



Village of Winnetka

Zoning Board of Appeals Regular Meeting

August 11, 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. July 14, 2025, Regular Meeting Minutes
3. **Community Development Report**
4. **Recommendations and Determinations**
 - a. **Case No. 25-09-APL: 314 Walnut Street:** Consideration of approval of written findings and determination to affirm the Zoning Administrator's determination that 314 Walnut Street has a front yard along Wilson Street. *This item was continued from the July 14, 2025, Zoning Board of Appeals meeting.*
5. **New Cases**
 - a. **Case No. 25-14-V2: 175 DeWindt Road:** An application seeking approval of zoning variations to allow construction of a second-floor addition to the existing residence at 175 DeWindt Road. The requested variations would permit the proposed improvements to (i) exceed the maximum permitted gross floor area; and (ii) provide less than the minimum required front yard setback from the west property line. The Village Council has final jurisdiction on this request. *On August 7, 2025, the Applicant submitted a request that the Zoning Board of Appeals continue this item to the September 8, 2025, Zoning Board of Appeals meeting.*
6. **New Business**
 - a. September 8, 2025, Regular Meeting - Quorum Check
7. **Public Comments**
8. **Adjournment**

NOTICE

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

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

**WINNETKA ZONING BOARD OF APPEALS MEETING MINUTES
JULY 14, 2025**

Zoning Board Members Present: Matt Bradley, Chairman
Mark Haller
Lynn Hanley
Kathryn Leister
Mike Nielsen
Michael Ritter

Zoning Board Members Absent: Todd Vender

Village Attorney: Courtney Trefil

Village Staff: Scott Mangum, Director of Community Development
Ann Klaassen, Assistant Director of Community
Development
Christopher Marx, Associate Planner

Call to Order & Roll Call:

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

Approval of Meeting Minutes.

Chairman Bradley asked for a motion to approve the June 9, 2025, meeting minutes. A motion to approve the June 9, 2025, meeting minutes was made by Ms. Hanley and seconded by Mr. Nielsen. A vote was taken and the motion unanimously passed, 6 to 0:

AYES: Bradley, Haller, Hanley, Leister, Nielsen, Ritter

NAYS: None

Community Development Report.

Ms. Klaassen stated there is no Community Development Report.

Recommendations and Determinations:

a. **Case No. 25-09-APL: 314 Walnut Street: Consideration of approval of written findings and determination to affirm the Zoning Administrator's determination that 314 Walnut Street has a front yard along Wilson Street.**

Ms. Trefil provided a summary of the status of the matter and the recommendation that the item be continued to the next meeting date. Chairman Bradley asked for a motion to continue the consideration of the written findings and determinations to the August 11, 2025, ZBA meeting. A motion as stated by Chairman Bradley was made by Ms. Hanley and seconded by Mr. Haller. A vote was taken and the motion unanimously passed, 6 to 0:

AYES: Bradley, Haller, Hanley, Leister, Nielsen, Ritter

NAYS: None

New Cases:

a. **Case No. 25-10-V2: 270 Birch Street: An application seeking approval of zoning variations to allow construction of an addition to the existing residence and a new detached garage at 270 Birch**

1 **Street. The requested variations would permit the proposed improvements to (i) provide less than the**
2 **minimum required front yard setback from the east property line along Birch Street; (ii) provide less**
3 **than the minimum required total side yard setback; and (iii) exceed the maximum permitted width for**
4 **front-facing garage doors. The Village Council has final jurisdiction on this request.**

5 Ms. Klaassen identified the property's location, zoning classification, photos and location of the proposed
6 detached garage. She summarized the Board's consideration of the previous variation application at a
7 prior ZBA meeting, as well as the Village Council's consideration of the previous proposal. The Board
8 Members discussed the tree in question which caused access issues. Ms. Klaassen summarized the
9 proposed variations related to constructing an addition to the existing attached front facing garage and a
10 new detached garage she identified for the Board. She noted the total garage space on the site would
11 accommodate three vehicles and explained the rear quarter setback requirements. Ms. Klaassen
12 described the proposed and existing garages' position and dimensions and explained the zoning relief
13 required. She informed the Board two emails were received from neighbors and stated following hearing
14 from the applicant and the public, and Board deliberation, a Board Member may make a motion to
15 recommend approval or denial with draft language provided on page 78. Ms. Klaassen asked if there were
16 any questions. No questions were raised at this time.

17
18 Chairman Bradley swore in those speaking to this matter. Scott Rosett, the general contractor, explained
19 the two year process undertaken in considering the proposed plan to help maintain the integrity of the
20 older home. He stated a two car normal sized garage would not function well for the owners and described
21 the process the applicants underwent to solve the issues. Mr. Rosett stated although there may be a way
22 in which to conform to the restrictions, the owners are aesthetically driven and the architect created a
23 plan to allow for modern day living. He noted the existing two car garage would not conform to a typical
24 two car garage in terms of its width which drove the need for how an additional garage came into play.
25 Mr. Rosett also provided an explanation in response to the two letters submitted in opposition.

26
27 Chairman Bradley summarized the application's prior consideration and questioned the issues involved
28 relating to the tree and the vehicle turning radius. Mr. Rosett described the limitations of the existing two
29 car size in detail which explained the need for the additional south garage.

30
31 Ms. Hanley questioned the interior and exterior garage measurements as well as the floorplan with two
32 garage doors. Mr. Rosett explained the reasoning for the different elevations as well as the size needed
33 for the applicants' vehicles and storage. He added that the north side would be a very wide one car garage
34 and explained the need for the garage addition. The Board Members and applicant further discussed the
35 amount of interior space. Mr. Haller asked for the amount that it could be brought forward which did not
36 trigger a front yard variation. Ms. Klaassen responded it could come towards Birch Street approximately
37 3.5 feet and identified the existing front yard setback. The Board Members and applicant discussed
38 possible garage sizes to eliminate one of the variances.

39
40 Ms. Leister asked about the south neighbor's position regarding the detached garage placement in the
41 front compared to the rear of the lot. Mr. Rosett responded the neighbor supported their initial
42 submission and stated the proposed location would affect them less. Chairman Bradley noted the
43 neighbor to the south presented a letter in opposition to the free standing structure. He then asked why
44 the design was changed. Mr. Rosett stated the applicant's preferred a single detached garage in the front
45 of the property but that would not have been acceptable, which resulted in the three car garage noting
46 the tree presented a problem. He explained the applicants' preference for a detached garage on the south
47 which would result in an estate type setting which mimicked the home's original architectural style. The

1 Board Members and applicant further discussed alternatives. No additional questions from the Board
2 were raised at this time.

3
4 Chairman Bradley asked for public comment and swore in those speaking to this matter. Alexandra Nichols
5 identified herself as the rear neighbor and described how the existing garage is not used. She stated the
6 applicants are asking for special consideration to allow them to have additional space and referred to
7 several neighbors who are strongly opposed to the request. No additional comments were made at this
8 time.

9
10 Chairman Bradley called the matter in for discussion and summarized the items the Board is to consider.
11 Ms. Hanley stated she voted in opposition to the initial request and stated the property did not have any
12 unique aspects which created a hardship. She stated she would not vote in favor of the requested setbacks
13 and identified alternatives for the garage location. Ms. Hanley applauded the applicants on maintaining
14 the older home and stated she would not be in opposition to one garage door for the existing garage.

15
16 Mr. Nielsen agreed with Ms. Hanley's comments and referred to the standards. He stated the applicants
17 still have the ability to yield a reasonable return. Mr. Nielsen stated he would not vote in favor of the
18 request and would agree to the existing garage's modification. Mr. Haller agreed with the comments
19 made and stated bringing the garage forward would provide additional depth and allow for more storage.
20 He also stated he would not have an issue with a wider garage door on the existing garage.

21
22 Ms. Leister stated she would vote against the three variations requested and referred to the standards
23 which were not met. She also referred to the neighbors' concerns. Ms. Leister then stated they can
24 maximize the existing options which would not trigger the setback as well as the alternatives suggested
25 with regard to storage space. Mr. Ritter commented the project has been beautifully done and stated the
26 criteria for granting the variations have not been met. He stated he would be in favor of the garage door
27 width change and extending the front of the existing garage. Chairman Bradley stated he supported the
28 initial plans and there has been no justification for the detached garage on the south side. He identified
29 the prior concerns raised with regard to placing a detached garage on the south side. Chairman Bradley
30 stated he would otherwise support the application and described the effect on the neighbors. He then
31 stated the first three standards are not satisfied with the architect having identified other options.

32
33 Chairman Bradley asked for a motion to recommend denial of the request as noted on page 78. A motion
34 as stated by Chairman Bradley was made by Ms. Hanley and seconded by Mr. Nielsen. A vote was taken
35 and the motion unanimously passed, 6 to 0:

36 AYES: Bradley, Haller, Hanley, Leister, Nielsen, Ritter

37 NAYS: None

38
39 **b. Case No. 25-13-V2: 826 Humboldt Avenue: An application seeking approval of zoning variations**
40 **to allow construction of an addition and work beyond ordinary repair and maintenance of the existing**
41 **residence at 826 Humboldt Avenue. The requested variations would permit the proposed**
42 **improvements to (i) provide less than the minimum required front yard setback from the northerly**
43 **property line along Humboldt Avenue; (ii) allow structural changes necessary to provide a new window**
44 **opening in the legally nonconforming east side building wall; and (iii) provide an unarticulated east side**
45 **building wall. The Village Council has final jurisdiction on this request.**

46 Mr. Marx identified the applicant and summarized the variations being requested. He then identified the
47 property's location, size and zoning classification as well as exterior photos of the home. Mr. Marx stated
48 the home was built in approximately 1921 with a subsequent addition. He referred to the plat of survey

1 and noted the home was built closer to the street than would be permitted according to the current zoning
2 code. Mr. Marx then described the proposed renovations, improvements and requested variations in
3 detail. He also referred to illustrations of both current photos and plans for the basement floor deepening
4 and footing improvements as well the proposed first floor plan and window well addition. Mr. Marx then
5 referred to the proposed second floor improvements and proposed elevations of the front of the home
6 as well as the proposed east elevation. He summarized the requested zoning relief and stated the
7 applicant is present to answer any questions.

8
9 Chairman Bradley also asked if there were any questions. Ms. Leister questioned the amount of the
10 requested items the Zoning Administrator would handle as opposed to presenting them to the Board. Mr.
11 Marx responded enlarging, relocating or requesting a window opening would require Zoning
12 Administrator approval with building articulation requiring final Board approval.

13
14 Chairman Bradley swore in those speaking to this matter. Samuel Pavlovcik introduced himself as the
15 architect and identified the nonconforming nature of the existing residence driving the variations being
16 requested.

17
18 Ms. Leister asked if they considered articulation. Mr. Pavlovcik referred to the floor plan and explained
19 the existing nonconforming articulation and the limited alternatives. Mr. Ritter asked if they considered
20 adding windows in the unarticulated wall. Mr. Pavlovcik responded part of the request included adding a
21 window in the wall in the front section and referred to second floor window additions which did not
22 require relief. No additional questions were raised at this time.

23
24 Chairman Bradley asked for public comment and swore in those speaking to this matter. Stephanie Wilson
25 stated the home had been vacant for four years and described the problems with the property being a
26 cause of concern for many neighbors. She stated they assumed the home would be torn down which is
27 located closer to the street and referred to neighboring homes being set back from the street. Ms. Wilson
28 stated there is concern about the house being so close to the street and would prefer it met the standard
29 for front yard setback to be consistent with neighboring homes.

30
31 Chairman Bradley called the matter in for discussion. Ms. Leister stated she appreciated the neighbor's
32 comments and would be in favor of the request with the variations due to the existing nonconformity.
33 Mr. Ritter agreed with Ms. Leister's comments and commented the unarticulated wall is unfortunate. He
34 stated the front of the home would be made more attractive and concluded he would be in favor of the
35 request. Ms. Hanley also stated she is in favor of the request and referred to the nonconformities not
36 being expanded. Mr. Nielsen commented the architect did a great job and added it is good that they are
37 keeping the home with all of the standards being met. He concluded he is in favor of the request. Mr.
38 Haller agreed with the comments made and referred to the difficulty in terms of rebuilding the home. He
39 stated he would be in favor of the request. Chairman Bradley agreed with the neighbor's comments and
40 commented he is glad the home is being improved. He added they cannot mandate what is done with the
41 property and it would have to comply in terms of engineering standards.

42
43 Chairman Bradley asked for a motion to recommend approval as indicated on page 101. A motion as
44 stated by Chairman Bradley was made by Mr. Nielsen and seconded by Mr. Haller. A vote was taken and
45 the motion unanimously passed, 6 to 0:

46 AYES: Bradley, Haller, Hanley, Leister, Nielsen, Ritter

47 NAYS: None

48

1 **New Business:**
2 a. August 11, 2025, Meeting - Quorum Check.
3 The Board Members discussed their availability.
4

5 **Public Comment:**
6 No comments were made at this time.
7

8 **Adjournment:**
9 Chairman Bradley asked for a motion to adjourn. A motion to adjourn was made by Ms. Hanley and
10 seconded by Mr. Nielsen. A vote was taken and the motion unanimously passed, 6 to 0:
11 AYES: Bradley, Haller, Hanley, Leister, Nielsen, Ritter
12 NAYS: None
13 The meeting adjourned at 8:30 p.m.
14

15 Respectfully submitted,
16
17 Antionette Johnson
18 Recording Secretary

DRAFT



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: SCOTT MANGUM, DIRECTOR
ANN KLAASSEN, ASSISTANT DIRECTOR
DATE: AUGUST 7, 2025
SUBJECT: 314 WALNUT STREET - APPEAL OF ZONING DETERMINATION
(CASE NO. 25-09-APL)

INTRODUCTION

On August 11, 2025, the Zoning Board of Appeals (ZBA) is scheduled to consider the attached findings and determination of the ZBA in response to the 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") and considered by the ZBA on June 9, 2025 (**Attachment A2**). 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.

This item was originally scheduled for the July 14, 2025, ZBA meeting; however, it was continued to the August 11, 2025, ZBA meeting to allow members of the ZBA who were not in attendance at the June 9, 2025, ZBA meeting, when the public hearing on the appeal took place, time to review the entire record of the hearing.

Details of the requested appeal can be found in the staff report presented to the ZBA at its June 9, 2025, meeting at which it considered the appeal (**Attachment B2**). The June 9 meeting minutes are also included in **Attachment B2**.

JUNE 9, 2025, ZBA HEARING ON APPEAL

On June 9, 2025, the ZBA considered the Appellant's administrative appeal of the Zoning Administrator's determination that the Subject Property has a front yard along Wilson Street. After hearing from staff and the Appellant, the ZBA discussed the request to reverse the determination of the Zoning Administrator and designate the yard along Wilson Street as a rear yard. The ZBA unanimously affirmed the Zoning Administrator's determination by a vote of 5-0 and directed staff and the Village Attorney to prepare written findings for the ZBA's consideration at the July meeting.

ZBA FINDINGS/DETERMINATION

As noted in the June staff report, 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 determination. The ZBA's final decision must be in writing and set forth the reasoning and factual basis for its decision. The concurring vote of four (4) members of the ZBA is necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator.

Attachment A2 contains the findings and determination with regard to the Appellant's administrative appeal that were prepared at the ZBA's direction during the June 9 meeting. At the August 11, 2025, meeting, the ZBA is scheduled to consider the findings and determination and take a final vote on the appeal.

If the ZBA is prepared to make a final decision regarding the appeal, a board member must make a motion approving the written findings and determination to affirm the Zoning Administrator's determination that the Subject Property has a front yard along Wilson Street.

ATTACHMENTS

Attachment A2: Findings and Determination of ZBA on Administrative Appeal for Case No. 25-09-APL
314 Walnut Street

Attachment B2: June 9, 2025, ZBA Meeting Staff Report and Meeting Minutes

ATTACHMENT A2

Winnetka Zoning Board of Appeals
Findings and Determination – Case No. 25-09-APL
Appeal of Zoning Determination
314 Walnut Street
1 of 5

**FINDINGS AND DETERMINATION FOR THE VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
CASE NO. 25-09-APL
APPEAL OF ZONING DETERMINATION**

Appellants: Nicole and Tyler Steel, 314 Walnut Street

Property Owners: Nicole and Tyler Steel, 314 Walnut Street

Hearing Held: The Village of Winnetka Zoning Board of Appeals ("**ZBA**") held a hearing on the appeal filed by the Appellant ("**Appeal**") on June 9, 2025, at Winnetka Village Hall, 510 Green Bay Road, Winnetka, Illinois.

Subject Property: The Property is commonly known as 314 Walnut Street, Winnetka, Illinois ("**Property**").

Subject: This Appeal concerns whether the Winnetka Zoning Administrator ("**Zoning Administrator**") correctly determined that the property line along Wilson Street is a Front lot line (as Front lot line, Corner lot line, Corner lot, Front yard, and other related definitions are defined in Chapter 17.04 of the "Winnetka Zoning Ordinance," as amended ("**Zoning Ordinance**").

FACTS AND FINDINGS:

1. The Property is located in the Village’s R-5 Single-Family Residential District ("**R-5 District**") and is currently used by the Property Owners as a single-family residence with related improvements.
2. The Property is located on the south side of Orchard Lane, between Walnut Street and Wilson Street.
3. The Property has three street frontages, along Walnut Street to the east, along Orchard Lane to the north, and along Wilson Street to the west.
4. The Property is not a rectangular lot, but is instead a trapezoid shape with Front lot lines along Walnut and Wilson Streets that are not parallel. Additionally, the Corner lot line, along Orchard Lane, is not perpendicular to the Front lone line along Wilson Street.
5. The 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.

6. Based on historical zoning analyses in Village files, staff has consistently 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.
7. On November 15, 2005, the Village adopted Ordinance M-20-2005 granting a variation for the Property 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.
8. On March 5, 2025, the Property Owners sent an email to the Village requesting an official zoning interpretation confirming the yard designations for the Property.
9. On March 24, 2025 the Zoning Administrator issued a determination that the Property contains (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 the south line of the Property based on the definitions of “Corner lot,” “Corner lot line,” “Front lot line,” as set forth in Chapter 17.04 and Section 17.30.050.C3 of the Zoning Ordinance regarding Front and Corner yard setbacks for properties in the R-5 District (“**Zoning Administrator Determination**”).
10. On May 8, 2025, the Appellants filed this Appeal challenging the Zoning Administrator Determination with regard to the determination that Wilson Street is a Front lot line.
11. Section 17.72.010 of the Zoning Ordinance allows any person aggrieved by a determination made by the Zoning Administrator to appeal that determination.
12. Appellants reside at the Property and are the Property Owners.
13. The ZBA finds that the Appeal is properly brought by the Appellants, who are considered “aggrieved” for the purposes of this Appeal.
14. Section 17.72.010(A) allows appeals to be taken within 45 days of the determination made by the Zoning Administrator.
15. The ZBA finds that the Appeal was timely filed on May 8, 2025.
16. Section 17.72.010(A)(3) authorizes the ZBA, in hearing the Appeal, to reverse or affirm in whole or in part, or modify the Zoning Administrator Determination.
17. During the hearing on the Appeal on June 9, 2025, the ZBA received evidence including two zoning analyses, a plat of survey, photographs of the Property, and correspondence with Village staff, and heard extensive arguments from the Appellants. The ZBA also received evidence from Assistant Director of Community Development Ann Klaassen and the Director of Community Development Scott Mangum.
18. The evidence received at the hearing before the ZBA also includes the following information concerning the relevant provisions of the Zoning Ordinance:

- a. Section 17.04.030.C(10) defines “Corner lot” as “a lot situated at the junction of two or more streets.”
- b. Section 17.04.030.C(11) defines “Corner lot line” as “the longest street line of a corner lot.”
- c. Section 17.04.030.C(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.”
- d. Section 17.04.030.F(8) defines “Front lot line” as “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.’”
- e. Section 17.04.030.F(9) defines “Front yard” as “a yard, other than a corner yard, extending along the full length of a front lot line, 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.”
- f. Section 17.04.030.R(1) defines “Rear lot line” as “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.”
- g. Section 17.04.030.R(2) defines “Rear yard” as “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.”
- h. Section 17.04.030.S(3) defines “Side lot lines” as “the two lot lines that extend from the front line to the opposite end of the lot.”
- i. Section 17.04.030.S(4) defines “Side yard” as “a yard extending along a side lot line between that line and a line drawn parallel to the side lot line at a distance equal

to the distance between the side lot line and the nearest point of the building, but excluding any area lying within a front setback or rear yard.”

- j. Section 17.04.030.S(8) defines “Street line” as “the outermost limits of a public or private street. The ordinary high water mark of Lake Michigan shall be deemed the outermost limits of that public street.”
 - k. Section 17.04.030.T(4) defines “Through lot” as “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 both of water, and which is not a corner lot.”
 - l. Section 17.30.050.C(3) sets forth regulations for front and corner yard setbacks for properties in the R-5 District and provides, “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.”
19. At the hearing before the ZBA, the evidence demonstrated that the Property contains a Front lot line on Wilson Street and it was therefore reasonable for the Zoning Administrator to reach that conclusion based on the evidence, including, without limitation, the history of how the Village has historically interpreted the setbacks and particularly for lots with three street frontages.
20. Based on the evidence at the hearing and the entire record, the ZBA finds that the Zoning Administrator correctly determined in the Zoning Administrator Determination that the Property contains a Front lot line on Wilson Street.

DETERMINATION

The ZBA, having reviewed and discussed the Appeal as requested, confirms the Zoning Administrator Determination in its entirety. Accordingly, the Appeal is denied.

This report is adopted by a ___ to ___ vote of the Zoning Board of Appeals, this 11th day of August, 2025.

AYES:
NAYS:
ABSENT:

VILLAGE OF WINNETKA ZONING BOARD OF APPEALS

Matthew Bradley, Chairman

Any appeal of this final administrative Determination of the Village of Winnetka Zoning Board of Appeals must comply with the Administrative Review Law, 735 ILCS 5/3-101 *et seq.*



**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

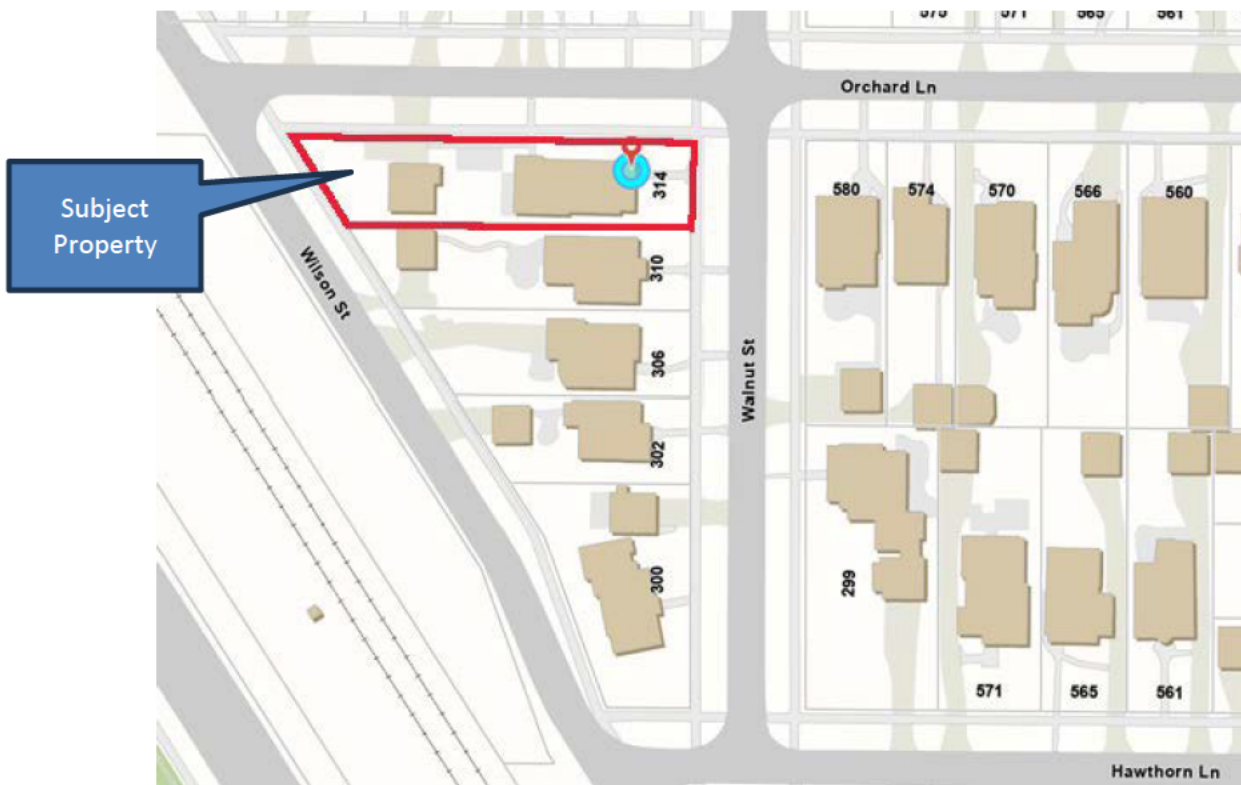


Figure 2 – GIS Map View

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 of 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 rear 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.

Other examples of lots with three street frontages and no rear yard include: 895 Gordon Terrace, 888 Forest Glen Drive East, 1292 Forest Glen Drive South, and 1298 Forest Glen Drive South (Figures 9 and 10). Please note, this is not an exhaustive list. Staff has not reviewed the Village in its entirety to compile a complete list of lots with three street frontages.

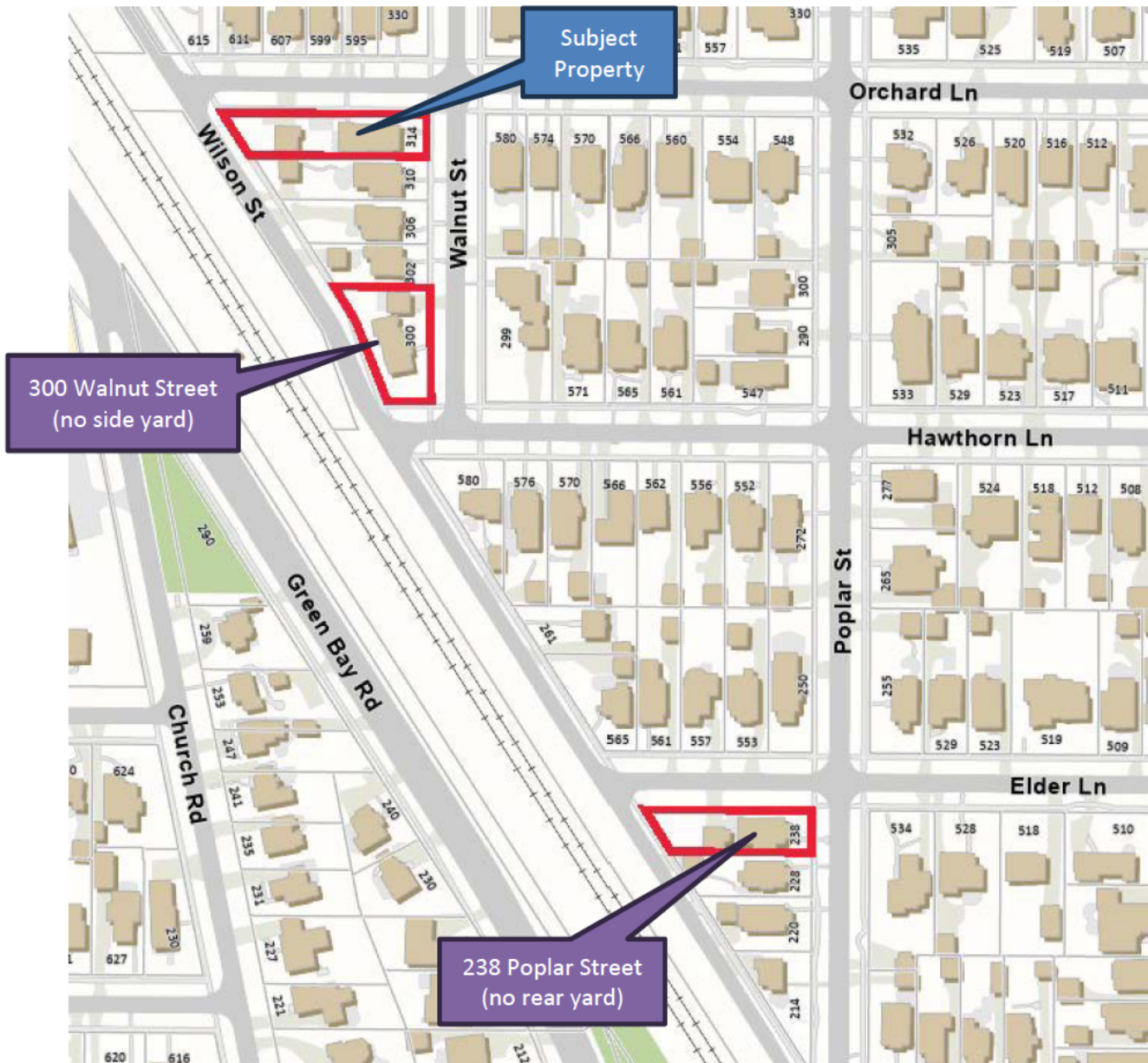


Figure 8 – GIS Map View – Other Lots with Three Street Frontages

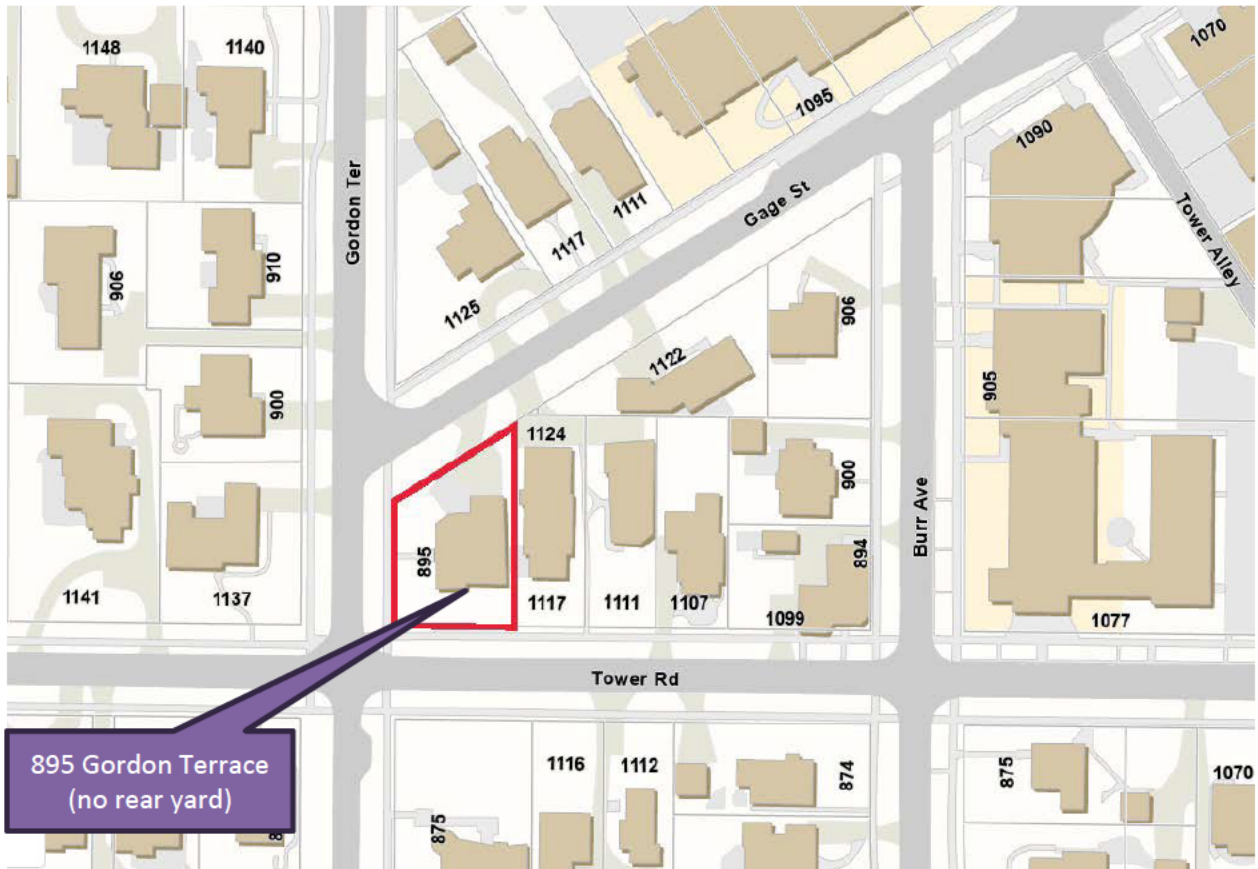


Figure 9 – GIS Map View – 895 Gordon Terrace



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

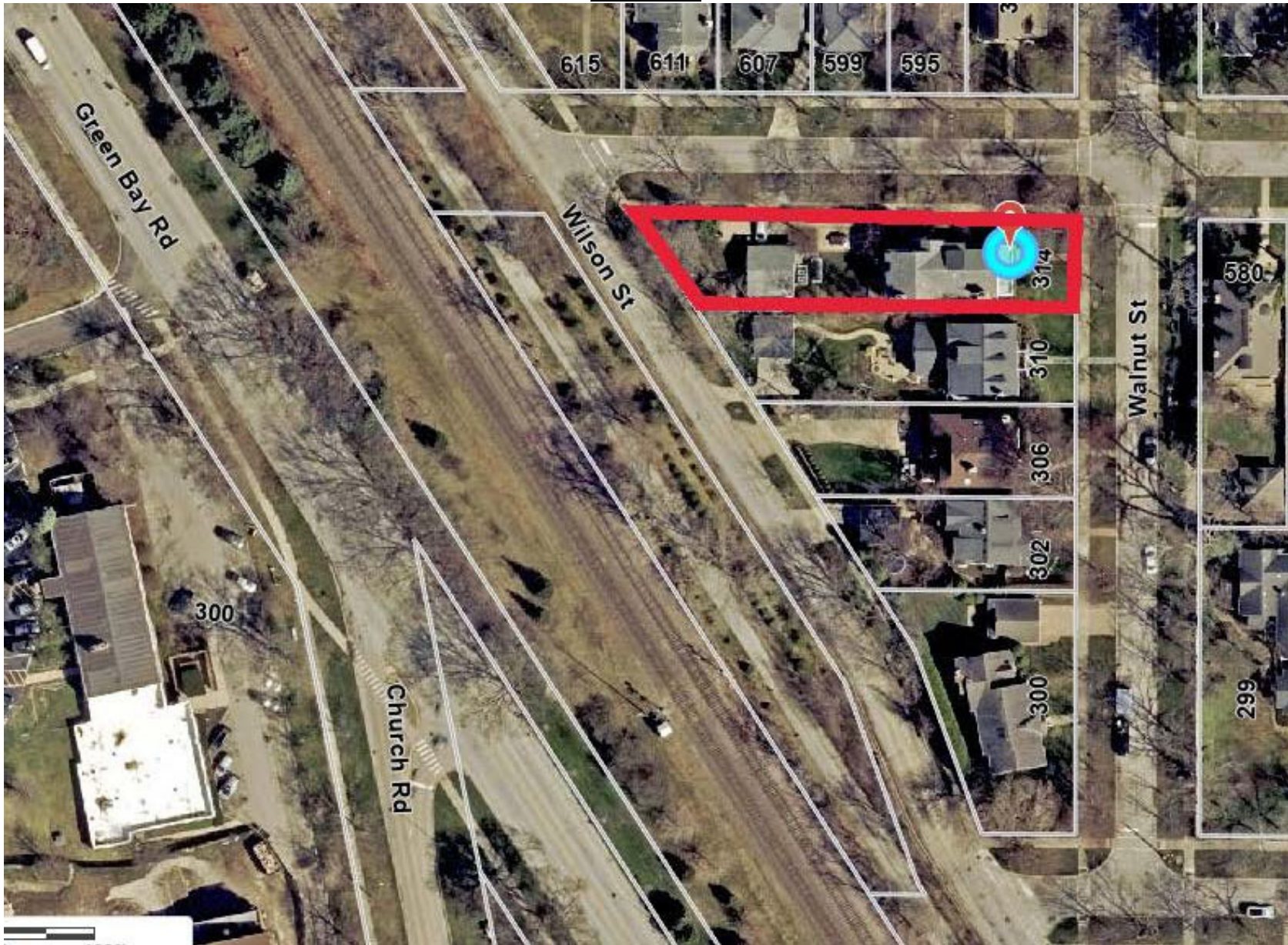


Exhibit 1



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@mmSurveyingChicago.com
 www.mmSurveyingChicago.com

PROFESSIONALS ASSOCIATED
 PHONE: (847) 675-3000
 FAX: (847) 675-2167
 E-MAIL: pa@professionalsassociated.com
 www.professionalsassociated.com

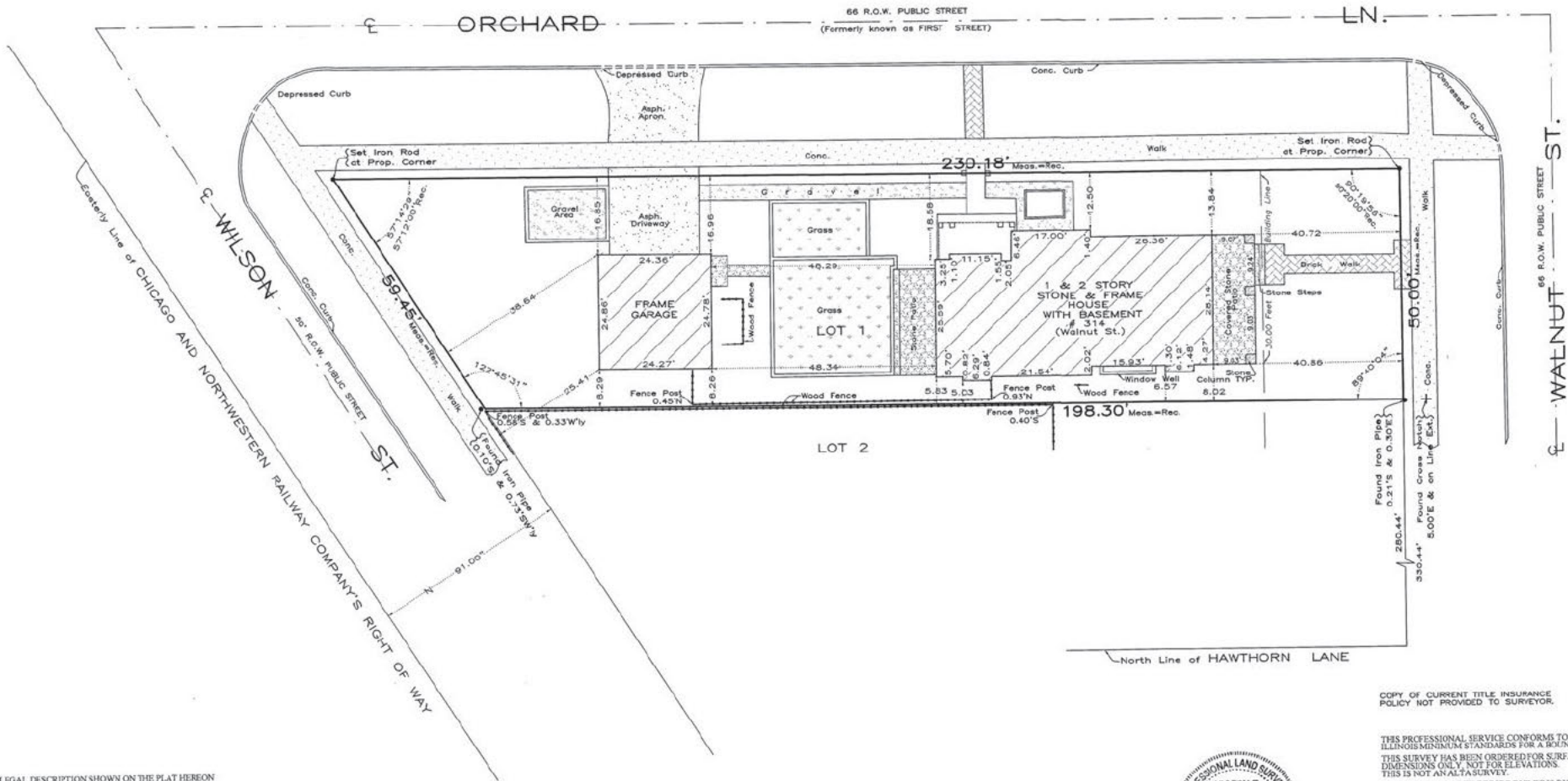


GRAPHIC SCALE

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 HEREON 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: mlj

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: [REDACTED]



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: [REDACTED]



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 [REDACTED]

[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 [REDACTED]

[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: [REDACTED]



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

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 of a front lot line, 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



Danielle Meltzer Cassel, Shareholder
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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)

May 8, 2025

Danielle Meltzer Cassel
 Attorney at Law
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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 = 710.41 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>	Existing: _____ Proposed: <u>31.67</u> <small>+0 porch</small>	
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

**WINNETKA ZONING BOARD OF APPEALS MEETING MINUTES
JUNE 9, 2025**

Zoning Board Members Present: Matt Bradley, Chairman
Mark Haller
Kathryn Leister
Kate Casale MacNally
Todd Vender

Zoning Board Members Absent: Lynn Hanley
Mike Nielsen

Village Attorney: Courtney Willits

Village Staff: Scott Mangum, Director of Community Development
Ann Klaassen, Assistant Director of Community
Development

a. **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.**

Chairman Bradley outlined how the matter would proceed. Ms. Klaassen summarized the procedure and the ZBA's role in the consideration of certain requests and appeals from decisions made by the Zoning Administrator. She noted the implications of a decision regarding an appeal are different than those of a variation and summarized the differences. Ms. Klaassen identified the property's location, frontages, size, shape and zoning classification as well as photos of the site and a summary of prior zoning cases.

Ms. Klaassen informed the Board the Zoning Administrator determined that the property is a corner lot due to the intersection of Walnut and Orchard as well as the intersection of Orchard and Wilson. She summarized how the lot line lengths are calculated and how they were determined in this instance with the following determination: a front yard on Walnut, a front yard on Wilson, a corner yard on Orchard and a side yard along the south property line. Ms. Klaassen then referred to property illustrations.

Ms. Klaassen also summarized the previous zoning cases for the site. First, in November 2005, the Village Council granted variations to allow construction of the detached garage. The approved variations were for the front yard setback along Wilson and the corner yard setback along Orchard. Then, in February of this year, the Board considered an application submitted by the appellant to allow construction of a new detached garage and an addition to the existing residence. She then noted that at the February meeting, the ZBA expressed support of the relief necessary for the proposed addition to the home, and most of the members expressed support of some sort of front yard setback and front yard lot coverage variations necessary for the proposed garage. However, most members expressed concern regarding the size of the proposed three-car garage in the R-5 district. Ms. Klaassen then noted the application was continued three times to allow the appellant time to consider amendments. She then stated the variation application was withdrawn on May 2, 2025, and subsequently the appeal that is currently before the Board was submitted.

1 Ms. Klaassen summarized the Zoning Administrator's interpretation that the subject property is a corner
2 lot with the interpretation being based on certain definitions in the Zoning Ordinance and front yard
3 setback regulations for lots with three street frontages. She informed the Board that based on historical
4 zoning analyses in Village files, the Zoning Administrator had interpreted the subject property to have
5 these yard designations since at least 1998 noting zoning relief was granted in 2005 to allow the detached
6 garage. Ms. Klaassen referred to other properties with similar lot designations.

7
8 Ms. Klaassen stated following the appellant's presentation and Board discussion, a Board Member may
9 wish to make a motion to continue the matter to a date certain or consider a motion reversing, affirming
10 or modifying the Zoning Administrator's interpretation pursuant to draft language and findings in the
11 packet. She then asked if there were any questions.

12
13 Mr. Vender asked for additional clarification on the application. Chairman Bradley explained that the
14 Board's consideration of the appeal would not result in precedent setting to have bearing on any similarly
15 sited homes. Ms. Casale MacNally referred to page 44 and asked if the four zoning definition bullet points
16 are verbatim. Ms. Klaassen confirmed they are correct except for a typo in the definition of "corner lot
17 line" where "or" should be "of" on page 44. No additional questions were raised at this time.

18
19 Chairman Bradley swore in those speaking to this matter.

20
21 Danielle Cassel, Vedder Price, introduced herself as the appellants' attorney along with Nicole Steel, the
22 property owner. She stated she was contacted by the appellant to assist with their concern relating to
23 their disagreements with the Village staff in connection with the code's interpretation. Ms. Cassel
24 instructed the appellant to withdraw their application until the disagreements relating to the front yard
25 issues were resolved. She confirmed the longest property line as Orchard Lane which is the corner lot line
26 and stated the disagreement related to the front lot line definition which she stated has five component
27 sentences. Ms. Cassel summarized their interpretation in detail for the Board and referred to several code
28 provisions. She also referred to the amount of time the appellants spent trying to clear up the code issue
29 with the Village staff and described the timeline relating to their discussions. Ms. Cassel then asked the
30 Board to review Exhibit 6, which concluded in their request that Wilson be determined as the property's
31 rear lot line.

32
33 Chairman Bradley asked for confirmation that the appeal did not relate to the planned project for the
34 property. Ms. Cassel confirmed that is correct. Ms. Steel provided additional information to the Board.
35 Ms. Cassel asked for clarification with regard to the length of the front lot line. Ms. Klaassen provided
36 additional information to the appellant and explained how the figure was reached.

37
38 The Board Members and the appellant discussed the definitions and lot line determinations at length.

39
40 Chairman Bradley stated there is no one in the audience to comment and called the matter in for
41 discussion. He explained in detail the Board's role in considering whether the appellant has shown that
42 the Zoning Administrator erred in their determination that the lot had two front yards as established by
43 the code on Walnut and Wilson, a corner yard on Orchard and a side yard on the south property line.

44
45 Mr. Haller stated the issue rested on the definition of the error in terms of ambiguities and agreed it would
46 be a good idea for the Board to recommend to the Village Council that they review similar instances. He
47 commented on the difficulty of a resident to raise these sorts of issues and indicated he is struggling with
48 having never faced this issue before and the definition of what qualified as an error although the burden

1 of proof is on the appellant. Mr. Haller stated he understood the manner in which the Village interpreted
2 the issue although there is some ambiguity but that it did not rise to the level of saying one definition is
3 correct versus the other. He then stated in the strict interpretation of whether the Zoning Administrator
4 made a mistake with regard to the definition, he would agree that the definition as was interpreted was
5 reasonable. He then referred to instances where the Board considered variation requests and made
6 decisions on a case by case basis. Chairman Bradley added the notion that the zoning code is not always
7 logical.

8
9 Ms. Casale MacNally asked the Village Attorney for an additional interpretation of what the Board's charge
10 is. Courtney Willits, Village Attorney, provided further explanation of the Board's charge. Ms. Casale
11 MacNally then stated she agreed with the comments made and she did not feel the appellant met the
12 burden of demonstrating that the Zoning Administrator was in error or that the interpretation was not
13 based on his authority.

14
15 Mr. Vender stated in the absence of a traditional court style proceeding, there is no one here to defend
16 what was presented as an incomplete ruling. He agreed that the appellant needed to get clarity in terms
17 of the lot and added that it is not a precedent setting issue. Mr. Vender stated a thorough investigation
18 was done based on the language's syntax and conjugation. He stated based on what an appellant needed
19 to go through to get clarity as well as approval, he would not overlook bad wording which he described
20 as unacceptable. Mr. Vender concluded it would be difficult to determine whether the Zoning
21 Administrator's findings were erroneous in the absence of a compelling counterargument being made.

22
23 Mr. Mangum informed the Board he concurred with the decision the Zoning Administrator made and
24 although the code is not perfect, it was not written with every lot or circumstance in mind.

25
26 Mr. Haller asked if similar instances occur where residents have difficulty understanding the Zoning
27 Administrator's interpretation and if there is a means of elevating those issues to the Village Council in
28 the absence of rewriting the zoning code. Mr. Mangum explained how the zoning code allowed for zoning
29 or text amendments and agreed there are areas of the code which could be improved. He referred to the
30 process to amend the code which included it being requested by the appellant.

31
32 Ms. Leister commented it is helpful for these issues to have been raised in an effort to make the code
33 clear. She then stated in looking at the language, she understood the Zoning Administrator's
34 interpretation which did not rise to the level of being erroneous. Ms. Leister agreed with the other Board
35 Members' conclusion that a finding was not made in error.

36
37 Chairman Bradley stated three street frontages meant there is a potential for one to be a corner yard in
38 terms of its calculation. He stated these definitions have served the Board well for a number of years for
39 the small number of homes it would apply to. Chairman Bradley stated it appeared the Board felt the
40 Zoning Administrator's interpretation was deemed to be reasonable.

41
42 Ms. Steel asked for further clarification with regard to the rear yard and side yard definitions, which she
43 described as mutually exclusive. Chairman Bradley provided further clarification in terms of the code
44 language. He referred to the Board's agreement in that the code's language needed to be amended and
45 that it appeared that the Board intended to vote to affirm the Zoning Administrator's decision.

46
47 Chairman Bradley then asked for a motion to affirm the Zoning Administrator's determination and direct
48 the Village staff and Village Attorney to prepare written findings for the Board's consideration with a final

1 vote at the Board's July meeting. A motion as stated by Chairman Bradley was made by Ms. Casale
2 MacNally and seconded by Ms. Leister. A vote was taken and the motion unanimously passed, 5 to 0:
3 AYES: Bradley, Haller, Leister, Casale MacNally, Vender
4 NAYS: None
5

6 Chairman Bradley asked for a motion to recommend Village staff and Village Attorney prepare a text
7 amendment modification study session to be presented to the Village Council at their earliest possible
8 meeting specifically as it related to Sections 17.30.050.C3 and 17.04.030 Definitions, including the
9 definitions of front lot line, rear lot line, and rear yard. A motion as stated by Chairman Bradley was made
10 by Ms. Casale MacNally. Mr. Haller seconded the motion. A vote was taken and the motion unanimously
11 passed, 5 to 0:
12 AYES: Bradley, Haller, Leister, Casale MacNally, Vender
13 NAYS: None
14

15 ***

16
17 Respectfully submitted,
18
19 Antionette Johnson
20 Recording Secretary
21

ATTACHMENT C2

PUBLIC COMMENT REGARDING AUGUST 11, 2025 ZBA HEARING

Submitted by Nicole Steel on August 8, 2025

Subject Property: 314 Walnut Street, Winnetka, IL

I. Purpose of Submission

This comment is submitted to correct the record, preserve our legal rights, and ensure full notice under the Illinois Administrative Review Law (735 ILCS 5/3-101 et seq.) and applicable federal protections. We are not requesting relief or variance — we are asking the Village to follow its own code, apply it consistently, and address documented procedural and substantive issues before a final determination is issued. ***This submission addresses a troubling reliance on subjective interpretation over objective application of written code — a pattern that undermines the integrity of administrative determinations and the rights of homeowners.***

This submission is in direct response to the ***Findings and Determination for the Village of Winnetka prepared by the Chair of the ZBA, Matthew Bradley, dated July 10, 2025.*** That memo was issued following our homeowners' appeal of a zoning determination made by then-Village Administrator David Schoon via email on March 24, 2025. This appeal was filed on May 8, 2025, and heard by the ZBA per ordinance procedure on June 9, 2025.

While the July 10 memo references Mr. Schoon's interpretation in point #9 — including his confirmation of a side yard — it does so only in passing and without direct analysis of how that determination triggers the controlling provision of the zoning code. Instead, it introduces unrelated code sections that were not the stated basis for the March 24 determination under appeal. Because this appeal is narrowly focused on that determination, this shift to alternate provisions limits the relevance and accuracy of the record.

We are only the second family to own this property and home in its current form, having identified and purchased it while relocating from across the country during the holiday season with two small children, 10 years before learning of the classification of "no rear yard" on February 10, 2025. At no point during the transaction — not in Village communications, not in any title search, and not through any formal disclosures — was the extreme designation of "no rear yard" ever raised, flagged, or explained. Such a classification is **material** to the property's use, functionality, and long-term value and, if known, would have impacted our decision-making process. Its absence from the record — despite its significant implications — suggests either a recent reinterpretation or an inconsistent application of the zoning code that has not been uniformly enforced or communicated. Like any family purchasing a home, we relied on the accuracy and completeness of the public record. The current designation was neither disclosed nor discoverable through ordinary diligence.

The July 10 memo also states that we "submitted no evidence," contradicting the designation of Wilson Street as a front lot line. The record shows otherwise. We indeed submitted:

- Our analysis, which constituted hundreds of hours of time reading and researching the Village code and various materials relevant to these circumstances.
- A formal zoning analysis from Attorney Danielle Meltzer Cassel, Harvard Law graduate and partner at Vedder Price, among the most sought-after zoning attorneys in the country, known for her precision and depth in land use matters over 30 years. Her reputation as a preeminent zoning expert, both in Illinois and across national land use circles, is well established.
- That analysis, applying only Winnetka’s own definitions, measurements, and logic, concludes that Wilson Street must be considered the rear yard.
- Written confirmation from Mr. Schoon that a side yard exists along the south property line — a fact that is directly relevant to the applicability of §17.30.050.C.3.

These materials are central to the determination at issue. While they may have been reviewed, the July 10, 2025, memo does not address their substantive implications, leaving a gap in the written findings.

This submission introduces no new information, exhibits, or arguments. It is a restatement and clarification of facts, evidence, and legal positions already presented during the formal appeal process. It is submitted solely to correct the public record and ensure clarity prior to final action.

II. Core Issue: Applicability of §17.30.050.C.3

Under the plain language of the **Village Zoning Code, §17.30.050.C.3 applies only in cases where neither a side yard nor a rear yard exists** — i.e., when there is no legally defined lot line from which to measure the buildable area.

In his March 24, 2025 written determination, Zoning Administrator David Schoon explicitly stated:

“Your property has... a front yard on Walnut Street, a front yard on Wilson Street, a corner yard on Orchard Lane, and a side yard along your south property line.”

This side yard designation is critical. According to the ordinance, §17.30.050.C.3 may only be invoked where “a side or rear yard line does not exist.” ***Because the Village’s own zoning administrator confirmed the existence of a side yard, the threshold condition for applying §17.30.050.C.3 was not met.***

Here is the full language of §17.30.050.C.3 – Lots with Three Street Frontages:

“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.”

By the Village’s own terms, the presence of a side yard precludes application of this provision. This means that the lot must be assigned a rear yard — and under the Village’s own definitions and orientation of the lot, Wilson Street is the only remaining boundary that can lawfully serve as the rear yard.

This is not a discretionary or interpretive question. The language is clear, the code is specific, and the triggering condition for §17.30.050.C.3 is plainly not met.

Nevertheless, the Village designated Wilson Street as a second front yard, rather than the required rear yard. ***This misclassification reduced the usable area of the lot by approximately 25%, significantly altering both the functionality and market value of the property — despite the absence of any zoning relief request, variance, or expansion.***

This is not a matter of interpretation.
It is a failure to apply the ordinance as written.

III. Consideration of Material Evidence

We provided a formal zoning analysis from Attorney Danielle Meltzer Cassel — a Harvard Law graduate, partner at Vedder Price, and a recognized authority in zoning law. Her analysis applies only the definitions, measurements, and logic contained in the Village’s own zoning code to conclude that Wilson Street must be classified as the rear yard.

This expert analysis, along with Mr. Schoon’s own written confirmation of a side yard, is central to determining whether §17.30.050.C.3 applies. The July 10 memo does not substantively address these points, even though they are directly tied to the legal question before the ZBA.

Omitting discussion of controlling evidence in the written findings limits transparency, weakens the record, and leaves the determination vulnerable to procedural challenge.

IV. Procedural Deficiencies in the Handling of This Appeal

In addition to the substantive misapplication of the Village Code, this appeal has been impacted by a series of procedural breakdowns that have materially compromised the completeness, transparency, and fairness of the record, over several months, as noted in the timeline Appendix below. These deficiencies are drawn directly from the Village’s own written determinations, omissions, and public hearing conduct.

1. Scope of Analysis Did Not Match the Determination Under Appeal

- The July 10 memo does not directly analyze the ordinance language relied upon in Mr. Schoon’s March 24, 2025 interpretation—the only written determination issued in this matter.
- Instead, the memo shifts focus to alternate provisions not cited in the original determination, changing the legal basis for the appeal mid-process and frustrating fair review.

2. Key Submitted Evidence Was Not Addressed in the Findings

- The July 10 memo incorrectly states that “no evidence” was submitted contradicting the Wilson Street front yard designation.
- In fact, the record includes:
 - Hundreds of hours of analysis pointed out in various communication with the Village.
 - A detailed legal zoning opinion from Attorney Danielle Meltzer Cassel, Harvard Law-educated partner at Vedder Price whom is widely respected as an expert in zoning matters
 - Mr. Schoon’s March 24 written determination affirming the existence of a side yard along the south lot line.
- Each piece of evidence directly affects the applicability of §17.30.050.C.3, yet neither was substantively acknowledged in the findings, limiting the transparency and completeness of the record.

3. Internal Inconsistencies in the Record

- The Village simultaneously confirms the existence of a side yard (March 24) while applying §17.30.050.C.3, which only applies when no side or rear yard exists.
- This contradiction was never resolved or explained, yet it affects the legal yard designation and the use of approximately 25% of the property.

4. Timeline, Notice, and Hearing Record Concerns

- Following Attorney Cassel’s submission of her zoning analysis on April 14, 2025, she made multiple follow-up attempts—via phone and email—to clarify the timeline of an administrative correction and how and when we might hear of a formal determination.
- The Village failed to respond to these inquiries for nearly a month.
- On May 6, 2025—just 48 hours before the 45-day deadline to file an appeal—Village Attorney Courtney Willits suddenly asserted for the first time that the March 24 email constituted a “formal determination.”
- This retroactive declaration left no reasonable time for response and effectively suppressed our right to a fair appeal.
- Compounding this, David Schoon’s March 24 determination in its entirety was selectively presented:
 - Appears finally on page 7 of the June 5 Staff memo, following pages of distracting and confusing information, yet is the central point of appeal.
 - Excluded from Assistant Director Ann Klaassen’s PowerPoint presentation at the June 9 ZBA hearing, where critical and relevant, in slide number 15.
 - Never verbally highlighted for the Board during deliberations.
- This email document, where David Schoon himself says, “if I had to issue a formal opinion,” was the only written zoning determination issued in this matter. Its omission in full from the hearing materials and presentation materially impaired the Board’s ability to evaluate the core issue under appeal, while it should have been placed front and center.

5. Legal Interference During Public Hearing

- During the June 9 hearing, it was observed that Village Attorney Courtney Willits appeared to be communicating privately with Chair Matthew Bradley during public deliberations, seated directly next to him. While this may have been procedural in nature, it raises concerns about the appearance of neutrality and due process.
- This conduct raises serious due process concerns. Residents have a right to a neutral, unbiased hearing forum. Even the appearance of private communication between legal counsel and the presiding officer during public deliberations may undermine confidence in the fairness and independence of the proceedings and contribute to perceptions of institutional bias.

Summary of Procedural Observations — 314 Walnut

Procedural Issue	314 Walnut Case
Application of §17.30.050.C.3 where a side yard exists	✓
Designation of rear yard as front yard	✓
Reliance on subjective interpretations	✓
Reduction in usable property without compensation	✓
Omission of controlling evidence from hearing materials	✓
Retroactive designation of “formal” determination	✓
Delayed response to legal counsel nearing appeal deadline	✓
Ex parte legal coaching during public hearing	✓
Inconsistent treatment compared to code standards	✓

These procedural failures are not isolated. They reflect a broader pattern of overreach, inconsistency, and subjective interpretation—one that undermines residents’ trust in the zoning process and creates a dangerous precedent for others.

This experience revealed how easily due process can be compromised when core evidence is omitted or selectively placed, deadlines are manipulated, and when hearings may have been quietly influenced from behind the scenes. It is my hope that this record prompts meaningful reflection and correction before further harm is done.

V: Constitutional and Legal Considerations

The following constitutional provisions and statutes establish legal standards relevant to the procedural and substantive issues documented and of great concern in this matter. The examples below are not speculative; they are based entirely on the Village’s own written correspondence, public hearing conduct, and official code provisions.

Legal Standard	Relevant Issue	On-Record Evidence
5th Amendment – Takings without compensation	Loss of approximately 25% of usable lot area while full property taxes are assessed, applying subjective interpretation of Village ordinances and codes	Staff memoranda and meeting transcripts confirming “no rear yard” classification, despite the Village’s own contradictory confirmation of a side yard
14th Amendment – Due process & equal protection	Withholding of controlling evidence, unequal application of zoning standards, and recharacterization of key determination at the eleventh hour	March 24, 2025 email from Zoning Administrator confirming side yard; failure to identify or disclose its finality until May 6, 2025; exclusion of that document from the June 9 hearing materials
42 U.S.C. §1983 – Administrative overreach	Application of §17.30.050.C.3 despite conditions not being met, and denial of procedural fairness	Zoning code text contradicts Village’s applied classification; Village confirms side yard exists while invoking a provision that requires it not to
Illinois Administrative Review Law	Arbitrary or unsupported administrative decision-making; procedural backdating preventing fair appeal	Village failed to disclose status of March 24 decision as “formal” until 48 hours before deadline to appeal; conflicting and selectively applied definitions throughout
FOIA / Open Meetings Act (OMA)	Suppression and/or omission of key documents and communications from public review and hearing deliberations	March 24, 2025 side yard confirmation omitted from staff presentation, David Schoon’s formal interpretation not front and center in June 5 staff memo as the entire purpose of the appeal

These procedural issues, as documented through Village correspondence and conduct, do not stand alone. Taken together, they suggest a pattern of administrative inconsistency and suppression of material evidence, **raising legitimate legal and constitutional questions** under applicable state and federal law. This section is submitted in good faith to preserve rights and seek appropriate review and accountability through the proper legal channels.

VI. Tangible and Intangible Harm

The Village’s refusal to acknowledge the plain language of its own Zoning Code — and its own written interpretation — has caused both measurable and deeply personal harm.

Direct Economic Losses

- Land use and subsequent value, stemming from the improper denial of a rear yard and the resulting restriction on nearly 25% of the property. The misclassification renders significant portions of our lot unusable or noncompliant, materially impacting the property's value, utility, and long-term planning.
- ~\$60,000 in legal and expert fees incurred to defend our rights and pursue clarification — a burden created solely by the Village’s misclassification and delays.

Disruption to Home Use, Planning and Deferred Property Improvements

- All property improvements and upgrades have been indefinitely postponed due to a lack of clarity, ambiguity in future entitlements, and uncertainty over basic zoning rights and compromised confidence in the Village's interpretation of its own Code.
- Fear of further targeting has created hesitation to proceed with even routine improvements, given the inexplicably adversarial response to our good-faith clarification efforts.
- Negative economies of scale, where work, time, energy, and capital have been diverted away from improvements toward clarification and defense.
- A climate of unpredictability and what felt like targeting has discouraged even routine maintenance, given the adversarial nature of the response to our good-faith clarification efforts.

Professional and Strategic Impact

- This matter has diverted critical time, energy, and focus from an institutional initiative I am leading to build out patented infrastructure for a newly defined class of digital assets.
- **Deferred \$175 million Series A capital raise**, paused due to the cognitive, emotional, and logistical toll of navigating this ordeal while simultaneously leading a high-stakes institutional initiative to build out patented infrastructure for institutional-grade digital assets. This disruption has cost both opportunity and strategic momentum.
- The impact on timing and momentum is real and cannot be understated, particularly given the fast-paced nature of financial innovation and regulatory alignment.
- Lost time and energy from philanthropic and social causes, particularly, the structuring of a non-profit organization focused on early childhood cerebral health.

Emotional and Psychological Toll

- **Loss of privacy, peace, and trust** — our home, a place meant for sanctuary, has become a public battleground over a clearly defined legal right, undermining the sense of sanctuary it is meant to provide.
- **Loss of family time, our most precious asset of all**, including time spent on vacations, holidays, and weekends, which has been diverted toward legal research, zoning analysis, public comments, and defense strategies, instead of rest, togetherness, and well-being within our own home.
- **Emotional exhaustion** from the months-long process of defending what is plainly stated in the Code and was originally affirmed by the Village's own written communication.
- As a **first-generation American born to parents who escaped a communist regime and were granted political asylum**, this experience has resurfaced the lived memory of arbitrary state authority and procedural silencing. Perhaps it's unimaginable to some fellow neighbors how subjective government overreach, procedural obstruction, and retroactive shifting of rules can compound. I had a front row seat to how this affected

my parents, who had to rebuild their entire lives from scratch because of it. The trauma of subjectivity and institutional overreach is not theoretical — it is deeply personal and generational.

This entire ordeal has stemmed not from any request for additional rights or exemptions, but from a good-faith effort to clarify and uphold the code as written.

VII. Request for Remediation and Accountability

Given the clear procedural errors, measurable harm, and the Village's continued failure to apply its own code consistently and in good faith, we respectfully request:

- Formal correction of the zoning classification, acknowledging Wilson Street as the rear yard per the Code's plain language and the Village's own interpretation.
- Reimbursement of out-of-pocket legal and expert costs, totaling approximately \$60,000, incurred solely due to the Village's misclassification and failure to engage with the record.
- Written acknowledgement of the procedural failings described herein, including omissions in the June 5 staff memo, failure to incorporate submitted expert analysis, and misapplication of §17.30.050.C.3.
- Assurance that future applicants will not be subjected to similar procedural irregularities or subjective reinterpretation of plainly stated zoning language.
- Clarification of how and when Village determinations will be updated to reflect new or corrected information, so that families and property owners are not forced to bear the burden of ambiguous enforcement or legal escalation.

We have followed every formal process. This is a request for the Village to follow its own code and treat residents with respect and fairness under the law. No family should have to go through this.

We respectfully request the following be entered into the public record:

1. Acknowledgment of the Village's March 24, 2025, written confirmation that a side yard exists on the south property line.
2. Recognition that Section 17.30.050.C.3 is inapplicable to 314 Walnut because both a side and rear yard do exist, per the Village's own written determination and the plain language of the Code.
3. Reversal of the misclassification of Wilson Street as a front yard, and confirmation that it is the rear yard pursuant to the Code's definitions and Attorney Cassel's zoning analysis.
4. Preservation of our rights under state and federal law, including those under the Illinois Administrative Review Law, the U.S. Constitution, and 42 U.S.C. §1983, should further recourse be necessary.

VIII. Broader Implications and Public Interest

This is not a personal grievance. It is a matter of public interest — because what has happened to us can happen to anyone.

The issues raised here speak to larger concerns:

- **Code consistency:** The language of the Zoning Code must mean what it says. If “a rear yard must be designated where a side or rear yard exists,” then no interpretation should deny that designation when the facts meet the threshold.
- **Process integrity:** Residents must be able to rely on Village determinations without fear that essential facts will be omitted, disregarded, or selectively interpreted later.
- **Transparency and trust:** A healthy civic environment depends on good-faith enforcement, access to fair process, and respect for the rule of law — not adversarial positioning against residents simply seeking clarity.

Our family has done nothing wrong. Yet we have paid the price in time, energy, money, and peace of mind.

We respectfully urge the Village to correct this — not just for us, but to reinforce the values of integrity, accountability, and equal application of the law for all.

Closing Statement

All this over a request to follow the code as written.

We sought no special treatment. No variance. No increase in square footage. Only the ability to rely on a clear, written interpretation and the language of the law. Who would be harmed if we had been rightfully designated a rear yard?

We ask the Village to make this right. Because if not now, when? And if not for a plainly written code and law-abiding residents, then for whom?

Respectfully submitted,

Nicole Steel
314 Walnut Street
Winnetka, IL

Appendix: Timeline of Key Events Regarding 314 Walnut Street Zoning Interpretation

Reference	Date	Event
1. Misclassification Made Public	Feb 10, 2025	Village issues a Staff Memo dated February 5, 2025 (presented during Feb. 10 meeting), stating: “The lot is both a through lot and a corner lot, with no rear yard.” This marks the first formal misclassification on record, with direct implications for zoning interpretation and property rights.
2. Initial Outreach to Village	March 5, 2025	Homeowner Nicole Steel visits Village Hall to meet with Chris Marx, expecting a straightforward correction based on ordinance §17.30.050.C.3, which only applies when a side or rear yard does not exist. Homeowner points to the code language establishing a rear yard exists. which states: Section 17.30.050.C.3 – Lots with Three Street Frontages only applies if no side or rear yard exists. “ 3. <i>Lots with Three Street Frontages. 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.”</i>
3. Formal Written Request	Mar 5, 2025	Formal written request sent to Chris Marx seeking administrative correction of what homeowner asserts is a decades-long misclassification of the Wilson boundary as a front yard. This is fundamental to Homeowner’s property value and use, resale value, and/or a future owners’ value and use as the area misclassified accounts for approx., 25% of the lot.
4. Village Requests Legal Basis	March 10, 2025	David Schoon writes back to Homeowners asking where the zoning administrator has the authority to make the interpretation.
5. Code Analysis by Homeowners	March 6-20, 2025	Homeowners engage in extensive review of zoning ordinances during this period, seeking to reconcile the Staff Memo with code definitions for rear yards and lot classification.
6. Formal Zoning Interpretation Request	March 20	Homeowners submit detailed zoning analysis to David Schoon with section-by-section rationale supporting the existence of a rear yard and requesting formal clarification.
7. Schoon Confirms Side Yard	March 24, 2025	Schoon issues written response classifying the property as having two front yards (Wilson and Walnut), a corner yard (Orchard), and explicitly confirms “a side yard along [the] south property line.” This designation is critical, as per zoning code, a side yard necessarily implies the existence of a rear yard. “Given the information you have shared, <i>still find that any opinion I would formally write</i> 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.

8. Legal Counsel Engaged	March 28, 2025	Homeowners retain zoning counsel Danielle Cassel, of Vedder Price LLP, to conduct an independent legal interpretation.
9. Attorney Cassel Confirms Rear Yard	April 4, 2025	Attorney Cassel issues written zoning opinion affirming that Wilson qualifies as a rear yard under Winnetka’s code. Opinion notes the lot does not meet the definition of a “through lot.”
10. Legal Memo Submitted to Village	April 14, 2025	Cassel formally transmits her analysis to Village attorneys Peter Friedman and Courtney Willits for response and record correction.
11. No Response from Village	April 15- May 1, 2025	Multiple calls and emails by Cassel to Village attorneys go unanswered for over two weeks.
12. Application Withdrawn	May 1, 2025, 9:06AM	Homeowners instruct architect Healy Rice to withdraw a pending variance application, underscoring that this matter pertains solely to lot classification and not a building request.
13. First Contact Returned	May 1, 2025	Attorney Willits returns Cassel’s call after several weeks, without addressing the substance of the zoning analysis.
14. Village Reaffirms Misclassification	May 6, 2025	<i>Village counsel responds affirming Schoon’s March 24 interpretation as final. For the first time, they assert the lot qualifies under §17.30.050.C.3 — which only applies if no side or rear yard exists. Their response does not address Schoon’s own written statement that a side yard exists. Feedback to Attorney Cassel, at the 11th hour of Section 17.72.010 (A) ordinance which allows for an appeal to the ZBA of a “formal interpretation” within 45 days. Further contradicting the Village of Winnetka’s Zoning ordinance and subjective interpretation of our lot, while incorrectly citing section 17.30.050.C.3.:</i>

From: "Courtney P. Willits" <Courtney.Willits@ElrodFriedman.com>
Sent: Tuesday, May 6, 2025 1:43 PM
To: Cassel, Danielle M.
Cc: Peter M. Friedman
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 front 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.*

15. Appeal Window Identified	May 7, 2025	Homeowners learn on May 6 that a 45-day appeal window applies to “final” zoning determinations. With only 48 hours remaining, homeowners prepare for immediate appeal.
16. Formal Appeal Filed	May 8, 2025	Formal appeal submitted under §17.72.010(A). ZBA hearing scheduled for June 9, 2025.
17. Key Evidence Omitted from Staff Memo	June 5, 2025	The Village Staff Memo prepared for the June 9 hearing omits the March 24 email from David Schoon, which explicitly acknowledges a side yard. This email formed the basis of the formal interpretation being appealed. Instead of including or addressing this written determination, the memo reframes the issue around general definitions and unrelated code sections. The existence of the side yard is neither cited nor analyzed in the memo. This omission has never been corrected on the record and materially undermines the relevance and fairness of the appeal process.
18. ZBA Hearing and Presentation Irregularities	June 9, 2025	The ZBA hearing proceeds based on the incomplete staff memo. The “formal” interpretation presented by staff omits Schoon’s earlier written statement that a side yard exists. Additional procedural issues include: <ul style="list-style-type: none">• Mischaracterization of Appeal: The Chair references a withdrawn building project multiple times, despite the appeal being focused solely on zoning classification.• Core Argument Ignored: The legal argument that a side yard necessarily implies the existence of a rear yard is not addressed.• Evidence Suppressed: The March 24 email is not disclosed or discussed in any staff materials or presentations.• Attorney Interference: Village Attorney Willits is observed whispering directly to Chair Matthew Bradley during the hearing, raising questions of ex parte influence.

		<ul style="list-style-type: none"> • Board Irregularities: Three ZBA members are absent and one has resigned, compromising the ability to vote or conduct a robust deliberation.
19. Chair Memo Reframes Issue, Ignores Evidence and Expert Analysis	July 10, 2025	Chair Matthew Bradley issues a written memo that reframes the appeal as a request for “relief” rather than a correction of a zoning misclassification. The memo fails to address the Village’s own March 24 email confirming the existence of a side yard and does not engage with the actual zoning code language cited in the appeal. Critically, it also fails to acknowledge or respond to the expert zoning analysis submitted by Attorney Danielle Cassel, which directly applies Village code definitions to the lot. Instead, the memo relies on prior informal classifications and interpretations of unrelated code sections, further compounding the mischaracterization of the issue.
20. ZBA Unable to Reach a Vote	July 11, 2025	The Zoning Board of Appeals was unable to reach a vote due to the absence of a quorum. No final action was taken. The appeal was continued to the next scheduled meeting on August 11, 2025. This delay extended the uncertainty and further burdened the homeowner with ongoing ambiguity around the property’s zoning status, despite multiple prior submissions of evidence.
21. Public Comment Submitted to Correct Record	Aug 8, 2025	This document, including legal citations, timeline, and expert zoning analysis, is submitted to correct the public record and clarify the procedural history leading up to the August 11, 2025 ZBA meeting. It documents the Village’s formal zoning misclassification, its own conflicting interpretations, the omission of material evidence from the public record, and the resulting harm incurred. This submission stands as a detailed, fact-based appeal for procedural integrity, lawful treatment, and preservation of rights under the Code and Constitution.



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: CHRISTOPHER MARX, AICP - ASSOCIATE PLANNER
DATE: AUGUST 7, 2025
SUBJECT: 175 DEWINDT ROAD - VARIATIONS (CASE NO. 25-14-V2)

INTRODUCTION

On August 11, 2025, the Zoning Board of Appeals is scheduled to hold a public hearing on an application submitted by Emily and John Thomas (collectively, the “Applicant”), as the owner of the property located at 175 DeWindt Road (the “Subject Property”). The Applicant requests approval of the following zoning variations to allow a second-floor addition to the existing residence on the Subject Property:

1. **Gross Floor Area (GFA)** of 6,830.49 square feet, whereas a maximum of 5,808.84 square feet is permitted, a variation of 1,021.65 square feet (17.59%) [Section 17.30.040 – Maximum Building Size][Note: The existing improvements currently consist of 6,033.09 square feet. The proposed addition would add 797.4 square feet of GFA]; and
2. **Front Yard Setback** of 25.03 feet from the west property line, whereas a minimum of 50 feet is required, a variation of 24.97 feet (49.94%) [Section 17.30.050 – Front and Corner Yard Setbacks] [Note: The residence currently provides a front yard setback of 25.03 feet].

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 July 24, 2025. As of the date of this memo, staff has received two written comments from the public regarding this application, which are included as **Attachment C**.

The Village Council has final jurisdiction on this request as only the Council has the authority to grant a variation to allow a zoning lot with a pre-FAR building (constructed before 1989) to exceed the maximum permitted GFA by more than 10%. Typically, the ZBA has final jurisdiction to reduce a front yard setback for a principal building by no more than 50% of the required setback; however, since this request includes additional relief for which the ZBA does not have jurisdiction, the Village Council also has final jurisdiction on the request to reduce the front yard setback.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.39 acres in size, is located on the south side of DeWindt Road between Hill and Sunset Roads and contains an existing two-story residence with an attached garage (see **Figure 1**). The Subject Property is a flag lot, which is an irregularly shaped lot consisting of two sections: the primary mass of the lot (the “flag” portion), which is set back from the street frontage access and is behind one or more other lots; and a narrow access corridor (the “flagpole” portion).

The Subject Property is zoned R-2 Single Family Residential, and it is surrounded by the same (see **Figure 2**). The Comprehensive Plan designates the Subject Property as appropriate for single family residential development. The zoning of the property is consistent with the Comprehensive Plan.

The existing lot is a legally nonconforming interior lot that is 17,073.24 square feet in net lot area, while the minimum required lot area for an interior lot in the R-2 District is 24,000 square feet. The area of the “flagpole” portion of the lot (4,805.58 square feet) as well as the area of the private road easement (600 square feet) are excluded from the lot area for zoning purposes. Also, the lot has an average lot width of 91 feet, while the minimum required average lot width for an interior lot in the R-2 District is 100 feet. The lot also has a lot depth of 187.62 feet, while the minimum required lot depth is 200 feet.

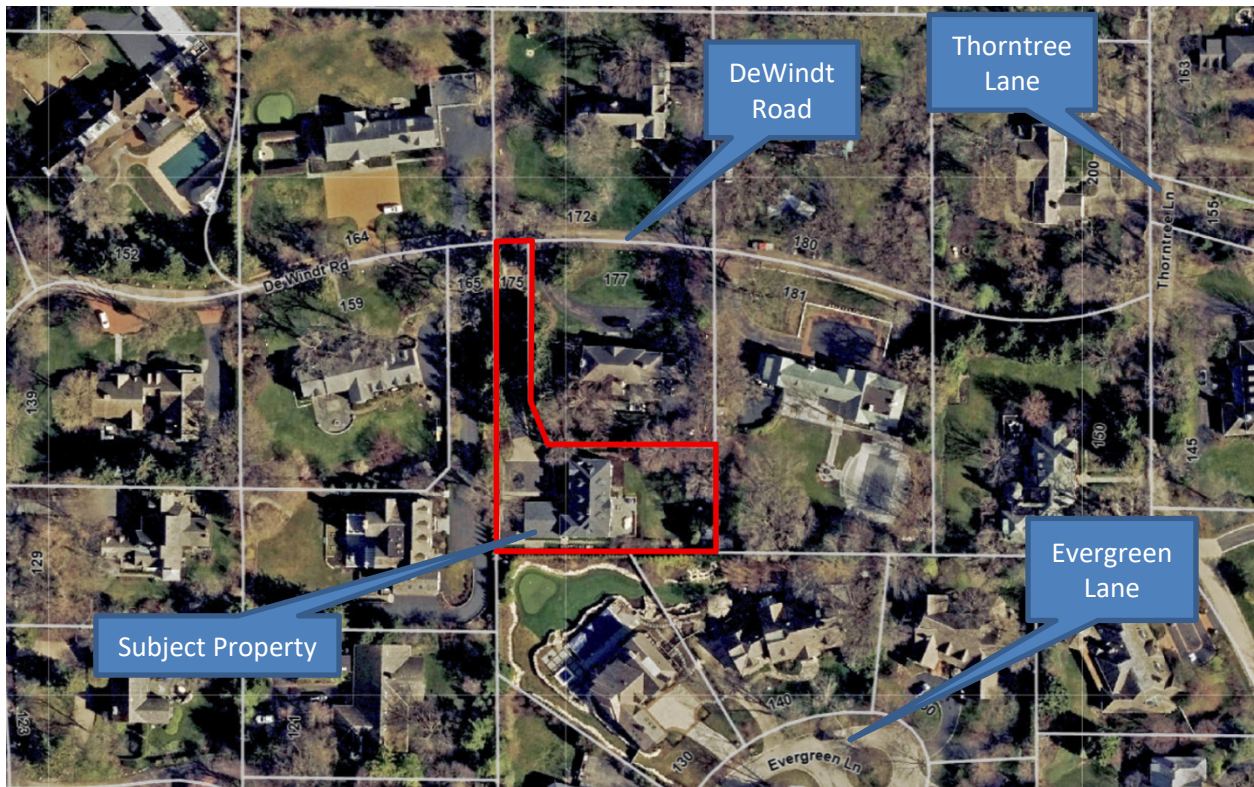


Figure 1 – Aerial Map

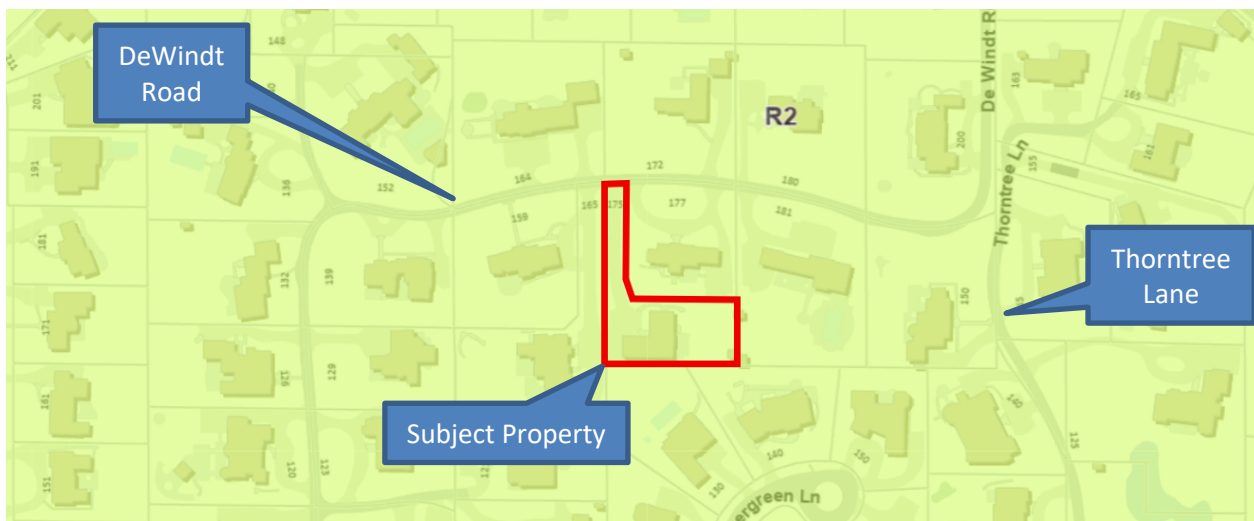


Figure 2 – Zoning Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The existing residence was constructed in 1960. Subsequent building permits were issued in:

1. 1997 to construct a second floor and attic addition; and
2. 2024 to remodel the kitchen.

Other minor permits have been issued over the last several years. The Applicant acquired the property in 2021. There is one previous zoning case on file for the Subject Property. In 1997, ZBA Case No. 97-02-V2 was an application requesting zoning relief to allow a second-floor addition that would encroach into the required front yard setback and south side yard setback. The side yard setback variation was approved; however, the front yard setback variation was denied by the Village Council. It should be noted that the existing residence complies with current side yard setback requirements due to an amendment to the Zoning Ordinance that now bases the required side yard setbacks on average lot width rather than the Zoning District in which a lot is located.

Figures 3 and 4 below are current photos of the Subject Property.



Figure 3 – Subject Property – Front (West) and Side (North) Elevations



Figure 4 – Subject Property – Front (West) and Side (South) Elevations

PROPOSED PLAN

The Applicant requests variations to construct a second-floor addition on the existing residence. The addition would be above the existing attached garage on the west side of the existing residence and consist of an open room as well as additional storage space. The addition would measure 30 feet by 26.58 feet (797.4 square feet). The proposed addition is intended to maintain the existing setbacks along the west and south facades of the residence. Excerpts of the proposed site plan, floor plan, building elevations, and a rendering are provided below and on the following pages as Figures 5 through 11. The complete set of plans is provided in the application materials (**Attachment B**).

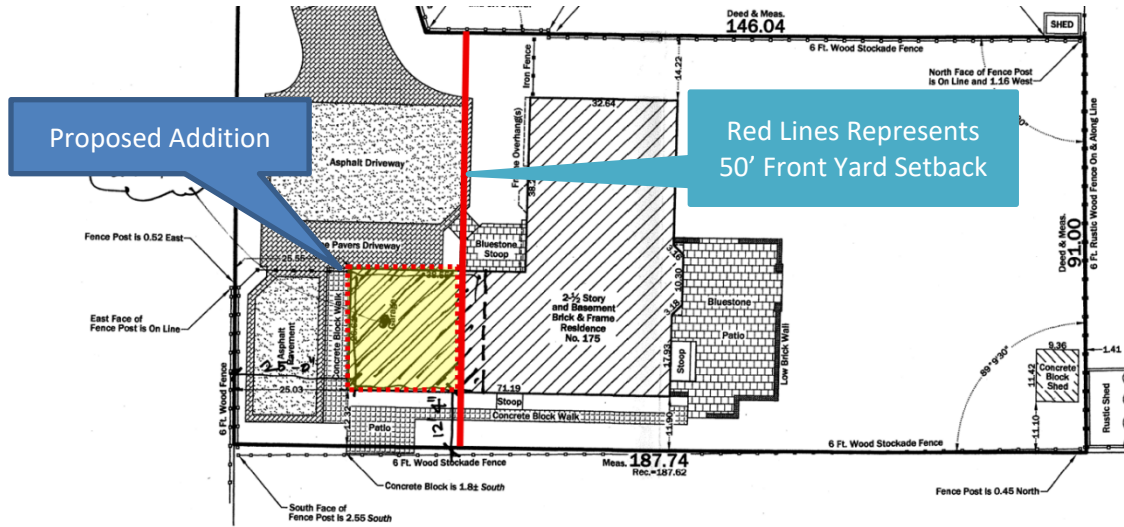


Figure 5 – Site Plan

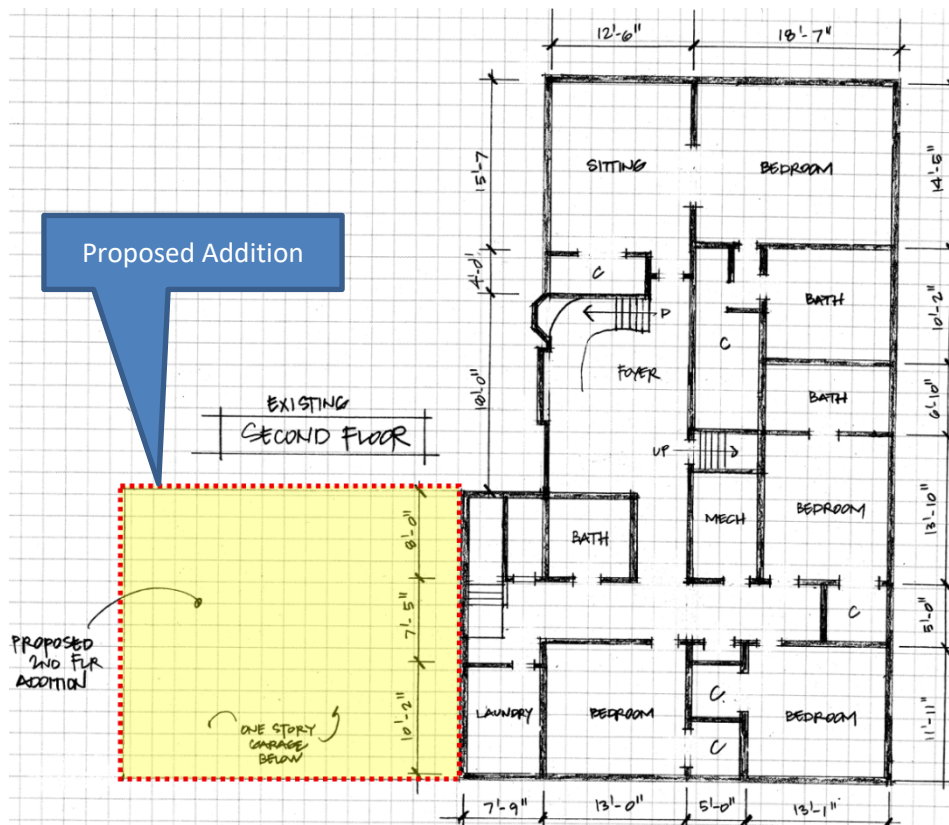


Figure 6 – Existing Second Floor Plan

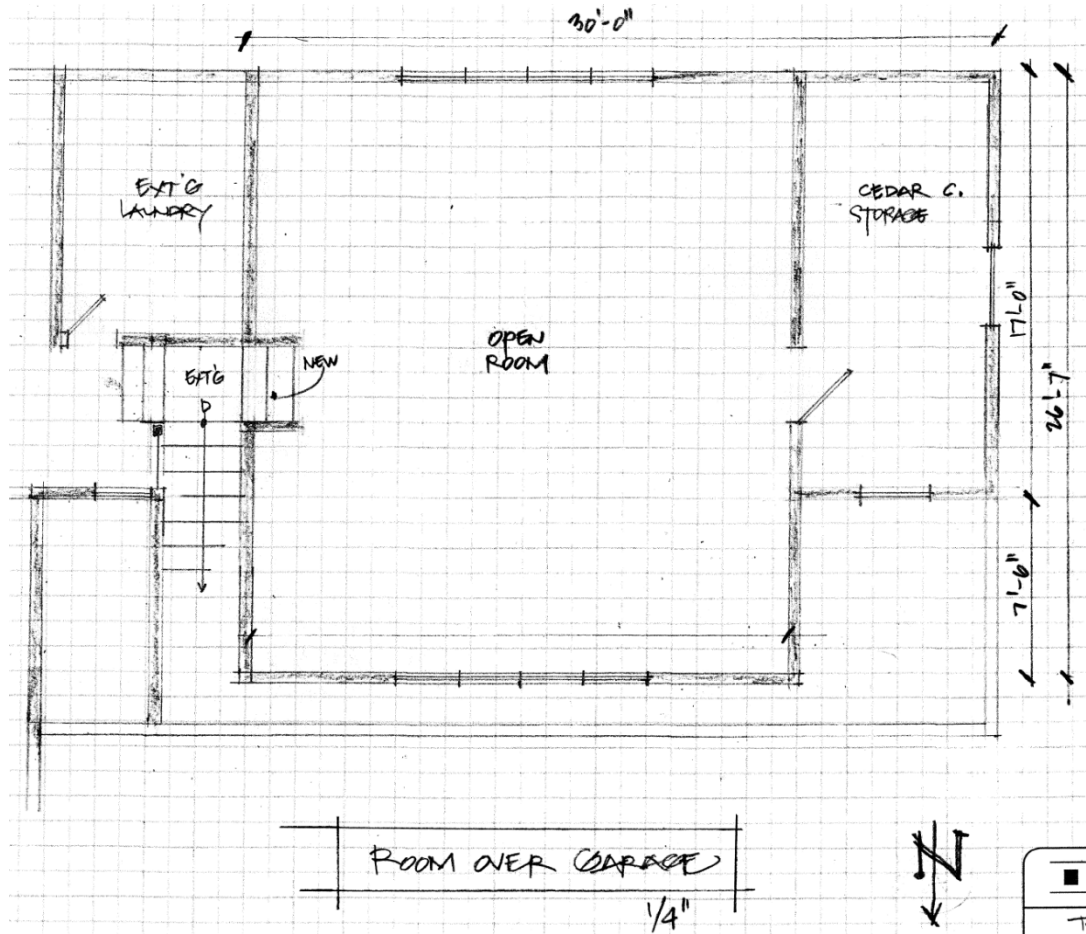


Figure 7 – Proposed Second-Floor Addition Floor Plan

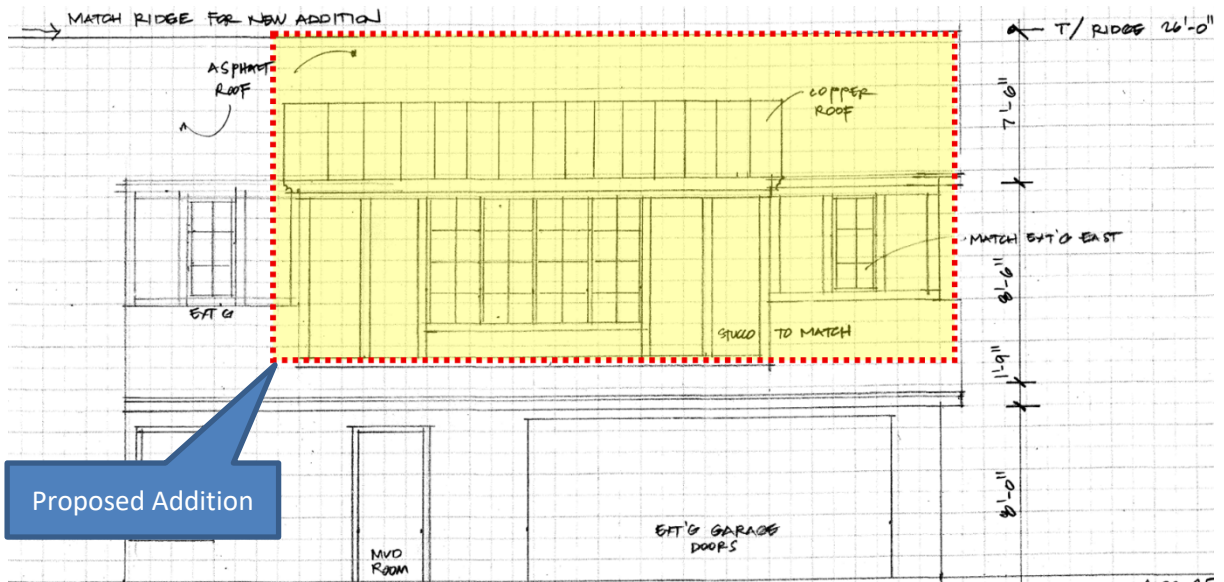


Figure 8 - Proposed North Elevation

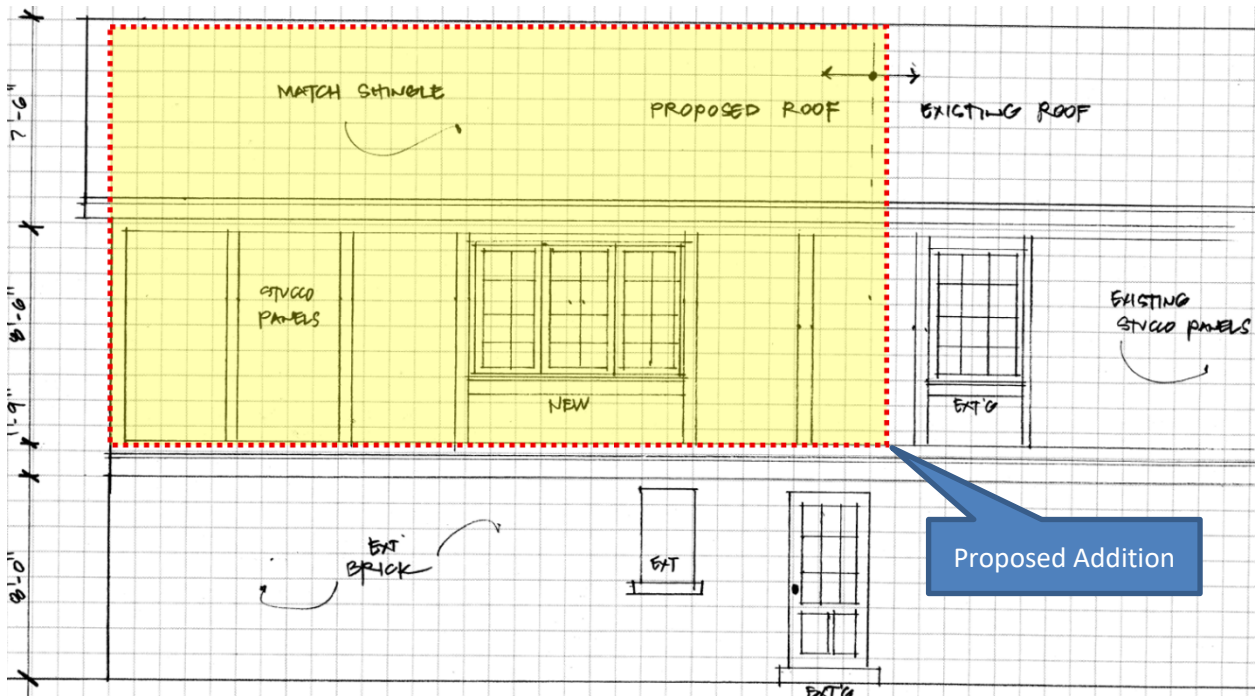


Figure 9 - Proposed South Elevation

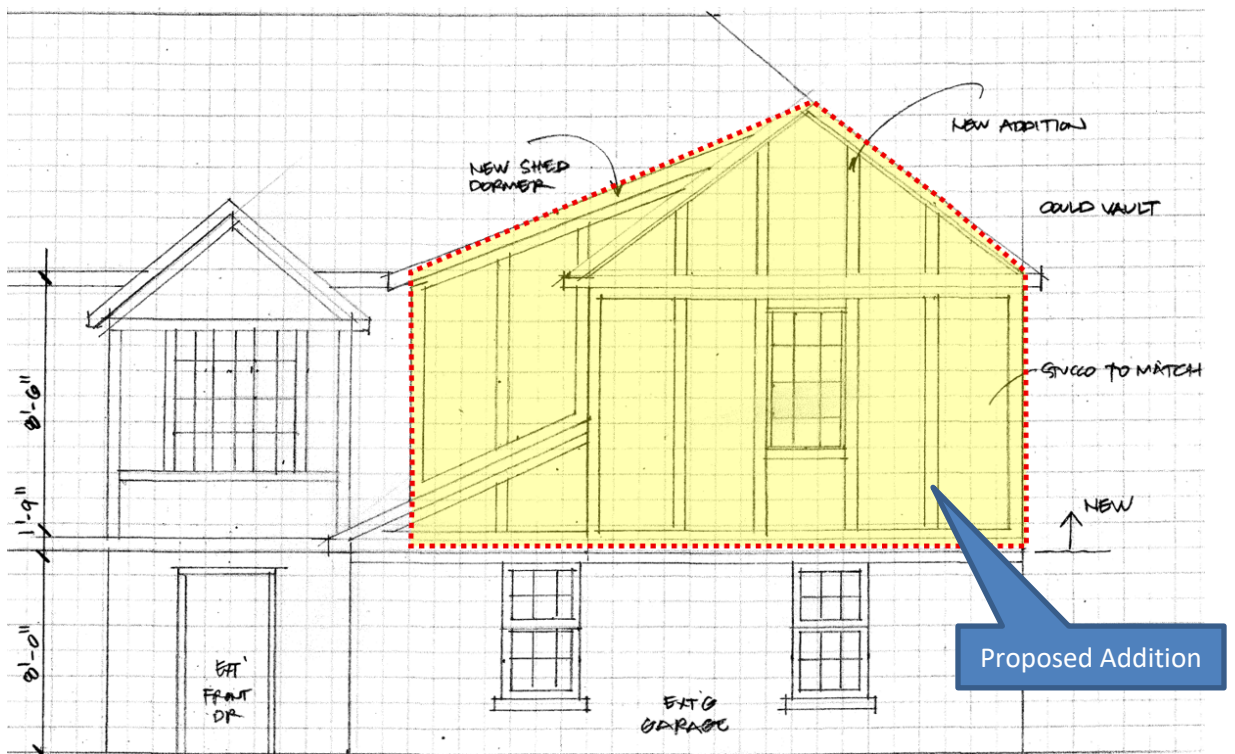


Figure 10 - Proposed West Elevation

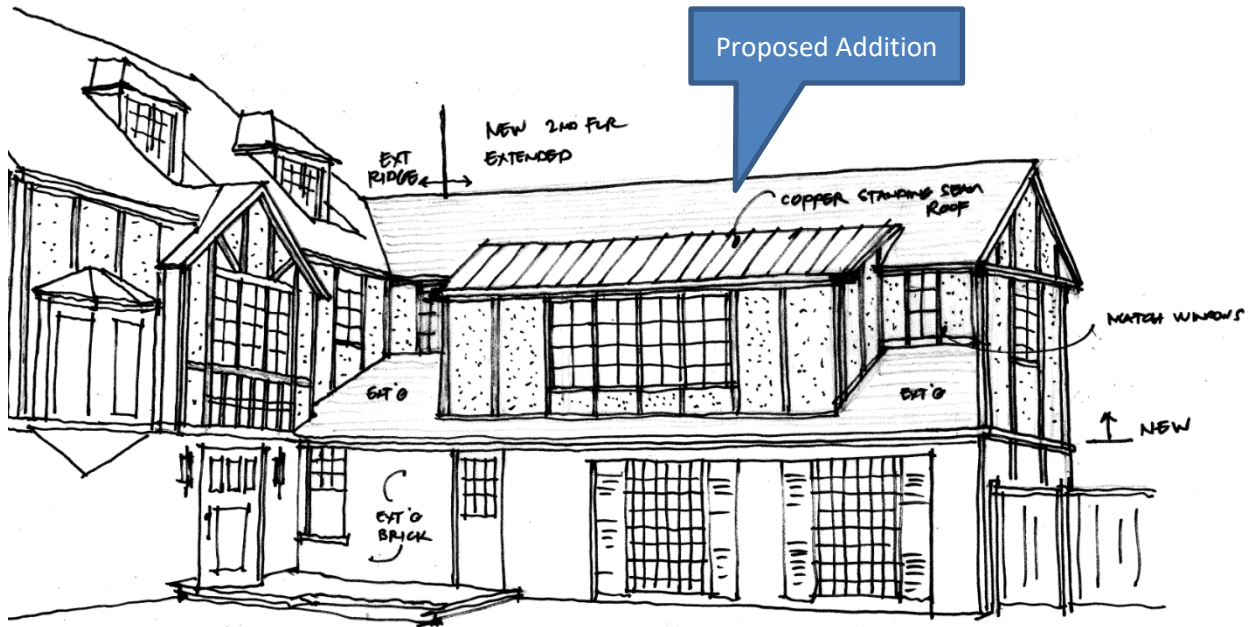


Figure 11 – Rendering of Proposed North and West Elevations

The proposed improvement does not include any additional impermeable lot coverage. However, upon submittal of the building permit for the proposed addition, Village Engineering staff will review the permit for compliance with the Village stormwater regulations to verify stormwater is being managed on-site.

Figure 12 below represents the Subject Property’s location in the floodplain; the cyan represents the 100-year floodplain; the orange represents the 500-year floodplain. The Subject Property is located in the 100-year floodplain. Any improvements within the 100-year floodplain are subject to the Village’s Flood Hazard Protection Ordinance and the Metropolitan Water Reclamation District (MWRD) Water Management Ordinance (WMO). Compliance with these ordinances will be verified by Village Engineering staff upon submittal of the necessary permits to construct the proposed improvement.

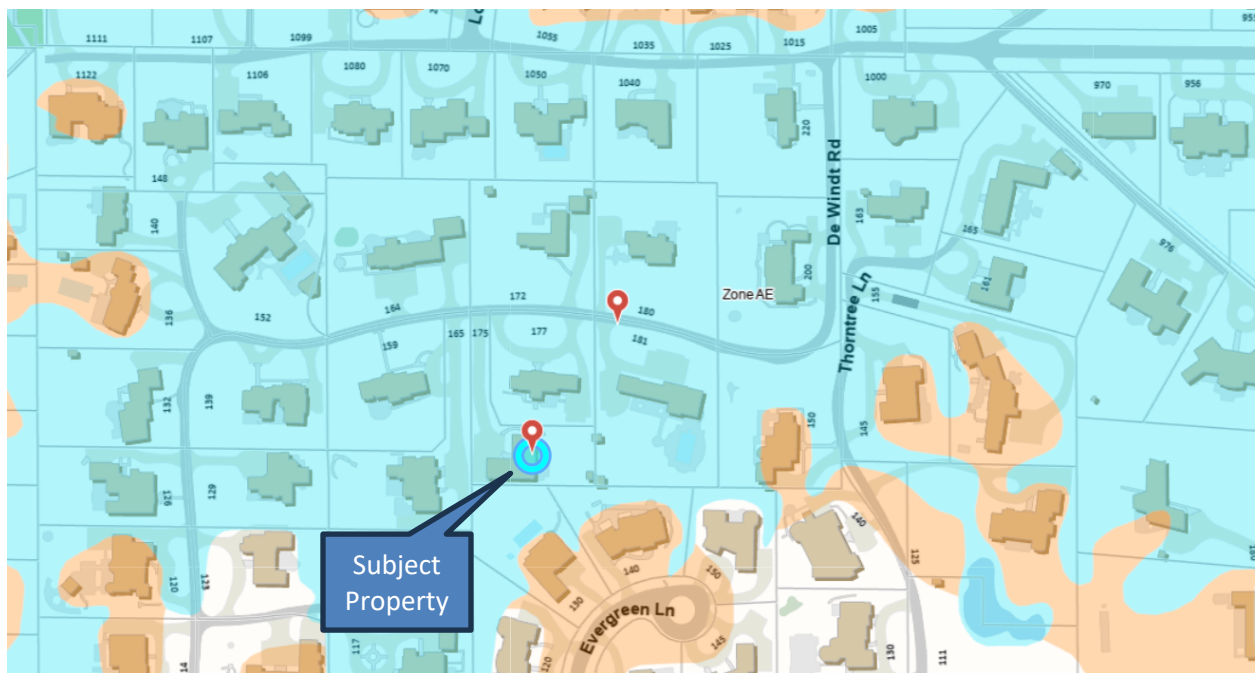


Figure 12 - GIS Floodplain Map

REQUESTED ZONING RELIEF

The attached Zoning Matrix highlights the existing lot and the proposed improvement's compliance with the R-2 zoning district regulations (**Attachment A**). The Applicant requests two variations: (1) gross floor area; and (2) front yard setback.

Gross Floor Area (GFA). The site currently contains 6,033.09 square feet of GFA, exceeding the maximum permitted GFA by 224.25 square feet (3.86%). The net increase in GFA with the proposed addition of 797.4 square feet, bringing the total GFA to 6,830.49 square feet, a variation of 1,021.65 square feet (17.59%).

The Zoning Ordinance states that for any flag lot that was lawfully in existence on October 7, 1997, the "flagpole" portion of the lot shall be excluded when calculating the GFA; provided that the resulting maximum GFA shall not be less than 85% of the maximum GFA computed by using a lot area that includes both the "flagpole" and "flag" portions of the lot. In this instance, the permitted GFA is 85% of the maximum GFA computed by using a lot area that includes both the "flagpole" and "flag" portions of the lot. This results in an additional 487.52 square feet of permitted GFA.

Front Yard Setback (West). The existing residence is legally nonconforming with respect to the front yard setback as it currently provides a front yard setback of 25.03 feet, encroaching into the minimum required setback of 50 feet by 24.97 feet. The proposed addition would also provide a front yard setback of 25.03 feet, requiring a variation of 24.97 feet (49.94%).

FINDINGS

Section 17.60.040 of the Zoning Ordinance lists eight variation standards that the Board must find a variation application meets. The Applicant has supplied as part of their application materials a narrative addressing how this proposal meets these standards.

After hearing from the Applicant, and the public, the Board may decide to act on one of two options:

1. Continue the public hearing to a specific date to provide the Applicant and/or staff with additional time to address questions and comments from the Board; or
2. Consider a motion recommending approval or denial of the variations. If the ZBA is prepared to make a recommendation to the Village Council regarding the requested relief, a ZBA member may wish to make a motion recommending approval or recommending denial based upon the following:

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

1. **Gross Floor Area (GFA)** of 6,830.49 square feet, whereas a maximum of 5,808.84 square feet is permitted, a variation of 1,021.65 square feet (17.59%) [Section 17.30.040 – Maximum Building Size]; and
2. **Front Yard Setback** of 25.03 feet from the west property line, whereas a minimum of 50 feet is required, a variation of 24.97 feet (49.94%). [Section 17.30.050 – Front and Corner Yard Setbacks].

The Zoning Board of Appeals finds, based on evidence in the record or a public document, that the variations requested are **in harmony [not in harmony]** with the general purpose and intent of the Zoning Ordinance and that each of the following eight standards on which evidence is required

pursuant to Section 17.60.050 of this Code **have been met [have not been met]** in connection with this variation application **[subject to the following conditions...]**

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

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

ATTACHMENTS

Attachment A: Zoning Matrix

Attachment B: Application Materials

Attachment C: Public Correspondence

ATTACHMENT A

ZONING MATRIX

ADDRESS: 175 DeWindt Road

CASE NO: 25-14-V2

ZONING: R-2

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (3)
Min. Lot Size	24,000 SF	22,479 SF	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	100 FT	91 FT (1)	N/A	N/A	EXISTING NONCONFORMING
Min. Lot Depth	200 FT	187.62 FT (1)	N/A	N/A	EXISTING NONCONFORMING
Max. Roofed Lot Coverage	4,268.36 SF (1)	3,431.52 SF	3,431.52 SF	0 SF	OK
Max. Gross Floor Area	5,808.84 SF (2)	6,033.09 SF	6,830.49 SF	797.4 SF	1,021.65 SF (17.59%) VARIATION
Max. Impermeable Lot Coverage	8,536.71 SF (1)	7,478 SF	7,478 SF	0 SF	OK
Min. Front Yard (West)	50 FT	25.03 FT	25.03 FT	0 SF	24.97 FEET (49.94%) VARIATION
Min. Side Yard (South)	9.1 FT	11.9 FT	11.9 FT	0 SF	OK
Min. Total Side Yards	22.75 FT	14.22 FT	14.22 FT	0 FT	OK
Min. Rear Yard (East)	25 FT	89 FT	89 FT	0 FT	OK

NOTES:

(1) Based on zoning lot area of 17,073.42 square feet which excludes flag portion and private road easement

(2) Based on Zoning Ordinance provision that any flag lot in existence before October 7,1997, shall not be allowed less than 85% of the maximum permitted GFA computed by using a lot area that includes both the "flagpole" and "flag" portions of the lot.

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

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. _____

Property Information

Site Address: 175 DEWINDT

Owner Information

Name: EMILY & JOHN THOMAS

Primary Contact: SCOTT WALKER

Address: SAME

Phone No. 

City, State, ZIP: WINNETKA

Email: _____

Date property acquired by owner: _____

Architect Information

Name: HEAVY RICE

Attorney Information

Primary Contact: SCOTT WALKER

Name: _____

Address: 

Primary Contact: _____

City, State, ZIP: WINNETKA

Address: _____

Phone No. 

City, State, Zip: _____

Email: 


Phone No. _____

Email: _____

Nature of any restrictions on property: _____

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

REQUEST TO BUILD A SECOND FLOOR ON TOP OF EXISTING ONE
STORY GARAGE. FLAG LOT MAKES THE ORIENTATION OF
THE HOUSE ODD.

Property Owner Signature: 

Date: 5.2.25

VILLAGE OF WINNETKA, ILLINOIS

DEPARTMENT OF COMMUNITY DEVELOPMENT

STANDARDS FOR GRANTING OF ZONING VARIATIONS

Applications must provide evidence and explain in detail the manner wherein the strict application of the provisions of the zoning regulations would result in a clearly demonstrated practical difficulty or particular hardship. In demonstrating the existence of a particular hardship, please direct your comments and evidence to each of the following standards:

- 1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allow by regulations in that district; *THE HOUSE WAS BUILT CRAWL SPACE ONLY, MAYBE DUE TO FLOOD PLAIN CONDITIONS. ALSO, THE "FLAG LOT" MAKE THE WEST THE FRONT RATHER THAN NORTH.*
- 2. The plight of the owner is due to unique circumstances. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants; *STORAGE NEEDS*
- 3. The variation, if granted, will not alter the essential character of the locality; *AGREED*
- 4. An adequate supply of light and air to adjacent property will not be impaired; *AGREED*
- 5. The hazard from fire and other damages to the property will not be increased; *AGREED*
- 6. The taxable value of the land and buildings throughout the Village will not diminish; *AGREED*
- 7. The congestion in the public street will not increase; and *AGREED*
- 8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired. *AGREED*

Attached are examples of general findings for and against the granting of a variation, which have been made by the Zoning Board of Appeals and Village Council in prior cases.

Note: the Zoning Board of Appeals or the Village Council, depending on which body has final jurisdiction, must make a finding that a practical difficulty or a particular hardship exists in order to grant a variation request.

SEE ATTACHED LETTER



Monday, June 2, 2025



Village of Winnetka

THE THOMAS RESIDENCE

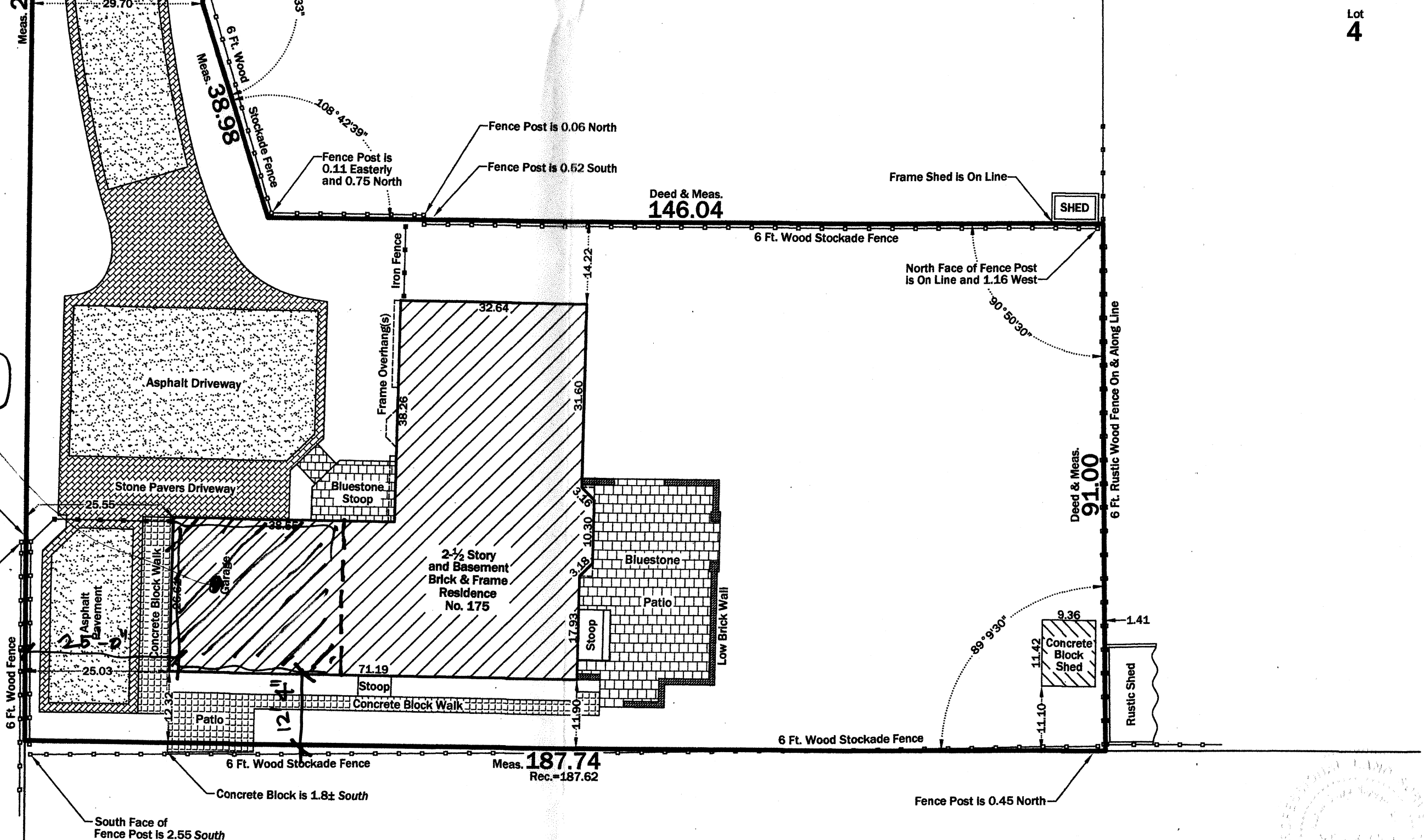
175 Dewindt

Winnetka

Zoning Standards

1. The property lacks a basement and in lieu of that, we are seeking to build above the existing garage structure. Due to the irregular shaped lot, we are unable to extend the garage outward (West). Additionally, because portions of the property are on the floodplain, it would be challenging if not impossible to dig a basement.
- 2..The property is an irregular shaped lot, specifically a flag lot. At the time the home was built in the 1960s, flag lots were permitted, but are no longer permitted, which is outside of our control. Additionally, there are portions of the property in the flood plain, making it challenging if not impossible to dig a basement.
3. The home is down a long driveway setback slightly from DeWindt Road. The home is difficult to see from the street, in fact, it can be very difficult to find and is often missed. The home will continue to be "tucked away" and the style of the proposed building above the existing garage will be in keeping with the historic nature of the locality.
4. Because we are seeking to build above the existing garage, the footprint of the structure will not change, and as such, will not impair light or air to adjacent properties.
5. The hazard from fire and other damages to the property will not be increased.
6. No change in Footprint of existing Structure
7. Congestion will not be increased
8. No change to the welfare of the inhabitants of Winnetka

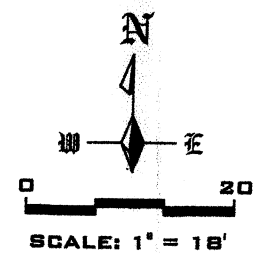
PROPOSED 2ND FLOOR



DR: COLE STREMMEL, ATT.
 MORTGAGE / SALE
 10-8-21
 DATE: 10-12-21
 BOND & PDF

is not sufficient nor guaranteed
 tion, unless property corners noted.
 igitles may not be assumed by scaling.
 hereon are in feet and decimals.
 easements per title, if provided.
 its on ground prior to construction.

IONAL SERVICE CONFORMS TO THE CURRENT
 UM STANDARDS FOR A BOUNDARY SURVEY.



NORTH SHORE SURVEY, LTD.
 436 CATALPA LANE, LIBERTYVILLE, ILLINOIS 60048
 (847) 446-6510 NORTHSHORESURVEY@GMAIL.COM
 PROFESSIONAL DESIGN FIRM NO. 184.006982

THOMAS RES
 175 DEWINDT
 WINDYBKA

State of Illinois }
 County of Cook } SS

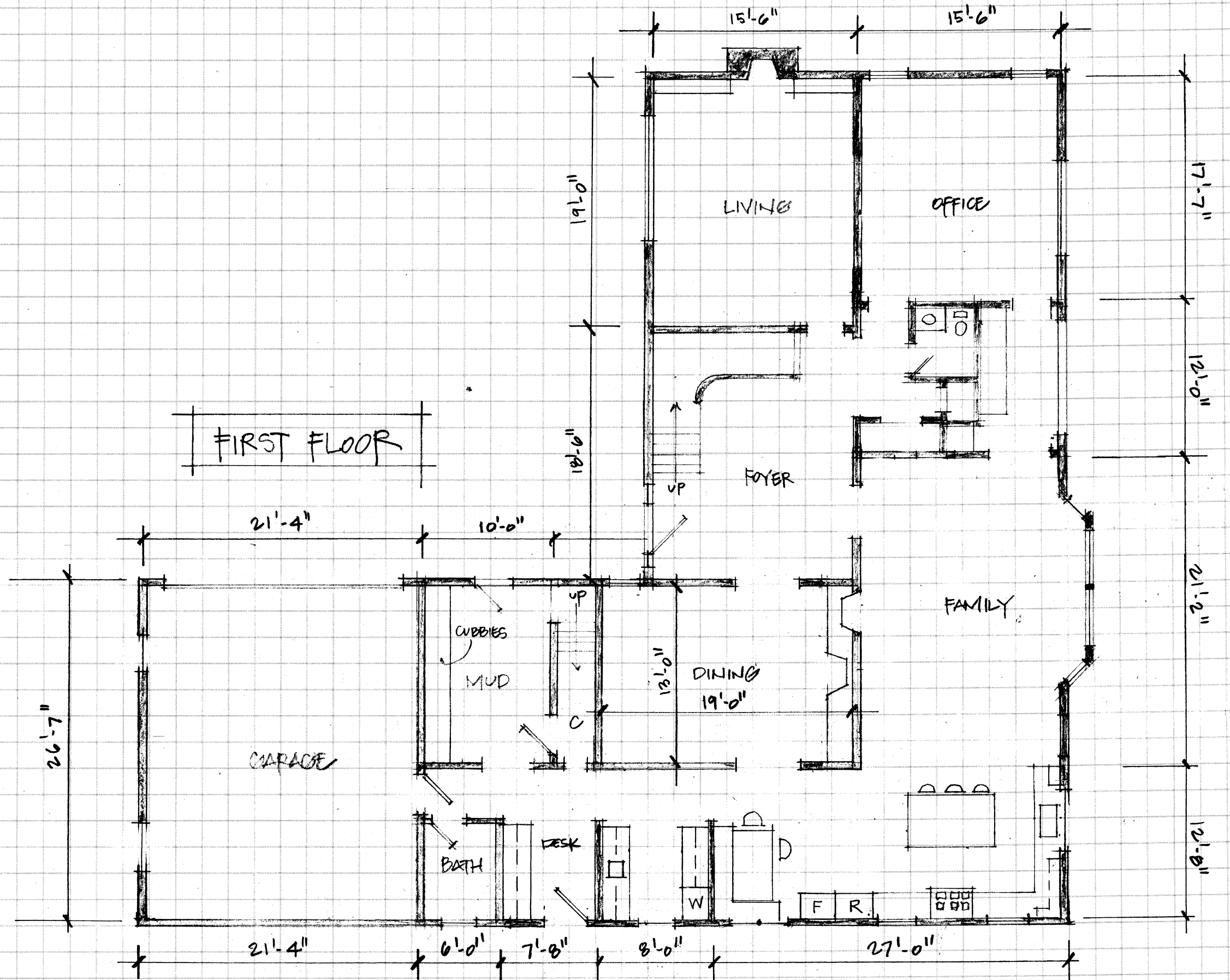
WE, North Shore Survey, Ltd., do hereby certify that we have surveyed the property as described in the above caption in accordance with official records and/or previous surveys and that the plat hereon drawn is a correct representation of said survey.

Arthur P. O'Hara
 PROFESSIONAL ILLINOIS LAND SURVEYOR
 LICENSE NO. 35-2232 EXP. 11-30-2022

DATED: OCTOBER 8, 2021

INSTR.: ART
 CAD: ART LEGAL: ARD

FILE NO.
44142-R



6.24.25
1/8" SCALE

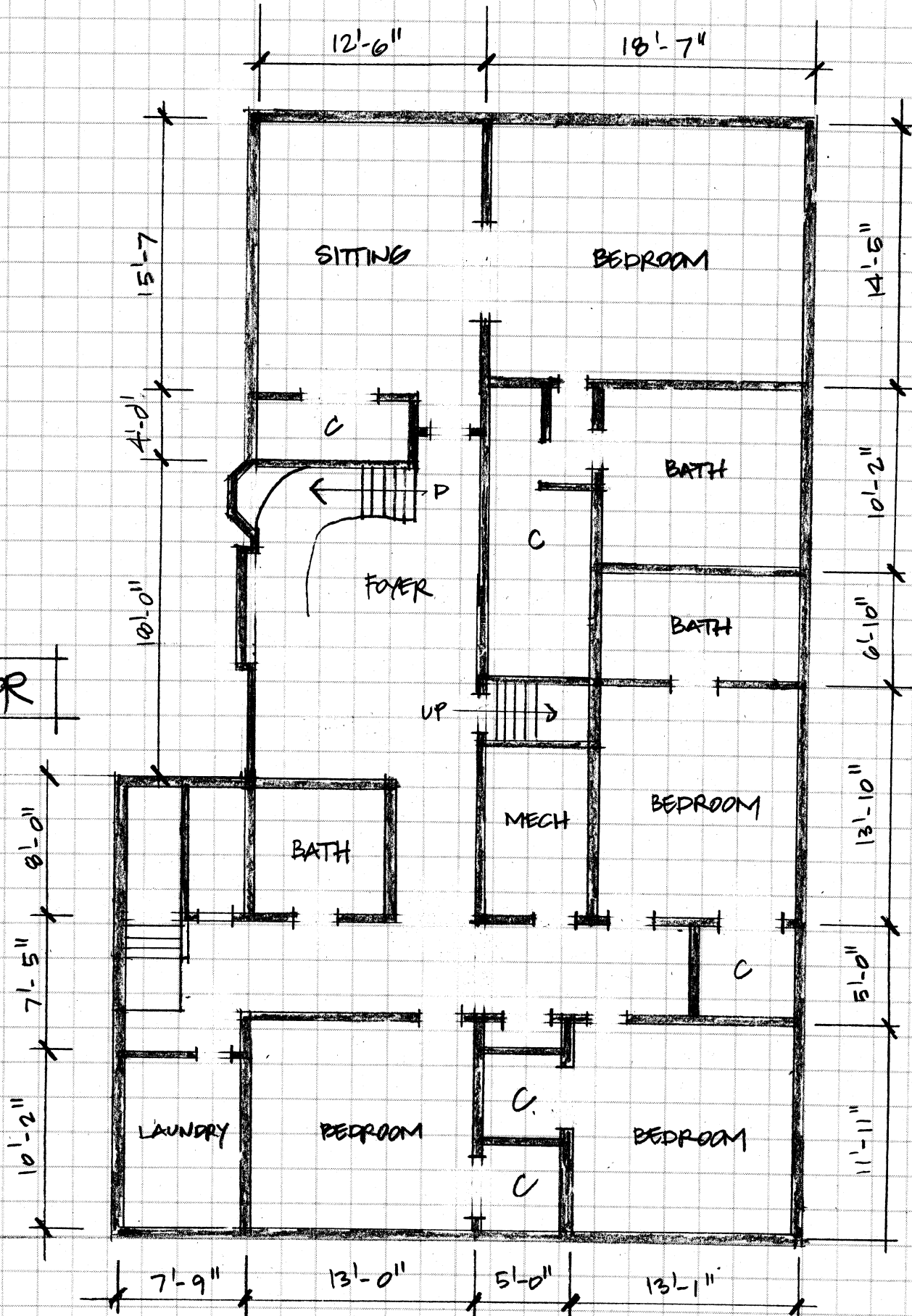
■ McMurray Inc. ■

THOMAS RES
175 DEWINDT
WINNETKA

PROPOSED
2ND FLR
ADDITION

ONE STORY
GARAGE
BELOW

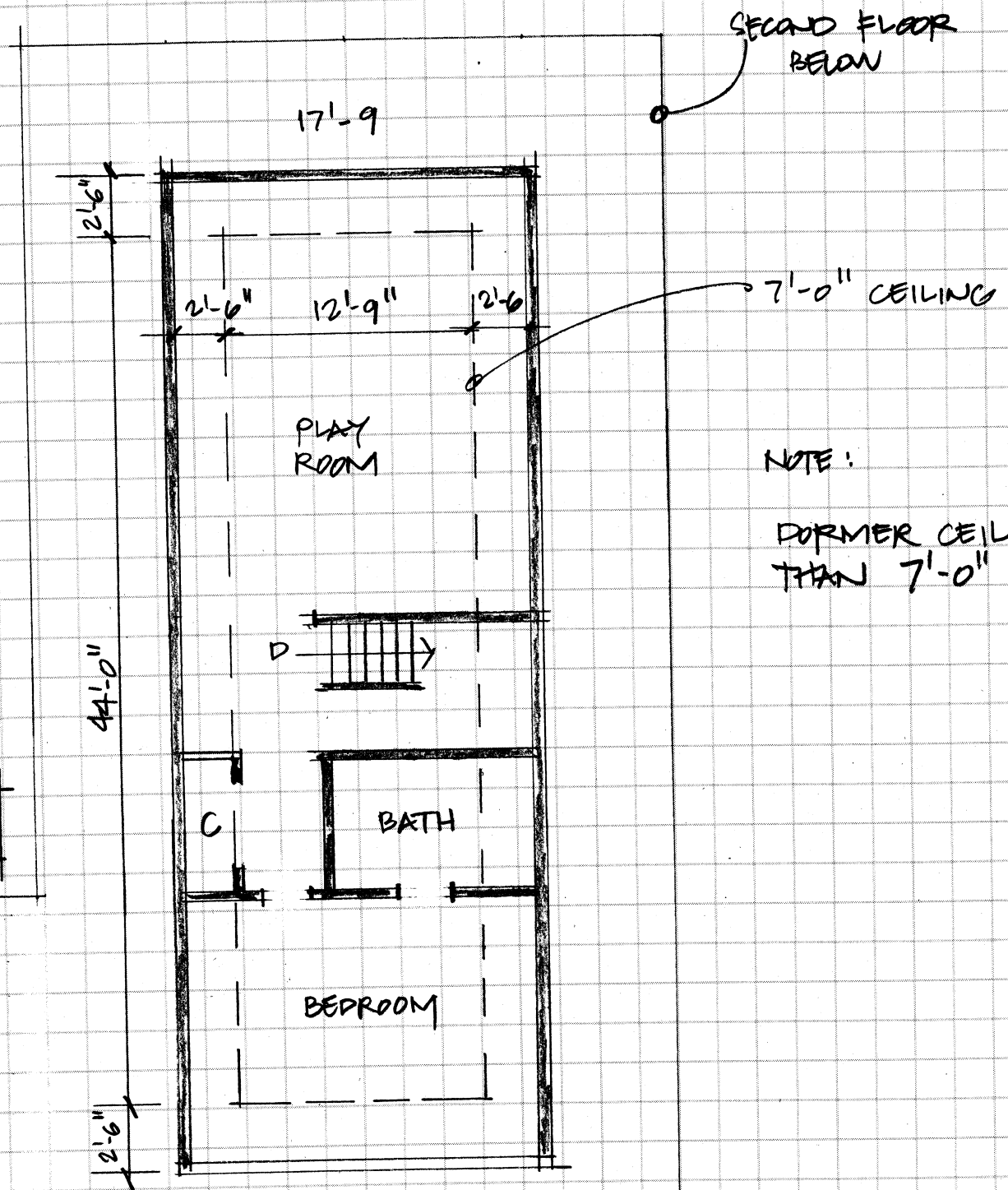
EXISTING
SECOND FLOOR



6.24.25
1/8" SCALE

■ MCMURRAY INC. ■
THOMAS RES
175 DEWINDT
WINNETKA

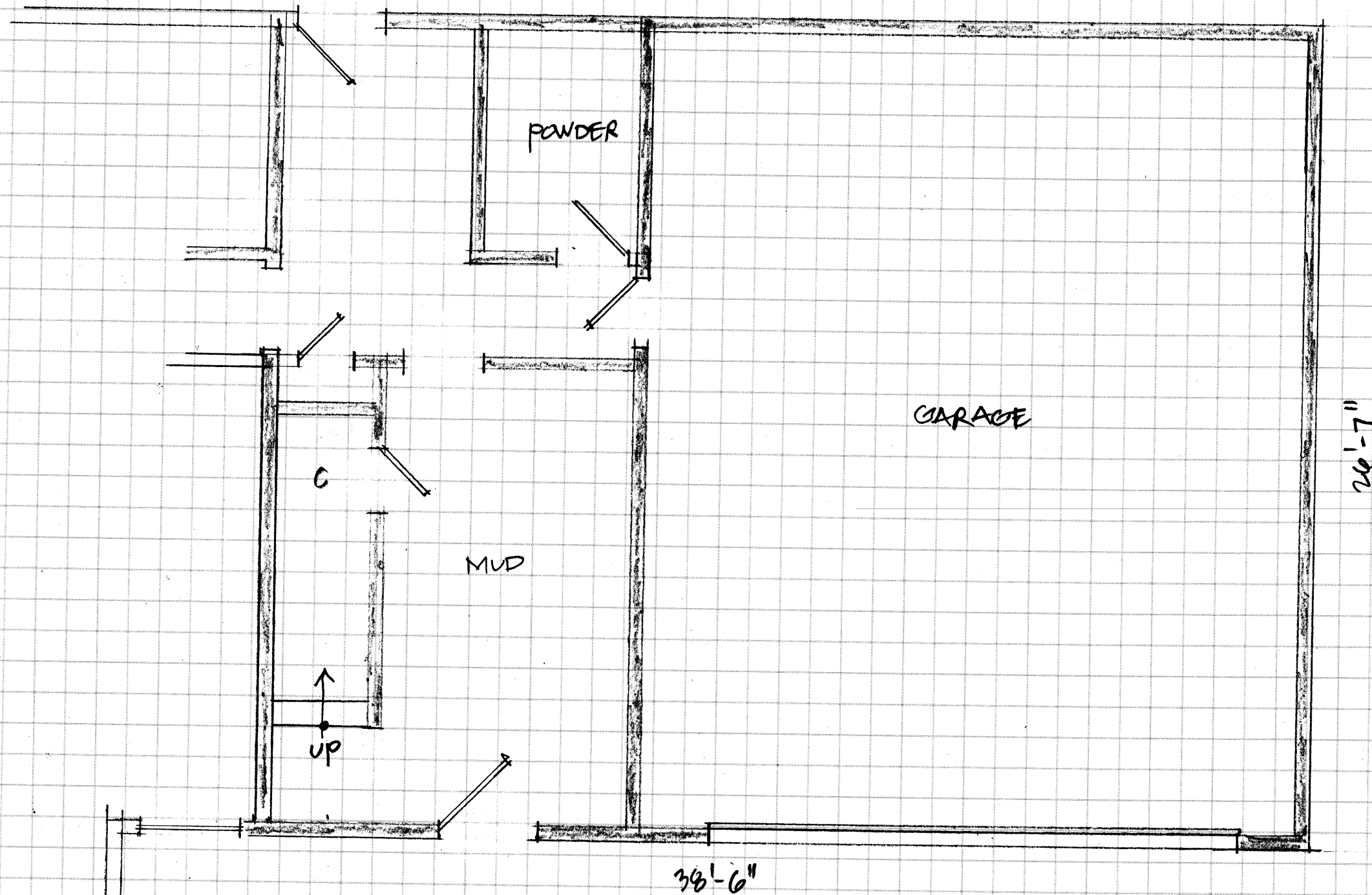
BRD FLOOR



NOTE:
DORMER CEILINGS LESS
THAN 7'-0"

6.24.25 1/8"

■	MCMURRAY INC.	■
THOMAS RES		
175 DEWINDT		
WINNETKA		



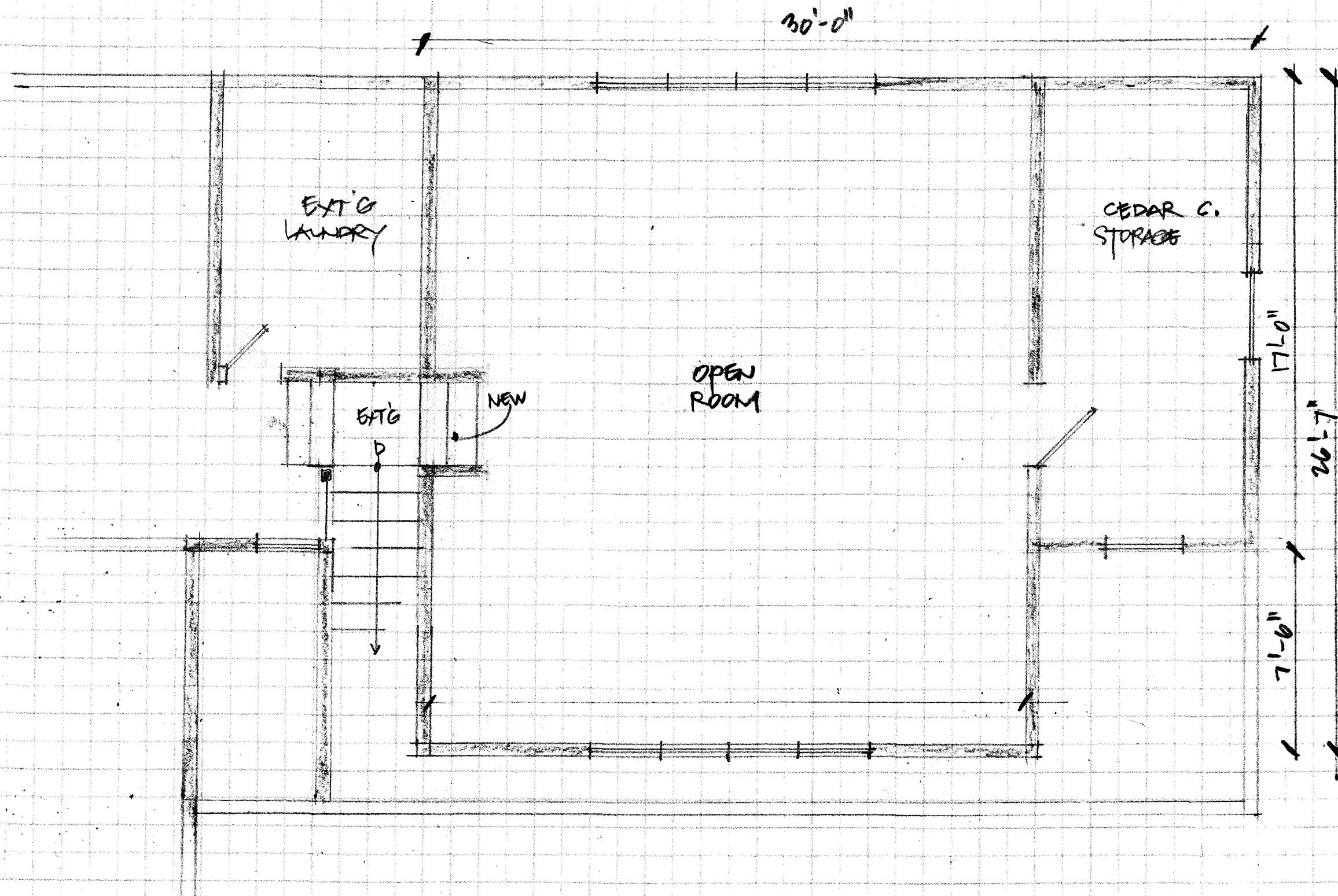
PARTIAL 1ST FLOOR

EXISTING

NO WORK





■ MCMURRAY INC. ■
THOMAS RES
175 DEWINDT
WINNETKA



4.22



 MCMURRAY INC. 
THOMAS RES 175 DEWINDT WINNETKA





- FIRST FLOOR EXT
- MATCH SIDING
- MATCH ROOF

THOMAS RESIDENCE

175 DEWINDT
WINNETKA

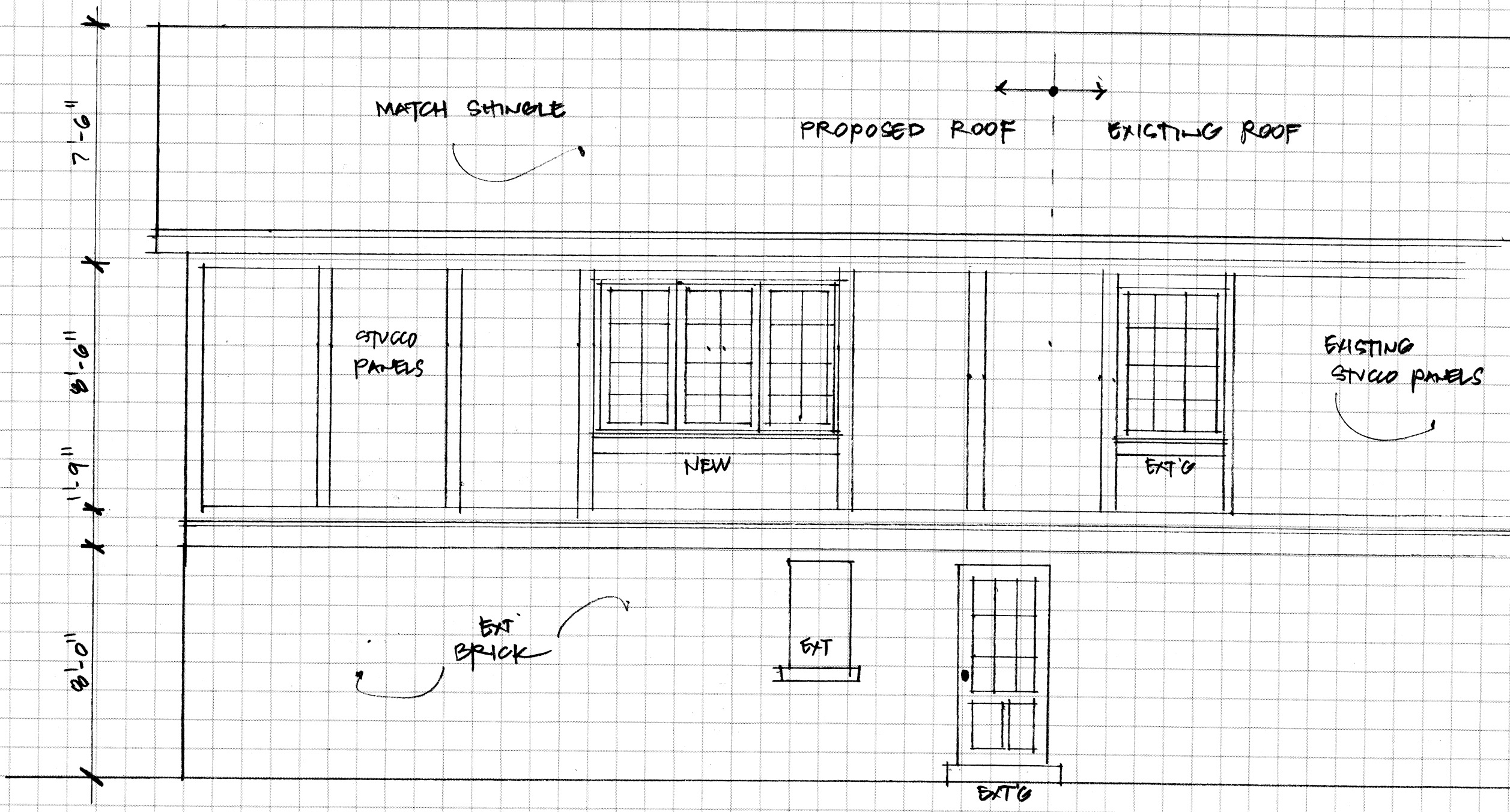
GARAGE 2ND FLR ADD'T



PROPOSED
PARTIAL WEST

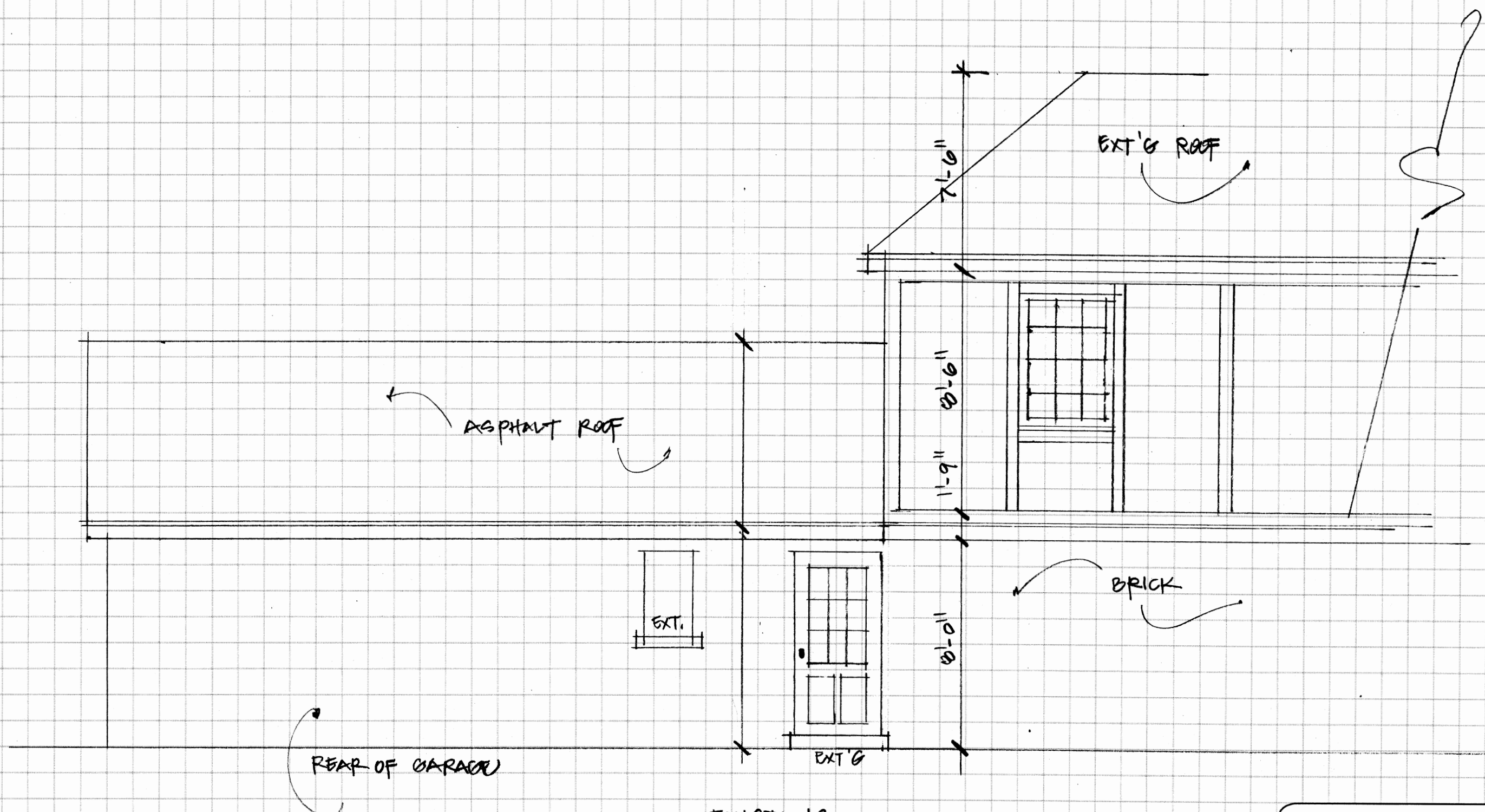
4.22.25

■	MCMURRAY INC.	■
THOMAS RES		
175 DEWINDT		
WINNETKA		



■ MCMURRAY INC. ■

THOMAS RES.
175 DEWINDT
WINNETKA



EXISTING
 PARTIAL SOUTH

■ MCMURRAY INC. ■
THOMAS RES 175 DEWINDT WINNETKA

→ MATCH RIDGE FOR NEW ADDITION

T/RIDGES 26'-0"

ASPHALT ROOF

COPPER ROOF

MATCH EXT'G EAST

EXT'G

STUCCO TO MATCH

DR

MUD ROOM

EXT'G GARAGE DOORS

7'-0"

8'-6"

11'-11"

8'-0"

4 22 25

PROPOSED

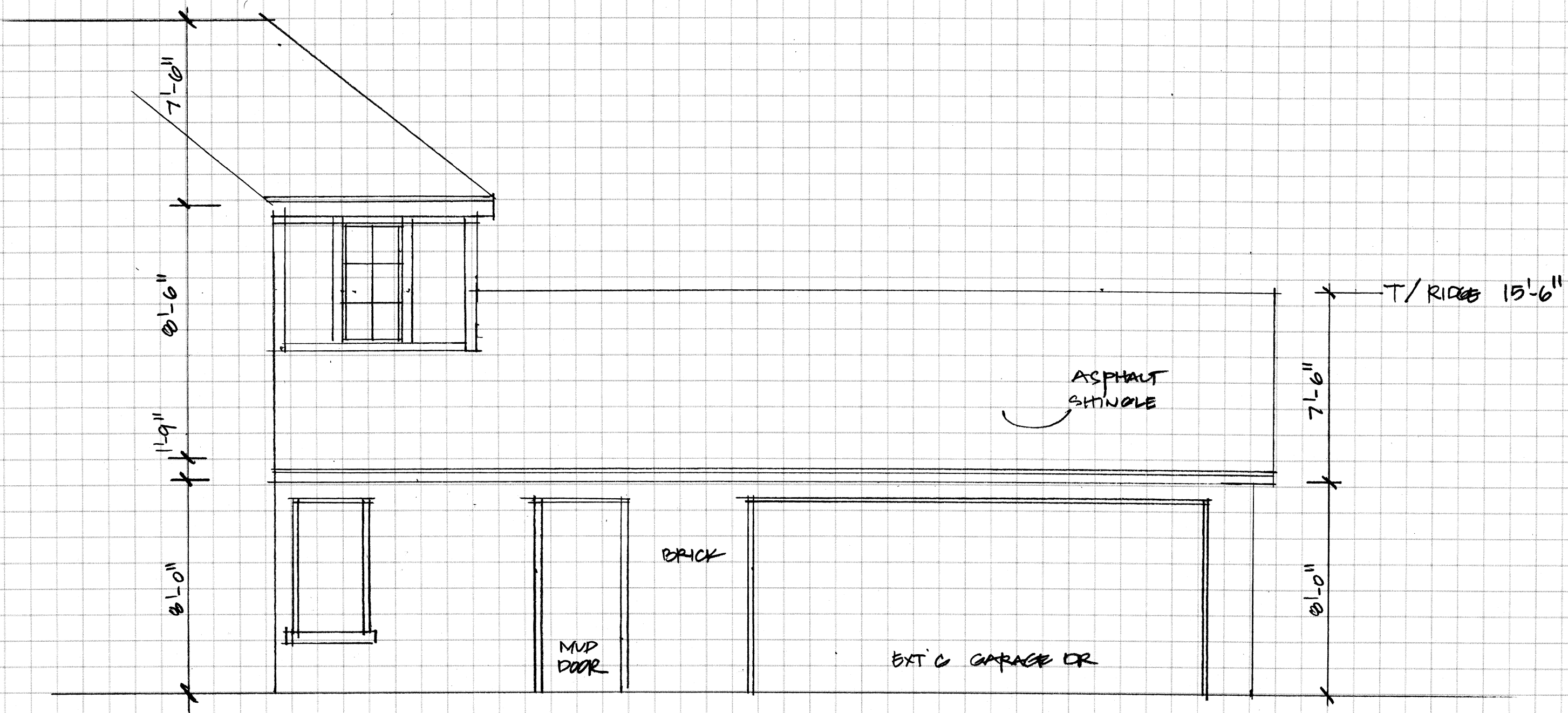
PARTIAL NORTH

■ McMurray Inc. ■

THOMAS RES

175 DEWINDT

WINNETKA



EXISTING
 PARTIAL NORTH

■	MCMURRAY INC.	■
THOMAS RES		
175 DEWINDT		
WINNETKA		





ATTACHMENT C

From: [REDACTED]
To: [Planning](#)
Cc: [REDACTED]
Subject: Case No 25-14-V2
Date: Tuesday, August 5, 2025 9:14:45 PM
Attachments: [DWA.pdf](#)

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.

As the President of the DeWindt Road Association, I am writing on behalf of the Association, which is a neighborhood association established to manage issues related to DeWindt Road, a private street within the Village of Winnetka, and its residents.

I've attached the response to the recent Notice of Winnetka Zoning Board appeal regarding the above case number.

A subset of the Association will plan to be at the public hearing on Aug 11th but we wish to provide this testimony / comment prior to the meeting.

Respectively submitted,

Amy P Burke
[REDACTED]

July 30, 2025

Via E-Mail and U.S. Mail

Village of Winnetka—Community Development Department
Building & Zoning Division
510 Green Bay Road
Winnetka, IL 60093

Re: Case No. 25-14-V2 – 175 DeWindt Road (Request for Front-Yard-Setback & Gross-Floor-Area Variations)

Dear Chairperson and Members of the Zoning Board of Appeals:

I serve as President of the DeWindt Road Association (“DRA”), the homeowners’ organization responsible for safeguarding the character, safety, and shared infrastructure of our private street. A number of residents have asked me to convey their concerns regarding the above-referenced variance petition. Although this letter does not purport to speak for every member of the DRA, it reflects the position of a significant group of homeowners who will be most directly affected by the requested relief.

1. Front-Yard-Setback Variation (Request #1)

- **Lack of quantifiable detail.** The application does not state the precise setback proposed (only that it will be “less than” the 50-ft minimum). Without an exact dimension, neighbors cannot meaningfully evaluate visual impact, emergency-vehicle access, or potential precedent for future encroachments.
- **Cumulative precedent.** DeWindt Road lots are unusually deep, and the 50-ft setback has preserved the street’s spacious, park-like setting for decades. Granting an open-ended reduction will invite similar requests from other properties, incrementally eroding neighborhood character.

2. Gross-Floor-Area (GFA) Variation (Request #2)

- **Incomplete calculations.** Neither the application nor its exhibits reconcile the proposed GFA with the Village’s R-1 zoning formula. Without a clear table of existing vs. proposed floor area, it is impossible to verify hardship.
- **Storm-water implications.** This is a major concern. Increased bulk typically triggers larger roof area and impervious surface, **exacerbating runoff onto DeWindt Road, which**

lacks public storm-sewer infrastructure. Neighbors already experience ponding during heavy rain; added mass will worsen this condition unless fully mitigated.

3. Catch-All “Any Other Relief Deemed Necessary” (Request #3)

A blanket request for unspecified relief circumvents the transparency the ZBA and neighbors require. It would be helpful to have each variance should listed with: (a) the precise numerical deviation, (b) the ordinance section, and (c) the hardship claimed. Without this, it’s very difficult for us to comment.

4. Construction-Management Concerns

DeWindt Road is a narrow, private lane with limited to no public turn-around. For safety and emergency access:

1. **On-site parking only.** All contractor vehicles must be confined to the 175 DeWindt driveway or a remote staging lot; no curbside parking or idling.
2. **Hours of work.** Heavy deliveries limited to 9 a.m.–3 p.m. on weekdays to avoid school-bus and commuter traffic.

While these items are construction-phase issues rather than zoning standards, they illustrate the practical difficulties posed by a project of this scale on a constrained site.

5. Requested Action

For the reasons above, the undersigned **respectfully requests** that the Zoning Board **deny** the variance petition **unless and until** the applicant produces:

1. A fully dimensioned site plan showing the exact front-yard setback requested.
 2. A certified GFA worksheet demonstrating the minimum relief necessary.
 3. A revised application listing every ordinance section from which relief is sought, with quantified deviations and hardship statements.
 4. A construction-management plan, reviewed by Village staff, guaranteeing safe access and protection of DeWindt Road infrastructure.
-

Emily and John Thomas are valued neighbors, and we remain committed to working collaboratively toward a solution that meets their family's needs **and** upholds the standards that have long protected property values and quality of life on DeWindt Road.

Thank you for your careful consideration.

Respectfully submitted,


Amy Burke

President, DeWindt Road Association

[contact information]

DAVID & COURTNEY NELSON

130 Evergreen Lane
Winnetka, Illinois 60093



Community Development
Village of Winnetka, IL
510 Green Bay Road
Winnetka, IL 60093

RE: **Contesting** Case No. 25-14-V2, 175 Dewindt Road – Residential Addition

Dear Board:

My wife and I occupy the residence at 130 Evergreen Lane. The above referenced residential address shares the Southern property line with our residence. The Residential Addition, as proposed, violates a 50' setback and introduces privacy concerns. Additionally, the current proposal shows windows on the South facing, second-level façade exacerbating such privacy concerns. This Proposed Addition would not be allowed under current zoning and as such, we respectfully request either: (1) all three of the proposed variances be denied; or (ii) provide for privacy restrictions **on title** that would forever restrict views into or out of the South-Facing, second-level façade of the Proposed Addition.

To provide the Board with visuals, attached is a satellite image of the existing conditions today (attached as Image 1). The current landscaping shown for 130 Evergreen Lane took 3 years to accomplish and provided for the mutual privacy for both residences at great consideration and cost. We worked with the Village of Winnetka Department of Planning and Engineering, the state of Illinois Department of Engineering, the U.S. Army Corps of Engineers (USACE) - Chicago District, and the Winnetka Forestry Departments. The second attached image (Image 2), shows the current plantings and that the large 20-foot trees were strategically placed to provide privacy to both residences. Such plantings required sufficient lot line set-back to accommodate such large trees in these exact locations. However, in order to comply with stringent 200-year flood water retention requirements, the landscaping set-backs had to be reduced allowing for only smaller evergreens along the entire lot line. As such, we cannot accommodate larger trees sufficient to block the proposed windows shown on the Residential Addition. It also does not appear that 175 Dewindt has sufficient lot line relief due to the existing garage to provide for similar natural plantings to mitigate the loss of privacy should the required 50-foot set-back be waived.

As an overall argument against the proposed Application, we simply ask what is the required "Hardship" identified in order to provide such variance? We have attached a Google AI report that the Board members are far better to assess than we are. (See attached, Image 3). In assessing the Hardship, we merely want to provide the Board with the following facts: The existing home was advertised by publicly available listing agents and advertised to be in excess of 6,300 square feet. The existing "garage" as labelled on plans, is actually a finished room and all parking is in the driveway with no access to a "garage" in its typical use. After a number of years on the market, the home was purchased between October 28-November 3, 2021 in its existing condition. As such, the Applicant had sufficient time to do its due-diligence and was aware of all existing conditions and current "legal, non-conforming" zoning conditions. It is our understanding that no changes have been made to underlying zoning that would create any new information from what the Applicant knew at the time of purchase. These facts and other

implied reasons for the Applicants request for zoning variance seem to fall into convenience categories or for financial gain. Without any further knowledge, it seems this cannot be granted based on simply facts.

We appreciate the Board's time in hearing our perspective and are available for any further questions and to host a tour if necessary. We will unfortunately not be able to attend the Public Hearing on Monday, August 11th but hope our absence does not negatively impact our case and request to respectively **Deny** the Applicant's request.

Sincerely,



David B. Nelson

Attachments:

- 1) Image 1 – Satellite Image of Existing Conditions Along South Lot Line of 175 Dewindt and 130 Evergreen Lane
- 2) Image 2: Current Image of 20' Tall Trees/Planting Providing for Mutual Privacy
- 3) Image 3: Source: Google AI Search

Image 1 – Satellite Image of Existing Conditions Along South Lot Line of 175 Dewindt and 130 Evergreen Lane



Image 2: Current Image of 20' Tall Trees/Planting Providing for Mutual Privacy

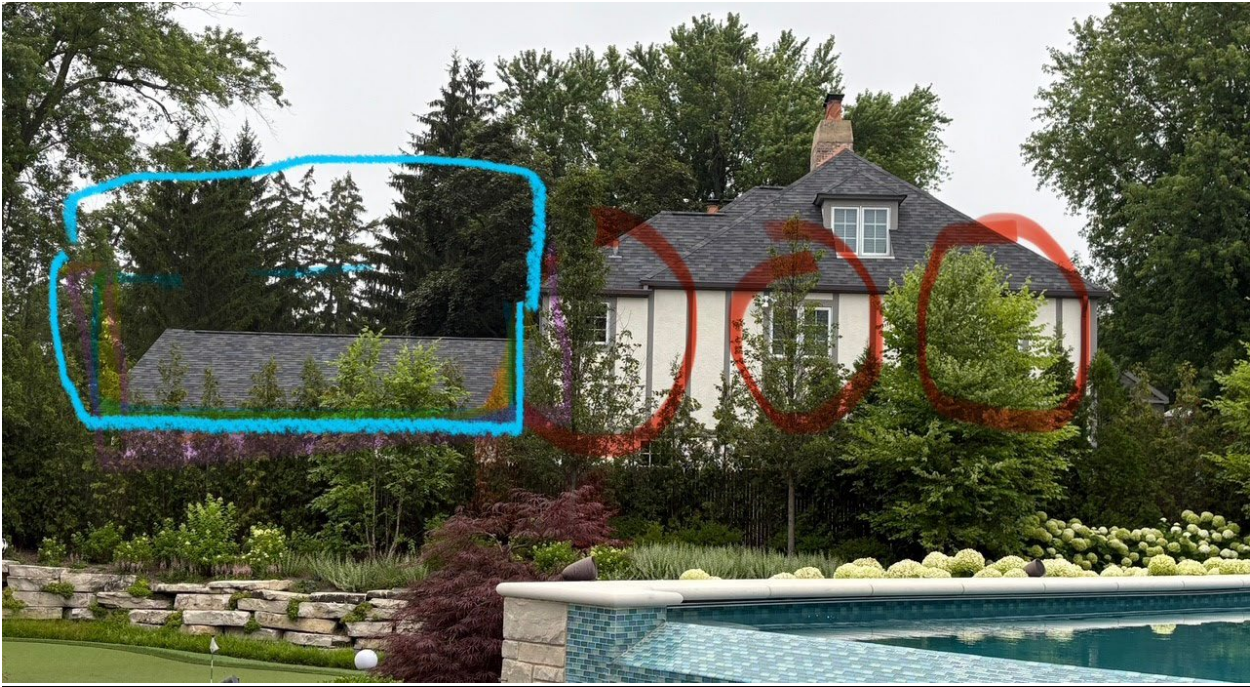


Image 3: Source: Google AI Search:

Winnetka zoning hardship requirements for obtaining a variation:

In Winnetka, Illinois, a property owner seeking a zoning variance based on hardship must demonstrate that strict adherence to zoning regulations creates a "practical difficulty or particular hardship". This burden of proof rests with the applicant.

Here are the key aspects to proving hardship for a zoning variation in Winnetka:

1. Defining "hardship"

- **Unique to the property:** The hardship must be a consequence of the specific characteristics of the property, not related to the owner's personal circumstances or a general condition shared by the neighborhood or community.
- **Not self-created:** The hardship cannot be a result of actions taken by the current or past property owner.
- **Beyond mere inconvenience:** The hardship must be more than simply a preference for a different standard or a general inconvenience.
- **Impact on reasonable return:** The property in question must be unable to yield a reasonable return if used only under the conditions allowed by the zoning district's regulations.

2. Examples of what *doesn't* constitute hardship

Winnetka's regulations specifically state that the following situations **do not** qualify as a practical difficulty or particular hardship:

- Improvements to the property's appearance or neighborhood
- Personal convenience or preference
- Making the property more readily saleable or increasing its selling price
- A family member's physical disability or handicap
- Changes in family size or age
- Lack of awareness of a zoning provision
- The existence of practical alternatives to the proposed request

- Neighbor approval of the variance request
- Hardship created by past property development
- Increased costs associated with complying with the Zoning Ordinance

3. Necessary evidence for variation requests

When applying for a variation, the Zoning Board of Appeals will require evidence that the property cannot yield a reasonable return under existing regulations, that the circumstances are unique, and that the variation will *not negatively impact* the locality's character, *adjacent properties*, fire risk, taxable value, traffic, or public welfare