

**WINNETKA ZONING BOARD OF APPEALS MEETING MINUTES
APRIL 13, 2026**

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

Zoning Board Members Absent: Todd Vender

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

Village Attorney: Peter Friedman
Caitlyn Culbertson

Call to Order & Roll Call:

Chairman Bradley called the meeting to order at 7:02 p.m. Roll call was taken of the Board Members present.

Public Comment:

No comments were made at this time.

Approval of Minutes:

Chairman Bradley asked for a motion to approve the March 9, 2026, regular meeting minutes and the March 16, 2026, special meeting minutes. A motion to approve the March 9, 2026, regular meeting minutes and the March 16, 2026, special meeting minutes was made by Ms. Hanley and seconded by Mr. Ritter. A vote was taken and the motion unanimously passed, 6 to 0:

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

NAYS: None

Community Development Report:

Mr. Mangum stated there is no Community Development Report.

New Cases:

a. **Case No. 26-07-V2: 286 Ridge Avenue: An application seeking approval of a zoning variation to allow construction of a swimming pool at 286 Ridge Avenue. The requested variation would permit the proposed pool to provide less than the minimum required corner yard setback from the north property line along Mt. Pleasant Street. The Village Council has final jurisdiction on this request.**

Mr. Marx summarized the variation request for a swimming pool and identified the property's location and improvements, zoning classification and size. He also referred to site photos which he described for the Board. Mr. Marx summarized the minimum setback requirements and the major variation being requested for the swimming pool, which he noted is a permitted encroachment in the rear yard. He noted no written comments were received from the public and stated following the applicant's presentation and

1 public comment, the Board may decide to either continue the matter to a date certain to allow the Village
2 staff time to address questions or comments or to make a motion recommending approval or denial of
3 the variation with draft language included on page 24. Mr. Marx then asked if there were any questions.
4 No questions were raised at this time.

5
6 Chairman Bradley swore in those speaking to this matter. James Murphy described the request to add a
7 small swimming pool in the backyard which was originally drawn to be sited in the middle of the backyard
8 but due to a large tree's location, they decided to move it so as not to affect the tree's drip line.

9
10 Chairman Bradley asked if there were any questions. Ms. Leister asked if they considered relocating the
11 pool to the west or east of the tree. Mr. Murphy responded there would not be sufficient room in that
12 location and there were no other viable options. He stated the proposed location would be the most
13 favorable and reiterated their attempt to save the tree. Ms. Hanley questioned the tree's height. Mr.
14 Murphy estimated it to be 40 feet and age to be 30-35 years old.

15
16 Chairman Bradley referred to the standards the Board is to consider, specifically the reasonable return
17 standard which would be difficult to meet as well as the unique circumstances standard. He asked the
18 applicant to address those two standards and any mitigating steps they may have taken. Mr. Murphy
19 informed the Board they originally considered a larger pool and summarized their reasoning to request a
20 major vs. a minor variation. Mr. Marx provided additional information to the Board that was given to the
21 applicant with regard to the pool size. He also provided information from the Village Forester. No
22 additional questions were raised at this time.

23
24 Chairman Bradley asked for public comment. No comments were made at this time. He then called the
25 matter in for discussion.

26
27 Mr. Ritter stated that he is concerned with the first standard and that he had no issues with the remaining
28 standards. He stated there would be no problems for the neighbors and there would be no ramifications
29 for granting the variation and it would be punitive to not allow the variation. Mr. Ritter concluded he
30 would be in favor. Ms. Leister stated she would not be in favor of the request in connection with standard
31 no. 2. She suggested alternative locations for the pool or remove the tree. Mr. Haller agreed with Ms.
32 Leister's comments and stated there was not sufficient consideration for the south side of the property.
33 He then stated he had difficulty with the first two standards.

34
35 Mr. Nielsen described pool issues as difficult in terms of meeting the first two standards. He stated he
36 would not be in favor of the request. Ms. Hanley stated that the tree is not very large and would not
37 overcome the need for the variation with regard to the standards. She then stated she would rather
38 sacrifice the tree. Chairman Bradley inclined he would have been in favor of finding an option which would
39 work. He agreed with Ms. Leister's comments and stated the tree did not represent a unique hardship.
40 Chairman Bradley then stated he would lean toward voting against a positive recommendation since the
41 first two standards have not been met.

42
43 Chairman Bradley offered the applicant the opportunity to proceed to a vote with a negative
44 recommendation or continue the request to allow them the opportunity to revise their plans in order to
45 receive a favorable recommendation from the Board. Mr. Murphy stated they would consider taking the
46 tree down. Chairman Bradley suggested the matter be continued to a date certain. Mr. Murphy agreed.

Chairman Bradley asked for a motion to continue the item to the May 11, 2026, meeting. A motion to continue the matter to the May 11, 2026, meeting 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

Old Business:

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

A verbatim transcript of the public hearing in this matter was taken by a certified court reporter and is attached to and incorporated into these minutes as the summary of the proceedings.

Chairman Bradley asked for a motion to approve the amended Findings of Determination of the Board as included in the packet modified to include the changes discussed on the record. A motion as stated by Chairman Bradley 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

New Business:

a. **May 11, 2026, Meeting - Quorum Check.**

The Board Members discussed their availability.

Public Comment.

Mr. Daniel addressed the Board as indicated in the transcript at pages 140:8 – 141:9.

Adjournment:

Chairman Bradley asked for a motion to adjourn. A motion to adjourn was made by Ms. Hanley and seconded by Ms. Leister. A vote was taken and the motion unanimously passed, 6 to 0:

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

NAYS: None

The meeting adjourned at 10:28 p.m.

Respectfully submitted,

Antionette Johnson

Recording Secretary

BEFORE THE WINNETKA ZONING BOARD OF APPEALS
ON REMAND FROM THE CIRCUIT COURT OF COOK COUNTY
ILLINOIS COUNTY DEPARTMENT, CHANCERY DIVISION

In the Matter of:	)	
314 Walnut Street,	)	
Winnetka	)	
Nicole & Tyler Steel,	)	
Petitioners.	)	ZBA Case No. 25-09-APL
NICOLE STEEL and	)	
TYLER STEEL,	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 2025 CH 9530
	)	
ZONING BOARD OF APPEALS,	)	
VILLAGE OF WINNETKA, and	)	
SCOTT MANGUM,	)	
Defendants.	)	

REPORT OF PROCEEDINGS had and testimony
taken at the hearing of the above-entitled
matter before the Winnetka Zoning Board of
Appeals, at 510 Green Bay Road, Winnetka,
Illinois, on the 13th day of April, A.D. 2026,
at the hour of 7:00 p.m.

BOARD MEMBERS PRESENT:

MR. MATTHEW BRADLEY, Chairman;
MS. LYNN HANLEY, Member;
MR. MARK HALLER, Member;
MS. KATHRYN LEISTER, Member;
MR. MIKE NIELSEN, Member; and
MR. MICHAEL RITTER, Member.

1 ALSO PRESENT:

2 MR. DAVID FRIEDMAN, Village Attorney;

3 MS. CAITLYN CULBERTSON, Village
4 Attorney;

5 MR. SCOTT MANGUM, Director of
6 Community Development;

7 MS. ANN KLAASSEN, Assistant Director of
8 Community Development;

9 MR. MARK DANIEL, Applicant Attorney;

10 MS. DANIELLE CASTLE, Applicant
11 Attorney;

12 MS. NICOLE STEEL, Applicant.

13

14 CHAIRMAN BRADLEY: Good evening,
15 everybody. It is 7:00 o'clock, on Monday,
16 April 13th, the regular scheduled Zoning Board
17 of Appeals meeting. I'll call this meeting to
18 order and start with roll call, please.

19 MS. KLAASSEN: Member Ritter?

20 MR. RITTER: Here.

21 MS. KLAASSEN: Member Leister?

22 MS. LEISTER: Here.

23 MS. KLAASSEN: Member Hanley?

24 MS. HANLEY: Here.

07:03:22PM

1 MS. KLAASSEN: Member Nielsen?

2 MR. NIELSEN: Here.

3 MS. KLAASSEN: Member Haller?

4 MR. HALLER: Here.

5 MS. KLAASSEN: Chair Bradley?

6 CHAIRMAN BRADLEY: I am here.

7 (WHEREUPON, proceedings were
8 had which were not taken
9 stenographically.)

07:30:18PM 10 CHAIRMAN BRADLEY: Moving on, then, to
11 Agenda Item 5, Old Business, Case 25-09-APL,
12 otherwise known as 13 -- sorry -- 314 Walnut
13 Street. This is the consideration of approval
14 of amended written findings and determination to
15 affirm the zoning administrator's determination
16 314 Walnut Street has a front lot line along
17 Wilson Street.

18 I'm going to hand this over to the
19 village attorney for, essentially, the
07:30:56PM 20 presentation, as would normally be provided by
21 staff. And following that, we'll take some
22 questions if anybody has any of staff and the

1 attorney and, then, we'll turn it over to the
2 applicant for their presentation, if that works.

3 MR. FRIEDMAN: Thank you. I would note
4 without -- I would notice -- There is voluminous
5 information that has been dropped on the dais by
6 the applicant. Neither I nor anybody in our
7 office or staff or the ZBA have had a chance to
8 review any of this, I assume. I'm holding it
9 up.

07:31:52PM 10 So I will go through the procedure
11 but you will have a decision to make, whether or
12 not the applicant truly believes that the ZBA
13 must consider this information, whether we can
14 proceed tonight with a decision at all. I'll go
15 through the background and, then, we can have
16 that discussion.

17 As you all know, Nicole and Tyler
18 Steel are the owners of the property at
19 314 Walnut. On March 5th, the owners e-mailed
07:32:26PM 20 the village requesting a zoning interpretation
21 on the property's three street frontages.

22 On March 24th, 2025, the zoning

1 administrator complied with that request and
2 issued a determination that the front yard --
3 that the property contained a front yard on
4 Wilson, a front yard on Walnut, a corner yard on
5 Orchard, and a side yard along the south line of
6 the property based on the definitions in the
7 zoning code of corner lot, corner lot line,
8 front lot line, as set forth in the zoning
9 ordinance.

07:33:01PM 10 On June 9th, the ZBA considered the
11 owner's appeal of that determination. There was
12 a full hearing, presentations on a number of
13 matters.

14 On August 11 of 2025, the ZBA
15 unanimously approved written findings and a
16 determination by a vote of seven to nothing
17 affirming the zoning administrator's
18 determination.

07:33:30PM 19 On September 16th, the owners filed
20 an administrative review action, Case
21 No. 2025 CH 9530, in the Cook County Circuit
22 Court challenging, on administrative review, the

1 ZBA's findings and determination. That matter
2 was fully briefed and a hearing before the Court
3 was held.

4 On March 19th, the Court entered
5 its final order on administrative review,
6 pursuant to which the Court found -- and I won't
7 go into all of the details but the Court found
8 that the ZBA had erred in affirming the final
9 decision of the zoning administrator.

07:34:10PM 10 Specifically, the Court found error
11 in application of Section 17.30.050(c)(3),
12 without consideration of other defined terms in
13 the zoning ordinance in determining whether a
14 side yard or a rear yard line exists at all from
15 which to measure the width or depth of the
16 buildable area on the property.

17 The Court found that there were a
18 number of applicable sections of the Winnetka
19 Zoning Ordinance that were not vague or
20 ambiguous, and those provisions included the
21 definition of corner lot, corner lot line,
22 corner yard, through lot, front lot line, front

07:34:42PM

1 yard, rear lot line, rear yard, and side lot
2 lines; in addition to side yard, street line,
3 and the provision of 050(c)(3) setting forth the
4 determination of maximum setbacks on corner lots
5 with three street frontages and another
6 provision setting forth determination of side
7 yard setbacks.

8 The Court also significantly found
9 that the ZBA erred because the Court felt like
10 all of those definitions were not ambiguous. So
11 the Court found that the ZBA erred in relying on
12 historical zoning analyses and a 2005 ordinance
13 granting variations for the property. The Court
14 did not believe that the ZBA should consider
15 those matters in determining its opinion of
16 whether the zoning administrator had properly
17 interpreted the ordinance.

18 And you have been provided a copy
19 with the -- the final court order. For the
20 reasons stated in the final order, the Court
21 reversed and remanded the original findings and
22 determination, did not reach a final decision on

1 the matter, however, but instructed the ZBA to
2 consider this matter again and review whether,
3 specifically, Section 17.30.050(c)(3) properly
4 applies to the property with reference to other
5 applicable zoning ordinance sections and, again,
6 without reference to historical interpretation
7 or other interpretive aids.

8 The Court further required that the
9 ZBA provide a final decision to the property
10 owner setting forth reasoning and a factual
11 basis for its decision within 30 days of the
12 date of the final order.

13 The final order, as I said, was
14 issued on March 19th, so the clock is running on
15 that, which is why this information dropped on
16 us at this late date is concerning.

17 Based on the direction from the
18 Court in the final order, this hearing was
19 noticed. The property owners and their attorney
20 were provided due notice well in advance. So,
21 again, why we're just receiving this now is a
22 little bit troubling.

1 Because of the time line that the
2 Court set, our office has prepared proposed
3 amended findings and determination. We have
4 included that with a brief memo for
5 consideration by the ZBA. That document was
6 provided online and made public, so the
7 applicant's -- I'm sorry -- the owners have had
8 access to that, as well.

9 As you saw, the proposed amended
10 findings and determination follow the Court's
11 direction to consider whether
12 Section 17.30.050(c)(3) of the zoning ordinance
13 properly applies to the property with reference
14 to other applicable zoning ordinance sections.
15 The proposed amended findings and determination,
16 as written -- of course, it's up to you to
17 decide whether or not to adopt those -- conclude
18 that the original findings and determination
19 that based on a review of all of the applicable
20 definitions and provisions of the zoning
21 ordinance, the zoning administrator correctly
22 determined that the property contains a front

1 lot line on Wilson Street.

2 I would note, also, that, as you
3 all probably know, in response to the case, the
4 Village Council has taken separate action to
5 adopt a zoning text amendment. A copy of that
6 is also included. That's on our website. That
7 was publicly noticed, as well, for a public
8 hearing, in accordance with Illinois law and
9 adopted properly by the village.

07:38:56PM 10 That ordinance makes three or four
11 relatively minor changes to the text of the
12 zoning ordinance and, as set forth in that
13 ordinance, it is -- the council determined that
14 it was not an actual substantive amendment but
15 it was a restatement of existing law and simply
16 more explicitly provided what the council had
17 thought was the correct interpretation.

07:39:37PM 18 Because of the order that we have
19 received from the circuit court on this case,
20 the findings -- the proposed amended findings
21 and determination are based solely on the
22 code -- the code as it existed when the zoning

1 administrator made his original determination
2 and when the judge issued her decision on
3 March 19th.

4 By the way, those -- that's the
5 same. There was no substantive change to the
6 code between the time of the zoning
7 administrator's decision and the Court's final
8 order. So that's what the decision is based on.
9 But it would have been, I think, odd for us not
10 to, at least, notice and identify to you that
11 the council had taken separate action with
12 regard to the text of the zoning code.

13 So that -- I'm happy to answer any
14 questions on that. We're actually -- We're,
15 obviously, going to have to decide whether we
16 can proceed tonight at all, given the voluminous
17 information and the brief that has been filed.
18 Obviously, again, staff, the village attorney's
19 office, and none of the ZBA members have had a
20 chance to review.

21 CHAIRMAN BRADLEY: Okay. That's a lot.
22 Thank you. Thank you for that.

1 Let's take a vote up here at the
2 dais. Does everybody understand functionally
3 what we're doing, in terms of the court order is
4 to not be considering any of the prior testimony
5 or review of cases? The fact that there was a
6 variance granted on this property that
7 acknowledged the front yard setback on Wilson,
8 that's not to be considered. We're simply to
9 look at the statutory definitions included
10 within our zoning code on these -- on these
11 critical terms and then, thus, rolled up into
12 the (c)(3) item, which was the final decision of
13 the zoning administrator.

14 We're to give that a pure review on
15 our own and the findings of fact that were
16 paired here should, hopefully, guide us, in
17 terms of getting through the substance of the
18 zoning code review. And if anyone has questions
19 as we go through that, we can certainly take
20 those in kind with staff and with the village
21 attorney. But, I will say, as it relates to
22 staff, we are often reliant on staff to frame

07:42:46PM 1 the issues for us, whether they be the
2 interpretations, whether they be the relevant --
3 a stab at the relevant part of the statute that
4 is driving the need for the application. In
5 this way, we would just be relying on staff for
6 their interpretations of the code because, as
7 the judge ordered, it's clear and obvious what
8 these terms mean and so we should not have a
9 need to rely on staff for those and, certainly,
10 any application of the statute to other cases
11 wouldn't be relevant either. We do this purely
12 on the code, the term as it's defined as it
13 relates to 314 Walnut.

14 MR. DANIEL: May I interject?

15 CHAIRMAN BRADLEY: I'm going to get to
16 you in one second, Counselor.

17 Does everybody understand? Does
18 anyone have any questions for the village
19 attorney?

07:43:10PM 20 Go ahead.

21 MS. HANLEY: This stuff that was
22 dropped on us today, that was here on the dais

1 when we showed up, this is their material that
2 they're submitting as part of their -- what are
3 we calling this, a re-review of the zoning --

4 MR. FRIEDMAN: Your decision is on
5 remand from the circuit court. So you are
6 reconsidering the decision and have to make a
7 new decision based solely, as the chairman said,
8 on the text of the zoning ordinance as it
9 existed at the time of the code -- as it existed
10 at the time of the order.

11 MS. HANLEY: Is what they are
12 submitting today relevant if we're basically
13 going back to --

14 MR. FRIEDMAN: Frankly, I haven't
15 looked at everything they submitted.

16 MS. HANLEY: Theoretically, we should
17 be able to re-review just based on the record
18 that we had from the previous meetings.

19 MR. FRIEDMAN: Except that the record
20 you had on the previous meeting had material
21 that the judge said we should not have been
22 considering.

1 MS. HANLEY: We can review it
2 without -- we can look -- I mean, it's basically
3 looking at the ordinances and David's assessment
4 of the ordinances and whether or not we agree
5 with David's assessment of the ordinances,
6 correct?

7 MR. FRIEDMAN: Correct, just the
8 ordinances, just the code provisions.

9 MS. HANLEY: So nothing here, in this
10 pile, should be of relevant to what we want to
11 do today any way, correct, theoretically --

12 MR. FRIEDMAN: Theoretically.

13 MS. HANLEY: -- legally?

14 MR. DANIEL: May I interject? It's
15 going pretty far afield.

16 CHAIRMAN BRADLEY: We're going to get
17 to you in one second, Counselor.

18 MS. HANLEY: I just want to make sure I
19 understand -- I want to understand that I'm
20 putting the right context to what we're doing
21 today.

22 MR. FRIEDMAN: I would now look at all

07:44:42PM

07:45:01PM

1 of this information and let you know if I think
2 there is anything.

3 CHAIRMAN BRADLEY: Let's proceed --
4 Let's proceed, just for the moment, without
5 acknowledgment of the stack of papers that are
6 on our -- Does anyone else have any questions?

7 (No response.)

8 I'm going to invite the
9 applicant's -- or the applicant's representative
10 to address us for however long they feel
11 appropriate to frame the issues the judge
12 ordered and go from there.

13 MR. DANIEL: Good evening, Chair
14 Bradley and Members of the ZBA, staff, and both
15 counsel. My name is Mark Daniel, Daniel Law
16 Office. I have been practicing land use for
17 over 30 years on projects from matters like
18 this, up to billion-dollar lifestyle centers and
19 everything in between. I litigate these
20 matters. There is not a moment where I don't
21 have at least ten cases on my desk. I have
22 cases in the Appellate Court, I have argued in

1 the Illinois Supreme Court on these issues.

2 With me tonight is Nicole Steel.

3 Nicole and Tyler are still the owners of
4 314 Walnut Street. And next to Nicole is
5 Danielle Castle, who was here for the earlier
6 stage when she presented, essentially, what the
7 judge found in her ruling.

8 I have given you an appearance. It
9 has my contact information. I gave Ms. Klaassen
10 a business card, so she has it. Mr. Friedman
11 and Ms. Culbertson certainly know where to find
12 me because we have known each other for a couple
13 of decades now.

14 I want to note a couple of things.
15 What Mr. Friedman held up as this big voluminous
16 document -- there is a cover page on it -- one
17 of them is the March 19th, 2026 order, marked as
18 Exhibit A, already submitted by counsel. You
19 will note, on Page 3 of that order, Paragraph 8,
20 it states, This is a final order. It also
21 states that it modifies its ruling.

22 Mr. Friedman didn't discuss the

07:46:27PM

07:47:04PM

1 ruling. The ruling occurred on March 13th of
2 2026. That will be behind the second blue
3 sheet, marked Exhibit B. This is nothing new to
4 Mr. Friedman, Ms. Culbertson, or anyone in this
5 room if they are sharing judicial transcripts
6 the way I do with clients.

7 I will note, from that transcript,
8 the ordinance, on March 13th, simply did not say
9 what the village argued. It said, plain as day,
10 Page 74. Mr. Friedman states that the Village
11 Council adopted Ordinance No. MC-01-2026 as
12 reflective of existing law, not a change,
13 non-substantive, continuing the ordinance in
14 effect. I'm sorry. Pages 74, 75, and 76 of
15 Exhibit B, the judge rejects that argument.
16 It's not in the statute.

17 The ordinance contemplates there
18 may be two or more junctions but there is still
19 only one lot, and it rejected the village's
20 argument -- the judge rejected the village's
21 argument outright. Then it went through the
22 discussion of which lot lines were which,

07:49:43PM 1 finding first, Walnut Street, the east side of
2 the lot, had the front lot line and a front
3 yard. Because of the corner situation, the
4 corner yard is on the Orchard Lane side of the
5 property. The interior side yard, something
6 left out of staff's presentation, I believe
7 wholly, the last time. The interior side yard
8 is, obviously, the south lot line where another
9 lot abuts the property. And the Court said it's
10 undeniable that the rear lot line is the Wilson
11 Street lot line. The rear yard abuts Wilson
12 Street. That's the west side of the property.

13 She erred on oral direction of
14 judgment of reversal, according to the prayer in
15 the complaint on the 13th of March, no remand.

07:50:28PM 16 Frankly, I thought that's all that
17 was necessary because as Mark Daniel looks at
18 the code, as Danielle Castle looks at the code,
19 as Nicole and Tyler, who are extremely bright in
20 this field when it comes to yards and
21 definitions and you have dealt with them
22 before -- When we look at the code, when the

1 judge looks at the code, when the clerks of the
2 judge look at the code and they come to that
3 clear conclusion that the rear yard is on
4 Wilson, you wonder what else could be in that
5 code. Our position was you don't need to remand
6 it, Judge, because there is nothing in the code
7 to support it.

8 What does the village do? That's
9 March 19th. On March 19th, the Village Council,
10 that evening -- This is about seven hours,
11 probably, after the morning call. The Village
12 Council adopts a resolution. That resolution is
13 Exhibit H. This is the Village Council
14 resolution.

15 In that resolution, R35-2026, it
16 states, Section 2, The director of community
17 development is directed to immediately undertake
18 a text amendment process and to notice and
19 schedule a public hearing before the Village
20 Council in the following prospective,
21 prospective -- we all know what that means --
22 amendments to the zoning ordinance.

1 Low and behold, what do those
2 amendments do? They tweak things a little bit.
3 As Mr. Friedman told you, you can rely on that
4 amendment.

5 CHAIRMAN BRADLEY: He did not say that.

6 MR. FRIEDMAN: I did not say that.

7 MR. DANIEL: It's literally --

8 CHAIRMAN BRADLEY: He said we were
9 going to look at the zoning code that was in
10 place before the Village Council met. We're
11 going to look at it as it was there when the
12 judge made the order.

13 MR. DANIEL: That's not what I see.

14 CHAIRMAN BRADLEY: We haven't done it
15 yet.

16 MR. DANIEL: No, your packet does not
17 have that explanation.

18 MR. FRIEDMAN: Of course it does. Read
19 the findings and recommendations.

20 MR. DANIEL: You find --

21 MR. FRIEDMAN: The amended findings and
22 recommendation on Page 7 of 7, Paragraph 29,

1 Pursuant to the zoning ordinance as it existed
2 at the time of the zoning administrator
3 determination.

4 MR. DANIEL: So you are not tonight --
5 I want to be clear on this, you are not tonight
6 approving ordinance MC-01-2026.

7 MR. FRIEDMAN: The Village Council,
8 what -- We don't have authority. We don't
9 approve ordinances at the ZBA level.

07:53:12PM 10 CHAIRMAN BRADLEY: Our review will be
11 the zoning code, as it was in effect when David
12 Schoon, zoning administrator at the time, made
13 his interpretation on 314 Walnut, without
14 prejudice to any prior hearings or decisions on
15 variations that have been put onto the property
16 at that time, which was part of our deliberation
17 when we first went through the ZBA meeting.

18 MR. DANIEL: That will save us
19 sometime.

07:53:36PM 20 CHAIRMAN BRADLEY: It will.

21 MR. DANIEL: Because if that ordinance
22 is not yet in effect, it shouldn't be applied to

1 avoid the effective rejection --

2 MR. FRIEDMAN: The ordinance is
3 effective, but that's not the ZBA's charge.

4 MR. DANIEL: So the ZBA is not applying
5 the revisions in 1-2026?

6 MR. FRIEDMAN: That is correct.

7 MR. DANIEL: So I can move on a bit.
8 And I suppose the portion of the opinion at 74
9 through 76 is important.

07:54:10PM 10 All right. The transcript, again
11 Exhibit B -- Here you have an experienced
12 attorney from Hinshaw Culbertson, who was sent
13 to the bench in the Chancery Division, which is
14 one of those divisions, which is pretty special
15 to those of us who practice. They deal with a
16 lot of issues, a lot of high thinking is what I
17 would call it.

18 The judge in this case determined
19 the yards in a pretty straightforward fashion
07:54:37PM 20 that I explained earlier. It does not have two
21 front lot lines. It does not have two front
22 yards.

1 The judge ruled, simply, that the
2 most nearly parallel street among the streets --
3 once you take Walnut out, the most nearly
4 parallel street is Wilson. That becomes the
5 rear yard. All right. In this instance, there
6 is no question about that rear yard.

7 How do you determine the rear yard
8 line that helps you determine the buildable
9 area? In this submittal, you'll note, in
10 Exhibit D, our opening brief on administrative
11 review. Within that, about 16 pages in, there
12 is a page in the lower right marked A-1. That
13 has the survey that was before you previously.

14 I ask, what is it in that survey
15 that causes the Zoning Board of Appeals to say
16 we're in agreement with affirming the
17 administrator's decision, even though the
18 circuit judge reading the same rules we're
19 reading has rejected that position? No change
20 in the ordinance but the village did amend the
21 ordinance to correct everything the judge said
22 was wrong with their code. Plain as day. You

1 can see that none of the lot lines are
2 90 degrees to one another. The dimensions of
3 the angles are shown and you can see that you
4 can take 15 percent of the lot with not more
5 than 25 feet and measure that from Wilson
6 Street. A rear yard can be determined. That
7 helps you formulate the west line of the
8 buildable area.

9 It should be clear that on the side
10 yard, the south side of the property, you can
11 clearly walk in 6 feet or 8. This is an R-5
12 district, so I think the 6 would apply here
13 because you have the Orchard Lane corner yard
14 and you can see 30 feet in the code helps you
15 establish the front. So you have all four
16 sides, corner side -- corner yard, the front
17 yard, the side yard, and the rear yard defined
18 as to their outer boundary, which is a lot line
19 and as to the interior boundary, which is the
20 yard line, and therein lies your buildable area.

21 Now, the question is: How do you
22 handle this 50(c)(3)? A lot that has three

1 frontages but on which you cannot measure either
2 a dimension for the side yard or a dimension for
3 the rear yard. You can measure both here. It
4 doesn't apply, which is why the judge gave very
5 clear language in her ruling. Take a look at
6 the 50(c)(3) because in her review, under the
7 transcript of the ruling, you can see that it
8 was easy for her. She could determine the rear
9 yard and she did.

07:58:40PM 10 The particular sheet A-1, that is
11 already part of the record. The rest of the
12 exhibits are either parts of the record or parts
13 of the zoning ordinance.

14 I did give you the courtesy of
15 having a copy of the village's brief on
16 administrative review for completeness and I
17 gave you a copy of the ordinances that are on
18 the books as of today, so you had those a second
19 time around.

07:59:06PM 20 What would be profoundly
21 disappointing is to find ourselves in a position
22 where the ZBA is applying something that is not

1 written. I note, carefully, that we're here
2 because we have to. We don't agree with the
3 draft findings. We submitted a statement on
4 remand. It's 20 pages. In that same binder
5 clip, you have a set, more of which constitutes
6 Mr. Friedman's proposed findings than my own.
7 That's your Appendix 1.

8 In Appendix 1, we identify the
9 subject matter and the owners the same way you
10 normally do. In appendix 1, on Page 2, under
11 the facts and findings, Findings 1, 2 and 3 were
12 all part of your prior determination, and I
13 believe they were all part of the proposed
14 findings. It's not disputed on any of these
15 points. The property is in the R-5 district,
16 surrounded on its north by Orchard Lane, its
17 east by Walnut, its west by Wilson Street. It
18 has three street frontages. The ones that I
19 just mentioned, north, east, and west.

20 Paragraph 4 is longer than what
21 Mr. Friedman addressed. It was interesting how
22 that finding was addressed. There are three

1 areas where parallel comes into play and there
2 is really nothing in the way of perpendicular
3 that matters to this case. Mr. Friedman's
4 finding -- If you compare Paragraph 4 to this
5 Paragraph 4, Mr. Friedman's finding was that the
6 lot lines were not precisely perpendicular.
7 They are not nearly perpendicular at Wilson and
8 Orchard.

08:01:41PM 9 But this paragraph expands on the
10 actual circumstances, as you take them from the
11 survey I showed you on A-1 in Exhibit D. That's
12 the survey I walked you through. VOW243 was the
13 page of the current record that we're dealing
14 with, and this walks you through the angles.

15 Did you know Wilson Street and
16 Walnut never intersect? Did you know that they
17 are offset by six and a half blocks at their
18 maximum width? Those findings are here.

08:02:27PM 19 As far as the corner lot is
20 concerned, Paragraph 5 is an undisputed
21 circumstance arising from the survey. The
22 property is a corner lot. Due to the

1 intersections of Walnut Street and Orchard --

2 CHAIRMAN BRADLEY: Counsel, I'm sorry.

3 I just want to make sure. Are you saying the
4 fact in Finding 4 is not stipulated to by you?

5 MR. DANIEL: I think the fact in
6 Finding 4 that they are not precisely
7 perpendicular is irrelevant to the issue.

8 CHAIRMAN BRADLEY: It's stipulated.

9 MR. DANIEL: That they are not
10 precisely perpendicular, that would be
11 encompassing of not nearly, I suppose. I just
12 don't want it to be misleading to you.

13 CHAIRMAN BRADLEY: I want a yes or no,
14 whether or not you're contending with any of the
15 fact of findings, which ones. If 4 is not one
16 of them, we're not going to -- it's not
17 misleading, so just answer that you are saying
18 that this, as presented, is not --

19 MR. DANIEL: Chairman Bradley, I'm
20 going to be very careful on this. The issue of
21 whether something is precisely perpendicular has
22 no relevance to this case. The angle of the

1 corners may have some relevance but it's never
2 been addressed here. It's not in the record.
3 The ZBA has not made a record whether public
4 notice for a hearing occurred. I assumed it did
5 not when I couldn't find it. This is not a
6 zoning -- but the issue that we have is the
7 language "precisely perpendicular" implies they
8 are close when they are not.

9 CHAIRMAN BRADLEY: Are you talking
10 about precisely perpendicular or precisely
11 parallel? Based upon the finding here, it says,
12 Not precisely parallel.

13 MR. DANIEL: Right, not precisely
14 parallel. They are not close to parallel. I
15 mentioned it in the measurement of blocks.

16 CHAIRMAN BRADLEY: We're on to -- You
17 were going to Item 5. Is it your intention to
18 go through all 30 of the determinations in our
19 packet?

20 MR. DANIEL: I would like to, unless
21 Mr. Friedman, when he reads something or read
22 something earlier, I will note when he covered

1 that already. He did read from the findings.
2 There are several of them here.

3 CHAIRMAN BRADLEY: From an expediency
4 perspective, would it be possible for you to
5 focus on findings you do not believe are
6 accurately presented in the findings, rather
7 than going through all 30?

8 MR. DANIEL: If I make sure I have a
9 set of the most current findings. I sent off
10 one of my packets. I believe I --

11 CHAIRMAN BRADLEY: I want to make sure
12 you're looking at the same findings we are,
13 which were included in the packet of tonight's
14 presentation.

15 MS. HANLEY: Have they changed since
16 Thursday --

17 CHAIRMAN BRADLEY: No.

18 MS. HANLEY: -- when they were posted
19 on the agenda?

20 MR. DANIEL: All right. So our
21 Finding 5, on Page 3.

22 CHAIRMAN BRADLEY: When I interrupted

1 you, you were in the middle, property is a
2 corner lot.

3 MR. DANIEL: Due to the intersections
4 of Walnut and Orchard and Wilson. We mentioned
5 where they are with directions in our finding
6 but that is not disputed.

7 CHAIRMAN BRADLEY: The definition of it
8 being a corner lot at that intersection?

9 MR. DANIEL: Correct.

08:05:52PM 10 CHAIRMAN BRADLEY: As well as at the
11 intersection of Wilson and Orchard.

12 MR. DANIEL: There are corners at --
13 Yes, a corner lot at that -- singular.

14 CHAIRMAN BRADLEY: No, it's not. It's
15 written to say --

16 MR. DANIEL: No. I'm sorry. The
17 judge's finding was corner lot is singular.

18 CHAIRMAN BRADLEY: I'm not here to
19 debate what the judge's ruling was. The judge
08:06:11PM 20 remanded it to us to do our own review of the
21 standards.

22 MR. DANIEL: And I'm here to make sure

1 you do that.

2 CHAIRMAN BRADLEY: The fact and
3 findings included here says, The property is a
4 corner lot, due to the intersection of Walnut
5 and Orchard, as well as the intersection of
6 Wilson and Orchard.

7 MR. DANIEL: A singular corner lot, due
8 to that. Yes, a singular corner lot.

9 CHAIRMAN BRADLEY: Okay. So 5 is --
10 Okay. Keep going.

11 MS. HANLEY: I don't understand. It
12 says the same thing. Just so I'm clear, we're
13 comparing our facts and findings to yours,
14 correct?

15 MR. DANIEL: That's what I'm asking you
16 to do.

17 MS. HANLEY: Yes. Okay. It's late.
18 I'm tired.

19 What's the difference between your
20 5 and our 5?

21 MR. DANIEL: I added directions.

22 MS. HANLEY: The property is a corner

1 lot at the intersections of Walnut Street and
2 Orchard Lane, so at the property's northeast
3 corner, of Wilson Street and Orchard Lane at the
4 property's northwest corner.

5 MR. FRIEDMAN: And that is significant
6 because the plaintiff -- the applicant's
7 position is that it is only a corner lot on that
8 one corner --

9 MS. HANLEY: Right.

10 MR. FRIEDMAN: -- as opposed to on both
11 corners that the ZBA found originally.

12 MS. HANLEY: Right. Okay.

13 MR. DANIEL: I'm sorry. I want to be
14 very clear here. We have two corners.

15 MS. HANLEY: I get that there's two
16 corners but you're saying only count one.

17 MR. FRIEDMAN: For purposes of
18 determining the yards, that's what he said, yes.

19 MR. DANIEL: So we're clear --

20 MR. FRIEDMAN: By the way, I'll comment
21 on Mr. Daniel's interpretation of what the Court
22 ruled but, you know, he can say -- he can

1 interpret the Court's ruling how he wants to but
2 the final order has some very significant
3 language about exactly what the Court ruled and
4 what the Court did not rule.

5 MS. HANLEY: Yes.

6 MR. DANIEL: So the issue that was
7 argued was how you determine the front lot line
8 on a corner lot. For one lot, if you look at
9 the junction and you take the longest line and
10 that is Orchard.

11 MS. HANLEY: Yes.

12 MR. DANIEL: That becomes the corner
13 lot line. From the remaining lot lines that
14 abut a street, you take the shortest. You do
15 this one time. That is what you see in the
16 transcript that you need to know. It is a
17 one-step process, period. You can read it in
18 the transcript, Exhibit B, or you can proceed to
19 ignore it and, then, we have to enforce the
20 judgment.

21 MR. FRIEDMAN: But it's not in the
22 final order.

1 MR. DANIEL: The final order modifies
2 the ruling.

3 MR. FRIEDMAN: Correct.

4 MR. DANIEL: It notes that on
5 Paragraph 3 and that transcript explains the
6 judge's determination.

7 MR. RITTER: Which exhibit are your
8 findings?

9 MR. DANIEL: My findings were in the
10 attachment to the statement on --

11 MR. HALLER: The binder clip.

12 CHAIRMAN BRADLEY: It's called Page 3,
13 but it is not Page 3.

14 MR. DANIEL: I'm sorry?

15 CHAIRMAN BRADLEY: Page 3 of your
16 Appendix 1 starts after Page 20. It's 20, 21,
17 22 -- it's, actually, 23 --

18 MR. DANIEL: They come out when it is
19 stapled, Mr. Chairman. That's why Page 3 is a
20 different number and it looks out of sequence to
21 you. The appendix is stapled so you can pull it
22 out.

1 CHAIRMAN BRADLEY: Thank you.

2 MR. DANIEL: So, to be clear here, the
3 village's analysis was August 11th of 2025. And
4 on March 13th -- at least through March 13th was
5 that you go through a two-step process. You
6 analyze from the corner lot and you judge twice,
7 once from Walnut and Orchard and once from
8 Wilson and Orchard, what the shortest of those
9 pairs of lot lines is. You do it twice.

08:10:49PM 10 Their position was you look at the
11 corner of Walnut and Orchard and you take one of
12 those two lot lines as the shortest and call it
13 the front yard line. We're going to do it
14 again. And Mr. Schoon did this. As far as
15 Wilson is concerned, they did it a second time.
16 The judge said it's one lot, which is why it's
17 so important that you understand why I was so
18 careful with Chairman Bradley about singular.
19 It's one zoning lot.

08:11:28PM 20 Under the terms of the ordinance in
21 effect in 2025 and in effect when this was
22 argued on the 13th and in effect when the order

1 was entered, it's clear you only do that
2 analysis once.

3 What is the shortest lot line after
4 you remove the longest? Take a look at that
5 VOW243, Sheet A-1, in Exhibit D. That's part of
6 your record. That's the survey. The shortest
7 line is Walnut. So now you have identified the
8 front lot line. And I already talked about the
9 rear yard, that line which is most nearly
10 parallel to the front lot line. Which one is
11 that? Wilson. That is the most nearly
12 parallel. Even though they are not parallel,
13 even though they are not more or less parallel,
14 Wilson Street is a heck of a lot more
15 parallel -- closer to parallel than the north
16 and south lot lines are. Okay. So that's
17 Wilson. That's the rear yard.

18 You can measure it from the south
19 lot line and the side yard. And this is what
20 the judge did at hearing reading the ordinance,
21 diving into detail. If you don't understand,
22 the basis for the order on the 19th arises from

1 a ruling referenced in that order. You're going
2 to miss something, unless somebody tells you,
3 and that somebody has to be me. I know I have
4 taken time on this but you do need analysis to
5 determine the front lot line once.

6 We already know things like a three
7 frontage lot is uncontested. We already know
8 that this is not a through lot. There are a lot
9 of things we know.

08:13:41PM 10 Let's get back to the findings, if
11 we can.

12 6, uncontested.

13 7, not in dispute.

14 Paragraph 8 is an issue. All
15 right. It ties to another change that we made
16 later on. But in Paragraph 8, we proposed
17 findings that we found at appeal challenging the
18 zoning administrator's determination with regard
19 to the determination that Wilson Street is a
20 front lot line and, thus, the property has a
21 front yard along Wilson Street and a front yard
22 along Walnut Street. That's not necessarily

08:14:32PM

1 complete.

2 When Ms. Castle appeared before
3 you -- V-9 in the record -- she wrote, We're
4 respectfully requesting that the Board of
5 Appeals reverse the March 24th and May 6th
6 determination and affirmatively find that, for
7 zoning purposes, the Walnut side of the property
8 is the front yard, the Orchard side of the
9 property is the corner side yard, and the Wilson
10 side is the property's rear yard.

11 There is a disconnect between the
12 nature of the appeal, the substance of the
13 appeal, and the proposed finding and what's in
14 your packet at No. 8. It's incomplete.

15 And the importance of that lies in
16 what comes up a little bit later when it comes
17 to the powers of the ZBA. In Paragraph 9, I
18 don't think Mr. Friedman addressed that but that
19 is the same as the proposed Paragraph 9.

20 Paragraph 10, Mr. Friedman -- I
21 believe it was the chair that mentioned it early
22 on, but No. 10 is not contested.

1 CHAIRMAN BRADLEY: Sorry. 9 -- Sorry
2 to interrupt. 9 seems to be an exact word for
3 word.

4 MR. DANIEL: I said it's not contested.

5 CHAIRMAN BRADLEY: Thank you.

6 MR. DANIEL: 9 and 10 are not
7 contested.

8 The petitioners or the appellants,
9 as phrased here, are aggrieved by the
10 determination for purposes of the appeal.
11 That's No. 11. The rule about 45 days is
12 No. 12. Those two are not contested.

13 The timely filing of the appeal is
14 not contested. That's Paragraph 13.

15 Then we get to the ZBA's
16 authorization. You'll see why I pointed out the
17 disconnect between Mr. Friedman's -- I don't
18 know who drafted it -- the proposed findings in
19 the packet and No. 8 and the ones that we
20 propose.

21 It states in 16 that you received
22 evidence, including two zoning analyses, a plat

1 of survey, photographs of the property,
2 correspondence with village staff, and you heard
3 extensive argument. Then it mentions you
4 received evidence from Ann Klaassen, yes, she
5 testified and I believe she was under oath, and
6 the Director of Community Development, Scott
7 Mangum. That's not accurate. Scott Mangum did
8 not provide evidence. He said he agrees with
9 Mr. Schoon's decision.

08:17:42PM 10 So that is not accurate. I would
11 hope we can just return to having things
12 accurately recited.

13 I also mentioned that Danielle
14 Castle testified, that Nicole Steel testified,
15 and I do mention that Scott provided expert
16 opinion evidence, just by saying he agreed. All
17 right. I kept that in here but it wasn't
18 evidence.

08:18:18PM 19 CHAIRMAN BRADLEY: Sorry -- The
20 testimony provided by village staff or by
21 appellant representatives are or are not
22 evidence? Testimony is still evidence.

1 MR. DANIEL: I don't believe Mr. Mangum
2 provided evidence that night. I believe
3 Ms. Klaassen did all of the testifying. All
4 Mr. Mangum said is he continues to agree with
5 Mr. Schoon's interpretation.

6 CHAIRMAN BRADLEY: Okay.

7 MR. DANIEL: I don't think he provided
8 any evidence. But that, I think, needs to be
9 corrected. Nicole and Danielle were not
10 mentioned.

11 Within the zoning ordinance --

12 CHAIRMAN BRADLEY: I'm sorry. Just to
13 make sure, 14, 15, and 16, you're taking umbrage
14 with the way in which certain members, including
15 the appellant themselves and their counsel,
16 provided testimony at the appeal on June 9th?

17 MR. DANIEL: Also your power, your
18 authority.

19 CHAIRMAN BRADLEY: That's 14.

20 MR. DANIEL: Your power is not only to
21 reverse or affirm in whole or in part. That
22 same section of the zoning ordinance reads, The

1 board, in its discretion and based on the record
2 before it, may reverse or affirm, in whole or in
3 part, or may modify the administrator's order
4 requiring a decision or determination. And for
5 purposes of this paragraph, the board shall have
6 and may exercise all of the powers of the zoning
7 administrator as to the subject matter of the
8 appeal. That's not mentioned.

9 MR. FRIEDMAN: Why is it relevant?

08:19:55PM 10 What about your language is relevant, compared
11 to the proposed findings? What is relevant
12 that's missing to this appeal?

13 MR. DANIEL: Well, I suppose --

14 MR. FRIEDMAN: The zoning board made
15 its decision. There's no argument about that.
16 We state that they have the authority to do
17 that. It's been remanded. It's before us
18 again. What's relevant about what -- quoting
19 the entire section versus what Section 14 of the
20 recommended? That's the issue.

08:20:22PM 21 MR. DANIEL: In part, that was
22 important because it appeared, from what was

1 published, that you were going to be applying
2 the April 7th order.

3 MR. FRIEDMAN: Is that the only issue
4 with this paragraph?

5 MR. DANIEL: Unless there is a new
6 issue that comes up that I'm not aware of, a
7 different reason, perhaps, that somehow clearly
8 arises tonight for affirming. There is no other
9 reason.

08:20:57PM 10 CHAIRMAN BRADLEY: All right. For the
11 moment, I'm going to put a circle and circle
12 back to 14 in our findings, which is the
13 authority question.

14 You stipulated that the hearing was
15 held on June 9th. You are taking issue with the
16 verbiage in 16, which, specifically, discusses
17 who received testimony and collected evidence
18 and whether that was or not evidence.

19 I think we were on 17.

08:21:26PM 20 MR. DANIEL: 17 is the recitation of
21 definitions.

22 CHAIRMAN BRADLEY: Can we go through

1 that right now to make sure?

2 MR. DANIEL: Mine simply says, The
3 zoning ordinance contains the following
4 provisions. I don't know that the definitions
5 are evidence or not but it's the same. It's the
6 same set of definitions that Mr. Friedman has.

7 CHAIRMAN BRADLEY: So 17 is not a
8 problem.

9 MR. DANIEL: 18, Mr. Friedman read.
10 There was no contest to 18.

11 In 19, I think it's very important
12 to note that, by reference, the final order
13 incorporates the ruling in the transcript made
14 as part of Exhibit B to our submittal.

15 This finding --

16 MR. FRIEDMAN: Can I ask a question?
17 In the final order -- Where does the Court
18 incorporate in the final order the transcript?

19 MR. DANIEL: On the last page, it says
20 it's a modification, which is incorporating that
21 ruling.

22 MR. FRIEDMAN: All it says in

1 Paragraph 7 is you are granted leave to file a
2 transcript. The Court modifies its ruling.
3 Nowhere in that order does the Court incorporate
4 that transcript into the final order.

5 MR. DANIEL: If you could, please turn
6 to Exhibit A, Page 3, Paragraph 7.

7 MR. HALLER: Hold for a minute, please.

8 MR. DANIEL: Sure.

9 MR. HALLER: Okay.

08:23:30PM 10 MR. DANIEL: Paragraph 7, the parties
11 are granted leave to file the official
12 transcript of proceedings on March 13th, 2026,
13 and the Court sue sponte, on its own motion,
14 modifies its ruling as set forth in this order,
15 in accordance with 735 ILCS 5/3-111,
16 parenthesis, A, parenthesis, 6.

17 So leave is granted to file the
18 transcript of March 13th and the Court modifies
19 its ruling. When did that occur? March 13th.
08:24:11PM 20 Transcribed by, none other than, Kristi
21 Landolina, sitting here before you taking the
22 transcript.

1 MR. FRIEDMAN: I'm just commenting.

2 Your statement that the Court incorporated the
3 transcript into the final order, that language
4 does not appear in the final order.

5 MR. DANIEL: The final order is a
6 modification of the ruling on the 13th.

7 MR. FRIEDMAN: Okay.

8 MR. RITTER: What does that statute
9 provide? The statute that's cited in
10 Paragraph 7, on the final order, what does
11 that --

12 MR. DANIEL: So the administrative
13 review law is what gives courts the authority to
14 hear appeals from the ZBA, among several others.
15 All right. The Court is granted certain powers.

16 In -- I'm sorry -- 3-111,
17 parenthesis, A, close parenthesis, 6, the Court
18 can remand if it has a problem with a decision.
19 Under (a)(5), it can just outright reverse or
20 affirm, in whole or in part. (A)(5) is what the
21 ruling was under on the 13th.

22 MR. RITTER: Does the statute have

1 anything to do with incorporating the transcript
2 into this order?

3 MR. DANIEL: No, it's the language of
4 the order where the Court says she is modifying
5 the ruling. So the ruling is in effect, unless
6 the Court intended a written order to come out
7 of that hearing. All right.

8 MR. RITTER: I still don't understand
9 how this final order incorporates any of the
10 transcript.

11 MR. DANIEL: What happens is, under the
12 law, a ruling orally in Court stands as the
13 order of the court. All right. The attorneys
14 exchange forms of an order to make sure that
15 order meets the substance of the Court's ruling.

16 That's what counsel did. We all
17 agreed sending it to the Court. The Court
18 advised us, oh, we'll have it maybe one day,
19 have a meeting Tuesday or Wednesday. But as I'm
20 walking out of court on the 17th -- sorry -- the
21 18th, I see an e-mail around 4:00 saying the
22 Court wanted to talk to us.

1 Judge Horan indicated she rethought
2 things and wanted to have counsel appear on the
3 19th. To that point, the transcript stands as
4 the ruling of the Court.

5 MR. FRIEDMAN: We disagree with that.

6 MR. RITTER: I do, too. I'm a lawyer,
7 also, and I --

8 MS. HANLEY: I'm a lawyer, also.

9 MR. DANIEL: Take a look at it. What
10 else is the ruling?

11 MR. FRIEDMAN: The ruling is the final
12 order.

13 MR. RITTER: The ruling is the order
14 she signed as a final order.

15 MR. DANIEL: That wasn't in place.

16 MR. FRIEDMAN: Now we have a final
17 order. And, to your question, (a)(6), the
18 statute, this is a list of what powers the Court
19 has on administrative review. And 6 says, Where
20 a hearing has been held by the agency, which it
21 was in this case, the Court has the authority to
22 reverse and remand the decision in whole or in

1 part; and in that case, to state the questions
2 requiring further hearing or proceedings and to
3 give such other instructions as may be proper.

4 MR. RITTER: Which is what she did.

5 MR. FRIEDMAN: That is what she did.

6 MR. DANIEL: That's not in context.

7 MR. RITTER: It has nothing to do with
8 incorporating the transcript.

9 MR. DANIEL: I didn't say that it did.

08:27:42PM 10 MR. FRIEDMAN: You said the
11 incorporation of the transcript into the final
12 order, which it does not.

13 MR. DANIEL: No. The original
14 transcript stands as a ruling and it's
15 referenced, here, as a ruling. It modifies the
16 ruling as set forth in this order. What is the
17 modification? It's not an outright reversal.
18 It's not granting our relief from the complaint.
19 It's not over. She is saying it has to come
08:28:03PM 20 back so you can do a few things the Court wants
21 you to do.

22 As of the 13th, it was an outright

1 reversal and counsel can verify for you here.
2 If he thinks he is going to deny sending an
3 e-mail to me saying it was an outright reversal,
4 read the order, the form was signed, I'd be
5 shocked. It was an outright reversal under
6 3-111(a)(5), which allows for an outright
7 reversal.

8 MR. FRIEDMAN: Mark, you can't say what
9 happened on March 13th and ignore what the
10 Court, then, did in its final order because
11 whatever it did on March 13th, it modified, as
12 stated in this order.

13 MS. HANLEY: That's what the Oxford
14 comma after 2026 does.

15 MR. DANIEL: I like that.

16 MR. FRIEDMAN: Anyways, sorry to
17 interrupt.

18 MR. DANIEL: The Court modifies its
19 ruling, as set forth in this order.

20 MS. HANLEY: Yes.

21 MR. DANIEL: All right. Well, I'll
22 tell you what, I think you have the Court's

1 explanation in a transcript, and I'm submitting
2 the transcript into the record before you here,
3 not as evidence but as a reflection of that
4 ruling. I think you need to consider it.
5 Because the Court was very clear and it refers
6 in the final order to the ruling in the
7 transcript for which it authorized filing on
8 March 13th, 2026.

9 CHAIRMAN BRADLEY: So we're not in
10 lockstep on 19?

11 MR. DANIEL: On 19, we are not.

12 CHAIRMAN BRADLEY: I don't want to put
13 words in your mouth, Counselor, but the gist of
14 the argument is that there is information
15 included within the testimony or the transcript
16 that is now before us that you think is
17 dispositive of -- supercedes what is in the
18 court order.

19 MR. DANIEL: I think it's pretty clear
20 that if you apply the definitions the way you
21 have been asked to --

22 CHAIRMAN BRADLEY: That's our job,

1 though.

2 MR. DANIEL: -- Page 74 --

3 CHAIRMAN BRADLEY: The judge didn't
4 say --

5 MR. DANIEL: I understand what's your
6 job. I'm here to advocate and be open as an
7 officer of the court.

8 CHAIRMAN BRADLEY: The judge's order
9 was not go back and find as I have found in this
10 transcript. I want to make sure that's not what
11 you're saying.

12 MR. DANIEL: No. The judge's
13 explanation is in the transcript, though, and
14 she said, you know what, I'm going to give them
15 a chance to reach the right ruling, in my view,
16 by remanding it with these questions.

17 CHAIRMAN BRADLEY: Okay. 19 is in
18 dispute.

19 MR. DANIEL: There is one aspect of
20 this that's important. The staff left out --
21 what was it -- Page 9 of the PowerPoint -- 15 of
22 the PowerPoint that's in the record. It left

1 out a discussion of the side yard.

2 The side yard is apparent from the
3 survey in VOW243. You guys all know what the
4 side yard is. But there was nothing in the
5 record, other than the survey and the
6 definitions in the ordinance, regarding that
7 side yard and Danielle Castle's comments about
8 it. And I believe, actually, later in the
9 process, Nicole mentioned something, as well.

08:31:24PM 10 CHAIRMAN BRADLEY: I'm sorry. I just
11 want to go back to the facts and findings.
12 Number 7, on March 24th, you said it was not in
13 dispute but the zoning administrator issued a
14 determination the property contained the front
15 yard on Wilson, front yard on Walnut, corner
16 yard on Orchard, and side yard on the south line
17 of the property in the definitions.

18 Are we talking about the same
19 thing? Are you saying a side yard has not been
20 discussed, it's not part of --

08:31:53PM 21 MR. DANIEL: The side yard is now being
22 determined, I believe, to be the south line of

1 the property. The side lot line is an interior
2 lot line on the south side of 314 and along that
3 is the interior side yard.

4 CHAIRMAN BRADLEY: Okay. Can we keep
5 going? We're on 20.

6 MR. DANIEL: 20 is the same contest we
7 went through with regard to Exhibit B, which is
8 the March 13th transcript. The basis for the
9 ruling is in the March 13th transcript.

10 CHAIRMAN BRADLEY: 20 is in dispute?

11 MR. DANIEL: 20 is in dispute.

12 21, it seems, is also in dispute.

13 I don't agree with the relief but I can't
14 contest that now, can I? I'm looking at it and
15 the judge ruled that way, so I'm not going to be
16 able to dispute that she ruled that way.

17 CHAIRMAN BRADLEY: Okay. So 21, we're
18 in agreement that the order required a decision
19 in 30 days.

20 MR. DANIEL: 22 is the first finding
21 that gives the impression that the ordinance on
22 April 7th is coming into play, so we should

1 delete it.

2 CHAIRMAN BRADLEY: It's just a fact.
3 It's not dispositive. We're not relying on it
4 for purposes of our deliberation.

5 MR. DANIEL: Then why are you having a
6 finding on something being confirmatory of
7 existing law? You shouldn't do that because you
8 have a circuit court judge telling you it wasn't
9 the law, first of all.

08:33:48PM 10 Second of all, that ordinance
11 didn't confirm anything. Whoever these -- I
12 think Scott Mangum mentioned about a dozen
13 property owners. Whoever they are, they are
14 being misled. Anything that says this is
15 confirmatory or a continuation of existing law
16 or reflective of existing law, that's false.
17 I'm just going to put it frankly.

18 So, yes, 22 is contested. I'm
19 sorry I have to be the bad guy here. I have to
20 protect my client but I'm working on it.

08:34:25PM 21 MS. HANLEY: Your numbers don't line up
22 with ours anymore.

1 CHAIRMAN BRADLEY: We're going to keep
2 using ours as approval and non-approval but,
3 Counsel, where you need to point to are proposed
4 or -- We're on 23, which is, The property owners
5 were provided notice of the proposed confirming
6 ordinance and Village Council's consideration.

7 MR. DANIEL: So the 22 in your
8 findings --

9 CHAIRMAN BRADLEY: Oh, I'm sorry. I
10 already circled that as in question.

11 MR. HALLER: I'm sorry. Which one?

12 CHAIRMAN BRADLEY: Use ours. Always
13 use ours.

14 MS. HANLEY: 23 of ours?

15 MR. DANIEL: 23 of yours. Again, I
16 don't know why it's relevant. For the record,
17 Mr. Friedman e-mailed me at about 6:36, after
18 Village Hall closed on 15th day before
19 April 7th. I don't have any problem with that
20 but I don't think it's very fair to say that we
21 were provided notice when it was e-mail notice
22 after hours, less than 15 days prior to hearing.

1 I don't know why it's relevant to you if you're
2 not considering the ordinance.

3 CHAIRMAN BRADLEY: All right. We'll
4 flag these. Let's keep going.

5 MR. DANIEL: 24, As explicitly set
6 forth in its text -- this is in your draft --
7 the confirming ordinance was a declaration of
8 existing law. Again, someone put this together
9 and ignored a judge's decision and the ruling is
10 plain as day.

11 MR. FRIEDMAN: I'm just going to stop
12 you. The ruling is not plain as day and we have
13 a disagreement about that. So you can state
14 your position on that and you have stated it.

15 MR. DANIEL: I'll state it now.

16 MR. FRIEDMAN: If you can let me
17 finish. You can state it all of the time you
18 want. We have a final order that this ZBA is
19 operating under. To say that it's crystal
20 clear, what the Court ruled in it's 80- or
21 90-page ruling, as you describe it, in
22 conjunction with its final order, you can state

1 your position but, please, don't state it like
2 yours is the only position here.

3 MR. DANIEL: I'll read it.

4 MR. FRIEDMAN: You don't have to read
5 anything.

6 MR. DANIEL: No, I'll read it.

7 Mr. Friedman, you just said I said the Court's
8 ruling was 80 or so pages. You know that's not
9 the case. The Court's ruling appears at
10 Page 73. It's in Exhibit B, which is a complete
11 transcript of the proceedings from March 13.
12 That Page 73.

13 Thank you. So everyone here did a
14 nice job. Briefing was nice, your argument well
15 done, and I appreciate all of the work you have
16 done. And I know you are zealously advocating
17 for your clients and I think you deserve high
18 marks doing a good job, so I appreciate it.

19 Here's my ruling: My ruling is,
20 first, the standard of review is de novo,
21 meaning there's no issue of fact for the Court
22 to consider. I think this is a question of law.

1 The ordinance -- yes, it's an
2 ordinance, right -- on its face is not vague and
3 not ambiguous.

4 In my view, the sections that apply
5 would be the corner lot definition, the front
6 lot line definition, and the rear lot -- Did I
7 say that wrong? The front lot line definition
8 and the rear lot line definition, applying
9 those, as they are written on their face, leads
10 to the conclusion that the Wilson Street lot
11 line is the rear lot line. I say that
12 because -- Let me say that a different way.

13 I'm going to reject the argument
14 that it's not in the statute that you take each
15 corner as being a separate lot. The ordinance
16 contemplates that there may be two or more
17 junctions. It says there may be two or more
18 junctions on a lot but the lot is a singular
19 lot.

20 So once you determine what the
21 front lot line is, under the ordinance, by
22 looking to the shortest lot line, presuming

1 there is, you go to the lot line that is most
2 distant from -- that is or is most nearly
3 parallel to the front lot line to determine what
4 the rear yard line is and the rear lot line is.
5 That's your front and rear.

6 Does anyone have questions? Is
7 that hard to understand?

8 CHAIRMAN BRADLEY: Are you still
9 quoting that?

10 MS. HANLEY: Are we reading?

11 MR. DANIEL: I'm sorry. I'm looking at
12 you pausing. So after I get through the front
13 and rear lot line, does anyone does anyone have
14 questions about that?

15 MS. HANLEY: Is this open for
16 discussion? Are we discussing --

17 MR. DANIEL: The Court continues, In
18 this case, it's easy. And the definition of
19 parallel doesn't -- you know, it says, Most
20 nearly parallel. So even though they are not,
21 you know, square or 90-degree angles, it's easy
22 to tell which is the most nearly parallel and

1 that happens to be Wilson.

2 And it does make some sense to me
3 that this Section 17.30.50(c)(3) is designed for
4 the circumstance in which you would have some
5 very oddly shaped lot that is maybe on the lake
6 or, for whatever other reason, it's an unusual
7 shape that makes this determination impossible.

8 So that's my ruling.

9 What do you have? You have a front
10 yard on Walnut, you have a rear yard on Wilson,
11 a front lot line on Walnut, a rear lot line on
12 Wilson. So that is my ruling.

13 The other piece of my ruling is --
14 if I were to look at it as something other
15 than -- I'm sorry. If I look at this under a
16 clearly erroneous standard, which I don't think
17 is the appropriate standard, I still -- under
18 clearly erroneous, the Court will reverse it if
19 it is a definite and firm conviction that a
20 mistake has been made.

21 In my view, under the statute in
22 the ordinance, as written, it was a mistake to

1 do the analysis the way the village did the
2 analysis calling both the Wilson Street lot line
3 and the Walnut Street lot line the front lot
4 lines. Even under the clearly erroneous
5 standard, I do find that there was an error.
6 You can continue to read.

7 That being said, you know, this is
8 the village's ordinance that they draft, right?
9 So if they have -- They are free, I guess, to
10 amend their ordinance to incorporate the
11 language of how they would like this analysis
12 performed but the ordinance, as written, does
13 not call for the double -- the double -- I'll
14 call it the double -- I don't know what to call
15 it -- the double review, the application of the
16 front lot line definition two times. I hope I'm
17 saying that clearly. So that's my ruling on
18 this matter.

19 I think it's clear enough what her
20 ruling is. It opens up with, This is how I'm
21 going to rule and she says, at the end, So
22 that's my ruling. It's not 80 pages. It's

1 three or four pages, at best, a very simple,
2 plain announcement from a judge who can read
3 your ordinance and say it's not reading the way
4 the Village of Winnetka ZBA is saying it's
5 reading.

6 CHAIRMAN BRADLEY: Counselor, can we --
7 just to keep the plot pointed, can we get back
8 to our facts and findings to make sure we have a
9 full understanding of where the dispute is.

10 I'm on -- 23, 24, and 25 are all
11 speaking of the confirming ordinance, which we
12 all agree is not part of our determination
13 tonight. So it's likely to be stricken but you
14 have a dispute with those.

15 On 26 --

16 MR. DANIEL: Well, on 25, I want to
17 address what section it is. In the second
18 sentence, specifically -- this is in your
19 draft -- it states, The confirming ordinance in
20 the first sentence confirms there can be two
21 front yards on corner lots having frontages on
22 more than two streets. Specifically, comma, the

1 zoning ordinance requires a second lot line to
2 be deemed a second front lot line if that lot
3 line is or is most nearly parallel to the
4 shortest street frontage as a street line.

5 Now, think about that for a minute
6 and what I read to you from the judge's ruling.
7 The zoning ordinance, in the judge's view, did
8 not require that. I didn't read the zoning
9 ordinance that was in effect without MC-01-2026.
10 I can't find it anywhere. The village never
11 pointed out that on appeal in the circuit court.
12 Judge Horan, clearly, didn't agree with it.

13 So where is it in the code that the
14 zoning ordinance requires a second lot line to
15 be deemed a second front lot line under those
16 circumstances? It's not there.

17 April 13th, you conducted a public
18 meeting that we're participating in because we
19 have to after seeing what was in the packet. We
20 believe the entire record should include
21 Exhibits A through I, just so that it's full. I
22 don't like the fact that the confirming

1 ordinance is referenced and you don't have the
2 resolution mentioned that specifically says
3 prospective application, and you don't have the
4 ordinance.

5 As far as the notice of the
6 hearing, we acknowledge -- I'm sorry -- notice
7 of the meeting, we acknowledge receipt of that
8 notice. I believe it was March 23rd with
9 Mr. Friedman's e-mail about the hearing on
10 April 7th.

11 In 28(a) --

12 CHAIRMAN BRADLEY: You just keep
13 throwing out things as though we have reviewed
14 this. Is it your opinion that this is meant to
15 have already been part of our determination for
16 us to make a vote on this tonight?

17 MR. DANIEL: It should be in the
18 record.

19 CHAIRMAN BRADLEY: Should be in the
20 record?

21 MR. DANIEL: Yeah. And I'll go through
22 it with you. Let's go through it again.

1 CHAIRMAN BRADLEY: I'm not about to go
2 through this in its entirety. I want to make
3 sure I understand whether or not you're telling
4 me that you believe that this is meant to have
5 been reviewed in its entirety before we make a
6 decision, independent, which is what the judge's
7 order says, that the statute applies to this
8 case?

9 MR. DANIEL: Let me put it this way,
10 all right, Exhibits A, B, G, H, and I should
11 definitely be part of the record. The only
12 reason I gave you C, D, E, and F is because
13 those filings give color to what the Court
14 reviewed before its ruling. You can see what
15 the parties argued. But A, B, G, H, and I
16 should be part of the record.

17 MR. FRIEDMAN: Why do you want H and I
18 in the record if you're saying, on the one hand,
19 they should be stricken from the findings
20 because you don't think the ZBA should consider
21 those?

22 MR. DANIEL: Because I don't know what

1 the ultimate outcome of this is. I don't. You
2 said you're not applying the ordinance. I don't
3 know that to be the case until you make the
4 decision and you have draft findings that
5 mention the confirming ordinance. So I have to
6 ask for that.

7 CHAIRMAN BRADLEY: So --

8 MS. HANLEY: The ordinance is already
9 part of our packet.

08:47:37PM 10 CHAIRMAN BRADLEY: It is already part
11 of our packet. B is certainly not part of our
12 packet.

13 MR. DANIEL: Can we address B?

14 MS. HANLEY: No, it should not be
15 because we shouldn't be looking at anything
16 else, other than what happened at the ZBA
17 meeting and everything that was presented to us.
18 We should not need a color of our decision.

19 In fact, the judge told us we
20 shouldn't be considering historical information,
21 so we should be taking out color. So I think --

22 MR. DANIEL: So what you're saying is

1 that you don't need the judge's ruling -- You're
2 an attorney, right?

3 MS. HANLEY: Yes.

4 MR. DANIEL: You're saying you don't
5 need what the judge announced as her ruling?

6 MS. HANLEY: No, we need her final
7 order because that's the direction she is giving
8 us. That's her order and those are her rules
9 that we should be following. I don't need
10 color.

11 MR. DANIEL: You're referring to the
12 judge's ruling on March 13th as color.

13 MR. RITTER: I disagree about whether
14 or not --

15 MR. FRIEDMAN: You went through the
16 judge's ruling. You completely ignored the
17 final order that she issued tonight and,
18 specifically, all of the things you said about
19 the ruling is modified by this order and, in
20 this order, just to be clear, the Court says,
21 The ZBA erred in affirming a final decision of
22 the zoning administrator.

1 The Court finds error in
2 application of Section 17.30.050(c)(3), without
3 consideration of Section 17.30.060 and other
4 appropriate code sections. That's the Court's
5 ruling.

6 Anything she said, definitive or
7 anything else in that ruling, is modified by
8 that sentence. That's what Section 7 says -- If
9 you could let me finish. That's what Section 7
10 says of her order. That's what we're doing.
11 She says, Here are the applicable code
12 provisions, and she lists them and those are
13 listed. Court further finds error in relying on
14 the historical stuff. We've eliminated that.

15 For these reasons, the
16 determination of the ZBA is reversed and
17 remanded. You are instructed to review --
18 specifically, review whether
19 Section 17.30.050(c)(3) properly applies to this
20 property with reference to other applicable
21 zoning ordinance sections and without reference
22 to historical interpretation or other

1 interpretive aids.

2 If it determines -- This is what
3 she is instructing the ZBA to do. If it
4 determines that 17.30.050(c)(3) does not apply
5 to the subject property, it shall determine what
6 code sections properly apply and perform an
7 analysis of the issue applying the proper code
8 sections. In either event, rule within 30 days.
9 That's the Court's ruling.

08:50:23PM 10 It modified everything you read.
11 It's very specific with its direction to the
12 ZBA. That's all they are trying to do.

13 MR. DANIEL: We both practice in the
14 appellate courts and trial courts. The circuit
15 court said in its final opinion, the basis for
16 the ruling is explained in the transcript. We
17 all know that the Court's order takes color, as
18 one member refers to it, or its basis is
19 explained in an announcement of the ruling.

08:51:01PM 20 Now, I haven't addressed the order
21 at the same length because Mr. Friedman did so.
22 We know you have been asked to do a few things.

1 We know that at the last hearing -- June 19th
2 was one and August 11 may have been another one
3 that was mentioned. But there were a lot of
4 folks saying the ordinance wasn't clear, it
5 could be better written, maybe it's ambiguous,
6 maybe a text amendment. None of that came from
7 us.

8 She said the terms in the
9 applicable sections of the ordinance are not
10 vague. She also states what you're to consider
11 and it should take light from the ruling. Does
12 the order say the ruling is incorporated? No.
13 But if I appeal a decision like that, that
14 ruling is part of the appellate record and
15 review so that the appellate court understands
16 the basis for the trial court's ruling. When
17 the mandate issues, there are times when the
18 oral arguments are reviewed in the circuit
19 court. I had that happen within the last year.

20 Now, the transcript does matter. I
21 would ask that that be included in the record.
22 I think it's a mistake.

1 CHAIRMAN BRADLEY: We're interchanging
2 between the ruling and the transcript. The
3 transcript has, inside of it, oral comments by
4 the judge at the time of the ruling, which was,
5 then, modified and superceded by the final
6 order; is that right? We all agree to that?

7 MR. DANIEL: I don't agree with
8 supercede. It was modified. Now, Mr. Friedman
9 says it was superceded, which --

08:53:07PM 10 MR. FRIEDMAN: I didn't say superceded.
11 I said modified --

12 MR. DANIEL: I don't know. You were
13 talking to him.

14 MR. FRIEDMAN: You said --

15 MR. DANIEL: I don't know where he got
16 superceded.

17 CHAIRMAN BRADLEY: I used the word.

18 MR. FRIEDMAN: He has his own brain.
19 He used the word.

08:53:25PM 20 CHAIRMAN BRADLEY: So we have a
21 question -- Again, I'm trying to keep the train
22 on the tracks.

1 We're on 26 of our facts and
2 findings. We're in agreement that there was an
3 open public meeting of the ZBA, which is
4 tonight, to further consider the appeal and the
5 entire record but not including historical
6 zoning analysis, the 2005 ordinance granting
7 variance to the property, which had the front
8 yard on Wilson, and the final order.

9 You're saying that you have issue
10 with that finding of fact?

11 MR. DANIEL: Yes. I think the final
12 order refers to the transcript and the ruling in
13 the transcript being modified by --

14 CHAIRMAN BRADLEY: Then why is it a
15 separate exhibit item in your own filing?

16 MR. DANIEL: Different dates, sir.

17 CHAIRMAN BRADLEY: It's modified from
18 the final order of March 19th.

19 MR. DANIEL: Modified -- If something
20 is modified, you have to keep the original to
21 determine the extent it was modified. It
22 doesn't say substituted. It doesn't say

1 superceded.

2 CHAIRMAN BRADLEY: Okay. So 26 is
3 called into question. The property owners were
4 provided notice of the April 13th meeting.

5 MR. DANIEL: Not contested.

6 CHAIRMAN BRADLEY: Thank you. Okay.

7 28 is a big one. Do we want to go
8 through this one by one to figure out where
9 the -- in your estimation, where the zoning code
10 language may or may not be clear and obvious.

11 MR. DANIEL: One second.

12 CHAIRMAN BRADLEY: Does anyone need a
13 break?

14 I'm going to declare a five-minute
15 recess.

16 (A short break was had.)

17 CHAIRMAN BRADLEY: We're going to start
18 this back up again. I'd like to say, for the
19 record, we took a break. Members of the board
20 were up here conversing. There were three or
21 four people conversing at one time and we were
22 not discussing the property.

1 Before that happened -- We're going
2 to get this going again. Thank you, everybody,
3 for the break.

4 We were on 28, which is a
5 substantive part of our facts and findings,
6 which outlines some of the specific definitions
7 that are independent, again, of the 314 Walnut
8 property.

9 Do we want to go -- Counselor, are
10 you comfortable going one for one on these or
11 just flag any that you have an issue with?

12 MR. DANIEL: I think I'll go through a
13 lot more quickly. In 28, Line 1, it states that
14 the zoning ordinance, Section 17.30.050(c)(3),
15 properly applies to this property.

16 We disagree with that.

17 CHAIRMAN BRADLEY: Okay.

18 MR. DANIEL: It does not apply to this
19 property.

20 MS. HANLEY: Is that the corner lot?

21 CHAIRMAN BRADLEY: That's the whole --
22 why don't we -- Setting aside the introductory

1 line, can we -- which, essentially, is a finding
2 after you roll up A through Q and you come up --
3 you're saying you come up with a different
4 argument -- a different persuasive statement at
5 the end of it -- at the beginning of it?

6 MR. DANIEL: It should be that it does
7 not apply.

8 MS. HANLEY: It's the crux of the whole
9 case.

09:04:53PM 10 CHAIRMAN BRADLEY: That's the crux of
11 the whole case. So can we just -- Setting aside
12 the first sentence, can we go through A and Q?

13 MR. DANIEL: A, there is no contest.

14 B, there is no contest.

15 C, as long as we're clear that it
16 is a singular lot and as long as we keep in mind
17 it's one step of determining the shortest lot
18 line on one lot.

19 CHAIRMAN BRADLEY: Your issue is C.

20 D?

21 MR. DANIEL: D, the corner lot line is
22 Orchard Lane, agreed. It is the longest street

1 line on the corner lot. The property has a
2 corner yard along Orchard Lane; that is correct.
3 The shortest street line on the property is
4 Walnut Street.

5 CHAIRMAN BRADLEY: That's G. Can we
6 make sure we understand the definition? Can we
7 agree on the definition first?

8 MR. HALLER: What did we say about F?

9 CHAIRMAN BRADLEY: I want to make sure
10 we're in agreement on what's stated.

11 MR. DANIEL: F and G are agreed.

12 CHAIRMAN BRADLEY: H, Wilson is the lot
13 line that is or is most nearly parallel to the
14 front lot line.

15 MR. DANIEL: That is correct. Wilson
16 Street has a street line, that is correct.

17 CHAIRMAN BRADLEY: I?

18 MR. DANIEL: That is correct.

19 J is incorrect. J is incorrect
20 because that is not the definition of a rear lot
21 line. We quoted the definition of rear lot line
22 in the definitions earlier in the findings.

1 That is not the definition. The definition is
2 the lot line that is opposite or most nearly
3 parallel to the front lot line.

4 So you focus on 17.04.030(r)(1),
5 and there is no mention of abutting street
6 frontage.

7 K, incorrect.

8 CHAIRMAN BRADLEY: Let's not say
9 "incorrect." Let's say you disagree with it.

09:07:17PM 10 MR. HALLER: Disagree.

11 MR. DANIEL: I disagree.

12 CHAIRMAN BRADLEY: It is reasonable to
13 not to consider a street line or a rear lot
14 line, as it does not apply to the property. The
15 property abuts a street frontage and, therefore,
16 it should have the same setback and other bulk
17 requirements as front lot lines and front yards
18 to ensure adequate site lines and visibility and
19 protect the property rights and interests of the
20 adjacent properties.

21 You disagree with that?

22 MR. DANIEL: Yes. And so did the

09:07:17PM

09:07:28PM

1 circuit court, if you read Exhibit B.

2 MS. HANLEY: They did not mention
3 street line.

4 MR. DANIEL: The circuit court
5 addressed Ms. Culbertson's argument that this is
6 not the same as a rear yard abutting a rear yard
7 in the middle of a block or a rear yard abutting
8 the side yard. Ms. Culbertson argued this and
9 the Court had inquiry about it. It's not the
10 same situation.

11 It is not reasonable to consider,
12 as you state in K, because there is nothing in
13 the code that says that you should. You are the
14 ZBA. You sit as an appellate body from the
15 zoning administrator. Someone comes to
16 Mr. Mangum and says, I'd like to have an
17 interpretation. He interprets.

18 You review the code and the
19 interpretation. You don't write law. You don't
20 engage in gap filling. You don't amend law.
21 The law is the law and that's your zoning
22 ordinance. The zoning ordinance does not

1 support K.

2 There is no provision in the zoning
3 ordinance -- This is L -- that provides a
4 property can only have one front lot line.

5 In this case, the provisions of the
6 zoning ordinance say this property does, in
7 fact, only have one lot line under the terms of
8 the zoning ordinance, so I can't agree to L by
9 any stretch.

09:09:20PM

10 CHAIRMAN BRADLEY: You don't agree that
11 there is no provision -- It's a double negative.

12 You believe there is a provision in
13 the zoning ordinance that provides a property
14 can only have one front lot line.

15 MR. DANIEL: There are multiple
16 provisions. The definition of front yard, the
17 definition of rear yard.

18 CHAIRMAN BRADLEY: I'm talking about
19 front yard.

09:09:44PM

20 MR. DANIEL: Right.

21 CHAIRMAN BRADLEY: Talking about front
22 lot line.

1 MS. CASTLE: Hey, guys. Just to recap
2 something that we talked about last summer.
3 Danielle Castle, nice to see you again.

4 CHAIRMAN BRADLEY: Nice to see you.

5 MS. CASTLE: There is a provision in
6 the zoning ordinance that says through lots can
7 have two front lot lines.

8 MS. HANLEY: Right. But there's no
9 provision that says it can only have --

09:10:12PM 10 MS. CASTLE: Go ahead.

11 MS. HANLEY: There is no provision in
12 the zoning ordinance that provides a property
13 can only have one.

14 MS. CASTLE: I don't know how much you
15 guys went back and reread what I presented back
16 in 2025. But, in my analysis, which I gave you
17 guys copies of, I thought there were numerous
18 indications in the zoning ordinance where they
19 refer to front lot line in the singular, the
20 front lot line. Is there --

09:10:39PM 21 MS. HANLEY: There is no provision in
22 the zoning ordinance that provides a property

1 can only have one front lot line. There is
2 nowhere in the zoning ordinance that says you
3 can only have one. In fact, there is a place in
4 the zoning ordinance that says you can have two.

5 MS. CASTLE: Yes, you can have two for
6 through lots.

7 MS. HANLEY: Right. Nowhere in the
8 zoning ordinance -- Just so we're clear what
9 this sentence says, nowhere in the zoning
10 ordinance says a property can only have one
11 front line.

12 We agree that that's true, correct?

13 MS. CASTLE: No. I'll try to explain
14 why.

15 MS. HANLEY: Okay.

16 MS. CASTLE: Let me try to explain why.
17 If you follow the zoning ordinance in its
18 entirety and the definitions -- and I wasn't
19 part of the litigation -- but the Court says
20 they are unambiguous definitions.

21 MS. HANLEY: Correct.

22 MS. CASTLE: You can reach for -- as a

1 buy to a particular lot, a conclusion that the
2 zoning ordinance says that that lot has only one
3 front lot line. I'm in agreement with you,
4 100 percent, there isn't, like, some verbatim
5 sentence in the zoning ordinance that says no
6 lot is only allowed to have one front lot line.
7 That sentence isn't in there.

8 When you read the zoning ordinance,
9 as a whole, and you buy it, you can absolutely
10 see that the zoning ordinance defines a given
11 lot, and this lot in particular, as having only
12 one front lot line.

13 MS. HANLEY: I don't know how you could
14 say that sentence any differently than to be not
15 true. I mean, no, there -- you can't point to
16 any provision, any section, any line, any
17 subsection that says that a property can only
18 have one front lot line.

19 MS. CASTLE: Yes. So I think that
20 brings me back to the fact that what Nicole and
21 Tyler wanted to establish last summer is that
22 Wilson is their rear lot line. They were never

1 trying to prove this statement that's in here.

2 So, frankly, I don't care if this
3 sentence stayed in your findings of fact. I
4 don't think it's operative to what Nicole and
5 Tyler have been trying --

6 MS. HANLEY: I totally agree with what
7 you're saying. We're not saying the corner lot
8 lines have to have two front lot lines. I'm
9 just saying nowhere in the zoning ordinance does
10 it say that every lot can only have one lot --
11 one front lot line. It just doesn't say that in
12 the zoning ordinance.

13 MR. DANIEL: It's overinclusive. It's
14 overinclusive.

15 MS. HANLEY: Wow, that is a real --

16 MR. DANIEL: It is. It's
17 overinclusive. You can be upset with me about
18 it but if you say there is no provision in the
19 zoning ordinance that provides that a property
20 can have only one front lot line, a property in
21 town includes three frontage lots like this one
22 and 11 others, according to Mr. Mangum.

09:14:23PM

1 So those three frontage lots,
2 according to what I read to you from the circuit
3 court, according to our statement that we
4 submitted, and according to your definitions
5 that are on the books, you say there is no
6 provision. There is provision in the zoning
7 ordinance. You're hoping to find a quote from
8 the zoning ordinance so I can use my brilliant
9 search, put it in quotes, a property can only
10 have front lot line -- one front lot line and
11 find something. The reality is it's multiple
12 provisions that do it and they highly direct in
13 specific fashion by defining front street line,
14 front lot line, front yard. Opposite of that,
15 most nearly parallel to is Wilson, that's the
16 rear. And this is not a through lot because a
17 corner lot cannot be a through lot.

09:14:52PM

18 MS. HANLEY: I get that you have a
19 question about how this lot is defined but I
20 don't think there is any dispute that there is
21 no provision in the zoning ordinance that says
22 that a property can only have one front lot

1 line.

2 MR. DANIEL: Then put quotes around it.
3 Then put quotes around it. Let it go with
4 quotes.

5 CHAIRMAN BRADLEY: M, as Wilson Street
6 is, one, a street line; two, the lot line that
7 is most nearly parallel to Walnut Street, front
8 lot line; three --

9 MR. DANIEL: There we would like to
10 clarify the reference to a front lot line is to
11 Walnut Street.

12 MS. HANLEY: I think that's a
13 parenthetical, isn't it? The lot line that is
14 or most nearly parallel to Walnut Street, comma,
15 a front lot line. I mean, that dash is
16 referring to Walnut Street.

17 MR. DANIEL: Okay. It's a continuation
18 of the thought as a whole is my understanding,
19 but as long as we're clear --

20 CHAIRMAN BRADLEY: Wilson Street is,
21 one, a street line; two, the lot line that is or
22 is most nearly parallel to Walnut Street, dash,

1 a front lot line.

2 Is that referring to Walnut Street
3 or Wilson?

4 MR. RITTER: Wilson.

5 MR. DANIEL: That is the issue. That
6 is exactly my issue with that phrase.

7 CHAIRMAN BRADLEY: Okay. Let's keep
8 going. We have issue on it.

9 Three, the junction of a corner lot
10 of Orchard Lane; and, four, shorter than Orchard
11 Lane as is being a front lot line under the
12 definition in the zoning ordinance. So that
13 is M.

14 N, property has --

15 (Inaudible discussion.)

16 (Court Reporter interruption.)

17 MR. DANIEL: Wilson Street is not the
18 junction of a corner lot. It forms part of but
19 it is not the junction. So two and three are
20 long. We know that Wilson Street was shorter
21 than Orchard Lane but we disagree with
22 everything after the comma.

1 CHAIRMAN BRADLEY: Okay.

2 MR. DANIEL: And we take offense to, As
3 confirmed by the continuing ordinance, because
4 that's a falsehood.

5 CHAIRMAN BRADLEY: Okay.

6 MR. DANIEL: N, I suppose the question
7 that I have, in my mind, is how you address the
8 corner yard. If you are saying that this
9 property only has one side yard, then that side
10 yard is south. If you stop there, that's
11 correct. The buildable area is defined by the
12 corner yard line on the north, the side yard
13 line on the south, the front lot line on the
14 east -- sorry -- the front yard line on the
15 east, and the rear yard line on the west.

16 Now, we know Orchard Lane comprises
17 the corner lot line and it is part of the north
18 part of the corner yard. When you say there is
19 no exterior side yard, there is an exterior side
20 yard that abuts on the south and there is a type
21 of exterior side yard that is defined as a
22 corner yard on the north. The buildable area is

1 capable of definition from all of those.

2 CHAIRMAN BRADLEY: That's an issue
3 then.

4 MR. DANIEL: O, we absolutely disagree
5 with. The property does, indeed, have a rear
6 lot line, as supported by the survey, as
7 supported by the code as written, as supported
8 by the ruling in Exhibit B that we submitted.
9 The property does have a rear lot line, and that
10 is the Wilson Street lot line on the west.

11 CHAIRMAN BRADLEY: P and Q.

12 MR. DANIEL: We disagree with. That
13 Section 17.30.050(c)(3) does not apply to this
14 property as written. It's accurate where a side
15 or rear yard line does not exist. Now that's
16 not the full section -- full language of the
17 section. So that's why we got back to
18 submitting the definitions but that is not the
19 full language of the section.

20 CHAIRMAN BRADLEY: Okay. Then Q. It's
21 provided in our findings in 17(1), Where a lot
22 has three street frontages and where a side or

1 rear yard line does not exist in a way you can
2 measure width or depth of the buildable area,
3 the buildable area shall be situated on the lot
4 so that equal setbacks shall be required from
5 the opposite street lines.

6 MR. DANIEL: Okay. So that language
7 regarding from which to measure the width or the
8 depth of the buildable area is material.

9 CHAIRMAN BRADLEY: It is.

09:20:56PM 10 MR. DANIEL: It should be in that
11 Subparagraph P.

12 CHAIRMAN BRADLEY: If we could
13 reference to 17(1). In that section, you might
14 be okay with the definition of P?

15 17(1) is essentially ...

16 MR. DANIEL: I'm sorry. No. I was,
17 actually, reading the language -- you were
18 reading the language of 17.30.050(c)(3).

19 CHAIRMAN BRADLEY: That's 17(1) in our
20 fact and findings.

21 MR. DANIEL: Oh, your findings. I'm
22 sorry. So that's -- As long as the definition

1 is complete, that language is fine.

2 CHAIRMAN BRADLEY: Okay. Obviously,
3 just again, you dispute two, which is that the
4 property has three street frontages and no rear
5 yard line such that (c)(3) applies.

6 MR. DANIEL: Correct.

7 CHAIRMAN BRADLEY: The rest of it,
8 obviously, is --

9 MR. DANIEL: Certainly, No. 29 we
10 disagree with. There is no contest between
11 anybody here about the front yard on Walnut, the
12 side yard on the south line, and the corner yard
13 on the north line. The issue is the dispute of
14 the treatment of the Wilson Street lot line and
15 the yard abutting that lot line, which is a rear
16 yard and not a front yard.

17 CHAIRMAN BRADLEY: Okay.

18 MR. DANIEL: Now, Paragraph 30. This
19 is where I want to be careful. You told me that
20 the ZBA is not applying the, quote/unquote,
21 confirming ordinance.

22 Paragraph 30, as it's phrased --

1 CHAIRMAN BRADLEY: It will not be a
2 factor in our deliberations. It may still well
3 be a fact that we would accept after it but it
4 will not be part of -- it will not be a part of
5 our deliberations.

6 MR. DANIEL: So, as to this case, this
7 finding is coming out. You are not using the
8 confirmatory ordinance as an expression of
9 future effectiveness or future legislative
10 intent or future --

11 MR. FRIEDMAN: That's not what he just
12 said. All he said was in the ZBA's
13 determination, as 29 clearly says, Pursuant to
14 the zoning ordinance as it existed at the time
15 of the zoning administrator determination.

16 You can say both of those things at
17 the same time without them being inconsistent or
18 without them being improper. It is a fact that
19 the village board amended the zoning code.
20 Whatever impact that may have, you're going to
21 get a chance to argue.

22 But that's -- The ZBA didn't adopt

1 that zoning code. The ZBA is not considering
2 that. When it does whatever it's going to do
3 tonight, it's going to rely on the pre-amendment
4 zoning code but it's perfectly appropriate for
5 them to acknowledge that that was done, even
6 though they are not relying on it to make
7 whatever decision they make.

8 MR. DANIEL: Acknowledging it when it's
9 not effective is a problem.

09:24:10PM 10 MR. FRIEDMAN: The zoning ordinance is
11 effective.

12 MR. DANIEL: The zoning ordinance was
13 adopted April 7th, publication in form occurred,
14 at the earliest, the night of April 7th, 65
15 ILCS --

16 MR. FRIEDMAN: Mark, I know.

17 MR. DANIEL: You understand 1-2-4,
18 which, again, is in our materials, is not a
19 surprise to you. I noted this before. I expect
20 you to know 1-2-4. And 10 days publication has
21 not passed. It shouldn't even be considered as
22 being effective.

09:24:10PM

09:24:32PM

1 Now, I hope that that's not bearing
2 as if past enforcement laws or past
3 interpretations were or that you're looking at
4 that ordinance 01-2026 and saying, well, the
5 Village Council says that's confirmatory of what
6 the law is. We're the ZBA. We're doing it and
7 finding against the Steels again, despite a
8 court order, based on the passage of a
9 confirmatory ordinance demonstrating further
10 that the decision was correct.

09:25:12PM

11 Now, think about how that sounds,
12 pretty bad. I mean, our next step -- Well,
13 tonight our next step is to thank you. This is
14 a difficult situation. These owners have been
15 stuck with this ruling. I have a lot of respect
16 for your attorneys. I have worked with
17 Mr. Mangum previously.

18 But I figured, at the time the
19 Court ruled, that we had a good shot coming out
20 of this meeting with a determination that
21 however this new ordinance applies, it's not
22 going to apply to the Steels. That's the

09:25:51PM

1 prospective reference in Exhibit H, Section 2,
2 the direction to Mr. Mangum to prepare an
3 ordinance prospectively amending; otherwise,
4 there is no one else that can benefit from
5 prospective application.

6 Constitutionally, it's required by
7 separation of powers that you not apply that.
8 So I was happy -- surprised and also happy to
9 hear that's not being applied tonight as the
10 law. If it is implied as an indication of
11 strength of your determination or a further
12 demonstrative of the propriety of the
13 administrator's decision, that is equally
14 following of the law, which is your ordinance.
15 All of us take an oath when we serve. You're
16 volunteers. It's been a difficult night for a
17 lot of reasons. When you come in and read
18 findings that are contrary to the way the
19 ordinance is written in circumstances where,
20 over the course of Passover, Easter, Orthodox
21 Easter, we're dealing with this stuff, spring
22 break. I mean, this thing was rushed through,

1 guys.

2 MR. FRIEDMAN: We were given a 30-day
3 deadline by the Court.

4 MR. DANIEL: No. Everything was rushed
5 through on the amendment. The Village Council
6 didn't appoint itself as a committee of the
7 board to handle a zoning --

8 MR. FRIEDMAN: Proper home rule.

9 MR. DANIEL: It did it all the same
10 night, nine people (inaudible).

11 If you think about it, the issue
12 that we face is that I come into this meeting
13 with a perception, based on your proposed
14 findings, that you were applying the new
15 ordinance or at least using it as demonstrative
16 evidence supportive of a decision to deny the
17 appeal. Either one of those is --

18 CHAIRMAN BRADLEY: It's not a violation
19 of the judge's order.

20 MR. DANIEL: It's a violation of the
21 judge's order and it's also not constitutional.

22 CHAIRMAN BRADLEY: Why would I do it?

1 MR. DANIEL: I would hope you don't. I
2 appreciate the time you put in this. I
3 appreciate the reliance that you put on staff.

4 But now that we know the ordinance
5 is clear, there is no deference to staff, there
6 is no deference to somebody who interprets the
7 code and says something that occurred April 7th
8 is confirmatory of what existed prior to that
9 ruling.

09:28:18PM 10 I just want to be very careful on
11 that and I can't be more clear because I have a
12 client to protect. I hope that I will enjoy
13 practicing in municipalities represented by
14 Elrod & Friedman down the road. I have friends
15 up here. I think everybody here has put a lot
16 of work into a case like this. I hope all of
17 our work is rewarded by the right decision
18 tonight. I hope I didn't miss anything else.

09:28:57PM 19 MS. CASTLE: Hi, guys. I'm not doing
20 anything that, you know, is adverse to whatever
21 litigation posture. I just want to bring it
22 back to first principals, which is that Tyler

1 and Nicole wanted to establish, for their own
2 peace of mind, that the Wilson side is their
3 rear yard. We tried to put on a detailed case
4 back last summer.

5 I really just want to focus on two
6 definitions straight from the code and note that
7 in the judicial order, which I have also read,
8 the judge said these definitions aren't
9 ambiguous. I don't need to go into the
10 transcript. She says these definitions are
11 pretty clear.

12 So we have two definitions. First,
13 what's the rear lot line? It says, It's the lot
14 line that's most distant from and that is or is
15 most nearly parallel to the front lot line.
16 That's it. That's pretty much all it says.
17 It's says, Provided that there isn't going to be
18 a rear lot line on a through lot.

19 Like, honestly, guys, I tried to
20 follow these findings -- the draft findings of
21 fact that were in the packet. It seemed to me
22 like in Section 28, starting around H, I, and

1 onward, it kind of goes off the rails. This
2 whole concept of throwing in street line, that's
3 not really in this definition on code. I think
4 there is a lot of conclusory leaps as you get
5 into J, K, L, M. I would look at those really
6 closely.

7 I said I wanted to focus on two
8 definitions. You already heard rear lot line.
9 The other is, you know, what's the rear yard?
10 It's the yard extending along the full length of
11 the rear lot line. That's, basically, it.
12 That's all we wanted to prove.

13 This whole, like, does 50(c)(3)
14 apply or not apply? What is 50(c)(3) in the
15 first place? It's a part of the code that's
16 talking about fronts and backs and, basically,
17 says that in a particular subset of lots your
18 front and rear setbacks should be equivalent.

19 We're not even disputing or trying
20 to nail down what is this proper setback number
21 on Wilson or Walnut. So it seems like a lot of
22 a red herring to me. (C)(3), if it applies, it

1 doesn't apply, either way, it's not dispositive
2 of the core question Nicole has been trying to
3 answer for more than a year now. Is the Wilson
4 side her rear lot line and is the yard adjacent
5 to it her rear yard?

6 That's what I wanted to add.

7 And -- I'll leave it at that. Thank you.

8 MR. DANIEL: Thank you very much. I'm
9 happy to answer any questions you might have.

10 CHAIRMAN BRADLEY: Thank you.

11 Anyone have any questions for the
12 applicant?

13 (No response.)

14 I would take public comment on this
15 but seeing nobody, we can close the public
16 comment for deliberation.

17 I think, as a first point -- As a
18 first point, obviously, the idea tonight was to
19 come together and do our review of relevant
20 ordinances to make the determination on
21 314 Walnut. The materials that were provided,
22 here, on the dais were a curve ball that I want

09:32:09PM

09:32:53PM

1 to at least understand this group's intent to
2 move forward, educated sufficiently on the
3 issues, without the need to review. It can be
4 part of the record if you would like it to be.

5 This is -- This is all fresh and so
6 we're taking it on just the remarks of the
7 appellant as to its veracity and its
8 persuasiveness. I have not read this.

9 Do people feel comfortable
10 proceeding on the findings of fact as an output
11 of tonight's deliberations without having
12 reviewed this? If so, great. If not, let's
13 discuss that and let's discuss that in the
14 context of the judge's order, which is that this
15 issue be provided adjudication by us within
16 30 days of the court order.

17 MS. HANLEY: So my take on this is that
18 we have been ordered to do this over, do our
19 review of David's assessment. We should do a
20 redo based on the testimony and the evidence
21 that we had prior but leave out any historical
22 records as to the 2005 ordinance or anything

1 else.

2 If we're going to do that, then
3 anything -- then we shouldn't be considering
4 anything else. I don't think -- The stuff he
5 has, here, in this exhibit list is -- the
6 relevant stuff has already been provided on the
7 record, so I don't think we should -- we
8 wouldn't be reading the briefs or the appeal or
9 any of that stuff. That's not relevant. The
10 court transcript is not relevant. I don't think
11 what he has provided is necessarily relevant to
12 the discussion. I feel I'm comfortable moving
13 ahead with a re-review, based on what we have
14 got.

15 MR. FRIEDMAN: I would just say the
16 transcript should be part of the record. It's a
17 long transcript. As Mr. Daniel said, much of
18 that was oral argument. The Court issued its at
19 the time ruling at the end of it in those few
20 pages. So I do think it's relevant but it's
21 only relevant because this order amended it.

22 I think the transcript of

1 proceedings should be in the record. But,
2 again, the final order makes clear that
3 whatever, quote/unquote, ruling was made in that
4 transcript, as reflected in that transcript, is
5 modified by this order. That's crystal clear.

6 MS. HANLEY: I'm sorry. So in terms of
7 our road map on proceeding, we should really
8 only look at the directions from the final
9 order.

09:36:30PM 10 MR. FRIEDMAN: The order makes it very
11 clear how you are to proceed.

12 MR. HALLER: And that order says redo.

13 MR. FRIEDMAN: The order says redo with
14 some --

15 MR. HALLER: With some caveats.

16 MR. FRIEDMAN: As I have said, we have
17 Paragraphs 3 and 4 and 5 and 6.

18 CHAIRMAN BRADLEY: Without deference to
19 other interpretation or interpretive aids.

09:36:56PM 20 MR. FRIEDMAN: And, specifically, it
21 directs -- The ZBA is instructed to review -- I
22 read this before. The ZBA is instructed to

1 review 50(c)(3), whether 50(c)(3) properly
2 applies to this property with reference to the
3 other applicable sections, without reference to
4 all of the historical interpretive -- it does
5 give direction -- excuse me -- on where it found
6 error and where it wants the ZBA -- what it
7 wants the ZBA to consider in this remand.

8 CHAIRMAN BRADLEY: Again, just to be
9 sure, the materials that are up here on the dais
10 will be part of the record but there is --
11 nobody is feeling as though the lack of
12 exhaustive review, reading of the transcript of
13 proceedings, let alone C through I, would be
14 helpful to their review as the final order
15 requires us, nobody has issue with not having --
16 I haven't digested -- Nobody has issue?

17 (No response.)

18 Why don't we -- Could I ask village
19 counsel to -- maybe Caitlyn -- Sorry to put you
20 on the hot seat.

21 Could I ask you to summarize for us
22 certain of the findings of fact that have been

1 called into question or been disputed by the
2 appellant and ask you to take us through that
3 review for a second?

4 MR. FRIEDMAN: As instructed by the
5 Court.

6 CHAIRMAN BRADLEY: Sorry. Yes, as
7 instructed by the Court.

8 MS. CULBERTSON: Sure. Do you want me
9 to just go through it in general or the
10 definitions section and the -- then the
11 application of the definitions to the property?

12 MR. FRIEDMAN: Is your mic on?

13 MS. CULBERTSON: It is. Is that
14 better? I was too far away. I apologize.

15 So, as instructed and I'm aware,
16 the definitions -- the ZBA is to review the
17 definitions that the judge set forth as
18 unambiguous in the final order, which are listed
19 in Finding 17 and I believe there was no dispute
20 as to these accurately list the definitions,
21 other than I think there was dispute as to
22 whether or not the application were evidence or

1 not.

2 But these 17(a) through (l) are the
3 definitions of the various lot line and yards
4 that were in the zoning ordinance at the time
5 the final order was entered, at the time the
6 zoning administrator issued the interpretation.

7 So this property is undisputed that
8 it is a corner lot. It has three street
9 frontages. As a corner lot is -- A corner lot
10 is in the definition as a lot situated at the
11 junction of two or more streets. This, sure, it
12 certainly is one lot but it is a corner lot
13 based on two different street junctions. There
14 is an intersection of Orchard and Wilson and
15 Orchard and Walnut. This makes this property
16 uniquely as a corner lot, as it has two
17 different junctions that you look at. Neither
18 makes -- Neither is less in making it a corner
19 lot than the other. Even if it disappeared, it
20 would still be a corner lot because it is a
21 corner lot in two different locations.

22 It is undisputed that Orchard Lane

1 is the corner lot line that -- as it is the
2 longest street line of the corner lot so that it
3 has a corner yard on Orchard Lane.

4 In the definition of front lot
5 line, it's the shorter street line of the corner
6 lot shall be a front lot line. In this case, if
7 we look at it, that would make Walnut,
8 undisputedly, a front lot line of this property.

9 We also believe that you take the
10 other -- the shortest lot line at the corner lot
11 location, the junction of Wilson and Walnut,
12 making Wilson a corner lot line. We believe,
13 also, you can look at -- I'm sorry -- Wilson and
14 Orchard. Thank you for clarifying.

15 Wilson, very importantly, is also a
16 street line. Wilson -- If you look at Wilson --
17 Wilson -- Excuse me. There's a lot of
18 definitions. It's late at night. If I'm
19 confusing anyone, please interject.

20 CHAIRMAN BRADLEY: A street line is
21 defined in J, 17(j)?

22 MS. CULBERTSON: Yes. Street line is a

1 pretty basic definition, simply that it is
2 just -- I can go directly to the definition, The
3 outermost limits of a public or private street.

4 Not only is Wilson the shorter line
5 of a corner lot, as Orchard is undisputedly the
6 longest line on this property.

7 MR. DANIEL: I can't hear when she is
8 speaking that way and the court reporter can't
9 take it.

09:43:47PM 10 MR. FRIEDMAN: Leave your microphone
11 there and use this one.

12 MS. CULBERTSON: So Wilson Street is
13 also the lot line and the street line that is
14 most nearly parallel to Walnut Street but,
15 however, as Wilson Street is a street line, as
16 we just discussed, the village does not consider
17 it a rear lot line under the definition of rear
18 lot because it is also a street line or a street
19 frontage and a street line.

09:44:53PM 20 If you think about it, it is
21 reasonable to not consider a street line a rear
22 yard line, as it does not abut another property

1 but, rather, abuts a street frontage. So the
2 different considerations of site lines and
3 visibility that come into play for why there are
4 larger setbacks for a front yard would be the
5 same reason that the -- if -- that Wilson Street
6 would have those same considerations and, also,
7 because it is -- doesn't abut another property,
8 it's a street frontage.

9 MR. DANIEL: Which section of the code
10 says that?

11 MR. FRIEDMAN: You have had your
12 chance. The village attorney is talking. She
13 can finish her comments.

14 MR. DANIEL: I'll ask afterwards.

15 MS. CULBERTSON: So if you look at the
16 interplay of all of these definitions that are
17 unambiguous, that are cited in the final order,
18 that are cited again in the -- in Section 17 of
19 the facts and determination, we can clearly show
20 that Wilson Street is a street line, it's the
21 street line that is most nearly -- that is most
22 nearly parallel to Walnut Street. It's also the

1 junction of a corner lot with Wilson Street --
2 I'm sorry -- with Orchard Lane and it's shorter
3 than Orchard Lane. All of these coming together
4 form the basis of why it is also, in addition to
5 Walnut Street, a front yard line of the
6 property.

7 I can answer any questions or
8 further clarifications. But I think it sets it
9 out in the definitions and, then, in this
10 Section 28. I can go through one by one of each
11 of the different lot lines and the definitions
12 of which is a -- of how they apply to this
13 particular property.

14 CHAIRMAN BRADLEY: Anyone have
15 questions for Caitlyn?

16 (No response.)

17 You talked a little bit about
18 (c)(3), which, again, follows the Court's
19 order -- final order to review and consider
20 whether it's dispositive or not based on the
21 appellant's comments this evening.

22 MS. CULBERTSON: Sure.

1 CHAIRMAN BRADLEY: Does -- Does
2 314 Walnut Street meet the definition of (c)(3)
3 such that the buildable area shall be situated
4 on the lot so equal setbacks shall be required.

5 MS. CULBERTSON: Yes. So in
6 Section 17.30.050(c)(3), there is, kind of, two
7 distinct criteria that you have to meet. It has
8 to have three street frontages, which this does,
9 and which a side yard or rear yard does not
10 exist. In this case, there is no rear yard line
11 from which to measure the buildable area on this
12 property, which means that the section of the
13 code does apply.

14 CHAIRMAN BRADLEY: If it says "or,"
15 does the side yard qualify in order to meet the
16 definition of (c)(3), which is to measure the
17 width or depth of the buildable area.

18 MS. CULBERTSON: I think, in this case,
19 the order is important because it's a side yard
20 or a rear yard. In this case, a rear yard
21 doesn't exist, so you have -- so there is --
22 there is not a rear yard from which to measure

1 the buildable area and this has the operative
2 word of "or" in it making this applicable to
3 this property.

4 There is an interior side yard,
5 which we have spoken about today, and it's in
6 the findings, and a corner yard or corner lot
7 line on Orchard, as well.

8 CHAIRMAN BRADLEY: So you're saying
9 that the street frontages -- the three street
10 frontage element is met where a side or rear
11 yard line does not exist, you're reading the
12 "or" to be --

13 MS. CULBERTSON: I'm reading it as an
14 or.

15 MS. HANLEY: One or the other.

16 MS. CULBERTSON: It's one or the other
17 does not exist.

18 MR. HALLER: If it has three street
19 frontages and it has a side yard but no rear
20 yard, it applies. If it has three street
21 frontages and it has a rear yard but no side
22 yard -- either one of those would trigger the

1 use of having to have the setbacks be considered
2 on both ends of the property?

3 MS. CULBERTSON: Yes, because that
4 would -- Either way, it would create a situation
5 where the setbacks have to be centered to allow
6 for where the property would be -- the residence
7 or structure would be built on the property.

8 CHAIRMAN BRADLEY: Okay.

9 MS. HANLEY: I have a question. I feel
10 like it's a circle, that we're kind of going
11 around in a circle in that this 50(c)(3) -- I'm
12 already lost in my circle. But that there would
13 never be -- can I pull up -- I have to see this.

14 What is the title of -- Front and
15 corner yard setbacks. Okay. And, then, (c)(3)
16 is when it's missing is -- It seems to me this
17 would never -- this only would apply to a
18 property like this because -- and it was -- This
19 section was created specifically for properties
20 like this.

21 MS. CULBERTSON: It is specifically
22 created for properties with street three

1 frontages, which create these unique situations.

2 MS. HANLEY: It assumes that a property
3 with three street frontages would be missing a
4 side or a front -- or a rear yard.

5 MS. CULBERTSON: I think so, yes.

6 MS. HANLEY: That's why it exists. And
7 so because we have these lots that are going to
8 be bound by three streets and, therefore, are
9 going to be missing a side or a rear yard, this
10 is how you measure the yards; that's what that
11 section is doing?

12 MS. CULBERTSON: Yes.

13 MR. FRIEDMAN: The only thing they
14 point out is -- I don't know, and I don't know
15 if Caitlyn knows, whether it's possible to
16 have -- maybe -- a property with three street
17 frontages that has a side and rear yard. We're
18 just talking about this property.

19 MS. HANLEY: Right.

20 MR. FRIEDMAN: We're only talking about
21 this property.

22 MS. HANLEY: Right.

1 MR. FRIEDMAN: So we don't have to
2 hypothesize about whether it's possible this
3 applies to other properties.

4 MS. HANLEY: Just for point of
5 clarification, I was trying to understand why we
6 had this section in the zoning ordinance, not
7 whether it applied to anything else but that it
8 applied to a property with these specific
9 issues, but that's why this section exists.

10 CHAIRMAN BRADLEY: Anyone else want to
11 go through their thoughts, questions?

12 MR. HALLER: I don't -- Can you give me
13 an example of another property to which this
14 would apply, another type of property that's
15 founded by --

16 CHAIRMAN BRADLEY: I don't think that's
17 relevant.

18 MR. HALLER: Is that not relevant?

19 MR. FRIEDMAN: We just have to focus on
20 this property.

21 CHAIRMAN BRADLEY: I don't want to put
22 people on the spot. We can take it to some of

1 the findings, which is what we also need to be
2 discussing or moving towards a motion to
3 recommend -- I'm sorry -- to vote on, not
4 recommend.

5 Let's take something right out of
6 the issue. I think it makes sense that we would
7 leave in, from a timeline perspective, the facts
8 of the Village Council's adoption of the
9 ordinance amending the code, what's been defined
10 as the confirming ordinance. I think those
11 facts --

12 MS. HANLEY: What are those numbers, I
13 guess?

14 CHAIRMAN BRADLEY: Begins on 22, 23,
15 24, 25 and, then, I think anything relating to
16 what is merely a fact, which is, essentially, a
17 procedural history of -- of the case but
18 includes information about the Village Council
19 having a confirming ordinance take place in the
20 timeline. We're not weighing it in our
21 calculation but I don't understand why it can't
22 be included for the purpose of the facts and

1 findings. I would recommend that we strike --

2 MR. HALLER: 30.

3 CHAIRMAN BRADLEY: -- 30 with counsel's
4 concern there. I want to make sure 30, which
5 is, The ZBA finds that the confirming ordinance
6 demonstrates further zoning administrator --
7 That's too close by half, so I'd recommend we
8 strike that because that's not what I'm about to
9 do at all.

09:56:32PM

10 And, then, on M, which is defining
11 Wilson Street as the street line -- the lot line
12 that is or is most nearly parallel to Walnut
13 Street, the front lot line; three, the junction
14 of a corner lot with Orchard Lane and, four,
15 shorter than Orchard Lane is deemed front lot
16 line under the definition of the zoning
17 ordinance.

09:57:09PM

18 If we get there, if everybody
19 agrees with that, I would also -- I would
20 remove, As confirmed by the confirming
21 ordinance. So I just want to clean up as we
22 move along. I wouldn't want M to end that way

1 but we don't have to make a decision on M
2 altogether. I just want that included.

3 Does anyone have a problem with
4 that?

5 MR. HALLER: No.

6 CHAIRMAN BRADLEY: Then go back to --
7 Does anyone have an objection to -- Is everyone
8 accepting 14, which relates to the authority of
9 the ZBA? Again, this is just an abbreviated
10 version of our powers, that the ZBA, just from
11 the recommendations on that issue, just by
12 further expanding what our powers are, but we
13 can't go to the umpteenth degree of explaining
14 our terms.

15 Oh, I'm sorry. Everyone is good on
16 14, then.

17 On 8 -- I'm going out of order.
18 I'm -- 8, On May 8th, the appellant filed an
19 appeal challenging the zoning administrator's
20 determination prior to the determination that
21 Wilson Street is a front lot line and, thus, the
22 property has a front yard along Wilson and a

1 front yard along Walnut Street.

2 The appellant's counsel wanted that
3 to be expanded to include comments that were
4 made by the appellant at that meeting, which,
5 again, all of that is part of the record
6 already. I don't know why that would need to be
7 amended here. If people have any issues with 8,
8 as drafted in our findings of fact comparable to
9 what was proffered by the appellant and/or their
10 suggested additions, which, again, brings a
11 little bit of --

12 MR. FRIEDMAN: We can just add, after
13 with regard to, comma, among other things,
14 comma.

15 CHAIRMAN BRADLEY: Say it again, one
16 more time.

17 MR. FRIEDMAN: The appellants filed an
18 appeal challenging the zoning administrator
19 determination with regard to and, then, add,
20 comma, among other things, comma, and the rest
21 can stay.

22 CHAIRMAN BRADLEY: Okay.

1 Are you taking these down?

2 MS. CULBERTSON: Yes.

3 CHAIRMAN BRADLEY: Does anyone have a
4 problem with the amendment on 8?

5 (All no.)

6 16 is of a similar vein. During
7 the hearing on June 9th, the appeal hearing, we
8 received evidence, including two zoning
9 analyses, a plat of survey, photographs of the
10 property, correspondence of village staff,
11 arguments of appellants. The ZBA also received
12 evidence from Assistant Director of Community
13 Development Ann Klaassen and Director of
14 Community Development Scott Mangum. It was
15 argued by the appellant's counsel that they did
16 not receive evidence from Community Director
17 Mangum.

18 MS. HANLEY: This says, Director of
19 Community Development Scott Mangum,
20 blah-blah-blah, also provided planning and other
21 evidence. I think it's fine as is. I don't
22 think it's too far from -- I mean, it doesn't

1 deviate.

2 CHAIRMAN BRADLEY: No. As long as it's
3 to add that we heard from the appellants by
4 name, Counsel Castle and the owner, Nicole
5 Steel.

6 MS. HANLEY: It's also in the record.

7 MR. HALLER: That's all appellants.

8 CHAIRMAN BRADLEY: All right. So
9 everybody is fine with 16 as drafted?

10 MS. HANLEY: Yes.

11 CHAIRMAN BRADLEY: To the open question
12 of whether or not the parties agree on the final
13 order instructions, as provided in 26 -- I'm
14 sorry -- substantively, it goes through it on 19
15 and, then, again, on 26. We have the -- We have
16 it in the record. We have the final order.

17 MS. HANLEY: What is stated here, in
18 19, isn't incorrect. And if we're going to
19 include the transcript in the record, then I
20 think it's comprehensive.

21 MR. RITTER: We can attach the final
22 order as an exhibit.

1 MR. FRIEDMAN: The final order is in
2 the record, as well.

3 MR. RITTER: Okay. Okay.

4 MR. FRIEDMAN: As is the transcript.
5 Our recommendation was -- We were pretty
6 meticulous about tracking the Court's language
7 on this but the final order is in the record, so
8 I don't think there is any legal issue about A,
9 B, and C, and the final order. If there is an
10 appeal or some further litigation, all of --
11 whatever it is, it's going to have that all.

12 CHAIRMAN BRADLEY: That would be 19 and
13 20.

14 Again, we understand the parties
15 may dispute the fact but what is included in the
16 final order document, I think everyone agrees 19
17 and 20 correctly present that -- those letters
18 and words.

19 MS. HANLEY: I'm fine with 19 and 20,
20 as written, unless counsel recommends changing
21 it for any reason.

22 MR. FRIEDMAN: I do not.

1 MS. HANLEY: But we're striking 22, 23,
2 24, and 25?

3 MR. HALLER: No. We're leaving it
4 as --

5 MS. HANLEY: Oh, leaving those in and
6 struck the other ones?

7 MR. HALLER: Strike 30 and strike
8 the --

9 CHAIRMAN BRADLEY: Striking 30 and end
10 of M, "as confirmed by the confirming
11 ordinance."

12 I don't know how helpful that was,
13 but it felt like progress.

14 MS. HANLEY: What about -- what is
15 this -- 28(p), where we were talking about
16 including the whole definition of 50(c)(3).

17 CHAIRMAN BRADLEY: Okay. So 28(p) is
18 a -- is an abbreviation of section (c)(3), which
19 is, obviously, part of the record.

20 MS. HANLEY: Okay.

21 CHAIRMAN BRADLEY: Well said but it's
22 also in the very finding of fact of 17(1), so I

1 think it's -- it's just part of some factors
2 that bring to the point of the introductory
3 sentence of 28, which said if we were to get to
4 it, the ZBA findings in Section (c)(3) applies
5 for the following reasons.

6 So P is, actually, more conclusory
7 than the -- same with -- Same would apply for Q.
8 It is a little bit the end result because we
9 have on 28(a) notes that the property already
10 has three street frontages. The no rear yard
11 line is part of the discussion that we have
12 but -- so I'm going to recommend -- Can we
13 strike 2? A already says three street
14 frontages. The no rear yard line can come as a
15 result of if we were to find it.

16 MS. HANLEY: I think that's a summary
17 because it's saying, if so, this section
18 applies.

19 CHAIRMAN BRADLEY: That's the intro
20 paragraph.

21 MS. HANLEY: I see. I've got what
22 you're saying.

1 CHAIRMAN BRADLEY: We will --

2 MR. FRIEDMAN: The only reason I would
3 suggest it stay is that is -- the Court's
4 specific direction to us -- to the ZBA is to
5 determine whether that applies or not.

6 CHAIRMAN BRADLEY: Okay. It's just a
7 little bit like, if we accept this, it's saying
8 it does apply for the following reasons and one
9 of his reasons is does it apply.

10:10:03PM

10 Then the only other one I wanted to
11 circle back on is No. 5, Property is a corner
12 lot due to the intersection of Walnut Street and
13 Orchard Lane, as well as the intersection of
14 Wilson Street and Orchard Lane.

15 The appellant wanted to say that it
16 only apply once.

17 MS. HANLEY: That's part of their
18 argument.

10:10:45PM

19 CHAIRMAN BRADLEY: I understand. I
20 want to make sure we're all in agreement as to
21 what this fact and finding is saying.

22 As well as the intersection of

1 Wilson and Orchard is -- I read that to mean it
2 is noting that the property has two corner lots
3 and if one of those lots were to somehow go away
4 because there was no longer a Walnut Street or
5 Wilson Street, this would qualify as a corner
6 lot.

7 Does anybody disagree with that?

8 (No response.)

9 MR. FRIEDMAN: Since you're on Page 1,
10 I do have one thing I think you should clarify.

11 Under the "Subject" at the
12 beginning, this is typical language.

13 MR. HALLER: Where are you?

14 MR. FRIEDMAN: On Page 1.

15 MS. HANLEY: Of the findings?

16 MR. FRIEDMAN: No. No. Above the
17 findings, where it says "Subject."

18 MR. HALLER: Gotcha.

19 MR. FRIEDMAN: We usually refer to the
20 zoning ordinance as amended. I think you should
21 clarify, As amended, as of the date of the
22 zoning administrator's decision, so that does

1 not inadvertently include the text amendment.

2 CHAIRMAN BRADLEY: Does everyone
3 follow?

4 MS. HANLEY: As amended as of --

5 MR. FRIEDMAN: The date of the zoning
6 administrator's decision, which is consistent
7 with the language at the end, as well.

8 MS. HANLEY: Do you want to just use
9 the actual date?

10:12:41PM

10 MR. FRIEDMAN: Well, we've referred to
11 zoning administrator. It's a defined term.

12 MS. HANLEY: Okay.

13 MR. FRIEDMAN: The date is in
14 Paragraph 7 of the finding.

15 MS. HANLEY: Okay.

16 CHAIRMAN BRADLEY: Well --

17 MR. DANIEL: May I respond to
18 Ms. Culbertson for two minutes?

19 CHAIRMAN BRADLEY: Sure.

10:13:11PM

20 MR. DANIEL: Paragraph 19 in your
21 findings refers to the matter being fully
22 briefed. Those briefs are part of what we

1 submitted tonight. If you take a look at
2 Exhibit B, the transcript, you will see, at
3 Page 49, Ms. Culbertson made, essentially, the
4 same presentation that she made before you
5 tonight. The Court rejected it.

6 That said, the context and language
7 of the order is important. That is why I
8 interrupted you again, and I don't want to
9 appear as rude, but I do try to help. The order
10 says, The ZBA is instructed to review whether
11 Section 17.30.050(c)(3) properly applies to this
12 property with reference to other applicable
13 zoning ordinance sections. We have none of
14 those sections cited by Ms. Culbertson.

15 So I ask, which sections is she
16 citing? The nomenclature used for this, there
17 is no provision in the code that says a lot
18 cannot have two front lot lines. That is not an
19 answer to the judge's mandate that you consider
20 these issues. Ms. Culbertson's explanation was
21 devoid of any citations to code. It, basically,
22 says when you look at everything in the overall

1 purpose of defining a street line and have a
2 building setback, well, that's good and this is
3 consistent with that, but she didn't cite to a
4 single code section. That's why we're here.
5 The judge says, With reference to other
6 applicable code sections. We have failed in
7 that tonight. Thank you.

8 MR. FRIEDMAN: We disagree with that
9 characterization.

10 MR. DANIEL: Well, we'll test that.

11 MS. CULBERTSON: Can I also just note
12 that in Section 28 of the findings, as it goes
13 through, there are many, many definitions and
14 code sections that are referenced. I may have
15 not cited them aloud, as I was going through,
16 but they are listed in there and, purposely, as
17 we were following the Court's direction to apply
18 the other relevant sections of the code, which
19 are cited throughout that Section 28.

20 MR. DANIEL: 28(k) lacks a citation to
21 anywhere in the code.

22 MR. FRIEDMAN: We know your argument.

1 You have made your argument, so you're on the
2 record.

3 CHAIRMAN BRADLEY: Okay. Are there any
4 other aspects of findings, numbered or lettered,
5 that we need to discuss, clean up on before
6 we ...

7 I'll make sure people give
8 reference to 17 and 28, which include the other
9 applicable zoning ordinance sections that are
10 outlined or instructed to be outlined in the
11 final order, Paragraph 6.

12 So let us begin. Does anybody have
13 their initial thoughts together as to whether or
14 not the findings of fact should be accepted or
15 want to discuss any aspects of the Code, (c)(3),
16 the interpretation of either or both that would
17 lead us to our own independent determinations
18 whether or not Wilson should be treated as a
19 front lot line at 314 Walnut.

20 MS. HANLEY: I'll go. I think -- I'm
21 sorry. I think Caitlyn did an excellent job of
22 laying out the different code sections in the

1 zoning ordinance and explaining how they all
2 work together to arrive at the conclusion to
3 define the yards, both the side, front lines,
4 corner lines, and then the various yards based
5 on the definitions of the zoning ordinance
6 sections that Caitlyn laid out.

7 I think I agree with the findings
8 that the decision by the zoning administrator
9 was the appropriate decision, based on what we
10 have and understanding comprehensively of our
11 zoning ordinance read comprehensively that his
12 determination was correct, and I agree with the
13 findings as we have amended them.

14 CHAIRMAN BRADLEY: Okay. So --

15 MS. HANLEY: Want me to be more
16 specific?

17 CHAIRMAN BRADLEY: No. In your review,
18 20 -- I'm sorry -- 28 --

19 MS. HANLEY: Yes.

20 CHAIRMAN BRADLEY: 28, in all regards,
21 is in proper classification for you, as it
22 relates to 314 Walnut, that (c)(3) applies that

1 it should have a front yard line at Wilson?

2 MS. HANLEY: Correct.

3 CHAIRMAN BRADLEY: Anybody else
4 prepared to go next?

5 MR. RITTER: I agree with Lynn but no
6 need to restate all of the reasons that she just
7 articulated.

8 CHAIRMAN BRADLEY: Okay.

9 MR. NIELSEN: We have gone through the
10 facts and findings together. Lynn was saying --
11 She was speaking up first that she is in
12 agreement with what we all just went through and
13 already agreed upon and I can go through and
14 give our own comment but I don't have anything
15 else to say, except for what she said.

16 CHAIRMAN BRADLEY: So you're in
17 agreement, as well?

18 MR. NIELSEN: Yes.

19 CHAIRMAN BRADLEY: Mark?

20 MR. HALLER: Yes, I am in agreement
21 with 28 and how it's been stated and how Lynn
22 encapsulated that or summarized that. I don't

1 have anything else to offer at this moment.

2 CHAIRMAN BRADLEY: Kathryn?

3 MS. LEISTER: I'm thinking the same
4 thing. I feel like (c)(3) addressed this type
5 of lot. I feel like (c)(3) is very applicable
6 to this lot. It is applicable. It has a side
7 yard, not a rear yard; and if you have three
8 streets, you're not having both, a rear and a
9 side. So I can understand when you read the
10 definition of a rear -- sorry -- rear lot line,
11 you can say, oh, well we have a front yard,
12 thus, we must have a rear yard, but I think
13 (c)(3), then, addresses that, so I'm coming out
14 of the same place.

15 CHAIRMAN BRADLEY: Okay. Well, for my
16 part, okay, I do agree that, as we look at the
17 zoning code at the time and as we look at the
18 definitions therein, that the zoning
19 administrator, at that time, properly found
20 314 Walnut to fit the Code Section (c)(3) as the
21 necessary relief on such a unique property. I
22 do not find anywhere in the code that requires

1 our application of the code to be anything other
2 than the outcome we have here. There is nothing
3 that there has to be one and only one front lot
4 line. In situations like this, I think that
5 (c)(3) is meant to give the zoning administrator
6 clarity on how to address these properties.

7 So I have no issue with -- I have
8 no issues with the findings of fact presented
9 with all of the edits that we have enumerated
10 throughout the course of this evening,
11 recognizing, of course, that there is already,
12 as noted by the appellant, a different
13 opinion -- stronger or different argument that
14 both sides would like to make as to whether or
15 not we have applied it properly.

16 Needless to say, we're doing so
17 without hindrance of historical interpretation
18 or other interpretive aids and, certainly, not
19 driven in any way by the confirming ordinance
20 that those were adopted on April 7th.

21 By my count, we do have enough
22 votes to proceed to a motion. This will be a

1 motion to approve the -- the amended findings
2 and determination for the Village of Winnetka
3 Zoning Board of Appeals as is included in our
4 packet that was modified given the changes
5 tonight.

6 MR. FRIEDMAN: Before we have that
7 motion, I just want to clarify what's in the
8 record. The appellant's appearance will be in
9 the record, the appellant's statement on remand
10 following reversal on administrative review and
11 its attachment will be in the record. We also
12 agree with the appellant that the March 19, 2026
13 final order, the March 13, 2026 transcript of
14 proceedings, the ordinance in effect, resolution
15 R35-2026, and ordinance MC-01-2026 would be in
16 the record; but the complaint and the briefs
17 would not be in the record.

18 MR. DANIEL: Will the memoranda be in
19 the record attached to the resolution and
20 ordinance?

21 MR. FRIEDMAN: What memoranda?

22 MR. DANIEL: Your memoranda and

1 Mr. Mangum's memoranda. Those are part of H and
2 I.

3 MR. FRIEDMAN: Which ordinance?

4 MR. DANIEL: You have a resolution from
5 the 19th attached to that.

6 MR. FRIEDMAN: Yes, everything you
7 included in your document related to those
8 things.

9 MR. DANIEL: Thank you.

10 CHAIRMAN BRADLEY: I'll entertain a
11 motion.

12 MS. HANLEY: So moved.

13 CHAIRMAN BRADLEY: Member Hanley.

14 Do I have a second?

15 MR. NIELSEN: Second.

16 CHAIRMAN BRADLEY: Roll call vote,
17 please.

18 MS. KLAASSEN: Member Hanley?

19 MS. HANLEY: Yes.

20 MS. KLAASSEN: Member Nielsen?

21 MR. NIELSEN: Yes.

22 MS. KLAASSEN: Member Haller?

1 MR. HALLER: Yes.

2 MS. KLAASSEN: Member Ritter?

3 MR. RITTER: Yes.

4 MS. KLAASSEN: Member Leister?

5 MS. LEISTER: Yes.

6 MS. KLAASSEN: Chair Bradley.

7 CHAIRMAN BRADLEY: Yes.

8 By my count, motion carries. Okay.

9 Thank you very much for your time tonight.

10 Moving on to agenda Item 6, the
11 May 11th regular meeting. We'll need a quorum
12 check. We'll check the schedule for that.

13 MS. HANLEY: I believe I am here.

14 CHAIRMAN BRADLEY: Mike? Michael?

15 MR. RITTER: Yes.

16 MR. NIELSEN: Yes.

17 MR. RITTER: I got in trouble last time
18 I answered for Mike.

19 I'll be here.

20 MS. LEISTER: I'll be here.

21 MR. HALLER: Give me one second,
22 please. The night has gone so long, some of my

1 electronics are dead.

2 CHAIRMAN BRADLEY: We have a quorum, no
3 matter what. It would be good to have you,
4 always. I will be here.

5 Agenda Item 7, public comment.
6 Anyone wish to give public comment on anything
7 that was on tonight's agenda?

8 MR. DANIEL: I want to thank you guys
9 for your time. Going forward, I hope nothing is
10 taken personally but we will be petitioning the
11 circuit court for a rule to show cause. There
12 will, likely, be some discussion about the
13 nature of the amendment and these proceedings.

14 We do strongly disagree that you
15 complied with the order. I think, as far as
16 we're concerned, there is a question about
17 openness that we dealt with throughout this
18 process, and I would encourage your Village
19 Council to consider the opinion, go on the
20 website, the importance of some of the comments
21 in charter, the fact you maintain that charter
22 with pride, dignity as a municipality. It's

1 something you can stand by.

2 It's frustrating in these processes
3 when you have someone like me standing up
4 speaking to you the way that I have to.

5 We fully disagree with
6 Ms. Culbertson's analysis, we disagree about the
7 court order, and I apologize for the process we
8 have to pursue next.

9 Thank you for your time.

10:28:47PM

10 CHAIRMAN BRADLEY: Thank you.

11 Any members of the public here
12 tonight?

13 (No response.)

14 Seeing none, we can close public
15 comment and adjourn.

16 MS. HANLEY: So moved.

17 CHAIRMAN BRADLEY: Member Hanley.

18 Do we have a second?

19 MS. LEISTER: Second.

10:28:59PM

20 CHAIRMAN BRADLEY: Member Leister.

21 All in favor say "aye."

22 (All aye.)

1 Motion carries. We're adjourned.
2 (Which were all of the
3 proceedings had in the
4 above-entitled cause.)
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STATE OF ILLINOIS)
) ss:
 COUNTY OF DU PAGE)

I, KRISTI LANDOLINA, Certified
 Shorthand Reporter, Registered Professional
 Reporter, and Notary Public in and for the
 County DuPage, State of Illinois, do hereby
 certify that previous to the commencement of the
 examination and testimony of the various
 witnesses herein, they were duly sworn to
 testify the truth in relation to the matters
 pertaining hereto; that the testimony given by
 said witnesses was reduced to writing by means
 of shorthand and thereafter transcribed into
 typewritten form; and that the foregoing is a
 true, correct and complete transcript of my
 shorthand notes so taken aforesaid.

IN TESTIMONY WHEREOF I have
 hereunto set my hand and affixed my electronic
 signature this 16th day of April, A.D. 2026.

/s/ Kristi Landolina
 KRISTI LANDOLINA,
 C.S.R. No. 084-004611,
 Notary Public
 DuPage County, Illinois

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