



ZONING BOARD OF APPEALS REGULAR MEETING
MONDAY, AUGUST 9, 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 – July 12, 2021.
3. **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.
4. Other Business.
 - a. Community Development Report
 - b. September 13, 2021, Meeting – Quorum check
5. Public Comment.
6. 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 all persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities contact the Village ADA Coordinator 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 to request reasonable accommodations.

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

Zoning Board Members Present: Matt Bradley, Chairman
Kimberly Handler
Lynn Hanley
Kate Casale MacNally
Mike Nielsen
Todd Vender

Zoning Board Members Absent: Max Weigandt

Village Staff: David Schoon, Director of Community Development
Ann Klaassen, Senior Planner

**Minutes of the Zoning Board of Appeals
July 12, 2021**

Chairman Bradley acknowledged the passing of former Board Member Gene Greable.

Call to Order & Roll Call:

Chairman Bradley called the meeting to order at 7:00 p.m. Ms. Klaassen took roll call of the Board Members present.

Approval of June 14, 2021 meeting minutes.

Chairman Bradley asked for a motion to approve the June 14, 2021 meeting minutes. A motion was made by Ms. Handler and seconded by Mr. Nielsen. A vote was taken and the motion unanimously passed:

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

NAYS: None

Case No. 21-16-V2: 1184 Tower Road (Continued from the May 10, 2021 and June 14, 2021 meetings):
An amended application submitted by Ann Hewitt seeking approval of zoning variations to allow construction of additions at 1184 Tower Road. The requested zoning variations would permit the additions to: (i) exceed the maximum permitted front yard lot coverage; (ii) exceed the maximum permitted building size; (iii) provide less than the minimum required front yard setback; and (iv) provide less than the minimum required total side yard setback. The Village Council has final jurisdiction on this request.

Ms. Klaassen noted the request was continued twice and that the applicant's plans have not changed since the June 2021 meeting. She referred to the items on which the Board previously focused, possible alternatives and the driveway reconfiguration. Ms. Klaassen reiterated that the front yard lot coverage variation applied to the minimum north 30-foot front yard and not the 38-foot front yard average. She then identified the June 2021 plan which represented a 137.5 foot reduction in connection with the original plan presented at the May 2021 meeting. Ms. Klaassen informed the Board the Village Forester met with the applicants and the east neighbor to discuss the tree impact with regard to driveway construction with the Village Forester explaining the effect on trees with the proposed garage construction or relocation in an email included in the packet. Ms. Klaassen then stated after Board

1 discussion and public comment, a Board Member may wish to make a motion as indicated on page 6
2 and asked if there were any questions.

3
4 Ms. Hanley asked if the garage were eliminated from the project, would the applicants still need any
5 variations. Ms. Klaassen confirmed if the garage were removed from the request, a variation would not
6 be needed.

7
8 Chairman Bradley swore in those speaking to this matter. Ann Hewitt and Jon Gordon introduced
9 themselves to the Board. Ms. Hewitt acknowledged their responsibility in falling short in their attempt
10 to provide a complete picture which would allow the Board to understand the unique circumstances
11 surrounding their request. She stated they hired Daniel Lesus Architects whom they used for their 2011
12 renovation to determine the design presented was the best alternative in terms of the concerns. Ms.
13 Hewitt stated Mr. Lesus agreed with Mr. Juneau's design. She then went over the Board's previous
14 concerns and the changes made to their proposal.

15
16 Daniel Lesus stated he is present to address the Board's questions and concerns and he has additional
17 drawings and site plans of different design options following an extensive consideration of alternatives.
18 He identified three important conditions relating to the request including: (i) the shared driveway access
19 with the neighbor and the effect on the trees, (ii) the safety issues relating to Tower Road and (iii) the
20 mature trees on the site. Mr. Lesus then referred to an illustration in further explanation of these
21 conditions. He then referred to the ordinance change for front yard lot coverage done years ago to
22 eliminate vehicles parking in the front of homes and how it should not apply in this situation. He also
23 described the hardships involved in the request along with those on the neighboring property. Mr. Lesus
24 referred to an illustration which described the layout in terms of front yard lot coverage including the
25 number of trees which would have to be removed with an alternative proposal. He added with regard to
26 the calculations in using a detached garage, the amount of impervious coverage would amount to 98%.

27
28 Chairman Bradley asked if there were any other questions. No questions were raised at this time.
29 Chairman Bradley then asked for public comment. Annie Kearn, 1174 Tower Road, stated they have
30 lived in their home for 40 years and explained to the Board how they would not be able to access their
31 property without the use of the shared drive.

32
33 Chairman Bradley then called the matter in for discussion. He stated the visuals helped put the request
34 more into context noting the Board's greatest concern which related to front yard lot coverage and
35 garage placement. Chairman Bradley referred to the replacement of the driveway and greenspace and
36 stated the standards have been met and he would be in support of the request. Ms. Handler agreed the
37 additional greenspace alleviated some of her concerns. She referred to other trees which would be
38 impacted due to the large nature of the project and referred to the Village Forester's memo. Ms.
39 Handler then stated she is undecided. Mr. Vender agreed the additional images helped and referred to
40 the neighbor, safety and overall coverage and stated he is in favor of the request. Mr. Nielsen referred
41 to the tree closest to the home being identified as the only tree which would be removed noting others
42 would not be damaged or removed. He stated for the front of the home not becoming a large parking
43 lot and safety concerns, he is undecided as well. Mr. Nielsen then stated one large tree being removed is
44 a huge deal and the expansion of greenspace in the front and he is leaning toward approval. Ms. Casale
45 MacNally stated she is troubled by no revisions being done to the plans from last time and appreciated
46 the new visuals. She agreed tree preservation is important and the focus on the Village Forester's email
47 and trees to be removed, the impacts could be very intense. Ms. Casale MacNally then stated she did
48 not feel the standards have been met and the amount of variation being request is a lot and would

1 induce similar requests from other neighbors. Ms. Hanley stated she would be against the request for
2 the reasons stated and while she appreciated the applicant's concerns, that is not a hardship. Ms.
3 Hanley also stated a 70% variation for a two car garage is a lot and denying the variation would not
4 make the property unusable and the standards have not been met. Ms. Hewitt further explained their
5 position in that the steep apron made backing out difficult which other properties on Tower Road did
6 not have.

7
8 Chairman Bradley explained how the property is existing nonconforming which contributed to a
9 significant portion of the 69% overage. He then stated there appeared to be two Board Members in
10 favor, two against and two undecided. Ms. Handler and Mr. Nielsen both agreed to vote in favor of the
11 request. Chairman Bradley then asked for a motion to recommend approval as indicated on page 6. Mr.
12 Vender moved to recommend approval and the motion was seconded by Mr. Nielsen. A vote was taken
13 and the motion passed, 4 to 2:

14 AYES: Bradley, Handler, Nielsen, Vender

15 NAYS: Casale MacNally, Hanley
16

17 **Case No. 21-24-V: 1261 Ash Street: An application submitted by Christian Raynal seeking approval of a**
18 **zoning variation to allow a fence at 1261 Ash Street along a portion of its Hibbard Road property line.**
19 **The requested zoning variation would permit the fence to exceed the maximum permitted height. The**
20 **Zoning Board of Appeals has final jurisdiction on the request.**

21 Ms. Klaassen identified the property's location, zoning classification and explained the variation
22 requested to replace the fence. She referred to the site plan and the area of the fence which would be 7
23 feet in height as well as the area which complied with the 6.5-foot height requirement. Ms. Klaassen
24 stated no written comments from the public were received and noted draft resolutions are included in
25 the packet on page nos. 13 and 20 and following Board discussion and public comment, a Board
26 Member may make a motion. She then asked if there were any questions.

27
28 Chairman Bradley swore in those speaking to this matter. Christian Raynal described the amount of
29 traffic, noise and lack of privacy. She identified a portion of the fence which would be removed and the
30 area on the north side where the proposed fence would be installed. Ms. Raynal stated they decided on
31 the additional 6 inch height to obscure the traffic which is visible to and from their property from their
32 yard while noting the increase in the amount of traffic. She stated the neighbors are in agreement with
33 the request.

34
35 Chairman Bradley asked if there were any questions. Mr. Nielsen asked if the applicant considered
36 installing bushes instead of a 6.5 foot fence. Ms. Raynal responded bushes would take a long time to
37 grow and explained that she thought raising the fence is the best solution. Chairman Bradley asked if
38 there were any other questions from the Board or the audience. No additional questions were raised at
39 this time.

40
41 Chairman Bradley then called the matter in for discussion. He referred to the number of requests made
42 for taller fences in varying circumstances and applying the ordinance. Chairman Bradley referred to the
43 amount of traffic and that the use of Duke Child's Fields would justify the request in this instance and he
44 would vote in favor of the request. Ms. Hanley stated there are a lot of homes with the same issue and
45 she would vote against the request. Ms. Handler stated she would also vote against the request since it
46 did not meet the standards. Mr. Nielsen stated he would vote in favor of the request. Ms. Casale
47 MacNally stated she would vote against the request and agreed there should be an ordinance

1 amendment for certain areas. She added a higher fence may not solve the problem. Mr. Vender stated
2 he would vote in favor of the request.

3
4 Chairman Bradley stated there are three Board Members in favor and three against the request. Mr.
5 Schoon stated the applicant can continue the request to the September meeting since one Board
6 Member is absent. Ms. Raynal agreed to continue the request to the September 2021 meeting.

7
8 Chairman Bradley asked for a motion to continue the application to the September 13, 2021 meeting. A
9 motion was made by Ms. Casale MacNally and seconded by Mr. Nielsen to continue the request to the
10 September 13, 2021 meeting. A vote was taken and the motion unanimously passed:

11 AYES: Bradley, Casale MacNally, Handler, Hanley, Nielsen, Vender

12 NAYS: None

13
14 **Case No. 21-23-V2: 582 Provident Avenue: An application submitted by Brian and Katie Donohoe**
15 **seeking approval of zoning variations to allow construction of additions to the existing residence at**
16 **582 Provident Avenue. The requested zoning variations would permit the additions to: (i) exceed the**
17 **maximum permitted building size; (ii) provide less than the minimum required corner (front) yard**
18 **setback from Spruce Street; (iii) provide less than the minimum required side yard setback; and (iv)**
19 **provide less than the minimum required rear yard setback. The Village Council has final jurisdiction on**
20 **this request.**

21 Ms. Klaassen identified the property's location and zoning classification and described the lot's
22 measurements which are illegal nonconforming. She then referred to illustrations of photos, elevation
23 views of the property and the site plan. Ms. Klaassen described the home's proposed components which
24 create the need for the variations and informed the Board since a portion of the basement is exposed,
25 233 square feet of the basement is included in the existing GFA calculations. She then referred to a table
26 outlining the various setbacks and GFA totals and figures over the required amounts. Ms. Klaassen also
27 referred to an illustration of several proposed elevations and noted no public correspondence was
28 received. She stated after public comment and Board discussion, a Board Member may wish make a
29 motion as indicated on page 9 of the agenda packet and asked if there were any questions.

30
31 Ms. Casale MacNally asked if the existing garage would be removed entirely and questioned the
32 impermeable lot coverage increase. Ms. Klaassen confirmed that is correct. Ms. Hanley asked what
33 would happen if the garage is not attached to the home. Ms. Klaassen responded that a detached
34 garage is required to provide a 6 foot setback from the rear property line and 2 feet from the north
35 property line. No additional questions were raised at this time.

36
37 Chairman Bradley swore in those speaking to this matter. Chip Hackley, the applicants' architect,
38 described the request as multi-faceted and read a statement into the record summarizing the variations
39 being requested. He then asked if there were any questions.

40
41 Chairman Bradley referred to the corner yard setback variation and Figure 6 on page 5 and questioned
42 the rationale for the porch width dimensions. Mr. Hackley stated the porch would hold typical porch
43 furniture and would draw off the original dimensions on Provident. He also stated a window would be
44 converted to an egress door which would serve to bring the home up to today's living standards. Mr.
45 Hackley then described the effect of the articulation. Mr. Vender asked if they received any comments
46 from the north neighbor. Mr. Hackley noted that portion of the home would not encroach the property
47 line and would remain at one story. Ms. Hanley questioned the existing and proposed setbacks in
48 connection with the new garage's placement. Mr. Hackley responded a variation would still be

1 necessary even if the garage were moved. He added in order to minimize the biggest concern in that
2 corner, it would be kept as a one-story structure noting the garage bonus would not be allowed. Mr.
3 Donohoe described the issues and unique nature of the lot. Alternatives were discussed with regard to
4 reducing the size of the addition and moving the garage to other locations on the lot. Mr. Hackley then
5 described an alternative location for the garage which would affect the home's hip roof and the
6 difficulty in accessing it. No additional questions were raised at this time.

7
8 Chairman Bradley then called the matter in for discussion. He referred to the basement's contribution to
9 GFA and the misleading GFA variation request figure. Chairman Bradley also referred to the property's
10 uniqueness with his issue relating to the corner yard setback in terms of the need for the porch and its
11 contribution to GFA. He added homes like this should be given relief and would otherwise be torn down
12 and he would be in support of the request. Mr. Nielsen stated a smaller garage would require less of a
13 variation and he is undecided. Mr. Hackley referred to the east-west garage width of the garage and a
14 standard garage's width which is not a viable dimension. He also stated the issue related to an 18-foot
15 garage door width which is not allowed and two 9-foot doors would not work in this situation if the
16 width of the garage is reduced.

17
18 Ms. Handler stated she had no concerns relating to the garage and she would be in support of the
19 request. Ms. Hanley agreed with Ms. Handler's comments and stated there are alternatives to change
20 the porch so that it did not count toward the corner yard setback. She also stated there is not a hardship
21 in that regard and referred to the home's siting on the lot. Mr. Hackley explained to the Board how the
22 parcels were previously split. Ms. Hanley then stated the remaining standards can be met except for the
23 corner yard setback. Ms. Casale MacNally agreed with the statements made with the exception of the
24 corner yard setback. Mr. Vender stated the porch enhances the house and neighboring houses, and he
25 is in support of the request. Mr. Nielsen stated the porch is necessary for the overall project and that he
26 is in favor of the request.

27
28 Chairman Bradley stated some Board Members appeared to be in support of the request with the
29 exception of the corner yard setback variation for the porch which did not meet the standards. He then
30 asked for a motion to recommend approval of the request without conditions as indicated on page 9 of
31 the staff report. A motion was made by Mr. Nielsen and seconded by Ms. Handler to recommend
32 approval of the request. A vote was taken and the motion passed, 4 to 2:

33 AYES: Bradley, Handler, Nielsen, Vender

34 NAYS: Casale MacNally, Hanley

35
36 **Other Business.**

37 a. Community Development Report.

38 Mr. Schoon provided an update with regard to the home at Westmoor and Walden which requested a
39 front yard setback variation. He then stated with regard to the question regarding remote participation
40 at meetings, he explained that a quorum needed to be present at the Village Hall and identified
41 exceptions such as a family emergency, etc. Ms. Hanley questioned the work being done at the Metra
42 station near Hubbard Woods. Mr. Schoon described the work to be done which would not be completed
43 in the near future.

44
45 b. August 9, 2021 Meeting – Quorum check.

46 The Board Members discussed their availability.

47
48 **Public Comment.**

1 No public comment was made at this time.

2
3 **Adjournment:**

4 A motion to adjourn was made by Ms. Casale MacNally and seconded. A vote was taken and the motion
5 unanimously passed:

6 AYES: Bradley, Casale MacNally, Handler, Hanley, Nielsen, Vender

7 NAYS: None

8
9 The meeting adjourned at 9:35 p.m.

10
11 Respectfully submitted,

12
13 Antionette Johnson

14 Recording Secretary

DRAFT



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.

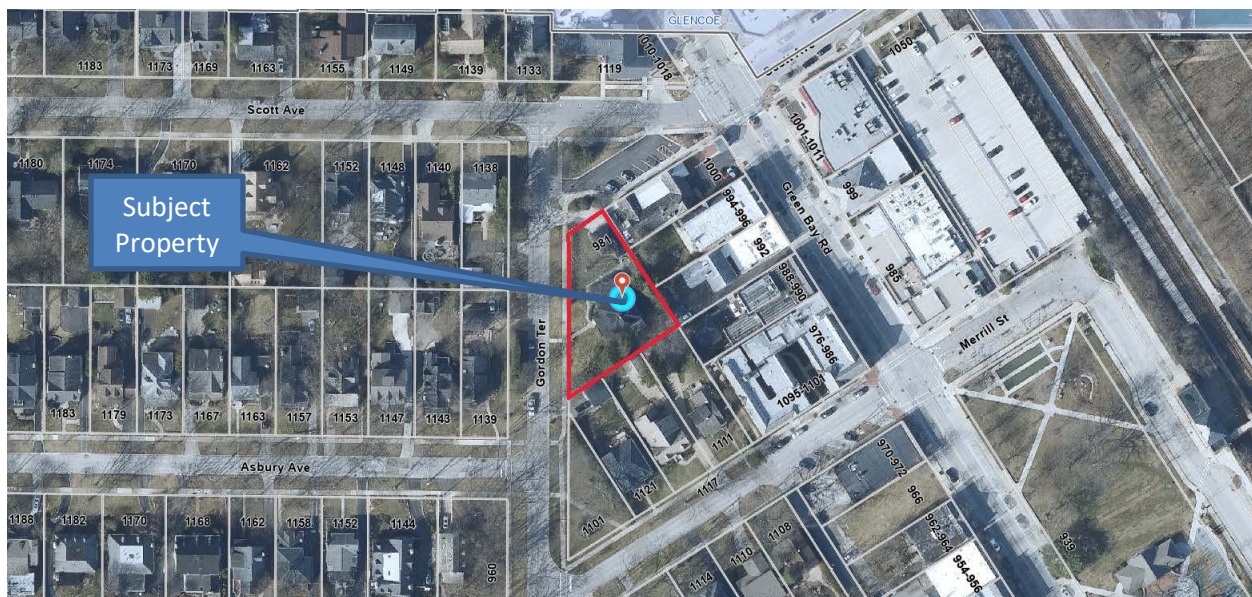


Figure 1 – Aerial Map

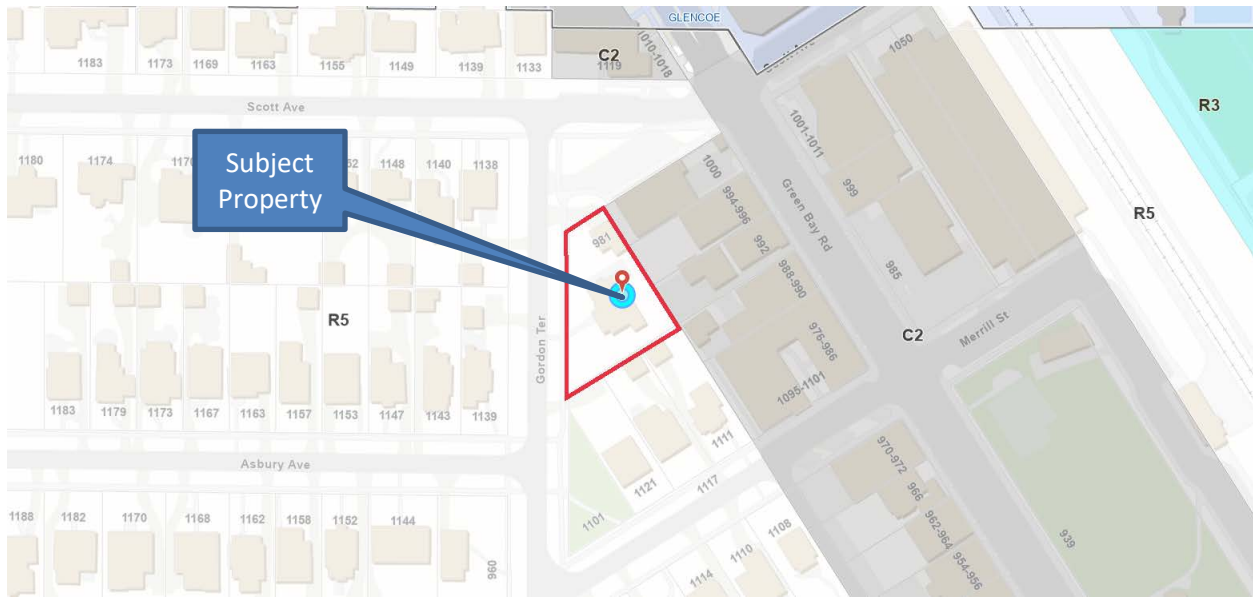


Figure 2 – Zoning Map

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.

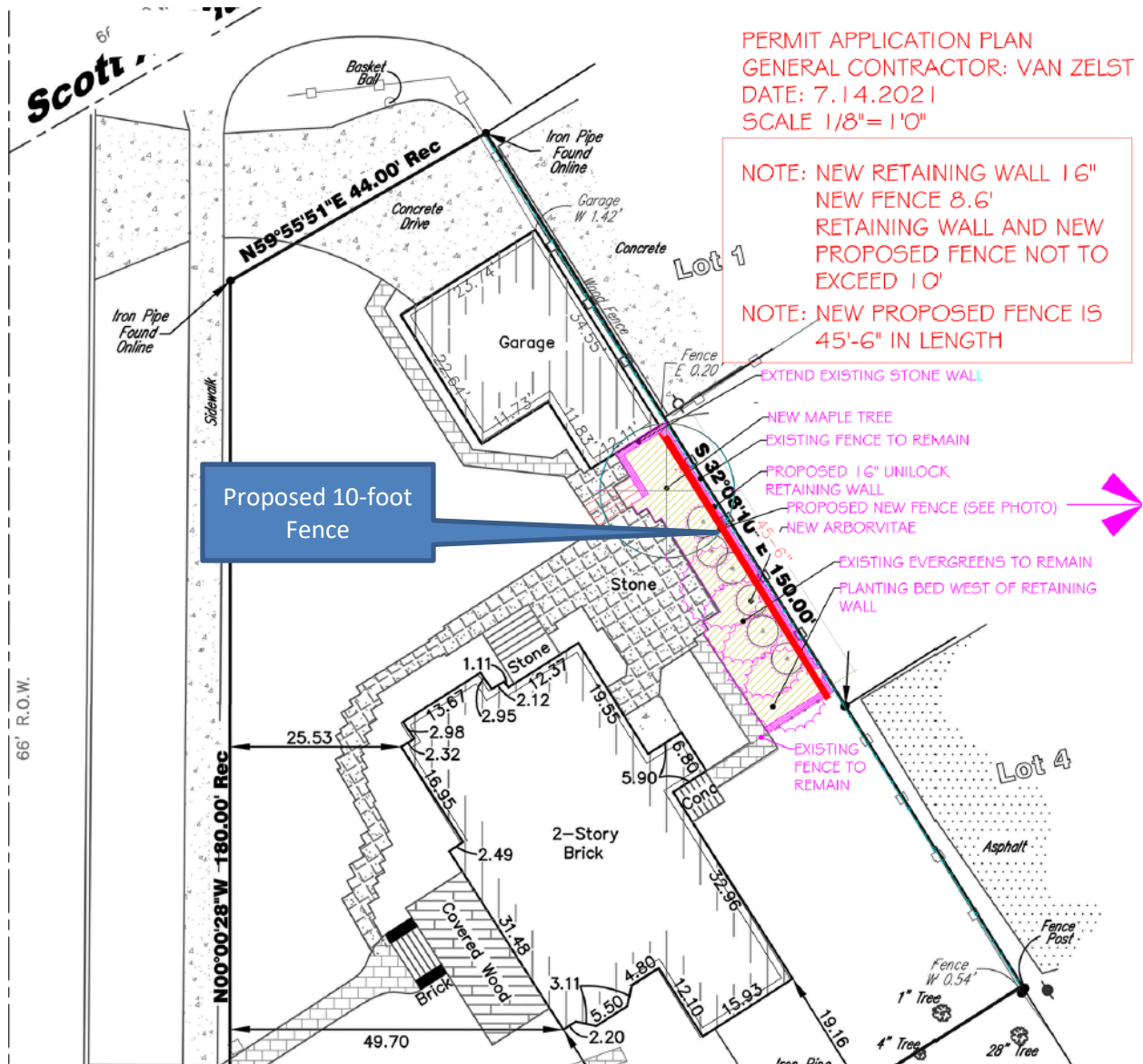


Figure 5 – Excerpt of Proposed Site Plan

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



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 -0500

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"





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 from 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.

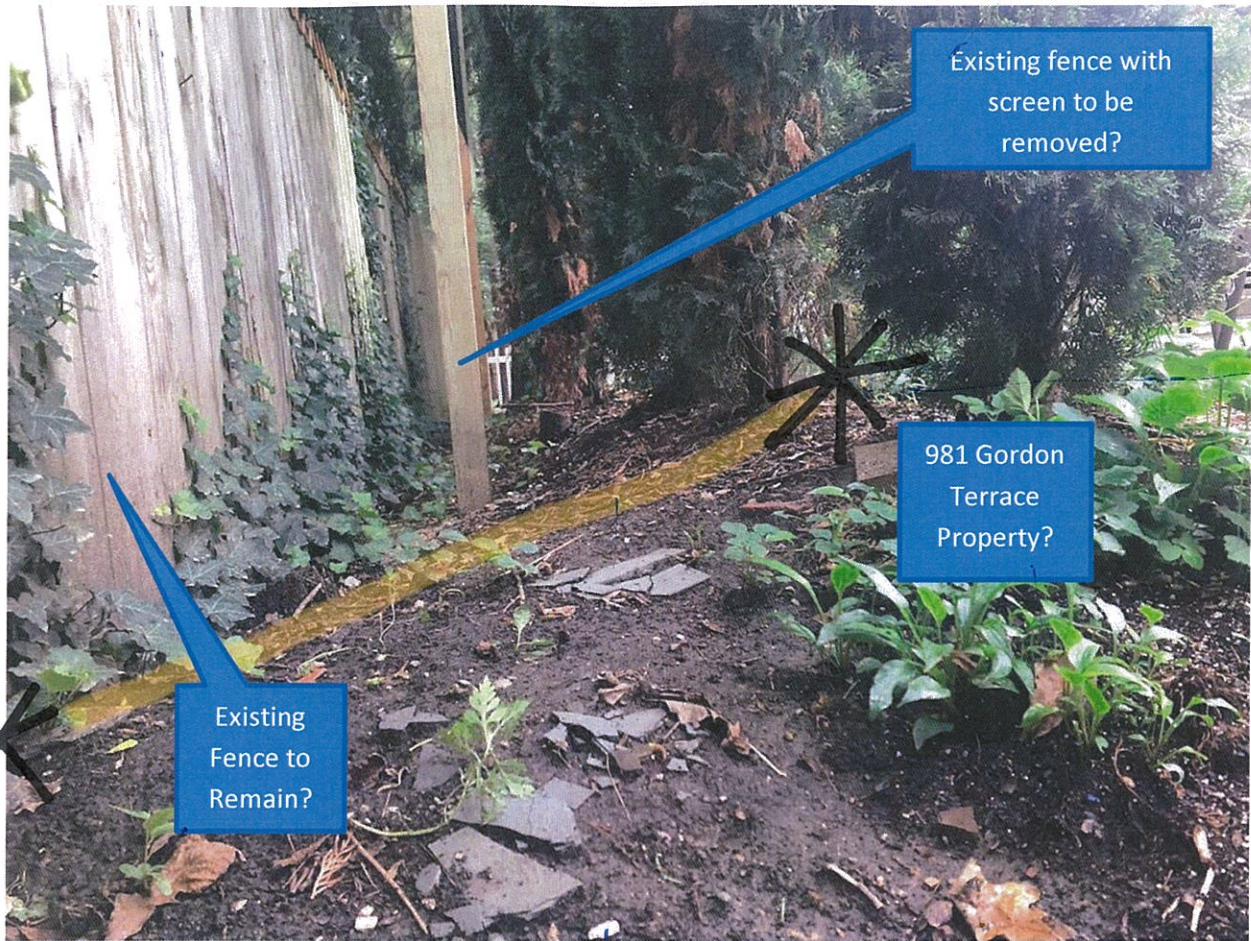
7. The congestion in the public street will not increase.

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



Existing fence with
screen to be
removed?

981 Gordon
Terrace
Property?

Existing
Fence to
Remain?

- 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.

66' R.O.W.
Scott Avenue

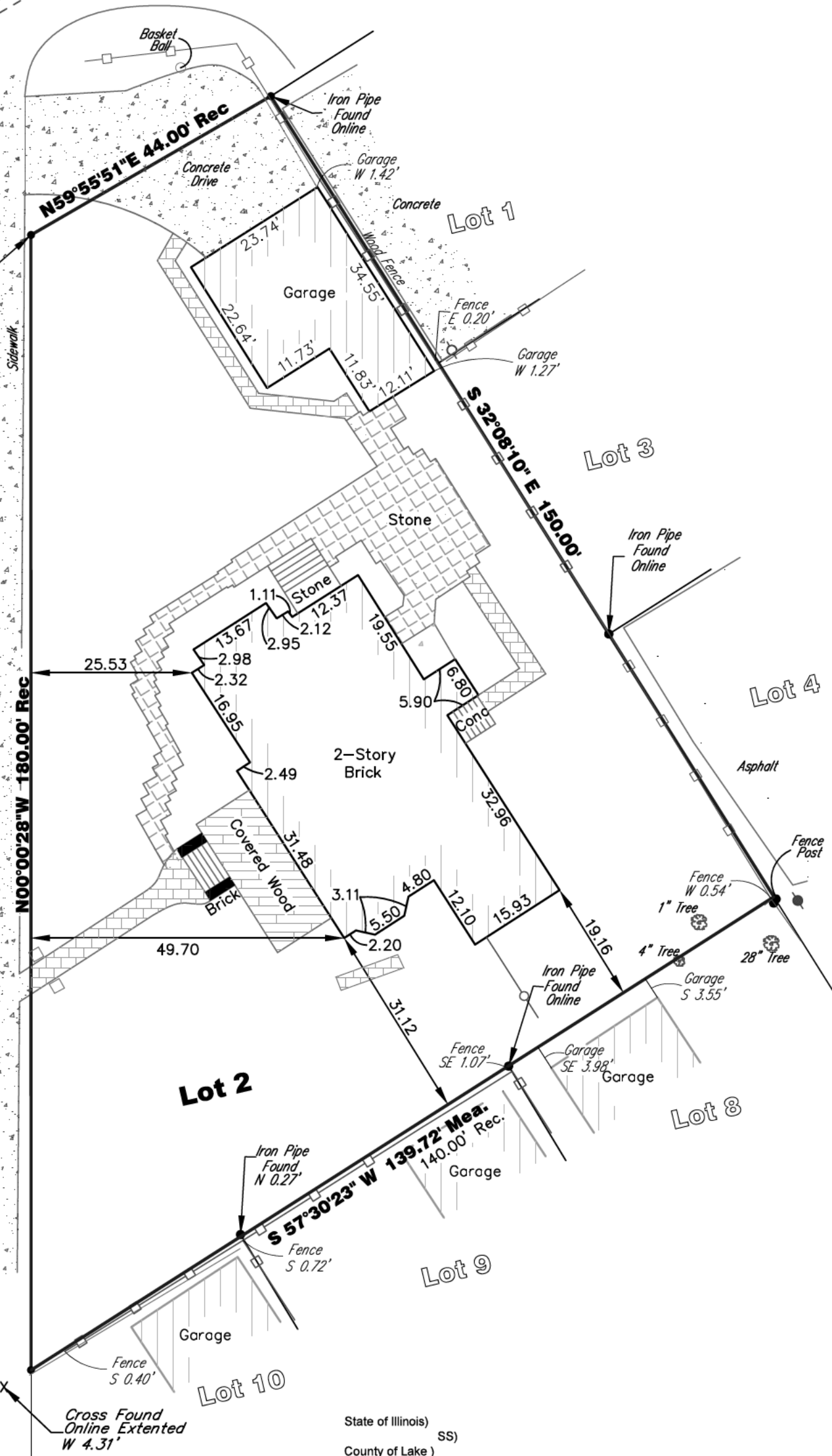
Gordon Terrace
66' R.O.W.

Legend:

- O-Set 1/2" Iron Pipe
- Found Iron Pipe
- X-Found Cross

Surveyor Notes:

- Field Work Completed on 09-17-2019
- Prepared for Joyce Kelly (land owner).
- Site Address: 981 Gordon Terrace, Winnetka, IL
- Pin No.: 05-17-114-001
- 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.
- Compare deed description and site conditions with the data given on this plat and report any discrepancies to the surveyor at once.
- Auto Cad Files will not be released under this contract.
- No boundary corners were set at time of field survey of the subject property by client agreement.
- 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.
- 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.
- All building dimensions and ties are to the current siding material and not to the foundation.



State of Illinois)
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.

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

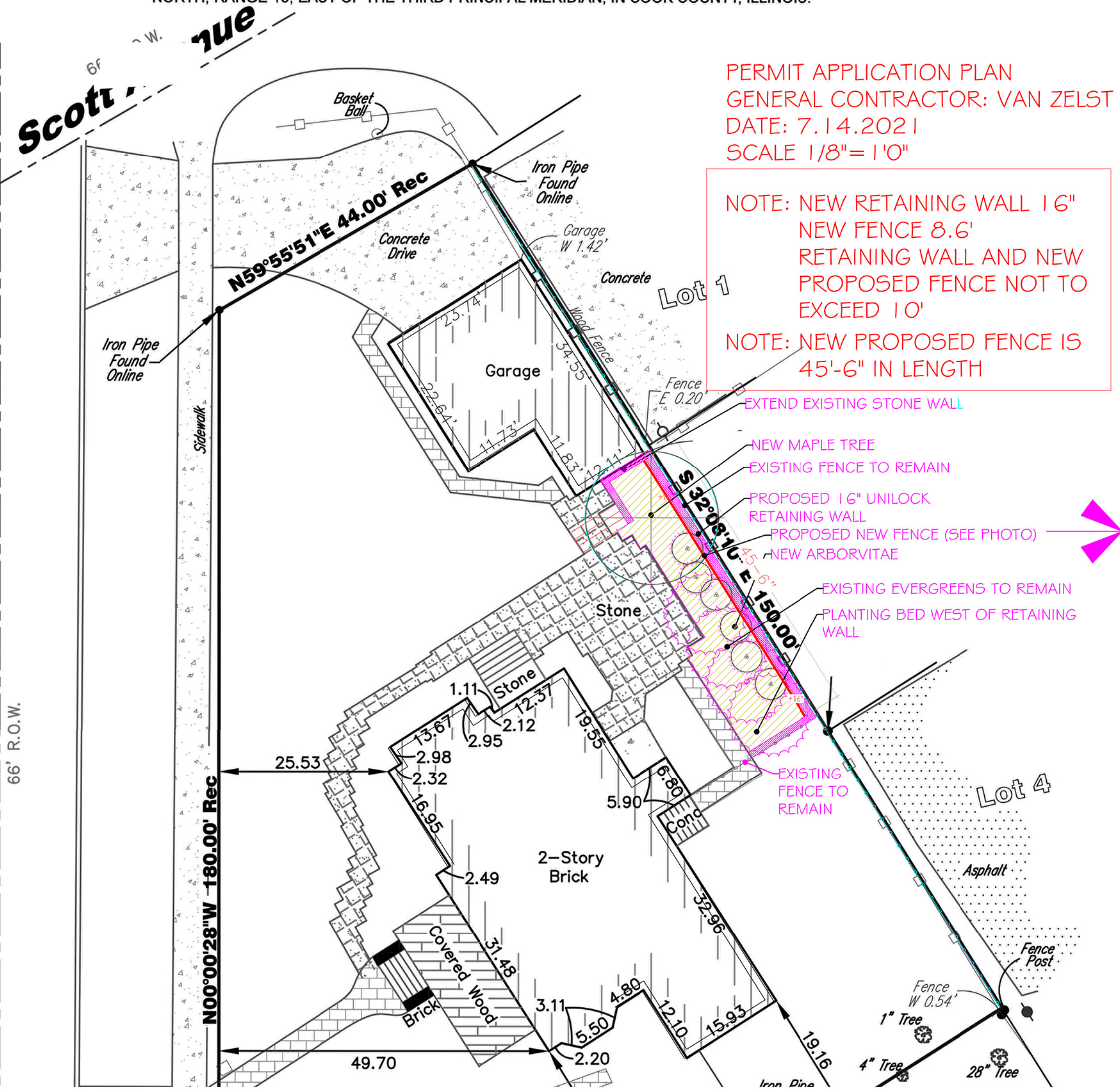
Land Surveying Services, Inc.
1182 Heather Drive Lake Zurich, Illinois 60047
Ph. (847)847-1079 Fax. (847)847-1279
Professional Design Firm License No. 184-003632

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

- EXTEND EXISTING STONE WALL
- NEW MAPLE TREE
- EXISTING FENCE TO REMAIN
- PROPOSED 16" UNILOCK RETAINING WALL
- PROPOSED NEW FENCE (SEE PHOTO)
- NEW ARBORVITAE
- EXISTING EVERGREENS TO REMAIN
- PLANTING BED WEST OF RETAINING WALL
- EXISTING FENCE TO REMAIN



















ATTACHMENT B
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 (the “Applicant”) is the owner 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 a 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 with the final decision being rendered at the Zoning Board of Appeal’s Regular Meeting on August 9, 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.

ADOPTED this 9th day of August, 2021, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed:

Matthew Bradley, Chairperson

Countersigned:

Village Clerk

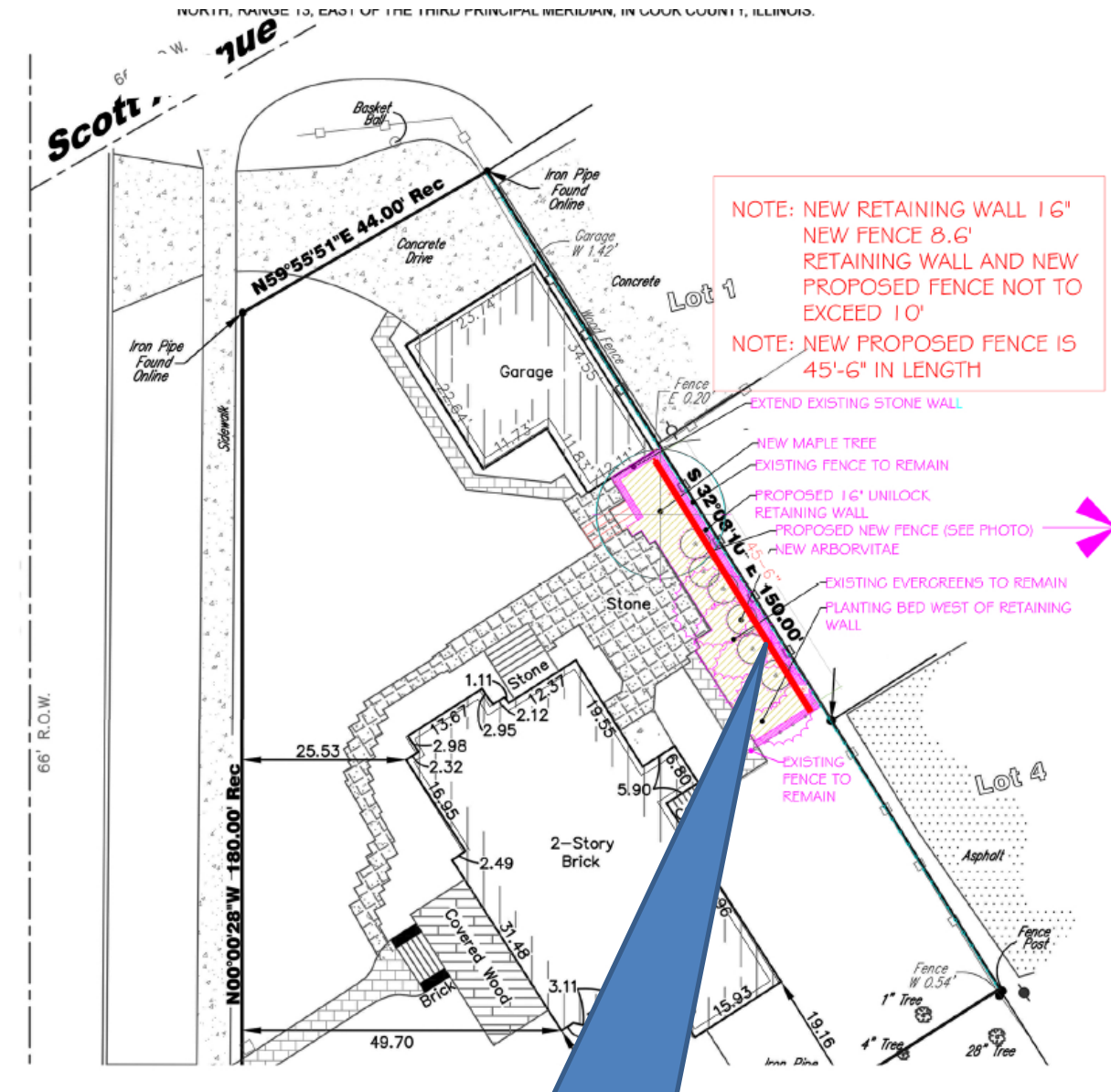
EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

Lot 2 in Block 2 in Jared Gage's Subdivision of part of the Northwest $\frac{1}{4}$ of Fractional Section 17 and part of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ 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 ("**Owner**") is the owner 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 August 9, 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, have considered the possibility of the revocation provided for in the Resolution, and agree not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Owner acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's granting of the variation, and that the Village's approval of the variation does not, and will not, in any way, be deemed to insure the Owner against damage or injury of any kind and at any time.
4. The Owner hereby agrees to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Resolution granting the variation for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2021.

ATTEST

OWNER

By: _____

By: _____

John 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 (the “Applicant”) is the owner 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 a 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 with the final decision being rendered at the Zoning Board of Appeal’s Regular Meeting on August 9, 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.

ADOPTED this 9th day of August, 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 $\frac{1}{4}$ of Fractional Section 17 and part of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ 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

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

