

**WINNETKA ZONING BOARD OF APPEALS SPECIAL MEETING MINUTES
NOVEMBER 18, 2024**

Zoning Board Members Present: Matt Bradley, Chairman
Mark Haller
Lynn Hanley
Kathryn Leister
Todd Vender

Zoning Board Members Absent: Kate Casale MacNally
Mike Nielsen

Village Staff: David Schoon, Director of Community Development
Ann Klaassen, Assistant Director of Community
Development
Christopher Marx, Associate Planner

Call to Order & Roll Call:

Chairman Bradley called the meeting to order at 7:00 p.m. Roll call was taken of the Board Members present.

Community Development Report.

Mr. Schoon stated there is no Community Development Report.

New Cases:

a. **Case No. 24-21-V2: 630 Walden Road:** An application seeking approval of variations to allow construction of a detached garage at 630 Walden Road. The requested variations would permit the proposed garage to (i) provide less than the minimum required corner yard setback from the south property line along Pine Street; (ii) be located closer than 20 feet from the corner lot line; and (iii) be placed nearer the street line along Pine Street than the principal building. The Village Council has final jurisdiction on this request.

Mr. Marx summarized the variations being requested and identified the property's location, zoning classification and size. He noted the home is legally nonconforming with regard to the south corner yard setback and referred to the photographs of the existing home, the existing plat of survey and the proposed site plan showing the proposed detached garage as well as the zoning matrix. Mr. Marx then identified the corner lot line encroachment and noted that the Zoning Ordinance does not allow an accessory structure being closer to the street than the principal structural. He also referred to exterior façade elevations and the proposed floor plan. Mr. Marx referred to page nos. 8 and 9 in the agenda packet with a draft motion for the Board's consideration and stated following the applicant's presentation, public comment and Board discussion, a Board Member may make a motion to recommend approval or denial the request, or continue the matter. He noted two written comments were received and included as Attachment D in the agenda packet. He then asked if there were any questions.

Chairman Bradley also asked if there were any questions. He questioned the accessory structure's measurement being closer to the street than the main home. Mr. Marx confirmed there is no threshold measurement to distinguish the level of variation for an accessory structure being closer to the street than the main home.

1 Chairman Bradley asked for the applicant's presentation and swore in those speaking to this matter.

2
3 Healy Rice, the project architect, introduced herself to the Board along with Terri Heath, the property
4 owner. She described the proposed detached garage to be built and the reasoning for its location being
5 due to the large oak tree in the yard. Ms. Rice stated the garage's location would not affect the tree's drip
6 line and would maximize the backyard's usable space. She stated the existing one car garage is not
7 functional and referred to the minimal impact to the south neighbor as well as the number of driveways
8 on Pine Street. Ms. Rice referred to the neighbors' comments relating to the fence, which was hit by a
9 tree and will be replaced, and the addition of a stop sign which they are in agreement with. She also stated
10 the garage would be about 35 feet from the street, due to the depth of the parkway.

11
12 Mr. Haller questioned the tree's location they are seeking to avoid, which Ms. Rice identified and
13 described for the Board. Chairman Bradley identified the tree in Figure 4. Ms. Rice stated they did not
14 consult with an arborist. Ms. Hanley asked if the driveway would line up with Provident. An image was
15 provided showing that the proposed driveway would be slightly west of Provident. Ms. Hanley asked if
16 the Village Engineer would review the proposed curb cut and if their approval was required, since she had
17 concerns about traffic and cars backing out. Mr. Marx confirmed that a new curb cut and driveway apron
18 need approvals from Public Works and Engineering, and that they review the proposed location for any
19 building permit. Ms. Rice also mentioned they had already reached out to Engineering. Mr. Vender
20 referred to the letters received and mentioned not recalling a request dealing with approval of a stop sign,
21 while Chairman Bradley elaborated that stop signs don't fall under the Board's jurisdiction. He asked if
22 they discussed the application with the neighbors. Ms. Rice stated they have not heard from any other
23 neighbors other than those whose comments were received. No additional questions were raised at this
24 time.

25
26 Chairman Bradley then asked for public comment. No comments were made at this time. He then called
27 the matter in for discussion.

28
29 Ms. Hanley stated she is in favor of the request and commented on the difficulty of corner lots with
30 detached garages which she described as the hardship with no other amenable locations. Mr. Haller stated
31 he is concerned with the garage being closer to the street than the house, and the proximity to adjacent
32 homes. He stated while he is sympathetic to the tree, the request is primarily based on the tree's location
33 although narrow lots are difficult to work with. Mr. Haller also referred to traffic issues and asked for
34 additional information relating to the tree. Ms. Leister agreed the Village Forester should weigh in on the
35 request although she would be in favor of the request based on the applicant's attempts to save the tree
36 compared to the overall hardship of not having a garage on the property. Mr. Vender stated he agreed
37 with the comments made and referred to the letters received. Chairman Bradley stated he would be in
38 favor of the request and agreed corner lots are somewhat unique. He then stated with regard to
39 reasonable return relating to garages, it is expected homes in this zoning district would have appropriately
40 sized garages. Chairman Bradley then referred to the applicant's attempts to save the significant tree. He
41 also referred to the character of the locality in terms of having the garage in front of the principal structure
42 and referred to a similar case.

43
44 Mr. Marx informed the Board they spoke preliminarily with the Village Forester who determined the tree
45 is in good shape and suggested how the tree might be preserved in regards to a new garage construction.
46 He referred to Figure 5 to show the relationship between the tree's location and the proposed garage.
47 The Board Members discussed their concerns relating to standard no. 3.

48

Chairman Bradley then asked for a motion to recommend approval as indicated on page no. 8. A motion to recommend approval was made by Ms. Hanley and seconded by Mr. Vender. A vote was taken and the motion unanimously passed, 5 to 0:

AYES: Bradley, Haller, Hanley, Leister, Vender

NAYS: None

b. Case No. 24-22-V2: 402 Hawthorn Lane: An application seeking approval of a variation to allow construction of additions to the existing residence at 402 Hawthorn Lane. The requested variation would permit the proposed additions to provide less than the minimum required corner yard setback from the west property line along Woodland Avenue. The Village Council has final jurisdiction on this request.

Mr. Marx identified the property's location, zoning classification, size and noted the home is legally nonconforming due to the western corner setback encroachment off Woodland Avenue. He referred to property photographs and various elevations, the plat-of-survey and proposed site plan. Mr. Marx described the first and second floor proposed additions and identified the areas which would encroach into the setbacks. He also identified the variation relief being requested noting the proposed addition would not be closer than the existing building to the west property line on Woodland Avenue. Mr. Marx referred to proposed elevation renderings with the encroaching additions highlighted. He referred to page nos. 33 and 34 in terms of the Board's recommendation and stated that following the applicant's presentation and public comment, the Board may make a motion to approve or deny the request, or continue the request. Mr. Marx noted one public comment was received after the agenda packet was provided to the Board as well as other correspondence provided by the applicant that was included in the application materials of the agenda packet. He then asked if there were any questions. No questions were raised at this time.

Chairman Bradley asked for the applicant's presentation. Healy Rice (previously sworn in), the architect for the project, stated she is representing the property owners, Caitlin and Patrick Clark, and identified the setback variation and proposed additions to the nonconforming existing home. She described the rooms contained in the proposed addition as well as how the proposed addition would be attached and square up the home. Ms. Rice then stated that surrounding property owners who are supportive of the request, and asked if there were any questions. No questions were raised at this time.

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

Ms. Hanley described the request as straightforward and the encroachment into the setback would not increase. She stated she would be in favor. Mr. Haller referred to the neighbors' support and Greeley School across the street. He stated there would be no visual effect and he would be in favor. Ms. Leister agreed with the comments made and stated she would also be in favor of the request which would modernize the older home. Chairman Bradley stated he also is in favor of the request and commented the proposal is being done in a thoughtful manner. He added all of the standards have been met.

Chairman Bradley then asked for a motion to recommend approval. A motion to recommend approval was made by Mr. Haller and seconded by Ms. Hanley. A vote was taken and the motion unanimously passed, 5 to 0:

AYES: Bradley, Haller, Hanley, Leister, Vender

NAYS: None

1 **c. Case No. 24-24-V2: 933 Green Bay Road: An application seeking approval of variations to allow**
2 **construction of a new one-story commercial building at 933 Green Bay Road. The requested variations**
3 **would permit the proposed development to (i) provide more than the maximum permitted front yard**
4 **setback along a portion of the west property line along Green Bay Road; (ii) provide less than the**
5 **minimum required interior side yard setback along a portion of the north property line and a portion of**
6 **the south property line; (iii) provide less than minimum required rear yard setback from the east**
7 **property line; and (iv) provide less than the minimum required number of off-street parking spaces. The**
8 **Village Council has final jurisdiction on this request.**

9 Ms. Klaassen identified the property's location, size and zoning classification. She stated a portion of the
10 property is located in the C-2 Commercial Overlay District and the lot measured less than 10,000 square
11 feet which did not require planned development approval or allow an application seeking approval of a
12 planned development. Ms. Klaassen identified the building to be removed and the rear building to be
13 extensively remodeled. She described the tenant spaces and paver walkway and the buildings setback
14 from the front property line, as well as a courtyard. Ms. Klaassen explained the setback requirements in
15 detail relating to the remaining building noting the new construction complied with the required setbacks.
16 She also explained the off-street parking requirement in detail and read an excerpt from the
17 Comprehensive Plan into the record.

18
19 Ms. Klaassen then referred to the proposed building renderings which she described for the Board. She
20 informed the Board the Historic Preservation Commission approved the demolition permit without delay
21 and explained the DRB's review of the project. Ms. Klaassen noted no public correspondence was received
22 and following the applicant's presentation, public comment and Board discussion, the Board may either
23 continue the matter to a date certain or consider a motion to recommend approval or denial with draft
24 language included on page 62 of the packet. She then asked if there were any questions.

25
26 Chairman Bradley also asked if there were any questions. Ms. Hanley asked if the front yard setback
27 related to the existing rear tenant space. Ms. Klaassen confirmed that is correct. Mr. Haller asked if the
28 fact the rear tenant is set back would that affect the type of tenant to occupy the typical commercial
29 district space. Ms. Klaassen responded it would be located beyond the 50-foot demarcation for the
30 Overlay District which allowed for a non-retail tenant by right. Ms. Leister asked with regard to parking,
31 how other building owners in Hubbard Woods have dealt with parking. Ms. Klaassen explained how the
32 existing uses did not require on-site parking and the parking requirements for new spaces over a certain
33 amount of square footage. She confirmed the proposed building did not have a second story. No
34 additional questions were raised at this time.

35
36 Chairman Bradley asked for the applicant's presentation and swore in those speaking to this matter. Gary
37 Ebben of Design Studio 24 introduced himself to the Board and stated the building's height was designed
38 to screen rooftop mechanical units. He referred to the rear building walkway and access and the need for
39 a slope which allowed for ADA accessibility.

40
41 Chairman Bradley asked if the rear building is accessible from the alley and if there is a proposed tenant.
42 Mr. Ebben responded it is not accessible from the alley and stated the applicant is considering a medical
43 tenant in the rear space. Chairman Bradley referred to the amount of foot traffic. Mr. Ebben informed the
44 Board the applicant is conscientious in terms of considering a low foot traffic tenant that would appreciate
45 a space being configured to have natural light. He also described how snow removal would be handled.
46 Mr. Haller questioned the amount of parking based on the tenant use. Mr. Ebben explained the amount
47 of parking used by the prior tenant, which did not generate a lot of foot traffic. He also stated employees
48 would park offsite. Mr. Schoon provided further explanation with regard to parking for employees for all

1 businesses within the business district. Ms. Hanley asked how rear tenant deliveries would be handled.
2 Mr. Ebben stated he did not have that information at this time. Mr. Vender asked if there is a second back
3 door for Tenant A. Mr. Ebben confirmed that is correct. No additional questions were raised at this time.
4

5 Chairman Bradley asked for public comment. No comments were made at this time. He then called the
6 matter in for discussion.
7

8 Ms. Hanley stated she had no problem with the existing rear and side yard setbacks and access to the rear
9 tenant. She then stated she somewhat had concerns with off-street parking and delivery traffic and
10 concluded she would be in favor of all four variations. Ms. Leister stated she is also in favor of the request
11 and agreed with Ms. Hanley's comments. She stated the Village should address how to provide additional
12 parking with the increased amount of business in the district. Mr. Vender described the setback for the
13 retail tenant as a unique feature and agreed with the concerns relating to off-street parking. He stated he
14 is in favor of the request. Mr. Haller stated he has some concerns with parking and delivery issues and
15 commented he liked the building design. He stated he had no issues with regard to the setbacks. Chairman
16 Bradley agreed with the comments made and stated with regard to the front yard setback, certain
17 standards have not been met and referred to items not within the Board's purview. He stated he would
18 recommend approval for the front yard setback and agreed parking issues within the district need to be
19 addressed. Mr. Haller added he would not like to see this type of design expanded to allow for additional
20 tenants in the rear of a site.
21

22 Chairman Bradley then asked for a motion to recommend approval as noted on page no. 62. A motion to
23 recommend approval was made by Ms. Hanley and seconded by Mr. Haller. A vote was taken and the
24 motion unanimously passed, 5 to 0:

25 AYES: Bradley, Haller, Hanley, Leister, Vender

26 NAYS: None
27

28 **d. Case No. 24-16-V2: 270 Birch Street: An application seeking approval of a variation to allow**
29 **construction of an addition to the existing residence at 270 Birch Street. The requested variation would**
30 **permit the proposed addition to provide less than the minimum required front yard setback from the**
31 **east property line along Birch Street. The Village Council has final jurisdiction on this request.**

32 Ms. Klaassen identified the property's location, size and zoning classification as well as site photographs.
33 She explained the variation being requested and referred to the proposed addition's illustrations. Ms.
34 Klaassen then described the rooms contained in the area of the existing garage that will no longer be
35 garage space and the proposed garage addition, and referred to various elevation views. She stated one
36 written comment was received and was included in the agenda packet. Ms. Klaassen stated following the
37 applicant's presentation and public comment, the Board may consider a motion to recommend approval
38 or denial of the request, or continue the matter to a date certain with draft language included on page 89
39 of the agenda packet. She then asked if there were any questions. No questions were raised at this time.
40

41 Chairman Bradley asked for the applicant's presentation and swore in those speaking to this matter. James
42 Laughlin, project architect, and Alex Kaehler, the applicant, introduced themselves to the Board. Ms.
43 Kaehler informed the Board the older home was extensively renovated and in their attempts to make the
44 garage more modern, they considered historically consistent options. She stated the proposal is
45 aesthetically pleasing and would not block sight lines.
46

47 Mr. Laughlin stated his company did historic preservation type projects and they realized they would have
48 to consider hardships relating to older homes. He stated the home is located right on the 50 foot front

1 yard setback which represented limited options in terms of the garage. Mr. Laughlin stated the proposal
2 represented the most architecturally appropriate approach without tearing down the home and would
3 contribute to the neighborhood by not having front facing garage doors.
4

5 Mr. Haller questioned an area in an illustration. Ms. Klaassen responded it represented a vacated right-
6 of-way. Ms. Kaehler informed the Board that neighbor provided a letter in support of the application. Ms.
7 Hanley asked if other locations were considered. Ms. Kaehler informed the Board of the alternative
8 locations which included a detached garage installation that would not require a variance. Mr. Laughlin
9 noted that alternative would make the garage closer to two adjacent properties. Ms. Kaehler noted they
10 are not yet living in the home and have been renovating it for a year. She added they have photos of the
11 home prior to the renovation.
12

13 Chairman Bradley asked how much of the interior layout matched what would have been common in
14 homes of this time period. Mr. Laughlin and Ms. Kaehler explained the prior parlor type spaces and how
15 the home's interior was divided up. Mr. Laughlin added they planned to match the existing materials. The
16 applicant also provided additional information relating to the size of the three car garage and accessing
17 the westernmost bay of the garage and the necessary clearance from the existing residence. Mr. Laughlin
18 confirmed the proposal represented the most minimally invasive version of the garage. Ms. Kaehler stated
19 they could consider using a double door garage to minimize the garage size by 2 feet.
20

21 Chairman Bradley asked for public comment and swore in those speaking to this matter. Alexandra
22 Nichols, 900 Mt. Pleasant, read her comments into the record relating to the length of time and amount
23 of construction at the applicant's property and asked for the Board not to approve the variation.
24

25 Ms. Kaehler responded the garage was considered as part of the initial project and that it was determined
26 the property was in the flood plain which meant they could not expand the home's footprint. She stated
27 the home was later determined to not be in the flood plain and explained how construction traffic is being
28 staged. Mr. Vender asked if a garage could be built as of right to the south to alleviate the neighbors'
29 concerns. Ms. Klaassen confirmed that is correct provided the applicant complied with impermeable lot
30 coverage limitations which would result in a driveway extending the length of the south property line.
31

32 Chairman Bradley called the matter in for discussion. Mr. Haller stated he is sympathetic to the neighbors'
33 concerns relating to the amount of construction. He stated with regard to the garage as positioned and
34 how it related to the rest of the construction, it seemed logical. Mr. Haller also indicated the garage could
35 be a two car garage instead and the garage being installed in the rear would be more intrusive. He then
36 stated he is also concerned with setting a precedent. Ms. Hanley stated while she loved the design and
37 the attempt to keep it historically appropriate, the request did not fit within zoning and the encroachment
38 would be very significant. She also referred to standard nos. 1 and 3 not being met and referred to the
39 existing home's setback on the street in the R-2 zoning district. Ms. Hanley then stated while the
40 alternatives are not desirable, she is not in favor of the significant encroachment.
41

42 Ms. Leister stated she is in favor of the request and referred to standard no. 1 as being reasonable with
43 the garage's alternate southwest location being inferior. She then stated the preservation of the older
44 home warranted the variation. Mr. Vender stated he is not as bothered by the encroachment and agreed
45 there is a lot of construction traffic. He stated the resulting garage would be befitting to the amount of
46 work done on the home. Mr. Vender stated a garage will ultimately be built on the property. Chairman
47 Bradley agreed with Ms. Hanley's comments relating to standard nos. 1 and 3 and made several points
48 relating to reasonable return. He then stated for this project, he questioned the reasonable return for this

home without some relief being granted to quantify having a garage of a size in keeping with the home's size. Chairman Bradley stated it is expected to have a garage to accommodate two vehicles for a home this size and alternative locations would create issues. He then stated he would be less troubled by encroachment in the front yard setback in this instance and would be in favor of recommending approval. Mr. Haller referred to the alternative of tearing down the home and having a newly constructed home and concluded he would be in favor of recommending approval.

Chairman Bradley then asked for a motion to recommend approval. A motion to recommend approval was made by Mr. Haller and seconded by Ms. Leister. A vote was taken and the motion passed, 4 to 1:

AYES: Bradley, Haller, Leister, Vender

NAYS: Hanley

New Business:

a. December 9, 2024, Regular Meeting - Quorum Check.

The Board members discussed their availability.

Public Comment.

No comments were made at this time.

Adjournment:

Chairman Bradley asked for a motion to adjourn. A motion to adjourn was made by Mr. Haller and seconded by Mr. Vender. A vote was taken and the motion unanimously passed, 5 to 0:

AYES: Bradley, Haller, Hanley, Leister, Vender

NAYS: None

The meeting adjourned at 9:04 p.m.

Respectfully submitted,

Antionette Johnson

Recording Secretary