



ZONING BOARD OF APPEALS REGULAR VIRTUAL MEETING AGENDA

MONDAY, SEPTEMBER 14, 2020 - 7:00 PM

In accordance with social distancing requirements, Governor Pritzker's Executive Order 2020-52 and Senate Bill 2135, the Winnetka Zoning Board of Appeals meeting on Monday, September 14, 2020 **will be held virtually**. The meeting **will be livestreamed via the Cisco WebEx platform**. In accordance, with Public Act 101-0640, at least one representative from the Village will be present at Village Hall, 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 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: 408-418-9388; when prompted enter the Meeting ID – 126 931 2181 (Please note there is no additional password or attendee ID required.)
- 2) **Livestream (both audio and video feed)**. Download the Cisco WebEx meetings app to your smart phone, tablet or computer, and then join Meeting ID – 126 931 2181 Event Password – ZBA09142020

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 hearing 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.

510 Green Bay Road, Winnetka, Illinois 60093
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**ZONING BOARD OF APPEALS REGULAR VIRTUAL MEETING AGENDA
MONDAY, SEPTEMBER 14, 2020 - 7:00 PM**

AGENDA ITEMS

1. Call to Order & Roll Call.
2. Introductory Remarks Regarding Conduct of Virtual Meeting
3. Approval of July 13, 2020 meeting minutes.
4. **Case No. 20-24-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 its Hibbard Road property line. The requested zoning variation would permit the fence to exceed the maximum permitted height. The Zoning Board of Appeals has final jurisdiction on this request.
5. **Case No. 20-25-V2: 811 Cherry Street:** An 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 Village Council has final jurisdiction on this request.
6. **Case No. 20-07-SD: 1415 and 1423 Asbury Avenue:** An application submitted by Judy Lesnik seeking approval of a Final Plat of Subdivision and zoning variations 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 variations would (a) permit the existing residence and proposed detached garage at 1415 Asbury Avenue to exceed the maximum permitted building size (GFA); and (b) permit the existing residence at 1415 Asbury Avenue to observe less than the minimum required side yard setback from the east property line. The Village Council has final jurisdiction on this request.
7. Other Business.
 - a. Community Development Report
 - b. October 12, 2020 Meeting - Quorum check.
8. Public Comment.
9. 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).

510 Green Bay Road, Winnetka, Illinois 60093

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WINNETKA ZONING BOARD OF APPEALS
July 13, 2020

Zoning Board Members Present: Matt Bradley, Chairman
Sarah Balassa
E. Gene Greable
Kimberly Handler
Lynn Hanley
Mike Nielsen

Zoning Board Members Absent: None

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
July 13, 2020

Call to Order.

Chairman Bradley called the meeting to order at 7:00 p.m.

Introductory Remarks Regarding Conduct of Virtual Meeting.

Chairman Bradley read the Oral Declaration into the record as follows: "Pursuant to recently adopted amendments to the Illinois Open Meetings Act included in Public Act 101-0640, public bodies may, in certain circumstances, hold entirely virtual meetings without a quorum physically present in one location. On March 17, 2020, President Rintz issued a Declaration of Emergency pursuant to authority granted by the Village code, the Illinois Municipal Code and the Illinois Emergency Management Agency Act to address the health threat posed by the Covid-19 pandemic. On May 29, 2020, Governor Pritzker issued a Disaster Proclamation that declared in-person attendance at public meetings of more than ten people at the regular public meeting location to be infeasible, in accordance with the Open Meetings Act, as amended by Public Act 101-0640. On June 16, 2020, President Rintz executed a written determination that given the ongoing emergency associated with the Covid-19 pandemic, in-person meetings of the Village's Village Council are not practical or prudent at this time and until further notice. In accordance with the Governor's Disaster Proclamation and the Village President's Declaration of Emergency and Determination regarding meetings of the Village Council, I, as Chair of the Zoning Board of Appeals, hereby determine that in-person meetings of the Zoning Board of Appeals are not practical or prudent at this time and until further notice."

Roll Call:

Ms. Klaassen took roll call of the Board Members present. Chairman Bradley then went over the agenda and outlined how the meeting would take place. He went over the number of ways for the public to participate in the virtual meeting. Chairman Bradley also stated for anyone speaking to first be recognized by him as Chair for the record as well as for speakers to identify themselves before speaking. He confirmed all votes would be done by roll call vote. Chairman Bradley also stated for anyone referencing documents, to identify the location in the materials of the items being addressed. He then stated there would first be a Village staff presentation on the only agenda item followed by questions from the Board. He stated

1 there would then be a presentation by the petitioners followed by questions from the Board. Chairman
2 Bradley stated public comment would then follow after which the public comment portion of the meeting
3 would be closed and followed by the Board's deliberation. He confirmed the Board has final jurisdiction.
4

5 **Approval of June 8, 2020 meeting minutes.**

6 Chairman Bradley asked for a motion to approve the June 8, 2020 meeting minutes. A motion was made
7 by Ms. Hanley and seconded by Ms. Handler. A vote was taken and the motion unanimously passed.

8 AYES: Bradley, Balassa, Greable, Handler, Hanley, Nielsen

9 NAYS: None
10

11 **Case No. 20-19-V: 975 Private Road: An application submitted by Dana and John Marzonie seeking**
12 **approval of a zoning variation to allow the existing storage shed to remain at 975 Private Road. The**
13 **requested zoning variations would permit the existing shed to (a) provide less than the minimum**
14 **required side yard setback from the west property line; and (b) exceed the maximum permitted height.**
15 **The Zoning Board of Appeals has final jurisdiction on this request.**

16 Ms. Klaassen stated the variations being requested by the property owners, Dana and John Marzonie, are
17 for a side yard setback of 0.67 feet from the west property line, whereas a minimum of 9.33 feet is
18 required, a variation of 8.66 feet (92.82%) as well as a second variation for a shed that is 9.5 feet in height,
19 whereas a maximum of 7 feet is permitted, a variation of 2.5 feet (32.71%).
20

21 Ms. Klaassen referred to the illustration and stated the subject property is located on the north side of
22 Private Road between Old Green Bay and Sheridan Road and is improved with an existing two story
23 residence with an attached garage and the existing storage shed. She stated the lot is triangularly shaped
24 without a rear yard as defined by the zoning ordinance and the two side lot lines come to a point opposite
25 the front lot line along Private Road. Ms. Klaassen noted the property is zoned R-2 and is bordered by R-
26 2 zoning although there is R-5 zoning to the south of the property.
27

28 Ms. Klaassen informed the Board the Community Development Department received a complaint in
29 December regarding the shed and since that time, the Village has worked with the applicants to resolve
30 the issue. She stated the applicants decided to ask for zoning relief and submitted the application before
31 the Board on June 12, 2020. Ms. Klaassen stated the shed measured 6.3 x 10.3 feet or approximately 65
32 square feet and is 9.5 feet tall. She identified the photo showing the shed from the driveway as well as a
33 photo of a view from the front elevation of the east side of the structure facing the interior of the property.
34 Ms. Klaassen stated the applicants provided a current plat of survey dated April 13, 2020 to represent the
35 size and location of the shed which is setback 0.67 feet from the west property line. She then identified a
36 photo representing the various heights of the shed with a door at a height of 6.5 feet and noted the overall
37 height of the shed measured 9.5 feet from grade. Ms. Klaassen stated the zoning ordinance allowed
38 storage sheds, playhouses, walled enclosures for trash containers and pool equipment to be a maximum
39 height of 7 feet.
40

41 Ms. Klaassen stated the Board is to consider whether or not the requested zoning variations meet the
42 standards for granting variations and staff drafted resolutions for the Board's consideration, one of which
43 approves the request and the other which denies the request on page nos. 24 and 35. She then stated
44 following public comment and Board discussion, a Board Member may wish to make a motion to approve
45 one of the two resolutions. Ms. Klaassen noted two emails and two letters were submitted which will be
46 read into the record after the applicants' presentation. She then asked if there were any questions from
47 the Board.
48

1 Chairman Bradley also asked if there were any questions from the Board. He asked Ms. Klaassen if the
2 two separate requests were consolidated into one approval into the denial resolution and if they were to
3 reach an agreement with the applicants to come up with an approval on one aspect of the request and
4 denial of the other, how would the Board remedy that in connection with the drafted resolution. Ms.
5 Klaassen stated staff would revise the resolution accordingly. Chairman Bradley asked if there were any
6 other questions. Mr. Greable asked what the height of the fence with the shed is exceeding the fence's
7 height. Ms. Klaassen estimated the fence height to be 6 to 6.5 feet which is the permitted height for a
8 fence. Chairman Bradley asked if the fence is on their property or on the neighbors' property. Ms. Klaassen
9 stated according to the plat of survey, the fence is primarily located on the neighbors' property.

10
11 Ms. Balassa asked Ms. Klaassen if the applicants made an attempt after the violation notices were issued
12 to make the shed come into compliance. Ms. Klaassen responded the applicants had the opportunity to
13 make the shed comply or to apply for zoning relief. Ms. Balassa stated on March 19, 2020, the applicants
14 were granted an extension to bring the structure into compliance due to Covid-related delays and a
15 second violation notice was issued on May 7, 2020. She asked since the applicants asked for that extension
16 if an attempt was ever made to bring the shed into compliance. Ms. Klaassen responded the applicants
17 worked in good faith toward a resolution before applying for the zoning variations. Chairman Bradley
18 asked if there were any other questions. No additional questions were raised at this time.

19
20 Dana and John Marzonie were allowed into the meeting. Chairman Bradley then swore in those speaking
21 to this matter. He asked for confirmation that the applicants received the written waiver to proceed with
22 the virtual meeting. Mr. Schoon confirmed they no longer require that confirmation in light of recent
23 amendments to the Open Meetings Act.

24
25 Chairman Bradley asked the applicants if there were any additional evidentiary materials to be presented.
26 Mrs. Marzonie responded there is a lot of background evidence in the documentation presented to the
27 Village. She then stated in response to Ms. Balassa's question as to whether they were proceeding in good
28 faith, there were numerous emails among them, Mr. Norkus and Ms. Klaassen and the fact they did not
29 receive the second notice violation. Mrs. Marzonie stated as a result of the world shutting down as well
30 as the Village, she stated their response to the Village was sent by them on April 7, 2020 and was not
31 received by the Village until May 10, 2020. She then stated in terms of bringing the shed into compliance,
32 they asked for meetings and the Village was not able to do that since the Village was shut down. Mrs.
33 Marzonie stated they looked for options which did not require them to come before the Board but due to
34 the circumstances, the option of either taking the shed down or moving it into an area would make the
35 shed nonfunctioning.

36
37 Chairman Bradley stated the Board appreciated the frustrations with the Village shutting down but they
38 rely on Village staff to advise residents as to what is or is not allowed and if there was any delay on the
39 part of the Village staff, the Board would not hold them responsible as to where they are in the process.
40 He stated the Board can settle the situation of what to do about the shed. Chairman Bradley advised the
41 applicants there was no need for them to prepare a presentation and if they felt the application spoke for
42 itself, they can open the matter up to questions from the Board. He then stated if the applicants wanted
43 to provide background as to the nature of the shed, why it was placed in the chosen location, etc., they
44 are welcome to do so.

45
46 Mrs. Marzonie read her letter into the record as follows: "The applicants thanked the Village and the
47 Village employees for their valuable time spent on this matter. The storage shed in consideration tonight
48 is a replacement and an upgrade from the one that was in the same location for 20 years. We restored,

1 re-shingled and repaired the original until it was no longer an option. The placement of the shed was
2 chosen originally by the previous owners and once again by us because of the unique, nonconforming lot
3 shape which extremely limits the area that an accessory storage building may be located. We are also
4 thoughtful in using the original site so that no trees or mature landscaping were removed and the original
5 shed foundation was used. The shed would be used to store bicycles and a lawnmower. It makes sense to
6 have the shed close to the driveway and the garage. Other possible locations not requiring a variance,
7 although they are few due to the side yard setback of 9.33 feet on the longest west side of the property
8 and the 14 foot covenant side setback on the east side of the property, would result in the loss of mature
9 trees, shrubs or impairing the swales that were planned and are in our landscape development plan done
10 15 years ago when we built the home. Other locations also greatly diminished the functionality of the
11 storage shed. The building would also be more visible if it were to be moved to another location. If we
12 decided to change the location, it would be clear that a permit was required and we decided to go with
13 the original location and foundation. The decision to upgrade the small building 6x10 (60 square feet in
14 total) was made in a thoughtful way. Research was done to find something that was in keeping with the
15 quality of the neighborhood and our property. The structure is a pine harbor brand which I can state with
16 confidence is well above other options and unlike the old, outdated model which sat on our property and
17 this structure allows us to lock the door and enter without bumping our heads. While the specs received
18 from the company show a door height of 6 feet and a wall height of 7 feet but did not indicate the height
19 at the very peak of the roof, the old shed to the best of my knowledge was 7.5 to 8 feet which brought
20 the door to a 5.5 foot opening. At this point in 2020, it is impossible to find a storage unit that has less
21 than a 6 foot door as it does not function.”
22

23 Mrs. Marzonie then asked if they would have a chance to speak once the letters are read from the
24 neighbors. Chairman Bradley referred to the procedures he identified at the beginning of the meeting and
25 stated there would be a chance to have dialog among the Board Members and the public to better
26 understand the nature of the request. He also stated they would add into the record where they would
27 have the opportunity to respond to any other evidence entered into the record which is potentially
28 harmful to their application. Chairman Bradley also stated once Board deliberation has begun and if
29 additional information is necessary, the Board would reopen the public comment portion of the meeting.
30 Mrs. Marzonie referred to the flashing and the site development plan showing the landscaping plan and
31 swales and the location of the storm intake which she described as a huge obstacle. She also referred to
32 the area in red that Mr. Norkus and Ms. Klaassen determined the area where the shed could be sited
33 without a variance which rendered its functionality useless.
34

35 Chairman Bradley stated the Board would determine in their deliberations if the applicants have satisfied
36 the standards necessary for granting the requested variances and whether the standards have been met.
37 He then asked the Board Members if there were any questions. Ms. Handler asked if the shed was custom
38 built or prefab. Mrs. Marzonie responded it came in a kit with options of different sizes, shingles and
39 siding. She stated they attempted to fit it on the existing concrete foundation. Mr. Marzonie also stated
40 once the foliage was clear, the space was there and referred to its proximity. Ms. Handler then stated the
41 site was chosen because of its usefulness to the original home but they replaced the original home. She
42 asked how many garage bays the original home had. Mr. Marzonie responded there was a two car garage
43 which was front to back. He also stated the Board and Mr. Norkus can vouch for what they went through
44 in terms of the home's original build. Mr. Marzonie stated they hosted two parties to show their drawings
45 to their neighbors and foolishly asked for their input. He then stated they were asked to lower the home
46 which was done with a result of the upstairs bedrooms having 4 and 5 foot knee walls. Mr. Marzonie
47 stated they were also asked to remove the third garage stall which they did. He commented multi-million
48 dollar homes should have a three car garage and to have such a home with a two car garage and a 7 foot

1 shed with a 5 foot door, a 9.5 foot shed they installed is totally functional and an upgrade for everyone.
2 Mrs. Marzonie stated based on the feedback they received in connection with the original home planning,
3 they decided to do a two car garage instead of a three car garage, the neighborhood has now been
4 completely transformed with a majority of three and four car garages. Mr. Marzonie added they need
5 storage space and if they had the third garage stall, they would have had space. He then referred to the
6 20-foot utility easements on two sides of their property as well as having a non-buildable 14-foot covenant
7 on the east side they had to comply with.

8
9 Mr. Marzonie stated they spoke with Cindy McCammack of the Village staff when the original home was
10 built and at the time they had small children. He stated they considered moving the small home back on
11 the property and discussed it with Joan Evanich of the Historical Society to inquire if there is anything
12 historic precluding them from demolition. Mr. Marzonie stated Ms. Evanich told them there was nothing
13 historic about the home. He then stated the further the home is pushed back, the worse the backyard
14 would get. Mr. Marzonie stated they were told if the home was moved, it would have to comply with the
15 regulations which is when they decided to build a new home. He stated at the last step of the approval
16 process in connection with the demolition permit, they hired an architect and began building the home
17 when a photo of the Howard Van Doren Shaw home being presented after the Landmark Preservation
18 Commission denied the demolition permit after they had gotten out of the rental property they were
19 living in. Mr. Marzonie then stated they received a variation to allow the home to come forward 10 feet
20 since pushing it back would not work and other variances were thrown at them.

21
22 Mrs. Marzonie then stated they have more than worked with the Village in the past in attempting to save
23 the original home which is what they wanted to do. Mr. Marzonie then stated after being denied and
24 delayed, two years later, they had to make the decision to go with Plan A or B which is when they hired
25 architects to save the home which included donating it to the Historical Society.

26
27 Chairman Bradley stated the Board appreciated the history of the home and the efforts they went through
28 for the construction of the home. He then stated the issue of the shed is the only item material to the
29 Board at this time and asked if there were any questions from the Board.

30
31 Mr. Greable stated he wanted to discuss how they are at 9.5 feet when the zoning requirements are for
32 7 feet which towered above the fence by 2 feet. He asked if the prior shed was at that height. Mrs.
33 Marzonie responded it may have been 8 feet and if a 6 foot door is given, the design of the shed is because
34 of the roof angles of the home. Mr. Marzonie stated they are talking about a 6 foot 10 inch shed with a 6
35 foot door and it would either have a flat 7-foot high roof or some semblance of a peak for drainage with
36 the alternative being a 5.5 foot door for the shed. Mr. Greable asked where was the old shed against the
37 setback. Mr. and Mrs. Marzonie confirmed it is in the same location as the prior shed.

38
39 Chairman Bradley asked if there were any other questions. Ms. Handler stated Ms. Klaassen noted the
40 original structure was 7 feet tall. Ms. Klaassen stated the 7-foot height related to the wall height on the
41 existing shed and she did not have record of the prior shed's height. Mr. Marzonie informed the Board
42 the 7-foot wall held the 6-foot 2 inch door.

43
44 Chairman Bradley stated he drove by the property and referred to the survey submitted and given the
45 traditional footprint of lots in Winnetka, this lot is irregular and placements of a traditional shed are
46 difficult. He then stated there is another shed or storage facility on the driveway line south of the existing
47 shed. Mr. and Mrs. Marzonie confirmed those hold the garbage cans. Chairman Bradley then stated due
48 to their decision to reduce the size of the home as a result of the neighbors' feedback, they are now forced

1 to place items normally stored in the garage in the shed. Mrs. Marzonie stated for the garbage shed; they
2 hope to eradicate it if the requested shed location is approved. Chairman Bradley asked if the new shed
3 is in the location of the prior shed which was made taller than the code allowed. Mr. and Mrs. Marzonie
4 confirmed that is correct.

5
6 Chairman Bradley then stated the standards they are to address regarding the shed's placement relate to
7 water and the covenant on the east side. He asked the applicants if they contend the most reasonable
8 place for the shed is in its current location. Mr. Marzonie responded it is the most practical, functional,
9 useable and least disruptive location although the neighbors are complaining about the height. Mrs.
10 Marzonie stated they attempted to work with the neighbors since before the shed was installed including
11 an offer to further landscape the area. Mr. Marzonie stated the wall height of the shed is 7 feet and the
12 neighbors' fence height is 6 feet 2 inches which was installed 2-3 years ago. He reiterated the former shed
13 was in bad condition and was 7 feet in height. Mr. Marzonie also stated it cannot be seen from the street
14 and you cannot see 85% of the shed due to the fence.

15
16 Chairman Bradley stated where the shed's location is situated made it difficult to landscape on the
17 westernmost wall since there is not enough room there. Mrs. Marzonie stated it could be done on the
18 neighbors' side if the fence is taken down. Mr. Marzonie stated the fence was the neighbors' choice. Mrs.
19 Marzonie informed the Board they installed Arbor Vitae at the location where the fence stopped which
20 would have offered natural shielding.

21
22 Chairman Bradley asked who installed the shed. Mr. Marzonie stated he and a carpenter installed it.
23 Chairman Bradley then asked the applicants if they were unaware of the height limitation in the zoning
24 code. Mrs. Marzonie responded they had several conversations after the shed was installed. She then
25 stated in building their home, that was a completely different process compared to putting in a storage
26 shed. Mr. Marzonie then asked if there were any other questions from the Board.

27
28 Chairman Bradley asked if it would be impractical to pitch it down or is it prefabricated which would not
29 make that possible. Mr. Marzonie stated they would rather have that solution as opposed to putting it
30 into another location. Chairman Bradley stated the Board understood the covenants to the east which
31 contribute to the hardship. He asked if there were any other questions for the applicants. No additional
32 questions were raised at this time. Chairman Bradley then asked if there were any comments from the
33 audience as well as to have the prior letters received read into the record.

34
35 Mr. Schoon stated the written comments would first be read into the record. Ms. Klaassen read an email
36 from Eric Jorgensen of Old Green Bay Road into the record in support of the request. She then read an
37 email from Keta McCarthy into the record in support of the request. Ms. Klaassen read a letter from John
38 Mathy on Private Road into the record in support of the request. She then read a letter received today
39 from Anne and Mead Montgomery into the record in opposition to the request.

40
41 Mr. Norkus allowed Anne and Mead Montgomery into the meeting. Chairman Bradley then swore in those
42 speaking to this matter.

43
44 Mead Montgomery stated the memo covered their position and the issue could have been resolved at
45 the time of getting a building permit which resulted in the shed being intrusive to their property. He
46 confirmed their fence is 6 feet in height and the prior shed was a few inches taller than the fence and was
47 barely noticeable. Chairman Bradley asked how long they have lived in their residence. The Montgomerys
48 confirmed they have lived there since 1979. Chairman Bradley asked if they never had an issue with the

1 old shed's positioning but their objection related to the height. Mrs. Montgomery stated the height as
2 well as the width as shown in the photos. She confirmed the fence belonged to them and has been there
3 since the home was built.
4

5 Chairman Bradley asked the applicants if they would like to respond to the letters or Mead Montgomery's
6 testimony. Mr. Marzonie stated they liked the letters of support and confirmed the shed is higher than
7 the original. He reemphasized the fence is 6 feet tall and the neighbors' view is of three feet of shingled
8 shed and is 85% blocked by their fence and 95% blocked from the street. He also stated the Montgomery's
9 and their backyards are wet and referred to the easements in the rear. Mr. Marzonie stated if they were
10 to move the shed, they would see more of it. He also confirmed they only applied for one variance and
11 the other two were provided to them once a stop moratorium was issued. He then referred to the 9.33
12 property setback and the several easements on the property. Mr. Marzonie referred to the home's
13 setback from the home to the east and attempted to show the view to the Board which he described as a
14 hardship. Mr. Marzonie compared a 60 square foot shed to an 8,000 square foot permanent structure
15 which 100% deleted the sun to their property and which was approved by the Board. He concluded by
16 stating they want to make the neighbors happy.
17

18 Chairman Bradley asked if there were any other comments from the public. Mr. Norkus confirmed there
19 are no other members of the public present. Chairman Bradley then asked if there were any questions for
20 the applicants before they begin deliberation. No comments were made at this time. Mrs. Marzonie
21 informed the Board they had a discussion with the Montgomerys prior to the fence's construction and
22 reiterated they offer to install 40 foot Arbor Vitae to shield the property if the fence was not there.
23 Chairman Bradley then called the matter in for discussion. He first asked the applicants to confirm there
24 were no technical difficulties in making their presentation. The applicants confirmed there were no
25 difficulties.
26

27 Chairman Bradley stated the two variations related to side yard setback and height with the Board having
28 final jurisdiction. He also confirmed the requested variations are not mutually exclusive.
29

30 Ms. Balassa stated there is precedence for sheds and there was a similar matter with sheds and water in
31 backyards. She stated the precedence relates to how does it relate to the standards. Ms. Balassa then
32 stated she appreciated the applicants' concerns and this would amount to undoing every precedent they
33 set regarding sheds. She stated the standards are clear and they have come to the same conclusion that
34 they have to comply with the zoning standards. Ms. Balassa then stated while the situation sounded
35 unique, it is the same as has been done in the past.
36

37 Chairman Bradley stated he is a big proponent of precedents; standards are applied in unique
38 circumstances to every application and the particulars of each application will guide the determination as
39 to whether the standards have been satisfied. He stated with regard to the second variance relating to
40 height, they have been fairly clear on that and there is seldom a meaningful reason why a shed needed to
41 be higher than what is allowed. Chairman Bradley then referred to the uniqueness of the lot, flooding
42 issues, easements, etc. and stated while the second variation is straightforward to him that it did not meet
43 the standards, he is more sympathetic to the applicants given the uniqueness of the property and the
44 inability to reposition a shed of any kind.
45

46 Ms. Balassa stated it not only related to sheds, it also applies to fences, play equipment, etc. and the
47 several contentious cases they have had. She stated if they were to make an arbitrary decision on height,
48 that would result in a lot of problems for the Village and the Board. Ms. Balassa also referred to the

1 background information provided by the applicants which was not previously allowed on other
2 applications.

3
4 Ms. Handler agreed with Ms. Balassa and stated they have zoning rules for accessory structures for a
5 reason. She stated most people want sheds on the furthest corner of their lot lines which would not work
6 with the zoning restrictions. Ms. Handler stated they heard a lot of information and the standards need
7 to be met. She stated she did not see where they have been met and the shed's location did not prevent
8 them from yielding reasonable return. Ms. Handler then stated there are other multi-million dollar homes
9 which did not have sheds and if it is important to them, it could be located elsewhere on the property.
10 She also stated the shed would not meet standard no. 4 in that it would block the light to the adjoining
11 property and with regard to the unique circumstances, there are alternatives for storage. Ms. Handler
12 then stated she would not vote in favor of either variation request.

13
14 Ms. Hanley stated given the shape of the lot, it is very unique lot and the location of a shed is extremely
15 limited. She stated she can appreciate its location and it would be impossible to put it in the required
16 setback without putting it in the middle of the driveway. Ms. Hanley stated with regard to height, the
17 reason they have variations is due to the need to vary from the zoning requirements and the fact they
18 have a two car garage when they are allowed to have a three car garage which could have housed the
19 stored items and they need to have a decent size shed which permitted its access. She stated the
20 standards have been met on both and she is in favor.

21
22 Ms. Balassa stated they have had conversations in connection with what is necessary in a Winnetka home
23 such a coat closet on the first floor of a home. She stated they cannot allow a variation as a result of the
24 applicants' decision not to construct a three car garage at the time the home was built. Ms. Balassa stated
25 she is hard pressed to say they should be allowed a shed. Ms. Hanley stated she is not making the
26 argument the shed is essential. Ms. Handler stated if the applicants followed the process and came to the
27 Board beforehand and asked for a variance, she questioned what the Board would have done and the fact
28 they built it without asking for a variance should not allow it to change.

29
30 Chairman Bradley stated while the Board has discussed the need of what Winnetka homes need or have,
31 the applicants are not asking for a master bedroom and a shed is a permitted structure in the Village with
32 the issue being its height and position on the lot. He then asked the applicants if they would be willing to
33 lower the roof height to bring it into compliance, the basis would be met for them for a variation.
34 Chairman Bradley reiterated the shed has been in this location for a long time and it also related to the
35 uniqueness of the lot and the inability in terms of a reasonable location for the shed on the lot.

36
37 Ms. Handler stated if the applicants came before them in 2002 and asked for a shed, they would have
38 considered the request on the basis of what was there at the time and described all of the commentary
39 as irrelevant. Chairman Bradley stated if they had come to Village staff for a permit to build a shed, they
40 would have been informed not to make it more than 7 feet in height and for them to put in the location
41 they want, they would have to get approval from the Board. He stated given those circumstances, he
42 would have approved the request. Chairman Bradley then stated he is not in favor of building the shed
43 and asking for forgiveness later. He reiterated if the applicants are willing to lower the shed height, the
44 first standard would be met but the second standard has not been met in any way. Chairman Bradley then
45 asked the other Board Members for their comments.

46
47 Mr. Greable stated he could not support a 9.5 foot shed height since it is not in compliance with the code.
48 He also stated with regard to the impact on the neighbors, the height was very intrusive to their side of

1 the fence. Mr. Greable then stated it was built on the original site of the old shed at 6-7 feet. He stated
2 he would support the first variation but not the second variation. Mr. Nielsen stated he agreed with
3 Chairman Bradley's suggestion of lowering the roof height as well as Mr. Greable's comments. He stated
4 the issue for him came down to convenience for the shed not to be located in the wet yard or the ability
5 to get in the shed's door easily. Mr. Nielsen stated he would agree leaving the shed on its original footprint
6 but to lower the roof height to an allowable height.

7
8 Chairman Bradley stated the way the resolutions are drafted, it would be all or nothing with the exception
9 of Ms. Hanley who leaned toward voting in favor of both variations. He stated it appeared the vote would
10 be to deny both variations and referred to the applicants withdrawing the application to allow them to
11 bring themselves into compliance or proceed with a vote to move to adopt a revised resolution approving
12 the first variation being conditioned upon the height being reduced to the proper code. Chairman Bradley
13 then asked for a motion to adopt the resolution included in the packet subject to a condition that the side
14 yard setback be granted but the shed height be lowered and brought into code compliance. Ms. Balassa
15 asked if there is a time frame for the shed to be brought into compliance. Mr. Nielsen suggested 6 months.
16 Ms. Handler suggested 60 days.

17
18 Chairman Bradley allowed the applicants back into the meeting. He stated for the record, if the concession
19 is not made on the application, they would be denied the requested zoning relief. He stated the suggestion
20 would allow them to come into compliance to reduce the height to 7 feet but allowing the variation for
21 the side yard setback. He again asked for a motion.

22
23 Mr. Nielsen moved to approve the side yard setback variation and within a 60 day period for the applicants
24 to lower the shed height to a maximum of 7 feet. Ms. Handler seconded the motion. A vote was taken
25 and the motion unanimously passed.

26 AYES: Bradley, Balassa, Greable, Handler, Hanley, Nielsen

27 NAYS: None

28
29 **Other Business.**

30 **a. Community Development Report**

31 Mr. Schoon stated the Village Council approved the impermeable lot coverage variation for The Hadley
32 Institute as well as the Ash Street subdivision. He also stated since Chairman Bradley is the liaison to the
33 Plan Commission, they reviewed two special uses in the Overlay District for Delos Therapy on Lincoln
34 Avenue as well as Engel & Volkers in Hubbard Woods. Mr. Schoon stated the Plan Commission
35 recommended denial on the Delos Therapy application since the request did not meet the special use
36 standards. He stated the Plan Commission also recommended denial of the Engel & Volkers application
37 for the same reason. Mr. Schoon stated both requests would go to the Village Council next week.

38
39 Mr. Schoon then stated the Board recommended a sign code amendment to allow display case signs on
40 the exterior of restaurants which would go to the Village Council next week. He also stated there is a
41 request to amend the development agreement of a three lot subdivision off Hibbard Road at 630 Pine
42 Lane. Mr. Schoon added per Village policy for public comment, they typically would not turn on the
43 public's cameras but would only let them speak to avoid the possibility of Zoom bombing.

44
45 **b. August 10, 2020 Meeting - Quorum check.**

46 The Board Members discussed their availability.

47
48 **Public Comment.**

1 Chairman Bradley asked if there were any comments from the public. Mr. Schoon confirmed there is no
2 one else in the meeting.

3
4 **Adjournment:**

5 Ms. Hanley made a motion to adjourn the meeting. Ms. Balassa seconded the motion. A vote was taken
6 and the motion unanimously passed.

7 AYES: Bradley, Balassa, Greable, Handler, Hanley, Nielsen

8 NAYS: None
9

10 The meeting adjourned at 9:02 p.m.

11
12 Respectfully submitted,

13
14 Antionette Johnson

15 Recording Secretary

DRAFT



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: SEPTEMBER 8, 2020
SUBJECT: 130 WESTVIEW ROAD -VARIATION (CASE NO. 20-24-V)

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 Elizabeth and Eric Kauffman (the "Applicants") as the owners of the property at 130 Westview Road (the "Subject Property"). The Applicants request approval of the following zoning variation to allow installation of a fence on the Subject Property along its Hibbard Road property line:

1. A fence that is 8 feet in height, whereas a maximum of 6.5 feet above natural grade is permitted, a variation of 1.5 feet (23.08%) [Section 17.30.130 – Obstructions in Required Yards or Courts].

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

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

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.53 acres in size, is located on the west side of Westview Road, east of Hibbard Road, between Hill Road and Broadmeadow Road, and contains an existing one-and-half-story residence with an attached garage (see Figure 1). The Subject Property is a "through lot" with two lot lines along two more or less parallel streets; Westview Road to the east and Hibbard Road to the west.

The property is zoned R-2 Single Family Residential, and it is bordered by R-2 Single Family Residential to the north, south, and east, and the Cook County Forest Preserve to the west (see Figure 2). The Comprehensive Plan designates the Subject Property as appropriate for single family residential development. The zoning of the property is consistent with the Comprehensive Plan.

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The residence was built in 1951. The following subsequent building permits were issued in:

1. 1986 to construct a one-story addition on the southwest corner of the residence;
2. 1998 to demolish a screen porch and construct a sunroom and breakfast room addition;
3. 2015 to construct a one-story addition, expand an existing dormer and add new dormers.

Other permits for interior remodeling have also been issued over the years. The Applicants acquired the property in 2015. There are no previous zoning cases on file for the Subject Property.

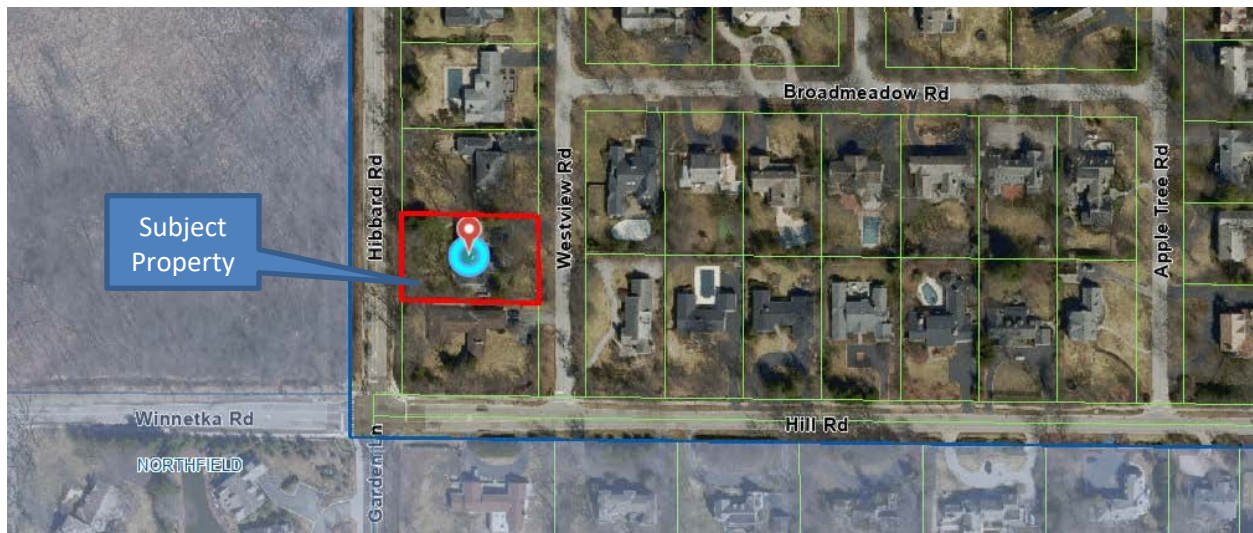


Figure 1 – Aerial Map



Figure 2 – Zoning Map



Figure 3 – Subject Property – East Elevation (Westview Road)

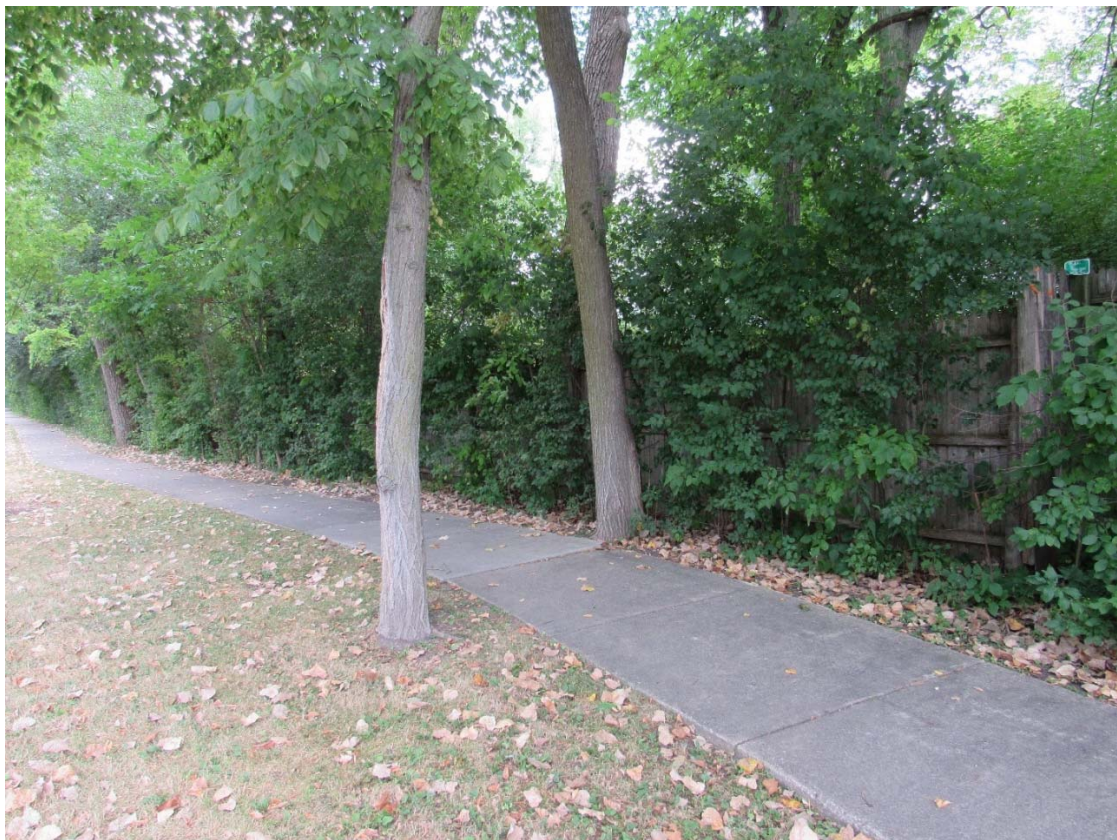


Figure 4 – Subject Property – West Elevation (Hibbard Road)

PROPOSED PLAN

The requested variation would allow the replacement of the existing fence along the west front lot line of the Subject Property. According to the Applicants, the existing fence is 6 feet in height. The proposed fence would be a solid traditional fence constructed of wood and measure a maximum of 8 feet in height. Figures 5 and 6 below identify the existing fence that would be replaced. As described in the Applicants' written explanation, which is provided in Attachment A, the additional height in excess of the permitted 6.5 feet is to increase privacy and to reduce noise from Hibbard Road.

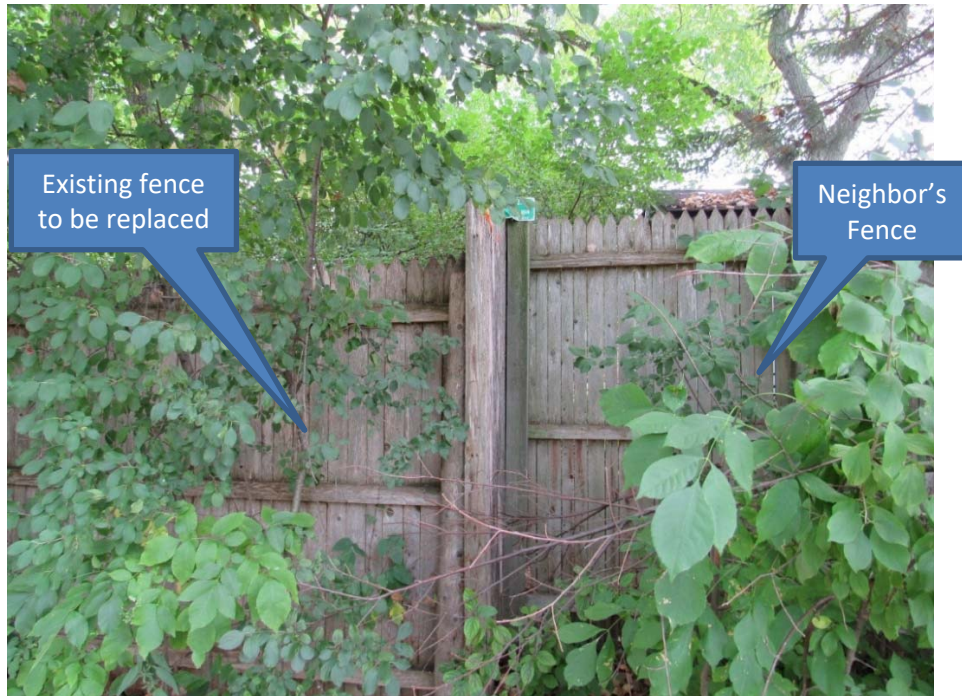


Figure 5 – Existing Fence



Figure 6 – Existing Fence

REQUESTED ZONING RELIEF

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

FINDINGS

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

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

ATTACHMENTS

Attachment A: Application Materials
Attachment B: Draft Resolutions

ATTACHMENT A

Village of Winnetka
ZONING VARIATION APPLICATION

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT



ZONING VARIATION APPLICATION

Case No. 20-24-V

Property Information

Site Address: 130 Westview Road, Winnetka, Illinois 60093

VA2020-737

Owner Information

Name: Elizabeth and Eric Kauffman

Primary Contact: Phone

Address: 130 Westview Road

Phone No. [REDACTED]

City, State, ZIP: Winnetka, Illinois 60093

Email: [REDACTED]

Date property acquired by owner: 04/12/2015

Architect Information

Name: N/A

Attorney Information

Name: N/A

Primary Contact: _____

Primary Contact: _____

Address: _____

Address: _____

City, State, ZIP: _____

City, State, Zip: _____

Phone No. _____

Phone No. _____

Email: _____

Email: _____

Nature of any restrictions on property: Current fence on back of the lot (west end of lot, facing Hibbard Road) is 6 feet in height. Fence currently requires replacement.

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

Owner wishes to replace the current 6-foot height fence with up to 8-feet in height. In doing so, this will provide a more consistent fence height with neighboring properties, increase privacy from foot and vehicle traffic on Hibbard Road, and reduce road noise to the property.

Property Owner Signature: _____

Date: _____

130 Westview Road - Fence Variation Narrative

Per the Zoning Variation Application submitted, the owners of 130 Westview Road wish to replace the current 6-foot height fence with a new fence of up to 8-feet in height. The current fence requires replacement due to damages sustained from past weather. Per the application, doing so will provide a more consistent fence height with neighboring properties, increase privacy from foot and road traffic on Hibbard Road, and reduce road noise to the residence on 130 Westview Road. Specifically regarding fence heights of neighboring properties, photos have been included with this application at the property borders with both 110 Westview Road and 140 Westview Road to illustrate the differences in current fence heights.

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

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

Response: We do not believe that the increase in fence height will have any effect of the financial return of the property. Note that the fence will result in an increase in privacy to the 130 Westview property from vehicle and foot traffic along Hibbard Road which could theoretically increase property value.

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

Response: The circumstances in question are created due to the property's western border along Hibbard Road, which results in significant adjacent vehicle and foot traffic, as well as high amounts of road noise. The property is unique because the fence is one foot lower than all of the neighboring fences along Hibbard Road. In allowing an increased fence height, both privacy and road noise issues will be mitigated to match those of neighboring properties.

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

Response: We do not believe that the increase in fence height will have any effect on the essential character of the locality. To the contrary, doing so will increase consistency in the fence heights along Hibbard Road, thereby enhancing the current character of the locality.

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

Response: The increased fence height along the western border of 130 Westview Road will have no effect to the light and air supply to either adjacent properties (i.e. 110 Westview Road, 140 Westview Road), nor to Hibbard Road.

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

Response: The increase in fence height will have no effect on the risk of hazards from fire (or any other threats).

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

Response: We do not believe that the increase in fence height will have any effect on the taxable value of the land and buildings anywhere in the Village of Winnetka.

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

Response: The increase in fence height will have no effect on congestion in the public streets bordering 130 Westview Road, including Hibbard Road and/or Westview Road.

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

Response: The increase in fence height will have no effect on the public health, safety, comfort, morals and welfare of the inhabitants of the Village of Winnetka.

140 Westview Fence



130 Westview Fence

130 Westview Fence



110 Westview Fence

BA Agenda Packet 130 Westview Page 11

PLAT OF SURVEY

OF

LOT 6 IN BLOCK "A" IN BROADMEADOW PROPERTIES SUBDIVISION, OF THE SOUTH 2/3 OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

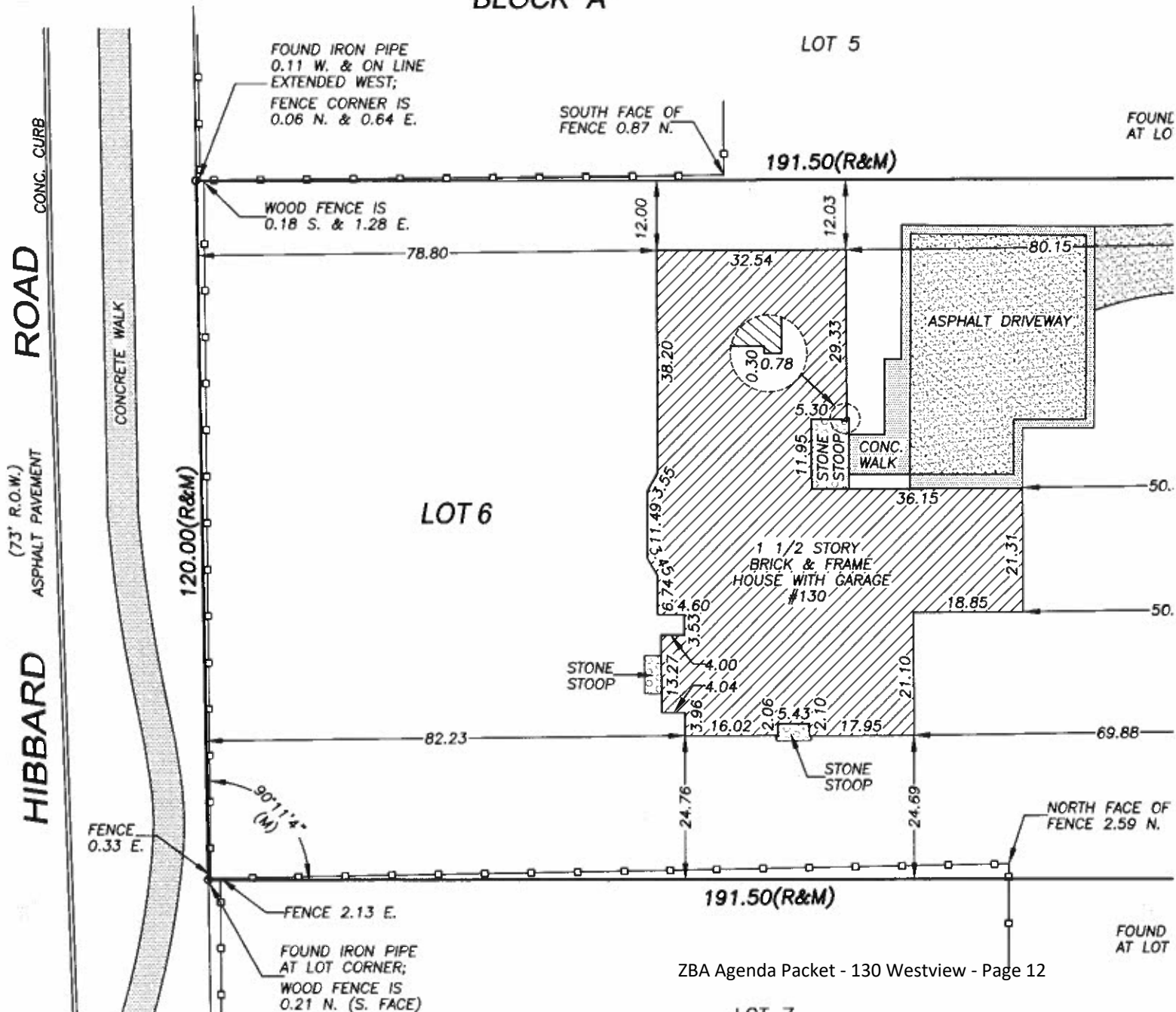
PIN: 05-20-314-006-0000

TOTAL LAND AREA: 22,979 SQ.FT.

COMMONLY KNOWN AS: 130 WESTVIEW ROAD, WINNETKA, ILLINOIS 60093

SCALE: 1 INCH = 25 FEET

BLOCK "A"



Proposed Plan
Copy 1

PLAT OF SURVEY

OF

LOT 6 IN BLOCK "A" IN BROADMEADOW PROPERTIES SUBDIVISION, OF THE SOUTH 2/3 OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 05-20-314-006-0000

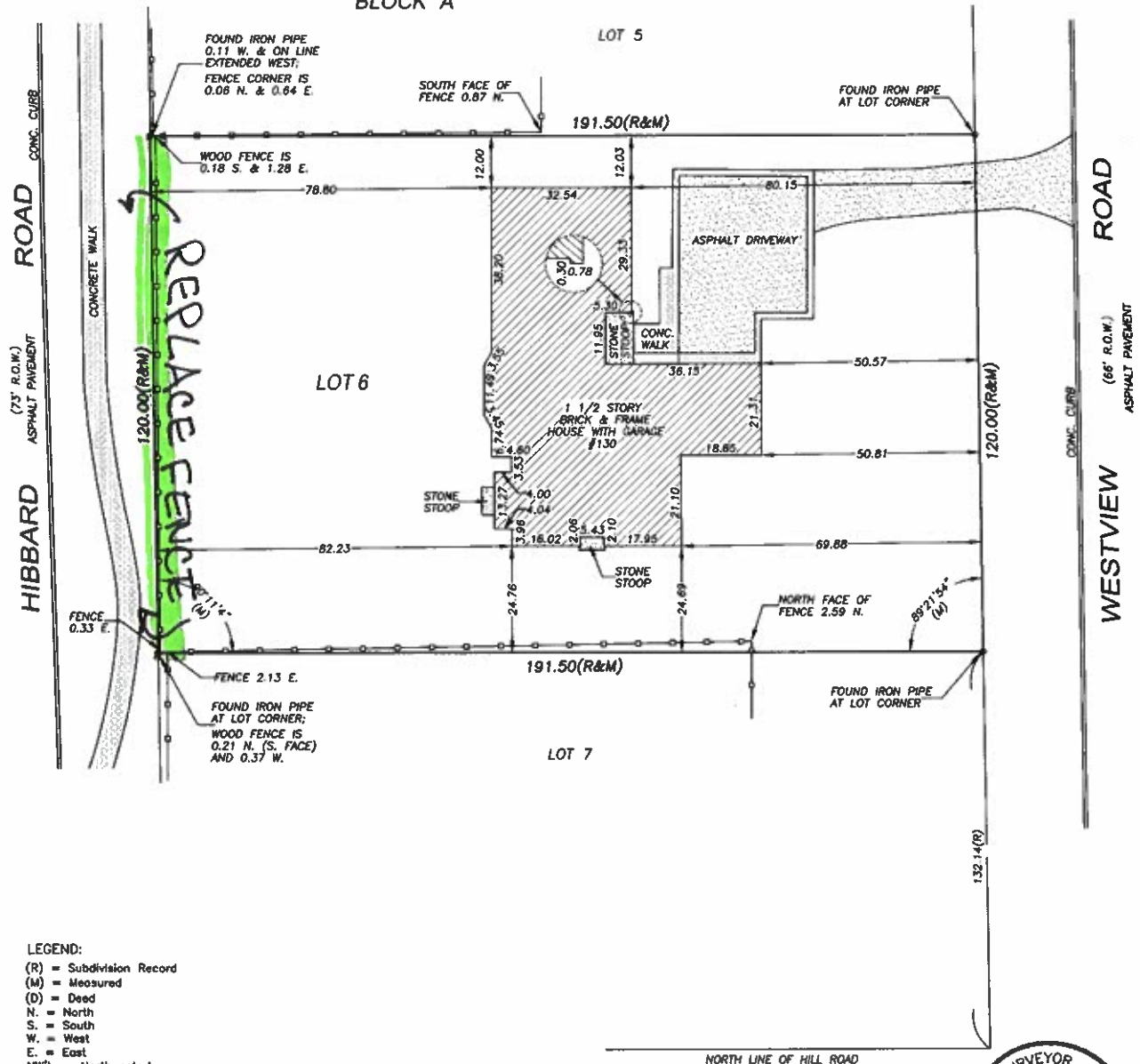
TOTAL LAND AREA: 22,979 SQ.FT.

COMMONLY KNOWN AS: 130 WESTVIEW ROAD, WINNETKA, ILLINOIS 60093



SCALE: 1 INCH = 25 FEET

BLOCK "A"



LEGEND:

- (R) = Subdivision Record
- (M) = Measured
- (D) = Deed
- N. = North
- S. = South
- W. = West
- E. = East
- NW'y = Northwestern
- NE'y = Northeastern
- SW'y = Southwestern
- SE'y = Southeastern
- Conc. = Concrete
- Wood Fence ————
- Chain Link Fence —x—x—x—
- Iron Fence ————

ORDER NO.: 17-190

ORDERED BY: ELIZABETH KAUFFMAN

PREPARED BY:
GEODETIC SURVEY, LTD.
PROFESSIONAL DESIGN FIRM NO. 184-004394
CONSTRUCTION & LAND SURVEYORS
1121 DEPOT STREET, GLENVIEW, IL 60025
TEL. (847) 904-7690; FAX (847) 904-7691

GENERAL NOTES:

- DIMENSIONS ARE SHOWN IN FEET AND DECIMALS AND ARE NOT TO BE ASSUMED FROM SCALING.
- THE LEGAL DESCRIPTION NOTED ON THIS PLAT WAS PROVIDED BY THE CLIENT AND FOR ACCURACY SHOULD BE COMPARED WITH DEED AND/OR TITLE POLICY.
- BUILDING LINE RESTRICTIONS AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED ON THE SUBDIVISION PLAT OR ARE FURNISHED WITH THE ORDERED DESCRIPTION REFER TO YOUR DEED, ABSTRACT, TITLE POLICY AND/OR LOCAL ORDINANCE.
- COMPARE ALL POINTS BEFORE BUILDING AND AT ONCE REPORT ANY DISCREPANCIES, WHICH YOU MAY FIND, TO THIS OFFICE.

STATE OF ILLINOIS
COUNTY OF COOK SS

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF PRACTICE APPLICABLE TO BOUNDARY SURVEYS.

FIELD WORK COMPLETED: JUNE 5, 2017

DATED THIS 28th DAY OF JUNE, 2017.

By: *Thomas R. Johnson*
Thomas R. Johnson
035-003000
GLENVIEW
ILLINOIS
PROFESSIONAL LAND SURVEYOR, STATE OF ILLINOIS
LICENSE EXPIRES 11/30/2018



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

FENCE / WALL – RESIDENTIAL OR COMMERCIAL

Description of Property

- ☐ Multi-family, institutional or commercial use? Yes No
(If YES, fence / wall must be reviewed & approved by the Winnetka Design Review Board)
- ☐ Swimming Pool located on property? Yes No
(If YES, fence must meet specific additional requirements of 15.56 of Winnetka Village Code to limit access to pool)
- ☐ Trampoline located on property? Yes No
(If YES, fence must meet specific additional requirements of 15.56 of Winnetka Village Code to limit access to trampoline)
- ☐ Corner Lot? Yes No
(If YES, must provide 25 foot sight visibility in front or corner yard of corner lots at intersections)
- ☐ Property adjacent to alley? Yes No
(If YES, must provide a 10 foot sight visibility triangle where alley crosses sidewalks)
- ☐ Proposed fence located in a front or corner yard? Yes No
(If YES, must provide a 10 foot sight visibility triangle where driveways cross sidewalks, including driveways on adjacent properties)
- ☐ Type of fence Solid Traditional
- ☐ Materials Wood
- ☐ Maximum height Requesting 7-8

12.26.2018

ATTACHMENT B
RESOLUTION NO. ZBA-6-2020
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
APPROVAL OF ZBA CASE NO. 20-24-V – 130 WESTVIEW ROAD

WHEREAS, Elizabeth and Eric Kauffman (collectively, the “Applicants”) are the owners of the property commonly known as 130 Westview Road, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made part of this Resolution (**“Subject Property”**); and

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

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

WHEREAS, the Applicants desire to replace the existing fence along the west front lot line of the Subject Property (**“Proposed Improvement”**); and

WHEREAS, pursuant to Section 17.30.130 of the Winnetka Zoning Ordinance (**“Zoning Ordinance”**), the maximum permitted height for a fence along the front lot line is 6.5 feet above natural grade; and

WHEREAS, the Applicants desire to replace the existing fence along the west front lot line with a new fence on the Subject Property measuring 8 feet in height above natural grade, a violation of Section 17.30.130 of the Zoning Ordinance; and

WHEREAS, the Applicants filed an application for a variation from Section 17.30.130 of the Zoning Ordinance to permit the Proposed Improvement with a height of 8 feet above natural grade (**“Requested Variation”**); and

WHEREAS, a public notice for the Requested Variation was duly published on 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 2020-52 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 Variation with the final decision being rendered at the Zoning Board of Appeal’s Regular Meeting on September 14, 2020; and

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

1. Application for the Requested Variation submitted by the Applicants, dated August 4, 2020, including all attachments as well as all subsequent additions and revisions to these application materials and attachments; and
2. All written and oral testimony concerning the Requested Variation.

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

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

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

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

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

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

SECTION 3. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Winnetka Zoning Ordinance or any other rights the Applicants 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 Applicants and their respective heirs, personal representatives, successors and assigns.

SECTION 5. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Applicants 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 Applicants with two months advance written notice of the reasons for

revocation and an opportunity to be heard at a regular meeting of the Zoning Board of Appeals. In the event of revocation, the development and use of the Subject Property will be governed solely by the applicable regulations of the Winnetka Zoning Ordinance, including, without limitation, the fence height requirement set forth in Section 17.30.130 of the Winnetka Zoning Ordinance. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

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

SECTION 7. EFFECTIVE DATE.

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

1. Passage by the Zoning Board of Appeals in the manner required by law; and
2. The filing by the Applicants 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 Applicants do 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 14th day of September, 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 6 in Block "A" in Broadmeadow Properties Subdivision, of the South 2/3 of the Southwest Quarter of Section 20, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 130 Westview Road, Winnetka, Illinois.

Parcel Index Number: 05-20-314-006-0000

EXHIBIT B
PLAN
(SEE ATTACHED EXHIBIT B)

EXHIBIT B

PLAT OF SURVEY

OF

LOT 6 IN BLOCK "A" IN BROADMEADOW PROPERTIES SUBDIVISION, OF THE SOUTH 2/3 OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 05-20-314-006-0000

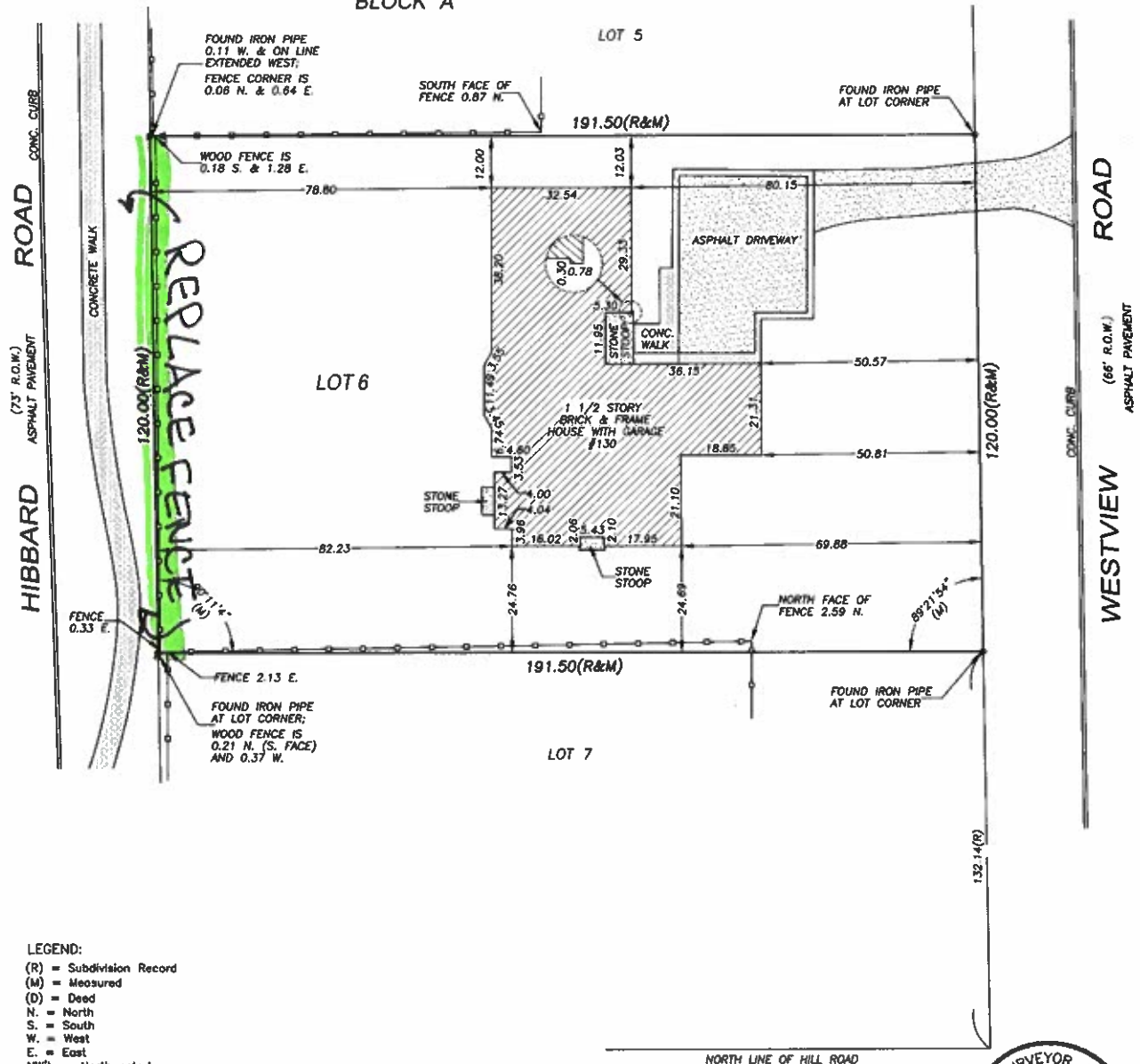
TOTAL LAND AREA: 22,979 SQ.FT.

COMMONLY KNOWN AS: 130 WESTVIEW ROAD, WINNETKA, ILLINOIS 60093



SCALE: 1 INCH = 25 FEET

BLOCK "A"



LEGEND:

(R) = Subdivision Record
(M) = Measured
(D) = Deed
N. = North
S. = South
W. = West
E. = East
NW'y = Northwestern
NE'y = Northeastern
SW'y = Southwestern
SE'y = Southeastern
Conc. = Concrete
Wood Fence ————
Chain Link Fence —x—x—x—
Iron Fence ————

ORDER NO.: 17-190

ORDERED BY: ELIZABETH KAUFFMAN

PREPARED BY:
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PROFESSIONAL DESIGN FIRM NO. 184-004394
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1121 DEPOT STREET, GLENVIEW, IL 60025
TEL. (847) 904-7690; FAX (847) 904-7691

GENERAL NOTES:

-DIMENSIONS ARE SHOWN IN FEET AND DECIMALS AND ARE NOT TO BE ASSUMED FROM SCALING.
-THE LEGAL DESCRIPTION NOTED ON THIS PLAT WAS PROVIDED BY THE CLIENT AND FOR ACCURACY SHOULD BE COMPARED WITH DEED AND/OR TITLE POLICY.
-BUILDING LINE RESTRICTIONS AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED ON THE SUBDIVISION PLAT OR ARE FURNISHED WITH THE ORDERED DESCRIPTION REFER TO YOUR DEED, ABSTRACT, TITLE POLICY AND/OR LOCAL ORDINANCE.
-COMPARE ALL POINTS BEFORE BUILDING AND AT ONCE REPORT ANY DISCREPANCIES, WHICH YOU MAY FIND, TO THIS OFFICE.

STATE OF ILLINOIS
COUNTY OF COOK SS

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF PRACTICE APPLICABLE TO BOUNDARY SURVEYS.

FIELD WORK COMPLETED: JUNE 5, 2017

DATED THIS 28th DAY OF JUNE, 2017.

By: *Thomas R. Johnson*
THOMAS R. JOHNSON
035-003000
GLENVIEW
ILLINOIS
PROFESSIONAL LAND SURVEYOR, STATE OF ILLINOIS
LICENSE EXPIRES 11/30/2018



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

FENCE / WALL – RESIDENTIAL OR COMMERCIAL

Description of Property

- ☐ Multi-family, institutional or commercial use? Yes No
(If YES, fence / wall must be reviewed & approved by the Winnetka Design Review Board)
- ☐ Swimming Pool located on property? Yes No
(If YES, fence must meet specific additional requirements of 15.56 of Winnetka Village Code to limit access to pool)
- ☐ Trampoline located on property? Yes No
(If YES, fence must meet specific additional requirements of 15.56 of Winnetka Village Code to limit access to trampoline)
- ☐ Corner Lot? Yes No
(If YES, must provide 25 foot sight visibility in front or corner yard of corner lots at intersections)
- ☐ Property adjacent to alley? Yes No
(If YES, must provide a 10 foot sight visibility triangle where alley crosses sidewalks)
- ☐ Proposed fence located in a front or corner yard? Yes No
(If YES, must provide a 10 foot sight visibility triangle where driveways cross sidewalks, including driveways on adjacent properties)
- ☐ Type of fence Solid Traditional
- ☐ Materials Wood
- ☐ Maximum height Requesting 7-8

12.26.2018

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Elizabeth and Eric Kauffman (collectively, "**Owners**") are the owners of record of that certain real property located at 130 Westview Road, Winnetka, Illinois ("**Property**"); and

WHEREAS, Resolution No. ZBA-6-2020, adopted by the Winnetka Zoning Board of Appeals on September 1, 2020 ("**Resolution**"), grants a variation to allow a fence measuring 8 feet in height above natural grade along the west front lot line on the Subject Property; and

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

NOW, THEREFORE, the Owners do hereby agree and covenant as follows:

1. The Owners hereby unconditionally agree to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Resolution.
2. The Owners acknowledge that public notices and virtual public hearings have been properly given and held with respect to the adoption of the Resolution, have considered the possibility of the revocation provided for in the Resolution, and agree not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Owners acknowledge and agree that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's granting of the variation, and that the Village's approval of the variation does not, and will not, in any way, be deemed to insure the Owners against damage or injury of any kind and at any time.
4. The Owners hereby agree to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Resolution granting the variation for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2020.

ATTEST

By: _____

Name: _____

OWNERS

By: _____

Elizabeth Kauffman

By: _____

Eric Kauffman

RESOLUTION NO. ZBA-6-2020
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
DENIAL OF ZBA CASE NO. 20-24-V – 130 WESTVIEW ROAD

WHEREAS, Elizabeth and Eric Kauffman (collectively, the “Applicants”) are the owners of the property commonly known as 130 Westview Road, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made part of this Resolution (**“Subject Property”**); and

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

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

WHEREAS, the Applicants desire to replace the existing fence along the west front lot line of the Subject Property (**“Proposed Improvement”**); and

WHEREAS, pursuant to Section 17.30.130 of the Winnetka Zoning Ordinance (**“Zoning Ordinance”**), the maximum permitted height for a fence along the front lot line is 6.5 feet above natural grade; and

WHEREAS, the Applicants desire to replace the existing fence along the west front lot line with a new fence on the Subject Property measuring 8 feet in height above natural grade, a violation of Section 17.30.130 of the Zoning Ordinance; and

WHEREAS, the Applicants filed an application for a variation from Section 17.30.130 of the Zoning Ordinance to permit the Proposed Improvement with a height of 8 feet above natural grade (**“Requested Variation”**); and

WHEREAS, a public notice for the Requested Variation was duly published on 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 2020-52 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 Variation with the final decision being rendered at the Zoning Board of Appeal’s Regular Meeting on September 14, 2020; and

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

1. Application for the Requested Variation submitted by the Applicants, dated August 4, 2020, including all attachments as well as all subsequent additions and revisions to these application materials and attachments; and
2. All written and oral testimony concerning the Requested Variation.

WHEREAS, the Zoning Board of Appeals has determined that the Requested Variation **does not** satisfy the standards for a variation provided in Sections 17.60.040 and 17.60.050 of the Winnetka Zoning Ordinance because (i) the Requested Variation is not in harmony with the general purpose and intent of the Winnetka Zoning Ordinance; (ii) the Subject Property can yield a reasonable return if it is permitted to be used only under the conditions allowed for the R-2 Single Family Residential District; and (iii) the plight of the Applicants is not due to unique circumstances; and

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

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

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

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

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

ADOPTED this 14th day of September, 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 6 in Block "A" in Broadmeadow Properties Subdivision, of the South 2/3 of the Southwest Quarter of Section 20, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 130 Westview Road, Winnetka, Illinois.

Parcel Index Number: 05-20-314-006-0000



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.

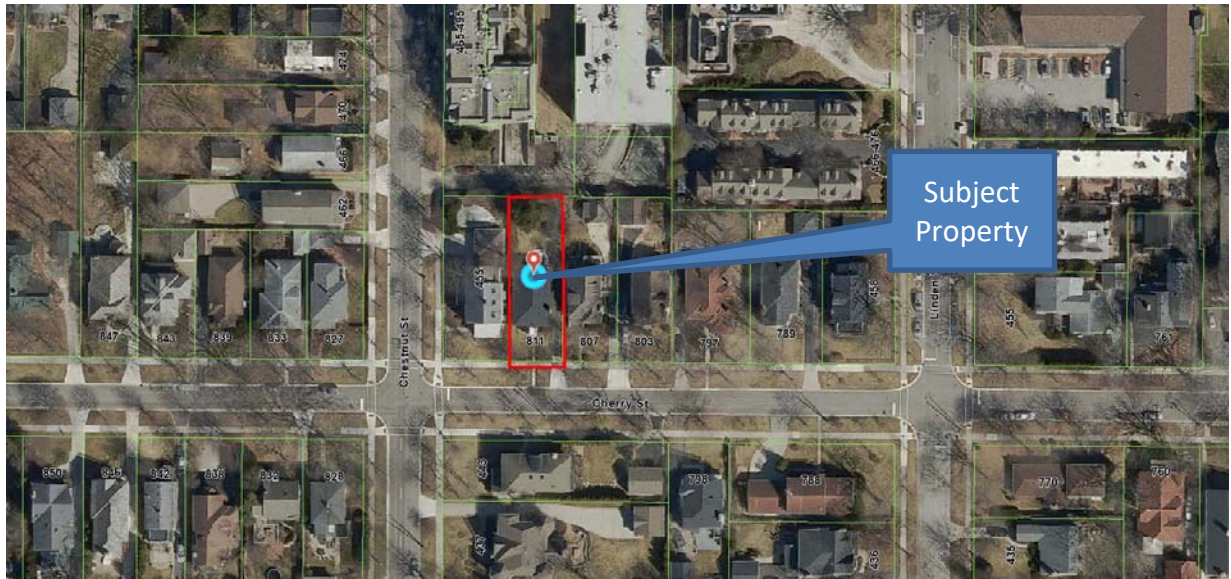


Figure 1 – Aerial Map



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.

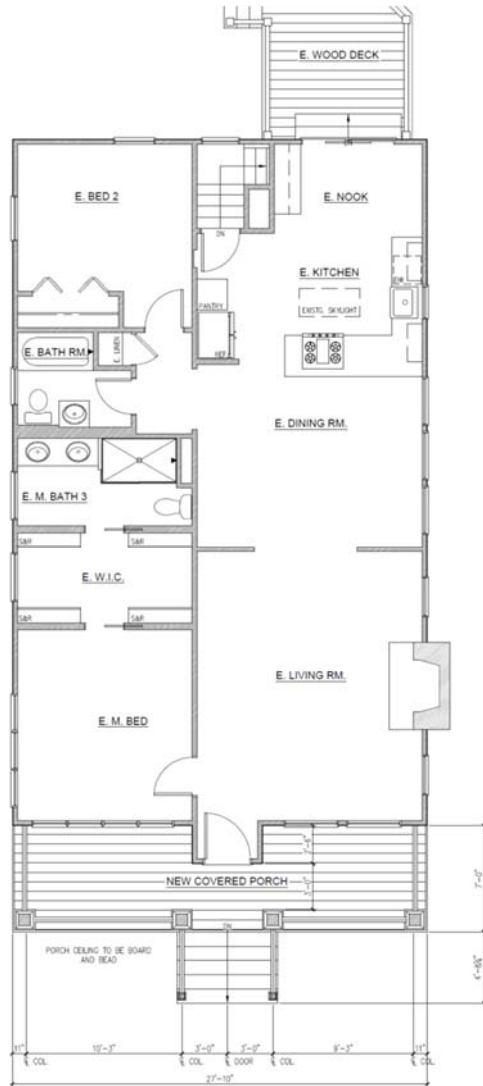


Figure 5 – Excerpt of Proposed First Floor Plan



Figure 6 – Excerpt of Proposed Front Elevation

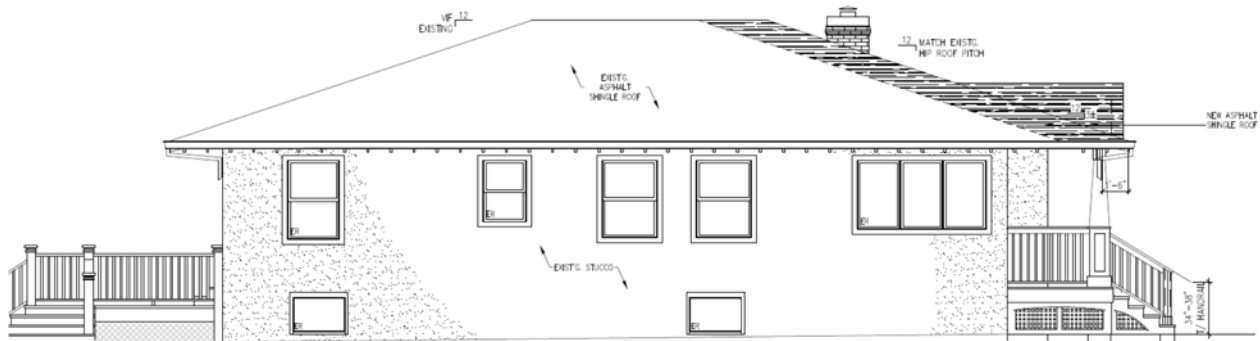


Figure 7 – Proposed West Building Elevation

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>

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No.20-25-V2Property InformationSite Address: 811 Cherry StOwner InformationName: Kathy HamburgerAddress: 811 Cherry StCity, State, ZIP: Winnetka, IL 60093Email: [REDACTED]Primary Contact: Kathy HamburgerPhone No. [REDACTED]Date property acquired by owner: 05/29/2020Architect InformationName: DSW ArchitectsPrimary Contact: David Widick

Address: _____

City, State, ZIP: _____

Phone No. 630-457-7766Email: david@dswarchitects.comAttorney 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

Date: 07/20/2020

STANDARDS RESPONSES

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.

STANDARDS RESPONSES

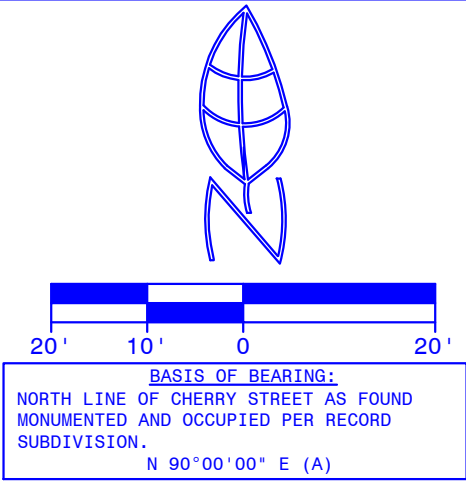
5. **The hazard from fire and other damages to the property will not be increased**
This will not increase the hazard from fire and other damages to the property.
6. **The taxable value of the land and buildings throughout the Village will not diminish**
This will have no adverse effect on the value 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

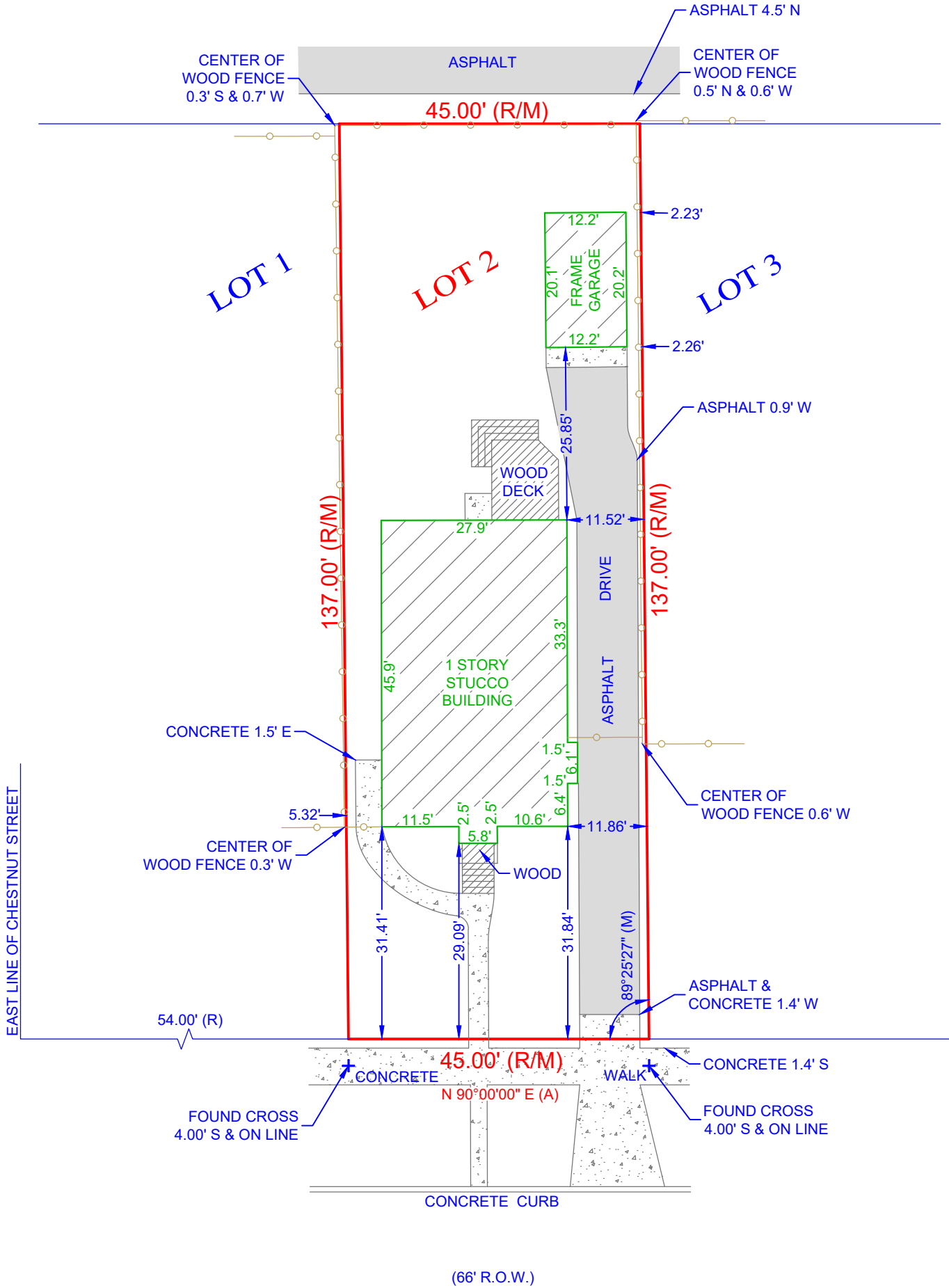
PLAT OF SURVEY OF

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)



(66' R.O.W.)
CHERRY STREET

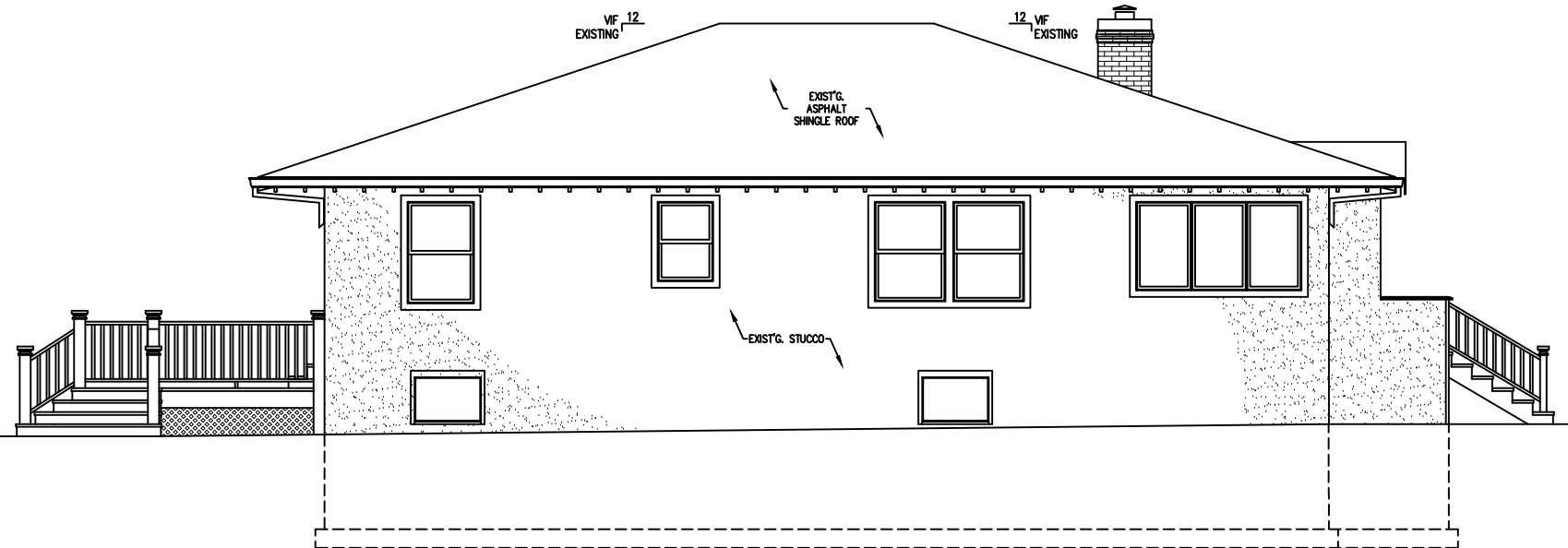


Morris Engineering, Inc.
515 Warrenville Road, Lisle, IL 60532
Phone: (630) 271-0770
FAX: (630) 271-0774
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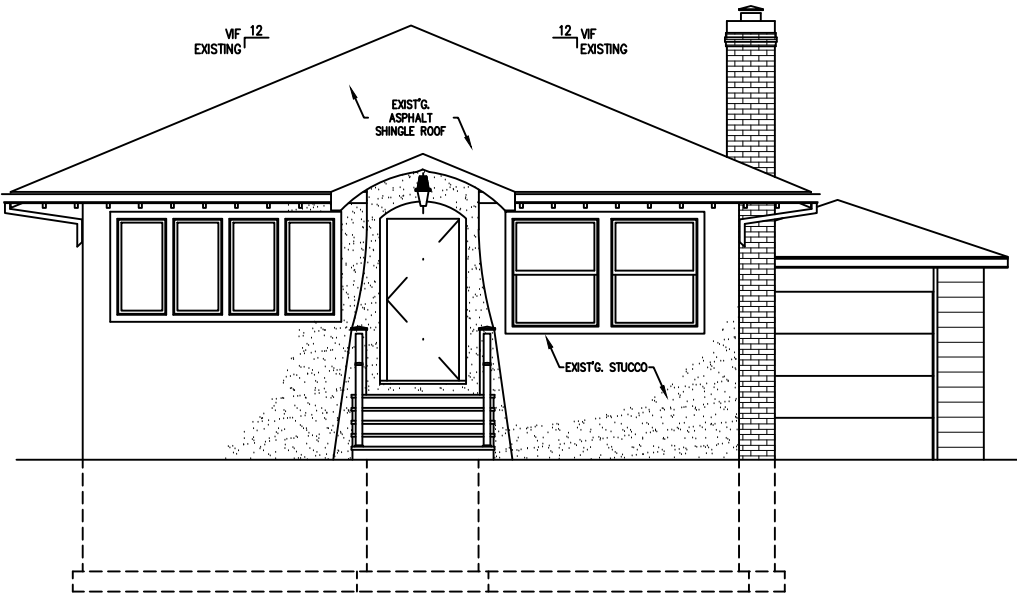
STATE OF ILLINOIS }ss
COUNTY OF DUPAGE
I, THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT "THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY," AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.
DATED, 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



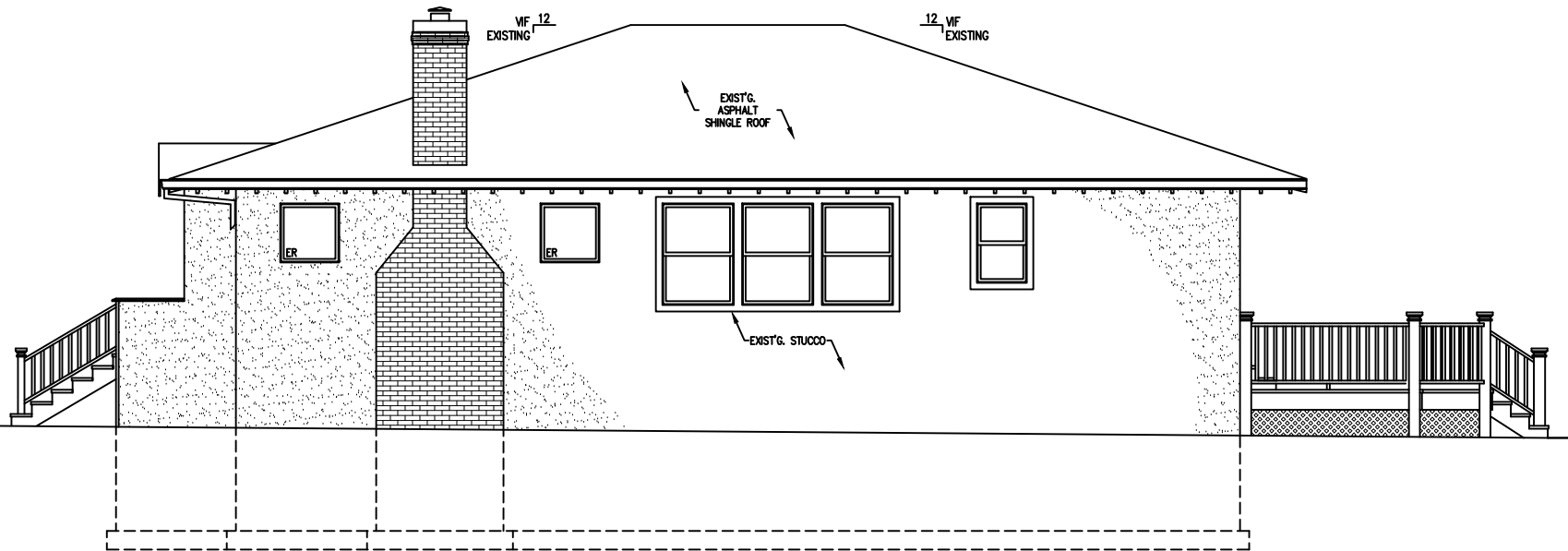
NOTE:
1. ALL TIES SHOWN ON THIS SURVEY ARE MEASURED TO THE BUILDING'S SIDING (BRICK, FRAME, STUCCO, METAL, ETC.) AND NOT TO THE FOUNDATION, UNLESS NOTED OTHERWISE.
2. ROOF LINES AND OVERHANGS ARE TYPICALLY NOT SHOWN HEREON.
3. COMPARE ALL DISTANCES AND POINTS IN FIELD AND REPORT ANY DISCREPANCIES TO 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: ZBA
ZBA Agenda Packet - 811 Cherry - Page 14



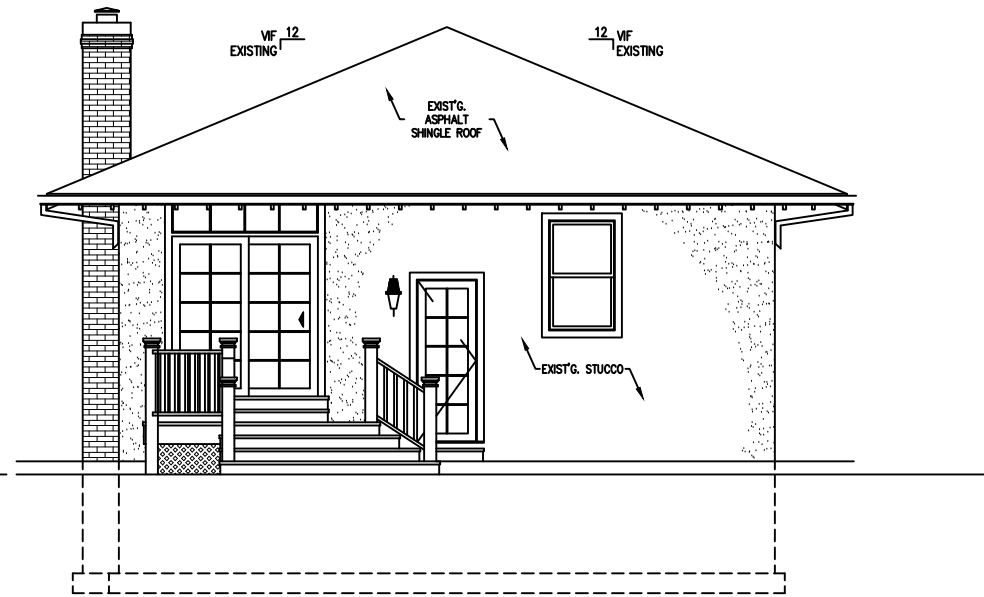
EXISTING WEST ELEVATION
SCALE: 1/8" □ 1'-0



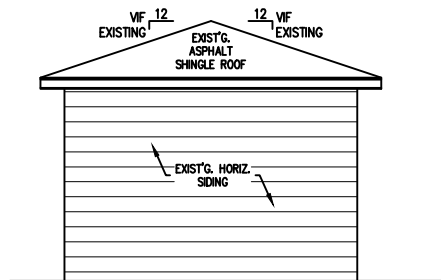
EXISTING SOUTH ELEVATION
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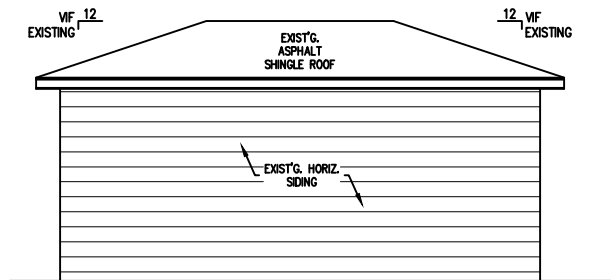
EXISTING EAST ELEVATION
SCALE: 1/8" □ 1'-0



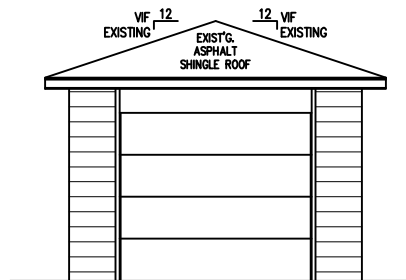
EXISTING NORTH ELEVATION
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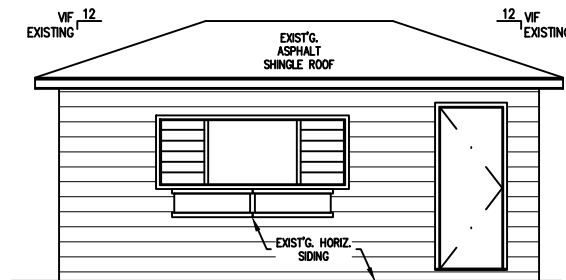
EXISTING NORTH GARAGE ELEVATION
SCALE: 1/8" □ 1'-0



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



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

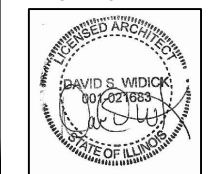


EXISTING WEST GARAGE ELEVATION
SCALE: 1/8" □ 1'-0

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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

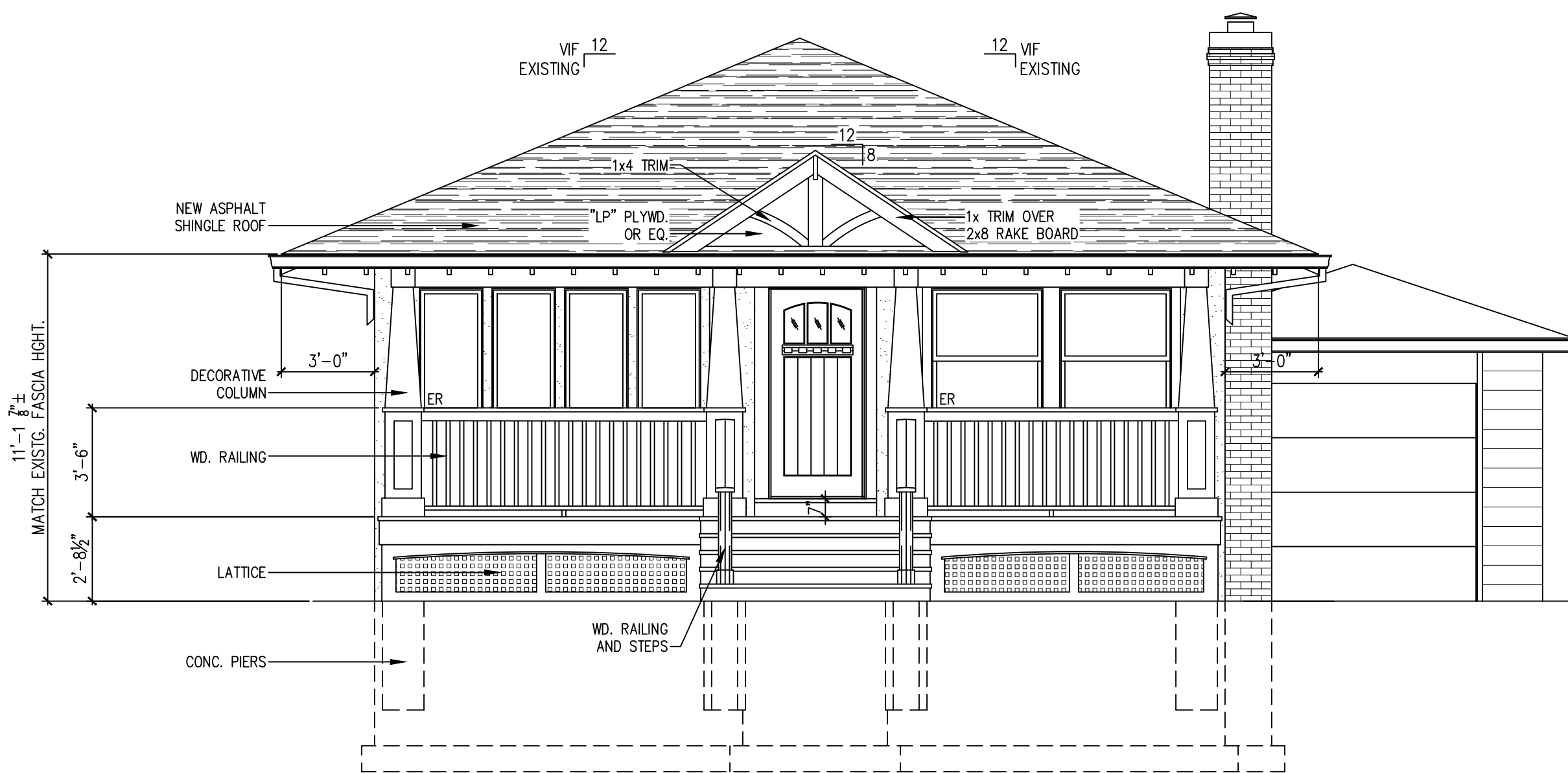
07/16/20 PERMIT REVIEW

07/20/20 11:17
PERMIT REVIEW

PROJECT
WINNETKA RESIDENCE
811 CHERRY STREET
WINNETKA, ILLINOIS

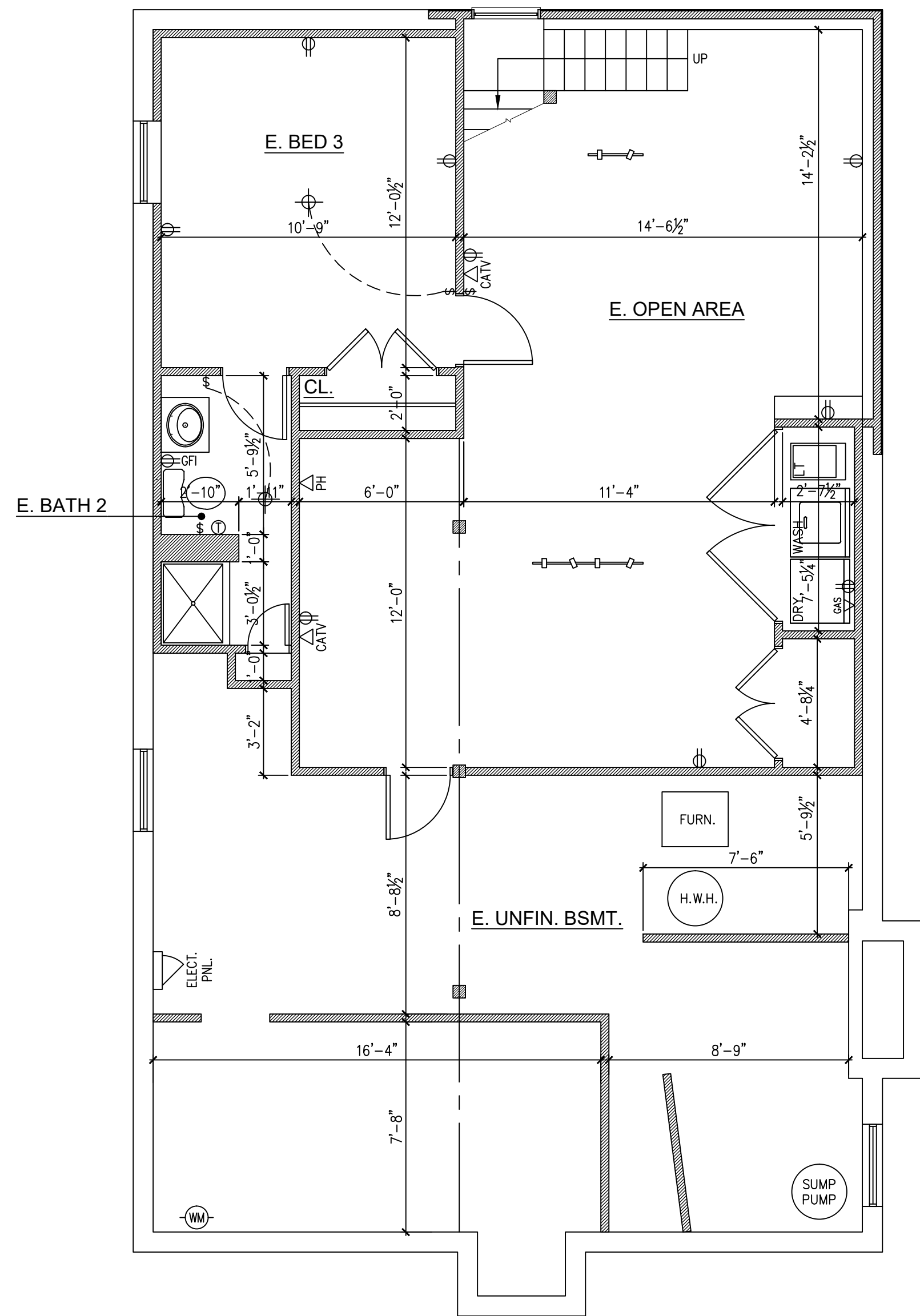
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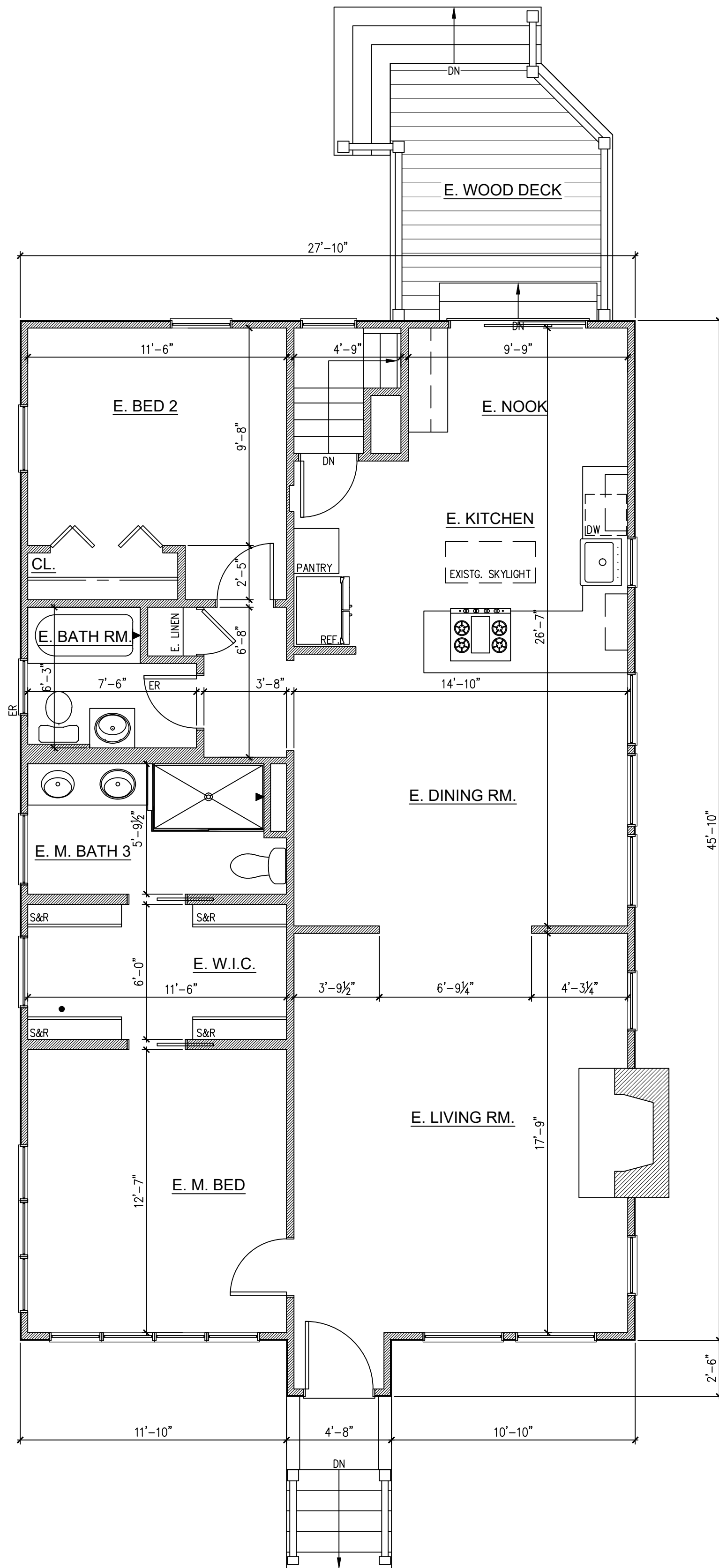
PROPOSED NORTH ELEVATION

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



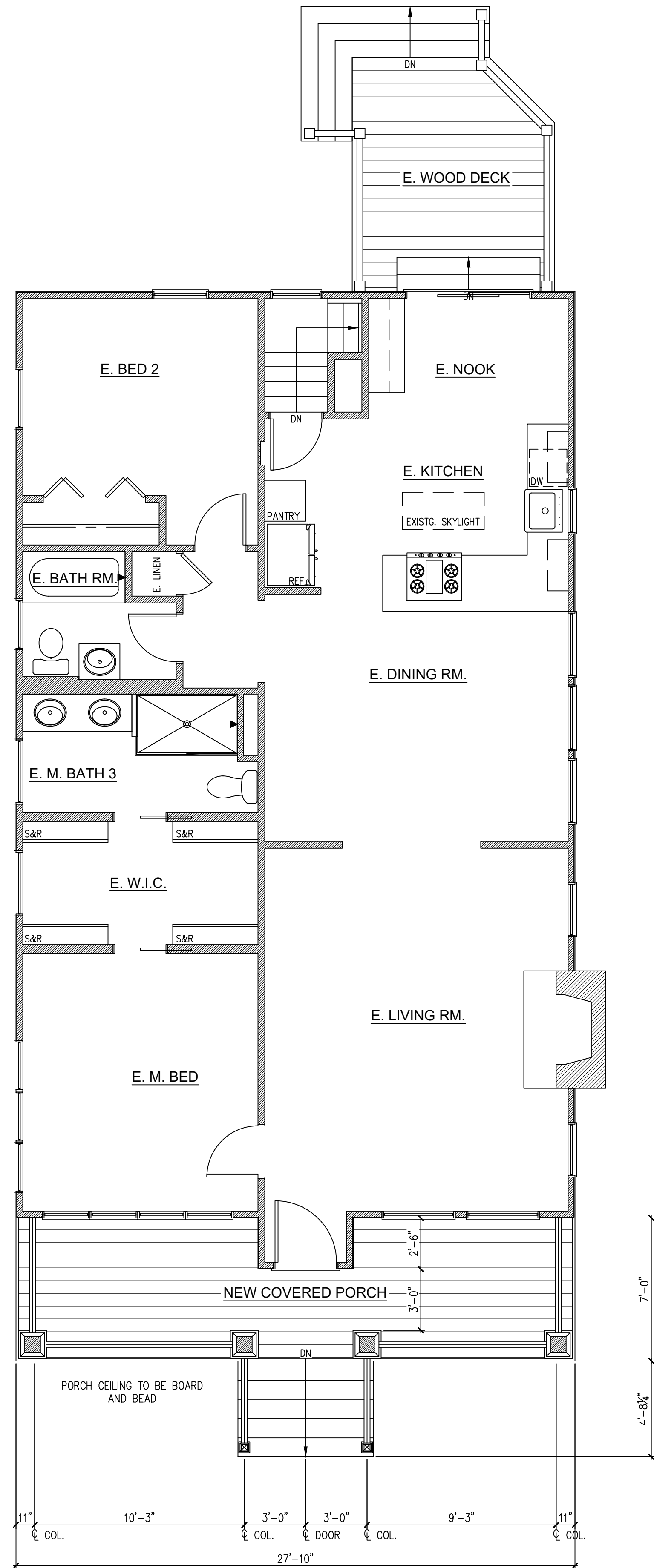
BASEMENT AS-BUILT PLAN

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



FIRST FLOOR AS-BUILT PLAN

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



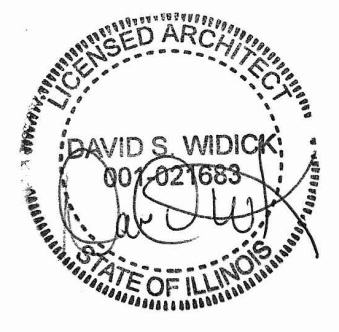
PROPOSED FIRST FLOOR PLAN

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

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EXP. 11-30-20

ISSUE DATE

06/12/20 CLIENT REVIEW 1

06/16/20 MINOR CLIENT REVISIONS

06/29/20 CLIENT REVIEW 2

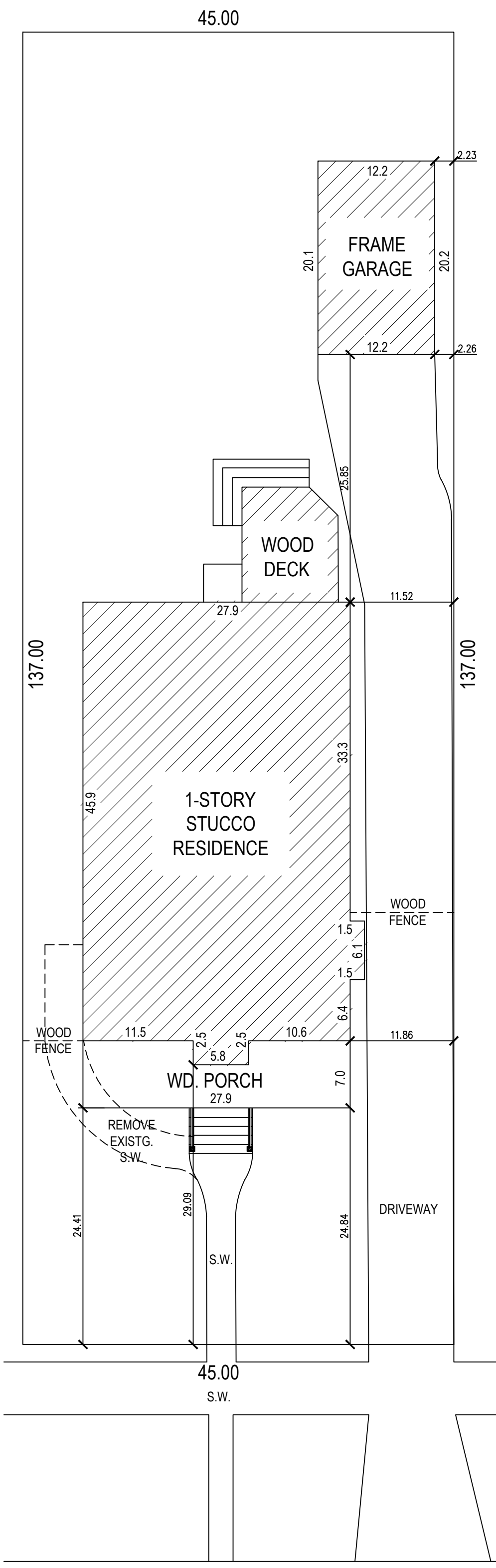
07/13/20 VARIANCE

PROJECT

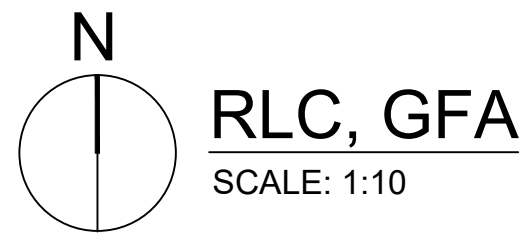
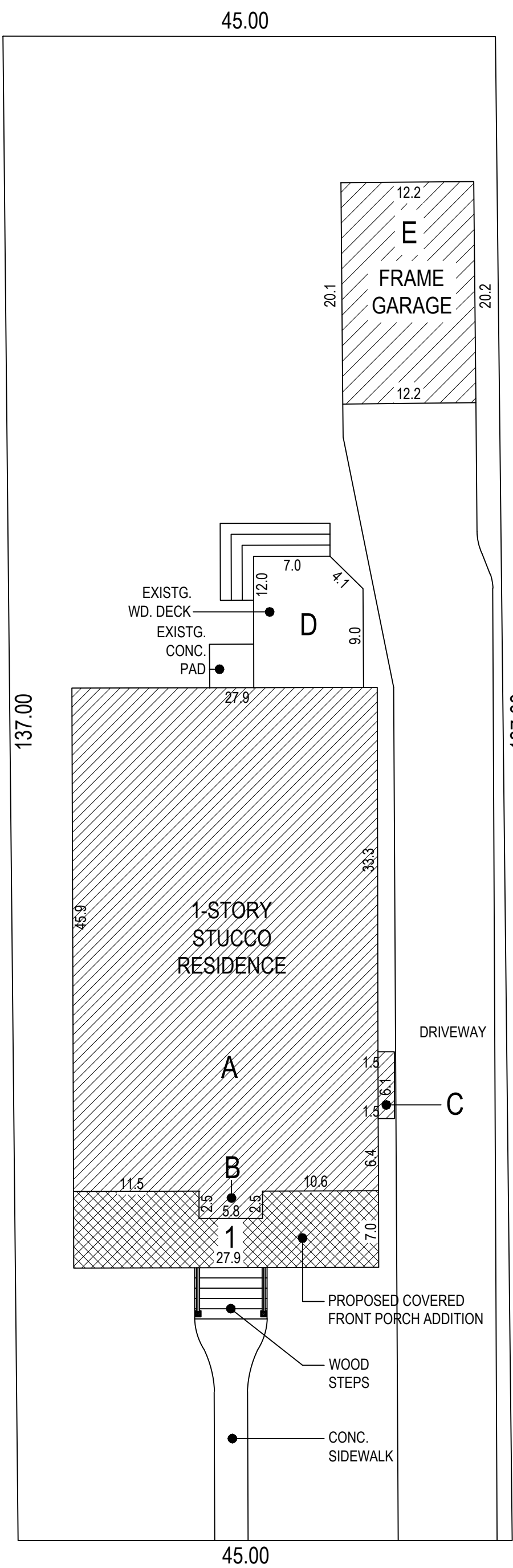
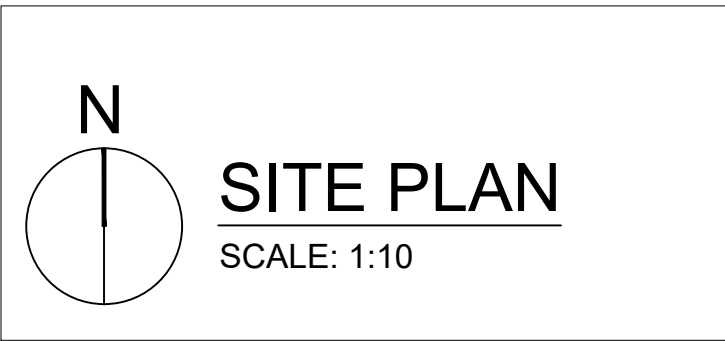
WINNETKA RESIDENCE
811 CHERRY STREET
WINNETKA, ILLINOIS

PLANS / ELEV.

A1.0



CHERRY STREET

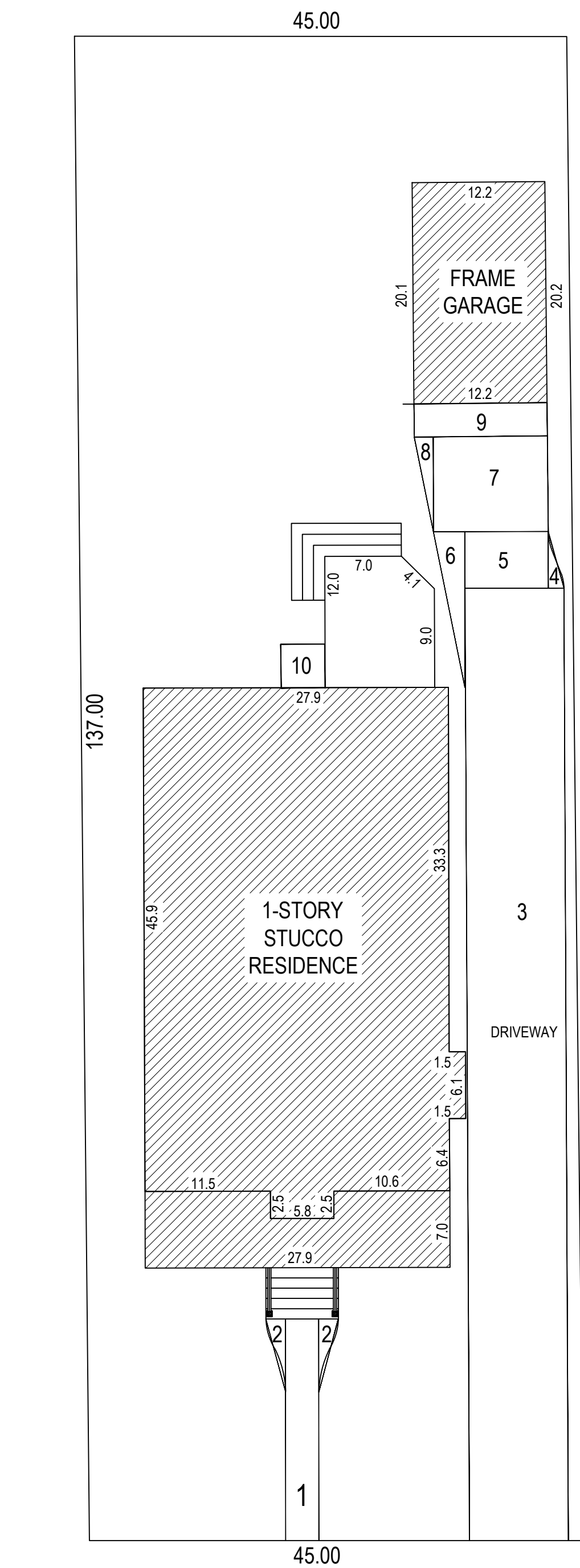


FIRST FLOOR, RLC & GFA - EXISTING: (FIGURE 1)

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

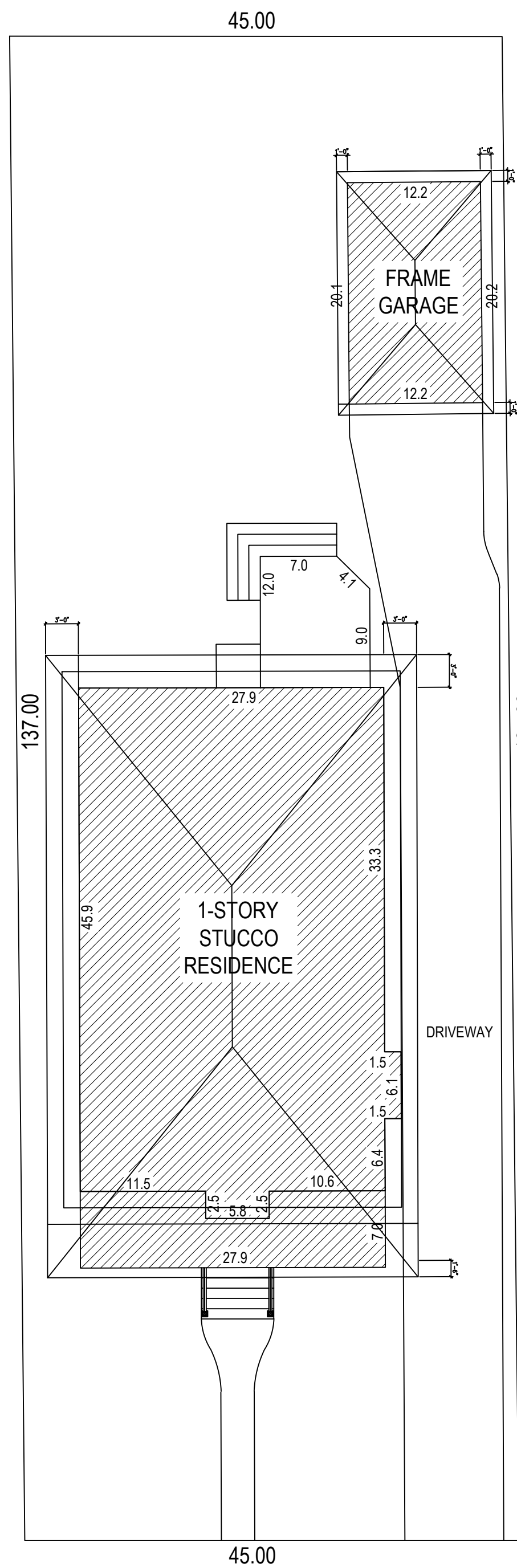


ATTIC, GFA - EXISTING: (FIGURE 1)

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

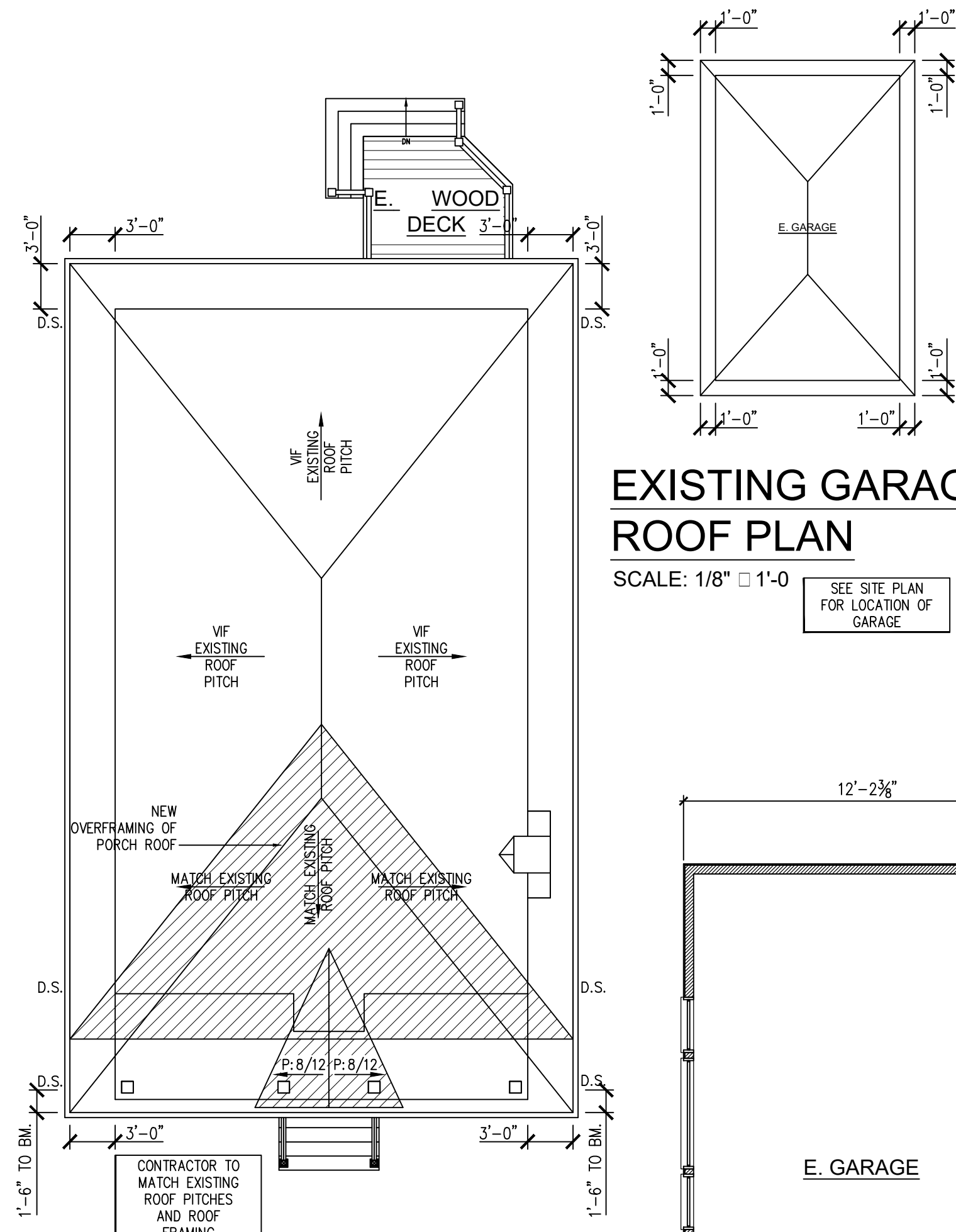
TOTAL, GFA - EXISTING & PROPOSED: (FIGURE 1)

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



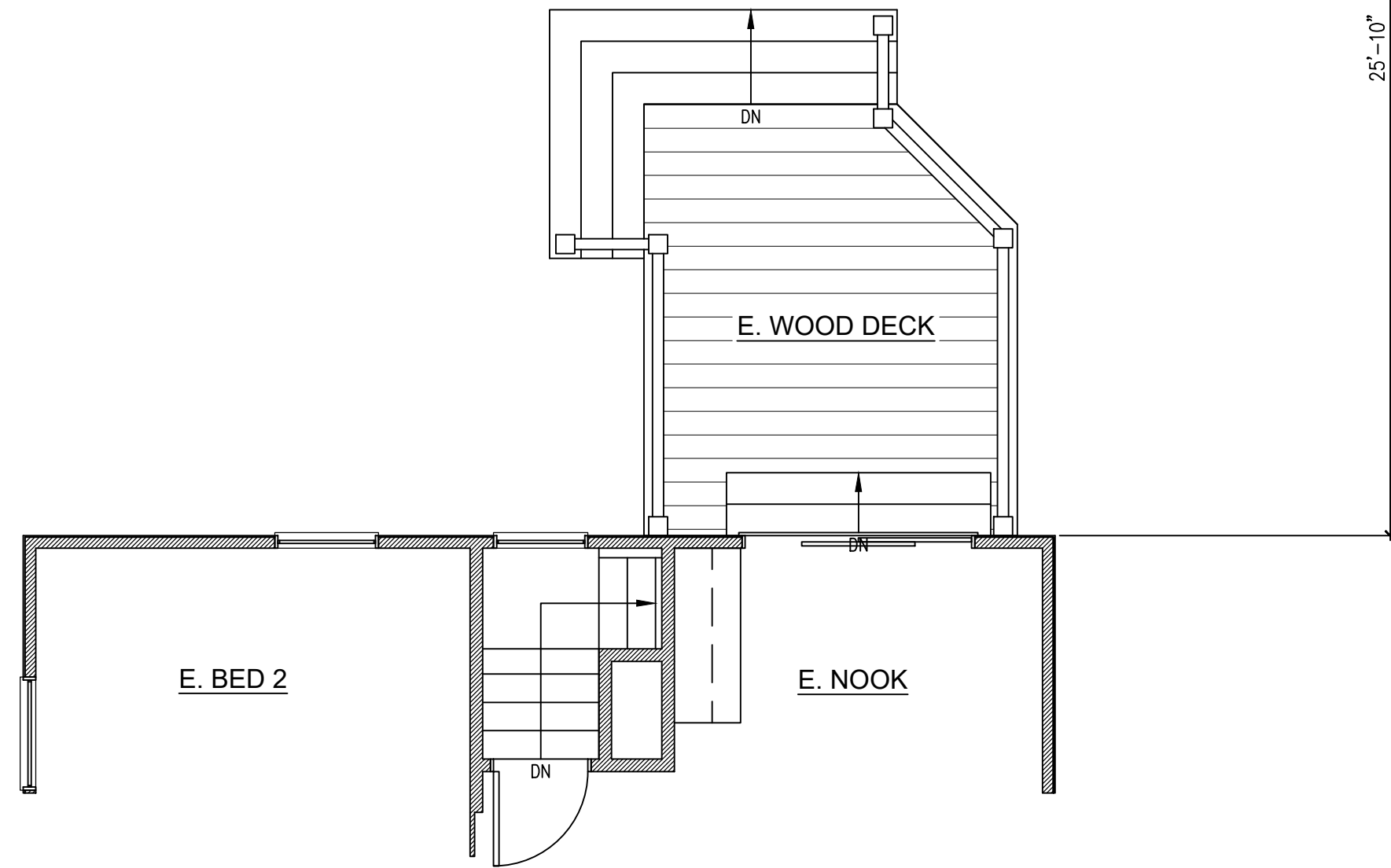
EXISTING GARAGE ROOF PLAN

SCALE: 1/8" □ 1'-0"

SEE SITE PLAN FOR LOCATION OF GARAGE

PROPOSED ROOF PLAN

SCALE: 1/8" □ 1'-0"



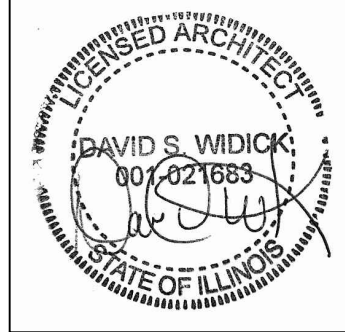
FIRST FLOOR PLAN (GARAGE LOCATION)

SCALE: 1/4" □ 1'-0"

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ISSUE DATE

06/12/20 CLIENT REVIEW 1

06/16/20 MINOR CLIENT REVISIONS

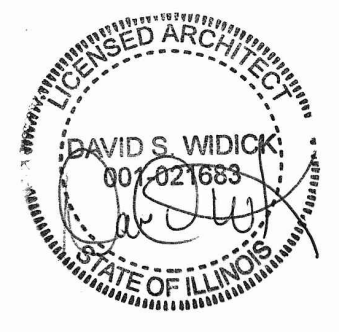
06/29/20 CLIENT REVIEW 2

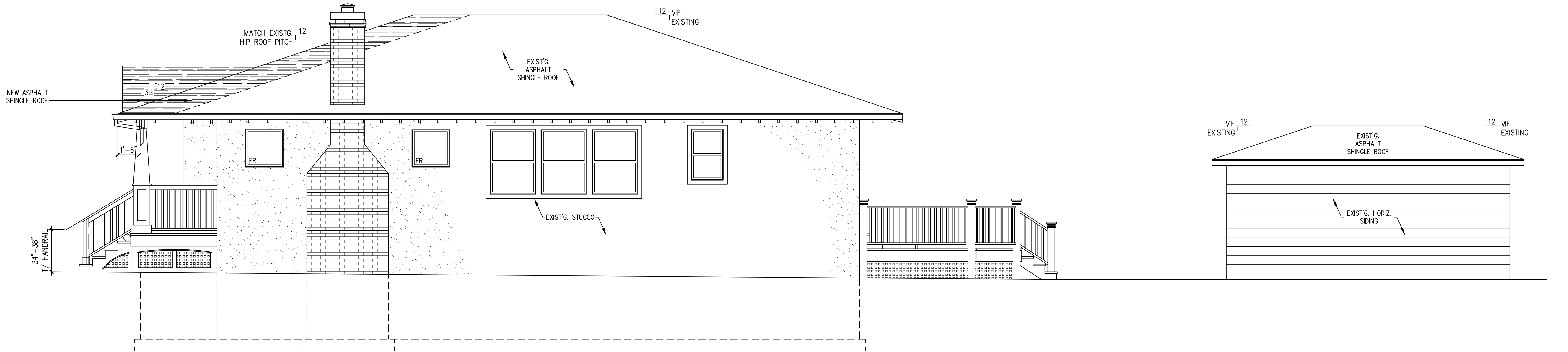
07/10/20 PERMIT REVIEW

PROJECT
WINNETKA RESIDENCE
811 CHERRY STREET
WINNETKA, ILLINOIS

PLANS / SITE

A2.0

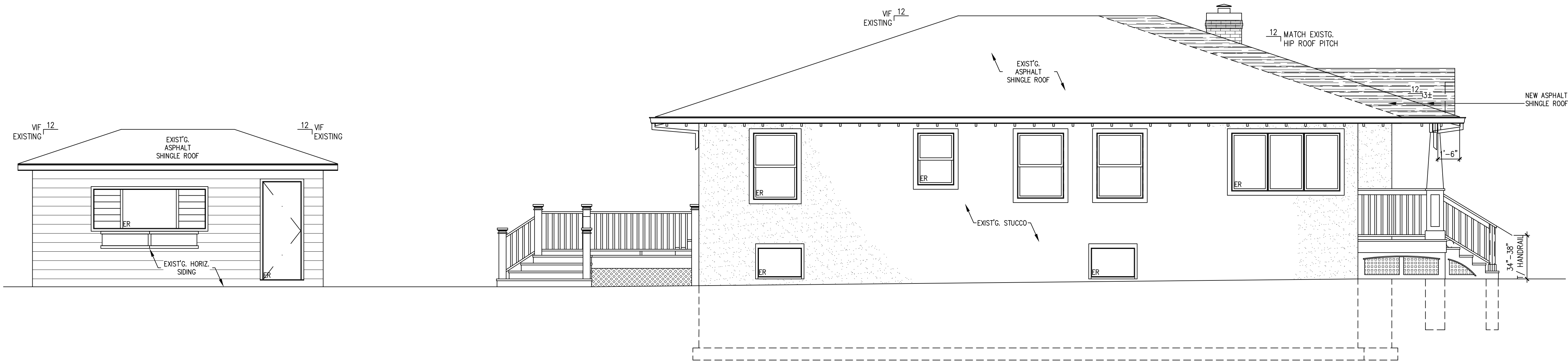




PROPOSED EAST ELEVATION

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



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.

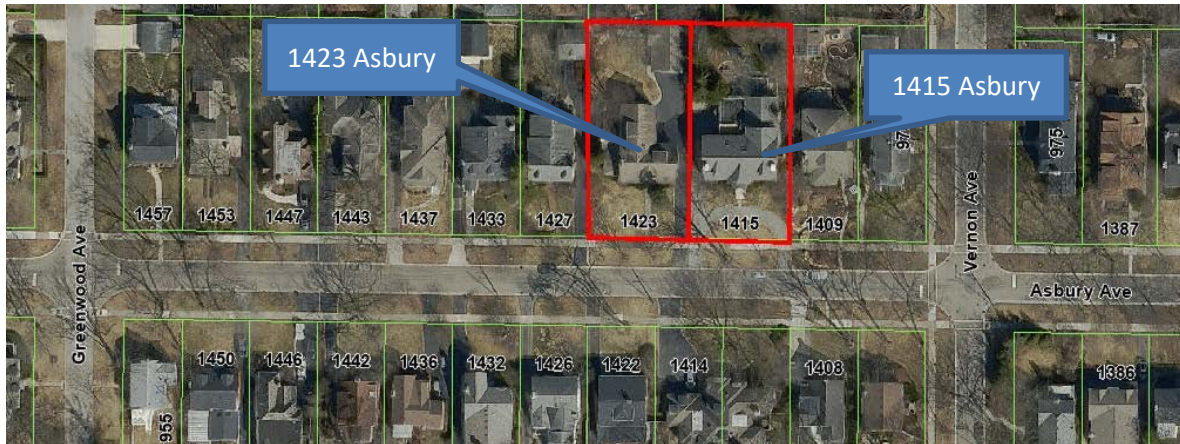


Figure 1 – Existing two lots

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)

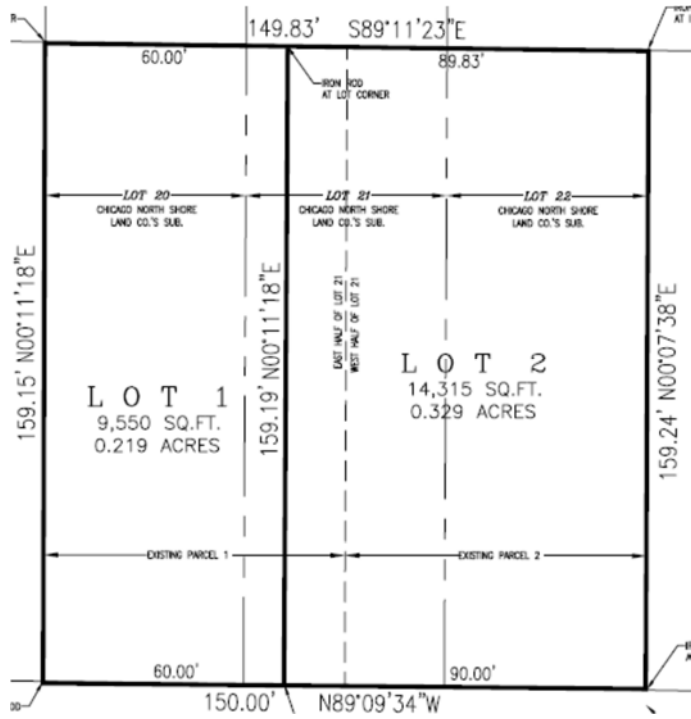


Figure 3 – Excerpt of Proposed Lesnik Resubdivision Plat

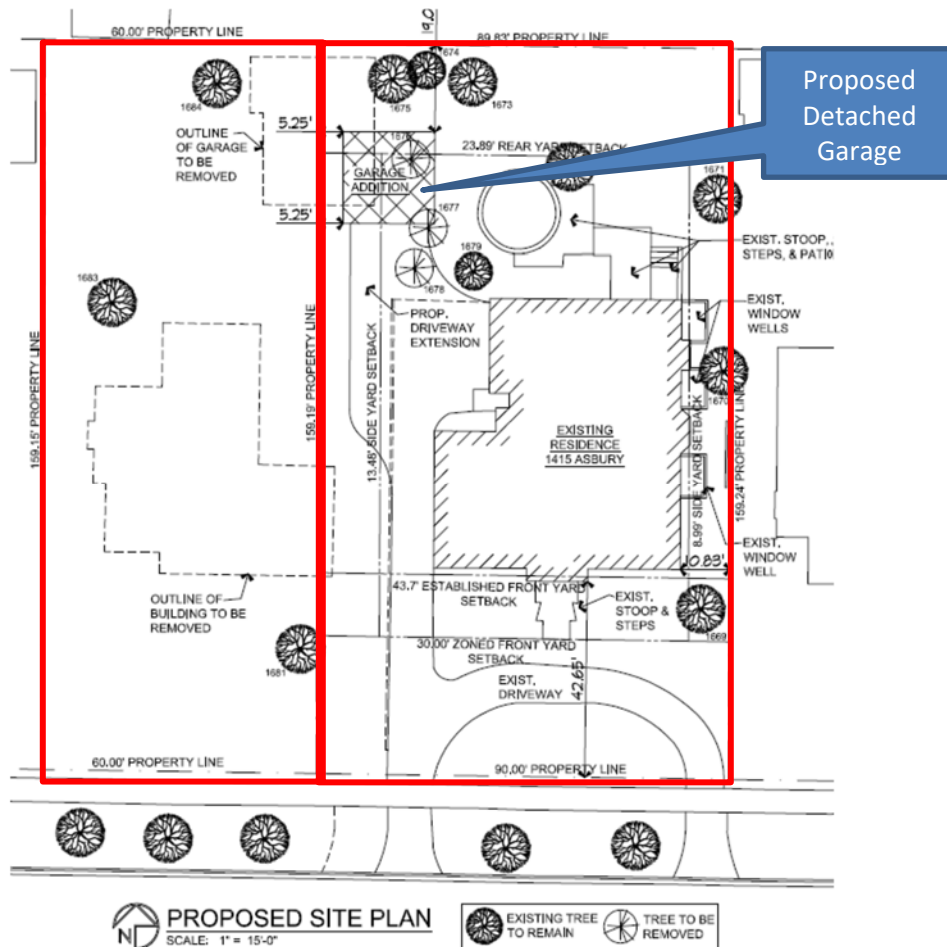


Figure 4 – Excerpt of Proposed Site Plan

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.

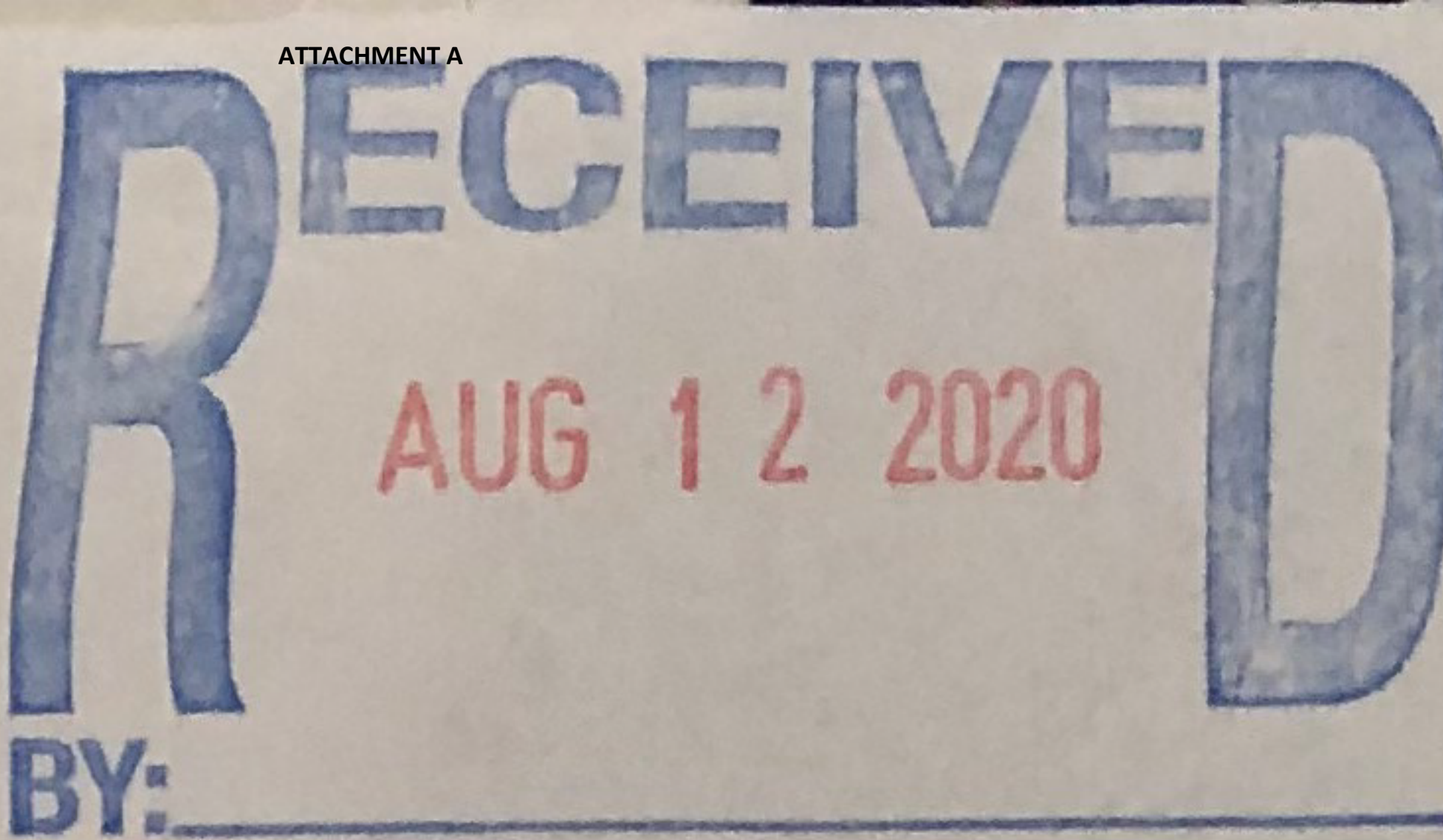
ATTACHMENTS

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 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 on 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

Primary Contact: Keith Jacobs

Address: 700 Osterman

City, State, Zip: Deerfield, IL 60015

Phone No. (847) 945-6500

Email: keithj@thejacobscompany.net

Date owner acquired property: _____

Architect Information

Name: _____

Primary Contact: _____

Address: _____

City, State, ZIP: _____

Phone No. _____

Email: _____

Surveyor Information

Company Name: Doland Engineering, LLC

Primary Contact: Jason Doland

Address: 334 East Colfax Street, Suite C

City, State, Zip: Palatine, Illinois 60067

Phone No. (847) 991-5088

Email: jdoland@dolandengineering.com

Attorney Information

Name: Samuels & Bernstein

Primary Contact: Calvin A. Bernstein

Address: 700 Osterman

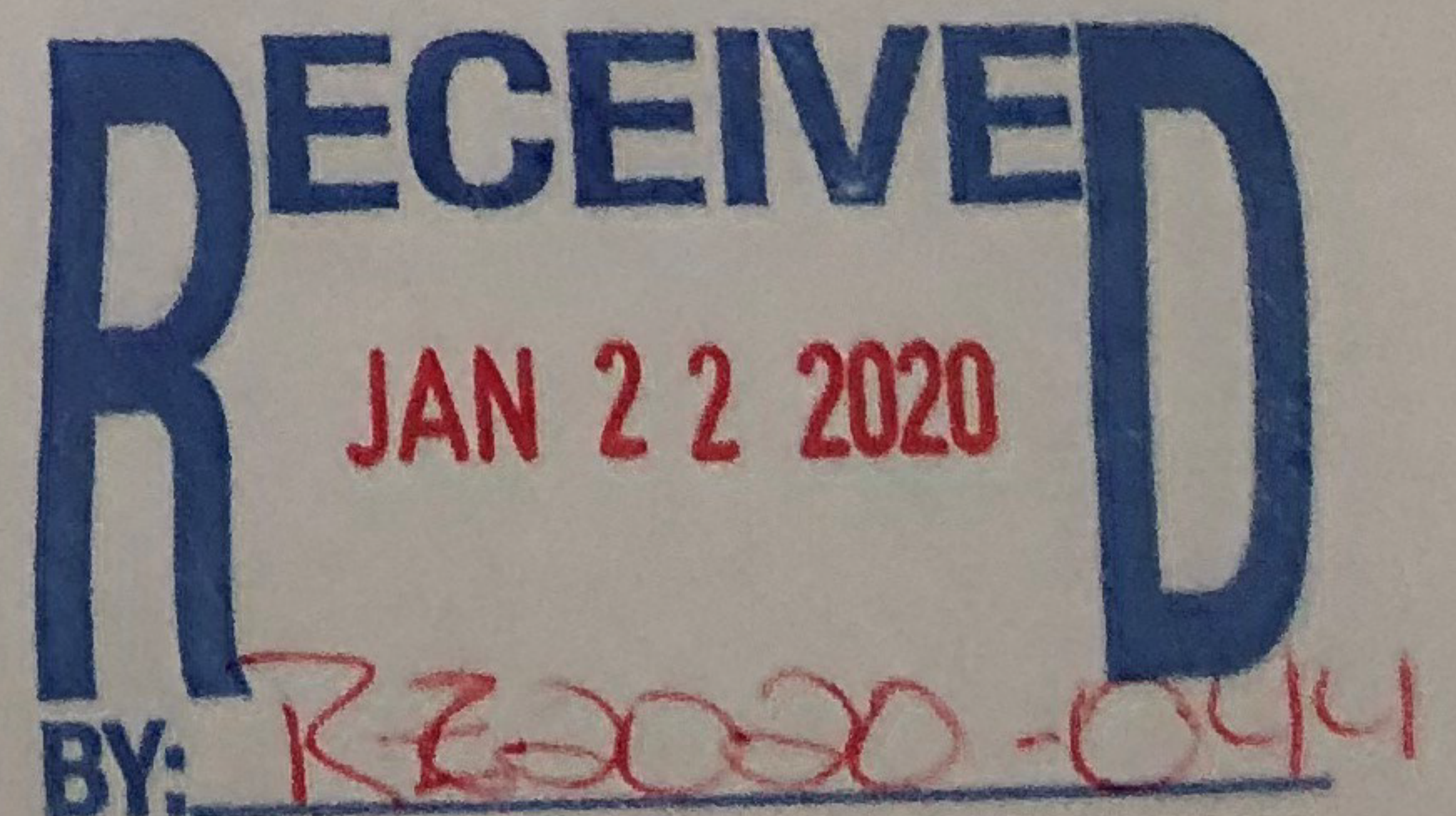
City, State, Zip: Deerfield, Illinois 60015

Phone No. (847) 433-1980

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

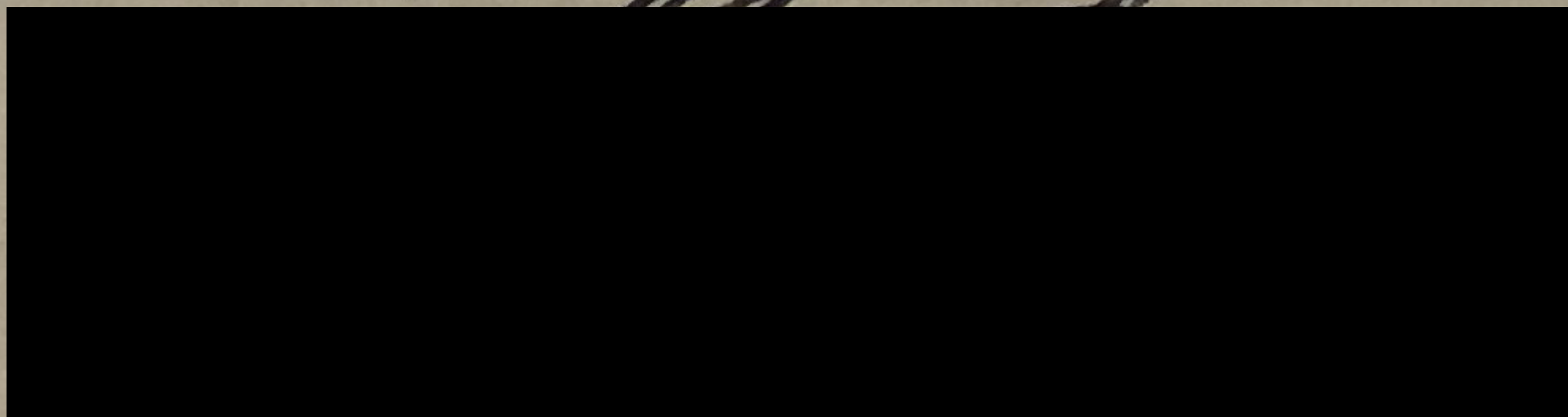
Re: Application for Re-Subdivision, 1415-23 Asbury Avenue, Winnetka, Illinois

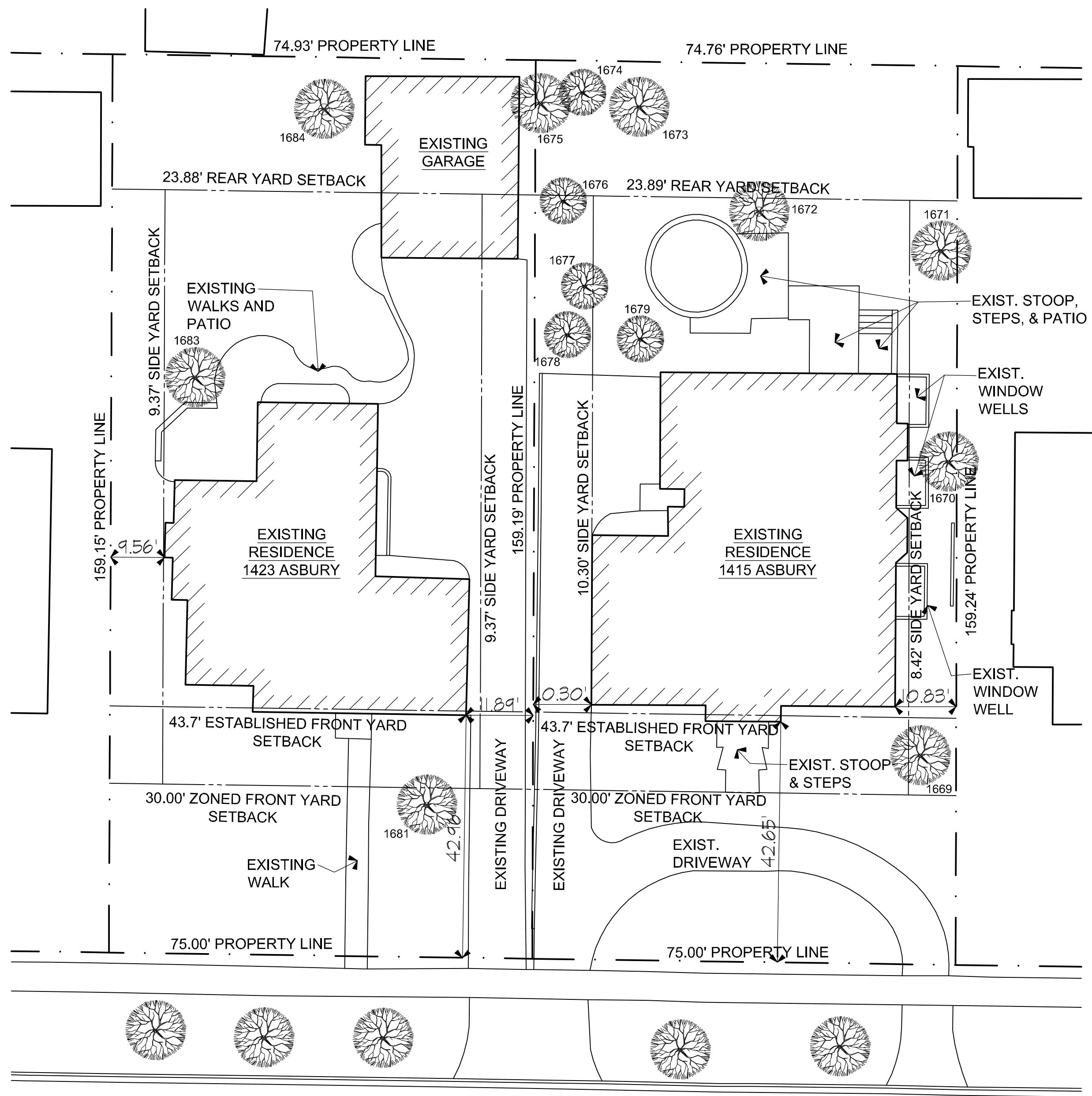
Dear Department of Community of Development:

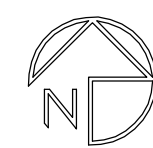
Please be advised that I am acting as the representative of the 1415-23 Asbury Avenue, Winnetka, Illinois. The owner of these two contiguous homes desires to re-subdivide the properties to provide a larger lot for 1415 Asbury so that she can remodel her home and thereafter demolish the unoccupied home 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.

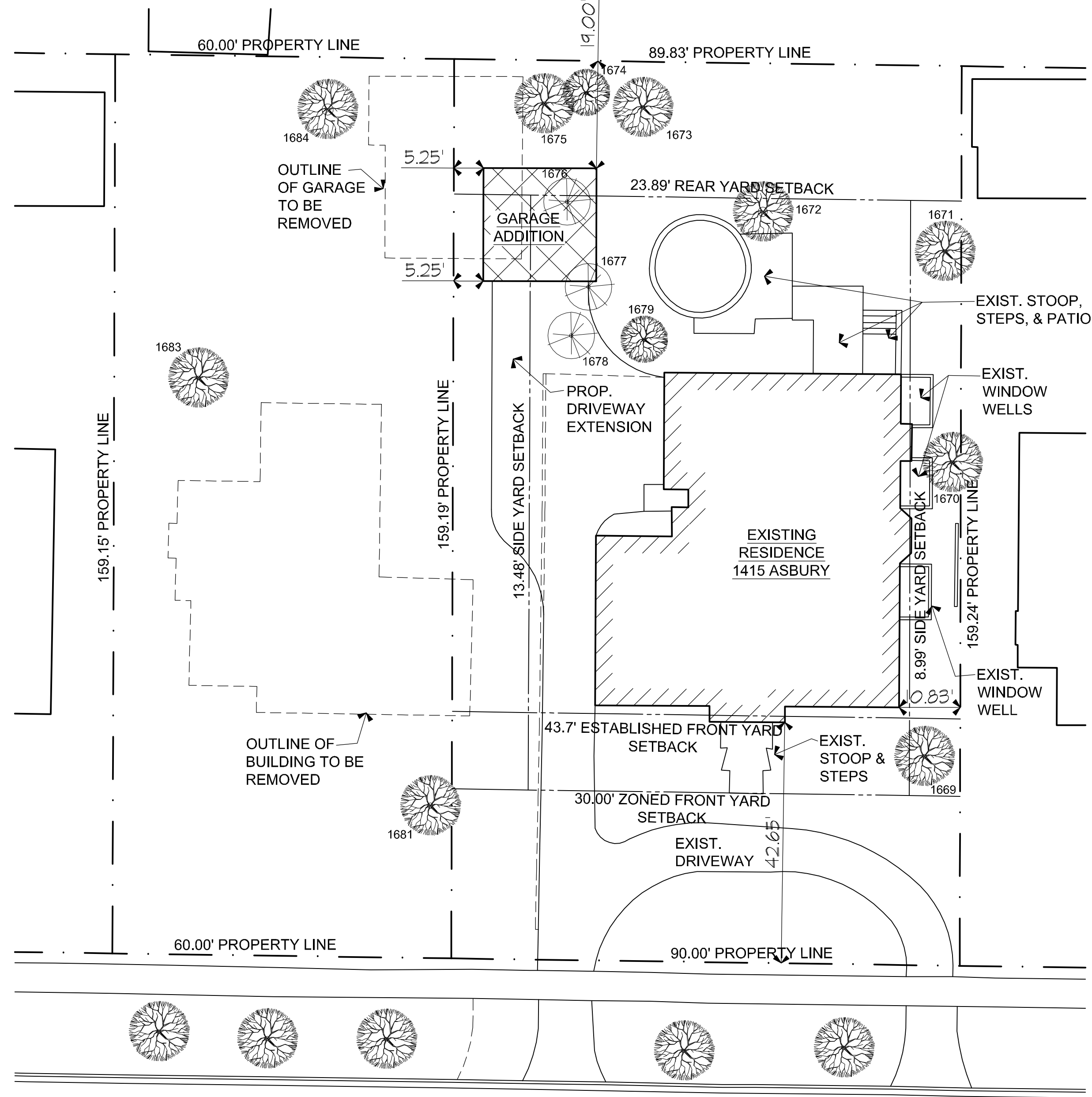
If you have any questions, please contact me

Respectfully,

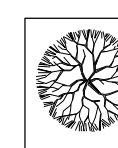
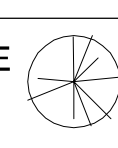

Calvin A. Bernstein



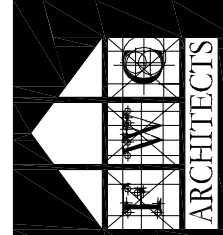
 **EXISTING SITE PLAN**
SCALE: 1" = 15'-0"

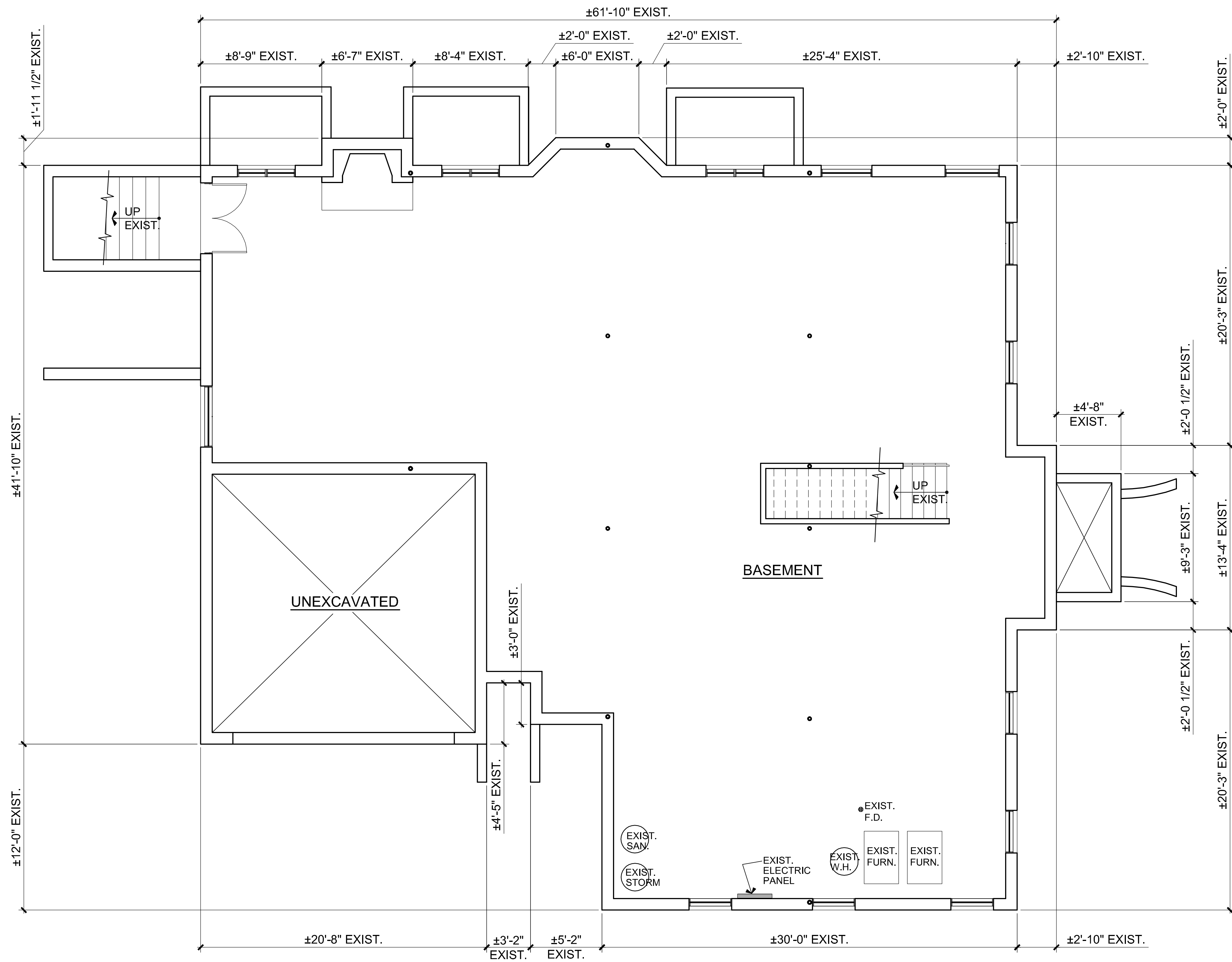


 **PROPOSED SITE PLAN**
SCALE: 1" = 15'-0"

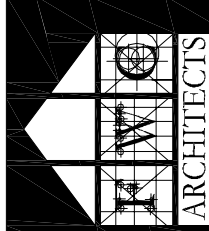
 EXISTING TREE TO REMAIN  TREE TO BE REMOVED

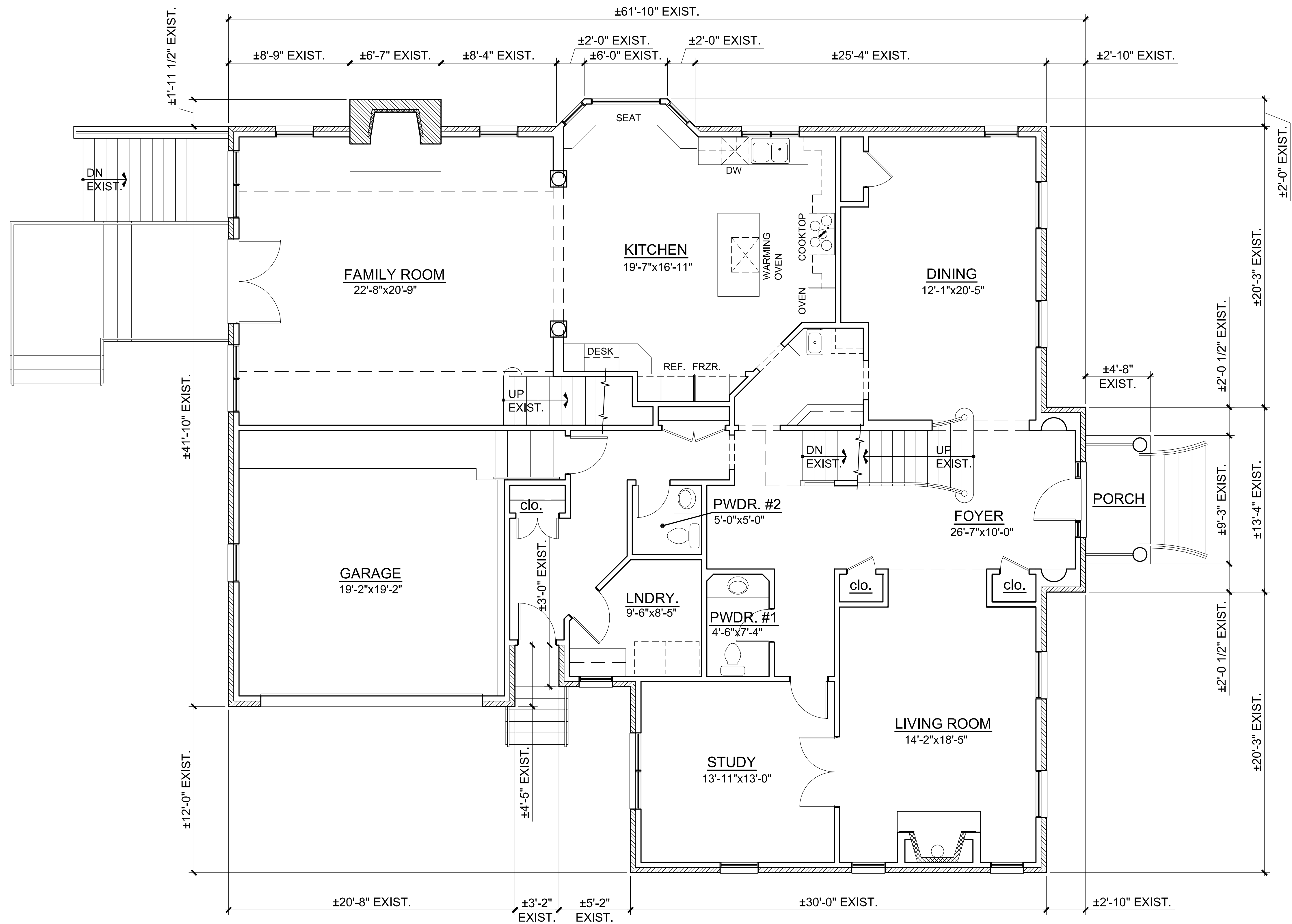
TREE SURVEY 1415 & 1423 ASBURY AVENUE					
TAG #	Location	SPECIES	DBH	CONDITION	NOTES
No Tag	Parkway	Yellow Buckeye	6	Good	
No Tag	Parkway	Freeman Maple	12	Good	
No Tag	Parkway	Blue Beach	9	Fair	
No Tag	Parkway	Burr Oak	55	Good	
No Tag	Parkway	Freeman Maple	9	Good	
No Tag	Southeast corner of 1409	Elm	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					





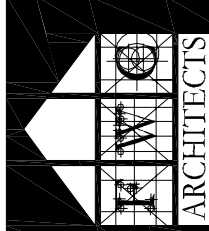
EXISTING FOUNDATION / BASEMENT PLAN
SCALE: 1/4"=1'-0"

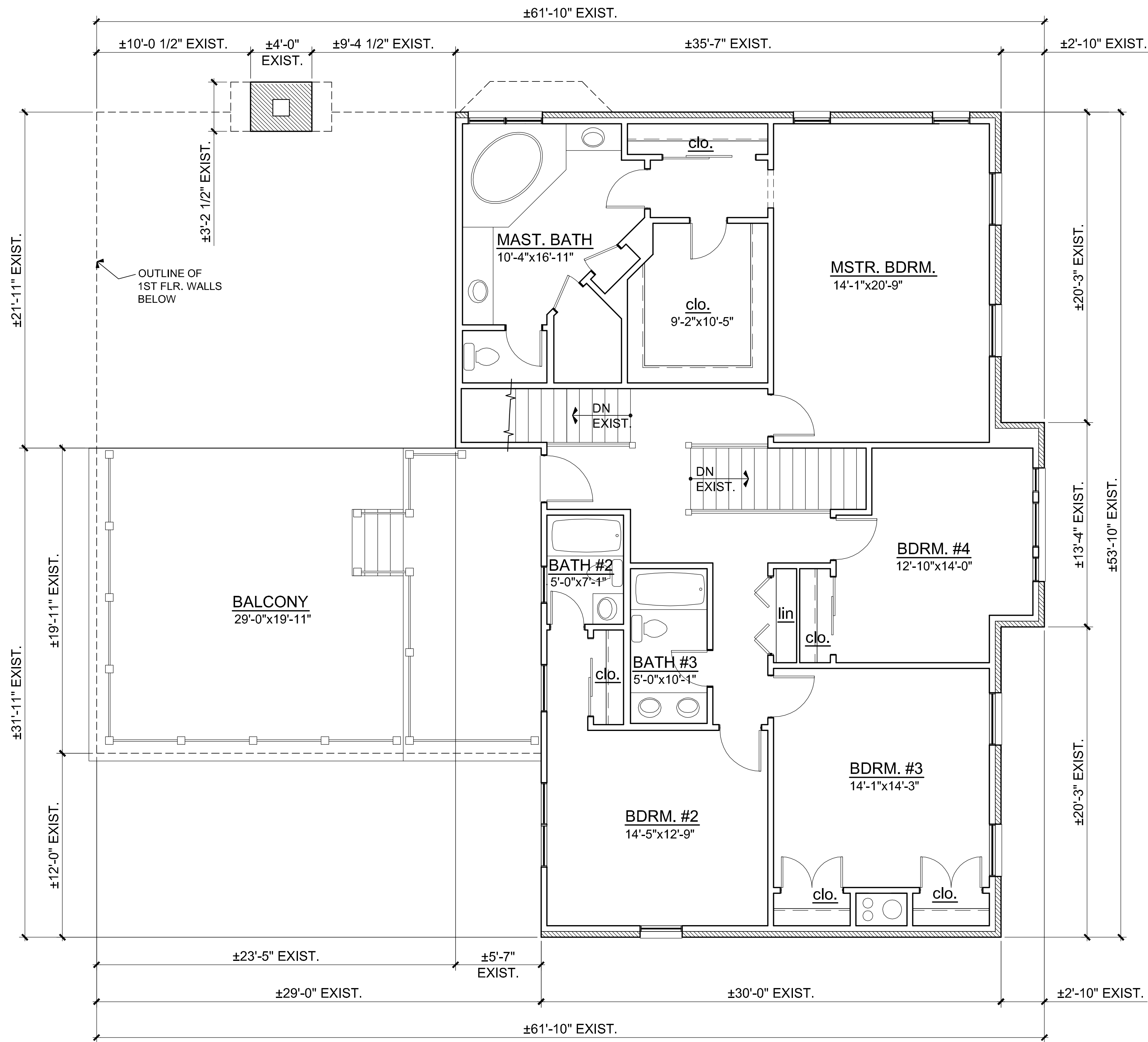




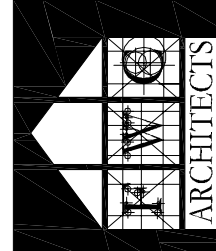
EXISTING FIRST FLOOR PLAN

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





EXISTING SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"

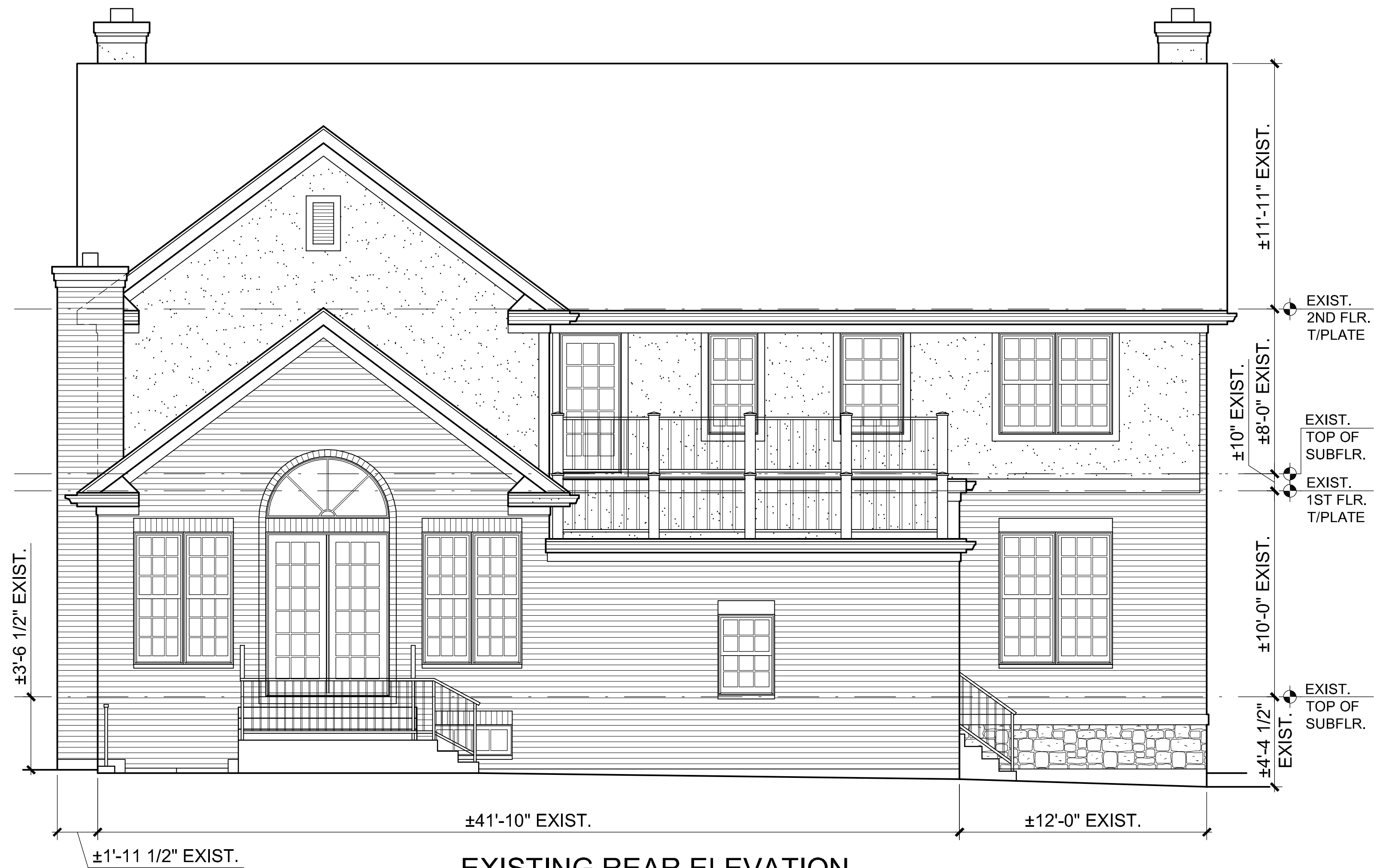
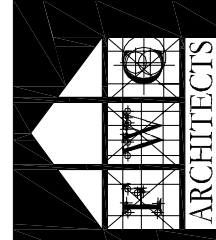




EXISTING FRONT ELEVATION
SCALE: 1/4" = 1'-0"



EXISTING LEFT ELEVATION



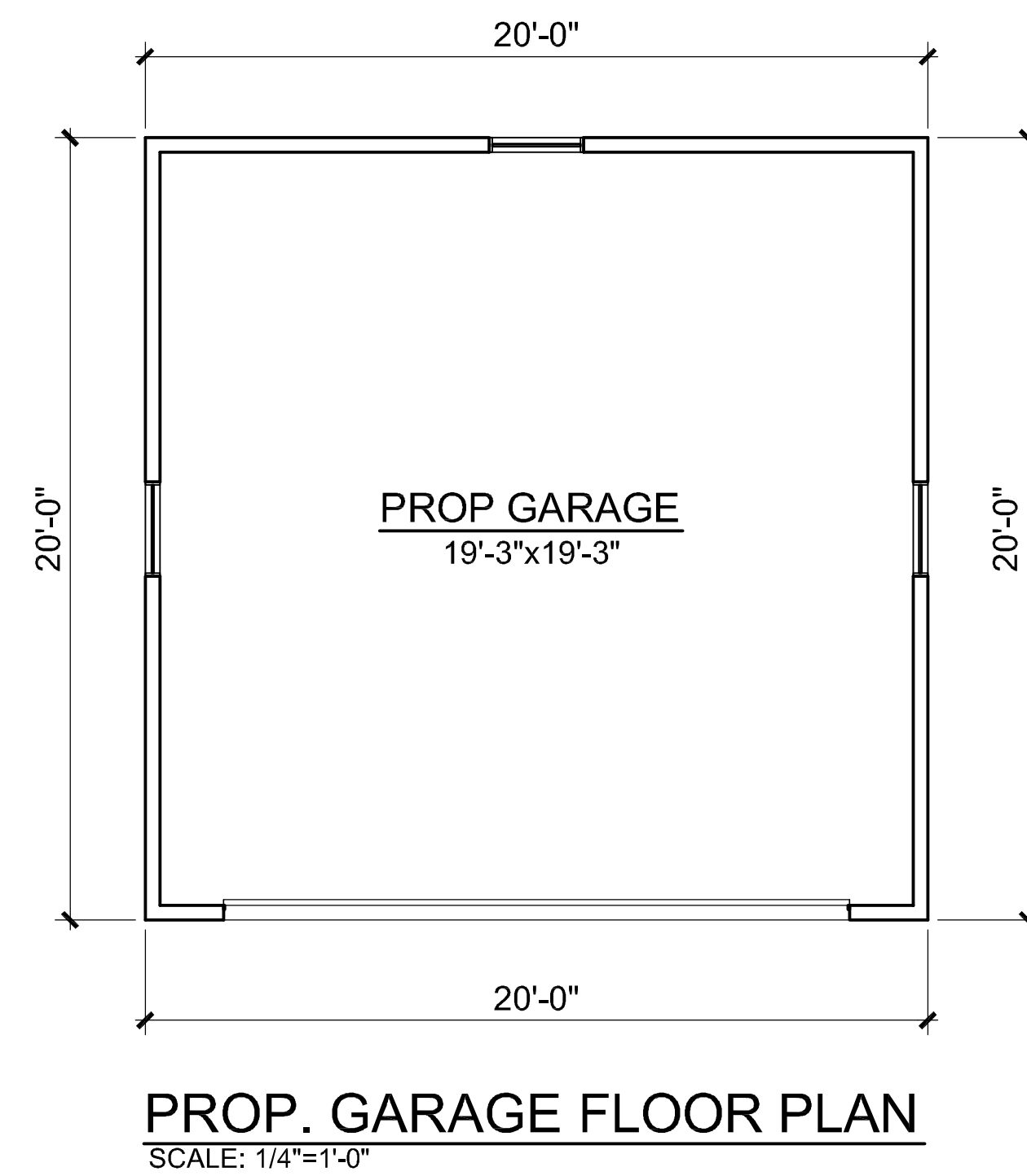
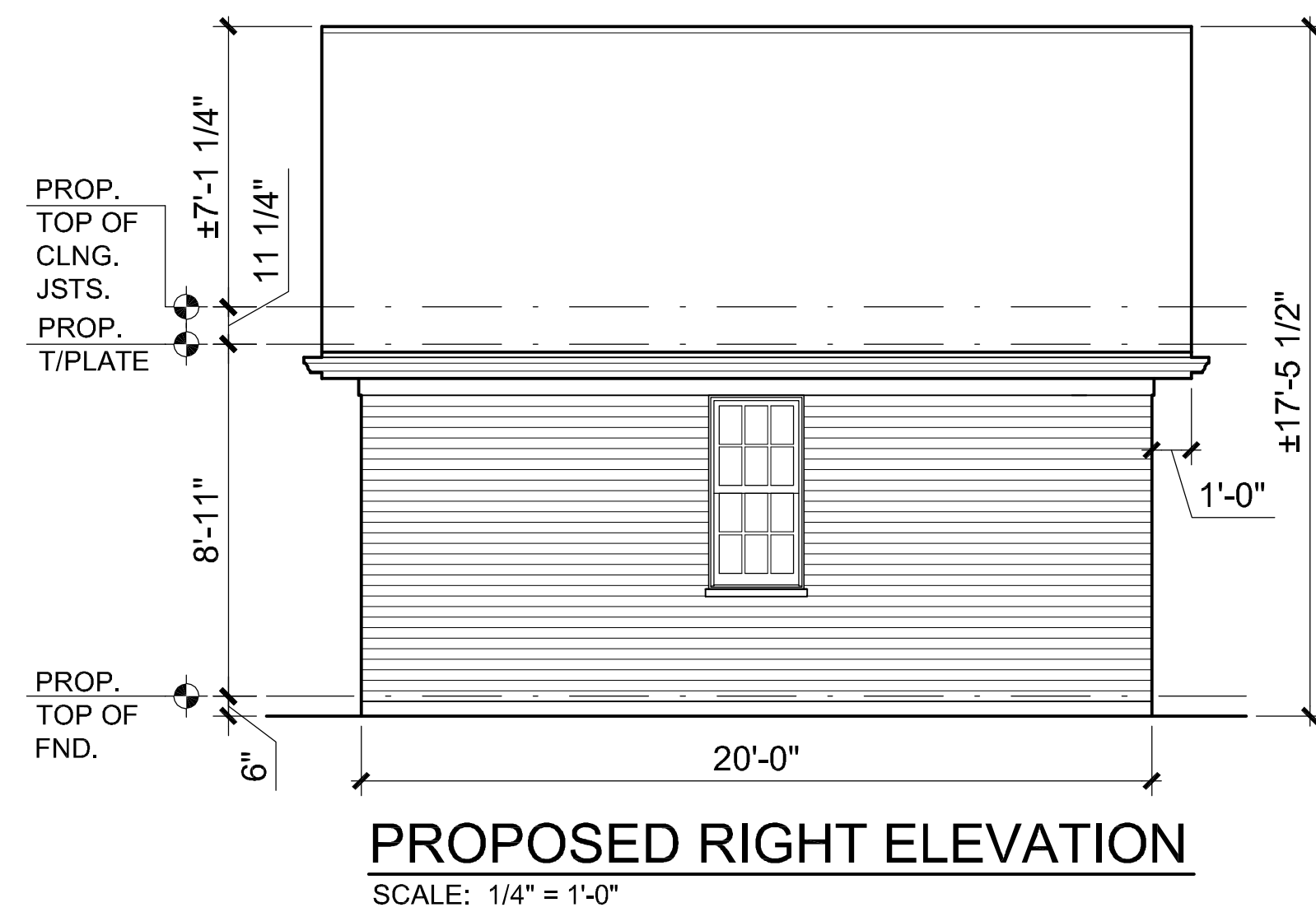
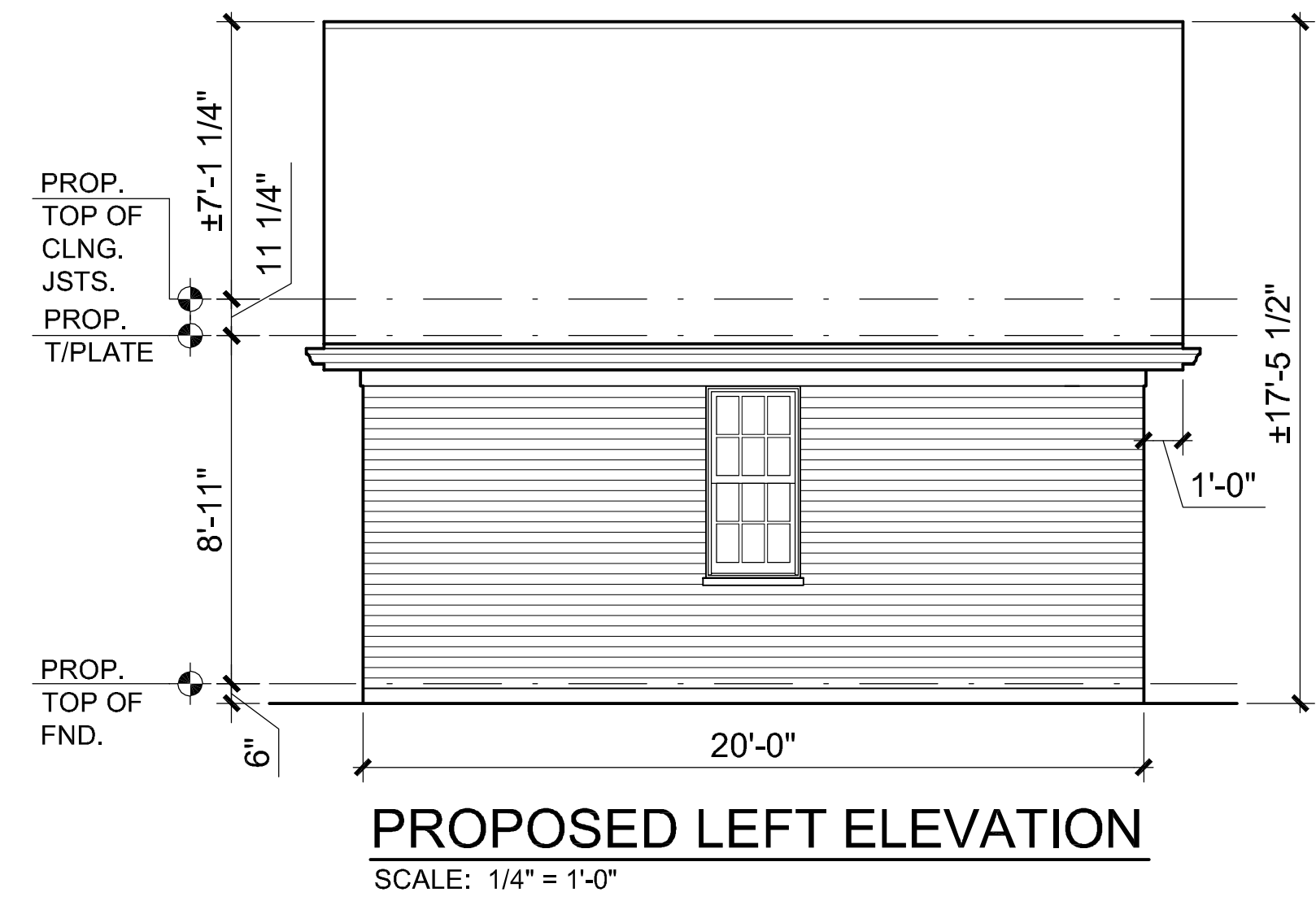
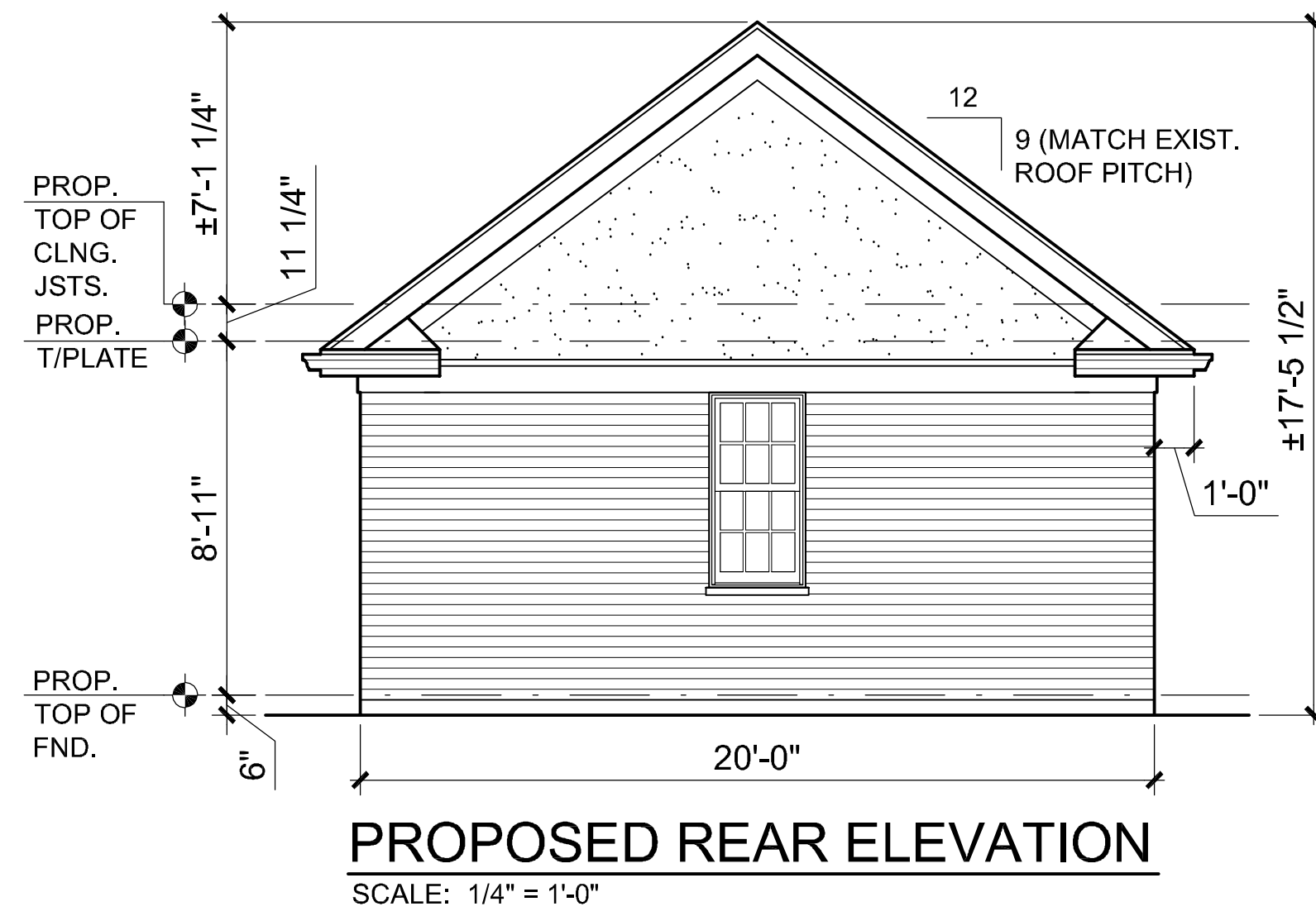
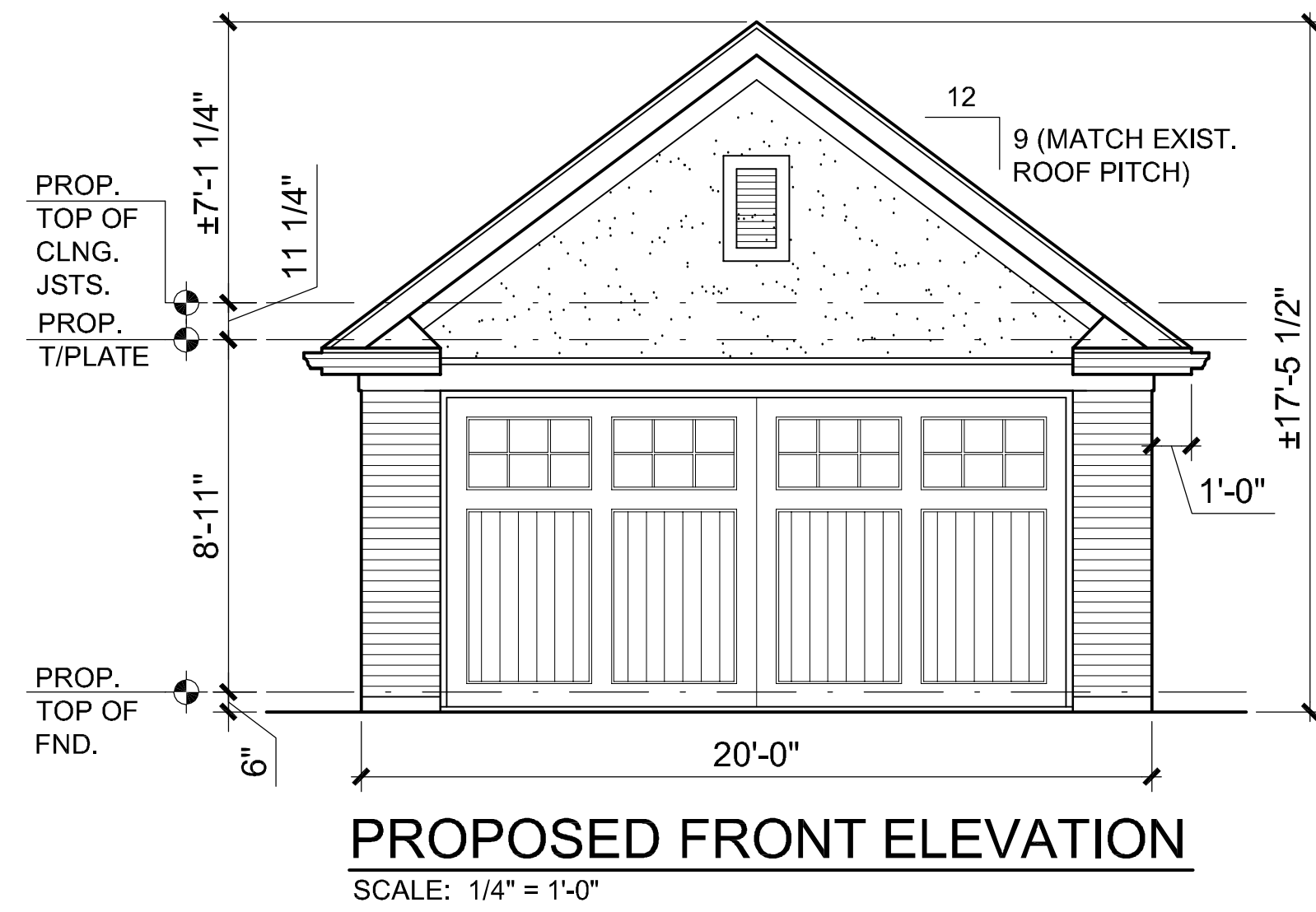
EXISTING REAR ELEVATION

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



EXISTING RIGHT 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

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.

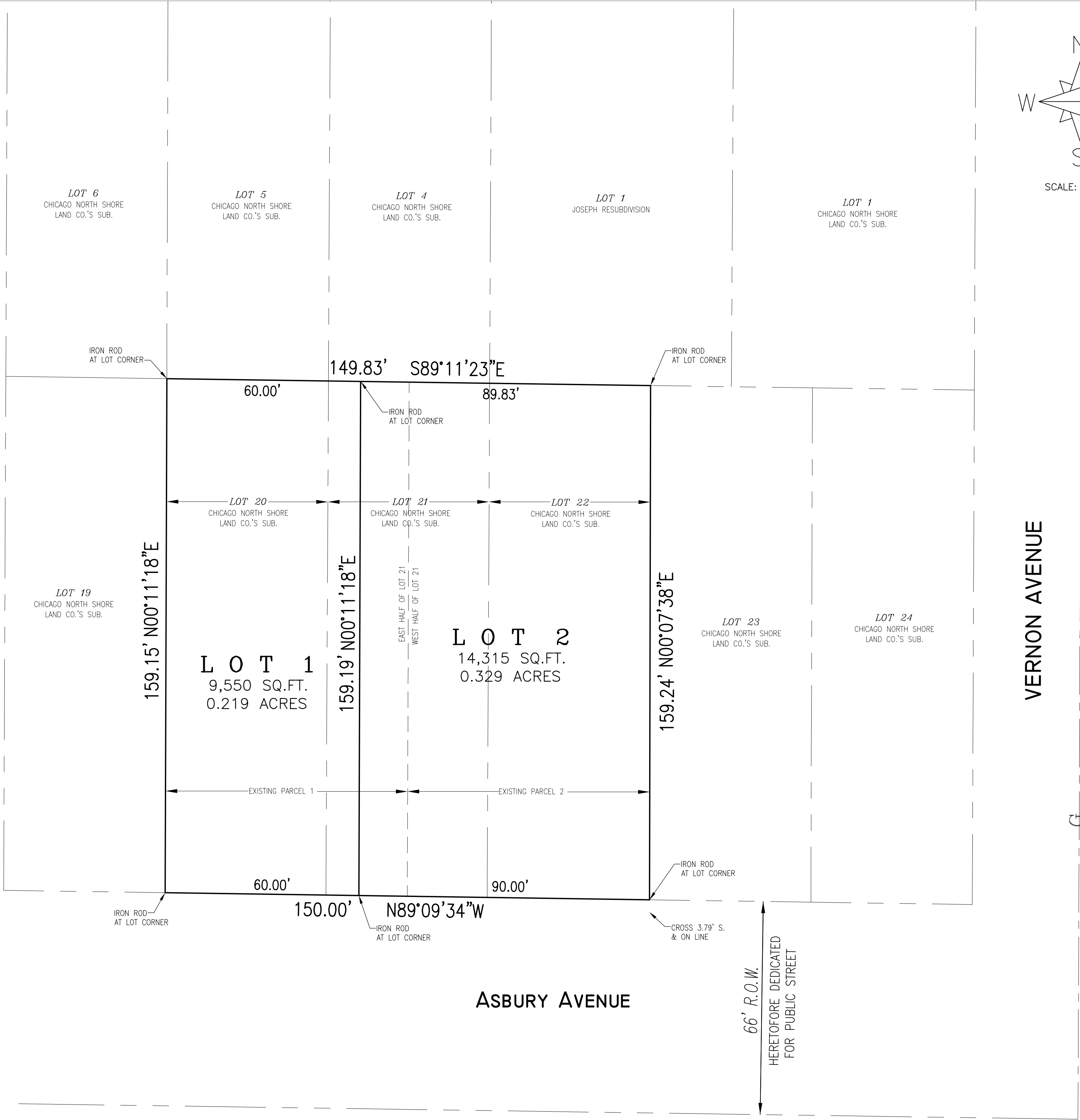
VILLAGE ENGINEER

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



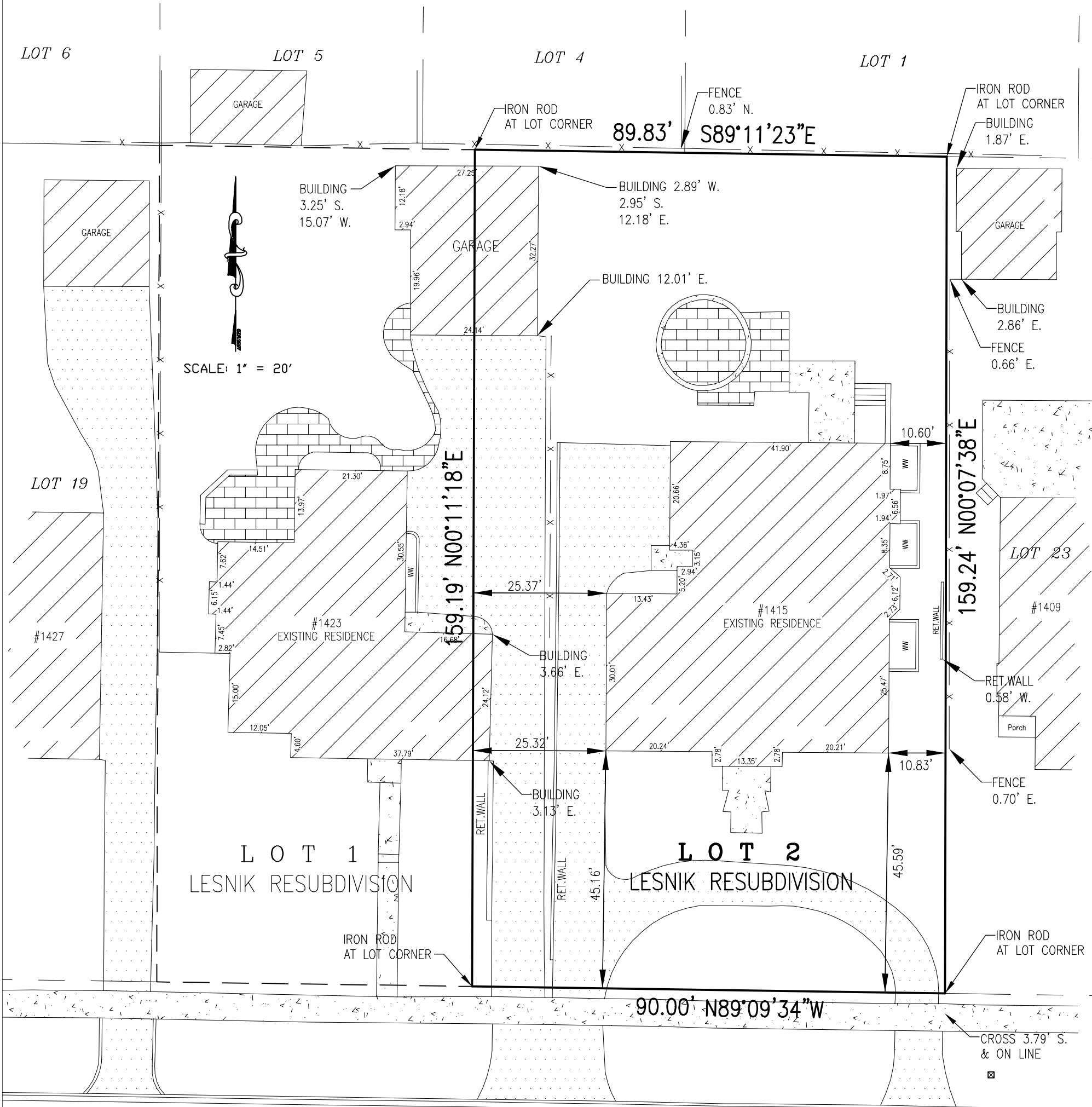
PREPARED BY:
DOLAND ENGINEERING, LLC
-CIVIL ENGINEERING ~ LAND SURVEYING ~ LAND PLANNING-
334 EAST COLFAX STREET, SUITE C
PALATINE, ILLINOIS 60067
(847) 991-5088
(847) 934-3427-FAX
JULY 23, 2019
REV.: MAY 1, 2020
REV.: JUNE 8, 2020

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.

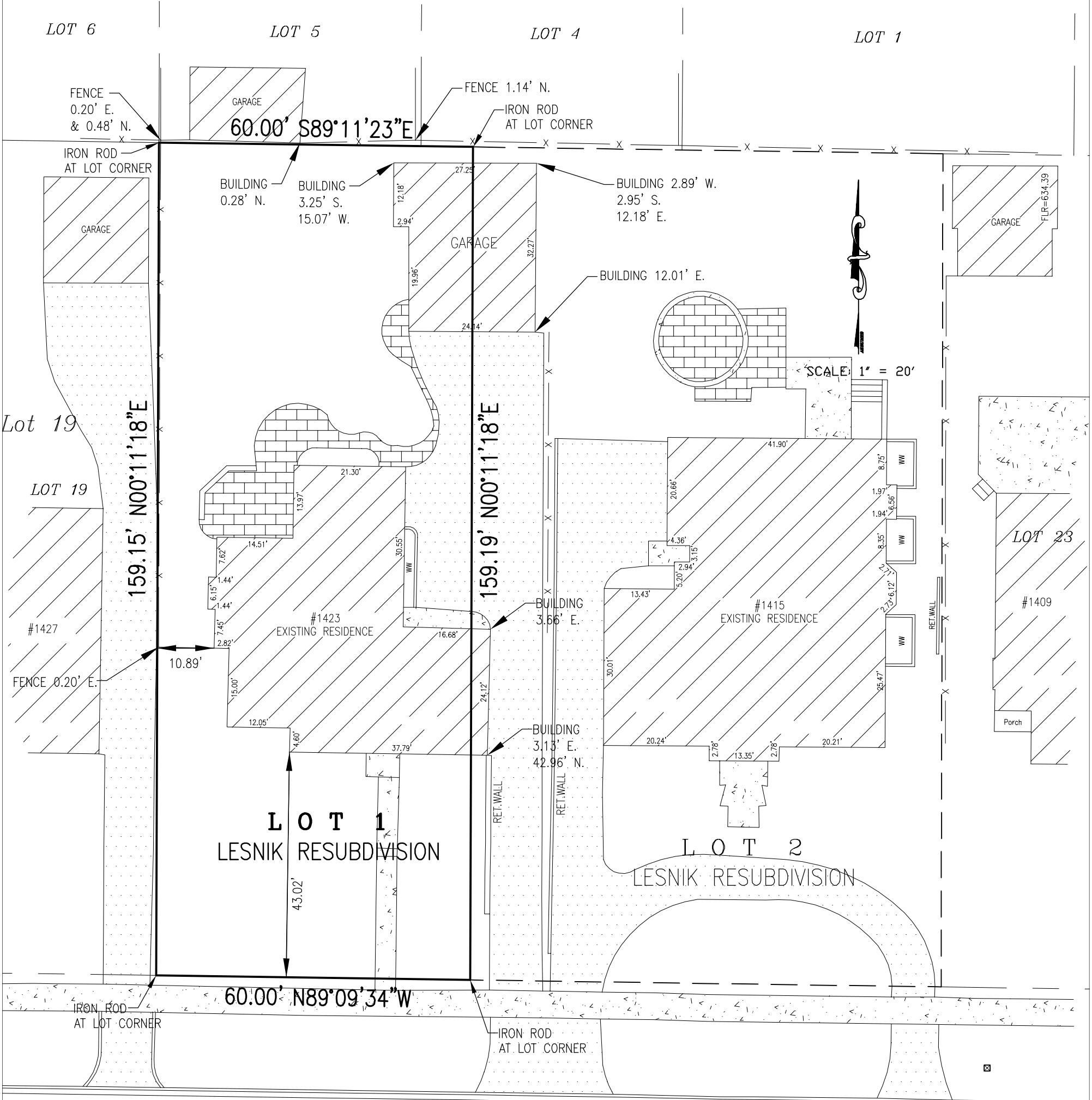
DATED AT PALATINE, ILLINOIS 06/10/20

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

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