

Winnetka Village Council
REGULAR MEETING
Village Hall
510 Green Bay Road
September 21, 2021
7:00 p.m.

Emails regarding any agenda item are welcomed. Please email contactcouncil@winnetka.org, and your email will be relayed to the Council members. Emails for the Tuesday Council meeting must be received by Monday at 4 p.m. Any email may be subject to disclosure under the Freedom of Information Act.

AGENDA

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Quorum
 - a) October 5, 2021 Regular Meeting
 - b) October 12, 2021 Study Session
 - c) October 19, 2021 Regular Meeting
- 4) Public Comment
- 5) Reports
- 6) Approval of Agenda
- 7) Consent Agenda
 - a) Approval of Village Council Minutes
 - i) August 17, 2021 Regular Meeting.....3
 - b) Approval of Warrant List dated August 27, 2021 – September 9, 2021.....9
 - c) Ordinance No. M-15-2021: 1184 Tower Road - Variations (Adoption).....10
 - d) Resolution No. R-79-2021: Appoint Village Treasurer (Adoption).....26
- 8) Ordinances and Resolutions
 - a) Ordinance No. MC-5-2021: Amending Liquor Code (Introduction).....29
 - b) Ordinance No. M-16-2021: 582 Provident Avenue - Variations (Introduction/Adoption).....35
- 9) Old Business: None.
- 10) New Business: None.
- 11) Appointments
- 12) Closed Session

13) Adjournment

NOTICE

All agenda materials are available at [villageofwinnetka.org](https://www.villageofwinnetka.org) (Governance > Agendas & Minutes); the Reference Desk at the Winnetka Library; or in the Manager's Office at Village Hall (2nd floor). Webcasts of the meeting may be viewed on the Internet via a link on the Village's web site:

<https://www.villageofwinnetka.org/AgendaCenter>.

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator, 510 Green Bay Road, Winnetka, Illinois 60093, 847-716-3545; T.D.D. 847-501-6041.

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
August 17, 2021**

(Approved: xx)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held in the Council Chambers at Village Hall on Tuesday, August 17, 2021 at 7:00 PM.

- 1) Call to Order. President Rintz called the meeting to order at 7:02 PM. Present: Trustees Robert Apatoff, Andrew Cripe, Robert Dearborn, Penfield Lanphier, Kim Mancini, and John Swierk. Absent: None. Also present: Village Manager Robert Bahan, Assistant Village Manager Kristin Kazenas, Village Attorney Peter Friedman, Community Development Director David Schoon, Director of Engineering Jim Bernahl, and approximately 14 persons in the audience.
- 2) Pledge of Allegiance. Trustee Lanphier led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) Thursday, September 9, 2021 Regular Meeting. All of the Council members present said they expect to attend.
 - b) September 14, 2021 Study Session. All of the Council members present said they expect to attend.
 - c) September 21, 2021 Regular Meeting. All of the Council members present said they expect to attend except Trustee Mancini who will not be present.
- 4) Public Comment. None.
- 5) Reports:

Village Green September 11 Memorial Flags Request. President Rintz explained the annual tradition that began in 2008 honoring the victims of the September 11, 2001 terrorist attacks by planting American flags on the Village Green. President Rintz notes that this year's tradition marks the 20th anniversary of the attacks. Trustee Cripe's children Charlie, William and Julia step up to the podium to address the Council on the tradition. The Cripe family thanks the Council for allowing them to honor those who lost their lives by placing 2,977 American flags each year. The flags are planted on September 10 and are removed at sundown on September 11. Trustee Lanphier thanks the Cripe family for dedicating their time and effort into this tradition and emphasizes the importance this brings. President Rintz also thanks Trustee Cripe and the family for the efforts put forth in this tradition.

Trustee Apatoff, seconded by Trustee Lanphier, moved to approve the Village Green September 11 Memorial Flags Request.

By roll call vote, the motion carried. Ayes: Trustees Apatoff, Lanphier, Swierk, Dearborn, Cripe, and Mancini. Nays: None. Absent: None.

- a) Trustees.

- i) Trustee Lanphier announces her resignation to end her term early as she will be moving across the country to be with her family. Elaborating on serving the Winnetka community, Trustee Lanphier emphasizes what an honor it has been working alongside the members of the Council, the community at whole and the residents of Winnetka. While Trustee Lanphier expresses her disappointment in leaving, she stresses how fortunate Winnetka is for having such a dedicated and amazing staff that is serving the community. Trustee Lanphier emphasizes what a privilege it has been working with the stormwater project and the benefits as well as the great progress the project has made since she started. She also speaks on how important Comprehensive plan has been to her as well as she has been working with the project for twenty years. Trustee Lanphier speaks on how fortunate Winnetka is to have such competent and dedicated staff and Trustees.

Trustee Dearborn expresses how lucky the Council and Winnetka has been to have Trustee Lanphier serve the community. He emphasizes what a privilege it has been working with her. Trustee Cripe, Trustee Swierk and Trustee Apatoff convey what a joy it has been working alongside Trustee Lanphier and recognize the commitment she has had to the community and wish her well Trustee Mancini thanks Trustee Lanphier for her words of advice while working alongside her and believes that she has been a great influence on the Council. Village Manager Rob Bahan thanks Trustee Lanphier for her contributions and support she has given to the community. President Rintz thanks Trustee Lanphier for her service to the community and how accessible she has been to Winnetka as a whole. He believes that this type of service to the community should carry on and wishes Trustee Lanphier the best of luck. Village resident Becky Hurley steps up to the podium to recognize Trustee Lanphier's compassion with serving the community and speak on how wonderful it has been working with her.

- b) Attorney. None.
- c) Manager. None.
- d) Village President. President Rintz and Village Manager Rob met with State Senator Laura Fine and State Representative Robyn Gabel in regard to the stormwater concept. President Rintz believes that it is important to engage our elected officials due to the help and assistance they can provide for the Village.

President Rintz and Community Development Director David Schoon toured the 93 Green Bay Rd site before meeting the finalists and shared some comments the Trustees had with respect to public spaces as well as answering technical questions The engagement of the finalists will be interesting to see as they all want to work with the community.

Village Engineer Jim Bernahl, Village Manager Rob Bahan and President Rintz met with IDOT regarding jurisdictional transfers and the priority of Willow Rd with the stormwater project coming up. President Rintz believes that it is important for staff to have control over those aspects as well as touching base on 93 Green Bay Rd. Rob Bahan states that any financial support from IDOT does not seem likely due to funding reasons.

- 6) Approval of the Agenda. Trustee Dearborn, seconded by Trustee Cripe, moved to approve the Agenda. By roll call vote, the motion carried. Ayes: Trustees Dearborn, Cripe, Apatoff, Lanphier, Swierk, and Mancini. Nays: None. Absent: None.
- 7) Consent Agenda
 - a) Approval of Village Council Minutes – None.
 - b) Approval of Warrant List dated July 30 – August 12, 2021 in the amount of \$584,415.19.
 - c) Resolution No. R-69-2021: Agreement with Thelen Sand & Gravel for Landscape Waste Removal (Adoption)
 - d) Resolution No. R-70-2021: Uniform Rental and Laundry Services (Adoption)
 - e) Outdoor Seating Area Permits: Little Honeycomb and Hometown Coffee and Juice

Trustee Dearborn, seconded by Trustee Cripe moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Dearborn, Cripe, Apatoff, Lanphier, Swierk, and Mancini. Nays: None. Absent: None.
- 8) Ordinances and Resolutions.
 - a) Resolution No. R-71-2021: Comprehensive Plan Contract Addendum (Adoption).

President Rintz states that this Resolution would approve an addendum to the agreement with The Lakota Group for the preparation of the Comprehensive Plan. Work on the plan began in late 2019 and was placed on hold in mid-March of 2020 due to the pandemic which also halted in person meetings.

Community Development Director David Schoon informs the Council of the three major phases of the plan that were set in place with the Lakota Group. Prior to the shutdown, the Village was in the analyzing phase of the Comprehensive Plan at the time the work stopped. There were still a number of steps that needed to be completed which will need to be revisited prior to the work resuming. The Community Development staff would like to engage the community in order to get new ideas and feedback prior to re-starting the work which would require additional time from the consultant team that had not initially been planned. With Council approval, the Comprehensive Plan can move forward with the “analyze phase” in order to move into the “visioning” and “draft and final plan” that would take place in 2022.

Becky Hurley and Scott Freres, from the Laokota Group update the Council on the proposed next steps.

Scott Freres elaborates on the opportunity to rebuild a community given the current situation and emphasizes the importance of knowing what makes a community a community. He advocates for the engagement with the community on a more personal level and to refreshen the community on the Comprehensive Plan.

Becky Hurley states that the pandemic has opened the door to think more deeply into basic community engagement. She believes that the community needs to be reminded of the concept of the Comprehensive Plan and find out what they believe changed as a result of the pandemic.

Trustee Apatoff expresses his concern about re-engaging and making decisions based on the current state when it may change and believes that things can quickly go back to how they use to be.

Trustee Lanphier also expresses her thoughts on re-engaging with the plan based on the current state of the community. She feels as though there can be positivity taken away from the situation as to what the community has really enjoyed about Winnetka through these times. Trustee Lanphier questions if there may be Village wide questionnaire that may be given to the community and to see the data that is received back in terms of a real estate standpoint and economic standpoint. She believes the time and money spent will make this community cutting edge.

Trustee Dearborn questions if there is a way to continue the Comprehensive Plan without any future halts on the plan due to the interruptions of COVID. Scott confirms that there are certain aspects within the Comprehensive Plan that will not change moving forward regardless of COVID. Given the circumstances, the plan will still have an anticipated end date of 2022.

Trustee Swierk expresses his concern on the financial aspect for the restart of the Comprehensive Plan given that the request requires 50% more in expenses. Scott indicated that the expenses were totaled based on itemizing the tasks, hours, staff involved, Scott and his team members. These hours were compared and resulted to the same hours spent on the project prior to the Comprehensive Plan being halted due to the pandemic. Trustee Swierk and Trustee Apatoff suggest that rather than doing a total restart of the plan, a streamline restart may be more appropriate and may save more money. Trustee Cripe agrees that there being more work with the restart accurately reflects the higher expenses for the plan.

Teresa Lucas, a business owner within Winnetka, suggests that if the Village is leaning towards a survey, consider using the businesses to promote the surveys in their weekly emails.

Trustee Apatoff expresses that he doesn't see an issue with providing money for the Comprehensive Plan restart if the plan is streamlined in order to move forward quickly, as previously stated in the discussion.

Trustee Lanphier notes that the pause caused a cultural change and believes that some things are permanently changed. She believes that some of the data needs to be revisited due to the change and that the investment is worth it.

Trustee Dearborn believes that this initiative is critical and although the money plays a significant role in the restart plan, he puts his trust in the Lakota Group and staff working on the Comprehensive Plan.

Trustee Lanphier, seconded by Trustee Dearborn, moved to adopt Resolution No. R-71-2021. By roll call vote, the motion carried. Ayes: Trustees Lanphier, Dearborn, Manicini, Cripe, and Apatoff. Nays: Trustee Swierk. Absent: None.

9) Old Business. None.

10) New Business.a) Phase 4 Streetscape Concepts (Policy Direction).

Community Development Director David Schoon presents phase IV of the streetscape concepts to the Council confirming that the third phase of the streetscape has nearly been completed. Staff has identified some other streetscape elements to be completed at the time that other redevelopment projects occur including areas around the post office site and areas around the One Winnetka site. Staff has identified some projects that have the potential to move forward with independent of the redevelopment of the two sites. Staff has also identified some infrastructure projects that staff would like to implement. This includes some water main work and relocated some underground electric transformers along with the planning of the Village Hall parking lot. Staff has coordinated these projects along with the streetscape project.

Jodi Mariano, from Teska Associates, confirms that phases I, II and III are nearly completed with phase III needing only a few more elements to be finalized.

Moving forward with phase IV, this phase will fill in where the previous phases left off and will complete the work needed to be addressed such as sidewalk cracks, pavement repair, ADA detectable warnings, and trees in poor condition. Some work that is planned in phase IV includes the water main work previously mentioned, electrical work, and the streetscape work that has been planned. Work that is planned on the parking lots will be more along the lines of landscape work, however, the Village Hall parking lot will include some reconstruction in addition to the landscape work.

Trustee Cripe suggests that in terms of the landscape work, trees that may provide shade will be beneficial on days with high temperatures especially considering the Farmers Market that takes place on the parking lot.

David Schoon speaks on the cost estimate of the project and indicates that the numbers have been adjusted to reflect the market rate prices noting that this being a concept plan, Council approval will permit staff develop construction documents to present a more detailed proposal.

Theresa Lucas expresses her concern about the length of time for the construction that will take place. She mentioned that the previous phases presented difficulty for businesses being accessible. She mentioned that if Chestnut St. and Chestnut Ct. are closed, it allows no access to her business. Theresa suggests that the antique benches that are currently in place can be stained due to them being so worn out if the Village already plans on upgrading the area. She would like for the Village to consider improving the lighting on the streets for pedestrians at night. She also requests that the two parking spots in the post office north parking lot be designated to her business during the phase IV construction. She believes that the construction will impact the amount of traffic going down the streets and would like signs put up indicating that businesses are operating during the construction. Theresa thinks that a gathering to celebrate the completion of phase IV will bring the businesses and community together in a positive light.

President Rintz does not see an issue with designating parking spots for businesses upon request, however, the other issues presented may be up for discussion.

Trustee Cripe presents his concern in regards to the new trash cans attracting bees due to the food disposed of and questions if lids may help with this issue as businesses are forced to keep their doors closed.

Trustee Lanphier mentions that there have been a few complaints with the pile up of garbage. She questions if there can be trash bins that are placed on two ends to help lessen the amount of disposal piling up.

With respect to the Comprehensive Plan, implementing crosswalks that will allow for safer crossing for pedestrians and slow traffic which may be beneficial for the businesses. The streetscape plan will improve the pedestrian traffic as well as vehicular traffic in the downtown area.

Discussion of the location of the transformers looking to be relocated will be in question based on the location. President Rintz expresses the challenge of keeping the transformers more discreet rather than in plain sight.

There was consensus to move forward with phase IV streetscape improvements for the purpose of proceeding with the design contract as presented.

11) Appointments: None

12) Closed Session. None

13) Adjournment. Trustee Dearborn, seconded by Trustee Cripe, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:15 PM.

Recording Secretary



Agenda Item Executive Summary

Title: Approval of Warrant List Dated August 27 - September 9, 2021

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 09/21/2021

Consent: ☒ YES ☐ NO

☐ Ordinance
☐ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☒ Informational Only

Item History:

None.

Executive Summary:

The Warrant List dated August 27 - September 9, 2021 was emailed to each Village Council member.

Recommendation:

Consider approving the Warrant List dated August 27 - September 9, 2021.

Attachments:

None.



Agenda Item Executive Summary

Title: Ordinance No. M-15-2021: 1184 Tower Road - Variations (Adoption)

Presenter: David Schoon, Community Development Director

Agenda Date: 09/21/2021

Consent: ☒ YES ☐ NO

☒	Ordinance
☐	Resolution
☐	Bid Authorization/Award
☐	Policy Direction
☐	Informational Only

Item History:

09/09/2021 - Village Council approved introduction of Ordinance No. M-15-2021, An Ordinance Granting Variations from the Winnetka Zoning Ordinance for the Construction of Additions within the R-4 Single Family Residential District (1184 Tower Road)

Executive Summary:

On September 9, the Village Council discussed the application submitted by Ann Hewitt, as the owner of the property located at 1184 Tower Road, seeking approval of zoning variations to allow additions to the existing residence. After discussing the proposed plan and the recommendation of approval by the Zoning Board of Appeals, the Council voted unanimously to approve introduction of Ordinance No. M-15-2021, granting the requested relief. The Council also directed staff to place the ordinance on the consent agenda for the next regular Council meeting.

Ordinance No. M-15-2021 is included as Attachment 1.

Recommendation:

The Council may wish to consider adoption of Ordinance No. M-15-2021.

Attachments:

Attachment 1: Ordinance No. M-15-2021, An Ordinance Granting Variations from the Winnetka Zoning Ordinance for the Construction of Additions within the R-4 Single Family Residential District (1184 Tower Road)

ATTACHMENT 1

ORDINANCE NO. M-15-2021

**AN ORDINANCE GRANTING VARIATIONS
FROM THE WINNETKA ZONING ORDINANCE
TO ALLOW THE CONSTRUCTION OF ADDITIONS
WITHIN THE R-4 SINGLE FAMILY RESIDENTIAL DISTRICT
(1184 Tower Road)**

WHEREAS, Ann E. Hewitt ("***Applicant***") is the record title owner of the parcel of real property commonly known as 1184 Tower Road in Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("***Subject Property***"); and

WHEREAS, the Subject Property is approximately 0.27 acres in area, located within the R-4 Single Family Residential District of the Village ("***R-4 District***"), and improved with a single-family residence ("***Residence***"); and

WHEREAS, the Applicant desires to construct three additions to the Residence as follows: a two-story addition to the rear of the Residence; a two-story addition to the front of the Residence; and an in-fill addition in the middle of the Residence (collectively, the "***Proposed Additions***"); and

WHEREAS, pursuant to Section 17.30.030 of the Winnetka Zoning Ordinance ("***Zoning Ordinance***"), the maximum front yard lot coverage for the Subject Property is 711 square feet; and

WHEREAS, pursuant to Section 17.30.040 of the Zoning Ordinance, the maximum gross floor area for the Subject Property is 4,202.8 square feet; and

WHEREAS, pursuant to Section 17.30.050 of the Zoning Ordinance, the minimum front yard setback for the Subject Property is 38.07 feet; and

WHEREAS, pursuant to Section 17.30.060 of the Zoning Ordinance, the minimum total side yard setback for the Subject Property is 19.9 feet; and

WHEREAS, in order to construct the Proposed Additions on the Subject Property, the Applicant filed an application for variations from: (i) Section 17.30.030 to allow a front yard lot coverage of 1,204 square feet; (ii) Section 17.30.040 of the Zoning Ordinance to allow a gross floor area of 4,422.84 feet square feet; (ii) Section 17.30.050 to allow a front yard setback of 33.07 feet; (iii) Section 17.30.060 to allow a total side yard setback of 15.5 feet (collectively, the "***Variations***"); and

WHEREAS, after due notice, the Zoning Board of Appeals ("***ZBA***") convened a public hearing to consider the Variations on May 10, 2021, which hearing was continued to June 14, 2021 and July 12, 2021; and

September 21, 2021

M-15-2021

WHEREAS, on July 12, 2021, by a vote of four members in favor and two opposed, the ZBA recommended that the Council of the Village of Winnetka ("***Village Council***") approve the Variations; and

WHEREAS, pursuant to Section 17.60.050 of the Zoning Ordinance, the Village Council has determined that: (i) the Variations are in harmony with the general purpose and intent of the Zoning Ordinance and are in accordance with general or specific rules set forth in Chapter 17.60 of the Zoning Ordinance; and (ii) there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provision or regulation of the Zoning Ordinance from which the Variations have been sought; and

WHEREAS, the Village Council has determined that approval of the Variations for the Subject Property within the R-4 District is in the best interest of the Village and its residents;

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

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

SECTION 2: APPROVAL OF VARIATIONS. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, the Variations from Sections 17.30.030, 17.30.040, 17.30.050, and 17.30.060 of the Zoning Ordinance to allow the construction of the Proposed Additions on the Subject Property are hereby granted, in accordance with and pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village.

SECTION 3: CONDITIONS. The Variations granted by Section 2 of this Ordinance are subject to, and contingent upon, compliance by the Applicant with the following conditions:

- A. **Commencement of Construction.** The Applicant must commence the construction of the Proposed Additions no later than 12 months after the effective date of this Ordinance.
- B. **Compliance with Regulations.** Except to the extent specifically provided otherwise in this Ordinance, the development, use, and maintenance of the Proposed Additions and the Subject Property must comply at all times with all applicable Village codes and ordinances, as they have been or may be amended over time.
- C. **Compliance with Plans.** The development, use, and maintenance of the Proposed Additions on the Subject Property must be in strict accordance with the plans prepared by Juno Designs, consisting of six sheets, with a latest revision date of May 23, 2021, copies of which are attached to, and by this reference, made part of this Ordinance as **Exhibit B ("*Plans*")**, except for minor changes and site work approved by the Director of Community Development or the Director of Public

Works (within their respective permitting authority) in accordance with all applicable Village codes, ordinances, and standards.

- D. Reimbursement of Village Costs. In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable Village codes, ordinances, resolutions, rules, or regulations, the Applicant must pay to the Village, promptly upon presentation of a written demand or demands therefor, of all fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made shall be made by a certified or cashier's check. Further, the Applicant must pay upon demand all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.

SECTION 4: RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 5: FAILURE TO COMPLY. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the Village, the approvals granted in Section 2 of this Ordinance will, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Council may not so revoke the approvals granted in Section 2 of this Ordinance unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Council. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the applicable zoning district and the applicable provisions of the Zoning Ordinance, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 6: AMENDMENTS. Any amendment to this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance for amending or granting Variations.

SECTION 7: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 8: EFFECTIVE DATE.

A. This Ordinance will be effective only upon the occurrence of all of the following events:

1. Passage by the Village Council in the manner required by law;
2. Publication in pamphlet form in the manner required by law; and
3. The filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent in the form of **Exhibit C** attached to and, by this reference, made a part of this Ordinance to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent described in Section 8.A.3 of this Ordinance within 60 days after the date of passage of this Ordinance by the Village Council, the Village Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

[SIGNATURE PAGE FOLLOWS]

PASSED this ____ day of _____, 2021, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2021.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this ____ day of _____,
2021.

Introduced: September 9, 2021

Passed and Approved: _____, 2021

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

THE EAST 79 FEET OF THE WEST 179 FEET OF LOT 6 IN BLOCK 3 IN COUNTY CLERK'S DIVISION OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as 1184 Tower Road, Winnetka, Illinois.

PIN: 05-17-300-005-0000

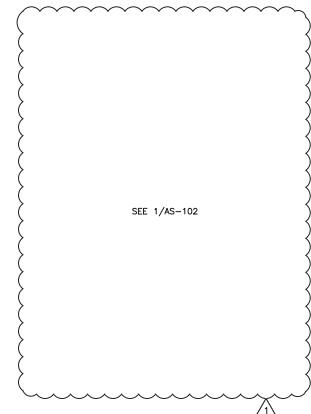
EXHIBIT B

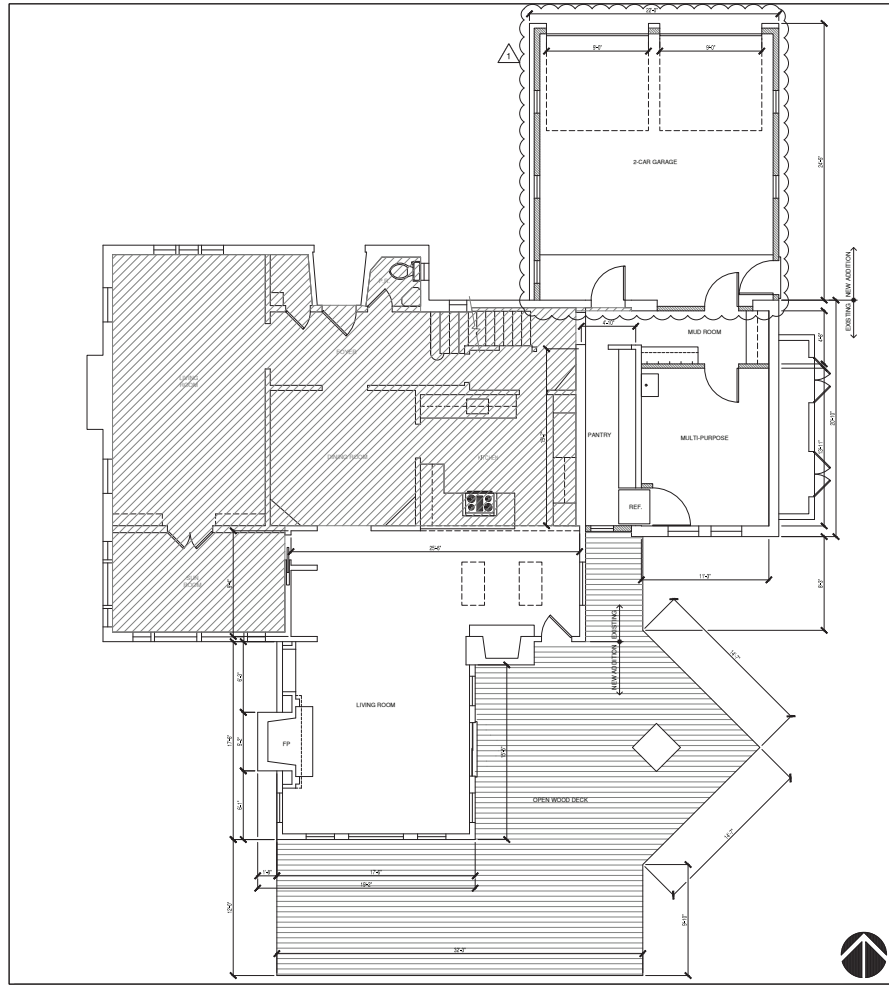
PLANS

(SEE ATTACHED EXHIBIT B)

HEWITT RESIDENCE

ZONING COMPLIANCE DRAWINGS
FOR
THE VILLAGE OF
WINNETKA DEPARTMENT OF COMMUNITY
DEVELOPMENT





PROPOSED 1ST FLOOR PLAN
1/4" = 1'-0"

1
A-101

HEWITT RESIDENCE
ZONING COMPLIANCE DRAWINGS
FOR
THE VILLAGE OF
WINNETKA DEPARTMENT OF COMMUNITY
DEVELOPMENT



DESIGNS
7825 Bluejay St. NW, Albuquerque, NM 87114 Ph. (505) 892-8453 Fax. (505) 890-1726

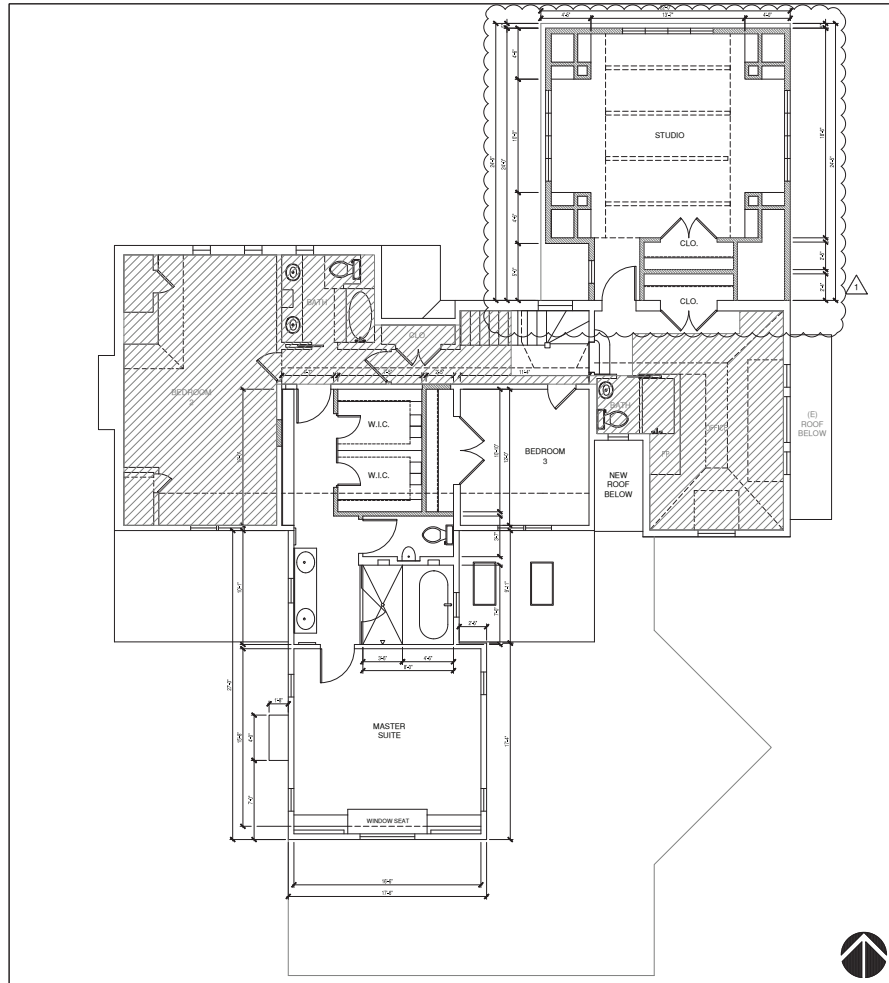
PROJECT
HEWITT RESIDENCE
1184 TOWER ROAD
WINNETKA, IL
SHEET TITLE:

PROPOSED 1ST FLOOR PLAN

NO.	REVISION	DATE
1	GEN. REVISION	5/23/21

DRAWN:
4/21/21
PROJECT NO.
1916
SHEET NO.

A-101



PROPOSED 2ND FLOOR PLAN
1/4" = 1'-0"

1
A-102

HEWITT RESIDENCE
ZONING COMPLIANCE DRAWINGS
FOR
THE VILLAGE OF
WINNETKA DEPARTMENT OF COMMUNITY
DEVELOPMENT



DESIGNS
7825 Blouin ST. NW, Albuquerque, NM 87114 Ph. (505) 892-8453 Fax. (505)890-1726

PROJECT
HEWITT RESIDENCE

1184 TOWER ROAD
WINNETKA, IL

SHEET TITLE:

PROPOSED 2ND FLOOR PLAN

NO.	REVISION	DATE
1	GEN. REVISION	5/23/21

DRAWN:
4/21/21
PROJECT NO.
1916
SHEET NO.

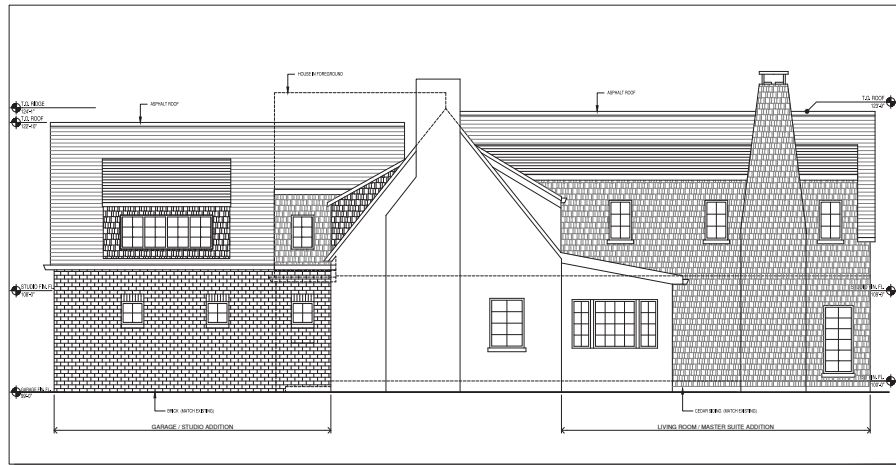
A-102





PROPOSED EAST ELEVATION
1/4" = 1'-0"

1
A-202



PROPOSED WEST ELEVATION
1/4" = 1'-0"

2
A-202

HEWITT RESIDENCE
ZONING COMPLIANCE DRAWINGS
FOR
THE VILLAGE OF
WINNETKA DEPARTMENT OF COMMUNITY
DEVELOPMENT



DESIGNS

7825 Bluejay St., NW, Albuquerque, NM 87114 Ph. (505) 892-8453 Fax. (505) 890-1736

PROJECT
HEWITT RESIDENCE

1184 TOWER ROAD
WINNETKA, IL

SHEET TITLE:

PROPOSED BUILDING ELEVATIONS

NO.	REVISION	DATE
1	GEN. REVISION	5/23/21

DRAWN:
4/21/21
PROJECT NO.:
1916
SHEET NO.:

A-202

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Ann E. Hewitt ("*Applicant*") is the record title owner of the parcel of real property commonly known as 1184 Tower Road in Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part hereof ("*Subject Property*"); and

WHEREAS, the Subject Property is approximately 0.27 acres in area, located within the R-4 Single Family Residential District of the Village ("*R-4 District*"), and improved with a single-family residence ("*Residence*"); and

WHEREAS, the Applicant desires to construct three additions to the Residence as follows: a two-story addition to the rear of the Residence; a two-story addition to the front of the Residence; and an in-fill addition in the middle of the Residence (collectively, the "*Proposed Additions*"); and

WHEREAS, in order to construct the Proposed Additions on the Subject Property, the Applicant filed an application for variations from: (i) Section 17.30.030 to allow a front yard lot coverage of 1,204 square feet; (ii) Section 17.30.040 of the Zoning Ordinance to allow a gross floor area of 4,422.84 feet square feet; (ii) Section 17.30.050 to allow a front yard setback of 33.07 feet; (iii) Section 17.30.060 to allow a total side yard setback of 15.5 feet (collectively, the "*Variations*"); and

WHEREAS, Ordinance No. M-15-2021, adopted by the Village Council on _____, 2021 ("*Ordinance*"), grants the Variations; and

WHEREAS, Section 8 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant has filed, within 60 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant hereby unconditionally agrees to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's grant of the Variations for the Subject Property or its adoption of the Ordinance, and that the Village's

approvals do not, and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.

4. The Applicant hereby agrees to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting the Variations for the Subject Property.

5. The Applicant hereby agrees to pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses will include all out-of-pocket expenses, such as attorneys' and experts' fees, and will also include the reasonable value of any services rendered by any employees of the Village.

Dated: _____, 2021

ATTEST: **ANN E. HEWITT**

By: _____ By: _____



Agenda Item Executive Summary

Title: Resolution No. R-79-2021: Appointing the Village Treasurer (Adoption)

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 09/21/2021

Consent: ☒ YES ☐ NO

☐ Ordinance
☒ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☐ Informational Only

Item History:

Recurs every two years

Executive Summary:

Section 2.20.010 (A) of the Village Code specifies that the "The Council shall appoint a Village Treasurer, who shall hold office for the term of two years from and after the first Tuesday in the month of May of the year in which the Village President is elected and until a successor has been appointed and qualified."

Finance Director Timothy J. Sloth has served in this position since October, 2015. Resolution No. R-79-2021 provides for his re-appointment until the next year in which the Village President is elected and a successor has been appointed.

Recommendation:

Consider adoption of Resolution No. R-79-2021 appointing Timothy J. Sloth as Village Treasurer.

Attachments:

1. Resolution No. R-79-2021

Attachment 1

RESOLUTION NO. R-79-2021

A RESOLUTION APPOINTING TIMOTHY J. SLOTH AS VILLAGE TREASURER

WHEREAS, Section 2.20.010 of the Winnetka Village Code authorizes the Village Council to appoint a Village Treasurer for a term of two years from and after the first Tuesday in the month of May of the year in which the Village President is elected, and until a successor has been appointed and qualified; and

WHEREAS, on November 19, 2019, pursuant to Resolution R-85-2019, the Village's Finance Director, Timothy J. Sloth, was appointed to serve as the Village Treasurer; and

WHEREAS, the Village Council desires to reappoint Mr. Sloth to serve as the Village Treasurer; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPOINTMENT OF VILLAGE TREASURER. The Village Council hereby appoints Finance Director Timothy J. Sloth to serve as Treasurer for the Village of Winnetka effective September 21, 2021, and until: (i) the first Tuesday in the month of May of the next year in which the Village President is elected; and (ii) a successor has been appointed by the Village Council.

SECTION 3: EFFECTIVE DATE. This Resolution will be in full force and effect from and after its passage and approval according to law.

[SIGNATURE PAGE FOLLOWS]

ADOPTED this 21st day of September, 2021, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed

Village President

Countersigned:

Village Clerk



Agenda Item Executive Summary

Title: Ordinance No. MC-5-2021: Amending Liquor Code (Introduction)

Presenter: Marc Hornstein, Chief of Police and Peter Friedman, Village Attorney

Agenda Date: 09/21/2021

Consent: ☐ YES ☒ NO

- | | |
|-------------------------------------|-------------------------|
| ☒ | Ordinance |
| ☐ | Resolution |
| ☐ | Bid Authorization/Award |
| ☐ | Policy Direction |
| ☐ | Informational Only |

Item History:

None.

Executive Summary:

On August 3, 2021, Hometown Coffee and Juice applied for a Class F liquor license with the Village. A Class F liquor license authorizes the retail sale of wine and beer at a coffee shop, solely for consumption on premises where sold between 5:00 p.m. to midnight.

Hometown Coffee and Juice's business model includes the sale of specialty cocktails made with liquor. Additionally, the business requests to be able to sell and serve alcoholic beverages during daytime hours as similar to other restaurants in the Village. Under the the current definition of a Class F license, Hometown Coffee and Juice would not be eligible to sell liquor other than wine and beer and would not be able to sell or serve any alcoholic beverages prior to 5:00 p.m.

The Village Attorney prepared a draft proposed amendment that would update the definition of a Class F liquor license to include sale and service of liquor and update the hours of liquor service in a coffee shop to begin at 9:00 a.m, mirroring the Village's current hours of liquor service for restaurants.

Should the said amendment be approved by Council, the resolution to approve Hometown Coffee and Juice's Class F liquor license application would be brought before Council on October 5, 2021.

Recommendation:

Consider introduction of Ordinance No. MC-5-2021 - Amending Sections 5.09.010 and 5.09.100 of the Winnetka Village Code Concerning Class F Liquor Licenses.

Attachments:

1. Ordinance No. MC-5-2021

Attachment 1

ORDINANCE NO. MC-5-2021

AN ORDINANCE AMENDING SECTIONS 5.09.010 AND 5.09.100 OF THE WINNETKA VILLAGE CODE CONCERNING CLASS F LIQUOR LICENSES

WHEREAS, the Village of Winnetka ("***Village***") is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Chapter 5.09 of the Winnetka Village Code, as amended ("***Village Code***"), regulates the sale and consumption of alcoholic beverages in the Village; and

WHEREAS, pursuant to Section 5.09.100 of Village Code, Class F Liquor Licenses ("***F License***") authorize the retail sale of wine and beer at a coffee shop, solely for consumption on the premises where sold between 5:00 p.m. and midnight; and

WHEREAS, the Village desires to permit recipients of F Licenses to offer, in addition to beer and wine, liquor and to do so during daytime hours; and

WHEREAS, the Council of the Village of Winnetka ("***Village Council***") has determined that it is in the best interest of the Village to amend Sections 5.09.010 and 5.09.100 of Village Code as set forth in this Ordinance;

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

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: AMENDMENT TO SECTION 15.09.010 OF THE VILLAGE CODE. Section 5.09.010, titled "Definitions," of Chapter 5.09, titled "Liquor Control Regulations," of the Village Code shall be amended to read as follows:

Section 5.09.010 Definitions.

Unless the context otherwise requires, words and phrases in this chapter shall be construed in accordance with the definitions set forth in this section.

* * *

"Coffee shop" means a place of business that: (a) is licensed under Chapter 5.24 of this code; (b) opens to the public for business each day not later than 7:00 a.m. and remains open to the public for business continuously for not less than 10 hours; (c) has a total floor area not greater than 2,500 square feet; and (d) is engaged in the

Additions are bold and double-underlined; deletions are struck through

primary business of the sale, over a counter located at the point of sale where customers place orders, of: (i) coffee, tea, coffee-based beverages, tea based beverages, and other beverages prepared on the premises for consumption on or off the premises where served; and (ii) food items, including baked goods, sandwiches, and salads, ~~primarily prepared off premises~~ for consumption on or off the premises where served.

* * *

SECTION 3: AMENDMENT TO SECTION 15.09.100 OF THE VILLAGE CODE.

Section 5.09.100, titled "Classification of Licenses," of Chapter 5.09, titled "Liquor Control Regulations," of the Village Code shall be amended to read as follows:

"Section 5.09.100 Classification of Licenses.

* * *

- P. Class F Licenses. Class F licenses authorize the retail sale of ~~solely wine and beer~~ **liquor** at a coffee shop, solely for consumption on the premises where sold, subject to and in accordance with the following conditions and restrictions:
1. The sale of ~~wine and beer~~ **liquor** at any time before 5:00 p.m. ~~9:00 a.m.~~ **9:00 a.m.** and after 11:59 p.m. is prohibited.
 2. ~~Wine~~ **Liquor** must be ~~either:~~ (a) sold and served in single-serving glassware or plasticware; ~~or (b)~~ **except for wine, which also may be** sold by the bottle and consumed from single-serving glassware or plasticware. ~~Beer must be sold and served in single servings.~~ Packaged sales are prohibited.
 3. ~~Wine and beer~~ **Liquor** must be ordered by patrons at, and sold and served over, the counter of the coffee shop at the point of sale.
 4. Each and every patron who desires to consume ~~wine~~ **liquor** (including, without limitation, a portion of wine sold by the bottle) ~~or beer~~ must: (a) be physically present at the counter during the point-of-sale transaction during which the ~~wine and beer~~ **liquor** is purchased; and (b) present a form of valid photographic identification issued by a state government or the United States government. For the purpose of this Section 5.09.100.P, "point-of-sale transaction" means each instance when a patron or group of patrons purchases food and beverages at the counter, whether or not the purchases are processed or documented as a single transaction by the coffee shop.

Additions are bold and double-underlined; ~~deletions are struck through~~

5. All single-serving sales must comply with the following requirements:
 - a. The number of servings of ~~wine and beer~~ **liquor** sold and served during each point-of-sale transaction may not exceed the number of patrons who are physically present at the counter during the transaction and who have presented identification in accordance with Section 5.09.100.P.4 of this Code.
 - b. The sale and service of a serving of ~~wine and beer~~ **liquor** to a patron or group of patrons for consumption by a patron other than the patrons who are physically present at the counter during the point-of-sale transaction and who have presented identification in accordance with Section 5.09.100.P.4 of this code is prohibited.
 - c. Each and every single serving of ~~wine and beer~~ **liquor**, other than the first two servings of ~~wine and beer~~ **liquor**, ~~or a combination of wine and beer~~, sold to each patron must be accompanied by a sale of food to each patron. For the purpose of this Section 5.09.100.P, "food" means baked goods, sandwiches, salads, prepared snacks, and similar items. "Food" does not mean candy, mints, gum, and similar items.
6. All sales of bottles of wine must comply with the following requirements:
 - a. Each bottle of wine must be purchased for consumption by not less than two patrons.
 - b. The sale of more than one bottle of wine during each point-of-sale transaction is prohibited.
 - c. The sale of a bottle of wine for consumption, in whole or in part, by any patron or patrons who are not physically present at the counter during the point-of-sale transaction and who have not presented identification in accordance with Section 5.09.100.P.4 of this Code is prohibited.
 - d. Each bottle of wine sold must be accompanied by the sale of food.
7. ~~e. —~~ All employees of a coffee shop licensed pursuant to this Section 5.09.100.P who are on duty during the hours when ~~wine and~~

Additions are bold and double-underlined; ~~deletions are struck through~~

beer liquor may be served pursuant to the license must have completed state BASSET training.

* * *

SECTION 4: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 5: EFFECTIVE DATE. This Ordinance will be in full force and effect upon its passage and approval in the manner provided by law.

[SIGNATURE PAGE FOLLOWS]

Additions are bold and double-underlined; ~~deletions are struck through~~

PASSED this ____ of _____, 2021, pursuant to the following roll call vote:

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2021.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this ____ day of
_____,
2021.

Introduced: _____, 2021

Passed and Approved: _____, 2021

Additions are bold and double-underlined; ~~deletions are struck through~~



Agenda Item Executive Summary

Title: Ordinance No. M-16-2021: 582 Provident Avenue - Variations (Introduction/Adoption)

Presenter: David Schoon, Community Development Director

Agenda Date: 09/21/21

Consent: ☐ YES ☒ NO

- ☒ Ordinance
- ☐ Resolution
- ☐ Bid Authorization/Award
- ☐ Policy Direction
- ☐ Informational Only

Item History:

None

Executive Summary:

On September 21, the Village Council is scheduled to consider Ordinance No. M-16-2021, in response to an application submitted by Brian and Katie Donohoe (collectively, the "Applicant"), as the owners of the property located at 582 Provident Avenue (the "Subject Property"). The Applicant requests approval of the following zoning variations to allow construction of additions to the existing residence on the Subject Property:

1. Gross Floor Area (GFA) of 3,744.66 square feet, whereas a maximum of 3,370.8 square feet is permitted, a variation of 373.86 square feet (11.09%); and
2. Corner Yard Setback of 13.46 feet from Spruce Street, whereas a minimum of 21.42 feet is required, a variation of 7.96 feet (37.16%) [Note: The residence currently provides a corner yard setback of 17.87 feet.]; and
3. Side Yard Setback of 2.5 feet, whereas a minimum of 7.14 feet is required, a variation of 4.64 feet (64.98%); and
4. Rear Yard Setback of 3.22 feet, whereas a minimum of 17.7 feet is required, a variation of 14.48 feet (81.81%).

ZONING BOARD OF APPEALS REVIEW

The Zoning Board of Appeals (ZBA) considered the variation request on July 12, 2021. After hearing from the Applicant, the Applicant's architect, and receiving no public comment, by a vote of 4-2, the Board recommended approval of the application.

Executive Summary (continued):

Two Board members were in support of the request with the exception of the corner yard setback variation requested for the porch, which they found did not meet the variation standards. Other Board members found the porch to be necessary for the overall project and that it enhances the home and neighboring homes.

Details of the variation request can be found in the attached staff report to the ZBA (Attachment 2). Minutes of the ZBA meeting are included as Attachment 3.

Recommendation:

Given the Zoning Board of Appeals recommended approval the request, the Village Council may wish to (a) consider waiving introduction of Ordinance No. M-16-2021 and consider adoption of the Ordinance, OR (b) consider only introduction of Ordinance No. M-16-2021.

Attachments:

Attachment 1: Ordinance No. M-16-2021, An Ordinance Granting Variations from the Winnetka Zoning Ordinance to Allow the Construction of an Addition and Open Front Porch within the R-5 Single Family Residential District (582 Provident Avenue)

Attachment 2: July 6, 2021 ZBA Staff Report and Attachments

Attachment 3: Excerpt of July 12, 2021 ZBA meeting minutes

ATTACHMENT 1

ORDINANCE NO. M-16-2021

**AN ORDINANCE GRANTING VARIATIONS
FROM THE WINNETKA ZONING ORDINANCE
TO ALLOW THE CONSTRUCTION OF AN ADDITION AND OPEN FRONT PORCH
WITHIN THE R-5 SINGLE FAMILY RESIDENTIAL DISTRICT
(582 Provident Avenue)**

WHEREAS, Brian J. Donohoe and Kathleen S. Donohoe (collectively, the *“Applicant”*) are the record title owners of the parcel of real property commonly known as 582 Provident Avenue in Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance (*“Subject Property”*); and

WHEREAS, the Subject Property is approximately 0.19 acres in area and located within the R-5 Single Family Residential District of the Village (*“R-5 District”*) and is improved with a single-family residence (*“Residence”*); and

WHEREAS, the Applicant desires to construct a two-story addition on the north side of the Residence and an open front porch on the south side of the Residence that will connect with the existing porch on the east side of the Residence (collectively, the *“Proposed Additions”*); and

WHEREAS, pursuant to Section 17.30.040 of the Winnetka Zoning Ordinance (*“Zoning Ordinance”*), the maximum gross floor area permitted on the Subject Property is 3,370.8 square feet; and

WHEREAS, pursuant to Section 17.30.050 of the Zoning Ordinance, the minimum corner yard setback for the Subject Property is 21.42 feet; and

WHEREAS, pursuant to Section 17.30.060 of the Zoning Ordinance, the minimum side yard setback for the Subject Property is 7.14 feet; and

WHEREAS, pursuant to Section 17.30.070 of the Zoning Ordinance, the minimum rear yard setback for the Subject Property is 17.7 feet; and

WHEREAS, in order to construct the Proposed Additions on the Subject Property, the Applicant filed an application for variations from: (i) Section 17.30.040 of the Zoning Ordinance to allow a gross floor area of 3,744.66 square feet; (ii) Section 17.30.050 to allow a corner yard setback of 13.46 feet from Spruce Street; (iii) Section 17.30.060 to allow a side yard setback of 2.5 feet; and (iv) Section 17.30.070 to allow a rear yard setback of 3.22 feet (collectively, the *“Variations”*); and

WHEREAS, on July 12, 2021, after due notice thereof, the Zoning Board of Appeals (*“ZBA”*) conducted a public hearing on the Variations and, by a vote of four members in favor and two opposed, recommended that the Council of the Village of Winnetka (*“Village Council”*) approve the Variations; and

WHEREAS, pursuant to Section 17.60.050 of the Zoning Ordinance, the Village Council has determined that: (i) the Variations are in harmony with the general purpose and intent of the Zoning Ordinance and are in accordance with general or specific rules set forth in Chapter 17.60 of the Zoning Ordinance; and (ii) there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provision or regulation of the Zoning Ordinance from which the Variations have been sought; and

WHEREAS, the Village Council has determined that approval of the Variations for the Subject Property within the R-5 District is in the best interest of the Village and its residents;

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

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

SECTION 2: APPROVAL OF VARIATIONS. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, the Variations from Sections 17.30.040, 17.30.050, 17.30.060, and 17.30.070 of the Zoning Ordinance to allow the construction of the Proposed Additions on the Subject Property are hereby granted, in accordance with and pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village.

SECTION 3: CONDITIONS. The Variations granted by Section 2 of this Ordinance are subject to, and contingent upon, compliance by the Applicant with the following conditions:

- A. **Commencement of Construction.** The Applicant must commence the construction of the Proposed Additions no later than 12 months after the effective date of this Ordinance.
- B. **Compliance with Regulations.** Except to the extent specifically provided otherwise in this Ordinance, the development, use, and maintenance of the Proposed Additions and the Subject Property must comply at all times with all applicable Village codes and ordinances, as they have been or may be amended over time.
- C. **Compliance with Plans.** The development, use, and maintenance of the Proposed Additions on the Subject Property must be in strict accordance with the plans prepared by Hackley and Associates Architects, Inc., consisting of 10 sheets, and dated of July 12, 2021, copies of which are attached to, and by this reference, made part of this Ordinance as **Exhibit B (“Plans”)**, except for minor changes and site work approved by the Director of Community Development or the Director of Public Works (within their respective permitting authority) in accordance with all applicable Village codes, ordinances, and standards.
- D. **Reimbursement of Village Costs.** In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable Village codes,

ordinances, resolutions, rules, or regulations, the Applicant must pay to the Village, promptly upon presentation of a written demand or demands therefor, of all fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made shall be made by a certified or cashier's check. Further, the Applicant must pay upon demand all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.

SECTION 4: RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 5: FAILURE TO COMPLY. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the Village, the approvals granted in Section 2 of this Ordinance will, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Council may not so revoke the approvals granted in Section 2 of this Ordinance unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Council. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the applicable zoning district and the applicable provisions of the Zoning Ordinance, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 6: AMENDMENTS. Any amendment to this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance for amending or granting Variations.

SECTION 7: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 8: EFFECTIVE DATE.

- A. This Ordinance will be effective only upon the occurrence of all of the following events:
1. Passage by the Village Council in the manner required by law;
 2. Publication in pamphlet form in the manner required by law; and

3. The filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent in the form of **Exhibit C** attached to and, by this reference, made a part of this Ordinance to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent described in Section 8.A.3 of this Ordinance within 60 days after the date of passage of this Ordinance by the Village Council, the Village Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

[SIGNATURE PAGE FOLLOWS]

PASSED this ____ day of _____, 2021, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2021.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this ____ day of _____,
2021.

Introduced: _____, 2021

Passed and Approved: _____, 2021

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOT 33 (EXCEPT THE WEST 70 FEET THEREOF) ALSO LOT 32 (EXCEPT THE WEST 70 FEET THEREOF AND EXCEPT THE NORTH 21 FEET THEREOF) IN BLOCK 2 IN PROVIDENT MUTUAL LAND ASSOCIATION SUBDIVISION OF BLOCKS 7 TO 12, 28 TO 33, 54 TO 59, ALL INCLUSIVE, IN THE VILLAGE OF WINNETKA, BEING A SUBDIVISION OF THE WEST ½ OF THE NORTHEAST ¼ OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as 582 Provident Avenue, Winnetka, Illinois.

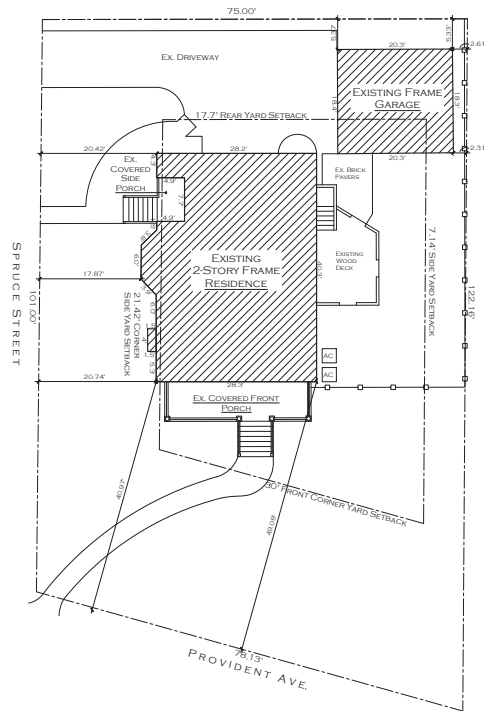
PIN:05-20-200-036-0000 and 05-20-200-035-0000

EXHIBIT B

PLANS

(SEE ATTACHED EXHIBIT B)

EXHIBIT B



Existing Site Plan
NORTH
SCALE: 1/8" = 1'-0"

ZONING INFORMATION	
ZONING OF LOT: R-5	
LOT AREA: 8427 SF	
FRONT YARD PROPOSED SETBACK: 30'	
REAR YARD SETBACK: 17.7'	
SIDE YARD SPRUCE SETBACK: 21.42'	
SIDE YARD SETBACK: 7.14'	

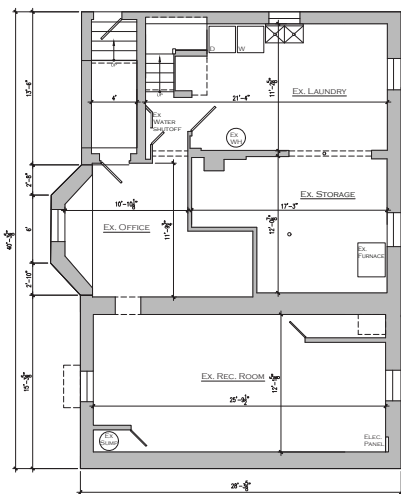
Copyright 2021 by Hackley & Associates, Inc.
All rights reserved. No part of this document may be reproduced without written permission.
In Witness Whereof, the City of Springfield has caused this plat to be signed by its duly authorized official.
Attest: [Signature]

DONOHUE RESIDENCE
582 PROVIDENT AVE. - WINSTON, ILLINOIS

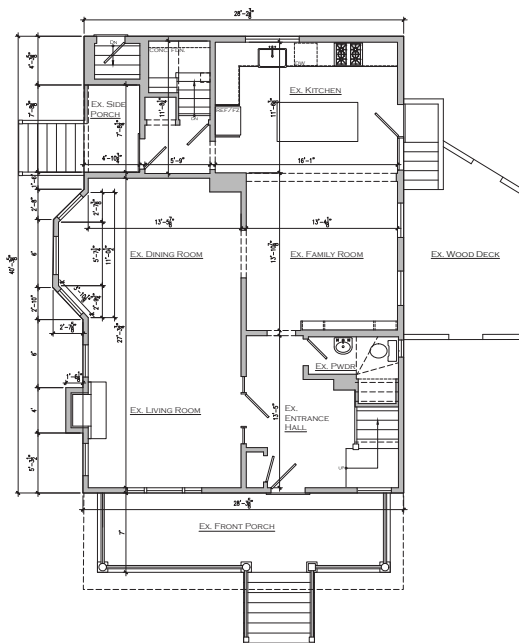
ZONING VARIATION (R)
JULY 12, 2021

HACKLEY & ASSOCIATES
1010 E. 11TH AVE. SUITE 100, SPRINGFIELD, IL 62761
(417) 421-1111

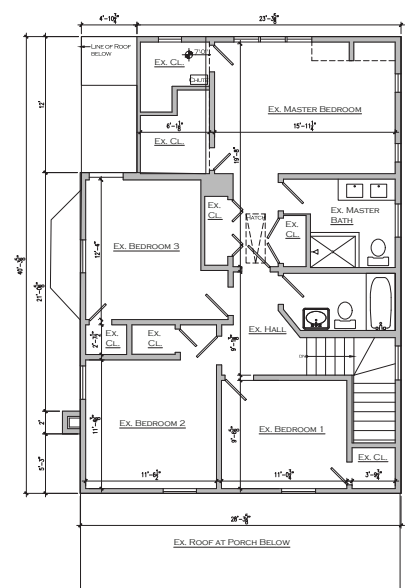
AB-1
2005



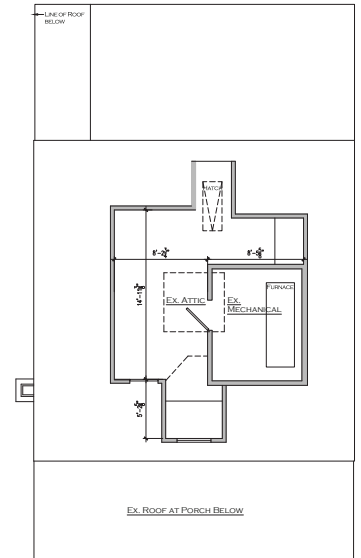
1 Existing Basement Plan
SCALE: 1/4" = 1'-0"



2 Existing First Floor Plan
SCALE: 1/4" = 1'-0"



3 Existing Second Floor Plan
SCALE: 1/4" = 1'-0"



1 Existing Attic Plan
SCALE: 1/8" = 1'-0"



1 Existing Front Elevation
East SCALE: 1/8" = 1'-0"



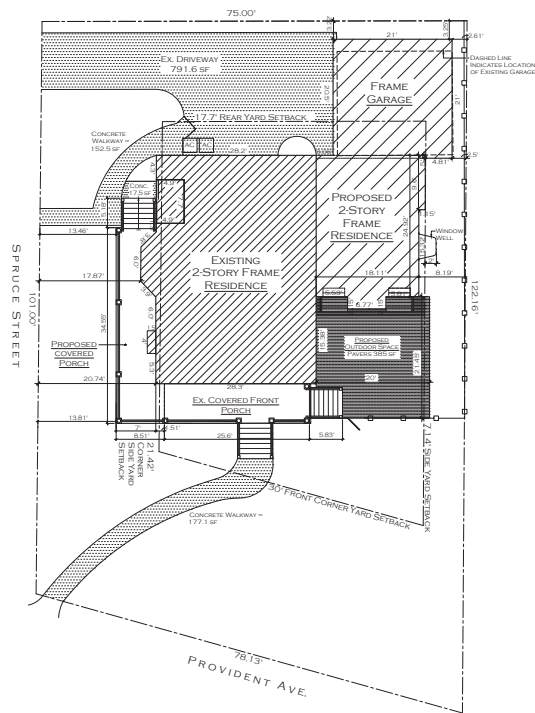
2 Existing Side Elevation
South SCALE: 1/8" = 1'-0"



1 Existing Side Elevation
North
SCALE: 1/8" = 1'-0"

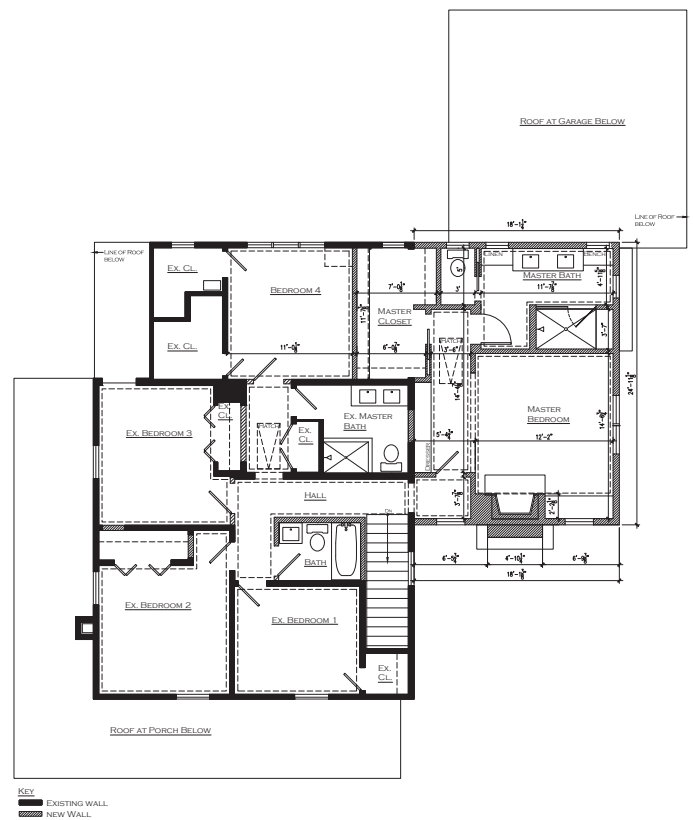
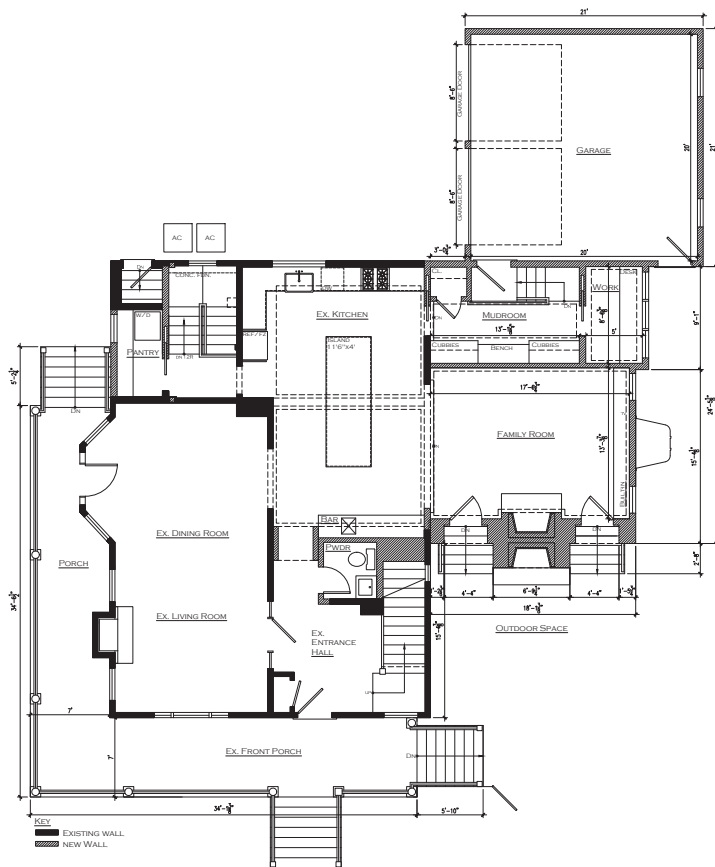


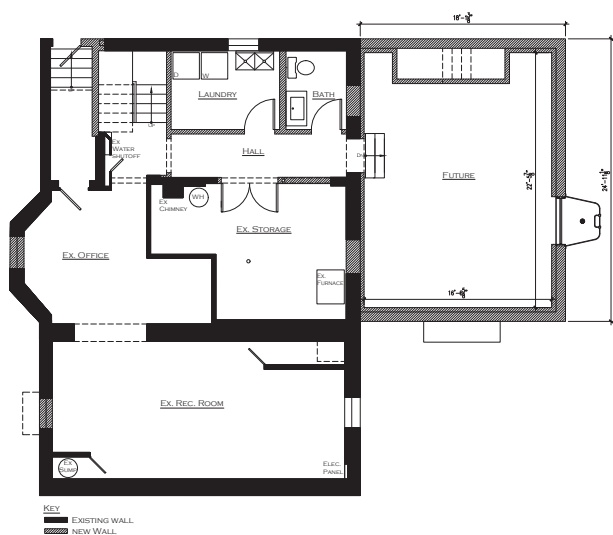
2 Existing Rear Elevation
West
SCALE: 1/8" = 1'-0"



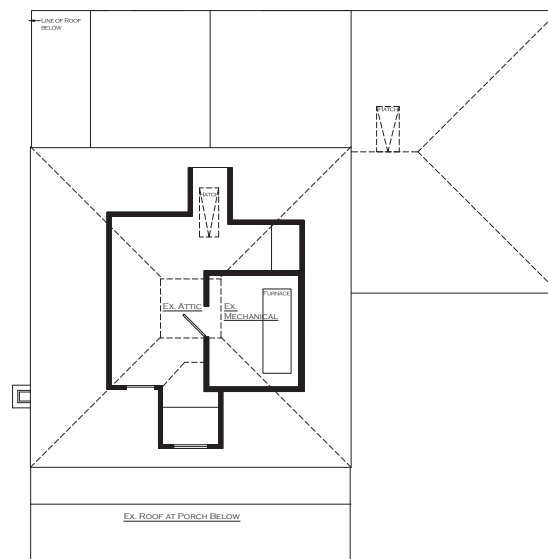
Zoning Information	
Zoning: R-15	Lot Area: 8427 SF
Front Yard Setback: 30'	Side Yard Setback: 11.7'
Rear Yard Setback: 11.7'	Side Yard Setback: 11.7'
Side Yard Setback: 11.7'	Side Yard Setback: 11.7'

Proposed Site Plan
NORTH
SCALE: 1/8" = 1'-0"

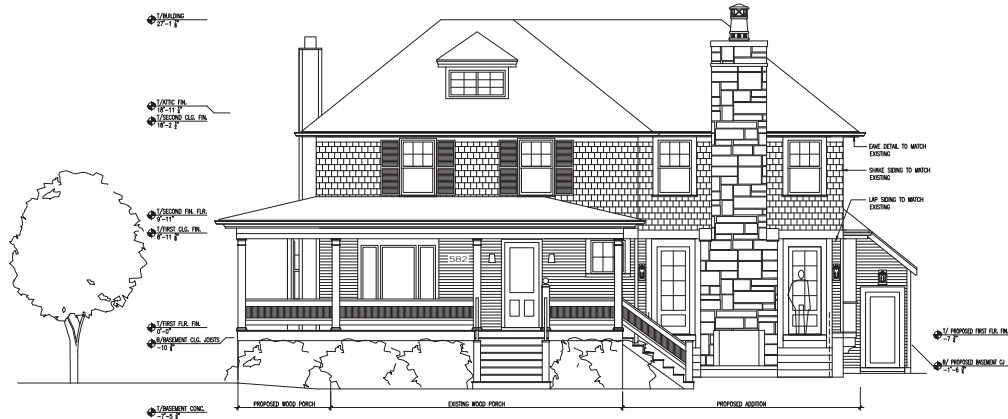




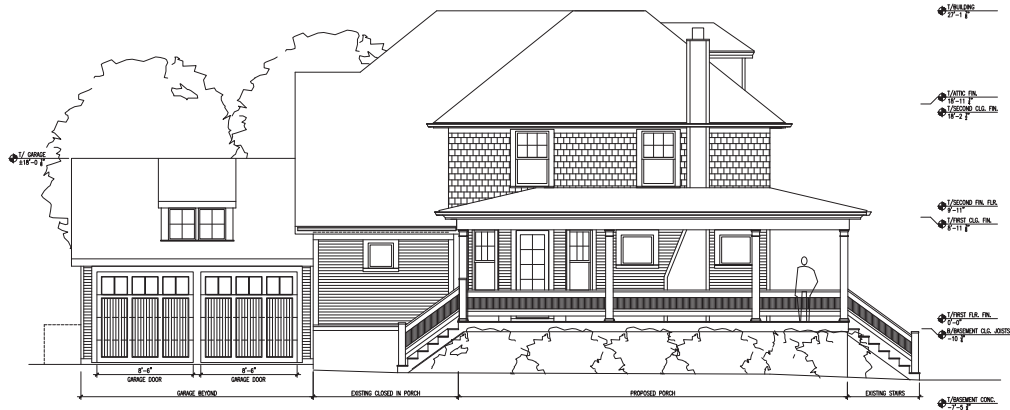
1 Proposed Basement Plan
 SCALE: 1/4" = 1'-0"



2 Proposed Attic Plan
 SCALE: 1/4" = 1'-0"



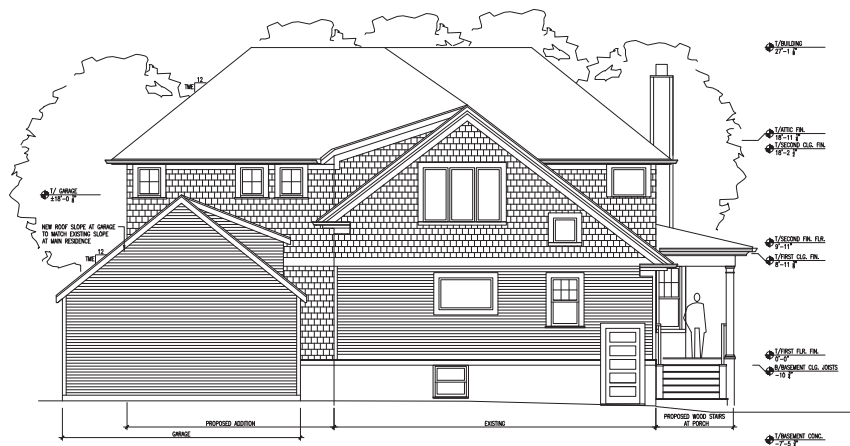
1 Proposed Front Elevation
East
SCALE: 1/4" = 1'-0"



2 Proposed Side Elevation
South
SCALE: 1/4" = 1'-0"



1 Proposed Side Elevation
North
SCALE: 1/4" = 1'-0"



2 Proposed Rear Elevation
West
SCALE: 1/4" = 1'-0"

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Brian J. Donohoe and Kathleen S. Donohoe (collectively, the "*Applicant*") are the record title owners of the parcel of real property commonly known as 582 Provident Avenue in Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part hereto ("*Subject Property*"); and

WHEREAS, the Subject Property is approximately 0.19 acres in area and located within the R-5 Single Family Residential District of the Village ("*R-5 District*") and is improved with a single-family residence ("*Residence*"); and

WHEREAS, the Applicant desires to construct a two-story addition on the north side of the Residence and an open front porch on the south side of the Residence that will connect with the existing porch on the east side of the Residence (collectively, the "*Proposed Additions*"); and

WHEREAS, to permit the maintenance of the construction of the Proposed Additions on the Subject Property, the Applicant filed an application for variations from: (i) Section 17.30.040 of the Zoning Ordinance to allow a gross floor area of 3,744.66 square feet; (ii) Section 17.30.050 to allow a corner yard setback of 13.46 feet from Spruce Street; (iii) Section 17.30.060 to allow a side yard setback of 2.5 feet; and (iv) Section 17.30.070 to allow a rear yard setback of 3.22 feet (collectively, the "*Variations*"); and

WHEREAS, Ordinance No. M-16-2021, adopted by the Village Council on _____, 2021 ("*Ordinance*"), grants the Variations; and

WHEREAS, Section 8 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant has filed, within 60 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant hereby unconditionally agrees to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's grant of

the Variations for the Subject Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.

4. The Applicant hereby agrees to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting the Variations for the Subject Property.

5. The Applicant hereby agrees to pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses will include all out-of-pocket expenses, such as attorneys' and experts' fees, and will also include the reasonable value of any services rendered by any employees of the Village.

Dated: _____, 2021

ATTEST: **BRIAN J. DONOHOE**

By: _____ By: _____

ATTEST: **KATHLEEN S. DONOHOE**

By: _____ By: _____



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: JULY 6, 2021
SUBJECT: 582 PROVIDENT AVENUE - VARIATIONS (CASE NO. 21-23-V2)

INTRODUCTION

On July 12, 2021, the Zoning Board of Appeals is scheduled to hold a public hearing on an application submitted by Brian and Katie Donohoe (collectively, the "Applicant") as the owners of the property located at 582 Provident Avenue (the "Subject Property"). The Applicant requests approval of the following zoning variations to allow construction of additions to the existing residence on the Subject Property:

1. Gross Floor Area (GFA) of 3,744.66 square feet, whereas a maximum of 3,370.8 square feet is permitted, a variation of 373.86 square feet (11.09%) [Section 17.30.040 – Maximum Building Size];
2. Corner Yard Setback of 13.46 feet from Spruce Street, whereas a minimum of 21.42 feet is required, a variation of 7.96 feet (37.16%) [Section 17.30.050 – Front and Corner Yard Setbacks] [Note: The residence currently provides a corner yard setback of 17.87 feet.];
3. Side Yard Setback of 2.5 feet, whereas a minimum of 7.14 feet is required, a variation of 4.64 feet (64.98%) [Section 17.30.060 – Side Yard Setback]; and
4. Rear Yard Setback of 3.22 feet, whereas a minimum of 17.7 feet is required, a variation of 14.48 feet (81.81%) [Section 17.30.070 – Rear Yard Setback].

A mailed notice was sent to property owners within 250 feet of the Subject Property in compliance with the Zoning Ordinance. The hearing was properly noticed in the *Winnetka Talk* on June 24, 2021. As of the date of this memo, staff has not received any written comments from the public regarding this application.

The Village Council has final jurisdiction on this request as only the Council has the authority to grant variations to (i) allow a zoning lot with a pre-FAR building (constructed prior to 1989) to exceed the maximum permitted gross floor area by more than 10% and (ii) reduce a rear yard setback for a principal building by more than 50% of the required setback.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.19 acres in size, is located on the northwest corner of the intersection of Provident Avenue and Spruce Street and contains an existing two-story residence and a detached garage (see Figure 1). The property is zoned R-5 Single Family Residential, and it is surrounded by R-5 Single Family Residential (see Figure 2). The Comprehensive Plan designates the Subject Property

as appropriate for single family residential development. The zoning of the property is consistent with the Comprehensive Plan.

The existing lot is a legal non-conforming lot that is only 8,427 square feet in lot area, while the minimum required lot area for a corner lot in the R-5 District is 8,900 square feet. Also, the required minimum lot depth is 120 feet, while the existing lot, which is measured from Provident Avenue to the west property line, is only 118 feet.

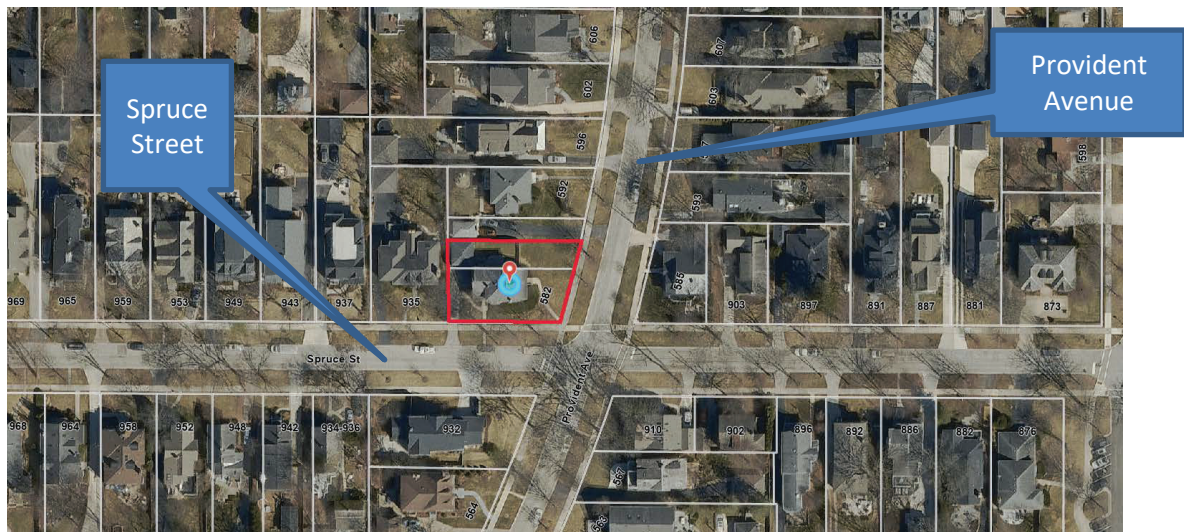


Figure 1 – Aerial Map

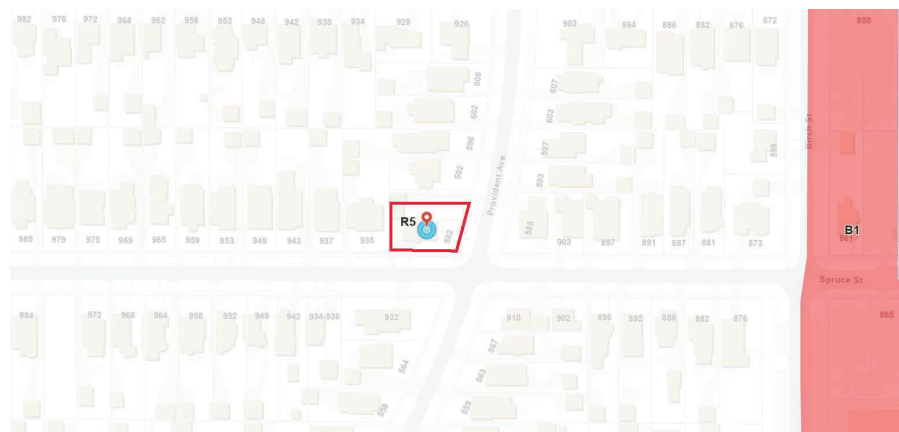


Figure 2 – Zoning Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The residence is circa 1907. The following subsequent building permits were issued in:

1. 1928 to construct a detached garage;
2. 1978 to construct a fireplace addition to the residence;
3. 1995 to add a dormer to the existing residence; and
4. 2016 to remodel the kitchen.

Other minor permits have been issued over the last several years. The Applicant acquired the property in 2016.

There is one previous zoning case on file for the Subject Property, Case No. 1191. On February 21, 1978, the Village Council adopted Ordinance M-71, an ordinance granting a variation from the corner yard setback regulation to allow construction of a chimney on the south side of the residence.

Figures 3 and 4 below are current photos of the site.



Figure 3 – Subject Property (Front Elevation – Provident Avenue)



Figure 4 – Subject Property (Corner – Front Elevation – Spruce Street)

PROPOSED PLAN

The variations are being requested in order to construct a two-story addition on the north side of the existing residence and an open front porch on the south side of the residence along Spruce Street. The proposed plan includes replacing the existing detached garage with an attached garage in nearly the same location as the existing garage. The front porch addition would create a wrap-around front porch as it would be a continuation of the existing front porch on the front elevation of the residence along Provident Avenue. The proposed increase in GFA is 1,348.57 square feet. The proposed additions are described as follows:

First Floor:

- Two-car attached garage measuring 21 feet by 20.5 feet (430.5 square feet);
- Mudroom and work area measuring 9 feet by 18.11 feet (163 square feet); and
- Family room measuring 18.11 feet by 15.34 feet (277 square feet).

Second Floor:

- Master suite measuring 18.11 feet by 24.93 feet (451 square feet).

Excerpts of the proposed site plan, floor plans, and front building elevations are provided below and on the following pages as Figures 5 through 9. The complete set of plans are provided in the application materials (Attachment C).

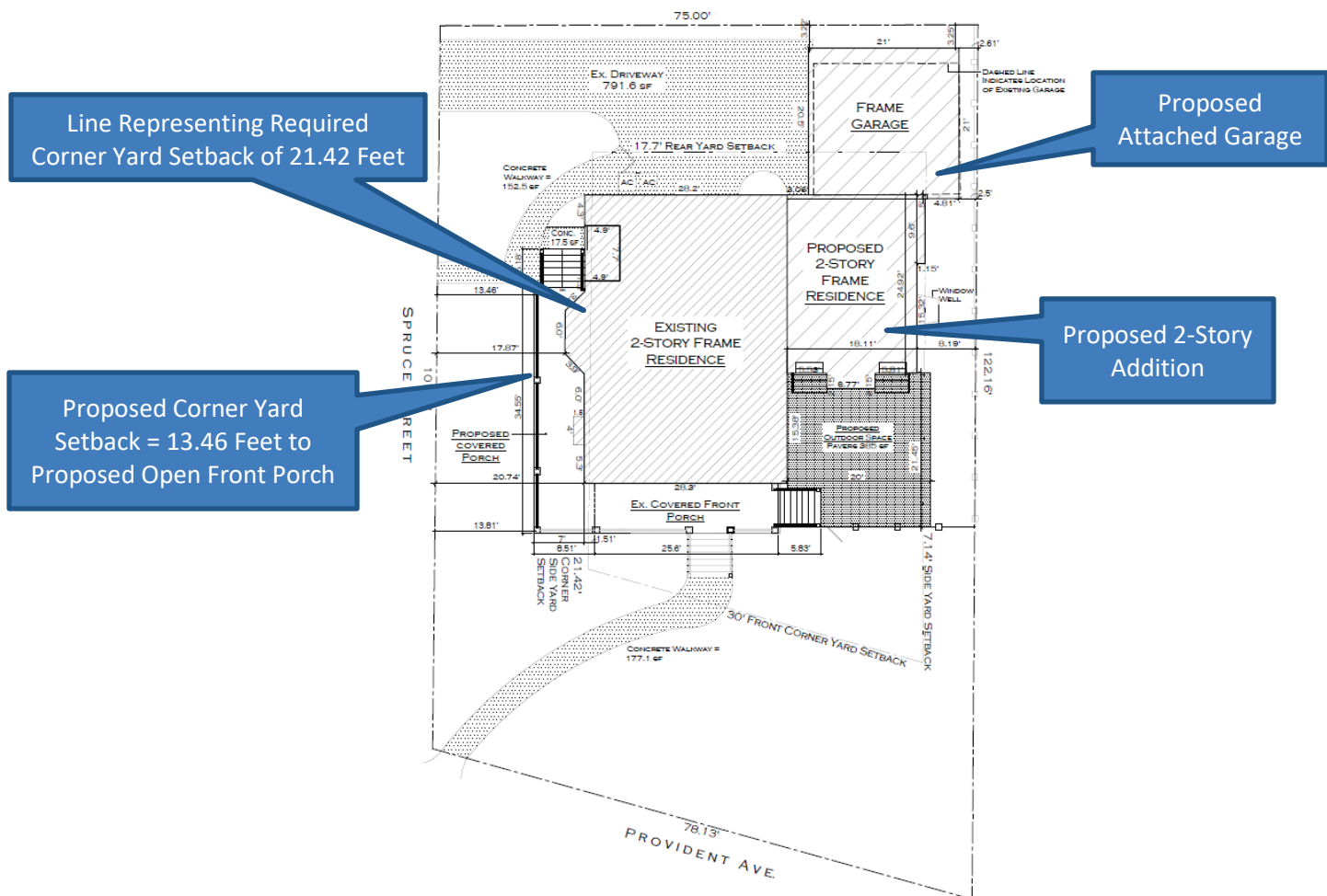


Figure 5 – Excerpt of Site Plan

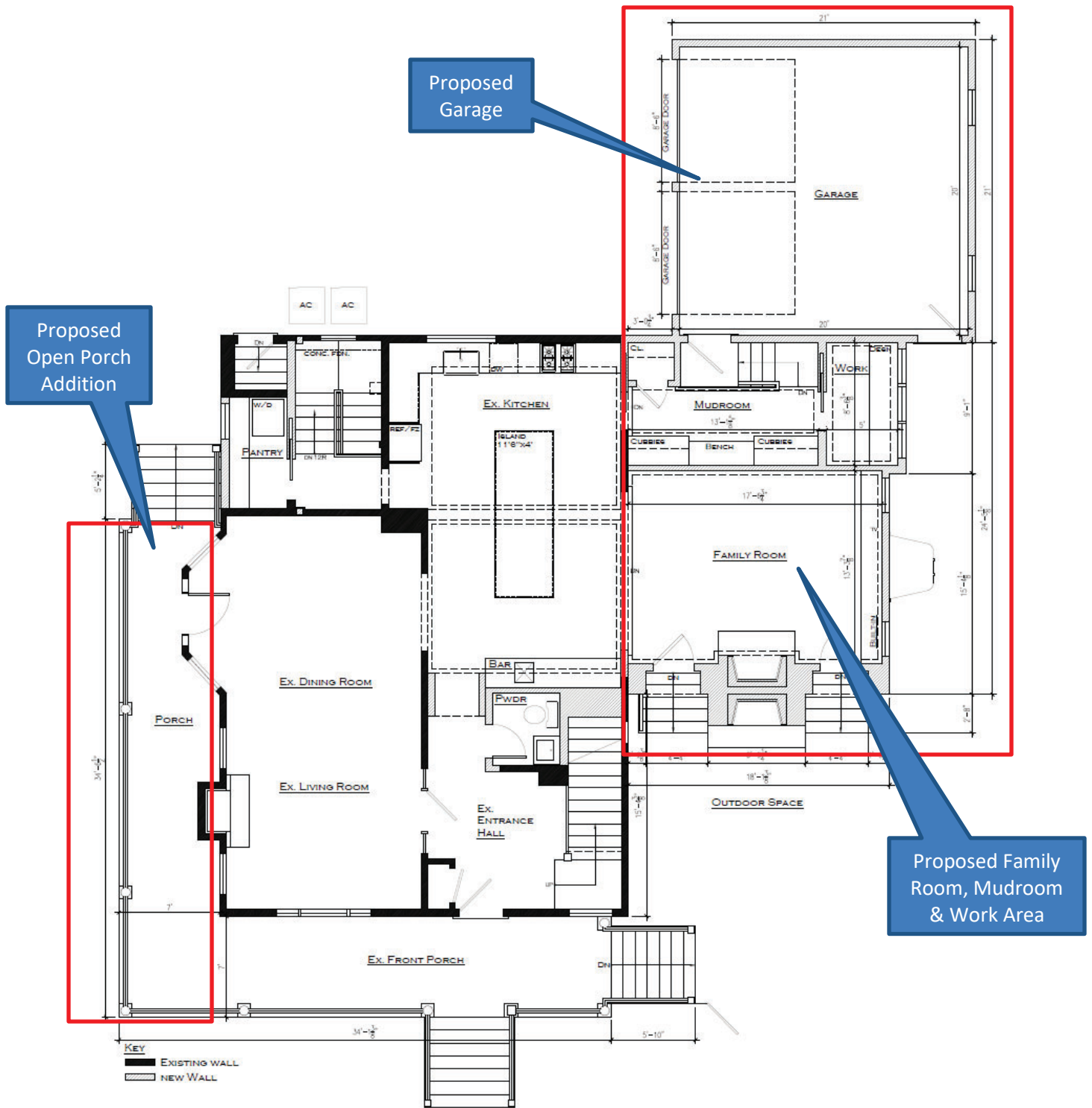


Figure 6 – Excerpt of Proposed First Floor Plan

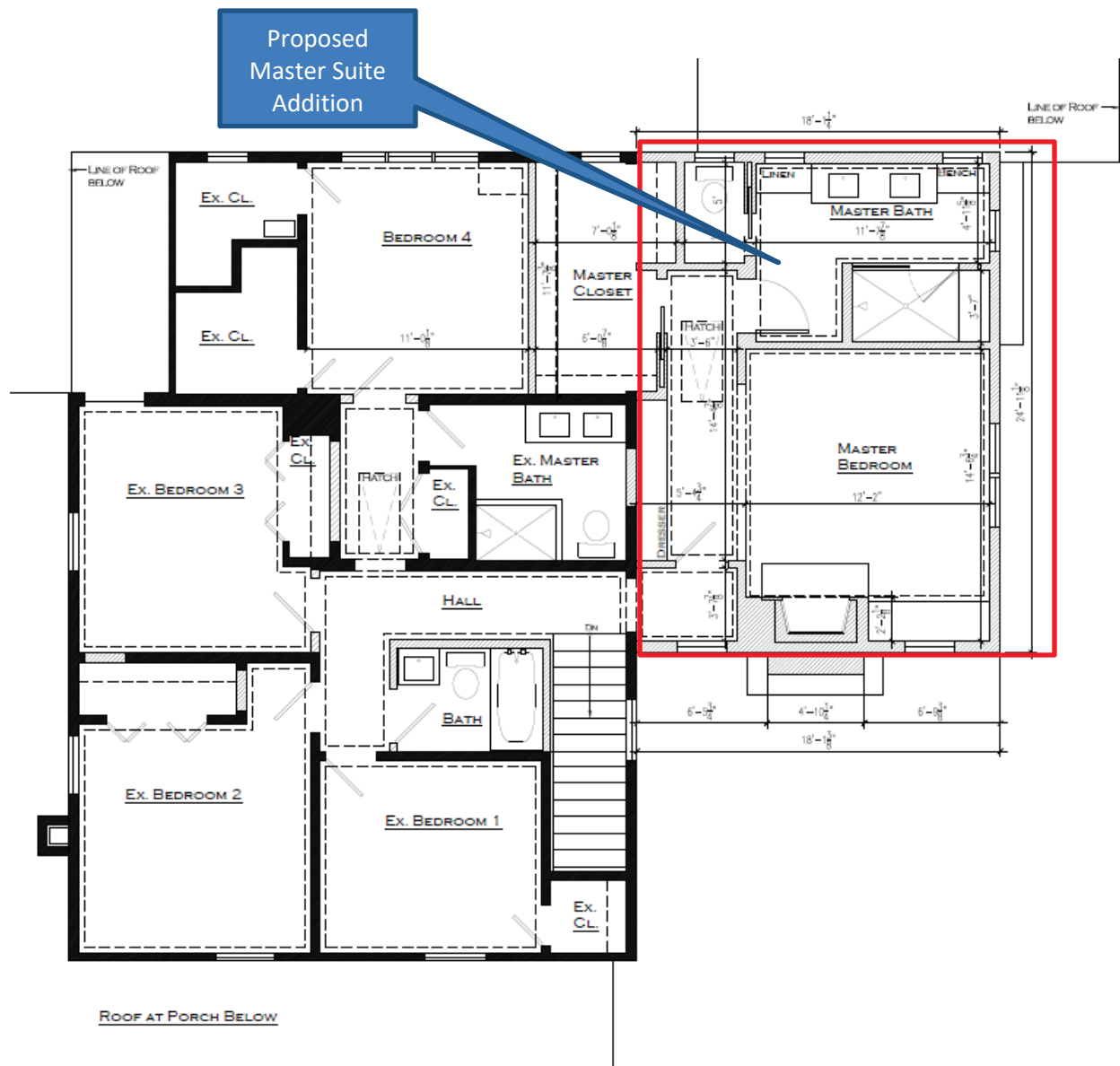


Figure 7 – Excerpt of Proposed Second Floor Plan

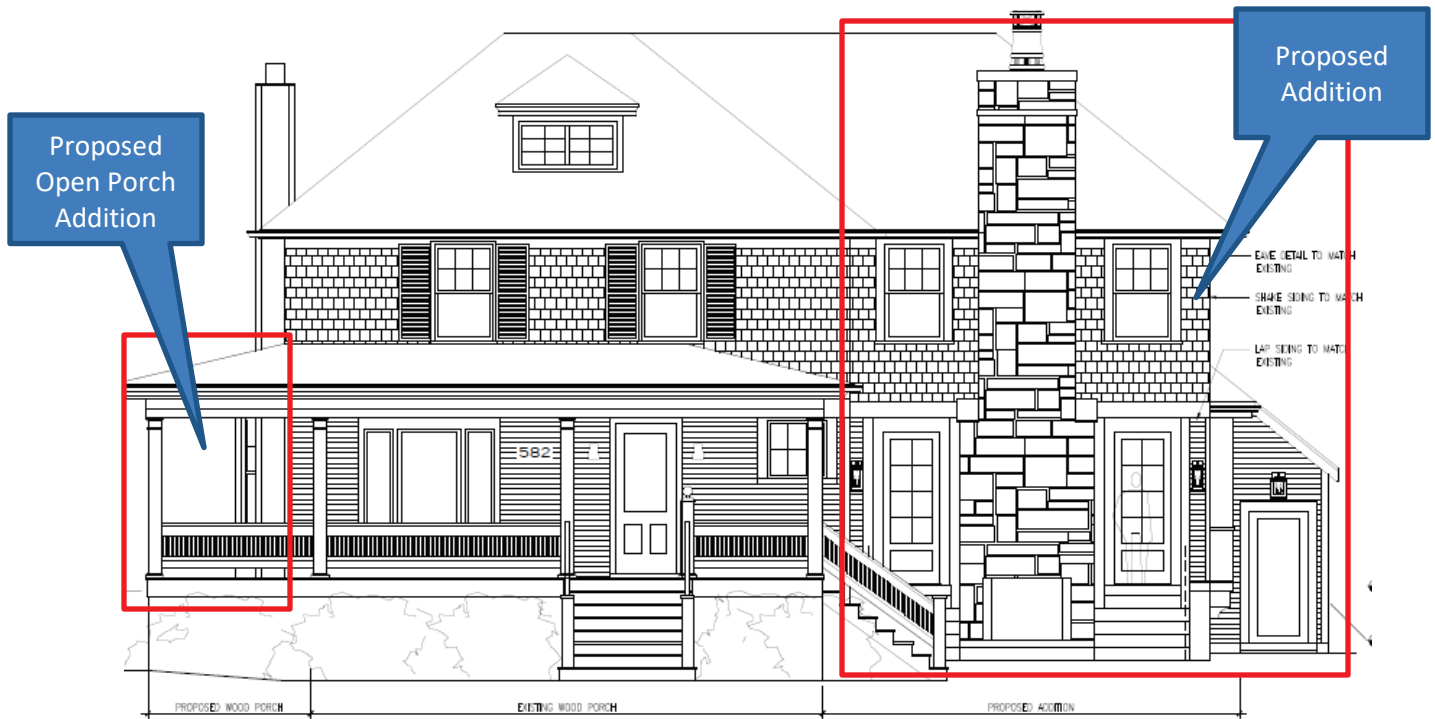


Figure 8 – Proposed Front Elevation – Provident Avenue

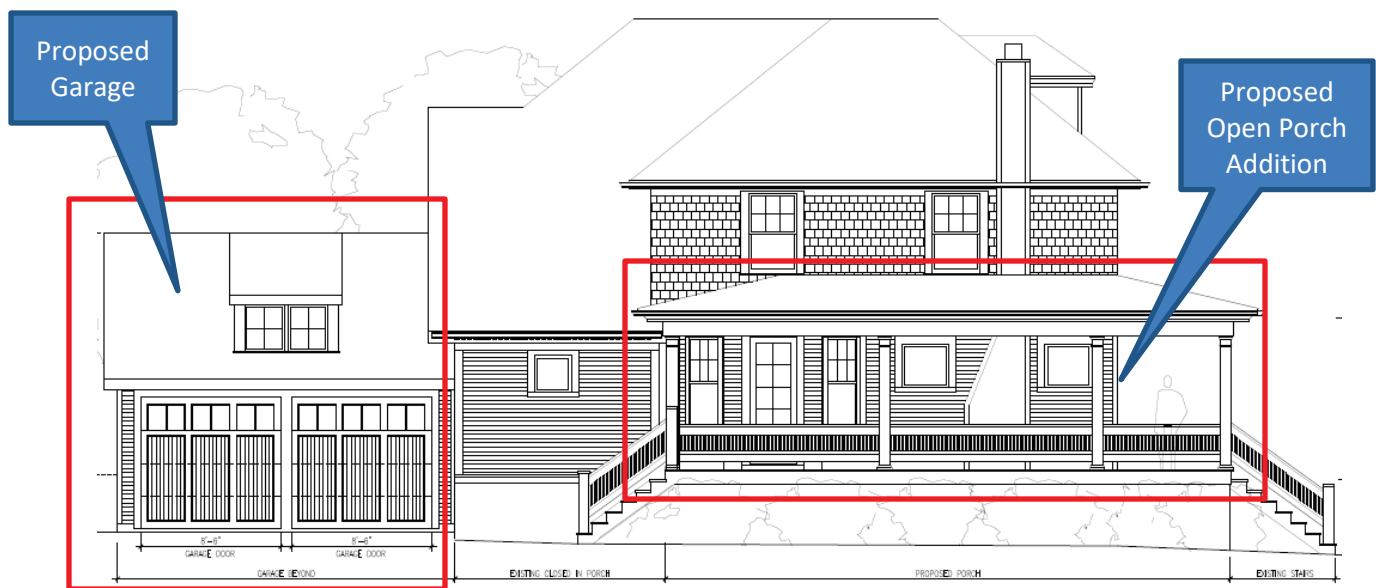


Figure 9 – Proposed Corner Elevation – Spruce Street

Given the ZBA often receives questions regarding the stormwater regulations applicable to a specific request being considered by the ZBA, attached is a Stormwater Matrix (Attachment B). Based upon the Village's current stormwater regulations, a property owner is required to provide stormwater detention for improvements to a lot that cause an increase in impermeable lot coverage greater or equal to 25%. Based on the proposed plan, the impermeable lot coverage on the lot would increase by 925.07 square feet or 33%. The proposed addition will be required to comply with all Village stormwater regulations, including providing stormwater detention for the additional impermeable lot coverage using the run-off coefficient for a 100-year stormwater event. The Applicant will be required to submit the necessary civil

engineering plans if, or when, a building permit application is submitted for the proposed additions. Figure 10 represents the Subject Property's proximity to the floodplain; the cyan represents the 100-year flood area.

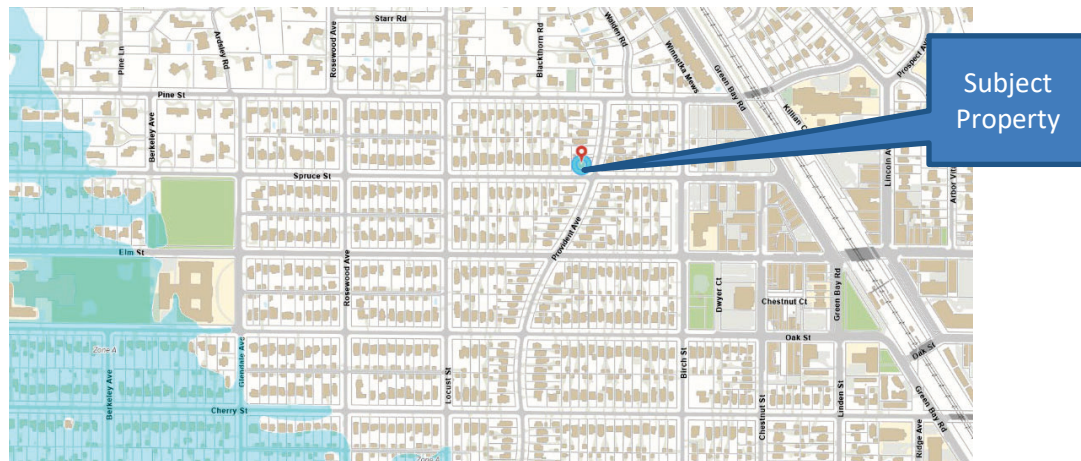


Figure 10 – GIS Floodplain Map

REQUESTED ZONING RELIEF

The attached zoning matrix highlights the existing lot and the proposed improvements' compliance with the R-5 zoning district (Attachment A). Four variations are being requested: (1) gross floor area (GFA); (2) minimum corner yard setback; (3) minimum side yard setback; and (4) minimum rear yard setback.

Maximum Building Size. The site currently contains 2,396.09 square feet of GFA. The increase in GFA with the proposed additions is 1,348.57 square feet; bringing the total GFA to 3,744.66 square feet, whereas a maximum of 3,370.8 square feet is permitted, a variation of 373.86 square feet (11.09%). Because the existing basement walls are exposed vertically more than four feet above the adjacent grade, 232.6 square feet of the existing basement contributes to the GFA.

Corner Yard Setback (Spruce Street). The existing residence is legally nonconforming with respect to the required corner yard setback as it currently provides a corner yard setback of 17.87 feet, encroaching the minimum required setback of 21.42 feet by 3.55 feet. The proposed open front porch addition would provide a corner yard setback of 13.46 feet, requiring a variation of 7.96 feet (37.16%).

Side Yard Setback. The existing residence currently provides a side yard setback of 25.96 feet, measured to the north wall of the residence, and the deck on the north side of residence is setback approximately 15 feet. The existing detached garage provides a side yard setback of 2.31 feet. The proposed garage addition would provide a side yard setback of 2.5 feet, whereas a minimum side yard setback of 7.14 feet is required, a variation of 4.64 feet (64.98%).

Rear Yard Setback. The existing residence currently provides a rear yard setback of approximately 24 feet from the west property line and the existing detached garage provides a rear yard setback of 5.33 feet. The proposed garage addition would provide a rear yard setback of 3.22 feet, whereas a minimum rear yard setback of 17.7 feet is required. For reference, an attached garage is required to comply with the same setbacks required for the residence. Detached garages are allowed reduced setbacks when located in the rear quarter of the lot depth. In this particular case, a minimum rear yard setback of 6 feet is required for a detached garage because the Subject Property is abutting the side yard of the adjacent property to the west. Additionally, if a detached garage is located in the rear quarter of the lot, a side yard setback of 2 feet from the north property line would be allowed.

FINDINGS

Does the ZBA find that the requested variations meet the standards for granting such variations; and if so, is the ZBA prepared to make a recommendation to the Village Council regarding the requested relief? If so, a ZBA member may wish to make a motion recommending approval or recommending denial based upon the following:

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

1. Gross Floor Area (GFA) of 3,744.66 square feet, whereas a maximum of 3,370.8 square feet is permitted, a variation of 373.86 square feet (11.09%) [Section 17.30.040 – Maximum Building Size];
2. Corner Yard Setback of 13.46 feet from Spruce Street, whereas a minimum of 21.42 feet is required, a variation of 7.96 feet (37.16%) [Section 17.30.050 – Front and Corner Yard Setbacks];
3. Side Yard Setback of 2.5 feet, whereas a minimum of 7.14 feet is required, a variation of 4.64 feet (64.98%) [Section 17.30.060 – Side Yard Setback]; and
4. Rear Yard Setback of 3.22 feet, whereas a minimum of 17.7 feet is required, a variation of 14.48 feet (81.81%) [Section 17.30.070 – Rear Yard Setback].

The Zoning Board of Appeals finds, based on evidence in the record or a public document, that the variations requested are **in harmony [not in harmony]** with the general purpose and intent of the Zoning Ordinance and that each of the following eight standards on which evidence is required pursuant to Section 17.60.050 of this Code **has been met [has not been met]** in connection with this variation application **[subject to the following conditions...]**

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

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

ATTACHMENTS

Attachment A: Zoning Matrix

Attachment B: Stormwater Matrix

Attachment C: Application Materials

ATTACHMENT A

ZONING MATRIX

ADDRESS: 582 Provident Avenue

CASE NO: 21-23-V2

ZONING: R-5

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	8,900 SF	8,427 SF	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	70 FT	71.41 FT	N/A	N/A	OK
Min. Lot Depth	120 FT	118 FT	N/A	N/A	EXISTING NONCONFORMING
Max. Roofed Lot Coverage	2,275.29 SF (1)	1,340.69 SF	2,205.04 SF	864.35 SF	OK
Max. Gross Floor Area	3,370.8 SF (1)	2,396.09 SF	3,744.66 SF	1,348.57 SF	373.86 SF (11.09%) VARIATION
Max. Impermeable Lot Coverage	4,213.5 SF (1)	2,788.2 SF	3,713.27 SF	925.07 SF	OK
Min. Front Yard (Provident/East)	30 FT	34.5 FT	33.07 FT	0 FT	OK
Min. Corner Yard (Spruce/South)	21.42 FT	17.87 FT	13.46	(4.41) FT	7.96 FT (37.16%) VARIATION
Min. Side Yard (North)	7.14 FT	25.96 FT	2.5 FT	(23.46) FT	4.64 FT (64.98%) VARIATION
Min. Rear Yard (West)	17.7 FT	24 FT	3.22 FT	(20.78) FT	14.48 FT (81.81%) VARIATION

NOTES:

(1) Based on lot area of 8,427 s.f.

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

ATTACHMENT B

Stormwater Volume Requirements for Development Sites

In addition to meeting the following storm water volume detention requirements, development sites must meet all other Village storm water management requirements such as drainage and grading, storm water release rates, storage system design requirements, etc.

	Storm Water Detention Volume Requirements	Applicable Requirement
A. New Home Construction - Previously Developed Lot	The amount of additional required storm water detention volume is based upon the difference between maximum impermeable lot coverage, per Zoning Code, and existing lot coverage, using the run-off coefficient for a 100-year storm event for both.	
B. New Home Construction - Previously <u>Undeveloped</u> Site	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
C. Redevelopment of Site for Different Use (e.g. single family to multi-family, or commercial)	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
D. Improvements to Existing Home and/or Lot, causing an increase in impermeable lot coverage <u>greater or equal to 25%</u>.	The amount of additional required storm water detention volume is based upon the difference between the proposed and existing impermeable lot coverage, using the run-off coefficient for 100 year storm event. (Note: If the increase in impermeable lot coverage is less than 25%, additional storm water detention volume is <u>not</u> required.)	<i>Applies to 582 Provident Avenue</i> <i>Based upon preliminary review of information to date, it appears that 582 Provident Avenue <u>would</u> have to provide additional storm water detention volume. However, a final determination will be made by Village Engineering staff.</i>

ATTACHMENT C

Village of Winnetka
ZONING VARIATION APPLICATION

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. 21-23-V2

Property Information

Site Address: 582 Provident Ave.

Owner Information

Name: Brian and Katie Donohoe

Address: 582 Provident Ave.

City, State, ZIP: Winnetka, IL

Email: [REDACTED]

Primary Contact: Katie or Brian Donohoe

Phone No. [REDACTED]

Date property acquired by owner: 11/01/2016

Architect Information

Name: Hackley & Assoc. Architects

Primary Contact: Chip Hackley or Linda Nicholls

Address: 440 Green Bay Rd.

City, State, ZIP: Kenilworth, IL

Phone No. 847-853-8258

Email: linda@hackleyarchitects.com

Attorney Information

Name: _____

Primary Contact: _____

Address: _____

City, State, Zip: _____

Phone No. _____

Email: _____

Nature of any restrictions on property: _____

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

Replace a non-conforming garage with a new garage.

Add a street facing side yard porch, in the side yard setback

Property Owner Signature: [REDACTED]
agent to owner, Hackley and Associates Architects

Date: 06.09.21

June 18, 2021

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

Re: Variation Request for the Donohoe Residence
582 Provident Ave
Letter and Response to Standards for Granting Zoning Variations

The existing residence at 582 Provident Ave. was built in 1923 and is sited on the corner of Provident Avenue and Spruce Street. We are requesting a variance to replace an existing detached 1 ½ -car garage with a new attached 2-car garage and a variance to add a continuation of the existing front porch on Provident Ave. wrapping around along Spruce Street.

The following describes the location selected for the proposed garage and the addition of the porch continuation.

Current conditions of the home:

- The current detached garage, located in the rear corner yard is non-conforming. There is no conforming location to build a detached or attached garage that would provide the 21' x 21' footprint needed for a minimum standard garage.
- As a corner lot, the setback restrictions for any side yards abutting streets call for specific placement of building to relieve the imposition upon the corner of the lot at the intersections of the street. What is considered the rear yard, acts more like a side yard, as the entrance to the garage is off Spruce Street abutting the side yard of the neighboring house. Setback restrictions are also unique for a garage on a corner lot, which does not allow a garage to be built outside of the buildable setback box. The rear and side yard setbacks for a detached garage on a non-corner lot are 2'. We're requesting a variance to keep the non-conforming garage in its current location, rebuilt to a minimum standard garage with rear and side yard setbacks similar to a non-corner lot. The setback change at the rear yard lot line is reduced from 5.33' to 3.22', a difference of 2.08'. The setback at the side yard would not change. These setbacks conform to a detached garage on a non-corner lot. An additional consequence of the above-mentioned conditions is the inability to receive the GFA allowance of 200 sf for an attached or 400 sf for a detached garage.
- For the GFA, the Zoning Ordinance includes any portion of a basement 4' from grade to the bottom of the basement ceiling joists. There is 232.51 sf of basement included in the GFA, which is a result of a 100-year-old home built long before the current basement GFA regulations were adopted.
- The original siting of the property as 2 lots, forced placement of the house in its existing location which limits the amount of reasonably usable outdoor space.

The Proposed Location improvements:

- Maintaining the garage in its existing rear yard location preserves the streetscape and is in keeping with the original 'old town' character of the locale. The proposed side porch would provide additional outdoor space for the homeowner's for a property which exhibits a lack of typical outdoor space due to the placement of the house relative to the setbacks. Continuation of the porch along Spruce Street also offers a vital streetscape connection promoting neighborly interaction and fostering a sense of community.
- The essential character of the house, as a classic farmhouse, is in keeping and enhanced with the proposed design and use of proper roof pitches, materiality, scale and proportion. Continuation of the porch around to the Spruce side will also provide a lower-scale presence toward Spruce. This will be an improvement over the tall broad side which now looms over Spruce.

Design-Pragmatic

- Although the intent for the garage is to appear detached, it also provides for a direct connection to a modest mudroom which is commensurate with today's standards for family homes in the North Shore.
- The proposed location of the garage and porch addition will likely ensure the continued usefulness of this property into the future.

Our goal is to provide a proper garage and porch connection to a house we believe is worth keeping as part of the essential character of the Village fabric for many years to come. We believe our design is the best option for preserving this essential character while elegantly altering an old house to provide improvements necessary for today's family needs.

For the reasons stated above, we request that the Zoning Board recommend approval for the requested variations. The variations will not only permit the homeowner to make reasonable use of his home against the practical hardships, but likely ensure the continued usefulness of this property into the future.

Sincerely,

Charles Hackley, Jr.
Principal

Standards for Granting Zoning Variations

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

- The property currently has limited garage and useable outdoor space commensurate with today's standards for family homes in the North Shore.

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

- The current detached garage, located in the rear corner yard is non-conforming. There is no conforming location to build a detached or attached garage that would provide the 21' x 21' footprint needed for a minimum standard garage.
- As a corner lot, the setback restrictions for any side yards abutting streets call for specific placement of building to relieve the imposition upon the corner of the lot at the intersections of the street. What is considered the rear yard, acts more like a side yard, as the entrance to the garage is off Spruce Street abutting the side yard of the neighboring house. Setback restrictions are also unique for a garage on a corner lot, which does not allow a garage to be built outside of the buildable setback box. The rear and side yard setbacks for a detached garage on a non-corner lot are 2'. We're requesting a variance to keep the non-conforming garage in its current location, rebuilt to a minimum standard garage with rear and side yard setbacks similar to a non-corner lot. The setback change at the rear yard lot line is reduced from 5.33' to 3.22', a difference of 2.08'. The setback at the side yard would not change. These setbacks conform to a detached garage on a non-corner lot. An additional consequence of the above-mentioned conditions is the inability to receive the GFA allowance of 200 sf for an attached or 400 sf for a detached garage.
- For the GFA, the Zoning Ordinance includes any portion of a basement 4' from grade to the bottom of the basement ceiling joists. There is 232.51 sf of basement included in the GFA, which is a result of a 100-year-old home built long before the current basement GFA regulations were adopted.
- The original siting of the property as 2 lots, forced placement of the house in its existing location which limits the amount of outdoor space. The addition of the porch on the side yard, which also acts as a 'front yard' facing the street, increases the useable outdoor space and community connectivity.

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

- If granted, the variation is in keeping with the original 'old town' character of the locale and would enhance the streetscape with its inherent quality of promoting neighborly interaction and fostering a sense of community.

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

- The one-story garage and one-story open front porch do not impair the supply of light and air to adjacent properties.

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

- There is no increase to fire hazard or property damage and will be in keeping with residential building codes.

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

- The taxable value will not diminish, as the essential character has not changed, but enhanced.

HACKLEY & ASSOCIATES ARCHITECTS, INC.

440 GREEN BAY ROAD | KENILWORTH, ILLINOIS 60043 | P. 847.853.8258 | F. 847.853.8351

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

- The proposed variation request would not affect congestion in the public street.

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

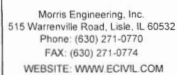
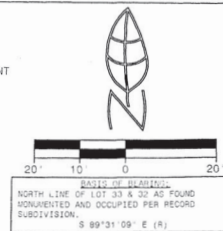
- The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not be impaired or altered.

Respectfully,
Hackley and Associates Architects

- CHAIN LINK FENCE
- WOOD FENCE
- METAL FENCE
- VINYL FENCE
- EASEMENT LINE
- SETBACK LINE
- INTERIOR LOT LINE

LOT 33 (EXCEPT THE WEST 70 FEET THEREOF) ALSO LOT 32 (EXCEPT THE WEST 70 FEET THEREOF AND EXCEPT THE NORTH 21 FEET THEREOF) IN BLOCK 2 IN PROVIDENT MUTUAL LAND ASSOCIATION SUBDIVISION OF BLOCKS 7 TO 12, 28 TO 33, 54 TO 59, ALL INCLUSIVE, IN THE VILLAGE OF WINNETKA, BEING A SUBDIVISION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

AREA OF SURVEY:
CONTAINING 8427 SQ. FT. OR 0.19 ACRES MORE OR LESS



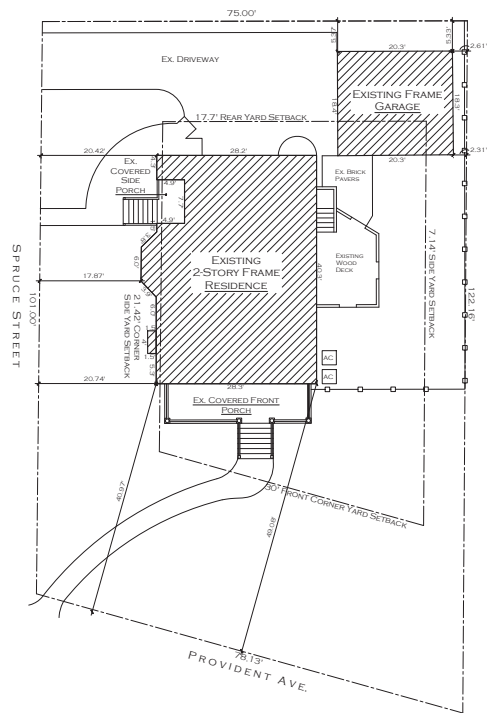
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-3253
 LICENSE EXPIRATION DATE NOVEMBER 30, 2016
 ILLINOIS BUSINESS REGISTRATION NO. 184-001245



ADDRESS COMMONLY KNOWN AS 582 PROVIDENT AVENUE
WINNETKA, ILLINOIS

CLIENT LAW OFFICES OF ROBIN KING

FIELDWORK DATE (CREW) 10-19-16 (MD/MM)
DRAWN BY: R.S. REVISED: JOB NO. 16-09-0460



Existing Site Plan
NORTH
SCALE: 1/8" = 1'-0"

ZONING INFORMATION	
ZONING OF LOT: R5	
LOT AREA: 8427 SF	
FRONT YARD PROPOSED SETBACK: 30'	
REAR YARD SETBACK: 17.7'	
SIDE YARD SPRUCE SETBACK: 21.42'	
SIDE YARD SETBACK: 7.14'	

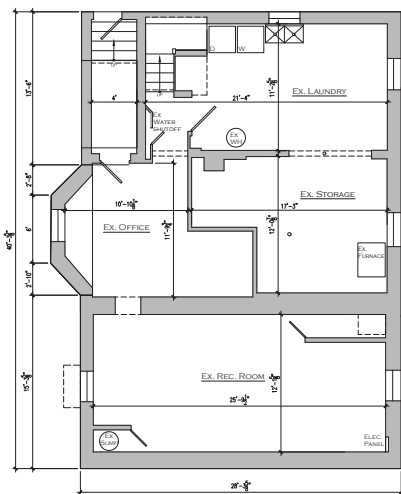
Copyright 2021 by Hackley & Associates, Inc.
All rights reserved. No part of this document may be reproduced without written permission.
In Witness Whereof, the City of Springfield has caused this plat to be signed and sealed.
Attest: [Signature]

DONOHUE RESIDENCE
582 PROVIDENT AVE. - WINTERA, ILLINOIS

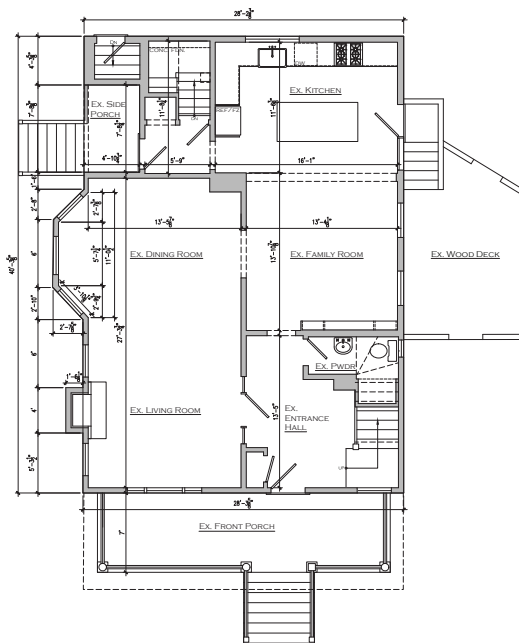
ZONING VARIATION (P)
JULY 12, 2021

HACKLEY & ASSOCIATES
1000 E. 11th St. Springfield, IL 62761
(417) 263-1234

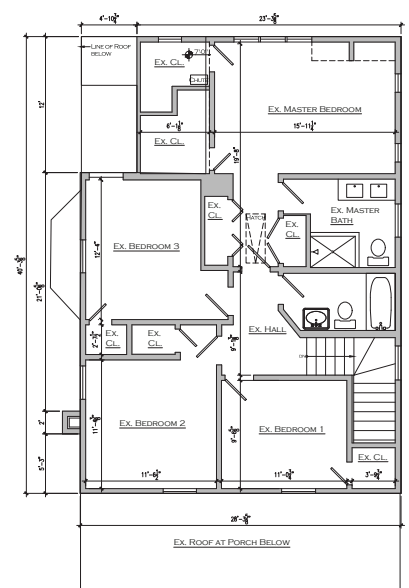
AB-1
2005



1 Existing Basement Plan
SCALE: 1/8" = 1'-0"



2 Existing First Floor Plan
SCALE: 1/8" = 1'-0"



3 Existing Second Floor Plan
SCALE: 1/8" = 1'-0"

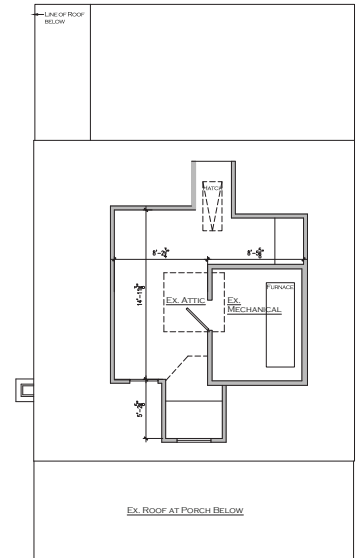
Copyright 2012 by Hackley & Associates, Inc.
All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Hackley & Associates, Inc.

DONOHUE RESIDENCE
582 PROVIDENT AVE. WINNEBAGO, ILLINOIS

ZONING VARIATION (R)
JULY 12, 2021

HACKLEY & ASSOCIATES
1001 S. 1ST ST. SUITE 100
WINNEBAGO, IL 60093
TEL: 815.734.1234

AB-2
2005



1 Existing Attic Plan
SCALE: 1/8" = 1'-0"



1 Existing Front Elevation
East SCALE: 1/8" = 1'-0"



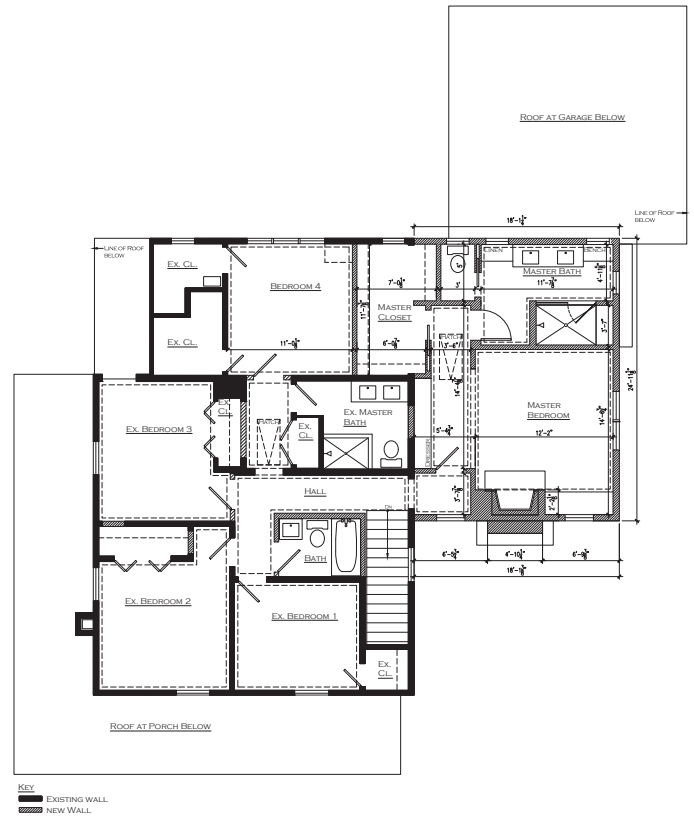
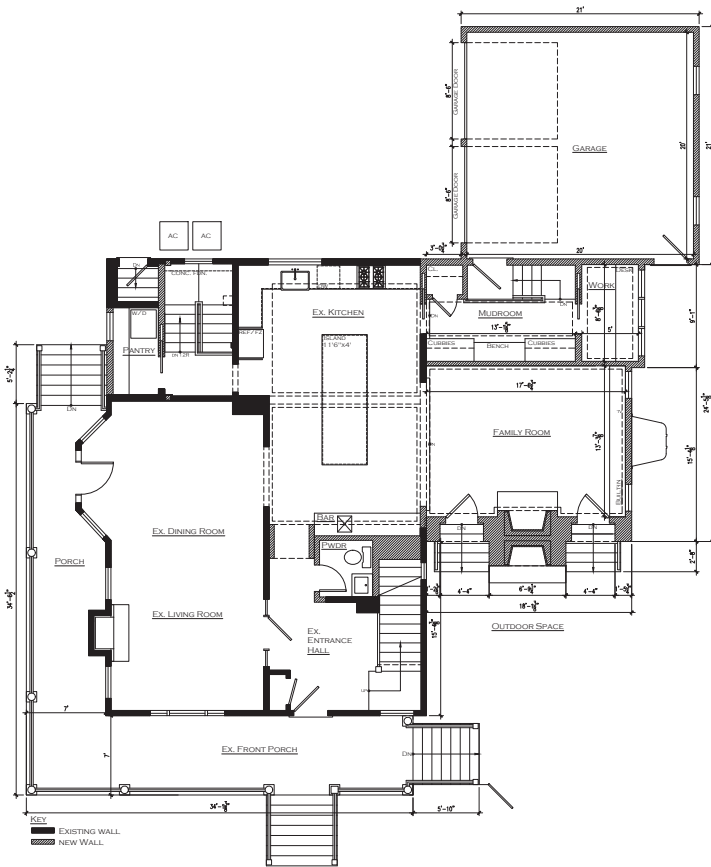
2 Existing Side Elevation
South SCALE: 1/8" = 1'-0"

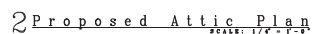
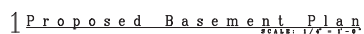


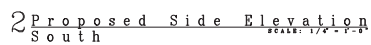
1 Existing Side Elevation
North
SCALE: 1/8" = 1'-0"



2 Existing Rear Elevation
West
SCALE: 1/8" = 1'-0"

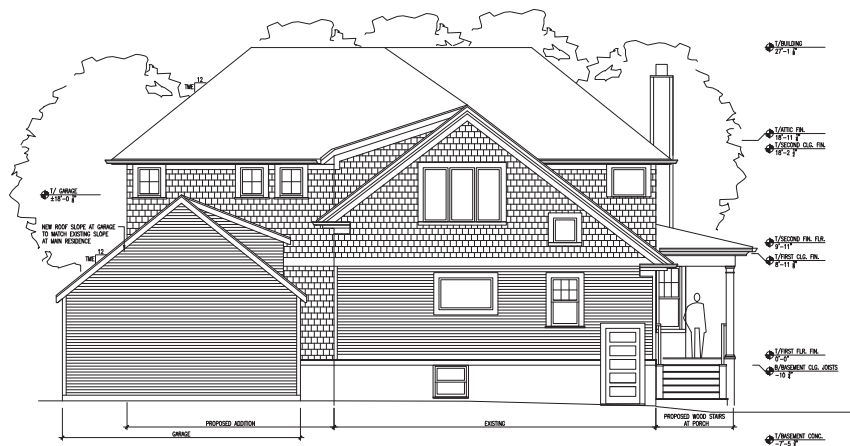








1 Proposed Side Elevation
North
SCALE: 1/4" = 1'-0"



2 Proposed Rear Elevation
West
SCALE: 1/4" = 1'-0"

ATTACHMENT 3

Minutes adopted 08.09.2021

WINNETKA ZONING BOARD OF APPEALS EXCERPT OF MEETING MINUTES JULY 12, 2021

Zoning Board Members Present:

Matt Bradley, Chairman
Kimberly Handler
Lynn Hanley
Kate Casale MacNally
Mike Nielsen
Todd Vender

Zoning Board Members Absent:

Max Weigandt

Village Staff:

David Schoon, Director of Community Development
Ann Klaassen, Senior Planner

Case No. 21-23-V2: 582 Provident Avenue: An application submitted by Brian and Katie Donohoe seeking approval of zoning variations to allow construction of additions to the existing residence at 582 Provident Avenue. The requested zoning variations would permit the additions to: (i) exceed the maximum permitted building size; (ii) provide less than the minimum required corner (front) yard setback from Spruce Street; (iii) provide less than the minimum required side yard setback; and (iv) provide less than the minimum required rear yard setback. The Village Council has final jurisdiction on this request.

Ms. Klaassen identified the property's location and zoning classification and described the lot's measurements which are illegal nonconforming. She then referred to illustrations of photos, elevation views of the property and the site plan. Ms. Klaassen described the home's proposed components which create the need for the variations and informed the Board since a portion of the basement is exposed, 233 square feet of the basement is included in the existing GFA calculations. She then referred to a table outlining the various setbacks and GFA totals and figures over the required amounts. Ms. Klaassen also referred to an illustration of several proposed elevations and noted no public correspondence was received. She stated after public comment and Board discussion, a Board Member may wish make a motion as indicated on page 9 of the agenda packet and asked if there were any questions.

Ms. Casale MacNally asked if the existing garage would be removed entirely and questioned the impermeable lot coverage increase. Ms. Klaassen confirmed that is correct. Ms. Hanley asked what would happen if the garage is not attached to the home. Ms. Klaassen responded that a detached garage is required to provide a 6 foot setback from the rear property line and 2 feet from the north property line. No additional questions were raised at this time.

Chairman Bradley swore in those speaking to this matter. Chip Hackley, the applicants' architect, described the request as multi-faceted and read a statement into the record summarizing the variations being requested. He then asked if there were any questions.

Chairman Bradley referred to the corner yard setback variation and Figure 6 on page 5 and questioned the rationale for the porch width dimensions. Mr. Hackley stated the porch would hold typical porch furniture and would draw off the original dimensions on Provident. He also stated a window would be

1 converted to an egress door which would serve to bring the home up to today's living standards. Mr.
2 Hackley then described the effect of the articulation. Mr. Vender asked if they received any comments
3 from the north neighbor. Mr. Hackley noted that portion of the home would not encroach the property
4 line and would remain at one story. Ms. Hanley questioned the existing and proposed setbacks in
5 connection with the new garage's placement. Mr. Hackley responded a variation would still be
6 necessary even if the garage were moved. He added in order to minimize the biggest concern in that
7 corner, it would be kept as a one-story structure noting the garage bonus would not be allowed. Mr.
8 Donohoe described the issues and unique nature of the lot. Alternatives were discussed with regard to
9 reducing the size of the addition and moving the garage to other locations on the lot. Mr. Hackley then
10 described an alternative location for the garage which would affect the home's hip roof and the
11 difficulty in accessing it. No additional questions were raised at this time.

12
13 Chairman Bradley then called the matter in for discussion. He referred to the basement's contribution to
14 GFA and the misleading GFA variation request figure. Chairman Bradley also referred to the property's
15 uniqueness with his issue relating to the corner yard setback in terms of the need for the porch and its
16 contribution to GFA. He added homes like this should be given relief and would otherwise be torn down
17 and he would be in support of the request. Mr. Nielsen stated a smaller garage would require less of a
18 variation and he is undecided. Mr. Hackley referred to the east-west garage width of the garage and a
19 standard garage's width which is not a viable dimension. He also stated the issue related to an 18-foot
20 garage door width which is not allowed and two 9-foot doors would not work in this situation if the
21 width of the garage is reduced.

22
23 Ms. Handler stated she had no concerns relating to the garage and she would be in support of the
24 request. Ms. Hanley agreed with Ms. Handler's comments and stated there are alternatives to change
25 the porch so that it did not count toward the corner yard setback. She also stated there is not a hardship
26 in that regard and referred to the home's siting on the lot. Mr. Hackley explained to the Board how the
27 parcels were previously split. Ms. Hanley then stated the remaining standards can be met except for the
28 corner yard setback. Ms. Casale MacNally agreed with the statements made with the exception of the
29 corner yard setback. Mr. Vender stated the porch enhances the house and neighboring houses, and he
30 is in support of the request. Mr. Nielsen stated the porch is necessary for the overall project and that he
31 is in favor of the request.

32
33 Chairman Bradley stated some Board Members appeared to be in support of the request with the
34 exception of the corner yard setback variation for the porch which did not meet the standards. He then
35 asked for a motion to recommend approval of the request without conditions as indicated on page 9 of
36 the staff report. A motion was made by Mr. Nielsen and seconded by Ms. Handler to recommend
37 approval of the request. A vote was taken and the motion passed, 4 to 2:

38 AYES: Bradley, Handler, Nielsen, Vender

39 NAYS: Casale MacNally, Hanley

40
41 ***