



Village of Winnetka

Zoning Board of Appeals Regular Meeting

June 9, 2025 at 7:00 PM
Village Hall Council Chambers
510 Green Bay Road

AGENDA

1. **Call to Order & Roll Call**
2. **Approval of Minutes**
 - a. May 12, 2025, Regular Meeting Minutes
3. **Community Development Report**
4. **New Cases**
 - a. **Case No. 25-07-V: 620 Ash Street:** An application seeking approval of a zoning variation to allow construction of a one-story addition to the existing detached garage at 620 Ash Street. The requested variation would permit the proposed addition to exceed the maximum permitted height for a detached garage. The Zoning Board of Appeals has final jurisdiction on this request.
 - b. **Case No. 25-09-APL: 314 Walnut Street:** An appeal of the Zoning Administrator's interpretation that 314 Walnut Street has a front yard along Wilson Street. The Appellant requests that the Zoning Board of Appeals reverse this determination and designate the yard along Wilson Street as a rear yard.
5. **New Business**
 - a. July 14, 2025, 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).

1 WINNETKA ZONING BOARD OF APPEALS MEETING MINUTES
2 MAY 12, 2025
3

4 **Zoning Board Members Present:** Matt Bradley, Chairman
5 Mark Haller
6 Lynn Hanley
7 Kathryn Leister
8 Kate Casale MacNally
9 Mike Nielsen

10
11 **Zoning Board Members Absent:** Todd Vender

12
13 **Village Staff:** Steve Mangum, Director of Community Development
14 Ann Klaassen, Assistant Director of Community
15 Development

16
17 **Call to Order & Roll Call:**

18 Chairman Bradley called the meeting to order at 7:01 p.m. Roll call was taken of the Board Members
19 present.

20
21 **Approval of Meeting Minutes.**

22 Chairman Bradley asked for a motion to approve the April 14, 2025, meeting minutes. A motion to approve
23 the April 14, 2025, meeting minutes was made by Ms. Casale MacNally and seconded by Mr. Nielsen. A
24 vote was taken and the motion unanimously passed, 6 to 0:

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

26 NAYS: None

27
28 **Community Development Report:**

29 Mr. Mangum provided an update on the Grace Presbyterian Church application with the Village Council
30 scheduled to consider the item at its June 3, 2025, meeting.

31
32 **Continued Cases:**

33 a. **Case No. 25-01-V2: 314 Walnut Street:** An application seeking approval of zoning variations to
34 allow construction of a new detached garage and a two-story addition to the existing residence at 314
35 Walnut Street. The requested variations would permit the proposed improvements to (i) exceed the
36 maximum permitted front yard lot coverage; (ii) exceed the maximum permitted gross floor area; (iii)
37 provide less than the minimum required front yard setback from the west property line along Wilson
38 Street to the proposed detached garage; (iv) provide less than the minimum required corner yard
39 setback from the north property line along Orchard Lane to the proposed addition to the existing
40 residence. The Village Council has final jurisdiction on this request. This item was continued from the
41 February 10, 2025 Zoning Board of Appeals meeting. The Applicant has withdrawn this application. The
42 Zoning Board of Appeals will not be taking action on this application.

43 Chairman Bradley advised the Board that the application has been withdrawn by the applicant and no
44 further action is required.

45
46 **New Cases:**

47 a. **Case No. 25-03-SU: Hubbard Woods Metra Train Station (1065 Gage Street):** An application
48 seeking approval of a Special Use Permit to allow renovation of the existing train depot and train

1 **platform and construction of a new pedestrian bridge, new accessible ramps, new stairs and elevators**
2 **to the train platform, and new warming shelters. The Village Council has final jurisdiction on this**
3 **request.**

4 Ms. Klaassen described the proposed exterior improvements which include a new pedestrian bridge, new
5 ADA accessible ramps, new stairs and elevators to the train platform. She stated the proposal also includes
6 new warming shelters and renovations to the existing train depot, and windbreak shelters, which required
7 special use approval. She then identified the property's location and zoning classification. Ms. Klaassen
8 then referred to photos of the site and identified the items to be repaired and replaced. She noted an
9 important component of the project included ADA accessibility. Ms. Klaassen noted due to the UP's
10 ongoing review, Metra and its design team have identified options for the pedestrian bridge railing. She
11 then explained the options for the pedestrian bridge railing. Ms. Klaassen noted that the applicant has
12 submitted a landscape plan that has been reviewed by the Village Forester who noted that the shade and
13 ornamental trees listed on the plan are acceptable to the Village. She then explained that all trees
14 installed on Village property, which includes the plantings on the west end of Hubbard Place, must meet
15 certain standards and be inspected by the Village Forester at planting.

16
17 Ms. Klaassen summarized the Design Review Board's review of the proposal with the Plan Commission to
18 consider the special use permit at their May 22, 2025, meeting. She referred to the standards the Board
19 is to consider and stated following the applicant's presentation, public comment and Board discussion,
20 the Board may either continue the application to a date certain or move to recommend approval or denial
21 with draft language for a motion provided on page nos. 24 and 25 of the agenda packet. Ms. Klaassen
22 noted additional public correspondence was provided to the Board and then asked if there were any
23 questions.

24
25 Ms. Casale MacNally asked with regard to the height of option nos. 1, 2 and 3, if the Elm Street station
26 height would continue to be grandfathered in. Ms. Klaassen responded that the railing height is a UP
27 standard; when the railing needs replaced the UP will need to review and approve the railing. No
28 additional questions were raised at this time.

29
30 Chairman Bradley swore in those speaking to this matter. Patricia Davidson, Ty Lin International Project
31 Manager, referred the Board to illustrations and summarized their responses to the special use standards.
32 She then asked if there were any questions.

33
34 Chairman Bradley asked which elements of the project are ADA focused. Ms. Davidson identified the step
35 and grade modifications for access to the depot, the area leading from the pedestrian bridge over the UP
36 railroad and the ADA accessible platforms from the bike trail. She further explained how the proposed
37 design structure was determined compared to what is required in order to become ADA compliant.

38
39 Mr. Haller commented the design is great and stated he is only concerned with the east side. He described
40 egress points at other Metra stations being in commercial areas, not residential like this instance, and
41 suggested additional landscaping be installed to benefit the residential neighbors, which might require
42 pushing the east ramp to the west. Mr. Haller questioned the rationale of Metra leaving the stations open
43 in terms of its profile. Ms. Davidson responded it is due to the ramp and stairs' location which is currently
44 outside the UP right-of-way but pushing the east ramp to the west would put those improvements inside
45 the UP right-of-way. She also stated 50% of the entrances are required to be ADA accessible and explained
46 the other entrances at the train station. Mr. Haller questioned the effect on property values on that side
47 of the street.

48

1 Ms. Hanley asked what is it built on now if it is not currently on the UP right-of-way on the west side. Ms.
2 Davidson responded there is an existing roadway right-of-way between the UP right-of-way and Hubbard
3 Place. It was confirmed the Village owned the vacated easement. Ms. Hanley asked what is the amount
4 of ridership at that station. Ms. Davidson stated she did not have that information and confirmed there
5 would be no ticket agent. Ms. Davidson noted they would not be upgrading the lower level of the depot.
6 Ms. Hanley asked if there would continue to be heaters in the windbreaks. Ms. Davidson responded she
7 would have to review the plans with regard to that detail. Ms. Hanley questioned how likely it would be
8 for the applicant to obtain approval for the pedestrian bridge railings. Ms. Davidson stated a variation
9 would have to be submitted to UP and described the safety issues relating to the fence height. She also
10 provided information relating to maintenance and snow clearance issues. The Board Members discussed
11 safety issues relating to the gap with regard to potential safety hazards. No additional questions were
12 raised at this time.

13
14 Chairman Bradley asked for public comment and swore in those speaking to this matter.

15
16 Crispin Hales, 1000 Sheridan Road, provided information which he documented over the years with regard
17 to safety issues relating to the bridge and the response he received from Metra. He stated he is pleased
18 that the bridge would be replaced.

19
20 Charles Billington, a Glencoe resident, described the freight shaft and dumbwaiter elevator usage and
21 suggested it be used as an ADA accessible elevator. He also identified an area which could be used as a
22 warming shelter.

23
24 Craig Lan, referred to the previous comments with regard to making the east ramp area less intrusive and
25 stated he is in favor of the proposed ADA accessibility improvements and the ramp. No additional public
26 comments were made at this time.

27
28 Chairman Bradley questioned the project's timeline. Ms. Davidson responded the plans are at 90% and
29 summarized their permit process as well as their presentation to the other Boards. She stated they
30 planned to begin construction in the early spring with no plans to close the station during construction.
31 Ms. Davidson also provided information relating to work to be done on the Green Bay Trail and estimated
32 construction to take 18-24 months.

33
34 Chairman Bradley called the matter in for discussion. Mr. Haller stated his only concern related to the
35 second standard in that the size and scale of the east ramp and the building's exposure in a commercial
36 sense would be a burden on the homeowners on Hubbard Place. He suggested consideration be given to
37 push the entire ramp system back to the west and reduce the scale of the opening of the center section.
38 Mr. Haller also referred to the amount of screening and concluded he is fine with other aspects of the
39 project. Ms. Hanley indicated that may not be practical or an option due to the easement. The Board
40 Members discussed possible alternatives and the second standard being addressed.

41
42 Mr. Nielsen stated he would lean toward approval and referred to Ms. Hanley's and Ms. Casale MacNally's
43 questions relating to the design. He stated reconsideration is definitely in line and the project has not
44 been rushed. Mr. Nielsen concluded by stating the Board's comments would be clear and referred to the
45 fact that there was not more public comment against the request.

46
47 Ms. Casale MacNally stated she is in favor of the request and referred to the amount of support for the
48 project. She stated addressing the ADA accessibility concerns is well past due. Ms. Hanley also stated she

1 is in favor of the request and commented she is disappointed that there is not a warming station on both
2 sides. She then stated in terms of the design, she commented it is lovely and agreed the bridge has been
3 over salted for years. Ms. Hanley commented she is glad to see the station being renovated and agreed
4 with Ms. Casale MacNally's comments relating to ADA compliance. Ms. Leister stated she is also in favor
5 of the request and asked for the Plan Commission to closely consider the east side which appeared more
6 commercial looking with an attempt to make it fit in more with the neighborhood.

7
8 Chairman Bradley stated he also is in favor of recommending approval and agreed the project is long
9 overdue and would improve safety concerns and increase ADA accessibility. He referred to one neighbor's
10 comment to request the signage size be reduced and to increase landscaping on the residential side.
11 Chairman Bradley stated with regard to option no. 2 for the railing design, he would be in favor of aligning
12 with UP's approach so as to not delay the project.

13
14 Chairman Bradley then asked for a motion to recommend approval of the request as indicated on page
15 no. 24 of the agenda packet. A motion to recommend approval was made by Ms. Casale MacNally. Mr.
16 Nielsen seconded the motion. A vote was taken and the motion unanimously passed, 6 to 0:

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

18 NAYS: None

19
20 **b. Case No. 25-04-SD: 557 Orchard Lane and 561 Orchard Lane: Applications seeking approval of a**
21 **Final Plat of Subdivision to consolidate the two existing lots into a single lot of record. As part of the**
22 **Final Plat approval, the application includes a request of approval of a zoning variation to permit the**
23 **existing residence at 561 Orchard Lane to observe less than the minimum required side yard setback**
24 **from the west property line, which is due to an increase in the minimum required side yard setback as**
25 **a result of the proposed increase in total lot area and increase in average lot width. The Village Council**
26 **has final jurisdiction on this request.**

27 Ms. Klaassen identified the property's location, size and zoning classification and the existing
28 improvements on each parcel. She also referred to photos of the site and provided a summary of the
29 Historic Preservation Commission's consideration of the demolition permit for 557 Orchard. Ms. Klaassen
30 then provided information relating to the proposed consolidated lot and the proposed addition on 561
31 Orchard with the proposed improvements confirmed to comply with zoning regulations. She stated the
32 consolidation would eliminate two nonconforming lots and create one conforming. Ms. Klaassen
33 informed the Board the Village Engineer reviewed the proposed plans and noted additional storm water
34 detention would be required. She stated the Plan Commission is to consider the proposed consolidation
35 at their May 22, 2025, meeting with one public comment having been received and provided to the Board.
36 Ms. Klaassen then stated following the applicant's presentation, public comment and Board discussion, a
37 Board Member may make a motion to continue the matter to a date certain or recommend approval or
38 denial as indicated on page no. 91 of the agenda packet. She asked if there were any questions.

39
40 Chairman Bradley referred to situations when lot consolidations create a zoning issue without full project
41 plans. Ms. Klaassen stated if the proposed addition required zoning relief, it would be included in the
42 application. She explained that plans were submitted by the applicant as part of this application, so a
43 zoning review was completed to verify the plans presented to the Board comply with all the zoning
44 regulations.

45
46 Chairman Bradley swore in those speaking to this matter. Katherine Kirkpatrick, the applicant and
47 property owner, and Edward Deegan, the architect, introduced themselves to the Board. Ms. Kirkpatrick
48 provided the Board with the intent behind the project to change the two car detached garage to a three

1 car attached garage with the space above it to be used as an in-law suite. She then summarized their
2 responses to the standards and asked if there were any questions.

3
4 Chairman Bradley referred to the curb cut change and asked if the tree on 557 Orchard would remain.
5 Ms. Kirkpatrick confirmed that the tree will remain. Ms. Leister asked for the 565 Orchard neighbor's
6 comments with regard to the setback. Ms. Kirkpatrick responded the neighbor is fully supportive of the
7 request. She also stated they initially considered building a carriage house on 557 Orchard which would
8 create a less preferable aesthetic and result in a less usable driveway. No additional questions were raised
9 at this time.

10
11 Chairman Bradley noted there is no one in the audience to comment and called the matter in for
12 discussion.

13
14 Ms. Casale MacNally referred to a previous consolidation at Elder Lane and Myrtle with this request being
15 similar to that situation. She also stated while curing numerous nonconformities and creating one, she
16 described the request as a no-brainer in that regard and concluded she would be in favor of the request.
17 Mr. Nielsen also stated he is in favor of the request and noted the current home would not be moving but
18 the side yard setback would increase. Ms. Leister stated she is concerned with the bigger picture if too
19 many of these consolidations start happening and referred to the number of similar situations when
20 dilapidated homes are purchased by adjacent property owners with additions being constructed and how
21 that impacted the feel of the neighborhood. Ms. Hanley stated while she agreed with the comments
22 made, she referred to prior discussions relating to accessible dwelling units and carriage homes. She then
23 stated the variation is only being created as a result of the consolidation and would not change the
24 neighborhood's overall look. Chairman Bradley stated while he agreed with the comments made, due to
25 the condition of 561 Orchard, it did not solve the reasonable return standard. He stated the request would
26 result in holding the line on the existing setback in order to create a home which did not belong in the R-
27 5 zoning district. Chairman Bradley concluded he would be in favor of the request.

28
29 Chairman Bradley then asked for a motion to recommend approval as indicated on page 92 of the agenda
30 packet. A motion to recommend approval was made by Ms. Casale MacNally and seconded by Mr. Nielsen.
31 A vote was taken and the motion unanimously passed, 6 to 0:

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

33 NAYS: None

34
35 **New Business:**

36 a. June 9, 2025 Meeting - Quorum Check

37 The Board Members discussed their availability.

38
39 **Public Comment:**

40 No comments were made at this time.

41
42 **Adjournment:**

43 Chairman Bradley asked for a motion to adjourn. A motion to adjourn was made by Ms. Casale MacNally
44 and seconded by Mr. Nielsen. A vote was taken and the motion unanimously passed, 6 to 0:

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

46 NAYS: None

47 The meeting adjourned at 8:50 p.m.

48

1 Respectfully submitted,
2
3 Antionette Johnson
4 Recording Secretary
5

DRAFT



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, ASSISTANT DIRECTOR
DATE: JUNE 5, 2025
SUBJECT: 620 ASH STREET - VARIATION (CASE NO. 25-07-V)

INTRODUCTION

On June 9, 2025, the Zoning Board of Appeals (ZBA) is scheduled to hold a public hearing on an application submitted by Steven Shultz and Tiffani Pierson (collectively, the "Applicant"), as the owners of the property located at 620 Ash Street (the "Subject Property"). The Applicant requests approval of the following zoning variation to allow construction of an addition to the existing detached garage on the Subject Property:

1. **Detached Garage Height** of 15.57 feet, whereas a maximum of 15 feet above the lowest natural grade adjacent to the garage is permitted, a variation of 0.57 feet (3.8%) [Section 17.30.110 – Garages] [Note: The existing detached garage is currently 15.57 feet in height.]

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 May 22, 2025. As of the date of this memo, staff has not received any written comment from the public regarding this application.

The ZBA has final jurisdiction on this request as the Board has the authority to grant a variation to exceed the maximum permitted height for accessory buildings and structures other than fences (vertical height in feet only).

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.43 acres in size, is located on the southeast corner of the intersection of Ash and Cedar Streets and contains an existing two-and-one-half story residence and a detached garage (see Figure 1). The property is zoned R-4 Single Family Residential and is bordered by R-4 Single Family Residential to the north and east, and R-5 Single Family Residential to the south and west (see Figure 2). The Applicant also owns the adjacent lot to the south, 337 Cedar Street, which is a vacant lot. 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 – GIS Aerial Map

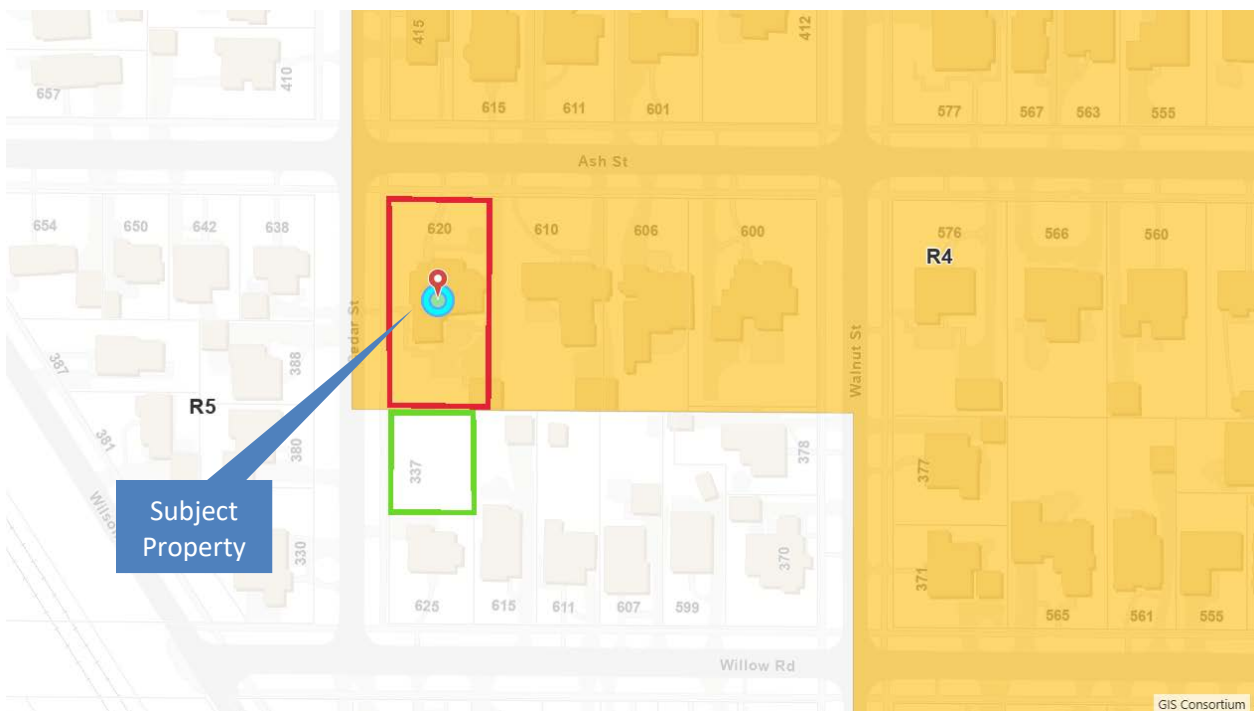


Figure 2 – Zoning Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The existing residence was constructed in 1911. A subsequent building permit was issued in 2003 to construct a two-story addition to the existing residence and a two-car detached garage. Other minor permits have been issued over the last several years. The Applicant acquired the property in 2014.

There is one previous zoning case on file for the Subject Property. Ordinance M-21-2003 was adopted in June 2003 by the Village Council granting a variation to allow construction of an addition to the existing

residence, a deck, and window wells within the required corner yard setback along Cedar Street (**Attachment D**).

Figures 3 through 5 below and on the following page are current photos of the Subject Property.



Figure 3 – Subject Property – Front Elevation (Ash Street)



Figure 4 – Subject Property – Existing Detached Garage



Figure 5 – Subject Property – Corner Elevation (Cedar Street)

PROPOSED PLAN

The variation is being requested in order to construct a one-story addition to the existing two-car detached garage. The proposed addition would accommodate one additional vehicle, bringing to total vehicle capacity of the garage to three. The existing garage measures approximately 25.75 feet by 22.08 feet (568.5 square feet). The proposed addition would measure 7 feet by 22.08 feet, adding 154.5 square feet to the garage. The proposed plan also calls for matching the height of the existing garage, which is 15.57 feet, according to the architectural plans included in the Applicant's application materials provided in **Attachment C**. With the exception of the proposed height of the garage addition, the proposed plans comply with zoning regulations.

Excerpts of the proposed site plan, floor plan, and building elevations, with the proposed addition highlighted yellow, are provided below and on the following pages as Figures 6 through 9. The complete set of plans is provided in **Attachment C**.

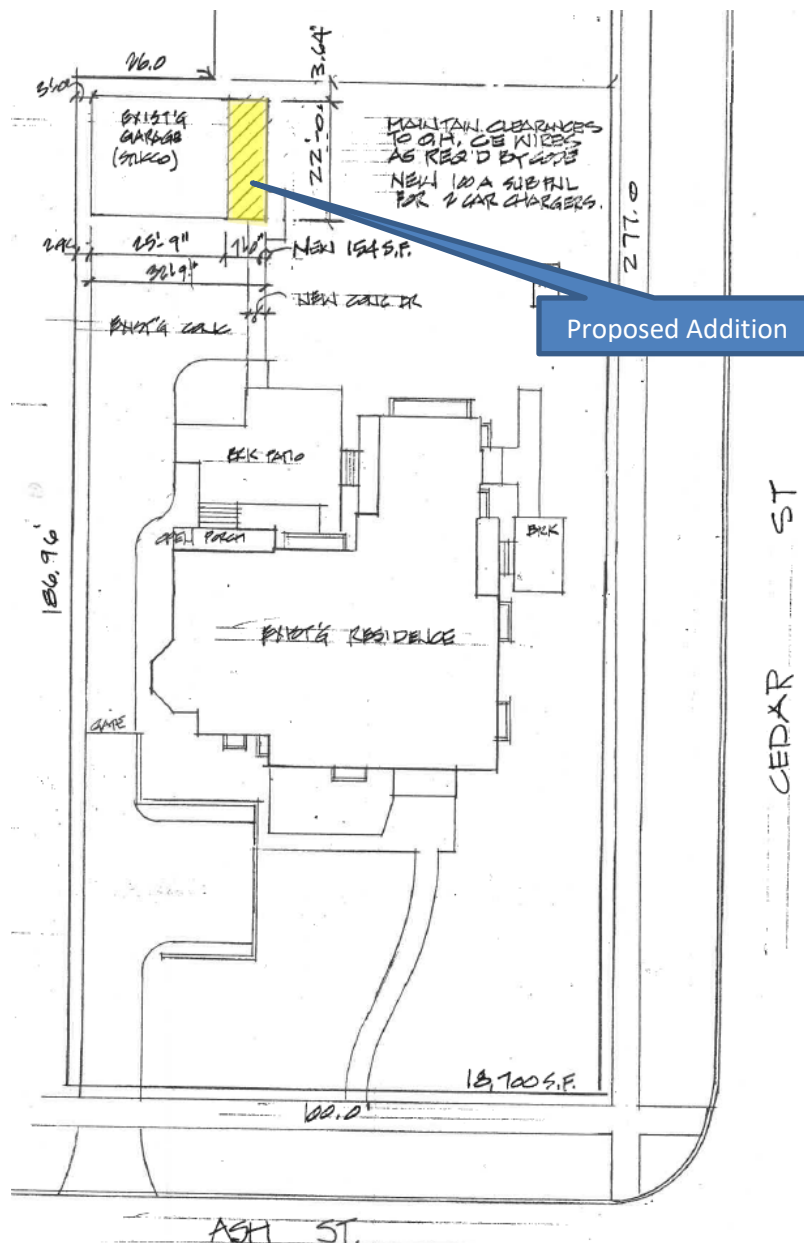


Figure 6 – Excerpt of Proposed Site Plan

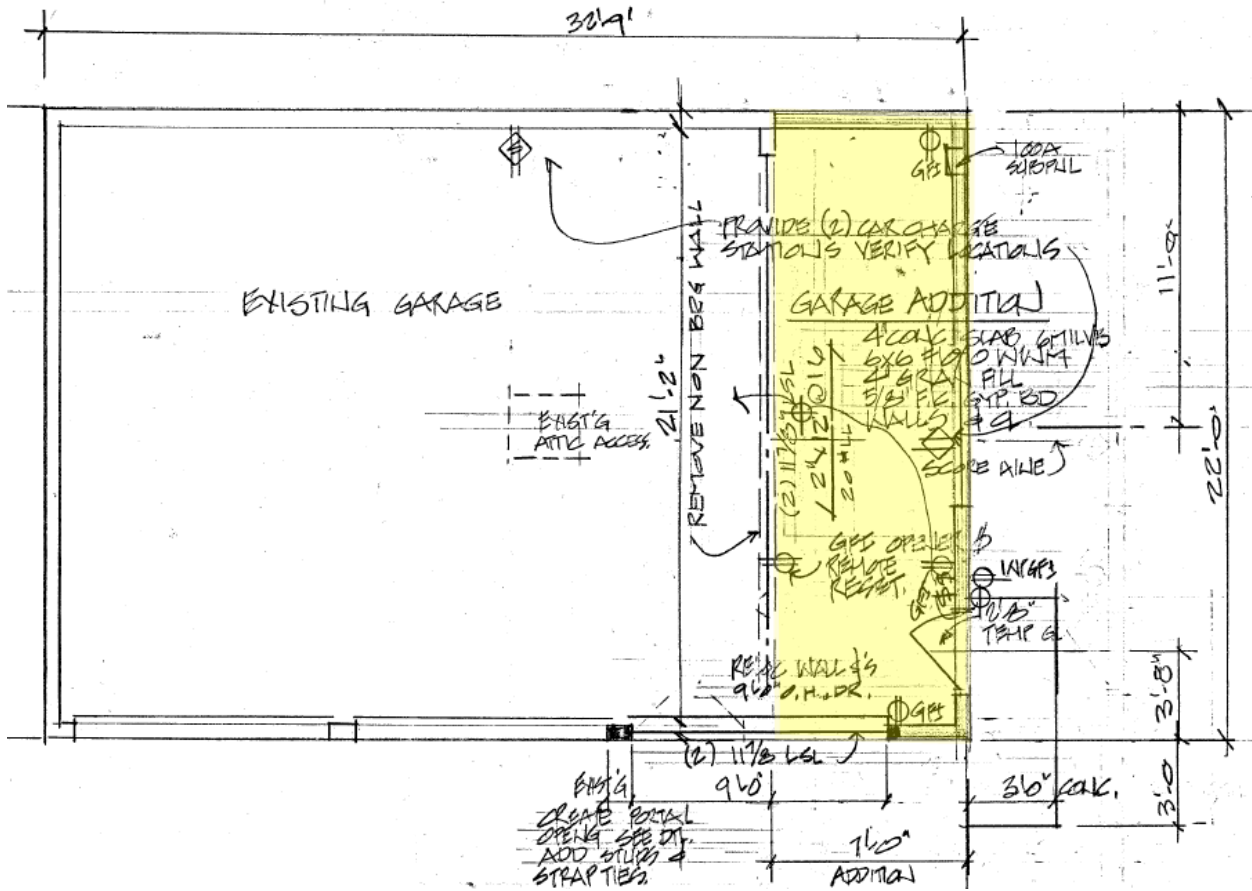


Figure 7 – Proposed Floor Plan

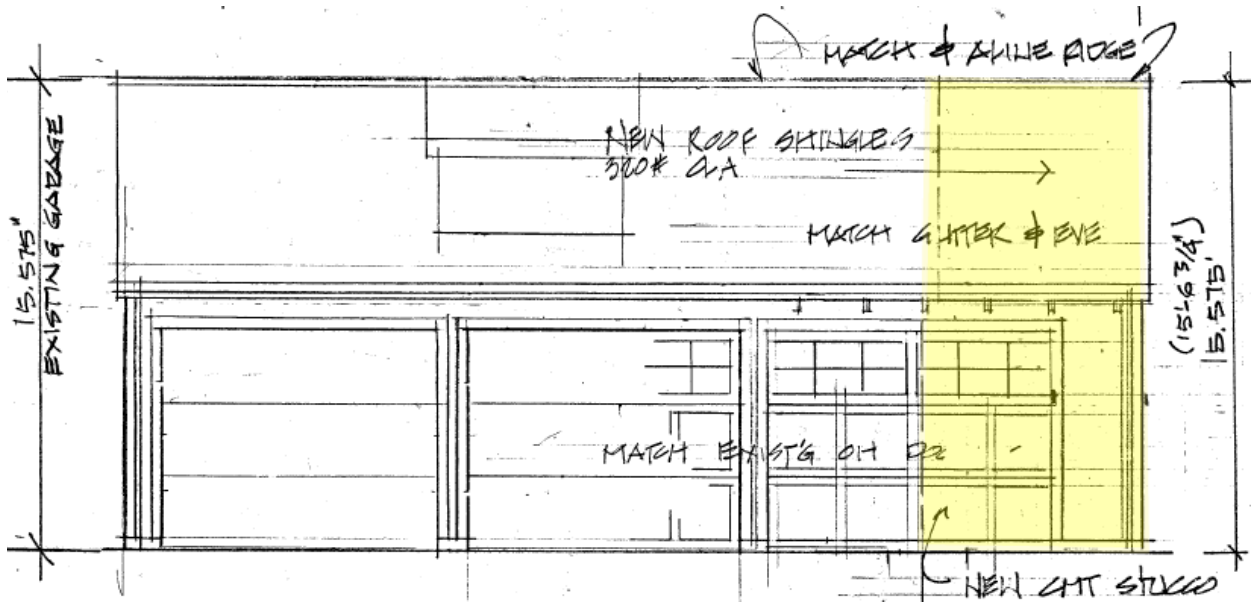


Figure 8 – Proposed North Elevation of Detached Garage

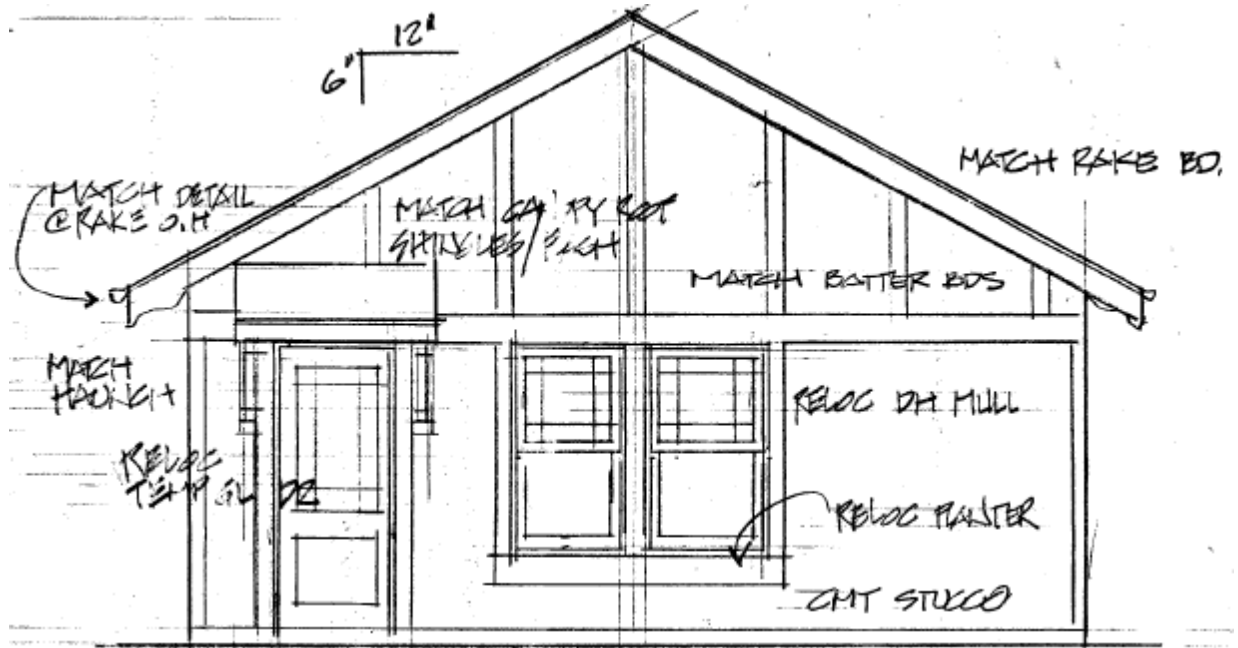


Figure 9 – Proposed West Elevation (Cedar Street)

Given the ZBA often receives questions regarding the stormwater regulations applicable to a specific request being considered by the ZBA, attached is a Stormwater Matrix (**Attachment B**). Based on the proposed plan it appears additional stormwater detention would not be required. However, a final determination will be made by Village Engineering staff upon submittal of the permits necessary for the proposed improvements, which are required to comply with the Village stormwater regulations. Figure 10 below represents the Subject Property’s proximity to the floodplain; the cyan represents the 100-year floodplain.

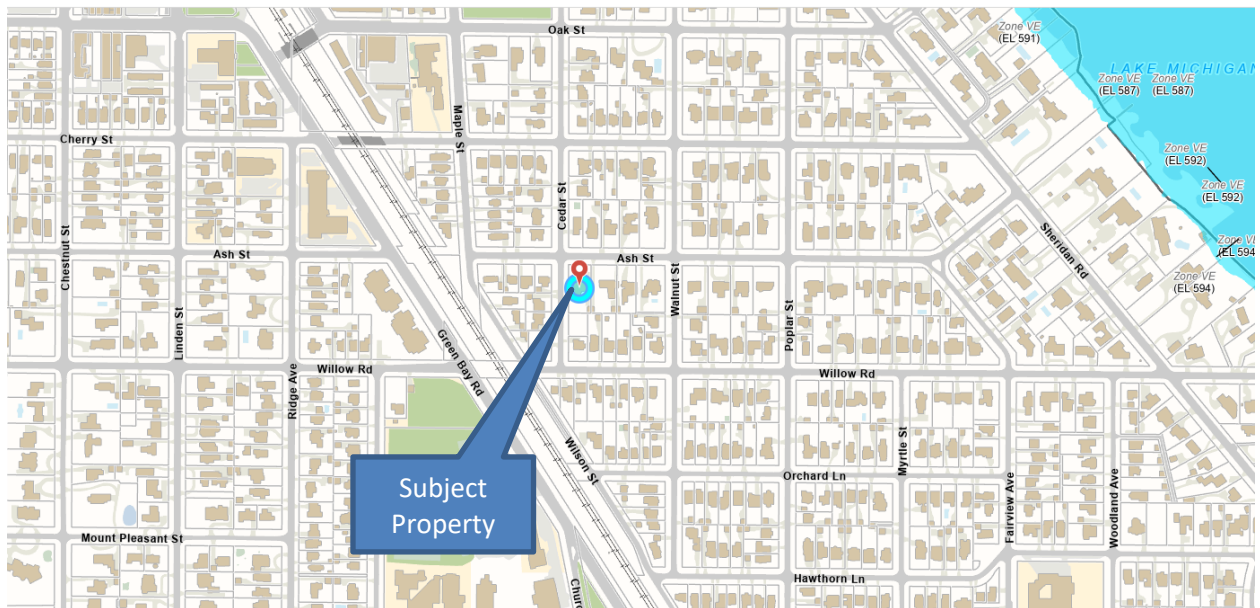


Figure 10 - GIS Floodplain Map

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 allow an addition to the existing detached garage that would exceed the maximum permitted height of 15 feet. The existing detached garage is 15.57 feet in height, exceeding the maximum permitted height by 0.57 feet (3.8%). The proposed addition would match the existing nonconforming height of 15.57 feet and therefore require a variation of 0.57 feet (3.8%).

The height of a detached garage is measured from the lowest natural (existing) grade adjacent to the garage. In 2003, when the building permit was approved for the existing garage, the proposed and subsequently approved height was 15 feet. The difference of 0.57 feet is due to the change in the elevation of the ground level where the garage was built in 2003 compared to the grade elevations today. It is also worth noting that the Zoning Ordinance does allow the height of a detached garage to be up to 18 feet in height, provided the additional height over 15 feet is necessary to match the roof pitch of the existing residence. The Applicant is not proposing to alter the roof pitch of the existing garage to match the residence; therefore, the maximum permitted height of the garage is 15 feet.

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 E**). 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: Stormwater Matrix

Attachment C: Application Materials

Attachment D: Ordinance M-21-2003, adopted June 17, 2003, Granting a Corner Yard Setback Variation

Attachment E: Draft Resolutions

ATTACHMENT A

ZONING MATRIX

ADDRESS: 620 Ash Street

CASE NO: 25-07-V2

ZONING: R-4

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	8,900 SF	18,700 SF	N/A	N/A	OK
Min. Average Lot Width	70 FT	100 FT	N/A	N/A	OK
Min. Lot Depth	120 FT	187 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	5,049 SF (1)	3,262.31 SF	3,416.87 SF	154.56 SF	OK
Max. Gross Floor Area	5,807.45 SF (1)	5,451.83 SF	5,606.39 SF	154.56 SF	OK
Max. Impermeable Lot Coverage	9,350 SF (1)	9,011 SF	9,145.87 SF	134.87 SF	OK
Min. Front Yard (Ash/North)	30 FT	58.43 FT	58.43 FT	N/A	OK
Min. Corner Yard (Cedar/West)	28 FT	17.94 FT	17.94 FT	N/A	EXISTING NONCONFORMING
Min. Side Yard (East)	12 FT	15.28 FT	15.28 FT	N/A	OK
Side Yard for Det. Garage in Rear 1/4	2 FT	2.96 FT	2.96 FT	N/A	OK
Min. Rear Yard (South)	25 FT	58.76 FT	58.76 FT	N/A	OK
Min. Rear Yard for Detached Garage	2 FT	3.64 FT	3.64 FT	N/A	OK

NOTES:

(1) Based on lot area of 18,700 square feet

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

(3) Variation requested to allow proposed garage addition to be 15.57 feet in height, whereas the maximum permitted height is 15 feet, a variation of 0.57 feet (3.8%).

ATTACHMENT B

Stormwater Volume Requirements for Development Sites

In addition to meeting the following storm water volume detention requirements, development sites must meet all other Village storm water management requirements such as drainage and grading, storm water release rates, storage system design requirements, etc. An exception is for lots along the lakefront that directly discharge into Lake Michigan; those lots are not required to provide stormwater volume detention on-site. They are required to meet all other Village stormwater system design requirements.

	Storm Water Detention Volume Requirements	Applicable Requirement
A. New Home Construction - Previously Developed Lot	The amount of additional required storm water detention volume is based upon the difference between maximum impermeable lot coverage, per Zoning Code, and existing lot coverage, using the run-off coefficient for a 100-year storm event for both.	
B. New Home Construction - Previously <u>Undeveloped</u> Site	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
C. Redevelopment of Site for Different Use (e.g. single family to multi-family, or commercial)	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
D. Improvements to Existing Home and/or Lot, causing an increase in impermeable lot coverage <u>greater or equal to 25%</u>.	The amount of additional required storm water detention volume is based upon the difference between the proposed and existing impermeable lot coverage, using the run-off coefficient for 100 year storm event. (Note: If the increase in impermeable lot coverage is less than 25%, additional storm water detention volume is <u>not</u> required.)	<i>Applies to 620 Ash Street</i> <i>Based upon preliminary review of information to date, it appears that 620 Ash Street <u>would not</u> have to provide additional storm water detention volume. However, a final determination will not occur until engineering plans are submitted with a building permit application.</i>
E. Improvements to existing lots, who currently exceed maximum impermeable lot coverage (e.g., School sites, single family and multi-family sites)	The amount of additional required storm water detention volume is based upon: <ul style="list-style-type: none"> a) The amount of the impermeable lot coverage (ILC) currently in excess of the maximum permitted amount of ILC allowed by zoning that will be removed and replaced, and/or b) The amount of ILC in addition to what currently exists on the lot. 	

Stormwater Volume Requirements for Development Sites

	The amount of required detention volume is then determined using the run-off coefficient for 100-year storm event.	
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ATTACHMENT C

VILLAGE OF WINNETKA, ILLINOIS

DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. 25-07-V

Property Information

Site Address: 620 Ash St., Winnetka, IL 60093

Owner Information

Name: Steven Shultz and Tiffani Pierson

Address: 620 Ash St.

City, State, ZIP: Winnetka, IL 60093

Email: ron@restorethenorthshore.com

Primary Contact: Ron Cowgill

Phone No. [REDACTED]

Date property acquired by owner: 07/09/201

Architect Information

Name: Jeff Heaney

Primary Contact: Jeff Heaney

Address: 911 Washington St

City, State, ZIP: Glenview, IL 60025

Phone No. 708-417-1045

Email: JHeaneyarch@gmail.com

Attorney Information

Name: Schain Banks

Primary Contact: Nick Standiford

Address: 70 W. Madison St., Suite 5400

City, State, Zip: Chicago, IL 60602

Phone No. 312-345-5737

Email: nstandiford@schainbanks.com

Nature of any restrictions on property: The existing garage is non-conforming in height, and expanding the garage to the west would increase the non-conformity.

Brief explanation of variation(s) requested (attach separate sheet providing additional details): Variation to exceed the maximum height for an accessory building under Section 17.60.035 (D) from 15' to 15'6-3/4"

Property Owner Signature [REDACTED]

Date: 4/29/2

April 29, 2025

Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

RE: Response to Variation Standards (620 Ash Street)

To Whom It May Concern,

The applicants, Steven Shultz and Tiffani Pierson, own the subject property located at 620 Ash Street. The applicants seek a variation to increase the maximum permitted height of an accessory structure and respond to the variation standards as follows:

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

The applicants are seeking to expand their current detached garage by seven feet to the west. This will allow the applicants to have an additional parking space so that they do not have to park a car in the driveway. The proposed expansion will also provide the applicants with additional room for storage. The applicants are not seeking to expand the height of the garage, as the proposed addition to the garage will maintain the same height of the existing garage (15'6-3/4").

Unfortunately, the maximum permitted height of accessory structures in Winnetka is 15 feet and thus, the garage is considered existing non-conforming in height. The applicants' request for a variation will legalize the height of the garage, which will create value and a reasonable return by eliminating the legalizing the existing non-conformity. It is important to note that there would be no need for the variation in this case if the pitch of the roof of the garage was the same as the pitch of the applicant's home, as the Village Code, under those circumstances, permits the maximum height of the garage to be 18 feet.

2. The plight of the owner is due to unique circumstances;

The applicants did not construct the current garage or the existing home. If they had, the applicants would have likely created the same roof pitch of the garage and home in order to have a taller garage. The applicants are not seeking to expand the height of the garage; they are merely expanding the garage to the west and extending the roofline at the same pitch and height that currently exists.

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

The existing roof height of the garage is not changing; thus, there will not be concerns about loss of daylight on adjacent properties. The expansion of the garage will be to the west, which goes further to the interior of the applicants' lot and will not intrude on the adjacent residence to the east. A fence separates the property owner to the east and obstructs the view of the proposed garage expansion. The subject property is on a corner lot with Cedar Street abutting on the west and Ash Street abutting on the north. The

applicants own the lot to the south and use it as vacant space. The only view to the proposed expanded garage would occur off of Ash Street; however, the garage is a considerable distance from the street (approximately 161'10") and there is mature landscaping, as well as the applicants' house, that shields much of the view.

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

The applicants' requested relief will not impact the supply of light and air to the adjacent property to the east because the garage is not expanding in height.

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

If the variation is granted, the applicants will obtain a building permit and comply with all required fire code and other building requirements.

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

By improving the garage, the applicants will increase the taxable value of the subject property, which will likely cause neighboring property values to rise. Without the extra garage space, the applicant would be required to park a car in the driveway or on nearby street, which would be unsightly and invite theft, resulting in a potential decrease in property values.

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

The proposed expansion of the garage will allow the applicants to park a car in the garage rather than having to park it in the driveway or on nearby streets. This will decrease congestion in the area.

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

The height of the garage is not being increased, so there will not be a negative effect on the public welfare. The requested relief will improve the public welfare by having a car parked in a garage rather than in the driveway or on nearby streets. If the variation is granted, the applicants will obtain a building permit and comply with all required codes.

Sincerely,

SCHAIN, BANKS, KENNY & SCHWARTZ, LTD.



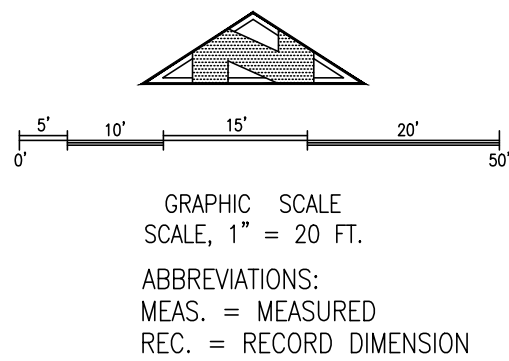
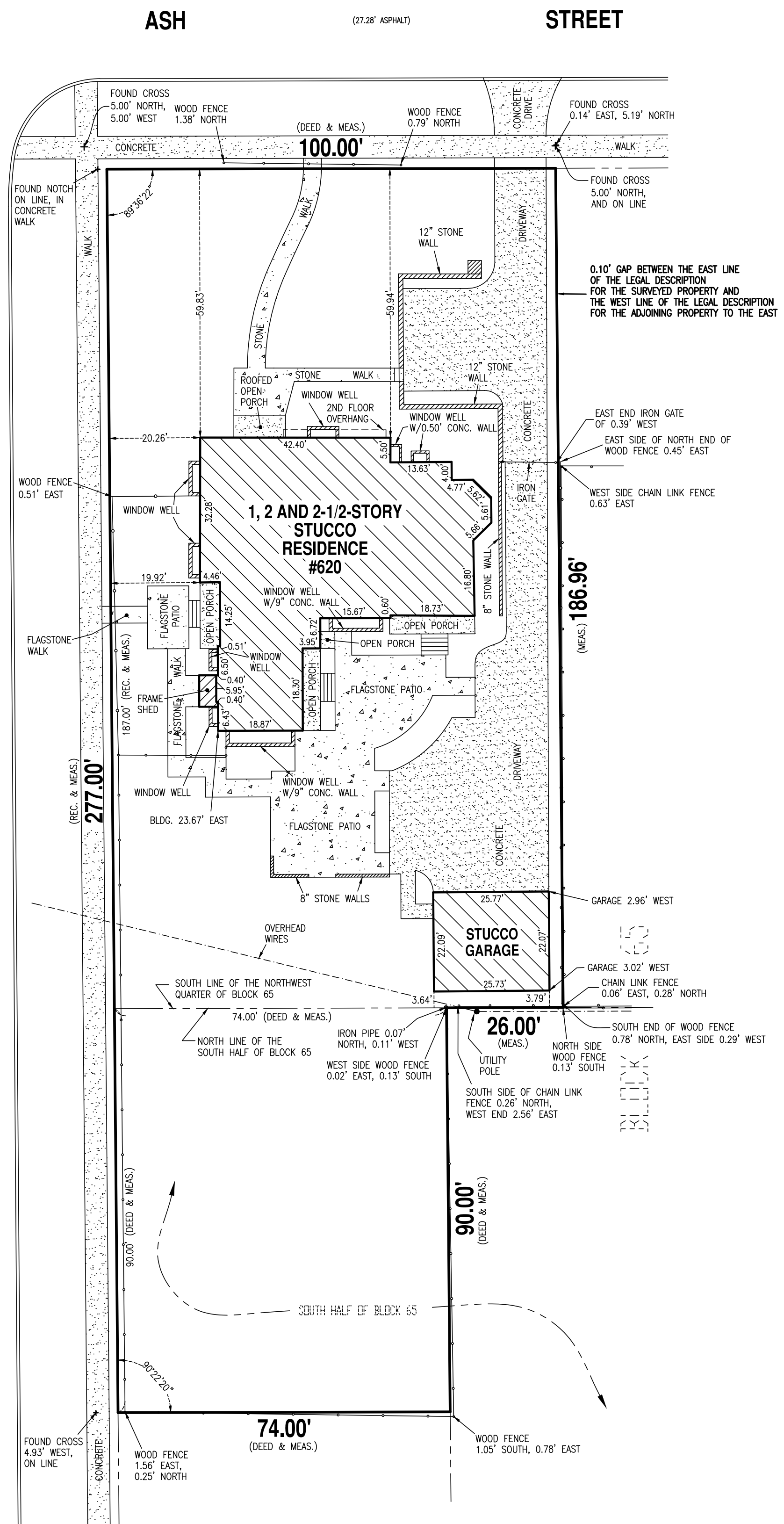
Nicholas D. Standiford

PLAT of SURVEY

LEGAL DESCRIPTION:

THE WEST 100 FT. OF THE NORTHWEST QUARTER (EXCEPT STREETS) OF BLOCK 65 IN ORIGINAL PLAT OF WINNETKA, BEING CHARLES E. PECK'S SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 20, AND THE NORTH FRACTIONAL HALF OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.
ALSO THE NORTH 90 FEET OF THE WEST 74 FEET OF THE SOUTH HALF OF BLOCK 65 (EXCEPT STREETS) IN WINNETKA, IN THE NORTHWEST QUARTER OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: **620 ASH STREET, WINNETKA, ILLINOIS.**



SITE NOTES:

Area of surveyed property = 25,358 sq. ft., more or less.

GENERAL NOTES:

All information provided to the surveyor is shown or noted hereon. No title report was supplied for this survey.

The legal description on this plat was provided to us by the client or obtained from public records and should be compared to your Deed, Abstract or Certificate of Title. This plat and the legal description shown hereon does not determine, imply or guarantee ownership.

Underground utilities are not shown hereon.

Prior to excavation call J.U.L.I.E. at 811 or 800-892-0123

All building restrictions, building lines and easements may or may not be shown. Check your Deed, Abstract, Title Report, and local ordinances. No responsibility is assumed by the surveyor.

Compare all points before building by same and report any discrepancy at once.

Dimensions are shown in feet and decimal parts thereof. No dimension is to be assumed by scaling.

B.H. SUHR & COMPANY, INC.	
SURVEYORS ESTABLISHED 1911	Professional Design Firm
450 SKOKIE BLVD. SUITE 105, NORTHBROOK, ILLINOIS, 60062	License No. 184.008027-0008
TEL. (847) 864-6315 / FAX (847) 864-9341	E-MAIL: SURVEYOR@BHSUHR.COM
LOCATION <u>620 ASH STREET</u>	SURVEY DATE, <u>APRIL 1</u> 20 <u>25</u>
ORDER No. <u>25-019</u>	ORDERED BY: <u>RON COWGILL</u>
<small>DRAFTER © 2025 B. H. Suhr & Company, Inc. All rights reserved.</small>	

FIELD MEASUREMENTS COMPLETED APRIL 1 20 25

STATE OF ILLINOIS } ss.
COUNTY OF COOK }

This professional service conforms to the current Illinois Minimum Standards for a boundary survey.

By Michael E. Farrell Dated APRIL 4 20 25

Michael E. Farrell
Illinois Professional Land Surveyor No. 035-002639
License Expiration Date 11/30/26



AN ORDINANCE GRANTING A VARIATION IN THE APPLICATION OF THE ZONING ORDINANCE OF THE VILLAGE OF WINNETKA COOK COUNTY, ILLINOIS (620 Ash Street)

WHEREAS, there has been presented to the Council of the Village of Winnetka, Cook County, Illinois, the request of the owner of the following described real estate (the "Subject Property"):

The West 100 feet of the Northwest Quarter (except streets) of Block 65 in Original Part of Winnetka, being Charles E. Pecks Subdivision of the Northeast Quarter of Section 20 and North Fractional Half of Fractional Section 21, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois,

commonly known as 620 Ash Street, Winnetka, Illinois, and located in the R-4 Single-Family Residential Zoning District provided in Chapter 17.16 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, for the following variations from the 30-foot corner yard setback provisions of Section 17.30.050: (a) a 6.0-foot (20%) variation to allow a 2-story addition to be located 24 feet from the corner lot line; (b) a 10.06-foot (33.5%) variation to allow deck on the west side of the new addition to be located 19.94 feet from the corner lot line; and (c) a 12.06-foot (40.2%) variation to allow window wells on the west side of the existing building to be located 17.94 feet from the west lot line; and

WHEREAS, on May 12, 2003, on due notice thereof, the Zoning Board of Appeals conducted a public hearing on the requested variations and, by the unanimous vote of the six members then present, has reported to the Council recommending that the variations requested for the addition, including the window wells and deck, be granted; and

WHEREAS, there are practical difficulties and unique hardships associated with carrying out the strict application of the Zoning Ordinance with respect to the Subject Property in that: (a) the Subject Property is located at the southeast corner of Cedar and Ash Streets; (b) the house on the Subject Property was built in 1911, prior to the enactment of the Winnetka Zoning Ordinance; (c) the existing building has a legally nonconforming corner setback of 11.2 feet along Cedar Street; (d) the applicants propose to remove the breakfast nook that extends into the required corner yard and to add a two-story addition with an expanded kitchen, reconfigured stairway and new breakfast area, family room and mud room on the first floor, and with an additional bathroom, bedroom and laundry area on the second floor; (e) the existing kitchen and breakfast nook are in the southwest corner of the house and there is no other practical location for the proposed addition; (f) because of the location of the interior stairway, it is not possible to shift the proposed addition farther to the east; (g) the proposed deck is located adjacent to the new breakfast area, which adjoins the kitchen; and (h) the proposed new window well will be in the area now occupied by the breakfast nook that will be removed; and

WHEREAS, the Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the Zoning Ordinance, in that: (a) the existing kitchen and breakfast nook are small in relation to the other principal rooms on the first floor; (b) it is not possible to expand the kitchen and breakfast areas or add a family room in a location that both conforms with the corner yard setback requirements and maintains the internal flow of the rooms; (c) the proposed deck represents a minimal extension from the proposed new building wall and is a typical amenity in homes of comparable size in the vicinity; and (d) the proposed window wells are consistent with existing window wells in the home and are needed to provide additional light and air for the basement of the residence; and

WHEREAS, the requested variations will not alter the essential character of the neighborhood because the proposed addition: (a) will reduce the degree of nonconformity in the corner yard setback; (b) has been designed to be used consistent with the exterior appearance of the existing home; (c) will contain architectural detail to minimize the appearance of visual bulk, and (d) will maintain the existing configuration of the Subject Property, with the principal residence at the front and a detached garage in the rear yard; and

WHEREAS, the requested variations will not impair an adequate supply of light and air because the proposed improvements will meet all building size and height limitations of the Zoning Ordinance and will be located at the rear of the residence, along the Cedar Street frontage, away from nearby residences; and

WHEREAS, the requested variations will not increase the hazard from fire and other dangers to the Subject Property, as the proposed construction will comply with all applicable building and fire protection codes; and

WHEREAS, the requested variations will not diminish the taxable value of land and buildings throughout the Village, and the taxable value of the Subject Property may be increased because of the proposed improvements; and

WHEREAS, the proposed construction will not contribute to congestion on the public streets, as the property will continue to be used for single family residential purposes; and

WHEREAS, there is no evidence that the proposed building addition, deck and window wells will otherwise impair the public health, safety, comfort, morals, and welfare of the inhabitants of the Village; and

WHEREAS, the requested variations are in harmony with the general purpose and intent of the Winnetka Zoning Ordinance, in that they allow the renovation, restoration and rehabilitation of a structurally sound existing building while maintaining the existing scale and appearance of the community and protecting established trees and landscaping.

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

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

SECTION 2: That the following variations from the 30-foot corner yard setback provisions of Section 17.30.050 are hereby granted to the Subject Property, commonly known as 620 Ash Street, Winnetka, Illinois, and located in the R-4 Single-Family Residential Zoning District provided in Chapter 17.16 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code: (a) a 6.0-foot (20%) variation to allow a 2-story addition to be located 24 feet from the corner lot line; (b) a 10.06-foot (33.5%) variation to allow deck on the west side of the new addition to be located 19.94 feet from the corner lot line; and (c) a 12.06-foot (40.2%) variation to allow window wells on the west side of the existing building to be located 17.94 feet from the west lot line, all of said variations to be as depicted in the plans and elevations submitted with the application for variations.

SECTION 3: That the variations hereby granted are conditioned upon the commencement of the proposed construction within 12 months after the effective date of this Ordinance.

SECTION 4: This Ordinance shall take effect immediately upon passage, approval and posting.

ADOPTED this 17th day of June, 2003, pursuant to the following roll call vote:

AYES: Trustees Abell, Brower, Presser and Webster

NAYS: None

ABSENT: Trustees Greenough and Woodbury

Signed:

s/s Michael F. Duhl

Village President

Countersigned:

s/s Douglas G. Williams

Village Clerk

Introduced: June 3, 2003

Posted: June 4, 2003

Passed and Approved: June 17, 2003

Posted: June 18, 2003

ATTACHMENT E
RESOLUTION NO. ZBA-01-2025
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
APPROVAL OF ZBA CASE NO. 25-07-V – 620 ASH STREET

WHEREAS, Steven Shultz and Tiffani Pierson (collectively, the “Applicant”) are the owners of the property commonly known as 620 Ash 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 and a detached two-car garage that is nonconforming with respect to the maximum permitted height for a detached garage; and

WHEREAS, the Applicant desires to construct a one-story addition to the existing detached garage on the Subject Property that would exceed the maximum permitted height (“**Proposed Improvement**”); and

WHEREAS, pursuant to Section 17.30.110 of the Winnetka Zoning Ordinance (“**Zoning Ordinance**”), the maximum permitted height for a detached garage is 15 feet above the lowest natural grade adjacent to the garage; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property at a height that exceeds the maximum permitted height of 15 feet, a violation of Section 17.30.110 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for a variation from Section 17.30.110 of the Zoning Ordinance to permit the Proposed Improvement on the Subject Property at a height of 15.57 feet above the lowest natural grade adjacent to the garage (“**Requested Variation**”); and

WHEREAS, a public notice for the Requested Variation was duly published on May 22, 2025, 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 June 9, 2025, for the purpose of considering the Requested Variation with the final decision being rendered at the Zoning Board of Appeal’s Regular Meeting on June 9, 2025; 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 April 29, 2025, 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 detached garage height variation, 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 detached garage height variation from Section 17.30.110 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 detached garage height requirement set forth in Section 17.30.110 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 June, 2025, 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

The West 100 Feet of the Northwest Quarter (except streets) of Block 65 in Original Plat of Winnetka, being Charles E. Peck's Subdivision of the Northeast Quarter of Section 20, and the North Fractional Half of Fractional Section 21, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 620 Ash Street, Winnetka, Illinois.

Parcel Index Number: 05-21-129-001-0000

EXHIBIT B
PLANS

(SEE ATTACHED EXHIBIT B)

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Steven Shultz and Tiffani Pierson (collectively, the "**Owner**") are the owner of record of that certain real property located at 620 Ash Street, Winnetka, Illinois ("**Property**"); and

WHEREAS, Resolution No. ZBA-01-2025, adopted by the Winnetka Zoning Board of Appeals on June 9, 2025 ("**Resolution**"), grants a variation to construct a one-story addition to the legally nonconforming detached garage 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: _____, 2025.

ATTEST

OWNER

By: _____

By: _____

Steven Shultz

Name: _____

By: _____

Tiffani Pierson

RESOLUTION NO. ZBA-01-2025
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
DENIAL OF ZBA CASE NO. 25-07-V – 620 ASH STREET

WHEREAS, Steven Shultz and Tiffani Pierson (collectively, the “Applicant”) are the owners of the property commonly known as 620 Ash 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 and a detached two-car garage that is nonconforming with respect to the maximum permitted height for a detached garage; and

WHEREAS, the Applicant desires to construct a one-story addition to the existing detached garage on the Subject Property that would exceed the maximum permitted height (“**Proposed Improvement**”); and

WHEREAS, pursuant to Section 17.30.110 of the Winnetka Zoning Ordinance (“**Zoning Ordinance**”), the maximum permitted height for a detached garage is 15 feet above the lowest natural grade adjacent to the garage; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property at a height that exceeds the maximum permitted height of 15 feet, a violation of Section 17.30.110 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for a variation from Section 17.30.110 of the Zoning Ordinance to permit the Proposed Improvement on the Subject Property at a height of 15.57 feet above the lowest natural grade adjacent to the garage (“**Requested Variation**”); and

WHEREAS, a public notice for the Requested Variation was duly published on May 22, 2025, 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 June 9, 2025, for the purpose of considering the Requested Variation with the final decision being rendered at the Zoning Board of Appeal’s Regular Meeting on June 9, 2025; 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 April 29, 2025, 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 June, 2025, 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

The West 100 Feet of the Northwest Quarter (except streets) of Block 65 in Original Plat of Winnetka, being Charles E. Peck's Subdivision of the Northeast Quarter of Section 20, and the North Fractional Half of Fractional Section 21, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 620 Ash Street, Winnetka, Illinois.

Parcel Index Number: 05-21-129-001-0000



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: SCOTT MANGUM, DIRECTOR
ANN KLAASSEN, ASSISTANT DIRECTOR
DATE: JUNE 5, 2025
SUBJECT: 314 WALNUT STREET - APPEAL OF ZONING DETERMINATION
(CASE NO. 25-09-APL)

INTRODUCTION

On June 9, 2025, the Zoning Board of Appeals (ZBA) is scheduled to hear an administrative appeal submitted by Nicole and Tyler Steel (collectively, the “Appellant”) as the owners of the property located at 314 Walnut Street (the “Subject Property”). The Appellant is appealing the Zoning Administrator’s interpretation that the Subject Property has a front yard along Wilson Street and requests that the ZBA reverse this determination and designate the yard along Wilson Street as a rear yard.

Section 17.72.010 of the Zoning Ordinance establishes the ability to appeal the determination of the Zoning Administrator, and the process by which an appeal is to be heard by the Zoning Board of Appeals. This report, drafted and submitted by Village staff, provides general information about the Subject Property, information regarding the appeals process and the nature of the determination the ZBA is being asked to make, as well as information regarding the proposed improvement and Zoning Administrator’s determination that led to the Appellant’s filing of an appeal.

ZONING APPEALS PROCESS

The ZBA regularly hears requests related to zoning relief such as variation and special uses, but less frequently hears requests related to zoning appeals. This section is intended to provide context regarding the ZBA’s consideration of this appeal and how it differs from other requests the ZBA more regularly hears.

A summary of relevant provisions of Section 17.72.010 (Appeal and Review) of the Zoning Ordinance is as follows:

- An appeal can be initiated by any party aggrieved by any decision or action made by the Zoning Administrator with respect to the provisions of the Zoning Ordinance.
- An Appellant is required to file an appeal within 45 days of the Zoning Administrator’s decision or action. The Appellant met all requirements for the filing of an appeal in this case.
- The ZBA holds a hearing regarding the facts of the appeal and testimony from the Appellant and Zoning Administrator.
- The ZBA, in its discretion and based on the record made before it, may reverse or affirm in whole or in part, or may modify the Zoning Administrator's order, requirement, decision or

determination, and the ZBA shall have and may exercise all of the powers of the Zoning Administrator as to the subject matter of the appeal.

- The ZBA's final decision shall be in writing and shall set forth the reasoning and factual basis for its decision. The concurring vote of four members of the Board is required to reverse any order, requirement, decision or determination of the Zoning Administrator.

ZONING VARIATIONS VERSUS APPEALS OF A DETERMINATION BY THE ZONING ADMINISTRATOR

It is important for all parties involved in this matter to understand the difference between a request for a Zoning Variation and an appeal of determination by the Zoning Administrator. At its most fundamental level, a request for a Zoning Variation is an effort to seek relief from a certain provision or provisions of the Zoning Ordinance. Such a request is typically based upon the unique circumstances of a property or its surroundings. An appeal of determination by the Zoning Administrator is an effort to demonstrate that certain provisions of the Zoning Ordinance were wrongly interpreted or applied to a use, building, or other improvement on a property that is regulated by the Zoning Ordinance.

RELEVANCE OF HARDSHIP AND ZONING VARIATION STANDARDS

Because a zoning appeal is not a request for relief from a zoning provision, the determination of a hardship based on the characteristics of the property is not relevant. Nor are the Zoning Variation standards that are found in Section 17.60.050 of the Zoning Ordinance and referenced when making findings of fact related to a Zoning Variation request. Instead, the ZBA is asked to consider arguments presented by the Appellant and Zoning Administrator to determine whether certain provisions of the Zoning Ordinance were wrongly interpreted or applied. Those arguments from the Appellant and Zoning Administrator are provided as separate attachments to this report. Both the Appellant and Zoning Administrator will be provided an opportunity to address the ZBA as part of the hearing and will be available for additional questions or clarifications during ZBA deliberations.

IMPLICATIONS OF A DECISION RELATED TO AN APPEAL REQUEST

The implications of a decision regarding a zoning appeal are different than those of a Zoning Variation. A Zoning Variation is granted to a specific petitioner based on the facts of their proposed improvement, property characteristics, and practical ability to meet relevant zoning regulations. While such approval is applicable to a single property, there may be some consideration for other properties with similar claims of hardship. When a zoning appeal is upheld, Village officials are essentially directing staff to interpret certain zoning provisions in a manner that is different than their initial determination. As such, it could be presumed that the interpretation will be applied to all applications for similar property improvements going forward, however the facts may vary and each application will be decided on a case by case basis.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.24 acres in size, is located on the south side of Orchard Lane, between Walnut and Wilson Streets, and contains an existing two-story residence and a detached garage (see Figure 1). The Subject Property has three street frontages, with frontage along Walnut Street to the east, Orchard Lane to the north, and Wilson Street to the west. Additionally, the Subject Property is not a rectangular lot. It is a trapezoid shape with front lot lines along Walnut and Wilson Streets that are not parallel. Also, the corner lot line, along Orchard Lane, is not perpendicular to the front lot line along Wilson Street (see Figure 2).

The existing lot is a legally nonconforming lot with an average lot width of 46.53 feet, while the minimum required average lot width for a corner lot in the R-5 District is 70 feet.



Figure 1 – Aerial Map

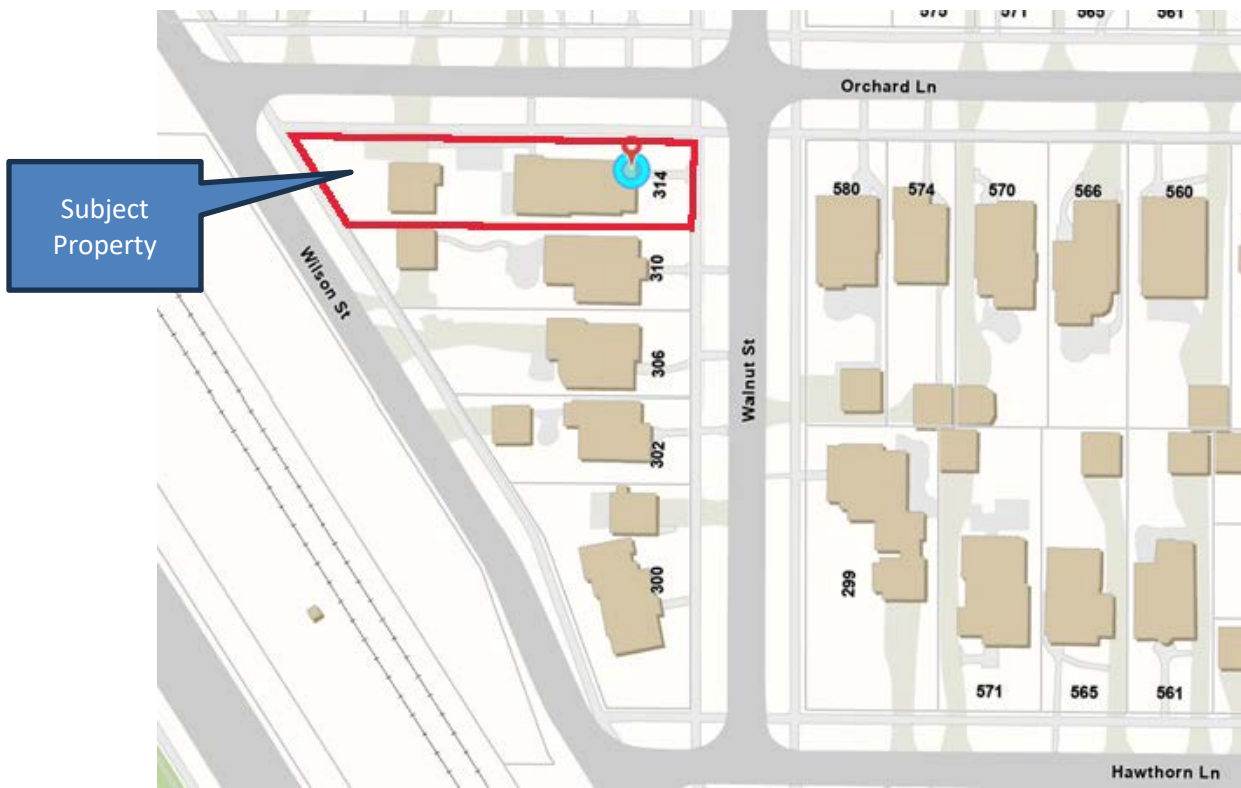


Figure 2 – GIS Map View

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

Construction of the residence and detached garage was completed in 2007. Minor permits have also been issued over the last several years. The Appellant acquired the property in 2015. There are two previous zoning cases on file for the Subject Property:

1. Ordinance M-20-2005 was adopted in November 2005 by the Village Council, granting variations to allow construction of a new single-family residence and detached garage. The approved variations were for the front yard setback along Wilson Street and the corner yard setback along Orchard Lane for the detached garage (**Attachment C**); and
2. On February 10, 2025, the ZBA considered ZBA Case No. 25-01-V2 to allow construction of a new detached garage and a two-story addition to the existing residence that required approval of the following variations: (a) front yard lot coverage; (b) gross floor area; (c) front yard setback along Wilson Street; and (d) corner yard setback along Orchard Lane.

After hearing from the Appellant and receiving two emails from neighbors in support of the addition but opposition to the garage, the ZBA discussed the application. The Board expressed support for the relief necessary for the proposed addition to the residence. Additionally, most of the members expressed support for some sort of front yard setback and front yard lot coverage variations necessary for the proposed detached garage. However, most of the members expressed concern regarding the size of the proposed 3-car detached garage in the R-5 District. The Appellant heard the concerns expressed by ZBA members and requested that the application be continued to the next meeting to allow them time to amend their plans in response to the comments of the Board. By a vote of 7-0, the ZBA continued the item to the next regularly scheduled ZBA meeting on March 10. At the request of the Appellant, the item was continued two additional times; first to the April 14 ZBA meeting, and then to the May 12 ZBA meeting. On May 2, the Appellant withdrew the variation application and subsequently submitted the administrative appeal that is currently before the ZBA.

Figures 3 through 7 below and on the following pages are photos of the site taken in February.



Figure 3 – Subject Property (Front Elevation – Walnut Street)



Figure 4 - Subject Property (Corner Elevation – Orchard Lane)



Figure 5 - Subject Property (Corner Elevation with Garage)



Figure 6 - Subject Property – Garage (Front Elevation – Wilson Street)



Figure 7 - Subject Property – Garage (Corner Elevation – Orchard Lane)

ZONING ADMINISTRATOR'S INTERPRETATION

The Subject Property is a corner lot due to the intersection of Walnut Street and Orchard Lane as well as the intersection of Wilson Street and Orchard Lane. The yard designations are determined based on the length of the lot lines. When reviewing the lot line lengths that constitute the corner at Walnut Street (50 feet) and Orchard Lane (230.18 feet), the shortest of the two lot lines that intersect is Walnut Street, therefore Walnut Street is a front lot line and Orchard Lane is a corner lot line. Then, when reviewing the lot line lengths that constitute the corner at Wilson Street (59.45 feet) and Orchard Lane (230.18 feet), the shortest of the two lot lines that intersect is Wilson Street, thus Wilson Street is a front lot line and Orchard Lane is a corner lot line.

This interpretation is based on the following definitions in the Zoning Ordinance (Section 17.04.030 Definitions and Section 17.30.050 Front and Corner Yard Setbacks):

- "Corner lot" means a lot situated at the junction of two or more streets.
- "Corner lot line" means the longest street line or a corner lot.
- "Front lot line" means the front street line. If the front street line is less than fifty (50) feet long and if the lot is at least seventy-five (75) feet wide at its widest point, then the front lot line shall be the lot line from which the front setback is measured, as determined by the Zoning Administrator. The shortest street line of a corner lot shall be the "front lot line." On Through Lots, both street lines shall be deemed "front lot lines," except where no setback requirement is applicable.
- Lots with Three Street Frontages (Section 17.30.050.C3). Where a lot has three street frontages and where a side or rear yard line does not exist from which to measure the width or depth of the buildable area, the buildable area shall be situated on the lot so that equal setbacks shall be required from the opposite street lines.

Taking this all into consideration, the Subject Property has the following:

- a front yard on Walnut Street;
- a front yard on Wilson Street;
- a corner yard on Orchard Lane; and
- a side yard along the south property line.

Based on historical zoning analyses in Village files, staff has interpreted the Subject Property to have a front yard along both Walnut Street and Wilson Street, a corner yard along Orchard Lane, and a side yard along the south property line since at least 1998. Also, as noted earlier in this report, in 2005 a variation was granted to allow a detached garage within the required front yard setback from Wilson Street as well as the required corner yard setback from Orchard Lane.

Other Lots with Three Street Frontages. There are examples of other lots with similar yard designations in the immediate area, and elsewhere in the Village. On the same block as the Subject Property is 300 Walnut Street, with a front yard along Hawthorn Lane, corner yards along Walnut and Wilson Streets, and a side yard along its north lot line. Two blocks south of the Subject Property is 238 Poplar Street, which has front yards on both Poplar and Wilson Streets, a corner yard along Elder Lane, and a side yard along its south lot line. These lots are depicted in Figure 8 on the following page.

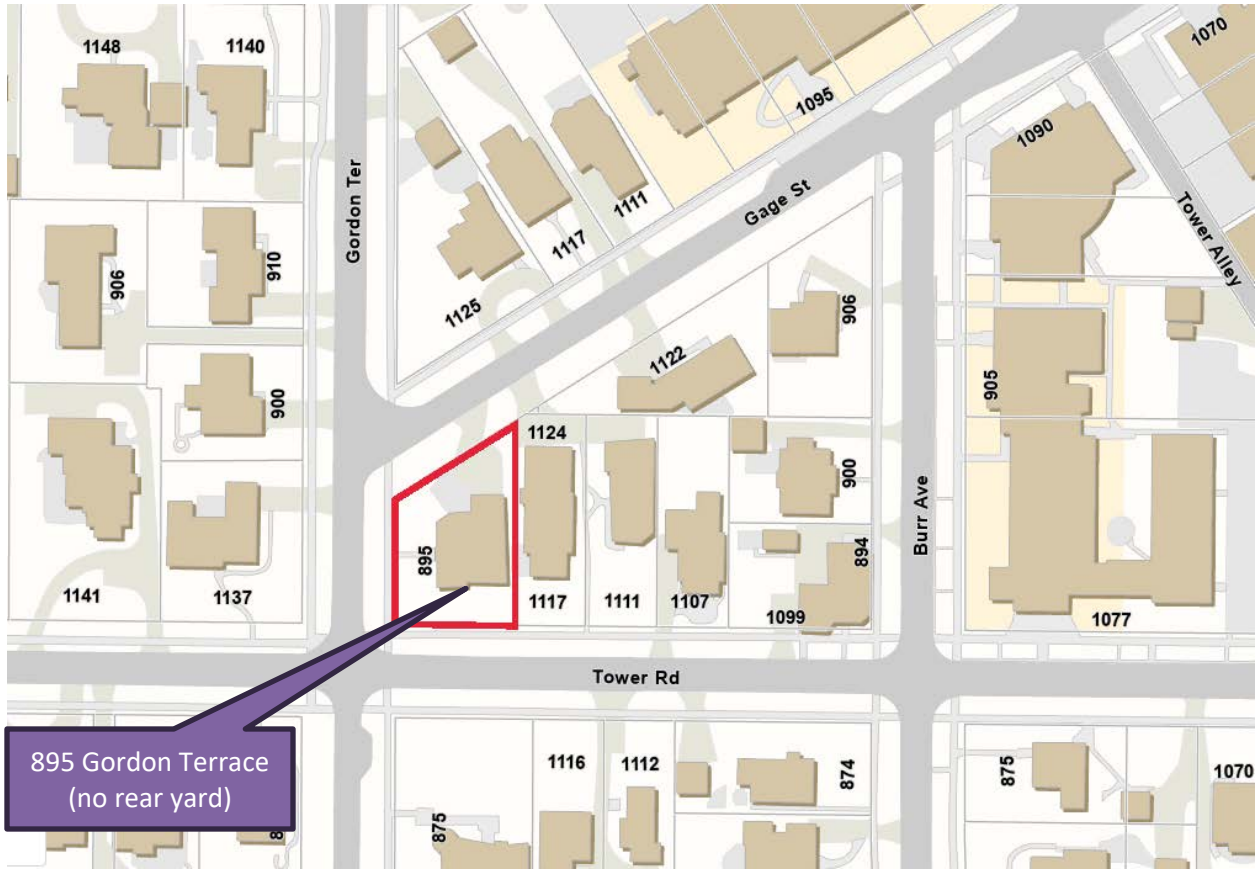


Figure 9 – GIS Map View – 895 Gordon Terrace

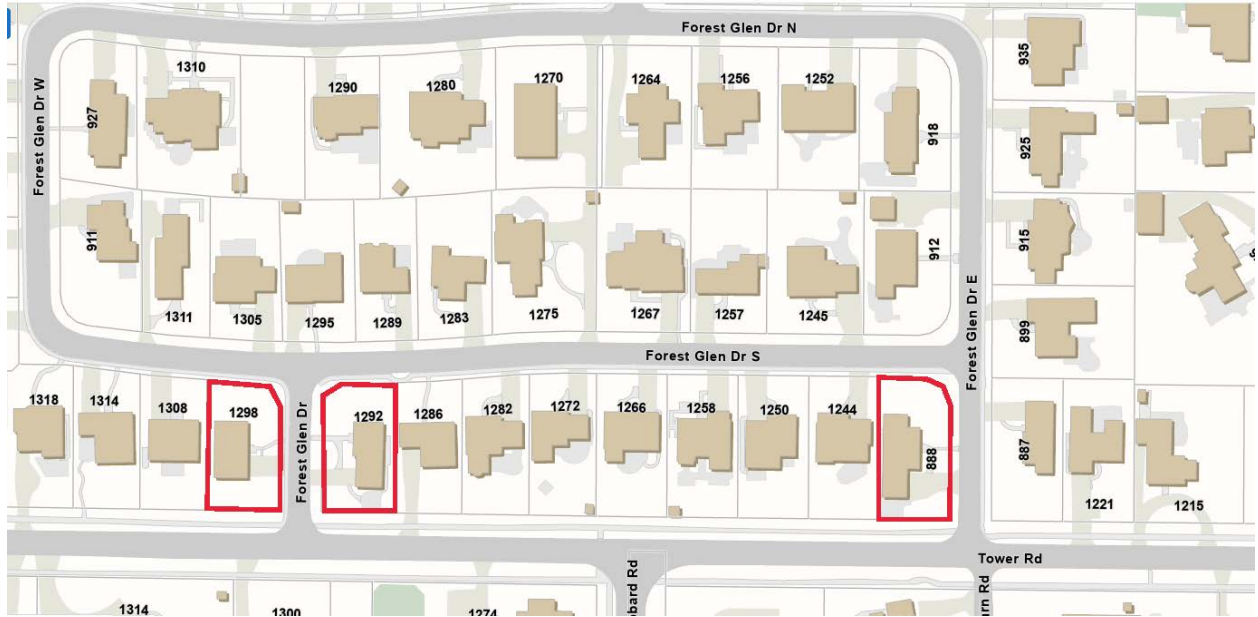


Figure 10 – GIS Map View – Forest Glen Drive – Lots with Three Street Frontages and No Rear Yard

ZBA DETERMINATION

As noted earlier, Section 17.72.010 of the Zoning Ordinance provides that the ZBA, in its discretion and based on the record made before it, may reverse or affirm in whole or in part, or may modify the Zoning Administrator's order, requirement, decision or determination. The ZBA's final decision shall be in writing and shall set forth the reasoning and factual basis for its decision. The concurring vote of four (4) members of the Board is necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator. The Appellant has supplied as part of its application materials a narrative that describes its appeal of the Zoning Administrator's determination that the Subject Property has a front yard along Wilson Street and requests that the ZBA reverse this determination and designate the yard along Wilson Street as a rear yard.

After hearing from the Appellant and the public, the Board may:

- 1) Continue its consideration of the appeal to a specific date to provide the Appellant and/or staff with additional time to address questions and comments from the Board or the public; or
- 2) Consider a motion reversing, affirming, or modifying the Zoning Administrator's determination. If the Board is prepared to make a decision regarding the appeal, a Board member may wish to make a motion reversing, affirming, or modifying the Zoning Administrator's determination and direct staff and the Village Attorney to prepare written findings and determination for the Board's consideration and final vote at a subsequent meeting.

ATTACHMENTS

Attachment A: March 24, 2025, Zoning Administrator Interpretation

Attachment B: Application Materials

Attachment C: Ordinance M-20-2005, adopted by the Village Council on November 15, 2005

ATTACHMENT A

From: [David Schoon](#)
To: [REDACTED]
Cc: [Ann Klaassen](#); [REDACTED]; [Christopher Marx](#)
Subject: RE: Request for Zoning Interpretation – Rear Yard Designation for 314 Walnut Street
Date: Monday, March 24, 2025 7:29:42 AM

Tyler –

Thank you for sharing the information on which you reached your conclusion.

A lot can be a corner lot from the intersection of two different streets at two separate points along a lot. In your instance, your lot is a corner lot due to the intersection of Walnut Street and Orchard Lane as well as due to the intersection of Wilson Street and Orchard Lane.

- **"Corner lot" means a lot situated at the junction of two or more streets.** This standard is met at the corner of Walnut Street and Orchard Lane for your property; the standard is also met at the corner of Wilson Street and Orchard Lane.
- **"Corner lot line" means the longest street line of a corner lot.** This would be the lot line along Orchard Lane for your property.
- **"Front lot line" means the front street line. If the front street line is less than fifty (50) feet long and if the lot is at least seventy-five (75) feet wide at its widest point, then the front lot line shall be the lot line from which the front setback is measured, as determined by the Zoning Administrator. The shortest street line of a corner lot shall be the "front lot line." On through lots, both street lines shall be deemed "front lot lines," except where no setback requirement is applicable.** When looking at the lot line lengths that make the corner of your lot at Walnut Street (50.0 feet) and Orchard Lane (230.18), the shortest of the two lot lines that intersect is Walnut Street, thus Walnut Street is a front lot line and Orchard Lane is a corner lot line.
When looking at the lot line lengths that make the corner of your lot at Wilson Street (59.45 feet) and Orchard Lane (230.18 feet), the shortest of the two lot lines that intersect is Wilson Street, thus Wilson Street is a front lot line and Orchard Lane is a corner lot line.
- **Section 17.30.050.C3 states: Where a lot has three street frontages and where a side or rear yard line does not exist from which to measure the width or depth of the buildable area, the buildable area shall be situated on the lot so that equal setbacks shall be required from the opposite street lines.** This provision of the code does acknowledge that lots exist that have three street front frontages, such as yours, and therefore may not have either a side or rear yard.

Given the information you have shared, I still find that any opinion I would formally write would state that your property has the following:

- a front yard on Wilson Street,
- a front yard on Walnut Street,
- a corner yard on Orchard Lane, and

- a side yard along your south property line.

As Ann previously informed, you will need to submit your response/revised plans by March 31 for consideration at the April 14 Zoning Board of Appeals meeting in order to provide staff time to review your plans and prepare a staff report for the ZBA meeting. .

David Schoon, Director

Village of Winnetka Community Development
847-716-3526

From: tyler steel [REDACTED] >
Sent: Thursday, March 20, 2025 7:53 AM
To: David Schoon <DSchoon@winnetka.org>
Cc: Ann Klaassen <AKlaassen@winnetka.org>; [REDACTED]; Christopher Marx <CMarx@winnetka.org>
Subject: Re: Request for Zoning Interpretation – Rear Yard Designation for 314 Walnut Street

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.

Hi David,

Our main question is why the Village believes that our property line facing Wilson Street is a front yard.

Our understanding based on the definitions outlined in Section 17.04.030 of the zoning ordinance is that we have a corner lot with the front lot line facing Walnut Street, the corner lot line facing Orchard Lane, and a rear lot line facing Wilson Street based on the Village of Winnetka's ordinances. Below are the relevant definitions and ordinances:

- 1) We have a corner lot with the corner lot line facing Orchard Lane.
 - Definition of a corner lot is: **"Corner lot" means a lot situated at the junction of two or more streets.** This standard is met at the corner of Walnut Street and Orchard Lane for our property.
 - Definition of a corner lot line is: **"Corner lot line" means the longest street line of a corner lot.** This would be the lot line along Orchard Lane for our property.
- 2) We do not have a through lot.
 - Definition of a through lot is: **"Through lot" means a lot having two opposite lot lines along two more or less parallel streets, or along one street and the ordinary high water mark of Lake Michigan or some other body of water, and which is not a corner lot.** The definition ends by specifically saying that a corner lot cannot be a through lot, and since we are a corner lot, we can't be a through lot.
- 3) Our front lot line faces Walnut Street.
 - Definition of a front lot line is: **"Front lot line" means the front street line. If the front street line is less than fifty (50) feet long and if the lot is at least seventy-five (75) feet wide at its widest point, then the front lot line shall be the lot line from which the front setback is measured, as determined by the Zoning Administrator. The shortest street line of a corner lot shall be the "front lot line." On through lots, both street lines shall be deemed "front lot lines," except where no setback requirement is applicable. For lots abutting Lake Michigan, the ordinary high water mark of the lake shall be deemed a "front lot line."** The shortest street line for our property (a corner lot) is the one facing Walnut Street, which is 50 feet long. As discussed above, we are not a through lot, so the concept of two front lot lines does not apply.
- 4) Our rear lot line faces Wilson Street.

- Definition of a rear lot line is: ***"Rear lot line" means the lot line that is most distant from and that is, or is most nearly, parallel to the front lot line; provided that, there shall be no rear lot line on a through lot.*** Since we do not have a through lot (as discussed above), the lot line facing Wilson Street is the one that is most distant from our front lot line facing Walnut Street.

5) Section 17.30.050.C3 does not apply to our property.

- The provision states: ***Where a lot has three street frontages and where a side or rear yard line does not exist from which to measure the width or depth of the buildable area, the buildable area shall be situated on the lot so that equal setbacks shall be required from the opposite street lines.*** We have both a rear yard line (facing Wilson Street) and a side yard line (facing our neighbor to the South) from which we can measure the width and depth of the buildable area, therefore this provision does not apply.

Please let us know if there is a different definition or section that we are missing, and if not, then how best to expeditiously correct this issue. We plan to rescind our previous application for variance and submit a new one. We would be happy to meet in person, if helpful.

Thank you for your help with this matter.

Best Regards,
Tyler & Nicole

Tyler Steel

Mobile: [REDACTED]
Email: [REDACTED]

On Monday, March 10, 2025 at 07:38:49 PM CDT, David Schoon <dschoon@winnetka.org> wrote:

Nicole –

Chris Marx forwarded your request to me given that I am the Zoning Administrator. There is no provision of the Zoning Ordinance that would allow the Zoning Administrator to find that your westerly property line is a rear yard. Your letter seems to imply there is such a provision, but you do not cite the section of the Zoning Ordinance that provides the Zoning Administrator with such authority.

If you would please provide me with the Zoning Ordinance section that you believe grants the Zoning Administrator that authority I can opine on its applicability to your situation. Otherwise, any opinion I would draft would state that your property has a front yard on Wilson Street, a front yard on Walnut Street, a corner yard on Orchard Lane, and a side yard along your south property line.

David Schoon, Director

Village of Winnetka Community Development

847-716-3526

From: Christopher Marx <CMarx@winnetka.org>
Sent: Thursday, March 6, 2025 1:28 PM
To: David Schoon <DSchoon@winnetka.org>
Cc: Ann Klaassen <AKlaassen@winnetka.org>
Subject: FW: Request for Zoning Interpretation – Rear Yard Designation for 314 Walnut Street

Christopher Marx, AICP
Associate Planner

Village of Winnetka – Department of Community Development

510 Green Bay Road

Winnetka, Illinois 60093
(847) 716-3587
cmarx@winnetka.org

From: Nicole Steel [REDACTED]
Sent: Wednesday, March 5, 2025 4:47 PM
To: Christopher Marx <CMarx@winnetka.org>; Tyler Douglas Steel [REDACTED] >
Subject: Re: Request for Zoning Interpretation – Rear Yard Designation for 314 Walnut Street

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.

Apologies, I forgot the attachment. Please find it below.

Thank you!

Nicole Steel

Mobile: [REDACTED]

On Wed, Mar 5, 2025 at 4:14 PM Nicole Steel [REDACTED] > wrote:

Hi Chris,

It was good to see you today. Thanks for taking the time to speak with me.

As we discussed, we are reaching out with the hope of reasonably clarifying our yard designation at our property located at 314 Walnut Street.

We have recently learned that because our lot has three street frontages, it is classified as having three front yards, effectively eliminating a designated rear yard. Based on our review of Winnetka's zoning ordinance and standard zoning principles, it seems reasonable that our lot be treated like the vast majority of other single-family residential lots in Winnetka, which have a designated front, side, and rear yard.

- Our primary entrance is on Walnut Street, which is the logical front yard.
- Orchard Lane functions as a side yard.
- Wilson Street is the only logical placement for a rear yard.

To our knowledge our property is one of few out of 4,000 single-family homes in Winnetka with three street frontages. Given that we are in an extremely rare situation, we want to ensure that the yard designation is applied reasonably and consistently with the rest of the homes in the village.

Therefore, we would like to formally request an official zoning interpretation confirming the following yard designations for our property:

1. Walnut Street as the front yard (consistent with the primary entrance).
2. Orchard Lane as the side yard.
3. Wilson Street as the designated rear yard.

We have attached the attached formal request. We would appreciate a written response within 30 days confirming the yard designation. Please let us know if there are any next steps we should take to finalize this determination.

Thank you for your time, and we appreciate your guidance in resolving this matter.

Best regards,
Nicole & Tyler Steel

--

Nicole Steel

Mobile: [REDACTED]



ATTACHMENT B

Village of Winnetka
Community Development Department
510 Green Bay Road
Winnetka, IL 60093
(P) 847-716-3527 (F) 847-716-3588
www.villageofwinnetka.org

ADMINISTRATIVE APPEAL - ZONING ORDINANCE

Pursuant to [Section 17.72.010](#) of the Winnetka Village Code, a person aggrieved by a requirement, decision or determination made by the Zoning Administrator may appeal such determination or decision to the Zoning Board of Appeals. Such appeal must be submitted within forty-five (45) days of the decision or action, and shall specify the grounds of the appeal.

Legal Name of Applicant: Nicole Steel and Tyler Steel

Contact Name for Applicant: Vedder Price, Danielle Cassel (Attorney)
(If applicant is a corporation or partnership, provide name of registered agent or other responsible individual)

Applicant Address: 314 Walnut Street

Applicant Phone #: 312-609-7962 (for Contact Person)

Applicant E-mail Address: dcassel@vedderprice.com (for Contact Person)

Consultant (or Legal Counsel Name): Vedder Price, Danielle Cassel

Consultant Address: 222 North LaSalle Street, Chicago, IL 60601

Consultant Phone #: 312-609-7962

Consultant E-mail Address: dcassel@vedderprice.com

Address of Subject Property: 314 Walnut Street

Parcel Identification Number (PIN) for Subject Property: 05-21-306-009-0000

Zoning District of the Subject Property: R-5

Please provide the following additional information:

- 1) A narrative that provides a detailed description of your appeal of an order, requirement, decision or determination made by the Village Zoning Administrator.
- 2) A narrative that describes how you are aggrieved by the order, requirement decision or determination made by the Village Zoning Ordinance (e.g. an affected property owner, an affected tenant).
- 3) Documentation regarding your legal interest as an affected property owner or tenant (e.g. deed, title policy, certified copy of trustee agreement, lease, etc.).
- 4) Zoning Ordinance Appeal Application Fee: \$575.00

DocuSigned by:

69E6E84470024A7...

DocuSigned by:

13CCF5096F9648A...

Signature of Applicant: _____

Date: May 8, 2025

Print Name: Nicole Steel and Tyler Steel

May 8, 2025

BY ELECTRONIC MAIL

Village of Winnetka

Attn: Director of Community Development/Zoning Administrator (smangum@winnetka.org) and Zoning

Board of Appeals (c/o smangum@winnetka.org and Courtney.Willits@ElrodFriedman.com)

510 Green Bay Road

Winnetka, Illinois 60093

Re: 314 Walnut Street, Winnetka, Illinois

Notice of Appeal of Administrative Determinations, pursuant to Section 17.72.010(A)(3) of the Village of Winnetka Zoning Ordinance

Dear Mr. Mangum and Members of the Zoning Board of Appeals:

This letter and the attached materials constitute the application by Nicole Steel and Tyler Steel, as the owners of the home located at 314 Walnut Street, in the Village of Winnetka, appealing final determinations made by the Village on March 24, 2025 and May 6, 2025 that the Wilson Street side of their home is a front yard, rather than a rear yard under the Winnetka Village Code (and related mis-statements concerning the Property's lot lines and lot type). Please note the owners will be submitting the Zoning Ordinance Appeal Application Fee (\$575.00) under separate cover.

The attached materials include:

1. a completed and executed Application Form;
2. a copy of the deed by which the owners purchased their home;
3. photographs of 314 Walnut Street and the surrounding area attached as **Exhibit 1**;
4. the survey of 314 Walnut Street attached as **Exhibit 2**; and
5. the remaining four (4) Exhibits referenced in the following narrative.

Appeal Narrative and Request

The Village's Application Form for Appeals requires that the Applicant submit one or more narratives that provide a detailed description of the Applicant's appeal and describe how the Applicant is aggrieved by the subject order, requirement decision or determination made by the Village.

The owners have authorized that the following statements be submitted to your attention as the narrative for their appeal and as their request for relief under Section 17.72.010(A)(3) of the Village of Winnetka Zoning Ordinance.

1. This is a formal appeal pursuant to Section 17.72.010(A)(3) of the Village of Winnetka Zoning Ordinance challenging two administrative determinations by the Village asserting

that the Wilson side of the property located at 314 Walnut Street (the “Property”) is a front yard (and related mis-statements concerning the Property’s lot lines and lot type).

(a) Count 1 of this appeal pertains to the March 24, 2025 email issued by former Zoning Administrator David Schoon, which designated the Wilson side of our property as a front yard. (**Exhibit 3**)

(b) Count 2 of this appeal pertains to the attached May 6, 2025 correspondence from the Village Attorney, which reaffirmed that interpretation. (**Exhibit 4**)

2. Please see the photographs attached as **Exhibit 1** and survey attached as **Exhibit 2** for their accurate depictions of the existing conditions at the Property, for the lots immediately to the South that comprise most of its block, and for the areas of the Village that face this block on the Wilson side. Front doors and entrances on this block are exclusively on the Walnut side, while the Wilson side is in every way functioning for this block as its rear, with garages and back yards that face only train tracks and pathways to the immediate West. There are *no* homes or other occupied structures facing the West side of this block that would be incrementally harmed if the Wilson side was subject to the setback requirements for rear yards or would be incrementally benefitted if the Wilson side was subject to the setback requirements for front yards.
3. We first learned in February of this year that the Village Zoning Administrator deemed the Property as having either three (3) front yards (on Walnut, Wilson and Orchard) or two (2) front yards (on Walnut and Wilson). We have been aggrieved by these determinations because they are not consistent with the Village Code, which should be fairly applied to our Property and because they decrease the buildable area and usability of the Property.
4. Following receipt of the March 24, 2025 email issued by former Zoning Administrator David Schoon, which designated the Wilson side of our property as a front yard (**Exhibit 3**) and is the basis of Count 1 of this appeal, we retained qualified legal counsel to provide an additional review of the Village Code. (We had previously spent hours reviewing the Code ourselves and trying to resolve these issues directly with Village staff.) Her analysis (**Exhibit 5**), which was consistent with ours, was submitted to the Village for review on April 11, 2025. **Exhibit 5** also includes a copy of her credentials. We are hereby re-submitting this analysis, as part of this narrative and specifically for review by the Zoning Board of Appeals, as it explains in a point-by-point manner how and why the Property’s Wilson side is a rear yard, and not a front yard, under the Village Code.
5. On May 6th, we received the correspondence from the Village Attorney attached as **Exhibit 4** that reaffirms Mr. Schoon’s interpretation and is the basis for Count 2 of this appeal.
6. At our request, our zoning counsel then prepared the attached Village Code analysis of both the March 24th and May 6th determinations. (**Exhibit 6**) We agree with this analysis and believe it explains the Code-based grounds for this appeal and for the determinations we are asking the Zoning Board of Appeals to make. We are submitting the **Exhibit 6** analysis as part of this narrative and specifically requesting that the Zoning Board of Appeals review and consider this analysis in processing this appeal.
7. Section 17.72.010 of the Village Code, Subsection A(3), states “The [Zoning Board of Appeals], in its discretion and based on the record made before it, may reverse or affirm in

whole or in part, or may modify the Zoning Administrator's order, requirement, decision or determination, and, for purposes of this paragraph, the Board shall have and may exercise all of the powers of the Zoning Administrator as to the subject matter of the appeal.”

8. The March 24th and May 6th determinations that the Property has three (or two) front yards are erroneous under the explicit language of the Village Code, have no practical benefit, and damage the value of the Property. We also can attest that these determinations have caused our family a tremendous amount of stress and unfortunate expense. We are respectfully requesting that the Board of Appeals reverse the March 24th and May 6th determinations and affirmatively find that, for zoning purposes: (i) the Walnut side of the Property’s is its front yard, (ii) the Orchard side is the Property’s corner side yard, and (iii) the Wilson side is the Property’s rear yard. These designations will reflect functional, existing conditions, be consistent with the plain language of the Village Code, will alleviate the harms done to the Property, and will be in the public interest.

[Narrative Concludes]

Thank you very much for your consideration, and we look forward to appearing before you at the public hearing on this matter.

Very truly yours,

VEDDER PRICE P.C.



Danielle Meltzer Cassel

Exhibit 1



Exhibit 1

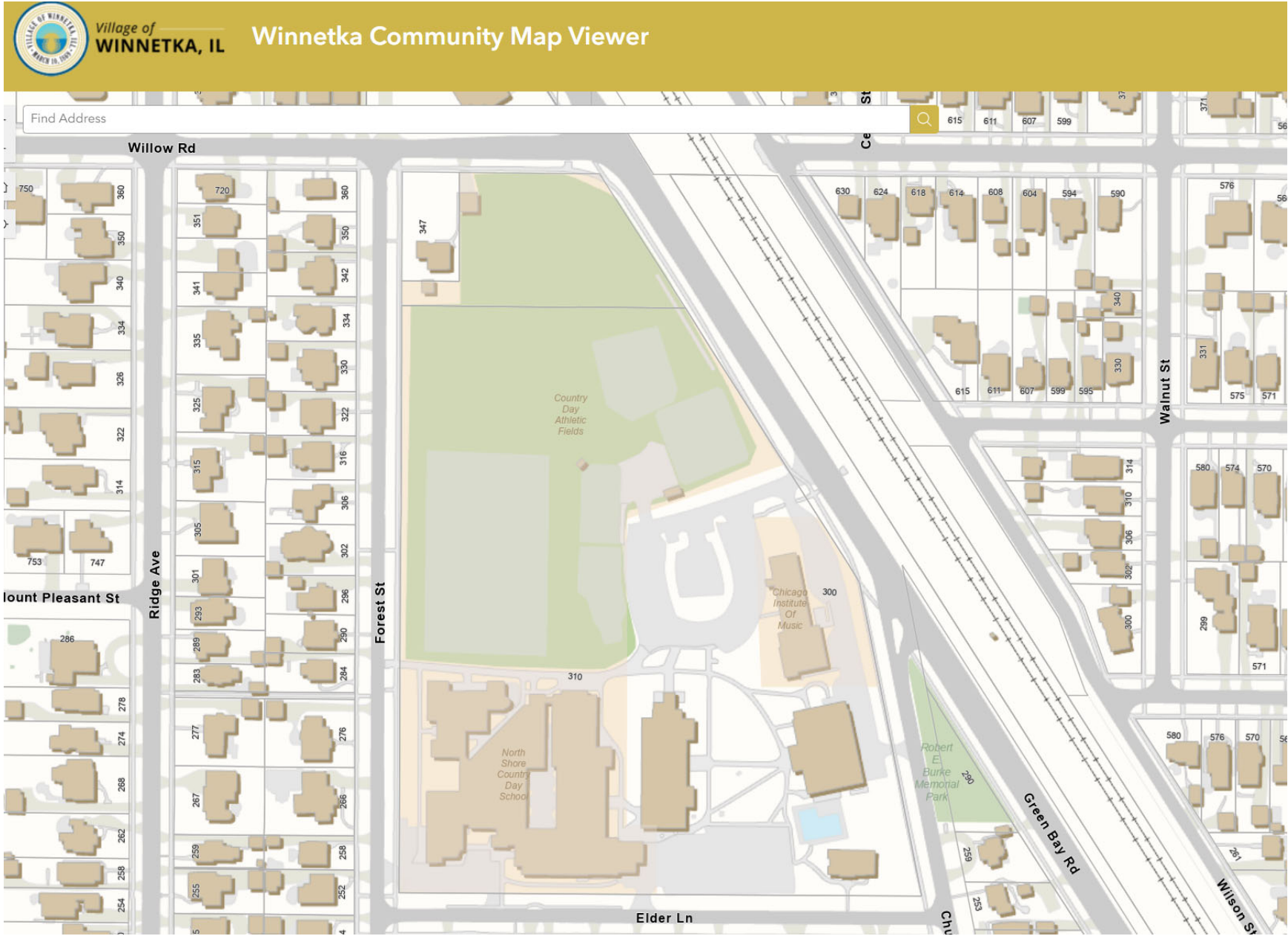


Exhibit 1

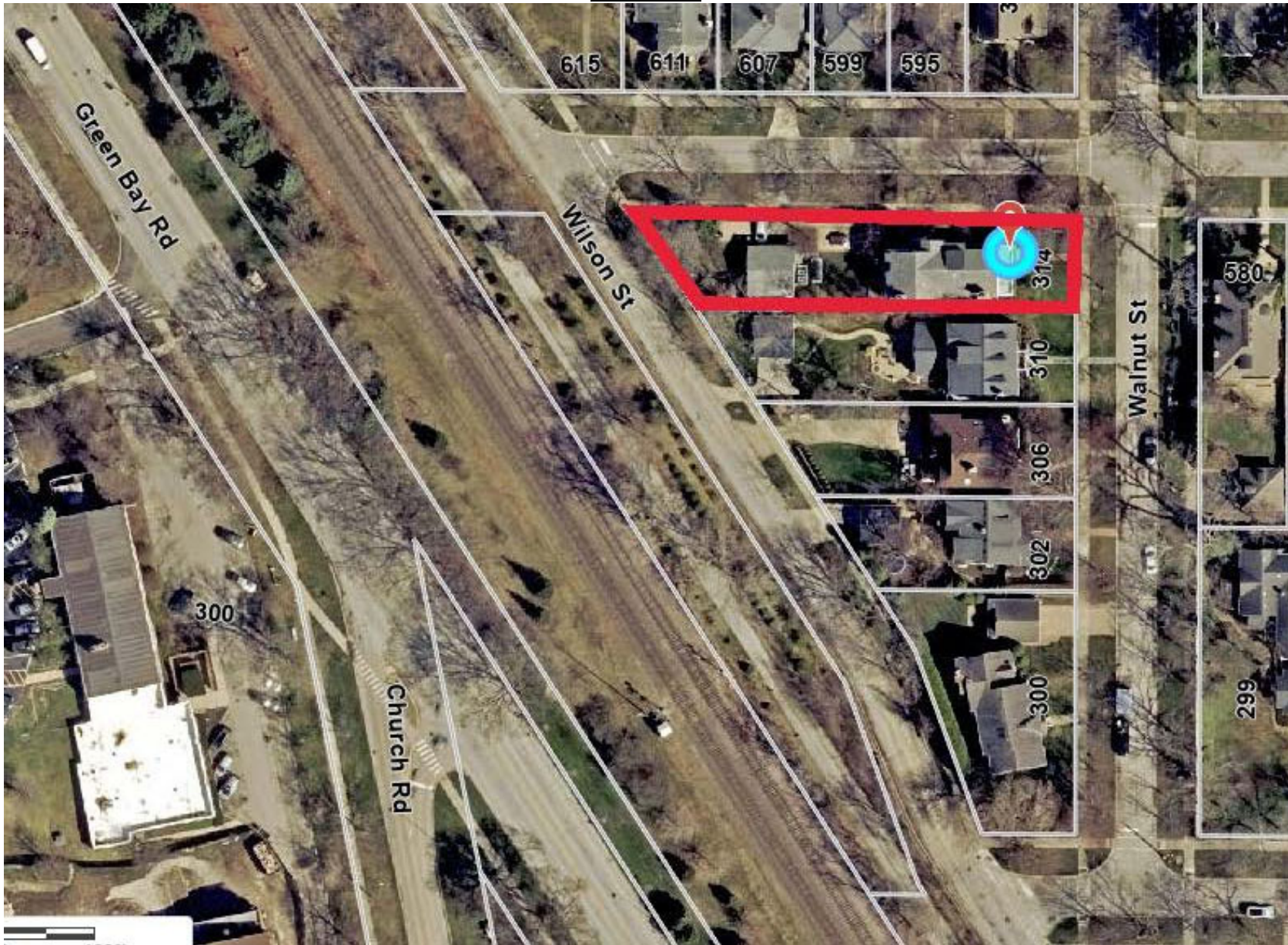


Exhibit 1



Walnut Side (Looking West)

Exhibit 1



Orchard Lane Side (Looking South)

Exhibit 1



Wilson Side (Looking East and Southeast)

Exhibit 2

PROFESSIONALS ASSOCIATED - MM SURVEY CO.
 BOUNDARY * ALTA * TOPOGRAPHIC * CONDOMINIUM SURVEYS
 7160 NORTH TRIPP AVENUE, LINCOLNWOOD, ILLINOIS 60712
 PROFESSIONAL DESIGN FIRM NO. 184-003623

PLAT OF SURVEY

OF

MM SURVEY
 PHONE: (773) 282-5900
 FAX: (773) 282-9424
 EMAIL: info@mmssurveyingchicago.com
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PROFESSIONALS ASSOCIATED
 PHONE: (847) 675-3000
 FAX: (847) 675-2167
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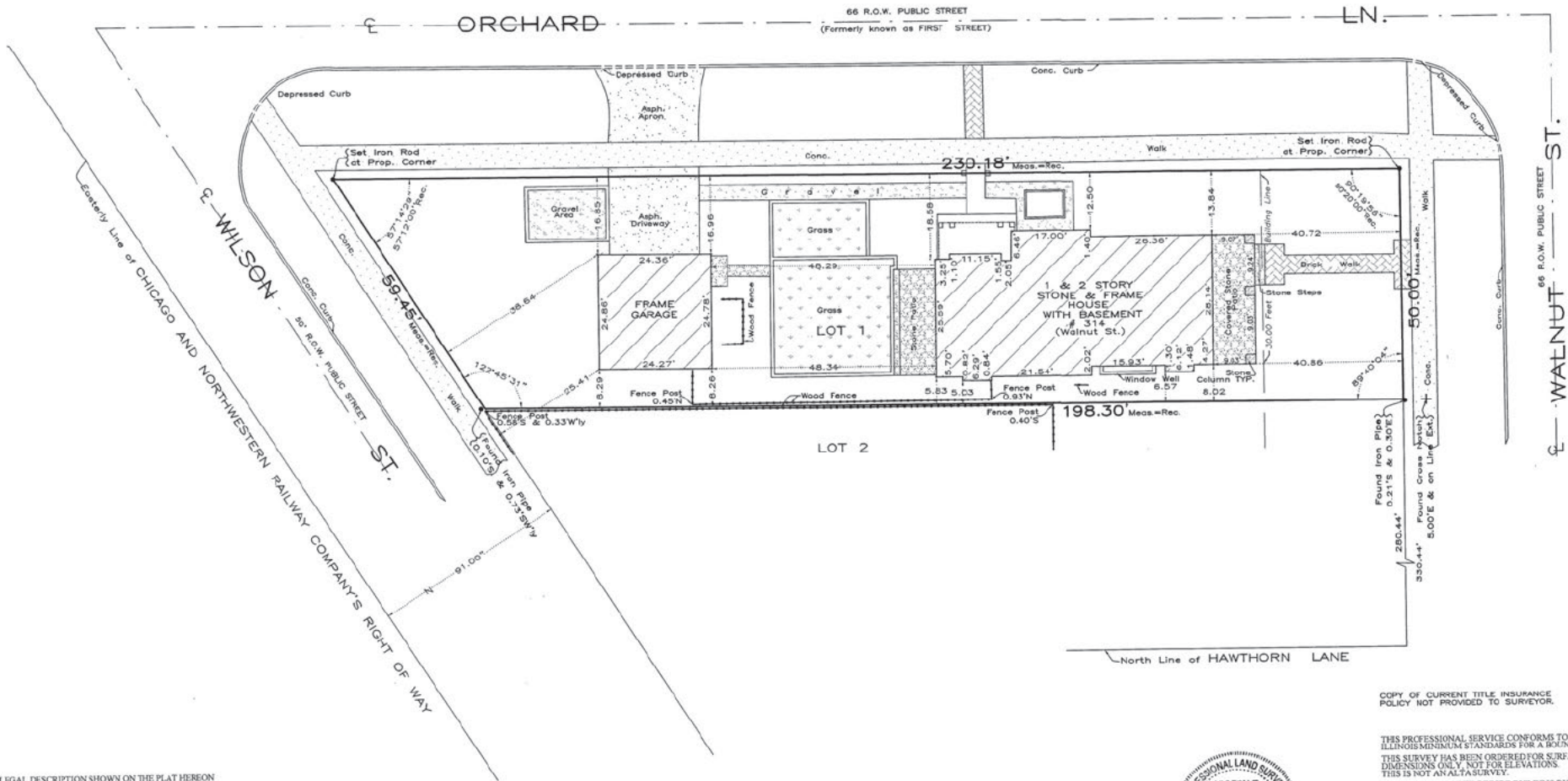


GRAPHIC SCALE

0 16

(IN FEET)
 1 inch = 16 ft.

LOT 1 IN MEASURE AND ORR'S SUBDIVISION OF PART OF BLOCK 16 IN JOHN C. GARLAND'S ADDITION TO WINNETKA IN THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 11, 1916 AS DOCUMENT 58028531, IN COOK COUNTY, ILLINOIS.
 LAND TOTAL AREA: 10,711.76 = 0.245 ACRES.
 COMMONLY KNOWN AS: 314 WALNUT STREET, WINNETKA, ILLINOIS.



THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREOF DRAWN IS A COPY OF THE ORDER, AND FOR ACCURACY SHOULD BE COMPARED WITH THE TITLE OR DEED. DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING. BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACT.

Order No. 02-62362
 Scale: 1 inch = 16 feet
 Date of Field Work: December 19, 2024
 Ordered by: Healy Rice

COPY OF CURRENT TITLE INSURANCE POLICY NOT PROVIDED TO SURVEYOR.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. THIS SURVEY HAS BEEN ORDERED FOR SURFACE DIMENSIONS ONLY, NOT FOR ELEVATIONS. THIS IS NOT AN ALTA SURVEY. COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.



State of Illinois
 County of Cook
 We, PROFESSIONALS ASSOCIATED - MM SURVEY CO., do hereby certify that we have surveyed the above described property and that, to the best of our knowledge, the plat herein drawn is an accurate representation of said survey.
 Date: December 23, 2024
 Hylton E. Donaldson
 IL PROF. LAND SURVEYOR - LICENSE EXP. DATE NOV. 30, 2024
 Drawn by: M.S.

Exhibit 3

From: David Schoon <DSchoon@winnetka.org>

Date: March 24, 2025 at 8:29:42 AM EDT

To: tyler steel <[REDACTED]>

Cc: Ann Klaassen <AKlaassen@winnetka.org>, [REDACTED], Christopher Marx <CMarx@winnetka.org>

Subject: RE: Request for Zoning Interpretation – Rear Yard Designation for 314 Walnut Street

Tyler –

Thank you for sharing the information on which you reached your conclusion.

A lot can be a corner lot from the intersection of two different streets at two separate points along a lot. In your instance, your lot is a corner lot due to the intersection of Walnut Street and Orchard Lane as well as due to the intersection of Wilson Street and Orchard Lane.

1. **"Corner lot" means a lot situated at the junction of two or more streets.** This standard is met at the corner of Walnut Street and Orchard Lane for your property; the standard is also met at the corner of Wilson Street and Orchard Lane.
2. **"Corner lot line" means the longest street line of a corner lot.** This would be the lot line along Orchard Lane for your property.
3. **"Front lot line" means the front street line. If the front street line is less than fifty (50) feet long and if the lot is at least seventy-five (75) feet wide at its widest point, then the front lot line shall be the lot line from which the front setback is measured, as determined by the Zoning Administrator. The shortest street line of a corner lot shall be the "front lot line." On through lots, both street lines shall be deemed "front lot lines," except where no setback requirement is applicable.** When looking at the lot line lengths that make the corner of your lot at Walnut Street (50.0 feet) and Orchard Lane (230.18), the shortest of the two lot lines that intersect is Walnut Street, thus Walnut Street is a front lot line and Orchard Lane is a corner lot line. When looking at the lot line lengths that make the corner of your lot at Wilson Street (59.45 feet) and Orchard Lane (230.18 feet), the shortest of the two lot lines that intersect is Wilson Street, thus Wilson Street is a front lot line and Orchard Lane is a corner lot line.
4. **Section 17.30.050.C3 states: Where a lot has three street frontages and where a side or rear yard line does not exist from which to measure the width or depth of the buildable area, the buildable area shall be situated on the lot so that equal setbacks shall be required from the opposite street lines.** This provision of the code does acknowledge that lots exist that have three street front frontages, such as yours, and therefore may not have either a side or rear yard.

Given the information you have shared, I still find that any opinion I would formally write would state that your property has the following:

1. a front yard on Wilson Street,
2. a front yard on Walnut Street,
3. a corner yard on Orchard Lane, and
4. a side yard along your south property line.

Exhibit 3

As Ann previously informed, you will need to submit your response/revised plans by March 31 for consideration at the April 14 Zoning Board of Appeals meeting in order to provide staff time to review your plans and prepare a staff report for the ZBA meeting. .

David Schoon, Director

Village of Winnetka Community Development
847-716-3526

From: tyler steel [REDACTED] >
Sent: Thursday, March 20, 2025 7:53 AM
To: David Schoon <DSchoon@winnetka.org>
Cc: Ann Klaassen <AKlaassen@winnetka.org>; [REDACTED]; Christopher Marx <CMarx@winnetka.org>
Subject: Re: Request for Zoning Interpretation – Rear Yard Designation for 314 Walnut Street

Hi David,

Our main question is why the Village believes that our property line facing Wilson Street is a front yard.

Our understanding based on the definitions outlined in Section 17.04.030 of the zoning ordinance is that we have a corner lot with the front lot line facing Walnut Street, the corner lot line facing Orchard Lane, and a rear lot line facing Wilson Street based on the Village of Winnetka's ordinances. Below are the relevant definitions and ordinances:

- 1) We have a corner lot with the corner lot line facing Orchard Lane.
 - Definition of a corner lot is: **"Corner lot" means a lot situated at the junction of two or more streets.** This standard is met at the corner of Walnut Street and Orchard Lane for our property.
 - Definition of a corner lot line is: **"Corner lot line" means the longest street line of a corner lot.** This would be the lot line along Orchard Lane for our property.

- 2) We do not have a through lot.
 - Definition of a through lot is: **"Through lot" means a lot having two opposite lot lines along two more or less parallel streets, or along one street and the ordinary high water mark of Lake Michigan or some other body of water, and which is not a corner lot.** The definition ends by specifically saying that a corner lot cannot be a through lot, and since we are a corner lot, we can't be a through lot.

- 3) Our front lot line faces Walnut Street.
 - Definition of a front lot line is: **"Front lot line" means the front street line. If the front street line is less than fifty (50) feet long and if the lot is at least seventy-five (75) feet wide at its widest point, then the front lot line shall be the lot line from which the front setback is measured, as determined by the Zoning Administrator. The shortest street line of a corner lot shall be the "front lot line." On through lots, both street lines shall be deemed "front lot lines," except where no setback requirement is applicable. For lots abutting Lake Michigan, the ordinary high water mark of the lake shall be deemed a "front lot line."** The shortest street line for our property (a corner lot) is the one facing Walnut Street,

Exhibit 3

which is 50 feet long. As discussed above, we are not a through lot, so the concept of two front lot lines does not apply.

4) Our rear lot line faces Wilson Street.

- Definition of a rear lot line is: **"Rear lot line" means the lot line that is most distant from and that is, or is most nearly, parallel to the front lot line; provided that, there shall be no rear lot line on a through lot.** Since we do not have a through lot (as discussed above), the lot line facing Wilson Street is the one that is most distant from our front lot line facing Walnut Street.

5) Section 17.30.050.C3 does not apply to our property.

- The provision states: **Where a lot has three street frontages and where a side or rear yard line does not exist from which to measure the width or depth of the buildable area, the buildable area shall be situated on the lot so that equal setbacks shall be required from the opposite street lines.** We have both a rear yard line (facing Wilson Street) and a side yard line (facing our neighbor to the South) from which we can measure the width and depth of the buildable area, therefore this provision does not apply.

Please let us know if there is a different definition or section that we are missing, and if not, then how best to expeditiously correct this issue. We plan to rescind our previous application for variance and submit a new one. We would be happy to meet in person, if helpful.

Thank you for your help with this matter.

Best Regards,
Tyler & Nicole

Tyler Steel

Mobile: [REDACTED]
Email: [REDACTED]

On Monday, March 10, 2025 at 07:38:49 PM CDT, David Schoon <dschoon@winnetka.org> wrote:

Nicole –

Chris Marx forwarded your request to me given that I am the Zoning Administrator. There is no provision of the Zoning Ordinance that would allow the Zoning Administrator to find that your westerly property line is a rear yard. Your letter seems to imply there is such a provision, but you do not cite the section of the Zoning Ordinance that provides the Zoning Administrator with such authority.

If you would please provide me with the Zoning Ordinance section that you believe grants the Zoning Administrator that authority I can opine on its applicability to your situation. Otherwise, any opinion I would draft would state that your property has a front yard on Wilson Street, a front yard on Walnut Street, a corner yard on Orchard Lane, and a side yard along your south property line.

Exhibit 3

David Schoon, Director

Village of Winnetka Community Development
847-716-3526

From: Christopher Marx <CMarx@winnetka.org>
Sent: Thursday, March 6, 2025 1:28 PM
To: David Schoon <DSchoon@winnetka.org>
Cc: Ann Klaassen <AKlaassen@winnetka.org>
Subject: FW: Request for Zoning Interpretation – Rear Yard Designation for 314 Walnut Street

Christopher Marx, AICP
Associate Planner
Village of Winnetka – Department of Community Development
510 Green Bay Road
Winnetka, Illinois 60093
(847) 716-3587
cmarx@winnetka.org

From: Nicole Steel <[REDACTED]>
Sent: Wednesday, March 5, 2025 4:47 PM
To: Christopher Marx <CMarx@winnetka.org>; Tyler Douglas Steel <[REDACTED]>
Subject: Re: Request for Zoning Interpretation – Rear Yard Designation for 314 Walnut Street

Apologies, I forgot the attachment. Please find it below.

Thank you!

Nicole Steel

On Wed, Mar 5, 2025 at 4:14 PM Nicole Steel <[REDACTED]> wrote:

Hi Chris,

It was good to see you today. Thanks for taking the time to speak with me.

As we discussed, we are reaching out with the hope of reasonably clarifying our yard designation at our property located at at 314 Walnut Street.

We have recently learned that because our lot has three street frontages, it is classified as having three front yards, effectively eliminating a designated rear yard. Based on our review of Winnetka’s zoning ordinance and standard zoning principles, it seems reasonable that our lot be

Exhibit 3

treated like the vast majority of other single-family residential lots in Winnetka, which have a designated front, side, and rear yard.

1. Our primary entrance is on Walnut Street, which is the logical front yard.
2. Orchard Lane functions as a side yard.
3. Wilson Street is the only logical placement for a rear yard.

To our knowledge our property is one of few out of 4,000 single-family homes in Winnetka with three street frontages. Given that we are in an extremely rare situation, we want to ensure that the yard designation is applied reasonably and consistently with the rest of the homes in the village.

Therefore, we would like to formally request an official zoning interpretation confirming the following yard designations for our property:

1. Walnut Street as the front yard (consistent with the primary entrance).
2. Orchard Lane as the side yard.
3. Wilson Street as the designated rear yard.

We have attached the attached formal request. We would appreciate a written response within 30 days confirming the yard designation. Please let us know if there are any next steps we should take to finalize this determination.

Thank you for your time, and we appreciate your guidance in resolving this matter.

Best regards,
Nicole & Tyler Steel

Exhibit 4

From: Courtney P. Willits <Courtney.Willits@ElrodFriedman.com>

Sent: Tuesday, May 6, 2025 1:44 PM

To: Cassel, Danielle M. <dcassel@vedderprice.com>

Cc: Peter M. Friedman <Peter.Friedman@ElrodFriedman.com>

Subject: RE: [EXT] RE: 314 Walnut

Hi Danielle,

The Village has received and reviewed your zoning analysis regarding the property located at 314 Walnut Street. The Village has considered your analysis and determined there has been no change in the Village's position. The Village reaffirms the analysis and determination provided by David Schoon on March 24, 2025. However, there were several points the Village wanted to address for clarity purposes.

1. The Village agrees with your statement that a through lot is not a corner lot.
2. Your analysis provides that Wilson Street and Walnut Street are not parallel streets. However, the Code provides that the streets may be "more or less parallel." The Village's interpretation is that Wilson Street and Walnut Street are "more or less parallel."
3. Your analysis suggests that the property is only a corner lot at either Orchard Lane and Walnut Street or Orchard Lane and Wilson Street. However, "Corner lot" means a lot situated at the junction of two or more streets. This standard is met at the corner of Walnut Street and Orchard Lane for your property AND at the corner of Wilson Street and Orchard Lane.
4. Your analysis did not mention Section 17.30.050.C3, which states: Where a lot has three street frontages and where a side or rear yard line does not exist from which to measure the width or depth of the buildable area, the buildable area shall be situated on the lot so that equal setbacks shall be required from the opposite street lines. This Code provision acknowledges that lots exist that have three street frontages, and therefore may not have either a side or rear yard.
5. Your analysis is correct that the Code does not define "front street line." However, the Code defines "street line" and there is no limitation in the Code that provides there can be only one front street line for a property.

Additionally, the zoning interpretation provided by David Schoon on March 24, 2025 was a final zoning determination made by the Zoning Administrator.

Thank you,

Courtney P. Willits

Office: 312.754.0616 **Cell:** 515.229.8407



350 North Clark Street, Second Floor, Chicago, IL 60654
www.elrodfriedman.com | [News & Insights](#)

Exhibit 4

From: Cassel, Danielle M. <dcassel@vedderprice.com>
Sent: Tuesday, May 6, 2025 11:39 AM
To: Courtney P. Willits <Courtney.Willits@ElrodFriedman.com>
Cc: Peter M. Friedman <Peter.Friedman@ElrodFriedman.com>
Subject: Re: [EXT] RE: 314 Walnut

Hi Courtney.

When we spoke yesterday, I think you said you'd confirm 2 items before the end of the day?

(1) David's email is the final determination of the Village, despite saying "if"... and despite it having been written without review of the owner's analysis from my letter.

The owners thought that email was informal and that they should therefore engage an attorney (Vedder), have a legal review of the Code, and send the letter to elicit a formal, final response.

(2) will the Village staff confirm they have reviewed the letter and advise if they would reconsider their position based on the letter or tell us what is specifically incorrect about our letter?

Please reply asap?

From: "Courtney P. Willits" <Courtney.Willits@ElrodFriedman.com>
Sent: Wednesday, April 23, 2025 3:49 PM
To: Cassel, Danielle M.
Cc: Peter M. Friedman
Subject: [EXT] RE: 314 Walnut

Hi Danielle,

The owners of 314 Walnut previously requested a formal zoning interpretation from the Village on March 5, 2025 regarding the yard designations for the property. The Village's former Zoning Administrator, David Schoon, provided his zoning interpretation and determination on March 24, 2025.

Below is the Village's Code provision regarding the appeal process for the determination.

Section 17.72.010 Appeal and review.

A. The Board shall hear and decide appeals from and may review any order, requirement, decision or determination made by the Zoning Administrator. An appeal to the Board may be taken from any decision or action of the Zoning Administrator by any person aggrieved by such decision or action. Such appeal shall be taken within forty-five (45) days of the decision or action complained of by filing, with the Zoning Administrator and with the Board, a notice of appeal specifying the grounds of appeal. The Zoning

Exhibit 4

Administrator shall transmit to the Board all the papers constituting the record upon which was based the decision or action appealed from.

1. An appeal shall stay all proceedings in furtherance of the decision or action appealed from, unless the Zoning Administrator certifies to the Board, after the notice of appeal has been filed, that by reason of the facts stated a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property. In such event the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a circuit court on application and on notice to the Zoning Administrator, and on due cause shown.

2. The Board shall fix a reasonable time for the hearing of the appeal and give due notice to the person taking the appeal and decide the appeal within a reasonable time. Any party may appear at the hearing in person, by agent or by attorney.

3. The Board, in its discretion and based on the record made before it, may reverse or affirm in whole or in part, or may modify the Zoning Administrator's order, requirement, decision or determination, and, for purposes of this paragraph, the Board shall have and may exercise all of the powers of the Zoning Administrator as to the subject matter of the appeal.

4. The Board's final decision shall be in writing and shall set forth the reasoning and factual basis for its decision. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator.

B. Review Under Administrative Review Act. All final administrative decisions of the Board under this section shall be subject to judicial review pursuant to the provisions of the state "Administrative Review Act" approved May 8, 1945, and all amendments pursuant to such Act.

(Prior code § 22.16 (part))
(MC-6-2005, Amended, 09/20/2005)

Thank you,

Courtney P. Willits

Office: 312.754.0616 Cell: 515.229.8407



350 North Clark Street, Second Floor, Chicago, IL 60654

https://link.edgepilot.com/s/3fc6ab34/QwEcRwuilUqtSFjEZZm_wA?u=http://www.elrodfriedman.com/

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From: Cassel, Danielle M. <dcassel@vedderprice.com>

Sent: Wednesday, April 23, 2025 1:23 PM

To: Courtney P. Willits <Courtney.Willits@ElrodFriedman.com>; Peter M. Friedman

Exhibit 4

<Peter.Friedman@ElrodFriedman.com>

Subject: RE: 314 Walnut

Hi guys.

Just following up from Monday’s email.

Please reply and/or advise on timing for feedback?

Thanks so much!

d

PS I’m traveling but reachable by email and cell for the next few days.

Danielle Meltzer Cassel, Shareholder

VedderPrice

O +1 312 609 7962

C: +1 312 385 0385

[web](#) | [email](#) | [offices](#) | [biography](#)

From: Cassel, Danielle M.

Sent: Monday, April 21, 2025 2:08 PM

To: Courtney P. Willits <Courtney.Willits@ElrodFriedman.com>

Cc: Peter M. Friedman <Peter.Friedman@ElrodFriedman.com>

Subject: 314 Walnut

Hi Courtney.

Just left you a voicemail. Do you have a few minutes today to talk about next steps? I know you were out of the office when we spoke on Friday.

Nicole and Tyler would like to clarify and memorialize their yard designations, particularly in light of the Code analysis we provided.

We understand historic interpretations by the Village have designated the property as having three front yards – we just don’t see how that interpretation can be reconciled with the Code.

At this point, clarification of the yards is a higher priority for them than proceeding with the pending Variation application or associated improvements to their home and garage.

Procedurally, should we submit a formal written request for that determination? Is there a different mechanism?

Thanks so much. d

Danielle Meltzer Cassel, Shareholder

VedderPrice

O +1 312 609 7962

C: +1 312 385 0385

[web](#) | [email](#) | [offices](#) | [biography](#)

From: Courtney P. Willits <Courtney.Willits@ElrodFriedman.com>

Sent: Monday, April 14, 2025 3:15 PM

To: Cassel, Danielle M. <dcassel@vedderprice.com>

Cc: Peter M. Friedman <Peter.Friedman@ElrodFriedman.com>

Hi Danielle,

We are still reviewing the analysis you provided. Additionally, I am waiting for confirmation from Ann Klaassen, but at least according to the agenda posted online, it appears this matter has been continued to the May 12, ZBA meeting. Please see link below.

Exhibit 4

https://link.edgepilot.com/s/3744ab42/bsVOsoY4JkeHt0_8GYgZQ?u=https://winnetkail.portal.civicclerk.com/event/1067/overview

Thank you,

Courtney P. Willits

Office: 312.754.0616 Cell: 515.229.8407



350 North Clark Street, Second Floor, Chicago, IL 60654

<https://link.edgepilot.com/s/085f9803/9lkdZlo0ZkWnTvsx8ao7pg?u=http://www.elrodfriedman.com/>

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From: Cassel, Danielle M. <dcassel@vedderprice.com>

Sent: Monday, April 14, 2025 1:28 PM

To: Peter M. Friedman <Peter.Friedman@ElrodFriedman.com>; Courtney P. Willits <Courtney.Willits@ElrodFriedman.com>

Hi guys. Mindful this was dumped on you just this morning (!), but thought I should check in. Any updates or thoughts about tonight?

From: Cassel, Danielle M.

Sent: Monday, April 14, 2025 10:05 AM

To: Peter M. Friedman (Peter.Friedman@ElrodFriedman.com);

Courtney P. Willits (Courtney.Willits@ElrodFriedman.com)

Subject: DRAFT Steel Letter (314 Walnut) & Survey

Hi, Peter & Courtney!

Huge thanks to you both for jumping on the call with me, this morning!

Draft analysis is attached, plus a copy of the referenced survey.

Please let me know if there's anything else I might be able to forward that would be helpful?

Looking forward to connecting about next steps – especially in terms of tonight's ZBA?!

Thank you again!!

d



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April 11, 2025

BY ELECTRONIC MAIL

Nicole Steel and Tyler Steel
 314 Walnut Street
 Winnetka, Illinois 60093

Re: 314 Walnut Street, Winnetka, Illinois

Dear Nicole and Tyler:

You asked that I review the survey (attached as Exhibit A) of your home located at 314 Walnut Street, Winnetka, Illinois and the Village of Winnetka Zoning Ordinance (the “Code”) and to provide my analysis of what types of Yards, under the provisions of the Code, appear to be located on each of the property’s four sides.

For reference, you also provided me with a copy of the October 31, 2024 Variation application that you previously submitted to the Village (prior to this request).

For the reasons described below, I read the Code as designating the North side of the property (along Orchard) as a Corner Yard (except in areas where the North side of the property is within a defined Front Yard); the South side as a Side Yard (except in areas where the South side of the property is within a defined Front Yard or Rear Yard); the East side (along Walnut) as a Front Yard; and the West side of the property (along Wilson) as a Rear Yard.

Please note my current impression is that the Variation application you submitted incorrectly states that the property has three Front Yards and unnecessarily seeks relief relating to the proposed garage as described in the application. From our discussions, I understand that the application, unfortunately, was prepared by a third party and not reviewed by you or legal counsel in terms of the Yard designations, I am suggesting that you continue to discuss this with Village staff, hopefully to clarify the unintentional error, prior to completing your Variation requests. That said, this analysis has been limited to the specific scope of your request, and I have not reviewed whether or to what extent the Code will regulate the property, or require relief, if the Village concurs with the Yard analysis here, *i.e.*, any proposed construction projects may require *different* relief that the Village Staff, Village Zoning Board of Appeals, or Village Council may or may not grant.

(1) Threshold Matters: Related Definitions

As outlined below, the definitions of Yards in the Code as applicable to the property are structured around certain other definitions in the Code, specifically definitions in the Code for Lot types and definitions in the Code for Lot Lines in relation to each of the property’s boundaries.

Threshold Matter: Lot Type

The definitions of Yards in the Code as applicable to the property are determined under the Code, in part, by a determination under the Code as to whether your property meets the definition of a “Corner Lot” or the definition of a “Through Lot.” As noted below, these definitions, under the express provisions of the Code, are mutually exclusive.

From a plain reading of the Code and review of the survey, your home is situated on a Corner Lot.

The Table that immediately follows juxtaposes the Code definitions of these Lot types and my analysis of each definition.

Type of Lot	Code Definition	Analysis
Corner (Section 17.04.030C.10)	"Corner lot" means a lot situated at the junction of two or more streets.	Your property is a lot situated at the junction of two or more streets. Specifically, the junction of Wilson and Orchard, or Walnut and Orchard.
Through (Section 17.04.030T.4)	“Through lot” means a lot having two opposite lot lines along two more or less parallel streets, or along one street and the ordinary high water mark of Lake Michigan or some other body of water, and which is not a corner lot.	There are two reasons your property is not a Through Lot. First, your property fails to have two opposite lot lines along two more or less parallel streets. Wilson and Walnut are not parallel streets. Second, your property fails to have two opposite lot lines along one street and the ordinary high water mark of Lake Michigan or some other body of water. Third, your property is a Corner Lot. By definition, a through lot cannot be a corner lot.

Threshold Matter: Length of Property Lines

The required second step of analysis had to be a determination of property boundary lengths, since the Code’s Yard and Lot Line definitions vary in certain respects, depending on which boundary is the longest or shortest. Based exclusively on the attached survey, the lengths of each property boundary are the following:

Property Boundary	Surveyed Length	Longest or Shortest?
North (Orchard)	230.18’	Longest
South	198.30’	Neither
East (Walnut)	50’	Shortest
West (Wilson)	59.45’	Neither

Threshold Matter: Lot Lines

The next required step of this analysis had to be a determination of the property’s various “Lot Lines,” under the Code.

Corner Lot Line

The Code (Section 17.04.030C.11) defines “**Corner lot line**” as “the longest street line of a corner lot” (emphasis added). As surveyed, the North boundary of the property, along Orchard, is the longest street line and, therefore, the Corner Lot Line.

Front Lot Line

The definition of a “**Front Lot Line**” in the Code (Section 17.04.030F.8) has five component sentences, and the following Table addresses each of the five, in turn.

Sentences in Code Definition of “Front Lot Line”	Analysis
<p>"Front lot line" means the front street line.</p>	<p>Front Street Line is not a defined term in the Code, but note this aspect of the definition certainly <i>suggests</i> there will be a singular front street line (absent a contradictory and controlling provision in the Code). It is also clear, to me, from a review of the survey, site photos, and surrounding context (including neighboring properties along Walnut and the general pattern of garages and lack of facing structures along Wilson) that the property has only one front street line in terms of appearance, use, and community impact.</p>
<p>If the front street line is less than fifty (50) feet long</p> <p>and if the lot is at least seventy-five (75) feet wide at its widest point,</p> <p>then the front lot line shall be the lot line from which the front setback is measured, as determined by the Zoning Administrator.</p>	<p>This opening clause of the second sentence already renders the sentence inapplicable to the property, as <u>no</u> boundary of the property is less than 50 feet long.</p> <p>While unnecessary to address (given the foregoing point), this second clause would also, independently, render the second sentence inapplicable to the property, as the property is not 75 wide.</p> <p>Again, this second definitional sentence is mathematically inapplicable to the property. It is interesting to note, however, that the Zoning Administrator is granted authority to make a determination in <i>this</i> situation (but not others).</p>
<p>The shortest street line of a corner lot shall be the "front lot line."</p>	<p>This is the simplest and clearly most applicable sentence within the five sentences of the definition. Again, note the singularity. Only one street line can be the shortest.</p>

Sentences in Code Definition of “Front Lot Line”	Analysis
	As surveyed, the shortest street line of the property is Walnut, at 50’.
<u>On through lots</u> , both street lines shall be deemed "front lot lines," except where no setback requirement is applicable.	This fourth sentence is also irrelevant for the property, as the property cannot and does not meet the definition of a “Through Lot” in the Code.
For lots abutting Lake Michigan, the ordinary high water mark of the lake shall be deemed a "front lot line."	This fifth sentence is also irrelevant for the property, as the property does not abut Lake Michigan.

Real Lot Line

The definition of Rear Lot Line under the Code (Section 17.04.030R.1) has a single sentence with two components, each of which is analyzed below:

Components of “Rear Lot Line” in the Code	Analysis
<p><u>“the lot line that is most distant from and that is, or is most nearly, parallel to the front lot line;</u></p>	<p>As noted above, my reading of the Code indicates that the property’s Front Lot Line is the Walnut boundary.</p> <p>It is also geometrically clear, from the survey, that the Wilson boundary is the lot line most distant from the Walnut boundary and is most nearly parallel to Walnut. Both the Orchard and southern boundaries are perpendicular to the Walnut boundary.</p> <p>I also note that this clause, as worded, reinforces the idea that properties (<i>other than Through Lots</i>) <u>must</u> have a <u>singular</u> Front Lot Line and a <u>singular</u> Rear Lot Line. Otherwise, the definitions of both Rear Lot Line and Front Lot Line in the Code would be circular and unworkable, because parallel (or nearly parallel) boundary lines that were not Side Lot Lines would have to be defined, simultaneously, as both Front Lot Lines and Rear Lot Lines, while the Code has clearly established elaborately <u>different</u> and distinguishable sets of rules for Front Yards and Rear Yards.</p>
<p>provided that, there shall be no rear lot line on a through lot.”</p>	<p>This clause provides the one clear exception to the foregoing, first part of the definition, and this exception, for “Through Lots,” does not apply to the property.</p>

In sum, the property does not qualify as a Through Lot, therefore the latter part of this definition is irrelevant, while the definition, in its entirety, reinforces the principle that all Lots *other than* Through Lots *must* have a Rear Lot Line. It would be erroneous to simply ignore this language and concept. Every Lot, other than a Through Lot, has a lot line that is most distant from and that is, or is most nearly parallel to that Lot's Front Lot Line. And, this particular Lot Line of a property is expressly defined in the Code as the Rear Lot Line. In the case of the property, among its four Lot Lines, it is functionally and definitionally obvious that the boundary along Walnut is the Front Lot Line, and not any of the other three boundaries. Therefore, Wilson is the Rear Lot Line.

Corner Lot Line

The Code (Section 17.04.030C.11) clearly and simply defines "Corner lot line" as "the longest street line of a corner lot" (emphasis added). As surveyed, the North boundary of the property, along Orchard, is the longest street line and, therefore, the Corner Lot Line.

Side Lot Lines.

The Code (Section 17.04.030S.4) defines Side Lot Lines as "the two lot lines that extend from the front line to the opposite end of the lot." (Again, note the definition's implicit statement that Lots will have a singular front line.) In the case of the property, these two Side Lot Lines will be Orchard (which also meets the definition of a Corner Lot Line), and the property's South boundary.

(2) Yard Definitions

Having addressed the threshold definitional questions above, this section addresses whether the Orchard or Wilson sides of the property meet the definitions in the Code for a Front Yard. They do not.

North Side (along Orchard)

The Code (Section 17.04.030C.12) defines "**Corner Yard**" as "a yard extending along the full length of a corner lot line and back to a line drawn parallel to the corner lot line, at a distance equal to the distance between the corner lot line and the nearest point of the building including, where applicable, the average front setback, but excluding any area included within a front yard."

The Northerly side of the property, along Orchard (except to the extent included within a Front Yard), satisfies this definition, as it is the portion of the property that extends along the full length of the property's Corner Lot Line (*i.e.*, Orchard).

The Northerly side of the property also fails to satisfy the definition in the Code for a Front Yard, as summarized in the following Table.

Type of Yard and Code Definition	Analysis
<p>"Front yard" means a yard, <u>other than a corner yard</u>, extending along the full length <u>of a front lot line</u>, or other street line, and back to a line drawn parallel to that front lot line, or other street line, at a distance equal to the distance between the front lot line, or other street line, and the nearest point of the building. (Section 17.04.030F.9)</p>	<p>This component of the definition provides that Front Yards and Corner Yards are mutually exclusive. As noted above, the Orchard side already meets the Code’s definition of a Corner Yard.</p> <p>As noted above, the Orchard boundary does not meet the definition of a front lot line, because the property is a Corner Lot, and the shortest boundary is along Walnut, not Orchard.</p>

West Side (along Wilson)

The Code (Section 17.04.030R.2) defines “**Rear Yard**” as follows:

“a yard **extending along the full length of the rear lot line** between that line and a line drawn parallel to the rear lot line at a distance equal to the distance between the rear lot line and the nearest point of the building. For purposes of this title, there shall be no rear yard on any through lot.”

Given that the Code appears to clearly define the Wilson boundary as the property’s Rear Lot Line, my conclusion is that the Code also clearly defines the Wilson side of the property (for its full length) as the property’s Rear Yard. Again, the Code makes an exception for Through Lots, but the property does not appear to meet the express definition in the Code of a Through Lot.

I hope this analysis has been helpful, and please do not hesitate to contact me with any questions about my reasoning or interpretations.

Very truly yours,
VEDDER PRICE P.C.
 [DRAFT]
 Danielle Meltzer Cassel



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Danielle Meltzer Cassel is a practicing attorney with more than 25 years of experience dedicated to transactional real estate, land use law, public incentives, regulatory compliance, and business licensing. Since 1996, her work has covered a broad spectrum of property types in both urban and suburban contexts, including mixed-use developments, retail and office developments, hotels, restaurants and bars, cannabis dispensaries, performing arts venues, fitness and recreation facilities, hospitals and health care centers, cemeteries, daycare centers, schools and universities, religious institutions, industrial parks, manufacturing and waste management facilities, and billboard signage.

Transactional: Ms. Cassel has represented purchasers and sellers, lessors and lessees, debt and equity providers and borrowers, developers, project operators, and end-users in transactions ranging from beginning phases of due diligence, joint venture formation, acquisition, design, construction, and DBE engagement, to ongoing operations, leasing, licensing, dispositions, refinancing, and work-outs.

Land Use/Zoning/Permitting: Ms. Cassel has obtained governmental approvals for several hundred land use, development and licensing projects, including numerous planned developments; vertical and horizontal subdivisions; annexations; disconnections; map amendments; text amendments; special uses; variations; building permits; liquor, restaurant, hotel, recycling, and other business licenses; landmark designations; establishment and modification of legal-nonconformities; public/private land transfers, including purchases, dedications, vacations, easements and privileges; rail access; and approvals for billboard, high-rise and street-front signage.

Public Financing/Incentives: Ms. Cassel has negotiated and closed economic incentive components for several hundred projects, nationwide, particularly for headquarter relocations; expansions and relocations of manufacturing facilities and distribution centers; large-scale retail and mixed-use developments; and affordable housing developments. Her incentives work has involved tax increment financing; governmental grants and loans; sales and property tax rebates and abatements; bond financing; various state and federal tax credits, including the Low Income Housing Tax Credit (LIHTC) and New Markets Tax Credit; impact fee and utility cost reductions; recapture agreements; CPACE; and Opportunity Zones.

Honors: The elite Legal 500 United States has recognized Ms. Cassel as a Legal 500 Leading Lawyer (Real Estate and Construction-Land Use/Zoning), every year since 2011, and has included her in their Hall of Fame, every year since its inception in 2017. Ms. Cassel has been honored by Best Lawyers in America, Leading Lawyers Network, and Chambers USA, which noted her “phenomenal brain and terrific client skills.” Ms. Cassel was a member of Leadership Greater Chicago’s Class of 2006 and has received a “Tomorrow’s Leaders Today” award from Public Allies Chicago and a Special Recognition Award from the Partnership to End Homelessness.

Teaching/Speaking: Ms. Cassel currently co-teaches Real Property Law at Roosevelt University and co-taught land use law seminars at Northwestern University Law School and University of Chicago Law School (1999-2008). She has been an invited speaker for the International Council of Shopping Centers, Urban Land Institute, American Bar Association, Illinois Institute of Continuing Legal Education, and South Side Builders Association, among others.

History: Prior to joining Vedder Price, Ms. Cassel spent 13 years as an Associate and Partner with DLA and its legacy firms. Prior to her legal career, she worked, studied, and volunteered extensively in several fields related to urban economic development and service delivery by public and non-profit agents. Her most significant research efforts included multi-year studies of the 1990 National Affordable Housing Act; bridge loans for non-syndicated LIHTC projects; and Community Reinvestment Act collaborations among mortgage lenders and community-based institutions.

EDUCATION

- **Harvard Law School**, J.D., 1996
Cum Laude
- **Harvard University, John F. Kennedy School of Government**, Masters in Public Policy, 1996
Kennedy Scholar
- **Yale University**, B.A., Urban Studies and Public Policy (Special Divisional Major), 1992,
Summa Cum Laude,
Phi Beta Kappa

CURRENT CIVIC AND INDUSTRY AFFILIATIONS

- **Illinois International Port District** (Board Member appointed by Mayor Lori Lightfoot and confirmed by Chicago City Council and Governor Pritzker)
- **Primo Center for Women and Children** (Member of Executive Committee and Board of Directors)
- **ICSC – Innovating Commerce Serving Communities** (Member)
- **Lambda Alpha International, Honorary Society for the Advancement of Land Economics, Chicago Region** (Member)
- **Vedder Price Diversity Committee** (Member)
- **Vedder Price Pro Bono Committee** (Member)



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May 8, 2025

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BY ELECTRONIC MAIL

Nicole Steel and Tyler Steel
 314 Walnut Street
 Winnetka, Illinois 60093

Re: 314 Walnut Street, Winnetka, Illinois

Dear Nicole and Tyler:

You asked that I provide you with a point-by point review of David Schoon’s March 24th correspondence and the May 6th correspondence we received yesterday from the Village Attorney.

Based on the review of the Village of Winnetka Zoning Ordinance (the “Code”) and the survey of your home that you asked me to undertake for the April 11, 2025 analysis I previously provided, I do not see how the statements in David’s correspondence or the statements in the May 6th correspondence can be reconciled with the Code or deemed to justify a finding by the Village that the Wilson side of your Lot is a front yard rather than a rear yard.

My understanding is that you will be filing an appeal with the Zoning Board of Appeals seeking (1) confirmation that the Wilson side of your Lot is a rear yard, and (2) a determination that statements by the Village to the contrary are erroneous and should be reversed.

As I did with the April 11, 2025 Code review, I will go line-by-line through both of the subject communications.

<u>Comment in David Schoon March 24 correspondence</u>	<u>Response</u>
A lot can be a corner lot from the intersection of two different streets at two separates points along a lot. In your instance, your lot is a corner lot due to the intersection of Walnut Street and Orchard Lane as well as due to the intersection of Wilson Street and Orchard Lane.	We are in agreement that your home is situated on a Corner Lot. We are not appealing this point. In fact, this determination is part of and in support of our April 11 th analysis and Appeal.
1. <i>"Corner lot" means a lot situated at the junction of two or more streets.</i> This standard is met at the corner of Walnut Street and Orchard Lane for your property; the standard is also met at the corner of Wilson Street and Orchard Lane.	Again, we are in agreement. However, this framing seems misleading, as we find no provision in the Code saying that a Corner Lot with multiple corners precludes such a Corner Lot from having a rear yard or dictates that such a Corner Lot must be treated as having multiple front yards. And, critically, a Corner Lot is defined as a (singular) lot situated at the junction of two or more streets, <i>i.e.</i> , the Code does NOT say that your home is somehow two different Corner Lots, but that it is a singular Corner Lot situated at the junction

<u>Comment in David Schoon March 24 correspondence</u>	<u>Response</u>
<p>2. <i>"Corner lot line" means the longest street line of a corner lot.</i> This would be the lot line along Orchard Lane for your property.</p>	<p>of three streets. We are in agreement that your home is situated on a Corner Lot. We are not appealing this point. In fact, this determination is part of and in support of our April 11th analysis and Appeal.</p>
<p>3. <i>"Front lot line" means the front street line.</i></p>	<p>As noted in our April 11th analysis, "Front Street Line" is not a defined term in the Code, but this aspect of the definition certainly <i>suggests</i> there will be a singular ("THE") front street line. It is also clear from a review of the survey, site photos, and surrounding context (including neighboring properties along Walnut and the general pattern of garages and lack of facing structures along Wilson) that the property has only one front street line in terms of appearance, use, and community impact.</p>
<p><i>If the front street line is less than fifty (50) feet long</i></p> <p><i>and if the lot is at least seventy-five (75) feet wide at its widest point,</i></p> <p><i>then the front lot line shall be the lot line from which the front setback is measured, as determined by the Zoning Administrator.</i></p>	<p>This opening clause of the second sentence already renders the sentence inapplicable to the property, as <u>no</u> boundary of the property is less than 50 feet long.</p> <p>While unnecessary to address (given the foregoing point), this second clause would also, independently, render the second sentence inapplicable to the property, as the property is not 75 wide.</p> <p>Again, this second definitional sentence is mathematically inapplicable to the property. It is interesting to note, however, that the Zoning Administrator is granted authority to make a determination in <i>this</i> situation (but not others).</p>
<p><i>The shortest street line of a corner lot shall be the "front lot line."</i></p>	<p>This is the simplest and clearly most applicable sentence within the five sentences of the definition. Again, note the singularity. Only one street line can be the shortest. As surveyed, the shortest street line of the property is Walnut, at 50'.</p>
<p><i>On through lots, both street lines shall be deemed "front lot lines," except where no setback requirement is applicable.</i></p>	<p>This fourth sentence is also irrelevant for the property, as the property cannot and does not meet the definition of a "Through Lot" in the Code.</p>

<u>Comment in David Schoon March 24 correspondence</u>	<u>Response</u>
	That your home is not situated on a Through Lot was subsequently acknowledged (May 6, 2025) in correspondence from the Village Attorney. It also was noted in the attached 2005 Village Zoning Analysis and Permit Review Checklist.
When looking at the lot line lengths that make the corner of your lot at Walnut Street (50.0 feet) and Orchard Lane (230.18), the shortest of the two lot lines that intersect is Walnut Street, thus Walnut Street is a front lot line and Orchard Lane is a corner lot line.	We agree with these Statements, as noted in the April 11 th analysis.
When looking at the lot line lengths that make the corner of your lot at Wilson Street (59.45 feet) and Orchard Lane (230.18 feet), the shortest of the two lot lines that intersect is Wilson Street, thus Wilson Street is a front lot line and Orchard Lane is a corner lot line.	This appears to be an erroneous inquiry or statement for three reasons. First, there is the Code provision noted above (emphasis added): “ The shortest street line of a corner lot shall be the "front lot line". Note the singularities. Second, as noted above, Corner Lot is defined as a (singular) lot situated at the junction of two or more streets, <i>i.e.</i> , the Code does NOT say that your home is somehow two different Corner Lots, but that it is a singular Corner Lot situated at the junction of three streets. Third, there is <u>no</u> Code provision contradicting the previous two Code provisions or affirmatively supporting this inquiry or statement.
4. <i>Section 17.30.050.C3 states:</i>	
<i>Where a lot has three street frontages</i>	Clearly this first clause applies to your lot, as there are the Walnut, Orchard, and Wilson frontages.
<i>and</i>	Note the conjunction AND , meaning that if the second condition fails, the situation and rule does NOT apply.
<i>where a side or rear yard line does not exist from which to measure the width or depth of the buildable area,</i>	This second condition fails, as there is a side yard line (your South line). In fact, this is stated in Dave’s final sentence. (See below.) Also, the Village has clearly been able to measure buildable area. If it had been unable to do so, there would not have been able to approve the buildings that are currently located on your Lot.
<i>the buildable area shall be situated on the</i>	This portion of the Code provision is

<u>Comment in David Schoon March 24 correspondence</u>	<u>Response</u>
<i>lot so that equal setbacks shall be required from the opposite street lines.</i>	irrelevant, as the conditions precedent for its application are not met.
This provision of the code does acknowledge that lots exist that have three street front frontages, such as yours, and therefore may not have either a side or rear yard.	It is not in dispute that your Lot has three frontages. That said, and as noted above, this provision does not apply to your Lot, because the second condition fails. If anything, the inapplicability of this provision to your Lot (because of the failed second condition) strengthens the argument that the impacts of applying this provision (<i>i.e.</i> , requiring equal setbacks on opposing sides) should be inapplicable to Lots such as yours.
Given the information you have shared, I still find that any opinion I would formally write would state that your property has the following:	Our appeal is premised on the March 24 th correspondence being a final determination, notwithstanding Dave’s statement “any opinion I <u>would</u> formally write <u>would</u> state....” The Village attorney has provided correspondence on April 23 rd and on May 6 th stating that this was a final determination. (See below.)
1. a front yard on Wilson Street,	We disagree and are appealing this point, for the Code-based and fact-based reasons noted above.
2. a front yard on Walnut Street,	Agreed, not in dispute.
3. a corner yard on Orchard Lane, and	Agreed, not in dispute.
4. a side yard along your south property line.	Agreed, not in dispute.

<u>Comment in May 6, 2025 correspondence from the Village Attorney</u>	<u>Response</u>
The Village has received and reviewed your zoning analysis regarding the property located at 314 Walnut Street.	As you know, we made several attempts by phone and email between April 14 th and May 6 th to discuss the substance of our April 11 th analysis with the Village, through the Village Attorney. As you also know, we did not receive a written acknowledgement that the April 11 th analysis had been reviewed by the Village, nor any other substantive response, until this May 6 th communication. And, as you know, this communication responds only to a selective subset of the points in the April 11 th analysis.
The Village has considered your analysis and determined there has been no change in the Village’s position. The Village reaffirms the analysis and	As shown in the correspondence chain leading up to the May 6 th communication, we asked the Village to please revisit the March 24 th

<u>Comment in May 6, 2025 correspondence from the Village Attorney</u>	<u>Response</u>
determination provided by David Schoon on March 24, 2025.	communication from David on the basis of our April 11 th analysis, or, to confirm that the March 24 th communication from David was to be deemed final (and appealable), notwithstanding the April 11 th analysis. Here, the Village Attorney confirms that the March 24 th communication from David is to be deemed final (and appealable), notwithstanding the April 11 th analysis.
However, there were several points the Village wanted to address for clarity purposes.	
1. The Village agrees with your statement that a through lot is not a corner lot.	This is not in dispute. Related discussion is above, and in the April 11 th analysis
2. Your analysis provides that Wilson Street and Walnut Street are not parallel streets. However, the Code provides that the streets may be “more or less parallel.” The Village’s interpretation is that Wilson Street and Walnut Street are “more or less parallel.”	This disagreement is inapplicable to the overall dispute, as it only related to whether or not your Lot is a Through Lot. We and the Village are in agreement that your Lot is not a Through Lot.
3. Your analysis suggests that the property is only a corner lot at either Orchard Lane and Walnut Street or Orchard Lane and Wilson Street. However, "Corner lot" means a lot situated at the junction of two or more streets. This standard is met at the corner of Walnut Street and Orchard Lane for your property AND at the corner of Wilson Street and Orchard Lane.	See detailed discussion above showing that this analysis is not supported by the Code.
4. Your analysis did not mention Section 17.30.050.C3, which states: Where a lot has three street frontages and where a side or rear yard line does not exist from which to measure the width or depth of the buildable area, the buildable area shall be situated on the lot so that equal setbacks shall be required from the opposite street lines.	The Village Attorney is correct that the April 11 th analysis did not mention Section 17.30.050.C3. This section was excluded from the analysis because it is irrelevant to your Lot, as explained above.
This Code provision acknowledges that lots exist that have three street front frontages, and therefore may not have either a side or rear yard.	As explained above, this Code provision does not apply to your Lot. Whether or not it applies to other Lots in the Village is irrelevant.
5. Your analysis is correct that the Code does not define “front street line.”	No comment, other than to note this point of confirmation.
However, the Code defines “street line” and there is no limitation in the Code that provides there can be only one front street line for a property.	We disagree with this assertion, for the Code-based reasons detailed in the April 11 th analysis (pages 3-5) and also detailed above. Without limiting that full analysis, we’ll simply highlight and reiterate that the Code expressly states that a <u>Through</u> Lot can have multiple street lines regulated as being its fronts, while the Code, in discussing any Lot that is

<u>Comment in May 6, 2025 correspondence from the Village Attorney</u>	<u>Response</u>
	not a Through Lot, has numerous provisions using the singular term “the” to describe the singular street line to be deemed its front.
Additionally, the zoning interpretation provided by David Schoon on March 24, 2025 was a final zoning determination made by the Zoning Administrator.	We were seeking this confirmation.

Very truly yours,
VEDDER PRICE P.C.
Danielle Meltzer Cassel

**VILLAGE OF WINNETKA – DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING ANALYSIS AND PERMIT REVIEW CHECKLIST**

ADDRESS: 314 Walnut SURVEY DATE: _____ ZONING DISTRICT: R-5
 WORK DESCRIPTION: New SFR w/ detached LOT OF RECORD? YES NO
 REVIEW BY: [REDACTED] DATE: 9-13-05 RECHECK BY: [REDACTED] 111-0001 DATE: 07.12.11
112-0001 08.23.12
 GROSS LOT AREA: 10,711.83 SQ. FT. EASEMENT/PRIVATE STREET AREA: _____ SQ. FT.
 FLAG LOT DEDUCTION: _____ SQ. FT. LOT AREA (FOR ZONING PURPOSES): 10,711.83 SQ. FT.
 MAX. PERMITTED F.A.R.: _____ MAX. LOT DEPTH: 230.18 AVERAGE LOT WIDTH: 46.53

ZONING REQUIREMENTS	PERMITTED/ REQUIRED	PROPOSED/TOTAL	OK?
GFA: "Pre FAR Building" (built prior to 2/7/89)	-	-	-
GFA: "Post FAR Building" (built after 2/7/89)	<u>3743.13</u>	<u>3740.94</u>	✓
ROOFED LOT COVERAGE (25% of lot area)	<u>2677.96</u>	<u>2313.36</u>	✓
IMPERMEABLE LOT COVERAGE (50% of lot area)	<u>5355.91</u> <small>Wilson F.Y.C.: 879.11</small>	<u>3511.02</u> <small>Wilson = 716.41 3748.7</small> 3517.75	✓
MINIMUM FRONT YARD SETBACK <u>Walnut - East</u> Average Used?	Existing Principal Bldg.: _____	Existing: _____ Proposed: _____	✓
	New Principal Bldg.: <u>30.0</u>	_____ <u>31.67</u> porch	
MINIMUM CORNER (FRONT) <u>North/Orchard</u>	Principal building: <u>12.61</u>	Existing: _____ Proposed: <u>12.58</u>	✓
	Garage: same as principal building, but not less than 20 feet.	Existing: _____ Proposed: <u>19.5</u>	
MINIMUM THROUGH LOT	-	-	-
MINIMUM 3 RD STREET <u>Wilson</u>	<u>49.42</u>	<u>10.0</u>	<u>31.47</u> <u>71.76%</u>
MINIMUM REAR	Principal building: _____	Existing: _____ Proposed: _____	-
	Accessory building: 2 feet or 6 feet	Existing: _____ Proposed: _____	
TOTAL SIDE YARDS (_____ % Used)	-	Exist: _____ Prop: _____	-
MINIMUM SIDE <u>South</u>	Declared? <u>6.0</u>	Existing: _____ Proposed: <u>6.08</u>	✓
REMAINING SIDE	-	Existing: _____ Proposed: _____	-
ARTICULATION ON MINIMUM SIDE YARD	Within 35ft of Front Building Line (if side building line is greater than 40ft long)	<u>provided</u>	✓
LIMITATIONS ON FRONT FACING GARAGES	Must comply with Section 17.30.110 of zoning ordinance.	<u>Detached</u>	✓

ATTACHMENT C

ORDINANCE NO. M-20-2005

AN ORDINANCE GRANTING A VARIATION IN THE APPLICATION OF THE ZONING ORDINANCE OF THE VILLAGE OF WINNETKA COOK COUNTY, ILLINOIS (314 Walnut)

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, pursuant to Article VII, Section 6 of the Constitution of the State of Illinois of 1970, the Village of Winnetka has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village, including, but not limited to, the powers (i) to regulate for the protection of the public health, safety, morals and welfare, (ii) to license, (iii) to tax, and (iv) to incur debt; and

WHEREAS, the Village Council find that establishing standards for the use and development of lands and buildings within the Village and establishing and applying criteria for variations from those standards are matters pertaining to the affairs of the Village; and

WHEREAS, there has been presented to the Council of the Village of Winnetka, Cook County, Illinois, the request of the owner of the following described real estate (the "Subject Property"):

Lot 1 in McGuire and Orrs Subdivision of that part of Block 16 in John C. Garland's Addition to Winnetka described as follows:

Commencing at the intersection of the west line of Walnut Street with the south line of first Street; thence west along said south line of First Street 230.18 feet more or less to a point 91.00 feet from the easterly line of the Chicago and Northwestern Railway Company's right of way, 270 feet; thence southerly 109.90 feet more or less to the intersection of the east line of Wilson Street with the north line of Hawthorne Lane; thence east along said north line of Hawthorne Lane 48.90 feet to the west line of Walnut Street, 330.44 feet to the place of beginning, in the Southwest ¼ of Section 21, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois,

commonly known as 314 Walnut Street, Winnetka, Illinois, and located in the R-5 Single-Family Residential Zoning District provided in Chapter 17.12 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, for the following variations from requirements of the Lot, Space, Bulk and Yard Regulations for Single-Family Residential Districts established by Section 17.30 of the Zoning Ordinance: (a) a variation of 297.21 square feet (7.94%) from the building size restrictions of Section 17.30.040, to allow a gross floor area of 4,040.34 square feet, whereas a maximum of 3,743.13 square feet is permitted; (b) a variation of 2.67 feet (13.35%) from the corner yard setback requirements of Section 17.30.050, to permit the north, corner setback along Orchard Lane to be 17.33 feet, whereas a minimum of 20 feet is required; and (c) a variation of 24.18 feet (48.93%) from the front yard setback requirements of Section 17.30.050 to allow the front setback along Wilson Street to be 25.24 feet, whereas a minimum of 49.42 feet is required, all to allow a newly constructed single-family residence and detached garage to exceed the gross floor area allowance and to allow the garage to be located on the west side of the Subject Property; and

WHEREAS, on June 13, 2005, on due notice thereof, the Zoning Board of Appeals conducted a public hearing on the requested variations and, by the unanimous vote of all 7 of its members, has reported to the Council recommending that the requested maximum building size variation be denied and that the requested front and corner setback variations be granted; and

WHEREAS, following initial discussion of the variation requests by the Village Council at its July 5, 2005, meeting, the matter was tabled to allow the petitioner to consider revisions that would eliminate the need for the maximum building size variation; and

WHEREAS, the applicant has submitted revised plans that reduce the gross floor area of the proposed redevelopment of the property to a conforming 3,740.94 square feet; and

WHEREAS, the reduction in gross floor area was achieved by reducing the length of the house from 62 feet to 59 feet, and by reducing the width of the proposed garage by 3.3 feet; and

WHEREAS, there are practical difficulties and particular hardships associated with carrying out the strict application of the Zoning Ordinance with respect to the Subject Property in that: (a) the Subject Property is located along the south side of Orchard Lane, with its west lot line being formed by Wilson Street and its east lot line being formed by Walnut Street; (b) because of the three street frontages, the Subject Property is both a through lot and a corner lot, with no rear yard, but with front yard setbacks being required along both the Wilson and Walnut street frontages and a corner yard setback being required along the Orchard Lane street frontage; (c) the Subject Property has an irregular, trapezoidal shape, because Wilson Street and Walnut Street are not parallel; (d) the Wilson Street frontage of the Subject Property functions as the rear of the Subject Property, due to the presence of the Union Pacific Railway embankment that runs along the west side of Wilson Street; and (e) because of the increased setback requirements along the three street frontages and because of the angle of the west lot line, there is no conforming location for the detached garage that the owners propose to construct behind the new home at the west end of the Subject Property; and

WHEREAS, the Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the Zoning Ordinance, in that: (a) the proposed redevelopment of the Subject Property with a single-family residence and a two-car garage is the typical single-family use within the Village; (b) two-car garages are a typical feature of single-family residential properties in the immediate vicinity; (c) the proposed garage is consistent with other two-car garages on similar through lots abutting Wilson Street; and (d) due to the three street frontages and angled west lot line, it is not possible to construct a functional garage in a conforming location if the Zoning Ordinance's setback requirements are strictly applied to the Subject Property; and

WHEREAS, the requested variations will not alter the essential character of the neighborhood because the proposed new house and detached garage will be in the same relative locations on the Subject Property as the buildings that they will replace, thereby maintaining the configuration of the Subject Property as it has existed on the block face since the original house was constructed in approximately 1921; and

WHEREAS, the requested variations will not impair an adequate supply of light and air because: (a) the proposed new house and garage both conform with applicable building height limitations; (b) the development of the Subject Property conforms with roofed lot coverage and maximum building size limitations; and (c) both the house garage will observe conforming side yard setbacks from the south lot line, thus providing the required minimum distances from the only adjoining property; and

WHEREAS, the requested variations will not increase the hazard from fire and other dangers to the Subject Property, as the proposed construction will comply with all applicable building and fire protection codes; and

WHEREAS, the requested variations will not diminish the taxable value of land and buildings throughout the Village, and the taxable value of the Subject Property may be increased because of the proposed new house and garage; and

WHEREAS, the proposed construction will not contribute to congestion on the public streets, as the Subject Property will continue to be used for single family residential purposes; and

WHEREAS, there is no evidence that the requested variations will otherwise impair the public health, safety, comfort, morals, and welfare of the inhabitants of the Village; and

WHEREAS, the requested variations are in harmony with the general purpose and intent of the Winnetka Zoning Ordinance, in that they allow

the redevelopment of the Subject Property while maintaining the existing scale and appearance of the community.

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

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

SECTION 2: The following variations from the Lot, Space, Bulk and Yard Regulations for Single-Family Residential Districts established by Section 17.30 of the Winnetka Zoning Ordinance are hereby granted to the Subject Property, commonly known as 314 Walnut Street, Winnetka, Illinois, and located in the R-5 Single-Family Residential Zoning District provided in Chapter 17.12 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code: (a) a variation of 2.67 feet (13.35%) from the corner yard setback requirements of Section 17.30.050, to permit the north, corner setback along Orchard Lane to be 17.33 feet, whereas a minimum of 20 feet is required; and (b) a variation of 24.18 feet (48.93%) from the front yard setback requirements of Section 17.30.050 to allow the front setback along Wilson Street to be 25.24 feet, whereas a minimum of 49.42 feet is required; all to permit construction of a new single-family residence and detached garage on the Subject Property, in accordance with the plans and elevations submitted with the application for variations, as amended in the plans dated September 22, 2005, and presented to the Village Council on October 18, 2005.

SECTION 3: The variations hereby granted are conditioned upon the commencement of the proposed construction within 12 months after the effective date of this Ordinance.

SECTION 4: This Ordinance is adopted by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 5: This Ordinance shall take effect immediately upon passage, approval and posting.

ADOPTED this 15th day of November, 2005, pursuant to the following roll call vote:

AYES: Trustees Abell, Behles, Berger, Eilers, Ritchell, Tucker

NAYS: None

ABSENT: President Woodbury

APPROVED this 15th day of November, 2005.

Signed:

//s//Edmund C. Woodbury

Village President

Countersigned:

//s//Douglas G. Williams

Village Clerk

Introduced: November 1, 2005

Posted: November 2, 2005

Passed and Approved: November 15, 2005

Posted: November 17, 2005