



ZONING BOARD OF APPEALS REGULAR VIRTUAL MEETING AGENDA

MONDAY, OCTOBER 12, 2020 - 7:00 PM

In accordance with social distancing requirements and Governor Pritzker's Executive Order 2020-55 and Senate Bill 2135, the Winnetka Zoning Board of Appeals meeting on Monday, October 12, 2020 **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 Executive Order 2020-52 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 Meeting ID: 9620 182 4235 (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 Meeting ID: 9620 182 4235; Event Passcode: ZBA101220

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 by 6:00 PM the day of the meeting will be read at the meeting by staff. Written 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, OCTOBER 12, 2020 - 7:00 PM**

AGENDA ITEMS

1. Call to Order & Roll Call.
2. Introductory Remarks Regarding Conduct of Virtual Meeting.
3. Approval of September 14, 2020 meeting minutes.
4. **Continued from the September 14, 2020 meeting - Case No. 20-25-V2: 811 Cherry Street:**
An amended application submitted by Kathleen E. Hamburger seeking approval of zoning variations to allow a front porch addition at 811 Cherry Street. The requested zoning variations would permit the front porch to (a) exceed the maximum permitted front yard lot coverage; (b) provide less than the minimum required front yard setback; and (c) provide less than the minimum required side yard setback from the west property line. The plans have been amended to reduce the requested variations for front yard lot coverage and the front yard setback. The Zoning Board of Appeals now has final jurisdiction on this request.
5. **Continued from the September 14, 2020 meeting – Case No. 20-07-SD: 1415 and 1423 Asbury Avenue:** An amended application submitted by Judy Lesnik seeking approval of a Final Plat of Subdivision and a zoning variation to allow a two-lot resubdivision of 1415 Asbury Avenue and 1423 Asbury Avenue and construction of a detached garage on Proposed Lot 2 (1415 Asbury Avenue). The requested zoning variation would permit the existing residence and proposed detached garage at 1415 Asbury Avenue to exceed the maximum permitted building size (GFA). The Final Plat of Subdivision has been amended to eliminate the previously requested zoning variation to observe less than the minimum required side yard setback from the east property line. The Village Council has final jurisdiction on this request
6. Other Business.
 - a. Community Development Report
 - b. November 9, 2020 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
SEPTEMBER 14, 2020**

Zoning Board Members Present:

Matt Bradley, Chairman
Sarah Balassa
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
September 14, 2020**

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. Chairman Bradley then welcomed new Board Member, Max Weigandt.

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 rules of procedure.

Approval of July 13, 2020 meeting minutes.

Chairman Bradley asked for a motion to approve the July 13, 2020 meeting minutes. Ms. Handler moved to approve the July 13, 2020 meeting minutes. The motion was seconded by Ms. Hanley and Mr. Nielsen. A vote was taken and the motion unanimously passed:

AYES: Balassa, Bradley, Handler, Hanley, Nielsen, Weigandt

NAYS: None

Case No. 20-20-V: 130 Westview Road: An application submitted by Elizabeth and Eric Kauffman seeking approval of a zoning variation to allow a fence at 130 Westview Road along the Hibbard Road property line. The requested zoning variation would permit the fence to exceed the maximum permitted height. The Board has final jurisdiction on this request.

Ms. Klaassen stated the owners submitted an application seeking a variation for a fence which would be 8 feet in height along the Hibbard Road property line where a maximum of 6.5 feet is permitted, a variation of 1.5 feet or 23% noting the Board has final jurisdiction on this request.

Ms. Klaassen described the location and description of the subject property noting it is a through lot with front lot lines along Westview Road and Hibbard Road. She stated the property is zoned R-2 single family residential and is bordered by similar zoning to the north, south and east and the Cook County Forest Preserve to the west. Ms. Klaassen stated the request is for the replacement of an existing 6 foot high

1 fence along the west front property line. She described the proposed fence and identified photos of the
2 fence to be replaced. Ms. Klaassen stated the application noted the request for the additional 1.5 feet of
3 height is to increase privacy and reduce noise from Hibbard Road.
4

5 Ms. Klaassen stated the Board is to consider whether or not the requested variation meets the standards
6 for granting the variation and draft resolutions for the Board's consideration were prepared by Village
7 staff. The approval resolution can be found on page 15 of the agenda report and the denial resolution
8 can be found on page 24. She then stated following Board deliberation and discussion, a Board Member
9 may make a motion to adopt either resolution. Ms. Klaassen informed the Board one email was submitted
10 for public comment which was not included in the agenda packet and would be read into the record after
11 the petitioner's presentation. She then asked if there were any questions for staff.
12

13 Chairman Bradley also asked if there were any questions. No questions were raised at this time. Mr.
14 Norkus then allowed the applicants into the meeting. Chairman Bradley swore in those speaking to this
15 matter.
16

17 Elizabeth and Eric Kauffman introduced themselves to the Board. Mr. Kauffman informed the Board they
18 have lived in the home for 5 years and have had a fence lower than the neighboring fences. He stated a
19 large wind storm blew down one of the fence sections last year and they decided to make the fence
20 consistent with others in the neighborhood. He also stated due to the lower fence line, they see a lot of
21 traffic on Hibbard Road along with extra noise and the new fence would allow them to address those
22 issues. Mrs. Kauffman stated in discussions with the fence contractor, they were told the higher the fence
23 is, the more it would help obstruct traffic noise. She also stated there is a lot of landscaping there and
24 they decided to ask how high the fence could go without offending the neighbors.
25

26 Chairman Bradley asked if there were any questions from the Board. Ms. Handler asked if the topography
27 is even at the area of the fence's replacement. Mr. Kauffman responded the topography is level along
28 Hibbard Road. Ms. Handler asked if they consulted a landscape architect to use a wall of Arbor Vitae to
29 provide more privacy and provide better sound buffering than a fence. Mrs. Kauffman stated there is
30 currently a wall of Arbor Vitae they installed two years ago along with a swamp redwood which would
31 take a long time to grow to absorb the sound along with the new fence. She stated they also have photos
32 for the Board's review.
33

34 Chairman Bradley stated the south neighbor has a new fence. Mr. Kauffman stated the fence is on the
35 110 Appletree Road property. Mrs. Kauffman stated the Westview neighbors have a new section of their
36 fence but have not replaced fencing on Hibbard Road. The applicants stated both fences are 7.5 feet in
37 height. Mrs. Kauffman described the corner issues relating to the fence near the "Welcome to Winnetka"
38 sign. Mrs. Kauffman informed the Board when vehicles are stopped on Hibbard Road, they generate a lot
39 of noise. Chairman Bradley stated he could hardly see the fence with the foliage on the Hibbard Road side
40 and asked if the request is more to match the neighbors' fence or for noise mitigation and view. Mrs.
41 Kauffman responded the difference is more pronounced in January since the foliage is not there where
42 you can see vehicles on Hibbard Road due to the way in which the property is sloped.
43

44 Chairman Bradley asked the applicants if there were any technical difficulties which affected their
45 presentation to the Board. The applicants confirmed there were none. He then asked if there were any
46 other questions from the Board. No additional questions were raised at this time.
47

1 Chairman Bradley then asked for public comment. Ms. Klaassen read an email into the record from Mr.
2 and Mrs. Walter Kasten II, on Hill Road, in support of the request. Mr. Norkus confirmed there were no
3 members of the public who want to speak to this matter. Chairman Bradley then closed the public
4 comment section and stated the Board would begin deliberation.

5
6 Ms. Balassa asked how old are the 7.5 foot fences that belong to the neighbors and if variances were
7 requested. Ms. Klaassen responded there are no records for the fences at 140 Westview to the north and
8 for the property to the south, a variation was applied for in 1993 which was not approved. She noted a
9 fence permit was issued in 1994 to allow a 6.5 foot height. Chairman Bradley stated those neighbors
10 skirted zoning relief. Ms. Balassa stated it is a unique situation and she is very familiar with the busy
11 corner. She then referred to the amount of noise due to the buildup of the two high schools and people
12 using it as a shortcut. Ms. Balassa also stated she is sensitive with regard to the request and is on the fence
13 and concerned with precedent. She stated it related to privacy not only from the next door neighbor but
14 from a lot of the public. Mr. Nielsen stated a 7.5 foot fence to match the neighbors is a no brainer and
15 questioned whether the extra 1.5 feet is necessary. Ms. Handler stated the adjoining fence is not 7.5 feet
16 tall in terms of a benchmark comparison. Chairman Bradley stated the application stated they want a
17 fence height contiguous with the neighbors and asked for a maximum height of 8 feet. Ms. Hanley stated
18 she is in agreement with the request which met the standards and referred to Hibbard Road traffic. She
19 stated with regard to what the neighbors have, based on this property, 8 feet is allowed for the
20 commercial district and is similar to this situation and she would vote in favor. Mr. Weigandt agreed with
21 Ms. Hanley and Ms. Balassa and described the situation as unique in need of a unique solution. He stated
22 he would be in favor of the request. Mr. Nielsen stated Ms. Hanley spoke to the commercial standard
23 being 8 feet.

24
25 Chairman Bradley stated he is also in support of the request and in looking at the 2040 Comprehensive
26 Plan and the zoning code for properties like this which butt up against the busy freeway and entry point
27 to the Village. He stated the applicants also benefit from the fact that the neighbors acted prudently
28 putting up fences above otherwise allowed heights at that time. Chairman Bradley stated the standards
29 have been met and it is a unique property. Ms. Handler noted she is opposed to the request since it is an
30 entry point to the Village and it would set a precedent. She also referred to the applicant stating they
31 would be setting the new standard for the block. Ms. Handler stated the back of the home is 80 feet from
32 the lot line and the fact that they can see vehicles from the kitchen is no different from those who live on
33 other busy roads in the Village. She noted for the record the neighbors do not have 7.5 foot fences.

34
35 Chairman Bradley then asked for a motion to approve the variance as submitted and referred to the
36 resolution approving the variation request on page 15 in the packet of materials. Ms. Hanley moved to
37 approve of the variation by adopting Resolution No. ZBA-6-2020. Ms. Balassa seconded the motion. A vote
38 was taken and the motion passed:

39 AYES: Balassa, Bradley, Hanley, Nielsen, Weigandt

40 NAYS: Handler

41
42 **Case No. 20-25-V2: 811 Cherry Street:** An application submitted by Kathleen E. Hamburger seeking
43 approval of zoning variations to allow a front porch addition at 811 Cherry Street. The requested zoning
44 variations would permit the front porch to: (a) exceed the maximum permitted front yard lot coverage;
45 (b) provide less than the minimum required front yard setback; and (c) provide less than the minimum
46 required side yard setback from the west property line. The Village Council has final jurisdiction on this
47 request.

1 Ms. Klaassen stated Kathleen Hamburger submitted an application seeking variations in connection with
2 a proposed front porch addition which she identified for the Board. She then described the location of
3 the subject property and its zoning classification. Ms. Klaassen noted the lot is existing legal
4 nonconforming measuring 6,165 square feet and only 45 feet in width. She described the requested front
5 porch addition, which would also include removal of a portion of the front walk.

6
7 Ms. Klaassen identified the proposed floor plan, front and west elevations. She noted the front yard lot
8 coverage in the R-5 zoning district is 30% of the minimum required front yard and improvements currently
9 in the front yard exceed the maximum permitted by 51 square feet. Ms. Klaassen then stated a majority
10 of the front porch would encroach the front yard but with the removal of a portion of the front walk, the
11 net increase in front yard lot coverage is approximately 57 square feet. She then described how the
12 property is currently legal nonconforming with regard to the minimum required side yard which relate in
13 part to the eaves and noted the proposed porch would not extend further into the required side yard.

14
15 Ms. Klaassen stated the Board is to consider whether the requested variations meet the standards for
16 granting such variations and following public comment and Board discussion, a Board Member may make
17 a motion as indicated page nos. 7-8 of the agenda packet. She noted no written comments were received
18 and asked if there were any questions.

19
20 Chairman Bradley also asked if there were any questions. Ms. Hanley asked if the step and stoops are not
21 part of the front yard encroachment. Ms. Klaassen responded they are not and identified the point where
22 the setback is measured from. No additional questions were raised at this time.

23
24 Mr. Norkus allowed Kathleen and Ron Hamburger into the meeting. Chairman Bradley then swore in those
25 speaking to this matter.

26
27 Mrs. Hamburger thanked Ms. Klaassen and Mr. Norkus for their assistance as new Village residents. She
28 stated they bought their 100 year old bungalow home in May 2020 and decided not to build up so as to
29 not be intrusive to the neighbors. Mrs. Hamburger stated they want to preserve the charm and design of
30 the home with a porch being part of that charm. She described the home as small and stated they want
31 to add a porch and restore the home to its original purpose. Mrs. Hamburger stated the porch would allow
32 them to interact with the neighbors and asked if there were any questions.

33
34 Chairman Bradley also asked if there were any questions. He stated in terms of the size of the variance
35 request, he asked if they considered anything smaller in terms of the porch's depth such as a depth of 5
36 feet. Mrs. Hamburger responded they discussed it with their architect and they are asking for 7 feet to
37 allow for a chair and room to sit. She stated they also considered what original bungalows looked like
38 which included balancing it on both sides. Mrs. Hamburger stated one side did not require a variance and
39 they are attempting to make it balanced. She added the home did not meet the standards since it is 100
40 years old. Chairman Bradley stated the Board is required to attempt to mitigate the amount of the
41 variance with regard to existing nonconforming homes. Mrs. Hamburger stated the porch as proposed
42 would make it functional and take the home back to its original design. No additional comments were
43 made at this time.

44
45 Ms. Klaassen noted no written comments were received. Mr. Norkus stated one member of the public
46 may wish to speak to this matter and asked Caller Keith if he would like to comment. No comments were
47 made at this time.

48

1 Chairman Bradley noted any public comment received after the hearing would be included in the record.
2 He then closed the public comment portion of the meeting and stated the Board would now deliberate.

3
4 Ms. Hanley commented while she loved bungalows and appreciated where the applicant is coming from,
5 she cannot justify the request based on the front yard setback and lot coverage. She stated they are
6 allowed to have 60 square feet encroach the front yard setback, which would not require a variance for
7 the front yard. Ms. Hanley then stated there is nothing unique about the property which would allow the
8 variations to be granted. Ms. Handler stated she is in favor; the variations are not extreme and the request
9 would preserve the home. She described the request as a way to add space to a home which is not big as
10 important and would enhance the home's value. Ms. Balassa stated a lot of the bungalows in the Village
11 are no longer there and she leaned toward approval although she agreed with Ms. Hanley's comments.
12 She described the request which would serve to keep the older housing stock in the Village which they
13 frequently discuss to help those who want to downsize and remain in the Village and commented the
14 request is difficult. Mr. Nielsen stated he would lean toward approval and stated the size of the home
15 played a role a lot of the time. He commented the porch would make the small home look nicer and he
16 would lean toward approval. Mr. Weigandt agreed with the points made and stated he would lean in favor
17 of the request which would allow these types of smaller homes to remain in the Village.

18
19 Chairman Bradley stated he appreciated families coming to the Village who do not want to take the home
20 down. He referred to the home's siting close to the front of the property and while the home would
21 benefit from preservation and porch addition, in consideration of the standards, it is excessive and would
22 make the front of the home too close to the sidewalk. Chairman Bradley stated to encroach the existing
23 nonconformity into the existing front yard more is worrisome to him and suggested there may be a
24 feasible alternative which may eliminate one of the variance requests. He then suggested the applicants
25 continue the request to consider alternatives.

26
27 Ms. Hanley stated aside from the standards, from Cherry Street, all of the homes are sited at least 30 feet
28 back and the immediate neighbor to the west is on the corner. She stated to allow this home to encroach
29 more to the front would make it more out of scale and described the request as more of a want as opposed
30 to a need. Ms. Balassa agreed the porch did not need to be that deep and agreed with the suggestion of
31 alternatives. Chairman Bradley then stated the side yard setback is not an issue and there is no point in
32 granting one variation without the other. Ms. Handler also agreed with the suggestion of a shallower
33 porch depth.

34
35 Chairman Bradley informed the applicants there seemed to be three Board Members in favor and three
36 against and they can proceed to the Village Council without an approval recommendation from the Board.
37 He stated they can withdraw the application without a Board vote to further consider the porch size which
38 is triggering the front yard setback. Chairman Bradley then stated there appeared to be overall consensus
39 from the Board for approval but size is the concern.

40
41 Mr. Schoon informed the applicants a continuance would allow the request to be continued to a date
42 specific. Mrs. Hamburger asked the Board if they would be more inclined to recommend approval if the
43 request is reduced. Chairman Bradley confirmed that is correct and asked for consideration be given to
44 alternatives which would mitigate the size of the request.

45
46 Chairman Bradley confirmed the application would be continued to the October 12, 2020 meeting and
47 asked for a motion. A motion was made by Mr. Nielsen and seconded by Ms. Balassa to continue the

1 application for 811 Cherry Street to the October 12, 2020 meeting. A vote was taken and the motion
2 unanimously passed:

3 AYES: Balassa, Bradley, Handler, Hanley, Nielsen, Weigandt

4 NAYS: None

5
6 **Case No. 20-07-SD: 1415 and 1423 Asbury Avenue:** An application submitted by Judy Lesnik seeking
7 approval of a Final Plat of Subdivision and zoning variations to allow a two-lot resubdivision of 1415
8 Asbury Avenue and 1423 Asbury Avenue and construction of a detached garage on proposed lot 2 (1415
9 Asbury Avenue). The requested zoning variations would: (a) permit the existing residence and proposed
10 detached garage at 1415 Asbury Avenue to exceed the maximum permitted building size (GFA); and (b)
11 permit the existing residence at 1415 Asbury Avenue to observe less than the minimum required side
12 yard setback from the east property line. The Village Council has final jurisdiction on this request.

13 Ms. Klaassen stated Judy Lesnik, owner of both properties, filed an application seeking final plat approval
14 to relocate the lot line between the properties and allow construction of a detached garage at 1415 Asbury
15 and outlined the zoning relief being requested. She then described the subject properties and their
16 respective zoning. Ms. Klaassen informed the Board the applicant resides at 1415 Asbury and acquired
17 1423 Asbury in 2016 and plans to demolish the home and garage at 1423 Asbury. She stated the applicant
18 then planned to subdivide the parcels by relocating the lot line 15 feet to the west with the new lots of
19 record measuring 9,550 square feet and 14,315 square feet respectively with plans to construct a
20 detached garage at 1415 Asbury. Ms. Klaassen went on to describe the change to lot size requirements as
21 a result of the resubdivision along with consideration for nonconformities. She identified the
22 nonconformity created by the proposed subdivision in Table 3 in connection with an average lot width
23 increase. Ms. Klaassen also described the size of the existing home at 1415 Asbury with the proposed
24 garage and the net GFA increase. She noted the home complied with the zoning regulations at the time it
25 was built since the basement space was not included in GFA calculations. Ms. Klaassen identified two
26 existing nonconformities which would remain as a result of the resubdivision.

27
28 Ms. Klaassen stated the Plan Commission would also review the request at their next meeting along with
29 the demolition permit to be considered by the LPC. She stated the applicant would also be required to
30 submit a site restoration plan for the 1423 Asbury parcel along with permits and plans for the proposed
31 garage, all of which would be reviewed by the Village's Engineering Department. Ms. Klaassen informed
32 the Board one email was received which would be read into the record.

33
34 Ms. Klaassen then stated the Board is to consider whether the requested variations meet the standards
35 for granting such variations and following public comment and Board discussion, a Board Member may
36 make a recommendation to the Village Council with a draft motion provided on page nos. 9 and 10 of the
37 agenda report. She then asked if there were any questions.

38
39 Ms. Hanley asked if the Board is to recommend approval for the plat and variation for the proposed garage
40 together. Ms. Klaassen confirmed that is correct which included a GFA variation for the proposed garage.
41 Chairman Bradley questioned the one inch side yard variation and asked if the lot line could be moved so
42 there would be no need for a variance. Ms. Klaassen stated the applicant can respond but it may be due
43 to complying with minimum lot width requirement for 1423 Asbury.

44
45 Mr. Norkus allowed Cal Bernstein, attorney for the applicant, David Dote and James Chambers of FWC
46 Architects, into the meeting. Chairman Bradley swore in those speaking to this matter.
47

1 Cal Bernstein stated the home at 1415 Asbury is nonconforming due to the zoning change where the
2 basement is now counted into GFA. He stated they are proposing to reduce the nonconformity by making
3 the lot bigger with a GFA decrease of 9%. Mr. Bernstein stated the driving force behind the request related
4 to the existing garage which measured 19x19 feet. He stated there is no room for storage and it is difficult
5 to enter through the driveway. Mr. Bernstein stated a new driveway would be built making the turning
6 radius easier to access the garage. He stated a detached garage would allow them to park two normal size
7 vehicles with space for storage. Mr. Bernstein then stated the unique circumstance related to the home's
8 siting creating the side yard issue.

9
10 James Chambers stated he would speak with regard to the placement and design of the proposed garage
11 with the initial intent to push it as far in the setback as would be allowed. He then stated that would force
12 the removal of important trees. Mr. Chambers stated they also considered moving it forward which would
13 result in less impervious area and would be more efficient which is the best option and is the best in terms
14 of drainage. He then stated with regard to the design, it would have the same roof pitch, gable, trim and
15 brick as the 1415 Asbury home. Mr. Bernstein informed the Board that Mr. Dote assisted with the figure
16 calculations and reiterated the two issues of GFA and side yard for the Board to consider. He informed
17 the Board the home at 1423 Asbury has to be torn down due to the casualty in the home. Mr. Bernstein
18 also stated there would be no change to the neighborhood character and the request would extend the
19 home's usefulness and function. He then asked if there were any questions.

20
21 Chairman Bradley also asked if there were any questions. He stated the packet showed the existing lot
22 and GFA existing nonconformity with the new lot having the larger number at 57% in terms of the variance
23 request and asked for confirmation that the GFA figure would be reduced as a result of the resubdivision.
24 The applicants confirmed that is correct. Chairman Bradley then stated with regard to the side yard, the
25 variation is a result of having a compliant proposed lot 1. Mr. Bernstein confirmed that is correct.
26 Chairman Bradley asked if moving the lot line creating a 61 foot and 59 foot variance did not destroy the
27 variation on the side yard. Mr. Bernstein stated he did not have the information in terms of the calculation.
28 Mr. Dote stated he would have to look up the zoning ordinance and formula. Chairman Bradley stated the
29 Board is not to look at the need for a rear garage which would require an extra 200 feet of GFA and asked
30 why they are considering this request now as opposed to later. Mr. Bernstein stated the development is
31 being done in its totality and the applicant wants to have a functional garage and may go in a different
32 direction if the request to have a functional garage is not allowed.

33
34 Ms. Klaassen stated the request before Board included the proposed garage and a draft motion was
35 provided which the Board can amend, as necessary. Ms. Hanley asked if the standards still have to be met
36 for the garage and Ms. Klaassen confirmed that is correct.

37
38 Mr. Bernstein stated with regard to the garage standards, in connection with reasonable return, in having
39 a functional two car garage, reasonable return cannot otherwise be achieved which is why the lot is being
40 enlarged. He reiterated the zoning code changed since the home was built with the basement being
41 included in the GFA calculation. Mr. Bernstein stated the garage would be in the back and would not be
42 seen from the street noting the neighbor is in support of the application. Ms. Handler stated one item
43 mentioned in the application is that there would be better access to the existing garage. Mr. Bernstein
44 confirmed that is correct. Ms. Handler then stated doing the subdivision alone would improve garage
45 functionality. Mr. Bernstein stated even if access is improved, the garage is not usable for two cars. Mr.
46 Chambers stated the need for the owner from the beginning was to have a usable two car garage.

47

1 Chairman Bradley asked for confirmation that the addition of a detached garage in the rear is being done
2 as a very expensive way of securing a property to the west and subdividing the property to provide garage
3 access. Mr. Bernstein confirmed that is correct and added the applicant does not want to move and wants
4 a functional garage. Chairman Bradley asked if there were any other questions. Ms. Hanley asked if
5 consideration was given to not adding a two car garage and adding a shed. Mr. Chambers stated that
6 option was not considered and the existing garage is very substandard noting there would only be 20
7 inches between the vehicle and wall in the current garage. Ms. Hanley asked if they considered a one car
8 garage addition. Mr. Chambers responded that was not discussed.
9

10 Chairman Bradley asked if there were any other questions. No additional questions were raised at this
11 time. He then stated they would hear public comment. Ms. Klaassen noted one email was received which
12 she read into the record from Kevin Gazley, 1418 Scott Avenue, in support of the application. Mr.
13 Chambers confirmed the drainage and grading program would address water issues. Mr. Norkus allowed
14 Caller Keith into the meeting. No comments were made at this time. Chairman Bradley noted any potential
15 public comment before adjournment would be included in the record. He then closed public comment
16 and asked the applicants if there were any technical issues in terms of their presentation. The applicants
17 confirmed there were no difficulties.
18

19 Ms. Handler stated she would be in support of the subdivision which would create a larger lot for one of
20 the largest homes in the neighborhood as well as to solve access for the existing two car garage. She then
21 stated she would not support the request for another two car garage which did not meet the standards.
22 Ms. Handler stated there are no unique circumstances which did not relate to the home but for the
23 applicant's use. She added a four car garage would be extremely unusual and would change the
24 neighborhood character as well as the addition of another 200 square feet which would have been
25 otherwise compliant in 1999.
26

27 Mr. Weigandt agreed with the lot extension and questioned what would be done to the smaller lot after
28 the home is demolished. Chairman Bradley responded it would be a legally compliant lot. Mr. Weigandt
29 then stated a four car garage is extreme and would agree with the subdivision but not the garage. Mr.
30 Nielsen agreed with Ms. Handler's comments relating to the subdivision. Ms. Balassa agreed with the
31 comments made in support of the subdivision but not the garage. Ms. Hanley agreed with the comments
32 made and stated she would recommend approval of the existing GFA negating the garage additional
33 square footage. Chairman Bradley stated he would be in favor of recommending approval compelled by
34 the fact the subdivision creates a lower amount of nonconformity although it would add 200 square feet
35 to accommodate the garage. He then stated a home this size deserved a suitable garage and the existing
36 garage did not meet that. Chairman Bradley then referred to the change of the zoning laws changing the
37 conformity of an otherwise compliant home. He also stated the side yard variation is de minimus due to
38 the location of the lot line. Chairman Bradley then referred to the benefits outlined. Ms. Hanley stated for
39 the record the Board is not being petty in terms of the side yard request and stated it is not necessary to
40 increase the nonconformity if they did not have to. Chairman Bradley stated the garage is a unique
41 circumstance and referred to the architect's testimony that the garage is not standard size.
42

43 Ms. Balassa asked the home was purchased in 2000. Ms. Klaassen responded the home was built by a
44 builder. Mr. Bernstein confirmed the applicant purchased the home in 2000. Ms. Balassa referred to the
45 size of the small garage and stated there are too many moving parts to the request in asking for an
46 additional two car garage and commented a home this size did not require it. She then stated the request
47 did not meet the standards due to the garage size as well as setting a bad precedent.
48

Chairman Bradley stated they are looking at a motion against recommending approval to the Village Council and stated the applicant can continue the matter based on the commentary and come back to the Board or allow the Board to vote now with a vote against an approval recommendation noting the Village Council has final jurisdiction. He also stated a motion can be made for approval with a recommendation with regard to GFA for the 1415 Asbury lot with a recommendation for approval for the side yard setback with the concession that the option would not be favorable to the applicant. Mr. Bernstein referred to the option of increasing the lot size making it the largest lot in the neighborhood which represented one issue. He then stated he would have to consult with his client and asked for the request to be continued to the October meeting. Ms. Handler noted combining this lot would not be out of character for the neighborhood since there are other large lots in the neighborhood.

Chairman Bradley then asked for a motion to continue Case No. 20-07-SD for 1415 and 1423 Asbury to the October 12, 2020 meeting. A motion was made by Ms. Hanley and seconded by Mr. Nielsen. A vote was taken and the motion unanimously passed:

AYES: Balassa, Bradley, Handler, Hanley, Nielsen, Weigandt

NAYS: None

Mr. Schoon confirmed if new information or testimony is presented at the October meeting, public comment would have to be reopened.

Other Business

a. Community Development Department Report

Mr. Schoon informed the Board the Planned Development Commission met on September 2 and reviewed the proposed condominium project on Green Bay Road with a number of neighbors being concerned with height and bulk. He noted given the late hour of the meeting, the Planned Development Commission continued the discussion to the October 7, 2020 meeting. He stated they are considering the possibility of a training session with the Board for the near future. Ms. Balassa asked if she would be able to vote on the condominium project at the next Planned Development Commission meeting since she wasn't able to attend the meeting in September. Mr. Schoon responded that she would need to read the minutes and review the materials to bring her up to speed.

b. October 12, 2020 Meeting - Quorum Check

The Board Members discussed their availability.

Public Comment

Chairman Bradley asked if there was any comment for items not on the agenda. No comments were made at this time.

Adjournment

Chairman Bradley asked for a motion to adjourn. A motion was made by Mr. Nielsen and seconded by Ms. Hanley to adjourn the meeting. A vote was taken and the motion unanimously passed:

AYES: Balassa, Bradley, Handler, Hanley, Nielsen, Weigandt

NAYS: None

Adjournment:

The meeting adjourned at 9:44 p.m.

Respectfully submitted,

1
2 Antionette Johnson
3 Recording Secretary

DRAFT



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: OCTOBER 5, 2020
SUBJECT: 811 CHERRY STREET – VARIATIONS (AMENDED CASE NO. 20-25-V)

INTRODUCTION

On October 12, 2020, the Zoning Board of Appeals will continue a virtual public hearing, in accordance with social distancing requirements and Governor Pritzker's Executive Orders and Senate Bill 2135, on an amended application submitted by Kathleen E. Hamburger (the "Applicant"), as Trustee of the Kathleen E. Hamburger Living Trust Agreement dated October 14, 2008, the owner of the property located at 811 Cherry Street (the "Subject Property"). The Applicant now requests approval of the following zoning variations to allow construction of a front porch addition to the existing residence on the Subject Property:

1. Front Yard Lot Coverage of 485.46 square feet, whereas a maximum of 405 square feet is permitted, a variation of 80.46 square feet (19.87%) [Section 17.30.030 – Intensity of Use of Lot] [Note: The site currently contains 456.4 square feet of FYLC. The proposed addition would add 29.06 square feet of FYLC];
2. Front Yard Setback of 25.41 feet, whereas a minimum of 30 feet is required, a variation of 4.59 feet (15.3%) [Section 17.30.050 – Front and Corner Yard Setbacks] [Note: The residence currently provides a front yard setback of 29.09 feet]; and
3. Side Yard Setback of 4.32 feet from the west property line, whereas a minimum of 6 feet is required, a variation of 1.68 feet (28%) [Section 17.30.060 – Side Yard Setback] [Note: The residence currently provides a west side yard setback of 4.32 feet].

The initial hearing on September 14, 2020 was properly noticed on August 27, 2020 in the *Winnetka Talk* and a mailed notice was sent to property owners within 250 feet of the Subject Property in compliance with the Zoning Ordinance. As of the date of this memo, staff has not received any written comment from the public regarding this application.

As will be discussed later in the report, the Applicant has reduced the extent of the zoning relief requested for front yard lot coverage and the front yard setback. Based on the reduced scope of the plan, the ***Zoning Board of Appeals now has final jurisdiction on this request as the Board has the authority to grant variations to (i) exceed the permitted intensity of use of lot by no more than 20%; and (ii) reduce front yard and side yard setbacks for a principal building by no more than 50%.***

SEPTEMBER 14, 2020 ZBA PUBLIC HEARING

At its regular monthly meeting on September 14, the ZBA held a public hearing on the Applicant's requested zoning relief. A copy of the staff report and attachments, including the Applicant's application materials, presented at that meeting are attached (Attachment C1).

At the September meeting, the Board discussed the size of the proposed front porch and asked the Applicant if the depth or the overall size of the porch could be reduced to minimize the relief necessary. The Board voted unanimously to continue the request until the October meeting to provide the Applicant an opportunity to consider reducing the size of the proposed porch. A copy of the draft September 14 minutes is included in the October 12 agenda packet for the ZBA's approval.

AMENDED PROPOSED PLAN

In response to comments and questions at the September 14 ZBA meeting, the Applicant has provided the attached narrative and revised plans (Attachment B1). The plans have been revised to reduce the depth of the proposed front porch. The proposed porch would be 6 feet in depth, rather than 7 feet as originally proposed. The overall size of the porch has been reduced to 153 square feet, a reduction of 28 square feet from the original plan.

Excerpts of the amended west building elevation, site plan, and floor plan are provided below and on the following pages as Figures 1 through 3.

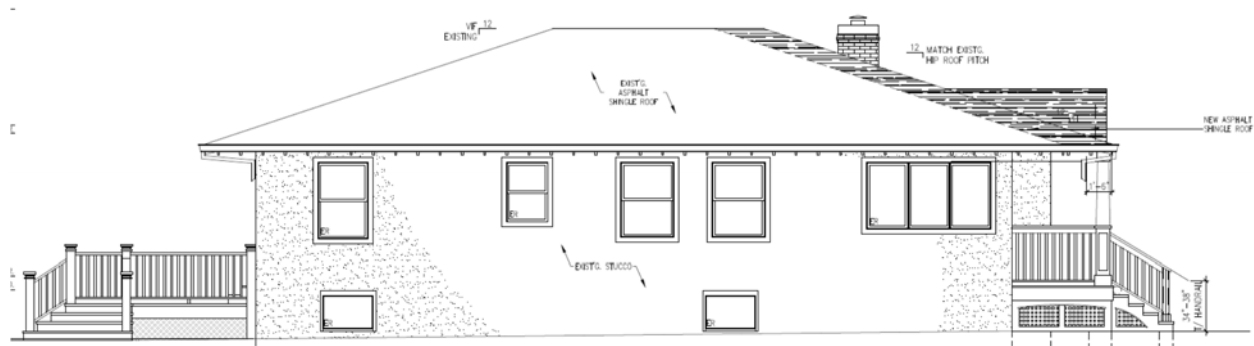


Figure 1 – Amended West Building Elevation

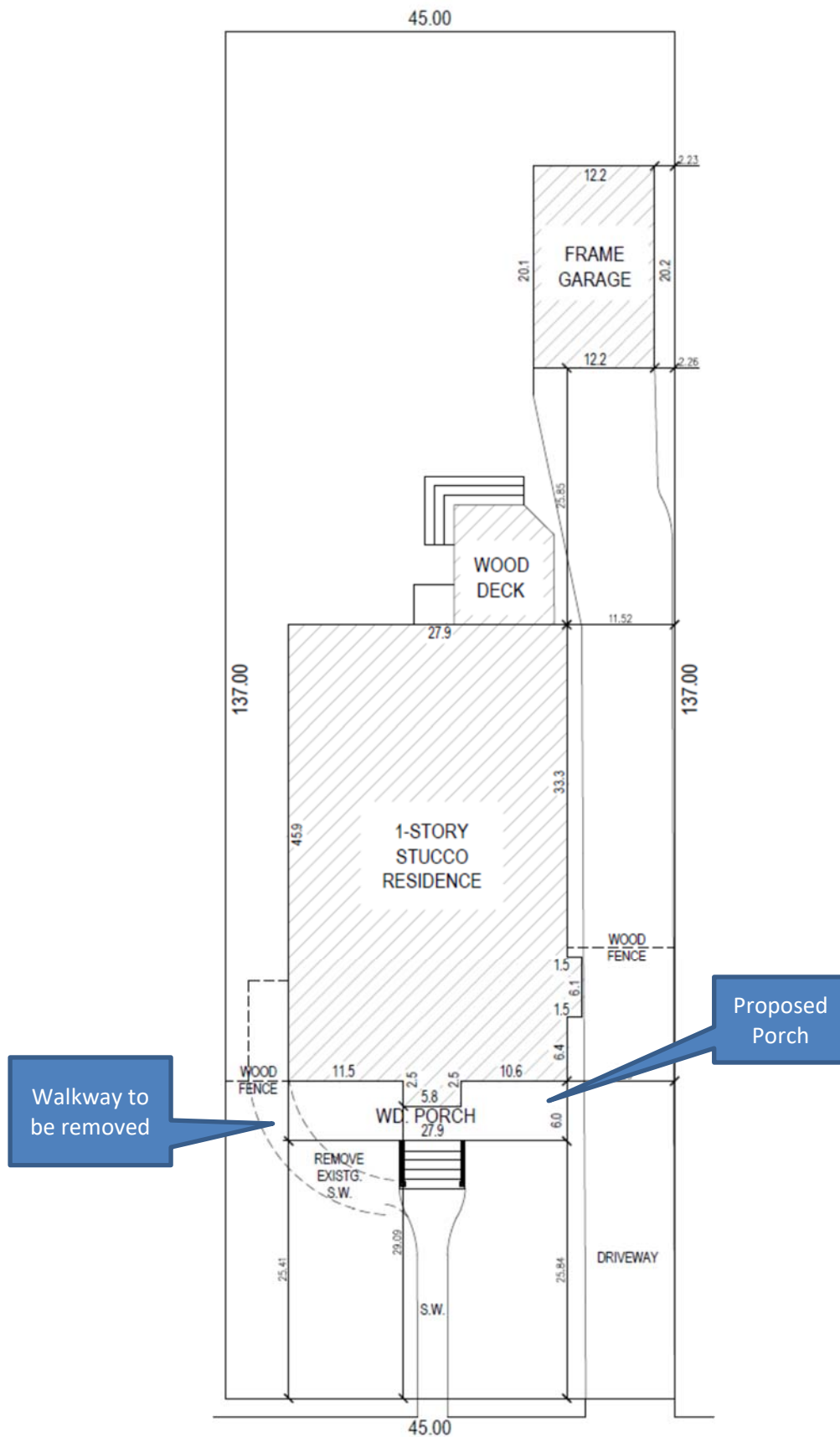


Figure 2 -Amended Site Plan

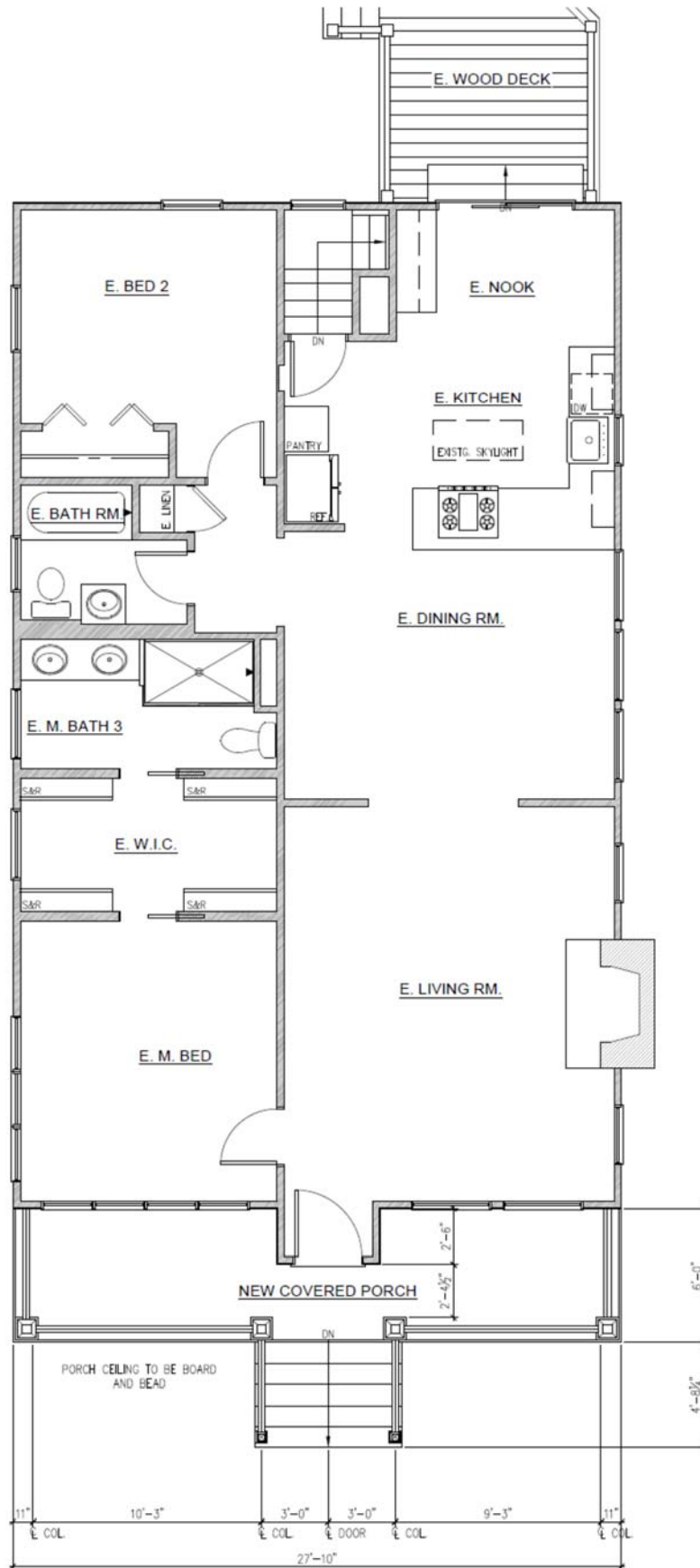


Figure 3 – Amended Floor Plan

REQUESTED ZONING RELIEF

The attached amended zoning matrix highlights the existing lot and the proposed improvement's compliance with the R-5 zoning district (Attachment A1). Three variations are still being requested: (1) front yard lot coverage; (2) front yard setback; and (3) minimum side yard setback. However, the amended plan represents a reduction in the proposed front yard lot coverage and an increase in the proposed front yard setback. The requested variation for the west side yard setback remains unchanged.

Front Yard Lot Coverage. The maximum permitted front yard lot coverage (FYLC) in the R-5 zoning district is 30% of the minimum required front yard. The existing improvements within the 30-foot front yard consist of 456.4 square feet of FYLC, exceeding the maximum permitted FYLC by approximately 51 square feet. The majority of the proposed front porch would encroach the 30-foot front yard, however, with the removal of a portion of the front walk, the net increase in FYLC is approximately 29 square feet; bringing the total FYLC to 485.46 square feet, whereas a maximum of 405 square feet is permitted.

Front Yard Setback. The residence is legally nonconforming with respect to the front yard setback as the residence currently provides a front yard setback of 29.09 feet, encroaching the minimum required setback of 30 feet by 0.91 feet. The proposed porch addition would provide a setback of 25.41 feet, requiring a variation of 4.59 feet (15.3%).

Minimum Side Yard Setback. The existing residence is also legally nonconforming with respect to the minimum required side yard setback of 6 feet as the residence currently provides a minimum side yard setback of 4.36 feet from the west property line; encroaching the required side yard setback by 1.68 feet (28%). In this particular case the setback is measured to the excessive eaves, as eaves are only permitted to encroach a maximum of 2 feet into a required yard. The existing eaves are three feet in depth and the eaves on the proposed porch would also be three feet in order to match the existing roof line. The proposed porch addition would not project any further into the west side yard than the existing residence.

The following compares the Zoning Ordinance requirements, the existing conditions, as well as the difference between what the Applicant originally proposed and the amended plan currently before the Board.

	CODE REQUIREMENT	EXISTING CONDITION	ORIGINAL PLAN	AMENDED PLAN
MAXIMUM FRONT YARD LOT COVERAGE	405 square feet	456.4 square feet	513.36 square feet	485.46 square feet
MINIMUM FRONT YARD SETBACK	30 feet	29.09 feet	24.41 feet	25.41 feet
MINIMUM SIDE YARD SETBACK	6 feet	4.32 feet	4.32 feet	4.32 feet

REQUESTED ZONING CONSIDERATION

The Applicant is requesting approval of the following zoning variations to allow construction of a front porch addition to the existing residence on the Subject Property:

1. Front Yard Lot Coverage of 485.46 square feet, whereas a maximum of 405 square feet is permitted, a variation of 80.46 square feet (19.87%) [Section 17.30.030 – Intensity of Use of Lot] [Note: The site currently contains 456.4 square feet of FYLC. The proposed addition would add 29.06 square feet of FYLC];
2. Front Yard Setback of 25.41 feet, whereas a minimum of 30 feet is required, a variation of 4.59 feet (15.3%) [Section 17.30.050 – Front and Corner Yard Setbacks] [Note: The residence currently provides a front yard setback of 29.09 feet]; and
3. Side Yard Setback of 4.32 feet from the west property line, whereas a minimum of 6 feet is required, a variation of 1.68 feet (28%) [Section 17.30.060 – Side Yard Setback] [Note: The residence currently provides a west side yard setback of 4.32 feet].

FINDINGS

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

Staff has prepared the attached draft resolutions for the Board's consideration (Attachment D). 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 variations or the resolution to deny the requested variations.

ATTACHMENTS

Attachment A1: Amended Zoning Matrix

Attachment B1: Applicant's Narrative and Revised Plans

Attachment C1: September 8, 2020 ZBA Staff Report and Attachments

Attachment D1: Draft Resolutions

ATTACHMENT A1

ZONING MATRIX

(Amended 09.30.2020)

ADDRESS: 811 Cherry Street

CASE NO: 20-25-V

ZONING: R-5

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	8,400 SF	6,165 SF	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	60 FT	45 FT	N/A	N/A	EXISTING NONCONFORMING
Min. Lot Depth	120 FT	137 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	1,664.55 SF (1)	1,508.2 SF	1,514.2 SF (3)	6 SF	OK
Max. Gross Floor Area	2,466 SF (1)	1,295.11 SF	1,295.11 SF	0 SF	OK
Max. Impermeable Lot Coverage	3,082.5 SF (1)	2,871.35 SF	2,779.35 SF (3)	(92) SF	OK
Max. Front Yard Lot Coverage	405 SF	456.4 SF	485.46 SF	29.06 SF	80.46 SF (19.87%) VARIATION
Min. Front Yard (Cherry/South)	30 FT	29.09 FT	25.41 FT	(3.68) FT	4.59 FT (15.3%) VARIATION
Min. Side Yard	6 FT	4.32 FT (4)	4.32 FT (4)	0 FT	1.68 FT (28%) VARIATION
Min. Total Side Yards	14 FT	14.84 FT	14.84 FT	0 FT	OK
Min. Rear Yard (Norh)	20.55 FT	58.36 FT	58.36 FT	0 FT	OK

NOTES:

(1) Based on lot area of 6,165 s.f.

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

(3) In the R-5 and R-4 zoning districts, the first 275 s.f. of the total roofed area of all porches that extend along any part of the front or side of the principal building, shall be excluded when calculating the roofed lot coverage and impermeable surface area.

(4) Measured to excessive eave. Building wall is setback 5.32 feet.

ATTACHMENT B1

Zoning Board of Appeals Members,

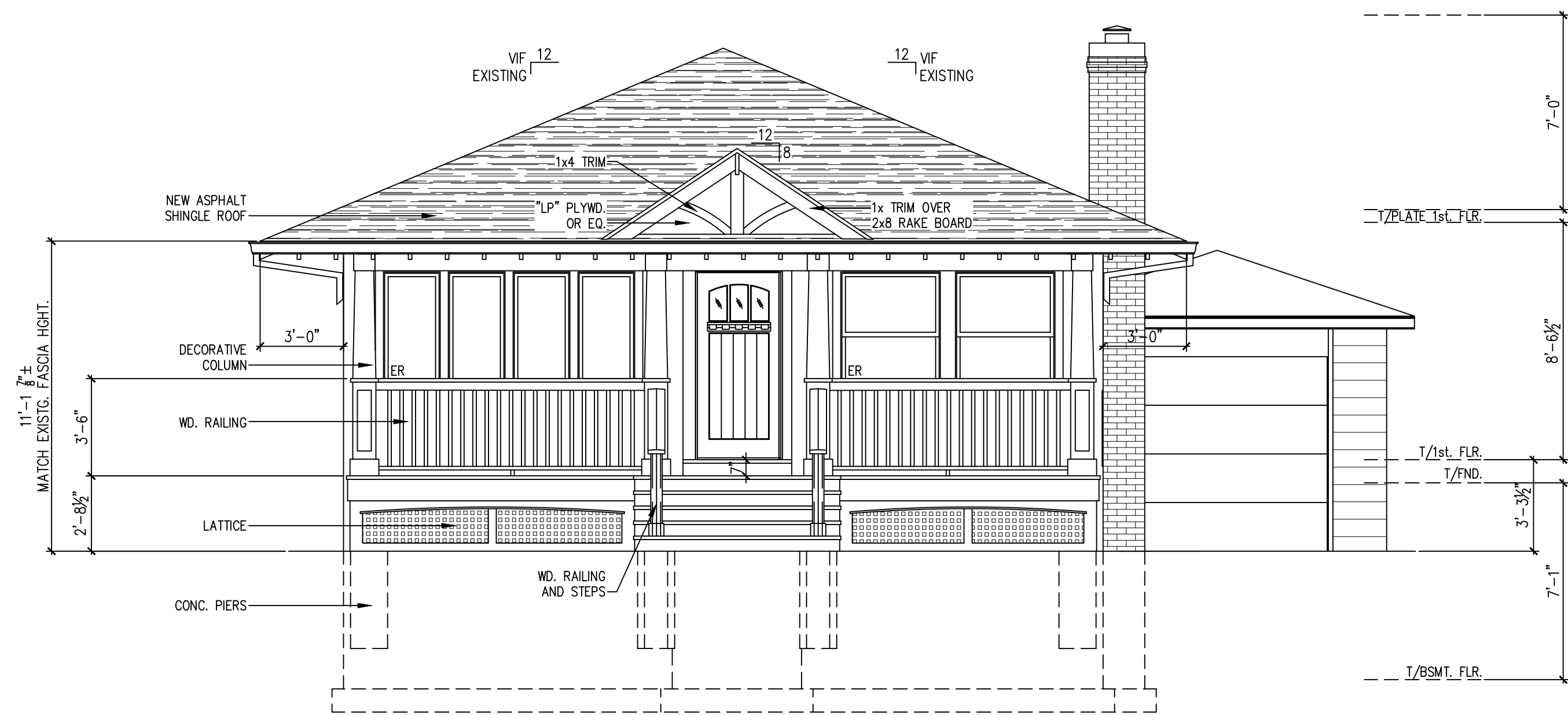
Thank you for your continued consideration on our porch for 811 Cherry Street. As you will remember, we are trying to keep the charm and the original design of the bungalow in mind including a front porch that would be functional and still satisfy the ZBA.

Keeping that in mind, we changed the plans to a depth of 6 feet. Our intent is to furnish the porch with comfortable chairs and a small table between the chairs.

We looked at medium sized comfortable chairs that measure 30" front to back to determine reasonable space needs. With a person such as ourselves in the chair with our legs comfortably in front, 8" of space between the house and the back of the chair, and a foot of space between the railing and the person's feet so someone can walk past, a depth of 6 feet is the minimum we need to make it work, and that assumes the chairs are angled to some degree.

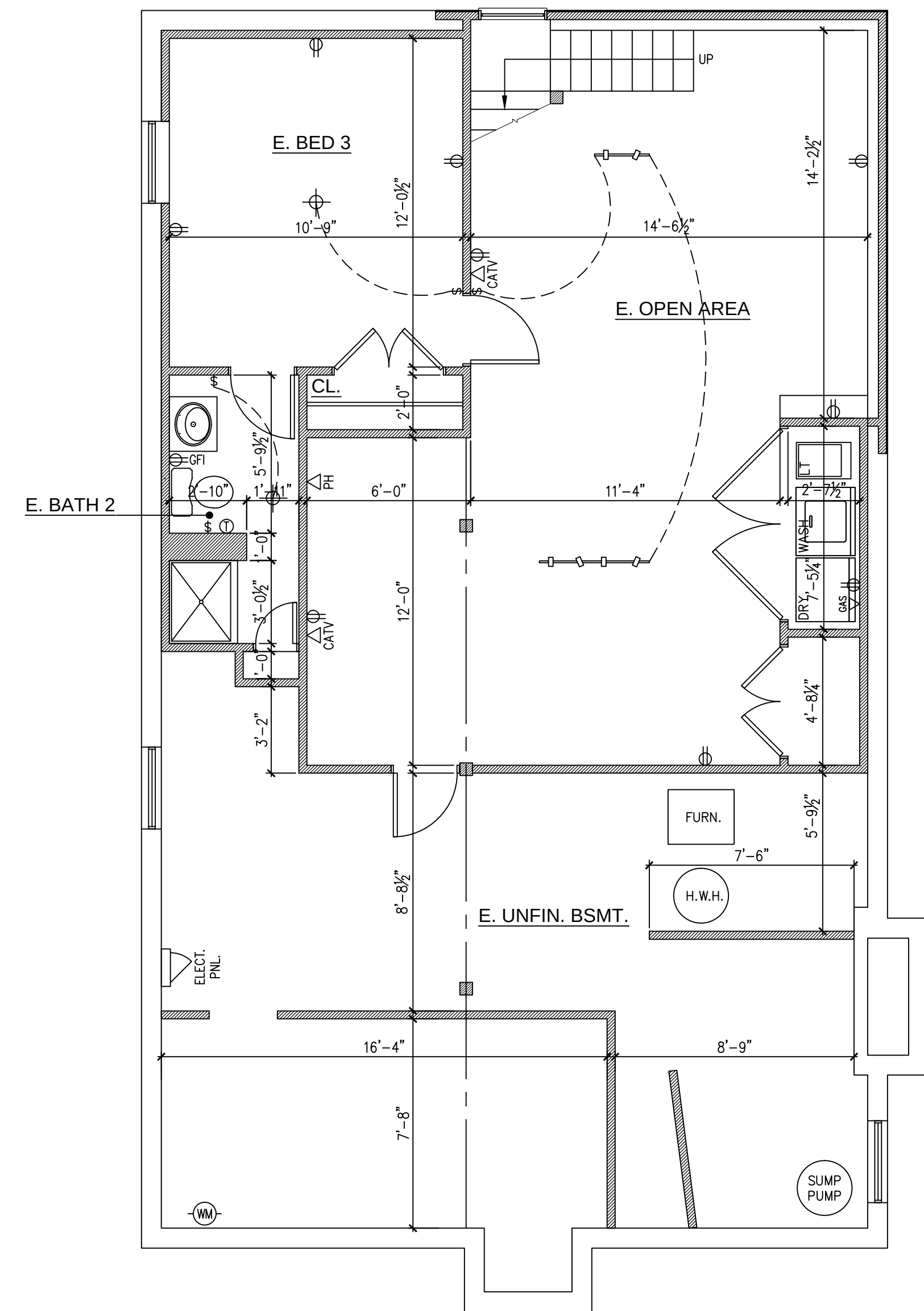
Thanks again to the ZBA for looking at our request. We continue to be excited about our move and the possibilities of meeting new neighbors and friends in our new home and village.

Sincerely,
Ron & Kathy Hamburger



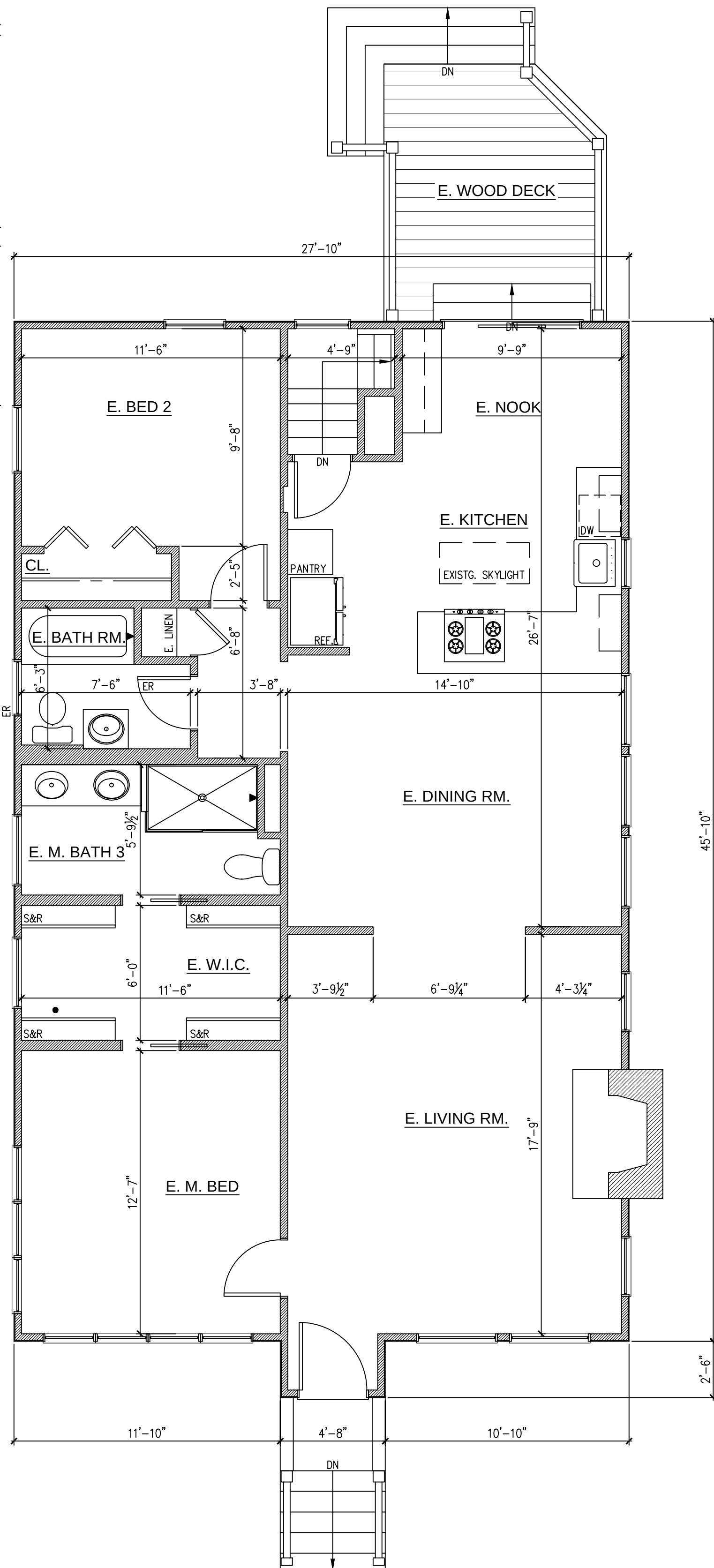
PROPOSED SOUTH ELEVATION

SCALE: 1/4" = 1'-0" ARTIST RENDERING FINAL DRAWINGS CAN VARY



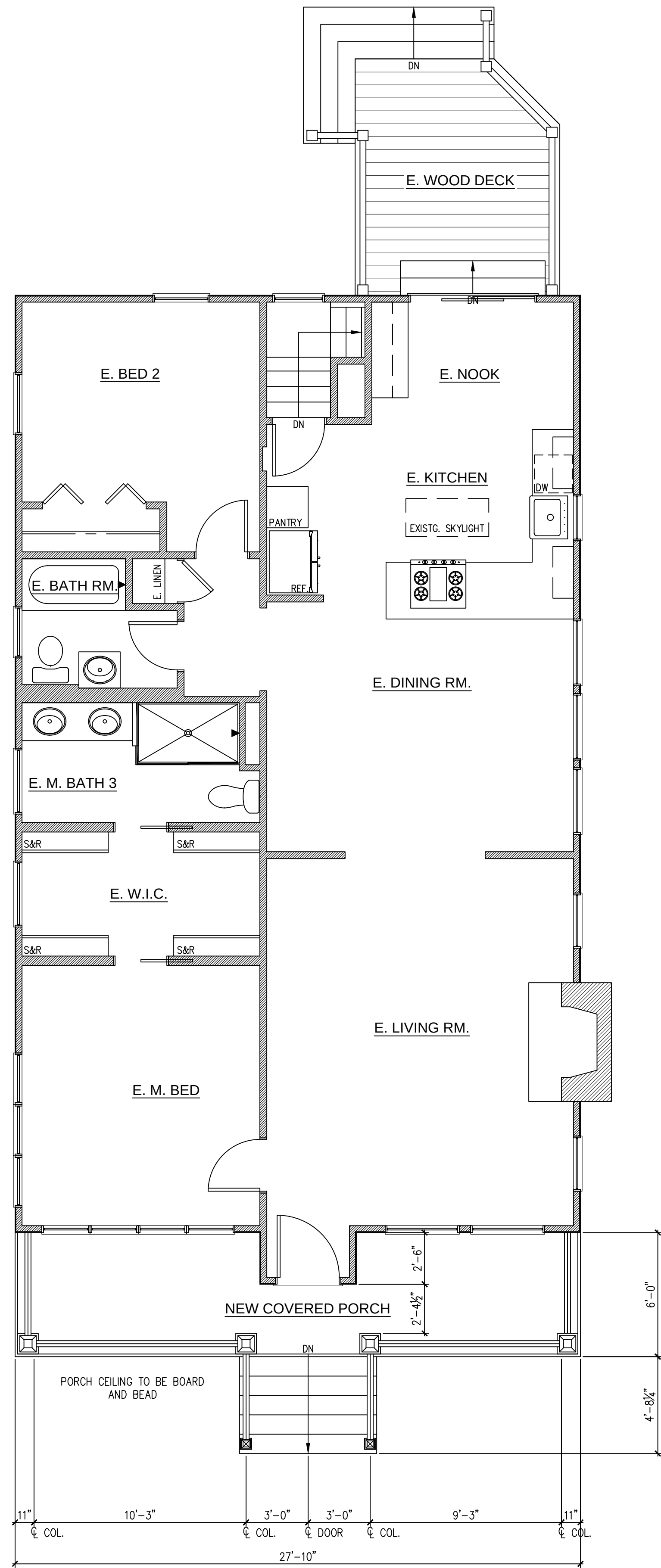
BASEMENT AS-BUILT PLAN

SCALE: 1/4" = 1'-0" 1,135 S.F.



FIRST FLOOR AS-BUILT PLAN

SCALE: 1/4" = 1'-0"



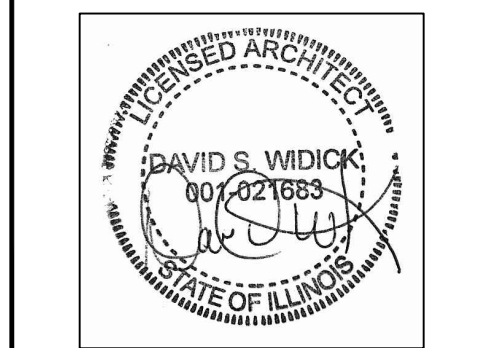
PROPOSED FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0" FIRST FLR. 1,308 S.F. BASED OFF SURVEY

DSW
architects

630.457.7766
WWW.DSWARCHITECTS.COM

ARCHITECTS STAMP



EXP. 11-30-20

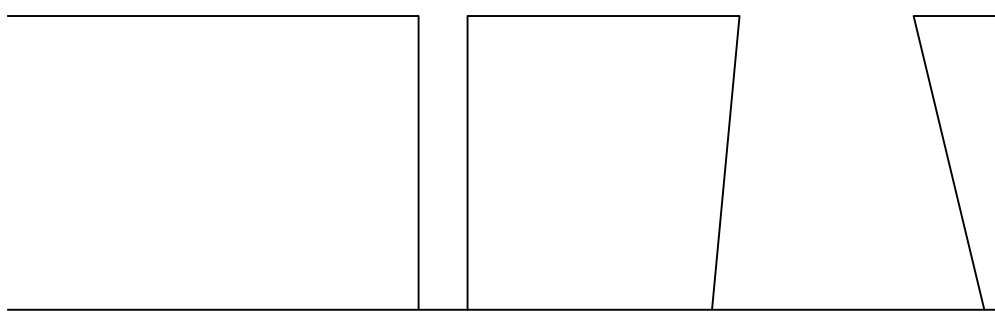
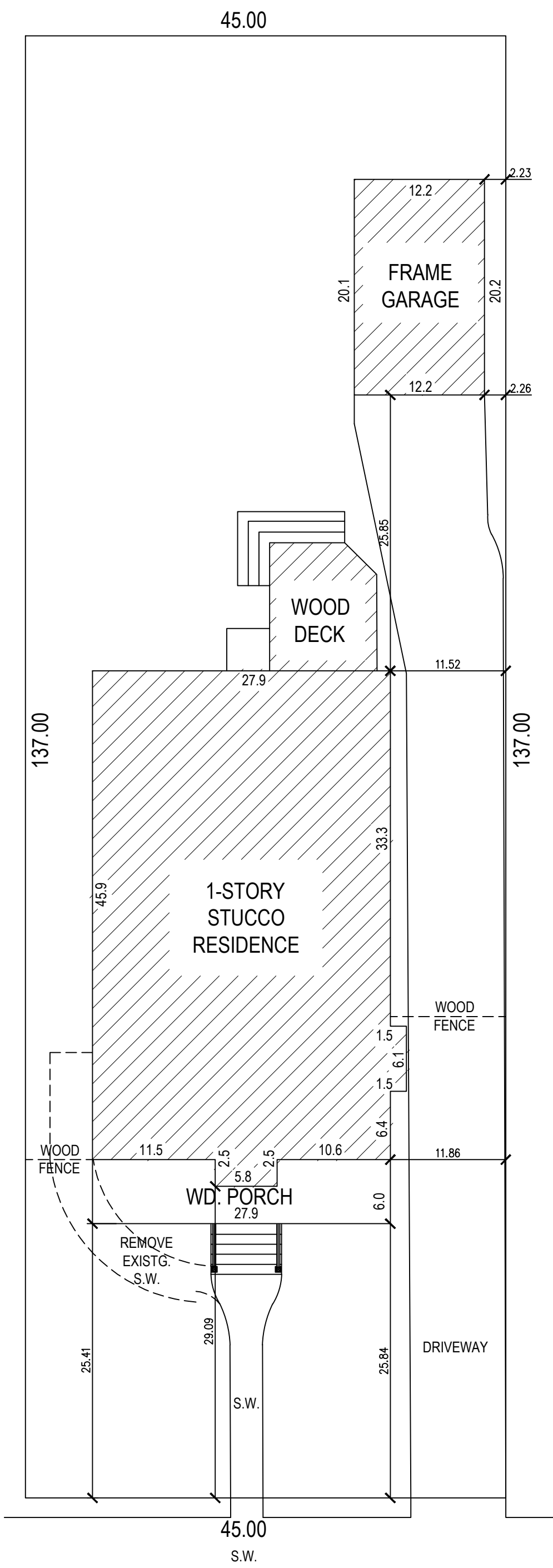
ISSUE DATE

- 06/12/20 CLIENT REVIEW 1
- 06/16/20 MINOR CLIENT REVISIONS
- 06/29/20 CLIENT REVIEW 2
- 07/10/20 PERMIT REVIEW
- 07/16/20 PERMIT REVIEW
- 07/20/20 PERMIT REVIEW
- 09/25/20 VARIANCE II

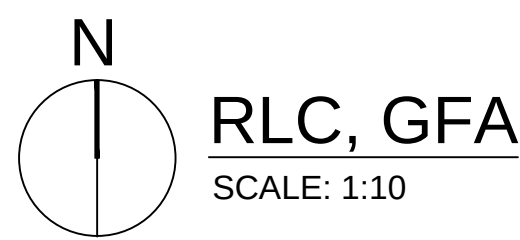
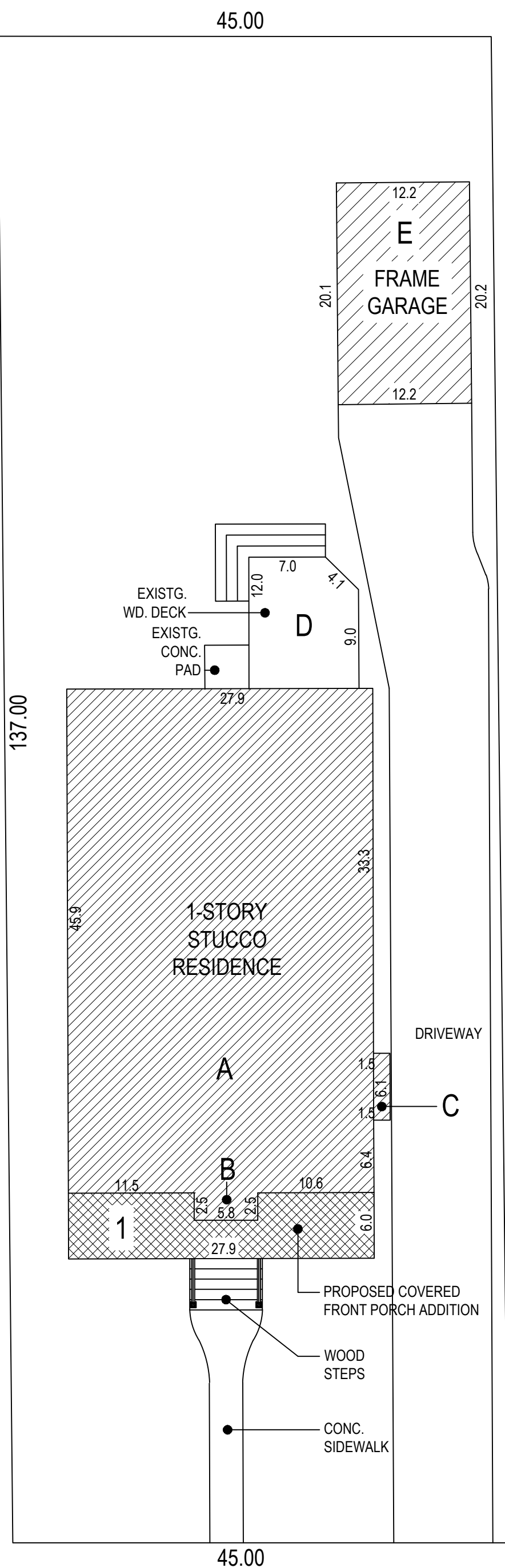
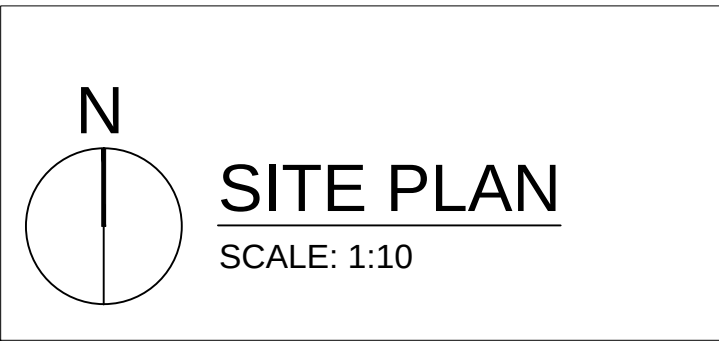
PROJECT
WINNETKA RESIDENCE
811 CHERRY STREET
WINNETKA, ILLINOIS

PLANS / ELEV.

A1.0



CHERRY STREET

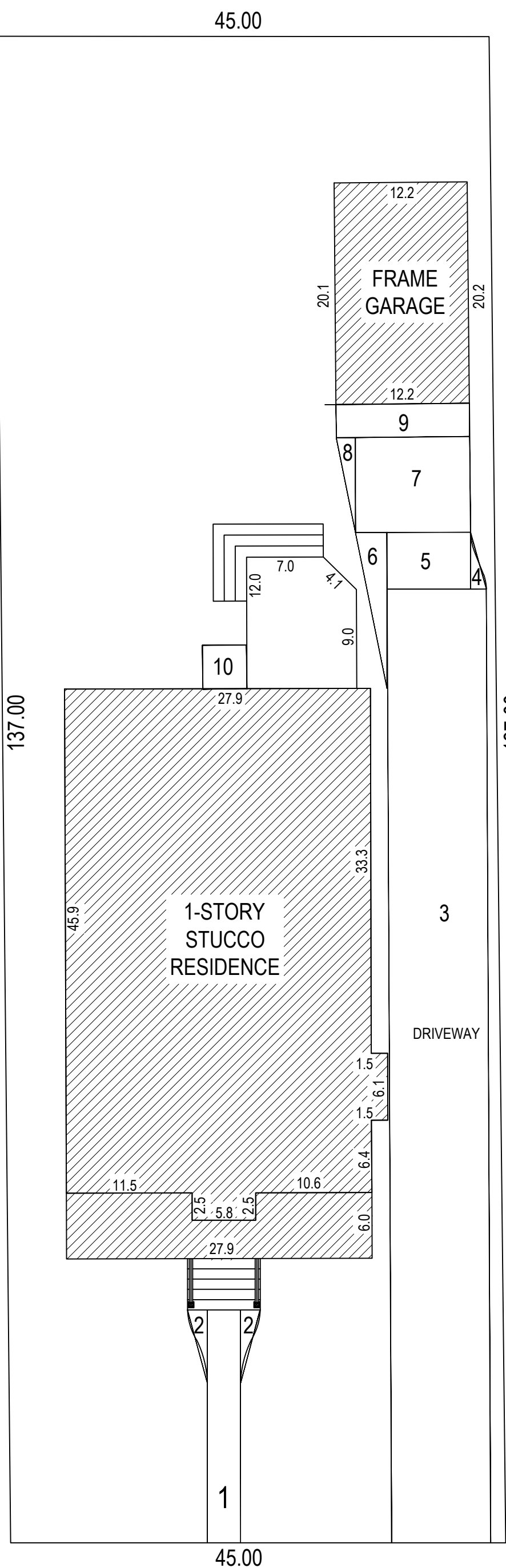


FIRST FLOOR, RLC & GFA - EXISTING: (FIGURE 1)

PIECE	DIMENSIONS (FT)	RLC AREA (SF)	GFA AREA (SF)
A	27.9 x 45.9		1,280.61
B	5.8 x 2.5		14.5
C	1.5 x 6.1		9.15
D	12.0 x 9.0 - 9.0/2		+103.5-
E	12.2 x 20.2		246.44-200=46.44
TOTAL:			1,350.7

FIRST FLOOR, GFA - PROPOSED: (FIGURE 1)

PIECE	DIMENSIONS (FT)	AREA (SF)
1	27.9 x 6.0	152
TOTAL:		152
TOTAL EXIST. AND PROPOSED		1,546

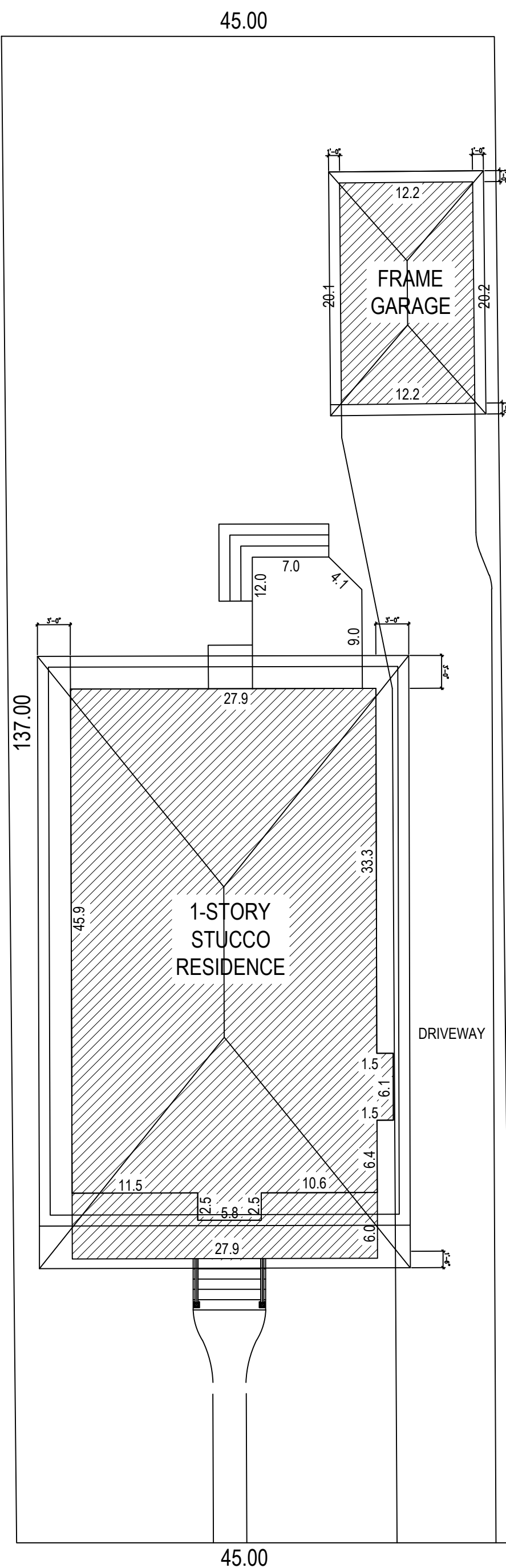


ATTIC, GFA - EXISTING: (FIGURE 1)

PIECE	DIMENSIONS (FT)	AREA (SF)
ABOVE A,B,C (7' HGT.)	0.0	0.0
TOTAL:		0.0

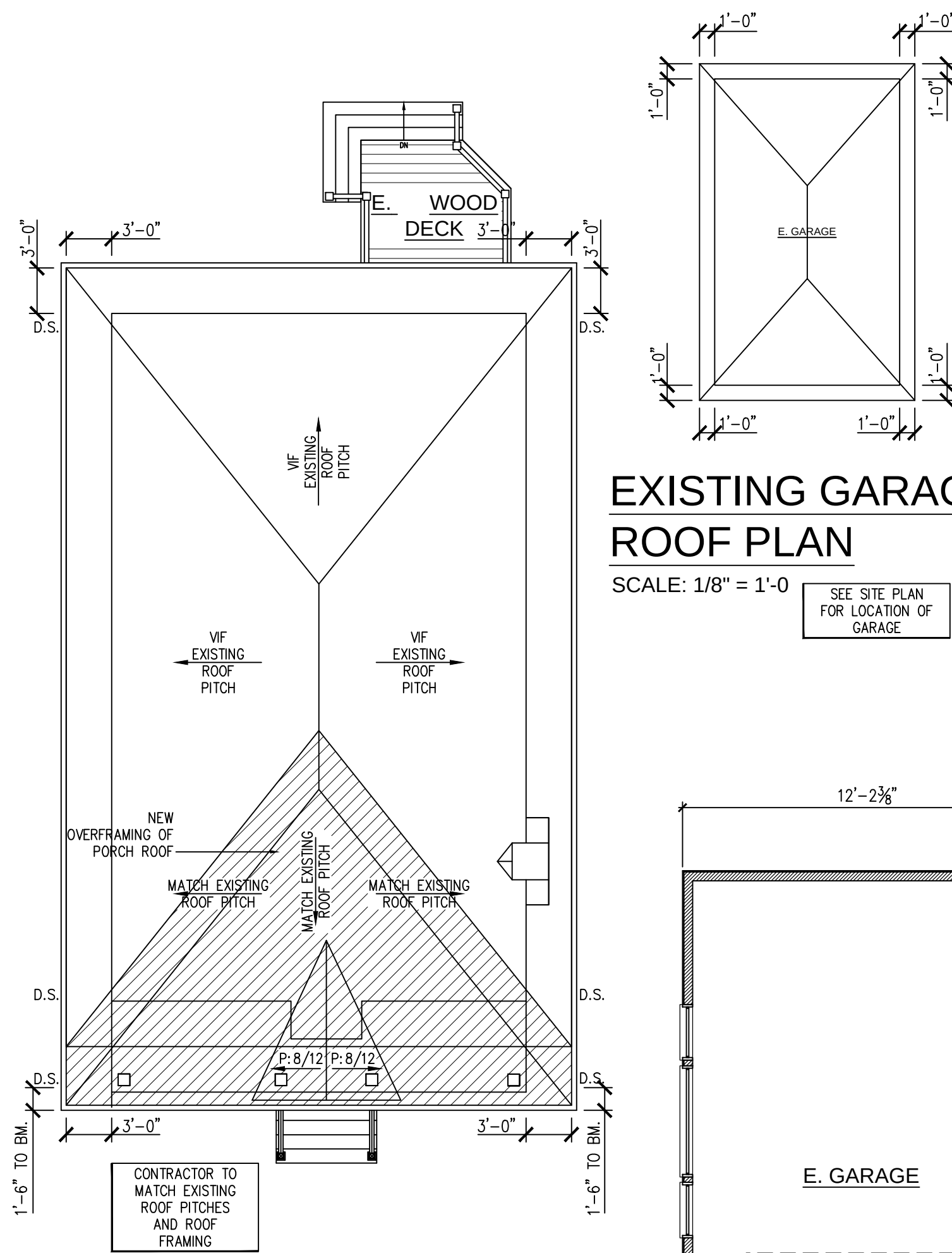
TOTAL, GFA - EXISTING & PROPOSED: (FIGURE 1)

FIRST FLOOR	1,546
ATTIC	0.0
TOTAL:	1,546



IMPERMEABLE SURFACE: (FIGURE 2)

PIECE	DIMENSIONS (FT)	AREA (SF)
1	3.0 x 20.25	60.75
2	1.79 x 6.63/2	5.93
3	9.03 x 87.03	785.88
4	1.41 x 5.16/2	3.63
5	7.60 x 5.16	39.21
6	2.9 x 14.25/2	21.0
7	10.41 x 8.75	91.08
8	1.75 x 8.66/2	7.6
9	12.08 x 3.0	36.25
10	4.0 x 4.0	16.0



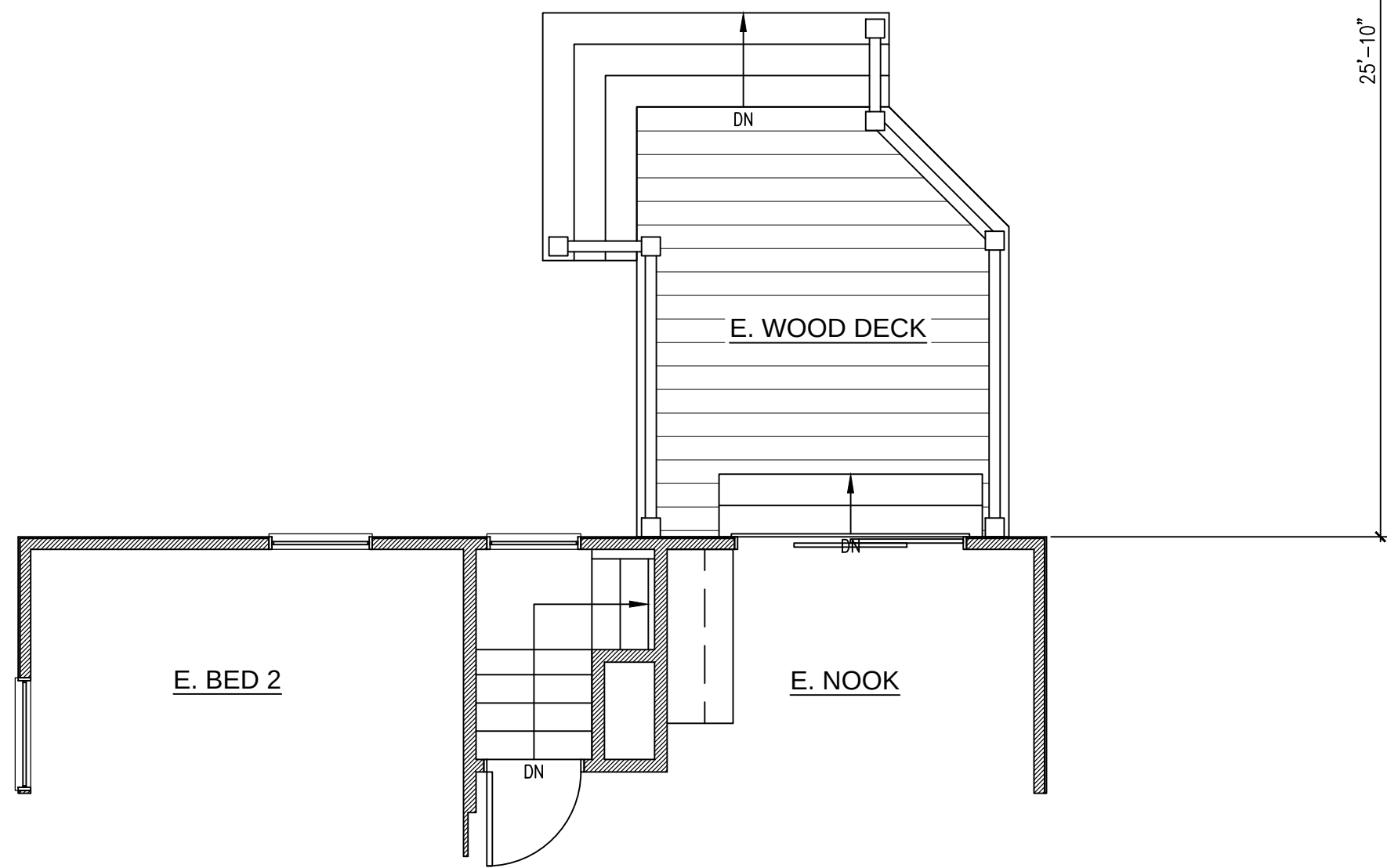
EXISTING GARAGE
ROOF PLAN

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

SEE SITE PLAN
FOR LOCATION OF
GARAGE

PROPOSED ROOF PLAN

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



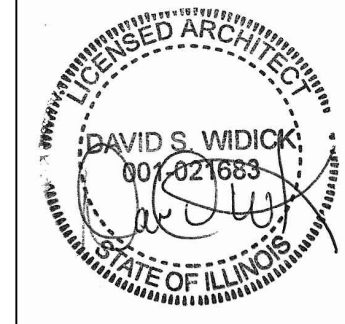
FIRST FLOOR PLAN (GARAGE LOCATION)

SCALE: 1/4" = 1'-0"

DSW
architects

630.457.7766
WWW.DSWARCHITECTS.COM

ARCHITECTS STAMP



EXP. 11-30-20

ISSUE DATE

06/12/20 CLIENT REVIEW 1

06/16/20 MINOR CLIENT
REVISIONS

06/29/20 CLIENT REVIEW 2

07/10/20 PERMIT REVIEW

07/16/20 PERMIT REVIEW

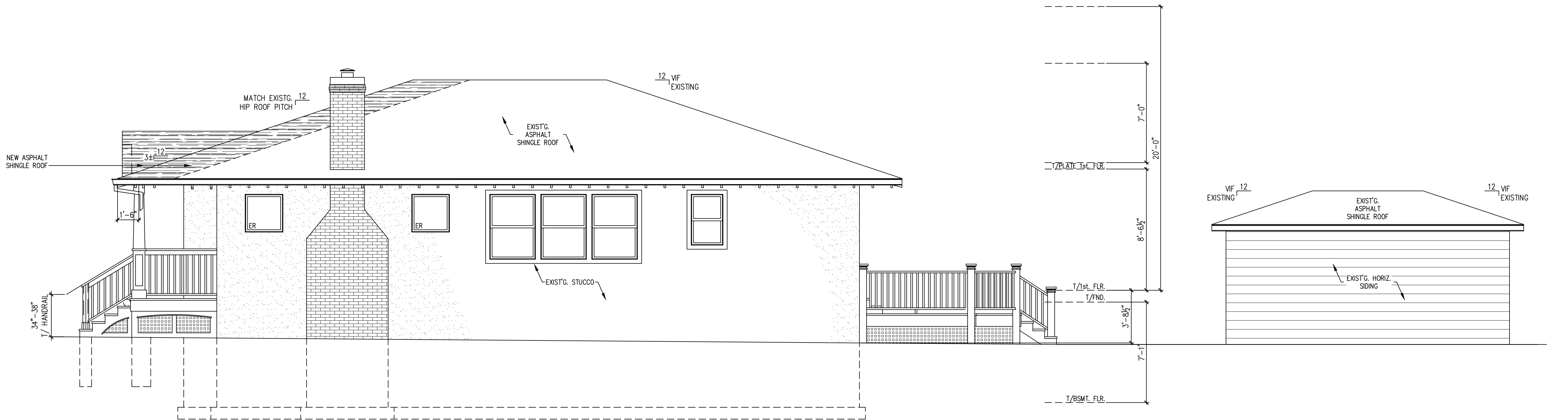
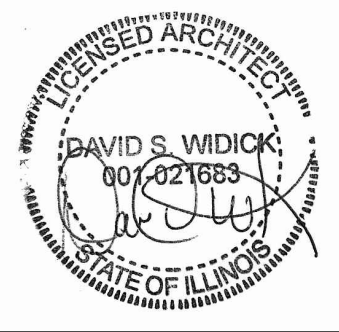
07/20/20 PERMIT REVIEW

09/25/20 VARIANCE II

PROJECT
WINNETKA RESIDENCE
811 CHERRY STREET
WINNETKA, ILLINOIS

PLANS / SITE

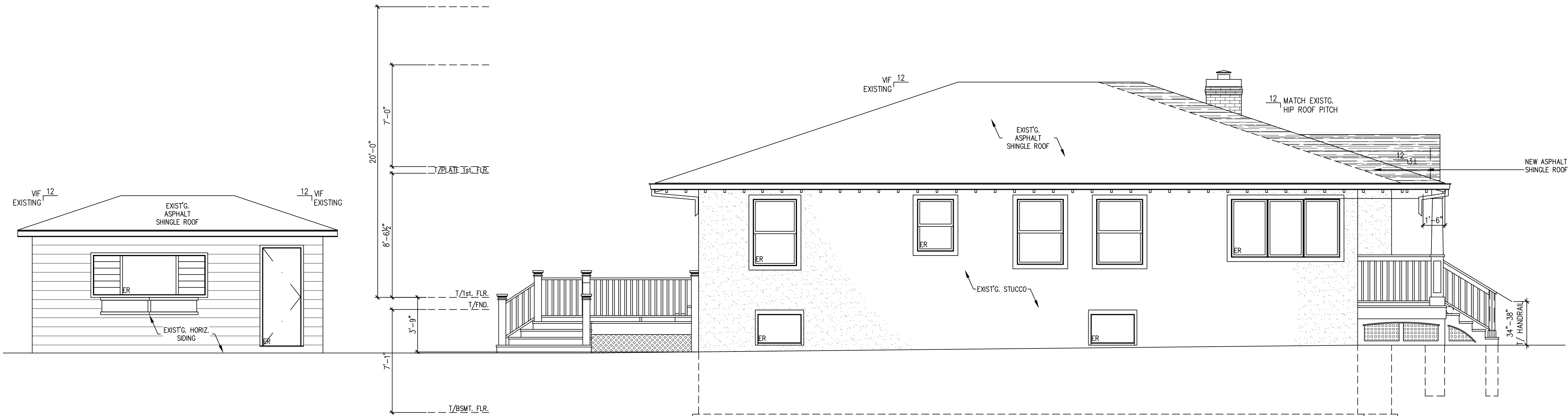
A2.0



PROPOSED EAST ELEVATION

SCALE: 1/4" = 1'-0

ARTIST RENDEERING FINAL
DRAWINGS CAN VARY



PROPOSED WEST ELEVATION

SCALE: 1/4" = 1'-0

ARTIST RENDEERING FINAL
DRAWINGS CAN VARY



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: SEPTEMBER 8, 2020
SUBJECT: 811 CHERRY STREET -VARIATIONS (CASE NO. 20-25-V2)

INTRODUCTION

On September 14, 2020, 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 Kathleen E. Hamburger (the "Applicant"), as Trustee of the Kathleen E. Hamburger Living Trust Agreement dated October 14, 2008, the owner of the property located at 811 Cherry Street (the "Subject Property"). The Applicant requests approval of the following zoning variations to allow construction of a front porch addition to the existing residence on the Subject Property:

1. Front Yard Lot Coverage of 513.36 square feet, whereas a maximum of 405 square feet is permitted, a variation of 108.36 square feet (26.75%) [Section 17.30.030 – Intensity of Use of Lot] [Note: The site currently contains 456.4 square feet of FYLC. The proposed addition would add 56.96 square feet of FYLC];
2. Front Yard Setback of 24.41 feet, whereas a minimum of 30 feet is required, a variation of 5.59 feet (18.63%) [Section 17.30.050 – Front and Corner Yard Setbacks] [Note: The residence currently provides a front yard setback of 29.09 feet]; and
3. Side Yard Setback of 4.32 feet from the west property line, whereas a minimum of 6 feet is required, a variation of 1.68 feet (28%) [Section 17.30.060 – Side Yard Setback] [Note: The residence currently provides a west side yard setback of 4.32 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 August 27, 2020. As of the date of this memo, staff has not received any written comment from the public regarding this application.

The Village Council has final jurisdiction on this request as only the Council has the authority to grant a variation to exceed the permitted intensity of use of lot by more than 20%.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.14 acres in size, is located on the north side of Cherry Street, between Linden Street and Chestnut Street, and contains an existing one-story residence and detached garage (see Figure 1). The property is zoned R-5 Single Family Residential, and it is border by R-5 Single Family Residential to the east, west, and south, and B-1 Multifamily Residential 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.

The Subject Property consists of an existing legal nonconforming lot as the lot is only 6,165 square feet, which is less than the minimum required lot size or 8,4000 square feet, and its average lot width is only 45 feet rather than the required minimum of 60 feet.

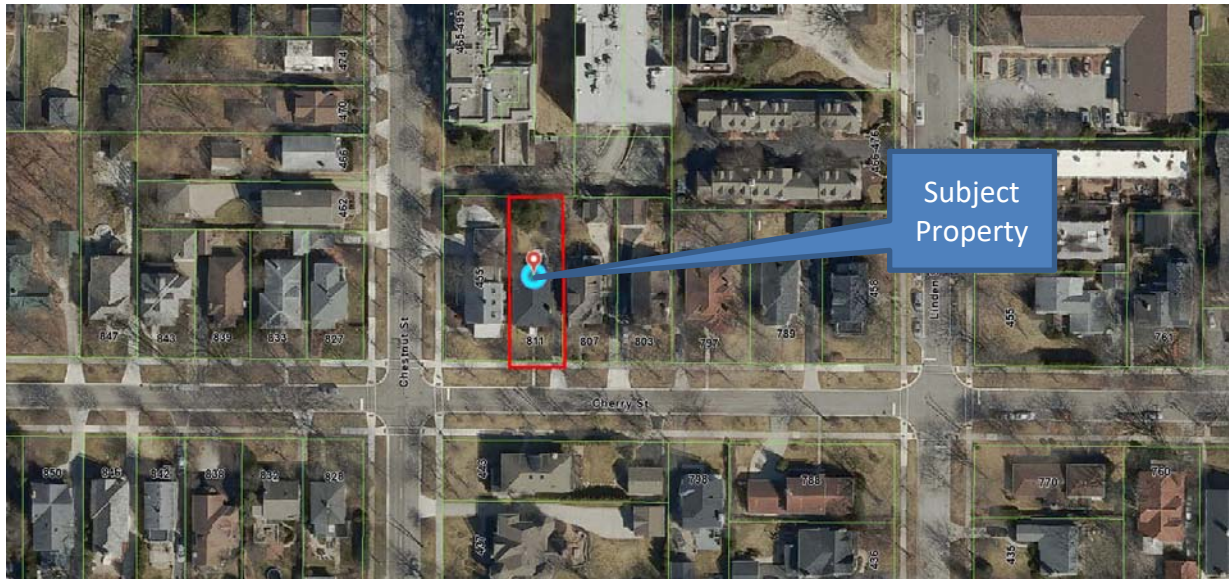


Figure 1 – Aerial Map



Figure 2 – Zoning Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The residence was constructed in 1921. Subsequent building permits were issued in 1987 to construct a detached garage and in August of this year for interior remodeling. Other permits for interior remodeling and minor exterior improvements have also been issued over the years. The Applicant acquired the property in May 2020.

There is one previous zoning case on file for the Subject Property:

1. In 1998, Case No. 98-10-V was approved by the ZBA, granting a variation from the maximum permitted fence height of 6.5 feet to allow a fence 8 feet in height along the rear (north) property line.

Figure 3 below identifies the site.



Figure 3 – Subject Property

PROPOSED PLAN

The variations are being requested in order to build a covered front porch measuring approximately 181 square feet. The existing front stoop, which would be removed to accommodate the proposed porch, measures 5.9 feet by 3 feet. The proposed porch would be 7 feet in depth and extend along the entire width of front elevation of the residence (27.9 feet). The proposed plan also includes removal of a portion (98 square feet) of the front walk that extends west of the front steps around the southwest corner of the residence.

Excerpts of the proposed site plan, front and west side building elevations, and floor plan are provided on the following pages as Figures 4 through 7. The complete set of plans representing the existing conditions as well as the proposed porch is provided in Attachment C.

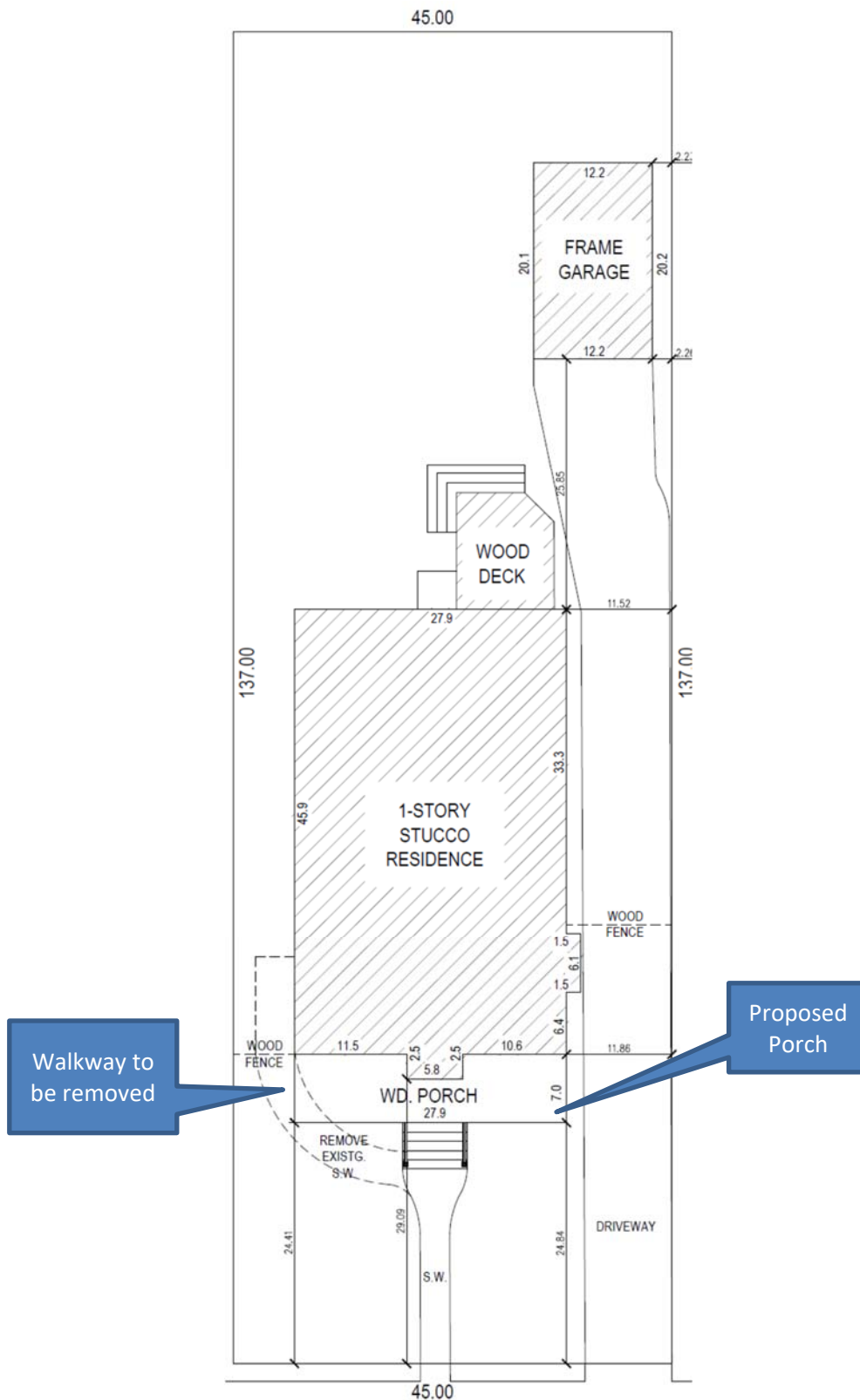


Figure 4 – Excerpt of Proposed Site Plan

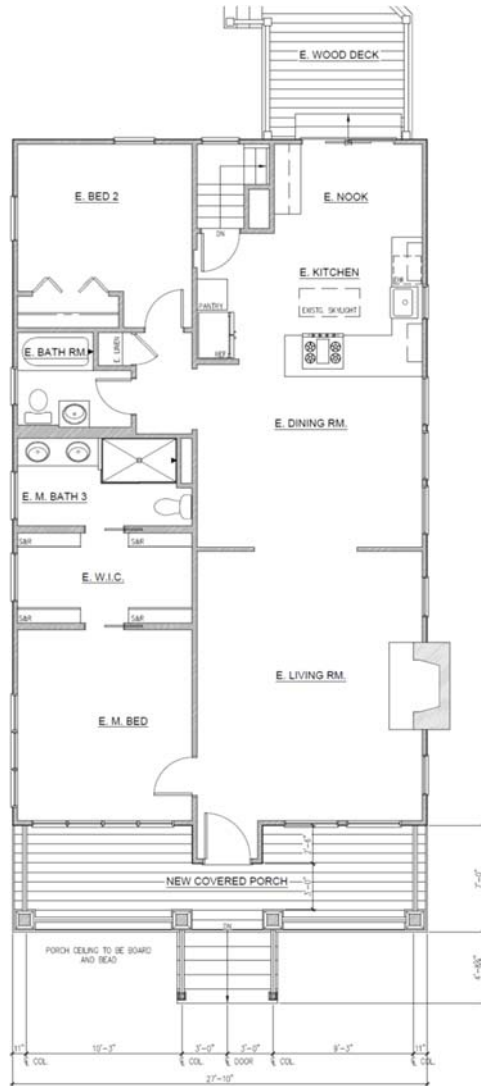


Figure 5 – Excerpt of Proposed First Floor Plan



Figure 6 – Excerpt of Proposed Front Elevation

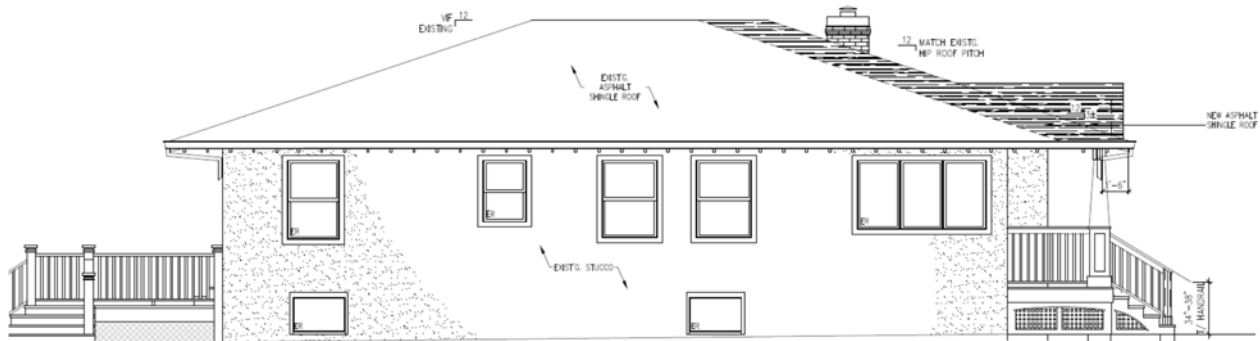


Figure 7 – Proposed West Building Elevation

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 8 below represents the Subject Property's proximity to the floodplain. The grey represents the 100-flood area and the purple represents the 500-year flood area.



Figure 8 – GIS Floodplain Map

REQUESTED ZONING RELIEF

The attached zoning matrix highlights the existing lot and the proposed improvement's compliance with the R-5 zoning district (Attachment A). Three variations are being requested: (1) front yard lot coverage; (2) front yard setback; and (3) minimum side yard setback.

Front Yard Lot Coverage. The maximum permitted front yard lot coverage (FYLC) in the R-5 zoning district is 30% of the minimum required front yard. The existing improvements within the 30-foot front yard consist of 456.4 square feet of FYLC, exceeding the maximum permitted FYLC by approximately 51 square feet. The majority of the proposed front porch would encroach the 30-foot front yard, however, with the removal of a portion of the front walk, the net increase in FYLC is approximately 57 square feet; bringing the total FYLC to 513.36 square feet, whereas a maximum of 405 square feet is permitted.

Front Yard Setback. The residence is legally nonconforming with respect to the front yard setback as the residence currently provides a front yard setback of 29.09 feet, encroaching the minimum required setback of 30 feet by 0.91 feet. The proposed porch addition would provide a setback of 24.41 feet, requiring a variation of 5.59 feet (18.63%).

Minimum Side Yard Setback. The existing residence is also legally nonconforming with respect to the minimum required side yard setback of 6 feet as the residence currently provides a minimum side yard setback of 4.36 feet from the west property line; encroaching the required side yard setback by 1.68 feet (28%). In this particular case the setback is measured to the excessive eaves, as eaves are only permitted to encroach a maximum of 2 feet into a required yard. The existing eaves are three feet in depth and the eaves on the proposed porch would also be three feet in order to match the existing roof line. The proposed porch addition would not project any further into the west side yard than the existing residence.

REQUESTED ZONING CONSIDERATION

The Applicants are requesting approval of the following zoning variations to allow construction of a front porch addition to the existing residence on the Subject Property:

1. Front Yard Lot Coverage of 513.36 square feet, whereas a maximum of 405 square feet is permitted, a variation of 108.36 square feet (26.75%) [Section 17.30.030 – Intensity of Use of Lot] [Note: The site currently contains 456.4 square feet of FYLC. The proposed addition would add 56.96 square feet of FYLC];
2. Front Yard Setback of 24.41 feet, whereas a minimum of 30 feet is required, a variation of 5.59 feet (18.63%) [Section 17.30.050 – Front and Corner Yard Setbacks] [Note: The residence currently provides a front yard setback of 29.09 feet]; and
3. Side Yard Setback of 4.32 feet from the west property line, whereas a minimum of 6 feet is required, a variation of 1.68 feet (28%) [Section 17.30.060 – Side Yard Setback] [Note: The residence currently provides a west side yard setback of 4.32 feet].

FINDINGS

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

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

1. Front Yard Lot Coverage of 513.36 square feet, whereas a maximum of 405 square feet is permitted, a variation of 108.36 square feet (26.75%) [Section 17.30.030 – Intensity of Use of Lot];
2. Front Yard Setback of 24.41 feet, whereas a minimum of 30 feet is required, a variation of 5.59 feet (18.63%) [Section 17.30.050 – Front and Corner Yard Setbacks]; and
3. Side Yard Setback of 4.32 feet from the west property line, whereas a minimum of 6 feet is required, a variation of 1.68 feet (28%) [Section 17.30.060 – Side Yard Setback].

The Zoning Board of Appeals finds, based on evidence in the record or a public document, that the variations requested are **in harmony [not in harmony]** with the general purpose and intent of the Zoning Ordinance and that each of the following eight standards on which evidence is required

pursuant to Section 17.60.050 of this Code **has been met [has not been met]** in connection with this variation application **[subject to the following conditions...]**

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

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

ATTACHMENTS

Attachment A: Zoning Matrix

Attachment B: Stormwater Matrix

Attachment C: Application Materials

ATTACHMENT A

ZONING MATRIX

ADDRESS: 811 Cherry Street

CASE NO: 20-25-V2

ZONING: R-5

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	8,400 SF	6,165 SF	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	60 FT	45 FT	N/A	N/A	EXISTING NONCONFORMING
Min. Lot Depth	120 FT	137 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	1,664.55 SF (1)	1,508.2 SF	1,518.2 SF (3)	10 SF	OK
Max. Gross Floor Area	2,466 SF (1)	1,295.11 SF	1,295.11 SF	0 SF	OK
Max. Impermeable Lot Coverage	3,082.5 SF (1)	2,871.35 SF	2,783.35 SF (3)	(88) SF	OK
Max. Front Yard Lot Coverage	405 SF	456.4 SF	513.36 SF	56.96 SF	108.36 SF (26.75%) VARIATION
Min. Front Yard (Cherry/South)	30 FT	29.09 FT	24.41 FT	(4.68) FT	5.59 FT (18.63%) VARIATION
Min. Side Yard	6 FT	4.32 FT (4)	4.32 FT (4)	0 FT	1.68 FT (28%) VARIATION
Min. Total Side Yards	14 FT	14.84 FT	14.84 FT	0 FT	OK
Min. Rear Yard (Norh)	20.55 FT	58.36 FT	58.36 FT	0 FT	OK

NOTES:

(1) Based on lot area of 6,165 s.f.

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

(3) In the R-5 and R-4 zoning districts, the first 275 s.f. of the total roofed area of all porches that extend along any part of the front or side of the principal building, shall be excluded when calculating the roofed lot coverage and impermeable surface area.

(4) Measured to excessive eave. Building wall is setback 5.32 feet.

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 811 Cherry Street</i> <i>Based upon preliminary review of information to date, it appears that 811 Cherry Street <u>would not</u> have to provide additional storm water detention volume. However, a final determination will be made by Village Engineering staff.</i>

ATTACHMENT C

Village of Winnetka
ZONING VARIATION APPLICATION

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No.20-25-V2

Property Information

Site Address: 811 Cherry St

Owner Information

Name: Kathy Hamburger

Address: 811 Cherry St

City, State, ZIP: Winnetka, IL 60093

Email: [REDACTED]

Primary Contact: Kathy Hamburger

Phone No. [REDACTED]

Date property acquired by owner: 05/29/2020

Architect Information

Name: DSW Architects

Primary Contact: David Widick

Address: _____

City, State, ZIP: _____

Phone No. 630-457-7766

Email: david@dswarchitects.com

Attorney Information

Name: _____

Primary Contact: _____

Address: _____

City, State, Zip: _____

Phone No. _____

Email: _____

Nature of any restrictions on property: _____

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

Front porch addition

Property Owner Signa

[REDACTED]

Date: 07/20/2020

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**

My husband and I have lived in the Naperville area for over 30 years. Besides raising our family, we made lifelong friendships and relationships, many of which were in our neighborhood. As we made a lifestyle choice to move to Winnetka to be closer to our son, daughter-in-law, 4-year-old granddaughter, and a new grandson arriving in early 2021, we are excited to embrace and welcome a new community. Adding a front porch to our charming small bungalow will provide additional outside space to enjoy the days and nights. But in addition we hope to use our front porch as a welcome spot for a sense of community to meet new neighbors, make lasting relationships with a cup of coffee, a wave, a short rest from a long walk, or just a quiet respite relaxing place to unwind and, in these uncertain times, a welcoming sanctuary. We are looking forward to joining the Village of Winnetka and a front porch will give us more outdoor space to enjoy with our family and new neighbors.

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**

We believe as empty nesters that by leveraging a porch for additional space in a very small house, it will preserve the integrity and characteristics of the original bungalow. If a family bought the house, they would likely seek to change it to a two-story home and that would not preserve the historic charm of the bungalow. We want to maintain and keep the characteristic of the house and the neighborhood and not be intrusive to the neighbors and the neighborhood. We are looking to maintain the character and history of the bungalow and neighborhood. In addition, a front porch follows the guidelines for a bungalow's age and history.

We are seeking to enhance the charm of our bungalow and bridge the gap between inside and outside while maintaining the character and history of our 100+ year old home and our neighborhood. We believe adding a front porch accomplishes that. In an article written by Jennifer Sperry in "Oldhouse Journal":

"What would a bungalow be without its porch? A cottage perhaps, but certainly not a bungalow," write Diane Maddex and Alexander Vertikoff in their book Bungalow Nation. The bungalow is an easily recognizable house style for its low-pitched roofs and open floor plans, and yet another prominent feature is a welcoming porch.

In general, bungalow porches are expansive and introduced by a set of wide stairs. They are large in proportion to the building's stature and generously deep.

The addition of a front porch would enhance the historic accuracy of our true one-story bungalow.

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

There will be no impact on the character of the locality.

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

There will be no impact on the supply of light and air to adjacent properties.

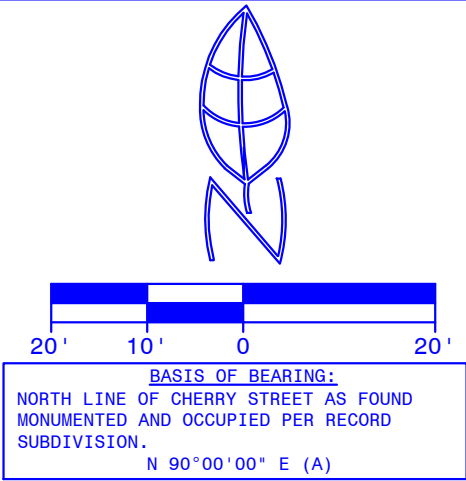
5. **The hazard from fire and other damages to the property will not be increased**
This will not increase the hazard from fire and other damages to the property.
6. **The taxable value of the land and buildings throughout the Village will not diminish**
This will have no adverse effect on the value of land and buildings in Winnetka.
7. **The congestion in the public street will not increase**
There will be no impact to the public street.
8. **The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not be otherwise impaired**
There will be no impact to the public health, safety, comfort, morals, and welfare of the inhabitants of the Winnetka.

LEGEND	
A = ASSUMED	NW = NORTHWEST
C = CALCULATED	P.O.B. = POINT OF BEGINNING
CH = CHORD	P.O.C. = POINT OF COMMENCEMENT
CL = CENTERLINE	R = RECORD
D = DEED	RAD = RADIUS
E = EAST	R.O.W. = RIGHT OF WAY
F.I.P. = FOUND IRON PIPE	S = SOUTH
F.I.R. = FOUND IRON ROD	S.I.P.= SET IRON PIPE
FT. = FEET/FOOT	S.I.R.= SET IRON ROD
L = ARC LENGTH	SE = SOUTHEAST
M = MEASURED	SW = SOUTHWEST
N = NORTH	W = WEST
NE = NORTHEAST	
	= CHAIN LINK FENCE
	= WOOD FENCE
	= METAL FENCE
	= VINYL FENCE
	= EASEMENT LINE
	= SETBACK LINE
	= INTERIOR LOT LINE

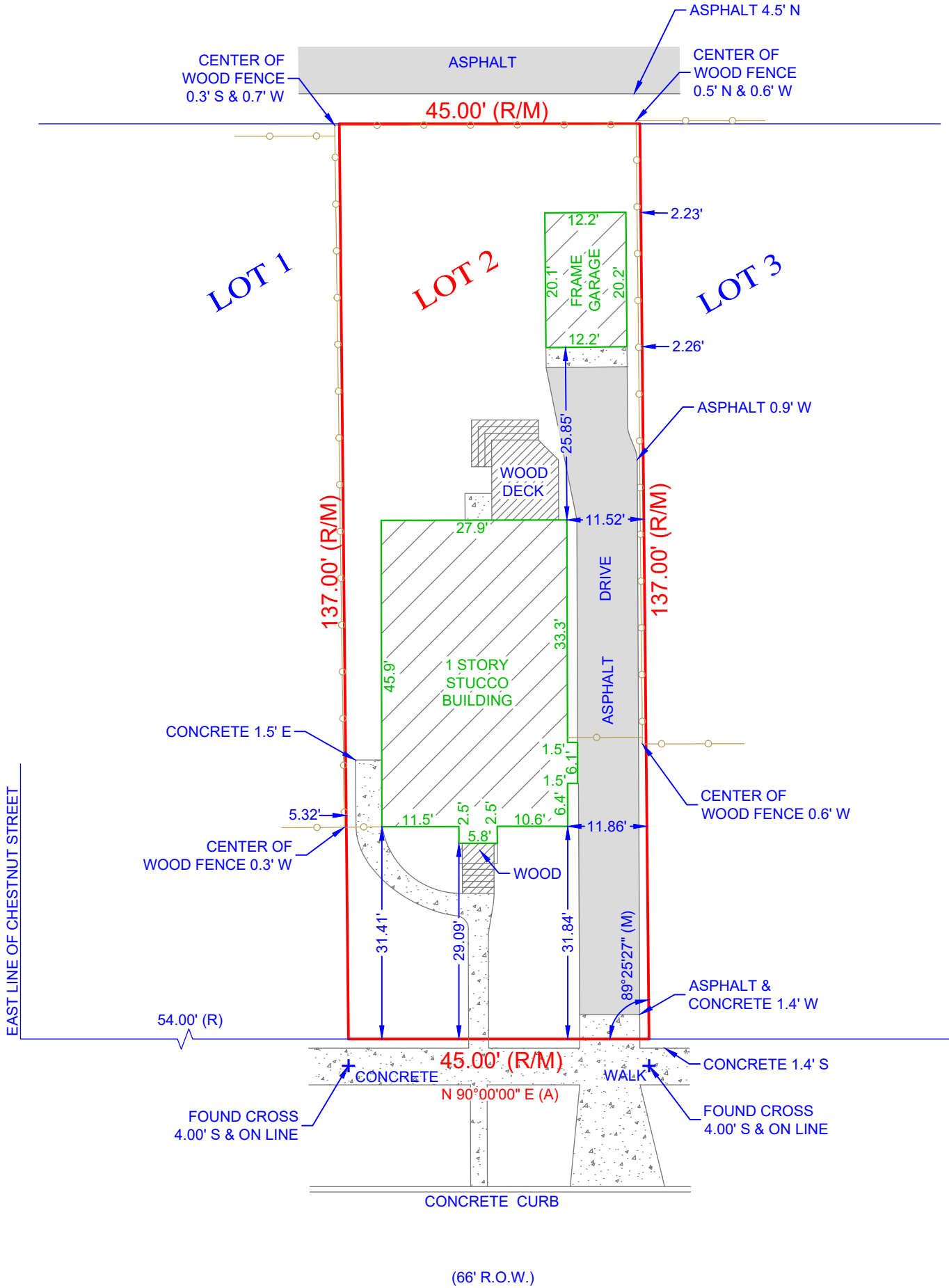
PLAT OF SURVEY OF

LOT 2 OF SALMON'S SUBDIVISION OF THE SOUTH 1/2 OF THE WEST 189 FEET, AS MEASURED FROM THE EAST LINE OF CHESTNUT STREET, (EXCEPTING THE NORTH 50 FEET THEREOF), OF BLOCK 35, IN WINNETKA BEING A SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 20 AND THE NORTH 1/2 OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PER PLAT RECORDED AS DOCUMENT NUMBER 119381 AND RERECORDED SEPTEMBER 9, 1873, IN BOOK 5 OF PLATS, PAGE 78, ALL IN WINNETKA, IN COOK COUNTY, ILLINOIS.

AREA OF SURVEY:
"CONTAINING 6,164 SQ. FT. OR 0.14 ACRES MORE OR LESS"



BASIS OF BEARING:
NORTH LINE OF CHERRY STREET AS FOUND
MONUMENTED AND OCCUPIED PER RECORD
SUBDIVISION.
N 90°00'00" E (A)



CHERRY STREET

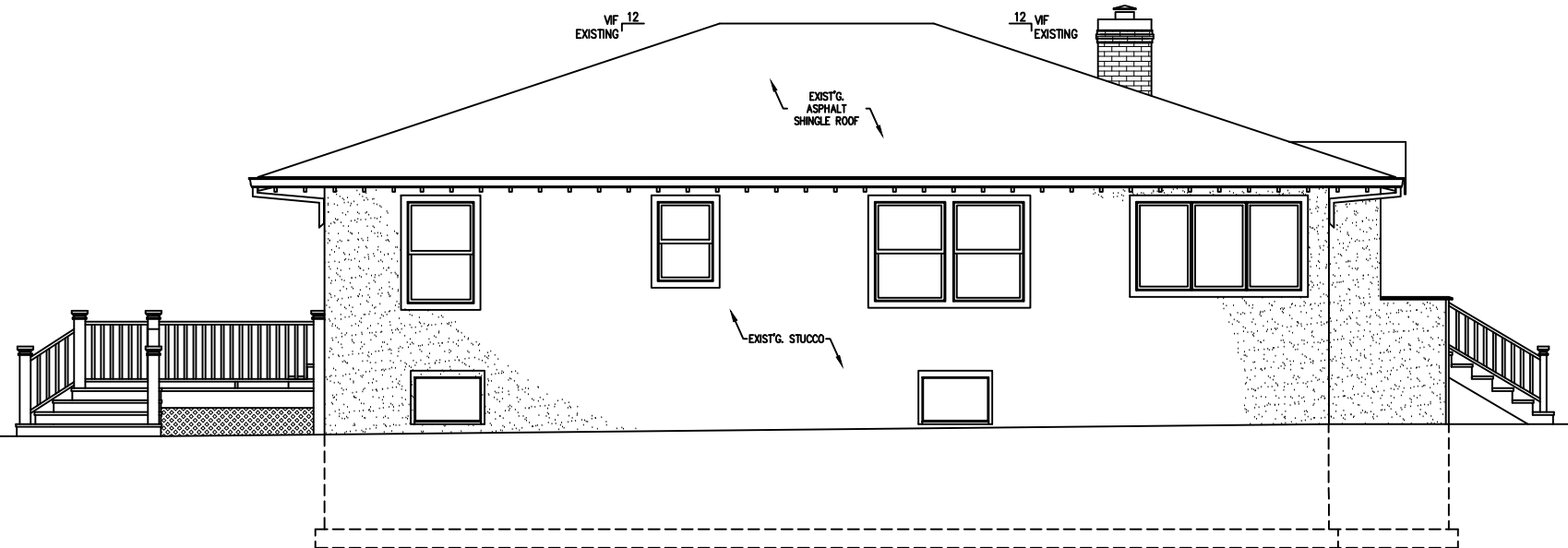


Morris Engineering, Inc.
515 Warrenville Road, Lisle, IL 60532
Phone: (630) 271-0770
FAX: (630) 271-0774
WEBSITE: WWW.ECIVIL.COM

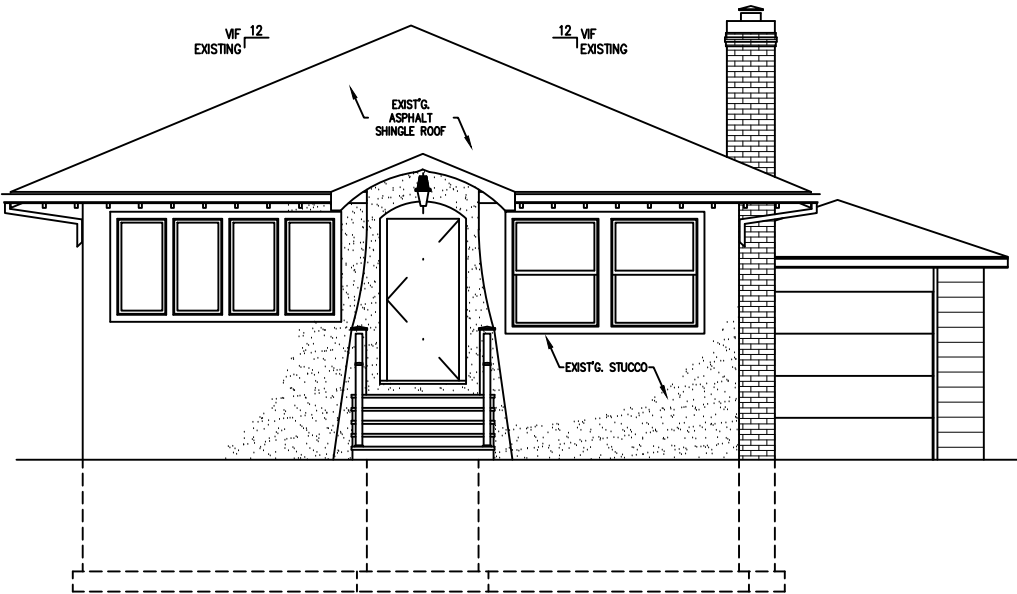
STATE OF ILLINOIS }ss
COUNTY OF DUPAGE
I, THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT "THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY," AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.
DATED, THIS 11TH DAY OF MAY, A.D. 2020, AT LISLE, ILLINOIS.
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-3253
LICENSE EXPIRATION DATE NOVEMBER 30, 2020
ILLINOIS BUSINESS REGISTRATION NO. 184-001245



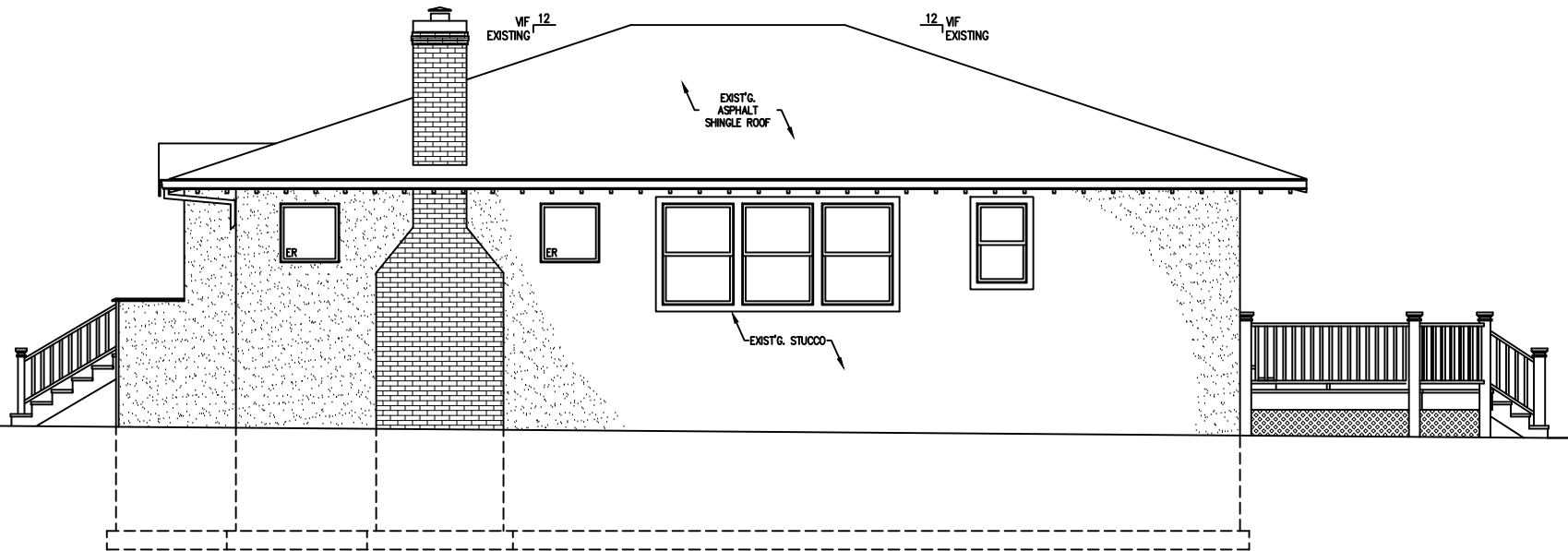
NOTE:
1. ALL TIES SHOWN ON THIS SURVEY ARE MEASURED TO THE BUILDING'S SIDING (BRICK, FRAME, STUCCO, METAL, ETC.) AND NOT TO THE FOUNDATION, UNLESS NOTED OTHERWISE.
2. ROOF LINES AND OVERHANGS ARE TYPICALLY NOT SHOWN HEREON.
3. COMPARE ALL DISTANCES AND POINTS IN FIELD AND REPORT ANY DISCREPANCIES TO SURVEYOR AT ONCE.
4. NO DIMENSIONS SHALL BE ASSUMED BY SCALING.
ADDRESS COMMONLY KNOWN AS 811 CHERRY STREET
WINNETKA, ILLINOIS
CLIENT LAW OFFICE OF MICHAEL SAMUELS
FIELDWORK DATE (CREW) 05/08/2020 (MD/PC)
DRAWN BY R. B. REVISED 10/08/2020
Oct 2020 ZBA Agenda Packet - 811 Cherry - Page 25



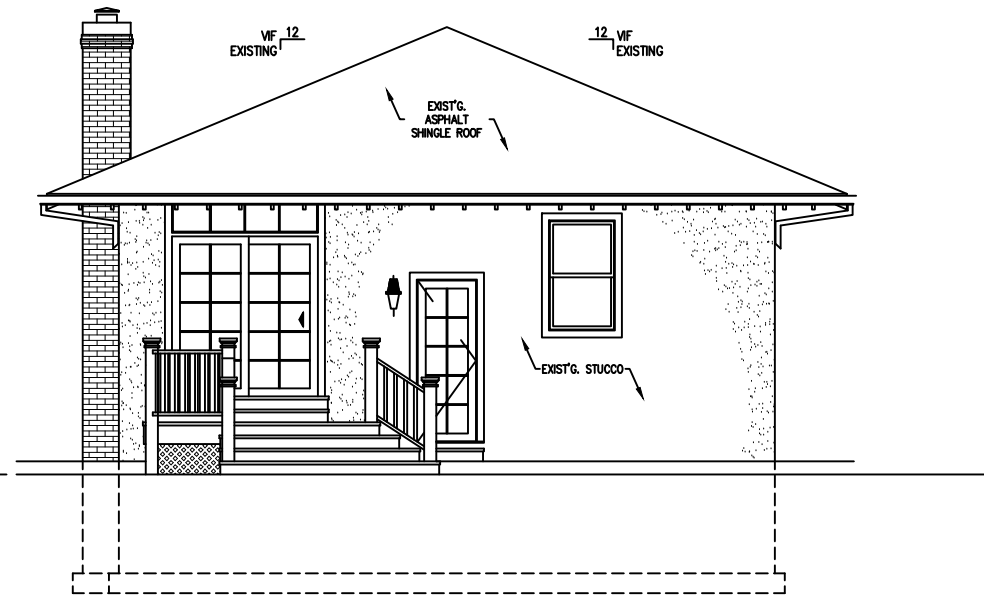
EXISTING WEST ELEVATION
SCALE: 1/8" □ 1'-0



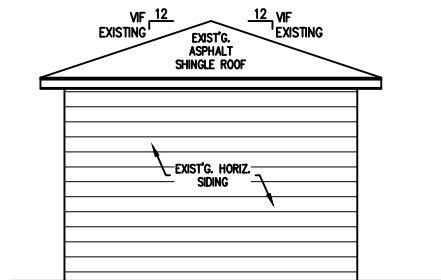
EXISTING SOUTH ELEVATION
SCALE: 1/8" □ 1'-0



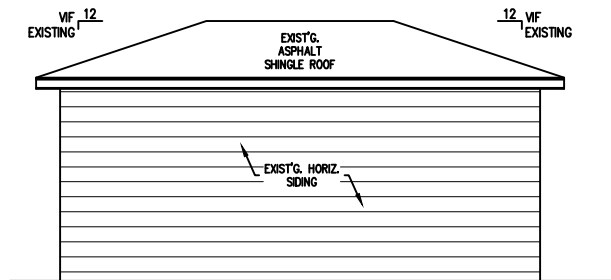
EXISTING EAST ELEVATION
SCALE: 1/8" □ 1'-0



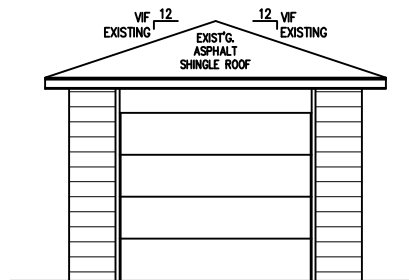
EXISTING NORTH ELEVATION
SCALE: 1/8" □ 1'-0



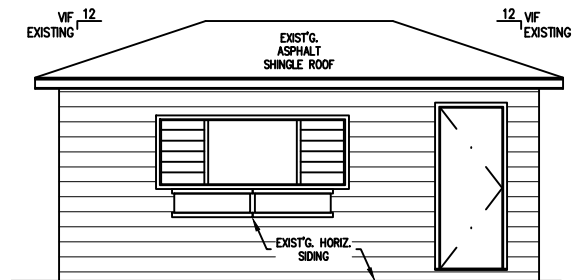
EXISTING NORTH GARAGE ELEVATION
SCALE: 1/8" □ 1'-0



EXISTING EAST GARAGE ELEVATION
SCALE: 1/8" □ 1'-0



EXISTING SOUTH GARAGE ELEVATION
SCALE: 1/8" □ 1'-0

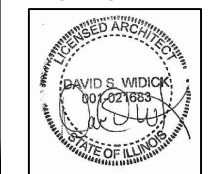


EXISTING WEST GARAGE ELEVATION
SCALE: 1/8" □ 1'-0

DSW
architects

630.457.7766
WWW.DSWARCHITECTS.COM

ARCHITECTS STAMP



EXP. 11-30-20

ISSUE DATE

06/12/20 CLIENT REVIEW 1

06/16/20 MINOR
CLIENT REVISIONS

06/29/20 CLIENT REVIEW 2

07/10/20 PERMIT REVIEW

07/16/20 PERMIT REVIEW

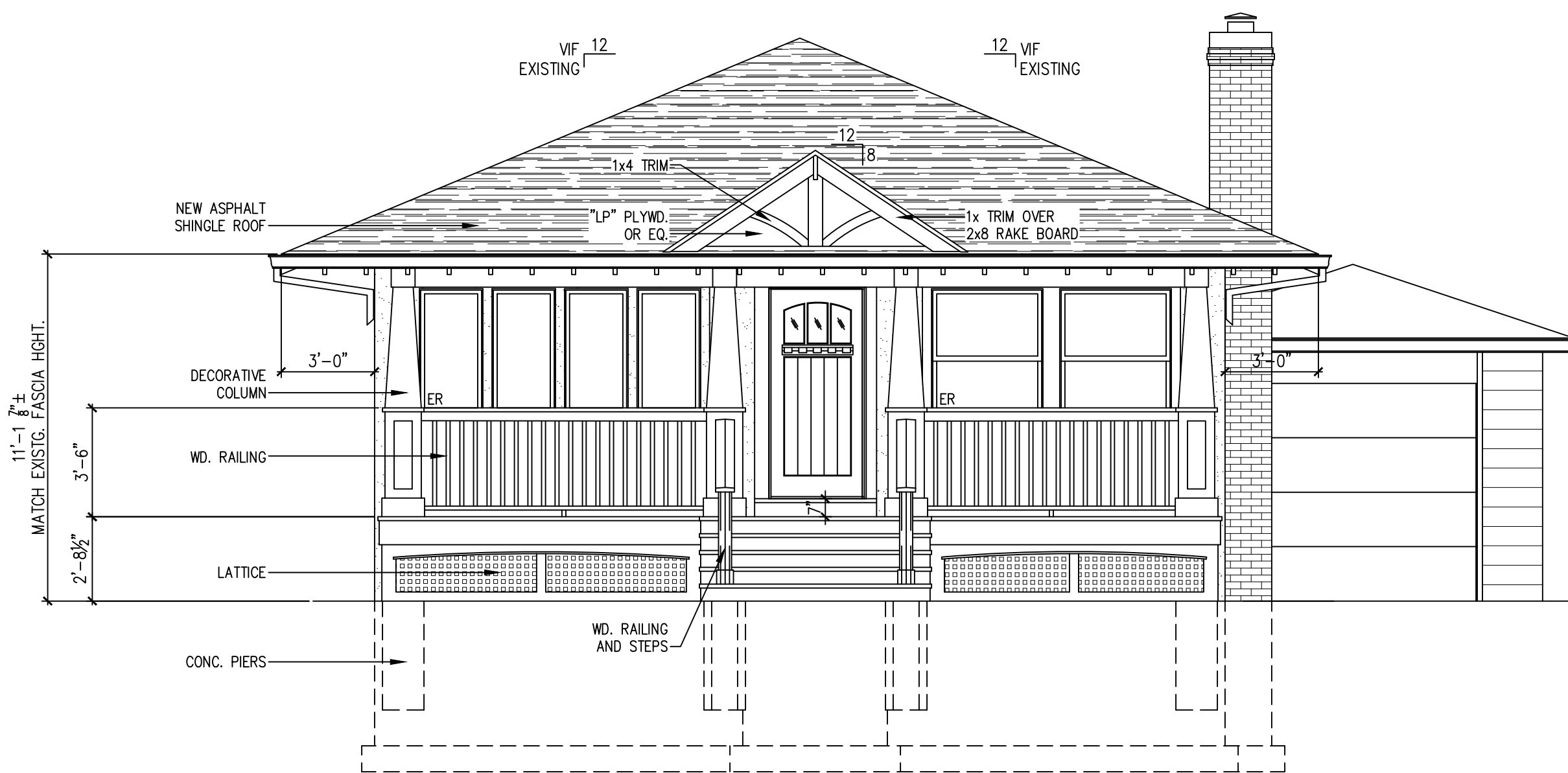
07/20/20 11:17
PERMIT REVIEW

PROJECT

WINNETKA RESIDENCE
811 CHERRY STREET
WINNETKA, ILLINOIS

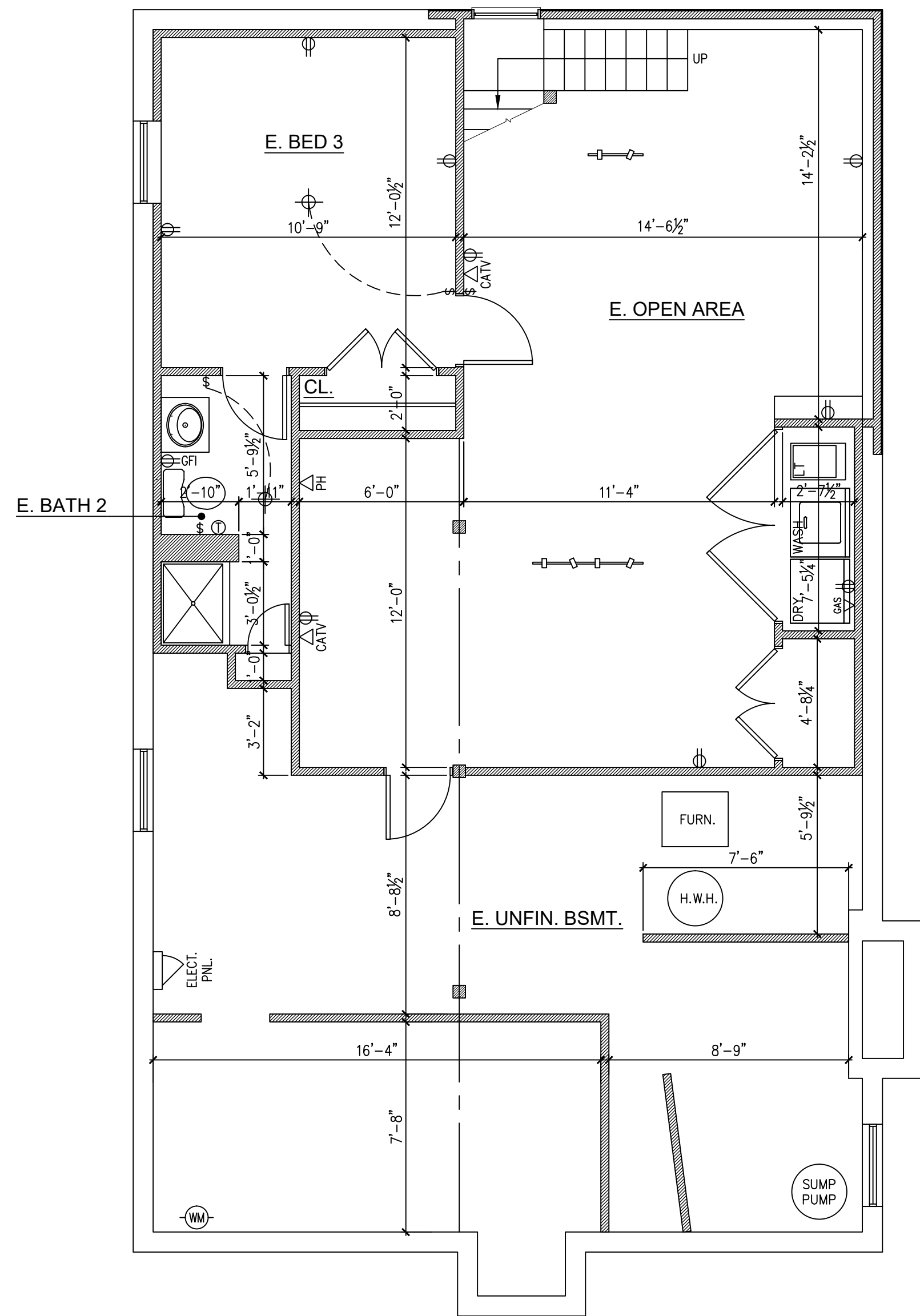
EXISTG. ELEV.

A2.0



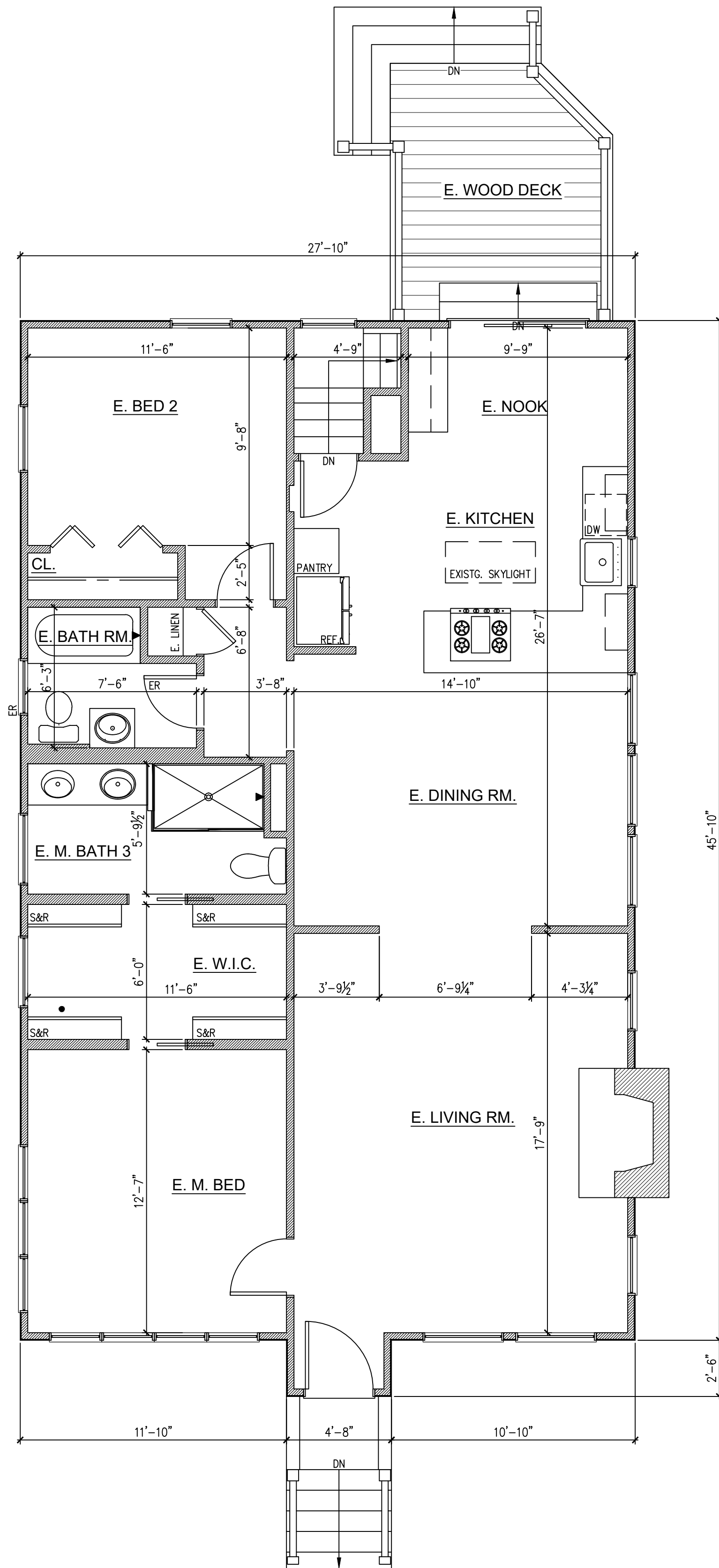
PROPOSED NORTH ELEVATION

SCALE: 1/4" = 1'-0" ARTIST RENDERING FINAL DRAWINGS CAN VARY



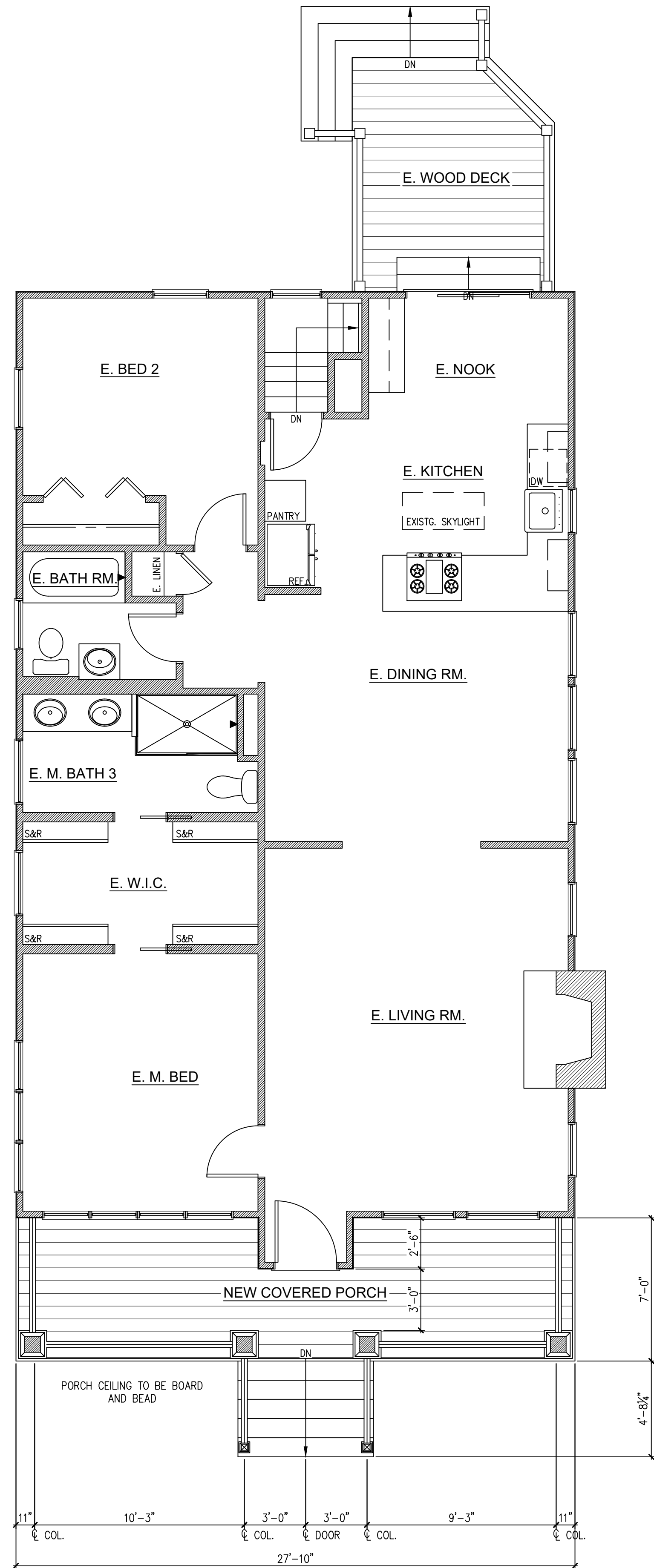
BASEMENT AS-BUILT PLAN

SCALE: 1/4" = 1'-0" 1,135 S.F.



FIRST FLOOR AS-BUILT PLAN

SCALE: 1/4" = 1'-0"



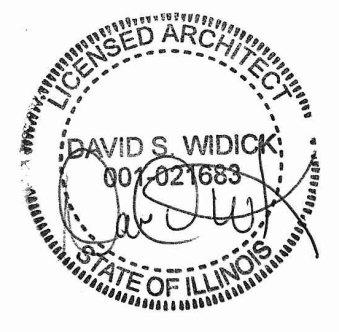
PROPOSED FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0" FIRST FLR. 1,308 S.F. BASED OFF SURVEY

DSW
architects

630.457.7766
WWW.DSWARCHITECTS.COM

ARCHITECTS STAMP



EXP. 11-30-20

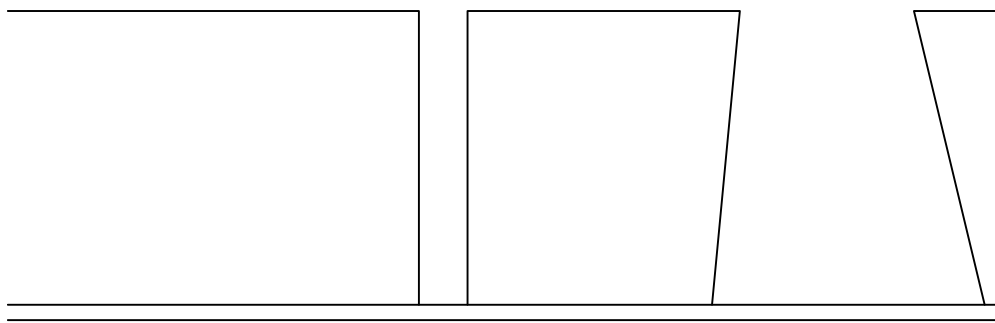
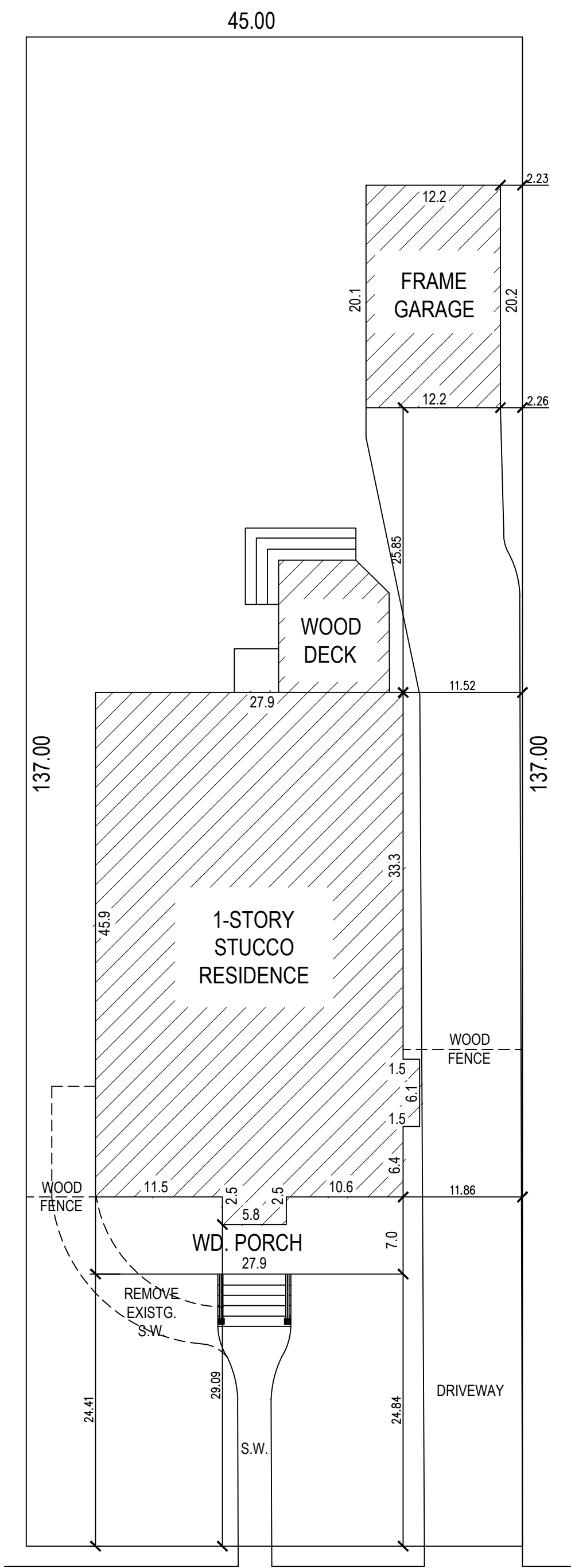
ISSUE DATE

06/12/20 CLIENT REVIEW 1
06/16/20 MINOR CLIENT REVISIONS
06/29/20 CLIENT REVIEW 2
07/13/20 VARIANCE

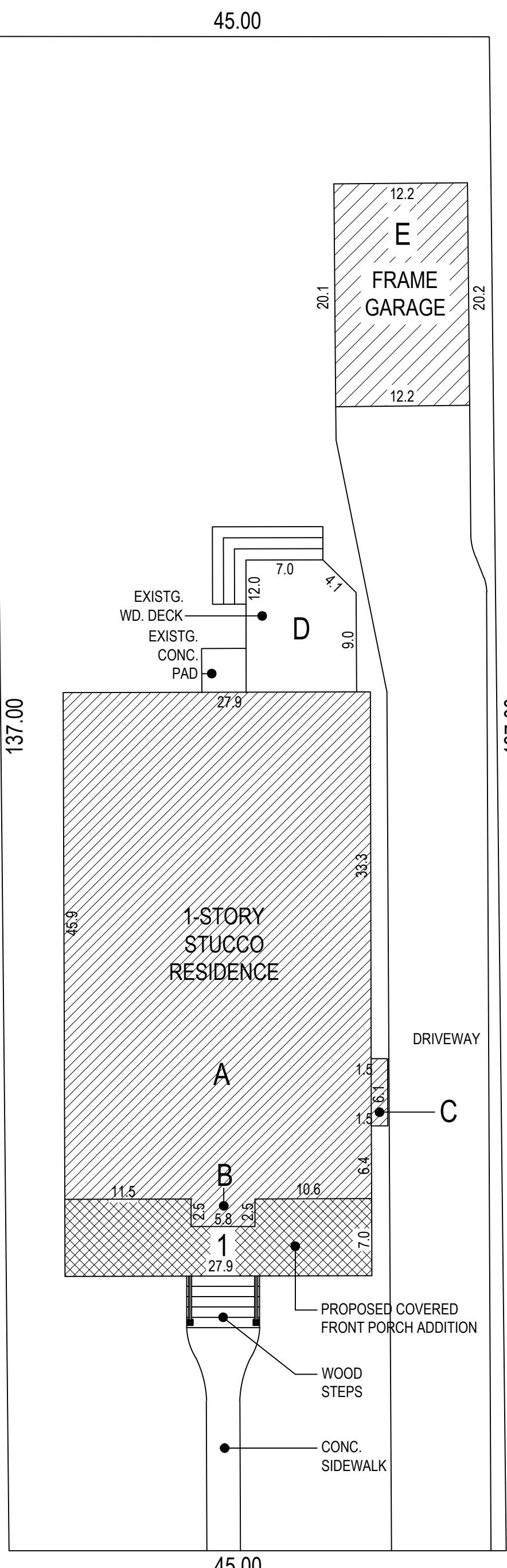
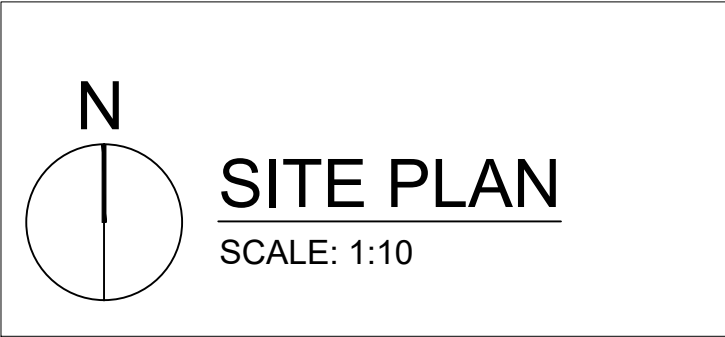
PROJECT
WINNETKA RESIDENCE
811 CHERRY STREET
WINNETKA, ILLINOIS

PLANS / ELEV.

A1.0



CHERRY STREET

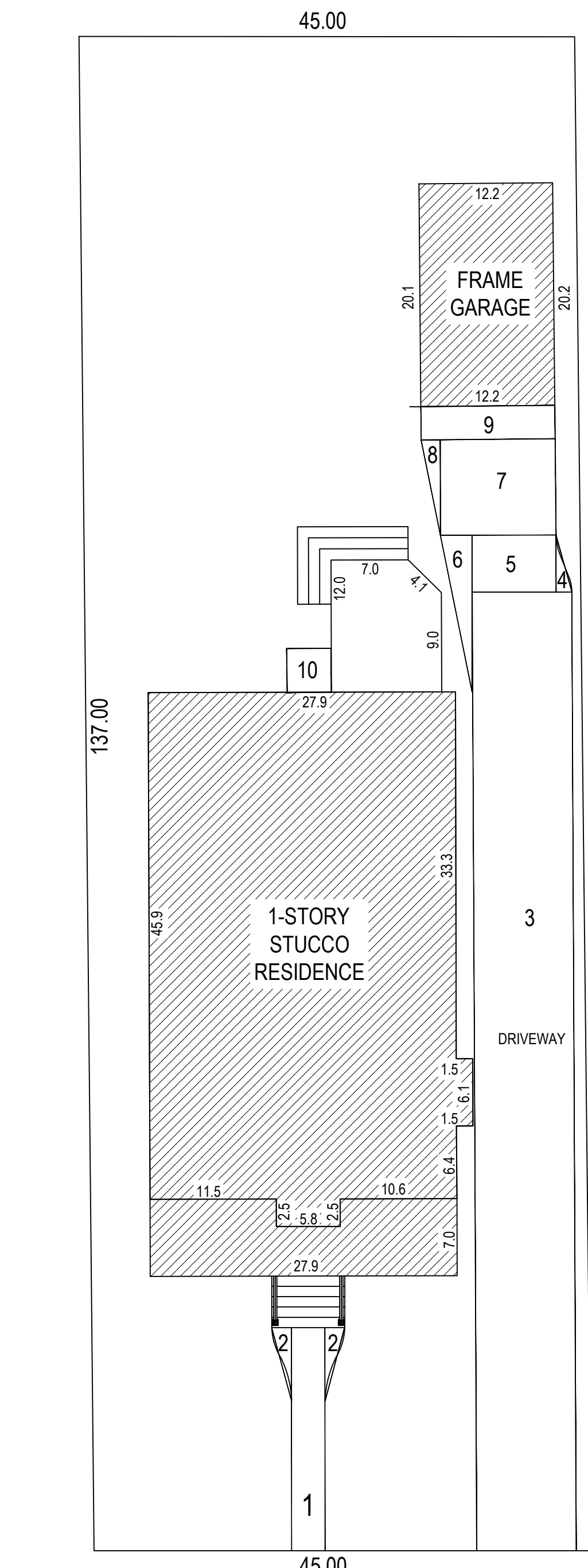


FIRST FLOOR, RLC & GFA - EXISTING: (FIGURE 1)

PIECE	DIMENSIONS (FT)	RLC AREA (SF)	GFA AREA (SF)
A	27.9 x 45.9		1,280.61
B	5.8 x 2.5		11.6
C	1.5 x 6.1		9.15
D	12.0 x 9.0 - 9.0/2		+103.5-
E	12.2 x 20.2		246.44-200=46.44
TOTAL:			1,347.8

FIRST FLOOR, GFA - PROPOSED: (FIGURE 1)

PIECE	DIMENSIONS (FT)	AREA (SF)
1	27.9 x 7.0	195.3
TOTAL:		195.3
TOTAL EXIST. AND PROPOSED		1,543.1

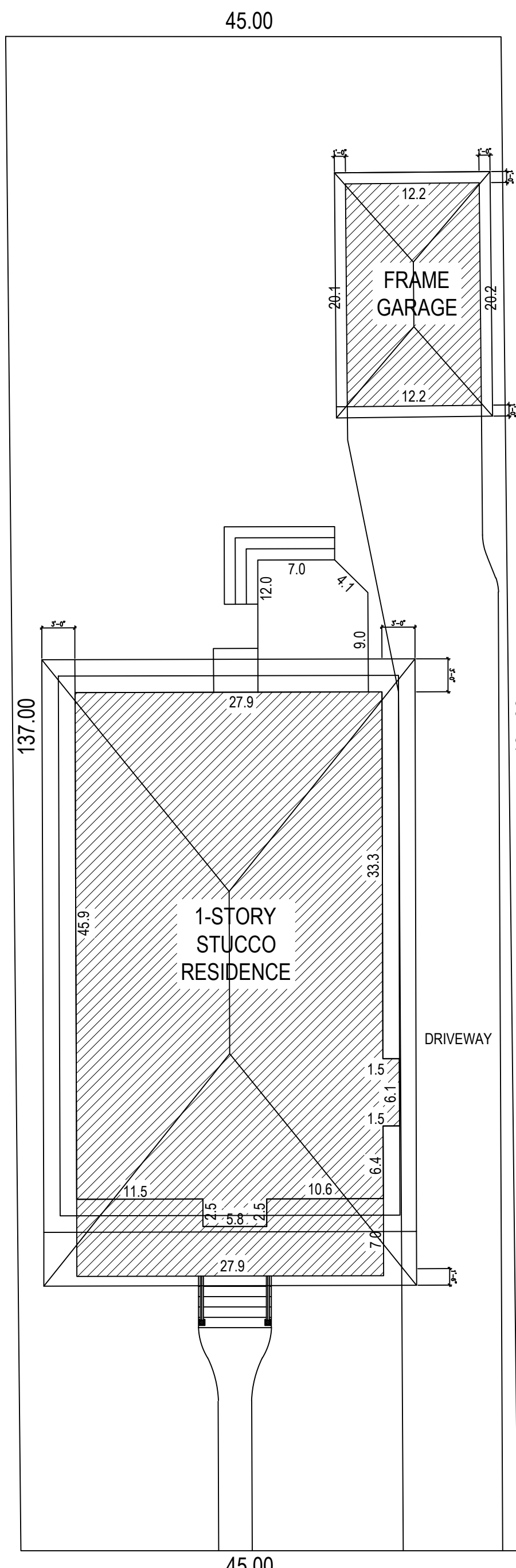


ATTIC, GFA - EXISTING: (FIGURE 1)

PIECE	DIMENSIONS (FT)	AREA (SF)
ABOVE A,B,C (7' HGT.)	0.0	0.0
TOTAL:		0.0

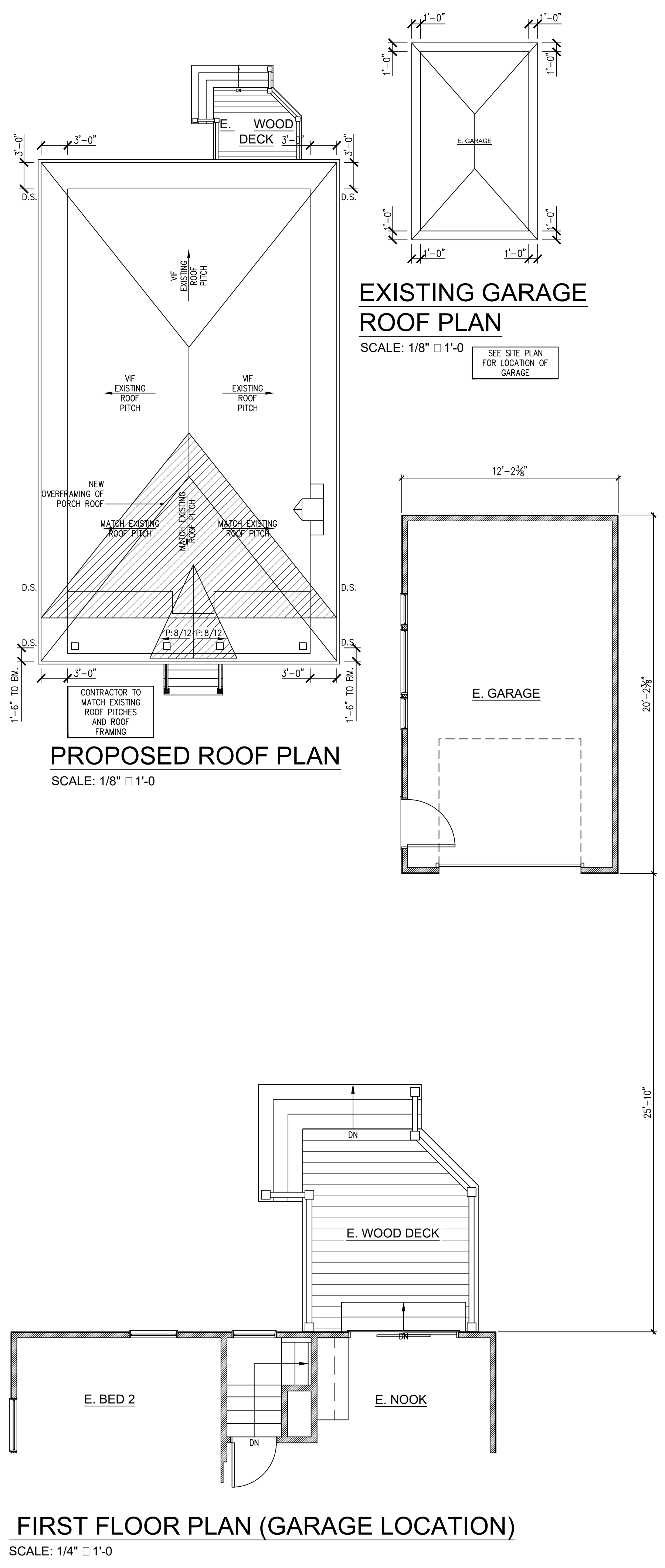
TOTAL, GFA - EXISTING & PROPOSED: (FIGURE 1)

FIRST FLOOR	1,543.1
ATTIC	0.0
TOTAL:	1,543.1



IMPERMEABLE SURFACE: (FIGURE 2)

PIECE	DIMENSIONS (FT)	AREA (SF)
1	3.0 x 20.25	60.75
2	1.79 x 6.63/2	5.93
3	9.03 x 87.03	785.88
4	1.41 x 5.16/2	3.63
5	7.60 x 5.16	39.21
6	2.9 x 14.25/2	21.0
7	10.41 x 8.75	91.08
8	1.75 x 8.66/2	7.6
9	12.08 x 3.0	36.25
10	4.0 x 4.0	16.0



FIRST FLOOR PLAN (GARAGE LOCATION)
SCALE: 1/4" = 1'-0"

DSWarchitects

630.457.7766
WWW.DSWARCHITECTS.COM

ARCHITECTS STAMP

DAVID S. WIDICK
007-021863
STATE OF ILLINOIS

EXP. 11-30-20

ISSUE DATE

06/12/20 CLIENT REVIEW 1

06/16/20 MINOR CLIENT REVISIONS

06/29/20 CLIENT REVIEW 2

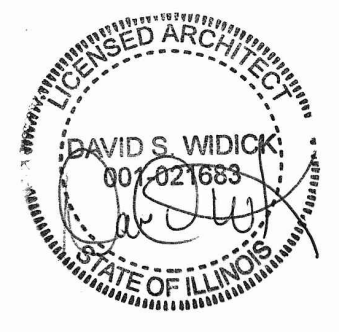
07/10/20 PERMIT REVIEW

PROJECT

WINNETKA RESIDENCE
811 CHERRY STREET
WINNETKA, ILLINOIS

PLANS / SITE

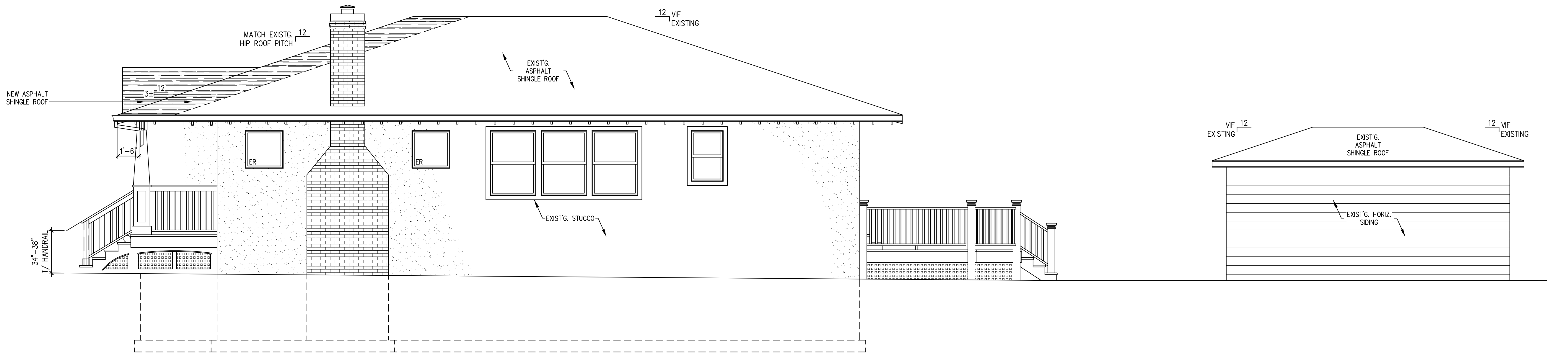
A2.0



PROJECT
WINNETKA RESIDENCE
811 CHERRY STREET
WINNETKA, ILLINOIS

SIDE ELEVATIONS

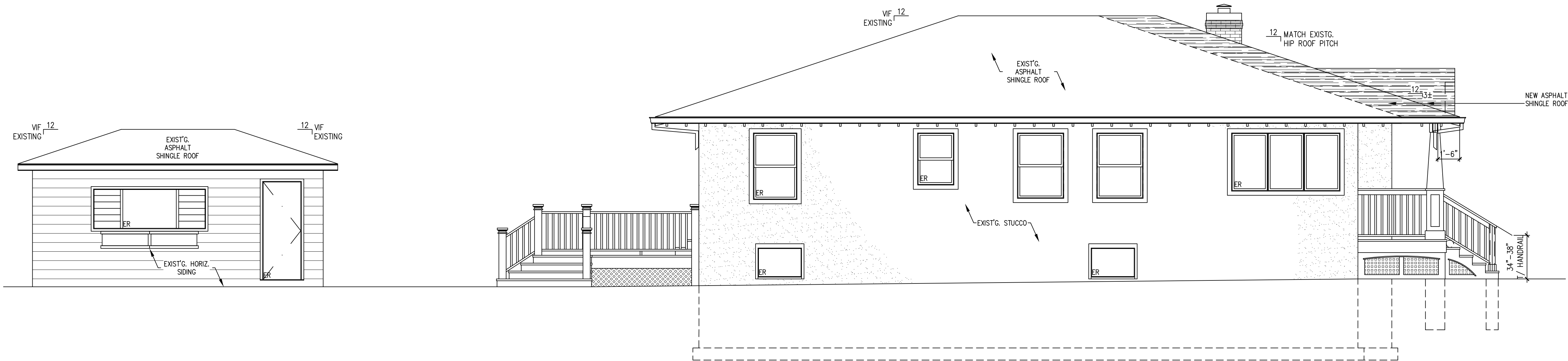
A3.0



PROPOSED EAST ELEVATION

SCALE: 1/4" = 1'-0"

ARTIST RENDERING FINAL
DRAWINGS CAN VARY



PROPOSED WEST ELEVATION

SCALE: 1/4" = 1'-0"

ARTIST RENDEERING FINAL
DRAWINGS CAN VARY

ATTACHMENT D1
RESOLUTION NO. ZBA-7-2020
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
APPROVAL OF ZBA CASE NO. 20-25-V – 811 CHERRY STREET

WHEREAS, Kathleen E. Hamburger (the “Applicant”), is Trustee of the Kathleen E. Hamburger Living Trust Agreement dated October 14, 2008, the owner of the property commonly known as 811 Cherry Street, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made part of this Resolution (**“Subject Property”**); and

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

WHEREAS, the Subject Property is improved with a single family residence that is nonconforming with respect to (i) the front yard lot coverage; (ii) the front yard setback; and (iii) the minimum side yard setback requirements (**“Building”**); and

WHEREAS, the Applicant desires to construct a front porch addition to the Building located in the required front yard and the minimum required side yard of the Subject Property (**“Proposed Improvement”**); and

WHEREAS, pursuant to Section 17.30.030 of the Winnetka Zoning Ordinance (**“Zoning Ordinance”**), the Subject Property is permitted a maximum front yard lot coverage of 405 square feet; and

WHEREAS, pursuant to Section 17.30.050 of the Zoning Ordinance, the Subject Property is required to provide a minimum front yard setback of at least 30 feet; and

WHEREAS, pursuant to Section 17.30.060 of the Zoning Ordinance, the Subject Property is required to provide a minimum side yard setback of at least 6 feet; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with (i) a front yard lot coverage that exceeds the maximum permitted 405 square feet, a violation of Section 17.30.030 of the Zoning Ordinance, (ii) a front yard setback less than the required 30 feet, a violation of Section 17.30.050 of the Zoning Ordinance, and (iii) a side yard setback from the west property line less than the required 6 feet, a violation of Section 17.30.060 of the Zoning Ordinance; and

WHEREAS, the Applicants filed an amended application for variations from Section 17.30.030, Section 17.30.050, and Section 17.30.060 of the Zoning Ordinance to permit the Proposed Improvement on the Subject Property with (i) a front yard lot coverage of 485.46 square feet; (ii) a front yard setback of 25.41 feet; and (iii) a side yard setback of 4.32 feet from the west property line to accommodate the porch addition (**“Requested Variations”**); and

WHEREAS, a public notice for the Requested Variations was duly published on August 27, 2020 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 2020-55 and Senate Bill 2135, a virtual public hearing was held by the Winnetka Zoning Board of Appeals during a virtual meeting held on September 14, 2020 for the purpose of considering the Requested Variations; and

WHEREAS, after hearing from the Applicant and discussing the Proposed Improvement, by a vote of 6-0, the Zoning Board of Appeals continued the virtual public hearing until the October 12, 2020 Zoning Board of Appeals meeting to provide the Applicant time to consider reducing the size of the Proposed Improvement;

WHEREAS, in accordance with social distancing requirements, Governor Pritzker's Executive Order 2020-55 and Senate Bill 2135, the continued virtual public hearing was held by the Winnetka Zoning Board of Appeals during a virtual meeting on October 12, 2020 for the purpose of considering the amended application for the Requested Variations with the final decision being rendered at the Zoning Board of Appeals' Regular Meeting on October 12, 2020; and

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

1. Application for the Requested Variations submitted by the Applicant, dated August 14, 2020, including all attachments; and
2. An amended application for the Requested Variations submitted by the Applicant, dated September 28, 2020, including all attachments as well as all subsequent additions and revisions to these application materials and attachments; and
3. All written and oral testimony concerning the Requested Variations.

WHEREAS, the Zoning Board of Appeals has determined that the Requested Variations do 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 Variations to (i) exceed the maximum permitted front yard lot coverage; (ii) provide less than the minimum required front yard setback, and (iii) provide less than the minimum required side yard setback from the west property line do 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 (i) the front yard lot coverage variation, (ii) the front yard setback variation, and (iii) the minimum 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 VARIATIONS. Subject to and contingent upon the conditions, restrictions, and provisions set forth in Section Three of this Resolution, the requested (i) front yard lot coverage variation from Section 17.30.030 of the Zoning Ordinance, (ii) front yard setback variation from Section 17.30.050 of the Zoning Ordinance, and (iii) minimum side yard setback variation from Section 17.30.060 of the Zoning Ordinance to permit the construction of the proposed front porch addition on the Subject Property are hereby granted, in accordance with and pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village.

SECTION 3. CONDITIONS. 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, (i) the front yard lot coverage requirement set forth in Section 17.30.030 of the Winnetka Zoning Ordinance, (ii) the front yard setback requirement set forth in Section 17.30.050 of the Winnetka Zoning Ordinance, and (iii) the minimum 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 Variations 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 October, 2020, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed:

Matthew Bradley, Chairperson

Countersigned:

Village Clerk

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

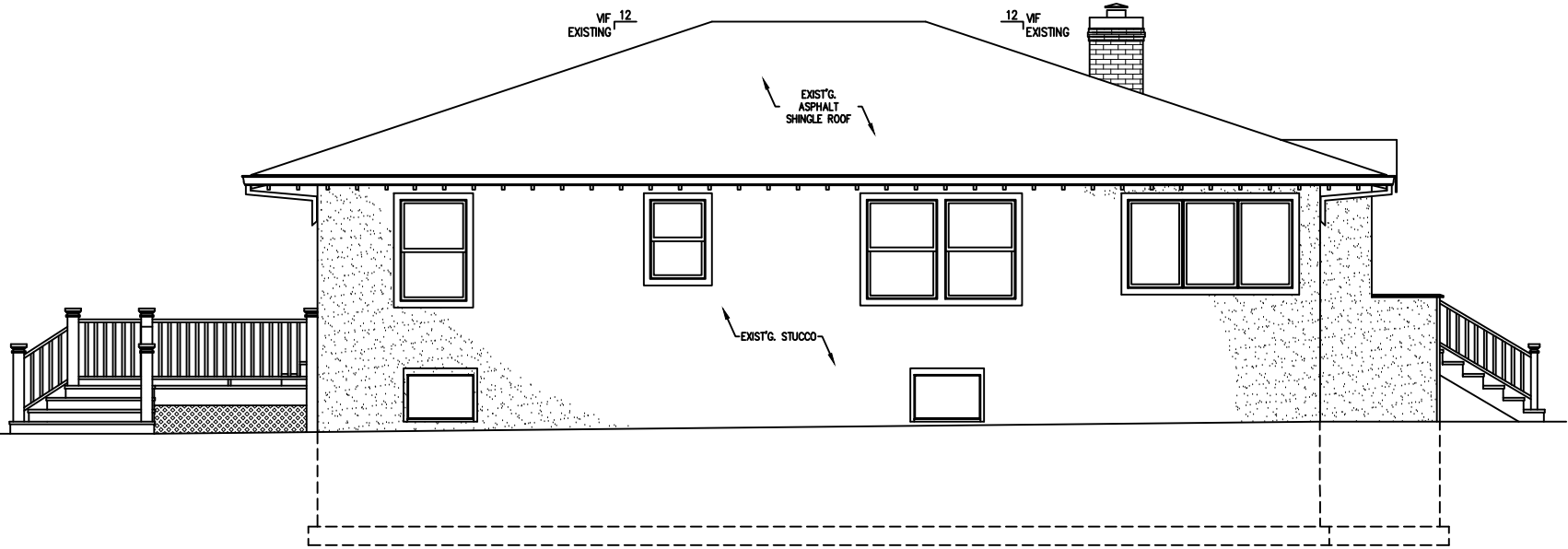
Lot 2 of Salmon's Subdivision of the South $\frac{1}{2}$ of the West 189 Feet, as measured from the East line of Chestnut Street, (excepting the North 50 Feet thereof), of Block 35, in Winnetka being a subdivision of the Northeast $\frac{1}{4}$ of Section 20 and the North $\frac{1}{2}$ of Fractional Section 21, Township 42 North, Range 13, East of the Third Principal Meridian, as per Plat recorded as Document Number 119381 and rerecorded September 9, 1873, in Book 5 of Plats, Page 78, all in Winnetka, in Cook County, Illinois.

Commonly known as 811 Cherry Street, Winnetka, Illinois.

Parcel Index Number: 05-20-217-010-0000

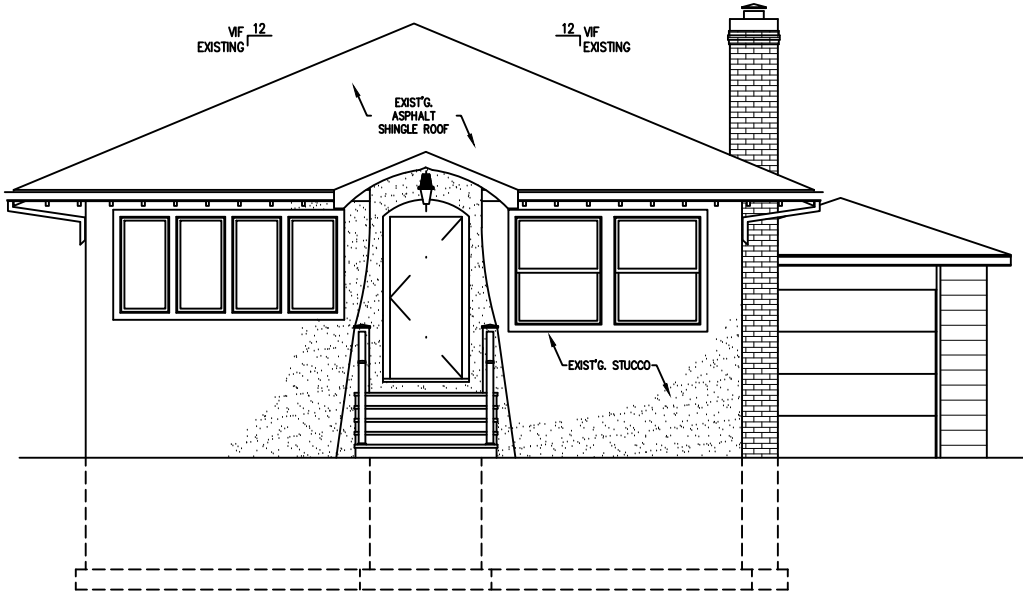
EXHIBIT B
PLAN
(SEE ATTACHED EXHIBIT B)

EXHIBIT B



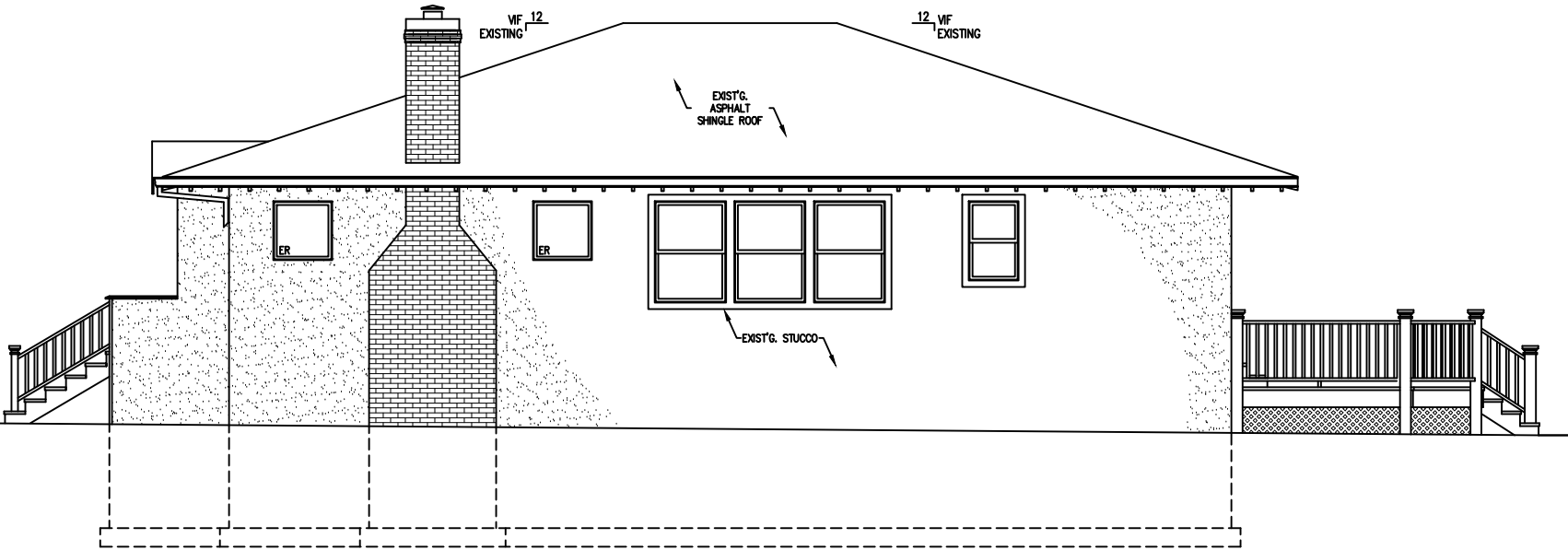
EXISTING WEST ELEVATION

SCALE: 1/8" = 1'-0



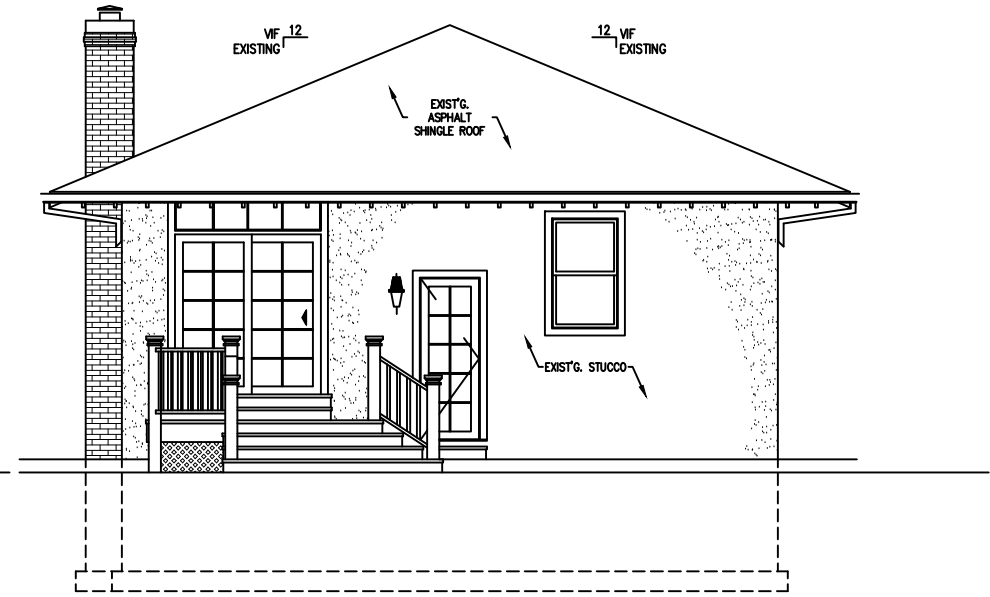
EXISTING SOUTH ELEVATION

SCALE: 1/8" = 1'-0



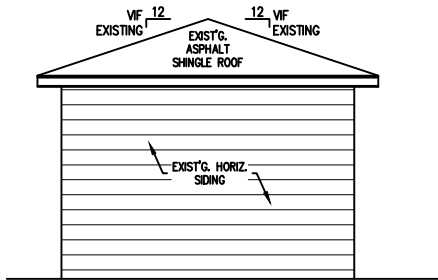
EXISTING EAST ELEVATION

SCALE: 1/8" = 1'-0



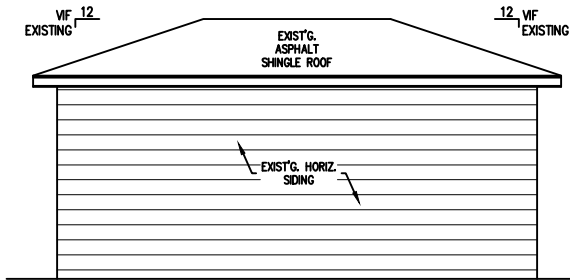
EXISTING NORTH ELEVATION

SCALE: 1/8" = 1'-0



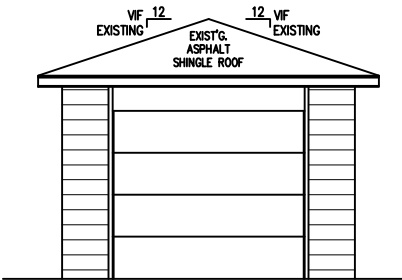
EXISTING NORTH GARAGE ELEVATION

SCALE: 1/8" = 1'-0



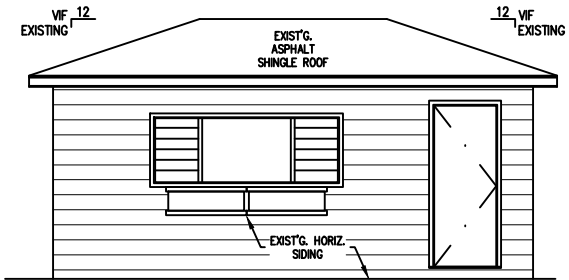
EXISTING EAST GARAGE ELEVATION

SCALE: 1/8" = 1'-0



EXISTING SOUTH GARAGE ELEVATION

SCALE: 1/8" = 1'-0



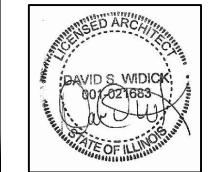
EXISTING WEST GARAGE ELEVATION

SCALE: 1/8" = 1'-0

DSW
architects

630.457.7766
WWW.DSWARCHITECTS.COM

ARCHITECTS STAMP



EXP. 11-30-20

ISSUE DATE

06/12/20 CLIENT REVIEW 1

06/16/20 MINOR
CLIENT REVISIONS

06/29/20 CLIENT REVIEW 2

07/10/20 PERMIT REVIEW

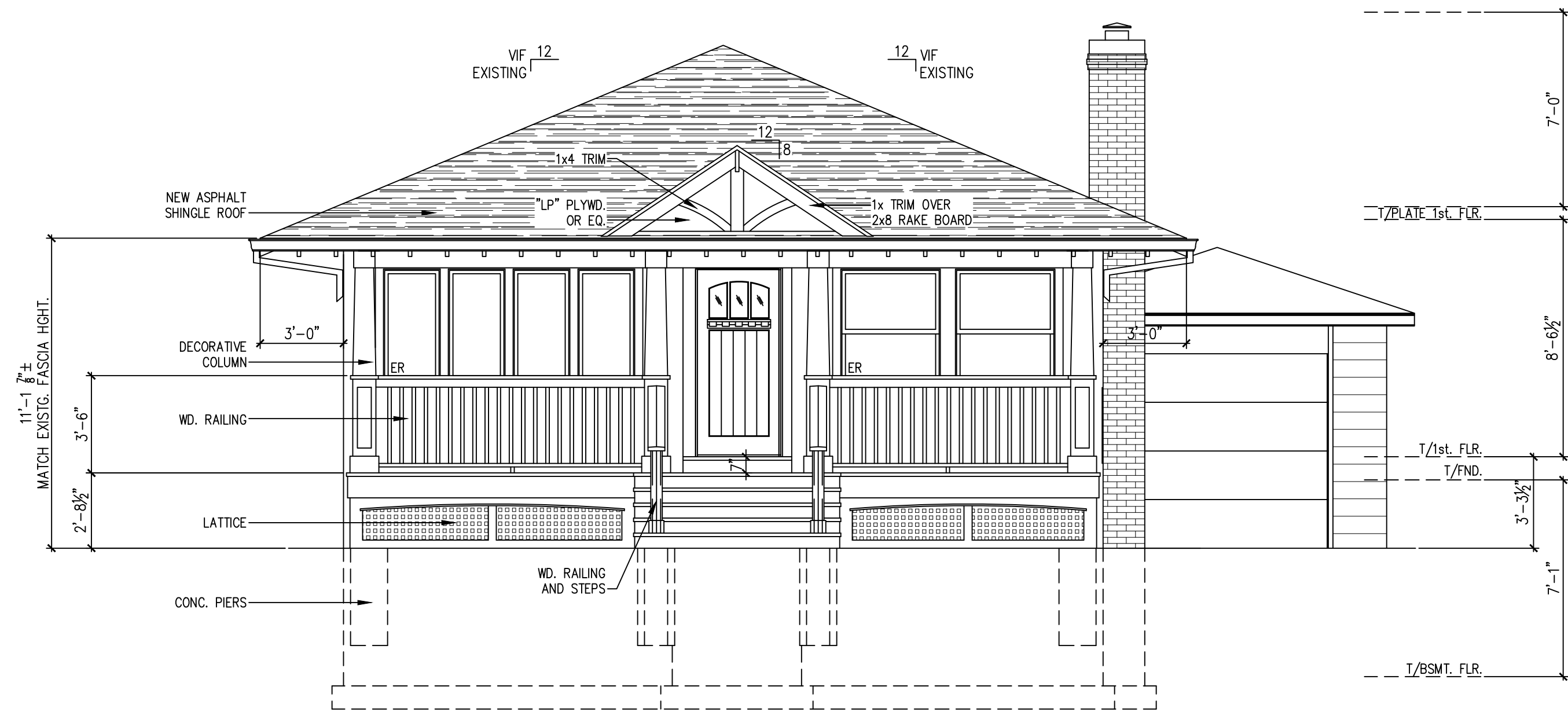
07/16/20 PERMIT REVIEW

07/20/20 11x17
PERMIT REVIEW

PROJECT
WINNETKA RESIDENCE
811 CHERRY STREET
WINNETKA, ILLINOIS

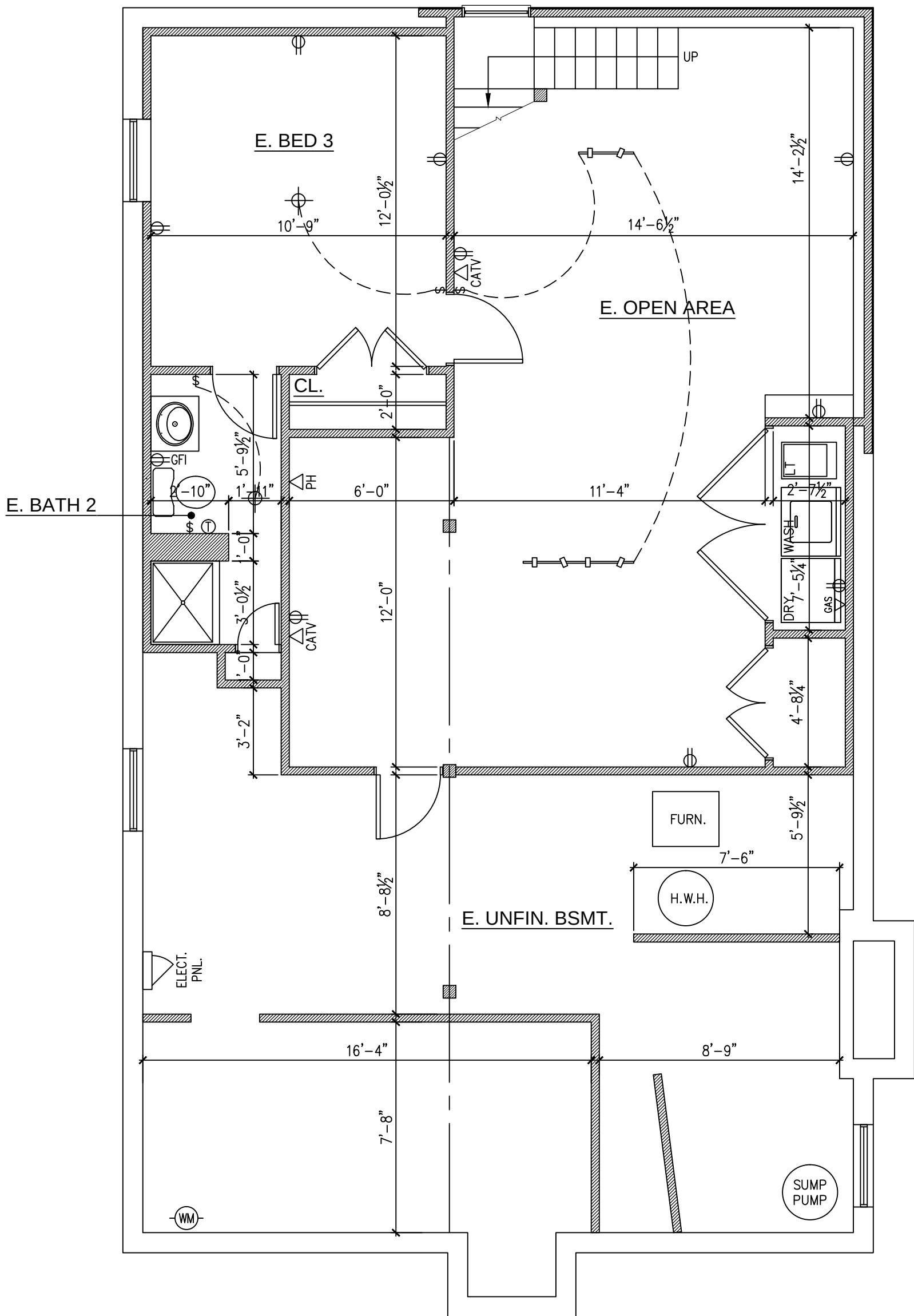
EXISTG. ELEV.

A2.0



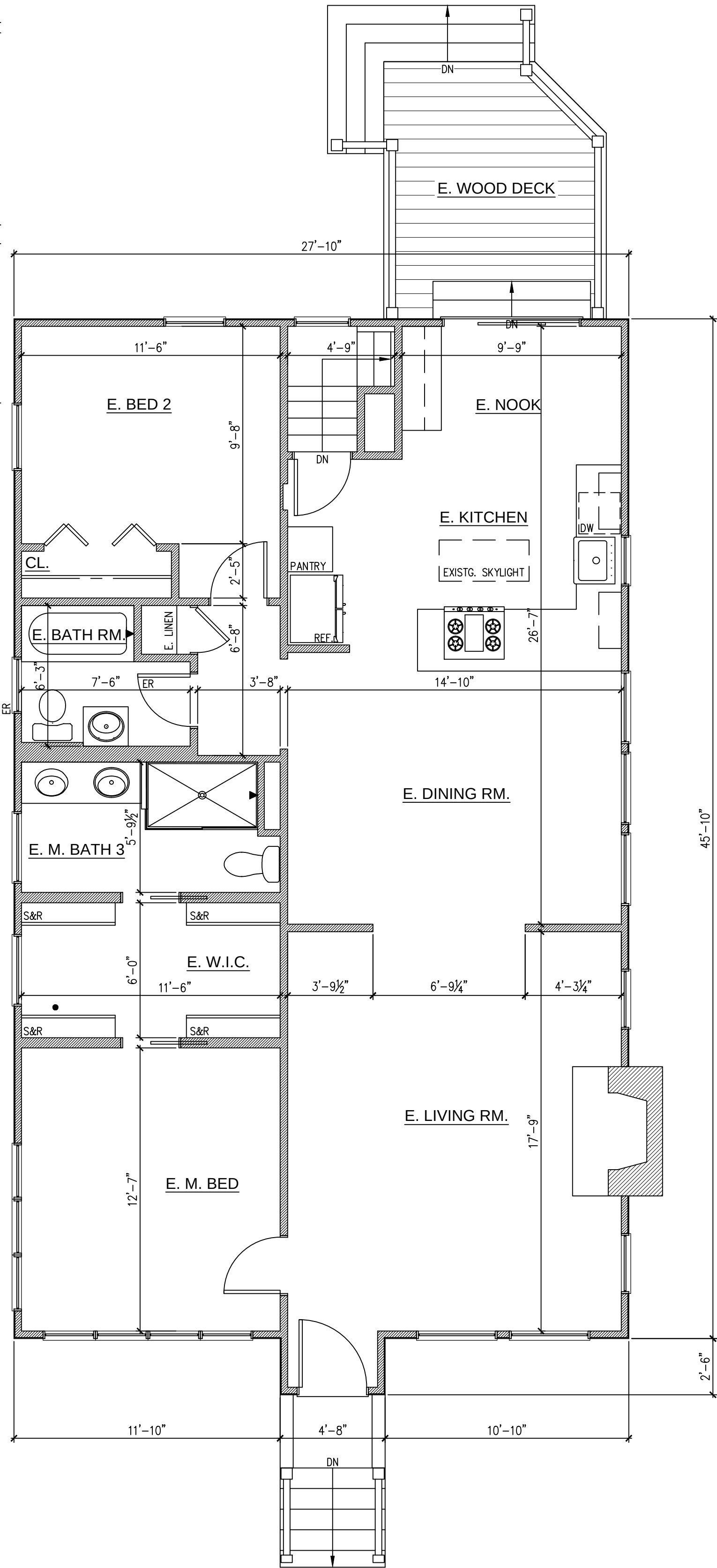
PROPOSED SOUTH ELEVATION

SCALE: 1/4" = 1'-0" ARTIST RENDERING FINAL DRAWINGS CAN VARY



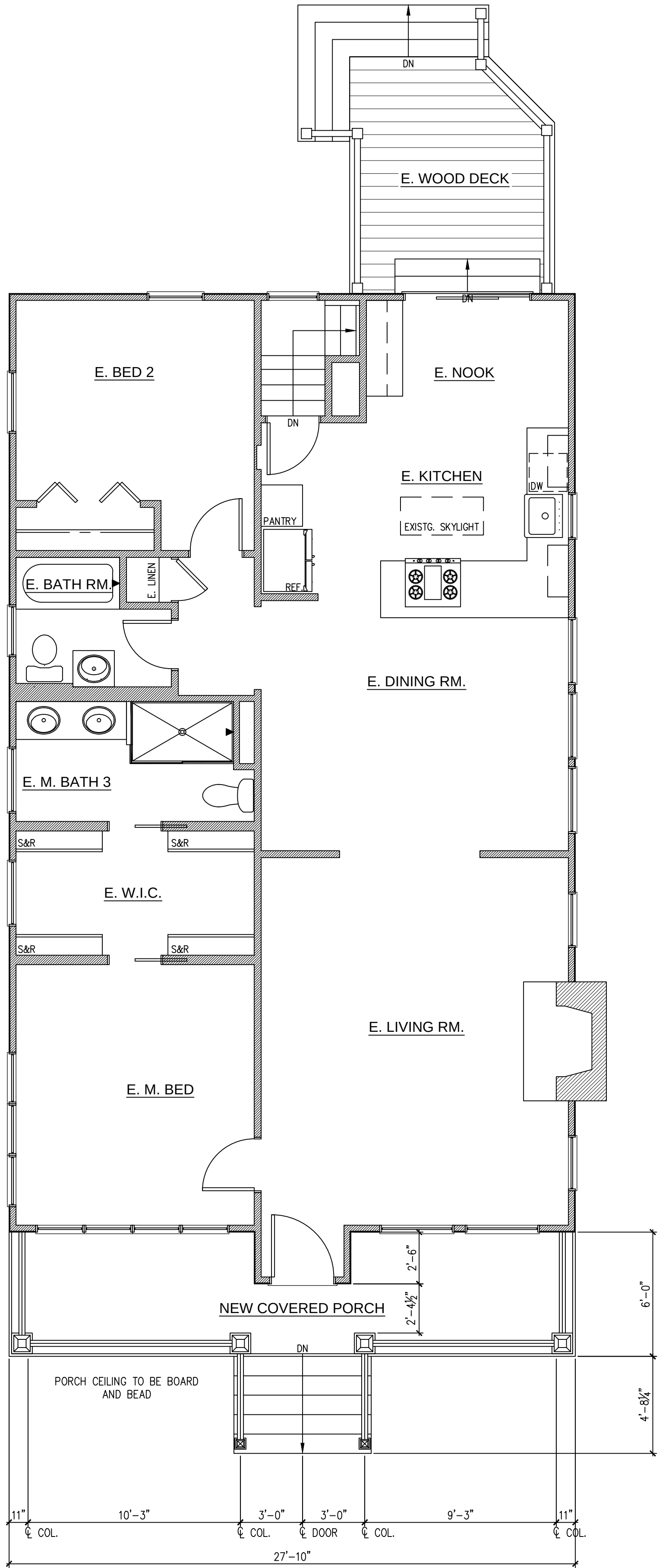
BASEMENT AS-BUILT PLAN

SCALE: 1/4" = 1'-0" 1,135 S.F.



FIRST FLOOR AS-BUILT PLAN

SCALE: 1/4" = 1'-0"



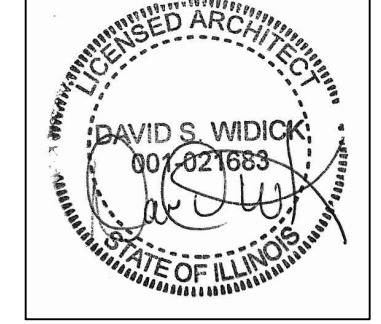
PROPOSED FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0" FIRST FLR. 1,308 S.F. BASED OFF SURVEY

DSW
architects

630.457.7766
WWW.DSWARCHITECTS.COM

ARCHITECTS STAMP



EXP. 11-30-20

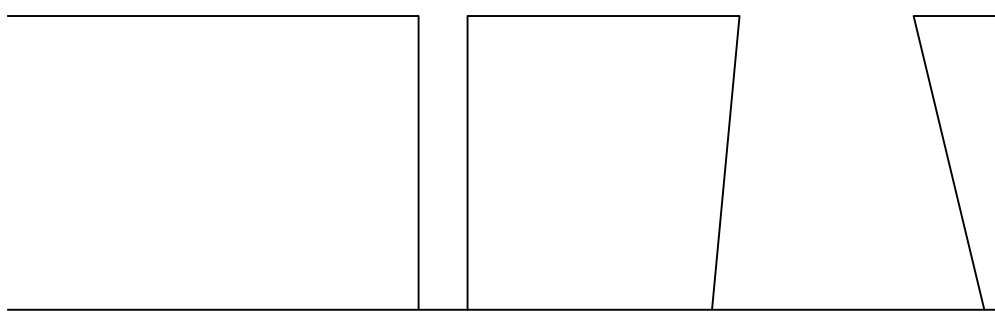
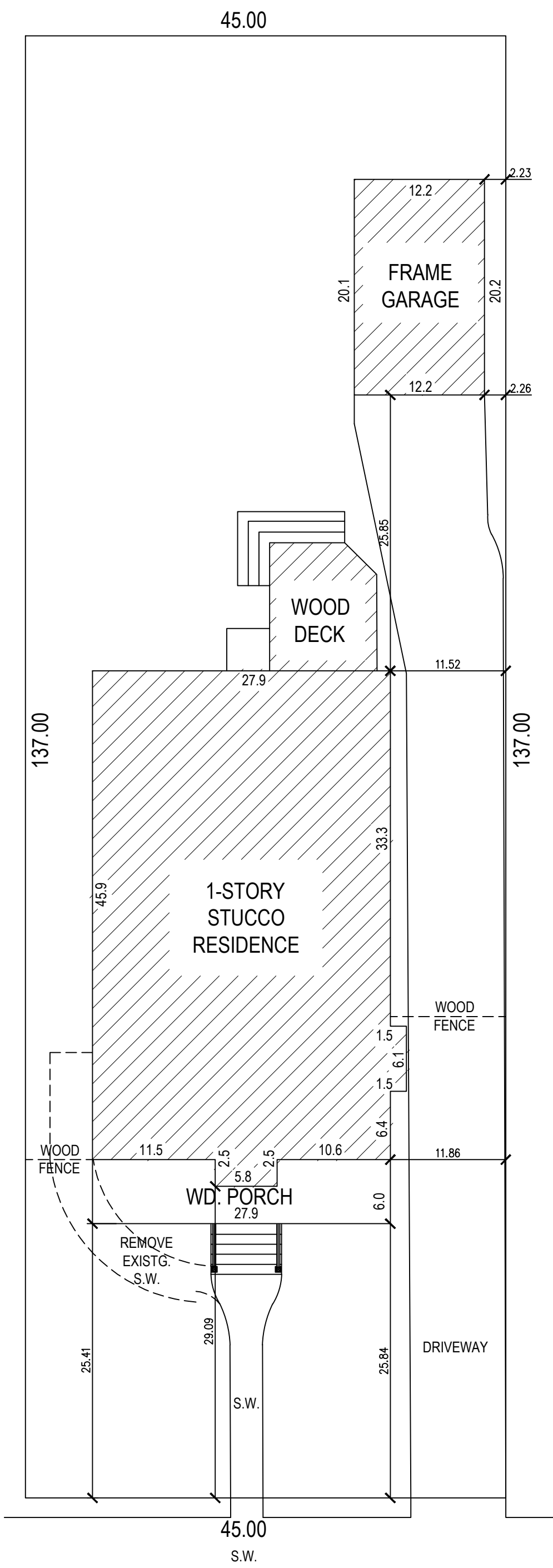
ISSUE DATE

- 06/12/20 CLIENT REVIEW 1
- 06/16/20 MINOR CLIENT REVISIONS
- 06/29/20 CLIENT REVIEW 2
- 07/10/20 PERMIT REVIEW
- 07/16/20 PERMIT REVIEW
- 07/20/20 PERMIT REVIEW
- 09/25/20 VARIANCE II

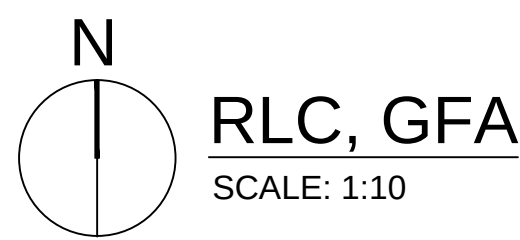
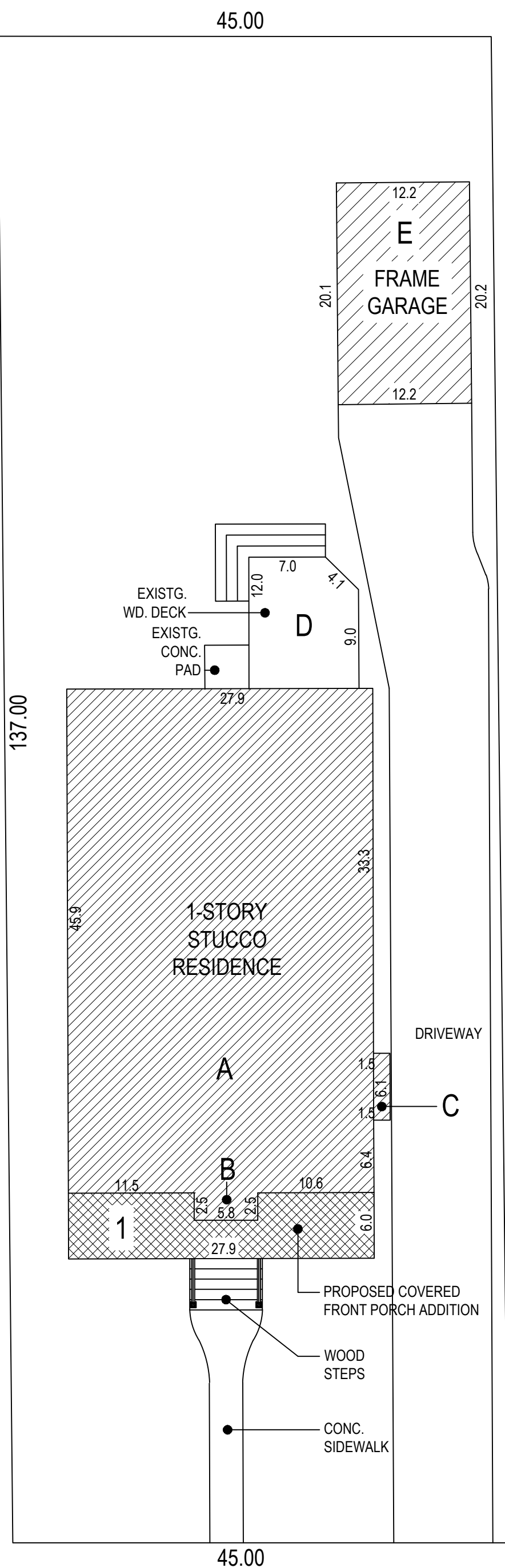
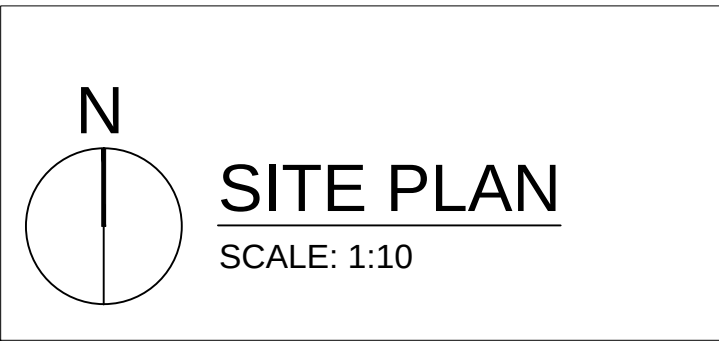
PROJECT
WINNETKA RESIDENCE
811 CHERRY STREET
WINNETKA, ILLINOIS

PLANS / ELEV.

A1.0



CHERRY STREET

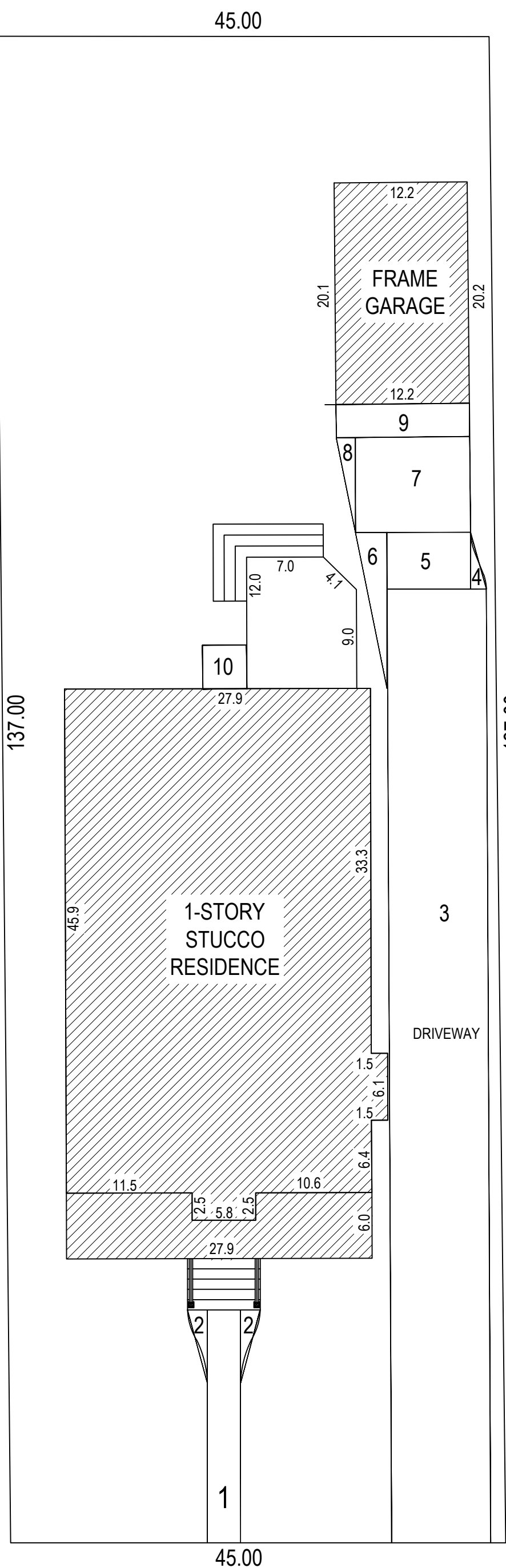


FIRST FLOOR, RLC & GFA - EXISTING: (FIGURE 1)

PIECE	DIMENSIONS (FT)	RLC AREA (SF)	GFA AREA (SF)
A	27.9 x 45.9		1,280.61
B	5.8 x 2.5		14.5
C	1.5 x 6.1		9.15
D	12.0 x 9.0 - 9.0/2		+103.5-
E	12.2 x 20.2		246.44-200=46.44
TOTAL:			1,350.7

FIRST FLOOR, GFA - PROPOSED: (FIGURE 1)

PIECE	DIMENSIONS (FT)	AREA (SF)
1	27.9 x 6.0	152
TOTAL:		152
TOTAL EXIST. AND PROPOSED		1,546

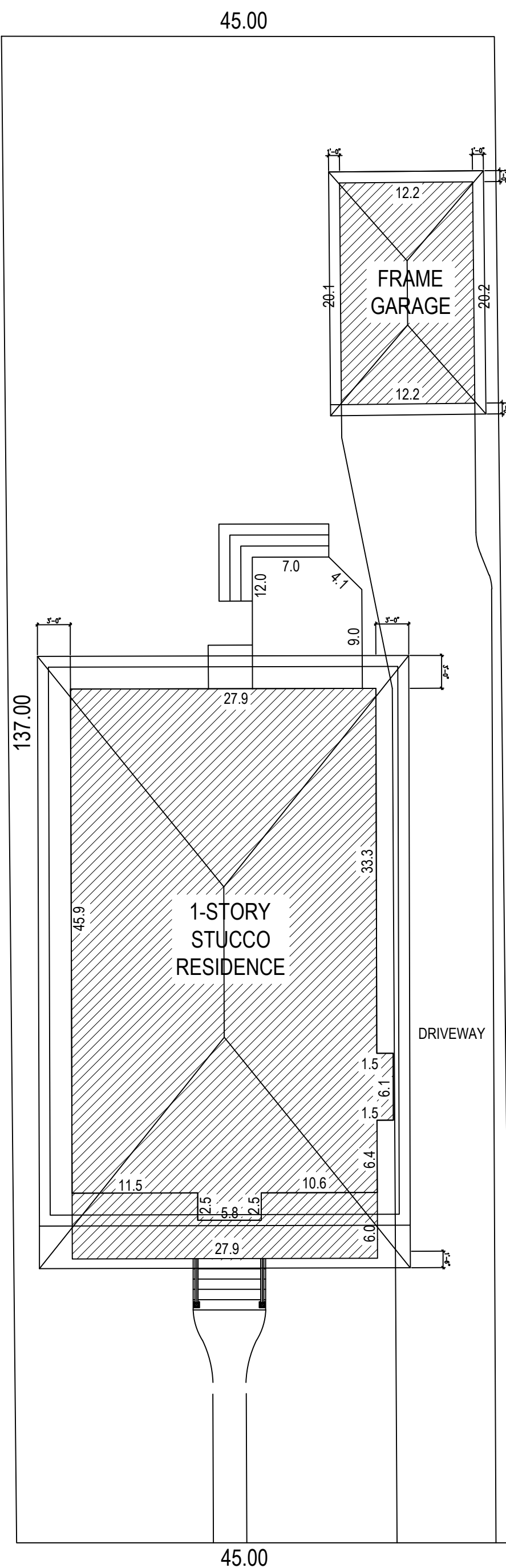


ATTIC, GFA - EXISTING: (FIGURE 1)

PIECE	DIMENSIONS (FT)	AREA (SF)
ABOVE A,B,C (7' HGT.)	0.0	0.0
TOTAL:		0.0

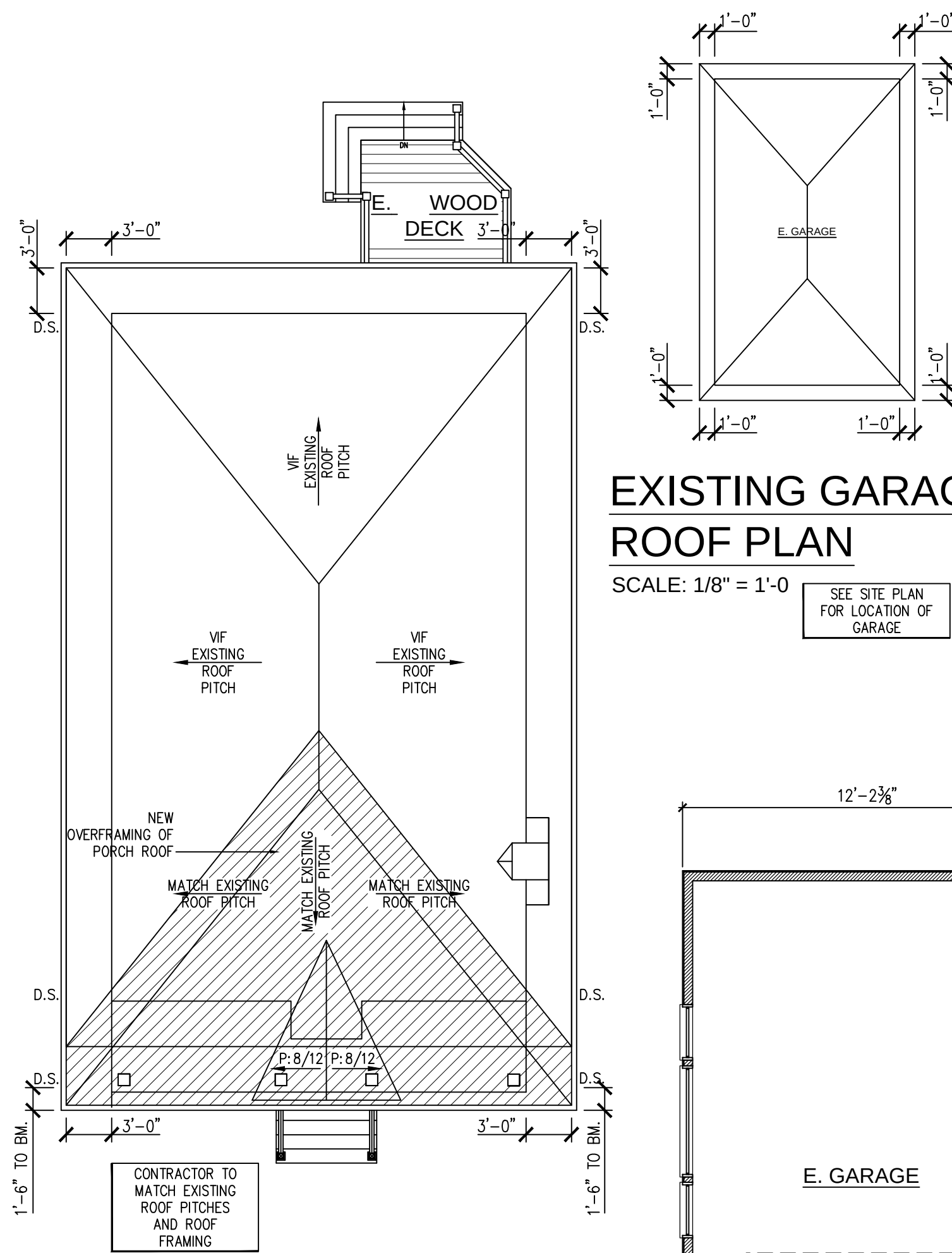
TOTAL, GFA - EXISTING & PROPOSED: (FIGURE 1)

FIRST FLOOR	1,546
ATTIC	0.0
TOTAL:	1,546



IMPERMEABLE SURFACE: (FIGURE 2)

PIECE	DIMENSIONS (FT)	AREA (SF)
1	3.0 x 20.25	60.75
2	1.79 x 6.63/2	5.93
3	9.03 x 87.03	785.88
4	1.41 x 5.16/2	3.63
5	7.60 x 5.16	39.21
6	2.9 x 14.25/2	21.0
7	10.41 x 8.75	91.08
8	1.75 x 8.66/2	7.6
9	12.08 x 3.0	36.25
10	4.0 x 4.0	16.0



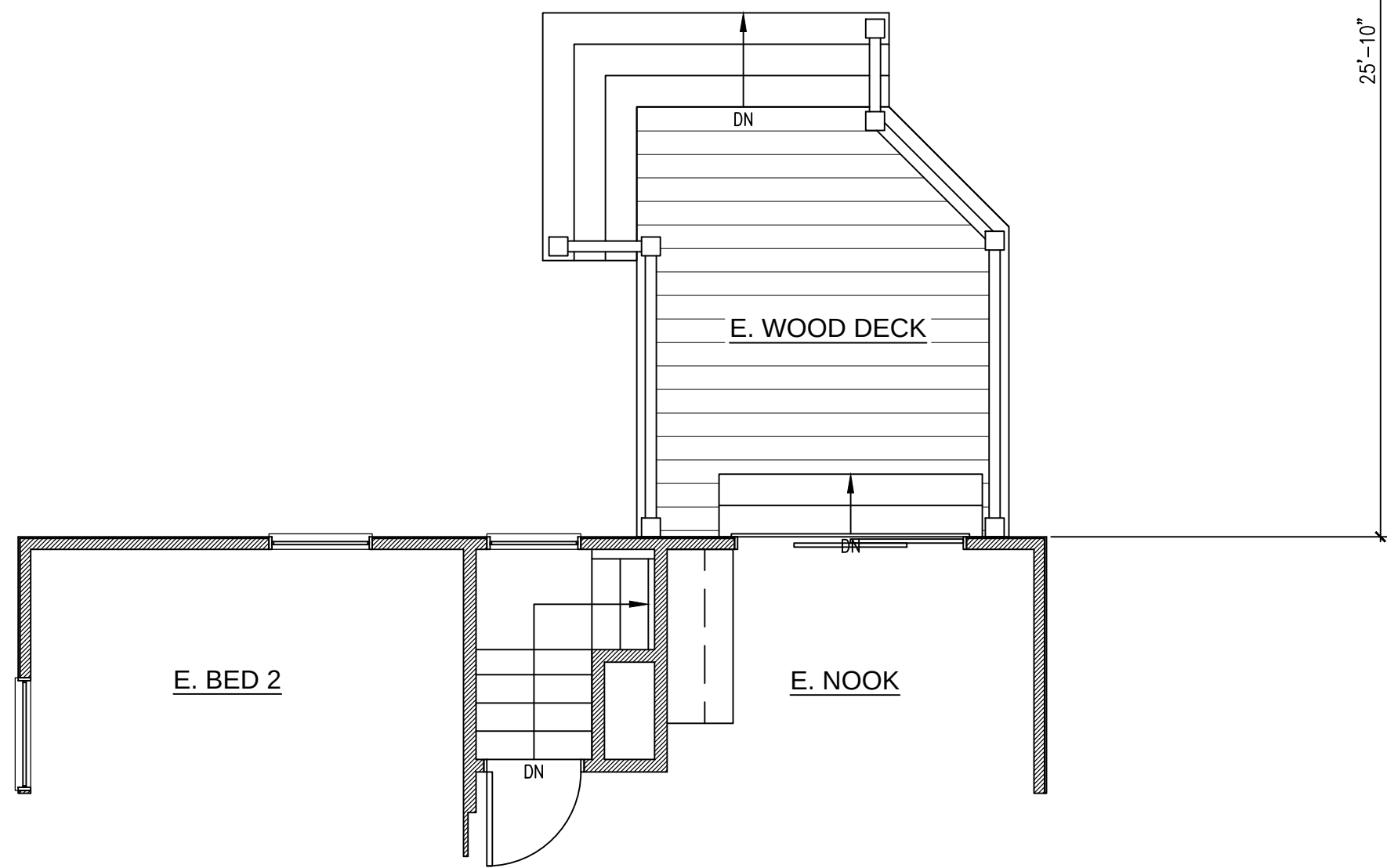
EXISTING GARAGE
ROOF PLAN

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

SEE SITE PLAN
FOR LOCATION OF
GARAGE

PROPOSED ROOF PLAN

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



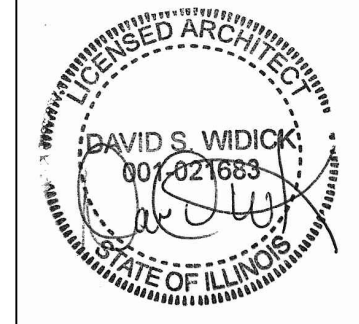
FIRST FLOOR PLAN (GARAGE LOCATION)

SCALE: 1/4" = 1'-0"

DSW
architects

630.457.7766
WWW.DSWARCHITECTS.COM

ARCHITECTS STAMP



EXP. 11-30-20

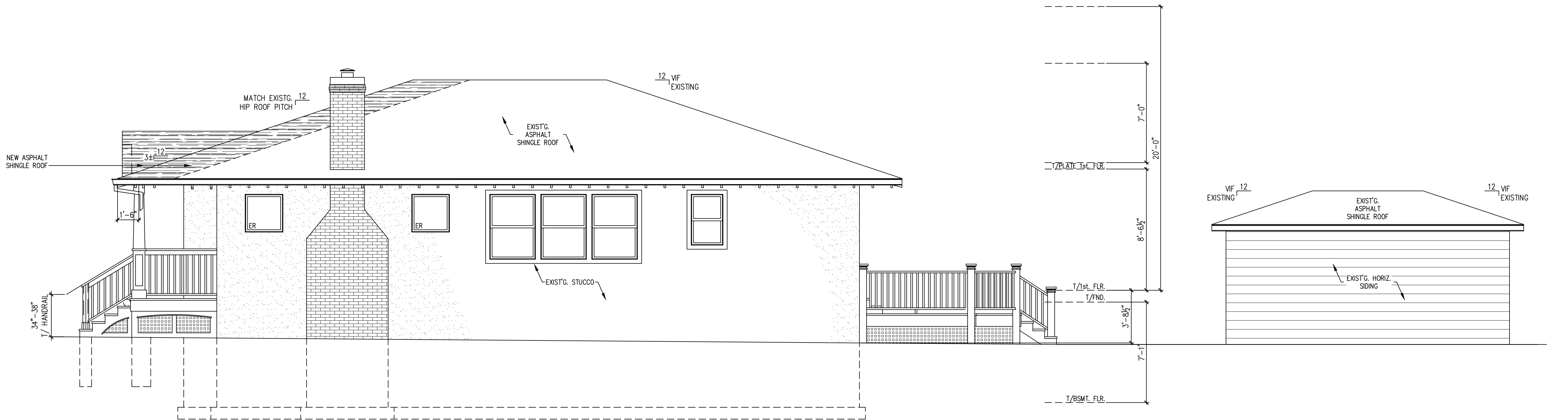
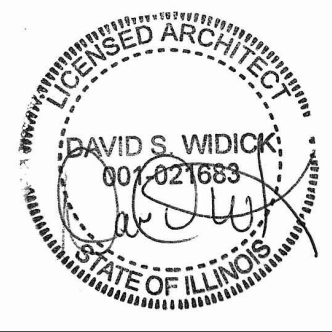
ISSUE DATE

- 06/12/20 CLIENT REVIEW 1
- 06/16/20 MINOR CLIENT REVISIONS
- 06/29/20 CLIENT REVIEW 2
- 07/10/20 PERMIT REVIEW
- 07/16/20 PERMIT REVIEW
- 07/20/20 PERMIT REVIEW
- 09/25/20 VARIANCE II

PROJECT
WINNETKA RESIDENCE
811 CHERRY STREET
WINNETKA, ILLINOIS

PLANS / SITE

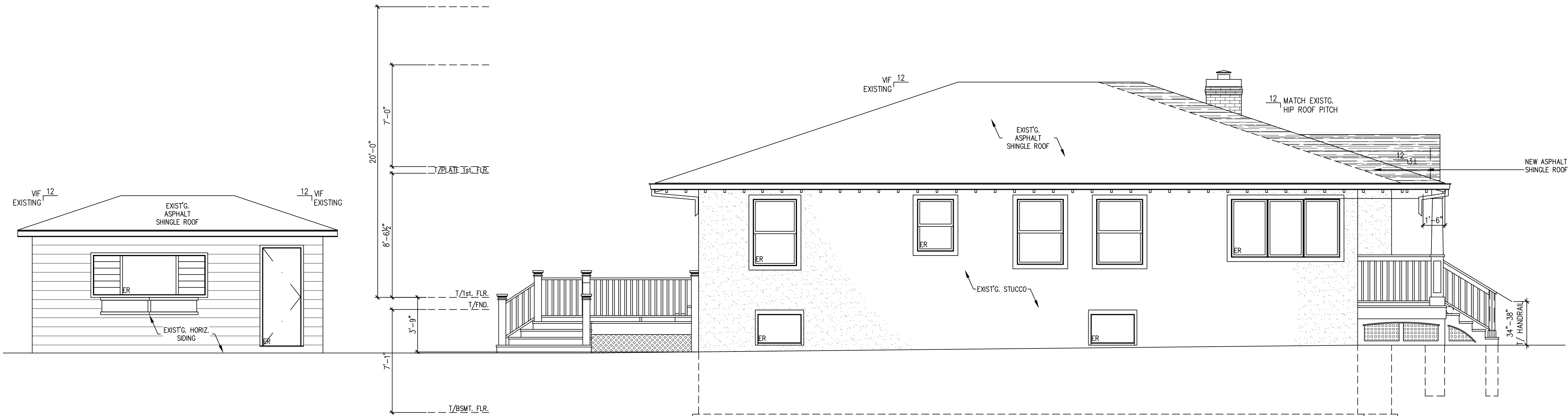
A2.0



PROPOSED EAST ELEVATION

SCALE: 1/4" = 1'-0

ARTIST RENDEERING FINAL
DRAWINGS CAN VARY



PROPOSED WEST ELEVATION

SCALE: 1/4" = 1'-0

ARTIST RENDEERING FINAL
DRAWINGS CAN VARY

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, the Kathleen E. Hamburger Living Trust Agreement dated October 14, 2008 ("**Owner**") is the owner of record of that certain real property located at 811 Cherry Street, Winnetka, Illinois ("**Property**"); and

WHEREAS, Resolution No. ZBA-7-2020, adopted by the Winnetka Zoning Board of Appeals on October 12, 2020 ("**Resolution**"), grants variations to construct a front porch addition on the existing residence on the Subject Property; and

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

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

1. The Owner hereby unconditionally agrees to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Resolution.
2. The Owner acknowledges that public notices and 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 variations, and that the Village's approval of the variations 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 variations for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2020.

ATTEST

OWNER

By: _____

By: _____

Name: _____

Kathleen E. Hamburger Living Trust Agreement

Dated October 14, 2008

RESOLUTION NO. ZBA-7-2020
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
DENIAL OF ZBA CASE NO. 20-25-V – 811 CHERRY STREET

WHEREAS, Kathleen E. Hamburger (the “Applicant”), is Trustee of the Kathleen E. Hamburger Living Trust Agreement dated October 14, 2008, the owner of the property commonly known as 811 Cherry Street, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made part of this Resolution (**“Subject Property”**); and

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

WHEREAS, the Subject Property is improved with a single family residence that is nonconforming with respect to (i) the front yard lot coverage; (ii) the front yard setback; and (iii) the minimum side yard setback requirements (**“Building”**); and

WHEREAS, the Applicant desires to construct a front porch addition to the Building located in the required front yard and the minimum required side yard of the Subject Property (**“Proposed Improvement”**); and

WHEREAS, pursuant to Section 17.30.030 of the Winnetka Zoning Ordinance (**“Zoning Ordinance”**), the Subject Property is permitted a maximum front yard lot coverage of 405 square feet; and

WHEREAS, pursuant to Section 17.30.050 of the Zoning Ordinance, the Subject Property is required to provide a minimum front yard setback of at least 30 feet; and

WHEREAS, pursuant to Section 17.30.060 of the Zoning Ordinance, the Subject Property is required to provide a minimum side yard setback of at least 6 feet; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with (i) a front yard lot coverage that exceeds the maximum permitted 405 square feet, a violation of Section 17.30.030 of the Zoning Ordinance, (ii) a front yard setback less than the required 30 feet, a violation of Section 17.30.050 of the Zoning Ordinance, and (iii) a side yard setback from the west property line less than the required 6 feet, a violation of Section 17.30.060 of the Zoning Ordinance; and

WHEREAS, the Applicants filed an amended application for variations from Section 17.30.030, Section 17.30.050, and Section 17.30.060 of the Zoning Ordinance to permit the Proposed Improvement on the Subject Property with (i) a front yard lot coverage of 485.46 square feet; (ii) a front yard setback of 25.41 feet; and (iii) a side yard setback of 4.32 feet from the west property line to accommodate the porch addition (**“Requested Variations”**); and

WHEREAS, a public notice for the Requested Variations was duly published on August 27, 2020 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 2020-55 and Senate Bill 2135, a virtual public hearing was held by the Winnetka Zoning Board of Appeals during a virtual meeting held on September 14, 2020 for the purpose of considering the Requested Variations; and

WHEREAS, after hearing from the Applicant and discussing the Proposed Improvement, by a vote of 6-0, the Zoning Board of Appeals continued the virtual public hearing until the October 12, 2020 Zoning Board of Appeals meeting to provide the Applicant time to consider reducing the size of the Proposed Improvement;

WHEREAS, in accordance with social distancing requirements, Governor Pritzker's Executive Order 2020-55 and Senate Bill 2135, the continued virtual public hearing was held by the Winnetka Zoning Board of Appeals during a virtual meeting on October 12, 2020 for the purpose of considering the amended application for the Requested Variations with the final decision being rendered at the Zoning Board of Appeals' Regular Meeting on October 12, 2020; and

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

1. Application for the Requested Variations submitted by the Applicant, dated August 14, 2020, including all attachments; and
2. An amended application for the Requested Variations submitted by the Applicants, dated September 28, 2020, including all attachments as well as all subsequent additions and revisions to these application materials and attachments; and
3. All written and oral testimony concerning the Requested Variations.

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

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

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 VARIATIONS. 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 Variations for the Subject Property.

SECTION 3. EFFECTIVE DATE. This Resolution will be effective upon passage by the Zoning
Oct. ZBA Agenda Packet - 811 Cherry - Page 43

Board of Appeals in the manner required by law.

ADOPTED this 12th day of October, 2020, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed:

Matthew Bradley, Chairperson

Countersigned:

Village Clerk

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

Lot 2 of Salmon's Subdivision of the South $\frac{1}{2}$ of the West 189 Feet, as measured from the East line of Chestnut Street, (excepting the North 50 Feet thereof), of Block 35, in Winnetka being a subdivision of the Northeast $\frac{1}{4}$ of Section 20 and the North $\frac{1}{2}$ of Fractional Section 21, Township 42 North, Range 13, East of the Third Principal Meridian, as per Plat recorded as Document Number 119381 and rerecorded September 9, 1873, in Book 5 of Plats, Page 78, all in Winnetka, in Cook County, Illinois.

Commonly known as 811 Cherry Street, Winnetka, Illinois.

Parcel Index Number: 05-20-217-010-0000



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: OCTOBER 6, 2020
SUBJECT: 1415 & 1423 ASBURY AVENUE - FINAL PLAT APPROVAL - LESNIK
RESUBDIVISION (AMENDED CASE NO. 20-07-SD)

INTRODUCTION

On October 12, 2020, the Zoning Board of Appeals will continue a virtual public hearing, in accordance with social distancing requirements and Governor Pritzker's Executive Orders and Senate Bill 2135, on an amended application submitted by Judy Lesnik (the "Applicant"), as the owner of the properties located at 1415 and 1423 Asbury Avenue (collectively the "Subject Property"). The Applicant has filed an application seeking Final Subdivision Plat approval to relocate the lot line dividing the two properties and to allow construction of a detached garage, together with the following relief:

1. A variation to permit the existing residence and proposed detached garage at 1415 Asbury Avenue (Proposed Lot 2) to exceed the maximum permitted building size (GFA) [Note: The existing residence is currently nonconforming with respect to the GFA]; and
2. Any other zoning relief necessary for the Final Plat approval.

As will be discussed later in the report, by amending the proposed plat of resubdivision, the Applicant has eliminated the request to reduce the side yard setback from the east property line to less than the minimum required side yard setback. The ZBA is charged with making a recommendation to the Village Council on the variation to exceed the maximum permitted GFA.

At the request of the Applicant, the Plan Commission's consideration of the request was continued from the September 23, 2020 Plan Commission (PC) meeting to the October 28, 2020 PC meeting. After hearing the comments and concerns expressed by the ZBA during its consideration of the request on September 14, the Applicant requested the continuance in order to explore alternatives to reduce the extent of zoning relief necessary for the proposed subdivision and detached garage. Since the September 14 ZBA meeting, the Applicant has submitted a demolition permit application for the existing residence at 1423 Asbury Avenue. The Landmark Preservation Commission is tentatively scheduled to consider the demolition application on November 2, 2020.

The initial hearing on September 14, 2020 was properly noticed on August 27, 2020 in the *Winnetka Talk* and a mailed notice was sent to property owners within 250 feet of the Subject Property in compliance with the Zoning Ordinance. As of the date of this memo, staff has not received any additional written comments from the public since the September 14, 2020 ZBA hearing.

SEPTEMBER 14, 2020 ZBA PUBLIC HEARING

At its regular monthly meeting on September 14, the ZBA held a public hearing on the Applicant's requested zoning relief. A copy of the staff report and attachments, including the Applicant's application materials, presented at that meeting are attached (Attachment B1).

At the September meeting, the Board discussed the size of the proposed two-car detached garage and asked the Applicant's representatives if a smaller garage was considered. Five of the six members of the Board present at the meeting expressed concern that the proposed detached garage in addition to the existing attached garage was excessive. The one member in support of the zoning relief noted that the percentage of the existing nonconforming GFA would be reduced with the proposed subdivision, even with the proposed detached garage. All six members voiced support of the proposed subdivision itself. The Board voted unanimously to continue the request until the October meeting to provide the Applicant an opportunity to consider the comments of the ZBA. A copy of the draft September 14 minutes is included in the October 12 agenda packet for the ZBA's approval.

AMENDED PROPOSED PLAN

In response to comments and questions at the September 14 ZBA meeting, the Applicant has provided the attached narrative and a revised plat of subdivision, as well as revised plans for the proposed detached garage (Attachment A1).

Plat of Subdivision. The plat of subdivision has been revised to reduce the proposed lot area and lot width of the 1415 Asbury Avenue parcel (Proposed Lot 2), while increasing the lot area and lot width of the 1423 Asbury Avenue parcel (Proposed Lot 1). The amended lots of record would measure 9,677 square feet (1423 Asbury Avenue) and 14,187 square feet (1415 Asbury Avenue). **The resulting average lot width of 1415 Asbury Avenue is now 89.09 feet, requiring a minimum side yard setback of 8.91 feet. The existing residence provides an east side yard setback of 8.91 feet, in compliance with the new requirement. Therefore, the previously requested zoning variation to allow the existing residence to observe less than the required side yard setback has been eliminated.** Originally, the proposed subdivision called for an average lot width of 89.89 feet for the 1415 Asbury Avenue parcel. **The dividing line between the two lots as been shifted 0.8 feet to the east on the amended plat of subdivision.** An excerpt of the amended plat of subdivision is provided below in Figure 1.

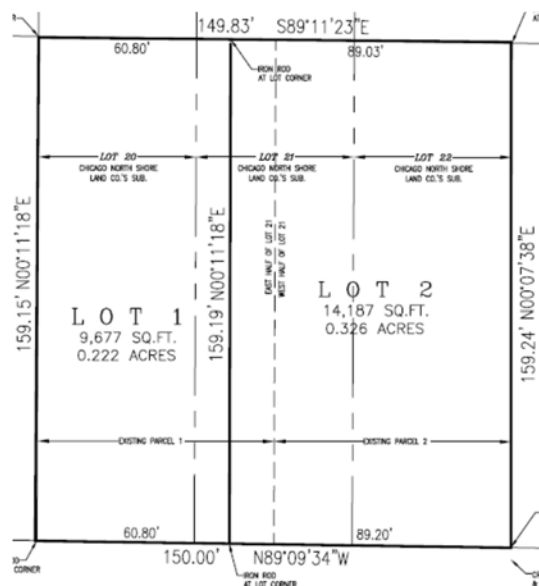


Figure 1 – Excerpt of Amended Proposed Lesnik Resubdivision Plat

Proposed Detached Garage. The plans for the proposed detached garage have been revised to reduce the area of the proposed garage from 400 square feet to 273 square feet. The proposed garage would now measure 13 feet by 21 feet, rather than 20 feet by 20 feet as originally proposed, a reduction of 127 square feet.

Excerpts of the amended site plan, front elevation of the garage, and the garage floor plan are provided below and on the following page as Figures 2 through 4.

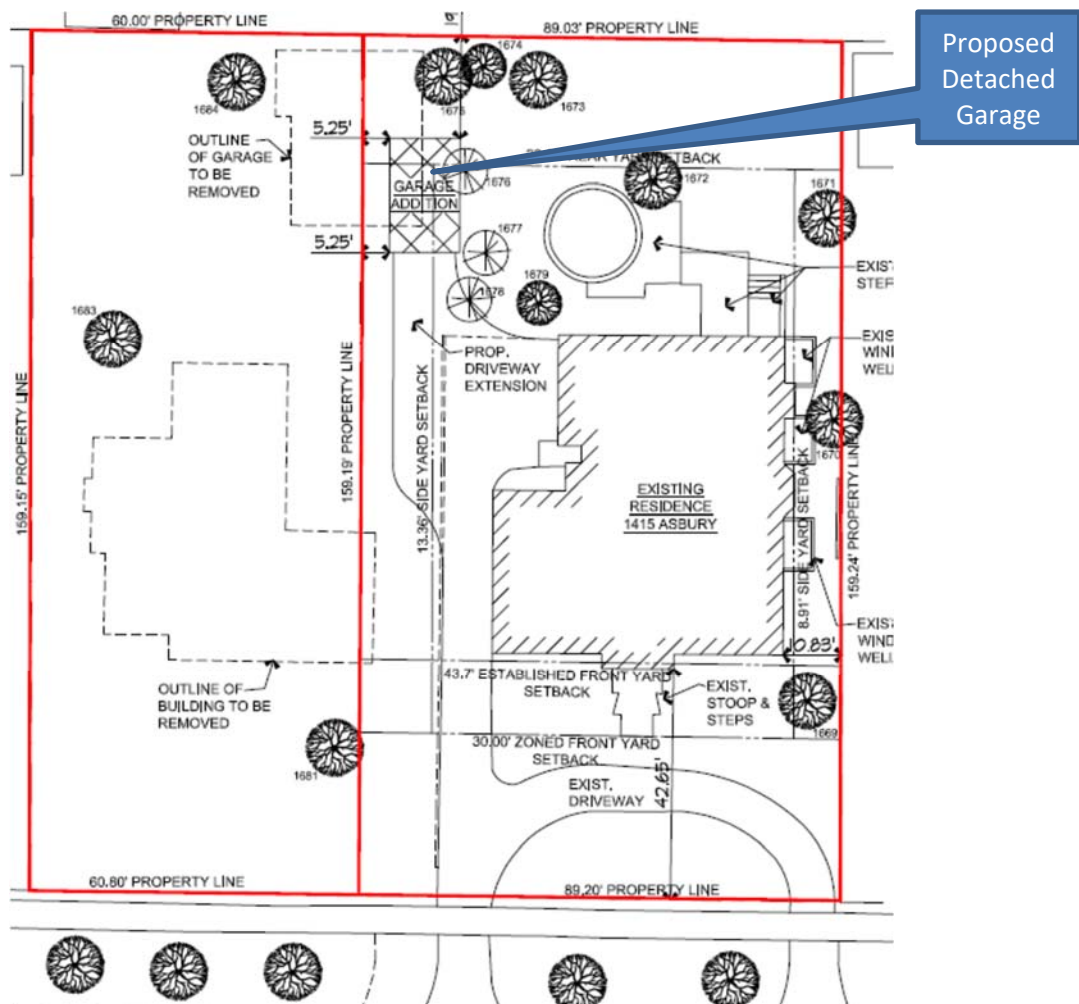


Figure 2 – Amended Site Plan

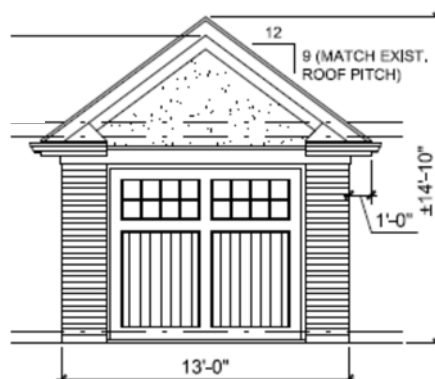


Figure 3 – Excerpt of Amended Front Building Elevation of Proposed Detached Garage

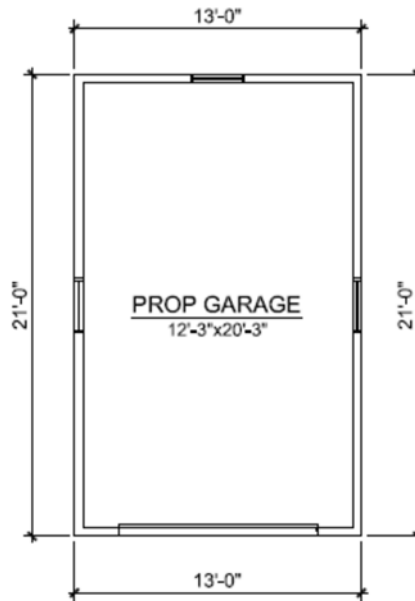


Figure 4 – Amended Garage Floor Plan

REQUESTED ZONING RELIEF

Staff evaluation of the amended Lesnik Resubdivision, including the amended proposed detached garage, is summarized in amended Tables 3 and 4 on the following pages, indicating the extent to which the proposed resubdivided lots comply with (or fall short of) zoning standards. The item highlighted (in yellow) in Table 4 indicates the **creation or expansion of a zoning nonconformity**. One variation is still being requested for the maximum building size (GFA). **The previously requested variation for the minimum side yard setback from the east property line has been eliminated.**

Maximum Building Size (GFA). – As discussed at the September 14 ZBA meeting, the existing residence at 1415 Asbury Avenue currently consists of approximately 6,963 square feet of GFA, exceeding the maximum permitted GFA of the existing lot area by approximately 2,999 square feet. Due to the GFA allowance that would apply to the proposed detached garage, an increase in the attic GFA allowance as a result of the increase in lot area, and the attached garage allowance that would no longer apply, the net increase in GFA is approximately 133 square feet; bringing the total GFA to 7,095.56 square feet, whereas a maximum of 4,523.79 square feet is permitted on the amended proposed lot, a variation of 2,571.77 square feet (56.85%). Excluding the proposed detached garage, the existing improvements would exceed the permitted GFA of the proposed lot area by 2,439.21 square feet (53.92%). Due to the increase in the proposed lot area of 1415 Asbury Avenue, the degree of nonconforming GFA would decrease from 75.64% to 56.85%.

As reported in the September 8 staff report on this item, when the existing residence at 1415 Asbury Avenue was constructed in 1999 it complied with the zoning regulations, including the permitted GFA. At that time, the basement area was not included in the GFA as only basements with walls exposed more than 4 feet above grade were included in the GFA. The Zoning Ordinance was amended in late 1999 requiring basements in post-FAR buildings (buildings built since 1989) that have a first floor more than 2.5 feet above grade to be included in the GFA. In this particular case, the first floor is predominately 3.54 feet above grade. Therefore, the entire basement area (approximately 2,461 square feet) is now included in the GFA for the new lot being created. That being said, excluding the basement area, the proposed GFA is 4,634.36 square feet, exceeding the permitted GFA of the proposed lot area by 110.57 square feet (2.44%).

<u>AMENDED Table 3</u> Zoning Setback Requirements		<i>Proposed Lot 1 1423 Asbury</i>	<i>Proposed Lot 2 1415 Asbury</i>	<i>Existing Lot 1423 Asbury (residence to be torn down)</i>	<i>Existing Lot 1415 Asbury</i>
SETBACK REQUIREMENTS	Minimum Required Front Yard Setback	43.31 feet	43.7 feet	30 feet	43.61 feet
	Front yard provided by existing structures	N/A	42.65 feet	42.96 feet	42.65 feet EXISTING NONCONFORMITY
	Minimum Required Side Yard	<i>6.08 feet</i>	<i>8.91 feet</i>	7.5 feet	7.5 feet
	Minimum side yard provided by existing structures	N/A	<i>8.91 feet COMPLIES</i>	11 feet	8.91 feet
	Minimum Total Required Side Yards	<i>15.2 feet</i>	<i>22.27 feet</i>	18.75 feet	18.75 feet
	Total side yards provided by existing structures	N/A	34.21 feet	22.89 feet	19.21 feet
	Minimum Required Rear Yard	23.88 feet	23.89 feet	23.88 feet	23.89 feet
	Rear yard provided by existing structures	N/A	54.74 feet	61.56 feet	54.74 feet
	Minimum Rear and Side Setback for accessory structure in rear quarter	2 feet	2 feet		
	Setbacks of proposed garage	N/A	19 feet (rear) 5.25 feet (side)	N/A	N/A

<u>AMENDED Table 4</u> Zoning Building Size Requirements		<i>Proposed Lot 1</i> <i>1423 Asbury</i>	<i>Proposed Lot 2</i> <i>1415 Asbury</i>	<i>Existing Lot</i> <i>1423 Asbury</i> <i>(residence to be</i> <i>torn down)</i>	<i>Existing Lot</i> <i>1415 Asbury</i>
ALLOWABLE BUILDING SIZE	Maximum Allowed Gross Floor Area (GFA)	3,556.86 sq. ft.	4,523.79 sq. ft.	4,202.55 sq. ft.	3,964.4 sq. ft.
	GFA provided by existing & proposed structures	N/A	7,095.56 sq.ft. VARIATION OF 2,571.77 SQ. FT. (56.85%)	4,027.86 sq. ft.	6,962.94 sq.ft. EXISTING NONCONFORMITY
	Maximum Allowed Roofed Lot Coverage (RLC)	2,419.25 sq. ft.	3,546.75 sq. ft.	3,223.19 sq. ft.	2,985.28 sq. ft.
	RLC provided by existing & proposed structures	N/A	3,155.62 sq. ft.	2,674.52 sq. ft.	2,882.62 sq. ft.
	Maximum Allowed Impermeable Lot Coverage (ILC) (50% of lot area)	4,838.5 sq. ft.	7,093.5 sq. ft.	5,968.87 sq. ft.	5,970.56 sq. ft.
	ILC provided by existing & proposed structures	N/A	6,516.8 sq. ft.	5,393.21sq. ft.	5,734.62 sq. ft.
	Maximum Allowed Front Yard Lot Coverage (FYLC)	547.2 sq. ft.	802.8 sq. ft.	675 sq. ft.	675 sq. ft.
	FYLC provided by existing improvements	N/A	924.73 sq. ft.	420 sq. ft.	924.73 sq. ft. EXISTING NONCONFORMITY

REQUESTED ZONING CONSIDERATION

The Applicant is requesting approval of the following zoning standard of the Zoning Ordinance in order to allow the subdivision of the Subject Property, which would relocate the lot line dividing the two properties, and construction of a detached garage at 1415 Asbury Avenue (Proposed Lot 2):

1. Gross floor area of 7,095.56 square feet at 1415 Asbury Avenue, whereas a maximum of 4,523.79 square feet is permitted, a variation of 2,571.77 square feet (56.85%) [Section 17.30.040 – Maximum Building Size] [Note: The site currently contains 6,962.94 square feet of GFA. The proposed detached garage would add 133 square feet of GFA].

FINDINGS

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

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

1. Gross floor area of 7,095.56 square feet at 1415 Asbury Avenue, whereas a maximum of 4,523.79 square feet is permitted, a variation of 2,571.77 square feet (56.85%) [Section 17.30.040 – Maximum Building Size].

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

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

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

ATTACHMENTS

Attachment A1: Applicant's Narrative and Revised Subdivision Plat and Plans

Attachment B2: September 8, 2020 ZBA Staff Report and Attachments

ATTACHMENT A1

VILLAGE OF WINNETKA

ZBA Application

Supplemental Letter of Situation and Hardship

September 27, 2020

RE: 1415 Asbury, Winnetka, Illinois

TO: Zoning Board of Appeals

On September 14, 2020, the Zoning Board of Appeals (the “ZBA”) considered Judy Lesnik’s request for a variance in order to allow her to construct a detached two-car garage at her home located at 1415 Asbury, Winnetka, Illinois. As discussed at the hearing, the existing attached garage does not function as a two-car garage due to the fact that it is undersized and its layout allows it to operate only as a one-car garage. At the hearing, the applicant requested the following two variances: (1) a variation to permit the existing home to encroach less than inch into the east side yard, and (2) a variation to permit the construction of the a two-car detached garage. In response to the comments and feedback from the ZBA, Judy revised her proposed plans as follows:

1. Side Yard Variance. As discussed earlier, Judy recently purchased the home next door (1423 Asbury) and 1423 Asbury sustained significant damage which will require it to be torn down and redeveloped. The redevelopment of 1423 Asbury provides Judy with an opportunity to fix and remedy access issues to her existing attached undersized garage. Judy has filed an application to re-subdivide 1415 and 1423 Asbury to move the lot line between the properties to increase 1415 Asbury’s lot size so as to provide her with improved access to the existing garage and that application is being considered by the Plan Commission concurrent with this ZBA application.

After hearing the ZBA comments, Judy now proposes to draw the lot lines between the properties so that no side yard variance is needed or required. As such, Judy is no longer requesting side yard relief.

2. Gross Floor Area Variance. There were concerns raised at the September 14, 2020 ZBA hearing about the proposed two-car detached garage and it seemed that members of the ZBA preferred a one-car detached garage rather than a two-car garage detached garage in rear yard. After hearing the ZBA discussion, Judy revised her plans replacing the proposed two-car detached garage with a modestly sized one-car detached garage.

It is important to note that when 1423 Asbury is redeveloped, the existing large two-car detached garage in its rear yard and adjacent to 1415 Asbury will be removed. Thus, as proposed, a one-car detached garage at 1415 Asbury will have less bulk then the existing large, to be removed, two-car detached garage at 1423 Asbury thereby mitigating the perception of bulk in the area.

Furthermore, by making 1415 Asbury lot larger, the 1415 Asbury’s GFA percentage is

significantly reduced due to the proposed re-subdivision increasing 1415 Asbury's lot area. Thus, by this application, Judy is decreasing the percentage of the existing non-conformity making the GFA at 1415 Asbury closer to the allowable.

In sum, Judy heard the comments from ZBA and modified her plans accordingly. Judy believes that her revised plan will allow her to renovate 1415 Asbury and to construct a new home at 1423 Asbury that both compose well with the neighborhood. These improvements, among many others that do not require a variance, will update and restore 1415 Asbury and will allow Judy to park two cars in a garage allowing the home to function better.

Applying the standards set forth in the Code, the Zoning Board of Appeals should be able to make the following findings of fact based upon the evidence submitted herein and at the hearing:

1. Without the variance and the corresponding renovation, the property cannot yield a reasonable return. Without periodic updating, the existing home could lose its value. Currently, the owners are having difficulty entering and leaving the garage. Further, the existing attached garage functions as a one car garage, limiting Judy's ability to park two cars in a garage. As proposed, the renovation remedies these problems. Thus, without updating the current non-conforming home to allow two cars to park in garages in a home of this size, 1415 Asbury cannot yield a reasonable return if permitted to be used only under the conditions set forth in the code.
2. Judy's plight is due to unique circumstances. The home is already existing non-conforming. While at the time the home was built it was compliant, the zoning code changed requiring the basement to be included in the GFA making her home non-conforming. This situation contains unique challenges and makes it impossible to update the existing non-conforming home without a variance. The existing non-conformity drives this request creating the unique situation, and the variations will alleviate the demonstrable and unusual hardship that exists. Furthermore, this hardship is not generally applicable to other property within the same zoning district.
3. The variations sought herein will not be materially detrimental to the public welfare or injurious to other property in the neighborhood.
4. The home will not impair adequate supply of light and air to adjacent property nor would it increase congestion in the public streets or increase the danger of fire, nor would it endanger the public safety or substantially diminish or impair property values on the neighborhood.
5. Since the non-conformity already exists and the request actually reduces the percentage amount, granting the variance will not alter the essential character of the neighborhood. In fact, the proposed one-car detached garage, as compared to the existing two-car detached garage that will be removed, is smaller and contains less bulk than the existing situation. Finally, the proposed variation is in harmony with the spirit and intent of the code.

In sum, the intent here is to reduce the amount of the existing non-conformity. By improving the existing non-conforming home while reducing the non-conformity will not only

enhance the value of the property, but will help maintain the essential character of the neighborhood.

Thank you for considering Judy's requests.

LESNIK RESUBDIVISION

A RESUBDIVISION OF LOTS 20, 21 AND 22 IN CHICAGO NORTH SHORE CO.'S SUBDVISION, IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDAIN, IN COOK COUNTY, ILLINOIS.

SURVEYOR

STATE OF ILLINOIS)
COUNTY OF COOK)SS

I, JASON R. DOLAND, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY:

PARCEL 1:
LOT 20 AND THE WEST HALF OF LOT 21 IN CHICAGO NORTH SHORE LAND CO.'S SUBDIVISION, BEING A SUBDIVISION IN SECTION 17 & 18, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1891 AS DOCUMENT 3543526, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2:
LOT 22 AND THE EAST HALF OF LOT 21 IN CHICAGO NORTH SHORE LAND CO.'S SUBDIVISION, BEING A SUBDIVISION IN SECTION 17 & 18, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1891 AS DOCUMENT 3543526, ALL IN COOK COUNTY, ILLINOIS.

I FURTHER CERTIFY THAT THE PROPERTY IS LOCATED IN WINNETKA, COOK COUNTY, ILLINOIS, WHICH HAS ADOPTED A CITY PLAN, AND WHICH IS EXCERSIZING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE II OF THE ILLINOIS MUNICIPAL CODE, AS HERETOFORE AND HEREAFTER AMENDED.

I FURTHER CERTIFY, BASED UPON THE FLOOD INSURANCE RATE MAP No. 17D31C0232J, WITH EFFECTIVE DATE OF 08/19/08 THAT SAID PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.

I HEREBY PERMIT A REPRESENTATIVE OF THE VILLAGE OF WINNETKA, IL TO RECORD THIS DOCUMENT.

DATED AT PALATINE, ILLINOIS THIS ____ DAY OF _____, 20____

REGISTERED ILLINOIS LAND SURVEYOR

OWNERS CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

WE, _____ AND _____, HEREBY CERTIFIES THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED HEREON, AND HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT HEREON DRAWN FOR THE USES AND PURPOSES THEREIN SET FORTH.

THIS ____ DAY OF _____, 20____

OWNER'S SIGNATURE ADDRESS:

OWNER'S SIGNATURE ADDRESS:

NOTARY CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK)SS

I, _____, A NOTARY PUBLIC, DO HEREBY CERTIFY THAT

_____, AND _____, OWNERS OF THE PROPERTY, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION OF THIS STATEMENT AS HIS FREE AND VOLUNTARY ACT.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF _____, 20____

NOTARY PUBLIC

VILLAGE OF BOARD OF TRUSTEES

STATE OF ILLINOIS)
COUNTY OF COOK) SS

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS.

THIS ____ DAY OF _____, 20____

VILLAGE PRESIDENT, WINNETKA, IL

VILLAGE CLERK

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

APPROVED BY THE VILLAGE OF WINNETKA PLAN COMMISSION.

AT A MEETING HELD THE ____ DAY OF _____, 20____

CHAIR

SECRETARY

SUBMITTED BY AND RETURN PLAT TO:

VILLAGE OF WINNETKA
DEPARTMENT OF COMMUNITY DEVELOPMENT
510 GREEN BAY ROAD
WINNETKA, ILLINOIS 60093

VILLAGE COLLECTOR CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

I, _____, VILLAGE COLLECTOR OF THE VILLAGE OF WINNETKA, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS, OR ANY DEFERRED INSTALLMENTS THEREON THAT HAVE BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT OF CONSOLIDATION.

THIS ____ DAY OF _____, 20____

VILLAGE COLLECTOR

VILLAGE ENGINEER CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

APPROVED THIS ____ DAY OF _____, 20____ BY THE VILLAGE OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS.

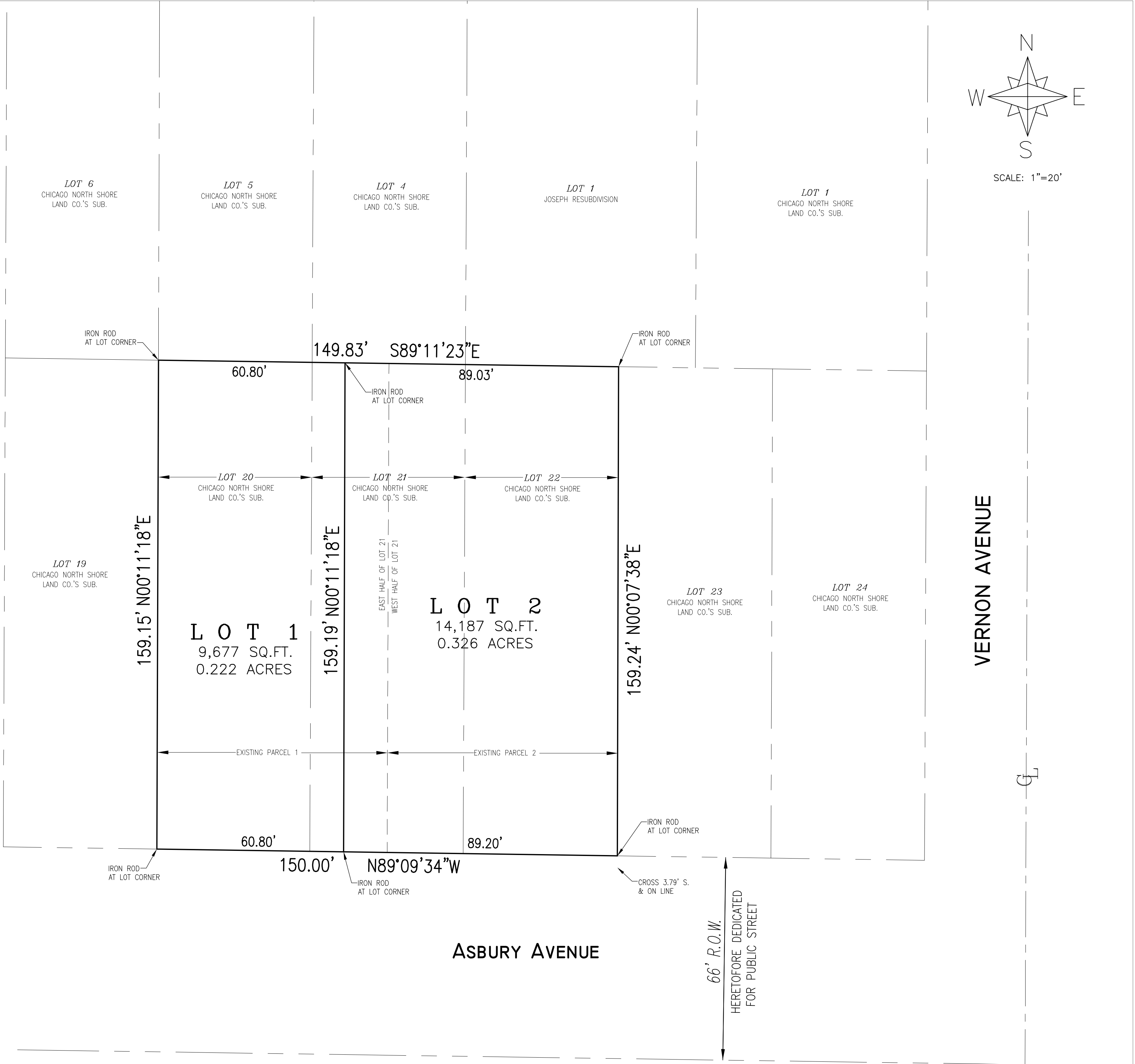
VILLAGE ENGINEER

WATER AND ELECTRIC DEPARTMENT CERTIFICATE

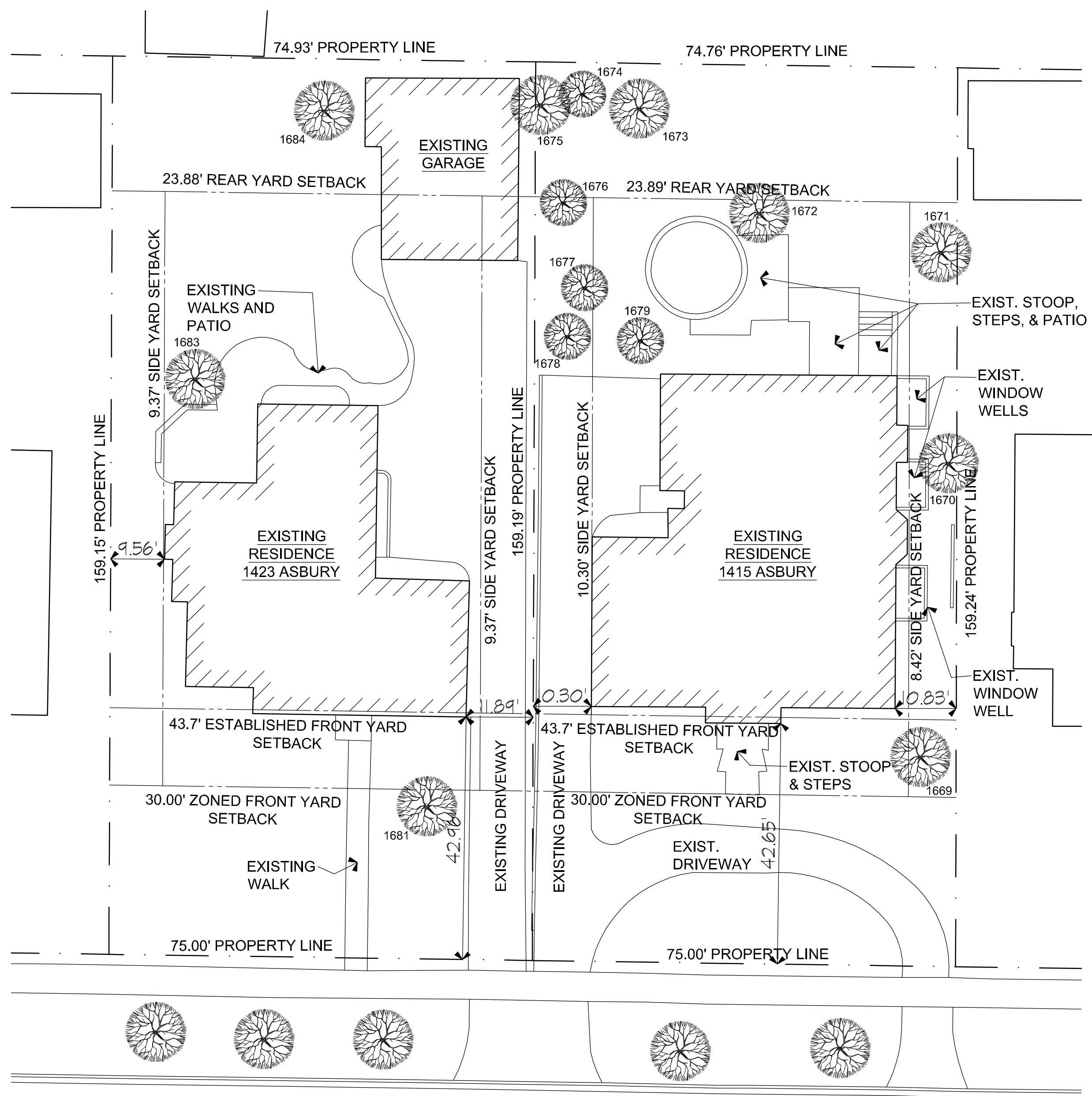
STATE OF ILLINOIS)
COUNTY OF COOK) SS

APPROVED THIS ____ DAY OF _____, 20____ BY THE DIRECTOR OF THE WATER AND ELECTRIC DEPARTMENT OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS.

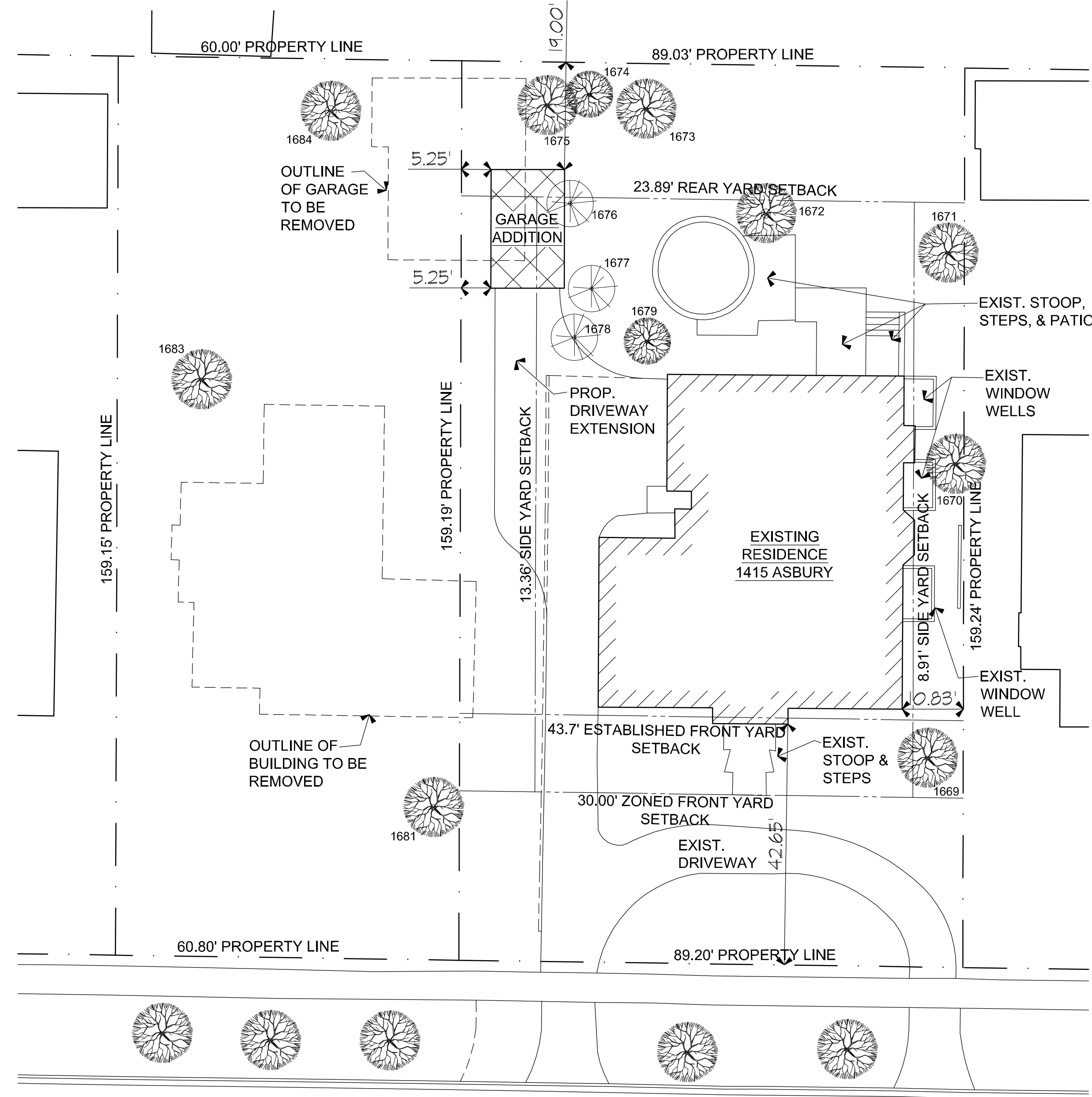
WATER AND ELECTRIC DIRECTOR



PREPARED BY:
DOLAND ENGINEERING, LLC
-CIVIL ENGINEERING ~ LAND SURVEYING ~ LAND PLANNING-
334 EAST COLFAX STREET, SUITE C
PALATINE, ILLINOIS 60067
(847) 991-5088
(847) 934-3427-FAX
JULY 23, 2019
REV.: MAY 1, 2020
REV.: JUNE 8, 2020
REV.: SEPTEMBER 23, 2020



EXISTING SITE PLAN
SCALE: 1" = 15'-0"



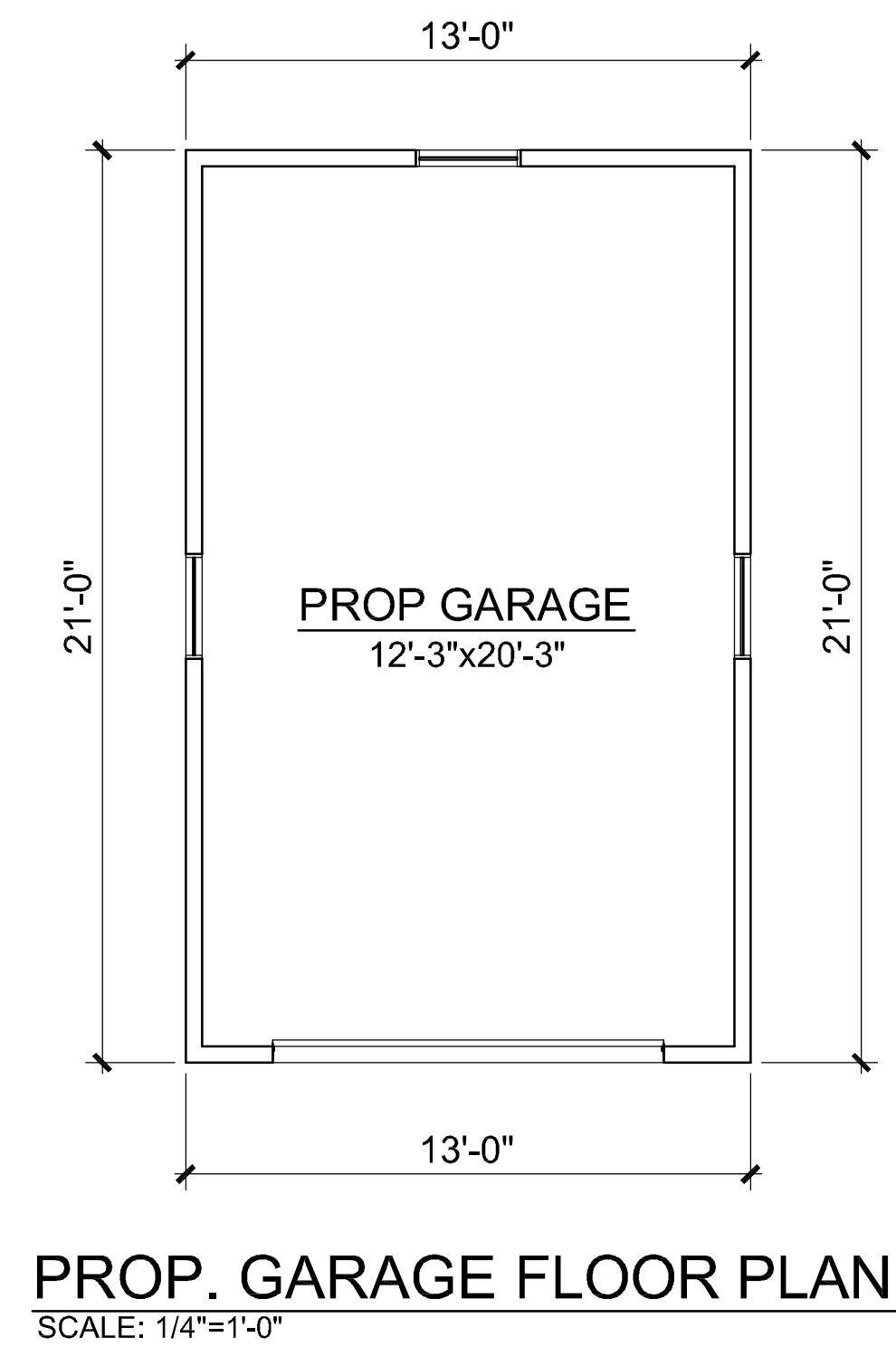
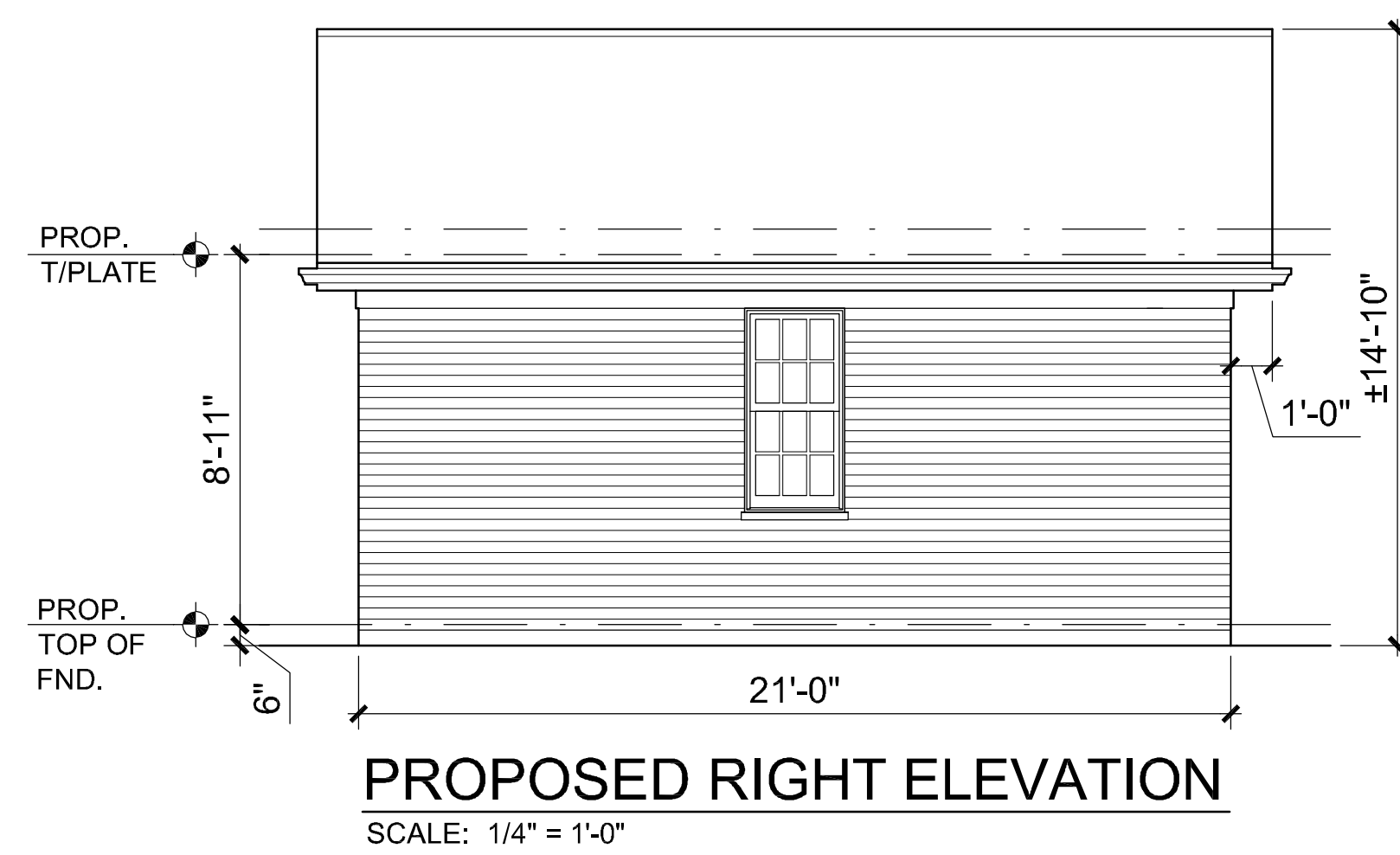
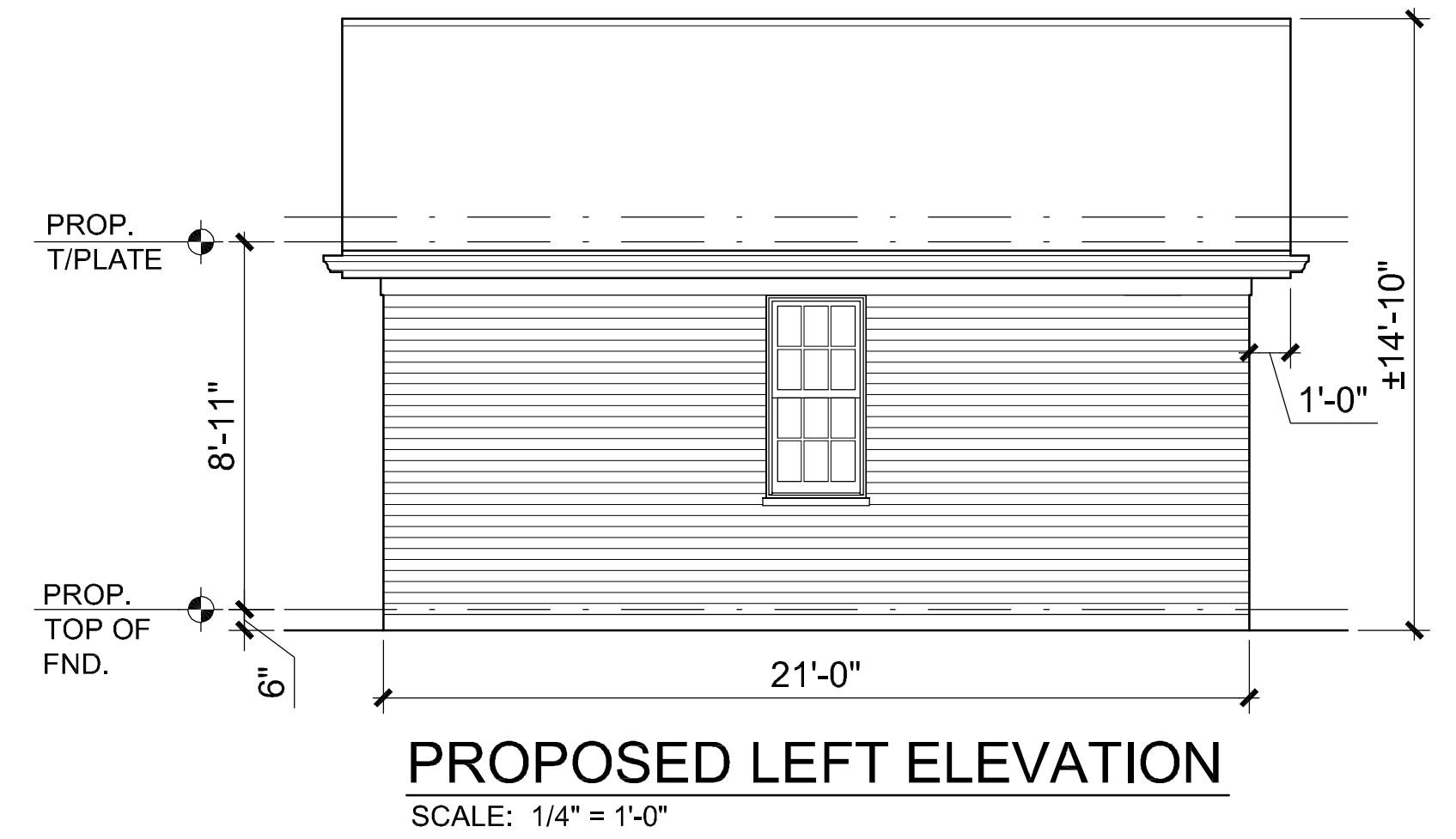
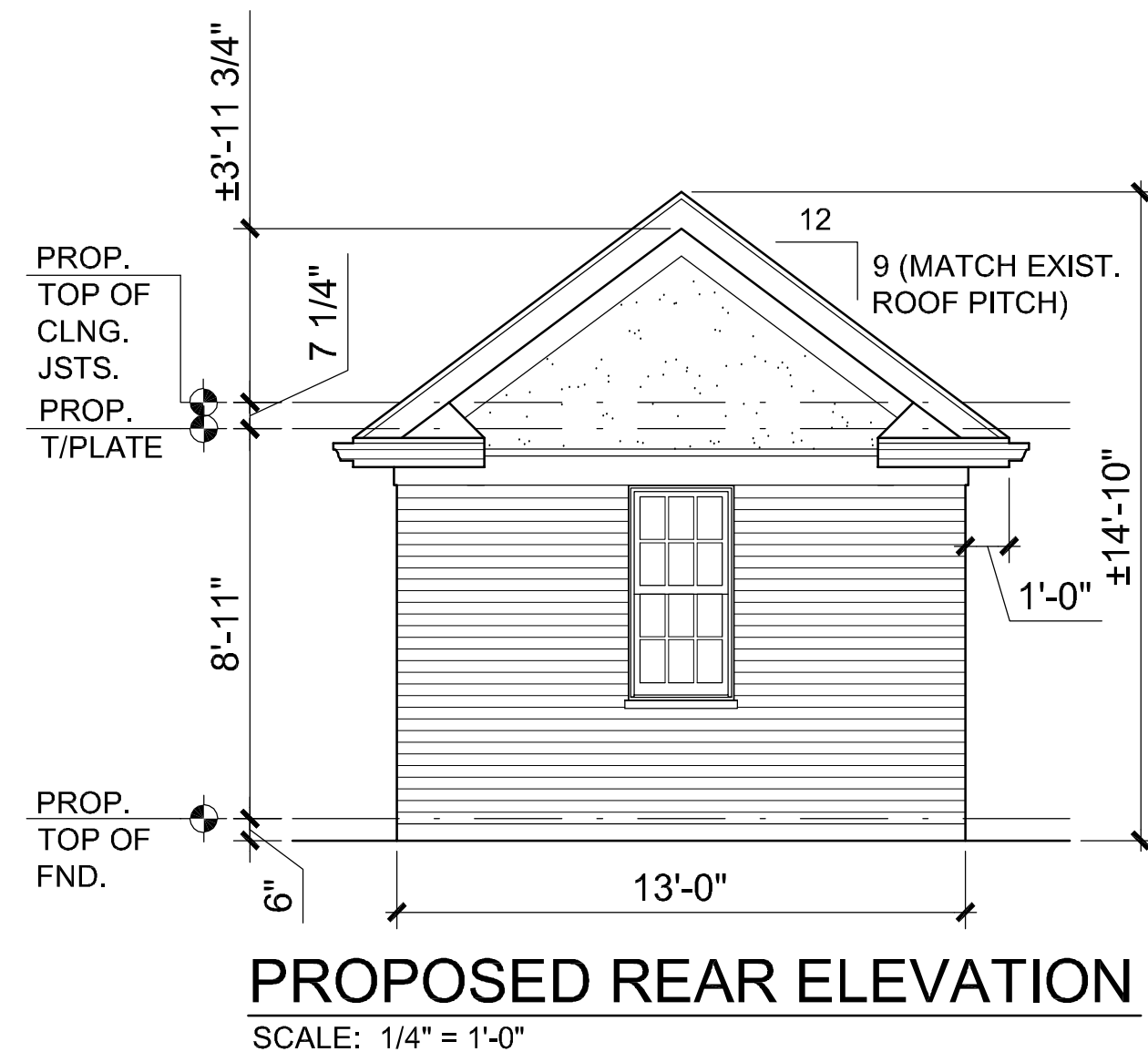
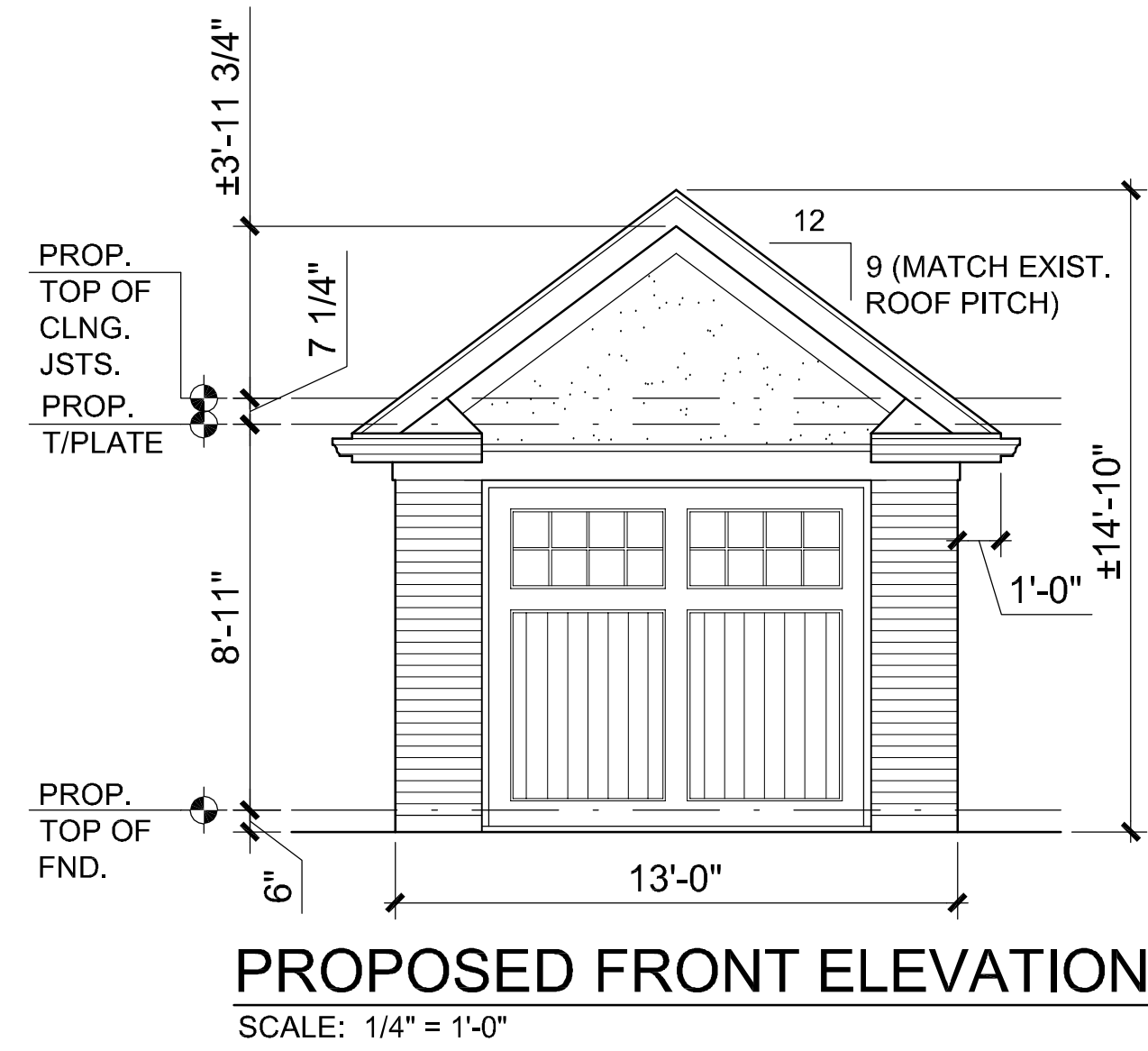
PROPOSED SITE PLAN
SCALE: 1" = 15'-0"



TREE SURVEY 1415 & 1423 ASBURY AVENUE					
TAG #	Location	SPECIES	DBH	CONDITION	NOTES
No Tag	Parkway	Yellow Buckeye	6	Good	
No Tag	Parkway	Freeman Maple	12	Good	
No Tag	Parkway	Blue Beach	9	Fair	
No Tag	Parkway	Burr Oak	55	Good	
No Tag	Parkway	Freeman Maple	9	Good	
No Tag	Southeast corner of 1409	Elm	19	Poor	Neighbor's property
1669	Southeast corner of 1415	Magnolia	16	Good	
1670	East of 1415	Norway Maple	13	Good	
1671	1415 backyard, east property line	Mulberry	13	Good	
1672	Center of 1415 backyard	Green Ash	29	Fair	
1673	Northwest corner of 1415 backyard	Norway Spruce	11	Good	
1675	Northwest corner of 1415 backyard	Red Oak	21	Good	
1674	Northwest corner of 1415 backyard	Norway Spruce	8	Good	
No Tag	North of 1415 garage, on neighbor's property	Red Maple	13	Good	1418 Scott
1676	1415 backyard, west property line	Norway Spruce	8	Good	
1677	Northwest corner of 1415	Norway Spruce	7	Good	
1678	Northwest corner of 1415	Norway Spruce	8	Good	
1679	Northwest corner of 1415	Norway Spruce	10	Good	
1680	Southwest corner of 1415	Redbud	19	Good	
1681	Southeast corner of 1423	Blue Spruce	14	Fair	
1682	Southwest corner of 1423	River Birch	15	Poor	
1683	Northwest corner of 1423	River Birch	23	Good	Double Trunk
1684	1423 backyard	Burr Oak	28	Good	

David Conrad Board Certified Master ArboristIL-0158

Date: 8/15/16





MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: SEPTEMBER 8, 2020
SUBJECT: 1415 & 1423 ASBURY AVENUE - FINAL PLAT APPROVAL - LESNIK RESUBDIVISION (CASE NO. 20-07-SD)

INTRODUCTION

On September 14, 2020, 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 Judy Lesnik (the "Applicant"), as the owner of the properties located at 1415 and 1423 Asbury Avenue (collectively the "Subject Property"). The Applicant has filed an application seeking Final Subdivision Plat approval to relocate the lot line dividing the two properties and to allow construction of a detached garage, together with the following relief:

1. A variation to permit the existing residence and proposed detached garage at 1415 Asbury Avenue (Proposed Lot 2) to exceed the maximum permitted building size (GFA) [Note: The existing residence is currently nonconforming with respect to the GFA];
2. A variation to permit the existing residence at 1415 Asbury Avenue (Proposed Lot 2) to observe less than the minimum required side yard setback from the east property line, which is due to an increase in the minimum required side yard setback as a result of the proposed increase in total lot area and increase in average lot width; and
3. Any other zoning relief necessary for the Final Plat approval.

Additionally, this application is subject to review by the Plan Commission (PC) regarding the subdivision, including the requested zoning relief described above. The PC is scheduled to consider the application on September 23, 2020. The ZBA is charged with making a recommendation to the Village Council regarding the zoning variations. If the subdivision is approved, the Applicant will be required to submit a demolition application for the existing residence at 1423 Asbury Avenue and all necessary permits for the proposed detached garage. The Landmark Preservation Commission will consider the demolition application once that application is submitted.

A mailed notice was sent to property owners within 250 feet in compliance with the Zoning Ordinance. The meeting was also noticed in the *Winnetka Talk* on August 27, 2020. As of the date of this memo, staff has not received any written comments from the public regarding this application.

PROPERTY DESCRIPTION

The Subject Property is located on the north side of Asbury Avenue between Greenwood Avenue and Vernon Avenue, is zoned R-5 Single Family Residential, and currently consists of two buildable lots each 75 feet in width, measuring approximately 11,932.5 square feet. 1415 Asbury Avenue is improved with

a single family residence with an attached garage, built in 1999. 1423 Asbury Avenue is improved with a single family residence, built in 1921, and a detached garage, built in 2005. The existing parcels and improvements are depicted in Figure 1 below.

The Comprehensive Plan designates the Subject Property as appropriate for single family residential development. The current R-5 zoning is consistent with the Comprehensive Plan.

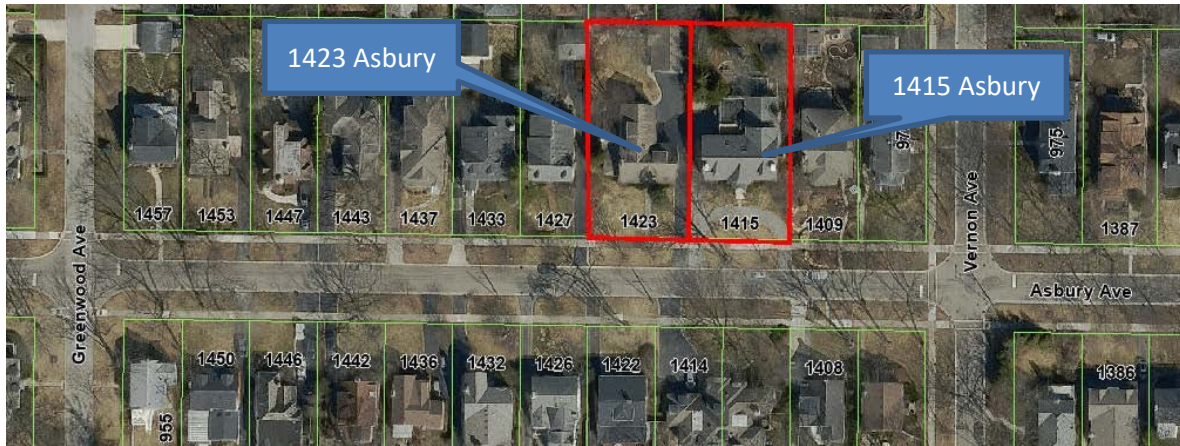


Figure 1 – Existing two lots

GENERAL DESCRIPTION OF PROPOSED PLAT OF SUBDIVISION

The Applicant resides at 1415 Asbury Avenue, which she acquired in 2000. Subsequently, the Applicant acquired the adjacent home at 1423 Asbury Avenue in 2016. If approved, the Applicant will demolish the existing residence and detached garage at 1423 Asbury Avenue and resubdivide the two parcels by relocating the lot line dividing the two parcels 15 feet to the west. The new lots of record would measure 9,550 square feet (1423 Asbury Avenue) and 14,315 square feet (1415 Asbury Avenue). The existing improvements at 1415 Asbury Avenue would remain. The Applicant is also proposing to construct a detached garage at 1415 Asbury Avenue.

The proposed subdivision is represented in Figure 2 below. An excerpt of the proposed Lesnik Resubdivision is also provided in Figure 3 on the following page and an excerpt of the proposed site plan is represented in Figure 4.



Figure 2 – Proposed subdivision (map view)

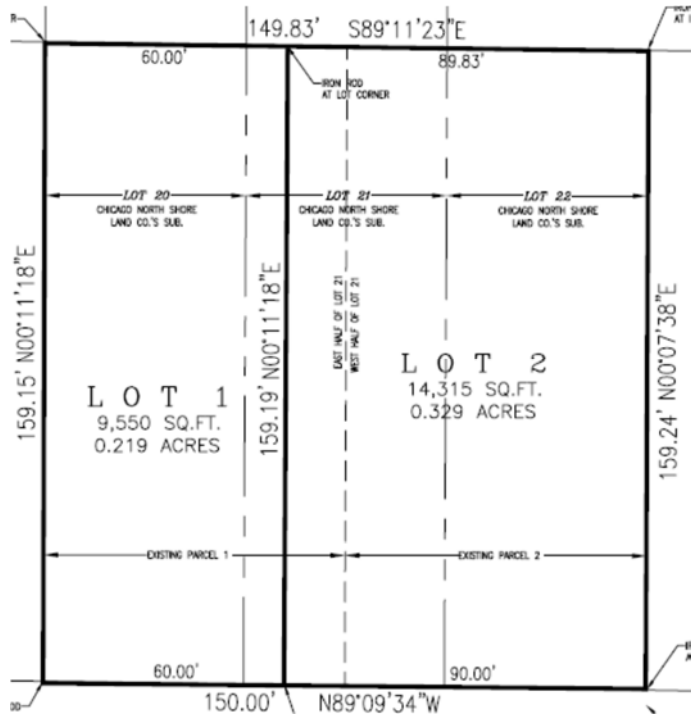


Figure 3 – Excerpt of Proposed Lesnik Resubdivision Plat

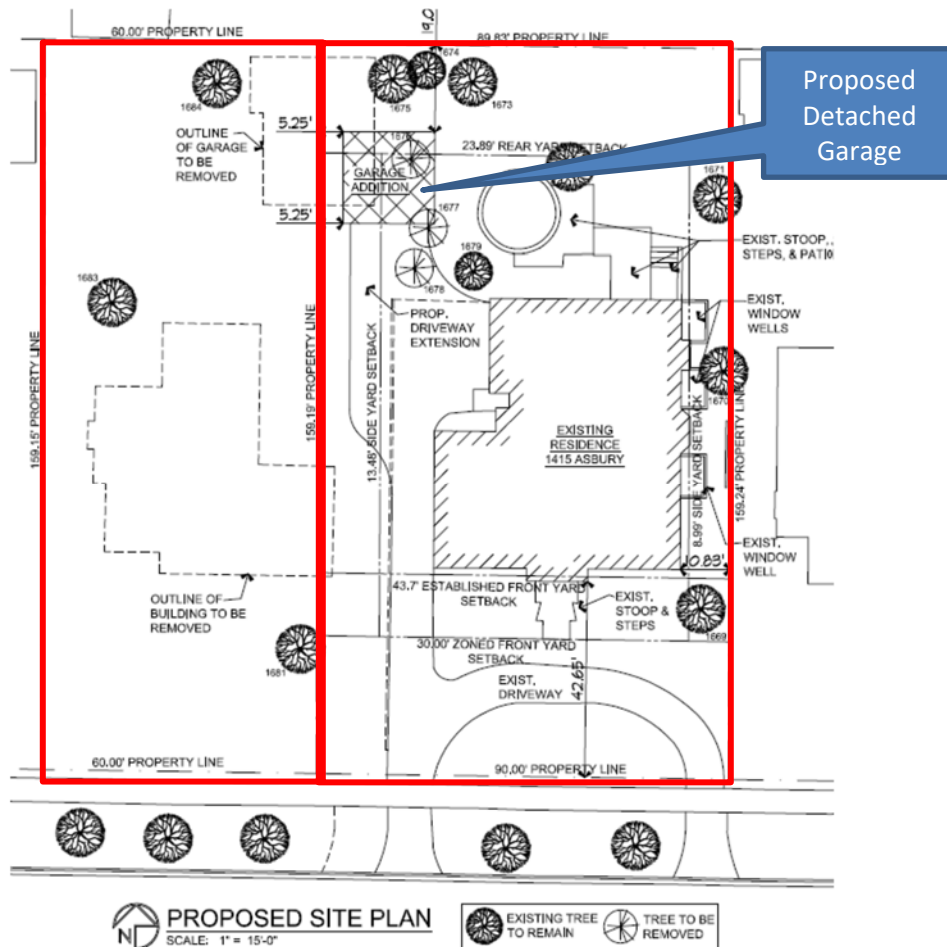


Figure 4 – Excerpt of Proposed Site Plan

DESCRIPTION OF ZONING STANDARDS

The Subject Property is located in the R-5 Single Family Residential zoning district, which is one of five different single-family residential zoning classifications in the Village. The R-5 zoning district provides for the densest form of single-family development compared to most other residential zoning districts, with the R-5 zoning district's purpose statement describing the district as demonstrating a "an intense suburban" character.

Residential Zoning Hierarchy

A comparison of the Village's five different residential zoning classifications (Table 1 below) shows the hierarchy of zoning standards throughout the Village's residential neighborhoods, ranging from larger "estate" character lots in portions of the Village, to smaller, more intensive developed areas.

Surrounding Zoning

The Subject Property is surrounded by lots that are similarly zoned for smaller lot sizes called for in the R-5 zoning district (minimum lot area of 8,400 square feet), as depicted below in Figure 5.

<i>Table 1</i> <i>Residential Zoning Hierarchy</i>	<i>R-1</i> <i>("estate"</i> <i>character)</i>	<i>R-2</i> <i>("small estate"</i> <i>character)</i>	<i>R-3</i> <i>("moderately intense"</i> <i>suburban character)</i>	<i>R-4</i> <i>("relatively intense"</i> <i>suburban character)</i>	<i>R-5</i> <i>("relatively intense"</i> <i>suburban character)</i>
Minimum Lot Area	48,000 s.f.	24,000 s.f.	16,000 s.f.	12,600 s.f.	8,400 s.f.
Minimum Lot Width	150 ft.	100 ft.	75 ft.	60 ft.	60 ft.
Minimum Front Setback	50 ft.	50 ft.	40 ft.	30 ft.	30 ft.
Minimum Rear Setback	50 ft.	25 ft.	25 ft.	25 ft.	25 ft.

Table 1 – Residential Zoning Hierarchy



Figure 5 – Area Zoning Map

COMPLIANCE WITH ZONING STANDARDS – LOT SIZE AND DIMENSIONS

All subdivisions are evaluated by staff at the time of application to assure compliance with basic minimum quantitative measures including, but not limited to (a) minimum lot area, (b) minimum lot

width, and (c) minimum lot depth.

The proposed Lesnik Resubdivision **fully complies** with minimum lot area, lot width and lot depth requirements as summarized below in Table 2.

Table 2 R-5 Zoning Standards		Proposed Lot 1 1423 Asbury	Proposed Lot 2 1415 Asbury
Minimum Lot Area (Interior lot)	8,400 square feet	9,550 sq. ft. COMPLIES	14,315 sq. ft. COMPLIES
Minimum Lot Width (average)	60 feet	60 feet COMPLIES	89.9 feet COMPLIES
Minimum Lot Width (at front street line)	20 feet	60 feet COMPLIES	90 feet COMPLIES
Minimum Lot Depth	120 ft.	159.15 feet COMPLIES	159.19 feet COMPLIES
Minimum Rectangular Area within Lot Boundaries		COMPLIES	COMPLIES

Table 2 – R-5 Zoning Standards

COMPLIANCE WITH ZONING STANDARDS – REQUIRED SETBACKS AND BUILDING SIZE

The allowable size of buildings on a residential lot and the required amount of open space around the buildings is dictated by the Village Zoning Ordinance. As a general rule, the allowable size of buildings and the setback requirements for those buildings change with any modifications to lot dimensions. As a result, staff conducts analyses of proposed lots and the improvements on those lots to determine (a) whether any new zoning nonconformities would be created by the resubdivision and (b) whether there are any existing zoning nonconformities which will remain. In the event of a zoning nonconformity arising out of a proposed subdivision, relief must be granted by both the Plan Commission and Zoning Board of Appeals.

Staff evaluation of the proposed Lesnik Resubdivision is summarized in Tables 3 and 4 on pages 7 and 8, indicating the extent to which the proposed resubdivided lots comply with (or fall short of) zoning standards. The items highlighted (in yellow) in Tables 3 and 4 indicate the **creation or expansion of a zoning nonconformity**.

Description of side yard setback requirements – Side yard setback requirements are calculated based on a lot's width. For lots with an average lot width that is more than 60 feet, but less than 100 feet, the minimum required side yard setback is 10% of the average lot width and the total of the two side yards must be at least 25% of the average lot width. For lots with an average lot width of 60 feet or less, the minimum required side yard setback is 6 feet and the total of the two side yards must be 25% of the average lot width, or 14 feet, whichever is greater.

Newly created zoning nonconformity (zoning variation required) – The proposed subdivision has the effect of increasing the average lot width of 1415 Asbury Avenue (Lot 2) to 89.89 feet, resulting in an

increase in the required minimum side yard setback to 8.99 feet. **As a result, the proposed larger lot renders the existing 1415 Asbury Avenue residence (which is setback 8.91 feet from the east property line), nonconforming with the new minimum side yard requirement of 8.99 feet. The existing improvements providing a minimum side yard of 8.91 feet, is deficient with the new requirement by 0.08 feet (1 inch) or 0.89%.**

Expansion of existing zoning nonconformity (zoning variation required) – The existing residence at 1415 Asbury Avenue currently consists of approximately 6,963 square feet of GFA, exceeding the maximum permitted GFA of the existing lot area by approximately 2,999 square feet. The proposed detached garage would measure 20 feet by 20 feet and be located in the rear quarter of the lot. Due to the GFA allowance that would apply to the proposed detached garage and the attached garage allowance that would no longer apply, the net increase in GFA is 200 square feet; bringing the total GFA to 7,162.94 square feet, whereas a maximum of 4,557.4 square feet is permitted on the proposed lot, a variation of 2,605.54 square feet (57.17%).

It should be noted that when the existing residence at 1415 Asbury Avenue was constructed in 1999 it complied with the zoning regulations, including the permitted GFA. At that time, the basement area was not included in the GFA as only basements with walls exposed more than 4 feet above grade were included in the GFA. The Zoning Ordinance was amended in late 1999 requiring basements in post-FAR buildings (buildings built since 1989) that have a first floor more than 2.5 feet above grade to be included in the GFA. In this particular case, the first floor is predominately 3.54 feet above grade. Therefore, the entire basement area (approximately 2,461 square feet) is now included in the GFA. That being said, excluding the basement area, the proposed GFA is 4,701.74 square feet, exceeding the permitted GFA of the proposed lot area by 144.34 square feet (3.17%).

COMPLIANCE WITH SUBDIVISION CODE STANDARDS

Pre-existing zoning nonconformity (finding of No Material Increased Adverse Impact required) – Table 3 also highlights (blue) two existing zoning nonconformities **that will remain** on the 1415 Asbury Avenue parcel (Lot 2). The existing residence at 1415 Asbury Avenue has a nonconforming front yard setback of 42.65 feet, whereas the required setback is 43.7 feet, the average of the block. Also, the existing improvements at 1415 Asbury Avenue within the minimum 30-foot front yard required in the R-5 zoning district, consist of 924.73 square feet of front yard lot coverage (FYLC), whereas a maximum of 810 square feet is permitted (30% of the minimum required front yard). Pursuant to Section 16.12.010(D) of the Subdivision Code, in the instance of such nonconformities, the Plan Commission must consider the existence of such nonconformities, and *“shall determine whether such nonconformity, in the context of the proposed subdivision, would result in a material increased adverse impact upon the public health, safety or welfare.”* This is provided as information only, as the ZBA is not charged with considering relief from the Subdivision Code.

Additionally, Tables 3 and 4 highlight (green) the existing nonconformities on the existing lots. The degree of nonconforming GFA and front yard lot coverage on 1415 Asbury Avenue will be decreased due to the increase in lot area and lot width of proposed Lot 2. The third existing nonconformity, the front yard setback will remain unchanged.

Table 3 – Zoning Setback Requirements		<i>Proposed Lot 1 1423 Asbury</i>	<i>Proposed Lot 2 1415 Asbury</i>	<i>Existing Lot 1423 Asbury (residence to be torn down)</i>	<i>Existing Lot 1415 Asbury</i>
SETBACK REQUIREMENTS	Minimum Required Front Yard Setback	43.31 feet	43.7 feet	30 feet	43.61 feet
	Front yard provided by existing structures	N/A	42.65 feet	42.96 feet	42.65 feet EXISTING NONCONFORMITY
	Minimum Required Side Yard	6 feet	8.99 feet	7.5 feet	7.5 feet
	Minimum side yard provided by existing structures	N/A	8.91 feet VARIATION OF 0.08 FEET (0.89%)	11 feet	8.91 feet
	Minimum Total Required Side Yards	15 feet	22.47 feet	18.75 feet	18.75 feet
	Total side yards provided by existing structures	N/A	34.21 feet	22.89 feet	19.21 feet
	Minimum Required Rear Yard	23.88 feet	23.89 feet	23.88 feet	23.89 feet
	Rear yard provided by existing structures	N/A	54.74 feet	61.56 feet	54.74 feet
	Minimum Rear and Side Setback for accessory structure in rear quarter	2 feet	2 feet		
	Setbacks of proposed garage	N/A	19 feet (rear) 5.25 feet (side)	N/A	N/A

Table 4 – Zoning Building Size Requirements		<i>Proposed Lot 1 1423 Asbury</i>	<i>Proposed Lot 2 1415 Asbury</i>	<i>Existing Lot 1423 Asbury (residence to be torn down)</i>	<i>Existing Lot 1415 Asbury</i>
ALLOWABLE BUILDING SIZE	Maximum Allowed Gross Floor Area (GFA)	3,534 sq. ft.	4,557.4 sq. ft.	4,202.55 sq. ft.	3,964.4 sq. ft.
	GFA provided by existing & proposed structures	N/A	7,162.94 sq.ft. VARIATION OF 2,605.54 SQ. FT. (57.17%)	4,027.86 sq. ft.	6,962.94 sq.ft. EXISTING NONCONFORMITY
	Maximum Allowed Roofed Lot Coverage (RLC)	2,387.5 sq. ft.	3,578.75 sq. ft.	3,223.19 sq. ft.	2,985.28 sq. ft.
	RLC provided by existing & proposed structures	N/A	3,282.62 sq. ft.	2,674.52 sq. ft.	2,882.62 sq. ft.
	Maximum Allowed Impermeable Lot Coverage (ILC) (50% of lot area)	4,775 sq. ft.	7,157.5 sq. ft.	5,968.87 sq. ft.	5,970.56 sq. ft.
	ILC provided by existing & proposed structures	N/A	6,744.51 sq. ft.	5,393.21sq. ft.	5,734.62 sq. ft.
	Maximum Allowed Front Yard Lot Coverage (FYLC)	540 sq. ft.	810 sq. ft.	675 sq. ft.	675 sq. ft.
	FYLC provided by existing improvements	N/A	924.73 sq. ft.	420 sq. ft.	924.73 sq. ft. EXISTING NONCONFORMITY

STORMWATER

The proposed subdivision consists of relocating the lot line dividing two properties. If the resubdivision is approved, the Applicant will be required to submit a site restoration plan for the 1423 Asbury Avenue parcel and all necessary permits and plans required for the detached garage. Upon submittal, these plans will be evaluated by Village Engineering staff for compliance with the Village stormwater regulations. When a new home is proposed for the new Lot 1 (1423 Asbury), the site would be required

to provide stormwater detention as a vacant lot.

Figure 6 below represents the Subject Property's proximity to the 100-year flood plain. The grey represents the 100-year flood area.



Figure 6 – GIS Floodplain Map

REQUESTED ZONING CONSIDERATION

The Applicant is requesting approval of the following zoning standards of the Zoning Ordinance in order to allow the subdivision of the Subject Property, which would relocate the lot line dividing the two properties, and construction of a detached garage at 1415 Asbury Avenue (Proposed Lot 2):

1. Gross floor area of 7,162.94 square feet at 1415 Asbury Avenue, whereas a maximum of 4,557.4 square feet is permitted, a variation of 2,605.54 square feet (57.17%) [Section 17.30.040 – Maximum Building Size] [Note: The site currently contains 6,962.94 square feet of GFA. The proposed detached garage would add 200 square feet of GFA]; and
2. Side yard setback of 8.91 feet from the east property line to the existing residence at 1415 Asbury Avenue, whereas a minimum of 8.99 feet is required, a variation of 0.08 feet (0.89%) [Section 17.30.060 – Side Yard Setback].

FINDINGS

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

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

1. Gross floor area of 7,162.94 square feet at 1415 Asbury Avenue, whereas a maximum of 4,557.4 square feet is permitted, a variation of 2,605.54 square feet (57.17%) [Section 17.30.040 – Maximum Building Size]; and
2. Side yard setback of 8.91 feet from the east property line to the existing residence at 1415 Asbury Avenue, whereas a minimum of 8.99 feet is required, a variation of 0.08 feet (0.89%) [Section 17.30.060 - Side Yard Setback].

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

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

- a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.
- b. 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.
- c. The variation, if granted, will not alter the essential character of the locality.
- d. An adequate supply of light and air to the adjacent property will not be impaired.
- e. The hazard from fire and other damages to the property will not be increased.
- f. The taxable value of the land and buildings throughout the Village will not diminish.
- g. The congestion in the public street will not increase.
- h. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

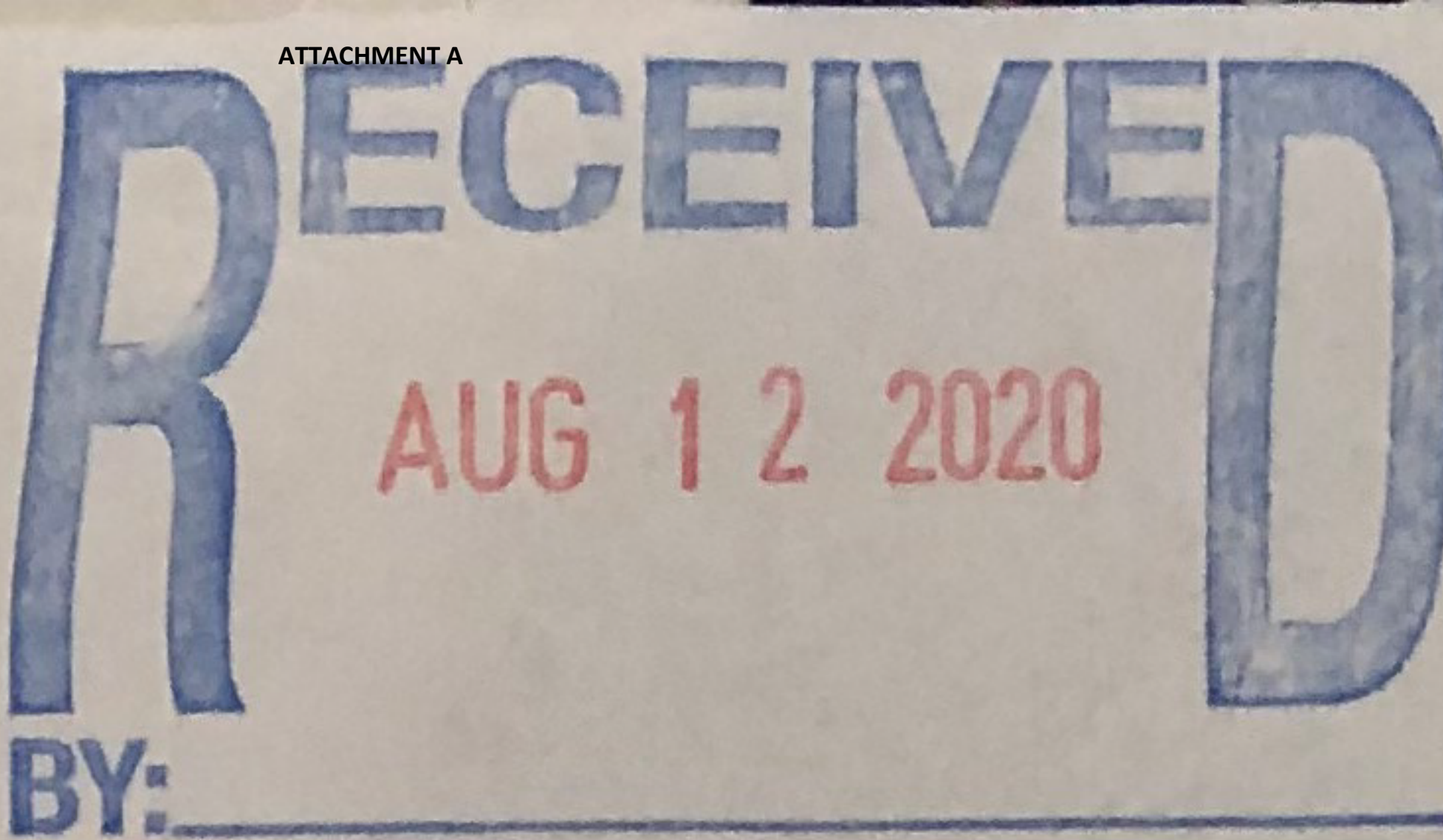
ATTACHMENTS

Attachment A: Application Materials

Attachment B: Proposed Plat of Resubdivision (Lesnik Resubdivision)

Attachment C: Plat of Survey of existing improvements (1415 Asbury Avenue)

Attachment D: Plat of Survey of existing improvements (1423 Asbury Avenue)



Village of Winnetka
ZONING VARIATION APPLICATION

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. 20-07-SD

Property Information

Site Address: 1415 Asbury

Owner Information

Name: Judy Lesnik

Address: 1415 Asbury

City, State, ZIP: Winnetka, IL

Email: _____

Primary Contact: _____

Phone No. [REDACTED]

Date property acquired by owner: _____

Architect Information

Name: FWC Architects, Inc.

Primary Contact: Jim Chambers

Address: 303 Waukegan Ave.

City, State, ZIP: Highwood, IL 60040

Phone No. 847-579-5200

Email: jim@fwcarchitects.com

Attorney Information

Name: Samuels & Bernstein

Primary Contact: Calvin Bernstein

Address: 700 Osterman Ave.

City, State, Zip: Deerfield, IL 60015

Phone No. 847-433-1980

Email: cbernstein@sambernlaw.com

Nature of any restrictions on property: _____

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

Property Owner Signature: [REDACTED]

Date: 07/08/2020

VILLAGE OF WINNETKA
ZBA Application
Letter of Situation and Hardship

RE: 1415 Asbury, Winnetka, Illinois

TO: Zoning Board of Appeals

1415 Asbury is the home of Judy Lesnik. Judy purchased 1415 Asbury in 2000 and she has maintained it as her family's home ever since. In 2016, Judy purchase the home next door (1423 Asbury). Recently, 1423 Asbury sustained significant damage which will require it to be torn down and redeveloped. The redevelopment of 1423 Asbury provides Judy with an opportunity to fix and remedy access problems which will also allow her to renovate and improve her existing non-conforming family home at 1415 Asbury.

Renovating and improving 1415 Asbury presents many unique challenges. Although when it was constructed it complied with the existing zoning code, the zoning code was later amended creating the following three (3) now existing non-conformities:

1. Maximum Building Size.
2. Front Yard Setback.
3. Building Line Articulation.

In connection with the redevelopment of 1423 Asbury and the renovation of 1415 Asbury, Judy desires re-subdivide the properties to increase the 1415 Asbury's lot area to allow easier access to her existing garage at 1415 Asbury. An application is currently on file seeking such a re-subdivision. If the re-subdivision is approved, in addition to the above three (3) existing non-conformities, one (1) additional non-conformity will be created. The proposed new subdivision has the effect of increasing the average lot width of 1415 Asbury resulting in an increase of the minimum required side yard. As a result, the proposed subdivision with its new lot line now renders 1415 Asbury required side yard non-conforming by about an inch. As for the existing three (3) non-conformities, the proposed renovation either keeps the existing non-conformity the same or reduces them.

Maximum Building Size – The maximum permitted Gross Floor Area (“GFA”) of new proposed 1415 Asbury is 4,457.40. 1415 Asbury's existing GFA is 6,973.84 square feet (under the existing lot size), 3,013.06 over the maximum permitted. As proposed, Judy requests a variation to allow for 2,544.62 over the maximum GFA of the newly configured lot, a reduction of approximately 9% of the floor area to lot size from the current existing non-conformity. Thus, as proposed, the application reduces the amount of the non-conformity.

Front Yard Setback – As proposed, no changes are intended so the existing non-conformity will remain unchanged.

Building Line Articulation – Again, as proposed, no changes are intended so the existing

non-conformity will remain unchanged.

The improvements among many others that do not require a variance, will update and restore this home to accommodate a modern lifestyle while preserving the vision of the original architect. It is important to note, all of the exterior work proposed in the back yard and will not be visible from the street.

Applying the standards set forth in the Code, the Zoning Board of Appeals should be able to make the following findings of fact based upon the evidence submitted herein and at the hearing:

1. Without the variance and the corresponding renovation, the property cannot yield a reasonable. Without periodic updating, the existing home could lose its value. Currently, the owners are having difficulty entering and leaving the garage. As proposed, the renovation remedies this problem. The GFA for renovated home is actually less than current non-conformity. As for new side yard non-conformity, it is very small about an inch and it is necessary in order to update the home. Thus, failure to update the current non-conforming important home could lead to it not yielding a reasonable return if permitted to be used only under the conditions set forth in the code.
2. Judy's plight is due to unique circumstances. The home is already existing non-conforming. The zoning code changed requiring the basement to be included in the GFA. But for that change, no GFA variance would be required. This situation contains unique challenges and makes it impossible to update the existing-non-conforming home without a variance. Except for the side yard request, the variances sought are either consistent with the existing situation or reducing the non-conformity. As stated above, the side yard request is only an inch and work to be done will not alter the actual side yard existing condition. The physical surrounding of how the house is sited drives this request creating the unique situation, and the variations will alleviate the demonstrable and unusual hardship that exists. Furthermore, this hardship is not generally applicable to other property within the same zoning district. But for the site context and zoning change, the owners would be able to construct their additions without seeking a variance.
3. The variations sought herein will not be materially detrimental to the public welfare or injurious to other property in the neighborhood.
4. The home will not impair adequate supply of light and air to adjacent property nor would it increase congestion in the public streets or increase the danger of fire, nor would it endanger the public safety or substantially diminish or impair property values in the neighborhood.
5. This project will not negatively impact the taxable value of the land and buildings throughout the Village instead it will improve them by making this property more valuable due to it being updated.
6. Since the encroachment and non-conformity already exists and the request actually reduces the amount, granting the variance will not alter the essential character of the neighborhood. The side yard variance is only an inch so it will have no visible

impact on the neighborhood. Finally, the proposed variation is in harmony with the spirit and intent of the code. The public health, comfort and welfare of the community will not be impacted by the improvements sought herein.

In sum, the intent here is to reduce the amount of the existing non-conformity. As proposed, improving the existing non-conforming home without increasing the non-conformity will enhance the value of the property while maintaining the essential character of the neighborhood.

Thank you for considering our request.

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

SUBDIVISION APPLICATION

Case No. 20-07-SD

Property Information

Site Address: 1415 and 1423 Asbury Avenue, Winnetka, Illinois

Parcel Identification Number(s) (PIN): 05-18-217-019-0000/15-18-217-020-0000

Property Owner Information

Name: Judy Lesnik

Surveyor Information

Company Name: Doland Engineering, LLC

Primary Contact: Keith Jacobs

Primary Contact: Jason Doland

Address: 700 Osterman

Address: 334 East Colfax Street, Suite C

City, State, Zip: Deerfield, IL 60015

City, State, Zip: Palatine, Illinois 60067

Phone No. (847) 945-6500

Phone No. (847) 991-5088

Email: keithj@thejacobscompany.net

Email: jdoland@dolandengineering.com

Date owner acquired property: _____

Architect Information

Attorney Information

Name: _____

Name: Samuels & Bernstein

Primary Contact: _____

Primary Contact: Calvin A. Bernstein

Address: _____

Address: 700 Osterman

City, State, ZIP: _____

City, State, Zip: Deerfield, Illinois 60015

Phone No. _____

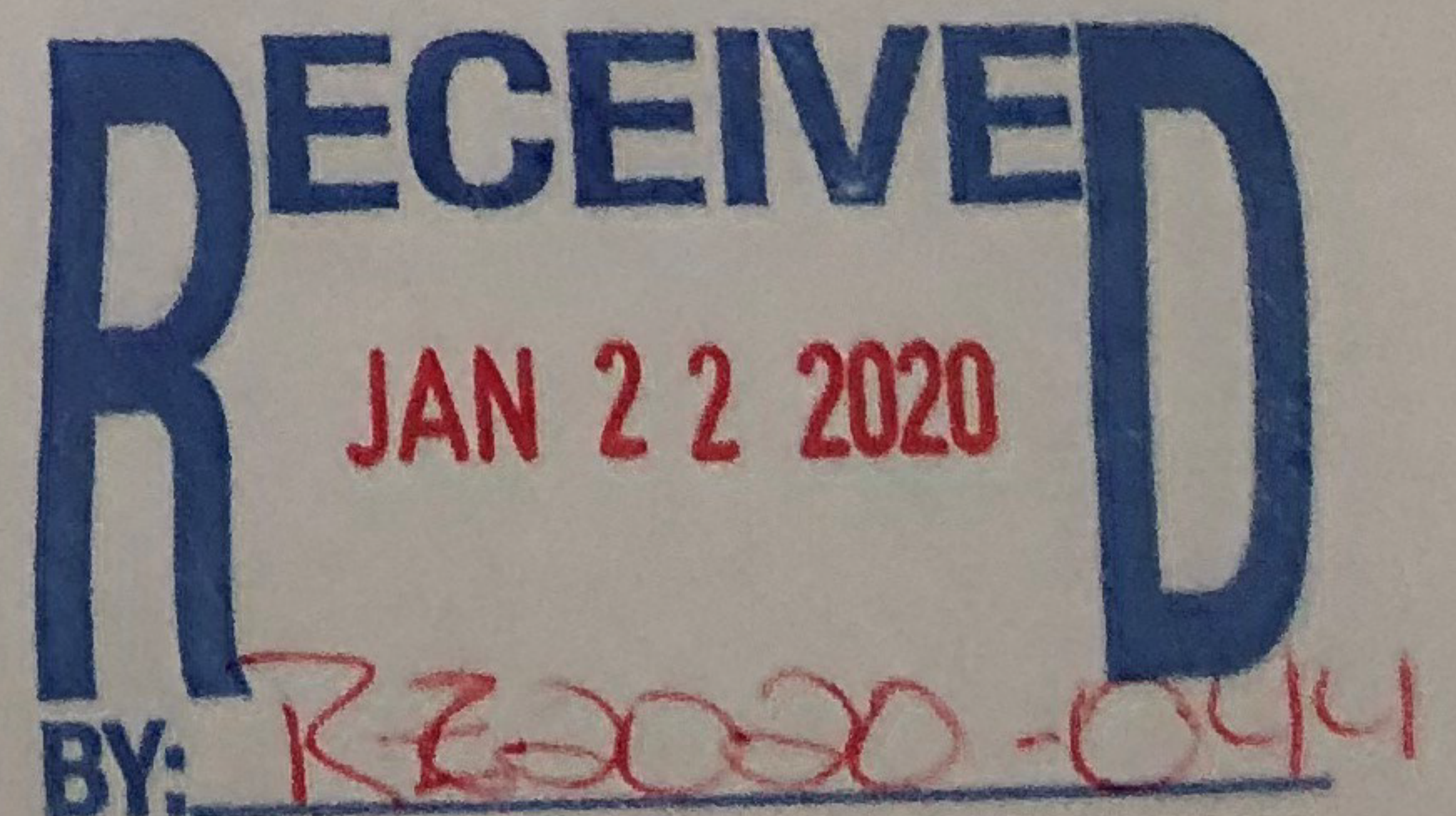
Phone No. (847) 433-1980

Email: _____

Email: cbernstein@sambernlaw.com

Property Owner Signature

Date: 11/25/19



Law Offices of
SAMUELS & BERNSTEIN

700 Osterman Avenue
Deerfield, Illinois 60015
(847) 433-1980
Fax: (847) 433-4740

Calvin A. Bernstein
Cbernstein@sambernlaw.com

Chicago Office
180 North LaSalle Street
Suite 1925
Chicago, Illinois 60601
(By Appointment Only)

January 22, 2020

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

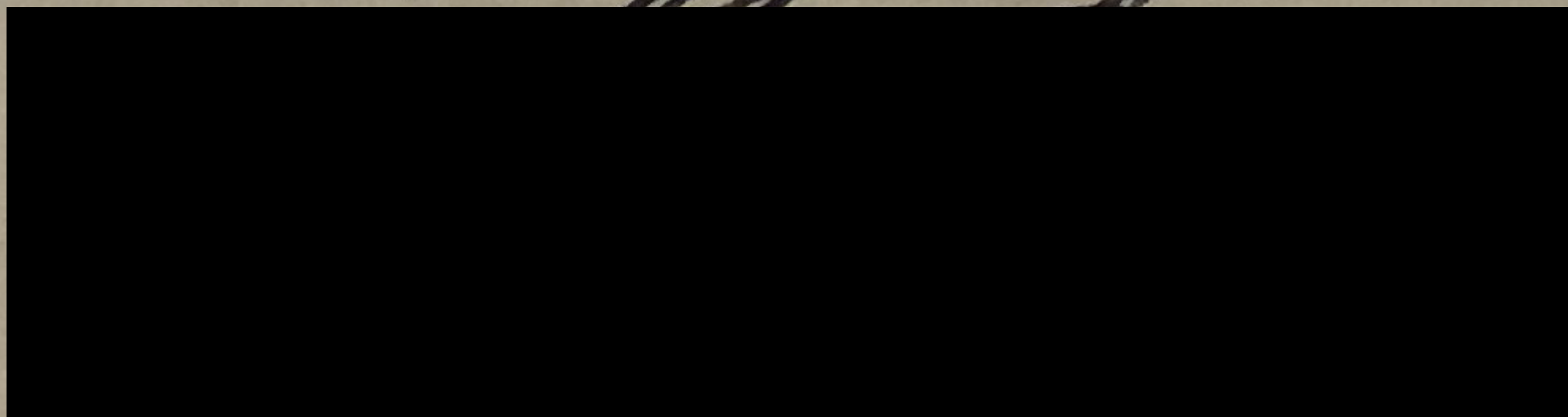
Re: Application for Re-Subdivision, 1415-23 Asbury Avenue, Winnetka, Illinois

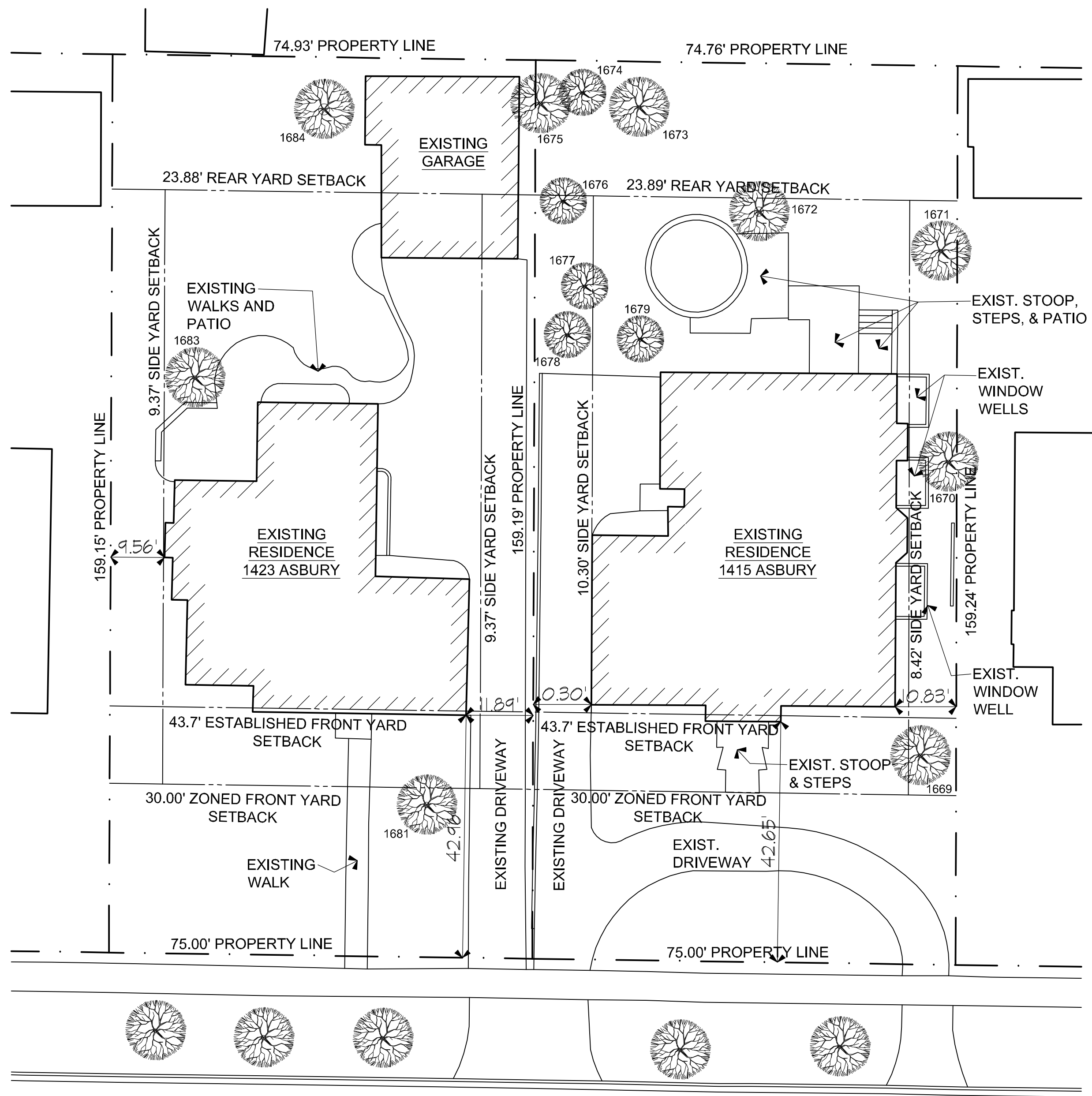
Dear Department of Community of Development:

Please be advised that I am acting as the representative of the 1415-23 Asbury Avenue, Winnetka, Illinois. The owner of these two contiguous homes desires to re-subdivide the properties to provide a larger lot for 1415 Asbury so that she can remodel her home and thereafter demolish the unoccupied home located at 1423 Asbury. After the re-subdivision, both lots will be conforming meeting the minimum standards set forth in the zoning and subdivision standards and shall also comply with the Comprehensive Plan. After the re-subdivision, both lots' sizes, widths and orientation will comport well with the neighborhood and modifying the lot sizes will not alter the essential character of the street or the neighborhood.

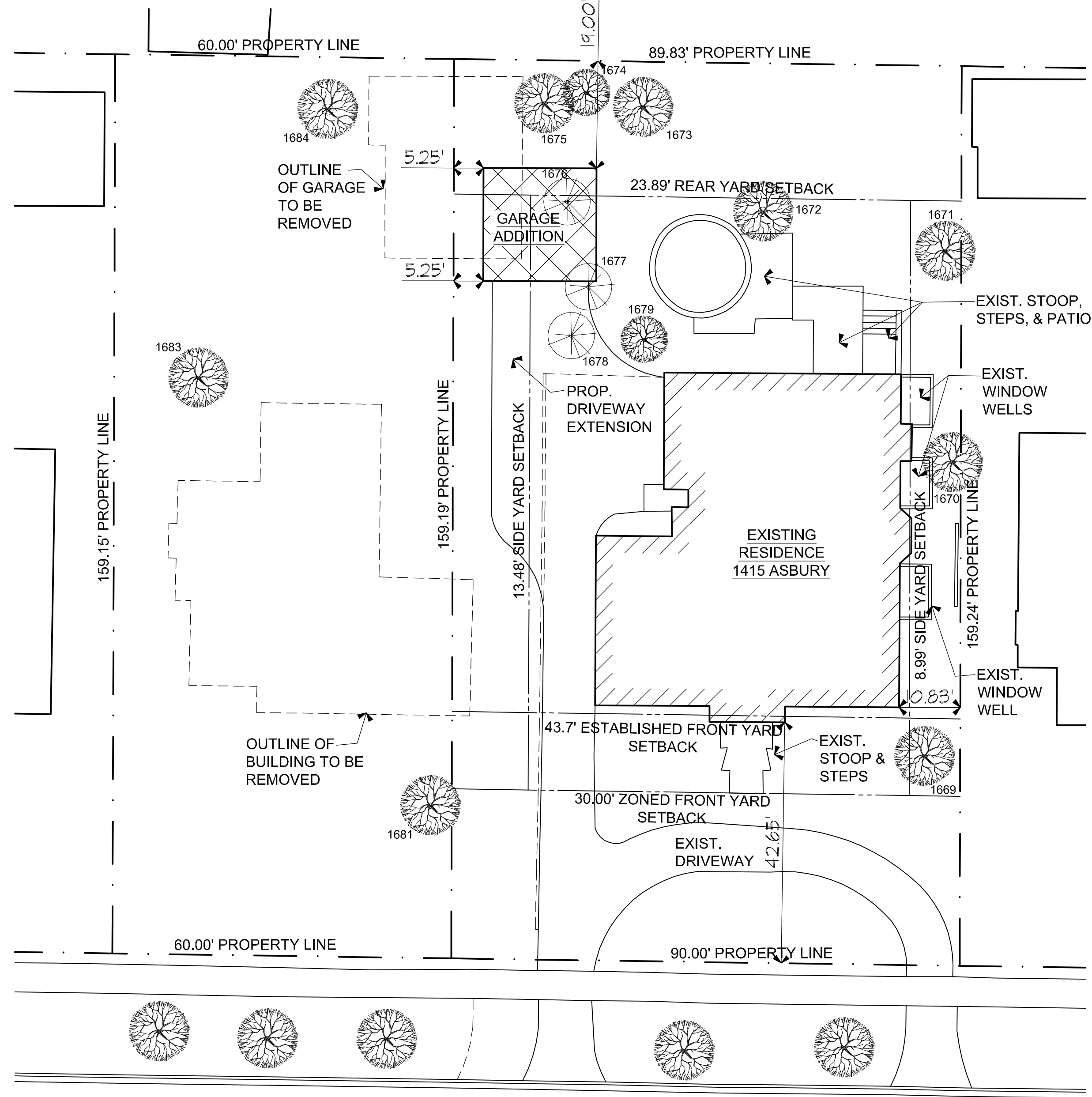
If you have any questions, please contact me

Respectfully,


Calvin A. Bernstein



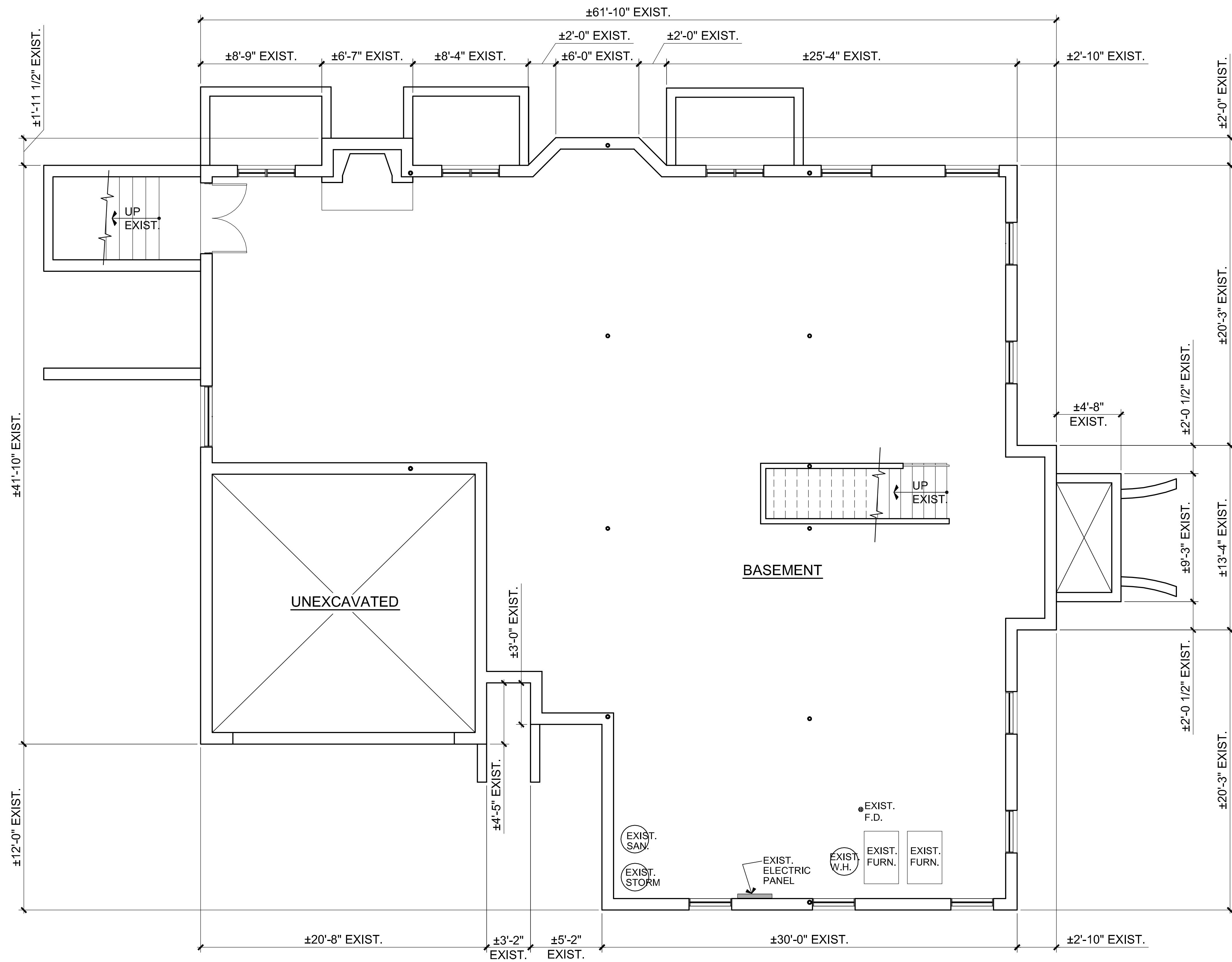
EXISTING SITE PLAN
SCALE: 1" = 15'-0"



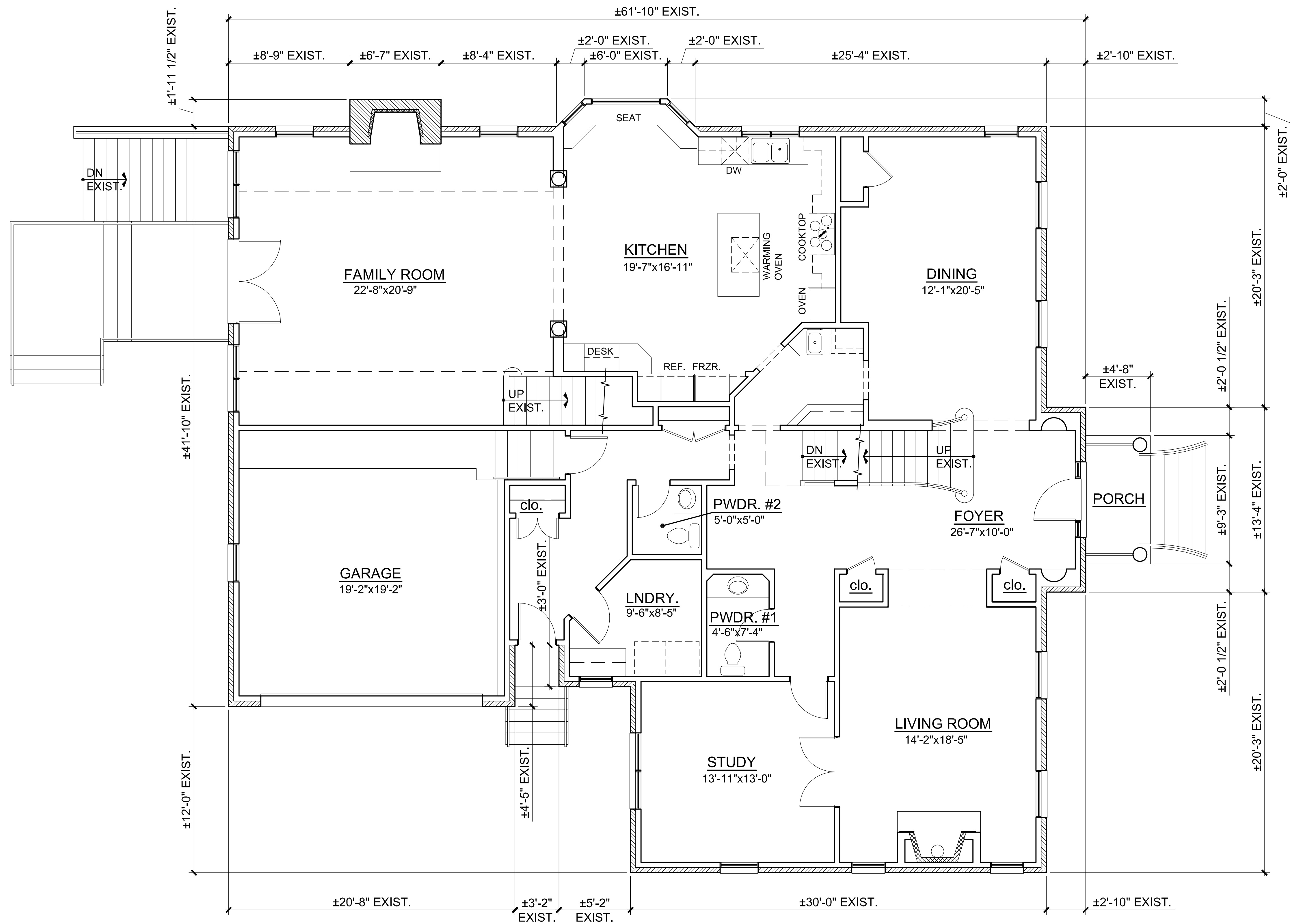
PROPOSED SITE PLAN
SCALE: 1" = 15'-0"



TREE SURVEY 1415 & 1423 ASBURY AVENUE					
TAG #	Location	SPECIES	DBH	CONDITION	NOTES
No Tag	Parkway	Yellow Buckeye	6	Good	
No Tag	Parkway	Freeman Maple	12	Good	
No Tag	Parkway	Blue Beach	9	Fair	
No Tag	Parkway	Burr Oak	55	Good	
No Tag	Parkway	Freeman Maple	9	Good	
No Tag	Southeast corner of 1409	Elm	19	Poor	Neighbor's property
1669	Southeast corner of 1415	Magnolia	16	Good	
1670	East of 1415	Norway Maple	13	Good	
1671	1415 backyard, east property line	Mulberry	13	Good	
1672	Center of 1415 backyard	Green Ash	29	Fair	
1673	Northwest corner of 1415 backyard	Norway Spruce	11	Good	
1675	Northwest corner of 1415 backyard	Red Oak	21	Good	
1674	Northwest corner of 1415 backyard	Norway Spruce	8	Good	
No Tag	North of 1415 garage, on neighbor's property	Red Maple	13	Good	1418 Scott
1676	1415 backyard, west property line	Norway Spruce	8	Good	
1677	Northwest corner of 1415	Norway Spruce	7	Good	
1678	Northwest corner of 1415	Norway Spruce	8	Good	
1679	Northwest corner of 1415	Norway Spruce	10	Good	
1680	Southwest corner of 1415	Redbud	19	Good	
1681	Southeast corner of 1423	Blue Spruce	14	Fair	
1682	Southwest corner of 1423	River Birch	15	Poor	
1683	Northwest corner of 1423	River Birch	23	Good	Double Trunk
1684	1423 backyard	Burr Oak	28	Good	
David Conrad Board Certified Master ArboristIL-0158					
Date: 8/15/16					

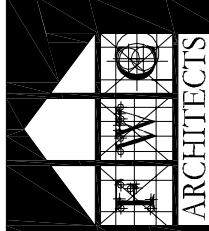


EXISTING FOUNDATION / BASEMENT PLAN
SCALE: 1/4"=1'-0"



EXISTING FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"



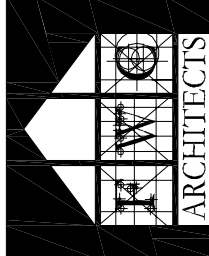


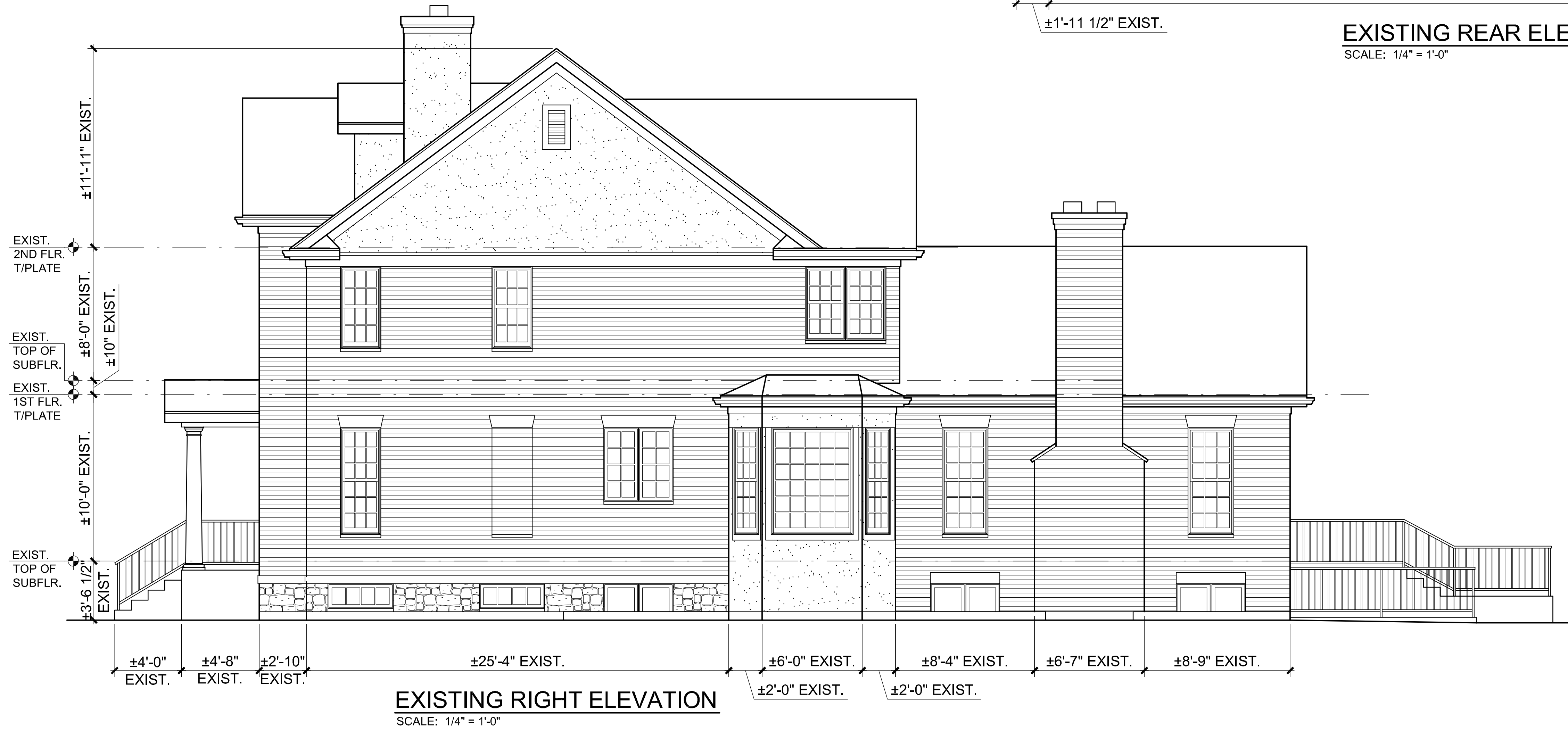
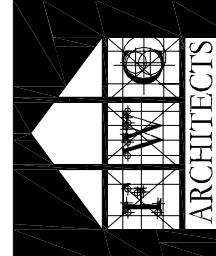


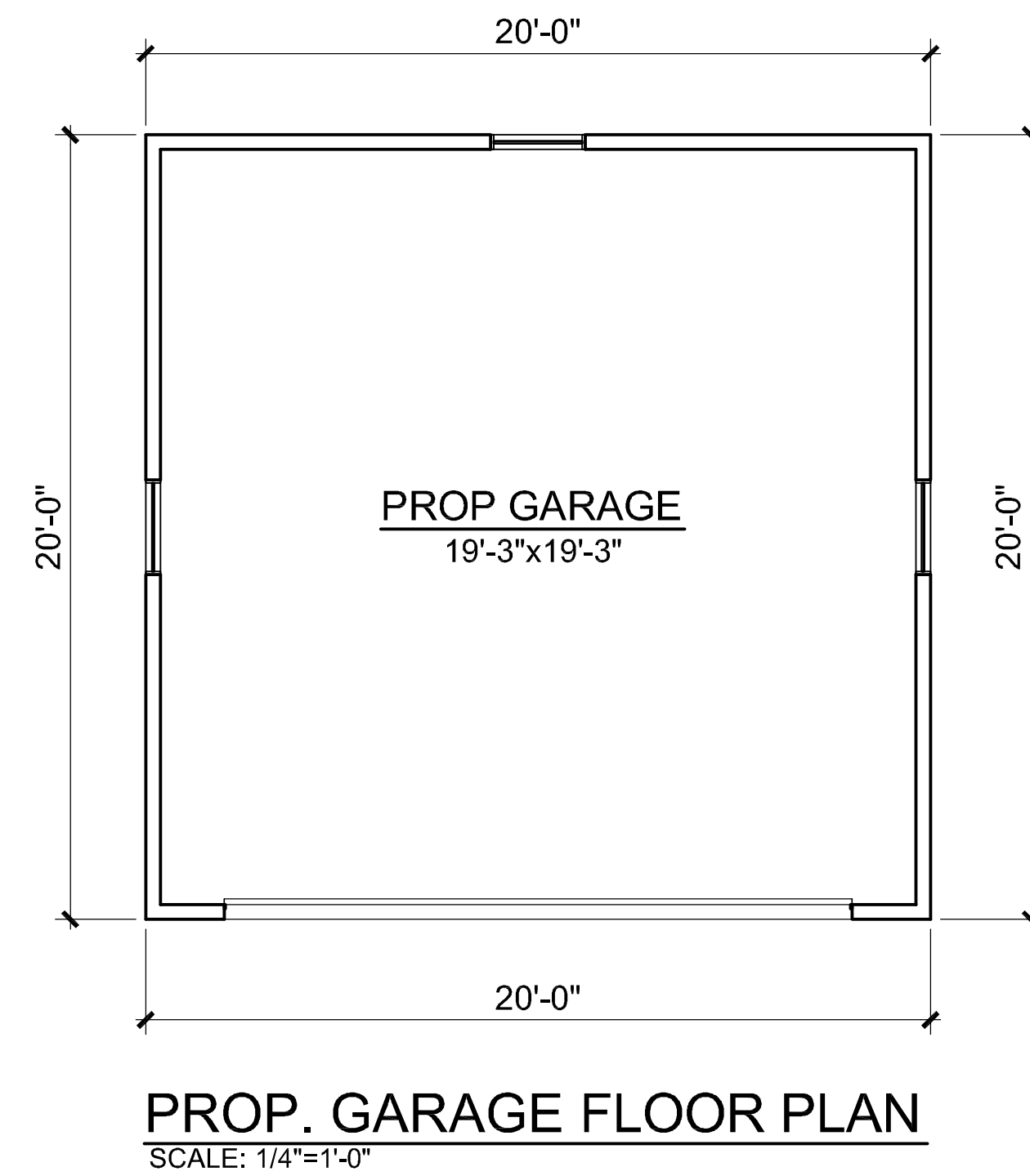
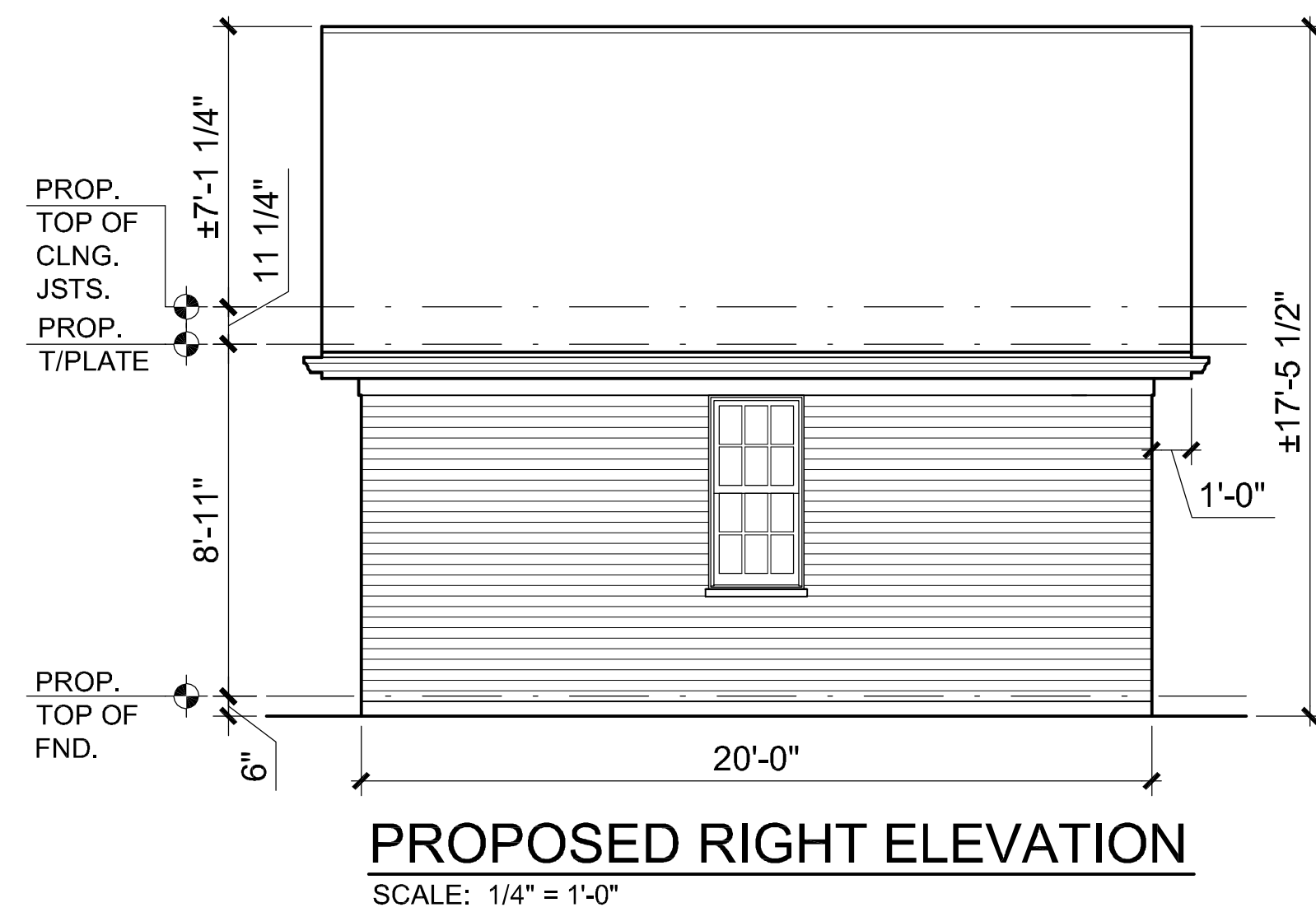
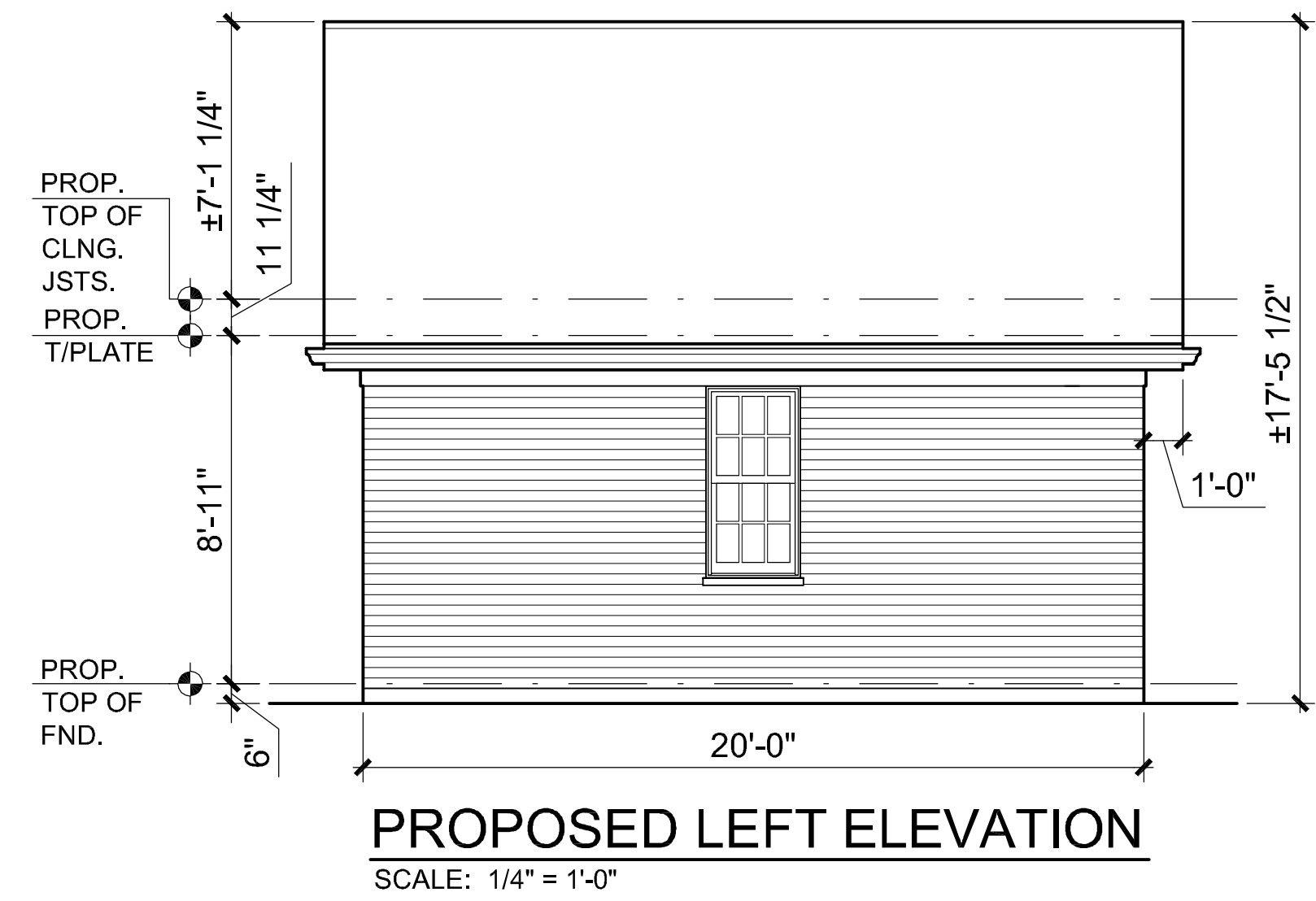
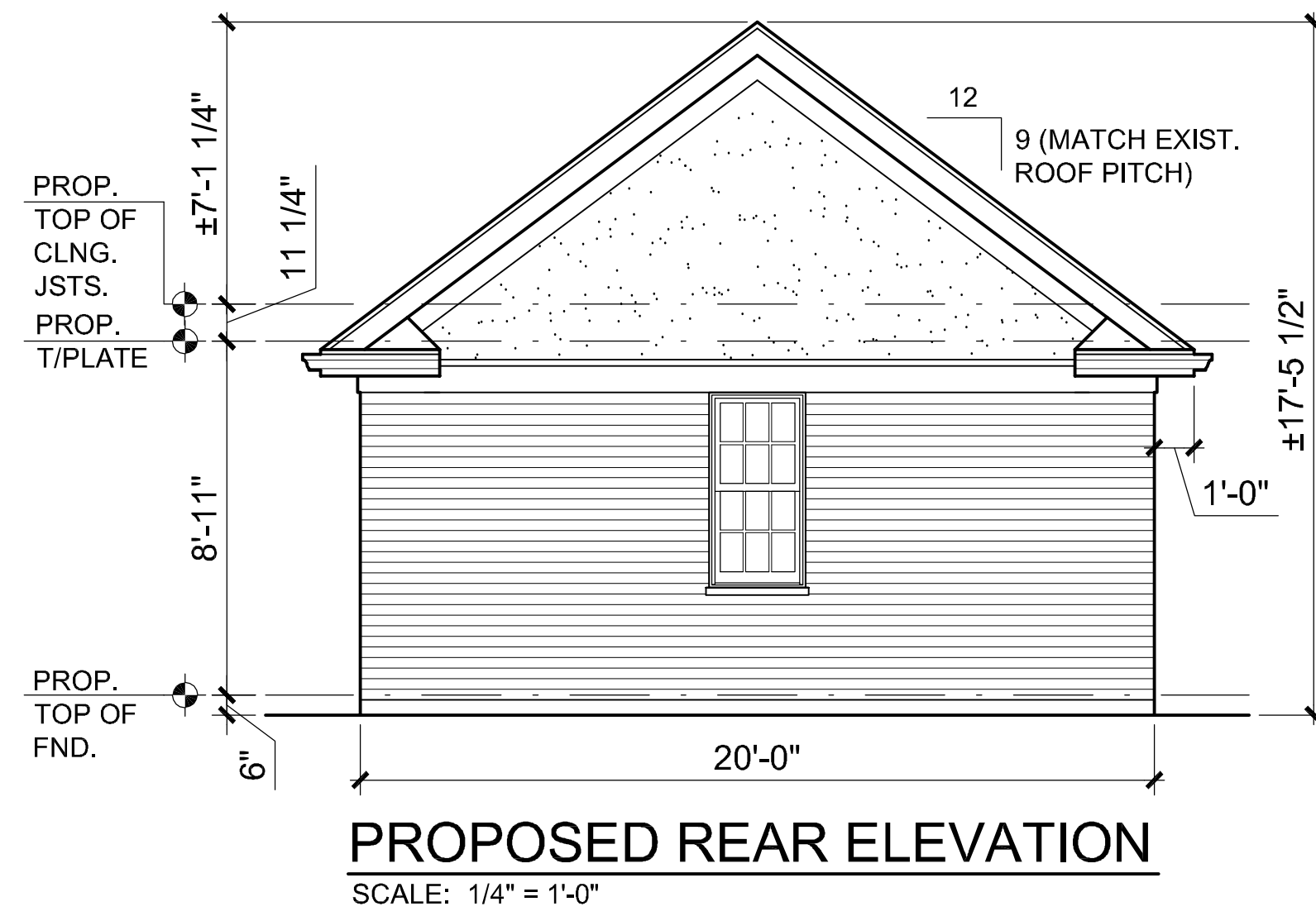
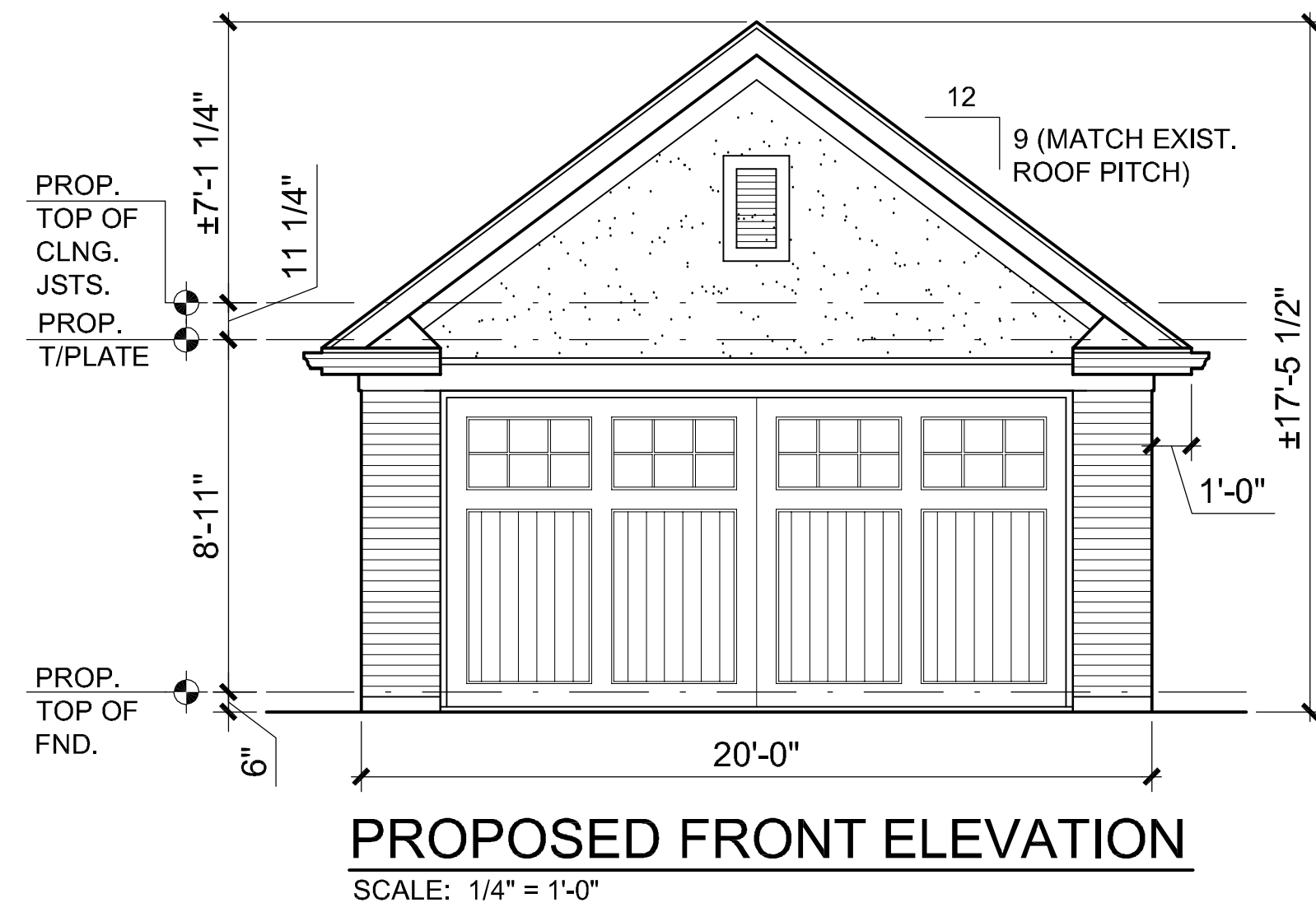
EXISTING FRONT ELEVATION
SCALE: 1/4" = 1'-0"



EXISTING LEFT ELEVATION
SCALE: 1/4" = 1'-0"







LESNIK RESUBDIVISION

A RESUBDIVISION OF LOTS 20, 21 AND 22 IN CHICAGO NORTH SHORE CO.'S SUBDVISION, IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDAIN, IN COOK COUNTY, ILLINOIS.

SURVEYOR

STATE OF ILLINOIS)
COUNTY OF COOK)SS

I, JASON R. DOLAND, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY:

PARCEL 1:
LOT 20 AND THE WEST HALF OF LOT 21 IN CHICAGO NORTH SHORE LAND CO.'S SUBDIVISION, BEING A SUBDIVISION IN SECTION 17 & 18, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1891 AS DOCUMENT 3543526, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2:
LOT 22 AND THE EAST HALF OF LOT 21 IN CHICAGO NORTH SHORE LAND CO.'S SUBDIVISION, BEING A SUBDIVISION IN SECTION 17 & 18, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1891 AS DOCUMENT 3543526, ALL IN COOK COUNTY, ILLINOIS.

I FURTHER CERTIFY THAT THE PROPERTY IS LOCATED IN WINNETKA, COOK COUNTY, ILLINOIS, WHICH HAS ADOPTED A CITY PLAN, AND WHICH IS EXCERSIZING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE II OF THE ILLINOIS MUNICIPAL CODE, AS HERETOFORE AND HEREAFTER AMENDED.

I FURTHER CERTIFY, BASED UPON THE FLOOD INSURANCE RATE MAP No. 17031C0232J, WITH EFFECTIVE DATE OF 08/19/08 THAT SAID PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.

I HEREBY PERMIT A REPRESENTATIVE OF THE VILLAGE OF WINNETKA, IL TO RECORD THIS DOCUMENT.

DATED AT PALATINE, ILLINOIS THIS ____ DAY OF _____, 20____

REGISTERED ILLINOIS LAND SURVEYOR

OWNERS CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

WE, _____ AND _____, HEREBY CERTIFIES THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED HEREON, AND HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT HEREON DRAWN FOR THE USES AND PURPOSES THEREIN SET FORTH.

THIS ____ DAY OF _____, 20____

OWNER'S SIGNATURE ADDRESS:

OWNER'S SIGNATURE ADDRESS:

NOTARY CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK)SS

I, _____, A NOTARY PUBLIC, DO HEREBY CERTIFY THAT

_____, AND _____, OWNERS OF THE PROPERTY, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION OF THIS STATEMENT AS HIS FREE AND VOLUNTARY ACT.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF _____, 20____

NOTARY PUBLIC

VILLAGE OF BOARD OF TRUSTEES

STATE OF ILLINOIS)
COUNTY OF COOK) SS

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS.

THIS ____ DAY OF _____, 20____

VILLAGE PRESIDENT, WINNETKA, IL

VILLAGE CLERK

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

APPROVED BY THE VILLAGE OF WINNETKA PLAN COMMISSION.

AT A MEETING HELD THE ____ DAY OF _____, 20____

CHAIR

SECRETARY

VILLAGE COLLECTOR CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

I, _____, VILLAGE COLLECTOR OF THE VILLAGE OF WINNETKA, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS, OR ANY DEFERRED INSTALLMENTS THEREON THAT HAVE BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT OF CONSOLIDATION.

THIS ____ DAY OF _____, 20____

VILLAGE COLLECTOR

VILLAGE ENGINEER CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

APPROVED THIS ____ DAY OF _____, 20____ BY THE VILLAGE OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS.

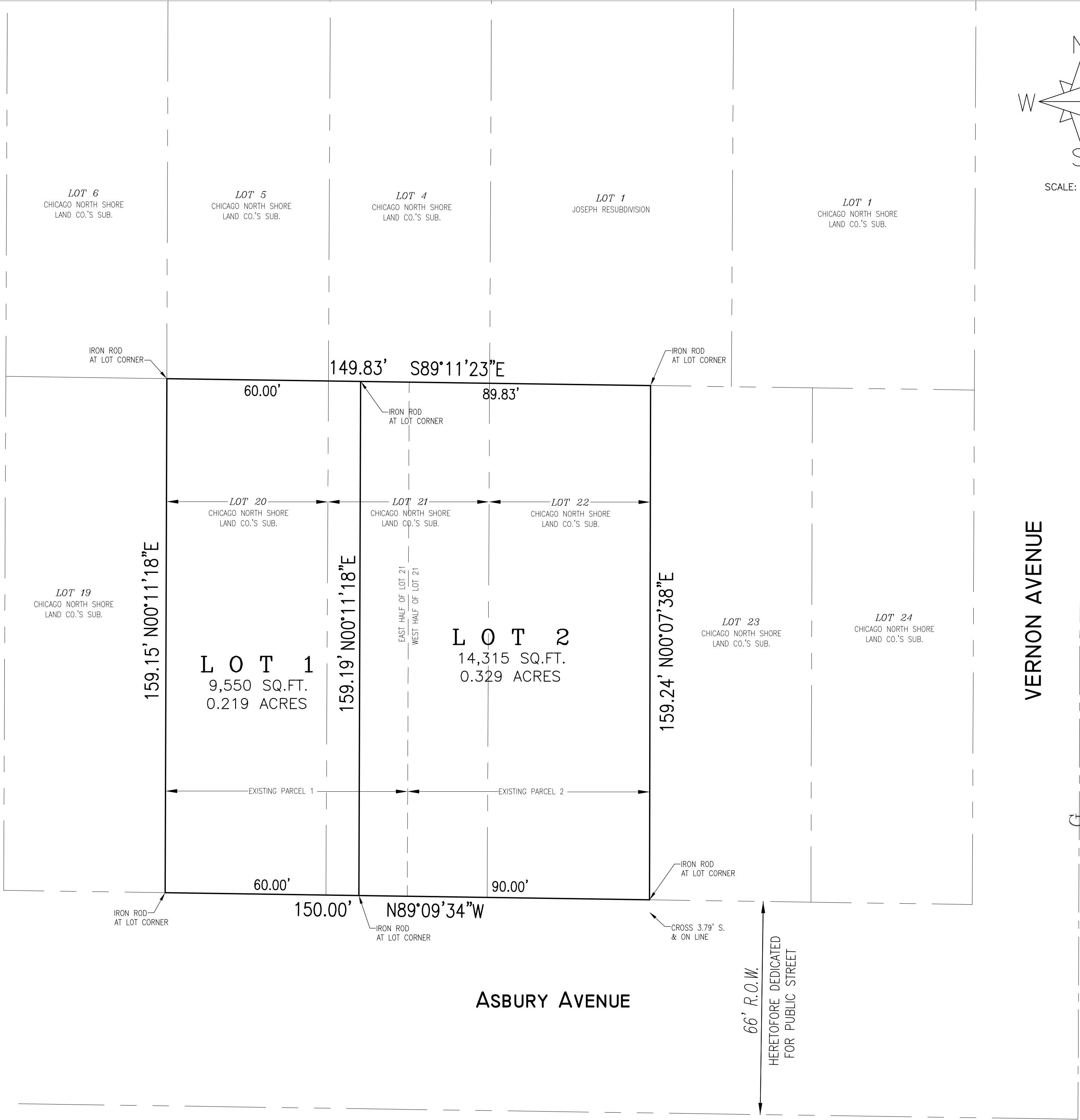
VILLAGE ENGINEER

WATER AND ELECTRIC DEPARTMENT CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

APPROVED THIS ____ DAY OF _____, 20____ BY THE DIRECTOR OF THE WATER AND ELECTRIC DEPARTMENT OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS.

WATER AND ELECTRIC DIRECTOR



SUBMITTED BY AND RETURN PLAT TO:

VILLAGE OF WINNETKA
DEPARTMENT OF COMMUNITY DEVELOPMENT
510 GREEN BAY ROAD
WINNETKA, ILLINOIS 60093

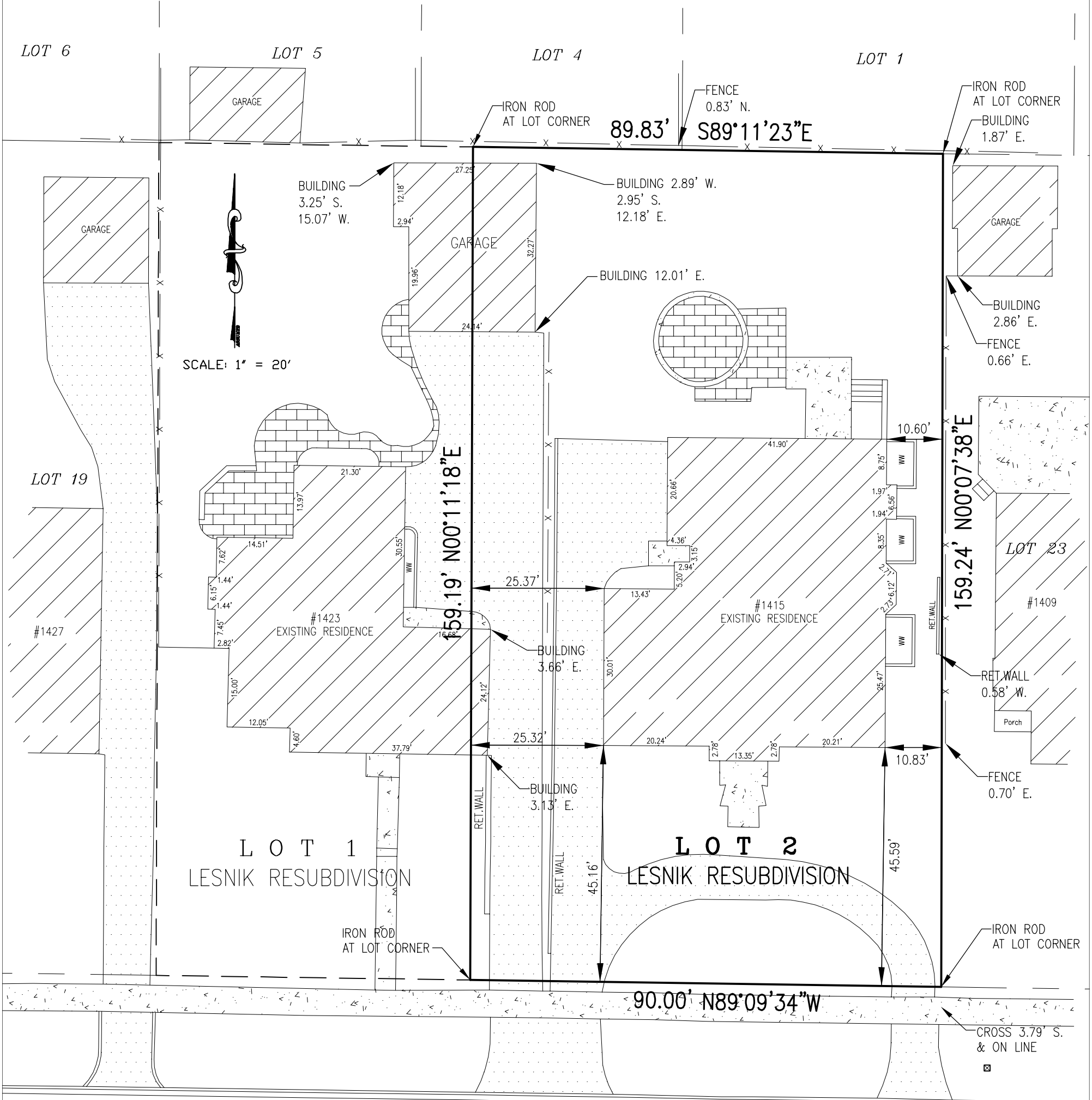
PREPARED BY:
DOLAND ENGINEERING, LLC
-CIVIL ENGINEERING ~ LAND SURVEYING ~ LAND PLANNING-
334 EAST COLFAX STREET, SUITE C
PALATINE, ILLINOIS 60067
(847) 991-5088
(847) 934-3427-FAX
JULY 23, 2019
REV.: MAY 1, 2020
REV.: JUNE 8, 2020

PLAT OF SURVEY

-OF-

PROPOSED

LOT 2 IN LESNIK RESUBDIVISION, A RESUBDIVISION OF LOTS 20, 21 AND 22 IN CHICAGO, NORTH SHORE CO.'S SUBDVISION, IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDAIN, IN COOK COUNTY, ILLINOIS.



ASBURY AVENUE

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

COMPARE YOUR POINTS BEFORE BUILDING BY THE SAME AND REPORT ANY DIFFERENCES IMMEDIATELY.

CHECK LEGAL DESCRIPTION WITH DEED AND REPORT ANY DISCREPANCY IMMEDIATELY. REFER TO TITLE POLICY OR VILLAGE ZONING CODE FOR POSSIBLE ADDITIONAL EASEMENTS OR BUILDING LINES NOT SHOWN HEREON.

DOLAND ENGINEERING, LLC
-CIVIL ENGINEERING ~ LAND SURVEYING ~ LAND PLANNING-
334 EAST COLFAX STREET, SUITE C
PALATINE, ILLINOIS 60067
(847) 991-5088
(847) 934-3427 FAX

STATE OF ILLINOIS)
COUNTY OF COOK)SS

I, JASON R. DOLAND, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN SURVEYED, UNDER MY SUPERVISION, IN THE MANNER REPRESENTED ON THE PLAT HEREON DRAWN.

DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

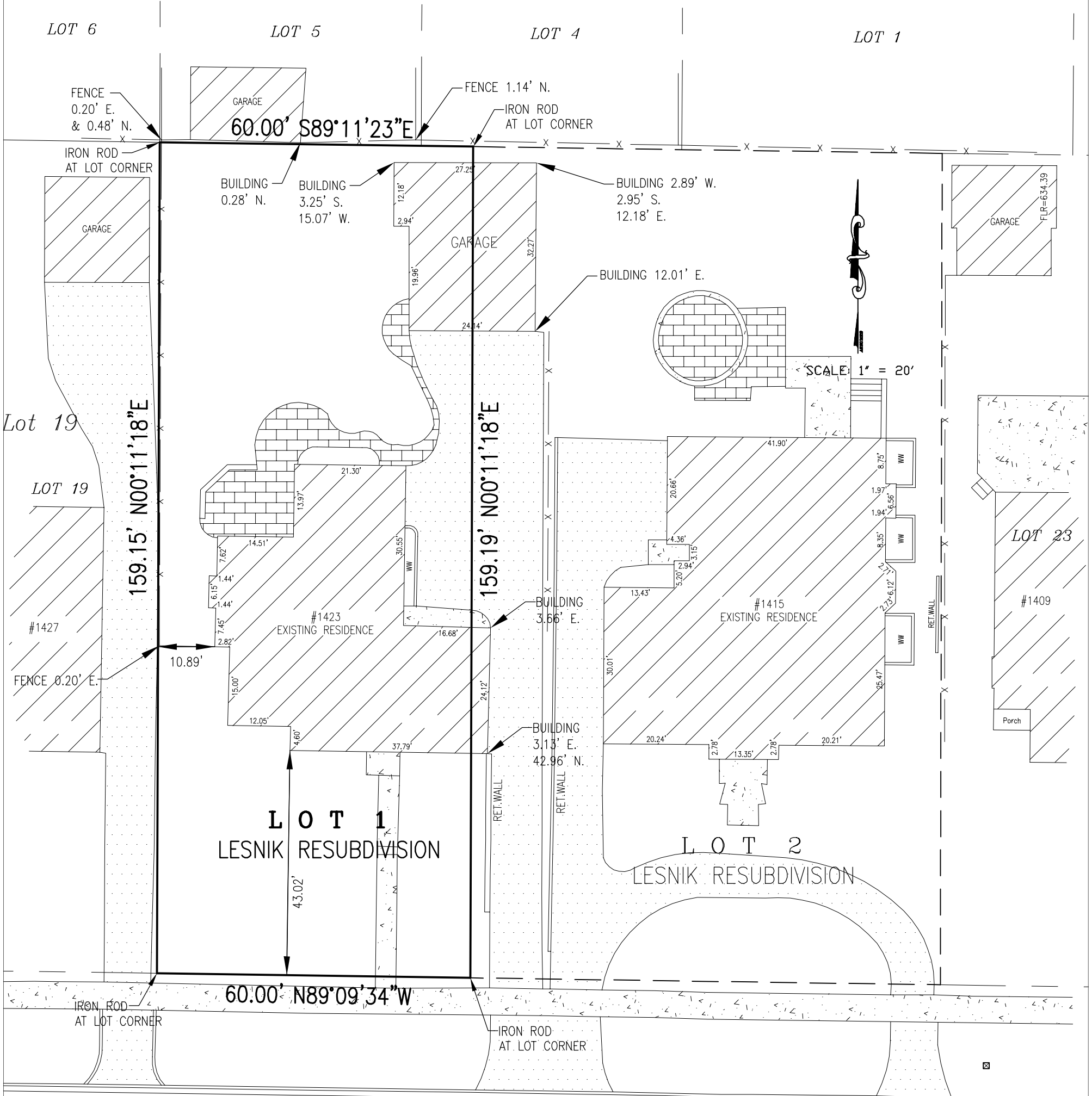
DATED AT PALATINE, ILLINOIS 06/10/20

ILLINOIS PROFESSIONAL LAND SURVEYOR

PLAT OF SURVEY
-OF-

PROPOSED

LOT 1 IN LESNIK RESUBDIVISION, A RESUBDIVISION OF LOTS 20, 21 AND 22 IN CHICAGO, NORTH SHORE CO.'S SUBDVISION, IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDAIN, IN COOK COUNTY, ILLINOIS.



ASBURY AVENUE

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

COMPARE YOUR POINTS BEFORE BUILDING BY THE SAME AND REPORT ANY DIFFERENCES IMMEDIATELY.

CHECK LEGAL DESCRIPTION WITH DEED AND REPORT ANY DISCREPANCY IMMEDIATELY. REFER TO TITLE POLICY OR VILLAGE ZONING CODE FOR POSSIBLE ADDITIONAL EASEMENTS OR BUILDING LINES NOT SHOWN HEREON.

DOLAND ENGINEERING, LLC
-CIVIL ENGINEERING ~ LAND SURVEYING ~ LAND PLANNING-
334 EAST COLFAX STREET, SUITE C
PALATINE, ILLINOIS 60067
(847) 991-5088
(847) 934-3427 FAX

STATE OF ILLINOIS)
COUNTY OF COOK)SS

I, JASON R. DOLAND, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN SURVEYED, UNDER MY SUPERVISION, IN THE MANNER REPRESENTED ON THE PLAT HEREON DRAWN.

DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

DATED AT PALATINE, ILLINOIS 06/10/20

ILLINOIS PROFESSIONAL LAND SURVEYOR