Village of
WINNETKA, IL

510 Green Bay Road • Winnetka, IL 60093 • 847.501.6000
contactus@villageofwinnetka.org • villageofwinnetka.org

ZONING BOARD OF APPEALS REGULAR MEETING

MONDAY, NOVEMBER 8, 2021 - 7:00 PM
WINNETKA VILLAGE HALL COUNCIL CHAMBERS – 510 GREEN BAY ROAD

AGENDA ITEMS

1. Call to Order & Roll Call.
2. Approval of Minutes – October 11, 2021.
3. **Case No. 21-25-V: 981 Gordon Terrace *(Continued from the August 9, 2021, September 13, 2021, and October 11, 2021 meetings)*:** An application submitted by John Joyce seeking approval of a zoning variation to allow a fence along a portion of the east lot line of 981 Gordon Terrace. The requested zoning variation would permit the fence to exceed the maximum permitted height. The Zoning Board of Appeals has final jurisdiction on this request.
4. **Case No. 21-34-V2: 925 Elm Street:** An application submitted by Hyun Shin seeking approval of zoning variations to allow construction of a detached garage and relocation of an air conditioning unit at 925 Elm Street. The requested variations would (a) permit the detached garage to (i) exceed the maximum permitted roofed lot coverage; (ii) provide less than the minimum required corner (front) yard setback from Elm Street; and (iii) provide less than the minimum required rear yard setback from the east property line; and (b) permit the air conditioning unit to provide less than the minimum required side yard setback from the north property line. The Village Council has final jurisdiction on this request.
5. **Case No. 21-35-V: 302 Forest Street:** An application submitted by Abigail and Conor O'Brien seeking approval of a zoning variation to allow construction of a second floor addition to the existing residence at 302 Forest Street. The requested variation would permit the addition to exceed the maximum permitted building size. The Zoning Board of Appeals has final jurisdiction on this request.
6. Other Business.
    a. Community Development Report
    b. Comprehensive Plan Update
    c. December 13, 2021, Meeting – Quorum check
7. Public Comment.
8. Adjournment.

Note: Public comment is permitted on all agenda items at the meeting. If you wish to provide testimony or comments prior to the meeting, you may provide them one of two ways: (1) by sending an email to planning@winnetka.org; or (2) by sending a letter to Community Development, Village of Winnetka, 510 Green Bay Rd, Winnetka, IL 60093.

NOTICE

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities contact the Village ADA Coordinator at 510 Green Bay Road, Winnetka, Illinois 60093, (Telephone (847) 716-3543; T.D.D. (847) 501-6041). **Also, in accordance with the CDC guidance, the Village is requiring everyone to wear a face covering upon entering any Village facility, including the Village Hall. If you are unable to safely wear a face covering due to a medical condition or disability, please contact the Village ADA Coordinator by 3:00 p.m. the date of the meeting to request reasonable accommodations.**

WINNETKA ZONING BOARD OF APPEALS MEETING MINUTES
OCTOBER 11, 2021

Zoning Board Members Present:	Matt Bradley, Chairman Kate Casale MacNally Kimberly Handler Lynn Hanley Todd Vender Max Weigandt
Zoning Board Members Absent:	Mike Nielsen
Village Staff:	David Schoon, Director of Community Development Ann Klaassen, Senior Planner
Village Attorney:	Ben Schuster

Minutes of the Zoning Board of Appeals
October 11, 2021

Call to Order & Roll Call:
Chairman Bradley called the meeting to order at 7:05 p.m. Ms. Klaassen took roll call of the Board members present.

Approval of Minutes – September 13, 2021.
Chairman Bradley asked if there were any questions or comments to be made to the September 13, 2021 minutes. No comments were made at this time. He then asked for a motion. A motion to approve the September 13, 2021 minutes was made by Ms. Casale MacNally and the motion was seconded by Mr. Weigandt. A vote was taken and the motion unanimously passed, 6 to 0:
AYES: Bradley, Casale MacNally, Handler, Hanley, Vender, Weigandt
NAYS: None

Case No. 21-25-V: 981 Gordon Terrace (*Continued from the August 9, 2021 and September 13, 2021 meetings.*) An application submitted by John Joyce seeking approval of a zoning variation to allow a fence along a portion of the east lot line at 981 Gordon Terrace. The requested zoning variation would permit the fence to exceed the maximum permitted height. The Zoning Board of Appeals has final jurisdiction on this request.
Chairman Bradley noted the applicant is seeking another continuance since the applicant's attorney is not present. He then asked if there were any comments from the audience before the matter is continued again. Mr. Schuster confirmed any comments made by the public would be included as part of the record. No public comments were made. Chairman Bradley then asked for a motion to continue the application to the November 8, 2021 meeting. Ms. Casale MacNally moved to continue the application to the November 8, 2021 meeting. Ms. Handler seconded the motion. A vote was taken and the motion unanimously passed, 6 to 0:
AYES: Bradley, Casale MacNally, Handler, Hanley, Vender, Weigandt
NAYS: None

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<u>Case No. 21-32-SU: 470 Maple Street – Christ Church Winnetka</u>: An application submitted by Myefski Architects, on behalf of Christ Church Winnetka, seeking approval of an amendment to an existing special use permit, which allowed a pre-school as an additional special use in the Christ Church chapel-parish house and a zoning variation to allow a one-story vestibule addition to the existing church building. The requested zoning variation would permit the improvements to exceed the maximum permitted building size. The Village Council has final jurisdiction on this request.

Ms. Casale MacNally informed the Board of her affiliation with the applicant. Ms. Klaassen described Christ Church's request to amend the special use permit and for zoning variation to allow the construction of a one-story vestibule addition located on the east side of the existing building for accessibility. She then identified the site's location, zoning classification and the list of uses allowed as special uses in single family residential districts. Ms. Klaassen then described the church's facilities and noted there was one previous zoning case for the property to allow the preschool, shed and playground improvements. She noted since institutional uses are allowed uses in single family residential districts, they are required to comply with single family residential zoning requirements and often far exceed permitted square footage and lot coverage requirements. Ms. Klaassen then identified the components in the proposed addition which include a lift and stairs which would be replaced along with interior remodeling of the building. She then referred to renderings of the proposed addition and noted the building's use would not change.

Ms. Klaassen stated the Plan Commission would consider the special use permit at their October 27, 2021 meeting and the DRB would consider a Certificate of Appropriateness at its meeting on October 21, 2021. She noted one email was received from the public and it was included in the agenda packet. Ms. Klaassen then stated a draft motion is included on page nos. 8 and 9 and asked if there were any questions.

Chairman Bradley also asked if there were any questions. No questions were raised at this time. Chairman Bradley then swore in those speaking to this matter. John Myefski of Myefski Architects introduced himself to the Board. Mr. Myefski stated the request is part of the church's attempt to reinvigorate this portion of the church and described the upper two floors which he commented are far ahead of the rest of the church with regard to its design improvements. He stated when the church was built in 1930, which was a time there was no concern with regard to accessibility and then described the different remedies they considered to find a solution to the accessibility issues. He also stated the front stairs would be rebuilt to meet code standards. Mr. Myefski then referred to illustrations of the areas affected by the proposed addition and the stair remodel. He also identified the existing condition and the portions of the facility which would be brought up to code requirements.

Mr. Myefski then referred to renderings of the front of the church and the proposed addition which would result in solving two problems at once. He identified the windows and materials to be used including stone work to match the existing building. Mr. Myefski noted the accessibility issue would run with the property in terms of the standards and then asked if there were any questions.

Ms. Casale MacNally asked if the stair area would be expanded and Mr. Myefski confirmed that is correct noting it would almost triple in size. He stated the landscaping around the area would also be rejuvenated. Ms. Casale MacNally asked what the project's timeline is. Mr. Myefski responded they planned to begin in April 2022 and be done by August 2022. Mr. Vender asked if the second entry is ADA compliant. Mr. Myefski confirmed that is correct. Chairman Bradley asked if the roof would have any access and Mr. Myefski described how the roof would be constructed. Chairman Bradley then asked if the lift would accommodate one wheelchair at a time. Mr. Myefski responded it would be large enough

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for one wheelchair and one person to assist. He added the work on the addition and stairs would be done at the same time.

Chairman Bradley then asked if there were any questions from the audience. No comments were made at this time. Chairman Bradley then called the matter in for discussion. Mr. Vender stated the project made a lot of sense and he felt comfortable with the project's direction. Ms. Handler agreed with Mr. Vender's comments and stated the request met the standards and she is in support of the request. Ms. Casale MacNally agreed with the comments made and commended the applicant's attempt to match the existing materials. Chairman Bradley stated he is also in favor of the request and asked for a motion. He then referred to the zoning and special use standards.

Ms. Casale MacNally moved to recommend approval of the request as indicated on pages 8 and 9 of the staff report; Ms. Hanley seconded the motion. A vote was taken and the motion unanimously passed, 6 to 0:

AYES: Bradley, Casale MacNally, Handler, Hanley, Vender, Weigandt
NAYS: None

Winnetka Futures 2040 Plan Discussion.

Mr. Schoon outlined the background with regard to the 2040 Comprehensive Plan discussion and introduced Scott Freres and his team from The Lakota Group. He then asked the Board to consider what issues have changed over the past 1.5 years which need to be addressed in the discussion.

Scott Freres and Becky Hurley of The Lakota Group and Kirk Bishop with Duncan Associates introduced themselves to the Board. He stated they would like to determine from the Board what has changed for them over the last 1.5 years in terms of their role on the Board as well as what has changed in the community. Mr. Freres informed the Board they were already working on the State of the Village report, and they are planning to hold a Community Open House on October 20, 2021. He noted they met with the LPC last week which provided additional information in terms of actions which have happened regarding historic preservation in the community, and they would like to obtain similar information from this Board and the DRB. Mr. Freres described some of the ideas generated at the LPC and identified some of the items previously discussed with the Board.

Chairman Bradley referred to the change in the Board's membership in that they have new members in the last 18 months. He then mentioned how office worker use transferred to households and referred to framing it in terms of zoning in an effort to provide incentivitazation. Chairman Bradley also referred to the number of projects undertaken without first receiving necessary approvals which presented unique challenges for the Board. He then referred to existing regulations such as fence height which need to be reviewed and modified in connection with the new Comprehensive Plan.

Ms. Casale MacNally then referred to the increase of commercial traffic on Hibbard between Willow Road and Tower Road. She stated they need to address how to get commercial traffic in and out of the Village while minimizing the impact on the neighborhoods and schools. Ms. Casale MacNally stated she also discussed the older home situation with friends in other towns and she was informed that as long as the home's façade was kept, the taxes were frozen for a period of time. She also stated addressing multi-family needs should be addressed.

Ms. Handler noted that there should be more minor variations to streamline requests. Mr. Vender commented that he agrees and maybe there could be a way to make it easier for older homes to get

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zoning relief. Ms. Handler added that the process for applicants can be very confusing and it isn't clear what votes are required for approval.

Ms. Hanley stated that affordability is out of control and that due to that the demographics are being squeezed. She stated that the Village needs socio-economic diversity. Ms. Hanley added that a more diverse socio-economic demographic would feed different economic commercial areas, rather than everything being high-end in the Village. She stated that the zoning constraints narrow the demographics because the value of land requires developers to sell units at a high price.

Mr. Freres stated he is hearing that there needed to be a philosophical understanding and agreement in that the need to save older homes is who they are as a community followed by a need to employ different strategies on each of the boards to allow them to manage that goal. He stated he is also hearing they need to find a way to make it more efficient to save and improve older homes since they add value to the community. Chairman Bradley referred to the existing process in place to buy time in terms of demolishing older homes and stated he is skeptical with regard to saving homes which are not worthy of saving.

Chairman Bradley stated the Planned Development Commission was created over the past 18 months to streamline the planned development process. He noted they recently went through that process with the developer of The Walden project on Green Bay Road. Chairman Bradley then suggested instead of creating a way in for a faceless, nondescript young people who want to move to the Village, there is an inventory of older homes and they should find ways to help existing and older residents feel more comfortable in turning over their homes to the next generation of buyers and remain in the community which can be done in the R-2, R-3 and R-4 zoning districts.

Ms. Hanley stated it is hard to be consistent with variations because it is impossible to meet the standards in so many cases. She asked what is the balance between meeting the standards and preserving older homes? Ms. Hanley stated that institutional uses should be planned developments.

Chairman Bradley stated for the homebuyers on Hibbard south of Tower Road and north of Willow Road, a lot of those homes are exposed to noise and traffic daily. The Board then briefly discussed fence height regulations and possibly the need to allow higher fences in certain areas of the Village. Mr. Freres stated they have to consider the applicant's goal for the fence height in terms of whether it is for privacy, noise concerns, etc. He then stated the quality standard needed to be consistently considered. Chairman Bradley stated the reasonable return standard is often misinterpreted. Chairman Bradley then referred to the types of cases which are now being considered by the Board. The Board Members then discussed previous special use cases for institutional uses in residential districts and the need for those properties to meet residential zoning standards. Chairman Bradley suggested there be a way to streamline the process for those types of requests. Chairman Bradley stated they have not often had special use requests for new structures. Ms. Hurley noted the last time she can remember a new special use was created was on Linden Street which she described as very customized.

Chairman Bradley then stated the language in the code requirements is not adequate relating to accessory structures like ice rinks and playhouses. He also suggested review of the sales requirement for special uses in the retail overlay district and referred to the Coldwell Banker application.

Mr. Freres asked if there were any other thoughts. Chairman Bradley referred to the change in the Board's membership. Mr. Bishop with Duncan Associates agreed that some of the issues raised by the

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Board could be approved at the Village staff level and referred to the fence issue which lent to revisiting the standards in connection with the property's location. He also stated the ordinance is very permissive in terms of the list of items for which people can request variations. Mr. Bishop then stated in an attempt to preserve the existing housing stock, he referred to the ordinance governing items from which relief can be requested and indicated the rules can be more permissive for older housing stock and smaller lots. He stated the ordinance can be reworked to accomplish those goals similar to that done in other communities.

Other Business.

a. Community Development Report.

Mr. Schoon provided the Community Development report to the Board.

b. November 8, 2021 – Quorum check.

The Board Members discussed their availability.

c. Comprehensive Plan Community Workshop, Wednesday October 20, 2021 at 6:00 pm.

Mr. Schoon informed the Board of the time and location for the Comprehensive Plan workshop.

Public Comment.

No comments were made at this time.

Adjournment:

A motion to adjourn was made by Ms. Casale MacNally and seconded by Ms. Hanley. A vote was taken and the motion unanimously passed, 6 to 0:

AYES: Bradley, Casale MacNally, Handler, Hanley, Vender, Weigandt

NAYS: None

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Antionette Johnson
Recording Secretary

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MEMORANDUM
VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS

FROM: ANN KLAASSEN, SENIOR PLANNER

DATE: NOVEMBER 3, 2021

SUBJECT: 981 GORDON TERRACE – VARIATION (CASE NO. 21-25-V)

At the request of the Applicant, this case was first continued at the August 9, 2021, ZBA meeting. A second continuance was requested by the Applicant at the September 13, 2021, ZBA meeting. A third continuance was requested by the Applicant at the October 11, 2021, meeting due to a scheduling conflict that prevented their legal counsel from being able to attend the October meeting.

Since the August meeting, which was the last time the Board discussed the variation request itself, the proposed plan for the 10-foot high fence has not changed. Therefore, the requested zoning relief remains the same from what the Board considered at the August meeting. The Applicant has provided supplemental information in response to questions and comments raised by the Board at the August meeting, this information is provided as Attachment A2.

For details on the requested zoning relief and the proposed plan, please see Attachment B2, the August 5, 2021, ZBA staff report and attachments.

AUGUST 9, 2021, ZBA PUBLIC HEARING

At its regular monthly meeting on August 9, the ZBA held a public hearing on the Applicant's requested zoning relief. At the August meeting, the four Board members present discussed the variation requested for the amount of additional fence height above the permitted 8 feet, which some members thought was already a tall fence. One Board member was in support of the request due to the grade differentiation between 981 Gordon Terrace and the adjacent commercial property to the east, 996 Green Bay Road. Another Board member was in support of the request due to privacy and security concerns. A third member was not in support of the request due to the site already being well screened with landscaping; the member also thought a complying 8-foot tall fence was very tall. The fourth member was undecided. After discussing, the Board was split 2-2 on approving the variation.

At the request of the Applicant, the Board voted unanimously to continue the request until the September meeting since three Board members were absent. A copy of the August 9 minutes is included as Attachment D2.

At the August meeting, from her cell phone Member Handler shared photos she had taken with her cell phone of the site with the other Board members. The photos are included as Attachment C2.

SEPTEMBER 13, 2021, ZBA PUBLIC HEARING

At the September public hearing, the ZBA did not consider the application since the Applicant had submitted a written request prior to the meeting to continue the case until the October 11, 2021, ZBA meeting. However, public comment was provided. A copy of the September 13 minutes is included as Attachment E2.

OCTOBER 11, 2021, ZBA PUBLIC HEARING

The ZBA did not consider the application at the October public hearing because the Applicant's legal counsel had submitted a written request prior to the meeting to continue the case until the next ZBA meeting. No public comment was made at the October meeting. For reference, a copy of the draft October 11 minutes is included in the November 8 agenda packet for the ZBA's approval. The public correspondence received subsequent to the August meeting and posting of the September ZBA agenda packet, which was previously distributed to the ZBA, is included as Attachment G2. No additional public correspondence has been received.

SUMMARY AND FINDINGS

Staff has updated the draft resolutions to reflect the continuations of the public hearing from the August, September, and October meetings to the November meeting (Attachment F2). One Resolution approves the request, while the other denies the request. A Board member may wish to make a motion to adopt either the resolution to approve the requested variation or the resolution to deny the requested variation.

ATTACHMENTS

Attachment A2: Supplemental Information Submitted by Applicant
Attachment B2: August 5, 2021, ZBA Staff Report and Attachments
Attachment C2: Member Handler Photos
Attachment D2: Excerpt of August 9, 2021, ZBA Meeting Minutes
Attachment E2: Excerpt of September 13, 2021, ZBA Meeting Minutes
Attachment F2: Draft Resolutions
Attachment G2: Public Correspondence Received Since August 9, 2021, ZBA Meeting

SCHAIN | BANKS
SCHAIN BANKS KENNY & SCHWARTZ LTD

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September 3, 2021

VIA EMAIL to aklaassen@winnetka.org
Village of Winnetka
Department of Community Development
c/o Ann Klaassen
510 Green Bay Road
Winnetka, IL 60093

Re: Supplemental Statement in Support of Application for a Zoning Variation, Case No. 21-25-V

Dear Ms. Klassen,

The property owner of 981 Gordon Terrace (John Joyce) hired my firm to represent him at the upcoming public hearing in the above-referenced matter. Enclosed is Mr. Joyce's supplemental statement in support of his application for a variation. It is respectfully requested that this statement be submitted to the Zoning Board of Appeals for its consideration. Or if staff prefers that these materials be distributed at the hearing on September 13, 2021, please advise.

Thank you very much for your consideration of this letter and the enclosed materials.

Sincerely,

SCHAIN BANKS KENNY & SCHWARTZ, LTD.

[redacted]

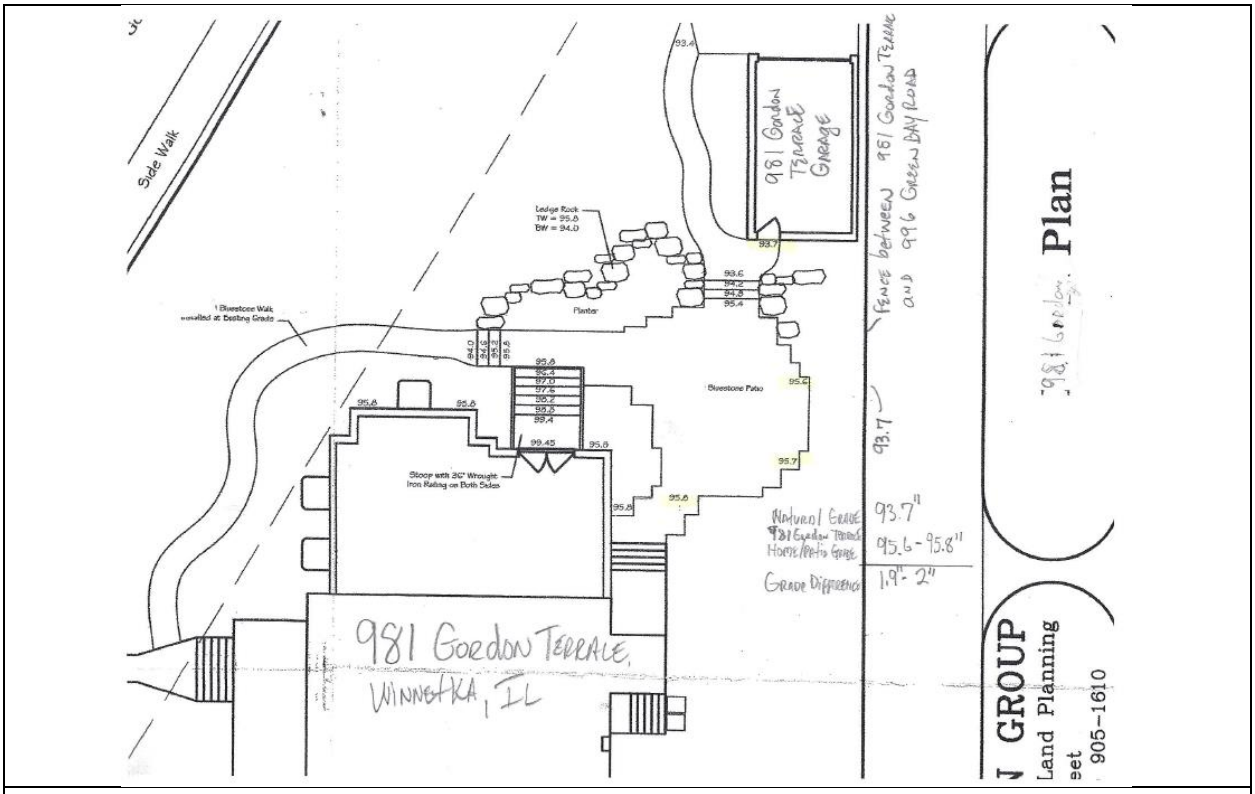
Nicholas D. Standiford
NDS

cc: John Joyce (john.joyce@svn.com)

Enc. As stated herein

Petitioner's supplemental statement in support of variation request

At the August 9, 2021 meeting, Member Handler asked for a topographical reference. The topographical plan below identifies a 1.9-2.0'' grading difference between the natural grade at 996 Green Bay Road and the residential improvements at 981 Gordon Terrace. Please note that a former owner of our home, Mr. Edward Suntrup told us that the home sits on the highest topographical point in Winnetka.



Topographical Plan

The following images show the grade differential between the two (2) subject properties.

The three stairs leading up to the patio from the attached garage are approximately 19.5" in total height.

The ground level beneath the stairs is the same natural level as the yard opposite our side of the fence at 996 Green Bay Road.

The following photos show the view from our patio looking onto 996 Green Bay Road.

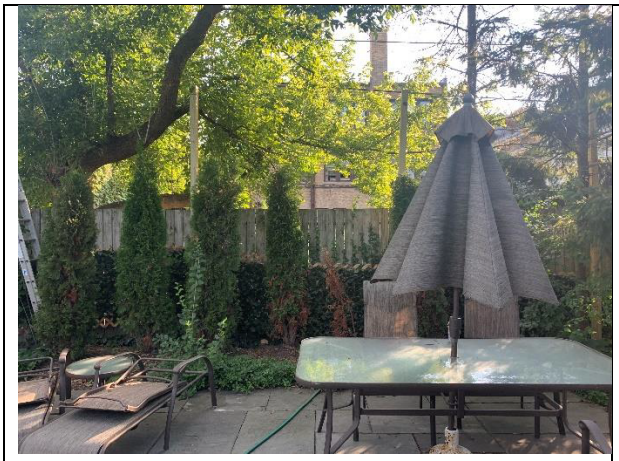


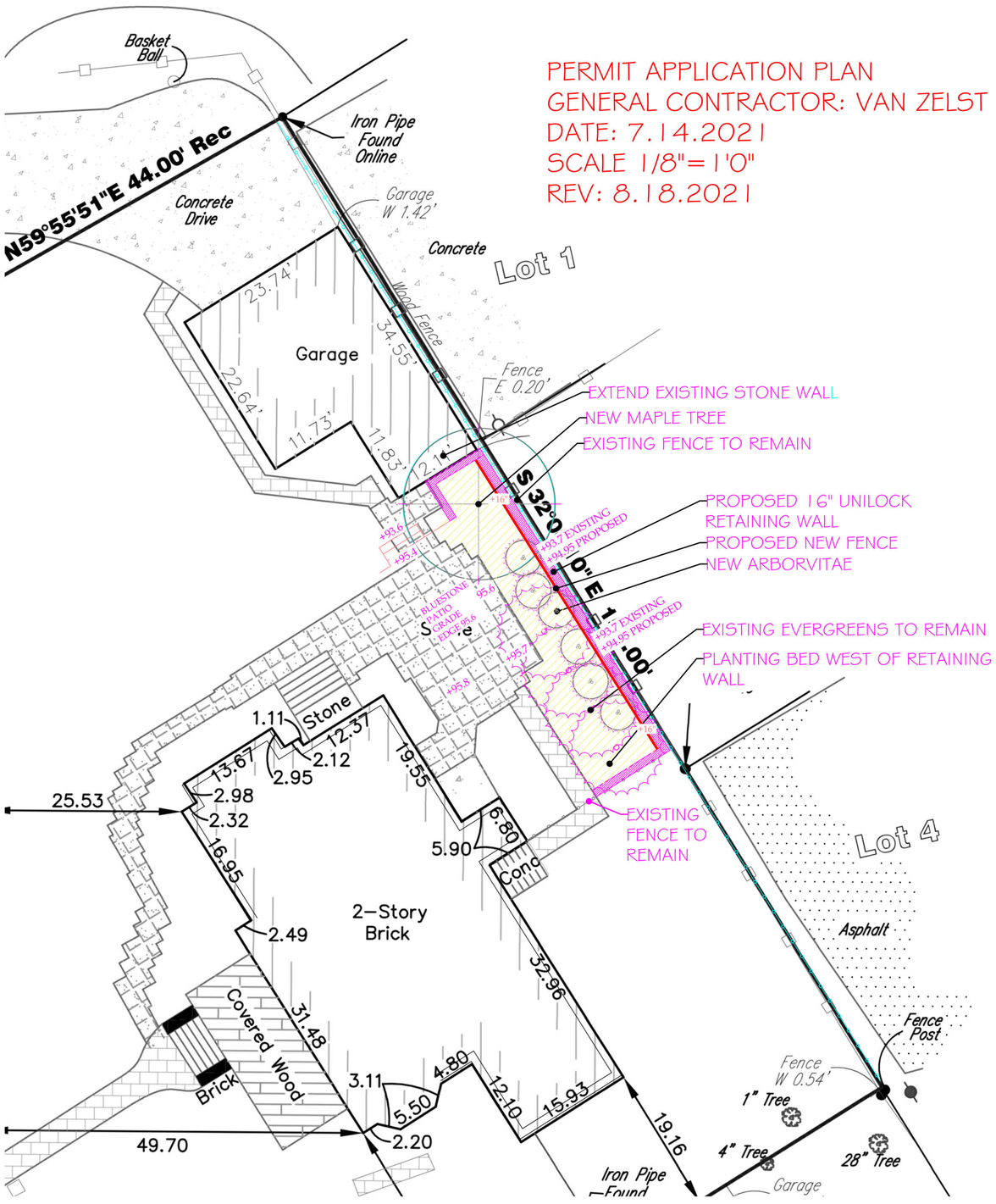
Photo taken from patio on 9/2/21	Photo taken from patio next to fence on 9/2/21

Since our property also has a higher grade than our neighbor at 1121 Merrell Street, we agreed to the plan to construct a retaining wall to even out the fence and provide necessary support.

1121 Merrell Street, Winnetka, Illinois	Grade Separation between 981 Gordon Terrace and the natural grade at 1121 Merrell.

PLAT OF SURVEY

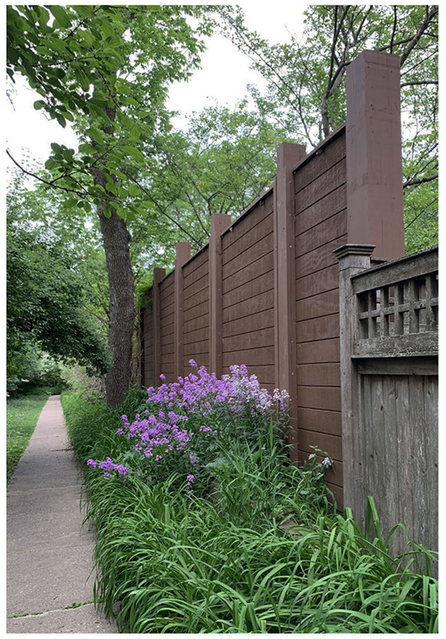
LOCK 2 IN JARED GAGE'S SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF FRACTIONAL
17 AND PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 42
ANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



PERMIT APPLICATION PLAN
GENERAL CONTRACTOR: VAN ZELST
DATE: 7.14.2021
SCALE 1/8"=1'0"
REV: 8.18.2021

NOTE: NEW RETAINING WALL 16"
NEW FENCE 8.6'
RETAINING WALL AND NEW PROPOSED FENCE NOT TO EXCEED 10'

NOTE: NEW PROPOSED FENCE IS 45'-6" IN LENGTH



MEMORANDUM
VILLAGE OF WINNETKA
COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS

FROM: ANN KLAASSEN, SENIOR PLANNER

DATE: AUGUST 5, 2021

SUBJECT: 981 GORDON TERRACE –VARIATION (CASE NO. 21-25-V)

INTRODUCTION

On August 9, 2021, the Zoning Board of Appeals is scheduled to hold a public hearing on an application submitted by John Joyce (the "Applicant") as the owner of the property at 981 Gordon Terrace (the "Subject Property"). The Applicant requests approval of the following zoning variation to allow installation of a fence on the Subject Property along a portion of its east property line:

1. A fence that is 10 feet in height, whereas a maximum of 8 feet above natural grade is permitted, a variation of 2 feet (25%) [Section 17.30.130 – Obstructions in Required Yards or Courts].

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 July 22, 2021. As of the date of this memo, staff has received one written comment from the public regarding this application. The comment is provided in Attachment C of this report.

The Zoning Board of Appeals has final jurisdiction on this request as the Board has the authority to allow a fence to exceed the maximum permitted height, provided that the maximum permitted height allowed pursuant to the variation shall be no more than 10 feet.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.32 acres in size, is located on the east side Gordon Terrace, between Scott and Asbury Avenues and contains an existing two-story residence and a detached garage (see Figure 1). The Subject Property is technically a "corner lot" with street frontage along the Scott Avenue right-of-way to the north, and Gordon Terrace to the west.

The property is zoned R-5 Single Family Residential, and it is bordered by R-5 Single Family Residential to the north, south, and west, and C-2 General Retail Commercial to the east (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.

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The original building permit for the existing residence is not on file in Village records. The estimated date of construction of the existing residence is 1915. The following subsequent building permits were issued in:

1. 1922 to construct a one-car detached garage;
2. 2005 to construct a one-story addition to the existing residence; and

3. 2008 to construct an addition to the existing detached garage.

Other minor permits have also been issued over the years; including two fence permits, one in 1988 and one in 2017 to install fences 8 feet in height, along the east property line. The Applicant acquired the property in 2004.

There is one previous zoning case on file for the Subject Property. On January 15, 2008, the Village Council adopted Ordinance M-27-2007, an ordinance granting variations to allow the expansion of the existing legal nonconforming detached garage. The approved variations were for (a) front yard lot coverage; (b) front yard setback from Scott Avenue; (c) side yard setback; and (d) relief to allow the expansion of the legal nonconforming detached garage which is closer to the street line along Scott Avenue than the principal building.

The Community Development Department received a complaint on May 13, 2021 regarding a fence and tarp being placed on the Subject Property. It was determined that the fence was installed without a fence permit. On May 14, 2021, the Village's Code Enforcement Officer emailed the Applicant requesting a meeting to discuss the fence. After receiving no response, a violation notice was sent to the Applicant. On June 1, the Village's Code Enforcement officer discussed the fence with Kelly Joyce, the Applicant's wife. Ms. Joyce explained that due to trees being removed from the adjacent property at 996 Green Bay Road and the difference in the elevation of grade between the two properties, there was no longer any screening provided from the commercial buildings for their residential property. At that time, they expressed their desire to apply for a zoning variation to allow a fence 12 feet in height. Ms. Joyce asked if the owner of 996 Green Bay Road is required to plant replacement trees as part of the tree removal permit. The Village Forester confirmed replacement trees were not required for the removal of the trees at 996 Green Bay Road. Since June 1, the Code Enforcement Officer has had communications with the Applicant regarding the removal of the fence and tarp and the need to have it removed regardless of any approval of a zoning variation. On June 11, the Applicant expressed the desire to pursue zoning relief to allow a fence more than 8 feet in height and on July 6 the Applicant submitted the variation request currently before the Board.

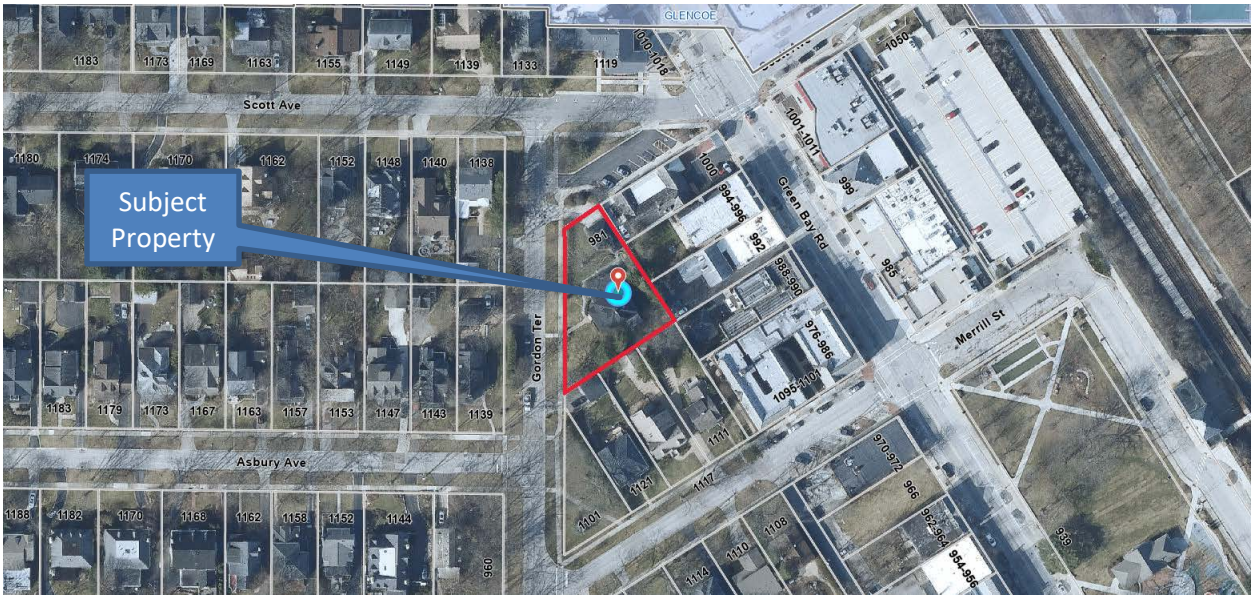


Figure 1 – Aerial Map

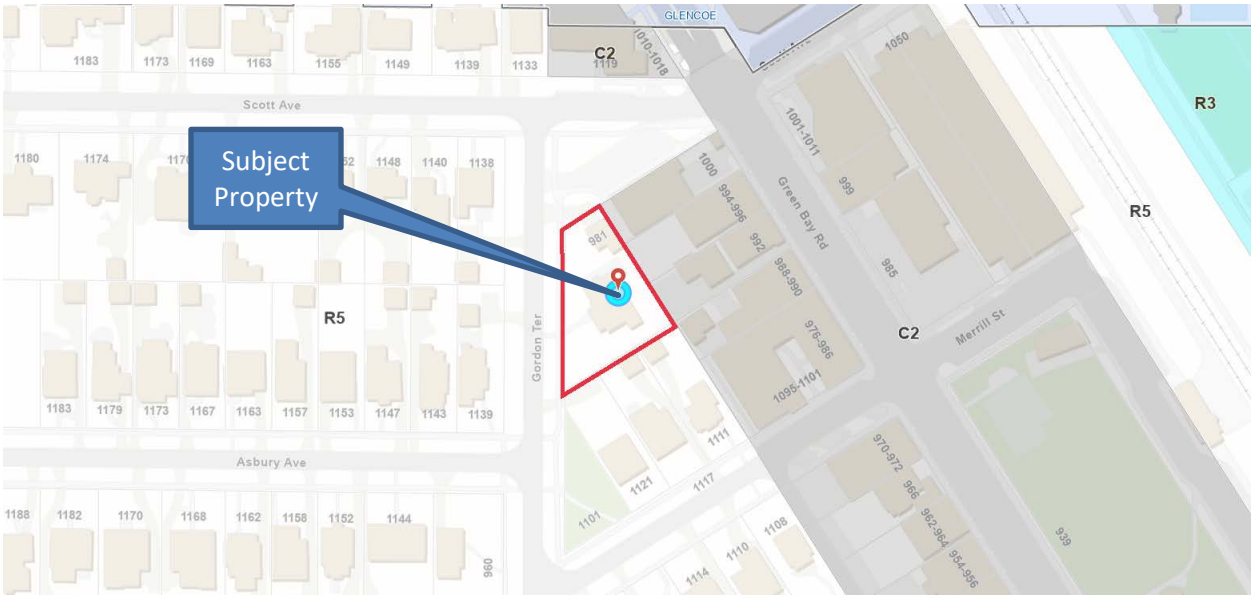


Figure 2 – Zoning Map

Figure 3 below and Figure 4 on the following page are current photos of the site.

Figure 3 – Subject Property – Front Elevation (Gordon Terrace)

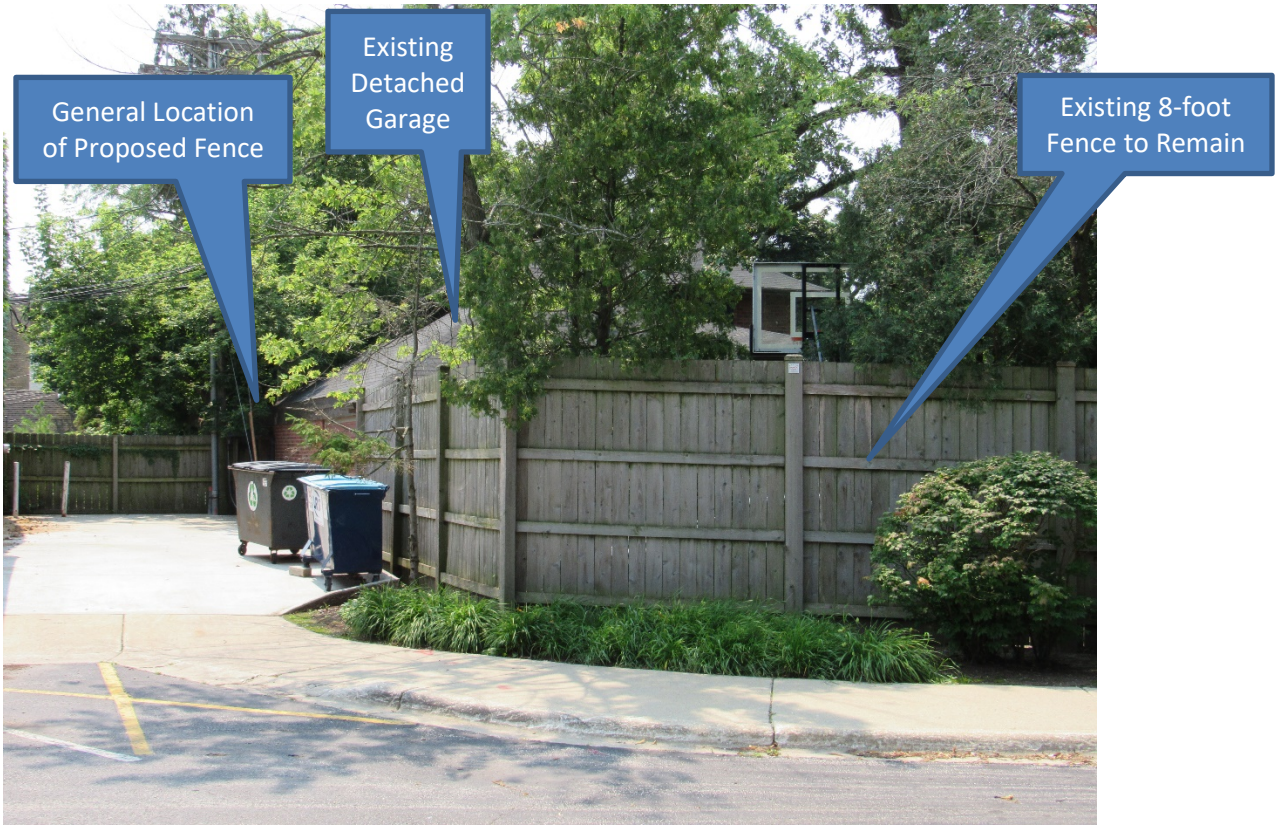


Figure 4 – Subject Property – North Elevation (Scott Avenue)

PROPOSED PLAN

The requested variation would allow the installation of a new fence along 45.5 feet of the east lot line of the Subject Property (Figure 5). The Applicant is proposing construction of a solid cedar fence 8.6 feet in height on top of a 16 inch high Unilock retaining wall. In total, the retaining wall and the fence would measure 10 feet in height above natural grade. The existing fence on the property line would remain; to the west of the existing fence, they would construct the retaining wall with the new fence on top. The Applicant's plan also includes planting a new maple tree and new arbor vitae on the west side of the proposed fence.

Figure 5 on the following page identifies the location of the proposed fence and retaining wall. As described in the Applicant's written explanation, which is provided in Attachment A, the additional height in excess of the permitted 8 feet is to increase privacy and to reduce noise from adjacent commercial properties.

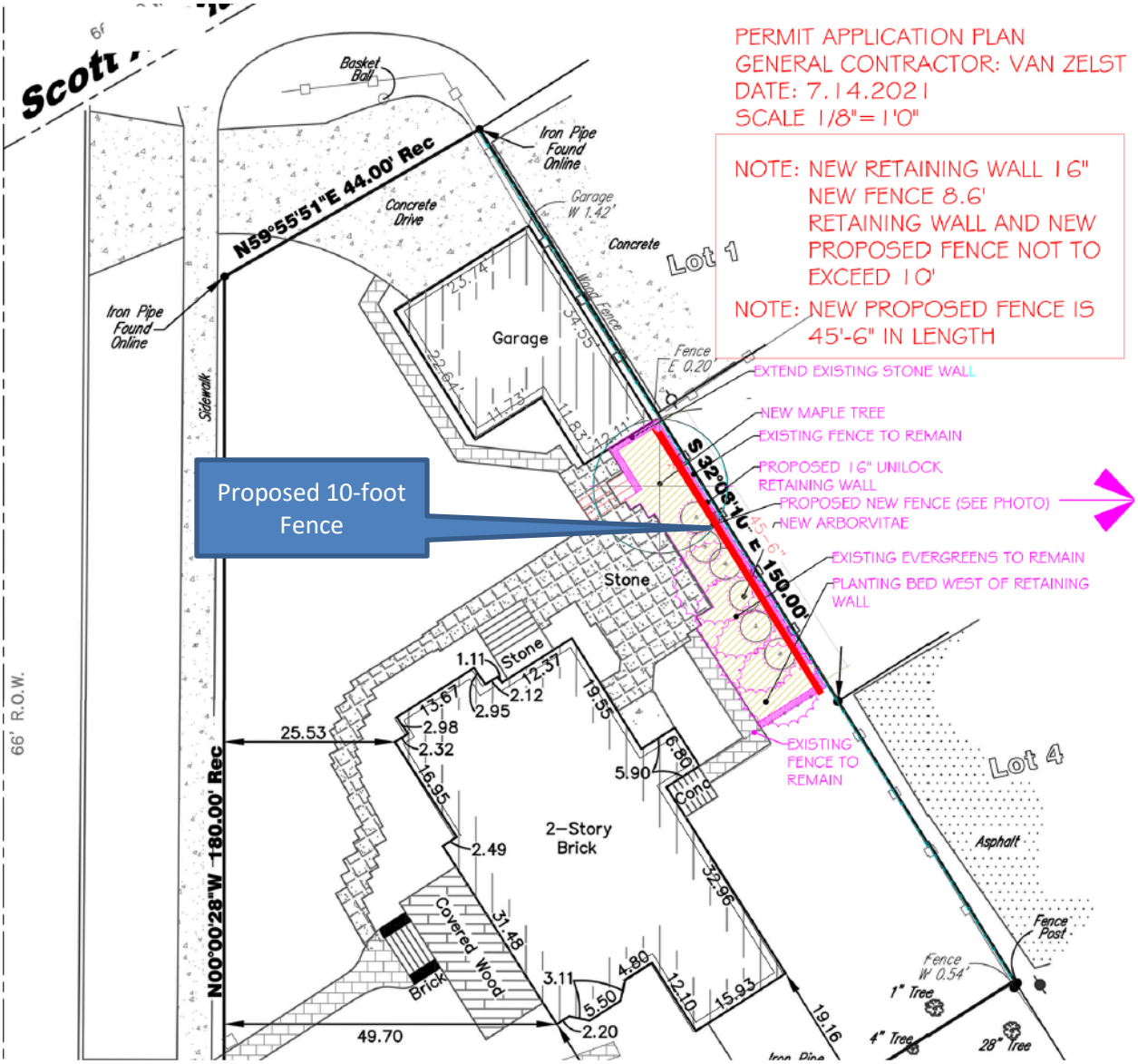


Figure 5 – Excerpt of Proposed Site Plan

REQUESTED ZONING RELIEF

One variation is being requested to allow a fence 10 feet in height along a portion of the east lot line, whereas the maximum permitted height is 8 feet above natural grade, a variation of 2 feet (25%). The proposed fence is allowed to be 8 feet in height because it would be located on the side lot line of the Subject Property, which is zoned single-family residential and is adjacent to a commercial zoning district.

FINDINGS

In the attached application materials submitted by the Applicant, the Applicant has provided a statement of justification regarding how the requested variation meets the standards for granting the requested zoning variation. Does the ZBA find that the requested variation meets the standards for granting such variation; and if so, is the ZBA prepared to approve the requested variation?

Staff has prepared the attached draft resolutions for the Board's consideration (Attachment B). One resolution approves the request, while the other denies the request. A Board member may wish to make

a motion to adopt either the resolution to approve the requested variation or the resolution to deny the requested variation.

ATTACHMENTS

Attachment A: Application Materials
~~Attachment B: Draft Resolutions~~
Attachment C: Public Correspondence

RECEIVED
JUL - 6 2021
BY:

ATTACHMENT A

Village of Winnetka
ZONING VARIATION APPLICATION

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. 21-25-V

Property Information

Site Address: 981 Gordon Terrace VA2021-723

Owner Information

Name: John Joyce

Address: 981 Gordon Terrace

City, State, ZIP: Winnetka, Il 60093

Email: [redacted]

Primary Contact: John Joyce

Phone No. [redacted]

Date property acquired by owner: 05/26/2004

Architect Information

Name: David Van Zelst

Primary Contact: David Van Zelst

Address: 39400 U. S. 41

City, State, ZIP: Wadsworth, Il 60083

Phone No. 773-205-6226

Email: dvz@vanzelst.com

Attorney Information

Name: Thomas Molitor

Primary Contact: Tom Molitor

Address: 820 Davis Street, Suite 820

City, State, Zip: Evanston, Il 60201

Phone No. 847-338-9796

Email: suesomebody@aol.com

Nature of any restrictions on property: Code Section 15.44 Allowable 8' fence above grade height limitation

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

Property Owner Signature: John Joyce Digitally signed by John Joyce Date: 2021.07.06 13:02:43 -05'00'

Date: 07/06/2021

Briefly, I was born and raised in Winnetka. My family and I returned to the community and purchase 981 Gordon Terrace in 2003. We wanted our children to experience the quiet and privacy of the same village we (my wife Kelly and I) grew up in.

Starting in May of 2019, the outdoor area in the rear of 996 Green Bay Road (a mixed-use commercial building that backs up to our property) became a gathering place for outdoor enjoyment. Also, since May of 2019, we can clearly hear the ongoing domestic disturbance issues that come from the third level south apartment. Typically, it occurs at night. The ongoing belittlement and abuse can best be heard from my son's bedroom that is directly across from the referenced apartment unit. A male uses relentless profanity and extremely loud voice tones against a female resident. On one occasion, the abuse sounded extremely threatening and we felt compelled to contact the Winnetka police. The police observed the disturbing interaction and removed the male from the apartment. We notified the property manager and told him about our concern, but he denied having any knowledge. The situation is unchanged.

Additionally, In October of 2020, the property manager of 996 Green Bay Road, Mr. Scott Dallmeyer decided to undertake the removal of trees on the property- for reasons unknown. Suffice it to say, he is not the property owner and did receive permission from the property owner to take this action. My wife and I went out to meet Mr. Dallmeyer and respectfully asked him not to remove the trees because they created a natural buffer between properties. He agreed to limit the removal, but then he went ahead and cut down a substantial amount of the tree, contrary to his statement. The tree limb that he removed served as a privacy barrier between our residential property and the multi-family mixed-used development.

We contacted the Winnetka police department because I was upset that Mr. Dallmeyer violated our trust and intentionally created a direct view from the apartment units into our patio area. The police were professional, however the damage has been done and there was nothing they could do about it.

We can think of no reason for such tree trimming - other than spite on the part of Scott Dallmeyer. Our property is on different elevations than 996 Green Bay Road, and as a result, the 6' existing fence is more like 4'6" from the ground level of 996 Green Bay Rd. Obviously there is no barrier now from the residential apartments above the first floor.

Regrettably, we have seen individuals peering over and through the fence from the yard area of 996 Green Bay Road and observing us on our patio. Our daughters use the area to sun bathe, but are no longer comfortable doing that with potential public onlookers. We never had any such nuisance before the last 24 months, and attribute it to the unobstructed view.

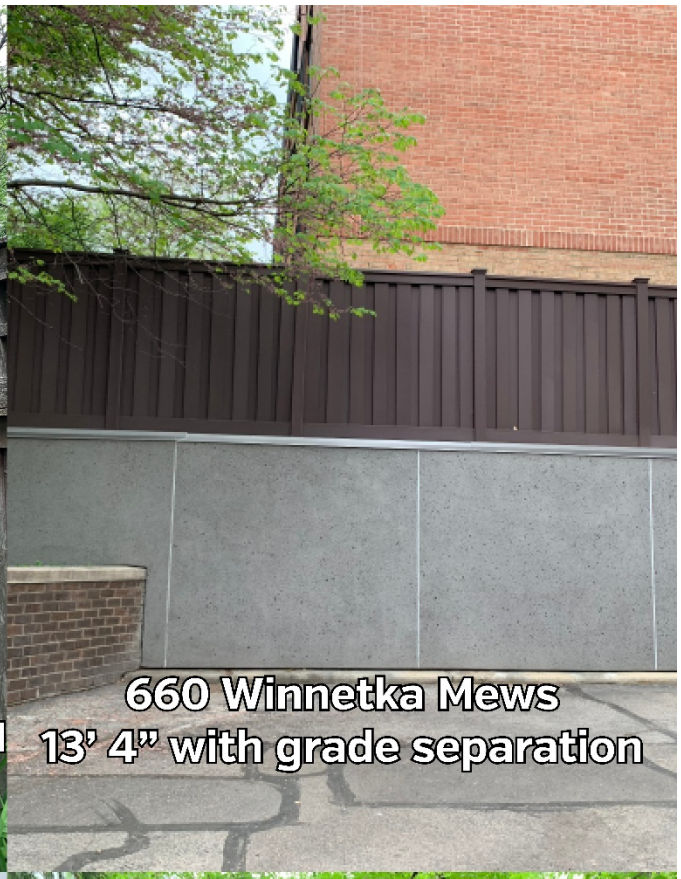
Mr. Dallmeyer applied for and received a tree removal permit from the Village of Winnetka. A large tree has been removed. It is our understanding that the permit includes having a new tree planted. Can you confirm this understanding? If so, what are the specifications for the tree size? The tree that was removed had created an additional barrier between the properties. This is not the same tree that the property manager had cut limbs off of.

I was told the owner- John Odh has dementia and can no longer manage 996 Green Bay Road. Jan Goad, his niece, is also his caregiver. She told me that the property manager is trying to acquire the building.

On a hopeful note, some of the tenants at 996 Green Bay Road have reached out to me and expressed their concerns as well. One tenant named Stewart (and another male tenant) have come over to our house to express their concerns about the unlimited view as a result of the tree removal, so the matter is also a concern of others.

Since receiving the letter of complaint notice from your office, I have indexed all fences in Winnetka that are between commercial and residential properties. As you can see, many of the fences exceed the 8' limit and most are built up on foundations that range between cement berms or rail road ties. Please see the following findings:

278 Scott Street
10’ fence runs 178’
This property also enjoys a second row of natural screening in addition to a 42” chain link fence


660 Winnetka Mews
13’ 4” with grade separation

1010 Tower Road
9’ 9” Parking lot screen

720 Green Bay Rd
8’7”

510 Green Bay
8; 2” + 16” grade separation
for a total of 9’ 6”
811 Cherry Street
8’ 9” + 14” grade separation
for total of 9’ 11”
1040 Hubbard Place
8’ 7” with a grade change
1046 Gage Street
8’ 7”

NO PARKING IN ALLEY
1095 Gage Street
11’ 11” posts

1040 Tower
8’ 2”

Alley immediately east of 1110 Merrill
8’ 3”

700 Elm Street
11’6” With grade separation

We have an extenuating circumstance as our single home family shares a long linear property line with four (4) mixed use commercial properties. Additionally, the multi-family short term nature of the apartment building residents creates a hardship for us to enjoy our home.

The grade on our side of the existing 6' fence is approximately 18" higher than the grade on the 996 Green Bay Road side of the existing 6' fence.

As a result of the many ongoing disturbances, we decided to install a temporary security screen extending over our existing (and permissible) barrier fence, at least until we can apply for a variance in light of our extenuating circumstance

Fence Description for permit application:

6x6 Cedar posts, slotted
1x6 Cedar boards, tongue and grooved
Posts set in concrete footing

Standards for Granting of 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 rear property line of 981 Gordon Terrace; which is zoned residential and is approximately 150' in length is completely bordered by commercial district and in particular with a large multi-level (3 stories) mixed use apartment and retail use property. The current zoning regulation of an 8' fence causes hardship to the use of the property because of lack of privacy, excessive noise and security. 981 Gordon Terrace is on a different elevation than 996 Green Bay Road, and as a result, the current 6' fence is more like 4'6". It is necessary for us to build a retaining wall to level out the grade of our back patio. There is no barrier now from the residential apartments above the first floor. We would then place a fence of approximately 8'6" (so only 6" above the allowable height) on top of the retaining wall; but it would only be for a very small portion (approximately 45.5') of our 150' property line. Please refer to pictures showing the difference in grade and the multiple commercial properties on our property line. Before the property manager of 996 Green Bay Road cut down a major privacy limb without authorization from the owner, we enjoyed our outdoor area from the time we purchased our home in May, 2004. So far, we have spent $5,500.00 to correct this issue and maintain our property's value.

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.

Due to the location of 981 Gordon Terrace on the rear lot of four (4) commercial properties; the property is uniquely challenged with lack of privacy because of exposure to commercial uses including multiple tenancies at high vantage points and constant commercial activity that otherwise is not a problem in single family zoned areas. This includes constant outside use of the commercial properties, loud noises form dumpster usage including garbage activity and breaking glass that is tossed into the bin. The outside area at 996 Green Bay Road has become a recreational area for nightly gatherings. The plan includes lessening the noise that is generated from not only the gatherings, but the ongoing domestic disturbance that is coming out of third level south apartment.

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

If granted, the variation in the fence height will not alter the essential character of the locality because the fence separates the rear areas of all properties; and all properties are zoned commercial except for 981 Gordon Terrace. 981 Gordon Terrace is the only single-family residence that has this unique hardship of sharing a back yard with multiple commercial properties. The fence would enhance the privacy for all involved and is not visible from any street.

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

The variation will not effect any adjacent property's supply of light and air because the fence line will be well within the property line and the subject property is at a lower grade than the commercial properties. The property manager at 996 Green Bay Road has also recently applied for and was granted permission to remove a large tree that is separate for the privacy limb that he removed. We were told, by former Winnetka Village Forrester, Mr. Jim Stier that part of the permit required the building owner

to plant a new tree. We have since been told by the Village Code enforcement director that a new tree is not required. It appears that the tree and privacy limb have been removed so that the occupants at 996 Green Bay Road could plant a vegetable garden. Although we support all plantings, this has caused our family an unnecessary hardship.

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

Variation will have no impact whatsoever on hazard from fire or other damages as there is already a fence in place that is old and aging.

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

The variation will increase taxable value to the property, land and buildings in the Village because it will make all properties more desirable with increased security, privacy and noise control.

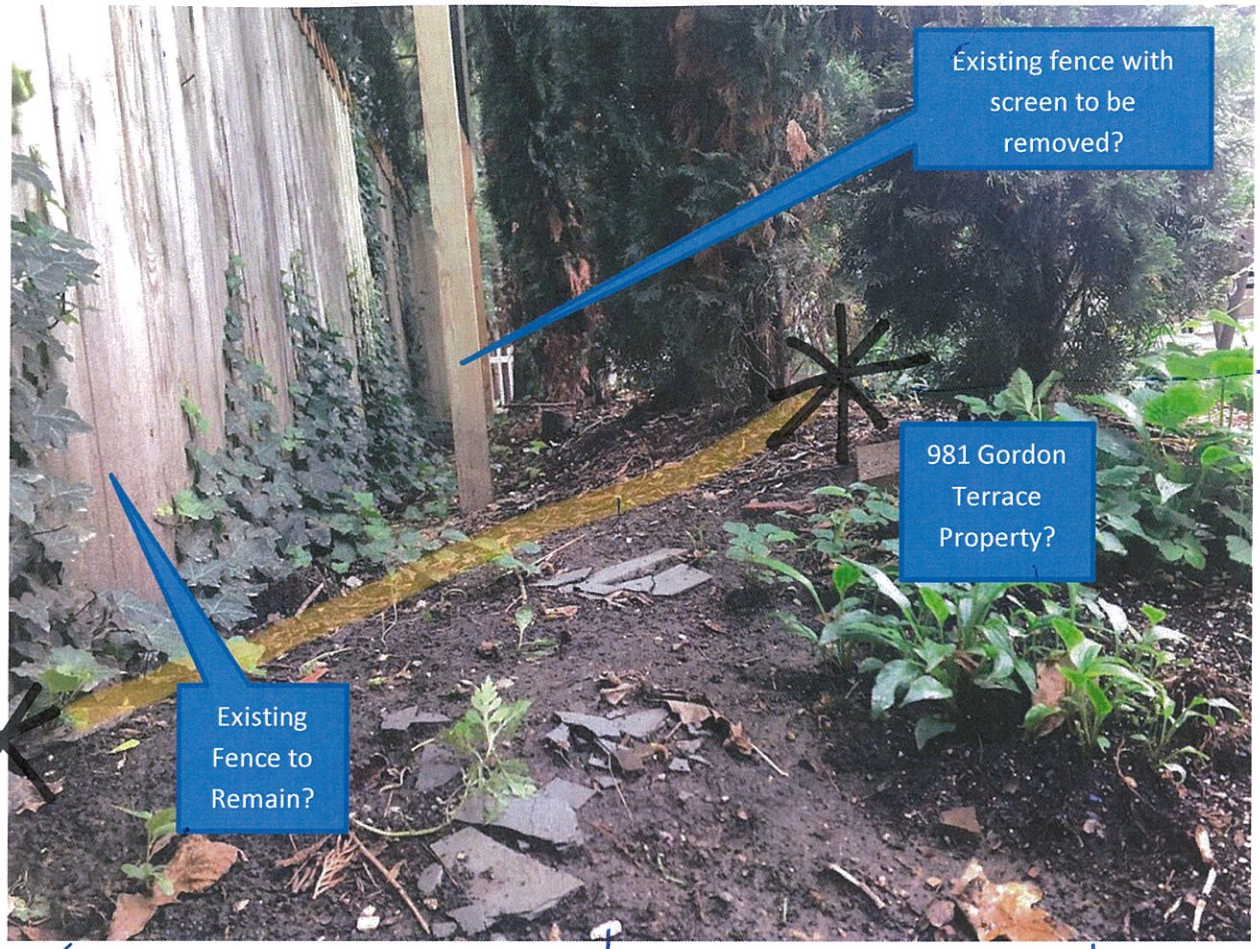
7. The congestion in the public street will not increase.

Not applicable as we are looking for a height variation on the current fence; not on a street, nor can it be seen from any street.

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

There will be no impact on the public health, safety, comfort, moral and welfare of the inhabitants of the Village due to raising the fence height.

/ yes



- patio - property grade

lower grade

Yes

Yes this is 981 Gordon Terrace

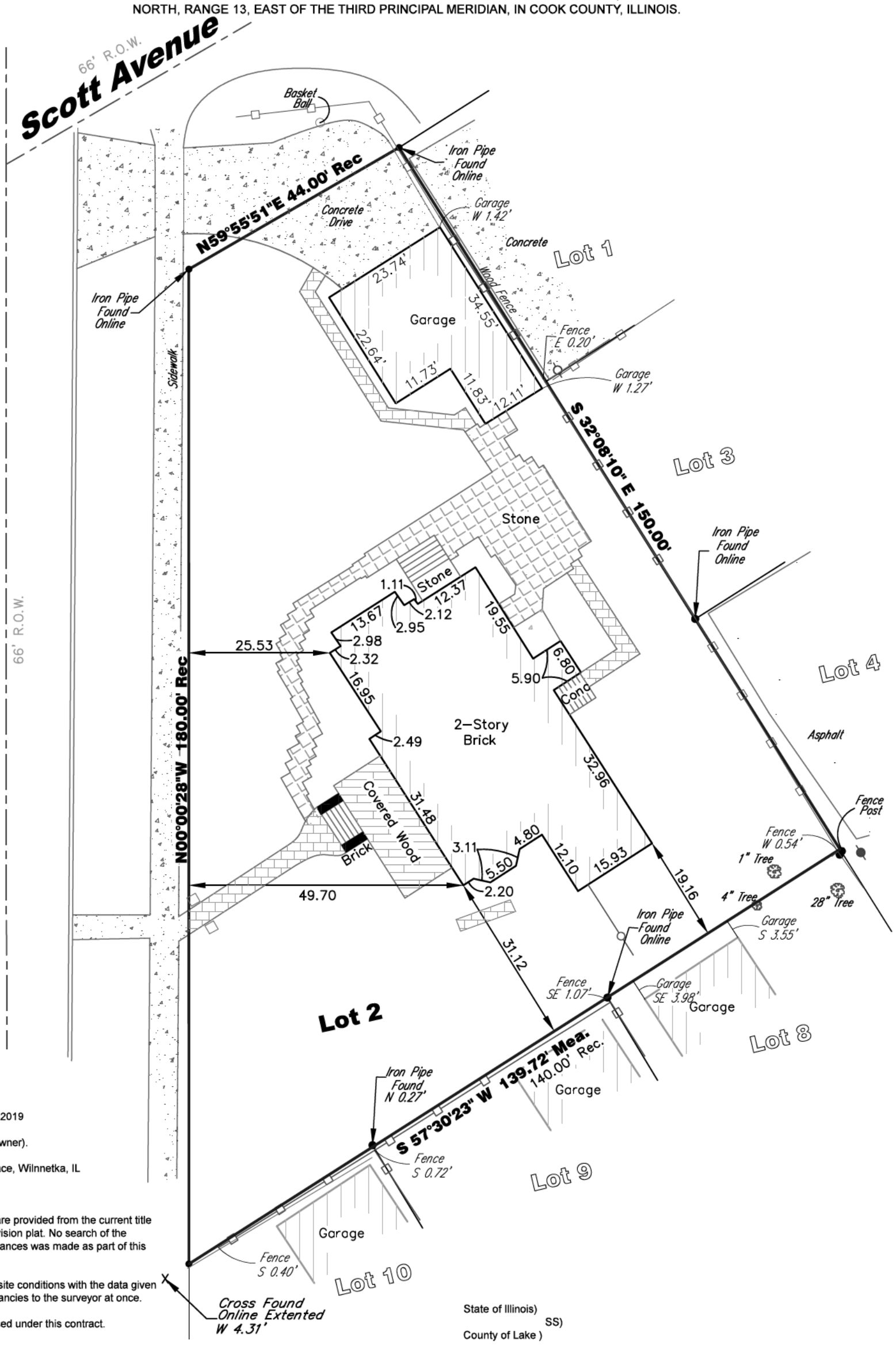
this yellow highlight line is meant to show the grade variation from the backyard patio to the existing fence line.

PLAT OF SURVEY

LOT 2 IN BLOCK 2 IN JARED GAGE'S SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF FRACTIONAL SECTION 17 AND PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

N

Scale: 1" = 20'



Legend:

○-Set 1/2" Iron Pipe
●-Found Iron Pipe
X-Found Cross

Surveyor Notes:

1. Field Work Completed on 09-17-2019

2. Prepared for Joyce Kelly (land owner).

3. Site Address: 981 Gordon Terrace, Wilnnetka, IL

4. Pin No.: 05-17-114-001

5. The easements shown hereon are provided from the current title and the use of the recorded subdivision plat. No search of the records for easements or encumbrances was made as part of this survey.

6. Compare deed description and site conditions with the data given on this plat and report any discrepancies to the surveyor at once.

7. Auto Cad Files will not be released under this contract.

8. No boundary corners were set at time of field survey of the subject property by client agreement.

9. This plat was prepared without the aid of a title commitment. Refer to a current title commitment for any building lines or easements not shown on this plat.

10. The utilities as shown on this drawing were developed from the information available. This is not implied nor intended to be the complete inventory of utilities in this area. It is the clients responsibility to verify the location of all utilities (whether shown or not) and protect said utilities from any damage.

11. All building dimensions and ties are to the current siding material and not to the foundation.

State of Illinois)
SS)
County of Lake)

We, Land Surveying Services, Inc. do hereby state that we have surveyed the above described property and that this is the Plat that represents the conditions found at the time of said survey.

Given under my hand and seal this 18th day of 2019, A.D. 2019 in Lake Zurich, Illinois.

Gloria Jean Koter, an agent for Land Surveying Services, Inc.

STATE OF ILLINOIS
GLORIA JEAN KOTER
035-003323
REGISTERED LAND SURVEYOR

Illinois Professional Land Surveyor Number 3323
License Expiration Date 11-30-20

This professional service conforms to the current Illinois minimum standards for a boundary survey.

Job Number	LS071413-1
Sheet Name	PLAT OF SURVEY
Sheet Number	SURVEY

Land Surveying Services, Inc.
1182 Heather Drive Lake Zurich, Illinois 60047
Ph. (847)847-1079 Fax. (847)847-1279
Professional Design Firm License No. 184-003632

Field Work Completed:			09-17-19
Scale:	1" = 20'	Date:	09-18-19

Site Address:
981 Gordon Terrace
Winnetka, Illinois

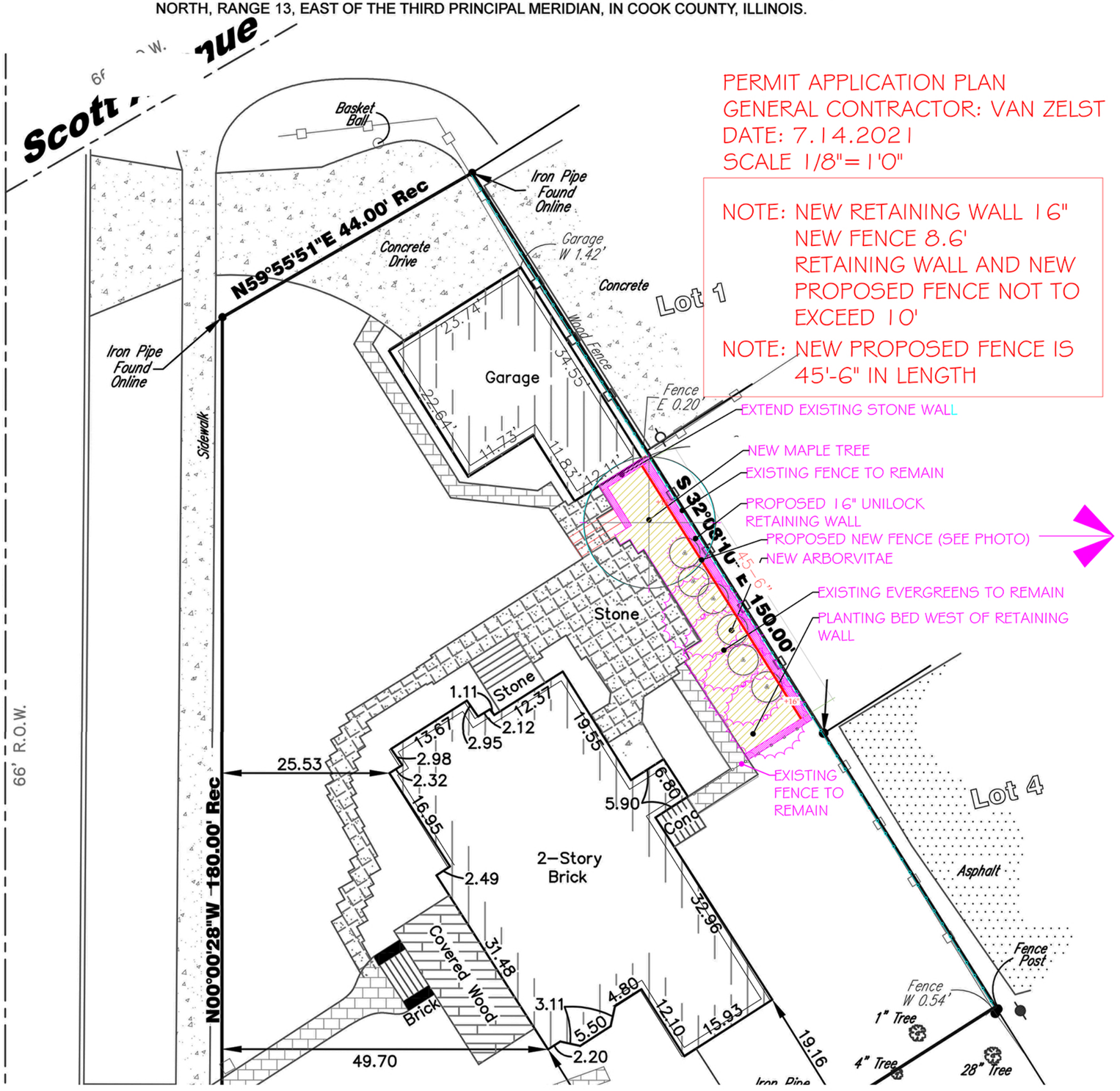
Drawn By:	jk	Checked By:	GJK

Drawing Revisions

REVISION	Date	Drawn	Checked

PLAT OF SURVEY

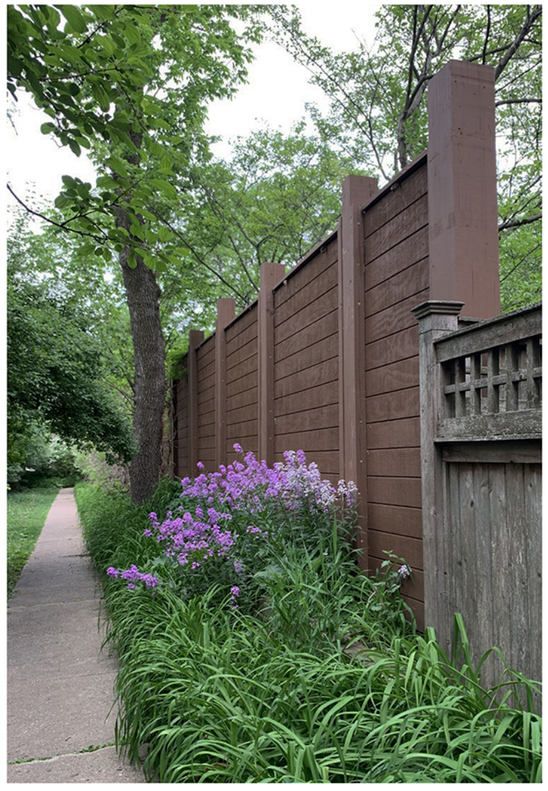
LOT 2 IN BLOCK 2 IN JARED GAGE'S SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF FRACTIONAL SECTION 17 AND PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



PERMIT APPLICATION PLAN
GENERAL CONTRACTOR: VAN ZELST
DATE: 7.14.2021
SCALE 1/8"=1'0"

NOTE: NEW RETAINING WALL 16"
NEW FENCE 8.6'
RETAINING WALL AND NEW PROPOSED FENCE NOT TO EXCEED 10'

NOTE: NEW PROPOSED FENCE IS 45'-6" IN LENGTH



994

ATTACHMENT C

From: Heimsoth & Associates
To: Planning
Subject: Fwd:
Date: Monday, August 2, 2021 9:12:00 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Winnetka planning,

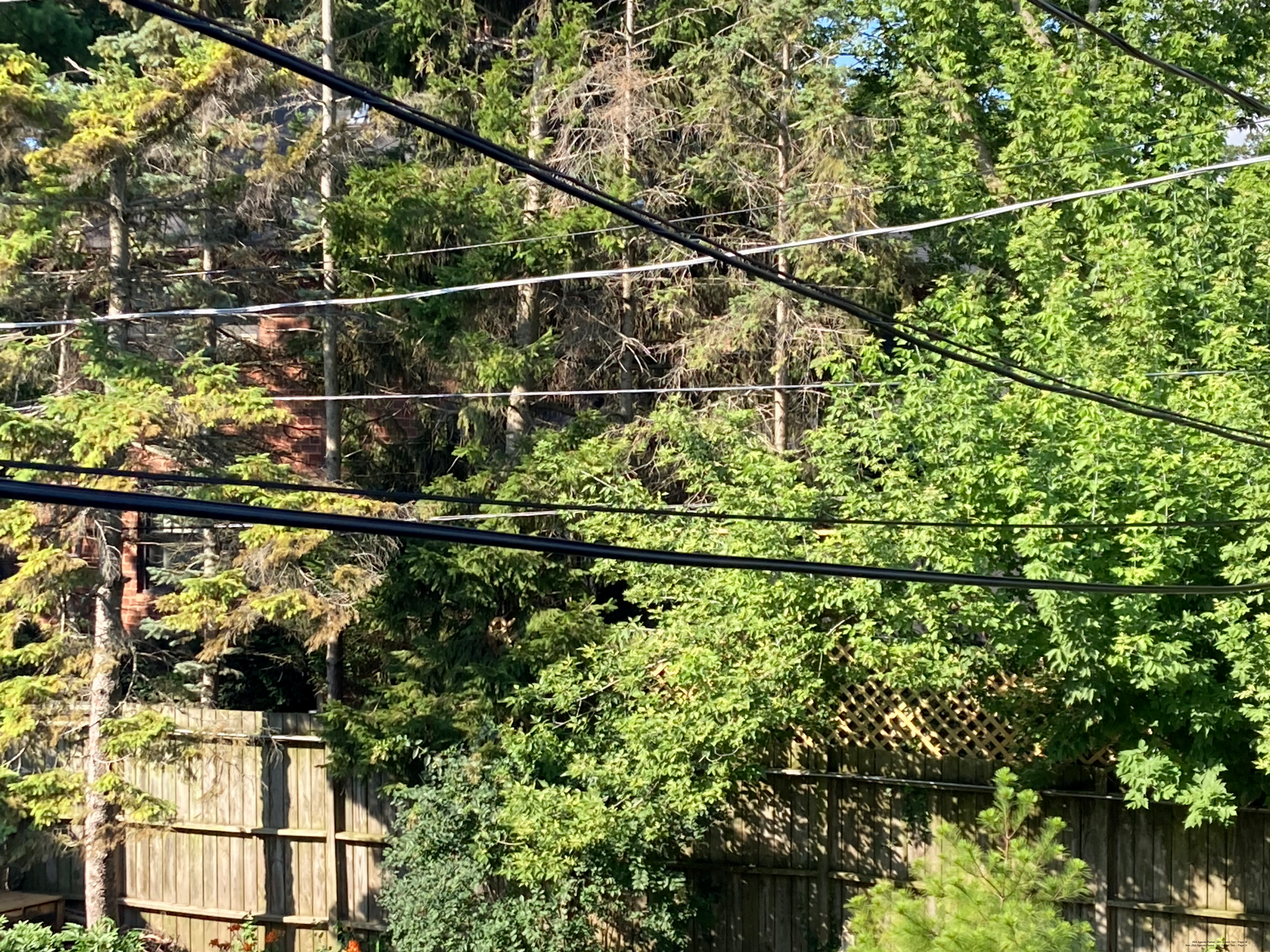
In conjunction with a public hearing dated 8/9/21 case 21.25V.

As attached in the picture, we already have a 6-foot standard wood fence, an 8-foot lattice fence, and a 10-foot black coth fence on the East side of 981 Gordon Terrace.

It is nice to beauty the fence. When the trees are bare, it is quite ugly to look at. Also, be careful with the electrical line which goes over the fence.

Yoshiko

--
Yoshiko Manabe Heimsoth
969 Green Bay Rd, Unit 6
Winnetka, IL 60093
[redacted] cell phone



ATTACHMENT C2

WINNETKA ZONING BOARD OF APPEALS
EXCERPT OF MEETING MINUTES
AUGUST 9, 2021

Zoning Board Members Present:	Matt Bradley, Chairman Kimberly Handler Lynn Hanley Mike Nielsen
Zoning Board Members Absent:	Kate Casale MacNally Todd Vender Max Weigandt
Village Staff:	David Schoon, Director of Community Development Ann Klaassen, Senior Planner

***

Case No. 21-25-V: 981 Gordon Terrace: An application submitted by John Joyce seeking approval of a zoning variation to allow a fence along a portion of the east lot line of 981 Gordon Terrace. The requested zoning variation would permit the fence to exceed the maximum permitted height. The Zoning Board of Appeals has final jurisdiction on this request.

Ms. Klaassen described the applicant's request and identified the property's location, zoning classification and provided photos. She referred to the existing 8 foot fence which would remain and stated the variation is being requested to allow the new fence installation to be approximately 42.5 feet in length which she identified on the site map. Ms. Klaassen then identified the fence's materials and noted it would measure 8.5 feet in height on top of a retaining wall with the wall and fence measuring 10 feet in height above grade. She stated the plans also include landscape improvements. Ms. Klaassen noted one written comment was received and was included in the packet of materials along with draft resolutions for the Board's consideration. Ms. Klaassen then stated following public comment and Board discussion, a Board Member may wish to make a motion to approve the resolution to approve to request, or the resolution denying the request. Ms. Klaassen noted a vote by four Board Members is required to approve or deny either resolution and asked if there were any questions.

Chairman Bradley also asked if there were any questions. Ms. Handler questioned the portion of the fence to remain and Ms. Klaassen clarified its location. Chairman Bradley referred to the correspondence received and the 996 Green Bay Road building and questioned how 996 Green Bay is related. Ms. Klaassen provided clarification to the Board and referred to the photos provided. She then referred the Board to the photo on page 16 provided by the applicant. No additional questions were raised at this time.

Chairman Bradley swore in those speaking to this matter. Kelly Joyce and John Joyce stated they purchased their home in 2004. Mr. Joyce described the tenant changes made to the property on Green Bay which affected their privacy from the apartments. Chairman Bradley asked the applicants if they constructed the fence due to the trees being removed which resulted in a violation notice being issued. Mr. Joyce responded the issues began with noise and described the tree being cut down. Mrs. Joyce then stated they planted Arbor Vitae to improve privacy along with lattice and screening. Mr. Joyce stated the Village received a complaint and they planned to remove the lattice on top of the existing elevated fence. He then described the timeline of the Arbor Vitae and lattice installation.

Ms. Handler stated she visited the property today and described the greenery which made it difficult to see. Chairman Bradley asked the applicants how they reached 10 feet in height to cure their problems. Mr. Joyce responded 10 feet is allowed and Chairman Bradley confirmed 8 feet is the permitted height. Mr. Joyce then stated 12 feet would cure the privacy and noise issues but they went with 10 feet. Mrs. Joyce described the grade change which would result in an 8 foot 6 inch fence. Ms. Handler asked if there is a survey showing the grade change and referred to the landscaping plan. Mr. Joyce responded the patio is at the same level as the home. Ms. Hanley asked a question regarding the existing fence and Mr. Joyce responded it ran the length of three properties. Ms. Handler asked a question regarding the fence's ownership.

Chairman Bradley stated if relief is granted, the lattice and fence would come down. He then stated the applicants would like for a retaining wall to be built at the patio level with an 8 foot 6 inch fence on top of the retaining wall measuring 10 feet in total. Mr. Joyce confirmed that is correct and referred the Board to the fence's photos. He also confirmed the screen, lattice and fence are still there. He identified the trees which were removed and trimmed by the 996 Green Bay Road neighbor. The Board Members discussed various views and photos of the applicants' property and the neighboring properties. No additional questions were raised at this time.

Chairman Bradley then asked for public comment and swore in those speaking to this matter. Stuart Kirchhoff Jones stated he moved in September 2021 at the time the limb was cut down. He assumed there was no prior problem with regard to aesthetics prior to that. Mr. Jones then stated while he sympathized with the applicants, security is not an issue and referred to the noise issue raised. He stated the tree the Joyces are referring to was actually a large branch, and not a tree, that was cut down which affected the view. Mr. Jones referred to the ivy and landscaping which has grown and informed the Board that a pine tree as well as another tree which were cut down. He then commented the neighbors all live with each other's noise.

Chairman Bradley asked the applicants if they would like to respond. Mrs. Joyce stated they want to maintain their privacy and security as well as their home's value. Mr. Joyce referred to the limb being cut down which was unauthorized as well as the security and noise issues from the neighboring building.

Chairman Bradley then called the matter in for discussion. He then referred to the standards being met and commented some of the standards such as reasonable return cannot be met in connection with a fence request. Chairman Bradley referred to instances where relief should be granted on a case by case basis for certain areas based upon situations such as the applicants'. He added grading issues are affecting the overall height although the applicants began the project before receiving approval. Chairman Bradley then stated the standards have been met and described the property as unique and the request would not change the locality's character. He also referred to the growing landscaping and stated he would be in support of the request.

Mr. Nielsen explained that privacy and security are an issue here and it meets the standards. He stated that 10 feet is necessary for what is going on, on the other side of the fence.

Ms. Handler stated she is not in support of the request. She stated that absolute and complete privacy isn't necessary in Winnetka. Ms. Handler stated that the apartment building was there 17 years ago when they bought the house. She explained that the site is well screened with landscaping now so a fence isn't necessary. Ms. Handler stated trees are going to be pruned and trees will be removed, it is something we have to expect over time. She stated that she thought a topographic survey would be provided to represent the grade differentiation. Ms. Handler stated they are already allowed an 8-foot fence, which is very tall.

Ms. Hanley stated she is not sure where she is on this. She stated she understands the need for the retaining wall, but they are allowed 8 feet because they are abutting commercial. Ms. Hanley stated that everyone has people looking into their property. She stated given the greenery on the commercial side, that side wouldn't be able to see the fence. Ms. Hanley stated that she is stuck on unique circumstances, with respect to the standards.

Chairman Bradley offered the applicants the opportunity to continue the request since a vote of four Board Members would be needed to vote in favor of the request. He suggested the matter be continued to the September 2021 meeting when more Board members may be present. Chairman Bradley referred to the grade differences which affect the overall height and then suggested modifications can be made which may result in more Board Members being in favor of the request. Mr. Jones raised a point of order and asked if he had standing. Chairman Bradley stated that we would have to confer with legal counsel regarding whether or not he has standing in this instance. He then advised everyone of the interested parties' rights in connection with comments made on the request, the variation being requested and property rights.

Chairman Bradley then asked for a motion to continue the application to the September 13, 2021 meeting. A motion was made by Ms. Hanley, and seconded by Mr. Nielsen, to continue the matter to the September 13, 2021 meeting. A vote was taken and the motion unanimously passed:
AYES: Bradley, Handler, Hanley, Nielsen
NAYS: None

***

ATTACHMENT E2

Minutes adopted 10.11.2021

WINNETKA ZONING BOARD OF APPEALS
EXCERPT OF MEETING MINUTES
SEPTEMBER 13, 2021

Zoning Board Members Present:	Matt Bradley, Chairman Kate Casale MacNally Kimberly Handler Todd Vender Max Weigandt
Zoning Board Members Absent:	Lynn Hanley Mike Nielsen
Village Staff:	David Schoon, Director of Community Development Ann Klaassen, Senior Planner
Village Attorney:	Andrew Fiske

***

Case No. 21-25-V: 981 Gordon Terrace: (*Continued from the August 9, 2021 meeting*): An application submitted by John Joyce seeking approval of a zoning variation to allow a fence along a portion of the east lot line of 981 Gordon Terrace. The requested zoning variation would permit the fence to exceed the maximum permitted height. The Zoning Board of Appels has final jurisdiction on this request.
Chairman Bradley noted the applicant requested a second continuance and first asked if there were any public comments.

Chairman Bradley swore in those speaking to this matter. Stuart Jones, 966 Green Bay Road, informed the Board he submitted correspondence and photos to the Board and referred to the photos previously submitted with the application of his vehicle parked in front of Phototronics. He asked for the Board to bar the photos which he commented is irrelevant to the matter. Chairman Bradley confirmed the photos were not discussed by the Board in connection with the application. Mr. Jones also stated he has an incident police report to submit to the Board unless it is barred. Mr. Fiske provided comment on the matter and noted that this isn't a situation where information is barred.

Mr. Joyce asked for the matter to be continued to the October 11, 2021 meeting.

A motion was made by Ms. Casale MacNally to continue the request to the October 11, 2021 meeting and Mr. Weigandt seconded the motion. A vote was taken and the motion unanimously passed, 5 to 0:
AYES: Bradley, Casale MacNally, Handler, Vender, Weigandt
NAYS: None

***

ATTACHMENT F2
RESOLUTION NO. ZBA-4-2021
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
APPROVAL OF ZBA CASE NO. 21-25-V – 981 GORDON TERRACE

WHEREAS, John Joyce and Kelly Joyce (collectively, the "Applicant") are the owners of the property commonly known as 981 Gordon Terrace, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made part of this Resolution (***"Subject Property"***); and

WHEREAS, the Subject Property is located in the R-5 Single Family Residential District and is adjacent to the C-2 General Retail Commercial District; and

WHEREAS, the Subject Property is a corner lot located on the southeast corner of the intersection of Scott Avenue and Gordon Terrace; and

WHEREAS, the Subject Property is improved with a single family residence, a detached garage, and fences; and

WHEREAS, the Applicant desires to construct a new fence and retaining wall along a portion of the east lot line of the Subject Property (***"Proposed Improvement"***); and

WHEREAS, pursuant to Section 17.30.130 of the Winnetka Zoning Ordinance (***"Zoning Ordinance"***), the maximum permitted height for a fence and/or wall is 8 feet above natural grade; and

WHEREAS, the Applicant desires to construct a new retaining wall with a fence on top, along 45.5 feet of the east lot line on the Subject Property, measuring a total of 10 feet in height above natural grade, a violation of Section 17.30.130 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for a variation from Section 17.30.130 of the Zoning Ordinance to permit the Proposed Improvement with a height of 10 feet above natural grade (***"Requested Variation"***); and

WHEREAS, a public notice for the Requested Variation was duly published on July 22, 2021 in the "Winnetka Talk" and notice was mailed to the owners of record of all properties within 250 feet of the Subject Property as required by the Zoning Ordinance; and

WHEREAS, a public hearing was held by the Winnetka Zoning Board of Appeals during a meeting held on August 9, 2021 for the purpose of considering the Requested Variation; and

WHEREAS, after hearing from the Applicant, receiving public comment, and discussing the Proposed Improvement, the Zoning Board of Appeals was split 2-2 on approving the Requested Variation. Therefore, by a vote of 4-0, the Zoning Board of Appeals continued the public hearing until the September 13, 2021 Zoning Board of Appeals meeting;

WHEREAS, at the September 13, 2021 Zoning Board of Appeals meeting, the Applicant requested a second continuance until the October 11, 2021 Zoning Board of Appeals meeting. By a

vote of 5-0, the Zoning Board of Appeals granted the Applicant's request and continued the public hearing until the October 11, 2021 Zoning Board of Appeals meeting; and

WHEREAS, at the October 11, 2021 Zoning Board of Appeals meeting, the Applicant requested a third continuance until the November 8, 2021 Zoning Board of Appeals meeting. By a vote of 6-0, the Zoning Board of Appeals granted the Applicant's request and continued the public hearing until the November 8, 2021 Zoning Board of Appeals meeting; and

WHEREAS, the continued public hearing was held by the Zoning Board of Appeals during a meeting on November 8, 2021 for the purpose of considering the Requested Variation with the final decision being rendered at the Zoning Board of Appeal's Regular Meeting on November 8, 2021; and

WHEREAS, the Zoning Board of Appeals has considered the evidence presented, as follows:

1. Application for the Requested Variation submitted by the Applicant, dated July 6, 2021, including all attachments as well as all subsequent additions and revisions to these application materials and attachments; and

2. All written and oral testimony concerning the Requested Variation.

WHEREAS, the Zoning Board of Appeals has determined that the requested variation to exceed the maximum permitted height of a fence does satisfy the standards for variations provided in Sections 17.60.040 and 17.60.050 of the Winnetka Zoning Ordinance; and

WHEREAS, the Zoning Board of Appeals has determined that it will serve and be in the best interest of the Village and its residents to grant the application for the fence height variation in accordance with, and subject to, the conditions, restrictions, and provisions of this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Appeals of the Village of Winnetka, Cook County, Illinois, that:

SECTION 1. RECITALS. The foregoing recitals are incorporated into, and made part of, this Resolution as the findings of the Zoning Board of Appeals.

SECTION 2. APPROVAL OF VARIATION. Subject to and contingent upon the conditions, restrictions, and provisions set forth in Section Three of this Resolution, the requested maximum fence height variation from Section 17.30.130 of the Zoning Ordinance to permit the installation of a fence along a portion of the east side lot line of the Subject Property is hereby granted, in accordance with and pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village.

SECTION 3. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Winnetka Zoning Ordinance or any other rights the Applicant may have, the approval granted in Section Two of this Resolution is hereby expressly subject to and contingent upon compliance with each and all of the following conditions:

A. Compliance with Plans. Except for minor changes and site work approved by the Director of Community Development in accordance with all applicable Village standards, the development, use, operation, and maintenance of the Subject Property,

shall comply with those certain plans attached hereto as **Exhibit B**.

B. Compliance with Regulations. The construction, development, use, operation, and maintenance of the Proposed Improvement and the Subject Property must comply with all applicable Village codes and ordinances, as the same may be amended from time to time, except to the extent specifically provided otherwise in this Resolution.

SECTION 4. RECORDING; BINDING EFFECT. A copy of this Resolution will be recorded in the office of the Cook County Recorder of Deeds. This Resolution and the privileges, obligations, and provisions contained herein will inure solely to the benefit of, and be binding upon, the Applicant and their respective heirs, personal representatives, successors and assigns.

SECTION 5. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Resolution, the approval granted in Section Two of this Resolution will, at the sole discretion of the Zoning Board of Appeals, by Resolution duly adopted, be revoked and become null and void; provided, however, that the Zoning Board of Appeals may not so revoke the approval granted in Section Two of this Resolution unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Zoning Board of Appeals. In the event of revocation, the development and use of the Subject Property will be governed solely by the applicable regulations of the Winnetka Zoning Ordinance, including, without limitation, the fence height requirement set forth in Section 17.30.130 of the Winnetka Zoning Ordinance. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 6. AMENDMENTS. Any amendments to the Requested Variation granted in Section Two of this Resolution may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Winnetka Zoning Ordinance.

SECTION 7. EFFECTIVE DATE.

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

1. Passage by the Zoning Board of Appeals in the manner required by law; and

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

B. In the event that the Applicant does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 7.A.2 of this Resolution, within 30 days after the date of final passage of this Resolution by the Zoning Board of Appeals, the Zoning Board of Appeals will have the right, in its sole discretion, to declare this Resolution null and void and of no force or effect.

[SIGNATURE PAGE FOLLOWS]

ADOPTED this 8th day of November, 2021, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed:

_____
Matthew Bradley, Chairperson

Countersigned:

_____
Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

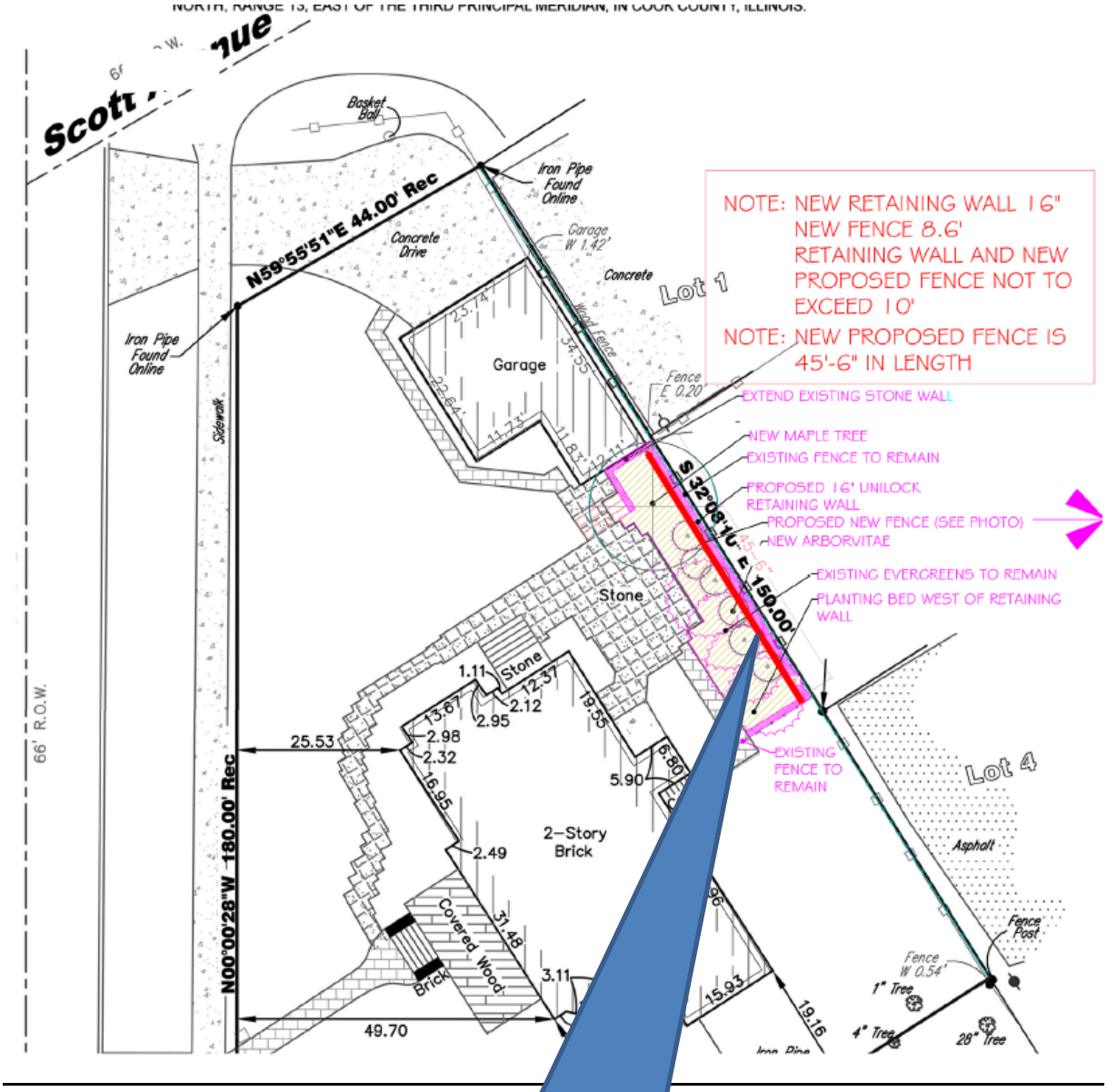
Lot 2 in Block 2 in Jared Gage's Subdivision of part of the Northwest ¼ of Fractional Section 17 and part of the East ½ of the Southwest ¼ Section 8, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 981 Gordon Terrace, Winnetka, Illinois.

Parcel Index Number: 05-17-114-001-0000

EXHIBIT B

PLAN



Proposed solid wood fence highlighted in red, to be constructed on top of 16 inch retaining wall. Total height of retaining wall and fence not to exceed 10 feet above natural grade. Fence and wall shall be located on 981 Gordon Terrace.

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, John Joyce and Kelly Joyce (collectively, the ***"Owner"***) are the owners of record of that certain real property located at 981 Gordon Terrace, Winnetka, Illinois ("***Property***"); and

WHEREAS, Resolution No. ZBA-4-2021, adopted by the Winnetka Zoning Board of Appeals on October 11, 2021 (***"Resolution"***), grants a variation to allow a fence and retaining wall measuring a total of 10 feet in height above natural grade along a portion of the east side lot line on the Subject Property; and

WHEREAS, Section 7.A.2 of the Resolution provides, among other things, that the Resolution will be of no force or effect unless and until the Owner has filed, within 30 days following the passage of the Resolution, their unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Resolution;

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

1. The Owner hereby unconditionally agrees to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Resolution.

2. The Owner acknowledges that public notices and public hearings have been properly given and held with respect to the adoption of the Resolution, has considered the possibility of the revocation provided for in the Resolution, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.

3. The Owner acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's granting of the variation, and that the Village's approval of the variation does not, and will not, in any way, be deemed to insure the Owner against damage or injury of any kind and at any time.

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

[SIGNATURE PAGE FOLLOWS]

Dated: _____, 2021.

ATTEST: **OWNER**

By:_____ By: _____
John Joyce

Name:_____

By:_____ By: _____
Kelly Joyce

Name:_____

RESOLUTION NO. ZBA-4-2021
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
DENIAL OF ZBA CASE NO. 21-25-V – 981 GORDON TERRACE

WHEREAS, John Joyce and Kelly Joyce (collectively, the "Applicant") are the owners of the property commonly known as 981 Gordon Terrace, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made part of this Resolution (***"Subject Property"***); and

WHEREAS, the Subject Property is located in the R-5 Single Family Residential District and is adjacent to the C-2 General Retail Commercial District; and

WHEREAS, the Subject Property is a corner lot located on the southeast corner of the intersection of Scott Avenue and Gordon Terrace; and

WHEREAS, the Subject Property is improved with a single family residence, a detached garage, and fences; and

WHEREAS, the Applicant desires to construct a new fence and retaining wall along a portion of the east lot line of the Subject Property (***"Proposed Improvement"***); and

WHEREAS, pursuant to Section 17.30.130 of the Winnetka Zoning Ordinance (***"Zoning Ordinance"***), the maximum permitted height for a fence and/or wall is 8 feet above natural grade; and

WHEREAS, the Applicant desires to construct a new retaining wall with a fence on top, along 45.5 feet of the east lot line on the Subject Property, measuring a total of 10 feet in height above natural grade, a violation of Section 17.30.130 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for a variation from Section 17.30.130 of the Zoning Ordinance to permit the Proposed Improvement with a height of 10 feet above natural grade (***"Requested Variation"***); and

WHEREAS, a public notice for the Requested Variation was duly published on July 22, 2021 in the "Winnetka Talk" and notice was mailed to the owners of record of all properties within 250 feet of the Subject Property as required by the Zoning Ordinance; and

WHEREAS, a public hearing was held by the Winnetka Zoning Board of Appeals during a meeting held on August 9, 2021 for the purpose of considering the Requested Variation; and

WHEREAS, after hearing from the Applicant, receiving public comment, and discussing the Proposed Improvement, the Zoning Board of Appeals was split 2-2 on approving the Requested Variation. Therefore, by a vote of 4-0, the Zoning Board of Appeals continued the public hearing until the September 13, 2021 Zoning Board of Appeals meeting;

WHEREAS, at the September 13, 2021 Zoning Board of Appeals meeting, the Applicant requested a second continuance until the October 11, 2021 Zoning Board of Appeals meeting. By a

vote of 5-0, the Zoning Board of Appeals granted the Applicant's request and continued the public hearing until the October 11, 2021 Zoning Board of Appeals meeting; and

WHEREAS, at the October 11, 2021 Zoning Board of Appeals meeting, the Applicant requested a third continuance until the November 8, 2021 Zoning Board of Appeals meeting. By a vote of 6-0, the Zoning Board of Appeals granted the Applicant's request and continued the public hearing until the November 8, 2021 Zoning Board of Appeals meeting; and

WHEREAS, the continued public hearing was held by the Zoning Board of Appeals during a meeting on November 8, 2021 for the purpose of considering the Requested Variation with the final decision being rendered at the Zoning Board of Appeal's Regular Meeting on November 8, 2021; and

WHEREAS, the Zoning Board of Appeals has considered the evidence presented, as follows:

1. Application for the Requested Variation submitted by the Applicant, dated July 6, 2021, including all attachments as well as all subsequent additions and revisions to these application materials and attachments; and

2. All written and oral testimony concerning the Requested Variation.

WHEREAS, the Zoning Board of Appeals has determined that the Requested Variation **does not** satisfy the standards for a variation provided in Sections 17.60.040 and 17.60.050 of the Winnetka Zoning Ordinance because (i) the Requested Variation is not in harmony with the general purpose and intent of the Winnetka Zoning Ordinance; (ii) the Subject Property can yield a reasonable return if it is permitted to be used only under the conditions allowed for the R-5 Single Family Residential District; and (iii) the plight of the Applicant is not due to unique circumstances; and

WHEREAS, the Zoning Board of Appeals has determined that it will not serve and be in the best interest of the Village and its residents to approve the Requested Variation; and

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Appeals of the Village of Winnetka, Cook County, Illinois, that:

SECTION 1. RECITALS. The foregoing recitals are incorporated into, and made part of, this Resolution as the findings of the Zoning Board of Appeals.

SECTION 2. DENIAL OF VARIATION. In accordance with and pursuant to Chapter 17.60 of the Winnetka Zoning Ordinance and the home rule powers of the Village, the Zoning Board of Appeals denies the Requested Variation for the Subject Property.

SECTION 3. EFFECTIVE DATE. This Resolution will be effective upon passage by the Zoning Board of Appeals in the manner required by law.

[SIGNATURE PAGE FOLLOWS]

ADOPTED this 8th day of November, 2021, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed:

_____
Matthew Bradley, Chairperson

Countersigned:

_____
Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

Lot 2 in Block 2 in Jared Gage's Subdivision of part of the Northwest ¼ of Fractional Section 17 and part of the East ½ of the Southwest ¼ Section 8, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 981 Gordon Terrace, Winnetka, Illinois.

Parcel Index Number: 05-17-114-001-0000

Incident Report

Print Date/Time: 09/13/2021 14:43
Login ID: khodge

PD Winnetka
ORI Number: IL0163C00

Incident: 2021-00012812

Incident Date/Time:	8/27/2021 5:29:08 PM	**Incident Type:**	Parking Problem
Location:	1050 SCOTT AVE Winnetka IL 60093	**Venue:**	Winnetka
Phone Number:		**Source:**	Officer
Report Required:	No	**Priority:**	Low
Prior Hazards:	No	**Status:**	In Progress
LE Case Number:		**Nature of Call:**	

Unit/Personnel

Unit	Personnel
413	1273-Rodriguez

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
1	Owner of Property	JONES, STUART K				Male	04/18/1944

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State

Disposition(s)

Disposition	Count
Service Rendered	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.

CAD Narrative

08/27/2021 : 19:59:47 bpowers Narrative: Contact made with Jones (847-446-3123, 996 Green Bay RD #2) who stated he was on his way to remove the boat from the area. No further police assistance requested.
08/27/2021 : 18:08:40 mrodriguez Narrative: Unable to make contact with the boat owner.
08/27/2021 : 17:29:08 mrodriguez Narrative: canoe placed across multiple parking spaces

From: Stuart Jones
To: Ann Klaassen
Subject: Re: September 13 Zoning Board of Appeals Meeting Agenda Packet
Date: Friday, September 10, 2021 8:24:44 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Ann.

There are some additional points that both the Board and the neighbors may wish to consider:

Use of a burn with tall, thick arbor vitae trees will provide screening not only during the summer, but ALSO in the winter. Their neighbors' view of the apartment building during both summer AND WINTER will increasingly diminish as the trees grow taller and become thicker.

Concomitantly, taller and thicker arbor vitae trees will ultimately provide much more privacy against apartment building tenants putatively peering into their yard (from the apartment building windows) than a ten foot fence. The trees will, presumably, grow much taller than 10 feet, as well as thicker, and therefore will provide much more screening in the winter than would a ten foot fence. The fence is not going to grow. During the winter the tenants would easily be able to see over a ten foot fence from their windows on the second and third floor (not that there is anything to look at.)

With respect to an argument by the neighbor that is irrelevant to the issue before the Board, Mr. Dallmeyer cut down the branch in the apartment yard to allow sunlight to get through to a beautiful evergreen tree that he planned to plant. (Please see photos submitted by the apartment building.) The evergreen would not otherwise have been able to thrive. The neighbor claims, incorrectly, that Mr. Dallmeyer was acting out of spite when he cut down the branch. But he fails to explain why Mr. Dallmeyer might have been spiteful. The truth is that Mr. Dallmeyer had no reason to be spiteful toward the neighbor.

The neighbor made a second allegation against an apartment building tenant that relates to his claimed need for a higher fence. They claim that an apartment building tenant trespassed on his property. But the proposed ten foot fence will provide NO added security against trespass; a ten foot fence could be scaled just as easily as the existing 7 and 1/2 foot fence. And, like the Maginot Line, it would be easy to circumvent if trespass were the goal.

But, given the neighbor's several personal insults against some tenants as well as managers in the apartment building, the tenants and managers have no interest in entering the neighbors' property.

This forum, the Zoning Board, is much like a court of equity. In courts of equity, a plaintiff "must do equity to obtain equity." It's known as the "clean hands" doctrine, well known to all freshmen law students. The neighbors have not done equity. They put up illegal barriers along the fence line, and maintained them long after knowing that they well illegal. They publicized photos of police cars surrounding a tenant's boat, a matter obviously irrelevant to the matter before this Board, as well as spiteful and slanderous. Before this Board they publicly, needlessly, and rudely insulted the competence and intelligence of a tenant who appeared before this Board as a witness. They have slandered tenants by claiming, falsely, that the tenants peered over their fence, implying that the tenants sought to see their daughter suntanning in a swimsuit in their yard.

Sent from my iPhone

> On Sep 10, 2021, at 4:46 PM, Ann Klaassen <AKlaassen@winnetka.org> wrote:
>
> Mr. Jones,
> We have received your three emails and have shared them with the Zoning Board of Appeals.
>

> Best,
>
> Ann Klaassen
> Senior Planner | Village of Winnetka Community Development
> 510 Green Bay Road - Winnetka, IL 60093
> 847.716.3525
>
>
> -----Original Message-----
> From: Stuart Jones <stuartkjones@gmail.com>
> Sent: Friday, September 10, 2021 2:51 PM
> To: Ann Klaassen <AKlaassen@winnetka.org>
> Subject: Re: September 13 Zoning Board of Appeals Meeting Agenda Packet
>
> CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
>
>
> Second Addendum:
>
> One of the neighbors' photos of September 2nd shows a view of the apartment building through an opening in the leaves. That view was partially opened up only when one of the six arbor vitae trees died. (The dead tree is visible in the photo - immediately below the opening through the branches and leaves.) The neighbor could easily plant a slightly larger arbor vitae tree in place of the deceased one, thereby 'plugging up' the small opening in the branches and leaves.
>
> Sent from my iPhone
>
>> On Sep 10, 2021, at 10:48 AM, Ann Klaassen <AKlaassen@winnetka.org> wrote:
>>

Pictures of back yard of 996 Green Bay Road – Provided by Stuart Jones September 13, 2021

Additional pictures – neighbors' view from fence, looking east toward apartment building

Additional photo – view of back yard at 996 Green Bay Road, showing location of two large dumpsters (upper left) near neighbors' fence in back of Winnetka Thrift Shop/Counseling offices

Dense Foliage in back yard – photo from 2nd floor of apartment buildng, showing dense foliage preventing tenants from looking into neighbors' back yard

Photo – showing neighbors' a view of the apartment building from top of fence at a point slightly to the south of other similar photos

From: Stuart Jones
To: Ann Klaassen
Subject: Re: September 13 Zoning Board of Appeals Meeting Agenda Packet
Date: Friday, September 10, 2021 1:45:28 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Ann.

I wonder if you meant that I will be given "standing" at the meeting. That is the question I was asking about when we spoke on the phone the other day. Standing is different than "due process." Could you clarify this matter for me?

Due process refers to rights such as the right to a speedy trial, the right to counsel, the right to confront witnesses, the right not to be forced to testify against oneself, etc. These rights are enforced in the criminal courts. They generally refer to the right to have legal procedures be fair to a person, to have fundamentally fair procedures that are "due" to them under the bill of rights.

By contrast, the term "standing" is most often used in civil courts, and refers to the question of whether a person has a right to be a "party" in a lawsuit, I.e. whether the person has an enforceable right or stake in the matter being litigated. A mere witness has no stake in any matter being litigated.

I believe that as a tenant in our building I have a stake in the matter before the Board. The application for a variance involves an unusually high fence that would negatively impact the view outside all of my many windows facing the proposed fence.

The request for the 10 foot high fence is mostly about aesthetics, i.e., the neighbors' desire not to have to see our apartment building. Likewise, my interest in this matter is aesthetic; I don't want to be forced to see their proposed high fence over the top of the existing fence every time I look out any of my many west-facing windows. The windows are in my living room and my bedroom, so I look out of then continually.

I think you can understand that my interest, therefore, rises to the level of standing in this matter. It is arguable that my interest is at least equivalent to the interest of the building's owner and managers who do not even live in the building. The managers only use the back yard on occasion, so they would see the fence far less than I would.

It's true that the neighbor claims that the higher fence involves noise, privacy, and security in addition to aesthetics. Those additional claims are invalid, however. Two or three additional feet of fence would only slightly reduce noise from garbage collection; the two dumpsters behind the thrift store are right up against the border fence — just outside the neighbors's kitchen window.

Clearly, the alleged noise from the collection of garbage from those dumpsters is not truly a concern to the neighbors because their proposed fence does not even extend along the fence where the dumpsters are located. Even if they put up fencing opposite the dumpsters, it will provide only minimum noise reduction.

The proposed fence will not increase the neighbors' privacy. It is impossible to see into their yard from any of the windows in our building
or from our back yard because (1) the existing fence is 7 and 1/2 feet tall and (2) ample foliage blocks virtually all means of seeing over the top of the 7 and 1/2 foot fence into the neighbors' yard.

The neighbors falsely claim that tenants peered through cracks in their fence. The cracks are extremely narrow, however, and arbor vitae trees on the neighbors' side block any view.

The neighbor claims that they hear noisy parties in our yard. That claim has no basis in fact. We had three

quiet dinner parties last fall - on Sunday evenings - each with about 10 residents of our building sitting around the yard eating dinner- at the east end of the yard - well away from their property. We listened to Ella Fitzgerald sing quiet and beautiful songs for the duration of each party. Two months later we had a very small Christmas party - six (6) people. It lasted about one hour. Christmas music!

We have had no parties in the back yard since last December.

(By contrast, there have been very loud parties held by the neighbors' children in their back yard when their parents were out of town.)

Otherwise, small groups of people - 4 or 5 - eat dinner in our back yard from time to time, engaging in quiet conversation - without music.

The neighbor alleges that they were once disturbed by noise from the third floor. They called the police. That incident occurred several years ago, however, and the neighbors do not allege any similar occurrences since that time. Those tenants have their windows shut tight all the time during the summer because they have air conditioners in many of them.

We will be submitting photos showing that the neighbors can see very little of our building from their patio where they propose to build the 10 foot high fence. The branches and leaves of the intervening tree (along the existing fence) provide substantial screening, even more so than was the case as depicted in the photos that Ms. Handler took in early August.

That screening will, of course, become even more dense as the years go by, obviating a higher fence.

Could you let me know how the Board would like these photos to be presented. Would each of them like to have copies? There are four or five photos of the yard, the trees, the dumpsters, etc.

Thank you.

Sent from my iPhone

> On Sep 10, 2021, at 10:48 AM, Ann Klaassen <AKlaassen@winnetka.org> wrote:
>

From: Stuart Jones
To: Ann Klaassen
Subject: Re: September 13 Zoning Board of Appeals Meeting Agenda Packet
Date: Friday, September 10, 2021 2:36:38 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Addendum to letter of September 10, 2021:

The neighbor has submitted two photos of their claimed view of our apartment building from their patio. They claim that the photos were taken on September 2, 2021. One photo, taken near the fence, shows that most of the apartment building is visible. The second photo, taken further west, near the patio table, shows that very little of the apartment building is visible through the branches and leaves.

Since the time that those photos were taken, the branches have lowered down, creating a substantially reduced view of the apartment building.

It would be helpful if the Board would request additional, current photos of the neighbors, view of the apartment building from their patio.

Their view of the apartment building will open up, of course, as leaves fall in late October, but they will, presumably, no longer be using their patio then or through the winter.

Moreover, they would still see most of the apartment building over the top of the proposed 10 foot fence.

If they put in a large burn with arbor vitae trees on top, as suggested by the Board chairman, their view of our building will be substantially diminished and even totally blocked over the years. That solution seems far more aesthetically pleasing (and inexpensive) - and certainly more pleasing to tenants of the apartment building.

Finally, it would be helpful if the Board could get accurate measurements of the fence and the patio elevation. The neighbor states, inaccurately, that the effective height of the existing fence is only 4 and 1/2 feet. They make this claim because their patio is elevated 19 inches above ground level, and inaccurately state that the existing fence is only 6 feet above ground level. But the existing fence is not 6 feet high. It is 7 and 1/2 feet high. So the effective height of the fence is closer to 6 feet, not 4 and 1/2 feet.

Sent from my iPhone

> On Sep 10, 2021, at 10:48 AM, Ann Klaassen <AKlaassen@winnetka.org> wrote:
>

From: Stuart Jones
To: Ann Klaassen
Subject: Re: September 13 Zoning Board of Appeals Meeting Agenda Packet
Date: Friday, September 10, 2021 2:51:33 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Second Addendum:

One of the neighbors' photos of September 2nd shows a view of the apartment building through an opening in the leaves. That view was partially opened up only when one of the six arbor vitae trees died. (The dead tree is visible in the photo - immediately below the opening through the branches and leaves.) The neighbor could easily plant a slightly larger arbor vitae tree in place of the deceased one, thereby 'plugging up' the small opening in the branches and leaves.

Sent from my iPhone

> On Sep 10, 2021, at 10:48 AM, Ann Klaassen <AKlaassen@winnetka.org> wrote:
>

MEMORANDUM
VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS

FROM: ANN KLAASSEN, SENIOR PLANNER

DATE: NOVEMBER 3, 2021

SUBJECT: 925 ELM STREET – VARIATIONS (CASE NO. 21-34-V2)

INTRODUCTION

On November 8, 2021, the Zoning Board of Appeals is scheduled to hold a public hearing on an application submitted by Hyun Shin (the "Applicant") as the owner of the property located at 925 Elm Street (the "Subject Property"). The Applicant requests approval of the following zoning variations to allow construction of a detached garage on the Subject Property:

1. Roofed Lot Coverage of 1,724.4 square feet, whereas a maximum of 1,598.94 square feet is permitted, a variation of 125.46 square feet (7.85%) [Section 17.30.030 – Intensity of Use of Lot];
2. Corner Yard Setback of 15.5 feet from Elm Street, whereas a minimum of 20 feet is required, a variation of 4.5 feet (22.5%) [Section 17.30.050 – Front and Corner Yard Setbacks]; and
3. Rear Yard Setback of 3 feet from the east property line, whereas a minimum of 6 feet is required, a variation of 3 feet (50%) [Section 17.30.070 – Rear Yard Setback].

The Applicant is also requesting approval of the following zoning variation to allow relocation of an air conditioning unit on the Subject Property:

4. Side Yard Setback of 3 feet from the north property line, whereas a minimum of 6 feet is required, a variation of 3 feet (50%) [Section 17.30.060 – Side 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 October 21, 2021. As of the date of this memo, staff has received two written comments from the public regarding this application. The comments are provided in Attachment D of this report.

The Village Council has final jurisdiction on this request as only the Council has the authority to grant a variation to reduce a corner yard setback or a rear yard setback for a detached garage by more than 20%.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.13 in size, is a corner lot located on the northeast corner of the intersection of Elm Street and Provident Avenue and contains an existing one-and-a-half-story residence (see Figure 1). Currently, there is not a garage on the site. 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 5,922 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 east property line, is only 118.5 feet. Lastly, the required minimum average lot width is 70 feet, while the existing lot, is only 49.97 feet.

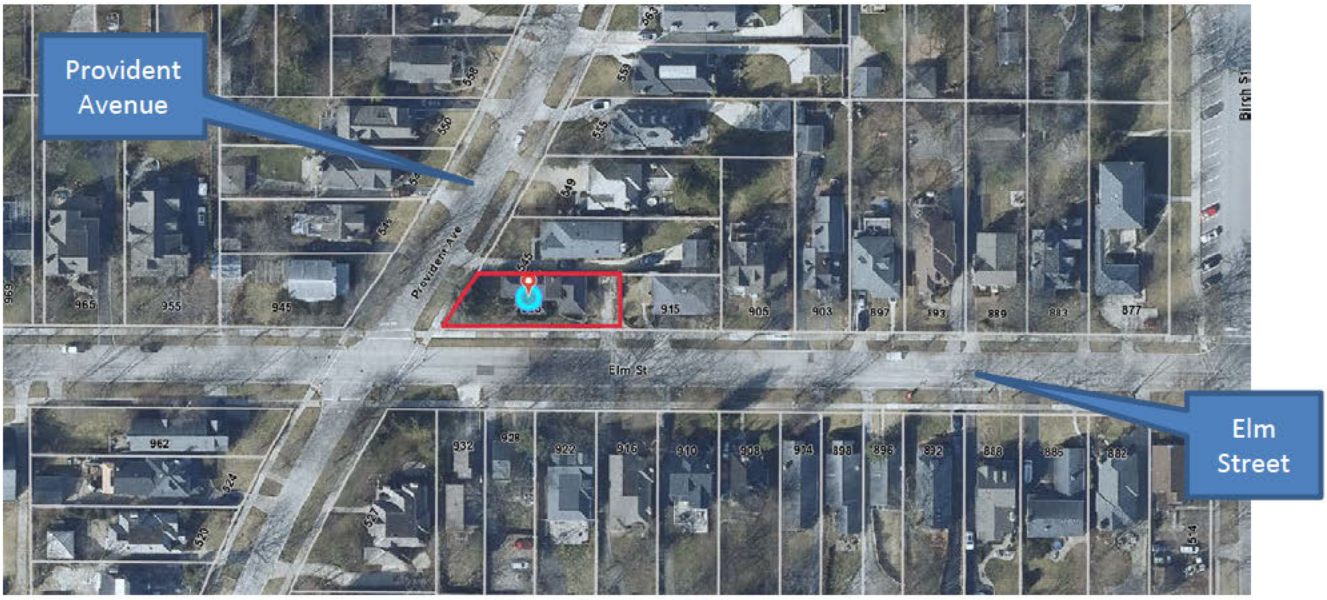


Figure 1 – Aerial Map

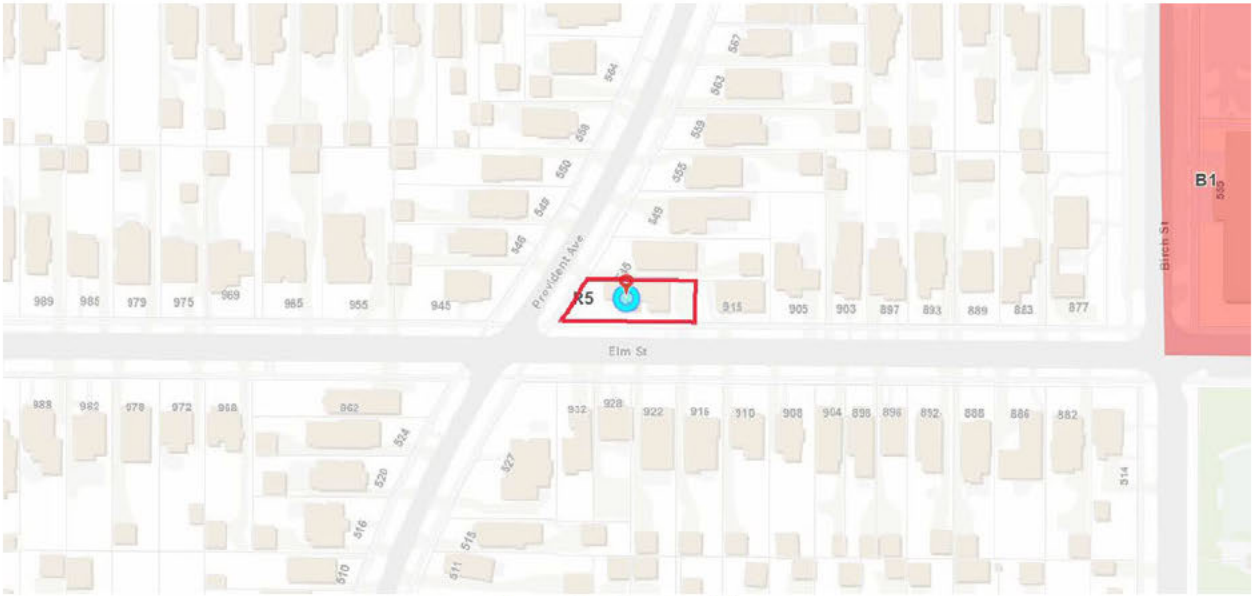


Figure 2 – Zoning Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The residence is circa 1909. The following subsequent building permits were issued in:

1. 1932 to construct a 2-car garage; and
2. 2007 to demolish the garage.

Other minor permits have been issued over the last year for interior remodeling and improvements to the existing residence. The Applicant acquired the property in June 2020.

There are no previous zoning cases on file for the Subject Property.

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

Figure 3 – Subject Property – (Corner - Front Elevation – Elm Street)

Figure 4 – Subject Property – (Rear Yard)

Figure 5 – Subject Property – (Front Elevation – Provident Avenue)

PROPOSED PLAN

The variations are being requested in order to construct a detached two-car garage measuring 21 feet by 24 feet (504 square feet). Given the proposed garage would be located in the rear quarter of the lot (the east 29.62 feet), only 304 square feet of the proposed 504 square feet of the garage contributes to the calculable roofed lot coverage and 104 square feet of the proposed 504 square feet to the calculable gross floor area. The proposed garage would be located in the general area of an existing concrete slab. Due to the amount of concrete currently in the rear yard, the proposed improvements represent a minimal decrease of approximately 3 square feet of impermeable lot coverage. An excerpt of the current plat of survey identifying the existing improvements is provided below as Figure 6.

The proposed plan also includes the relocation of an air conditioning (a/c) unit on the north side of the proposed garage. The existing a/c unit is located at the northeast corner of the residence and would be moved approximately 4 feet east and 3 feet north to its proposed location, at the northwest corner of the proposed garage.

Excerpts of the proposed site plan, floor plan, and front building elevation are provided on the following pages as Figures 7 through 9. The complete set of plans are provided in the application materials (Attachment C).

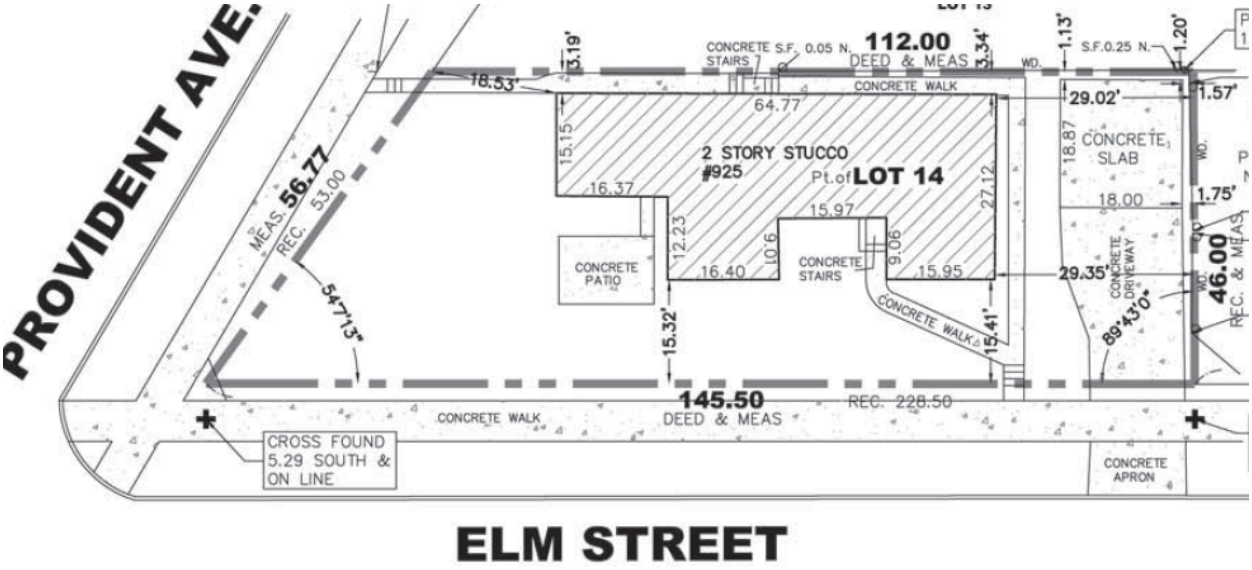


Figure 6 – Excerpt of Current Plat of Survey

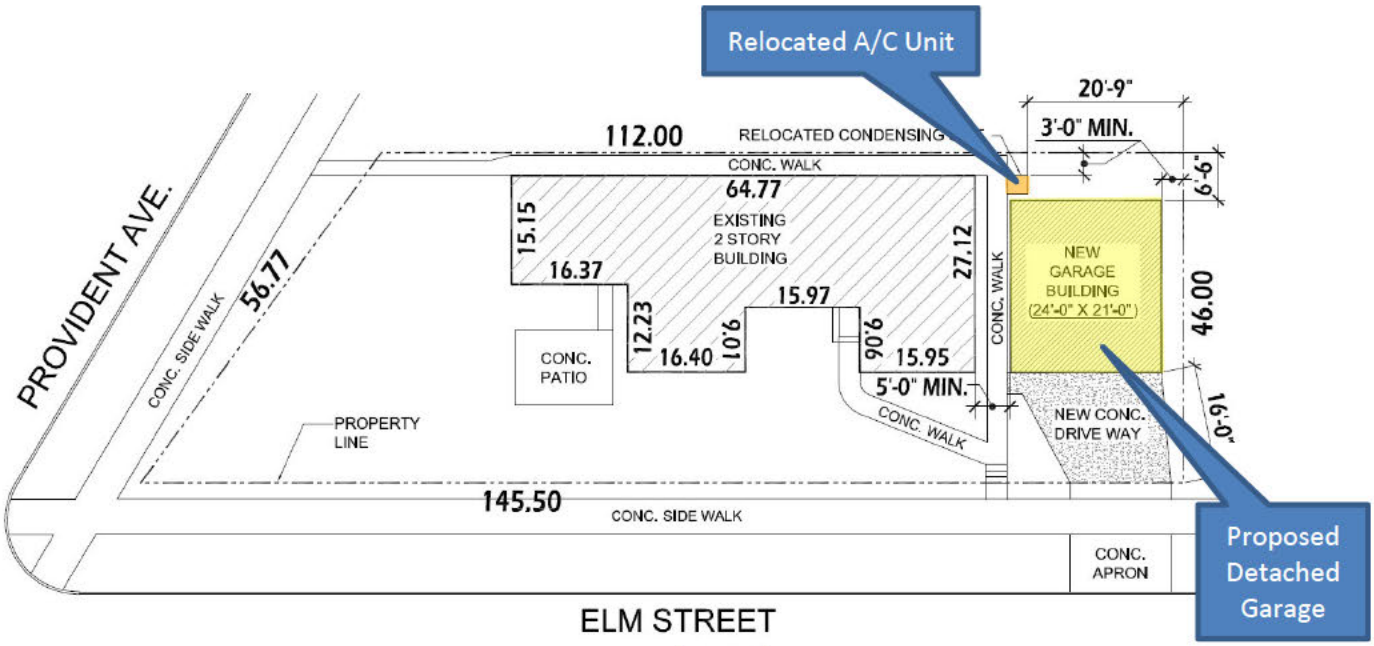


Figure 7 – Excerpt of Site Plan

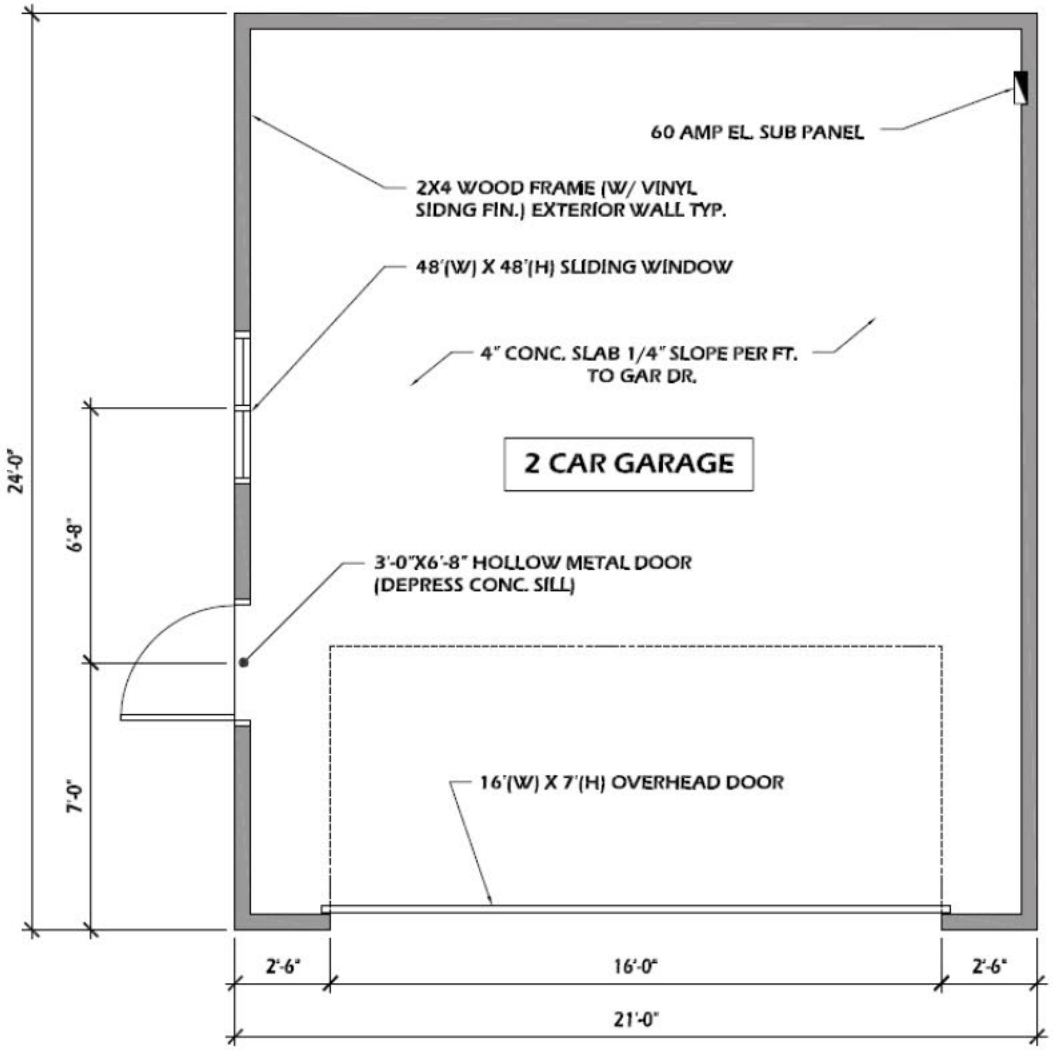


Figure 8 – Proposed Floor Plan

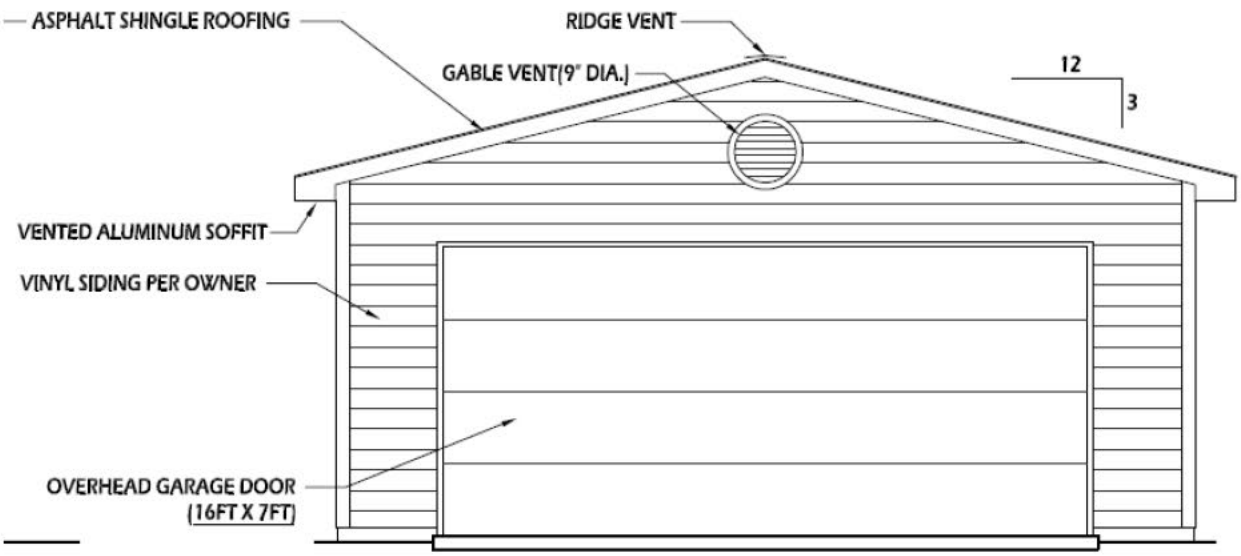


Figure 9 – Proposed Front Elevation (Elm Street)

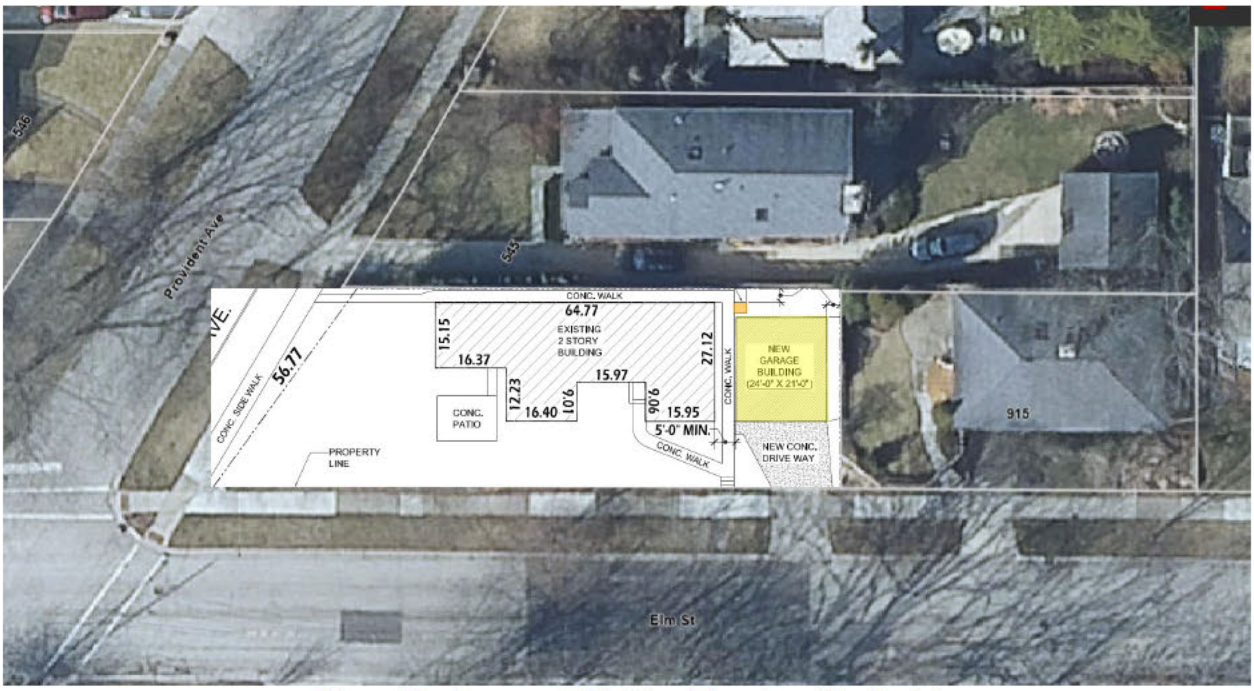


Figure 10 – Proposed Site Plan Placed on Site Aerial

Given the ZBA often receives questions regarding the stormwater regulations applicable to a specific request being considered by the ZBA, attached is a Stormwater Matrix (Attachment B). Based on the proposed plan, the impermeable lot coverage on the site would decrease by approximately 3.5 feet and thus it would appear additional stormwater detention would not be required. However, a final determination will be made by Village Engineering staff at time of building permit submittal. Figure 11 below represents the Subject Property's proximity to the floodplain; the cyan represents the 100-year flood area.

Figure 11 – 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). A total of four variations are being requested for the proposed improvements. Three variations are specific to the detached garage: (1) roofed lot coverage (RLC); (2) minimum corner yard setback; and (3) minimum rear yard setback. The fourth (4) variation is specific to the relocation of the air conditioning unit to allow the unit to encroach the minimum required side yard setback.

Roofed Lot Coverage. The site currently contains 1,420.4 square feet of RLC. For a house constructed before February 7, 1989 (a "Pre-FAR building"), an allowance of 200 square feet of roof lot coverage is provided for detached garages located in the rear quarter of a lot. Thus, the increase in RLC with the proposed garage is 304 square feet rather than 504 square feet; bringing the total RLC to 1,724.4 square feet, whereas a maximum of 1,598.94 square feet is permitted, a variation of 125.46 square feet (7.85%).

Corner Yard Setback (Elm Street). The Zoning Ordinance requires detached garages on corner lots to be setback at least 20 feet from the corner lot line (the longest street line of a corner lot). The proposed detached garage would provide a corner yard setback of 15.5 feet from Elm Street, requiring a variation of 4.5 feet (22.5%). For reference, the existing residence provides a corner yard setback of 15.32 feet.

Rear Yard Setback. Detached garages are allowed reduced setbacks when located in the rear quarter of the lot depth. In this particular case, the garage is required to provide a minimum rear yard setback of 6 feet from the east property line because the garage would be abutting the side yard of the adjacent property to the east. For reference, the existing residence provides a rear yard setback of 29.62 feet.

Side Yard Setback. The existing residence is legally nonconforming with respect to the required side yard setback as it currently provides a side yard setback of 3.19 feet from the north property line, encroaching the minimum required setback of 6 feet by 2.81 feet. The relocated air conditioning unit would provide a side yard setback of 3 feet, requiring a variation of 3 feet (50%).

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 to allow construction of a detached garage granting:

1. Roofed Lot Coverage of 1,724.4 square feet, whereas a maximum of 1,598.94 square feet is permitted, a variation of 125.46 square feet (7.85%) [Section 17.30.030 – Intensity of Use of Lot];
2. Corner Yard Setback of 15.5 feet from Elm Street, whereas a minimum of 20 feet is required, a variation of 4.5 feet (22.5%) [Section 17.30.050 – Front and Corner Yard Setbacks];
3. Rear Yard Setback of 3 feet from the east property line, whereas a minimum of 6 feet is required, a variation of 3 feet (50%) [Section 17.30.070 – Rear Yard Setback]; and

The following variation to allow the relocation of an air conditioning unit granting:

4. Side Yard Setback of 3 feet from the north property line, whereas a minimum of 6 feet is required, a variation of 3 feet (50%) [Section 17.30.060 – Side 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 D: Public Correspondence

ATTACHMENT A

ZONING MATRIX

ADDRESS: 925 Elm Street
CASE NO: 21-34-V2
ZONING: R-5

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	8,900 SF	5,922 SF	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	70 FT	49.97 FT	N/A	N/A	EXISTING NONCONFORMING
Min. Lot Depth	120 FT	118.5 FT	N/A	N/A	EXISTING NONCONFORMING
Max. Roofed Lot Coverage	1,598.94 SF (1)	1,420.4 SF	1,724.4 SF	304 FT	**125.46 SF (7.85%) VARIATION**
Max. Gross Floor Area	2,368.8 SF (1)	1,420.4 SF	1,524.4 SF	104 FT	OK
Max. Impermeable Lot Coverage	2,961 SF (1)	2,879.32 SF	2,875.86 SF	(3.46) SF	OK
Min. Front Yard (Provident/West)	30 FT	18.53 FT	18.53 FT	0 FT	EXISTING NONCONFORMING
Min. Corner Yard (Elm/South)	13.99 FT/20 FT (3)	15.32 FT	15.5 FT (5)	N/A	**4.5 FT (22.5%) VARIATION**
Min. Side Yard (North)	6 FT	3.19 FT	3 FT (6)	(0.19) FT	**3 FT (50%) VARIATION**
Min. Rear Yard (East)	17.77 FT/6 FT (4)	29.02 FT	3 FT (5)	N/A	**3 FT (50%) VARIATION**

NOTES:

(1) Based on lot area of 5,922 s.f.
(2) Variation amount is the difference between proposed and requirement.
(3) 13.99 ft. is the required setback for the principal building. 20 ft. is the required setback for a detached garage.
(4) 17.77 ft. is the required setback for the principal building. 6 ft. is the required setback for the detached garage.
(5) Proposed setback to detached garage.
(6) Proposed setback to A/C unit. Proposed setback to detached garage is 6.5 ft.

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.)	***Applies to 925 Elm Street*** *Based upon preliminary review of information to date, it appears that 925 Elm Street <u>would not</u> have to provide additional storm water detention volume.* ***However, a final determination will be made by Village Engineering staff****.*

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

RECEIVED
OCT - 6 2021
BY:

Case No. 21-34-V2

Property Information

Site Address: 925 ELM

Owner Information

Name: Hyun Shin
Address: 925 Elm
City, State, ZIP: Winnetka, IL 60093
Email: [redacted]

Primary Contact: Hyun Shin
Phone No. [redacted]

Date property acquired by owner: 06/02/2020

Architect Information

Name: Sangwon Kang
Primary Contact: Sangwon Kang
Address: 1901 Raymond Dr. #13
City, State, ZIP: Northbrook, IL 60062
Phone No. 847-260-8112
Email: sk@ds-cornerstone.com

Attorney Information

Name:
Primary Contact:
Address:
City, State, Zip:
Phone No.
Email:

Nature of any restrictions on property: See next page

Brief explanation of variation(s) requested (attach separate sheet providing additional details):
See next page

Property Owner Signature: [redacted]

Date: 10.5.2021

ZONING RESTRICTIONS AND VARIATIONS REQUESTED

1. Nature of any Restrictions on Property:

    a) New building structures must be 6' from property lines.
    b) New building structures must be 20' from corner lot line.
    c) AC condenser unit must be 6’ from property lines.
    d) Roofed Lot Coverage (RLC) is limited to 0.27 of lot size or 1599 sq ft.

2. Brief Explanation of work to be performed:

    a) Demolish, remove and repour existing concrete slab on east side of lot for proposed garage. New concrete slab will be slightly larger than existing slab by 142.50 sq ft
    b) Build a new 2 car detached garage on new concrete slab. Proposed garage will be 24' long (north to south) x 21' wide (east to west) and will be 6' from north property line, 3’ from east property line, and 16’1” from corner lot line (southeast corner by Elm St).
    c) Move existing AC condenser unit from just west of house to just north of proposed garage. Proposed location of AC condenser unit will be 3’ from north property line.

2. Brief Explanation of Variations Requested:

    a) A variance to have the proposed garage 3’ from the east property line instead of 6’.
    b) A variance to have the proposed garage 16’1” from the corner lot line instead of 20’.
    c) A variance to have the AC condenser unit 3' from north property line instead of 6’.
    d) A variance to have the Roofed Lot Coverage (RLC) increased from 1598.94 sq ft to 1926.65 sq ft (an increase of 327.71 sq ft).

REASON FOR VARIANCES

Thank you for your time, your service to the Village is commendable and appreciated.

925 Elm Street is a detached single family home located at the intersection of Elm St. and Provident Ave., about 2 blocks east of downtown Winnetka. It was purchased by the current owner in July of 2020, and has undergone extensive remodeling work since then. Permits for plumbing, electrical and mechanical/HVAC work were obtained; a permit for a fence was also granted. Final approval for all of the work was granted by the Village on August 3, 2021. Prior to the remodel, the home was in apparent disrepair and had a visibly unkempt appearance, especially in its landscaping.

The property has a generally rectangular shape, approximately 145' from east to west (along Elm) and 46' north to south (along Provident). The 'front' of the property faces Elm; the front door and the driveway face Elm also.

The driveway is concrete and leads to a concrete slab for parking; both are located on the eastern end of the property. The slab displays some cracking and displacement – part of it was pushed up by a tree that was removed before the current owner bought the property. There also used to be a detached garage upon the slab. At least three different homeowners in the neighborhood have told the current owner that the garage collapsed a number of years ago and was eventually demolished and hauled away. The slab is currently not in such bad condition that it cannot be parked upon but of course offers no protection from the elements.

The current owner seeks to replace the concrete slab and driveway (leaving the concrete apron between the sidewalk and Elm St untouched) and build a new Two Car Garage upon the slab. The new garage will be 21' (feet) wide (east to west axis) and 24' (feet) long (north to south axis). To accomplish this will require the granting of several zoning variances:

1. A variance to have the proposed garage 3' from the east property line instead of 6'.
2. A variance to have the proposed garage 16'1" from the corner lot line instead of 20'.
3. A variance to have the AC condenser unit 3' from north property line instead of 6'.
4. A variance to have the Roofed Lot Coverage (RLC) increased from 1598.94 sq ft to 1926.65 sq ft (an increase of 327.71 sq ft).

The reasons for why the variances should be granted are:

1. The property cannot yield a reasonable return.
    a. The owner plans to sell or rent the property but the majority of interested persons have expressed discontent with the lack of a garage. Illinois winters can sometimes be very harsh and residents who live in an affluent suburb typically want at least the option of parking indoors. The only people who have shown interest to rent or buy the subject property want the owner to build a garage first.

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

a. The property is much longer than it is wide and its long axis (east-west along Elm St.) constitutes its 'front'. The zoning rules allow a 200sf exclusion for detached garages located in the rear 25 of the lot depth, however the rear 25% of the subject property would constitute the rear 11.5' of the lot furthest from Elm (25% of 46').
b. A garage that is at most 11.5' long could only hold subcompact cars like a Mini Cooper or Smart car (approx. 10' long). Most 2 door sedans such as Civics or Priuses average 15' in length, and minivans and SUVs are 17'-18' in length. The vast majority of cars used by a typical family would not fit in such a small garage.

3. The variances, if granted, will not alter the essential character of the locality.
    a. The majority of detached single family homes in the immediate neighborhood and the Village as a whole have detached garages. Indeed, this property used to have a detached garage in the not so distant past. The garage will have the same color scheme (white) in its aluminum siding and roofing shingles (black) as the house (white stucco and black shingles), thus blending in well with the overall look of the property.

4. An adequate supply of light and air to the adjacent properties will not be impaired.
    a. The property to the east, 915 Elm St., will not be impacted by the building of the garage. Its southerly exposure to the sun will not be affected by a garage built to its west. The home at 915 Elm is also built on the east side of its lot, well away from the property line it shares with 925 Elm, so there would be plenty of space and air between the proposed garage and the home at 915.
    b. The property to the north, 545 Provident Ave., will have some of the eastern part of its current southerly exposure blocked by the proposed garage. 545 Provident is bounded by a 6' tall privacy fence on its southern border; the windows on the southern side of the house at 545 Provident are situated relatively high up, starting at about 6.5' from ground level and topping off at about 9.0'. The house was apparently constructed with the aim of having its 1st floor windows higher than the southern fencing, to give it better access to light. However, the south-facing, eastern part of the house does not appear to have windows on its 2nd floor. Although it's speculative, perhaps the owner/builder did not want to have light and air exposure in this part of the house for privacy concerns. Regardless, there is no concern that the proposed garage will cut off light and air access to the southeastern part of the 2nd floor of 545 Provident as there are no windows in that section at all.

        It should also be noted that the house on the subject property itself is situated closer than 6' to the northern property line, a nonconforming use. Thus, the house at 925 Elm St. already impedes a significant amount of southerly exposure of the house at 545 Provident, and 545 Provident built its house accordingly, with 1st floor windows that are located high up on its walls. Also, the proposed 2 car garage at 925 Elm will be 11'10" high at its peak, so it will not be nearly as tall as the house at 925 Elm, and thus will impede much less light.

5. The hazard from fire and other damages to the property will not be increased.
    a. The proposed 2 car garage will have its 4 walls constructed as firewall since it is within 5' of the east property line and 5' from the house. It will be constructed with 5/8" Type X rated gypsum drywall boards (fire-rated) both on the inside and on the outside of its stud framing.

6. The taxable value of the land and buildings throughout the Village will not diminish.
    a. The current owner did significant work and incurred significant expenses to clean up and restore the house; she kept its vintage character without seeking to build a new, overly large home. The current owner has encountered many passersby who live in the neighborhood and were universally glad of the work she did to clean and repair the property. Indeed, the restoration of the property helped to maintain/increase the value of the neighboring properties.

7. The congestion in the public street will not increase.
    a. The parking on Elm Street immediately outside of 925 Elm prohibits parking between 8-10am. The current owner would have to park on the street if and when the concrete slab becomes damaged enough from winter freezing that parking becomes problematic. Thus, having a garage and a restored slab would lessen future street parking upon Elm St.

8. The public health, safety, comfort, morals and welfare of the Village inhabitants will not be impaired.
    a. The Village residents immediately surrounding the subject property have expressed to the current owner that they are pleased with the restoration work already completed. Building an additional structure upon the parking space (concrete slab) of the property will not impair their health, safety, comfort, morals or welfare; in fact, most will probably be pleased or at least neutral that the property has a proper garage, replacing the dilapidated one that collapsed and was torn down some years ago. Also, the existing concrete slab and driveway are severally cracked and damaged.
    b. If the variances are not granted, the owner or tenant will have to park upon the concrete slab which, if it continues to deteriorate from increased damage from freezing ice, will eventually force the inhabitants to park on the street. Elm St does not allow parking between 8-10am and street parking is restricted during heavy snowfalls to allow snowplows to work. The lack of a usable garage would impair the health, safety and comfort of the inhabitants of the subject property. The resident will also not be able to park on the driveway either, because it is sloped and during the winter it is dangerous to park on a slope.

545 Provident Ave
925 Elm St
915 Elm St

SPIEWAK CONSULTING
PROFESSIONAL DESIGN FIRM
LICENSE NO.:184.006518
1030 W. HIGGINS RD., STE 218
PARK RIDGE, IL 60068
phone: (773)853-2672 (630) 351-9489
www.landsurveyors.pro
andrew@landsurveyors.pro

PLAT OF SURVEY

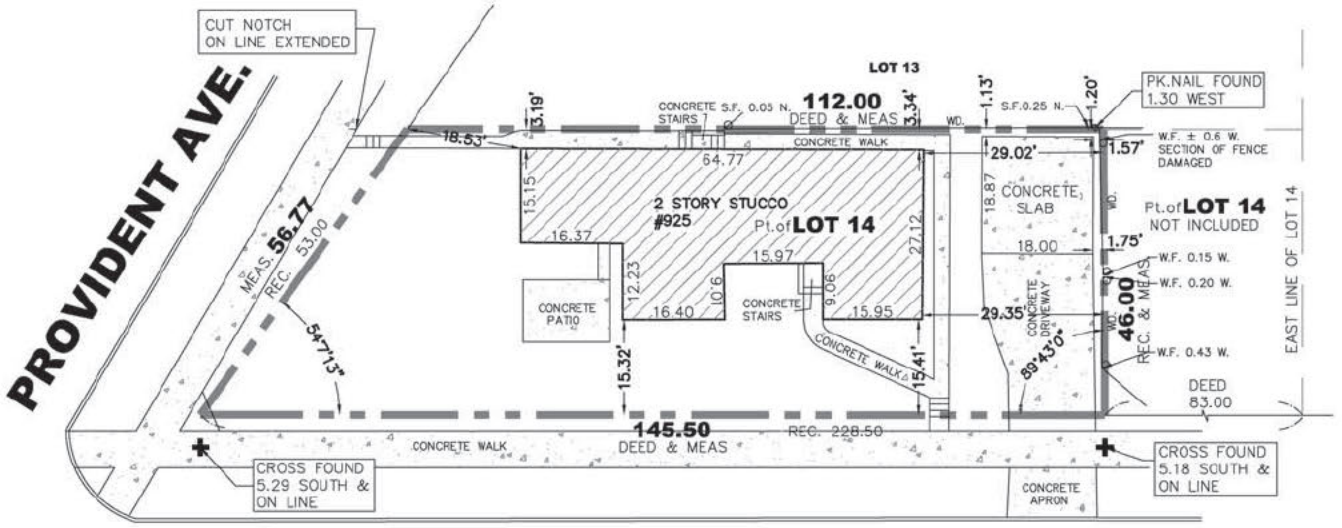
by

ANDREW SPIEWAK LAND SURVEYOR, INC.

of

LOT 14 (EXCEPT THE EAST 83 FEET) IN BLOCK 4 IN PROVIDENT MUTUAL LAND ASSOCIATION SUBDIVISION OF BLOCKS 7 TO 12 AND 28 TO 33 AND 54 TO 59 IN THE VILLAGE OF WINNETKA IN 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.

BEARINGS ARE SHOWN FOR ANGULAR REFERENCE ONLY AND ARE NOT RELATED TO TRUE OR MAGNETIC NORTH.



ELM STREET

COMMONLY KNOWN AS:
925 ELM ST.
WINNETKA, IL 60093
P.I.N. 05-20-206-009
LAND AREA ± 5,922 sq. ft.

Legend

FENCE
WD.= WOOD FENCE C.L.= CHAIN LINK
N.F.= NORTH FACE S.F.= SOUTH FACE
W.F.= WEST FACE E.F.= EAST FACE
I.P.= IRON PIPE I.R.= IRON ROD
I.F.= IRON FENCE
MEAS.= MEASURED REC.= RECORD
● IRON ROD FOUND ○ IRON ROD SET
● IRON PIPE FOUND ○ IRON PIPE SET
✚ CROSS FOUND & SET PROPERTY LINE

SCALE: 1 INCH EQUALS 20 FEET.
DISTANCES ARE MARKED IN FEET AND DECIMAL PARTS THEREOF.

ORDERED BY: ESTHER SHIN
COMPANY OR ORGANIZATION:
SURVEYED BY: JG
DRAWN BY: JG
CHECKED BY: AFS
PROJECT No: 451-20

STATE OF ILLINOIS) S.S.
COUNTY OF COOK)

ANDREW SPIEWAK LAND SURVEYOR, INC., A PROFESSIONAL DESIGN FIRM, LAND SURVEYING CORPORATION, LICENSE No.: 184.006518 HEREBY CERTIFIES THAT A SURVEY HAS BEEN MADE UNDER THE DIRECTION AND SUPERVISION OF AN ILLINOIS PROFESSIONAL LAND SURVEYOR OF THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

FIELD WORK WAS COMPLETED ON 14th DAY OF DEC A.D. 2020.
CHICAGO, ILLINOIS, DATE OF PLAT 15th DAY OF DEC A.D. 2020.

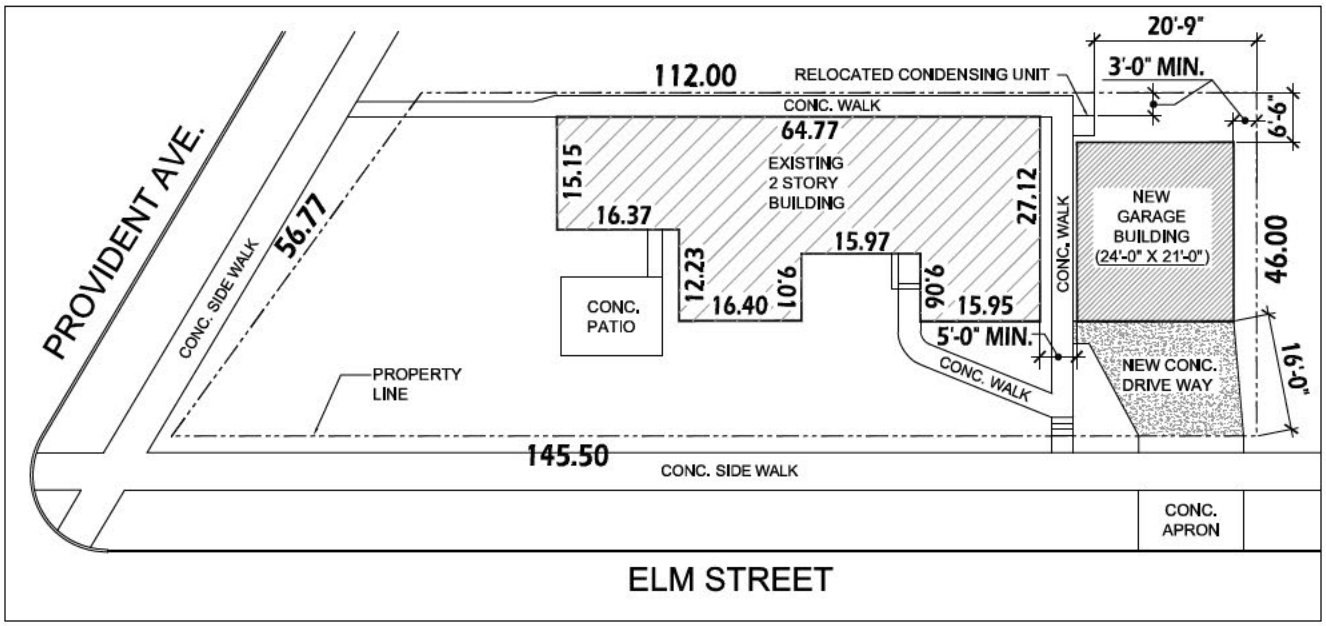
BY Andrzej F. Spiewak

ILLINOIS PROFESSIONAL LAND SURVEYOR
ANDRZEJ F. SPIEWAK LICENSE No.: 035.003178
LICENSE EXPIRES 11/30/2022

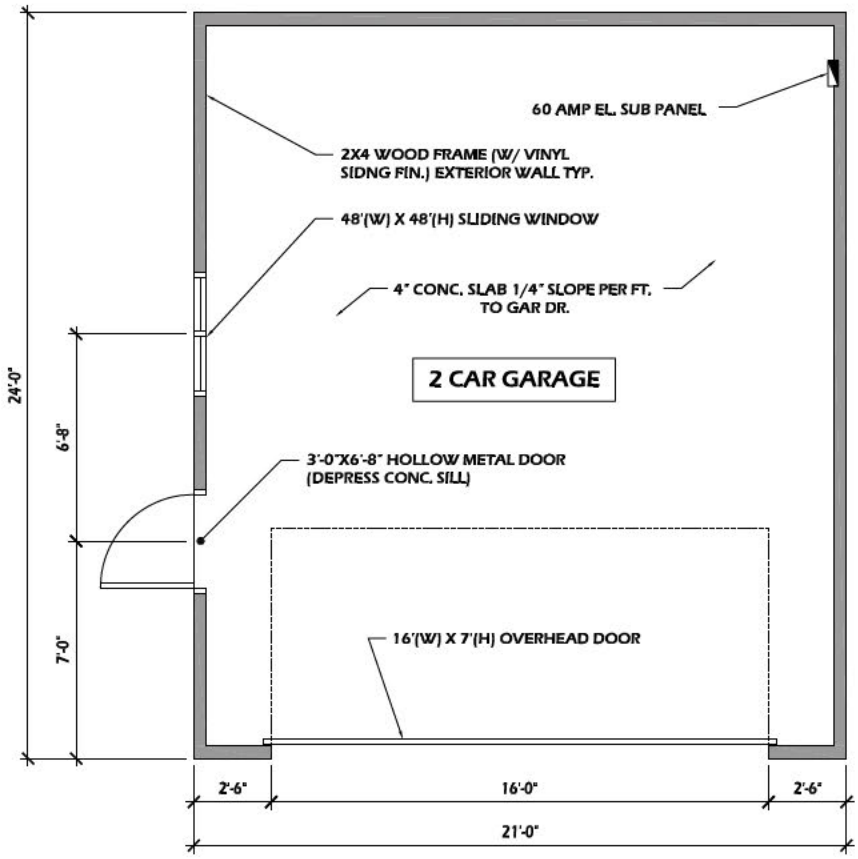
PROFESSIONAL DESIGN FIRM, LAND SURVEYING CORPORATION, No.: 184.006518
LICENSE EXPIRES 04/30/2021

PROFESSIONAL LAND SURVEYOR
ANDRZEJ F. SPIEWAK
LICENSE #3178
CHICAGO
ILLINOIS
STATE OF ILLINOIS

THIS SURVEY IS VALID ONLY WITH AN EMBOSSED SEAL



1 ASK1 SITE PLAN
SCALE: 1=200



2 ASK1 PROPPOSED PLAN
SCALE: 1/4"=1'-0"

STATE OF ILLINOIS
SANGWON
KANG
001-023312
LICENSED ARCHITECT

09/04/2021
SIGNATURE DATE
EXPIRES: 11/30/2022

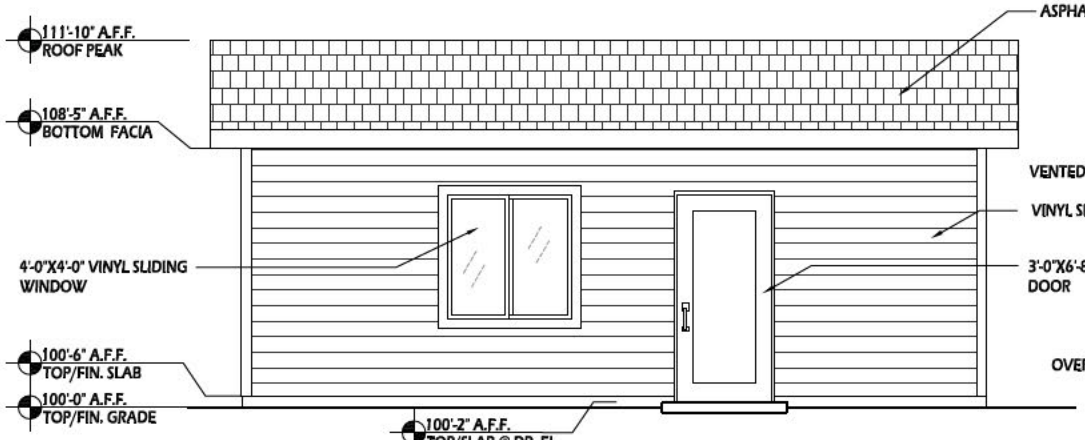
SINGLE HOUSE DETACHED GARAGE CONSTRUCTION

925 ELM RD.
WINNETKA, IL

ASK-1

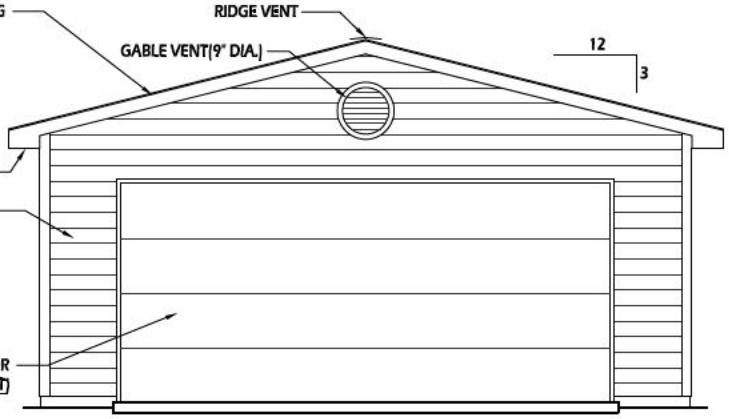
SEP. 04, 2021

CORNER STONE
Architecture | Interior Design | Planning



2 ASK 2 SIDE ELEVATION

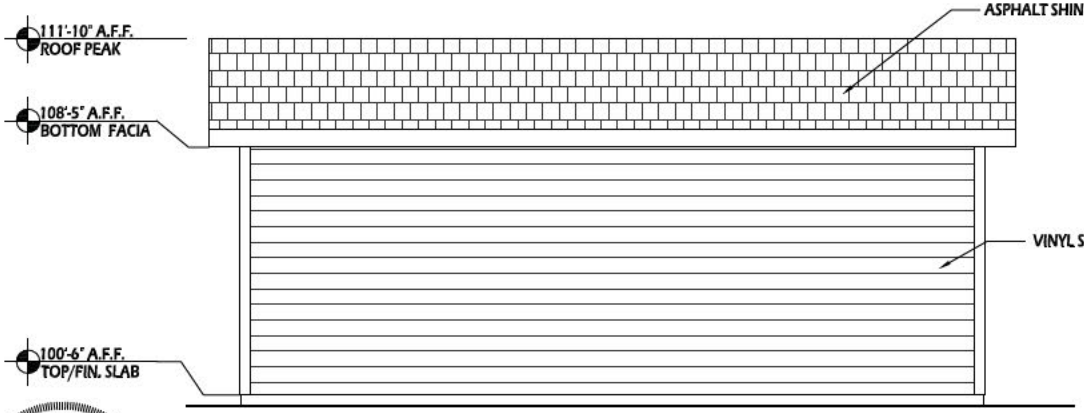
1/4"=1'-0"



1 ASK 2 FRONT ELEVATION

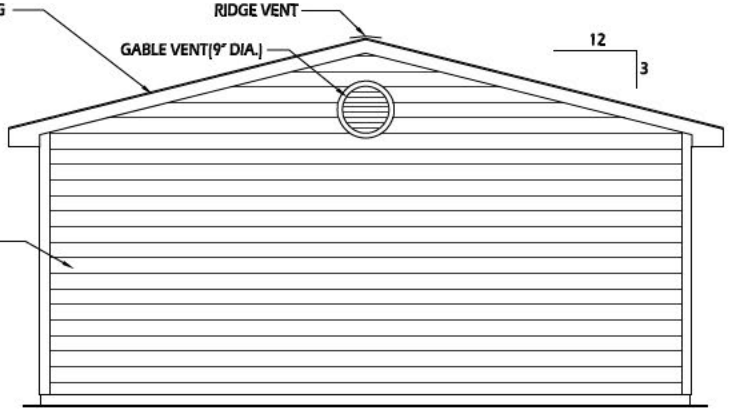
1/4"=1'-0"

GROUND IS 100', ROOF PEAK IS 111'10" OR 11'10" ABOVE GROUND LEVEL



4 ASK 2 SIDE ELEVATION

1/4"=1'-0"



3 ASK 2 REAR ELEVATION

1/4"=1'-0"

STATE OF ILLINOIS
SANGWON KANG
001-023312
LICENSED ARCHITECT

09/04/2021
SIGNATURE DATE
EXPIRES: 11/30/2022

SINGLE HOUSE DETACHED GARAGE CONSTRUCTION

925 ELM RD.
WINNETKA, IL

ASK-2

SEP. 21, 2021

CORNER STONE
Architecture | Interior Design | Planning

ATTACHMENT D

From: [redacted]
To: Planning
Subject: Case no -21-34-V2925 Elm St. – Detached Garage
Date: Wednesday, October 27, 2021 12:52:11 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Case no -21-34-V2
925 Elm St. – Detached Garage
We (Colleen Roberts and Todd Pankey) have lived at 545 Provident Ave for 14 years and in Winnetka for over 25 years and we strongly oppose any variations for the detached garage on 925 Elm Street.
Our house borders the lot on our south side. On this side we have the driveway and side door which are the primary way we enter/exit the house.In addition our main room of the house, the family room, is on the south side and provides a primary source of light for our active living space.

Eliminate Light

Our concern with eliminating the set back for the garage, particular on their north side, is it would block much of our natural light. We are not interested in giving up this right to more light for the sole benefit of the property owner at 925 Elm.

Risk of Flooding

Given the potential for flooding in Winnetka we do not support any variation in the impermeable ground. Also the larger size of the structure could cause excessive run off from the roof and impact our property. Our house currently does not have flooding issue and we feel this excessive structure is so close to our property that it may alter our current reality.

Noise from AC unit

Moving the AC unit so close to the fence and new structure will cause an echo chamber and magnify the sound of the unit. As this is our main way to access the house this would disproportionately impact our quality of living.
The proposed garage is excessively big for the lot and the house. A more modest single car garage with standard set back would fit the space and address our concerns but should also include drainage to eliminate the risk of flooding.
Thank you for considering our input.
Colleen Roberts and Todd Pankey

From: Ann Klaassen
To: Ann Klaassen
Subject: 925 Elm Street application for zoning variance
Date: Wednesday, November 3, 2021 1:02:50 PM

From: ellen <[redacted]>
Sent: Tuesday, November 2, 2021 2:08 PM
To: Ann Klaassen <AKlaassen@winnetka.org>
Cc: Tom Robison <[redacted]>
Subject: Re: 925 Elm Street application for zoning variance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We object to zoning variations requested for the construction of a detached garage at 925 Elm Street as pertains to:

- Maximum permitted roofed lot coverage
(proposed exceeds permitted by 7.8%)

- Minimum required corner yard setback from Elm Street
(proposed is 4.5 feet less that required 20-foot minimum; or only 77.5% of required setback)

- Minimum required rear yard setback from east property line
(proposed is 3.0 feet less that required 6-foot minimum; or only 50.0% of required setback)

- Minimum required side yard setback from north property line for relocation of ac condensing unit
(proposed is 3.0 feet less that required 6-foot minimum; or only 50.0% of required setback)

Requested variations would create a building bulk excessive to the space available on the property, will negatively impact the surrounding neighborhood, and fail to meet certain existing Village Standards for Granting of Zoning Variations:

Standard 1.
Conforming to current zoning does not preclude construction of a garage on subject property. A conforming garage can still be built and therefore a reasonable rate of return is not adversely affected.

Standard 2.
Variance is requested to allow construction of a garage at occupant's *preferred* size. Compliance with current zoning would still allow construction of a garage on subject property—just not at the building bulk applicants prefer. Conformation to corner-yard and rear-yard setbacks would permit a 19.5-ft deep x 18.0-ft wide garage, just shy of a typical 2-car garage size of 20-ft deep x 18.0-ft wide (see attached). Therefore, occupant's request for variation relates to occupant's preference for use of the property, rather than characteristics of the property itself.

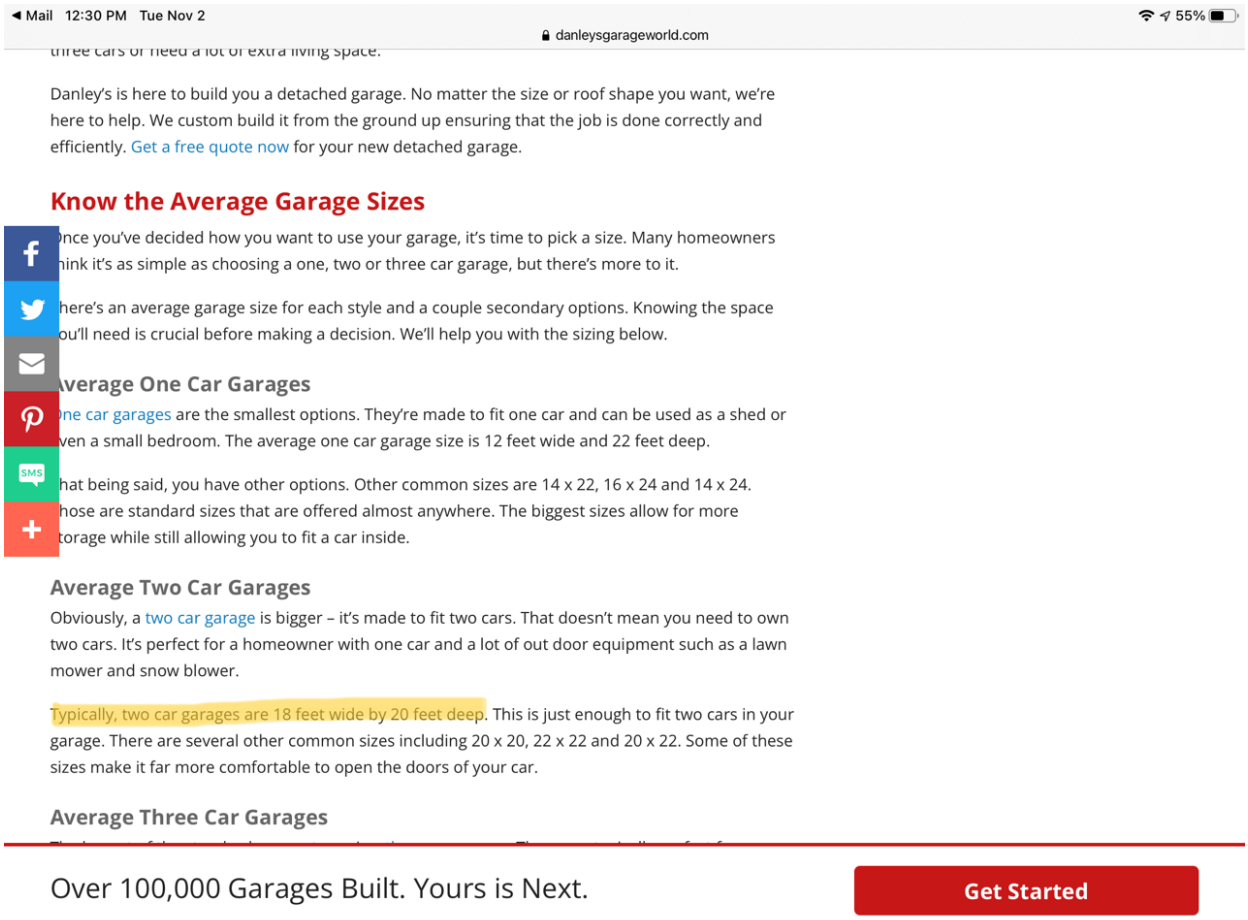
The need for a variance for relocation of an ac condenser is a self-created. Occupants could reasonably have foreseen a difficulty created by positioning condenser on the east side of the existing house where space is restricted and construction of a garage anticipated. Condenser could reasonably have been located on the west or south side of the house at inception. This would have positioned the unit within a more open fenced area in order to accommodate anticipated improvements on the east side of property.

Standard 3.
The proposed structure will alter the essential character of adjacent neighborhood by increasing density through its excessive building bulk and tight proximity to adjacent properties.

Standard 4.
Building bulk and close proximity of proposed structure to adjacent property to the east will negatively impact the supply of adequate light and air to that adjacent property. Existing heirloom plantings between subject property and adjoining neighbor's property line will be adversely affected by loss of light. Additionally, adjoining neighbor's quality of life/health will be adversely affected by diminished airflow to an already small yard and outdoor living space.

Zoning codes exist for the good of the community. We believe that variances as requested would grant special privileges to the subject property at the expense of neighboring properties.

Respectfully,
Thomas Robison
Ellen Mardock
915 Elm Street
Winnetka IL 60093


◀ Mail 12:30 PM Tue Nov 2
55%
danleysgarageworld.com
three cars or need a lot of extra living space.
Danley's is here to build you a detached garage. No matter the size or roof shape you want, we're here to help. We custom build it from the ground up ensuring that the job is done correctly and efficiently. Get a free quote now for your new detached garage.
Know the Average Garage Sizes
Once you've decided how you want to use your garage, it's time to pick a size. Many homeowners think it's as simple as choosing a one, two or three car garage, but there's more to it.
There's an average garage size for each style and a couple secondary options. Knowing the space you'll need is crucial before making a decision. We'll help you with the sizing below.
Average One Car Garages
One car garages are the smallest options. They're made to fit one car and can be used as a shed or even a small bedroom. The average one car garage size is 12 feet wide and 22 feet deep.
That being said, you have other options. Other common sizes are 14 x 22, 16 x 24 and 14 x 24. Those are standard sizes that are offered almost anywhere. The biggest sizes allow for more storage while still allowing you to fit a car inside.
Average Two Car Garages
Obviously, a two car garage is bigger – it's made to fit two cars. That doesn't mean you need to own two cars. It's perfect for a homeowner with one car and a lot of out door equipment such as a lawn mower and snow blower.
Typically, two car garages are 18 feet wide by 20 feet deep. This is just enough to fit two cars in your garage. There are several other common sizes including 20 x 20, 22 x 22 and 20 x 22. Some of these sizes make it far more comfortable to open the doors of your car.
Average Three Car Garages
Over 100,000 Garages Built. Yours is Next.
Get Started

MEMORANDUM
VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS

FROM: ANN KLAASSEN, SENIOR PLANNER

DATE: NOVEMBER 3, 2021

SUBJECT: 302 FOREST STREET – VARIATION (CASE NO. 21-35-V)

INTRODUCTION

On November 8, 2021, the Zoning Board of Appeals is scheduled to hold a public hearing on an application submitted by Abigail and Conor O'Brien (collectively, the "Applicant") as the owners of the property located at 302 Forest Street (the "Subject Property"). The Applicant requests approval of the following zoning variation to allow construction of a second floor addition to the existing residence on the Subject Property:

1. Gross Floor Area (GFA) of 4,081.95 square feet, whereas a maximum of 3,795 square feet is permitted, a variation of 286.95 feet (7.56%) [Section 17.30.040 – Maximum Building Size] [Note: The site currently contains 3,969.73 square feet of GFA. The proposed addition would add 112.22 square feet.].

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 October 21, 2021. As of the date of this memo, staff has not received any written comment from the public regarding this application.

The Zoning Board of Appeals has final jurisdiction on this request as the Board has the authority to grant a variation to allow a zoning lot with a pre-FAR building (constructed prior to 1989) to exceed the maximum permitted gross floor area by no more than 10%.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.23 acres in size, is located on the west side of Forest Street, between Willow Road and Elder Lane, and contains an existing two-story residence, a detached garage, and a shed (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.

Figure 1 – Aerial Map

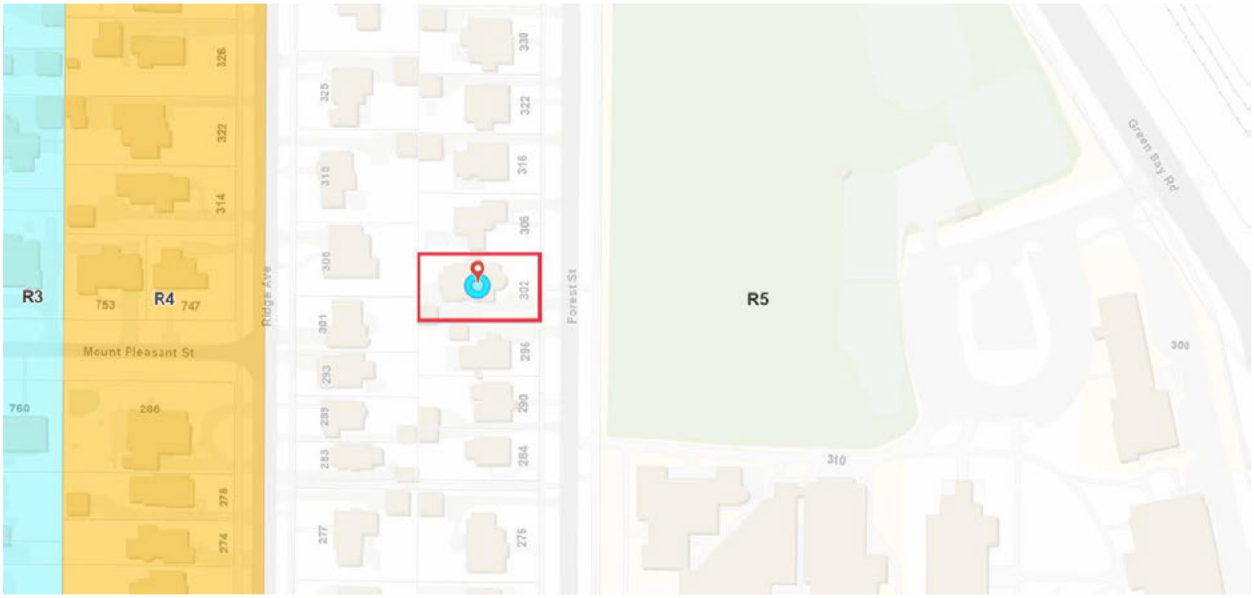


Figure 2 – Zoning Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The residence was built circa 1873. The following subsequent building permits were issued in:

1. 1922 to construct a garage;
2. 1928 to construct a garage;
3. 1937 to construct a one-story frame addition to the residence; and
4. 1975 to remodel the kitchen and laundry room.

Other minor permits have been issued over the last several years. The Applicant acquired the property in August 2020. There are no previous zoning cases on file for the Subject Property.

In July 2021, the Applicant submitted a Preliminary Property History Study Preparation Request. This is the first step in the Historic and Architecturally Significant Maximum Building Size Bonus review process. In March of this year the Village Council amended the Village Code to further encourage the preservation of historic or architecturally significant homes. The adopted amendments provide a 20% maximum building size (GFA) bonus to any single-family home that the Landmark Preservation Commission finds to be historic or architecturally significant, provided the home is not demolished or altered in a manner that destroys the home's historic or architectural significance. The goal of the bonus is to encourage property owners and developers to preserve significant homes rather than demolish them.

After a Preliminary Property History Study Preparation Request is received, staff compiles the permit records, and any other relevant documents in Village files, for the property and provides the information to the Winnetka Historical Society (WHS) and requests comments from the WHS. The WHS conducted its research on the Subject Property and property ownership in August 2021 and commented that the Italianate Victorian appears to have historical and architectural significance. In addition to being the Girton School for Girls, a school eventually absorbed by North Shore Country Day School, the Subject Property was home to several notable Winnetkans, including Chester Walcott, a well-known architect who designed at least five historic homes in Winnetka. The home is also referred to in *Winnetka Architecture: Where Past is Present*, by Susan Benjamin, as a quintessential example of the Italianate design in the Village.

After receiving the results of the WHS research, the Applicant chose not to pursue the Historic and Architecturally Significant Maximum Building Size Bonus, which requires the Applicant to commission a Historic and Architectural Impact Study that is then reviewed by the Landmark Preservation Commission to determine whether the property is historic or architecturally significant and therefore worthy of the 20% GFA bonus.

Figure 3 below is a current photo of the site. Figure 4 on the following page is a photo of the Subject Property taken last winter.

Figure 3 – Subject Property – Front Elevation

Figure 4 – Subject Property – Rear Elevation

PROPOSED PLAN

The variation is being requested in order to construct a second floor addition above an existing one-story portion of the residence. The addition would be located at the rear of the residence and consist of a laundry room, measuring approximately 9.5 feet by 11.8 feet. There is an existing laundry room on the first floor located off of the kitchen. The existing laundry room would be converted to a pantry. The plan does not include expansion of the footprint of the residence or an increase in impermeable lot coverage.

Excerpts of the proposed site plan, floor plans, rear building elevation, and north side building elevation are provided on the following pages as Figures 5 through 9. The complete set of plans is provided in the application materials (Attachment B).

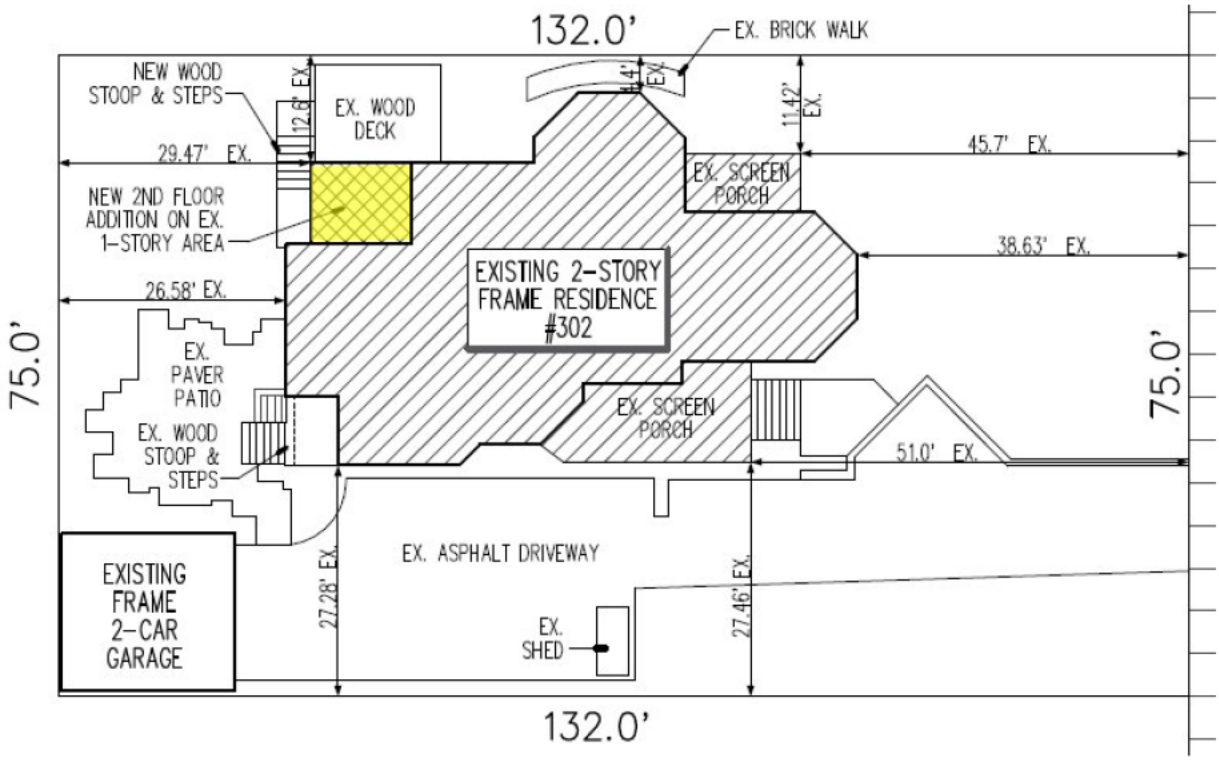


Figure 5 – Excerpt of Site Plan

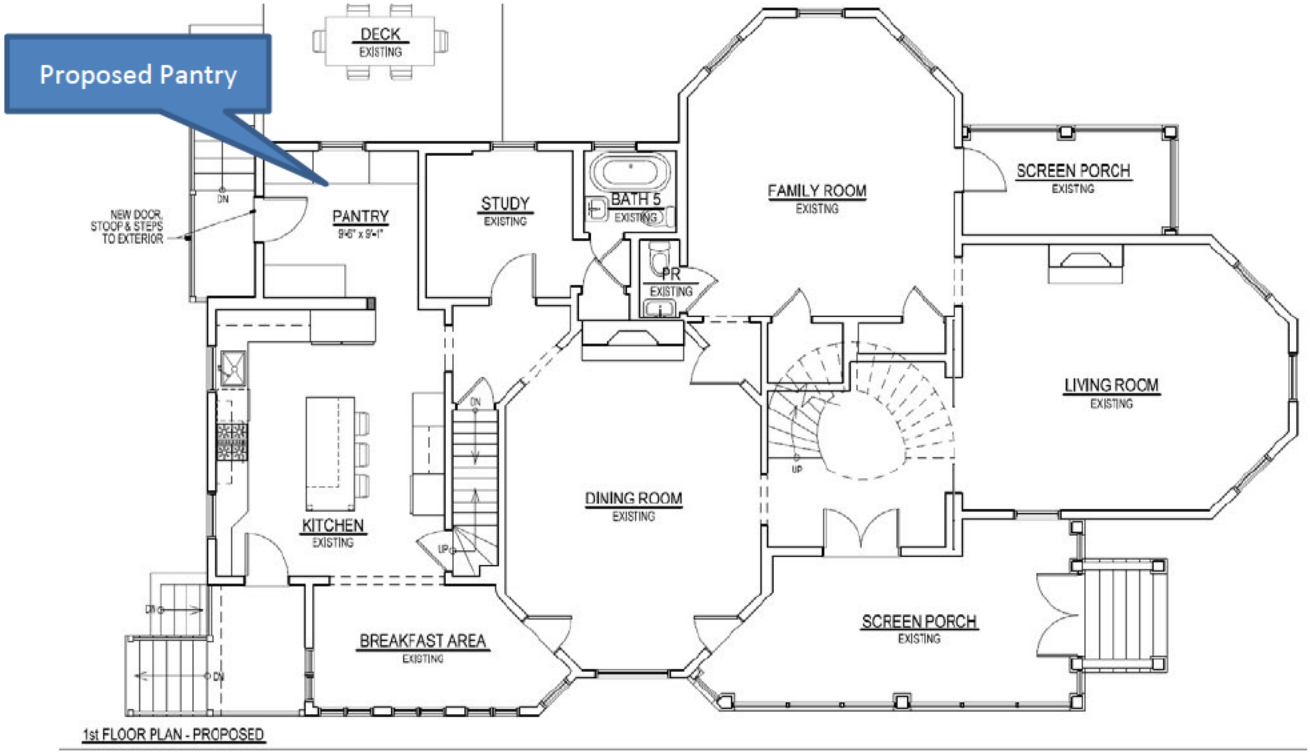


Figure 6 – Excerpt of Proposed First Floor Plan

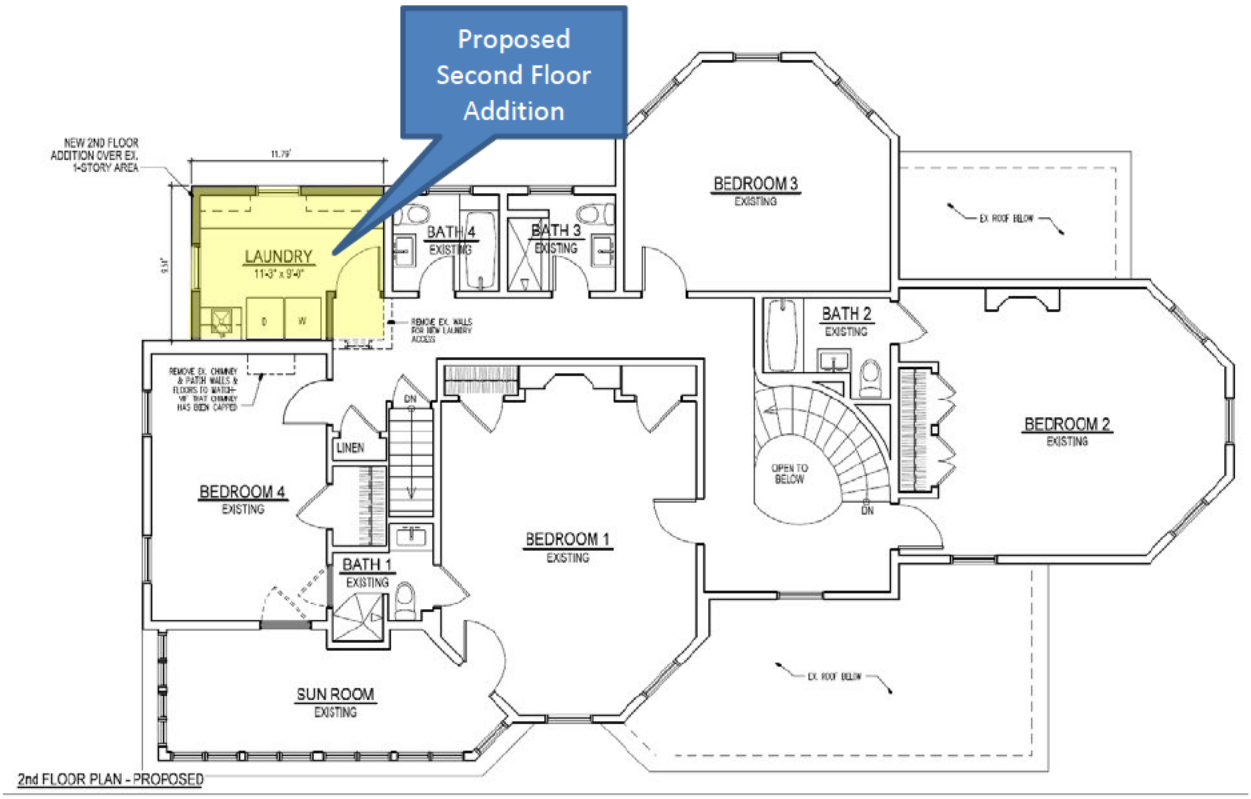


Figure 7 – Excerpt of Proposed Second Floor Plan

Figure 8 – Proposed North Elevation

Figure 9 – Proposed West (Rear) Elevation

REQUESTED ZONING RELIEF

The attached zoning matrix highlights the existing lot and the proposed improvement's compliance with the R-5 zoning district (Attachment A). One variation is being requested for gross floor area (GFA). As previously noted, the site currently contains 3,969.73 square feet of GFA, exceeding the maximum permitted GFA by 174.73 square feet. The proposed addition would add approximately 112 square feet of GFA; bringing the total GFA to 4,081.95 square feet, whereas a maximum of 3,795 square feet is permitted.

FINDINGS

In the attached application materials submitted by the Applicant, the Applicant has provided a statement of justification regarding how the requested variation meets the standards for granting the requested zoning variation. Does the ZBA find that the requested variation meets the standards for granting such variation; and if so, is the ZBA prepared to approve the requested variation?

Staff has prepared the attached draft resolutions for the Board's consideration (Attachment C). One resolution approves the request, while the other denies the request. A Board member may wish to make a motion to adopt either the resolution to approve the requested variation or the resolution to deny the requested variation.

ATTACHMENTS

Attachment A: Zoning Matrix
Attachment B: Application Materials
Attachment C: Draft Resolutions

ZONING MATRIX

ADDRESS: 302 Forest Street
CASE NO: 21-35-V
ZONING: R-5

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	8,400 SF	9,900 SF	N/A	N/A	OK
Min. Average Lot Width	60 FT	75 FT	N/A	N/A	OK
Min. Lot Depth	120 FT	132 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	2,673 SF (1)	2,412.72 SF	2,412.72 SF	0 FT	OK
Max. Gross Floor Area	3,795 SF (1)	3,969.73 SF	4,081.95 SF	112.22 FT	**286.95 SF (7.56%) VARIATION**
Max. Impermeable Lot Coverage	4,950 SF (1)	5,026.62 SF	5,026.62 SF	0 FT	EXISTING NONCONFORMING
Min. Front Yard (Forest/East)	30 FT	38.63 FT	38.63 FT	0 FT	OK
Min. Side Yard (North)	7.5 FT	4.4 FT	4.4 FT	0 FT	EXISTING NONCONFORMING
Min. Total Side Yards	18.75 FT	31.68 FT	31.68 FT	0 FT	OK
Min. Rear Yard (West)	19.8 FT	26.58 FT	26.58 FT	0 FT	OK

NOTES:
(1) Based on lot area of 9,900 s.f.
(2) Variation amount is the difference between proposed and requirement.

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. 21-35-V

Property Information

Site Address: 302 Forest Street

Owner Information

Name: Abigail & Conor O'Brien
Primary Contact: Abby O'Brien
Address: 302 Forest Street
Phone No.: [redacted]
City, State, ZIP: Winnetka, IL 60093
Email: [redacted]
Date property acquired by owner: 08/07/2020

Architect Information

Name: Hayes Architecture + Design
Primary Contact: Liz Hayes
Address: 4426 N. Ravenswood Ave.
City, State, ZIP: Chicago, IL 60640
Phone No. 847-975-8703
Email: liz@hayes-ad.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):

The owners are requesting a variance in order to increase the allowable gross floor area from the allowable 3,795.0 sf to 4,037.38 sf in order to add a second floor laundry room over an existing 1-story area of the home. The house is existing non-conforming with an existing gross floor area of 3,925.26 sf

Property Owner Signature: [redacted]
Date: 10/05/2021

hayes A+D
architecture • interiors • consulting
Hayes Architecture + Design, Ltd.
4426 N Ravenswood Ave
Chicago, Illinois 60640

STANDARDS FOR ZONING VARIATION

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 existing residence is not in compliance with existing gross floor area maximums. This is an existing condition, not created by the present owners. The floor area of the existing house is 3,954.86 sf, which is 159.83 sf over the 3,795.0 sf maximum. This is an excess of 4.21% of the maximum. The addition of a second floor laundry room would add 112.12 sf, thereby increasing the gross floor area to 4,066.98 sf (271.95 sf or an excess of 7.17% over the maximum).

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;

One of the characteristics of the Italianate Victorian architectural style includes the presence of 1-story porticos or porches with chamfered columns, deep overhangs and substantial, decorative brackets. This house debuts all of these features on its two sizeable front / side porches. These original porches have been screened, and therefore account for a considerable amount of floor area (the north porch at 92.2 sf, and the front main entrance porch at 218.55 sf, for a total of 310.75 sf). If we were able to exclude this 310.75 sf of floor area from the gross floor area count, a variation would not be necessary.

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

If the variation is not granted, we could add a second floor addition with a ceiling height of 6'-11", to avoid the area being counted in gross floor area calculations. While this would solve the owner's desire to have a second floor laundry room, it would not be in character with the existing architectural style of the home. The existing Italianate Victorian house, built in 1873 has both historic and architectural significance. In completing an addition, we would like to match existing eave heights, ceiling heights, window proportions, materials, etc.

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

Light and air to adjacent properties will not be impaired with this addition. The side and rear yard setbacks in the area of the addition are well above the required minimums. The proposed side yard setback at the addition is 12.6' (7.5' allowable minimum). The proposed rear yard setback at the addition is 29.47' (19.8' allowable minimum).

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

The property will remain a single family residence and therefore there will be no increased hazard from fire or damage to the property.

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

The taxable value of the land and buildings throughout the Village will not diminish with this addition. If anything, this improvement will add value to the area and retain the historic nature of the existing architectural style and neighborhood.

The congestion in the public street will not increase;

The property will remain a single family residence and will therefore have no impact on congestion in the public streets.

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

The property will remain a single family residence and will therefore have no impact on public health, safety, comfort, morals and welfare of the Village inhabitants.

11614 ALGONQUIN RD.
HUNTLEY, IL. 60142

TOPOGRAPHICAL-ALTA/ACSM-BOUNDARY-SUBDIVISIONS-MORTGAGE-CONDOMINIUM

PHONE: (847) 458-1710
FAX: (847) 458-1712

N
W E
S

Scale - 1 inch = **20** feet

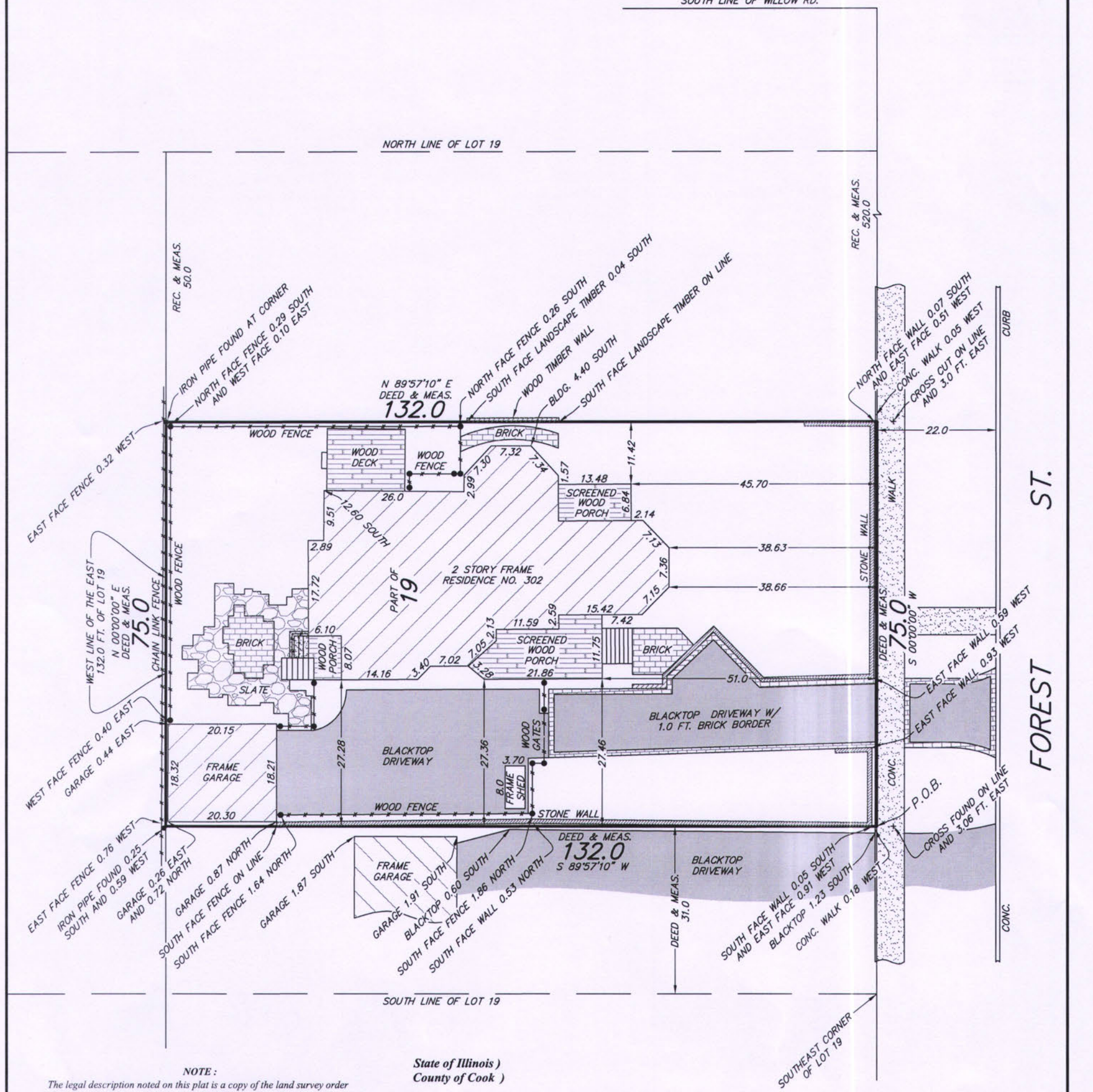
Jens K. Doe
Professional Land Surveyors, P.C.

ORDER NO.
20-0341

PLAT OF SURVEY
of

THAT PART OF LOT 19 IN MCKINNEY'S SUBDIVISION OF BLOCK 1 AND LOTS 1 TO 4 INCLUSIVE IN BLOCK 2 IN GARLAND'S ADDITION TO WINNETKA, DESCRIBED AS FOLLOWS, TO WIT; BEGINNING AT A POINT ON THE EAST LINE OF LOT 19 31 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT, THENCE RUNNING WEST AND PARALLEL TO THE SOUTH LINE OF SAID LOT 19 TO A POINT 132 FEET EAST OF THE WEST LINE OF SAID LOT 19, THENCE NORTH IN A LINE PARALLEL WITH THE WEST LINE OF SAID LOT 19, 75 FEET TO A POINT 132 FEET EAST OF THE WEST LINE OF SAID LOT 19 THENCE EAST IN A LINE PARALLEL WITH THE SOUTH LINE OF SAID LOT 19 TO THE EAST LINE OF SAID LOT AND THENCE SOUTH 75 FEET TO THE POINT OF BEGINNING, SAID GARLAND'S ADDITION BEING A SUBDIVISION OF THE NORTH 120 ACRES OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 302 FOREST ST., WINNETKA, ILLINOIS.



NOTE :
The legal description noted on this plat is a copy of the land survey order placed by the client and for accuracy ***MUST*** *Be compared with the Deed. For building restrictions refer to your Abstract, Deed or Contract.*

Compare distances between points before building and report any discrepancy to this office immediately.

Dimensions shown hereon are not to be assumed or scaled.

Dimensions shown hereon are in feet and decimal parts thereof.

Field work completion date : July 13, 2020.

ORDERED BY:

LAW OFFICE OF ROBIN KING

State of Illinois)
County of Cook)

JENS K. DOE PROFESSIONAL LAND SURVEYORS, P.C., *does hereby certify that a survey has been made under its direction, by an Illinois Professional Land Surveyor of the property described hereon and that the plat hereon drawn is a correct representation of said survey.*

Chicago, Illinois, Dated this 20th Day of July, 2020.

This professional service conforms to the current Illinois minimum standards for a boundary survey.

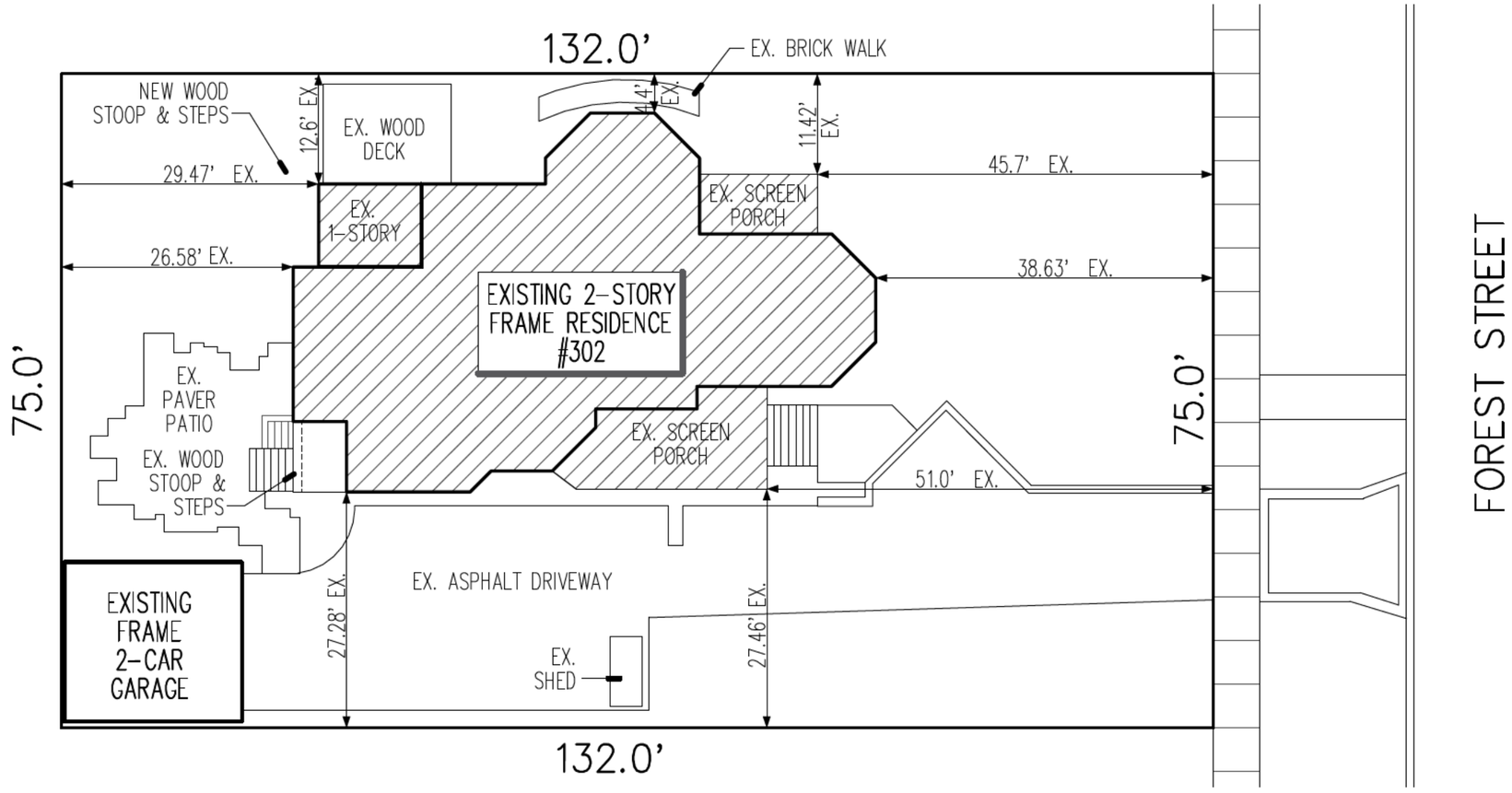
PROFESSIONAL LAND SURVEYOR
KEVIN DUFFY
3228
HARWOOD HTS
ILLINOIS
STATE OF ILLINOIS

JENS K. DOE PROFESSIONAL LAND SURVEYORS, P.C.

KEVIN DUFFY
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3228
LICENSE EXPIRATION : 11 - 30 - 20

LEGEND:	
	EXISTING BUILDING
	2ND FLOOR ADDITION ON EX. 1-STORY AREA

CALCULATION	ALLOWABLE	ACTUAL
LOT SIZE = 9,900 SF		
ROOFED LOT COVERAGE	2,673.0 SF	2,407.61 SF
IMPERVIOUS COVERAGE	4,950.0 SF	5,021.53 SF
GROSS FLOOR AREA: EXISTING	3,795.0 SF	3,954.86 SF
FRONT SETBACK	30.0'	38.63'
SIDE SETBACK (MINIMUM)	7.5'	4.4' / 27.28'
SIDE SETBACK (COMBINED)	18.75'	31.68'
REAR SETBACK	19.8'	26.58'

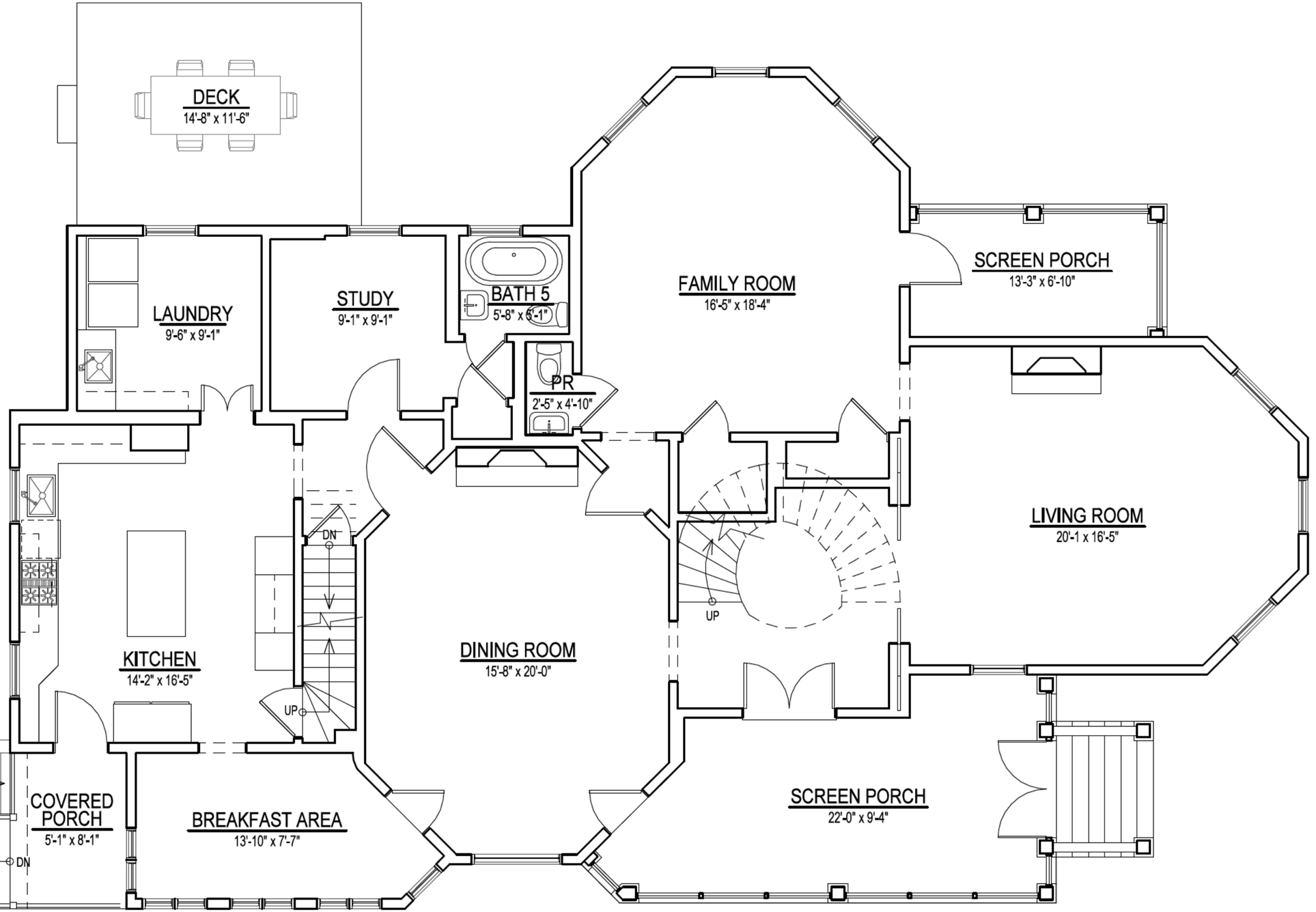


SITE PLAN

N

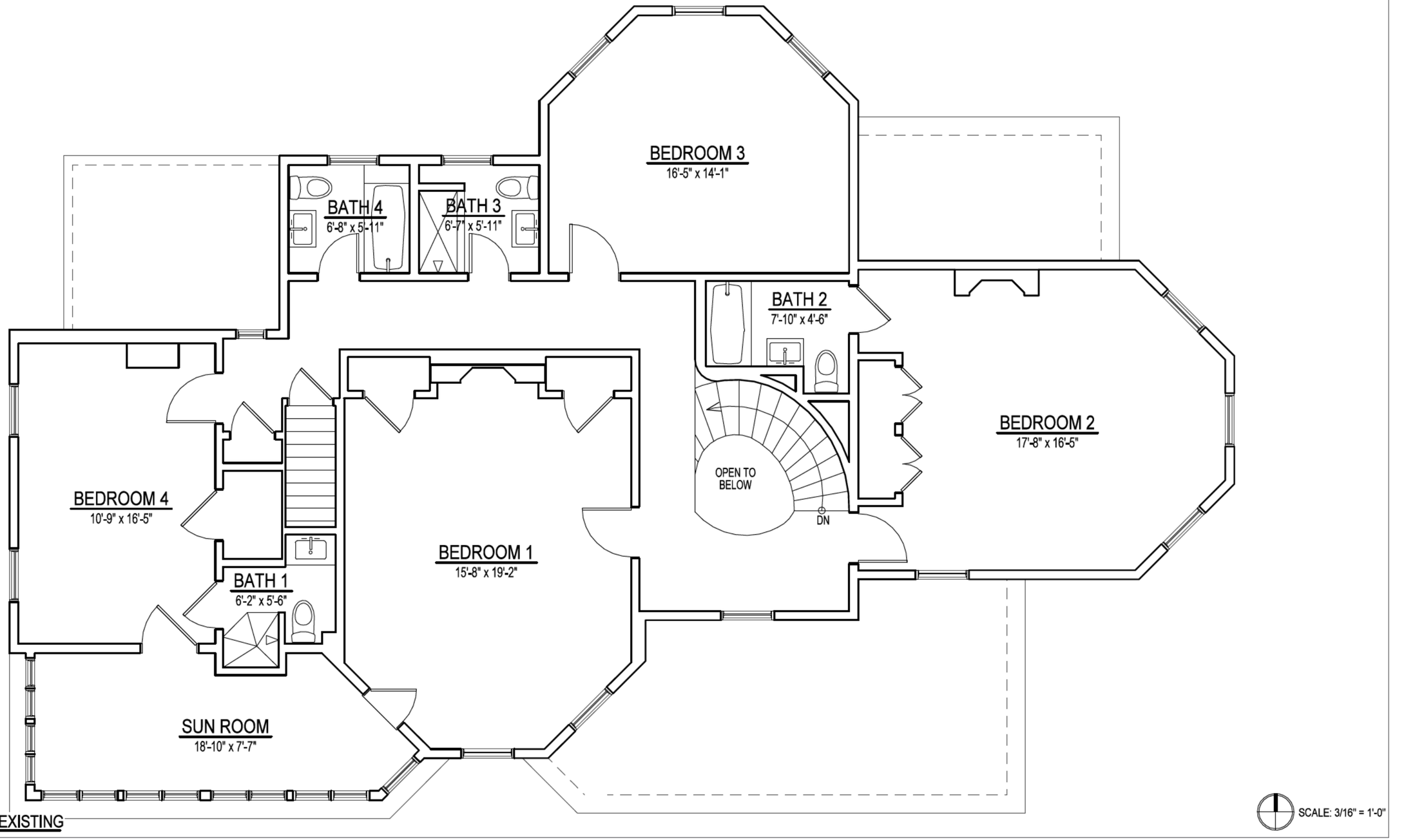
SITE PLAN - EXISTING

SCALE: 1/16" = 1'-0"



1st FLOOR PLAN - EXISTING

SCALE: 3/16" = 1'-0"



2nd FLOOR PLAN - EXISTING

SCALE: 3/16" = 1'-0"

hayes A+D

O'BRIEN RESIDENCE
302 FOREST STREET

ZONING BOARD OF APPEALS
10.06.21

NORTH ELEVATION - EXISTING

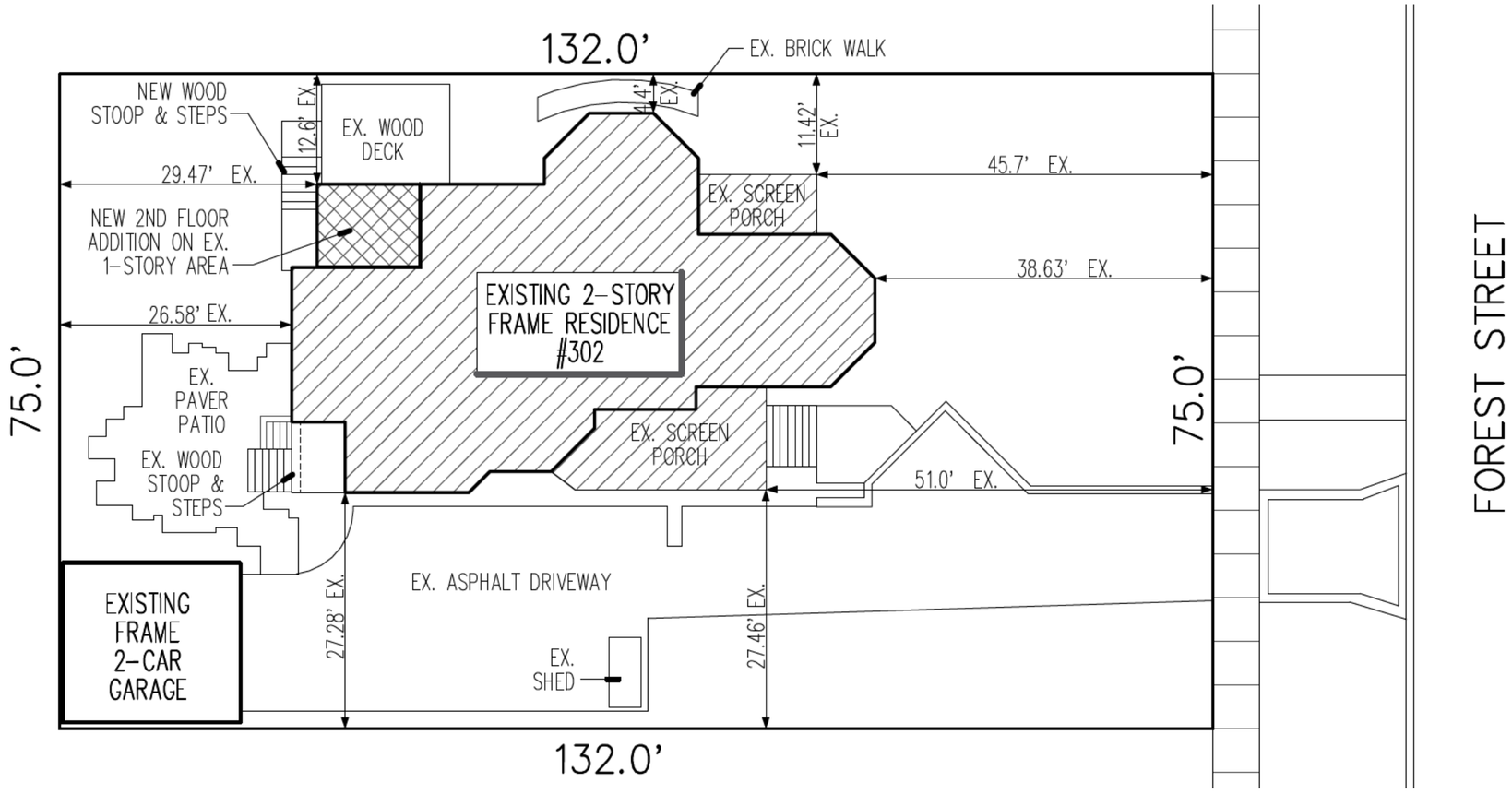
SCALE: 3/16" = 1'-0"

WEST ELEVATION - EXISTING

SCALE: 3/16" = 1'-0"

LEGEND:	
	EXISTING BUILDING
	2ND FLOOR ADDITION ON EX. 1–STORY AREA

CALCULATION	ALLOWABLE	ACTUAL
LOT SIZE = 9,900 SF		
ROOFED LOT COVERAGE	2,673.0 SF	2,407.61 SF (NO CHANGE)
IMPERVIOUS COVERAGE	4,950.0 SF	5,021.53 SF (NO CHANGE)
GROSS FLOOR AREA: EXISTING	3,795.0 SF	3,954.86 SF
GROSS FLOOR AREA: PROPOSED	3,795.0 SF	4,066.98 SF
FRONT SETBACK	30.0'	38.63' (NO CHANGE)
SIDE SETBACK (MINIMUM)	7.5'	12.6' AT ADDITION (4.4' EX. MINIMUM)
SIDE SETBACK (COMBINED)	18.75'	31.68' (NO CHANGE)
REAR SETBACK	19.8'	29.47' AT ADDITION (26.58' EX. MINIMUM)

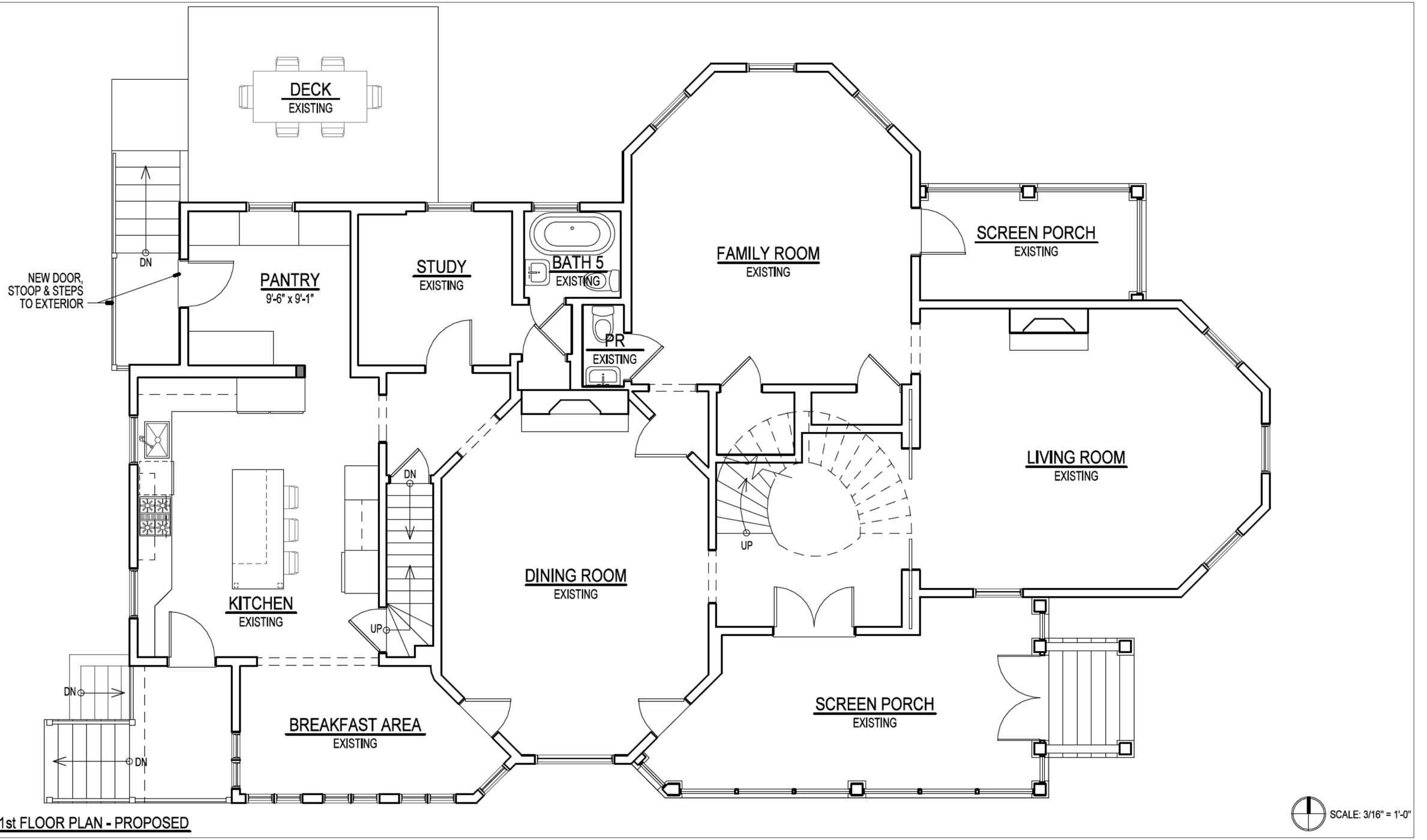


SITE PLAN

N

SITE PLAN - PROPOSED

SCALE: 1/16" = 1'-0"



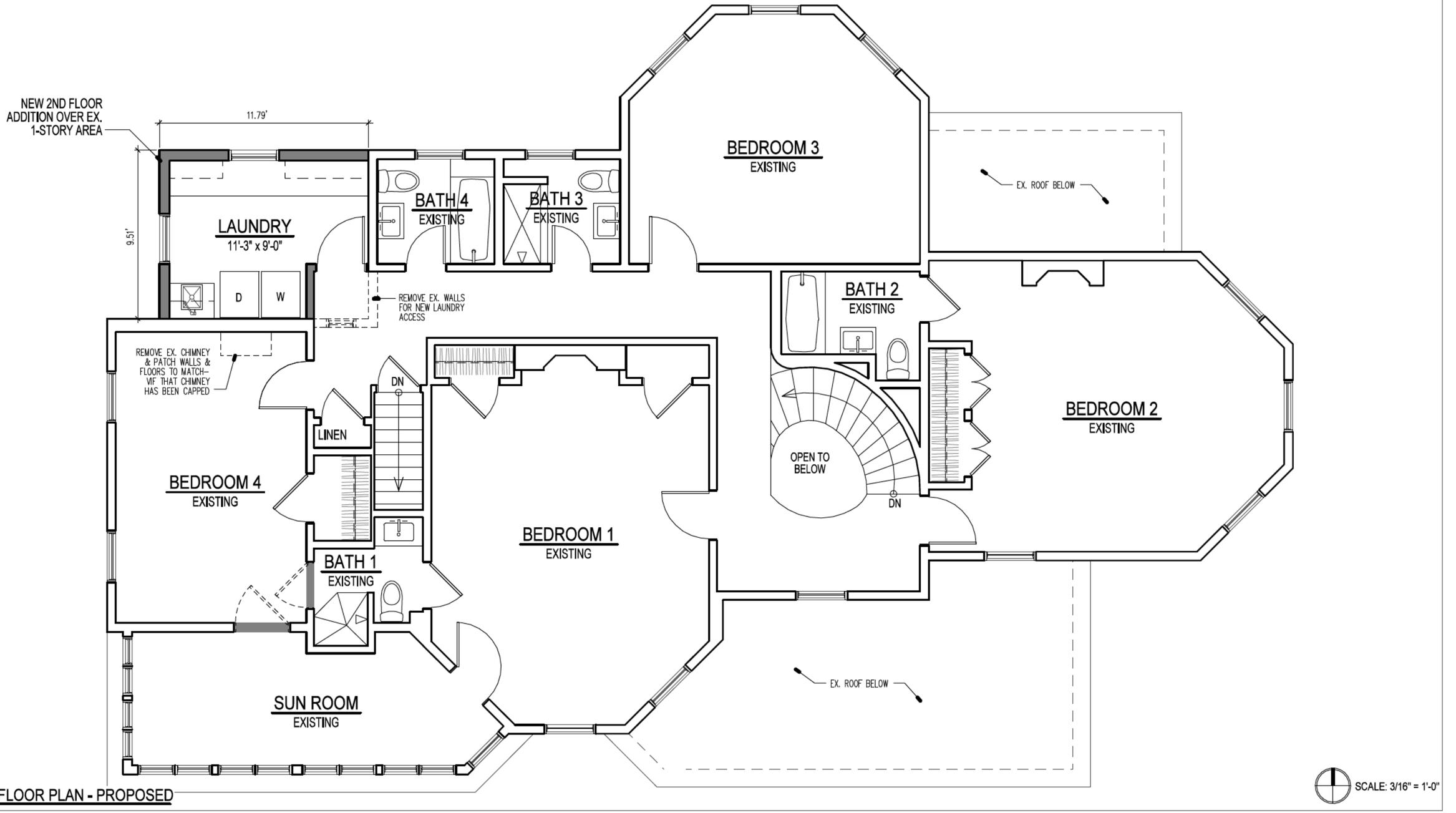
1st FLOOR PLAN - PROPOSED

SCALE: 3/16" = 1'-0"

hayes A+D

O'BRIEN RESIDENCE
302 FOREST STREET

ZONING BOARD OF APPEALS
10.06.21



2nd FLOOR PLAN - PROPOSED

hayes A+D

O'BRIEN RESIDENCE
302 FOREST STREET

ZONING BOARD OF APPEALS
10.06.21

NORTH ELEVATION - PROPOSED

SCALE: 3/16" = 1'-0"

WEST ELEVATION - PROPOSED

SCALE: 3/16" = 1'-0"

ATTACHMENT C
RESOLUTION NO. ZBA-5-2021
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
APPROVAL OF ZBA CASE NO. 21-35-V – 302 FOREST STREET

WHEREAS, Abigail and Conor O'Brien, (collectively, the "Applicant") are the owners of the property commonly known as 302 Forest Street, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made part of this Resolution (***"Subject Property"***); and

WHEREAS, the Subject Property is located in the R-5 Single Family Residential District; and

WHEREAS, the Subject Property is improved with a single family residence, a detached garage, and a shed that are nonconforming with respect to the maximum permitted gross floor area; and

WHEREAS, the Applicant desires to construct a second floor addition to the existing single family residence on the Subject Property in excess of the maximum permitted gross floor area (***"Proposed Improvement"***); and

WHEREAS, pursuant to Section 17.30.040 of the Winnetka Zoning Ordinance (***"Zoning Ordinance"***), the Subject Property is permitted a maximum gross floor area of 3,795 square feet square feet; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with a gross floor area that exceeds the maximum permitted of 3,795 square feet, a violation of Section 17.30.040 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for a variation from Section 17.30.040 of the Zoning Ordinance to permit the Proposed Improvement on the Subject Property with a gross floor area of 4,081.95 square feet (***"Requested Variation"***); and

WHEREAS, a public notice for the Requested Variation was duly published on October 21, 2021 in the "Winnetka Talk" and notice was mailed to the owners of record of all properties within 250 feet of the Subject Property as required by the Zoning Ordinance; and

WHEREAS, a public hearing was held by the Winnetka Zoning Board of Appeals during a meeting held on November 8, 2021 for the purpose of considering the Requested Variation with the final decision being rendered at the Zoning Board of Appeal's Regular Meeting on November 8, 2021; and

WHEREAS, the Zoning Board of Appeals has considered the evidence presented, as follows:

1. Application for the Requested Variation submitted by the Applicant, dated October 6, 2021, including all attachments as well as all subsequent additions and revisions to these application materials and attachments; and

2. All written and oral testimony concerning the Requested Variation.

WHEREAS, the Zoning Board of Appeals has determined that the Requested Variation does satisfy the standards for a variation provided in Sections 17.60.040 and 17.60.050 of the Winnetka Zoning Ordinance; and

WHEREAS, the Zoning Board of Appeals has determined that it will serve and be in the best interest of the Village and its residents to grant the application for the gross floor area variation in accordance with, and subject to, the conditions, restrictions, and provisions of this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Appeals of the Village of Winnetka, Cook County, Illinois, that:

SECTION 1. RECITALS. The foregoing recitals are incorporated into, and made part of, this Resolution as the findings of the Zoning Board of Appeals.

SECTION 2. APPROVAL OF VARIATION. Subject to and contingent upon the conditions, restrictions, and provisions set forth in Section Three of this Resolution, the requested gross floor area variation from Section 17.30.040 of the Zoning Ordinance to permit the construction of the proposed second floor addition on the Subject Property is hereby granted, in accordance with and pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village.

SECTION 3. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Winnetka Zoning Ordinance or any other rights the Applicant may have, the approval granted in Section Two of this Resolution is hereby expressly subject to and contingent upon compliance with each and all of the following conditions:

A. Compliance with Plans. Except for minor changes and site work approved by the Director of Community Development in accordance with all applicable Village standards, the development, use, operation, and maintenance of the Subject Property, shall comply with those certain plans attached hereto as **Exhibit B**.

B. Compliance with Regulations. The construction, development, use, operation, and maintenance of the Proposed Improvement and the Subject Property must comply with all applicable Village codes and ordinances, as the same may be amended from time to time, except to the extent specifically provided otherwise in this Resolution.

SECTION 4. RECORDING; BINDING EFFECT. A copy of this Resolution will be recorded in the office of the Cook County Recorder of Deeds. This Resolution and the privileges, obligations, and provisions contained herein will inure solely to the benefit of, and be binding upon, the Applicant and its respective heirs, personal representatives, successors and assigns.

SECTION 5. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Resolution, the approval granted in Section Two of this Resolution will, at the sole discretion of the Zoning Board of Appeals, by Resolution duly adopted, be revoked and become null and void; provided, however, that the Zoning Board of Appeals may not so revoke the approval granted in Section Two of this Resolution unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Zoning Board of Appeals. In the event of revocation, the development and use of the Subject Property will be governed solely by the applicable regulations of the Winnetka Zoning Ordinance, including, without limitation, the gross floor area requirement set forth in Section 17.30.040 of the Winnetka Zoning Ordinance. Further, in the

event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 6. AMENDMENTS. Any amendments to the Requested Variation granted in Section Two of this Resolution may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Winnetka Zoning Ordinance.

SECTION 7. EFFECTIVE DATE.

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

1. Passage by the Zoning Board of Appeals in the manner required by law; and

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

B. In the event that the Applicant does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 7.A.2 of this Resolution, within 30 days after the date of final passage of this Resolution by the Zoning Board of Appeals, the Zoning Board of Appeals will have the right, in its sole discretion, to declare this Resolution null and void and of no force or effect.

ADOPTED this 8th day of November, 2021, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed:

_____
Matthew Bradley, Chairperson

Countersigned:

_____
Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

That part of Lot 19 in McKinney's Subdivision of Block 1 and Lots 1 to 4 inclusive in Block 2 in Garland's Addition to Winnetka, described as follows, to wit; Beginning at a point on the East line of Lot 19 31 Feet North of the Southeast corner of said Lot, Thence running West and parallel to the South line of said Lot 19 to a point 132 Feet East of the West line of said Lot 19, Thence North in a line parallel with the West line of said Lot 19, 75 Feet to a point 132 Feet East of the West line of said Lot 19, Thence East in a line parallel with the South line of said Lot 19 to the East line of Said Lot and Thence South 75 Feet to the point of beginning, said Garland's Addition being a subdivision of the North 120 Acres of the Southwest 1/4 of Section 21, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 302 Forest Street, Winnetka, Illinois.

Parcel Index Number: 05-21-300-038-0000

EXHIBIT B

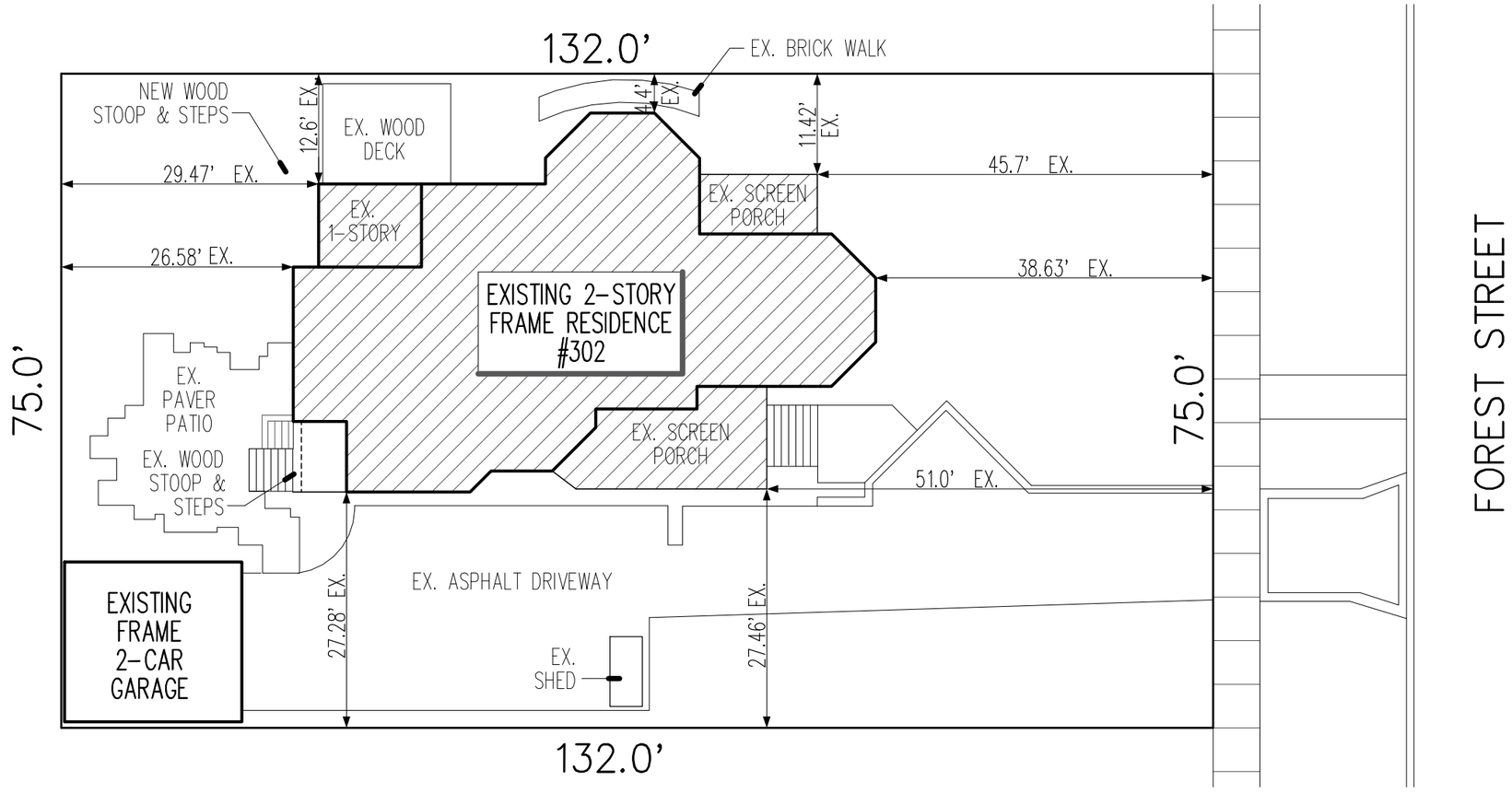
PLAN

(SEE ATTACHED EXHIBIT B)

EXHIBIT B

LEGEND:	
	EXISTING BUILDING
	2ND FLOOR ADDITION ON EX. 1-STORY AREA

CALCULATION	ALLOWABLE	ACTUAL
LOT SIZE = 9,900 SF		
ROOFED LOT COVERAGE	2,673.0 SF	2,407.61 SF
IMPERVIOUS COVERAGE	4,950.0 SF	5,021.53 SF
GROSS FLOOR AREA: EXISTING	3,795.0 SF	3,954.86 SF
FRONT SETBACK	30.0'	38.63'
SIDE SETBACK (MINIMUM)	7.5'	4.4' / 27.28'
SIDE SETBACK (COMBINED)	18.75'	31.68'
REAR SETBACK	19.8'	26.58'

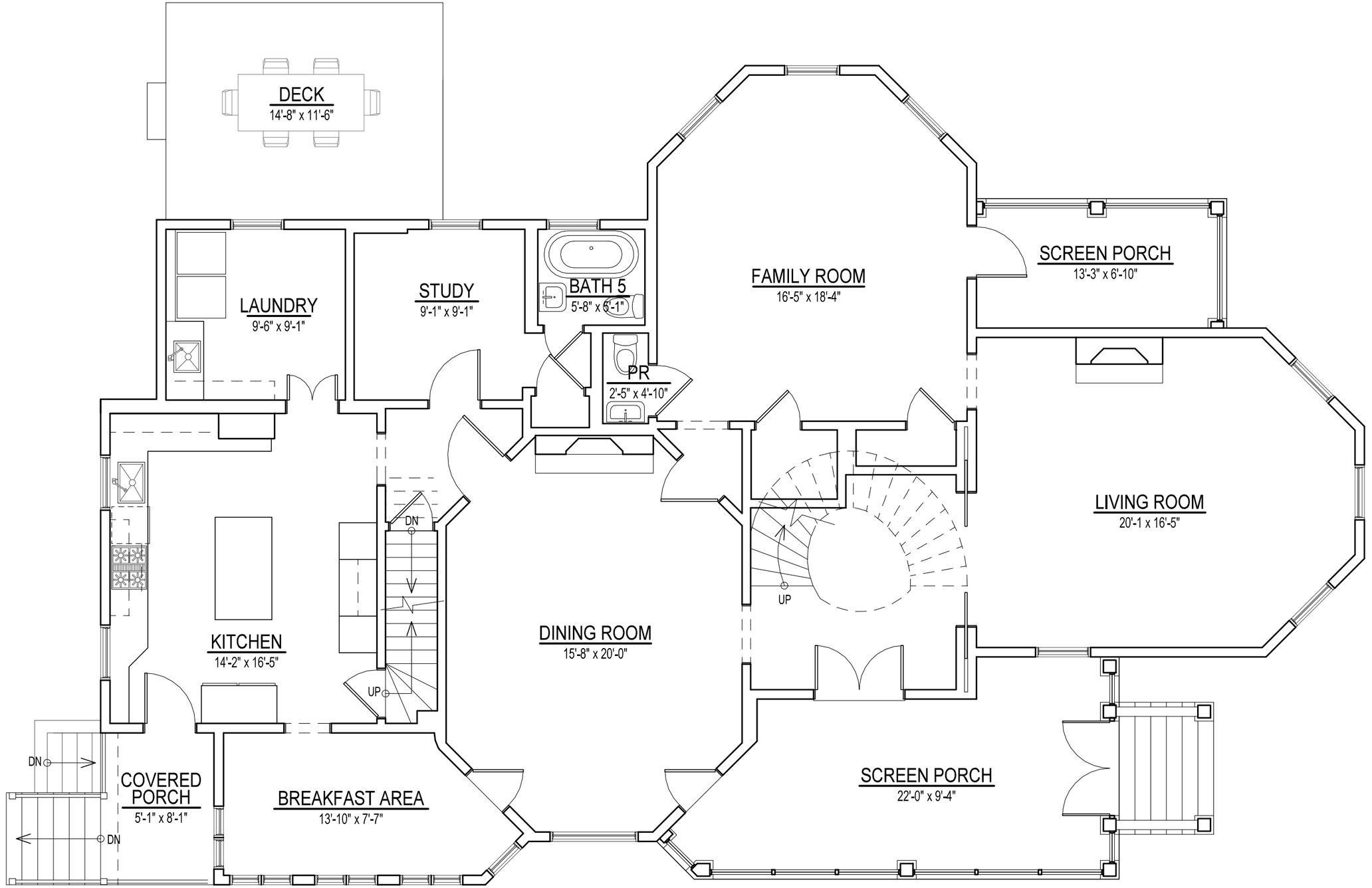


SITE PLAN

N

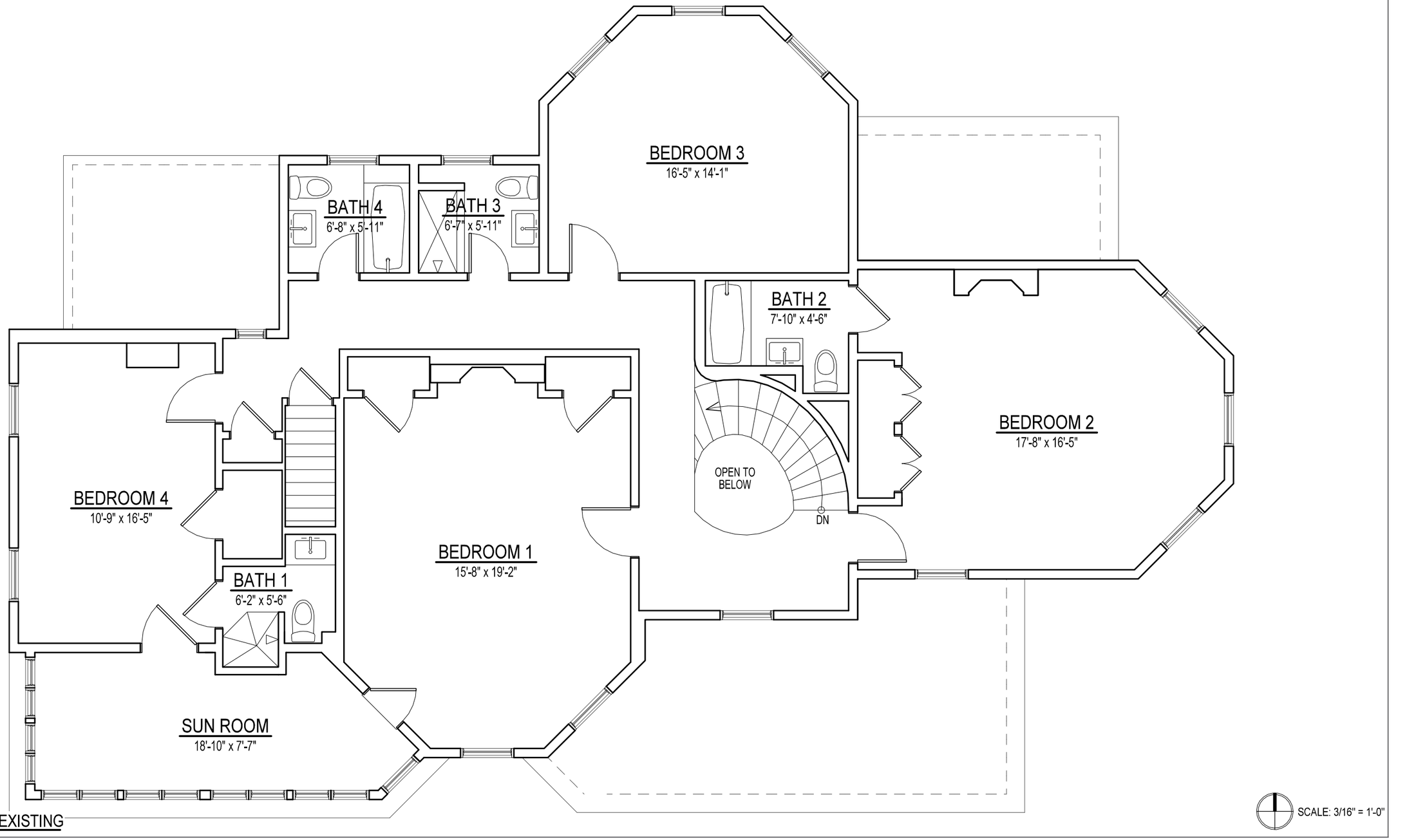
SCALE: 1/16" = 1'-0"

SITE PLAN - EXISTING



1st FLOOR PLAN - EXISTING

SCALE: 3/16" = 1'-0"



2nd FLOOR PLAN - EXISTING

SCALE: 3/16" = 1'-0"

hayes A+D

O'BRIEN RESIDENCE

302 FOREST STREET

ZONING BOARD OF APPEALS

10.06.21

NORTH ELEVATION - EXISTING

SCALE: 3/16" = 1'-0"

hayes A+D

O'BRIEN RESIDENCE

302 FOREST STREET

ZONING BOARD OF APPEALS

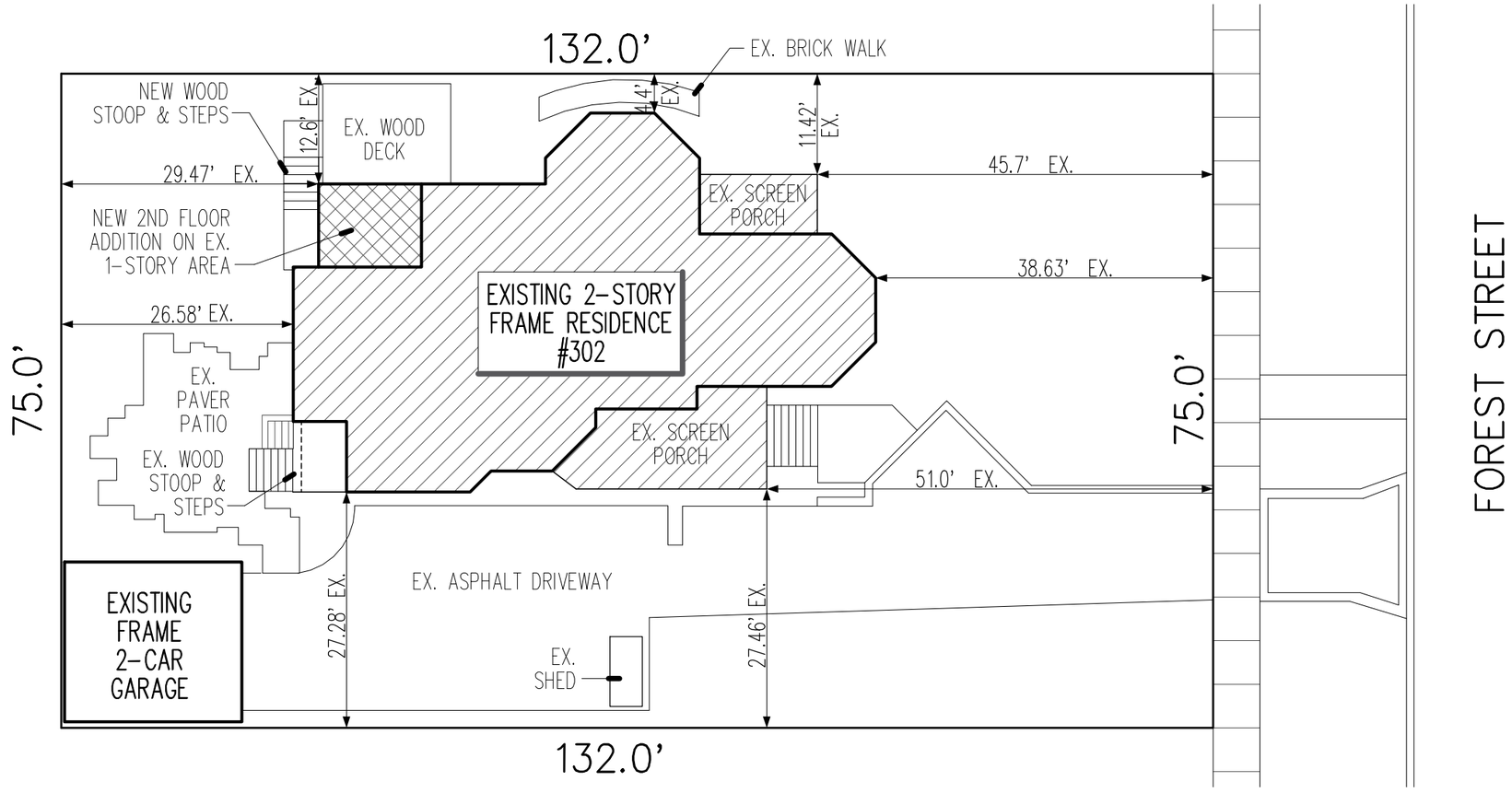
10.06.21

WEST ELEVATION - EXISTING

SCALE: 3/16" = 1'-0"

LEGEND:	
	EXISTING BUILDING
	2ND FLOOR ADDITION ON EX. 1-STORY AREA

CALCULATION	ALLOWABLE	ACTUAL
LOT SIZE = 9,900 SF		
ROOFED LOT COVERAGE	2,673.0 SF	2,407.61 SF (NO CHANGE)
IMPERVIOUS COVERAGE	4,950.0 SF	5,021.53 SF (NO CHANGE)
GROSS FLOOR AREA: EXISTING	3,795.0 SF	3,954.86 SF
GROSS FLOOR AREA: PROPOSED	3,795.0 SF	4,066.98 SF
FRONT SETBACK	30.0'	38.63' (NO CHANGE)
SIDE SETBACK (MINIMUM)	7.5'	12.6' AT ADDITION (4.4' EX. MINIMUM)
SIDE SETBACK (COMBINED)	18.75'	31.68' (NO CHANGE)
REAR SETBACK	19.8'	29.47' AT ADDITION (26.58' EX. MINIMUM)

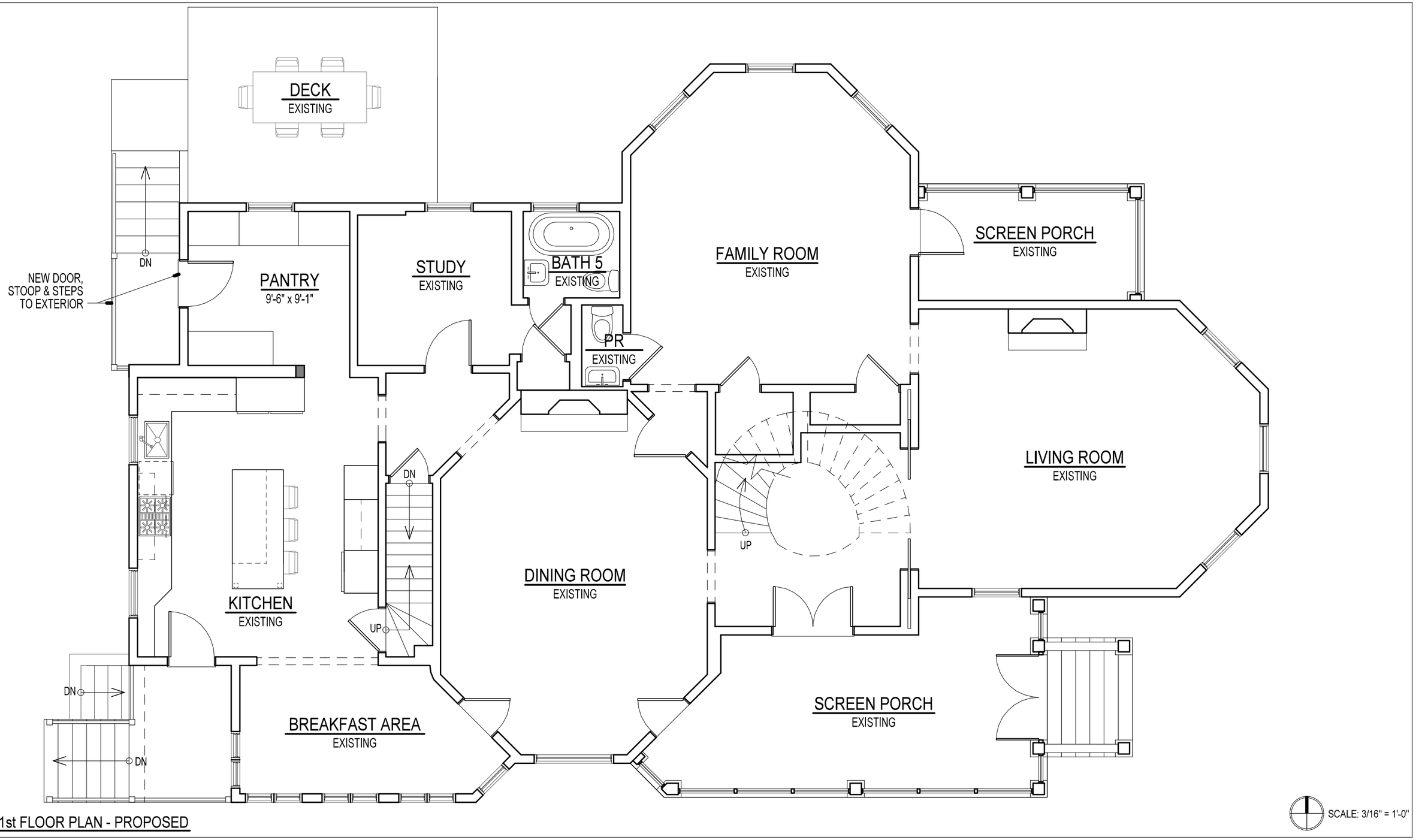


SITE PLAN

N

SCALE: 1/16" = 1'-0"

SITE PLAN - PROPOSED



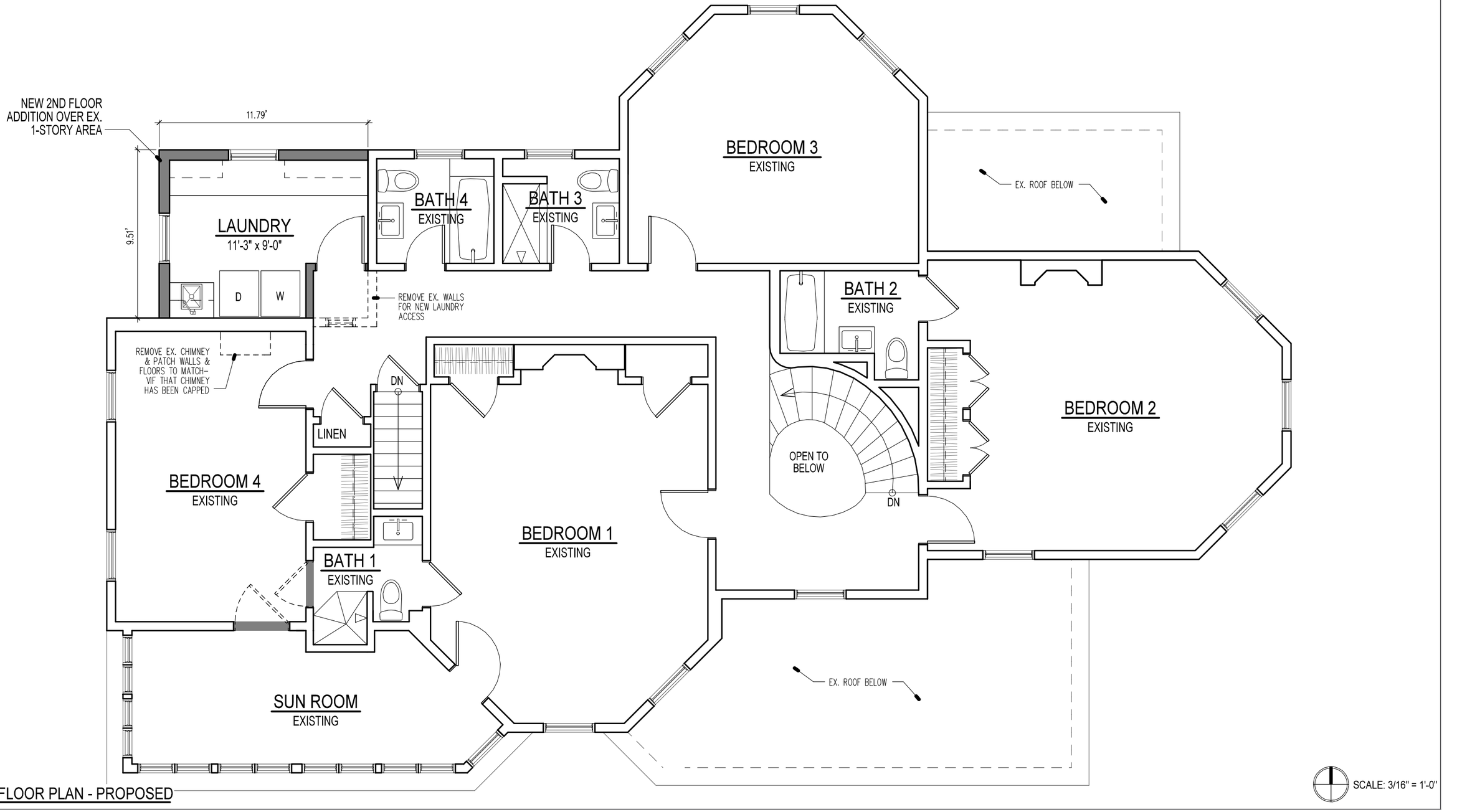
1st FLOOR PLAN - PROPOSED

SCALE: 3/16" = 1'-0"

hayes A+D

O'BRIEN RESIDENCE
302 FOREST STREET

ZONING BOARD OF APPEALS
10.06.21



2nd FLOOR PLAN - PROPOSED

hayes A+D

O'BRIEN RESIDENCE
302 FOREST STREET

ZONING BOARD OF APPEALS
10.06.21

NORTH ELEVATION - PROPOSED

SCALE: 3/16" = 1'-0"

WEST ELEVATION - PROPOSED

SCALE: 3/16" = 1'-0"

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Abigail and Conor O'Brien (collectively, the ***"Owner"***) are the owners of record of that certain real property located at 302 Forest Street, Winnetka, Illinois ("***Property***"); and

WHEREAS, Resolution No. ZBA-5-2021, adopted by the Winnetka Zoning Board of Appeals on November 8, 2021 (***"Resolution"***), grants a variation to construct a second floor addition on the Subject Property; and

WHEREAS, Section 7.A.2 of the Resolution provides, among other things, that the Resolution will be of no force or effect unless and until the Owner has filed, within 30 days following the passage of the Resolution, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Resolution;

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

1. The Owner hereby unconditionally agrees to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Resolution.

2. The Owner acknowledges that public notices and public hearings have been properly given and held with respect to the adoption of the Resolution, has considered the possibility of the revocation provided for in the Resolution, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.

3. The Owner acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's granting of the variation, and that the Village's approval of the variation does not, and will not, in any way, be deemed to insure the Owner against damage or injury of any kind and at any time.

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

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2021.

ATTEST

By:_____

Name:_____

By:_____

Name:_____

OWNER

By: _____
Abigail O'Brien

By: _____
Conor O'Brien

RESOLUTION NO. ZBA-5-2021
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
DENIAL OF ZBA CASE NO. 21-35-V – 302 FOREST STREET

WHEREAS, Abigail and Conor O'Brien, (collectively, the "Applicant") are the owners of the property commonly known as 302 Forest Street, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made part of this Resolution (***"Subject Property"***); and

WHEREAS, the Subject Property is located in the R-5 Single Family Residential District; and

WHEREAS, the Subject Property is improved with a single family residence, a detached garage, and a shed that are nonconforming with respect to the maximum permitted gross floor area; and

WHEREAS, the Applicant desires to construct a second floor addition to the existing single family residence on the Subject Property in excess of the maximum permitted gross floor area (***"Proposed Improvement"***); and

WHEREAS, pursuant to Section 17.30.040 of the Winnetka Zoning Ordinance (***"Zoning Ordinance"***), the Subject Property is permitted a maximum gross floor area of 3,795 square feet; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with a gross floor area that exceeds the maximum permitted of 3,795 square feet, a violation of Section 17.30.040 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for a variation from Section 17.30.040 of the Zoning Ordinance to permit the Proposed Improvement on the Subject Property with a gross floor area of 4,081.95 square feet (***"Requested Variation"***); and

WHEREAS, a public notice for the Requested Variation was duly published on October 21, 2021 in the "Winnetka Talk" and notice was mailed to the owners of record of all properties within 250 feet of the Subject Property as required by the Zoning Ordinance; and

WHEREAS, a public hearing was held by the Winnetka Zoning Board of Appeals during a meeting held on November 8, 2021 for the purpose of considering the Requested Variation with the final decision being rendered at the Zoning Board of Appeal's Regular Meeting on November 8, 2021; and

WHEREAS, the Zoning Board of Appeals has considered the evidence presented, as follows:

1. Application for the Requested Variation submitted by the Applicant, dated October 6, 2021, including all attachments as well as all subsequent additions and revisions to these application materials and attachments; and

2. All written and oral testimony concerning the Requested Variation.

WHEREAS, the Zoning Board of Appeals has determined that the Requested Variation **does not** satisfy the standards for a variation provided in Sections 17.60.040 and 17.60.050 of the Winnetka Zoning Ordinance because (i) the Requested Variation is not in harmony with the general purpose and intent of the Winnetka Zoning Ordinance; (ii) the Subject Property can yield a reasonable return if it is permitted to be used only under the conditions allowed for the R-5 Single Family Residential District; and (iii) the plight of the Applicants is not due to unique circumstances; and

WHEREAS, the Zoning Board of Appeals has determined that it will not serve and be in the best interest of the Village and its residents to approve the Requested Variation;

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Appeals of the Village of Winnetka, Cook County, Illinois, that:

SECTION 1. RECITALS. The foregoing recitals are incorporated into, and made part of, this Resolution as the findings of the Zoning Board of Appeals.

SECTION 2. DENIAL OF VARIATION. In accordance with and pursuant to Chapter 17.60 of the Winnetka Zoning Ordinance and the home rule powers of the Village, the Zoning Board of Appeals denies the Requested Variation for the Subject Property.

SECTION 3. EFFECTIVE DATE. This Resolution will be effective upon passage by the Zoning Board of Appeals in the manner required by law.

ADOPTED this 8th day of November, 2021, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed:

_____

Matthew Bradley, Chairperson

Countersigned:

_____

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

That part of Lot 19 in McKinney's Subdivision of Block 1 and Lots 1 to 4 inclusive in Block 2 in Garland's Addition to Winnetka, described as follows, to wit; Beginning at a point on the East line of Lot 19 31 Feet North of the Southeast corner of said Lot, Thence running West and parallel to the South line of said Lot 19 to a point 132 Feet East of the West line of said Lot 19, Thence North in a line parallel with the West line of said Lot 19, 75 Feet to a point 132 Feet East of the West line of said Lot 19, Thence East in a line parallel with the South line of said Lot 19 to the East line of Said Lot and Thence South 75 Feet to the point of beginning, said Garland's Addition being a subdivision of the North 120 Acres of the Southwest 1/4 of Section 21, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 302 Forest Street, Winnetka, Illinois.

Parcel Index Number: 05-21-300-038-0000