

**WINNETKA ZONING BOARD OF APPEALS MEETING MINUTES  
JUNE 12, 2023**

**Zoning Board Members Present:** Matt Bradley, Chairman  
Kate Casale MacNally  
Mark Haller  
Mike Nielsen  
Todd Vender

**Zoning Board Members Absent:** Lynn Hanley  
Max Weigandt

**Village Staff:** Ann Klaassen, Assistant Director of Community  
Development

**Call to Order & Roll Call:**

Chairman Bradley called the meeting to order at 7:02 p.m. Ms. Klaassen took roll call of the Board Members present.

**Approval of April 10, 2023 Meeting Minutes.**

Chairman Bradley asked if there were any comments or for a motion to approve the April 10, 2023, meeting minutes. A motion to approve the April 10, 2023, meeting minutes was made by Ms. Casale MacNally. The motion was seconded by Mr. Nielsen. A vote was taken and the motion unanimously passed, 5 to 0:

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

NAYS: None

**Community Development Report.**

Ms. Klaassen provided the Board with an update in connection with 564 Green Bay Road noting the Plan Commission recommended approval and the Village Council adopted an ordinance approving the request.

**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.**

Ms. Klaassen identified the property's location and zoning classification and described the applicant's 2020 proposal, which the Village Council had approved. She stated the applicant now planned to maintain both residences with the 2020 subdivision approval not being in effect. Ms. Klaassen then described the current and proposed lots' width with the subdivision creating two nonconformities for 1423 Asbury rendering it nonconforming in terms of the minimum side yard setback and the total side yard setback. She noted the proposed improvements comply with zoning requirements on the 1423 Asbury lot. Ms. Klaassen also identified the 1415 Asbury nonconformities and stated due to the extent of the excess GFA,

1 a variation is necessary to allow construction of the detached garage. She then referred to illustrations of  
2 the front elevation and the one car garage as well as the setback requirements noting the nonconformities  
3 being created and those which would remain. Ms. Klaassen noted the home complied with zoning  
4 requirements at the time of its construction in 1999 and explained the reason why the basement was not  
5 included in GFA which was due to zoning ordinance changes.

6  
7 Ms. Klaassen stated the Plan Commission considered the subdivision request on March 27, 2023, and had  
8 comments related to the proposed driveway with the applicants revising the design as shown in the  
9 materials currently before the ZBA, and that the Plan Commission recommended approval. She noted an  
10 email relating to the application was received this evening, from the neighbor to the west, which is  
11 provided for the ZBA on the dais. Ms. Klaassen then stated following the applicants' presentation, public  
12 comment and Board discussion, a Board Member may wish to make a motion as indicated on page nos.  
13 20 and 21 and asked if there were any questions.

14  
15 Chairman Bradley also asked if there were any questions. Ms. Casale MacNally referred to the neighbors'  
16 recent email which contained extensive technical questions and comments and asked if the comments  
17 were previously addressed by the Plan Commission. Ms. Klaassen responded the comments were  
18 receiving shortly before the meeting and explained that it was suggest that the neighbors provide photos  
19 since the video wasn't accessible. Chairman Bradley summarized the neighbors' concerns relating to  
20 storm water issues. Ms. Klaassen confirmed the request would have to comply with storm water  
21 regulations with the Village's Engineering Department finding that the application complied with the  
22 regulations.

23  
24 Mr. Nielsen questioned whether the property is required to hold all of its water until it can be released in  
25 terms of engineering. Ms. Klaassen responded the applicants cannot cause water runoff onto neighboring  
26 properties and that the water would be directed to drains on the site, not onto neighboring properties.  
27 No additional questions were raised at this time.

28  
29 Chairman Bradley swore in those speaking to this matter. Cal Bernstein, the applicants' attorney, stated  
30 he would describe the changes between the former and current application. He identified the sites'  
31 location and lot lines with the initial plan being to move the lot lines to the west due to issues in the rear  
32 of the property and the lack of the garage's functionality. Mr. Bernstein then referred to the historical  
33 significance of 1423 Asbury and that the applicant reconsidered the plan to demolish the home. He stated  
34 the request remained the same as the previous proposal with the exception of them now keeping the  
35 home at 1423 Asbury and identified the issues relating to the driveway. Mr. Bernstein noted the two car  
36 garage at 1423 Asbury would be removed which would improve water runoff issues to the neighbors'  
37 property. He stated the only change in the properties' appearance would be to shift the driveway to the  
38 west side of the property requiring side yard relief. He also stated a swail to collect storm water and  
39 additional landscaping would be included as part of the plan. Mr. Bernstein stated the standards were  
40 addressed in the application and noted they received the email at their arrival at tonight's meeting which  
41 primarily related to engineering plans. He noted they would work with the Engineering Department to  
42 work with the west neighbor noting a curb cut was included between the properties to address that  
43 neighbors' concerns with the project being an improvement over the current condition. Mr. Bernstein  
44 then asked if there were any questions.

45  
46 Chairman Bradley also asked if there were any questions. No questions were raised at this time. He then  
47 asked if there was any public comment. No comments were made at this time. Chairman Bradley then  
48 called the matter in for discussion.

1 Chairman Bradley referred to the previous concerns relating to the garage and the concerns recently  
2 raised by the neighbors relating to storm water runoff which are not within the Board's purview. Ms.  
3 Casale MacNally referred to the new driveway's location. Chairman Bradley referred to Figure 4 on page  
4 5 and described the Plan Commission's concerns relating to the appearance of it being a shared driveway  
5 which led to its relocation. Mr. Haller questioned the fence's location which was clarified by the Board.  
6 The Board Members also discussed the new garage's location and the side yard and total side yard  
7 calculations noting the existing nonconformities.  
8

9 Mr. Vender described the application as a complicated no-brainer and stated he would be in support of  
10 the request noting compliance is required by the Engineering Department and that the request met the  
11 standards. Chairman Bradley stated he would also be in favor of recommending approval and appreciated  
12 the applicant's attempts to retain and repair the 1423 Asbury property with the request being an  
13 improvement for the neighborhood. Mr. Haller referred to the increased GFA and asked for the Board's  
14 comments. Mr. Nielsen responded it was previously addressed by Ms. Klaassen which related to the  
15 zoning ordinance change relating to basements. Ms. Klaassen noted a GFA bonus is allowed for the  
16 detached garage but there would be an overall GFA increase.  
17

18 Mr. Nielsen stated the email relating to the storm water concerns are not to be addressed by the Board  
19 as well as impermeable surfaces noting the request met the standards. He also referred to the garage on  
20 the west side and the three variances being requested. Mr. Nielsen then stated he would be in support of  
21 the request. Mr. Haller stated he did not see anything that is overly concerning to him and referred to the  
22 improvements to the neighbors' property in connection with the driveway's relocation. Ms. Casale  
23 MacNally stated three vehicles would be able to be parked at 1415 Asbury, the neighbors' concerns  
24 relating to storm water would be addressed by the Engineering Department and the fact the 1423 Asbury  
25 could have been replaced by a much larger home. She then stated she is in support of the request.  
26

27 Chairman Bradley asked for a motion to recommend approval as indicated on page no. 13. A motion to  
28 recommend approval was made by Ms. Casale MacNally and seconded by Mr. Nielsen. A vote was taken  
29 and the motion unanimously passed, 5 to 0:

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

31 NAYS: None  
32

### 33 **New Cases:**

34 a. **Case No. 23-06-V: 615 Elm Street: An application seeking approval of zoning variations to allow**  
35 **construction of an addition to the existing residence at 615 Elm Street. The requested variations would**  
36 **permit the addition to (i) exceed the maximum permitted gross floor area; (ii) provide less than the**  
37 **minimum required side yard setback from the west property line; and (iii) provide an unarticulated west**  
38 **side building wall. The Zoning Board of Appeals has final jurisdiction on this request.**

39 Ms. Klaassen identified the property's location, zoning classification and photos of the front and rear of  
40 the home. She stated the applicant has also submitted a preliminary property history study preparation  
41 request relating to the 20% GFA bonus request with the Historical Society finding the home has  
42 architectural and historical significance. Ms. Klaassen then stated the applicant would then be asked to  
43 have an HAIS prepared for consideration by the LPC. She also described the proposed work included as  
44 part of the project noting the home is existing nonconforming and identified the setback and articulation  
45 requirements and variations being requested.  
46

47 The Board Members asked several clarifying questions relating to the articulation requirements which Ms.  
48 Klaassen provided for the Board. Ms. Klaassen also identified other interior spaces that would be changed

1 as part of the project and referred to illustrations of the proposed addition on the north and west  
2 elevations. She noted no public comment was received and stated two resolutions were drafted; one  
3 approving the request and one denying it, both of which are included in the packet. Ms. Klaassen then  
4 asked if there were any questions.

5  
6 Ms. Casale MacNally asked with regard to GFA if it would be addressed as part of the historical  
7 preservation process. Ms. Klaassen responded the variation request would come first with the historical  
8 review process relating to the GFA taking longer to complete. Ms. Casale MacNally asked with regard to  
9 the side yard setback if there would be no change. Ms. Klaassen confirmed that is correct. Chairman  
10 Bradley asked with regard to the newly created specialty GFA bonus how many applications were received  
11 relating to the bonus. Ms. Klaassen responded a home on Forest was the only similar request, but the  
12 owners decided not to commission an HAIS so there hasn't been a bonus granted yet. No additional  
13 questions were raised at this time.

14  
15 Chairman Bradley swore in those speaking to this request. Healy Rice introduced herself as the architect  
16 along with the property owner, Jennifer Katzman. Ms. Rice explained the reasoning for the proposed  
17 addition's location with the articulation variation making the most sense to request. She then stated they  
18 are having the HAIS report prepared and described the GFA bonus process as a wonderful opportunity for  
19 the Village. Ms. Rice noted the FAR variation would be eliminated if the request is approved adding the  
20 home is definitely significant and was built by one of the founding Village architects. She then stated the  
21 FAR request is due to the coach house and they are not eligible for the detached garage bonus with the  
22 proposed addition serving to square up the home. Ms. Rice referred to the neighboring properties and  
23 identified mature landscaping between the properties in terms of view. She then asked if there were any  
24 questions.

25  
26 Mr. Vender questioned the cost of the HAIS. Ms. Rice estimated it to be \$4,500. He also asked about the  
27 neighboring home. Ms. Rice stated the HAIS would contain pertinent information relating to the  
28 applicant's home and neighboring homes.

29  
30 Chairman Bradley asked if there were any comments from the public. No comments were made at this  
31 time. He then called the matter in for discussion.

32  
33 Mr. Haller commented the request is a reasonable ask and would help maintain a historically significant  
34 home and described how the kitchen would be updated which was not scaled to today's standards. He  
35 also stated he is not bothered by the existing unarticulated wall and to make it compliant would frustrate  
36 what the purpose is. He then referred to the amount of landscaping and stated the request would not be  
37 an imposition on the neighborhood or neighboring property with a modest increase in GFA. He concluded  
38 by stating he would be in support of the request.

39  
40 Mr. Vender stated this is an easy no-brainer and his questions relating to the process were addressed and  
41 he would be in support of the application. Ms. Casale MacNally stated she is also in support of the request  
42 and referred to a previous similar case. She stated the project would bring the home up to the realities of  
43 modern life and the additions are being kept in the rear. Ms. Casale MacNally then stated she would be  
44 in support of the request. Mr. Nielsen stated he has been in the home and the addition in the back needed  
45 to be done. He then referred to the roofed lot coverage information and impermeable lot coverage and  
46 stated the standards have been met. Mr. Nielsen also stated he is unbothered by the articulation and  
47 would be in favor of the request. Chairman Bradley stated he would also be in favor of the request and  
48 noted for the record he is in support of saving historic homes and modernizing the Village's current

1 housing stock. He described the GFA bonus program as very important which can serve as an inspiration  
2 to future applicants. Chairman Bradley agreed the articulation issue is not a concern and to require  
3 compliance should not be forced in this case. He concluded he is in support of the request.  
4

5 Chairman Bradley then asked for a motion to approve the resolution as indicated on page 113. A motion  
6 to approve the resolution was made by Ms. Casale MacNally and seconded by Mr. Nielsen. A vote was  
7 taken and the motion unanimously passed, 5 to 0:

8 AYES: Bradley, Casale MacNally, Haller, Nielsen, Vender

9 NAYS: None  
10

11 **New Business:**

12 a. July 10, 2023 Meeting - Quorum Check

13 The Board Members discussed their availability.  
14

15 **Public Comments:**

16 No comments were made at this time.  
17

18 **Adjournment:**

19 Chairman Bradley asked for a motion to adjourn. A motion to adjourn was made by Ms. Casale MacNally  
20 and seconded by Mr. Nielsen. A vote was taken and the motion unanimously passed, 5 to 0:

21 AYES: Bradley, Casale MacNally, Haller, Nielsen, Vender

22 NAYS: None

23 The meeting adjourned at 8:13 p.m.  
24

25 Respectfully submitted,  
26

27 Antionette Johnson

28 Recording Secretary