



ZONING BOARD OF APPEALS REGULAR VIRTUAL MEETING AGENDA

MONDAY, APRIL 12, 2021 - 7:00 PM

In accordance with social distancing requirements and Governor Pritzker's Executive Order 2021-06 and Senate Bill 2135, the Winnetka Zoning Board of Appeals meeting on Monday, April 12, 2021 **will be held virtually**. The meeting **will be livestreamed via the Zoom platform**. In accordance, with Public Act 101-0640, at least one representative from the Village will be present at Village Hall Council Chambers at 510 Green Bay Road, Winnetka, IL, and **the virtual meeting will be simulcast at Village Hall for members of the public who do not wish to view the virtual meeting from another location**. Pursuant to the Executive Order issued by the Governor, the number of people who may gather at Village Hall for the meeting is limited due to the mandated social distancing guidelines. **Accordingly, the opportunity to view the virtual meeting at Village Hall is available on a "first-come, first-served" basis.**

The public has the following two options **for virtually observing and participating during this virtual Zoning Board of Appeals meeting, including the ability to provide testimony or comments**. Persons wishing to participate are strongly encouraged (but not required) to complete the Sign-In form found at www.villageofwinnetka.org/meetingsignin.

- 1) **Telephone (audio only)**. Call: 312-626-6799; when prompted enter the Webinar ID: 999 1970 4789 (Please note there is no additional passcode or attendee ID required.)
- 2) **Livestream (both audio and video feed)**. Download the Zoom meetings app to your smart phone, tablet, or computer, and then join Webinar ID: 999 1970 4789; Webinar Passcode: ZBA041221

If you wish **to provide testimony or comments prior to the meeting**, you may provide them one of three ways:

- 1) By sending **an email** to planning@winnetka.org;
- 2) By sending **a letter** to Community Development Department, Village of Winnetka, 510 Green Bay Road, Winnetka, IL 60093; or
- 3) By leaving **a voice mail message** at the phone number 847-716-3524. All voicemail messages will be transcribed into a written format.

All comments received prior to the posting of the agenda packet will be included in the agenda packet. All comments received after the agenda packet has been posted and received by 6:00 PM the day of the meeting will be read at the meeting by staff. Such public comment is limited to 200 words or less and should identify both (1) the subject of the comment being offered (such as property address or case number of the agenda item) and (2) the full name of the individual providing the comments. In addition, you may wish to include your street address, phone number, and the name of the organization or agency you represent, if applicable.

General comments for matters not on the agenda will be read at the end of the meeting under Public Comment. Comments specific to a particular agenda item will be read during the discussion of that agenda item.

All emails received will be acknowledged either during or after the meeting, depending on when they are received.

Persons seeking additional information concerning any of the applications, accessing the virtual meetings, or requesting alternative means to provide testimony or public comment are directed to email inquiries to planning@winnetka.org or by calling 847-716-3525.

ZONING BOARD OF APPEALS REGULAR VIRTUAL MEETING AGENDA
MONDAY, APRIL 12, 2021 - 7:00 PM

AGENDA ITEMS

1. Call to Order & Roll Call.
2. Introductory Remarks Regarding Conduct of Virtual Meeting.
3. Approval of Minutes – March 8, 2021.
4. **Case No. 21-11-V: 645 Hibbard Road:** An application submitted by Steffen and Brenda Jacobsen seeking approval of a zoning variation to allow a fence at 645 Hibbard Road along its Hibbard Road, Pine Street, and a portion of its east property lines. 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.
5. **Case No. 21-12-V: 650 Hill Road:** An application submitted by Renee Lanam seeking approval of a zoning variation to allow construction of an addition at 650 Hill Road. The requested zoning variation would permit the addition to provide less than the minimum required total side yard setback. The Zoning Board of Appeals has final jurisdiction on this request.
6. Other Business.
 - a. Community Development Report
 - b. May 10, 2021 Meeting - Quorum check
7. Public Comment.
8. Adjournment

Note: Public comment is permitted on all agenda items.

NOTICE

All agenda materials are available at www.villageofwinnetka.org/agendacenter.

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

**WINNETKA ZONING BOARD OF APPEALS MEETING MINUTES
MARCH 8, 2021**

Zoning Board Members Present: Matt Bradley, Chairman
Kimberly Handler
Lynn Hanley
Mike Nielsen
Max Weigandt

Zoning Board Members Absent: E. Gene Greable

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

**Minutes of the Zoning Board of Appeals
March 8, 2021**

Call to Order & Roll Call:

Chairman Bradley called the meeting to order at 7:00 p.m. and read the Oral Declaration into the record. Ms. Klaassen took roll call of the Board Members present.

Introductory Remarks Regarding Conduct of Virtual Meeting.

Chairman Bradley outlined the agenda items and explained how the virtual meeting would take place. He also explained how public participation would take place and outlined the rules of procedure.

Approval of February 8, 2021 meeting minutes.

Chairman Bradley asked for a motion to approve the February 8, 2021 meeting minutes. A motion was made by Mr. Nielsen to approve the February 8, 2021 minutes and the motion was seconded by Mr. Weigandt. A vote was taken and the motion unanimously passed:

AYES: Bradley, Handler, Hanley, Nielsen, Weigandt

NAYS: None

Case No. 21-08-V2: 630 Sheridan Road: An application submitted by Steve and Marie Sullivan seeking approval of zoning variations to allow the existing playhouse at 630 Sheridan Road. The requested zoning variations would permit the existing playhouse to (a) provide less than the minimum required rear yard setback from the north property line; and (b) exceed the maximum permitted height. The Village Council has final jurisdiction on this request.

Ms. Klaassen described the request in relation to the rear yard setback and north property line. She identified the property location and zoning classification and described how the existing lot is legal nonconforming. Ms. Klaassen stated a complaint relating to the playhouse was received in December 2019 and it was determined that the playhouse was constructed without a permit and did not comply with zoning regulations. She stated after discussion with the applicant, the applicant submitted an application for variations to allow the existing playhouse to remain. Ms. Klaassen identified the playhouse height, setbacks and photos. She also identified structures which are allowed to have a 7 foot maximum height. Ms. Klaassen noted no communication has been received relating to the request and no members of the public are at the Village Hall to comment. She stated after public comment and the Board's deliberation,

1 the Board may make a motion as identified on page nos. 5-6 of the staff report, and she asked if there
2 were any questions.

3
4 Chairman Bradley asked if there were any questions of staff. Mr. Weigandt referred to the issue and
5 complaint dating to 2019 and Ms. Klaassen confirmed they received a phone call. Chairman Bradley asked
6 why playhouses are included with other allowed accessory structures. Ms. Klaassen stated sheds were
7 meant for storage and noted the subject playhouse is a custom structure as opposed to a playhouse that
8 can be purchased from a store. Ms. Hanley asked if certain swing sets are allowed and Ms. Klaassen
9 confirmed some are allowed to encroach the rear yard although certain setbacks need to be adhered to.
10 She noted height would not be an issue with a swing set. Ms. Handler referred to the history behind the
11 complaint. Ms. Klaassen confirmed there has been periodic communication since 2019 relating to
12 addressing compliance. Ms. Hanley asked if a playhouse defined as a specific structure that has to meet
13 the height requirement and Ms. Klaassen confirmed that is correct noting there is no definition of
14 playhouse in the ordinance.

15
16 Mr. Norkus allowed the applicant into the meeting. Chairman Bradley swore in those speaking to this
17 matter. Bryan Sullivan stated he is representing Steve and Marie Sullivan. Mr. Sullivan stated he arranged
18 for the playhouse construction without first checking with the Village and being aware of the ordinance.
19 He described how they measured the setback and confirmed the height is clearly in violation. Mr. Sullivan
20 noted the playhouse was built in late 2019 and the applicants considered moving in 2020 and to remove
21 the playhouse. He noted the playhouse door height was near the 7 foot height limit and reducing its height
22 would result in a stunted flat roofed structure which is when they decided to ask for a variance. Mr.
23 Sullivan stated the playhouse represented no visual concern and the applicants wanted a play area for the
24 children to play independently in the yard. He added it is not a permanent structure and described how
25 its view is obscured from the street. Mr. Sullivan concluded it did not violate the spirit of the ordinance.

26
27 Chairman Bradley asked if the playhouse is on a concrete slab and how difficult would it be to move it.
28 Mr. Sullivan described how the base was constructed and he would find out from his construction crew if
29 it can be moved. He stated it was intentionally built at 4.5 feet from the fence. Chairman Bradley asked if
30 there was communication with surrounding neighbors before construction. Mr. Sullivan responded there
31 was not. Ms. Handler asked Mr. Sullivan if they considered reducing the height from the bottom which
32 would not affect its appearance. Mr. Sullivan responded that is not possible since is not prefab.

33
34 Mr. Norkus allowed members of the public into the meeting to comment. Chairman Bradley swore in
35 those speaking to this matter. Andrew Evans, 615 Cedar, commented the playhouse is tasteful and they
36 are the only ones who can visually see it. He stated he is disturbed by an anonymous complaint made by
37 someone who can hardly see it and he hoped it could remain. Linda Pedian, 595 Cedar, asked the Board
38 to consider an exception and for an approval recommendation for the playhouse on the triangularly
39 shaped property. She referred to the stay-at-home order requiring children to remain at home and
40 described how the attractive and custom playhouse is appropriately sited on the lot. Ms. Pedian
41 commented an exception for this request compared to other exceptions granted by the Village is
42 appropriate and she would support the request which would not diminish views from homes to the north
43 or west. David Murdoch, 649 Pine Street, confirmed they heard no construction noise and the playhouse
44 is fine with him. Mr. Norkus confirmed there is no additional public comment.

45
46 Chairman Bradley confirmed public comment is closed and the Board would now deliberate. Mr.
47 Weigandt stated he would be in support of leaving it as is and referred to the setback being a technicality
48 with minimum visual impact. Mr. Nielsen referred to the angled fence, the inability to move it and the

1 anonymous neighbor complaint and stated he would also be in support. Ms. Handler stated it did not
2 meet the criteria for granting an exception with the Board considering a similar case which was denied.
3 She also referred to other types of compliant playhouses and her concern related to height which would
4 set a bad precedent. Ms. Hanley stated she is strongly opposed to this part of the ordinance and described
5 the request as a prime example of why the ordinance needed to be changed. She referred to playhouses
6 not being included in the ordinance as an accessory structure. Ms. Hanley added the height is 8.5 feet due
7 to its peak and referred to swing sets which measure 9-10 feet.

8
9 Ms. Klaassen referred to Section 17.030.080 and the height of accessory structures. Ms. Hanley then
10 stated she found it difficult to use the standards to find in favor of a height variation. Chairman Bradley
11 agreed he is also frustrated with these types of cases and there is no way the playhouse would satisfy the
12 standards. He stated he is also concerned with creating precedent and compared it against the criteria for
13 pool house height limitations. Chairman Bradley then referred to the number of cases where applicants
14 perform work and then ask for forgiveness and noted the applicants did comply with permit processes
15 with their other renovations. He also referred to the adjacent neighbor not having a problem with the
16 request. Ms. Hanley suggested the applicants request an ordinance amendment noting she would vote
17 against the request.

18
19 Mr. Schoon informed the Board they deal with these types of distinctions regularly with regard to the
20 difference between a swing set and playhouse and accessory structures. He also stated they have
21 discussed whether a code amendment should be done, and if the Board desired it can make a
22 recommendation for the issue to be studied. Ms. Handler stated the ceiling height limited functionality in
23 terms of the ability to live in it as a small home as opposed to using it for storage. She also stated how the
24 Village learned of the violation is irrelevant.

25
26 Chairman Bradley stated he would vote to recommend approval and it is impossible for it to meet the
27 standards and asked if a majority vote is needed. Mr. Schoon responded four Board Members needed to
28 vote to recommend approval. Ms. Hanley stated she would reluctantly vote to recommend approval
29 noting the request did not specifically meet the standards.

30
31 Chairman Bradley then asked for a motion to recommend approval as noted on page 5 of the agenda
32 materials. A motion was made by Mr. Weigandt and seconded by Mr. Nielsen. A vote was taken and the
33 motion passed, 4 to 1:

34 AYES: Bradley, Hanley, Nielsen, Weigandt

35 NAYS: Handler

36
37 **Case No. 21-09-V2: 651 Elm Street:** An application submitted by B. Beshert, LLC seeking approval of a
38 zoning variation to allow construction of a single family residence at 651 Elm Street. The requested
39 zoning variation would permit the new residence to provide less than the minimum required front yard
40 setback. The Village Council has final jurisdiction on this request.

41 Ms. Klaassen described the proposed setback and identified the vacant property's location and zoning
42 classification. She noted the lot has been vacant since 2007 after the former residence was torn down.
43 Ms. Klaassen stated the proposed new home would comply with zoning regulations with the exception of
44 the front yard setback. She added storm water detention would require Village Engineering approval. She
45 then identified the home's front elevation and described how the average front yard setback is calculated
46 in the R-4 zoning district. Ms. Klaassen stated one correspondence was received and would be read into
47 the record and there is no one at the Village Hall to comment. She stated after the applicant's presentation

1 and the Board's deliberation, a Board Member may make a motion as outlined on page nos. 6 and 7 of
2 the staff report and asked if there were any questions.

3
4 Ms. Handler questioned if there is an elevation survey to show how neighboring homes are situated and
5 referenced page 7. Ms. Klaassen responded there is no such graphic and referred the Board to the plat of
6 survey and stated the south westerly property line has articulation changes which are 100 feet from Elm
7 Street to the north. She noted the former residence was located 26.8 feet from the Elm Street property
8 line. Chairman Bradley referred to Figure 7 to use as a reference point for the Elm Street homes. No
9 additional questions were raised at this time.

10
11 Mr. Norkus allowed the applicant into the meeting. Chairman Bradley swore in those speaking to this
12 matter. Matt Burdeen, Elliot Wiczer, the applicants' attorney, and Scott Renken, the architect, presented
13 the request to the Board. Mr. Burdeen stated they plan to preserve as many trees as possible and referred
14 to the largest 22 inch tree in the center of the lot which would have to be removed if they built the home
15 at the required setback. Mr. Wiczer referred to skewing of the two lots and the corner lot on Cedar being
16 counted as the definition block face and described it as a hardship. He stated another hardship related to
17 the definition of the block face which require the two deepest properties having to be counted in the
18 setback average. Mr. Wiczer stated if the home was located on any other area of Elm Street, it would fall
19 within the 40-foot setback. He stated more green space would result in the backyard as well as the
20 preservation of the significant tree. Mr. Wiczer also stated a neighbor sent an email relating to the
21 request. He then stated with regard to drainage and flood plain issues, the applicants would comply and
22 hold water on their property. Mr. Wiczer stated the applicants felt strongly with regard to preserving the
23 trees and shrubbery and noted the request complied with all of the other zoning requirements.

24
25 Chairman Bradley asked if there were any questions. He asked Mr. Renken if the setback calculation
26 started with the back of the property. Mr. Renken described the manner in which they considered the
27 home's size while taking into account the setback requirements. Mr. Wiczer informed the Board the
28 home's siting was somewhat arbitrary in connection with considering neighboring homes and described
29 how the home could be setback 60 feet which resulted in loss of backyard space. He added the home
30 would look more normal with a 40 foot setback.

31
32 Ms. Handler referred to Figure 5 and identified the portion of the home which would be at the 40 foot
33 setback line. Mr. Wiczer confirmed that is correct.

34
35 Ms. Klaassen read an email from Lisa and Jeff Peterson, 644 Spruce Street, into the record noting concerns
36 of drainage, water runoff and tree preservation. She noted no one is present at the Village Hall to
37 comment.

38
39 Mr. Norkus allowed members of the public into the meeting to comment. Chairman Bradley swore in
40 those speaking to this matter. Jeff Schmidt, 550 Cedar, noted they also own the adjacent lot at 660 Elm
41 Street and stated a letter to the Board was submitted this afternoon which he read into the record. Lisa
42 and David Peterson stated they had no additional comments in addition to the letter they submitted
43 noting they support the setback variation and agreed with Mr. Schmidt's comments. Jason and Kelly
44 Simmers, 655 Elm Street, stated they agreed with the neighbors' comments and support the requested
45 variation noting separation between the homes is important as well as the preservation of green space
46 on the property. Mr. Simmers informed the Board their home is the only home which faced the Village
47 Green from Elm Street. Mr. Norkus confirmed there was no additional public comment.

48

Chairman Bradley asked the applicants if they would like to respond or if there were questions from the Board. Ms. Handler stated she is in support of the variation and the request met all of the criteria. She also referred to the property's unique shape and the manner in which the average setback is calculated adding the request would allow trees to remain. Ms. Hanley and Mr. Weigandt agreed with Ms. Handler's comments. Mr. Nielsen stated any stormwater issues are not within the Board's purview and would be addressed by the Village Engineer. He concluded he would be in support. Chairman Bradley stated the standards on page 7 have been met and noted a home could be built which yielded reasonable return. He referred to the 655 Elm owner's comments relating to the effect of placing the home near the back of the property. Chairman Bradley stated the way the neighboring homes are placed on the lots resulted in the need for the average setback calculation noting the home would otherwise be built in compliance. He agreed water issues are not within the Board's purview and the request would need to meet other Village storm water and drainage requirements.

Chairman Bradley then asked for a motion to recommend approval. Ms. Hanley moved to recommend approval of the requested variations for 655 Elm Street. Mr. Weigandt seconded the motion. A vote was taken and the motion unanimously passed, 5 to 0:

AYES: Bradley, Handler, Hanley, Nielsen, Weigandt

NAYS: None

Other Business.

a. Community Development Report.

Mr. Schoon informed the Board that the variation request for 880 Willow is scheduled to be presented to the Village Council at their next meeting. He stated the Village Council held a public meeting relating to architecturally and historically significant homes noting the Village Council adopted introduction of an ordinance that would allow the possibility of a 270-demolition delay being issued for architecturally or historically significant homes and that significant homes being able to qualify for a density bonus to encourage preservation.

b. April 12, 2021 Meeting – Quorum check.

The Board Members discussed their availability.

Public Comment.

Mr. Norkus stated we are unable to hear the remaining member of the public and offered her the opportunity to submit any public comment in writing. He confirmed there was no additional public comment at this time.

Adjournment:

Ms. Hanley moved to adjourn and the motion was seconded by Mr. Nielsen. A vote was taken and the motion unanimously passed, 5 to 0:

AYES: Bradley, Handler, Hanley, Nielsen, Weigandt

NAYS: None

The meeting adjourned at 9:07 p.m.

Respectfully submitted,

Antionette Johnson

Recording Secretary



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: APRIL 5, 2021
SUBJECT: 645 HIBBARD ROAD -VARIATION (CASE NO. 21-11-V)

INTRODUCTION

On April 12, 2021, the Zoning Board of Appeals is scheduled to hold a virtual public hearing, in accordance with social distancing requirements, Governor Pritzker's Executive Orders and Senate Bill 2135, on an application submitted by Steffen and Brenda Jacobsen (collectively, the "Applicant") as the owners of the property at 645 Hibbard Road (the "Subject Property"). The Applicant requests approval of the following zoning variation to allow installation of a fence on the Subject Property along its Hibbard Road, Pine Street, and a portion of its east property lines:

1. A fence that is 8 feet in height, whereas a maximum of 6.5 feet above natural grade is permitted, a variation of 1.5 feet (23.08%) [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 March 25, 2021. As of the date of this memo, staff has received one voicemail message from the public regarding this application. The voicemail has been transcribed and is included in this report as Attachment C.

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 1.95 acres in size, is located at the northeast corner of the intersection of Hibbard Road and Pine Street and contains an existing one-story residence with an attached garage (see Figure 1). The Subject Property is a "corner lot" situated at the junction of two or more streets, Hibbard Road to the west and Pine Street to the south.

The property is zoned R-2 Single Family Residential, and it is surrounded by R-2 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.

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The residence was built in 1961. The following subsequent building permits were issued in:

1. 1964 to construct a pool and a mudroom addition.
2. 1972 to construct interior alterations and a pool enclosure.

Other minor permits have also been issued over the years; including a fence permit in 1998 to install a fence 6.5 feet in height and in 2002 to replace the fence. The Applicants acquired the property in 2018.

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

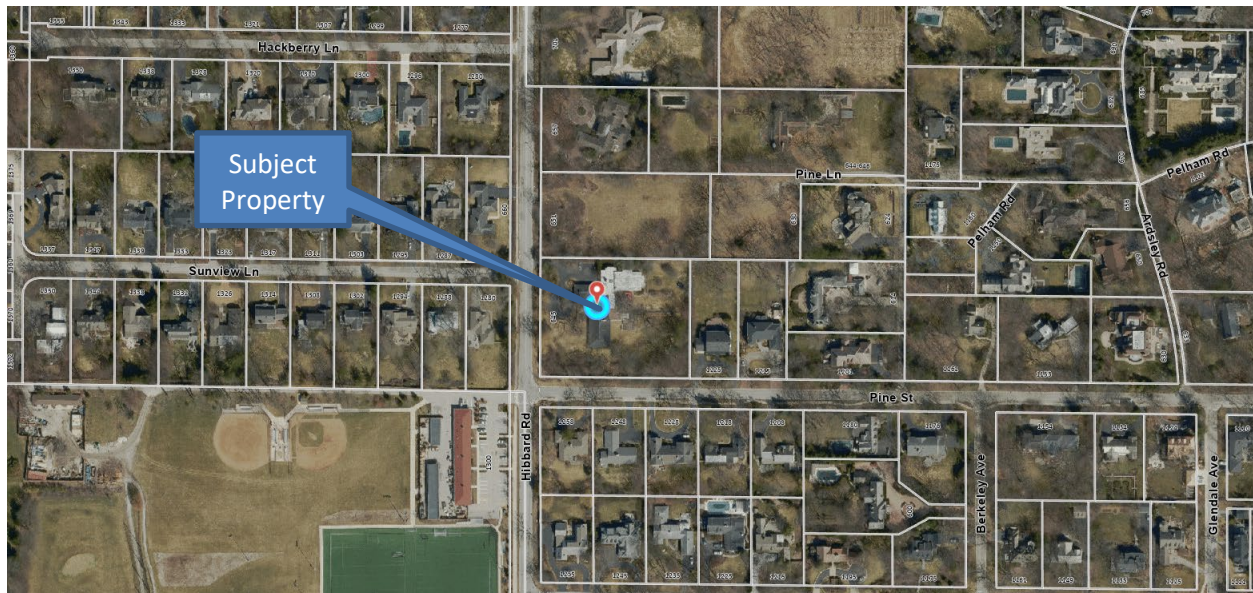


Figure 1 – Aerial Map



Figure 2 – Zoning Map



Figure 3 – Subject Property – South Elevation (Pine Street)



Figure 4 – Subject Property – West Elevation (Hibbard Road)

PROPOSED PLAN

The requested variation would allow the replacement of the existing fence along the west front lot line, the south corner lot line, and the majority of the east rear lot line of the Subject Property (Figure 6). According to the Applicant, the existing fence is 6.5 feet in height, which is consistent with previously

approved fence permits. The proposed fence would be a solid horizontal fence constructed of wood and measure 8 feet in height. Figure 5 below identifies the existing fence that would be replaced. The existing fence can also be seen in Figures 3 and 4 on the previous page. As described in the Applicant's written explanation, which is provided in Attachment A, the additional height in excess of the permitted 6.5 feet is to increase privacy and to reduce noise from Hibbard Road and Pine Street.



Figure 5 – Existing Fence

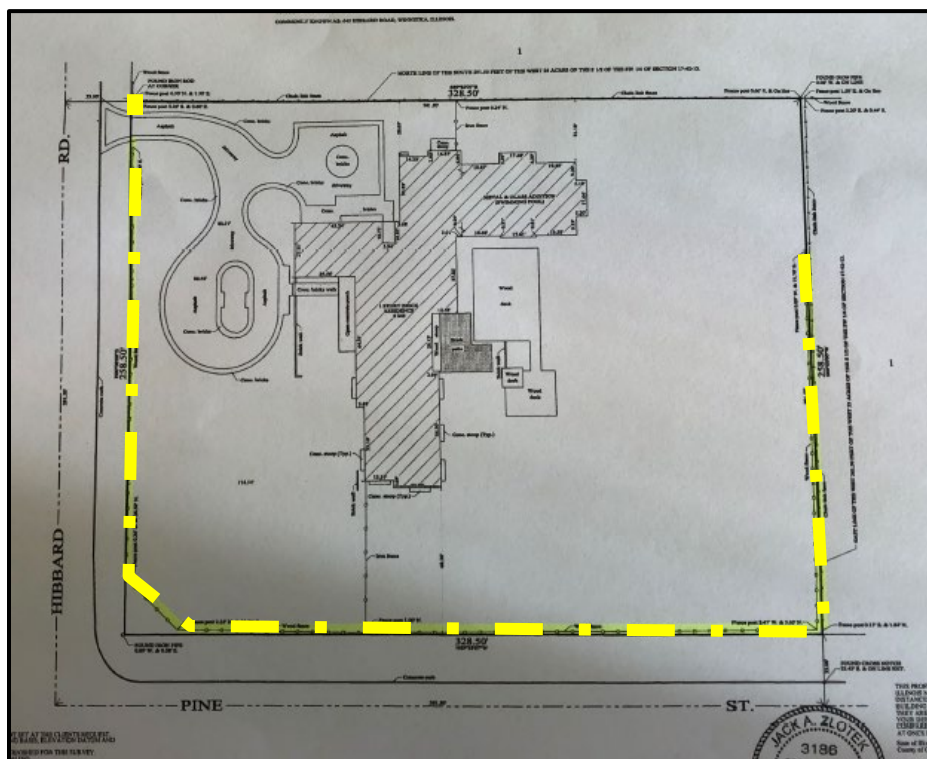


Figure 6 – Location of Proposed 8'-0" Tall Fence

REQUESTED ZONING RELIEF

One variation is being requested to allow a fence 8 feet in height along the west front lot line, the south corner lot line, and the majority of the east rear lot line, whereas the maximum permitted height is 6.5 feet above natural grade, a variation of 1.5 feet (23.08%). For reference, fences and walls along the contiguous rear or side lot lines between commercial and single-family or multi-family residential zoning districts are allowed a height of 8 feet above natural grade.

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



VILLAGE OF WINNETKA, ILLINOIS

DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. 21-11-V

VA2021-117

Property Information

Site Address: 645 Hibbard Road, Winnetka IL 60093

Owner Information

Name: Steffen and Brenda Jacobsen

Address: 645 Hibbard Road

City, State, ZIP: Winnetka, IL 60093

Email: [REDACTED]

Primary Contact: Steffen Jacobsen

Phone No. [REDACTED]

Date property acquired by owner: 07/05/2018

Architect Information

Name: n/a

Primary Contact: _____

Address: _____

City, State, ZIP: _____

Phone No. _____

Email: _____

Attorney Information

Name: n/a

Primary Contact: _____

Address: _____

City, State, Zip: _____

Phone No. _____

Email: _____

Nature of any restrictions on property: Fence around the property (incl. along Hibbard and Pine) is limited to 6'6" high and currently requires replacement.

Brief explanation of variation(s) requested (attach separate sheet providing additional details): Because the fence line around the property is approx. 18" below the plane of the road, owners wish to replace the existing 6'6" fence with a fence of up to 8' in height, which is not inconsistent with other houses on Hibbard, likely owing to the high foot- and vehicle- traffic volume and associated noise pollution and lack of privacy.

Property Owner Signature: [REDACTED]

Date: 02/18/2021

645 Hibbard Road – Fence Variation Narrative

Per the Zoning Variance Application submitted, the owners of 645 Hibbard Road wish to replace the existing 6' 6" height fence with a new fence of up to 8' in height. The existing fence requires replacement because much of it is original (c. 1960's). Critically, the current fence is built in a ditch that is approx. 18" below the level of the street and the sidewalk, meaning cars and pedestrians can easily see into the property and into the home, which – a mid-century modern – has floor-to-ceiling windows throughout. Hibbard is an increasingly busy street, eliminating privacy for the house's occupants – which include a 9 and 11 year old boy and girl, respectively, whose bedroom faces Hibbard. A higher fence would also reduce street noise to the home. Photos are included with this application that show the lack of privacy and with which to compare the height of the existing fence with the height of the fence of the house across the street, which is not built in a ditch below street level.

Please see below for specific responses to Standards for Granting Zoning Variations:

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

Response: We do not believe that the increase in fence height will have any effect on the financial return of the property. A higher fence *will* result in an increase in privacy and noise abatement to the 645 Hibbard Road property from vehicle and foot traffic along Hibbard and Pine, which could theoretically increase property 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.

Response: The circumstances in question are the leveling and grading of Hibbard Road vis-à-vis the leveling and grading of the property line at which the fence is built: 18" below the level of Hibbard Road and its sidewalk. Standing in my office and looking out on Hibbard Road, I can literally see adult pedestrians from the waist-up and they can see me from head-to-toe. The windows of passing cars are well above the fence line. This is a single-level house and each of the rooms has full, floor-to-ceiling windows/sliding doors, meaning passers-by can see everything. We have tried to plant trees along the property line for increased privacy and noise abatement, but they are growing slowly, the willows are falling apart, and the elms have all succumbed to Dutch Elm Disease – and they are all bare during winter.

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

Response: We do not believe that the increase in fence height will have an effect on the essential character of the locality given that a number of houses in Winnetka along Hibbard have 8' fences and given that, with the grade of the fence line, the fence will not exceed the height of neighboring fences.



645 Hibbard Road – Fence Variation Narrative

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

Response: The increase in fence height will have no effect on the light and air supply to adjacent properties.

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

Response: The increase in fence height will have no effect on the hazard from fire or other damages to the property.

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

Response: The increase in fence height will not diminish the taxable value of the land and buildings throughout the Village

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

Response: The increase in fence height will not increase the congestion in the public streets (Hibbard and Pine) bordering the property.

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

Response: The increase in fence height will not impair the public health, safety, comfort, morals and welfare of the inhabitants of the Village.



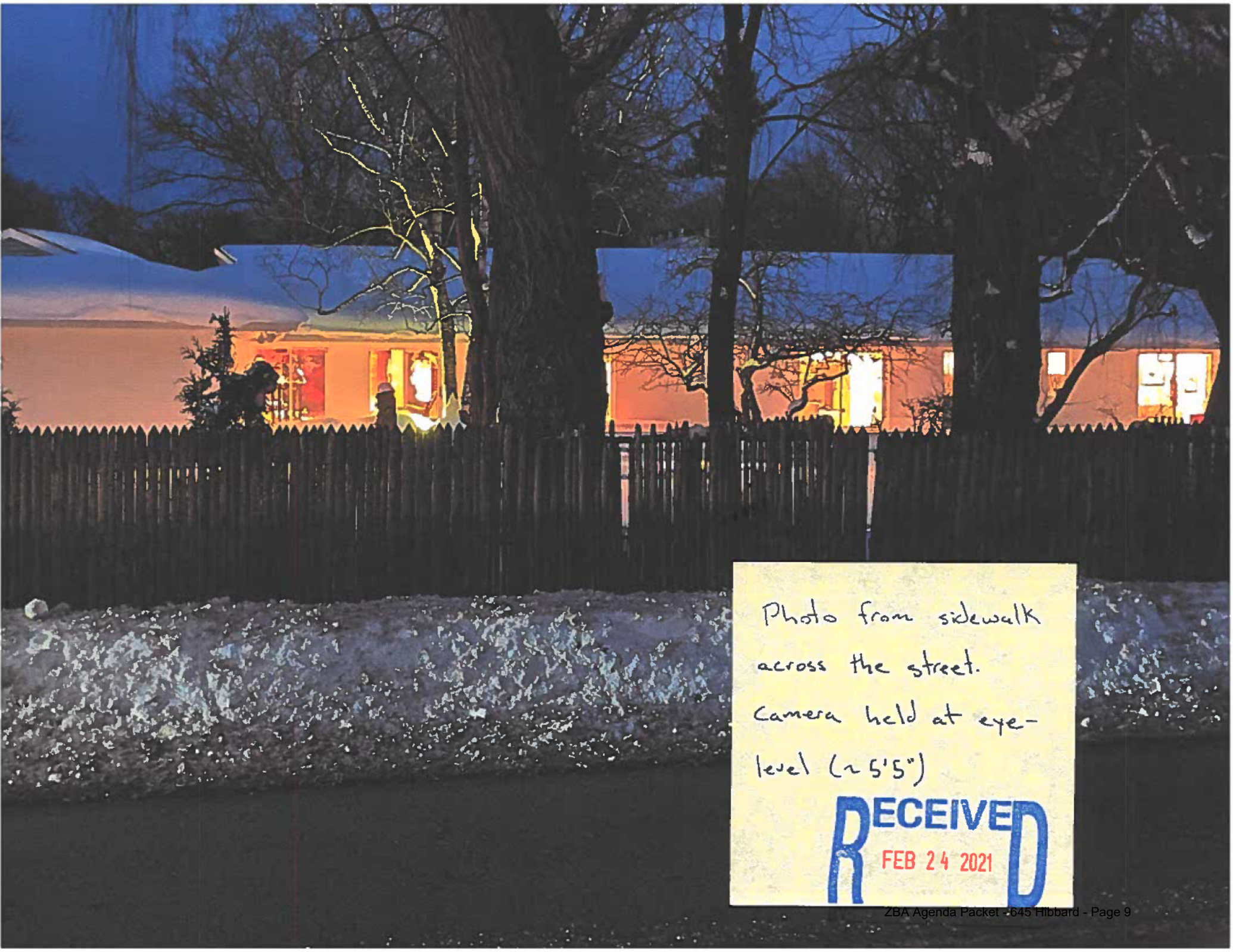


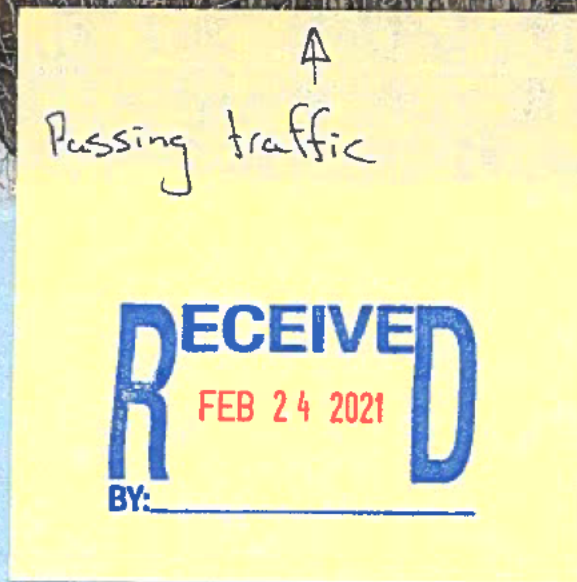
Photo from sidewalk
across the street.
Camera held at eye-
level (~5'5")

RECEIVED
FEB 24 2021



Our children ↑
Photo from sidewalk
across the street.

RECEIVED
FEB 24 2021
BY: _____



RECEIVED
FEB 24 2021
BY: _____

]— Fence across the
street.



Village of Winnetka
Community Development
510 Green Bay Rd.
Winnetka IL 60093
(847) 716-3520

Building Permit Application

Permit #: FR2621-118

Permit Address 645 Hibbard Road, Winnetka, IL 60093

Description of Work Fence

Estimated Construction Cost \$ 38,400 (required)

CONSTRUCTION COST includes cost of material and labor; we may request submittal of a signed contract. The applicant hereby certifies that the total value of construction as stated above is an accurate and truthful estimate of the total value of all labor and materials for the new construction or improvement, including all finish work, painting, roofing, electrical, plumbing, HVAC, paving as well as any general contractor's fee. The general contractor's fee shall be included even if the owner and general contractor are the same.

Property Owner Information

Name Brenda and Steffen Jacobsen

Address 645 Hibbard Road City Winnetka State IL

Daytime Phone [REDACTED] Email [REDACTED]

Primary Contact *(Note: all correspondence will be with the primary contact)*

Name Steffen Jacobsen Phone [REDACTED]

Address 645 Hibbard Road City Winnetka State IL Zip 60093

Email [REDACTED]

Architect's Information ☐ Not Applicable

Name _____ Phone _____

Address _____ City _____ State _____ Zip _____

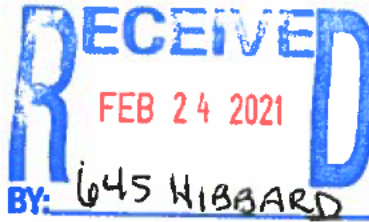
Email _____

General Contractor's Information

Name Athanas Fence Co., Inc. Phone 847-681-9114

Address P.O. Box 513 City Highland Park State IL Zip 60035

Email office@athanasfence.com



Village of Winnetka
Community Development
510 Green Bay Rd.
Winnetka IL 60093

FENCE / WALL – RESIDENTIAL OR COMMERCIAL

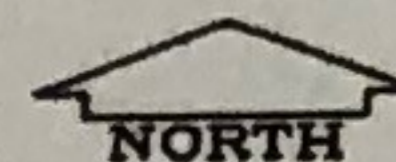
Description of Property

- ☐ Multi-family, institutional or commercial use? Yes ☒ No
(If YES, fence / wall must be reviewed and approved by the Winnetka Design Review Board)
- ☐ Corner Lot? ☒ Yes ☐ No
(If YES, must provide 25-foot sight visibility triangle in front or corner yard at intersections)
- ☐ Property adjacent to alley? Yes ☒ No
(If YES, must provide a 10-foot sight visibility triangle where alley crosses sidewalks)
- ☐ Proposed fence located in a front or corner yard? ☒ Yes ☐ No
(If YES, must provide a 10-foot sight visibility triangle where driveways cross sidewalks;
including driveways on adjacent properties)
- ☐ Swimming Pool located on property? ☒ Yes ☐ No
(If YES, fence must meet **enclosure requirements** of 15.08.110 of Winnetka Village Code to
limit access to pool)
- ☐ Trampoline located on property? ☒ Yes ☐ No
(If YES, fence must meet **enclosure requirements** of 15.44.150 of Winnetka Village Code to
limit access to trampoline)

Description of Fence

- ☐ Proposed fence/wall located in a public utility easement? Yes ☒ No
(If YES, and if a wall, requires approval from Public Works and Water & Electric Departments)
- ☐ Type of fence Solid Horizontal
- ☐ Materials Wood
- ☐ Maximum height Requesting 8'
- ☐ Open or Solid Solid

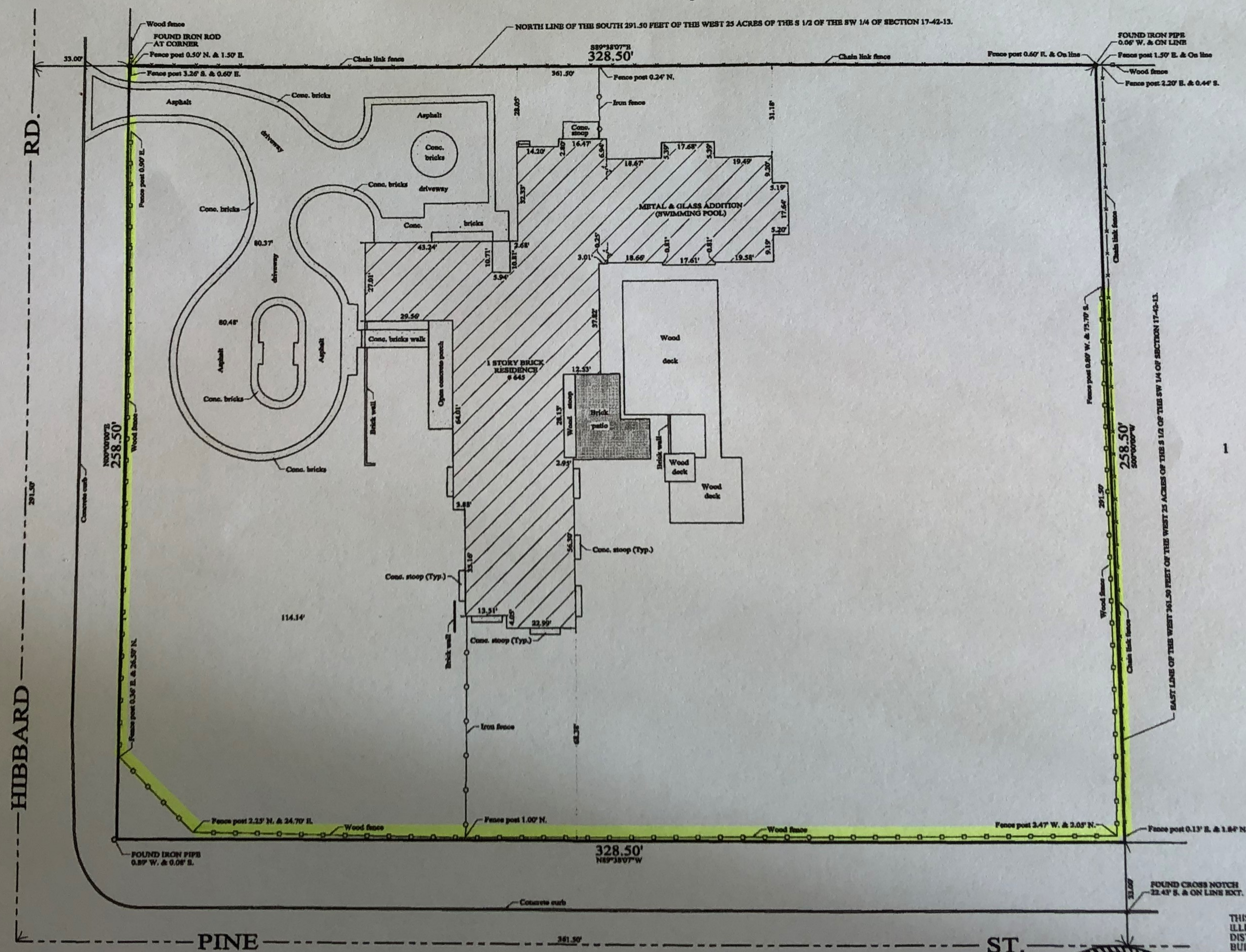
RECEIVED
FEB 24 2021
BY: _____



A. P. SURVEYING COMPANY, PC.
LICENSE No. 184-003309
PROFESSIONAL DESIGN FIRM - LAND SURVEYING CORPORATION
PLAT OF SURVEY

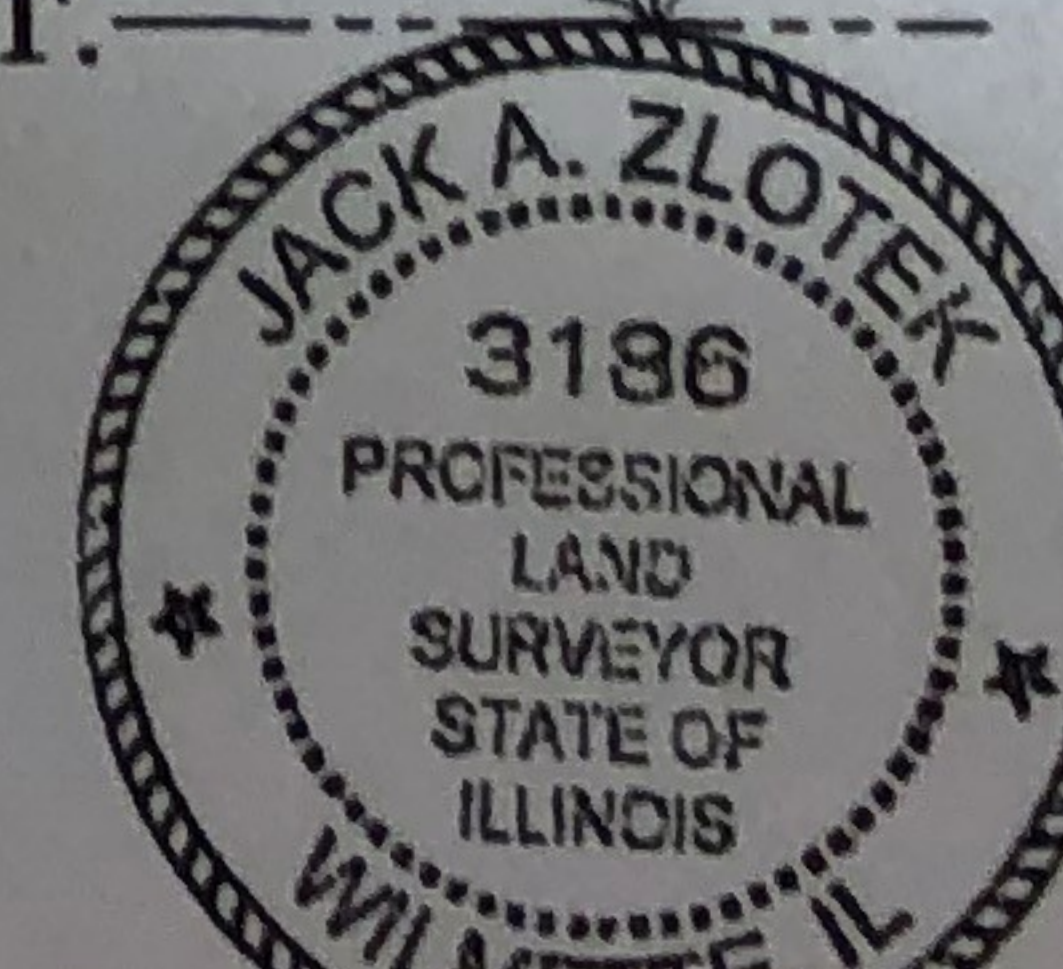
OF
THE WEST 3/4 1/2 FEET OF THE SOUTH 291 1/2 FEET OF THE WEST 25 ACRES OF THE SOUTH HALF OF THE SOUTH WEST QUARTER OF SECTION 17,
TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.
COMMONLY KNOWN AS: 645 HIBBARD ROAD, WINNETKA, ILLINOIS.

2121 PARKVIEW COURT
NILES, ILLINOIS 60091
TEL: (847) 853-0364
FAX: (847) 853-0391
E-mail: apsurveying@jpsnet.com



MONUMENTATION OR WITNESS POINTS WERE NOT SET AT THE CLIENTS REQUEST.
UNLESS OTHERWISE NOTED HEREON THE BEARING BASIS, ELEVATION DATUM AND
COORDINATE DATUM IF USED IS ASSUMED.
THE TITLE COMMITMENT NO. P118-16169 WAS FURNISHED FOR THIS SURVEY.
DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING.

Order No. 18-7015
Scale: 1 inch = 25 feet
Date: MAY 8, 2018
Ordered by: JOHN E. LOVETRAN PC,
ATTORNEY AT LAW



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT
ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
DISTANCES ARE MARKED IN FEET AND DECIMAL PART THEREOF.
BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHEN
THEY ARE SO RECORDED IN THE MAPS, OTHERWISE REFER TO
YOUR DEED OR ABSTRACT.
COMPARE ALL POINTS BEFORE BUILDING BY SAME AND
AT ONCE REPORT ANY DIFFERENCE.

State of Illinois
County of Cook

We, A. P. SURVEYING COMPANY, PC. do hereby
certify that we have surveyed the above described property and that
to the best of our knowledge, the plat herein drawn is an accurate
representation of said survey.

PROF. LAND SURVEYOR No. 3186
License Expiration: November 30, 2018

ATTACHMENT B
RESOLUTION NO. ZBA-1-2021
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
APPROVAL OF ZBA CASE NO. 21-11-V – 645 HIBBARD ROAD

WHEREAS, Steffen and Brenda Jacobsen (collectively, the “Applicant”) are the owners of the property commonly known as 645 Hibbard Road, 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-2 Single Family Residential District; and

WHEREAS, the Subject Property is improved with a single family residence with an attached garage and a fence; and

WHEREAS, the Applicant desires to replace the existing fence along the west front lot line, the south corner lot line, and the majority of the east rear 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 is 6.5 feet above natural grade; and

WHEREAS, the Applicant desires to replace the existing fence along the west front lot line, the south corner lot line, and the majority of the east rear lot line with a new fence on the Subject Property measuring 8 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 8 feet above natural grade (***“Requested Variation”***); and

WHEREAS, a public notice for the Requested Variation was duly published on March 25, 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, in accordance with social distancing requirements, Governor Pritzker’s Executive Order 2021-06 and Senate Bill 2135, a virtual public hearing was held by the Winnetka Zoning Board of Appeals during a virtual meeting held on April 12, 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 April 12, 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 February 18, 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 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 the west front lot line, the south corner lot line, and the east rear 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 12th day of April, 2021, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed:

Lynn Hanley, Acting Chairperson

Countersigned:

Village Clerk

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

The West 361 ½ Feet of the South 291 ½ Fee of the West 25 Acres of the South Half of the Southwest Quarter of Section 17, Township 42 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 645 Hibbard Road, Winnetka, Illinois.

Parcel Index Number: 05-17-312-038-0000

EXHIBIT B PLAN

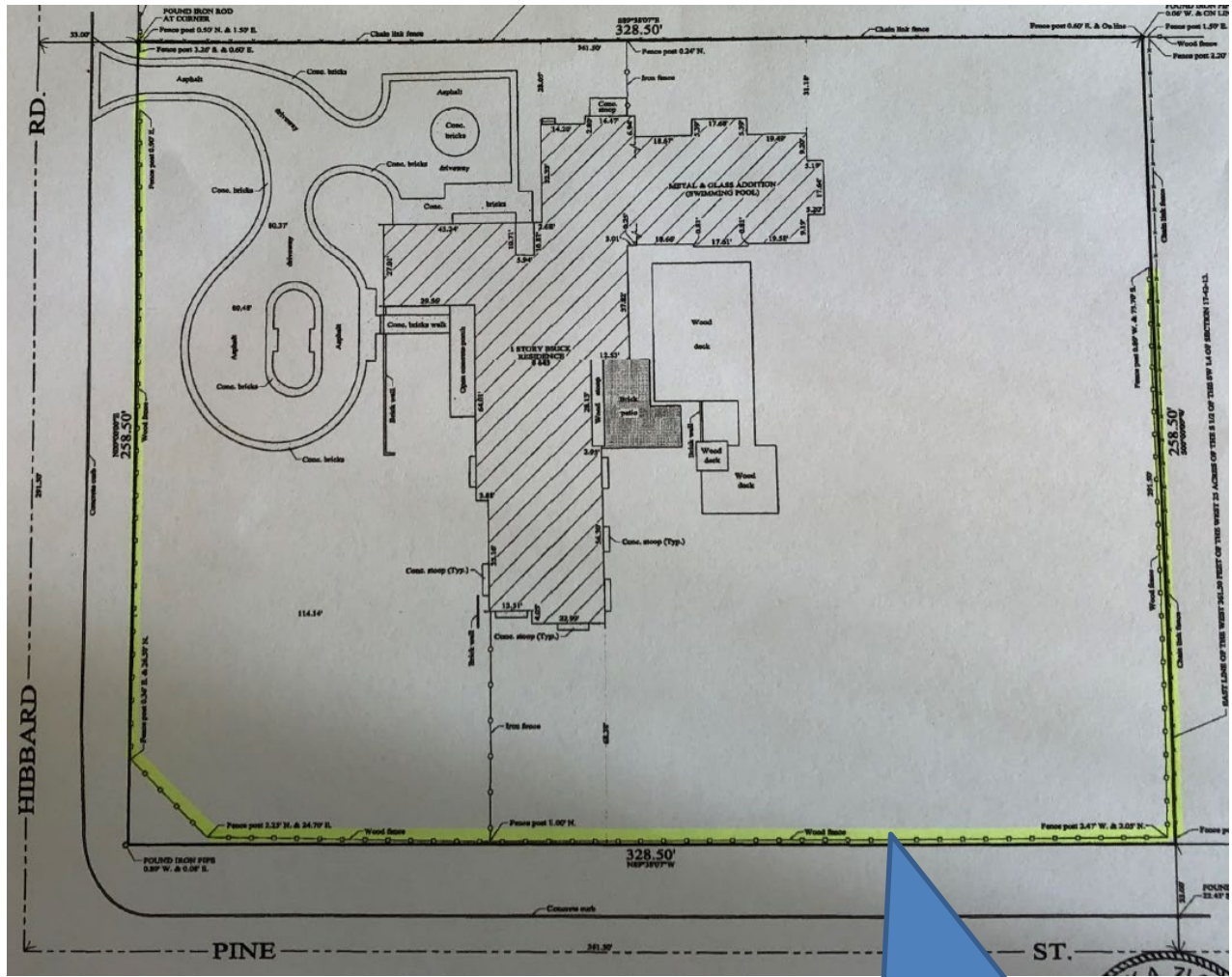


EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Steffen and Brenda Jacobsen (collectively, "**Owners**") are the owners of record of that certain real property located at 645 Hibbard Road, Winnetka, Illinois ("**Property**"); and

WHEREAS, Resolution No. ZBA-1-2021, adopted by the Winnetka Zoning Board of Appeals on April 12, 2021 ("**Resolution**"), grants a variation to allow a fence measuring 8 feet in height above natural grade along the west front lot line, the south corner lot line, and the majority of the east rear 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 Owners have 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 Owners do hereby agree and covenant as follows:

1. The Owners hereby unconditionally agree to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Resolution.
2. The Owners acknowledge that public notices and virtual 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 Owners acknowledge and agree 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 Owners against damage or injury of any kind and at any time.
4. The Owners hereby agree 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: _____

OWNERS

By: _____

Brenda Jacobsen

By: _____

Steffen Jacobsen

RESOLUTION NO. ZBA-1-2021
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
DENIAL OF ZBA CASE NO. 21-11-V – 645 HIBBARD ROAD

WHEREAS, Steffen and Brenda Jacobsen (collectively, the “Applicant”) are the owners of the property commonly known as 645 Hibbard Road, 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-2 Single Family Residential District; and

WHEREAS, the Subject Property is improved with a single family residence with an attached garage and a fence; and

WHEREAS, the Applicant desires to replace the existing fence along the west front lot line, the south corner lot line, and the majority of the east rear 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 is 6.5 feet above natural grade; and

WHEREAS, the Applicant desires to replace the existing fence along the west front lot line, the south corner lot line, and the majority of the east rear lot line with a new fence on the Subject Property measuring 8 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 8 feet above natural grade (***“Requested Variation”***); and

WHEREAS, a public notice for the Requested Variation was duly published on March 25, 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, in accordance with social distancing requirements, Governor Pritzker’s Executive Order 2021-06 and Senate Bill 2135, a virtual public hearing was held by the Winnetka Zoning Board of Appeals during a virtual meeting held on April 12, 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 April 12, 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 February 18, 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-2 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 12th day of April 12, 2021, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed:

Lynn Hanley, Acting Chairperson

Countersigned:

Village Clerk

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

The West 361 ½ Feet of the South 291 ½ Fee of the West 25 Acres of the South Half of the Southwest Quarter of Section 17, Township 42 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 645 Hibbard Road, Winnetka, Illinois.

Parcel Index Number: 05-17-312-038-0000

ATTACHMENT C

645 Hibbard Road Variation Voicemail – March 31, 2021

Yes, this is Richard Schiffman. I live in Winnetka. It's s-c-h-i-double f-m-a-n. I live at of 660 Hibbard Road and I am calling regarding the 645 Hibbard fence variation. And my understanding is that by leaving this voicemail, it will be transcribed and put in writing and presented to the Winnetka Zoning Board. So that's the reason for my call.

The fence is way too tall. There's a reason for the 6' or 6 ½' fence. 8' doesn't make much sense. It does abide by the rule that other people in the neighborhood abide by, especially a solid fence, it's not a picket fence, it's not open at all. It's not a backyard fence; it's a backyard fence, a side yard fence, and a front yard fence. And, unlike the Westview situation, this is much more neighborhood, it's not a fence that would be put up in a bushy area across from the woods. That area is tree-filled, bushy and backyard. Very different. You don't have to abide by the rules, and it sounds a little like the downtown Winnetka One project with variations that people really don't approve of. This kind of a fence would be very visible-night and day-which is dominated and intimidate the neighborhood. So, those are my thoughts. If you would like phone me, it's 847-446-6619 and I live at 660 Hibbard Road. Richard Schiffman. Thank you very much. If you want to call me, please do so.



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: APRIL 5, 2021
SUBJECT: 650 HILL ROAD - VARIATION (CASE NO. 21-12-V)

INTRODUCTION

On April 12, 2021, the Zoning Board of Appeals is scheduled to hold a virtual public hearing, in accordance with social distancing requirements and Governor Pritzker's Executive Orders and Senate Bill 2135, on an application submitted by Renee Lanam (the "Applicant") as the contract purchaser of the property located at 650 Hill Road (the "Subject Property"). The current owners of the Subject Property, Diana and Elijah Wilde, have provided written consent of the application. Their written consent is included in the attached application materials provided in Attachment C of this report. The Applicant requests approval of the following zoning variation to allow construction of a two-story addition to the existing residence on the Subject Property:

1. Total Side Yard Setback of 30.06 feet, whereas a minimum of 41.19 feet is required, a variation of 11.13 feet (27.02%) [Section 17.30.060 – Side Yard Setback] [Note: The residence currently provides a total side yard setback of 33.81 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 March 25, 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 D of this report.

The Zoning Board of Appeals has final jurisdiction on this request as the Board has the authority to grant a variation to reduce a required side yard setback for any principal building by no more than 50%.

PROPERTY DESCRIPTION

The Subject Property, which is approximately a half acre in size, is located on the south side of Hill Road, between Church Road and Forest Street, and contains an existing two-story residence (see Figure 1). The Subject Property is not a rectangular shape. It is a polygon with a front lot line that is wider than the rear lot line, side lot lines that are not perpendicular to the front lot line, and side lot lines that are not parallel with one another. The property is zoned R-2 Single Family Residential, and it is bordered by R-2 Single Family Residential to the east, west, and south, and R-4 Single Family Residence to the north (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.

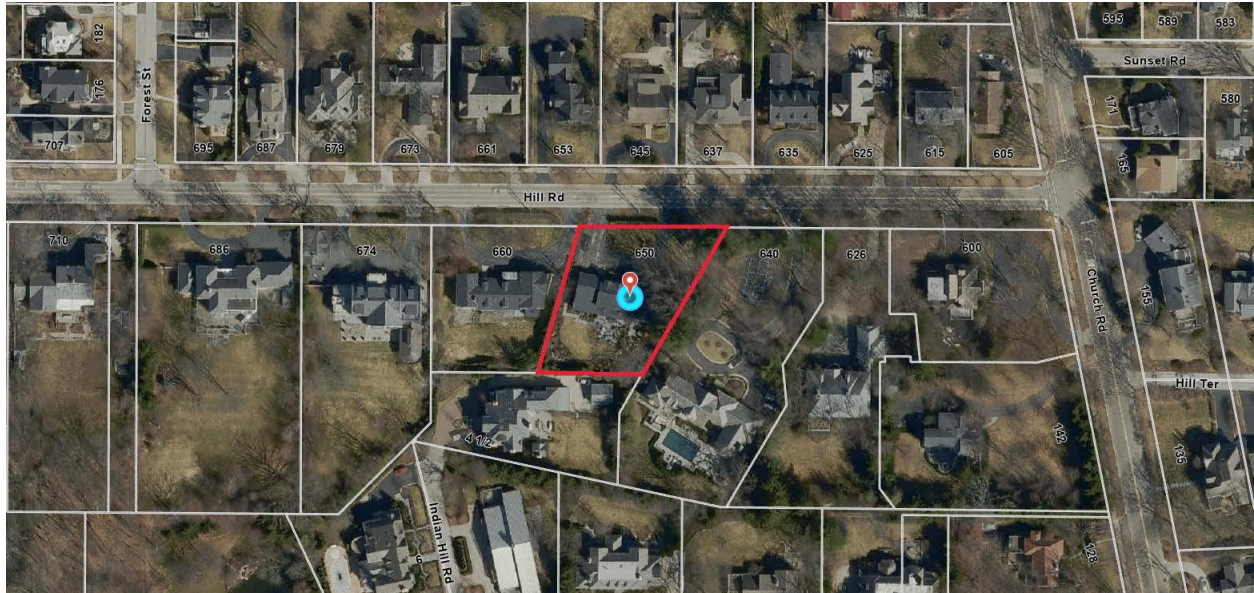


Figure 1 – Aerial Map

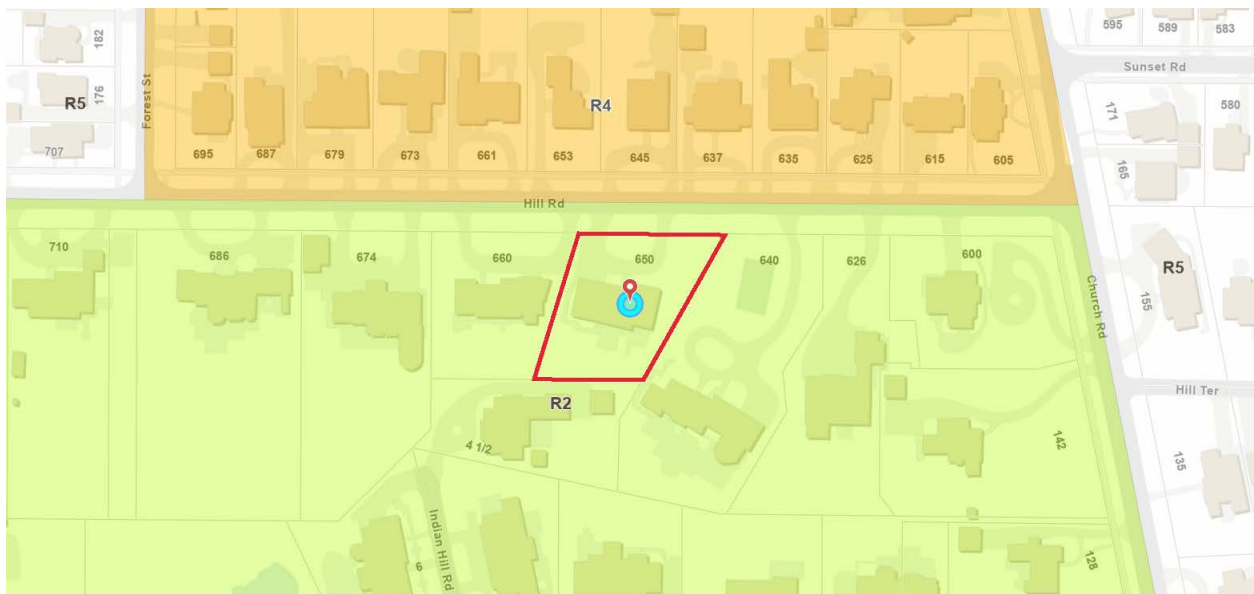


Figure 2 – Zoning Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The residence was constructed in 1950. The following subsequent building permits were issued in:

1. 1973 to install a swimming pool;
2. March 2015 to construct a second floor addition and interior remodeling;
3. June 2015 to remove the pool and construct a first floor addition.

Other minor permits were issued over the last several years. The Applicant is under contract to purchase the property. There are no previous zoning cases on file for the Subject Property.

Figures 3 through 5 on the following page contain photos of the site.



Figure 3 – Subject Property – Front Elevation



Figure 4 – Subject Property – Rear Elevation



Location of
Proposed 2-story
Addition

Figure 5 – Subject Property – Rear Elevation (southeast corner of residence)

PROPOSED PLAN

The variation is being requested in order to construct a two-story addition located at the southeast corner of the residence. The proposed addition would consist of an expansion of the family room at the garden floor level and the addition of a bedroom and bathroom on the upper floor level, adding approximately 558 square feet of gross floor area. The addition would add 279 square feet of roofed lot coverage. Since the proposed addition would be located where a patio currently exists, the addition would not increase the impermeable lot coverage.

Excerpts of the proposed site plan, floor plans, rear building elevation, and east building elevation are provided below and on the following pages as Figures 6 through 10. The complete set of plans are provided in the application materials (Attachment C). It should be noted regarding the site plan that follows that the Applicant shows the minimum setback requirement of 14.74 feet along the west property line. Given the minimum total side yards must be at least 41.19, the Applicant shows the existing minimum setback from the east property line should be 26.45 feet (41.19 minus 14.74). However, the current setback from the east property line is 19.07 feet, so the current total side yard setback is only 33.81 feet. With the proposed addition, the proposed east setback will be 15.32 feet.

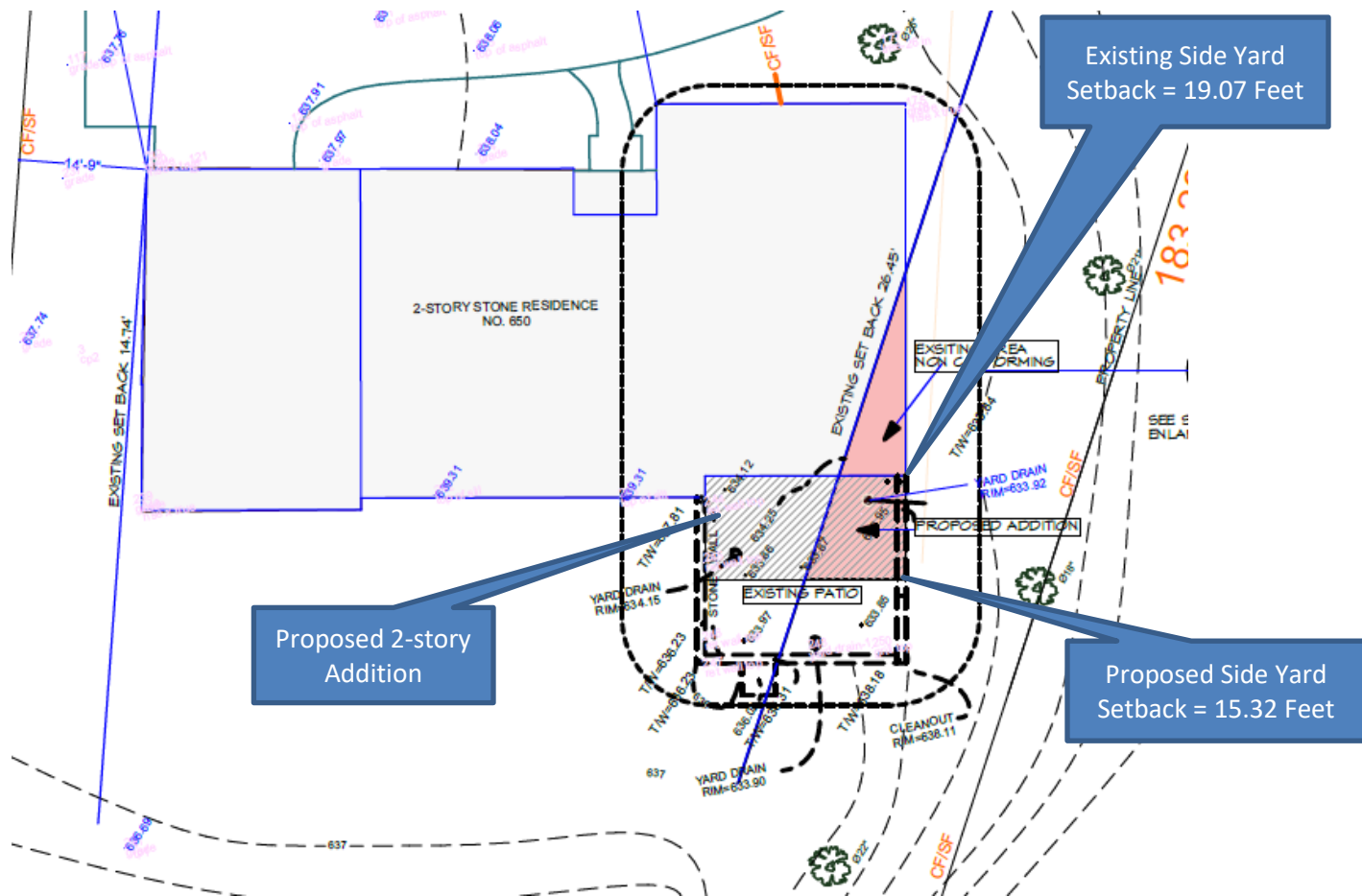


Figure 6 – Excerpt of Site Plan

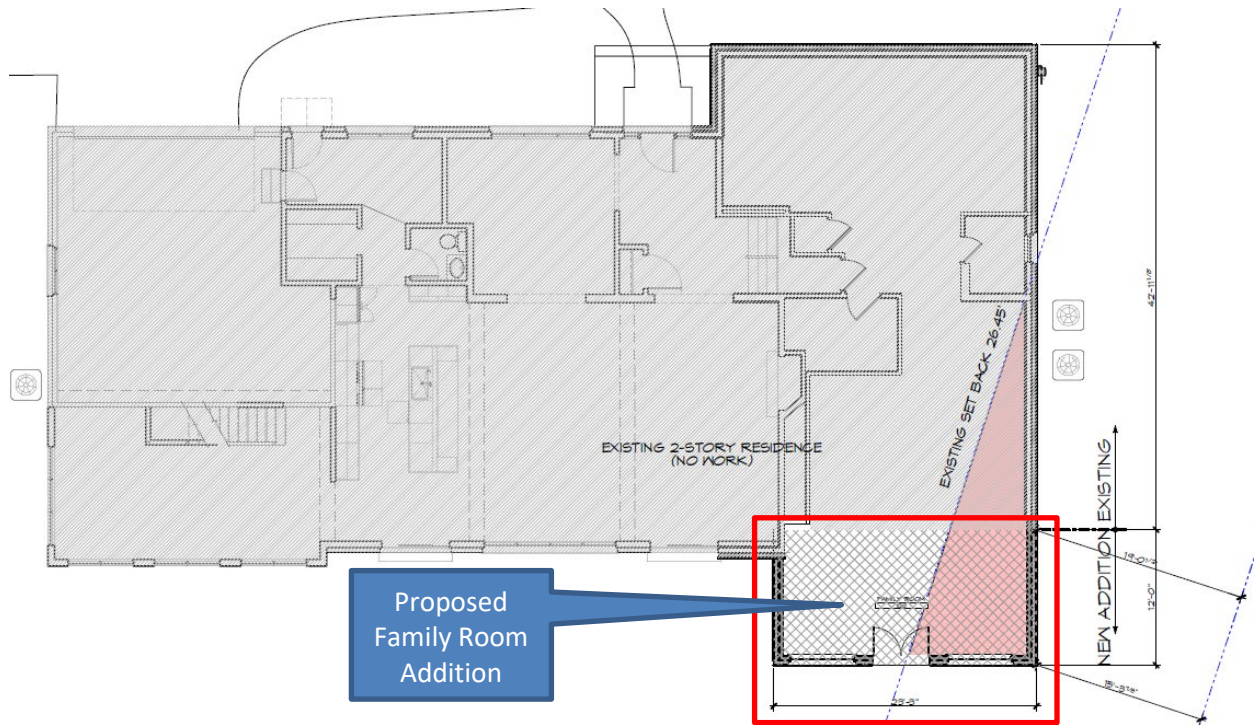


Figure 7 – Excerpt of Proposed Garden Floor Plan

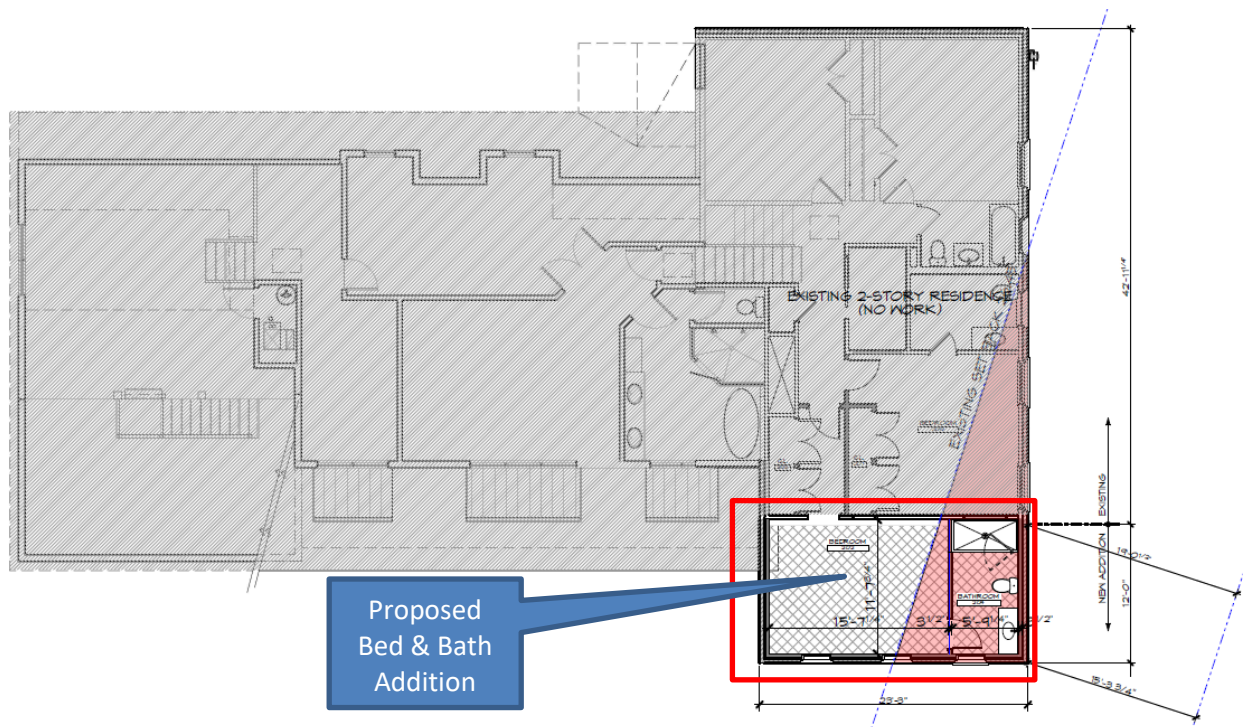


Figure 8 – Excerpt of Proposed Upper Floor Plan



Figure 9 – Proposed South (Rear) Elevation

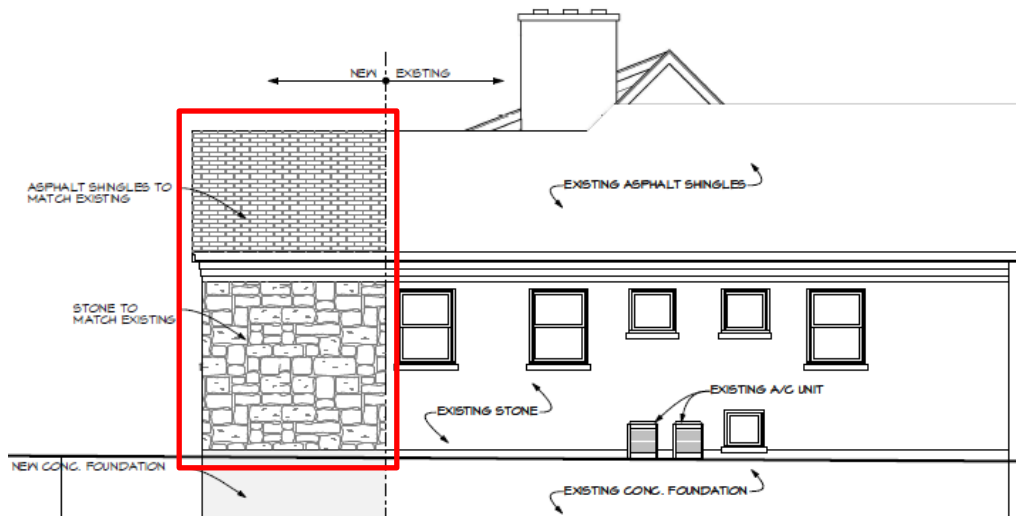


Figure 10 – Proposed East Elevation

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, it appears additional stormwater detention would not be required. However, a final determination will be made by Village Engineering staff. Additionally, Figure 11 below represents the Subject Property's proximity to the floodplain; the cyan represents the 100-year flood area and the orange represents the 500-year flood area.

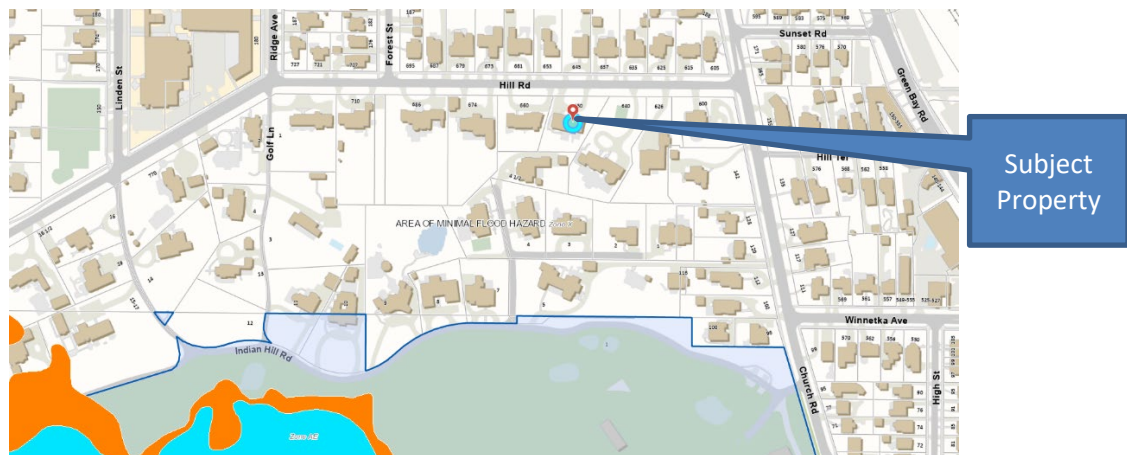


Figure 11 – GIS Floodplain Map

REQUESTED ZONING RELIEF

The attached zoning matrix highlights the existing lot and the proposed improvement's compliance with the R-2 zoning district (Attachment A). One variation is being requested for the minimum total side yard setback. As previously noted, the existing residence currently provides a total side yard setback of 33.81 feet; 14.74 feet from the west property line and 19.07 feet from the east property line. The proposed addition would provide an east side yard setback of 15.32 feet, while the existing west side yard setback would remain unchanged. Therefore, the proposed total side yard setback is 30.06 feet. Given the minimum required total side yard setback is 41.19 feet, a variation of 11.13 feet (27.02%) is necessary to allow the proposed addition.

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 E). 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: Stormwater Matrix

Attachment C: Application Materials

Attachment D: Public Correspondence

Attachment E: Draft Resolutions

ATTACHMENT A

ZONING MATRIX

ADDRESS: 650 Hill Road

CASE NO: 21-12-V2

ZONING: R-2

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	24,000 SF	21,879 SF	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	100 FT	137.31 FT	N/A	N/A	OK
Min. Lot Depth	200 FT	159.34 FT	N/A	N/A	EXISTING NONCONFORMING
Max. Roofed Lot Coverage	5,469.75 SF (1)	3,585.28 SF	3,864.28 SF	279 SF	OK
Max. Gross Floor Area	6,833.93 SF (1)	6,272.25 SF	6,830.25 SF	558 FT	OK
Max. Impermeable Lot Coverage	10,939.5 SF (1)	7,180.96 SF	7,180.96 SF	0 FT	OK
Min. Front Yard (Hill/North)	50 FT	50.85 FT	50.85 FT	0 FT	OK
Min. Side Yard (West)	14.74 FT	14.74 FT	14.74 FT	0 FT	OK
Min. Total Side Yards	41.19 FT	33.81 FT	30.06 FT	(3.75) FT	11.13 FT (27.02%) VARIATION
Min. Rear Yard (South)	23.9 FT	57.5 FT	44.5 FT	(13) FT	OK

NOTES:

(1) Based on lot area of 21,879 s.f.

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

ATTACHMENT B

Stormwater Volume Requirements for Development Sites

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

	Storm Water Detention Volume Requirements	Applicable Requirement
A. New Home Construction - Previously Developed Lot	The amount of additional required storm water detention volume is based upon the difference between maximum impermeable lot coverage, per Zoning Code, and existing lot coverage, using the run-off coefficient for a 100-year storm event for both.	
B. New Home Construction - Previously <u>Undeveloped</u> Site	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
C. Redevelopment of Site for Different Use (e.g. single family to multi-family, or commercial)	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
D. Improvements to Existing Home and/or Lot, causing an increase in impermeable lot coverage <u>greater or equal to 25%</u>.	The amount of additional required storm water detention volume is based upon the difference between the proposed and existing impermeable lot coverage, using the run-off coefficient for 100 year storm event. (Note: If the increase in impermeable lot coverage is less than 25%, additional storm water detention volume is <u>not</u> required.)	<i>Applies to 650 Hill Road</i> <i>Based upon preliminary review of information to date, it appears that 650 Hill Road <u>would not</u> have to provide additional storm water detention volume. However, a final determination will be made by Village Engineering staff.</i>

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. 21-12-V

Property Information

Site Address: 650 Hill Road

Owner Information

Name: RENEE LANAM

Address: 650 Hill

City, State, ZIP: WINNETKA IL 60093

Email: [REDACTED]

Primary Contact: RENEE LANAM

Phone No. [REDACTED]

Date property acquired by owner: 03/01/21

Architect Information

Name: H. GARY FRANK ARCHITECTS

Primary Contact: GARY FRANK

Address: 523 CHESTNUT

City, State, ZIP: WINNETKA, IL 60093

Phone No. 847-421-4212

Email: GARY@HGFARC.COM

Attorney Information

Name: RENEE LANAM

Primary Contact: [REDACTED]

Address: 650 Hill

City, State, Zip: WINNETKA 60093

Phone No. [REDACTED]

Email: SAME AS ABOVE

Nature of any restrictions on property: SIDE YARD SET BACK REAR SIDE

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

SEE ATTACHED

Property Owner Signature: [REDACTED]

Date: 03/08/2021

Village of Winnetka

Dated March 8, 2021

Re: Zoning Variation Application for 650 Hill Rd, Winnetka

We are the current owners of 650 Hill Rd, Winnetka. We have entered into a contract to sell this property to Renee Lanam and Stephanie Rapp.

We authorize the proposed Zoning Variation Application.

[REDACTED]

[REDACTED]

ELIJAH E WILDE
DIANA B WILDE

Overview

The existing home at 650 Hill Road was built in 1951 and is a split level (1 & 2 story). There was a significant renovation project completed in 2016.

The proposed addition is to add a bedroom/bathroom and small family room, 280ft on the first floor and 280ft on the second floor. It does not exceed the permitted FAR for the property. It does not increase the impermeable lot coverage as it will replace an existing stone patio.

This request for this variance relates to the property's unique shape. Because the property is irregularly shaped, it causes the existing home's setbacks to be non-conforming. Although the North and South lot lines are parallel with Hill Road, the East and West lot lines are slanted. The lot is so irregularly shaped, that no walls of the home are parallel to any of the lot lines.

The West side of the house conforms, however, the addition that we are proposing is on the East side. And because of the angled site, there is already a wedge shape piece of the home on the East side that is non-conforming.

The East side yard setback requirement is 26.45ft
The existing SE corner is 19.0ft
The new proposed SE corner of the home is 15.32ft

The applicants have worked diligently with their architect, Gary Frank, and the previous architect Normandy Builders to evaluate all options for this addition. Because of the shape of the property, the angle of the house, and the configuration of the inside of the residence, this is the only option that is viable for doing the addition. The proposed addition is on the SE side of the house, where there is currently a sunken stone patio. Putting the addition on this corner allows the addition to be partially below grade, to blend in with the landscaping, and is in keeping with the lines of the existing house. In addition, it connects it to the side of the house where all the bedrooms are clustered.

As mentioned, the sunken patio already exists, the proposed addition fits within the existing patio location, and there is not an increase of ILC. Also, the grading and drainage plan was previously designed by Bono Consulting, and because there are not any changes there, we will be able to reuse what already exists and what currently works.

In response to the specific eight (8) Standards for Granting Zoning Variations, the applicants respectively submit the following:

- 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 applicants and their architect have evaluated putting the addition on other sides of the home. Any other addition would require going higher than the proposed addition or placing the addition away from the other bedrooms (in the middle of the common space), which would have a negative impact on the reasonable return on the property.

- 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;**

As mentioned above, the shape of the 650 Hill Road lot is irregular, together with the pre-existing footprint of the house, creates certain unique issues which are associated with the characteristics of the property rather than related to the occupants.

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

The proposed addition is a small addition on the rear of the dwelling that would replace a sunken patio. It would not be higher than the existing house and would retain the exterior look of the house. It would be in keeping with the character of the house and would not alter the essential character of the locality.

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

The adjacent property to the proposed addition is 640 Hill Road, which is located to our East, actually sits on a hill much higher than ours, so light and vent is not impacted. It is also set much further South on their lot, so again light and vent is not impacted. The new addition starts 2.5ft below grade and does not increase the existing home's height.

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

The addition would not increase the hazard from fire or other damage to the property.

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

The addition will increase the square footage of the residence and is in keeping with the current lines of the house, which will not diminish the taxable value of the property.

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

The addition will have no impact on congestion in the public street. The property has a drive-through driveway that allows visitors/workers to pull into the driveway and park off the street.

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

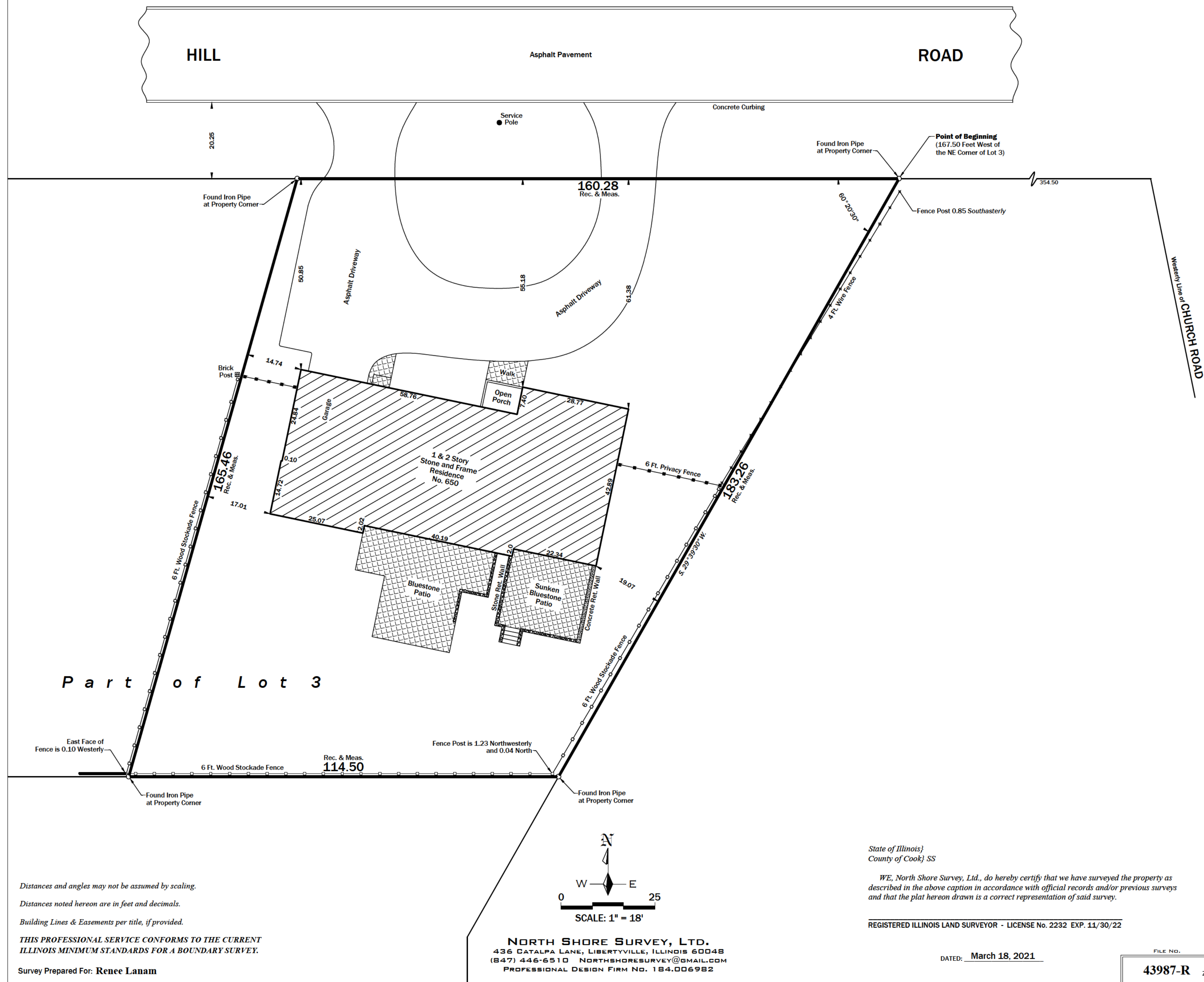
Because the addition is tucked in the back of the house, partially below grade, it will not impair the public health, safety, comfort, morals or welfare of the inhabitants of the Village.

PLAT OF SURVEY

That part of Lot 3 in Owners Subdivision of Lot 1 in Indian Hill Subdivision #1 in Southwesterly quarter of Section 21, Township 42 North, Range 13, East of the Third Principal Meridian, according to the plat thereof recorded December 19, 1922 in Book 174 of Plats page 20, as Document No. 7751931 bounded and described as follows: Beginning at a point in the North line of said Lot 3, 167.50 feet West of the Northeast corner thereof; thence South 29° 39' 30" West a distance of 183.26 feet; thence West parallel with the North line of said Lot 3, a distance of 114.50 feet; thence Northeasterly 165.46 feet to a point on the North line of said Lot 3, 160.28 feet West of the point of beginning; thence East along said North line 160.28 feet to the point of beginning, all in Cook County, Illinois.

Commonly known as: **650 Hill Road, Winnetka, Illinois.**

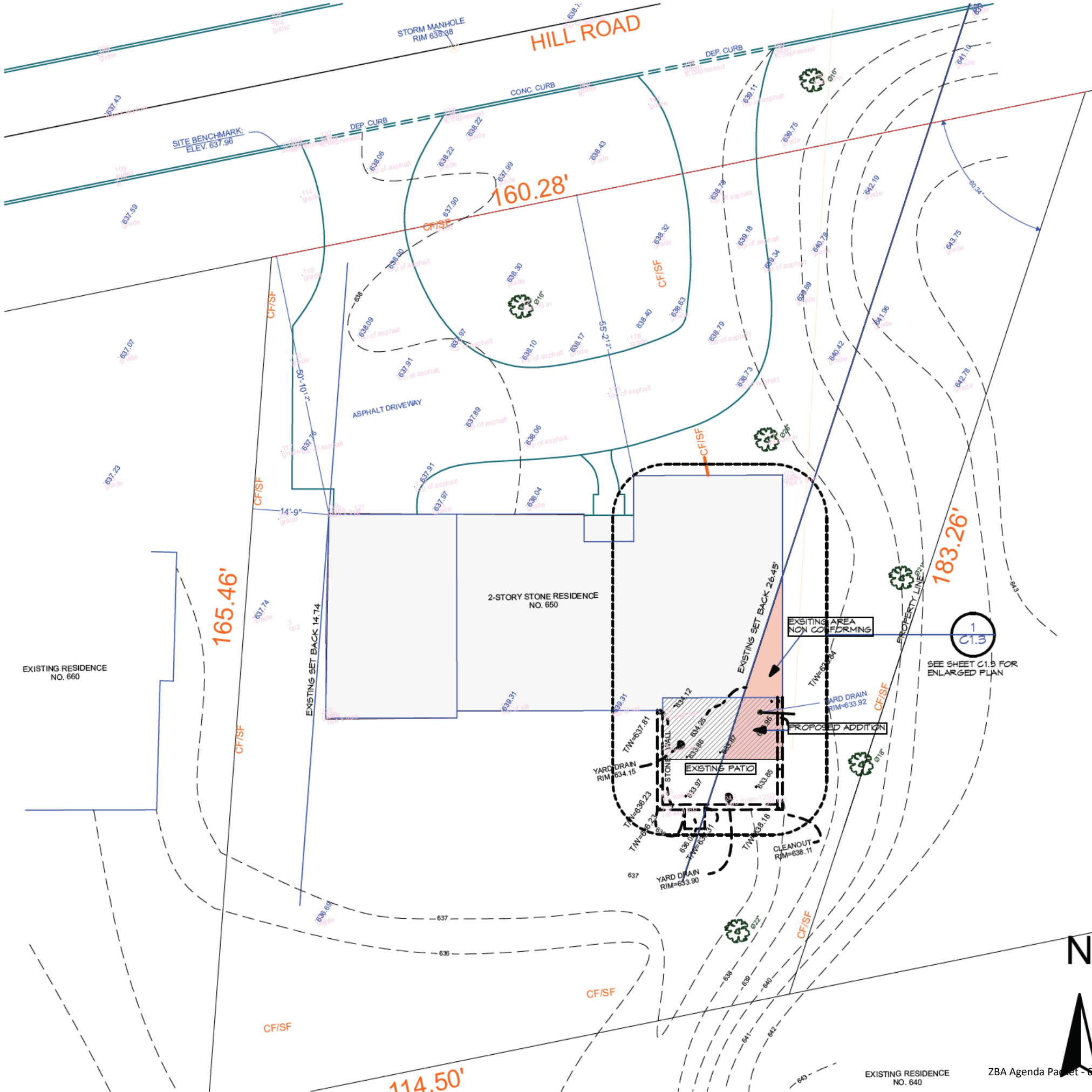
Area = 21,879 Sq. Ft.



1

SITE PLAN W/ TOPO

SCALE: 1" = 20'



VARIATION
SUBMITTAL
031021

650 HILL ROAD
650 HILL ROAD WINNETKA, ILLINOIS 60093

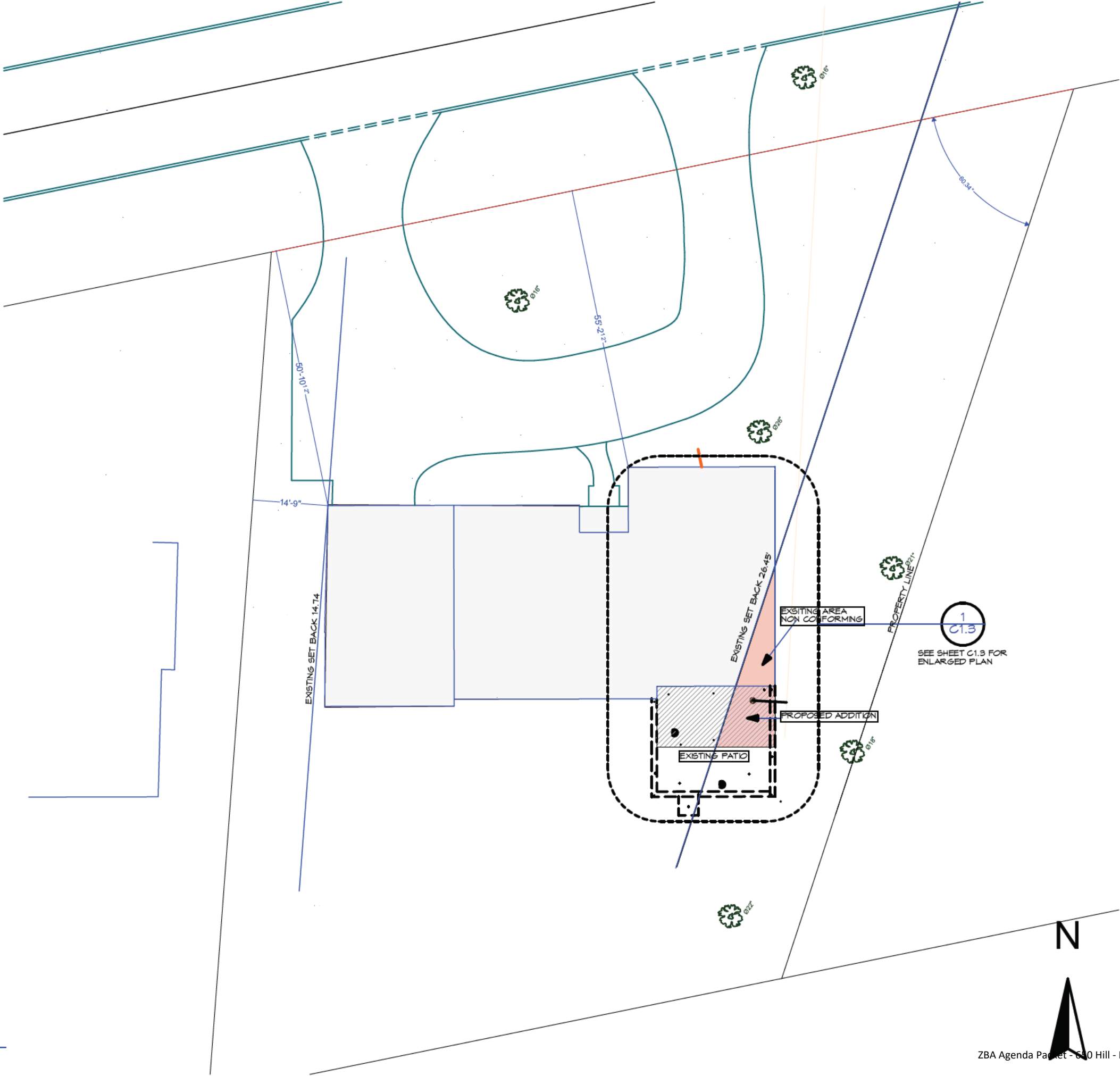
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525 Chestnut Street Winnetka, IL 60093
Office 847.501.4212
contact@hgaryfrankarchitects.com
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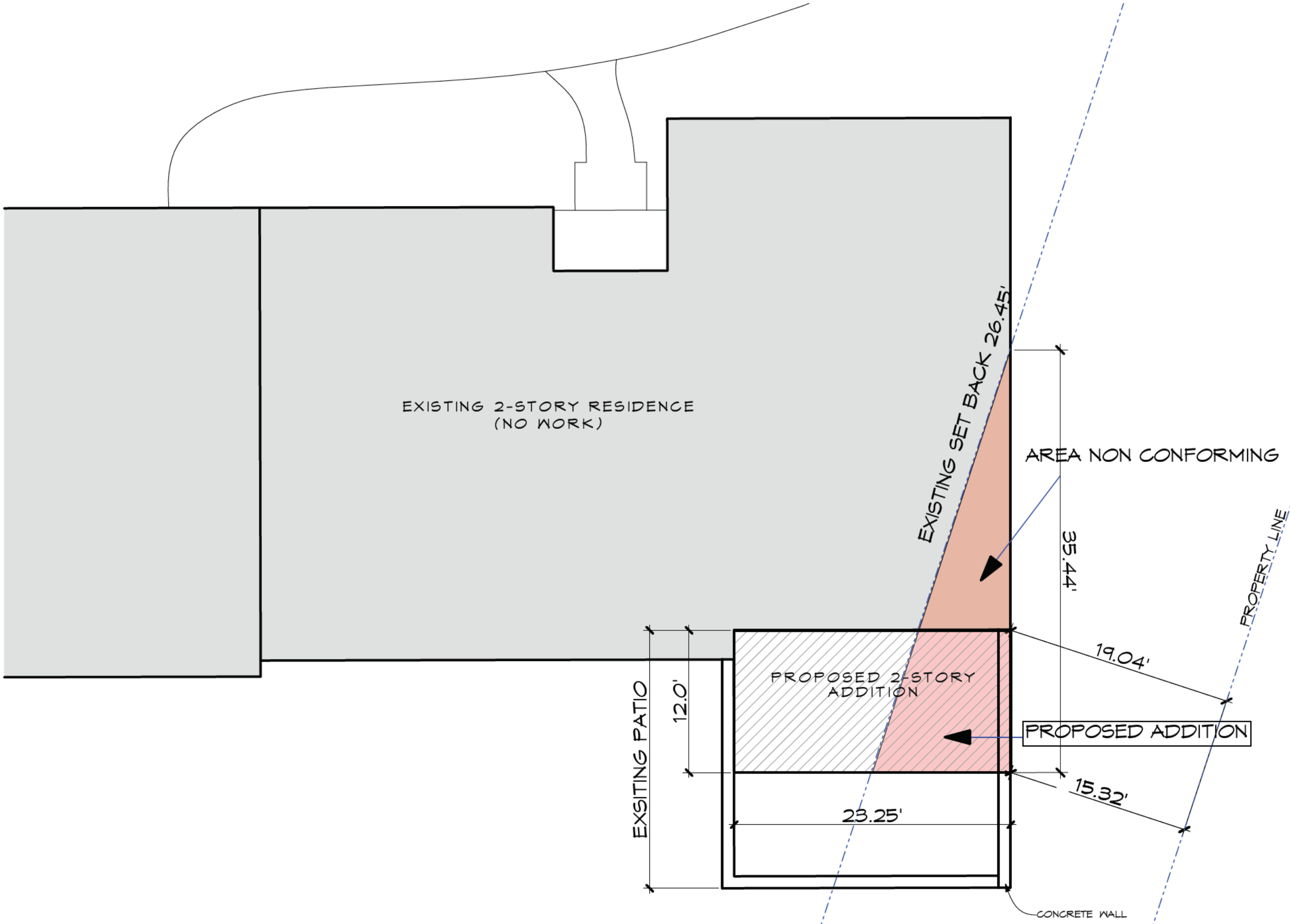
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SITE PLAN NO TOPO

SCALE: 1" = 20'



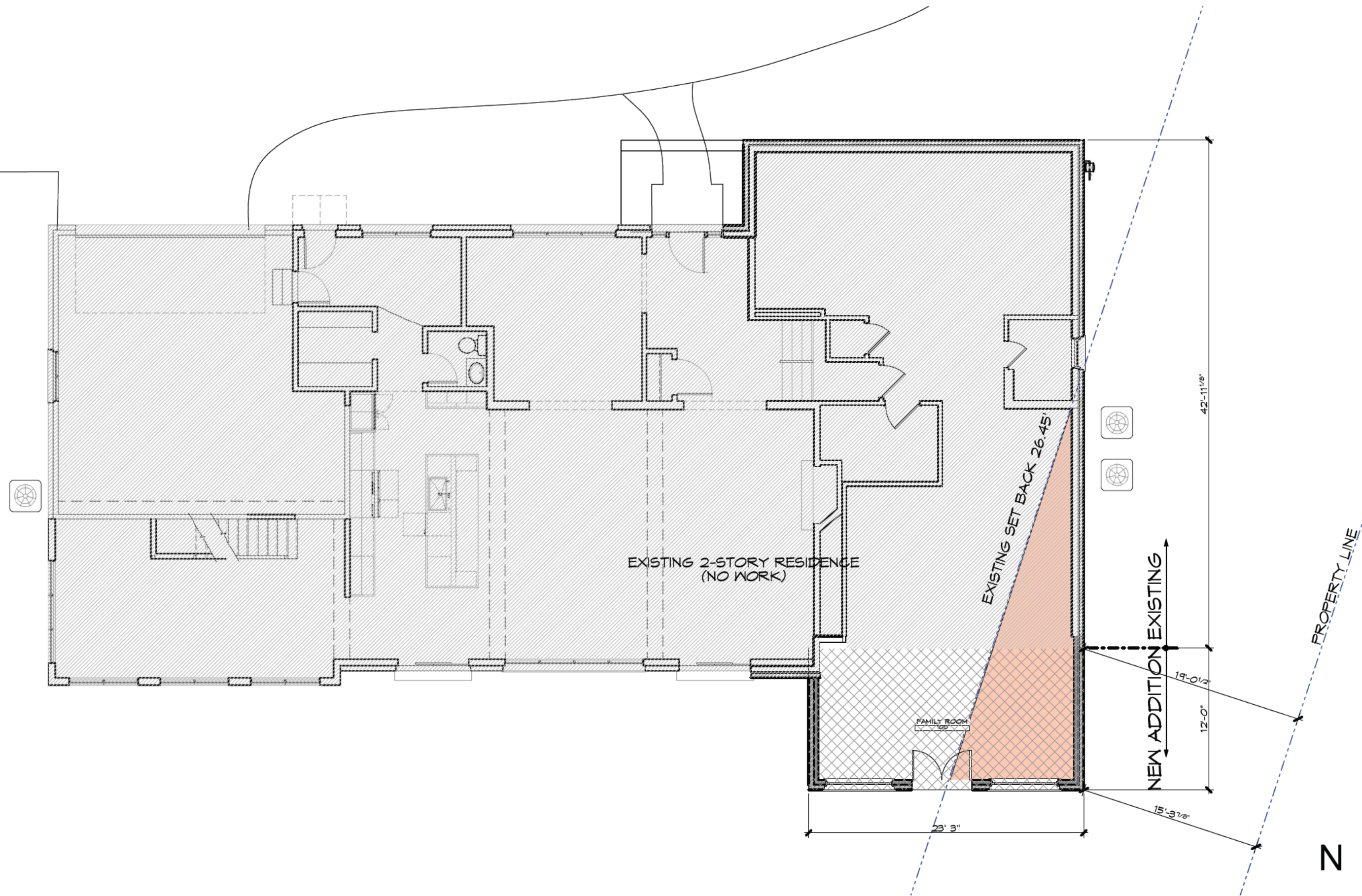
VARIATION SUBMITTAL 031021	
650 HILL ROAD 650 HILL ROAD WINNETKA, ILLINOIS 60093	
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C1.2	

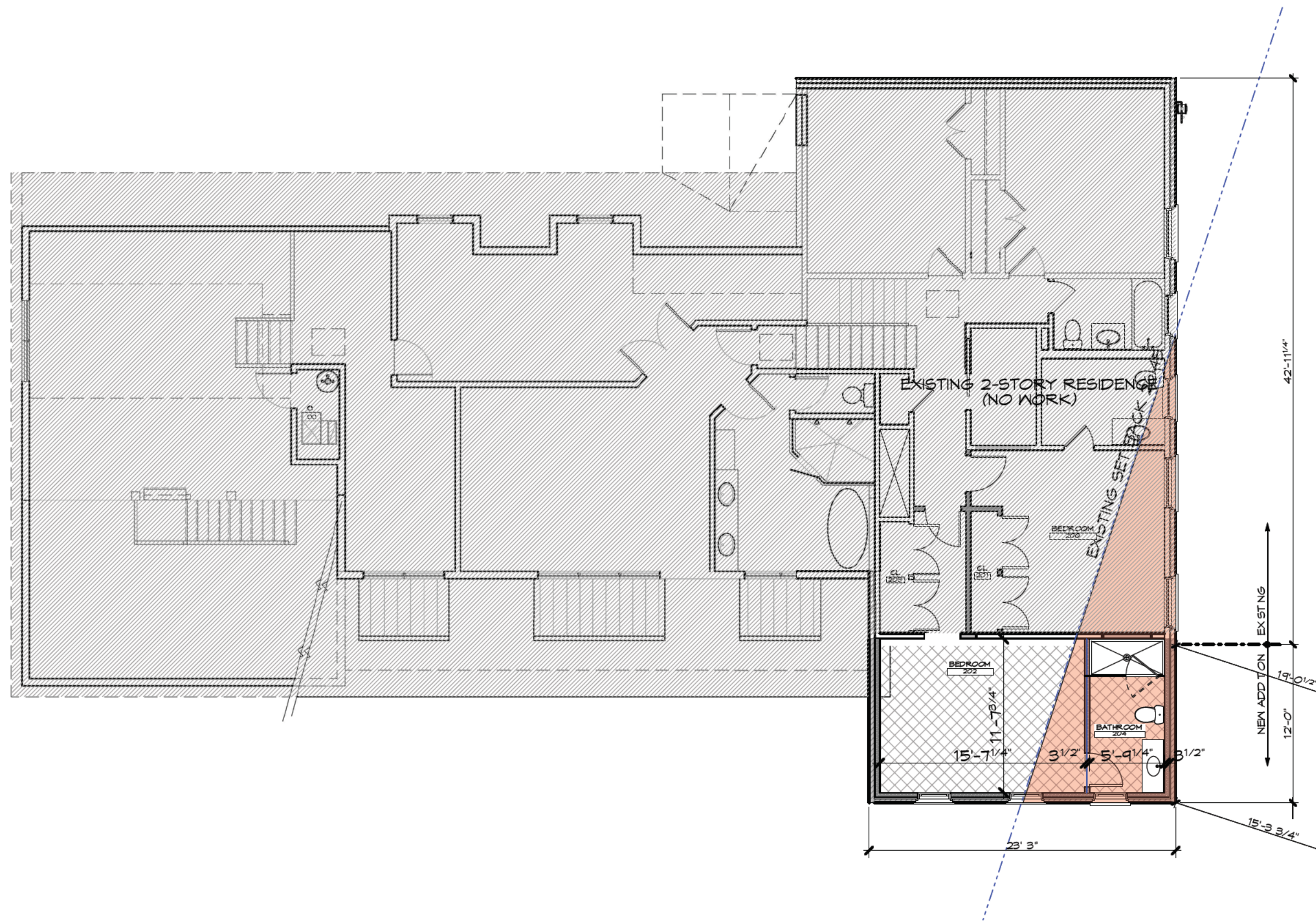


1

GARDEN FLOOR - PROPOSED

SCALE: 1/8" = 1'-0"





N

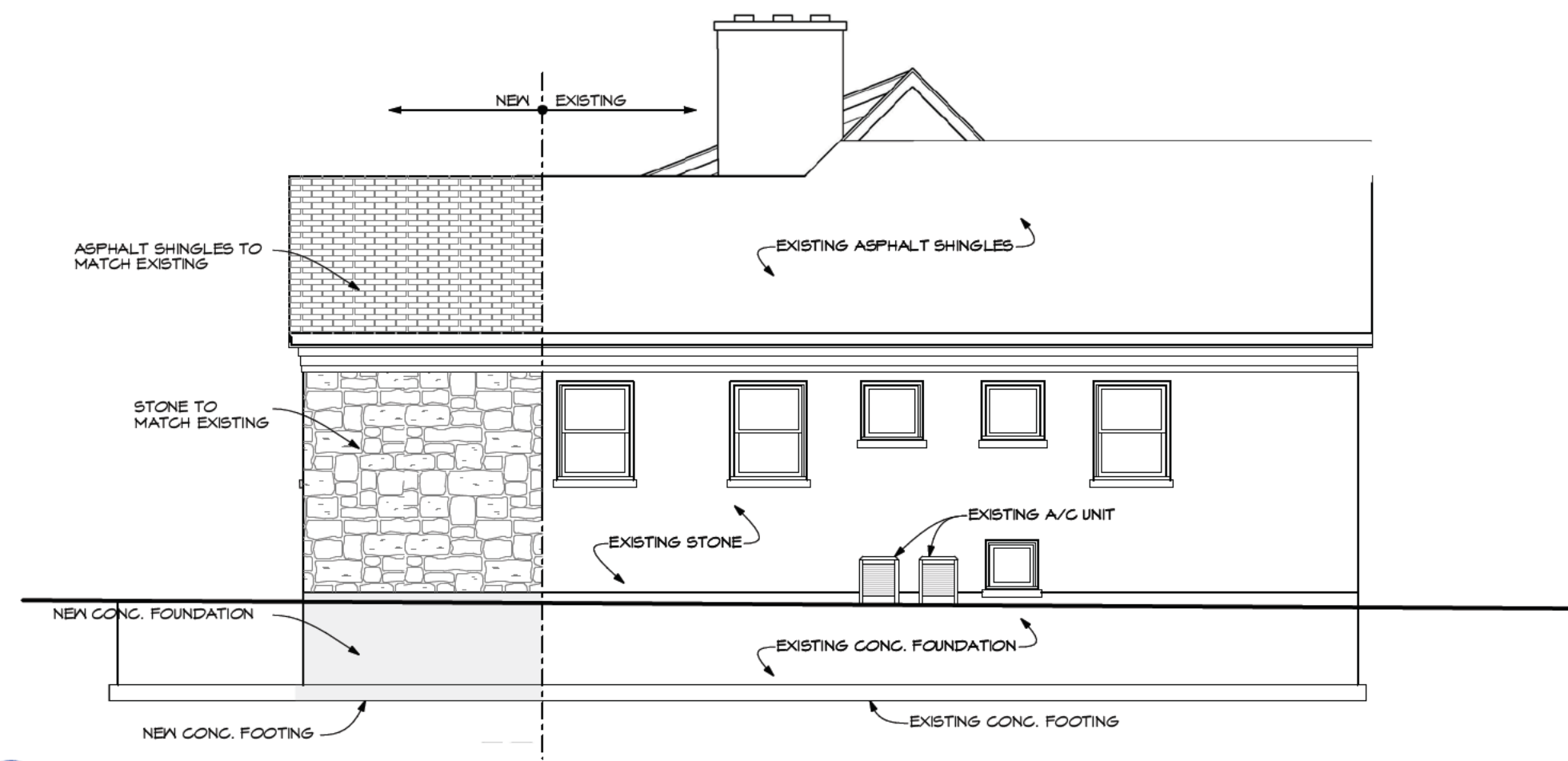
UPPER FLOOR - PROPOSED

SCALE: 1/8" = 1'-0"

1



2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



1 EAST ELEVATION
SCALE: 1/8" = 1'-0"



FRONT OF HOME- NORTH



BACK YARD LOOKING EAST-WINTER

VARIATION SUBMITTAL 031021
650 HILL ROAD 650 HILL ROAD WINNETKA, ILLINOIS 60093
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P.2



BACK YARD LOOKING EAST-SUMMER



BACK YARD LOOKING NORTHEAST

VARIATION SUBMITTAL 031021	
650 HILL ROAD 650 HILL ROAD WINNETKA, ILLINOIS 60093	
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P.4	



5.2 BACK YARD LOOKING
EAST TOWARDS LOWERED
PATIO



5.1 BACK YARD LOOKING
NORTH TOWARDS LOWERED
PATIO



6.2 LOWERED PATIO VIEW 2



6.1 LOWERED PATIO VIEW 1

ATTACHMENT D

From: [REDACTED]
To: [Planning](#)
Cc: [REDACTED]
Subject: Winnetka Zoning Bd - Case No 21-12-V (Addition to 650 Hill Road) - Neighbor Comment
Date: Saturday, March 27, 2021 4:38:54 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.

Dear Zoning Board Members,

We received notice of the proposed 2 story addition to 650 Hill Road, and would like to submit our concerns for your consideration.

We live at 4 1/2 Indian Hill Road, directly behind 650 Hill Road.

We are extremely concerned about the negative effect the above-referenced project would have on our property, most specifically with respect to rainwater run-off and flooding.

We have lived in our home for approximately 5 years, and throughout our time in the home, we have experienced significant run-off from the backyard of 650 Hill Road.

Topographically, the 650 Hill Road property lies above ours, and every time it rains significantly, we receive runoff from their back yard onto our driveway. The runoff creates a river of water, which runs through our front yard and into the drain at the end of our driveway. We have landscaped our yard with swales in an attempt to deal with this, but it is still an issue. This runoff also regularly disrupts our landscaping, which we have to repair. If an addition is added, with more impervious surface, we are extremely concerned that runoff to our yard will be significantly increased, and we fear our end of Indian Hill Road (which is already prone to flooding) would be negatively impaired.

We understand the desire for additions, but would greatly appreciate if you would consider this negative impact.

Thank you,

Robert & Laura Probst
4 1/2 Indian Hill Road

ATTACHMENT E
RESOLUTION NO. ZBA-2-2021
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
APPROVAL OF ZBA CASE NO. 21-12-V – 650 HILL ROAD

WHEREAS, Renee Lanam, (the “Applicant”) is the contract purchaser of the property commonly known as 650 Hill Road, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made part of this Resolution (***“Subject Property”***); and

WHEREAS, Diana and Elijah Wilde, as the current owners of Subject Property, have provided written consent of the application submitted by the Applicant; and

WHEREAS, the Subject Property is located in the R-2 Single Family Residential District; and

WHEREAS, the Subject Property is improved with a single family residence with an attached garage that is nonconforming with respect to the minimum required total side yard setback (***“Building”***); and

WHEREAS, the Applicant desires to construct a two-story addition to the Building on the Subject Property that would provide less than the minimum required total side yard setback (***“Proposed Improvement”***); and

WHEREAS, pursuant to Section 17.30.060 of the Winnetka Zoning Ordinance (***“Zoning Ordinance”***), the Subject Property is required to provide a minimum total side yard setback of at least 41.19 feet; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with a total side yard setback that is less than the required 41.19 feet, a violation of Section 17.30.060 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for a variation from Section 17.30.060 of the Zoning Ordinance to permit the Proposed Improvement on the Subject Property with a total side yard setback of 30.06 feet (***“Requested Variation”***); and

WHEREAS, a public notice for the Requested Variation was duly published on March, 25, 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, in accordance with social distancing requirements, Governor Pritzker’s Executive Order 2021-06 and Senate Bill 2135, a virtual public hearing was held by the Winnetka Zoning Board of Appeals during a virtual meeting held on April 12, 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 April 12, 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 March 8, 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 total side yard setback 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 total side yard setback variation from Section 17.30.060 of the Zoning Ordinance to permit the construction of the proposed two-story 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.
- C. Execution of Purchase of Subject Property. The Applicant shall obtain ownership of the Subject Property prior to the Applicant filing the Unconditional Agreement and Consent provided in Exhibit C of 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 total side yard setback requirement set forth in Section 17.30.060 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 60 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.

[SIGNATURES ON FOLLOWING PAGE]

ADOPTED this 12th day of April, 2021, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed:

Lynn Hanley, Acting Chairperson

Countersigned:

Village Clerk

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

That part of Lot 3 in Owners Subdivision of Lot 1 in Indian Hill Subdivision No. 1 in the Southwest Quarter of Section 21, Township 42 North, Range 13, East of the Third Principal Meridian, According to the Plat thereof recorded December 19, 1922 in Book 174 of Plats, Page 20, as Document No. 7751931 bounded and described as follows: Beginning at a point in the North Line of said Lot 3, 167.50 Feet West of the Northeast Corner thereof, Thence South 29 Degrees 39 Minutes 30 Seconds West a Distance of 183.26 Feet; Thence West parallel with the North Line of said Lot 3 a Distance of 114.50 Feet Thence Northeasterly 165.46 Feet to a point on the North Line of said Lot 3, 160.28 Feet West of the place of beginning, Thence East along said North Line 160.28 Feet to the place of beginning, in Cook County, Illinois.

Commonly known as 650 Hill Road, Winnetka, Illinois.

Parcel Index Number: 05-21-321-037-0000

EXHIBIT B
PLANS

(SEE ATTACHED EXHIBIT B)

HILL ROAD

160.28'

165.46'

183.26'

114.50'

SITE PLAN W/ TOPO
SCALE: 1" = 20'

SCALE: 1" = 20'

EXISTING RESIDENCE
NO. 640

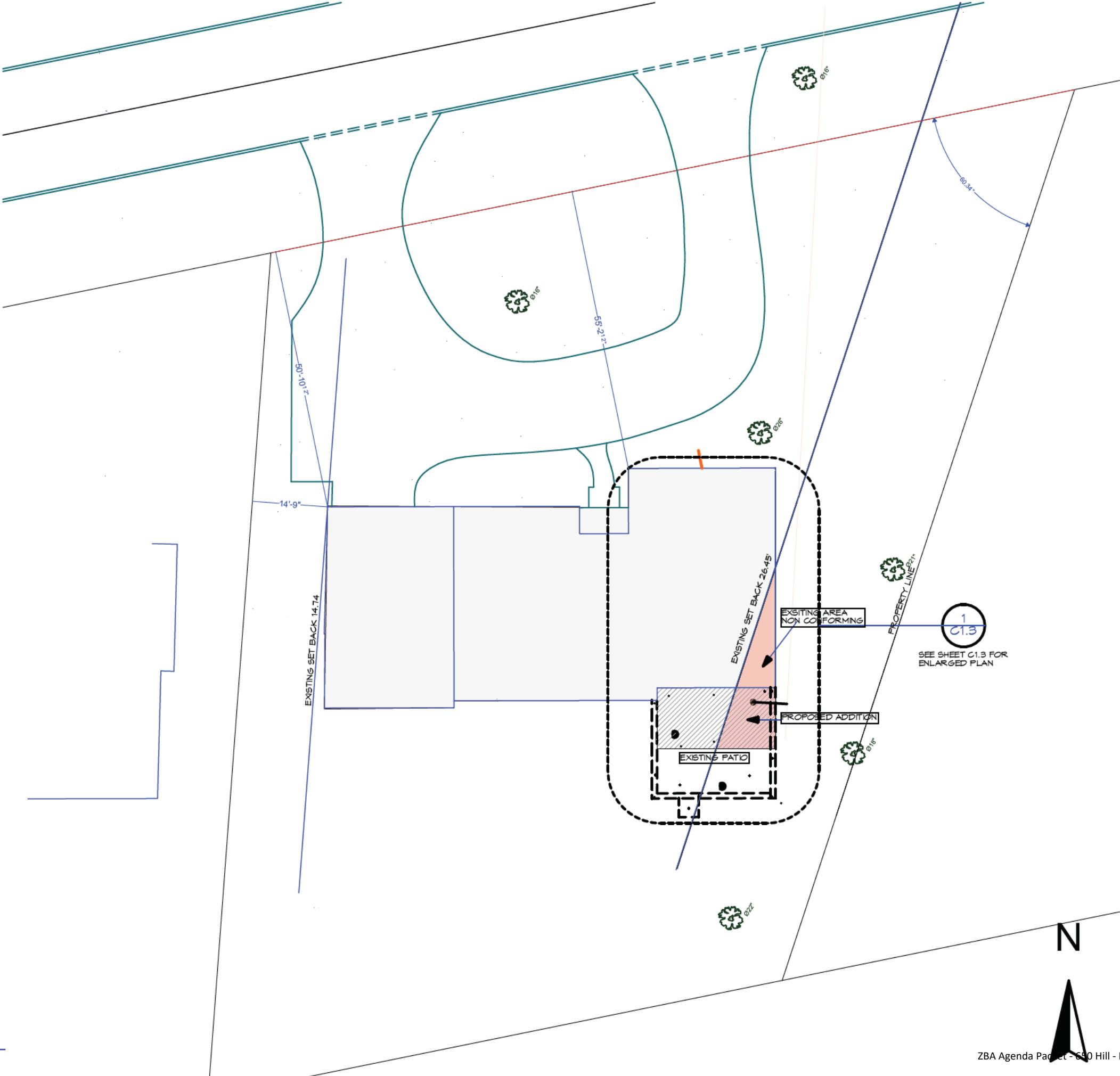
ZBA Agenda Packet - 650 Hill - Page 34

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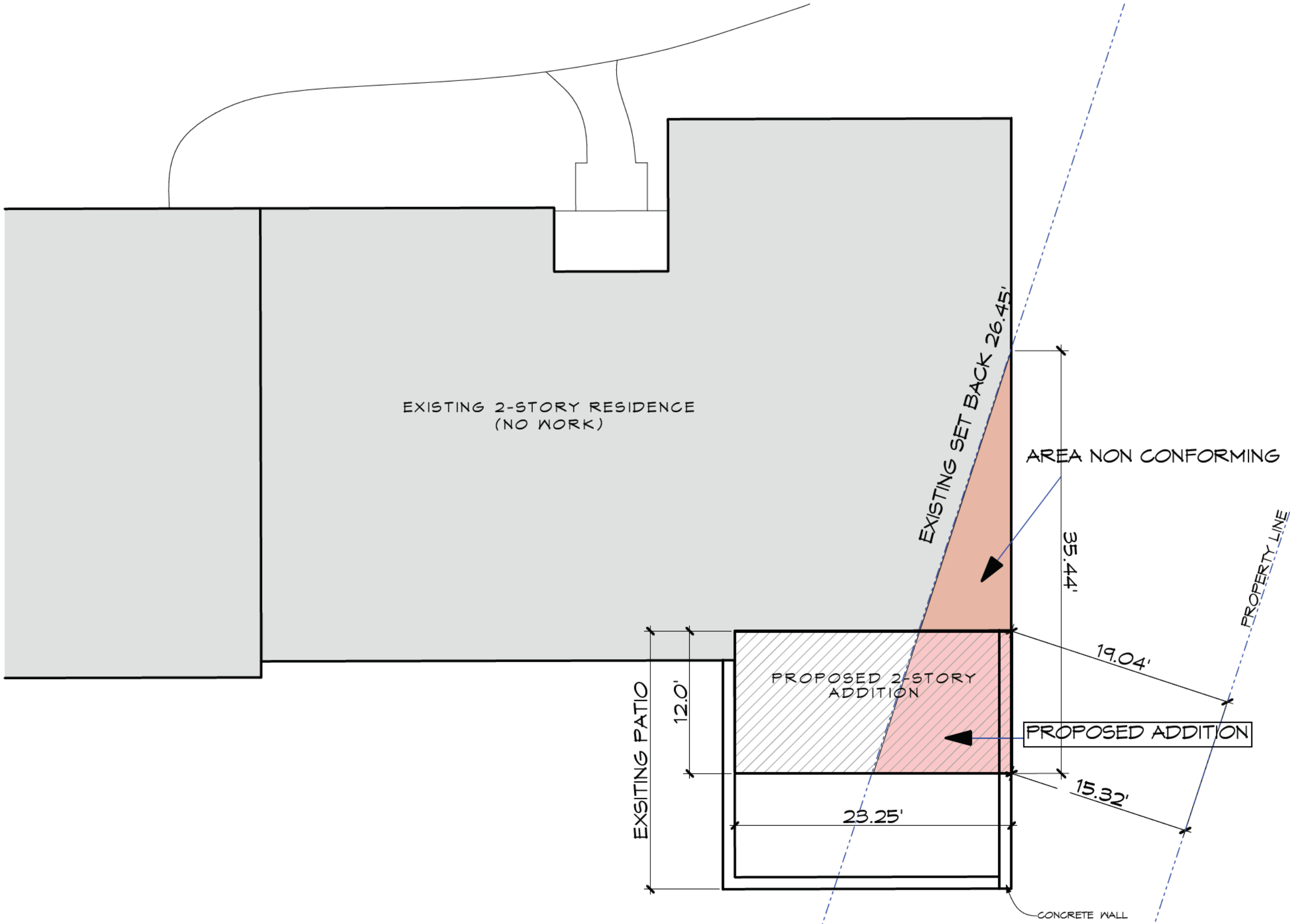
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SITE PLAN NO TOPO

SCALE: 1" = 20'



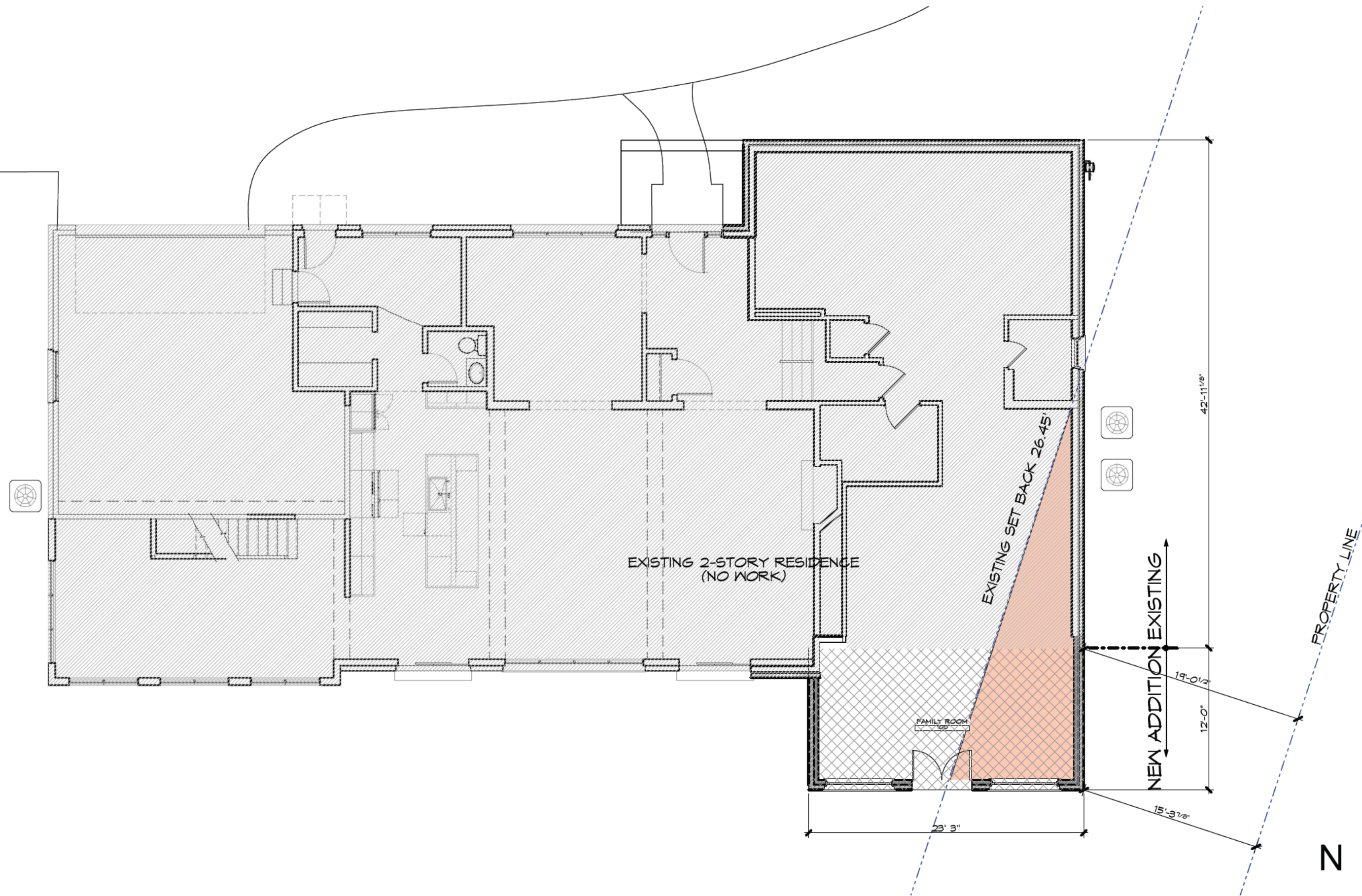
VARIATION SUBMITTAL 031021	
650 HILL ROAD 650 HILL ROAD WINNETKA, ILLINOIS 60093	
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1

GARDEN FLOOR - PROPOSED

SCALE: 1/8" = 1'-0"

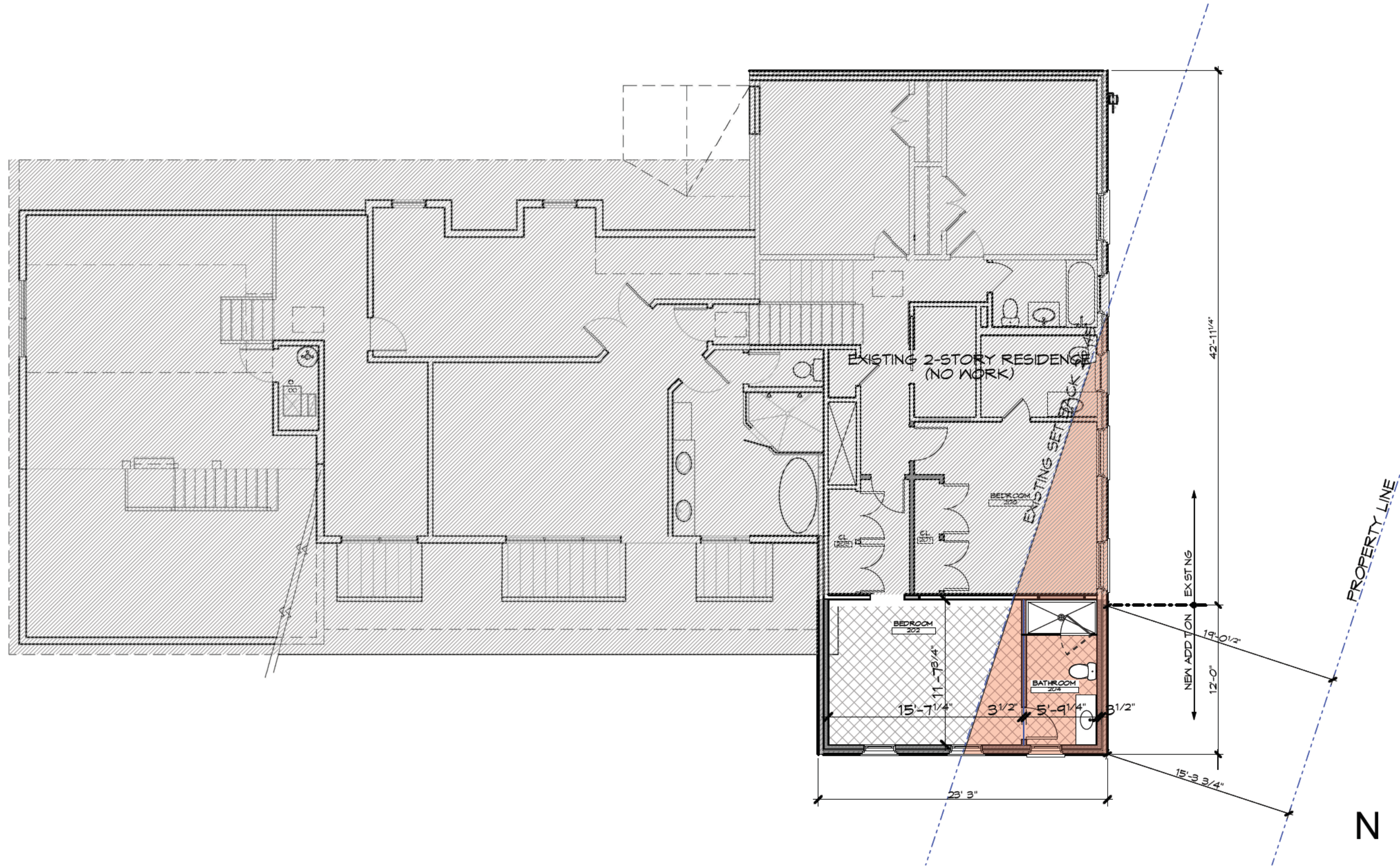


VARIATION SUBMITTAL 031021	650 HILL ROAD 650 HILL ROAD WINNETKA, ILLINOIS 60093	H. GARY FRANK ARCHITECTS AIA, LTD 525 Chestnut Street Winnetka, IL 60093 Office 847 501 4212 contact@hgaryfrankarchitects.com All Copyrights 2014 H. Gary Frank Architects AIA, LTD All Rights Reserved	A1.1
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1

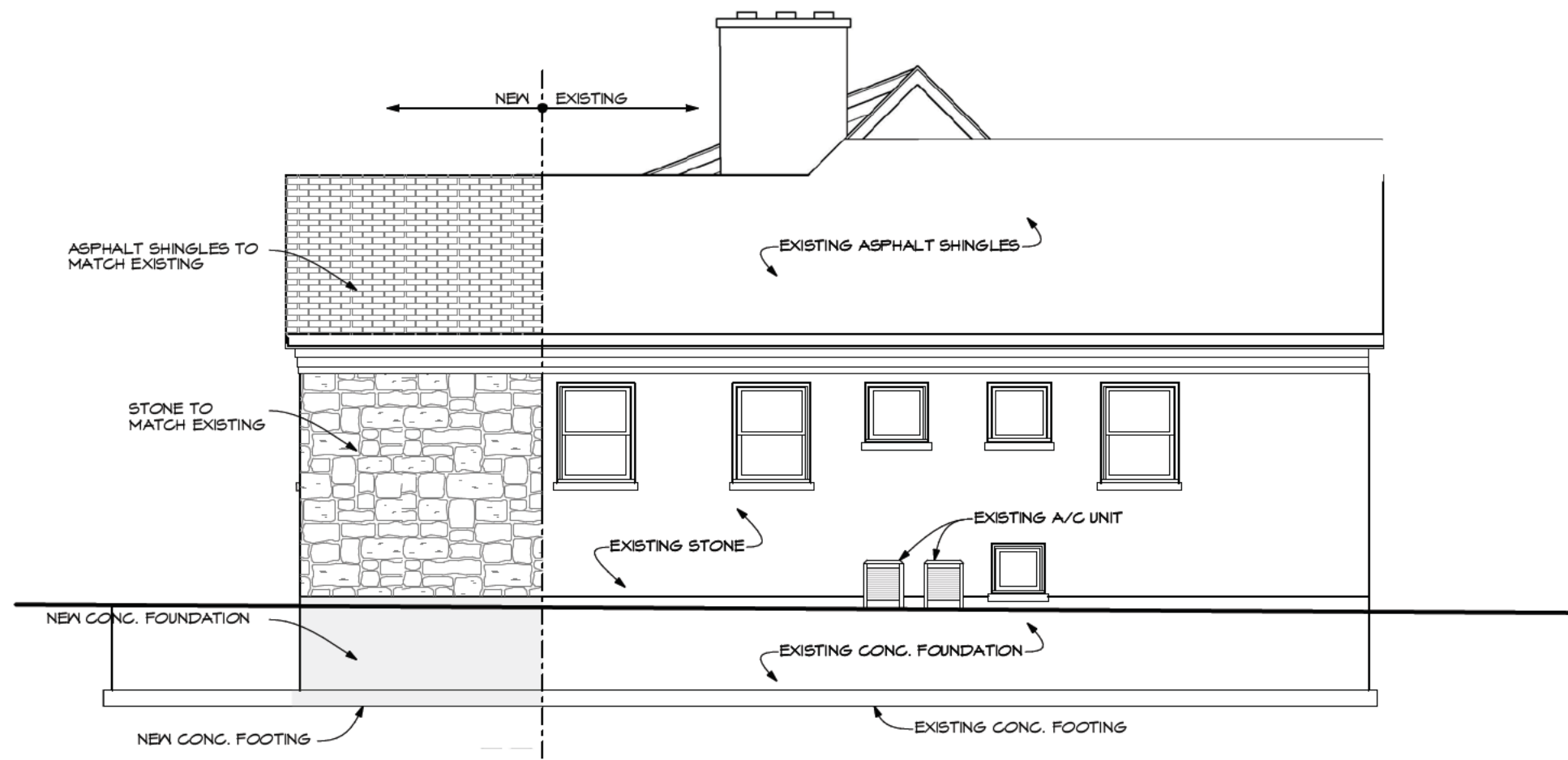
UPPER FLOOR - PROPOSED

SCALE: 1/8" = 1'-0"





2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



1 EAST ELEVATION
SCALE: 1/8" = 1'-0"

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Renee Lanam and Stephanie Rapp (collectively, the "**Owner**") is the owner of record of that certain real property located at 650 Hill Road, Winnetka, Illinois ("**Property**"); and

WHEREAS, Resolution No. ZBA-2-2021, adopted by the Winnetka Zoning Board of Appeals on April 12, 2021 ("**Resolution**"), grants a variation to construct a two-story 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 60 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 virtual 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

By: _____

Name: _____

OWNERS

By: _____

Renee Lanam

By: _____

Stephanie Rapp

RESOLUTION NO. ZBA-2-2021
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
DENIAL OF ZBA CASE NO. 21-12-V – 650 HILL ROAD

WHEREAS, Renee Lanam (the “Applicant”) is the contract purchaser of the property commonly known as 650 Hill Road, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made part of this Resolution (***“Subject Property”***); and

WHEREAS, Diana and Elijah Wilde, as the current owners of Subject Property, have provided written consent of the application submitted by the Applicant; and

WHEREAS, the Subject Property is located in the R-2 Single Family Residential District; and

WHEREAS, the Subject Property is improved with a single family residence with an attached garage that is nonconforming with respect to the minimum required total side yard setback (***“Building”***); and

WHEREAS, the Applicant desires to construct a two-story addition to the Building on the Subject Property that would provide less than the minimum required total side yard setback (***“Proposed Improvement”***); and

WHEREAS, pursuant to Section 17.30.060 of the Winnetka Zoning Ordinance (***“Zoning Ordinance”***), the Subject Property is required to provide a minimum total side yard setback of at least 41.19 feet; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with a total side yard setback that is less than the required 41.19 feet, a violation of Section 17.30.060 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for a variation from 17.30.060 of the Zoning Ordinance to permit the Proposed Improvement on the Subject Property with a total side yard setback of 30.06 feet (***“Requested Variation”***); and

WHEREAS, a public notice for the Requested Variation was duly published on March 25, 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, in accordance with social distancing requirements, Governor Pritzker’s Executive Order 2021-06 and Senate Bill 2135, a virtual public hearing was held by the Winnetka Zoning Board of Appeals during a virtual meeting held on April 12, 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 April 12, 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 March 8, 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-2 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 12th day of April 12, 2021, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed:

Lynn Hanley, Acting Chairperson

Countersigned:

Village Clerk

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

That part of Lot 3 in Owners Subdivision of Lot 1 in Indian Hill Subdivision No. 1 in the Southwest Quarter of Section 21, Township 42 North, Range 13, East of the Third Principal Meridian, According to the Plat thereof recorded December 19, 1922 in Book 174 of Plats, Page 20, as Document No. 7751931 bounded and described as follows: Beginning at a point in the North Line of said Lot 3, 167.50 Feet West of the Northeast Corner thereof, Thence South 29 Degrees 39 Minutes 30 Seconds West a Distance of 183.26 Feet; Thence West parallel with the North Line of said Lot 3 a Distance of 114.50 Feet Thence Northeasterly 165.46 Feet to a point on the North Line of said Lot 3, 160.28 Feet West of the place of beginning, Thence East along said North Line 160.28 Feet to the place of beginning, in Cook County, Illinois.

Commonly known as 650 Hill Road, Winnetka, Illinois.

Parcel Index Number: 05-21-321-037-0000