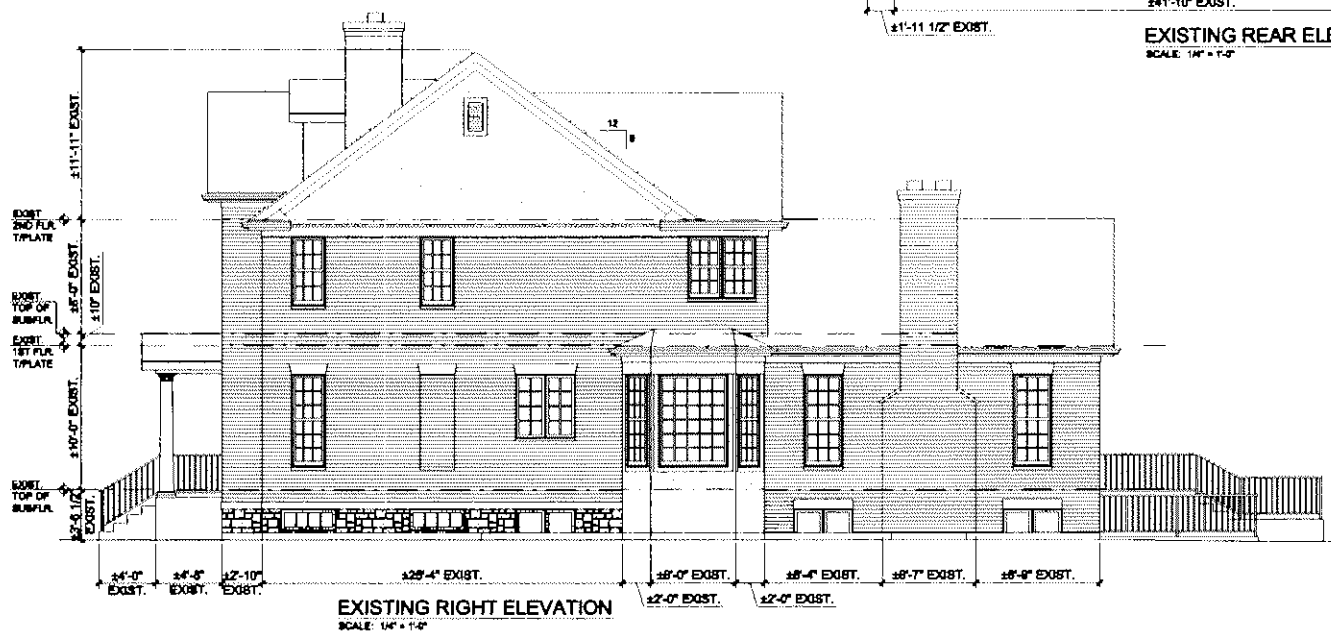
EXISTING SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"



EXISTING FRONT ELEVATION
SCALE: 1/4" = 1'-0"



EXISTING LEFT ELEVATION
SCALE: 1/4" = 1'-0"



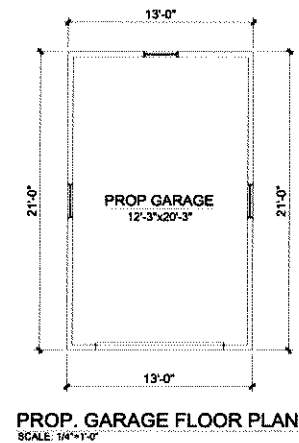
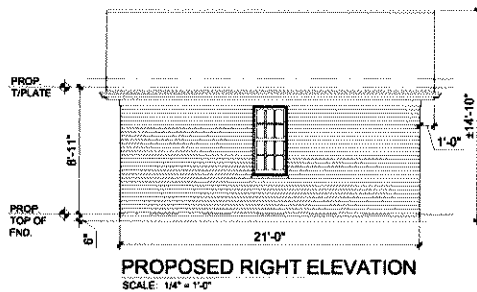
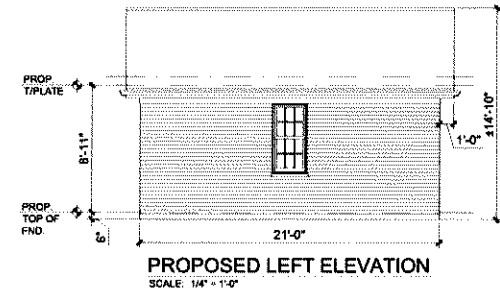
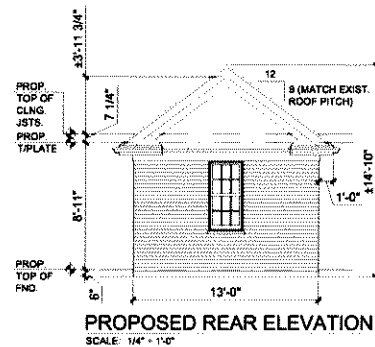
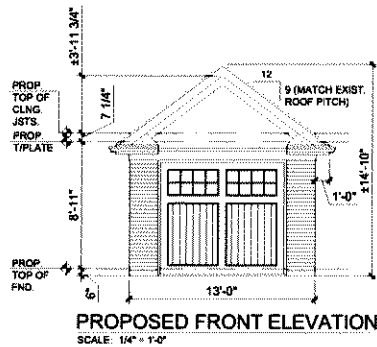




EXHIBIT D

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Winnetka, Illinois ("**Village**");

WHEREAS, Judy Lesnik ("**Applicant**"), is the record title owner of the adjoining parcels of real property commonly known as 1423 Asbury Avenue ("**Lot 1**"), and 1415 Asbury Avenue ("**Lot 2**"), each measuring approximately 11,933 square feet, in Winnetka, Illinois, ("**Subject Property**"); and

WHEREAS, the Subject Property consists of three lots of record created by the Chicago North Shore Company's Subdivision ("**Prior Plat**"); and

WHEREAS, the Applicant desires to relocate the property line between Lot 1 and Lot 2 approximately 14.2 feet to the west, and subdivide Lots 20, 21, and 22 of the Prior Plat into two new lots of record ("**Proposed Subdivision**"); and

WHEREAS, the Applicant filed an application with the Village for: (i) approval of a final plat of subdivision for the Proposed Subdivision ("**Final Plat**"); and (ii) a zoning variation from Section 17.30.040 of the Zoning Ordinance to increase the allowable gross floor area for Lot 2 by 2,571.77 ("**Variation**") (collectively, the "**Requested Relief**"); and

WHEREAS, Ordinance M-04-2021, adopted by the Village Council on January 5, 2021 ("**Ordinance**"), approved the Requested Relief; and

WHEREAS, Section 11 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant has filed, within 60 days following the passage of the Ordinance, their unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant hereby agrees and covenants as follows:

1. The Applicant hereby unconditionally agrees to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's approval of the Final Plat and grant of the Variation or its adoption of the Ordinance, and that the Village's

approvals do not, and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.

4. The Applicant hereby agrees to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance approving the Final Plat and granting the Variation.

5. The Applicant hereby agrees to pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses will include all out-of-pocket expenses, such as attorneys' and experts' fees, and will also include the reasonable value of any services rendered by any employees of the Village.

Dated: 1/15, 2021

JUDY LESNIK



ATTEST:

By: 
Keith Jacobs

Dated: January 15, 2021



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, ASSISTANT DIRECTOR
DATE: JUNE 7, 2023
SUBJECT: 615 ELM STREET – VARIATIONS (CASE NO. 23-06-V)

INTRODUCTION

On June 12, 2023, the Zoning Board of Appeals is scheduled to hold a public hearing on an application submitted by Jennifer and Taylor Katzman (collectively the “Applicant”), as the owners of the property located at 615 Elm Street (the “Subject Property”). The Applicant requests approval of the following zoning variations to allow construction of an addition to the existing residence on the Subject Property:

1. **Gross Floor Area (GFA)** of 5,591.03 square feet, whereas a maximum of 5,176.22 square feet is permitted, a variation of 414.81 square feet (8.01%) [Section 17.30.040 – Maximum Building Size] [Note: The existing residence currently consists of 5,443.13 square feet. The proposed addition would add 147.9 square feet of GFA];
2. **Side Yard Setback** of 10.88 feet from the west property line, whereas a minimum 12 feet is required, a variation of 1.12 feet (9.33%) [Section 17.30.060 – Side Yard Setback] [Note: The residence currently provides a west side yard setback of 10.88 feet]; and
3. **Building Line Articulation.** An unarticulated west side building wall 59.4 feet in length, whereas articulation of 18 inches is required for any building additions if any of the side building walls is at least 40 feet long, a variation of 19.4 feet (48.5%) [Section 17.30.090 – Building Line Articulation].

A mailed notice was sent to property owners within 250 feet of the Subject Property in compliance with the Zoning Ordinance. The hearing was properly noticed in the *Chicago Tribune* on May 25, 2023. As of the date of this memo, staff has not received any written comment from the public regarding this application.

The Zoning Board of Appeals (ZBA) has final jurisdiction on this request as the Board has the authority to grant variations to (i) allow a zoning lot with a pre-FAR building (constructed prior to 1989) to exceed the maximum permitted GFA by no more than 10%; and (ii) vary the building line articulation requirements for additions to single family residences for a distance greater than 50 feet. Typically, the Zoning Administrator has final jurisdiction on requests to reduce a side yard setback for a principal building by no more than 25% of the required setback; however, since this request includes additional zoning relief for which the Zoning Administrator does not have jurisdiction, the ZBA also has final jurisdiction on the request to reduce the side yard setback.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.38 acres in size, is located on the north side of Elm Street, between Walnut and Cedar Streets, and contains an existing two-story residence and a detached garage (see Figure 1). The property is zoned R-4 Single Family Residential and it is surrounded by the same. (see Figure 2).

The Comprehensive Plan designates the Subject Property as appropriate for single family residential development. The zoning of the property is consistent with the Comprehensive Plan.

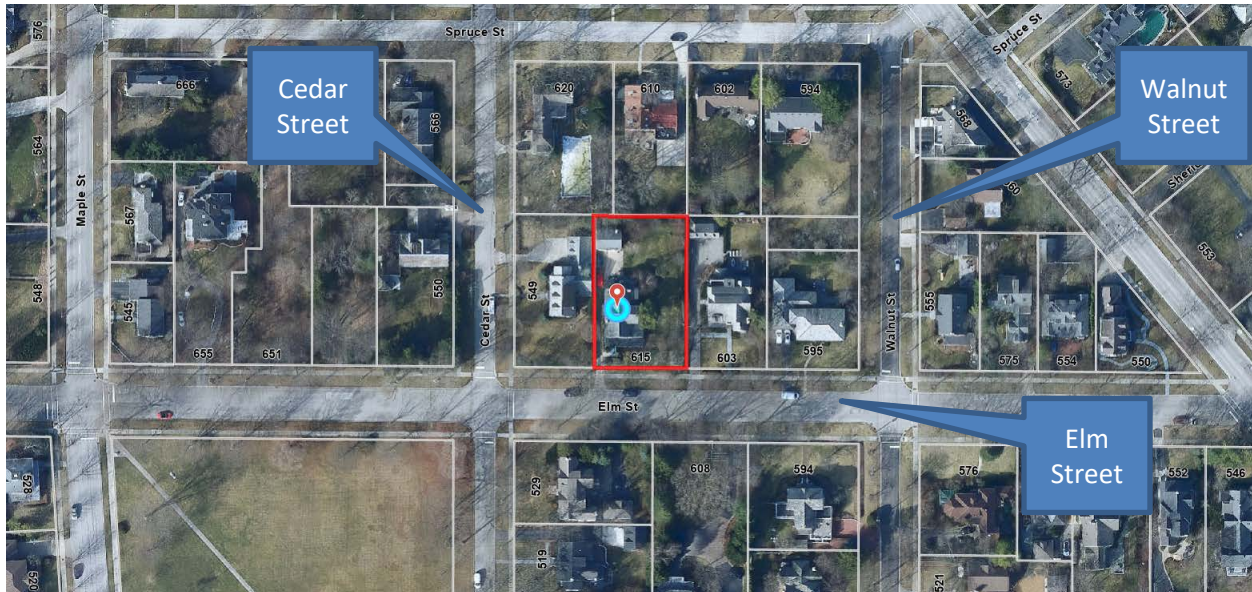


Figure 1 – Aerial Map



Figure 2 – Zoning Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The original date of construction of the residence is not able to be determined from Village records. According to research by the Winnetka Historical Society (WHS), the residence is circa 1895. Only minor permits have been issued over the last several years. The Applicant acquired the property in October 2022 and subsequently submitted a building permit in February 2023 to enclose the porch on the rear elevation and to remodel portions of the first floor of the residence. The building permit was not approved as the proposed enclosure of the porch does not comply with (i) the minimum required side yard setback; and (ii) the building line articulation requirement. After receiving staff comments on the building permit, the Applicant submitted the variation request that is currently before the Board, which also includes a second-floor addition. For reference, there are no previous zoning cases on file for the Subject Property.

In April of this year, the Applicant submitted a Preliminary Property History Study Preparation Request. This is the first step in the Historic and Architecturally Significant Maximum Building Size Bonus review process. In March of 2021, the Village Council amended the Village Code to further encourage the preservation of historic or architecturally significant homes. The adopted amendments provide a 20% maximum building size (GFA) bonus to any single-family home that the Landmark Preservation Commission finds to be historic or architecturally significant, provided the home is not demolished or altered in a manner that destroys the home's historic or architectural significance. The goal of the bonus is to encourage property owners and developers to preserve significant homes rather than demolish them.

After a Preliminary Property History Study Preparation Request is received, staff compiles the permit records, and any other relevant documents in Village files, for the property and provides the information to the WHS and requests comments from the WHS. The WHS conducted its research on the Subject Property and property ownership in May of this year. The WHS found that the Subject Property maintains historical and architectural significance as a Queen Anne Victorian design likely by local architect and civil engineer Frank Windes. Mr. Windes was a major proponent of the track depression and the Skokie Lagoons, and he designed the Elm Street bridge.

The Applicant has received the results of the WHS research. The next step in the Historic and Architecturally Significant Maximum Building Size Bonus review process is for the Applicant to commission a Historic and Architectural Impact Study that is then reviewed by the Landmark Preservation Commission to determine whether the property is historic or architecturally significant and therefore worthy of the 20% GFA bonus. In the meantime, the Applicant has submitted the variation request that is currently before the Board as the proposed addition not only requires relief from the maximum permitted GFA, but also the side yard setback and building line articulation regulations.

Figure 3 on the following page is a current photo of the Subject Property and Figure 4 is a photo believed to have been taken last year.



Figure 3 – Subject Property - Front Elevation (Elm Street)



Figure 4 – Subject Property – Rear Elevation

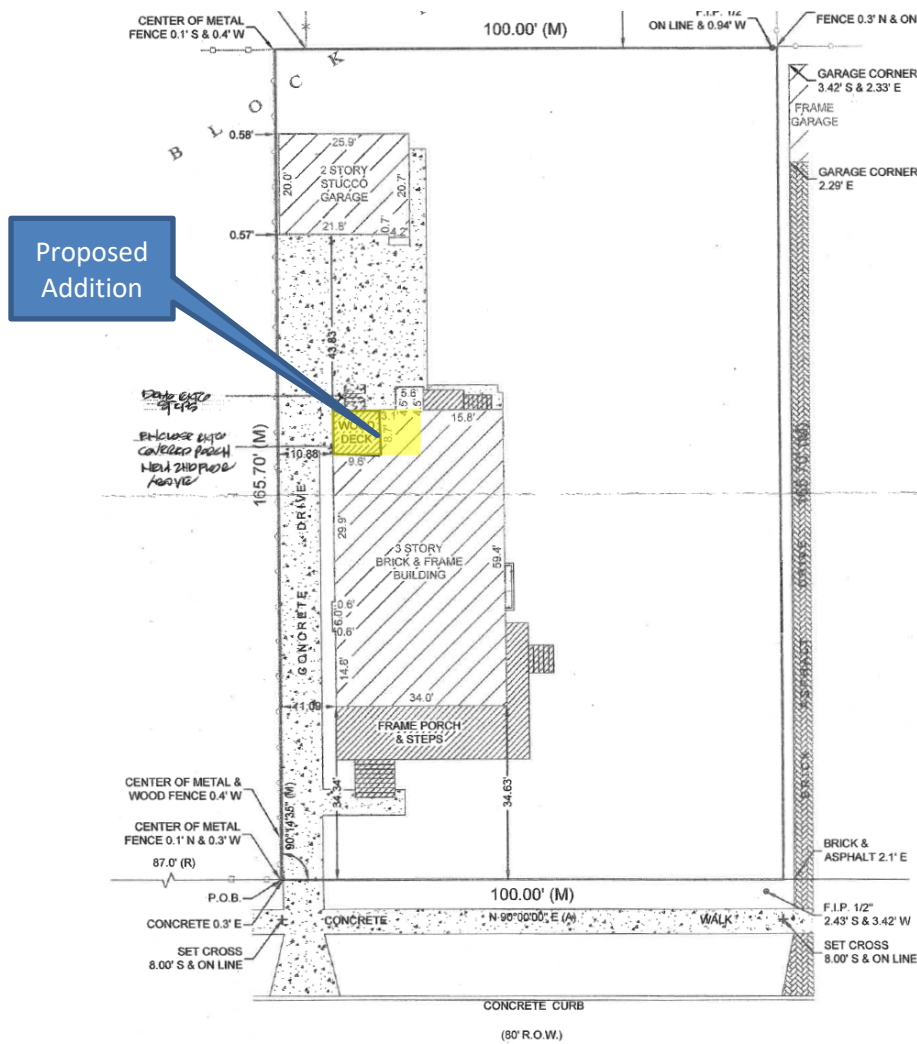
PROPOSED PLAN

The variations are being requested in order to fully enclose an existing covered porch, and construct a second-floor addition above, on the rear elevation of the existing residence. The existing porch, which is 8.7 feet by 9.6 feet (83.5 square feet) would be altered in order to expand the kitchen. The second floor addition would consist of a bedroom. This addition would measure 8.7 feet by 17 feet (147.9).

Currently, the second floor consists of a primary bedroom suite, three bedrooms, an office, a sunroom, and two bathrooms. The existing office would be eliminated to accommodate the additional bedroom and the relocation of the existing laundry room from the first floor to the second floor.

The existing porch on the rear elevation of the residence is included in the calculation of existing GFA as it is roofed and enclosed on two sides. Therefore, the net increase in GFA is 147.9 square feet. The proposed improvements would not expand the footprint of the existing residence or increase the impermeable lot coverage.

Excerpts of the proposed site plan, floor plans, and building elevations are provided below and on the following pages as Figures 5 through 9. The complete set of plans is provided in the application materials (Attachment B).



ELM STREET
Figure 5 – Excerpt of Site Plan

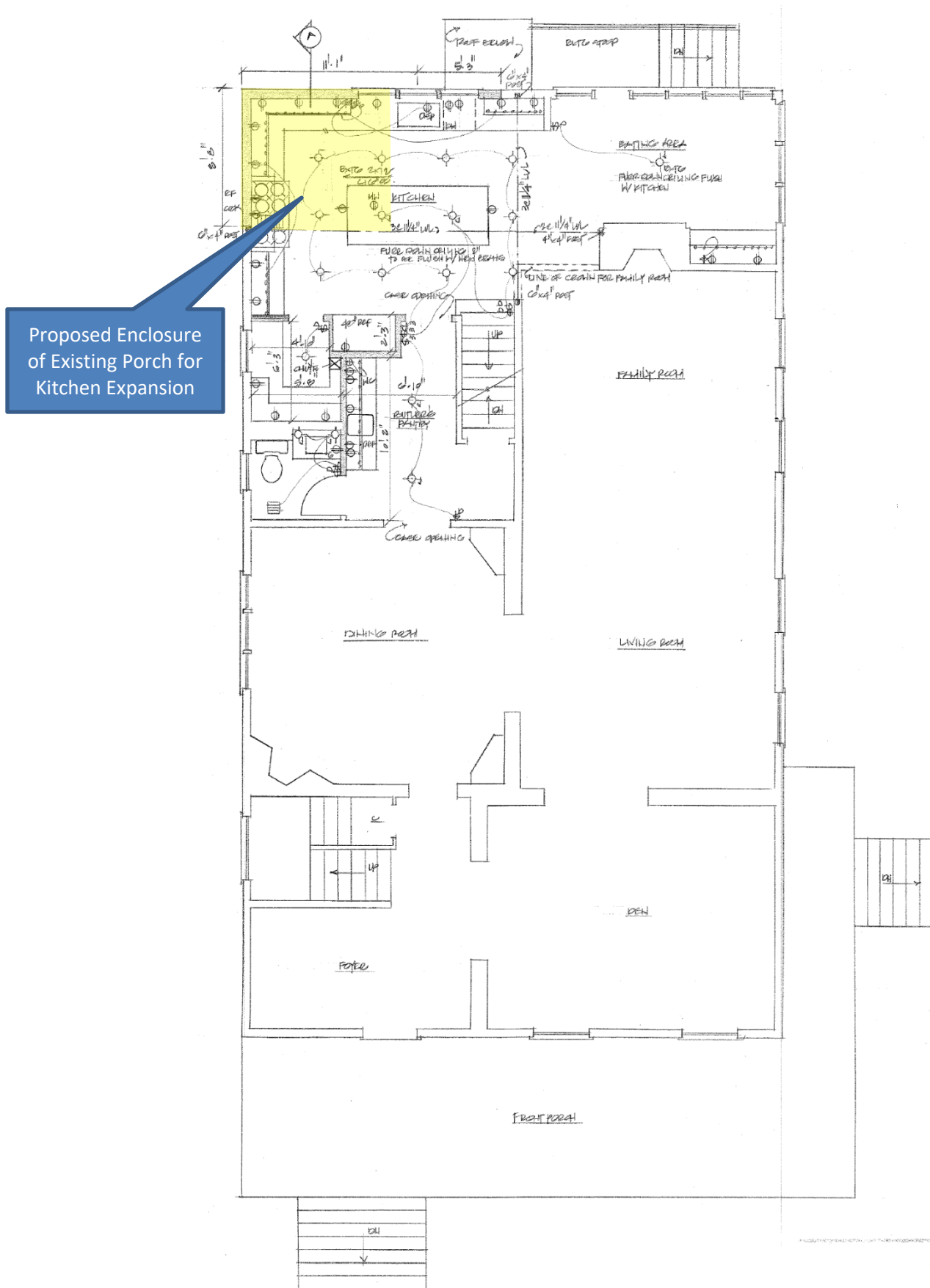


Figure 6 – Proposed First Floor Plan

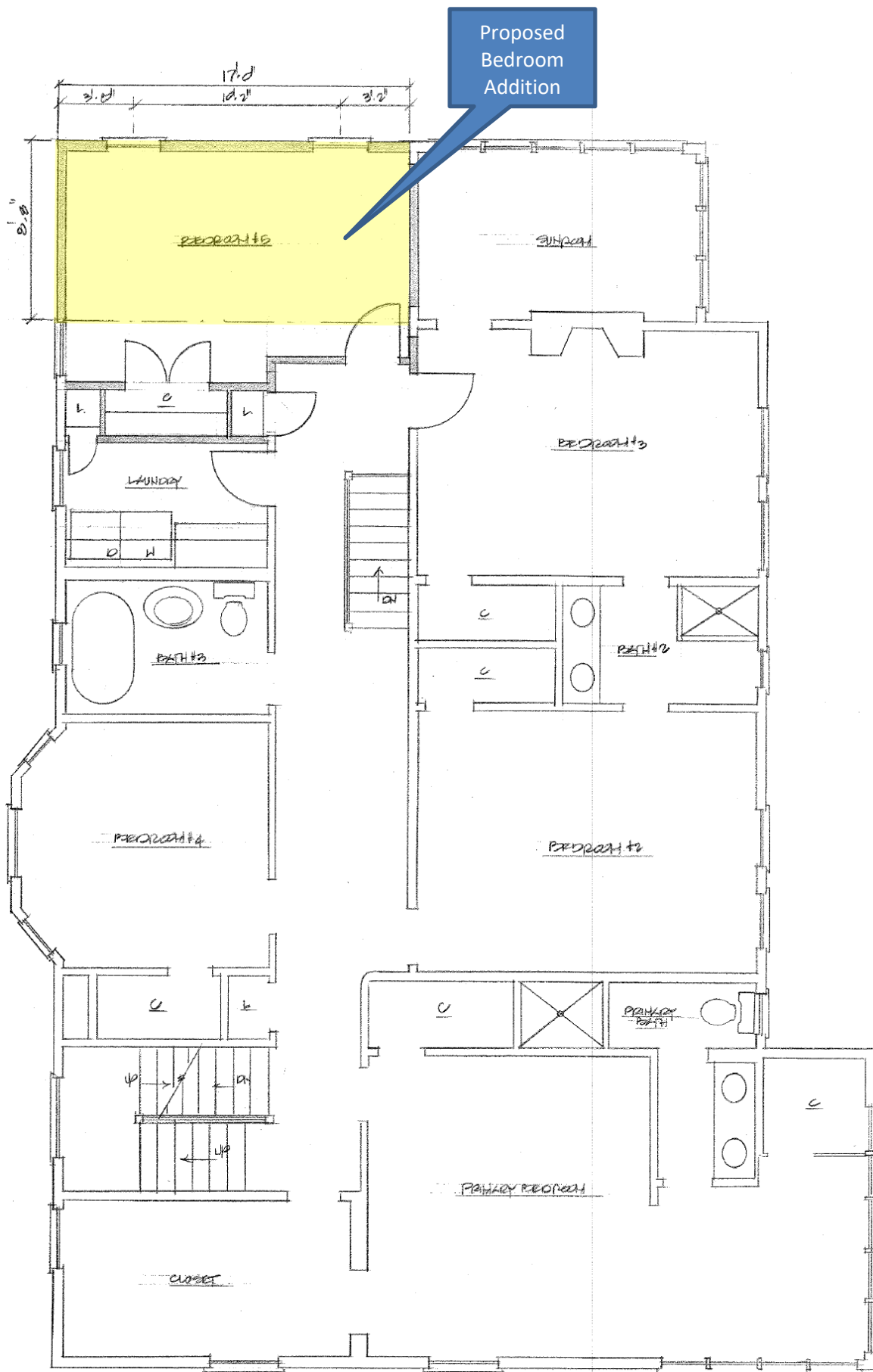


Figure 7 – Proposed Second Floor Plan



Figure 8 – Proposed Rear (North) Elevation



Figure 9 – Excerpt of Proposed West (Side) Elevation

As noted previously, the proposed improvements do not include any additional roofed lot coverage or impermeable lot coverage. Village Engineering staff has reviewed the building permit submitted for the proposed improvements for compliance with the Village stormwater regulations and has approved the permit while noting that the stormwater still needs to be managed on-site, though stormwater detention is not required.

Figure 10 below represents the Subject Property's proximity to the floodplain; the cyan represents the 100-year flood area.



Figure 10 - GIS Floodplain Map

REQUESTED ZONING RELIEF

The attached zoning matrix highlights the existing lot and the proposed improvements' compliance with the R-4 zoning district (Attachment A). Three variations are being requested: (1) gross floor area; (2) minimum side yard setback; and (3) building line articulation.

Maximum Building Size (GFA). The site currently contains 5,443.13 square feet of GFA, exceeding the maximum permitted GFA by 266.91 square feet. The increase in GFA with the proposed addition is 147.9 square feet, bringing the total GFA to 5,591.03 square feet, whereas a maximum of 5,176.22 square feet is permitted, a variation of 414.81 square feet (8.01%).

Minimum Side Yard Setback (West Property Line). The existing residence is also currently legally nonconforming with respect to the minimum required side yard setback as it currently provides a side yard setback of 10.88 feet from the west property line, encroaching the minimum required setback of 12 feet by 1.12 feet. The proposed porch enclosure and second floor addition above would also provide a west side yard setback of 10.88 feet, requiring a variation of 1.12 feet (9.33%).

Building Line Articulation. The proposed west side building walls would measure 59.4 feet in length without providing the minimum required building line articulation of 18 inches. The Zoning Ordinance requires all exterior building walls on any principal building constructed before April 1999, that face the smaller side yard in the R-5 or R-4 zoning district be articulated at least 18 inches, if the side walls are at least 40 feet long. The existing residence is also considered legally nonconforming with respect to the building line articulation requirement. Built circa 1895, the residence pre-dates the adoption of the building line articulation requirement in 1999.

FINDINGS

In the attached application materials submitted by the Applicant, the Applicant has provided a statement of justification regarding how the requested variations meet the standards for granting the requested zoning variations. Does the ZBA find that the requested variations meet the standards for granting such variations; and if so, is the ZBA prepared to approve the requested variations?

Staff has prepared the attached draft resolutions for the Board's consideration (Attachment C). One resolution approves the request, while the other denies the request. A Board member may wish to make a motion to adopt either the resolution to approve the requested variations or the resolution to deny the requested variations.

ATTACHMENTS

Attachment A: Zoning Matrix

Attachment B: Application Materials

Attachment C: Draft Resolutions

ATTACHMENT A

ZONING MATRIX

ADDRESS: 615 Elm Street

CASE NO: 23-06-V

ZONING: R-4

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	12,600 SF	16,570 SF	N/A	N/A	OK
Min. Average Lot Width	60 FT	100 FT	N/A	N/A	OK
Min. Lot Depth	120 FT	165.7 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	4,473.9 SF (1)	2,757.85 SF	2,757.85 SF	0 SF	OK
Max. Gross Floor Area	5,176.22 SF (1)	5,443.13 SF	5,591.03 SF	147.9 SF	414.81 SF (8.01%) VARIATION
Max. Impermeable Lot Coverage	8,285 SF (1)	4,808.98 SF	4,808.98 SF	0 SF	OK
Min. Front Yard (Elm/South)	30 FT	23.84 FT	23.84 FT	0 FT	EXISTING NONCONFORMING
Min. Side Yard (West)	12 FT	10.88 FT	10.88 FT	0 FT	1.12 FT (9.33%) VARIATION
Min. Total Side Yards	30 FT	60.46 FT	60.46 FT	0 FT	OK
Min. Rear Yard (North)	24.85 FT	67.17 FT	67.17 FT	0 FT	OK

NOTES:

(1) Based on lot area of 16,570 s.f.

(2) Variation amount is the difference between proposed and requirement.

(3) A variation is required to allow an unarticulated west side building wall 59.4 feet in length, whereas articulation of 18 inches is required when any of the side building walls that face the smaller side yard is at least 40 feet in length, a variation of 19.4 feet (48.5%).

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. 23-06-V
VA 2023 - 387Property InformationSite Address: 615 Elm St.Owner InformationName: Jennifer and Taylor KatzmanAddress: 615 Elm St.City, State, ZIP: Winnetka, IL 60093Email: [REDACTED]Primary Contact: Jenny KatzmanPhone No. [REDACTED]Date property acquired by owner: 10/20/2002Architect InformationName: Healy M. RicePrimary Contact: Healy RiceAddress: 415 Washington Ave.City, State, ZIP: Wilmette, IL 60091Phone No. 847-853-0824Email: healyrice@comcast.netAttorney Information

Name: _____

Primary Contact: _____

Address: _____

City, State, Zip: _____

Phone No. _____

Email: _____

Nature of any restrictions on property: none known

Brief explanation of variation(s) requested (attach separate sheet providing additional details): _____

Sidyard articulation to permit enclosure of an existing open porch,
and construction of 2nd floor addition directly above the porch.Property Owner Signature: [REDACTED]Date: 04/29/2023

**Jennifer and Taylor Katzman
615 Elm Street
Winnetka, Illinois 60093**

Request for Zoning Variation

615 Elm Street is located on the north side of Elm between Walnut and Cedar Streets. We are seeking a side yard articulation variation to permit enclosure of an existing open porch and would like to construct a second story addition directly above it. We have applied for a Historic and Architecturally Significant Maximum Building Size Bonus. If granted, we would be in conformance with Floor Area Requirements. However, we are in process with this so are requesting an FAR variation of 494.73 sf (9.7%) to permit this second story addition. Enclosing the porch would not change our existing FAR and as such makes that portion of our project conforming. Lot coverage and remaining setbacks are compliant with required.

We seek this variation due to practical difficulty and hardship. Our home was built in the 1890's and predates the current zoning ordinance. Our home is sited to the west side of the property as it was the original home on a larger lot that was subdivided years ago. The west side yard is 10.88', which satisfies the 10% minimum requirement; our east side yard is 54.91' away. The proposed addition is at the rear of our house, along this closer side. We wish to retain the existing line of the house; we will be going no closer to our west property line than currently exists.

We hope to enclose the existing open back porch and build a second story directly above it in order to create a more family friendly kitchen and bedroom above. The existing kitchen is small and outdated, and a dead end with no connection to the living and family rooms. Enclosing the existing back porch solves the floor plan with a very minor addition.

On the second floor we are proposing to square up the rear of the house with a new family bedroom. The addition would align with the existing second floor north and west walls, and projects only 8'-8" from the existing northwest side of the house.

If approved for historic significance, the 20% FAR bonus would eliminate the need for an FAR variation. We are pursuing this presently (application attached). The property has an original coach house which makes it ineligible for the garage bonus as well as eating up 1038 sf of FAR. The second story addition is only 147.90 sf and will provide a bedroom for one of our children.

The only neighbors impacted by the additions are to our north and west. To the west, our driveway is in between our two homes, as well as a solid wall of arbor vitae trees, providing adequate separation and a visual screen. To the north, our coach house completely blocks the view of the addition from our neighbor, and our rear lot line is 71.67' feet from the addition. There will be no impact to the light or air to any property in the rest of the neighborhood.

The proposed zoning relief does not alter the essential character of the neighborhood and will be consistent with the goals, objectives, and policies established in the zoning ordinance. The proposed variation will not impair an adequate supply of light and air to the adjacent properties, will not injure other property and its use, will not substantially increase the danger of fire, or otherwise endanger public health, safety and welfare, and will not substantially diminish or impair property values within the neighborhood.

Thank you for your consideration.

PPHS



VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

**PRELIMINARY PROPERTY HISTORY STUDY
PREPARATION REQUEST**

One of the submittal requirements for a Historic and Architecturally Significant Maximum Building Size Bonus Application (see separate application form) is a Preliminary Property History Study prepared by the Village of Winnetka Community Development Department and the Winnetka Historical Society. **A Historic and Architecturally Significant Building Size Bonus Application will not be accepted without a completed Preliminary Property History Study.**

This request form shall also be accompanied with payment for the \$550.00 application fee.

If you have any questions, you may contact Christopher Marx, Associate Planner, at 847.716.3587 or cmarx@winnetka.org.

Property Information

Site Address: 615 Elm St.

Parcel Identification Number(s) (PIN): 05-21-106-006-0000

Current Property Owner Information

Legal Name: Jennifer and Taylor Katzman

Primary Contact: Jennifer Katzman

Address: 615 Elm St.

City, State, Zip: Winnetka, IL 60093

Phone No. [REDACTED]

Email: [REDACTED]

Date owner acquired property: 10/24/2022

Applicant Information

Legal Name: Healy M. Rice

Primary Contact: Healy Rice

Address: 415 Washington Ave.

City, State, Zip: Wilmette, IL 60091

Phone No. 847-853-0824

Email: healyrice@comcast.net

Applicant's relationship to current property owner: Architect

(If contract purchaser, attach copy of executed purchase agreement)

Applicant/Owner Acknowledgments

By execution of this application in the space provided below, the Applicant and Owner(s) do hereby certify, acknowledge, agree and affirm to the Village of Winnetka that:

1. I (We) have carefully read this application, the applicable sections of the Winnetka Municipal Code and fully understand the applicable terms and provisions.

Village of Winnetka
PRELIMINARY PROPERTY HISTORY STUDY APPLICATION

2. I (We) waive any rights to exemption from disclosure under the Illinois Freedom of Information Act of any and all documents and information submitted in connection with this application.
3. I (We), in accordance with the requirements of the Annual Fee Resolution and the Winnetka Village Code agree to pay all application fees associated with the processing of this request.

Signature of Applicant: _____ Date 04/19/2023

Print Name & Title: Healy Rice Architect

Signatures of Property Owner(s): _____ Date 04/19/2023

Print Name & Title: Jennifer Katzman Owner Property Address: 615 Elm St.

****If more than one applicant or property owner, please copy this page and have additional applicants/property owners sign form.**

PROPERTY RESEARCH COVERSHEET



Address: 615 Elm

Construction Details:

Original construction date: c. 1895

Construction type: Frame

Style: Queen Anne Victorian

OWNERSHIP HISTORY:

OWNER NAME	DATES OCCUPIED	INFORMATION ATTACHED	SIGNIFICANCE
Uri B. Grannis, Henry L. and Jane Grannis Hollis	By 1904 – at least 1912	1904 directory, 1912 directory, <i>Chicago Tribune</i> article	Uri Grannis was an investment banker at Tilden and Grannis. Henry Hollis was a mining engineer.
John C. and Mary L. Cobb	By 1920 – at least 1961	Building permit application, 1961 directory, <i>Winnetka Talk</i> obituary	
Walter Glaws	1963	Real estate listing	
Robert and Norma Hood	1964 – 1978	Real estate listing, 1964 directory	
Marie and Otto Maurer	By 1986 – 2013	Building permit application, Cook County Recorder records	
Cole C. and Margaret E. Pinnow	2013 – 2022	Cook County Recorder records	

ARCHITECTS:

ARCHITECT NAME	DATE AND DESCRIPTION OF PROJECT	INFORMATION ATTACHED
Frank Windes (likely but not confirmed)	c. 1895 – design and build 2-story Queen Anne Victorian	Select WHS materials about Frank Windes.

RESEARCH SOURCES USED: *Winnetka Talk*, Cook County Assessor records, Cook County Recorder records, historic phone books, WHS property files, WHS digital files, Ancestry.com, *Chicago Tribune*

Findings:

Our research indicates that this house maintains historical and architectural significance as a Queen Anne Victorian design likely by local architect and civil engineer Frank Windes. Windes arguably contributed more to the structural development of Winnetka than any other single individual. As such, he has been referred to as “Mr. Winnetka.”

Windes was a longtime resident who served the Winnetka community in a number of important ways. Throughout his career, he served as Village Assessor, Village Engineer, and Village Marshall. He was a member of Winnetka’s Board of Education, was active in organizations such as the Freemasons and the Rotary Club, and taught Winnetka’s first manual training courses at Academy Hall. Windes was also a founder of the Winnetka Historical Society.

In 1900, Windes founded his own engineering firm in Winnetka. He was one of the first proponents of the track depression and Skokie Lagoons projects in Winnetka and, significantly, in 1906, produced plans for a bridge over the proposed tracks at Elm Street that were later used for the bridge that exists today.¹ His plans to turn the Skokie marsh into a series of lagoons were also instrumental in the development and implementation of that project.

As an architect, Windes is responsible for several recognizable buildings and structures. His first Winnetka design was likely his father’s house at 530 Cherry, which he designed when he was a teenager. By 1900, Windes had designed a number of houses in Winnetka, including his own at 873 Spruce. While we do not have any drawings, plans, permits, or any other official documentation indicating that Windes is the architect of 615 Elm, several materials in our collections database and house files name him as such.²

Date of Research: 5/10/2023

Submitted by:

Meagan McChesney, PhD
Curator, Winnetka Historical Society

Mary Trieschmann, MS Ed
Executive Director, Winnetka Historical Society

¹ That bridge was dedicated to Windes in 1999.

² In 1989, architectural historian Susan Benjamin conducted a survey of several historically and architecturally significant houses in Winnetka. On her report on this house (attached here), she lists the architect as “? Wm Otis,” indicating that she did not know who the architect was and that it may be William Otis, another notable local architect. While the style is typical of Otis and her guess makes sense, we have not found any links between Otis and this property. Thus, while we cannot confirm that Windes is the architect, the number of materials indicating that he designed 615 Elm lead us to conclude that he is likely the architect.













PLAT OF SURVEY

OF

THAT PART OF THE WEST HALF OF BLOCK 16 IN VILLAGE OF WINNETKA IN THE NORTH WEST FRACTIONAL QUARTER OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING ON THE NORTH LINE OF ELM STREET 87 FEET EAST OF THE EAST LINE OF CEDAR STREET; THENCE EAST 100 FEET; THENCE NORTH TO THE NORTH LINE OF THE SOUTH HALF OF THAT PART OF SAID BLOCK 16 MEASURED BETWEEN THE SOUTH LINE OF SPRUCE STREET AND THE NORTH LINE OF ELM STREET; THENCE WEST ALONG SAID LINE 100 FEET; THENCE SOUTH TO THE PLACE OF BEGINNING IN COOK COUNTY, ILLINOIS.

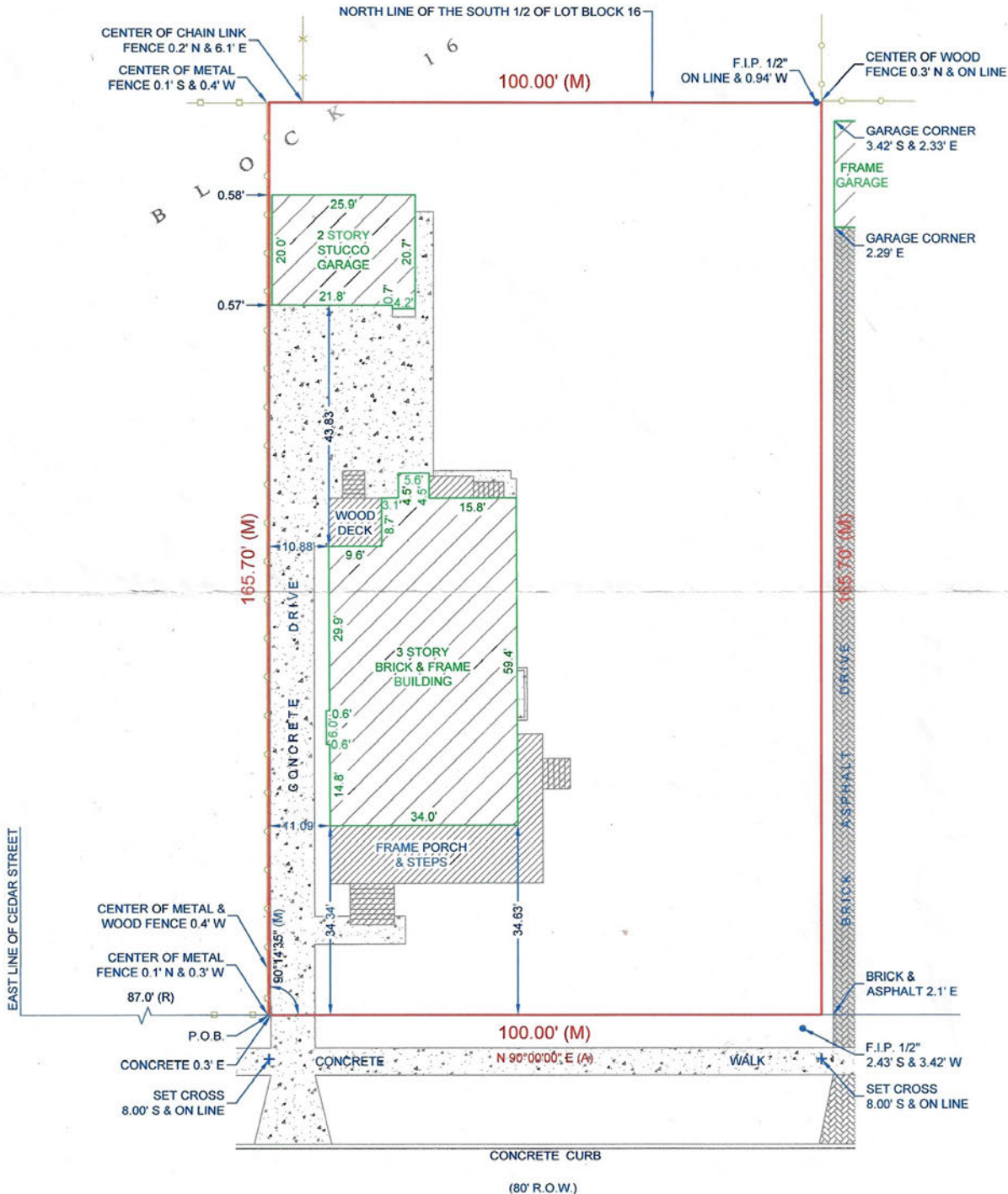
AREA OF SURVEY:

CONTAINING 18,570 SQ. FT. OR 0.38 ACRES MORE OR LESS



BASIS OF BEARING:
NORTH LINE OF ELM STREET AS FOUND
MONUMENTED AND OCCUPIED PER RECORD
SUBDIVISION.
N 90°00'00" E (A)

- LEGEND**
- A = ASSUMED
 - C = CALCULATED
 - CH = CHORD
 - CL = CENTERLINE
 - D = DEED
 - E = EAST
 - F.I.P. = FOUND IRON PIPE
 - F.I.R. = FOUND IRON ROD
 - FT. = FEET/FOOT
 - L = AND LESSER
 - M = MEASURED
 - N = NORTH
 - NE = NORTHEAST
 - NW = NORTHWEST
 - P.O.B. = POINT OF BEGINNING
 - P.O.C. = POINT OF COMMENCEMENT
 - R = RECORD
 - R.O. = RADIAL
 - R.O.W. = RIGHT OF WAY
 - S = SOUTH
 - S.I.P. = SET IRON PIPE
 - S.I.R. = SET IRON ROD
 - SE = SOUTHEAST
 - SW = SOUTHWEST
 - W = WEST
 - CHAIN LINK FENCE
 - WOOD FENCE
 - METAL FENCE
 - VINYL FENCE
 - EASEMENT LINE
 - SETBACK LINE
 - INTERIOR LOT LINE



ELM STREET



Morris Engineering, Inc.
515 Warrenville Road, Lisle, IL 60532
Phone: (630) 271-0770
FAX: (630) 271-0774
WEBSITE: WWW.MEIVIL.COM

STATE OF ILLINOIS
COUNTY OF DUPAGE
I, THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY, AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED, THIS 19TH DAY OF OCTOBER, A.D. 2022, AT Lisle, ILLINOIS.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 085-3283
LICENSE EXPIRATION DATE NOVEMBER 30, 2025
ILLINOIS BUSINESS REGISTRATION NO. 184-00246



NOTE:

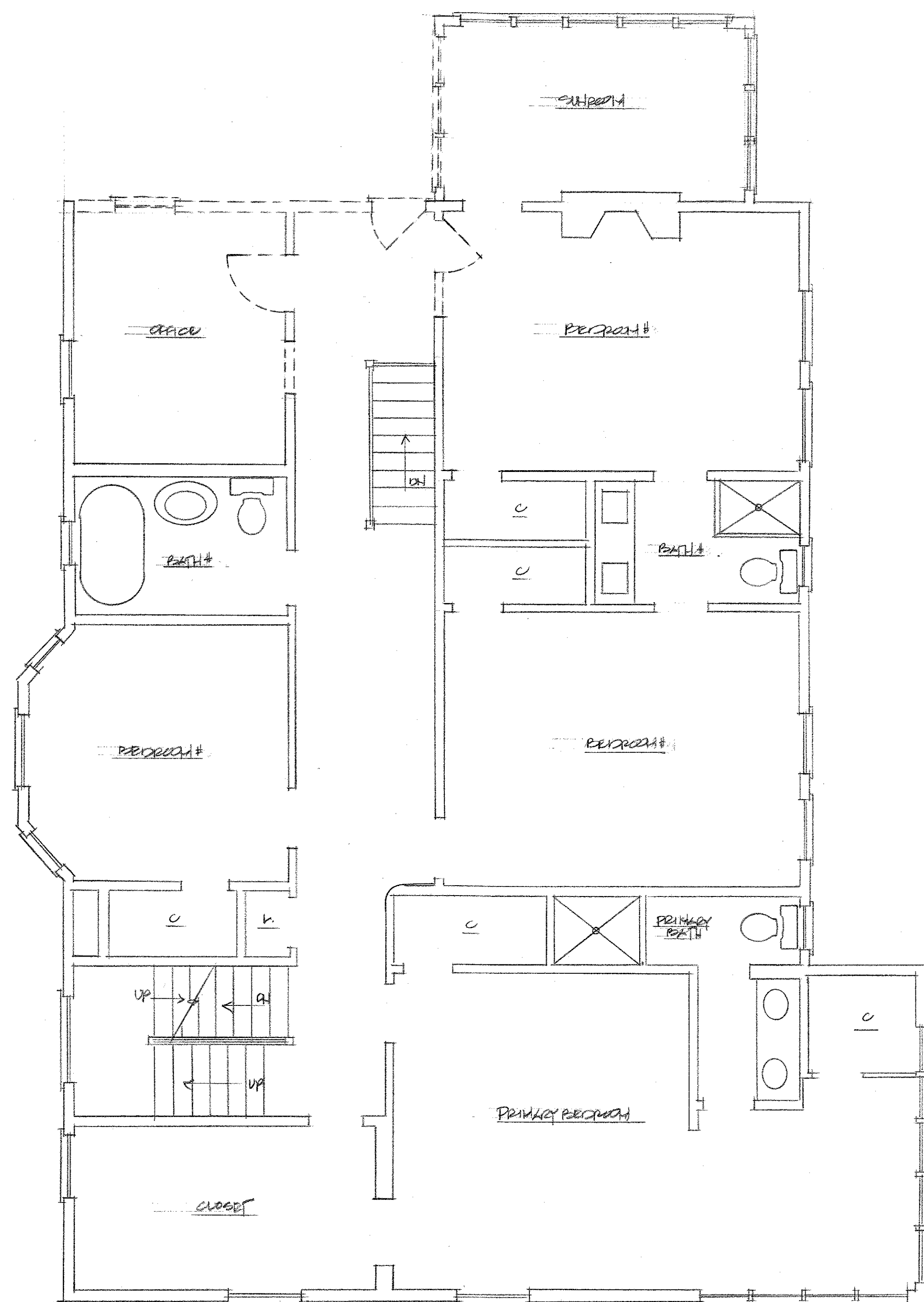
- ALL TIES SHOWN ON THIS SURVEY ARE MEASURED TO THE BUILDING'S SIDING (BRICK, FRAME, STUCCO, METAL, ETC.) AND NOT TO THE FOUNDATION, UNLESS NOTED OTHERWISE.
- ROOF LINES AND OVERHANGS ARE TYPICALLY NOT SHOWN HEREON.
- COMPARE ALL DISTANCES AND POINTS IN FIELD AND REPORT ANY DISCREPANCIES TO SURVEYOR AT ONCE.
- NO DIMENSIONS SHALL BE ASSUMED BY SCALING.

ADDRESS COMMONLY KNOWN AS 615 ELM STREET
WINNETKA, ILLINOIS

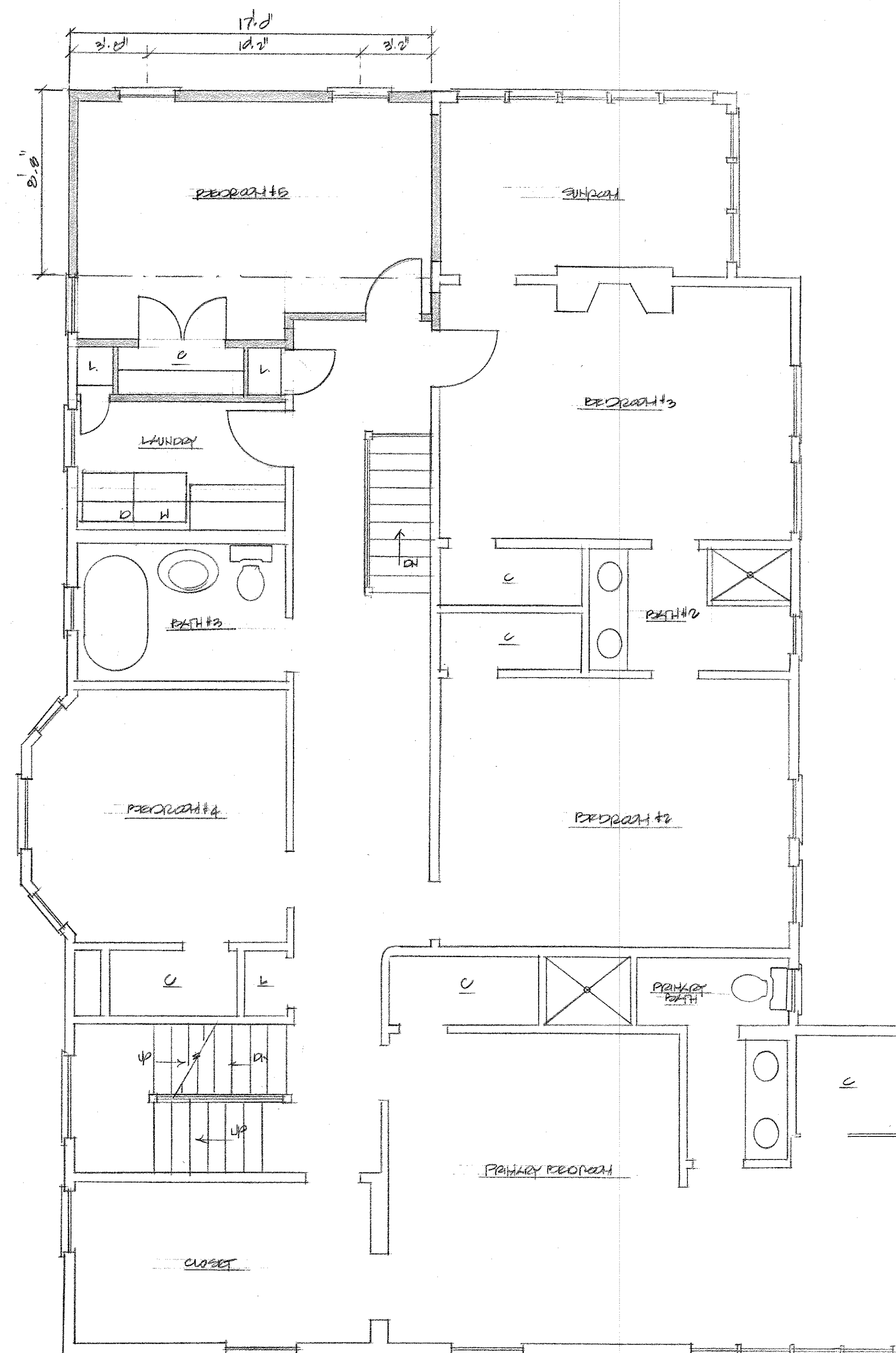
CLIENT MORREALE BRADY MALONE & CHWIK, P.C.

FIELDWORK DATE (CREW) 10/17/2022 (MD/PC)

DRAWN BY: RT REVISED: JOB NO. 22-09-0471



2ND FLOOR DEMOLITION
 1/4" = 1'-0"
 DEMOLITION ---



2ND FLOOR PLAN
 1/4" = 1'-0"
 NEW CONSTRUCTION —

DATE 3 MAY 23
REVISED

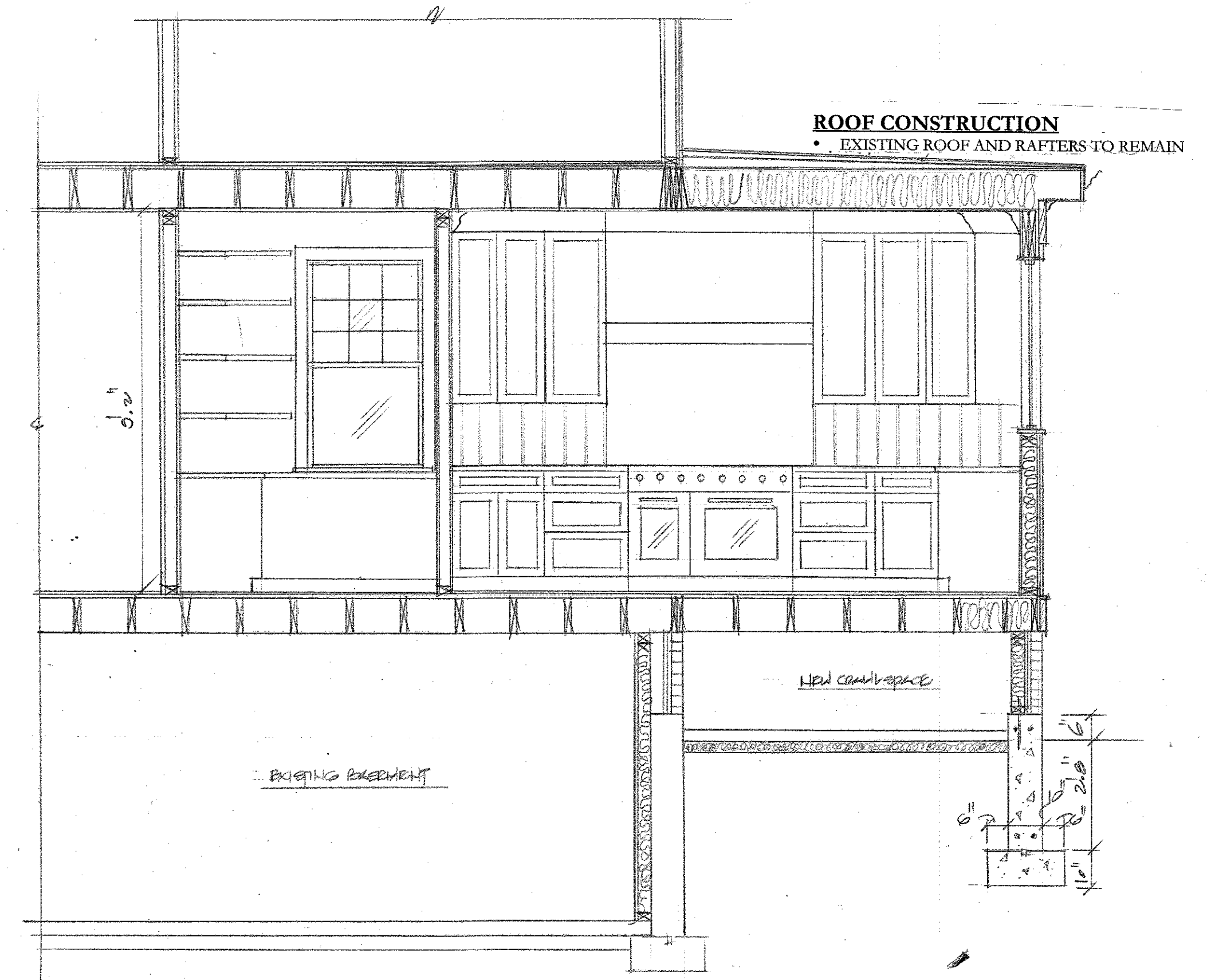




NORTH ELEVATION
1/4" = 1'-0"



WEST ELEVATION
1/4" = 1'-0"



WALL SECTION A
3/8" = 1'-0"

EXTERIOR WALL CONSTRUCTION

- MATCH EXISTING SMOOTH CEDAR SIDING
- TYVEK BUILDING PAPER
- 1/2" CDX PLYWOOD SHEATHING
- 2 x 4 WALL STUDS @ 16" O.C.
- R-21 CLOSED CELL FOAM INSULATION
- 5/8" DRYWALL

INTERIOR WALL CONSTRUCTION

- 2 x 4 WALL STUDS @ 16" O.C.
- 5/8" DRYWALL BOTH SIDES

INTERIOR FINISHES

- METRIE CROWN MOLDING AT FLAT CEILINGS
- WINDOW/DOOR CASING TO MATCH EXISTING
- METRIE #20168 WALLBASE

FLOOR/CEILING CONSTRUCTION

- FINISH FLOOR
- 1/2" T&G PLYWOOD SUBFLOOR
- R-30 INSULATION AT RIM
- 2 x 10 FLOOR JOISTS @ 16" O.C.
- 5/8" DRYWALL CEILING

FOUNDATION CONSTRUCTION

- 22" x 10" CONCRETE FOOTING W/ CONTINUOUS KEY
- 10" CONCRETE FOUNDATION WALL W/ 2 @ #5 REBAR TOP AND BOTTOM
- 1/2" O x 12" ANCHOR BOLTS AT 48" O.C. (MAX. 12" FROM CORNER)
- 4" CONCRETE SLAB W/ 6x6x1.4 WWF
- 6 MIL VISQUEEN VAPOR BARRIER
- 4" CRUSHED STONE BASE
- BITUMINOUS EXTERIOR DAMP PROOFING

BASEMENT WALL CONSTRUCTION

- 2 x 4 WALL STUDS @ 16" O.C.
- R-21 CLOSED CELL FOAM INSULATION
- 5/8" DRYWALL

KATZMAN RESIDENCE
615 ELM ST.
WINNETKA, IL. 60093
HEALY M. RICE, PC
415 WASHINGTON AVE.
WILMETTE, IL. 60091
847-853-0824
healyrice@comcast.net

DATE 3 MAY 23
REVISED

SHEET 4 OF 4

ATTACHMENT C
RESOLUTION NO. ZBA-01-2023
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
APPROVAL OF ZBA CASE NO. 23-06-V – 615 ELM STREET

WHEREAS, Jennifer and Taylor Katzman (collectively, the “Applicant”) are the owners of the property commonly known as 615 Elm Street, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made part of this Resolution (***“Subject Property”***); and

WHEREAS, the Subject Property is located in the R-4 Single Family Residential District; and

WHEREAS, the Subject Property is improved with a single family residence that is nonconforming with respect to (i) the maximum permitted building size (gross floor area); (ii) the minimum required side yard setback from the west property line; and (iii) the required building line articulation (***“Building”***); and

WHEREAS, the Applicant desires to enclose an existing porch and construct a second-floor addition to the Building on the Subject Property that would (i) exceed the maximum permitted gross floor area; (ii) provide less than the minimum required side yard setback from the west property line; and (iii) have an unarticulated west side building wall more than 40 feet in length; (***“Proposed Improvement”***); and

WHEREAS, pursuant to Section 17.30.040 of the Winnetka Zoning Ordinance (***“Zoning Ordinance”***), the Subject Property is permitted a maximum gross floor area of 5,176.22 square feet; and

WHEREAS, pursuant to Section 17.30.060 of the Zoning Ordinance, the Subject Property is required to provide a minimum side yard setback of 12 feet; and

WHEREAS, pursuant to Section 17.30.090 of the Zoning Ordinance, the Subject Property is required to provide articulation if any of the side building walls that face the smaller side yard is at least 40 feet long; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with (i) a gross floor area that exceeds the maximum permitted of 5,176.22 square feet, a violation of Section 17.30.040 of the Zoning Ordinance; (ii) a minimum side yard setback that is less than the required 12 feet, a violation of Section 17.30.060 of the Zoning Ordinance; and (iii) an unarticulated west side building wall that is more than 40 feet long, a violation of Section 17.30.090 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for variations from Section 17.30.040, Section 17.30.060, and Section 17.30.090 of the Zoning Ordinance to permit the Proposed Improvement on the Subject Property with (i) a gross floor area of 5,591.03 square feet; (ii) a west side yard setback of 10.88 feet; and (iii) an unarticulated west side building wall 59.4 feet in length (***“Requested Variations”***); and

WHEREAS, a public notice for the Requested Variations was duly published on May 25, 2023, in the “Chicago Tribune” and notice was mailed to the owners of record of all properties within 250 feet of the Subject Property as required by the Zoning Ordinance; and

WHEREAS, a public hearing was held by the Winnetka Zoning Board of Appeals during a meeting held on June 12, 2023, for the purpose of considering the Requested Variations with the final decision being rendered at the Zoning Board of Appeal’s Regular Meeting on June 12, 2023; and

WHEREAS, the Zoning Board of Appeals has considered the evidence presented, as follows:

1. Application for the Requested Variations submitted by the Applicant, dated May 5, 2023, including all attachments as well as all subsequent additions and revisions to these application materials and attachments; and
2. All written and oral testimony concerning the Requested Variations.

WHEREAS, the Zoning Board of Appeals has determined that the Requested Variations do satisfy the standards for a variation provided in Sections 17.60.040 and 17.60.050 of the Winnetka Zoning Ordinance; and

WHEREAS, the Zoning Board of Appeals has determined that it will serve and be in the best interest of the Village and its residents to grant the application for (i) the gross floor area variation; (ii) the minimum side yard setback variation; and (iii) the building line articulation variation in accordance with, and subject to, the conditions, restrictions, and provisions of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Appeals of the Village of Winnetka, Cook County, Illinois, that:

SECTION 1. RECITALS. The foregoing recitals are incorporated into, and made part of, this Resolution as the findings of the Zoning Board of Appeals.

SECTION 2. APPROVAL OF VARIATIONS. Subject to and contingent upon the conditions, restrictions, and provisions set forth in Section Three of this Resolution, the requested (i) gross floor area variation from Section 17.30.040 of the Zoning Ordinance; (ii) minimum side yard setback variation from Section 17.30.060 of the Zoning Ordinance; and (iii) building line articulation variation from Section 17.30.090 of the Zoning Ordinance to permit the Proposed Improvement on the Subject Property is hereby granted, in accordance with and pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village.

SECTION 3. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Winnetka Zoning Ordinance or any other rights the Applicant may have, the approval granted in Section Two of this Resolution is hereby expressly subject to and contingent upon compliance with each and all of the following conditions:

- A. Compliance with Plans. Except for minor changes and site work approved by the Director of Community Development in accordance with all applicable Village standards, the development, use, operation, and maintenance of the Subject Property, shall comply with those certain plans attached hereto as **Exhibit B**.

- B. Compliance with Regulations. The construction, development, use, operation, and maintenance of the Proposed Improvement and the Subject Property must comply with all applicable Village codes and ordinances, as the same may be amended from time to time, except to the extent specifically provided otherwise in this Resolution.

SECTION 4. RECORDING; BINDING EFFECT. A copy of this Resolution will be recorded in the office of the Cook County Clerk Recording Division. This Resolution and the privileges, obligations, and provisions contained herein will inure solely to the benefit of, and be binding upon, the Applicant and its respective heirs, personal representatives, successors and assigns.

SECTION 5. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Resolution, the approval granted in Section Two of this Resolution will, at the sole discretion of the Zoning Board of Appeals, by Resolution duly adopted, be revoked and become null and void; provided, however, that the Zoning Board of Appeals may not so revoke the approval granted in Section Two of this Resolution unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Zoning Board of Appeals. In the event of revocation, the development and use of the Subject Property will be governed solely by the applicable regulations of the Winnetka Zoning Ordinance, including, without limitation, (i) the gross floor area requirement set forth in Section 17.30.040 of the Zoning Ordinance; (ii) the minimum side yard setback requirement set forth in Section 17.30.060 of the Zoning Ordinance; and (iii) the building line articulation requirement set forth in Section 17.30.090 of the Zoning Ordinance. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 6. AMENDMENTS. Any amendments to the Requested Variations granted in Section Two of this Resolution may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Winnetka Zoning Ordinance.

SECTION 7. EFFECTIVE DATE.

- A. This Resolution will be effective only upon the occurrence of all of the following events:
- B. Passage by the Zoning Board of Appeals in the manner required by law; and
- C. The filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent, in the form of **Exhibit C** attached to and, by this reference, made a part of this Resolution, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Resolution and to indemnify the Village for any claims that may arise in connection with the approval of this Resolution.
- D. In the event that the Applicant does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 7.C of this Resolution, within 60 days after the date of final passage of this Resolution by the Zoning Board of Appeals, the Zoning Board of Appeals will have the right, in its sole discretion, to declare this Resolution null and void and of no force or effect.

ADOPTED this 12th day of June, 2023, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed:

Matthew Bradley, Chairperson

Countersigned:

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

That part of the West Half of Block 16 in Village of Winnetka in the North West Fractional Quarter of Section 21, Township 42 North, Range 13, East of the Third Principal Meridian bounded and described as follows: Commencing on the North Line of Elm Street 87 Feet East of the East Line of Cedar Street; Thence East 100 Feet; Thence North to the North Line of the South Half of that part of said Block 16 measured between the South Line of Spruce Street and the North Line of Elm Street; Thence West along said line 100 Feet; Thence South to the place of beginning in Cook County, Illinois.

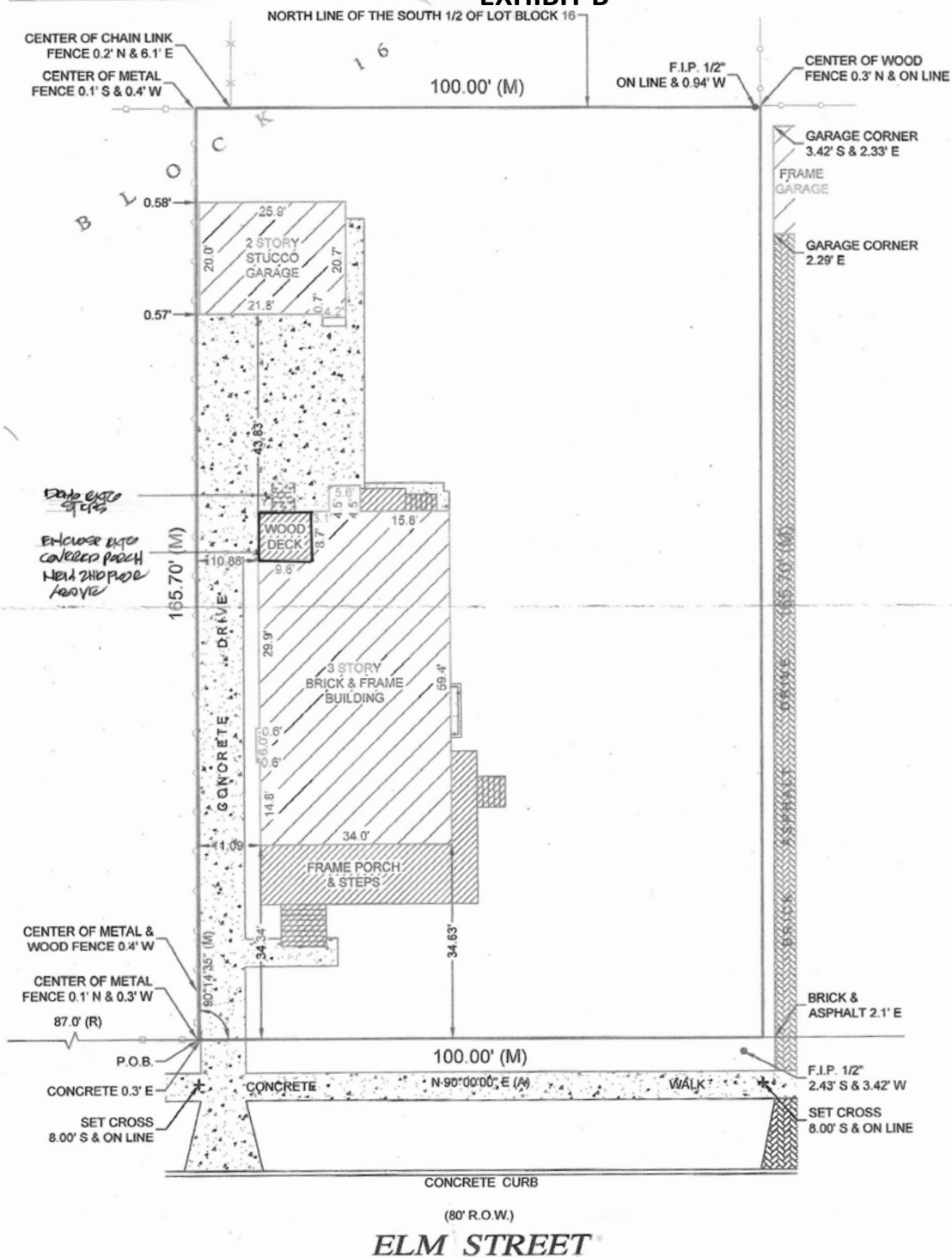
Commonly known as 615 Elm Street, Winnetka, Illinois.

Parcel Index Number: 05-21-106-006-0000

EXHIBIT B
PLANS

(SEE ATTACHED EXHIBIT B)

EXHIBIT B



SITE PLAN

1"=20'-0"

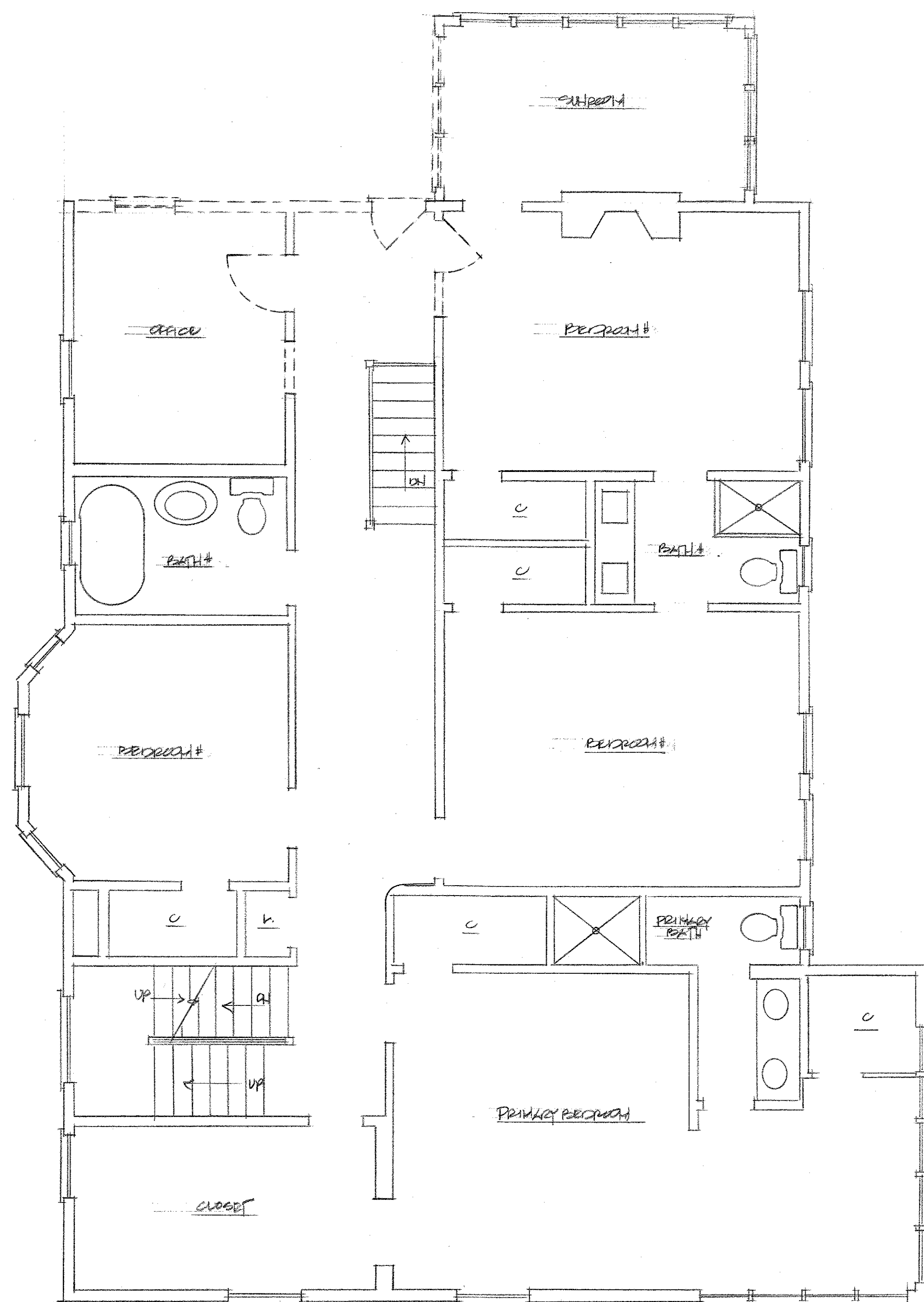
N

SITework

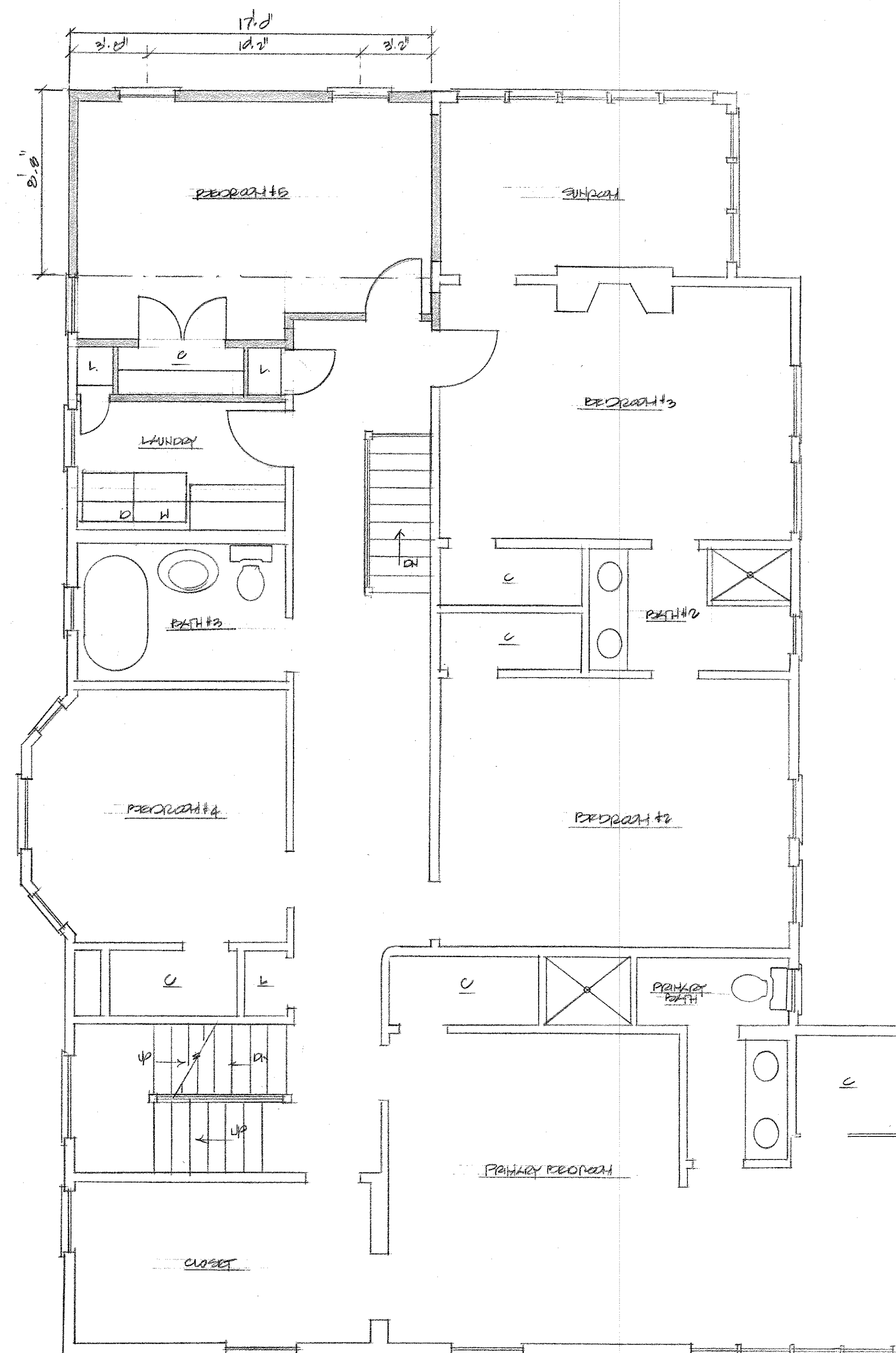
- GENERAL CONTRACTOR AND SUBCONTRACTORS TO COMPLY WITH AND FOLLOW VILLAGE OF WINNEKA SITE MAINTENANCE REQUIREMENTS (
- TREES ON THE PROPERTY AND PARKWAY SHALL RECEIVE PROTECTIVE FENCING IN ACCORDANCE WITH VILLAGE OF WILMETTE REQUIREMENTS.
- EXISTING GRADES SHALL REMAIN
- ALL DISTURBED PARKWAY LAWN AREAS WITHIN THE PUBLIC RIGHT OF WAY SHALL BE RESTORED WITH 6" OF PULVERISED TOPSOIL AND SOD. ALL DAMAGED SECTIONS OF THE PUBLIC SIDEWALK ARE TO BE REPLACED WITH 5" PCC CLASS SI OVER A 3" CA6 BASE. ALL SOD MUST BE WATERED TO SUSTAIN GROWTH.

LANDSCAPING

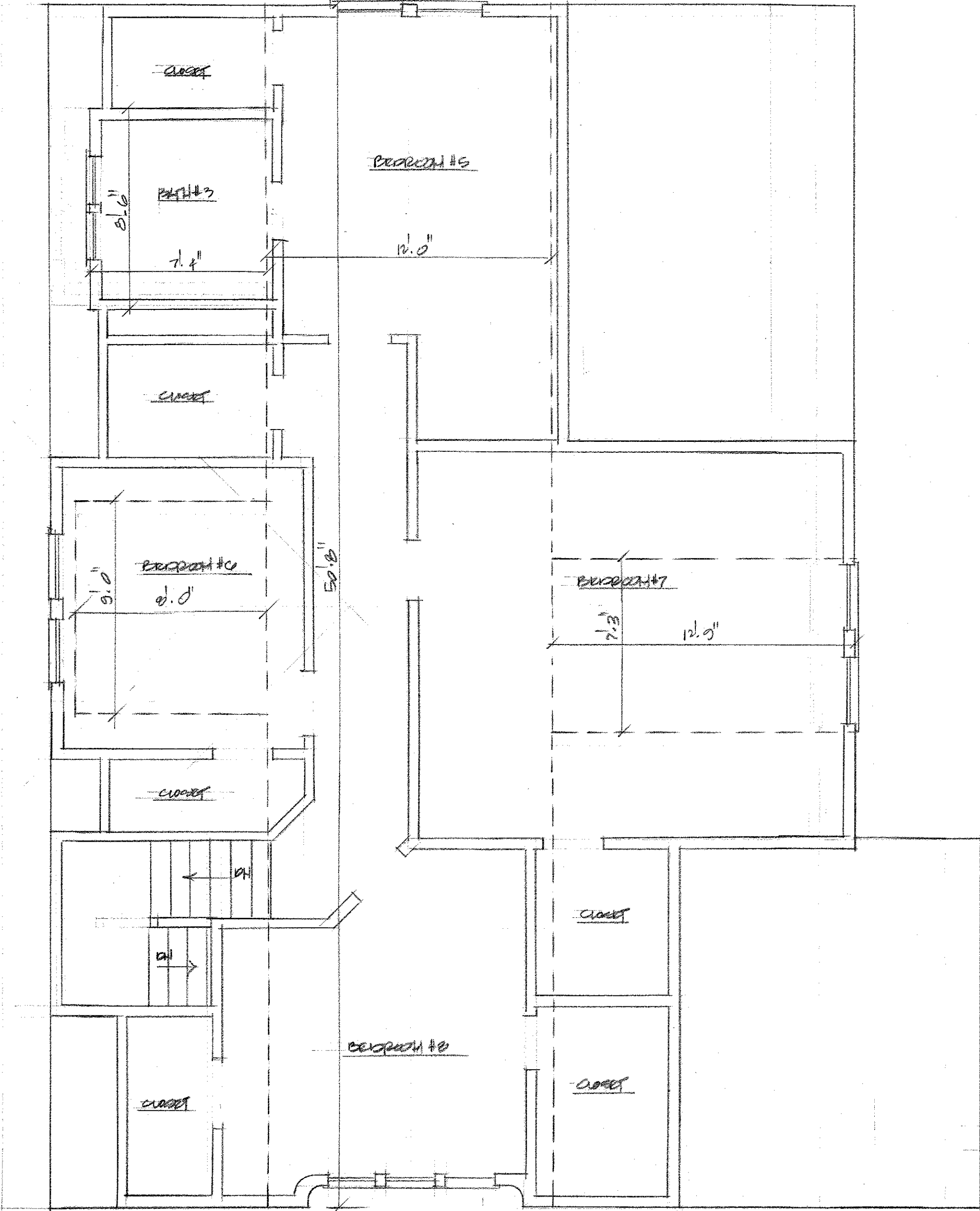
- RESTORE TO GRADE ALL AREAS AFFECTED BY CONSTRUCTION FOLLOWING COMPLETION
- PROTECT ALL TREES IN ACCORDANCE WITH VILLAGE REQUIREMENTS
- FINAL STOOPS, STEPS AND PATIO BY LANDSCAPE CONTRACTOR



2ND FLOOR DEMOLITION
 1/4" = 1'-0"
 DEMOLITION ---



2ND FLOOR PLAN
 1/4" = 1'-0"
 NEW CONSTRUCTION —



3RD FLOOR PLAN
1/4" = 1'-0"



EXISTING NORTH ELEVATION
1/4" = 1'-0"



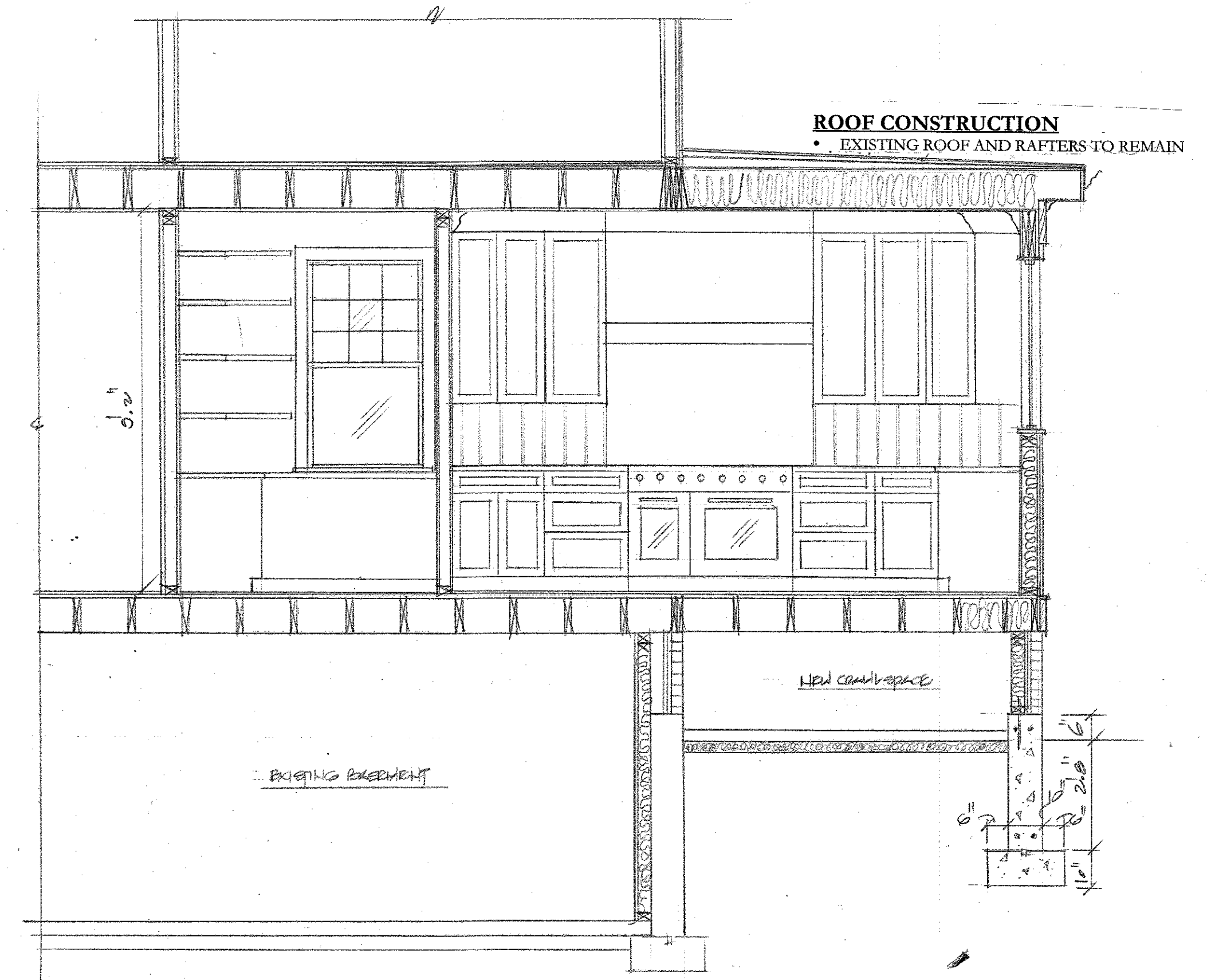
EXISTING WEST ELEVATION
1/4" = 1'-0"



NORTH ELEVATION
1/4" = 1'-0"



WEST ELEVATION
1/4" = 1'-0"



WALL SECTION A
3/8" = 1'-0"

EXTERIOR WALL CONSTRUCTION

- MATCH EXISTING SMOOTH CEDAR SIDING
- TYVEK BUILDING PAPER
- 1/2" CDX PLYWOOD SHEATHING
- 2 x 4 WALL STUDS @ 16" O.C.
- R-21 CLOSED CELL FOAM INSULATION
- 5/8" DRYWALL

INTERIOR WALL CONSTRUCTION

- 2 x 4 WALL STUDS @ 16" O.C.
- 5/8" DRYWALL BOTH SIDES

INTERIOR FINISHES

- METRIE CROWN MOLDING AT FLAT CEILINGS
- WINDOW/DOOR CASING TO MATCH EXISTING
- METRIE #20168 WALLBASE

FLOOR/CEILING CONSTRUCTION

- FINISH FLOOR
- 1/2" T&G PLYWOOD SUBFLOOR
- R-30 INSULATION AT RIM
- 2 x 10 FLOOR JOISTS @ 16" O.C.
- 5/8" DRYWALL CEILING

FOUNDATION CONSTRUCTION

- 22" x 10" CONCRETE FOOTING W/ CONTINUOUS KEY
- 10" CONCRETE FOUNDATION WALL W/ 2 @ #5 REBAR TOP AND BOTTOM
- 1/2" O x 12" ANCHOR BOLTS AT 48" O.C. (MAX. 12" FROM CORNER)
- 4" CONCRETE SLAB W/ 6x6x1.4 WWF
- 6 MIL VISQUEEN VAPOR BARRIER
- 4" CRUSHED STONE BASE
- BITUMINOUS EXTERIOR DAMP PROOFING

BASEMENT WALL CONSTRUCTION

- 2 x 4 WALL STUDS @ 16" O.C.
- R-21 CLOSED CELL FOAM INSULATION
- 5/8" DRYWALL

KATZMAN RESIDENCE
615 ELM ST.
WINNETKA, IL. 60093
HEALY M. RICE, PC
415 WASHINGTON AVE.
WILMETTE, IL. 60091
847-853-0824
healyrice@comcast.net

DATE 3 MAY 23
REVISED

SHEET 4 OF 4

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Winnetka, Illinois ("**Village**");

WHEREAS, Jennifer and Taylor Katzman (collectively, the "**Owner**") is the owner of record of that certain real property located at 615 Elm Street, Winnetka, Illinois ("**Property**"); and

WHEREAS, Resolution No. ZBA-01-2023, adopted by the Winnetka Zoning Board of Appeals on June 12, 2023 ("**Resolution**"), grants variations to enclose an existing porch and construct a second-floor addition to the existing single family residence on the Subject Property; and

WHEREAS, Section 7.A.2 of the Resolution provides, among other things, that the Resolution will be of no force or effect unless and until the Owner has filed, within 60 days following the passage of the Resolution, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Resolution;

NOW, THEREFORE, the Owner does hereby agree and covenant as follows:

1. The Owner hereby unconditionally agrees to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Resolution.
2. The Owner acknowledges that public notices and public hearings have been properly given and held with respect to the adoption of the Resolution, have considered the possibility of the revocation provided for in the Resolution, and agree not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Owner acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's granting of the variations, and that the Village's approval of the variations does not, and will not, in any way, be deemed to insure the Owner against damage or injury of any kind and at any time.
4. The Owner hereby agrees to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Resolution granting the variations for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2023.

ATTEST

OWNER

By: _____

By: _____

Jennifer Katzman

Name: _____

By: _____

Taylor Katzman

RESOLUTION NO. ZBA-01-2023
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
DENIAL OF ZBA CASE NO. 23-06-V – 615 ELM STREET

WHEREAS, Jennifer and Taylor Katzman (collectively, the “Applicant”) are the owners of the property commonly known as 615 Elm Street, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made part of this Resolution (***“Subject Property”***); and

WHEREAS, the Subject Property is located in the R-4 Single Family Residential District; and

WHEREAS, the Subject Property is improved with a single family residence that is nonconforming with respect to (i) the maximum permitted building size (gross floor area); (ii) the minimum required side yard setback from the west property line; and (iii) the required building line articulation (***“Building”***); and

WHEREAS, the Applicant desires to enclose an existing porch and construct a second-floor addition to the Building on the Subject Property that would (i) exceed the maximum permitted gross floor area; (ii) provide less than the minimum required side yard setback from the west property line; and (iii) have an unarticulated west side building wall more than 40 feet in length; (***“Proposed Improvement”***); and

WHEREAS, pursuant to Section 17.30.040 of the Winnetka Zoning Ordinance (***“Zoning Ordinance”***), the Subject Property is permitted a maximum gross floor area of 5,176.22 square feet; and

WHEREAS, pursuant to Section 17.30.060 of the Zoning Ordinance, the Subject Property is required to provide a minimum side yard setback of 12 feet; and

WHEREAS, pursuant to Section 17.30.090 of the Zoning Ordinance, the Subject Property is required to provide articulation if any of the side building walls that face the smaller side yard is at least 40 feet long; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with (i) a gross floor area that exceeds the maximum permitted of 5,176.22 square feet, a violation of Section 17.30.040 of the Zoning Ordinance; (ii) a minimum side yard setback that is less than the required 12 feet, a violation of Section 17.30.060 of the Zoning Ordinance; and (iii) an unarticulated west side building wall that is more than 40 feet long, a violation of Section 17.30.090 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for variations from Section 17.30.040, Section 17.30.060, and Section 17.30.090 of the Zoning Ordinance to permit the Proposed Improvement on the Subject Property with (i) a gross floor area of 5,591.03 square feet; (ii) a west side yard setback of 10.88 feet; and (iii) an unarticulated west side building wall 59.4 feet in length (***“Requested Variations”***); and

WHEREAS, a public notice for the Requested Variations was duly published on May 25, 2023, in the “Chicago Tribune” and notice was mailed to the owners of record of all properties within 250 feet of the Subject Property as required by the Zoning Ordinance; and

WHEREAS, a public hearing was held by the Winnetka Zoning Board of Appeals during a meeting held on June 12, 2023, for the purpose of considering the Requested Variations with the final decision being rendered at the Zoning Board of Appeal’s Regular Meeting on June 12, 2023; and

WHEREAS, the Zoning Board of Appeals has considered the evidence presented, as follows:

1. Application for the Requested Variations submitted by the Applicant, dated May 5, 2023, including all attachments as well as all subsequent additions and revisions to these application materials and attachments; and
2. All written and oral testimony concerning the Requested Variations.

WHEREAS, the Zoning Board of Appeals has determined that the Requested Variations **do not** satisfy the standards for a variation provided in Sections 17.60.040 and 17.60.050 of the Winnetka Zoning Ordinance because (i) the Requested Variations are not in harmony with the general purpose and intent of the Winnetka Zoning Ordinance; (ii) the Subject Property can yield a reasonable return if it is permitted to be used only under the conditions allowed for the R-4 Single Family Residential District; and (iii) the plight of the Applicant is not due to unique circumstances; and

WHEREAS, the Zoning Board of Appeals has determined that it will not serve and be in the best interest of the Village and its residents to approve the Requested Variations.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Appeals of the Village of Winnetka, Cook County, Illinois, that:

SECTION 1. RECITALS. The foregoing recitals are incorporated into, and made part of, this Resolution as the findings of the Zoning Board of Appeals.

SECTION 2. DENIAL OF VARIATIONS. In accordance with and pursuant to Chapter 17.60 of the Winnetka Zoning Ordinance and the home rule powers of the Village, the Zoning Board of Appeals denies the Requested Variations for the Subject Property.

SECTION 3. EFFECTIVE DATE. This Resolution will be effective upon passage by the Zoning Board of Appeals in the manner required by law.

ADOPTED this 12th day of June, 2023, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed:

Matthew Bradley, Chairperson

Countersigned:

Village Clerk

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

That part of the West Half of Block 16 in Village of Winnetka in the North West Fractional Quarter of Section 21, Township 42 North, Range 13, East of the Third Principal Meridian bounded and described as follows: Commencing on the North Line of Elm Street 87 Feet East of the East Line of Cedar Street; Thence East 100 Feet; Thence North to the North Line of the South Half of that part of said Block 16 measured between the South Line of Spruce Street and the North Line of Elm Street; Thence West along said line 100 Feet; Thence South to the place of beginning in Cook County, Illinois.

Commonly known as 615 Elm Street, Winnetka, Illinois.

Parcel Index Number: 05-21-106-006-0000