



Village of Winnetka

Zoning Board of Appeals Regular Meeting

September 9, 2024 at 7:00 PM
Village Hall Council Chambers
510 Green Bay Road

AGENDA

1. **Call to Order & Roll Call**
2. **Approval of Minutes**
 - a. August 12, 2024, Regular Meeting Minutes
3. **Community Development Report**
4. **New Cases**
 - a. **Case No. 24-19-V: 545 Maple Street:** An application seeking approval of a variation to allow construction of a second floor dormer addition to the existing residence at 545 Maple Street. The requested variation would permit the proposed addition to exceed the maximum permitted gross floor area. The Zoning Board of Appeals has final jurisdiction on this request.
5. **New Business**
 - a. September 24, 2024, Special Meeting - Quorum Check
 - b. October 14, 2024, Regular Meeting - Quorum Check
6. **Public Comments**
7. **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
AUGUST 12, 2024**

Zoning Board Members Present:

Matt Bradley, Chairman
Mark Haller
Lynn Hanley
Kathryn Leister

Zoning Board Members Absent:

Kate Casale MacNally
Mike Nielsen
Todd Vender

Village Staff:

Ann Klaassen, Assistant Director of Community
Development

Call to Order & Roll Call:

Chairman Bradley called the meeting to order at 7:04 p.m. Roll call was taken of the Board Members present.

Approval of Meeting Minutes:

Chairman Bradley asked for a motion to approve the June 11, 2024, special meeting minutes. A motion was made by Ms. Hanley and seconded by Mr. Haller. A vote was taken and the motion unanimously passed, 4 to 0:

AYES: Bradley, Haller, Hanley, Leister

NAYS: None

Community Development Report:

Ms. Klaassen provided the Board Members with the Community Development Report.

New Cases:

a. **Case No. 24-17-V2: 473 Sheridan Road:** An application seeking approval of a variation to allow construction of a new single-family residence at 473 Sheridan Road. The requested variation would permit the proposed residence to provide less than the minimum required front yard setback from the west property line. The Village Council has final jurisdiction on this request.

Ms. Klaassen identified the property's location, size and zoning classification noting it is a flag lot and through lot. She also noted the lot is legally nonconforming which she described in detail. Ms. Klaassen stated the property is subject to the steep slope regulations recently adopted and referred to property photos. She informed the Board the demolition permit application was considered by the Historic Preservation Commission and approved without delay.

Ms. Klaassen identified the existing residence, which the applicant is proposing to tear down with the exception of the existing attached garage. She then explained the variation being requested to construct the new residence that would be attached to the existing garage. She also identified the slope transition area and its limitations in terms of construction along with the proposed new home's location, and a proposed pool and boat house which do not require zoning relief. Ms. Klaassen then referred to the zoning matrix noting the boat house complied with zoning regulations. She stated the Village Engineering Department and Coastal Engineer assisting the Village on the review of lakefront development projects have confirmed the steep slope zone and slope transition area are correctly depicted and that during the

1 building permit review process the applicant should be able to demonstrate that the proposed
2 improvements can comply with the steep slope development standards. Ms. Klaassen then identified the
3 proposed north side and front building elevations. She then noted that staff received one written
4 correspondence from a neighbor which was provided to the Board via email and a hard copy is provided
5 for you this evening.

6
7 Ms. Klaassen stated that given the fact that a portion of the property is governed by the steep slope
8 regulations, the Board may also take into consideration the impacts of those regulations when considering
9 the variation request for otherwise applicable zoning regulations. She then read Section 17.82.100 of the
10 steep slope regulations into the record, which states: *"Nothing in this Chapter is intended to limit the
11 ability of an applicant from seeking a variation from the otherwise applicable zoning regulations affecting
12 the owner's property. To the extent that the regulations of this Chapter materially restrict the ability of a
13 property to be developed or materially increase the cost of such development, the Zoning Board of Appeals
14 may, as part of its recommendation, conclude that the effects of this Chapter can, in appropriate
15 circumstances, constitute a practical difficulty or unreasonable hardship."* Ms. Klaassen stated following
16 the applicant's presentation, public comment and Board discussion, the Board may wish to make a motion
17 to recommend approval or denial as indicated on page nos. 13 and 14. She then asked if there were any
18 questions.

19
20 Chairman Bradley also asked if there were any questions. Ms. Hanley asked if the garage is preexisting
21 nonconforming and would remain while requiring zoning relief. Ms. Klaassen confirmed that is correct.
22 She confirmed the applicant planned to make exterior alterations to the garage with the walls and
23 foundation to remain. Chairman Bradley questioned why the 50 foot line is set in connection with the flag
24 lot. Ms. Klaassen explained how the determination is made and referred to the plat of survey to identify
25 the "flagpole" and "flag" portions of the lot. Mr. Haller asked if the front lot line siting is how it is always
26 done for flag lots. Ms. Klaassen confirmed that is correct. No additional questions were raised at this time.

27
28 Chairman Bradley swore in those speaking to this matter. Bill Murphy, the architect, introduced himself
29 to the Board and stated the existing garage would remain and if it was removed, it would not have been
30 built in the same location. He confirmed the garage's foundation and walls would remain with the roof
31 line lifted to match the taller home's construction. Mr. Murphy informed the Board they initially
32 considered keeping the original home and explained the decision to demolish the home instead. He stated
33 the square footage of the new home would be similar to the square footage of the existing home.

34
35 Chairman Bradley asked if there were any questions. Mr. Haller asked if there would be a deck on top of
36 the garage. Mr. Murphy confirmed there would be an open deck on top of the new garage which would
37 be reinforced if necessary. Chairman Bradley asked Mr. Murphy to address the first standard. Mr. Murphy
38 explained the depth of the buildable area from the 50-foot front yard setback to the slope transition area.
39 He said that's where the bluff falls off and there is nothing left for a backyard. Mr. Murphy explained that
40 the physical dimensions of this area drive the location of the home. He said the site is limited with he
41 steep slope zone and they are trying to maintain yard space for the applicant's family. Mr. Haller asked
42 how the home's design with the garage in the front would affect the neighbors' enjoyment. Mr. Murphy
43 explained how the existing screen of Arbor Vitae would provide a visual buffer with the new home
44 otherwise having no impact on neighboring properties. He also described the home's height with regard
45 to the cupola on the one-story garage. No additional questions were raised at this time.

46
47 Chairman Bradley then asked for public comment. He swore in those speaking to this matter.
48

1 Jeff Barton, 480 Oak Street, stated they have no problem with the setback. He also stated their privacy
2 would only be minimally impacted with the proposed roof deck. Mr. Barton asked if there are other
3 variances being required for the new construction. Ms. Klaassen explained the process to Mr. Barton and
4 clarified that the only variation being requested and considered by the Board is the front yard setback
5 from the west property line. Mr. Haller thanked Mr. Barton for commenting. No additional public
6 comments were made at this time.

7
8 Chairman Bradley called the matter in for discussion and asked if approval should be conditioned with
9 regard to the front yard setback demarcation line. He noted a new front yard variance is being established.
10 Ms. Klaassen provided clarification to the Board and explained that if the Board recommends approval, it
11 would be specific to the plans presented to the Board. She explained that approval does not establish a
12 reduced setback for future development or improvements on the lot. Ms. Hanley stated she would be in
13 favor of the request noting the steep slope ordinance and front yard setback limited the buildable area
14 on the otherwise large lot. She also stated for the garage to remain represented a reasonable request.
15 Ms. Leister agreed with Ms. Hanley's comments and commended the applicants for remaining within the
16 existing footprint and for them working with the neighbors. Mr. Haller agreed with the comments made
17 and referred to his comment relating to the garage deck. He stated it would also not be higher than the
18 current condition and he would be in favor of the request. Chairman Bradley stated he is also in favor of
19 the request with the standards otherwise being met and no precedent being set.

20
21 Chairman Bradley asked for a motion to recommend approval. A motion to recommend approval was
22 made by Ms. Hanley and seconded by Ms. Leister. A vote was taken and the motion unanimously passed,
23 4 to 0:

24 AYES: Bradley, Haller, Hanley, Leister

25 NAYS: None

26
27 **New Business:**

28 a. September 9, 2024 Meeting, - Quorum Check.

29 The Board Members discussed their availability.

30
31 **Public Comment:**

32 No comments were made at this time.

33
34 **Adjournment:**

35 Chairman Bradley asked for a motion to adjourn. A motion to adjourn was made by Ms. Hanley. The
36 motion was seconded. A vote was taken and the motion unanimously passed, 4 to 0:

37 AYES: Bradley, Haller, Hanley, Leister

38 NAYS: None

39 The meeting adjourned at 7:38 p.m.

40
41 Respectfully submitted,

42
43 Antionette Johnson

44 Recording Secretary



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: CHRISTOPHER MARX, AICP, ASSOCIATE PLANNER
DATE: SEPTEMBER 5, 2024
SUBJECT: 545 MAPLE STREET – VARIATION (CASE NO. 24-19-V)

INTRODUCTION

On September 9, 2024, the Zoning Board of Appeals is scheduled to hold a public hearing on an application submitted by Evelina and Michael Snell (collectively, the “Applicant”), as the owners of the property located at 545 Maple Street (the “Subject Property”). The Applicant requests approval of the following zoning variation to allow construction of two second-floor dormers to the existing residence on the Subject Property:

1. **Gross Floor Area (GFA)** of 3,151.91 square feet, whereas a maximum of 3,080.85 square feet is permitted, a variation of 71.06 square feet (2.31%). [Section 17.30.040 – Maximum Building Size]
[Note: The existing improvements currently consist of 3,120.91 square feet. The proposed addition would add 31 square feet of GFA.]

A mail 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 *Winnetka Talk* on August 22, 2024. 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 a variation to allow a zoning lot with a pre-FAR building (constructed prior to 1989) to exceed the maximum permitted GFA by no more than 10%.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.18 acres in size, is located on the northeast corner of the intersection of Maple Street and Elm Street, and contains an existing two-story residence with an attached 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.

The existing lot is a legally nonconforming corner lot that is 7,702.12 square feet in lot area, while the minimum required lot area for a corner lot in the R-4 District is 13,300 square feet. Also, the lot is 109.25 feet in depth, while the minimum required lot depth in the R-4 District is 120 feet.



Figure 1 – Aerial Map

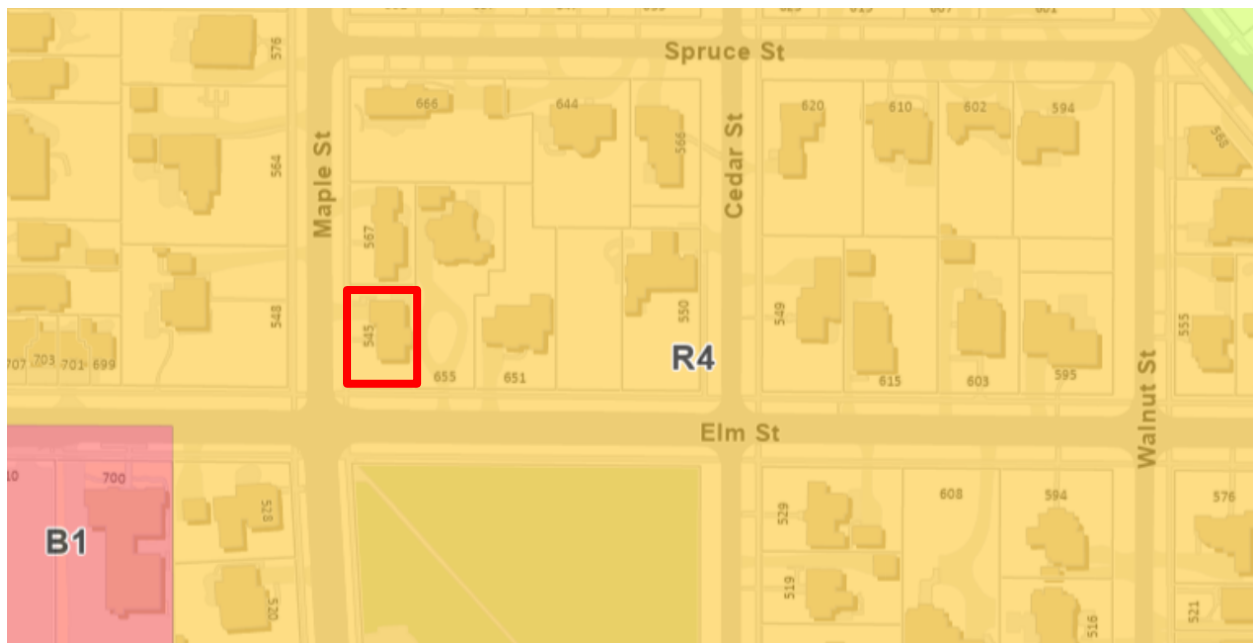


Figure 2 – Zoning Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The residence was built in 1966. Subsequent building permits were issued in:

1. 1978 to enclose a porch and renovate the interior; and
2. 2007 to install a portico entryway.

Other minor permits have been issued over the last several years. The Applicant acquired the property in 2017. There are no previous zoning cases on file for the Subject Property

Figures 3 through 5 on the following page are current photos of the site.



Figure 3 – Subject Property – Corner Elevation (Maple Street)



Figure 4 – Subject Property – Corner and North Elevation (Maple Street)



Figure 5 – Subject Property - South Elevation (Elm Street)

PROPOSED PLAN

The variation is being requested to add two dormers on the second floor of the existing residence. The proposed plan involves converting attic and unfinished space on the second floor, above the garage, into a bathroom and office area. Two equal-sized dormers would be constructed on the west side of the garage roof, facing Maple Street. A new window opening would also be installed on the north face of the house, on the second floor above the garage.

The proposed addition would not expand the footprint of the existing residence or increase the impermeable lot coverage. With the exception of the increase in GFA, the proposed addition complies with zoning regulations.

Excerpts of the proposed site plan, floor plan, and building elevations are provided on the following pages as Figures 6 through 9. The complete set of plans is provided in the application materials (**Attachment B**).

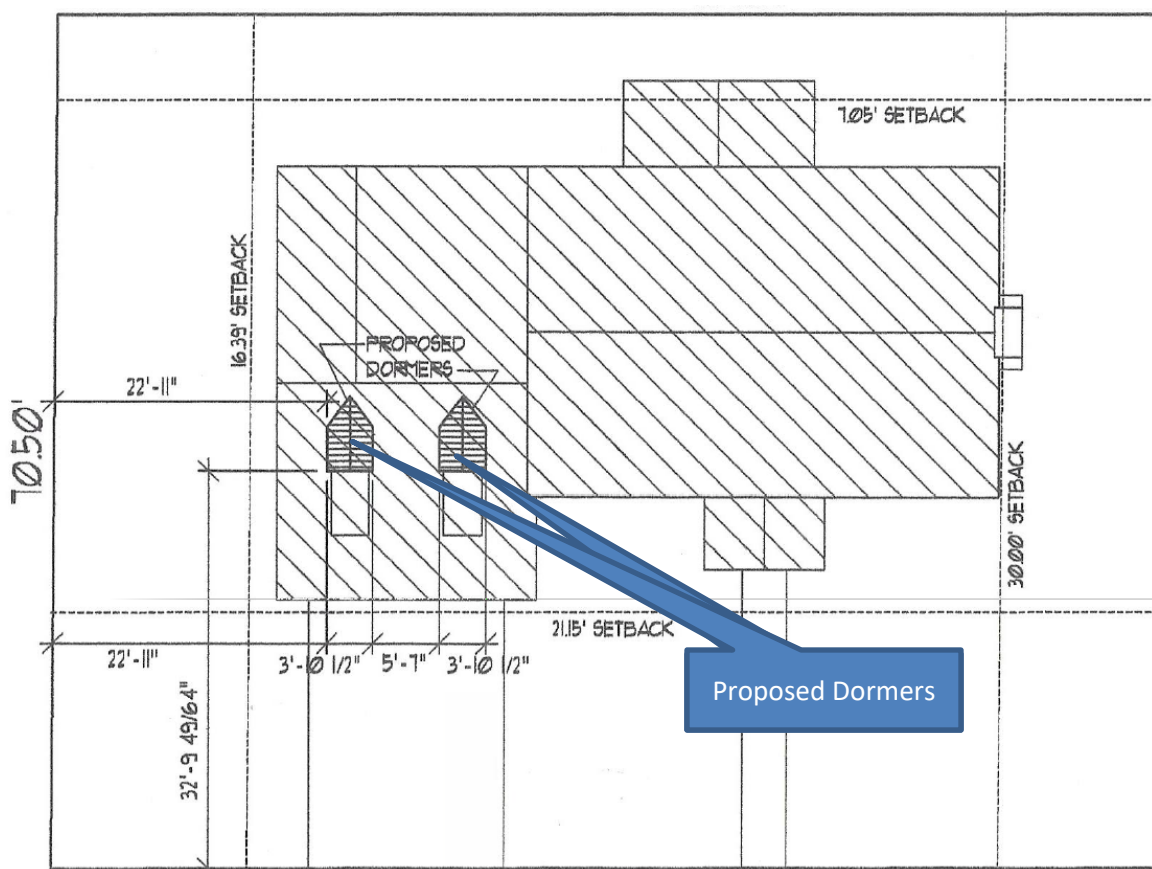


Figure 6 – Excerpt of Site Plan

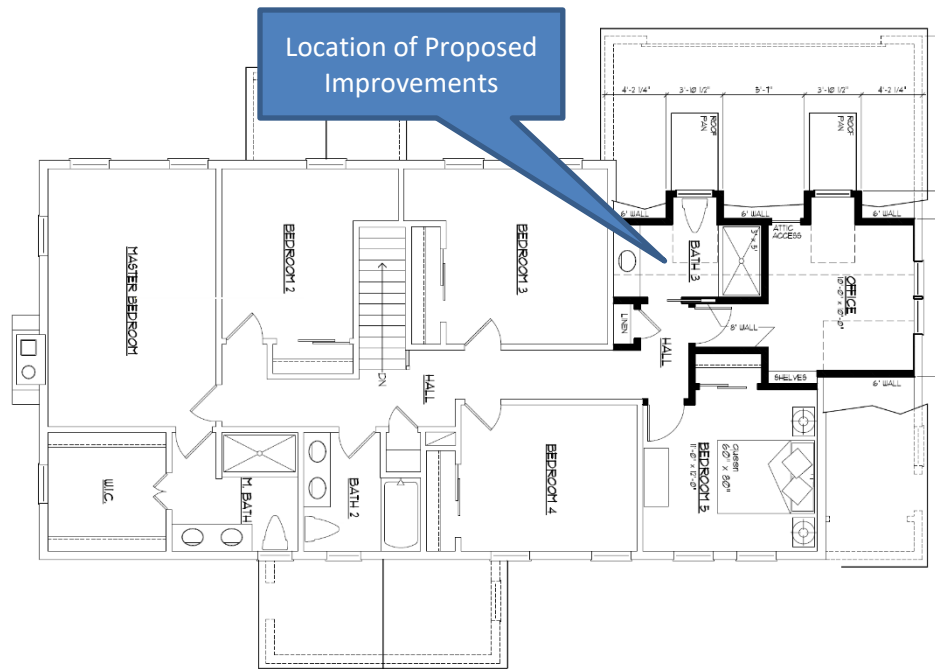


Figure 7 – Proposed Second Floor Plan



Figure 8 – Proposed Corner (West) Elevation

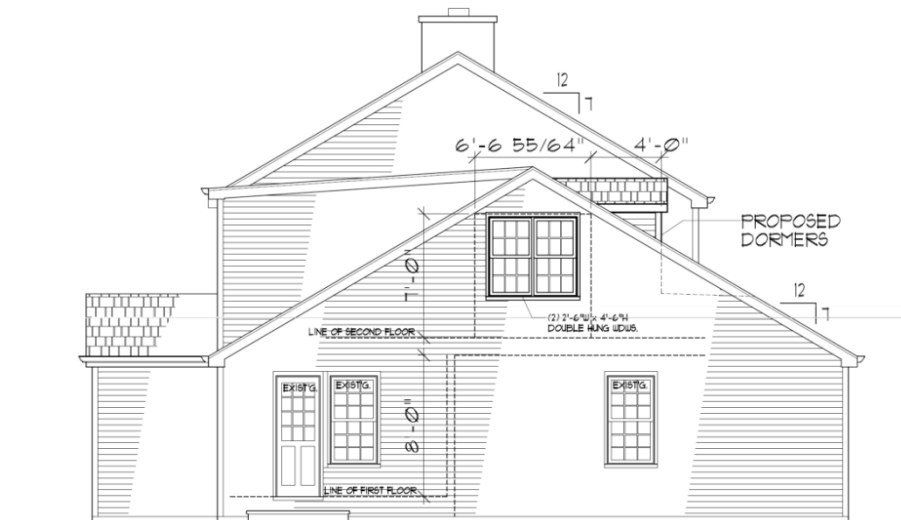


Figure 9 – Proposed Rear (North) Elevation

As noted previously, the proposed improvements do not include any additional roofed lot coverage or impermeable lot coverage, so additional stormwater detention will not be required. However, upon submittal of the building permit for the proposed improvements, Village Engineering staff will review the permit for compliance with Village stormwater regulations to verify the stormwater is being managed on-site.

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

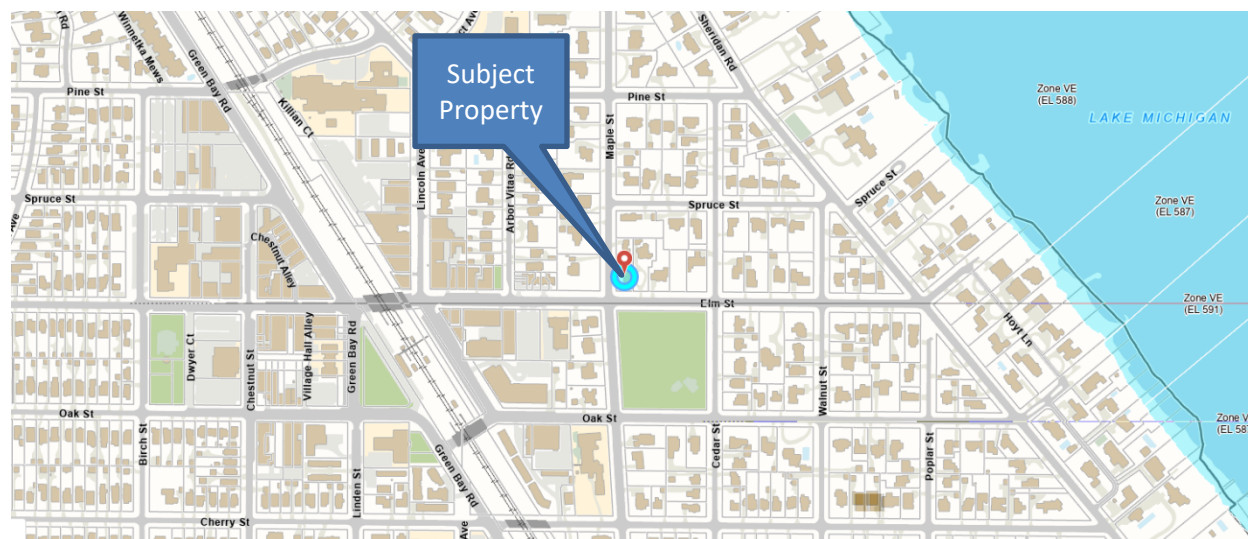


Figure 10 - GIS Floodplain Map

REQUESTED ZONING RELIEF

The attached zoning matrix highlights the existing lot and the proposed improvement's compliance with the R-4 zoning district (**Attachment A**). One variation is being requested to exceed the maximum permitted gross floor area. The site currently contains 3,120.91 square feet, exceeding the maximum permitted GFA by 40.06 square feet (1.3%). The increase in GFA with the proposed addition is 31 square feet, bringing the total GFA to 3,151.91 square feet, whereas a maximum of 3,080.85 square feet is permitted, a variation of 71.06 square feet (2.31%).

FINDINGS

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

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 variation or the resolution to deny the requested variation.

ATTACHMENTS

- Attachment A: Zoning Matrix
- Attachment B: Application Materials
- Attachment C: Draft Resolutions

ATTACHMENT A

ZONING MATRIX

ADDRESS: 545 Maple Street

CASE NO: 24-19-V

ZONING: R-4

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	13,300 SF	7,702.12 SF	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	70 FT	70.5 FT	N/A	N/A	OK
Min. Lot Depth	120 FT	109.25 FT	N/A	N/A	EXISTING NONCONFORMING
Max. Roofed Lot Coverage	2,079.57 SF (1)	1,940.44 SF	1,940.44 SF	0 SF	OK
Max. Gross Floor Area	3,080.85 SF (1)	3,120.91 SF	3,151.91 SF	31 SF	71.06 SF (2.31%) VARIATION
Max. Impermeable Lot Coverage	3,851.06 SF (1)	3,243.68	3,243.68	0 SF	OK
Min. Front Yard (Elm/South)	30 FT	28.3 FT	28.3 FT	0 FT	EXISTING NONCONFORMING
Min. Corner Yard (Maple/West)	21.15 FT	22.2 FT	22.2 FT	0 FT	OK
Min. Side Yard (East)	7.05 FT	5.5 FT	5.5 FT	0 FT	EXISTING NONCONFORMING
Min. Rear Yard (North)	16.39 FT	18.65 FT	18.65 FT	0 FT	OK

NOTES:

(1) Based on lot area of 7,702.12 s.f.

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

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. _____

Property InformationSite Address: 545 MAPLE ST. WINNETKA, ILOwner InformationName: EVELINA & MICHAEL SNELLAddress: 545 MAPLE ST.City, State, ZIP: WINNETKA, IL 60093Email: [REDACTED]Primary Contact: EVELINAPhone No. [REDACTED]Date property acquired by owner: SEPT. 2017Architect InformationName: DANIEL E. BENDIXONPrimary Contact: SAMEAddress: [REDACTED]City, State, ZIP: ANTIOCH, IL 60002Phone No. [REDACTED]Email: [REDACTED]Attorney Information

Name: _____

Primary Contact: _____

Address: _____

City, State, Zip: _____

Phone No. _____

Email: _____

Nature of any restrictions on property: CORNER LOT SETBACKS

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

• ADDITION OF (2) WOOD FRAMED & SIDED GABLE DORMERS INTO
EXISTING WEST FACING GARAGE ROOFProperty Owner Signature: [REDACTED]Date: 8/6/24

August 7, 2024

Re: Standards for granting of zoning variations

Snell Residence

545 Maple Street

Winnetka, IL 60093

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.

The house at 545 Maple Street is located within zoning district R4 and was constructed in 1966 prior to the current zoning ordinance. Based on my submitted calculations, it has 2 areas of existing legal non-conformity. First is the rear-yard setback and second is the Gross Floor Area (GFA). Only a complete demolition and reconstruction would allow these aspects to conform to the area's zoning regulations and, due to the lot's small and narrow size, as well as the more restrictive corner lot setbacks, a home of comparable use would be extremely difficult.

2. The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.

Largely due to the proposed space's relationship to the garage, the existing northwest corner of the home is largely blind to the beauty of the surrounding neighborhood. Although the remodeled existing space may provide function without the proposed dormers, it would certainly result in a dark and uninviting area.

3. The variation, if granted, will not alter the essential character of the locality.

The newly proposed dormers serve to homogenize this space with that of the house's Colonial Revival style. The added design elements strengthen the homes style, which collectively adds to this neighborhood's prominent architectural diversity.

4. An adequate supply of light and air to the adjacent property will not be impaired.

The proposed dormers are not obtrusive in size, and as they are designed to be appropriately set into the existing roof construction, they will not impair the adjacent property of its light or air supply.

5. The hazard from fire and other damages to the property will not be increased.

The proposed materials of the dormers are to match those of the existing home. The specified wood siding, cedar trim, and copper roof pans are sturdy in nature and provide no additional hazards to the property.

6. The taxable value of the land and buildings throughout the Village will not diminish.

The addition of the proposed 2 dormers will reinforce the home's Colonial Revival style, which serves to complement the variation of architectural styles in this mature neighborhood.

7. The congestion in the public street will not increase.

The driveway entrance to the property, as well as its general function is to remain unchanged. Traffic on Maple Street will not be affected by this renovation.

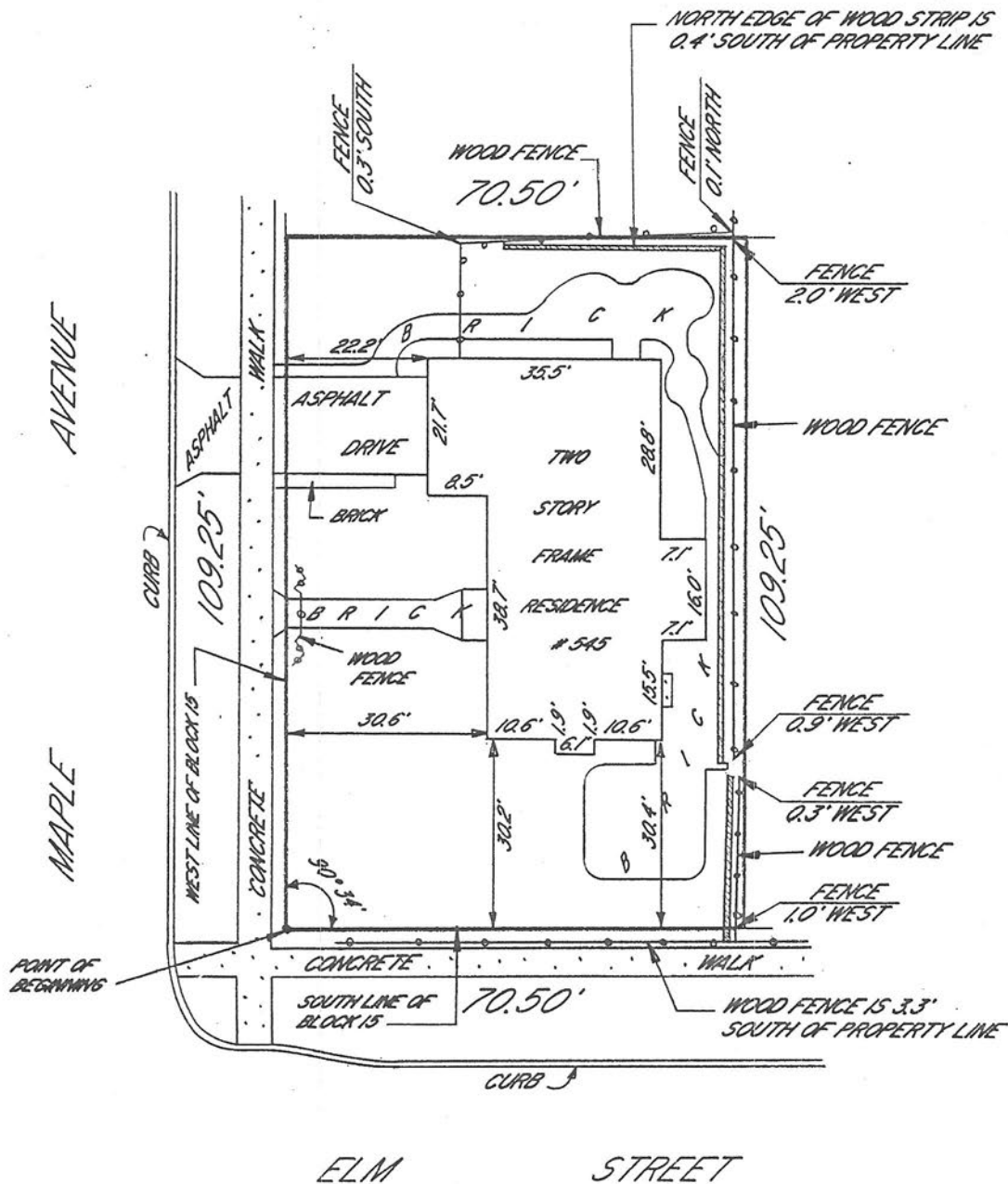
8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

The careful attention to detail, in keeping with the home's intended original style, will only serve to benefit its surroundings. None of the listed items will be impaired. The stronger elements of this home's character will form a stronger bond with the adjacent properties and enhance the experience of this mature neighborhood.

PLAT OF SURVEY

OF

THAT PART OF BLOCK 15 IN WINNETKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF ELM AND MAPLE STREETS, AND RUNNING THENCE NORTH ALONG THE EAST LINE OF MAPLE STREET 109.25 FEET, THENCE EAST PARALLEL WITH THE NORTH LINE OF ELM STREET, 70.5 FEET THENCE SOUTH PARALLEL WITH THE EAST LINE OF MAPLE STREET, 109.25 FEET TO THE NORTH LINE OF ELM STREET, AND THENCE WEST ALONG THE NORTH LINE OF ELM STREET 70.5 FEET TO THE POINT OF BEGINNING, IN THE NORTHWEST QUARTER OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



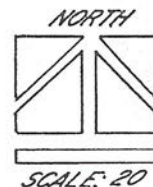
PREPARED FOR: RALPH M. BERNSTEIN & ASSOCIATES

GIS Greater Illinois Survey Company

120 North LaSalle - Suite 900
Chicago, Illinois 60602
Phone: (312) 236-7300 Fax: (312) 236-0284

Page 15 of 41

NO IMPROVEMENTS SHOULD BE CONSTRUCTED ON THE BASIS OF THIS PLAT ALONE AND NO DIMENSIONS, LENGTHS OR WIDTHS SHOULD BE



FIELD WORK COMPLETED: 8-23-07

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

DATED: 8-28-07



EXISTING FIRST FLOOR PLAN

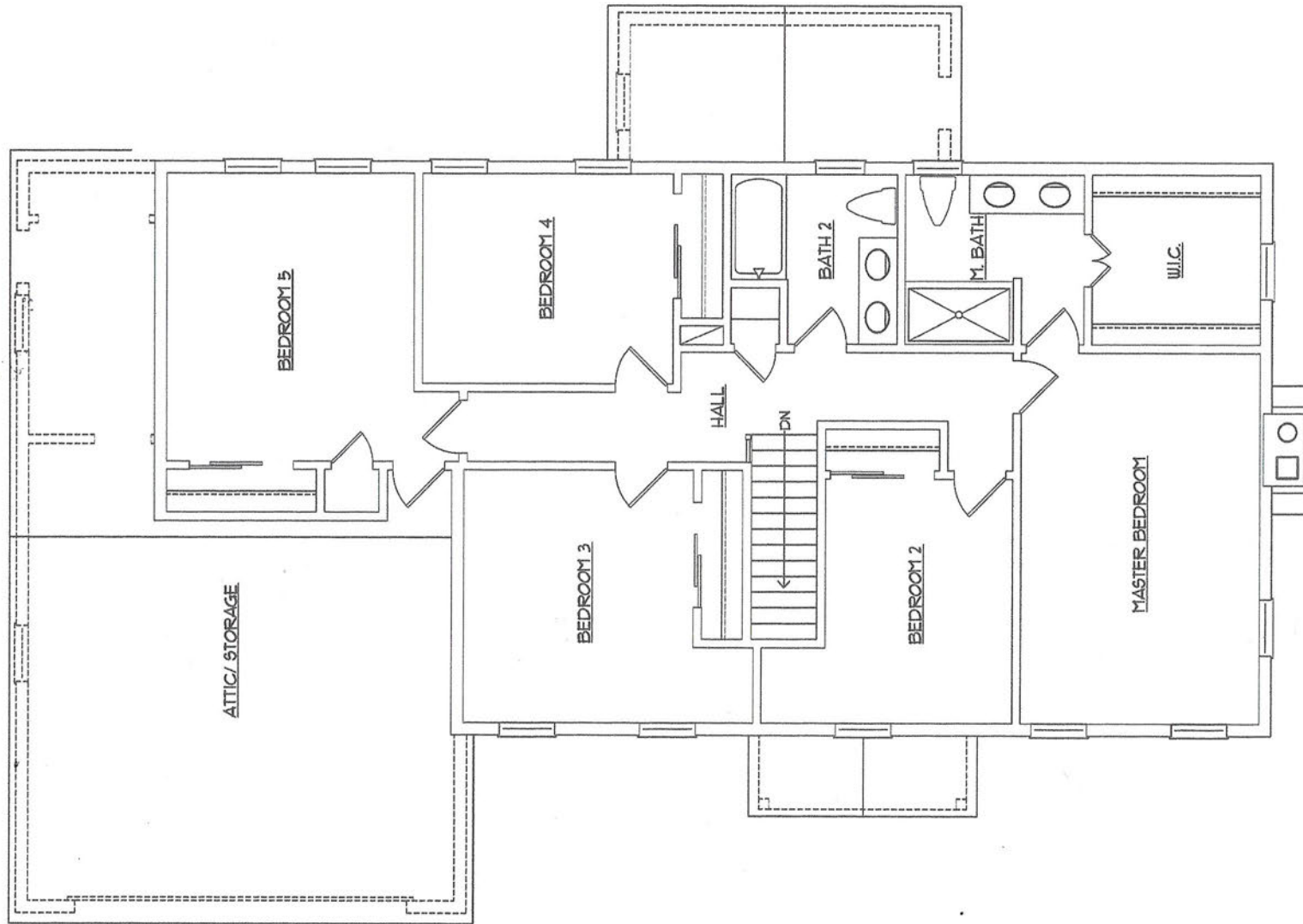
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NO.	DATE	REMARKS
-	8/7/24	ZONING VARIATION
-	9/3/24	ZONING VARIATION

BENDIXON
DESIGN
GROUP
 FINE RESIDENTIAL & COMMERCIAL DESIGN

SNELL RESIDENCE

545 MAPLE AVENUE
 WINNETKA, ILLINOIS



EXISTING SECOND FLOOR PLAN

SCALE : 1/8" = 1' - 0"

NO.	DATE	REMARKS
-	8/7/24	ZONING VARIATION
-	9/3/24	ZONING VARIATION

BENDIXON
DESIGN
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 FINE RESIDENTIAL & COMMERCIAL DESIGN

SNELL RESIDENCE

545 MAPLE AVENUE
 WINNETKA, ILLINOIS



EXISTING WEST ELEVATION

SCALE: 1/8" = 1' - 0"

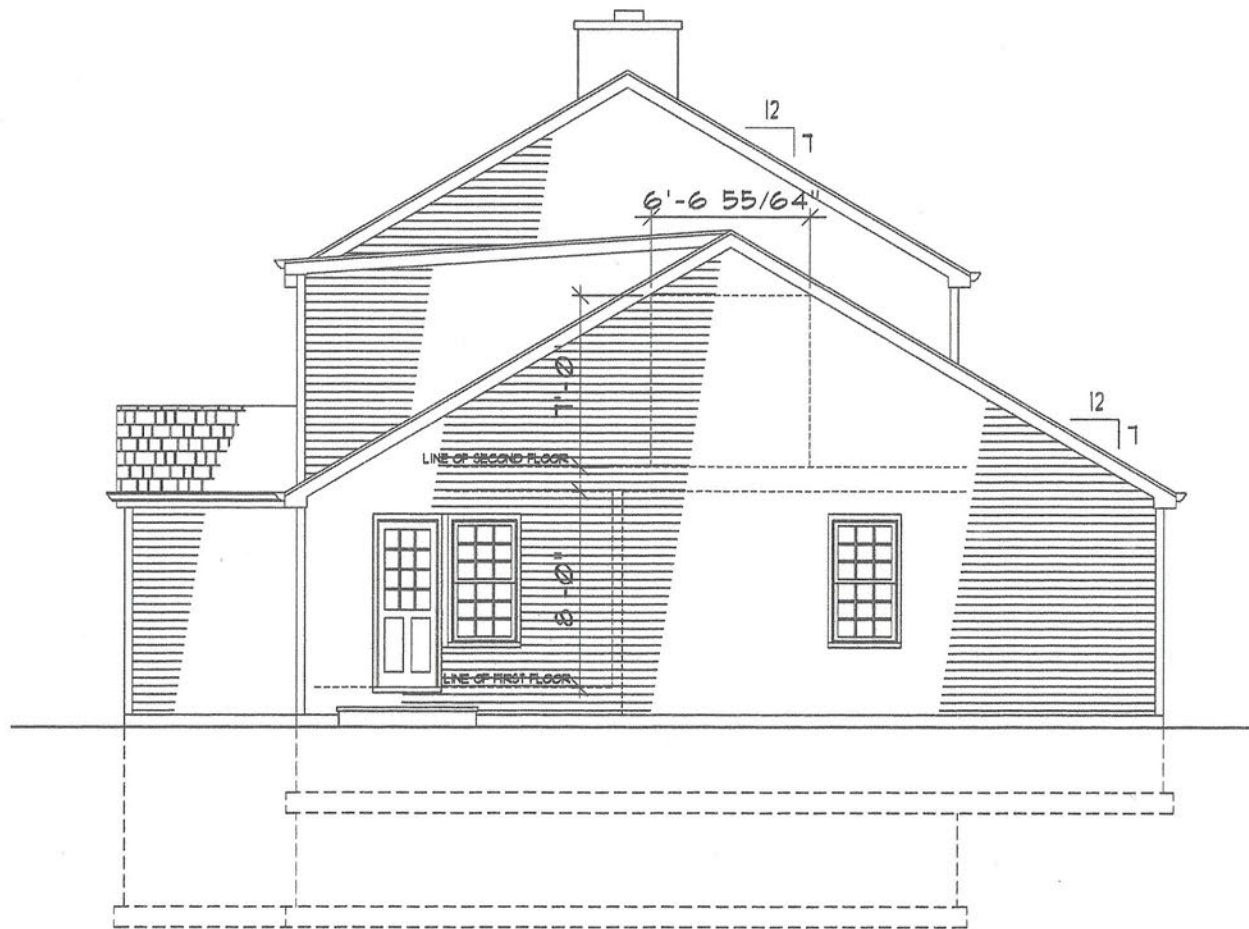
NO.	DATE	REMARKS
-	8/1/24	ZONING VARIATION
-	9/3/24	ZONING VARIATION

BENDIXON
DESIGN
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 LLC
 FINE RESIDENTIAL & COMMERCIAL DESIGN

SNELL RESIDENCE

545 MAPLE AVENUE
 WINNETKA, ILLINOIS

3



EXISTING NORTH ELEVATION

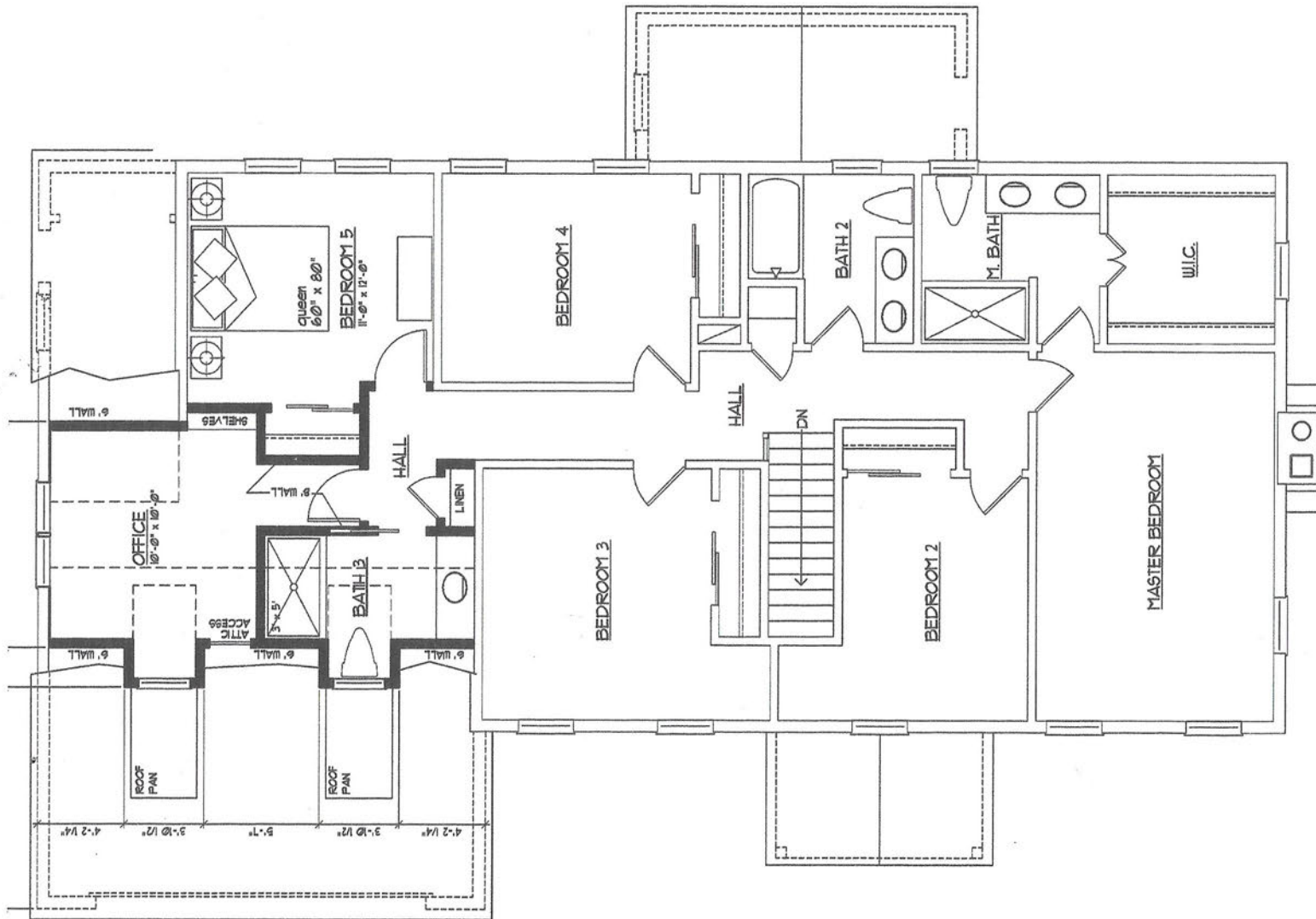
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NO.	DATE	REMARKS
-	8/1/24	ZONING VARIATION
-	9/3/24	ZONING VARIATION

BENDIXON
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FINE RESIDENTIAL & COMMERCIAL DESIGN

SNELL RESIDENCE

545 MAPLE AVENUE
WINNETKA, ILLINOIS



PROPOSED SECOND FLOOR PLAN

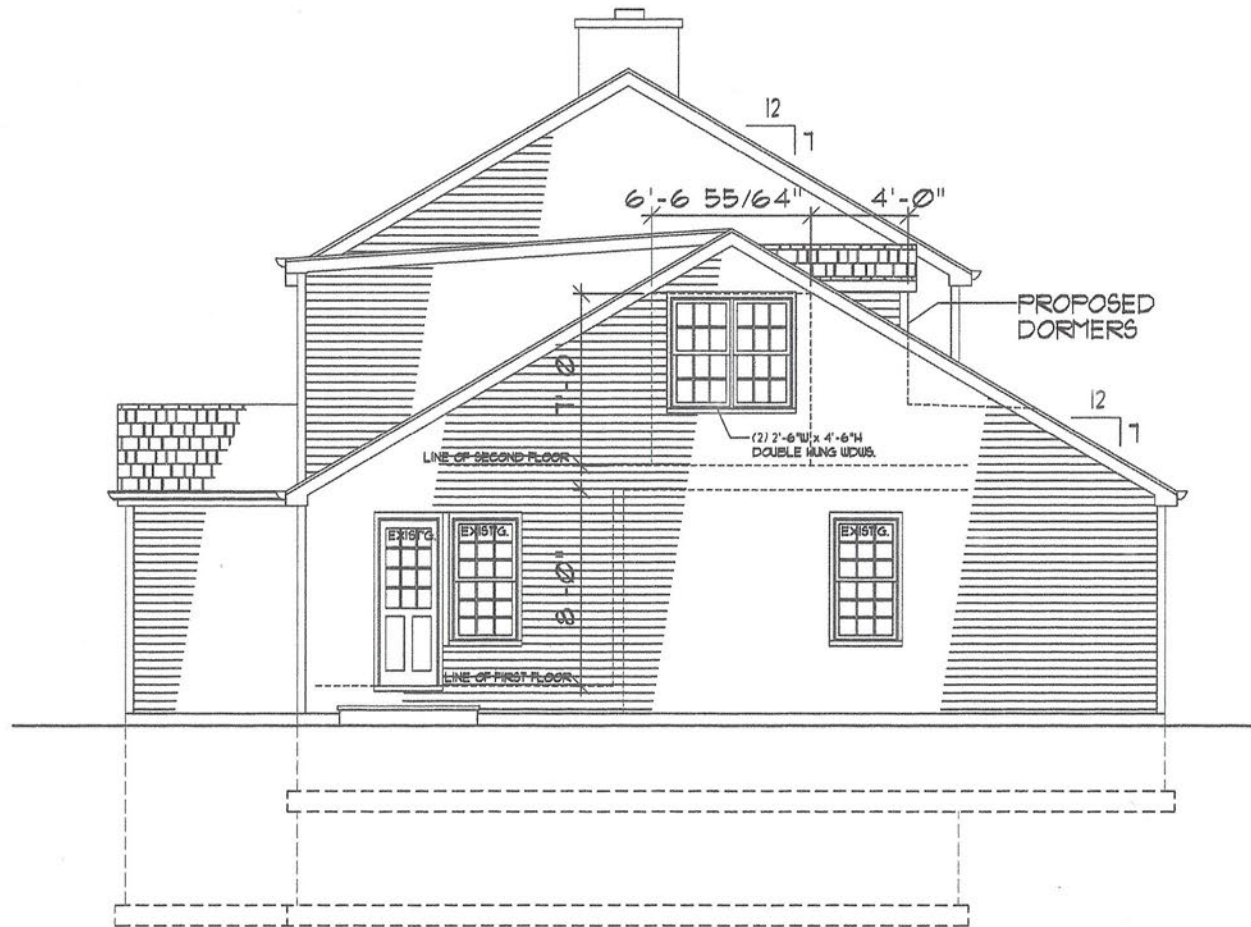
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NO.	DATE	REMARKS
-	8/1/24	ZONING VARIATION
-	9/3/24	ZONING VARIATION

BENDIXON
DESIGN
GROUP
 FINE RESIDENTIAL & COMMERCIAL DESIGN

SNELL RESIDENCE

545 MAPLE AVENUE
 WINNETKA, ILLINOIS



PROPOSED NORTH ELEVATION

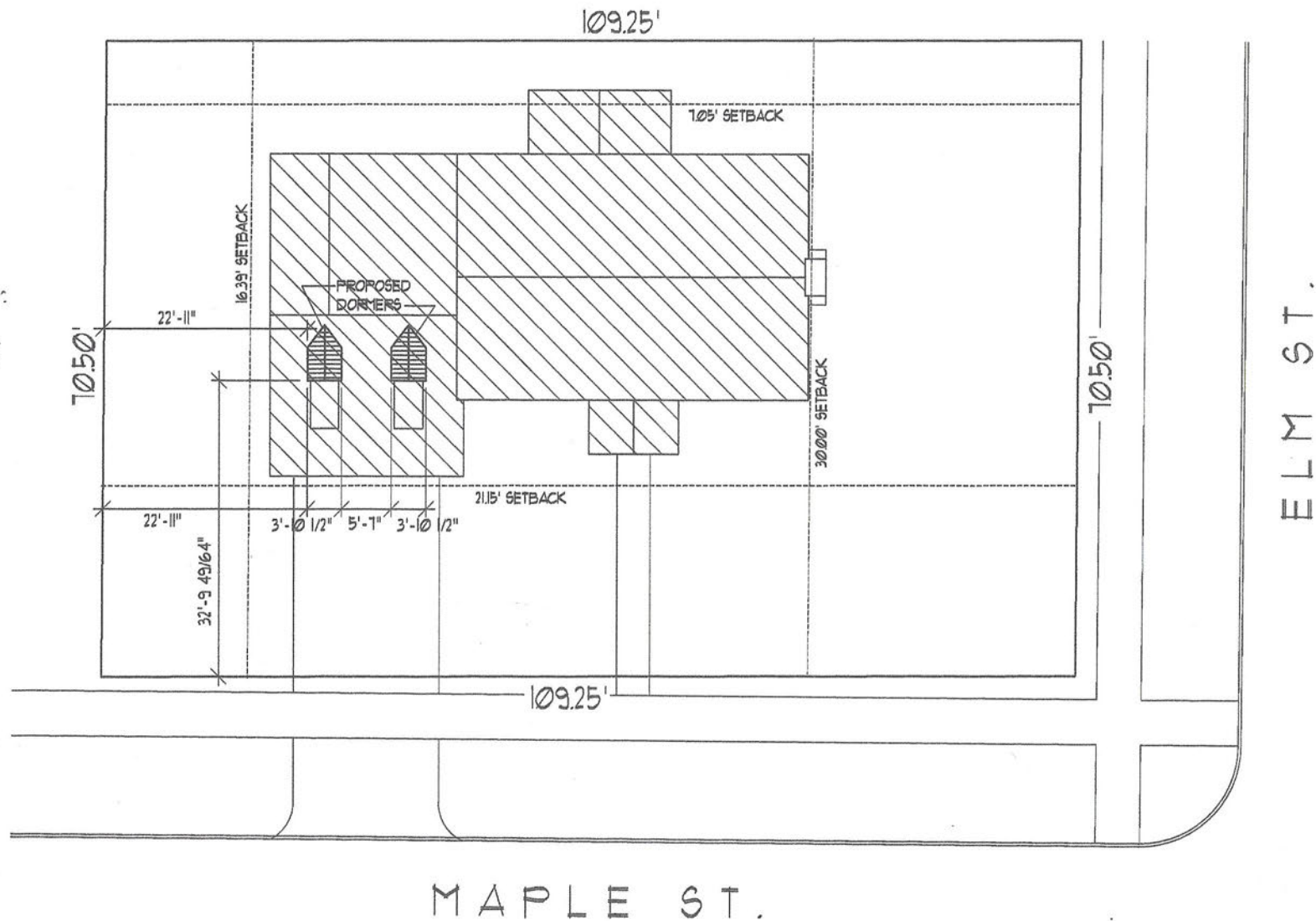
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NO.	DATE	REMARKS
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-	9/3/24	ZONING VARIATION

BENDIXON
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 LTD.
 FINE RESIDENTIAL & COMMERCIAL DESIGN

SNELL RESIDENCE

545 MAPLE AVENUE
 WINNETKA, ILLINOIS



S I T E P L A N

N. T. S.

NO.	DATE	REMARKS
-	8/1/24	ZONING VARIATION
-	9/3/24	ZONING VARIATION

BENDIXON
DESIGN
GROUP
 FINE RESIDENTIAL & COMMERCIAL DESIGN

SNELL RESIDENCE

545 MAPLE AVENUE
 WINNETKA, ILLINOIS

8

ATTACHMENT C
RESOLUTION NO. ZBA-04-2024
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
APPROVAL OF ZBA CASE NO. 24-19-V – 545 MAPLE STREET

WHEREAS, Evelina and Michael Snell (collectively, the “Applicant”) are the owners of the property commonly known as 545 Maple 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 with an attached garage that is nonconforming with respect to the maximum permitted building size (gross floor area) (**“Building”**); and

WHEREAS, the Applicant desires to construct an addition consisting of two dormers on the second floor of the Building on the Subject Property that would exceed the maximum permitted gross floor area; (**“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 3,080.85 square feet; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with a gross floor area that exceeds the maximum permitted of 3,080.85 square feet, a violation of Section 17.30.040 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for a variation from Section 17.30.040 of the Zoning Ordinance to permit the Proposed Improvement on the Subject Property with a gross floor area of 3,151.91 square feet (**“Requested Variation”**); and

WHEREAS, a public notice for the Requested Variation was duly published on August 22, 2024, in the *Winnetka Talk* 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 September 9, 2024, for the purpose of considering the Requested Variation with the final decision being rendered at the Zoning Board of Appeal’s Regular Meeting on September 9, 2024; and

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

1. Application for the Requested Variation submitted by the Applicant, dated August 7, 2024, 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 Variation.

WHEREAS, the Zoning Board of Appeals has determined that the Requested Variation does 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 the gross floor area 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 VARIATION. Subject to and contingent upon the conditions, restrictions, and provisions set forth in Section Three of this Resolution, the requested gross floor area variation from Section 17.30.040 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, the gross floor

area requirement set forth in Section 17.30.040 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 Variation 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 9th day of September, 2024, 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 BLOCK 15 IN WINNETKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH EAST CORNER OF ELM AND MAPLE STREETS, AND RUNNING THENCE NORTH ALONG THE EAST LINE OF MAPLE STREET 109.25 FEET, THENCE EAST PARALLEL WITH THE NORTH LINE OF ELM STREET, 70.5 FEET THENCE SOUTH PARALLEL WITH THE EAST LINE OF MAPLE STREET, 109.25 FEET TO THE NORTH LINE OF ELM STREET, AND THENCE WEST ALONG THE NORTH LINE OF ELM STREET 70.5 FEET TO THE POINT OF BEGINNING, IN THE NORTH WEST $\frac{1}{4}$ OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

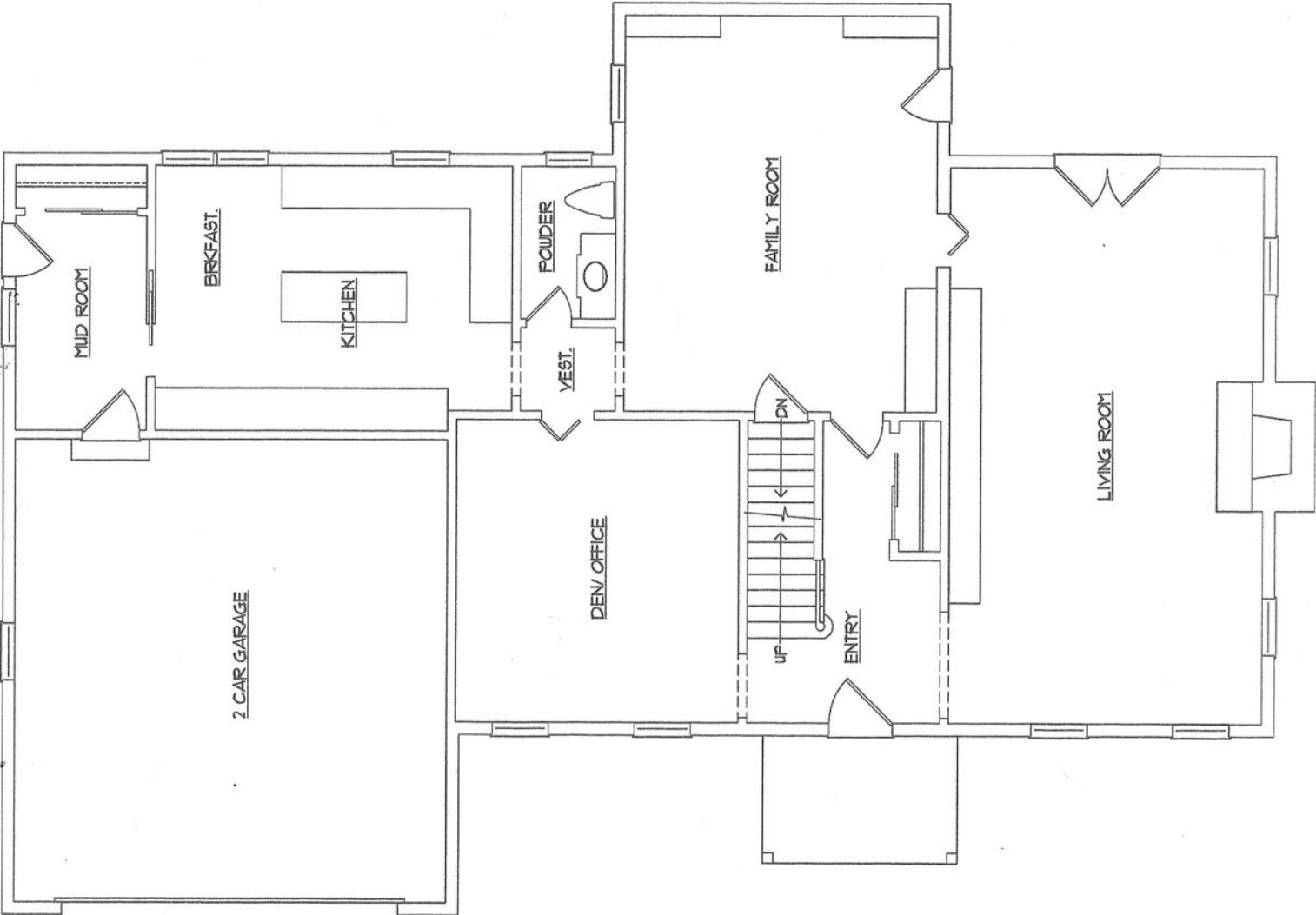
Commonly known as 545 Maple Street, Winnetka, Illinois.

Parcel Index Number: 05-21-105-012-0000

EXHIBIT B
PLANS

(SEE ATTACHED EXHIBIT B)

EXHIBIT B



EXISTING FIRST FLOOR PLAN

SCALE : 1/8" = 1' - 0"

NO.	DATE	REMARKS
-	8/7/24	ZONING VARIATION
-	9/3/24	ZONING VARIATION

B

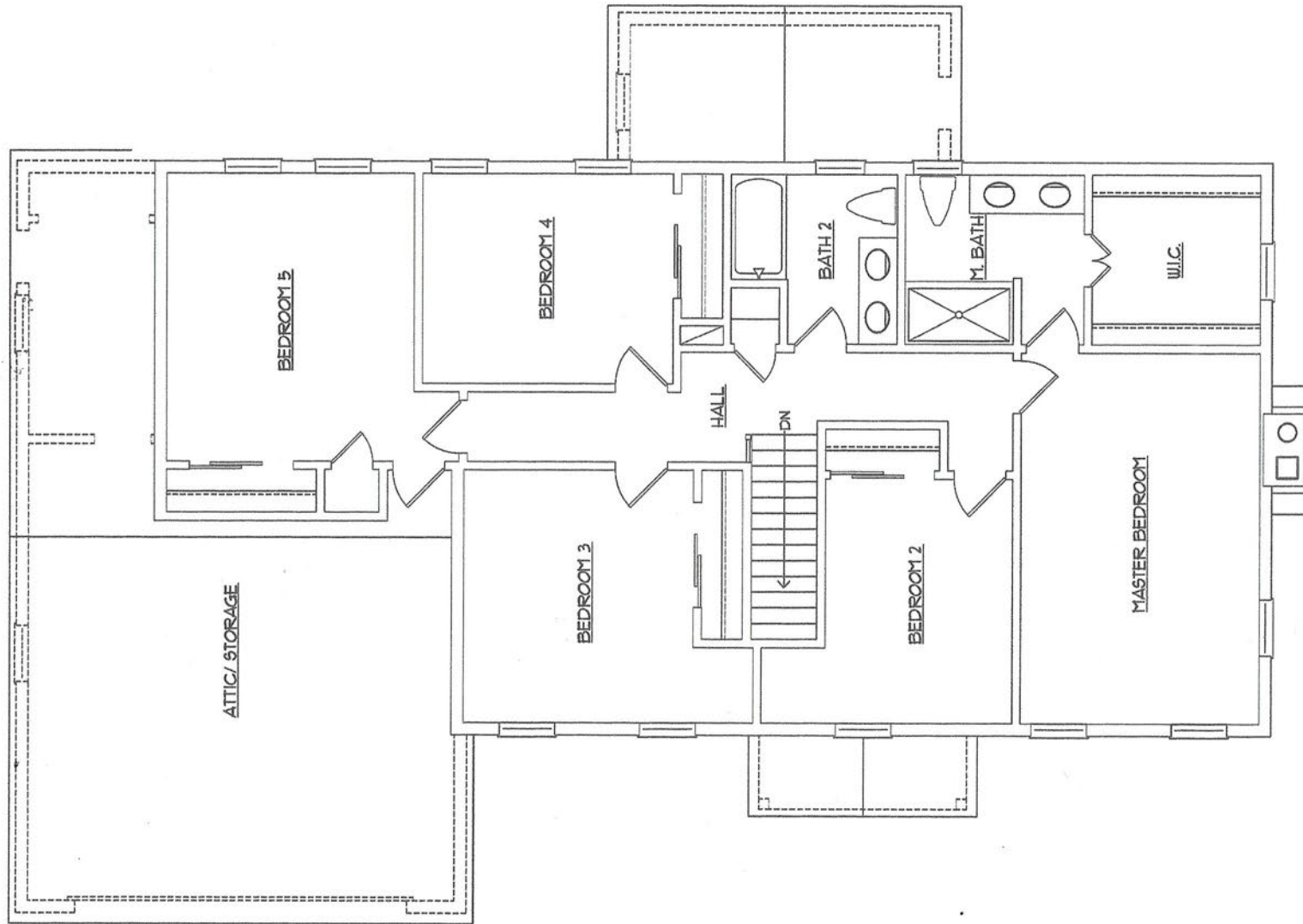
D

GROUP

FINE RESIDENTIAL & COMMERCIAL DESIGN

SNELL RESIDENCE

545 MAPLE AVENUE
WINNETKA, ILLINOIS



EXISTING SECOND FLOOR PLAN

SCALE : 1/8" = 1' - 0"

NO.	DATE	REMARKS
-	8/7/24	ZONING VARIATION
-	9/3/24	ZONING VARIATION

BENDIXON
DESIGN
GROUP
 FINE RESIDENTIAL & COMMERCIAL DESIGN

SNELL RESIDENCE

545 MAPLE AVENUE
 WINNETKA, ILLINOIS



EXISTING WEST ELEVATION

SCALE: 1/8" = 1' - 0"

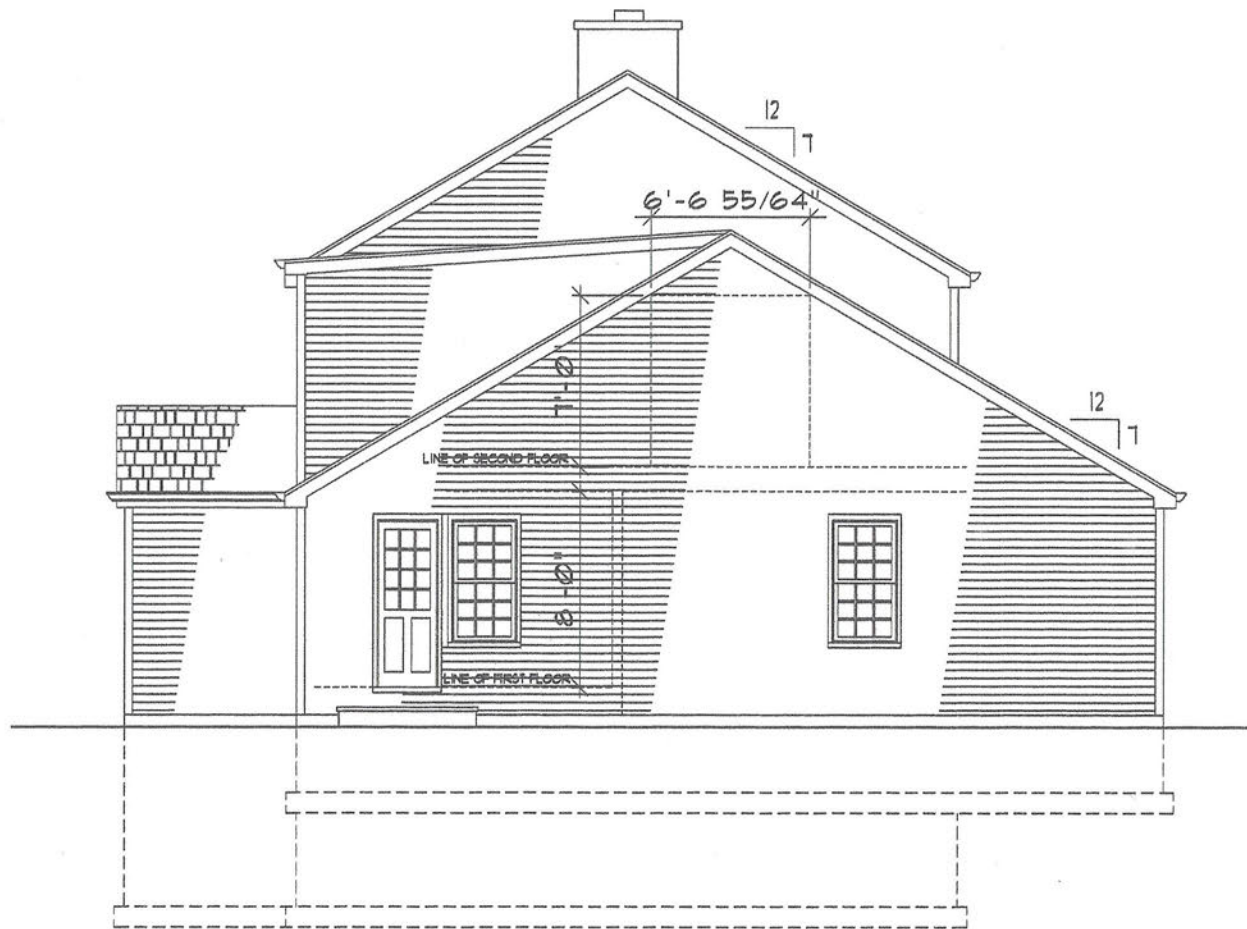
NO.	DATE	REMARKS
-	8/1/24	ZONING VARIATION
-	9/3/24	ZONING VARIATION

BENDIXON
DESIGN
GROUP
 LLC
 FINE RESIDENTIAL & COMMERCIAL DESIGN

SNELL RESIDENCE

545 MAPLE AVENUE
 WINNETKA, ILLINOIS

3



EXISTING NORTH ELEVATION

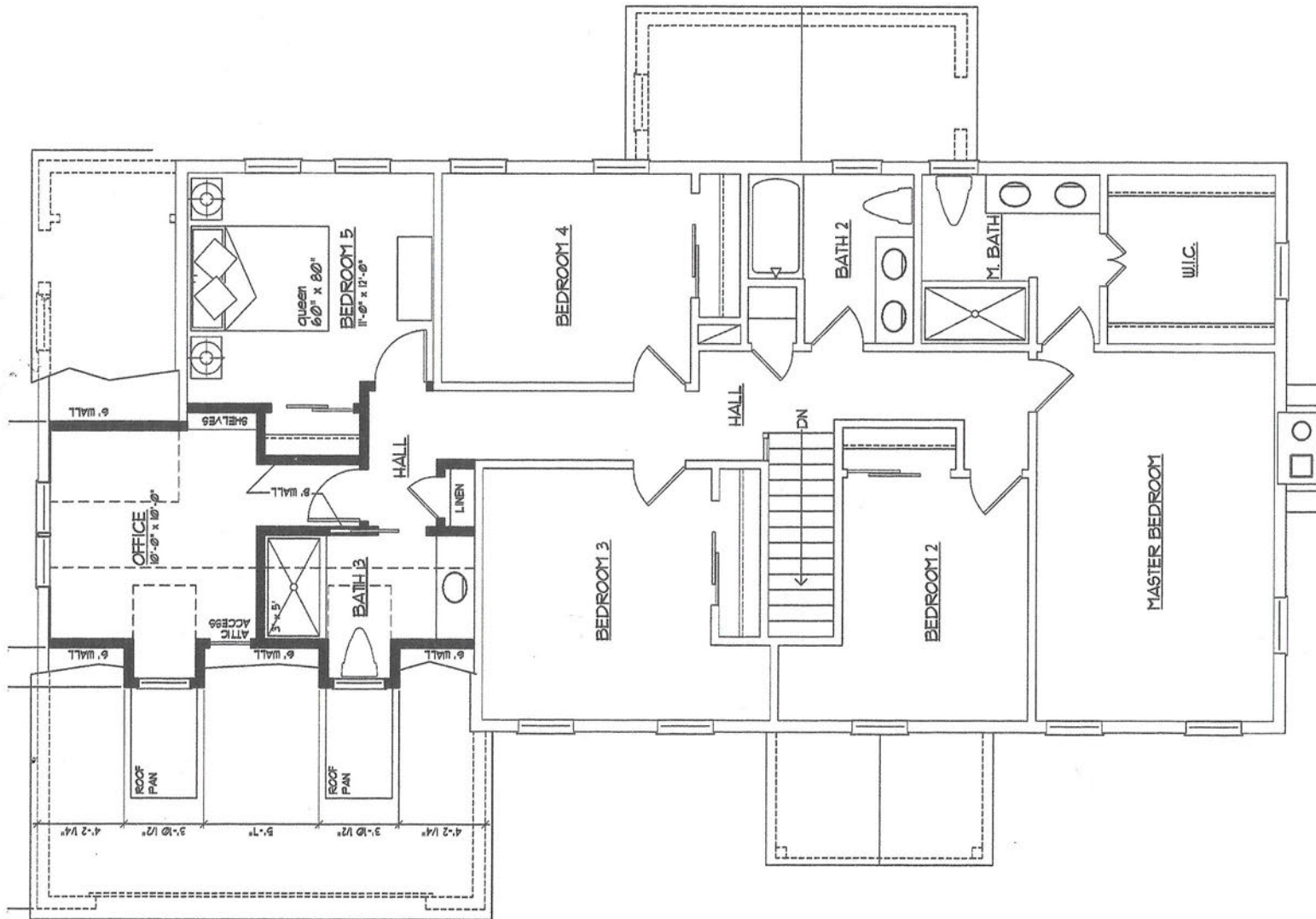
SCALE: 1/8" = 1'-0"

NO.	DATE	REMARKS
-	8/1/24	ZONING VARIATION
-	9/3/24	ZONING VARIATION

BENDIXON
DESIGN
GROUP
 LLC
 FINE RESIDENTIAL & COMMERCIAL DESIGN

SNELL RESIDENCE

545 MAPLE AVENUE
 WINNETKA, ILLINOIS



PROPOSED SECOND FLOOR PLAN

SCALE: 1/8" = 1' - 0"

NO.	DATE	REMARKS
-	8/1/24	ZONING VARIATION
-	9/3/24	ZONING VARIATION

BENDIXON
DESIGN
GROUP
 FINE RESIDENTIAL & COMMERCIAL DESIGN

SNELL RESIDENCE

545 MAPLE AVENUE
 WINNETKA, ILLINOIS



PROPOSED WEST ELEVATION

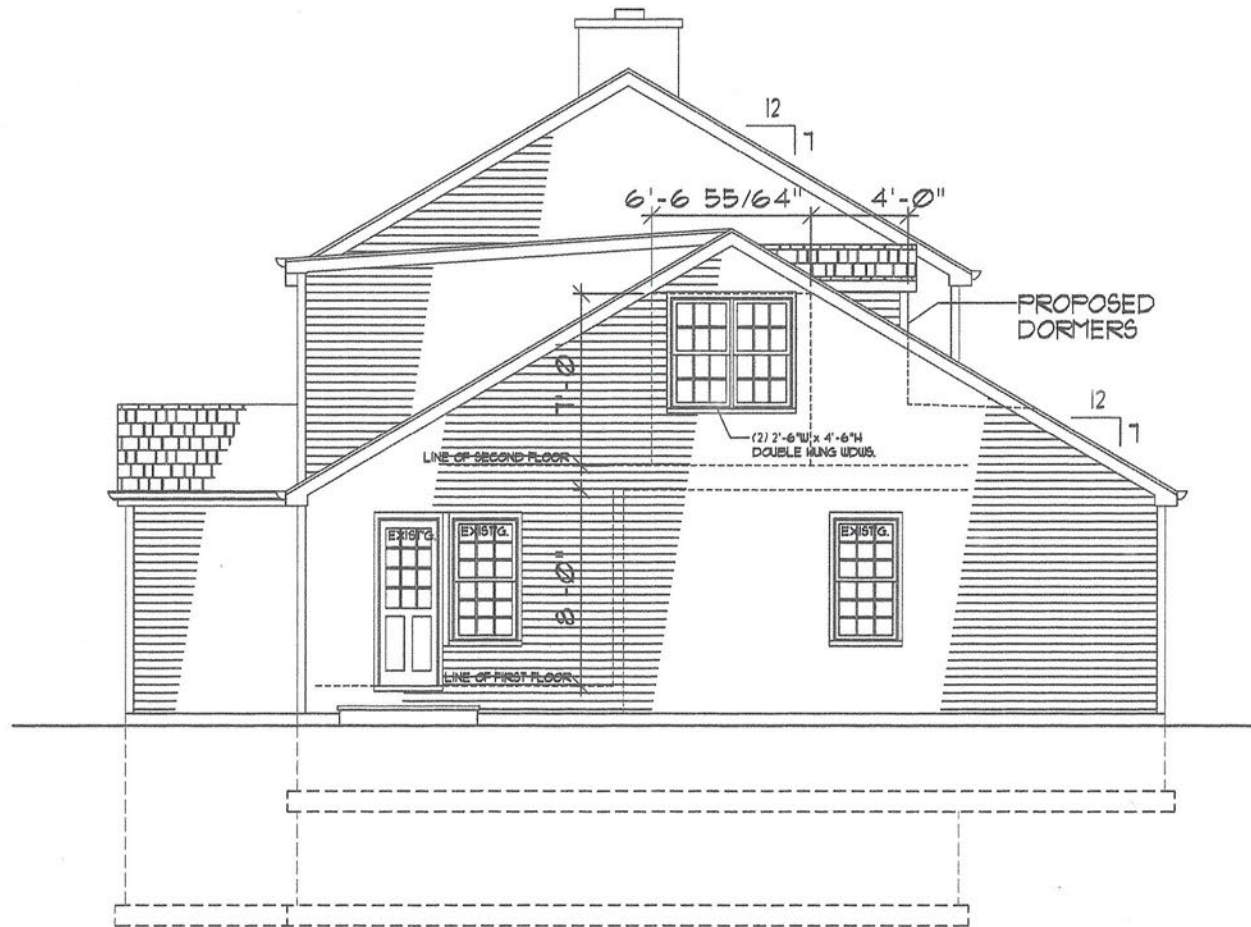
SCALE: 1/8" = 1' - 0"

NO.	DATE	REMARKS
-	8/1/24	ZONING VARIATION
-	9/3/24	ZONING VARIATION

BENDIXON
DESIGN
GROUP
 FINE RESIDENTIAL & COMMERCIAL DESIGN

SNELL RESIDENCE

545 MAPLE AVENUE
 WINNETKA, ILLINOIS



PROPOSED NORTH ELEVATION

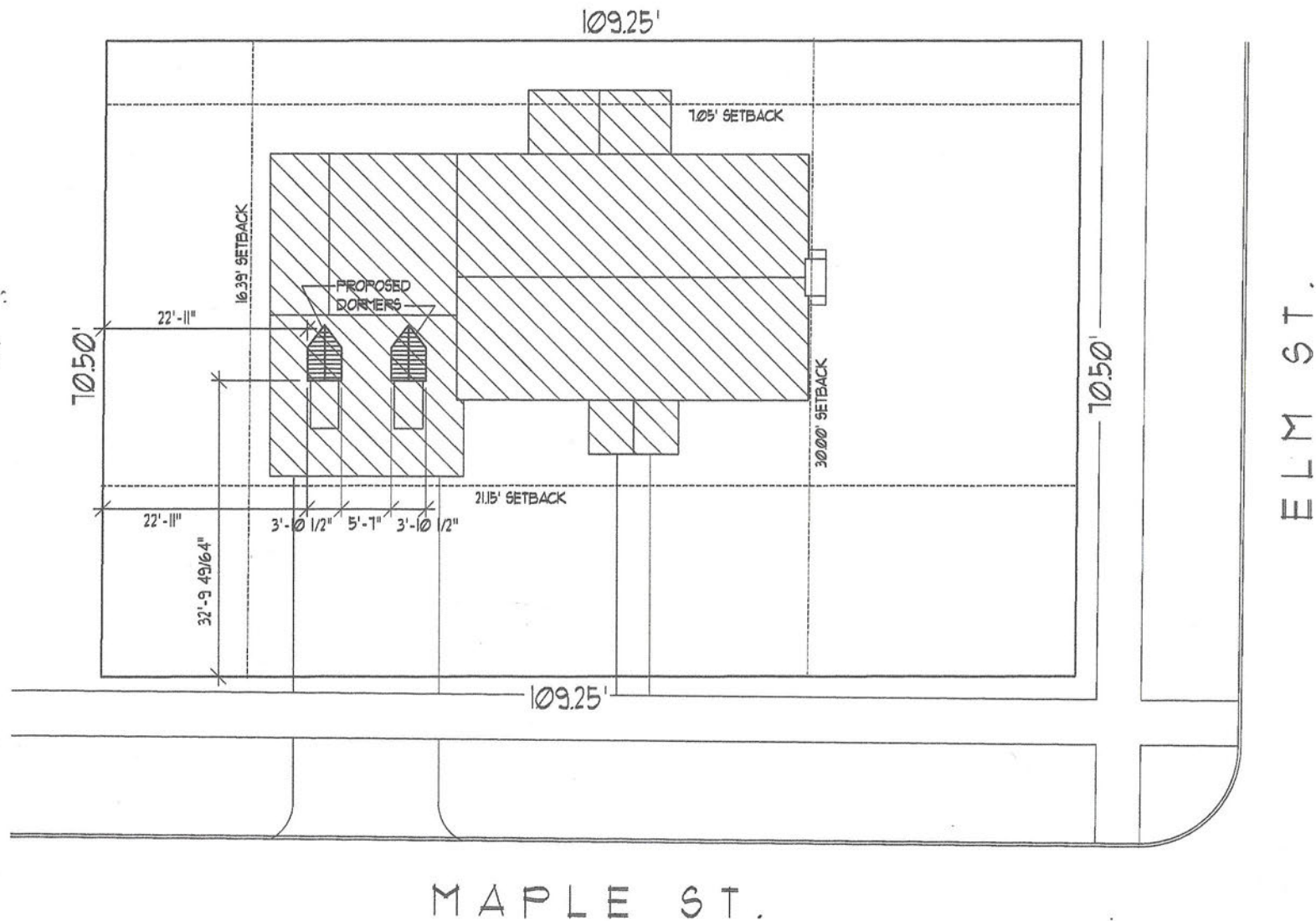
SCALE: 1/8" = 1' - 0"

NO.	DATE	REMARKS
-	8/1/24	ZONING VARIATION
-	9/3/24	ZONING VARIATION

BENDIXON
DESIGN
GROUP
 LLC
 FINE RESIDENTIAL & COMMERCIAL DESIGN

SNELL RESIDENCE

545 MAPLE AVENUE
 WINNETKA, ILLINOIS



SITE PLAN

N.T.S.

NO.	DATE	REMARKS
-	8/1/24	ZONING VARIATION
-	9/3/24	ZONING VARIATION

BENDIXON
DESIGN
GROUP
 FINE RESIDENTIAL & COMMERCIAL DESIGN

SNELL RESIDENCE

545 MAPLE AVENUE
 WINNETKA, ILLINOIS

8

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Evelina and Michael Snell (collectively, the "**Owner**") are the owner of record of that certain real property located at 545 Maple Street, Winnetka, Illinois ("**Property**"); and

WHEREAS, Resolution No. ZBA-04-2024, adopted by the Winnetka Zoning Board of Appeals on September 9, 2024 ("**Resolution**"), grants a variation to construct an addition of two dormers on the second floor of 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 variation, and that the Village's approval of the variation 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 variation for the Property.

[SIGNATURE PAGE FOLLOWS]

Dated: _____, 2024.

ATTEST

OWNER

By: _____

By: _____

Evelina Snell

Name: _____

By: _____

Michael Snell

RESOLUTION NO. ZBA-04-2024
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
DENIAL OF ZBA CASE NO. 24-19-V – 545 MAPLE STREET

WHEREAS, Evelina and Michael Snell (collectively, the “Applicant”) are the owners of the property commonly known as 545 Maple 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 with an attached garage that is nonconforming with respect to the maximum permitted building size (gross floor area) (**“Building”**); and

WHEREAS, the Applicant desires to construct an addition consisting of two dormers on the second floor of the Building on the Subject Property that would exceed the maximum permitted gross floor area; (**“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 3,080.85 square feet; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with a gross floor area that exceeds the maximum permitted of 3,080.85 square feet, a violation of Section 17.30.040 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for a variation from Section 17.30.040 of the Zoning Ordinance to permit the Proposed Improvement on the Subject Property with a gross floor area of 3,151.91 square feet (**“Requested Variation”**); and

WHEREAS, a public notice for the Requested Variation was duly published on August 22, 2024, in the *Winnetka Talk* 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 September 9, 2024, for the purpose of considering the Requested Variation with the final decision being rendered at the Zoning Board of Appeal’s Regular Meeting on September 9, 2024; and

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

1. Application for the Requested Variation submitted by the Applicant, dated August 7, 2024, 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 Variation.

WHEREAS, the Zoning Board of Appeals has determined that the Requested Variation **does 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 Variation is 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 Variation.

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 VARIATION. 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 Variation 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 9th day of September, 2024, 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 BLOCK 15 IN WINNETKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH EAST CORNER OF ELM AND MAPLE STREETS, AND RUNNING THENCE NORTH ALONG THE EAST LINE OF MAPLE STREET 109.25 FEET, THENCE EAST PARALLEL WITH THE NORTH LINE OF ELM STREET, 70.5 FEET THENCE SOUTH PARALLEL WITH THE EAST LINE OF MAPLE STREET, 109.25 FEET TO THE NORTH LINE OF ELM STREET, AND THENCE WEST ALONG THE NORTH LINE OF ELM STREET 70.5 FEET TO THE POINT OF BEGINNING, IN THE NORTH WEST $\frac{1}{4}$ OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as 545 Maple Street, Winnetka, Illinois.

Parcel Index Number: 05-21-105-012-0000